



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

10/25/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Clatsop County Plan Amendment
DLCD File Number 006-10

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, November 05, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Michael Weston, Clatsop County
Jon Jinings, DLCD Community Services Specialist
Matt Spangler, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

OCT 18 2010

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Clatsop County**

Local file number: **20100302, -303, -304**

Date of Adoption: **10-13-2010**

Date Mailed: **10-15-2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: **6-22-2010**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

This proposal downzones Single-Family Residential – 1 (SFR-1) lands to Open Space, Parks and Recreation (OPR), transfer density to Residential-Agriculture-5 (RA-5) property following procedures in the Clatsop County Standards Document, amend the Comprehensive Plan / Zoning Map and Text, and approve a 30-lot subdivision.

Does the Adoption differ from proposal? **No**

Adoption was same as proposal.

Plan Map Changed from: **Rural Lands**

to: **Conservation Other Resources**

Zone Map Changed from: **SFR-1**

to: **OPR**

Location: **T8N, R10W, Sections 28 and 33**

Acres Involved: **31**

Specify Density: Previous: **One unit per acre**

New: **0**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 006-10 (18370) [16364]

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

Clatsop County, Seaside School District, Gearhart Rural Fire Protection District, ODOT, ODFW, State Historic Preservation Office

Local Contact: **Julia Decker**

Phone: **(503) 325-8611** Extension: **1703**

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

Fax Number: **503-338-3666**

City: **Astoria**

Zip: **97103**

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

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

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

October 15, 2010

Clatsop County

NOTICE OF FINAL DECISION

File Numbers: Ordinance No. 10-05
Decision Date: October 13, 2010
Applicant: Jason Palmberg, et al
Representative: Julia Decker, Planner
Property Owners: Oscar Wideman and Pamela Wideman
Action: APPROVAL
Action Described: Approval of Polo Ridge Subdivision preliminary plat, amending the Clatsop County Comprehensive Plan / Zoning Map and Text.



**Transportation and
Development Services**
800 Exchange Street
Suite 100
Astoria, Oregon 97103

Clatsop County has completed its review of the application described above. The Board of County Commissioners approved the application on October 13, 2010. A complete copy of the decision document, including the ordinance, resolution and order, and adopted findings of fact, is available for review at the following location during normal business hours (8-5, M-F):

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

Land Use Planning
Telephone (503) 325-8611
Fax (503) 338-3666


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

The requirements for appeal of this decision are set forth in ORS 197.830 to 197.845. In general, the requirements for appeal require a "Notice of Intent to Appeal" the decision, to be filed with the Oregon Land Use Board of Appeals (LUBA) in Salem, Oregon. The Notice of Intent to Appeal the decision must be filed with LUBA not later than 21 days from the date of this notice. Please call LUBA at 503-373-1265 if you have questions regarding appeal procedures.

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

CERTIFICATE OF MAILING

I, Julia Decker, certify I mailed this Notice of Final Decision via the United States Postal Service on October 15, 2010.



Julia Decker, Clatsop County Planner

10-15-2010

Date

www.co.clatsop.or.us

RECORDED

October 14, 2010

Doc# 2010100025

**Before the Board of Commissioners
For Clatsop County, Oregon**

In the Matter of

AN ORDINANCE APPROVING THE POLO RIDGE
PRELIMINARY PLAT, AMENDING THE CLATSOP
COUNTY COMPREHENSIVE PLAN/ZONING MAP AND
TEXT AS ADOPTED BY THE BOARD OF
COMMISSIONERS ADOPTING CERTAIN FINDINGS
WITH CONDITIONS AND RESCINDING INCONSISTENT
PROVISIONS



ORDINANCE # 10-05

Recording Date: 10.14.10

RECITALS

The Board of Commissioners of Clatsop County, Oregon ordains as follows:

SECTION 1. SHORT TITLE.

This ordinance shall be known as *Ordinance No. 10-05 Polo Ridge & Ivy Park Zone Change, Density Transfer, & Subdivision.*

SECTION 2. RECITALS

The Board of County Commissioners of Clatsop County, Oregon recognizes the need to revise and amend the Clatsop County Comprehensive Plan Zoning Map and Text. In the interest of the health, safety and welfare of the citizens of Clatsop County and Pursuant to State law, the Board of Commissioners hereby determines the necessity of amending the said Clatsop County Comprehensive Plan/Zoning Map and Land and Water Development and Use Ordinance # 80-14 as amended.

The Board of County Commissioners determines and takes notice that the adoption procedure for this ordinance complies with the Post Acknowledgement rules of the Land Conservation and Development Commission. The County Planning Commission has sought review and comment and has conducted the public hearing process pursuant to the requirements of ORS 215.050 and 215.060. The Planning Commission held a public hearing on the matter on August 10, 2010 and the recommendation was rendered on August 16, 2010. The Board of Commissioners Received and Considered the Planning Commission's recommendations on this request and held a public hearing on this ordinance pursuant to law on September 22, 2010.

SECTION 3. CONFORMITY WITH THE LAW.

This ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the State of Oregon, or its agencies, or any ordinance, rule or regulation of Clatsop County.

SECTION 4. INCONSISTENT PROVISIONS.

This ordinance shall supersede, control and repeal any inconsistent provision of the Clatsop County Land Water Development and Use Ordinance, as amended, or any other ordinance or regulation made by Clatsop County.

SECTION 5. SEPARABILITY.

If any section, subsection, sentence, clause, phrase, or any other portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. EFFECTIVE DATE.

This ordinance shall be in full force and effective 30 days following adoption of this ordinance.

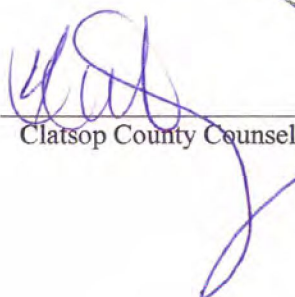
SECTION 7. ADOPTION CLAUSE.

The Board of Commissioners hereby adopts the Polo Ridge & Ivy Park Comprehensive Plan Zoning Map and Text Amendment with conditions as set forth in Exhibit 1 "Adoption Packet" recommended for approval by the Planning Commission and attached hereto and by this reference made a part herein of this ordinance in its entirety.

ADOPTED this 14th day of September 2010.

Board of County Commissioners
For Clatsop County, Oregon

By 
John P. Raichl, Vice Chair

Approved as to Form: 

Clatsop County Counsel

Adopted Conditions of Approval

Ordinance # 10-05



The following CONDITIONS OF APPROVAL shall apply to this land use decision:

1. All utilities shall be placed underground.
2. The applicant shall record a road maintenance agreement in the records of Clatsop County along with the final subdivision plat and include substantially the following language: "(1) The agreement for maintenance shall be enforceable by a majority of persons served by the road; and, (2) The owners of land served by the road, their successors, or assigns, shall maintain the road, either equally or in accordance with a specific formula". The easement over the road(s) for ingress and egress, including the right of maintenance, shall be conveyed to the properties served by the road(s).
3. The Restrictive Covenants to govern certain aspects of future development of the property shall be recorded prior to recording deeds for each of the lots within the subdivision. The CC&R's shall be reflected in each of the deeds. For areas which will be jointly owned or used by the various owners in the subdivision (i.e., common greenbelt preserve), a covenant document is mandatory as part of the final plat. The Community Development Director or the County's legal counsel shall review any restrictive covenants prior to recording the final subdivision plat.
4. Prior to application for final subdivision plat approval, the applicant shall provide proof of legal access.
5. Prior to application for final subdivision plat approval, the applicant shall document that the County Engineer has inspected and approved the road network (Polo Ridge Road = A-22; Canter & Chukkar = A-20; Driveways = A-14) to ensure they comply with Section 6.050 (or roads, if there are two) and roadside ditches.
6. Clear vision area are required at the intersection of Surf Pines Lane: No plantings, fences, walls, etc. shall exceed 2.5 feet in height for a minimum distance of 30 feet along Surf Pines Lane, this condition shall be addressed in the Polo Ridge CC&Rs.
7. The maximum allowable height within the boundaries of the approved Subdivision shall not exceed 29 feet above average grade as determined by the four principle corners of the proposed structure.
8. Approval of this preliminary subdivision plat includes the allowance to record easement(s), as necessary, to meet DEQ requirements for installation of individual septic systems.
9. As a function of the final subdivision plat application, a licensed and registered civil engineer in the State of Oregon shall document the steps that have been taken to ensure that stormwater runoff as a result of the present, and anticipated future, development of the property (30 homesites, driveways, etc.), will not adversely affect any of the proposed homesites, adjacent properties, or upstream or downstream drainage facilities. The engineer must confirm that adequate provisions have been made to prevent backup or ponding of water on adjacent properties as well as within the proposed development.
10. Prior to requesting final subdivision plat approval, the applicant shall provide documentation from the Department of Environmental Quality (DEQ) that addresses erosion controls and practices on the property and storm water discharges from the property.
11. Prior to application for final subdivision plat approval, the applicant shall document that the water line has been reviewed and approved by the Oregon Department of Human Services Drinking Water Program.
12. The minimum available fire flow for single-family dwellings shall be 1000 gallons per minute. Fire hydrants shall be installed at locations approved by the jurisdictional Fire Chief and in accordance with the Oregon Fire Code (OFC). If the structure(s) is (are) 3600 square feet or larger, the required fire flows shall be determined according to OFC Appendix B. If 1000 gallons per minute flows cannot be obtained then approved sprinkler systems for residences must be provided. Prior to application for final plat approval, the applicant shall provide complete fire flow test forms NFPA 13 and NFPA 24 (forms available from the Community Development Department Building Codes Division) to the Community Development Department.

- _____ 13. A 25 foot vegetative buffer shall be provided on double frontage lots, those include Lots 2-7 and Lots 14-20
- _____ 14. Prior to application for final subdivision plat approval, the applicant shall document that the local Fire Chief has inspected and approved the subdivision roadways, turnarounds, and fire hydrants.
- _____ 15. The Planning staff shall review each phase prior to recording to make sure the phase, as recorded, is in accordance with the preliminary approval given by the Planning Commission. Any submitted phase, which does not coincide with the approval as given by the Planning Commission shall be referred to the Planning Commission for a hearing. At such hearing, the Commission shall have the authority to revoke, revise, amend or alter the prior approval. Notice shall be sent subject to the County Land Use Ordinance Sections 2.110-2.120.
- _____ 16. Minor amendments, such as slight alteration in lot lines, to an approved preliminary plat may be approved by the Community Development Director if the amendments concur with the preliminary plat conditions of approval. Such amendments will only be valid for the twelve-month period following their approval and will become invalid if not implemented within that time.
- _____ 17. Prior to application for final subdivision plat approval, the applicant shall provide appropriate documentation from applicable local, state, and federal agencies that all subdivision improvements have been completed in accordance with applicable rules and regulations.
- _____ 18. Notations indicating any limitations on rights-of-access to or from street and lots shall be noted on the face of the final subdivision plat.
- _____ 19. Prior to application for final subdivision plat approval, the applicant shall provide a quotation from the Clatsop County Assessor that indicates that all taxes on the subject property are paid and current.
- _____ 20. Deed restrictions shall be filed in the Clatsop County Deed Records, in a form approved by County Counsel. The deed restrictions shall preclude all future rights to construct a dwelling on the lot, parcel or tract designated as open space or common area for as long as the lot, parcel or tract remains outside an urban growth boundary. Additionally the deed restriction shall prohibit additional parcelization of the approved development or vacation of any permanent open space until such time as the entire area within the development is included within an urban growth boundary.
- _____ 21. The final plat shall designate Tracts A, C & D as permanent common open space for the purposes of habitat preservation for the Oregon Silver Spot Butterfly.
- _____ 22. The preliminary plat approval is binding on the County and the subdivider for purposes of preparing the final subdivision plat, provided that there are no changes of the plan of the subdivision, and that it complies with all conditions of approval set forth in the preliminary plat decision. Elements missing from the preliminary plat that shall be recorded on the final plat include:
 - a. Directional flow of Neacoxie Creek.
 - b. Bioswales and drainage areas.
- _____ 23. Within two (2) years of approval of the preliminary plat, the subdivider shall cause **Phase 1** of the subdivision to be surveyed and a final plat prepared in accordance with the approved preliminary plat. The final plat shall conform to the requirements of Sections 5.234-5.250 of the Clatsop County Land and Water Development and Use Ordinance (LWDUO).

Phase 2 shall be recorded within 3 years from the date of approval.

Phase 3 shall be recorded within 5 years from the date of approval.

The Community Development Director can authorize an extension of up to 12 months for any one phase of development. This application is void after 3 years from the date of approval unless substantial construction has begun.

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Exhibit 1

BEFORE THE PLANNING COMMISSION FOR THE COUNTY OF CLATSOP

In the Matter of:

A DENSITY TRANSFER OF 25 UNITS, AN
ORDINANCE AMENDING THE CLATSOP
COUNTY COMPREHENSIVE PLAN
ZONING MAP & TEXT, AND THE 30 LOT
POLO RIDGE SUBDIVISION



RESOLUTION AND ORDER

10-08-06

Recording Date: August 16, 2010

ORDINANCE # 10-05

RECITALS

THE ABOVE ENTITLED MATTER came before the Planning Commission at its meeting of August 10th, of the year 2010, for public hearing and consideration of 25 residential density transfers, a Comprehensive Plan Zoning Map / Text Amendment and Preliminary Plat approval for a 30 Lot Subdivision in the former Ridgeline Estates subdivision. The Planning Commission after considering all public testimony and reviewing the Staff Report and Findings closed the public hearing for deliberation.

The Planning Commission after reviewing the findings of fact in Exhibit "A" (*Staff Report*) & the appended "*Applicant's Findings*" has determined the proposed zone change is consistent with the criteria as depicted in Clatsop County's Land Water Development and Use Ordinance Section 5.412, the Comprehensive Text Amendment is in conformance with the 19 statewide planning goals and the intent of the ordinance which permits "*Density Transfers*" on the Clatsop Plains, and the Preliminary Plat for Polo Ridge can conditionally satisfy the requirements in accordance with Clatsop County's Land Use Ordinance and Standards.

THE PLANNING COMMISSION considering all evidence and public testimony provided by the Public, Planning Department Staff, and the Applicant at the public hearing, hereby **RECOMMENDS** **THE CONDITIONAL APPROVAL** OF THE PROPOSED REQUEST FOR A COMPREHENSIVE PLAN / ZONING MAP AMENDMENT, DENSITY TRANSFERS, AND PRELIMINARY PLAT AS DESCRIBED IN EXHIBIT "A"

Staff Report, & "Findings", provided by the Applicant, attached hereto and by this reference made a part hereof.

WHEREFORE, the Planning Commission finds and resolves:

1. To recommend the Board of County Commissioners modify Clatsop County's Comprehensive Plan / Zoning map to reflect the change from the Single Family Residential 1 Zone and to Open Space, Parks and Recreation as depicted on Map 1 attached to this document.
2. To recommend the Board of County Commissioners amend the Density Transfer Provisions and Table as illustrated in Section VII of Exhibit "A" Staff Report, transferring the 25 density units from the sending sites to the receiving site identified in the "Density Table."
3. To recommend the conditional approval of the Preliminary Plat for "Polo Ridge" subdivision with the modifications identified in the Staff Report, Exhibit "A" and described in the conditions of approval.

SO ORDERED this 16th day of August, 2010

THE PLANNING COMMISSION FOR
CLATSOP COUNTY



Cary Johnson, Chairperson
Clatsop County Planning Commission

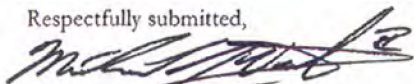
CONDITIONS OF APPROVAL

The following CONDITIONS OF APPROVAL shall apply to this land use decision:

1. All utilities shall be placed underground.
 2. The applicant shall record a road maintenance agreement in the records of Clatsop County along with the final subdivision plat and include substantially the following language: "(1) The agreement for maintenance shall be enforceable by a majority of persons served by the road; and, (2) The owners of land served by the road, their successors, or assigns, shall maintain the road, either equally or in accordance with a specific formula". The easement over the road(s) for ingress and egress, including the right of maintenance, shall be conveyed to the properties served by the road(s).
 3. The Restrictive Covenants to govern certain aspects of future development of the property shall be recorded prior to recording deeds for each of the lots within the subdivision. The CC&R's shall be reflected in each of the deeds. For areas which will be jointly owned or used by the various owners in the subdivision (i.e., common greenbelt preserve), a covenant document is mandatory as part of the final plat. The Community Development Director or the County's legal counsel shall review any restrictive covenants prior to recording the final subdivision plat.
 4. Prior to application for final subdivision plat approval, the applicant shall provide proof of legal access.
 5. Prior to application for final subdivision plat approval, the applicant shall document that the County Engineer has inspected and approved the road network (Polo Ridge Road = A-22; Canter & Chukkar = A-20; Driveways = A-14) to ensure they comply with Section 6.050 (or roads, if there are two) and roadside ditches.
 6. Clear vision area are required at the intersection of Surf Pines Lane: No plantings, fences, walls, etc. shall exceed 2.5 feet in height for a minimum distance of 30 feet along Surf Pines Lane, this condition shall be addressed in the Polo Ridge CC&Rs.
 7. The maximum allowable height within the boundaries of the approved Subdivision shall not exceed 29 feet above average grade as determined by the four principle corners of the proposed structure.
 8. Approval of this preliminary subdivision plat includes the allowance to record easement(s), as necessary, to meet DEQ requirements for installation of individual septic systems.
 9. As a function of the final subdivision plat application, a licensed and registered civil engineer in the State of Oregon shall document the steps that have been taken to ensure that stormwater runoff as a result of the present, and anticipated future, development of the property (30 homesites, driveways, etc.), will not adversely affect any of the proposed homesites, adjacent properties, or upstream or downstream drainage facilities. The engineer must confirm that adequate provisions have been made to prevent backup or ponding of water on adjacent properties as well as within the proposed development.
 10. Prior to requesting final subdivision plat approval, the applicant shall provide documentation from the Department of Environmental Quality (DEQ) that addresses erosion controls and practices on the property and storm water discharges from the property.
 11. Prior to application for final subdivision plat approval, the applicant shall document that the water line has been reviewed and approved by the Oregon Department of Human Services Drinking Water Program.
 12. The minimum available fire flow for single-family dwellings shall be 1000 gallons per minute. Fire hydrants shall be installed at locations approved by the jurisdictional Fire Chief and in accordance with the Oregon Fire Code (OFC). If the structure(s) is (are) 3600 square feet or larger, the required fire flows shall be determined according to OFC Appendix B. If 1000 gallons per minute flows cannot be obtained then approved sprinkler systems for residences must be provided. Prior to application for final plat approval, the applicant shall provide complete fire flow test forms NFPA 13 and NFPA 24 (forms available from the Community Development Department Building Codes Division) to the Community Development Department.
 13. A 25 foot vegetative buffer shall be provided on double frontage lots, those include Lots 2-7 and Lots 14-20
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14. Prior to application for final subdivision plat approval, the applicant shall document that the local Fire Chief has inspected and approved the subdivision roadways, turnarounds, and fire hydrants.
15. The Planning staff shall review each phase prior to recording to make sure the phase, as recorded, is in accordance with the preliminary approval given by the Planning Commission. Any submitted phase, which does not coincide with the approval as given by the Planning Commission shall be referred to the Planning Commission for a hearing. At such hearing, the Commission shall have the authority to revoke, revise, amend or alter the prior approval. Notice shall be sent subject to the County Land Use Ordinance Sections 2.110-2.120.
16. Minor amendments, such as slight alteration in lot lines, to an approved preliminary plat may be approved by the Community Development Director if the amendments concur with the preliminary plat conditions of approval. Such amendments will only be valid for the twelve-month period following their approval and will become invalid if not implemented within that time.
17. Prior to application for final subdivision plat approval, the applicant shall provide appropriate documentation from applicable local, state, and federal agencies that all subdivision improvements have been completed in accordance with applicable rules and regulations.
14. Notations indicating any limitations on rights-of-access to or from street and lots shall be noted on the face of the final subdivision plat.
15. Prior to application for final subdivision plat approval, the applicant shall provide a quotation from the Clatsop County Assessor that indicates that all taxes on the subject property are paid and current.
16. Deed restrictions shall be filed in the Clatsop County Deed Records, in a form approved by County Counsel. The deed restrictions shall preclude all future rights to construct a dwelling on the lot, parcel or tract designated as open space or common area for as long as the lot, parcel or tract remains outside an urban growth boundary. Additionally the deed restriction shall prohibit additional parcelization of the approved development or vacation of any permanent open space until such time as the entire area within the development is included within an urban growth boundary.
17. Prior to application for final subdivision the applicant shall designate Tracts A, C & D as permanent common open space for the purposes of habitat preservation for the Oregon Silver Spot Butterfly and Common Use of the Public. The final plat shall indicate an alphabetic numeration for these areas and identify the intended purpose of this space as OSB habitat or Public Access areas.
18. The preliminary plat approval is binding on the County and the subdivider for purposes of preparing the final subdivision plat, provided that there are no changes of the plan of the subdivision, and that it complies with all conditions of approval set forth in the preliminary plat decision. Elements missing from the preliminary plat that shall be recorded on the final plat include:
 - i. The Location of the Midden Site.
 - ii. Directional flow of Neacoxie Creek.
 - iii. Bioswales and drainage areas.
19. Within two (2) years of approval of the preliminary plat, the subdivider shall cause **Phase 1** of the subdivision to be surveyed and a final plat prepared in accordance with the approved preliminary plat. The final plat shall conform to the requirements of Sections 5.234-5.250 of the Clatsop County Land and Water Development and Use Ordinance (LWDUO).
Phase 2 shall be recorded within 3 years from the date of approval.
Phase 3 shall be recorded within 5 years from the date of approval.
 The Community Development Director can authorize an extension of up to 12 months for any one phase of development. This application is void after 3 years from the date of approval unless substantial construction has begun.

Respectfully submitted,



Michael J. Weston II, MPA
 Planner, Transportation & Development



Julia Nevan Decker
 Planner, Transportation & Development

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Minutes of August 10, 2010
Clatsop County Planning Commission **Regular** Session
Judge Guy Boyington Building
857 Commercial Street
Astoria, OR 97103

Chairperson Cary Johnson called the Clatsop County Planning Commission meeting to order at 1005.

Planning Commissioners

(PC) Present:

- Mike Autio
- Pat O'Grady
- Marcia Harper-Vellutini
- Cary Johnson
- Brian Pogue

PCs absent:

- Stephen Malkowski, excused
- Clarke Powers, excused

Staff Present:

- Ed Wegner
- Will Caplinger
- Blair Henningsgaard
- Jennifer Bunch
- Michael Weston
- Julia Decker

Chairperson Johnson introduced the newest member of the Planning Commission, Pat O'Grady, and welcomed him.

Minutes

PC Pogue moved and PC Harper-Vellutini seconded to approve the minutes of July 13, 2010 as presented. Motion passed unanimously.

Business from the Public

No one from the public asked to speak.

Public Hearings

Variance Request by the Astoria School District; Applicant is requesting a 45-foot Variance to the 50-foot Front Yard Setback described in Clatsop County Land Water Development and Use Ordinance 80-14, S3.459(4)(A). The Applicant wishes to place a concrete light pole within the 50-foot Front Yard Setback.

No ex parte contacts or conflicts of interest were reported.

Jennifer Bunch, Planner, presented the staff report. The property is zoned RC1 with Flood Hazard Overlay. Without the variance the light from the light pole could shine on the adjacent property or onto the roadway instead of the parking lot it is intended to light up. Following a question from PC Autio, Ms. Bunch stated that according to the definition, a light pole is considered a structure. She recommended approval of the Variance with the conditions stated in the staff report.

Public Testimony

No public agency comment.

1 Applicant's representative Craig Hoppes, Superintendent of the Astoria School District,
2 explained that the variance was requested due to safety concerns about employees who
3 arrive early in the morning or work late into the night. The light needs to illuminate the
4 parking lot instead of neighboring property or the street.

5
6 Following a question from PC Johnson, Ms. Bunch stated that the fee came from a fee
7 schedule set by the Board of Commissioners.

8
9 Public Testimony was closed.

10
11 **PC Pogue moved and PC Harper-Vellutini seconded to approve the**
12 **Variance as presented by staff. Motion passed unanimously.**

13
14 **Variance Request** by Astoria School District: Applicant requests a Variance to one-foot
15 elevation/floodproofing requirement described in the Clatsop County Land Water
16 Development and Use Ordinance 80-14, S4.030(2).

17
18 No ex parte contacts or conflicts of interest were reported.

19
20 Ms. Bunch presented the staff report, explaining that the Variance is necessary to clear
21 up a violation issue caused by staff oversight, and discovered recently. She further
22 described the three criteria that she deemed satisfied, and recommended approval of
23 the Variance with Condition as described in her staff report.

24
25 Following a question from Chairperson Johnson, Ms. Bunch stated that waiving the 4.8"
26 necessary to bring the building into compliance with the County's ordinance requiring
27 buildings to be built one foot above the base flood elevation will resolve the violation
28 issue.

29
30 Following questions from PC Pogue and PC Autio, Ms. Bunch stated that the final
31 elevation certificate was received after the building had been finalized and that's when it
32 was discovered that the building was 4.8" under the base flood elevation.

33
34 Public Testimony

35
36 Applicant's representative Mr. Hoppes agreed with staff's recommendation.

37
38 Jim Neikes, 34755 Hwy 101 Business, Astoria, was the builder of the building. He went
39 on to describe the chronology of events, disagreeing with some of Ms. Bunch's
40 comments. He stated that he did everything correctly, in the proper order, and the
41 building was finalized. He questioned why, two years later, this was an issue and didn't
42 understand why the school district had to pay money to correct an oversight by staff. He
43 went on to state that he believed the building had settled. Following a question from PC
44 Harper-Vellutini, Mr. Neikes stated there were 1.78 million pounds of concrete in the
45 building.

46
47 Following a question from PC Pogue, Ms. Bunch stated that the staff had some
48 deficiencies in their record keeping, but changes to procedures had been made to
49 correct this error in an effort to prevent it from happening again.

50

1 Chairperson Johnson stated that once a building has been finalized, you are done;
2 Clatsop County shouldn't be able to come in after and make further requirements. Ms.
3 Bunch replied that staff wasn't looking for it, but once it came to their attention, it had to
4 be dealt with.

5
6 Following a question from PC Harper-Vellutini, Ms. Bunch explained that the final
7 building inspection was approved with no final elevation certificate. It is unfortunate, but
8 Clatsop County can't deviate and must enforce the ordinances. She also stated that
9 there is no provision for settling in the ordinance.

10
11 PC Harper-Vellutini expressed her belief that the building, as heavy as it is, could have
12 settled that much in two years.

13
14 Public Testimony was closed.

15
16 **PC Auto moved and PC Pogue seconded to approve the Variance**
17 **application as presented and adopt the findings as proposed by staff,**
18 **directing the staff to seek a refund of the Variance application fees to**
19 **the Applicant. Motion passed unanimously.**
20

21 Chairperson Johnson called a break at 1045; meeting was reconvened at 1108.

22
23 Ed Wegner, Director of Transportation and Development Services, announced that
24 Michael Weston, Planner, has accepted a new position from the Port of Astoria and this
25 will be his last Planning Commission meeting. Cake and punch will be served on the
26 afternoon of August 27th from 2:00 to 4:00 p.m. in Room 430, 800 Exchange Street.
27 Chairperson Johnson thanked Mr. Weston and stated how good it had been to work with
28 him.

29
30 **Ordinance 10-05**, Comprehensive Plan map and text amendment, density transfer and
31 30-lot subdivision.

32
33 No ex parte contacts or conflicts of interest were reported. Chairperson Johnson stated
34 that he owns property near the applicant property and there is a possibility of a water line
35 running across it and he wanted that information on the record.

36
37 Michael Weston, Planner, began the staff report. He described the four components of
38 the application:

- 39
- 40 • Down Zone of the sending sites. The sending sites in this instance have a
41 total approximate acreage of 25 acres located south of Warrenton and it is
42 currently zoned Single Family Residential 1. Instead of developing this area
43 into residential home sites, the applicants are choosing to move the density to
44 a site on the Clatsop Plains located on the north side of Surf Pines Lane.
 - 45 • Density transfers; this requires the sending sites to be rezoned to one of the
46 conservation zones, i.e. Open Space Parks & Recreation, Natural Uplands,
47 Conservation Shorelands, or Natural Shorelands. Additionally, deed
48 restrictions are placed on the deeds of each parcel prohibiting further
49 development beyond that envisioned in the approved density transfer.
 - 50 • Text Amendment to the Density provisions and the Density Table; the
51 applicants are requesting to modify the language to allow them to retain
density credits with an affidavit retained in the Planning Department. The

1 requested provision would allow the applicants to bank the density until they
2 are ready to use it. The second half of the Text Amendment is used to
3 maintain a record of parcels involved, both the sending sites and receiving
4 sites, while documenting the remaining density, if any, on those sites.
5 • 30-lot subdivision on approximately 61 acres located off of Surf Pines Lane.
6 Within this subdivision the applicants are identifying 29 one-acre lots, one
7 five-acre lot and four tracts that include approximately 19 acres of required
8 "permanent common open space."
9

10 Mr. Weston described the first three components in detail; Julia Decker, Planner, went
11 into more detail regarding the fourth component, the 30-lot subdivision.
12

13 Ms. Decker explained which items referred to in Section 5.200 have been addressed
14 and which ones still needed to be. The Applicant has proposed continued use of "Polo
15 Ridge" as the name of the platted subdivision. The previous subdivision on this site was
16 not finalized.
17

18 Ms. Decker thought most items still needing to be addressed could be handled through
19 appropriate conditions and simple revisions to the plat. She listed the items still
20 outstanding, including Item 10, stating the applicant has not indicated possible wetland
21 sites located on lots 25, 26, and 27, noting this criterion could be satisfied with a
22 condition. Regarding Item 12, the direction of the flow of Neacoxie Creek could not be
23 discerned, but Applicant could satisfy the criterion by revising the preliminary plat to
24 include the information. Items 16, 17 and 18 could all be addressed by revising the plat.
25

26 Ms. Decker continued to Item 22 explaining the technical documentation can all be
27 conditioned for parts A, B, C, D and G. Items 25, 26 and 27 can also be met with
28 appropriate conditions.
29

30 Ms. Decker then went on to the Standards Document, starting with S5.030, Item 5,
31 Double Frontage Lots; Ms. Decker stated that the County Engineer has accepted the
32 roadways detail on the preliminary plat and that a condition has been added that the
33 Applicant shall provide a landscape buffer with trees and/or shrubs and ground cover.
34 On Item 13, Ms. Decker explained that the criterion had been satisfied; however, a
35 condition was added that the Applicant maintain a clear vision area at the corner of the
36 access road and Surf Pines Lane.
37

38 Ms. Decker described Item 14 as being satisfied; however, a condition has been added
39 that the Applicant's development and construction of streets, driveway, and storm water
40 drainage systems shall be in conformance with the standards approved by the county's
41 Public Works Department.
42

43 Moving on to S5.040 Pedestrian and Bicycle Access and Circulation; Applicant did not
44 address this section and staff has recommended a condition to ensure this criterion is
45 met.
46

47 Regarding S5.104, Ms. Decker concurred with the Applicant's findings. An exception in
48 this instance is acceptable; the criterion can be satisfied with an exception. Ms. Decker
49 continued to discuss S5.108, S5.110S5.115, S5.118; these can all be met with
50 appropriate conditions.
51

1 Ms. Decker described S5.120 Improvement Requirements, stating staff was not able to
2 determine where the drainage and bio-swales would be located on the preliminary plan
3 and S5.040 has not been addressed (Pedestrian and Bicycle Access and Circulation).
4 These criteria are not satisfied; however, the Applicant could revise the preliminary plat
5 to include the information. In regards to S5.201, this criterion will be met through
6 appropriate conditions.
7

8 Mr. Weston stated that a midden site on the property was not identified on plat plan.
9

10 Following a question from Chairperson Johnson, Mr. Weston stated that a Text
11 Amendment would not be applicable just to this property, but the neighboring ones also.
12

13 Public Testimony

14
15 There was no public agency comment.
16

17 Jason Palmberg, 1790 SE 3rd St, Astoria, Applicant, commented that this is an
18 expensive and time-consuming process to go through. Mr. Palmberg addressed a few
19 of the conditions, one of which is a 26' height restriction proposed by the planners; he
20 would be willing to accept a 29' height restriction. Mr. Weston suggested to the Planning
21 Commission they make a restriction banning 3-story homes.
22

23 Mr. Palmberg stated that there was no plan to include bicycle and pedestrian paths as
24 they are expensive to build and there is a large open space in the middle of the
25 development.
26

27 In response to a question from PC O'Grady, Mr. Palmberg indicated that the subdivision
28 would be mostly dead end roads and the speed limit would be 15-20 mph. PC Harper-
29 Vellutini expressed her concern regarding the cost of requiring pedestrian and bicycle
30 paths.
31

32 Dan Bartlett, 210 Waldorf Circle, Astoria, Administrator for Surf Pines expressed his
33 concerns about access, as this parcel was originally a 9-lot subdivision, not a 29-lot
34 subdivision.
35

36 Don Kruger, 90128 Manion Dr, Warrenton, President of Surf Pines, also expressed
37 concern regarding the site line, further stating that it is a private road and not intended
38 for 20+ additional lots. He continued, stating that drainage would affect Neacoxie Creek
39 and that he is opposed to this plan as far as the road access conditions. Following a
40 question from PC Pogue, Mr. Kruger stated that the number of lots has increased three
41 fold.
42

43 Mr. Bartlett stated his concerns centered on traffic and safety.
44

45 Donny Lee, PO Box 576, Ilwaco, WA, owns property adjacent to Surf Pines Lane. He
46 purchased this property because he liked the rural setting and expressed his concerns
47 about the increased density. He recommended that the County install a light at Surf
48 Pines Lane and Hwy 101 for safety and also recommended that the 26' height limit be
49 maintained. Following a question from Chairperson Johnson, Mr. Lee stated that he did
50 not consider getting a variance for the height restriction because it's in the CC & Rs.
51

1 Following a question from Chairperson Johnson, Mr. Weston stated that it is possible to
2 transfer density credits to Mr. Lee, but he would have to identify open space somewhere
3 else.
4

5 Dean Alterman, 805 SW Broadway #2750, Portland, represents Jason Palmberg, the
6 Applicant. Following a question from Chairperson Johnson, Mr. Alterman stated that his
7 client would provide proof of legal access
8

9 Linda Gallino, 89165 Marine Drive, Astoria, stated the Surf Pines administrators
10 addressed her concerns.
11

12 Following a question from PC Pogue regarding CC & Rs adopted by the prior
13 subdivision, Blair Henningsgaard, County Counsel, responded this is a brand new
14 subdivision; these Applicants are taking over from the last developer who ran out of
15 money.
16

17 PC Pogue expressed his concern about the people who purchased rural property and
18 now will find themselves with more neighbors than anticipated; perhaps some trees
19 could be planted for shielding. Chairperson Johnson stated this could be a function of
20 their CC & Rs.
21

22 Mr. Lee continued by stating that he is not completely opposed to the subdivision; he just
23 wants to protect his property.
24

25 Mr. Palmberg stated that Easy Way Road was built to serve only 5 homes and that's the
26 reason they are not using it for access.
27

28 Public testimony was closed at 1238.
29

30 At 1240 a recess was called by Chairperson Johnson to give staff a few minutes to write
31 conditions. Meeting was reconvened at 1255.
32

33 Mr. Weston gave the Planning Commissioners a copy of the conditions with changes,
34 indicating the applicants need to show the following on the plat:

- 35 • where the midden site is located and how it's to be protected
36 (protection would be addressed with a CC & R)
- 37 • direction of drainage and bio-swales
- 38 • directional flow of Neacoxie Creek
39

40 **PC Pogue moved and PC O'Grady seconded to approve the Applicant's**
41 **request for the preliminary plat at Polo Ridge contingent upon the**
42 **conditions and modifications of the page noted by the staff; prior to the**
43 **application for the final subdivision's plat approval, Item number 4,**
44 **Applicant shall provide proof of legal access; Item number 6, clear vision**
45 **area will be required at the intersection of Surf Pines Lane; no planting,**
46 **fencing, walls, etc. shall exceed 2.5 feet in height for a minimum distance of**
47 **30 feet along Surf Pines Lane (part of the CC & Rs). Item number 17; Letter**
48 **A will be added to the section where it says, "Tracts, see A, C & D." Item**
49 **number 20; plat to include directional flow of Neacoxie Creek, drainage,**
50 **bio-swales, midden area and includes how it's to be protected [protection a**
51 **function of the CC & Rs]. Item number 21; add as a condition that the**

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height restriction be changed from 35 feet to 29 feet with a limitation to two story structure dwelling. Motion passed, with four votes for and one abstention. Chairperson abstained from the vote due to reasons stated earlier in the minutes.

Other Business

Mr. Weston brought up the 10-01 Resolution and Order (R &O).

PC Pogue and Pc Autoio discussed the tree-cutting provision and concerns about definitions and subjectiveness. Mr. Weston was liberalizing the tree-cutting provision, but residents would still have to go through the design review process.


Mr. Weston stated that the only thing that was supposed to be discussed at this meeting was the signage provision, per July 30, 2010 special session motion. Mr. Weston is proposing total signage to be limited to 48 sf, which would prevent billboards.

Debra Birkby, 79829 Gelinsky, Arch Cape, expressed her concern regarding any billboards and why this wasn't on the agenda for today.

PC Johnson stated it wasn't on the agenda and it should be put on the September agenda and continued at that time.

As there was no other business, meeting was adjourned.

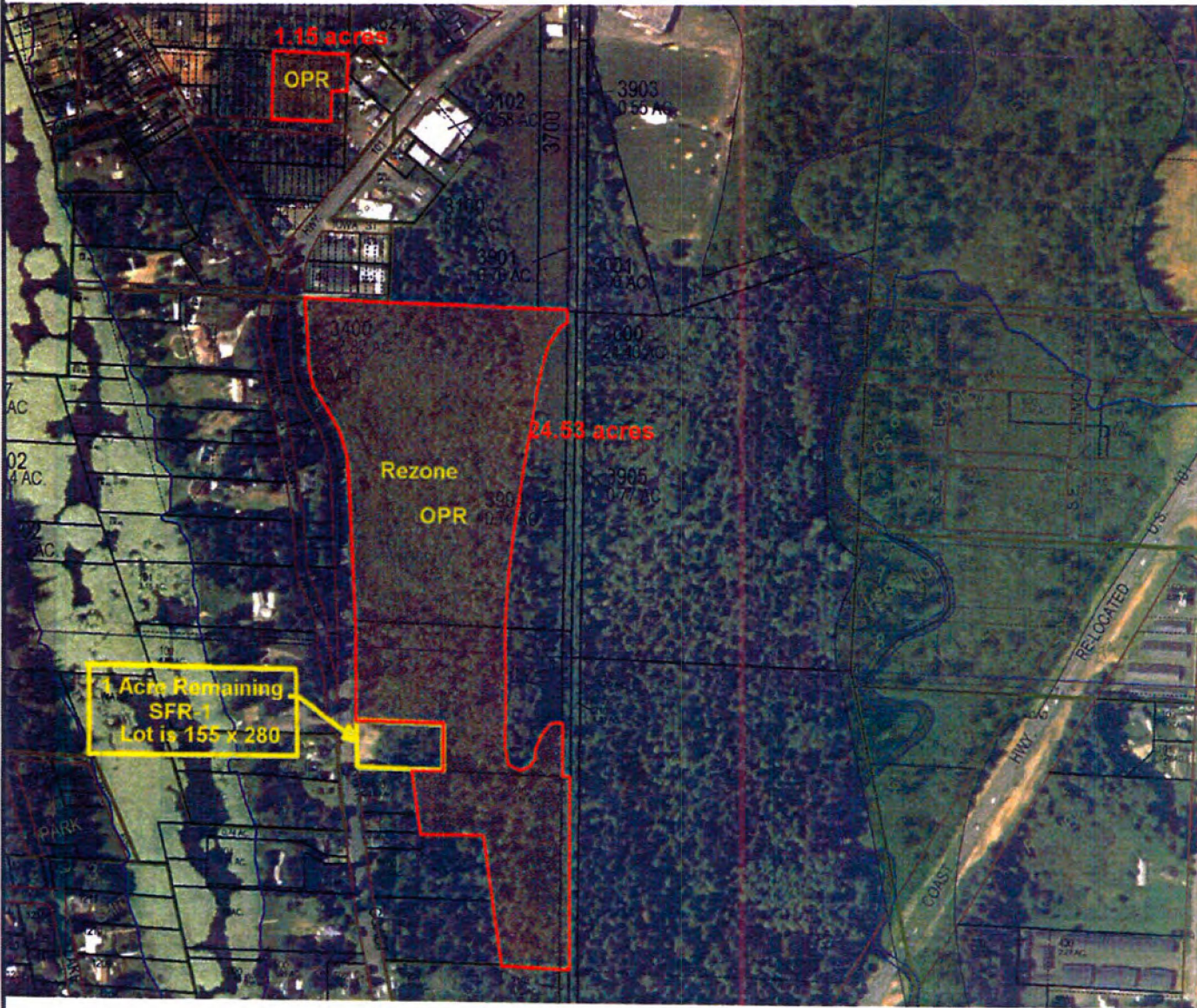
Respectfully submitted,



Cary Johnson
Chairperson - Planning Commission

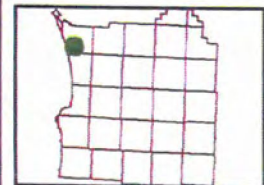
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Map 1 -- Areas to be Rezoned OPR in RED



Clatsop County Map

- FEMA Flood
- AE
- X
- PLS
- PLS Townships
- Subdivision
- Subdivision
- Tax Lot Arrows
- Tax Map
- Water Body
- River
- Parcel Boundary
- Supplemental Boundary
- 34
- DLC
- Road R-O-W



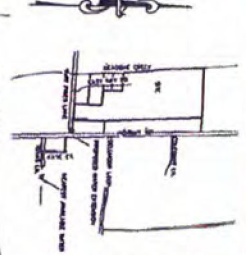
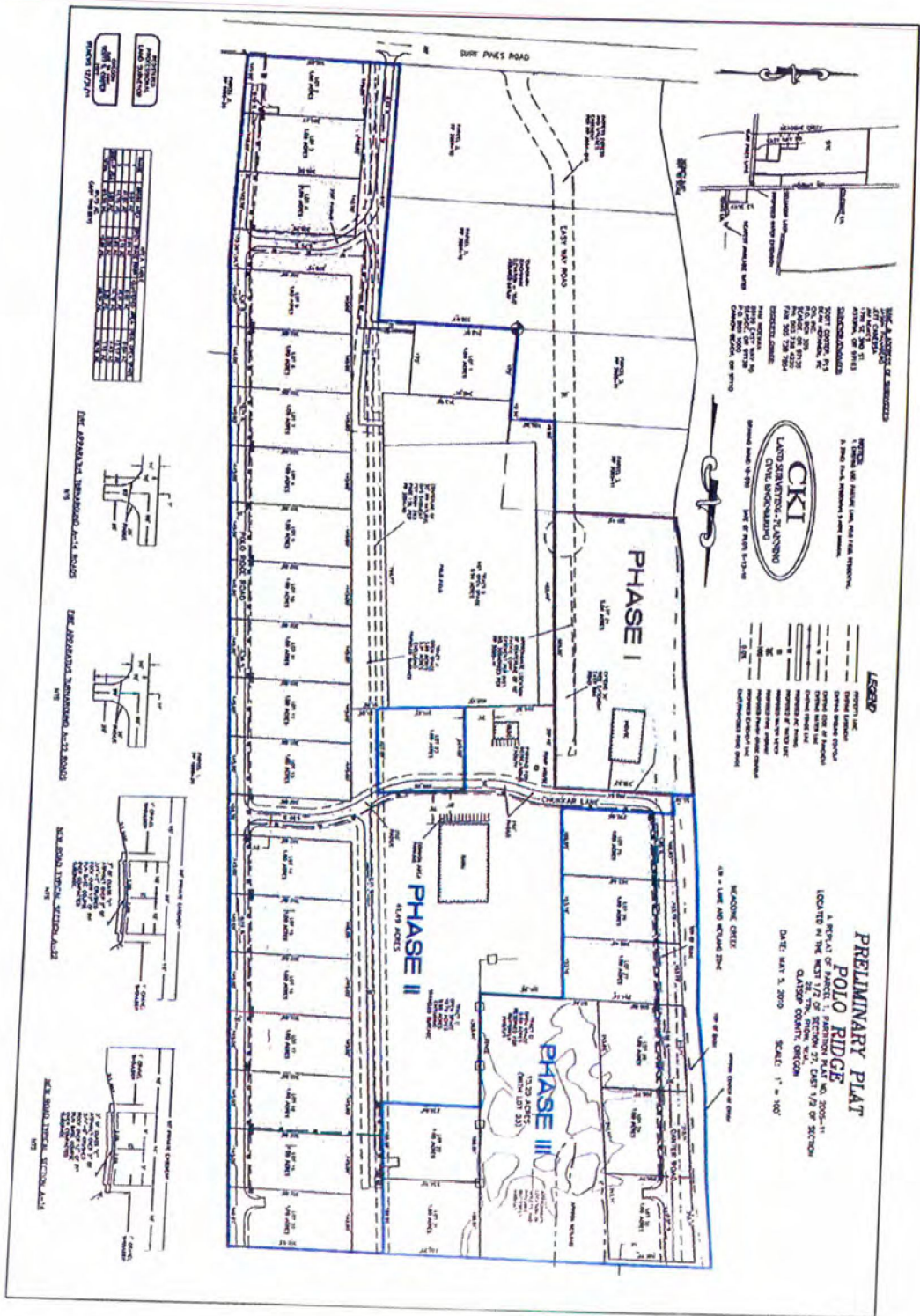
This map was produced using the Clatsop County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

1 in. = 464 ft.



8/13/2010





THIS PLAT AND ALL SUBSECTIONS HEREIN ARE THE PROPERTY OF THE ENGINEER AND ARCHITECT, AND ALL RIGHTS ARE RESERVED. NO PART OF THIS PLAT OR ANY SUBSECTION HEREIN MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE ENGINEER AND ARCHITECT.



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LEGEND

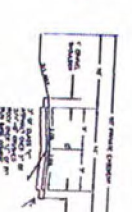
(Symbol)	PROPERTY LINE
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(Symbol)	EXISTING ROAD
(Symbol)	PROPOSED ROAD
(Symbol)	PROPOSED DRIVE
(Symbol)	PROPOSED ALLEY
(Symbol)	PROPOSED SIDEWALK
(Symbol)	PROPOSED CURB
(Symbol)	PROPOSED GROUND COVER
(Symbol)	PROPOSED FENCE
(Symbol)	PROPOSED UTILITY
(Symbol)	PROPOSED EASEMENT
(Symbol)	PROPOSED SETBACK
(Symbol)	PROPOSED EASEMENT
(Symbol)	PROPOSED EASEMENT

PRELIMINARY PLAT

POLO RIDGE
A REPLAT OF PARCEL 1, PARTITION PLAT NO. 2005-11
LOCATED IN THE WEST 1/2 OF SECTION 27, EAST 1/2 OF SECTION
CLATSOP COUNTY, OREGON
DATE: MAY 5, 2009 SCALE: 1" = 100'

ADJACENT PROPERTY

OWNER	ADDRESS	SECTION
...



Section 3.162 Clatsop Plains Density Table

Sending Sites	Existing Zoning	New Zoning	Applicable Acreage	Density Units ¹	Remaining Density	Receiving Site/s	Receiving Zone	Density Credits ²
710090000902	RA5, RA1, & LW	OPR & LW	RA1 = 3.32 ac RA5 = 27.34 ac	1.66 5.47	0	71028DA00500 71028DA00800	CBR	7 units
				Subtotal = 7.13 (du)		Subtotal = 7 (dc)		
710090000801	RA5 & LW	OPR & LW	RA5 = 4.45 ac	0.89				
71009CA00100	RA5	OPR	0.59	0.12				
71009CA01100	RA5	OPR	2.3	0.46				
71009CA01200	RA5	OPR	2.07	0.41				
71009CB00100	RA5 & LW	OPR & LW	RA5 = 0.18	0.04				
71009CB00500	RA5 & LW	OPR & LW	RA5 = 0.44	0.09				
71009CB00600	RA5 & LW	OPR & LW	RA5 = 1.83	0.36				
71009CB00700	RA5 & LW	OPR & LW	RA5 = 2.26	0.45				
71009CB00800	RA5 & LW	OPR & LW	RA5 = 2.22	0.44				
71009CD00100	RA5	OPR	1.84	0.37				
71009CD00200	RA5 & LW	OPR & LW	RA5 = .76	0.15				
71009CD00300	RA5 & LW	OPR & LW	RA5 = .99	0.2				
71009CD00400	RA5	OPR	0.12	0.02				
71009CD00600	RA5 & LW	OPR & LW	RA5 = .37	0.07				
71009CD00700	RA5 & LW	OPR & LW	RA5 = 1.14	0.23	0	710160000200	RA-5	7 units
71009CD00800	RA5	OPR	1.33	0.27				
71009CD00900	RA1	OPR	1.87	0.94				
71009CD01000	RA1	OPR	0.7	0.35				
71009CD01100	RA1	OPR	0.92	0.46				
71009CD01200	RA5	OPR	0.92	0.18				
71009CD01300	RA5	OPR	0.7	0.14				
71009CD01400	RA5	OPR	0.92	0.18				
71009CD01500	RA5	OPR	0.92	0.18				
71009CD01600	RA5 & LW	OPR & LW	RA5 = .28	0.06				
71009CD02000	RA5	OPR	0.34	0.07				
71009CD02100	RA5	OPR	0.45	0.09				
71009CD02200	RA5	OPR	0.45	0.09				
71009CD02300	RA1	OPR	0.45	0.23				
				Subtotal = 7.54 (du)		Subtotal = 7 (dc)		
Street Vacations								
Between Lots listed								
Above	RA5	OPR	5.12	1.024	0	710160000200	RA-5	1 Unit
				Subtotal = 1.024 (du)		Subtotal = 1 (dc)		

Section 3.162 Clatsop Plains Density Table

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

The following amendment to the density provisions is also included with this text amendment.

Standards Section S3.161(3):

All sending and receiving parcels shall be recorded in the "Density Table" (S3.162) and the appropriate sections filled out completely prior to approval. At the applicant's expense¹, if a receiving parcel cannot be identified at the time of application for a density transfer, the applicant can choose to record the remaining credits with an affidavit, which shall be recorded by the applicant, and maintained with the County Planning Department. Staff will review the requisite comprehensive plan text and map amendments for conformity with the down zone & density transfer requirements.

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

STAFF SUMMARY ANALYSIS

August 3, 2010

The applicant's application has four parts. First there is a Down Zone (Exhibit D) of the sending sites. In this instance the sending sites have a total approximate acreage of 25 acres located just south of Warrenton. The land is currently zoned Single Family Residential 1, which essentially means that should the applicant wish to develop the site they could technically place 1 residence on every acre of land. In lieu of developing this area into residential home sites the applicant is choosing to move the density to a site on the Clatsop Plains located on the north side of Surf Pines Lane.

The second part (Exhibit B), the density transfers, require the sending sites to be rezoned to one of the following conservation zones: Open Space Parks & Recreation, Natural Uplands, Conservation Shorelands, or Natural Shorelands. In addition, deed restrictions are placed on the deeds of every parcel prohibiting further development beyond that envisioned in the approved density transfer. The deed restrictions can only be lifted when and if the entire area in question is included within an urban growth boundary.

The applicant can then move the density credits and place them on parcels with the comprehensive plan designations of "Rural Lands" and "Development" within the Clatsop Plains. Rural lands include lands zoned predominately residential (CBR, CR, SFR1, RA1, RA2, RA5, RCR, & MR). In this situation the applicant is placing 19 density credits on a parcel of land currently zoned RA5. The increase in density requires the applicant to Cluster their development on smaller lots. In order to accommodate the clustering provision on the Clatsop Plains, Clatsop County adopted a Goal 14 Exception on the Clatsop Plains.

The goal exception on the Clatsop Plains is a total density provision, one that accounts for the total allowable density on the plains. As long as the applicant's do not increase the density on the Clatsop Plains they are in compliance with the Goal 14 exception. However, there are other elements that come into play on the Clatsop Plains as well. For instance, the comprehensive plan states, '...on all areas designated Rural Lands the minimum parcel size shall be one acre.' Under the density provisions in the Standards Document the criteria allow clustering parcels to ½ an acre. Staff's interpretation is that this language does not include areas designated "Development" by the Comprehensive Plan, which allow development on parcels smaller than 1 acre.

The third part (Exhibit C) of this application is the Text Amendment to the Density provisions and the Density Table. The applicant is requesting to modify the language to allow them to retain density credits with an affidavit retained in the Planning Department. The requested provision would allow the applicant to essentially bank the density until they are ready to use it. The second half of the Text Amendment is used to maintain a record of parcels involved, both the sending sites and receiving sites while documenting the remaining density on those sites if any.

Finally, the fourth part (Exhibit E) is a 30-lot subdivision on approximately 61 acres located off of Surf Pines Lane. Within this subdivision the applicant is identifying 29

one-acre lots, 1 five-acre lot and four tracts that include approximately 19 acres of required "permanent common open space". In addition the applicant is retaining approximately 7 acres that is currently a Polo Field. This area appears to be slotted for private ownership. The subdivision has an approved road system and water is to be provided via Warrenton Water District. On site septic systems will be used to handle refuse. The applicant has provided a even sampling of septic test from different areas within the subdivision plat and each of the three phases of development. The application satisfies the 30% open space requirement and can be conditioned to ensure the development complies with the regulations contained with the Clatsop County Land Water Development and Use Ordinance & Standards Document #80-14.

There are a couple of matters staff would like the Planning Commission to be aware of prior to approval and recommend these be addressed or applied as conditions.

- o In lieu of applying the standards of no building on the crest of the dunes (Which was waived previously for the Ridgeline Estates Subdivision), a height limitation of 26 feet above average grade be applied throughout the subdivision.
- o Building envelopes need to be identified on lots 29 and 30 to ensure the protection of the Butterfly Habitat.
- o The applicant needs to provide a new statement from the Surf Pines Homeowners Association (SPHA) indicating their approval for use of Surf Pines Lane. Conversations with Dan Bartlett from the SPHA indicate that the letter in the record was site specific for a 10-lot subdivision previously approved on this site; that subdivision has since become void. The authorization was not for an additional 20 lots as proposed with this proposal.


In addition to these three conditions, Staff will provide a list of conditions that are required in order for the applicant to satisfy state and federal regulations for subdivision approval.

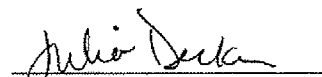
Staff has evaluated the preliminary plat and the proposal submitted by the applicant and feels the proposal satisfies or can conditionally satisfy the requirements as set forth in the Clatsop County land Water Development and Use Ordinance and Standards Document.

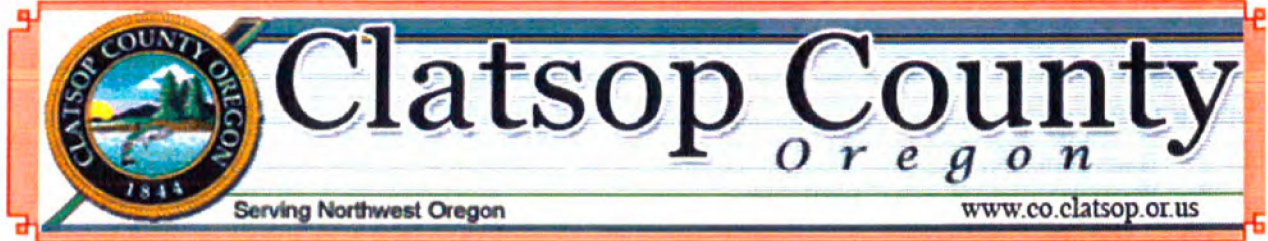
Due to time constraints the remainder of the Staff analysis will not be available until Friday, August 6, 2010. The Department will post the Staff Report in its entirety on the County web page before the close of business on Friday.

In sum, Staff recommends the matter be **Conditionally Approved** and the Planning Commission adopt the forthcoming Staff Report, which is an analysis of the application material, and the applicant's findings included with this summary analysis.

Respectfully,


Michael J Weston II


Julia Nevan Decker



STAFF REPORT TYPE IV- ACTION

**DOWN ZONE IVY PARK & SKIPANON WETLANDS
TEXT AMENDMENT CLATSOP PLAINS COMMUNITY PLAN
*POLO RIDGE SUBDIVISION***

Owners: Jason Palmberg, Pamela / Oscar Wideman, James Neikes, Frank / Baret Becker
Applicant: Jeff Canessa, CKI

Prepared By:
Michael J Weston II
&
Julia Decker

August 6, 2010

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STAFF REPORT

August 3, 2010

Consolidated Application

OWNER/APPLICANT: Jason Palmberg et. al
1790 SE 3rd St
Astoria, OR 97103

Pamela/Oscar Wideman
PO Box 1000
Cannon Beach, OR 971110

CKI, Inc.
PO Box 309
Seaside OR 97138

REQUEST: The applicants request a downzone of the sending sites, those properties identified in the Ivy Park Subdivision and areas east of Smith Lake adjacent to the Skipanon watershed, a comprehensive plan text amendment including minor language changes and illustrating density transfers from the sending site to the receiving site, and finally a 30 lot subdivision located in the previously platted Ridgeline Estates subdivision.

PROPERTY: Multiple Properties, See Text Amendment (Table 1) for full list.

SIZE: Sending site \approx 32 acres involved with approximately 25 acres being rezoned to OPR; Receiving sites \approx 65 Acres

LOCATION: The Properties are located to the west of Highway 101 between the Skipanon River and Smith Lake/Highway 104

ZONING: Single Family Residential 1; Residential Agriculture 5; Lake & Wetlands.
Overlays: Beaches & Dunes Overlay {BDO}

EXHIBITS: (1) Comments
(2) Public Notices
(3) Application
(4) Preliminary Plat

STAFF RECOMMENDATION: **CONDITIONAL APPROVAL**

I. BACKGROUND

There are two backgrounds to discuss, as there are a number of sending sites and at least one receiving site. The sending sites are located west of highway 101 and east of highway 104 with the exception of lot 1600, which is located west of highway 104 and east of Whiskey Rd. The sending site is comprised of five separate lots four of which are contiguous lots. The total applicable acreage from the sending sites is 25.49 acres. The 25 plus acres equate to 25 density credits; 19 of the 25 density credits are being relocated to the receiving site, which is the former site of Ridgeline Estates Subdivision and a Cluster Partition identified as 2005-11. The total size of the parent parcel is just over 65 acres. This information is provided in a table on the bottom left hand side of the preliminary plat.

The applicants submitted their applications on June 1, 2010 and they were deemed complete shortly thereafter. Forty-five day notice was sent to the Department of Land Conservation and Development on June 22, 2010; and, the twenty-day mailed public notice went out on July 21, 2010. Staff provided a summary assessment of the project to the Planning Commission on August 3, 2010 and posted the following Staff Report and analysis on August 6, 2010. As of the date of this report, no official comments have been submitted. The department has received numerous information requests and one or two complaints about the project. One such complaint was from the Surf Pines Homeowners Association (SPHA) who seemed concerned about the projected density and the access approval onto Surf Pines Lane. This concern is addressed in the Staff summary analysis dated August 3, 2010 and is applied as a condition to this report.

II. PROPERTY STATUS AND CONDITIONS

All of the sending sites with the exception of Tax Lot 2102 meet or exceed the minimum lot size in the Single Family Residential 1 zone. The total useable acreage is 24.81 acres, and the Applicant identified Tax Lot 2102 as a Lot of Record. Based on the applicant's analysis there are 25 density credits.

The Polo Ridge receiving site is approximately 65 acres in size and makes up the previously platted Ridgeline Estates Subdivision. Certain areas are known to have blue violets (*Viola adunca*), and are identified on the preliminary plat. The Oregon Silver Spot Butterfly (OSB) use the Violets as a food plant throughout their life cycle. According to information provided by the NCLC and Department of Fish & Wildlife the violets are limited to the northern end of the property within Tract D. Tract D is designated as permanent common open space and is used in the applicants' open space calculations.

III. SUMMARY ANALYSIS:

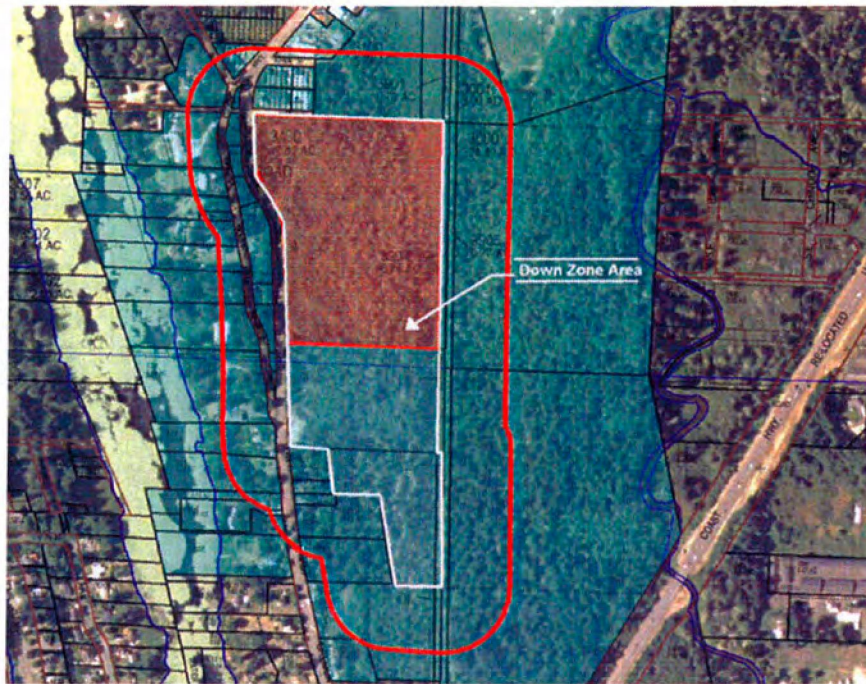
The three-tier proposal appears to satisfy all County requirements. The applicant's findings adhere to the requirements of the ordinance and are appropriate for adoption by the Planning Commission and Board of Commissioners. Conditions of approval will be necessary to ensure compliance with County Requirements. Those conditions can be found appended to this report; this application is a type IV consolidated application under section 2.060§2.

Some concerns may arise surrounding compatibility with **Goal 14 as discussed on page 19** of this report, regardless staff believes this application is consistent with Statewide Planning Goals and Policies. Furthermore the application is consistent with Clatsop County's Comprehensive Plan. As a function of this application The density table and the language for how we process density transfer will be modified..

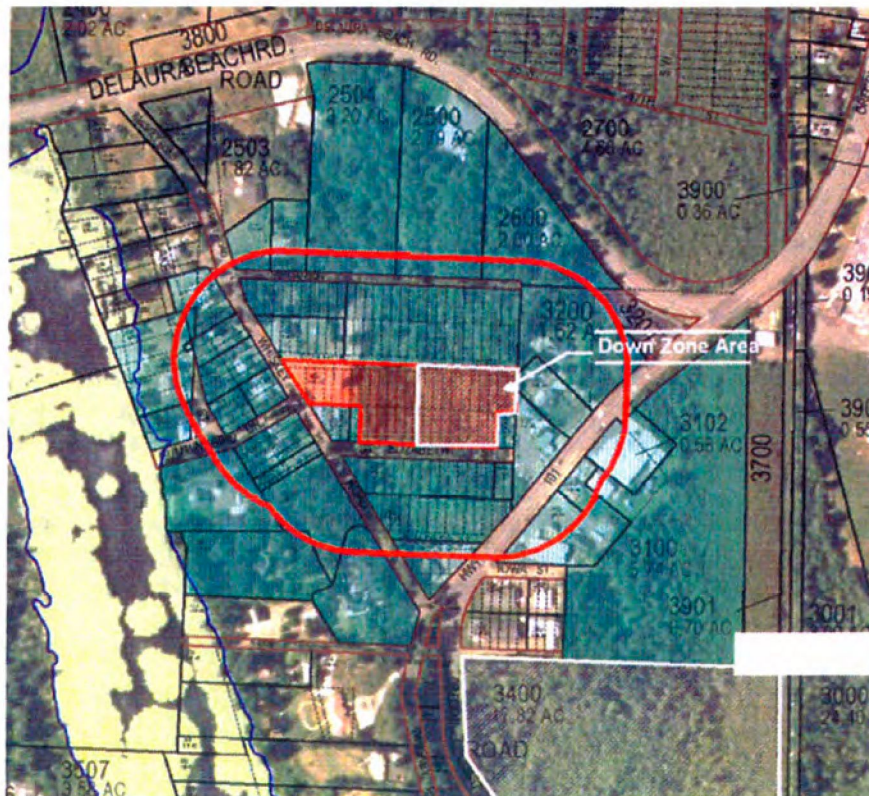
Staff recommends the Planning Commission and Board of Commissioners adopt the applicant's findings and staff report as the evidentiary findings of consistency for approval of this consolidated application.

IV. LOCATION AND VICINITY MAP

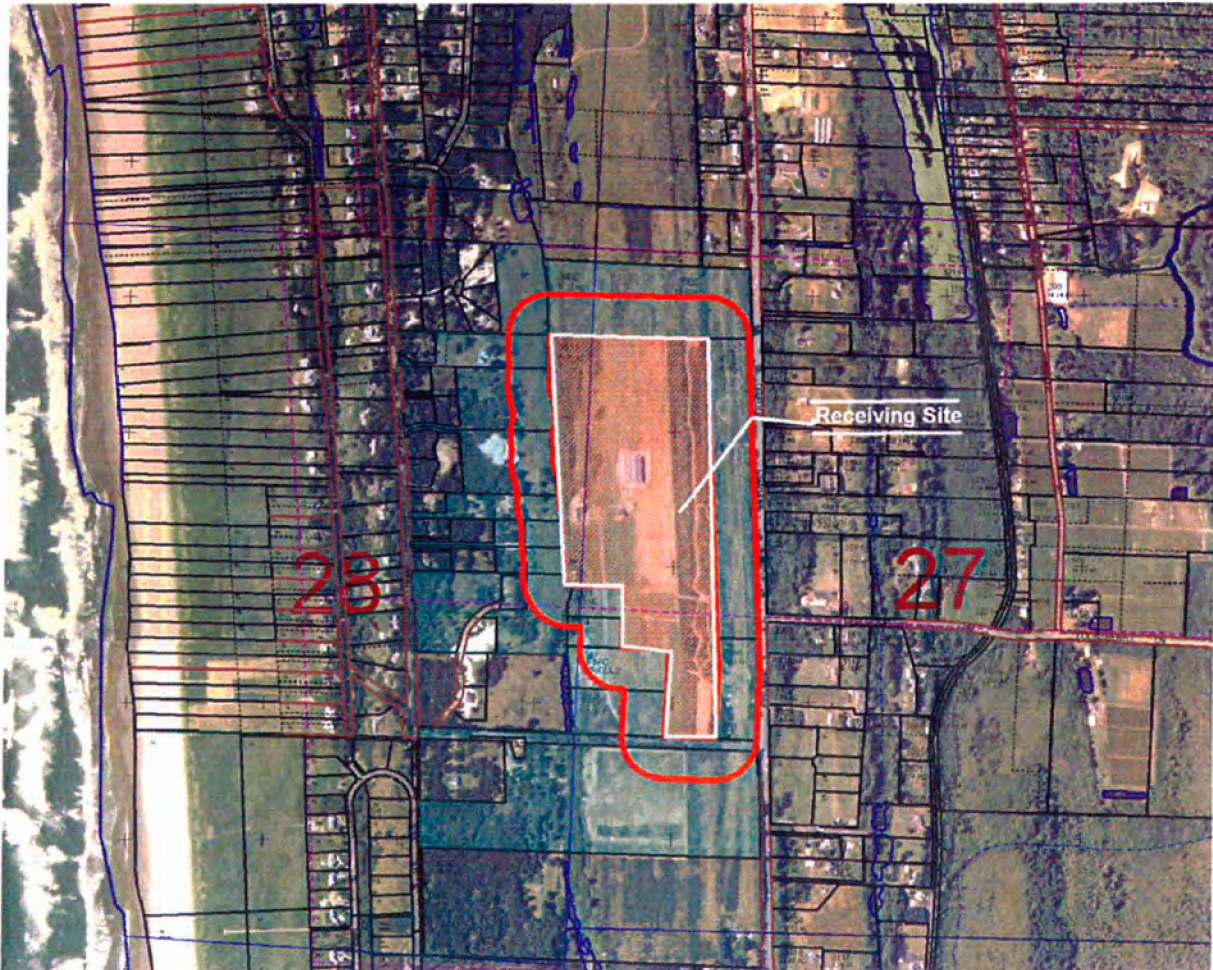
A. Sending Site "A" Includes Tax Lots, 1200, 1300, 2102 & 3400



B. Sending Site "B" Includes Tax Lot 1600



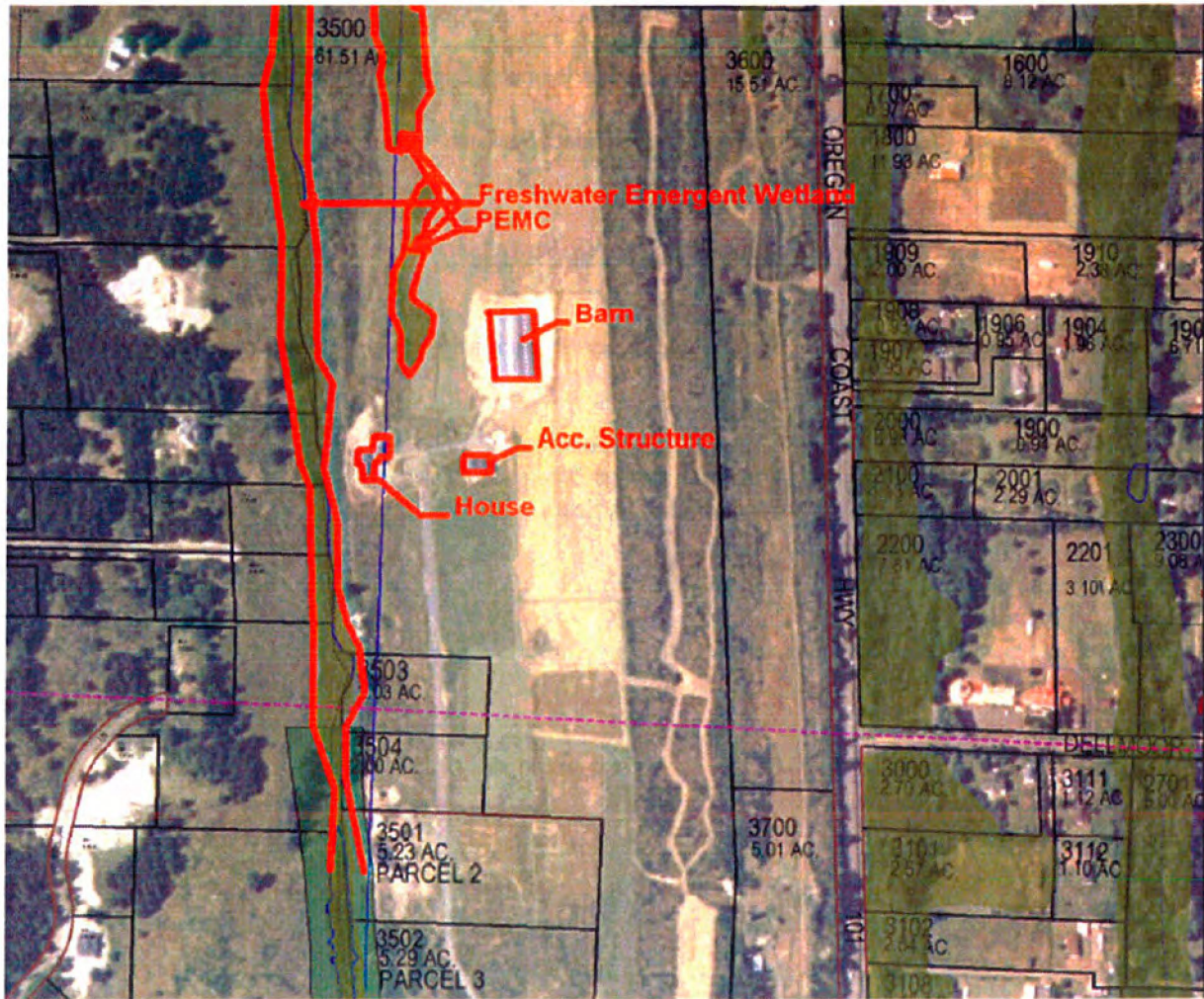
C. Receiving Site Tax Lot 3500



19 of the 25 proposed density credits are being placed on tax lot 3500 shown above. The result is a 30-lot subdivision located west of highway 101 and north of Surf Pines Lane. The sending sites are predominately wetlands or low-lying areas. Most of these areas are ecologically connected and provide a diverse ecosystem of Big Game and Aquatic Habitat. The receiving site has Oregon Silverspot Butterfly (OSB) habitat, a midden site, and some emergent wetlands. Most of these have been identified on the face of the preliminary plat.

Two items that do not appear on the face of the plat include the midden site mentioned on page 6 of Exhibit D and the additional wetland areas located north of the barn (the County's national wetland inventory map indicate additional wetlands in this area; see map on the following page). The two items should be included or identified prior to final plat approval.

D. Wetland Map on the Receiving Site.



V. APPLICABLE CRITERIA

The applicable criteria for this land use application is contained in LWDUO – Ordinance 80-14 and the Clatsop County Standards Document:

A. Clatsop County Land and Water Development and Use Ordinance (Ord. No. 80-14):

Section 1.010-1.050	Definitions
Section 2.035	Type IV procedures
Section 2.060	Procedures for Processing Development Permits
Section 2.115-2.120	Procedures for Mailed Notice
Section 2.230-2.260	Request for Review/Appeal et al
Section 2.315	Legislative Hearing Notice
Section 3.010	Establishment of Zones
Section 3.030	Special Purpose Districts
Section 3.056	Updating the Land and Water Development Map
Section 3.160	Single Family Residential - 1
Section 3.220	Residential Agriculture 5 Zone

Section 3.580	Open Space, Parks, and Recreation Zone
Section 3.610	Lake and Wetland Zone
Section 4.050	Beaches and Dunes Overlay District
Section 5.200	Subdivision, Partitions and Property Line Adjustments
Section 5.300	Site Plan Review
Section 5.350	Transportation System Impact Review
Section 5.400	Zone Changes
Article 6	General Provisions

B. Clatsop County Standards Document (Ord. No. 80-14):

Chapter 1:	Site Orientation
Chapter 2:	Site Oriented Improvements
Chapter 3:	Structure Siting and Development (Particularly S3.150 - "Cluster Development & Density Transfer")
Chapter 4:	Environmental Protection
Chapter 5:	Vehicle Access Control and Circulation
Chapter 6:	Road Standard Specifications for Design and Construction
Chapter 7:	State and Federal Requirements Section

C. Comprehensive Plan Policies and Goals:

- 1 – Citizen Involvement
- 2 – Land Use Planning
- 5 – Scenic, Historic, & Natural Resources
- 6 – Air, Water, & Land Quality
- 8 – Recreation Needs
- 9 – Economy
- 10 - Housing
- 11 – Public Facilities and Services
- 12 – Transportation
- 13 – Energy Conservation
- 14 – Urbanization
- 18 – Beaches and Dunes
- Clatsop Plains Community Plan

For Purposes of Efficiency this Staff Report will focus on the Highlighted Criteria Above.

VI. ASSESSMENT OF APPLICATION JUXTAPOSED WITH APPLICABLE CRITERIA

CRITERIA AS DETAILED IN CLATSOP COUNTY ZONING ORDINANCE:

The applicable criteria for this land use application is contained in the following sections of the Clatsop County LWDUO which reads:

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

Section 3.162. Purpose.

The SFR-1 zone is intended to accommodate the immediate foreseeable demand for low density rural housing in areas where commitments to such uses have already been made through existing subdivisions, partitioning, development and availability of public services (i.e. fire, protection/community water system). The zone is intended for those areas that have development or will develop having little or no farm uses and houses constructed in a traditional manner, and tracts of land sold on a lot-by-lot basis together with some typical subdivision development. This zone is a Goal 14 exceptions area.

Section 3.164. Development and Use Permitted.

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

- (1) One family dwelling.
- (2) Accessory uses as follows:
 - (A) In conjunction with, or following the permitting or lawful establishment of the primary use on the same lot or parcel to include, but not limited to detached garages, storage buildings, or other non-agricultural farm uses.
- (3) Limited home occupation.
- (4) Public or private neighborhood park or playground.
- (5) No signs except for:
 - (A) Temporary "for sale" signs not larger than 260 square inches subject to the provisions of Clatsop County Standards Document, Section S2.300.
 - (B) Political signs subject to the provisions of Clatsop County Standards Document, Section S2.300.
 - (C) Name plates subject to the provisions of Clatsop County Standards Document, Section S2.300.
- (6) Handicapped housing facility.
- (7) Property line adjustment subject to provisions Section 5.200 – 5.208 and the following:
 - (A) Provided the existing parcel is not reduced below the minimum lot size; and
 - (B) Provided the lot line adjustment is within the same zone.
- (8) Partition subject to provisions of Section 5.200 – 5.208, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.
- (9) Low intensity recreation.
- (10) Cluster development subject to the provisions of S3.150-S3.161. Cluster developments containing lots less than two (2) acres, pursuant to S3.160 (7), in size require notice pursuant to Section 2.020.
- (11) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- (12) Land transportation facilities as specified in Section 3.035.

Section 3.166. Conditional Development and Use.

- (1) Bed & breakfast establishment subject to the standards in Clatsop County Standards Document, Section S3.464-S3.468.
- (2) Boat ramps subject to Section 4.080-4.095 for areas identified as Coastal Shorelands in the Comprehensive Plan.
- (3) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:
 - (A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and
 - (B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and
 - (C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational vehicle use; and
 - (D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.

Section 3.168. Development and Use Standards.

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

- (1) Lot size:
 - (A) For residential uses: one (1) acre except for the following parcels which are not exceptions areas and therefore, require two (2) acres;
 - 1) T.4N., R.10W., Section 7CD, Tax Lot 100, 200 and 300.
 - 2) T.7N., R.10W., Section 34B, Tax Lot 3300 and 3400.
 - (B) Cluster development subject to the provisions of Clatsop County Standards Document, Section S3.150-S3.161 provided lots are not less than one (1) acre in size, and
 - (C) lots outside the exceptions area, two (2) acre in size.
 - (D) other permitted development as required to meet State sanitation requirements and local setback and ordinance requirements.
- (2) Minimum lot width: 125 feet.
- (3) Lot width/depth dimension shall not exceed a 1:3 ratio.
- (4) Required front yard when front line abuts:
 - (A) Major arterial: 50 feet.
 - (B) Minor arterial: 30 feet.
 - (C) Major collector: 30 feet.
 - (D) Minor collector: 25 feet.
 - (E) Local street: 20 feet.
- (5) Required rear yard: 20 feet.
 - (A) Exception on a corner lot: 5 feet.
 - (B) Exception when adjacent to resource zones, all structures: 50 feet.
- (6) Required side yard:
 - (A) Minimum side yard 10 feet, except on a corner lot, the minimum street side yard shall be 20 feet.
 - (B) For lots of record created prior to September 30, 1980 that are less than the minimum lot size, required side yards shall be 5 feet.
 - (C) When the side yard abuts a resource zone, the minimum side yard shall be 50 feet.
- (7) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that is no closer than five (5) feet to a property line.
- (8) Maximum building height: 26 feet.
 - (A) Except for ocean front lots, where maximum is: 18 feet.
 - (B) The height of a structure is measured from the average grade of the undisturbed ground at the four principal corners of the proposed structure. To determine height:
 - 1) Construction/building plans submitted for uses permitted in this zone shall show the elevations of the undisturbed ground prior to construction as measured at the four principal corners of the proposed structure on a plot plan. A control point shall be established outside of the building's footprint.
 - 2) Photographs of the undisturbed site shall be required. Photographs need not be professional or aerial photographs, but can be taken using a Polaroid or other camera.
- (9) To verify the height, a survey by a registered surveyor may be required by the Community Development Director. All new development shall indicate on the building permit how storm water is to be drained from the property. The Community Development Director may require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts.
- (10) All standards as set forth in the Clatsop County Development Standards Document 80- 14, as amended.
- (11) The setback for all structures shall be 35 feet from the line of non-aquatic vegetation.

