Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

06/19/2012

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 009-11

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: Thursday, July 05, 2012

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

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

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

Cc: Jennifer Bunch, Clatsop County
Jon Jinings, DLCD Community Services Specialist
Matt Spangler, DLCD Regional Representative
Patrick Wingard, DLCD Regional Representative

<paa> YA

FORM 2 DLCD Notice of Adoption

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

☐ In person ☐ electronic ☐ mailed

DATE STAMP

DEPT OF

JUN 15 2012

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **Clatsop County**

Local file number: **20110517**

Date of Adoption: **6/13/2012**

Date Mailed: 6/14/12

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☐ Yes ☐ No Date:

☒ 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".

The consolidation application proposed a comprehensive plan zoning map amendment, text amendment (density transfer), and two (2) partitions. Comprehensive plan zoning map amendment: Two sites will be downzoned from RA1 to OPR; the resulting density will be transferred to a receiving site (2 units) and the reamining 3 units will be banked in the Density Table. Text Amendment: The table included in the Clatsop County Standards Document in S3.162 will be amended to include the transferred density.

Does the Adoption differ from proposal? No, no explaination is necessary

Plan Map Changed from: **Rural Lands** to: **Conservation Other Resources**

Zone Map Changed from: **RA-1** to: **OPR**

Location: **T6N R10WSec03DTL1000/T6NR10WSec10TL100** Acres Involved: **10**

Specify Density: Previous: **2-ac** New: **n/a**

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...

35-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. 009-11 (19106) [17083]

DLCD file No. _____
Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Clatsop County, City of Gearhart, DLCD, DEQ, DSL, ODFW

Local Contact: **Jennifer Bunch, Senior Planner** Phone: **(503) 325-8611** Extension:

Address: **800 Exchange Street, Suite 100** Fax Number: **503-325-3666**

City: **Astoria** Zip: **97103-** E-mail Address: **jbunch@co.clatsop.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working 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 the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and **one complete paper copy** (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail **plan.amendments@state.or.us**.

DEPT OF
JUN 15 2012
LAND CON
AND DEVE

June 14, 2012

NOTICE OF FINAL DECISION

File Numbers:	Ordinance No. 12-02
Decision Date:	June 13, 2012
Applicant:	Frog Consulting, LLC
Property Owners:	Gloria Edler
Action:	**APPROVAL, with conditions**
Action Described:	**A consolidated request by Frog Consulting LLC, on behalf of property owner Gloria Edler, for a comprehensive plan zoning map amendment, comprehensive plan text amendment, and two major partitions.**

Clatsop County has completed its review of the application described above. The Board of County Commissioners approved the application on June 13, 2012. 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

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, Jennifer Bunch, hereby certify that I mailed this Notice of Final Decision via the United States Postal Service on June 14, 2012.

Jennifer Bunch — 6/14/12

Jennifer Bunch, Senior Planner — Date

BEFORE THE BOARD OF COMMISSIONERS
FOR THE COUNTY OF CLATSOP

In the Matter of:

A CONSOLIDATED APPLICATION FOR A COMPREHENSIVE PLAN ZONING MAP AMENDMENT, COMPREHENSIVE PLAN TEXT AMENDMENT, AND TWO PARTITIONS ON PROPERTY OWNED BY GLORIA EDLER AND KNOWN AS T6N R10W SEC03D TL1000 AND T6N R10W SEC10 TL100.

ORDINANCE # 12-02

Doc # 2012-060009

Recording Date: 6-13-12

RECITALS

WHEREAS, on, December 12, 2012, Gloria Edler filed an application for an amendment to the Clatsop County Comprehensive Plan Zoning Map, Compressive Plan Text and Two Partitions.

WHEREAS, the consolidated application was considered by the Planning Commission at a public hearing on February 14, 2012, and The Commission unanimously recommended approval, which is attached as Exhibit "PC"; and

WHEREAS, consideration for this ordinance complies with the Post Acknowledgement Plan Amendment rules of the Oregon Land Conservation and Development Commission, and the Clatsop County Planning Commission has sought review and comment and has conducted a public hearing process pursuant to the requirements of ORS 215.050 and 215.060, and the Clatsop County Board of Commissioners received and considered the Planning Commission's recommendations and held a public hearing and first reading of this Ordinance on May 9, 2012, and a second reading on June 13, 2012; and

WHEREAS, public notice has been provided pursuant to law;

NOW THEREFORE,

THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAINS AS FOLLOWS:

SECTION 1. The Clatsop County Zoning Map is hereby amended as shown in the attached Exhibit A.

Approved this 13th day of June, 2012

THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

By _____
Peter Huhtala, Chair

By _____
Valerie Crafard, Recording Secretary

APPROVED AS TO FORM:

_____
Jeff Bennett, County Counsel

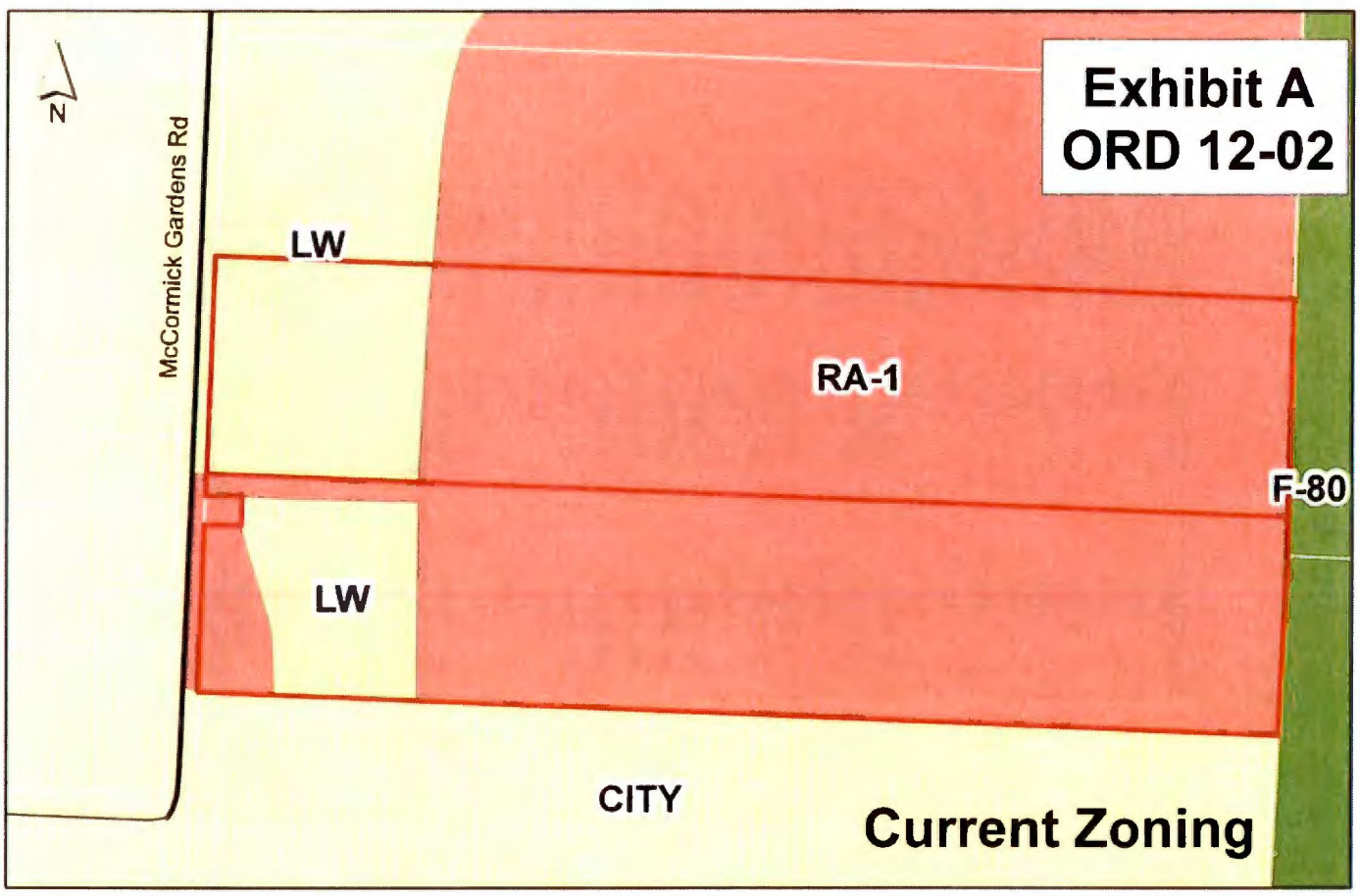


Exhibit A
ORD 12-02
N
McCormick Gardens Rd
LW
RA-1
F-80
LW
CITY
Current Zoning

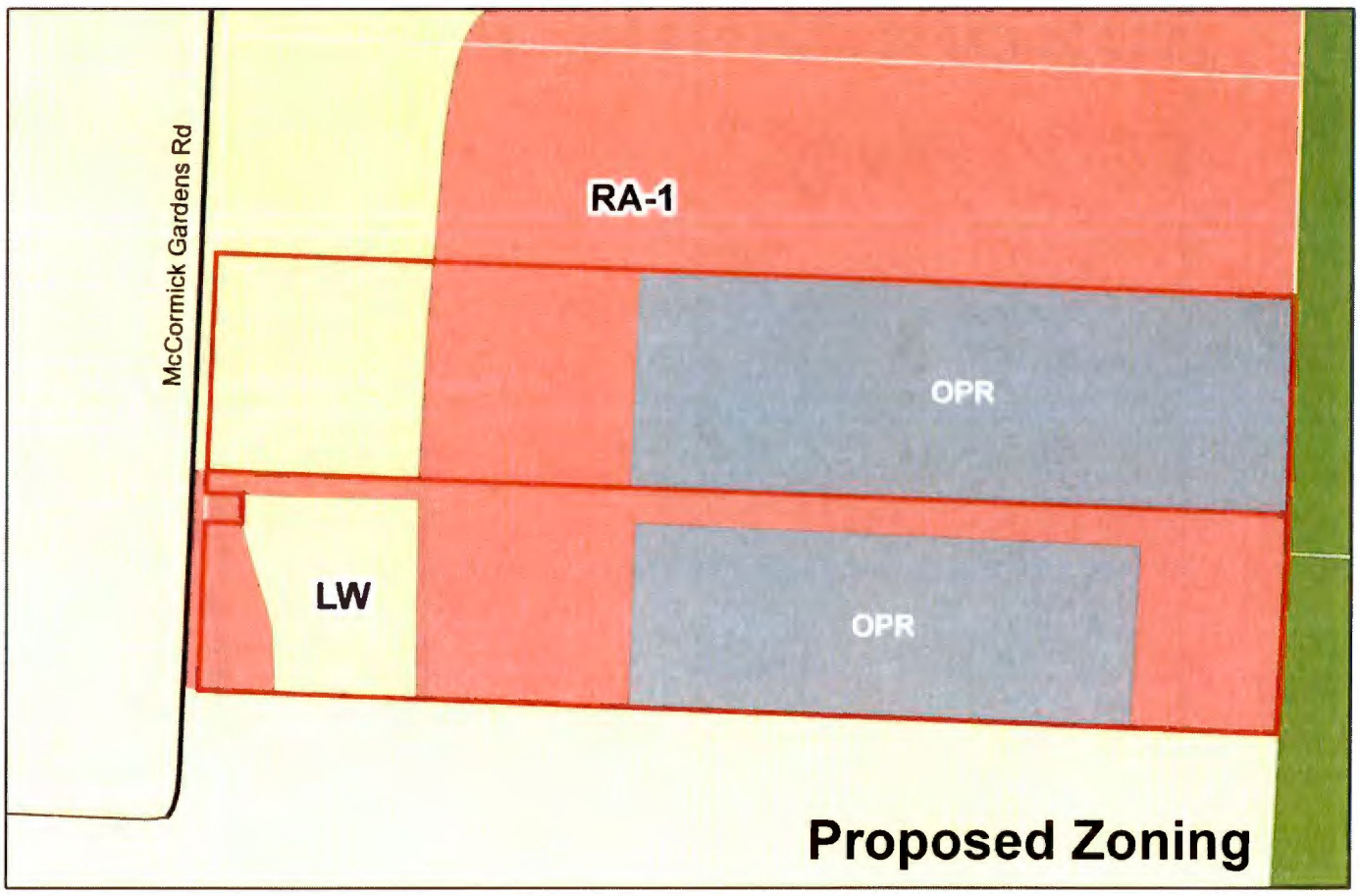

McCormick Gardens Rd
RA-1
OPR
LW
OPR
Proposed Zoning

Exhibit B
ORD 12-02

S3.162. Density Table.

Sending Sites	Existing Zoning	New Zoning	Applicable Acreage	Density Units [1]	Remaining Density	Receiving Site/s	Receiving Zone	Density Credits [2]
610100000100	**RA-1/LW**	**OPR/LW**	**RA-1 = 4.01**	**2.0**	**3.0**	**71027003600**	**RA-5**	**2**
61003D001000	**RA-1/LW**	**OPR/LW**	**RA-1 = 6.24**	**3.0**	**2.0**	**TBD**	**TBD**	**3**
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	RA-5 = 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	0	710160000200	RA-5	7 units
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				
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)**
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 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

BEFORE THE PLANNING COMMISSION
FOR CLATSOP COUNTY, OREGON

In the Matter of ORDINANCE 12-02: A CONSOLIDATED APPLICATION FOR A COMPREHENSIVE PLAN ZONING MAP AMENDMENT, COMPREHENISVE PLAN TEXT AMENDEMENT, AND TWO PARITIONS ON PROPERTY OWNED BY GLORIA EDLER	RESOLUTION AND ORDER **# 12-02-03**

RECITALS

A. Pursuant to Article 2 of the Clatsop County Land and Water Use Development Ordinance, Gloria Edler submitted a consolidated application for a comprehensive plan zoning map amendment, comprehensive plan text amendment, and two partitions on property described as:

T6N R10W Sec03D TL1000 and T6N R10W Sec10 TL100

B. Pursuant to County Procedures for Land Use Applications, staff examined the application and submitted a report dated February 7, 2012 regarding the request. The Staff Report is attached as "Exhibit A".

C. Pursuant to County procedures, a hearing was held on the matter on February 14, 2012 for which appropriate notice was provided.

WHEREFORE, the Planning Commission finds and resolves:

1. That the Community Development Department is directed to present the Planning Commission's recommendation of Approval, with Conditions to the Clatsop County Board of Commissioners for their consideration.

2. That the "Exhibit A" Staff Report is adopted by reference in support of this recommendation.

SO ORDERED this 14th day of February 2012.

THE PLANNING COMMISSION FOR
CLATSOP COUNTY

Bruce Francis, Chair
Clatsop County Planning Commission

Clatsop County
Community Development
Land Use Planning
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

ORDINANCE 12-02
Staff Report
"Exhibit A"

REPORT DATE:	February 7, 2012
HEARING DATE:	February 14, 2012
HEARING BODY:	Clatsop County Planning Commission
OWNER:	Gloria Edler
AGENT:	Frog Consulting, LLC
REQUEST:	Downzone, Density Transfer, Two Partitions
PROPERTY:	T6N, R10W, Sec 03D – TL 1000 T6N, R10W, Sec 10 – TL 100
SIZE:	TL 1000 ~10.30 acres TL 100 ~10.27 acres
LOCATION:	McCormick Gardens Road, east of Highway 101 in the Gearhart area.
CURRENT ZONING:	RA-1 & LW
PROPOSED ZONING:	RA-1, OPR, and LW
STAFF REVIEWER:	Jennifer Bunch, Planner
DEPARTMENT RECOMMENDATION:	Recommend APPROVAL *with conditions* to the Clatsop County Board of Commissioners.

EXHIBITS:

1. Zoning Map Amendment Application (pg. 27).
2. DLCD Notice of Proposed Amendment (pg. 163)
3. Notice of Hearing (pg. 166)
4. Public & Agency Comment (pg. 173)
5. Meeting Minutes – February 14, 2012 (pg. 182)

I. BACKGROUND

On December 12, 2011, Frog Consulting, LLC, submitted to Clatsop County, on behalf of Gloria Edler, a consolidated application for a comprehensive plan zoning map amendment, text amendment, and two partitions. The subject property is located adjacent to McCormick Gardens Road in the rural area east of the City of Gearhart. (See maps below). Clatsop County issued the required 45-day notice to the Department of Land Conservation and Development on December 16, 2011. Mailed notice of hearing was issued to property owners within 250-feet and interested agencies on January 12, 2012.

Ms. Gloria Edler owns the property that is the subject of this consolidated application. Both parcels are currently split zoned: Residential Agriculture 1 (RA-1) and Lake Wetland (LW) Zone. The applicant is proposing the down zone of approximately 10 acres from the Residential Agriculture 1 zone to the Open Space, Parks, and Recreation Zone. This downzone would result in the creation of five (5) density credits. Two of the density credits are being assigned to property owned by Russ Earl (T7N R10W Sec 27 TL 3600). Mr. Earl is one of the applicants in the West Dunes / Clatsop Estates consolidated application which is being processed under Ordinance 12-01. The remaining three (3) density credits will be "banked" in the S3.162 table for future assignment.

Ms. Elder is also proposing two major partitions of three lots each if the remaining RA-1 and LW zoned property. The portion of the property zoned LW will count toward the minimum lot size of the newly created RA-1 parcels.

II. PROPERTY STATUS

Lot of Record Status

The subject properties were created as lots 16 and 17 of the McCormick Gardens subdivision which was recorded with the Clatsop County Clerk (Subdivision Records, Bk 05, Pg 19) on October 15, 1910. Both properties meet the county's definition of "lot of record". LWDUO §1.030.

III. SUMMARY OF STAFF CONCLUSIONS

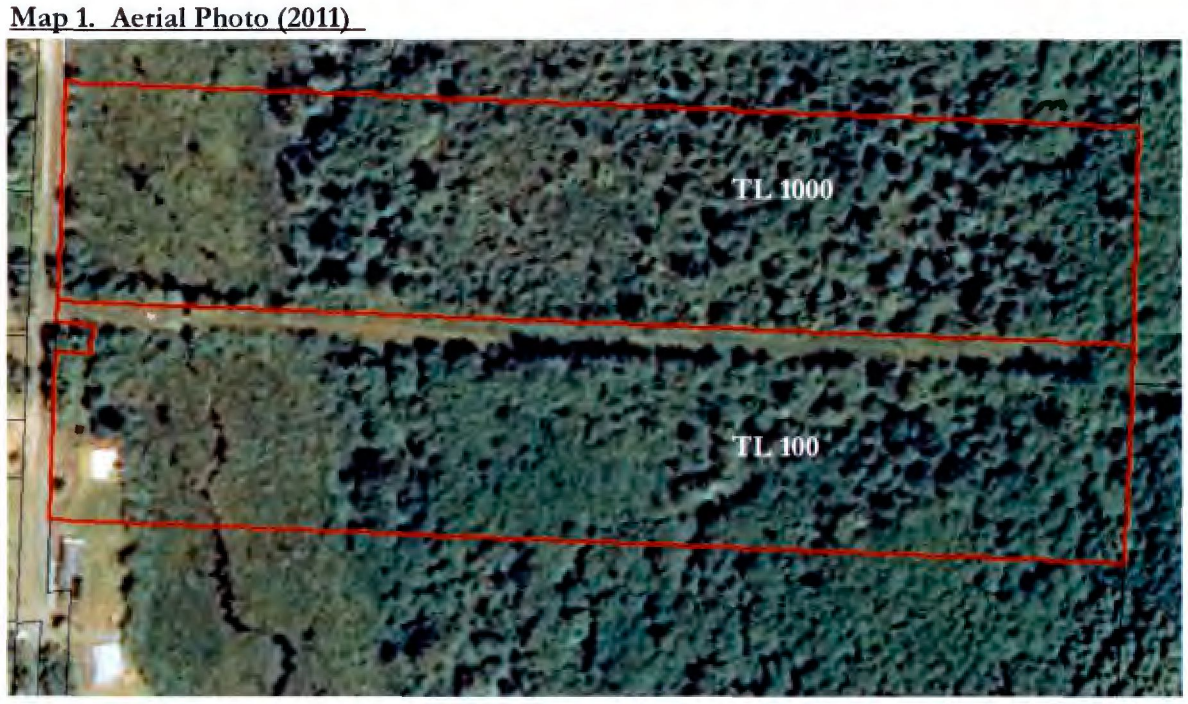
This report is complex and contains a variety of staff analyses and findings, conditions of approval, maps, technical information, policies, approval criteria, and several exhibits. The following table lists the main criteria that apply to the request, a summary of staff's conclusions pertaining to each criterion, and a reference to the page numbers of this report where the pertinent staff analysis can be found.

Summary of Criteria and Staff Conclusions		
Criteria	**Staff Conclusions**	**Page(s)**
Zoning Map Amendment	**Satisfied**	**6**
Zone Change Criterion No. 1 – Consistency with Comprehensive Plan	**Satisfied**	6
Zone Change Criterion No. 2 – Consistency with Statewide Plan Goals	**Satisfied**	11
Zone Change Criterion No. 3 – Adequacy of Public Facilities and Services	**Satisfied**	11
Zone Ch. Criterion No. 4 – Adequacy of Transportation Facilities	**Satisfied**	11
Zone Change Criterion No. 5 – Compatibility with Zoning Patterns	**Satisfied**	11
Zone Change Criterion No. 6 - Suitability	**Satisfied**	
Zone Change Criterion No. 7 – Appropriate Use of the Land	**Satisfied**	12
Zone Change Criterion No. 8 – Health, Safety, and Welfare	**Satisfied**	12
Cluster Development	**Satisfied with Conditions**	**13**
Text Amendment	**Satisfied**	**16**
Partition #1 (TL 1000)	**Satisfied with Conditions**	17
Partition #2 (TL 100)	**Satisfied with Conditions**	17
Overall Recommendation	**Recommend approval with conditions to the BOC**	**26**

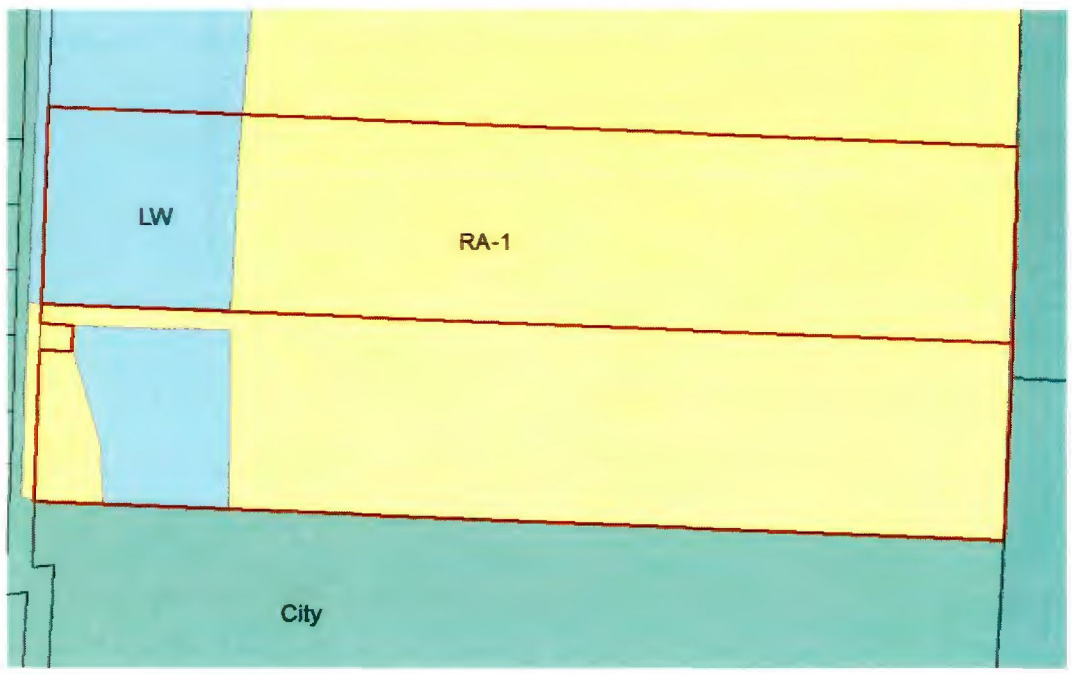
IV. NEIGHBORHOOD CONDITIONS

The surrounding area to the west and south is comprised of single family residences that are within the City of Gearhart. To the north is rural residential land and to the east is forest land.

Map 1. Aerial Photo (2011)



Map 2. Current Zoning



V. APPLICABLE CRITERIA

A. ZONING MAP AMENDMENT

LWDUO 80-14
L5.400. ZONE CHANGES

B. CLUSTER DEVELOPMENT AND DENSITY TRANSFER

STANDARDS
S3.150 CLUSTER DEVELOPMENT AND DENSITY TRANSFER

C. TEXT AMENDMENT

D. PARITIONS

LWDUO 80-14
L3.180. RESIDENTIAL-AGRICULTURE-1 ZONE (RA-1).
L 5.200. SUBDIVISIONS, PARTITIONS AND PROPERTY LINE ADJUSTMENTS.

STANDARDS
S6.000. TRANSPORTATION IMPROVEMENTS AND ROAD STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION

VI. EVALUATION OF APPLICATION

As part of the land use application (Exhibit 1), the applicant evaluates the application against the applicable criteria of LWDUO, Standards Document, and Comprehensive Plan and offers findings of fact for the County's consideration. In the following sections, staff examines the application versus the applicable criteria and proposes findings of fact for the Planning Commission's review and consideration.

A. ZONING MAP AMENDMENT

LWDUO 80-14
L5.400 ZONE CHANGES
L5.412 ZONE CHANGE CRITERIA

Zone Change Criterion No. 1:
L5.412(1) Consistency with Comprehensive Plan

Goal 1 – Citizen Involvement

(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.

(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.

Analysis and Finding Documentation of published and mailed notice is attached as Exhibit 4.

Conclusions: The application satisfies the applicable citizen involvement policies of the Goal 1 element of the Clatsop County Comprehensive Plan.

Goal 2 – Land Use Planning

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

4. Conservation Other Resources
   Conservation Other Resources areas provide important resource or ecosystem support functions such as lakes and wetlands and federal, state and local parks. Other areas designated Conservation Other Resources include lands for low intensity

uses which do not disrupt the resource and recreational value of the land. *Most of the Columbia River Estuary is in this designation.

6. Rural Lands
Rural Lands are those that are outside the urban growth boundary, outside of rural community boundaries, and are not agricultural lands or forestlands. Rural lands includes lands suitable for sparse settlement, small farms or acreage homesites with no or hardly any public services, and which are not suitable, necessary or intended for urban use.

Analysis and Finding: The proposed zoning map amendment would change the comprehnsive plan designation on approximately 10-acres from Rural Lands (RA-1 zone) to Conservation Other Resources (OPR zone). The applicant has proposed rezoning wetland areas on the subject parcels to OPR. This would prohibit the development of intense residential uses on property with identified wetlands, thus preserving the basic elements of the environment. In addition, the development on the parcels will be limited to the upland areas and will have the least impact to the wetlands.

Conclusion: The proposed zoning map amendment does not conflict with the comprehensive plan designation of Conservation Other Resources.

Goal 3 – Agricultural Lands
Goal 4 – Forest Lands

Analysis and Finding: In 1983, exceptions to Goals 3 & 4 were taken having determined that this property, along with many others in the Clatsop Plains Planning Area and throughout the county, were built upon or irrevocably committed to residential use (ORD 83-17).

Conclusion: The Goal 3 and Goal 4 elements of the Clatsop County Comprehensive Plan do not apply.

Goal 5 – Open Spaces. Scenic & Historic areas and Natural Resources
Goal - To conserve open space and protect natural and scenic resources.

Wetlands

1. The County will protect identified significant freshwater wetlands, for which no conflicting uses have been identified, from incompatible uses.

