



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

06/12/2012

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 001-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: Monday, June 25, 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: Hiller West, Clatsop County
Jon Jinings, DLCD Community Services Specialist
Matt Spangler, DLCD Regional Representative

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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 05 2012

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **Clatsop County**

Local file number: **Ord. 2012-04**

Date of Adoption: **5/23/2012**

Date Mailed: **6/4/2012**

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".

Clatsop County's Comprehensive Plan does not include a Goal 19 element. Clatsop County is amending its Comprehensive Plan to include policies addressing offshore energy and resource development and potential impacts within Clatsop County. The amendments include a new Goal 19 Element (Coastal Resources) and related policies under Planning Goals 5, 8, 9, 13, 17, and 18.

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

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

to:

Location: **Within Clatsop County's territorial sea**

Acres Involved: **93141**

Specify Density: Previous: **N/A**

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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. 001-12 (19169) [17068]

DLCD file No. _____

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

OR Dept. of State Lands, OR Dept. of Land Conservation and Development, National Park Service, Clatsop County.

Local Contact: **Hiller West**

Phone: (503) 338-3664 Extension: 1705

Address: **800 Exchange Street**

Fax Number: 503-338-3606

City: **Astoria**

Zip: **97103-**

E-mail Address: **hwest@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.

**BEFORE THE BOARD OF COMMISSIONERS
FOR THE COUNTY OF CLATSOP**

In the Matter of:

AN ORDINANCE ADOPTING LEGISLATIVE
TEXT ADMENDMENTS TO THE CLATSOP
COUNTY COMPREHENSIVE PLAN
INCLUDING A NEW GOAL 19 (OCEAN
RESOURCES) ELEMENT AND RELATED
POLICIES UNDER PLANNING GOALS 5, 8,
9, 13, 17 AND 18.

ORDINANCE NO. 2012-04

Doc # 2012050039

Recording Date: May 24, 2012

RECITALS

WHEREAS, in the interest of the health, safety and welfare of the citizens of Clatsop County and pursuant to State and Federal law, the Board of Commissioners hereby determines the necessity of amending the Clatsop County Comprehensive Plan; and

WHEREAS, the proposed amendments, including a new Goal 19 Element (Ocean Resources) and related policies under Planning Goals 5, 8, 9, 13, 17 and 18 were considered by the Planning Commission at several public workshops and a public hearing on March 13, 2011. The Commission unanimously recommended approval, which is attached as "Attachment 2"; and

WHEREAS, consideration for this ordinance complies with the Post Acknowledgement rules of the Oregon Land Conservation and Development Commission and the Clatsop County Planning Commission has sought review and comment and has conducted the public hearing process pursuant to the requirements of ORS 215.050 and 215.060, and the Board of Commissioners received and considered the Planning Commission's recommendations on this request and held a public hearing on April 25 and May 23, 2012, on this ordinance pursuant to law on; and

WHEREAS, public notice has been provided pursuant to law; now therefore,

THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAIN AS FOLLOWS:

SECTION 1. The Clatsop County Comprehensive Plan is modified to include the amendments attached to this Ordinance as "Attachment 2", such amendments including a new Goal 19 Element (Coastal Resources) and related policies under Planning Goals 5, 8, 9 13, 17 and 18.

Approved this 23rd day of May, 2012

THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

By  _____
Peter Huhtala, Chair

*Attachment 2:
Proposed Goal 19 Amendments*

This document contains the proposed text as recommended by the Planning Commission, and text revisions requested by the Board at the 3/28 work session.

Add the following new element to the County's Comprehensive Plan.

Goal 19 - Ocean Resources

This plan element implements statewide planning goal 19 within the territorial waters of Clatsop County. Goal 19 reads as follows:

To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.

To carry out this goal, all actions by local, state, and federal agencies that are likely to affect the ocean resources and uses of Oregon's territorial sea shall be developed and conducted to conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social values and benefits and to give higher priority to the protection of renewable marine resources—i.e., living marine organisms—than to the development of non-renewable ocean resources.

