



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

03/03/2009

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Clatsop County Plan Amendment
DLCD File Number 002-08

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: Tuesday, March 17, 2009

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Michael Weston, Clatsop County
Doug White, DLCD Community Services Specialist
Laren Woolley, DLCD Regional Representative

<paa> YA

FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

☐ In person ☒ electronic ☒ mailed

DATE STAMP

RECEIVED ELECTRONICALLY
February 26, 2009
DEPARTMENT OF LAND
CONSERVATION & DEVELOPMENT

Jurisdiction: **Clatsop County**

Local file number: **2009020014, 20080385**

Date of Adoption: **2/18/2009**

Date Mailed: **2/24/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 5/15/2008

☐ 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 adopted amendment rezones a series of properties based on the soils study conducted in the Early 80s. The end result rezones aprx. 17 acres from Residential Agriculture 2 & 5 to Lake and Wetland, and aprx. 13 acres from Lake & Wetland to Residential Agriculture 2 & 5

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

Plan Map Changed from: **Cnsrv Other Rsrcs/Rural Lands** to: **Rural Lands/Cnsrv Other Rsrcs**

Zone Map Changed from: **LW, RA2, RA5** to: **RA5, RA2, LW**

Location: **T7N, R10W, Section 22, 22B, 22C & 22D**

Acres Involved: **30**

Specify Density: Previous: **Mixed**

New: **Same but Transferred**

Applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☐ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 002-08 (16977)

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

Clatsop County, ODFW, DSL, DEQ, DLCD

Local Contact: **Michael Weston II, MPA**

Phone: **(503) 325-8611** Extension: **1702**

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

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

City: **Astoria**

Zip: **97103-**

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

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE BOARD OF COMMISSIONERS

Clatsop County

In The Matter of

AN ORDINANCE AMENDING THE
CLATSOP COUNTY COMPREHENSIVE
PLAN / ZONING MAP

ORDINANCE # 08-12

DOC # 2009020014

Date of Mailing: **Feb. 24, 2009**



**Transportation and
Development Services**

800 Exchange Street
Suite 100
Astoria, Oregon 97103

Land Use Planning

Telephone (503) 325-8611
Fax (503) 338-3666

TO: All persons who participated in the proceedings leading to the final decision in the above captioned matter.

Pursuant to ORS 197.615(2)(a) and ORS 215, notice is hereby given by mail to all persons who participated in the proceedings culminating in the Clatsop County Board of Commissioners' final decision made at a public meeting held February 11, 2009, to adopt an Ordinance Amending the Clatsop County Comprehensive Plan Zoning Map and Text and associated Goal Exceptions.

The Board of Commissioners' action occurred at its meeting of February 11, 2009 and the Board of Commissioners signed the **ORDINANCE**, adopting the "Findings of Fact and Conclusions of Law" on the 17th day of February, 2009.

The Ordinance together with the "Findings of Fact and Conclusions of Law" adopted thereby may be reviewed during normal business hours at the Clatsop County Department of Community Development, which is located at 800 Exchange Street, Suite 100, Astoria, Oregon; in addition a scanned version of this Ordinance and accompanying Findings will be made available on the County's Land Use Web Page¹ (**See Footnote for Web Address**). This office is open from 8:00 a.m. to 5:00 p.m., Monday through Friday.

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, in Salem, Oregon. The Notice of Intent to Appeal the Decision shall be so filed no later than 21 days after the date the decision sought to be reviewed became final with this, February 24, 2009 Mailed Notice. There are specific and detailed requirements for the filing of the Notice of Appeal, which are set forth at ORS 197.830 to 197.845. Any party wishing to appeal this action is advised to seek qualified legal assistance.

Dated this 24th, day of February 2009.

Sincerely

Michael Weston, Planner
Department of Transportation & Development Services,
Clatsop County

www.co.clatsop.or.us

¹ <http://www.co.clatsop.or.us/default.asp?pageid=616&deptid=12>

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

In the Matter of:

AN ORDINANCE AMENDING THE
CLATSOP COUNTY COMPREHENSIVE
PLAN / ZONING MAP

ORDINANCE NO. 08-12



Doc # 2009020014

Recording Date: 2-18-09

RECITALS

WHEREAS, Clatsop County in an effort to better serve the residents and land owners of the Delmoor Loop area has proposed a Zoning Map Amendment on properties identified within the attached maps and depicted within the Staff Report and Addendum attached to the Planning Commission's Resolution and Order; and

WHEREAS, the application was considered by the Planning Commission at a public hearing on August 12, 2008, September 9, 2008 and October 14, 2008 the Commission unanimously recommended approval, which is attached as Exhibit "PC"; 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 197.732, 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 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 / Zoning Map is hereby amended as shown in the attached Maps.

SECTION 2. The Board of Commissioners hereby approves the application and findings of fact contained in the Exhibit "PC" Planning Commission recommendation.

SECTION 3. In support of this ordinance, the Board adopts the October 7, 2008 Addendum to the July 30, 2008 Staff Report and recommendation attached to Exhibit "PC".

SECTION 4. Four (4) Density Credits shall be awarded to the Anderson Trust to be applied to Rural Lands within the Clatsop Plains Planning Area. These credits are subject to the requirements as depicted

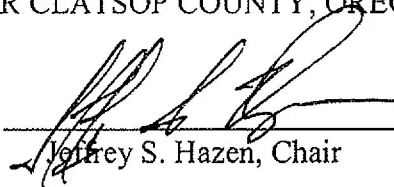
in Clatsop County's Land Water Development and Use Ordinance 80-14 and Standards Document Section 3.150

SECTION 5. The County has identified a building envelop 50 feet wide by 150 feet long on tax lot 400 centered on the upland portion to the west of the bog area. Within the designated building envelope a dwelling can be constructed albeit within the required 50-foot resource zone setback.

Approved this 11th day of February, 2009

THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

By


Jeffrey S. Hazen, Chair

Enclosures:

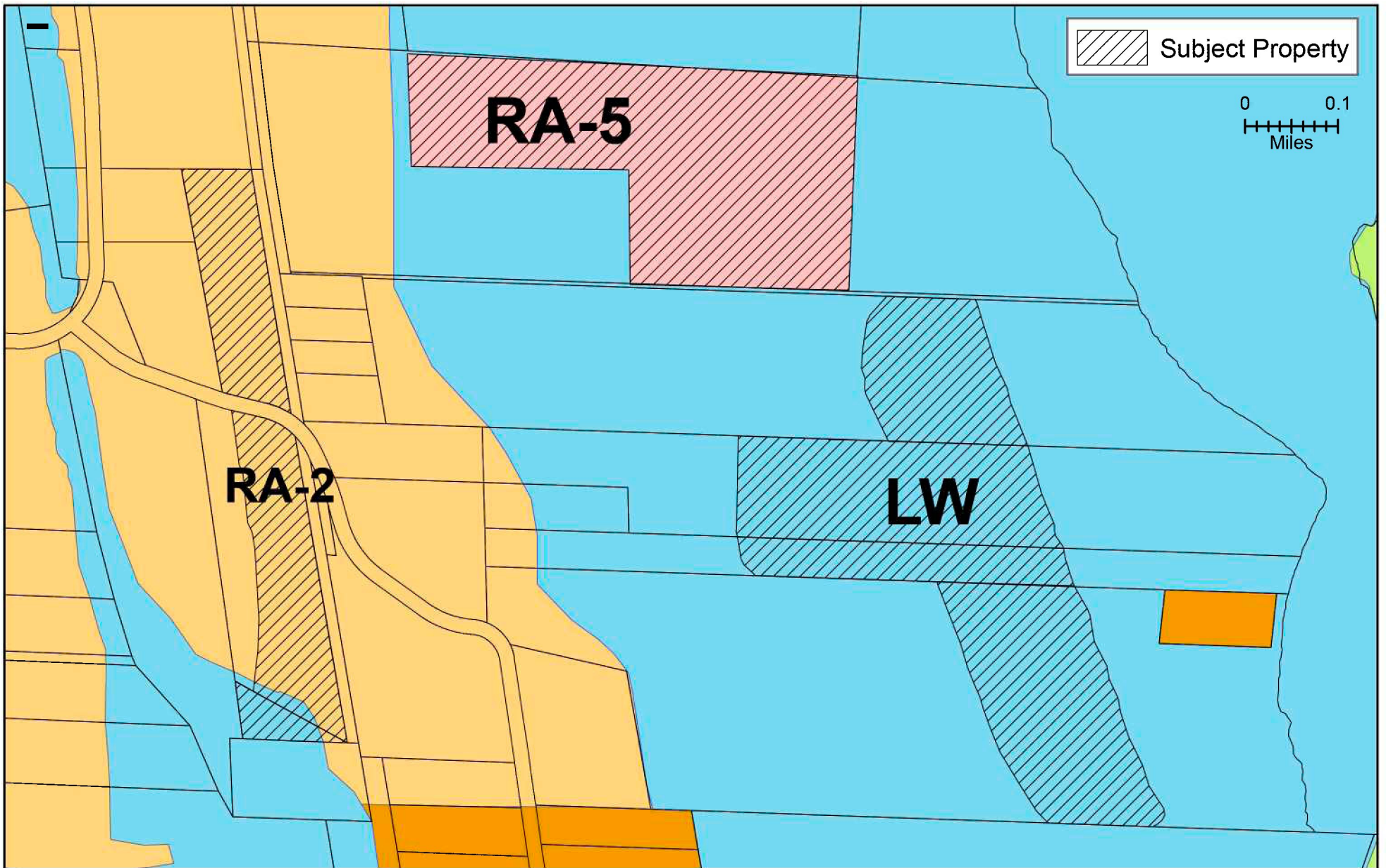
Map 1:	Current Zoning Map
Map 2:	Proposed Re-Zone Map
Map 3:	Proposed Map w/ Zone Change (**Indicates location of Bldg Envelope**)
Map 4:	Soils Map
Map 5:	Aerial Map Indicating Proposal Area

Exhibits:

PC:	Resolution & Order 081008 Planning Commission Recommendation
A:	Addendum, Staff Report and Findings w/ Associated Exhibits

Current Zoning

MAP 1



Prepared By:
Clatsop County
Transportation & Development Services
800 Exchange Street, Ste 100
Astoria, OR 97103

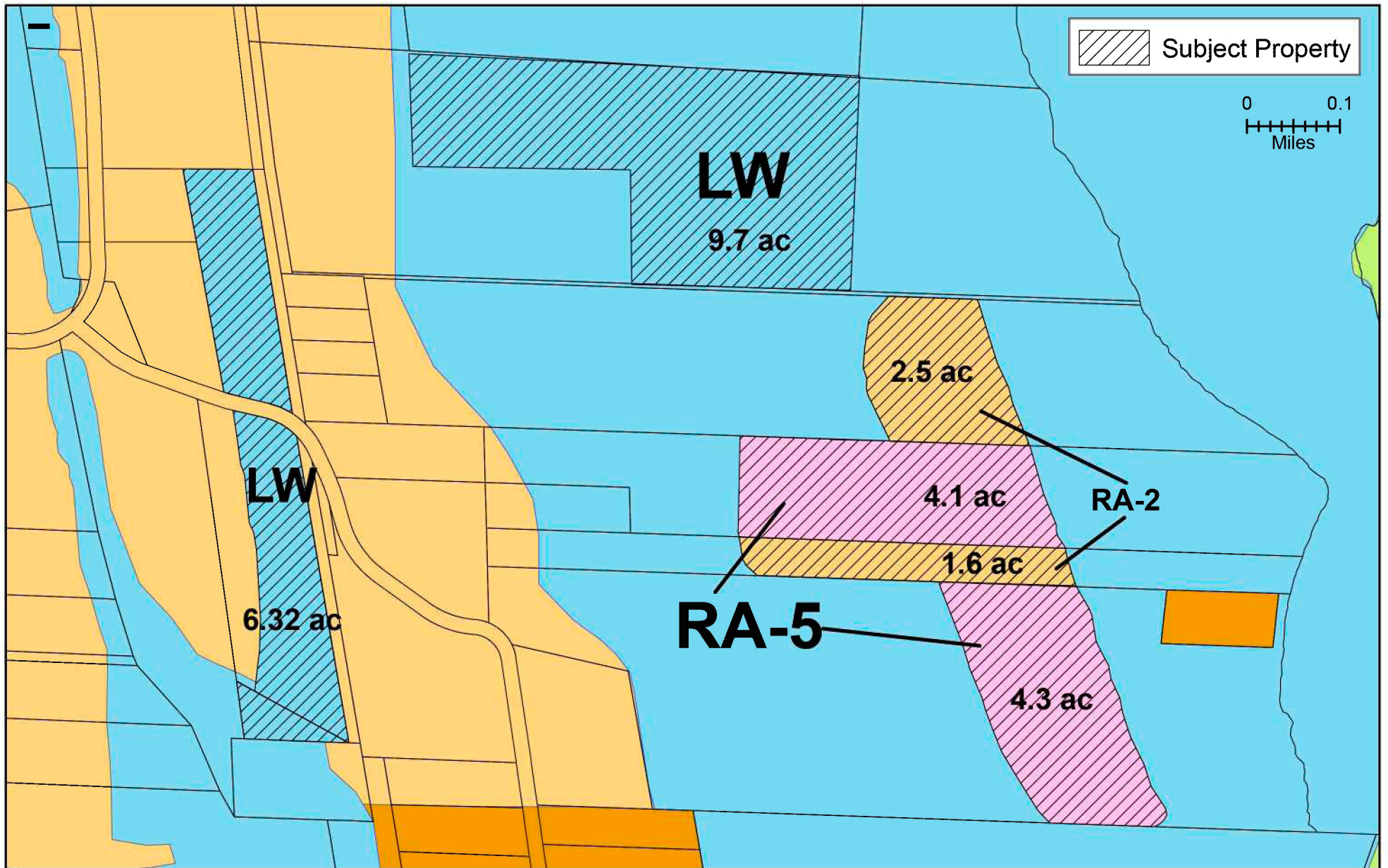
August 4, 2008

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



Proposed Re-Zoning

MAP 2



Prepared By:
Clatsop County
Transportation & Development Services
800 Exchange Street, Ste 100
Astoria, OR 97103

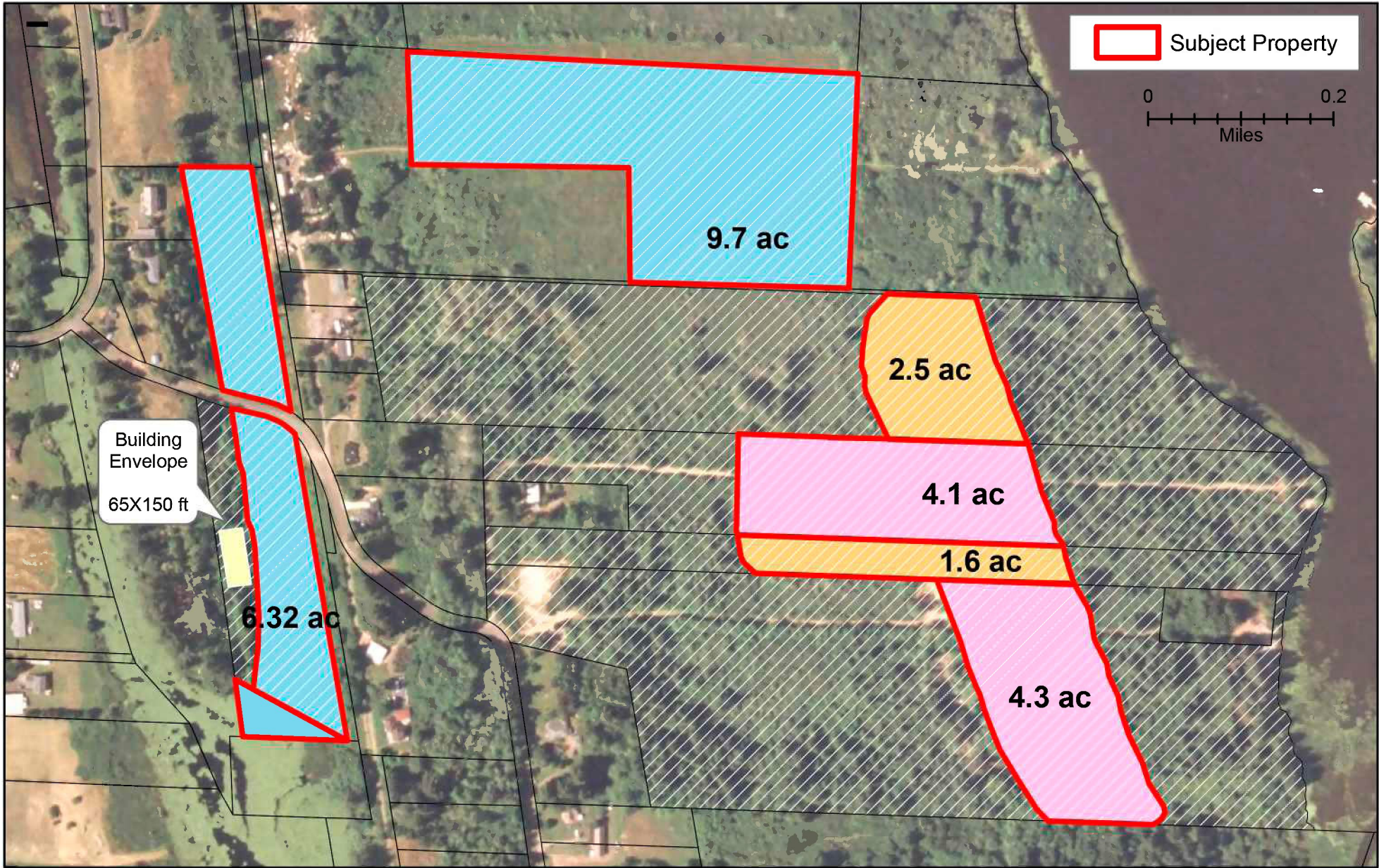
August 4, 2008

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Aerial View of Subject Property

MAP 3



Prepared By:
Clatsop County
Transportation & Development Services
800 Exchange Street, Ste 100
Astoria, OR 97103
October 17, 2008

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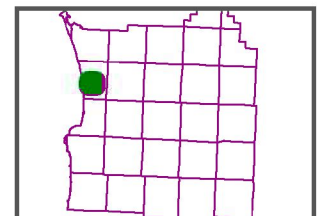


MAP 4

Clatsop County Map



- FEMA Flood
- Out of Floodzone
- National Wetlands Inv.
- PLS
- PLS
- PLS Townships
- Soils
- Hydric
- Tax Lot Arrows
- Tax Map
- Water Body
- Creek
- Parcel Boundary
- Supplemental Boundary
- 34
- DLC
- Road R-O-W



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

1 in. = 702 ft.

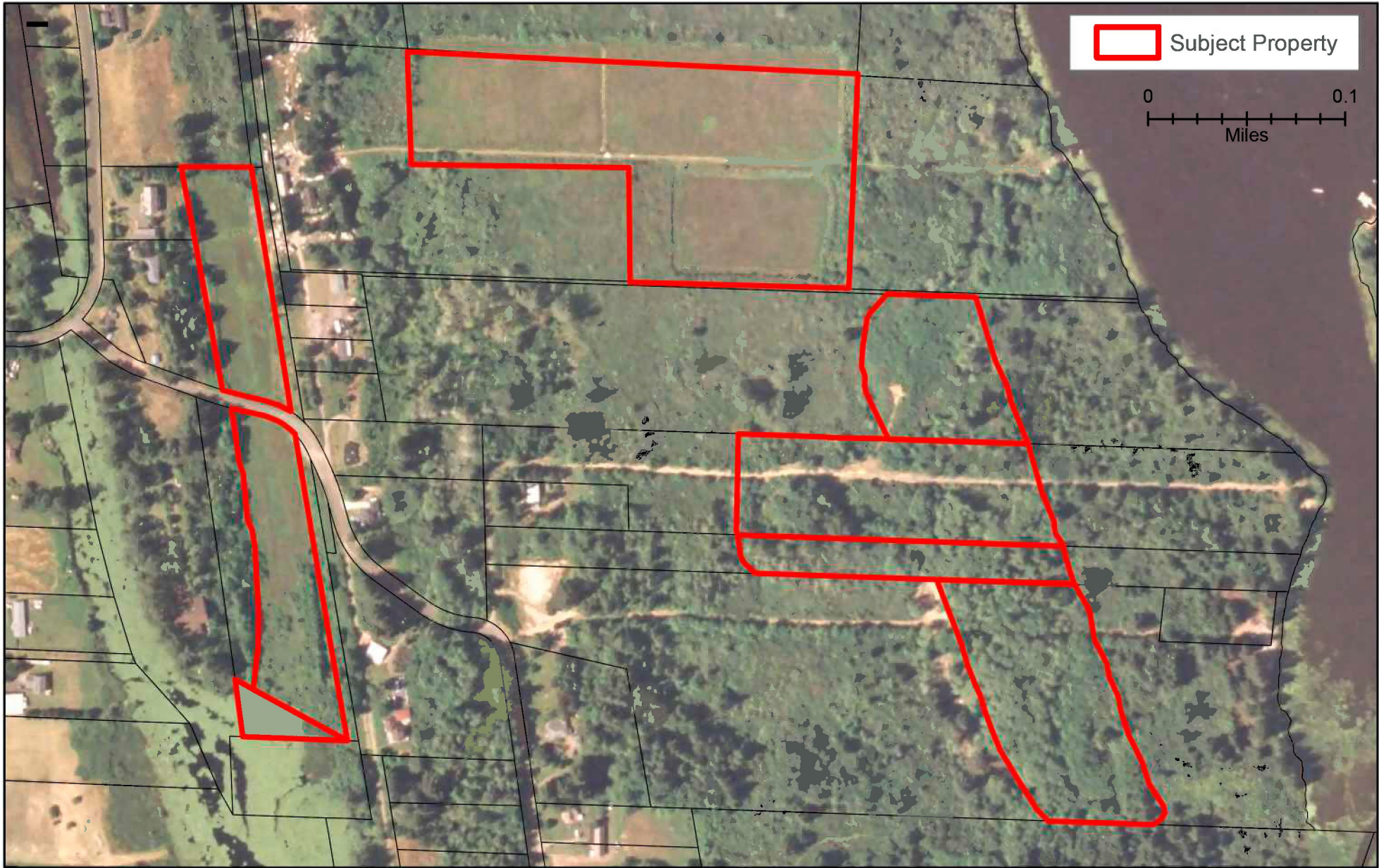


8/1/2008



Aerial View of Subject Property

MAP 5



Prepared By:
Clatsop County
Transportation & Development Services
800 Exchange Street, Ste 100
Astoria, OR 97103
August 4, 2008

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EXHIBIT "PC"

**BEFORE THE PLANNING COMMISSION
FOR THE COUNTY OF CLATSOP**

In the Matter of:

AN ORDINANCE AMENDING THE
CLATSOP COUNTY COMPREHENSIVE
PLAN / ZONING MAP

ORDINANCE # 08-12



RESOLUTION AND ORDER

081008

Recording Date: November 3, 2008

RECITALS

THE ABOVE ENTITLED MATTER came before the Planning Commission at its meeting of August 12, of the year 2008, for public hearing and consideration of a Comprehensive Plan / Zoning Map Amendment. The matter was continued to September 9, 2008 due to a lack of quorum. At the September 9, 2008 hearing the Planning Commission again continued the matter to allow property owners to resolve any conflicts with the proposal. On October 14, 2008 the Planning Commission approved the proposal as amended by Staff.

WHEREFORE;

The Planning Commission after reviewing the findings of fact in Exhibit "A" (*Staff Report*) has determined the proposed map amendment is consistent with the criteria as depicted in Clatsop County's Land Water Development and Use Ordinance Section 5.412.

THE PLANNING COMMISSION considering all evidence and public testimony provided by the Planning Department Staff and the Applicant at the public hearing, hereby **RECOMMEND THE** **CONDITIONAL APPROVAL** OF THE PROPOSAL TO AMMEND THE CLATSOP COUNTY COMPREHENSIVE PLAN / ZONING MAP AS DESCRIBED IN EXHIBIT "A" *Staff Report*, attached hereto and by this reference made part hereof.

WHEREFORE, the Planning Commission finds and resolves:

1. To recommend the Board modify Clatsop County's Comprehensive Plan / Zoning map to reflect the changes as depicted in Map 1 (Proposed Zoning) from Map 2 (Current Zoning) attached to this document.
2. To Bank Density credits in the following value, which shall carry forward to the owners of the following Parcels until such time they are utilized on the Clatsop Plains:
_____ **One** (1) Credit to T7N, R10W, Sec. 22B TL 2700
_____ **One** (1) Credit to T7N, R10W, Sec 22C, TL 400 &
1 Building Envelope as identified on Map 3 Attached
(**No Variance will be required as long as construction is within the identified building envelope.**)
_____ **Two** (2) Credits to T7N, R10W, Sec 22, TL 700
3. Prior to the issuance of a development permit on the following tax lots a wetland delineation will be required. The applicants shall identify a building envelope in the area most suited for development in accordance with the delineation findings. The building envelope shall satisfy all riparian and resource zone setbacks (50 feet).
4. All development shall conform with the requirements of Clatsop County's Land Water Development and Use Ordinance 80-14, to include geologic hazard assessments (if required), and any and all state and federal requirements.

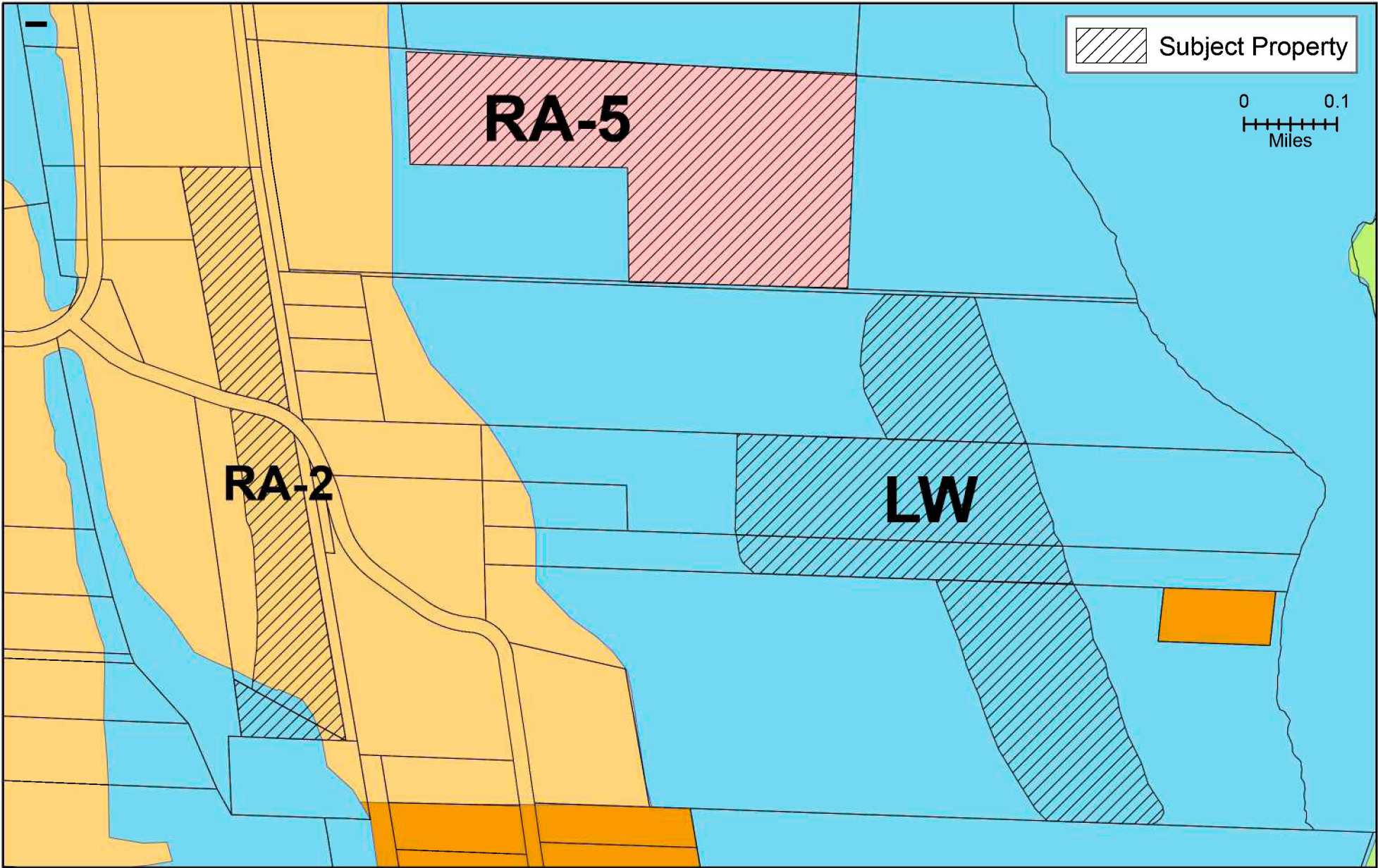
SO ORDERED this 3rd day of November 2008

THE PLANNING COMMISSION FOR
CLATSOP COUNTY



Brian, Vice Chairperson
Clatsop County Planning Commission

Current Zoning

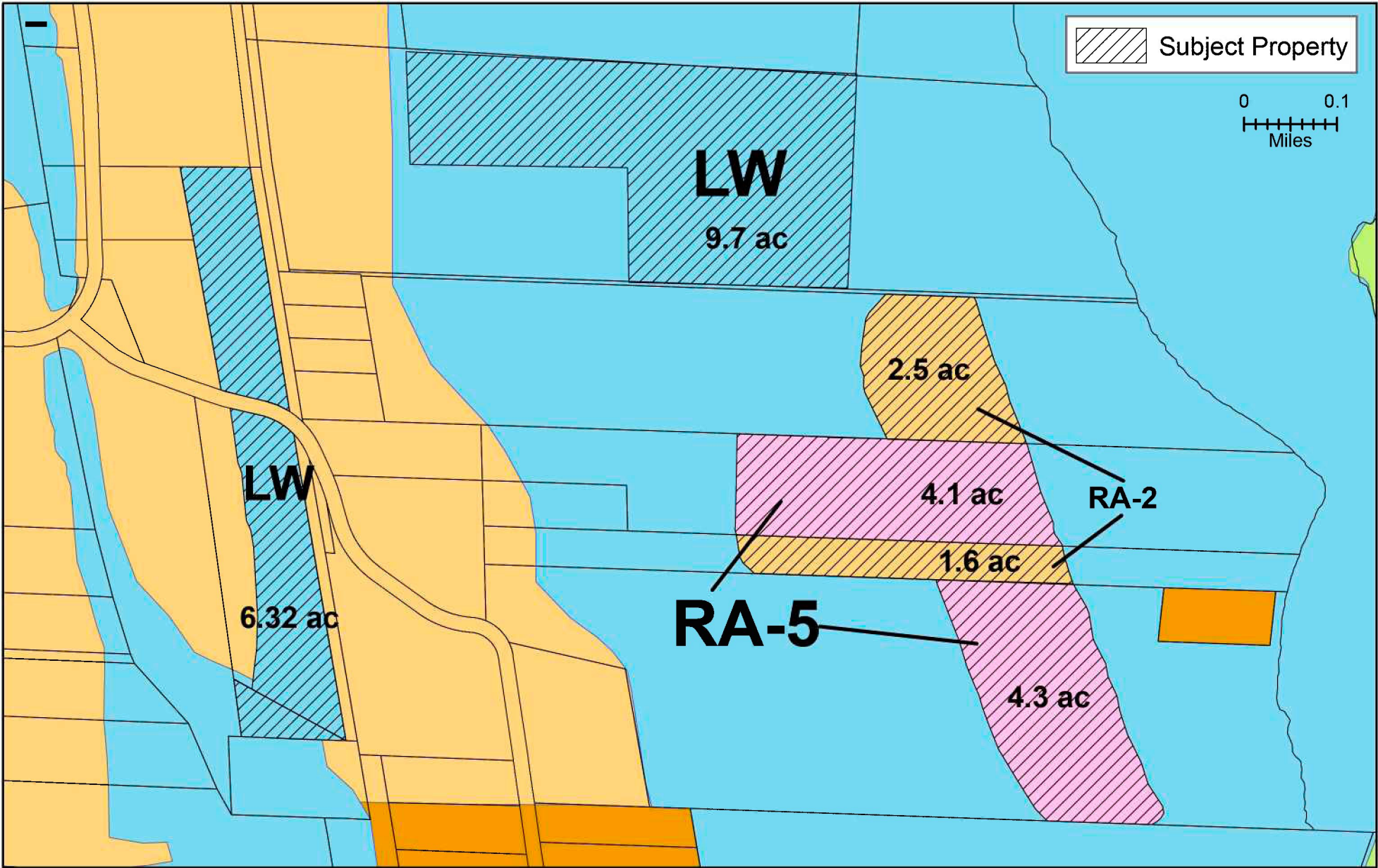


Prepared By:
Clatsop County
Transportation & Development Services
800 Exchange Street, Ste 100
Astoria, OR 97103
August 4, 2008

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Proposed Re-Zoning

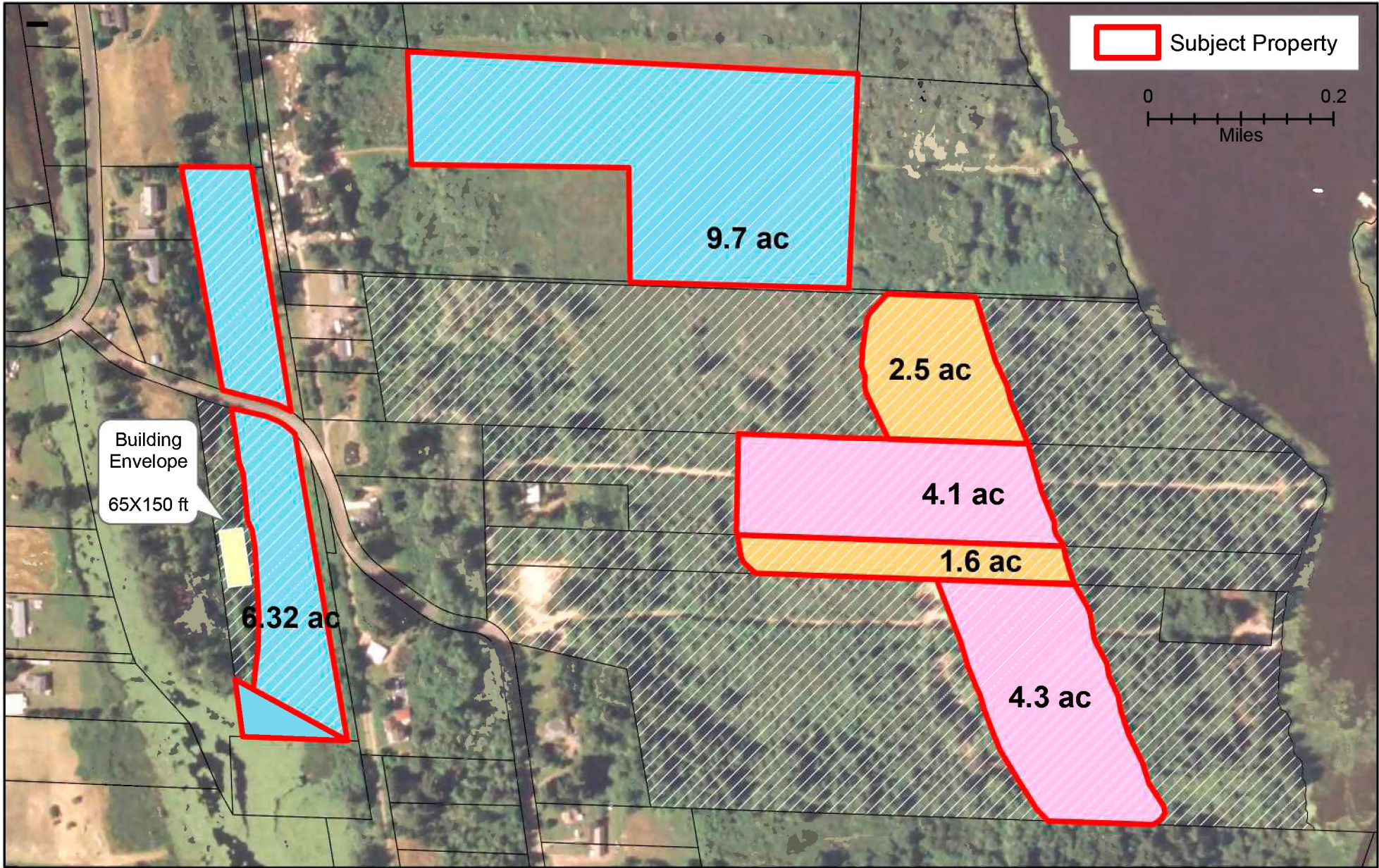


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August 4, 2008

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Aerial View of Subject Property



Prepared By:
Clatsop County
Transportation & Development Services
800 Exchange Street, Ste 100
Astoria, OR 97103
October 17, 2008

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ADDENDUM

October 7, 2008

MAP AMENDMENT

SUBJECT: Addendum to Staff Report Dated July 30, 2008 regarding a Map amendment to Delmoor Loop Area.

SUMMARY:

In review of the Anderson holdings staff has determined there are 5 Legal Land Use *Lots of Record* present on the current parcel. The five legal lots break down as follows:

1. Land Use Lot 1 = The combination of tax lots 600, 3110, 4105, & 4106. This area combines for approximately 1.78 acres of land in the RA-2 zoning. These lots with the exception of 600 were all part of the old railroad grade and then transferred to Mr. & Ms Anderson upon the sale of those lots. Tax lot 600 with the exception of a tiny sliver of upland, is entirely in west lake. Tax Lot 3110, 4105, & 4106 are contiguous with tax lot 600 but are mostly uplands 25-50 wide and comprise of the old Railroad bed. {The Combination of these equals 1 land use lot of record} A rezone will not affect this.
2. Land Use Lot 2 = Tax Lot 2800 is a Legal Land Use *Lot of Record* and hence is considered buildable. Currently a homesite exist on this parcel and was the house of the late Susan Anderson. {This site will not be affected by the rezone.}
3. Land Use Lot 3 = Tax Lot 2700 is a Legal Land Use *Lot of Record* hence this lot would be considered buildable contingent upon a successful wetland delineation. The site is comprised of approximately 2.74 acres, only a sliver approximately 5-10 feet wide is actually dry, the remainder of the property is located in a wetland bog. The zoning on this site is RA-2; therefore 1 site can be established on this land use lot of record. Upon the successful adoption of the map amendment the owner could lose one development right for a home site. In order to provide just compensation, the county is proposing to offer 1 density credit for this site to the property owner. This density credit can be used on rural lands within the Clatsop Plains Planning area and is subject to the requirements as depicted in Clatsop County's Land Water Development and Use Standards Document Section 3.150. {RESULT = 1 DENSITY CREDIT}
4. Land Use Lot 4 = Tax Lot 400 is a Legal Land Use *Lot of Record* hence this lot would be considered buildable contingent upon a successful wetland delineation. The site is comprised of approximately 4.55 acres, a 1.5 acre portion approximately 100 feet wide at the widest point is suitable for a dwelling. The parcel is zoned RA-2; technically 4.55 acres in RA-2 zoned land could be divided into two land use parcels, and a dwelling established on each. Upon the successful adoption of the map amendment the owner could lose one development right for a home site. The County is proposing to identify one building envelop on tax lot 400, waive setbacks as long as all construction remains within the designated building envelope. In addition the County is proposing to offer 1 density credit for this site to the property owner. This density credit can be used on rural lands within the Clatsop Plains Planning area and is subject to the requirements as depicted in Clatsop County's Land Water Development and Use Standards Document Section 3.150. {RESULT = 1 BUILDING ENVELOP IDENTIFIED ON THE SITE & 1 DENSITY CREDIT}
5. Land Use Lot 5 = Tax Lot 700 is a Legal Land Use *Lot of Record* hence this lot would be considered buildable. Currently an old farmhouse resides on the parcel. The site is comprised of approximately 30 acres with approximately 4 acres zoned RA-2, 9-10 acres zoned RA-5, & 16-17 acres zoned Lake and Wetland. Hypothetically speaking, if every square foot of the area zoned RA-5 and RA-2 were accounted for the owners could have the potential to divide the property into 4 buildable lots. Two lots would reside on the upland portion zoned RA-2, this would not be affected by the map amendment. The other two speculative lots would reside on the area that is now under water and zoned RA-5. Upon the successful adoption of the map amendment the owner could lose one-two of the afore mentioned development rights. The County is proposing to offer 2 density credits for this site to the property owner. These density credits can be used on rural lands within the Clatsop Plains

Planning Area and are subject to the requirements as depicted in Clatsop County's Land Water Development and Use Standards Document Section 3.150. {RESULT = 2 DESITY CREDITS}

CONCLUSION

In sum the site has the potential to offer a total of 9 sites, albeit limited in nature due to extreme conditions. Regardless it is important to insure that the County is offering just compensation in rectifying the map amendment. By identifying the building envelop on lot 400 the County can ensure the development does not conflict with the wetland habitat immediately adjacent to the site. In addition by offering the 4 density credits to the land owners the County has provided premium compensation for marginal lands; thereby avoiding any takings claim. Furthermore the County can then continue with the proposal as diagramed in the previous staff report and adopt the map amendment with the stipulations depicted in this document. To sum up the stipulations of this document are as follows:

1. The County grants the Anderson Trust 4 Density Credits to be used in the Clatsop Plains Planning Area in exchange for correcting the map and rezoning the portions identified in Exhibit 1 "Map 2 (Proposed Re-zoning)" of the Staff Report Dated August 30, 2008.
2. The County identifies a building envelop 50 feet wide by 150 feet long on tax lot 400 centered on the upland portion to the west of the bog area. Within the designated building envelope a dwelling can be constructed albeit within the required 50-foot resource zone setback.
3. The County adopts the proposed map amendment as depicted in Exhibit 1 "Map 2 (Proposed Re-zoning)."

STAFF RECOMMENDATION

The Department recommends the Planning Commission propose for adoption the map amendment with the stipulations as depicted in this document.

Sincerely,

Michael J Weston II, MPA
Planner, Trans. & Dvlp. Svcs.



Clatsop County
Transportation & Development Services
Land Use Planning Division
800 Exchange Street, Suite 100
Astoria, OR 97103

Ph: 503-325-8611
Fx: 503-338-3666
Em: comdev@co.clatsop.or.us
www.co.clatsop.or.us



STAFF REPORT

STAFF REPORT DATE: July 30, 2008
HEARING DATE: August 12, 2008
HEARING BODY: Planning Commission

MATTER BEFORE THE COMMISSION:

The County is proposing to rezone an area to represent the actual highest and best use of the selected areas portrayed on the map on page 2. In doing so, the County is proposing to rezone 3 areas:

- The first rezone comprises a portion of a parcel identified as **T7N, R10W, Sec 22, TL 700**. In addition the soils in this area are comprised of peat soils (Hydraulic) and non-conductive to development. The county is proposing to rezone this area currently Residential Agricultural – 5 Zone (RA-5) to Lake and Wetlands Zone (LW) suitable for the cultivation and harvest of cranberries in accordance with the County's Goal 5 Element.
- The second rezone is the area located to the west of the old railway, north and south of Delmoor Loop. The areas are identified as **T7N, R10W, Sec 22(B), TL 2700 & T7N, R10W, Sec 22(C), TL 400**. The soils underlying these two bogs are also identified as peat soils (Hydraulic) and non-conductive to development. The county is proposing to rezone this area, currently Residential Agriculture – 2 Zone (RA-2) to Lake and Wetlands Zone(LW) suitable for the cultivation and harvest of cranberries in accordance with the County's Goal 5 Element.
- The third rezone is in the area located to the east of Delmoor Loop. The areas are identified as **T7N, R10W, Sec 22D, TLs 200, 400, 500**. The soils in this area are comprised of Gearhart *Fine Sandy Loom* (Non-Hydraulic) and Templeton *Silt-Clay Loom* (Non-Hydraulic). The County is proposing to rezone this area, currently a Lake and Wetlands Zone (LW) to Residential Agriculture – 5 Zone (RA-5) suitable for the development of potential home sites.

PROPERTY OWNERS: According to the Clatsop County Assessors Records the following own property that will be affected by this rezone:

Karl and Joyce Muller	John & Sandorah Flukinger
Jay Egan	Norman Vielmette
Eric Anderson	Kenneth Wolsiffer

PROPERTY SIZE: Approximately 17 acres currently RA-5 & RA-2 to be rezoned to LW
Approximately 15 acres currently LW to be rezoned RA-5

John & Sandorah Flukinger
1679 Huckleberry Dr.
Seaside, OR 97138

Norman Vielmette
1337 Harbour Dr.
Mesquite, NV 89027

Kenneth Wolsiffer
89723 Old Bog Rd.
Warrenton, OR 97146

[illegible]

STAFF RECOMMENDATION: **Adopt the Map Amendments as Proposed**

EXHIBITS:

- | | |
|-----------------------------|---|
| 1. Rezone Maps | 6. Goal 5 “Appendix A” 1984 (Ord 84-05) |
| 2. Historical Maps | 7. Duncan Thomas Report 1982 |
| 3. Soils Map | 8. Wetland Delineation |
| 4. Public Notice & Comments | 9. Owner Support Letters |
| 5. Ecological Study | |

SUMMARY:

The Transportation & Development Department is proposing to amend the County’s Comprehensive Plan/Zoning Map to correct an error identifying wetlands as developable land. In addition the County is proposing to reallocate the developable zoning to an area south of the identified wetlands (Cranberry Bogs).

According to a 1988 County-Wide Soils Survey the identified areas have been described as having upland and non-hydraulic soils. In particular the afore mentioned areas have soils identified as Gearhart fine sandy loam with slopes of 3-15 percent (19C), & Templeton-Ecola Silt Loam with 30-60 percent slopes (61E). This finding is further supported with a 1984 wetland determination of the Cullaby Lake area identified as Appendix A to the Comprehensive Plan Goal 5 Element and adopted by Ordinance 84 – 05.

The subject area is also in an area identified as a Goal 5 resource; however upon investigation, Staff has concluded the Goal 5 resource identified in the Comprehensive Plan describes the peat soils and surrounding wetlands as the resources necessary for protection. The proposed map amendment will actually increase the amount of resource land critical to the water storage capacity of the area. Furthermore the amendment properly identifies the highest and best use in the area.

In summary the County is essentially proposing to exchange the zoning in one part for the zoning in another. The description of these zone changes is related in the attached exhibits. Justification for the rezone has been provided through an ecological lands study performed in September of 2007 and the findings are verified in the previous Duncan Thomas Report of 1982 and Appendix “A” of the County’s Goal 5 Element adopted in 1984 with Ordinance # 84-05. These reports and supplemental findings discovered through a review of the County’s Goal 5 and Goal 17 “Elements and Background Reports” support the County’s recommended to rezone the area to it proper zoning classification.

APPLICABLE REVIEW CODES AND POLICIES:

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

Section 1.010-1.050	Definitions
Section 2.035	Type IV procedure
Section 2.315	Legislative Hearing Notice
Section 2.230-2.260	Request for Review/Appeal et al
Section 3.200	Residential Agricultural – 2 (RA-2) Zone
Section 3.220	Residential Agricultural – 5 (RA-5) Zone
Section 3.610	Lake & Wetland (LW) Zone
Section 4.040	Geologic Hazard Overlay District (/BDO)
Section 4.080	Shoreland Overlay District (/SDRO)
Section 5.400	Zone Changes

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

Chapter 2:	Site Oriented Improvements
------------	----------------------------

Chapter 3: Structure Siting and Development
 Chapter 4: Environmental Protection

C) Comprehensive Plan Policies and Goals:

- | | |
|---|---|
| 1 – Citizen Involvement | 10 – Housing |
| 2 – Land Use Planning | 11 – Public Facilities and Services |
| 5 – Scenic, Historic, & Natural Resources | 12 – Transportation |
| 6 – Air, Water, & Land Quality | 13 – Energy Conservation |
| 7 – Areas Subject to Natural Hazards | 16 & 17- Estuarine Resources and Coastal Shorelands |
| 8 – Recreational Needs | Clatsop Plains Community Plan |
| 9 – Economy | |

Criteria

Section 5.410. Purpose.

This section provides the criteria for amending the boundaries of any base zone or overlay district delineated on the official Clatsop County “Comprehensive Plan/Zoning Map”. A change in a base zone or overlay district may be made according to the criteria set forth in Section 5.412. The process for changing a zone designation shall be a Type IV procedure initiated by the governing body, Planning Commission, or by petition of a majority of property owners in the area proposed for change. Mailed notice of the hearing shall include the owners of property within (250) feet of the area proposed for 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.