Section 3.170. Additional Development and Use Standards in the Clatsop Plains Planning Area.

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

Section 3.172. State and Federal Permits.

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

STAFF FINDING AND ANALYSIS:

Preliminary analysis indicates the preliminary plat as proposed by the applicants is permissible and adheres to the development and use standards highlighted in this section.

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

Section 3.222. Purpose.

The RA-5 zone is intended to accommodate the immediate foreseeable demand for very low density rural residential development in designated outlying areas where commitments to such uses have already been made through existing subdivision, partitioning, or development, or in selected small areas having unique scenic, locational and other suitable site qualities. The RA-5 zone is intended to be applied to land where the anticipated magnitude or density of development will not require more than a very basic level of services, such as single local road access, individual domestic wells and sewage disposal systems. The very lot density limitation of the RA-5 zone is also based on prevailing lot sizes, limited or undetermined domestic water sources, or limitations of soil conditions for subsurface sewage disposal.

Section 3.224. Development and Use Permitted.

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

- (1) One family dwelling per lot.
- (2) One mobile home per lot subject to standards in Clatsop County Standards Document, Section S3.190.
- (3) Limited home occupation.
- (4) Minor utilities.
- (5) Farm use.
- (6) Roadside stand for farm products grown on the premises.
- (7) Forestry.
- (8) Low intensity recreation.
- (9) Public or private neighborhood park or playground.
- (10) Horticultural nursery.
- (11) Cluster developments subject to the provisions of Clatsop County Standards Document, Section S3.150. Cluster developments containing lots less than one (1) acres, pursuant to S3.160(7), in size require notice pursuant to Section 2.020.

- (12) Two family dwelling (duplex) subject to Section 3.228, (1)(A).
- (13) Temporary uses subject to the provisions of Section 5.500.
- (14) Handicapped housing facility.
- (15) Health hardship dwelling, subject to the standards in Clatsop County Standards Document, Section S3.025.
- (16) Property line adjustment.
- (17) Communication facilities subject to the standards in Clatsop County Standards Document, Section S4.700.
- (18) Land transportation facilities as specified in Section 3.035.

Section 3.226. Additional Development and Use Permitted in the Clatsop Plains Planning Area.

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

Section 3.227. Conditional Development and Use.

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

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

Section 3.228. Development and Conditional Development and Use Standards.

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

- (I) Lot size:
 - (A) One family dwelling: 5 acres.
Two family dwelling: 10 acres.
 - (B) Cluster development subject to the provision of Clatsop County Standards Document, S3.150-S3.161.
 - (C) Other permitted development as required to meet State sanitation requirements and local setback and Ordinance requirements.

- (D) Conditional developments shall be based upon:
 - 1) the site size need of the proposed use,
 - 2) the nature of the proposed use in relation to the impacts on nearby properties, and
 - 3) consideration of State sanitation requirements, local setback and other criteria and standards of the Ordinance.
- (2) Minimum lot width: 275 feet.
- (3) Lot width/depth dimension shall not exceed a 1:3 ratio.
- (4) Required front yard when front line abuts:
 - (A) Major arterial: 50 feet.
 - (B) Minor arterial: 30 feet.
 - (C) Major collector: 30 feet.
 - (D) Minor collector: 25 feet.
 - (E) Local street: 20 feet.
- (5) Required rear yard: 20 feet.
 - (A) Exception on a corner lot: 5 feet.
 - (B) Exception when adjacent to resource zones - all structures: 50 feet.
- (6) Required side yard:
 - (A) Minimum side yard 10 feet, except on a corner lot, the minimum street side yard shall be 20 feet.
 - (B) For lots of record created prior to September 30, 1980 that are less than the minimum lot size, required side yards shall be 5 feet.
 - (C) When the side yard abuts a resource zone, the minimum side yard shall be 50 feet.
- (7) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that it is no closer than five (5) feet to a property line.
- (8) Maximum building height: 35 feet.
- (9) All new development shall indicate on the building permit how storm water is to be drained from the property. The Building Official shall require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts.
- (10) The setback for all structures shall be 35 feet from the line on non-aquatic vegetation.
- (11) All standards as set forth in the Clatsop County Development Standards Document 80-14, as amended.

Section 3.229. Additional Development and Use Standards in the Clatsop Plains Planning Area.

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

Section 3.230. Additional Development and Use Standards in the Seaside Rural Planning Area.

- (1) Mobile homes shall be at least 12 feet wide and contain 600 square feet exclusive of the tongue.

Section 3.232. State and Federal Permits.

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

STAFF ANALYSIS AND FINDINGS:

This application follows the set criteria described above in the RA-5 zone sections 3.224, 3.227, & 3.228 pertaining to cluster partitions (Section S3.150-S3.160) and density transfers (Section S3.161). This parcel does not abut a highway and reserves the minimum open space requirement as permanent common open space. These criteria are satisfied.

SECTION 4.050 BEACHES AND DUNES OVERLAY DISTRICT

Section 4.051. Purpose.

The intent of the beach and dune overlay is to regulate uses and activities in the affected areas in order to: ensure that development is consistent with the natural limitations of the oceanshore; ensure that identified recreational, aesthetic, wildlife habitat and other resources are protected; conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of beach and dune areas; and to reduce the hazards to property and human life resulting from both natural events and development activities.

Section 4.052. Applicability.

The beach and dune overlay (BDO) includes the following beach and dune areas:

- (1) The beach, which extends from extreme low tide landward to the Statutory Vegetation Line established and described in ORS 390.770, or the line of established upland shore vegetation, whichever is further inland;
- (2) The dune hazard area, which extends From the Statutory Vegetation Line established and described by ORS 390.770 or the line of established upland shore vegetation, which ever is further inland, landward to the construction setback line. The construction setback line is established as follows:
 - (A) A line 570 feet landward of the Statutory Vegetation Line established and described by ORS 390.770 for the area north of Surf Pines to the Columbia River south jetty.
 - (B) The Pinehurst construction setback line, established and described in Ordinance 92-90; and
 - (C) The Surf Pines construction setback line, established and described in Ordinance 83-17 and extended north to include T7N, R10W, Section 16C, Tax Lot 300.
- (3) The dune construction area, which extends from the construction setback line as defined in the section above, landward to the eastern limit of Highway 101.

Section 4.053. Relationship to the Underlying Zone.

Uses and activities permitted in the Beach and Dune Overlay zone (BDO) are subject to the provisions and standards of the underlying zone and this chapter. Where the provisions of this district and the underlying zone conflict, the provisions of this district shall apply.

Section 4.054 State Parks and Recreation Department Regulated Uses.

Uses and activities permitted on the beach, as defined in Section 4.052(1) are those permitted subject to review and approval by the Oregon Parks and recreation Department consistent with ORS 390.605-390.725 and OAR Divisions 20-30.

Section 4.055. Permitted Development and Uses.

The following developments and uses are permitted under a Type I procedure subject to specific development standards.

- (1) In the dune hazard area as defined in Section 4.052(2),

- (A) Maintenance and repair of existing structures, including roads and subsurface disposal systems.
- (B) Land transportation facilities as specified in Section 3.035.
- (C) Drainage improvements, including storm water outfall.
- (D) Foredune breaching, where:
 - 1) The breaching is required to replenish sand supply in interdune areas, or is undertaken on a temporary basis for emergency purposes such as fire control or the alleviation of a flood hazard.
 - 2) There are no other reasonable alternatives to alleviate the emergency.
 - 3) The breaching does not endanger existing development.
 - 4) The area affected by the breaching is restored according to an approved restoration plan prepared by a registered professional geologist or certified engineering geologist, where the restoration plan shall include appropriate revegetation; and
 - 5) At a minimum, foredunes shall be restored to a dune profile which provides flood protection equivalent to that prior to breaching.
- (E) Remedial grading, in the following cases:
 - 1) Clearing of sand, which is inundating houses or commercial buildings and their associated improvements. Sand may be graded up to thirty-five feet from a building's foundation subject to the following conditions:
 - (a) The area to be graded constitutes open sand dunes or the back slope of a foredune,
 - (b) There is no modification to the crest of a foredune,
 - (c) At a minimum, the area graded shall maintain the one hundred year flood elevation as established by the county's Flood Insurance Rate Map (FIRM), and
 - (d) No grading shall occur seaward of the Statutory Vegetation Line, except for placement of material removed from the structure in question;
 - 2) Excavation necessary for the purpose of placing a beachfront protective structure;
 - 3) Clearing of sand, which is inundating a public street and is interfering with vehicular or pedestrian traffic, including clearing of sand from a public beach access parking lot.
 - 4) Excavation of sand necessary to alleviate storm water buildup;
 - 5) Minor reshaping of the forward portion of a dune necessary to provide an even slope for the planting of stabilizing vegetation; and
 - 6) Where feasible, all graded sand shall be placed on the beach or foreslope portion of the adjoining dune. Where not feasible, then sand shall be placed at a location approved by the county. In no event shall sand be removed from the beach and dune system.
- (F) Maintenance of existing riparian vegetation, including the planting of additional riparian vegetation.

(2) In the dune construction area defined in Section 4.052(3), any permitted uses allowed in the underlying zone subject to the applicable standards of that zone and the applicable general standards of Section 4.059.

Section 4.056 Development and Uses Permitted with Review.

The following developments and uses are permitted under a Type II procedure, Sections 5.040 to 5.050, subject to the applicable general standards of Section 4.059.

- (1) Beachfront protective structures seaward of the Statutory Vegetation Line established and described by ORS 390.770 or the line established upland shore vegetation, whichever is further inland require a permit from the Oregon Parks and Recreation Department and the County. The County's review of beachfront protective structures shall be coordinated with the Oregon Parks and Recreation Department.

- (2) The emergency placement of riprap on the beach, as defined above and in Section 4.052(1) requires a permit from the Oregon Parks and Recreation Department (OPRD).
- (3) No construction is permitted prior to the issuance of an OPRD permit.
- (4) On the beach, as defined in Section 4.052(1), and in the dune hazard area as defined in section 4.052(2), and in the dune construction area as defined in section 4.052(3):
 - (1) Pedestrian and Equestrian Trail.
 - 1) To minimize the loss of vegetation, fencing adjacent to the trail may be required in order to restrict traffic to the designated trail, an
 - 2) Subdivisions or other developments of ten or more dwelling units shall provide public trails to the beach.
 - (2) Structural shoreline stabilization.
 - 1) The priorities for beachfront protection, from highest to lowest, are:
 - (a) Proper maintenance of existing vegetation.
 - (b) Planting of riparian vegetation.
 - (c) Rip-rap.
 - (d) Bulkhead or seawall.
 - (3) Proposals for rip-rap, bulkheads, or seawalls shall demonstrate that:
 - (a) The beachfront protective structure is located in an area where the county has identified that development existed on or before January 1, 1977.
 - (b) The development is being threatened by erosion hazard.
 - (c) Non-structural means of shoreline stabilization cannot provide adequate erosion protection.
 - (d) The structure is the minimum necessary to provide for the level of protection that has been identified.
 - (e) The structure is placed as far landward as is practical, consistent with maintaining existing riparian vegetation.
 - (f) Potential adverse impacts on adjacent property are minimized.
 - (g) Existing public access is preserved. The county may require that the shoreline stabilization incorporate steps or other improvements to enhance public access to the beach.
 - (h) Visual impacts are minimized.
 - (i) Any rip-rap shall be covered with sand and revegetated with beach grass, willow or other appropriate vegetation.
- (3) Sand stabilization program
 - 1) The program shall be prepared by a qualified individual approved by the County.
 - 2) The program shall be based on an analysis of the area subject to accretion or erosion. The area selected for management shall be found, based on the analysis, to be of sufficient size to successfully achieve the program objectives.
 - 3) The program shall include specifications on how identified activities are to be undertaken. The specifications should address such elements as: the proposed type of vegetation to be planted or removed; the distribution, required fertilization and maintenance of vegetation to be planted; the location of any sand fences; and the timing of the elements of the proposed program.
 - 4) Fire-resistant species are the preferred stabilizing vegetation within twentyfive feet of existing dwellings or structures. Fire resistant vegetation should only be planted when the foreslope and crest of the dune are adequately stabilized to prevent significant accumulation of windblown sand.

- 5) Where the placement of sand fences is proposed, evidence shall be provided that the planting of vegetation alone will not achieve the stated purpose of the sand stabilization program. Fencing may be permitted on a temporary basis to protect vegetation that is being planted as part of the program, or to control the effects of pedestrian beach access on adjacent areas.

(5) In the dune construction area as defined in section 4.052 (3), any permitted uses allowed in the underlying zone subject to the applicable standards of that zone and the applicable standards of Section 4.059.

Section 4.057. Conditional Development and Use.

The following developments and uses may be permitted under a Type IIa procedure Sections 5.010 to 5.025, subject to the applicable general of Section 4.059.

- (1) On the beach, as defined in section 4.052(1), and in the dune hazard area as defined in section 4.052(2):
 - (A) Foredune Grading

Foredune grading for view enhancement or to prevent sand inundation may be allowed only in foredune areas that were committed to development on or before January 1, 1977 and where an overall plan for foredune grading is prepared.

 - 1) A foredune grading plan shall be prepared by a qualified expert approved by the County.
 - 2) A foredune grading plan shall be based on an consideration of factors affecting the stability of the shoreline to be managed including sources of sand, ocean flooding, and patterns of accretion and erosion (including wind erosion), and the effects of beachfront protective structures and jetties.
 - 3) The foredune grading plan shall:
 - (a) Cover an entire beach and foredune area subject to an accretion problem, including adjacent areas potentially affected by changes in flooding, erosion or accretion as a result of dune grading;
 - (b) Specify minimum dune height and width requirements to be maintained for protection from flooding and erosion. The minimum height for flood protection is four feet above the one hundred year flood elevation established by the FEMA flood insurance studies;
 - (c) Identify and set priorities for low and narrow dune areas which need to be built up;
 - (d) Prescribe standards for redistribution of sand and temporary and permanent stabilization measures including the timing of these activities; and
 - (e) Prohibit removal of sand from the beach-foredune system.

(2) In the dune construction area as defined in section 4.052(3), any conditional uses allowed in the underlying zone subject to applicable standards of that zone and the applicable general standards of Section 4.059.

Section 4.058 Prohibited Activities.

The following activities are prohibited in all areas within the beach and dune overlay (BDO) as defined in Section 4.052:

- (1) Removal of sand from the beach or dune system.
- (2) Removal of stabilizing vegetation, except in conjunction with a permitted development or use.

Section 4.059. General Development and Use Criteria.

The following criteria are applicable to developments and uses in the BDO, in addition to those specific standards identified in Sections 4.054 through 4.057.

- (1) For development located in all areas in the BDO as defined by Section 4.052, other than older stabilized dunes, findings shall address the following:
 - (A) The adverse effects the proposed development might have on the site and adjacent areas;
 - (B) Temporary and permanent stabilization proposed and the planned maintenance of new and existing vegetation;
 - (C) Methods for protecting the surrounding area from any adverse effects of the development;
 - (D) Hazards to life, public and private property, and the natural environment, which may be caused by the proposed use.
 - (E) How the proposed development will not result in the draw down of the groundwater supply in a manner that would lead to:
 - (A) The loss of stabilizing vegetation;
 - (B) The loss of water quality;
 - (C) Salt water intrusion into the water supply; or
 - (D) Significant lowering of interdune water level. Building permits for single-family dwellings are exempt from this requirement if appropriate findings are provided at the time of subdivision approval.
- (2) For development on the beach, as defined in section 4.052(1), and in the dune hazard area as defined in section 4.052(2) a geotechnical report in conformance with Section 4.044, shall be required by the Planning Director prior to the issuance of a development permit.
- (3) For development in the dune hazard area as defined in section 4.052 (2) and in the dune construction area as defined in section 4.052(3) a wind erosion control plan shall be required by the Planning Director prior to the issuance of a development permit. The purpose of the wind erosion control plan is to maintain the stability of the site during periods when the vegetative cover is removed and to ensure that adjacent properties are not adversely affected. The plan shall:
 - (A) Identify areas where vegetation is to be removed and the type of vegetation to be removed;
 - (B) Describe any temporary sand stabilization measures to be used during construction;
 - (C) The proposed type of vegetation to be planted to stabilize the site after construction, including the density of planting, proposed fertilization, method of maintenance, and timing of the planting;
 - (D) The removal of vegetation shall be kept to a minimum during site preparation and construction; and
 - (E) No site clearing is permitted prior to the issuance of the development permit for the proposed development or use. Site clearing shall occur no sooner than is necessary prior to construction. The permanent revegetation of the site shall be started as soon as is practical, but in no event later than six months after the completion of construction.

FINDING: The majority of the development and use criteria described in this section are addressed later in this report. In order to avoid duplicity staff will not address them at this stage.

SECTION 5.200 SUBDIVISION, PARTITIONS AND PROPERTY LINE ADJUSTMENTS

Section 5.226. Preliminary Plat Information.

The Preliminary Plat of the proposed subdivision shall include the following information:

- (1) Proposed name of subdivision. Subdivision plat names shall be subject to the approval of the County Surveyor or, in the case where there is no County Surveyor, the County Assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing the name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers and, if used, the block numbers of the subdivision plat of the same name last files. On or after January 1, 1992, any subdivision submitted for final approval shall not use block number or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name that has previously used block numbers or letters.

Applicant's Findings: The Applicant is proposing to retain "Polo Ridge" as the name of the platted subdivision. The previous subdivision on this site was not finalized.
The proposal satisfies criteria 1.

STAFF FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (2) North point, scale and date of the completed drawing, approximate acreage, and boundary lines.

Applicant's Findings: This information is provided on the preliminary plat.
The proposal satisfies criteria 2.

STAFF FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (3) Appropriate identification clearly stating the map is a Preliminary Plat.

Applicant's Findings: The information is noted on the submitted plat.
The proposal satisfies criteria 3.

STAFF FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (4) Location of the subdivision by section, township, range, tax lot or lots and donation land claim sufficient to define the location and boundaries of the proposed subdivision.

Applicant's Findings: The information is provided on the preliminary subdivision plat.
The proposal satisfies criteria 4.

STAFF FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (5) Names, addresses and zip codes of all owners, subdividers, and engineers or surveyors responsible for laying out the subdivision.

Applicant's Findings: The information is provided on the preliminary subdivision plat
The proposal satisfies criteria 5.

STAFF FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (6) Existing locations, widths, names of both opened and unopened streets within or adjacent to the subdivision, together with easements, or rights-of-way and other important features, such as section lines, corners, city boundary lines and monuments.

Applicant's Findings: The information is provided on the preliminary subdivision plat.
The proposal satisfies criteria 6.

STAFF FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (7) A vicinity map showing the relationship of the proposed subdivision to surrounding development, streets, and sewer and water services, within one-quarter (1/4) mile of the exterior boundaries of the proposed development.

Applicant's Findings: An appropriate vicinity map is provided on face of the preliminary subdivision plat.
The proposal satisfies criteria 7.

STAFF FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (8) Location of at least one (1) temporary benchmark within the plat boundaries.

Applicant's Findings: The information is provided on the preliminary subdivision plat.
The proposal satisfies criteria 8.

STAFF FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (9) Contour lines related to the temporary bench mark or other datum approved by the County Surveyor and having contour intervals together with the calculated degrees of slope as follows:
1. For slopes not in excess of 10 percent; two-foot contours.
 2. For slopes over 10 percent; five-foot contours.

Applicant's Findings: 2-foot contours are shown on the portions with grades below 10%. In areas where the grade is above 10%, slopes are demarcated with 5-foot contours
The proposal satisfies criteria 9.

STAFF FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (10) Location of significant natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees.

Applicant's Findings: The preliminary plat illustrates significant natural features such as wetlands and water bodies. There are no other significant natural features on the site.
The proposal satisfies criteria 10.

STAFF FINDINGS: Locations of significant features have been identified on the preliminary plat; however, county wetlands maps indicate a wetland site located on lots 25, 26, and 27 that is not indicated on the plat. The criterion can be satisfied with a condition that prior to development, all state and federal

permits be obtained and the Applicant contact the Department of State Lands regarding the potential wetlands.

- (11) Location of any rare threatened and endangered species (plant or animal) located on or within 1,000 feet of the proposed subdivision.

Applicant's Findings: The preliminary plat illustrates the location of blue violets within the subdivision boundaries and those immediately adjacent to the subject property. The violets indicate Oregon Silverspot Butterfly habitat. This proposal designates the areas with butterfly habitat as permanent common open space. Adjacent property owners would not allow our study team access to their property; therefore the scope of the report is limited to the boundaries of this proposal. It is suspected that the violets at the northwest corner continue northward on to adjacent property.

The proposal satisfies criteria 11.

STAFF FINDINGS: The proposed subdivision is in an area that was previously established as open space to preserve Oregon Silverspot Butterfly (OSB) habitat; however, Fish and Wildlife as well as the North Coast Land Conservancy agree the presence of the early blue violets, which are associated with the larval and caterpillar stage of the OSB's life cycle, is focused around Neacoxie Creek to the east of the proposed subdivision. Furthermore, no butterflies have been discovered in recent surveys of the area and it is unlikely the butterflies will use the existing habitat near Neacoxie Creek; therefore, it is unlikely this proposal will have any effect upon the OSB population or habitat. The criterion is satisfied.

- (12) Location and direction of all watercourses and/or bodies and the location of all areas subject to flooding.

Applicant's Findings: The direction of water flow of Neacoxie Creek is identified on the preliminary plat.

The proposal satisfies criteria 12.

STAFF FINDINGS: Staff was not able to discern the direction of flow of Neacoxie Creek from the preliminary plat. The criterion is not satisfied. However, the Applicant could satisfy the criterion by revising the preliminary plat to include the information.

- (13) Existing uses on the property, including location of all existing structures.

Applicant's Findings: Existing buildings and their uses are clearly demarcated on the preliminary plat.

The proposal satisfies criteria 13.

STAFF FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (14) Location, width, name, approximate grade, and radii of curves of all proposed streets, their relationship of such streets to any projected or existing streets adjoining the proposed subdivision. The subdivider shall submit documented preliminary approval, from the County Roadmaster, of his road design.

Applicant's Findings: A statement from the County Road Master indicating approval of the road design is attached to the document.

The proposal satisfies criteria 14.

STAFF FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (15) Location, width, and purpose of proposed easements and private roads for private use, where permitted, and all reservations or restrictions relating to such easements and private roads.

Applicant's Findings: The location, width, and purpose of the road easements are identified on the preliminary plat. All reservations and restrictions will be contained in the CC&Rs attached to the document.

The proposal satisfies criteria 15.

STAFF FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (16) Proposed plan for draining surface water, including the location and type of drainage ways to carry surface water from the development without adversely affecting adjacent properties. If any filling is proposed, the drainage plan must demonstrate that adequate provisions have been made for the prevention of backup or ponding of surface water on adjacent properties as well as within the proposed development.

Applicant's Findings: The spoils are predominantly sandy loam with a high permeability rating. Surface water drainage should not be problem. Regardless, the applicant is proposing to direct drainage into bio-swales leading to appropriate drainage areas or wetlands as indicated on the preliminary plat.

The proposal satisfies criteria 16.

STAFF FINDINGS: Staff was not able to determine where the drainage and bio-swales would be located on the preliminary plat. This criterion is not satisfied; however, the Applicant could satisfy the criterion by revising the preliminary plat to include the information.

- (17) Location, acreage and dimensions of lots and the proposed lot numbers.

Applicant's Findings: The information is provided on the preliminary plat.

The proposal satisfies criteria 17.

STAFF FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied. However, the Applicant may wish to clarify that Lot 14 is the same width, 145 feet, on the north property line as it is on the south property line.

- (18) Site, if any, allocated for a purpose other than single-family dwellings.

Applicant's Findings: Sites allocated to permanent common open space are identified with alphanumeric numbers on the face of the plat. Additionally recreational structures and areas have been identified, such as the Barn and Polo Fields. Currently the applicant is uncertain whether these recreation facilities will be for the common use of the lot owners, but are available should need arise.

The proposal satisfies criteria 18.

STAFF FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied. However, the Planning Commission may chose to include a condition requiring the Applicant to make a final decision regarding the recreation facilities being for common use on the final plat.

- (19) Location, acreage and dimensions of areas proposed for public use.

Applicant's Findings: As mentioned in 18 above areas designated for recreational purposes and public use have been identified as open space tracts, and given an alphanumeric number.

The proposal satisfies criteria 19.

STAFF FINDINGS: The plat distributed with the commission packet contained an area table that included the barn in the open space calculation. The revised plat to be distributed at the August 10, 2010, Planning Commission hearing includes a revised calculation that excludes the barn. Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (20) Location, acreage and dimensions of areas proposed for common open space (30% in the Rural designation of the Clatsop Plains planning area.)

Applicant's Findings: County Clustering provisions require 30% open space. For this proposal 30% of the total land area including parcels previously clustered equals just over 18 acres of open space. The plat identifies 18.88 acres of permanent common open space in Tracts A, C, & D. Additionally clusters are in groups of ten and separated by a minimum of 100 feet.

The proposal satisfies criteria 20.

STAFF FINDINGS: The revised plat devised to meet requirements in 19 above excludes the barn, which changes the amount of open space to 18.30 acres. The revised figure still exceeds the minimum amount of required open space acreage. Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (21) Any subdivision may be platted in as many as three (3) phases. All phases must be submitted on the Preliminary Plat with proposed time limitations for the recording of the various phases. However, phasing must meet the following time limitations:

(A) Phase I - shall be recorded within twelve (12) months of preliminary approval.

(B) Phase II - shall be recorded within thirty-six (36) months of preliminary approval.

(C) Phase III - shall be recorded within sixty (60) months of preliminary approval.

The Planning staff shall review each phase prior to recording to make sure the phase, as recorded, is in accordance with the preliminary approval given by the Planning Commission. Any submitted phase, which does not coincide with the approval as given by the Planning Commission shall be referred to the Planning Commission for a hearing. At such hearing, the Commission shall have the authority to revoke, revise, amend or alter the prior approval. Notice shall be sent subject to Sections 2.110-2.120.

For any subdivision which has an approved phasing plan as granted by the Commission under the Preliminary Plat approval, all parts of the subdivision shall fall under control of the various Ordinances in effect at the time of preliminary approval, unless state or local law shall determine that newer or current Ordinances or laws are to be followed.

If any time limitation is exceeded, preliminary approval for the subdivision or any phase of the subdivision shall be void. The subdivider shall submit any future proposals for development of the property to the Commission for approval.

Agreement for improvements for each phase shall comply with this Ordinance prior to the Final Plat approval of such phase. If a bond is required, such bond shall be for a sum determined by the County Engineer to be sufficient to cover costs of construction for that phase.

Applicant's Findings: The proposal is for a three phase development in accordance with the provisions listed above.

The proposal satisfies criteria 21.

STAFF FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

(22) Technical documentation shall be supplied to the Commission by the subdivider at the time of the submittal of the Preliminary Plat, addressing the following items:

- (A) An acceptable and approved method of sewage disposal for each proposed lot which meets the rules and regulations of the Environmental Quality Commission (EQC) of the State of Oregon as administered by the Department of Environmental Quality (DEQ) or its contract agent.

Applicant's Findings: The Applicant has provided documentation from a sampling of lots throughout the subdivision. Those DEQ evaluations have been appended for consideration. (See Exhibit D Attachments.)

Based on the cost and difficulty associated with DEQ site evaluation, and unspecified location of the dwellings that will be proposed sometime in the future, the Applicant would request that this be attached as a condition of approval.

With appropriate conditions the proposal satisfies criteria 22(A).

STAFF FINDINGS: Staff concurs with the Applicant's findings. Recommended conditions are included with Staff Recommendations. With appropriate conditions, this criterion can be satisfied.

- (B) An acceptable and approved method of water supply.

Applicant's Findings: The Applicant is proposing to supply the subdivision with water from Warrenton Water District. A will serve letter has been provided and is appended to Exhibit D. Additionally Phase I is served by an existing well previously approved and verified for potability prior to development of the residence on lot 24.

The proposal satisfies criteria 22(B).

STAFF FINDINGS: The applicant states water is available from the city of; approval letters from the City of Warrenton and the Department of Environmental Quality will be required as a function of subdivision approval. These criteria will be addressed through an appropriate condition of approval.

- (C) The nature and type of improvements proposed for the subdivision, and a timetable for their installation.

Applicant's Findings: The improvements will be developed in phases in accordance with the timetable established with county ordinance and identified with criteria 21 above.

The proposal satisfies criteria 22(C).

STAFF FINDINGS: These criteria will be addressed through an appropriate condition of approval.

- (D) A description of community facilities, which would serve the subdivision, and a timetable for the completion or installation of the facilities.

Applicant's Findings: Community facilities for the subdivision are described on the face of the plat and discussed previously with criteria 18 on page 4 of this document. These facilities are intended to service the community but will likely be held in private ownership and subject to their discretion. Therefore these facilities are not necessarily going to service the general public.

The proposal satisfies 22(D).

STAFF FINDINGS: D above refers to the transportation improvements, water, sewer and utilities in general, not to the barn and polo field mentioned in 18.

These criteria will be addressed through an appropriate condition of approval.

- (E) Where a surface or subsurface water problem may exist, as determined by the Department of Environmental Quality, County Sanitarian, or other qualified specialist, a complete report by an independent, qualified hydrologist or hydro-geologist or other qualified specialist shall be required prior to any hearing on the Preliminary Plat by the Commission. The fee for such study shall be paid by the subdivider.

Applicant's Findings: No current surface or subsurface water problem is known to exist at this time.

The proposal satisfies 22(E).

STAFF FINDINGS: No such problems are known to exist at this time. Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (F) Subdividers shall provide a list of any restrictive covenants, which are to be recorded.

Applicant's Findings: The Applicant has provided a draft copy of the restrictive covenants to be recorded with the subdivision.

The proposal satisfies 22(F).

STAFF FINDINGS: The applicants provide in Attachment 2 of Exhibit E restrictive covenants to be recorded. An appropriate condition of approval will be appended to ensure this criterion is satisfied.

- (G) A demonstration that lot size and use are in compliance with the applicable zone.

Applicant's Findings: Cluster provisions identified in the Standards Document (SD) S3.150-S3.160 are addressed later in this report.

Based on the Findings in the analysis of SD S3.150-S3.160 the proposal satisfies 22(G).

STAFF FINDINGS: Findings of compliance with applicable provisions of the Comprehensive Plan, Land and Water Development and Use Ordinance, and ORS 92 and 215 are covered in other sections of this report. As illustrated previously on pages 10-13 of this report, the application appears to satisfy the lot size and dimension requirements of the Single Family Residential 1 and Residential Agriculture 5 zones. In addition the cluster requirements and density transfers allow higher density than permitted in the base zone.

This criterion is satisfied.

- (23) Compliance with the Clatsop Development and Use Ordinance, and ORS 92 and 215. County Comprehensive Plan and Land and Water

Applicant's Findings: Consistency with Clatsop County's Comprehensive Plan is addressed on page 1 of this document and pages 2-36 of Exhibit D. Compliance with Clatsop County's LWDUO and ORS 92 and 215 require findings of consistency with Section 5.228 addressed later in this report.

The proposal satisfies 23.

STAFF FINDINGS: Findings of compliance with applicable provisions of the Comprehensive Plan, Land and Water Development and Use Ordinance, and ORS 92 and 215 are covered in other sections of this report.

- (24) Lots not intended for sale shall be designated by alphabetic symbol, which indicates the intended usage. The acreage for each dedicated lot, if any, is to be shown.

Applicant's Findings: The information is shown on the Preliminary Plat.

The proposal satisfies 24.

STAFF FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (25) Notations indicating any limitations on rights-of-access to or from streets and lots or other parcels of land proposed by the developer or established by the Board.

Applicant's Findings: Such notations shall be noted on the face of the final plat or referenced to a recorded document in the County Deed Records if required by the hearing body.

The proposal satisfies 25.

STAFF FINDINGS: An appropriate condition of approval will be appended to ensure this criterion is satisfied.

- (26) A quotation from the Clatsop County Assessor on taxes to be paid on a proposed subdivision before final platting shall take place in accordance with ORS 92.095.

Applicant's Findings: ORS 92.095 requires that all taxes be paid before filing of a partition or subdivision final plat. The applicant will be required to document all taxes are paid and current prior to approval and signing of the final plat. This should be appended as a condition of approval by the hearing body.

The proposal satisfies 26.

STAFF FINDINGS: The applicant is responsible for paying applicable taxes to the Clatsop County Assessor prior to the recording of the final subdivision plat. The applicant states they will satisfy this requirement prior to final plat. This standard will be met. See Conditions.

- (27) If any federal or state permit is required to carry out the preliminary plat approval, approval shall be subject to a condition requiring the subdivision to comply with any applicable federal and state laws.

Applicant's Findings: The applicant has provided most of the appropriate documentation and permits with this application. The documented evidence from DEQ, Warrenton Water District, Seaside Schools, and Gearhart RFPD are appended to Exhibit D of this application. Any other documentation required can be addressed through appropriate approval conditions.

The proposal satisfies 27.

STAFF FINDINGS: If any state or federal permits are needed, the applicant is responsible for obtaining the requisite permits as a function of carrying out the preliminary plat approval. The applicant states they will satisfy the requisite obligations discussed above. An appropriate condition of approval will be appended to ensure this criterion is satisfied.

- (28) In areas subject to the geologic hazard overlay zone, a grading plan in conformance with Section 4.040 is required.

Applicant's Findings: According to maps in the Community Development department depicting Natural Hazards the Proposed subdivision is not in a geological hazard.

The criterion does not apply to this development.

STAFF FINDINGS: No geologic hazard is known to exist on the subject property. Staff concurs with the Applicant's findings. This criterion has been satisfied.

Section 5.242. Agreement for Improvements.

The subdivider shall improve or agree to improve lands dedicated for streets, alleys, pedestrian ways, drainage channels, easements and other rights-of-way to County Standards as a condition preceding the acceptance and approval of the Final Plat.

Before the Commission approval is certified on the Final Plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision; or he/she shall execute and file with the Board an agreement between himself and the County specifying the period within which required improvements and repairs shall be completed.

The agreement shall provide that if the work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the subdivider.

A performance bond, as provided in Section 5.244 of this Ordinance, shall be required with such agreement. Provisions for the construction of the improvements in phases and for an extension of time under specified conditions may be made upon prior agreement by, or application to, the Commission or Board.

Section 5.244. Performance Bond.

- (1) The subdivider shall file with the agreement to assure full and faithful performance thereof, one of the following:
- (A) A surety bond executed by a surety company authorized to transfer business in the State of Oregon on a form approved by the District Attorney.
 - (B) In lieu of a surety bond, (a) the subdivider may deposit with the County Treasurer cash money in an amount fixed by the County Engineer, or (b) file certification by a bank or other reputable lending institution that money is being held to cover the costs of the improvements and incidental expenses. Said money will only be released upon authorization of the County Engineer.

- (2) Such assurance of full and faithful performance shall be for a sum determined by the County Engineer as sufficient to cover the cost of the improvements and repairs that may be required prior to acceptance including related engineering, and may include an additional percentage as determined by the County Engineer to cover any inflationary costs which may be incurred during the construction period to the full and final completion of the project.
- (3) If the subdivider fails to carry out provisions of the agreement and the County has unreimbursed costs of expenses resulting from failure, the County shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred, the subdivider shall be liable to the County for the difference.
- (4) If subdivision extensions are granted, the bond may need to be revised.

FINDING: The applicant will be responsible for posting the requisite performance bond, if needed. This standard will be met. See Conditions.

SECTION 5.300 SITE PLAN REVIEW

Section 5.302. Site Plan Review Requirements.

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

FINDING: This criterion is addressed as a function of a development permit and will be appended as a condition of approval. This criterion is satisfied.

SECTION 5.350 TRANSPORTATION SYSTEM IMPACT REVIEW

The following section incorporates requirements for developments that have the potential to impact the county's transportation system.

Section 5.352 Traffic Impact Study

- (1) Purpose.
The purpose of this section of the code is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the County to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study.
- (2) When Required.

A Traffic Impact Study may be required to be submitted to the County with a land use application, when the following conditions apply:

- (A) The development application involves one or more of the following actions:

- 1) A change in zoning or a plan amendment designation; or
- 2) Any proposed development or land use action that ODOT states may have operational or safety concerns along a state highway; and
- 3) The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, or crash history. The Institute of Transportation Engineers Trip Generation manual shall be used for determining vehicle trip generation:
 - (a) An increase in site traffic volume generation by 500 Average Daily Trips (ADT) or more (or as required by the County Engineer); or
 - (b) An increase in ADT hour volume of a particular movement to and from the State highway by 20 percent or more; or
 - (c) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
 - (d) The location of the access driveway does not meet minimum site distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or
 - (e) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

FINDING: This proposal does not require a traffic impact study. This criterion is satisfied.

SECTION 5.400 ZONE CHANGE CRITERIA

Section 5.410 Purpose:

This section provides the criteria for amending the boundaries of any base zone or overlay district delineated on the official Clatsop County "Comprehensive Plan/Zoning Map". A change in a base zone or overlay district may be made according to the criteria set forth in Section 5.412. The process for changing a zone designation shall be a Type IV procedure initiated by the governing body, Planning Commission, or by petition of a majority of property owners in the area proposed for change. Mailed notice of the hearing shall include the owners of the property within 250 feet of the area proposed for the change. If the change involves a Goal 5 resource, a Plan amendment must also be requested and the Goal 5 Administrative Rule used to justify the decision.

Section 5.412. Zone Change Criteria.

The governing body shall approve a non-legislative zone designation change if it finds compliance with Section 1.040, and all of the following criteria:

1. The proposed change is consistent with the policies of the Clatsop County Comprehensive Plan.
2. The proposed change is consistent with the statewide planning goals (ORS 197).
3. The property in the affected area will be provided with adequate public facilities and services including, but not limited to:
 - a. Parks, schools and recreational facilities
 - b. Police and fire protection and emergency medical service
 - c. Solid waste collection
 - d. Water and wastewater facilities

4. The proposed change will insure that an adequate and safe transportation network exists to support the proposed zoning and will not cause undue traffic congestion or hazards.
5. The proposed change will not result in over-intensive use of the land, will give reasonable consideration to the character of the area, and will be compatible with the overall zoning pattern.
6. The proposed change gives reasonable consideration to peculiar suitability of the property for particular uses.
7. The proposed change will encourage the most appropriate use of land throughout Clatsop County.
8. The proposed change will not be detrimental to the health, safety and general welfare of Clatsop County.

Section 5.412(1):

The proposed zone change is consistent with the policies of the Clatsop County Comprehensive Plan.

Applicants' Findings: The County Comprehensive Plan consists of several separate documents: a County – wide element, and five community plans. The subject property is in the Clatsop Plains Community Boundaries. In order to assess this application for consistency with the Comprehensive Plan the applicant has assessed this proposal with the policies identified in the Countywide Element and Clatsop Plains Community Plan.

STAFF ANALYSIS AND FINDINGS:

The applicant has addressed these elements in their findings, & staff has assessed the applicant's findings on the pages to follow

Goal 1 – Citizen Involvement (Policies)

1. The Committee for Citizen Involvement shall be the Clatsop County Planning Commission, consisting of seven members. The Planning Commission shall strive to represent a cross section of affected citizens in all phases of the planning process. As an appropriate component, five Planning Commission members shall be representatives of the six designated geographic areas (with a seven member Commission, one area may have two members). No more than two Planning Commission members may reside within incorporated cities. Each member of the Planning Commission shall be selected by an open, well-publicized, public process by the Board of Commissioners.
2. The Planning Commission and active Citizen Advisory Committees shall hold their meetings in such a way that the public is notified in advance and given the opportunity to attend and participate in a meaningful fashion.
3. Active Citizen Advisory Committees may submit their comments to the Clatsop County Department of Planning and Development, Clatsop County Planning Commission and Clatsop County Board of Commissioners. These bodies shall answer the CAC request in a timely manner.
4. The Board of Commissioners, through the Planning Department, should provide adequate and reasonable financial support; technical assistance shall be available and presented in a simplified form, understandable for effective use and application.
5. Citizens shall be provided the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including

- Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan and Implementation Measures.
6. Clatsop County shall encourage organizations and agencies of local, state and federal government and special districts to participate in the planning process.
 7. Clatsop County shall use the news media, mailings, meetings, and other locally available means to communicate planning information to citizens and governmental agencies. Prior to public hearings regarding major Plan revisions, notices shall be publicized.
 8. Clatsop County shall establish and maintain effective means of communication between decision-makers and those citizens involved in the planning process. The County shall ensure that ideas and recommendations submitted during the planning process will be evaluated, synthesized, quantified, and utilized as appropriate.
 9. Public notices will also be sent to affected residents concerning zone and Comprehensive Plan changes, conditional uses, subdivisions and planned developments.

Applicants' Findings: Public and published notices affording the public the opportunity to participate in evidentiary hearings are a function of satisfying the Goal 1 policies described herein. The local planning department has established procedures for notifying the public, establishing type of review, and the procedures the matter will be heard. Satisfactory compliance with the procedures identified in Clatsop County's Zoning Ordinance Section 2.100 satisfy the criteria for Citizen Involvement.

This proposal is consistent with Goal 1 policies.

STAFF FINDING AND ANALYSIS:

Staff has provided mailed public notice, 45-day mailed notice to the Department of Land Conservation and Development and Published Notice in accordance with the Comprehensive Plan Policies Described herein.

This Criteria has been satisfied.

Goal 2 – Land Use Planning

The County's land and water have been placed in one of six (6) Plan designations. (1) Conservation Forest Lands, (2) Conservation Other Resources, (3) Natural, (4) Rural Agricultural Lands, (5) Rural Lands, and (6) Development.

Applicants' Findings: This proposal consists of two sites, a sending site zoned Single Family Residential - 1 Zone, and a receiving site zoned Residential Agriculture - 5 Zone. Both zoning designations are currently listed under the Rural Lands designation in LWDUO Table 3.010. Relevant rural lands policies are detailed below.

Residential densities are generally designated through the following additional criteria:

- a. Where subdivisions or partitioning or both have occurred in a one acre pattern of development the area will be placed in one of the one acre zones;
- b. In areas with a development pattern of two to five acre parcels (some smaller and some larger), the areas will be placed in a two acre zone;
- c. In areas adjacent to resource (forest, agriculture, wetlands, estuary areas) lands, or Camp Rilea, the areas will be placed in a five acre zone;
- d. In areas where large parcels (15 acres or greater) of non-resource land are located, the areas will be placed in a five acre zone;

- e. In addition to criteria a through d, minimum lot sizes increase with increasing distance from the following areas:
1. all urban growth boundaries
 2. Svensen center
 3. Knappa center

Applicants' Findings: This policy establishes criteria for determining the appropriate zoning classification to designate a particular lot or parcel. The receiving site has already been designated RA-5 because it is greater than 15 acres. This application does not propose to change the zoning of the parcel, therefore this proposal is consistent with the rural lands policies described herein.
This proposal is consistent with Goal 2 policies.

STAFF FINDING AND ANALYSIS:

The applicant has satisfactorily addressed these criteria.

The criteria has been satisfied

Goal 3 – Agricultural Lands

Applicants' Findings: The subject property is not agricultural land subject to the requirements of the plan's Agricultural Lands Element. Additionally, the County adopted a report in 1982 indicating that several hundred acres in the Clatsop Plains was not suitable for farming. For this reason, Agricultural Lands Policies are not applicable to this proposal.
This proposal is consistent with Goal 3 policies.

STAFF FINDING AND ANALYSIS:

The applicant has satisfactorily addressed these criteria.

The criteria has been satisfied.

Goal 4 – Forest Lands

The subject property is not forestland subject to the plan's Forest Lands Element. Reiterating the finding above, the 1982 study/report indicates that these areas in the Clatsop Plains Planning Area were not only unsuitable for farming, but also from forest practices. Therefore policies in the Forest Lands Plan Element are not applicable to this proposal.
This proposal is consistent with Goal 4 policies.

STAFF FINDING AND ANALYSIS:

The applicant has satisfactorily addressed these criteria.

The criteria has been satisfied.

Goal 5 – Open Spaces, Scenic & historic Areas and Natural Resources

Mineral and Aggregate Resources* -- Not Applicable to this proposal

Energy Sources -- The Clatsop Plains has not been identified as a potential energy source.

These policies are not applicable.

Scenic Sites -- There are no Goal 5 scenic sites identified on the Clatsop Plains. Sites

inventoried in different elements of the County's plan are considered "local desires" and

are not portrayed or referenced as Goal 5 "Scenic Sites". These policies are not applicable.

Fish and Wildlife Areas and Habitats -- Applicable Policies:

1. To ensure that future development does not unduly conflict with Major Big Game Range, the County shall:
 - a. designate the majority of its timber lands F-80;
 - b. require that review and conditional uses in the F-38 and AF-20 zone be allowed only if they are found to be consistent with the maintenance of big game range;
 - c. require that review and conditional uses in the F-38 and AF-20 zone be subject to clustering and siting criteria;
 - d. submit proposed review and conditional use applications to the Oregon Department of Fish and Wildlife for their comments on consistency with Major Big Game habitat and recommendations on appropriate siting criteria to minimize any conflicts; and
 - e. submit all proposed Plan and zone changes of land zoned F-80, F-38, and AF-20 to a more intensive use zone to the Oregon Department of Fish and Wildlife for a determination of possible conflicts with big game habitat requirements. If the Department identified conflicts, the County will consider recommendations for resolving these conflicts.
2. To ensure that future development does not unduly conflict with Peripheral Big Game Range, the County shall:
 - a. require that review and conditional uses in the AF-20 zone be allowed only if they are found to be consistent with the maintenance of big game range;
 - b. require that review of conditional uses in the AF-20 zone be subject to clustering and siting criteria;
 - c. submit proposed review and conditional use applications to the Oregon Department of Fish and Wildlife for their comments on consistency with Peripheral Big Game Range and recommendations on appropriate siting criteria to minimize any conflict; and
 - d. submit all proposed plan and zone changes of land zoned AF-20 to the Oregon department of Fish and Wildlife for a determination of possible conflicts with big game habitat requirements. If the Department identifies conflicts, the County will consider recommendations for resolving these conflicts.
3. The County shall rely on strict enforcement of the Oregon Forest Practices Act to protect riparian vegetation along Class I streams and lakes, and Class II streams affecting Class I streams, from potential adverse affects of forest practices.
4. To protect riparian vegetation along streams and lakes not covered by the Forest Practices Act, the County shall require a setback for non-water dependent uses.
5. The County shall rely on the State Department of Water Resources to insure that minimum stream flow standards required for the maintenance of fish habitat are developed and implemented.
6. Building permit applications, where a stream is proposed as the water source, shall be accompanied by a water right permit.
7. The County shall rely on the Division of State Lands' permit process, under the Fill and Removal Law, to insure that proposed stream alterations such as bridges, channelization, or filling do not adversely affect the stream's integrity or its value as fish habitat.
8. New developments shall not restrict existing public access to rivers, streams, or lakes. New developments are encouraged to provide additional public access to rivers, streams and lakes where such access is consistent with the area's environmental characteristics.

9. The County shall submit all proposals with a potential for substantial impact on identified Columbian White-tail deer habitat (e.g. subdivision, dredge material disposal, industrial development, and land clearing of more than one acre) to the Oregon Department of Fish and Wildlife and the U.S. Fish & Wildlife for their determination of conflicts. If either agency identifies conflicts and makes recommendations for resolving these conflicts, the County shall implement those recommendations to the maximum extent feasible, consistent with other land use planning requirements. If in the future subpopulation of the Columbia White-tailed deer are located which are not within identified essential habitat, the County will consider recommendations for protection of these areas to the extent feasible consistent with other land use planning requirements including but not limited to the Goal 5 Administrative Rule.*
10. The County will establish a procedure for protecting sensitive nesting sites from incompatible uses and activities.
11. The County will require that any additional rural residential development at River Ranch be clustered on the more northerly portion of the site. The County will implement other measures recommended to it, by the Oregon Department of Fish and Wildlife and the U.S. Fish & Wildlife Service, for minimizing the impact of additional rural residential development on Columbian White-tail deer.*
12. Clatsop County shall rely upon the Forest Practices Act and any supplemental agreements between the Fish and Wildlife Commission and the Board of Forestry to protect critical wildlife habitat sites. *

Applicants' Finding: Policies three, four, and eight can be construed to apply to this request. The applicant is proposing to designate area along Neacoxie Creek as open space and will be conveying those lands to the North Coast Land Conservancy (NCLC). All other policies can be satisfied through conformance with applicable standards for development.

This proposal is consistent with fish and wildlife areas and habitat policies.

Wetlands -- No Goal 5 "Wetlands" have been identified within the development area of this proposal.

Natural Areas -- No Goal 5 "Natural Areas" have been identified within the development area of this proposal. Regardless the applicant in an effort to preserve habitat for the Silver-spot butterfly is designating an area in the Northwest portion of the Lot as permanent common open space and conveying the property to the NCLC.

Water Resources and Watersheds -- No impacts to Goal 5 "Water Resources and Watersheds" are projected with this development. The proposal intends to acquire water from the City of Warrenton.

Wilderness Areas -- There are no Goal 5 "Wilderness Areas" present on the subject property.

Historic Sites -- There are no Goal 5 "Historic Sites" present on the subject property.

Cultural Areas -- During initial site investigations a Midden Site (Native American dumpsite) was discovered. The applicant has implemented the precautions prescribed by the State's Historic Preservation Officer (SHPO) and Neal Maine in order to preserve the archeological integrity of the site.

Bald Eagle Nests and Nesting Activity / Great Blue Heron Rookeries -- There are no known Bald Eagle Nests or Blue Heron Rookeries in the vicinity of the development area.

Habitat may exist along the banks of Neacoxie Creek, regardless no development is permitted within 50 feet from the bank so no impact should occur.

This proposal is consistent with Goal 5 policies.

STAFF FINDING AND ANALYSIS:

The applicant has satisfactorily addressed these criteria. However the Midden site mentioned above is not identified on the plat and there is some discrepancy between the County's wetland maps and the wetlands identified on the preliminary plat provided by the applicant.

The criteria can be conditionally satisfied.

Goal 6 – Air, Water and Land Quality

1. The County shall encourage the maintenance of a high quality of air, water and land through the following actions:
 - (a) encouraging concentration of urban development inside Urban Growth Boundaries,
 - (b) encouraging maintenance and improvement of pollution control facilities,
 - (c) cooperating with the State Highway Department to provide an efficient transportation system. Methods to reduce congestion and air pollution on Marine Drive/Commercial Street should be explored.
 - (d) encouraging indigenous, clean industries such as fishing, boat building, tourism, and forest products utilization and
 - (e) encouraging development of resource recovery mechanisms such as recycling centers and wood waste processing.
2. The County Planning Department shall work with the Department of Environmental Quality (DEQ) to monitor and keep its environmental data base current including information on air quality, surface and groundwater quality, and land quality including waste disposal and erosion problems.
3. The cumulative effect of development on the County's environment should be monitored and, where appropriate, regulated. When evaluating proposals that would affect the quality of the air, water or land in the County, consideration should be given to the impact on other resources important to the County's economy such as marine resource habitat and recreational and aesthetic resources important to the tourist industry.
4. The County shall continue its efforts to find an acceptable regional solid waste disposal site or an acceptable alternative (i.e. recycling, electricity generation).
5. Recovery of wood wastes, rather than slash burning, shall be encouraged as a means of reducing air and water pollution, improving the economy, and for producing energy.
6. Upon completion of the Clatsop Plains Groundwater Study, the County shall reevaluate the Clatsop Plains Community Plan to determine whether existing policies and standards are adequate to protect water quality in the aquifer, lakes and streams. Consideration shall be given to protection of the lakes from Further degradation (eutrophication), and possible remedial actions to improve water quality.
7. The County shall work to maintain the quality of its estuarine waters through participation in the regional Columbia River estuary planning process.

8. The County shall cooperate with DEQ, State Forestry Department, State Transportation Department and other agencies in implementing best management practices to reduce non-point pollution.
9. The County shall recommend that state agencies regulate the issuance of water rights so as to insure that the total water rights of a stream bed do not exceed the minimum stream flow.
10. Subdivisions adjacent to major arterials shall address the reduction of noise impacts in their site plans.
11. Performance standards for noise will be considered for inclusion as standards in the County's industrial-commercial zones.
12. The District Conservationist shall be used for technical evaluation of all development activities (including subdivisions and major partitions) that could create erosion and sedimentation problems with his/her recommendations incorporated into planning approvals.
13. Any development of land, or change in designation of use of land, shall not occur until it is assured that such change or development complies with applicable state and federal environmental standards.
14. Waste discharges from any development, when combined with existing discharges from existing developments, shall not result in a violation of state or federal environmental quality statutes, rules, or standards.

Applicants' Findings:

Potentially applicable Goal 6 criteria include two, six, thirteen, and fourteen described above. These policies are implemented through adherence to development standards in the zoning district. #2 above is addressed at the development stage and satisfied prior to the issuance of a development permit.

#6 A ground water study was conducted on the Clatsop plains and determined that adequate water was present to support development. Regardless this proposal is not proposing to access water via wells that might influence the aquifer. Instead the proposal has access to a public water source and intends to use that system. This proposal satisfies policy 6.

#13, the proposed use complies with state and federal environmental standards. This policy is satisfied.

#14, waste discharges shall be contained in a manner that does not result in a violation of state or federal regulation.

This proposal is consistent with the Goal 6 policies.

STAFF FINDING AND ANALYSIS:

The applicant will be required to satisfy all development standards designed to enforce these regulations prior to permitting on the sites. This will be addressed as a condition of approval.

The criteria can be conditionally satisfied.

Goal 7 – Natural Hazards:

Applicants' Finding No natural hazards are demarcated on the subject property. Therefore policies in the Natural Hazard Plan Element are not applicable to this proposal.

This proposal is consistent with the Goal 7 policies.

STAFF FINDING AND ANALYSIS:

The applicant has satisfactorily addressed these criteria.

The criteria are satisfied.

Goal 8 – Recreation:

Applicants' Findings: The subject parcel does not contain any resources relevant to the Goal 8 policies. The sending site will be rezoned open space, parks and recreation in accordance with the density transfer provisions outlined in the County's SD Section S3.161§1A. In addition the proposal will designate permanent common open space within the subdivision boundaries that can be used to satisfy any recreational needs of prospective homeowners. These areas will either be conveyed to the NCLC, held in the joint ownership of prospective buyers, or in individual ownership.

This proposal is consistent with the Goal 8 policies.

STAFF FINDING AND ANALYSIS:

Technically the applicant is correct in this regard. However certain aspects of this proposal fall into the realm of recreation. Regardless the policies addressed under Goal 8 pertain to resources identified in the Comprehensive plan. This parcel does not have identified goal 8 resources and therefore the proposal would satisfy the policies for Goal 8.

The criterion is satisfied.

Goal 9 – Economy:

Applicants' Findings: The County's Goal 9 element does not have any policies establishing mandatory approval criteria applicable to this proposal or to the subject property. The site is not included in the County's inventory of buildable industrial or commercial lands.

This proposal is consistent with the Goal 9 policies.

STAFF FINDING AND ANALYSIS:

The applicant doesn't really address all the policies in goal nine, but the applicant is correct in their response that Goal 9 does not have any policies that have a detrimental impact on this proposal. Staff is satisfied with their response

The criteria are satisfied.

Goal 10 – Housing

Population Policies

1. Community plans should provide for orderly growth, which reduces the cost of essential services while preserving the basic elements of the environment.
2. Promote population to locate in established service areas.

3. Promote the accommodation of growth within areas where it will have minimal negative impacts on the County's environment and natural resources.
4. Utilize current vacant land found between developments or within committed lands.
5. Direct new urban growth within Clatsop County to existing urban growth boundary or rural service areas where under utilized public or semi-public facilities exist or utility and/or investments have already been made.
6. Encourage development of land with less resource value.
7. Coordinate planning efforts of local governments and special districts to maximize efficiency of public facilities, and have land use actions reflect the goals and policies of the Plan.

Housing Policies (Residential)

1. Clatsop County shall encourage residential development only in those areas where necessary public facilities and services can be provided and where conflicts with forest and agricultural uses are minimized.
2. Clatsop County shall assist in planning for the availability of adequate numbers of housing units at price ranges and rent levels commensurate with the financial capabilities of County residents.
3. Clatsop County shall encourage planned developments and subdivisions to cluster dwelling units. The clustering of dwellings in small numbers and the provision of common open space assures good utilization of the land, increased environmental amenities, and may be used as an open space buffer between the residential use and adjacent agricultural or forest uses.
4. Clatsop County shall permit residential development in those designated areas when and where it can be demonstrated that:
 - a. Water is available which meets state and federal standards;
 - b. Each housing unit will have either an approved site for a sewage disposal system which meets the standards of the County and the Department of Environmental Quality or ready access to a community system;
 - c. The setback requirements for the development of wells and septic systems on adjacent parcels have been observed;
 - d. Development of residential units will not result in the loss of lands zoned or designated for agriculture or forestry and will not interfere with surrounding agricultural or forestry activities.
5. Clatsop County shall permit temporary siting of mobile homes in specified locations in the event of an emergency.
6. Clatsop County shall encourage multi-family housing and mobile home park developments to develop within the various urban growth boundaries.
7. Clatsop County shall encourage the development of passed over lots that already have services such as water and roads be preferred for development over tracts requiring an extension of services.
8. Clatsop County shall make provisions for housing in areas designated for Rural, Urban Growth Boundaries, and Rural Service Areas, which provide variety in location, type, density, and cost where compatible with development on surrounding lands.

Applicants' Findings: Most policies in this section are not applicable to this proposal or to the subject property. The Clatsop Plains adopted a total density provision in 1993 when the density transfer amendments were enacted. The proposal does not increase the number of overall homesites from what is already allocated on the Clatsop Plains.

Additionally, in accordance with housing policy 3 listed above, the proposal clusters residential dwelling units and dedicates lands less suitable for development for preservation purposes including open space, big game & wetland habitat.

This proposal intends to utilize existing public facilities to the maximum extent possible. The Department of Environmental Quality has already approved septic systems for phase one that illustrates the capacity of the land to accommodate the development proposed.

This proposal is consistent with Goal 10 policies.

STAFF FINDING AND ANALYSIS:

The applicant has provided a sampling of different areas throughout the proposed subdivision. This sampling will tentatively satisfy the criteria. However, prior to final plat approvals the applicant will need to supply evidence of a DEQ approved site for a sewage disposal system on each lot or provide access to a community system.

Criteria can be conditionally satisfied

Goal 11 – Public Facilities and Services

Applicants' Findings: Goal 11, like Goal 2 has 6 different designations for land and water in Clatsop County. The subject property is again designated "Rural Lands". Public Facility policies pertaining to Rural Lands are addressed below with findings immediately following the relevant criteria.

In addition to the Rural Lands policy there are general provisions that apply to the extension and utilization of public facilities, these include transportation systems, water systems, sewer systems, protection services, school districts, etc. Consistency with the Goal 11 Element requires acknowledgement from some service providers (i.e. the Rural Fire Protection District and the School District), and while water is being provided by the City of Warrenton it is not a quintessential comment of approval, as studies indicate an ample water reservoir exists below the Clatsop Plains.

Furthermore access is provided via Surf Pines Lane, which is a private road used to service the residents of surf pines and surrounding areas.

Applicable Policies:

General public facilities policy 9: "When a Comprehensive Plan or Zone Change or both are requested that would result in a higher residential density, commercial or industrial development it shall be demonstrated and findings made that the appropriate public facilities and services (especially water, sanitation (septic feasibility or sewage) and schools) are available to the area being changed without adversely impacting the remainder of the public facility or utility service area."

The proposed zone change on the sending site will lower the potential development density on the subject property so policy 9 is essentially not applicable to the rezoning aspect of the proposal. The subdivision however is proposing to replace those densities in a better-suited location. Additionally, septic feasibility has been proven with the approval of phase one lots, and a letter from the school district acknowledging adequate service satisfies this request.

This proposal is consistent with Goal 11 policies.

STAFF FINDING AND ANALYSIS:

No extension of public services beyond those envisioned by Goal 11 is occurring. The applicants' findings adequately address the Goal 11 Policies.

Goal 12 – Transportation

Clatsop County's Comprehensive Plan contains sixteen transportation policies. The County's Transportation System Plan (TSP) includes Goals and Objectives, which are written in policy language. Those goals and policies are listed below with appropriate findings following applicable policies.

TSP Goal 1: Mobility

Develop a multimodal transportation system that serves the travel needs of Clatsop County residents, businesses, visitors, and freight transport.

Objectives:

1. Provide a network of arterials and collectors that are interconnected, appropriately spaced, and reasonably direct.
2. Balance the simultaneous needs to accommodate local traffic and through-travel.
3. Minimize travel distances and vehicle-miles traveled.
4. Safely, efficiently, and economically move motor vehicles, pedestrians, bicyclists, transit, trucks, and trains to and through the County.
5. Use appropriate, adopted Clatsop County road standards during development of new roadways.
6. Encourage development patterns that offer connectivity and mobility options for members of the community.
7. Work to enhance the connection of the Port of Astoria and the Warrenton Harbor to the surrounding communities.
8. Coordinate with rail and shipping entities to promote intermodal linkages for passengers and goods.
9. Recognize and balance freight needs with needs for local circulation, safety, and access.
10. Provide an interconnected system of roads, pedestrian and bicycle facilities, and other forms of transportation that will link communities.
11. Promote intercity connectivity between major population areas, including linkages to the Portland metropolitan area.

Applicants' Findings: While these policies do not establish mandatory approval criteria the applicant is proposing to design their road network in a convenient manner that provides adequate circulation and connectivity. Appropriate road standards will be utilized to ensure fire and safety access to lots and parcels. Additionally turnarounds and cult-de-sacs are engineered to meet Oregon Fire Code requirements and County Standards.

TSP Goal 2: Livability

Provide a transportation system that balances transportation system needs with the desire to maintain pleasant, economically viable communities.

Objectives:

1. Minimize adverse social, economic, and environmental impacts created by the transportation system, including balancing the need for road connectivity and the need to minimize neighborhood cut-through traffic.
2. Preserve and protect the County's significant natural features and historic sites.
3. Promote a transportation system that is adequate to handle the truck, transit, and automobile traffic in such a way to encourage successful implementation of County economic goals and the preservation of existing residential neighborhoods.
4. Work with local and State governments to develop alternate transportation facilities that will allow development without major disruption of existing neighborhoods or downtown areas.

Applicants' Finding: Transportation access to adjoining lots as well as neighborhood livability have been incorporated into the design for the Polo Ridge Subdivision.

TSP Goal 3: Coordination

Maintain a transportation system plan that is consistent with the goals and objectives of local communities, the County, and the State.

Objectives:

1. Coordinate transportation planning and implementing actions with state agencies, local governments, special districts and providers of transportation services.
2. Provide a County transportation system that is consistent with other elements and objectives of the Clatsop County Comprehensive Plan.
3. Provide a County transportation system that coordinates with other local transportation system plans and rural community plans.
4. Coordinate land use and transportation decisions to efficiently use public infrastructure investments to:
 - a. Maintain the mobility and safety of the roadway system
 - b. Foster compact development patterns in incorporated and rural communities
 - c. Encourage the availability and use of transportation alternatives
 - d. Enhance livability and economic competitiveness
5. Cooperate with local jurisdictions and rural communities in establishing and maintaining zoning standards that will prevent the development of incompatible or hazardous uses around airports.
6. Work to protect airspace corridors and airport approaches.

Finding:

The transportation network proposed will have no negative impact upon the County's transportation system and network.

TSP Goal 4: Public Transportation

Work to improve cost-effective and safe public transportation throughout Clatsop County.

Objectives:

1. Coordinate with the Sunset Empire Transportation District (SETD) to encourage commuter bus service to serve communities throughout Clatsop County.
2. Encourage a carpooling program for County employees and others to increase vehicle occupancy and minimize energy consumption.

3. Work with SETD to develop transit systems and stations and related facilities in convenient and appropriate locations that adequately and efficiently serve resident and employee needs.
4. Work to improve the signage and amenities at transit stops and stations.

Applicant's Finding: Goal 4 is pointed at local jurisdictions and does not present any relevant criteria for evaluation.

TSP Goal 5: Pedestrian and Bicycle Facilities

Provide for an interconnected system of pedestrian and bicycle facilities throughout Clatsop County to serve commuters and recreational users.

Objectives:

1. Coordinate with the goals and objectives and recommended improvements set forth in the Clatsop County Bicycle Master Plan.
2. Use unused rights-of-way for greenbelts, walking trails, or bike paths where appropriate.
3. Develop and periodically update inventory information on existing bicycle routes and support facilities.
4. Promote multimodal connections where appropriate.
5. Promote increased bicycle awareness and support safety education and enforcement programs.
6. Develop safe and convenient pedestrian and bicycle systems that link all land uses, provide connections to transit facilities, and provide access to publicly owned land intended for general public use, such as the beach.
7. Promote development standards that support pedestrian and bicycle access to commercial and industrial development, including, but not limited to, direct pathway connections, bicycle racks and lockers, and signage where appropriate.
8. Protect and expand public access via pedestrian ways, bikeways, and trails for recreational purposes.

Applicants' Finding: The applicant is platting the street to the property boundary to allow future vehicle and bicycle traffic should the property to the north be developed.

TSP Goal 6: Accessibility

Provide a transportation system that serves the needs of all members of the community.

Objectives:

1. Coordinate with SETD to encourage programs that serve the needs of the transportation disadvantaged.
2. Provide for the transportation disadvantaged by complying with State and Federal regulations and cooperating with local, County and State agencies to provide transportation services for the disadvantaged.
3. Upgrade existing transportation facilities and work with public transportation providers to provide services that improve access for all users.
4. All improvements to the transportation system (traffic, transit, bicycle & pedestrian) in the public right-of-way shall comply with the Americans with Disabilities Act of 1990.

Applicants' Finding: The proposed design and layout is intended to meet the intent of these policies.

TSP Goal 7: Environment

Provide a transportation system that balances transportation services with the need to protect the environment and significant natural features.

Objectives:

1. Provide a transportation system that encourages energy conservation, in terms of efficiency of the roadway network and the standards developed for road improvements.
2. Encourage use of alternative modes of transportation and encourage development that minimizes reliance on the automobile.
3. Work to balance transportation needs with the preservation of significant natural features and viewsheds.
4. Minimize transportation impacts on wetlands and wildlife habitat.

Applicants' Finding: The road was designed around the idea of preserving butterfly habitat, livability, connectivity and maximum utilization of the land.

TSP Goal 8: System Preservation

Work to ensure that development does not preclude the construction of identified future transportation improvements, and that development mitigates the transportation impacts it generates.

Objectives:

1. Require developers to aid in the development of the transportation system by dedicating or reserving needed rights-of-way by constructing half- or full-road improvements needed to serve new development, and by constructing off-road pedestrian, bicycle, and transit facilities when appropriate.
2. Consider transportation impacts when making land use decisions, and consider land use impacts (in terms of land use patterns, densities, and designated uses) when making transportation-related decisions.
3. Ensure that amendments to the comprehensive plan, land use designation amendments and land use regulation changes that are found to significantly affect a transportation facility are consistent with the identified function and capacity of that facility.

Applicants' Finding: The applicant is proposing to dedicate the needed rights-of-way as necessary to provide adequate transportation connectivity to adjacent parcels and minimize impacts to the existing network.

TSP Goal 9: Capacity

Provide a transportation system that has sufficient capacity to serve the needs of all users.

Objectives:

1. Protect capacity on existing and improved roads to provide acceptable service levels to accommodate anticipated demand.
2. Limit access points on highways and major arterials, and use alternative access points when possible to protect existing capacity.
3. Provide frontage setback requirements from the public right-of-way for all designated arterials within the County adjacent to commercial and industrial development.
4. Minimize direct access points onto arterial rights-of-way by encouraging common driveways or frontage roads.
5. Update and maintain County access management standards to preserve the safe and efficient operation of County roadways, consistent with functional classification.

Applicants' Finding: The proposed development will not create a detrimental impact to the existing road network. Access points have been minimized and right-of ways have been designated to ensure capacity and potential future growth of the area.

TSP Goal 10: Transportation Funding

Provide reasonable and effective funding mechanisms for countywide transportation improvements identified in the TSP.

Objectives:

1. Develop a Capital Improvements Program that establishes transportation priorities and identifies funding mechanisms for implementation.
2. Identify funding opportunities for a range of projects, and coordinate with local, State, and Federal agencies.

Applicants' Finding: These provisions are not applicable to this proposal.

TSP Goal 11: Safety

Provide a transportation system that maintains adequate levels of safety for all users.

Objectives:

1. Undertake, as needed, special traffic studies in problem areas, especially around schools, to determine appropriate traffic controls to effectively and safely manage automobile and pedestrian traffic.
2. Work to improve the safety of rail, bicycle, and pedestrian routes and crossings.
3. Coordinate lifeline and tsunami evacuation routes with local, State, and private entities.

Applicants' Findings:

These provisions are also not applicable to this proposal

Summary:

This proposal is consistent with Goal 12 policies.

STAFF ANALYSIS AND FINDINGS:

The applicants' proposal satisfactorily addresses the criteria under the Goal 12 element and appears to meet the intent described herein

Goal 12 element is satisfied.

Goal 13 – Energy Conservation

1. The County recognizes the need for energy conservation through support of a County-wide conservation program in which the County government will play a leading role.
 - a. Methods to reduce energy consumption should be explored, such as enforcing strict temperature and lighting controls in government buildings and incentive programs for carpooling, etc.
 - b. New government buildings shall be energy efficient. Decisions on design and selection of equipment should not be based on the lowest initial cost alone. Operating and energy costs for a reasonable life expectancy of the building must receive equal consideration. Further, consideration should be given to the use of solar energy in heating and cooling all new government buildings.

- c. The County, cities, Extension Service and Community College should work together to establish an Energy Conservation Service with the assistance of private and public funds and expertise. This service could provide the following:
 - 1) Promote energy conservation through seminars, other educational programs, and information dissemination.
 - 2) Develop climate maps, energy efficient building standards and other guidelines for energy conservation.
 - 3) With the help of local utility companies, provide technical assistance to individuals desiring to retrofit their homes or buildings with improved insulation of alternative energy sources.
 - 4) Conduct audits with the assistance of local utility companies to identify sources of greatest energy wastes in buildings and recommend ways in which to reduce this waste.
 - 5) Provide technical assistance to evaluate the energy efficiency of new residential, industrial, and commercial building plans submitted for approval.
 - 6) Maintain information on the energy efficiency of brands and models of appliances, autos, etc.
 - d. The County and cities should work together to establish a County-wide recycling operation (i.e. through a sheltered workshop program).
2. The following land use policies shall be adopted as part of the Comprehensive Plan to conserve energy and promote the use of alternative systems:
- a. Shopping, cultural, medical, educational and other public facilities shall be encouraged to cluster in urban growth boundaries so that one trip can serve several purposes and so that the possibility of public transportation will be enhanced.
 - b. In new subdivisions, major or minor partitions:
 - 1) Should maximize the opportunity for solar orientation of windows in buildings by running streets in east-west directions, and lots on a north-south axis. When topographic conditions or natural features make street orientation for good solar orientation of units undesirable or difficult, lots shall be laid out so that units can be oriented to the south to the greatest extent possible. Clustering, innovative yard and setback approaches may be used in lieu of the street and lot plan if good solar orientation is achieved.
 - 2) Open space should be located whenever possible to buffer structures from shadows cast by other buildings.
 - 3) Easements for protecting solar access should be provided for every lot.
3. The County shall promote the application of renewable and alternative energy sources, by encouraging the use of total energy systems where, for example, electricity is generated and the waste heat is utilized for space heating and cooling purposes.
4. The County shall consider energy conservation in the designation of Rural Lands and Development Lands.

Applicants' Findings: Policies established in the Goal 13 element do not establish mandatory criteria for approval of the proposed zone change, density transfer or subdivision. Regardless many aspects of energy conservation are applied at the individual development stage.

Components of the Goal 13 element that can be implemented in the design phase center around distance to facilities, and adequacy of alternative transportation networks (i.e. bike and pedestrian

mobility). These aspects of the proposal have been addressed in the Goal 12 Element of the Comprehensive Plan.

This proposal is consistent with the Goal 13 policies.

STAFF FINDING AND ANALYSIS:

Energy conservation should be on the forefront of all development. This development has provided means to preserve transportation routes to neighboring properties, but does not provide pedestrian or biking trails. Regardless the subdivision meets County Standards and Satisfies the Goal 13 Element policies mentioned above.

Goal 13 Element is satisfied.

Goal 14 – Urbanization:

Applicants' Findings: Policies contained in the Goal 14 element of the County's Comprehensive Plan apply to areas within urban growth boundaries and city limits. The proposal is on lands designated rural, outside of city limits and urban growth boundaries. Additionally, goal 14 exceptions have been taken across the Clatsop Plains and land use studies encouraging cluster developments and open space preservation have been adopted as supporting documents to the County's Comprehensive Plan. Additionally the Clatsop Plains has a total density provision that allows the transfer and clustering of density rights on the Clatsop Plains. This proposal is in accordance with county ordinances designed with these aspects in mind.

This proposal is consistent with the Goal 14 policies.

STAFF FINDING AND ANALYSIS:

Staff concurs with the applicants' findings. Clatsop County has an acknowledged Comprehensive Plan and Zoning Ordinance. Those documents are designed to allow the type of use the applicants are proposing. Application of Goal 14 to this proposal would result in the matter being considered inconsistent. However as the applicant states, Clatsop County has taken a goal 14 exception on the Clatsop Plains that allows the clustering and transfer of density.

Goal 14 element is satisfied.

Goal 16 and 17 – Estuarine Resources and Coastal Shorelands:

Applicants' Findings: The majority of this development is outside the coastal shorelands and estuarine resources. The small area on the western boundary along Neacoxie creek that is designated Coastal Shorelands is set aside for permanent common open space. In addition riparian setbacks established in Clatsop County SD section S4.500 preserve Goal 16 and 17 resources.

This proposal is consistent with the Goal 16 & 17 policies.

STAFF FINDING AND ANALYSIS:

Neacoxie Creek is a designated portion of the Coastal Shorelands Overlay and protected under Goal 17. This proposal illustrates protective measures to ensure a buffer along the creek. Staff feels that this buffer should suffice to alleviate any conflicts between the conservation of the Coastal Shorelands and the proposed development.

Goal 17 element is satisfied.

Goal 18 – Beaches and Dunes:

1. Uses permitted on the beach, the area located west of the statutory Vegetation Line as established and described by ORS 390.770, or the line of established upland shore vegetation, whichever is further inland, shall be consistent with the requirements ORS 390.605 - 390.725 and Oregon Administrative Rules adopted pursuant thereto. Residential development and commercial and industrial buildings are prohibited. The County will coordinate its actions in beach areas with the Oregon Department of Parks and Recreation.
2. Uses permitted on active foredunes, on other foredunes which are conditionally stable and are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding shall be limited to low intensity uses which have minimal impact on the dune system and which have a minimal monetary value. Residential developments and commercial and industrial buildings are prohibited.
3. The County, in making land use decisions in beach and dune areas, other than older stabilized dunes, shall consider the impact of the proposed development on the site and on adjacent areas, and the methods that are proposed for protecting the site and adjacent areas from any potential adverse effects of the proposed development.
4. The stability of all types of dunes, in relationship to the potential for wind erosion, is based on the maintenance of its vegetative cover. For this reason, the county shall implement a wind erosion control program that minimizes site disturbance, provides for temporary and permanent sand stabilization, and requires the continued maintenance of newly established vegetation.
5. On active and conditionally stable dunes, pedestrian, bicycle, equestrian and vehicular circulation shall be managed to minimize adverse impacts to dunes and their stabilizing vegetation
6. Land use actions (i.e. Comprehensive Plan changes, zone changes, subdivisions and partitions, planned developments, conditional use permits) shall be reviewed by the Planning Commission or the Department of Planning and Development so that the proposed activity(ies) will not result in the drawdown of the groundwater supply which could lead to any or all of the following:
 - a. the loss of stabilizing vegetation,
 - b. the loss of water quality,
 - c. salt water intrusion into the water supply,
 - d. result in the permanent drawdown of the dune lakes.
7. Foredunes shall be breached only on a temporary basis for emergency purposes such as fire control, cleaning up oil spills, or alleviating flood hazards. Breaches in foredune areas shall be restored in a manner that is consistent with the character of the area prior to the foredune breaching.
8. Foredune grading for view enhancement or to prevent on-going sand inundation may be allowed for structures in foredune areas that were committed to development on or before January 1, 1977 and where an overall plan for managing the foredune grading is prepared. Before construction can begin, the foredune grading plan must be adopted as an amendment to the Comprehensive Plan.
9. The extensive modification of dune areas other than that permitted by an approved plan for foredune grading for view enhancement, is strongly discouraged because the shape of unmodified dune forms is an essential element in defining the physical character of the Clatsop Plains.

10. Clustering of development is encouraged so that development occurs on the most stable dune areas, with less stable areas retained as open space.
11. The County will provide for the appropriate management of dune areas within Fort Stevens State Park through the adoption of the Fort Stevens State Park Master Plan.
12. Removal of vegetation that provides wildlife habitat shall be limited. Unnecessary removal of shoreline vegetation shall be prohibited.
13. In order to establish construction feasibility, within the dune construction area, and to provide recommendations on methods to mitigate potentially hazardous conditions, a site specific investigations by registered professional geologist or certified engineering geologist shall be required for the issuance of a development permit in all beach and dune areas that the Planning Director considers to have a hazard potential.
14. On-site sewage disposal systems shall be prohibited in active foredunes, on other foredunes which are conditionally stable and are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding.
15. Beachfront protective structures shall be permitted only where development existed on or before January 1, 1977.
16. Where appropriate, developers may be required to dedicate easements for public access to the beach.
17. The county supports studies designed to increase scientific knowledge about the processes that have shaped and will continue to shape the dunes of the Clatsop Plains.

Applicants' Finding: Policies 6, 10, & 12 are assumed to be applicable to this request. Policy 6 is satisfied because the applicant is not proposing to draw water from the ground water reserves thereby preserving ground water supplies. Policy 10 is satisfied with the application for a cluster subdivision clustering lots in accordance with the clustering provisions outlined in SD S3.150. Policy 12 will be satisfied by the land preservation activities proposed with this application. In particular, silver spot butterfly habitat has been identified and set aside for permanent common open space.

