



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

7/28/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: Clatsop County Plan Amendment
DLCD File Number 001-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, August 10, 2009

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

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

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

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

<paa> YA

FOR 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

JUL 21 2009

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **Clatsop County**

Local file number: **20080287, 288**

Date of Adoption: **6/26/2009**

Date Mailed: **7/20/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **5/14/2008**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Goal Exception**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Rezones approximately 1/2 an acre from Agriculture Forestry to Rural Agriculture - 2 acre minimum, and takes a goal exception to Statewide planning goals 3, 4, & 14

Does the Adoption differ from proposal? **Yes**, Please explain below:

The original proposal was to rezone 22 acres and take a goal 3 & 4 exception. After analysis it was apparent that a goal 14 exception was also necessary. Conversations with DLCD field rep., staff and the applicant resulted in a revised proposal as described above.

Plan Map Changed from: **Conservation Forest Lands** to: **Rural Lands**

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

Location: **T8N, R07W, Section 30; N. of Hillcrest Loop Road** Acres Involved: **12**

Specify Density: Previous: **80 acre minimum** New: **2 acre minimum**

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 file No. 001-08 (16966) [15628]

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

Clatsop County, ODFW, ODF, DLCD, DSL, DEQ. Knappa Svenson RFPD, Wickiup Water District

Local Contact: **Michael Weston, County Planner** Phone: **(503) 325-8611** Extension: **1702**
Address: **800 Exchange Street, Suite 100** Fax Number: **503-338-3666**
City: **Astoria** Zip: **97103-** E-mail Address: **mweston@co.clatsop.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@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 **larry.french@state.or.us** - **Attention: Plan Amendment Specialist.**

BEFORE THE BOARD OF COMMISSIONERS

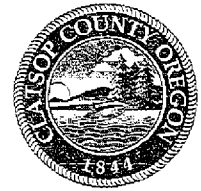
Clatsop County

In The Matter of

AN ORDINANCE AMENDING THE CLATSOP COUNTY COMPREHENSIVE PLAN / ZONING MAP AND ADOPTING A GOAL EXCEPTION TO STATEWIDE PLANNING GOALS 3, 4 & 14

ORDINANCE # 09-02

DOC#2009060041
Date of Mailing: July 20, 2009



Transportation and
Development Services
800 Exchange Street
Suite 100
Astoria, Oregon 97103

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

Pursuant to ORS 197.615(2)(a) and ORS 215, notice is hereby given by mail to all persons who participated in the proceedings culminating in the Clatsop County Board of Commissioners' final decision made at a public meeting held January 14, 2009, to adopt an Ordinance Amending the Clatsop County Comprehensive Plan Zoning Map and Text and associated Goal Exceptions.

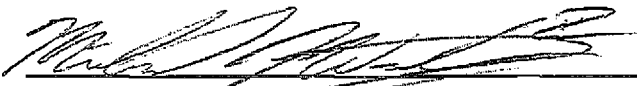
The Board of Commissioners' action occurred at its meeting of May 27, 2009 and the Board of Commissioners signed the **ORDINANCE**, adopting the "Findings of Fact and Conclusions of Law" on the 27th day of May, 2009.

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

The requirements for appeal of this decision are set forth in ORS 197.830 to 197.845. In general, the requirements for appeal require a "Notice of Intent to Appeal" the decision, to be filed with the Oregon Land Use Board of Appeals, in Salem, Oregon. The Notice of Intent to Appeal the Decision shall be so filed no later than 21 days after the date the decision sought to be reviewed became final with this, July 20, 2009 Mailed Notice. There are specific and detailed requirements for the filing of the Notice of Appeal, which are set forth at ORS 197.830 to 197.845. Any party wishing to appeal this action is advised to seek qualified legal assistance.

Dated this 20th, day of July 2009.

Sincerely


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

Land Use Planning
Telephone (503) 325-8611
Fax (503) 338-3666

www.co.clatsop.or.us

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

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

In the Matter of:

AN ORDINANCE AMENDING THE
CLATSOP COUNTY COMPREHENSIVE
PLAN / ZONING MAP AND ADOPTING A
GOAL EXCEPTION TO STATEWIDE
PLANNING GOALS 3, 4 & 14

ORDINANCE NO. 09-02



Doc # 2009060041

Recording Date: 6-26-09

RECITALS

WHEREAS, on May 14, 2008 Mark Barnes on behalf of Larry & Corey Eisenbarth filed an application for an amendment to the Clatsop County Comprehensive Plan / Zoning Map to amend the comprehensive plan designation of property in Clatsop County (the "property") described as T8N, R07W, Sec. 30, TL 2200 from Conservation Forest to Rural Lands, and amend the zoning from AF, Agriculture Forestry {80 Acre minimum} to RA-2, Residential Agricultural 2. Furthermore in order to satisfy the criteria the applicant is requesting a Goal Exception to Statewide Planning Goals 3, 4 & 14.

WHEREAS, the application was considered by the Planning Commission at a public hearing on March 10, 2009 and again on April 14, 2009 the Commission unanimously recommended approval, which is attached as Exhibit "PC"; and

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

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

THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAIN AS FOLLOWS:

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

SECTION 2. The Clatsop County Comprehensive Plan Zoning Text is hereby amended to reflect the change in designation from Conservation Forest Lands to Rural Lands.

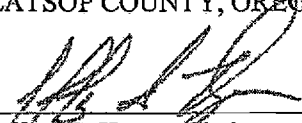
SECTION 3. The Board of Commissioners hereby approves the application, conditions and findings of fact contained in the Exhibit PC "*Planning Commission Recommendation*".

SECTION 4. In support of this ordinance, the Board adopts the April 7, 2009 Addendum to the Staff Report dated February 27, 2009, Associated Conditions, and Findings provided by the applicant attached to Exhibit "PC".