The County is not proposing a Plan Amendment as the proposed change is consistent with the current Goal 5 and Goal 17 element and background report adopted by the County for the Cullaby Lake Area. Evidence of this finding has been provided in Exhibit 6 the County’s adopted findings and Goal 5 report for the Cullaby Lake area.

Section 5.412. Zone Change Criteria.

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

- (1) The proposed change is consistent with the policies of the Clatsop County Comprehensive Plan.

This proposal satisfies the criteria on three main levels. First, the primary purpose of Goal 5 is to protect natural resources and conserve scenic and historic open spaces. This proposal identifies the wetland portions and designates them for conservation. Second, the proposal satisfies Goal 6, because it allows the natural ecosystem to filter the water that feeds West & Cullaby Lake. The proposal correctly identifies the areas that are below grade consisting of peat soils with high levels of water retention and capacity. Furthermore cranberry cultivation in this area is identified as the highest and best use for lands with this soil type. In addition the County is designating these areas for conservation while transferring the development rights to an area better suited for residential development. This area is represented on the proposed zoning map (Exhibit 1), and consists of approximately 5 acres of RA-2, and approximately 10 acres of RA-5. In exchange the County is designating approximately 16 acres that is currently zoned RA-5 & RA-2 as Lake and Wetland. Furthermore this proposal is consistent with the Adopted Goal 5 and 17 Elements, which identify the peat soils as an important resource that should be conserved or used for the cultivation of Cranberrys.

Therefore Staff finds there is no conflict with Clatsop County’s Comprehensive Plan and finds the proposal is consistent with the Comprehensive Plan and Statewide Goals and Policies.

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

See criteria 1 finding above.

- (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

Cullaby Lake is near the designated area. Schools already service the Delmoor Loop area. Staff finds that impacts upon these and other facilities are negligible when considering that the County is not proposing new zoning areas, but simply equal or less density in the area.

- (B) Police and fire protection and emergency medical service

See criteria 3(A) finding above.

- (C) Solid waste collection

See criteria 3(A) finding above.

- (D) Water and wastewater facilities

See criteria 3(A) finding above.

- (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.

The zoning amendment proposes densities of equal or lesser value. No added impacts will emerge from this map amendment.

- (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.

The proposed change will not over-intensify the use of the land. The land subject to the development rights has already been assessed for septic approvals (See Owner Comments provided by Jay Egan). In addition the County's Soils survey conducted in 1988 identifies upland areas in this vicinity. This fact is further supported by the Ecological study & wetland delineation performed on behalf of Karl Muller (See Exhibits 5 & 8), and the 1984 Appendix A of the Clatsop County Comprehensive Plan adopted by ordinance 84-05. The down zone over the Cranberry bogs identifies the areas as peat soils, not suitable for development but highly suitable for the cultivation of cranberries. These peat soils identified in the County's Goal 5 element are identified as excellent soils for the cultivation and harvest of cranberries. Furthermore this is a permitted use in the Lake & Wetland zone. The Zoning in the area is subject to upland portions and low-lying areas and is reflected in the County's Comprehensive Zoning map. The proposal is compatible with the overall zoning pattern in the area.

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

The intent of this amendment is to place the suitable zoning for the particular use on the property most suited to handle that use. Peat soils are not suitable for development, Gearhart and Templeton Loams are suitable for development; therefore the logical result is to zone peat soils LW (not suitable for development), and sandy and silt loams RA (suitable for development).

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

According to the Goal 5 and Goal 17 elements of the County's Comprehensive Plan the highest and best use for peat soils (Brallier Muck) identified in the Delmore Loop / Cullaby Lake area is agriculture, particularly cranberry cultivation and wetland vegetation important to wetland animals particularly avifauna, and grazing lands for elk.

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

The health, safety and general welfare of Clatsop County will be better served with the increased water capacity. Furthermore the development on the uplands portions should have far less impact than development in the current RA areas. In addition the proposed development will have to satisfy current development standards, which require wetland delineations through DSL, Septic Approval through DEQ, and a Geologist Report to indicate soil suitability for the proposed use. Staff finds that the proposed use should provide a higher level of health, safety, and general welfare to the lands and parcels described in this proposal; as well as protection for integral wetland habitat and connectivity for wetland species.

Conclusion

Staff concludes that the proposed zone change better services the Delmoor Loop area and cranberry bogs. The proposal correctly identifies the areas best suited for development and correctly identifies the areas best suited for cranberry cultivation. Furthermore the County has the support of all property owners and their respective representatives identified in this report.

Staff finds that consistency with state wide planning goals has been met through compliance with the county's adopted Comprehensive Plan and Goal 5 and 17 Elements and Background reports that clearly identify the proposal area and do not indicate that the development of these areas should be restricted or preserved. In fact the Goal 5 & 17 elements speak to the preservation of the Brallier Muck, this proposal identifies the areas identified in the Duncan Thomas report of 1982 and the County Soils Survey of 1988 and places the Brallier muck soils into a conservation zone, while transferring the development densities to areas better suited to handle the development.

Staff recommends the Planning Commission Recommend the adoption of the proposed zone change and map amendments as depicted in Exhibit 1, Map "A" to the Board of Commissioners for ratification.

FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

☐ In person	☒ electronic	☒ mailed
DEPT OF		
FEB 25 2009		
LAND CONSERVATION AND DEVELOPMENT		
For DLCD Use Only		

Jurisdiction: **Clatsop County**

Local file number: **2009020014, 20080385**

Date of Adoption: **2/18/2009**

Date Mailed: **2/24/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 5/15/2008

☐ 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 adopted amendment rezones a series of properties based on the soils study conducted in the Early 80s. The end result rezones aprx. 17 acres from Residential Agriculture 2 & 5 to Lake and Wetland, and aprx. 13 acres from Lake & Wetland to Residential Agriculture 2 & 5

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

Plan Map Changed from: **Cnsrv Other Rsrcs/Rural Lands** to: **Rural Lands/Cnsrv Other Rsrcs**

Zone Map Changed from: **LW, RA2, RA5** to: **RA5, RA2, LW**

Location: **T7N, R10W, Section 22, 22B, 22C & 22D**

Acres Involved: **30**

Specify Density: Previous: **Mixed**

New: **Same but Transferred**

Applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☐ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. _____

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

Clatsop County, ODFW, DSL, DEQ, DLCD

Local Contact: **Michael Weston II, MPA**

Phone: **(503) 325-8611** Extension: **1702**

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

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

City: **Astoria**

Zip: **97103-**

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

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE BOARD OF COMMISSIONERS

Clatsop County

In The Matter of

AN ORDINANCE AMENDING THE
CLATSOP COUNTY COMPREHENSIVE
PLAN / ZONING MAP

ORDINANCE # 08-12

DOC # 2009020014

Date of Mailing: **Feb. 24, 2009**



**Transportation and
Development Services**

800 Exchange Street
Suite 100
Astoria, Oregon 97103

Land Use Planning

Telephone (503) 325-8611
Fax (503) 338-3666

TO: All persons who participated in the proceedings leading to the final decision in the above captioned matter.

Pursuant to ORS 197.615(2)(a) and ORS 215, notice is hereby given by mail to all persons who participated in the proceedings culminating in the Clatsop County Board of Commissioners' final decision made at a public meeting held February 11, 2009, to adopt an Ordinance Amending the Clatsop County Comprehensive Plan Zoning Map and Text and associated Goal Exceptions.

The Board of Commissioners' action occurred at its meeting of February 11, 2009 and the Board of Commissioners signed the **ORDINANCE**, adopting the "Findings of Fact and Conclusions of Law" on the 17th day of February, 2009.

The Ordinance together with the "Findings of Fact and Conclusions of Law" adopted thereby may be reviewed during normal business hours at the Clatsop County Department of Community Development, which is located at 800 Exchange Street, Suite 100, Astoria, Oregon; in addition a scanned version of this Ordinance and accompanying Findings will be made available on the County's Land Use Web Page¹ (**See Footnote for Web Address**). This office is open from 8:00 a.m. to 5:00 p.m., Monday through Friday.

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, in Salem, Oregon. The Notice of Intent to Appeal the Decision shall be so filed no later than 21 days after the date the decision sought to be reviewed became final with this, February 24, 2009 Mailed Notice. There are specific and detailed requirements for the filing of the Notice of Appeal, which are set forth at ORS 197.830 to 197.845. Any party wishing to appeal this action is advised to seek qualified legal assistance.

Dated this 24th, day of February 2009.

Sincerely

Michael Weston, Planner
Department of Transportation & Development Services,
Clatsop County

www.co.clatsop.or.us

¹ <http://www.co.clatsop.or.us/default.asp?pageid=616&deptid=12>

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

In the Matter of:

AN ORDINANCE AMENDING THE
CLATSOP COUNTY COMPREHENSIVE
PLAN / ZONING MAP

ORDINANCE NO. 08-12



Doc # 2009020014

Recording Date: 2-18-09

RECITALS

WHEREAS, Clatsop County in an effort to better serve the residents and land owners of the Delmoor Loop area has proposed a Zoning Map Amendment on properties identified within the attached maps and depicted within the Staff Report and Addendum attached to the Planning Commission's Resolution and Order; and

WHEREAS, the application was considered by the Planning Commission at a public hearing on August 12, 2008, September 9, 2008 and October 14, 2008 the Commission unanimously recommended approval, which is attached as Exhibit "PC"; 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 197.732, 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 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:

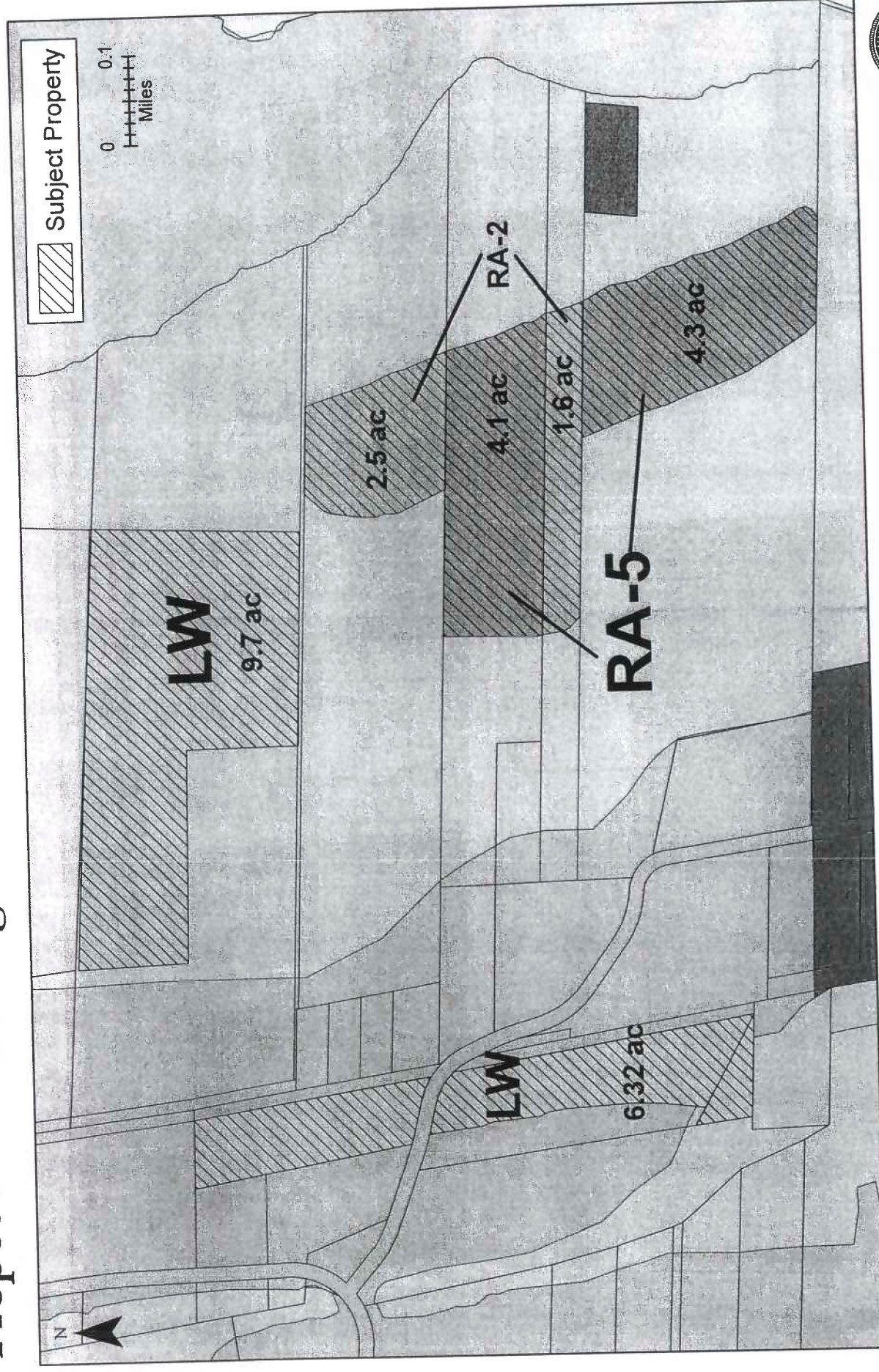
SECTION 1. The Clatsop County Comprehensive Plan / Zoning Map is hereby amended as shown in the attached Maps.

SECTION 2. The Board of Commissioners hereby approves the application and findings of fact contained in the Exhibit "PC" Planning Commission recommendation.

SECTION 3. In support of this ordinance, the Board adopts the October 7, 2008 Addendum to the July 30, 2008 Staff Report and recommendation attached to Exhibit "PC".

SECTION 4. Four (4) Density Credits shall be awarded to the Anderson Trust to be applied to Rural Lands within the Clatsop Plains Planning Area. These credits are subject to the requirements as depicted

Proposed Re-Zoning

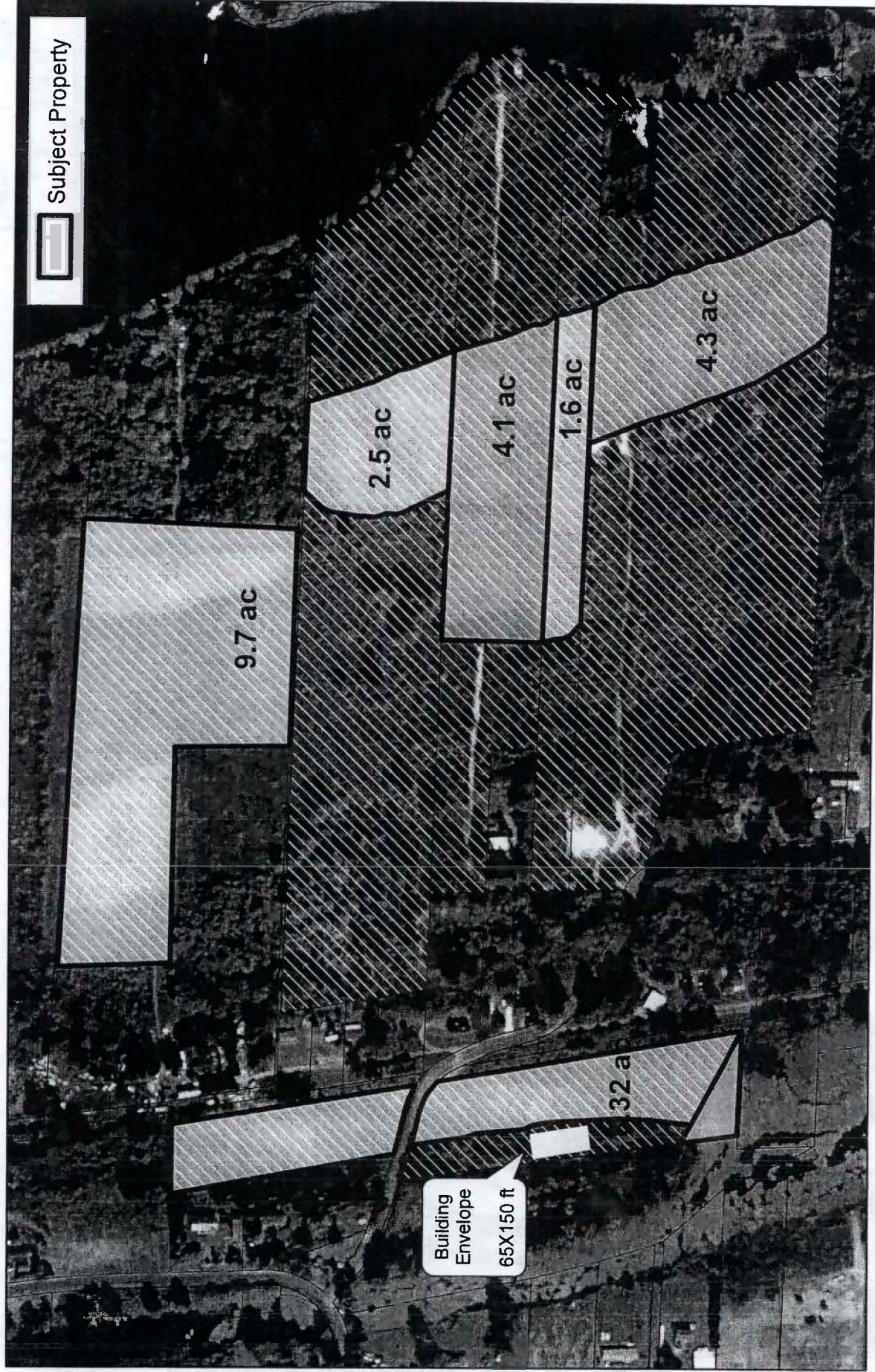


This map was produced using Clatsop County GIS data. This data is maintained by Clatsop County to support its governmental activities. Clatsop County is not responsible for any map errors, possible misuse, or misinterpretation.

Prepared By:
Clatsop County
Transportation & Development Services
800 Exchange Street, Ste 100
Astoria, OR 97103

August 4, 2008

Aerial View of Subject Property

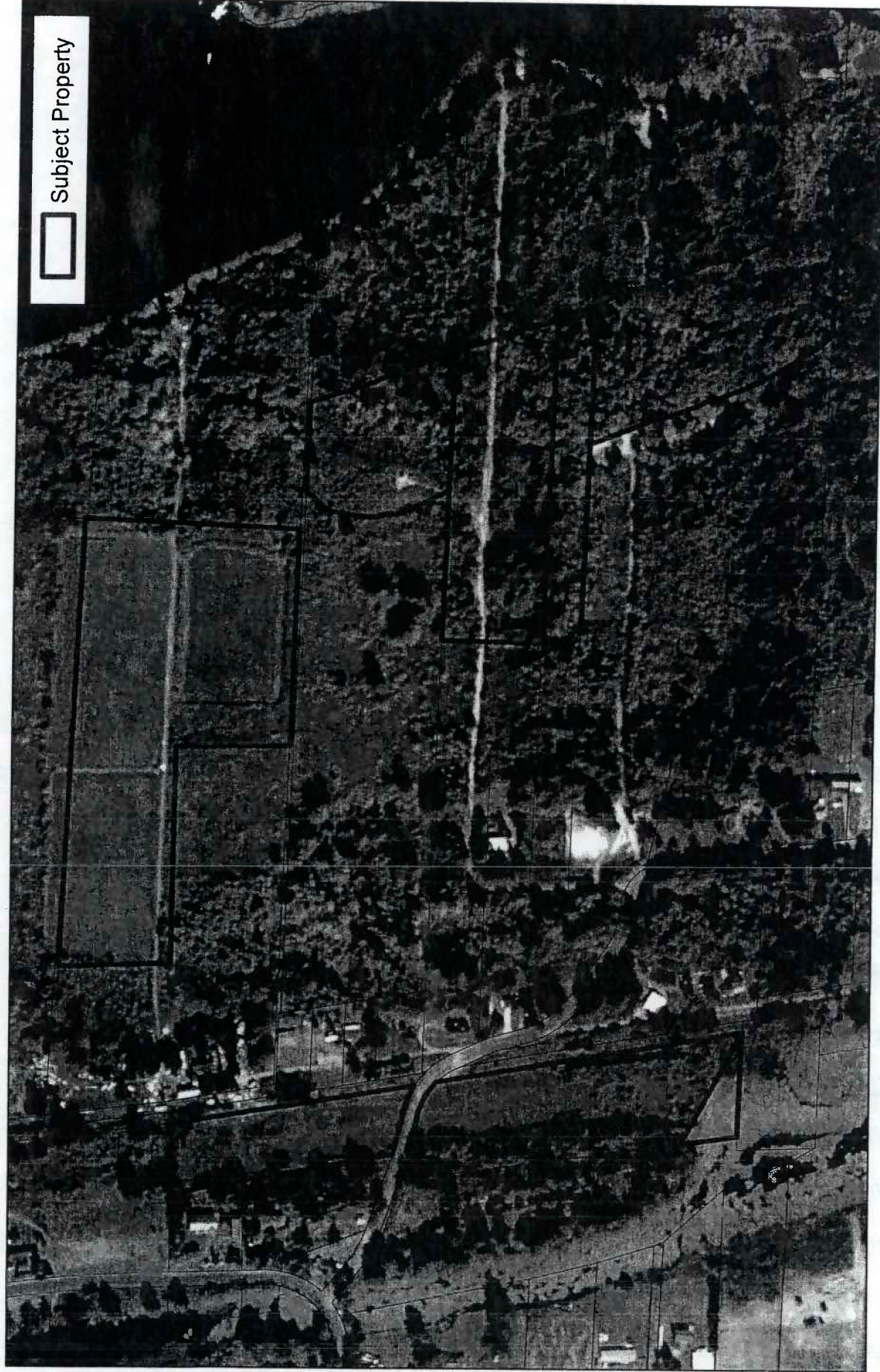


Prepared By:
 Clatsop County
 Transportation & Development Services
 800 Exchange Street, Ste 100
 Astoria, OR 97103
 October 17, 2008



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Aerial View of Subject Property



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**'BEFORE THE PLANNING COMMISSION
FOR THE COUNTY OF CLATSOP**

In the Matter of:

AN ORDINANCE AMENDING THE
CLATSOP COUNTY COMPREHENSIVE
PLAN / ZONING MAP

ORDINANCE #08-12



RESOLUTION AND ORDER

081008

Recording Date: November 3, 2008

RECITALS

THE ABOVE ENTITLED MATTER came before the Planning Commission at its meeting of August 12, of the year 2008, for public hearing and consideration of a Comprehensive Plan / Zoning Map Amendment. The matter was continued to September 9, 2008 due to a lack of quorum. At the September 9, 2008 hearing the Planning Commission again continued the matter to allow property owners to resolve any conflicts with the proposal. On October 14, 2008 the Planning Commission approved the proposal as amended by Staff.

WHEREFORE;

The Planning Commission after reviewing the findings of fact in Exhibit "A" (*Staff Report*) has determined the proposed map amendment is consistent with the criteria as depicted in Clatsop County's Land Water Development and Use Ordinance Section 5.412.

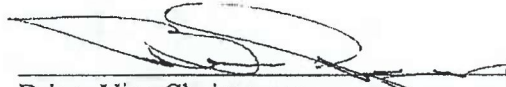
THE PLANNING COMMISSION considering all evidence and public testimony provided by the Planning Department Staff and the Applicant at the public hearing, hereby **RECOMMEND THE**
CONDITIONAL APPROVAL OF THE PROPOSAL TO AMMEND THE CLATSOP COUNTY
COMPREHENSIVE PLAN / ZONING MAP AS DESCRIBED IN EXHIBIT "A" *Staff Report*, attached
hereto and by this reference made part hereof.

WHEREFORE, the Planning Commission finds and resolves:

1. To recommend the Board modify Clatsop County's Comprehensive Plan / Zoning map to reflect the changes as depicted in Map 1 (Proposed Zoning) from Map 2 (Current Zoning) attached to this document.
2. To Bank Density credits in the following value, which shall carry forward to the owners of the following Parcels until such time they are utilized on the Clatsop Plains:
_____ **One** (1) Credit to T7N, R10W, Sec. 22B TL 2700
_____ **One** (1) Credit to T7N, R10W, Sec 22C, TL 400 &
1 Building Envelope as identified on Map 3 Attached
(**No Variance will be required as long as construction is within the identified building envelope.**)
_____ **Two** (2) Credits to T7N, R10W, Sec 22, TL 700
3. Prior to the issuance of a development permit on the following tax lots a wetland delineation will be required. The applicants shall identify a building envelope in the area most suited for development in accordance with the delineation findings. The building envelope shall satisfy all riparian and resource zone setbacks (50 feet).
4. All development shall conform with the requirements of Clatsop County's Land Water Development and Use Ordinance 80-14, to include geologic hazard assessments (if required), and any and all state and federal requirements.

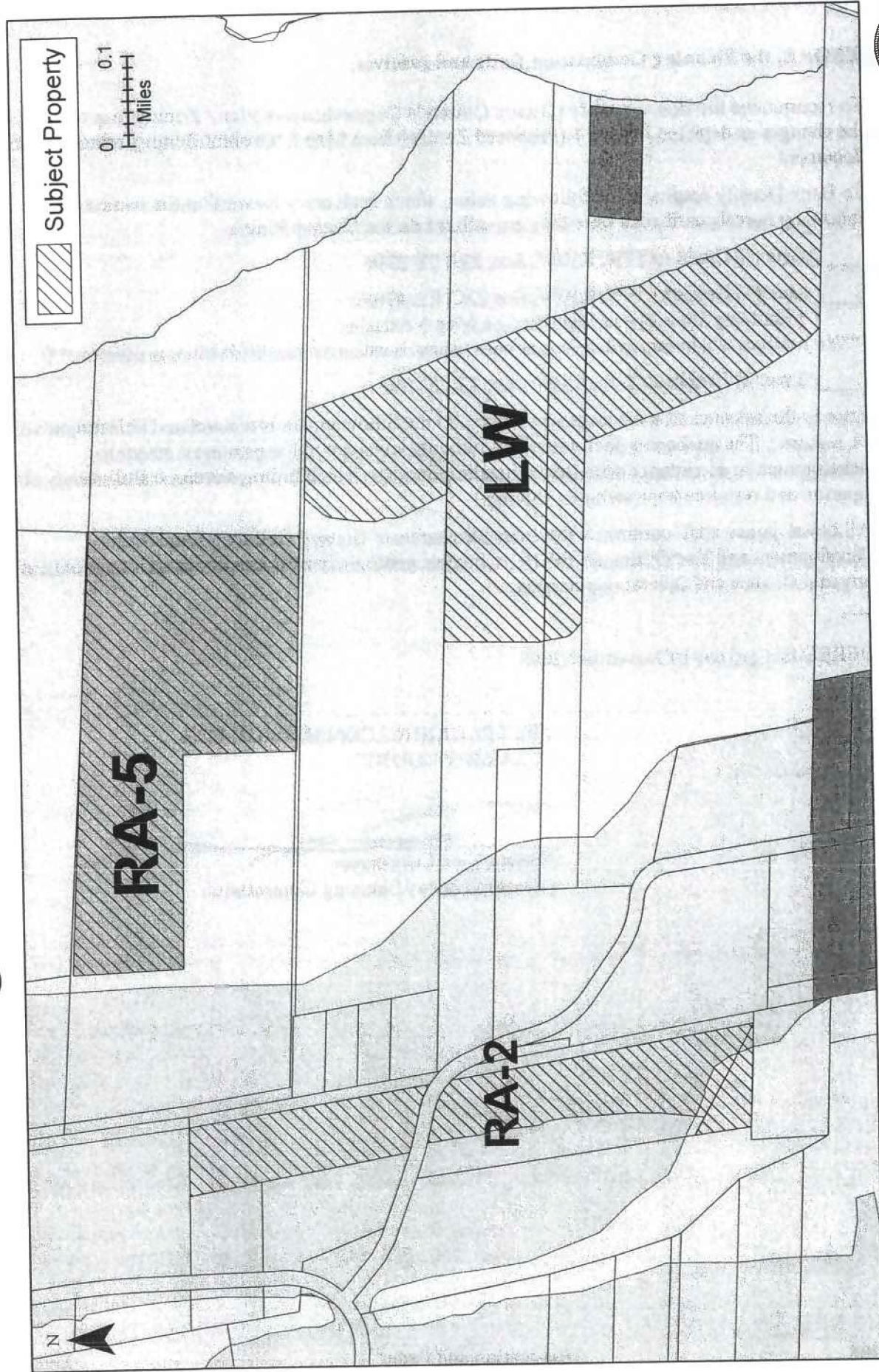
SO ORDERED this 3rd day of November 2008

THE PLANNING COMMISSION FOR
CLATSOP COUNTY



Brian, Vice Chairperson
Clatsop County Planning Commission

Current Zoning



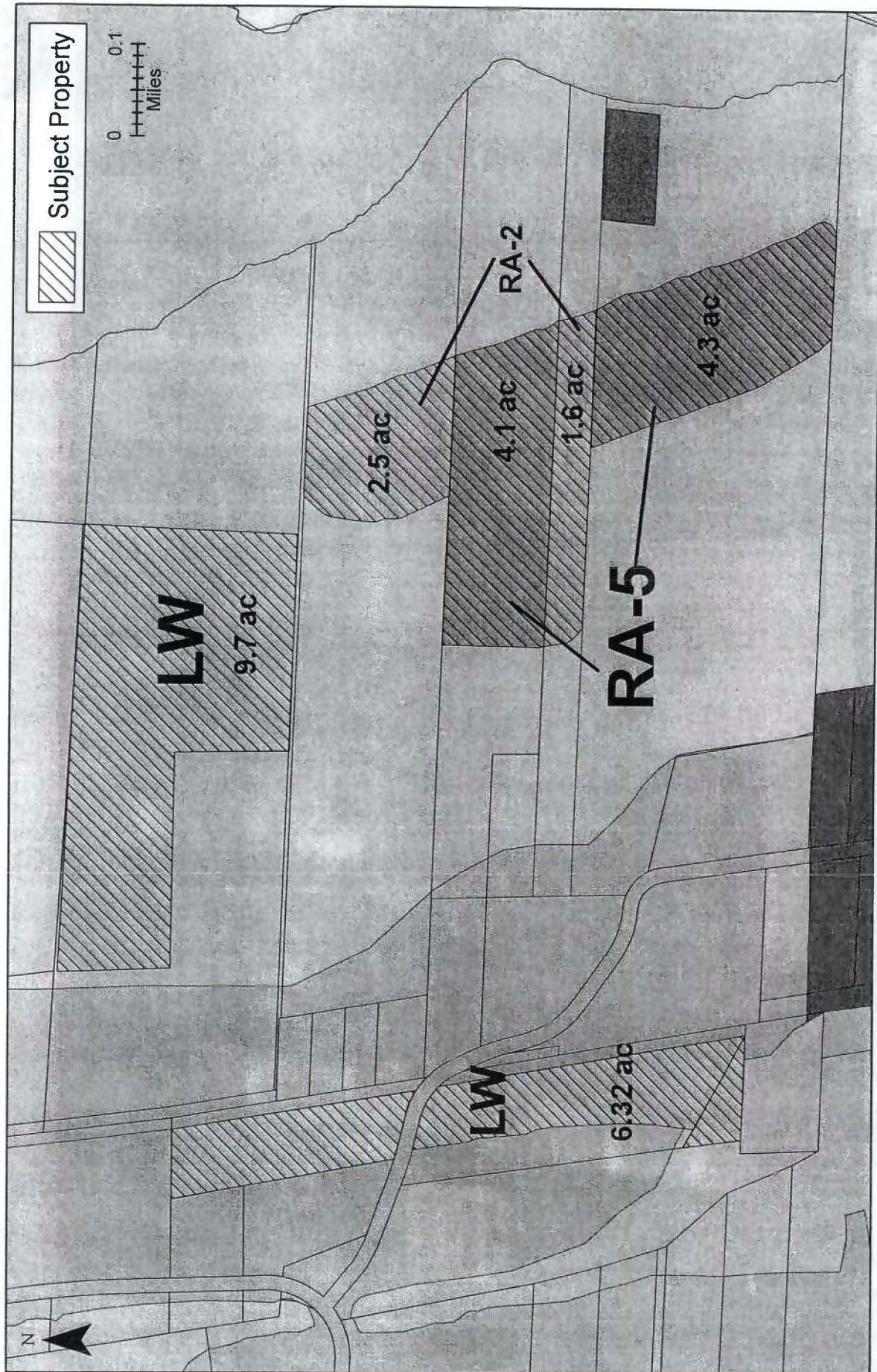
Prepared By:
Clatsop County
Transportation & Development Services
800 Exchange Street, Ste 100
Astoria, OR 97103

August 4, 2008



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Proposed Re-Zoning

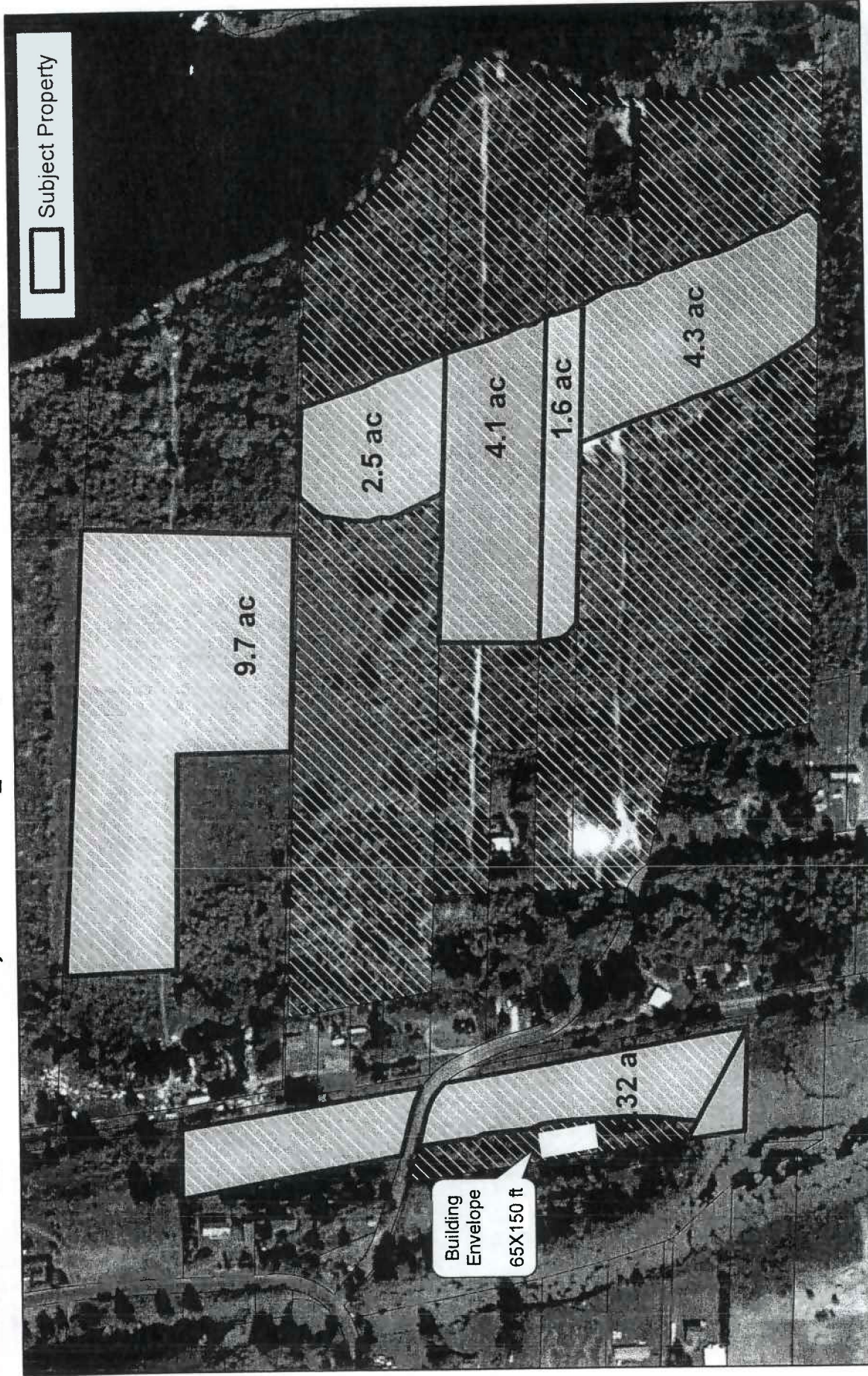


Prepared By:
Clatsop County
Transportation & Development Services
800 Exchange Street, Ste 100
Astoria, OR 97103
August 4, 2008



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Aerial View of Subject Property



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Prepared By:
 Clatsop County
 Transportation & Development Services
 800 Exchange Street, Ste 100
 Astoria, OR 97103
 October 17, 2008

ADDENDUM



October 7, 2008

MAP AMENDMENT

SUBJECT: Addendum to Staff Report Dated July 30, 2008 regarding a Map amendment to Delmoor Loop Area.

SUMMARY:

In review of the Anderson holdings staff has determined there are 5 Legal Land Use *Lots of Record* present on the current parcel. The five legal lots break down as follows:

1. Land Use Lot 1 = The combination of tax lots 600, 3110, 4105, & 4106. This area combines for approximately 1.78 acres of land in the RA-2 zoning. These lots with the exception of 600 were all part of the old railroad grade and then transferred to Mr. & Ms Anderson upon the sale of those lots. Tax lot 600 with the exception of a tiny sliver of upland, is entirely in west lake. Tax Lot 3110, 4105, & 4106 are contiguous with tax lot 600 but are mostly uplands 25-50 wide and comprise of the old Railroad bed. {The Combination of these equals 1 land use lot of record} A rezone will not affect this.
2. Land Use Lot 2 = Tax Lot 2800 is a Legal Land Use *Lot of Record* and hence is considered buildable. Currently a homesite exist on this parcel and was the house of the late Susan Anderson. {This site will not be affected by the rezone.}
3. Land Use Lot 3 = Tax Lot 2700 is a Legal Land Use *Lot of Record* hence this lot would be considered buildable contingent upon a successful wetland delineation. The site is comprised of approximately 2.74 acres, only a sliver approximately 5-10 feet wide is actually dry, the remainder of the property is located in a wetland bog. The zoning on this site is RA-2; therefore 1 site can be established on this land use lot of record. Upon the successful adoption of the map amendment the owner could lose one development right for a home site. In order to provide just compensation, the county is proposing to offer 1 density credit for this site to the property owner. This density credit can be used on rural lands within the Clatsop Plains Planning area and is subject to the requirements as depicted in Clatsop County's Land Water Development and Use Standards Document Section 3.150. {RESULT = 1 DENSITY CREDIT}
4. Land Use Lot 4 = Tax Lot 400 is a Legal Land Use *Lot of Record* hence this lot would be considered buildable contingent upon a successful wetland delineation. The site is comprised of approximately 4.55 acres, a 1.5 acre portion approximately 100 feet wide at the widest point is suitable for a dwelling. The parcel is zoned RA-2; technically 4.55 acres in RA-2 zoned land could be divided into two land use parcels, and a dwelling established on each. Upon the successful adoption of the map amendment the owner could lose one development right for a home site. The County is proposing to identify one building envelop on tax lot 400, waive setbacks as long as all construction remains within the designated building envelope. In addition the County is proposing to offer 1 density credit for this site to the property owner. This density credit can be used on rural lands within the Clatsop Plains Planning area and is subject to the requirements as depicted in Clatsop County's Land Water Development and Use Standards Document Section 3.150. {RESULT = 1 BUILDING ENVELOP IDENTIFIED ON THE SITE & 1 DENSITY CREDIT}
5. Land Use Lot 5 = Tax Lot 700 is a Legal Land Use *Lot of Record* hence this lot would be considered buildable. Currently an old farmhouse resides on the parcel. The site is comprised of approximately 30 acres with approximately 4 acres zoned RA-2, 9-10 acres zoned RA-5, & 16-17 acres zoned Lake and Wetland. Hypothetically speaking, if every square foot of the area zoned RA-5 and RA-2 were accounted for the owners could have the potential to divide the property into 4 buildable lots. Two lots would reside on the upland portion zoned RA-2, this would not be affected by the map amendment. The other two speculative lots would reside on the area that is now under water and zoned RA-5. Upon the successful adoption of the map amendment the owner could lose one-two of the afore mentioned development rights. The County is proposing to offer 2 density credits for this site to the property owner. These density credits can be used on rural lands within the Clatsop Plains

Planning Area and are subject to the requirements as depicted in Clatsop County's Land Water Development and Use Standards Document Section 3.150. {RESULT = 2 DENSITY CREDITS}

CONCLUSION

In sum the site has the potential to offer a total of 9 sites, albeit limited in nature due to extreme conditions. Regardless it is important to insure that the County is offering just compensation in rectifying the map amendment. By identifying the building envelop on lot 400 the County can ensure the development does not conflict with the wetland habitat immediately adjacent to the site. In addition by offering the 4 density credits to the land owners the County has provided premium compensation for marginal lands; thereby avoiding any takings claim. Furthermore the County can then continue with the proposal as diagramed in the previous staff report and adopt the map amendment with the stipulations depicted in this document. To sum up the stipulations of this document are as follows:

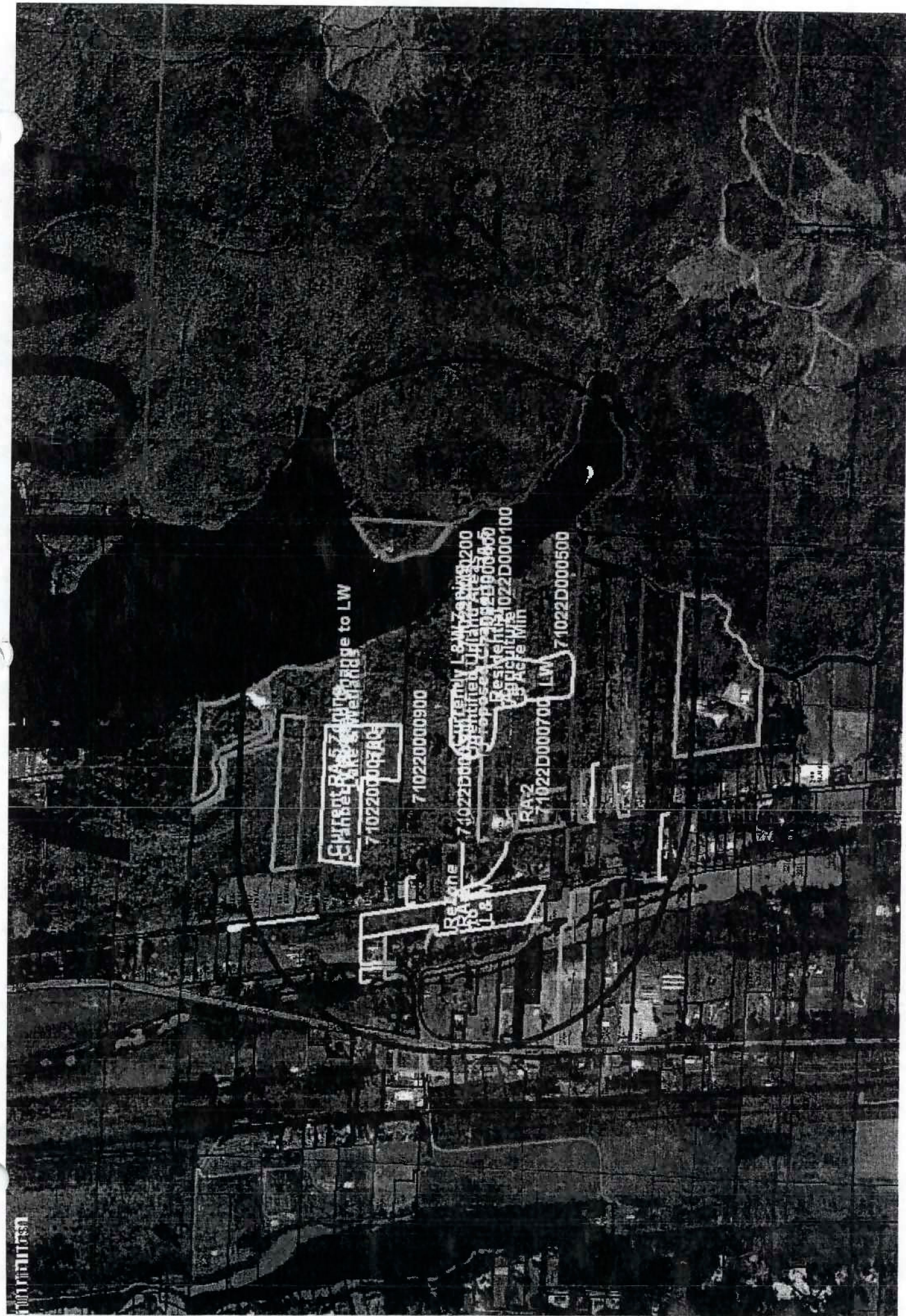
1. The County grants the Anderson Trust 4 Density Credits to be used in the Clatsop Plains Planning Area in exchange for correcting the map and rezoning the portions identified in Exhibit 1 "Map 2 (Proposed Re-zoning)" of the Staff Report Dated August 30, 2008.
2. The County identifies a building envelop 50 feet wide by 150 feet long on tax lot 400 centered on the upland portion to the west of the bog area. Within the designated building envelope a dwelling can be constructed albeit within the required 50-foot resource zone setback.
3. The County adopts the proposed map amendment as depicted in Exhibit 1 "Map 2 (Proposed Re-zoning)."

STAFF RECOMMENDATION

The Department recommends the Planning Commission propose for adoption the map amendment with the stipulations as depicted in this document.

Sincerely,

Michael J Weston II, MPA
Planner, Trans. & Dvlp. Svcs.



Clatsop County
Transportation & Development Services
Land Use Planning Division
800 Exchange Street, Suite 100
Astoria, OR 97103

Ph: 503-325-8611
Fx: 503-338-3666
Em: comdev@co.clatsop.or.us
www.co.clatsop.or.us



STAFF REPORT

STAFF REPORT DATE: July 30, 2008
HEARING DATE: August 12, 2008
HEARING BODY: Planning Commission
MATTER BEFORE THE COMMISSION:

The County is proposing to rezone an area to represent the actual highest and best use of the selected areas portrayed on the map on page 2. In doing so, the County is proposing to rezone 3 areas:

- The first rezone comprises a portion of a parcel identified as **T7N, R10W, Sec 22, TL 700**. In addition the soils in this area are comprised of peat soils (Hydraulic) and non-conductive to development. The county is proposing to rezone this area currently Residential Agricultural – 5 Zone (RA-5) to Lake and Wetlands Zone (LW) suitable for the cultivation and harvest of cranberries in accordance with the County's Goal 5 Element.
- The second rezone is the area located to the west of the old railway, north and south of Delmoor Loop. The areas are identified as **T7N, R10W, Sec 22(B), TL 2700 & T7N, R10W, Sec 22(C), TL 400**. The soils underlying these two bogs are also identified as peat soils (Hydraulic) and non-conductive to development. The county is proposing to rezone this area, currently Residential Agriculture – 2 Zone (RA-2) to Lake and Wetlands Zone (LW) suitable for the cultivation and harvest of cranberries in accordance with the County's Goal 5 Element.
- The third rezone is in the area located to the east of Delmoor Loop. The areas are identified as **T7N, R10W, Sec 22D, TLs 200, 400, 500**. The soils in this area are comprised of Gearhart *Fine Sandy Loom* (Non-Hydraulic) and Templeton *Silt-Clay Loom* (Non-Hydraulic). The County is proposing to rezone this area, currently a Lake and Wetlands Zone (LW) to Residential Agriculture – 5 Zone (RA-5) suitable for the development of potential home sites.