This proposal is consistent with the Goal 18 policies.

STAFF FINDING AND ANALYSIS:

The applicant adequately addresses this element of the Comprehensive plan. No removal of sand from the parent parcel is permitted in the Beaches and Dunes Overlay and special erosion measures should be enacted and enforced. Most of these provisions are regulated at the personal development stage, but a condition to ensure compliance will be appended to this report.

Goal 18 criteria can be conditionally satisfied.

Clatsop Plains Community Plan

OVERALL GOAL FOR THE CLATSOP PLAINS

The Clatsop Plains and Seaside-Gearhart Citizen Advisory Committees recognize that the natural resources and amenities of the Clatsop Plains are in fact the features which make it a desirable place in which to live. Protection of these resources (the forest, dunes, open spaces, views, animal life and habitat, ocean beaches, lakes and streams, and the absence of urban noises to name a few) is paramount if the quality of life is to be maintained for both existing and future residents. Development must be required to respect these resources and amenities

since poor development or over development could very easily destroy these values, which make up the present character of the Clatsop Plains.

Out of the various meetings with the two CACs, an OVERALL GOAL for the Clatsop Plains was developed which summarizes the policies to be applied to the Clatsop Plains area. This OVERALL GOAL reads as follows:

OVERALL GOAL

The Clatsop Plains Community Plan shall provide for planned and orderly growth of the Clatsop Plains planning area, which is in keeping with a majority of its citizens and without unduly depriving landowners and/or residents of the reasonable use of their land. The Plan shall:

1. protect and maintain the natural resources, natural environment and ecosystems,
2. respect the natural processes,
3. strive for well designed and well placed development, and
4. preserve the semi-rural, agricultural, open space and marine characteristics of the area.

In order to meet the Goal, the County shall:

1. Use the physical characteristics described in the section on landscape units as the major determinants of the location and intensity of the use of the land.
2. Retain as much of the land as possible in its natural state.
3. Review, update and amend the Plan on a regular basis as needs, additional data and/or economics demand.

The community goals and policies, which follow in this Plan, are the basis from which the Zoning Ordinance will be developed.

The Clatsop Plains planning area encompasses approximately 16,307 acres in the northwest section of Clatsop County along the coast. This planning area, for the most part, relates toward the ocean, with the various beaches and rolling dunes; and toward the several lakes in the planning area. The Clatsop Plains is essentially bisected by U.S. Highway 101. This highway is a major line for north-south movement down the Oregon Coast as well as a corridor of travel between the two population centers in the plains.

The Clatsop Plains Community Plan is an amplification of some of the policies in the County-wide Elements section of the Comprehensive Plan, and also contains policies addressing particular concerns people have for the Clatsop Plains. The County-wide Elements section issued at the community level to identify policies and strategies for addressing specific local opportunities/problems.

General Landscape Units

Policies

1. Excavations in sedimentary highland (Toms) should be properly engineered to assure against slope failure.
2. Proposed projects involving modifications of established drainage patterns should be evaluated in terms of potential for altering land stability.

3. Loss of ground cover for moderately to steeply sloping land may cause erosion problems by increasing runoff velocity and land slumpage. Vegetative cover for moderately to steeply sloping areas shall be maintained.

Applicants' Findings:

No excavation in the sedimentary highlands is proposed.

No modifications to drainage patterns are proposed with this project

All disturbed areas shall be re-vegetated upon completion of development in accordance with Clatsop County's erosion control measures.

General Landscape policies are satisfied.

Coastal Shorelands and Other Shorelands

Clatsop Plains Planning Area Goal: To preserve to the fullest possible extent the scenic, aesthetic, and ecological qualities of the Coastal Shorelands and other shorelands in the Clatsop Plains in harmony with those uses which are deemed essential to the life and well-being of its citizens.

Policies

The following are in addition to those found in the Ocean and Coastal Lakes of the Estuarine Resources and Coastal Shorelands Element and Open Space, Scenic and Historic Areas and Natural Areas Element.

1. No filling or alteration to designated and mapped critical natural holding basins such as lakes, wetlands, or marshlands.
2. Culverts and other roadway or driveway improvements considered necessary by the Clatsop County Department of Planning and Development, County Road Department, and State agencies shall be installed in such a manner as not to impede the flow of the drainage way nor impede the passage of resident or migratory population of fish.
3. Mining, dredging, or removal of gravel and similar materials from streams and other surface water shall be strictly controlled to prevent adverse alterations to flow characteristics, siltation pollution, and destruction or disruption of spawning areas.
4. Shorelands identified in this Plan for their aesthetic, scenic, historic or ecological qualities shall be preserved. Any private or public development, which would degrade shoreland qualities, shall be discouraged.
5. The public has a right to enjoy and utilize all the public water bodies. No improvement shall be permitted which impedes this ability. Care also must be exercised in protecting the privately owned shorelands.
6. Public and private bridge crossings over public water bodies shall be constructed to standards that insure maximum protection to the persons utilizing the structure and to the water system it crosses. To the maximum extent possible, minimum fill and/or removal shall take place during construction of the bridge.
7. Shorelands in Rural areas shall be used as appropriate for the following:
 1. farm use,
 2. private and public water dependent recreation,
 3. aquaculture, and

4. to fulfill the open space requirements in subdivisions and planned developments.

Applicant's Finding: Shoreland policies pertaining to this proposal apply to areas along Neacoxie creek. All areas within the plat boundaries bordering the creek are designated common open space and will be conveyed to the North Coast Land Conservancy (NCLC).

Coastal Shoreland policies are satisfied.

Beaches

Policies

See Goal 18 Beaches and Dunes Background Report and County-wide Element (Ord 03-08)

Dunes

See Goal 18 Beaches and Dunes Background Report and County-wide Element (Ord 03-08)

Applicants' Findings: Policies pertaining to the Goal 18 county-wide element were addressed previously on pages 18 & 19 of this document and found to be consistent.

Beaches and Dunes policies are satisfied.

Fort Stevens State Park Subarea Policy

Off-road vehicles should not be permitted on dune or wetland areas in the park and shall not traverse the Natural wetland-salt marsh in Clatsop Spit.

For additional information, policies and mapping for these areas see the Columbia River Estuary section of the Estuarine Resources and Coastal Shorelands Background Report and County-wide Element.

Applicants' Findings: Not Applicable to this application.

Alluvial Lowlands Policy

Development on peat and other compressible soils shall be discouraged. In those areas where development has already occurred on peat and other compressible soils, policies on those soils in the County-wide Element shall apply.

Applicants' Findings: The soil types within the subdivision location do not include peat soils. This policy is not applicable to the application.

Alluvial Terraces Policy

The County should encourage development on this type of landscape unit due to the slight to moderate slopes and the moderately well drained soils.

Applicants' Findings: Alluvial terraces are defined as: "A terraced embankment of loose material adjacent to the sides of a river valley. Also known as built terrace; drift terrace; fill terrace; stream-built terrace; wave-built platform; wave-built terrace." The subject property is located on wave & stream built terraces. The application is in conformance with this policy.

Coast Range Foothills Policy

The predominant land use on this landscape unit should be forestry and low-density residential use. This is due to the characteristics of soils in this landscape unit, which have potential for mass movement.

Applicant's Findings: The area is not located in the Coast Range Foothills. This policy is not applicable to this request.

Natural Resources

Post 208 Water Quality Study*

The study made several recommendations:

- (a) The groundwater protection strategy of this study should promote the maximum present and future beneficial uses of the Clatsop Plains aquifer. On-site wastewater disposal has been shown to be a significant beneficial use of the aquifer, and thus, the moratorium should be lifted in all areas of the Clatsop Plains study area.
- (b) The Camp Rilea wastewater spray irrigation field should be rehabilitated with a cover material that is conducive to plant growth. A suitable crop management plan should be developed so that the selected crop can be periodically harvested to remove the nutrients. The crop should be planted during March-April 1982, so that the spray irrigation field will be operable during the heavy summer use period.
- (c) The Warrenton landfill should be closed through an approved closure plan as directed by DEQ. The closure plan should provide for prohibition of further leachate contamination of the aquifer and the necessary gas removal facilities.
- (d) The wastewater disposal recommendations for the unincorporated Clatsop Plains are as follows:
 - (1) Continue with current zoning requiring a minimum of 1 acre lot size and permit the use of a standard septic tank and disposal field.
 - (2) For lots of record between 1/2 acre and 1 acre, a septic tank with a low pressure disposal field or sand filter should be used.
 - (3) For lots of record between 10,000 square feet and 1/2 acre, septic tank systems should use a sand filter with a low pressure disposal field, if DEQ's regulations on house size, setbacks and system redundancy can be accommodated.
 - (4) Allow no septic systems on lot sizes smaller than 10,000 square feet.
- (e) All future development in Gearhart, in accordance with the current Comprehensive Plan, should be required to use low pressure disposal fields and/or sand filters to maximize nitrogen removal in the system prior to disposal in the soil. DEQ should be requested to adopt a special geographic rule exempting the DEQ house size regulations in Gearhart.
- (f) Wastewater disposal recommendations for the seven sensitive areas are:
 - (1) Install low pressure distribution and/or sand filter systems for all new wastewater sources (including the aggregate of one development) under 5,000 gallons per day.
 - (2) For all new wastewater sources exceeding 5,000 gallons per day, construction of sewers and wastewater treatment facilities using land disposal or other disposal techniques acceptable to DEQ should be required.
 - (3) Present uses of the aquifer for wastewater disposal should not be prohibited.
- (g) No action should be taken on surface water conditions at this time.

- (h) Aquifer reserve areas should be maintained to protect the aquifer as a possible future drinking water source through the following measures:
 - (1) A minimum of 2.5 square miles of aquifer should be set aside for water supply development, including an area set aside by the City of Warrenton, the area within the boundaries of Camp Rilea, and the 40 acres of County-owned land at Del Ray Beach.
 - (2) The County should preserve the necessary recharge area within Camp Rilea by developing an agreement with the Oregon Department of Military within 6 months.
 - (3) Additional areas for aquifer protection should be sought through land use planning, and open space requirements.
 - (4) Land use in the reserve areas should be controlled so that the potential for groundwater contamination from nitrogen and other possible pollutants is kept to a minimum.
- (i) The groundwater monitoring program should be continued as a part of the DEQ statewide monitoring program for the wells identified in Section VII of the report with samples taken on a semi-annual basis."

Applicants' Findings: These are recommendations and not policies or criteria and thereby are not approval criteria. Regardless the measures described and recommended in the study will likely be implemented in the individual lot development stage. These are not applicable criteria for approval and thereby satisfied.

Clatsop Plains Aquifer Policy

- 1. Land use actions (i.e. Comprehensive Plan changes, zone changes, subdivisions and partitions, planned developments, conditional use permits, etc.) shall be reviewed by the Planning Commission and the Department of Planning and Development to insure that the proposed activity(ies) will not:
 - (a) adversely affect the water quality;
 - (b) result in the drawdown of the groundwater supply;
 - (c) result in the loss of stabilizing vegetation, or
 - (d) salt water intrusion into the water supply.

Recommended Actions

- 1. To avoid desiccation of the groundwater lakes and encroachment of sea water, a water management program which is consistent with the water-budget equation for the Clatsop Plains should be developed. The County should request technical and financial assistance from state and federal agencies in evaluating water development potentials.
- 2. The County, in cooperation with other local jurisdictions, should consider a cost/benefit comparison of developing the Clatsop Plains aquifer as a water source with other sources of water supply.

Applicants' Findings: As mentioned previously the applicant is proposing to supply water to the subdivision via Warrenton Water District. By acquiring water from the Warrenton Water District no adverse impacts to the Clatsop Plains Aquifer are created with this development. The application satisfies this policy.

Critical Hazards

Wind and Ocean Shoreline Erosion Policies

1. Clatsop County shall prohibit:
 - (a) the destruction of stabilizing vegetation (including the inadvertent destruction by moisture loss or root damage).
 - (b) the exposure of stable and conditionally stable areas to erosion, and
 - (c) construction of shore structures which modify current or wave patterns or the beach sand supply.
2. Erosion shall be controlled and the soil stabilized by vegetation and/or mechanical and/or structural means on all dune lands. After stabilization, continuous maintenance shall be provided. In those areas where the County has taken an Exception to the Beaches and Dunes Goal, the County shall have building permits reviewed by the Soil Conservation Service and use their recommendations as conditions of approval.
3. Removal of vegetation during construction in any sand area shall be kept to the minimum required for building placement or other valid purpose. Removal of vegetation should not occur more than 30 days prior to grading or construction. Permanent revegetation shall be started on the site as soon as practical after construction, final grading or utility placement. Storage of sand and other materials should not suffocate vegetation.
4. In all open sand areas, revegetation must be clearly monitored and carefully maintained, which may include restrictions on pedestrian traffic. Revegetation shall return the area to its pre-construction level of stability or better. Trees should be planted along with ground cover such as grass or shrubs. To encourage stabilization, a revegetation program with time limits shall be required by the Planning Department as a condition of all building permits and land use actions (i.e. Comprehensive Plan changes, zone changes, subdivisions and partitions, planned developments, conditional use permits etc.).
5. Removal of vegetation, which provides wildlife habitat, shall be limited. Unnecessary removal of shoreline vegetation shall be prohibited.
6. Site specific investigations by a qualified person such as a geologist, soils scientist, or geomorphologist may be required by the County prior to the issuance of building permits in open sand areas, on the ocean front, in steep hillsides of dunes, regardless of the vegetative cover, and in any other conditionally stable dune area which, in the view of the Planning Director or Building Official, may be subject to wind erosion or other hazard potential. Site investigations may be submitted to the State Department of Geology and other agencies for review of recommendations.
7. Log debris plays an important role in the formation and maintenance of foredunes. Therefore, driftwood removal from sand areas and beaches for both individual and commercial purposes should be regulated so that dune building processes and scenic values are not adversely affected.

Recommended Action

The County should work with the Clatsop Soil and Water Conservation District in determining whether their three zones affecting dunes are needed in light of new State law requirements.

Applicants' Findings: Proper erosion control measures satisfying these policies can be implemented through appropriate conditions of approval. The applicant agrees to conditions necessary to ensure proper erosion control. These policies are satisfied with the application of appropriate conditions.

STAFF FINDING AND ANALYSIS:

These criteria will be addressed as a function of development and an appropriate condition has been appended to this report.

Cultural

Clatsop Plains Housing Goal:

To provide adequate numbers of housing units at price ranges and rent levels commensurate with financial capabilities of the households in the region and to allow for flexibility in housing location, type and density.

Housing Policies

1. Planned developments, the replatting of old subdivisions, and other land use actions shall encourage the preservation of steep slopes and other sensitive areas in their natural condition.
2. The location of a mobile home on an individual parcel of land shall be allowed in CONSERVATION FOREST LANDS* and RURAL EXCLUSIVE FARM USE* areas which are in conjunction with a farm or forestry use. In areas designated RURAL LANDS*, a double wide or wider mobile home shall be allowed except in Surf Pines (zones SFR-1 and CBR*), Smith Lake (zone SFR-1*) and Shoreline Estates (zone RSA-SFR*).
3. Areas shall be provided for mobile home parks within the cities' Urban Growth Boundaries.
4. Opportunities shall be provided for elderly and low income housing within the cities' Urban Growth Boundaries due to the availability of services provided.

Applicants' Findings: The proposal discourages development on steep slopes and preserves sensitive habitat. Policy 2 can be addressed with an appropriate condition of approval or through CC&R that will govern the subdivision. The area is located outside of city limits and urban growth boundaries, therefore Policies 3&4 are not applicable to this request. This policy can be satisfied with appropriate conditions.

STAFF FINDING AND ANALYSIS:

Policy one above is the only plan policy that really applies to this development. The applicant appears to be avoiding these areas in their development so staff feels it is unnecessary to apply a condition to address this criterion.

Criteria have been satisfied.

Public Facilities and Services

Sewer Policies

1. Sewage systems shall be allowed in those areas outside of the Urban Growth Boundary only to alleviate a health hazard or water pollution problem, which has been identified by the Department of Environmental Quality and will be used only as a last resort.
2. The Shoreline Estates sewer system located near Cullaby Lake shall expand its sewer service area only to the current existing treatment plant's design capacity of approximately 500 people. Further development of this intensity on the Clatsop Plains shall occur within the Urban Growth Boundaries.

Applicants' Findings: The sites will be serviced by individual septic systems approved by the Department of Environmental Quality. The proposal is consistent with these policies.

Transportation

Fire Protection Policy

The County shall encourage the improvement of fire protection for the Rural and Rural Service Areas in the Clatsop Plains. The County shall work with local residents as well as the two Rural Fire Protection Districts in examining the various methods available to improve fire protection. One method, which could be used, is to require subdivisions and planned developments to dedicate a site, funds, or construction materials for a fire station in the Clatsop Plains.

Clatsop Plains Transportation Goal:

The County will develop policies, which minimize the number of access points on U.S. 101.

Transportation Policies

1. The development of new access points onto U.S. 101 shall be kept to a minimum number. It is the intent of this policy to reduce the potential for accidents, and to provide the most efficient means of maintaining highway capacity. Planned development, subdivision, major partition regulations shall be written so as to implement this policy.
2. Minor partitioning shall be required for all property adjacent to U.S. 101. Minor partition proposals will be reviewed in order to prevent numerous access points along this highway. The requirement for minor partition review shall take effect on the date of adoption of the Clatsop Plains Community Plan.
3. Streets in new developments shall be designed to minimize disturbance of the land by following contour lines (as an alternative to a grid pattern) and avoiding cut-and-fill construction techniques.
4. Unnecessary rights-of-way should be used as green belts, walking trails or bike paths where appropriate.
5. To minimize negative visual and noise impacts of U.S. 101, a buffer screen of existing vegetation shall be required for residential properties along U.S. 101. Planted vegetation should be encouraged in those areas along U.S. 101 where none presently exists. The buffer shall be 25 feet wide, unless the size of the lot and natural topography would create a hardship.

6. Clatsop County shall restrict direct access to arterials (i.e., U.S. 101) where alternative access is available.
7. At the time of a major or minor partition, access points shall be examined. Consolidation of existing access points or easements for adjoining properties to allow a common access point shall be considered.
8. It is the County's intent to develop a system of collectors, frontage roads and common access points to solve the problems that many access points create along U.S. 101. In order to carry out this intent the County shall do the following:
 - (a) Require new developments to have access taken from the existing collectors and frontage roads unless a variance is given.
 - (b) New access points shall be reviewed by the County. New access points shall be reviewed based upon proximity to existing access points and safety standards developed by the Department of Transportation.
9. Clatsop County should conduct a study of the Clatsop Plains to analyze access controls and problems in establishing criteria for collectors and frontage roads. The study should include: designation of specific access points, location of frontage roads, criteria for temporary access points, etc.

Applicants' Findings: Access roads to the site will be created and developed in a manner that limits disturbed areas to those necessary to develop the road network. All disturbed areas will be revegetated in accordance with erosion policies. The roads are designed around areas designated for habitat preservation. The access roads will access Surf Pine Lane, a private collector road, which later intersects with highway 101. The combination of these measures complies with the policies as illustrated above.

The proposal is consistent with the intent of these policies.

Rail

Recommended Action

Further study should be done by the County Department of Planning and Development on what portions of the rights-of-way will not revert back to property owners. And if some of the rights-of-way do not revert back, further work should be done on how the rights-of-way should be used.

Air Transportation

Recommended Action

The Seaside-Gearhart Citizen Advisory Committee, the County, the Cities of Seaside and Gearhart, and the State Aeronautics Division should work together in developing the Seaside Airport Plan.

Applicants' Findings: These are recommended policies and do not pose approval criteria. These criteria are not applicable to this application.

Historic Areas

Clatsop Plains Planning Goal:

To preserve Historic Resources of our past that might otherwise be lost due to unnecessary and unwise development.

Historic Area Policies

1. The County shall work with the Clatsop County Historical Advisory Committee and other organizations to identify and protect important local historical and archeological sites. Compatible uses and designs of uses should be encouraged for property nearby important historical or archeological sites.
2. Clatsop County shall protect significant historical resources by:
 - (a) encouraging those programs that make preservation economically possible;
 - (b) implementing measures for preservation when possible;
 - (c) recognizing such areas in public and private land use determinations subject to County review.

Applicants' Findings: There are no areas of historic significance on this site. These policies are not applicable to this request.

Fish and Wildlife Areas

Clatsop Plains Planning Goal:

To preserve wildlife habitats and natural vegetation as an essential part of the ecosystem for both men and wildlife.

Fish and Wildlife Policies

1. Maintain important fish and wildlife sites by protecting vegetation along many water bodies, classifying suitable land and water locations as NATURAL or CONSERVATION, and otherwise encouraging protection of valuable fish and wildlife habitats.
2. Private and public owners of property on which valuable habitat is located will be encouraged to adequately protect important fish and wildlife sites. The private owners, which participate in preserving the natural character of these sites, will be assisted in taking advantage of reduced property taxes for protecting such areas. New subdivisions shall be required to leave undeveloped reasonable amounts of property, which is needed for protection of valuable fish and wildlife habitat.
3. Intensive recreational development shall not locate within sensitive crucial habitat areas.
4. Habitat of all species indicated as endangered, threatened or vulnerable shall be preserved. Nesting sites of endangered bird species shall be protected and buffered from conflicting uses.
5. *Wildlife refuges:

Existing wildlife refuges which are owned/leased and managed by the Oregon Department of Fish and Wildlife (ODFW) located in areas designated Conservation Forest or in other lowland areas under any plan designation shall be reviewed by the County for compliance with the approval standards listed below. Such hearings shall be conducted according to a Type IV procedure at a time and place convenient to residents of the affected planning area. ODFW shall provide an evaluation of the

economic, social, environmental and energy consequences of the proposal** information sufficient to support findings with respect to the following approval criteria:

1. Identification of the need for the proposed new wildlife management area. "Need" means specific problems or conflicts that will be resolved or specific ODFW objectives that will be achieved by establishing the proposed area.
2. Alternative lands and management actions available to the ODFW, and an analysis of why those alternatives or management actions will not resolve identified problems or achieve objectives.

Applicant's Findings: The area is not identified as Oregon Silverspot Butterfly habitat and therefore not subject to Policy 4. However, the applicant has conducted a Violet survey and discovered that habitat does exist in the northwest section of the property. The proposal sets these areas aside for preservation and identified the area as permanent common open space. Additionally this area will be conveyed to the NCLC for preservation and land stewardship. The Fish and Wildlife policies are satisfied.

STAFF ANALYSIS AND FINDINGS:

Staff concurs that the area is outside the County's mapped OSB habitat area. The applicant has satisfied these criteria.

Recreation

Recreational Policies

1. Recreational vehicle parks shall only be permitted in the urban growth boundaries in the Clatsop Plains.
2. The World War II lookout site, dune area west of Sunset Lake and the land northeast of Camp Rilea should be kept in County ownership. These areas should be preserved for their scenic value as well as for wildlife value.
3. The designated bike trail going down the Coast shall be changed to follow U.S. 101 instead of along the Lewis and Clark Road.
4. Recreational users shall not be allowed complete and free use of the more delicate beach/dune land forms (active dune areas). Access to these areas shall be limited and only via stabilized trails.
5. Clatsop County shall adopt the Fort Stevens State Park Plan as part of the Clatsop Plains Community Plan.
6. State and local jurisdictions shall cooperate to evolve the most efficient traffic flow patterns, parking arrangements and policy requirements for areas on and adjacent to active dune areas, especially parks and beach accesses.*

Recommended Action

Further research should be done on a possible trail going from Fort Clatsop National Park to the coastal beaches.

Applicants' Findings: These policies are not applicable to this request.

Scenic Areas

Clatsop Plains Planning Goal:

Important vistas, views of the ocean, and other significant visual features should be preserved and the obstruction of these vistas should be discouraged.

The following discussion and policies are in addition to those found in the Open Space, Scenic and Historic Areas and Natural Resources, Recreational Needs and Estuarine Resources and Coastal Shorelands Elements. Sites inventoried (i.e. views along U.S. 101 of dune ridges and coastal foothills) that are in addition to those inventoried in the Open Space, Scenic and Historic Areas and Natural Resources, Recreational Needs and Estuarine and Coastal Shorelands Element are local desires and are not to be construed as additional Goal site requirements (e.g. they are not exceptional views).*

Scenic Area Policies

<u>Area</u>	<u>Perspectives</u>	<u>Policy or Control</u>
Beach/ocean	All directions	1. In order to provide the greatest view potential for properties along the ocean, the building height shall be limited to 18' on beach front lots and 26' for adjacent properties.
World War II Viewing Point	Ocean beaches, Clatsop Plains	2. The County owns about 40 acres of land. This land should be set aside for its scenic value.
Lewis & Clark Road above Thompson Falls	Seaside-Gearhart area, ocean, and Tillamook Head	3. If property above Thompson Falls is developed, some areas shall be set aside as open space.
Views along U.S. 101	The dunes to the west and Coastal Foothills to the east	4. Excessive sign sizes and numbers of signs shall be discouraged by local regulations. No new billboards or other off-premise signs shall be allowed, except in commercial or industrial zoned land with strict controls.
Coastal Foothills and dune ridges	All directions	5. No intensive development on the foothills or on top of dune ridges should be permitted.

Applicants' Findings: Policy 5 is applicable to this proposal. The previous subdivision was granted authorization to construct the road and homes on the dune ridge (*See Attachment 5 "Reasons from Ulbricht letter July '07"*). The dune ridge in this case is a large table top along the eastern boundary. Homesites in these lots will likely be located to the west of the road. View impacts would likely be negligible, but a height limit might be appropriate to ensure scenic views are protected. The applicant is willing to accept appropriate height limitations on these lots if it is deemed necessary by the hearing body. The proposal is consistent with Scenic Area policies.

STAFF FINDING AND ANALYSIS:

Upon a site investigation Staff concurs that the logical position to place a home on the site is on top of a very large table top of an ancient dune. In addition a letter appended to the applicants' findings indicates that the owners have already attained authorization from Clatsop County to build on the dunes. Considering portions of the infrastructure are already in place staff sees no reason to amend this provision and would recommend the applicant be allowed to construct the homes as perceived in the letter. However in lieu of relaxing the scenic standards mentioned above staff would suggest the planning Commission limit the building height to 26 feet above average grade. This has been appended as a condition of approval.

Open Space

Policies

1. Land owners shall be encouraged to retain or preserve large parcels of undeveloped land as open space under the provisions of the open space taxation program.
2. The County shall carefully consider the feasibility of all methods for the preservation of open space as the opportunities arise.
3. The County Zoning Ordinance shall prescribe a maximum lot coverage in those areas designated DEVELOPMENT.
4. All planned developments and subdivisions in the Clatsop Plains planning area designated RURAL LANDS** shall cluster land uses and designate areas as permanent common open space. No reversionary clause shall be permitted in common open space. The minimum percentage of common open space shall be 30%, excluding roads and property under water. The clustering of dwellings in small numbers and the provision of common open space assures good utilization of land, increased environmental amenities, maintenance of a low density semi-rural character, maintenance of natural systems (dunes, wetlands), and may be used as an open space buffer between the residential use and adjacent agricultural or forest uses. This policy shall apply in all RURAL LANDS** areas in the Clatsop Plains except for the area commonly known as Surf Pines.* Clustering shall be prohibited in the area known as Surf Pines.* Surf Pines is further described by the following description (see Appendix B) and map.*
5. Permanent open space shall include, whenever possible, steep dunes which would require substantial alterations for building, buffers along streams, water bodies, deflation plains, and farm and forest lands.
6. Buffers (screening) shall be provided in all subdivisions and planned developments along property lines adjacent to arterials and/or collectors.
7. Permanent open space as part of subdivisions or planned developments adjoining one another shall be interrelated and continuous whenever possible. This could mean that open space could continuously follow ridge tops, deflation plains or shorelands. The Clatsop County Department of Planning and Development shall prepare a map of potential systems of open space to be used as a guide for developers.

- Streams and drainages, which form a system of open space, shall be preserved.

Applicants' Findings: The proposal is for a cluster subdivision on Tax Lot 3500, which is comprised of 61.51 acres. Additionally tax lots 3503 & 3504 were previously partitioned through clustering provisions. The acreages from these two in conjunction with the proposal site total 65.54 acres. Phase 1 of the subdivision proposal separates lot 24 from the rest of the Subdivision. Lot 24 comprises 5.04 acres and is not clustered in accordance with the clustering provision under SD S3.150-S3.161; therefore the total assessable acreage is reduced by 5.04 acres bringing the total land acreage to 60.5.

In order to satisfy the open space requirements the project must identify 30% open space excluding roads and areas under water. In accordance with these provisions the total open space required with this proposal is 18.15 acres. The applicant has designated open space in excess of the 30 % requirement. These areas are identified on the Plat with an alphanumeric identifier (i.e. "Tract C"). Additionally the areas bordering Neacoxie creek, which are also subject to the shorelands overlay are also designated open space. The open space policies are satisfied.

STAFF ANALYSIS AND FINDINGS:

Staff is satisfied with the applicants' calculation and percentage of Open Space designated on the preliminary plat.

Criteria are satisfied.

Community Development

General Development Policies

- The predominant growth (residential, commercial, and industrial) shall occur within the Cities of Seaside, Warrenton, Gearhart and the Town of Hammond, as well as those areas in the Urban Growth Boundaries.
- Residential, commercial and industrial development shall be directed away from those areas designated CONSERVATION FOREST LANDS, CONSERVATION OTHER RESOURCES, and NATURAL.
- In divisions of land into lots where future partitions or resubdivisions could occur, lots should be designed to take the potential for future divisions of land into consideration.
- Natural features such as creeks and ridges should be used wherever possible as a boundary between intensive uses such as commercial activities and low intensive uses.
- Plot plans or building plans may be required to indicate on them how storm water is to be drained. Access permits shall be reviewed by the State Highway Department and County Road Department to insure adequate drainage is provided.
- Incentives shall be provided to encourage developers to use innovative methods to provide a high quality of design, energy conservation and low-income housing.
- The following policies shall be used when examining commercial development in the Clatsop Plains:
 - To direct and encourage commercial activities to locate within urban growth boundaries. This will be most convenient for customers because most people will live in the urban areas. Also, business requirements for water, sewer, fire protection and other public services can best be met.

- b. To group business activities into clusters or "centers". This will be more convenient for patrons, permitting them to accomplish more than one purpose during a stop. It will also avoid mixing homes with scattered businesses. Joint use of vehicular access and parking at commercial centers will be more economical and be less disruptive for street traffic.
- c. To prevent "strip" commercial development along arterials, particularly U.S. Highway 101, and to limit business to designated strategic locations. To reserve non-commercial portions of arterials so that property owners may develop residential or other uses without fear of disruptive business development next door.
- d. To emphasize and support existing town centers as business places. These centers are important for community identify, social cohesion, civic activity, public service, convenience, attractions and amenities. They should continue to be a focus for commercial activities as well.
- e. To concentrate new commercial development in and adjacent to existing, well-established business areas. To increase the patronage and vitality of these areas and to avoid undue dispersal of new commercial activities.

Applicants' Findings: The intent of these policies is to regulate commercial development focused on community centers. With the exception of policy 5, these policies do not apply to this request. In accordance with policy 5, storm water drainage plans will likely be a function of a development permit and assessed at that time. Where necessary, storm water drainage from improved surfaces will be directed to bio-swales and appropriate drainage areas. The proposal is consistent with the policies regarding community development.

STAFF FINDING AND ANALYSIS:

These policies are addressed at the individual development stage. Staff is satisfied with the applicants' response to these criteria.

Criteria are satisfied.

Rural Service Area

Policies

- 1. The minimum building site in Rural Service Area shall be 7,500 square feet in sewerred areas and 15,000 square feet in unsewerred areas.
- 2. The area known as Shoreline Estates shall be designated a RURAL SERVICE AREA, due to the existing facilities available. The land area for this designation shall not be larger than the existing treatment plant's capacity. The expansion of the RURAL SERVICE AREA designation should NOT be allowed. It is the intent of the Community Plan to encourage urban densities to occur within the cities and the Urban Growth Boundaries where more facilities and services are available.

Applicants' Findings: Lot sizes are in excess of 15,000 square feet, and the receiving site is not located in a rural service area. Therefore these policies are not applicable to this request. The policies regarding rural service areas are not applicable to this request.

Clatsop Plains RURAL LANDS Goal:

To preserve and maintain the present overall rural quality of life now enjoyed in the Clatsop Plains.

Policies

1. The minimum parcel size for building sites in RURAL LANDS* areas shall be one acre.*
2. Rural residential subdivisions shall be required to have paved streets, except if the subdivision involves extremely large land parcels or only a few land parcels are involved and there is no potential for increase traffic demand on the roadway.
3. In recognition of the existing commercial uses at Cannon Beach Junction and the area south of Warrenton, a general commercial zone shall be provided at the Cannon Beach Junction and south of Warrenton.*
4. A neighborhood commercial zone allowing such uses as a gas station, or "Ma or Pa" grocery store shall be provided at the following locations along U.S. 101; Reed and Hertig, Sunset Lake and Dugan's Store and the West Lake Store.
5. When considering new commercial areas or expansion of existing commercially zoned land the policies pertaining to commercial land in the General Development policies, as well as the following standards, shall be used:
 - (a) Adequate off-street parking shall be provided to prevent traffic congestion resulting from on-street parking.
 - (b) A buffer and screen shall be provided between commercial and residential uses.
 - (c) Signs shall be designed so as not to distract from the surrounding area.
 - (d) The size of neighborhood commercial uses shall be sized to serve every day personal needs of the surrounding rural population and generate little or no traffic from outside of the rural area.
 - (e) Review by State and County Road officials for safe access including adequate site distance.
6. Clatsop County intends to encourage a majority of the County's housing needs to occur within the various cities' urban growth boundaries. Approval of subdivisions and planned developments shall relate to the needs for rural housing. Through the County's Housing Study, the County has determined the Clatsop Plains rural housing needs to be approximately 900 dwelling units for both seasonal and permanent by the year 2000. The rural housing needs should be reexamined every two (2) years from the date of adoption of the Plan.
7. Subdivisions and planned development shall be encouraged to phase development over several years to provide for rural housing needs.
8. * Grandfather the following lots:
 - (a) Block 4, lots 1-4
 - Block 13, lots 3, 4, 15-18
 - Block 19, lots 7 & 8**
 - Block 19, lots 9-12
 - Block 20, Lots 1-4, 9-14, 17-20
 - Block 29, lots 2, 3, 6, 7, 14, 15

All in Sunset Beach subdivision, Clatsop County, Oregon provided, however, that a 10,000 sq.ft. minimum lot size be required and that any other conditions for development applicable to this area shall be enforced.

- (b) The five (5) lot area commonly referred to as RAM West (see attached map) provided, however, that there are no more than five lots exclusive of the coastal shoreland area.**

Applicants' Findings: Applicable rural lands policies include policies 1, 2, 6, & 7. All proposed lots meet or exceed the one-acre minimum described in policy 1. Paved streets in accordance with county road standards depicted in Table 1 Section S6.050 will service the subdivision.

It is unclear by the language in the county's goal 10 element what or when the County's rural housing needs were last assessed. Regardless housing markets usually drive housing needs; hence it stands to reason that if there is a market there is a need. Additionally in accordance with policy 7 the applicants are proposing to develop this subdivision in three phases as indicated on the preliminary plat. The proposal is consistent with the rural lands policies.

STAFF FINDING AND ANALYSIS:

The applicant has satisfactorily addressed the criteria identified in the Clatsop Plains rural lands policies. The proposal is consistent with the provisions identified above.

Criteria are satisfied.

Rural Agricultural Lands

Policies*

See Agricultural Lands Background Report and County-wide Element.

Conservation Forest Lands

Policy**

Forest Lands shall be designated Conservation Forest in the County's Comprehensive Plan. When considering a zone change to a forest zone, the Planning Commission or other reviewing body shall review the proposal against the acreage, management, and other approval criteria in County-wide Forest Lands Policies #19, #20 and #21.

Conservation Other Resources

Policy*

See Open Space, Scenic and Historic Areas and Natural Resources, Recreational Needs, Estuarine Resources and Coastal Shorelands and Beaches and Dunes Background Reports and County-wide Elements.

Applicants' Findings: Policies addressing the Rural Agricultural Lands, Conservation Forest Lands, & Conservation Other Resources are not applicable to this proposal.

Natural

Policies

1. Areas rich in wildlife or of a fragile ecological nature, shall be preserved as Natural areas. The following areas shall be designated NATURAL: Clatsop Spit, Tillamook Chute, portions of Fort Stevens, Carnahan Lake, Slusher Lake and portions of the Necanicum Estuary.
2. The NATURAL aquatic designations for Carnahan Lake and Slusher Lake shall extend 100 feet measured horizontally from the aquatic-shoreland boundary.

Applicant's Findings: The receiving site does not consist of the attributes mentioned above; therefore, the policies are not applicable to this request. **With appropriate conditions Zone Change Criteria 1 will be satisfied.**

STAFF ANALYSIS & FINDINGS:

IN SUM, CRITERIA UNDER SECTION 5.412§1 ARE SATISFIED AND STAFF RECOMMENDS THE COMMISSION ADOPT THE APPLICANTS' FINDINGS WITH THE APPROPRIATE CONDITIONS APPENDED TO THIS REPORT., THOSE CONDITIONS INCLUDE BUILDING HEIGHT RESTRICTIONS, SEPTIC TEST APPROVALS, AND ILLUSTRATIONS OF THE WETLAND AND MIDDEN SITES.

Findings Section 5.412(2):

The proposed change is consistent with the statewide planning goals (ORS 197).

Applicants' Findings: Per LWDUO Section 5.412(2), the proposed zone change must be consistent with the Statewide Planning Goals (ORS 197). Clatsop County has a ratified comprehensive plan; consistency with Statewide Planning Goals is determined through a review for consistency with the County's Comprehensive Plan. As the factors indicate in the review of the comprehensive plan, this proposal is consistent with the policies and criteria detailed both in the County Wide Element and the Clatsop Plains Community Plan.

Based on the analysis of the Clatsop County Comprehensive Plan the proposal is consistent with the Statewide Planning Goals (ORS 197).

The proposal is consistent with Zone Change Criteria 2.

Staff Finding and Analysis:

The applicant's findings have satisfactorily addressed these criteria.

Criteria under 2 are satisfied.

Findings Section 5.412(3):

The property in the affected area will be provided with adequate public facilities and services including, but not limited to:

- a. Parks, schools and recreational facilities*
- b. Police and fire protection and emergency medical service*
- c. Solid waste collection*
- d. Water and wastewater facilities*

Applicants' Findings: Mentioned previously in the analysis for Goal 11 on page 10, the proposal has adequate public facilities. The applicant has provided letters from the local rural fire protection district and the local school district that would service potential residents of the subdivision. DEQ Site evaluations for a representative sample have been provided. Additionally water is provided from the city of Warrenton and a letter stating service availability is included with this application.

The applicant has documented that adequate public facilities are available for development of this site.

The proposal is consistent with Zone Change Criteria 3.

STAFF FINDING AND ANALYSIS:

The applicant has provided sufficient documentation in the form of exhibits attached to their proposal and application that indicate these criteria can be met and satisfied.

The one outstanding element to this are the individual septic approvals. This criterion is addressed through an appropriate condition. Fire Access, Schools, & Water have all been addressed.

Criteria under 5.412 § 3 have been satisfied.

Findings Section 5.412(4):

The proposed change will insure that an adequate and safe transportation network exists to support the proposed zoning and will not cause undue traffic congestion or hazards.

Applicants' Findings: Both the sending site and the receiving sites are serviced by adequate and safe transportation networks. The change in zoning of the sending site will result in a reduction of traffic on Highway 104. The receiving site may increase traffic on Surf Pine Lane by an estimated 290 average daily trips (ADT). In accordance with Clatsop County's TSP policies an increase in ADT over 300 might require a traffic impact study. This proposal will not generate over 300 average daily trips even in peak season. Therefore a traffic impact study should not be required. The proposal is consistent with zone change criteria 4.

STAFF ANALYSIS AND FINDINGS:

Staff has some concerns about the increased traffic; however is satisfied with the applicants' explanation and analysis of the transportation network currently in place.

Criteria under 5.412 § 4 have been satisfied.

Findings Section 5.412(5):

The proposed change will not result in over-intensive use of the land, will give reasonable consideration to the character of the area, and will be compatible with the overall zoning pattern.

Applicants' Findings: This project proposes one acre lot sizes in accordance with policies for the Clatsop Plains Community plan and compatible with the surrounding development patterns and characteristics. The proposal will not result in the over-intensive use of the land. The proposal is consistent with Zone Change Criteria 5.

STAFF ANALYSIS AND FINDINGS:

Most lots and homes in the vicinity of this area are built on 1-acre lots. This proposal is consistent with those patterns.

This criterion is satisfied.

Findings Section 5.412(6):

The proposed change gives reasonable consideration to peculiar suitability of the property for particular uses.

Applicants' Findings: This proposal is designed around the characteristics and terrain of the site. It includes recreation facilities, trail amenities, common open space, butterfly habitat preserves, wetland preserves and considers the contours of the site to provide the best residential components given the natural terrain.

The proposal is consistent with Zone Change Criteria 6.

STAFF ANALYSIS AND FINDINGS:

Staff's assessment of the proposal is consistent with the applicants' findings, with the exception of an interconnected multi use trail or pathway, which has not been identified on the preliminary plat. An appropriate condition addressing this criterion has been appended to this document.

Criteria can be conditionally satisfied.

Findings Section 5.412(7):

The proposed change will encourage the most appropriate use of land throughout Clatsop County.

Applicants' Findings: The primary objective of this proposal is to move the density from marginal lands and place them on lands that suited for residential development. The applicant has structured this proposal to maximize the potential of the land while maintaining a unique balance between development, recreational and environmental concerns.

This proposal is consistent with Zone Change Criteria 7.

STAFF ANALYSIS AND FINDINGS:

Staff concurs with the applicants' findings.

Criteria under Section 5.412 § 7 are satisfied.

Findings Section 5.412(8):

The proposed change will not be detrimental to the health, safety and general welfare of Clatsop County.

Applicants' Findings: The proposal does not pose any threats to the health, safety, and general welfare of Clatsop County.

This proposal is consistent with Zone Change Criteria 8.

STAFF FINDING AND ANALYSIS:

Staff concurs with the applicants' findings

Criteria under section 5.412 § 8 are satisfied.

CHAPTER 1. SITE ORIENTATION.

Section S1.010. Basis Characteristics of a Residential Site

Except as otherwise provided by S1.030, a lot or parcel to be developed for residential use shall comply with the following:

- (1) In a location that will not be served by a public sewer, a lot or parcel shall have sufficient size to permit compliance with the requirements of the Department of Environmental Quality for sewage disposal by septic tank and drain field or other alternative system and permit continued reliance on that method of sewage disposal. If the location will not be served by a community water system, a lot or parcel shall have sufficient additional size to permit an on-site water supply for each lot or parcel without conflict between water supply and sewage disposal facilities.
- (2) In a location that will be served by public or private sewer, the standards of each zone shall apply.

STAFF ANALYSIS & FINDINGS:

The submittal of requisite information in the form of DEQ site evaluations and a contour map of the entire parcel submitted with the Preliminary Plat would verify adherence to this standard. The lots proposed appear to meet the criteria described in the above Standard §1.010, but no site evaluations have been submitted.

In lieu of site evaluations the applicants use adjacent parcels as evidence to satisfy this criterion.

CHAPTER 3: STRUCTURE SITING AND DEVELOPMENT (PARTICULARLY S3.150 - "CLUSTER DEVELOPMENT & DENSITY TRANSFER"

S3.150. CLUSTER DEVELOPMENT AND DENSITY TRANSFER

S3.151. Purpose.

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

S3.152. Procedures for Cluster Development.

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

- (1) The applicant shall discuss the proposed cluster development with the staff of the Clatsop County Department of Community Development in a pre-application conference pursuant to Section 2.020.

Applicant's Findings: An informal pre-application conference has been conducted for this proposal.

The applicant has satisfied criteria 1.

STAFF ANALYSIS & FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (2) An applicant for a cluster development must submit a development plan and receive approval of the plan prior to development.

Applicant's Findings: The applicant is submitting a preliminary plat illustrating a cluster development. Approval of the preliminary plat is essential for the development to move forward.

The proposal will satisfy criteria 2.

STAFF ANALYSIS & FINDINGS Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (3) As soon as plan approval is given, the plan and any conditions of approval shall be recorded in the Office of the County Clerk by book and page and shall constitute an agreement not to divide the property as long as it remains in its present zoning.

Applicant's Findings: These criteria will need to be assessed through appropriate conditions.

The proposal will satisfy criteria 3.

STAFF ANALYSIS & FINDINGS Staff concurs with the Applicant's findings. With appropriate conditions, this criterion can be satisfied.

- (4)

(A) As a condition to the approval that may be given for partitioning under this section, the applicant shall provide all deeds or contracts affecting the original farm use parcel to assure that the maximum density will not be exceeded.

(B) For each partition application under this Standard the Community Development Director or designate shall determine and include with the approved plan map a statement including:

- 1) the number of homesite lots allowable on the original parcel,
- 1) a legal description of the original parcel,
- 2) the number of homesite lots that will result from the proposed partition, and
- 3) the number of homesite lots, if any, that could be allowed in the future on the original parcel.

Applicant's Findings: The subject site is not in farm use; therefore criterion "a" is not applicable. Criterion "b" is to be completed by the Community Development Director in order to justify the open space and density provisions are satisfied. Calculations pertaining to these are included in this report.

The proposal is consistent with these provisions.

STAFF ANALYSIS & FINDINGS: Staff concurs with the Applicant's findings. With appropriate conditions, this criterion will be satisfied.

- (5) For purposes of calculating density for cluster developments or planned unit developments, the density allowed under the base zone designation shall be utilized regardless of overlay zone designations.

Applicant's Findings: The original site was approximately 65 acres in size allowing the applicant to cluster 13 residential home sites on the subject property without the addition of the density credits. Of the 13 potential home sites two have already been used. The applicant is using the remaining 11 home sites and adding an additional 19 to complete the 30-unit subdivision. 18+ acres of land within the receiving site is being designated as permanent common open space for butterfly preservation or recreational facilities.

The proposal is consistent with clustering and density transfer provision.

STAFF ANALYSIS & FINDINGS: Staff concurs with the Applicant's finding that the criterion regarding using the density in the sending and receiving sites' zones has been satisfied. Consistency with the clustering and density provision will be addressed below.

S3.158. Residential Cluster Development Standards.

- (1) The tract of land to be developed shall not be less than 4 contiguous acres in size, provided that land divided by a road shall be deemed to be contiguous.

Applicant's Findings: The remaining acreage on the lot is approximately 62 acres.

This proposal satisfies criteria 1.

STAFF ANALYSIS & FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (2) The development may have a density not to exceed the equivalent of the number of dwelling units allowed per acre in the zone or zones.

Applicant's Findings: The number of dwelling units does not exceed the number of permissible dwelling units from the sending site and receiving site.

The proposal satisfies criteria 2.

STAFF ANALYSIS & FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (3) The cluster development shall not contain commercial or industrial developments.

Applicant's Findings: The proposal does not include commercial or industrial developments.

The proposal satisfies criteria 3.

STAFF ANALYSIS & FINDINGS Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (4) The minimum percentage of common open space shall be 30% excluding roads and property under water (MHHW).

Applicant's Findings: The 30% requirement would require approximately 18 acres to be designated open space. The applicant has designated 18.88 acres of common open space.

The proposal satisfies criteria 4.

STAFF ANALYSIS & FINDINGS Staff concurs with the Applicant's findings. However, original calculations included the barn, which is located in Tract C and which may not be included in the common area. Because of this, the Applicant recalculated the area of Tract C and subtracted the area of the barn. The recalculated figure of common open space is 18.30 acres, which exceeds the minimum requirement. This criterion has been satisfied.

- (5) Attached residences are permitted provided the density allowed per acre in the zone is not exceeded (this does not apply in the Clatsop Plains planning area).

Applicant's Findings: Attached residences are not proposed.

The proposal is consistent with provision 5.

STAFF ANALYSIS & FINDINGS: This criterion does not apply on the Clatsop Plains.

- (6) The prescribed common open space may be used to buffer adjacent forest, farm, hazard areas or other resource lands such as but not limited to archeological and historical sites, water bodies, etc.

Applicant's Findings: The common open space is used to buffer lots from Shorelands along the banks of the Neacoxie Creek.

The proposal is consistent with provision 6.

STAFF ANALYSIS & FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (7) Land in the same ownership or under a single development application that is divided by a road can be used in calculating the acreage that can be used in the clustering option.

Applicant's Findings: This is not an approval criteria. The proposal does not take this aspect into consideration. The proposal is consistent with provision 7.

STAFF ANALYSIS & FINDINGS Staff concurs with the Applicant's findings. This provision does not apply.

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

Applicant's Findings: No cluster of more than 10 lots is proposed with this proposal. A 100' buffer area between clusters is provided as a function of this proposal.

Criteria B does not consider density transfer provisions described in SD S3.161(F) which states that, "The minimum lot size shall be 1 acre for the receiving site. . ." This logic is also consistent with the county's comprehensive plan language governing lands in the Clatsop Plains.

The development will be served by individually approved DEQ septic systems.

Criteria D, like Criteria B, do not consider density transfers.

The proposal will not have an effect on farm or forest practices.

The applicant has provided sample deed restriction language attained from the county as part of a previous density transfer involving Oregon's Department of Parks and Recreation.

The proposal is consistent with the provisions of the Criteria 8 that do not conflict with the density transfer provision.

STAFF ANALYSIS & FINDINGS Staff concurs with the Applicant's findings, except staff has not found the sample deed restriction mentioned in the Applicant's findings. A Goal 14 exception has been taken on the Clatsop Plains, see S3.161. Density Transfer Standards for the Clatsop Plains Planning Area, which should be the governing standard instead. These criteria will be addressed through an appropriate condition of approval.

S3.159. Purpose and Intent of Rural Residential Development in the Clatsop Plains Planning Area.

It is the purpose and intent of Clatsop County to maintain the rural character of residential land outside urban growth boundaries within the Clatsop Plains planning area by preserving and protecting

concentrated open space and natural resources, and minimizing the impact of rural residential development on essential services, while also allowing low density residential development.

The County recognizes that achieving the density permitted in rural residential zones through clustered development better promotes the County's purpose and intent of maintaining the rural character of an area than does the traditional grid pattern of development where lots are not clustered and are created to directly correspond to the density permitted in the base zone. Through clustering development where the density permitted in the base zone is satisfied by combining smaller individual lots with larger expanses of open space, the County is able to retain the greatest concentration of permanent open space with the least impact on essential services.

Conversely, large lots developed in a grid pattern extending over an entire subdivision or planned development site, negatively impact the rural character of an area by minimizing the amount of permanent open space and attendance resource protection, while increasing the public facility infrastructure necessary to service development covering a large expansion area.

Therefore, it is the County's purpose and intent that all residential planned developments and subdivisions in the Clatsop Plains planning area shall be clustered which will ensure that the rural character is maintained.

Applicant's Findings: This proposal is consistent with the purpose and intent described in the above narrative.

STAFF ANALYSIS & FINDINGS: Staff concurs with the Applicant's findings. This standard has been satisfied.

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

- (1) All planned developments and subdivisions shall designate and retain areas as permanent common open space.

Applicant's Findings: These areas are designated on the preliminary plat.

The proposal satisfies criteria 1.

STAFF ANALYSIS & FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (2) The minimum percentage of common open space shall be 30% excluding roads.

Applicant's Findings: As mentioned previously the requirement on this parcel is 18.15, the applicant is proposing 18.88 acres of open space.

This proposal satisfies criteria 2.

STAFF ANALYSIS & FINDINGS: As mentioned previously, the common open space provided calculation has been revised to 18.30; however, Staff concurs with the Applicant's findings that this criterion has been satisfied.

- (3) Permanent common open space shall include, whenever possible, steep dunes which would require substantial alterations for building, buffers along streams, water bodies, deflation plains, and farm and forest lands.

Applicant's Findings: These aspects were taken into consideration when designing the areas of permanent common open space. This proposal is consistent with provision 3.

STAFF ANALYSIS & FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (4) Buffers (screening) shall be provided in all subdivisions and planned developments along all property lines adjacent to arterials and/or collectors.

Applicant's Findings: The subdivision borders Surf Pines Lane, which is considered a private collector street. If a buffer is required by the hearing body the applicant will plant a vegetative buffer along the southern boundary of the receiving site.

With appropriate conditions the proposal will satisfy criteria 4.

STAFF ANALYSIS & FINDINGS: Staff concurs with the Applicant's findings This criteria will be addressed through an appropriate condition of approval.

- (5) Permanent common open space as part of subdivisions or planned developments adjoining one another shall be interrelated and continuous whenever possible. This could mean that the common open space could continuously follow ridge tops, deflation plains or shorelands. The Clatsop County Department of Community Development shall prepare a map of potential systems of common open space to be used as a guide for developers.

Applicant's Findings: All common open space provided as a function of this proposal shares contiguous boundaries.

The proposal satisfies criteria 5.

STAFF ANALYSIS & FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (6) Streams and drainages which form a system of common open space shall be preserved.

Applicant's Findings: A small drainage area in the northern section of the subdivision and the majority of low-lying areas are designated common open space.

The proposal satisfies criteria 6.

STAFF ANALYSIS & FINDINGS Staff concurs with the Applicant's findings. This criterion has been satisfied.

- (7) Standards to be evaluated to achieve purpose and intent.
(A) The minimum parcel size for cluster developments in the Rural Lands plan designation may be less than one (1) acre, but in no case may they be less than one-half (½) acre provided the following criteria are met.

The County has determined that satisfaction of the following criteria will achieve the County's purpose and intent to preserve the rural character of rural residential development:

- 1) Total amount and percentage of permanent common open space. All permanent common open space shall constitute not less than 30% of the entire development site, excluding roads and land under water.
- 2) Total number of lots in an individual residential cluster. No individual cluster, which consists of two (2) or more building lots, may contain more than twenty (20) building lots.

- 3) Distance between individual clusters within a proposed subdivision or planned development. Each individual cluster shall be separated from any other cluster within the proposed development by no less than 100 feet as measured from lot boundaries. For purposes of this standard a road connecting two or more clusters is not considered a part of the cluster in determining the required separation.
- 4) Distance between proposed residential clusters and pre-existing adjacent residential development. Each proposed cluster shall be separated from any existing adjacent residential development by no less than 100 feet as measured from lot boundaries. For purposes of this standard a road connecting the proposed cluster(s) and existing residential development is not considered a part of the cluster in determining the required separation.
- 5) Access roads. Access roads other than those connecting cluster(s) with preexisting adjacent residential development and roads connecting clusters shall not be permitted in areas separating cluster development and pre-existing adjacent residential development.
- 6) Total overall density of development. The overall density of the entire development, including both open space and clustered development shall not exceed that density allowed in the base zone.
- 7) Individual lot size. The proposed lot size shall satisfy applicable Oregon Department of Environmental Quality rules regarding waste water treatment systems and local setback requirements but in no case may a lot be less than one-half (½) acre in size. No lots in the Coastal Beach Residential zone may be less than one (1) acre in size.
- 8) Unique or significant resources on site. Any identified Goal 5 or Goal 17 resource will be preserved and protected as required by the Comprehensive Plan and designed as a part of the permanent common open space areas of the development.
- 9) Types and levels of public facilities. Only those types and levels of public facilities permitted by the Comprehensive Plan shall be allowed.
- 10) Distance between proposed residential clusters and the Urban Growth Boundary. Each proposed individual cluster shall be separated from the Urban Growth Boundary by no less than 200 feet as measured from lot boundaries, excluding any connecting roads between the proposed cluster and the Urban Growth Boundary.
- 11) Review Standards and Conditions:
 - (a) In order for the County to conclude that a proposed planned development or subdivision in a rural residential zone maintains the rural character of the area, the County shall make findings, based upon substantial evidence in the whole record, which establishes that the criteria have been satisfied.
 - (b) Upon approval of a rural residential planned development or subdivision, the County shall require, as a condition of approval, that deed restrictions shall be filed in the Clatsop County Deed Records, in a form approved by County Counsel, that prohibits additional parcelization of the approved development or vacation of any permanent open space until such time as the entire area within the development is included within an urban growth boundary.

Applicants' Findings: The provisions under section 7 are addressed in Exhibit B and throughout this document. The proposal was designed with these provisions in mind and satisfies the applicable criteria identified in 1-11 above. Again, criteria #6 does not consider the additional density being applied to the subject property.

Regardless the overall density on the Clatsop Plains is virtually untouched with density transfers because the provisions require the applicant to round to the nearest whole unit. In this situation the applicant is using just under 25 acres zoned Single Family Residential – 1 {SFR-1}. One lot is only a ½ acre but is identified as a lot of record, which qualifies it for 1 density credit. The other 24.37 acres gets rounded down to 24 density credits.

The application is consistent with the Cluster development provisions.

STAFF ANALYSIS & FINDINGS: Staff concurs with the Applicant’s findings. These criteria will be addressed through appropriate conditions of approval.

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

- (1) Transfer of residential development rights between sites in the Clatsop Plains Planning Area is allowed as follows:
 - (A) The remaining parcel of the sending site shall be rezoned to either the Open Space Parks and Recreation zone or Natural Uplands zone or Conservation Shorelands zone or Natural Shorelands zone. The applicant shall file the rezone request at the same time as the density transfer request is submitted, and b. Prior to final approval of a density transfer the County shall require that deed restrictions be filed in the Clatsop County Deed Records in a form approved by County Counsel, that prohibits any further development beyond that envisioned in the approved density transfer until such time as the entire area within the density transfer approval has been included within an urban growth boundary; and
 - (B) The Community Development Director shall demarcate the approved restrictions on the official Zoning Map, and
 - (C) No parcel of land shall be involved in more than one (1) density transfer transaction, and
 - (D) Density transfer goes with the property - not the owner; and
 - (E) Minimum lot size shall be one (1) acre for the receiving site but in no case may any lot be less than one-half (½) acre in size. Approval of lots less than one (1) acre in size shall meet the applicable standards set forth in S3.150-S3.161.
- (2) ESEE consequences are the same as those found in Appendix C of the Clatsop Plains Community Plan.
- (3) All sending and receiving parcels shall be recorded in the “Density Table” (S3.162) and the appropriate sections filled out completely prior to approval. Staff will review the requisite comprehensive plan text and map amendments for conformity with the down zone & density transfer requirements.

STAFF ANALYSIS AND FINDINGS:

These criteria are addressed throughout this report and indicate that the proposal is in compliance with the requirements mention in section 3.161.

- (A) As a function of this application the applicants are rezoning the sending sites to Open Space Parks and Recreation. Deed Restrictions shall be placed on the deeds of the sending sites prohibiting any further development beyond that envisioned in this approval and density transfer, until such time as the entire area within the density transfer approval has been included within an urban growth boundary.
- (B) As a function of the Down Zone application the Community Development Department will modify the Clatsop County Zoning Maps to reflect the changes proposed in this application.
- (C) This application does not involve more than one transaction. All density is being moved simultaneously. The applicant has requested a text amendment to #3 below to alleviate the immediate need for a receiving site, that is addressed in Section VII of this report.

- (D) The Density Transfer is recorded on the Density Table ensuring this criterion is met.
- (E) The applicant is not proposing any site smaller than the 1-acre minimum.

Subsection 2 explains the ESEE and Goal 14 exception that allows this procedure. The findings, although not very informative, are contained within Clatsop County's Comprehensive Plan.

The applicant is proposing a slight modification to subsection 3. The findings relevant to this section are contained in Section VII of this report and involve a Comprehensive Plan Text Amendment.

These criteria are satisfied.

S3.180. MAINTENANCE OF COMMON OPEN SPACE AND FACILITIES

S3.181. Maintenance of Common Open Space and Facilities.

Whenever any lands or facilities, including streets or ways, are shown on the final development plan as being held in common, the tenants be created into a non-profit corporation under the laws of the State of Oregon, and that such corporation shall adopt articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on such common areas and facilities to the satisfaction of the Planning Commission. Said association shall be formed and continued for the purpose of maintaining such common open spaces and facilities. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levies to maintain said areas and facilities for the purposes intended. The period of existence of such associations shall not be less than twenty (20) years, and it shall continue thereafter until a majority vote of the members shall terminate it.

STAFF ANALYSIS & FINDINGS The Applicant did not address this provision; however, Staff's review of the proposal found these criteria addressed through the proposed CC&Rs found in Attachment 2 of Exhibit E and through the Applicant's road designs. This criterion will be met through appropriate conditions of approval, which shall include adding to the draft CC&Rs sections that cover creation of a non-profit corporation for the purpose of enforcing the CC&Rs; maintenance of common open space and facilities; maintenance of clear vision areas; and period of existence of the CC&R declaration.

S.3.194. ARCHEOLOGICAL SITE PROTECTION

S3.195. Archeological Site Protection.

(1) The Community Development Director and Building Official shall review building permits, excavation permits or other land use actions that may affect known archeological sites. If it is determined that a proposed building permit, excavation permit or other land use action may affect the integrity of an archeological site, the Community Development Director shall consult with the State Historic Preservation Office on appropriate measures to preserve or protect the site and its contents. No permit shall be issued until either the State Historic Preservation Office determines that the proposed activity will not adversely affect the archeological site, or the State Historic Preservation Office has developed a program for the preservation or excavation of the site.

(2) Indian cairns, graves and other significant archeological resources uncovered during construction or excavation shall be preserved intact until a plan for their excavation or reinterment has been developed by the State Historic Preservation Office.

STAFF ANALYSIS & FINDINGS: The Applicant did not address this provision; however, during the Applicant's initial investigations a Native American dumpsite (Midden Site) was discovered. See Exhibit D, page 6, Cultural Areas. A condition has been added that the Applicant shall provide documentation from the State Historic Preservation Office (SHPO) approving the Applicant's precautions to preserve the integrity of the site.

S3.530. DEVELOPMENT OF HISTORIC AND/OR ARCHEOLOGICAL SITES

S3.531. Development of Historic and/or Archeological Sites.

- (1) No development shall be allowed on land which has been identified as a historical archeological site without review and approval by the Director and appropriate agencies. Development adjacent to lands identified as historical-archeological sites shall be subject to the Director's review and shall not adversely impact the adjacent historical archeological site.
- (2) The County shall work with the local Historical Advisory Committee and other organizations to identify and protect important local historical and archeological sites. Compatible uses and designs of uses should be encouraged for property adjacent to important historical or archeological sites.
- (3) Clatsop County shall protect significant historical resources by:
 - (A) encouraging those programs that make preservation economically possible;
 - (B) implementing measures for preservation when possible;
 - (C) recognizing such areas in public and private land use determinations subject to County review.

STAFF ANALYSIS & FINDINGS: The Applicant did not address this provision; however, during the Applicant's initial investigations a Native American dumpsite (Midden Site) was discovered. See Exhibit D, page 6, Cultural Areas. A condition has been added that the Applicant shall provide documentation from the State Historic Preservation Office (SHPO) approving the Applicant's precautions to preserve the integrity of the site.

S4.500. PROTECTION OF RIPARIAN HABITAT

S4.501. Purpose and Areas Included.

Riparian vegetation is important for maintaining water temperature and quality, providing bank stabilization, thus minimizing erosion, providing habitat for the feeding, breeding, and nesting of aquatic and terrestrial wildlife species, and protecting and buffering the aquatic ecosystem from human disturbances. This section establishes standards to protect riparian vegetation on lands not subject to the requirements of the Oregon Forest Practices Act.

Areas of riparian vegetation are identified as follows:

- (1) Estuarine and Coastal Shoreland rivers and sloughs: a riparian vegetation zone of 50 feet wide shall be maintained except where shown on the County's estuarine resource base maps.
- (2) Lakes, reservoirs, and river segments outside of Estuarine or Coastal Shoreland areas: a riparian vegetation zone 50 feet wide shall be maintained. Where emergent wetland vegetation exists adjacent to a lake, reservoir, or river, the 50 feet shall be measured from the landward extent of the emergent wetland area. If a shrub or forested wetland area exists adjacent to the lake, reservoir or river, the zone of riparian vegetation shall be the entire area of the shrub or forested wetland. Measurements are taken horizontally and perpendicular from the line of non-aquatic vegetation.

Where no aquatic vegetation is present, the measurement shall occur in estuarine and coastal shoreland areas from the mean higher high water line and from the ordinary high water line in non-estuarine areas.

STAFF ANALYSIS & FINDINGS: The Applicant did not address this provision; however, these policies are addressed at the development stage and staff is satisfied with the Applicant's proposal, the preliminary plat for which shows appropriate setbacks for protecting riparian vegetation.

S4.504. Development Standards.

(1) All structures shall be located outside of the zone of riparian vegetation areas defined in S4.500 above, unless direct water access is required in conjunction with a water-dependent or water-related use or as otherwise provided by this Ordinance.

(2) Because the zone of riparian vegetation is a uniform width, it may in particular locations include pastureland, land managed for agricultural crops, landscaped area or unvegetated areas which do not function as riparian vegetation. Upon request, the County may undertake a site investigation to establish the extent of riparian vegetation requiring protection in a particular location.

(3) Exemptions from (1) and (2) above and from the applicable setback requirement for the front or rear yard that is opposite the riparian area may be granted without a variance for uses on:

- a. Lots located in areas identified in the Comprehensive Plan's Goal 2 exception element as "built and committed" and which existed as of the date of adoption of this ordinance, and single family residential "lots of record" as defined and used in Chapter 884 Oregon Laws 1981 as amended, where the lot depth resulting from the riparian setback and the opposite front/rear yard setback is less than 45 feet.
- b. Other lots in identified "built and committed" areas and other "lot of record" where the combination of setbacks required by this section result in a buildable lot depth of less than 45 feet.
- c. Exemptions from the riparian setback shall be the minimum necessary to accommodate the proposed use after the yard opposite the riparian area has been reduced to a width of no less than ten feet.

(4) Vegetation within the riparian setback shall be maintained with the following exceptions:

- (A) The removal of dead, diseased or dying trees that pose an erosion or safety hazard.
- (B) Vegetation removal necessary to direct water access to the Columbia River Estuary for an approved water dependent or water-related use that meets the criteria in Section S4.243.
- (C) Removal of vegetation necessary for the placement of structural shoreline stabilization.

(5) The requirements of this section shall not apply to actions covered by the Oregon Forest Practices Act.

STAFF ANALYSIS & FINDINGS: The Applicant did not address this provision; however, these policies are addressed at the development stage and staff is satisfied with the Applicant's proposal, the preliminary plat for which shows appropriate setbacks for protecting riparian vegetation.

CHAPTER 5 VEHICLE ACCESS CONTROL AND CIRCULATION.

S5.030 Purpose.

The following access control standards apply to industrial, commercial and residential developments including land divisions as noted in the Land and Water Development and Use Ordinance. Access shall be managed to maintain an adequate “level of service” and to maintain the “functional classification” of roadways as required by the Clatsop County Transportation System Plan. Major roadways, including arterials, and collectors, serve as the primary system for moving people and goods within and through the county. “Access management” is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.

The regulations in this section further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

S5.033 Access Control Standards.

(1) **Traffic Impact Study Requirements.** The County or other agency with access jurisdiction may require a traffic impact study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See, Section 5.350 – Traffic Impact Study.)

Applicant’s Findings: In accordance with the provisions outlined in LWDUO Section 5.330 a traffic impact study is not required for this proposal.

The proposal satisfies this these criteria.

STAFF FINDINGS: Staff concurs with the Applicant’s findings. The County Engineer has not required a Traffic Impact Study. This criterion has been satisfied.

(2) The County or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.

Applicant’s Findings: There are currently two access points to the proposed subdivision, the first is from Easy Way Road and the second from Polo Ridge Road. Additionally Chukkar Lane and Cantor Road will provide internal transportation to the lots in Phase III.

The proposal satisfies this criterion.

STAFF FINDINGS: Staff concurs with the Applicant’s findings. The County Engineer has accepted the roadways detail on the preliminary plat (Exhibit E, Attachment 2). This criterion has been satisfied.

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

(A) **Option 1.** Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.

- (B) Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
- (C) Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Subsection (6) below.
- (D) Access to and from off-street parking areas shall not permit backing onto a public street. Except that in limited situations where no alternative design is possible and sight distances are acceptable, parking areas having three or fewer spaces may allow for backing onto a collector or local street subject to the approval of the Public Works Director.

Applicant’s Findings: Currently there are two access points to the subject parcel. However, Easy Street, which provides access to Phase one of the development, currently has a deed restriction that limits access to other lots. The road system in the subdivision has been platted to property boundaries to provide potential access alternative in the future.

The proposal satisfies the access provisions.

STAFF FINDINGS: Staff concurs with the Applicant’s findings. The County Engineer has accepted the roadways detail on the preliminary plat (Exhibit E, Attachment 2). This criterion has been satisfied.

(4) Subdivisions Fronting Onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and midblock lanes).

Applicant’s Findings: The subdivision does not front onto an arterial street.

STAFF FINDINGS: Staff concurs with the Applicant’s findings. This criterion has been satisfied.

(5) Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-5, or CBR Zones, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the RSASFR, RSA-MFR, CR, SFR-1, RA-1, RA-5, or CBR Zones, a landscape buffer with trees and/or shrubs and ground cover not less than 20 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner’s association, etc.).

Applicant’s Findings: Due to topographical constraints a few double frontage lots are created. However, this factor is not expected to create difficulties for development. Additionally Clatsop County LWDUO Section 5.033(5) stipulates provisions where such circumstances are permissible.

The proposal satisfies the criteria regarding double frontage lots.

STAFF FINDINGS: Staff concurs with the Applicant’s findings. The County Engineer has accepted the roadways detail on the preliminary plat (Exhibit E, Attachment 2).

This criterion has been satisfied; however, a condition has been added that the Applicant shall provide a landscape buffer with trees and/or shrubs and ground cover not less than 20 feet wide between the backyard fence/wall and the sidewalk or street; maintenance to be assured by the owner through homeowner's association.

(6) Reverse Frontage Lots. When a lot has frontage opposite that of the adjacent lots, access shall be provided from the street with the lowest classification.

Applicant's Findings: No reverse frontage lots are proposed.

The proposal satisfies the criteria for reverse frontage lots.

STAFF FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

7) Access Spacing. The access spacing standards below shall apply to newly established public street intersections, private drives, and non-traversable medians unless the Public Works Director determines that site and or road conditions make it impractical to meet the access spacing standard.

Applicant's Findings: Minimum spacing standards for driveways to each lot do not apply along the private road (local street).

The proposal satisfies the access spacing criteria.

STAFF FINDINGS: Staff concurs with the Applicant's findings. The County Engineer has accepted the roadways detail on the preliminary plat (Exhibit E, Attachment 2). This criterion has been satisfied.

(8) Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for two family and three-family housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Section S5.033(9), below, in order to maintain the required access spacing, and minimize the number of access points.

Applicant's Findings: One private road access per lot is proposed.

The proposal satisfies the criteria regarding access points.

STAFF FINDINGS: Staff concurs with the Applicant's findings. The County Engineer has accepted the roadways detail on the preliminary plat (Exhibit E, Attachment 2). This criterion has been satisfied.

(9) Shared Driveways. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The County shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

(A) Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension.

"Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

- (B) Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.
- (C) Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

Applicant's Findings: One private road access per lot is proposed.
The proposal satisfies the criteria regarding access points.

STAFF FINDINGS: Staff concurs with the Applicant's findings. The County Engineer has accepted the roadways detail on the preliminary plat (Exhibit E, Attachment 2). This criterion has been satisfied.

(10) Street Connectivity and Formation of Blocks Required. In order to promote efficient vehicular and pedestrian circulation throughout the county, land divisions and large site developments, as determined by the Community Development Director, shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

- (A) Block Length and Perimeter. No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street. The recommended minimum length of blocks along an arterial street is 1,800 feet. An exception to the above standard may be granted, as part of the applicable review process, when blocks are divided by one or more pathway(s); pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles; or where the site's topography or the location of adjoining streets makes it impractical to meet the standard.

Applicant's Findings: The applicants are proposing to use an existing road that was constructed with the original POLO Ridge Subdivision. This road has one block that is over the 1000-foot recommendation. However, all other roads in the subdivision meet the block standard. Additionally LWDUO S5.033(10)(a) allows provisions for an exception to this standard when the topography makes the location of adjoining streets make it impractical to comply.
The applicant recommends the hearing body accept this reasoning and grant an exception to the 1000-foot block length criteria.

STAFF FINDINGS: Staff concurs with the Applicant's findings. The County Engineer has accepted the roadways detail on the preliminary plat (Exhibit E, Attachment 2). This criterion has been satisfied.

- (B) Street Standards. Public and private streets shall also conform to Sections S6.000 – Transportation Improvements and Road Standard Specifications for Design and Construction and Section S5.040 - Pedestrian and Bicycle Access and Circulation, and applicable Americans With Disabilities Act (ADA) of 1990 design standards.

Applicant's Findings: All streets servicing the subdivision shall be built to County Road Standards identified in Clatsop County's SD S6.050, Table 1.
The proposal will satisfy applicable street standards.

STAFF FINDINGS: Staff concurs with the Applicant's findings. The County Engineer has accepted the roadways detail on the preliminary plat (Exhibit E, Attachment 2). This criterion has been satisfied.

- (C) Driveway Openings. Driveway openings or curb cuts shall be the minimum width necessary to provide the required number of vehicle travel lanes (12 feet for each travel lane). The

following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

- 1) Single family, two-family, and three-family uses shall have a minimum driveway width of 10 feet, and a maximum width of 24 feet.
- 2) Multiple family uses with between 4 and 7 dwelling units shall have a minimum driveway width of 20 feet, and a maximum width of 24 feet.
- 3) Multiple family uses with more than 8 dwelling units, and off-street parking areas with 16 or more parking spaces, shall have a minimum driveway width of 24 feet, and a maximum width of 30 feet. These dimensions may be increased if the Community Development Director determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.
- 4) Access widths for all other uses shall be based on 12 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Sections S6.000 – Transportation Improvements and Road Standard Specifications for Design and Construction.
- 5) Driveway Aprons. Driveway aprons (when required) shall be constructed of concrete or asphalt and shall be installed between the street right-of-way and the private drive, as shown above. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous route of travel that is a minimum of 3 feet in width, with a cross slope not exceeding 2 percent.

Applicant's Findings: The driveways that will connect the subdivision lots to the road system shall be 10-24 feet in width. Consistency with this standard will be conformed at the development review/building permitting stage for each subdivision lot.

The proposal will satisfy applicable driveway opening criteria.

STAFF FINDINGS: Staff concurs with the Applicant's findings. The County Engineer has accepted the roadways detail on the preliminary plat (Exhibit E, Attachment 2). This criterion has been satisfied.

(11) Fire Access and Parking Area Turn-Arounds. A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive, or an alternative acceptable to the local Fire District and Public Works Director. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, please refer to Section S5.102.10 - Cul-de-Sac.

Applicant's Findings: The road network is built in conformance with the fire department recommendations. A letter from the fire department has been provided in Exhibit D illustrating compliance with these criteria.

The proposal is consistent with fire access and parking turnarounds.

STAFF FINDINGS: Staff concurs with the Applicant's findings. The County Engineer has accepted the roadways detail on the preliminary plat (Exhibit E, Attachment 2), and the Fire Chief's letter appears in Exhibit D. This criterion has been satisfied.

(12) Vertical Clearances. Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.

Applicant's Findings: No obstructions currently exist.

The proposal is consistent with the vertical clearance criteria.

STAFF FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

(13) Vision Clearance. See Section S2.012. Clear Vision Area.

Applicant's Findings: A clear vision area shall be maintained at the corner of the access road and Surf Pines Lane.

The proposal satisfies the clear vision criteria.

STAFF FINDINGS: Staff concurs with the Applicant's findings. The County Engineer has accepted the roadways detail on the preliminary plat (Exhibit E, Attachment 2). This criterion has been satisfied; however, a condition has been added that the Applicant shall maintain a clear vision area at the corner of the access road and Surf Pines Lane; maintenance to be assured by the owner through homeowner's association.

(14) Construction. The following development and maintenance standards shall apply to all driveways and private streets, except that the standards do not apply to driveways serving one single-family detached dwelling:

(A) Surface Options. Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material may be used to reduce surface water runoff and protect water quality. Paving surfaces shall be subject to review and approval by the Public Works Director.

(B) Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with standards approved by the Public Works Director.

(C) Driveway Aprons. When driveway approaches or "aprons" are required to connect driveways to the public right-of-way, they shall be paved with concrete or asphalt surfacing.

Applicant's Findings: Development and construction of streets, driveway, stormwater drainage systems shall be in conformance with the standards approved by the county's Public Works Department.

The criteria can be conditionally satisfied.

STAFF FINDINGS: Staff concurs with the Applicant's findings. The County Engineer has accepted the roadways detail on the preliminary plat (Exhibit E, Attachment 2). This criterion has been satisfied; however, a condition has been added that the Applicant's development and construction of streets, driveway, stormwater drainage systems shall be in conformance with the standards approved by the county's Public Works Department.

S5.040. PEDESTRIAN AND BICYCLE ACCESS AND CIRCULATION

S5.041. Purpose.

To ensure safe, direct and convenient pedestrian and bicycle circulation, all new development in rural communities, except single family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian

circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in Subsections S5.034(1) and S5.034(2) below:

- (1) **Continuous Pathways.** The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of S5.033 - Access Control Standards, and S6.000 - Transportation Improvements and Road Standard Specifications for Design and Construction
- (2) **Safe, Direct, and Convenient Pathways.** Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances, and all adjacent streets based on the following definitions:
 - (A) **Reasonably direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
 - (B) **Safe and convenient.** Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
- (3) **Connections Within Development.** For all developments subject to Site Design Review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site.
- (4) **Street Connectivity.** Multiuse pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section S5.104. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments. Pathways used to comply with these standards shall conform to all of the following criteria:
 - (A) Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 8-feet wide and located within a 12 foot right-of-way or easement that allows access for emergency vehicles;
 - (B) If streets within a subdivision or neighborhood are lighted, pathways shall also be lighted;
 - (C) Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep;
 - (D) The decision-maker may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.
 - 1) **Vehicle/Pathway Separation.** Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
 - 2) **Housing/Pathway Separation.** Pedestrian pathways shall be separated a minimum of 5 feet from all residential living areas on the ground floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped. No pathway/building separation is required for commercial, industrial, public, or institutional uses.
 - 3) **Crosswalks.** Where pathways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or

painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it should consist of thermo-plastic striping or similar type of durable application.

- 4) Pathway Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 5 feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 8 feet wide.
- 5) Accessible routes. Pathways shall comply with the federal Americans With Disabilities Act (ADA), which requires accessible routes of travel from the parking spaces to the accessible entrance. The route shall be compliant with the following standards:
 - (a) Shall not contain curbs or stairs;
 - (b) Must be at least 3 feet wide;
 - (c) Is constructed with a firm, stable, slip resistant surface; and
 - (d) The slope shall not be greater than 1:12 in the direction of travel.

STAFF FINDINGS: The Applicant did not address S5.040. PEDESTRIAN AND BICYCLE ACCESS AND CIRCULATION; however, S5.040 directs safe and convenient pedestrian and bicycle circulation for all new development in rural communities, except single family detached housing (i.e., on individual lots), a continuous pedestrian and/or multi-use pathway system, designed based on the standards in Subsections S5.034(1) and S5.034(2) above. Staff has appended a condition to ensure this criterion is met.

S5.100. SUBDIVISION DESIGN STANDARDS

S5.101. Principles of Acceptability.

