



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

AMENDED NOTICE OF ADOPTED AMENDMENT

October 5, 2007



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 002-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 24, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Laren Woolley, DLCD Regional Representative
Patrick Wingard, Clatsop County

<paa> ya

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



Jurisdiction: **Clatsop County**

Local file number: **Ordinance No. 07-08**

Date of Adoption: **9/26/2007**

Date Mailed: **10/3/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 6/8/2007

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".

Amend the Clatsop County Comprehensive Plan Map / Zoning Map by rezoning 0.13-acres from Residential - Agriculture 2 (RA-2) to Residential Agriculture - 5 (RA-5). The applicant seeks the zone change to facilitate a future property line adjustment on the subject property.

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

Plan Map Changed from: **(no change) Rural Lands** to: **(no change) Rural Lands**

Zone Map Changed from: **Residential - Agriculture 2** to: **Residential - Agriculture 5**

Location: **Along Hwy 101 about 1/2 mi. south of West Lake Rd.** Acres Involved: **1**

Specify Density: Previous: **1 d.u./2 acres** New: **1 d.u./5 acres**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
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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 # 002-07 (16162)

DLCD file No. _____

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

Clatsop County, DLCD, ODOT

Local Contact: **Patrick Wingard**

Phone: (503) 325-8611 Extension: 1705

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

Fax Number: **503-338-3664**

City: **Astoria**

Zip: **97103-**

E-mail Address: **pwingard@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.

RECORDED

SEP 27 2007

IN THE BOARD OF COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

Doc # 200709033

AN ORDINANCE AMENDING THE)
CLATSOP COUNTY COMPREHENSIVE)
PLAN / ZONING MAP)

ORDINANCE NO. 07-08

WHEREAS, on April 24, 2007 John Bailey filed an application for an amendment to the Clatsop County Comprehensive Plan / Zoning Map to rezone property in Clatsop County (the "property") described as a 0.13-acre portion of T7N, R10W, Sec. 22C, TL 3001 from RA-2, Residential Agriculture – 2 to RA-5, Residential Agriculture - 5.

WHEREAS, the application was considered by the Planning Commission at a public hearing on July 24, 2007 and the Commission unanimously recommended approval, which recommendation 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 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 September 12, 2007; 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 attached Exhibit A.


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 July 16, 2007 Staff Report and recommendation attached as Exhibit "PC".

Approved this 26th day of September, 2007

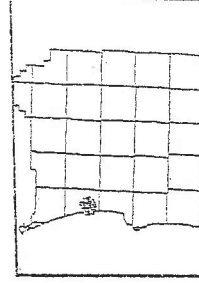
THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

