



# 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](http://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 003-07



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

PROP **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**

**OCT 04 2007**

**LAND CONSERVATION AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **Clatsop County**

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

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**

- |  |  |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment     | <input checked="" type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation           | <input type="checkbox"/> 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 a 0.90-acre parcel from Neighborhood Commercial (NC) to Residential Agriculture - 1 (RA-1). The applicant, Gearhart Rural Fire Protection District, intends to construct a fire station at the subject property (conditionally permitted development in the RA-1 zone)

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: **Neighborhood Commercial** to: **Residential - Agriculture 1**

Location: **SW corner of US Hwy 101 and West Lake Road** Acres Involved: **<1**

Specify Density: Previous: **0** New: **1 d.u./2 acres**

Applicable statewide planning goals:

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

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 # 003-07 (16/63)*

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**DLCD file No.** \_\_\_\_\_

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

Clatsop County, DLCD, ODOT, Gearhart Rural Fire Protection District

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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](mailto:pwingard@co.clatsop.or.us)

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### **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](http://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](mailto: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](mailto:mara.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

RECORDED

SEP 27 2007

IN THE BOARD OF COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

Doc # 2007090032

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

ORDINANCE NO. 07-07

WHEREAS, on April 24, 2007 the Gearhart Rural Fire Protection District filed an application for an amendment to the Clatsop County Comprehensive Plan / Zoning Map to rezone property in Clatsop County (the "property") described as T7N, R10W, Sec. 22CB, TL 1500 from NC, Neighborhood Commercial, to RA-1, Residential Agriculture – 1.

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 26<sup>th</sup> day of September, 2007

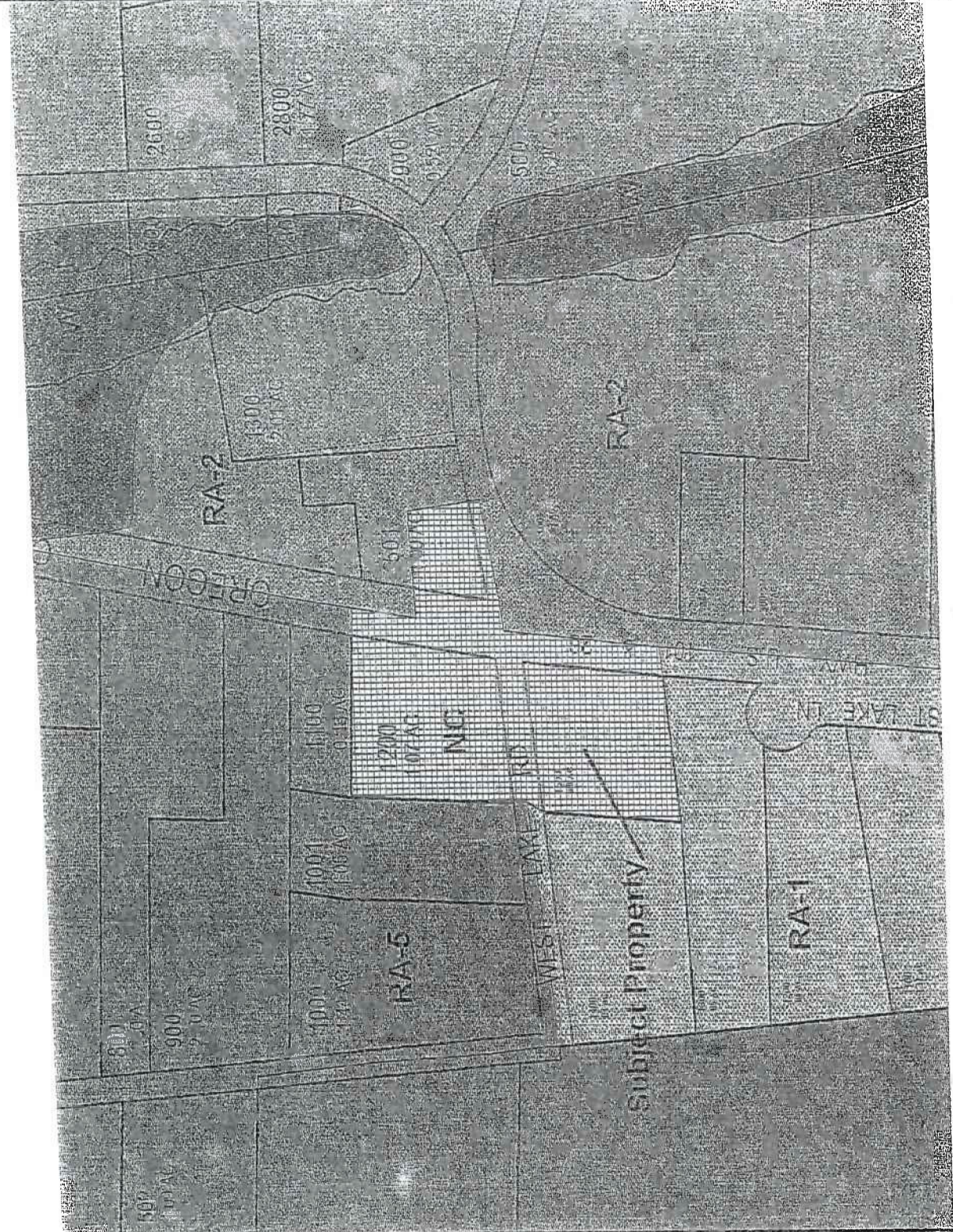
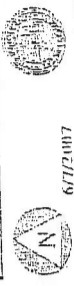
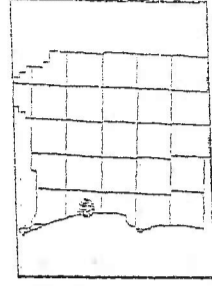
THE BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

By Richard H. Lee  
Richard Lee, Chair

By Tahireh Crawford  
Recording Secretary

Gearhart RFPD  
Zone Change Map

- PLS
- PLS Townships
- Tax Lot Arrows
- Tax Map
- Water Body
- Parcel Boundary
- Supplemental Boundary
- 34
- Road R-U-W
- Zoning
  - LW
  - HC
  - RA-1
  - RA-2
  - RA-5



1 in. = 200 ft.

Gearhart RFPD Zone Change	Existing	Proposed
Zoning	NC, Neighborhood Commercial	RA-1, Residential Agriculture - 1
Comp. Plan Designation	Rural Lands	Rural Lands

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 the Gearhart Rural Fire  
Protection District

RESOLUTION AND ORDER

# 07-07-04

RECITALS

A. Pursuant to Article 2 of the Clatsop County Land and Water Use Development Ordinance, the Gearhart Rural Fire Protection District applied for a comprehensive plan/zoning map amendment (Exhibit 1 of the attached Exhibit A Staff Report) on April 24, 2007 regarding property in Clatsop County (the "Property") described as:

T7N, R10W, Section 22CB, Tax Lot 1500

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.

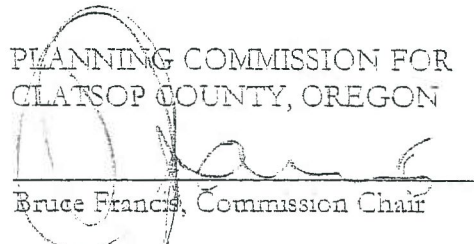
C. Pursuant to County procedures, a hearing was held on the Exhibit A matter on July 24, 2007 for which appropriate notice was provided.