Approved this 27 day of May, 2009

THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

By

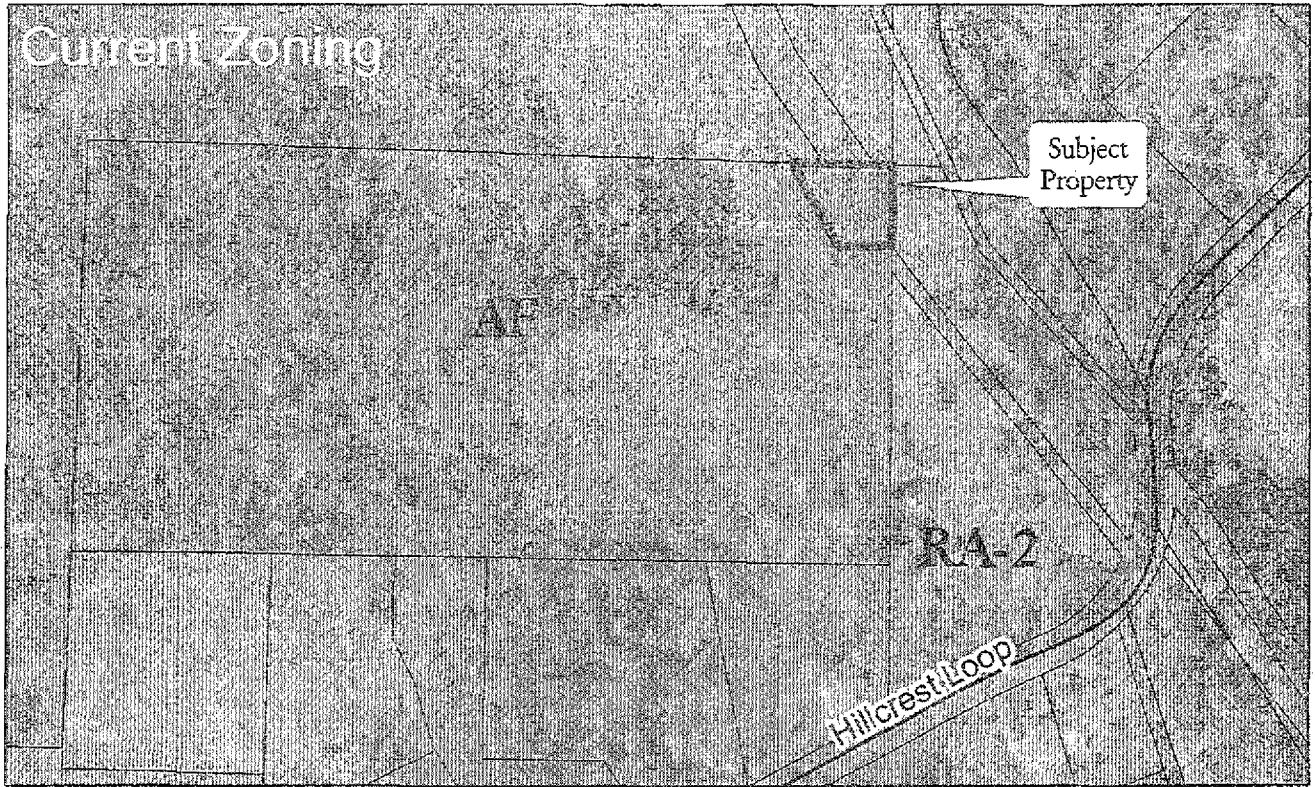


Jeffrey S. Hazen, Chair

Eisenbarth Zone Change



Current Zoning



Proposed Zoning

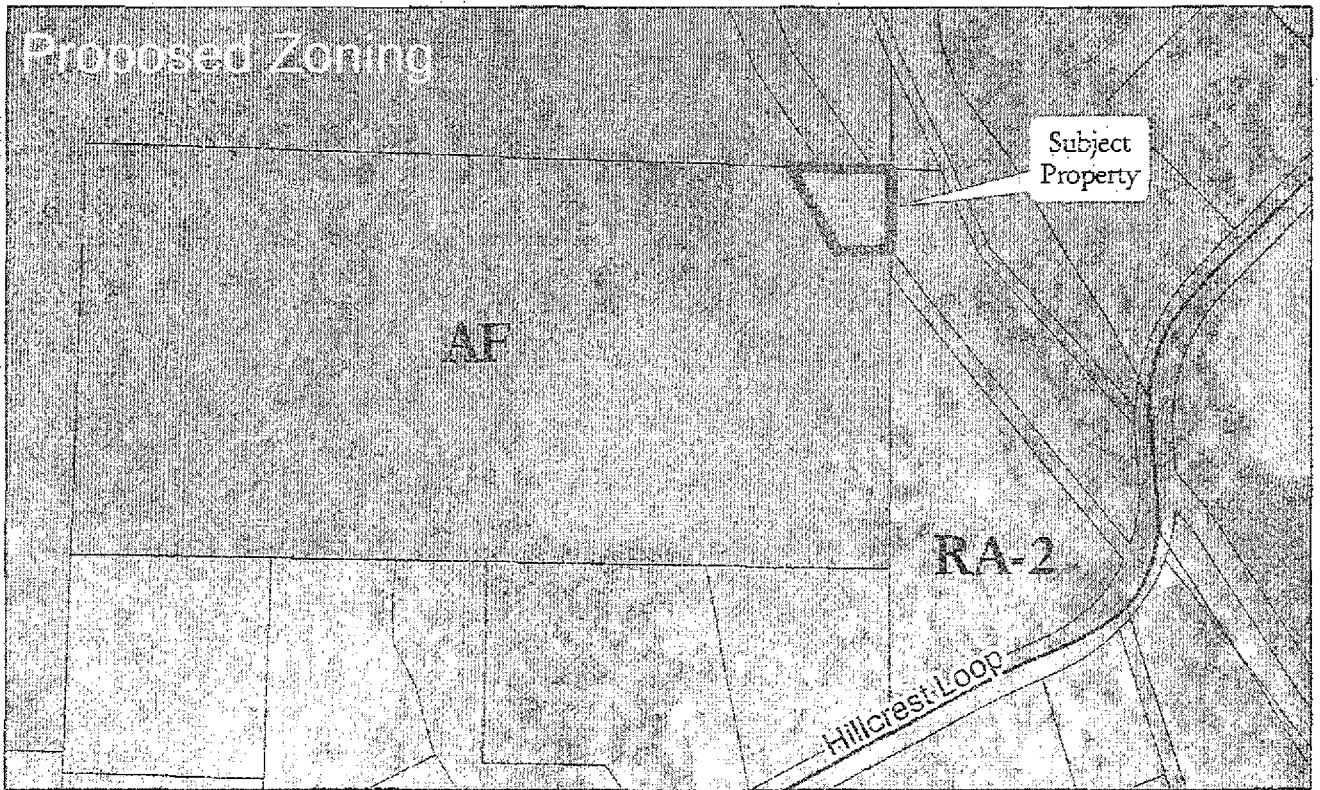


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BEFORE THE PLANNING COMMISSION
FOR THE COUNTY OF CLATSOP



In the Matter of:

AN ORDINANCE AMENDING THE
CLATSOP COUNTY COMPREHENSIVE
PLAN / ZONING MAP AND ADOPTING AN
EXCEPTION TO STATE WIDE PLANNING
GOALS 3, 4 & 14



RESOLUTION AND ORDER

090408

Recording Date: 21 Apr '09

ORDINANCE # 09-02

RECITALS

THE ABOVE ENTITLED MATTER came before the Planning Commission at its meeting of March 10th, of the year 2009, for public hearing and consideration of a Comprehensive Plan / Zoning Map Amendment and Goal Exception to Statewide Planning Goals 3, 4 and 14. The Planning Commission after reviewing the Staff report and findings closed the Public Hearing and instructed the applicant to prepare revised findings in accordance with their decision. Those findings were presented to the Commission for review and adoption at their April 14, 2009 regularly scheduled Public Hearing.

The Planning Commission after reviewing the findings of fact in Exhibit "A" (*Staff Report*) & "*Amended Findings*" has determined the proposed zone change is consistent with the criteria as depicted in Clatsop County's Land Water Development and Use Ordinance Section 5.412, and where appropriate an exception has been taken to Statewide Planning Goals 3, 4 and 14 in accordance with the exception criteria defined in OAR Chapter 660 Division 4 & 14.


THE PLANNING COMMISSION considering all evidence and public testimony provided by the Planning Department Staff and the Applicant at the public hearing, hereby **RECOMMENDS THE** **CONDITIONAL APPROVAL** OF THE PROPOSED REQUEST FOR COMPREHENSIVE PLAN / ZONING MAP AMENDMENT & COINCIDING GOAL EXCEPTIONS AS DESCRIBED IN EXHIBIT "A" *Staff Report*, & "*Amended Findings*", Provided by the Applicant, attached hereto and by this reference made part hereof.

WHEREFORE, the Planning Commission finds and resolves:

1. To recommend the Board of County Commissioners modify Clatsop County's Comprehensive Plan / Zoning map to reflect the change from the Agriculture Forestry Zone to Residential Agriculture 2 zone as depicted on Map 1 attached to this document.
2. To amend the Goal 3, 4 & 14 elements of Clatsop County's Comprehensive plan to reflect the change as shown on Map 1.

SO ORDERED this 21 day of April, 2009

THE PLANNING COMMISSION FOR
CLATSOP COUNTY


Brian Pogue, Chairperson
Clatsop County Planning Commission

*****Conditions*****

1) **Riparian Setbacks:**

All riparian, greenbelt, and waterway setbacks shall be maintained. ODFW recommends the proposed development be designed around these setbacks (i.e. do not waive setbacks to allow development within.

Stream-Road Crossings:

Any stream-road crossings (including utilities) are to comply with fish passage requirements. Laws regarding fish passage may be found in ORS 509.589 through 910, and in OAR 635, Division 412. ODFW shall approve in advance any instream structure (Ron Rehn 503 842-2741).

2) **Wildlife Damage Exclusion:**

Wording to be included into a covenant to the deed of each lot:

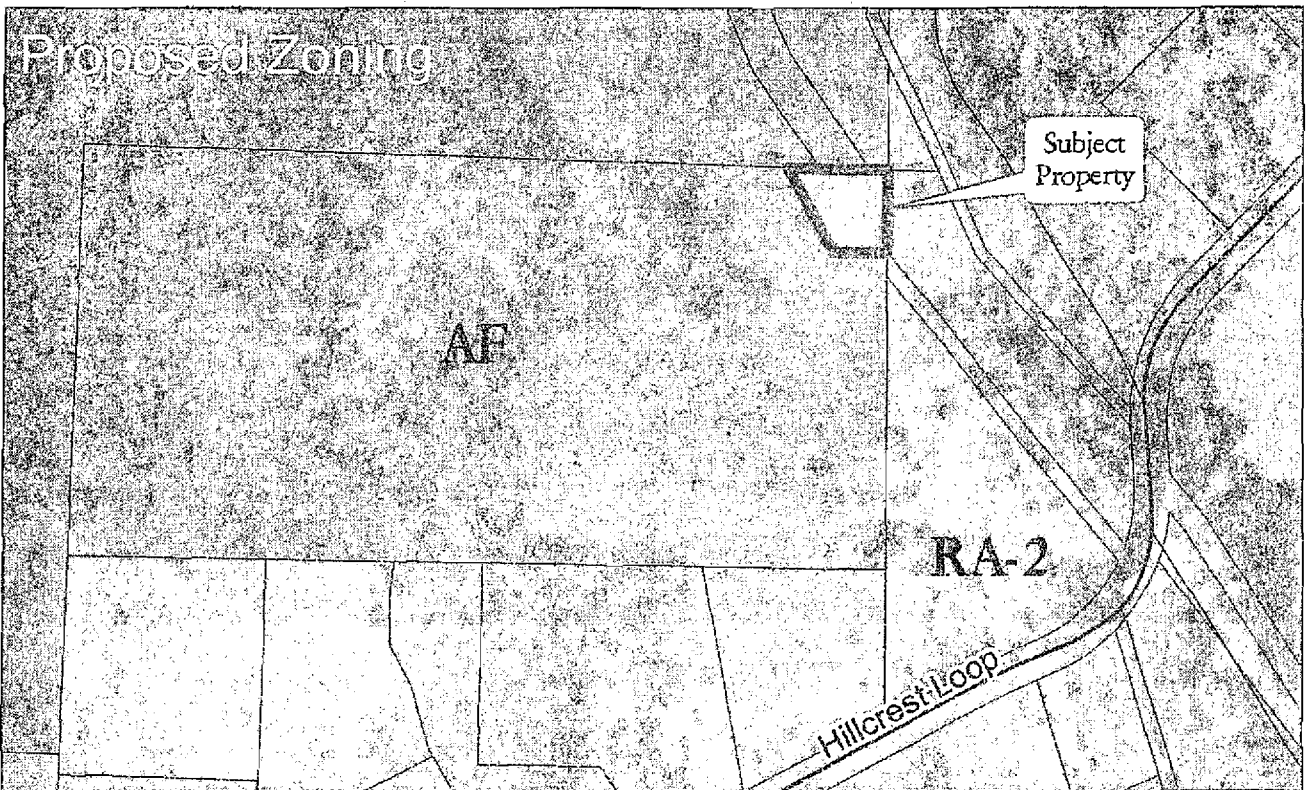
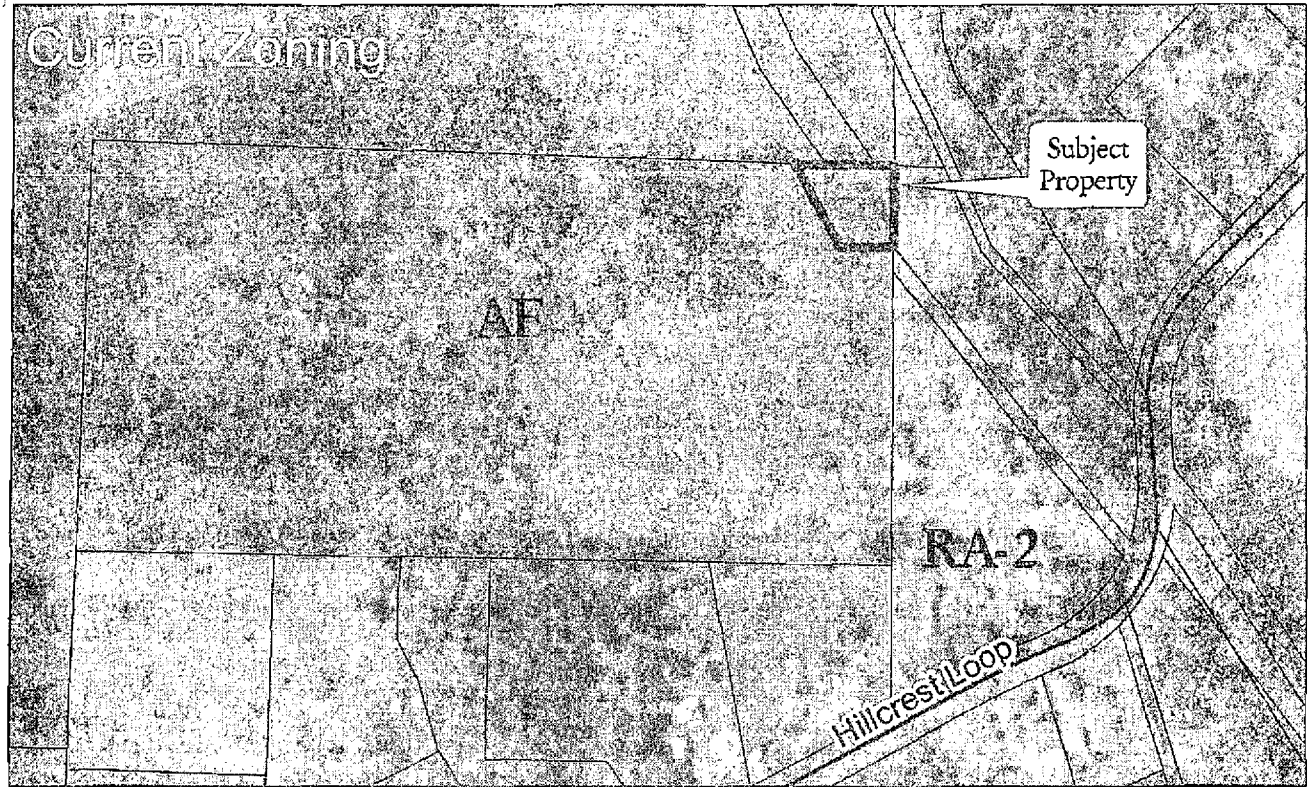
This property is in an area of known big game and furbearer animal use. Any and all present and future owners of this property agree to indemnify and hold harmless the Oregon Department of Fish and Wildlife, Clatsop County, Oregon Department of Forestry, or any other governmental agency for any damage and/or inconvenience caused by these animals to persons, real property, and/or personal property.

This agreement shall inure in perpetuity to all successors, assignors, and heirs. This agreement cannot be deleted or altered without prior contact and agreement by the Oregon Department of Fish and Wildlife & Clatsop County.

***Land Uses and Practices** - Purchaser recognizes that lands in the adjacent area may be managed for commercial forestry which include activities such as; logging, slash burning, other fire control, silvicultural site preparation, construction of forest roads, aerial and ground application of forest chemicals, and other silvicultural practices which often create noise, dust, visual impacts and other alterations of the forest environment. Purchaser acknowledges that adjacent land owners have the right to conduct such commercial forest management activities, which are regulated by state forest practice rules and regulations, and will not attempt to impose additional restrictions on these activities*

- 3) See "EX - 3C" Page 11 & 12 for a list of mitigation measures to ensure compliance with Goal 5 policies.
- 4) The applicant will need to demonstrate that adequate educational services are available to service the site. A letter from the school district stating availability will suffice.
- 5) All development shall occur consistent with Clatsop County's Land Water Development and Use Ordinance and all State and Federal Laws regarding the development of the proposed site.

Eisenbarth Zone Change



ADDENDUM



April 7, 2009

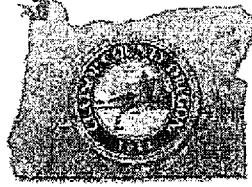
Summary Conclusion

The Planning Commission held a public hearing on this matter on March 10, 2009 to consider Mr. Eisenbarth's application for a comprehensive plan map/text amendments and associated goal exceptions. At the March 10th public hearing the Commission accepted public testimony, closed the hearing, instructing the applicant to submit revised findings for adoption, and continued the matter to the Commission's regularly scheduled meeting on April 14th.

The applicant's representative, Mark Barnes, submitted the requested additional findings on March 24, 2009. Those findings are appended to this report for your review and include the requisite approval findings for exceptions to Goals 3, 4, & 14 as requested by Staff & the Commission. **The appended findings juxtaposed with the staff report and requisite conditions dated February 27, 2009 and presented to the Commission on March 10, 2009 satisfy the requirements necessary for this commission to Recommend a Conditional Approval to the Board of Commissioners for this request.**

ENCLOSURES IN ORDER INCLUDE:

- Approval Findings Submitted by the Applicant.
- Exhibit B "Revised" Findings for Exceptions to Goals 3 & 4.
- Exhibit C "Revised" Findings for an Exception to Goal 14.
- Exhibit A "*Staff Report*" and Exhibits 1-7 dated February 27, 2009 & Presented March 10, 2009.
 1. Comments
 2. Public Notices
 3. "Original" Zone Map Change & Comp Plan Amendment Application Materials.
 4. "Original" Goal Exception Application Materials
 5. OAR 660 Div 4
 6. ORS 197.732
 7. Site Photos



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Proposed Findings For Approval; [20080287 & 8]

Owner/ Applicant: Corey Eisenbarth
42301 Hillcrest Loop
Astoria, OR 97103

Property: T8N, R7W, section 30, tax lot 2200

Location: Hillcrest Loop, Knappa

Decision: The Planning Commission recommends approval of the following amendments:

1. A zoning/comprehensive plan map amendment for approximately ½ acre as shown on the attached map labeled Exhibit A, from AF to RA2, and from the Conservation Forest Lands plan designation to the Rural Lands plan designation;
2. Amend the text of the Comprehensive Plan by adding a new goal exception to statewide planning goal 3 (Exhibit B);
3. Amend the text of the Comprehensive Plan by adding a new goal exception to statewide planning goal 4 (Exhibit B);
4. Amend the text of the Comprehensive Plan by adding a new goal exception to statewide planning goal 14 (Exhibit C).

A. Procedural Findings:

1. The Planning Commission conducted a public hearing on this matter on 10 March 2009, at 1:00 PM, in the Judge Guy Boyington Building, 857 Commercial Street, Astoria, Oregon. The hearing was advertised in accordance with applicable requirements of the County's land use code, and state law. After receiving testimony, the Planning Commission closed the public hearing, and voted to tentatively recommend approval of the proposal, as modified, pending review and adoption of findings reflecting the modified amendments.