By 
Richard Lee, Chair

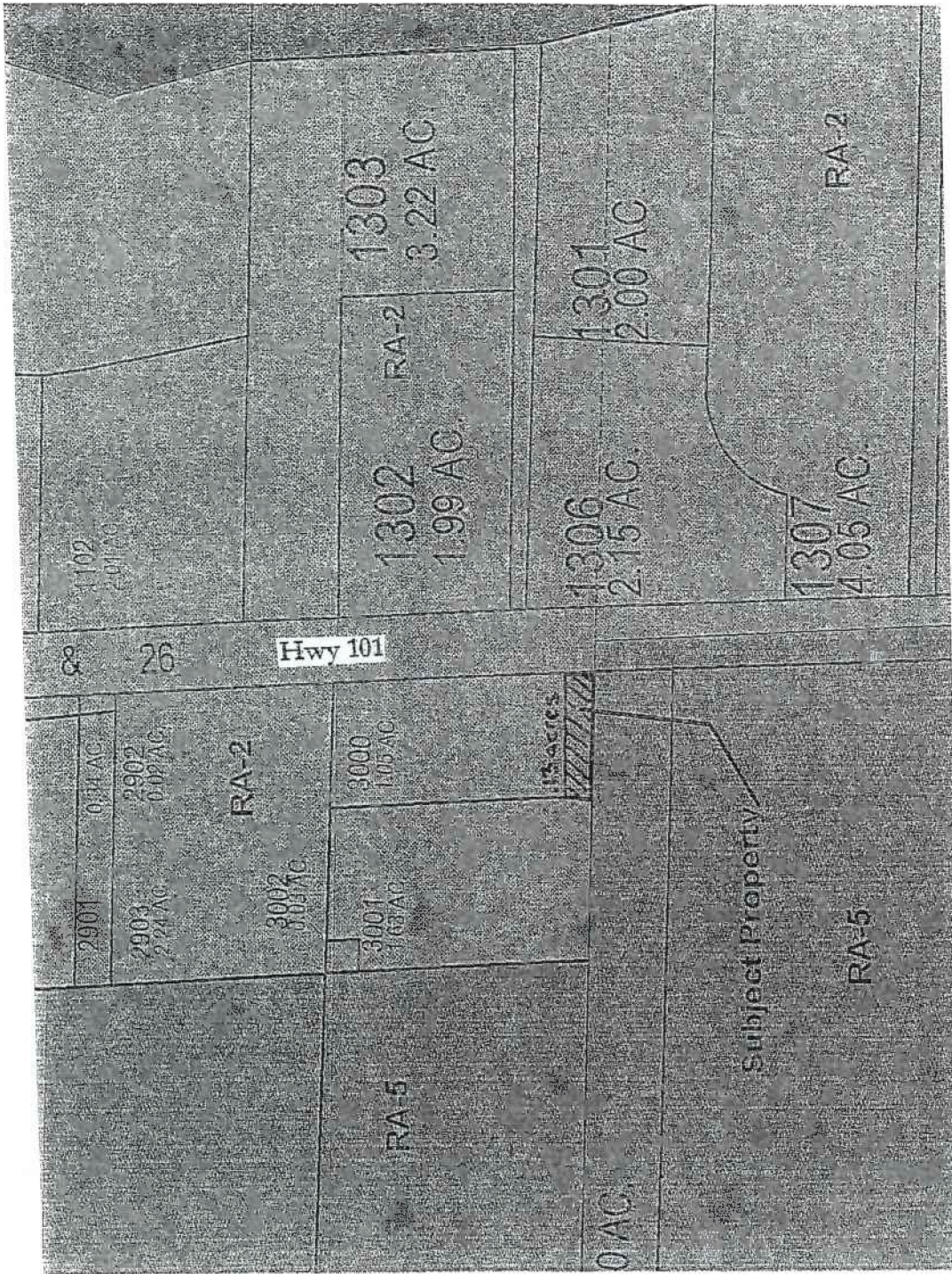
By 
Recording Secretary

Bailey
Zone Change Map

- PLS
- PLS Townships
- Tax Lot Arrows
- Tax Map
- Fenced Boundary
- Supplemental Boundary
- DLC
- Road R.O.W
- Zoning
- LW
- RA-2
- RA-5



6/8/2007



Bailey Zone Change	
Zoning	
Comp. Plan Designation	
Existing	Proposed
RA-2, Residential-Agriculture 2	RA-5, Residential-Agriculture 5
Rural Lands	Rural Lands

1 in. = 200 ft.

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

EXHIBIT "PC"

BEFORE THE PLANNING COMMISSION
FOR CLATSOP COUNTY, OREGON

In the matter of an amendment to the
Clatsop County Comprehensive Plan /
Zoning Map by John Bailey

RESOLUTION AND ORDER

07-07-05

RECITALS

A. Pursuant to Article 2 of the Clatsop County Land and Water Use Development Ordinance, John Bailey applied for a comprehensive plan/zoning map amendment (Exhibit 1 of the attached Exhibit A Staff Report) on April 26, 2007 regarding property in Clatsop County (the "Property") described as:

A 0.13-acre portion of T7N, R10W, Section 22C, Tax Lot 3001

B. Pursuant to County Procedures for Land Use Applications, staff examined the application and submitted a report dated July 16, 2007 regarding the request. The Staff Report is attached as Exhibit A.

C. Pursuant to County procedures, a hearing was held on the Exhibit A matter on July 24, 2007 for which appropriate notice was provided.

WHEREFORE, the Planning Commission finds and resolves:

1. That the Community Development Department is directed to present the Planning Commission's recommendation to approve the request to the Board of Commissioners for their consideration.

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

SO ORDERED this 25th day of July 2007.

PLANNING COMMISSION FOR
CLATSOP COUNTY, OREGON


Bruce Francis, Commission Chair

EXHIBIT A



Clatsop County Community Development Department
800 Exchange Street, Suite 100, Astoria, OR 97103
www.co.clatsop.or.us

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

STAFF REPORT

STAFF REPORT DATE: July 16, 2007

HEARING DATE: July 24, 2007

HEARING BODY: Planning Commission

REQUEST: The applicant proposes a quasi-judicial plan map / zoning map amendment (zone change) for the subject property.