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 25<sup>th</sup> 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](http://www.co.clatsop.or.us)

ph: 503-325-8611  
fx: 503-338-3666  
em: [comdev@co.clatsop.or.us](mailto: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: Neighborhood Commercial (NC)  
Proposed Zone: Residential-Agriculture-1 (RA-1)

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


APPLICANT/AGENT: Ken Weber Jr.  
89783 Seabreeze Dr.  
Warrenton, OR 97146

PROPERTY OWNER: Gearhart Rural Fire Protection District  
1310 East Pine Drive  
Gearhart, OR 97138

PROPERTY DESCRIPTION: T7N, R10W, Sec. 22CB, TL 1500

PROPERTY LOCATION: Southwest corner of West Lake Rd. and Hwy 101 in the unincorporated Clatsop Plains area of Clatsop County

PROPERTY SIZE: 0.90 acres

COUNTY STAFF REVIEWER: Patrick Wingard, AICP, Principal Planner 

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 24, 2007 Ken Weber Jr. submitted to the Clatsop County Community Development Department an application for a comprehensive plan / zoning map amendment for a 0.90-acre parcel property located at the southwest corner of West Lake Road and Hwy 101 in the unincorporated Clatsop Plains area of Clatsop County. See maps below. The applicant proposes changing the property's zoning from NC, Neighborhood Commercial, to RA-1, Residential-Agriculture-1. The application does not affect the property's current, Rural Lands, plan designation.

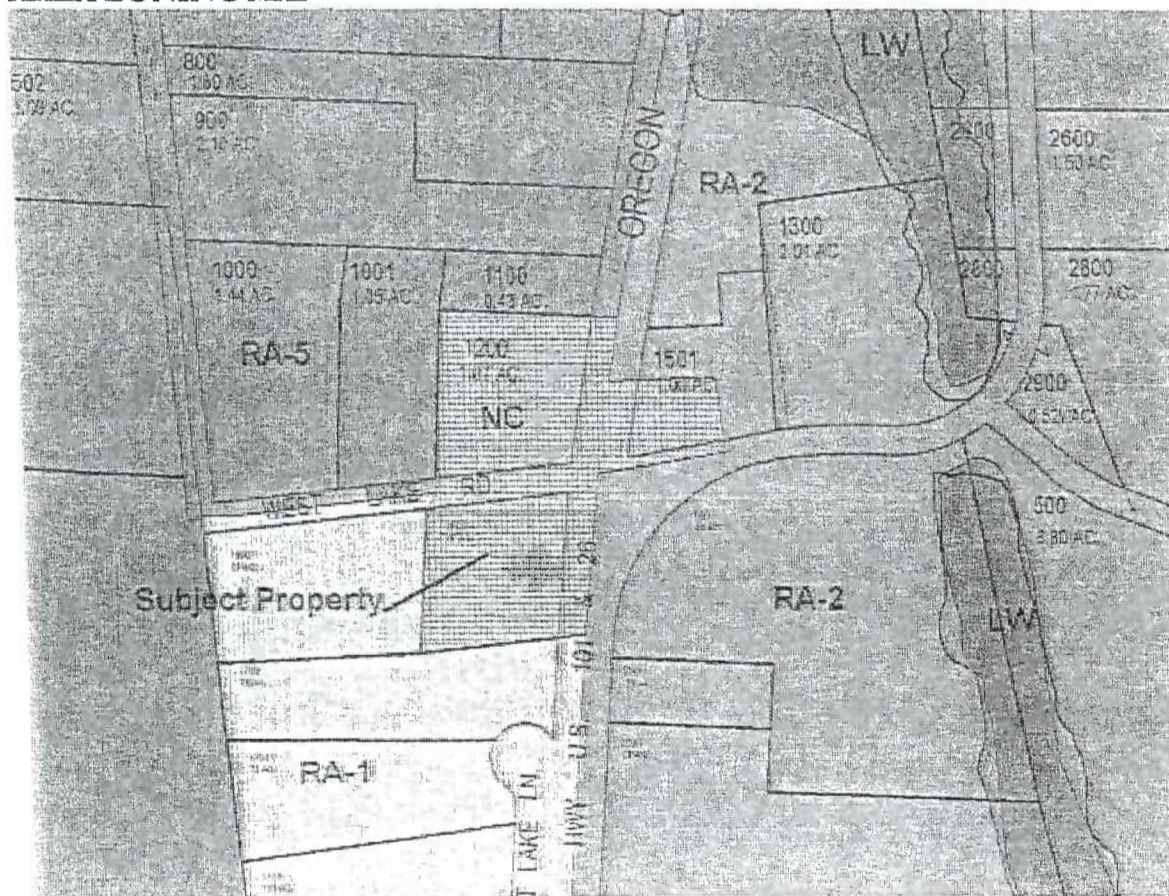
#### PROPERTY STATUS

The subject property (T7N, R10W, Sec. 22CB, TL 1500) was created by recording of a warranty deed with the Clatsop County Clerk's Office on June 17, 1976 (Clatsop County Deed Records Volume 431, Pages 161-162). The current property owner acquired the parcel on May 11, 1999. The property meets the county's definition of "lot of record". LWDUO §1.030.

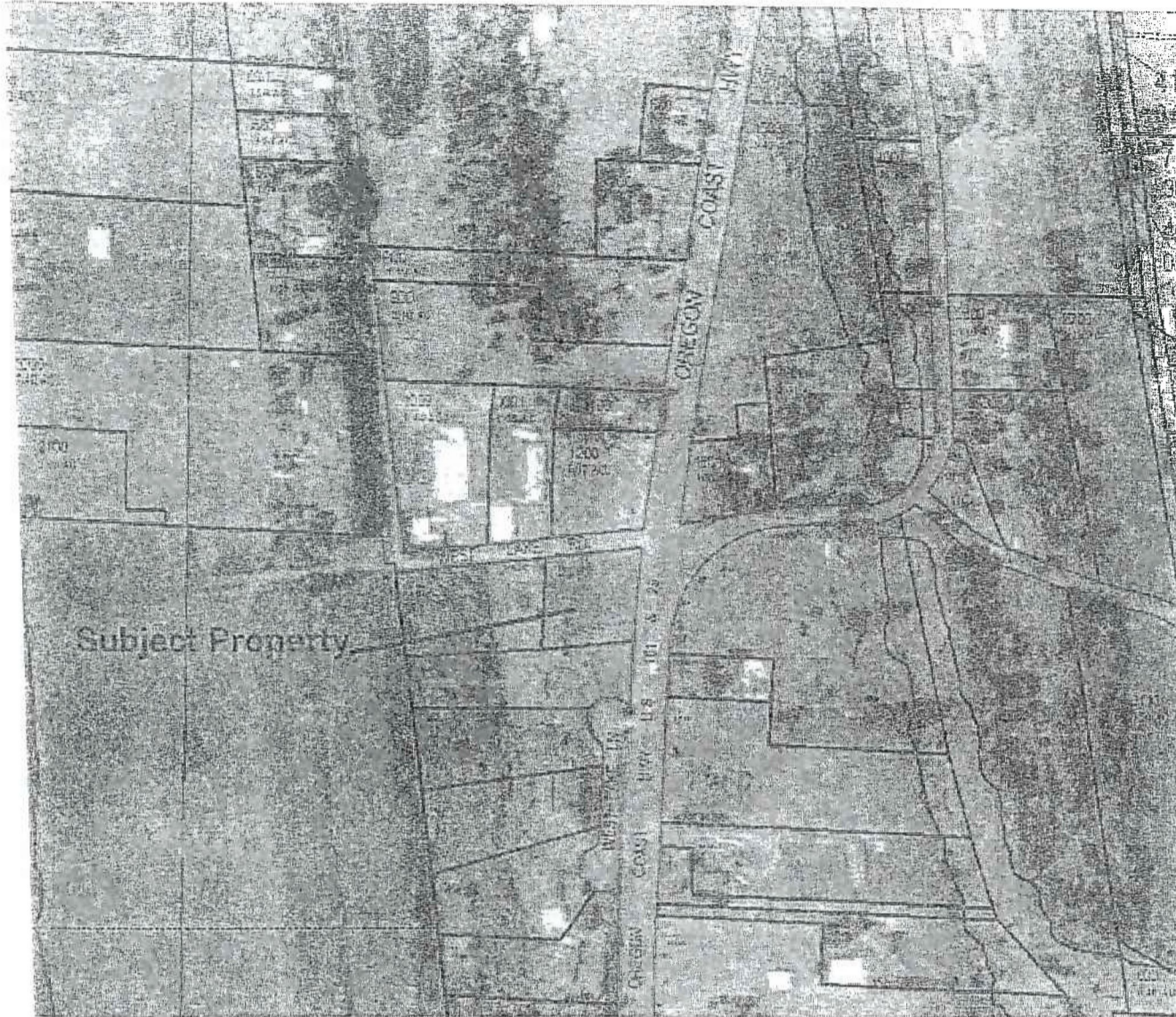
#### PROPERTY CONDITIONS

The subject property is generally flat with slight elevation gains towards the western edge of the lot. The site contains sandy soils and vegetation is mainly comprised of grasses and shrubs. The property is currently unimproved.