A subdivision shall conform to the current Comprehensive Plan and shall take into consideration preliminary plans made in anticipation thereof. A subdivision shall conform to the requirements of state law and the standards established by this Ordinance.

S5.102. Streets.

- (1) General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive development plan, the arrangement of streets in a subdivision shall either:
 - (A) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - (B) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
- (2) Minimum right-of-way and roadway widths. The width of streets and roadways shall be adequate to fulfill County specifications as provided in Section S6.000 of this Ordinance.
- (3) Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way. If necessary, special slope easements may be required.
- (4) Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the County under conditions approved by the Planning Commission.

- (5) Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.
- (6) Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision or adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- (7) Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet or tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line.
- (8) Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.
- (9) Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half strips.
- (10) Cul-de-sacs. a cul-de-sac shall be as short as possible and shall terminate with a turnaround.
- (11) Street names. Except for extensions of existing streets, no street shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and, if near a city, to the pattern in the city, and shall be subject to the approval of the Planning Commission.
- (12) Grades and curves. Grades shall not exceed 6 percent on arterials, 10 percent on collector streets, 12 percent on any other street. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept steeper grades and sharper curves.
- (13) Streets adjacent to railroad right-of-way. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.
- (14) Marginal access streets. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

- (15) Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.

Applicant's Findings: The access road will be located within a 50-foot easement. A letter from the Surf Pines Home Owners Association granting authorization to take access from their private road has been appended to this document.

The proposal is consistent with the County's provisions for governing street design.

STAFF FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

S5.104. Blocks.

- (1) General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.
- (2) Size. No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining street justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.
- (3) Easements.
 - (A) Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 12 feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six feet in width.
 - (B) Water courses. If a subdivision is traversed by a water course such as drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.
 - (C) Pedestrian ways. When desirable for public convenience, pedestrian pathways shall be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks in accordance with Section S5.040.

Applicants' Findings: Due to the topography and rural location the uniform subdivision blocks are not incorporated into the design of this subdivision. As described on the previous page topography juxtaposed with other constraints make adhering to a 1000' block impractical in this situation.

If the hearing body grants an exception this proposal is consistent with this provision.

STAFF FINDINGS: Staff concurs with the Applicant's findings. The County Engineer has accepted the roadway detail on the preliminary plat (Exhibit E, Attachment 2). An exception in this instance is acceptable; this criterion can be satisfied with an exception.

S5.106. Lots.

- (1) Size and shape, lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. An interior lot shall have a minimum average width of 50 feet and a corner lot a minimum average width of 60 feet. A lot shall have a minimum average of 100 feet, and the depth shall not ordinarily exceed two times the average width. These minimum standards shall apply with the following exceptions:

(A) In areas that will not be served by a public water supply or a sewer, minimum lot sizes shall conform to the requirements of the County Health Department and shall take into consideration requirements for water supply and sewage disposal, as specified in Section 34. The depth of such lots shall not ordinarily exceed two times the average width.

(B) Where property is zoned, lot sizes shall conform to the zoning requirement. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated.

(2) Access. Each lot shall abut upon a street other than an alley for a width of at least 25 feet.

(3) Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 feet wide and across, which there shall be no right of access may be required along the line of lots abutting such a traffic artery or other incompatible use.

(4) Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

Applicant's Findings: The proposed subdivision lots are of the appropriate size, shape, width and orientation for 1-acre lots in accordance with the density provisions in the Clatsop Plains planning area.

The proposal is consistent with the lot size and shape.

STAFF FINDINGS: Staff concurs with the Applicant's findings. This criterion is satisfied.

S5.108 General Soil Development.

Lot grading in areas subject to the geologic hazard overlay zone shall conform to the standards of Section 4.040.

Applicant's Findings: No grading has occurred on the site thus far. LWDUO S5.108 contains additional requirements for lot grading, specifically, cut slopes shall not exceed 1 ½ feet horizontal to one foot vertical and fill slopes shall not exceed two feet horizontal to one foot vertical.

Grading activity will be in compliance with the grading provisions.

STAFF FINDINGS: Staff's concurs with the Applicant's findings. This criterion will be met through appropriate conditions of approval.

S5.110. Building Lines.

If special building setback lines are to be established in the subdivision, they shall be shown on the subdivision plat or included in the deed restriction.

Applicant's Findings: A riparian corridor along each bank of Neacoxie Creek is identified on the preliminary plat.

The proposal is consistent with Building Line provisions.

STAFF FINDINGS: Staff's concurs with the Applicant's findings. This criterion will be met through appropriate conditions of approval.

S5.112. Large Lot Subdivision.

In subdividing tracts into large lots which at some future time are likely to be resubdivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building size restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

Applicant's Findings: The current zoning and lot configuration does not allow the lots to be reduced further in the future.

Criteria have been met.

STAFF FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

S5.114. Land for Public Purposes.

If the County has an interest in acquiring any portion of the proposed subdivision for a public purpose, or if the County has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed one year.

Applicant's Findings: The county has not expressed an interest in this property. Therefore no such lands are required or proposed.

The proposal is consistent with the Public Lands provision.

STAFF FINDINGS: Staff concurs with the Applicant's findings. This criterion has been satisfied.

S5.115. Subdivision Improvements

S5.116. Improvement Procedures.

In addition to other requirements, improvements shall conform to the requirements of this ordinance and improvement standards or specifications adopted by the County and shall be installed in accordance with the following procedure:

- (1) Work shall not be commenced until plans have been reviewed for adequacy and approved by the County. To the extent necessary for evaluation of the subdivision proposal, the plans may be required before approval of the final map. All plans shall be prepared on tracing cloth in accordance with requirements of the County.
- (2) Work shall not be commenced until the County has been notified in advance, and if work has been discontinued for any reason it shall not be resumed until the County has been notified.
- (3) Required improvements shall be inspected by and constructed to the satisfaction of the County. The County may require changes in typical sections and details if unusual conditions arising during construction warrant such change in the public interest.
- (4) Underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to lengths that will avoid the need to disturb street improvements when service connections are made.
- (5) A map showing public improvements as built shall be filed with the County Engineer upon completion of the improvements.

Applicant's Findings: All subdivision improvements shall conform to the requirements of the County LWDUO and SD improvement standards and specifications adopted by the County.

The proposal is consistent with these criteria.

STAFF FINDINGS: Applicant is following appropriate procedures and staff has appended conditions to ensure these criteria continue to be met.

S5.118. Specifications for Improvements.

The County Engineer shall prepare and submit to the Board of County Commissioners specifications to supplement the standards of this ordinance based on engineering standards appropriate for the improvements concerned. Specifications shall be prepared for the construction of the following:

- (1) Streets including related improvements such as curbs, shoulders, median strips and sidewalks, and including suitable provisions for necessary slope easements.
- (2) Drainage facilities.
- (3) Sidewalks in pedestrian ways.
- (4) Sewers and sewage disposal facilities.
- (5) Public water supplies and water distribution systems.

Applicant's Findings: All road and drainage improvements will be installed in accordance with the applicable county requirements.

The proposal is consistent with Clatsop County Standards.

STAFF FINDINGS: Applicant is following appropriate procedures and staff has appended conditions to ensure these criteria continue to be met.

S5.120. Improvement Requirements.

The following improvements shall be installed at the expense of the subdivider:

- (1) Water supply. Lots within a subdivision shall either be served by a public domestic water supply system conforming to state or County specifications or the lot size shall be increased to provide such separation of water sources and sewage disposal facilities as the County Sanitarian considers adequate for soil and water conditions.
- (2) Sewage. Lots within a subdivision either shall be served by a public sewage disposal system conforming to state or County specifications or the lot size shall be increased to provide sufficient area for a septic tank disposal system approved by the County Sanitarian as being adequate for soil and water conditions considering the nature of the water supply.
- (3) Drainage. Such grading shall be performed and drainage facilities installed conforming to County specifications as necessary to provide proper drainage within the subdivision and other affected areas in order to secure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed if necessary to protect the subdivision against flooding or other inundation.
- (4) Streets. Where streets are to be accepted into the County road system, the subdivider shall grade and improve streets in the subdivision and the extension of such streams to the paving line of existing streets with which such streets intersect in conformance with County specifications. Street improvements shall include related improvements such as curbs, shoulders, sidewalks and median strips to the extent these are required. All other streets shall be improved in accordance with minimum road standards as set forth in S6.000.

(5) Pedestrian ways. A sidewalk in conformance with the standards of Section S5.034 shall be installed in the center of pedestrian ways.

(6) Underground utilities. Underground utilities shall be required.

Applicant's Findings: The applicant installing the necessary utility(ies) in accordance with the rules of the applicable agency(ies) including: (1) Water lines; (2) DEQ approvals; (3) Drainage systems; (4) Streets; (5) Pedestrian ways; and (6) Underground Utilities.

The proposal is consistent with the County Improvement Requirements.

STAFF FINDINGS: Staff was not able to determine where the drainage and bio-swales would be located on the preliminary plat, and S5.040. PEDESTRIAN AND BICYCLE ACCESS AND CIRCULATION has not been addressed. These criteria are not satisfied; however, the Applicant could satisfy the criteria by revising the preliminary plat to include the information. These criteria will be met through appropriate conditions of approval.

S5.200. SUBDIVISION, PARTITION AND PROPERTY LINE ADJUSTMENT SURVEY REQUIREMENTS

Subdivisions, partitions and property line adjustments shall be surveyed pursuant to ORS 92.

S5.201. Standards for Polyester Film Plats - Clatsop County.

The following are standards and requirements for preparation of plats:

- (1) Pursuant to ORS 92.080 and notwithstanding ORS 205.232 and 205.234, all plats subdividing or partitioning any land in any county in this state, and dedications of streets or roads or public parks and squares and other writing made a part of such subdivision or partition plats offered for record in any county in this state shall be made in permanent black India type ink or silver halide permanent photocopy, upon material that is 18 inches x 24 inches in size with an additional three-inch binding edge on the left side when required by the County Clerk or the County Surveyor, that is suitable for binding and copying purposes and that has such characteristics of strength and permanency as may be required by the County Surveyor. All signatures on the original subdivision or partition plat shall be in permanent black India type ink. The subdivision or partition plat shall be of such a scale as required by the County Surveyor. The lettering of the approvals, the declaration, the surveyor's certificate, and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch. The subdivision or partition plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for subdivision or partitions plats placed upon three or more sheets.
- (2) In addition to standards and requirements of the Oregon Revised Statutes, the County Surveyor may set other requirements for surveys of final plats including but not limited to type of ink, how corrections are to be conducted, margins, scale, etc.

STAFF FINDINGS: Applicant is following appropriate procedures and staff has appended conditions to ensure these criteria continue to be met. This criterion will be met through appropriate conditions of approval.

CHAPTER 6. ROAD STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION

S6.005. General Road and Access Policies:

- (1) Purpose. The establishment of the criteria to be used in Clatsop County for evaluating the appropriateness of proposed roads which are intended to provide access to lots or parcels.

This criteria shall form the basis for determining what requirements are necessary to ensure that there will be adequate provisions available now, and in the future, to provide for the transportation needs of lots, parcels, or developments. The Clatsop County Road Standards are the intended to provide access to new development in a manner which reduces construction cost, makes efficient use of land, allows emergency vehicle access while discouraging inappropriate traffic volumes and speeds, and which accommodates convenient pedestrian and bicycle circulation. The standards apply to County roads, dedicated roads and private roads.

The Road Standards to be applied are based on the density of the zone in which it will be built and shall be constructed to that standard. The Clatsop County Department of Community Development, Planning Commission or Board of County Commissioners will on a case by case basis consider possible future parcelization and whether or not the road being built should be private or dedicated.

Where a partition is proposed in Major or Peripheral Big Game Range areas, the road shall be located to minimize its impact on big game range.

- (2) Conditions of Development Approval. No development may occur unless required transportation facilities are in place or guaranteed, in conformance with the provisions of this document. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development on public facilities and services. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.
- (3) Criteria. Roads in Clatsop County shall be designed, constructed, and maintained to:
 - (A) Be capable of ensuring unrestricted travel to and from a property.
 - (B) Provide adequate, safe, and legal access with minimum public cost.
 - (C) Place the burden of the costs on the benefited person(s).
 - (D) Provide access for fire protection, ambulance, police, mail, school bus, public transit, and garbage services.
 - (E) Provide for drainage ways and utility services.
 - (F) Be compatible with adjoining land use.
 - (G) Minimize, with the constraints of reasonable engineering practices and costs, the creation of roads within lands designated for Exclusive Farm Use, Forest Resource, Open Space Reserve, Rural and Rural Service Areas designated by the Clatsop County Comprehensive Plan.
 - (H) Ensure that the new road will minimize interference with forest management or harvesting practices.
 - (I) Minimize within the constraints of reasonable engineering practices and costs the loss of productive agricultural or forest land, and be located on that portion of such land that is least suitable for timber or agricultural production, taking into consideration, but not limited to, the following: topography, soil capability or classification, erosion potential, and the size and resultant configuration of the affected tracts.
 - (J) Minimize the loss of important wildlife habitat, such as sensitive deer and elk range, identified natural areas, and other significant natural features.
 - (K) Facilitate safe and convenient pedestrian and bicycle trips to meet local travel needs in developed areas.

(L) Streets within or adjacent to a development shall be improved in accordance with the Transportation System Plan and the provisions of this Section.

(4) Standards, Generally:

(A) The following are a variety of types or forms of access used to gain ingress and egress to property within Clatsop County:

- 1) County roads
- 2) Federal roads
- 3) State highways
- 4) Dedicated ways
- 5) Flag lots
- 6) Ways of necessity
- 7) Public roads
- 8) Private roads
- 9) Prescriptive roads

(B) Publicly dedicated and maintained roads provide superior access.

(C) Flag lots may provide access, but can hinder future development of the surrounding area.

(D) Private roads function best if they are designed to serve a predetermined, limited amount of development.

(E) Paved roads are safer, less of a nuisance, and more economical to maintain than gravel roads.

(F) Road requirements should support a complete transportation network, and not inhibit new land development innovations and concepts.

(G) Dedicated ways or County roads shall be the ordinary standard recommended for subdivisions, except as may be dictated by natural hazards, topography, or other special circumstances.

(5) Standards, Specifically:

(A) As far as is feasible, roads shall be in alignment with existing or appropriate projections of existing roads by continuation of their centerline.

(B) When necessary to give access to, or permit a satisfactory future division of adjoining lands, rights-of-way or easements shall be extended to the boundary of a major partition, subdivision, or development. The County may also require the improvement of such rights-of-way or easements in a Class "a" division. A temporary turnaround may be required for the resulting dead end road.

(C) Frontage roads, or double frontage parcels or lots may be required by the County when a proposed parcel or lot would otherwise abut an arterial or collector road in order to effect separation of through and local traffic. In addition, screening or other treatments may be required along arterials and collectors in order to provide adequate noise and visual protection to adjacent properties.

(D) Whenever a proposed division or development is intended to abut a public road, the County shall restrict or limit as to location and number, vehicular access points unless specifically exempted in any approval thereof.

(E) Where a cut or fill road slope is outside the normal right-of-way, a slope easement shall be required of sufficient width to permit maintenance of the cut or fill and drainage structure.

Applicant's Findings: If the applicant proposed to meet the minimum standard required per county road standards the road system would consist of an A-22 access road, with A-20 and A-14 service roads. The applicant has provided a statement from the County Road Master verifying that the proposed development conforms to county road standards.

The proposal will be consistent with County road standards including access policies.

STAFF FINDINGS: Staff concurs with the Applicant's findings. The County Engineer has accepted the roadways detail on the preliminary plat (Exhibit E, Attachment 2), and staff has appended conditions to ensure these criteria will be met.

S6.010. Improvement Plans.

The Improvement Plans will include, but not be limited, to the following:

- (1) A plan view showing:
 - (A) Dimensioning necessary to survey and relocate the roadway.
 - (B) Right-of-way lines as shown on the final plat.
 - (C) Proposed drainage structures, showing both size and type of structure.
 - (D) Location of all existing and proposed utilities.
 - (E) Location and dimensions of the pedestrian circulation system.
 - (F) Location of bicycle parking.
 - (G) Location and type of signs.
 - (H) Toe of slope and top of cut lines showing the limits of the construction area within the dedication.
 - (I) Section lines, fractional section lines and/or Donation Land Claim lines tie to corner from which dedication description is prepared.
 - (J) Vicinity map in the upper left hand corner of the first plan sheet showing roughly the relationships of the proposed road to cities, state highways, county roads, or other well defined topographical features.
 - (K) The stamp and signature of the Registered Professional Engineer preparing the plans.
- (2) A profile showing:
 - (A) Centerline grades and vertical curves.
 - (B) Curb profiles where curbs are required.
 - (C) Super elevation transition diagrams for horizontal curves shall be shown if curbs are not required.
- (3) Typical roadway cross-section showing:
 - (A) Width and depth of base.
 - (B) Width and depth of paving.
 - (C) Curbs if required.
 - (D) Side slopes.
 - (E) Ditch section in cut areas.
- (4) Detail plans of all bridges, stamped by a registered professional engineer.
- (5) Detail plans of any drainage and irrigation structures, sewer lines, or other structures.
- (6) Any other information required by the County Road Department.

Applicant's Findings: The road layout shown on the preliminary subdivision plat application has been reviewed and approved by the County and local fire protection district.

The proposal will adhere to improvement plan policies.

STAFF FINDINGS: Staff concurs with the Applicant's findings. The County Engineer has accepted the roadways detail on the preliminary plat (Exhibit E, Attachment 2), and the Gearhart Fire Chief has provided a letter stating requirements to make the development acceptable. Staff has appended conditions to ensure these criteria will be met.

S6.050. Public and County Road Standards.

Applicants' Findings: the subdivision road will be located within a 50-foot wide easement and meet the county's A-20 requirements. The road shall be provided with suitable turnaround(s) in accordance with the Uniform Fire Code and the applicable Fire Chief. A road maintenance agreement shall be recorded and referenced on the face of the final subdivision plat.

The proposal is consistent with the County road development standards.

STAFF ANALYSIS & FINDING:

The subdivision requires that Polo Ridge Road meet the "A-22" standard; Chukkar Lane and Canter Road meet the "A-20" standard; and the two Driveways meet the "A-14" standard in accordance with the applicable road standards of Chapter 6 of the Clatsop County Standards Document including Table 1 depicted below. The County Engineer has accepted the roadways detail on the preliminary plat (Exhibit E, Attachment 2), and the Gearhart Fire Chief has provided a letter stating requirements to make the development acceptable. This standard will be met through appropriate conditions appended to this decision.

S6.050 Table 1- Right-of-Way and Improvement Standards Table

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

* If unavoidable conditions exist a grade of 2% greater than that shown may be allowed with A.C. paving.
 ** If unavoidable conditions exist a grade of 4% greater than that shown may be allowed with A.C. paving.
 *** May be reduced to 22 feet as specified in AASHTO if approved by the County Engineer.
 (1) One (1) approved street sign will be provided at each intersection for each named street.
 (2) All dead-end streets will be terminated with a cul-de-sac or approved turnaround. See Design Standard Typical Cul-de-sac for details.
 (3) Drainage/slope easements may be required if roadway slopes extend beyond the right-of-way.
 (4) A-12 roads require turn-outs at a maximum distance of 250 feet, or at a lesser interval that will maintain a continuous visual contact between each successive turn-out.
 (5) Minimum A.C. thickness is 3" nominally compacted ODOT Class C, or approved equal.
 (Amended 11/1/2004)

S6.160. Private Road Minimum Requirements.

Table 2 and the following minimum requirements shall apply for any action relating to the approval of a private road:

- (1) Private roads shall provide access to no more than ten (10) abutting lots or parcels. A private road may serve more than ten (10) lots or parcels when the parcels are within a planned

development or subdivision and when such road is constructed to the standards for a public road, and is approved as a part of the planned development or subdivision. Under no circumstances shall a private road serve other roads or areas.

Surf Pines and The Highlands at Gearhart are exempt from this requirement. These two areas are served by private roads and already exceed the 10-lot standard.

- (2) Private roads shall not be approved if the road is presently needed, or is likely to be needed, for development of adjacent property, or to be utilized for public road purposes in the normal development of the area, or if the private road is intended to serve commercial, or industrial district uses. Private roads shall not be approved for commercial or industrial land divisions.
- (3) The minimum easement for a private road shall be 25 feet, except where the natural slope of the land within the easement (cross-slope) is greater than 21 percent, in which case the easement width shall be 50 feet. The minimum right-of-way width shall accommodate required cut and fill slopes, ditches, turnouts and cul-de-sacs.
- (4) A lot or parcel abutting a railroad or limited access road right-of-way may require special consideration with respect to its access requirements.
- (5) Guardrail is required on all bridges and for a distance of 40 feet along the approaches to all bridges. Guardrail is also required along any fill slope or natural ground slope below the road that is steeper than 1:1, over 10 feet high, and is within 10 feet horizontally of the edge of the traveled road surface. The guardrail materials must be approved as conforming to Oregon State Highway Standard Specifications.
- (6) The County may require that the private road being considered be established as a dedicated way or County road and improved to the applicable standards, if it is determined by the County that the access and transportation needs of the public would be better served by such a change.
The determination made by the County will include the following:
 - (A) Proximity of other roads being used for the same purpose,
 - (B) Topography of the parcel and contiguous parcels,
 - (C) Potential development as determined by the existing zoning or proposed zoning if the request involves a zone change,
 - (D) Safety factors such as visibility, frequency or road access points.
- (7) All private roads that are dead-end roads shall have a cul-de-sac or other suitable turnaround.
- (8) A private road shall directly connect only to a public, county or state road.
- (9) The travel surface of the private road shall be constructed so as to ensure egress and ingress for the parcels served during normal climatic conditions:
 - (A) Twelve (12) inches of pit run base course or equivalent. The grade of rock shall be approved by the County Road Department prior to construction. As an alternate, the depth of the base course containing 4 or 6-inch minus or jaw run may be less than 12 inches as determined on a case-by-case basis by the County Road Department.
 - (B) Two inches of 3/4-inch minus top course.
- (10) The County shall require that a maintenance agreement be recorded in the records of Clatsop County along with any map or plat creating a private road, and include the following terms:
 - (A) That the agreement for maintenance shall be enforceable by a majority of persons served by the road.

- (B) That the owners of land served by the road, their successors, or assigns, shall maintain the road, either equally or in accordance with a specific formula.
- (11) The County shall require that an easement over the private road for ingress and egress, including the right of maintenance, be conveyed to the properties served by the road.

FINDING: County is required to apply the A-22 Standard described in Table 1 S6.050, because the private road will service 29 lots, which is beyond the 10 lot threshold for a private road. Appropriate conditions will be appended to this decision to ensure the development meets county standards.

S6.170. Minimum Construction Standards for Private Roads.

- (1) Twelve (12) foot wide improved travel surface (see a-12 standard cross-section).
- (2) Turnouts shall be required at 800 feet maximum spacing, or at distances which ensure continuous visual contact between turnouts, and constructed to the following dimensional standards: 50 feet in length and seven (7) feet in width, with 25 foot tapers on each end back from its point of connection with the County or public road.
- (3) Cut and fill slope requirements, and ditch lines as detailed on the a-12 standard cross section. The grade of the ditch slopes parallel to centerline shall be no less than 1% to provide for adequate drainage. The developer shall be required to provide all erosion control measures necessary to maintain the standard cross section and to eliminate any increase in any stream turbidity.
- (4) The width of the road approach at its intersection with the County road, or other public road, shall equal 18 feet, and taper over a distance of 50 feet to the travel surface width back from its point of connection with the County or public road.
- (5) The finished grade within 20 feet of the traveled portion of the roadway shall not exceed +3 percent. Elsewhere the finished grade shall not exceed 18 percent. Any finished grade in excess of 14% shall be paved.
- (6) A 30 foot radius cul-de-sac, or other suitable turnaround, at the terminus of the private road or within 200 feet of its terminus.
- (7) All culverts, bridges and other waterway crossings serving two (2) or more parcels shall be

S6.170 Table 2- Minimum Road Standards for Private Roads

Revision Class	Maximum # of Parcels to be Served	Maximum Grade	Lane Width	Minimum Lanes Required	Recommended Easement Width	Design Speed	Top Course	Base Course
A ⁽⁴⁾	Private Roads are not allowed within Class "A" Division except as noted							
B	10	18% ⁽³⁾	10	1 ⁽²⁾	25	--	--	--
C	10	18% ⁽³⁾	10	1 ⁽²⁾	25	--	--	--
⁽¹⁾ "A" - Within an Urban Growth Boundary or Rural Service Area Boundary. " B" - Zoned for 5 acres or smaller, excluding Class "a" divisions. " C" - Zoned for larger than 5 acres in size. ⁽²⁾ Turnouts shall be provided intervisibly or at 800 foot intervals, whichever is less. ⁽³⁾ Grades greater than 14% shall be paved. ⁽⁴⁾ A private road is not permitted in an Urban Growth Boundary or Rural Service Area except that it may be permitted outside UGB's or RSA's. Note: See Sections S6.160 and S6.170 for complete standards.								

constructed and maintained to carry American Association of State Highway and Transportation Officials (AASHTO) HS-20 loading. a typical acceptable type is 16 gauge, galvanized CMP for small cross drains and drainageway crossings. Twelve inch diameter culverts are the absolute minimum. Bridges and other large waterway crossings shall be certified by a professional registered engineer.

- (8) All private road points of access to public roads shall include a landing area to extend 20 feet minimum beyond the shoulder of the public road on which the profile grade shall not exceed three (3) percent. A greater landing area may be required to allow for future road improvements

STAFF ANALYSIS AND FINDINGS:

The applicants' proposal satisfies the County's road standards as indicated in Table 1 of Section S6.050.

The criteria are satisfied.

VII. COMPREHENSIVE PLAN TEXT AMENDMENT.

The table on the following page reflects the modifications as proposed with this application and will be appended to the Density Table. The table will be appended to the Clatsop Plains Community Plan. The intent of the table is to ensure accountability for future generation and to keep a record of Density transfers on the Clatsop Plains. All density transfers on the Clatsop Plains are recorded on the following table. The applicant has requested to modify the language in section 3.161 as §(3). The top is what is currently in the Land Water Development and Use Ordinance and the Lower one shows the modifications as proposed by the applicant. Staff is satisfied with the applicants' request and is consistent with past precedent on these matters.

Current:

- (3) All sending and receiving parcels shall be recorded and the appropriate sections of the "Density Table" filled out completely prior to approval. Staff will review the requisite comprehensive plan text amendment for conformity with the down zone & density transfer requirements.

Proposed:

- (3) *All sending and receiving parcels shall be recorded in the "Density Table" (S3.162) and the appropriate sections filled out completely prior to approval. At the applicant's expense¹, if a receiving parcel cannot be identified at the time of application for a density transfer, the applicant can choose to record the remaining credits with an affidavit, which shall be recorded by the applicant, and maintained with the County Planning Department. Staff will review the requisite comprehensive plan text and map amendments for conformity with the down zone & density transfer requirements.*

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

SECTION 3.162: DENSITY TABLE

The following table will replace the current density table and illustrates the additions proposed by the applicant.

Section 3.162 Clatsop Plains Density Table

Sending Sites	Existing Zoning	New Zoning	Applicable Acreage	Density Units ¹	Remaining Density	Receiving Site/s	Receiving Zone	Density Credits ²
71009000902	RA5, RA1, & LW	OPR & LW	RA1 = 3.32 ac RA5 = 27.34 ac	1.66 5.47	0	71028DA00500 71028DA00800	CBR	7 units
Subtotal =				7.13 (du)				Subtotal = 7 (dc)
71009000801	RA5 & LW	OPR & LW	RA5 = 4.45 ac	0.89	0	710160000200	RA-5	7 units
71009CA00100	RA5	OPR		0.59				
71009CA01100	RA5	OPR		2.3				
71009CA01200	RA5	OPR		2.07				
71009CB00100	RA5 & LW	OPR & LW	RA5 = 0.18	0.04				
71009CB00500	RA5 & LW	OPR & LW	RA5 = 0.44	0.09				
71009CB00600	RA5 & LW	OPR & LW	RA5 = 1.83	0.36				
71009CB00700	RA5 & LW	OPR & LW	RA-5 = 2.26	0.45				
71009CB00800	RA5 & LW	OPR & LW	RA5 = 2.22	0.44				
71009CD00100	RA5	OPR		1.84				
71009CD00200	RA5 & LW	OPR & LW	RA5 = .76	0.15				
71009CD00300	RA5 & LW	OPR & LW	RA5 = .99	0.2				
71009CD00400	RA5	OPR		0.12				
71009CD00600	RA5 & LW	OPR & LW	RA5 = .37	0.07				
71009CD00700	RA5 & LW	OPR & LW	RA5 = 1.14	0.23				
71009CD00800	RA5	OPR		1.33				
71009CD00900	RA1	OPR		1.87				
71009CD01000	RA1	OPR		0.7				
71009CD01100	RA1	OPR		0.92				
71009CD01200	RA5	OPR		0.92				
71009CD01300	RA5	OPR		0.7				
71009CD01400	RA5	OPR		0.92				
71009CD01500	RA5	OPR		0.92				
71009CD01600	RA5 & LW	OPR & LW	RA5 = .28	0.06				
71009CD02000	RA5	OPR		0.34				
71009CD02100	RA5	OPR		0.45				
71009CD02200	RA5	OPR		0.45				
71009CD02300	RA1	OPR		0.45				
Subtotal =				7.84 (du)				Subtotal = 7 (dc)
Street Vacations Between Lots listed Above	RA5	OPR	5.12	1.024	0	710160000200	RA-5	1 Unit
Subtotal =				1.024 (du)				Subtotal = 1 (dc)

Density Table Clatsop Plains

Page 1

Section 3.162 Clatsop Plains Density Table

Sending Sites	Existing Zoning	New Zoning	Applicable Acreage	Density Units ¹	Remaining Density	Receiving Site/s	Receiving Zone	Density Credits ²
81028003400	SFR-1 / LW	OPR / LW	SFR-1 = 14.89	14.89	1.51	710276003500	RA-5	19 Units
81033A001200	SFR-1 / LW	OPR / LW / SFR-1	SFR-1 = 5.62	4.62 ³				
Subtotal =				19.51 (du)				Subtotal = 19 (dc)
Remaining Density from Above	SFR-1	OPR / SFR-1	SFR-1 1.51	0.4	1.11	TBD	TBD	4 Units
81033A001300	SFR-1	OPR	SFR-1 = 3.71	0				
Subtotal =				4.11 (du)				Subtotal = 4 (dc)
81033D002102	SFR-1	OPR	SFR-1 = .44	0.44	0	TBD	TBD	1 Unit
Subtotal =				.44 (du)				Subtotal = 1 (dc)
81028CA001600	SFR-1	OPR / SFR-1	SFR-1 = 2.52	1.15 ⁴	1.36	TBD	TBD	1 Unit
Subtotal =				1.15 (du)				Subtotal = 1 (dc)

¹ "Density Units" are calculated using the minimum lot size of the zone, i.e. 532 Acres of RA-1 divided by 2 equals 1.66 units.
² "Density Credits" are rounded down to the nearest whole "Density Unit" (for example, 2.54 Density Units = 2 Density Credits)
³ A little over one acre is remaining on Tract 1200
⁴ This application rezones the easterly 1.15 acres and leaves 1.37 acres zoned SFR-1

VIII. CONCLUSION AND RECOMMENDATION

For the most part the applicant's findings adhere to the requirements of the ordinance and are appropriate for adoption by the Planning Commission and Board of Commissioners. Conditions of approval will be necessary to ensure compliance with County Requirements. Those conditions can be found appended to this report; this application is a type IV consolidated application under section 2.060§2 and requires approval by the Board of Commissioners.

Staff believes this application is consistent with Statewide Planning Goals and Policies. Furthermore the application is consistent with Clatsop County's Comprehensive Plan. As a function of this application the table above will be appended to the Clatsop Plains Community Plan ensuring accountability for the density transfers on the Plains.

Staff recommends the Planning Commission and Board of Commissioners adopt the applicant's findings and staff report as the evidentiary findings of consistency for approval of this consolidated application.

Staff recommends the application be **conditionally approved** using standard best management practices to be applied at the development stage. Additionally the conditions listed on the following page are conditions necessary to ensure compliance with the criteria defined in this report.

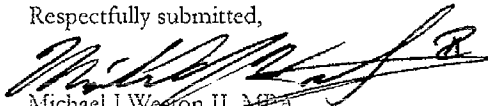
CONDITIONS OF APPROVAL

The following CONDITIONS OF APPROVAL shall apply to this land use decision:

1. All utilities shall be placed underground.
2. The applicant shall record a road maintenance agreement in the records of Clatsop County along with the final subdivision plat and include substantially the following language: "(1) The agreement for maintenance shall be enforceable by a majority of persons served by the road; and, (2) The owners of land served by the road, their successors, or assigns, shall maintain the road, either equally or in accordance with a specific formula". The easement over the road(s) for ingress and egress, including the right of maintenance, shall be conveyed to the properties served by the road(s).
3. The Restrictive Covenants to govern certain aspects of future development of the property shall be recorded prior to recording deeds for each of the lots within the subdivision. The CC&R's shall be reflected in each of the deeds. For areas which will be jointly owned or used by the various owners in the subdivision (i.e., common greenbelt preserve), a covenant document is mandatory as part of the final plat. The Community Development Director or the County's legal counsel shall review any restrictive covenants prior to recording the final subdivision plat.
4. Prior to application for final subdivision plat approval, the applicant shall provide proof of legal access.
5. Prior to application for final subdivision plat approval, the applicant shall document that the County Engineer has inspected and approved the road network (Polo Ridge Road = A-22; Canter & Chukkar = A-20; Driveways = A-14) to ensure they comply with Section 6.050 (or roads, if there are two) and roadside ditches.
6. Clear vision area are required at the intersection of Surf Pines Lane: No plantings, fences, walls, etc. shall exceed 2.5 feet in height for a minimum distance of 30 feet along Surf Pines Lane, this condition shall be addressed in the Polo Ridge CC&Rs.
7. The maximum allowable height within the boundaries of the approved Subdivision shall not exceed 29 feet above average grade as determined by the four principle corners of the proposed structure.
8. Approval of this preliminary subdivision plat includes the allowance to record easement(s), as necessary, to meet DEQ requirements for installation of individual septic systems.
9. As a function of the final subdivision plat application, a licensed and registered civil engineer in the State of Oregon shall document the steps that have been taken to ensure that stormwater runoff as a result of the present, and anticipated future, development of the property (30 homesites, driveways, etc.), will not adversely affect any of the proposed homesites, adjacent properties, or upstream or downstream drainage facilities. The engineer must confirm that adequate provisions have been made to prevent backup or ponding of water on adjacent properties as well as within the proposed development.
10. Prior to requesting final subdivision plat approval, the applicant shall provide documentation from the Department of Environmental Quality (DEQ) that addresses erosion controls and practices on the property and storm water discharges from the property.
11. Prior to application for final subdivision plat approval, the applicant shall document that the water line has been reviewed and approved by the Oregon Department of Human Services Drinking Water Program.
12. The minimum available fire flow for single-family dwellings shall be 1000 gallons per minute. Fire hydrants shall be installed at locations approved by the jurisdictional Fire Chief and in accordance with the Oregon Fire Code (OFC). If the structure(s) is (are) 3600 square feet or larger, the required fire flows shall be determined according to OFC Appendix B. If 1000 gallons per minute flows cannot be obtained then approved sprinkler systems for residences must be provided. Prior to application for final plat approval, the applicant shall provide complete fire flow test forms NFPA 13 and NFPA 24 (forms available from the Community Development Department Building Codes Division) to the Community Development Department.
13. A 25 foot vegetative buffer shall be provided on double frontage lots, those include Lots 2-7 and Lots 14-20

14. Prior to application for final subdivision plat approval, the applicant shall document that the local Fire Chief has inspected and approved the subdivision roadways, turnarounds, and fire hydrants.
15. The Planning staff shall review each phase prior to recording to make sure the phase, as recorded, is in accordance with the preliminary approval given by the Planning Commission. Any submitted phase, which does not coincide with the approval as given by the Planning Commission shall be referred to the Planning Commission for a hearing. At such hearing, the Commission shall have the authority to revoke, revise, amend or alter the prior approval. Notice shall be sent subject to the County Land Use Ordinance Sections 2.110-2.120.
16. Minor amendments, such as slight alteration in lot lines, to an approved preliminary plat may be approved by the Community Development Director if the amendments concur with the preliminary plat conditions of approval. Such amendments will only be valid for the twelve-month period following their approval and will become invalid if not implemented within that time.
17. Prior to application for final subdivision plat approval, the applicant shall provide appropriate documentation from applicable local, state, and federal agencies that all subdivision improvements have been completed in accordance with applicable rules and regulations.
14. Notations indicating any limitations on rights-of-access to or from street and lots shall be noted on the face of the final subdivision plat.
15. Prior to application for final subdivision plat approval, the applicant shall provide a quotation from the Clatsop County Assessor that indicates that all taxes on the subject property are paid and current.
16. Deed restrictions shall be filed in the Clatsop County Deed Records, in a form approved by County Council. The deed restrictions shall preclude all future rights to construct a dwelling on the lot, parcel or tract designated as open space or common area for as long as the lot, parcel or tract remains outside an urban growth boundary. Additionally the deed restriction shall prohibit additional parcelization of the approved development or vacation of any permanent open space until such time as the entire area within the development is included within an urban growth boundary.
17. Prior to application for final subdivision the applicant shall designate Tracts A, C & D as permanent common open space for the purposes of habitat preservation for the Oregon Silver Spot Butterfly and Common Use of the Public. The final plat shall indicate an alphabetic numeration for these areas and identify the intended purpose of this space as OSB habitat or Public Access areas.
18. The preliminary plat approval is binding on the County and the subdivider for purposes of preparing the final subdivision plat, provided that there are no changes of the plan of the subdivision, and that it complies with all conditions of approval set forth in the preliminary plat decision. Elements missing from the preliminary plat that shall be recorded on the final plat include:
 - i. The Location of the Midden Site.
 - ii. Directional flow of Neacoxie Creek.
 - iii. Bioswales and drainage areas.
19. Within two (2) years of approval of the preliminary plat, the subdivider shall cause **Phase 1** of the subdivision to be surveyed and a final plat prepared in accordance with the approved preliminary plat. The final plat shall conform to the requirements of Sections 5.234-5.250 of the Clatsop County Land and Water Development and Use Ordinance (LWDUO).
Phase 2 shall be recorded within 3 years from the date of approval.
Phase 3 shall be recorded within 5 years from the date of approval.
 The Community Development Director can authorize an extension of up to 12 months for any one phase of development. This application is void after 3 years from the date of approval unless substantial construction has begun.

Respectfully submitted,


 Michael J. Weston II, MPA
 Planner, Transportation & Development


 Julia Nevan Decker
 Planner, Transportation & Development



Exhibit 1 -- Comments



Oregon

Theodore R. Kulongoski, Governor

PR-1

Department of Fish and Wildlife
North Coast Watershed District
4907 Third Street
Tillamook, OR 97141
(503) 842-2741
FAX (503) 842-8385
www.dfw.state.or.us



August 9th, 2010

Julia Decker
Clatsop County Transportation & Development Dept.
800 Exchange Street, Suite 100
Astoria, OR 97103

Re: Ordinance 10-05 and 30 lot subdivision off Surf Pines Lane

Ms. Decker,

The Oregon Department of Fish and Wildlife (ODFW) has reviewed the proposal for an Ordinance amendment and 30 lot subdivision off Surf Pines Lane. ODFW recommends that the project be designed to avoid entering County designated riparian setbacks. This includes all proposed development actions. Any development within or adjacent to wetlands and waterways could result in a loss of fish and wildlife habitat, and would require that the impacts be mitigated consistent with current habitat mitigation standards (OAR 635, Division 415).

Any stream-road crossings (temporary or permanent) are to comply with fish passage requirements. Laws regarding fish passage may be found in ORS 509.580 through 910, and in OAR 635, Division 412. ODFW (Dave Stewart, 503-842-2741) requests additional site maps that clearly detail the specific location of the proposed development action in relation to Neacoxie Creek when available. Please contact me if you need further information regarding this project review.

Thank you,

Dave Stewart
Habitat Conservation Biologist, ODFW
4907 3rd St.
Tillamook, OR 97141
503-842-2741
dave.stewart@state.or.us

OF THE COUNTY OF CLATSOP, OREGON, do hereby certify that the within instrument was duly recorded in the County of Clatsop, Oregon, on this 12th day of June, 1968, at 12:05 P.M. in Book 306, Page 172.

WHEREAS, Esther Pauline Earl, a single woman, and Clarence Raymond Earl, a single man, hereinafter called grantors, have granted, sold, aliened, conveyed and carry unto

Clarence Raymond Earl, a single man, hereinafter called grantee, all of that certain real property with the improvements thereon, including the right of way, belonging or in anywise appertaining, situated in the County of Clatsop, Oregon, described as follows, to-wit:

Beginning at a point which is 961.8 feet south of the section corner common to Sections 22, 23, 24, 25, Township 7 North, Range 10 West, Clatsop County, Oregon; said point of beginning is also on the south line of the Prescott tract as described in Volume 116, Page 172, Deed Records, Clatsop County, Oregon;

thence North 88° 57' East a distance of 330.0 feet to a point;

thence South a distance of 247.0 feet to a point;

thence South a distance of 598.20 feet more or less to a point which is on the north line of Barney and Mabel K. Lucas property as described in Volume 116, Page 172, Deed Records, Clatsop County, Oregon;

thence West along the North line of said Lucas property a distance of 1086.0 feet more or less to a point which is in the center line of Neacoxie Creek;

thence northerly along the center line of Neacoxie Creek to a point which is South 88° 57' West of the point of beginning;

thence North 88° 57' East a distance of 330.0 feet more or less to the point of beginning.----

TOGETHER WITH Grantors' rights to use of 80 foot strip described in deed to Barney Lucas et ux recorded in Book 190 at page 81 of Deed Records of Clatsop County, Oregon. AND SUBJECT to a mortgage executed by the grantors to Federal Land Bank of Spokane, recorded December 12, 1955 in Book 180, Page 174, Mortgage Records, which the grantee assumes and agree to pay.

He, Grantor, and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$22,000.00

In testimony whereof, I have hereunto set my hand and the seal of my office at Astoria, Oregon, this 12th day of June, 1968.

Esther Pauline Earl
Clarence Raymond Earl

STATE OF OREGON, County of Clatsop, June 17, 1968

Personally appeared the above named Esther Pauline Earl and Clarence Raymond Earl and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me, *W. M. Hamilton*
 Notary Public for Oregon
 My commission expires May 22, 1969

Bargain and Sale Deed	
Esther Pauline Earl et al. 1. D. Waterhouse et al.	
AFTER RECORDING RETURN TO	
Oregon Coast Realty 855-908 Seaside, Oregon 97136	
STATE OF OREGON, County of Clatsop I hereby certify that this within instrument was duly recorded in the County of Clatsop, Oregon, on this 12th day of June, 1968, at 12:05 P.M. in Book 306, Page 172.	Will record my hand and seal of office attested MARY HAY County Clerk <i>Mary Hay</i>

3607 1.50

Whereas, Ross Johnson, also known as Ross O. Johnson, is the owner of the following described parcel of property in Sections 27 & 28, Township 7 North, Range 10 West, Willamette Meridian, being a portion of the Philo Callender and Lewis H. Judson donation land claims, in the County of Clatsop, State of Oregon:

Beginning at a point in the center of the county road, running from Warrenton to Seaside, County of Clatsop, State of Oregon, 1897.5 feet North from a point in the center of the county road, now Highway No. 101, 80 feet North of the south boundary of the Lewis H. Judson Donation Land Claim;

thence North 194 rods and 3 feet along the center of said Highway to a point in the center of said highway, said point being the southeast corner of the property contained in the first description of the deed from Mary Peterson, et al to Haud W. Prescott, which deed is recorded in Vol. "116" of Deeds, page 345, records of Clatsop County, Oregon;

thence South 571 feet West along the south line of said Prescott tract to a point of intersection of the east line of a certain tract, a part of the Philo Callender and Lewis H. Judson donation land claims, deeded to Hoelbing and others;

thence South along said line 184 rods and 3 feet, more or less, to the southwest corner of that certain tract conveyed by said deed to Ross Johnson, by deed recorded in Vol. "99" of Deeds, page 51, records of Clatsop County, Oregon;

thence East along the south line of said tract conveyed to Ross Johnson to the point of beginning, containing 10 Acres, more or less;

which tract is hereinafter referred to as the Gust Hills Farm;

and whereas, Barney Lucas and Helen E. Lucas, husband and wife desire to purchase the North 80 Feet of the above described tract;

Now, therefore, Know All Men By These Presents, that we, Ross O. Johnson and V. E. Johnson, wife and husband, in consideration of the sum of \$1000.00 (ONE THOUSAND DOLLARS), and other valuable consideration to us paid by Barney Lucas and Helen E. Lucas, husband and wife, do hereby grant, sell and convey unto said Barney Lucas and Helen E. Lucas, husband and wife, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Clatsop, State of Oregon, bounded and described as follows, to-wit:

A strip of land 80 feet wide in Sections 27, Township 7 North, Range 10 West, Willamette Meridian, being a portion of the Lewis H. Judson Donation Land Claim, more particularly described as follows:

Beginning at a point in the center of the Oregon Coast Highway (U.S.No. 101), being formerly the county road from Warrenton to Seaside, which point is 1677.5 feet North of the south line of said Judson D.L.C., said point being the southeast corner of that certain tract conveyed by Josiah West to Rose Johnson by deed recorded in Book 99, page 31, Deed Records;

thence West along the south line of said tract conveyed by Josiah West to Rose Johnson to the east line of a certain tract, a part of the Philo Chliender and Lewis H. Judson donation land claims; thence North along the east line of said Hocking tract to a point which is 80 feet North of the south line of said tract, conveyed by Josiah West to Rose Johnson;

thence east on a line parallel with and 80 feet North of the south line of said tract conveyed by Josiah West to Rose Johnson to the center of the Oregon Coast Highway (U.S.No. 101); thence South along the center line of said highway to the point of beginning.

To Have and To Hold, the premises hereby conveyed unto:

the said Barney Lucas and Helen E. Lucas, husband and wife, and their heirs and assigns forever, subject, however, to the following:

1. Easement granted to the Pacific Power and Light Company by instrument recorded in Book 130, page 278, Deed Records.

2. Rights of the public in and to that portion devoted for highway purposes.

3. No dwelling or dwellings, or other structures shall be erected on that portion of the premises hereby conveyed which lies East of Negroxle Creek.

4. All grades, cuts, excavations, and fills shall be stabilized in accordance with the best practice as recommended by the Board of Supervisors of the Warrenton Dune-Spill Conservation District. All top soil removed during grading or excavating operations shall be replaced on cuts and fills.

5. The parcel of property hereby conveyed shall be properly fenced ~~and the fence maintained~~ by the grantee herein, their heirs or assigns.

6. The present owners of West Hills Farm, their heirs or assigns shall have the privilege of using said strip of land hereby conveyed for transporting thereover farm implements, ^{and fuel tanks} ~~and~~ this right and privilege is limited to only one owner of the remaining land in West Hills Farm.

And we, Rose V. Johnson and J. S. Johnson, wife and husband, the grantors above named do covenant to and with Barney Lucas and Helen E. Lucas, husband and wife, the above named grantees, their heirs and assigns that we are lawfully seized in fee simple of the above granted premises, that the above granted premises are free from

...and the above named parties, all of whom are of legal age and sound mind, have hereunto set their hands and seals this 6 day of January, 1947.

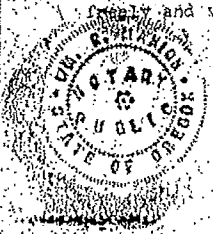
In witness whereof, the grantors above named, have hereunto set their hands and seals this 6 day of January, 1947.



Rose O. Johnson (Seal)
J. S. Johnson (Seal)

STATE OF OREGON)
County of Clatsop) ss.

BE IT REMEMBERED, That on this 6 day of January, A. D. 1947, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Rose O. Johnson and J. S. Johnson, wife and husband, who are known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.



IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Wm R. Manson
Notary Public for Oregon

My commission expires June 12-1944

196785
D. S. J.

ROSE O. JOHNSON and J. S. JOHNSON
HUSBAND AND WIFE

STATE OF OREGON
County of Clatsop
I hereby certify that the foregoing instrument was presented for record and duly recorded on this 6 day of January, 1947.

1947 JAN 6 AM 10:15

WM J BROOKS
County Clerk

12

Surf Pines Association

33317 Surf Pines Lane
Warrenton, OR 97146
503.738.0637

August 3, 2010

Jason Palmberg
& James Neikes
1790 SE 3rd Street
Astoria, OR 97103

Pamela & Oscar Wideman
PO Box 1000
Cannon Beach, OR 97110

CKI
PO Box 309
Seaside, OR 97138

Kenneth B. Ulbricht
Ridge Line Estates Development LLC
PO Box 1161
Seaside, OR 97138

Dear Applicants;

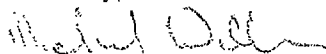
Surf Pines Association received notice of the Clatsop County Planning Commission Hearing scheduled for August 10, 2010. This notice was the first indication we had concerning expanding the number of lots to be accessed from Surf Pines Lane. The proposal before the Planning Commission increases the number of lots accessing Surf Pines Lane by over three times. At no time during our consideration of the nine lot subdivision did the Surf Pines Board of Directors expect that the number of lots accessing Surf Pines Lane would be increased.

The Polo Ridge application, Exhibit E, Attachment 3, includes a Letter of Understanding from Surf Pines Association granting access to the 9 Lot Subdivision Ridge Line Estates. This letter indicates that it was returned on September 20, 2007. The Surf Pines Association Board approved the proposal by a 3-1 vote with one member absent on September 17, 2007.

The Board of Directors believe that the current proposal is materially different than the Ridge Line Estates Development LLC reviewed with the Board by Mr. Ulbricht on December 16, 2006 and the subsequent letter detailing the plan dated September 12, 2007. Our Board approval was based on the letter and exhibits presented. We also have concerns about potential future access via Easy Way Road. We approved access to this development based on five lots.

Based on the material changes to original 9 lot access to Surf Pines Lane, the Board of Directors has decided to rescind that approval.

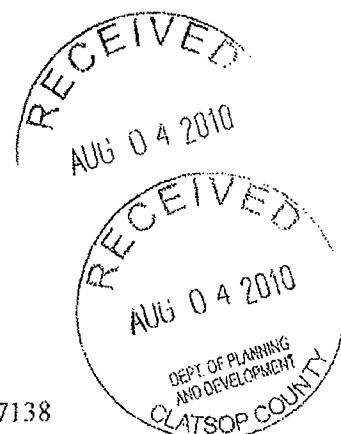
Sincerely,



Michael Wilkin
President

cc: Clatsop County Planning Commission

Attachments : Ridge Line Estates Development LLC Correspondence Sept. 12, 2007



RIDGE LINE ESTATES DEVELOPMENT LLC

September 12, 2007

Surf Pines Homeowners Association
90128 Manion Dr
Warrenton, OR 97146

Dear Don Kruger,

Enclosed, please find the following:

1. Exhibit A -- Plat of Wideman Project.

This plat discloses the layout of the property, the nine lots that are being created, and the access point onto Surf Pines Lane.

It additionally discloses the clear vision distances from the access point from the property onto Surf Pines Lane. The clear distance from the assess point looking east down Surf Pines Lane is 356 feet. The clear viewing distance from the access point looking west down Surf Pines Lane is 712 feet.

2. Exhibit B -- Detailed Drawing of the Assess Point onto Surf Pines Lane.

This drawing discloses a more detailed layout of the access point, which includes a street light and stop sign.

We would install an additional sign further east of the assess point along Surf Pine Lane, warning of vehicles pulling out onto Surf Pines Lane, should you want us to. This sign would be best placed on the Surf Pines property at the top of the Hill east of the access point, and accordingly, we would need your permission to do so.

Additionally, it appears if we could clear any small trees or brush on the Surf Pines property within a certain number of feet east of the access point it would make visibility better. We believe that none of the big tress would be a problem.

3. Exhibit C -- Computer Rendering of the Entry.

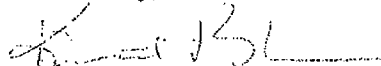
This rendering discloses the design and materials of the entry.

4. Draft of an Agreement Letter.

Should your Board allow the access point, included is letter of understanding in which we respectfully request be signed and returned so that we may proceed. It is our intent to provide your Board with the Letter of Understanding so that the Board would be able to minimize any work on your end.

We trust that you will find the above in order, but should you have any questions or wish to discuss this matter further, we will make ourselves available at your request.

Sincerely,



Kenneth B. Ulbricht

EXHIBIT A

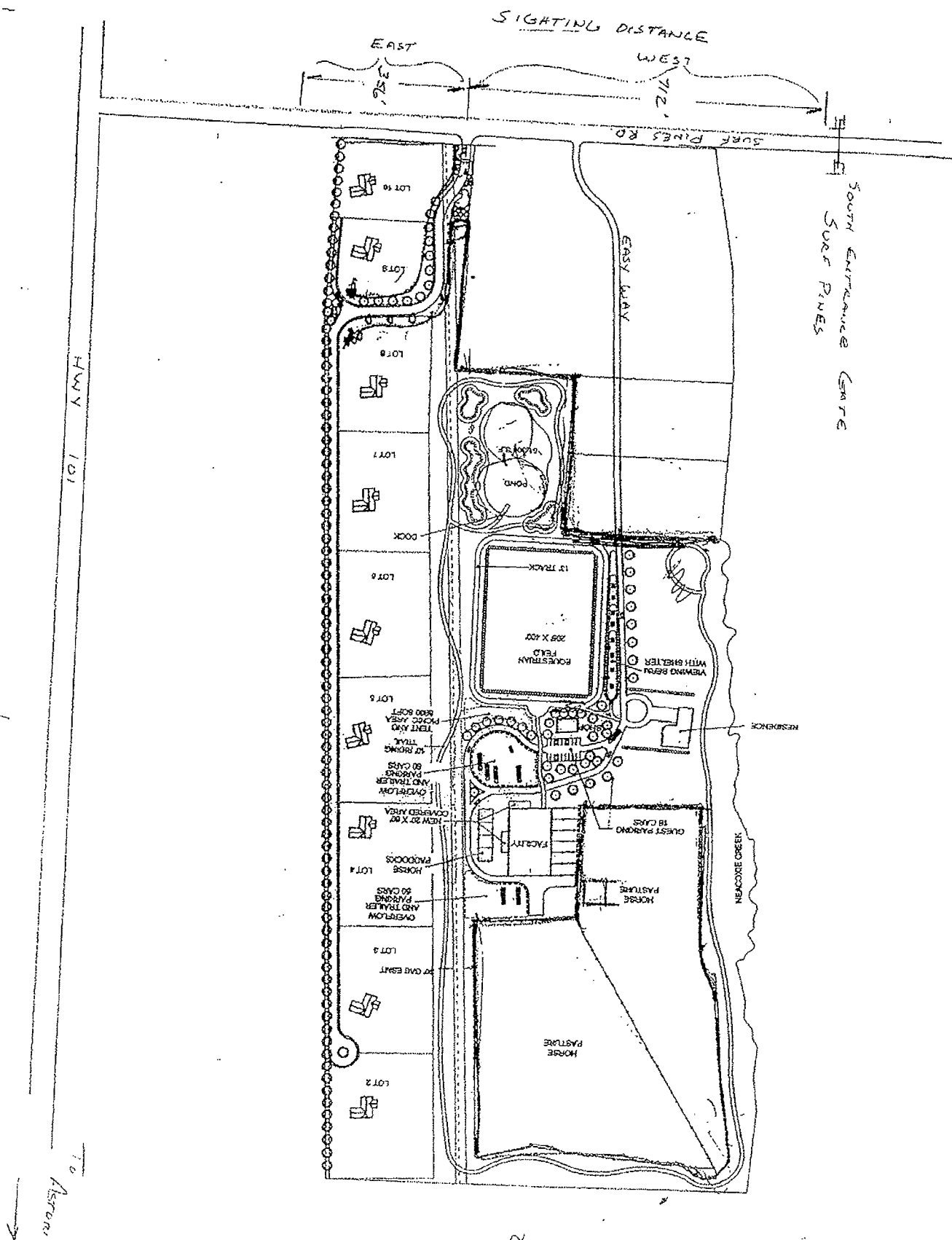
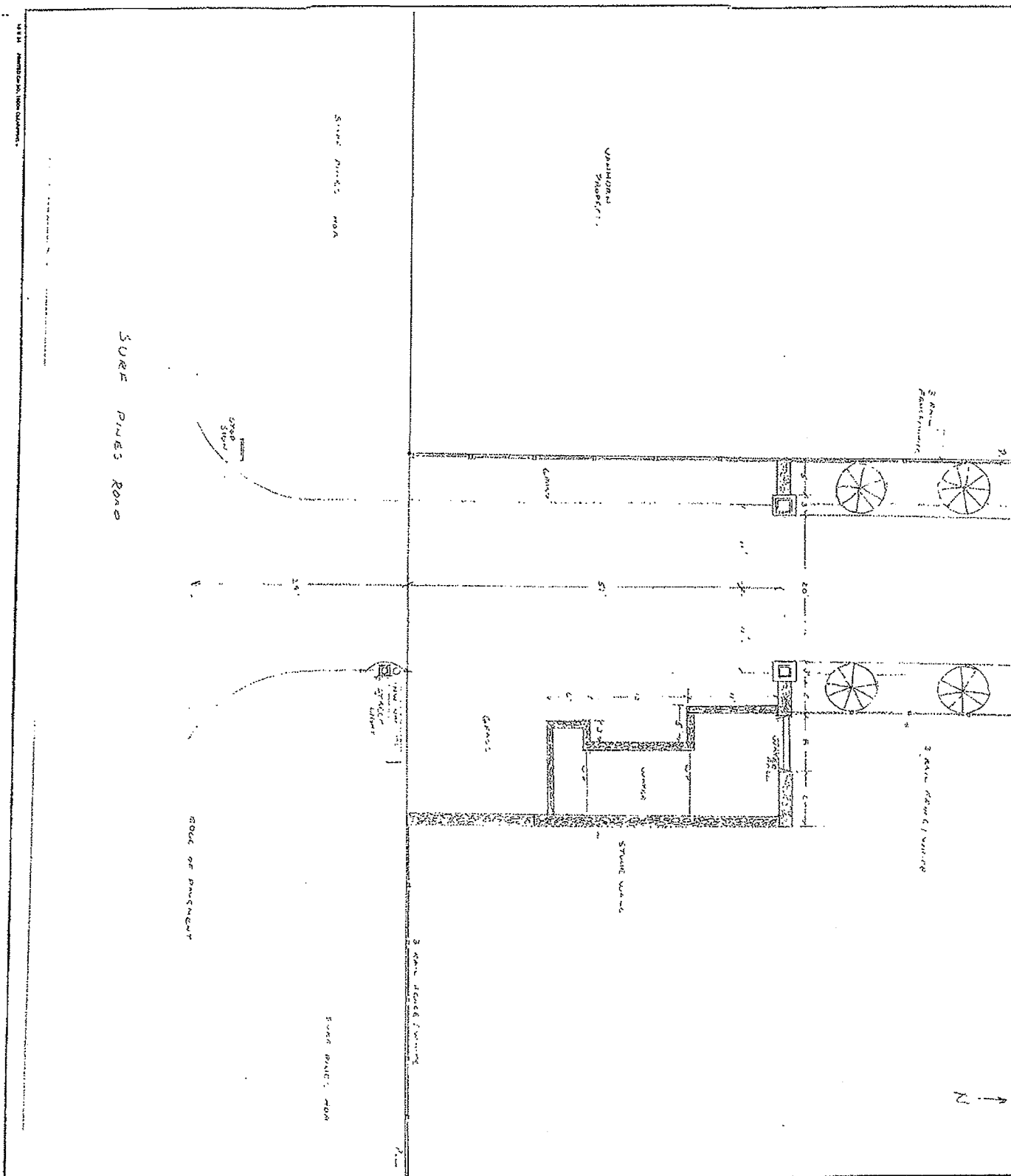


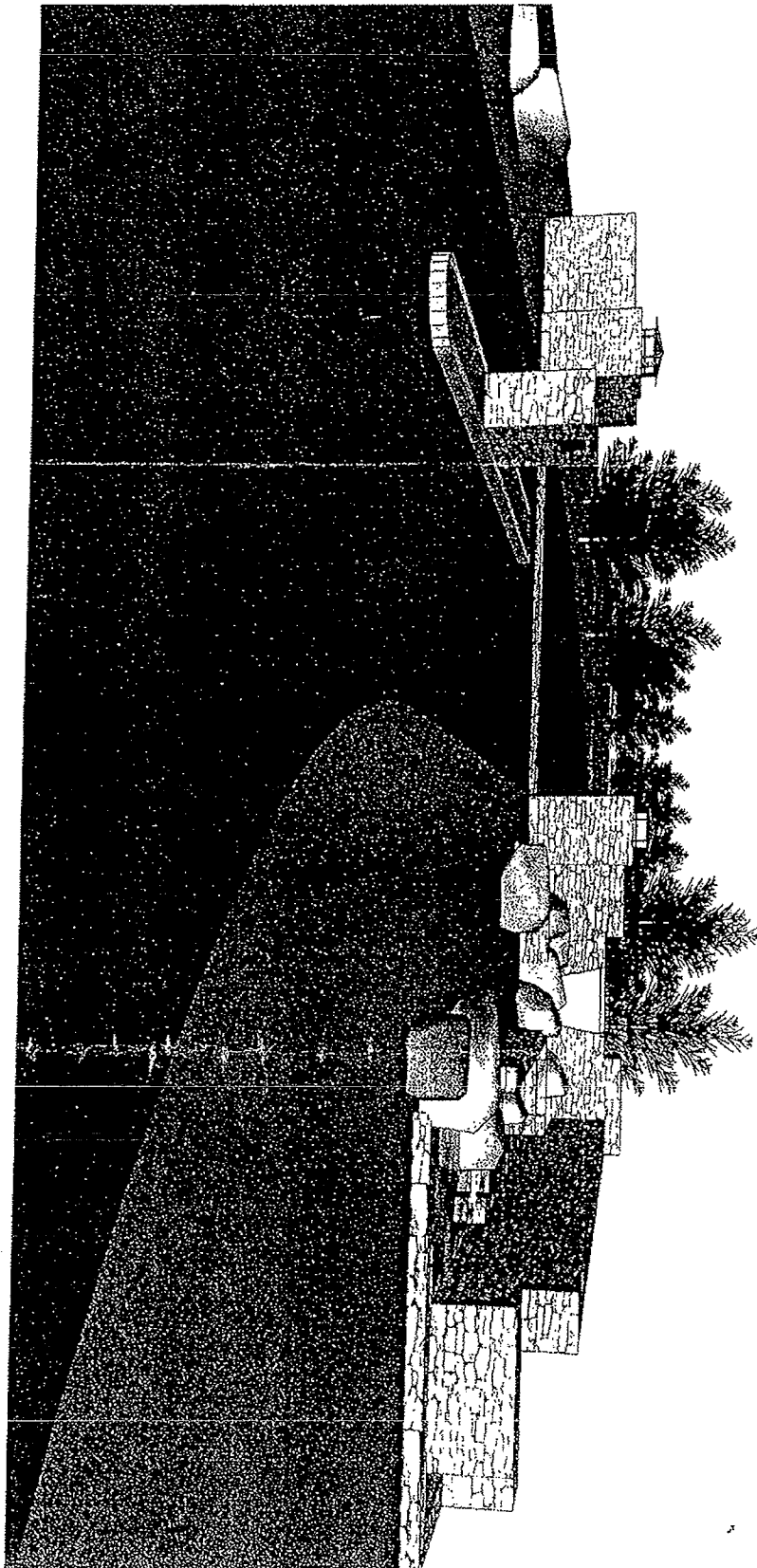
EXHIBIT B



REVISIONS	NO.

Date	Sheet
Scale 1/8" = 1'	
Drawn	
Job	
Sheet	
01	

Exhibit C



LETTER OF UNDERSTANDING


This letter serves as an understanding between the Surf Pines Homeowners Association and Ridge Line Estates Development LLC., for the purposes of allowing access unto Surf Pines Lane.

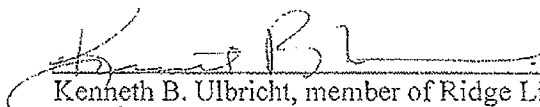
The Surf Pines Homeowners Association has reviewed the plans for access onto Surf pines Lane provided from Ridge Line Estates Development LLC, and agrees to allow access onto Surf Pines Lane.

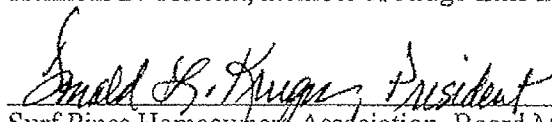
Ridge Line Estates Development LLC agrees to construct the access in accordance with the plans and drawings provided to the Surf Pines Homeowners Association.

Additionally, Ridge Line Estates Development LLC agrees to construct and install a street light, stop sign, and vehicle access warning sign, at the discretion and location, of the Surf Pine Homeowners Association. Any maintenance or repairs to the access, or any signage or street light is the responsibility of Ridge Line Development LLC. Or any subsequent owner or owners that Ridge Line Development LLC may sell to.

Ridge Line Development LLC, or any subsequent owner, agrees to maintain and keep the vegetation, shrubs, or other plant life, located on the Surf Pines Homeowners property, down so that visibility is not hindered east of the access point.

Both parties ^{agree} ~~agree~~, as signed, 


Kenneth B. Ulbricht, member of Ridge Line Development LLC


Donald B. Kruger, President
Surf Pines Homeowners Association, Board Member



PR 2

August 10, 2010

BY HAND DELIVERY

Clatsop County Planning Commission
857 Commercial Street (hearing address)
Astoria, Oregon 97103

Re: Polo Ridge land use application
Case nos 2010302, 3, and 4.
Our file no. 4090.001

Ladies and Gentlemen:

I'm writing this letter on behalf of Jason Palmberg, one of the applicants in these cases. This letter addresses the proposed condition of approval for access over Sand Pines Road, described in the staff summary analysis of August 3. Staff phrased this concern as "The applicant needs to provide a new statement from the Surf Pines Homeowners Association (SPHA) indicating its approval for use of Surf Pines Lane. Conversations with Dan Bartlett from the SPHA indicate the letter in the record was site specific for a 10-lot subdivision previously approved on this site; that subdivision has since become void. The authorization was not for an additional 20 lots as proposed with this proposal."

Oregon law allows a number of ways in which one landowner may gain access over the road of another. I'd like to propose a condition of approval that recognizes these other ways:

"Approval is subject to the applicant providing a new statement from the Surf Pines Homeowners Association (SPHA) granting permission to access Surf Pines Road for the proposed subdivision, or demonstrating legal access to Surf Pines Road in another manner, such as but not limited to approvals from previous partitions or subdivisions, a recorded easement, a prescriptive easement, or a statutory way of necessity."

Thank you for considering this alternative.

Very truly yours,

Dean N. Alterman

Copy: Mr. Jason Palmberg

Mike Weston - Polo Ridge Subdivision

From: Ron Ash
To: Weston, Mike
Date: 5/25/2010 2:25 PM
Subject: Polo Ridge Subdivision
CC: jwpalmberg@yahoo.com

Mike,

I have examined the latest preliminary plat revision of Polo Ridge (T7-R10-Sec 27,28). The roadway details including radii, road width, typical section and grade conform with subdivision standards. The road alignment accessing Lot 1 and Tract B has been changed as requested. The latest plat (Rev. 6) is dated May 13, 2010. I can accept the preliminary plat of Polo Ridge.

If you have any questions, please let me know.

Ron

Ron Ash, P.E., P.L.S., County Engineer
Technical Services Manager
Department of Transportation & Development
1100 Olney Ave
Astoria, OR 97103
503.325.8631 voice 503.325.9312 fax
rash@co.clatsop.or.us





RECEIVED
MAY 19 2010
Community
Development
CLATSOP COUNTY

Volunteer Fire Department

P.O. Box 2530/670 Pacific Way
Gearhart, Oregon 97138
503-738-7838 / 503-738-9385 (fax)
gvd@gearhartfire.com / gearhartfire.com (web)

May 17, 2010

Clatsop County Community Development
Attn. Mike Weston
800 Exchange Street, Suite 100
Astoria, Oregon 97103

RE: Access & Water Supply Requirements

Preliminary Plat
Polo Ridge

**A Replat of Parcel 1, Partition Plat No. 2005-11
Located in the West ½ of Section 27, East ½ of Section 28
T 7N R 10W**

Palmberg Development & Construction, LLC

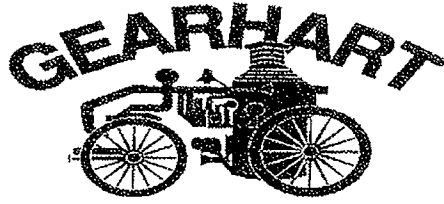
Access Requirements:

All Access Requirements shall meet the intent of the OFC; alternatives shall be approved by the Fire Chief.

Access roads shall meet Clatsop County minimum road width requirements, surfaces shall be improved and capable of supporting not less than 12,500 lbs point load (wheel load) and 75,000 lbs live load (GVW).

Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround.

1



Volunteer Fire Department

P.O. Box 2530/670 Pacific Way

Gearhart, Oregon 97138

503-738-7838 / 503-738-9385 (fax)

gearhart@volunteerfire.com / gearhartfire.com (web)

All Apparatus Turnarounds shall meet the requirements set forth in the OFC and shall be approved by the Fire Chief.

All Apparatus Turnarounds shall be posted with "NO PARKING" signs unless sufficient width to accommodate parked vehicles is present.

Gates securing Fire Apparatus roads shall comply with the OFC and shall be approved by the Fire Chief.

Multiple Access Roads shall be provided if more than 30 one-and-two family dwellings are included with the Polo Ridge Development access.

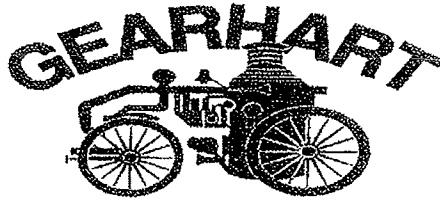
Water Supply Requirements:

All Water Supply Requirements shall meet the intent of the OFC; alternatives shall be approved by the Fire Chief.

An approved water supply capable of supplying the required fire flow for fire protection shall be provided or an approved alternative (i.e. tanks, residential sprinkler system, etc.).

Fire Hydrant requirements shall meet the OFC; locations and distances apart shall be approved by the Fire Chief.

Fire Flow requirements shall be minimum of 1000 gallons per minute (gpm) for single family dwellings and duplexes, structures greater than 3600 square feet shall be minimum of 1500 gpm (may be adjusted if a residential sprinkler systems are installed).



Volunteer Fire Department

P.O. Box 2530/670 Pacific Way

Gearhart, Oregon 97138

503-738-7838 / 503-738-9385 (fax)

gearhart@trigxlogpnw.com / gearhartfire.com (web)

Conclusion:

After discussion with Jason Palmberg (Palmberg Development) the "Polo Ridge" Development will be providing a domestic water system capable of producing fire flow with a minimum of no less than 1000 gpm-(information included); hydrants shall be placed as indicated on the map (included). Structures greater than 3600 square feet in size shall install a residential sprinkler system (or approved alternative) unless the proposed water system is upgraded to provide a minimum fire flow of 1500 gpm. All apparatus turnarounds are indicated on the included map, any alternations, additions or changes shall be approved by the Fire Chief. Access to the "Earl" & "Osburn-Olson" properties are accessed directly onto Hwy 101 according to Mr. Palmberg, if so it will be allowed to connect the developments. There is still an uncertainty regarding the gate, this will be addressed at a later time with Mr. Palmberg.

If you should have any questions please feel free to contact me.

Thank you,

Bill H. Eddy
Fire Chief
Gearhart Fire

cc: Palmberg Development, Jason Palmberg, File

Polo Ridge Mailing List

TaxlotKey	Owner_line	Owner Address	City	State	Zip Code
81033A001400	Adamson Cynthia R	92021 Highway 104	Warrenton	OR	97146
#810280003102	Alco Holdings LLC	PO Box 957	Centralia	WA	98351
71028AD00100	Allen Wayne/Nancy	89227 Manion Dr	Warrenton	OR	97146
81028CA01401	Allgeyer Roy J	92210 Whiskey Rd	Warrenton	OR	97146
81028CA01900	Allgeyer Roy J	PO Box 441	Warrenton	OR	97146
81028CA02400	Andriesian Dan/Lorraine	1916 S Main St	Warrenton	OR	97146
81028CA01800	Barber Michael R/Patricia J	92257 Whiskey Ln	Warrenton	OR	97146
81033A002000	Baumann Marilyn M Trust	4985 Nadine Dr SE	Salem	OR	97302-3593
81028CA01600	Becker Frank N/Baret M	PO Box 836	Warrenton	OR	97146
81033B000201	Butler Rex K/ Carla M	PO Box 6	Newberg	OR	97132-0006
81028CD00305	Butler Robert G/Diana M Tr	92114 Whiskey Rd	Warrenton	OR	97146
#810280002504	Carlson Glenn D/Roxanne V	PO Box 157	Hammond	OR	97121
71028AD01200	Carter Investment Properties LLC	PO Box 723	Hillsboro	OR	97123
81028CA02500	Chase Todd A/ Angeline J	1871 S Main	Warrenton	OR	97146
81028CA02200	Clatsop County				
81033A001901	Conner Terence / Bruce	750 Marine Dr	Astoria	OR	97103
81033B000400	Cook Russell O	91988 Hwy 104	Warrenton	OR	97146
81028CA02401	Crowder Deborah R	1910 S Main St	Warrenton	OR	97146
81033B000304	Dunagan G D	33235 Bi Water Ln	Warrenton	OR	97146
#710270003600	Earl Russell Raymond	86058 Wahanna Rd	Seaside	OR	97138
#710270003700	Earl Russell Raymond	10706 NE 38th Ave	Vancouver	WA	98686
81033A001700	Elwood Maurice E	91999 Hwy 104	Warrenton	OR	97146
81028CA01002	Fisk / Bartholomew	PO Box 1060	Warrenton	OR	97146
81028CA01000	Fowler Nikki L	92274 Whiskey Rd	Warrenton	OR	97146
81028CD00700	Frost James D/Ruth A	92086 Whiskey Rd	Warrenton	OR	97146
81028CD00600	Frost James/Ruth	92104 Whiskey Rd	Warrenton	OR	97146
71028AD00400	Gallino Joseph A/Linda K	89165 Manion Dr	Warrenton	OR	97146
#810280002500	Gleason Dennis D/Marcia A	310 SW 18th St	Warrenton	OR	97146
81028CA00706	Goodman Sheila / Larry	6196 Hogan Dr N	Keizer	OR	97303
#810280003100	Hansen Kyle B	860 5th Ave	Seaside	OR	97138
81033B000101	Hatfield Louis/Lynn	92076 Whiskey Ln	Warrenton	OR	97146
81033A001500	Heath Raymond C	92009 Hwy 104	Warrenton	OR	97146
#710270003504	Jackson Casey / Erin	PO Box 2463	Gearhart	OR	97138-2463
81033B000301	Kelly Joseph John	33232 Bi-water Ln	Warrenton	OR	97146
81028CA02600	Lagerquist Mason / Lynn	92287 Whiskey Rd	Warrenton	OR	97146

Mailed July 21, 2010

Polo Ridge Mailing List

#710270003502	Lee Donny / Lisa	PO Box 576	Ilwaco	WA	98624
81028CA02302	Manion David Thor	PO Box 517	Warrenton	OR	97146
81033B000200	McCargish Willard K/Cathleen L	PO Box 1113	Warrenton	OR	97146
#810280003200	McDonald Heidi A/Tony R	1827 S Main Ave	Warrenton	OR	97146
81028CA02000	McMurray Michael	510 Lapwai Rd	Lewiston	ID	83501
81028CA01200	Mills Ryan A	PO Box 272	Warrenton	OR	97146
#810280003700	Moskovita / Rubino	1335 Sunrise Ridge Rd	Gearhart	OR	97138-7395
81028CA02300	Nanson Kenneth D/Joan L	PO Box 850	Warrenton	OR	97146
81033A001200	Neikes James J	34755 Hwy 101 Business	Astoria	OR	97103
81028CD00300	Newbold Jack T/Leslie S	92138 Whiskey Rd	Warrenton	OR	97146
81028CA01100	Niemi Barbara J	92270 Whiskey Rd	Warrenton	OR	97146
71028AA01400	North Coast Land Conservancy Inc	PO Box 67	Seaside	OR	97138
#810280003000	Warrenton Fiber Company 1/2	PO Box 100	Warrenton	OR	97146
81028CA00700	OBrien Michael M/Cynthia E Tr	92268 Hummingbird Dr	Warrenton	OR	97146
81028CA01201	Olson Brandon/Allison	92260 Whiskey Ln	Warrenton	OR	97146
81028CA00701	Paglia Donald E	7090 N Hwy One	Little River	CA	95456
81028CA00704	Paglia Jamie R	92216 Whiskey Rd	Warrenton	OR	97146
#810280003400	Palmberg / Neikes	1790 SE 3rd St	Astoria	OR	97103
81028CA02301	Patterson Donald / Renay	1635 SW 14th	Warrenton	OR	97146
81033B000100	Pearlstein / Boonshoft	1020 SW Cheltenham Ct	Portland	OR	97239
71028AA00400	Penttila Philip L/Melinda L	89229 Manion Dr	Warrenton	OR	97146
#710270003503	Radich Rebecca E	89126 Easy Way Rd	Gearhart	OR	97138
81033B000300	Ramagon Holdings LLC	PO Box 1900	Yucca Valley	CA	92286
81028CA01702	Ramsay Keith	393 W Lexington Ave	Astoria	OR	97103
71028AA00200	Riley Michael O/Carol L	89285 Manion Dr	Warrenton	OR	97146
81028CD00400	Robert & Simon Pc	PO Box 820035	Portland	OR	97282-1035
81028CA00500	Ropkins Phillip R/Lois Ann	92274 Hummingbird Dr	Warrenton	OR	97146
81028CA02100	Rubino Vincent/Ann	1335 Sunrise Ridge Rd	Gearhart	OR	97138-7395
81033A001800	Ryan Patrick T/ Linda L	1260 SE Main Ct	Warrenton	OR	97146
81028CD00304	Sabahi Cynthia G	92160 Whiskey Ln	Warrenton	OR	97146-7206
71028DA00500	Schroeder Richard (Nature Conservancy)	3840 SW 75th Ave	Portland	OR	97225
81033A001401	Smith Shawn Patrick	2309 Lily Ln	Santa Maria	CA	93455-1371
71028DA00400	Souvenir Melvyn / Annette	89150 Stellar Ln	Warrenton	OR	97146
81028CA00101	Stevens Robert G/Teresa J	92284 Whiskey Rd	Warrenton	OR	97146
81028CA02501	Stineman Robert A	393 W Lexington Ave	Astoria	OR	97103
#710270003800	Surf Pines Association	33317 Surf Pines Ln	Warrenton	OR	97146
#710270003501	Van Horn Fred Jr	89080 Easy Way Rd	Gearhart	OR	97138-4829

Mailed July 21, 2010

Polo Ridge Mailing List

81033A002100	Warrenton Fibre Inc	PO Box 100	Warrenton	OR	97146
#810280003903	Warrenton School Dist #30	820 SW Cedar	Warrenton	OR	97146
81028CA02303	Westerlund Doug / Ann	128 Skyline Ave	Astoria	OR	97103
#710270003900	Weston Craig / Dana	PO Box 2825	Gearhart	OR	97138
#710270003500	Wideman Oscar D/ Pamela G	PO Box 1000	Cannon Beach	OR	97110
81028CA01500	Williamson Eric Ryan/Tiffani Dawn	1680 NW Warrenton Dr	Warrenton	OR	97146
	OR Dept of Transportation	350 West Marine Dr	Astoria	OR	97103
	Planning & Development Mngr, OR Dept of	455 Airport Road SE Building 1	Salem	OR	97103-5395
	SHPO	525 Trade St SE	Salem	OR	97310
	Tony Stein, OPRD	401 SW 9th Street	Newport	OR	97365
	OR Dept of Fish & Wildlife, N. Coast Water	4907 Third St.	Tillamook	OR	97141
	Division of State Lands	755 Summer St. NE	Salem	OR	97301-1279
	Dept. of Environmental Quality	65 N Hwy 101, Suite G	Warrenton	OR	97146
	Surf Pines Association c/o Bill Barrons	#1 3rd St., # 202	Astoria	OR	97103
	Gearhart RFPD	PO Box 2530	Gearhart	OR	97138
	Warrenton City Hall	PO Box 250	Warrenton	OR	97146
	CREST	750 Commercial Street, Room	Astoria	OR	97103
	Clatsop Soil and Water, Conservation Dist	750 Commercial Street, Room	Astoria	OR	97103
	Matt Spangler, DLCD N.Coast Field Rep.	810 Alder St., Suite B	Newport	OR	97365

Mailed July 21, 2010

Clatsop County
Transportation & Development, Planning Div.
800 Exchange Street, Suite 100,
Astoria, OR 97103

ph: 503-325-8611
fx: 503-338-3666
em: comdev@co.clatsop.or.us
www.co.clatsop.or.us



NOTICE OF PUBLIC HEARING BEFORE THE CLATSOP COUNTY PLANNING COMMISSION

In The Matter of a 2 part application submitted by Jason Palmberg et al.:

Part 1.