Current Zone: Residential-Agriculture-2 (RA-2)
Proposed Zone: Residential-Agriculture-5 (RA-5)

Current Plan Designation: Rural Lands
Proposed Plan Designation: Rural Lands (*no change*)

APPLICANT/OWNER: John Bailey
89442 Hwy 101
Warrenton, OR 97146

AGENT: Neil A. Mendenhall Jr.
Mendenhall & Associates
89778 Hwy 101
Warrenton, OR 97146

PROPERTY DESCRIPTION: portion of T7N, R10W, Sec. 22C, TL 3001

PROPERTY LOCATION: West side of Hwy 101 about one-half mile south of West Lake Rd.
in the unincorporated Clatsop Plains area of Clatsop County

PROPERTY SIZE: 0.13 acres

COUNTY STAFF REVIEWER: Patrick Wingard, AICP, Principal Planner *PW*

STAFF RECOMMENDATION: Approve

SUGGESTED MOTION: Adopt the findings of fact of the staff report and recommend approval of the zone change to the Board of Commissioners

- EXHIBITS: 1 – Comprehensive Plan / Zoning Map Amendment application
2 – Written Comments received

SUMMARY

On April 26, 2007 John Bailey submitted to the Clatsop County Community Development Department an application for a comprehensive plan / zoning map amendment for a 0.13-acre tract of land located along the west side of Hwy 101 about one-half mile south of West lake Road in the unincorporated Clatsop Plains area of Clatsop County. The 0.13-acre tract of land is part of a larger 1.63-acre parcel identified as T7N, R10W, Sec. 22C, TL 3001. See maps below. The applicant proposes changing the tract's zoning from RA-2, Residential-Agriculture-2 to RA-5, Residential-Agriculture-5. If approved, the zone change would help facilitate a future property line adjustment between the subject property and the abutting parcel to the south (TL 3300) and allow more constructive use of the affected tract of land. The application does not affect the property's current, Rural Lands, plan designation.

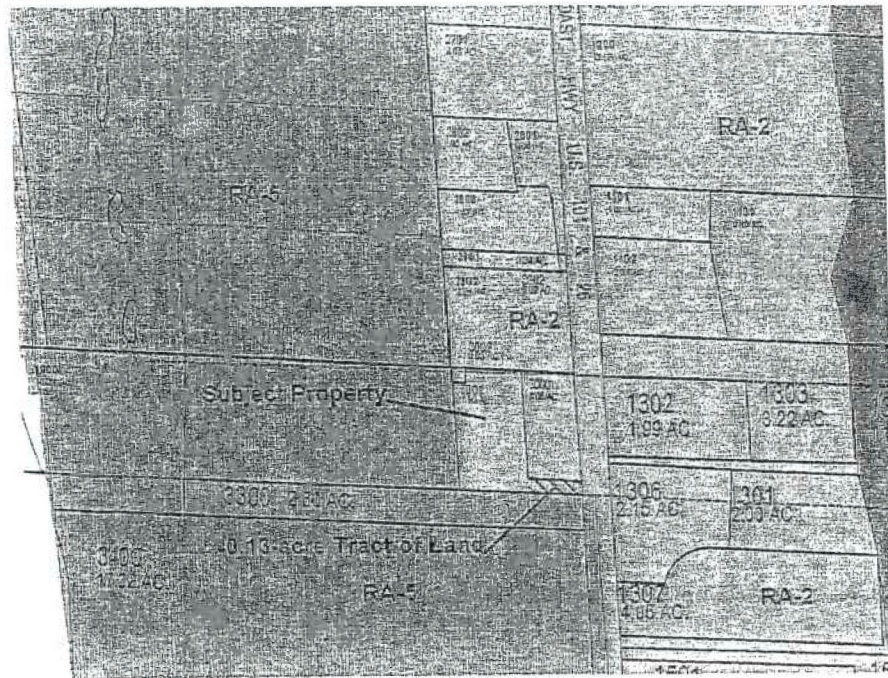
PROPERTY STATUS

The subject property (T7N, R10W, Sec. 22C, TL 3001) was created by recording of a real estate contract with the Clatsop County Clerk's Office on May 7, 1979. (Clatsop County Deed Records Volume 501, Page 168). The current property owner/applicant, John A. Bailey, obtained the property by recording of a deed of personal representation with the Clatsop County's Clerk's Office on September 25, 1997 (Clatsop County Deed Records Volume 945, Page 066). The subject property meets the county's definition of "lot of record". LWDUO §1.030.