#### AREA ZONING MAP



## NEIGHBORHOOD CONDITIONS



2005 Aerial Photo

The neighborhood is comprised of mainly single-family residence on one to five acre lots. A coffee stand is located directly to the north of the subject property. Horse stables are located just to the north and west of the property.

### BACKGROUND

The current property owner, Gearhart Rural Fire Protection District (RFPD), acquired the property in May 1999. Based on discussions with the applicant and information contained in the land use application, the Gearhart RFPD intends to construct a fire hall on the property. During its discussions with staff, the applicant explained that the site would be used solely for a fire hall and not for other ancillary fire protection uses, such as a training tower, exercise field, etc.. Fire halls are not a permissible land use in the current Neighborhood Commercial (NC) zone but could be permitted conditionally in the proposed Residential-Agriculture-1 (RA-1) zone.

#### 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 0.90-acre parcel from NC zoning to RA-1 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 and would significantly expand fire protection services in the Clatsop Plains area.

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:

In its Goal 12 assessment (attached, Exhibit 1), the applicant explains that the subject property would take access via West Lake Rd., not Hwy 101 and that warning lights would be installed on Hwy 101 to warn motorists of fire trucks entering the highway. The applicant further explains that it would work with ODOT throughout the permitting process for the future fire hall and that the proposed zone change would lessen congestion on the highway versus uses that could be allowed under the current zone.

Under the proposed (RA-1) zone, the applicant would be required to obtain a conditional use permit from Clatsop County prior to development of a fire hall on the site. As part of this land use permitting process, ODOT would be provided notice and opportunity to comment on the applicant's development plan. Clatsop County would incorporate any conditions of approval imposed on the developer by ODOT into its land use decision for the fire hall.

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:

The subject property is centrally located to existing and planned development on the Clatsop Plains. A rural fire hall sited on the property would significantly improve fire protection in the area. Even if the site were never developed for a fire hall, the proposed RA-1 zoning would only allow for single-family residential and small-scale agricultural development. The anticipated use, fire hall, together with other land

uses that could be developed on the property under the proposed RA-1 zone, are considered to be compatible with the area and not result in over-intensification of land use of the subject property.

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 subject property is ideally located to provide efficient rural fire protection services to the surrounding area. The site is well suited to provide for neighborhood commercial uses but the potential to develop a fire hall on the property is deemed a higher and better use in consideration of public safety and provisions for community facilities and services in the vicinity.

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:

Residential development on the Clatsop Plains is expected to continue. The proposed zone change and possibility for a subsequent fire hall on the subject property would provide a vital service, fire protection, for existing and future residents on the Plains.

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 application promotes the health, safety, and general welfare for Clatsop County residents and visitors by helping to facilitate a future fire hall on the site.

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



EXHIBIT 1

COMPREHENSIVE PLAN/ZONING  
MAP AMENDMENT  
Fee: \$575.00 (required with application)  
\$2175.00 (required with application)

PROPOSED USE: FIRE STATION

	<u>Zoning</u>	<u>Comprehensive Plan Designation</u>
Current:	<u>MC</u>	<u>RURAL LANDS</u>
Proposed:	<u>RA-1</u>	<u>RURAL LANDS</u>

LEGAL DESCRIPTION OF PROPERTY:

T: 7 R: 10W S: 22CB TL: 1500 ACRES: .90

OTHER ADJACENT PROPERTY OWNED BY THE APPLICANT:

T: \_\_\_\_\_ R: \_\_\_\_\_ S: \_\_\_\_\_ TL: \_\_\_\_\_ ACRES: \_\_\_\_\_

T: \_\_\_\_\_ T: \_\_\_\_\_ S: \_\_\_\_\_ TL: \_\_\_\_\_ ACRES: \_\_\_\_\_

APPLICANT 1: (Mandatory)

Name: KEN WEBER JR. Phone # (Day): 738-5986

Mailing Address: 89783 SEABREEZE DR FAX #: \_\_\_\_\_

City/State/Zip: WARRENTON, OR 97146 Signature: K.K. Weber Jr.

PROPERTY OWNER: (Mandatory if different than applicant)

Name: GERHART RURAL FIRE PROTECT. DIST Phone # (Day): 738-8104

Mailing Address: 1310 EAST PINE DR FAX #: \_\_\_\_\_

City/State/Zip: GERHART, OR 97138 Signature: Mary Palmrose  
MARY PALMROSE, BOARD PRES.

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

Name: \_\_\_\_\_ Phone # (Day): \_\_\_\_\_

Mailing Address: \_\_\_\_\_ FAX #: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ Signature: \_\_\_\_\_

Community Development Department  
800 Exchange, Suite 100 \* Astoria Oregon 97103 \* (503) 325-8611 \* FAX 503-328-8666

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## **Section 1 — County Wide Elements for Land Use Plan for the Proposed Gearhart Rural Fire Protection District Fire Station**

### **Goal 1: Citizen Involvement**

Citizens will be provided an opportunity to be involved in the planning process as set forth in the goals and guidelines for Land Use Planning in Clatsop County; specifically policies #5, #6 and #7 listed on page 11 and 12 of Clatsop County Comprehensive Plan Goals and policies.

Minutes of public meetings will be recorded and available for inspection at in the Gearhart City Fire Department, 670 Pacific Way, Gearhart, OR after being approved by the Gearhart Rural Fire Protection District Board of Directors.

### **Goal 2: Land Use Planning**

Because of the rural character of Clatsop County along with its geographic proximity to the northern Willamette Valley population centers, there has been a steady demand for second homes and rural home sites located on small rural tracts. The demand for rural tracts is expected to continue. In order to continue to meet the demand for affordable rural home sites the County has looked to those that are "built upon and/or irrevocably committed rural areas which generally have:

some level of public facilities and services, especially surfaced public roads, fire protection, and piped water;

a pattern of parcel sizes generally smaller than 15 acres;

existing residential development at a density generally higher than 1 dwelling unit per 10 acres; and

natural boundaries, such as creeks and roads, separating the exception area from adjacent resource lands.

The site for the proposed Gearhart Rural Fire Protection District fire station meets the goals and requirements of the Clatsop County Land Use Plan.

### **Goal 3: Agricultural Lands**

There will be no change in agricultural lands. The site for the proposed Gearhart Rural Fire Protection District fire station increases the fire protection of agricultural lands in the Gearhart Rural Fire Protection District.

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#### **Goal 4: Forest Lands**

There will be no change in forest lands. The site for the proposed Gearhart Rural Fire Protection District fire station increases the fire protection of forest lands in the Gearhart Rural Fire Protection District.

#### **Goal 5: Open Space, Scenic and Historic Areas and Natural Resources**

There will be no change in Open Space, Scenic and Historic Areas and Natural Resources lands. The site for the proposed Gearhart Rural Fire Protection District fire station increases the fire protection of Open Space, Scenic and Historic Areas and Natural Resources in the Gearhart Rural Fire Protection District.

#### **Goal 6: Air, Water and Land Quality**

There will be no change in Air, Water and Land Quality. During construction appropriate measures will be made to prevent water run-off to adjoining property owners by placement of temporary barriers.

#### **Goal 7: Natural Hazards**

There are no natural hazards on the proposed site for the proposed Gearhart Rural Fire Protection District fire station.

#### **Goal 8: Recreation**

There are no public recreation areas on the proposed site for the proposed Gearhart Rural Fire Protection District fire station.

#### **Goal 9: Economy**

The hiring of such workers needed to construct and landscape the future proposed fire station on this site will temporarily impact the economy. Because of the location the future fire station, there is a probability that small business will build in the area. These areas are already zoned for small businesses.