Ordinance 10-05 is an Ordinance Amending the Comprehensive Plan/Zoning Map & Text it involves: A **Density Transfer** of approximately 25 acres of SFR-1 zoned property; a **Zone Change** designating the identified areas to Open Space Parks & Recreation; and, a **Text Amendment** to the Density Transfer Standards and Table in Section 3.161 & 2.

Part 2.

Is a **30 lot subdivision** off Surf Pines Lane modifying the previously approved Ridgeline Estates Subdivision.

For property details, location and applicable criteria see Page 2 and the attached maps on Pages 3 & 4 illustrating the proposal.

DATE OF HEARING:	August 10, 2010
TIME:	10:00 am
LOCATION:	Judge Guy Boyington Building, 857 Commercial Street, Astoria, Oregon 97103
CONTACT PERSON:	Michael Weston II, Clatsop County Planner

You are receiving this notice because you either own property within 250 feet of the property that serves as the subject of the land use application described in this letter, or you are considered to be an affected state or federal agency, local government, or special district. A map illustrating the effected areas is attached on page 3.

NOTICE IS HEREBY GIVEN that the Planning Division of Clatsop County's Department of Transportation and Development has scheduled a public hearing on this matter before the Planning Commission at 10:00 AM on Tuesday, August 10, 2010 at the Judge Guy Boyington Building, 857 Commercial St, Astoria, OR 97103.

Interested persons are invited to submit testimony in writing or in person by attending the hearing. Alternately, interested persons may submit testimony in writing for Staff to present by addressing a letter to the Clatsop County Planning Commission, 800 Exchange Street, Suite 100, Astoria, OR 97103. Written comments may also be sent via FAX to [503-338-3666](tel:503-338-3666) or via email to comdev@co.clatsop.or.us. Written comments must be received in this office no later than **5PM on Monday August 9, 2010** in order to be presented by Staff for submittal at the August 10, 2010 public hearing.

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

****THE LAND USE APPLICATION DESCRIBED****

The proposed zone change will rezone approximately 25 acres of Single Family Residential 1 {SFR1} to Open Space Parks and Recreation. The approximate 25 acres has 25 density credits. 19 Density Credits are being transferred to the Polo Ridge Receiving Site formerly Ridgeline Estates to allow the proposed 30-lot subdivision called "Polo Ridge". Open Space areas within the subdivision are proposed to be held in private ownership or sold to the North Coast Land Conservancy and maintained as permanent open space. The remaining 6 density Credits are being recorded with an affidavit and maintained in the Planning Department for future assignment. The text amendment modifies the density provisions (S3.161§3) and adds to the Density Table in section S3.162.

A series of vicinity maps illustrating the sending & receiving sites is located on pages 3 & 4 of this notice. An image of the Preliminary Plat is also attached on page 4 of this notice.

The following criteria from Clatsop County Land and Water Development and Use Ordinance (LWDUO) apply to the request: § 1.030 (Definitions), §2.030 (Type III Procedures), §2.035 (Type IV Procedures), §2.105-§2.125 (Notice Requirements for Public Hearings), §2.300 (Legislation), §3.160 (Single Family Residential - 1 zone), §3.220 (Residential Agriculture 5 Zone), §3.580 (Open Space Parks and Recreation Zone), §4.050 (Beaches and Dunes Overlay District), §5.200 (Subdivisions, Partitions, & Property Lines Adjustments), 5.350 (Transportation System Impact Review), & §5.400 (Zone Changes).

In addition the following elements of Clatsop County's Standards Document apply to the request: Chapters 1-3 (Site Oriented Development) particularly Chapter 3 Section S3.150 – S3.162 (Cluster Development and Density Transfer), Chapter 4 (Environmental Protection), Chapter 5 (Vehicle Access Control and Circulation), and Chapter 6 (Road Standard Specifications for Design and Construction).

In addition, the following elements of the Clatsop County Comprehensive Plan apply to the request: Goal 1 (Citizen Involvement), Goal 2 (Land Use Planning), Goal 5 (Natural Resources, Scenic and Historic Areas and Open Spaces), Goal 6 (Air, Water, and Land Quality), Goal 7 (Natural Hazards), Goal 8 (Recreational Needs), Goal 9 (Economic Development), Goal 10 (Housing), Goal 11 (Public Facilities & Services), Goal 12 (Transportation), Goal 13 (Energy Conservation), Goal 14 (Urbanization), Goal 18 (Beaches and Dunes), and the Clatsop Plains Community Plan.

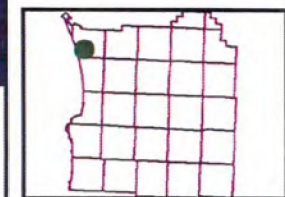
A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at the Planning Office during normal business hours (M-F, 8-5) at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at the Clatsop County Planning office at no cost at least seven days prior to the hearing and will be provided at a reasonable cost.

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

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

Clatsop County Map

- PLS
- PLS Townships
- Tax Lot Arrows
- Tax Map
- Water Body
- River
- Parcel Boundary
- Supplemental Boundary
- Road R-O-W



7/22/2010



1 in. = 423 ft.

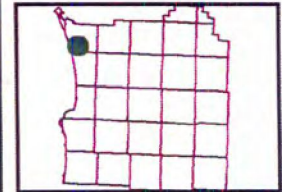
This map was produced using the Clatsop County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

Clatsop County Map



- PLS
- PLS Townships
- Tax Lot Arrows
- Tax Map
- Water Body
- River
- Parcel Boundary
- Supplemental Boundary
- 34
- Road R-O-W

Down Zone Area



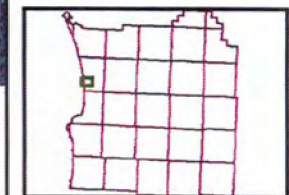
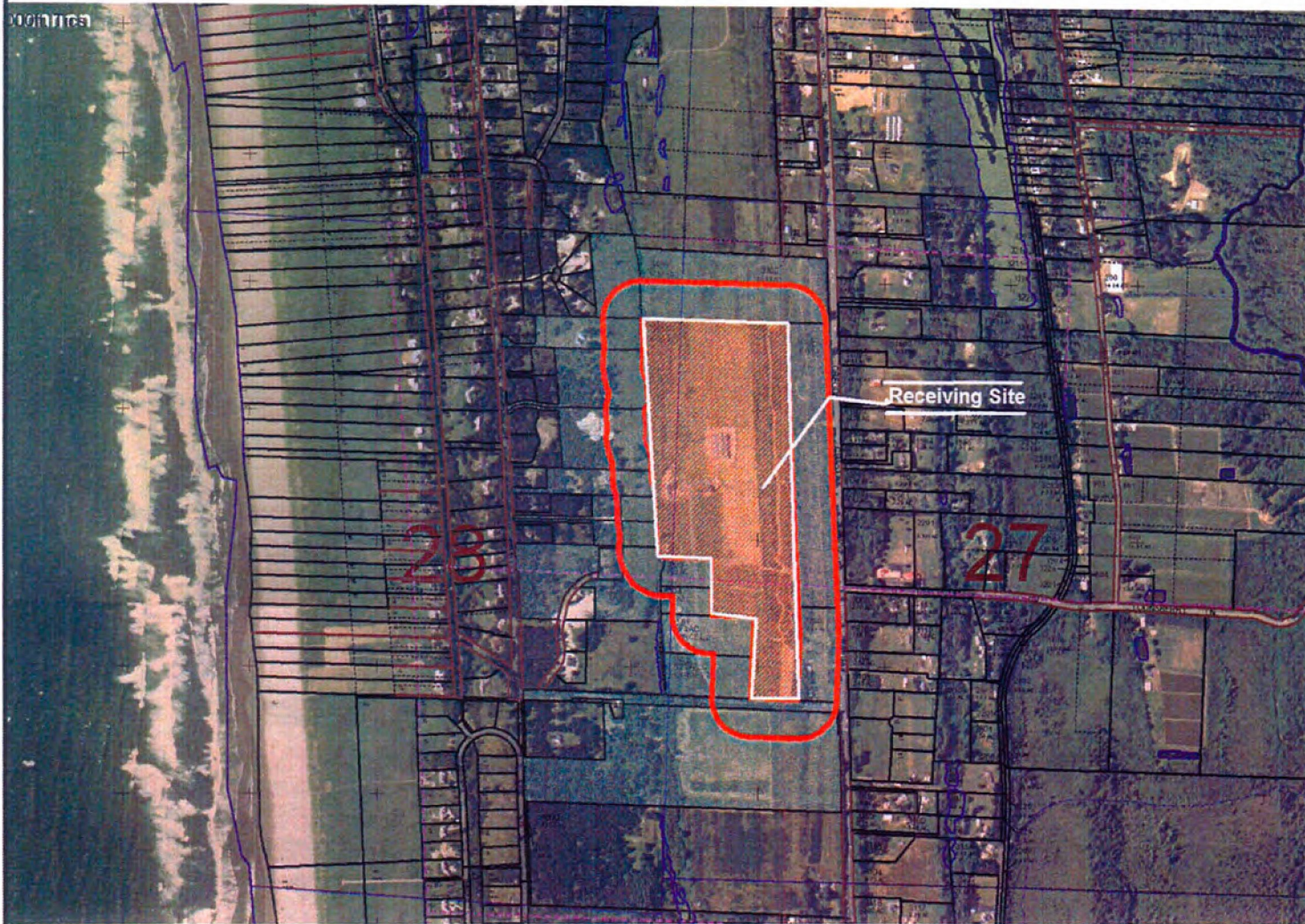
7/22/2010

1 in. = 531 ft.

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

Clatsop County Map

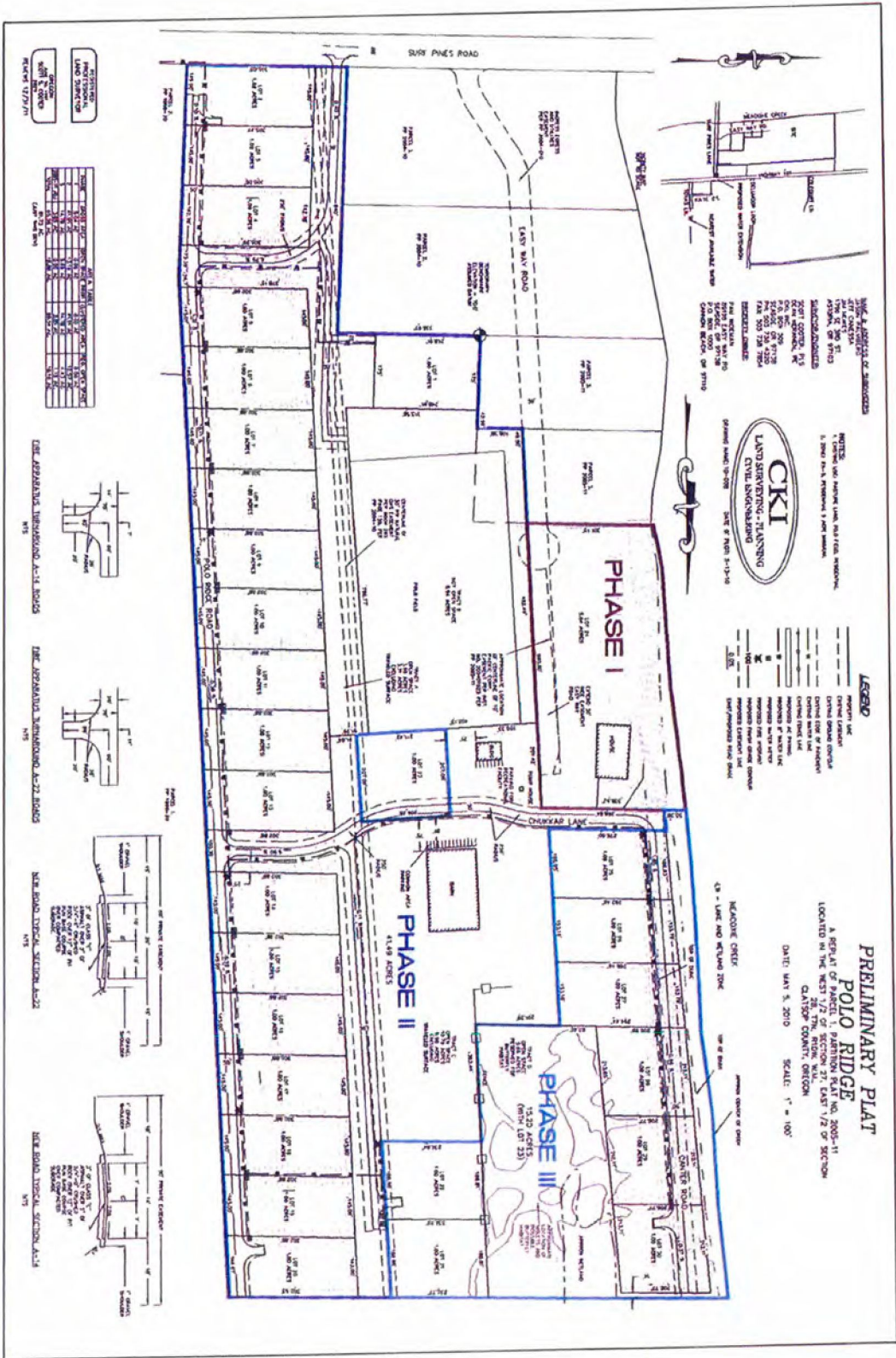
- PLS
- PLS Townships
- Tax Lot Arrows
- Tax Map
- Water Body
- Creek
- Parcel Boundary
- Supplemental Boundary
- DLC
- Road R-O-W



7/22/2010

1 in. = 1207 ft.

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



PRELIMINARY PLAT
POLO RIDGE

A PRELIMINARY PLAT PREPARED FOR 2005-11
LOCATED IN THE WEST 1/2 OF SECTION 27, EAST 1/2 OF SECTION
CATSOP COUNTY, OREGON
DATE: JAN. 3, 2010 SCALE: 1" = 100'

LEGEND

- PROPERTY LINE
- EXISTING ROAD CENTER LINE
- PROPOSED ROAD CENTER LINE
- EXISTING ROAD RIGHT OF WAY
- PROPOSED ROAD RIGHT OF WAY
- EXISTING EASEMENT
- PROPOSED EASEMENT
- EXISTING UTILITY LINE
- PROPOSED UTILITY LINE
- EXISTING CURB AND GUTTER
- PROPOSED CURB AND GUTTER
- EXISTING SIDEWALK
- PROPOSED SIDEWALK
- EXISTING DRIVEWAY
- PROPOSED DRIVEWAY
- EXISTING LOT LINE
- PROPOSED LOT LINE

NOTICE TO PROPERTY OWNERS AND INTERESTED PARTIES:
THIS PRELIMINARY PLAT IS A PRELIMINARY PLAT AND DOES NOT REPRESENT ANY GUARANTEE OF THE ACCURACY OF THE INFORMATION HEREON. IT IS THE RESPONSIBILITY OF THE PROPERTY OWNERS AND INTERESTED PARTIES TO VERIFY ALL INFORMATION AND RECORDS PERTAINING TO THIS PLAT. THIS PLAT IS SUBJECT TO ALL APPLICABLE LAWS, ORDINANCES, AND REGULATIONS. IT IS THE RESPONSIBILITY OF THE PROPERTY OWNERS AND INTERESTED PARTIES TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS. THIS PLAT IS NOT TO BE USED AS A BASIS FOR CONVEYANCE OF ANY INTEREST IN ANY OF THE LOTS OR PLOTS DESCRIBED HEREON. THE PROPERTY OWNERS AND INTERESTED PARTIES SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THIS PLAT IS NOT TO BE USED AS A BASIS FOR CONVEYANCE OF ANY INTEREST IN ANY OF THE LOTS OR PLOTS DESCRIBED HEREON. THE PROPERTY OWNERS AND INTERESTED PARTIES SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

PROFESSIONAL LAND SURVEYOR

DATE	DESCRIPTION	AMOUNT
2010	PRELIMINARY PLAT	500.00
2011	REVISIONS	100.00
2012	REVISIONS	100.00
2013	REVISIONS	100.00
2014	REVISIONS	100.00
2015	REVISIONS	100.00
2016	REVISIONS	100.00
2017	REVISIONS	100.00
2018	REVISIONS	100.00
2019	REVISIONS	100.00
2020	REVISIONS	100.00

SEE APPENDIX B DRAWING A-1.1-10-2025

SEE APPENDIX B DRAWING A-2.1-10-2025

SEE ROAD TYPICAL SECTION A-2.2

SEE ROAD TYPICAL SECTION A-2.3

FORM 1 DLCD Notice of Proposed Amendment

THIS FORM **MUST BE RECEIVED** BY DLCD AT LEAST **45 DAYS PRIOR TO THE FIRST EVIDENTIARY HEARING**
 PER ORS 197.610, OAR CHAPTER 660, DIVISION 18

DATE STAMP

in person electronic mailed

For DLCD Use Only

Jurisdiction: **Clatsop County** Local file number: **20100302,3,& 4**
 Date First Evidentiary hearing: **8/10/2010** Date of Final Hearing: **9/22/2010**
 Is this a **revision** to a previously submitted proposal? Yes No Date submitted: **6/22/2010**
 Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other:

Briefly Summarize Proposal. Do not use technical terms. Do not write "See Attached" (limit of 500 characters):

This is a three tier proposal that involves a Down Zone from Single Family Residential -1 to Open Space Parks & Recreation involving a Comp Plan Map Amendment & Zoning Map Amendment, a Text Amendment required by the Density Transfer provisions in the County Standards Document, and a 30 lot Subdivision.

Has sufficient information been included to advise DLCD of the effect of proposal? Yes
 Plan map changed from: **Rural Lands** To: **Conservation Other Resources**
 Zone map changed from: **Single Family Residential - 1** To: **Open Space Parks & Recreation**
 Location of property (do not use Tax Lot): **Township 8 North, Range 10 W, Section 28 & 33**
 Previous density: **1 Unit p/ Acre** New density: **0** Acres involved: **31**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Is an exception to a statewide planning goal proposed? YES NO Goals:

Affected state or federal agencies, local governments or special districts (It is jurisdiction's responsibility to notify these agencies. DLCD only reports this information.):

Clatsop County, Seaside School District, Gearhart RFPD, ODOT, DLCD, ODFW, and State Historical Preservation.

Local Contact: **Michael Weston** Phone: **(503) 325-8611** Extension: **1702**
 Address: **800 Exchange St, Ste 100** Fax Number: **503-338-3666**
 City: **Astoria** Zip: **97103-** E-mail Address: **mweston@co.clatsop.or.us**

DLCD file No. _____

SUBMITTAL REQUIREMENTS

This form must be received by DLCD at least 45 days prior to the first evidentiary hearing per ORS 197.610 and OAR Chapter 660, Division 18

1. This Form 1 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 1** on light **green paper if available**.
3. **Text:** Submittal of a proposed amendment to the text of a comprehensive plan or land use regulation must **include the text** of the amendment and any other information the local government believes is necessary to advise DLCD of the effect of the proposal. "Text" means the specific language being added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal is not adequate. **Do Not Submit Form 1 Without Supporting Documentation.**
4. **Maps:** Submittal of a proposed map amendment must also include a map of the affected area showing existing and proposed plan and zone designations. The map should be legible and on 8½ x 11 inch paper. Please provide the specific location of property, such as an address and tax lot number. Include text regarding background, justification for the change, and the application if there was one accepted by the local government.
5. **Exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.
6. Unless exempt by ORS 197.610(2), proposed amendments must be received at the DLCD's Salem office at least 45-days before the first evidentiary hearing on the proposal. (The clock begins on the day **DLCD Receives** your proposal in the Salem Office.) The first evidentiary hearing is usually the first public hearing held by the jurisdiction's planning commission on the proposal.
7. DLCD would like you to submit **ONE PAPER COPY** and **ONE (1) Electronic Digital CD including any maps** (for submittal instructions, also see # 4)] **MAIL the PAPER COPY and CD** of the proposed amendment to:

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

8. **Electronic Submittals:** **Must be pre-authorized to meet the Form 1 Notice of Proposed Amendment (45-day deadline) only by a phone call to the Plan Amendment Specialist**, email notification will not be acceptable for pre-authorization. After authorization an email copy maybe accepted as the substitute for the CD, and one hard copy must be sent via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
9. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print forms on **8-1/2x11 green paper only if available**. You may also call the DLCD Office at (503) 373-0050 x283; or Fax your request to: (503) 378-5518; or Email your request to larry.french@state.or.us .

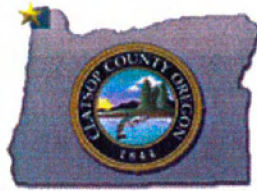


Exhibit 3 -- Application



Development Permit

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

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

For Department Use Only

Permit #: 20100302
Permit Type: Type IV
Entry Date: 6/1/2010
Entered By: Michael Weston
Permit Status: Entered

Permit Timeline

User	Status	Date
Michael Weston	Entered	06/01/2010

Proposed Use

Proposed Use: **Zone Change**

Zone: **LW, SFR-1**
Overlay District: **GHO**

Description: Zone Change & Density Transfer

Project Location

Owner: Name: **Palmberg Jason & Neikes James J** Ph. #: (503) 791-1603
Address: 1790 SE 3rd St Cell: () -
City, State, Zip: Astoria, OR 97103 Fax: () -

Site Address: I R S Q S Qq S Taxlot
City: State: OREGON 8 10 28 0 0 03400

Owner: Name: **Neikes James J** Ph. #: (503) 338-8153
Address: 34755 Hwy 101 Business Cell: () -
City, State, Zip: Astoria, OR 97103 Fax: () -

Site Address: I R S Q S Qq S Taxlot
City: State: OREGON 8 10 33 A 0 01200

Owner: Name: **Becker Frank N/Baret M** Ph. #: (503) 440-6144
Address: PO Box 836 Cell: () -
City, State, Zip: Warrenton, OR 97146 Fax: () -

Site Address: **92267 Whiskey Rd** I R S Q S Qq S Taxlot
City: Warrenton State: OREGON 8 10 28 C A 01600

Owner: Name: **Neikes James J** Ph. #: (503) 338-8153
Address: 34755 Hwy 101 Business Cell: () -
City, State, Zip: Astoria, OR 97103 Fax: () -

Site Address: I R S Q S Qq S Taxlot
City: State: OREGON 8 10 33 A 0 01300

Owner: Name: **Neikes James J** Ph. #: (503) 338-8153
Address: 34755 Hwy 101 Business Cell: () -
City, State, Zip: Astoria, OR 97103 Fax: () -

Site Address: I R S Q S Qq S Taxlot
City: State: OREGON 8 10 33 A 0 02102

Applicant/Owner/Agent

Applicant:

Agent: Name/Type: Ph. #: () -
Address: Cell: () -
City, State, Zip: Fax: () -

Development Permit	For Department Use Only
Clatsop County Planning and Development 800 Exchange St Ste 100 Astoria, OR 97103 Ph. (503) 325 - 8611 Fax (503) 338 - 3666	Permit #: 20100302

Fees

<u>Fee Type:</u>	<u>Permit Fee Total:</u>
Planning/Development	\$4,286.00
Total:	<u>\$4,286.00</u>

Receipt

<u>Payor Name:</u>	<u>Pymnt Type</u>	<u>Check #</u>	<u>Pymnt Date</u>	<u>Pymnt Amount:</u>
Jason Palmberg	Check	3156	06/01/2010	\$2,143.00
Neikes James J	Cash		06/01/2010	\$2,143.00
Balance Due:				<u>\$0.00</u>

Signatures

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

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

Applicant Signature: _____ **Date:** _____

Owner Signature: _____ **Date:** _____

Agent Signature: _____ **Date:** _____



Development Permit

For Department Use Only

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

Permit #: 20100302

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

Zoning District Requirements

Property Access Info.

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

Direction	Setbacks	
	Req.	Actual
F:		
S1:		
S2:		
R:		

Property Information

Compliance/Permit Requirements

Clatsop County Compliance

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

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

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

Entered by: Michael Weston
Entered Date: 06/01/2010

Applicants Signature: _____

Date: _____

Clatsop County Authorization: _____

Date: _____



Development Permit

Applicant's Statement

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



Receipt
This is not a Permit

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

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

For Department Use Only

Permit #: 20100303
Permit Type: Type IV
Entry Date: 6/1/2010
Entered By: Michael Weston
Permit Status: Pending

Permit Timeline

User	Status	Date
Michael Weston	Entered	06/01/2010

Proposed Use

Proposed Use: **Comp Plan/Zone Ord.TextAmend**

Zone: **LW, SFR-1**
Overlay District: **GHO**

Description: Comprehensive Plan Text Amendment - Density Transfer
(Payment on Permit 20100302)

Project Location

Owner: Name: **Neikes James J** Ph. #: (503) 338-8153
Address: 34755 Hwy 101 Business Cell: () -
City, State, Zip: Astoria, OR 97103 Fax: () -

Site Address: I R S Q S Q S Taxlot
City: State: OREGON 8 10 33 A 0 01300

Owner: Name: **Neikes James J** Ph. #: (503) 338-8153
Address: 34755 Hwy 101 Business Cell: () -
City, State, Zip: Astoria, OR 97103 Fax: () -

Site Address: 92267 Whiskey Rd I R S Q S Q S Taxlot
City: Warrenton State: OREGON 8 10 28 C A 01600

Owner: Name: **Neikes James J** Ph. #: (503) 338-8153
Address: 34755 Hwy 101 Business Cell: () -
City, State, Zip: Astoria, OR 97103 Fax: () -

Site Address: I R S Q S Q S Taxlot
City: State: OREGON 8 10 33 A 0 01200

Owner: Name: **Neikes James J** Ph. #: (503) 338-8153
Address: 34755 Hwy 101 Business Cell: () -
City, State, Zip: Astoria, OR 97103 Fax: () -

Site Address: I R S Q S Q S Taxlot
City: State: OREGON 8 10 28 0 0 03400

Owner: Name: **Neikes James J** Ph. #: (503) 338-8153
Address: 34755 Hwy 101 Business Cell: () -
City, State, Zip: Astoria, OR 97103 Fax: () -

Site Address: I R S Q S Q S Taxlot
City: State: OREGON 8 10 33 A 0 02102

Applicant/Owner/Agent

Applicant:

Agent: Name/Type: Ph. #: () -
Address: Cell: () -
City, State, Zip: Fax: () -

Receipt	For Department Use Only
Clatsop County Planning and Development 800 Exchange St Ste 100 Astoria, OR 97103 Ph. (503) 325 - 8611 Fax (503) 338 - 3666	Permit # 20100303

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

Receipt

Balance Due: _____

Signatures

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

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

Applicant Signature: _____ Date: _____
 Owner Signature: _____ Date: _____
 Agent Signature: _____ Date: _____



Receipt

For Department Use Only

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

Permit #: 20100303

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

Zoning District Requirements

Property Access Info.

Access to Property:

County Permit Required?

State Permit Required?

Property Information

Compliance/Permit Requirements

Clatsop County Compliance

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

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

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

Entered by: Michael Weston
Entered Date: 06/01/2010

Applicants Signature: _____

Date: _____

Clatsop County Authorization: _____

Date: _____



Receipt

Applicant's Statement

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



Receipt

This is not a Permit

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

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

For Department Use Only

Permit #: 20100304
Permit Type: Type III
Entry Date: 6/1/2010
Entered By: Michael Weston
Assigned To:
Permit Status: Entered

Permit Timeline

User	Status	Date
Michael Weston	Entered	06/01/2010

Proposed Use

Proposed Use: **Subdivision (7 or more Lots) Type III**

Zone: RA-5 Description: 30 Lot Subdivision with Density Transfer
Overlay District: BDO

see Also 302 & 303

Owner/Project Location

Owner: Name: **Wideman Oscar D/ Pamela G** Ph. #: (503) 738-7734
Address: PO Box 1000 Cell: () -
City, State, Zip: Cannon Beach, OR 97110 Fax: () -
Site Address: 89198 Easy Way Rd I R S Q S Qq S Taxlot
City: Seaside State: OREGON 7 10 27 0 0 03500

Applicant/Agent

Applicant: Name: Jason Palmberg Ph. #: (503) 791-1603
Address: 1790 SE 3rd Cell: () -
City, State, Zip: Astoria, OR 97103 Fax: () -
Agent: Name/Type: Jeff Canessa (Other) Ph. #: (503) 440-3332
Address: 255 W Grand Ave Cell: () -
City, State, Zip: Astoria, OR 97103 Fax: () -

Fees

Fee Type:	Permit Fee Total:
Planning/Development	\$1,609.00
	Total: \$1,609.00

Receipt

<u>Payor Name:</u>	<u>Pymnt Type</u>	<u>Check #</u>	<u>Pymnt Date</u>	<u>Pymnt Amount:</u>
Jeffrey Canessa	Check	2184	06/01/2010	\$536.00
Jeffrey Canessa	Check	2179	06/01/2010	\$536.34
Jason Palmberg	Check	3155	06/01/2010	\$536.66

Balance Due: \$0.00

Signatures

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

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

Applicant Signature: _____ **Date:** _____

Owner Signature: _____ **Date:** _____

Agent Signature: _____ **Date:** _____



Receipt	For Department Use Only
Clatsop County Planning and Development 800 Exchange St Ste 100 Astoria, OR 97103 Ph. (503) 325 - 8611 Fax (503) 338 - 3666	Permit #: 20100304

Zoning District Requirements

Property Access Info.

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

Direction	Setbacks	
	Req.	Actual
F:		
S1:		
S2:		
R:		

Property Information

Compliance/Permit Requirements

Clatsop County Compliance

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

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

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

Entered by: Michael Weston
Entered Date: 06/01/2010

Applicants Signature: _____ Date: _____

Clatsop County Authorization: Michael Weston Date: _____



Receipt

Applicant's Statement

1. *Pertaining to the subject property described, I hereby declare that I am the legal owner of record, or an agent having the consent of the legal owner of record, and am authorized to make the application for a Development Permit/Action so as to obtain the following permits: Building, Sanitation, U.S. Army Corps of Engineers, Oregon Division of State Lands, Oregon Department of Transportation, Oregon Department of Parks and Recreation, or a Clatsop County Road Approach. I shall obtain any and all necessary permits before I do any of the proposed uses or activities. The statements within this application are true and correct to the best of my knowledge and belief. I understand that if the permit authorized was based on false statements, or it is determined that I have failed to fully comply with all conditions attached to and made a part of this permit, this permit approval is hereby revoked and null and void.*
2. *It is expressly made a condition of this permit that I at all times fully abide by all State, Federal, and local laws, rules, and regulations governing my activities conducted or planned pursuant to this permit.*
3. *As a condition for issuing this Development Permit/Action, the undersigned agrees that he/she will hold Clatsop County harmless from and indemnify the County for any and all liabilities to the undersigned, his/her property or any other person or property, that might arise from any and all claims, damages, actions, causes of action or suits of any kind or nature whatsoever, which might result from the undersign's failure to build, improve or maintain roads which serve as access to the subject property or from the undersign's failure to fully abide by any of the conditions included in or attached to this permit.*
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7. *I understand that this Development Permit/Action expires 180 days from the date of issuance unless substantial construction or action pursuant to the permit has taken place. Upon expiration, a new development permit must be obtained.*

POLO RIDGE

ZONE CHANGE & DENSITY TRANSFER COMPREHENSIVE PLAN TEXT AMENDMENT TYPE III SUBDIVISION



APPLICANTS/OWNERS

JASON PALMBERG
JEFF CANESSA
JIM NEIKES
PAMELA WIDEMAN
OSCAR WIDEMAN

AGENT

CKI, INC - SURVEYING, PLANNING & CIVIL ENGINEERING



**COMPREHENSIVE PLAN/ZONING
MAP AMENDMENT**
 Fee: \$977.00 (required with application)
 \$2175.00 (required with application)

PROPOSED USE: Density Transfer & Rezone to Open Space Parks and Recreation

<u>Zoning</u>	<u>Comprehensive Plan Designation</u>
Current: <u>SFR-1</u>	<u>Rural Lands</u>
Proposed: <u>OPR</u>	<u>Conservation Other Resources</u>

LEGAL DESCRIPTION OF PROPERTY:

T: 8N R: 10W S: 28 TL: 3400 ACRES: 17.82
 T: 8N R: 10W S: 28CA TL: 1600 ACRES: 2.62

OTHER ADJACENT PROPERTY OWNED BY THE APPLICANT:

T: 8N R: 10W S: 33A TL: 1200 ACRES: 7.21
 T: 8N T: 10W S: 33A TL: 1300 ACRES: 3.71
 T: 8N R: 10W S: 33A TL: 2102 ACRES: .44

} 20100302
303

APPLICANT 1: (Mandatory)
 Name: Jason Palmberg (Co-Owner) Phone # (Day): 503-791-1603

Mailing Address: 1790 SE 3rd Street FAX #: _____

City/State/Zip: Astoria, OR 97103 Signature: 

PROPERTY OWNER: (Mandatory if different than applicant)

Name: James Neikes Phone # (Day): 503-338-8153

Mailing Address: 34755 Hwy 101 Business FAX #: _____

City/State/Zip: Astoria, OR 97103 Signature: 

PROPERTY OWNER #2 / SURVEYOR / AGENT / CONSULTANT / ATTORNEY: (optional)

Name: CKI, Inc. Phone # (Day): 503-738-4320

Mailing Address: PO Box 309 FAX #: 503-738-7854

City/State/Zip: Seaside, OR 97138 Signature: 

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



**COMPREHENSIVE PLAN/ZONING
MAP AMENDMENT**
 Fee: \$977.00 (required with application)
 \$2175.00 (required with application)

PROPOSED USE: TRANSFER OF DENSITY RIGHT ON 1.15 ACRES

	<u>Zoning</u>	<u>Comprehensive Plan Designation</u>
Current:	<u>SFR-1</u>	<u>rural lands</u>
Proposed:	<u>OPR</u>	<u>conservation/resources</u>

LEGAL DESCRIPTION OF PROPERTY:

T: 8N R: 10W S: 28CA TL: 1600 ACRES: 2.52

OTHER ADJACENT PROPERTY OWNED BY THE APPLICANT:

T: _____ R: _____ S: _____ TL: _____ ACRES: _____

T: _____ T: _____ S: _____ TL: _____ ACRES: _____

APPLICANT 1: (Mandatory)

Name: JASON PALMBERG Phone # (Day): (503) 791-1603

Mailing Address: 1790 S.E. 3RD FAX #: (503) 339-2998

City/State/Zip: ASTORIA, OR. 97103 Signature: [Signature]

PROPERTY OWNER: (Mandatory if different than applicant)

Name: FRANK BECKER Phone # (Day): (503) 440-6144

Mailing Address: P.O. BOX 836 FAX #: (503) 325-5690 (work#)

City/State/Zip: WHEATON, OR. 97146 Signature: [Signature]

PROPERTY OWNER #2 / SURVEYOR / AGENT / CONSULTANT / ATTORNEY: (optional)

Name: DAVE BECKER Phone # (Day): (503) 440-6144

Mailing Address: P.O. BOX 836 FAX #: N/A

City/State/Zip: WHEATON, OR. 97146 Signature: [Signature]

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

W:\PL\appsandflyers\comp plan zone map amendment doc8/1/03

Density Right Purchase Agreement

This agreement is a legal binding contract for the purchase and transfer of density rights, or residential development credits in the Clatsop Plains planning area of Clatsop County, Oregon, as authorized by Clatsop County Standards Document S3.161.

Buyer, Jason Palmberg, agrees to purchase from seller, Frank and Baret Becker, one (1) density right for a total purchase price of

The "sending parcel", owned by seller, is described as the east 1.15 acre of tax map and lot number 8N 10W 28CA TL 1600 consisting of lots 15-24 and 27-34 of block 7 Ivy Park.

This transaction removes one (1) residential building right that the sending parcel holds. Seller agrees to sign, as property owner, any county applications required to transfer this density from the subject property, including but not limited to the rezone request, application for text amendment and the deed restriction required by S3.161.

Seller will retain fee title to the sending parcel. The sending parcel will have the zone changed on that portion of the property affected by the density removal per county standard document S3.161. A deed restriction will be placed on the property restricting residential development on the described property until such time that the property is incorporated into an urban growth boundary.

All application fees and any other state or county costs associated with this density right transfer agreement are the responsibility of the buyer, Jason Palmberg.

Closing of this transaction will be upon completion and final approval of the required county applications for the density transfer. All funds are due and payable to seller by 5:00 p.m. the day of county approval.

Buyer		Date	5-23-10
Seller		Date	5/23/10
Seller		Date	5/23/10

Each of the following criteria and standards must be addressed by the applicant. The information needed to address these criteria should be submitted on separate 8.5" by 11" sheets of paper, typed.

1. The map change must be consistent with the Comprehensive Plan. The Comprehensive Plan includes the following elements:

- Goal 1 - Citizen Involvement
- Goal 2 - Land Use Planning
- Goal 3 - Agricultural Lands
- Goal 4 - Forest Lands
- Goal 5 - Open Space
- Goal 6 - Air, Water and Land Resources Quality
- Goal 7 - Natural Hazards
- Goal 8 - Recreational Needs
- Goal 9 - The Economy
- Goal 10 - Housing
- Goal 11 - Public Facilities and Services
- Goal 12 - Transportation
- Goal 13 - Energy Conservation
- Goal 14 - Urbanization
- Goal 16 - Estuarine Resources
- Goal 17 - Coastal Shorelands
- Goal 18 - Beaches and Dunes
- Southwest Coastal Community Plan
- Northeast Community Plan
- Elsie/Jewell Community Plan
- Seaside Rural Community Plan
- Lewis and Clark/Ohney/Walluski Community Plan
- Clatsop Plains Community Plan

Some of these elements of the Comprehensive Plan are not applicable to the proposed map amendment. County staff will help identify applicable plan elements and policies.

2. Also address the following from Section 5.412, Zone Change Criteria of the Clatsop County Land and Water Development and Use Ordinance #80-14.
 1. The proposed change is consistent with the policies of the Clatsop County Comprehensive Plan.
 2. The proposed change is consistent with the statewide planning goals (ORS 197)
 3. The property in the affected area will be provided with adequate public facilities and services including, but not limited to:
 1. Parks, schools and recreational facilities
 2. Police and fire protection and emergency medical service
 3. Solid waste collection
 4. Water and wastewater facilities
 4. The proposed change will insure that an adequate and safe transportation network exists to support the proposed zoning and will not cause undue traffic congestion or hazards.
 5. The proposed change will not result in over-extensive use of the land, will give reasonable consideration to the character of the area, and will be compatible with the overall zoning pattern.
 6. The proposed change gives reasonable consideration to peculiar suitability of the property for particular uses
 7. The proposed change will encourage the most appropriate use of land throughout Clatsop County
 8. The proposed change will not be detrimental to the health, safety, and general welfare of Clatsop County.

3. The property in the affected area must be presently provided with adequate public facilities, services and transportation networks to support the use; or the governing body by condition requires their provision by condition attached to any approval of use.

OFFICE USE ONLY:

date received : 6-1-10 application #: 20100302
date complete: _____ R&O/Ord#: _____



**COMPREHENSIVE PLAN/ZONING
ORDINANCE TEXT AMENDMENT**
 Fee: \$3,309.00 (Required with application)

APPLICANT: (Mandatory)

Name: Jason Palmberg Phone # (Day): 503-791-1603

Mailing Address: 1790 SE 3rd St FAX #: 503-338-2998

City/State/Zip: Astoria, OR 97103 Signature: [Signature]

APPLICANT #2 / AGENT / CONSULTANT / ATTORNEY: (Optional)

Name: James Neikes Phone # (Day): 503-338-8153

Mailing Address: 34755 Hwy 101 Business FAX #: _____

City/State/Zip: Astoria, OR 97103 Signature: [Signature]

Check all that apply:

- Amendment to Zoning Ordinance
- Amendment to Standards Document
- Amendment to Comprehensive Plan
- Amendment to Community Plan
- Amendment to Background Report

Proposed amendment:

All sending and receiving parcels shall be recorded in the "Density Table" (S3.162) and the appropriate sections filled out completely prior to approval. At the applicant's expense, if a receiving parcel cannot be identified at the time of application for a density transfer, the applicant can choose to record the remaining credits with an affidavit, which shall be recorded by the applicant, and maintained with the County Planning Department. Staff will review the requisite comprehensive plan text and map amendments for conformity with the down zone & density transfer requirements. Also included are amendments to the Density Table (See attached Exhibit C)

OFFICE USE ONLY: date received: 6-1-10 application: 20100303

date completed: _____ R&O /Ord #: _____

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



**APPLICATION FOR
SUBDIVISION**
 Fee: \$239 Pre-application Conference
 Type II - \$1296
 Type III - \$1609
 Extension - \$184

APPLICANT: Jason Palmberg & James Neikes Phone: 503-791-1603

Address 1790 SE 3rd Street Astoria, OR 97103

OWNER: Pamela & Oscar Wideman Phone: 503-738-7734

Address: PO Box 1000 Cannon Beach, OR 97110

AGENT: CKI, Inc Phone: 503-738-4320

Address: PO Box 309 Seaside, OR 97138

Proposed Development: 30-Lot Subdivision

Proposed Name of the Development: Polo Ridge

Existing Comprehensive Plan Designation: Rural Lands

Present Zoning: Residential Agriculture - 5 {RA-5} Overlay District: BDO

Property Description: 7N 10W 27 03500
 Township Range Section Tax Lot(s)

} 20100304

Directions to the property from Astoria: Going south on Highway 101 turn west onto Surf Pines Lane. Property is located to the north.

What is the nearest "Community" (i.e. Svensen, Arch Cape, Westport)? Surf Pines / Gearhart

General description of the property:

Existing Use: Residential subdivision and polo facilities

Topography: Plains with rolling dunes

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

General description of adjoining property:

Existing Uses: Rural residences on lots ranging from 1-5 acres
Topography: Plains with rolling dunes

Include a map of the property and adjacent parcels. The map must show both existing and proposed development and existing and proposed roads, etc.

Total acreage : 61.51 Number of proposed lots: 30

Smallest lot size: 1 Acre Largest lot size: 5.04

Septic tanks or subsurface sewer: Septic Tanks

Has each lot been evaluated through the Department of Environmental Quality? No, but a sample of 3 lots is provided

Are the DEQ documents attached? Yes, Exhibit D - Attachment 4

Water source (public water, wells, springs): Public Water & Well

What is the name of the Water District: Warrenton

Are documents attached? (Letter from the Water District, or quantity/quality information about well water, and a copy of the water right if water from a spring is to be utilized): The information is provided in Exhibit D - Attachment 1

What other utilities will be provided? Power, Phone, Cable, Gas

When and whom will install them? Most of the utilities are already on site. Extensions will be installed by the utility company with exception of water.

Are documents attached, which verify that these utilities will be provided? Yes

Do you propose any covenants or private restrictions for the proposed development? Yes

Is a copy of the proposed restrictions attached to this application? A draft copy is attached

Do you propose to create a homeowners or road maintenance association?: Yes If yes, and you have a copy of such maintenance agreement, attach it to this application.

Identify which goal and policy statements contained within the Comprehensive Plan pertain to this subdivision request. Exhibit A summarizes the applicable sections of the comprehensive plan

Explain how you proposed subdivision and use conform to the uses, goals and policy statements

identified This is explained in the attached Exhibit E

Does your proposed subdivision and use conflict with the uses, goal and policy statements identified

above: No, see Exhibit A for summary conclusion.

This section is only to be filled out if the proposed subdivision occurs in the Clatsop Plains planning area.

A. Is there a public need for your proposed subdivision and use? (Would your proposed use provide a service, product or usage needed by the public?)

Explain on a separate piece of paper how the proposed development complies with the policy below:

Rural Policy #6: "Clatsop County intends to encourage a majority of the county's urban growth boundaries. Approval of subdivisions and planned developments shall relate to the needs for rural housing. Through the County's Housing Study, the County has determined the Clatsop Plains rural housing needs to be approximately 900 dwelling units for both seasonal and permanent by the year 2000. The rural housing needs should be re-examined every two (2) years from the date of the adoption of the plan."

** Policy 6 has been addressed as a function of Exhibit D & E. **

The information contained in this application is in all respect true, complete, and correct to the best of my knowledge.

Applicant's Signature: [Signature] Date: 5/21/10

Owner's Signature: [Signature] Date: 5/22/10
(Or notarized letter)

[Signature]
as conservator
[Signature]

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLATSOP - PROBATE DEPARTMENT

FILED
CLATSOP CIR. COURT.
2009 APR 22 AM 9:15
TRIAL COURT ADMIN.

Conservatorship of:

Case No. P09-009

OSCAR DALE WIDEMAN,

LETTERS OF CONSERVATORSHIP

Respondent.

STATE OF OREGON, County of Clatsop)ss.

BY THESE LETTERS OF CONSERVATORSHIP be informed:

That on April 22, 2009 the Circuit Court, Clatsop County, State of Oregon, appointed Pamela G. Wideman, conservator of the estate of Oscar Dale Wideman, and that the named conservator has qualified and has the authority and duties of conservator of the estate of the named protected persons as provided by law.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of the court at my office on the 23rd day of April 2008.



BRYANT J. BAEHR
TRIAL COURT ADMINISTRATOR

By Jenni L. Petersen
Jenni L. Petersen
Judicial Services Specialist III

STATE OF OREGON, County of Clatsop)ss.

I, Clerk of the Circuit Court of the State of Oregon for Clatsop County, hereby certify that the foregoing copy of Letters of Conservatorship has been compared by me with the original Letters on file and of record in my office and in my custody in the above entitled matter; that said copy is a true and correct transcript of said original and of the whole thereof and that the said Letters are now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto subscribed my hand and affixed the seal of said court on April 23rd, 2009.



TRIAL COURT ADMINISTRATOR

By Jenni L. Petersen
Clerk of the Court

Section 5.220.Subdivisions. An applicant for a subdivision for six (6) or less lots shall be processed by the Director under a TYPE II procedure. Any larger subdivision shall be processed by a TYPE III procedure. A subdivision occurs when four (4) or more lots are created, including the parent parcel, within a calendar year.

- (1) No one subdivision, contiguous group of subdivisions or planned development shall create greater than thirty (30) lots within the same calendar year, (January 1- December 31), in the Rural designation in the Clatsop Plains planning area; and
- (2) The applicant when applying for a subdivision or planned development in the Clatsop Plains Rural designation, shall show how the request addresses the NEED issue of the Clatsop Plains Community Plan below:

“6. Clatsop County intends to encourage a majority of the County’s housing needs to occur within the various cities’ urban growth boundaries. Approval of subdivisions and planned developments shall relate to the needs for rural housing. Through the County’s Housing Study, the County has determined the Clatsop Plains rural housing needs to be approximately 900 dwelling units for both seasonal and permanent by the year 2000.”

Section 5.222. Preliminary Plat An applicant for a subdivision shall submit (9) copies of the Preliminary Plat, together with improvement plans and other supplementary information required by this Ordinance to indicate the design and objectives of the subdivision.

Section 5.224. Form and Scale of Preliminary Plat. The Preliminary Plat shall be clearly and legibly drawn. It shall show all pertinent information to scale so that the Commission may have an adequate understanding of what is proposed during the review process. Under ordinary circumstances, the scale of the drawing is to be one (1) inch equals fifty (50) feet or one-hundred (100) feet, or for areas over one-hundred (100) acres; one (1) inch equals two-hundred (200) feet.

Section 5.226. Preliminary Plat Information. The Preliminary Plat of the proposed subdivision shall include the following information:

1. Proposed name of subdivision. Subdivision plat names shall be subject to the approval of the County Surveyor or, in the case where there is no County Surveyor, the County Assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers and, if used, the block numbers of the subdivision plat of the same name last filed. On or after January 1, 1992, any subdivision submitted for final approval shall not use block number or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters.
2. Northpoint, scale, and date of the completed drawing, approximate acreage, and boundary lines.
3. Appropriate identification clearly stating the map is a Preliminary Plat.

4. Location of the subdivision by section, township, range, tax lots or lots and donation land claim sufficient to define the location and boundaries of the proposed subdivision.
5. Names, addresses and zip codes of all owners, subdividers, and engineers or surveyors responsible for laying out the subdivision.
6. Existing locations, widths, names of both opened and unopened streets within or adjacent to the subdivision, together with easements or rights-of-way and other important features, such as section lines, corners, city boundary lines and monuments.
7. A vicinity map showing the relationship of the proposed subdivision to surrounding development, streets, and sewer and water services, within one-quarter (1/4) mile of the exterior boundaries of the proposed development.
8. Location of at least (1) temporary bench mark within the plat boundaries.
9. Contour lines related to the temporary bench mark or other datum approved by the County Surveyor and having contour intervals together with the calculated degrees of slope as follows:
 - a. For slopes not in excess of 10 percent: two-foot contours.
 - b. For slopes over 10 percent : five-foot contours.
10. Location of significant natural features such as rock outcroppings, marshes, wooded areas, and isolated preservable trees.
11. Location of any rare, threatened and endangered species (plant or animal) located on or within 1,000 feet of the proposed subdivision.
12. Location and direction of all water courses and/or bodies and the locations of all areas subject to flooding.
13. Existing uses on the property, including location of all existing structures.
14. Location, width, name, approximate grade, and radii of curves of all proposed streets, their relationship of such streets to any projected or existing streets adjoining the proposed subdivision. The subdivider shall submit documented preliminary approval, from the County Roadmaster, of his road design.
15. Location, width, and purpose of proposed easements and private roads for private use, where permitted, and all reservations or restrictions relating to such easements and private roads.
16. Proposed plan for draining surface water, including the location and type of drainage ways to carry surface water from the development without adversely affecting adjacent properties. If any filling is proposed, the drainage plan must demonstrate that adequate provisions have been made for the prevention of backup or ponding of surface water on adjacent properties as well as within the proposed development.

17. Location, acreage, and dimensions of lots and the proposed lot numbers.
18. Site if any, allocated for a purpose other than single family dwellings.
19. Location, acreage, and dimensions of areas proposed for public use.
20. Location, acreage, and dimensions of areas proposed for common open space (30% in the Rural designation of the Clatsop Plains planning area).
21. Any subdivision may be platted in as many as three (3) phases. All phases must be submitted on the Preliminary Plat with proposed time limitations for the recording of the various phases. However, phasing must meet the following time limitations:
 - a. Phase I- shall be recorded within twelve (12) months of preliminary approval.
 - b. Phase II- shall be recorded within thirty-six (36) months of preliminary approval.
 - c. Phase III- shall be recorded within sixty (60) months of preliminary approval.

The Community Development staff will review each phase prior to recording to make sure the phase, as recorded, is in accord with the preliminary approval given by the Planning Commission. Any submitted phase which does not coincide with the approval as given by the Planning Commission shall be referred to the Planning Commission for a hearing. At such hearing, the Commission shall have the authority to revoke, revise, and amend or alter the prior approval. Notice shall be sent subject to Sections 6.110-6.120.

For any subdivision which has an approved phasing plan as granted by the Commission under the Preliminary Plat approval, all parts of the subdivision shall fall under control of the various Ordinances in effect at the time of preliminary approval, unless state or local law shall determine that newer or current Ordinances or laws are to be followed.

If any time limitation is exceeded, preliminary approval for the subdivision or any phase of the subdivision shall be void. The subdivider shall submit any future proposals for the development of the Property to the Commission for approval.

Agreement for improvements for each phase shall comply with this Ordinance prior to the Final Plat approval of such phase. If a bond is required, such bond shall be for a sum determined by the County Engineer to be sufficient to cover costs of construction for that phase.

22. Technical documentation shall be supplied to the Commission by the subdivider at the time of submittal of the Preliminary Plat, addressing the following items:
 - a. An acceptable and approved method of sewage disposal for each proposed lot which meets the rules and regulations of the Environmental Quality Commission of the State of Oregon as administered by the Department of Environmental Quality or its contract agent.
 - b. An acceptable and approved method of water supply.

- c. The nature and type of improvements proposed for the subdivision, and a timetable for their installation.
 - d. A description of community facilities which would serve the subdivision, and a timetable for the completion or installation of the facilities.
 - e. Where a surface or subsurface water problem may exist, as determined by the Department of Environmental Quality, County Sanitarian, or other qualified specialist, a complete report by an independent, qualified hydrologist or hydrogeologist or other qualified specialist shall be required prior to any hearing on the Preliminary Plat by the Commission. The fee for such study shall be paid by the subdivider.
 - f. Subdividers shall provide a list of any restrictive covenants which are to be recorded.
 - g. A demonstration that lot size and use are in compliance with the applicable zone.
23. Compliance with the Clatsop County Comprehensive Plan and Land and Water Development and Use Ordinance, and ORS 92 and 215.
 24. Lots not intended for sale shall be designated by alphabetic symbol which indicates the intended usage. The acreage for each dedicated lot, if any, is to be shown.
 25. Notations indicating any limitations on rights-of-access to or from streets and lots or other parcels of land proposed by the developer or established by the Board.
 26. A quotation from the Clatsop County Assessor on taxes to be paid on a proposed subdivision before final platting shall take place in accordance with ORS 92.095.
 27. If any federal or state permit is required to carry out the preliminary plat approval, approval shall be subject to a condition requiring the subdivision to comply with the applicable federal and state laws.

Section 5.228. Preliminary Plat Review.

1. Upon receipt of a completed Preliminary Plat, the Community Development Department shall set a date for a public hearing before the Planning Commission. Copies of the Preliminary Plat shall be furnished to all affected city, county, state and federal agencies and special districts for review and comment. Failure to provide written comment to the Community Development Department within fifteen (15) working days thereof may be deemed a recommendation for approval unless an additional review period is requested by the jurisdiction and approved.
2. The Preliminary Plat, supplementary information and recommendations of the Community Development Staff and other reviewing agencies shall be submitted to the Commission for review at a public hearing. The Commission shall review the plat and other data submitted, taking action upon the proposal within sixty (60) days from the date of the first hearing at which the request was heard.

3. The Commission may approve, conditionally approve or disapprove the proposed subdivision. The Commission may attach as a condition of approval those conditions reasonably necessary to carry out the provisions of this Ordinance and may require the developer to post a bond of an amount set by the County Engineer, for all improvements or construction within the proposed subdivision. The Commission may also require the subdivider to file a map within thirty (30) days of the date of conditional approval showing the design approved by the Planning Commission.
4. If the Commission has approved or conditionally approved a subdivision, it shall make specific findings indicating that sufficient water supply is available, that each lot has an approved sewage disposal site or will have access to an area for sewage disposal, and that an approved road system will provide access or will be constructed to provide access to each lot in the subdivision. In addition to those specific findings, the Commission shall make its findings in regard to the standards as set forth in Section 5.220 to and including 5.226 and S5.100 to and including S5.120 of this Ordinance, the road standards as set forth in Section S6.000 of the Development and Use Standards Document.
5. Preliminary Plat approval shall be binding on the Commission and the subdivider for the purpose of preparing the Final Plat, provided that there are no changes of the plan of the subdivision, and that it complies with all conditions as set forth by the Commission in its preliminary approval and Section S5.100 to and including S5.120 and road standards as set forth in S6.000 of the Development and Use Standards Document of this Ordinance. Such approval of the Preliminary Plat shall be valid for two (2) years from the date of the approval of the Preliminary Plat.
6. Minor amendments, such as slight alteration in lot lines, to an approved preliminary plat may be approved by the Director if said amendments concur with the Planning Commission's conditions of approval. Such amendments will only be valid for the twelve month period following their approval and will become invalid if not implemented within that time.

Section 5.230. Granting of Extensions.

1. The Community Development Director may grant an extension of up to twelve (12) months to the Preliminary Plat approval and of up to twelve (12) months to any subdivision being developed in phases. The Director shall have the authority to attach whatever conditions are necessary to carry the provisions of the Comprehensive Plan and this Ordinance but in no event shall more than (2) extensions be granted by the Community Development Director. Any request for an extensions shall be processed under a Type I procedure, 2.100.
2. A subdivider who is developing his subdivision in phases may seek an extension of time from the Director on the phase then under development. The Director upon the facts presented may grant an extension of time of up to twelve (12) months. This extension of time shall not affect any other phases not under development.
3. The granting of an extension by the Director shall be noted on two (2) copies of the Preliminary Plat, including any conditions imposed. One signed copy is to be given to the subdivider while the other copy is retained in the Community Development Department file.

Section 5.232. Submission of Final Plat. Within two (2) years after approval of the Preliminary Plat, or within such time as set forth by the Commission under the provisions of Section 5.230(2) of this Ordinance, the subdivider shall cause the subdivision to be surveyed and a plat prepared in accord with the approved Preliminary Plat. Before approval by any County official, the Final Plat shall be approved and signed by all persons and must also have the signature and seal of the registered professional land surveyor responsible for the laying out of the subdivision. All signatures must be with black India ink.

Section 5.234. Form and Scale of Final Plat.

1. The final Plat offered for approval and recording shall be made pursuant to the Standards in Section S5.200.
2. At the time of filing the Final Plat, the surveyor who made the plat shall furnish the County Clerk and/or County Surveyor with an exact copy of the Final Plat offered for recording. This copy shall be made with black India ink or silver halide permanent photocopy on polyester film having the same or better characteristics of strength, stability and transparency, and shall have an affidavit that the photocopy or tracing is an exact copy of the Plat.
3. The scale on the Final Plat will be one (1) inch to one-hundred (100) feet or, one (1) inch to fifty (50) feet. The scale may be increased or decreased if necessary to fit the legal sized 18"x 24" plat, but in all cases the scale shall be in multiples of ten.
4. The subdivider shall provide, at his/her own expense, up to six (6) prints at request of the Commissioner and/or Board.

Section 5.236. Information on Final Plat. The following information shall be shown on the Final Plat and is required by ORS 92.

1. The name of the subdivision, the date the plat was prepared, the scale, northpoint, legend and existing features such as highways and railroads.
2. Legal description of the subdivision boundaries.
3. Reference, by distance and bearings, to adjoining recorded surveys, if any, and referenced to a field book or map as follows:
 - a. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.
 - b. Adjoining corners of adjoining subdivision.
 - c. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this Ordinance.
4. Exact location and width of streets and easements intersecting the boundary of the subdivision.
5. Subdivision boundaries, lot or tract boundaries, and street right-of-way and centerlines with dimensions to the nearest 1/100th of a foot and bearings in degrees, minutes and seconds, pursuant to the requirements of OR 92.

6. Names and width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius, central angle, longchord bearing and distance shall be indicated.
7. Easements denoted by fine dotted lines, clearly identified and, if already of record, there shall be written statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.
8. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision.
9. Location of all permanent monuments within the proposed subdivision.
10. Ties to any city, county, or adjacent subdivision's boundary lines.
11. Acreage of each parcel to the nearest 1/100th of an acre.
12. Any conditions specified by the Commission or Board upon granting preliminary approval.
13. A statement of water rights noted on the subdivision plat or partition plat.
14. A copy of the acknowledgement from the State Water Resources Dept. under ORS 92.122, if the person offering the subdivision or partition plat for filing indicates on the statement of water rights that a water right is appurtenant to the subdivision or partition.

Section 5.238. Survey Requirements.

1. A complete and accurate survey of the land to be subdivided shall be made by a registered professional land surveyor licensed to practice in the State of Oregon, in accordance with ORS 92.

Section 5.240. Supplementary Information with Final Plat

1. Evidence of Title. The Commission shall require Evidence of Title accompanying the Final Plat by a letter or Final Plat report in the name of the subdivider. Such evidence shall indicate that the title company has issued a preliminary report for the parcel being subdivided and shall state that the Final Plat and certificates have been reviewed. It shall also list exceptions, if any, that will be imposed by the County when the Final Plat is recorded.
2. Restrictive Covenants. A copy of any Restrictive Covenant (s) is to be filed with the Final Plat. On Final Plats showing areas which will be jointly owned or used by the various owners in the subdivision, a covenant document will be mandatory as part of the Final Plat. For other Final Plats, the covenants are optional with the subdivider.

3. Traverse Data. The subdivider shall provide traverse data on form work sheets or complete computer printouts showing the closure of the exterior boundaries of the subdivision and of each lot and each block of the subdivision.
4. Improvements Plans. Improvement plans shall be submitted for various facilities that are to be constructed by the subdivider, including drainage plans, sewer plans, water plans, curb and gutter, sidewalk and street plans, and any other construction plans that may be required. These plans shall indicate design criteria, assumptions and computations for proper analysis in accordance with sound engineering practice. Where such plans are or would be the same as those included in the County's Standard Specifications, they may be submitted by reference to such Standard Specifications.
5. Dedication of Land, Rights, Easements, and Facilities for Public Ownership, Use and Utility Purposes.
 - a. All land shown on the Final Plat intended for dedication to the public for public use shall be offered for dedication at the time the plat is filed and must be expressly accepted by the Board prior to the Final Plat being accepted for recording. Land dedicated for public use, other than roads, shall be accepted by the Board by the acceptance of a deed and by no other means.
 - b. All streets, pedestrian ways, drainage channels, easements and other rights-of-way shown on the Final Plat as intended for public use, shall be offered for dedication for public use at the time the Final Plat is filed.
 - c. Rights of access to and from streets, lots and parcels shown on the Final Plat shall not have final approval until such time as the County Engineer is satisfied that the required street improvements are completed in accordance with the applicable standards and specifications. The subdivider must petition separately to the Board for acceptance of any dedicated land, access rights or facilities. Acceptance of the Final Plat shall not be construed as approval of dedicated land rights, easements or other facilities.
6. Reserve Strips. One (1) foot reserve strips shall be provided across the end of stubbed streets adjoining unsubdivided land or along streets or half streets adjoining unsubdivided land and shall be designated as a reserve strip on the plat. The reserve strip shall be included in the dedication granting to the Board the authority to control access over the reserve strip to assure the continuation or completion of the street. This reserve strip shall overlay the dedicated street right-of-way. The Board may require a reserve strip in other areas of the subdivision in order to control access.
7. Drainage Plan. The Final Plat shall be accompanied by a drainage plan showing street grades, curbs, natural drainageways and other drainage works in sufficient detail to enable the engineer to determine the adequacy of provisions for drainage and the disposal of surface and storm waters within the subdivision and other adjoining areas. Subsequent changes to the drainage plan may be approved by separate action by the Board after receiving the recommendation by the County Engineer.

8. Common Open Space. Maintenance of common open space shall be subject to Section S3.180.

Section 5.242. Agreement for Improvements.

The subdivider shall improve or agree to improve lands dedicated for streets, alleys, pedestrian ways, drainage channels, easements and other rights-of way to County Standards as a condition preceding the acceptance and approval of the Final Plat.

Before the Commission approval is certified on the Final Plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision; or he/she shall execute and file with the Board and agreement between himself and the County specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the subdivider.

A performance bond, as provided in Section 5.244 of this Ordinance, shall be required with such agreement. Provisions for the construction of the improvements in phases and for extension of time under specified conditions may be made upon prior agreement by, or application to, the Commission or Board.

Section 5.244. Performance Bond.

1. The subdivider shall file with the agreement to assure full and faithful performance thereof, one of the following:
 - a. A surety bond executed by a surety company authorized to transfer business in the State of Oregon on a form approved by the District Attorney.
 - b. In lieu of a surety bond, (a) the subdivider may deposit with the County Treasurer cash money in an amount fixed by the County Engineer, or (b) file certification by a bank or other reputable lending institution that money is being held to cover the costs of the improvements and incidental expenses. Said money will only be released upon authorization of the County Engineer.
2. Such assurance of full and faithful performance shall be for a sum determined by the County Engineer as sufficient to cover the cost of the improvements and repairs that may be required prior to acceptance including related engineering, and may include an additional percentage as determined by the County Engineer to cover any inflationary costs that may be incurred during the construction period to the full and final completion of the project.
3. If the subdivider fails to carry out provisions of the agreement and the County has reimbursed costs of expenses resulting from failure, the County shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred, the subdivider shall be liable to the County for the difference.
4. If subdivision extensions are granted, the bond may need to be revised.

Section 5.246. Final Plat Approval

Upon receipt of the Final Plat, the exact transparent copy thereof, prints and supplementary information, the Community Development Director shall review the Final Plat and documents to determine that the plat conforms with the approved Preliminary Plat and that there has been compliance with provisions of the law and this Ordinance.

If the County Surveyor, Sanitarian and Engineer and the Community Development Director or the Commission determine that the Final Plat conforms fully with the approved Preliminary Plat and all applicable regulations and standards for final platting, the Community Development Director shall advise the Chairperson of the Commission. The Chairperson of the Commission may then have the Plat signed in order of signatures listed below in this Ordinance, without further action by the Commission. If the Final Plat is not in such conformance, it shall be submitted to the Commission. When submitted to the Commission for review, approval of the Final Plat shall be by majority of those present. If the Plat is signed without further review by the Commission, the action shall be reported to the Commission at the next regular meeting. In the absence of the Chairperson, his duties and powers with respect to action of Final Plats shall revert to the Vice-Chairperson of the Commission.

Approval of a Final Plat by the Commission shall constitute an acceptance by the public of the dedication of any street or way shown on the Plat. Acceptance of a street or way by approval of the Final Plat shall not constitute an acceptance to maintain the street or way. Acceptance of the maintenance of any street or way accepted by approval of the Final Plat, shall be by a separate process of petitioning the Board of acceptance of road maintenance. Approval of the Final Plat shall not act as an acceptance by the public of any other land for public purposes.

Section 5.248. Filing of Final Plat. The subdivider shall, without delay, submit the Final Plat for signature of the following County officials in the order listed:

1. Surveyor, in accordance with the provisions of ORS 92.100;
2. Commission;
3. Assessor;
4. Tax Collector;
5. Board of Commissioners designee upon request of the Board;
6. Clerk.

Section 5.250. Time Limit for Recording of a Plat.

The Final Plat shall be recorded within (30) days of the date that the signatures and approvals as required in Section 5.248 of this Ordinance, has been obtained. In the event the Final Plat is not recorded within the time herein provided, it will be resubmitted to the Commission, which may require changes or alterations deemed necessary because of changed conditions within the general area of the subdivision.

Section 5.252. Partial Platting.

If desired by the subdivider, individual phases of an approved Preliminary Plat may be recorded with the approval of the Commission and in the same manner as a Final Plat.

TAB A



EXHIBIT A – EXECUTIVE SUMMARY

INTRODUCTION

The applicants, Jason Palmberg and James Neikes, on behalf of the owners Oscar & Pamela Wideman, are pleased to present our application for Polo Ridge Subdivision.

BACKGROUND

This application is a four-tier application involving the following components:

- o Exhibit B - A density transfer (25 dc¹)
- o Exhibit C - A text amendment (Standards Document S3.161(3) & S3.162 “Density Table”)
- o Exhibit D - A zone change (Single Family Residential - 1, to Open Space Parks and Recreation)
- o Exhibit E - A three-phase subdivision. (30 Lot Cluster Subdivision)

The primary applicant’s Jason Palmberg and James Neikes are proposing to move the density from a number of their parcels to the “receiving site” owned by Oscar & Pamela Wideman and identified as T7N, R10W, Section 27, Tax Lot 03500.

The receiving site was the former location of a 10-lot subdivision expected to expire in June of 2010. The former subdivision was called the Ridgeline Estates Subdivision, applied for by HLB representing the landowners Oscar and Pamela Wideman and approved in 2006. The applicant’s are proposing to modify and replace the previous subdivision with the proposed Polo Ridge Subdivision, which virtually expands on the previously approved lot configuration.

Expanding on the former subdivision requires the applicants to transfer density into the receiving site. The areas of the “sending sites” currently zoned Single Family Residential - 1 (SFR-1) will be rezoned to Open Space Parks and Recreation. Nineteen (19) density credits from “Tract A” will be placed on the receiving site. The remaining four (4) density credits from Tract A combined with the two (2) additional density credits from Tracts B & C, will be recorded on an affidavit identified in the record of proceedings and maintained in the parcel file. The affidavit will remain with the title owner of the lots identified as the sending sites. In order to satisfy the county’s requirements identified in Exhibit B (Density Transfer), the applicant has proposed a text amendment to the Standards Document (SD) S3.161(3), addressed in Exhibit C, which allows the remaining density to be recorded with an affidavit.

The five sending sites constitute three tracts:

Tract A, which is comprised of three contiguous lots,

T8N	R10W	Section 28	Tax Lot 3400
T8N	R10W	Section 33A	Tax Lot 1200
T8N	R10W	Section 33A	Tax Lot 1300

Tract B, which is comprised of one lot:

T8N	R10W	Section 33D	Tax Lot 2102
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and;

Tract C, which is comprised of one lot:

T8N	R10W	Section 28CA	Tax Lot 1600
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¹ dc = density credits as illustrated in Exhibit C’s “density table”.



All areas within the aforementioned lots currently zoned Single Family Residential - 1 (SFR-1), except for 1 acre in the southwest corner of lot 1200 will be rezoned to Open Space Parks and Recreation per the requirements described in SD S3.161(1A).

In order to satisfy the Zone Change requirements listed in Section 5.412 of the County's Land Use Ordinance, the applicant has provided findings demonstrating consistency with the 18 applicable Statewide Planning Goals², the County's Comprehensive Plan, the County's Land Water Development and Use Ordinance (LWDUO), and the County's Standards Documents (SD). These provisions and criteria are thoroughly addressed in the applicant's proposed findings attached as Exhibit D to the applications. The findings demonstrate how the proposal is consistent with those criteria and policies identified throughout the aforementioned documents.

Polo Ridge Subdivision is a 30-lot subdivision, on 61.51 acres. The subject site was also the location of a cluster partition recorded in 2005. When calculating the site for total permissible density it is necessary to calculate the acreage from tax lots 3503 & 3504 located to the south west of the receiving site. The total acreage of the receiving site, which is zoned RA-5, once totaled 65.54 acres. Considering a minimum lot size of 5 acres the receiving site has the potential for 13 lots, 2 of which have already been clustered, leaving a total of 11. This proposal uses the provisions in the SD S3.150-S3.162 to phase in 19 density credits from the sending sites and create 1-acre parcels in accordance with the provisions of the Clatsop County Comprehensive Plan and Land Use Ordinance. The findings in the attached exhibits provide accurate analysis and findings of consistency with the provisions for approval. Areas of analysis that have not been satisfied prior to permitting shall be satisfied as conditions of approval and implemented during the appropriate phase of development.

SUMMARY TABLE OF APPLICABLE CRITERIA

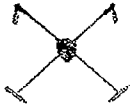
Criterion	Summary Finding	Exhibit	Page/s
Density Transfer & Text Amendment			
LWDUO Section 3.164	Satisfied	B	1
SD S3.161(1A)	Satisfied w/ Zone Change	B	2
(1B)	Consistent	B	3
(1C)	Consistent	B	3
(1D)	Consistent	B	3
(1E)	Consistent	B	3
(1F)	Consistent	B	4
SD S3.161(2)	Consistent	B	4
SD S3.161(3)	Consistent w/ Amendment	B & C	B(4) / C(2)
Zone Change			
LWDUO 5.412 # 1 Consistency with Comp Plan	Satisfied	D	2-36
Goal 1 Element - Citizen Involvement	Consistent	D	2-3
Goal 2 Element - Land Use Planning	Consistent	D	3-4
Goal 3 Element - Agricultural Lands	Consistent	D	4
Goal 4 Element - Forest Lands	Consistent	D	4
Goal 5 Element - Open Space, Scenic, Historic, & Natural Resources	Consistent	D	4-6
Goal 6 Element - Air, Water, and	Consistent	D	6-8

² There are 19 Statewide Planning Goals, the exception in this case is Goal 15, which does not apply to areas outside of the Willamette Valley



Land Quality			
Goal 7 Element - Natural Hazards	Consistent	D	8
Goal 8 Element - Recreation	Consistent	D	8
Goal 9 Element - Economy	Consistent	D	9
Goal 10 Element - Housing	Consistent	D	9-10
Goal 11 Element - Public Facilities	Consistent	D	10-11
Goal 12 Element - Transportation	Consistent	D	11-15
Goal 13 Element - Energy Conservation	Consistent	D	15-17
Goal 14 Element - Urbanization	Consistent	D	17
Goal 16 Element - Estuarine Resources	Consistent	D	17
Goal 17 Element - Coastal Shorelands	Consistent	D	17
Goal 18 Element - Beaches and Dunes	Consistent w/ Application for Cluster Subdivision	D	17-19
Clatsop Plains Community Plan	Consistent w/ Appropriate Conditions	D	19-36
LWDUO 5.412 #2 Consistency with Statewide Planning Goals	Satisfied	D	37
LWDUO 5.412 #3 Provisions for adequate Public Facilities and Services	Satisfied	D	37
LWDUO 5.412 #4 Adequate and Safe Transportation	Consistent w/ Appropriate Conditions	D	37
LWDUO 5.412 #5 Compatibility with the Character of the Area and Zoning Pattern	Consistent	D	37
LWDUO 5.412 #6 Suitability of the Property for the Use	Consistent	D	38
LWDUO 5.412 #7 Appropriate Use of Land	Consistent	D	38
LWDUO 5.412 #8 Health, Safety and General Welfare	Consistent	D	38
Subdivision			
LWDUO 5.226 - Preliminary Plat	Consistent w/ Appropriate Conditions	E	1-8
LWDUO 5.228 - Applicable Criteria	Consistent w/ Appropriate Conditions	E	8
SD S3.152 - Cluster Development Procedures	Consistent	E	8-10
SD S3.158 - Residential Cluster Standards	Consistent	E	10-12
SD S3.159 - Intent of Clatsop Plains Residential Development Policy	Consistent	E	12
SD S3.160 - Development Standards for Clatsop Plains	Consistent w/ Appropriate Conditions	E	12-15
SD S5.033 Access Control Standards	Consistent w/ Appropriate Conditions ³	E	15-17
SD S5.102 Streets	Consistent as Proposed	E	17

³ Criteria 10A on Page E10 and SD S5.104 allows the hearing body to grant an exception to block length for a finding of consistency.

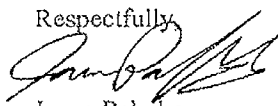


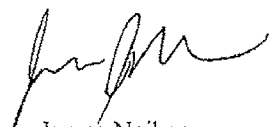
SD S5.104 Blocks	See Footnote #3	E	18
SD S5.106 Lots	Consistent	E	18
SD S5.108 Grading	Consistent	E	18
SD S5.110 Building Lines	Consistent	E	18
SD S5.112 Large Lot Subdivision	Not Applicable	E	18
SD S5.114 Land for Public Purposes	Consistent	E	18
SD S5.116 Improvement Procedures	Consistent	E	19
SD S5.118 Specifications for Improvements	Consistent	E	19
SD S5.120 Improvement Requirements	Consistent	E	19
SD S6.005 General Road Access Policies	Consistent	E	19
SD S6.010 Improvement Plans	Consistent	E	19
SD S6.150 Table 1 Public / Private Road Standards	Consistent as Proposed	E	19
A conclusion of "Consistency" can be achieved by applying appropriate conditions to ensure compliance with the relevant policies and criteria.			

CONCLUSION

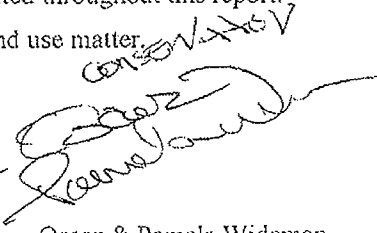
As illustrated in the "Summary Table" and detailed in the identified exhibit (column 3), the hearing body can adopt a summary finding of consistency with the provisions and criteria, and conditionally approve the request based on the analysis presented by the applicants and illustrated throughout this report.

Thank you in advance for you help and cooperation in reviewing this land use matter.

Respectfully,

 Jason Palmberg
 Owner Sending Site
 & Co-Applicant


 James Neikes
 Owner Sending Site
 & Co-Applicant


 Jeff Canessa
 Co-Applicant


 Oscar & Pamela Wideman
 Owners, Receiving Site

TAB B



EXHIBIT B – DENSITY TRANSFER

APPLICABLE APPROVAL CRITERIA:

The County Zoning Code criteria for approving this request are contained in the Clatsop County Land Water Development and Use Ordinance (“LWDUO”) (Codified as of August 23, 2007), and the Clatsop County Standards Document (“SD”) (Including amendments through December 9, 2009). In discussion below, the applicant identified what they believe are the applicable criteria and describes how those approval criteria are met:

LAND AND WATER DEVELOPMENT AND USE ORDINANCE

Approval Criterion:

Section 3.164 Development and Use Permitted:

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

- (10) Cluster development subject to the provisions of S3.150-S3.161. Cluster developments containing lots less than two (2) acres, pursuant to S3.160(7), in size require notice pursuant to Section 2.020.

Findings:

Cluster developments and density transfers, subject to applicable standards, are permissible in accordance with Section 3.164(10). SD sections S3.150-S3.160 will be addressed in Exhibit E (*Subdivision*) of this report. SD section S3.161-S3.162 will be addressed with Exhibits B & C.

The text amendment (Exhibit C) and zone change (Exhibit D) portions of this application require Type IV procedures (LWDUO Section 2.035) per LWDUO Sections 2.310 & 5.410. The subdivision aspect of this proposal including the modification of the previously platted subdivision requires Type III procedures per LWDUO Section 5.220. In order to streamline this proposal the applicant requests these applications be consolidated in accordance with section 2.060(2) and processed simultaneously through LWDUO sections 2.035 & 2.300.

In accordance with Section 2.310 the Community Development Director shall prepare a notice program designed to reach persons believed to have a particular interest and to provide the general public with a reasonable opportunity to be aware of the hearings on the proposal.