Analysis and Finding: In 1982, in order to comply with Goal 5, Clatsop County commissioned the Duncan Thomas report. This report identifies the significant coastal and freshwater wetland in Clatsop County and as a result these significant wetlands have been zoned "Lake and Wetland" (LW). The LW zoning designation protects the significant wetlands from conflicting uses. The western portions of the subject properties carry this LW designation. *Refer to the map on page 5.* The consolidated application does not propose any change to the LW zoning. The applicant does propose rezoning land with an RA-1 designation to OPR. The OPR zoning will

assist in conserving the wetlands near those that identified as "significant" in the Duncan Thomas report.

Conclusion: The consolidated application does not conflict with Goal 5 of the Clatsop County comprehensive Plan.

Goal 6 – Air, Water, and Land Quality:

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

Policies

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.

Analysis and Finding: The district conservationist at the Clatsop Soil and Water Conservation was served provided with the Notice of Public Hearing and therefore has had an opportunity to submit comment in this matter.

Conclusion: The application does not conflict with the applicable policies of the Goal 6 element of the Clatsop County Comprehensive Plan.

Goal 7 – Natural Hazards

Goal –
To protect life and property from natural disaster and hazards.

Analysis and Finding: The subject property is located in an area with a Geological Hazard Overlay. These hazards consist of mass movement topography and compressible soils. Development standards will apply to any future development on the property. These development standards assist in protecting life and property from natural disasters and hazards in the geological hazard area.

Conclusion: The application does not conflict with the policies of the Goal 7 element of the Clatsop County Comprehensive Plan.

Goal 8 – Recreational Lands

Conclusion: The Goal 8 element of the Comprehensive Plan does not contain applicable policies.

Goal 9 – Economy

Conclusion: The Goal 9 element of the Comprehensive Plan does not contain applicable policies.

Goal 10 – Population and Housing

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

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. Encourage development of land with less resource value.

Analysis and Finding: The proposal seeks to rezone property in a manner that would encourage the most appropriate use of the land. The applicant has proposed rezoning wetland areas on the subject parcels to OPR. This would prohibit the development of intense residential uses on property with identified wetlands, thus preserving the basic elements of the environment. In addition, the development on the parcels will be limited to the upland areas and will have the least impact to the wetlands.

Conclusion: The application does not conflict with the Goal 10 element of the Clatsop County Comprehensive Plan.

Goal 11 – Public Facilities and Services

General Public Facilities Policies

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.

Analysis and Finding: The proposed zoning map amendment will not result in a higher density on the subject property, it will reduce density.

Conclusion: The proposal does not conflict with the applicable plan policies of the Goal 11 element of the Clatsop County Comprehensive Plan.

Goal 12 – Transportation

Analysis and Finding: Through conditions of approval to ensure the application of the applicable road standards in S6.000 the consolidated application will be consistent with Goal 12 and the County's Transportation System Plan.

Conclusion: The application satisfies the applicable plan policies of the Goal 12 Transportation element of the Comprehensive Plan.

Goal 13 – Energy Conservation

Conclusion: The Goal 13 element of the Clatsop County Comprehensive Plan is not applicable to the application.

Goal 14 – Urbanization

Goal

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

Analysis and Finding: The subject properties are directly adjacent to the city limits of the City of Gearhart. The property will still be utilized as rural lands with the addition of a conservation zoning designation to assist in protection the wetland areas.

Conclusion: The proposed map amendment does not conflict with Goal 14 element of the Clatsop County Comprehensive Plan.

Goals 16 and 17 – Estuarine Resources and Coastal Shorelands

Conclusion: Goal 16 and 17 elements of the Clatsop County Comprehensive Plan do not apply.

Goal 18 – Beaches and Dunes

Conclusion: The Goal 18 elements of the Clatsop County Comprehensive Plan do not apply.

Clatsop Plains Community Plan

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.

Analysis and Finding: The proposal seeks to rezone property in a manner that would encourage the most appropriate use of the land. The applicant has proposed rezoning wetland areas on the subject parcels to OPR. This would prohibit the development of intense residential uses on property with identified wetlands, thus preserving the basic elements of the environment. In addition, the development on the parcels will be limited to the upland areas and will have the least impact to the wetlands. Overall the proposed consolidated application preserves the rural and open space characteristic of the area.

Conclusion: The Zoning Map Amendment application is consistent with the policies of the Clatsop Plains Community Plan.

Zone Change Criterion No. 2:

L5.412(2) - Consistency with Statewide Planning Goals

Analysis and Finding: Clatsop County has an acknowledged comprehensive plan. Consistency with Statewide Planning Goals is determined through the consistency with the County's Comprehensive Plan.

Conclusion: The Comprehensive Plan Zoning Map amendment is consistent with Statewide Planning Goals.

Zone Change Criterion No. 3:

L5.412(3) - Adequacy of Public Facilities and Services

Analysis and Finding: Adequate public facilities and services exist. The subject properties are currently served by and rural fire protection district. Sewage disposal for any future development will be through septic systems that are regulated by the Department of Environmental Quality.

Conclusion: The application satisfies Zone Change Criterion No. 3.

Zone Change Criterion No. 4:

L5.412(4) - Adequacy of Transportation Facilities

Analysis and Finding: Access to the property is from McCormick Gardens Road, a county facility. Any road approach that is constructed will be through consultation with Clatsop County Public Works and will require a permit.

Conclusion: Based on the analysis above, the application satisfies Zone Change Criterion No. 4.

Zone Change Criterion No. 5:

L5.412(5) – Over Intensive Use of the Land, Character of the Area, and Compatibility of Zoning Patterns

Analysis and Finding: The adjacent parcels on the east side of McCormick Gardens Road are primarily zoned RA-1 and LW. The subject parcels are bound on the west side of the road by the City of Gearhart. The city lots in the immediate area are residential zone and larger than a typical city lot. The proposed development would not change the character of the neighborhood or cause over intensive use of the land.

Conclusion: Based on the analysis above, the application satisfies Zone Change Criterion No. 5.

Zone Change Criterion No. 6:

L5.412(6) - Peculiar Suitability of Site for Particular Uses

Analysis and Finding: The proposed OPR zoning will allow the wetlands to be maintained and reduces the impact that residential development may have.

Conclusion:
Based on the analysis above, the application satisfies Zone Change Criterion No. 6.

Zone Change Criterion No. 7:

L5.412(7) - Zone Change Promotes Appropriate Use of Land in County

Analysis and Finding: The proposal seeks to rezone property in a manner that would encourage the most appropriate use of the land. The applicant has proposed rezoning wetland areas on the subject parcels to OPR. This would prohibit the development of intense residual uses on property with identified wetlands, thus preserving the basic elements of the environment. In addition, the development on the parcels will be limited to the upland areas and will have the least impact to the wetlands. Overall the proposed consolidated application preserves the rural and open space characteristic of the area.

Conclusion: Based on the analysis above, the application satisfies Zone Change Criterion No. 7

Zone Change Criterion No. 8:

L5.412(8) - Health, Safety, and General Welfare

Analysis and Finding: The consolidated application does not propose any activity or development that would hinder the health, safety or welfare of Clatsop County residents.

Conclusion:
Based on the analysis above, the application satisfies Zone Change Criterion No. 8.

B. CLUSTER DEVELOMENT AND DENSITY TRANSFER

NOTE: Clatsop County Standards allow density transfers only in conjunction with a cluster development. The consolidated application includes a request for two major partitions, each creating three lots; however, neither of the partitions meets the definition of a "cluster" development. The applicant, Ms. Edler, has entered into an agreement with Russ Earl to transfer two density credits to the property identified as T7N R10W Sec 27 TL 3600. This parcel is part of the proposed West Dunes subdivision that is currently being processed under Ordinance #12-01.

S3.150. Cluster Development and Density Transfer
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.

(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.

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

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

(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).

(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.

(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.

(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.

Analysis and Finding: The Standards document requires that density transfers are completed in conjunction with a cluster development; transfers cannot be completed as a separate process. The partitions that the applicant proposes are not cluster developments; however, two of the density credits would be transferred to T7N R10W Sec 27 TL 3600 in the proposed West Dunes cluster subdivision.

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 ether 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

Analysis and Finding: The applicant has included a rezone request as part of this consolidated application. As a condition of approval the applicant shall record a deed restriction in accordance with S3.161(1)(B).

Condition of Approval #1:
The applicant shall record a deed restriction on the portion of the parcels that are to be rezoned as OPR. The deed restriction shall prohibit any further development in the density transfer area until such time as the entire area has been included in an urban growth boundary.

(C) The Community Development Director shall demarcate the approved restrictions on the official Zoning Map, and

Analysis and Finding: The Director will ensure that all recordkeeping requirements are met.

(D) No parcel of land shall be involved in more than one (1) density transfer transaction, and

Analysis and Finding: The subject property has not been involved in any previous density transfer transactions.

(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 (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.

Analysis and Finding: Two of the density credits are being assigned to the proposed West Dunes cluster subdivision (17N R10W Sec 27 TL 3600) while the remaining three (3) credits will be recorded in the Density Table (S3.162) pending future assignment. The proposed lots in the West Dunes subdivision are to be no less than one (1) acre in size (Exhibit 5).

(2) 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 and density transfer requirements.

Analysis and Finding: The consolidated application includes a text amendment to modify the "Density Table S3.162".

Conclusion: Based on the analyses above, the application meets the standards in S3.161.

C. TEXT AMENDMENT

Proposed Text Amendment to S3.162 table:

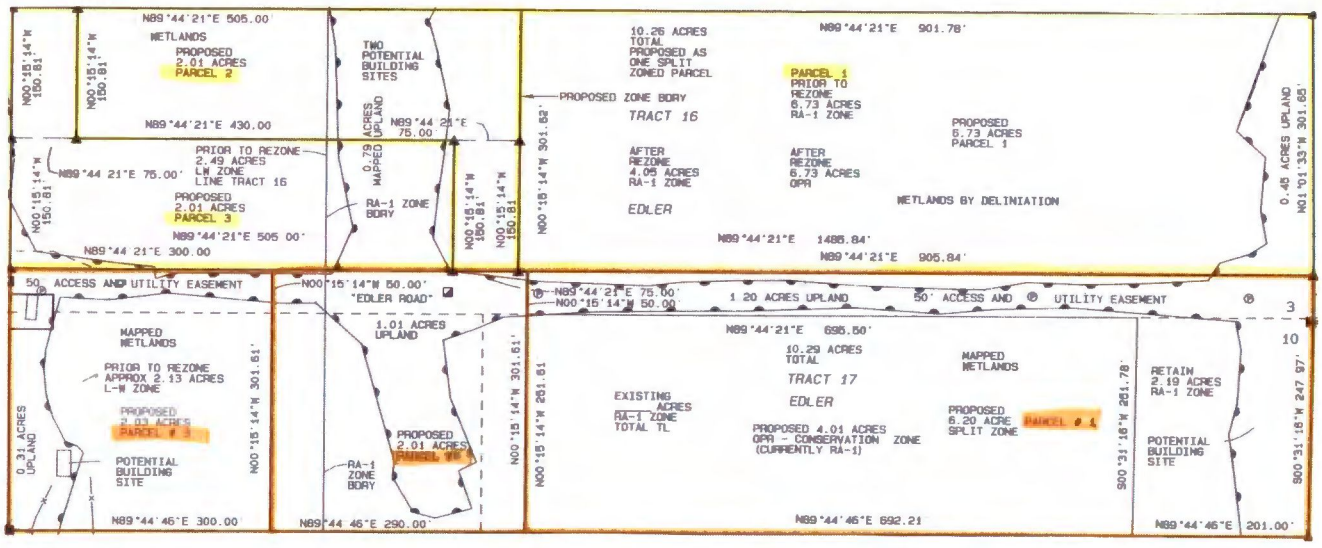
Sending Sites	*Existing Zoning*	*New Zoning*	*Applicable Acreage*	*Density Units*	*Remaining Density*	*Receiving Site/s*	*Receiving Zone*	*Density Credits*
610100000100	RA-1/ LW	OPR / LW	RA-1 = 4.01	2.01	3.0	71027003600 (2)	RA-5	2
61003D001000	RA-1/ LW	OPR / LW	RA-1 = 6.24	3.12	2.0	Tentative (3)	Tent	3
			Subtotal = 5.13 (du)	5 (du)			Subtotal =5 (dc)	

Analysis and Finding:
The proposed text amendment to "Density Table S3.162" is a simple housekeeping issue required by S3.161(1)(F) and does not require evaluation against any criteria nor consistency with the comprehensive plan.

Conclusion:
Based on the analysis above, the proposed text amendment does not require findings of fact and consistency with the comprehensive plan.

D. PARTITIONS

SUMMARY: The applicant proposes two separate partitions each creating three lots. The analysis and findings below evaluated both partitions against the criteria.



LWDUO 80-14

L3.180. RESIDENTIAL-AGRICULTURE-1 ZONE (RA-1).

L3.194. Development and Conditional Development and Use Standards.

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

(1) Lot size:
(A) For one family dwelling: two (2) acre.

(2) Minimum lot width: 125 feet.

(3) Lot width/depth dimension shall not exceed a 1:3 ratio.

Analysis and Finding: As demonstrated on Attachment 12 of application document the proposed parcels are no less than two acres in size. In addition they meet the minimum lot width of 125-feet and width/depth ratio.

Conclusion: Based on the analysis above, the both partitions application meets the standards in L3.194.

L5.200. SUBDIVISIONS, PARTITIONS AND PROPERTY LINE ADJUSTMENTS.

L5.202. Applicability.

Major Partitions -- occur when a tract of land is divided into no more than three (3) parcels in a calendar year when such tract of land existed at the beginning of the year and any parcel has less

than 25 feet of frontage on a state, count or public road. Any partition, which requires the creation of a state, county, or public or private road or the utilization of a private road is also considered a major partition.

Analysis and Finding: Each partition proposes three lots and not all of the parcels will have road frontage on the county road. Neither parcel has been subject of another partition this calendar year.

Conclusion: Based on the Analysis and Finding above, the both partitions application meet the definition of a Major Partition as identified in L5.202.

L5.205. General Standards for Minor and Major Partitions.

(1) Standards for partitions in resource zones (as defined in Section 1.030):

(A) Minor Partitions in Resource Zones shall meet the following standards:

1) Road approach approval from the appropriate agency shall be demonstrated.

2) Clustering in resource zones shall be subject to the standards for partitioning of non-resource lands in (2) below as well as any other applicable standards.

3) County-wide Forest Lands Policy #22 shall be applied to all AF and F-80 partitions.

(B) Major Partitions in Resource Zones shall meet the following standards:

1) Standards in Section 5.205(1)(A)(1-3) above shall be met.

2) (c) If a private road or easement is created or utilized, the easement shall meet the standards from the "Basic Major Partition Improvement Standards Table". Easements which bind all involved property owners and which specify the perpetual, non-exclusive nature of the roadway easement shall be signed and recorded with the County Clerk.

(2) Standards for Partitions in Non-Resource Zones (as defined in Section 1.030).

(A) Minor Partitions in All Zones other than Resource Zones shall meet the following standards:

1) Road approach approval from the appropriate agency shall be demonstrated.

2) Except as set out in Section 5.207(1) the boundaries of all parcels shall be surveyed and monumented.

(B) Major Partitions in Non-Resource Zones shall meet the following standards

1) Standards in 5.205(2)(A)(1-2) above shall be met.

Analysis and Finding: A private road is proposed from McCormick Gardens Road, a county road. In accordance with L5.205(2) road approach approval from Clatsop County Public Works is required.

Condition of Approval #2:
Prior to the recording of the partition plats road approach approval from Clatsop County Public Works shall be demonstrated.

Conclusion: Based on the analysis and condition of approval, both partitions meet the criteria in L5.205(2).

L5.206. Extent of Road Improvements.

(1) Required access road improvements shall be completed to provide access from the partitioned parcels to an existing public, county or state road.

Analysis and Finding: In accordance with L5.206 road improvements are required.

Condition of Approval #3:
Prior to the recording of either partition plat road the applicant shall complete the required road improvements.

Conclusion: Based on the analysis and condition of approval, both partitions meet the criteria in L5.206.

STANDARDS DOCUMENT

SECTION 6.000. TRANSPORTATION IMPROVEMENTS AND ROAD STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION.

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(3)	50	A.C.(6)	25	12	250	(1)
Subdivision (4-9 lots)	30 – 60	A - 20	20(3)	50	A.C.(6)	20	12**	150	(1)
Partition (3+) ****	<60	A - 20	20(3)	50	Gravel	20	12**	150	(1)
Partition (1-2 Lots)	<30	A – 14(4)	14(3)	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.
****Partition with the potential for further partition into additional lots, as allowed per Section 5.200 LWDUO.
(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-14 roads 400 feet in length or greater shall provide turn-outs at a maximum distance of 400 feet, or at a lesser interval that will maintain a continuous visual contact between each successive turn-out.**
(5) **Minimum unobstructed road travel lane width, per Oregon Fire Code as adopted by ORS-October 2004.**
(6) Minimum A.C. thickness is 3" nominally compacted ODOT class "C: or approved equal.

Effective Date: May 2, 2005

Analysis and Finding: Table 1 Right-of-Way improvement standards required the proposed private road to be improved to an A-20 road standard where it serves 3 or more lots and then an A-14 standard where it serves no more than 2 lots.

Condition of Approval #4:
Prior to the recording of either partition plat the private road shall be improved to an A-20 road standard for a distance of approximately 540-feet. Then remainder of the road shall be improved to an A-14 standard.

_____: Based on the analysis and condition of approval both partitions the proposed roadway will meet the criteria in S6.000 – Table 1.

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.

Analysis and Finding: The proposed road will access no more than five parcels.

(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.

Analysis and Finding: The property to the east of the subjects is zoned F-80 so it is highly unlikely that the property will be developed and require the use of the proposed road.

(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.

Analysis and Finding: The proposed easement is 50-feet in accordance with the standards in Table 1.

(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.

Analysis and Finding: The private road does not require special consideration regarding access requirements because it does not abut a railroad or limited access road.

(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.

_____: In accordance with S6.160(5) a guardrail is required on the bridge over which the private road will travel.

Condition of Approval #5:
The private bridge shall include a guardrail.

(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.

Analysis and Finding: Staff has consulted with Clatsop County Public Works and the County Engineer has determined that private road status is appropriate for the proposed development.

(7) All private roads that are dead-end roads shall have a cul-de-sac or other suitable turnaround.

Analysis and Finding: Standard S6.160(7) requires a private road turnaround.

Condition of Approval #6: A private road turn around shall be provided in accordance with Clatsop County Road Standards and State Fire Code.

(8) A private road shall directly connect only to a public, county or state road.

Analysis and Finding: The private road will directly connect to McCormick Gardens Road, a county facility.

(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.

Analysis and Finding: The private road shall meet the construction requirements of an A-20 road where applicable and an A-14 road where applicable as required by Table 1. Refer to COA #03.

(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.

Analysis and Finding: Standards S6.160(10)-(11) requires an easement and road maintenance agreement that binds the owners of the land served by the road to maintain the road.

Condition of Approval #7: The applicant shall record an easement and road maintenance agreement prior to the recording of the partition plats.

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.

Analysis and Finding: The standards in S6.160(1)-(6) identify the minimum private road standards. Table 1 requirements the proposed private road to be constructed to an A-20 standard where applicable and an A-14 standard where applicable which exceeds the minimum requires of this section.

(7) All culverts, bridges and other waterway crossings serving two (2) or more parcels shall be 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.

Analysis and Finding: The proposed roadway will include a bridge crossing that will serve five parcels. Standard S6.170(7) requires the bridge to be constructed to AASHTO standards and to be certified by a professional registered engineer. County Engineer, Ron Ash, has stated that the bridge will need to meet the width requirement of the road, which is 20-feet. The AASHTO weight capacity is 80,000 pounds gross.

Condition of Approval #8: The bridge shall meet AASHTO standards and 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.

Analysis and Finding: Standard S6.170(8) provides specific standards for the construction of the access point to the county road. Road approach approval is required in COA #2.

Conclusion:
Based on the analyses and conditions of approval provided above, the consolidated application will be consistent will meet or exceed the requirement of S6.170.

VII. PUBLIC AND AGENCY COMMENT (Exhibit 4)

Bill Eddy, Chief
Gearhart Fire Department

Summary: Chief Eddy outlines several requests to ensure adequate emergency services access to the newly created parcels. These requests includes: road to be built to county standards, apparatus turnarounds, bridge weight requirements and signage, water supply and sprinkler requirements.

Staff Response:
Earlier in this report staff has address road improvements (COA #3), apparatus turnaround (COA #6), and bridge standards (COA #8). What we have not addressed are the fire hydrant, sprinklers, and bridge signage.

Fire Hydrants	Nothing in the Clatsop County land use code requires the installation of a fire hydrant for a major partition. Therefore, staff is unable to issue a condition of approval requiring the applicant to install a fire hydrant. Chief Eddy may exercise that right when approach to approve the construction of a new dwelling. In addition, Clatsop County will request that Chief Eddy to inspect the road for Oregon Fire Code requirements prior to the recording of the final partition plats. Chief Eddy may choose to require the applicant to install a new fire hydrant as a condition of gaining Gearhart RFPD approval.
Sprinklers	When permitting a new dwelling Clatsop County requires authorization from the local fire district prior to issuing development and building permits. At that time the fire district can required sprinklers in new dwelling.
Bridge Signage	Bridge signage can be required by Clatsop County Public Works or the Gearhart RFPD as a function of approval for the road and bridge improvements.

VIII. CONCLUSION, CONDITIONS OF APPROVAL & RECOMMENDATION:

Conclusion:
Staff has evaluated the application materials against the appropriate criteria contained in the Clatsop County Comprehensive Plan, the Land and Water Development and Use Ordinance, and the Standards Document. The proposed zone change is either consistent with the applicable criteria or can be consistent through the issuance of conditions of approval.

Conditions of Approval:

1. The applicant shall record a deed restriction on the portion of the parcels that are to be rezoned as OPR. The deed restriction shall prohibit any further development in the density transfer are until such time as the entire area has been included in an urban growth boundary.

2. Prior to the recording of the partition plats road approach approval from Clatsop County Public Works shall be

3. Prior to the recording of either partition plat the private road shall be improved to an A-20 road standard for a distance of approximately 540-feet. Then remainder of the road shall be improved to an A-14 standard.

4. Prior to the recording of either partition plat road the applicant shall complete the required road improvements.

5. The private bridge shall include a guardrail.

6. A private road turn around shall be provided in accordance with Clatsop County Road Standards and State Fire Code.

7. The applicant shall record an easement and road maintenance agreement prior to the recording of the partition plats.

8. The bridge crossing shall meet AASHTO standards and be certified by a professional registered engineer.

9. The sale of lots described in this tentative approval is prohibited until final partition approval, including the conditions of approval, is met (ORS 92.016) and the final partition plat has been recorded.

10. A survey shall be made of each lot less than ten (10) acres in size. The new divisions shall be monumented.

11. Conditional approval of a tentative partition plats shall be valid for two years from the date of recording of the conditional approval. The applicant shall meet the conditions of approval prior to expiration of the conditional approval. If the conditions of approval are not met within the two years the partition expires, and a new partition application is required.

Recommendation:
Staff recommends that the Planning Commission adopt the findings of fact contained in the staff report and recommend approval *with conditions* to the Board of Commissioners.

Respectfully Submitted,

Jennifer Bunch, Planner
Transportation & Development Services

EXHIBIT 1

CONSOLIDATED APPLICATION
MATERIALS

Frog Consulting LLC

Gloria Edler Estate

Cluster Partition

Density Transfer

Zone Change

Text Amendment

SUBMITTED TO:

CLATSOP COUNTY

SUBMITTED BY:

MICHAEL WESTON, CEO & CO-FOUNDER, CRYSTAL WESTON, PRINCIPAL AND CO-FOUNDER

PREPARED FOR:

GLORIA EDLER

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EXHIBIT A – EXECUTIVE SUMMARY

INTRODUCTION

INTRODUCTION

The applicant, Frog Consulting on behalf of the owner, and interested parties, are pleased to present our consolidated application for Edler Estates.

This application is a four-tier application involving the following components:

Exhibit B – A density transfer of 5 dc[1] from 2 parcels.

Exhibit C – A text amendment to Standards Document S3.162 "Density Table"

Exhibit D – A consolidated zone change application

- 6 acres of Residential Agricultural-1 (RA-1) to Open Space Parks and Recreation on 61003D001000
- 4 acres of Residential Agricultural-1 (RA-1) to Open Space Parks and Recreation on 610100000100

Exhibit E – Two Cluster Partitions

BACKGROUND

The applicant is proposing two cluster partitions in conjunction with a density transfer of all remaining density from the site. The density transfer component of the application requires a zone change (downzone) and text amendment. The density credits will be recorded in the density table in accordance with the requirements described in Standards Document (SD) S3.161§2 and retained through a text amendment until such time as the owner can find a suitable location to place them. Currently two density credits are slated to be placed on tax lot 3600 in township 7N, range 10W, section 27 and are included as part of another application currently under consideration by Clatsop County. The owner currently has no other prospects for the remaining density (3dc), and would prefer to hang onto them until a later date. The areas from which the density is being transferred will be rezoned Open space Parks and Recreation (OPR) and at least 3 of those acres on each parcel will be identified as permanent common open space in accordance with cluster partition provisions.

PARCEL 61003D001000: SITE #1

Parcel 61003D001000 is owned by Gloria Edler and is currently zoned RA-1 and LW. The parcel is a little more than 10 acres in size. The RA1 designation allows 1 single family dwelling per lot or parcel with a minimum lot size of two acres. Therefore based on density calculations the applicant could technically develop 5 home sites on the subject property. However, in lieu of this opportunity the applicant would prefer to only develop two home sites and transfer the remaining 3 density credits. The density credits shall be recorded on the density table until such time as a suitable location for placement can be attained. The parcel is identified on County tax records as 10.30 acres in size. Cluster development standards require a minimum percentage of common open space. Therefore the applicant is proposing to designate at least 3.5 acres of the 6.24 acres intended to be rezoned OPR as permanent common open space in accordance with Clatsop County Standards. The description for the permanent common open space will be recorded on a deed restriction with language acceptable to the County Planning department and in accordance with their standards {SD S3.158§8(F)}.

[1] dc = density credits as illustrated in Exhibit C – Text Amendment, Table 4: Density Table

PARCEL 610100000100: SITE # 2

Parcel 61003D000100 is owned by Gloria Edler and is currently zoned RA-1 and LW. The parcel is a little more than 10 acres in size. The RA1 designation allows 1 single family dwelling per lot or parcel with a minimum lot size of two acres. Therefore based on density calculations the applicant could technically develop 5 home sites on this property as well. However, in lieu of this opportunity the applicant would prefer to only develop three home sites and transfer the remaining 2 density credits. The applicant is proposing to place the two density credits (dc) on tax lot 3600 as described in the above paragraph. The transfer will be detailed in the Density Table per SD S3.161§2. The parcel is identified on County tax records as 10.27 acres in size. Cluster development standards require a minimum percentage of common open space. Therefore the applicant is proposing to designate at least 3.5 acres of the 4.01 acres intended to be rezoned OPR as permanent common open space in accordance with Clatsop County Standards. The description for the permanent common open space will be recorded on a deed restriction with language acceptable to the County Planning department and in accordance with their standards {SD S3.158§8(F)}.

TABLE 1: DENSITY TABLE SENDING SITES

Map & tax Number	Total Acreage Sending Site	RA1 Acreage	OPR	Acreage Remaining RA1	Density Credits Transferred	Receiving Sites
61003D001000	10.30	8.25	6.26	1.99	3	Tentative
610100000100	10.27	8.95	4.01	4.94	2	710270003600
TOTAL	20.57	17.2	10.27	6.93	5	2dc – 710270003600; 3dc – Pending Assignment

SATISFACTION OF CRITERION

In order to satisfy the Zone Change requirements listed in Section 5.412 of the County's Land Use Ordinance, this application provides findings demonstrating consistency with the 18 applicable Statewide Planning Goals, 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 proposed findings attached as Exhibit D – Zone Change. The findings demonstrate how the proposal is consistent with those criteria and policies identified throughout the aforementioned documents.