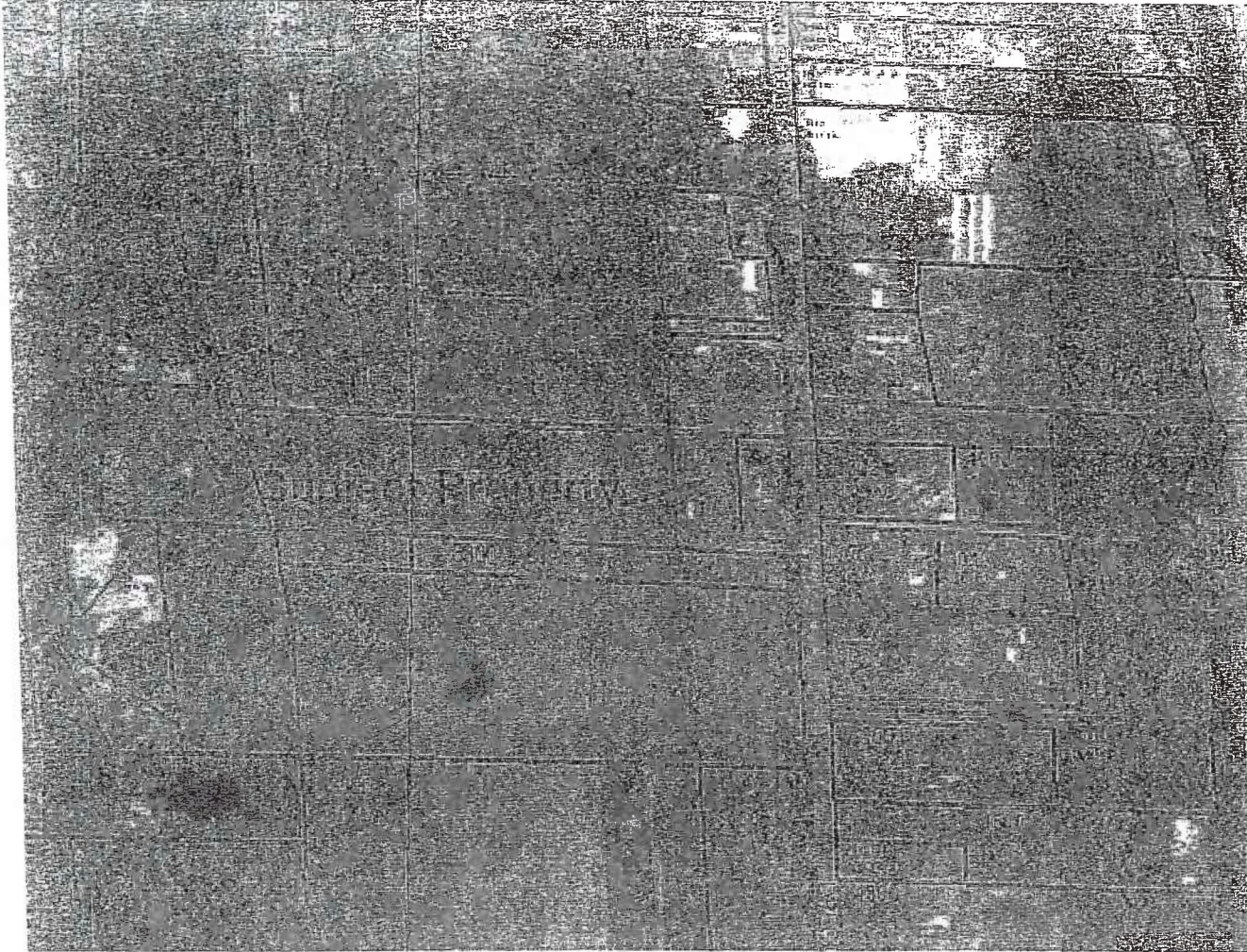
PROPERTY CONDITIONS

The subject property is gently sloping to flat and contains sandy soils with vegetation comprised mainly of grasses and shrubs. The property is improved with a single-family residence built in 1950 according to Clatsop County's Assessment and Taxation records.

AREA ZONING MAP



NEIGHBORHOOD CONDITIONS



2005 Aerial Photo

The neighborhood is comprised of mainly single-family residence on one to five acre lots. Large tracts of undeveloped lands lie to the northwest, west, and southwest of the subject property.

BACKGROUND

On January 7, 2007 Neil A, Mendenhall, surveyor/applicant's agent, submitted to the Clatsop County Community Development Dept a property line adjustment application for the subject property and the abutting parcel (TL 3300) to the south. The subject property (TL 3001) is zoned RA-2. The abutting parcel (TL 3300) is zoned RA-5. A periphery review of the Clatsop County LWDUO resulted in a staff determination that the proposed property line adjustment could not be completed under current zoning ordinance provisions. LWDUO § 3.204(16)(B). Thus, staff voided the property line adjustment application and returned the \$70 application fee to the applicant.

The purpose of the zone change request to bring the 0.13-acre tract of land into the same zone designation as the property to the south (RA-5) to enable a future property line adjustment between the two parcels that would allow more productive use of this land. In its application, the applicant explains that the subject property is accessed via a private road and does not currently use this 0.13-acre "flag pole" portion

of its property that extends to Hwy 101. The applicant explains that the property to the south (TL 3300) could make better use of the "flag pole" tract of land.