In Sum:

- o The Community Development Director per LWDUO Section 2.310 will satisfy notification requirements.
- o Cluster Requirements, SD sections S3.150-S3.160, will be addressed in Exhibit E “*Subdivision*”.
- o Density Transfer Requirements, SD Sections S3.161-S3.162, will be addressed in Exhibits B “Density Transfer” and Exhibit C “Zoning Text Amendment”

Criteria under section 3.164 are satisfied.

**STANDARDS DOCUMENT**

Approval Criterion:

Section 3.161 Density Transfer Standards for the Clatsop Plains Planning Area:

- (1) Transfer of residential development rights between sites in the Clatsop Plains Planning Area is allowed as follows:
 - (A) The remaining parcel of the sending site shall be rezoned to either the Open Space Parks and Recreation zone or Natural Uplands zone or Conservation Shorelands zone or Natural Shorelands zone. The applicant shall file the rezone request at the same time as the density transfer request is submitted, and
 - (B) Prior to final approval of a density transfer the County shall require that deed restrictions be filed in the Clatsop County Deed Records in a form approved by County Counsel, that prohibits any further development beyond that envisioned in the approved density transfer until such time as the entire area within the density transfer approval has been included within an urban growth boundary; and
 - (C) The Community Development Director shall demarcate the approved restrictions on the official Zoning Map, and
 - (D) No parcel of land shall be involved in more than one (1) density transfer transaction, and
 - (E) Density transfer goes with the property - not the owner; and
 - (F) Minimum lot size shall be one (1) acre for the receiving site but in no case may any lot be less than one-half (1/2) acre in size. Approval of lots less than one (1) acre in size shall meet the applicable standards set forth in S3.150-S3.161.
- (2) ESSE consequences are the same as those found in Appendix C of the Clatsop Plains Community Plan.
- (3) All sending and receiving parcels shall be recorded in the "Density Table" (S3.162) and the appropriate sections filled out completely prior to approval. Staff will review the requisite comprehensive plan text and map amendments for conformity with the down zone & density transfer requirements.

Findings:

SD section S3.161(1)(A): *The remaining parcel of the sending site shall be rezoned to either the Open Space Parks and Recreation zone or Natural Uplands zone or Conservation Shorelands zone or Natural Shorelands zone. The applicant shall file the rezone request at the same time as the density transfer request is submitted*

The applicant has submitted an application for a down zone on the sending sites. The down zone application and findings can be reviewed in Exhibit D "Zone Change". The sending sites are currently zoned Single Family Residential - 1 (SFR-1) and Lake and Wetlands (LW). The combination of all sites minus areas zoned LW, equate to approximately 26 acres. This application proposes to rezone all identified areas currently zoned SFR-1 to Open Space Parks and Recreation (OPR). A one acre portion in the southwest corner of Tax Lot 1200 approximately 150 feet by 291 feet will remain SFR-1.

Criteria under SD S3.161(1)(A) are satisfied.

SD section S3.161(1)(B): *Prior to final approval of a density transfer the County shall require that deed restrictions be filed in the Clatsop County Deed Records in a form approved by County Counsel, that prohibits any further development beyond that envisioned in the approved density transfer until such time as the entire area within the density transfer approval has been included within an urban growth boundary.*



The applicant proposes to insert the following language in the deeds of the parcels to be rezoned:

“This restriction precludes all future rights to construct a dwelling on the lot, parcel or tract for as long as the lot, parcel or tract remain outside of urban growth boundaries. The lot, parcel or tract, shall be designated permanent common open space, and zoned Open Space, Parks and Recreation for as long as the lot, parcel, or tract remain outside of urban growth boundaries. Prior to the removal of this restriction authorization shall be acquired from the Clatsop County Community Development and Planning Department.”

Criteria under SD S3.161(1)(B) are satisfied.

SD section S3.161(1)(C): *The Community Development Director shall demarcate the approved restrictions on the official Zoning Map.*

This is a requirement for Clatsop County’s Community Development Director. The applicant has provided maps attained from Clatsop County that illustrate the area to be rezoned. Regardless updating the official zoning maps is not the applicant’s responsibility according to this criteria.

Criteria under SD S3.161(1)(C) shall be completed by the Community Development Director and are satisfied for the purposes of assessing this application against the criteria.

SD section S3.161(1)(D): *No parcel of land shall be involved in more than one (1) density transfer transaction.*

The applicant assumes the criteria is speaking to the sending site, this being the case no parcel of land is proposed for more than one transaction. This is illustrated in the Density Table updates proposed as a function of the Zoning Text Amendments identified in Exhibit C. Currently this proposal involves just under 25 acres of land that result in 25 Density Credits. 19 Density Credits will be sent to the Polo Ridge receiving site. The applicant is proposing to place the 6 remaining density credits on another site not yet determined.

In order to accommodate this request the applicant is proposing a text amendment addressed in Exhibit C that would allow the County to issue an affidavit detailing the remaining density credits. Table 1 below is a quick run down illustrating total acreage and eligible credits.

Lot, Parcel, Tract	Map Key	Zoning	Applicable Acreage	Density Credits
Tract A Contiguous Lots	810280003400	SFR-1 / I.W	14.89	Total = 23.22 acres 23 dc.
	81033A001200	SFR-1 / I.W	4.62 ¹	
	81033A001300	SFR-1 /	3.71	
Tract B	81033D002102 “Lot of Record”	SFR-1	.44	Total = .44 acres 1 dc.
Tract C	81028CA01600	SFR-1	1.15	Total = 1.15 acres 1 dc.

Table 1

Criteria under SD S3.161(1)(D) are satisfied.

SD section S3.161(1)(E): *Density transfer goes with the property - not the owner.*

¹ One acre of land (150’ wide by 291’ long), located in the southwest corner of Tax Lot 1200, currently zoned SFR-1 will be excluded from the rezone & density transfer application.



The applicants understand and agree to this requirement. Residential density credits transferred under this proposal will be assigned to the "Polo Ridge" receiving site and not to the applicants personally.

Criteria under SD S3.161(1)(E) are satisfied.

SD section 3.161(1)(E): Minimum lot size shall be one (1) acre for the receiving site but in no case may any lot be less than one-half (1/2) acre in size. Approval of lots less than one (1) acre in size shall meet the applicable standards set forth in S3.150-S3.161.

The applicant is proposing lot 1 acre or larger as illustrated in the Preliminary Plat for Polo Ridge contained within Exhibit F. Additionally the applicant is satisfying the standards as set forth in S3.150-S3.161.

Criteria under SD S3.161(1)(F) are satisfied.

SD section 3.161(2): [REDACTED] consequences are the same as those found in Appendix C of the Clatsop Plains Community Plan.

The proposed development is in accordance with Appendix C of the Clatsop Plains Community Plan. Appendix C takes a Goal 18 exception to the Beaches and Dunes requirements. The receiving site is due east of the Surf Pines exception area and has many of the same features identified in the Goal 18 Exception. Applicable components of Appendix C to this proposal are the uses proposed with this development.

Appendices C Section 7 states, "Construction in this area would be single family only, similar to the existing development and, therefore, compatible. There would be no adverse social impact."

Given the content of Appendix C (1-9) it is assumed that development in accordance with this section is (1) Within the Surf Pines area as indicated on the map; and/or, (2) For single-family purposes only.

The proposed development is outside of the area indicated with Appendix C, and therefore Appendix C should not be applicable to this proposal. Regardless, should the proposal be assessed for conformance with Appendix C, Polo Ridge satisfies the standards for development identified within Appendix C (1-9).

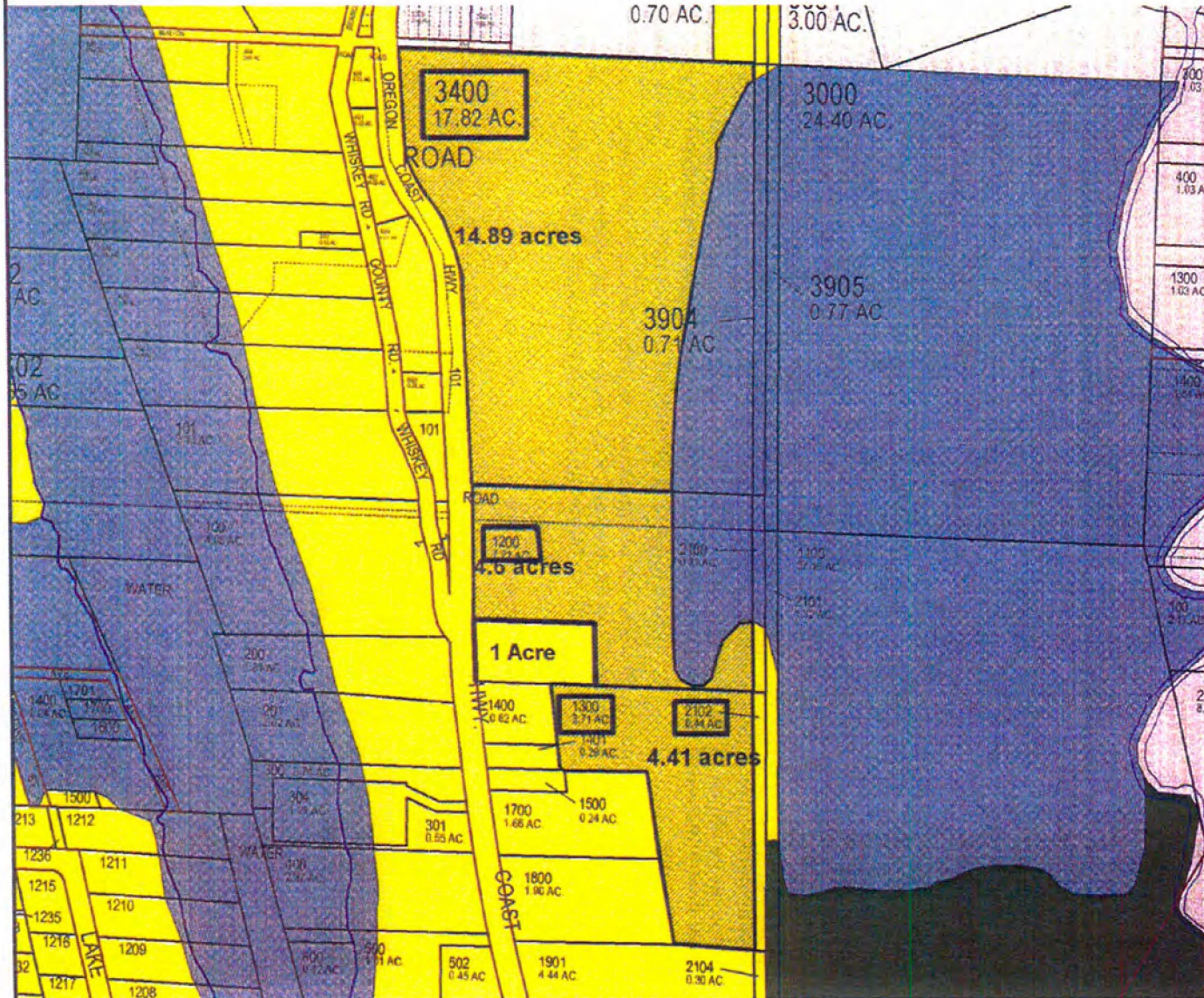
Criteria under SD S3.161(2) are satisfied.

SD Section 3.161(3): All sending and receiving parcels shall be recorded in the "Density Table" (S3.162) and the appropriate sections filled out completely prior to approval. Staff will review the requisite comprehensive plan text and map amendments for conformity with the down zone & density transfer requirements.

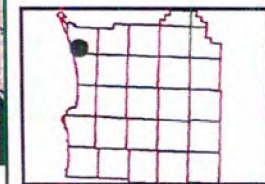
The criteria identified here are satisfied through the completion of the text amendment portion of this approval. (See Exhibit C)

Criteria under SD S3.161(3) are satisfied.

Clatsop County Map



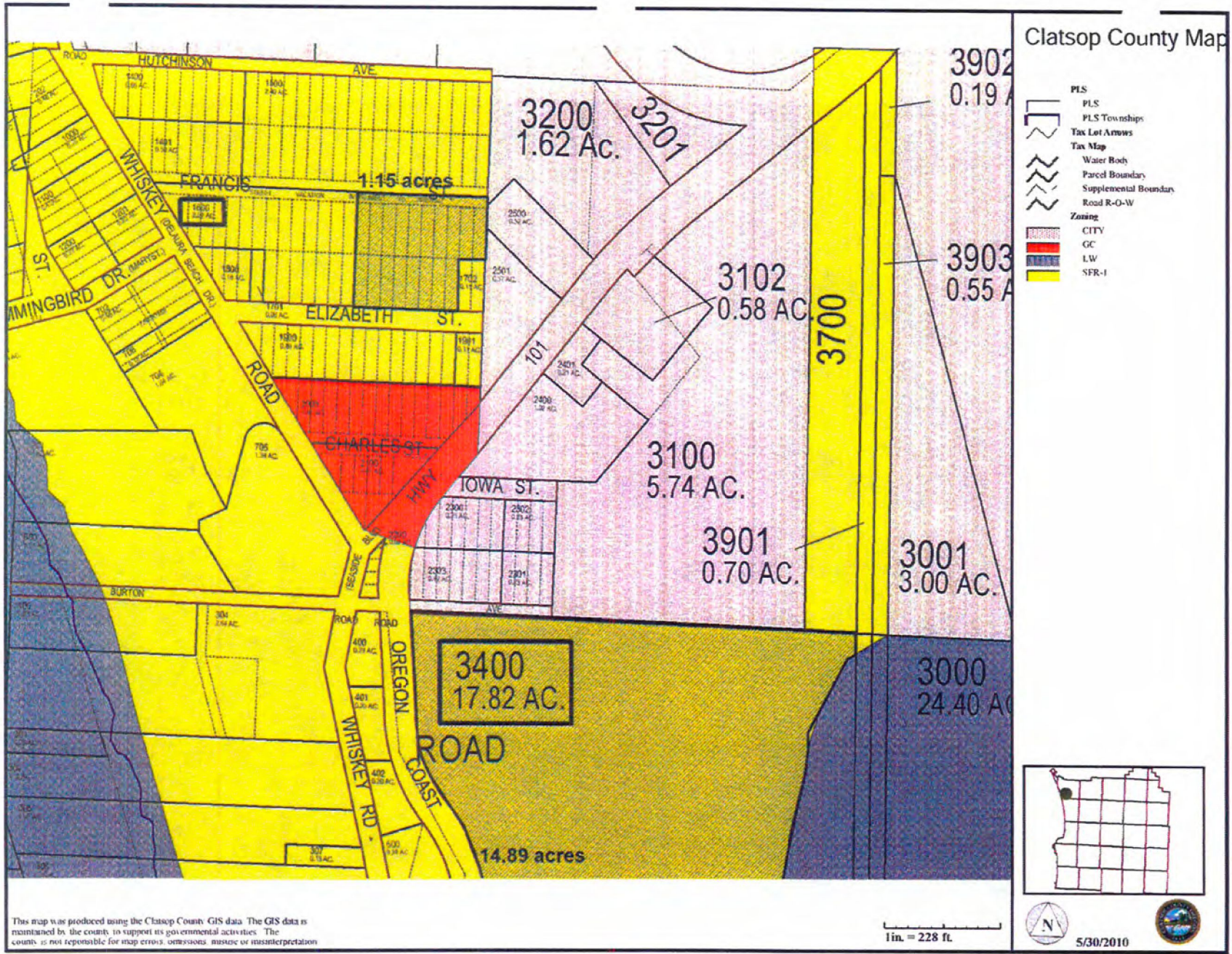
- PLS
- PLS Townships
- Tax Lot Arrows
- Tax Map
- Water Body
- River
- Parcel Boundary
- Supplemental Boundary
- 34
- Road R-O-W
- Zoning
- AF
- CITY
- LW
- SPR-1



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

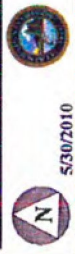
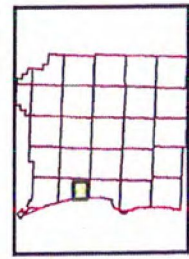
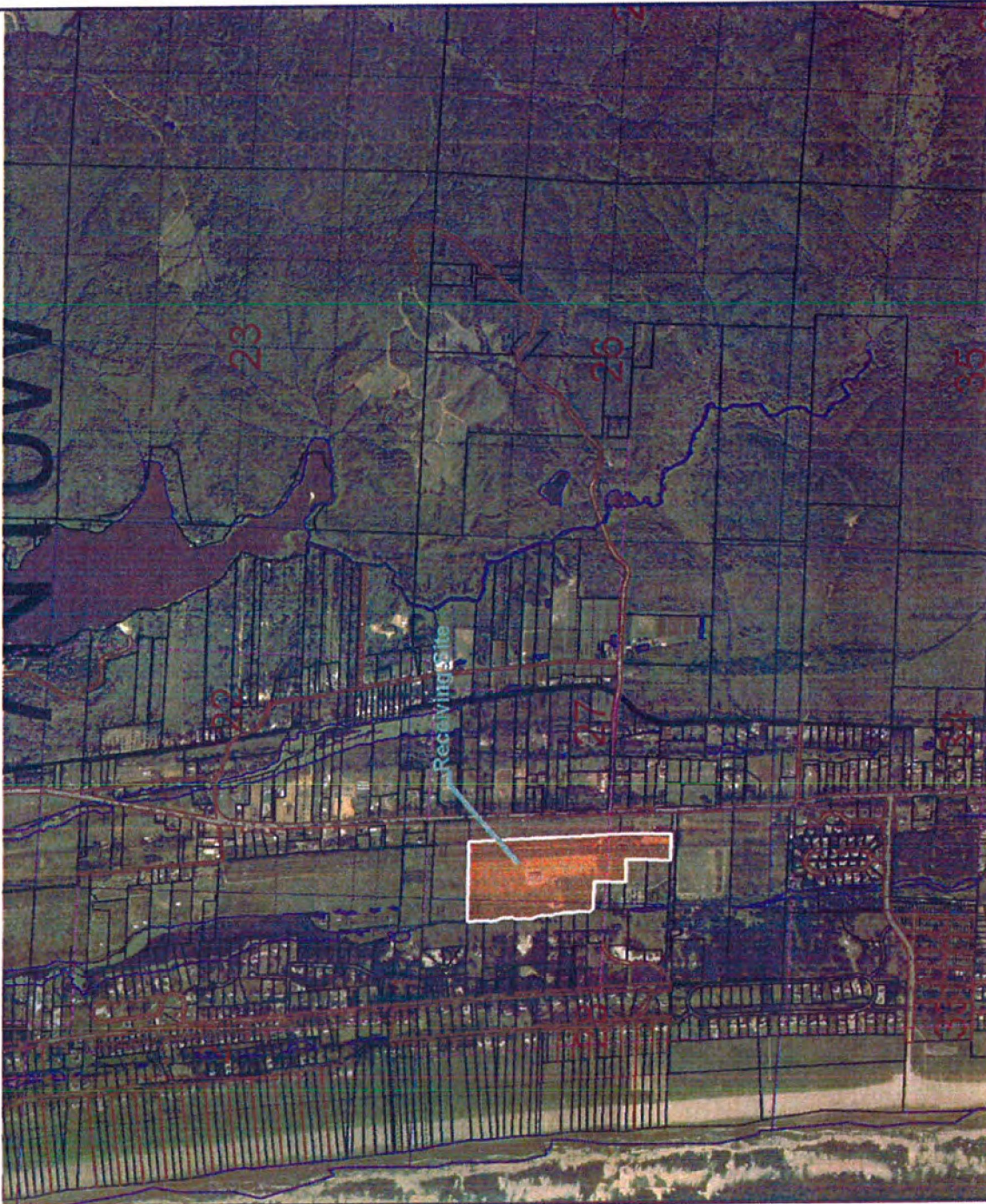
1 in. = 342 ft.

5/30/2010



Clatsop County Map

- PLS
- PLS
- PLS Townships
- Tax Lot Arrows
- Tax Map
- Water Body
- Creek
- Parcel Boundary
- Supplemental Boundary
- 34
- DLC
- Road R-O-W



1 in. = 2050 ft.

This map was produced using the Clatsop County GIS data. The GIS data is provided by the Clatsop County GIS department. The Clatsop County GIS department is not responsible for any errors, omissions, misuse or misinterpretation of the data.

TAB C



EXHIBIT C – TEXT AMENDMENT

APPLICABLE APPROVAL CRITERIA:

The County Zoning Code criteria for approving this request are contained in the Clatsop County Land Water Development and Use Ordinance (“LWDUO”)(Codified as of August 23, 2007), and the Clatsop County Standards Document (“SD”)(Including amendments through December 9, 2009). In discussion below, the applicant identified what they believe are the applicable criteria and describes how those approval criteria are met:

LAND AND WATER DEVELOPMENT AND USE ORDINANCE

Approval Criterion:

Section 2.310 Legislative Action Under this Ordinance:

- (1) The Following are legislative actions under this Ordinance:
 - (A) An amendment to this Ordinance.
 - (B) A district or zone change action the County Commission has designated as legislative after finding the matter at issue involves such a substantial area and number of property owners or such broad public policy changes that administrative processing would be inappropriate.
- (2) A legislative action shall follow the Type IV procedures subject to the modification and supplements of Section 2.310 to 2.335.

Finding:

The application proposes a text amendment to this ordinance per SD section 3.161(3), an update to the Density Table S3.162 and map change designations, which require a text amendment from “Rural Lands” to “Conservation Other Resources”. The modifications to the Clatsop County Standards Documents and Comprehensive Zoning Map require this application to follow “Post-Acknowledgement Procedures” in accordance with ORS 197.610.

Under ORS 197.610(2) the local government can determine that the goals do not apply to a particular proposed amendment and forego the full proceedings. The applicant feels this proposal is such an application and suggests that the text amendments do not require findings pertaining to the statewide planning goals. (Please note that the zone change portion (Exhibit D) of this application will address compliance with statewide planning goals.)

In accordance with the aforementioned assumption the following language will need to be modified as a function of this proposal:

Map Key	Current Plan Designation	Proposed Plan Designation
810280003400	Rural Lands	Conservation Other Resources
81033A001200		
81033A001300		
81033D002102		
81028CA01600		

Exhibit C-Table 1



STANDARDS DOCUMENT

Approval Criterion:

SD section 3.161(3) *All sending and receiving parcels shall be recorded in the "Density Table" (S3.162) and the appropriate sections filled out completely prior to approval. Staff will review the requisite comprehensive plan text and map amendments for conformity with the down zone & density transfer requirements.*

Findings:

Part two of the Text amendment requires amendments to the Density Table identified in SD section 3.162 mentioned above. The applicant proposed the following addition to the "Density Table":

Sending Sites	Existing Zoning	New Zoning	Applicable Acreage	Density Units	Remaining Density	Receiving Site/s	Receiving Zone	Density Credits
810280003400	SFR-1 / LW	OPR / LW	SFR-1 = 14.89	14.89				
81033A001200	SFR-1 / LW	OPR / LW / SFR-1	SFR-1 = 5.62	4.62 ¹	1.51	710270003500	RA-5	19 Units
				Subtotal = 19.51 (du)				Subtotal = 19 (dc)
Remaining Density from Above	SFR-1	OPR / SFR-1	SFR-1 = 1.51	.4	1.11	TBD	TBD	4 Unit
81033A001300	SFR-1	OPR	SFR-1 = 3.71	3.71	0			
				Subtotal = 4.11 (du)				Subtotal = 4 (dc)
81033D002102	SFR-1	OPR	SFR-1 = .44	.44	0	TBD	TBD	1 Units
				Subtotal = .44 (du)				Subtotal = 1 (dc)
81028CA01600	SFR-1	OPR / SFR-1	SFR-1 = 2.52	1.15 ²	1.36	TBD	TBD	1 Units
				Subtotal = 1.15 (du)				Subtotal = 1 (dc)

Exhibit C -Table 2 Density Table Amendments

Table 2 above contains all the fields illustrated in the "Density Table" section S3.162. Table 2 identifies the sending parcels, estimates the acreage, the proposed zoning, the receiving sites, and indicates the number of Density Credits that are being transferred.

In addition the applicant is proposing the following modification to SD section 3.161(3):

All sending and receiving parcels shall be recorded in the "Density Table" (S3.162) and the appropriate sections filled out completely prior to approval. At the applicant's expense ³, if a receiving parcel cannot be identified at the time of application for a density transfer, the applicant can choose to record the remaining credits with an affidavit, which shall be recorded by the applicant, and maintained with the County Planning Department. Staff will review the requisite comprehensive plan text and map amendments for conformity with the down zone & density transfer requirements.

¹ A little over one acre is remaining on Tax Lot 1200.

² This application rezones the easterly 1.15 acres and leaves 1.37 acres zoned SFR-1.

³ Expense shall include all administrative fees associated with maintaining the affidavit and the staff time required to update the density table when a receiving site has been identified.



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5/30/2010

The above text amendment will allow the applicant to "bank" the 6 remaining density credits for use in the future. Past practice indicates the County is willing to write an affidavit acknowledging that the applicant/land owner holds the remaining density credits until a time when an appropriate receiving site can be identified, similar to retaining mineral rights on a property. Placing the remaining density on the Polo Ridge receiving site would increase densities beyond that, which is allowable in accordance with the County's Comprehensive Plan. **Criteria under SD S3.161(3) are satisfied.**

TAB ID



EXHIBIT D – ZONE CHANGE

APPLICABLE APPROVAL CRITERIA:

The County Zoning Code criteria for approving this request are contained in the Clatsop County Land Water Development and Use Ordinance (“LWDUO”)(Codified as of August 23, 2007), and the Clatsop County Standards Document (“SD”)(Including amendments through December 9, 2009). In discussion below, the applicant identified what they believe are the applicable criteria and describes how those approval criteria are met:

LAND AND WATER DEVELOPMENT AND USE ORDINANCE

As discussed in Exhibit B, the criteria for a Density Transfer begin with SD section 3.161(1)(A), which states,

The remaining parcel of the sending site shall be rezoned to either the Open Space Parks and Recreation zone or Natural Uplands zone or Conservation Shorelands zone or Natural Shorelands zone. The applicant shall file the rezone request at the same time as the density transfer request is submitted.

In accordance with SD section 3.161(1)(A), the applicant is submitting application for a down zone to Open Space Parks and Recreation (OPR), in accordance with the LWDUO requirements depicted under Section 5.400 – 5.412. The application for a zone change and text amendment is being submitted simultaneously with the density transfer request.

Approval Criterion:

Section 5.410 Purpose:

This section provides the criteria for amending the boundaries of any base zone or overlay district delineated on the official Clatsop County “Comprehensive Plan/Zoning Map”. A change in a base zone or overlay district may be made according to the criteria set forth in Section 5.412. The process for changing a zone designation shall be a Type IV procedure initiated by the governing body, Planning Commission, or by petition of a majority of property owners in the area proposed for change. Mailed notice of the hearing shall include the owners of the property within 250 feet of the area proposed for the change. If the change involves a Goal 5 resource, a Plan amendment must also be requested and the Goal 5 Administrative Rule used to justify the decision.

Findings:

This application will be processed in accordance with LWDUO Section 2.035 (Type IV Procedures). The criteria contained in LWDUO Section 5.412 are addressed within this document. Mailed notice is customarily provided by Clatsop County. The proposed zoning amendment will not involve Goal 5 resources identified in the Clatsop County Comprehensive Plan; therefore the Goal 5 Administrative Rule is not applicable to this request.

Criteria for a processing a zone change, under LWDUO Section 5.410 are satisfied.

Approval Criterion:

Section 5.412. Zone Change Criteria.

The governing body shall approve a non-legislative zone designation change if it finds compliance with Section 1.040, and all of the following criteria:



1. The proposed change is consistent with the policies of the Clatsop County Comprehensive Plan.
2. The proposed change is consistent with the statewide planning goals (ORS 197).
3. The property in the affected area will be provided with adequate public facilities and services including, but not limited to:
 - a. Parks, schools and recreational facilities
 - b. Police and fire protection and emergency medical service
 - c. Solid waste collection
 - d. Water and wastewater facilities
4. The proposed change will insure that an adequate and safe transportation network exists to support the proposed zoning and will not cause undue traffic congestion or hazards.
5. The proposed change will not result in over-intensive use of the land, will give reasonable consideration to the character of the area, and will be compatible with the overall zoning pattern.
6. The proposed change gives reasonable consideration to peculiar suitability of the property for particular uses.
7. The proposed change will encourage the most appropriate use of land throughout Clatsop County.
8. The proposed change will not be detrimental to the health, safety and general welfare of Clatsop County.

Findings Section 5.412(1):

Per J.W.D.U.O Section 5.412(1), the proposed zone change must be consistent with the Comprehensive Plan. The County Comprehensive Plan consists of several separate documents: a County – wide element, and five community plans. The subject property is in the Clatsop Plains Community Boundaries. In order to assess this application for consistency with the Comprehensive Plan the applicant has assessed this proposal with the policies identified in the Countywide Element and Clatsop Plains Community Plan.

Criteria:

Goal 1 – Citizen Involvement (Policies)

1. The Committee for Citizen Involvement shall be the Clatsop County Planning Commission, consisting of seven members. The Planning Commission shall strive to represent a cross section of affected citizens in all phases of the planning process. As an appropriate component, five Planning Commission members shall be representatives of the six designated geographic areas (with a seven member Commission, one area may have two members). No more than two Planning Commission members may reside within incorporated cities. Each member of the Planning Commission shall be selected by an open, well-publicized, public process by the Board of Commissioners.
2. The Planning Commission and active Citizen Advisory Committees shall hold their meetings in such a way that the public is notified in advance and given the opportunity to attend and participate in a meaningful fashion.
3. Active Citizen Advisory Committees may submit their comments to the Clatsop County Department of Planning and Development, Clatsop County Planning Commission and Clatsop County Board of Commissioners. These bodies shall answer the CAC request in a timely manner.



4. The Board of Commissioners, through the Planning Department, should provide adequate and reasonable financial support; technical assistance shall be available and presented in a simplified form, understandable for effective use and application.
5. Citizens shall be provided the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan and Implementation Measures.
6. Clatsop County shall encourage organizations and agencies of local, state and federal government and special districts to participate in the planning process.
7. Clatsop County shall use the news media, mailings, meetings, and other locally available means to communicate planning information to citizens and governmental agencies. Prior to public hearings regarding major Plan revisions, notices shall be publicized.
8. Clatsop County shall establish and maintain effective means of communication between decision-makers and those citizens involved in the planning process. The County shall ensure that ideas and recommendations submitted during the planning process will be evaluated, synthesized, quantified, and utilized as appropriate.
9. Public notices will also be sent to affected residents concerning zone and Comprehensive Plan changes, conditional uses, subdivisions and planned developments.

Finding:

Public and published notices affording the public the opportunity to participate in evidentiary hearings are a function of satisfying the Goal 1 policies described herein. The local planning department has established procedures for notifying the public, establishing type of review, and the procedures the matter will be heard. Satisfactory compliance with the procedures identified in Clatsop County's Zoning Ordinance Section 2.100 satisfy the criteria for Citizen Involvement.

This proposal is consistent with Goal 1 policies.

Criteria:

Goal 2 – Land Use Planning

The County's land and water have been placed in one of six (6) Plan designations. (1) Conservation Forest Lands, (2) Conservation Other Resources, (3) Natural, (4) Rural Agricultural Lands, (5) Rural Lands, and (6) Development.

Finding:

This proposal consists of two sites, a sending site zoned Single Family Residential - 1 Zone, and a receiving site zoned Residential Agriculture - 5 Zone. Both zoning designations are currently listed under the Rural Lands designation in LWUDUO Table 3.010. Relevant rural lands policies are detailed below.

Residential densities are generally designated through the following additional criteria:

- a. Where subdivisions or partitioning or both have occurred in a one acre pattern of development the area will be placed in one of the one acre zones;
- b. In areas with a development pattern of two to five acre parcels (some smaller and some larger), the areas will be placed in a two acre zone;
- c. In areas adjacent to resource (forest, agriculture, wetlands, estuary areas) lands, or Camp Rilea, the areas will be placed in a five acre zone;



- d. In areas where large parcels (15 acres or greater) of non-resource land are located, the areas will be placed in a five acre zone;
- e. In addition to criteria a through d, minimum lot sizes increase with increasing distance from the following areas:
 - 1. all urban growth boundaries
 - 2. Svensen center
 - 3. Knappa center

This policy establishes criteria for determining the appropriate zoning classification to designate a particular lot or parcel. The receiving site has already been designated RA-5 because it is greater than 15 acres. This application does not propose to change the zoning of the parcel, therefore this proposal is consistent with the rural lands policies described herein.

This proposal is consistent with Goal 2 policies.

Criteria/Finding:

Goal 3 – Agricultural Lands: The subject property is not agricultural land subject to the requirements of the plan's Agricultural Lands Element. Additionally, the County adopted a report in 1982 indicating that several hundred acres in the Clatsop Plains was not suitable for farming. For this reason, Agricultural Lands Policies are not applicable to this proposal.

This proposal is consistent with Goal 3 policies.

Criteria/Finding:

Goal 4 – Forest Lands: The subject property is not forestland subject to the plan's Forest Lands Element. Reiterating the finding above, the 1982 study/report indicates that these areas in the Clatsop Plains Planning Area were not only unsuitable for farming, but also from forest practices. Therefore policies in the Forest Lands Plan Element are not applicable to this proposal.

This proposal is consistent with Goal 4 policies.

Criteria:

Goal 5 – Open Spaces, Scenic & historic Areas and Natural Resources

Mineral and Aggregate Resources* -- Not Applicable to this proposal

Energy Sources -- The Clatsop Plains has not been identified as a potential energy source. These policies are not applicable.

Scenic Sites -- There are no Goal 5 scenic sites identified on the Clatsop Plains. Sites inventoried in different elements of the County's plan are considered "local desires" and are not portrayed or referenced as Goal 5 "Scenic Sites". These policies are not applicable.

Fish and Wildlife Areas and Habitats -- Applicable Policies:

- 1. To ensure that future development does not unduly conflict with Major Big Game Range, the County shall:
 - a. designate the majority of its timber lands F-80;
 - b. require that review and conditional uses in the F-38 and AF-20 zone be allowed only if they are found to be consistent with the maintenance of big game range;
 - c. require that review and conditional uses in the F-38 and AF-20 zone be subject to clustering and siting criteria;



- d. submit proposed review and conditional use applications to the Oregon Department of Fish and Wildlife for their comments on consistency with Major Big Game habitat and recommendations on appropriate siting criteria to minimize any conflicts; and
 - e. submit all proposed Plan and zone changes of land zoned F-80, F-38, and AF-20 to a more intensive use zone to the Oregon Department of Fish and Wildlife for a determination of possible conflicts with big game habitat requirements. If the Department identified conflicts, the County will consider recommendations for resolving these conflicts.
2. To ensure that future development does not unduly conflict with Peripheral Big Game Range, the County shall:
 - a. require that review and conditional uses in the AF-20 zone be allowed only if they are found to be consistent with the maintenance of big game range;
 - b. require that review of conditional uses in the AF-20 zone be subject to clustering and siting criteria;
 - c. submit proposed review and conditional use applications to the Oregon Department of Fish and Wildlife for their comments on consistency with Peripheral Big Game Range and recommendations on appropriate siting criteria to minimize any conflict; and
 - d. submit all proposed plan and zone changes of land zoned AF-20 to the Oregon department of Fish and Wildlife for a determination of possible conflicts with big game habitat requirements. If the Department identifies conflicts, the County will consider recommendations for resolving these conflicts.
 3. The County shall rely on strict enforcement of the Oregon Forest Practices Act to protect riparian vegetation along Class I streams and lakes, and Class II streams affecting Class I streams, from potential adverse affects of forest practices.
 4. To protect riparian vegetation along streams and lakes not covered by the Forest Practices Act, the County shall require a setback for non-water dependent uses.
 5. The County shall rely on the State Department of Water Resources to insure that minimum stream flow standards required for the maintenance of fish habitat are developed and implemented.
 6. Building permit applications, where a stream is proposed as the water source, shall be accompanied by a water right permit.
 7. The County shall rely on the Division of State Lands' permit process, under the Fill and Removal Law, to insure that proposed stream alterations such as bridges, channelization, or filling do not adversely affect the stream's integrity or its value as fish habitat.
 8. New developments shall not restrict existing public access to rivers, streams, or lakes. New developments are encouraged to provide additional public access to rivers, streams and lakes where such access is consistent with the area's environmental characteristics.
 9. The County shall submit all proposals with a potential for substantial impact on identified Columbian White-tail deer habitat (e.g. subdivision, dredge material disposal, industrial development, and land clearing of more than one acre) to the Oregon Department of Fish and Wildlife and the U.S. Fish & Wildlife for their determination of conflicts. If either agency identifies conflicts and makes recommendations for resolving these conflicts, the County shall implement those recommendations to the maximum extent feasible, consistent with other land use planning requirements. If in the future subpopulation of the Columbia White-tailed deer are



located which are not within identified essential habitat, the County will consider recommendations for protection of these areas to the extent feasible consistent with other land use planning requirements including but not limited to the Goal 5 Administrative Rule.*

10. The County will establish a procedure for protecting sensitive nesting sites from incompatible uses and activities.
11. The County will require that any additional rural residential development at River Ranch be clustered on the more northerly portion of the site. The County will implement other measures recommended to it, by the Oregon Department of Fish and Wildlife and the U.S. Fish & Wildlife Service, for minimizing the impact of additional rural residential development on Columbian White-tail deer.*
12. Clatsop County shall rely upon the Forest Practices Act and any supplemental agreements between the Fish and Wildlife Commission and the Board of Forestry to protect critical wildlife habitat sites.*

Finding:

Policies three, four, and eight can be construed to apply to this request. The applicant is proposing to designate area along Neacoxie Creek as open space and will be conveying those lands to the North Coast Land Conservancy (NCLC). All other policies can be satisfied through conformance with applicable standards for development.

This proposal is consistent with fish and wildlife areas and habitat policies.

Wetlands -- No Goal 5 "Wetlands" have been identified within the development area of this proposal.

Natural Areas -- No Goal 5 "Natural Areas" have been identified within the development area of this proposal. Regardless the applicant in an effort to preserve habitat for the Silver-spot butterfly is designating an area in the Northwest portion of the Lot as permanent common open space and conveying the property to the NCLC.

Water Resources and Watersheds -- No impacts to Goal 5 "Water Resources and Watersheds" are projected with this development. The proposal intends to acquire water from the City of Warrenton.

Wilderness Areas -- There are no Goal 5 "Wilderness Areas" present on the subject property.

Historic Sites -- There are no Goal 5 "Historic Sites" present on the subject property.

Cultural Areas -- During initial site investigations a Mitton Site (Native American dumpsite) was discovered. The applicant has implemented the precautions prescribed by the State's Historic Preservation Officer (SHIPO) and Neal Maine in order to preserve the archeological integrity of the site.

Bald Eagle Nests and Nesting Activity / Great Blue Heron Rookeries -- There are no known Bald Eagle Nests or Blue Heron Rookeries in the vicinity of the development area. Habitat may exist along the banks of Neacoxie Creek, regardless no development is permitted within 50 feet from the bank so no impact should occur.

Finding:

This proposal is consistent with Goal 5 policies.



Criteria:

Goal 6 – Air, Water and Land Quality

1. The County shall encourage the maintenance of a high quality of air, water and land through the following actions:
 - (a) encouraging concentration of urban development inside Urban Growth Boundaries,
 - (b) encouraging maintenance and improvement of pollution control facilities,
 - (c) cooperating with the State Highway Department to provide an efficient transportation system. Methods to reduce congestion and air pollution on Marine Drive/Commercial Street should be explored.
 - (d) encouraging indigenous, clean industries such as fishing, boat building, tourism, and forest products utilization and
 - (e) encouraging development of resource recovery mechanisms such as recycling centers and wood waste processing.
2. The County Planning Department shall work with the Department of Environmental Quality (DEQ) to monitor and keep its environmental data base current including information on air quality, surface and groundwater quality, and land quality including waste disposal and erosion problems.
3. The cumulative effect of development on the County's environment should be monitored and, where appropriate, regulated. When evaluating proposals that would affect the quality of the air, water or land in the County, consideration should be given to the impact on other resources important to the County's economy such as marine resource habitat and recreational and aesthetic resources important to the tourist industry.
4. The County shall continue its efforts to find an acceptable regional solid waste disposal site or an acceptable alternative (i.e. recycling, electricity generation).
5. Recovery of wood wastes, rather than slash burning, shall be encouraged as a means of reducing air and water pollution, improving the economy, and for producing energy.
6. Upon completion of the Clatsop Plains Groundwater Study, the County shall reevaluate the Clatsop Plains Community Plan to determine whether existing policies and standards are adequate to protect water quality in the aquifer, lakes and streams. Consideration shall be given to protection of the lakes from further degradation (eutrophication), and possible remedial actions to improve water quality.
7. The County shall work to maintain the quality of its estuarine waters through participation in the regional Columbia River estuary planning process.
8. The County shall cooperate with DEQ, State Forestry Department, State Transportation Department and other agencies in implementing best management practices to reduce non-point pollution.
9. The County shall recommend that state agencies regulate the issuance of water rights so as to insure that the total water rights of a stream bed do not exceed the minimum stream flow.
10. Subdivisions adjacent to major arterials shall address the reduction of noise impacts in their site plans.



11. Performance standards for noise will be considered for inclusion as standards in the County's industrial-commercial zones.
12. The District Conservationist shall be used for technical evaluation of all development activities (including subdivisions and major partitions) that could create erosion and sedimentation problems with his/her recommendations incorporated into planning approvals.
13. Any development of land, or change in designation of use of land, shall not occur until it is assured that such change or development complies with applicable state and federal environmental standards.
14. Waste discharges from any development, when combined with existing discharges from existing developments, shall not result in a violation of state or federal environmental quality statutes, rules, or standards.

Findings:

Potentially applicable Goal 6 criteria include two, six, thirteen, and fourteen described above. These policies are implemented through adherence to development standards in the zoning district. #2 above is addressed at the development stage and satisfied prior to the issuance of a development permit.

#6 A ground water study was conducted on the Clatsop plains and determined that adequate water was present to support development. Regardless this proposal is not proposing to access water via wells that might influence the aquifer. Instead the proposal has access to a public water source and intends to use that system. This proposal satisfies policy 6.

#13, the proposed use complies with state and federal environmental standards. This policy is satisfied.

#14, waste discharges shall be contained in a manner that does not result in a violation of state or federal regulation.

This proposal is consistent with the Goal 6 policies.

Criteria/Finding:

Goal 7 – Natural Hazards: No natural hazards are demarcated on the subject property. Therefore policies in the Natural Hazard Plan Element are not applicable to this proposal.

This proposal is consistent with the Goal 7 policies.

Criteria/Finding:

Goal 8 – Recreation: The subject parcel does not contain any resources relevant to the Goal 8 policies. The sending site will be rezoned open space, parks and recreation in accordance with the density transfer provisions outlined in the County's SD Section S3.161§1A. In addition the proposal will designate permanent common open space within the subdivision boundaries that can be used to satisfy any recreational needs of prospective homeowners. These areas will either be conveyed to the NCLC, held in the joint ownership of prospective buyers, or in individual ownership.

This proposal is consistent with the Goal 8 policies.



Criteria/Finding:

Goal 9 – Economy: The County's Goal 9 element does not have any policies establishing mandatory approval criteria applicable to this proposal or to the subject property. The site is not included in the County's inventory of buildable industrial or commercial lands.

This proposal is consistent with the Goal 9 policies.

Criteria:

Goal 10 – Housing

Population Policies

1. Community plans should provide for orderly growth, which reduces the cost of essential services while preserving the basic elements of the environment.
2. Promote population to locate in established service areas.
3. Promote the accommodation of growth within areas where it will have minimal negative impacts on the County's environment and natural resources.
4. Utilize current vacant land found between developments or within committed lands.
5. Direct new urban growth within Clatsop County to existing urban growth boundary or rural service areas where under utilized public or semi-public facilities exist or utility and/or investments have already been made.
6. Encourage development of land with less resource value.
7. Coordinate planning efforts of local governments and special districts to maximize efficiency of public facilities, and have land use actions reflect the goals and policies of the Plan.

Housing Policies (Residential)

1. Clatsop County shall encourage residential development only in those areas where necessary public facilities and services can be provided and where conflicts with forest and agricultural uses are minimized.
2. Clatsop County shall assist in planning for the availability of adequate numbers of housing units at price ranges and rent levels commensurate with the financial capabilities of County residents.
3. Clatsop County shall encourage planned developments and subdivisions to cluster dwelling units. The clustering of dwellings in small numbers and the provision of common open space assures good utilization of the land, increased environmental amenities, and may be used as an open space buffer between the residential use and adjacent agricultural or forest uses.
4. Clatsop County shall permit residential development in those designated areas when and where it can be demonstrated that:
 - a. Water is available which meets state and federal standards;
 - b. Each housing unit will have either an approved site for a sewage disposal system which meets the standards of the County and the Department of Environmental Quality or ready access to a community system;
 - c. The setback requirements for the development of wells and septic systems on adjacent parcels have been observed;
 - d. Development of residential units will not result in the loss of lands zoned or designated for agriculture or forestry and will not interfere with surrounding agricultural or forestry activities.
5. Clatsop County shall permit temporary siting of mobile homes in specified locations in the event of an emergency.



6. Clatsop County shall encourage multi-family housing and mobile home park developments to develop within the various urban growth boundaries.
7. Clatsop County shall encourage the development of passed over lots that already have services such as water and roads be preferred for development over tracts requiring an extension of services.
8. Clatsop County shall make provisions for housing in areas designated for Rural, Urban Growth Boundaries, and Rural Service Areas, which provide variety in location, type, density, and cost where compatible with development on surrounding lands.

Findings:

Most policies in this section are not applicable to this proposal or to the subject property. The Clatsop Plains adopted a total density provision in 1993 when the density transfer amendments were enacted. The proposal does not increase the number of overall homesites from what is already allocated on the Clatsop Plains. Additionally, in accordance with housing policy 3 listed above, the proposal clusters residential dwelling units and dedicates lands less suitable for development for preservation purposes including open space, big game & wetland habitat.

This proposal intends to utilize existing public facilities to the maximum extent possible. The Department of Environmental Quality has already approved septic systems for phase one that illustrates the capacity of the land to accommodate the development proposed.

This proposal is consistent with Goal 10 policies.

Criteria/Findings:

Goal 11 – Public Facilities and Services

Goal 11, like Goal 2 has 6 different designations for land and water in Clatsop County. The subject property is again designated “Rural Lands”. Public Facility policies pertaining to Rural Lands are addressed below with findings immediately following the relevant criteria.

In addition to the Rural Lands policy there are general provisions that apply to the extension and utilization of public facilities, these include transportation systems, water systems, sewer systems, protection services, school districts, etc. Consistency with the Goal 11 Element requires acknowledgement from some service providers (i.e. the Rural Fire Protection District and the School District), and while water is being provided by the City of Warrenton it is not a quintessential comment of approval, as studies indicate an ample water reservoir exists below the Clatsop Plains.

Furthermore access is provided via Surf Pines Lane, which is a private road used to service the residents of surf pines and surrounding areas.

Applicable Policies:

General public facilities policy 9: “When a Comprehensive Plan or Zone Change or both are requested that would result in a higher residential density, commercial or industrial development it shall be demonstrated and findings made that the appropriate public facilities and services (especially water, sanitation (septic feasibility or sewage) and schools) are available to the area being changed without adversely impacting the remainder of the public facility or utility service area.”

The proposed zone change on the sending site will lower the potential development density on the subject property so policy 9 is essentially not applicable to the rezoning aspect of the



proposal. The subdivision however is proposing to replace those densities in a better-suited location. Additionally, septic feasibility has been proven with the approval of phase one lots, and a letter from the school district acknowledging adequate service satisfies this request.

This proposal is consistent with Goal 11 policies.

Criteria:

Goal 12 – Transportation

Clatsop County's Comprehensive Plan contains sixteen transportation policies. The County's Transportation System Plan (TSP) includes Goals and Objectives, which are written in policy language. Those goals and policies are listed below with appropriate findings following applicable policies.

TSP Goal 1: Mobility

Develop a multimodal transportation system that serves the travel needs of Clatsop County residents, businesses, visitors, and freight transport.

Objectives:

1. Provide a network of arterials and collectors that are interconnected, appropriately spaced, and reasonably direct.
2. Balance the simultaneous needs to accommodate local traffic and through-travel.
3. Minimize travel distances and vehicle-miles traveled.
4. Safely, efficiently, and economically move motor vehicles, pedestrians, bicyclists, transit, trucks, and trains to and through the County.
5. Use appropriate, adopted Clatsop County road standards during development of new roadways.
6. Encourage development patterns that offer connectivity and mobility options for members of the community.
7. Work to enhance the connection of the Port of Astoria and the Warrenton Harbor to the surrounding communities.
8. Coordinate with rail and shipping entities to promote intermodal linkages for passengers and goods.
9. Recognize and balance freight needs with needs for local circulation, safety, and access.
10. Provide an interconnected system of roads, pedestrian and bicycle facilities, and other forms of transportation that will link communities.
11. Promote intercity connectivity between major population areas, including linkages to the Portland metropolitan area.

Finding:

While these policies do not establish mandatory approval criteria the applicant is proposing to design their road network in a convenient manner that provides adequate circulation and connectivity. Appropriate road standards will be utilized to ensure fire and safety access to lots and parcels. Additionally turnarounds and cult-de-sacs are engineered to meet Oregon Fire Code requirements and County Standards.

TSP Goal 2: Livability

Provide a transportation system that balances transportation system needs with the desire to maintain pleasant, economically viable communities.



Objectives:

1. Minimize adverse social, economic, and environmental impacts created by the transportation system, including balancing the need for road connectivity and the need to minimize neighborhood cut-through traffic.
2. Preserve and protect the County's significant natural features and historic sites.
3. Promote a transportation system that is adequate to handle the truck, transit, and automobile traffic in such a way to encourage successful implementation of County economic goals and the preservation of existing residential neighborhoods.
4. Work with local and State governments to develop alternate transportation facilities that will allow development without major disruption of existing neighborhoods or downtown areas.

Finding:

Transportation access to adjoining lots as well as neighborhood livability have been incorporated into the design for the Polo Ridge Subdivision.

TSP Goal 3: Coordination

Maintain a transportation system plan that is consistent with the goals and objectives of local communities, the County, and the State.

Objectives:

1. Coordinate transportation planning and implementing actions with state agencies, local governments, special districts and providers of transportation services.
2. Provide a County transportation system that is consistent with other elements and objectives of the Clatsop County Comprehensive Plan.
3. Provide a County transportation system that coordinates with other local transportation system plans and rural community plans.
4. Coordinate land use and transportation decisions to efficiently use public infrastructure investments to:
 - a. Maintain the mobility and safety of the roadway system
 - b. Foster compact development patterns in incorporated and rural communities
 - c. Encourage the availability and use of transportation alternatives
 - d. Enhance livability and economic competitiveness
5. Cooperate with local jurisdictions and rural communities in establishing and maintaining zoning standards that will prevent the development of incompatible or hazardous uses around airports.
6. Work to protect airspace corridors and airport approaches.

Finding:

The transportation network proposed will have no negative impact upon the County's transportation system and network.

TSP Goal 4: Public Transportation

Work to improve cost-effective and safe public transportation throughout Clatsop County.

Objectives:

1. Coordinate with the Sunset Empire Transportation District (SETD) to encourage commuter bus service to serve communities throughout Clatsop County.
2. Encourage a carpooling program for County employees and others to increase vehicle occupancy and minimize energy consumption.



3. Work with SEITD to develop transit systems and stations and related facilities in convenient and appropriate locations that adequately and efficiently serve resident and employee needs.
4. Work to improve the signage and amenities at transit stops and stations.

Finding:

Goal 4 is pointed at local jurisdictions and does not present any relevant criteria for evaluation.

TSP Goal 5: Pedestrian and Bicycle Facilities

Provide for an interconnected system of pedestrian and bicycle facilities throughout Clatsop County to serve commuters and recreational users.

Objectives:

1. Coordinate with the goals and objectives and recommended improvements set forth in the Clatsop County Bicycle Master Plan.
2. Use unused rights-of-way for greenbelts, walking trails, or bike paths where appropriate.
3. Develop and periodically update inventory information on existing bicycle routes and support facilities.
4. Promote multimodal connections where appropriate.
5. Promote increased bicycle awareness and support safety education and enforcement programs.
6. Develop safe and convenient pedestrian and bicycle systems that link all land uses, provide connections to transit facilities, and provide access to publicly owned land intended for general public use, such as the beach.
7. Promote development standards that support pedestrian and bicycle access to commercial and industrial development, including, but not limited to, direct pathway connections, bicycle racks and lockers, and signage where appropriate.
8. Protect and expand public access via pedestrian ways, bikeways, and trails for recreational purposes.

Finding:

The applicant is platting the street to the property boundary to allow future vehicle and bicycle traffic should the property to the north be developed.

TSP Goal 6: Accessibility

Provide a transportation system that serves the needs of all members of the community.

Objectives:

1. Coordinate with SEITD to encourage programs that serve the needs of the transportation disadvantaged.
2. Provide for the transportation disadvantaged by complying with State and Federal regulations and cooperating with local, County and State agencies to provide transportation services for the disadvantaged.
3. Upgrade existing transportation facilities and work with public transportation providers to provide services that improve access for all users.
4. All improvements to the transportation system (traffic, transit, bicycle & pedestrian) in the public right-of-way shall comply with the Americans with Disabilities Act of 1990.

**Finding:**

The proposed design and layout is intended to meet the intent of these policies.

TSP Goal 7: Environment

Provide a transportation system that balances transportation services with the need to protect the environment and significant natural features.

Objectives:

1. Provide a transportation system that encourages energy conservation, in terms of efficiency of the roadway network and the standards developed for road improvements.
2. Encourage use of alternative modes of transportation and encourage development that minimizes reliance on the automobile.
3. Work to balance transportation needs with the preservation of significant natural features and viewsheds.
4. Minimize transportation impacts on wetlands and wildlife habitat.

Finding:

The road was designed around the idea of preserving butterfly habitat, livability, connectivity and maximum utilization of the land.

TSP Goal 8: System Preservation

Work to ensure that development does not preclude the construction of identified future transportation improvements, and that development mitigates the transportation impacts it generates.

Objectives:

1. Require developers to aid in the development of the transportation system by dedicating or reserving needed rights-of-way by constructing half- or full-road improvements needed to serve new development, and by constructing off-road pedestrian, bicycle, and transit facilities when appropriate.
2. Consider transportation impacts when making land use decisions, and consider land use impacts (in terms of land use patterns, densities, and designated uses) when making transportation-related decisions.
3. Ensure that amendments to the comprehensive plan, land use designation amendments and land use regulation changes that are found to significantly affect a transportation facility are consistent with the identified function and capacity of that facility.

Finding:

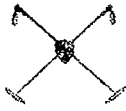
The applicant is proposing to dedicate the needed rights-of-way as necessary to provide adequate transportation connectivity to adjacent parcels and minimize impacts to the existing network.

TSP Goal 9: Capacity

Provide a transportation system that has sufficient capacity to serve the needs of all users.

Objectives:

1. Protect capacity on existing and improved roads to provide acceptable service levels to accommodate anticipated demand.



2. Limit access points on highways and major arterials, and use alternative access points when possible to protect existing capacity.
3. Provide frontage setback requirements from the public right-of-way for all designated arterials within the County adjacent to commercial and industrial development.
4. Minimize direct access points onto arterial rights-of-way by encouraging common driveways or frontage roads.
5. Update and maintain County access management standards to preserve the safe and efficient operation of County roadways, consistent with functional classification.

Finding:

The proposed development will not create a detrimental impact to the existing road network. Access points have been minimized and right-of ways have been designated to ensure capacity and potential future growth of the area.

TSP Goal 10: Transportation Funding

Provide reasonable and effective funding mechanisms for countywide transportation improvements identified in the TSP.

Objectives:

1. Develop a Capital Improvements Program that establishes transportation priorities and identifies funding mechanisms for implementation.
2. Identify funding opportunities for a range of projects, and coordinate with local, State, and Federal agencies.

Finding:

These provisions are not applicable to this proposal.

TSP Goal 11: Safety

Provide a transportation system that maintains adequate levels of safety for all users.

Objectives:

1. Undertake, as needed, special traffic studies in problem areas, especially around schools, to determine appropriate traffic controls to effectively and safely manage automobile and pedestrian traffic.
2. Work to improve the safety of rail, bicycle, and pedestrian routes and crossings.
3. Coordinate lifeline and tsunami evacuation routes with local, State, and private entities.

Findings:

These provisions are also not applicable to this proposal

Summary:

This proposal is consistent with Goal 12 policies.

Criteria:

Goal 13 – Energy Conservation

1. The County recognizes the need for energy conservation through support of a County-wide conservation program in which the County government will play a leading role.



- a. Methods to reduce energy consumption should be explored, such as enforcing strict temperature and lighting controls in government buildings and incentive programs for carpooling, etc.
 - b. New government buildings shall be energy efficient. Decisions on design and selection of equipment should not be based on the lowest initial cost alone. Operating and energy costs for a reasonable life expectancy of the building must receive equal consideration. Further, consideration should be given to the use of solar energy in heating and cooling all new government buildings.
 - c. The County, cities, Extension Service and Community College should work together to establish an Energy Conservation Service with the assistance of private and public funds and expertise. This service could provide the following:
 - 1) Promote energy conservation through seminars, other educational programs, and information dissemination.
 - 2) Develop climate maps, energy efficient building standards and other guidelines for energy conservation.
 - 3) With the help of local utility companies, provide technical assistance to individuals desiring to retrofit their homes or buildings with improved insulation of alternative energy sources.
 - 4) Conduct audits with the assistance of local utility companies to identify sources of greatest energy wastes in buildings and recommend ways in which to reduce this waste.
 - 5) Provide technical assistance to evaluate the energy efficiency of new residential, industrial, and commercial building plans submitted for approval.
 - 6) Maintain information on the energy efficiency of brands and models of appliances, autos, etc.
 - d. The County and cities should work together to establish a County-wide recycling operation (i.e. through a sheltered workshop program).
2. The following land use policies shall be adopted as part of the Comprehensive Plan to conserve energy and promote the use of alternative systems:
- a. Shopping, cultural, medical, educational and other public facilities shall be encouraged to cluster in urban growth boundaries so that one trip can serve several purposes and so that the possibility of public transportation will be enhanced.
 - b. In new subdivisions, major or minor partitions:
 - 1) Should maximize the opportunity for solar orientation of windows in buildings by running streets in east-west directions, and lots on a north-south axis. When topographic conditions or natural features make street orientation for good solar orientation of units undesirable or difficult, lots shall be laid out so that units can be oriented to the south to the greatest extent possible. Clustering, innovative yard and setback approaches may be used in lieu of the street and lot plan if good solar orientation is achieved.
 - 2) Open space should be located whenever possible to buffer structures from shadows cast by other buildings.
 - 3) Easements for protecting solar access should be provided for every lot.
3. The County shall promote the application of renewable and alternative energy sources, by encouraging the use of total energy systems where, for example, electricity is generated and the waste heat is utilized for space heating and cooling purposes.



4. The County shall consider energy conservation in the designation of Rural Lands and Development Lands.

Findings:

Policies established in the Goal 13 element do not establish mandatory criteria for approval of the proposed zone change, density transfer or subdivision. Regardless many aspects of energy conservation are applied at the individual development stage. Components of the Goal 13 element that can be implemented in the design phase center around distance to facilities, and adequacy of alternative transportation networks (i.e. bike and pedestrian mobility). These aspects of the proposal have been addressed in the Goal 12 Element of the Comprehensive Plan.

This proposal is consistent with the Goal 13 policies.

Criteria/Finding:

Goal 14 – Urbanization: Policies contained in the Goal 14 element of the County's Comprehensive Plan apply to areas within urban growth boundaries and city limits. The proposal is on lands designated rural, outside of city limits and urban growth boundaries. Additionally, goal 14 exceptions have been taken across the Clatsop Plains and land use studies encouraging cluster developments and open space preservation have been adopted as supporting documents to the County's Comprehensive Plan. Additionally the Clatsop Plains has a total density provision that allows the transfer and clustering of density rights on the Clatsop Plains. This proposal is in accordance with county ordinances designed with these aspects in mind.

This proposal is consistent with the Goal 14 policies.

Criteria/Finding:

Goal 16 and 17 – Estuarine Resources and Coastal Shorelands: The majority of this development is outside the coastal shorelands and estuarine resources. The small area on the western boundary along Neacoxie creek that is designated Coastal Shorelands is set aside for permanent common open space. In addition riparian setbacks established in Clatsop County SD section S4.500 preserve Goal 16 and 17 resources.

This proposal is consistent with the Goal 16 & 17 policies.

Criteria:Goal 18 – Beaches and Dunes:

1. Uses permitted on the beach, the area located west of the statutory Vegetation Line as established and described by ORS 390.770, or the line of established upland shore vegetation, whichever is further inland, shall be consistent with the requirements ORS 390.605 - 390.725 and Oregon Administrative Rules adopted pursuant thereto. Residential development and commercial and industrial buildings are prohibited. The County will coordinate its actions in beach areas with the Oregon Department of Parks and Recreation.
2. Uses permitted on active foredunes, on other foredunes which are conditionally stable and are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding shall be limited to low intensity uses which have minimal impact on the dune system and which have a minimal monetary value. Residential developments and commercial and industrial buildings are prohibited.
3. The County, in making land use decisions in beach and dune areas, other than older stabilized dunes, shall consider the impact of the proposed development on the site and on adjacent areas,



the ocean, with the various beaches and rolling dunes; and toward the several lakes in the planning area. The Clatsop Plains is essentially bisected by U.S. Highway 101. This highway is a major line for north-south movement down the Oregon Coast as well as a corridor of travel between the two population centers in the plains.

The Clatsop Plains Community Plan is an amplification of some of the policies in the County-wide Elements section of the Comprehensive Plan, and also contains policies addressing particular concerns people have for the Clatsop Plains. The County-wide Elements section issued at the community level to identify policies and strategies for addressing specific local opportunities/problems.

Criteria:

General Landscape Units

Policies

1. Excavations in sedimentary highland (Toms) should be properly engineered to assure against slope failure.
2. Proposed projects involving modifications of established drainage patterns should be evaluated in terms of potential for altering land stability.
3. Loss of ground cover for moderately to steeply sloping land may cause erosion problems by increasing runoff velocity and land slumpage. Vegetative cover for moderately to steeply sloping areas shall be maintained.

Findings:

No excavation in the sedimentary highlands is proposed.
No modifications to drainage patterns are proposed with this project
All disturbed areas shall be re-vegetated upon completion of development in accordance with Clatsop County's erosion control measures.

General Landscape policies are satisfied.

Criteria:

Coastal Shorelands and Other Shorelands

Clatsop Plains Planning Area Goal: To preserve to the fullest possible extent the scenic, aesthetic, and ecological qualities of the Coastal Shorelands and other shorelands in the Clatsop Plains in harmony with those uses which are deemed essential to the life and well-being of its citizens.

Policies

The following are in addition to those found in the Ocean and Coastal Lakes of the Estuarine Resources and Coastal Shorelands Element and Open Space, Scenic and Historic Areas and Natural Areas Element.

1. No filling or alteration to designated and mapped critical natural holding basins such as lakes, wetlands, or marshlands.
2. Culverts and other roadway or driveway improvements considered necessary by the Clatsop County Department of Planning and Development, County Road Department, and State



agencies shall be installed in such a manner as not to impede the flow of the drainage way nor impede the passage of resident or migratory population of fish.

3. Mining, dredging, or removal of gravel and similar materials from streams and other surface water shall be strictly controlled to prevent adverse alterations to flow characteristics, siltation pollution, and destruction or disruption of spawning areas.
4. Shorelands identified in this Plan for their aesthetic, scenic, historic or ecological qualities shall be preserved. Any private or public development, which would degrade shoreland qualities, shall be discouraged.
5. The public has a right to enjoy and utilize all the public water bodies. No improvement shall be permitted which impedes this ability. Care also must be exercised in protecting the privately owned shorelands.
6. Public and private bridge crossings over public water bodies shall be constructed to standards that insure maximum protection to the persons utilizing the structure and to the water system it crosses. To the maximum extent possible, minimum fill and/or removal shall take place during construction of the bridge.
7. Shorelands in Rural areas shall be used as appropriate for the following:
 1. farm use,
 2. private and public water dependent recreation,
 3. aquaculture, and
 4. to fulfill the open space requirements in subdivisions and planned developments.

Finding:

Shoreland policies pertaining to this proposal apply to areas along Neacoxie creek. All areas within the plat boundaries bordering the creek are designated common open space and will be conveyed to the North Coast Land Conservancy (NCLC).

Coastal Shoreland policies are satisfied.

Criteria:

Beaches

Policies

See Goal 18 Beaches and Dunes Background Report and County-wide Element (Ord 03-08)

Dunes

See Goal 18 Beaches and Dunes Background Report and County-wide Element (Ord 03-08)

Findings:

Policies pertaining to the Goal 18 county-wide element were addressed previously on pages 18 & 19 of this document and found to be consistent.

Beaches and Dunes policies are satisfied.

Criteria:

Fort Stevens State Park Subarea Policy



Off-road vehicles should not be permitted on dune or wetland areas in the park and shall not traverse the Natural wetland-salt marsh in Clatsop Spit.

For additional information, policies and mapping for these areas see the Columbia River Estuary section of the Estuarine Resources and Coastal Shorelands Background Report and County-wide Element.

Finding:

Not Applicable to this application.

Criteria:

Alluvial Lowlands Policy

Development on peat and other compressible soils shall be discouraged. In those areas where development has already occurred on peat and other compressible soils, policies on those soils in the County-wide Element shall apply.

Finding:

The soil types within the subdivision location do not include peat soils.

This policy is not applicable to the application.

Criteria:

Alluvial Terraces Policy

The County should encourage development on this type of landscape unit due to the slight to moderate slopes and the moderately well drained soils.

Finding:

Alluvial terraces are defined as: "A terraced embankment of loose material adjacent to the sides of a river valley. Also known as built terrace; drift terrace; fill terrace; stream-built terrace; wave-built platform; wave-built terrace." The subject property is located on wave & stream built terraces.

The application is in conformance with this policy.

Criteria:

Coast Range Foothills Policy

The predominant land use on this landscape unit should be forestry and low-density residential use. This is due to the characteristics of soils in this landscape unit, which have potential for mass movement.

Findings:

The area is not located in the Coast Range Foothills.

This policy is not applicable to this request.

Criteria:

Natural Resources

Post 208 Water Quality Study*



The study made several recommendations:

- (a) The groundwater protection strategy of this study should promote the maximum present and future beneficial uses of the Clatsop Plains aquifer. On-site wastewater disposal has been shown to be a significant beneficial use of the aquifer, and thus, the moratorium should be lifted in all areas of the Clatsop Plains study area.
- (b) The Camp Rilea wastewater spray irrigation field should be rehabilitated with a cover material that is conducive to plant growth. A suitable crop management plan should be developed so that the selected crop can be periodically harvested to remove the nutrients. The crop should be planted during March-April 1982, so that the spray irrigation field will be operable during the heavy summer use period.
- (c) The Warrenton landfill should be closed through an approved closure plan as directed by DEQ. The closure plan should provide for prohibition of further leachate contamination of the aquifer and the necessary gas removal facilities.
- (d) The wastewater disposal recommendations for the unincorporated Clatsop Plains are as follows:
 - (1) Continue with current zoning requiring a minimum of 1 acre lot size and permit the use of a standard septic tank and disposal field.
 - (2) For lots of record between 1/2 acre and 1 acre, a septic tank with a low pressure disposal field or sand filter should be used.
 - (3) For lots of record between 10,000 square feet and 1/2 acre, septic tank systems should use a sand filter with a low pressure disposal field, if DEQ's regulations on house size, setbacks and system redundancy can be accommodated.
 - (4) Allow no septic systems on lot sizes smaller than 10,000 square feet.
- (e) All future development in Gearhart, in accordance with the current Comprehensive Plan, should be required to use low pressure disposal fields and/or sand filters to maximize nitrogen removal in the system prior to disposal in the soil. DEQ should be requested to adopt a special geographic rule exempting the DEQ house size regulations in Gearhart.
- (f) Wastewater disposal recommendations for the seven sensitive areas are:
 - (1) Install low pressure distribution and/or sand filter systems for all new wastewater sources (including the aggregate of one development) under 5,000 gallons per day.
 - (2) For all new wastewater sources exceeding 5,000 gallons per day, construction of sewers and wastewater treatment facilities using land disposal or other disposal techniques acceptable to DEQ should be required.
 - (3) Present uses of the aquifer for wastewater disposal should not be prohibited.
- (g) No action should be taken on surface water conditions at this time.
- (h) Aquifer reserve areas should be maintained to protect the aquifer as a possible future drinking water source through the following measures:
 - (1) A minimum of 2.5 square miles of aquifer should be set aside for water supply development, including an area set aside by the City of Warrenton, the area within the boundaries of Camp Rilea, and the 40 acres of County-owned land at Del Ray Beach.



- (2) The County should preserve the necessary recharge area within Camp Rilea by developing an agreement with the Oregon Department of Military within 6 months.
 - (3) Additional areas for aquifer protection should be sought through land use planning, and open space requirements.
 - (4) Land use in the reserve areas should be controlled so that the potential for groundwater contamination from nitrogen and other possible pollutants is kept to a minimum.
- (i) The groundwater monitoring program should be continued as a part of the DEQ statewide monitoring program for the wells identified in Section VII of the report with samples taken on a semi-annual basis."

Findings:

These are recommendations and not policies or criteria and thereby are not approval criteria. Regardless the measures described and recommended in the study will likely be implemented in the individual lot development stage.

These are not applicable criteria for approval and thereby satisfied.

Criteria:

Clatsop Plains Aquifer Policy

1. Land use actions (i.e. Comprehensive Plan changes, zone changes, subdivisions and partitions, planned developments, conditional use permits, etc.) shall be reviewed by the Planning Commission and the Department of Planning and Development to insure that the proposed activity(ies) will not:
 - (a) adversely affect the water quality;
 - (b) result in the drawdown of the groundwater supply;
 - (c) result in the loss of stabilizing vegetation, or
 - (d) salt water intrusion into the water supply.

Recommended Actions

1. To avoid desiccation of the groundwater lakes and encroachment of sea water, a water management program which is consistent with the water-budget equation for the Clatsop Plains should be developed. The County should request technical and financial assistance from state and federal agencies in evaluating water development potentials.
2. The County, in cooperation with other local jurisdictions, should consider a cost/benefit comparison of developing the Clatsop Plains aquifer as a water source with other sources of water supply.

Findings:

As mentioned previously the applicant is proposing to supply water to the subdivision via Warrenton Water District. By acquiring water from the Warrenton Water District no adverse impacts to the Clatsop Plains Aquifer are created with this development.

The application satisfies this policy.



Criteria:

Critical Hazards

Wind and Ocean Shoreline Erosion Policies

1. Clatsop County shall prohibit:
 - (a) the destruction of stabilizing vegetation (including the inadvertent destruction by moisture loss or root damage).
 - (b) the exposure of stable and conditionally stable areas to erosion, and
 - (c) construction of shore structures which modify current or wave patterns or the beach sand supply.
2. Erosion shall be controlled and the soil stabilized by vegetation and/or mechanical and/or structural means on all dune lands. After stabilization, continuous maintenance shall be provided. In those areas where the County has taken an Exception to the Beaches and Dunes Goal, the County shall have building permits reviewed by the Soil Conservation Service and use their recommendations as conditions of approval.
3. Removal of vegetation during construction in any sand area shall be kept to the minimum required for building placement or other valid purpose. Removal of vegetation should not occur more than 30 days prior to grading or construction. Permanent revegetation shall be started on the site as soon as practical after construction, final grading or utility placement. Storage of sand and other materials should not suffocate vegetation.
4. In all open sand areas, revegetation must be clearly monitored and carefully maintained, which may include restrictions on pedestrian traffic. Revegetation shall return the area to its pre-construction level of stability or better. Trees should be planted along with ground cover such as grass or shrubs. To encourage stabilization, a revegetation program with time limits shall be required by the Planning Department as a condition of all building permits and land use actions (i.e. Comprehensive Plan changes, zone changes, subdivisions and partitions, planned developments, conditional use permits etc.).
5. Removal of vegetation, which provides wildlife habitat, shall be limited. Unnecessary removal of shoreline vegetation shall be prohibited.
6. Site specific investigations by a qualified person such as a geologist, soils scientist, or geomorphologist may be required by the County prior to the issuance of building permits in open sand areas, on the ocean front, in steep hillsides of dunes, regardless of the vegetative cover, and in any other conditionally stable dune area which, in the view of the Planning Director or Building Official, may be subject to wind erosion or other hazard potential. Site investigations may be submitted to the State Department of Geology and other agencies for review of recommendations.
7. Log debris plays an important role in the formation and maintenance of foredunes. Therefore, driftwood removal from sand areas and beaches for both individual and commercial purposes should be regulated so that dune building processes and scenic values are not adversely affected.

Recommended Action

The County should work with the Clatsop Soil and Water Conservation District in determining whether their three zones affecting dunes are needed in light of new State law requirements.

**Findings:**

Proper erosion control measures satisfying these policies can be implemented through appropriate conditions of approval. The applicant agrees to conditions necessary to ensure proper erosion control.

These policies are satisfied with the application of appropriate conditions.

Criteria:CulturalClatsop Plains Housing Goal:

To provide adequate numbers of housing units at price ranges and rent levels commensurate with financial capabilities of the households in the region and to allow for flexibility in housing location, type and density.

Housing Policies

1. Planned developments, the replatting of old subdivisions, and other land use actions shall encourage the preservation of steep slopes and other sensitive areas in their natural condition.
2. The location of a mobile home on an individual parcel of land shall be allowed in CONSERVATION FOREST LANDS* and RURAL EXCLUSIVE FARM USE* areas which are in conjunction with a farm or forestry use. In areas designated RURAL LANDS*, a double wide or wider mobile home shall be allowed except in Surf Pines (zones SFR-1 and CBR*), Smith Lake (zone SFR-1*) and Shoreline Estates (zone RSA-SFR*).
3. Areas shall be provided for mobile home parks within the cities' Urban Growth Boundaries.
4. Opportunities shall be provided for elderly and low income housing within the cities' Urban Growth Boundaries due to the availability of services provided.

Findings:

The proposal discourages development on steep slopes and preserves sensitive habitat. Policy 2 can be addressed with an appropriate condition of approval or through CC&R that will govern the subdivision. The area is located outside of city limits and urban growth boundaries, therefore Policies 3&4 are not applicable to this request.

This policy can be satisfied with appropriate conditions.

Criteria:Public Facilities and ServicesSewer Policies

1. Sewage systems shall be allowed in those areas outside of the Urban Growth Boundary only to alleviate a health hazard or water pollution problem, which has been identified by the Department of Environmental Quality and will be used only as a last resort.
2. The Shoreline Estates sewer system located near Cullaby Lake shall expand its sewer service area only to the current existing treatment plant's design capacity of approximately



500 people. Further development of this intensity on the Clatsop Plains shall occur within the Urban Growth Boundaries.

Findings:

The sites will be serviced by individual septic systems approved by the Department of Environmental Quality

The proposal is consistent with these policies.

Criteria:

Transportation

Fire Protection Policy

The County shall encourage the improvement of fire protection for the Rural and Rural Service Areas in the Clatsop Plains. The County shall work with local residents as well as the two Rural Fire Protection Districts in examining the various methods available to improve fire protection. One method, which could be used, is to require subdivisions and planned developments to dedicate a site, funds, or construction materials for a fire station in the Clatsop Plains.

Clatsop Plains Transportation Goal:

The County will develop policies, which minimize the number of access points on U.S. 101.

Transportation Policies

1. The development of new access points onto U.S. 101 shall be kept to a minimum number. It is the intent of this policy to reduce the potential for accidents, and to provide the most efficient means of maintaining highway capacity. Planned development, subdivision, major partition regulations shall be written so as to implement this policy.
2. Minor partitioning shall be required for all property adjacent to U.S. 101. Minor partition proposals will be reviewed in order to prevent numerous access points along this highway. The requirement for minor partition review shall take effect on the date of adoption of the Clatsop Plains Community Plan.
3. Streets in new developments shall be designed to minimize disturbance of the land by following contour lines (as an alternative to a grid pattern) and avoiding cut-and-fill construction techniques.
4. Unnecessary rights-of-way should be used as green belts, walking trails or bike paths where appropriate.
5. To minimize negative visual and noise impacts of U.S. 101, a buffer screen of existing vegetation shall be required for residential properties along U.S. 101. Planted vegetation should be encouraged in those areas along U.S. 101 where none presently exists. The buffer shall be 25 feet wide, unless the size of the lot and natural topography would create a hardship.
6. Clatsop County shall restrict direct access to arterials (i.e., U.S. 101) where alternative access is available.
7. At the time of a major or minor partition, access points shall be examined. Consolidation of existing access points or easements for adjoining properties to allow a common access point shall be considered.



8. It is the County's intent to develop a system of collectors, frontage roads and common access points to solve the problems that many access points create along U.S. 101. In order to carry out this intent the County shall do the following:
 - (a) Require new developments to have access taken from the existing collectors and frontage roads unless a variance is given.
 - (b) New access points shall be reviewed by the County. New access points shall be reviewed based upon proximity to existing access points and safety standards developed by the Department of Transportation.
9. Clatsop County should conduct a study of the Clatsop Plains to analyze access controls and problems in establishing criteria for collectors and frontage roads. The study should include: designation of specific access points, location of frontage roads, criteria for temporary access points, etc.

Findings:

Access roads to the site will be created and developed in a manner that limits disturbed areas to those necessary to develop the road network. All disturbed areas will be revegetated in accordance with erosion policies. The roads are designed around areas designated for habitat preservation. The access roads will access Surf Pine Lane, a private collector road, which later intersects with highway 101. The combination of these measures complies with the policies as illustrated above.

The proposal is consistent with the intent of these policies.

Criteria:

Rail

Recommended Action

Further study should be done by the County Department of Planning and Development on what portions of the rights-of-way will not revert back to property owners. And if some of the rights-of-way do not revert back, further work should be done on how the rights-of-way should be used.

Air Transportation

Recommended Action

The Seaside-Gearhart Citizen Advisory Committee, the County, the Cities of Seaside and Gearhart, and the State Aeronautics Division should work together in developing the Seaside Airport Plan.

Findings:

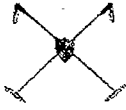
These are recommended policies and do not pose approval criteria.

These criteria are not applicable to this application.

Criteria:

Historic Areas

Clatsop Plains Planning Goal:



To preserve Historic Resources of our past that might otherwise be lost due to unnecessary and unwise development.

Historic Area Policies

1. The County shall work with the Clatsop County Historical Advisory Committee and other organizations to identify and protect important local historical and archeological sites. Compatible uses and designs of uses should be encouraged for property nearby important historical or archeological sites.
2. Clatsop County shall protect significant historical resources by:
 - (a) encouraging those programs that make preservation economically possible;
 - (b) implementing measures for preservation when possible;
 - (c) recognizing such areas in public and private land use determinations subject to County review.

Finding:

There are no areas of historic significance on this site.

These policies are not applicable to this request.

Criteria:

Fish and Wildlife Areas

Clatsop Plains Planning Goal:

To preserve wildlife habitats and natural vegetation as an essential part of the ecosystem for both men and wildlife.