B. Map Amendment Findings

1. The modified map amendment is shown on Exhibit A. It rezones about ½ acre of land in the Agriculture Forestry (AF) zone, and places it in the Residential Agriculture 2-acre (RA2) zone. The corresponding comprehensive plan designation amendment is from the Conservation Forest Resources designation to the Rural Lands designation.

2. Applicable criteria for a map amendment are in section 5.412 of the County's Land and Water Development and Use Ordinance (LWDUO). LWDUO section 5.412(1) requires consistency with the Comprehensive Plan.

- a. **Citizen Involvement Element.** The County's comprehensive plan includes nine citizen involvement policies. The amendment does not conflict with these policies, or prevent them from being implemented. The zone map/conservation plan map change does not require the amendment of any of these policies. The citizen involvement policies do not establish mandatory approval criteria or standards applicable to this proposal. Policy-by-policy findings are not necessary for the amendments.
- b. **Land Use Planning Element.** Clatsop County's Comprehensive Plan includes one Land Use Planning policy:

Designation of Rural Lands Policy: *Generally parcels less than 15 acres and that are "built upon or irrevocably committed" to a non-resource use is to be placed in a residential, industrial or commercial zone.*

Residential

Residential densities are generally designated through the following additional criteria:

- a. *Where subdivisions or partitioning or both have occurred in a one-acre pattern of development the area will be placed in one of the one-acre zones;*
- b. *In areas with a development pattern of two to five acre parcels (some smaller and some larger), the areas will be placed in a two-acre zone;*
- c. *In areas adjacent to resource (forest, agriculture, wetlands, estuary areas) lands, or Camp Rilea, the areas will be placed in a five-acre zone;*
- d. *In areas where large parcels (15 acres or greater) of non-resource land are located, the areas will be placed in a five-acre zone;*
- e. *In addition to criteria a through d, minimum lot sizes increase with increasing distance from the following areas:*
 1. *all urban growth boundaries*
 2. *Svensen center*
 3. *Knappa center*

The "Designation of Rural Lands" policy is applicable because the proposal places approximately up to ½ of an acre in the Rural Lands plan designation. The policy does not establish a clear line between rural lands and other lands. Instead, "general" guidance is provided. Adding up to ½ an acre to the Residential Agriculture 2 Zone on this parcel will create approximately two acres of land zoned Residential Agriculture 2. This proposal then satisfies criteria B above as well as the minimum lot size as established in Clatsop County's Land Water Development and Use Ordinance 80-14. The area is characterized by a pattern of small lot sizes. The assessment and taxation maps for the subject property and surrounding lands show many small lots, many in the two-acre size class. The subject property is close to the Knappa Rural Community UGB. Knappa-Svensen Rural Community Residential (KS-RCR) zoning begins about one-half mile to the northwest of the subject property. To the immediate south and east of the subject property is a large area of RA2 zoning. The subject property is not in or adjacent to an estuary, farm lands, or Camp Rilea. The subject property is similar in most respects to adjoining and nearby residentially-zoned land. The "Designation of Rural Lands" policy has been interpreted by the County as providing broad guidelines, rather than a sequential list of tests that each parcel must pass. Moreover, the County has evaluated compliance with the policy by considering an area, as opposed to an individual tax lot, as the appropriate unit of analysis. Clatsop County should find the proposal consistent with this policy, based on evidence in the application materials and on this discussion.

- c. **Agricultural Lands Element.** The subject property is currently designated Agriculture - Forest therefore the following elements of the Clatsop County's Comprehensive plan, Goal 3 element apply to this request:

Goal 3 - Agricultural Lands

Goal: To preserve and maintain agricultural lands.

Policy 1. The County shall provide areas for the continued practice of agriculture and permit the establishment of only those new uses, which are compatible with agriculture activities.

The subject property is currently zoned for mixed farm & forest practices. The applicant in an effort to avoid the policies established through the goal 3 element is requesting a goal exception to this particular element. See Exhibit B.

Policy 2. Existing farming communities which constitute the mainstay of the agricultural economy in the County shall be preserved by Exclusive Farm Use (EFU) zoning.

This property is not zoned exclusive farm use; this proposal will have a minimal effect on the agricultural economy.

Policy 3. The County shall encourage the consolidation of EFU land into large efficient farm units.

The consolidation of these lands would result in a 22-acre agricultural plot. The site would be suitable for grazing, rangeland, and forestlands.

Policy 4. All divisions of EFU land shall be reviewed by the County for compatibility with the Agricultural Goals of the State and County policies.

This site is not zoned EFU. Furthermore the applicant in an effort to avoid the policies established through the Goal 3 element is requesting a goal exception to this particular element. See Exhibit B.

Policy 5. Non-farm uses permitted on EFU land shall be minimized to allow for maximum agricultural productivity.

This site is not zoned EFU. The applicant in an effort to avoid the policies established through the Goal 3 element is requesting a goal exception to this particular element. See Exhibit B.

Policy 6. Agricultural land, which also meets the criteria for forestland, and which is primarily utilized for livestock grazing or forestry in sufficient parcel size, shall be conserved for forest uses.

The proposal meets this policy by requesting the smallest possible exception that will meet both Farm-Forest criteria and Rural Land criteria. Furthermore these amendments include a goal exception to this particular element. See Exhibit B.

Policy 7. The County shall encourage the division of underutilized agriculture land into small tracts to maximize the potential for part-time hobby farms where large farms are impractical or where the area is determined to be committed to other uses.

This policy is satisfied by leaving the bulk of the property in the Agriculture Forestry zone. Furthermore the proposal includes a goal exception to this particular element. See Exhibit B.

Policy 8. The County recognizes that there is an increasing problem with elk herds on agricultural lands. In order to continue the productivity of the County's agricultural lands, the County will do the following: a. Wildlife refuges and game management areas

shall be limited. New proposals shall require a zone change and an assessment of public need and impacts of establishing additional wildlife refuges or game management areas adjacent to agricultural activities. b. The State Wildlife Commission shall be officially requested to resolve the existing adverse impacts on agricultural lands associated with elk, including but not limited to, one or more of the following measures: (1) Revision of hunting laws to sustained management levels. (2) Reduce the elk population in Clatsop County. (3) Indemnify the owners for damage on their property resulting from elk. (4) Pay for and install adequate fencing.

Policy 8 can be satisfied with approval conditions. All riparian, greenbelt, and waterway setbacks shall be maintained. ODFW recommends the proposed development be designed around these setbacks (i.e. do not waive setbacks to allow development within. Any stream-road crossings (including utilities) are to comply with fish passage requirements. Laws regarding fish passage are found in ORS 509.580 through 910, and in OAR 635, Division 412. Advance approval from ODFW shall be required in advance of any in-stream structure. The following wording to be included into a covenant to the deed of each lot: "This property is in an area of known big game and furbearer animal use. Any and all present and future owners of this property agree to indemnify and hold harmless the Oregon Department of Fish and Wildlife for any damage and/or inconvenience caused by these animals to persons, real property, and/or personal property. This agreement shall inure in perpetuity to all successors, assignors, and heirs. This agreement cannot be deleted or altered without prior contact and agreement by the Oregon Department of Fish and Wildlife." No known sensitive resources exist within one mile of the project area (i.e. eagle nest, heron rookery, etc.).

- d. **Forest Lands Element.** The land currently carries a Comprehensive Plan designation of Conservation-Forest Lands, and is zoned Agriculture – Forest. The amendments are consistent, or can be made consistent, with policies in the goal 4 element. The following policies from Clatsop County's Comprehensive plan, Goal 4 element, apply to this proposal:

*Goal 4 - Forest Lands: To conserve forest lands for forest uses.
Policy 1. Forest lands shall be conserved for forest uses, including the production of trees and the processing of forest products, open space, buffers from noise, visual separation from conflicting uses, watershed protection, wildlife and fisheries habitat, soils protection from wind and water, maintenance of clean air and water, outdoor recreational activities compatible with these uses, and grazing land for livestock.*

Policy 1 can be addressed by an exception to statewide planning goal 4. A goal exception is included with these amendments; see Exhibit B.

Policy 2. Forest Lands shall be designated Conservation-Forest in the County's Comprehensive Plan. When considering a zone change to a forest zone, the Planning Commission or other reviewing body shall review the proposal against the acreage, management, and other approval criteria in County-wide Forest Lands Policies #19, #20 and #21.

This proposal does not rezone this property as AF-20 or F-38; furthermore the acreage of the site does not lend itself to the acreage requirements depicted in Policies 19, 20 & 21. The amendments rezone about ½ acre to the RA2 zone. This policy is not applicable to the request.

Policy 3. Forest practices on lands designated Conservation-Forest shall conform to the Oregon Forest Practices Act and Oregon Forest Practice Rules, as revised.

The Planning Commission is not aware of any reason why the requirements of the Forest Practices Act as applicable to this situation cannot be met on this site.