PROPERTY OWNERS: According to the Clatsop County Assessors Records the following own property that will be affected by this rezone:

Karl and Joyce Muller	John & Sandorah Flukinger
Jay Egan	Norman Vielmette
Eric Anderson	Kenneth Wolsiffer

PROPERTY SIZE: Approximately 17 acres currently RA-5 & RA-2 to be rezoned to LW
Approximately 15 acres currently LW to be rezoned RA-5

OWNER ADDRESSES:

Karl & Joyce Muller
89736 Seales Rd.
Warrenton, OR 97146

John & Sandorah Flukinger
1679 Huckleberry Dr.
Seaside, OR 97138

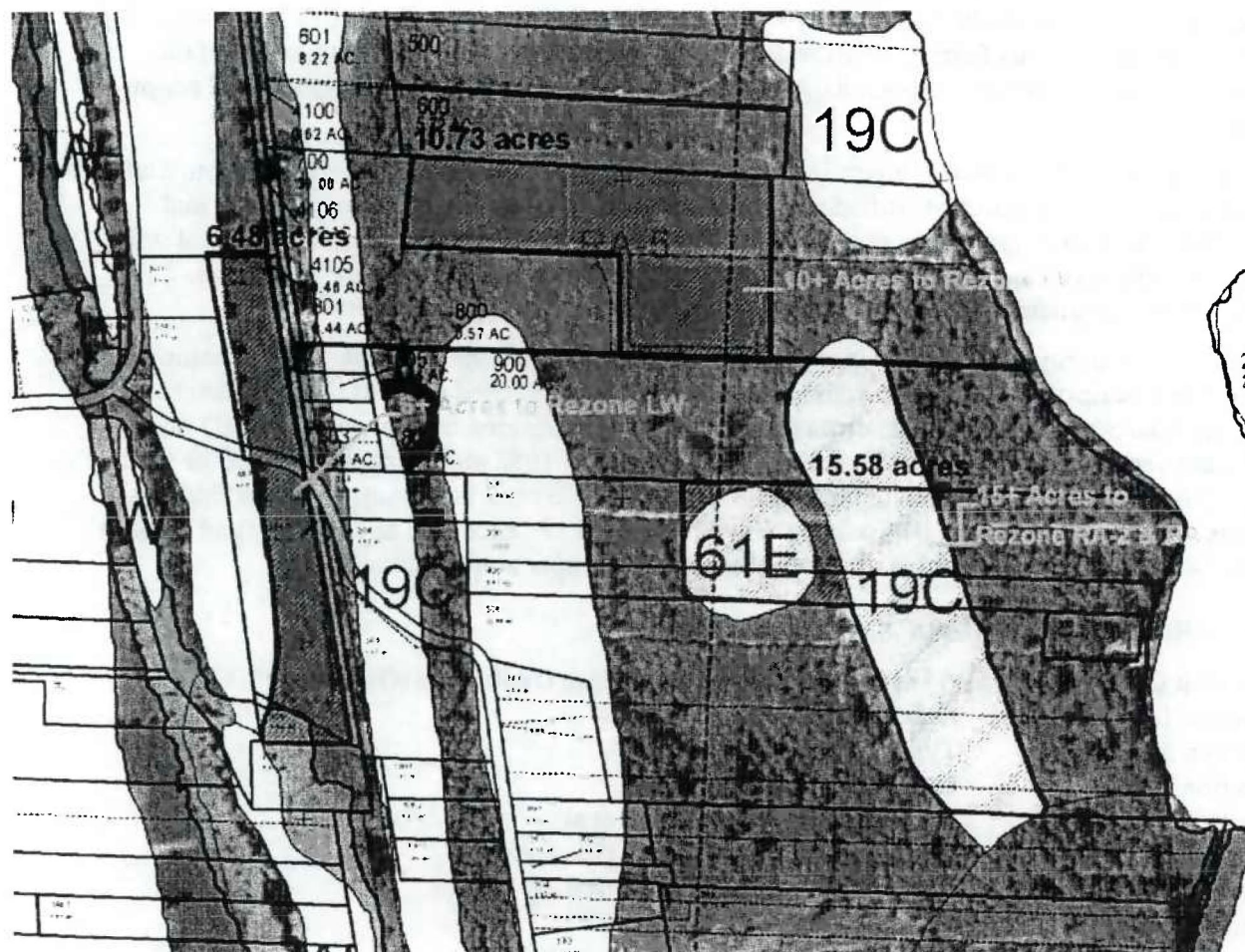
Jay Egan
PO Box 2207
Gearhart, OR 97138

Norman Vielmette
1337 Harbour Dr.
Mesquite, NV 89027

Eric Anderson
Rep: Campbell Popkin LLP
318 S Holiday Dr.
Seaside, OR 97138

Kenneth Wolsiffer
89723 Old Bog Rd.
Warrenton, OR 97146

AREA MAP AND PROPOSAL:



COUNTY STAFF REVIEWER:

Michael Weston II

STAFF RECOMMENDATION:

Adopt the Map Amendments as Proposed

EXHIBITS:

- | | |
|-----------------------------|---|
| 1. Rezone Maps | 6. Goal 5 "Appendix A" 1984 (Ord 84-05) |
| 2. Historical Maps | 7. Duncan Thomas Report 1982 |
| 3. Soils Map | 8. Wetland Delineation |
| 4. Public Notice & Comments | 9. Owner Support Letters |
| 5. Ecological Study | |

SUMMARY:

The Transportation & Development Department is proposing to amend the County's Comprehensive Plan/Zoning Map to correct an error identifying wetlands as developable land. In addition the County is proposing to reallocate the developable zoning to an area south of the identified wetlands (Cranberry Bogs).

According to a 1988 County-Wide Soils Survey the identified areas have been described as having upland and non-hydraulic soils. In particular the afore mentioned areas have soils identified as Gearhart fine sandy loam with slopes of 3-15 percent (19C), & Templeton-Ecola Silt Loam with 30-60 percent slopes (61E). This finding is further supported with a 1984 wetland determination of the Cullaby Lake area identified as Appendix A to the Comprehensive Plan Goal 5 Element and adopted by Ordinance 84 - 05.

The subject area is also in an area identified as a Goal 5 resource; however upon investigation, Staff has concluded the Goal 5 resource identified in the Comprehensive Plan describes the peat soils and surrounding wetlands as the resources necessary for protection. The proposed map amendment will actually increase the amount of resource land critical to the water storage capacity of the area. Furthermore the amendment properly identifies the highest and best use in the area.

In summary the County is essentially proposing to exchange the zoning in one part for the zoning in another. The description of these zone changes is related in the attached exhibits. Justification for the rezone has been provided through an ecological lands study performed in September of 2007 and the findings are verified in the previous Duncan Thomas Report of 1982 and Appendix "A" of the County's Goal 5 Element adopted in 1984 with Ordinance # 84-05. These reports and supplemental findings discovered through a review of the County's Goal 5 and Goal 17 "Elements and Background Reports" support the County's recommended to rezone the area to it proper zoning classification.

APPLICABLE REVIEW CODES AND POLICIES:

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

- | | |
|---------------------|--|
| Section 1.010-1.050 | Definitions |
| Section 2.035 | Type IV procedure |
| Section 2.315 | Legislative Hearing Notice |
| Section 2.230-2.260 | Request for Review/Appeal et al |
| Section 3.200 | Residential Agricultural - 2 (RA-2) Zone |
| Section 3.220 | Residential Agricultural - 5 (RA-5) Zone |
| Section 3.610 | Lake & Wetland (LW) Zone |
| Section 4.040 | Geologic Hazard Overlay District (/BDO) |
| Section 4.080 | Shoreland Overlay District (/SDRO) |
| Section 5.400 | Zone Changes |

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

- | | |
|------------|----------------------------|
| Chapter 2: | Site Oriented Improvements |
|------------|----------------------------|

Chapter 3: Structure Siting and Development
 Chapter 4: Environmental Protection

C) Comprehensive Plan Policies and Goals:

- | | |
|---|---|
| 1 – Citizen Involvement | 10 – Housing |
| 2 – Land Use Planning | 11 – Public Facilities and Services |
| 5 – Scenic, Historic, & Natural Resources | 12 – Transportation |
| 6 – Air, Water, & Land Quality | 13 – Energy Conservation |
| 7 – Areas Subject to Natural Hazards | 16 & 17- Estuarine Resources and Coastal Shorelands |
| 8 – Recreational Needs | Clatsop Plains Community Plan |
| 9 – Economy | |

Criteria

Section 5.410. Purpose.

This section provides the criteria for amending the boundaries of any base zone or overlay district delineated on the official Clatsop County “Comprehensive Plan/Zoning Map”. A change in a base zone or overlay district may be made according to the criteria set forth in Section 5.412. The process for changing a zone designation shall be a Type IV procedure initiated by the governing body, Planning Commission, or by petition of a majority of property owners in the area proposed for change. Mailed notice of the hearing shall include the owners of property within (250) feet of the area proposed for 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.

The County is not proposing a Plan Amendment as the proposed change is consistent with the current Goal 5 and Goal 17 element and background report adopted by the County for the Cullaby Lake Area. Evidence of this finding has been provided in Exhibit 6 the County’s adopted findings and Goal 5 report for the Cullaby Lake area.

Section 5.412. Zone Change Criteria.

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

- (1) The proposed change is consistent with the policies of the Clatsop County Comprehensive Plan.

This proposal satisfies the criteria on three main levels. First, the primary purpose of Goal 5 is to protect natural resources and conserve scenic and historic open spaces. This proposal identifies the wetland portions and designates them for conservation. Second, the proposal satisfies Goal 6, because it allows the natural ecosystem to filter the water that feeds West & Cullaby Lake. The proposal correctly identifies the areas that are below grade consisting of peat soils with high levels of water retention and capacity. Furthermore cranberry cultivation in this area is identified as the highest and best use for lands with this soil type. In addition the County is designating these areas for conservation while transferring the development rights to an area better suited for residential development. This area is represented on the proposed zoning map (Exhibit 1), and consists of approximately 5 acres of RA-2, and approximately 10 acres of RA-5. In exchange the County is designating approximately 16 acres that is currently zoned RA-5 & RA-2 as Lake and Wetland. Furthermore this proposal is consistent with the Adopted Goal 5 and 17 Elements, which identify the peat soils as an important resource that should be conserved or used for the cultivation of Cranberries.

Therefore Staff finds there is no conflict with Clatsop County’s Comprehensive Plan and finds the proposal is consistent with the Comprehensive Plan and Statewide Goals and Policies.

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

See criteria 1 finding above.

- (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

Cullaby Lake is near the designated area. Schools already service the Delmoor Loop area. Staff finds that impacts upon these and other facilities are negligible when considering that the County is not proposing new zoning areas, but simply equal or less density in the area.

- (B) Police and fire protection and emergency medical service

See criteria 3(A) finding above.

- (C) Solid waste collection

See criteria 3(A) finding above.

- (D) Water and wastewater facilities

See criteria 3(A) finding above.

- (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.

The zoning amendment proposes densities of equal or lesser value. No added impacts will emerge from this map amendment.

- (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.

The proposed change will not over-intensify the use of the land. The land subject to the development rights has already been assessed for septic approvals (See Owner Comments provided by Jay Egan). In addition the County's Soils survey conducted in 1988 identifies upland areas in this vicinity. This fact is further supported by the Ecological study & wetland delineation performed on behalf of Karl Muller (See Exhibits 5 & 8), and the 1984 Appendix A of the Clatsop County Comprehensive Plan adopted by ordinance 84-05. The down zone over the Cranberry bogs identifies the areas as peat soils, not suitable for development but highly suitable for the cultivation of cranberries. These peat soils identified in the County's Goal 5 element are identified as excellent soils for the cultivation and harvest of cranberries. Furthermore this is a permitted use in the Lake & Wetland zone. The Zoning in the area is subject to upland portions and low-lying areas and is reflected in the County's Comprehensive Zoning map. The proposal is compatible with the overall zoning pattern in the area.

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

The intent of this amendment is to place the suitable zoning for the particular use on the property most suited to handle that use. Peat soils are not suitable for development, Gearhart and Templeton Loams are suitable for development; therefore the logical result is to zone peat soils LW (not suitable for development), and sandy and silt loams RA (suitable for development).

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

According to the Goal 5 and Goal 17 elements of the County's Comprehensive Plan the highest and best use for peat soils (Brallier Muck) identified in the Delmore Loop / Cullaby Lake area is agriculture, particularly cranberry cultivation and wetland vegetation important to wetland animals particularly avifauna, and grazing lands for elk.

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

The health, safety and general welfare of Clatsop County will be better served with the increased water capacity. Furthermore the development on the uplands portions should have far less impact than development in the current RA areas. In addition the proposed development will have to satisfy current development standards, which require wetland delineations through DSL, Septic Approval through DEQ, and a Geologist Report to indicate soil suitability for the proposed use. Staff finds that the proposed use should provide a higher level of health, safety, and general welfare to the lands and parcels described in this proposal; as well as protection for integral wetland habitat and connectivity for wetland species.

Conclusion

Staff concludes that the proposed zone change better services the Delmore Loop area and cranberry bogs. The proposal correctly identifies the areas best suited for development and correctly identifies the areas best suited for cranberry cultivation. Furthermore the County has the support of all property owners and their respective representatives identified in this report.

Staff finds that consistency with state wide planning goals has been met through compliance with the county's adopted Comprehensive Plan and Goal 5 and 17 Elements and Background reports that clearly identify the proposal area and do not indicate that the development of these areas should be restricted or preserved. In fact the Goal 5 & 17 elements speak to the preservation of the Brallier Muck, this proposal identifies the areas identified in the Duncan Thomas report of 1982 and the County Soils Survey of 1988 and places the Brallier muck soils into a conservation zone, while transferring the development densities to areas better suited to handle the development.

Staff recommends the Planning Commission Recommend the adoption of the proposed zone change and map amendments as depicted in Exhibit 1, Map "A" to the Board of Commissioners for ratification.

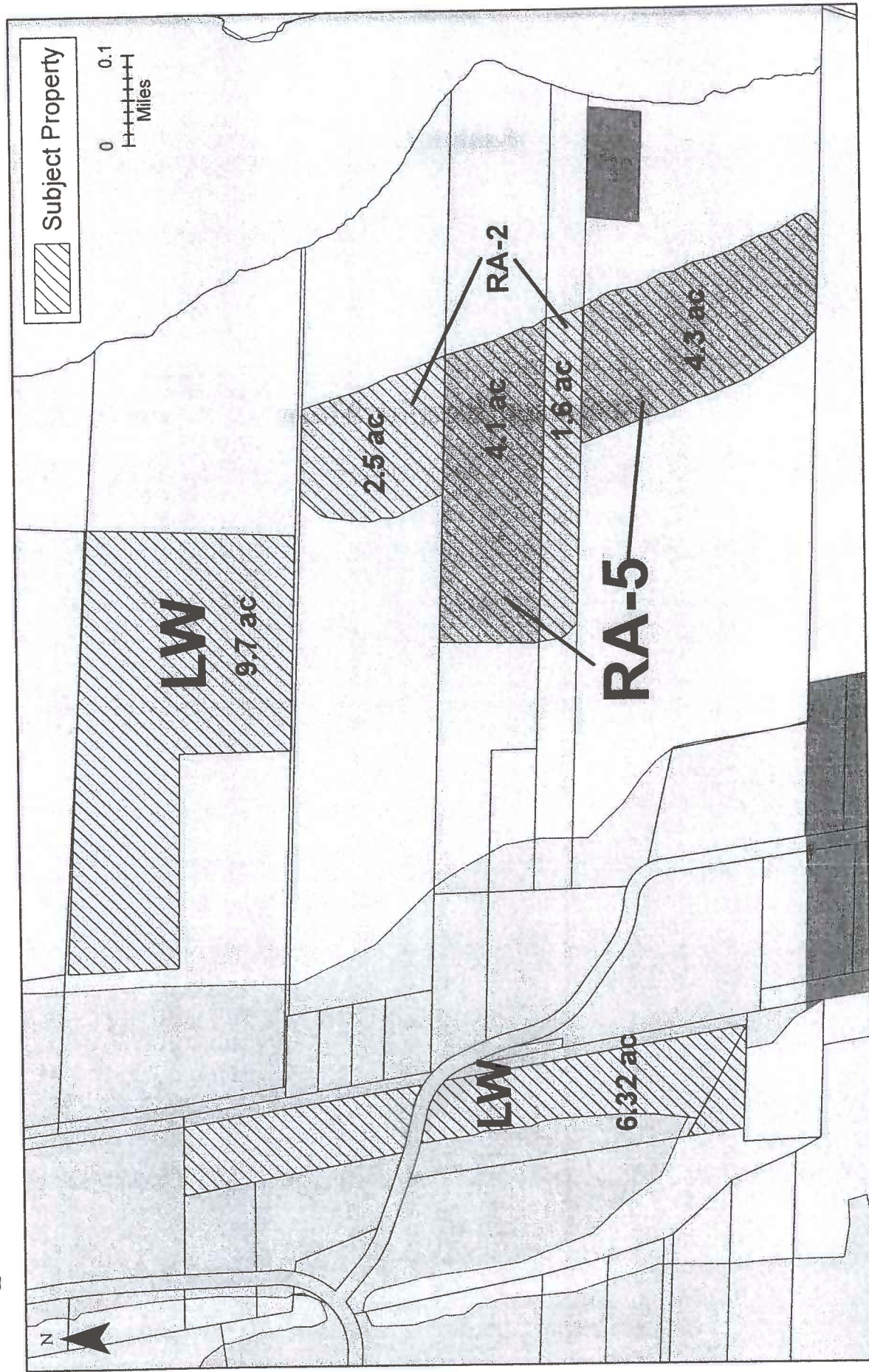


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Exhibit I.

Proposed Rezone Maps

Proposed Re-Zoning

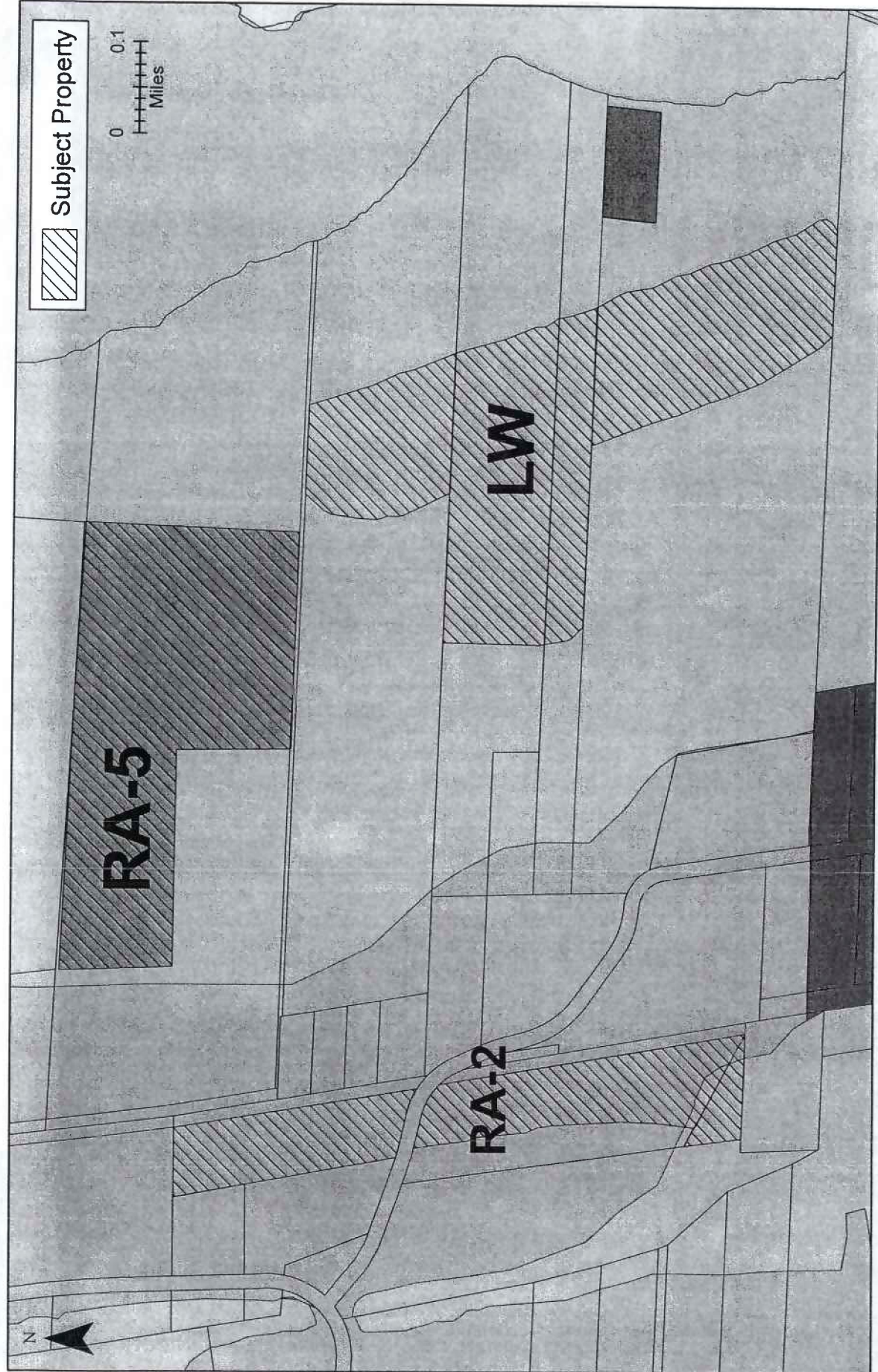


This map was produced using Clatsop County GIS data. This data is maintained by Clatsop County to support its governmental activities. Clatsop County is not responsible for any map errors, possible misuse, or misinterpretation.

Prepared By:
Clatsop County
Transportation & Development Services
800 Exchange Street, Ste 100
Astoria, OR 97103

August 4, 2008

Current Zoning



Prepared By:
 Clatsop County
 Transportation & Development Services
 800 Exchange Street, Ste 100
 Astoria, OR 97103
 August 4, 2008



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 governmental activities. Clatsop County is not responsible
 for any map errors, possible misuse, or misinterpretation.

Aerial View of Subject Property



Prepared By:
Clatsop County
Transportation & Development Services
800 Exchange Street, Ste 100
Astoria, OR 97103
August 4, 2008

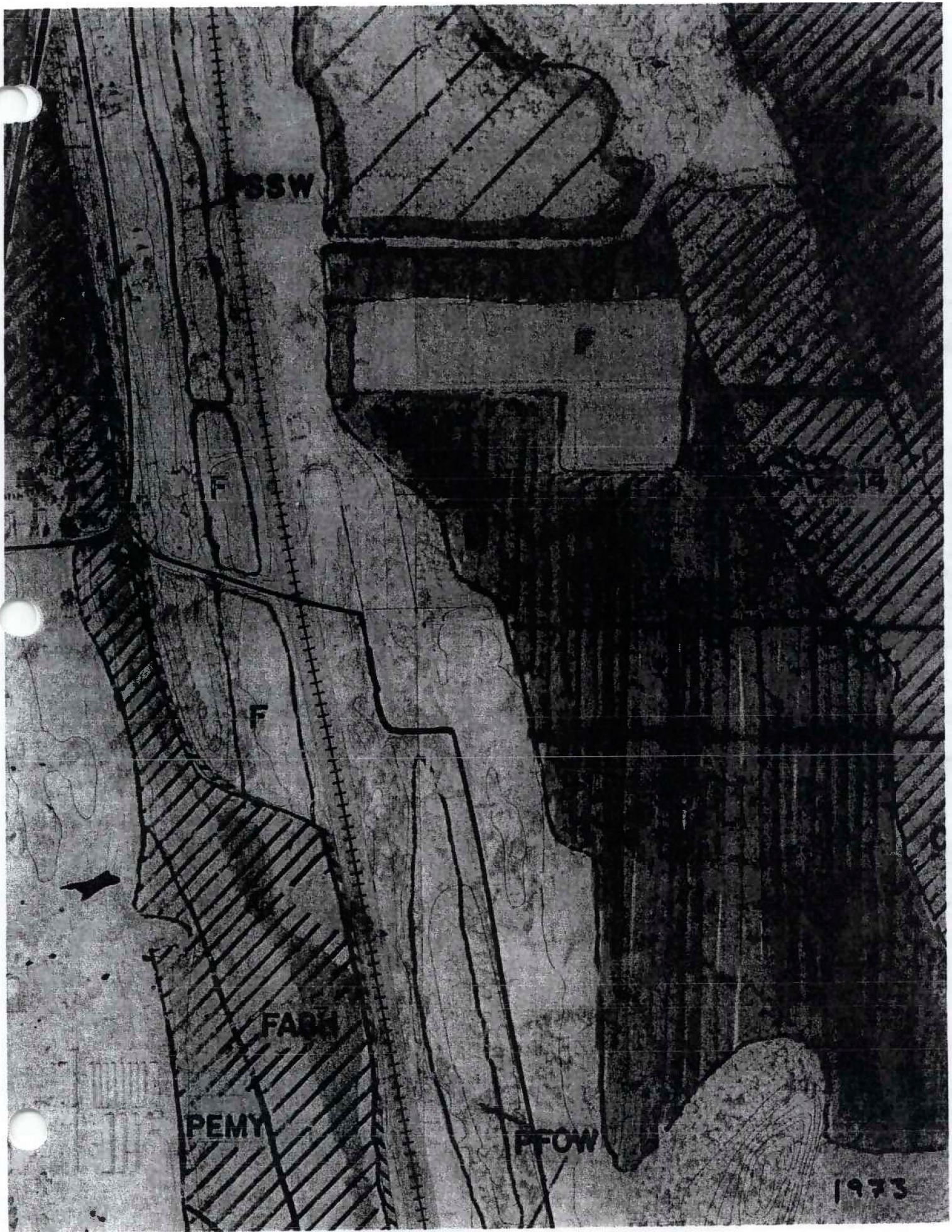


This map was produced using Clatsop County GIS data.
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Exhibit II.

Historical Maps





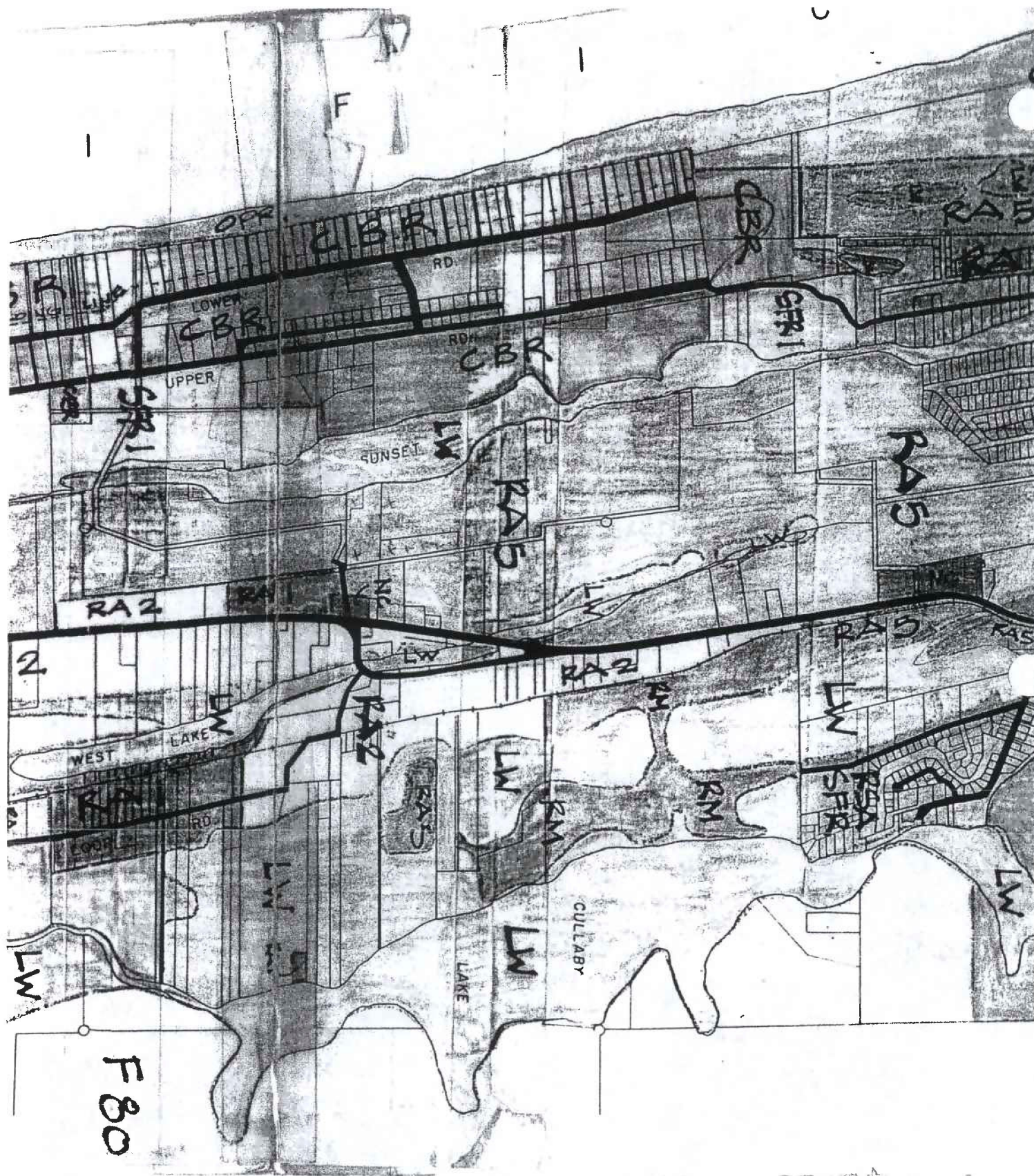
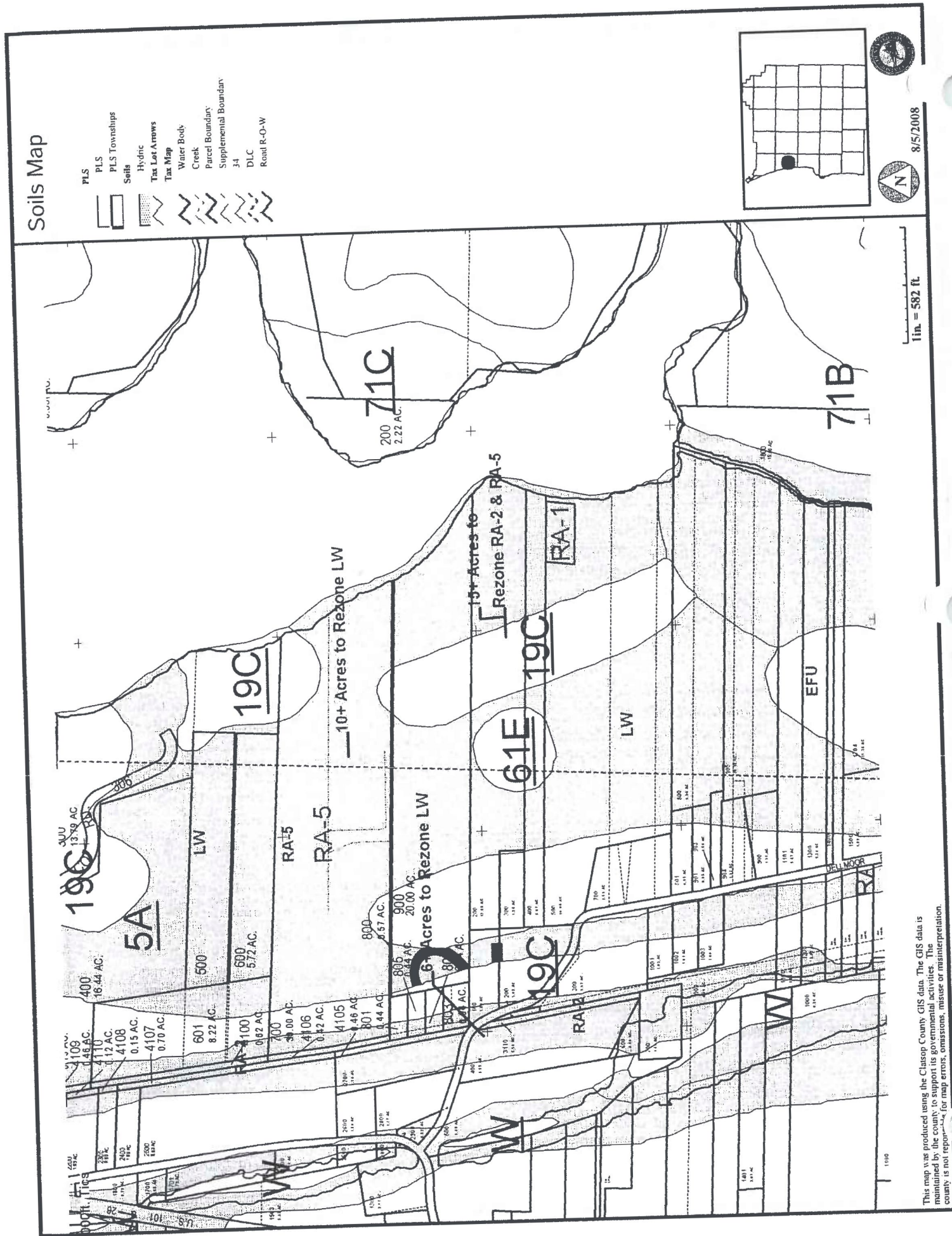


Exhibit III.

Soils Maps



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

Exhibit IV.

Public Notices & Comments

**NOTICE OF PUBLIC HEARINGS
CLATSOP COUNTY PLANNING COMMISSION**

Notice is hereby given that the Clatsop County Planning Commission will conduct public hearings starting at 10:00 AM on Tuesday, August 12, 2008, at the Judge Guy Boyington Building located at 857 Commercial St, Astoria, Oregon 97103 to consider the following requests:

1. Quasi-Judicial Hearing in regards to the Donohue Variance Request continued from the July, 8, 2008 Public Hearing before the Planning Commission.
2. Legislative (Map) amendments to the Clatsop County Comprehensive Plan Zoning Map proposed by Clatsop County and associated property owners. The County is proposing to rezone approximately 17 acres of Residential Agriculture 2 & 5 (RA-2 & RA-5) Zone to Lake and Wetland Zone (LW), & rezoning approximately 15 acres of LW Zone to RA-2 & RA-5 Zones.

A copy of the applications, all documents and evidence submitted by or on behalf of the applicants may be reviewed in the Clatsop County Community Development Department at 800 Exchange Street, Suite 100, Astoria, Oregon at no cost and may be obtained at reasonable cost. The staff reports for these matters may be inspected at no cost or obtained at reasonable cost seven (7) days prior to the hearings. Parties are invited to express their opinions for or against the proposals in person at the hearings or by letter addressed to the Clatsop County Planning Commission Chair, 800 Exchange Street, Suite 100, Astoria, OR, 97103. Letters may also be faxed to (503) 338-3666. The County must receive written comments by 9AM on August 12, 2008. Letters received after this date and time may not be included in the record and may not be considered by the Planning Commission. At the culmination of these public hearings, the Planning Commission will make recommendations to the County Board of Commissioners to approve, approve with modifications, or deny each request. Please contact Michael Weston, Clatsop County Planner, at (503) 325-8611 for more details on these land use matters.

Publication date: Thursday, August 7, 2008



CERTIFICATE OF MAILING

I hereby certify that I served a copy of the attached **Notice of Public Hearing** for a Zoning Map Amendment requested by Clatsop County, Karl Muller, Jay Egan, Ken Wolsiffer, to those listed on the attached pages with postage paid and deposited in the post office at Astoria, Oregon on this 24th Day of July.

Michael Weston II, Planner
COMMUNITY DEVELOPMENT DEPT.

Hunter Alta M
10585 S New Era Rd
Canby, OR 97013
71022CB00500

Owen Hansmeier Marie M
155 Independence Way
Independence, OR 97351
71022B000800

Collins William C Jr/Joy Ann
2702 Oak Knoll Dr
Rossmoor, CA 90720
71022CB00600

Banks Mike/Karen E 1/2
508 Kensington
Astoria, OR 97103
710220000200

Benson David L
89347 Dellmoor Lp
Warrenton, OR 97146
71022D001500

Huddleston Eric J/Lisa A
89504 Dellmoor Lp
Warrenton, OR 97146
71022C000700

Beatty Harold Roy
89547 Hwy 101
Warrenton, OR 97146
71022C001500

Ward Thomas A/Kara Jo
89614 Dellmoor Lp
Warrenton, OR 97146
71022C000500

Greenawald Keith
89675 Old Bog Rd
Warrenton, OR 97146
710220000803

Como Pauline Kay
89725 Hwy 101
Warrenton, OR 97146
71022B001503

Vielmette Norman C Tr
1337 Harbour Dr
Mesquite, NV 89027
71022D000400

Flukinger John F/Sandorah J
1679 Huckleberry Dr
Seaside, OR 97138
710220000900

Neikes James J
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71022D001400

Kehoe Bernice G 1/4
850 Powell St #Apt 401
San Francisco, CA 94108
71022D001800

Mai Hiep /Corina S
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71022DC00100

Johns Chongnak Trustee
89516 Johns Rd
Warrenton, OR 97146
71022D001000

Anderson Susan/Lloyd
89595 Dellmoor Loop
Warrenton, OR 97146
710220000800

Hammond John D/Donna
89654 Dellmoor Lp
Warrenton, OR 97146
71022CB00100

Hall Donald J/Carla
89700 Hwy 101
Warrenton, OR 97146
71022B001100

Dale Jackson M/Ruth E Co-tr
89731 W Anderson Rd
Warrenton, OR 97146
71022B002600

Hermanson James/Sharon 1/2
1355 SW Ridge Rd
Warrenton, OR 97146
71022CB00300

Benson Leif Eric
25821 E Bright Ave
Welches, OR 97067
71022B001300

Shortman Gabriel E
423 Woodland Ave
Gearhart, OR 97138
71022D000801

Newby Steven L/Emalee A
89346 Dellmoor Lp
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Strain Ronald M/Verna Eileen
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71022D000700

Horn Marvin R
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71022C001401

Budnick Martin A/Lynette D
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Warrenton, OR 97146
71022CB00700

Scott Gary Dean
89657 Hwy 101
Warrenton, OR 97146
71022CB00200

Anderson Eric Woodrow
89723 Old Bog Rd
Warrenton, OR 97146
710220000700

Muller Karl T/ Joyce A
89736 Seales Rd
Warrenton, OR 97146
71022D000100

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710220004107

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Gearhart, OR 97138-2371
71022CB01500

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Gearhart, OR 97138
71022D001704

Quashnick Richard S/Donna L
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Ocean Park, WA 98640
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Winsor Ralph E/Billie J
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Seaside, OR 97138
71022C000200

Dept. of Envirn. Quality
65 N. Hwy 101, Suite G
Warrenton, OR 97146

Cary Johnson
37751 Hwy 30
Astoria, OR 97103

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89777 Anderson Rd
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71022B002500

Shade Patricia Mae
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Egan Jay L
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Price David
PO Box 2265
Gearhart, OR 97138
71022C001000

Chopping Judhi M
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Gearhart, OR 97138
71022CB01300

Rippet Edward J/Betty L
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Gearhart, OR 97138
71022C001300

Page William G/wendy M
PO Box 537
Warrenton, OR 97146
71022D000800

Weyerhaeuser Company, Tax
Dept. CH1C28
PO Box 9777
Federal Way, WA 98063-9777
710230000100

CREST
750 Commercial Street Room #
205
Astoria, OR 97103

Brian Pogue
35106 Hwy 26
Seaside, OR 97138

Sauer John Charles
9230 SW Apache Dr
Tualatin, OR 97062
71022B000900

Simonsen Colleen A/Howard W
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Hammond, OR 97121
71022B001400

Turnow Margaret E Living Trust
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Gearhart, OR 97138
71022C001200

White Christopher G/Rebecca L
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Gearhart, OR 97138
71022C001600

Wing Don/Teri
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Warrenton, OR 97146
710220000801

Williams Kayleen L/Arbra
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Seaside, OR 97138
71022B001501

Flynn Dorothy B
PO Box 745
Seaside, OR 97138
71022DC00300

Laren Woolley, DLCD - Oregon
Coast
2226 N. Coast Highway, Box 320
Newport, OR 97365

Clatsop Soil & Water
Conservation District
750 Commercial Room 207
Astoria, OR 97103

Christine Bridgens
1255 SW 9th ST.
Warrenton, OR 97146

Mike Autio
93750 Autio Loop
Astoria, OR 97103

Clatsop County
Transportation & Development, Planning Div.
800 Exchange Street, Suite 100,
Astoria, OR 97103

ph: 503-325-8611
fx: 503-338-3666
em: comdev@co.clatsop.or.us
www.co.clatsop.or.us



NOTICE OF PUBLIC HEARING BEFORE THE CLATSOP COUNTY PLANNING COMMISSION

In The Matter of Ordinance 08-XX, an Ordinance Amending the Comprehensive Plan/Zoning Map. The map amendment will correct a mapping error that incorrectly identifies cranberry bogs as developable land (RA-5) and an upland portion south of the bogs as Lake & Wetlands (LW). The Properties are located to the northeast of Delmore Loop Rd and are identified as: Parcel 1 & 2 (Cranberry Bogs): 89723 Old Bog Rd T7N, R10W, Sec 22, TL 700 & T7N, R10W, Sec 22B, TL 2700 and Parcel 3 at 89595 Delmore Loop T7N, R10W, Sec 22C TL 400; Parcels 4, 5, & 6 represent uplands areas and are located at: 89736 Seales Rd. Identified as T7N, R10W, Sec 22D, TLs 200, 400, & 500.

For more information see description on top of Page 2.

DATE OF HEARING:	August 12 th , 2008
TIME:	10:00 am
LOCATION:	Judge Guy Boyington Building, 857 Commercial Street, Astoria, Oregon 97103
CONTACT PERSON:	Michael Weston II, Clatsop County Planner

You are receiving this notice because you either own property within 750 feet of the property that serves as the subject of the land use application described in this letter, or you are considered to be an affected state or federal agency, local government, or special district. A vicinity map for the subject property is attached.

NOTICE IS HEREBY GIVEN that the Planning Division of Clatsop County's Department of Transportation and Development has scheduled a public hearing on this matter before the Planning Commission at 10:00 AM on Tuesday, August 12th, 2008 at the Judge Guy Boyington Building, 857 Commercial St, Astoria, OR 97103.

Interested persons are invited to testify in person by attending the hearing, or they 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 Tuesday, August 11th, 2008** in order to be presented by Staff for submittal at the August 12th, 2008 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.

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

****THE LAND USE APPLICATION DESCRIBED****

In 1979 a County Wide Land Assessment was performed by Duncan Thomas, the report submitted to the County was used for assessing County lands to determine the highest and best use. The Countywide Land assessment performed by Duncan Thomas was the basis for the County's Comprehensive Plan Zoning Map. In the Duncan Thomas report an area behind Section 22 "D", Tax Lot 700 was identified as being upland with the highest and best use being a Single Family Dwelling. Through the evolution of the County's Zoning Map the area in question was incorrectly identified on Section 22, Tax Lot 700 located to the North of the intended site. Furthermore, the area incorrectly identified as potential developable land is under approximately 2-3 feet of water, and used for the cultivation of Cranberry's. Upon a site investigation conducted by Staff on July 14th, 2008 it was apparent the areas were incorrectly identified, and that a map error had occurred.

This matter was brought to the attention of County Staff after an ecological study had been performed in the area on Karl Muller's Property identified as Section 22D, TL 500 directly east of Section 22D, TL 700; in addition the owners of the Cranberry Bogs located on Section 22, TL 700 submitted a claim that their property was being assessed as developable land and not farm or wetlands. The owners of the Bogs requested the County correct the Map error and zone their property accordingly.

In response to these requests the County is proposing to exchange zoning and correct the map error, placing the area currently zoned as Residential Agriculture-5 (RA-5) & (RA-2), South onto Tax Lots 200, 400, & 500 currently in the ownership of Jay Egan (TL 200), The Norman Vielmette Trust (TL 400), and Karl & Joyce Muller (TL 500). These are the parcels identified as having uplands areas. In addition the County will rezone the area on tax lots 700, 2700, & 400 owned by Eric & Susan Anderson and Ken Wolsiffer as Lake and Wetland, which will permit the continuation of cranberry harvesting on the parcels.

A Map has been provided on Page 3 to assist in identifying the Subject areas.

The following criteria from Clatsop County Land and Water Development and Use Ordinance (LWDUO) apply to the request: §2.030 (Type III Procedures for Land Use Applications), §2.105-§2.125 (Notice Requirements for Public Hearings), §2.300 (Legislation), § 3.200 (Residential Agriculture 2 acre), §3.220 (Residential Agriculture 5 acre), §3.610 (Lake & Wetland), §5.400 (Zone Changes), & §5.350 (Transportation System Impact Review).

In addition the following elements of Clatsop County's Standards Document apply to the request: Chapters 1-3 (Site Oriented Development), Chapter 4 (Environmental Protection), Chapter 5 (Vehicle Access Control and Circulation).

In addition, the following elements of the Clatsop County Comprehensive Plan apply to the request: Goal 1 (Citizen Involvement), Goal 2 (Land Use Planning), Goal 3 (Agricultural Lands), Goal 5 (Natural Resources, Scenic and Historic Areas and Open Spaces), Goal 6 (Air, Water, and Land Quality), Goal 7 (Natural Disasters and Hazards), Goal 8 (Recreational Needs), Goal 9 (Economic Development), Goal 10 (Housing), Goal 11 (Public Facilities & Services), Goal 12 (Transportation), Goal 13 (Energy Conservation), Goal 14 (Urbanization), Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands) and the Clatsop Plains Community Plan.

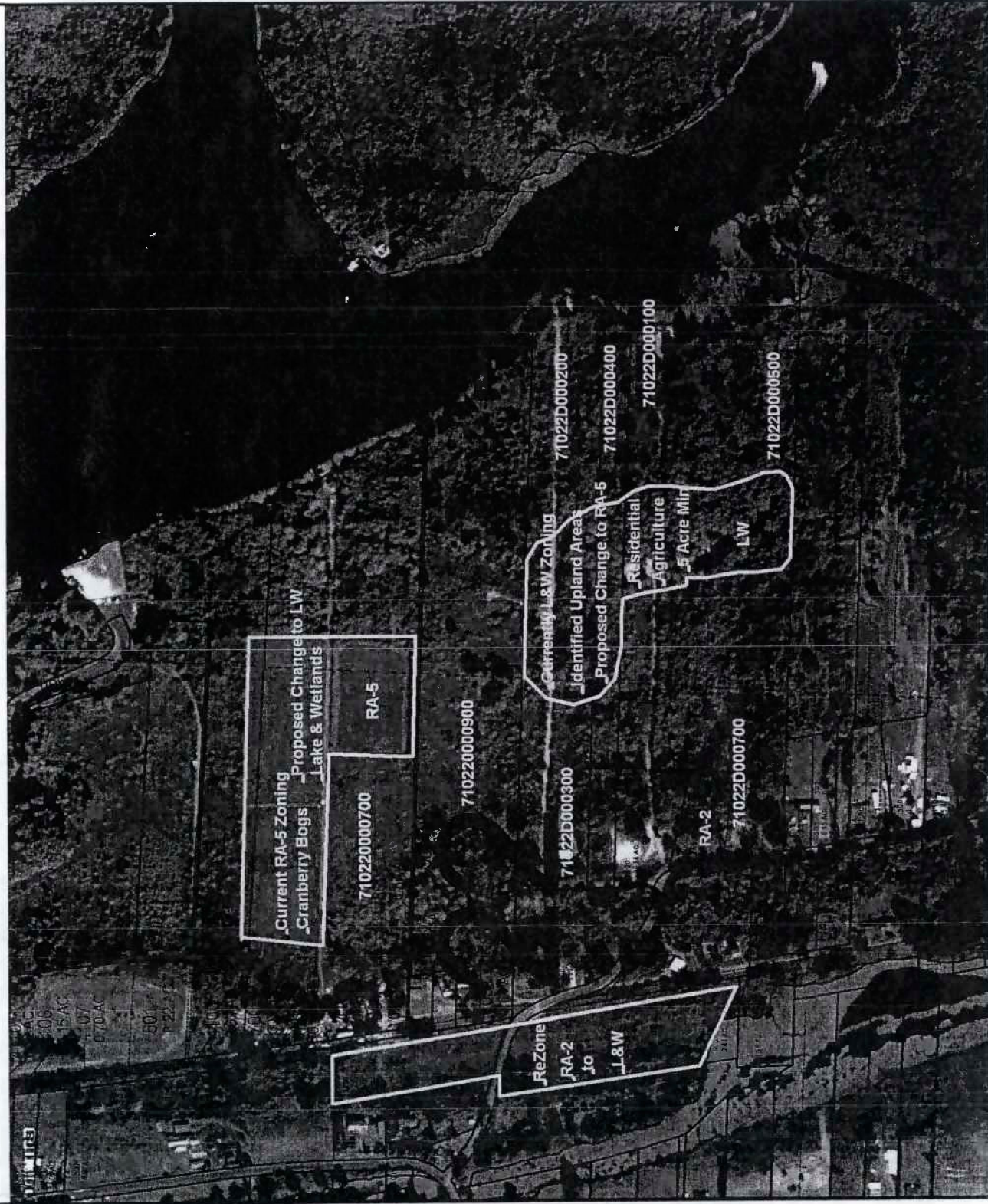
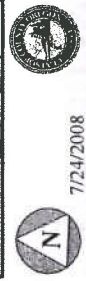
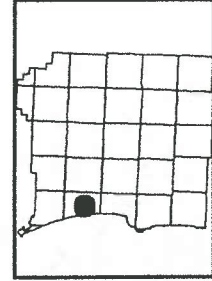
These documents are available for review at the Clatsop County Planning Office, 800 Exchange Street, Suite 100, Astoria, Oregon and on-line at the county's website, www.co.clatsop.or.us.