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### **Goal 10: Population and Housing**

The area surrounding proposed site for the proposed Gearhart Rural Fire Protection District fire station is already experiencing an increase in population and housing. The site for the proposed Gearhart Rural Fire Protection District fire station increases the fire protection for this increase in population and housing development.

### **Goal 11: Public Facilities and Services**

The construction of the proposed Gearhart Rural Fire Protection District fire station increases the fire protection for Northern reaches of the Gearhart Rural Fire Protection District. With the increase in population and housing development in this area such construction can be viewed as necessary and desirable. Development of the site will include connection to the Warrenton water system and include installation of a DEQ-approved sanitary sewer disposal system.

### **Goal 12: Transportation**

No direct access onto Hwy 101 is being proposed; access to the site will be provided via Westlake Rd. Warning devices will be installed on Highway 101 to warn motorists of fire trucks entering the highway from Westlake Rd. The district will work with the Oregon Highway Dept. in the placement of these devices. Development of a fire hall on the property would produce less traffic than a commercial use could under the existing 'NC' zone.

### **Goal 13: Energy Conservation**

The construction of the proposed Gearhart Rural Fire Protection District fire station will be as energy efficient as possible using in place building code standards.

### **Goal 14: Urbanization**

Gearhart Rural Fire Protection District fire station lies outside the City of Gearhart Urban Growth Boundary.

### **Goal 15: not used**

### **Goal 16 and 17: Estuarine and Coastal Shorelines**

No Impact on existing Estuarine and Coastal Shorelines

## **Goal 18: Beaches and Dunes**

All development will comply with the applicable policies of the County's beaches and Dunes Overlay.

### **Section 2 — Clatsop Plains Elements for Land Use Plan for the Proposed Gearhart Rural Fire Protection District Fire Station**

A new fire hall on the subject property would assist planning for orderly growth in the Clatsop Plains by providing improved fire protection for property owners and residents.

The lot is predominantly flat and in an area of existing development. The development of a fire hall at this location would not diminish any forest, dune, open space, views, or habitat values found on the Plains.

Development of the site will adhere to all applicable county standards including minimizing cuts and fills and retaining as much vegetation as possible.

The proposal will not adversely affect the water quality of the Clatsop Plains Aquifer. It will not result in drawdown in the groundwater supply, result in the loss of stabilizing vegetation, or result in salt-water intrusion into the water supply.

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

Adjoining parcels retain 'NC' zoning to provide for anticipated neighborhood commercial needs in the area.

Board Member Roster for Gearhart Rural Fire Protection District

Mary Palmrose, President  
310 East Pine  
Gearhart OR 97138  
Tel: 738-8104

Ken Weber, Treasurer  
89783 Sea Breeze Drive  
Warrenton, OR 97146-7108  
Tel: 738-5986

Thomas Wilcox, Secretary  
89750 Sea Breeze Drive  
Warrenton, OR 97146  
Tel: 738-3515

Terri Johnson  
33739 Cullaby Lake Lane  
Warrenton OR 97146  
Tel: 738-8643

Robert Kloss  
1341 Eastpine Dr  
Gearhart, OR 97138

TIFFIN TITLE INSURANCE

4-34126

LEGAL DESCRIPTION

Commencing at a point 20.5 feet North of the Section corner between Sections 21, 17 and 23, Township 7 North, Range 10 West of the Willamette Meridian, Clatsop County, Oregon;

thence running South 89 degrees 23 minutes East 738.1 feet;  
thence North 4 degrees 56 minutes West 1426.9 feet to a point of beginning of the tract herein described;

thence North 8 degrees 43 minutes West 233.8 feet;  
thence North 7 degrees 47 minutes West 719.3 feet;  
thence North 7 degrees 23 minutes West to a point of intersection with the center line of a certain county road, as laid out and recorded in the official records of Clatsop County, Oregon, which road is described in Deed of Dedication from George W. Shirley, et al, to the public, recorded in Volume 108 of deeds, page 332, records of Clatsop County, Oregon;

thence Easterly along the center line of said county road to the West boundary of Roosevelt Highway right of way;

thence Southerly along said West boundary of said Roosevelt Highway to a point which is South 89 degrees 28 minutes East of the place of beginning;

thence North 89 degrees 28 minutes West to the point of beginning.

EXCEPTING THEREFROM the following:

A parcel of land described in deed from William E. Kurtz and wife to State of Oregon recorded in Volume 132 of Deeds, page 24, Records of Clatsop County, Oregon, in the County of Clatsop, State of Oregon.

EXCEPTING THEREFROM the following:

A parcel of property in Section 22, Township 7 North, Range 10 West, Willamette Meridian, Clatsop County, Oregon, being a portion of the John Jewett Donation Land Claim, being more particularly described as follows:

Commencing at a point 20.6 feet North of section corner common to Sections 21, 22, 17 and 28, Township 7 North, Range 10 West, Willamette Meridian;

thence running South 89 degrees 28 minutes East 738.1 feet;  
thence North 4 degrees 56 minutes West 1428.9 feet to the true point of beginning of the tract herein described, which point is also the Southwest corner of the tract described herein and which true point of beginning is the Southwest corner of that certain parcel of property conveyed by the State Land Board to William Russell Earl and wife by deed in Book 130, page 300, Deed Records, Clatsop County, Oregon;

thence North 8 degrees 43 minutes West 233.8 feet;  
thence North 7 degrees 47 minutes West 10.2 feet;  
thence South 89 degrees 28 minutes East on a line parallel with the South line of said Earl tract a distance of 375 feet, more or less, to a point which is on the Westerly right of way line of U.S. Highway 101;

thence Southerly along the Westerly right of way line of said highway a distance of 241.0 feet, more or less, to a point which is South 89 degrees 28 minutes East of the point of beginning and also is on the South line of said Earl tract;

thence North 89 degrees 28 minutes West along the South line of said Earl tract a distance of 360.0 feet, more or less, to the point of beginning, being in the County of Clatsop, State of Oregon.

FURTHER EXCEPTING WEST LAKE ACRES, a plat, recorded in Plat Book 11, page 34, Records of Clatsop County, Oregon. -----

Catsop County Oregon  
Real Property Map Index

Map #:	Tax Code:	Account ID:	Tax ID:	Map #:	PC:	MA:	MH:	Acres:	Book Page:	Instr. Id:	Situs:	RMV:	AV:	Land	Buildings	Total
71022C60	1006	17669	81001	1500	990	5	U	0.9		9905609				80,017	0	80,017
Gearhart Rural Fire District 89783 Sea Breeze Dr																
Warrenton, OR 97146																
RMV: 80,017 AV: 30,561																

EXHIBIT 2

July 23, 2007

Clatsop County Planning Commission  
800 Exchange Street, Suite 430  
Astoria, OR 97103  
VIA FAX (503) 338-3666 and US Postal Service

RECEIVED

JUL 24 2007  
Community  
Development  
CLATSOP COUNTY

RE: Comprehensive Plan/Zoning Map Amendment (Zone change) Application from Ken Weber Jr on behalf of the Gearhart Rural Fire Protection District to Change Zoning on Property described a T7N R10W Sec 22CB TL 1500 from Neighborhood Commercial (NC) to Residential-agriculture-1 (RA-1)

Dear Sir:

The intent of this letter is to relay our opposition to the afore-mentioned application; and to discourage the approval of the zone change and to the conditional-permitted use, thereof, for a fire station. A fire station does not meet the criteria of the existing NC zone nor the proposed RA-1 zone (without a conditional permit); and is not to the advantage of the neighboring property owners.

Moreso, the erection of a fire station detracts from the area's property value and, negatively, impacts the lives of the residents and animals who live there. While there will be no tsumani warnings, the regularity of fire engines activating truck sirens will be damaging to nearby livestock and, if prolonged, possibly, to children and adults. It is proven that any sounds producing decimels with 90db or more have the potential of creating hearing loss in humans. The stress and "alarm" of the sirens will affect animals.