APPLICABLE CRITERIA

The applicable criteria for this land use application is contained in LWDUO Section 5.412 which reads:

Section 5.412. Zone Change Criteria.

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

- (1) The proposed change is consistent with the policies of the Clatsop County Comprehensive Plan.
- (2) The proposed change is consistent with the statewide planning goals (ORS 197).
- (3) The property in the affected area will be provided with adequate public facilities and services including, but not limited to:
 - (A) Parks, schools and recreational facilities
 - (B) Police and fire protection and emergency medical service
 - (C) Solid waste collection
 - (D) Water and wastewater facilities
- (4) The proposed change will insure that an adequate and safe transportation network exists to support the proposed zoning and will not cause undue traffic congestion or hazards.
- (5) The proposed change will not result in over-intensive use of the land, will give reasonable consideration to the character of the area, and will be compatible with the overall zoning pattern.
- (6) The proposed change gives reasonable consideration to peculiar suitability of the property for particular uses.
- (7) The proposed change will encourage the most appropriate use of land throughout Clatsop County.
- (8) The proposed change will not be detrimental to the health, safety and general welfare of Clatsop County.

ASSESSMENT OF APPLICATION VERSUS APPLICABLE CRITERIA

The following section examines the application versus the eight applicable criteria of LWDUO § 5.412.

(1) Consistency with Comprehensive Plan

Analysis:

As part of its land use application (attached, Exhibit 1), the applicant evaluates the application against the applicable elements of the Clatsop County Comprehensive Plan. The applicant's assessment provides satisfactory evidence that conversion of the 0.13-acre tract of land from RA-2 zoning to RA-5 zoning would be consistent with the applicable policies of the Comprehensive Plan.

All requirements pertaining to the public notices (LWDUO § 2.105 - § 2.125) for the land use matter have been met.

Finding of Fact:

Based on the analysis above, the application satisfies Zone Change Criterion No. 1. LWDUO § 5.412(1).

(2) Consistency with Statewide Planning Goals

Analysis:

Clatsop County's acknowledged comprehensive plan implements the 19 Statewide Planning Goals. The determination in the preceding section that confirms the application's consistency with the Comprehensive Plan provides satisfactory evidence that the application is in conformance with the applicable Statewide Planning Goals.

Finding of Fact:

Based on the analysis above, the application satisfies Zone Change Criterion No. 2. LWDUO § 5.412(2).

(3) Adequacy of Public Facilities and Services

Analysis:

Factors considered in this criterion include parks, schools, police and fire protection, solid waste collection, and water and wastewater facilities. The proposal would not increase demand for public facilities and services.

Finding of Fact:

Based on the analysis above, the application satisfies Zone Change Criterion No. 3. LWDUO § 5.412(3).

(4) Adequacy of Transportation Facilities

Analysis:

The proposal would not result in any additional driveway connections to Hwy 101 and could result in a net decrease of one direct driveway connection to the state highway (if Tax Lot 3300 is accessed via an existing private road in lieu of the 0.13-acre "flag pole").

Finding of Fact:

Based on the analysis above, the application satisfies Zone Change Criterion No. 4. LWDUO § 5.412(4).

(5) Compatibility with Area

Analysis:

Regardless of the outcome of this request, the predominant development pattern of the area (single-family residences on acreage homesites) would remain unchanged. The proposal has no discernible affect to area conditions.

Finding of Fact:

Based on the analysis above, the application satisfies Zone Change Criterion No. 5. LWDUO § 5.412(5).

(6) Peculiar Suitability of Site for Particular Uses

Analysis:

The proposed zone change does not affect use of the site for residential purposes.

Finding of Fact:

Based on the analysis above, the application satisfies Zone Change Criterion No. 6. LWDUO § 5.412(6).

(7) Zone Change Promotes Appropriate Use of Land in County

Analysis:

The proposal would maximize use of residentially zoned land that is currently under-utilized by the current property owner.

Finding of Fact:

Based on the analysis above, the application satisfies Zone Change Criterion No. 7. LWDUO § 5.412(7).

(8) Health, Safety, and General Welfare

Analysis:

The proposal would not be detrimental to the health, safety, or general welfare for the residents of Clatsop County. If approved, the zone change would have no discernable affects to county residents.


Finding of Fact:

Based on the analysis above, the application satisfies Zone Change Criterion No. 8. LWDUO § 5.412 (8).