Ocean Stewardship Area: The State of Oregon has interests in the conservation of ocean resources in the Ocean Stewardship Area, an ocean area where natural phenomena and human uses can affect uses and resources of Oregon's territorial sea/ The Ocean Stewardship Area includes the state's territorial sea, the continental slope, and the adjacent ocean areas. Within the Ocean Stewardship Area, the State of Oregon will:

- ▲ Use all applicable state and federal laws to promote its interests in management and conservation of ocean resources;*
- ▲ Encourage scientific research on marine ecosystems, ocean resources and uses, and oceanographic conditions to acquire information needed to make ocean and coastal-management decisions;*

*Attachment 2:
Proposed Goal 19 Amendments*

- ▲ *See co-management arrangements with federal agencies when appropriate to ensure that ocean resources are managed and protected consistent with the policies of Statewide Planning Goal 19, Ocean Resources, and the Territorial Sea Plan; and*
- ▲ *Cooperate with other states and governmental entities directly and through regional mechanisms to manage and protect ocean resources and uses.*

The Ocean Stewardship Area is not intended to change the seaward boundary of the State of Oregon, extend the seaward boundaries of the state's federally approved Coastal Zone Management Act, affect the jurisdiction of adjacent coastal states, alter the authority of federal agencies to manage the resources of the United States Exclusive Economic Zone, or limit or otherwise change federal agency responsibilities to comply with the consistency requirements of the federal Coastal Zone Management Act.

Information and Effects Assessment Required. Prior to taking an action that is likely to affect ocean resources or uses of Oregon's territorial sea, state and federal agencies shall assess the reasonably foreseeable adverse effects of the action as required in the Oregon Territorial Sea Plan. The effects assessment shall also address reasonably foreseeable adverse effects on Oregon's estuaries and shorelands as required by Statewide Planning Goal 16, Estuarine Resources; Goal 17, Coastal Shorelands; and Goal 18, Beaches and Dunes.

Navigation and commercial and recreational fishing are significant uses in Clatsop County's territorial sea. Clatsop County does not regulate commercial or recreational fishing in the ocean through its Comprehensive Plan or Zoning Ordinance. The County does not regulate commercial or recreational navigation in the ocean through its Comprehensive Plan or Zoning Ordinance. This does not diminish the importance of these activities to the County. Camp Rilea's safety zone extends into the territorial sea. Clatsop County does not directly regulate Camp Rilea's use of the safety zone. This does not diminish the importance of Camp Rilea to the County.

Goals:

*Attachment 2:
Proposed Goal 19 Amendments*

To implement statewide planning goal 19 in Clatsop County's territorial sea.

To assure that marine resource management and development in the County's territorial sea occurs in a manner that conserves beneficial use of these resources.

Policies:

1. Clatsop County's territorial sea shall include ocean beds, the water column, and the ocean surface. Beaches, headlands, islands and rocks above the high tide line, and estuaries are not included. The territorial sea shall be managed to conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to current and future generations.
2. The County shall rely on the *Oregon Territorial Sea Plan's* consultation process as a mechanism for providing input into development proposals in the territorial sea.
3. Ocean resources development in Clatsop County's territorial sea shall be designed, located, and managed in a manner that does not substantially impair the ocean's scenic value, as experienced from the shoreline, or from public parks, highways, public streets, or scenic overlooks in the coastal zone.
4. Ocean resources development in Clatsop County's territorial sea shall be designed, located, and managed in a manner that is respectful of, and addresses the interests and concerns of, residents, visitors, businesses and property owners in the coastal zone, both now and in the future.
5. Clatsop County shall participate in state and federal rule-making and decision-making that affects the County's marine resources, or might conflict with the Comprehensive Plan.
6. The County accepts the background information and analysis in the 1994 *Oregon Territorial Sea Plan and 2009 amendments (appendix A)*.
7. Ocean resources development in Clatsop County's territorial sea shall be designed, located, and managed in a manner that does not negatively impact or effect local government property taxes.

*Attachment 2:
Proposed Goal 19 Amendments*

8. The cumulative impacts and effects, both beneficial and harmful, of ocean resources development will be considered when evaluating development proposals in the territorial sea.

*Attachment 2:
Proposed Goal 19 Amendments*

Amend the “Goal 5 - Open Spaces, Scenic & Historic Areas and Natural Resources” element of the County’s Comprehensive Plan as follows:

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

Goal: To conserve open space and protect natural and scenic resources.

Mineral and Aggregate Resources

...

26. The County shall rely on the consultation process described in Oregon’s Territorial Sea Plan to provide input on aggregate mining proposals in the County’s territorial sea.

Energy Sources

...

5. Clatsop County shall rely on the Oregon Territorial Sea Plan’s consultation process to provide input for new wind energy or wave energy proposals in the County’s territorial sea.

Scenic Sites

...