Policy 4. Division of forestlands will be permitted only upon a finding that the proposed division meets the following criteria: a. the proposed division will not diminish the potential for timber production, watershed protection and fish and wildlife habitat, and b. the creation of new parcels will not materially alter the overall stability of the area's land use pattern.

The proposal includes an exception to statewide planning goal 4 (see Exhibit B. Additionally, the Planning Commission finds that the proposal satisfies this particular element. A reduction of a 1/2 acre of potential farm/forest land will not diminish the potential for timber products nor will it have a detrimental effect on fish and wildlife habitat.

Policy 5. The clustering of non-forest residences on forestlands may be permitted in the AF-20 and F-38 zones, subject to non-forest use siting standards. This non-forest development is permitted conditionally because, properly designed and sited, it does not result in the loss of forest lands nor does it diminish or interfere with forest uses.

This policy is not applicable to this amendment.

Policy 6. The designation of new park and recreation areas (campgrounds, etc.) on forestlands shall require an assessment of public need for these facilities and their potential impact on adjacent forestlands. The productive capacity of the land shall be evaluated and considered when siting these developments. These developments, if allowed, shall be sited and designed so as not to preclude forest management wherever possible.

No parks are proposed with this application; policy 6 is not applicable.

Policy 7. The County will do the following in order to minimize conflicts between the use of forestland for elk habitat and for commercial timber production. a. Wildlife refuges: Existing wildlife refuges, which are owned/leased and managed by the Oregon Department of Fish and Wildlife (ODFW) or by the United States Fish and Wildlife Service (USFWS), shall be designated Conservation-Other Resource and zoned Open Space, Parks and Recreation (OPR). Proposed wildlife management areas, which are managed, and either owned or leased by the Oregon Department of Fish and Wildlife (ODFW) located in areas designated Conservation Forest or in other lowland areas under any plan designation shall be reviewed by the County for compliance with the approval standards listed below. Such hearings shall be conducted according to a Type IV procedure at a time and place convenient to residents of the affected planning area. ODFW shall provide an evaluation of the economic, social, environmental and energy consequences of the proposal and information sufficient to support findings with respect to the following approval criteria: (1) Identification of the need for the proposed new wildlife management area. "Need" means specific problems or conflicts that will be resolved or specific ODFW objectives that will be achieved by establishing the proposed area. (2) Alternative lands and management actions available to the ODFW, and an analysis of why those alternatives or management actions will not resolve identified problems or achieve objectives.

No wildlife refuges or management areas exist at this particular site. However a disclaimer as described below will be required as a condition of approval.

Policy 8. The State Fish and Wildlife Commission shall be officially requested to resolve the existing adverse impacts on forestland resulting from elk browse. The following measures are suggested: (a) revision of hunting laws. (b) reduce the elk population in Clatsop County to sustained management levels. (c) compensate landowners for damage to forest crops resulting from

elk. (d) where appropriate, provide technical and financial assistance to forestland owners for the installation of fencing.

The requirements of policy 8 can be addressed by the condition described under policy 9, below.

Policy 9. The County shall take the necessary action through the State Legislative Assembly to revise the laws governing the action of the State Fish and Wildlife Commission for the provision of acceptable methods of relief to property owners from damage due to elk.

Policy 9 can be met with these conditions. All riparian, greenbelt, and waterway setbacks shall be maintained. ODFW recommends the proposed development be designed around these setbacks (i.e. do not waive setbacks to allow development within. Any stream-road crossings (including utilities) are to comply with fish passage requirements. Laws regarding fish passage are in ORS 509.580 through 910, and in OAR 635, Division 412. Advance approval shall be obtained from ODFW for any in-stream structure. The following wording shall be included in a covenant to the deed of each lot: "This property is in an area of known big game and furbearer animal use. Any and all present and future owners of this property agree to indemnify and hold harmless the Oregon Department of Fish and Wildlife for any damage and/or inconvenience caused by these animals to persons, real property, and/or personal property. This agreement shall inure in perpetuity to all successors, assignors, and heirs. This agreement cannot be deleted or altered without prior contact and agreement by the Oregon Department of Fish and Wildlife." No sensitive resources exist within one mile of the project area. (i.e. eagle nest, heron rookery, etc.).

Policy 10. Forestry activities within watersheds in areas designated Conservation-Forest in the Comprehensive Plan will be conducted in accordance with the Oregon Forest Practices Act and the Oregon Forest Practice Rules, as revised. Additional protective measures negotiated between forest landowners and water users are encouraged.

No forestry activities are proposed at this time. Regardless, all forest activities are required to comply with the Oregon Forest Practices act and the Oregon Forest Practices Rules.

Policy 11. The productive capacity of the land will be considered before land designated Conservation-Forest is changed to another plan designation. The impact of the proposed new use on adjacent

lands shall also be evaluated and considered before such a plan change is made.

Adjacent land to the proposed site is Residential Agriculture 2 and Agricultural Forestry. The addition of ½ acre to the Residential Agriculture 2 zone should not produce any conflicts with surrounding uses nor should it decrease the productive capacity of those lands.

Policy 12. Off-road vehicles (ORVs) shall be strictly confined to established rock roads in order to prevent erosion, stream degradation, damage to young trees and seedlings, and disturbance of wildlife and its habitat.

No off road activities are planned for the subject site. This policy is not applicable to these amendments.

Policy 13. Existing utility right-of-ways shall be utilized to the maximum extent possible before new right-of-ways are created.

See the findings under policy 14, below.

Policy 14. Roads in forest areas shall be limited to the minimum width necessary for traffic management and safety.

No new roads are approved as a part of these amendments. New roads on tax lot 2200 would be required to meet applicable County Standards for developing an access road; however at this time no final design has been proposed. The proposed parcel has direct access to Hillcrest Loop and an optional easement through tax lot 2200.

Policy 15. Forest landowners shall be encouraged to actively pursue methods of complete utilization of wood fiber left on the ground after harvesting.

No harvesting of forest products are proposed except that necessary for the development of a home site. Policy 15 is not an applicable criterion for these amendments.

Policy 16. Where forestlands of suitable management size occur in the interior of rural residential areas, or are completely surrounded by residential development, small woodland management and farming is encouraged. Over time these areas may be needed for housing and in future comprehensive plan updates shall be considered ideally situated for conversion to residential uses prior to conversion of other forestlands.

The subject property is suitable for small woodland management. According to the Goal 4 element this type of woodland management should be encourage. These amendments satisfy and preserve the intention of the Goals and policies established within this element of the Comprehensive plan.

Policy 17. Expansion of existing non-forest developments and uses in forest zones may be permitted under a Type II procedure only when such expansion is substantially confined to the existing site.

These amendments do not include the expansion of an existing non-forest development. This policy is not applicable.

Policy 18. Partitioning of forest lands under the provisions of Clatsop County's forest zones which serve to increase forest management efficiency by allowing one or more forest owners to consolidate their land holdings is encouraged.

The applicant is proposing to partition a section and not consolidate their holdings; this runs contrary to this policy 18. However, this application includes an exception to Goal 4 in order to comply with policy 18 and statewide planning goal 2.

*Policy 19. Clatsop County will rely on the following acreage criteria when reviewing a proposed zone change to a forest zone:
AF-20: Lands in the AF-20 zone shall be comprised predominantly of ownerships smaller than 40 acres. Ownerships 40 acres and larger may also be placed in an AF-20 zone if they are generally surrounded by ownerships smaller than 40 acres.
F-38: Lands in the F-38 zone shall be comprised predominantly of ownerships smaller than 76 acres. Ownerships 76 acres and larger may also be placed in an F-38 zone if they are generally surrounded by ownerships smaller than 76 acres.
F-80: Lands in the F-80 zone shall be comprised predominantly of ownerships 76 acres and larger.*

This amendment involves a zone change to RA2 zone. The RA2 zone is not a forest zone; therefore the provisions of this policy can not be satisfied without the goal exception. See Exhibit B.

*Policy 20. Clatsop County will rely on the following management criteria when reviewing a proposed zone change to a forest zone:
AF-20 and F-38: Lands in these forest zones are characterized by both agricultural and forestland uses. Management of these lands is often done on a low-intensity, part-time basis.*

F-80: Forestlands in the F-80 zone include areas where timber production is the primary land use. These lands are often intensively managed by full time professional foresters.

Policy 20 is not applicable; however, see the findings below policy 21, below.

Policy 21. A zone change from the F-80 zone to any other zone, including the AF-20 or F-38 zone, shall require a plan amendment. The purpose for such a plan change is to assure that primary forest lands in the F-80 zone are not converted to mixed use forest lands in the F-38 or AF-20 zones, or to any other plan designation without appropriate review by the County.

The amendment rezones about ½ acre to RA-2, Rural Lands from AF, Conservation Forest Lands. The amendment satisfies the requirements as described under the Goal 2 requirements for “Rural Lands.” In addition by going through the Post Acknowledgement Plan Amendment procedures the amendment satisfies this policy by providing the proper level of review.

Policy 22. Partitioning of land in the AF-20 zone and F-38 zone shall be approved only upon a finding that such newly created parcels shall be used only for forest uses. This policy does not apply to the small lots resulting from a cluster partition.