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at the Planning Office during normal business hours (M-F, 8-5) at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at the Clatsop County Planning office at no cost at least seven days prior to the hearing and will be provided at a reasonable cost.

If you have questions about this land use matter or need more information, please contact Michael Weston II, Clatsop County Planner, at (503) 325-8611 or via email at mweston@co.clatsop.or.us.

Clatsop County Map

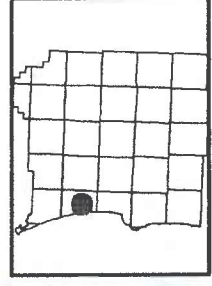
- PLS
- PLS
- PLS Townships
- Tax Lot Arrows
- Tax Map
- Water Body
- Creek
- Parcel Boundary
- Supplemental Boundary
- 34
- DLC
- Road R.O.W



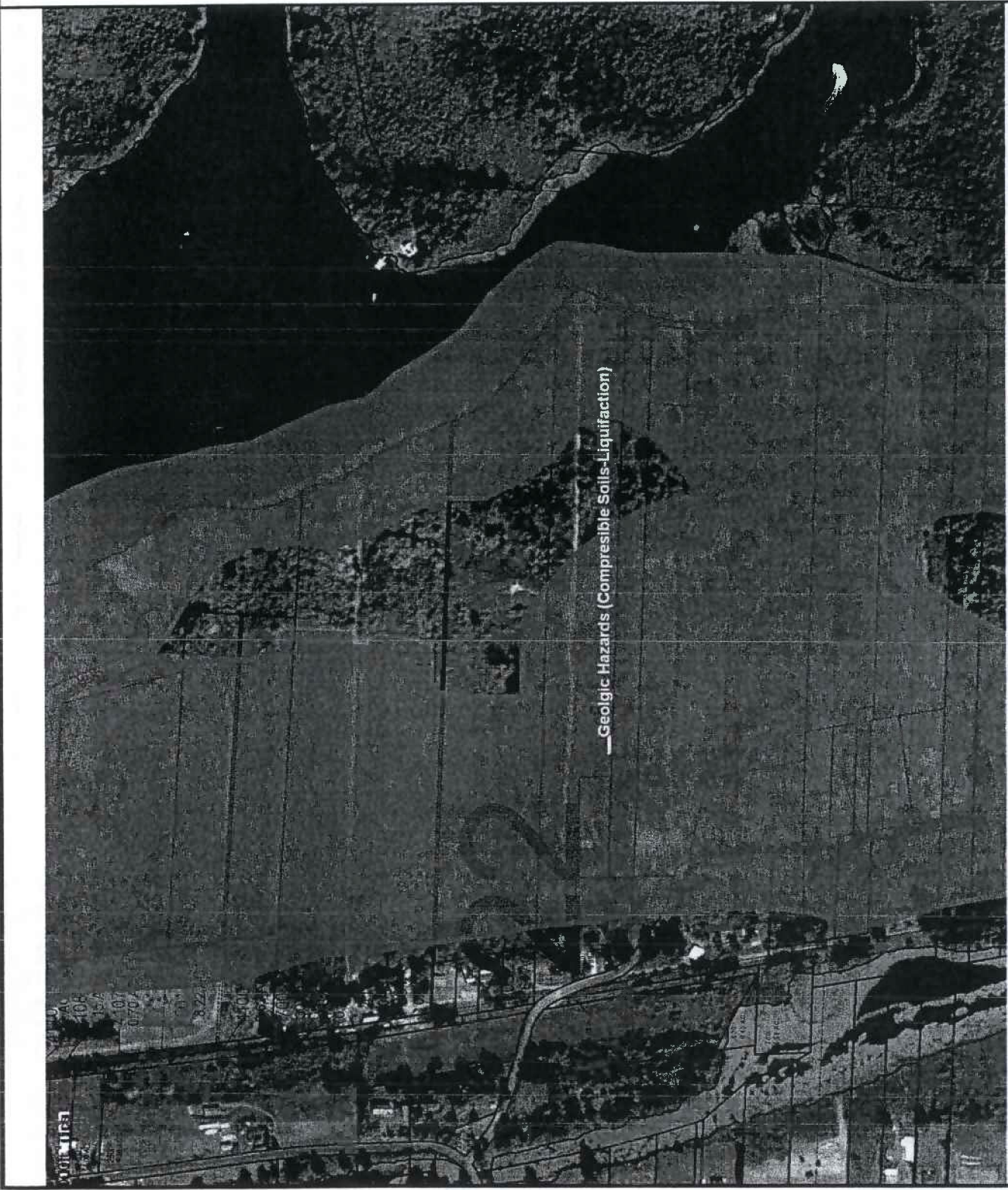
This map was produced using the Clatsop County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

Clatsop County Map

- PLS
- PLS
- PLS Townships
- Tax Lot Arrows
- Tax Map
- Water Body
- Creek
- Parcel Boundary
- Supplemental Boundary
- 34
- DLC
- Road R-O-W



7/24/2008



Geologic Hazards (Compressible Soils-Liquifaction)

1 in. = 532 ft

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

Exhibit V.

Ecological Study

Jurisdictional Wetland Delineation Report

For

**Cullaby Lake Property
Clatsop County, Oregon**

Prepared For:

Karl Muller
402 Wisconsin Trail
Browns Mills, NJ 08015
(609) 735-0723

Prepared By:

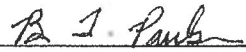
Ecological Land Services, Inc.
1157 3rd Avenue, Suite 220
Longview, WA 98632
(360) 578-1371

September 13, 2007

ELS Project # 1654.01

SIGNATURE PAGE

The information and data in this report were compiled and prepared under the supervision and direction of the undersigned.



Brian Paulsen
Biologist



Steffanie Taylor
Biologist

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B) WETLAND/CRITICAL AREAS	1
C) DESCRIPTION OF SITE ALTERATIONS	2
D) SITE SPECIFIC METHODS FOR FIELD INVESTIGATION	2
E) EXPLANATION OF DEVIATION FROM LWI MAPPED WETLANDS	3
F) METHODS USED TO DETERMINE EXTENT OF OTHER WATERS OF THE STATE	3
G) ADDITIONAL INFORMATION TO AID IN STATE JURISDICTION	3
H) WETLAND BOUNDARY AND DATA PLOT MAPPING METHOD AND ACCURACY	3
I) DATE OF THE FIELD INVESTIGATION	3
J) PRECIPITATION INFORMATION	3
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Figure 4 – Soil Survey Map
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ROUTINE ON-SITE WETLAND DETERMINATION DATA FORMS

APPENDICES

Appendix A – Site Photographs
Appendix B – Precipitation Information
Appendix C – References
Appendix D – Supplemental Information

Introduction

Ecological Land Services, Inc. (ELS) was contracted by Karl Muller to complete jurisdictional wetland delineation on property south of Warrenton, Oregon, identified as Tax Parcel No. 71022D000500. The site is located west of the south end of Cullaby Lake and east of Dellmoor Loop in the NW ¼ of Section 22, Township 7N, Range 10W, W.M. (Figure 1). The study area subject to this wetland delineation is located in the north-central portion of the parcel as shown on the attached figures. The purpose of the wetland delineation was to determine if an upland area existed for a potential building site for a single family home. Field work was conducted on August 22, 2007. Clatsop County does not regulate wetlands at this time.

A) Subject Property Description

The site is a single parcel estimated to be 26.58 acres located east of Dellmoor Loop and west of the south end of Cullaby Lake, south of Warrenton, Oregon (Figures 1-5). Currently one home is being built on a separate one acre lot on the northeast border of the subject property. Cullaby Lake borders the parcel on the east and residential areas border on the north, south, and west. The site is accessed by a gravel driveway off of Dellmoor Loop. Topography is generally flat with higher elevation located in the central region of the parcel. A low ridge extends north-south in the central portion of the property and appears to be an old sand dune or sand deposit. Soils are sandy in this area unlike the surrounding peat and muck dominated soils. The wetland in the vicinity of the study area is approximately two feet lower in elevation than the adjacent upland. The property's historical use is unknown. Surrounding land use includes residential areas and farmed cranberry bogs. Fishing and boating activities occur on Cullaby Lake. According to the property owner, the sand dune/sand deposit on-site has been actively mined over the last few decades. There are all terrain vehicle trails traveling through study area that have been maintained by the owner.

B) Wetland/Critical Areas

Wetlands predominate most of the property which is due to the close proximity to Cullaby Lake and seasonal flooding in areas of lower elevation. Soil investigations conducted at the east end of the property outside the study area revealed peat dominated soils greater than 2 feet in depth. Areas that appeared to be upland based on vegetation were located over the peat and may meet criteria to classify the area as a bog; however, no species indicative of a bog were readily observed. East of the proposed building site within the study area, the wetland was dominated by mostly mature coniferous trees with a scrub-shrub dominated understory, little ground cover, and peat soils. The wetland transitions to a scrub-shrub dominated depressional wetland with mucky soils in the western portion of the study area. The wetland system extends off-site outside of the study area boundary and the property boundaries to the north, south, and west. The entire wetland system is likely more than 100 acres in size and is associated with various small lakes and depressions in the surrounding landscape.

C) Description of Site Alterations that may have affected any waters of the state on-site

The property's historical use is unknown. The site access road was constructed prior to the current property owner purchasing the property. This access road bisects the wetland and may decrease the hydraulic flow between both sides of the wetland. The property owner stated that water levels in Cullaby Lake are controlled by a gate which caused flooding during the past year. The man-made water level fluctuation within the lake may influence water levels within the wetland area surrounding the study area. A combination of soil compaction/disturbance from all terrain vehicle use and heavy equipment as well as vegetation removal and slash burning has altered the vegetation growth and soil coloration in the upland within the study area resulting in the soil displaying hydric characteristics and establishment of hydrophytic vegetation.

D) Site Specific Methods for field investigation

Vegetation, soils, and hydrology data were collected from five test plots in the study area to verify the presence or absence of wetland areas. Test plot sites were selected in areas where vegetation appeared to be native or had relatively little disturbance and within areas that appeared to best represent site conditions. Recent aerial photographs, the National Wetland Inventory (NWI), and soil survey data were also consulted. ELS field data is recorded on data sheets located in Appendix A.

Vegetation

Vegetation samples representative of species found in the upland and wetland sample plot sites are documented on the attached data sheets. Dominant wetland vegetation includes Sitka spruce (*Picea sitchensis*, FAC), red alder (*Alnus rubra*, FAC), Hooker willow (*Salix hookeriana*, FACW-), softrush (*Juncus effusus*, FACW), slough sedge (*Carex obnupta*, OBL) and false lily-of-the-valley (*Moranthemum dilatatum*, FAC). Dominant upland vegetation includes Western hemlock (*Tsuga heterophylla*, FACU-), red elderberry (*Sambucus racemosa*, FACU), and evergreen blackberry (*Rubus laciniatus*, FACU+).

Soils

The U.S.D.A. Natural Resource Conservation Service (NRCS), *Soil Survey of Clatsop County, Oregon* (1988) designates the soils on-site as Gearhart fine sandy loam Soil, 3 to 15 percent slopes (19C) and Bergsvik mucky peat, 0 to 1 percent slopes. The Gearhart fine sandy loam series are described by very deep, somewhat excessively drained soils on stabilized dunes that formed in eolian sand deposits. The Bergsvik series are described as very deep, very poorly drained organic soils that form in sand by decomposing herbaceous plant material. Profile samples recorded within the wetland area on-site exhibited poorly drained characteristics including low chromas and the presence of peat. Bergsvik mucky peat is listed on the hydric soils list for Oregon (2007) The Gearhart fine sandy loam is not considered to be a hydric soil. The on-site soils were consistent with the soil survey description.

E) Explanation of Deviation from NWI Mapped Wetlands

The National Wetland Inventory Map (NWI) for the subject property depicts inland palustrine emergent temporarily flooded (PEMA), palustrine scrub-scrub seasonally flooded (PSSC), palustrine forested seasonally flooded (PFOC), and lacustrine limnetic unconsolidated bottom permanent (LIUBH) (Figure 3). ELS field observations found that there is an upland island significantly different in soil properties, hydrology, and general topography than the remainder of the property. ELS determined that this area does not meet wetland criteria mainly due to lack of hydrology.

F) Methods used to determine geographic extent of other waters of the state

Vegetation, hydrology, soil information was gathered from five test plots to determine the upland/wetland boundaries. Because portions of the study area were heavily disturbed from all terrain vehicles, heavy equipment, vegetation removal, and slash burning, elevation was the main factor in delineating the wetland boundary. Overall, the wetland was approximately 2 feet lower in elevation than the surrounding upland.

G) Additional information to aid in state jurisdiction

There is no additional information to supplement the State's review of the jurisdictional determination.

H) Wetland boundary and data plot mapping method and estimated accuracy

The wetland boundary was delineated on-site with consecutively numbered pink fluorescent flagging. At each numbered flag a GPS location was taken to accurately map the wetland boundary. The test plots were marked with numbered orange fluorescent pin-flagging and GPS coordinates were also taken. Accuracy of the GPS coordinates as indicated by the GPS unit was +/-10 feet. The mapped coordinates were reviewed onscreen preceding the delineation, and were consistent with the flagging locations.

I) Date of the field investigation

ELS evaluated the Cullaby Lake Property Site for critical areas on August 22, 2007 which included the determination of an upland area for a possible single family home site.

J) Precipitation Information

A trace of precipitation was measured for the Warrenton/Astoria area on August 22, 2007. Precipitation measurements for the preceding 2 weeks, beginning on August 9 and ending on August 22, equals 0.63 inches (NOAA 2007). The normal rainfall percentage for the August is 1.33 inches (NOAA 2007). The rainfall measurement of 0.63 inches is 47 percent of the total normal monthly precipitation.

K) Results and Conclusions

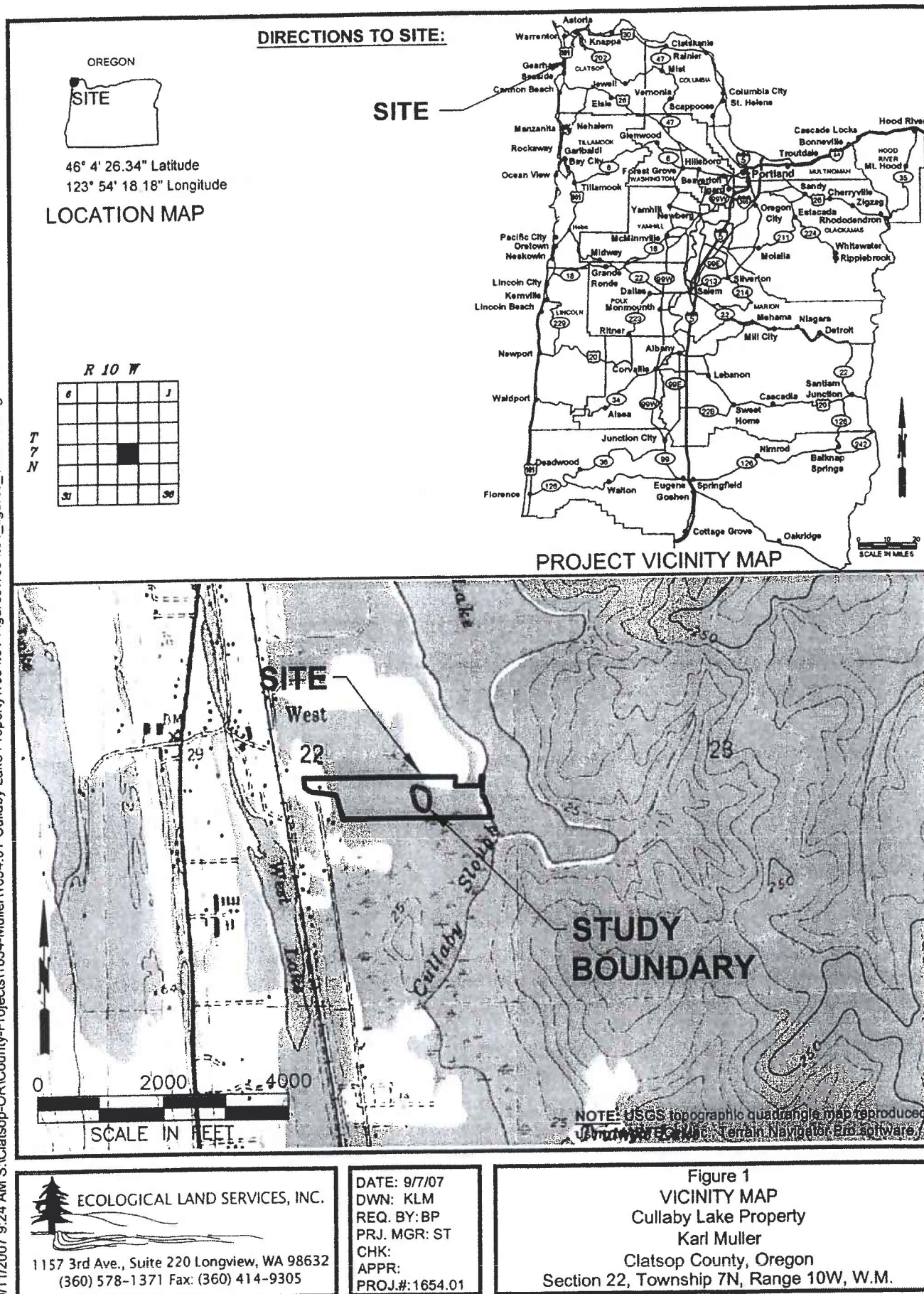
ELS delineated a portion of the boundary of an upland island within the study area centrally located on the subject property (Figure 5). The surrounding wetland system is approximately 2 feet lower in elevation and extends outside the study area and property boundary to the north, south and west. The entire wetland system is likely over 100 acres in size and is associated with various small lakes and depressions in the surrounding landscape. East of the proposed building site within the study area, the wetland was dominated by mostly mature coniferous trees with a scrub-shrub dominated understory, little ground cover, and peat soils. The wetland transitions to a scrub-shrub dominated depressional wetland with mucky soils in the western portion of the study area. The main functions of the wetland are flood storage, wildlife habitat, and water quality related functions. Portions of the wetland system may meet criteria to be classified as a bog; however, species indicative of a bog were not readily observed and a survey for these species was not part of the project scope. ELS field observations are inconsistent with the NWI map (Figure 3) having found an upland area within the study area. The compacted soil conditions in a portion of the study area from vehicular disturbance allow for the dominance of hydrophytic vegetation in parts of the upland area and accounts for the hydric characteristics observed in the soil. Clatsop County does not currently regulate wetlands; however wetlands cannot be filled or disturbed without the appropriate permits from Oregon Department of State Lands and US Army Corps of Engineers.

L) Disclaimer

This report documents the investigation, best professional judgment, and conclusions of Ecological Land Services, Inc. It is correct and complete to the best of our knowledge. It should be considered a Preliminary Jurisdictional Determination of wetlands and other waters, and used at your own risk until 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.

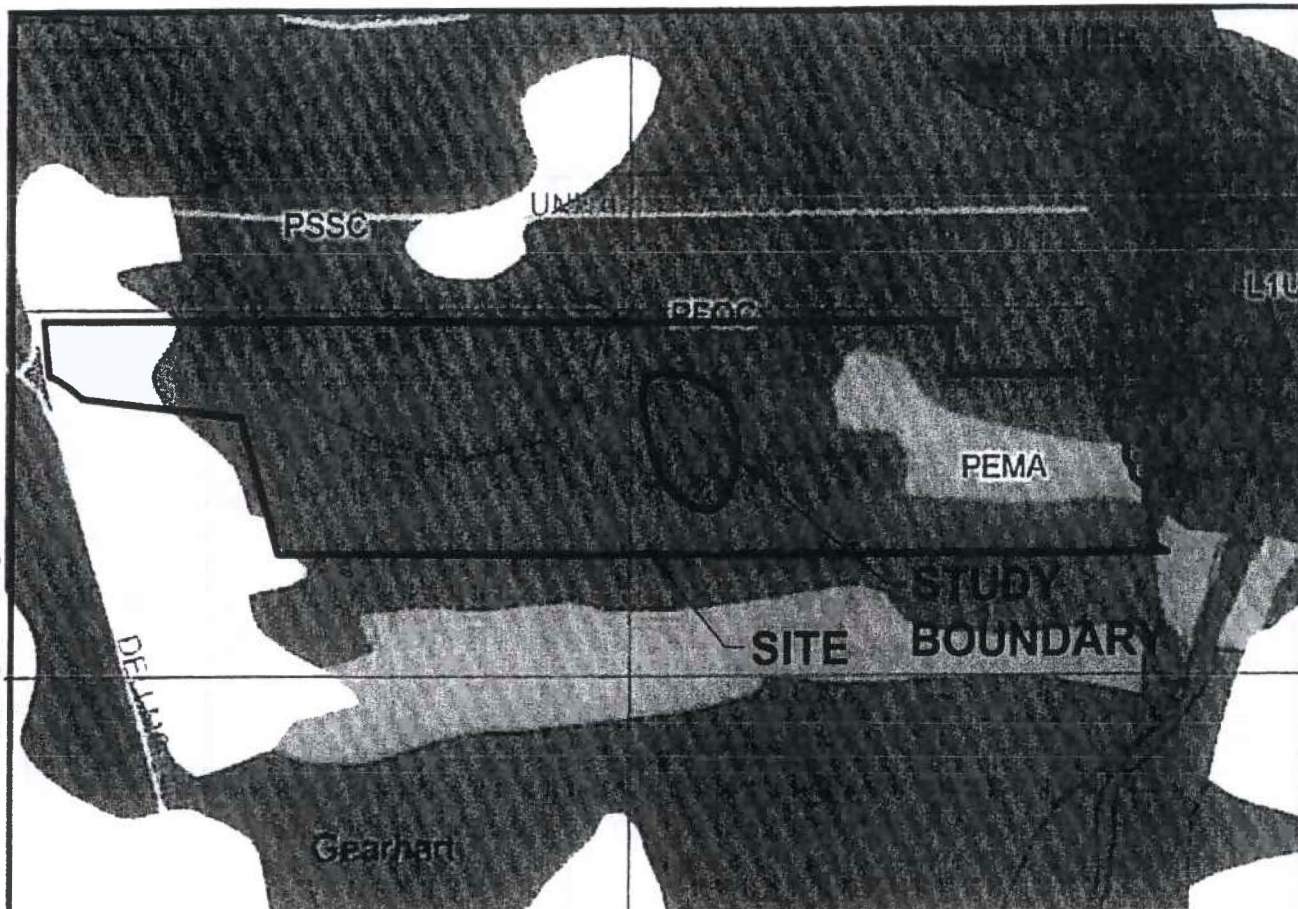
Figures

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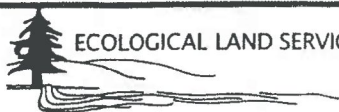
- PSSC - Palustrine, shrub-shrub, seasonally flooded.
PFOC - Palustrine, forested, seasonally flooded.
PEMA - Palustrine, emergent, temporarily flooded.
L1UBH - Lacustrine, limnetic, unconsolidated bottom, permanently flooded.

LEGEND:

-  Freshwater Emergent Wetland
 Freshwater Forested/Shrub Wetland
 Lake

NOTES:

1. Map provided on-line by US Fish & Wildlife Service at web address:
<http://www.wetlandsfws.er.usgs.gov/NWI/index.html>
2. Map not to scale. Property boundary location and size is approximate.

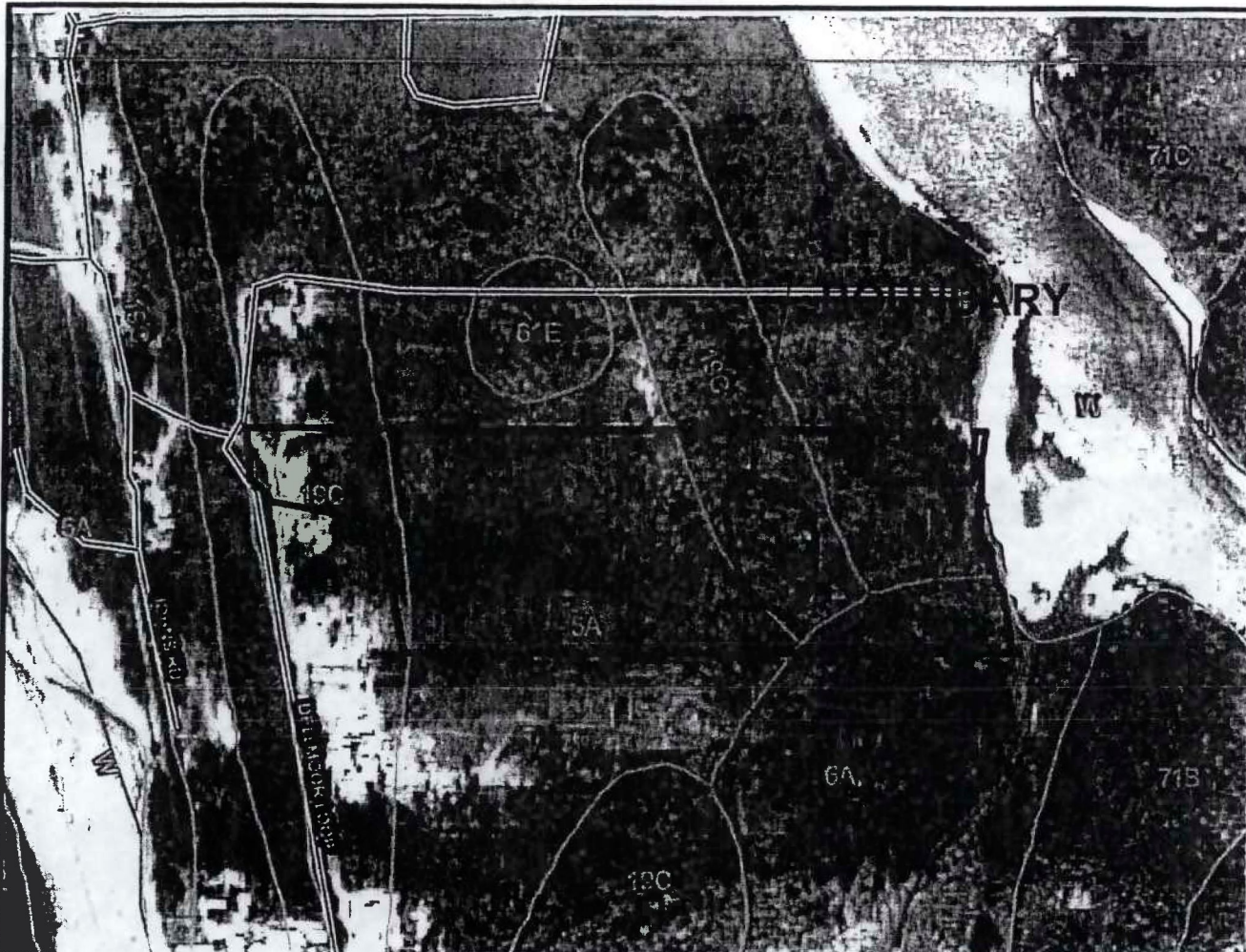


ECOLOGICAL LAND SERVICES, INC.
1157 3rd Ave., Suite 220 Longview, WA 98632
(360) 578-1371 Fax: (360) 414-9305

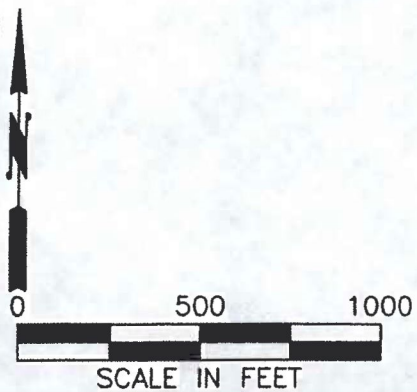
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PRJ. MGR: ST
CHK:
APPR:
PROJ.#: 1654.01

Figure 3
NATIONAL WETLANDS INVENTORY MAP
Cullaby Lake Property
Karl Muller
Clatsop County, Warrenton
Section 22, Township 7N, Range 10W, W.M.

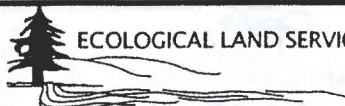
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5A - Bergsvik mucky peat, 0 to 5 percent slopes. Hydric.
6A - Brallier Mucky peat, 0 to 1 percent slopes. Hydric.
19C - Gearhart fine sandy loam, 3 to 15 percent slopes. Not hydric.



NOTE: Map provided on-line by NRCS at web address:
www.wa.nrcs.usda.gov/pnw_soil/wa_reports.html



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1157 3rd Ave., Suite 220 Longview, WA 98632
(360) 578-1371 Fax: (360) 414-9305

DATE: 8/30/07
DWN: KLM
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PROJ.#: 1654.01

Figure 4
SOIL SURVEY MAP
Cullaby Lake Property
Karl Muller
Clatsop County, Oregon
Section 22, Township 7N, Range 10W, W.M.

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LEGEND:

-  Property Boundary
-  Wetland
-  Study Boundary
-  TP-1 ● Test Plots
-  Existing Driveway
-  ① Photo Location and Direction

NOTES:

1. Base map from Google Earth™, 2007.
2. Wetland boundaries were mapped with a handheld GPS unit which indicated a ± 10 foot accuracy.

SEE DETAIL

Cullaby Lake

Cullaby Slough



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APPR:
PROJ.#: 1654.01

Figure 5
SITE MAP
Cullaby Lake Property
Karl Muller
Clatsop County, Oregon
Section 22, Township 7N, Range 10W, W.M.

Routine On-site Wetland Determination Data Forms

Cullaby Lake Property
Jurisdictional Wetland Delineation Report

Ecological Land Services, Inc.
September 13, 2007



ECOLOGICAL LAND SERVICES, INC.

1157 3rd Avenue, Suite 220, Longview, Washington 98632
(360)578-1371 FAX (360)414-9305
DATA FORM - Routine Onsite Wetland Determination
1987 COE Wetlands Delineation Manual
1997 Washington State Delineation Manual

Project Site: Cullaby Lake Property	Date: 8/22/07	Project #: 1654.01
Applicant/Owner: Karl Muller	County/State: Clatsop/OR	
Test Plot Location: Centrally located in southern portion of study area.	Sec/Town/Range: 07N/10W/22 W.M.	

Do normal circumstances exist at the site?	☒ Yes	☐ No	Plot ID: TP-1
Is the site significantly disturbed (atypical situation)?	☒ Yes	☐ No	Community ID: --
Is the site a potential problem area?	☐ Yes	☒ No	Transect ID: --

VEGETATION (Strata: tree, sapling, shrub, woody vine, herb)				
Dominant Plant Species				
Common Name	Scientific Name	Strata	% Cover	Indicator Status
1. *Sitka spruce	<i>Picea sitchensis</i>	Tree	40	FAC
2. *Western hemlock	<i>Tsuga heterophylla</i>	Tree	40	FACU-
3. *Red alder	<i>Alnus rubra</i>	Tree	20	FAC
4.				
5. *False lily-of-the-valley	<i>Maianthemum dlatum</i>	Herb	35	FAC
6. *Soft rush	<i>Juncus effusus</i>	Herb	25	FACW
7. *Slough sedge	<i>Carex obnupta</i>	Herb	20	OBL
8. *Colonial bentgrass	<i>Agrostis capillaris</i>	Herb	20	FAC
Other species present: Sword fern, Salmonberry, trailing blackberry, Evergreen blackberry, and Himalayan blackberry.				
% of dominant species OBL, FACW, FACW-, FAC+, FAC 86% (more than 50% required)				
Remarks: * = dominant species per the 50/20 rule. 6/7= 86%				
Vegetation Criteria Met? ☒ Yes ☐ No				

HYDROLOGY		Type(s): --	Wetland Hydrology Indicators	
Recorded data available?	☐ Yes ☒ No	Primary Indicators ☐ Inundated ☐ Saturated < 12 in. ☐ Water Marks ☐ Drift Lines ☐ Sediment Deposits ☐ Drainage Patterns in wetlands	Secondary Indicators (2 required) ☐ Oxidized Root Channels < 12in. bgs ☐ Local Soil Survey Data ☐ Water Stained Leaves ☒ FAC-Neutral Test ☐ Other (Explain in remarks)	
Is it the growing season?	☒ Yes ☐ No			
Is site inundated?	☐ Yes ☒ No			
Depth of surface water:	none			
Depth to free water in pit:	none			
Depth to saturated soils:	none			
Remarks:			Hydrology Criteria Met? ☐ Yes ☒ No	

SOILS:		Drainage Class:	☐ Excessively Drained ☒ Somewhat Excessively Drained ☐ Well Drained ☐ Moderately Well Drained ☐ Somewhat Poorly Drained ☐ Poorly Drained ☐ Very Poorly Drained			
Map Unit Name: 19C Gearhart fine sandy loam (Series and Phase) Taxonomy (Subgroup): Humic Psammentic Dystrudepts						
Field observations confirm mapped soil type? ☒ Yes ☐ No						
Profile Description						
Depth (inches)	Horizon	Matrix color	Mottle Color	Mottle Abundance (few, common, many)	Mottle Size (fine, med, coarse)	Texture
0-3		7.5YR 4/3	--	--	--	sand
3-16		7.5YR 4/3	5/8	common	coarse	sand
Hydric Soil Indicators ☐ Histosol (-ists) ☐ Histic Epipedon (8-16") ☐ Sulfidic Odor ☐ Aquic Moisture Regime						
☐ Reducing Conditions ☐ Gleyed or Low Chroma Colors ☐ Mn or Fe Concretions ☐ High Organic Content in Layer of Sandy Soils						
☐ Organic Streaking in Sandy Soils ☐ Organic Pans ☐ Listed on Local Hydric Soils List ☐ Other (explain in remarks)						
Remarks:						
Soils Criteria Met? ☐ Yes ☒ No						

WETLAND DETERMINATION	
Hydrophytic Vegetation Dominant?	☒ Yes ☐ No
Wetland Hydrology Present?	☐ Yes ☒ No
Hydric Soil Present?	☐ Yes ☒ No
Remarks: wetland criteria not met	
Is test plot within a wetland? ☐ Yes ☒ No	
Name: B. Paulsen/S. Taylor	



ECOLOGICAL LAND SERVICES, INC.

1157 3rd Avenue, Suite 220, Longview, Washington 98632
(360)578-1371 FAX (360)414-9305
DATA FORM - Routine Onsite Wetland Determination
1987 COE Wetlands Delineation Manual
1997 Washington State Delineation Manual

Project Site: Cullaby Lake Property	Date: 8/22/07	Project #: 1654.01
Applicant/Owner: Karl Muller	County/State: Clatsop/OR	
Test Plot Location: Northeast portion of study area.	Sec/Town/Range: 07N/10W/22 W.M.	

Do normal circumstances exist at the site?	☒ Yes	☐ No	Plot ID: TP-2
Is the site significantly disturbed (atypical situation)?	☒ Yes	☐ No	Community ID: --
Is the site a potential problem area?	☐ Yes	☒ No	Transect ID: --

VEGETATION (Strata: tree, sapling, shrub, woody vine, herb)				
Dominant Plant Species				
Common Name	Scientific Name	Strata	% Cover	Indicator Status
1. *Sitka spruce	<i>Picea sitchensis</i>	Tree	30	FAC
2. *Red alder	<i>Alnus rubra</i>	Tree	10	FAC
3. *False lily-of-the-valley	<i>Maianthemum dlatum</i>	Herb	40	FAC
4. *Soft rush	<i>Juncus effusus</i>	Herb	20	FACW
5. Slough sedge	<i>Carex obnupta</i>	Herb	10	OBL
6. Evergreen blackberry	<i>Rubus laciniatus</i>	Herb	10	FACU+
7. Himalayan blackberry	<i>Rubus armeniacus</i>	Herb	10	FACU
8. Colonial bentgrass	<i>Agrostis capillaris</i>	Herb	10	FAC
Other species present:				
% of dominant species OBL, FACW, FACW-, FAC+, FAC 100% (more than 50% required)				
Remarks: * = dominant species per the 50/20 rule. 4/4 = 100%				
Vegetation Criteria Met? ☒ Yes ☐ No				

HYDROLOGY		Type(s):	Wetland Hydrology Indicators	
Recorded data available?	☐ Yes ☒ No	--	Primary Indicators	
Is it the growing season?	☒ Yes ☐ No		Secondary Indicators (2 required)	
Is site inundated?	☐ Yes ☒ No			
Depth of surface water:	none	☐ Inundated	☐ Oxidized Root Channels < 12in. bgs	
Depth to free water in pit:	none	☐ Saturated < 12 in.	☐ Local Soil Survey Data	
Depth to saturated soils:	none	☐ Water Marks	☐ Water Stained Leaves	
		☐ Drift Lines	☒ FAC-Neutral Test	
		☐ Sediment Deposits	☐ Other (Explain in remarks)	
		☐ Drainage Patterns in wetlands		
Remarks:		Hydrology Criteria Met? ☐ Yes ☒ No		

SOILS:		Drainage Class:				
Map Unit Name: 19C Gearhart fine sandy loam		☐ Excessively Drained ☒ Somewhat Excessively Drained ☐ Well Drained ☐ Moderately Well Drained ☐ Somewhat Poorly Drained ☐ Poorly Drained ☐ Very Poorly Drained				
(Series and Phase)						
Taxonomy (Subgroup): Humic Psammentic Dystrudepts						
Field observations confirm mapped soil type? ☒ Yes ☐ No						
Profile Description						
Depth (inches)	Horizon	Matrix color	Mottle Color	Mottle Abundance (few, common, many)	Mottle Size (fine, med, coarse)	Texture
0-7		10YR 3/3	--	--	--	sand
7-16		10YR 3/4	--	--	--	sand
Hydric Soil Indicators		☐ Histosol (-ists)	☐ Reducing Conditions	☐ Organic Streaking in Sandy Soils		
		☐ Histic Epipedon (8-16")	☐ Gleyed or Low Chroma Colors	☐ Organic Pans		
		☐ Sulfidic Odor	☐ Mn or Fe Concretions	☐ Listed on Local Hydric Soils List		
		☐ Aquic Moisture Regime	☐ High Organic Content in Layer of Sandy Soils	☐ Other (explain in remarks)		
Remarks:		Soils Criteria Met? ☐ Yes ☒ No				

WETLAND DETERMINATION	
Hydrophytic Vegetation Dominant?	☒ Yes ☐ No
Wetland Hydrology Present?	☐ Yes ☒ No
Hydric Soil Present?	☐ Yes ☒ No
Remarks: wetland criteria not met	
Is test plot within a wetland? ☐ Yes ☒ No	
Name: B. Paulsen/S. Taylor	



ECOLOGICAL LAND SERVICES, INC.

1157 3rd Avenue, Suite 220, Longview, Washington 98632
(360)578-1371 FAX (360)414-9305
DATA FORM -- Routine Onsite Wetland Determination
1987 COE Wetlands Delineation Manual
1997 Washington State Delineation Manual

Project Site: Cullaby Lake Property	Date: 8/22/07	Project #: 1654.01
Applicant/Owner: Karl Muller	County/State: Clatsop/OR	
Test Plot Location: Southeast of TP-2 in the wetland.	Sec/Town/Range: 07N/10W/22 W.M.	

Do normal circumstances exist at the site?	☒ Yes	☐ No	Plot ID: TP-3
Is the site significantly disturbed (atypical situation)?	☒ Yes	☐ No	Community ID: --
Is the site a potential problem area?	☐ Yes	☒ No	Transect ID: --

VEGETATION (Strata: tree, sapling, shrub, woody vine, herb)

Dominant Plant Species

Common Name	Scientific Name	Strata	% Cover	Indicator Status
1. *Red alder	<i>Alnus rubra</i>	Tree	80	FAC
2. *Salmonberry	<i>Rubus spectabilis</i>	Shrub	30	FAC+
3. *Red elderberry	<i>Sambucus racemosa</i>	Shrub	15	FACU
4. *False lily-of-the-valley	<i>Mojanthemum dilatatum</i>	Herb	40	FAC
5. Lady fern	<i>Athyrium filix-femina</i>	Herb	5	FAC
6. Skunk cabbage	<i>Lysichiton americanum</i>	Herb	5	OBL
7		-		-
8		-		-

Other species present:
% of dominant species OBL, FACW, FACW-, FAC+, FAC 75 % (more than 50% required)
Remarks: * = dominant species per the 50/20 rule 3/4 = 75 %

Vegetation Criteria Met? ☒ Yes ☐ No

HYDROLOGY

Recorded data available? ☐ Yes ☒ No
Is it the growing season? ☒ Yes ☐ No
Is site inundated? ☐ Yes ☒ No

Depth of surface water: none
Depth to free water in pit: none
Depth to saturated soils: none

Type(s): --

Wetland Hydrology Indicators

Primary Indicators

☐ Inundated
☐ Saturated < 12 in.
☐ Water Marks
☐ Drift Lines
☐ Sediment Deposits
☐ Drainage Patterns in wetlands

Secondary Indicators (2 required)

☐ Oxidized Root Channels < 12 in. bgs
☐ Local Soil Survey Data
☐ Water Stained Leaves
☐ FAC-Neutral Test
☒ Other (Explain in remarks)

Hydrology Criteria Met? ☐ Yes ☒ No

Remarks: Soil moist throughout but not saturated, plot in elevational depression, hydrology not present because the time of year observed.

SOILS:

Map Unit Name: 19C Gearhart fine sandy loam
(Series and Phase)
Taxonomy (Subgroup): Humic Psammentic Dystrudepts

Field observations confirm mapped soil type? ☐ Yes ☒ No

Drainage Class:

☐ Excessively Drained
☒ Somewhat Excessively Drained
☐ Well Drained
☐ Moderately Well Drained
☐ Somewhat Poorly Drained
☐ Poorly Drained
☐ Very Poorly Drained

Profile Description

Depth (inches)	Horizon	Matrix color	Mottle Color	Mottle Abundance (few, common, many)	Mottle Size (fine, med, coarse)	Texture
0-16		10YR 2/1	--	--	--	peat

Hydric Soil Indicators

☐ Histosol (-ists)
☐ Histic Epipedon (8-16")
☐ Sulfidic Odor
☐ Aquic Moisture Regime

☐ Reducing Conditions
☒ Gleyed or Low Chroma Colors
☐ Mn or Fe Concretions
☐ High Organic Content in Layer of Sandy Soils

☐ Organic Streaking in Sandy Soils
☐ Organic Pans
☐ Listed on Local Hydric Soils List
☐ Other (explain in remarks)

Remarks: heavy organics peat

Soils Criteria Met? ☒ Yes ☐ No

WETLAND DETERMINATION

Hydrophytic Vegetation Dominant? ☒ Yes ☐ No
Wetland Hydrology Present? ☐ Yes ☒ No
Hydric Soil Present? ☒ Yes ☐ No

Remarks: Area determined wetland based on vegetation, soils data, and location in depression

Is test plot within a wetland? ☒ Yes ☐ No

Name: B. Paulsen/S. Taylor

Sheet 3 of 5



ECOLOGICAL LAND SERVICES, INC.

1157 3rd Avenue, Suite 220, Longview, Washington 98632
(360)578-1371 FAX (360)414-9305
DATA FORM - Routine Onsite Wetland Determination
1987 COE Wetlands Delineation Manual
1997 Washington State Delineation Manual

Project Site: Cullaby Lake Property	Date: 8/22/07	Project #: 1654.01
Applicant/Owner: Karl Muller	County/State: Clatsop/OR	
Test Plot Location: West of TP-1 in wetland.	Sec/Town/Range: 07N/10W/22 W.M.	

Do normal circumstances exist at the site?	☒ Yes	☐ No	Plot ID: TP-4
Is the site significantly disturbed (atypical situation)?	☒ Yes	☐ No	Community ID: --
Is the site a potential problem area?	☐ Yes	☒ No	Transect ID: --

VEGETATION (Strata: tree, sapling, shrub, woody vine, herb)

Dominant Plant Species

Common Name	Scientific Name	Strata	% Cover	Indicator Status
1. *Sitka spruce	<i>Picea sitchensis</i>	Tree	10	FAC
2. Salmonberry	<i>Rubus spectabilis</i>	Shrub	10	FAC+
3. *Soft rush	<i>Juncus effusus</i>	Herb	60	FACW
4. *Evergreen blackberry	<i>Rubus laciniatus</i>	Herb	20	FACU+
5.		-	-	-
6.		-	-	-
7.		-	-	-
8.		-	-	-

Other species present: Hooker willow, slough sedge, and hardhack.
% of dominant species OBL, FACW, FACW-, FAC+, FAC 67% (more than 50% required)
Remarks: * = dominant species per the 50/20 rule. 2/3 = 67 %

Vegetation Criteria Met? ☒ Yes ☐ No

HYDROLOGY

Recorded data available? ☐ Yes ☒ No
Is it the growing season? ☒ Yes ☐ No
Is site inundated? ☐ Yes ☒ No

Depth of surface water: none
Depth to free water in pit: none
Depth to saturated soils: none

Type(s): --

Wetland Hydrology Indicators

Primary Indicators

- ☐ Inundated
- ☐ Saturated < 12 in.
- ☐ Water Marks
- ☐ Drift Lines
- ☐ Sediment Deposits
- ☐ Drainage Patterns in wetlands

Secondary Indicators (2 required)

- ☐ Oxidized Root Channels < 12in. bgs
- ☐ Local Soil Survey Data
- ☐ Water Stained Leaves
- ☒ FAC-Neutral Test
- ☒ Other (Explain in remarks)

Hydrology Criteria Met? ☐ Yes ☒ No

Remarks: Soil moist throughout but not saturated, plot in elevational depression, hydrology not present because the time of year observed.

SOILS:

Map Unit Name: 19C Gearhart fine sandy loam
(Series and Phase)
Taxonomy (Subgroup): Humic Psammentic Dystrudepts

Field observations confirm mapped soil type? ☒ Yes ☐ No

Drainage Class:

- ☐ Excessively Drained
- ☒ Somewhat Excessively Drained
- ☐ Well Drained
- ☐ Moderately Well Drained
- ☐ Somewhat Poorly Drained
- ☐ Poorly Drained
- ☐ Very Poorly Drained

Profile Description

Depth (inches)	Horizon	Matrix color	Mottle Color	Mottle Abundance (few, common, many)	Mottle Size (fine, med, coarse)	Texture
0-16		7.5 YR 2.5/1	--	--	--	sand loam

Hydric Soil Indicators

- ☐ Histosol (-ists)
- ☐ Histic Epipedon (8-16")
- ☐ Sulfidic Odor
- ☐ Aquic Moisture Regime
- ☐ Reducing Conditions
- ☒ Gleyed or Low Chroma Colors
- ☐ Mn or Fe Concretions
- ☐ High Organic Content in Layer of Sandy Soils
- ☐ Organic Streaking in Sandy Soils
- ☐ Organic Pans
- ☐ Listed on Local Hydric Soils List
- ☐ Other (explain in remarks)

Remarks:

Soils Criteria Met? ☒ Yes ☐ No

WETLAND DETERMINATION

Hydrophytic Vegetation Dominant? ☒ Yes ☐ No
Wetland Hydrology Present? ☐ Yes ☒ No
Hydric Soil Present? ☒ Yes ☐ No

Remarks: Area determined wetland based on vegetation, soils, and location in depression.

Is test plot within a wetland? ☒ Yes ☐ No

Name: B. Paulsen/S. Taylor

Sheet 4 of 5



ECOLOGICAL LAND SERVICES, INC.

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(360)578-1371 FAX (360)414-9305
DATA FORM -- Routine Onsite Wetland Determination
1987 COE Wetlands Delineation Manual
1997 Washington State Delineation Manual

Project Site: Cullaby Lake Property	Date: 8/22/07	Project #: 1654.01
Applicant/Owner: Karl Muller	County/State: Clatsop/OR	
Test Plot Location: North of access point to study area in wetland.	Sec/Town/Range: 07N/10W/22 W.M.	