In addition the two cluster partitions addressed in this report are designed to conform to the standards outlined in Clatsop County's LWDUO and Standards Document Section 5.200. Findings addressing the applicable criteria for the partitions are addressed in Exhibit E.

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.

TABLE 2: SUMMARY OF APPLICABLE CRITERION

Criterion	Summary Finding	Exhibit	Page/s
Density Transfer & Text Amendment			
LWDUO Section 3.184	Satisfied	B	5
SD Section 3.161(1a)	Satisfied w/ Zone Change	B	5
SD Section 3.161 (1b)	Consistent	B	6
SD Section 3.161 (1c)	Consistent	B	6
SD Section 3.161 (1d)	Consistent	B	7
SD Section 3.161 (1e)	Consistent	B	7
SD Section 3.161 (1f)	Consistent	B	7
SD Section 3.161 (2)	Consistent w/ Amendment	B & C	8
SD Section 3.162	See Proposed Table	C	8
Zone Change			
LWDUO 5.412 #1 Consistency with Comp Plan	Satisfied	D	16
Goal 1 Element - Citizen Involvement	Consistent	D	17
Goal 2 Element - Land Use Planning	Consistent	D	17
Goal 3 Element -Agricultural Lands	Consistent	D	18
Goal 4 Element - Forest Lands	Consistent	D	19
Goal 5 Element - Open Space, Scenic, Historic, & Natural Resources	Consistent	D	19
Goal 6 Element - Air, Water, and Land Quality	Consistent	D	21
Goal 7 Element - Natural Hazards	Consistent	D	23
Goal 8 Element - Recreation	Consistent	D	26
Goal 9 Element - Economy	Consistent	D	26
Goal 10 Element - Housing	Consistent	D	27
Goal 11 Element - Public Facilities	Consistent	D	28
Goal 12 Element - Transportation	Consistent	D	29
Goal 13 Element - Energy Conservation	Consistent	D	34
Goal 14 Element - Urbanization	Consistent	D	35
Goal 16 Element - Estuarine Resources	Consistent	D	35
Goal 17 Element - Coastal Shorelands	Consistent	D	35

Goal 18 Element - Beaches and Dunes	Consistent		36
Clatsop Plains Community Plan	Consistent w/ Appropriate Conditions	D	37
LWDUO 5.412 #2 Consistency with Statewide Planning Goals	Satisfied	D	54
LWDUO 5.412 #3 Provisions for adequate Public Facilities and Services	Satisfied	D	54
LWDUO 5.412 #4 Adequate and Safe Transportation	Consistent w/ Appropriate Conditions	D	55
LWDUO 5.412 #5 Compatibility with the Character of the Area and Zoning Pattern	Consistent	D	55
LWDUO 5.412 #6 Suitability of the Property for the Use	Consistent	D	56
LWDUO 5.412 #7 Appropriate Use of Land	Consistent	D	56
LWDUO 5.412 #8 Health, Safety and General Welfare	Consistent	D	56
Cluster Partition			
LWDUO 5.205 General Standards for Minor and Major Partitions	Consistent w/ Appropriate Conditions	E	64
LWDUO 5.206 Extent of Road Improvements	Consistent w/ Appropriate Conditions	E	65
LWDUO 5.207 Exceptions	Consistent	E	66
LWDUO 5.208 Tentative Partition Plan Submission Requirements	Consistent	E	67
SD S3.150 – 3.160 Cluster Development Provisions	Consistent w/ Appropriate Conditions	E	68
SD S6.050 Table 1 Public / Private Road Standards	Consistent as Proposed	E	81
A conclusion of "Consistency" can be achieved by applying appropriate conditions to ensure compliance with the relevant policies and criteria.			

CONCLUSION

As illustrated in Table 2 Summary of Applicable Criteria, 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 your help and cooperation in reviewing this land use matter.

Respectfully,

Michael J Weston II, CEO & Co-Founder Date **Crystal S. Weston, Principal & Co-Founder** Date

EXHIBIT B – DENSITY TRANSFER

SUMMARY OF 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 February 28, 2011, and the Clatsop County Standards Document (SD), including amendments through February 28, 2011. In discussion below, Frog Consulting has identified what we believe are the applicable criteria and described how those approval criteria are met.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 3.184: DEVELOPMENT AND USE PERMITTED

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

APPROVAL CRITERION

***§ (10)** Cluster developments subject to the provisions of Clatsop County Standards Document Section S3.150-S3.161.*

FINDINGS

Cluster developments and density transfers, subject to applicable standards, are permissible in accordance with LWDUO Section 3.184 (10). LWDUO Sections 5.203 through 5.212 and SD Sections S3.150 through S3.160 are thoroughly addressed in Exhibit E – . SD section S3.161-S3.162 will be addressed with Exhibit B – Density Transfer .

The text amendment (Exhibit C – Text Amendment) and zone change (Exhibit D – Zone Change) portions of this application require Type IV procedures (LWDUO Section 2.035) per LWDUO Sections 2.310 & 5.410. The cluster partition aspect of this proposal requires Type II procedures per LWDUO section 5.203. In order to streamline this proposal the applicants request that 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 summary,

- The Community Development Director per LWDUO Section 2.310 will satisfy notification requirements.
- Cluster Requirements, SD Sections S3.150-S3.160, will be addressed in Exhibit E –
- Density Transfer Requirements, SD Sections S3.161-S3.162, will be addressed in Exhibit B – Density Transfer and Exhibit C – Text Amendment.

Criteria under section 3.184 are satisfied.

STANDARDS DOCUMENT

STANDARDS DOCUMENT SECTION 3.161: DENSITY TRANSFER STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (1A)

CRITERIA

-(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*

FINDINGS

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 Residential Agriculture-1 (RA1). The combination of all sending sites equates to approximately 10 acres. This application proposes to rezone all identified areas currently zoned RA1 to Open Space Parks and Recreation (OPR).

Criteria under SD S3.161 (1A) are satisfied.

STANDARDS DOCUMENT SECTION 3.161: DENSITY TRANSFER STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (1B)

CRITERIA

-(1) Transfer of residential development rights between sites in the Clatsop Plains Planning Area is allowed as follows:

> *-(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*

FINDINGS

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 (1B) are satisfied.

STANDARDS DOCUMENT SECTION 3.161: DENSITY TRANSFER STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (1C)

CRITERIA

-(1) Transfer of residential development rights between sites in the Clatsop Plains Planning Area is allowed as follows:

> *-(C) The Community Development Director shall demarcate the approved restrictions on the official Zoning Map, and*

FINDINGS

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 (1C) shall be completed by the Community Development Director and are satisfied for the purposes of assessing this application against the criteria.

STANDARDS DOCUMENT SECTION 3.161: DENSITY TRANSFER STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (1D)

CRITERIA

-(1) Transfer of residential development rights between sites in the Clatsop Plains Planning Area is allowed as follows:

FINDINGS

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 – Text Amendment. Currently this proposal involves just over 10 acres of land that result in the transfer of 5 density credits 2 credits are destined for the West Dunes receiving sites, tax lot 3600 along with 1 dc from the NCLC in order to fulfill their density requirements. The remaining three density credits will be retained in the density table until such time as a suitable location for placement can be identified.

In order to accommodate this request the applicant is proposing a text amendment addressed in Exhibit C – Text Amendment that would allow the County to issue an affidavit detailing the remaining density credits. Table 3: Total Acreage and Eligible Credits below illustrates total acreage and eligible credits.

TABLE 3: TOTAL ACREAGE AND ELIGIBLE CREDITS OF SENDING SITES

Map Key	*Zoning*	*Applicable Acreage*	*Density Credits*
610100000100	RA-1 / LW	4.01	Total = 2 dc density
61003D001000	RA-1 / LW	6.24	Total = 3 dc

Criteria under SD S3.161 (1D) are satisfied.

STANDARDS DOCUMENT SECTION 3.161: DENSITY TRANSFER STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (1E)

CRITERIA

-(1) Transfer of residential development rights between sites in the Clatsop Plains Planning Area is allowed as follows:

-(E) Density transfer goes with the property - not the owner; and

FINDINGS

The applicants understand and agree to this requirement. Residential density credits transferred under this proposal will be assigned to the sending & receiving parcels and not to the applicants personally.

Criteria under SD S3.161 (1E) are satisfied.

STANDARDS DOCUMENT SECTION 3.161: DENSITY TRANSFER STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (1F)

APPROVAL CRITERION

-(1) Transfer of residential development rights between sites in the Clatsop Plains Planning Area is allowed as follows:

-(F) Minimum lot size shall be one (1) acre for the receiving site.

FINDINGS

Criteria under SD S3.161 (1F) are satisfied.

STANDARDS DOCUMENT SECTION 3.161: DENSITY TRANSFER STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (2)

CRITERIA

-(2) 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 and density transfer requirements.

FINDINGS

The criteria identified here are satisfied through the completion of the text amendment portion of this approval. (See Exhibit C – Text Amendment)

Criteria under SD S3.161 (2) are satisfied.

DENSITY TABLE

STANDARDS DOCUMENT SECTION 3.162: DENSITY TABLE

FINDINGS

The text amendment addressing the proposed density transfers has been addressed in Exhibit C – Text Amendment.

Criteria under SD S3.162 are satisfied.

EXHIBIT C – TEXT AMENDMENT

APPLICATION

COMPREHENSIVE PLAN/ZONING ORDINANCE TEXT AMENDMENT
Fee: $3,309.00 (Required with application)

APPLICANT: (Mandatory)

Name: Gloria Edler (Owner) Phone # (Day): 503-440-2913

Mailing Address: PO Box 64 FAX #: _____

City/State/Zip: Seaside, OR 97138 Signature: _____

APPLICANT #2 / AGENT / CONSULTANT / ATTORNEY: (Optional)

Name: Frog Consulting LLC c/o Michael Weston Phone # (Day): 503-325-5666

Mailing Address: 469 Lexington Avenue FAX #: _____

City/State/Zip: Astoria, OR 97103 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:

The applicant is proposing to rezone approximately 10 acres currently zoned Residential Agricultural 1 to Open Space Parks and Recreation. In doing so, the applicant is proposing a text amendment that will modify the comprehensive plan designation from Rural Lands to Conservation Other Resources. In addition the applicant is proposing to relocate the existing density to an better suited site somewhere within the Clatsop Plains Planning Area. The total density is reflected in the Density table that is a component of this application. Two Density credits are slated to be applied in the West Dunes Subdivision. An attachment to this document illustrates the West Dunes proposal. The remaining Density credits will be retained through an affidavit until such time as a suitable location for placement can be found.

OFFICE USE ONLY: date received: _____ application: _____

date completed: _____ R&O /Ord #: _____

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

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 necessary building permits, sanitation permits, US Army Corps of Engineers Permits, Oregon Department of Parks and Recreation Permits, or Clatsop County Road Approach Permits. I shall obtain any and all necessary permits and complete the conditions of approval as required herein within 180 days of the issuance of this permit before I do any of the proposed uses or activities. The statements within this application are true and correct to the best of my knowledge and belief. I understand that if the permit authorized was based on false statements or misrepresentations 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 signer's failure to build, improve, or maintain roads which serve as access to the subject property or from the undersigned's failure to fully abide by any of the conditions included in or attached to this permit.

4. WAIVER OF VESTED RIGHTS DURING APPEAL PERIOD FOR ZONING AUTHORIZATION. I have been advised that this Land and Water Development Permit/Action authorized by the Clatsop County Planning Director may be appealed within ten calendar days of the date of permit issuance and authorization (note: if the tenth 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 Plan/Action. You should check with the Clatsop County Department of Planning and Development.

7. This Development Permit/Action expires 180 days from the date of issuance unless substantial construction or action pursuant to the permit has taken place.

SUMMARY OF 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 February 28, 2011, and the Clatsop County Standards Document (SD), including amendments through February 28, 2011. In the 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

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 2.310: LEGISLATIVE ACTION UNDER THIS ORDINANCE (1A, 1B, 2)

CRITERIA

-(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.

FINDINGS

The application proposes a text amendment to this ordinance per Standards Document section 3.161 (2), an update to the Density Table Section 3.162 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 – Zone Change) 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:

TABLE 4: DENSITY TABLE

Map Key	*Current Plan Designation*	*Proposed Plan Designation*
610100000100	Rural Lands	Conservation Other Resources
61003D001000		

STANDARDS DOCUMENT

STANDARDS DOCUMENT SECTION 3.161: DENSITY TRANSFER STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (2)

CRITERIA

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 and 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 proposes the following addition to the Density Table:

TABLE 5. DENSITY TABLE AMENDMENTS

Sending Sites	*Existing Zoning*	*New Zoning*	*Applicable*	*Density Units*	*Remaining Density*	*Receiving Site/s*	*Receiving Zone*	*Density Credits*
610100000100	RA-1/ LW	OPR / LW	RA-1 = 4.01	2.01	3.0	71027003600 (2)	RA-5	2
61003D001000	RA-1/ LW	OPR / LW	RA-1 = 6.24	3.12	2.0	Tentative (3)	Tent	3
			Subtotal = 5.13 (du)		5 (du)		Subtotal =5 (dc)	

Table 5. Density Table Amendments above contains all the fields illustrated in the "Density Table" section S3.162. Table 5 identifies the sending parcels, estimates the acreage, the proposed zoning, the receiving sites, and indicates the number of Density Credits that are being transferred.

Criteria under SD S3.161 (2) are satisfied.

EXHIBIT D – ZONE CHANGE
APPLICATION

CLATSOP COUNTY OREGON 1844

COMPREHENSIVE PLAN/ZONING MAP AMENDMENT
Fee: $977.00 (required with application)
$2175.00 (required with application)

PROPOSED USE: Open Space Parks & Recreation - Permanent Common Open Space

	Zoning	Comprehensive Plan Designation
Current:	RA-1	Rural Lands
Proposed:	OPR	Conservation Other Resources

LEGAL DESCRIPTION OF PROPERTY:

T: 6 R: 10 S: 10 TL: 00100 ACRES: 10.27

OTHER ADJACENT PROPERTY OWNED BY THE APPLICANT:

T: 6 R: 10 S: 03D TL: 01000 ACRES: 10.30

T: 6 T: 10 S: 10 TL: 00200 ACRES: 10.17

APPLICANT 1: (Mandatory)

Name: Frog Consulting LLC; c/o Michael Weston Phone # (Day): 503-325-5666

Mailing Address: 469 Lexington Avenue FAX #:

City/State/Zip: Astoria, OR 97103 Signature:

PROPERTY OWNER: (Mandatory if different than applicant)

Name: Gloria Edler Phone # (Day): 503-440-2913

Mailing Address: PO Box 64 FAX #:

City/State/Zip: Seaside, OR 97138 Signature:

PROPERTY OWNER #2 / SURVEYOR / AGENT / CONSULTANT / ATTORNEY: (optional)

Name: Mendenhall & Associates; c/o Neil A. Mendenhall Phone # (Day): 503-738-6363

Mailing Address: PO Box 2025 FAX #:

City/State/Zip: Gearhart, OR 97138 Signature:

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

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/Olney/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.
   9. 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: _____ application: _____
date completed: _____ R&O /Ord #: _____

SUMMARY OF 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 February 28, 2011, and the Clatsop County Standards Document (SD), including amendments through February 28, 2011. 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

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.410: PURPOSE

As discussed in Exhibit D, the criteria for a Density Transfer begins with SD section 3.161 (1A), 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 (1A), 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.

CRITERIA

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.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.412: ZONE CHANGE CRITERIA (1)

Per LWDUO Section 5.412 (1), the proposed zone change must be consistent with the Comprehensive Plan. The County Comprehensive Plan consists of several separate documents: an overall County 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

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.

FINDINGS

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, 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.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 1: CITIZEN INVOLVEMENT, POLICIES 1-9

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 Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 1: Citizen Involvement policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, 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.

This proposal consists of 7 sites (the potential sending site from the Edler project will be addressed in a separate application). The 1 identified receiving site is zoned RA5, and the sending sites are zoned RA1 the designated RA1 areas will be changed to OPR. All of these 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;

-(c) 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

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 2: LAND USE PLANNING

This policy establishes criteria for determining the appropriate zoning classification to designate a particular lot or parcel. The zoning at the receiving sites will likely have already been designated per subsection (d) above. 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 Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 2: Land Use Planning policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 3: AGRICULTURAL LANDS

Goal

To preserve and maintain agricultural lands (Policies 1-8)

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 3: AGRICULTURAL LANDS

The subject property is considered residential - agricultural land, and classified under the designation "rural lands". The policies in Goal 3 are not directly relatable to the subject property and pertain mostly to lands designated as "rural agricultural lands". In addition, the County adopted a report in 1982 indicating that several hundred acres in the Clatsop Plains were not suitable for farming. For this reason, Agricultural Lands Policies are not applicable to this proposal.

This proposal is consistent with Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 3: Agricultural Lands policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 4: FOREST LANDS

Goal

To preserve forest lands for forest uses. (Policies 1-23)

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, 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 Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 4: Forest Lands policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 5: OPEN SPACES, SCENIC & HISTORIC AREAS AND NATURAL RESOURCES

Goal

To protect and ensure appropriate use of mineral and aggregate resources consistent with Statewide Planning Goal 5 and the process for complying with the Goal Specified in Oregon Administrative Rules Chapter 600, Division 23.

Mineral and Aggregate Resources (Policies 1-15)

Energy Sources (Policies 1-4)

Scenic Sites (Policies 1-2)

Fish and Wildlife Areas and Habitats (Policies 1-12)

-(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.**

Wetlands (Policies 1-3)

Natural Areas (Policies 1-4)

Water Resources and Watersheds (Policies 1-5)

Wilderness Areas (Policy 1)

Historic Sites (Policies 1-7)

Cultural Areas (Policies 1-2)

Bald Eagle Nests and Nesting Activity and Great Blue Heron Rookeries

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, 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: Policies four, seven and eight can be construed to apply to this request. The applicant is proposing to designate low-lying areas as open space. All other policies can be satisfied through conformance with applicable standards for development.

Wetlands: No Goal 5 "Wetlands" have been identified within the development area of this proposal. No development is proposed in these areas.

Natural Areas: No Goal 5 "Natural Areas" have been identified within the development area of this proposal.

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: There were no significant cultural areas identified during initial site investigations.

Bald Eagle Nests and Nesting Activity and 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 nearby banks of the Lake and Wetland areas, regardless no development is permitted within 50 feet from the bank so no impact should occur.

This proposal is consistent with Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 5: Open Spaces, Scenic & historic Areas and Natural Resources policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, 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:

-(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-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 6: AIR, WATER AND LAND QUALITY

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): 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. 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 Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 6: Air, Water and Land Quality policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 7: NATURAL HAZARDS

Flood Hazard Policies

Goal

To protect life and property from natural disaster and hazards

Goal 7 – Natural Hazards: The following policies of Clatsop County's Goal 7 element apply to the proposal site, which is an identified quake hazard area having compressible soils subject to liquefaction.

FLOOD HAZARD POLICIES

1. Clatsop County recognizes the value of an integrated flood hazard management program in order to protect life and property and shall continue participation in the Federal Flood Insurance Program.

2. Through an integrated flood hazard management program, the county will implement and administer appropriate land use planning techniques and construction standards.

3. The County will develop and maintain educational efforts regarding the public benefit derived from an integrated flood hazard management program.

4. The County shall limit land uses in the floodplain to those uses identified by the adopted floodplain regulations as suitable.

5. The County shall strive to make flood hazard information, including that related to tsunamis, available to the public to insure that owners and potential buyers of flood prone land are aware of the hazard.

6. To provide continued flood protection, the County encourages the maintenance and repair of existing flood control structures. The construction of new dikes, for the purpose of establishing future development in floodplain areas, shall be discouraged.

7. Agriculture, forestry, open space and recreation shall be the preferred uses of flood prone areas.

8. The County shall prohibit the placement of hospitals, public schools, nursing homes, and other similar public uses within areas subject to flooding.

9. Subdivisions occurring within floodplain areas shall be encouraged to cluster land uses outside of the floodplain area leaving the floodplain in open space.

10. For specified areas, the County will consider the adoption of regulations requiring the preparation and implementation of a drainage plan as part of its review and approval of conditional use permits and development permits.

General Mass Movement Policies

1. The County shall recognize the development limitations imposed by areas of mass movement potential.

2. Mass movement hazards do not necessitate disapproval of development, but higher development standards can be expected in order to minimize problems.

3. Clustering of development on stable or less steep portions of sites is encouraged in order to maintain steeper or unstable slopes in their natural conditions.

4. Closely spaced septic tanks and drainfields should be restricted from moderately to steeply sloping areas because of the potential for sliding.

5. Projects which include plans for modifying the topography of sloping areas or established drainage patterns shall be evaluated in terms of the effect these changes would have on slope stability.

6. The presence of faults in an area shall constitute additional reason for restricting development in areas of landslide topography.

7. The County Planning Department should inform potential builders and developers of the presence of fault lines and may require a site investigation in appropriate situations (such as the construction of a school, hospital or large residential development).

Development Policies for Areas of Mass Movement

1. Structures should be planned to preserve natural slopes. Cut and fill construction methods shall be discouraged.

2. Access roads and driveways shall follow slope contours to reduce the need for grading and filling, reduce erosion, and prevent the rapid discharge of runoff into natural drainageways.

3. Loss of ground cover for moderately to steeply sloping lands may cause land slippage and erosion problems by increasing runoff velocity. Development on moderate to steep slopes should generally leave the natural topography of the site intact. Existing vegetation, particularly trees, should be retained on the site.

4. The County shall require a preliminary slope stability investigation in the following hazard areas:

a. Where detailed soils map exist, in hazardous soils areas listed in Table 2;

b. Where no detailed soil maps exist, all areas which have slopes in excess of 25%. Where the preliminary slope stability investigation indicates mass movement hazards on the site, a detailed site investigation report shall be prepared. The detailed report shall indicate the severity of the hazard and any recommended techniques that could be used to alleviate the hazard before structures, roads, and septic tanks are allowed in noncommercial forest lands.

Policies for Streambank Erosion and Deposition

1. The outside faces of dikes shall be stabilized to prevent erosion as part of the regular maintenance of existing dikes.

2. A buffer of riparian vegetation along streams and rivers should be encouraged in order to protect and stabilize the banks.

3. Property owners shall be notified of areas of streambank erosion so they can take this information into account when placing structures.

4. The DEQ's best management practices for agricultural areas shall be supported to reduce erosion and sedimentation of streams.

5. Appropriate agencies should work to obtain speed limits and enforcement of these speed limits for boats in areas where dikes are affected by wave erosion.

6. The Forest Practices Act shall be strictly enforced to reduce sedimentation of streams.

7. Problems from natural erosion or the creation of situations where erosion would be increased due to actions on or adjacent to the river banks shall be avoided by carefully reviewing state and federal permits for shoreline stabilization to minimize impacts on adjacent land.

HIGH GROUNDWATER AND COMPRESSIBLE SOILS

BASIC FINDINGS

In the alluvial lowland areas near streams and rivers and in the interdune areas of the Clatsop Plains, the ground water table is at or near the ground surface much of the year. Problems associated with high groundwater include hydrostatic pressure causing buoyancy of underground tanks or fracturing of basement floors and walls and health hazards from improperly working septic systems. Much of the problem of building in areas of high groundwater has been addressed by the present DEQ rules, which prohibit the issuance of septic tank permits when the groundwater level is within 5 ½ feet of the ground surface.

Most of the soils with high groundwater levels also experience problems due to the compressible properties of the soils. Construction on compressible soils can result in differential settling of development such as homes, roads, railroads, airport runways and pipelines.

Engineering solutions include excavation and backfilling with more suitable material, preloading, and the use of piling or spread footings depending upon the nature of the specific structure being considered and the degree of severity of the hazard.

POLICIES FOR AREAS WITH HIGH GROUNDWATER AND/OR COMPRESSIBLE SOILS

1. *The county shall recognize the development limitation of lands with high groundwater and compressible soils during its planning process.*
2. *It is recommended that in all areas identified as having a high groundwater level, DEQ conduct a winter water check before issuing any septic tank permits.*
3. *Prior to the approval of a subdivision in areas of compressible soils, the County shall require a sire investigation prepared by a soils engineer, geologic engineer or other expert. The report shall indicate what techniques can be used to address the hazards on the property.*
4. *Prior to the issuance of a building permit in an area of compressible soils the building official may require that special provisions be made in the foundation design and construction to safeguard against damage. The building official may require a site investigation and report to provide this design and construction criteria.*
5. *The County shall update its compressible soils and high water table maps as detailed soils information becomes available.*

Table 2.

Compressible Soils and Soils that Exhibit High Groundwater Levels in Clatsop County

Soil	Detailed Soils Map Symbol	Compressible	High Groundwater
Peat	21A	X	X
Braillier muck	3A	X	X
Clatsop silty clay loam	5A	X	X
Coquille silty clay loam	7A	X	X
Warrenton loamy fine	23A		X

sand

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 7: NATURAL HAZARDS

The subject parcel has soils identified as Gearhart Fine Sandy Loam which, these soils are considered a low risk for liquefaction but are still identified as compressible soils. The area is also identified within the 100 year flood hazard risk in an AE zone according to the 2010 FEMA maps. Any development on the site will have to conform with applicable flood hazard regulations pertaining to that development. In addition soils to the east of the property were identified as having characteristics usually found in areas subject to mass movement. Any development within this area will also require additional development steps that are usually addressed at the time of development. The applicant intends to adhere fully to the policies identified above in all development of the subject property. Usually the policies identified here are applied at the individual development stage and can be ensured through an appropriate condition of approval.

This proposal is consistent with Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 7: Natural Hazards policies; all policies under this section of the County's Goal 7 Element can be satisfied through an appropriate condition requiring compliance with FEMA regulations and Geotechnical analysis where necessary.

This proposal is consistent with the Goal 7 policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 8: RECREATION

Introduction

Clatsop County's recreational lands sites are utilized by the public for a wide range of recreational activities…

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, 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 property boundaries that can be used to satisfy any recreational needs of prospective homeowners. These areas will either be conveyed with the property, held in the joint ownership of prospective buyers, or in individual ownership.

This proposal is consistent with Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 8: Recreation policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 9: ECONOMY

Goal

To diversify and improve the economy of the state and Clatsop County

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, 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 Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 9: Economy policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 10: HOUSING

Goal

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

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 Development

-(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-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 10: HOUSING

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.

This proposal is consistent with Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 10: Housing policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 11: PUBLIC FACILITIES AND SERVICES

General Public Facilities Policies

-(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.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, 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). Studies also indicate an ample water reservoir exists below the Clatsop Plains. See Attachment 7.

Regarding general public facilities policies number 9, 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. These policies will need to be addressed with the placement of the density credits on the receiving parcel.

This proposal is consistent with Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 11: Public Facilities and Services policies.

CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, 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.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, 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.

-(11) Promote intercity connectivity between major population areas, including linkages to the Portland metropolitan area.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 1: MOBILITY
While these policies do not establish mandatory approval criteria the applicant is proposing to design their road in a convenient manner that provides adequate connectivity. Appropriate road standards will be utilized to ensure fire and safety access to lots and parcels.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, 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.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 2: LIVABILITY

Transportation access to adjoining lots as well as neighborhood livability has been incorporated into the designs for the partitions.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, 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

-(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.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 3: COORDINATION

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

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, 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.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 4: PUBLIC TRANSPORTATION
Goal 4 is pointed at local jurisdictions and does not present any relevant criteria for evaluation.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, 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.