The applicant is proposing to partition the property in a manner inconsistent with statewide planning goal 4. These amendments include an exception to goal 4, which will make policy 22 inapplicable.

Policy 23. In land use changes involving a change from Conservation-Forest Lands or Rural Agricultural Lands to Rural Lands or Development designations an Exception to the Agricultural Lands or Forest Lands Goals must be taken.

The amendments include an exception to the requirements of Goal 4 and 14: see Exhibit B and Exhibit C.

- e. **Goal 5 Element.** The amendments do not include any changes to the County’s goal 5 inventory, analysis, or implementation measures. The subject property is not inventoried as a mineral or aggregate resource site. No known historic or archaeological resources are present on the site. It is not included in the County’s inventory of scenic sites. There is no habitat for the Columbia White-tailed deer on the site. No energy resources are known to be present on the subject property. The subject property is not in a goal 5 designated natural area. Evidence and testimony in the record

demonstrate compliance with the goal 5 policies of the County's comprehensive plan.

- f. **Air, Water and Land Quality Policies.** The amendments do not conflict with applicable plan policies in the County's goal 6 element. The Clatsop County Land and Water Development and Use Ordinance (LWDUO) contains multiple development standards that would apply to the future development of the subject property to assure the protection of air, water and land quality standards in accordance with Goal 6. Proposed amendments do not include any changes to the County's Air, Water and Land Quality policies, or to the County's implementation strategy for these policies. Air emissions and water discharge associated with development under the proposed amendments is regulated by various state and federal agencies. Many of the policies in this plan element express the County's aspirations, and do not establish mandatory approval criteria or standards applicable to the proposal. Air, Water and Land Quality policy 13 requires compliance with applicable state and federal standards. The specific standards are not identified in the policy. State and federal air and water quality standards must be met regardless of policy 13. It is feasible for rural residential development on the subject property to meet these standards. Feasibility is demonstrated by compliant rural residential development on adjoining and nearby property. The environmental setting and type of development on adjoining and nearby land are similar to that anticipated for the subject property.
- g. **Natural Hazards Element.** The subject property is upstream of the limits of detailed study for Little Creek. This is shown on community panel 4100270013A, FEMA Flood Insurance Rate Map. Because of this, none of the County's Flood Hazard policies is applicable to this proposal, nor is any implementing measure. An un-named tributary to Little Creek crosses the subject property. No signs of active bankline erosion were visible during a December 11, 2007 site visit by the applicant and his consultant. Little Creek is not inventoried in the County's Natural Hazards element as subject to shoreline erosion. Development of the subject property will comply with the riparian setbacks in section S4.500 of the County's Development Standards Document.
- h. **Recreation Policies (Goal 8).** The subject property is not mentioned in the County-wide goal 8 element, or in the Northeast Community Plan as a recreational resource. The County's adopted Recreational Lands Master Plan is its goal 8 element. None of the plan policies directly address the site, or provide criteria applicable to this proposal. The Planning Commission concludes that the proposed amendments do not conflict with the policies of its Recreational Lands Master Plan.

- i. **Economy (Goal 9) Policies.** The County's goal 9 Forest Products policies do not establish mandatory approval criteria or development standards applicable to the proposal or to development of the subject property. These policies are either aspirational, or pertain to County coordination with other agencies. The three Marine Resources policies, the Travel Industry policies, the Human Resources policies, and the Community Resources policies in the goal 9 element are similar to the Forest Products policies. No specific findings are required, as these policies do not establish any approval criteria or development standards applicable to the proposal. The Planning Commission concludes that the proposed amendments are consistent with the policies in the goal 9 element.
- j. **Population and Housing Policies.** The Planning Commission finds that the amendments are consistent with the population and housing policies in the comprehensive plan. The goal 10 element has several broadly-written population policies that may be applicable to the proposal. Goal 10 population policy 2 is "Promote population to locate in established service areas." The County's planning strategy implements this policy with a pattern of higher residential density in urban areas, and lower densities in rural areas. The subject property is in a rural area. The proposed density, one dwelling unit per two acres, is rural. Thus, the proposal is consistent with policy 2.

Population policy 3 from the County's goal 10 element is: "Promote the accommodation of growth within areas where it will have minimal negative impacts on the County's environment and natural resources." Clatsop County implements this policy by prohibiting or limiting development in sensitive environmental areas such as estuaries, wetlands, active dunes, floodways, and agricultural lands. Most of these types of environmental or natural resources can be avoided and protected during development of the property by carefully design and best management practices.

Policy 4 requires that setbacks for well/septic system be observed. These setbacks can be enforced as a condition of approval. The proposal will create the potential for one 2-acre lot in the RA-2 zone. The lot will conform to the minimum lot size; hence there should be ample room for well/septic systems setbacks. This parcel has been annexed and is currently serviced by the Wickiup Water District. The final part of policy 4 requires that "Development of residential units will not result in the loss of lands zoned or designated for agricultural or forestry and will not interfere with surrounding agricultural or forestry activities." This proposal maintains a satisfactory base of Agriculture - Forestry in the amount of about 20 acres and changes the designation on about 1/2 acre in order to comply with the minimum lot requirements of the Rural Lands designation. Currently there is approximately 1 3/4 of an acre with RA-2

zoning. In its current form this parcel cannot meet the minimum lot size requirements as set forth in the Rural Lands Element discussed previously. Interference with farm or forest activities on nearby lands can be avoided through careful siting of residences, and by enforcing the minimum setbacks.

Goal 10 population policy 6 is "Encourage development of land with less resource value". The County can implement this policy by approving the proposed amendment. The subject property has less resource value than many other potential rural residential development sites. There are no economically recoverable mineral resources on the site. There are no known energy sources on the subject property. The site has no value as a public recreational resource because it is privately owned. Wetlands are absent. Riparian resources associated with a Little Creek tributary on the site can be protected. There is no Columbia White-tailed deer habitat on the site. There is no documented use of the site by sensitive species such as spotted owls, snowy plover, Oregon silverspot butterfly, or marbled murrelet. Agricultural use of the site has been limited to low-intensity grazing, and the subject property is not designated as high value farmland.

Goal 10 housing and residential development policy 1 reads as follows:

Clatsop County shall encourage residential development only in those areas where necessary public facilities and services can be provided and where conflicts with forest and agricultural uses are minimized.

The subject property meets this test. Necessary public facilities are available. The site has access to a County Road. It is in the Knappa-Svensen-Burnside Rural Fire Protection District. Public or community water is available from the Wikiup Water District, and from the Carmen Creek Water Association. Sewer service is not an essential public facility. In fact, Oregon law prohibits sewer service in rural areas under most circumstances. The feasibility of individual waste water disposal systems is demonstrated by their use on similarly-situate nearby property, and by a letter from Denis Vinson, a licensed installer of these systems. Conflicts between development on the subject property and nearby farm and forest operations can be minimized by careful siting decisions for the homesites, and by maintaining adequate setbacks between homesites and adjoining forest and farmland.

Goal 10 housing and residential development policy 4 establishes a four-part test for residential development. Water must be available which meets state and federal standards. Water is available from Wikiup Water District and from Carmen Creek Water Association, pursuant to Clatsop County Standards Document section S2.400. Policy 4 requires that each housing

unit must have an approved method for sewage disposal. Individual subsurface wastewater disposal systems are feasible on this site, as demonstrated by their use on surrounding property, and by a letter from a licensed installer. Policy 4 requires that well/septic systems setbacks be observed. These setbacks can be enforced as a condition of approval. A maximum of one dwelling will be developed on the subject property, so there is ample room for well/septic system setbacks. The final part of policy 4 requires that "Development of residential units will not result in the loss of lands zoned or designated for agriculture or forestry and will not interfere with surrounding agricultural or forestry activities." The proposed amendments include a zone change and goal exception, removing forest zoning from a portion of tax lot 2200. Thus, this part of the policy is not applicable. To interpret it any other way would bar the approval of exceptions. The County has found dozens of goal 4 exceptions to be consistent with this policy. Interference with farm or forest activities on nearby lands can be avoided through careful siting of residences, and by enforcing minimum setbacks.