Do normal circumstances exist at the site?	☒ Yes ☐ No	Plot ID: TP-5
Is the site significantly disturbed (atypical situation)?	☒ Yes ☐ No	Community ID: --
Is the site a potential problem area?	☐ Yes ☒ No	Transect ID: --

VEGETATION (Strata: tree, sapling, shrub, woody vine, herb)				
Dominant Plant Species				
Common Name	Scientific Name	Strata	% Cover	Indicator Status
1. *Hooker willow	<i>Salix hookeriana</i>	Shrub	40	FACW-
2. *Salmonberry	<i>Rubus spectabilis</i>	Shrub	10	FAC+
3. *Slough sedge	<i>Carex obnupta</i>	Herb	10	OBL
4. *Salmonberry	<i>Rubus spectabilis</i>	Herb	10	FAC+
5.				
6.				
7.				
8. bare ground			70	NJ
Other species present: Lady fern, hardhack, and Skunk cabbage				
% of dominant species OBL, FACW, FACW-, FAC+, FAC 100% (more than 50% required)				
Remarks: * = dominant species per the 50/20 rule. 4/4= 100 %				
Vegetation Criteria Met? ☒ Yes ☐ No				

HYDROLOGY		Type(s): --	Wetland Hydrology Indicators
Recorded data available?	☐ Yes ☒ No	Primary Indicators ☐ Inundated ☐ Saturated < 12 in. ☐ Water Marks ☐ Drift Lines ☐ Sediment Deposits ☐ Drainage Patterns in wetlands	Secondary Indicators (2 required) ☐ Oxidized Root Channels < 12in. bgs ☐ Local Soil Survey Data ☐ Water Stained Leaves ☒ FAC-Neutral Test ☒ Other (Explain in remarks)
Is it the growing season?	☒ Yes ☐ No		
Is site inundated?	☐ Yes ☒ No		
Depth of surface water:	none		
Depth to free water in pit:	none		
Depth to saturated soils:	none		
Remarks: Soil moist throughout but not saturated, plot in elevational depression, hydrology not present because the time of year observed.			Hydrology Criteria Met? ☐ Yes ☒ No

SOILS:		Drainage Class:	☐ Excessively Drained ☒ Somewhat Excessively Drained ☐ Well Drained ☐ Moderately Well Drained ☐ Somewhat Poorly Drained ☐ Poorly Drained ☐ Very Poorly Drained
Map Unit Name: 19C Gearhart fine sandy loam (Series and Phase)			
Taxonomy (Subgroup): Humic Psammemic Dystrudepts			
Field observations confirm mapped soil type? ☐ Yes ☒ No			
Profile Description			
Depth (inches)	Horizon	Matrix color	Mottle Color
0-16		7.5 YR 2.5/1	--
Hydric Soil Indicators		☐ Histosol (-ists) ☐ Histic Epipedon (8-16") ☐ Sulfidic Odor ☐ Aquic Moisture Regime	☐ Reducing Conditions ☒ Gleyed or Low Chroma Colors ☐ Mn or Fe Concretions ☐ High Organic Content in Layer of Sandy Soils
			☐ Organic Streaking in Sandy Soils ☐ Organic Pans ☐ Listed on Local Hydric Soils List ☐ Other (explain in remarks)
Remarks: peat present below 16 inches.			Soils Criteria Met? ☒ Yes ☐ No

WETLAND DETERMINATION	
Hydrophytic Vegetation Dominant?	☒ Yes ☐ No
Wetland Hydrology Present?	☐ Yes ☒ No
Hydric Soil Present?	☒ Yes ☐ No
Remarks: Area determined wetland based on vegetation, soils, and location in depression.	
Is test plot within a wetland? ☒ Yes ☐ No	
Name: B. Paulsen/S. Taylor	

Appendix A - Site Photographs

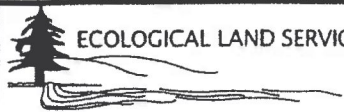
9/11/2007 9:28 AM S:\Clatsop-OR\County-Projects\1654-Muller\1654.01-Cullaby Lake Property\1654.01-Figures\1654.01_figures_082707.dwg kristin



Taken Looking west down study site access driveway from Photo Site 1.



Looking east down study site access driveway from Photo Site 1.



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DATE: 9/7/07
DWN: KLM
REQ. BY: BP
PRJ. MGR: ST
CHK:
APPR:
PROJ.#: 1654.01

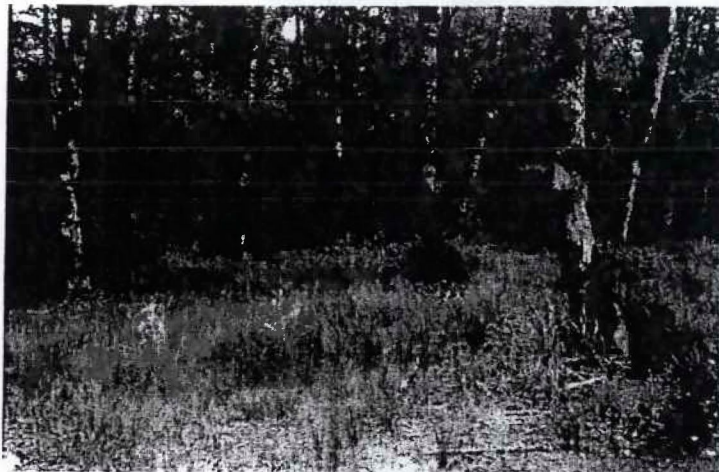
Photoplate 1
SITE PHOTOS
Cullaby Lake Property
Karl Muller
Clatsop County, Oregon
Section 22, Township 7N, Range 10 W.M.

9/11/2007 9:18 AM S:\Clatsop-OR\County-Projects\1654-Muller\1654.01-Cullaby Lake Property\1654.01-Figures\1654.01_figures_082707.dwg kristin

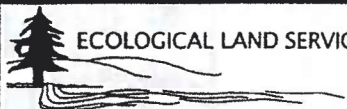
Looking west from access road
over site from Photo Site 4.



Looking southwest from Photo
Site 5 at center of site. Wetland
boundary observed by pink
flagging in correlation to
elevational change.



Looking west from Photo Site 6
along western wetland boundary
in the vicinity of Test Plot 5.

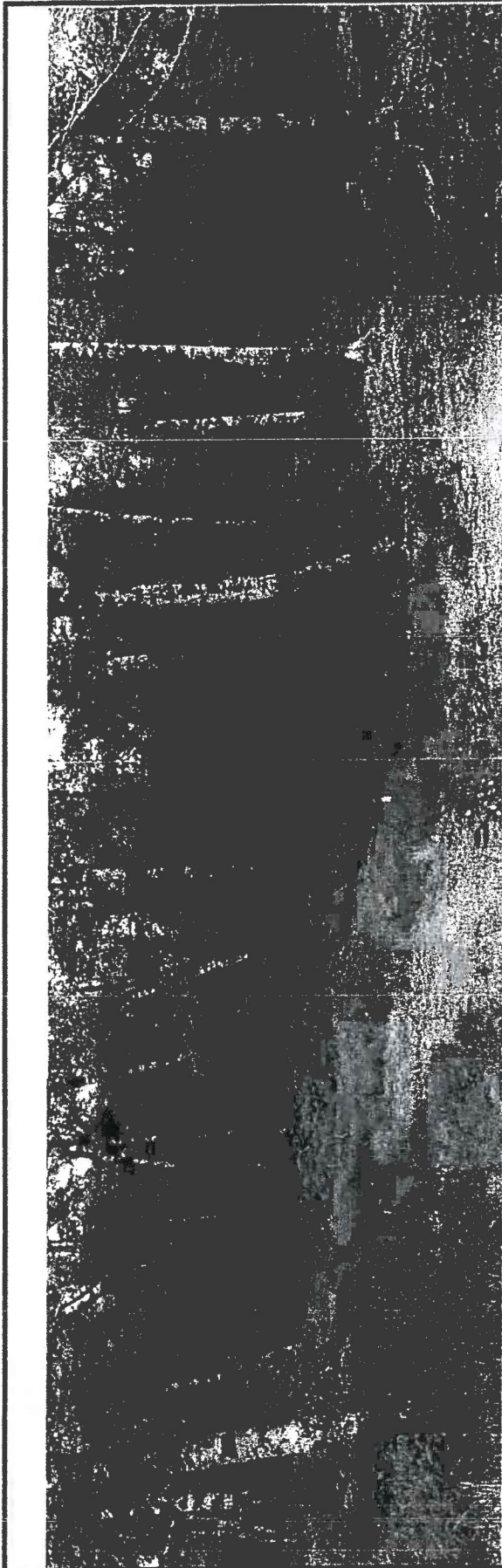


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DATE: 9/7/07
DWN: KLM
REQ. BY: BP
PRJ. MGR: ST
CHK:
APPR:
PROJ.#: 1654.01

Photoplate 2
SITE PHOTOS
Cullaby Lake Property
Karl Muller
Clatsop County, Washington
Section 22, Township 7N, Range 10W, W.M.

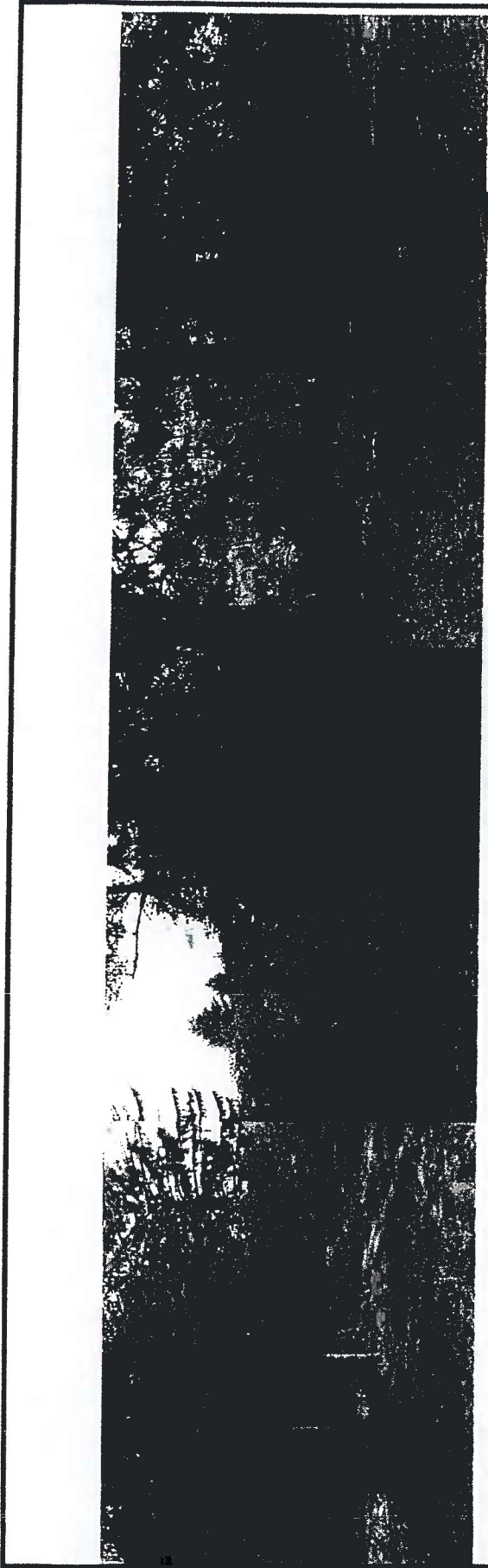


Panoramic view of southeastern wetland boundary taken from center of site at Photo Site 2.

 ECOLOGICAL LAND SERVICES, INC.
1157 3rd Ave., Suite 220 Longview, WA 98632
(360) 578-1371 Fax: (360) 414-9305

DATE: 9/11/07
DWN: KLM
REQ. BY: BP
PRJ. MGR: ST
CHK:
APPR:
PROJ.#: 1654.01

Photoplate 3
SITE PHOTOS
Cullaby Lake Property
Karl Muller
Clatsop County, Washington
Section 22, Township 7N, Range 10W, W.M.



Panoramic view of southwestern wetland boundary taken from Photo Site 3. Several wetland boundary flags are visible in the background.

 ECOLOGICAL LAND SERVICES, INC.
1157 3rd Ave., Suite 220 Longview, WA 98632
(360) 578-1371 Fax: (360) 414-9305

DATE: 9/11/07
DWN: KLM
REQ. BY: BP
PRJ. MGR: ST
CHK:
APPR:
PROJ.#: 1654.01

Photoplate 4
SITE PHOTOS
Cullaby Lake Property
Karl Muller
Clatsop County, Washington
Section 22, Township 7N, Range 10W, W.M.

Appendix B - Precipitation

Cullaby Lake Property
Jurisdictional Wetland Delineation Report

Ecological Land Services, Inc.
September 13, 2007

Explanation of the Preliminary Climate Data (F6) Product

Please note this information is preliminary and subject to revision. Official and certified climatic data can be accessed at the National Climatic Data Center (NCDC) (<http://www.ncdc.noaa.gov/oa/ncdc.html>).

PRELIMINARY LOCAL CLIMATOLOGICAL DATA

000

CXUS55 KPQR 011230

CF6AST

PRELIMINARY LOCAL CLIMATOLOGICAL DATA (WS FORM: F-6)

STATION: ASTORIA
 MONTH: AUGUST
 YEAR: 2007
 LATITUDE: 46 9 N
 LONGITUDE: 123 53 W

TEMPERATURE IN F:					:PCPN:		SNOW:		WIND		:SUNSHINE:		SKY		:PK WND			
1	2	3	4	5	6A	6B	7	8	9	10	11	12	13	14	15	16	17	18
AVG MX 2MIN																		
DY	MAX	MIN	AVG	DEP	HDD	CDD	WTR	SNW	DPTH	SPD	SPD	DIR	MIN	PSBL	S-S	WX	SPD	DR
1	74	51	63	2	2	0	0.00	0.0	0	9.9	24	310	M	M	0		31	320
2	67	55	61	0	4	0	0.01	0.0	0	8.4	20	320	M	M	6	1	25	310
3	68	57	63	2	2	0	0.02	0.0	0	7.3	15	320	M	M	8	1	20	320
4	67	59	63	2	2	0	0.00	0.0	0	9.5	15	320	M	M	9		18	310
5	66	58	62	1	3	0	0.00	0.0	0	7.0	14	300	M	M	10		17	310
6	64	58	61	0	4	0	0.00	0.0	0	4.3	10	250	M	M	10		13	250
7	65	58	62	1	3	0	0.07	0.0	0	7.4	16	210	M	M	10	18	21	200
8	68	53	61	0	4	0	0.05	0.0	0	6.2	15	320	M	M	7	1	18	330
9	66	49	58	-3	7	0	0.00	0.0	0	4.0	12	250	M	M	6	1	15	240
10	68	50	59	-2	6	0	0.00	0.0	0	6.3	17	320	M	M	5		21	330
11	67	48	58	-3	7	0	0.03	M	0	5.9	20	310	M	M	3	1	24	320
12	63	52	58	-3	7	0	0.12	0.0	0	2.2	9	250	M	M	8	1	10	230
13	71	48	60	-1	5	0	0.00	0.0	0	6.0	18	310	M	M	1	1	22	320
14	74	53	64	3	1	0	0.00	0.0	0	3.9	13	250	M	M	0		15	250
15	69	55	62	1	3	0	0.00	0.0	0	5.7	14	250	M	M	3	12	18	220
16	69	55	62	1	3	0	0.01	0.0	0	7.1	18	220	M	M	4	13	24	230
17	69	54	62	1	3	0	0.02	0.0	0	6.8	23	220	M	M	5	1	30	230
18	65	53	59	-2	6	0	0.23	0.0	0	3.4	14	200	M	M	7	1	21	200
19	66	55	61	0	4	0	0.04	0.0	0	4.2	14	240	M	M	4		18	230
20	67	59	63	2	2	0	0.07	0.0	0	7.4	17	200	M	M	10	18	23	210
21	69	57	63	2	2	0	0.11	0.0	0	4.7	12	250	M	M	7	1	22	270
22	71	58	65	4	0	0	T	0.0	0	4.8	14	310	M	M	7		17	320
23	71	56	64	3	1	0	0.00	0.0	0	9.2	22	310	M	M	4		26	310
24	69	59	64	3	1	0	0.00	0.0	0	9.2	20	300	M	M	7		25	330
25	70	55	63	2	2	0	0.04	0.0	0	5.7	16	250	M	M	9	18	21	240
26	68	53	61	1	4	0	0.02	0.0	0	5.5	14	320	M	M	6	1	17	310
27	69	45	57	-3	8	0	0.00	0.0	0	7.8	21	310	M	M	0	1	23	330
28	76	48	62	2	3	0	0.00	0.0	0	5.4	17	320	M	M	0	1	22	310
29	83	52	68	8	0	3	0.00	0.0	0	5.3	17	310	M	M	0		22	300
30	69	53	61	1	4	0	0.00	0.0	0	8.1	18	320	M	M	7	1	22	320
31	68	49	59	-1	6	0	0.00	0.0	0	4.4	13	310	M	M	3	1	15	320
=====																		
SM	2136	1665			109	3	0.84	0.0	193.0				M		166			
=====																		
AV	68.9	53.7							6.2	FASTST	PSBL	%	5		MAX (MPH)			

MISC ---- # 24 310

31 320

NOTES:

LAST OF SEVERAL OCCURRENCES

COLUMN 17 PEAK WIND IN M.P.H.

PRELIMINARY LOCAL CLIMATOLOGICAL DATA (WS FORM: F-6) , PAGE 2

STATION: ASTORIA
MONTH: AUGUST
YEAR: 2007
LATITUDE: 46 9 N
LONGITUDE: 123 53 W

{TEMPERATURE DATA}

AVERAGE MONTHLY: 61.3
DPTR FM NORMAL: 0.5
HIGHEST: 83 ON 29
LOWEST: 45 ON 27

{PRECIPITATION DATA}

TOTAL FOR MONTH: 0.84
DPTR FM NORMAL: -0.37
GRST 24HR 0.27 ON 18-19
SNOW, ICE PELLETS, HAIL
TOTAL MONTH: 0.0 INCH
GRST 24HR 0.0
GRST DEPTH: 0

SYMBOLS USED IN COLUMN 16

1 = FOG OR MIST
2 = FOG REDUCING VISIBILITY
TO 1/4 MILE OR LESS
3 = THUNDER
4 = ICE PELLETS
5 = HAIL
6 = FREEZING RAIN OR DRIZZLE
7 = DUSTSTORM OR SANDSTORM:
VSBY 1/2 MILE OR LESS
8 = SMOKE OR HAZE
9 = BLOWING SNOW
X = TORNADO

{NO. OF DAYS WITH}

MAX 32 OR BELOW: 0
MAX 90 OR ABOVE: 0
MIN 32 OR BELOW: 0
MIN 0 OR BELOW: 0

{WEATHER - DAYS WITH}

0.01 INCH OR MORE: 14
0.10 INCH OR MORE: 3
0.50 INCH OR MORE: 0
1.00 INCH OR MORE: 0

{HDD (BASE 65) }

TOTAL THIS MO. 109
DPTR FM NORMAL -21
TOTAL FM JUL 1 205
DPTR FM NORMAL -76

CLEAR (SCALE 0-3) 8
PTCLDY (SCALE 4-7) 16
CLOUDY (SCALE 8-10) 7

{CDD (BASE 65) }

TOTAL THIS MO. 3
DPTR FM NORMAL -4
TOTAL FM JAN 1 13
DPTR FM NORMAL -1

{PRESSURE DATA}

HIGHEST SLP 30.16 ON 10
LOWEST SLP 29.77 ON 19

{REMARKS}

#FINAL-08-07#

Appendix C - References

Environmental Laboratory. 1987. *Corps of Engineers Wetlands Delineation Manual*. Technical Report Y-87-1. U.S. Army Waterways Experiment Station, Vicksburg, Mississippi.

National Weather Service, Portland Office. 2005. Preliminary Local Climatological Data. Online document < <http://www.weather.gov/climate/index.php?wfo=pqr>>. Accessed August 2007.

Soil Conservation Service. 1988. *Soil Survey of Clatsop County Area, Oregon*. U.S. Department of Agriculture.

Soils Conservation Service. Revised 1995. Hydric Soils for Oregon.

U.S. Department of Agriculture, Natural Resources Conservation Service. 1995. Hydric Soils for Oregon.

Warrenton Development Code. March 2003. Chapter 3.10 Wetland and Riparian Corridor Development Standards Ordinance.

Appendix D - Supplemental Information

The jurisdictional determination for the Cullaby Lake Property followed the Routine Determination Method according to the U.S. Army Corps of Engineers, *Wetland Delineation Manual* (1987). The Routine Determination Method examines three parameters - vegetation, hydrology, and soils - to determine if wetlands exist in a given area. The presence of hydrology is critical when delineating a wetland area. However, because hydrologic conditions can change periodically (hourly, daily, or seasonally), it is necessary to determine if hydrophytic vegetation and hydric soils exist, indicating that water is present for long enough duration to support a wetland plant community. By definition, wetlands are areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands are regulated as "Waters of the United States" by the U.S. Army Corps of Engineers (Corps) as "Waters of State" by the Oregon Department of State Lands (DSL), and locally by the Clatsop County, Oregon

Exhibit VI.

Goal 5 Appendix "A" 1984

Ordinance # 84-05

Appendix A

DELMOOR LOOP AREA WETLANDS STUDY *

The purpose of this study is to determine whether certain freshwater wetlands in the Delmoor Loop Road area should be made available for conversion to agricultural uses. This study will focus on significant non-coastal wetlands near cranberry bogs. The first section defines a study area and describes wetlands in the study area. Included is information on the location, size and quality of the wetland resource. The second section examines activities associated with agricultural uses which potentially conflict with wetland preservation. The next section identifies wetland areas which may be physically well suited for conversion to various agricultural uses. Finally the economic, social, environmental and energy consequences of allowing or restricting each conflicting use are examined.

1. Inventory

The study area consists generally of the east halves of Sections 22 and 27, T7N R10W, plus about 30 acres in Section 26. The western boundary of the study area is the Burlington Northern Railroad right-of-way. Coastal wetland areas west of the railroad right-of-way have not been included in the study area because the County's management options in coastal wetlands are constrained by Statewide Land Use Planning Goal 17. There are no coastal wetlands in the study area. Wetlands immediately north of the study area are owned by Clatsop County and are managed in conjunction with a recreation area. Non-coastal wetlands south of the study area are not easily accessible. The study area includes about 550 acres, and is more or less coterminous with the southern end of the Skipanon Water Control District. Lands outside of the District are not included because of the important services provided by the District to cranberry growers. Map 1 shows the study area.

The study area consists of about 260 acres of significant non-coastal wetlands and about 290 acres of upland and insignificant wetland areas. Four major wetland types occur in the study area. Their descriptions below are condensed from the County's Goal 5 plan element.

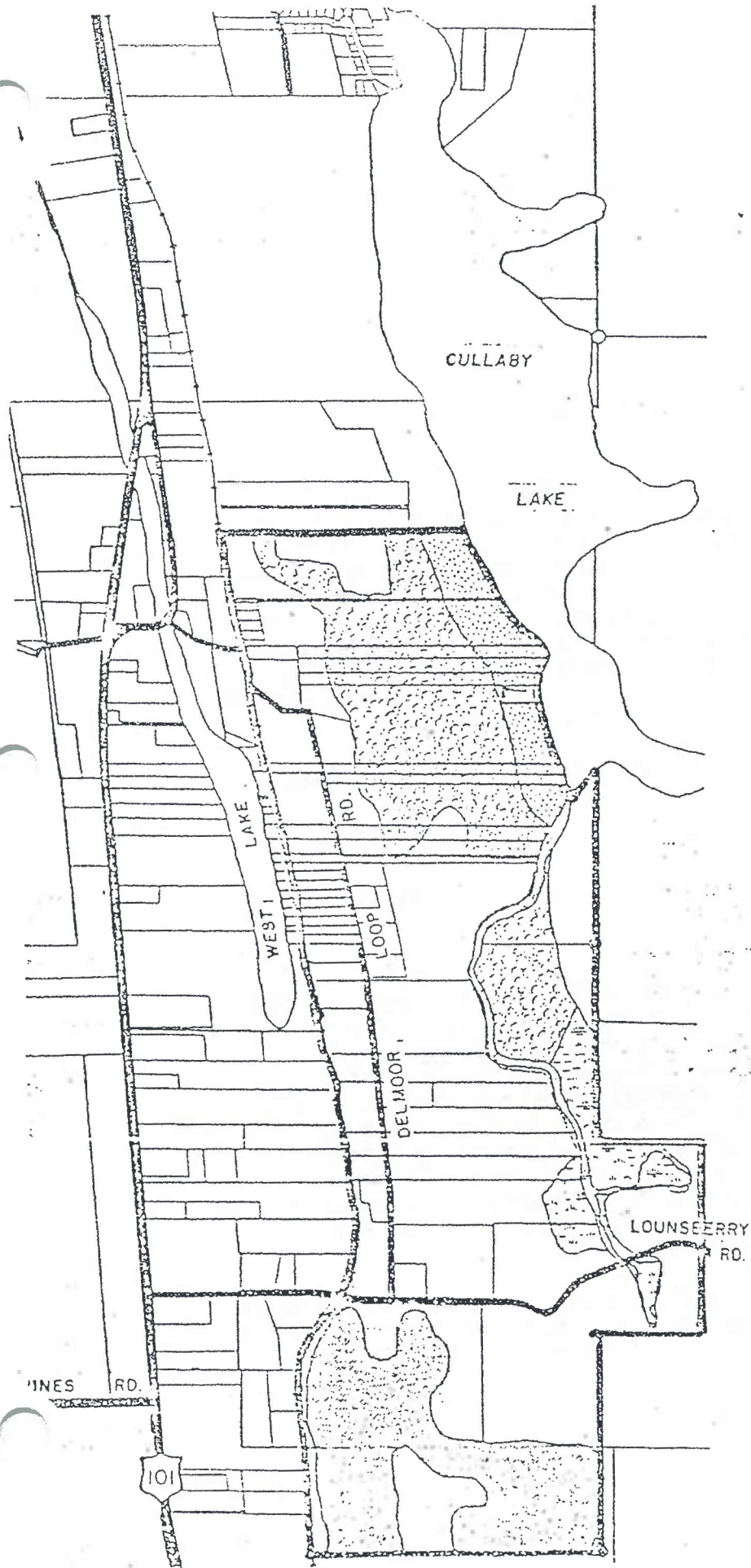
CP 14

Vegetation Type: 1A, 5, 8, 9, 11 (dry var.) (see page nn for key)

Soil: Brallier Muck, lake sediments.

Site Description: Cullaby Lake has the largest area of any lake in the Clatsop Plains: it appears to be the remnant of a much larger lake which has been filling in with peat. It currently has a high level of recreational usage, and supports a recreational warm-water game fishery. It has some value to overwintering and breeding waterfowl. The south end of the lake was described as having a great variety of

* Amended Ordinance 84-5, April 11, 1984



WETLAND TYPES IN THE
STUDY AREA

			
CP15	CP16	CP18	CP14

MAP 2 1" = 1,288'

avifauna by the Nature Conservancy (Clatsop County Site #16). In addition, peat bogs on the western side of the lake within the area were found to be significant. Part of this wetland previously supported cranberry cultivation, but has since reverted to scrub or emergent wetlands and is used extensively by wetland avifauna and by raptors.

Values: Warm-water game fishery; waterfowl and wetland birds.

CP 15

Wetland Vegetation Types: 5, 8, 9, 11 (dry var.).

Soils: Brallier Muck.

Site Description: This large peat bog site is a westerly extension of the significant peat bog areas which line the west side of Cullaby Lake. The peat which has filled in a former lake basin has powerful water-retaining properties, and the surface is saturated for much of the year. It can, however, be used for agriculture, particularly cranberry cultivation, and some of this site has been so-used in the past. It has now reverted to native wetland vegetation. These peat bogs are important to wetland animals, particularly avifauna, and the southern end of this site is extensively used by elk.

Values: Wetland animals, natural semi-natural peat bog wetlands.

CP 16

Wetland Vegetation Types: 4, 5, 8, 9, 11 (dry var.) 12, 13.

Soils: Brallier Muck.

Site Description: This site is the best example of a Coastal Peat Bog on Brallier Muck in the County. The northern end approaches the raised bog condition, dominated in places by the moss, Sphagnum, a rare community in this area, and also by various shrubs and stunted trees. To the south, the site becomes much wetter and considerable areas are at least seasonably inundated. The southern half in particular is used by breeding waterfowl, while the central and northern portions have heavy elk use. There is a great diversity of avifauna throughout, including many wetland species despite the scarcity of open water. The site at one time supported cranberry cultivation, but has since reverted to native wetland vegetation.

Values: Wetland animals, particularly avifauna and elk. The site has high scientific and educational value as a fine example of a peat bog: the past glacial vegetation history of the area is probably contained in fossils in the deep peat.

CP 18

Wetland Vegetation Types: 1B, 4, 5, 8, 9, 2.

Soils: Brallier Muck.

Site Description: This area has great habitat diversity, with open water, marsh and swamp habitats all well-represented. The swamp/upland boundary to the NE of this site was not accurately determined. The lakes are connected to Cullaby Lake via Cullaby Creek and support populations of warm-water game fish. The surrounding marshes and swamps are important to breeding waterfowl and other wetland birds, and have some importance to overwintering waterfowl. The swamp areas are extensively used by elk. Riparian vegetation is found along Cullaby Creek.

Values: warm-water fish, breeding wetland; birds, habitat diversity.

Wetlands in the study area are shown on Map 2. The following table summarizes acreages in each of the wetland types found in the study area.

wetland type	acres in study area	total acres in wetland
CP-14	33	280
CP-15	96	230
CP-16	84	380
CP-18	43 (including 2 small lakes)	160
total	256	1,050

These wetlands are currently protected by the County's Lake and Wetland zone (Section 3.610, Land and Water Development and Use Ordinance). The LW zone does not permit any farm uses, including cranberry cultivation.

2. Conflicting Uses and Activities.

Nearly all farm uses conflict in some way with the preservation of wetlands. Both direct and indirect conflicts may be distinguished. Direct conflicts occur at the site, while indirect conflicts occur off-site on adjacent or nearby lands. This section describes directly and indirectly conflicting activities associated with farm uses customarily practiced in the study area.

- A. Grazing. Some wetland areas are grazed in the summer months when pastures are dry enough to support cattle. This type of grazing pattern conflicts with wetland preservation in the following manner:
- (1) Domestic animals disturb and compact peat soils.
 - (2) Domestic livestock competes with wildlife for limited forage.
 - (3) Waste from domestic livestock may degrade surface and groundwater.
 - (4) Grazing results in the removal of certain wetland plants.

Wetlands may also be grazed year-round by draining or filling the wetland. This type of grazing practice conflicts with wetland preservation in the following manner:

- (5) Drainage of wetland areas results in compaction and decomposition of peat soils.
- (6) Draining wetlands eliminates certain wetland plant species.
- (7) Draining wetlands may affect runoff patterns and groundwater levels on adjacent undrained wetlands.
- (8) Filling of wetland areas may compact peat soils.
- (9) Filling will eradicate wetland vegetation.
- (10) Filling may change drainage and runoff patterns on adjacent unfilled wetlands.

- B. Hay Production. It would be necessary to either fill or drain a wetland to grow hay on the site. Conflicting uses associated with hay production would be the same as those listed above (A(5) through A(10)), in addition to those listed below:

- (1) Liquid manure can degrade ground and surface water through runoff.
- (2) Herbicides used to control unwanted vegetation may contaminate ground and surface water via drift, runoff and percolation.

- C. Cranberry Cultivation. Conflicts associated with cranberry cultivation occur during bog preparation and during cranberry production. These conflicting uses and activities are discussed below.

(1) Bog Preparation.

- (a) Wetland vegetation is stripped from the bog site exposing the underlying peat. Vegetation is removed either mechanically with light bulldozers or power shovels, or chemically with defoliant.
- (b) The exposed peat is leveled, with a slight slope toward drainage ditches on the sides.
- (c) The prepared bog site is covered with about two inches of sand to provide a rooting zone for the cranberry vines, to seal the exposed peat surface, and to reduce weed seed germination.

(2) Production.

- (a) Weeds, unwanted insects and plant diseases are controlled with chemical herbicides, insecticides and fungicides. These chemicals are applied as aerosol sprays, as soil supplements

and through the irrigation system dissolved in water. Improper use of these chemical agents may adversely effect adjacent and nearby wetlands through atmospheric drift, or through ground or surface water contamination.

- (b) Machinery used to harvest cranberries can, over time, result in compaction and decomposition of peat soils.
- (c) Cranberry production requires large amounts of water for protection from frosts, for irrigation during the growing season, and for harvesting. Ditches and dikes are used to control the water table level beneath the bog. Drained peat soils can oxidize and decompose. Drainage control also alters water levels on adjacent wetlands and changes runoff and drainage patterns.

4. Areas for Conversion to Agricultural Uses

This section identifies wetlands in the study area which may be physically suitable for conversion to agricultural uses. Several factors are considered: soils, adjacent uses, water availability, flooding problems, access and parcel sizes.

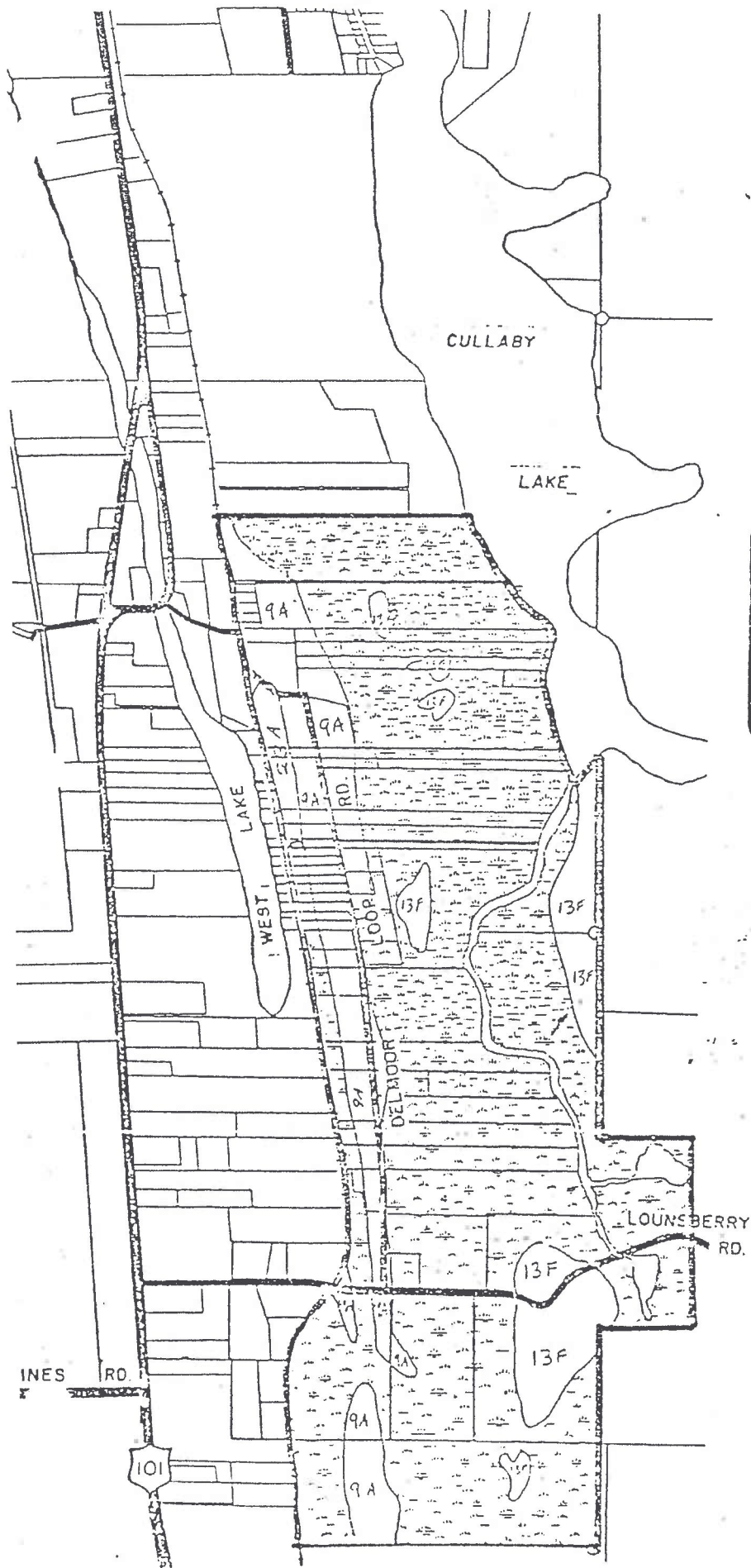
A. Soils

The predominant soil type in the area is Brallier Peat. This soil underlies all of the significant wetland areas in the study area, as well as the insignificant wetlands and portions of the EFU zone. Other soil types in the area are Gearhart Fine Sandy Loam, Ecola Silt Loam and Warrenton Loamy Fine Sand. The Brallier Peat and the Warrenton soils both have agricultural capability classification of IW. The Gearhart and Ecola soils have agricultural capability classifications of VIe. The Brallier Peat soils are subject to high ground water and flooding during the winter and spring months. Peat soils are also somewhat acidic, with a soil pH of between 3.5 to 5.0. Map 3 shows peat soils in the study area. Other soils shown on Map 3 are Ecola Silt Loam (13F), Gearhart Fine Sandy Loam (9A), and Warrenton Loamy Fine Sand (23A).

B. Adjacent Uses.

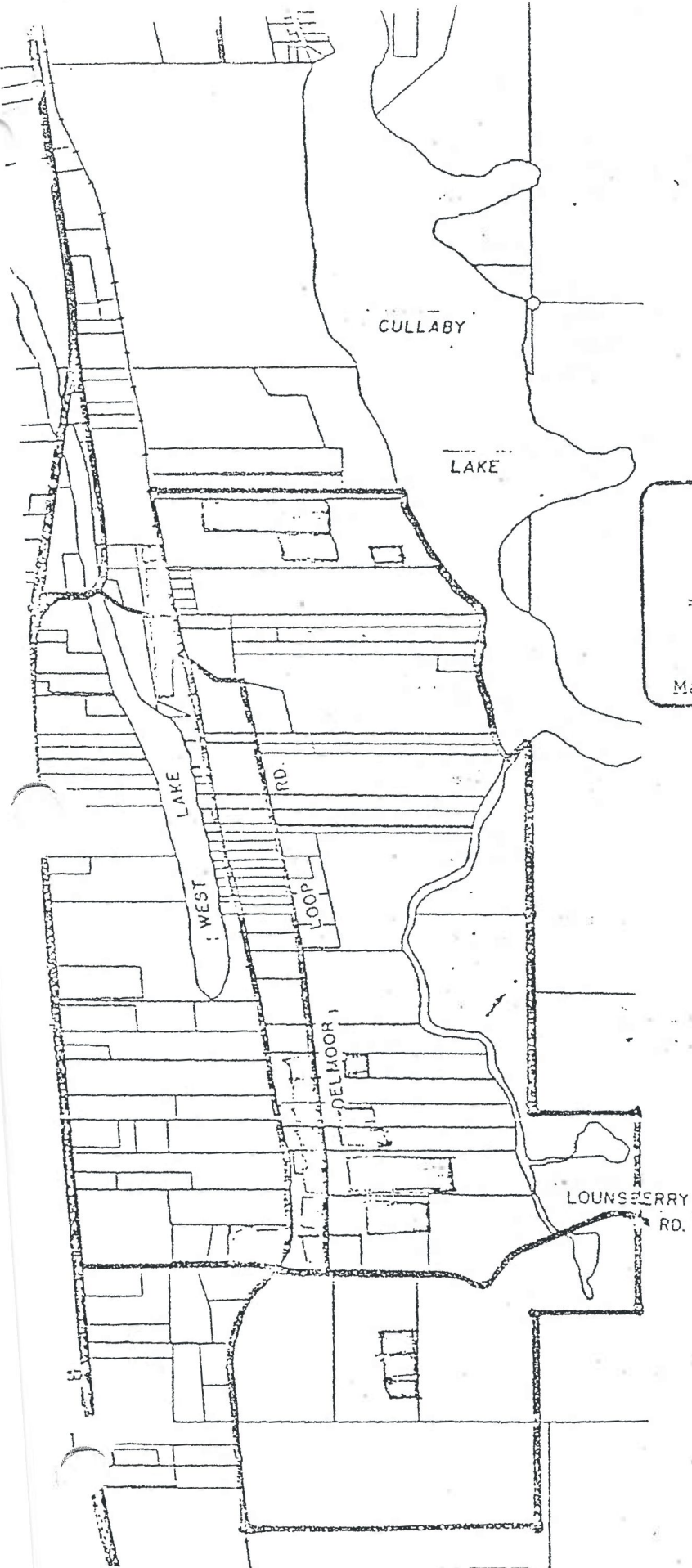
This study area is characterized by a number of uses, including residences, small pastures, woodlots and cranberry bogs. Residential development is generally concentrated at the north end of Delmoor Loop Rd. Most of the cranberry bogs are concentrated at the south end of the study area, with the exception of a 9-acre site at the north end. Existing cranberry bogs are shown on Map 4. Small woodlots are scattered throughout the area. Small pastures occur in the central portion of the study area.

West of the study area is a similar mix of residential and agricultural uses, as well as wetland. North and south of the study area are significant coastal and non-coastal wetlands. East of the study area are forest lands.



SOIL TYPES IN STUDY AREA

- 9A - Gearhart Fine Sandy Loam
- 13F - Ecola Silt Loam
- 23A - Warrenton Loamy Fine Sand
- Brallier Peat



CRANBERRY BOGS IN THE
STUDY AREA



Cranberry bog from
1977 aerial photo.

Map 4

1" = 1,288'

C. Water Availability

Adequate volumes of water for pasture and hay production are generally available in the Delmoor Loop Road area. Cranberry cultivation, on the other hand, requires larger volumes of water. Protection from frost and heat, irrigation during the summer months, and harvest operations all require large amounts of water. Each bog must have access to water in quantities and at rates sufficient to deliver up to 1/4 inch per hour during non-dormant periods whenever the bog temperature falls below 34 degrees F. Cranberry cultivation is not a highly consumptive water using activity. Most of the water used in harvesting and for frost protection returns to either Cullaby Lake or to the aquifer.

Water in sufficient quantities exists in Cullaby Lake, Cullaby Creek and in West Lake. The State Department of Water Resources has indicated that water withdrawals are available for both Cullaby Lake and West Lake.

D. Flooding Problems.

The study area is entirely outside of the 100-year flood plain. There are, however, high groundwater problems in the area. With the exception of two narrow sand ridges running north-south, nearly all of the study area is at least intermittently inundated. The water table is raised during harvest time in order to facilitate flooding of the bogs. This is often thought to be the cause of high groundwater problems in adjacent residential areas. Harvest operations are generally completed within a two week period in October. Several other factors also influence groundwater levels around Cullaby Lake. Chief among these are the need to keep Cullaby Lake deep enough for motor boat use, and the amount of rainfall.

E. Road Access.

There is only one parcel in the study area without direct access to public roads. The County Road Department reports that there are no weight limits on Delmoor Loop Road.

F. Parcel Sizes.

The study area includes about 60 parcels, averaging about 8.5 acres in size. About 75% of the area is in parcels larger than ten acres. About 65% of the area is in parcels twenty acres and larger.

In general, the area consists of long narrow parcels, extending from Delmoor Loop Road to the west shore of Cullaby Lake or Cullaby Creek.

Summary

There are few sites in the Delmoor Loop Road area suitable for pasture or forage. Much of the area, however, is uniquely well-suited for cranberry cultivation. Factors which make hay production or grazing difficult (high groundwater, peat soils, small parcels) work to the advantage of cranberry growers. The number of existing bogs in the area bears witness to this.

5. Plant Communities in the Delmoor Loop Road Area

This section describes plant communities found in various wetlands in the Delmoor Loop Road area. The reader should refer back to the wetland descriptions beginning on page nn.

- 1A. Open Water with few floating or submerged aquatic vascular plants.
- 1B. Water which usually becomes more or less filled with floating or submerged aquatic vascular plants during the summer and fall. Plant species include:

Callitriche species (water starwort)
Lemna minor (duckweed)
Ceratophyllum demersum (water hornwort)
Elodea densa (South American waterweed)
Elodea nuttallii (Nuttall's waterweed)
Myriophyllum brasiliense (South American water-milfoil)
Nymphaea odorata (fragrant waterlily)

2. Shallow but more or less permanent water which becomes covered by a dense growth of non-persistent emergent and floating-leaved plants. The main dominants are the yellow flowered Indian Pondlily and the marsh cinquefoil. A species list of plants common or dominant in this community includes:

Potamogeton species (pondweed)
Nuphar polysepalum (Indian pondlily)
Hippuris vulgaris common mare's tail)
Potentilla Palustris (marsh cinquefoil)
Utricularia vulgaris (common bladderwort)

4. Sedge meadows dominated by tussocks of Sitka sedge. This vegetation is flooded by two or three feet of water during wet periods though the sedge tussocks are usually persistently emergent. During dry periods, the surface between the tussocks may be exposed or shallowly flooded. This community is typical of wet emergent marshes on Brallier peat, and it usually contains floristic elements of either wetter (2,3) and/or drier (5, 11A) communities. Common plant species include:

Carex sitchensis (Sitka sedge)

Carex cusickii (Cusick's sedge)
Carex obnupta (slough sedge)
Nuphar polysepalum (Indian pondlily)
Spiraea douglasii (spiraea or hackberry)
Oenanthe sarmentosa (water parsley)

5. Sedge meadows dominated slough sedge, saturated or flooded at all times. This vegetation is flooded by a foot or more of water during wet periods, and the saturated soil surface is exposed during dry conditions. It occurs on Brallier muck and also on Warrenton loamy fine sand. Common species include:

Carex obnupta (slough sledge)
Lysichiton americanum (skunk cabbage)
Oenanthe sarmentosa (water parsley)
Athyrium filix-femina (lady fern)
Spiraea douglasii (spiraea, or hackberry)
Lonicera involucrata (twinberry)
Carex sitchensis (Sitka sedge)

6. Slough sedge wetland on young deflation plains. These wetlands, on sandy soil close to the ocean, have a fluctuating water table and are flooded during wet periods but dry out so that the soil is moist, not saturated, during dry conditions. Common or dominant species include:

Carex obnupta (slough sedge)
Potentilla pacifica (Pacific silverweed)
Deschampsia cespitosa (tufted hair-grass)

A number of unusual or interesting plant species occur in this community:

Botrychium multifidum (leathery grape-fern)
Habenaria greenii (Green's bog-orchid)

7. Shrub-dominated wetland on young deflation plains. As with vegetation type #6, this type is saturated or flooded during wet periods and may be merely moist at other times. The usual dominant species is Salix hookeriana (Hooker willow), with an herb layer of Carex obnupta (slough sledge).
8. Shrub-dominated swamps. This vegetation type resembles #7, but occurs on more mature soils, particularly Brallier muck and also Warrenton loamy fine sand. Soils are less well draining than #7, and are saturated or flooded at all times. Species typical of this community are:

Salix hookeriana (Hooker willow)
Salix lasiantha (Pacific willow)
Pyrus fusca (crabapple)

Lysichiton americanum (skunk cabbage)
Carex obnupta (slough sledge)

In addition, scattered trees of Picea sitchensis (Sitka spruce) and Alnus rubra (red alder) may be present.

9. Sitka spruce swamp. Forested swamp dominated by Sitka spruce trees, which may become large (they are generally stunted in type 8). Soil conditions are saturated with occasional flooding. The understory is dominated by skunk cabbage and slough sedge, with Rubus spectabilis (salmonberry), and Sambucus racemosa (elderberry) in areas which are transitional between wetland and upland.
11. Low shrub vegetation, in which spiraea or hackberry (Spiraea douglasii) is the main dominant. A wet and a drier variant of this type have been identified. The wet variant often occurs on Brallier muck and is flooded for most of the year. Typical associates of the spiraea are slough sedge and Sitka sedge (Carex sitchensis). The drier variant is also found on Brallier peat, often on abandoned cranberry bogs, where it grows with other shrubs such as sweet gale (Myrica gale) and Labrador tea (Ledum glandulosum).
12. Sphagnum bog. The bog surface is covered by a mat of bryophytes, principally of the genus Sphagnum. Soil conditions are saturated, on account of the water-retaining properties of the moss, and the community develops on Brallier peat. Common vascular plants include species of herb and shrub such as:
 - Carex obnupta (slough sedge)
 - Carex sitchensis (Sitka sedge)
 - Carex cusickii (Cusick's sedge)
 - Lysichiton americanum (skunk cabbage)
 - Trientalis arctica (northern starflower)
 - Drosera rotundifolia (sundew)
 - Eriophorum chamissonis (cotton-grass)
 - Ledum glandulosum (Labrador tea)
 - Kalmia occidentalis (swamp laurel)
 - Gaultheria shallon (salal)
13. Disturbed marsh flora (wet variant). The usual reason for such disturbance is the logging of adjacent forested areas. Following the destruction of marsh vegetation types such as #4 and #5, these areas become dominated by species such as:

Spartanium emersum (bur-reed)
Juncus nevadensis (Sierra rush)
Juncus species (rush)
Glyceria species (manna grass)

INDEXED

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IN THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

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(AN ORDINANCE AMENDING THE CLATSOP
COUNTY COMPREHENSIVE PLAN AND
LAND AND WATER DEVELOPMENT AND USE
ORDINANCE, AS ADOPTED BY THE BOARD
OF COUNTY COMMISSIONERS.)