Fish and Wildlife Policies

1. Maintain important fish and wildlife sites by protecting vegetation along many water bodies, classifying suitable land and water locations as NATURAL or CONSERVATION, and otherwise encouraging protection of valuable fish and wildlife habitats.
2. Private and public owners of property on which valuable habitat is located will be encouraged to adequately protect important fish and wildlife sites. The private owners, which participate in preserving the natural character of these sites, will be assisted in taking advantage of reduced property taxes for protecting such areas. New subdivisions shall be required to leave undeveloped reasonable amounts of property, which is needed for protection of valuable fish and wildlife habitat.
3. Intensive recreational development shall not locate within sensitive crucial habitat areas.
4. Habitat of all species indicated as endangered, threatened or vulnerable shall be preserved. Nesting sites of endangered bird species shall be protected and buffered from conflicting uses.
5. * Wildlife refuges:

Existing wildlife refuges which are owned/leased and managed by the Oregon Department of Fish and Wildlife (ODFW) located in areas designated Conservation Forest or in other lowland areas under any plan designation shall be reviewed by the County for compliance with the approval standards listed below. Such hearings shall be



conducted according to a Type IV procedure at a time and place convenient to residents of the affected planning area. ODFW shall provide an evaluation of the economic, social, environmental and energy consequences of the proposal** information sufficient to support findings with respect to the following approval criteria:

1. Identification of the need for the proposed new wildlife management area. "Need" means specific problems or conflicts that will be resolved or specific ODFW objectives that will be achieved by establishing the proposed area.
2. Alternative lands and management actions available to the ODFW, and an analysis of why those alternatives or management actions will not resolve identified problems or achieve objectives.

Findings:

The area is not identified as Oregon Silverspot Butterfly habitat and therefore not subject to Policy 4. However, the applicant has conducted a Violet survey and discovered that habitat does exist in the northwest section of the property. The proposal sets these areas aside for preservation and identified the area as permanent common open space. Additionally this area will be conveyed to the NCLC for preservation and land stewardship.

The Fish and Wildlife policies are satisfied.

Criteria:

Recreation

Recreational Policies

1. Recreational vehicle parks shall only be permitted in the urban growth boundaries in the Clatsop Plains.
2. The World War II lookout site, dune area west of Sunset Lake and the land northeast of Camp Rilea should be kept in County ownership. These areas should be preserved for their scenic value as well as for wildlife value.
3. The designated bike trail going down the Coast shall be changed to follow U.S. 101 instead of along the Lewis and Clark Road.
4. Recreational users shall not be allowed complete and free use of the more delicate beach/dune land forms (active dune areas). Access to these areas shall be limited and only via stabilized trails.
5. Clatsop County shall adopt the Fort Stevens State Park Plan as part of the Clatsop Plains Community Plan.
6. State and local jurisdictions shall cooperate to evolve the most efficient traffic flow patterns, parking arrangements and policy requirements for areas on and adjacent to active dune areas, especially parks and beach accesses.*

Recommended Action

Further research should be done on a possible trail going from Fort Clatsop National Park to the coastal beaches.



Findings:

These policies are not applicable to this request.

Criteria:

Scenic Areas

Clatsop Plains Planning Goal:

Important vistas, views of the ocean, and other significant visual features should be preserved and the obstruction of these vistas should be discouraged.

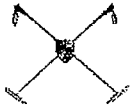
The following discussion and policies are in addition to those found in the Open Space, Scenic and Historic Areas and Natural Resources, Recreational Needs and Estuarine Resources and Coastal Shorelands Elements. Sites inventoried (i.e. views along U.S. 101 of dune ridges and coastal foothills) that are in addition to those inventoried in the Open Space, Scenic and Historic Areas and Natural Resources, Recreational Needs and Estuarine and Coastal Shorelands Element are local desires and are not to be construed as additional Goal site requirements (e.g. they are not exceptional views).*

Scenic Area Policies

<u>Area</u>	<u>Perspectives</u>	<u>Policy or Control</u>
Beach/ocean	All directions	1. In order to provide the greatest view potential for properties along the ocean, the building height shall be limited to 18' on beach front lots and 26' for adjacent properties.
World War II Viewing Point	Ocean beaches, Clatsop Plains	2. The County owns about 40 acres of land. This land should be set aside for its scenic value.
Lewis & Clark Road above Thompson Falls	Seaside-Gearhart area, ocean, and Tillamook Head	3. If property above Thompson Falls is developed, some areas shall be set aside as open space.
Views along U.S. 101	The dunes to the west and Coastal Foothills to the east	4. Excessive sign sizes and numbers of signs shall be discouraged by local regulations. No new billboards or other off-premise signs shall be allowed, except in commercial or industrial zoned land with strict controls.
Coastal Foothills and dune ridges	All directions	5. No intensive development on the foothills or on top of dune ridges should be permitted.

Findings:

Policy 5 is applicable to this proposal. The previous subdivision was granted authorization to construct the road and homes on the dune ridge (See Attachment 5 "Reasons from Ulbricht letter July 07"). The dune ridge in this case is a large table top along the eastern boundary. Homesites in these lots will likely be located to the west of the road. View impacts would likely be negligible,



but a height limit might be appropriate to ensure scenic views are protected. The applicant is willing to accept appropriate height limitations on these lots if it is deemed necessary by the hearing body.

The proposal is consistent with Scenic Area policies.

Criteria:

Open Space

Policies

1. Land owners shall be encouraged to retain or preserve large parcels of undeveloped land as open space under the provisions of the open space taxation program.
2. The County shall carefully consider the feasibility of all methods for the preservation of open space as the opportunities arise.
3. The County Zoning Ordinance shall prescribe a maximum lot coverage in those areas designated DEVELOPMENT.
4. All planned developments and subdivisions in the Clatsop Plains planning area designated RURAL LANDS** shall cluster land uses and designate areas as permanent common open space. No reversionary clause shall be permitted in common open space. The minimum percentage of common open space shall be 30%, excluding roads and property under water. The clustering of dwellings in small numbers and the provision of common open space assures good utilization of land, increased environmental amenities, maintenance of a low density semi-rural character, maintenance of natural systems (dunes, wetlands), and may be used as an open space buffer between the residential use and adjacent agricultural or forest uses. This policy shall apply in all RURAL LANDS** areas in the Clatsop Plains except for the area commonly known as Surf Pines.* Clustering shall be prohibited in the area known as Surf Pines.* Surf Pines is further described by the following description (see Appendix B) and map.*
5. Permanent open space shall include, whenever possible, steep dunes which would require substantial alterations for building, buffers along streams, water bodies, deflation plains, and farm and forest lands.
6. Buffers (screening) shall be provided in all subdivisions and planned developments along property lines adjacent to arterials and/or collectors.
7. Permanent open space as part of subdivisions or planned developments adjoining one another shall be interrelated and continuous whenever possible. This could mean that open space could continuously follow ridge tops, deflation plains or shorelands. The Clatsop County Department of Planning and Development shall prepare a map of potential systems of open space to be used as a guide for developers.
8. Streams and drainages, which form a system of open space, shall be preserved.

Findings:

The proposal is for a cluster subdivision on Tax Lot 3500, which is comprised of 61.51 acres. Additionally tax lots 3503 & 3504 were previously partitioned through clustering provisions. The acreages from these two in conjunction with the proposal site total 65.54 acres. Phase 1 of the



subdivision proposal separates lot 24 from the rest of the Subdivision. Lot 24 comprises 5.04 acres and is not clustered in accordance with the clustering provision under SID S3.150-S3.161; therefore the total assessable acreage is reduced by 5.04 acres bringing the total land acreage to 60.5. In order to satisfy the open space requirements the project must identify 30% open space excluding roads and areas under water. In accordance with these provisions the total open space required with this proposal is 18.15 acres. The applicant has designated open space in excess of the 30 % requirement. These areas are identified on the Plat with an alphanumeric identifier (i.e. "Tract C"). Additionally the areas bordering Neacoxie creek, which are also subject to the shorelands overlay are also designated open space.

The open space policies are satisfied.

Criteria:

Community Development

General Development Policies

1. The predominant growth (residential, commercial, and industrial) shall occur within the Cities of Seaside, Warrenton, Gearhart and the Town of Hammond, as well as those areas in the Urban Growth Boundaries.
2. Residential, commercial and industrial development shall be directed away from those areas designated CONSERVATION FOREST LANDS, CONSERVATION OTHER RESOURCES, and NATURAL.
3. In divisions of land into lots where future partitions or resubdivisions could occur, lots should be designed to take the potential for future divisions of land into consideration.
4. Natural features such as creeks and ridges should be used wherever possible as a boundary between intensive uses such as commercial activities and low intensive uses.
5. Plot plans or building plans may be required to indicate on them how storm water is to be drained. Access permits shall be reviewed by the State Highway Department and County Road Department to insure adequate drainage is provided.
6. Incentives shall be provided to encourage developers to use innovative methods to provide a high quality of design, energy conservation and low-income housing.
7. The following policies shall be used when examining commercial development in the Clatsop Plains:
 - a. To direct and encourage commercial activities to locate within urban growth boundaries. This will be most convenient for customers because most people will live in the urban areas. Also, business requirements for water, sewer, fire protection and other public services can best be met.
 - b. To group business activities into clusters or "centers". This will be more convenient for patrons, permitting them to accomplish more than one purpose during a stop. It will also avoid mixing homes with scattered businesses. Joint use of vehicular access and parking at commercial centers will be more economical and be less disruptive for street traffic.
 - c. To prevent "strip" commercial development along arterials, particularly U.S. Highway 101, and to limit business to designated strategic locations. To reserve non-commercial



portions of arterials so that property owners may develop residential or other uses without fear of disruptive business development next door.

- d. To emphasize and support existing town centers as business places. These centers are important for community identify, social cohesion, civic activity, public service, convenience, attractions and amenities. They should continue to be a focus for commercial activities as well.
- e. To concentrate new commercial development in and adjacent to existing, well-established business areas. To increase the patronage and vitality of these areas and to avoid undue dispersal of new commercial activities.

Findings:

The intent of these policies is to regulate commercial development focused on community centers. With the exception of policy 5, these policies do not apply to this request. In accordance with policy 5, storm water drainage plans will likely be a function of a development permit and assessed at that time. Where necessary, storm water drainage from improved surfaces will be directed to bio-swales and appropriate drainage areas.

The proposal is consistent with the policies regarding community development.

Criteria:

Rural Service Area

Policies

- 1. The minimum building site in Rural Service Area shall be 7,500 square feet in sewerred areas and 15,000 square feet in unsewerred areas.
- 2. The area known as Shoreline Estates shall be designated a RURAL SERVICE AREA, due to the existing facilities available. The land area for this designation shall not be larger than the existing treatment plant's capacity. The expansion of the RURAL SERVICE AREA designation should NOT be allowed. It is the intent of the Community Plan to encourage urban densities to occur within the cities and the Urban Growth Boundaries where more facilities and services are available.

Findings:

Lot sizes are in excess of 15,000 square feet, and the receiving site is not located in a rural service area. Therefore these policies are not applicable to this request

The policies regarding rural service areas are not applicable to this request.

Criteria:

Rural Lands

Clatsop Plains RURAL LANDS Goal:

To preserve and maintain the present overall rural quality of life now enjoyed in the Clatsop Plains.

Policies

- 1. The minimum parcel size for building sites in RURAL LANDS* areas shall be one acre.*



2. Rural residential subdivisions shall be required to have paved streets, except if the subdivision involves extremely large land parcels or only a few land parcels are involved and there is no potential for increase traffic demand on the roadway.
3. In recognition of the existing commercial uses at Cannon Beach Junction and the area south of Warrenton, a general commercial zone shall be provided at the Cannon Beach Junction and south of Warrenton.*
4. A neighborhood commercial zone allowing such uses as a gas station, or "Ma or Pa" grocery store shall be provided at the following locations along U.S. 101; Reed and Hertig, Sunset Lake and Dugan's Store and the West Lake Store.
5. When considering new commercial areas or expansion of existing commercially zoned land the policies pertaining to commercial land in the General Development policies, as well as the following standards, shall be used:
 - (a) Adequate off-street parking shall be provided to prevent traffic congestion resulting from on-street parking.
 - (b) A buffer and screen shall be provided between commercial and residential uses.
 - (c) Signs shall be designed so as not to distract from the surrounding area.
 - (d) The size of neighborhood commercial uses shall be sized to serve every day personal needs of the surrounding rural population and generate little or no traffic from outside of the rural area.
 - (e) Review by State and County Road officials for safe access including adequate site distance.
6. Clatsop County intends to encourage a majority of the County's housing needs to occur within the various cities' urban growth boundaries. Approval of subdivisions and planned developments shall relate to the needs for rural housing. Through the County's Housing Study, the County has determined the Clatsop Plains rural housing needs to be approximately 900 dwelling units for both seasonal and permanent by the year 2000. The rural housing needs should be reexamined every two (2) years from the date of adoption of the Plan.
7. Subdivisions and planned development shall be encouraged to phase development over several years to provide for rural housing needs.
8. * Grandfather the following lots:
 - (a) Block 4, lots 1-4
Block 13, lots 3, 4, 15-18
Block 19, lots 7 & 8**
Block 19, lots 9-12
Block 20, Lots 1-4, 9-14, 17-20
Block 29, lots 2, 3, 6, 7, 14, 15All in Sunset Beach subdivision, Clatsop County, Oregon provided, however, that a 10,000 sq.ft. minimum lot size be required and that any other conditions for development applicable to this area shall be enforced.
 - (b) The five (5) lot area commonly referred to as RAM West (see attached map) provided, however, that there are no more than five lots exclusive of the coastal shoreland area.*

**Findings:**

Applicable rural lands policies include policies 1, 2, 6, & 7. All proposed lots meet or exceed the one-acre minimum described in policy 1. Paved streets in accordance with county road standards depicted in Table 1 Section S6.050 will service the subdivision. It is unclear by the language in the county's goal 10 element what or when the County's rural housing needs were last assessed. Regardless housing markets usually drive housing needs; hence it stands to reason that if there is a market there is a need. Additionally in accordance with policy 7 the applicants are proposing to develop this subdivision in three phases as indicated on the preliminary plat.

The proposal is consistent with the rural lands policies.

Criteria:Rural Agricultural LandsPolicies*

See Agricultural Lands Background Report and County-wide Element.

Conservation Forest LandsPolicy**

Forest Lands shall be designated Conservation Forest in the County's Comprehensive Plan. When considering a zone change to a forest zone, the Planning Commission or other reviewing body shall review the proposal against the acreage, management, and other approval criteria in County-wide Forest Lands Policies #19, #20 and #21.

Conservation Other ResourcesPolicy*

See Open Space, Scenic and Historic Areas and Natural Resources, Recreational Needs, Estuarine Resources and Coastal Shorelands and Beaches and Dunes Background Reports and County-wide Elements.

Findings:

Policies addressing the Rural Agricultural Lands, Conservation Forest Lands, & Conservation Other Resources are not applicable to this proposal.

Criteria:NaturalPolicies

1. Areas rich in wildlife or of a fragile ecological nature, shall be preserved as Natural areas. The following areas shall be designated NATURAL: Clatsop Spit, Tillamook Chute, portions of Fort Stevens, Carnahan Lake, Slusher Lake and portions of the Necanicum Estuary.
2. The NATURAL aquatic designations for Carnahan Lake and Slusher Lake shall extend 100 feet measured horizontally from the aquatic-shoreland boundary.

Findings:

The receiving site does not consist of the attributes mentioned above; therefore, the policies are not applicable to this request.



With appropriate conditions Zone Change Criteria 1 will be satisfied.

Findings Section 5.412(2): *The proposed change is consistent with the statewide planning goals (ORS 197).*

Per LWDUO Section 5.412(2), the proposed zone change must be consistent with the Statewide Planning Goals (ORS 197). Clatsop County has a ratified comprehensive plan; consistency with Statewide Planning Goals is determined through a review for consistency with the County's Comprehensive Plan. As the factors indicate in the review of the comprehensive plan, this proposal is consistent with the policies and criteria detailed both in the County Wide Element and the Clatsop Plains Community Plan.

Based on the analysis of the Clatsop County Comprehensive Plan the proposal is consistent with the Statewide Planning Goals (ORS 197).

The proposal is consistent with Zone Change Criteria 2.

Findings Section 5.412(3): *The property in the affected area will be provided with adequate public facilities and services including, but not limited to:*

- a. *Parks, schools and recreational facilities*
- b. *Police and fire protection and emergency medical service*
- c. *Solid waste collection*
- d. *Water and wastewater facilities*

Mentioned previously in the analysis for Goal 11 on page 10, the proposal has adequate public facilities. The applicant has provided letters from the local rural fire protection district and the local school district that would service potential residents of the subdivision. DEQ Site evaluations for a representative sample have been provided. Additionally water is provided from the city of Warrenton and a letter stating service availability is included with this application.

The applicant has documented that adequate public facilities are available for development of this site.

The proposal is consistent with Zone Change Criteria 3.

Findings Section 5.412(4): *The proposed change will insure that an adequate and safe transportation network exists to support the proposed zoning and will not cause undue traffic congestion or hazards.*

Both the sending site and the receiving sites are serviced by adequate and safe transportation networks. The change in zoning of the sending site will result in a reduction of traffic on Highway 104. The receiving site may increase traffic on Surf Pine Lane by an estimated 290 average daily trips (ADT). In accordance with Clatsop County's TSP policies an increase in ADT over 300 might require a traffic impact study. This proposal will not generate over 300 average daily trips even in peak season. Therefore a traffic impact study should not be required.

The proposal is consistent with Zone Change Criteria 4.

Findings Section 5.412(5): *The proposed change will not result in over-intensive use of the land, will give reasonable consideration to the character of the area, and will be compatible with the overall zoning pattern*

This project proposes one acre lot sizes in accordance with policies for the Clatsop Plains Community plan and compatible with the surrounding development patterns and characteristics. The proposal will not result in the over-intensive use of the land.

The proposal is consistent with Zone Change Criteria 5.



Findings Section 5.412(6): *The proposed change gives reasonable consideration to peculiar suitability of the property for particular uses.*

This proposal is designed around the characteristics and terrain of the site. It includes recreation facilities, trail amenities, common open space, butterfly habitat preserves, wetland preserves and considers the contours of the site to provide the best residential components given the natural terrain.

The proposal is consistent with Zone Change Criteria 6.

Findings Section 5.412(7): *The proposed change will encourage the most appropriate use of land throughout Clatsop County.*

The primary objective of this proposal is to move the density from marginal lands and place them on lands that suited for residential development. The applicant has structured this proposal to maximize the potential of the land while maintaining a unique balance between development, recreational and environmental concerns.

This proposal is consistent with Zone Change Criteria 7.

Findings Section 5.412(8): *The proposed change will not be detrimental to the health, safety and general welfare of Clatsop County.*

The proposal does not pose any threats to the health, safety, and general welfare of Clatsop County.

This proposal is consistent with Zone Change Criteria 8.

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PALO ALTO

5/30/2010

ATTACHMENT 1

WILL SERVE LETTER FROM WARRENTON WATER DISTRICT



Contact Phone number 503-741-1143

Fax number 503-338-1145

CITY OF WARRENTON WATER AND/OR SEWER AVAILABILITY STATEMENT

REQUESTED BY: Tina Palmberg DATE: 3/18/10

To Whom It May Concern:

SEWER IS AVAILABLE: _____ WATER IS AVAILABLE: X

SEWER IS NOT AVAILABLE: X WATER IS NOT AVAILABLE: _____

TO THE PROPERTY OR BUILDING LOCATED AT:

ADDRESS: _____
12" Mainline expansion
Warrenton A, B, C, D

MAP & TAX LOT NO: 71027 03520 (Palmberg)

LOT NO: _____

BLOCK NO: _____

REMARKS: Water meters to be put in a substation with 30 homes. All
discontinuity work done upon construction, refer to City of Warrenton Fire Department

WATER COST: _____ 1000.00 7/30/10 CP-1000

SEWER COST: _____
Signature: _____
PUBLIC WORKS OFFICIAL (Date)

This form is for one single family residence water & sewer availability including a 1/2 inch meter unless otherwise noted.

WARRENTON UTILITY DEPARTMENT
WORK ORDER for Water and/or Sewer Connection Date: _____

(Applicant)

(Service Address)

(Applicant Signature)

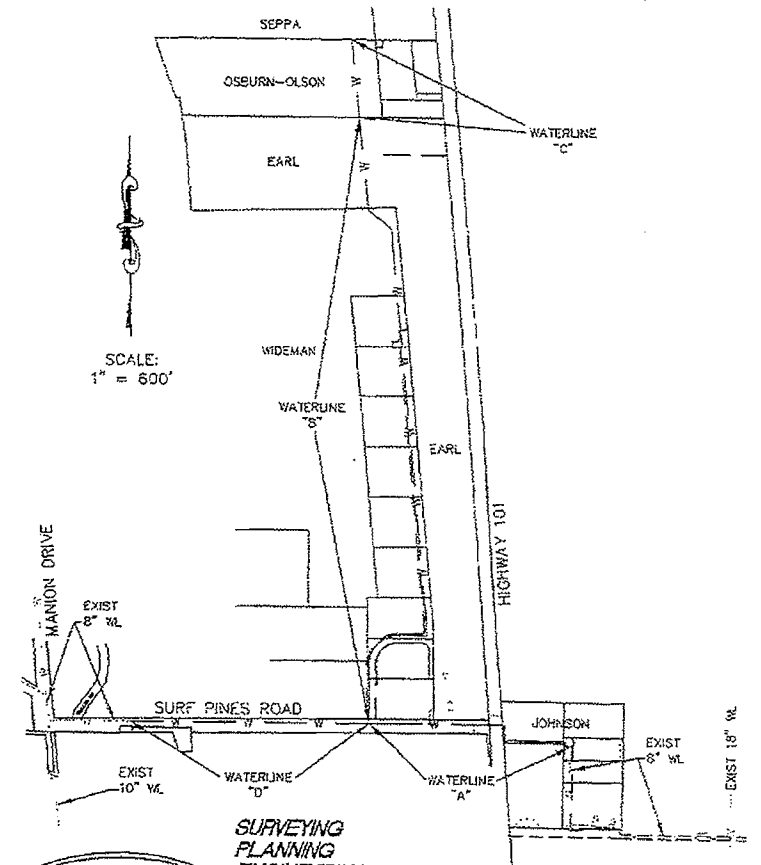
Meter Only/Admin \$ _____
Complete Service \$ _____
Sewer Admin \$ _____
Full Service Sewer \$ _____

Ref. Number	_____
Meter Size	_____
Meter No.	_____
Install Date	_____

For office use only - please initial & date
B&P _____ Cashier _____ PW _____ UB _____

Address: _____
Tax Lot: 71027 03520

PROPOSED WATERLINE LAYOUT TAX MAP 7.10.27, CITY OF WARRENTON, CLATSOP COUNTY OREGON



SCALE:
1" = 600'



FILE: 9-054RUSSPRELIM.DWG
DATE OF PLOT: 1/7/2010

**SURVEYING
PLANNING
ENGINEERING**

CKI, INC.
PO BOX 309
SEASIDE, OR 97138
503 738 4320 OFFICE
503 738 7854 FAX
www.ckinc.net

CLIENT:
RUSS EARL

I built a hydraulic model and ran various pipe sizes flows and if line D is installed
 With the result I built the following matrix

ASSUMES SURROUNDING LINE "D"

Flow Gpm	Pipe size Line A	Inches Line B	Line C	Line D	Residual at flow
1500	8	10	8	8	29 PSI ←
1000	8	8	8	8	38 PSI
750	8	8	8	8	57 PSI
500	8	8	8	8	73 PSI
	6	8	6	6	40 PSI

SYSTEM A, B & C

Flow Gpm	Pipe size Line A	Inches Line B	Line C	Residual at flow
1500	12	12	10	20 PSI ← UNDER 3000 NO SPRINKLER
1000	10	8	8	26 PSI ← UNDER 3000 NO SPRINKLER
750	8	8	8	44 PSI ← UNDER 3000 WITH SPRINKLER
500	8	8	8	66 PSI ← UNDER 3000 WITH SPRINKLER
500	6	6	6	26 PSI

David Jacob PE



FOUO

5/30/2010

ATTACHMENT 2

**LETTER FROM SEASIDE SCHOOL DISTRICT STATING AVAILABILITY FOR
ADDITIONAL STUDENTS**

Neikes/Palmberg

Exhibit D



RE:

Monday, April 26, 2010 10:03 AM

From: "Dougherty, Doug" <DDougherty@seaside.k12.or.us>
To: "Jason Palmberg" <jwpalmberg@yahoo.com>
Cc: "Lovejoy, Crikette" <CLovejoy@seaside.k12.or.us>, "Hill, Justine" <JHill@seaside.k12.or.us>

Jason,

I believe that Seaside School District has the capacity to accommodate this new subdivision.

Thank you, Doug

Douglas C. Dougherty, Ph.D., Superintendent
Seaside School District
1801 South Franklin Street
Seaside, Oregon 97138
Phone: (503) 738-5591 * Fax: (503) 738-3471

-----Original Message-----

From: Jason Palmberg [mailto:jwpalmberg@yahoo.com]
Sent: Monday, April 26, 2010 9:34 AM
To: Dougherty, Doug
Subject:

Doug-

I would like a statement from the seaside school district about the capacity of the school system to accommodate a new subdivision near Surf Pines. The subdivision will consist of 29 lots for single family use. The property is adjacent to Surf Pines Ln. to the north.

Please get back to me with a statement or any questions you might have.

Thank You,
Jason Palmberg
503-791-1603



FIELD RIDGE

5/30/2010

ATTACHMENT 3

LETTER FROM THE LOCAL RURAL FIRE PROTECTION DISTRICT

Neikes/Palmberg

Exhibit D



Volunteer Fire Department

P.O. Box 2530/670 Pacific Way
Gearhart, Oregon 97138
503-738-7838 / 503-738-9385 (fax)
gearhartfd@clatsopwa.com / gearhartfire.com (web)

May 17, 2010

Clatsop County Community Development
Attn. Mike Weston
800 Exchange Street, Suite 100
Astoria, Oregon 97103

RE: Access & Water Supply Requirements

Preliminary Plat
Polo Ridge

**A Replat of Parcel 1, Partition Plat No. 2005-11
Located in the West ½ of Section 27, East ½ of Section 28
T 7N R 10W**

Palmberg Development & Construction, LLC

Access Requirements:

All Access Requirements shall meet the intent of the OFC; alternatives shall be approved by the Fire Chief.

Access roads shall meet Clatsop County minimum road width requirements, surfaces shall be improved and capable of supporting not less than 12,500 lbs point load (wheel load) and 75,000 lbs live load (GVW).

Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround.



Volunteer Fire Department

P.O. Box 2530/670 Pacific Way

Gearhart, Oregon 97138

503-738-7838 / 503-738-9385 (fax)

gearhartfd@freddympaw.com / gearhartfire.com (web)

All Apparatus Turnarounds shall meet the requirements set forth in the OFC and shall be approved by the Fire Chief.

All Apparatus Turnarounds shall be posted with "NO PARKING" signs unless sufficient width to accommodate parked vehicles is present.

Gates securing Fire Apparatus roads shall comply with the OFC and shall be approved by the Fire Chief.

Multiple Access Roads shall be provided if more than 30 one-and-two family dwellings are included with the Polo Ridge Development access.

Water Supply Requirements:

All Water Supply Requirements shall meet the intent of the OFC; alternatives shall be approved by the Fire Chief.

An approved water supply capable of supplying the required fire flow for fire protection shall be provided or an approved alternative (i.e. tanks, residential sprinkler system, etc.).

Fire Hydrant requirements shall meet the OFC; locations and distances apart shall be approved by the Fire Chief.

Fire Flow requirements shall be minimum of 1000 gallons per minute (gpm) for single family dwellings and duplexes, structures greater than 3600 square feet shall be minimum of 1500 gpm (may be adjusted if a residential sprinkler systems are installed).



Volunteer Fire Department

P.O. Box 2530/670 Pacific Way
Gearhart, Oregon 97138
503-738-7838 / 503-738-9385 (fax)
gearhartfd@freedomnw.com / gearhartfire.com (web)

Conclusion:

After discussion with Jason Palmberg (Palmberg Development) the "Polo Ridge" Development will be providing a domestic water system capable of producing fire flow with a minimum of no less than 1000 gpm-(information included); hydrants shall be placed as indicated on the map (included). Structures greater than 3600 square feet in size shall install a residential sprinkler system (or approved alternative) unless the proposed water system is upgraded to provide a minimum fire flow of 1500 gpm. All apparatus turnarounds are indicated on the included map, any alternations, additions or changes shall be approved by the Fire Chief. Access to the "Earl" & "Osburn-Olson" properties are accessed directly onto Hwy 101 according to Mr. Palmberg, if so it will be allowed to connect the developments. There is still an uncertainty regarding the gate, this will be addressed at a later time with Mr. Palmberg.

If you should have any questions please feel free to contact me.

Thank you,

Bill H. Eddy
Fire Chief
Gearhart Fire

cc: Palmberg Development, Jason Palmberg, File



PERMITS

5/30/2010

ATTACHMENT 4

DEQ SITE EVALUATIONS



Oregon

Theodore Kalongoski, Governor

Department of Environmental Quality

Western Region Roseburg Office

725 SE Main

Roseburg, OR 97470

(541) 440-3338

FAX (541) 440-3396

August 28, 2007

Dale Wideman
P.O. Box 1000
Cannon Beach, OR 97110

IMPORTANT DOCUMENT – PLEASE READ CAREFULLY

-This is not a construction permit-

RE: OS# 404684 Site Evaluation Results – Site Approval With Conditions
Township/Range/Section: 7N-10W-27, TaxLot Number: 3500
Clatsop County, Lot 8 Riding High Estates.

Dear Mr. Wideman:

Your site was evaluated for suitability of on-site sewage disposal systems on the following date(s): 8/22/2007. Based on this evaluation, the following on-site sewage disposal systems are approved:

Initial system: Standard, 225 linear feet drainfield

Replacement system: Standard, 225 linear feet drainfield

Details of the site evaluation are included in the Site Evaluation Report that is enclosed. The Site Evaluation Report also includes more specific information and further conditions of site approval.

Next Step – Applying for a Construction/Installation Permit

When you are ready to proceed with system construction, contact this office to get a permit application package. The permit must be issued by DEQ before you can start construction.

Request for Site Evaluation Report Review or Request for Variance

If you believe that an error was made in the evaluation of your property, you may apply for a Site Evaluation Report Review at a cost of \$440. If you would like to apply for a Variance from one or more of the On-Site Sewage Disposal rules, you may apply for a Variance at a cost of \$1340. If you are interested in either of these actions, please contact the undersigned for more details before you proceed.

Best wishes on a successful project. If you have any other questions about this report, please feel free to call me at (503) 861-3280 or (541) 440-3338 ext. 236.

Sincerely,

Greg Farrell REHS
Natural Resources Specialist

Enclosure
Site Evaluation Report



**Site Evaluation Report
For On-Site Sewage Disposal System Suitability**

Site Location: 7N-10W-27, TaxLot Number: 3500 ,
Clatsop County, Lot 8 Riding High Estates
Applicant: Dale Wideman
Date(s) of Site Evaluation: 8/22/2007
DEQ Onsite Specialist: Greg Farrell
Date of Report: August 28, 2007

General Description of Site Evaluations

Sewage contains disease-causing organisms and other pollutants that can cause adverse impacts to human health and the environment. An on-site sewage disposal system must treat and dispose of sewage in a way that will not cause a public health hazard, contaminate drinking water supplies, or pollute public waters.

Proper treatment in an on-site system begins with primary treatment in the septic tank. The septic tank separates the solid particles in sewage from the liquid. The liquid that comes out of the septic tank is called effluent. The effluent may then be dispersed in the soil for further treatment or discharged into a secondary treatment device such as a sand filter or aerobic treatment unit prior to dispersal in the soil. For proper treatment, the effluent must slowly infiltrate into the underlying soil. Dissolved wastes and bacteria in the effluent are trapped or adsorbed to soil particles or decomposed by microorganisms. This process removes disease-causing organisms, organic matter, and most nutrients. Effluent that comes to the ground surface (through poor soils or other problems with the system) can be a possible health hazard because it may still contain some disease-causing organisms. Soil that drains too quickly may not give the effluent enough treatment and may result in groundwater contamination.

The purpose of the evaluation was to locate suitable soils in an area that is large enough for both the initial drainfield area and the replacement drainfield area. The criteria used for this site evaluation can be found in Oregon Administrative Rules (OAR) 340-071.

Soil test pits and other site features were evaluated during the site visit on 8/22/2007. In the site inspection, the following features were evaluated:

- Soil types - how well they drain and other evidence of good soil structure for treatment
- Depth to groundwater
- Wells located on the site or adjacent sites.
- Slopes, escarpments, ground surface variations, topography
- Creeks or springs on the site or adjacent properties
- Whether the soils have been disturbed
- Setbacks from property lines, buildings, water lines, and other utilities
- Other site features that could affect the placement of your on-site system.



Approved Systems

Based on the evaluation of the site conditions, the following on-site sewage disposal systems are approved:

Initial System:	System Type: Standard Minimum Septic Tank Size: 1000 gallons Linear feet of drainfield: 225 Distribution Method: Equal Trench Depths – Maximum: 36" and Minimum: 18" Other comments: The Clatsop Plains Groundwater Protection Plan requires a minimum of 1 acre for approval of a new standard system.
Replacement System:	System Type: Standard without pump Minimum Septic Tank Size: 1000 gallons Linear feet of drainfield: 225 Distribution Method: Equal Trench Depths – Maximum: 36" and Minimum: 18"

Attached is the Site Evaluation Field Worksheet, which shows the approved areas and other details of the site visit.

Additional Conditions of Site Approval

1. This site is approved for the type of disposal system described above. Peak sewage flow into the system is limited to a maximum of 450 gallons per day, with an average sewage flow of not more than 225 gallons per day. This is normally sufficient to serve a single family dwelling with a maximum of four bedrooms. Premature failure of the treatment system may occur if either of these flow quantities are exceeded. If for some reason you expect your domestic household water use may exceed these flows, it may be advisable to increase the size of the treatment system.
2. Any alteration of natural soil conditions (i.e. cutting or filling) in the acceptable area may void this approval.
3. Both the initial and replacement disposal areas are to be protected from traffic, cover, development or other potential disturbance of natural soil conditions.
4. The area must not be subjected to excessive saturation due to, but not limited to, artificial drainage of ground surfaces, roads, driveways and building down spouts.
5. This approval is given on the basis that the parcel described above will not be further partitioned or subdivided.
6. Placement of a well within 100 feet of the approved areas may invalidate this approval.

This site approval is valid until the system approved above is constructed in accordance with a DEQ construction permit). Technical rule changes shall not invalidate this approval, but may require use of a different kind of system. If there is a technical rule change affecting this site approval, the Department will attempt to notify in writing the current property owner as identified by the county assessor's records. The site approval runs with the land and will automatically benefit subsequent owners.

Attachment: Field Worksheet



SITE EVALUATION FIELD WORKSHEET

Lot #8

Township: 7 Range: 10 Section: 21 Tax Reference: 3-30 Parcel Size: 2 ac.
 Owner/Applicant: Dale Winters, Inc Evaluator: G. Lee Fawcett
 Inspection Date(s): 8-22-07 Application Number: 405411

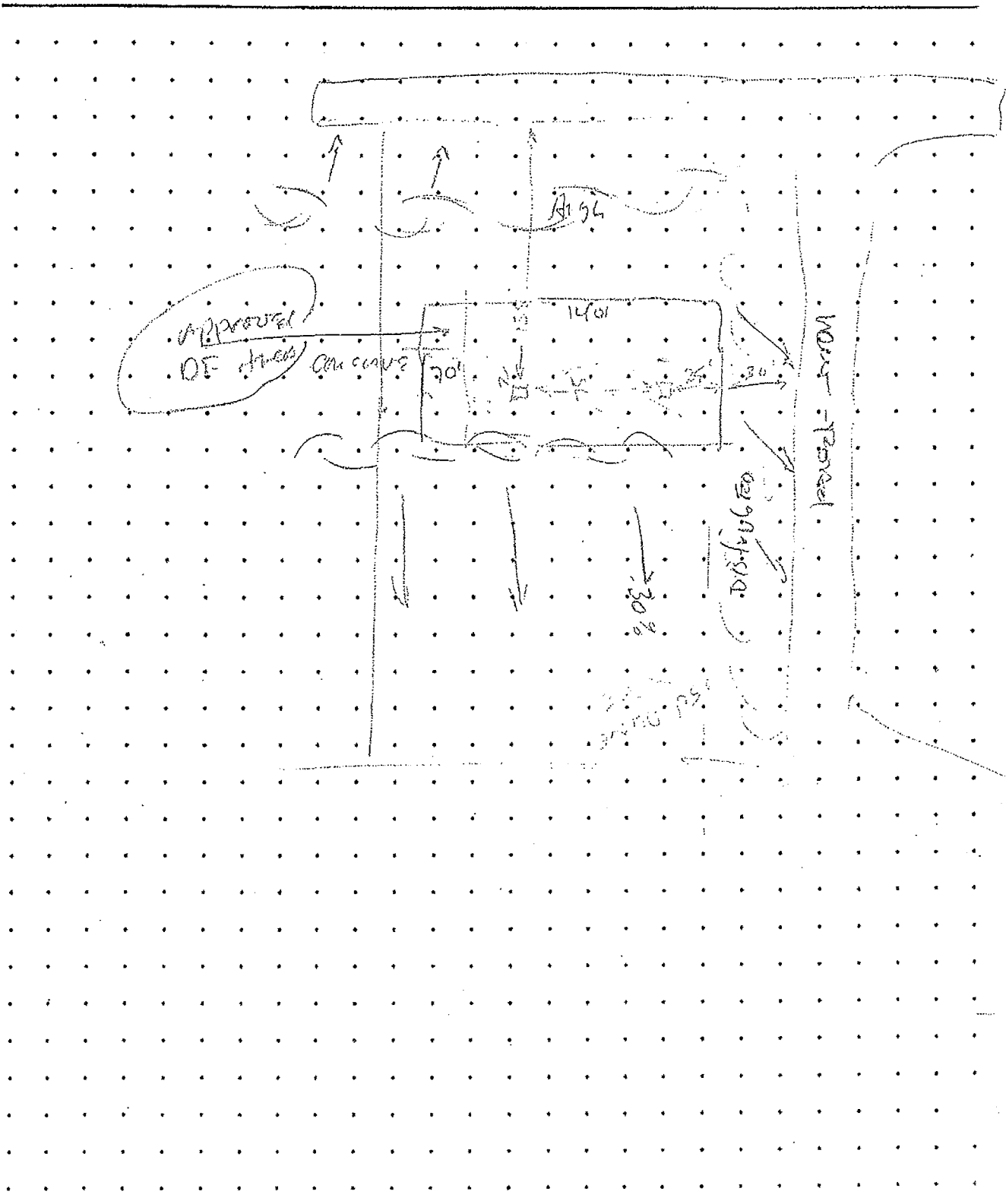
	DEPTH	TEXTURE	SOIL MATRIX COLOR AND CONDITIONS ASSOCIATED WITH SATURATION, ROOTS, STRUCTURE, EFFECTIVE SOIL DEPTH, ETC...
Pit 1	10-11	FS	10YR 7/2 SG WFK
	11-60	FS	10YR 4/4 SG C.F.K.
Pit 2	0-9	FS	SLM to 1
	9-36	FS	
	36-51	FS	Long Forest Residue Layer
Pit 3			
Pit 4			

Landscape Notes: 115' Elevation change and 20% slope
 Slope: _____ Aspect: _____ Groundwater Type: _____
 Other Site Notes: _____

SYSTEM SPECIFICATIONS

Design Flow: 450 gpd
 Initial System: Standard ATT Treatment Standard: 1
 Disposal Facility: 225 linear feet/square feet Maximum Depth: 3/4 inches Minimum Depth: 1 1/2 inches
 Replacement System: Standard ATT Treatment Standard: 1
 Disposal Facility: 225 linear feet/square feet Maximum Depth: 3/4 inches Minimum Depth: 1 1/2 inches
 Special Conditions: _____

Township: 7 Range: 10 Section: 27 Tax Reference: 3500 Parcel Size: 2 ac.
 Owner/Applicant: Dale W. ... Evaluator: Gr. Fauvel
 Inspection Date(s): 8-22-07 Application Number: 405411



Certificate of Satisfactory Completion

Installation of this onsite wastewater treatment system has been determined to comply with the applicable requirements in Oregon Administrative Rules Chapter 340, Divisions 071 and 073 and the conditions of Permit OS405111 as follows:

PROPERTY INFORMATION

Property Owner: Dale Wideman And Pam Wideman Township 07N, Range 10W, Section 27
Property Location: 89198 Easy Way Road, Warrenton Tax Lot 3500
Facility Type: Commercial Clatsop County
horse barn restroom

SPECIFICATIONS AND REQUIREMENTS

System type: Standard

Design Flow: 300 gals/day
Minimum Septic Tank Size: 1000 gals
Distribution Type: Serial
Total Trench Length: 150 Linear feet
Trench Spacing: 8 feet*
Media Type: Equalizer 24
Maximum Trench Depth: 30 inches
Minimum Trench Depth: 24 inches

*Minimum undisturbed soil between trenches

ADDITIONAL CONDITIONS

- 1 In accordance with Oregon Revised Statute 454.665, this Certificate of Satisfactory Completion is issued as evidence of satisfactory completion of an onsite wastewater treatment system at the location identified above.
- 2 Issuance of this Certificate does not constitute a warranty or guarantee that this onsite wastewater treatment system will function indefinitely without failure. Conditions imposed as permit requirements continue for the life of the system.
- 3 The area of the initial and the identified replacement area must not be subjected to activity that is likely to adversely affect the soil or the functioning of the system. Such activities may include, but are not limited to, vehicular traffic, livestock, covering the area with asphalt or concrete, filling, cutting, or other soil modification activities.
- 4 This onsite wastewater treatment system must be connected to the facility referenced herein within 5 years of the issuance of this Certificate of Satisfactory Completion (CSC) or rules for authorization notices, alteration permits, or construction-installation permits as outlined in OAR 340-071-0160, 340-071-0205, or 340-071-0210 apply, including payment of an additional fee.
- 5 This system must operate in compliance with OAR Chapter 340, Division 071 and must not create a public health hazard or pollute public waters.

6 Unless otherwise required by the agent, the system installer must backfill (cover) this system within 10 days after the issuance of this Certificate of Satisfactory Completion.

SYSTEM INSPECTIONS AND COMPLETION DATES

Pre-Cover Inspection by Connie Schrandt on 6/12/2008

Installer Name: Keith Keranen Excavating, Inc.

To be valid, this document must be signed by an "Agent" as defined in OAR 340-071-0100.

<u>Connie Schrandt</u>	<u>Onsite Wastewater Specialist</u>	<u>6/12/2008</u>
Authorized Agent:	Title	Date CSC Issued
Connie Schrandt		

Department of Environmental Quality
Northwest Region - Warrenton Office
65 N Highway 101, Suite G
Warrenton, OR 97146
Phone: (503) 861-3280
Fax: (503) 861-3259



Oregon

Theodore Kulongoski, Governor

Department of Environmental Quality
Northwest Region North Coast Branch Office
65 N Highway 101, Suite G
Warrenton, OR 97146
(503) 861-3280
FAX (503) 861-3259

January 22, 2003

Oscar & Pamela Wideman
P.O. Box 1000
Cannon Beach, OR 97110

IMPORTANT DOCUMENT -- PLEASE READ CAREFULLY
-This is not a construction permit-

RE: **Site Evaluation Results -- Site Approvals With Conditions**
Township/Range/Section: T7N, R10W, S28; Tax Lot # 600,
Proposed Lots 1, 2 & 3, Clatsop County

Dear Oscar & Pamela Wideman,

The three above-described properties were evaluated for suitability of on-site sewage disposal systems on the following date(s): January 7, 2003. Based on the evaluations, the following on-site sewage disposal systems are approved:

Initial system: Standard - 150 linear feet of disposal trenches
Replacement system: Standard - 150 linear feet of disposal trenches

Details of the site evaluation are included in the Site Evaluation Report enclosed. The Site Evaluation Report also includes more specific information and further conditions of site approval.

Next Step -- Applying for a Construction/Installation Permit

When you are ready to proceed with system construction, contact this office to get a permit application package. The permit must be issued by DEQ before you can start construction.

Request for Site Evaluation Report Review or Request for Variance

If you believe that an error was made in the evaluation of your properties, you may apply for a Site Evaluation Report Review within 30 days of the site evaluation report issue date at a cost of \$440. If you would like to apply for a Variance from one or more of the On-Site Sewage Disposal rules, you may do so at a cost of \$1340. If you are interested in either of these actions, please contact the undersigned for more details before you proceed.

Best wishes on a successful project. If you have any other questions about this report, please feel free to call me at (503) 861-3280.

Sincerely,

Connie M. Schrandt
Connie M. Schrandt
Natural Resource Specialist

Enc: Site Evaluation Report



**Site Evaluation Report
For On-Site Sewage Disposal System Suitability**

Site Location: T7N, R10W, S28; Tax Lot # 600, Proposed Lots 1, 2 & 3, Clatsop County
Applicant: Dale Wideman
Date(s) of Site Evaluation: January 7, 2003
DEQ Onsite Specialist: Connie M. Schrandt
Date of Report: January 22, 2003

General Description of Site Evaluations

Sewage contains disease-causing organisms and other pollutants that can cause adverse impacts to human health and the environment. An on-site sewage disposal system must treat and dispose of sewage in a way that will not cause a public health hazard, contaminate drinking water supplies, or pollute public waters.

Proper functioning of an on-site system begins with primary treatment in the septic tank. The septic tank separates the solid particles in sewage from the liquid. The liquid that comes out of the septic tank is called effluent. The effluent may then be dispersed in the soil for further treatment or discharged into a secondary treatment device such as a sand filter or aerobic treatment unit prior to dispersal in the soil. For proper treatment, the effluent must slowly infiltrate into the underlying soil. Dissolved wastes and bacteria in the effluent are trapped or adsorbed to soil particles or decomposed by microorganisms. This process removes disease-causing organisms, organic matter, and most nutrients. Effluent that comes to the ground surface (through poor soils or other problems with the system) can be a possible health hazard because it may still contain some disease-causing organisms. Soil that drains too quickly may not give the effluent enough treatment and may result in groundwater contamination.

The purpose of the evaluation was to locate suitable soils in an area that is large enough for both the initial and the replacement disposal areas. The criteria used for this site evaluation can be found in Oregon Administrative Rules (OAR) 340-071.

Soil test pits and other site features were evaluated during the site visit on January 7, 2003. In the site inspection, the following features were evaluated:

- Soil types - how well they drain and other evidence of good soil structure for treatment
- Depth to groundwater
- Wells located on the site or adjacent sites.
- Slopes, escarpments, ground surface variations, topography
- Creeks or springs on the site or adjacent properties
- Whether the soils have been disturbed
- Setbacks from property lines, buildings, water lines, and other utilities
- Other site features that could affect the placement of the on-site system.



Approved Systems

Based on the evaluation of the site and soil conditions, the following on-site sewage disposal systems are approved for **Lots 1, 2 & 3**:

Initial System: System Type: Standard
 Minimum Septic Tank Size: 1000 gallons
 Linear feet of disposal trenches: 200
 Distribution Method: Serial
 Trench Depths: Maximum - 36", Minimum - 24"

Replacement System: Same as for Initial System.

Attached is the Site Evaluation Field Worksheet and Plot Plans for each proposed lot, which show the approved areas and other details of the site visit.

Additional Conditions of Site Approval

1. Lots 1, 2 & 3 are each approved for the type of disposal system described above. Peak sewage flow into each system is limited to a maximum of 450 gallons per day, with an average sewage flow of not more than approximately half the peak sewage flow. This is normally sufficient to serve a single family dwelling with a maximum of four bedrooms. Premature failure of the treatment system may occur if either of these flow limits is exceeded. If for some reason domestic household water use is expected to exceed these flows, it may be advisable to increase the size of the treatment system.
2. Any alteration of natural soil conditions (i.e. cutting or filling) in the acceptable area on each proposed lot may void this approval.
3. Both the initial and replacement disposal areas are to be protected from traffic, cover, development or other potential disturbance of natural soil conditions.
4. The area must not be subjected to excessive saturation due to, but not limited to, artificial drainage of ground surfaces, roads, driveways and building down spouts. This approval is given on the basis that each proposed lot as described above will not be further partitioned or subdivided.
5. Field staking of disposal trenches for both the initial and replacement disposal areas may be required prior to issuance of a permit to construct the approved system.

This site approval is valid until each system is constructed in accordance with a DEQ construction permit. Technical rule changes shall not invalidate this approval, but may require use of a different kind of system. If there is a technical rule change affecting this site approval, the Department will attempt to notify in writing the current property owner as identified by the county assessor's records. The site approval runs with the land and will automatically benefit subsequent owners.

Attachment: Field Worksheet and Plot Plans



FIELD WORKSHEET

Tax reference T7N R10W S22 T. # 600 - Proposed lots 1, 2 & 3 Evaluator CMS
 Applicant Wideman Date 1-7-03 Parcel Size see below

	Depth (in.)	Texture	Soil Matrix Color and Redoxymorphic Features, %Coarse Fragments, Roots, Pores, Structure, Layer Limiting Effective Soil Depth, etc.	
Pit 1	0-12	sd	10YR 3/2; 15BK; many m.f. roots	1
	12-57	s	2.5Y 1/3; loose; 15BK; few m.f. roots to 28" hor.	
Pit 2			NOTE: Soil profile description similar for all test pits on lots 1, 2 & 3. Pit #5 (on lot 1) was supposed to max. depth of 110" bgs with no signs of saturated soils or groundwater.	
Pit 3				3

Landscape Notes stabilized dunal ridge - pasture
 Slope ~3-5% Aspect East Groundwater Type No Evidence

Other Site Notes: Drainfield areas to be 100 ft. from any groundwater or year-round surface water, 50' from intermittent surface waters and 10' from foundations, property lines and utility lines. Septic tank to be 50' from any groundwater or surface water, 5' from foundations, property lines and utility lines.

SYSTEM SPECIFICATIONS

Type System: **STANDARD** Design Flow: 450 gpd Disposal Field Size: 150 total linear ft.

Initial serial System Sizing: 50 linear ft/150gpd Max/Min Depths Required (in): 36/24
 Replacement " System Sizing: " linear ft/150gpd Max/Min Depths Required (in): " "

- Special Conditions:
- A detailed site development plan of proposed system construction (located within area of approved test holes) is required with permit application. The plan must show proposed system placement as it relates to existing and/or proposed structures, wells, waterways, roads and parking areas.
 - Honor all required setbacks (OAR 340-071, Table 1) and required separation distances.
 - Disposal areas to be kept free of cover, traffic, development or other potential disturbance of soil conditions described.

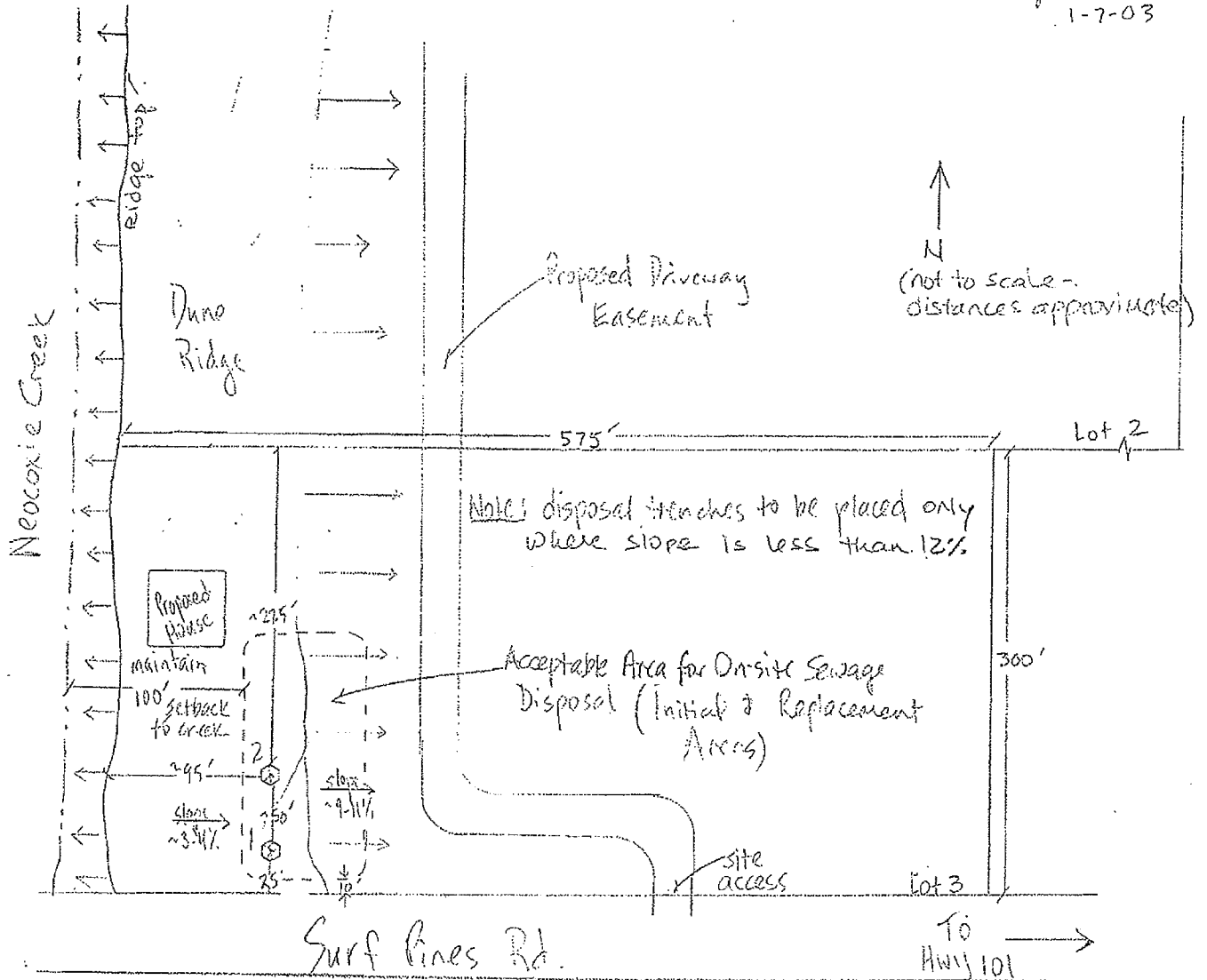
We recommend a DEQ licensed sewage disposal business prepare plans for DEQ construction/installation permit and install/repair/alter system following permit issuance. Please call 503-861-3280 if you have questions.

Lot 1 - 63.84 acres; Lot 2 - 6.43 acres; Lot 3 - 3.96 acres
Effluent pump required if required fall from outlet of septic tank to disposal trenches cannot be met. Minimum

PLOT PLAN ON REVERSE SIDE

NAME Oscar & Pamela Wideman T 7N R 10W S 22 TL# 600

Proposed Lot 3
1-7-03



Additional pits

4 _____

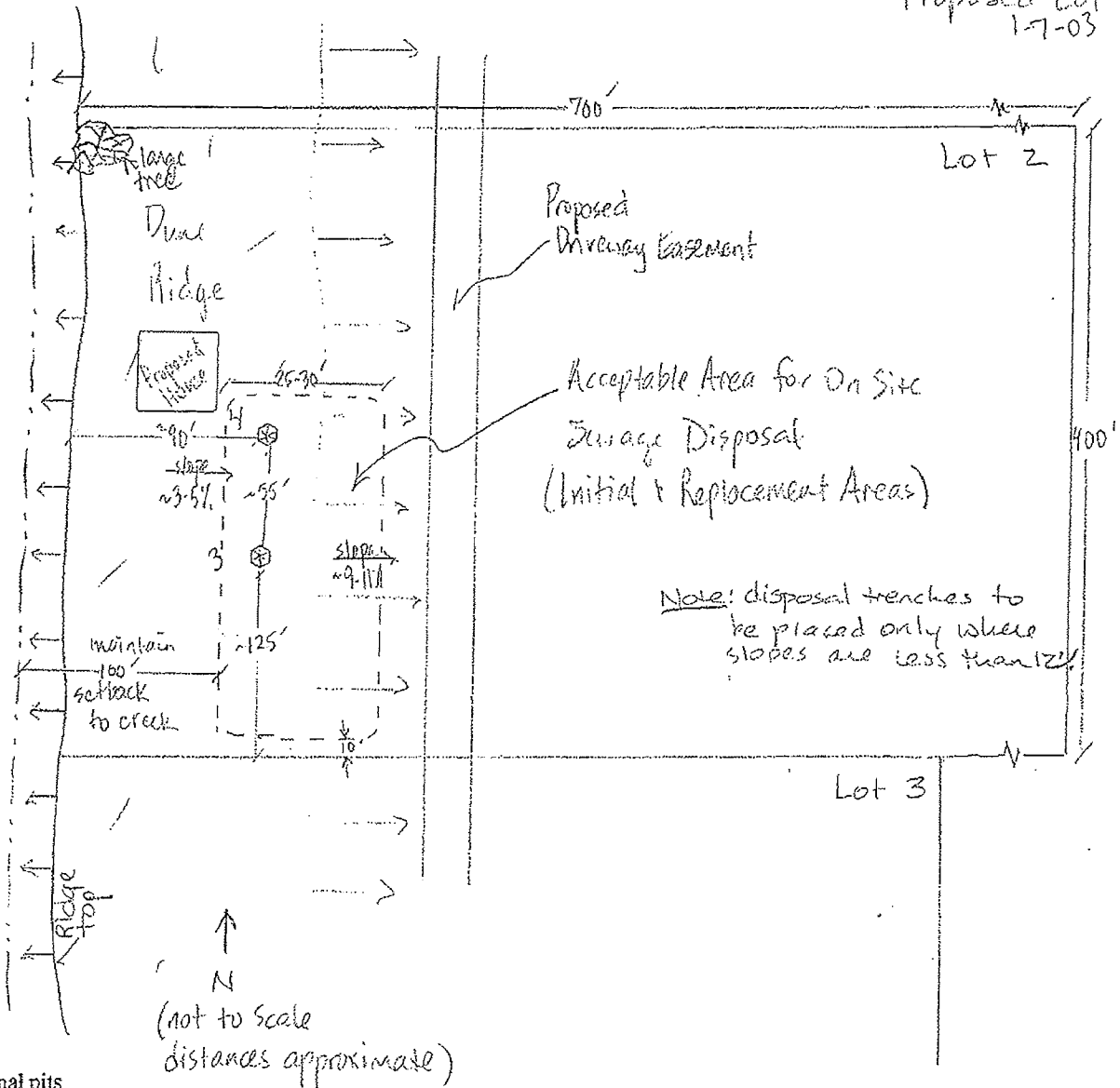
5 _____

Notes

NAME Oscar & Pamela Wideman

T 7N R 10W S 28 TL# 600

Proposed Lot 2
1-7-03



Additional pits

4

5

Notes

FIELD WORKSHEET

Tax reference _____ Evaluator _____
 Applicant _____ Date _____ Parcel Size _____

Depth (in.)	Texture	Soil Matrix Color and Redoxymorphic Features, %Coarse Fragments, Roots, Pores, Structure, Layer Limiting Effective Soil Depth, etc.	
Pit 1	_____	_____	1
	_____	_____	
	_____	_____	
	_____	_____	
Pit 2	_____	_____	2
	_____	_____	
	_____	_____	
	_____	_____	
Pit 3	_____	_____	3
	_____	_____	
	_____	_____	
	_____	_____	

Landscape Notes _____
 Slope _____ Aspect _____ Groundwater Type _____

Other Site Notes: Drainfield areas to be 100 ft. from any groundwater or year-round surface water, 50' from intermittent surface waters and 10' from foundations, property lines and utility lines. Septic tank to be 50' from any groundwater or surface water, 5' from foundations, property lines and utility lines. _____

SYSTEM SPECIFICATIONS

Type System: **STANDARD** Design Flow: _____ gpd Disposal Field Size: _____ total linear ft.

Initial _____ System Sizing: _____ linear ft/150gpd Max/Min Depths Required (in): _____
 Replacement _____ System Sizing: _____ linear ft/150gpd Max/Min Depths Required (in): _____

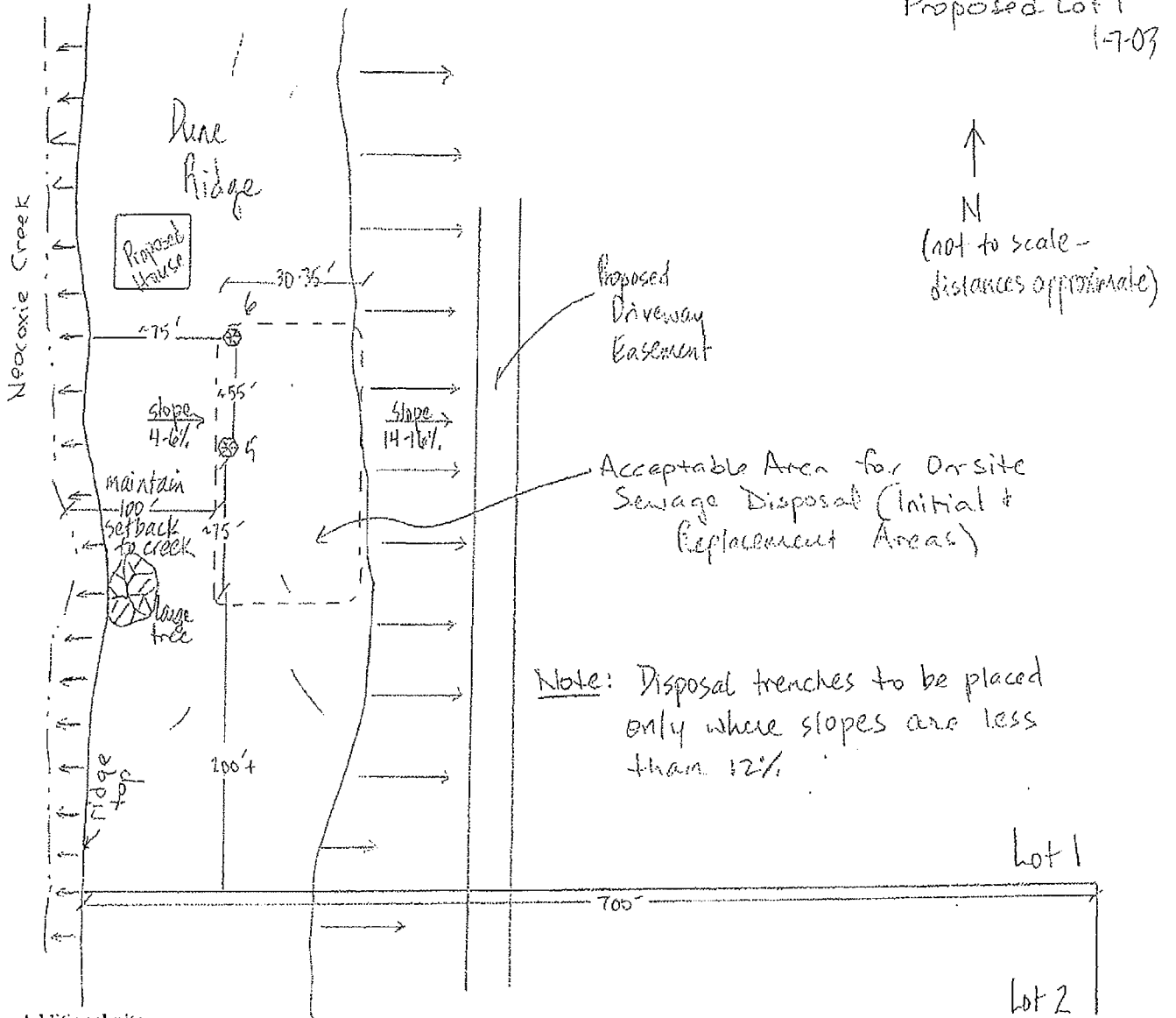
- Special Conditions:
- A detailed site development plan of proposed system construction (located within area of approved test holes) is required with permit application. The plan must show proposed system placement as it relates to existing and/or proposed structures, wells, waterways, roads and parking areas.
 - Honor all required setbacks (OAR 340-071, Table 1) and required separation distances.
 - Disposal areas to be kept free of cover, traffic, development or other potential disturbance of soil conditions described.

We recommend a DEQ licensed sewage disposal business prepare plans for DEQ construction/installation permit and install/repair/alter system following permit issuance. Please call 503-861-3280 if you have questions.

PLOT PLAN ON REVERSE SIDE

NAME Dorot & Pamela Widensan T 7N R 10W S 28 TL# 600

Proposed Lot 1
1-7-03



Note: Disposal trenches to be placed only where slopes are less than 12%.

Additional pits

4 _____

5 _____

Notes



FOIA b (7) - (D)

5/30/2010

ATTACHMENT 5

ULBRICHT LETTER JULY '07

89199 Easy: JAM

Clatsop County

August 9, 2007



Kenneth B. Ulbricht
Ulbricht Public Accounting, LLC
PO Box 1161
Seaside, Oregon 97133

Department of
Community Development
600 Exchange Street
Suite 100
Astoria, Oregon 97103

Re: Minor Amendments to Ridge Line Estates Subdivision

Dear Mr. Ulbricht:

Patrick Wingard and Teri Allen of this office have conveyed your request to amend Ridge Line Estates subdivision which was approved by the Clatsop County Planning Commission. Your letter of July 6, 2007 (attached) further reiterates what they have conveyed to me.

Economic Development
Planning & Development
Telephone (503) 325-6611
Fax (503) 338-3666

Building Codes Division
Telephone (503) 338-3697
Fax (503) 338-3666

Inspection Request Line
(503) 338-3698

Pursuant to Section 5.228 (6): *Minor amendments, such as slight alteration in lot lines, to an approved preliminary plat may be approved by the Director if said amendments concur with the Planning Commission's conditions of approval. Such amendments will only be valid for the twelve-month period following their approval and will become invalid if not implemented within that time.* Therefore, the amendments you propose in your July 6th letter have been determined to be minor amendments, will concur with the Planning Commission's conditions of approval and therefore, are approved. Please note that if these amendments are valid only for twelve months and will be become invalid if not implemented within that time frame.

Should you have any further questions please do not hesitate to contact this office, 503-325-6611.

Cordially,

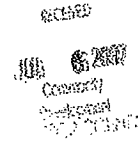
Ed Wegner, Director
Community Development

www.co.clatsop.or.us

ULBRICHT PUBLIC ACCOUNTING, LLC

July 6, 2007

Clatsop County
Community Development Director



Dear Sirs,

Presented as follows, please find the following:

- I. Interpretation allowing dwellings to be placed on top of the dune.
We present this discussion so that we may have an understanding of where we will be allowed to site residential dwellings on the lots.

The DEQ is requiring perk test for all the lots, and accordingly, we have to know where the building envelopes will be for each lot.

Additionally, we need to identify where the ground water well sources will be drilled.

- II. Minor Amendments for the road location and lot configuration for lots 7 thru 2.

Item#17, in the Conditions of approval discloses minor amendments to an approved preliminary plat may be approved by the Community Development Director if the amendments concur with the preliminary plat conditions of approval.

It is our hope that your office will view these as minor amendments to the project and allow us to proceed, without having to go back to the planning commission.

- I. **Interpretation allowing dwellings to be placed on top of the dune.**

Building placement on top of the dune.

Item # 6, in the Conditions of Approval discloses:

Including but not limited to a policy in the Covenants, Conditions and Restrictions (CC&R's) regarding residential development occurring on the side of the dunes rather than place and development on top of the dunes. Alternatively, the applicant can impose design standards for roofing types and materials to blend in with rather than dominate the surrounding landscape.

We would like to be allowed to build on top of the dune, and our review of the dune policy appears to rather subjective.

Accordingly, we respectfully request that you please review our reasons and justifications to allow us to build on top of the dune.

1. No view of the homes will be seen from Highway 101.

The property is located approximately 400 feet from Highway 101, and has a dune ridge and valley between the property and Highway 101. Highway 101 is located on the east side of the first dune ridge and is placed at the bottom of the steep ridge.

Because of the steep dune next to the highway it is not possible to view the developed property from Highway 101.

2. There is no developed property between our proposed project and Highway 101.

The strip of land between the project and Highway 101 is approximately 400ft. by 2400ft. with a typical terrain of a steep narrow valley.

The owners of the property did not object to our application of the project.

3. We will incorporate design standards, and included them in the CC & R's, to blend in with rather than dominate the surrounding landscape.

Included but limited to, the following standards will be included in the CC & R's:

1. Maximum height of any dwellings will be 24 feet.
2. Roofing materials will be architectural comp. or wood cedar shakes.
3. Roof colors must be brown, tan, grey, black, or other acceptable earth tone color. No bright colors for roofs will be allowed.
4. Exterior wall color must be soft earth tone colors and no bright colors will be allowed.
5. All residential homes must have approval from the design review committee before construction begins.
6. No large travel trailers or RV's may be placed out in the open for more than a five day period.
7. All homes must have garages to store autos.
8. All homes must be landscaped, and include only natural plants and vegetation from the local region. All landscaping plans must be approved by the design and review committee.
9. Any development on the lots must follow all county and local requirements, including erosion controls.

4. Because Lots 7 thru 2 will be reconfigured from a rectangular shape to more of a square shape, the homes will be spaced further apart.
5. Placing the homes on top of the dune will require less cutting into the dune by placing them into the side of the dunes.

II. Minor Amendments for the road location and lot configuration for lots 7 thru 2.

1. Road Location.

The original site plan had the road running in a straight line south to north.

We respectfully request that the road be allowed to enter the property at the same location and continue north as original proposed, then be allowed to cut across lots 9 and 8 to the east property line. At the east property line the road would then be directed north to the end of the property. (Please refer to EXHIBIT A, which discloses the new proposed road highlighted in RED.)

Reason for Proposed Change.

1. Less required cut and fill.

The property currently has a natural break in the hillside between lots 9 and 8. Taking advantage of the natural break we would be able to proceed up hill and maintain the required grade for fire and safety while eliminating nine driveways that would have to cut into the hillside, which would require switchbacks to maintain proper grade.

This would eliminate approximately 49,500 sq footage of cutting and disturbing the dunes.

Please refer to Exhibit B, which discloses the elevations of the property.

The original road was positioned on the westerly side of lots 10 thru 2.

The original driveways would go easterly off of the road and begin at an approximate elevation of 40 feet, and climb to an approximate elevation of 70 feet, within a distance of approximately 195 feet, which will require switch backs in order to maintain grade for fire and safety.

By allowing the change we would have the driveways proceed westerly from the revised road and climb from an approximate starting elevation of 60 feet and have little or no increase in grade.

2. Less erosion control.

Because of the reduction in cut and fill, there would be less erosion and control on the property.

3. Less visual notice.

By adjusting the road, as requested, the neighboring residences of Surf Pines would have a material amount of less visual notice of any cut driveways and dune disturbance. The road, once moved to the easterly portion of the lots, would be non-visible to the Surf Pines residences, or any traffic traveling on Surf Pines road. There is no development on the property to east of the lots. The road and the homes would not be visible from Highway 101.

2. Changing the configuration of Lots 7 thru 2.

The square footage remains the same for each lot: however we would change the lots from a rectangle shape to more of a square shape.

This change allows the design to better enhance the visuals of the project and not allow building at the bottom toe of the dune. Additionally, it spaces the dwellings more between buildings.

We believe the change of the road and lot configurations to be of minor changes.

The project will still have nine contiguous lots and a road that still runs south to north.

All other aspects and components of the project will remain the same. (i.e. open spaces, lot sizes, maintenance agreements, etc.)

We have changed design engineers of the project because we felt that their firm lacked the skills for a project design that should include diversity for visual, ecological, and creativity needs.

In light of our explanations outlined above, we respectfully request that the minor changes be allowed.

We trust that you will find the above in order, but should you have any questions or wish to discuss this matter further, please do not hesitate to contact this office.

Sincerely,

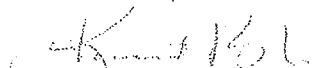

Kenneth B. Ulbricht

EXHIBIT A

**REVISED SITE PLAN
RIDGE LINE ESTATES**

IN THE W 1/2 OF SECTION 27, T7N, R10W, W.M.
CLATSOP COUNTY, OREGON
DATE: JUNE 14, 2007 SCALE 1" = 300'

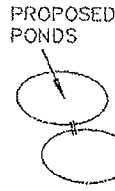
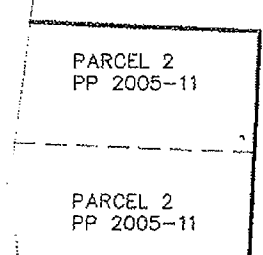
Handwritten notes:
CORNER - LINES
Was Approved
[unclear]



DRAWING NAME: 7-052 DATE OF PLOT: 7/13/07

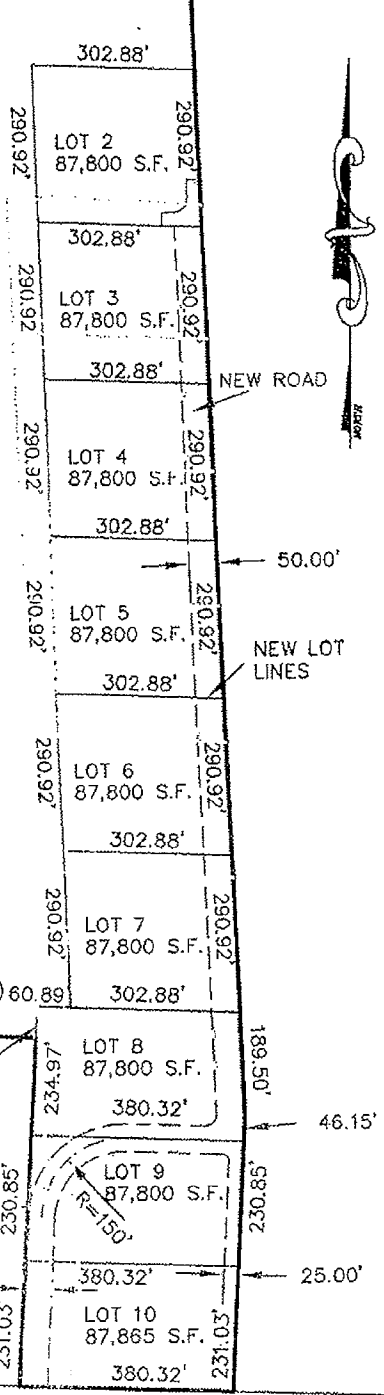
NEACOXIE CREEK

LOT 1
40+ ACRES



PARCEL 2
PP 2004-10

PARCEL 3
PP 2004-10



MAP FOR: WIDEMAN
SURVEY BY: CKI, INC.
P.O. BOX 309
SEASIDE, OR 97138
PH: 503 738 4320
FAX: 503 738 7854

SURF PINES ROAD

ATTACHMENT 6

**U.S. Fish and Wildlife letter concerning the Oregon Sliverspot Butterfly
Habitat**

Exhibit D



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Oregon Fish and Wildlife Office
2600 SE 98th Avenue, Suite 100
Portland, Oregon 97266
Phone: (503)231-6179 FAX: (503)231-6195



Reply To: 8330.05012 (04)
File Name: Wideman_Clatsop Plains
TS Number: 04-3685

AUG 2 12 2004

Dale and Pam Wideman
P. O. Box 1000
Cannon Beach, OR 97110

RE: Response to Request for Service Input Regarding Oregon Silverspot Butterfly Habitat:
Clatsop County, Oregon, for applicant, Dale and Pam Wideman, represented by Elissa
Simonson of HLB & Associates, Inc. (Log# 1-7-04-TA-0501).

Dear Mr. and Mrs. Wideman:

This letter is the U.S. Fish and Wildlife Service's (Service) response regarding your request, received August 5, 2004, for comments on potential impacts to the Oregon silverspot butterfly (*Speyeria zerene hippolyta*) from the proposed subdivision and development of your property located in Clatsop County, Oregon. The property has been identified as potential Oregon silverspot butterfly habitat. The Oregon silverspot butterfly is federally-listed as threatened under the Endangered Species Act of 1973 (Act), as amended. Your letter requests our approval to meet the requirements of Clatsop County Community Development Department in their efforts to protect habitat that has the potential to support the Oregon silverspot butterfly.

The Oregon silverspot butterfly occurs in coastal plain grasslands at only six sites in Oregon and California. Habitat quality is determined by the presence of plant species which are essential to the survival of the Oregon silverspot butterfly, including early blue violet (*Viola adunca*), the larval host plant, dune goldenrod (*Solidago spathulata*) and other adult nectar sources. The final rule published in the Federal Register listing the Oregon silverspot butterfly (enclosed) as a threatened species, stated that certain activities may result in "take" of the butterfly. The unauthorized "take" of a threatened species of fish or wildlife is a prohibited activity under the Act and its implementing regulations. As defined in the Act, "take" includes harm, pursue, wound, kill, capture, or collect the species, or attempt to engage in any such conduct." "Harm" in the definition of "take" in the Act means an action which actually kills or injures wildlife. Such actions may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavior patterns, including breeding, feeding, or sheltering (50 CFR 17.3). Specific habitat modifications that may harm Oregon silverspot butterfly include actions that result in a reduction of availability of larval host plants, such as violet species.

Printed on 100 percent chlorine free/60 percent post-consumer content paper.

TAKE PRIDE
IN AMERICA

The subject property encompasses 74.23-acres and is identified as Tax Lot 3500 of Assessor Map 7 10 27, or formerly Tax Lot 600 of Assessor Map 7 10 28 DB, T7N, R10W, East 1/2 Section 28 and West 1/2 Section 27. According to the information provided, you are initially proposing a property partition, Application No. 04-07-01. The preferred plan is to initially subdivide the property into three parcels. In 2004, Parcel 1 would encompass 54.2 acres with Parcels 2 and 3 being approximately 5.0 acres each. Within Parcel 1, a 20-acre Open Space area would be located on the northern most part of the property. In 2005, the Parcels would be redrawn. At that time, Parcel 1 would encompass 60.17 acres, and Parcels 2 and 3 would be approximately 2.0 acres each. Parcel 1 might then be further divided into 10 lots, with Lot 1 being approximately 20 acres with Lots 2 to 10 being approximately 2 acres each, and the 20-acre Open Space area would remain on the northern-most part of the property. All parcels and lots would be located on the central and southern part of the property away from the area mapped as an Open Space area.

Because the property is in the general vicinity of previous Oregon silverspot butterfly sightings and habitat, you were asked to have a violet survey of the property so the affects to the habitat and the likelihood of incidental "take" of the butterfly from the development proposal could be evaluated. A violet survey was conducted by Mike Patterson of Celata Research Associates between April 27 and May 2, 2004, during the period when the violet flowers were in bloom. Violets were flagged, and their locations were recorded using a Global Positioning System. The total number of violets found on the property was 351. Except for three violet plants, the bulk of the violets were located on the northwestern part of the property, around a wetland, with violet densities ranging from 3 to 5 plants per square meter. An aerial photograph delineating the violet locations in relation to the proposed parcels was received August 5, 2004, for Service review. Also received was a separate map of the parcels showing the 2004 and 2005 proposed partitions of the property, with the northern part of the property designated as Open Space. The Open Space encompasses approximately 20 acres in which all but three of the violets were located with additional buffer space surrounding the violets.