Overall Conclusion

Based on the findings provided above, the application satisfies the applicable approval criteria. Staff advises the Planning Commission to forward a recommendation to the Board of Commissioners to approve the request.

Respectfully submitted,



Patrick Wingard, AICP
Clatsop County Principal Planner



COMPREHENSIVE PLAN/ZONING
 MAP AMENDMENT
 Fee: \$277.00 (required with application)
 \$2,175.00 (required with application)

20070202

PROPOSED USE: _____

	<u>Zoning</u>	<u>Comprehensive Plan Designation</u>
Current:	<u>RA-2</u>	<u>Rural LANDS</u>
Proposed:	<u>RA-5</u>	<u>Rural LANDS</u>

LEGAL DESCRIPTION OF PROPERTY:

T: 7N R: 10W S: 22C TL: 3001 ACRES: 0.13^{ac} Portion

OTHER ADJACENT PROPERTY OWNED BY THE APPLICANT:

T: 7N R: 10W S: 22C TL: 3001 ACRES: _____ Balance

T: _____ T: _____ S: _____ TL: _____ ACRES: _____

APPLICANT 1: (Mandatory)

Name: John Bailey Phone # (Day): 503-738-9232

Mailing Address: Harold D. Bailey FAX #: 503-739-3129

City/State/Zip: Warrenton, OR 97138 Signature: [Signature]

PROPERTY OWNER: (Mandatory if different than applicant)

Name: Ripon Olsen - Ripon Olsen LLC Phone # (Day): 717-3907

Mailing Address: 1319 Seward St FAX #: _____

City/State/Zip: Seaside OR 97138 Signature: [Signature]

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

MENDENHALL & ASSOC.
Name: NEIL A. MENDENHALL JR Phone # (Day): 503-738-6363

Mailing Address: 9947 S HOV 101 FAX #: 503-738-6363

City/State/Zip: Warrenton, OR 97146 Signature: [Signature]

Community Development Department
800 Exchange, Suite 100 * Astoria Oregon 97103 * (503) 325-3611 * FAX 503-328-3666

APRIL 21, 2007

REZONE - DOWN ZONE

REZONE OF A "FLAG" PORTION OF T 7 N, R 10 W, SEC 220 TAX LOT 3001 TO FACILITATE A BOUNDARY ADJUSTMENT WITH T 7 N, R 10 W, SEC 27, TAX LOT 3300 - LOCATED AT 89442 HIGHWAY 101, WARRENTON, OR 97146

THE REZONE WILL ALLOW FOR A MORE CONSTRUCTIVE USE OF 0.13 ACRE "FLAG" EXTENDING TO THE HIGHWAY. CURRENTLY TAX LOT 3001 HAS LEGAL ACCESS VIA A PRIVATE ROAD AND HAS NO NEED FOR THIS PORTION OF THE LOT FOR ACCESS WHICH WAS APPARENTLY THE ORIGINAL PURPOSE FOR THIS LOT CONFIGURATION.

COMPREHENSIVE PLAN - WIDE ELEMENTS

IMPACTS OF APPROVAL OF THE APPLICATION FOR REZONE.

GOAL # 1 CITIZEN INVOLVEMENT - CITIZENS WILL BE INVOLVED THROUGH THE PUBLIC NOTICE AND COMMENT PROCESS RELATED TO THIS APPLICATION FOR REZONE.

GOAL # 2 LAND USE PLANNING - THE EFFECT OF APPROVAL OF THE APPLICATION WILL BE CONTINUATION OF THE "RURAL" NATURE AND DESIGNATION OF THIS PARCEL.

GOAL # 3 AGRICULTURAL LANDS - LANDS CURRENTLY USED FOR AGRICULTURE ARE NOT IMPACTED BY THIS APPLICATION. THE CURRENT SHAPE OF THE PARCEL MAKES THE SUBJECT PORTION OF THE LOT IMPRACTICAL TO FENCE EXCEPT FOR "HOBBY" USE.

GOAL # 4 FOREST LANDS - FORESTED LANDS ARE NOT IMPACTED BY THIS PROPOSAL.

GOAL # 5 OPEN SPACE - OPEN SPACE, SCENIC, AND HISTORIC AREA - THE DOWNZONE PROPOSED MAY TO A LIMITED DEGREE ENHANCE OPEN SPACE THROUGH THE LARGER PARCEL SIZE DESIGNATION. OPEN SPACE WILL ALSO BE LIKELY TO HAVE A MORE USEFUL LOCATION FOR WILDLIFE AFTER APPROVAL OF THIS REZONE AS IT WOULD LIKELY INCREASE SETBACKS BETWEEN BUILDING SITES.