-(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.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 5: PEDESTRIAN AND BICYCLE FACILITIES
The applicant is platting the street to the property boundary to allow future vehicle and bicycle traffic should the property to the east or south be developed.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, 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.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 6: ACCESSIBILITY

The proposed design and layout is intended to meet the intent of these policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, 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.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 7: ENVIRONMENT

The road was designed to provide, connectivity and maximum utilization of the land.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 8: SYSTEM PRESERVATION

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.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 8: SYSTEM PRESERVATION

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.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, 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.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 9: CAPACITY

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 on the property.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, 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.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 10: TRANSPORTATION FUNDING

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, 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-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 11: SAFETY

These provisions are also not applicable to this proposal

This proposal is consistent with Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 12: Transportation policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, 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-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 13: ENERGY CONSERVATION

Policies established in the Goal 13 element do not establish mandatory criteria for approval of the proposed zone change, density transfer or partition. 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.

CRITERIA/FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, 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/FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 16 AND 17: ESTUARINE RESOURCES AND COASTAL SHORELANDS

This development is outside the Coastal Shorelands and estuarine resources. 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-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, 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.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 18: BEACHES AND DUNES

Policies 6, 10, & 12 are assumed to be applicable to this request. The proposed development on the site is not anticipated to cause any drawdowns on lakes or create any intrusions into the existing water network. It is unlikely that this development will have any significant impact upon the ground water supply in the region. Regardless, prior to development the applicant would need to secure permission to develop a well on the site should they choose to develop it in the future. Policy 10 is satisfied with the application for a cluster partition 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.

This proposal is consistent with the Goal 18 policies.

CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, 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.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, 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: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, GENERAL LANDSCAPE UNITS POLICIES

-(1) No excavation in the sedimentary highlands is proposed.
-(2) No modifications to drainage patterns are proposed with this project
-(3) 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: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, COASTAL SHORELANDS AND OTHER SHORELANDS

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.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, COASTAL SHORELANDS AND OTHER SHORELANDS

The subject property is not identified as having coastal shoreland attributes. These policies are not applicable to the subject property.

Coastal Shoreland policies are satisfied.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, BEACHES

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

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, BEACHES

Policies pertaining to the Goal 18 county-wide element were addressed previously on pages 37 & 38 of this document and found to be consistent.

Beaches policies are satisfied.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, DUNES

Policies

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

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, DUNES

Policies pertaining to the Goal 18 county-wide element were addressed previously on pages 37 & 38 of this document and found to be consistent.

Dunes policies are satisfied.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, 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.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, FORT STEVENS STATE PARK SUBAREA POLICY

Not Applicable to this application.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, 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: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, ALLUVIAL LOWLANDS POLICY

The soil types within the partition location do not include peat soils.

This policy is not applicable to the application.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, 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: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, ALLUVIAL TERRACES POLICY

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: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, 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: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, COAST RANGE FOOTHILLS POLICY

The area is not located in the Coast Range Foothills.

This policy is not applicable to this request.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, 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: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, NATURAL RESOURCES

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 COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, 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: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, CLATSOP PLAINS AQUIFER POLICY

As mentioned previously the applicant will seek approval from water resource division prior to development of the site,

The application satisfies this policy.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, CRITICAL HAZARDS

Wind and Ocean Shoreline Erosion Policies

Clatsop County shall prohibit:

-(1) the destruction of stabilizing vegetation (including the inadvertent destruction by moisture loss or root damage).

-(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: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, CRITICAL HAZARDS

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: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, 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.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, CULTURAL

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. The area is located outside of city limits and urban growth boundaries, therefore Policies 3 & 4 are not applicable to this request.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, 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.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES

The sites will likely be serviced by individual septic systems approved by the Department of Environmental Quality.

The proposal is consistent with these policies.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, 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.

-(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: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, TRANSPORTATION

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 re-vegetated in accordance with erosion policies. The roads are designed around areas designated for habitat preservation. The road plans have also been approved by the County Road Master, as demonstrated in Attachment 8.

The proposal is consistent with the intent of these policies.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, 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.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, RAIL

These are recommended policies and do not pose approval criteria.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, AIR TRANSPORTATION

Recommended Action

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, AIR TRANSPORTATION

These criteria are not applicable to this application.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, 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.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, HISTORIC AREAS

There are no areas of historic significance on this site.

These policies are not applicable to this request.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, 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:*

*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: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, FISH AND WILDLIFE AREAS

The area is not identified as a sensitive area by the Department of Fish and Wildlife; therefore the proposal is consistent with these policies.

The Fish and Wildlife policies are satisfied.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, 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: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, RECREATION

These policies are not applicable to this request.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, 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

Area	*Perspectives*	*Policy or Control*
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	*Oceans, 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: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, SCENIC AREAS

No important vistas, views of the ocean, or other significant visual features will be disturbed by this proposal.

The proposal is consistent with Scenic Area policies.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, 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.

*-(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: CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, OPEN SPACE

This proposal is for one 3-lot cluster partitions and one 2-lot cluster partition on 20.57 acres. Additional density will be held or transferred to other parcels throughout the Clatsop Plains that are better suited to handle development. A total of 10.5 acres will be rezoned OPR with deed restrictions dedicating the areas permanent common open space.

The open space policies are satisfied.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, 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.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, COMMUNITY DEVELOPMENT

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: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, RURAL SERVICE AREA

Policies

-(1) The minimum building site in Rural Service Area shall be 7,500 square feet in sewered areas and 15,000 square feet in unsewered 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: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, RURAL SERVICE AREA

Lot sizes are in excess of 15,000 square feet, and the subject property 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: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, 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

-(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.***

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, RURAL LANDS

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

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, RURAL AGRICULTURAL LANDS

*Policies**

See Agricultural Lands Background Report and County-wide Element.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, RURAL AGRICULTURAL LANDS

Policies addressing the Rural Agricultural Lands are not applicable to this proposal.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, 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.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, CONSERVATION FOREST LANDS

Policies addressing Conservation Forest Lands are not applicable to this proposal.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, 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.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, CONSERVATION OTHER RESOURCES

Policies addressing Conservation Other Resources are not applicable to this proposal.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, CONSERVATION OTHER RESOURCES, 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.

The receiving site does not consist of the attributes mentioned above; therefore, the policies are not applicable to this request.

With appropriate conditions Land and Water Development and Use Ordinance Section 5.412: Zone Change Criteria 1 will be satisfied.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.412: ZONE CHANGE CRITERIA (2)

APPROVAL CRITERION

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:

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

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 Land and Water Development and Use Ordinance Section 5.412: Zone Change Criteria 2.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.412: ZONE CHANGE CRITERIA (3A, 3B, 3C, 3D)

APPROVAL CRITERION

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:

-(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

FINDINGS

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 partition. Water will be provided from either the city of Warrenton, Gearhart and/or on site wells.

Attachment 6, Attachment 7, and Attachment 8.

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

The proposal is consistent with Land and Water Development and Use Ordinance Section 5.412: Zone Change Criteria 3.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.412: ZONE CHANGE CRITERIA (4)

APPROVAL CRITERION

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:

-(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.

FINDINGS

Both the sending site and the receiving sites are serviced by adequate and safe transportation networks. The change in zoning of the sending sites will result in a reduction of traffic heading to those areas, with a proportionate increase in traffic near the subject parcels. Overall, because the densities are transferred within the same general region and all sites utilize Highway 101 for north-south transit, overall impacts to traffic are negligible. Furthermore, the roads have been assessed and approved by the County Road Master, as shown in Attachment 8.

In accordance with Clatsop County's TSP policies an increase in ADT over 300 might require a traffic impact study. The estimated average daily trips generated from this development is 50 ADT; the ADTs generated from the one identified receiving site (West Dunes) is estimated at 180 ADT for a combined total of 230 ADTs. This proposal should 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 Land and Water Development and Use Ordinance Section 5.412: Zone Change Criteria 4.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.412: ZONE CHANGE CRITERIA (5)

APPROVAL CRITERION

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:

-(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.

FINDINGS

This project proposes 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 Land and Water Development and Use Ordinance Section 5.412: Zone Change Criteria 5.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.412: ZONE CHANGE CRITERIA (6)

APPROVAL CRITERION

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:

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

FINDINGS

This proposal is designed around the characteristics and terrain of the site. It includes common open space, and preserves low-lying areas for wetland enhancement and considers the contours of the site to provide the best residential components given the natural terrain.

The proposal is consistent with Land and Water Development and Use Ordinance Section 5.412: Zone Change Criteria 6.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.412: ZONE CHANGE CRITERIA (7)

APPROVAL CRITERION

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:

-(7) The proposed change will encourage the most appropriate use of land throughout Clatsop County.

FINDINGS

The primary objective of this proposal is to move the density from marginal lands and place them on lands better suited for residential development. The applicants have structured this proposal to maximize the potential of the land while maintaining a balance between development, future growth, and environmental concerns.

This proposal is consistent with Land and Water Development and Use Ordinance Section 5.412: Zone Change Criteria 7.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.412: ZONE CHANGE CRITERIA (8)

APPROVAL CRITERION

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:

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

FINDINGS

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

This proposal is consistent with Land and Water Development and Use Ordinance Section 5.412: Zone Change Criteria 8.

EXHIBIT E – PARTITION

APPLICATION

APPLICATION FOR MAJOR PARTITION
Fee: $260.00 (required with application)
Extension - $43.00

APPLICANT: Frog Consulting LLC **OWNER:** Gloria Edler

Address: 469 Lexington Avenue Address: PO Box 64

Astoria, OR 97103 Seaside, OR 97138

Phone: 503-325-5666 Phone: 503-440-2913

Contiguous property description (if any): T6N, R10W, Sec. 3D, TL1000 & T6N, R10W, Sec. 10, TL 00200

Number of parcels to be created: 3 Parcel Sizes: 2.01; 2.01; 6.20

Will access be provided by an easement? Yes

Present Zoning: Residential Agriculture 1 & Lake and Wetlands

Property Description: 6N (Township) 10W (Range) 10 (Section) 00100 (Tax lot(s))

Partition Map. Sketch proposed Partition (see section on Tentative Partition Plan Submission Requirements attached) OR sketch the requirements on an Assessor's map and attach.

The information contained in this application is in all respect true, complete, and correct to the best of my knowledge.

Applicant's Signature: _____ Date: 12 Dec 2011

Owner's Signature: _____ Date: 12 Dec 2011

Clatsop County
Community Development Department
800 Exchange, Suite 100
Astoria Oregon 97103
503-325-8611 * 503-338-3666

APPLICATION FOR
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Contiguous property description (if any): T6N, R10W, Sec. 10, TL 00100

Number of parcels to be created: 3 Parcel Sizes: 2.03; 2.01; 2.19

Will access be provided by an easement? Yes

Present Zoning: Residential Agriculture 1 & Lake and Wetlands

Property Description: 6N (Township) 10W (Range) 03D (Section) 01000 (Tax lot(s))

Partition Map. Sketch proposed Partition (see section on Tentative Partition Plan Submission Requirements attached) OR sketch the requirements on an Assessor's map and attach.

The information contained in this application is in all respect true, complete, and correct to the best of my knowledge.

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MAJOR PARTITIONS

Applicability - Whenever a landowner wishes to sell part of their property or place a second home or mobile home on property that already has a home on it, a land division is necessary. Partitions are divided into two types depending on road access. This information related only to MAJOR PARTITIONS. A major partition is defined as:

"When a tract of land is divided into no more than three (3) parcels in a calendar year when such tract of land existed at the beginning of the year and any parcel has less than 25 feet of frontage on a state, county or public road. Any partition which requires the creation of a state, county, public or private road or the utilization of a private road is also considered a major partition..."

Section S6.160 Private Road Minimum Requirements states: "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." It also states: "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 on 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."

Processing Major Partitions (Section 5.203)

1. The applicant will submit a tentative partition plan, completed application and filing fee to the Department of Community Development.

2. The plan will be evaluated to determine conformity with lot size and dimension standards of the zone of the property. The tentative plan may be modified, if needed, to meet these standards. The plan may be conditionally approved or denied.

3. Conditional approval of a tentative partition plan is valid for two years from the date of recording and may be extended, upon written request, for one year only. The applicant shall meet the conditions of approval within that time frame. Any partition not completed prior to expiration of the tentative plan, and extension if granted, shall be considered void.

4. The final partition plat shall be reviewed for conformance with the tentative plan and any applicable conditions.

5. The applicant shall be afforded an opportunity to make corrections prior to the expiration date, should the partition plat submitted not conform to the tentative plan or applicable conditions.

6. If the final partition plat conforms to the tentative plan and all applicable conditions are satisfied, the final partition plat shall be signed and dated. The plat is then ready for recording with the County Clerk's Office.

General Standards for Major Partitions:

1. Road approach approval from the appropriate agency (state or county, depending on what road access is taken from).

2. If a private road or easement is created or utilized, the road easement shall meet the A-12 or A-20 road standards and the boundaries of the road easement shall be surveyed and monumented. Basically, the A-12 road standard requires a 25' easement, 12 foot road surface, 50' curve radius and one vehicle turnout shall be provided for every 250' of road surface. If the travel surface of the private road exceeds 18 feet no turnouts are required. Basically, the A-20 road standard requires a 50' easement, 18 foot road surface, and a 250' curve radius. Easements which bind all involved property owners and which specify the perpetual, non-exclusive nature of the roadway easement shall be signed and recorded with the County Clerk An agreement shall also be signed and recorded with the County Clerk outlining the responsibilities of the private parties maintaining the road improvements (also known as a Road Maintenance Agreement). These maintenance responsibilities shall be enforced by the individual parties and not the County.

3. Required road improvements shall be completed or bonded prior to the sale of the partitioned parcels. In the event the applicant intends to retain ownership of a partitioned parcel, required road improvements shall be completed prior to the issuance of any development permit (building/placement permit) involving the partitioned parcel. Road improvements must be completed to the extent necessary to provide legal access frontage to the parcel proposed for sale or for second home placement. If the required road improvements are not completed at the time of final partition approval, the Community Development Department will record a development restriction upon the involved parcels to require the completion of these improvements prior to the sale of the parcels or prior to the issuance of a development permit to the partitioning party; whichever comes first. The restriction will be removed upon completion of the improvements prior to the sale of the parcels or prior to the issuance of any development permit involving the partitioned parcel.

General Standards for Major Partitions in Resource Zones (AF-20, F-38, F-80, EFU):

1. Road approach approval from the appropriate agency (state or county, depending on what road access is taken from).

2. County-wide Forest Lands Policy #22 shall be applied to all AF-20 and F-38 partitions. This policy reads: "Partitioning of land in the AF-20 zone and F-38 zone shall be approved only upon a finding that such newly created parcels shall be used only for forest uses. This policy does not apply to the small lots resulting from a cluster partition." The county no longer has cluster partitions.

3. If a private road or easement is created or utilized, the easement shall meet the standard noted above in #3 of General Standards for Major Partitions.

Exceptions:

1. When a partition is proposed which includes parcels that are greater than 10 (10) acres in size no survey of the parcel is required. However, a partition plat must still be submitted and approved.

2. Partitions creating parcels in excess of 80 acres do not need to be shown on a partition plat. Nothing in this subsection shall exempt Clatsop County from minimum area requirements established in the Clatsop County Comprehensive Plan and this Ordinance.

Tentative Partition Plan Submission Requirements:

1. A sketch of the original parcel of land (all contiguously owned land) on an 8 1/2" x 11" sheet of paper.
2. The date, north point and scale of the drawing.
3. The amount of acreage in the original parcel and the acreage of the resulting parcels, and dimensions of all parcels.
4. The location, names and widths of all roads and easements adjacent to and within the parcel to be partitioned.
5. The existing use or uses of the property, including approximate locations of all structures on the property.
6. The width and location of all easements for drainage or public utilities.
7. The location of zoning boundaries on the property, to the detail provided by the Department of Community Development.
8. Approximate location of physical features on the property, such as wetlands and streams.

Submission and Review of Final Plat:

A final plat shall be submitted and within ten (10) days of submission, the Director shall determine whether the material conforms with the approved tentative plan and with the applicable requirements of this Ordinance. If the Director determines that there is a failure to conform, the applicant shall be advised and afforded an opportunity to make corrections. When the plat is found to conform, it shall be signed and dated by the Director if other requirements for a development permit have been fulfilled.

Approval Signature for Final Partition Plat

1. Obtain the approval signature of the County Surveyor indicating the plat complies with all applicable survey laws. If it is determined that there has been a failure to comply, the applicant/surveyor shall be notified and afforded an opportunity to make corrections. When the plat is found to conform, it shall be dated and signed.

2. The final plat is then sent to the Clatsop County Department of Community Development. The Community Development Department reviews the file for satisfaction of conditions of approval.

3. If the Planning Director signs the final plat, the plat is forwarded to the County Tax Office for review of payment of taxes. The County Tax Office shall notify the applicant that all taxes must be paid prior to final plat recording with the County Clerk. The private surveyor shall provide a signature line on the final plat for the County Assessor/Tax Collection. The County Tax Office shall notify the applicant when the plat is ready for recording.

4. The applicant shall take the final partition plat to the County Clerk's Office for recording.

Congratulations! Your Partition is now final and you may sell the lots!

SUMMARY OF 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 February 28, 2011, Clatsop County Standards Document (SD), including amendments through February 28, 2011, 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

APPROVAL CRITERIA AND FINDINGS

Comprehensive Plan Policies applying to the Partition are thoroughly addressed in Exhibit D – Zone Change Change. 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

LAND WATER DEVELOPMENT AND USE ORDINANCE SECTION 4.040

CRITERIA LWDUO SECTION 4.042 APPLICABILITY

This section applies to all development in the following potentially hazardous areas:

(1) Areas subject to mass wasting including:

(A) Active landslides, inactive landslides, landslide topography and mass movement topography identified in the Oregon Department of Geology and Mineral Industries (DOGAMI) Bulletins 74 and 79;

(B) Faults including definite, indefinite, inferred and concealed in the Oregon Department of Geology and Mineral Industries (DOGAMI) Bulletins 74 and 79;

(C) All areas identified in the report, "A Field Inventory of Geologic Hazards from Silver Point to Cove Beach, Clatsop County, Oregon", prepared by Martin Ross in 1978, as needing site specific investigations;

(2) Areas subject to wave attack, including:

(A) All oceanfront lots; and

(B) The beach and dune hazard area as defined in Section 4.052.

(3) Areas with compressible soils identified in the Soil Survey of Clatsop County (SCS) and referenced in Clatsop County's Comprehensive Plan Background Report, Natural Hazards.

(4) The determination of whether a property is located in one of the above referenced potentially hazardous areas shall be made at the sole discretion of the Director. The mapping that forms the basis for the identification of the above areas may be generalized in nature. A specific site may not include the characteristics for which it is mapped. In these circumstances, the Director may grant a waiver from the requirements of Section 4.040. The waiver shall be in the form of a written finding. The finding shall be based on a report, from a professional specified in Section 4.044, detailing the basis for the determination that the site does not contain the identified potentially hazardous geologic condition.

FINDING LWDUO SECTION 4.042 APPLICABILITY

The subject property has identified geological hazard areas per LWDUO section 4.042 subsections 1 & 3. Prior to any development on the proposed lots a geotechnical engineer will need to conduct a preliminary geotechnical report in accordance with LWDUO section 4.044 and acquire a geologic hazard permit in accordance with LWDUO section 4.043. These criteria can be addressed through appropriate conditions of approval.

This proposal is consistent with the requirements identified in LWDUO section 4.040. The use of appropriate conditions will ensure this development satisfies the criteria as outlined in this section.

LAND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.205

CRITERIA LWDUO SECTION 5.205. GENERAL STANDARDS FOR MINOR AND MAJOR PARTITIONS.

Land within resource zones is evaluated by different standards than land in non-resource zones. This is because land divisions in resource zones are considered to be primarily for resource use in resource areas, not for development. Specific road improvement standards are not required except for cluster land divisions, which are evaluated as residential parcels since their purpose is for residential use. As a condition of approving residences as conditional uses in resource zones, road improvements will be required.

(1) *Standards for partitions in resource zones (as defined in Section 1.030):*

(A) Minor Partitions in Resource Zones shall meet the following standards:

1) Road approach approval from the appropriate agency shall be demonstrated.

2) Clustering in resource zones shall be subject to the standards for partitioning of non-resource lands in (2) below as well as any other applicable standards.

(B) Major Partitions in Resource Zones shall meet the following standards:

1) Standards in Section 5.205(1)(A)(1-3) above shall be met.

2)

(a) If a County road is created, the right-of-way shall meet the standards from the "Basic Major Partition Improvement Standards Table" and the boundaries of the road right-of-way shall be surveyed and monumented. The road shall be improved to a standard established by the Board of Commissioners.

(b) If a public road is created, the right-of-way shall meet the standards from the "Basic Major Partition Improvement Standards Table" and the boundaries of the road right-of-way shall be surveyed and monumented.

(c) (c) If a private road or easement is created or utilized, the easement shall meet the standards from the "Basic Major Partition Improvement Standards Table". Easements which bind all involved property owners and which specify the perpetual, non-exclusive nature of the roadway easement shall be signed and recorded with the County Clerk.

(2) *Standards for Partitions in Non-Resource Zones (as defined in Section 1.030).*

(A) Minor Partitions in All Zones other than Resource Zones shall meet the following standards:

1) Road approach approval from the appropriate agency shall be demonstrated.

2) Except as set out in Section 5.207(1) the boundaries of all parcels shall be surveyed and monumented.

(B) Major Partitions in Non-Resource Zones shall meet the following standards

1) Standards in 5.205(2)(A)(1-2) above shall be met.

2) 2)

(a) *If a County Road is created, the right-of-way shall meet the standards from the "basic Major Partition Improvement Standards Table" and the boundaries of the road right-of-way shall be surveyed and monumented. The road shall be improved to a standard established by the Board of Commissioners. All such roads shall be improved at least to the County's A-20 road standard.*

(b) *If a public road is created, the right-of-way shall meet the standards from the "Basic Major Partition Improvement Standards Table" and the boundaries of the road right-of-way shall be surveyed and monumented. The road shall be improved to the County's A-20 road standard. An agreement shall be signed and recorded with the County Clerk outlining the responsibility of the private parties maintaining the road improvements. These maintenance responsibilities shall be enforced by the individual parties or the County at its discretion.*

(c) *If a private road or easement is created or utilized, the road easement shall meet the standards from the "Basic Major Partition Improvement Standards Table" and the boundaries of the road easement shall be surveyed and monumented. The road shall be improved to the County's A-12 road standard and one vehicle turnout shall be provided for every 250' of road and within 50' of each sight obscuring corne surface width of the private road exceeds 18 feet no turnouts will be required. Easements which bind all involved property owners and which specify the perpetual, non-exclusive nature of the road way easement shall be signed and recorded with the County Clerk. An agreement shall also be signed and recorded with the County Clerk outlining the responsibilities of the private parties maintaining the road improvements. These maintenance responsibilities shall be enforced by the individual parties and not the County.*

(d) *Any required road improvements shall meet the applicable road standards from Section S6.000 of the Standards Document. Required road improvements shall be completed or bonded prior to the sale of any of the partitioned parcels. In the event that the partitioning party intends to retain ownership of a partitioned parcel, required road improvements shall be completed prior to the issuance of any development permit involving the partitioned parcel. Road improvements must be completed to the extent necessary to provide legal access frontage to the parcel proposed for sale or for second home placement. If the partitioning party has not completed required road improvements at the time of final partition approval, the Department of Community Development will record a development restriction upon the involved parcels to require the completion of these improvements prior to the sale of the parcels or prior to the issuance of a development permit to the partitioning party; whichever comes first. The restriction will be removed upon completion of the improvements prior to the sale of the parcels or prior to the issuance of any development permit involving the partitioned parcel.*

FINDING LWDUO SECTION 5.205 GENERAL STANDARDS FOR MINOR AND MAJOR PARTITIONS

The relevant sections of LWDUO 5.205 have been highlighted for your convenience. The proposal consists of two major partitions on separate lots. The lots resulting from the partition will take access from a private road that is also used as a utility easement developed by the City of Gearhart and Seaside. The easement identified in the plats is of sufficient width to support an A-20 road should one need to be developed in the future. It is the applicant's understanding that the road approach has already been reviewed by the County Roadmaster and the local rural fire protection district. There are modifications that will need to be completed on the road prior to development of the lots.

The general standards for a major partition can be satisfied with appropriate conditions.

LAND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.206

CRITERIA LWDUO SECTION 5.206 EXTENT OF ROAD IMPROVEMENTS.

(1) *Required access road improvements shall be completed to provide access from the partitioned parcels to an existing public, county or state road.*

FINDING LWDUO SECTION 5.206 EXTENT OF ROAD IMPROVEMENTS

The owner is aware of the road improvements that will be required, and has discussed them with the local fire chief and roadmaster. The applicant is proposing to develop a private road that will service the three lots located in the eastern portion of the property.

The Extent of Road Improvements criterion will be assessed through appropriate conditions.

LAND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.207

CRITERIA LWDUO SECTION 5.207. EXCEPTIONS TO GENERAL STANDARDS FOR MINOR AND MAJOR PARTITIONS AND PROPERTY LINE ADJUSTMENTS.

(1) *Surveys for Large Parcel Partitions and Property Line Adjustments.*

(A) When a partition is proposed which includes parcels that are greater than ten (10) acres in size no survey of the parcel is required. However, a partition plat must still be submitted and approved. For a major partition the entire roadway being created shall be surveyed and monumented.

(B) Partitions creating parcels in excess of 80 acres do not need to be shown on a partition plat. Nothing in this subsection shall exempt Clatsop County from minimum area requirements established in the Clatsop County Comprehensive Plan and this Ordinance.

(C) A property line adjustment created by the relocation of a common boundary as described in ORS 92.010(7)(b) shall be surveyed and monumented in accordance with Oregon law and it shall be filed with the County Surveyor.

(D) The provisions of Section 5.207(1)(C) shall not apply to the relocation of a common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary except for the following reasons:

1) if the Community Development Director determines that a yard setback requirement might be violated; or

2) if the Community Development Director determines that the lot size requirement of the zone might be violated; or

3) if the Community Development Director determines that a dimensional requirement of the zone might be violated.

(E) No survey or monumentation is required for a property line adjustment when both parcels affected are greater than 10 acres. Nothing in this subsection shall exempt Clatsop County from minimum area requirements established in the Clatsop County Comprehensive Plan and this Ordinance.

(2) *Altering Access to Improve Public Safety. If, in reviewing a minor partition application, the Community Development Director, in conjunction with the County Roadmaster or State Highway Engineer, determines that a consolidated, single access would better serve the public health, safety and welfare by reducing access points onto a public road such a condition of approval may be attached. The area utilized for such a consolidated access shall not be reduced from a parcel's lot area for the purpose of determining minimum lot size. Such a consolidated access shall serve a minimum of 3 parcels; if additional partitioning is proposed off a consolidated access, major partition road standards will be applied. Access easements shall be provided for the involved parcels.*

(3) *A shared common driveway may be utilized in a proposed minor partition if the following circumstances exist:*

(A) Each parcel in the minor partition has the required 25 foot minimum frontage on a state, county or public road.

(B) Each parcel has an alternate means of access to the adjoining state, county or public road within its own boundaries.

(C) The shared common driveway serves no more than three parcels.

(D) Recorded access easements shall be provided for the involved parcels.

FINDING LWDUO SECTION 5.207. EXCEPTIONS TO GENERAL STANDARDS FOR MINOR AND MAJOR PARTITIONS AND PROPERTY LINE ADJUSTMENTS.
The proposed partitions do not qualify for the exceptions identified in this section, and therefore is not applicable to this request.

The criteria for exceptions to general standards are not applicable.