The West Lake area consists of "neighborhood agriculture". Adjacent and neighboring property owners have horses, pigs, geese, cattle, and dogs. Some of these can be seen at the Clatsop County 4-H Fair. These domestic and livestock animals, which produce goslings, piglets, puppies, foals, and calves, combine with wildlife, such as deer, coyotes, birds, owls and hawks to make the Westlake area desirable for those of us who live there; and are integral to our lifestyle. They are the reason we selected our "rural land" property suitable to small-scale agricultural development.

Please find the following excerpts from various articles, which summarize the sensitivity of sound and animals; and the correlation of mid and high pitched siren sounds. A few relative comments are:

Thinking the Way Animals Do by Temple Grandin Ph.D. Western Horseman Nov. 1997

"Both animals and people with autism are also fearful of high pitched noises..."

"Prey species animals, such as cattle and horses, have sensitive ears, and loud noises may hurt their ears"

Animal Handling Safety by Eric Hallman, Darcy M. Demmin Cornell Agricultural Health and Safety Program

"Animals have extremely sensitive hearing. They hear high-pitched sounds better than humans and loud high-pitched noises often frighten or excite them"

Page Two Clatsop County Planning Commission - Fire Station

The Clatsop County planning staff reported that "nearby, on the Northwest property" were horses. This stable of horses is within 100 feet and are not the only animals affected, but rather a component of the animal and livestock neighborhood. Adjacent property owners have five dogs, another four and a litter of pups. Across the street are horses and foals and north, within two blocks, are pigs, sheep, and geese. A "plot plan" is enclosed for your reference. The wild life are also within 200 feet southwest of the location of the proposed fire station.

Highway 101 is already difficult to ingress from West Lake Road, West Lake Lane and West Lake Acres Drive due to traffic. We question the safety and rapidity in which a fire truck can gain access. While a flashing light may help, it could also present a problem, with the heavy vehicular flow. In no way, will it lessen congestion, but rather contribute to it.

The Gearhart and Warrenton Fire Departments enjoy a good reputation and are doing an excellent job in providing their services to their cities and county. If a new fire station is needed, Gearhart should find a more suitable location with proper zoning...one that is not at the expense of the agricultural climate of the West Lake area... and one that is not detrimental to the well being of animals and livestock.

Your attention is appreciated.

Sincerely,

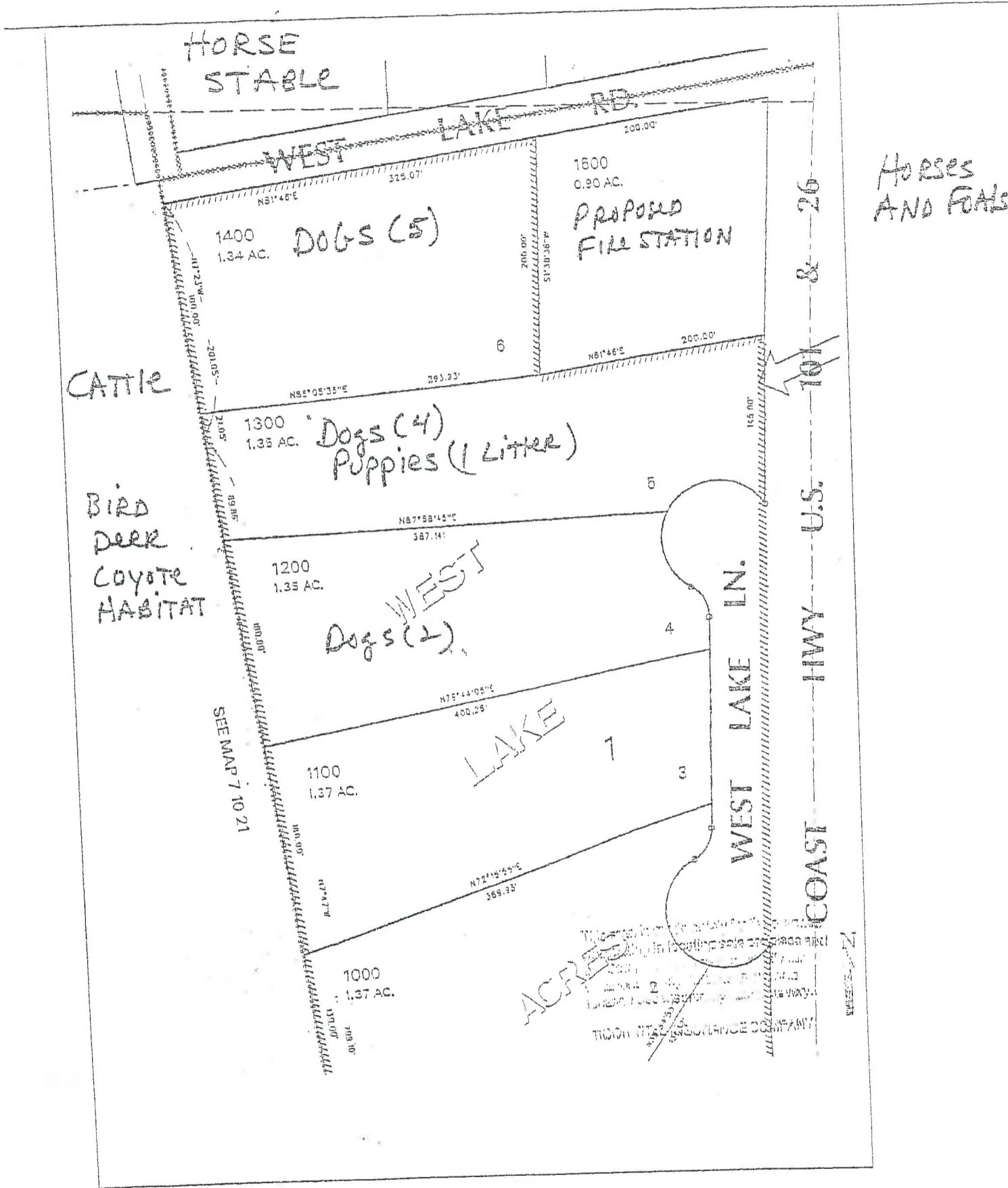
Judhi Chopping  
89680 West Lake Acres Drive  
Warrenton, OR 97146

Tom and Tina Redmond  
89670 West Lake Acres Drive  
Warrenton, OR 97146

PS More property owners are interested in this re-zoning issue, but because the notice was received on July 16 (seven days before responses were required) and only sent to those within 250 feet of proposed zone change, some have not had time to relay their opposition.

Cc: Clatsop County Commission VIA Fax (503) 325-8325

PIGS  
Geese  
SHEEP



HORSES  
AND FOALS



DATE: September 11, 2007

TO: Patrick Wingard  
Clatsop County Planning Department  
800 Exchange Street, Suite 100  
Astoria, OR 97103  
VIA FAX (503) 338-3666



FROM: Judhi Chopping  
(503) 717-0536 home  
(503) 738-8621 work

RE: Comprehensive Plan/Zoning Map Amendment (Zone change) Application from Ken Weber Jr on behalf of the Gearhart Rural Fire Protection District to Change Zoning on Property described a T7N R10W Sec 22CB TL 1500 from Neighborhood Commercial (NC) to Residential-agriculture-1 (RA-1)

Please find attached letter to the Clatsop County Commission and an attachment, relative to the aforementioned zone change, as well as a draft copy of the Clatsop County Planning Commission meeting minutes.

I will not be able to attend the Commission meeting due to a schedule conflict. If this were an evening meeting, I would, of course, be in attendance.

Would you insure that the Commissioners be aware of this correspondence before a vote for a zone change occurs. We would like to go on record in opposing the proposed zone change.

Thank you.

September 11, 2007

Mr. Richard Lee, Chairman  
Clatsop County Board of Commissioners  
800 Exchange Street, Suite 310  
Astoria, OR 97103  
VIA FAX (503) 325-8325

RE: Comprehensive Plan/Zoning Map Amendment (Zone change) Application from Ken Weber Jr on behalf of the Gearhart Rural Fire Protection District to Change Zoning on Property described as T7N R10W Sec 22CB TL 1500 from Neighborhood Commercial (NC) to Residential-agriculture-1 (RA-1)

Dear Chairman Lee:

The intent of this letter is to relay our opposition to the afore-mentioned application; and to discourage the approval of the zone change and to the conditional-permitted use, thereof, for a fire station. A fire station does not meet the criteria of the existing NC zone nor the proposed RA-1 zone (without a conditional permit); and is not to the advantage of the neighboring property owners.