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

SECTION 1. SHORT TITLE:

This Ordinance shall be known as the 1984 Delmor Loop Road Area Wetland Amendment.

SECTION 2.

The Board of County Commissioners of Clatsop County, Oregon, recognizes that the Clatsop County Comprehensive Plan and the Land and Water Development and Use Ordinance need periodic revision and amendment. In the interest of the health, safety and welfare of the citizens of Clatsop County and in accordance with Clatsop County Planning Commission recommendations, the Board of Commissioners hereby determines the necessity of amending the Plan and Zoning Ordinance to provide opportunities for expanded cranberry production in the Delmor Loop Road area.

The amendments included herein shall be incorporated into the Clatsop County Comprehensive Plan and the Land and Water Development and Use Ordinance. The Board of County Commissioners find the amendments in compliance with Oregon Statewide Planning Goals 1-14, and 16-18.

The Board of County Commissioners further determines and takes notice that the adoption procedure for this ordinance particularly complies with Oregon Statewide Planning Goal 1, Citizen Involvement. The County Planning Commission conducted public hearings pursuant to the requirements of ORS

Page

215.050 on the 14th of February, 1984. The Board received and considered the Planning Commission's recommendations on this proposed amendment. The Board of County Commissioners held a public hearing pursuant to law on this ordinance on the 14th of March, 1984.

SECTION 3. CONFORMITY WITH THE LAW

This Ordinance shall neither be a substitute nor eliminate the necessity to conform with any and all laws or rules of the State of Oregon or its agencies, or any ordinance, rule or regulation of Clatsop County.

SECTION 4. INCONSISTENT PROVISIONS

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

SECTION 5. SEPARABILITY

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

SECTION 6. EFFECTIVE DATE

This ordinance shall be in full force and effect 90 days after the date of enactment of this ordinance.

SECTION 7. ADOPTION CLAUSE

These amendments to the Clatsop County Comprehensive Plan and to the County Land and Water Development and Use Ordinance, attached hereto as "EXHIBIT A" and by this reference incorporated herein, are hereby adopted.

Enacted this 11th day of April, 1984

THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

By Don R. Church
Don Church, Chairman
By Joan M. Dukes
Joan Dukes, Commissioner
By Roger A. Berg
Roger Berg, Commissioner

VOTE: Aye Don R. Church, Joan M. Dukes, & Roger A. Berg
Nay -0-
Abstention -0-

ATTEST:

Diana Hunsinger
Recording Secretary to the Board

April 11, 1984
Date

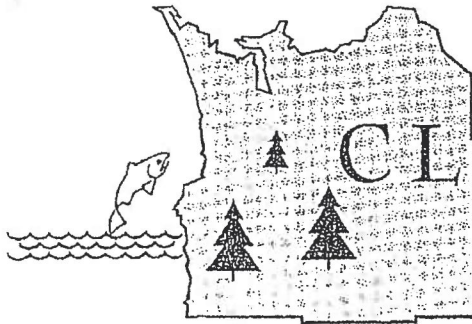
First Reading March 28, 1984

Second Reading April 11, 1984

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EXHIBIT A

8014 615 PAGE 771



CLATSOP COUNTY

Courthouse Astoria, Oregon 97103

TO: Board of County Commissioners

FROM: Mark Barnes, Department of Planning and Development

RE: Proposed amendments to the County Comprehensive Plan and to the Land and Water Development and Use Ordinance relating to cranberry cultivation in the Delmoor Loop Road area.

In July of 1983, during public hearings on county-wide re-zoning, the County Planning Commission received written testimony from Gerald Bogh concerning wetland zoning near his family's cranberry bogs at the south end of Delmoor Loop Road. Mr. Bogh's concern was that Lake and Wetlands (LW) zoning on a portion of his land prevented expansion of his cranberry operation. The Planning Commission directed staff to prepare the necessary plan amendments allowing expansion of Mr. Bogh's cranberry operation. On Tuesday the 14th of February 1984 the Planning Commission recommended that Clatsop County adopt certain Goal 5 Plan amendments which would have the effect of allowing development of new cranberry bogs in significant non-coastal wetlands. This memorandum includes those plan amendments, plus background materials and proposed findings of fact supporting the plan amendments. The Planning Commission was aware that several cranberry growers face a dilemma similar to Mr. Bogh's. Consequently, this memorandum addresses wetlands and cranberry production in the entire Delmoor Loop Road area, not just on Mr. Bogh's parcel.

Background

For administrative purposes there are two different types of wetland areas. Coastal wetlands are protected by Statewide Land Use Planning Goal 17, while non-coastal wetlands are protected by Goal 5. Clatsop County protects both of these wetland types with the Lake and Wetland zone. Mr. Bogh's wetlands are non-coastal, Goal 5 wetlands.

On the 29th of July, 1981, LCDC adopted administrative rules (OAR 660-16-000 to 660-16-025) delineating Goal 5 planning steps in some detail. The County must follow these Goal 5 procedures in order to allow expansion of cranberry bogs into wetland areas. One of the purposes of this memorandum is to provide the Planning Commission with the information and proposed findings necessary to proceed through the Goal 5 planning process.

The Goal 5 Planning Process

3000 615 PAGE 772

Oregon Administrative Rule 660-16-000 et. seq. describes a five step planning process for all Goal 5 resources, including non-coastal wetlands. This process is outlined below.

1. Inventory. The county is required to inventory its non-coastal wetlands. The complete inventory must include information on the location, quality and quantity of the wetland resource. The wetland inventory information currently in Clatsop County's Goal 5 element meets this standard. Inventory information for the Delmoor Loop area is summarized in Attachment A.
2. Identify Conflicting Uses. The County must determine whether any possible uses of the wetland site conflict with the site's resource value. There are currently no conflicting uses listed for Delmoor Loop Road area wetlands in the County's Goal 5 element. Cranberry production is mentioned but dismissed as "economically unfeasible". Clatsop County's Goal 5 element should be revised to recognize cranberry cultivation as a potential conflicting use in the Delmoor Loop Road area. A more thorough discussion of conflicting uses is found in Attachment A. Proposed amendments of this nature are included at the end of this memorandum.
3. Determine Economic, Social, Environmental and Energy Consequences. If a conflicting use is identified for a wetland site, the consequences of allowing that use must be determined. Such an analysis may distinguish between both on- and off-site conflicts. The County's Goal 5 element currently does not include such an analysis for cranberry production in the Delmoor Loop Road area. An analysis of these consequences is included in Attachment A.
4. Develop a Program to Achieve Goal 5. Based on analysis of the economic, social, environmental and energy consequences (3 above), the County must decide to either:
 - a) Fully protect the Resource Site. This is what the County currently does with wetlands in the Delmoor Loop Road area through Lake and Wetland zoning. The Lake and Wetlands zone does not permit cranberry cultivation, except as a pre-existing nonconforming use.

- b) Allow Conflicting Uses Fully. The County may allow an identified conflicting use to occur regardless of its impact on the resource if the conflicting use is shown to be sufficiently important relative to the wetland's resource value.
- c) Limit Conflicting Uses. The County may determine, based on the ESEE analysis, that both the conflicting use and the resource are valuable, and strike a balance between the two. The Planning Commission adopted a staff recommendation along these lines for the Delmoor Loop Road area.

Implementation

The following plan amendments and zone changes are recommended to allow cranberry cultivation in Delmoor Loop Road area wetlands.

Goal 5 plan element, Page 54.

1. Delete the paragraph beginning with "Within the first group of wetlands ..." and replace with the following paragraphs:

" No conflicting uses have been identified for sites 1 and 2. These sites are unsuitable for rural residential development because of soil characteristics which make the utilization of subsurface wastewater disposal systems infeasible."

" Sites 3, 4, 5 and 6 (CP 14, CP 15, CP 16, CP 18) do have potential conflicting uses over portions of the sites. Cranberries have been cultivated in the Delmoor Loop Road area for some time. Cranberry cultivation potentially conflicts with wetland preservation. Specifically, such conflicts include removal of wetland vegetation at the bog site, introduction of agricultural chemicals into adjacent wetland areas, oxidation and decomposition of peat soils, alteration of water drainage patterns and water table levels, and disruption of wildlife habitat. An analysis of the economic, social, environmental and energy consequences of cranberry cultivation on these sites follows."

"A. Economic Consequences.

1. Benefits:

- a. Cranberry production is an intensive agricultural operation which produces income for bog owners and their employees. Cranberry production is a more intensive land use than other agricultural uses found in the county.
- b. Cranberry production results in a higher assessed valuation for the property than would be the case if it were left in

wetland, or if it were in another agricultural land use, thus enhancing the County tax base. Fully productive cranberry bogs are assessed as farm land at about \$1,400 per acre for the 1983 tax year, while undeveloped wetland areas in general are assessed at about \$500 to \$600 per acre.

- c. Expanded cranberry production in the Delmoor Loop area would strengthen the cranberry sector and both strengthen and diversify the County agricultural economy.

2. Costs:

- a. Conversion of wetlands to cranberry production or to other agricultural uses could result in the loss of habitat used by certain economically important species, including elk, fur-bearing animals and waterfowl. This habitat loss could result in a corresponding decline in these animal populations, thus drawing fewer hunters and trappers to Clatsop County. The result would be a slight economic loss for innkeepers, sporting goods store owners, and other merchants who serve hunters, and to individuals engaged in commercial trapping.
- b. Removal of wetland vegetation and installation of drainage ditches around bogs may result in the gradual oxidation and decomposition of peat soils on the site. Decomposed peats lose their water retention capabilities, thus increasing the potential for flooding in the area. Wetland soils tend to hold water, thus lowering peak flood elevation.
- c. New cranberry bogs may need to be fenced for protection from elk damage. As elk are fenced out of customary feeding areas, they may seek new feeding areas. This may result in increased elk browse damage on adjacent pastures and residential landscaping."

"B. Social Consequences.

There do not appear to be any significant identifiable social costs or benefits associated with the conversion of wetlands to cranberry bogs."

"C. Environmental Consequences.

1. Costs

- a. Wetland area drainage patterns may be altered by converting wetlands to cranberry bogs. Because natural drainage in this

area has been greatly altered in the past, it is not clear how further alteration will affect wetlands.

- b. Water quality may be degraded as a result of contamination by agricultural chemicals associated with cranberry production (herbicides, fungicides, insecticides and fertilizers). Such contamination, if it occurs, would likely occur both on- and off-site.
- c. Conflicts with elk may arise if new bogs are not properly fenced.
- d. Habitat destruction may result in the decline of certain animal species dependent upon wetland areas.
- e. Oxidation and decomposition of peat soils may occur over time because of drainage control in cranberry bogs.
- f. The water table may be altered at the site and on adjacent lands by ditching, irrigation and drainage.

2. Benefits.

- a. Cranberry production generally preserves high groundwater levels on adjacent wetlands to a greater degree than other agricultural uses.
- b. If cranberry production is abandoned, as has occurred before in the Delmoor Loop Road area, cranberry bogs will revert back to significant wetlands."

"D. Energy Consequences.

Energy consequences are considered as costs if they appear to result in a net increase in energy consumption in Clatsop County. Beneficial energy consequences result in net energy conservation.

1. Costs

- a. Operation of harvesting equipment consumes energy in the form of gasoline or diesel fuel.
- b. Pumping water for frost and heat protection, for irrigation and for harvest flooding consumes energy in the form of electricity.

2. Benefits.

There do not appear to be any significant identifiable energy benefits associated with the conversion of wetlands to cranberry bogs."

2. In the Goal 5 Plan Element, page 54, in the paragraph beginning "A conflicting use has been identified for site 6.", that sentence should be changed to "An additional conflicting use has been identified for site 6 (CP18)."

3. In the Goal 5 Plan Element, page 54, before the paragraph beginning "A conflicting use has been identified for site 7.", insert the following paragraph:

" Cranberry cultivation shall be permitted in Goal 5 wetlands in the Delmoor Loop Road area only. This area is described on Map 1 in the Delmoor Loop Area Wetlands Study, adopted here by reference."

4. Section 3.613, Land and Water Development and Use Ordinance, the Lake and Wetlands Zone, add the following permitted use:

"6. Cultivation and harvest of Cranberries, including irrigation equipment, pumps and ditches necessary for the management and protection of Cranberries. This use is permitted only in the Delmoor Loop Road area as described in the County's Goal 5 plan element."

5. Section 3.614, Land and Water Development and Use Ordinance, Lake and Wetland Zone, add the following conditional use:

"7. Developments necessary for and accessory to cranberry cultivation and harvest, including equipment storage sheds, access roads and temporary cranberry storage facilities, but not including a residence. This use is permitted conditionally only in the Delmoor Loop Road area as described in the County's Goal 5 plan element."

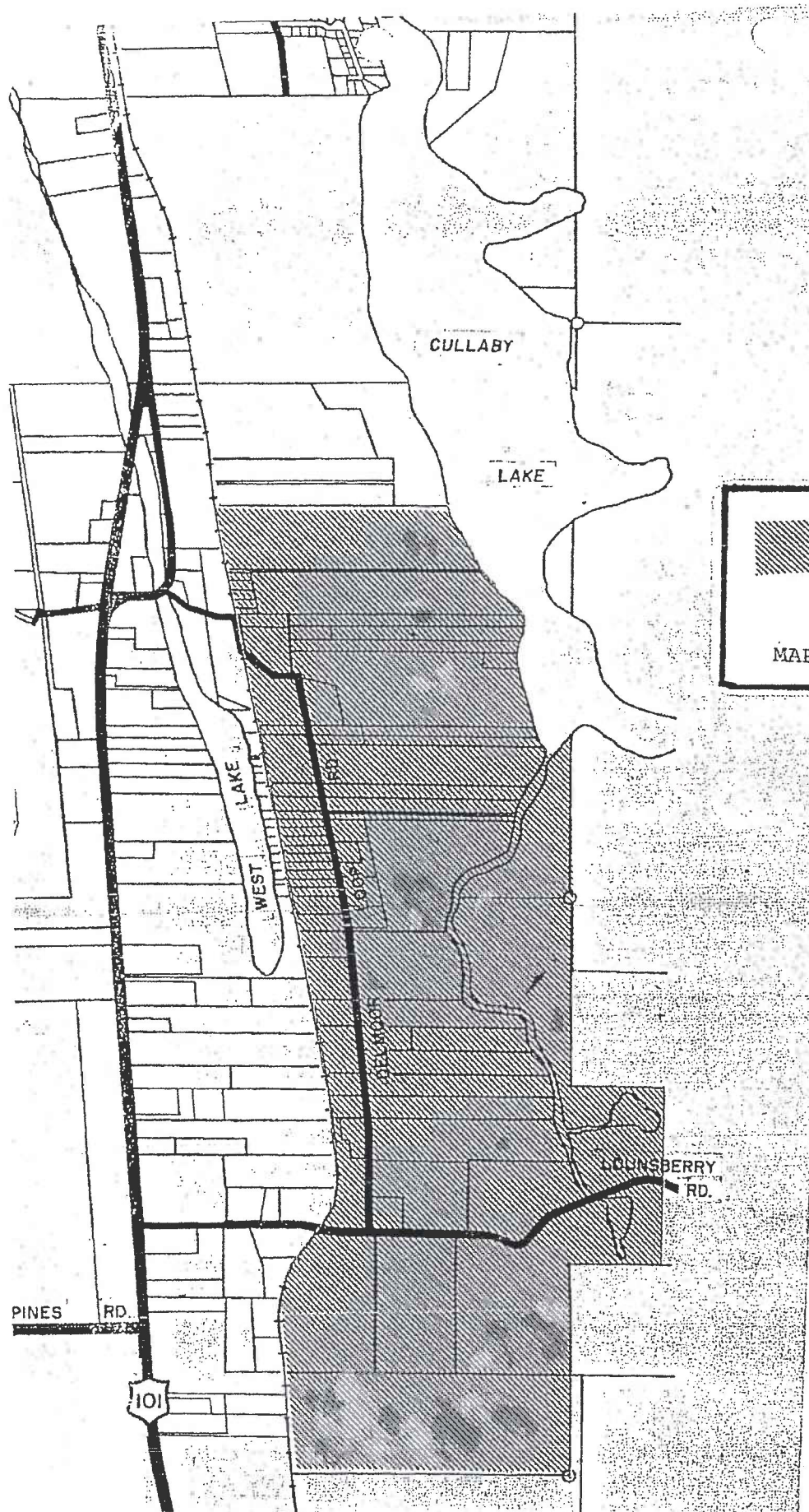
Findings

1. There is an apparent demand for land suitable for cranberry cultivation.
2. Significant wetland areas are well-suited for cranberry cultivation, particularly in terms of soil types and water availability.
3. Cranberry cultivation conflicts with the preservation of wetland areas. Such conflicts occur on-site and, to a lesser degree, off-site.
4. The benefits of increased cranberry production are largely economic, and generally exceed those of other agricultural uses when considered on a per-acre basis.
5. The costs of allowing cranberry cultivation on significant Goal 5

wetlands are mainly environmental. These include a number of both on- and off-site consequences. The on-site environmental costs of cranberry cultivation are comparable to those of other agricultural uses. The off-site impacts are generally not as great for cranberry cultivation as compared to other agricultural uses. Of particular importance is the fact that cranberry production preserves ground water levels on adjacent wetlands to a greater degree than do other agricultural uses.

Conclusions

1. Cranberry production should be encouraged because of the important economic benefits it potentially provides. Social, environmental and energy benefits associated with cranberry production in wetland areas do not appear to be significant or identifiable.
2. Wetlands in the Delmoor Loop Road area should be preserved because of the environmental and economic benefits which wetland areas yield.
3. Increased cranberry production and wetland preservation may both be achieved to some extent by permitting cranberry cultivation in certain wetland areas. The Goal 5 wetland areas within the Delmoor Loop Road area are better-suited for cranberry cultivation than are other wetland areas because they are within the Skipanon Water Control District and are in close proximity to existing cranberry bogs.



615 779

STUDY AREA

MAP 1 1" = 1,288'

ATTACHMENT A

DELMOOR LOOP AREA WETLANDS STUDY

The purpose of this study is to determine whether certain freshwater wetlands in the Delmoor Loop Road area should be made available for conversion to agricultural uses. This study will focus on significant non-coastal wetlands near cranberry bogs. The first section defines a study area and describes wetlands in the study area. Included is information on the location, size and quality of the wetland resource. The second section examines activities associated with agricultural uses which potentially conflict with wetland preservation. The next section identifies wetland areas which may be physically well suited for conversion to various agricultural uses. Finally the economic, social, environmental and energy consequences of allowing or restricting each conflicting use are examined.

1. Inventory

The study area consists generally of the east halves of Sections 22 and 27, T7N R10W, plus about 30 acres in Section 26. The western boundary of the study area is the Burlington Northern Railroad right-of-way. Coastal wetland areas west of the railroad right-of-way have not been included in the study area because the County's management options in coastal wetlands are constrained by Statewide Land Use Planning Goal 17. There are no coastal wetlands in the study area. Wetlands immediately north of the study area are owned by Clatsop County and are managed in conjunction with a recreation area. Non-coastal wetlands south of the study area are not easily accessible. The study area includes about 550 acres, and is more or less coterminous with the southern end of the Skipanon Water Control District. Lands outside of the District are not included because of the important services provided by the District to cranberry growers. Map 1 shows the study area.

The study area consists of about 260 acres of significant non-coastal wetlands and about 290 acres of upland and insignificant wetland areas. Four major wetland types occur in the study area. Their descriptions below are condensed from the County's Goal 5 plan element.

CP 14

Vegetation Type: 1A, 5, 8, 9, 11 (dry var.) (see page nn for key)

Soil: Brallier Muck, lake sediments.

Site Description: Cullaby Lake has the largest area of any lake in the Clatsop Plains: it appears to be the remnant of a much larger lake which has been filling in with peat. It currently has a high level of recreational usage, and supports a recreational warm-water game fishery. It has some value to overwintering and breeding waterfowl. The south end of the lake was described as having a great variety of

avifauna by the Nature Conservancy (Clatsop County Site #16). In addition, peat bogs on the western side of the lake within the area were found to be significant. Part of this wetland previously supported cranberry cultivation, but has since reverted to scrub or emergent wetlands and is used extensively by wetland avifauna and by raptors.

Values: Warm-water game fishery; waterfowl and wetland birds.

CP 15

Wetland Vegetation Types: 5, 8, 9, 11 (dry var.).

Soils: Brallier Muck.

Site Description: This large peat bog site is a westerly extension of the significant peat bog areas which line the west side of Cullaby Lake. The peat which has filled in a former lake basin has powerful water-retaining properties, and the surface is saturated for much of the year. It can, however, be used for agriculture, particularly cranberry cultivation, and some of this site has been so-used in the past. It has now reverted to native wetland vegetation. These peat bogs are important to wetland animals, particularly avifauna, and the southern end of this site is extensively used by elk.

Values: Wetland animals, natural semi-natural peat bog wetlands.

CP 16

Wetland Vegetation Types: 4, 5, 8, 9, 11 (dry var.) 12, 13.

Soils: Brallier Muck.

Site Description: This site is the best example of a Coastal Peat Bog on Brallier Muck in the County. The northern end approaches the raised bog condition, dominated in places by the moss, Sphagnum, a rare community in this area, and also by various shrubs and stunted trees. To the south, the site becomes much wetter and considerable areas are at least seasonably inundated. The southern half in particular is used by breeding waterfowl, while the central and northern portions have heavy elk use. There is a great diversity of avifauna throughout, including many wetland species despite the scarcity of open water. The site at one time supported cranberry cultivation, but has since reverted to native wetland vegetation.

Values: Wetland animals, particularly avifauna and elk. The site has high scientific and educational value as a fine example of a peat bog: the past glacial vegetation history of the area is probably contained in fossils in the deep peat.

CP 18

Wetland Vegetation Types: 1B, 4, 5, 8, 9, 2.

Soils: Brallier Muck.

Site Description: This area has great habitat diversity, with open water, marsh and swamp habitats all well-represented. The swamp/upland boundary to the NE of this site was not accurately determined. The lakes are connected to Cullaby Lake via Cullaby Creek and support populations of warm-water game fish. The surrounding marshes and swamps are important to breeding waterfowl and other wetland birds, and have some importance to overwintering waterfowl. The swamp areas are extensively used by elk. Riparian vegetation is found along Cullaby Creek.

Values: warm-water fish, breeding wetland; birds, habitat diversity.

Wetlands in the study area are shown on Map 2. The following table summarizes acreages in each of the wetland types found in the study area.

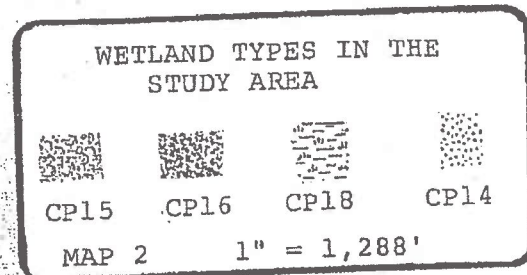
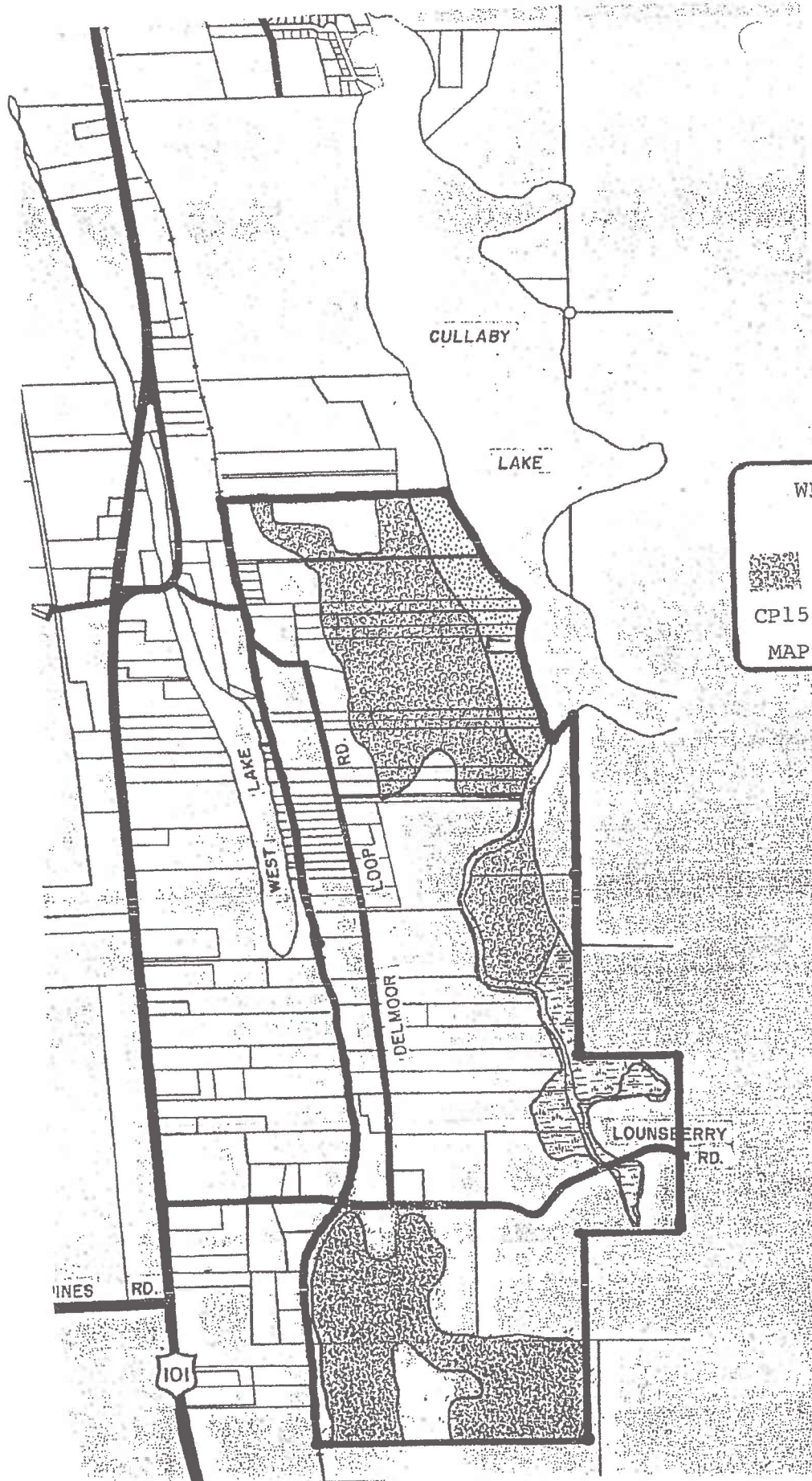
wetland type	acres in study area	total acres in wetland
CP-14	33	280
CP-15	96	230
CP-16	84	380
CP-18	43 (including 2 small lakes)	160
total	256	1,050

These wetlands are currently protected by the County's Lake and Wetland zone (Section 3.610, Land and Water Development and Use Ordinance). The LW zone does not permit any farm uses, including cranberry cultivation.

2. Conflicting Uses and Activities.

Nearly all farm uses conflict in some way with the preservation of wetlands. Both direct and indirect conflicts may be distinguished. Direct conflicts occur at the site, while indirect conflicts occur off-site on adjacent or nearby lands. This section describes directly and indirectly conflicting activities associated with farm uses customarily practiced in the study area.

615 782



- A. Grazing. Some wetland areas are grazed in the summer months when pastures are dry enough to support cattle. This type of grazing pattern conflicts with wetland preservation in the following manner:
- (1) Domestic animals disturb and compact peat soils.
 - (2) Domestic livestock competes with wildlife for limited forage.
 - (3) Waste from domestic livestock may degrade surface and groundwater.
 - (4) Grazing results in the removal of certain wetland plants.

Wetlands may also be grazed year-round by draining or filling the wetland. This type of grazing practice conflicts with wetland preservation in the following manner:

- (5) Drainage of wetland areas results in compaction and decomposition of peat soils.
- (6) Draining wetlands eliminates certain wetland plant species.
- (7) Draining wetlands may affect runoff patterns and groundwater levels on adjacent undrained wetlands.
- (8) Filling of wetland areas may compact peat soils.
- (9) Filling will eradicate wetland vegetation.
- (10) Filling may change drainage and runoff patterns on adjacent unfilled wetlands.

- B. Hay Production. It would be necessary to either fill or drain a wetland to grow hay on the site. Conflicting uses associated with hay production would be the same as those listed above (A(5) through A(10)), in addition to those listed below:

- (1) Liquid manure can degrade ground and surface water through runoff.
- (2) Herbicides used to control unwanted vegetation may contaminate ground and surface water via drift, runoff and percolation.

- C. Cranberry Cultivation. Conflicts associated with cranberry cultivation occur during bog preparation and during cranberry production. These conflicting uses and activities are discussed below.

(1) Bog Preparation.

- (a) Wetland vegetation is stripped from the bog site exposing the underlying peat. Vegetation is removed either mechanically with light bulldozers or power shovels, or chemically with defoliants.
- (b) The exposed peat is leveled, with a slight slope toward drainage ditches on the sides.
- (c) The prepared bog site is covered with about two inches of sand to provide a rooting zone for the cranberry vines, to seal the exposed peat surface, and to reduce weed seed germination.

(2) Production.

- (a) Weeds, unwanted insects and plant diseases are controlled with chemical herbicides, insecticides and fungicides. These chemicals are applied as aerosol sprays, as soil supplements

and through the irrigation system dissolved in water. Improper use of these chemical agents may adversely effect adjacent and nearby wetlands through atmospheric drift, or through ground or surface water contamination.

- (b) Machinery used to harvest cranberries can, over time, result in compaction and decomposition of peat soils.
- (c) Cranberry production requires large amounts of water for protection from frosts, for irrigation during the growing season, and for harvesting. Ditches and dikes are used to control the water table level beneath the bog. Drained peat soils can oxidize and decompose. Drainage control also alters water levels on adjacent wetlands and changes runoff and drainage patterns.

4. Areas for Conversion to Agricultural Uses

This section identifies wetlands in the study area which may be physically suitable for conversion to agricultural uses. Several factors are considered: soils, adjacent uses, water availability, flooding problems, access and parcel sizes.

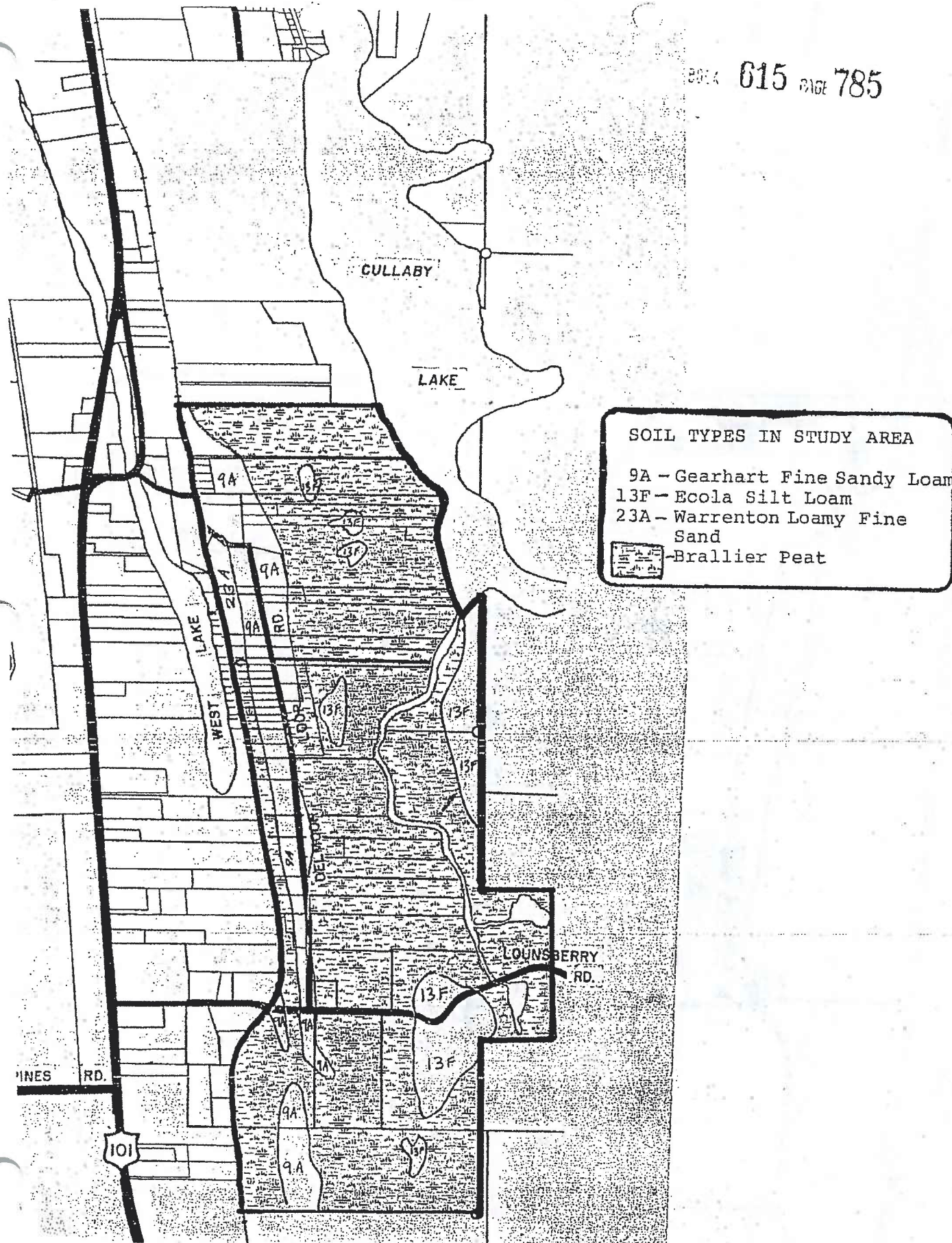
A. Soils

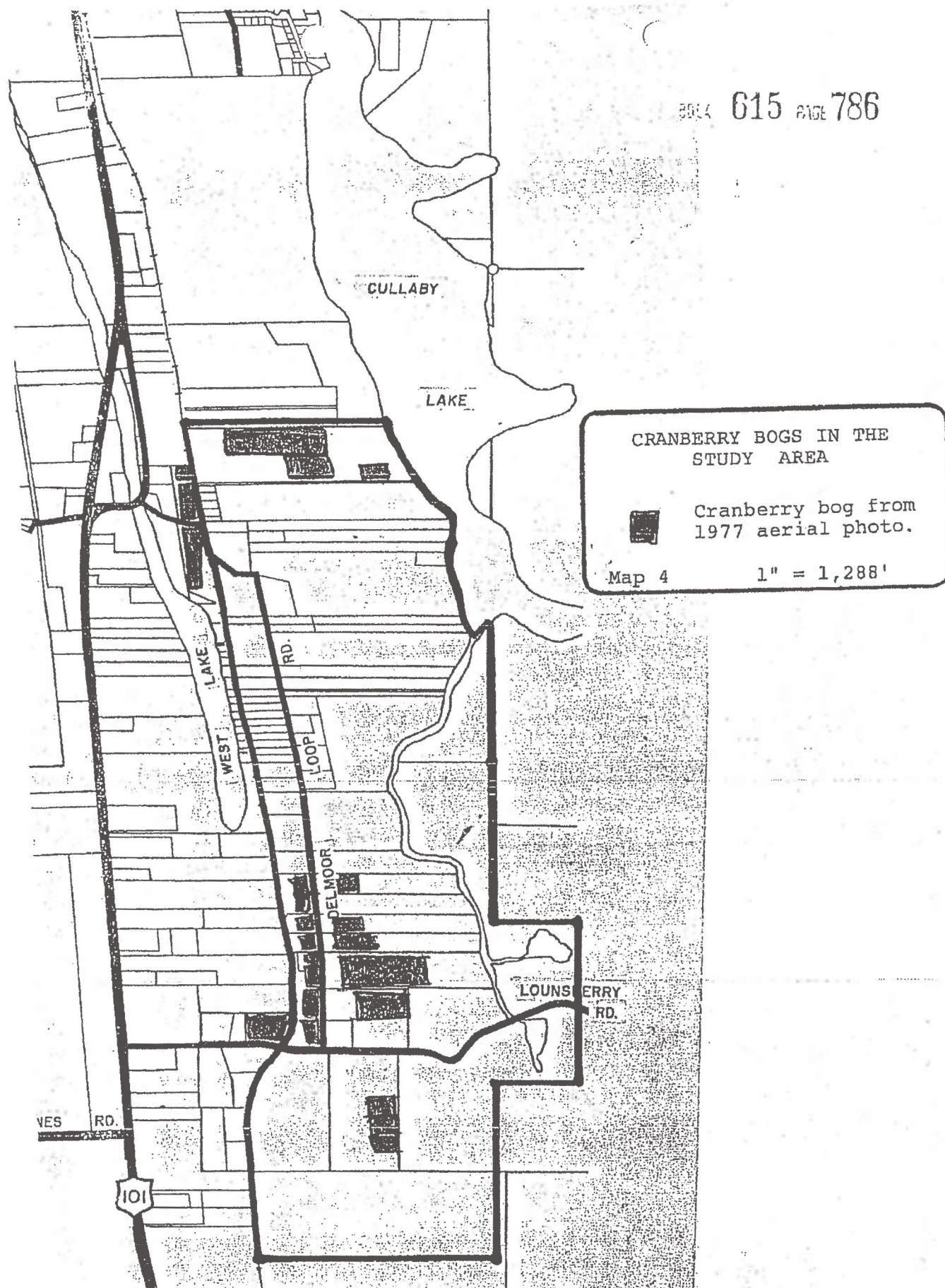
The predominant soil type in the area is Brallier Peat. This soil underlies all of the significant wetland areas in the study area, as well as the insignificant wetlands and portions of the EFU zone. Other soil types in the area are Gearhart Fine Sandy Loam, Ecola Silt Loam and Warrenton Loamy Fine Sand. The Brallier Peat and the Warrenton soils both have agricultural capability classification of IWw. The Gearhart and Ecola soils have agricultural capability classifications of VIe. The Brallier Peat soils are subject to high ground water and flooding during the winter and spring months. Peat soils are also somewhat acidic, with a soil pH of between 3.5 to 5.0. Map 3 shows peat soils in the study area. Other soils shown on Map 3 are Ecola Silt Loam (13F), Gearhart Fine Sandy Loam (9A), and Warrenton Loamy Fine Sand (23A).

B. Adjacent Uses.

This study area is characterized by a number of uses, including residences, small pastures, woodlots and cranberry bogs. Residential development is generally concentrated at the north end of Delmoor Loop Rd. Most of the cranberry bogs are concentrated at the south end of the study area, with the exception of a 9-acre site at the north end. Existing cranberry bogs are shown on Map 4. Small woodlots are scattered throughout the area. Small pastures occur in the central portion of the study area.

West of the study area is a similar mix of residential and agricultural uses, as well as wetland. North and south of the study area are significant coastal and non-coastal wetlands. East of the study area are forest lands.





C. Water Availability

Adequate volumes of water for pasture and hay production are generally available in the Delmoor Loop Road area. Cranberry cultivation, on the other hand, requires larger volumes of water. Protection from frost and heat, irrigation during the summer months, and harvest operations all require large amounts of water. Each bog must have access to water in quantities and at rates sufficient to deliver up to 1/4 inch per hour during non-dormant periods whenever the bog temperature falls below 34 degrees F. Cranberry cultivation is not a highly consumptive water using activity. Most of the water used in harvesting and for frost protection returns to either Cullaby Lake or to the aquifer.

Water in sufficient quantities exists in Cullaby Lake, Cullaby Creek and in West Lake. The State Department of Water Resources has indicated that water withdrawals are available for both Cullaby Lake and West Lake.

D. Flooding Problems.

The study area is entirely outside of the 100-year flood plain. There are, however, high groundwater problems in the area. With the exception of two narrow sand ridges running north-south, nearly all of the study area is at least intermittently inundated. The water table is raised during harvest time in order to facilitate flooding of the bogs. This is often thought to be the cause of high groundwater problems in adjacent residential areas. Harvest operations are generally completed within a two week period in October. Several other factors also influence groundwater levels around Cullaby Lake. Chief among these are the need to keep Cullaby Lake deep enough for motor boat use, and the amount of rainfall.

E. Road Access.

There is only one parcel in the study area without direct access to public roads. The County Road Department reports that there are no weight limits on Delmoor Loop Road.

F. Parcel Sizes.

The study area includes about 60 parcels, averaging about 8.5 acres in size. About 75% of the area is in parcels larger than ten acres. About 65% of the area is in parcels twenty acres and larger.

In general, the area consists of long narrow parcels, extending from Delmoor Loop Road to the west shore of Cullaby Lake or Cullaby Creek.

Summary

There are few sites in the Delmoor Loop Road area suitable for pasture or forage. Much of the area, however, is uniquely well-suited for cranberry cultivation. Factors which make hay production or grazing difficult (high groundwater, peat soils, small parcels) work to the advantage of cranberry growers. The number of existing bogs in the area bears witness to this.

5. Plant Communities in the Delmoor Loop Road Area

This section describes plant communities found in various wetlands in the Delmoor Loop Road area. The reader should refer back to the wetland descriptions beginning on page nn.

- 1A. Open Water with few floating or submerged aquatic vascular plants.
- 1B. Water which usually becomes more or less filled with floating or submerged aquatic vascular plants during the summer and fall. Plant species include:

Callitriche species (water starwort)
Lemna minor (duckweed)
Ceratophyllum demersum (water hornwort)
Elodea densa (South American waterweed)
Elodea nuttallii (Nuttall's waterweed)
Myriophyllum brasiliense (South American water-milfoil)
Nymphaea odorata (fragrant waterlily)

2. Shallow but more or less permanent water which becomes covered by a dense growth of non-persistent emergent and floating-leaved plants. The main dominants are the yellow flowered Indian Pondlily and the marsh cinquefoil. A species list of plants common or dominant in this community includes:

Potamogeton species (pondweed)
Nuphar polysepalum (Indian pondlily)
Hippuris vulgaris common mare's tail)
Potentilla Palustris (marsh cinquefoil)
Utricularia vulgaris (common bladderwort)

4. Sedge meadows dominated by tussocks of Sitka sedge. This vegetation is flooded by two or three feet of water during wet periods though the sedge tussocks are usually persistently emergent. During dry periods, the surface between the tussocks may be exposed or shallowly flooded. This community is typical of wet emergent marshes on Brallier peat, and it usually contains floristic elements of either wetter (2,3) and/or drier (5, 11A) communities. Common plant species include:

Carex sitchensis (Sitka sedge)

Carex cusickii (Cusick's sedge)
Carex obnupta (slough sedge)
Nuphar polysepalum (Indian pondlily)
Spiraea douglasii (spiraea or hackberry)
Oenanthe sarmentosa (water parsley)

5. Sedge meadows dominated slough sedge, saturated or flooded at all times. This vegetation is flooded by a foot or more of water during wet periods, and the saturated soil surface is exposed during dry conditions. It occurs on Brallier muck and also on Warrenton loamy fine sand. Common species include:

Carex obnupta (slough sledge)
Lysichiton americanum (skunk cabbage)
Oenanthe sarmentosa (water parsley)
Athyrium filix-femina (lady fern)
Spiraea douglasii (spiraea, or hackberry)
Lonicera involucrata (twinberry)
Carex sitchensis (Sitka sedge)

6. Slough sedge wetland on young deflation plains. These wetlands, on sandy soil close to the ocean, have a fluctuating water table and are flooded during wet periods but dry out so that the soil is moist, not saturated, during dry conditions. Common or dominant species include:

Carex obnupta (slough sedge)
Potentilla pacifica (Pacific silverweed)
Deschampsia cespitosa (tufted hair-grass)

A number of unusual or interesting plant species occur in this community:

Botrychium multifidum (leathery grape-fern)
Habenaria greenii (Green's bog-orchid)

7. Shrub-dominated wetland on young deflation plains. As with vegetation type #6, this type is saturated or flooded during wet periods and may be merely moist at other times. The usual dominant species is Salix hookeriana (Hooker willow), with an herb layer of Carex obnupta (slough sledge).
8. Shrub-dominated swamps. This vegetation type resembles #7, but occurs on more mature soils, particularly Brallier muck and also Warrenton loamy fine sand. Soils are less well draining than #7, and are saturated or flooded at all times. Species typical of this community are:

Salix hookeriana (Hooker willow)
Salix lasiandra (Pacific willow)
Pyrus fusca (crabapple)

Lysichiton americanum (skunk cabbage)
Carex obnupta (slough sledge)

In addition, scattered trees of Picea sitchensis (Sitka spruce) and Alnus rubra (red alder) may be present.

9. Sitka spruce swamp. Forested swamp dominated by Sitka spruce trees, which may become large (they are generally stunted in type 8). Soil conditions are saturated with occasional flooding. The understory is dominated by skunk cabbage and slough sedge, with Rubus spectabilis (salmonberry), and Sambucus racemosa (elderberry) in areas which are transitional between wetland and upland.
11. Low shrub vegetation, in which spiraea or hackberry (Spiraea douglasii) is the main dominant. A wet and a drier variant of this type have been identified. The wet variant often occurs on Brallier muck and is flooded for most of the year. Typical associates of the spiraea are slough sedge and Sitka sedge (Carex sitchensis). The drier variant is also found on Brallier peat, often on abandoned cranberry bogs, where it grows with other shrubs such as sweet gale (Myrica gale) and labrador tea (Ledum glandulosum).
12. Sphagnum bog. The bog surface is covered by a mat of bryophytes, principally of the genus Sphagnum. Soil conditions are saturated, on account of the water-retaining properties of the moss, and the community develops on Brallier peat. Common vascular plants include species of herb and shrub such as:

Carex obnupta (slough sedge)
Carex sitchensis (Sitka sedge)
Carex cusickii (Cusick's sedge)
Lysichiton americanum (skunk cabbage)
Trientalis arctica (northern starflower)
Drosera rotundifolia (sundew)
Eriophorum chamissonis (cotton-grass)
Ledum glandulosum (Labrador tea)
Kalmia occidentalis (swamp laurel)
Gaultheria shallon (salal)
13. Disturbed marsh flora (wet variant). The usual reason for such disturbance is the logging of adjacent forested areas. Following the destruction of marsh vegetation types such as #4 and #5, these areas become dominated by species such as:

Sparganium emersum (bur-reed)
Juncus nevadensis (Sierra rush)
Juncus species (rush)
Glyceria species (manna grass)

Exhibit VII.

**Excerpt from Duncan Thomas Report
1982**

Riparian Vegetation - About 2,000 feet x 50 feet along the Skipanon, north of the wetlands.

Soils - Brallier muck.

Site Description - This peat bog site was apparently farmed in the past, but has since reverted to native wetland vegetation. The Skipanon River which passes through this site, supports populations of warm-water fish. The swamps to the east of the Skipanon are extensively used by elk. The bog area is important habitat for wetland avifauna and probably supports populations of aquatic furbearers.

Values - This is a good example of a coastal peat bog, though it is probably of lower value than CP 16.

Management - The Goal 5 process should be applied to this site to assess the possibility of protecting its riparian and natural wetland values.

CLATSOP COUNTY - Site #CP 13 - Goal 17

(Overlay - 1" to 400', #10 and Gearhart Quad.)

Location - Taylor Lake, north of Cullaby Lake.

Size - About 17 acres.

Vegetation Types - 1A, 1B, 2, 1C, 3

Riparian Vegetation - 2,500 feet x 50 feet wide around the lake (see quad sheet).

Soils - Brallier muck, lake sediments.