- k. **Public Facilities and Services Policies (Goal 11).** The subject property is within the Knappa-Svensen-Burnside Rural Fire Protection District, the Knappa School District, and the Clatsop County Rural Law Enforcement District. The site has access onto Hillcrest Loop Road, an improved County collector (Figure 5-3, Clatsop County TSP, July 2003). The subject property and surrounding lands lack access to a centralized sewer collection and treatment system. Water is available from Wikiup Water District (public), and from Carmen Creek Water Association (private). Evidence and testimony in the record supports a conclusion that the amendments are consistent with the policies in the goal 11 element of the County's comprehensive plan.
- l. **Transportation Policies (Goal 12).** The County's Transportation System Plan (TSP) does not have policies; instead, it has Goals and Objectives. Based on the following findings, the Planning Commission concludes that these amendments are consistent with the applicable transportation policies and goals.
- m. **Energy Conservation Policies (Goal 13).** These amendments do not require the amendment of any of the County's energy conservation policies. The proposal can have a positive impact on energy conservation in Clatsop County. The subject property is near the Knappa and Svensen Rural Communities, and within a relatively short distance from the city of Astoria. These communities provide most of the employment, health care, entertainment, and shopping opportunities needed on an everyday basis by rural residents. This helps minimize energy spent on transportation. The subject property's topography allows for a southerly orientation for most homesites. This provides good opportunities for solar energy, both passive

or active. The falling relative price of solar energy hardware provides good opportunities for the use of solar energy in new homes built on the site. Current energy efficiency requirements for new home construction and for new appliances mean that homes developed on the subject property will be substantially more energy efficient than the average existing home in Clatsop County. Based on evidence and testimony in the record, the Planning Commission concludes that the amendments are consistent with policies in the County comprehensive plan's goal 13 element.

- n. **Urbanization Policies (Goal 14).** The comprehensive plan's urbanization goal is "To provide for an orderly and efficient transition from rural to urban land use." The proposed zone change is not consistent with some of the policies in the County's goal 14 element; however, the proposed Goal 14 Exception (Exhibit C) resolves those inconsistencies. With the adoption of the goal 14 exception, the amendments can be approved.
 - o. **Other Comprehensive Plan policies.** Policies in the estuarine, beaches and dunes, and coastal shorelands plan elements are not applicable to these amendments.
3. Applicable criteria for a map amendment are in section 5.412 of the County's Land and Water Development and Use Ordinance (LWDUO). LWDUO section 5.412(2) requires consistency with the statewide planning goals. Tax lot 2200 covers approximately 22 acres. Most of this is in the AF zone. Approximately 1.75 acres are located in the RA2 Zone. The proposed amendment would place just enough of tax lot 2200 (about ½ acre) into the RA2 zone in order to satisfy the minimum lot size requirements for partitioning that section from the remainder of tax lot 2200. The purpose of this amendment is to provide a clear divide between those uses permitted under the "Rural Lands" designation and those permitted under the "Agriculture Forestry" designation.
- a. **Goal #1 - Citizen Involvement:** "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." Clatsop County's Comprehensive Plan and implementing ordinances were found to be in compliance with Goal 1 when the plan was acknowledged by LCDC (the Oregon Land Conservation and Development Commission) in 1982. This proposed post-acknowledgment plan amendment does not seek to change any of the Goal 1-related provisions of the County's Plan or ordinances. The applicant's expect the County to follow the procedures in its ordinance when reviewing this proposed amendment. Based on this, the Planning Commission concludes that these3 amendments are in compliance with statewide planning goal 1.
 - b. **Goal #2 - Land Use Planning:** "To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land

and to assure an adequate factual base for such decisions and actions.” Clatsop County’s Comprehensive Plan and implementing ordinances were found to be in compliance with goal 2 when the plan was acknowledged by LCDC in 1982. These post-acknowledgment plan amendments do not change any of the goal 2-related provisions of the County’s plan or ordinances; nor do they change the policy framework used by the County as a basis for land use decisions and actions. Amendments include an exception to statewide planning goals 3, 4, and 14; consistent with the administrative rules for exceptions. The testimony and evidence in the record includes an adequate factual base to support the County’s decision on this matter. Based on this, the Planning Commission finds the amendments in compliance with statewide planning goal 2.

- c. Goal #3 - Agricultural Lands: “To preserve and maintain agricultural lands. Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space, and with the state’s agricultural land use policy expressed in ORS 215.243 and 215.700.” The subject property is not agricultural land subject to the requirements of Goal 3. However, the AF zoning on tax lot 2200 may have been applied, in part, in response to the site’s theoretical farm land potential. Consequently, a goal exception is taken to the requirements of statewide planning goal 3.
- d. Goal #4 - Forest Lands: “To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.” Tax lot 2200 is categorized by Clatsop County as forest land subject to the requirements of statewide planning goal 4. These amendments include a goal exception to the requirements of goal 4.
- e. Goal #5 - Open Spaces, Scenic and Historic Areas, and Natural Resources. Statewide planning goal 5 reads as follows: “To protect natural resources and conserve scenic and historic areas and open spaces.” Clatsop County’s goal 5 element identifies several resources occurring in the vicinity of the subject property. This proposal does not require any changes to the County’s acknowledged goal 5 inventory or protection measures currently in place. Goal 5 resources, and the measures adopted by Clatsop County to protect them, are briefly described in the following paragraphs.

Open space is a goal 5 resource. The County-wide goal 5 element identifies three kinds of open space: general open space (farms, forests, estuaries, the ocean and ocean beaches); site-specific open space (parks, wildlife refuges, wetlands, and specific scenic areas); and areas provided in conjunction with a



specific development (dedicated open space in a subdivision). No amendment to the County's acknowledged goal 5 element is needed.

Mineral and aggregate deposits are goal 5 resources. The County-wide goal 5 element does not identify any commercial mineral or aggregate resources on or near the subject property.

Wildlife habitat is a Goal 5 resource. The comprehensive plan's inventory map describes the subject property and nearly all of the Knappa-Svensen area, as Peripheral Big Game Habitat. Upland game birds (grouse, quail, pigeons) are not known to use the site or adjacent lands. Waterfowl habitat is not present on the subject property. The County-wide goal 5 element discusses habitat for "Furbearers and Hunted Non-game Wildlife", including beaver, muskrat, nutria, mink, river otter, skunk, bobcat, raccoon, rabbits, and coyotes. Some of these non-game species may use the site from time to time. The goal 5 element does not include any measures for protection of fur-bearing or hunted non-game wildlife habitat. Northern bald eagles, osprey, herons and snowy plovers are identified as important non-game birds. This plan amendment does not amend any specific goal 5 protection measures for any wildlife resources.

Fish habitat is a goal 5 resource. The stream crossing the site (a tributary of Little Creek) is not inventoried in the County's land use documents as fish habitat. The proposed tentative development plan protects this stream and a riparian corridor. No changes to the County's fish habitat protection measures are proposed or needed for this amendment.

Ecologically and scientifically significant natural areas are goal 5 resources. None of the 23 sites listed in the County's inventory is on or near the subject property.

Outstanding scenic views and sites are goal 5 resources. Twelve sites are listed in the County's final inventory of scenic sites. None of these final inventory sites is on or near the subject property.

Water areas, watersheds, and groundwater are goal 5 resources. A tributary of Little Creek crosses the site. The subject property is in a watershed that drains into the Columbia River; however, the proposed amendments and subsequent rural residential development do not require any amendments to the inventory, or to the protection measures adopted by the County for water areas, groundwater resources, or watersheds.

Wetlands are a goal 5 resource. Clatsop County's goal 5 plan element relies on a wetland inventory completed by Duncan Thomas in 1980. The Thomas inventory does not identify any wetlands on the subject property. The National Wetlands Inventory, conducted by the US Fish and Wildlife Service, identifies wetlands in a riparian corridor on the property. The proposed amendments do

not change the status of this creek with respect to state or federal permit requirements, or with respect to the County's wetland inventory or its riparian resource protection measures.

Wilderness areas are goal 5 resources. The Oregon Islands Wilderness Area, which does not include this property, is identified by the County as a goal 5 wilderness area.


Historic sites are goal 5 resources. The subject property is not included in the County's preliminary or final inventory of historic sites.

Cultural areas are goal 5 resources. No archaeological sites have been identified on or near the subject property. Statutory requirements will be followed if cultural artifacts are found during site development.

Oregon recreation trails and wild and scenic waterways are goal 5 resources. They are addressed in the County's Recreational Needs Element. No recreational trails or wild or scenic waterways are present on the subject property.

On the basis of evidence and testimony in the record, the Planning Commission concludes that the proposed amendments do not change the County's goal 5 inventories; nor do they affect any resource protection measures adopted under goal 5. Based on this, the Planning Commission finds that the proposal complies with statewide planning goal 5.

- f. Goal #6 - Air, Water, and Land Resources Quality: "To maintain and improve the quality of the air, water and land resources of the state." Clatsop County relies on a number of plan policies and ordinance requirements to meet goal 6. The County also relies on the programs of various state and federal agencies, including the US Environmental Protection Agency (EPA) and the Oregon Department of Environmental Quality (DEQ). The proposed use of the site is for single family rural residences. The subject property, as well as the surrounding area, is not served by a centralized sewage collection and treatment system or plant. Instead, each proposed dwelling on the subject property will be served by an individual subsurface wastewater disposal system. Clatsop County relies on DEQ to review and approve proposals for these systems. Evidence in the record, including a letter from Denis Vinson, a DEQ-licensed installer of septic systems, demonstrates the feasibility of using these kinds of wastewater disposal systems on this site. The subject property is not designated as a potential site for a wastewater treatment plant, or for disposal of sludge from a wastewater treatment plant. No nearby sites are designated or used for wastewater or sewage sludge disposal, so the subject property is not needed as a buffer for these uses. Runoff from impervious surfaces will be directed to the groundwater table by way of percolation from the surface; or towards existing drainage-ways via grassy swales. The County



should find this means of stormwater management is feasible based on its successful use elsewhere in the vicinity. A detailed stormwater management plan is a requirement of a development permit: this can be provided when the property is developed. Air emissions associated with single family residences are likely to be limited to emissions from fire places and wood-burning stoves, natural gas or propane appliances (such as water heaters or space heaters), barbecues, and outdoor burning. The County does not regulate these activities under its goal 6 program. They are covered by state or federal programs, to the extent they are regulated at all. The site is not currently used as or designated for future use as a solid waste disposal site. Solid waste in this area is collected for disposal off-site at a licensed solid waste disposal facility. No nearby sites are designated or used for disposal or transfer of solid waste, so the subject property is not needed as a buffer for these uses. Based on this, the Planning Commission finds that the amendments are consistent with statewide planning goal 6.