3. Clatsop County shall rely on the Oregon Territorial Sea Plan’s consultation process to provide input regarding the effects and impacts, both harmful and beneficial, of ocean resource development proposals on scenic resources in the coastal zone. These scenic resources include, but are not necessarily limited to the Oregon Coast Highway, the publicly-owned ocean beach, and state parks (Fort Stevens State Park, Sunset Beach State Recreation Site, Del Rey Beach State Recreation Site, Feldenheimer State Park, Ecola State Park, Arcadia Beach State Recreation Site, Hug Point State Park, and Oswald West State Park).

*Attachment 2:
Proposed Goal 19 Amendments*

Amend the “Goal 8 - Recreational Lands” element of the County’s Comprehensive Plan, the “General Policies” section, by adding the following policy. Existing text has been omitted here for the sake of brevity.

The following General Policies also apply to Recreational Lands in the County:

...

13. Clatsop County shall rely on the Oregon Territorial Sea Plan’s consultation process to provide input regarding the effects and impacts, both harmful and beneficial, of ocean resource development proposals on recreational resources in the coastal zone. These recreational resources include, but are not limited to the publicly-owned ocean beach and state parks (Fort Stevens State Park, Sunset Beach State Recreation Site, Del Rey Beach State Recreation Site, Feldenheimer State Park, Ecola State Park, Arcadia Beach State Recreation Site, Hug Point State Park, and Oswald West State Park).

Amend the “Goal 9 - Economy” element of the County’s Comprehensive Plan as follows, by adding the following policies. Substantial parts of the existing text have been omitted here for the sake of brevity.

Goal 9 – Economy

Marine Resources Policies

...

4. Fishing and maritime commerce contribute significantly to Clatsop County’s economy. The potential effects and impacts, both harmful and beneficial, of wind or wave energy proposals on ocean fisheries and maritime commerce shall be evaluated

*Attachment 2:
Proposed Goal 19 Amendments*

and considered when designing, locating, and permitting these facilities. The County shall rely on the consultation process described in the Oregon Territorial Sea Plan to provide input on the effect of wind or wave energy proposals on fishing and maritime commerce.

Travel Industry Policies

...

6. Clatsop County's desirability as a visitor destination depends in large part on the ocean. The potential effects and impacts, both harmful and beneficial, of wind or wave energy proposals on the hospitality industry shall be evaluated and considered when designing, locating, and permitting these facilities. The County will provide input through the Territorial Sea Plan's consultation process on the impact of proposed wind or wave energy proposals on the County's visitor industry.

Amend the "Goal 13 - Energy Conservation" element of the County's Comprehensive Plan as follows, by adding the following policy. Substantial parts of the existing text have been omitted here for the sake of brevity.

Policies and Recommendations

...

5. Wind energy or wave energy generation facilities in Clatsop County's territorial sea are a potential source of renewable energy. The potential effects and impacts, both harmful and beneficial, of wind or wave energy proposals on energy conservation in the County shall be evaluated and considered when designing, locating, and permitting these facilities. The County will provide input through the Oregon Territorial Sea Plan's consultation process.

Amend the "Goal 17 - Coastal Shorelands" element of the County's Comprehensive Plan as follows, by adding the following policy. Substantial parts of the existing text have been omitted here for the sake of brevity.

*Attachment 2:
Proposed Goal 19 Amendments*

OCEAN AND COASTAL LAKE SHORELANDS POLICIES

...

6. Wind energy or wave energy generation facilities in Clatsop County's territorial sea may require companion facilities in coastal shorelands areas. When reviewing these coastal shoreland facilities, the County shall consider the effects and impacts, both harmful and beneficial, of the entire project, not just the shoreland component, on coastal shorelands.

Amend the "Goal 18 - Beaches and Dunes" element of the County's Comprehensive Plan as follows, by adding the following policy. Substantial parts of the existing text have been omitted here for the sake of brevity.

Goal 18 - Beaches and Dunes

Beaches and Dunes Policies

...

18. Wind energy or wave energy generation facilities in Clatsop County's territorial sea may require companion facilities in beach and dune areas. When reviewing these facilities, the County shall consider the effects and impacts, both harmful and beneficial, of the entire project, not just the beach and dune area component, on beach and dune resources.

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DEPT OF
JUN 05 2012
LAND CONSERVATION
AND DEVELOPMENT

 **CLATSOP COUNTY**
Transportation and Development Services
Land Use Planning
800 Exchange Street, Suite 100
Astoria, Oregon 97103
(503) 325-8611 • Fax (503) 338-3666

Attention: Plan Amendment Specialist
Dept of Land Conservation & Development
635 Capitol Street NE, Suite 150
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