Site Description - This fairly deep, clear lake supports populations of warm-water game fish and has some use for sport fishing. A forested swamp to the SW within 500 feet of the lake was judged to be significant wetland, and the lake is lined with a forested riparian zone. The forested wetland area is used by deer and elk, aquatic furbearing mammals, and is likely to be important habitat for breeding and feeding of wetland birds. There is also a small marshy area to the east of the lake. The lake was described as Nature Conservancy Site #15 for Clatsop County and the NC also described the surrounding hillside as part of the site. Except for the 50' riparian zone, this hillside was not included in this study, since an evaluation of the natural resources of Clatsop Ridge was beyond its scope.

Values - Warm-water game fish; some value to wetland birds.

Management - This site is little disturbed, more or less pristine wetland area despite its relatively small size. The marshes, swamps and riparian vegetation around the lake should be preserved.

* CLATSOP COUNTY SITE #CP 14 - Goal 17

(Overlay - 1" to 400', #10 and #11 and USGS Gearhart Quad Sheet.)

Location - Cullaby Lake.

Size - 280 acres.

Vegetation Types - 1A, 5, 8, 9, 11 (dry var.)

Riparian Vegetation - 20,000 feet x 50' wide, particularly on the eastern side of Cullaby Lake.

Soils - Brallier muck, lake sediments.

Site Description - Cullaby Lake has the largest area of any coastal lake in the Clatsop Plains: it appears to be the remnant of a much larger lake or lagoon which has been filling in with peat since its separation from the ocean. It currently has a high level of recreational usage, and supports a recreational warm-water game fishery. It has some value to overwintering and breeding waterfowl. The south end of the lake was described as having a great variety of avifauna by the Nature Conservancy (Clatsop County Site #16). In addition, peat bogs on the western side of the lake within the Goal 17 area were found to be significant. Some of these previously supported agriculture, probably cranberry growing, but have since reverted to scrub or emergent wetlands and are used extensively by wetland avifauna and by raptors.

Values - Warm-water game fishery; waterfowl and wetland birds.

Management - The natural values of the lake should be protected in order to maintain its high recreational value. The riparian vegetation, fringing marshes and significant bog areas should all be protected.

* CLATSOP COUNTY - Site #CP 15 - Goal 5

(Overlay - 1" to 400', #10 & #11)

Location - Between Cullaby Lake and Highway 101.

Size - About 230 acres.

Vegetation Types - 5, 8, 9, 11 (dry var.)

Riparian Vegetation - None.

Soils - Brallier muck.

Site Description - This large peat bog site is a westerly extension of the significant Goal 17 peat bog areas which line the west side of Cullaby Lake. The peat, which has filled in a former lake basin, has powerful water-retaining properties, and the surface is saturated for much of the year. It can, however, be used for agriculture, particularly cranberry growing and some of the site appears to have been so used in the past. It has now reverted to native wetland vegetation. These peat bogs are important to wetland animals, particularly avifauna, and the southern end of this site is extensively used by elk.

Values - Wetland animals; natural and semi-natural peat bog wetlands.

Management - This site is a good example of a coastal peat bog. Examples of this wetland type should be preserved.

* CLATSOP COUNTY - Site #CP 16 - Goal 5

(Overlay - 1" to 400', #11 & #12)

Location - East of Highway 101 from the south end of the Dellmoor Loop Road, south to Palmberg Gravel works.

Size - About 380 acres (including 15 acres in Gearhart G 3).

Vegetation Types - 4, 5, 8, 9, 11 (dry var.) 12, 13.

Riparian Vegetation - None

Soils - Brallier muck.

Site Description - This site is the best example of a coastal peat bog on Brallier muck in the County. The northern end approaches the raised bog condition dominated in places by the moss Spagnum, a rare community in this area, and also by various shrubs and stunted trees. To the south, the site becomes much wetter and considerable areas are at least seasonally inundated. The southern half in particular, is used by breeding waterfowl, while the central and northern portions have heavy elk use. There is a great diversity of avifauna, throughout, including many wetland species despite the scarcity of open water. The site shows evidence of former cultivation, but has since reverted to native wetland vegetation.

Values - Wetland animals, particularly avifauna and elk. The site has high scientific and educational value as a fine example of a peat bog:

the post-glacial vegetation history of the area is probably contained in fossils in the deep peat.

Management - The high natural values of this site should be protected.

Preservation of this site as the best example of a coastal peat bog in the area would be appropriate.

CLATSOP COUNTY - Site #CP 17 - Goal 17

(Overlay - 1" to 400', #11 & #12)

Location - West of Highway 101, North of Gearhart UGB, North and South of DelRey Beach Road and north and south end of Surf Pines Road. A northwards extension of Gearhart Sites #1 and 2.

Size - 30 acres.

Vegetation Types - 1B, 4, 5, 8, 14.

Riparian Vegetation - None

Site Description - This site is a continuation of the long, narrow deflation plain described under "Gearhart Site #1" in this report. Together, these two sites link Sunset (Neacoxie) Lake to the Neacoxie estuary. Also included are the small northwards extensions of Gearhart Site #2, immediately west of Highway 101, and which, although part of a separate deflation plain system, have very similar characteristics to this one. These areas have shallow lakes, presumably with some warm-water fish, marshes, and willow swamps, with wetland birds. The northern end has been impacted in the past through attempts to drain the site and the destruction of riparian vegetation.

Values - Part of an extensive deflation plain/coastal lake system which extends from the Necanicum estuary northwards to Sunset Lake. Before extensive filling in Camp Rilea, it extended to Coffenbury Lake. The system has fisheries, waterfowl and other wetland values.

Management - The natural wetlands values of this site should be preserved.

x CLATSOP COUNTY - Site #CP 18 - Goals 17 and 5

(Overlay - 1" to 400', #11 and USGS Gearhart Quad.)

Location - 2 small lakes and adjacent wetlands on Cullaby Creek, 4,000 feet south of Cullaby Lake.

Size - 120 acres (Goal 17); 40 acres (Goal 5).



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Exhibit VIII.

Wetland Delineation

WETLAND DELINEATION DETERMINATION REPORT COVER FORM

This form constitutes a request for a jurisdictional determination by the Department of State Lands. It must be completed, signed, and attached to the front of reports submitted to the Department for review and approval.

Wetlands Program Manager Oregon Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279

Applicant Owner Name, Firm and Address: Karl Muller 402 Wisconsin Trail Browns Mills, NJ 08015		Business phone # (609) 736-0723 Home phone # (optional) FAX # E-mail: 131athoms@comcast.net	
Authorized Legal Agent Name and Address:		Business phone # FAX # E-mail:	
I either own the property described below or have legal authority to allow access to the property. I authorize the Department to use the property for the purpose of confirming information in the report after prior notification to the primary contact. Typed/Printed Name: <u>Karl Muller</u> Signature: <u>[Signature]</u> Date: <u>9/13/07</u> Special instructions regarding site access: <u>None</u>			
Project and Site Information (for latitude & longitude, use centroid of site or start & end of linear project)			
Project Name: <u>Cullaby Lake Property</u>		Latitude: <u>046 04' 26.34"</u>	Longitude: <u>123 54' 12.18"</u>
Proposed Use: <u>Single-family Residential Home Site</u>		Tax Map # <u>17674</u>	
Project Street Address (or other descriptive location): <u>89735 Seafes Road</u> <u>Warrenton, OR 97146</u>		Township <u>7N</u> Range <u>10W</u> Section <u>22</u> Q. <u>NW</u> Tax Lot (s) <u>71022D000500</u> Waterway: <u>Cullaby Lake</u> River Mile: <u>N/A</u> City: <u>Warrenton</u> County: <u>Clatsop</u> NW Quad(s): <u>Warrenton</u>	
Wetland Delineation Information			
Wetland Consultant Name, Firm and Address: <u>Ecological Land Services, Inc.</u> <u>1157 3rd Avenue, Suite 220</u> <u>Longview, WA 98632</u>		Phone # <u>(360) 578-1371</u> FAX # <u>(360) 414-9305</u> E-mail address: <u>bpaulsen@eco-land.com</u>	
The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge. Consultant Signature: <u>[Signature]</u> Date: <u>9/13/07</u>			
Primary Contact for report review and site access is ☒ Consultant ☐ Applicant Owner ☐ Authorized Agent			
Wetland/Waters Present? ☒ Yes ☐ No Total Wetland Acreage: <u>approximately 22 acres</u>			
Delineation Purpose: <u>Proceed with Property Development</u>			
☐ R-F permit application submitted with delineation		☐ Sale, purchase, lease etc.	
☐ Mitigation bank site		☐ Partition, re-plat, lot line adjustment	
☐ Inc. stral Land Certification Program site		☐ Habitat restoration project	
☐ R-F application will be submitted within 90 days		☒ Other: <u>Proposed site development</u>	
Other Information: Y N			
Has previous delineation application been made on parcel? ☐ Yes ☒ No		If known, previous DSL #	
Does LWI, if any, show wetland on parcel? ☐ Yes ☒ No		LWI wetland code: <u>No LWI Available</u>	
For Office Use Only			
DSL Reviewer _____	Report Tier: ☐ 1 ☐ 2 ☐ 3	DSL WD # _____	
Date Delineation Received: _____	DSL Project # _____	DSL Site # _____	
Scanned: ☐ Final Scan: ☐	DSL WN # _____	DSL App # _____	

Jurisdictional Wetland Delineation Report

For

**Cullaby Lake Property
Clatsop County, Oregon**

Prepared For:

Karl Muller
402 Wisconsin Trail
Browns Mills, NJ 08015
(609) 735-0723

Prepared By:

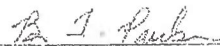
Ecological Land Services, Inc.
1157 3rd Avenue, Suite 220
Longview, WA 98632
(360) 578-1371

September 13, 2007

ELS Project # 1654.01

SIGNATURE PAGE

The information and data in this report were compiled and prepared under the supervision and direction of the undersigned.



Brian Paulsen
Biologist



Steffanie Taylor
Biologist

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Introduction

Ecological Land Services, Inc. (ELS) was contracted by Karl Muller to complete jurisdictional wetland delineation on property south of Warrenton, Oregon, identified as Tax Parcel No. 71022D000500. The site is located west of the south end of Cullaby Lake and east of Dellmoor Loop in the NW ¼ of Section 22, Township 7N, Range 10W, W.M. (Figure 1). The study area subject to this wetland delineation is located in the north-central portion of the parcel as shown on the attached figures. The purpose of the wetland delineation was to determine if an upland area existed for a potential building site for a single family home. Field work was conducted on August 22, 2007. Clatsop County does not regulate wetlands at this time.

A) Subject Property Description

The site is a single parcel estimated to be 26.58 acres located east of Dellmoor Loop and west of the south end of Cullaby Lake, south of Warrenton, Oregon (Figures 1-5). Currently one home is being built on a separate one acre lot on the northeast border of the subject property. Cullaby Lake borders the parcel on the east and residential areas border on the north, south, and west. The site is accessed by a gravel driveway off of Dellmoor Loop. Topography is generally flat with higher elevation located in the central region of the parcel. A low ridge extends north-south in the central portion of the property and appears to be an old sand dune or sand deposit. Soils are sandy in this area unlike the surrounding peat and muck dominated soils. The wetland in the vicinity of the study area is approximately two feet lower in elevation than the adjacent upland. The property's historical use is unknown. Surrounding land use includes residential areas and farmed cranberry bogs. Fishing and boating activities occur on Cullaby Lake. According to the property owner, the sand dune/sand deposit on-site has been actively mined over the last few decades. There are all terrain vehicle trails traveling through study area that have been maintained by the owner.

B) Wetland/Critical Areas

Wetlands predominate most of the property which is due to the close proximity to Cullaby Lake and seasonal flooding in areas of lower elevation. Soil investigations conducted at the east end of the property outside the study area revealed peat dominated soils greater than 2 feet in depth. Areas that appeared to be upland based on vegetation were located over the peat and may meet criteria to classify the area as a bog; however, no species indicative of a bog were readily observed. East of the proposed building site within the study area, the wetland was dominated by mostly mature coniferous trees with a scrub-shrub dominated understory, little ground cover, and peat soils. The wetland transitions to a scrub-shrub dominated depressional wetland with mucky soils in the western portion of the study area. The wetland system extends off-site outside of the study area boundary and the property boundaries to the north, south, and west. The entire wetland system is likely more than 100 acres in size and is associated with various small lakes and depressions in the surrounding landscape.

C) Description of Site Alterations that may have affected any waters of the state on-site

The property's historical use is unknown. The site access road was constructed prior to the current property owner purchasing the property. This access road bisects the wetland and may decrease the hydraulic flow between both sides of the wetland. The property owner stated that water levels in Cullaby Lake are controlled by a gate which caused flooding during the past year. The man-made water level fluctuation within the lake may influence water levels within the wetland area surrounding the study area. A combination of soil compaction/disturbance from all terrain vehicle use and heavy equipment as well as vegetation removal and slash burning has altered the vegetation growth and soil coloration in the upland within the study area resulting in the soil displaying hydric characteristics and establishment of hydrophytic vegetation.

D) Site Specific Methods for field investigation

Vegetation, soils, and hydrology data were collected from five test plots in the study area to verify the presence or absence of wetland areas. Test plot sites were selected in areas where vegetation appeared to be native or had relatively little disturbance and within areas that appeared to best represent site conditions. Recent aerial photographs, the National Wetland Inventory (NWI), and soil survey data were also consulted. ELS field data is recorded on data sheets located in Appendix A.

Vegetation

Vegetation samples representative of species found in the upland and wetland sample plot sites are documented on the attached data sheets. Dominant wetland vegetation includes Sitka spruce (*Picea sitchensis*, FAC), red alder (*Alnus rubra*, FAC), Hooker willow (*Salix hookeriana*, FACW-), soft rush (*Juncus effusus*, FACW), slough sedge (*Carex obnupta*, OBL) and false lily-of-the-valley (*Mojanthemum dilatatum*, FAC). Dominant upland vegetation includes Western hemlock (*Tsuga heterophylla*, FACU-), red elderberry (*Sambucus racemosa*, FACU), and evergreen blackberry (*Rubus laciniatus*, FACU+).

Soils

The U.S.D.A. Natural Resource Conservation Service (NRCS), *Soil Survey of Clatsop County, Oregon* (1988) designates the soils on-site as Gearhart fine sandy loam Soil, 3 to 15 percent slopes (19C) and Bergsvik mucky peat, 0 to 1 percent slopes. The Gearhart fine sandy loam series are described by very deep, somewhat excessively drained soils on stabilized dunes that formed in eolian sand deposits. The Bergsvik series are described as very deep, very poorly drained organic soils that form in sand by decomposing herbaceous plant material. Profile samples recorded within the wetland area on-site exhibited poorly drained characteristics including low chromas and the presence of peat. Bergsvik mucky peat is listed on the hydric soils list for Oregon (2007). The Gearhart fine sandy loam is not considered to be a hydric soil. The on-site soils were consistent with the soil survey description.

E) Explanation of Deviation from NWI Mapped Wetlands

The National Wetland Inventory Map (NWI) for the subject property depicts inland palustrine emergent temporarily flooded (PEMA), palustrine scrub-scrub seasonally flooded (PSSC), palustrine forested seasonally flooded (PFOC), and lacustrine limnetic unconsolidated bottom permanent (LIUBH) (Figure 3). ELS field observations found that there is an upland island significantly different in soil properties, hydrology, and general topography than the remainder of the property. ELS determined that this area does not meet wetland criteria mainly due to lack of hydrology.

F) Methods used to determine geographic extent of other waters of the state

Vegetation, hydrology, soil information was gathered from five test plots to determine the upland/wetland boundaries. Because portions of the study area were heavily disturbed from all terrain vehicles, heavy equipment, vegetation removal, and slash burning, elevation was the main factor in delineating the wetland boundary. Overall, the wetland was approximately 2 feet lower in elevation than the surrounding upland.

G) Additional information to aid in state jurisdiction

There is no additional information to supplement the State's review of the jurisdictional determination.

H) Wetland boundary and data plot mapping method and estimated accuracy

The wetland boundary was delineated on-site with consecutively numbered pink fluorescent flagging. At each numbered flag a GPS location was taken to accurately map the wetland boundary. The test plots were marked with numbered orange fluorescent pin-flagging and GPS coordinates were also taken. Accuracy of the GPS coordinates as indicated by the GPS unit was +/-10 feet. The mapped coordinates were reviewed onscreen preceding the delineation, and were consistent with the flagging locations.

I) Date of the field investigation

ELS evaluated the Cullaby Lake Property Site for critical areas on August 22, 2007 which included the determination of an upland area for a possible single family home site.

J) Precipitation Information

A trace of precipitation was measured for the Warrenton/Astoria area on August 22, 2007. Precipitation measurements for the preceding 2 weeks, beginning on August 9 and ending on August 22, equals 0.63 inches (NOAA 2007). The normal rainfall percentage for the August is 1.33 inches (NOAA 2007). The rainfall measurement of 0.63 inches is 47 percent of the total normal monthly precipitation.

K) Results and Conclusions

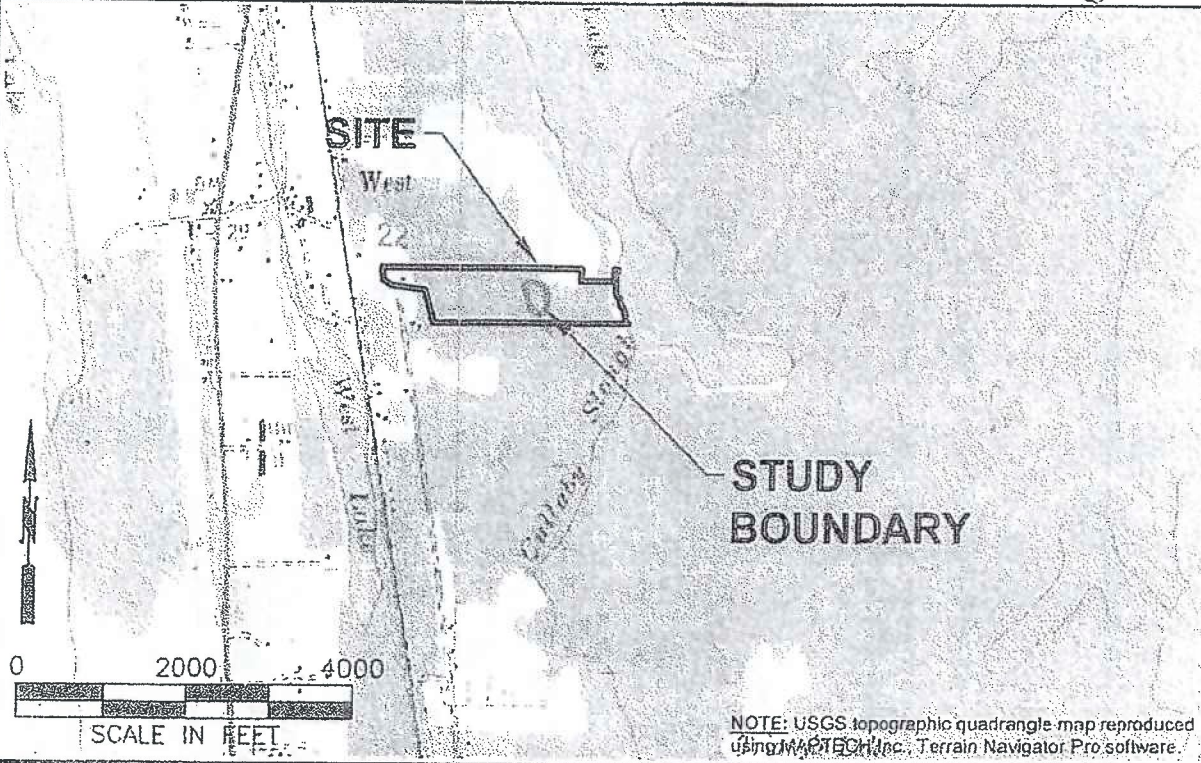
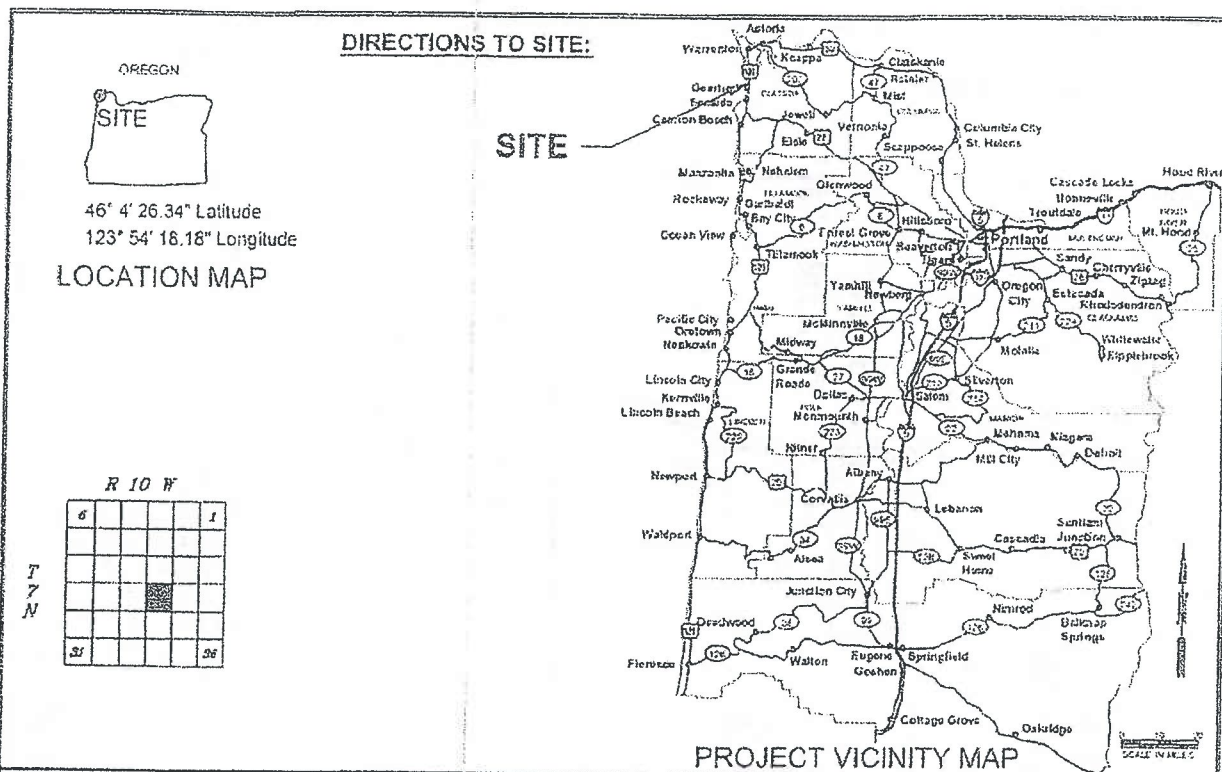
ELS delineated a portion of the boundary of an upland island within the study area centrally located on the subject property (Figure 5). The surrounding wetland system is approximately 2 feet lower in elevation and extends outside the study area and property boundary to the north, south and west. The entire wetland system is likely over 100 acres in size and is associated with various small lakes and depressions in the surrounding landscape. East of the proposed building site within the study area, the wetland was dominated by mostly mature coniferous trees with a scrub-shrub dominated understory, little ground cover, and peat soils. The wetland transitions to a scrub-shrub dominated depressional wetland with mucky soils in the western portion of the study area. The main functions of the wetland are flood storage, wildlife habitat, and water quality related functions. Portions of the wetland system may meet criteria to be classified as a bog; however, species indicative of a bog were not readily observed and a survey for these species was not part of the project scope. ELS field observations are inconsistent with the NWI map (Figure 3) having found an upland area within the study area. The compacted soil conditions in a portion of the study area from vehicular disturbance allow for the dominance of hydrophytic vegetation in parts of the upland area and accounts for the hydric characteristics observed in the soil. Clatsop County does not currently regulate wetlands; however wetlands cannot be filled or disturbed without the appropriate permits from Oregon Department of State Lands and US Army Corps of Engineers.

L) Disclaimer

This report documents the investigation, best professional judgment, and conclusions of Ecological Land Services, Inc. It is correct and complete to the best of our knowledge. It should be considered a Preliminary Jurisdictional Determination of wetlands and other waters, and used at your own risk until 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.

Figures

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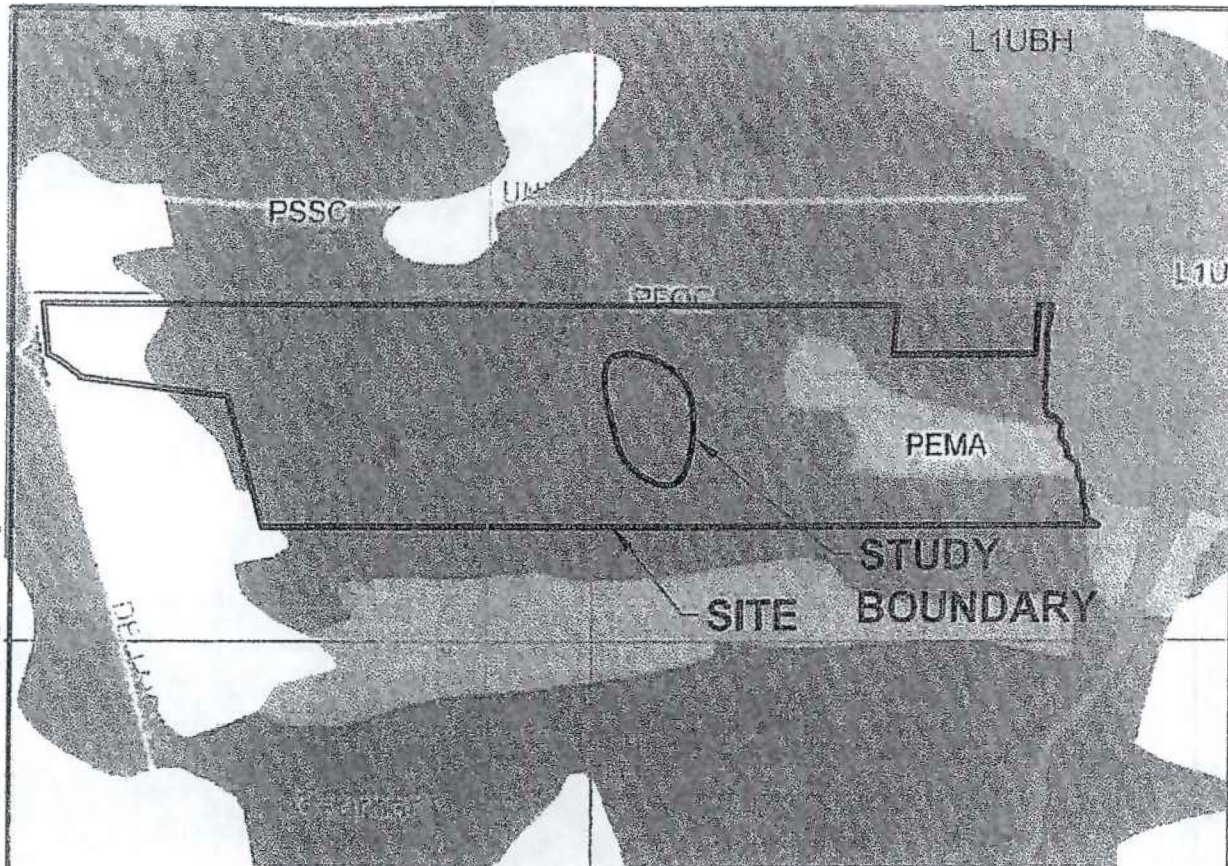


ECOLOGICAL LAND SERVICES, INC.
1157 3rd Ave., Suite 220 Longview, WA 98632
(360) 578-1371 Fax: (360) 414-9305

DATE: 9/7/07
DWN: KLM
REQ. BY: BP
PRJ. MGR: ST
CHK:
APPR:
PROJ.#: 1654.01

Figure 1
VICINITY MAP
Cullaby Lake Property
Karl Muller
Clatsop County, Oregon
Section 22, Township 7N, Range 10W, W.M.

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PSSC - Palustrine, shrub-shrub, seasonally flooded
PFOC - Palustrine, forested, seasonally flooded.
PEMA - Palustrine, emergent, temporarily flooded.
L1UBH - Lacustrine, limnetic, unconsolidated bottom, permanently flooded.

LEGEND:

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Lake

NOTES:

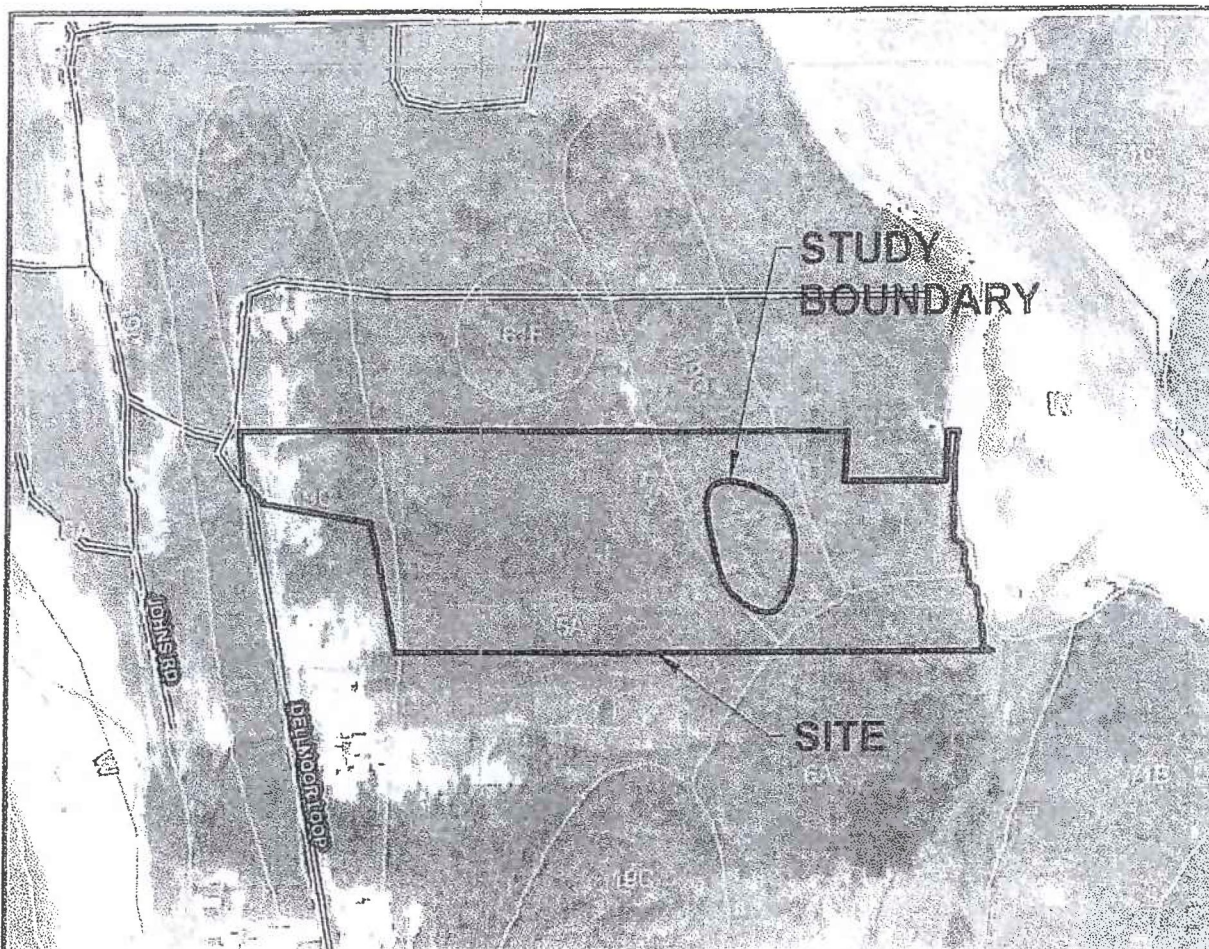
1. Map provided on-line by US Fish & Wildlife Service at web address.
<http://www.wetlandsfws.er.usgs.gov/NWI/index.html>
2. Map not to scale. Property boundary location and size is approximate.


ECOLOGICAL LAND SERVICES, INC.
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(360) 578-1371 Fax: (360) 414-9305

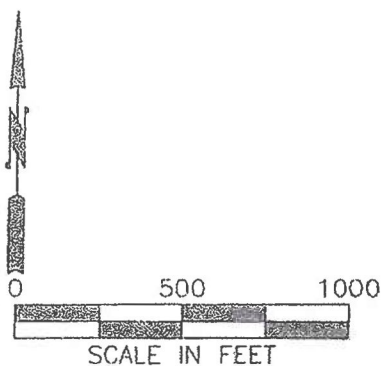
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CHK:
APPR:
PROJ#: 1654.01

Figure 3
NATIONAL WETLANDS INVENTORY MAP
Cullaby Lake Property
Karl Muller
Clatsop County, Warrenton
Section 22, Township 7N, Range 10W, W.M.

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- 5A - Bergsvik mucky peat, 0 to 5 percent slopes. Hydric.
6A - Brallier Mucky peat, 0 to 1 percent slopes. Hydric.
19C - Gearhart fine sandy loam, 3 to 15 percent slopes. Not hydric.



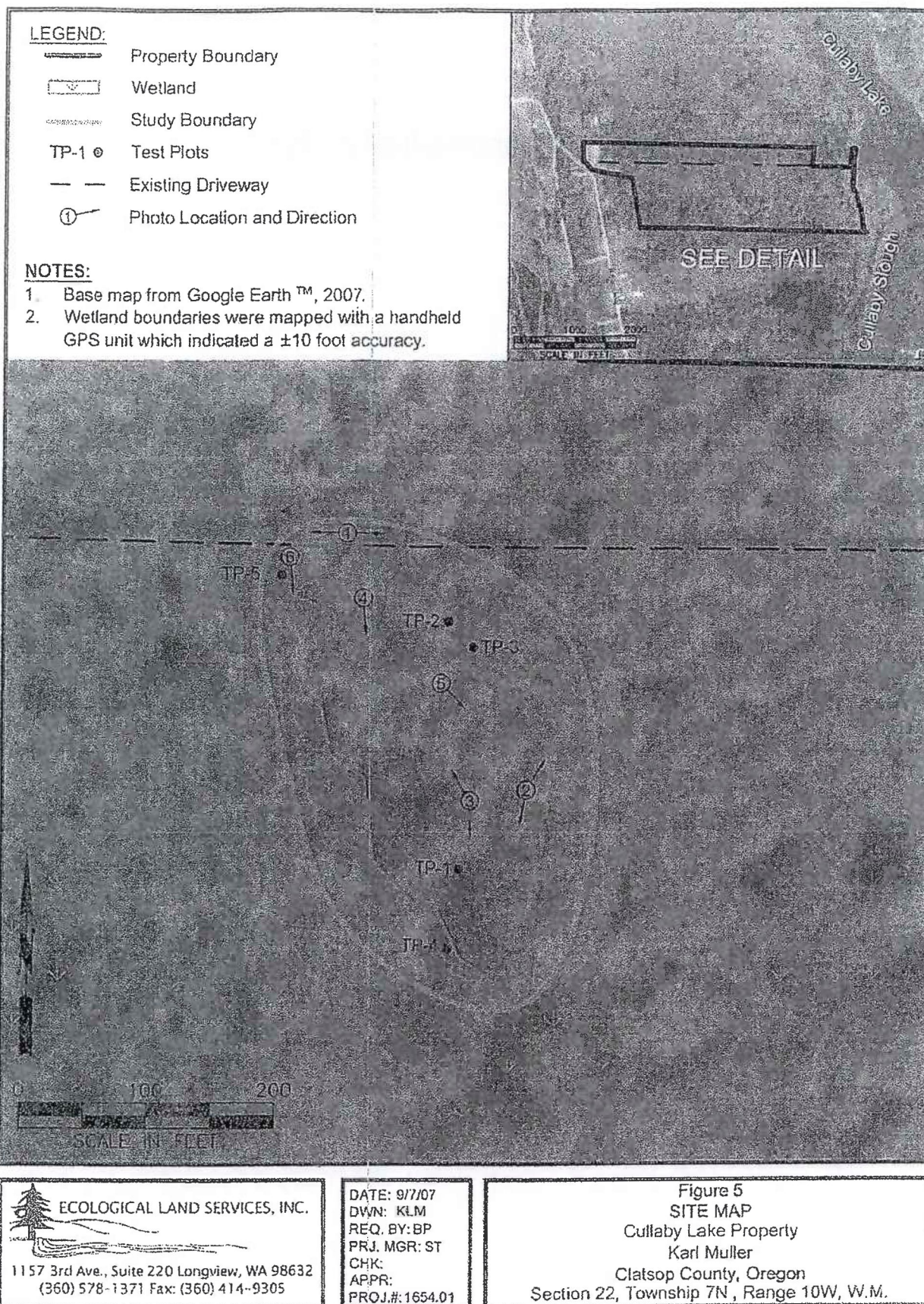
NOTE: Map provided on-line by NRCS at web address:
www.wa.nrcs.usda.gov/pnw_soil/wa_reports.html

 ECOLOGICAL LAND SERVICES, INC.
1157 3rd Ave., Suite 220 Longview, WA 98632
(360) 578-1371 Fax: (360) 414-9305

DATE: 8/30/07
DWN: KLM
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PROJ#: 1654.01

Figure 4
SOIL SURVEY MAP
Cullaby Lake Property
Karl Muller
Clatsop County, Oregon
Section 22, Township 7N, Range 10W, W.M.

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Routine On-site Wetland Determination Data Forms

Collaby Lake Property
Jurisdictional Wetland Delineation Report

Ecological Land Services, Inc.
September 13, 2007



ECOLOGICAL LAND SERVICES, INC.

1157 3rd Avenue, Suite 220, Longview, Washington 98632
(360)578-1371 FAX (360)414-9305
DATA FORM - Routine Onsite Wetland Determination
1987 COE Wetlands Delineation Manual
1997 Washington State Delineation Manual

Project Site: Cullaby Lake Property	Date: 8/22/07	Project #: 1654.01
Applicant/Owner: Karl Muller	County/State: Clatsop/OR	
Test Plot Location: Centrally located in southern portion of study area.	Sec/Town/Range: 07N/10W/22 W.M.	

Do normal circumstances exist at the site?	☒ Yes ☐ No	Plot ID: TP-1
Is the site significantly disturbed (atypical situation)?	☒ Yes ☐ No	Community ID: --
Is the site a potential problem area?	☐ Yes ☒ No	Transect ID: --

VEGETATION (Strata: tree, sapling, shrub, woody vine, herb)					
Dominant Plant Species					
Common Name	Scientific Name	Strata	% Cover	Indicator Status	
1. *Sitka spruce	<i>Picea sitchensis</i>	Tree	40	FAC	
2. *Western hemlock	<i>Tsuga heterophylla</i>	Tree	40	FACU-	
3. *Red alder	<i>Alnus rubra</i>	Tree	20	FAC	
4.					
5. *False lily-of-the-valley	<i>Maianthemum dillatum</i>	Herb	35	FAC	
6. *Soft rush	<i>Juncus effusus</i>	Herb	25	FACW	
7. *Slough sedge	<i>Carex obnupta</i>	Herb	20	OBL	
8. *Colonial bentgrass	<i>Agrostis capillaris</i>	Herb	20	FAC	
Other species present: Sword fern, Salmonberry, trailing blackberry, Evergreen blackberry, and Himalayan blackberry.					
% of dominant species OBL, FACW, FACU-, FAC+, FAC 86% (more than 50% required)					
Remarks: * = dominant species per the 50/20 rule. 6/7 = 86%					
Vegetation Criteria Met? ☒ Yes ☐ No					

HYDROLOGY		Type(s): --	Wetland Hydrology Indicators	
Recorded data available?	☐ Yes ☒ No	Primary Indicators ☐ Inundated ☐ Saturated < 12 in. ☐ Water Marks ☐ Drift Lines ☐ Sediment Deposits ☐ Drainage Patterns in wetlands	Secondary Indicators (2 required) ☐ Oxidized Root Channels < 12 in. bgs ☐ Local Soil Survey Data ☐ Water Stained Leaves ☒ FAC-Neutral Test ☐ Other (Explain in remarks)	
Is it the growing season?	☒ Yes ☐ No		Hydrology Criteria Met? ☐ Yes ☒ No	
Is site inundated?	☐ Yes ☒ No			
Depth of surface water: none				
Depth to free water in plt: none				
Depth to saturated soils: none				
Remarks:				

SOILS:		Drainage Class:	☐ Excessively Drained ☒ Somewhat Excessively Drained ☐ Well Drained ☐ Moderately Well Drained ☐ Somewhat Poorly Drained ☐ Poorly Drained ☐ Very Poorly Drained			
Map Unit Name: 19C Clearlake fine sandy loam (Series and Phase)						
Taxonomy (Subgroup): Humic Psammentic Dystrudepts						
Field observations confirm mapped soil type? ☒ Yes ☐ No						
Profile Description						
Depth (inches)	Horizon	Matrix color	Mottle Color	Mottle Abundance (few, common, many)	Mottle Size (fine, med, coarse)	Texture
0-3		7.5YR 4/3	--	--	--	sand
3-16		7.5YR 4/3	5/8	common	coarse	sand
Hydric Soil Indicators ☐ Histosol (-ists) ☐ Histic Epipedon (8-16") ☐ Sulfidic Odor ☐ Aquic Moisture Regime						
☐ Reducing Conditions ☐ Gleyed or Low Chroma Colors ☐ Mn or Fe Concretions ☐ High Organic Content in Layer of Sandy Soils						
☐ Organic Streaking in Sandy Soils ☐ Organic Pans ☐ Listed on Local Hydric Soils List ☐ Other (explain in remarks)						
Remarks:						
Soils Criteria Met? ☐ Yes ☒ No						

WETLAND DETERMINATION	
Hydrophytic Vegetation Dominant?	☒ Yes ☐ No
Wetland Hydrology Present?	☐ Yes ☒ No
Hydric Soil Present?	☐ Yes ☒ No
Remarks: wetland criteria not met	
Is test plot within a wetland? ☐ Yes ☒ No	

Name: B. Paulsen/S. Taylor

Sheet 1 of 5



ECOLOGICAL LAND SERVICES, INC.

1157 3rd Avenue, Suite 220, Longview, Washington 98632
(360)578-1371 FAX (360)414-9305
DATA FORM - Routine Onsite Wetland Determination
1987 COE Wetlands Delineation Manual
1997 Washington State Delineation Manual

Project Site: Collaby Lake Property	Date: 8/22/07	Project #: 1654.01
Applicant/Owner: Karl Muller	County/State: Clatsop/OR	
Test Plot Location: Northeast portion of study area.	Sec/Town/Range: 07N/18W/22 W.M.	

Do normal circumstances exist at the site?	☒ Yes ☐ No	Plot ID: TP-2
Is the site significantly disturbed (atypical situation)?	☒ Yes ☐ No	Community ID: --
Is the site a potential problem area?	☐ Yes ☒ No	Transect ID: --

VEGETATION (Strata: tree, sapling, shrub, woody vine, herb)					
Dominant Plant Species					
Common Name	Scientific Name	Strata	% Cover	Indicator Status	
1. *Sika spruce	<i>Picea sitchensis</i>	Tree	30	FAC	
2. *Red alder	<i>Alnus rubra</i>	Tree	10	FAC	
3. *False lily-of-the-valley	<i>Monanthemum alatum</i>	Herb	40	FAC	
4. *Soft rush	<i>Juncus effusus</i>	Herb	20	FACW	
5. Slough sedge	<i>Carex obnupta</i>	Herb	10	OBL	
6. Evergreen blackberry	<i>Rubus laciniatus</i>	Herb	10	FACU--	
7. Himalayan blackberry	<i>Rubus armeniacus</i>	Herb	10	FACU	
8. Colonial bentgrass	<i>Agrostis capillaris</i>	Herb	10	FAC	
Other species present:					
% of dominant species OBL, FACW, FACW-, FAC+, FAC 100% (more than 50% required)					
Remarks: * = dominant species per the 50/20 rule, 4/4- 100 %					
Vegetation Criteria Met? ☒ Yes ☐ No					

HYDROLOGY		Type(s):	Wetland Hydrology Indicators	
Recorded data available?	☐ Yes ☒ No	--	Primary Indicators	
Is it the growing season?	☒ Yes ☐ No		Secondary Indicators (2 required)	
Is site inundated?	☐ Yes ☒ No			
Depth of surface water:	none	☐ Inundated	☐ Oxidized Root Channels < 12in. bgs	
Depth to free water in pit:	none	☐ Saturated < 12 in.	☐ Local Soil Survey Data	
Depth to saturated soils:	none	☐ Water Marks	☐ Water Stained Leaves	
		☐ Drift Lines	☒ FAC-Neutral Test	
		☐ Sediment Deposits	☐ Other (Explain in remarks)	
		☐ Drainage Patterns in wetlands		
Remarks:		Hydrology Criteria Met? ☐ Yes ☒ No		

SOILS:		Drainage Class:				
Map Unit Name: 19C Gearhart fine sandy loam (Series and Phase)		☐ Excessively Drained ☒ Somewhat Excessively Drained ☐ Well Drained ☐ Moderately Well Drained ☐ Somewhat Poorly Drained ☐ Poorly Drained ☐ Very Poorly Drained				
Taxonomy (Subgroup): Humic Psammentic Dystrudepts						
Field observations confirm mapped soil type? ☒ Yes ☐ No						
Profile Description						
Depth (inches)	Horizon	Matrix color	Mottle Color	Mottle Abundance (few, common, many)	Mottle Size (fine, med, coarse)	Texture
0-7		10YR 3/3				sand
7-16		10YR 3/4	--	--	--	sand
Hydric Soil Indicators						
☐ Histosol (-ists)		☐ Reducing Conditions		☐ Organic Streaking in Sandy Soils		
☐ Histic Epipedon (8-16")		☐ Gleyed or Low Chroma Colors		☐ Organic Pans		
☐ Sulfidic Odor		☐ Mn or Fe Concretions		☐ Listed on Local Hydric Soils List		
☐ Aquic Moisture Regime		☐ High Organic Content in Layer of Sandy Soils		☐ Other (explain in remarks)		
Remarks:						
Soils Criteria Met? ☐ Yes ☒ No						

WETLAND DETERMINATION	
Hydrophytic Vegetation Dominant?	☒ Yes ☐ No
Wetland Hydrology Present?	☐ Yes ☒ No
Hydric Soil Present?	☐ Yes ☒ No
Remarks: wetland criteria not met	
Is test plot within a wetland? ☐ Yes ☒ No	
Name: B. Paulsen/S. Taylor	
Sheet 2 of 5	



ECOLOGICAL LAND SERVICES, INC.

1157 3rd Avenue, Suite 220, Longview, Washington 98633
(360)578-1371 FAX (360)414-9305
DATA FORM -- Routine Onsite Wetland Determination
1987 COT Wetlands Delineation Manual
1997 Washington State Delineation Manual

Project Site: Cullaby Lake Property	Date: 8/22/07	Project #: 1654.01
Applicant/Owner: Karl Muller	County/State: Clatsop/OR	
Test Plot Location: Southeast of TP-2 in the wetland.	Sec/Town/Range: 07N/10W/22 W.M.	