The Clatsop County Planning Commission voted on this zone change at their last meeting and has forwarded their recommendation for approval. A copy of the "draft" minutes are, also, enclosed for your perusal. You will see that in addition to our letter of opposition, there were other neighbors voicing concern with a zone change. The only proponents were representatives of the Fire Department. It is our request that you review the issues and concerns of the neighboring property owners and deny the zone change.

Issues and concerns are outlined as follows:

1. The erection of a fire station detracts from the area's property value and, negatively, impacts the lives of the residents and animals who live there. While there will be no tsunami warnings, the regularity of fire engines activating truck sirens will be damaging to nearby livestock and, if prolonged, possibly, to children and adults. It is proven that any sounds producing decibels with 90db or more have the potential of creating hearing loss in humans. The stress and "alarm" of the sirens will affect animals.
  2. The West Lake area consists of "neighborhood agriculture". Adjacent and neighboring property owners have horses, pigs, geese, cattle, and dogs. Some of these can be seen at the Clatsop County 4-H Fair. These domestic and livestock animals, which produce goslings, piglets, puppies, foals, and calves, combine with wildlife, such as deer, coyotes, birds, owls and hawks to make the Westlake area desirable for those of us who live there; and are integral to our lifestyle. They are the reason we selected our "rural land" property suitable to small-scale agricultural development.
-

Page Two Clatsop County Commission – Zone change

Please find the following excerpts from various articles, which summarize the sensitivity of sound and animals; and the correlation of mid and high pitched siren sounds. A few relative comments are:

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"Both animals (and people with autism) are also fearful of high pitched noises..."

Prey species animals, such as cattle and horses, have sensitive ears, and loud noises may hurt their ears"

Animal Handling Safety by Eric Hallman, Darcy M. Demmin Cornell Agricultural Health and Safety Program

"Animals have extremely sensitive hearing. They hear high-pitched sounds better than humans and loud high-pitched noises often frighten or excite them"

The Clatsop County planning staff reported that "nearby, on the Northwest property" were horses. This stable of horses is within 100 feet and are not the only animals affected, but rather a component of the animal and livestock neighborhood. Adjacent property owners have five dogs, another four and a litter of pups. Across the street are horses and foals and north, within two blocks, are pigs, sheep, and geese. A "plot plan" is enclosed for your reference. The wild life are also within 200 feet southwest of the location of the proposed fire station.

3. Highway 101 is already difficult to ingress from intersecting streets and particularly West Lake Road, West Lake Lane and West Lake Acres Drive. We question the safety and rapidity in which a fire truck can gain access to a "high-speed" highway. While a flashing light might help, it could also present a problem, with the heavy vehicular flow. In no way, will it lessen congestion, but rather contribute to its intensity.

At the meeting of the Clatsop County Planning Commission, a few more concerns were suggested. These included the re-assignment of an NC zone. According to Patrick Wingard, while possible, there is no guarantee of an NC zone re-location. The minutes reflected that the residents would receive a 4/8b rating and insurance savings \$200-250 annually. However, this rating is already applicable to neighboring property and according to at least one insurance company (American Family), the erection of a fire station would reflect no reduction in premium.

Page Three Clatsop County Commission – Zone change

The Gearhart and Warrenton Fire Departments enjoy a good reputation and are doing an excellent job in providing their services to their cities and county. If a new fire station is needed, Gearhart should find a more suitable location with proper zoning...one that is not at the expense of the agricultural climate of the West Lake area...one that is not detrimental to the well being of domestic animals and wildlife... and one that does not create a traffic hazard. While any one of the issues and concerns afore referenced are the basis to deny the zone change, the cumulative issues combine with neighboring and adjacent property owners opposition to mandate denial of the proposed zone change application and the resulting change to the comprehensive plan.

Your attention is appreciated.

Sincerely,

Judhi Chopping  
89680 West Lake Acres Drive  
Warrenton, OR 97146

Tom and Tina Redmond  
89670 West Lake Acres Drive  
Warrenton, OR 97146

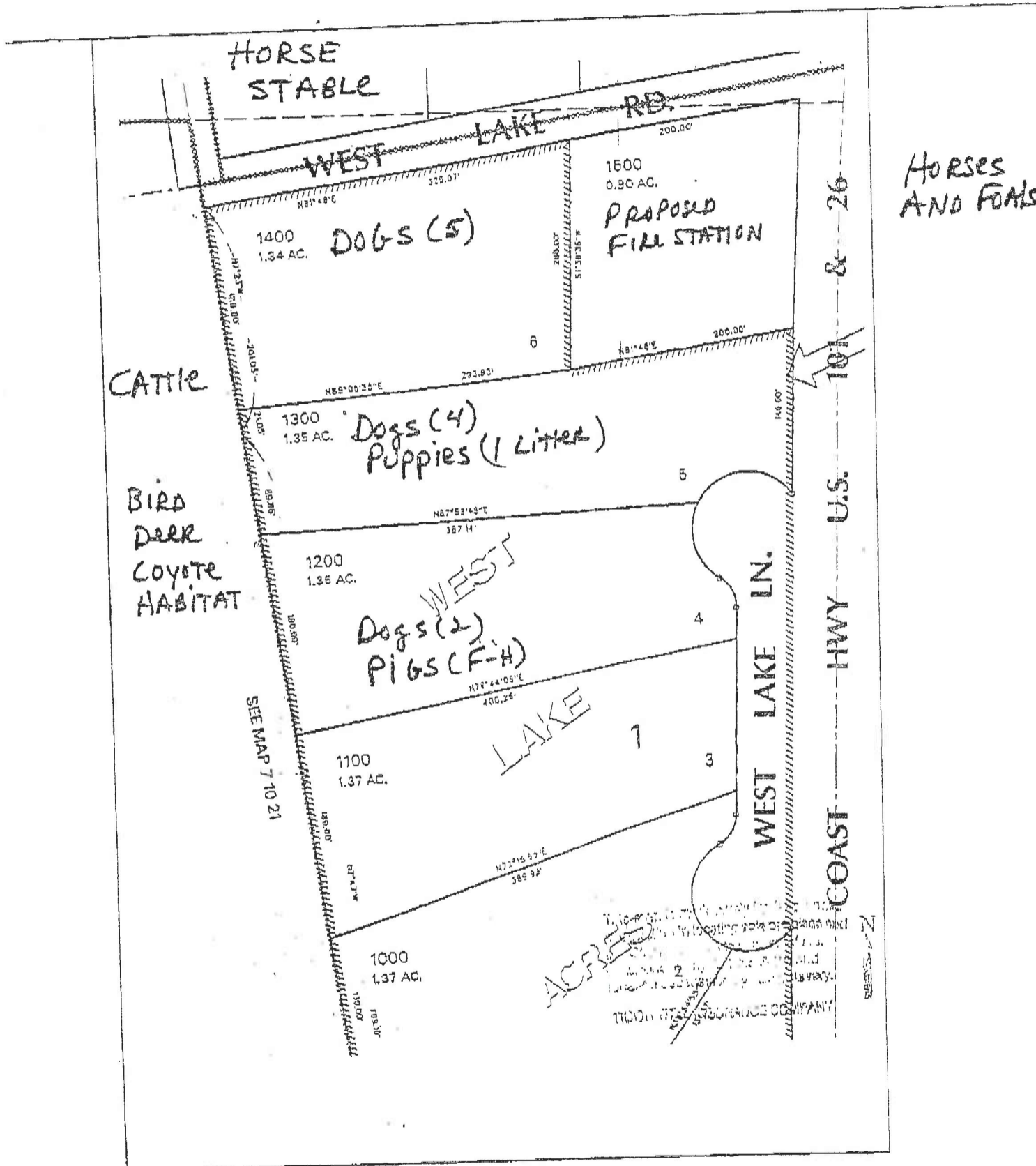
Ken Hensala  
89877 and 89648 West Anderson Road  
Warrenton, OR 97146

Hal Howarth  
89527 Highway 101  
Warrenton, OR 97146

Jerry Sisseck  
89660 West Lake Acres Drive  
Warrenton, OR 97146

Suzanne Kraushaar  
89652 Highway 101  
Warrenton, OR 97146

Pigs  
Geese  
SHEEP



**Board of Commissioners  
Clatsop County**

**AGENDA ITEM SUMMARY**

**Issue/Agenda Title:** Ordinance #07-07: An Ordinance Amending the Clatsop County Comprehensive Plan / Zoning Map

**Category:** Public Hearing, Ordinance      **Meeting Date:** September 12, 2007

**Prepared By:** Patrick Wingard      **Department Head OK:**      **CA OK:**

**To Be Presented By:** Patrick Wingard, Principal Planner

**Issue Before the Commission:** Conduct a public hearing to receive public testimony, consider findings of fact, and perform the first reading of Ordinance # 07-07: An Ordinance Amending the Clatsop County Comprehensive Plan / Zoning Map.