GOAL # 6 - AIR, WATER, AND LAND QUALITY - AIR QUALITY, WATER QUALITY, AND LAND QUALITY WILL NOT BE ADVERSELY AFFECTED BY THIS REZONE. SPACE WILL BE BETTER UTILIZED FOR SETBACK AFTER APPROVAL OF THIS PROPOSAL. LAND AND WATER QUALITY MAY BE ENHANCED BY A MORE "NATURAL" DRIVEWAY THAT BETTER FITS WITH SURROUNDING TOPOGRAPHY AND IS LESS LIKELY TO HAVE ANY WIND OR WATER RELATED EROSION ISSUES.

GOAL # 7 NATURAL HAZARDS - THE POTENTIAL FOR NATURAL HAZARDS TO NEGATIVELY AFFECT THE SUBJECT PARCELS IS REDUCED BY ALLOWING A DESIGN FOR ACCESS TO POTENTIAL BUILDING SITES THAT BETTER FITS THE NATURAL TOPOGRAPHY.

GOAL # 8 RECREATIONAL LANDS - THE APPROVAL OF THIS REZONE WOULD HAVE NEGLIGIBLE EFFECT ON RECREATIONAL ACTIVITY.

GOAL # 9 ECONOMY - THE APPROVAL OF THIS REZONE WOULD HAVE THE POTENTIAL TO POSITIVELY AFFECT THE LOCAL ECONOMY. APPROVAL OF THE REZONE WOULD LIKELY MAKE THE SITE MORE DESIRABLE FROM AN ESTHETIC POINT OF VIEW DUE TO LARGER POTENTIAL SET BACK MAKING THE SITE MORE DESIRABLE FOR NEAR TERM BUILDING ACTIVITY.

GOAL # 10 POPULATION AND HOUSING - THE APPROVAL OF THIS APPLICATION MAY ENCOURAGE THE NEAR TERM CONSTRUCTION OF HOUSING TO FILL LOCAL NEEDS IN AN AREA THAT DOES NOT CONFLICT WITH AGRICULTURE OR FORESTRY

GOAL # 11 PUBLIC FACILITIES AND SERVICES - THE IMPACT OF APPROVAL OF THIS ZONE CHANGE ON PUBLIC FACILITIES AND SERVICES WILL NOT EXCEED THE USE DEEMED APPROPRIATE FOR A "RURAL" ENVIRONMENT. RURAL FIRE PROTECTION IS CURRENTLY AVAILABLE. BETTER- LARGER SETBACKS BETWEEN SEPTIC SYSTEMS AND WELLS MAY BE THE RESULT OF THE APPROVAL OF THIS REZONE.

GOAL # 12 TRANSPORTATION - APPROVAL OF THIS REZONE WILL NOT ADVERSELY AFFECT LOCAL TRANSPORTATION PLANS. THE REZONE WOULD ENCOURAGE ADDITIONAL USE OF AND THE EXTENSION OF A PRIVATE ROAD AS OPPOSED TO DEVELOPMENT OF ADDITIONAL HIGHWAY ACCESS POINTS.

GOAL # 13 ENERGY CONSERVATION- APPROVAL OF THE REZONE MAY ENCOURAGE DEVELOPMENT OF A HOUSING UNIT CLOSER TO EXISTING HIGHWAY AND OTHER INFRASTRUCTURE AS OPPOSED TO DEVELOPEMNT IN MORE REMOTE "RURAL" AREA THEREBY SAVING ENERGY FOR ACCESS AND CONNECTIONS TO UTILITIES.

GOAL # 14 URBANIZATION - APPROVAL OF THIS REZONE WILL RESULT IN LESS DENSE HOUSING OR A NEUTRAL IMPACT ON HOUSING DENSITY WHILE MAKING THE SITE MORE APPEALING BASED ON POTENTIAL PROXIMITY TO OTHER BUILDING SITES.

GOAL # 15 NO CURRENT GOAL # 15

GOAL # 16 ESTUARINE RESOURCES- THE APPROVAL OF THIS REZONE WILL HAVE NO MEASURABLE IMPACT ON ESTUARINE RESOURCES.

GOAL # 17 COASTAL SHORELANDS - APPROVAL OF THE PROPOSED APPLICATION FOR REZONE WILL NOT ADVERSELY IMPACT COASTAL SHORELANDS AS COMPARED TO CURRENT ZONING. APPROVAL OF THIS APPLICATION MAY ENCOURAGE DEVELOPMENT OF A HOMESITE FURTHER FROM NEACOXIE CREEK THAN MIGHT OTHERWISE BE ACHIEVED.