LAND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.208

CRITERIA LWDUO SECTION 5.208. TENTATIVE PARTITION PLAN SUBMISSION REQUIREMENTS.
An applicant for a minor or major partition shall submit a copy of a plan for partitioning showing the following information (except as otherwise provided herein, the following does not require a survey):

(1) *A sketch of the original parcel of land (all contiguously owned land) on an 8 ½" x 11" sheet of paper.*

(2) *The date, northpoint, and scale of the drawing.*

(3) *The amount of acreage in the original parcel and the acreage of the resulting parcels, and dimensions of all parcels.*

(4) *The location, names and widths of all roads and easements adjacent to and within the parcel to be partitioned.*

(5) *The existing use or uses of the property, including approximate locations of all structures on the property.*

(6) *The width and location of all easements for drainage or public utilities.*

(7) *The location of zoning boundaries on the property, to the detail provided by the Department of Community Development.*

(8) *Approximate location of physical features on the property, such as wetlands and streams.*

FINDING LWDUO SECTION 5.208. TENTATIVE PARTITION PLAN SUBMISSION REQUIREMENTS.
Items 1-8 are illustrated on the submitted partition plat.

Criteria is satisfied.

LAND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.208

CRITERIA LWDUO SECTION 5.209. SUBMISSION OF FINAL PARTITION PLAT.
Prior to expiration of a tentative partition approval, a final plat shall be submitted subject to the Standards of Section 55.200.

FINDING SECTION 5.209. SUBMISSION OF FINAL PARTITION PLAT.

LAND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.210

CRITERIA LWDUO SECTION 5.210. SUBMISSION AND REVIEW OF FINAL PLAT.
A final plat shall be submitted and within ten (10) days of submission, the Director shall determine whether the material conforms with the approved tentative plan and with the applicable requirements of this Ordinance. If the Director determines that there is a failure to conform, the applicant shall be advised and afforded an opportunity to make corrections. When the plat is found to conform, it shall be signed and dated by the Director if other requirements for a development permit have been fulfilled.

FINDING SECTION 5.210. SUBMISSION AND REVIEW OF FINAL PLAT
Criteria are addressed prior to final approval, not applicable at this time.

LAND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.212

CRITERIA SECTION 5.212. APPROVAL SIGNATURE FOR FINAL PARTITION PLAT.
Following review and approval of a final partition plat, the Director shall take the following actions:

(1) *Obtain the approval signature thereon by the County Surveyor certifying that it complies with all applicable survey laws. The Surveyor may cause field investigations to be made to certify that the map survey is sufficiently accurate. If it is determined that there has been a failure to comply, the applicant shall be notified and afforded an opportunity to make corrections. When the plat is found to conform, it shall be signed and dated by the Surveyor.*

(2) *The County Surveyor shall submit the final partition plat to the Clatsop County Department of Community Development. The Planning Department will review the file for completion of conditions of approval.*

(3) *The Clatsop County Department of Community Development shall notify the applicant that the approved partition plat has been signed by the Community Development Director.*

(4) *The Department of Community Development will forward the Plat to the County Tax Office for review of payment of taxes. The County Tax Office shall notify the applicant that all taxes must be paid prior to final plat recording with the County Clerk. The private surveyor shall provide a signature line on the final plat for the County Assessor/Tax Collector. The County Tax Office shall notify the applicant when the Plat is ready for recording.*

(5) *The applicant shall take the final partition plat to the County Clerk's Office for recording.*

FINDING SECTION 5.212. APPROVAL SIGNATURE FOR FINAL PARTITION PLAT.
Criteria are addressed prior to final approval, not applicable at this time.

STANDARDS DOCUMENT

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.151: PURPOSE

CRITERIA
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.

FINDINGS
This is not a criteria and therefore does not apply.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.152: PROCEDURES FOR CLUSTER DEVELOPMENT (1)

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

-(2) 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.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.152: PROCEDURES FOR CLUSTER DEVELOPMENT (2)

CRITERIA
-(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.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.152: PROCEDURES FOR CLUSTER DEVELOPMENT (3)

CRITERIA
-(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.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.152: PROCEDURES FOR CLUSTER DEVELOPMENT (4A, 4B, 4C)

CRITERIA
-(4)

-(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" 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.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (1)

CRITERIA

-(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 acreage on the site exceeds the required 4 acres.

The proposal satisfies criteria 1.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (2)

CRITERIA

-(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 sites and receiving sites.

The proposal satisfies criteria 2.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (3)

CRITERIA

-(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.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (4)

CRITERIA

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

FINDINGS

The 30% requirement would require 6.171 acres to be designated open space. The applicant is designating over 10 acres of land as permanent common open space.

The proposal satisfies criteria 4.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (5)

CRITERIA

-(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.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (6)

CRITERIA

-(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 in this instance is used to preserve a large swath of marginal lands that provide excellent habitat for wildlife.

The proposal is consistent with provision 6.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (7)

CRITERIA

-(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.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (8)

CRITERIA

-(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. The area is located outside of the defined non-resource exception area and proposes lots 2 acres in size or larger.

The proposal is consistent with the provisions of the Criteria 8.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.160: ADDITIONAL RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (1)

CRITERIA

-(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. See Attachment 3.

The proposal satisfies criteria 1.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.160: ADDITIONAL RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (2)

CRITERIA

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

FINDINGS

As mentioned previously the requirement on this parcel is 6.17 acres, the applicant is proposing over 10 acres of open space.

The proposal satisfies criteria 2.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.160: ADDITIONAL RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (3)

CRITERIA

-(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.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.160: ADDITIONAL RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (4)

CRITERIA

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

FINDINGS

The proposal is not a subdivision or planned development. This criteria is not applicable to this request

Criteria 4 is not applicable.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.160: ADDITIONAL RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (5)

CRITERIA

FINDINGS

The common open space is contiguous with the exception of the utility and road easement dividing the parcels.

The proposal satisfies criteria 5.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.160: ADDITIONAL RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (6)

CRITERIA

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

FINDINGS

Wetland areas in the western section of the property are protected from development through the Coastal Shorelands and Wetland development restrictions. The other low-lying areas within the property boundaries are designated common open space.

The proposal satisfies criteria 6.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (1)

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.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (2)

CRITERIA

-(2) Consolidation of Access Points, other Transportation Mitigation

FINDINGS

The proposal consolidates all access from the proposed parcels to the access road with one access point to McCormac Gardens Road. The lots that have more than 25 feet of frontage along the county road might require county road access approval prior to construction. It is likely they will be able to consolidate their access points should they desire to do so.

The proposal satisfies this criterion.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (3)

CRITERIA

-(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 connecting 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 access 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 site 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.

FINDINGS

All access points are in accordance with Option 3 identified above.

The proposal satisfies the access provisions.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (4)

CRITERIA

-(4) Subdivision 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 mid-block lanes).

FINDINGS

The partition does not front onto an arterial street.

These criteria are satisfied.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (5)

CRITERIA

-(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 RSA-SFR, 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.).

FINDINGS

No double frontage lots are created as a function of this development.

The proposal satisfies the criteria regarding double frontage lots.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (6)

CRITERIA

-(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.

FINDINGS

No reverse frontage lots are proposed.

The proposal satisfies the criteria for reverse frontage lots.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (7)

CRITERIA

-(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.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (8)

CRITERIA

-(8) Number of Access Points

FINDINGS

There is one access point currently proposed with this partition. Some lots may share driveway access points, but most will have direct access to the private road proposed within the partition.

The proposal satisfies the criteria regarding access points

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (9)

CRITERIA

FINDINGS

Where appropriate and feasible shared driveways will be implemented.

The proposal satisfies the shared driveway criteria.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (10A)

CRITERIA

-(10) Street Connectivity and Formation of blocks Required

-(A) Block Length and Perimeter

FINDINGS

The applicants are proposing to use an existing utility road located on the parcel. The property is ≈1400 feet long. The utility road currently access the property to the east of the proposal area. The proposed development is not conducive of a regular city or urban style development. All parcels are over two acres in size, the road would have to be nearly 600 feet long just to reach the third parcel, where a driveway could run the remainder of the way to the proposed homesite.

All proposed roads within the two partition boundaries satisfy this criteria.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (10B)

CRITERIA

-(10) Street Connectivity and Formation of blocks Required

-(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.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (10C)

CRITERIA

-(10) Street Connectivity and Formation of blocks Required

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.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (11)

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 to illustrate compliance with these criteria. See Attachment 7.

The proposal is consistent with fire access and parking area turnarounds.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (12)

CRITERIA
-(12) Vertical Clearances

FINDINGS
No obstructions currently exist.

The proposal is consistent with the vertical clearance criteria.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (13)

CRITERIA
-(13) Vision Clearance

FINDINGS
All clear vision areas shall be maintained at the access points.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (14)

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 criterion can be conditionally satisfied.

STANDARDS DOCUMENT CHAPTER 6: ROAD STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION, SUBSECTION 6.005: GENERAL ROAD AND ACCESS POLICIES

CRITERIA
-(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 vehicles 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,

-(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:

-(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*

-(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.

FINDINGS

If the applicant proposed to meet the minimum standard required per county road standards the road system would consist of an A-14 access road, with appropriate turnouts. The applicant is designating a 50 foot wide road easement to provide future capacity to the adjacent lots should the need arise in the future. The applicant has provided a statement from the County Road Master verifying that the proposed development conforms to county road standards. See .

The proposal will be consistent with County road standards including access policies.

STANDARDS DOCUMENT CHAPTER 6: ROAD STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION, SUBSECTION 6.010: IMPROVEMENT PLANS

CRITERIA

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.

-(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.

FINDINGS
The road layout shown on the preliminary plat application has been reviewed and approved by the County and local fire protection district.

The proposal will adhere to improvement plan policies.

STANDARDS DOCUMENT CHAPTER 6: ROAD STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION, SUBSECTION 6.050: PUBLIC AND COUNTY ROAD STANDARDS

CRITERIA
(1) Road Design:

-(A) The radius of curvature, grade and intersection curb return radius of streets shall conform with the minimum standards prescribed in Tables 1, 2, 3, and 4 of these standards.

-(B) Alignment of streets: Streets located on opposite sides of an intersecting street shall have their centerlines directly opposite each other where possible; otherwise, the centerlines shall be separated by not less than 125 feet.

-(C) Intersection angles: Street intersections shall be as near right angles as possible except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees.

-(D) Location of centerline: The centerline of the paving shall correspond to the centerline of the right-of-way where possible and practical.

-(E) Continuation of streets: Subdivision streets which constitute the continuation of streets in contiguous territory shall be aligned so that their centerlines coincide. Where straight-line continuations are not possible, such centerlines shall be continued by curves. New streets or the continuation of a street in contiguous territory may be required by the Planning Commission where such continuation is necessary to maintain the function of the street or a desirable existing or planned pattern of streets and blocks in the surrounding area. Any road or street which does not connect directly to a County maintained road, City maintained street or state highway will not be accepted for maintenance by the County.

-(F) Streets in Subdivision Adjoining Unsubdivided Land:

-(1) Stubbed streets: Where a subdivision adjoins unsubdivided land, streets which may be necessary to assure the proper subdivision of the adjoining land or the continuation of the function of a major arterial or collector street shall be provided through to the boundary line of the subdivision.

-(2) Half streets: Half streets proposed adjacent and parallel to the boundary line of the subdivision, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision when in conformity with other requirements of this ordinance and when the Planning Commission finds it will be practical to require the dedication and improvement of the other half when the adjoining property is subdivided. Half streets shall not be permitted where lots would front

on such streets. Where half streets are provided, a performance bond may be required to insure all improvements until such time as the remaining half street on adjacent property is dedicated and improved. Whenever an existing half street is adjacent and parallel to the boundary line of a proposed subdivision, the subdivider shall dedicate and improve such additional right-of-way as may be necessary to meet the standards for the type of streets involved.

-(G) Subdivision roads: All roads not to be maintained by the County shall be posted with an approved sign stating roads are not County maintained.

-(I) Cross Sections and Tables. All new arterials, collectors, and local streets must conform with design standards of Table 1 Road Right-of-Way and Improvement Standards.

-(2) Improvement Plans: A complete set of Improvement Plans shall be submitted and approved by the County Public Works Director prior to the start of construction on any County maintained road, public way or subdivision road which is to become a public way.

-(3) Surveying: All roads shall be located by a survey crew so as to insure that the road is constructed in the location shown on the improvement plans. The construction of the road improvement shall be within 0.3' more or less of the horizontal and vertical location shown on the improvement plans.

-(4) Monumentation: All P.C. and P.T. points on horizontal curves shall be referenced with a 5/8" x 30" steel rod driver twenty-four (24) inches into the ground set at the intersection of the R/W line and a line perpendicular to the tangent at the P.C. or P.T. point and shall be witnessed by a white 4" x 4" cedar post forty-eight (48) inches in length set eighteen (18) inches into the ground set twelve (12) inches from and in line with the P.C. or P.T. point. As an alternative to the white cedar posts, a forty-eight (48) inch steel post painted white may be used for such witness posts.

-(5) Standard Specifications; All roadway excavation, fill construction, subgrade preparation, aggregate bases, surfacing, prime coats and paving will be built in accordance with the 1974 edition of the Oregon State Highway Division's "Standard Specifications for Highway Construction". Whenever these specifications refer to the State, consider that to mean the County of Clatsop, the appropriate County Department or appropriate County address. In case of discrepancy or conflict in the plans, standard specifications, supplemental standard specifications and special provisions, they shall govern in the following order:

-(A) Special Provisions

-(B) Plans specifically applicable to the project.

-(C) Standard or general plans.

-(D) Supplemental Standard Specifications.

-(E) Standard Specifications.

-(6) Testing: All testing except as herein noted, will conform to methods described in "A.A.S.H.T.O. Materials, Part 11, Tests", 11th Edition 1974. All lab costs for testing will be born by the developer.

-(7) Inspection: The County Road Department shall be notified 48 hours in advance of the time for subgrade inspection, 48 hours in advance of the time for base inspection and 48 hours in advance of the time for paving inspection. The subgrade is to be inspected before placing the base. The base is to be inspected before placing the pavement.

If proper notification for inspection has not been given, the Clatsop County Road Department will not grant approval of the road for twelve months. In this way, the County can observe any deficiencies that may develop in the road and have them corrected before acceptance.

-(8) Subgrade: All subgrades will be compacted in accordance with Section 203.41 of the Standard Specifications.

-(9) Aggregate Base: Aggregates for aggregate base shall be gravel or rock, crushed or uncrushed, including sand, reasonably well graded from coarse to fine. The grading shall be such that the maximum size shall not exceed 75 percent of the compacted thickness of the layer in which it is incorporated. The aggregate fraction passing a 1/4" sieve shall constitute not less than 10 percent nor more than 50 percent of the whole, by weight, and not more than 8 percent of the total aggregate shall pass a no. 200 sieve. Within the above limits, the subbase aggregate shall be so graded that the materials will be dense and firm when watered and compacted. If crushed aggregate meeting the requirements of Section 703.07 of the Standard Specifications is used, a 2-inch reduction in aggregate base depth will be allowed.

-(10) Asphalt Prime Coat: For all roadway sections using an oil mat, an asphalt prime coat will be applied to the aggregate base in addition to the oil mat. The prime coat will be applied in accordance with Section 408 of the Standard Specifications. Application rate and type of oil will be as approved by the County Public Works Director. The aggregate shall be 3/4 to 1/2 or as approved by the County Public Works Director and specified in Section 703.12 of the Standard Specifications. The aggregate shall be applied approximately at the rate of 0.01 cubic yards/square yard. A three-day curing period will be required.

-(11) Asphalt Penetration Macadam: Where any oil mat is required it shall be applied in accordance with Section 406 of the Standard Specifications. It shall be equal to or greater than a Type 0-9 penetration macadam as shown on the O.S.H.D. Standard Table of Details (Drawing No. 1833). The bituminous material used in the first two spreads shall be as approved by the County Public Works Director. The bituminous material used in the seal coat may be as approved by the Public Works Director.

-(13) Concrete Curb: Where required Portland cement concrete curbs shall be constructed in accordance with Clatsop County "curb-driveway" Standard Drawing and Section 609 of Standard Specifications. The concrete shall be Class 3300 as specified in Section 504 of Standard Specifications.

-(14) Select Backfill: The curbs shall be backfilled in the areas shown on the plans with select backfill. This select backfill shall consist of materials with a maximum size of three inches. The material shall compacted to at least 90 percent of its relative maximum density.

-(15) Clearing: The right-of-way shall be cleared of all trees. However, in subdivisions where traffic safety would not be involved and a lesser requirement would not create a hazard, the right-of-way shall be cleared a minimum of forty-feet (40) or four-feet (4) beyond the edge of shoulder or curb line or the finished road. Also in subdivision, the case of an individual tree which is considered an exceptional or stately tree, an allowance can be made to leave the tree within the above mentioned four (4) foot area. In some instances, consideration can also be given to allow the prism of the road to shift slightly toward one side of the right-of-way. Any change in the alignment should be done to provide a safe and aesthetic looking roadway.

-(16) Signs: Clatsop County has jurisdiction concerning the location of all signs on County maintained roads and public ways.

When in the Public Works Director's opinion there may be a need for a change in the speed limit for a road, he shall request the Oregon State Speed Control Board to study the road in question. If the Speed Control Board issues an order to post a speed limit on the road, Clatsop County will furnish and install the speed limit signs at the County's expense.

Name signs for County maintained roads shall have reflective green background with reflective white letters.

Signing at intersections will be paid for as follows:

-(A) Intersection of two County maintained roads:

-(1) Stop signs - County.

-(2) Name signs - County.

-(B) Intersection of a County maintained road and a public way:

-(1) Stop signs - County.

-(2) Name signs - County.

-(C) Intersection of two public ways:

-(2) Name signs - Others.

-(D) Intersection of two private ways:

-(1) Stop signs - Others.

-(2) Name signs - Others.

-(E) Intersection of private way and public way:

-(1) Stop signs - Others.

-(2) Name signs - Others.

Clatsop County Road Department may furnish and install the signs which were referred to above as paid for by "others". However, they shall be paid by "others" for the County's expense.

-(17) Drainage:

-(A) Size of culverts: The design and construction of all drainage facilities within a project shall be of sufficient size and quality to receive and transport, at a 25 year storm frequency standard all surface drainage and natural drainage course waters coming to and passing through the project from the watershed or watersheds to which it is servient, when the lands located in such are at full planned development, according to the Comprehensive Framework Plan. The minimum diameter pipe to be used shall be 12 inches.

Prior to approval being granted for a project, it must be shown that the existing downstream facilities be adequate to receive and pass storm water runoff discharged through and from the proposed project from a 25 year storm based on the present development plus any proposed developments of the lands of the watershed or watersheds to which the proposed project is servient.

In those areas located in the 100-year floodplain, the design and construction of all drainage facilities shall be of sufficient size and quality to receive and transport the 100- year storm without raising the floodplain elevation. The drainage facilities may be designed to pass less than a 100-year storm provided retention or detention of the runoff is designed and that such retention or detention does not raise the floodplain upstream.

-(B) Drainage easements: When, due to topographical or other reason, all or any portion of the water collected in the project must be discharged at the boundary of the project, such that it is concentrated and must run across other private property before reaching a natural or existing drainage course, the developer shall make all necessary arrangements with the affected property owner or owners. Arrangements shall include, but are not limited to, a proper easement for drainage in favor of the public executed by the affected owner or owners and a method of transporting the water, i.e. ditch, sewer, etc., satisfactory to the Department and said owner or owners.

If it is necessary to carry water across portions of the land being developed hereunder, which are not to become public, and a satisfactory easement has not been provided in the official plat of the area, the developer shall prepare and cause to be executed a proper easement to the public for such purpose.

-(C) Connections to roadside ditches: Where drainage is to be connected to an existing roadside ditch, the ditch shall not be deepened so as to produce a finished ditch more than two (2) feet below the maximum of two (2) foot depth, the developer shall cause to be constructed a proper size storm sewer line in said roadside ditch.

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)

Table 1A - Road Improvement Policy Matrix
(For Reference Purposes Only)

	Resources Zones	Non-Resource Zones	
	New Road Created or Existing Road Used	New Road Created	Existing Road Used
1.Must a road be improved in conjunction with a partition?			
A. Private Road	No	Yes	Yes (1)
B. Public Road	No	Yes	No
C. County Road	Yes (2)	Yes	No
2. Minimum Road Standard Required?			
A. Private Road	n/a	A-12	A-12(1)
B. Public Road	n/a	A-20	A-20
C. County Road	(2)	A-20(3)	A-20

(1) If an existing private road provides access to a parcel, this road must be improved to at least an A-12 standard. See Table 1, Road Right-of-way and Improvement Standards.
(2) If a County road is created or utilized in a resource zone to provide access to a partitioned parcel, the Board of Commissioners shall establish minimum improvement standards and control the timing of the improvement.
(3) If a new portion of a County road is created to provide access to a non-resource zone partition, the Board of Commissioners shall set the improvement standards (the minimum improvement shall be an A-20 standard).

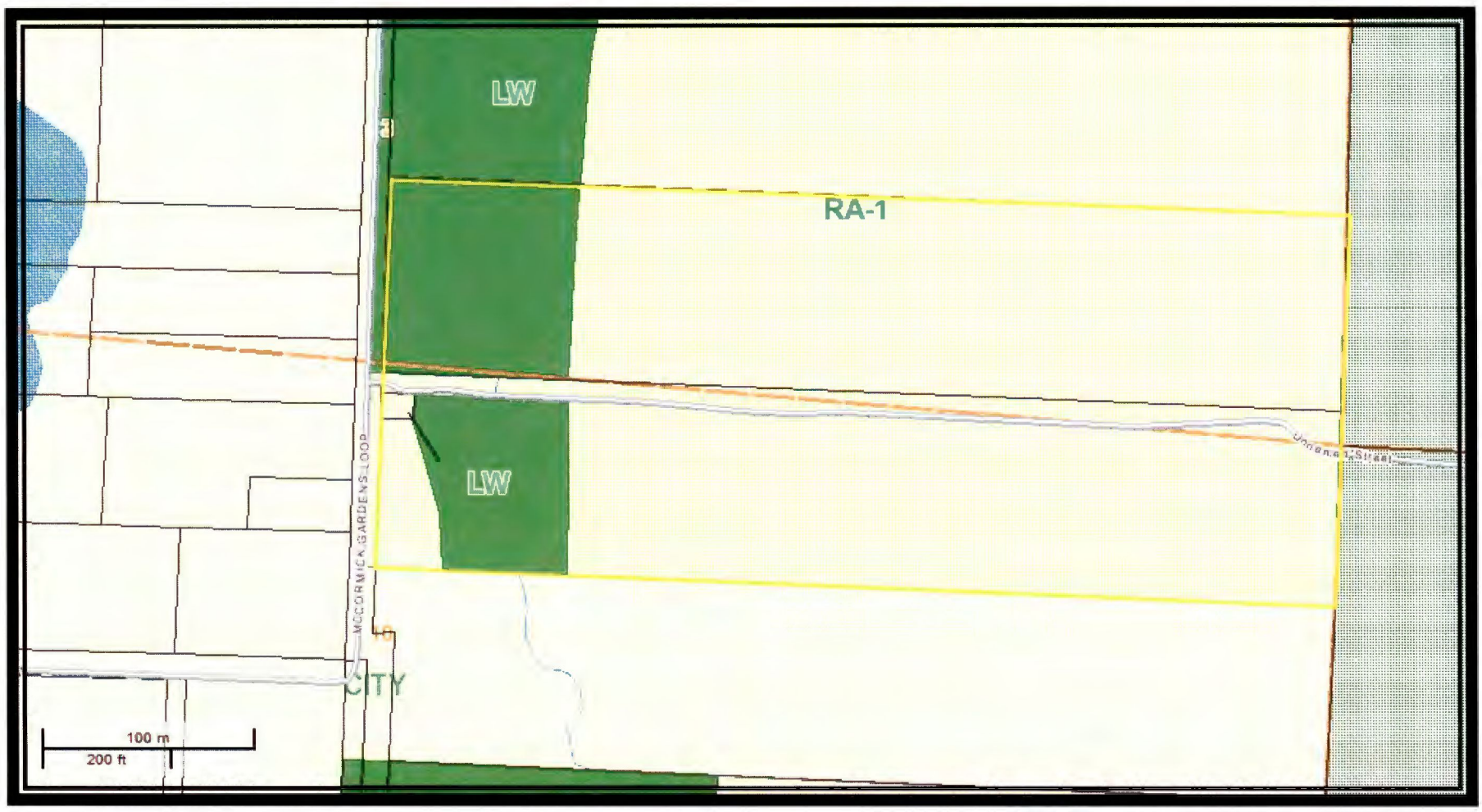
FINDINGS

Attachment 7.

The proposal is consistent with County road development standards.