**Informational Summary:** The applicant, Gearhart Rural Fire Protection District (RFPD), requests an amendment to the Clatsop County Comprehensive Plan / Zoning Map for a 0.90-acre parcel located at the southwest corner of West Lake Road and Hwy 101 in the unincorporated Clatsop Plains area of Clatsop County. The subject property is further described as T7N, R10W, Sec. 22CB, TL 1500. The applicant proposes changing the property's zoning from NC, Neighborhood Commercial, to RA-1, Residential Agriculture-1. The applicant plans to construct a fire hall on the subject property, a use that is not permitted in the current NC zone but could be permitted conditionally in the proposed RA-1 zone.

The Clatsop County Planning Commission held a public hearing on the matter on July 24, 2007 and unanimously voted to recommend approval of the request. The Planning Commission's recommendation and adopted findings of facts are contained in the attached Planning Commission Resolution and Order # 07-07-04 (Exhibit "PC").

**Other Alternatives Considered:** Denial.

**Fiscal Notes:** No fiscal impact.

**County's mission:** Neighbor to neighbor serving Clatsop County with integrity, honesty, and respect.

**Attachment List:** Ordinance # 07-07, Exhibit "PC" (Planning Commission Resolution and Order # 07-07-04 and July 16, 2007 Staff Report), and Exhibit "M" (draft Minutes of the July 24, 2007 Planning Commission meeting).

**Staff Recommendation:** Adopt the findings of fact of the staff report and conduct the first reading of Ordinance # 07-07.

Post-It* Fax Note	7671	Date	# of pages
To	Judy Choppins	From	Patrick Wingard
Co./Dept.		Co	
Phone #		Phone #	325-8611
Fax #	717-9228	Fax #	

EXHIBIT "M"

**DRAFT**

Minutes of July 24, 2007  
Clatsop County Planning Commission Regular Session  
Conference Room 430, 600 Exchange Street  
Astoria, Oregon 97103

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Chairperson Bruce Francis called the July 24, 2007, planning commission meeting to order at 10:00 a.m. Planning Commissioners (PC) present: Mike Autio, Christine Bridgens, Bill Harris, Cary Johnson, and Dirk Rohne. Excused: Brian Fogue.

Staff present: Patrick Wingard, Principal Planner and Michael J. Weston II, Planner.

Public Hearings

Text Amendments to the Clatsop County Land and Water Development and Use Ordinance proposed by Michael Kotaniemi pertaining to development and use standards in the Rural Community Commercial Zone (RCC) zoning district.

Planner Michael J. Weston gave the staff report stating the applicant wants to build four buildings of 4400 square feet and in order to do so the ordinance needs to be amended. Weston explained the option applicants Moyers and Kotaniemi are proposing are to do a comprehensive plan text amendment. Weston walked through the changes he worked out with Doug White and Laren Wooley.

Chairperson Francis asked about the review process that would limit the size of storage buildings. Mr. Weston replied there is no cap at this time. Chairperson Francis stated he would like a review process allowing a decision at the director's discretion. Mr. Weston added the applicant could demonstrate a need. Chairperson Francis asked how much it would cost the applicant. Mr. Weston said the applicant would incur no additional costs.

Principal Planner, Patrick Wingard said the procedure could stay the same and limitations could be imposed as it goes through the conditional use process. Mr. Wingard said he is not sure additional language is necessary.

Mr. Weston reviewed the changes.

Chairperson Francis opened the floor for public testimony. There was no public testimony, discussion or further questions of the applicant.

PC Rohne made and PC Johnson and PC Bridgens seconded a motion to accept the staff report as presented. Motion was unanimously approved.

Draft

1 Comprehensive Plan/Zoning Map Amendment by Ken Weber Jr. for Gearhart  
2 Rural Fire Protection District changing the zone from Neighborhood Commercial  
3 (NC) to Residential-Agriculture-1 (RA-1) on the Clatsop Plains.

4  
5 There were no *ex parte* contacts, conflicts of interests or jurisdiction objections.  
6

7 Patrick Wingard, Principal Planner, gave the staff report. He said the Planning  
8 Commission is considering a zone change in Clatsop Plains referring to the letter  
9 received from Chopping and Redman as Exhibit 2. Mr. Wingard stated staff  
10 recommends approval of the Planning Commission's recommendations to go  
11 before the Board of Commissioners for a public hearing.

12  
13 Mr. Wingard continues stating the area is comprised of rural single-family  
14 residences with some agriculture uses. He said the Gearhart Rural Fire  
15 Protection District acquired the property in May of 1999 and would like to build a  
16 fire hall that would require a conditional permit; training towers, etc., are not part  
17 of the current plan. Mr. Wingard said there are no inconsistencies with land use  
18 goals and the Department of Land Conservation Development has no concerns.  
19 He said there are adequate public services and the fire hall would not increase  
20 demand but would increase fire protection. Mr. Wingard said the applicant would  
21 work with ODOT throughout the permitting process for the future fire hall and  
22 provide a flashing light to warn motorists of fire trucks entering the highway. The  
23 impacts to the highway would be less than those in the Neighborhood  
24 Commercial Zone. Recognizing there are multiple uses scattered throughout  
25 Clatsop Plains, Mr. Wingard said the overall findings indicate the fire hall is  
26 considered a compatible use for the area. In conclusion, Mr. Wingard said the  
27 application satisfies the applicable criteria and staff advises the Planning  
28 Commission to forward a request for approval to the Board of Commissioners.  
29 Mr. Wingard read into the record Exhibit 2 the letter from Judhi Chopping and  
30 Tom and Tina Redmond, property owners in the direct vicinity.

31  
32 FC Johnson asked who would approve the conditional permit in the RA-1 Zone.  
33 Mr. Wingard responded the department director would make the decision and  
34 any appeal would come before the Planning Commission in a type II process.

35  
36 PC C Bridgens asked if staff had information on the impact of fire trucks entering  
37 the highway at 55 miles per hour. Mr. Wingard said the fire department is better  
38 suited to answer the question, but expects there would be some congestion. He  
39 said the applicant would work with ODOT throughout the process.

40  
41 Robert Kloss, 1341 East Pine, Gearhart Rural Fire Protection District  
42 representative responded to the letter, Exhibit 2, and said the agency is in the  
43 business of the protection of animals, people and property. He said the Fire  
44 District is not looking for a training facility, but a building to house vehicles that is  
45 a good use of the property located in a growing neighborhood. Mr. Kloss said  
46 there may be some adverse impacts regardless of where the fire hall is located.



Draft

1 He said it would afford nearby residents lower insurance rates. He said the fire  
2 district is aware they have to file for a conditional use permit. He continued  
3 saying at this point they are looking for a zone change and at some point will  
4 want to build a fire hall. Mr. Kloss said ODOT does not require a warning light,  
5 however, the Fire District thinks there should be a warning light to protect the  
6 firefighters. He said ODOT would work with the department to site the lights.  
7 Discussion regarding lights followed.