GOAL # 18 BEACHES AND DUNES- APPROVAL OF THIS APPLICATION IS NEUTRAL TO BEACHES AS NO BEACH IS INVOLVED, STABILIZATION OF OLDER DUNES WOULD BE ENHANCED AS THE POTENTIAL FOR WIND AND WATER EROSION WOULD BE REDUCED BY PERMITTING SITE ACCESS ON MORE GENTLE GRADES AND MORE CLOSELY CONFORMING TO THE NATURAL SLOPES IN THE VICINITY. DEVELOPMENT CAN BETTER UTILIZE THE MORE STABLE LAND AREA WHILE RETAINING LESS STABLE AREA FOR OPEN SPACE.

SECTION 5.412 ZONE CHANGE CRITERIA

1 & 2) THE PROPOSED CHANGE IS GENERALLY CONSISTENT WITH THE POLICIES OF THE CLATSOP COUNTY COMPREHENSIVE PLAN AND STATE WIDE PLANNING GOALS. THE PROPOSAL IS ESSENTIALLY A DOWN ZONE TO A MORE RURAL CHARACTER.

3) THE PROPERTY HAS ACCESS TO PARKS, SCHOOLS, RECREATIONAL FACILITIES, POLICE, FIRE, EMERGENCY MEDICAL, AND SOLID WASTE COLLECTION. WATER IS AVAILABLE VIA WELLS WHICH ARE ALSO UTILIZED BY OTHER HOMES IN THE GENERAL AREA.

4) TRAFFIC CONGESTION MAY BE REDUCED BY ENCOURAGING THE UTILIZATION OF EXISTING PRIVATE ROAD ACCESS AS OPPOSED TO ADDITIONAL HIGHWAY ACCESS POINTS.

5) THE PROPOSED ZONE CHANGE IS A "DOWNZONE" AND MAY RESULT IN ADDITIONAL OPEN SPACE. THE PROPOSED ZONE IS CONSISTENT WITH THE ADJACENT ZONING TO THE SOUTH.

6) THE PROPOSED CHANGE WILL ALLOW A MORE REASONABLE PROPERTY UTILIZATION. A "FLAG" PORTION OF THE EXISTING LOT CONFIGURATION IS OF LITTLE VALUE FOR PRACTICAL ACCESS. HOWEVER, IT APPEARS THE ORIGINAL INTENT WAS TO MAINTAIN HIGHWAY FRONTAGE FOR "LEGAL" ACCESS. THE BOUNDARY ADJUSTMENT OF THIS "FLAG" INTO THE ADJACENT PROPERTY WILL ALLOW FOR A MORE USABLE AND ATTRACTIVE SITE THAT FITS BETTER WITH THE RURAL CHARACTER OF THE SURROUNDING AREA.

7) THE PROPOSED ZONE CHANGE DOES NOT ADVERSELY AFFECT HEALTH, SAFETY, AND THE GENERAL WELFARE OF CLATSOP COUNTY. ON THE CONTRARY, THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE COUNTY IS PROMOTED BY THE MORE REASONABLE USE OF THE PROPERTY, ENCOURAGING A LARGER SET BACK BETWEEN BUILDING SITES, AND PROMOTING THE USE OF FEWER HIGHWAY ACCESS POINTS WITH IMPROVE SIGHT DISTANCE AND MORE ATTRACTIVE APPROACHES.

EXHIBIT 2

From: "Steve Rautenbach" <srautenbach@paramountgraphics.com>
To: <comdev@co.clatsop.or.us>, <pwingard@clatsop.or.us>
Date: 7/16/2007 8:54 AM
Subject: Zone Change - property T7N, R10W, Sec. 22C, TL 3001

CC: "Rautenbach" <rautenbach@comcast.net>
Dear Mr. Wingard,

I am in receipt of the letter regarding the hearing for the application
by Mr. John Bailey for the proposed zone change of the property TL 3001.
We own the adjoining property to the North; TL 3000.

We have no objection to the Zone Change provided;

1. The easement agreement for access to property TL 3000 from the south is not affected in any way.
2. Any structural changes to the roadway entrance, which will in any way affect access to our property TL 3000 from the south, will require Mr. John Bailey to cover any costs associated with the re-structuring of the roadway entrance.
3. Any cutting or roadway bordering the south of property TL 3000, needs to be approved by the owners of property TL 3000. Furthermore, any cutting or roadway should not affect the integrity of the dune or in any way create any erosion of soil or weaken the natural structure of the south property line of TL 3000.

The above points to be taken into consideration for the application hearing for the proposed zoning change for property TL 3001.

Sincerely,

Steve

Paramount Graphics, Beaverton, OR

(direct) 503 277 5364 (cell) 503 545 3205 (fax) 503 520 1843