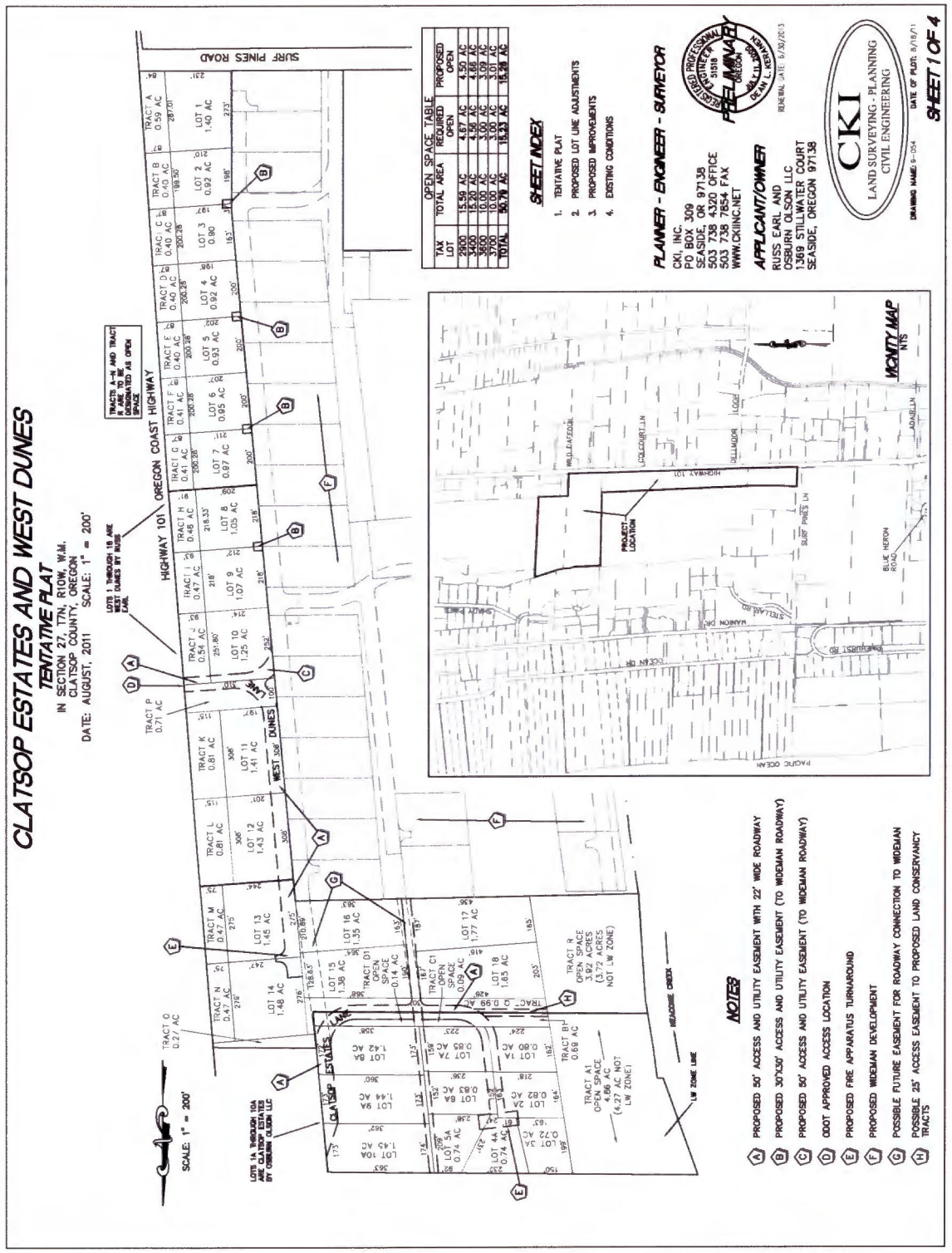
ATTACHMENTS

ATTACHMENT 1: ZONING MAP

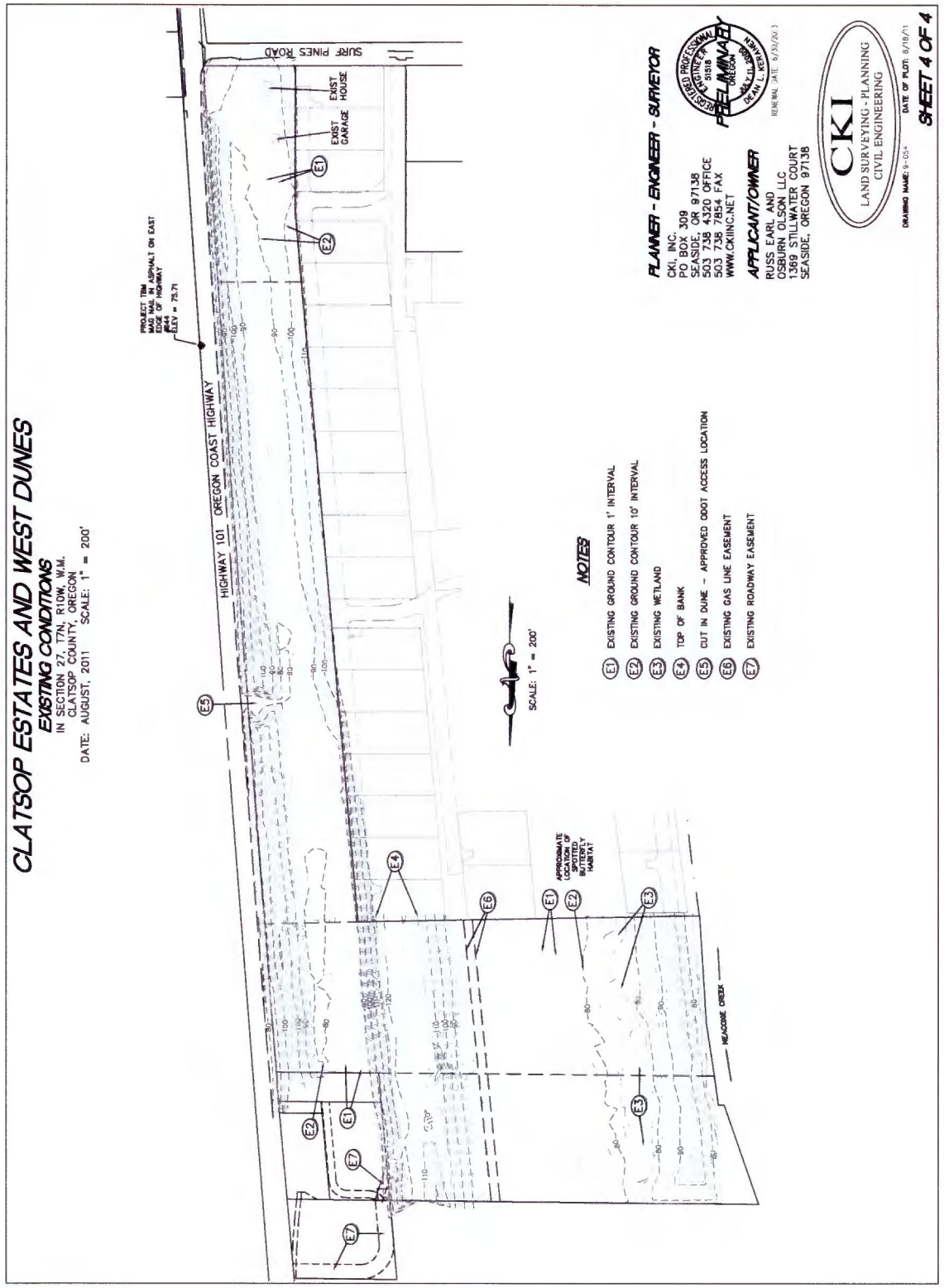


ATTACHMENT 2: PROPOSED ZONING MAP

ATTACHMENT 3: CLATSOP ESTATES AND WEST DUNES PRELIMINARY PLAT



ATTACHMENT 4: EXISTING CONDITIONS AND CONTOUR MAP



ATTACHMENT 5: SOILS MAP

ATTACHMENT 6: LETTER FROM SEASIDE SCHOOL DISTRICT STATING AVAILABILITY FOR ADDITIONAL STUDENTS FOR THE PROPOSED PARTITION

ATTACHMENT 7: LETTER FROM THE LOCAL RURAL FIRE PROTECTION DISTRICT REGARDING THE PROPOSAL AND ACCESS

ATTACHMENT 8: LETTER FROM COUNTY ROAD MASTER INDICATING ROAD DESIGN AND ACCESS APPROVAL

ATTACHMENT 9: MCCORMICK GARDENS EXCEPTION

Key to Exception Maps and Discussion:

Exceptions areas have been labeled 1-49 and 51-62 as shown on Maps A-I. The discussion portion of the Exception follows the maps and each one has a number which corresponds to the area on the map (this is located in the upper left hand corner of the discussion pages). On the upper right hand corner of the discussion page are the Assessor's map(s) references. The accompanying pages list all the tax lots on the respective Assessor's map for which an Exception is being taken. The Assessor's maps noted in the Exceptions are located in the Clatsop County Department of Planning and Development.

Planning Area: CLATSOP PLAINS
Goal 3 - - soils: IVw and VIe.
Goal 4 - - site class: FC and FD.

Maps: 6-10-3A
6-10-3D
6-10-10
6-10-10D
7-10-34

FINDINGS

(a)adjacent uses:

WEST - residential (City of Gearhart and Gearhart UGB).
NORTH }
SOUTH } wetland, pasture and forestry.
EAST }

(b)public facilities and services:

FIRE - Gearhart Rural Fire Protection District.
WATER- City of Gearhart.
ROADS- McCormack Garden County Road, Hibla County Road, and Salminen County Road.

(c)parcel size and ownership patterns:

There are 37 parcels in this area totaling 205.27 acres. The overall average lot size is 5.55 acres. There are 5 lots larger than ten acres, totaling 75.13 acres or about 37% of the total exception area.

(d)neighborhood and regional characteristics:

The overall average density in this area is about 1 d.u. per 9.33 acres.

CONCLUSION

This area is built and irrevocably committed to residential development for the following reasons:

- Continued cost-effective delivery of existing public facilities and services depends in part on continued residential development in this area.
- Agriculture and forestry are precluded by a pattern of small parcel sizes in this area.
- Many forest and farm management practices are not compatible with either the number or the density of residences in this area.

62

6-10-10	100		15.42
6-10-3D	1000		
6-10-10	300	□	7.68
	500		10.95
6-10-10D	400		
6-10-3D	900		7.47
	800		7.11
	700	□	7.82
	500		.21
	600	□	.95
	501		6.90
	400		9.62
	300	□	10.12
	200		4.05
	100	□	16.08
	1200	□	7.46
	1100		1.80
	1103	□	1.00
	1102	□	1.63
	1101	□	1.00
6-10-3A	100		2.28
	200	□	22.56
	300	□	3.99
	500	□	5.01
	400	□	4.67
	401	=	.34

6.10.34	1400	□	2.32
	1500, 1600	□	3.48
	1700	□	2.90
	1300		2.22
	1200, 1201	□	3.18
	1100	□	3.10
	800, 700, 600	□	4.00
	900	□	2.00
	1001		5.67
	1102	□	6.01
7.10.34	814		1.92
	815		6.01
	800		6.94

all parcels: n = 37
avg = 5.55 acres
total = 205.27 acres

ten acres & larger n = 5
avg = 15.03 acres
total = 75.13 acres

ATTACHMENT 10: WETLANDS DELINEATION

Oregon
John A. Kitzhaber, MD, Governor

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 986-5200
FAX (503) 378-4844
www.oregonstatelands.us

State Land Board

John A. Kitzhaber, MD
Governor

Kate Brown
Secretary of State

Ted Wheeler
State Treasurer

February 10, 2011

Gloria Edler
39 McCormick Gardens Road
Gearhart, OR 97138

Re: Wetland Delineation Report for the Edler Property Partition, Clatsop County, T6N R10W Sec. 3D, Tax Lot 1000; and Sec. 10, Tax Lot 100; WD #10-0377

Dear Ms. Edler:

The Department of State Lands has reviewed the wetland delineation report prepared by Westbrook Science & Design, LLC for the site referenced above. Based upon our review and additional information provided upon request, we concur with their delineation and conclusions. Within the 20.5 acres study area, wetland totaling approximately 16.7 acres were identified. These wetland are subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands.

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. The Army Corps of Engineers will review the report and make a determination of jurisdiction for purposes of the Clean Water Act at the time that a permit application is submitted. We recommend that you attach a copy of this concurrence letter to both copies of any subsequent joint permit application to speed application review.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter, unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete

permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. Please phone me at (503) 986-5232 if you have any questions.

Sincerely,

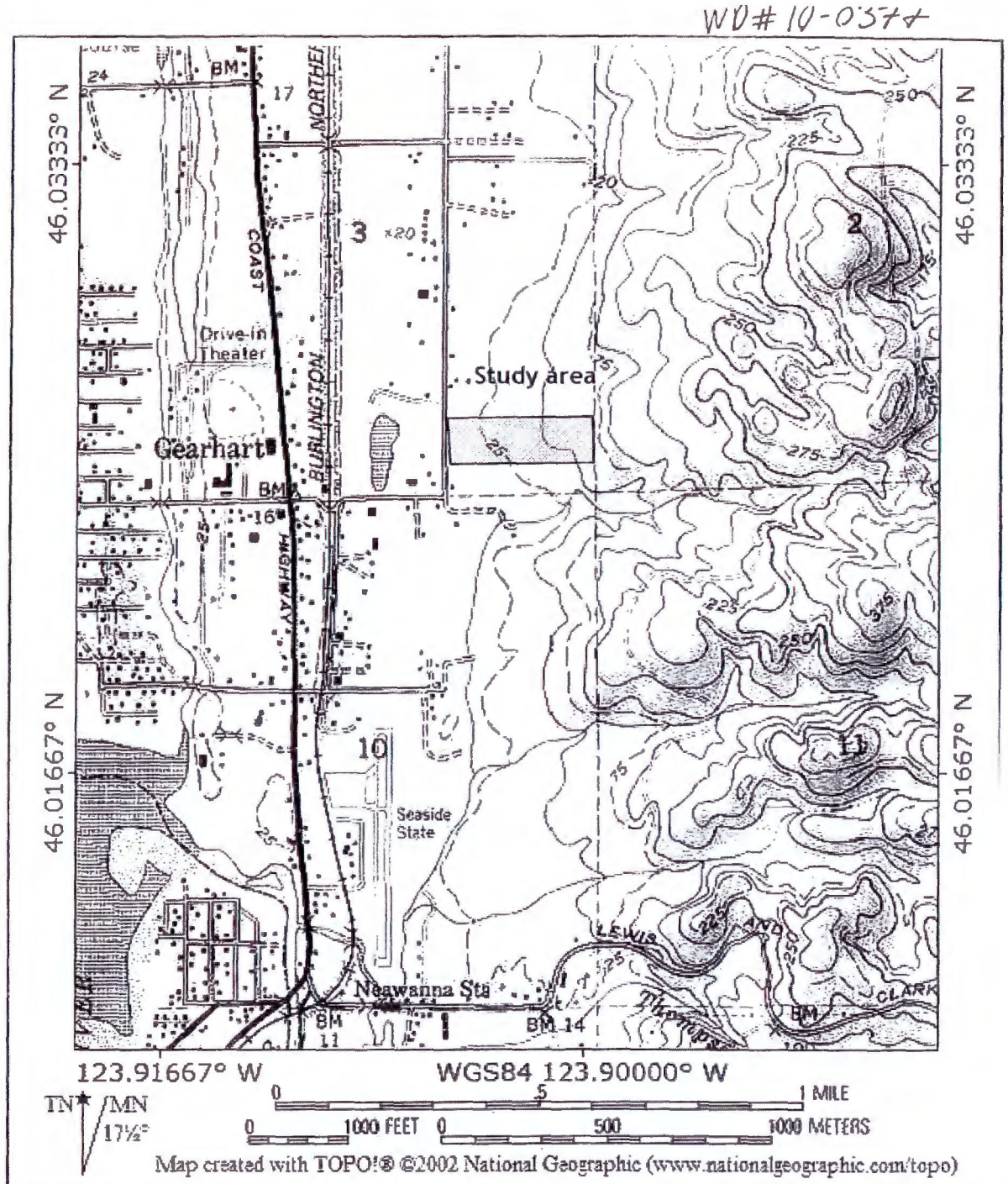
Peter Ryan, PWS
Wetland Specialist

Approved by Janet C. Morlan
Janet C. Morlan, PWS
Wetlands Program Manager

Enclosures

ec: Anita Cate Smyth, Westbrook Science & Design, LLC
Clatsop County Planning Department
James McMillan, Corps of Engineers
Dan Cary, DSL

WD# 10-037+

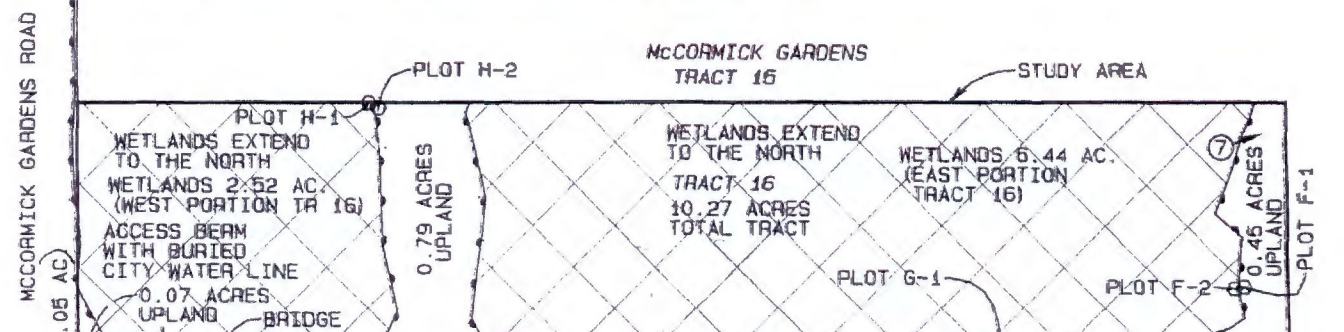


Source: as shown Scale: as shown

WESTBROOK SCIENCE & DESIGN	LOCATION MAP Edler Property Clatsop County, Oregon	Figure 1

FIGURE 6: POTENTIALLY JURISDICTIONAL WETLANDS AND OTHER WATERS
TRACTS 16 AND 17 McCORMICK GARDENS SITUATED IN
SE 1/4 OF SE 1/4 SECTION 3 AND NE 1/4 OF NE 1/4 SECTION 10,
T6N, R 10W W.M., CLATSOP COUNTY, OREGON

SEPT 3, 2010



SCALE 1"=200'

0 200 400

DSL WD # 10-0377

Approval Issued 2/10/2011

Approval Expires 2/10/2016

SURVEY BY:
NEIL A. MENDENHALL JR., dba
MENDENHALL & ASSOC
89778 HWY 101
WARRENTON, OR 97146
(503) 738-6363
(503) 440-9561

SURVEY FOR:
GLORIA EDLER
39 McCORMICK GARDEN ROAD
GEARHART, OR 97138
(503)

EQUIPMENT:
SOKKIA SET 530R
TOTAL STATION
CREW: NAN, JF

WETLANDS DELINEATION BY:
WESTBROOK SCIENCE & DESIGN L.L.C.
8299 SW 159TH PLACE
BEAVERTON, OR 97007
(503) 869-7897
acsmyth@westbrookscience.com
(503) 440-9561

Determination and Delineation of Wetlands and Other Waters of the State

Edler Property
McCormick Gardens Road
Gearhart, Oregon

Prepared for:

Ms. Gloria Edler
39 McCormick Gardens Road
Gearhart, Oregon 97138

Prepared by:

Westbrook Science & Design, LLC
Anita Cate Smyth, PWS
8299 SW 159th Place
Beaverton, Oregon
(503) 869-7897

October 7, 2010

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Table 2 Potentially jurisdictional resources

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Figure 3 National Wetland Inventory map
Figure 4 Soils map (NRCS online 2007)
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Figure 6 Potentially jurisdictional resources map

Appendices

Appendix A – Maps
Appendix B – Data Forms
Appendix C – Ground Level Color Photographs
Appendix D – Additional Tables and Information
Appendix E – Literature Citations

Site Directions

- From Portland, proceed west on Highway 26.
- Proceed north on Highway 101
- Turn right onto Pacific Way
- Turn left onto McCormick Gardens Road.
- Proceed to property – brown house with turn-around driveway on the east side

Determination and Delineation of Wetlands and Waters of the United States
Edler Property, Clatsop County, Oregon

Introduction

The purpose of this investigation is to identify wetlands and other waters of the State to inform the potential land division of the affected tax lots. The study area comprises tax lot 1000 in Township 6N 10W Section 3D (10.30 acre) and tax lot 100 in Township 6N 10W Section 10 (10.27 acre). The latitude and longitude are 45.5065 degrees north and -121.5978 degrees west.

A Landscape Setting and Land Use

The study area comprises two tax lots totaling 20.57 acres north of Pacific Way and east of McCormick Gardens Road. The land uses in the area are large-lot to large-acreage residential property. East of this area, land is used for timber production.

On the western part of the study area against McCormick Gardens Road, houses and the road lie on slightly higher ground. Proceeding east, the land slopes down into a large interdunal swale that appears to be permanently inundated. Approximately a third of the way across the site is a linear area of higher ground approximately 120 feet wide bisecting the site from north to south, possibly a small old stabilized dune. East of this feature is a large forested wetland that covers the eastern two-thirds of the site; this area ranges from seasonally inundated to seasonally saturated in the upper 12 inches. Near the eastern edge of the study area, the landform changes from interdunal to Coast Range foothills. The slope is steep (approximately 30 to 40 percent), rising well above the effect of the interdunal system in the bottomland below.

An area of slightly higher ground is present near the middle of the site. This area is also distinguished by a prevalence of evergreen trees in addition to the deciduous trees and shrubs present in the areas with a higher water table.

The City of Gearhart owns a water line easement that bisects the study area just south of the shared tax lot boundary. The pipe is covered by a trapezoidal berm that also supports an overhead power line.

Other structures on the site include the Edler residence and an outbuilding. An in-parcel owned by the City of Gearhart associated with the water line is not part of this investigation.

B Site Alterations

The site has not been recently altered.

The water line easement is periodically mowed but is otherwise undisturbed.

In the far southeastern portion of the site, near the teardrop-shaped driveway, some alterations occurred. The alterations involved burning of pamphlets and other paper items and subsequent placement of material on top of the burned area. The burned area is evident on aerial

photography viewed at the US Army Corps of Engineers aerial photography library. The photographs dated October 12, 1978 [Photograph 78-4394] and April 15, 1980 [Photograph #80-1078] show signs of disturbance could be burning and/or filling.

The berm and water line were constructed prior to 1978, based on aerial photography

C Precipitation Data and Analysis

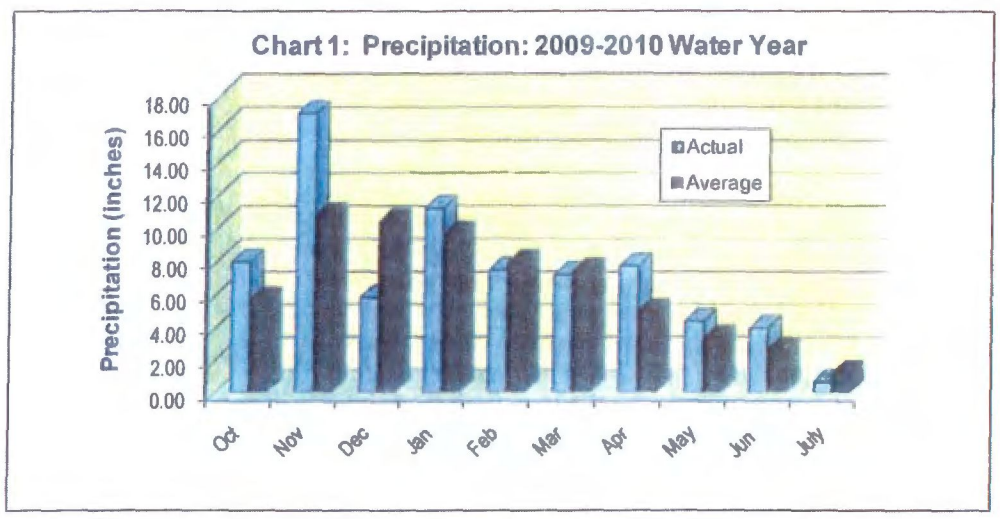
The investigation was conducted on July 31 and August 1, 2010. Data for the preceding two weeks are provided for each visit in addition to the monthly and annual totals, averages and percentages.

Data were accessed from the National Weather Service Portland area website at http://www.weather.gov/climate/index.php?wfo=pqr. Table 3 summarizes precipitation in the two weeks prior to the site investigation and for the 2009-2010 water year to date. Data were taken from the Preliminary Climatological Data set (CF6) collected at the Astoria weather station.

Table 1. Rainfall data before site investigation

	Actual Precipitation (inches)	Average Precipitation (inches)	Departure from normal* (inches)	Percent of normal
Date of investigation				
July 31 – August 1, 2010	0.00	--	--	--
14 days prior to site investigations	0.01	--	--	--
Water year to date				
October	7.92	5.61	2.31	141%
November	16.97	10.76	6.21	158%
December	5.76	10.40	-4.64	55%
January	11.19	9.62	1.57	116%
February	7.41	7.87	-0.46	94%
March	7.15	7.37	-0.22	97%
April	7.67	4.93	2.74	156%
May	4.30	3.28	1.02	131%
June	3.88	2.57	1.31	151%
July	0.60	1.16	-0.56	52%

A total of 72.85 inches of rainfall fell during the 2009-2010 water year, as measured between October 1, 2009 through the site investigation conducted on July 31 and August 1, 2010. The long-term precipitation average during this period is 63.57 inches. The observed rainfall is 115 percent of normal for the water year to date. The table above and graph below illustrate that precipitation in each month of the water year was below average except for the month of May, which was considerably wetter than normal.



D Methods

WSD evaluated the wetlands on the project site according to guidelines in the COE 1987 Manual (Environmental Laboratory 1987) and supplemental manual for the Western Mountains, Valleys, and Coast Region. 16 data sheets (Appendix B) were recorded that describe the vegetation, soils and hydrology at that sample locations (see Figure 6). The soil colors were determined using Munsell Soil Color Charts (Munsell Color 2004, washable edition). The plant indicator status codes are from the USFWS national and regional lists (Reed 1988; Reed et al. 1993).

Preliminary site review included analyzing NRCS online soil maps (Figure 3), the National Wetlands Inventory map (Figure 4), and aerial photography obtained on the Internet. On-site methods relied upon direct observation of vegetation, presence of saturation and/or water tables or lack thereof in the soil pit, and other indicators of wetland hydrology to determine whether a plot had satisfied the criteria for wetland determination. Additionally, indirect indicators of past surface water were valuable; areas of matted and water-stained leaves, dried algal crusts and other indicators provided evidence of where water tended to pond. Lastly, changes in soil characteristics, such changes from histosols to mineral soils, depth to visible redoximorphic features, and changes in soil texture and permeability were also diagnostic.

The methods used to locate sample plots were as follows. One transect of four plots (Plots A1 through A4 were located in the developed area of tax lot 100 to describe subtle changes across the gentle slope. Plots B1 and B2, C1, D1 and D2, and H1 and H2 describe the rise that runs north-south through the western third of the site. Plots E1 and E2 and F1 and F2 describe the interface between the palustrine forest in the interdunal area and the moist upland forest that slopes down from the east. Plot G1 was taken on the pipeline berm in a slight depression.

E Description of All Wetlands and Other Non-Wetland Waters

The wetland delineation site investigation found one contiguous area meeting the three criteria for wetland determination on the subject property. The wetland connects through the pipeline berm at a small bridge near the western end of the berm.

Wetland 1

The wetland is a portion of the Clatsop Plains, a large interdunal wetland complex. In this area, the wetland delineation comprises palustrine emergent, palustrine scrub-shrub, and palustrine forested plant communities. Hydrologic conditions range from permanently inundated at the western end to seasonally saturated and perhaps inundated at the eastern end. The flat nature of this area and sand subsoil layers also facilitate endoaquic water movement under and through upland areas, including the pipeline berm and dune ridge remnant in the western third of the site. Water flows into the study area from northern portions of this large complex, and exits to the south where it flows around the Seaside Municipal Airport and thence west to Neawanna Creek.

Several vegetation communities are present in the wetland areas. In the southwest corner and western side of tax lot 100, a portion of the wetland lies within the developed area and comprises lawn grasses and forbs compatible with frequent mowing such as bird's-foot trefoil (*Lotus corniculatus,* FAC) and creeping buttercup (*Ranunculus repens,* FACW). Wetter areas also support small amounts of slough sedge (*Carex obnupta,* OBL), which was helpful in determining the wettest areas.

This area exhibits the greatest alteration. The native vegetation has been removed and replaced with a managed landscape with lawn grasses and associated weedy forbs, and ornamental shrubs. Wetland areas are characterized by an observed water table or saturation at or above 20 inches to take the time of year into account and redoximorphic activity, reduced matrices, and organic soil.

The areas of permanent inundation in the western third of the site are a hemi-marsh with water lily (*Nuphar lutea,* OBL) and other species adapted to several inches to several feet of water dominant in the plant community. Common shrubs around the margins, in shallower areas, and along the berm include Douglas spirea (*Spiraea douglasii,* FACW), red-osier dogwood (*Cornus sericea* var. *stolonifera,* FACW), Scouler and Pacific willow (*Salix scouleriana,* FAC and *S. lucida* v. *lasiandra,* FACW). The understory features a variety of lawn and pasture grasses and forbs, including colonial bentgrass (*Agrostis capillaris,* FAC), cinquefoil (*Potentilla sp.*) and Himalayan blackberry (*Rubus armeniacus,* FACU). Due to the permanent inundation and evident hydrogen sulfide odor, no sampling was performed in this part of the site and soils are presumed hydric.

The wetland areas between the ridge in the western portion of the site and the hillside at the eastern edge are forested with red alder (*Alnus rubra,* FAC), Sitka spruce (*Picea sitchensis,* FAC) with occasional western hemlock (*Tsuga heterophylla,* FACU) present but generally rooted in old stumps or fallen logs above the influence of a high water table. The shrub stratum is generally sparse, with greater cover where gaps in the tree canopy occur. Salmonberry (*Rubus spectabilis,* FAC+) and red elderberry (*Sambucus racemosa,* FACU) are the most common shrubs in this community, along with alder and spruce seedlings. The herb stratum cover is

similarly variable. Skunk cabbage (*Lysichiton americanum,* OBL) is the most dominant species, accompanied by slough sedge, water parsley (*Oenanthe sarmentosa,* OBL). Small-fruited bulrush (*Scirpus microcarpus,* OBL) is found along the edges and in places with the greatest light penetration.

This area is drier than the areas of permanent inundation. It does not appear that this community experiences prolonged surface inundation though a high water table and saturation at the surface for a prolonged period between November and April is likely. The water table here is the product of precipitation contributions and endoaquic water table support from adjacent inundated areas. Soils are hydric, exhibiting traits of histosols and redoximorphic activity in the mineral soils.

Uplands
The waterline berm crossing the site on the east west axis is dominated by a range of weedy grasses and forbs. Dominant species include colonial bentgrass, bird's-foot trefoil, common velvetgrass (*Holcus lanatus,* FAC, and spotted cat's ear (*Hypocharis radicata,* FACU).