Three violets were found during the survey within the proposed home site construction area on Parcel 1. When we recently visited the site on August 12, 2004, these violets could not be located, possibly because of current home construction activities. However, because these violets were located away from the dense violet area to the north, it is unlikely that they supported Oregon silverspot larvae, and therefore, "take" was unlikely to have occurred.

Communication between the owners representative, Elissa Simonson of HLB & Associates, Inc., and the Service, has consisted of written correspondence, phone conversations, maps, and a meeting and site visit August 12, 2004. You have expressed (through your representative) your willingness to protect the Oregon silverspot butterfly larval habitat (violet area). You have chosen to pursue a plan that would avoid "take" of the Oregon silverspot butterfly and protect the habitat while still allowing for a low impact development.

We believe the proposed subdivision of the 74.23 acres and the subsequent issuance of building permits outside of the designated Open Space area on the northern portion of the property is not likely to result in "take" of Oregon silverspot butterflies. Our analysis on the following assumptions:

- 1) Future actions surrounding the Open Space area will not affect the hydrology of the Open Space area, and therefore the plant community will not be altered.
- 2) No soil disturbing activities will occur within the Open Space area, such as construction of buildings, utility corridors, off-road vehicle use, roads or trails.

On the Clatsop Plains, Oregon silverspot butterfly habitat has become increasingly rare. Because your property supports some quality butterfly habitat within the Open Space area, the opportunity exists to enhance degraded areas and work to maintain the habitat if you so chose. The Service would like to help by providing technical assistance, advice on habitat restoration, or information on funding opportunities available to private landowners pursuing conservation actions on their land.

We look forward to the potential opportunity to work with you on this and other projects to provide mutual benefits to listed species and private individuals. Please contact Laura Todd or Anne Walker at (503) 231-6179 if you have any questions. 337

234

(541) 867-4558

Sincerely,


Kemper M. McMaster
State Supervisor

Enclosure

Final rule listing as threatened, 45 FR 44935 and Critical Habitat 50 CFR Part 17 (July 2, 1980)

LITERATURE CITED

Patterson, M. 2004. Violet Survey Report for Tax Lot 3500 of 7 10 27 Owned by Dale and Pam Wideman. Celata Research Associates, Gearhart, OR.

cc: Elissa Simonson, HLB & Associates, Inc.
Terri Allen, Clatsop County Community Development

TAB E



EXHIBIT E – SUBDIVISION CRITERIA

APPLICABLE APPROVAL CRITERIA:

The County Zoning Code criteria for approving this request are contained in the Clatsop County Land Water Development and Use Ordinance (“LWDUO”)(Codified as of August 23, 2007), Clatsop County Standards Document (“SD”)(Including amendments through December 9, 2009), and Clatsop County’s Comprehensive Plan. In discussion below, the applicant identified what they believe are the applicable criteria and describes how those approval criteria are met:

CLATSOP COUNTY’S COMPREHENSIVE PLAN

Comprehensive Plan Policies applying to the subdivision and zone change are thoroughly addressed in Exhibit D. Consistency with the Comprehensive plan policies can be satisfied with the application of appropriate conditions.

The proposal is consistent with comprehensive plan policies and statewide planning goals.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE

Approval Criterion:

Section 5.226. Preliminary Plat Information.

The Preliminary Plat of the proposed subdivision shall include the following information:

1. Proposed name of subdivision. Subdivision plat names shall be subject to the approval of the County Surveyor or, in the case where there is no County Surveyor, the County Assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers and, if used, the block numbers of the subdivision plat of the same name last filed. On or after January 1, 1992, any subdivision submitted for final approval shall not use block number or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name that has previously used block numbers or letters.

Findings:

The Applicant is proposing to retain “Polo Ridge” as the name of the platted subdivision. The previous subdivision on this site was not finalized.

The proposal satisfies criteria 1.

2. Northpoint, scale, and date of the completed drawing, approximate acreage, and boundary lines.

Findings:

The information is provided on the Preliminary Plat.

The proposal satisfies criteria 2.



3. Appropriate identification clearly stating the map is a Preliminary Plat.

Findings:

The information is noted on the submitted plat.

The proposal satisfies criteria 3.

4. Location of the subdivision by section, township, range, tax lot or lots and donation land claim sufficient to define the location and boundaries of the proposed subdivision.

Findings:

The information is provided on the preliminary subdivision plat.

The proposal satisfies criteria 4.

5. Names, addresses and zip codes of all owners, subdividers, and engineers or surveyors responsible for laying out the subdivision.

Finding:

The information is provided on the preliminary subdivision plat.

The proposal satisfies criteria 5.

6. Existing locations, widths, names of both opened and unopened streets within or adjacent to the subdivision, together with easements, or rights-of-way and other important features, such as section lines, corners, city boundary lines and monuments.

Findings:

This information is provided on the preliminary subdivision plat.

The proposal satisfies criteria 6.

7. A vicinity map showing the relationship of the proposed subdivision to surrounding development, streets, and sewer and water services, within one-quarter (1/4) mile of the exterior boundaries of the proposed development.

Findings:

An appropriate vicinity map is provided on the face of the preliminary plat.

The proposal satisfies criteria 7.

8. Location of at least one (1) temporary benchmark within the plat boundaries.

Findings:

The information is provided on the preliminary subdivision plat.

The proposal satisfies criteria 8.

9. Contour lines related to the temporary bench mark or other datum approved by the County Surveyor and having contour intervals together with the calculated degrees of slope as follows:

- A). For slopes not in excess of 10 percent: two-foot contours.
- B). For slopes over 10 percent: five-foot contours.

Findings:



2-foot contours are shown on the portions with grades below 10%. In areas where the grade is above 10 percent slopes are demarcated with 5-foot contours.

The proposal satisfies criteria 9.

10. Location of significant natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees.

Findings:

The preliminary plat illustrates significant natural features such as wetlands and water bodies. There are no other significant natural features on the site.

The proposal satisfies criteria 10.

11. Location of any rare, threatened and endangered species (plant or animal) located on or within 1,000 feet of the proposed subdivision.

Findings:

The preliminary plat illustrates the location of blue violets within the subdivision boundaries and those immediately adjacent to the subject property. The violets indicate Oregon Silver Spot Butterfly habitat. This proposal designates the areas with butterfly habitat as permanent common open space. Adjacent property owners would not allow our study team access to their property; therefore the scope of the report is limited to the boundaries of this proposal. It is suspected that the violets at the northwest corner continue northward onto adjacent property.

The proposal satisfied criteria 11.

12. Location and direction of all watercourses and/or bodies and the location of all areas subject to flooding.

Findings:

The direction of water flow of Neacoxie Creek is identified on the preliminary plat.

The proposal satisfies criteria 12.

13. Existing uses on the property, including location of all existing structures.

Findings:

Existing structures and their uses are clearly demarcated on the preliminary plat.

The proposal satisfies criteria 13.

14. Location, width, name, approximate grade, and radii of curves of all proposed streets, their relationship of such streets to any projected or existing streets adjoining the proposed subdivision. The subdivider shall submit documented preliminary approval, from the County Roadmaster, of his road design.

Findings:

A statement from the County Road Master indicating approval of the road design is attached to this document.

The proposal satisfies criteria 14.



15. Location, width, and purpose of proposed easements and private roads for private use, where permitted, and all reservations or restrictions relating to such easements and private roads.

Findings:

The location, width, and purpose of the road easements are identified on the preliminary plat. All reservations and restrictions will be contained in the CC&Rs attached to the document.

The proposal satisfies criteria 15.

16. Proposed plan for draining surface water, including the location and type of drainage ways to carry surface water from the development without adversely affecting adjacent properties. If any filling is proposed, the drainage plan must demonstrate that adequate provisions have been made for the prevention of backup or ponding of surface water on adjacent properties as well as within the proposed development.

Findings:

The soils are predominately sandy loam with a high permeability rating. Surface water drainage should not be a problem. Regardless, the applicant is proposing to direct drainage into bio-swales leading to appropriate drainage areas or wetlands as indicated on the preliminary plat.

The proposal satisfies criteria 16.

17. Location, acreage and dimensions of lots and the proposed lot numbers.

Findings:

The information is provided on the preliminary plat.

The proposal satisfies criteria 17.

18. Site, if any, allocated for a purpose other than single-family dwellings.

Findings:

Sites allocated to permanent common open space are identified with alphanumeric numbers on the face of the plat. Additionally recreational structures and areas have been identified, such as the Barn and Polo Fields. Currently the applicant is uncertain whether these recreation facilities will be for the common use of the lot owners, but are available should a need arise.

The proposal satisfies criteria 18.

19. Location, acreage and dimensions of areas proposed for public use.

Findings:

As mentioned in 18 above areas designated for recreational purposes and public use have been identified as open space tracts, and given an alphanumeric number.

The proposal satisfies criteria 19.

20. Location, acreage and dimensions of areas proposed for common open space (30% in the Rural designation of the Clatsop Plains planning area).

Findings:

County Clustering provisions require 30% open space. For this proposal 30% of the total land area including parcels previously clustered equals just over 18 acres of open space. The plat identifies 18.88



acres of permanent common open space in Tracts A, C, & D. Additionally clusters are in groups of ten and separated by a minimum of 100 feet.

The proposal satisfies criteria 20.

21. Any subdivision may be platted in as many as three (3) phases. All phases must be submitted on the Preliminary Plat with proposed time limitations for the recording of the various phases.

However, phasing must meet the following time limitations:

C). Phase I - shall be recorded within twelve (12) months of preliminary approval.

D). Phase II - shall be recorded within thirty-six (36) months of preliminary approval.

E). Phase III - shall be recorded within sixty (60) months of preliminary approval.

The Planning staff shall review each phase prior to recording to make sure the phase, as recorded, is in accord with the preliminary approval given by the Planning Commission. Any submitted phase, which does not coincide with the approval as given by the Planning Commission shall be referred to the Planning Commission for a hearing. At such hearing, the Commission shall have the authority to revoke, revise, amend or alter the prior approval. Notice shall be sent subject to Sections 6.110-6.120.

For any subdivision which has an approved phasing plan as granted by the Commission under the Preliminary Plat approval, all parts of the subdivision shall fall under control of the various Ordinances in effect at the time of preliminary approval, unless state or local law shall determine that newer or current Ordinances or laws are to be followed.

If any time limitation is exceeded, preliminary approval for the subdivision or any phase of the subdivision shall be void. The subdivider shall submit any future proposals for development of the property to the Commission for approval.

Agreement for improvements for each phase shall comply with this Ordinance prior to the Final Plat approval of such phase. If a bond is required, such bond shall be for a sum determined by the County Engineer to be sufficient to cover costs of construction for that phase.

Findings:

The proposal is for a three-phase development in accordance with the provisions listed above.

The proposal satisfies criteria 21.

22. Technical documentation shall be supplied to the Commission by the subdivider at the time of submittal of the Preliminary Plat, addressing the following items:

A). An acceptable and approved method of sewage disposal for each proposed lot which meets the rules and regulations of the Environmental Quality Commission of the State of Oregon as administered by the Department of Environmental Quality or its contract agent.

Findings:

The applicant has provided documentation from a sampling of lots throughout the subdivision. Those DEQ evaluations have been appended for consideration. (See Exhibit D Attachments).

Based on the cost and difficulty associated with DEQ site evaluation, and unspecified location of the dwellings that will be proposed sometime in the future, the applicant would request that this be attached as a condition of approval.

With appropriate conditions the proposal satisfies criteria 21(A)



B). An acceptable and approved method of water supply.

Findings:

The applicant is proposing to supply the subdivision with water from Warrenton Water District. A will serve letter has been provided and is appended to Exhibit D. Additionally Phase J is served by an existing well previously approved and verified for potability prior to development of the residence on lot 24

The proposal satisfies 22(B).

C). The nature and type of improvements proposed for the subdivision, and a timetable for their installation.

Findings:

The improvements will be developed in phases in accordance with the timetable established with county ordinance and identified with criteria 21 above.

The proposal satisfies 22(C).

D). A description of community facilities, which would serve the subdivision, and a timetable for the completion or installation of the facilities.

Findings:

Community facilities for the subdivision are described on the face of the plat and discussed previously with criteria 18 on page 4 of this document. These facilities are intended to service the community but will likely be held in private ownership and subject to their discretion. Therefore these facilities are not necessarily going to service the general public.

The proposal satisfies 22(D).

E). Where a surface or subsurface water problem may exist, as determined by the Department of Environmental Quality, County Sanitarian, or other qualified specialist, a complete report by an independent, qualified hydrologist or hydrogeologist or other qualified specialist shall be required prior to any hearing on the Preliminary Plat by the Commission. The fee for such study shall be paid by the subdivider.

Findings:

No current surface or subsurface water problem is known to exist at this time.

The proposal satisfies 22(E).

F). Subdividers shall provide a list of any restrictive covenants, which are to be recorded.

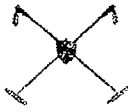
Findings:

The applicant has provided a draft copy of the restrictive covenants to be recorded with the subdivision.

The proposal satisfies 22(F).

G). A demonstration that lot size and use are in compliance with the applicable zone.

Findings:



Cluster provisions identified in the Standards Document (SD) S3.150-S3.160 are addressed later in this report.

Based on the findings in the analysis of SD S3.150-S3.160 the proposal satisfies 22(G).

23. Compliance with the Clatsop County Comprehensive Plan and Land and Water Development and Use Ordinance, and ORS 92 and 215.

Findings:

Consistency with Clatsop County's Comprehensive Plan is addressed on page 1 of this document and pages 2-36 of Exhibit D. Compliance with Clatsop County's LWDUO and ORS 92 and 215 require findings of consistency with Section 5.228 addressed later in this report.

The proposal satisfies criteria 23.

24. Lots not intended for sale shall be designated by alphabetic symbol, which indicates the intended usage. The acreage for each dedicated lot, if any, is to be shown.

Findings:

The information is shown on the Preliminary Plat.

The proposal satisfies criteria 24.

25. Notations indicating any limitations on rights-of-access to or from streets and lots or other parcels of land proposed by the developer or established by the Board.

Findings:

Such notations shall be noted on the face of the final plat or referenced to a recorded document in the County Deed Records if required by the hearing body.

The proposal satisfies criteria 25.

26. A quotation from the Clatsop County Assessor on taxes to be paid on a proposed subdivision before final platting shall take place in accordance with ORS 92.095.

Findings:

ORS 92.095 requires that all taxes be paid before filing of a partition or subdivision final plat. The applicant will be required to document all taxes are paid and current prior to approval and signing of the final plat. This should be appended as a condition of approval by the hearing body.

The proposal satisfies criteria 26.

27. If any federal or state permit is required to carry out the preliminary plat approval, approval shall be subject to a condition requiring the subdivision to comply with any applicable federal and state law.

Findings:

The applicant has provided most of the appropriate documentation and permits with this application. The documented evidence from DEQ, Warrenton Water District, Seaside Schools, and Gearhart RFPD are appended to Exhibit D of this application. Any other documentation required can be addressed through appropriate approval conditions.

The proposal satisfies criteria 27.



28. In areas subject to the geologic hazard overlay zone, a grading plan prepared in conformance with Section 4.040.

Findings:

According maps in the Community Development department depicting Natural Hazards the Proposed subdivision is not in a geological hazard.

The criterion does not apply to this development.

LWDUO Section 5.228 Applicable Criteria § (4) Preliminary Plat Review

Availability of Water Supply

Findings:

A letter from the Warrenton Water District stating that water services will be provided to the subject parcel is contained in the record and appended to Exhibit D.

Approved Provisions for Sewage Disposal

Findings:

See findings 22(a) on Page 5.

Approved Road System

Findings:

A statement from the County Road Master has been appended to this document illustrating that the road design meets the County's standards.

The proposal satisfies these criteria.

STANDARDS DOCUMENT

Approval Criterion:

S3.150. CLUSTER DEVELOPMENT AND DENSITY TRANSFER

S3.151. PURPOSE.

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

S3.152. Procedures for Cluster Development.

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

1. The applicant shall discuss the proposed cluster development with the staff of the Clatsop County Department of Community Development in a pre-application conference pursuant to Section 2.020.

Findings:

An informal pre-application conference has been conducted for this proposal.



The applicant has satisfied criteria 1.

2. An applicant for a cluster development must submit a development plan and receive approval of the plan prior to development.

Findings:

The applicant is submitting a preliminary plat illustrating a cluster development. Approval of the preliminary plat is essential for the development to move forward.

The proposal will satisfy criteria 2.

3. As soon as plan approval is given, the plan and any conditions of approval shall be recorded in the Office of the County Clerk by book and page and shall constitute an agreement not to divide the property as long as it remains in its present zoning.

Findings:

These criteria will need to be assessed through appropriate conditions.

The proposal will satisfy criteria 3.

4.
 - a. As a condition to the approval that may be given for partitioning under this section, the applicant shall provide all deeds or contracts affecting the original farm use parcel to assure that the maximum density will not be exceeded.
 - b. For each partition application under this Standard the Community Development Director or designate shall determine and include with the approved plan map a statement including:
 1. the number of homesite lots allowable on the original parcel,
 2. a legal description of the original parcel,
 3. the number of homesite lots that will result from the proposed partition, and
 4. the number of homesite lots, if any, that could be allowed in the future on the original parcel.

Findings:

The subject site is not in farm use; therefore criterion "a" is not applicable. Criterion "b" it to be completed by the Community Development Director in order to justify the open space and density provisions are satisfied. Calculations pertaining to these are included in this report.

The proposal is consistent with these provisions.

5. For purposes of calculating density for cluster developments or planned unit developments, the density allowed under the base zone designation shall be utilized regardless of overlay zone designations.

Findings:

The original site was approximately 65 acres in size allowing the applicant to cluster 13 residential home sites on the subject property without the addition of density credits. Of the 13 potential home sites two have already been used. The applicant is using the remaining 11 home sites and adding an additional 19 to complete a 30-unit subdivision. 18+ acres of land within the receiving



site is being designated as permanent common open space for butterfly preservation or recreational facilities.

The proposal is consistent with clustering and density transfer provision.

S3.158. Residential Cluster Development Standards.

- (1) The tract of land to be developed shall not be less than 4 contiguous acres in size, provided that land divided by a road shall be deemed to be contiguous.

Findings:

The remaining acreage on the lot is approximately 62 acres.

The proposal satisfies criteria 1.

- (2) The development may have a density not to exceed the equivalent of the number of dwelling units allowed per acre in the zone or zones.

Findings:

The number of dwelling units does not exceed the number of permissible dwelling units from the sending site and receiving site.

The proposal satisfies criteria 2.

- (3) The cluster development shall not contain commercial or industrial developments.

Findings:

The proposal does not include commercial or industrial developments.

The proposal satisfies criteria 3.

- (4) The minimum percentage of common open space shall be 30% excluding roads and property under water (MHHW).

Findings:

The 30% requirement would require approximately 18 acres to be designated open space. The applicant has designated 18.88 acres of common open space.

The proposal satisfies criteria 4.

- (5) Attached residences are permitted provided the density allowed per acre in the zone is not exceeded (this does not apply in the Clatsop Plains planning area).

Findings:

Attached residences are not proposed.

The proposal is consistent with provision 5.

- (6) The prescribed common open space may be used to buffer adjacent forest, farm, hazard areas or other resource lands such as but not limited to archeological and historical sites, water bodies, etc.

Findings:



The common open space is used to buffer lots from Shorelands along the banks of Neacoxie Creek.

The proposal is consistent with provision 6.

- (7) Land in the same ownership or under a single development application that is divided by a road can be used in calculating the acreage that can be used in the clustering option.

Findings:

This is not an approval criteria. The proposal does not take this aspect into consideration.

The proposal is consistent with provision 7.

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

Findings:

No cluster of more than ten lots is proposed with this proposal. A 100' buffer area between clusters is provided as a function of this proposal.

Criteria B does not consider the density transfer provisions described in the SD S3.161(F) which states that, "The minimum lot size shall be 1 acre for the receiving site..." This logic is also consistent with the county's comprehensive plan language governing rural lands in the Clatsop Plains.

The development will be served by individually approved DEQ septic systems.

Criteria D, like criteria B do not consider density transfers.

The proposal will not have an effect on farm or forest practices.



The applicant has provided sample deed restriction language attained from the county as part of a previous density transfer transaction involving Oregon's Department of Parks and Recreation.

The proposal is consistent with the provisions of the Criteria 8 that do not conflict with the density transfer provision.

S3.159. Purpose and Intent of Rural Residential Development in the Clatsop Plains Planning Area.

It is the purpose and intent of Clatsop County to maintain the rural character of residential land outside urban growth boundaries within the Clatsop Plains planning area by preserving and protecting concentrated open space and natural resources, and minimizing the impact of rural residential development on essential services, while also allowing low density residential development.

The County recognizes that achieving the density permitted in rural residential zones through clustered development better promotes the County's purpose and intent of maintaining the rural character of an area than does the traditional grid pattern of development where lots are not clustered and are created to directly correspond to the density permitted in the base zone. Through clustering development where the density permitted in the base zone is satisfied by combining smaller individual lots with larger expanses of open space, the County is able to retain the greatest concentration of permanent open space with the least impact on essential services. Conversely, large lots developed in a grid pattern extending over an entire subdivision or planned development site, negatively impact the rural character of an area by minimizing the amount of permanent open space and attendance resource protection, while increasing the public facility infrastructure necessary to service development covering a large expansion area.

Therefore, it is the County's purpose and intent that all residential planned developments and subdivisions in the Clatsop Plains planning area shall be clustered, which will ensure that the rural character is maintained.

Findings:

This proposal is consistent with the purpose and intent described in the above narrative.

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

(1) All planned developments and subdivisions shall designate and retain areas as permanent common open space.

Findings:

These areas are designated on the preliminary plat.

The proposal satisfies criteria 1.

(2) The minimum percentage of common open space shall be 30% excluding roads.

Findings:

As mentioned previously the requirement on this parcel is 18.15, the applicant is proposing 18.88 acres of open space.

The proposal satisfies criteria 2.



- (3) Permanent common open space shall include, whenever possible, steep dunes which would require substantial alterations for building, buffers along streams, water bodies, deflation plains, and farm and forest lands.

Findings:

These aspects were taken into consideration when designating the areas of permanent common open space.

The proposal is consistent with provision 3.

- (4) Buffers (screening) shall be provided in all subdivisions and planned developments along all property lines adjacent to arterials and/or collectors.

Findings:

The subdivision borders Surf Pines Lane, which could be considered a private collector street. If a buffer is required by the hearing body the applicant will plant a vegetative buffer along the southern boundary of the receiving site.

With appropriate conditions the proposal will satisfy criteria 4.

- (5) Permanent common open space as part of subdivisions or planned developments adjoining one another shall be interrelated and continuous whenever possible. This could mean that the common open space could continuously follow ridge tops, deflation plains or shorelands. The Clatsop County Department of Community Development shall prepare a map of potential systems of common open space to be used as a guide for developers.

Findings:

All common open space provided as a function of this proposal shares contiguous boundaries.

The proposal satisfies criteria 5.

- (6) Streams and drainages, which form a system of common open space shall be preserved.

Findings:

A small drainage area in the northern section of the subdivision and the majority of low-lying areas are designated common open space.

The proposal satisfies criteria 6.

- (7) Standards to be evaluated to achieve purpose and intent.

- (A) The minimum parcel size for cluster developments in the Rural Lands plan designation may be less than one (1) acre, but in no case may they be less than one-half (½) acre provided the following criteria are met.

The County has determined that satisfaction of the following criteria will achieve the County's purpose and intent to preserve the rural character of rural residential development:

1. Total amount and percentage of permanent common open space. All permanent common open space shall constitute not less than 30% of the entire development site, excluding roads and land under water.



2. Total number of lots in an individual residential cluster. No individual cluster, which consists of two (2) or more building lots, may contain more than twenty (20) building lots.
3. Distance between individual clusters within a proposed subdivision or planned development. Each individual cluster shall be separated from any other cluster within the proposed development by no less than 100 feet as measured from lot boundaries. For purposes of this standard a road connecting two or more clusters is not considered a part of the cluster in determining the required separation.
4. Distance between proposed residential clusters and pre-existing adjacent residential development. Each proposed cluster shall be separated from any existing adjacent residential development by no less than 100 feet as measured from lot boundaries. For purposes of this standard a road connecting the proposed cluster(s) and existing residential development is not considered a part of the cluster in determining the required separation.
5. Access roads. Access roads other than those connecting cluster(s) with pre-existing adjacent residential development and roads connecting clusters shall not be permitted in areas separating cluster development and pre-existing adjacent residential development.
6. Total overall density of development. The overall density of the entire development, including both open space and clustered development shall not exceed that density allowed in the base zone.
7. Individual lot size. The proposed lot size shall satisfy applicable Oregon Department of Environmental Quality rules regarding waste water treatment systems and local setback requirements but in no case may a lot be less than one-half (½) acre in size. No lots in the Coastal Beach Residential zone may be less than one (1) acre in size.
8. Unique or significant resources on site. Any identified Goal 5 or Goal 17 resource will be preserved and protected as required by the Comprehensive Plan and designed as a part of the permanent common open space areas of the development.
9. Types and levels of public facilities. Only those types and levels of public facilities permitted by the Comprehensive Plan shall be allowed.
10. Distance between proposed residential clusters and the Urban Growth Boundary. Each proposed individual cluster shall be separated from the Urban Growth Boundary by no less than 200 feet as measured from lot boundaries, excluding any connecting roads between the proposed cluster and the Urban Growth Boundary.
11. Review Standards and Conditions:
 - (a) In order for the County to conclude that a proposed planned development or subdivision in a rural residential zone maintains the rural character of the area, the County shall make findings, based upon substantial evidence in the whole record, which establishes that the criteria have been satisfied.
 - (b) Upon approval of a rural residential planned development or subdivision, the County shall require, as a condition of approval, that deed restrictions shall be filed in the Clatsop County Deed Records, in a form approved by County Counsel, that prohibits additional parcelization of the approved development or vacation of any permanent open space until such time as the entire area within the development is included within an urban growth boundary.

Findings:

Palmberg/Canessa/Neikes

Exhibit E

Page 14



The provisions under section 7 are addressed in Exhibit B and throughout this document. The proposal was designed with these provisions in mind and satisfies the applicable criteria identified in 1-11 above. Again criteria #6 does not consider the additional density being applied to the subject property. Regardless the overall density on the Clatsop Plains is virtually untouched with density transfers because the provisions require the applicant to round to the nearest whole unit. In this situation the applicant is using just under 25 acres zoned Single Family Residential - 1 (SFR-1). One lot is only a 1/2 acre but is identified as a lot of record, which qualifies it for 1 density credit. The other 24.37 acres gets rounded down to 24 density credits.

The application is consistent with the Cluster development provisions.

STANDARDS DOCUMENT CHAPTER 5 VEHICLE ACCESS CONTROL AND CIRCULATION

S5.033 Access Control Standards

Criteria:

1. Traffic Impact Study

Findings:

In accordance with the provisions outlined in LWDUO Section 5.350 a traffic impact study is not required for this proposal

The proposal satisfies these criteria.

2. Consolidation of Access Points, other Transportation Mitigation

Findings:

There are currently two access points to the proposed subdivision, the first is from *Fray Way Road* and the second from *Palo Ridge Road*. Additionally Chukkar lane and Cantor Road will provide internal transportation to the lots in Phase III.

The proposal satisfies this criterion

3. Access Options

Findings:

Currently there are two access options to the subject parcel. However "Fray Street which provides access to Phase one of the development currently has a deed restriction that limits access to other lots. The road system in the subdivision has been platted to property boundaries to provide potential access alternatives in the future.

The proposal satisfies the access provisions

4. Subdivision Fronting onto an Arterial Street

Findings:

The subdivision does not front onto an arterial street.

These criteria are satisfied.

5. Double Frontage Lots

Findings:



Due to topographical and physical constraints a few double frontage lots are created. However this factor is not expected to create difficulties for development. Additionally Clatsop County's LWDUC Section 5.033(5) stipulates provisions where such circumstances are permissible.

The proposal satisfies the criteria regarding double frontage lots.

6. Reverse Frontage Lots

Findings:

No reverse frontage lots are proposed.

The proposal satisfies the criteria for reverse frontage lots.

7. Access Spacing

Findings:

Minimum spacing standards for driveways to each lot do not apply along the private road (local street).

The proposal satisfies the access spacing criteria.

8. Number of Access Points

Findings:

One private road access per lot is proposed.

The proposal satisfies the criteria regarding access points

9. Shared Driveways

Where appropriate and feasible shared driveways will be implemented.

The proposal satisfies the shared driveway criteria.

10. Street Connectivity and Formation of blocks Required

a. Block Length and Perimeter

Findings:

The applicant's are proposing to use an existing road that was constructed with the original Polo Ridge Subdivision. This road has one block that is over the 1000-foot recommendation. However all other roads in the subdivision meet the block standard. Additionally LWDUC S5.033(10)(a) allows provisions for an exception to this standard when the topography makes and location of adjoining streets make it impractical to comply.

The proposed road system considers existing Minimum lot widths, 10 unit cluster provisions, current road build-outs, topography, butterfly habitat, and slopes on the subject property. These factors render a 1000-foot block impractical in this situation.

The applicant recommends the hearing body accept this reasoning and grant an exception to the 1000-Foot block length criteria.

b. Street Standards

Findings:



All streets servicing the subdivision shall be built to County Road Standards identified in Clatsop County's SD S6.050, Table 1.

The proposal will satisfy applicable street standards.

c. Driveway Openings

Findings:

The driveways that will connect the subdivision lots to the road system shall be 10-24 feet in width. Consistency with this standard will be confirmed at the development review/building permitting stage for each subdivision lot.

The proposal will satisfy applicable driveway opening criteria.

11. Fire Access and Parking Area Turnarounds

Findings:

The road network is built in conformance with the fire department recommendations. A letter from the fire department has been provided with Exhibit D illustrating compliance with these criteria.

The proposal is consistent with fire access and parking area turnarounds.

12. Vertical Clearance

Findings:

No obstructions currently exist.

The proposal is consistent with the vertical clearance criteria.

13. Vision Clearance

Findings:

A clear vision area shall be maintained at the corner of the access road and Surf Pines Lane.

The proposal satisfies the clear vision criteria.

14. Construction

Findings:

Development and construction of streets, driveways, stormwater drainage systems shall be in conformance with the standards approved by the county's Public Works Department.

This criteria can be conditionally satisfied.

STANDARDS DOCUMENT SECTION 5.100, SUBDIVISION DESIGN STANDARDS

S5.102 Streets

Findings:

The access road will be located within a 50-foot easement. A letter from The Surf Pines Home Owners Association granting authorization to take access from their private road has been appended to this document.

The proposal is consistent with the County's provisions for governing street design.



S5.104 Blocks

Findings:

Due to the topography and rural location the uniform subdivision blocks are not incorporated into the design of this subdivision. As described the previous page topography juxtaposed with other constrains make adhering to a 1000' block length impractical in this situation.

If the hearing body grants an exception this proposal is consistent with this provision.

S5.106 Lots

Findings:

The proposed subdivision lots are of the appropriate size, shape, width, and orientation for 1-acre lots in accordance with the density provisions in the Clatsop Plains planning area.

The proposal is consistent with the lot size and shape.

S5.108 Grading

Findings:

No grading has occurred on site thus far. LWDUO § 5.108 contains additional requirements for lot grading, specifically, cut slopes shall not exceed 1 ½ feet horizontal to one foot vertical and fill slopes shall not exceed two feet horizontal to one foot vertical.

Grading activity will be in compliance with the grading provisions.

S5.110 Building Lines

Findings:

A riparian corridor along each bank of Neacoxie Creek is identified on the preliminary plat

The proposal is consistent with Building Line provisions.

S5.112 Large Lot Subdivision

Findings:

The Current zoning and lot configuration does not allow the lots to be reduced further in the future. Criteria have been met.

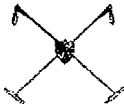
The criteria is not applicable to this application.

S5.114 Land for Public Purposes

Findings:

The county has not expressed an interest in this property. Therefore no such lands are required or proposed.

The proposal is consistent with the public Lands provision.



STANDARDS DOCUMENT SECTION 5.115 SUBDIVISION IMPROVEMENTS

S5.116 Improvement Procedures

Findings:

All subdivision improvements shall conform to the requirements of the County LWDUC and SD improvement standards and specifications adopted by the County.

The proposal is consistent with these criteria.

S5.118 Specifications for Improvements

Findings:

All road and drainage improvements will be installed in accordance with applicable county requirements.

The proposal will be consistent with Clatsop County Standards.

S5.120 Improvement Requirements

Findings:

The applicant installing the necessary utility(ies) in accordance with the rules of the applicable agency(ies) including: (1) Water lines; (2) DEQ approvals; (3) Drainage systems; (4) Streets; (5) Pedestrian ways; and (6) Underground Utilities.

The proposal is Consistent with the County's Improvement Requirements.

STANDARDS DOCUMENT CHAPTER 6 ROAD STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION

S6.005 General Road Access Policies

Findings:

If the applicant proposed to meet the minimum standard required per county road standards the road system would consist of an A-22 access road, with A-20 and A-14 service roads. The applicant has provided a statement from the County Road Master verifying that the proposed development conforms to county road standards.

The proposal will be consist with County road standards including access policies.

S6.010 Improvement Plans

The road layout shown on the preliminary subdivision plat application has been reviewed and approved by the County and local fire protection district.

The proposal will adhere to improvement plan policies.

S6.150 Table 1 Public/Private Road Minimum Requirements

The subdivision road will be located within a 50-foot wide easement and meet the county's A-20 requirements. The road shall be provided with suitable turnaround(s) in accordance with the Uniform Fire Code and the applicable Fire Chief. A road maintenance agreement shall be recorded and referenced on the face of the final subdivision plat.

The proposal is consistent with County road development standards.



ROAD MASTER

5/30/2010

ATTACHMENT 1

**LETTER FROM COUNTY ROAD MASTER INDICATING ROAD DESIGN
APPROVAL.**

Neikes/Palmberg

Exhibit E

Hi, Jason Sign Out All-New Mail Help

Preview Mail w/ Toolbar

Yahoo! Mail



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DIGITAL HOME PHONE SERVICE

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- Folders [Add]
- Inbox (71)
 - Drafts (1)
 - Sent
 - Spam (792) [Empty]
 - Trash [Empty]
 - My Photos
 - My Attachments

Polo Ridge Subdivision

Tuesday, May 25, 2010 2:25 PM

From: "Ron Ash" <RASH@co.clatsop.or.us>
 To: "Weston, Mike" <MWESTON@co.clatsop.or.us>
 Cc: jwpalmerberg@yahoo.com

Mike,
 I have examined the latest preliminary plat revision of Polo Ridge (T7-R10-Sec 27,28). The roadway details including radii, road width, typical section and grade conform with subdivision standards. The road alignment accessing Lot 1 and Tract B has been changed as requested. The latest plat (Rev. 6) is dated May 13, 2010. I can accept the preliminary plat of Polo Ridge.

If you have any questions, please let me know.

Ron

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Ron Ash, P.E., P.L.S., County Engineer
 Technical Services Manager
 Department of Transportation & Development
 1100 Olney Ave
 Astoria, OR 97103
 503.325.8631 voice 503.325.9312 fax
rash@co.clatsop.or.us



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FOIA(b)(7)(C)

5/30/2010

ATTACHMENT 2

CODES, COVENANTS, AND RESTRICTIONS

**DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS AND RESTRICTIONS**

In Clatsop County, Oregon.

This Declaration is made on the date hereinafter set forth by the undersigned, who are the owners of all property described herein.

WITNESSETH:

WHEREAS, Declarants are the owners of certain property in Clatsop County, Oregon, more particularly described as set forth in Exhibit A, which is attached hereto and incorporated herein by reference, including any parcels partitioned therefrom; and

WHEREAS, Declarants wish to insure the quality of construction, maintain the values of the properties and create a general design in construction and landscaping so that the design and particularly the completed structure, fencing and landscaping are compatible with each other; and

WHEREAS, it is intended that certain minimum timelines be met by the owners in respect to completing fencing, and construction for such properties;

NOW, THEREFORE, Declarants hereby declare that all of the property that is described herein shall be held, sold and conveyed subject to the following covenants, conditions and restrictions, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of the properties. These covenants, conditions and restrictions shall run with the real property and shall be binding on all parties having or acquiring any right, title or interest in the described properties or an / part thereof, and shall inure to the benefit of each owner of any of the properties thereon.

SECTION 1. PURPOSE OF STRUCTURES

No lot shall be used except for residential purposes and subservient uses as otherwise specifically provided in these covenants. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling, including garage. Outbuildings in conjunction with such residential uses shall be permitted as provided in Section 8 hereinafter.

The foregoing provisions shall not be deemed to prohibit the construction of a single-family residence on a lot in accordance with this Declaration, nor the storage, during the course of construction, of construction materials and equipment on said lot as may be necessary for such construction, nor the use of any residence on a lot as a model home for the purpose of sales under such circumstances and for such periods of time as may from time to time be deemed reasonable, but not to exceed eight (8) months. The placement of temporary signs advertising the property for sale shall not be limited to a specific period, but shall be removed immediately upon sale of the property.

SECTION 2. BUILDING SET BACKS AND HEIGHT

A. Except as otherwise restricted in these covenants, all structures shall be situated on lots in accordance with applicable city zoning ordinances.

B. It shall be deemed a violation of these covenants to request or obtain a variance from the provisions of any zoning ordinance unless such variance would not otherwise be a violation of these covenants and unless Two-Thirds (2/3) of the property owners first consent in writing.

SECTION 3. TEMPORARY STRUCTURES

No structure of a temporary or transient character, including but not limited to tents, shacks, sheds or any other building not constructed or approved under the standards of the Uniform Building Code in effect at the time of placement, shall be located on any building site within the subject development.

SECTION 4. LANDSCAPING - DRIVEWAYS

A. Initial landscaping with adequate land cover, including plants and shrubs, shall be planted within eight (8) months of substantial completion of all single-family dwellings.

B. Natural areas on the property shall be kept substantially free of berry vines, Tansey Ragwort, thistles, and Scotch Broom and reasonably maintained prior to construction.

C. Driveways shall be improved on or before the date of occupancy of the residence and shall be hard surfaced with blacktop, concrete, brick, or paving blocks.

SECTION 5. ANIMALS

A. No animal, livestock or poultry of any kind shall be raised, bred or kept on any site, except not more than two (2) dogs, two (2) cats or two (2) other common household pets may be kept, provided they are not kept, bred or maintained for any commercial purposes.

B. Personal pets shall be restricted to the respective owner's property by all reasonable means. Excessive or continuous barking of dogs shall not be permitted between the hours of 8:00 p.m. and 7:00 a.m. Animals in violation of this provision shall be kept inside buildings during such hours to minimize the annoyance to neighbors.

SECTION 6. COMMERCIAL USE

All commercial activity of every type and description whatsoever, specifically including but not limited to the use of any of the lots or buildings thereon for short term or recreational rental purposes or as bed and breakfast establishments, is prohibited. This provision shall not be construed to prohibit long term rentals for permanent, residential purposes.

SECTION 7. PARKED VEHICLES

Parking of boats, trailers, motorcycles, motor homes, buses, trucks greater than one ton capacity, truck campers, and automobiles not in regular use, and similar

equipment shall not be allowed on any part of said property, nor on public ways adjacent thereto, excepting only within the confines of an enclosed garage or within the fenced area of the property. No portion of the same may project beyond the enclosed area or the front walls of any dwelling, garage or outbuilding.

SECTION 8. RESTRICTION AS TO BUILDING MATERIALS AND CONSTRUCTION

A. All buildings shall be constructed on the lot upon which they shall permanently remain. "Pre-cut," "prefabricated," "modular," "manufactured," "mobile," "log homes," or any other means of "off-site" construction are prohibited.

B. All exterior construction shall consist of a double wall system. T-111 or other similar exterior plywood, wafer board, vinyl or compressed board finished surfaces are not permitted. Exterior finish must be solid wood.

C. Any outbuildings or part thereof, visible from Sea Ridge Lane shall meet the following standard as such outbuilding shall be of a construction material, exterior finish and architectural type similar to the residence thereon. No metal outbuildings are permitted. All outbuildings shall be limited to a maximum of twenty (20) feet and have a similar roof line to the residence as measured by city zoning standards. All piping and/or venting on buildings shall be on the side of the building away from Sea Ridge Lane.

D. The exterior of all construction shall be designed, built and maintained in such a manner as to blend in with the natural surroundings, existing structures and landscaping in Sea Ridge Estates. The exterior walls thereof shall be of subdued, earth tones. It is encouraged that all cedar shakes, shingles, or siding be left to weather naturally. Exterior trims, fences, doors, railings, decks, eaves, gutters and the exterior finish of garages and other accessory buildings shall be designed, built, and maintained to be compatible with the exterior of the structure they adjoin.

E. The roof line of all permanent structures on any lot shall have a minimum pitch of 6 x 12. The auxiliary building roof lines shall be in the same design as the primary residential building.

SECTION 9. FENCING

A. The side boundaries of the parcels shall be defined by fences constructed

of non painted natural wood six (6) feet in height running from the back of the lots, to a point adjacent to front building line of structure and no less than three (3) feet at front property corner. All fencing shall be completed within eight (8) months of substantial completion of residence.

B. The owners of the respective lots shall be responsible for materials and installing the fencing at their own expense, except that all abutting properties shall share the expense equally for fencing between their respective abutting parcels.

C. After installation, each owner shall, at his own expense, be responsible for the maintenance and repair of fencing on his line, and shall share such expenses equally with his neighbor for any joint fence line.

SECTION 10. WATER CONTROL

Each property owner shall be responsible to control water run off from their properties through use of dry wells or other devices reasonably necessary to protect abutting properties.

SECTION 11. LIMIT ON CONSTRUCTION TIME

All construction of single family dwellings shall be completed within eighteen (18) months from the time the construction permit is issued and any remaining construction materials removed from the exterior of the premises.

SECTION 12. UTILITIES

No outdoor overhead wire or service drop for the distribution of electric energy or for telecommunication or other purposes, nor any pole, tower or other structure supporting said outdoor overhead wire shall be erected, placed or maintained within the lots subject to this Amended Declaration. Satellite dishes shall not exceed forty-eight (48) inches in diameter.

SECTION 13. OFFENSIVE ACTIVITY

No noxious activities will be carried out upon any lot, nor shall anything be done

thereon which may be or may become an annoyance or nuisance to the neighborhood.

SECTION 14. ENFORCEMENT

In the event any owner shall violate any provision of this Declaration, any other individual property owner subject to this Declaration shall have the right to enforce, by any proceeding by law or in equity, all restrictions, conditions, covenants or reservations now or hereafter imposed by the provisions of this Declaration. Failure by any of the owners to enforce any covenant or restriction shall not be deemed a waiver of right to do so thereafter.

SECTION 16. ATTORNEY'S FEES

In the event any owner subject to this Declaration shall bring any suit or action to enforce this Declaration or any covenant or condition contained therein, the prevailing party shall be entitled to recover all costs and expenses incurred by such owner in connection with such suit or action, including such amount as the court may determine reasonable as attorney fees at trial and upon appeal thereof.

SECTION 17. SEVERABILITY

Invalidation of any one of these covenants or restrictions or any provision of this Declaration by judgment or court order shall in no way affect any other provisions, which provisions shall remain in full force and effect.

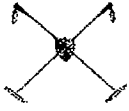
SECTION 18. AMENDMENT

The covenants and restrictions of this Declaration shall run with and bind the land and shall inure to the benefit of and be enforceable by the owner or owners of any residential lots subject to this Declaration, their respective legal representatives, heirs, successors and assigns, to (month of execution) _____, 2031, a term of twenty-five (25) years from the date appearing on this Declaration, after which time said covenants may be extended by the consent of two-thirds (2/3) of the owners of all of the property described in Exhibit A.

Any of the covenants and restrictions of this Declaration may be amended by an instrument signed by two-thirds (2/3) of the owners of all of the lots affected thereby.

SECTION 19. LOSS OF PROPERTY

In order to protect and preserve the appearance and value of the properties, each owner is required to immediately commence and diligently pursue without delay, the repair and rebuilding of his residence after any loss to it, or in the alternative, to remove all or any part of the structure and clean the lot.



ENCLOSURE

5/30/2010

ATTACHMENT 3

**LETTER FROM THE SURF PINES HOME OWNERS ASSOCIATION GRANTING
ACCESS TO SURF PINES LANE**

Neikes/Palmberg

Exhibit E

RETURNED
9-20-04

LETTER OF UNDERSTANDING

This letter serves as an understanding between the Surf Pines Homeowners Association and Ridge Line Estates Development LLC., for the purposes of allowing access unto Surf Pines Lane.

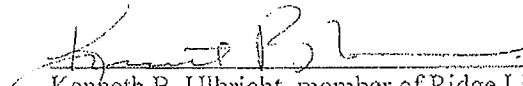
The Surf Pines Homeowners Association has reviewed the plans for access onto Surf pines Lane provided from Ridge Line Estates Development LLC, and agrees to allow access onto Surf Pines Lane.

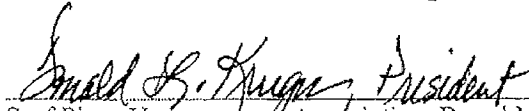
Ridge Line Estates Development LLC agrees to construct the access in accordance with the plans and drawings provided to the Surf Pines Homeowners Association.

Additionally, Ridge Line Estates Development LLC agrees to construct and install a street light, stop sign, and vehicle access warning sign, at the discretion and location, of the Surf Pine Homeowners Association. Any maintenance or repairs to the access, or any signage or street light is the responsibility of Ridge Line Development LLC. Or any subsequent owner or owners that Ridge Line Development LLC may sell to.

Ridge Line Development LLC, or any subsequent owner, agrees to maintain and keep the vegetation, shrubs, or other plant life, located on the Surf Pines Homeowners property, down so that visibility is not hindered east of the access point.

Both parties ^{agree} ~~agree~~, as signed, *JK*


Kenneth B. Ulbricht, member of Ridge Line Development LLC


Arnold B. Hughes, President
Surf Pines Homeowners Association, Board Member



POLO RIDGE

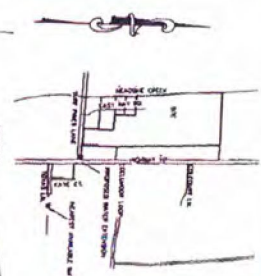
5/30/2010

ATTACHMENT 4

POLO RIDGE PRELIMINARY PLAT

Neikes/Palmberg

Exhibit E



SCALE & ADDRESS OF SUBMITTER
AT & F. C. CARRISON
ATTORNEY AT LAW
1015 W. 200 ST.
DALLAS, TEXAS 75241

REGISTERED PROFESSIONAL ENGINEER
STATE OF TEXAS
EXPIRES 12/31/2011
NO. 10309
P.O. BOX 200
DALLAS, TEXAS 75241
TEL. 972.382.1234
FAX 972.382.7824

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS
EXPIRES 12/31/2011
NO. 26719
P.O. BOX 200
DALLAS, TEXAS 75241
TEL. 972.382.1234
FAX 972.382.7824

NOTES

1. REFER TO THE PREVIOUS LAND SURVEY INSTRUMENT.
2. THIS SURVEY IS A PART OF A SUBDIVISION.

CKI
LAND SURVEYING, PLANNING
CIVIL ENGINEERING

DESIGNED BY: [Signature]
CHECKED BY: [Signature]

LEGEND

---	PROPERTY LINE
---	EXISTING ROAD CENTERLINE
---	EXISTING ROAD RIGHT-OF-WAY
---	PROPOSED ROAD CENTERLINE
---	PROPOSED ROAD RIGHT-OF-WAY
---	PROPOSED NEW ROAD CENTERLINE
---	PROPOSED NEW ROAD RIGHT-OF-WAY
---	EXISTING UTILITY LINE
---	PROPOSED UTILITY LINE
---	PROPOSED FENCE LINE
---	PROPOSED WALL
---	PROPOSED DRIVEWAY
---	PROPOSED SIDEWALK
---	PROPOSED DRIVEWAY
---	PROPOSED DRIVEWAY
---	PROPOSED DRIVEWAY
---	PROPOSED DRIVEWAY
---	PROPOSED DRIVEWAY

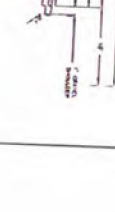
PRELIMINARY PLAT
POLO RIDGE
A PORTION OF PARCEL 1, PARTITION PLAT NO. 2005-11
LOCATED IN THE WEST 1/2 OF SECTION 27, EAST 1/2 OF SECTION
28, T8N, R10E, CO. 10, TEXAS

DATE: MAY 5, 2010 SCALE: 1" = 100'



PROPOSED LOTS

LOT NO.	ACRES
LOT 1	0.10
LOT 2	0.10
LOT 3	0.10
LOT 4	0.10
LOT 5	0.10
LOT 6	0.10
LOT 7	0.10
LOT 8	0.10
LOT 9	0.10
LOT 10	0.10
LOT 11	0.10
LOT 12	0.10
LOT 13	0.10
LOT 14	0.10
LOT 15	0.10
LOT 16	0.10
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LOT 18	0.10
LOT 19	0.10
LOT 20	0.10
LOT 21	0.10
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LOT 49	0.10
LOT 50	0.10



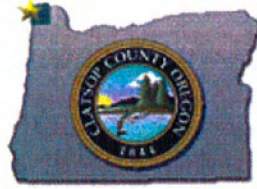
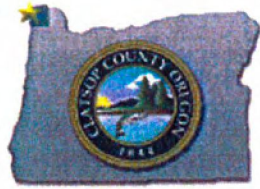


Exhibit 4 -- Preliminary Plat



**Exhibit 5 – Public Notice: 10-13-2010 Board of
Commissioners’ Hearing**

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Polo Ridge Mailing List

Owner_line	Owner Address	City	State	Zip Code
Adamson Cynthia R	92021 Highway 104	Warrenton	OR	97146
Alco Holdings LLC	PO Box 957	Centralia	WA	98351
Allen Wayne/Nancy	89227 Manion Dr	Warrenton	OR	97146
Allgeyer Roy J	92210 Whiskey Rd	Warrenton	OR	97146
Allgeyer Roy J	PO Box 441	Warrenton	OR	97146
Andriesian Dan/Lorraine	1916 S Main St	Warrenton	OR	97146
Barber Michael R/Patricia J	92257 Whiskey Ln	Warrenton	OR	97146
Baumann Marilyn M Trust	4985 Nadine Dr SE	Salem	OR	97302-3593
Becker Frank N/Baret M	PO Box 836	Warrenton	OR	97146
Butler Rex K/ Carla M	PO Box 6	Newberg	OR	97132-0006
Butler Robert G/Diana M Tr	92114 Whiskey Rd	Warrenton	OR	97146
Carlson Glenn D/Roxanne V	PO Box 157	Hammond	OR	97121
Carter Investment Properties LLC	PO Box 723	Hillsboro	OR	97123
Chase Todd A/ Angeline J	1871 S Main	Warrenton	OR	97146
Clatsop County				
Conner Terence / Bruce	750 Marine Dr	Astoria	OR	97103
Cook Russell O	91988 Hwy 104	Warrenton	OR	97146
Crowder Deborah R	1910 S Main St	Warrenton	OR	97146
Dunagan G D	33235 Bi Water Ln	Warrenton	OR	97146
Earl Russell Raymond	86058 Wahanna Rd	Seaside	OR	97138
Earl Russell Raymond	10706 NE 38th Ave	Vancouver	WA	98686
Elwood Maurice E	91999 Hwy 104	Warrenton	OR	97146
Fisk / Bartholomew	PO Box 1060	Warrenton	OR	97146
Fowler Nikki L	92274 Whiskey Rd	Warrenton	OR	97146
Frost James D/Ruth A	92086 Whiskey Rd	Warrenton	OR	97146
Frost James/Ruth	92104 Whiskey Rd	Warrenton	OR	97146
Gallino Joseph A/Linda K	89165 Manion Dr	Warrenton	OR	97146
Gleason Dennis D/Marcia A	310 SW 18th St	Warrenton	OR	97146
Goodman Sheila / Larry	6196 Hogan Dr N	Keizer	OR	97303
Hansen Kyle B	860 5th Ave	Seaside	OR	97138
Hatfield Louis/Lynn	92076 Whiskey Ln	Warrenton	OR	97146
Heath Raymond C	92009 Hwy 104	Warrenton	OR	97146
Jackson Casey / Erin	PO Box 2463	Gearhart	OR	97138-2463
Kelly Joseph John	33232 Bi-water Ln	Warrenton	OR	97146
Lagerquist Mason / Lynn	92287 Whiskey Rd	Warrenton	OR	97146
Lee Donny / Lisa	PO Box 576	Ilwaco	WA	98624
Manion David Thor	PO Box 517	Warrenton	OR	97146
McCargish Willard K/Cathleen L	PO Box 1113	Warrenton	OR	97146
McDonald Heidi A/Tony R	1827 S Main Ave	Warrenton	OR	97146
McMurray Michael	510 Lapwai Rd	Lewiston	ID	83501
Mills Ryan A	PO Box 272	Warrenton	OR	97146
Moskovita / Rubino	1335 Sunrise Ridge Rd	Gearhart	OR	97138-7395
Nanson Kenneth D/Joan L	PO Box 850	Warrenton	OR	97146
Neikes James J	34755 Hwy 101 Business	Astoria	OR	97103
Newbold Jack T/Leslie S	92138 Whiskey Rd	Warrenton	OR	97146
Niemi Barbara J	92270 Whiskey Rd	Warrenton	OR	97146
North Coast Land Conservancy Inc	PO Box 67	Seaside	OR	97138
Warrenton Fiber Company 1/2	PO Box 100	Warrenton	OR	97146
OBrien Michael M/Cynthia E Tr	92268 Hummingbird Dr	Warrenton	OR	97146
Olson Brandon/Allison	92260 Whiskey Ln	Warrenton	OR	97146

Mailed Sept. 22, 2010

Handwritten signature

Polo Ridge Mailing List

Paglia Donald E	7090 N Hwy One	Little River	CA	95456
Paglia Jamie R	92216 Whiskey Rd	Warrenton	OR	97146
Palmberg / Neikes	1790 SE 3rd St	Astoria	OR	97103
Patterson Donald / Renay	1635 SW 14th	Warrenton	OR	97146
Pearlstein / Boonshoft	1020 SW Cheltenham Ct	Portland	OR	97239
Penttila Philip L/Melinda L	89229 Manion Dr	Warrenton	OR	97146
Radich Rebecca E	89126 Easy Way Rd	Gearhart	OR	97138
Ramagon Holdings LLC	PO Box 1900	Yucca Valley	CA	92286
Ramsay Keith	393 W Lexington Ave	Astoria	OR	97103
Riley Michael O/Carol L	89285 Manion Dr	Warrenton	OR	97146
Robert & Simon Pc	PO Box 820035	Portland	OR	97282-1035
Ropkins Phillip R/Lois Ann	92274 Hummingbird Dr	Warrenton	OR	97146
Rubino Vincent/Ann	1335 Sunrise Ridge Rd	Gearhart	OR	97138-7395
Ryan Patrick T/ Linda L	1260 SE Main Ct	Warrenton	OR	97146
Sabahi Cynthia G	92160 Whiskey Ln	Warrenton	OR	97146-7206
Schroeder Richard (Nature Conservancy)	3840 SW 75th Ave	Portland	OR	97225
Smith Shawn Patrick	2309 Lily Ln	Santa Maria	CA	93455-1371
Souvenir Melvyn / Annette	89150 Stellar Ln	Warrenton	OR	97146
Stevens Robert G/Teresa J	92284 Whiskey Rd	Warrenton	OR	97146
Stineman Robert A	393 W Lexington Ave	Astoria	OR	97103
Surf Pines Association	33317 Surf Pines Ln	Warrenton	OR	97146
Van Horn Fred Jr	89080 Easy Way Rd	Gearhart	OR	97138-4829
Warrenton Fibre Inc	PO Box 100	Warrenton	OR	97146
Warrenton School Dist #30	820 SW Cedar	Warrenton	OR	97146
Westerlund Doug / Ann	128 Skyline Ave	Astoria	OR	97103
Weston Craig / Dana	PO Box 2825	Gearhart	OR	97138
Wideman Oscar D/ Pamela G	PO Box 1000	Cannon Beach	OR	97110
Williamson Eric Ryan/Tiffani Dawn	1680 NW Warrenton Dr	Warrenton	OR	97146
OR Dept of Transportation	350 West Marine Dr	Astoria	OR	97103
Planning & Development Mngr, OR Dept c	455 Airport Road SE Building I	Salem	OR	97103-5395
SHPO	525 Trade St SE	Salem	OR	97310
Tony Stein, OPRD	401 SW 9th Street	Newport	OR	97365
OR Dept of Fish & Wildlife, N. Coast Wate	4907 Third St.	Tillamook	OR	97141
Division of State Lands	755 Summer St. NE	Salem	OR	97301-1279
Dept. of Environmental Quality	65 N Hwy 101, Suite G	Warrenton	OR	97146
Surf Pines Association c/o Bill Barrons	#1 3rd St., # 202	Astoria	OR	97103
Gearhart RFPD	PO Box 2530	Gearhart	OR	97138
Warrenton City Hall	PO Box 250	Warrenton	OR	97146
CREST	750 Commercial Street, Room	Astoria	OR	97103
Clatsop Soil and Water, Conservation Dist	750 Commercial Street, Room	Astoria	OR	97103
Matt Spangler, DLCD N.Coast Field Rep.	810 Alder St., Suite B	Newport	OR	97365
Dean Alterman	805 SW Broadway #2750	Portland	OR	97205
Dan Bartlett	210 Waldorf Circle	Astoria	OR	97103
Don Kruger	90218 Manion Drive	Warrenton	OR	97146

Mailed Sept. 22, 2010

Unrec'd

Clatsop County
Transportation & Development Services
Land Use Planning Division
800 Exchange Street, Suite 100,
Astoria, OR 97103

ph: 503-325-8611
fx: 503-338-3666
em: comdev@co.clatsop.or.us
www.co.clatsop.or.us



NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF COMMISSIONERS FOR THE COUNTY OF CLATSOP

Second reading and possible adoption of Ordinance 10-05, amending the Comprehensive Plan/Zoning Map and Text and transferring the density of approximately 25 acres of SFR-1-zoned property from two areas on the Clatsop Plains to the previously approved Ridgeline Estates Subdivision, accessed from Surf Pines Lane. The density transfer would re-designate the "down-zoned" sending areas as Open Space Parks & Recreation and amend the Density Transfer Standards and Table in Sections 3.161 and 2. The Ridgeline Estates Subdivision would then be re-platted as Polo Ridge, a 30-lot subdivision.

The property is identified as T7N, R10W, Section 27, Tax Lot 3500. For location and applicable criteria, see Page 2 and the attached maps on Pages 3 through 6, illustrating the proposal.

2nd READING & PUBLIC HEARING: **Wednesday, October 13, 2010**
TIME: **10:00 a.m.**
LOCATION: Judge Guy Boyington Building, 857 Commercial Street,
Astoria, Oregon 97103
CONTACT PERSONS: Julia Decker and Jennifer Bunch, Planners

You are receiving this notice because you submitted written or verbal testimony and are considered an interested party, or you are considered to be an affected state or federal agency, local government, or special district.

NOTICE IS HEREBY GIVEN that the Planning Division of Clatsop County's Department of Transportation and Development Services has scheduled a public hearing on this matter before the Clatsop County Board of Commissioners for 10:00 AM on Wednesday, October 13, 2010 at the Judge Guy Boyington Building, 857 Commercial St, Astoria, OR 97103.

Interested persons are invited to submit testimony in writing or in person by attending the hearing. Alternately, interested persons may submit testimony in writing for Staff to present by addressing a letter to the Clatsop County Board of Commissioners, 800 Exchange Street, Suite 100, Astoria, OR 97103. Written comments may also be sent via FAX to [503-338-3666](tel:503-338-3666) or via email to comdev@co.clatsop.or.us. Written comments must be received in this office no later than **5PM on Wednesday, October 6, 2010**, in order to be presented by Staff for submittal at the October 13, 2010, public hearing.

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

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

The following criteria from Clatsop County Land and Water Development and Use Ordinance (LWDUO) apply to the request: § 1.030 (Definitions); §2.030 (Type III Procedures); §2.035 (Type IV Procedures); §2.105-§2.125 (Notice Requirements for Public Hearings); §2.300 (Legislation); §3.160 (Single Family Residential - 1 zone); §3.220 (Residential Agriculture 5 Zone); §3.580 (Open Space Parks and Recreation Zone); §4.050 (Beaches and Dunes Overlay District); §5.200 (Subdivisions, Partitions, & Property Lines Adjustments); 5.350 (Transportation System Impact Review); & §5.400 (Zone Changes).

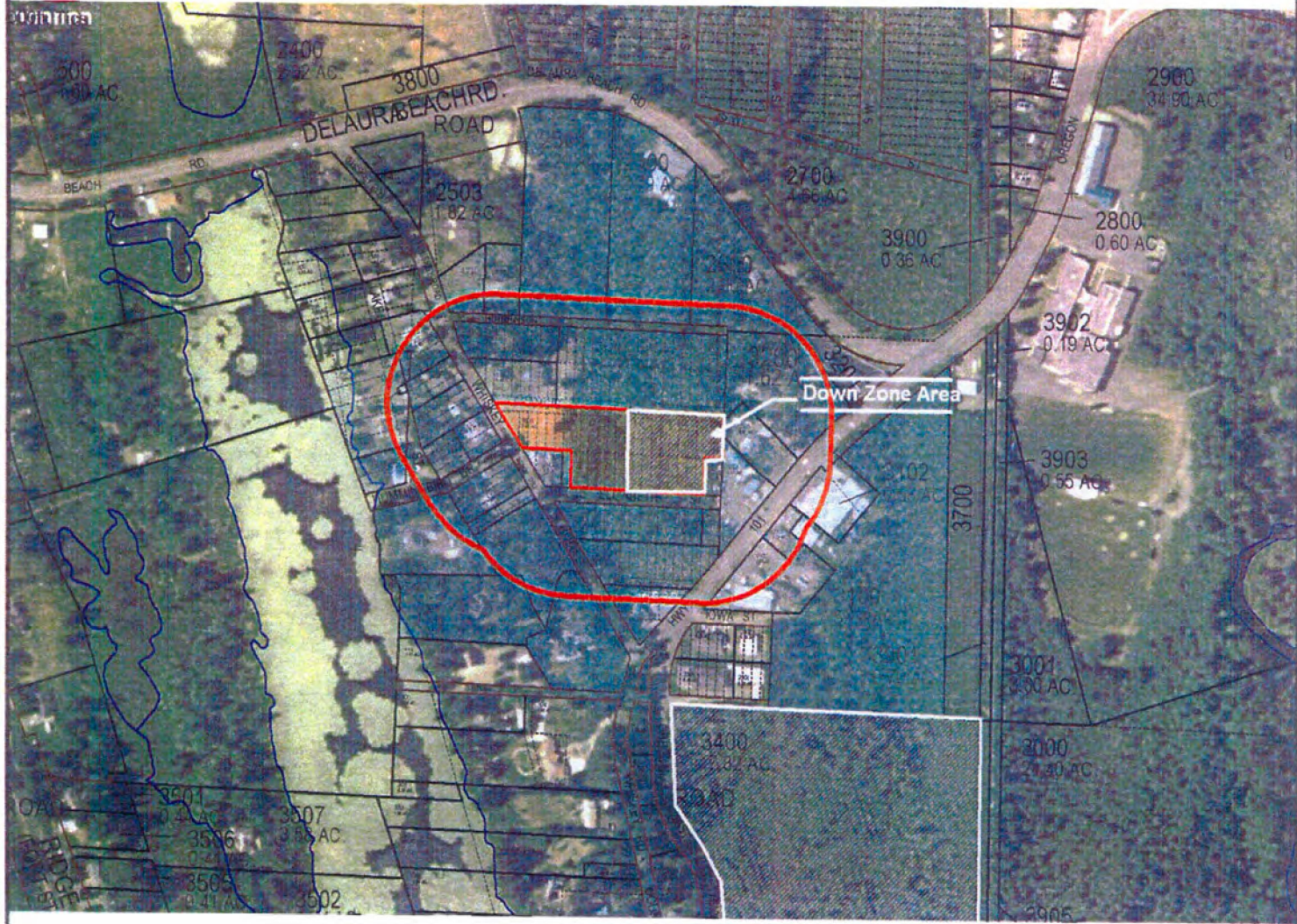
In addition the following elements of Clatsop County's Standards Document apply to the request: Chapters 1-3 (Site Oriented Development) particularly Chapter 3 Section S3.150 – S3.162 (Cluster Development and Density Transfer); Chapter 4 (Environmental Protection); Chapter 5 (Vehicle Access Control and Circulation); and Chapter 6 (Road Standard Specifications for Design and Construction).

In addition, the following elements of the Clatsop County Comprehensive Plan apply to the request: Goal 1 (Citizen Involvement); Goal 2 (Land Use Planning); Goal 5 (Natural Resources, Scenic and Historic Areas and Open Spaces); Goal 6 (Air, Water, and Land Quality); Goal 7 (Natural Hazards); Goal 8 (Recreational Needs); Goal 9 (Economic Development); Goal 10 (Housing); Goal 11 (Public Facilities & Services); Goal 12 (Transportation); Goal 13 (Energy Conservation); Goal 14 (Urbanization); Goal 18 (Beaches and Dunes); and the Clatsop Plains Community Plan.

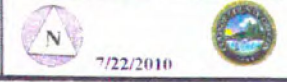
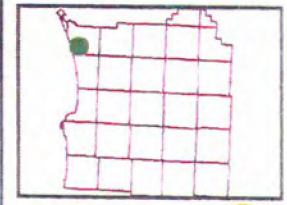
A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at the Planning Office during normal business hours (M-F, 8-5) at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at the Clatsop County Planning office at no cost at least seven days prior to the hearing and will be provided at a reasonable cost.

If you have questions about this land use matter or need more information, please contact Julia Decker (Subdivision) or Jennifer Bunch (Density Transfer), Clatsop County Planners, at (503) 325-8611 or via email at comdev@co.clatsop.or.us.

Clatsop County Ma



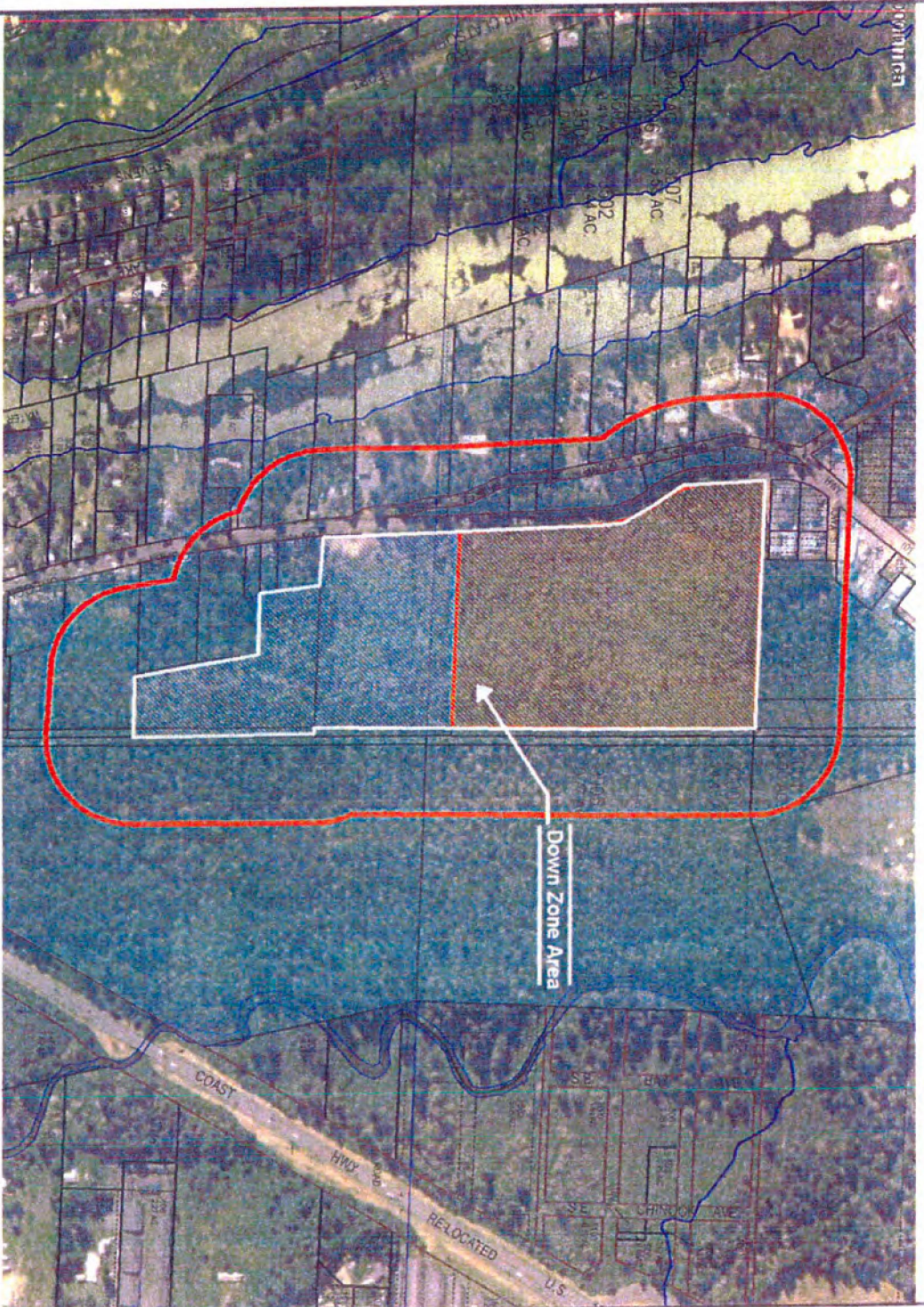
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- PLS
- PLS Townships
- Tax Lot Arrows
- Tax Map
- Water Body
- River
- Parcel Boundary
- Supplemental Boundary
- Road R-O-W



7/22/2010

1 in. = 423 ft.

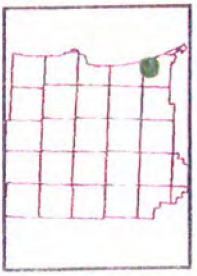
This map was produced using the Clatsop County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.



- PLS
- PLS
- PLS Townships
- Tax Lot Arrows
- Tax Map
- Water Body
- River
- Parcel Boundary
- Supplemental Boundary
- 3d
- Road R-Q-W

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

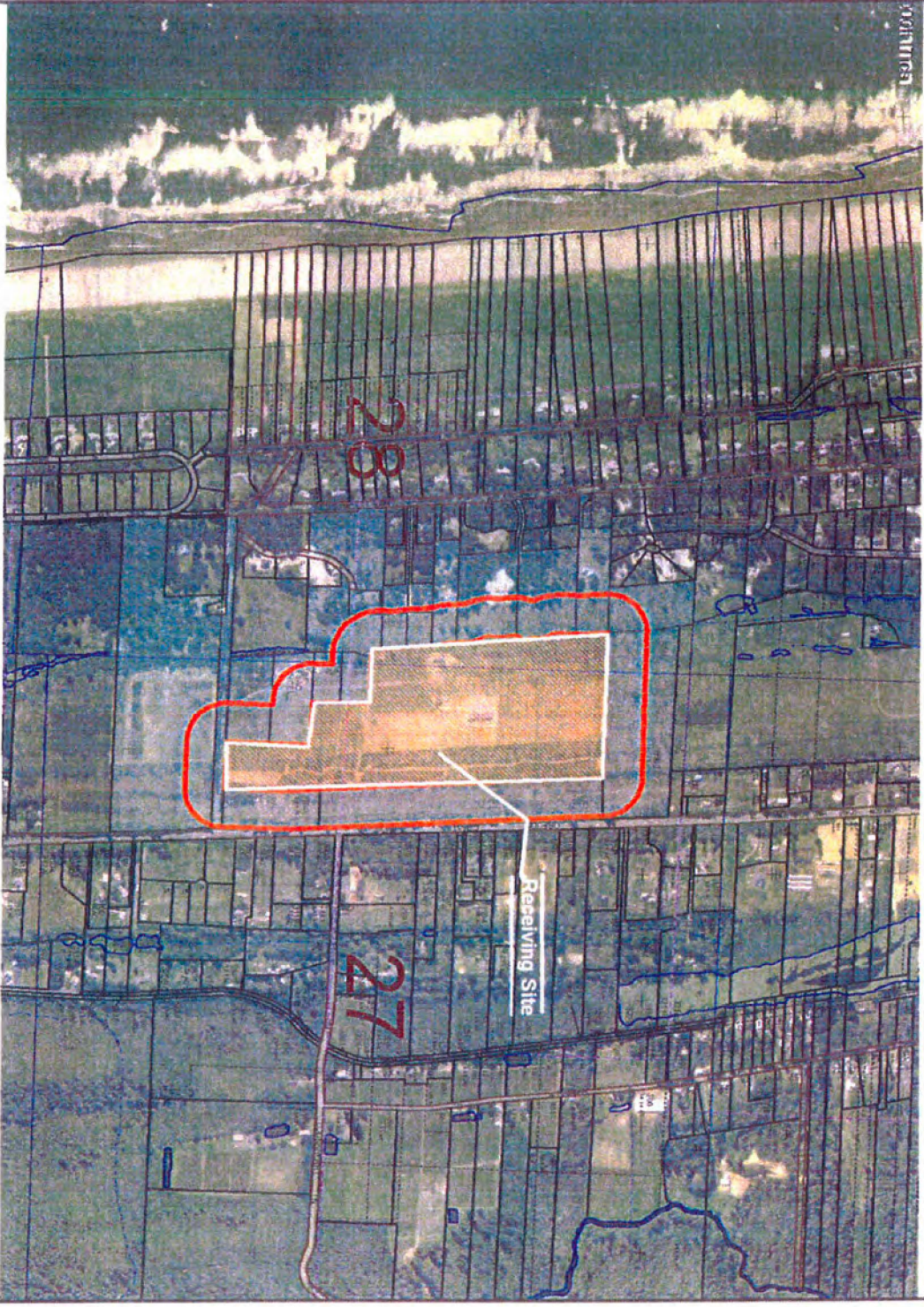
1 in = 531 ft



7/25/2011



Clatsop County Map

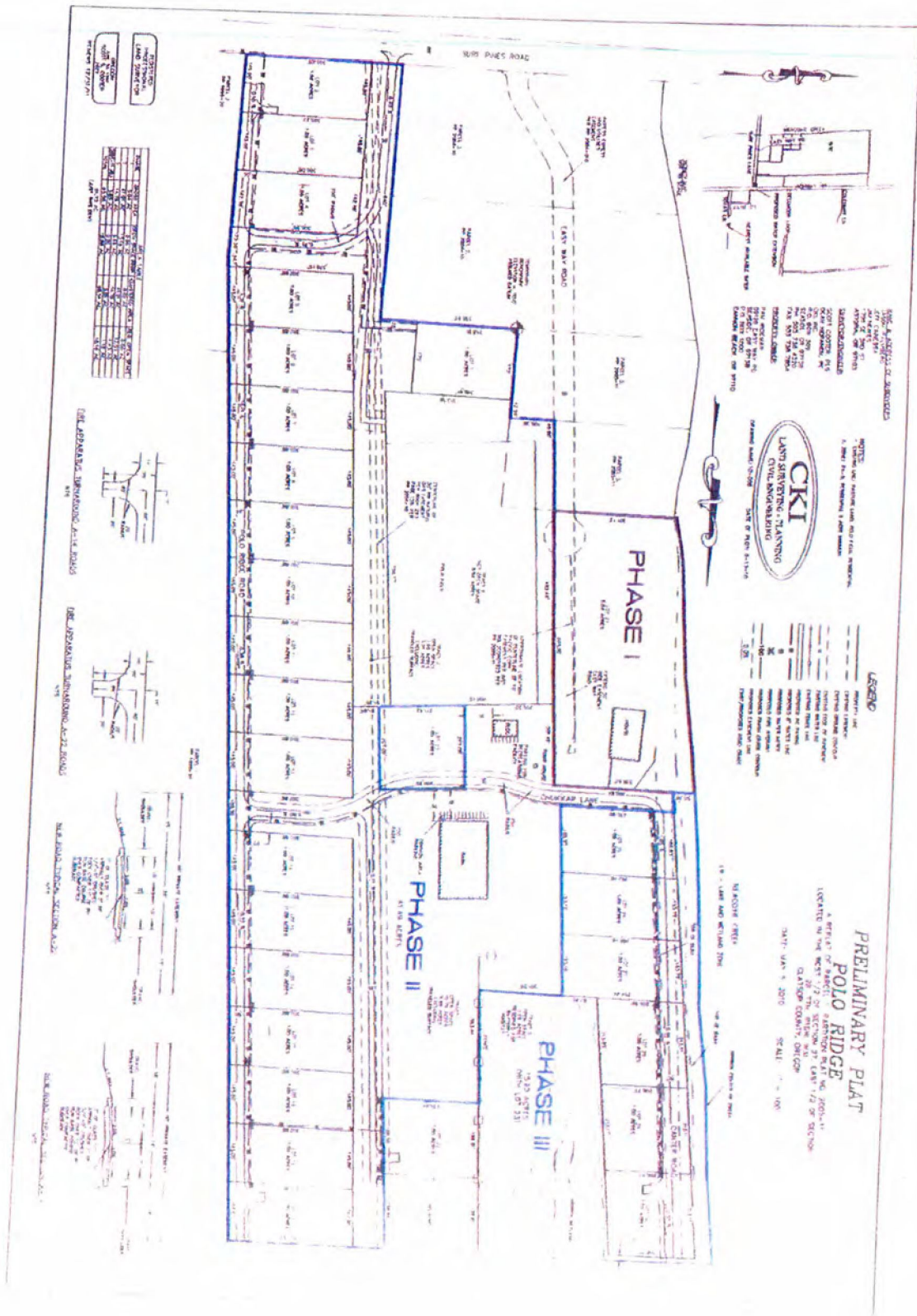


- PLS
- PLS
- PLS Townships
- Tax Lot Arrows
- Tax Map
- Water Bush
- Creek
- Parcel Boundary
- Supplemental Boundary
- DLC
- Road R-O-V

1 in = 1207 ft



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

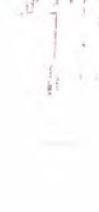
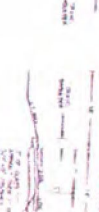


EXISTING

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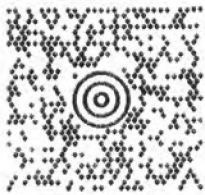
WILLIAM PAUL
(503) 325-0381
SUNSET PRESORT
397 MARINE DR
ASTORIA OR 97103

2 LBS

1 OF 1

SHIP TO:

PLAN AMENDMENT SPEC.
DEPT. OF LAND CONSERVATION
SUITE 150
635 CAPITOL ST. N.E.
SALEM OR 97301-2540



OR 973 0-02



UPS GROUND

TRACKING #: 1Z 786 877 03 5102 2774



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REF 1: CC PLAN. # 715
REF 2: 10/15 # 09

\$10.00

HS 12 0 17

LP2442 09 0A 10/2010



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715 **CLATSOP COUNTY**
Transportation and Development Services
Land Use Planning
800 Exchange Street, Suite 100
Astoria, Oregon 97103
(503) 325-8611 • Fax (503) 338-3666

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

FIRST CLASS MAIL

MIDDLEBURY OFFICE
MAY 11 2010
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