8  
9 Bill Eddy, P. O. Box 2530, Gearhart, Gearhart Fire Chief, addressed the Planning  
10 Commission. He said insurance rates would be decreased in the 5-mile area  
11 surrounding the fire hall and would have a ISO rating of 4/8b. He said the rating  
12 outside the 5-mile radius is rated 8b, which is considered a high rating. He said  
13 Knutsen Insurance did an analysis of the difference between the ratings and the  
14 annual cost for the higher rating would be an additional \$200 to \$250.

15  
16 Chief Eddy said there would be not be a siren at the fire hall site. He said there  
17 is good visibility in both directions at the highway and the trucks do not turn their  
18 sirens on until well on their way. He said their sirens account for less than 20%  
19 of the sirens on the highway. Chief Eddy said there is a lot of development in the  
20 area, between 40 and 60 residential homes not rural farms.

21  
22 PC Bill Harris asked how many bays would be in the building and what type of  
23 vehicles would be housed in the building. Chief Eddy responded there would 2  
24 to 3 maybe 4 at the most in the building. He said the types of vehicles would be  
25 a water tender, a structural engine and a smaller first response EMS vehicle. He  
26 said the station would not be manned.

27  
28 Chairperson Francis asked about the northern boundary. Chief Eddy said it is  
29 by the grange and follows the school district boundary. PC Christine Bridgens  
30 asked if there was a Warrenton boundary. Chief Eddy replied yes.

31  
32 Chairperson Francis asked if that puts everyone within the 5 miles. Chief Eddy  
33 said yes except for 4 houses in Lewis and Clark up by Crown Camp.

34  
35 PC Autio asked Mr. Wingard what the acceptable uses are for NC. Mr. Wingard  
36 read from the conditional use list: mini mart, drug stores, garden, feed & seed,  
37 eating and drinking establishments, auto services, etc. He said a fire station is  
38 not a conditional use. PC Johnson asked if the text could be amended. Mr.  
39 Wingard said yes with additional costs to the applicant. PC Johnson asked if the  
40 Planning Commission could change the text when revising the plan? Mr.  
41 Wingard responded yes and he could do some research as to why a fire house is  
42 not allowed in NC zone.

43  
44 Chairperson Francis opened the floor for opposing public testimony. Tina  
45 Redmond, 89670 Westlake Acre, addressed the commission. Mrs. Redmond  
46 invited people to come watch the traffic saying it is non-stop and someone will

Draft

1 end up getting hurt. She said people pass in a "no passing" zones and there are  
2 black tire streaks on the highway from cars having to slam on their brakes when  
3 large trucks enter the highway. She said the sirens that go by the houses now  
4 freak out the animals and make them break out of their fences. Mrs. Redmond  
5 said a lot of neighbors did not get the letter and there was not enough time to  
6 contact everyone within 7 days. She said the congestion at the highway is too  
7 much with a huge housing development in an area near West Lake.

8  
9 Chairperson Francis asked Mrs. Redmond where her property is located and she  
10 pointed it out to him on the map. PC Harris asked Mrs. Redmond if the people  
11 she has spoken to are less concerned with insurance than with the noise from  
12 sirens. Mrs. Redmond said she doesn't care about insurance.

13  
14 James Hemmonson, 89635 Hwy 101, said there are nothing but RA 1,2, and 5  
15 zoning in the area with the exception of the NC zone, which was probably done  
16 for a reason. He said he is a proponent of commercial development and asked if  
17 the commission could add NC zone somewhere else. He asked how the fire  
18 fighters would be called to the station and said traffic would be a problem.  
19 Discussion followed regarding sirens and traffic.

20  
21 Chief Eddy said pagers are used to call fire fighters, not sirens. There may  
22 eventually be a siren in Surf Pines. Chief Eddy said traffic is a constant but there  
23 is good visibility at the location.

24  
25 PC Bill Harris asked if there were any stats on fire station markings slowing traffic  
26 down. Chief Eddy said just signs do not slow traffic. He said traffic slows with a  
27 flashing red light. He said there are no stats, but he could contact Hoodland (by  
28 Rhododendron) to find out about their experience on the highway to Mt. Hood.  
29 Chairperson Francis agreed the flashing lights would help with speeding.

30  
31 A woman in the audience asked about the building design. Chief Eddy said the  
32 main entrance would be on West Lake. He said noise-operating guidelines don't  
33 allow for the siren switch to be flipped until the trucks are on Hwy 101. A man in  
34 the audience asked about the effect on property values. Chairperson Francis  
35 said he did not know how property values would be affected.

36  
37 Chairperson Francis closed the public hearing. Following discussion of the  
38 reasonableness of the application,

39  
40 **PC Johnson made and PC Harris seconded a motion to**  
41 **recommend approval of the staff report to the Board of**  
42 **Commissioners. Motion was unanimously approved.**

43  
44 **Comprehensive Plan/Zoning Map Amendment by John Bailey changing the**  
45 **zone from Residential-Agriculture-2 to Residential-Agriculture-3 on the Clatsop**  
46 **Plains.**

Draft

1 There were no *ex parte* contacts, conflicts of interests, or jurisdiction objections.  
2  
3 Patrick Wingard, Principal Planner, gave the staff report. He said the zone  
4 change is along Hwy 101 in unincorporated Clatsop Plains. He said the subject  
5 property is a .13-acre tract of the tax lot and entered Exhibit 2, an e-mail from the  
6 adjoining property owner, into the record. He said the portion of the property  
7 subject to rezone is the flagpole portion of the flag lot set up for access to the tax  
8 lot, but in fact does not allow access to the subject lot. Wingard continued saying  
9 the zone change would be compatible with surrounding lands. He said, referring  
10 to Exhibit 2, that he did not find the 3 points relevant to the zone change.  
11 Wingard said staff recommends approval of the staff report to the Board of  
12 Commissioners.  
13  
14 Chairperson Francis asked about the subject property ownership and access.  
15 Wingard explained the subject property owner wants to sell the property and  
16 requires a zone change to allow for a lot line adjustment for the adjoining tax lot  
17 owner to access his property for future development.  
18  
19 The floor was opened to public testimony. As there was none, Chairperson  
20 Francis called for procedural motions.  
21  
22 **PC Rohne made and PC Bridgens seconded a motion to**  
23 **recommend approval of the staff report to the Board of**  
24 **Commissioners. Motion was unanimously approved.**  
25  
26 **Other Business:**  
27  
28 Patrick Wingard explained the Planning Commission is expected to review the  
29 comprehensive plan and zone map regularly. He said a process is on the  
30 horizon to facilitate more involvement in the dynamics of code. He encouraged  
31 the Planning Commission to suggest potential zones that would work better than  
32 what currently are on the ground. Mr. Wingard said what is relevant is the loss of  
33 commercial opportunities. He said the Planning Commission would become  
34 more involved in commercial opportunities along the highway. Chairperson  
35 Francis asked when there would be an opportunity to discuss the topic. Mr.  
36 Wingard said in a few months after the completion of the development code  
37 amendments.  
38  
39 Chairperson Francis said he has received positive feedback on how things are  
40 working. Board of Commissioner Chair Richard Lee complimented staff on their  
41 work and said the current Planning Commission is a landmark board.  
42 Chairperson Francis responded they could not have completed their work with  
43 out the excellent reports received from staff.  
44  
45 Discussion regarding future meetings in August on the 14<sup>th</sup> and the 29<sup>th</sup> followed.  
46

Draft

1 Chairperson Francis asked for nominations of Vice-Chair. PC Autio declined  
2 nomination.

3  
4 PC Rohne nominated and PC Autio seconded Cary Johnson as  
5 Vice-President. Nomination was unanimous with PC Johnson  
6 not voting. PC Johnson accepted the position of Vice-  
7 President.

8  
9 BOC Chair Lee asked Mr. Wingard to address commercial zoning. Mr. Wingard  
10 said the process could be streamlined and expedited when appropriate. He said  
11 after the review of the comprehensive plan, you can expect to see significant  
12 changes in the Rural Community Plans and see the codes mature now that the  
13 area is being developed.

14  
15 Chairperson Francis adjourned the meeting at 12:01 PM.

16  
17 Respectfully submitted,

18  
19  
20  
21  
22  
23 

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Bruce Francis  
24 Chairperson, Planning Commission