In contrast to wetlands, the berm consists of imported soil. This soil has a sandy, well drained texture and the berm is built up 1 to 4 feet above the surrounding grade. Some redoximorphic features are present but not generally within the top 12 inches.

The eastern slope is characterized mainly by a red alder overstory, red elderberry and salmonberry in the shrub layer, and swordfern in the herb stratum. The more water-dependent species such as skunk cabbage, slough sedge, and water parsley do not persist into this area; the study area does not contain slope wetlands supported by aquifer discharge on the slope. Soils are dry and saturation does not appear to rise into the upper 12 inches for extended periods during the growing season.

There is a narrow, gentle ridge running on the north-south axis across both tax lots. It is coincident with the Gearhart sandy loam map unit on the soil survey map and characterized by a more mesic/upland plant community and a dearth of the vegetation more strongly correlated with saturated soil conditions (*Lysichiton, Oenanthe,* etc.). Observations in this portion of the study area found a lack of saturation and few to no redoximorphic features in the top 20 inches of the soil profile and mostly mineral soils beneath the layer of duff, consistent with the Gearhart sandy loam mapped in this area.

F Deviation from LWI or NWI

The National Wetland Inventory accurately maps the westernmost wetland boundary along the residential portion of the site. It shows the area west of the dune ridge as PEMC and the remainder of the site as PFOC. The eastern edge of the PFOC map unit is close but appears to push slightly too far to the east.

The NWI mapping does not show the area of upland in the western third of the site, nor does it call out the pipeline berm.

The local wetland inventory includes both tax lots within the map unit Area E. It does not separate out the pipeline berm or the area of upland in the western third of the site. It also overstates the wetland boundary to the west, including portions of the area in residential use that do not meet the three criteria for wetland determination.

G Mapping Method

The proposed jurisdictional boundaries were tied by professional surveyors from Mendenhall & Associates using Sokkia Set 530R Total Station. The accuracy of the survey is to 1.0 foot to topographic and wetland features, and to 0.1 foot for monuments.

H Additional Information

No additional information is presented.

I Results and Conclusions

Potentially jurisdictional wetlands are noted on Figure 6. Three areas satisfy the criteria for wetland determination, comprising 16.61 acres. The areas shown on Figure 6 are hydrologically connected; the connection is present off site to the north and at the western end of the pipeline berm where a bridge spans a gap in the berm.

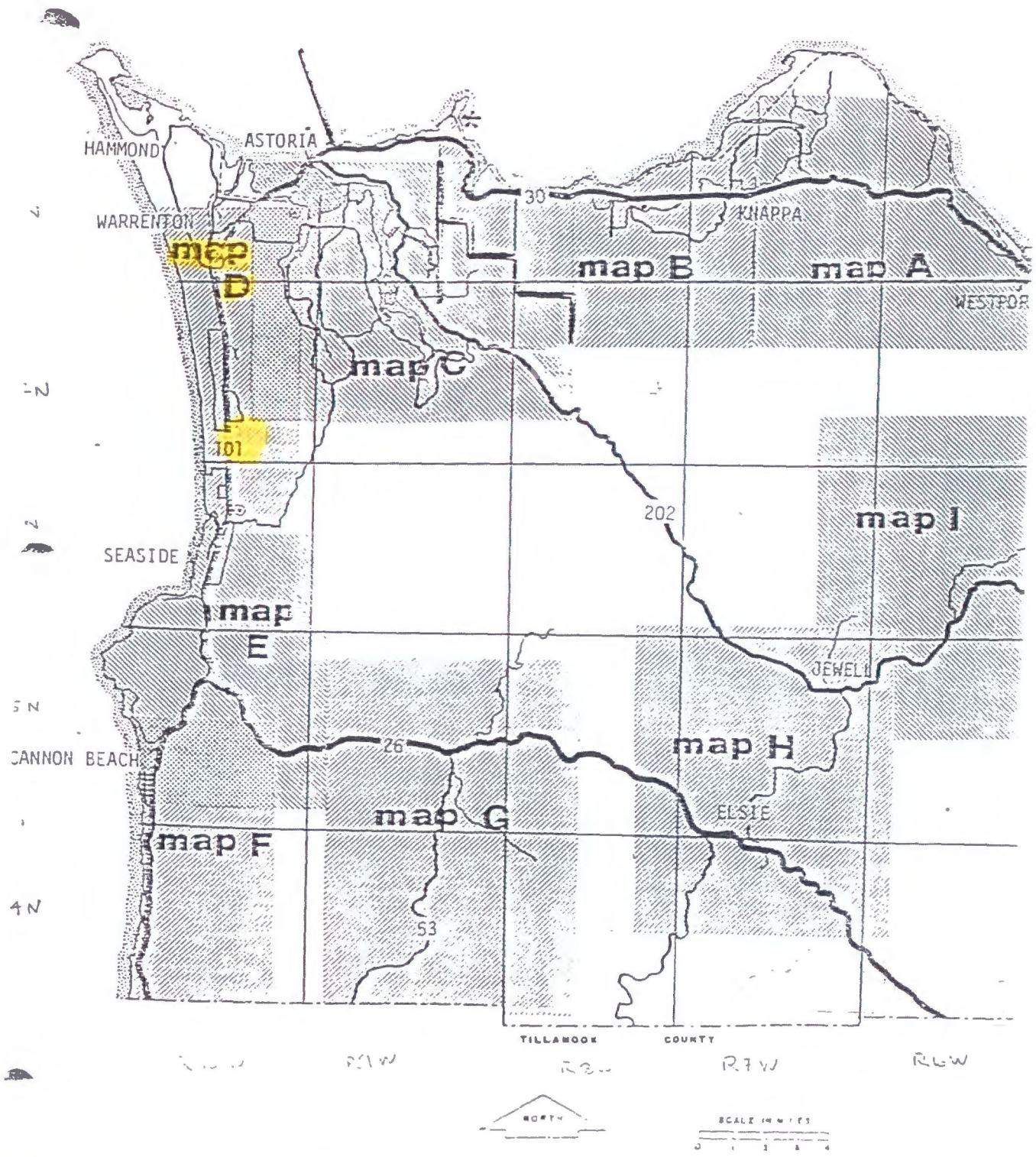
Therefore, the wetlands identified in this report are likely subject to regulation by DSL under the Removal-Fill Law and the US Army Corps of Engineers under the Clean Water Act.

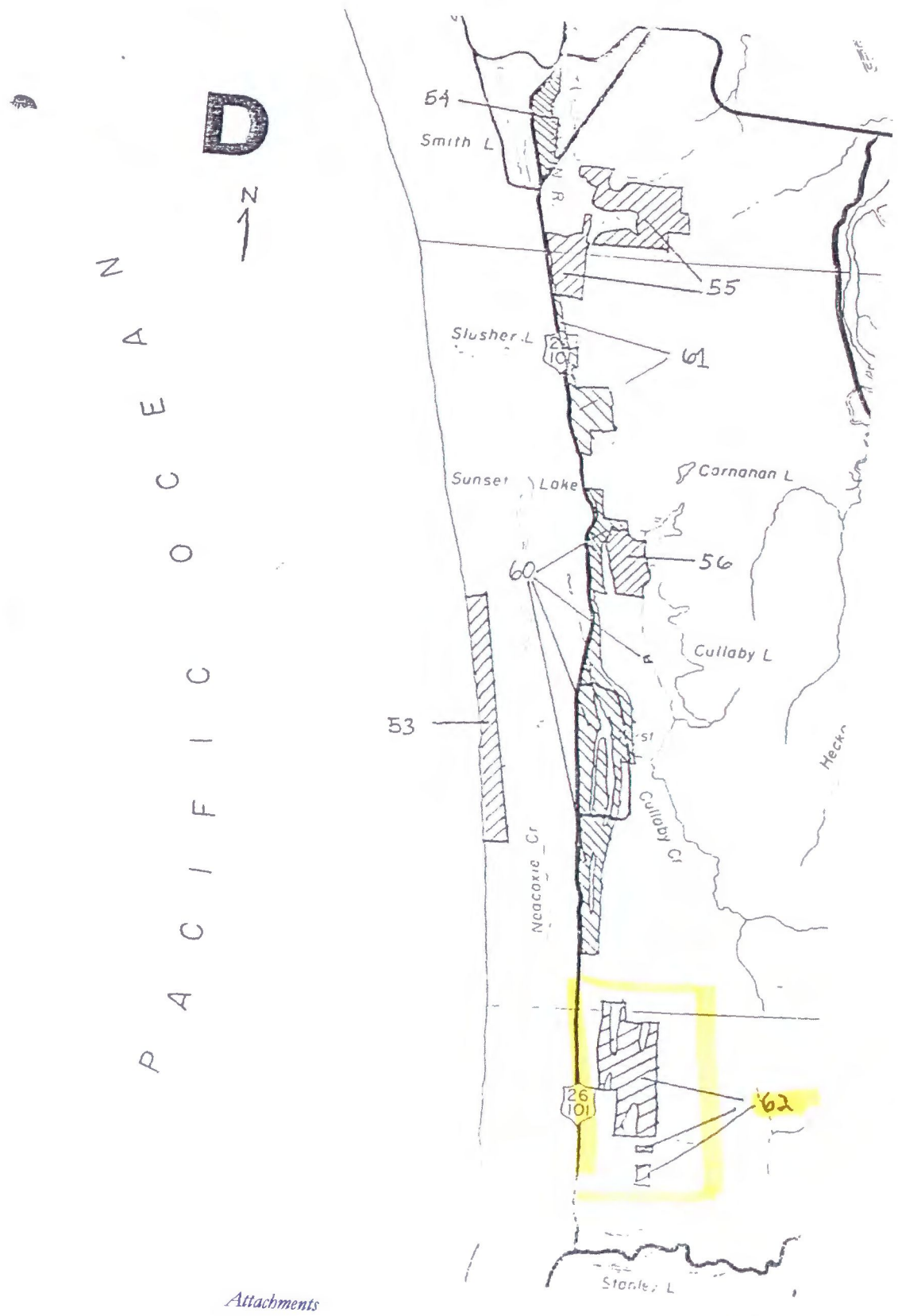
Wetland conditions extend offsite to the north and south. Acreage reflects areas inside the study area only.

J Disclaimer

"This report documents the investigation, best professional judgment and conclusions of the investigator. It is correct and complete to the best of my knowledge. It should be considered a Preliminary Jurisdictional Determination of wetlands and other waters and used at your own risk unless it has been reviewed and approved in writing by the Oregon Department of State Lands in accordance with OAR 141-090-0005 through 141-090-0055."

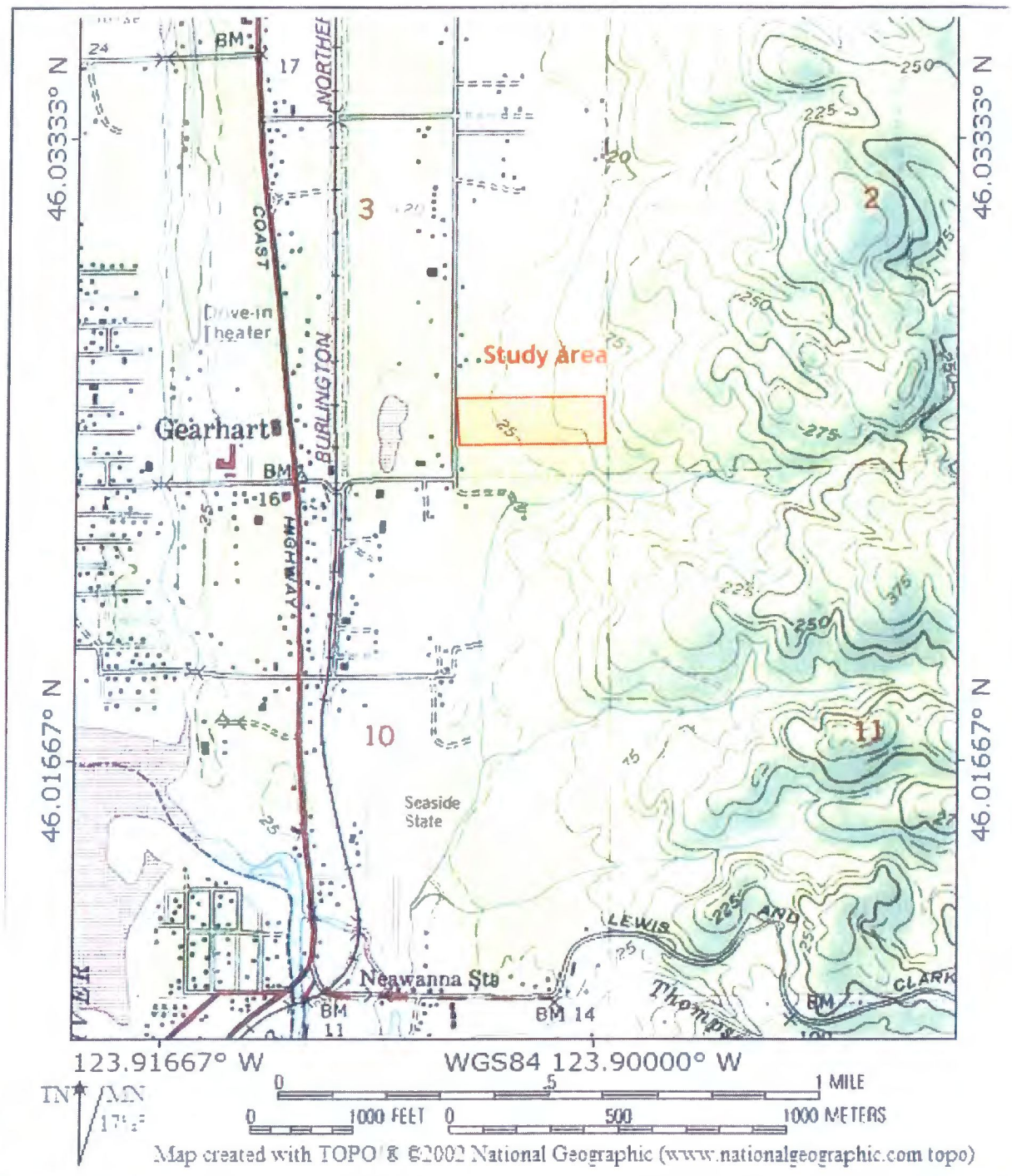
Goal 2 Index Map




PACIFIC OCEAN
N
54
Smith L
55
Slusher L
61
Sunset Lake
Carnanan L
56
60
Cullaby L
53
Cullaby Cr
Ncacoxie Cr
26
101
62
Stanley L

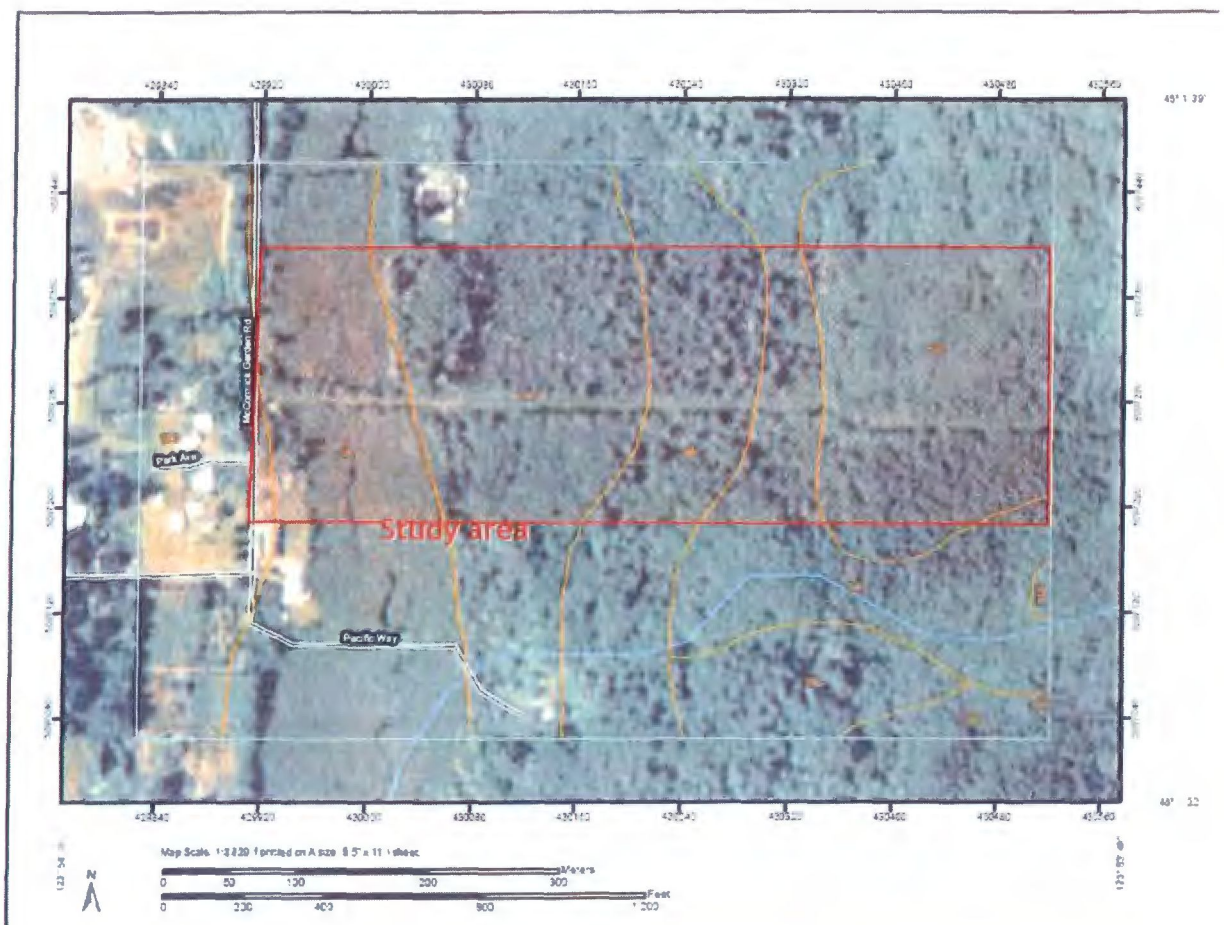
APPENDIX A

Figures



Source: as shown Scale: as shown

WESTBROOK SCIENCE & DESIGN	LOCATION MAP Edler Property Clatsop County, Oregon	Figure 1



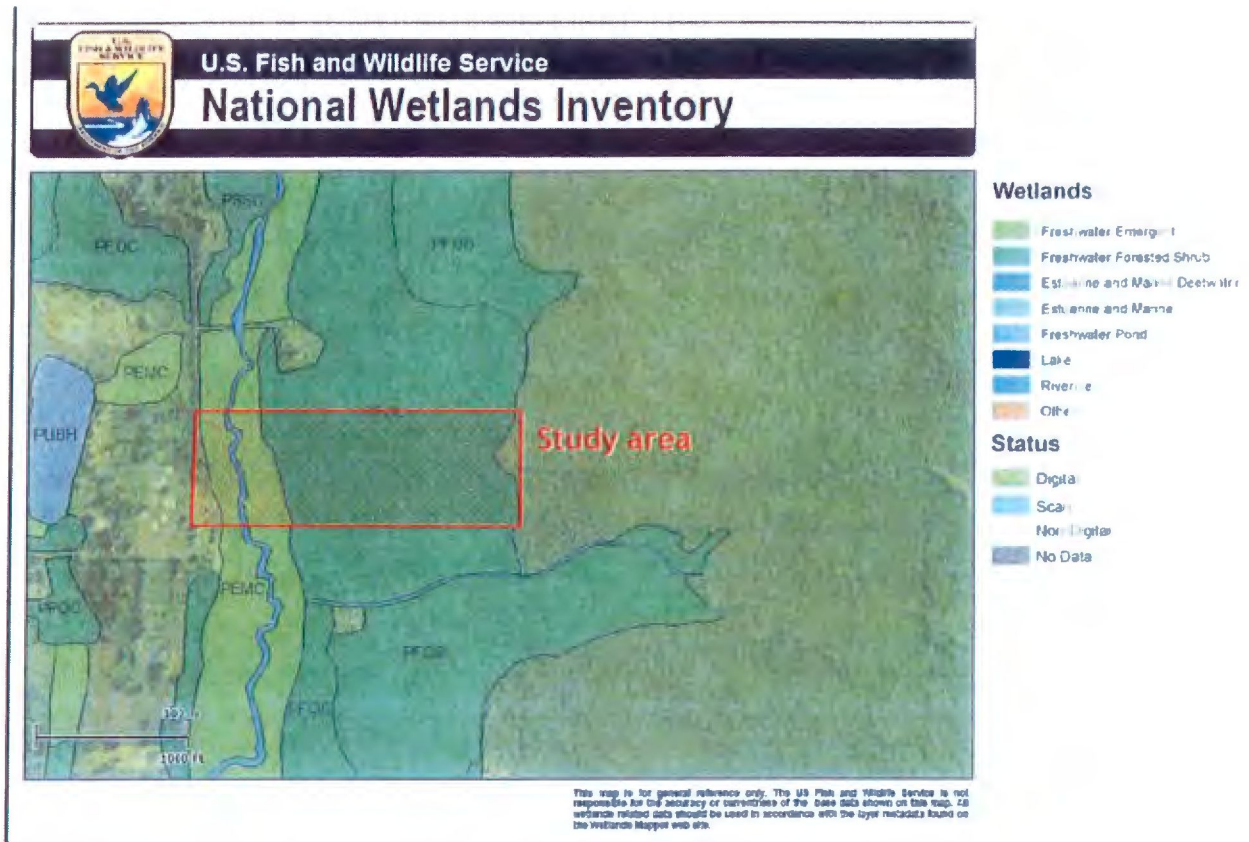
Map Unit Symbol	Map Unit Name
5A	Bergsvik mucky peat, 0 to 1 percent slopes
6A	Brallier mucky peat, 0 to 1 percent slopes
8A	Brenner silt loam, 0 to 3 percent slopes
10C	Chitwood silt loam, 7 to 15 percent slopes
19C	Gearhart fine sandy loam, 3 to 15 percent slopes
33E	Klootchie-Necanicum complex, 30 to 60 percent slopes
37E	Templeton-Ecola silt loams, 30 to 60 percent slopes

Source: Oregon online soil surveys, accessed July 27, 2009 at http://ice.ntc.nrcs.usda.gov/website/wash_or/viewer.htm

WESTBROOK SCIENCE & DESIGN	SOIL SURVEY MAP Edler Property Clatsop County, Oregon	Figure 3

Source: as shown

WESTBROOK SCIENCE & DESIGN	AERIAL PHOTOGRAPH Edler Property Clatsop County, Oregon	Figure 5



Source: FWS website accessed at http://www.fws.gov on September 15, 2010

WESTBROOK SCIENCE & DESIGN	NATIONAL WETLAND INVENTORY MAP Edler Property Clatsop County, Oregon	Figure 4

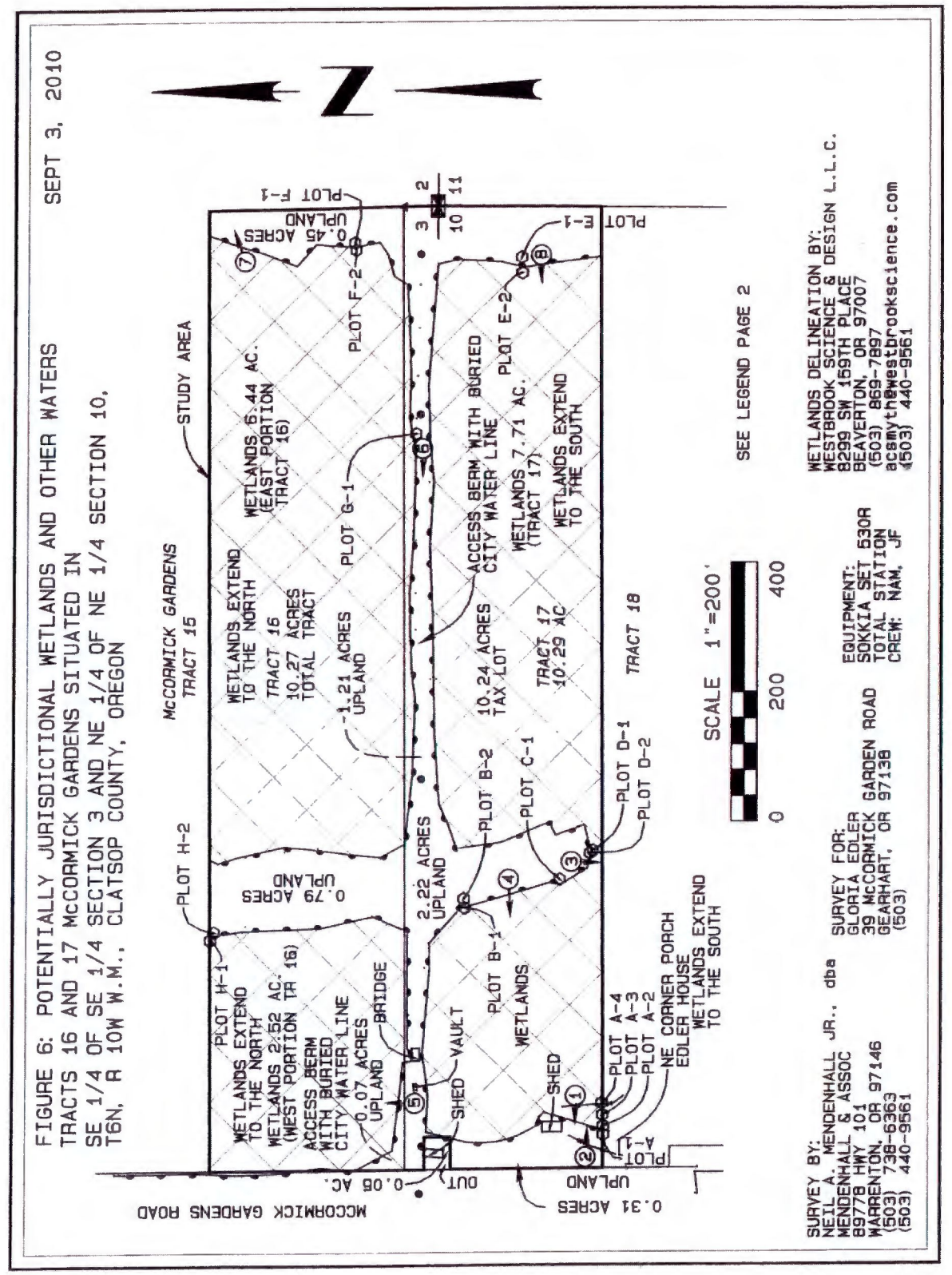


FIGURE 6: POTENTIALLY JURISDICTIONAL WETLANDS AND OTHER WATERS
TRACTS 16 AND 17 McCORMICK GARDENS SITUATED IN
SE 1/4 OF SE 1/4 SECTION 3 AND NE 1/4 OF NE 1/4 SECTION 10,
T6N, R 10W W.M., CLATSOP COUNTY, OREGON
SEPT 3, 2010
N
STUDY AREA
McCORMICK GARDENS TRACT 15
WETLANDS EXTEND TO THE NORTH
TRACT 16 10.27 ACRES TOTAL TRACT
WETLANDS 6.44 AC. (EAST PORTION TRACT 16)
1.21 ACRES UPLAND
PLOT G-1
PLOT F-2
PLOT F-1
0.45 ACRES UPLAND
ACCESS BERM WITH BURIED CITY WATER LINE
10.24 ACRES TAX LOT
TRACT 17 10.29 AC
WETLANDS 7.71 AC. (TRACT 17)
PLOT E-2
PLOT E-1
WETLANDS EXTEND TO THE SOUTH
TRACT 18
SEE LEGEND PAGE 2
SCALE 1"=200'
0 200 400
WETLANDS DELINEATION BY:
WESTBROOK SCIENCE & DESIGN L.L.C.
8299 SW 159TH PLACE
BEAVERTON, OR 97007
(503) 869-7897
acsmyth@westbrookscience.com
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EQUIPMENT:
SOKKIA SET 530R
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NEIL A. MENDENHALL JR., dba
MENDENHALL & ASSOC
89778 HWY 101
WARRENTON, OR 97146
(503) 738-6363
(503) 440-9561
PLOT H-2
PLOT H-1
0.79 ACRES UPLAND
WETLANDS EXTEND TO THE NORTH
WETLANDS 2.52 AC. (WEST PORTION TR 16)
ACCESS BERM WITH BURIED CITY WATER LINE
0.07 ACRES UPLAND
BRIDGE
VAULT
SHED
OUT
0.05 AC.
2.22 ACRES UPLAND
PLOT B-2
PLOT B-1
PLOT C-1
WETLANDS
SHED
PLOT A-4
PLOT A-3
PLOT A-2
PLOT A-1
NE CORNER PORCH EDLER HOUSE
WETLANDS EXTEND TO THE SOUTH
PLOT D-1
PLOT D-2
0.31 ACRES UPLAND
McCORMICK GARDENS ROAD