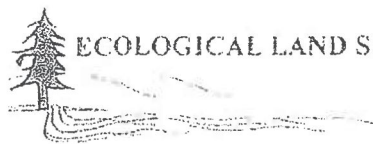
Do normal circumstances exist at the site?	☒ Yes ☐ No	Plot ID: TP-3
Is the site significantly disturbed (atypical situation)?	☒ Yes ☐ No	Community ID: --
Is the site a potential problem area?	☐ Yes ☒ No	Transect ID: --

VEGETATION (Strata: tree, sapling, shrub, woody vine, herb)					
Dominant Plant Species					
Common Name	Scientific Name	Strata	% Cover	Indicator Status	
1. *Red alder	<i>Alnus rubra</i>	Tree	80	FAC	
2. *Salmonberry	<i>Rubus spectabilis</i>	Shrub	30	FAC	
3. *Red elderberry	<i>Sambucus racemosa</i>	Shrub	15	FACU	
4. *False lily-of-the-valley	<i>Maianthemum dillatum</i>	Herb	40	FAC	
5. Lady fern	<i>Athyrium filix-femina</i>	Herb	5	FAC	
6. Skunk cabbage	<i>Lysichiton americanum</i>	Herb	5	OBL	
7.					
8.					
Other species present:					
% of dominant species OBL, FACW, FACW-, FAC+, FAC 75% (more than 50% required)					
Remarks: * = dominant species per the 50/20 rule. 3/4 - 75 %					
Vegetation Criteria Met? ☒ Yes ☐ No					

HYDROLOGY		Types(s): --	
Recorded data available?	☐ Yes ☒ No	Wetland Hydrology Indicators	
Is it the growing season?	☒ Yes ☐ No	Primary Indicators	
Is site inundated?	☐ Yes ☒ No	Secondary Indicators (2 required)	
Depth of surface water:	none	☐ Inundated	☐ Oxidized Root Channels < 12in. hgs
Depth to free water in pit:	none	☐ Saturated < 12 in.	☐ Local Soil Survey Data
Depth to saturated soils:	none	☐ Water Marks	☐ Water Stained Leaves
		☐ Drift Lines	☐ FAC-Neutral Test
		☐ Sediment Deposits	☒ Other (Explain in remarks)
		☐ Drainage Patterns in wetlands	
Remarks: Soil moist throughout but not saturated, plot in elevational depression, hydrology not present because the time of year observed.		Hydrology Criteria Met? ☐ Yes ☒ No	

SOILS:		Drainage Class:	
Map Unit Name: 19C Gearhart fine sandy loam	(Series and Phase)	☐ Excessively Drained	☒ Somewhat Excessively Drained
Taxonomy (Subgroup): Humic Psammentic Dystrudepts		☐ Well Drained	☐ Moderately Well Drained
Field observations confirm mapped soil type? ☐ Yes ☒ No		☐ Somewhat Poorly Drained	☐ Poorly Drained
		☐ Very Poorly Drained	
Profile Description			
Depth (inches)	Horizon	Matrix color	Mottle Color
0-16		10YR 2/1	--
Hydric Soil Indicators		☐ Histosol (-ists)	☐ Reducing Conditions
		☐ Histic Epipedon (8-16")	☒ Gleyed or Low Chroma Colors
		☐ Sulfidic Odor	☐ Mn or Fe Concretions
		☐ Aquic Moisture Regime	☐ High Organic Content in Layer of Sandy Soils
Remarks: heavy organics peat		Organic Streaking in Sandy Soils	
		☐ Organic Pans	
		☐ Listed on Local Hydric Soils List	
		☐ Other (explain in remarks)	
Soils Criteria Met? ☒ Yes ☐ No			

WETLAND DETERMINATION	
Hydrophytic Vegetation Dominant?	☒ Yes ☐ No
Wetland Hydrology Present?	☐ Yes ☒ No
Hydric Soil Present?	☒ Yes ☐ No
Remarks: Area determined wetland based on vegetation, soils data, and location in depression	
Is test plot within a wetland? ☒ Yes ☐ No	
Name: B. Paulsen/S. Taylor	
Sheet 3 of 5	



ECOLOGICAL LAND SERVICES, INC.

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DATA FORM - Routine Onsite Wetland Determination
1987 COE Wetlands Delineation Manual
1997 Washington State Delineation Manual

Project Site: Callaby Lake Property	Date: 8/22/07	Project #: 1654.01
Applicant/Owner: Karl Muller	County/State: Clatsop/OR	
Test Plot Location: West of TP-1 in wetland	Sec/Town/Range: 07N/10W/22 W.M.	

Do normal circumstances exist at the site?	☒ Yes ☐ No	Plot ID: TP-4
Is the site significantly disturbed (atypical situation)?	☒ Yes ☐ No	Community ID: --
Is the site a potential problem area?	☐ Yes ☒ No	Transect ID: --

VEGETATION (Strata: tree, sapling, shrub, woody vine, herb)					
Dominant Plant Species					
Common Name	Scientific Name	Strata	% Cover	Indicator Status	
1. *Sitka spruce	<i>Picea sitchensis</i>	Tree	10	FAC	
2. Salmonberry	<i>Rubus spectabilis</i>	Shrub	10	FAC+	
3. *Soft rush	<i>Juncus effusus</i>	Herb	60	FACW	
4. *Evergreen blackberry	<i>Rubus laciniatus</i>	Herb	20	FACU-	
5.					
6.					
7.					
8.					
Other species present: Hooker willow, slough sedge, and hardhack.					
% of dominant species OBL, FACW, FAC-, FAC+, FAC 67% (more than 50% required)					
Remarks: * - dominant species per the 50/20 rule. 2/3 = 67%					
Vegetation Criteria Met? ☒ Yes ☐ No					

HYDROLOGY		Type(s):	Wetland Hydrology Indicators	
Recorded data available?	☐ Yes ☒ No	--	Primary Indicators	
Is it the growing season?	☒ Yes ☐ No		Secondary Indicators (2 required)	
Is site inundated?	☐ Yes ☒ No			
Depth of surface water:	none	☐ Inundated	☐ Oxidized Root Channels < 12in. hgs	
Depth to free water in pit:	none	☐ Saturated < 12 in.	☐ Local Soil Survey Data	
Depth to saturated soils:	none	☐ Water Marks	☐ Water Stained Leaves	
		☐ Drift Lines	☒ FAC-Nutral Test	
		☐ Sediment Deposits	☒ Other (Explain in remarks)	
		☐ Drainage Patterns in wetlands		
Remarks: Soil moist throughout but not saturated, plot in elevational depression, hydrology not present because the time of year observed.			Hydrology Criteria Met? ☐ Yes ☒ No	

SOILS:		Drainage Class:				
Map Unit Name: 19C Clearbark fine sandy loam (Series and Phase)		☐ Excessively Drained ☒ Somewhat Excessively Drained ☐ Well Drained ☐ Moderately Well Drained ☐ Somewhat Poorly Drained ☐ Poorly Drained ☐ Very Poorly Drained				
Taxonomy (Subgroup): Humic Psammentic Dystrudepts						
Field observations confirm mapped soil type? ☒ Yes ☐ No						
Profile Description						
Depth (inches)	Horizon	Matrix color	Mottle Color	Mottle Abundance (few, common, many)	Mottle Size (fine, med, coarse)	Texture
0-16		7.5 YR 2.5/1	--	--	--	sand loam
Hydric Soil Indicators		☐ Histosol (-ists)	☐ Reducing Conditions	☐ Organic Streaking in Sandy Soils		
		☐ Histie Epipedon (8-16")	☒ Gleyed or Low Chroma Colors	☐ Organic Pans		
		☐ Sulfidic Odor	☐ Mn or Fe Concretions	☐ Listed on Local Hydric Soils List		
		☐ Aquic Moisture Regime	☐ High Organic Content in Layer of Sandy Soils	☐ Other (explain in remarks)		
Remarks:		Soils Criteria Met? ☒ Yes ☐ No				

WETLAND DETERMINATION	
Hydrophytic Vegetation Dominant?	☒ Yes ☐ No
Wetland Hydrology Present?	☐ Yes ☒ No
Hydric Soil Present?	☒ Yes ☐ No
Remarks: Area determined wetland based on vegetation, soils, and location in depression.	
Is test plot within a wetland? ☒ Yes ☐ No	
Name: B. Paulsen/S. Taylor	

**ECOLOGICAL LAND SERVICES, INC.**

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(360)578-1371 FAX (360)414-9305
DATA FORM - Routine Onsite Wetland Determination
1987 COT Wetlands Delineation Manual
1997 Washington State Delineation Manual

Project Site: Cullary Lake Property	Date: 8/22/07	Project #: 1654.01
Applicant/Owner: Karl Muller	County/State: Clatsop/OR	
Test Plot Location: North of access point to study area in wetland	Sec/Town/Range: 07N/10W/22 W.M.	

Do normal circumstances exist at the site?	☒ Yes ☐ No	Plot ID: TP-5
Is the site significantly disturbed (atypical situation)?	☒ Yes ☐ No	Community ID: --
Is the site a potential problem area?	☐ Yes ☒ No	Transect ID: --

VEGETATION (Strata: tree, sapling, shrub, woody vine, herb)					
Dominant Plant Species		Scientific Name	Strata	% Cover	Indicator Status
Common Name					
1. *Hooker willow		<i>Salix hookeriana</i>	Shrub	40	FACW-
2. *Salmonberry		<i>Rubus spectabilis</i>	Shrub	10	FAC-
3. *Slough sedge		<i>Carex obnuptia</i>	Herb	10	OBL
4. *Salmonberry		<i>Rubus spectabilis</i>	Herb	10	FAC-
5.					
6.					
7.					
8. bare ground				70	NI

Other species present: Lady fern, hardhack, and Skunk cabbage.
% of dominant species OBL, FACW, FACW-, FAC+, FAC 100% (more than 50% required)
Remarks: * = dominant species per the 50/20 rule. 4/4 = 100%
Vegetation Criteria Met? ☒ Yes ☐ No

HYDROLOGY		Type(s):	Wetland Hydrology Indicators	
Recorded data available?	☐ Yes ☒ No		Primary Indicators	Secondary Indicators (2 required)
Is it the growing season?	☒ Yes ☐ No		☐ Inundated	☐ Oxidized Root Channels < 12in. bgs
Is site inundated?	☐ Yes ☒ No		☐ Saturated < 12 in.	☐ Local Soil Survey Data
Depth of surface water:	none		☐ Water Marks	☐ Water Stained Leaves
Depth to free water in pit:	none		☐ Drift Lines	☒ FAC-Neutral Test
Depth to saturated soils:	none		☐ Sediment Deposits	☒ Other (Explain in remarks)
			☐ Drainage Patterns in wetlands	
Remarks: Soil moist throughout but not saturated, plot in elevational depression, hydrology not present because the time of year observed.			Hydrology Criteria Met? ☐ Yes ☒ No	

SOILS:		Drainage Class:	
Map Unit Name: 19C Gearhart fine sandy loam (Series and Phase)		☐ Excessively Drained	
Taxonomy (Subgroup): Humic Psammentic Dystrudepts		☒ Somewhat Excessively Drained	
Field observations confirm mapped soil type? ☐ Yes ☒ No		☐ Well Drained	
		☐ Moderately Well Drained	
		☐ Somewhat Poorly Drained	
		☐ Poorly Drained	
		☐ Very Poorly Drained	
Profile Description			
Depth (inches)	Horizon	Matrix color	Mottle Color
0-16		7.5 YR 2.5/1	--
Hydric Soil Indicators			
☐ Histosol (-ists)	☐ Reducing Conditions	☐ Organic Streaking in Sandy Soils	
☐ Histic Epipedon (8-16")	☒ Gleyed or Low Chroma Colors	☐ Organic Pans	
☐ Sulfidic Odor	☐ Mn or Fe Concretions	☐ Listed on Local Hydric Soils List	
☐ Aquic Moisture Regime	☐ High Organic Content in Layer of Sandy Soils	☐ Other (explain in remarks)	
Remarks: peat present below 16 inches. Soils Criteria Met? ☒ Yes ☐ No			

WETLAND DETERMINATION	
Hydrophytic Vegetation Dominant?	☒ Yes ☐ No
Wetland Hydrology Present?	☐ Yes ☒ No
Hydric Soil Present?	☒ Yes ☐ No
Remarks: Area determined wetland based on vegetation, soils, and location in depression.	
Is test plot within a wetland? ☒ Yes ☐ No	
Name: B. Paulsen/S. Taylor	

Appendix A - Site Photographs

9/11/2007 9:28 AM S:\Clatsop-OR\County-Projects\1654-Mullen\1654.01-Cullaby Lake Property\1654.01-Figures\1654.01_figures_082707.jpg kristin



Taken Looking west down study site access driveway from Photo Site 1.



Looking east down study site access driveway from Photo Site 1.

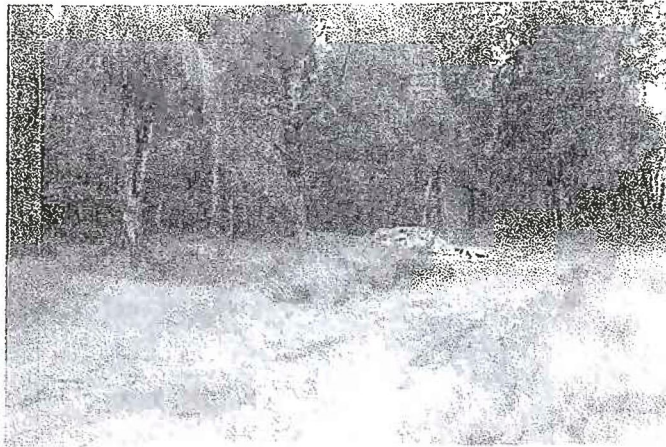

ECOLOGICAL LAND SERVICES, INC.
1157 3rd Ave., Suite 220 Longview, WA 98632
(360) 578-1371 Fax: (360) 414-9305

DATE: 9/7/07
DWN: KLM
REQ. BY: BP
PRJ. MGR: ST
CHK:
APPR:
PROJ.#: 1654.01

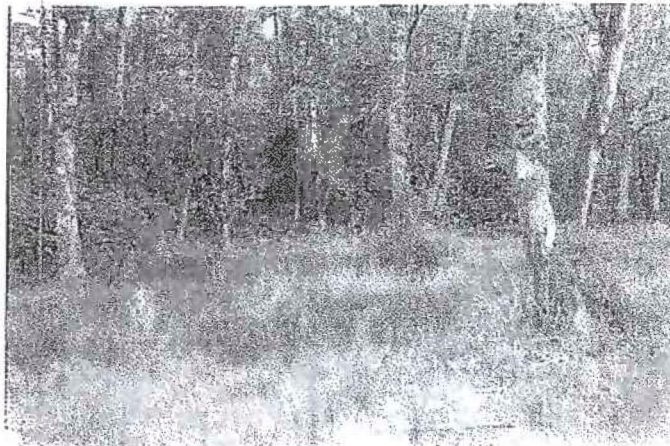
Photoplate 1
SITE PHOTOS
Cullaby Lake Property
Karl Muller
Clatsop County, Oregon
Section 22, Township 7N, Range 10 W.M.

9/11/2007 9:18 AM S:\Clatsop-OR\County-Projects\1654-Muller\1654.01-Cullaby Lake Property\1654.01-Figures\1654.01_Figures_082707.dwg kristin

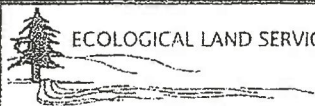
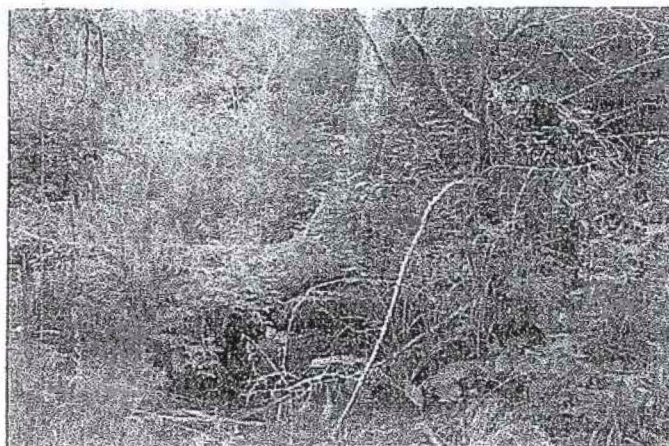
Looking west from access road
over site from Photo Site 4.



Looking southwest from Photo
Site 5 at center of site. Wetland
boundary observed by pink
flagging in correlation to
elevational change.



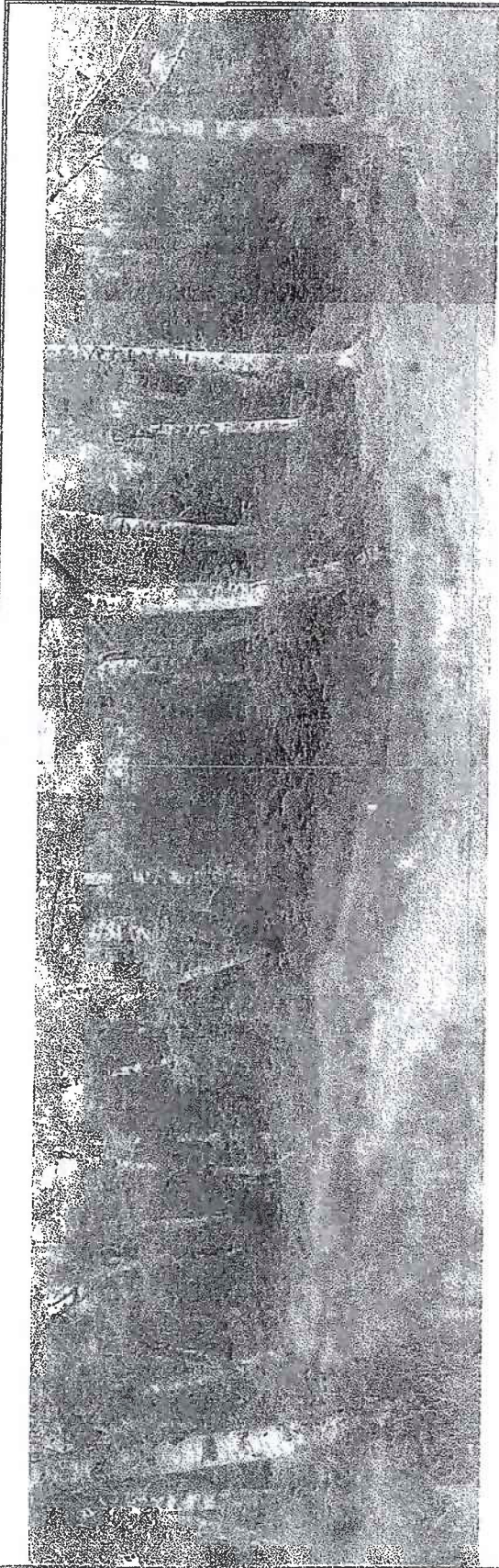
Looking west from Photo Site 6
along western wetland boundary
in the vicinity of Test Plot 5.



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DATE: 9/7/07
DWN: KLM
REQ. BY: BP
PRJ. MGR: ST
CHK:
APPR:
PROJ.#: 1654.01

Photoplate 2
SITE PHOTOS
Cullaby Lake Property
Karl Muller
Clatsop County, Washington
Section 22, Township 7N, Range 10W, W.M.

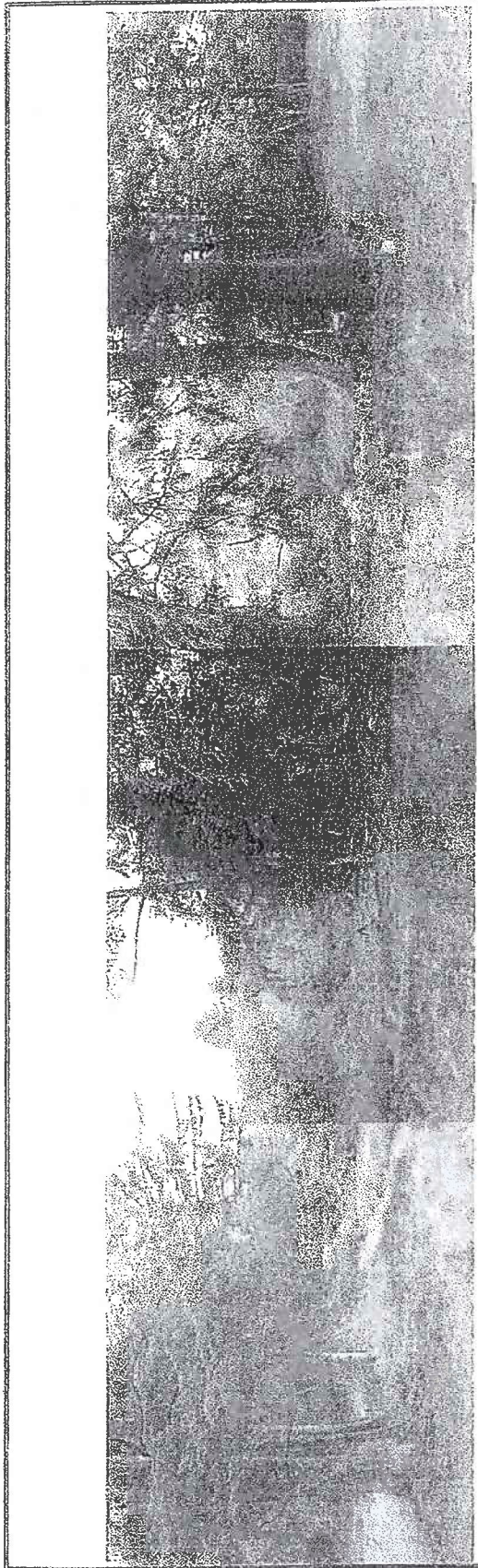


Panoramic view of southeastern wetland boundary taken from center of site at Photo Site 2.

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(360) 578-1371 Fax: (360) 414-9305

DATE: 9/11/07
DWN: KLM
REQ. BY: BP
PRJ. MGR: ST
CHK:
APP:
PROJ #: 1654.01

Photoplate 3
SITE PHOTOS
Cullaby Lake Property
Karl Muller
Clatsop County, Washington
Section 22, Township 7N, Range 10W, W.M.



Panoramic view of southwestern wetland boundary taken from Photo Site 3. Several wetland boundary flags are visible in the background.

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(360) 578-1371 Fax: (360) 414-9305

DATE: 9/11/07
DWN: KLM
REQ. BY: BP
PRJ. MGR: ST
CHK:
APPR:
PROJ #: 1654.01

Photoplate 4
SITE PHOTOS
Cullaby Lake Property
Karl Muller
Clatsop County, Washington
Section 22, Township 7N, Range 10W, W.M.

Appendix B - Precipitation

Explanation of the Preliminary Climate Data (F6) Product

Please note this information is preliminary and subject to revision. Official and certified climatic data can be accessed at the National Climatic Data Center (NCDC) (<http://www.ncdc.noaa.gov/oa/ncdc.html>).

PRELIMINARY LOCAL CLIMATOLOGICAL DATA

000
CNC85% KPQR 011230
CF6AST
PRELIMINARY LOCAL CLIMATOLOGICAL DATA (WS FORM: F-6)

STATION: ASTORIA
MONTH: AUGUST
YEAR: 2007
LATITUDE: 46 9 N
LONGITUDE: 123 53 W

TEMPERATURE IN F:					PCPN		SNOW		WIND		SUNSHINE: SKY				PK WHI				
1	2	3	4	5	6A	6B	7	8	9	10	11	12	12	14	15	16	17	18	
										AVG MX 2MIN									
LY	MAX	MIN	AVG	DEP	HDD	CDD	WTR	SNW	DPTH	SPD	SPD	DIR	MIN	PSBL	S-S	WX	SED	DR	
1	74	51	63	2	2	0	0.00	0.0	0	9.9	24	310	M	M	0		31	320	
2	67	55	61	0	4	0	0.01	0.0	0	8.4	20	320	M	M	6	1	25	310	
3	68	57	63	2	2	0	0.02	0.0	0	7.3	15	320	M	M	8	1	20	320	
4	67	59	63	2	2	0	0.00	0.0	0	9.5	15	320	M	M	9		18	310	
5	66	58	62	1	3	0	0.00	0.0	0	7.0	14	300	M	M	10		17	310	
6	64	58	61	0	4	0	0.00	0.0	0	4.3	10	250	M	M	10		13	250	
7	65	58	62	1	3	0	0.07	0.0	0	7.4	16	210	M	M	10	18	21	200	
8	68	53	61	0	4	0	0.05	0.0	0	6.2	15	320	M	M	7	1	18	330	
9	66	49	58	-3	7	0	0.00	0.0	0	4.0	12	250	M	M	6	1	15	240	
10	68	50	59	-2	6	0	0.00	0.0	0	6.3	17	320	M	M	5		21	330	
11	67	48	58	-3	7	0	0.03	0.0	M	5.9	20	310	M	M	3	1	24	320	
12	63	52	58	-3	7	0	0.12	0.0	0	2.2	9	250	M	M	8	1	10	230	
13	71	48	60	-1	5	0	0.00	0.0	0	6.0	18	310	M	M	1	1	22	320	
14	74	53	64	3	1	0	0.00	0.0	0	3.9	13	250	M	M	0		15	250	
15	69	55	62	1	3	0	0.00	0.0	0	5.7	14	250	M	M	3	12	18	220	
16	69	55	62	1	3	0	0.01	0.0	0	7.1	18	220	M	M	4	13	24	230	
17	69	54	62	1	3	0	0.02	0.0	0	6.8	23	220	M	M	5	1	30	230	
18	68	53	59	-2	6	0	0.23	0.0	0	3.4	14	200	M	M	7	1	21	200	
19	66	55	61	0	4	0	0.04	0.0	0	4.2	14	240	M	M	4		18	230	
20	67	59	63	2	2	0	0.07	0.0	0	7.4	17	200	M	M	10	18	23	210	
21	69	57	63	2	2	0	0.11	0.0	0	4.7	12	250	M	M	7	1	22	270	
22	71	58	65	4	0	0		0.0	0	4.8	14	310	M	M	7		17	320	
23	71	56	64	3	1	0	0.00	0.0	0	9.2	22	310	M	M	4		26	310	
24	69	59	64	3	1	0	0.00	0.0	0	9.2	20	300	M	M	7		25	330	
25	70	55	63	2	2	0	0.04	0.0	0	5.7	16	250	M	M	9	18	21	240	
26	68	53	61	1	4	0	0.02	0.0	0	5.5	14	320	M	M	6	1	17	310	
27	69	45	57	-3	8	0	0.00	0.0	0	7.8	21	310	M	M	0	1	23	330	
28	76	48	62	2	3	0	0.00	0.0	0	5.4	17	320	M	M	0	1	22	310	
29	83	52	68	8	0	3	0.00	0.0	0	5.3	17	310	M	M	0		22	300	
30	69	53	61	1	4	0	0.00	0.0	0	8.1	18	320	M	M	7	1	27	320	
31	68	49	59	-1	6	0	0.00	0.0	0	4.4	13	310	M	M	3	1	15	320	
SM 2136 1665										109	3	0.84	0.0	193.0	M	160			
AV 68.9 53.7										6.2		FASTST	PSBL	5	MAX (MPH)				

MISC ----- # 24 310

31 320

NOTES:

LAST OF SEVERAL OCCURRENCES

COLUMN 17 PEAK WIND IN M.P.H.

PRELIMINARY LOCAL CLIMATOLOGICAL DATA (WS FORM: F-6) , PAGE 2

STATION: ASTORIA
MONTH: AUGUST
YEAR: 2007
LATITUDE: 46 9 N
LONGITUDE: 123 53 W

[TEMPERATURE DATA]

AVERAGE MONTHLY: 61.3
DPTR FM NORMAL: 0.5
HIGHEST: 83 ON 29
LOWEST: 45 ON 27

[PRECIPITATION DATA]

TOTAL FOR MONTH: 0.84
DPTR FM NORMAL: -0.37
GRST 24HR: 0.27 ON 18-19
SNOW, ICE PELLETS, HAIL
TOTAL MONTH: 0.0 INCH
GRST 24HR: 0.0
GRST DEPTH: 0

SYMBOLS USED IN COLUMN 16

1 = FOG OR MIST
2 = FOG REDUCING VISIBILITY
TO 1/4 MILE OR LESS
3 = THUNDER
4 = ICE PELLETS
5 = HAIL
6 = FREEZING RAIN OR DRIZZLE
7 = DUSTSTORM OR SANDSTORM:
VSBY 1/2 MILE OR LESS
8 = SMOKE OR HAZE
9 = BLOWING SNOW
X = TORNADO

[NO. OF DAYS WITH]

MAX 32 OR BELOW: 0
MAX 90 OR ABOVE: 0
MIN 32 OR BELOW: 0
MIN 0 OR BELOW: 0

[WEATHER - DAYS WITH]

0.01 INCH OR MORE: 14
0.10 INCH OR MORE: 3
0.50 INCH OR MORE: 0
1.00 INCH OR MORE: 0

[HDD (BASE 65)]

TOTAL THIS MO. 109
DPTR FM NORMAL -21
TOTAL FM JUL 1 205
DPTR FM NORMAL -76

CLEAR (SCALE 0-3) 8
PTCLDY (SCALE 4-7) 16
CLOUDY (SCALE 8-10) 7

[CDD (BASE 65)]

TOTAL THIS MO. 3
DPTR FM NORMAL -4
TOTAL FM JAN 1 13
DPTR FM NORMAL -1

[PRESSURE DATA]

HIGHEST SLP 30.16 ON 10
LOWEST SLP 29.77 ON 19

[REMARKS]

#FINAL-08-07#

Appendix C - References

Environmental Laboratory. 1987. *Corps of Engineers Wetlands Delineation Manual*. Technical Report Y-87-1. U.S. Army Waterways Experiment Station, Vicksburg, Mississippi.

National Weather Service, Portland Office. 2005. Preliminary Local Climatological Data. Online document < <http://www.weather.gov/climate/index.php?wfo=pqr>>. Accessed August 2007.

Soil Conservation Service. 1988. *Soil Survey of Clatsop County Area, Oregon*. U.S. Department of Agriculture.

Soils Conservation Service. Revised 1995. Hydric Soils for Oregon.

U.S. Department of Agriculture, Natural Resources Conservation Service. 1995. Hydric Soils for Oregon.

Warrenton Development Code. March 2003. Chapter 3.10 Wetland and Riparian Corridor Development Standards Ordinance.

Appendix D - Supplemental Information

The jurisdictional determination for the Cullaby Lake Property followed the Routine Determination Method according to the U.S. Army Corps of Engineers, *Wetland Delineation Manual* (1987). The Routine Determination Method examines three parameters - vegetation, hydrology, and soils - to determine if wetlands exist in a given area. The presence of hydrology is critical when delineating a wetland area. However, because hydrologic conditions can change periodically (hourly, daily, or seasonally), it is necessary to determine if hydrophytic vegetation and hydric soils exist, indicating that water is present for long enough duration to support a wetland plant community. By definition, wetlands are areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands are regulated as "Waters of the United States" by the U.S. Army Corps of Engineers (Corps) as "Waters of State" by the Oregon Department of State Lands (DSL), and locally by the Clatsop County, Oregon.



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Exhibit IX.

Owner Support Letters

May 15, 2008

Clatsop County Land Use Planning
Attention: Michael J. Weston II, MPA
800 Exchange St., Suite 100
Astoria, OR 97103

To whom it may concern:

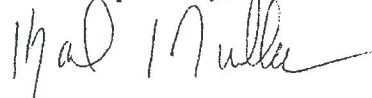
I am writing this letter, to request a re-zone of the property designated as Tax Parcel Lot 71022D000500, which is located west of the south end of Cullaby Lake and east of Dellmoor Loop in the NW ¼ of Section 22, Township 7N, Range 10W, W.M. Clatsop County has identified a zone map error in that the subject parcel should be clustered with Residential-Agriculture (RA-5) instead of completely Lake and Wetlands (LW) zoning. Furthermore the mapping error is supported by the following information.

- 1) On August 22, 2007 a wetland delineation survey was conducted by Ecological Land Services Inc. (ELS), to determine if an upland area existed to build a single family home. The survey concluded that "a low ridge extends north-south in the central portion of the property and appears to be an old sand dune or sand deposit." (ELS, 2007, p.1) The low ridge is consistent with the location of the Gearhart fine sandy loam (19C) soils (ELS, 2007, Figure 4). Gearhart fine sandy loam is a non-hydric soil found on dunes and is somewhat excessively drained providing scientific evidence that a wetland is expected not to exist in the defined area. "ELS field observations found that this upland island is significantly different in soil properties, hydrology and general topography than the remainder of the property. ELS has determined that this area does not meet wetlands criteria mainly due to lack of hydrology." (ELS, 2007 p.3)
- 2) A meeting with ELS Biologist Brian Paulsen and Clatsop County Planner Mike Weston was held on 12 May, 2008 to discuss the re-zone of the parcel and present the wetland delineation report findings to the county. During this meeting, the zoning map error was shown to Paulsen by Weston using historical zoning maps and discussing adjacent property land uses (Paulsen, 2008). The "map error" had been made several years ago by the county, which improperly zoned this tax parcel (the proposed building site) as well as a parcel located to the north which includes actively farmed cranberry bogs. The cranberry bogs area zoned RA-5 which is the RA-5 section that should be clustered on the subject parcel (Paulsen, 2008). The owner of the cranberry bogs seeks to have the

zoning changed as well. Furthermore, the cranberry bogs should be zoned LW because they are not developable for residential use due to the wetland nature of the bogs (Paulsen, 2008).

I respectfully request that the county amend the zoning of this parcel, to allow for the construction of a single family home. My wife and I are both retiring from the military, after serving more than twenty-years of active duty service in the United States Air Force and wish to make this site of our future and final home.

Most respectfully,



Karl T. Muller

References

ELS (2007). *Wetlands delineation determination report-Cullaby Lake Property*. Ecological Land Services, Inc.

Paulsen, Brian. Phone conversation. 13 May, 2008.

Delivered by FAX



July 31, 2008

Mr. Michael Weston
Clatsop County Planner
800 Exchange St
Astoria, Or 97103

SUBJECT: Ordinance 08-XX
Public Hearing Regarding August 12
Exchange Zoning Properties Northwest Dellmoor Loop Rd.

Dear Mr. Weston.

I am the property owner of TL 200 which is one of the three properties listed to be evaluated as an exchange and be reclassified to RA5, RA2

I am in strong favor of correcting the error and rezoning this parcel to RA5 , RA2 which presently exists as there can be no doubt that the TL 200 consists of primarily uplands.

When I purchased the property in 2006 to build a retirement home I was informed by DEQ the previous owner had applied for a septic approval for an area on this parcel and it was granted. During the purchase process I spoke to DEQ and they assured me the approval was still valid.

I am attaching a copy of the percolation test and the approval letter which was granted to the previous owner.

These documents clearly verify the correct upland designation which this property should

Should you have any questions my cell is 503.440.0288

Regards

JAY Egan

Jul 31 08 01:47p JAY Egan
05/01/2006 07:55 503/389232

503.738.5446
MARY M HOWARD

p.2
PAGE 01

FEB-07-2006 09:38

DEQ WARRENTON

15038613259 P.01/04

DEPARTMENT OF ENVIRONMENTAL QUALITY
North Coast Branch Office
17 North Hwy 101
Warrenton, OR 97146
Phone (503) 861-3280

DEPARTMENT OF
ENVIRONMENTAL
QUALITY

April 19, 1995

LESLIE FLUKINGER
RT. 1, BOX 686 H
WARRENTON, OR 97138

Re: OSS:NWR:Site Evaluation Approval
Report: Clatsop County: Twn 7N, Rng
10W, Sec 22D, Tax lot 200:13.64 Acres

Dear Mr. Flukinger:

In response to a recent application for a site evaluation, the above-described property was examined on April 13, 1995, to determine methods of on-site sewage disposal for which it may be suited. This evaluation and report is based upon current Department of Environmental Quality regulations governing on-site sewage disposal, OAR Chapter 340, Divisions 71, 72 and 73.

Two test pits were prepared on top of a sand knoll. A higher knoll to the west is the proposed home site. Both test pits consisted of fine loamy sand and medium sands. The east test pit showed iron stains at about 122 inches from ground surface. The natural slope in the area of the test pits ranged from 1 to 10 percent.

The area evaluated has variable slope all directions. Only a limited area of this property appears suitable for on-site sewage disposal. Please refer to the enclosed site diagram, construction detail and setback sheets for specifics concerning boundaries, locations and/or special conditions of the approved site. A field stake-out of both disposal field(s) will be necessary before a construction permit can be issued.

Based upon the results of this study, the site appears feasible for the installation of a standard equal/serial distribution system for both the initial and replacement disposal field. A minimum 100 foot setback from the drainfield to the well is required. It appears the approved area can meet the 100 foot setback to any perennial surface waters. The soils must remain in their natural state, left undisturbed and not subjected to any cutting/fill embankments.



811 SW Sixth Avenue
Portland, OR 97204
(503) 229-5646
TDD (503) 229-6995
TDD

County

Jul 31 08 01:47p JAY Egan
05/01/2006 07:56 5037389232

503.738.5446

p.3

MARY M HOWARD

PAGE 02

FEB-07-2006 09:40

DEQ WARRENTON

15038613255 P.04/04

Leslie Flukinger
April 19, 1995
Page 2

This system would have the capacity to serve a single family dwelling up to 4 bedrooms. Peak daily sewage flow into the system is limited to 450 gallons, with an average daily sewage flow of not more than approximately 225 gallons per day. Premature system failure may occur if either flow limit is exceeded.

A construction-installation permit is required to install the sewage system on the approved site. A detailed scale drawn plot plan of the proposed development and the system must accompany the permit application. The current permit fee totals \$600.00 for this type of system (fees are subject to change without notice). Only a state licensed installer or the property owner can construct or participate in the construction of any on-site sewage disposal system installation or part thereof.

Please note that this approval is site specific to the area tested and does not address or warrant the potential or feasibility of locating the system elsewhere on the property. This approval is given on the basis that the lot or parcel described above will not be further partitioned or subdivided, and that conditions on the subject or adjacent properties have not been altered in any manner which would prohibit issuance of a permit in accordance with O.R.S. 454.605 through 454.745 and Administrative Rules of the Environmental Quality Commission (EQC). Any such subdivision, partitioning or alteration may void this report. PLEASE NOTE: This is a technical report for on-site sewage disposal only. It may be converted to a permit only if, at the time of permit application, the property has been found to be compatible with applicable LCDC-acknowledged local comprehensive land use plans and implementing measures or the Statewide Planning Goals. The report will remain valid until an on-site sewage system is installed pursuant to a construction-installation permit obtained from the Department of Environmental Quality, or until earlier cancellation, pursuant to EQC rules, with written notice thereof by the Department to the owners according to DEQ records or the County tax records. Subject to the foregoing, this report runs with the land and will automatically benefit subsequent owners.

Technical information pertaining to this site evaluation report is available upon request. If you have any questions, please feel welcome to contact the North Coast Branch office at 861-3280.

Sincerely,
Dewey D. David
Dewey M. David, R.S.
Environmental Specialist
Northwest Region

Enclosures
cc: John Flukinger

TOTAL P. 04

STANDARD SYSTEM CONSTRUCTION DETAIL SHEET

te 4-19-95plicant Leslie Flukingerx Lot 200 Section 22D Twp 7 Rng 10 Acreage 13.64

- X 1. For the installation of a STANDARD SEWAGE DISPOSAL SYSTEM on the above property, the following construction specifications shall apply:

X The septic tank shall have minimum liquid capacity of 1000 gallons.

X The disposal field shall be constructed in Serial/Equal distribution with a MAXIMUM TRENCH DEPTH of 36 inches and a minimum trench depth of 24/18 inches. There must be at least 12/6 inches of backfill over the top of the drainrock, measured from the natural ground surface.

X With the soil conditions on this site, 50 lineal feet of disposal trench will be required per 150 gallons maximum projected daily sewage flow. For the proposed development, a minimum of 150 total lineal feet of disposal trench is required. Disposal trenches shall be constructed 2 feet wide on 10 foot minimum centers with no individual trench exceeding 125 feet in length. The trenches and distribution piping shall be installed within one (1) inch of level, contoured to the natural ground surface.

X A curtain drain is required as a component of this system. This groundwater interceptor shall be constructed 12 inches wide by inches deep with inches of clean drainrock placed over a 4 inch perforated collection pipe. The trench and collection pipe shall be constructed on a grade of 0.2 to 0.4 feet of fall per 100 feet of line. A minimum 10 foot upslope setback must be maintained from the disposal trenches. The collection piping shall be exhausted by a non-perforated pipe to a point below and away from the disposal field. The end of the outfall shall consist of heavy duty pipe with the outlet protected by a flap gate or grate.

X An effluent lift pump may be necessary to construct the disposal field in the approved area at the correct trench depths.

X The top of the disposal trench drainrock shall be protected by filter fabric.

X Specific construction setback requirements are outlined in the enclosed listing.

- X 2. The following conditions shall apply to this system installation:

For sanitation purposes, the minimum lot size for this

TOTAL P.03

Jul 31 08 01:47p

JAY Egan

503.738.5446

p.5

11-01-2005

05-24

DEQ WARRENTON

15038613259 P.01/01

This or size will be
community water supply.

This system shall not be installed on slopes in excess of
percent.

Construction of this system is limited to the summer months
(June through September) with dry soil and site conditions.

No part of the system shall be installed within the
easement or right-of-way.

3. Special Conditions:

Dewey Dandley
Sanitarian, DEQ Warrenton Branch Office

TOTAL P.01

FEB-07-2006 09:39

DEQ WARRENTON

150306:3259 P.02/04

SITE EVALUATION FIELD WORKSHEET

Text Reference 710-220-200

Evaluator Denny Donald/Dennis Illing

Applicant Leslie Flukinger

Date 4-13-95/4-17-95

Parcel Size 13.64 Acres

	Depth	Texture	Soil Matrix Color and Mottling (Notation), & Coarse Fragments, Roots, Structure, Layer Limiting Effective Soil Depth, etc.
Pit 1	0'-9"	LFS	7.5YR ^{3/2} , massive, com fine roots, fri - v. fri.
	9'-17"	ELS	7.5YR ^{3/2} , massive, few fine roots
	17'-32"	MS	7.5YR ^{4/4} , single grain
	32'-48"	MS	2.5Y 5/4, few fine roots to
	48'-65"	MS	2.5Y 5/4
Pit 2	0'-14"	LFS	Similar to test pit #1
	14'-30"	ELS	Similar " " "
	32'-55"	MS	Similar " " "
	55'-65"	MS	Similar " " " Angered to 11 feet, At 10' 2.5Y ^{3/2} w/ 10YR 4/8 stain.
Pit 3			
Pit 4			

Landscape Notes Dunal knoll - higher knoll to the west 45' (soaps tone)
Slope 0-9% Aspect Variable Groundwater Type No evidence
Other Site Notes Site require careful clearing, Pump may be needed
May need series of short trenches to meet 10 ft. setback to South
property line. South property line not staked 130 ft. to wetlands from
past test pit.

SYSTEM SPECIFICATIONS

Type System: Mod. Serial/Epan/Design Flow 450 gpd Disposal Field Size 150 Linear Feet
Initial dist. system System Sizing 50' / 190 g. Max. Depth Absorption Facility (in) 26"
Replacement same System Sizing 50' / 190 g. Max. Depth Absorption Facility (in) _____

Special Conditions _____

Plot Plan on REVERSE SIDE

Jul 31 08 01:48p Jay Egan
MHY-01-2006 08:19

DEO WARRENTON

503.738 5446

p.7

15038613259 P.01/03

SITE EVALUATION FIELD WORKSHEET

Tax Reference 710-22D-200

Evaluator Dwain Darold/Dennis Illingworth

Applicant Leslie Flukinger

Date 4-13-95/4-17-95

Parcel Size 13.64 Acres

	Depth	Texture	Soil Matrix Color and Mottling (Notation), % Coarse Fragments, Roots, Structure, Layer Limiting Effective Soil Depth, etc.
Pit 1	0"-9"	LFS	7.5YR ³ /2, massive, com. fine roots, fri - v. fri
	9"-17"	ELS	7.5YR ³ /3, massive, few fine roots
	17"-32"	MS	7.5YR ⁴ /4, single grain
	32"-48"	MS	2.5Y 5/4, few fine roots to
	48"-65"	MS	2.5Y 5/3
Pit 2	0"-14"	LFS	Similar to test pit #1
	14"-30"	ELS	Similar " " " "
	32"-55"	MS	Similar " " " "
	55"-65"	MS	Similar " " " " Augered to 11 feet. At 10' 2.5Y 5/2 w/ 10YR 4/8 stains.
Pit 3			
Pit 4			

Landscape Notes Dunal Knoll - higher knoll to the west ~45' (slopes here)

Slope 0-9% Aspect Variable Groundwater Type No evidence

Other Site Notes Site require careful clearing. Pump may be needed.
May need series of short trenches to meet 10 ft setback to south
property line. South property line not staked. 130 ft. to wetlands from
east test pit.

SYSTEM SPECIFICATIONS

Type System: Stor. Serial Equal Design Flow 450 gpd Disposal Field Size 150 Linear Feet

Initial dist. system System Sizing 50'/150 g. Max. Depth Absorption Facility (in) 36"

Replacement same System Sizing 50'/150 g. Max. Depth Absorption Facility (in) _____

Special Conditions _____

PLOT PLAN ON REVERSE SIDE

JAY Egan

02:00 000000-000000

DEG WARRENTON

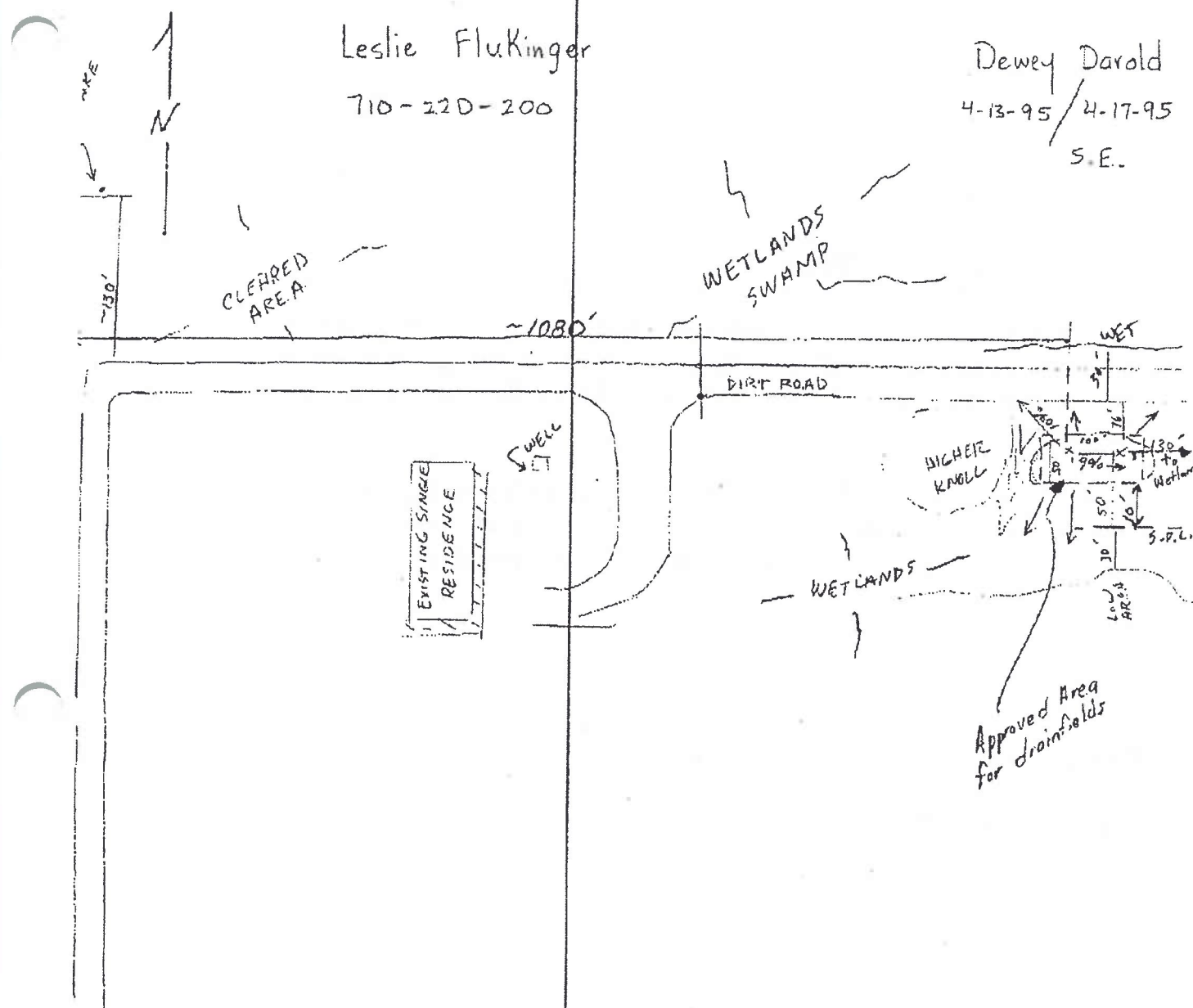
p.8

15038613259 P.02/03

Dewey Darold

4-13-95 / 4-17-95

S.F.



June 2, 2008

Attn: Michael J. Weston II

I the property owner, Kenny Wolsiffer, give Clatsop County Planning Office my permission to go forward with the zone change on the 600 lot from RA5 back to Farm Wet Land like it should be.

I will not hold the County responsible for the loss of the building rights. For this will put the zone back the way it should be on this particular property.

Thank you,

Kenny Wolsiffer
89723 Old Bog Rd
Warrenton, OR 97146

Ken Wolsiffer
witn: [Signature]