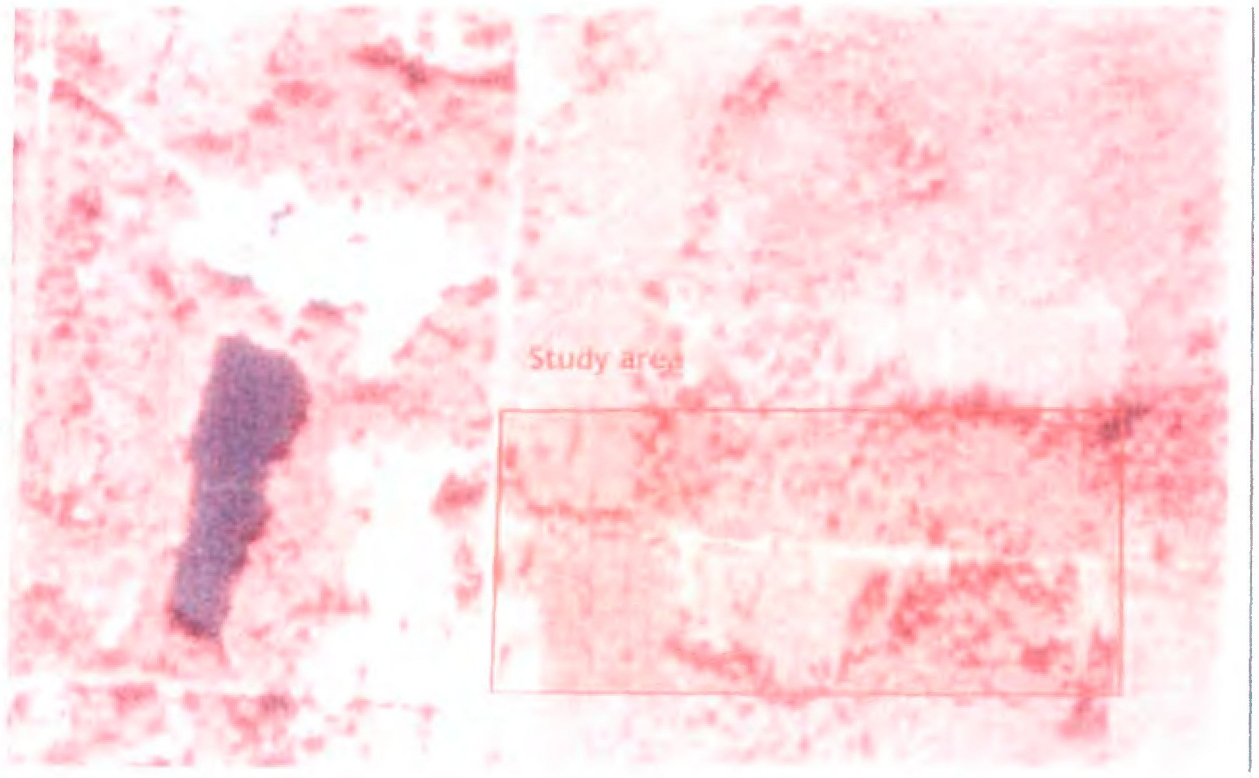

Photo taken in 1983.

Source: US Army Corps of Engineers

AERIAL PHOTOGRAPH

Edler Property

Clatsop County, Oregon

Figure 5D

ATTACHMENT 11: SITE PHOTOS

EXHIBIT 2

DLCD NOTICE OF
PROPOSED AMENDMENT

FORM 1

DLCD Notice of Proposed Amendment

Post Acknowledgment Plan Amendments
Urban Growth Boundary
Urban Reserve Area

In person ☐ Digital ☐ mailed ☐

For DLCD Use Only

THIS COMPLETED FORM, including the text of the amendment and any supplemental information, **must be received at DLCD's Salem office at least 45 DAYS PRIOR TO THE FIRST EVIDENTIARY HEARING** ORS 197.610, OAR 660-018-000

Jurisdiction: **Clatsop County**
Date of First Evidentiary Hearing: **02/14/2012**

Local File Number: **20110517**
Date of Final Hearing: **05/09/2012**

Is this a REVISION to a previously submitted proposal? ☒ No ☐ Yes Original submittal date:

☒ Comprehensive Plan Text Amendment(s)
☒ Comprehensive Plan Map Amendment(s)
☐ Land Use Regulation Amendment(s)
☐ Zoning Map Amendment(s)
☐ Transportation System Plan Amendment(s)
☐ Urban Growth Boundary Amendment(s)
☐ Other (please describe):
☐ Urban Reserve Area Amendment(s)

Briefly Summarize Proposal in plain language IN THIS SPACE (maximum 500 characters):

The consolidation application proposes a comprehensive plan zoning map amendment, text amendment (density transfer), and two (2) partitions. Comprehensive plan zoning map amendment: Two sites will be downzoned from RA1 to OPR; the resulting density will be transferred to a receiving site (2 units) and the reamining 3 units will be banked in the Density Table. Text Amendment: The table included in the Clatsop County Standards Document in S3.162 will be amended to include the transferred density credits.

Has sufficient information been included to advise DLCD of the effect of proposal? ☒ Yes, text is included
Are Map changes included: minimum 8½"x11" color maps of Current and Proposed designations. ☒ Yes, Maps included
Plan map change from: **RA1** To: **OPR**
Zone map change from: To:
Location of property (Site address **and** TRS): **T6N R10W Sec03D TL1000 & T6N R10W Sec 10 TL100**

Previous density range: **5** New density range: **0** Acres involved: **10.00**
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 Goal(s):

City of Gearhart, DLCD, Clatsop Soil and Water Conservation, CREST, DEQ, Clatsop County Public Works

Affected state or federal agencies, local governments or special districts (It is jurisdiction's responsibility to notify these agencies.

Local Contact person (name and title): **Jennifer Bunch, Planner**
Phone: **503-325-8611** Extension:
Address: **800 Exchange Street, Ste 100** City: **Astoria** Zip: **97103**
Fax Number: **503-338-3666** E-mail Address: **jbunch@co.clatsop.or.us**

- FOR DLCD internal use only -

DLCD file No _____

SUBMITTAL INSTRUCTIONS

THIS COMPLETED FORM, including the text of the amendment and any supplemental information, **must be received at DLCD's Salem office at least 45 DAYS PRIOR TO THE FIRST EVIDENTIARY HEARING.** ORS 197.610, OAR 660-018-000

1. This Form 1 must be submitted by a local jurisdiction. Individuals and organizations may not submit a comprehensive plan amendment for review or acknowledgment.

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 necessary to advise DLCD of the effect of the proposal. "Text" means the specific language proposed to be amended, added to or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. **Please submit Form 1 with ALL 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 must be legible, in color if applicable and printed on paper no smaller than 8½ x 11 inches. Please provide the specific location of property: include the site address(es) and Township/Range/Section/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 typically the first public hearing held by the jurisdiction's planning commission on the proposal.

7. Submit **one paper copy** of the proposed amendment including the text of the amendment and any supplemental information and maps (for maps see # 4 above).

8. Please mail the proposed amendment packet to:

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

9. **Need More Copies?** Please print forms on **8½ x11 green paper if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail **plan.amendments@state.or.us**.

http://www.oregon.gov/LCD/forms.shtml **Updated April 22, 2011**

EXHIBIT 3

MAILED NOTICE

CERTIFICATE OF MAILING

I hereby certify that I served a copy of the Notice of Public Hearing for the consolidated request by Frog Consulting on behalf of Gloria Edler for a comprehensive plan zoning map amendment, comp plan text amendment and two major partitions to those on the attached mail list on Thursday, January 12, 2012.

Andrea Neys

Signature

Andrea Neys, Staff Assistant

Name and Title

Owner	OwnerLine1	Mailing Address	City	State	Zip	Taxlotkey	Account
BRESLAUER ROBERT D	BRESLAUER LORI M	PO Box 2352	Gearhart	OR	97138	61010AB00500	9246
CAREY CHARLES P		PO Box 359	Seaside	OR	97138	61003D000900	8340
DEAN RONALD E/HELEN A		PO Box 2472	Gearhart	OR	97138	61010AB01202	9258
DEVEREAUX PRESTON K		196 McCormick Gardens Rd	Gearhart	OR	97138-4407	61003D002400	8352
EDLER GLORIA J		PO Box 64	Seaside	OR	97138-0064	61003D001000	8342
GEARHART CITY OF		PO Box 2510	Gearhart	OR	97138	610100000101	9230
LEWIS & CLARK OREGON TIMBER LLC		One SW Columbia #Suite 1700	Portland	OR	97258	610000000700	55387
MARKHAM JAMES W/ELLA L 1/2	MARKHAM JOHN C 1/2	5250 Calle Morelia	Santa Barbara	CA	93111	610000001100	7796
MCCORMICK GARDEN LLC		1399 Stillwater Ct	Seaside	OR	97138	61010AB01200	9256
MELHOFF LESTER		88878 Dellmoor Lp	Warrenton	OR	97146	61003D002300	8351
PALMBERG PAVING CO INC		499 Ridge Dr	Gearhart	OR	97138	61003D002200	8350
Plan Amendment Specialist	DLCD	635 Capitol St NE, Suite 150	Salem	OR	97301-2540		
Frog Consulting, LLC	c/o Mike Weston	469 Lexington Avenue	Astoria	OR	97103		

Edler mailing 01.12.2012

Clatsop County
Community Development
800 Exchange Street, Suite 100
Astoria, OR 97103

www.co.clatsop.or.us

NOTICE OF PUBLIC HEARING
BEFORE THE CLATSOP COUNTY PLANNING COMMISSION

ORDINANCE 12-02

A consolidated request by Frog Consulting LLC, on behalf of property owner Gloria Edler, for a comprehensive plan zoning map amendment, comprehensive plan text amendment, and two major partitions.

DATE OF HEARING:	February 14, 2011
TIME:	11:00 am
LOCATION:	Judge Guy Boyington Building, 857 Commercial Street, Astoria, Oregon 97103
CONTACT PERSON:	Jennifer Bunch, 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 notice or you are considered to be an affected state or federal agency, local government, or special district. A map illustrating the affected areas is attached.

NOTICE IS HEREBY GIVEN that the Clatsop County Community Development Department has scheduled a public hearing on this matter before the Planning Commission at **11:00 AM on Tuesday, February 14, 2011**, 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 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 or via email to comdev@co.clatsop.or.us. Written comments must be received in this office no later than **5PM on Monday February 13, 2012,** in order to be presented by staff at the February 14, 2012, 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 Comprehensive Plan Zoning Map Amendment will rezone approximately 10 acres of Residential Agriculture 1 (RA-1) to Open Space Parks and Recreation (OPR). Two (2) of the density credits will be transferred to the proposed West Dunes cluster subdivision. The remaining three (3) density Credits are being recorded with an affidavit and maintained in the Planning Department for future assignment. The proposed text amendment modifies the Density Table in section S3.162. The applicant has also requested the approval of two (2) major partitions. The property is located on McCormick Gardens Road and is identified as T6N R10W Sec03D TL1000 and T6N R10W Sec10 TL100.

The following criteria apply to the request:

Clatsop County Land and Water Development and Use Ordinance (LWDUO)

1.030 (Definitions),
2.035 (Type IV Procedures)
2.105-2.125 (Notice Requirements for Public Hearings)
3.180 (Residential Agriculture 1 Zone)
3.580 (Open Space Parks and Recreation Zone)
5.200 (Subdivisions, Partitions, & Property Lines Adjustments)
5.350 (Transportation System Impact Review)
5.400 (Zone Changes)

Clatsop County's Standards Document

Chapters 1-3 (Site Oriented Development)
Chapter 3 (S3.150 – S3.162 Cluster Development and Density Transfer)
Chapter 4 (Environmental Protection)
Chapter 5 (Vehicle Access Control and Circulation)
Chapter 6 (Road Standard Specifications for Design and Construction)

Clatsop County Comprehensive Plan

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 (Recreation)
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)
Clatsop Plains Community Plan

jbunch@co.clatsop.or.us

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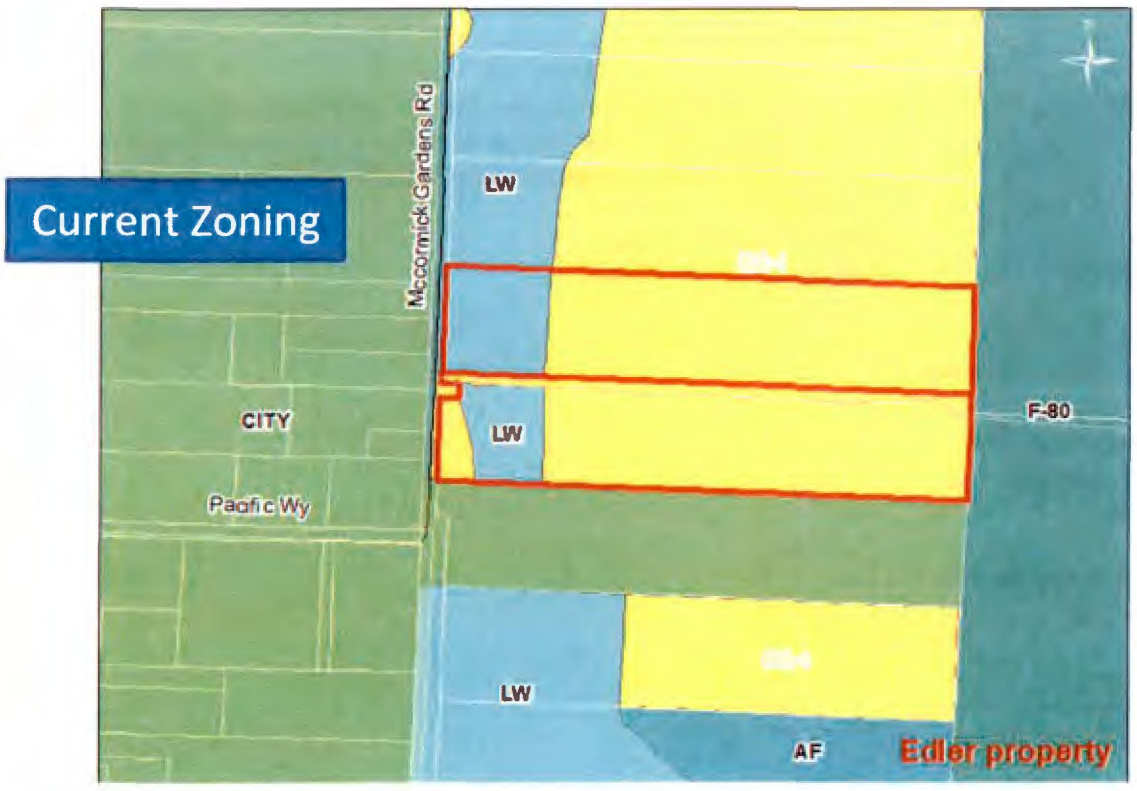
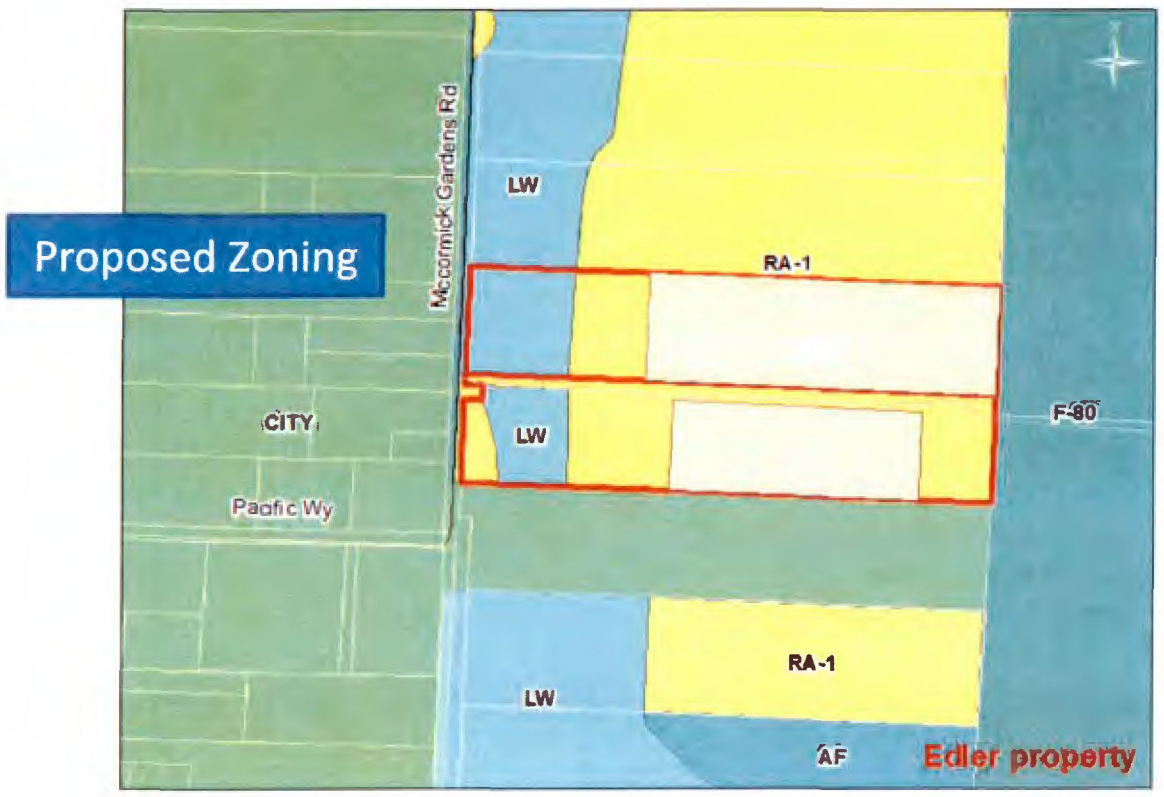

Current Zoning
McCormick Gardens Rd
LW
CITY
LW
F-80
Pacific Wy
LW
AF
Edler property


Proposed Zoning
McCormick Gardens Rd
LW
RA-1
CITY
LW
F-80
Pacific Wy
RA-1
LW
AF
Edler property

Jennifer Bunch

From:	Jennifer Bunch
Sent:	Thursday, January 12, 2012 1:01 PM
To:	Ron Ash; Vance Swenson; Spangler, Matt <matt.spangler@state.or.us> (matt.spangler@state.or.us); District technician (clatsopswcd@iinet.com); wcaplinger@campbellgroup.com; abancke@columbiaestuary.org; 'ODOT Planning & Dev Manager'
Subject:	Notice of Hearing - Edler
Attachments:	Edler Public Notice_PC.pdf

See attached notice of hearing.

Jennifer Bunch, CFM
Planner / GIS Specialist
Clatsop County

800 Exchange Street, Ste 100
Astoria, OR 97103

PH 503.325.8611
FX 503.338.3666

EXHIBIT 4

COMMENTS

Volunteer Fire Department

P.O. Box 2530•Gearhart, OR 97138

RECEIVED
JAN - 3 2012

December 29, 2011

Jennifer Bunch
Clatsop County Community Development
Clatsop County Planning
Astoria, Oregon 97103

RE: Fire Department Requirements (access & water supply)
Gloria Elder
Proposed Partitions (McCormick Gardens Road)

Fire Department Access & Water Supply

Fire Department Access:

Road widths shall meet Clatsop County Road requirements and meet requirement for Road Surface & Load Capacities. Apparatus turnarounds shall meet the requirements set forth in the OFC and posted "No Parking". The Bridge shall meet all State Codes/County Codes and be certified by an Engineer with a minimum load capacity of 55,000 pounds.

Fire Department Water Supply:

Water Supply shall meet the requirement set forth in the Oregon Fire Code.

The proposed Partition is listed at 5 lots in which one (1) lot access directly onto McCormick Gardens Road, three (3) lots are grouped in the west half of the property and the last lot is located on the far east end of the property.

In Conclusion:

After discussion with Gloria Elder the following was tentivly agreed upon: The road accessing the three (3) grouped lots shall meet the Clatsop County Road Standard (20 ft. width, improved surface & load capacities). The apparatus turnaround shall be incorporated into the accesses leading to the "grouped" lots north and south of the main access road. The proposed bridge shall be NO LESS than 12 ft. DRIVABLE SURFACE and be certified with a weight capacity of no less than 55, 000 pounds (shall be posted). The access road leading to the far eastern lot shall be minimum of 14 ft. drivable improved surface meeting the OFC, an area to safely turnaround an apparatus shall be provided. A hydrant shall be installed on the west portion of the proposed access road to provide "Water Supply" for the three (3) "grouped" lots, the lot located to the east shall be required to install an approved sprinkler system. The lot accessing directly onto McCormick Gardens Road: Water Supply is already in place, access road (driveway) shall be minimum 14 ft. improved surface.

The "Proposed Partition" does not show any "detailed" Fire Department features (road widths, apparatus turnarounds, hydrant location, etc), these requirement need to be approved by the Fire Chief prior to approval of this development.

If you should have any questions please feel free to contact me.

Thank you,

Bill Eddy
Fire Chief
Gearhart Fire Department

cc: Gearhart Rural Fire Protection Board Members
Gloria Edler
File

Edler Consolidated Application

Exhibit 4
Public Comment
Addendum

February 14, 2012

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)

February 10, 2012

Attn. **Jennifer Bunch**
Clatsop County Planning
503-338-3666 (fax)

RE: **Gloria Edler**

Three (3) pages to follow.

Jennifer,

The comments regarding the Edler partition are included.

If you have any questions please call.

Thanks
Bill
Gearhart Fire

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)

February 10, 2012

Clatsop County Planning Commission
800 Exchange Street, Suite 100
Astoria, OR 97103

RE: Fire Department Access & Water Supply
Gloria Edler
Proposed Partitions

Included are comments sent December 29, 2011 in regards to the proposed partition. There are no changes to those comments in relationship to Fire Department Access & Water Supply.

Please refer to those comments.

If you should have nay questions please feel free to contact me.

Thank you,

Bill H. Eddy
Fire Chief
Gearhart Fire

Volunteer Fire Department
P.O. Box 2530 • Gearhart, OR 97138

December 29, 2011

Jennifer Bunch
Clatsop County Community Development
Clatsop County Planning
Astoria, Oregon 97103

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Gloria Edler
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If you should have any questions please feel free to contact me.

Thank you,

Bill Eddy
Fire Chief
Gearhart Fire Department

cc: Gearhart Rural Fire Protection Board Members
Gloria Edler
File

Exhibit 5
Planning Commission Meeting Minutes
February 14, 2012

Minutes of February 14, 2012
Clatsop County Planning Commission Regular Session
Judge Guy Boyington Building
857 Commercial Street
Astoria, Oregon 97103

The meeting was called to order at 1001 by Chair Francis.

PL Commissioners Present:	**PC Absent:**	**Staff Present**:
Lianne Thompson	Michael Tiedeman, Excused	Jennifer Bunch
Bruce Francis	Kay Foetisch-Robb, Excused	Hiller West
Jan Mitchell		Jeff Bennett
Robert Stricklin		
Susanna Gladwin		

Clatsop County Board of Commissioners' Liaison Present:
Debra Birkby

Business from the Public:

PC Mitchell handed out a flyer from the Oregon Coast Alliance inviting the public to a free Clatsop County Land Use Workshop on February 29, 2012 from 4:00 p.m. to 6:30 p.m. at the Warrenton Community Center, 170 SW Third Street, Warrenton.

Minutes:

PC Thompson moved and PC Gladwin seconded to approve minutes from the December 13, 2011 Planning Commission meeting as amended and presented by staff. Motion passed unanimously.

PC Mitchell moved and PC Thompson seconded to approve minutes from the January 10, 2012 Planning Commission meeting as presented by staff. Motion passed unanimously.

PC Stricklin moved and PC Mitchell seconded to approve minutes from the January 27, 2012 Planning Commission workshop. Motion passed, with PC Thompson abstaining [due to her absence].

Strategic Plan:

Duane Cole, County Manager, presented the final results of the prioritization of the Strategic Plan by the members of the Planning Commission. Six of the Planning Commissioners participated, with PC Tiedeman out of town and unable to attend.

Mr. Cole explained that there are several projects already begun, including the US 101 flooding project, the Ensign Lane extension (required by contract), and the jail remodel. He continued, stating that on February 22nd, the 2nd public workshop on the jail remodel will be held.

Once the Strategic Plan is approved, at the February 29th Board of Commissioners Retreat, they will review it.

PC Gladwin stated that it was ranked low for many different reasons, with PC Stricklin commenting that the core issue with the public seems to be rates and people's understanding how PP & L establishes those rates.

After a straw poll of the Commissioners, it was agreed to authorize Chair Francis to sign the letter of transmittal to move the Strategic Plan on to the County Board of Commissioners. On March 28th, there will be a public meeting, and Hiller West will revisit the Plan with the Planning Commission in October.

At 1044 Chair Francis called for a break; the meeting was reconvened at 1100.

Public Hearings:

Frog Consulting LLC representing Gloria Edler submitted a consolidated application for a comprehensive plan zoning map amendment, text amendment, and two partitions. The subject property is located adjacent to McCormick Gardens Road in the rural area east of the City of Gearhart.

No conflicts of interest were reported. Chair Francis reported an ex parte contact with Ms. Edler; years ago, she watched his children, but he stated that he could be objective. PC Gladwin also reported an ex parte contact, stating that she had walked the property some years ago.

Jennifer Bunch, Planner, presented the staff report. Ms. Bunch started by giving an overview of cluster development and density transfer, including zoning map amendments, density transfers, comprehensive plan text amendments (modification of table in the comprehensive plan), and partitions.

Ms. Bunch summarized the application with a PowerPoint presentation, recommending approval with conditions as stated in the staff report.

PC Mitchell commented on partitionalization and PC Gladwin expressed her concerns about water issues.

Chair Francis opened public testimony at 1143.

No public agencies asked to speak.

Mike Weston, Frog Consulting representing Gloria Edler, applicant spoke about the property being very wet but the owners are willing to address that plus the sewer concerns.

The Planning Commissioners as a group discussed utility easements, road improvements, hydrology, and drainage concerns.

No proponents or opponents asked to speak. At 1152 public testimony was closed.

PC Thompson moved and PC Mitchell seconded to adopt the findings of fact and recommend to the Clatsop County Board of Commissioners approval of the application with all 11 (eleven) conditions as presented in the staff report. Motion passed unanimously.

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(503) 325-0381
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397 MARINE DR
ASTORIA OR 97103

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PLAN AMENDMENT SPECIALIST
DEPT. OF LANDS CONS. & DEVELOPMENT
SUITE 150
635 CAPITOL STREET N.E.
SALEM OR 97301-2540

OR 973 0-02

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REF 2:06/14 # 03

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