- g. Goal # 7 - Areas Subject to Natural Disasters and Hazards. Statewide planning goal 7 is "To protect life and property from natural disasters and hazards." The specific hazards addressed by goal 7 are stream flooding, ocean flooding, ground water, erosion and deposition, landslides, earthquakes, weak foundation soils, and other local or regional hazards. The proposed amendment does not change any of the goal 7 protections in the County's comprehensive plan or implementing ordinances. The site is not in the mapped regulatory 100-year or 500-year floodplain, or in an area prone to ocean flooding, as shown on the most current flood insurance rate map for this area. The subject property is not in an area identified in the County's goal 7 element as prone to high groundwater levels. There is no evidence of substantial ongoing erosion or deposition on the subject property, nor is this type of hazard mapped on the property. This site, like all land along the Pacific Coast of North America, is subject to earthquake hazards. This site is not identified in the County's goal 7 element as requiring any special measures to mitigate possible earthquake damage. New residences constructed on the property as a result of this amendment will meet applicable seismic requirements in the Oregon Residential Specialty Code. The site is not identified in the County's goal 7 element as suffering from weak foundation soils. The subject property is not in an area inventoried by the County as landslide topography. Based on this, the Planning Commission finds that the proposal does not violate statewide planning goal 7.
- h. Goal # 8 - Recreational Needs: "To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts." The subject property is not inventoried as a goal 8 resource by the County. Development of the subject property for up to eight rural residential home sites does not impair any goal 8 resource or violate any of the County's goal 8 implementation measures. The Planning Commission finds that the proposed

amendments do not take the Recreational Lands Master Plan out of compliance with the goal.

- i. Goal #9 - Economy of the State: "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens." Goal 9 is principally concerned with commercial and industrial lands. The proposed amendments neither add to nor subtract from the County's inventory of developable commercial or industrial lands. The proposal does not need any amendments to the policies or implementing measures adopted by the County to meet statewide planning goal 9. The site is not presently zoned or used for commercial or industrial activities. The proposed zoning would not allow commercial or industrial use of the site. The nearest commercially zoned land is in the Knappa Rural Community, to the northeast. Based on this, the Planning Commission finds that the proposal is consistent with statewide planning goal 9.
- j. Goal #10 - Housing: "To provide for the housing needs of citizens of the state." The proposed amendments add one potential home site to the County's inventory of buildable land that can be used to meet goal 10 obligations. The RA2 zone allows single family dwellings as a permitted use; see LWDUO section 3.204(1). A letter from licensed installer Dennis Vinson demonstrates the feasibility of using DEQ-approved subsurface wastewater disposal systems on the site. Development on the subject property will rely on water from the Wikiup Water District and the Carmen Creek Water Association to meet residential needs. The proposal does not seek amendment of the County's goal 10 element; nor does it undermine the County's compliance with goal 10. Based on this, the Planning Commission finds the proposal consistent with statewide planning goal 10.
- k. Goal #11 - Public Facilities and Services, and OAR 660-011. Goal 11 reads as follows: "To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development." The Hillcrest Loop corridor, including the subject property, is serviced at a level appropriate for rural residential development. Like the subject property, most existing homes are served by a water district. Pacific Power provides electricity in this area. Qwest and other companies provide telephone service. The site is in an area served by the Knappa-Svensen-Burnside Rural Fire Protection District. The proposal does not require amendment of the County's goal 11 element, or undermine the County's compliance with goal 11. Based on this, the Planning Commission finds the proposal consistent with statewide planning goal 11.
- l. Goal #12 - Transportation: "To provide and encourage a safe, convenient and economic transportation system." Clatsop County's comprehensive plan contains a goal 12 element, as well as a separate transportation system plan (TSP). Applicable policies from the County's goal 12 element and the TSP

are addressed elsewhere in these findings. The only transportation facility near the subject property is Hillcrest Loop Road. There are no rail lines, pipelines, airports, or navigation channels on or near the property. As it passes the subject property, Hillcrest Loop Road provides a shared surface for motor vehicles, bicycles, and pedestrians. Proposed amendments, and subsequent rural residential development on the site, do not conflict with ongoing use of, or improvement to, this transportation facility. The proposed amendments do not require a revision of the County's TSP, or any other type of amendment to the goal 12 element. The amendments, and subsequent rural residential development on the site, as limited by the RA2 zone, do not threaten the County's ability to provide a safe, convenient and economic transportation system.

- m. Goal #13 - Energy Conservation. "To conserve energy...Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles." This proposal does not require any amendment to the County's goal 13 element, nor does it undermine compliance with goal 13. The proposed amendment package and planned development of this site is consistent with the goal of conserving energy. Houses built on this site will be new construction, built to current codes for residential energy efficiency, and using new appliances and heating systems. Because of this, these homes will be substantially more energy efficient than older homes of comparable size. Development of a single-family residence does not require the extension of any public roads or the construction of new public roads. The site has access onto Hillcrest Loop Road, an existing improved County collector. Site orientation will assure adequate solar access for houses built on the subject property. Based on this information, the Planning Commission finds the proposal consistent with statewide planning goal 13.
- n. Goal #14 - Urbanization. Statewide planning goal 14 is "To provide for an orderly and efficient transition from rural to urban land use." The goal goes on to address urban growth boundaries. This proposed amendment does not involve an existing or proposed urban growth boundary (UGB). Nearby UGBs are to the west (Astoria) and east (Clatskanie). Goal 14 also addresses unincorporated communities. The proposal does not involve land in an unincorporated community, nor does it require the extension of services from an unincorporated community. The Knappa-Svensen Rural Community is a designated unincorporated community under goal 14. The proposal is entirely outside of the Knappa-Svensen Rural Community. OAR 660-21 addresses urban reserve areas under goal 14. The subject property is not in an urban reserve area, nor has the County designated any urban reserve areas. Because of this, OAR 660-21 is not applicable to the proposal. OAR 660-04-0040 addresses rural residential areas. Subsection (5)(a) reads as follows: "A rural residential zone currently in effect shall be deemed to comply with Goal 14 if that zone requires any new lot or parcel to have an area of at least two acres."

The proposed RA2 zoning for the subject property carries a minimum lot size of two acres: see LWDUO section 3.208(1)(a). The amendment package includes an exception to statewide planning goal 14: see Exhibit C.

- o. Goal #17 - Coastal Shorelands. Statewide planning goal 17 reads as follows: *To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.* The subject property is not within goal 17's coastal shorelands boundary. The County adopted an inventory prepared by CREST (Columbia River Estuary Study Taskforce). The proposal is outside of the CREST estuary shorelands boundary.
 - p. Goal #18 - Beaches and Dunes. Clatsop County adopted a beach and dune inventory as required by this goal in the late 1970's. The inventory was prepared by Leonard Palmer. The subject property is not included in the inventory, nor is it a beach or dune area as defined by goal 18.
4. Applicable criteria for a map amendment are in LWDUO §5.412. Subsection (3) requires addresses adequacy of public facilities and services. Appropriate mechanisms are in place in the LWDUO 80-14 to ensure that prior to development approvals on the subject property, adequate public facilities and services will be installed. Based on this analysis, and on testimony and evidence in the record, it is reasonable to presume that adequate facilities will be available. Prior to development the applicant will need to provide proof of a suitable source for water and refuse disposal. As a condition of approval the applicant will need to demonstrate adequacy of services.
5. Applicable criteria for a map amendment are in LWDUO §5.412. Subsection (4) reads as follows: *The proposed change will insure that an adequate and safe transportation network exists to support the proposed zoning and will not cause undue traffic congestion or hazards.* The site is served by Hillcrest Loop Road. We anticipate serving development on the site with a loop private road system, with two approaches onto Hillcrest Loop Road. Internal circulation will be provided by this private road, which can be designed to meet relevant County standards. A potential road configuration is shown on the attached tentative development plan. Compliance with applicable County road construction standards and road approach requirements assure that the proposed amendments will not cause undue traffic congestion or hazards. Appropriate mechanisms are in place in the County's development code to ensure that the amendments and

subsequent development are served by an adequate and safe transportation network, and that undue traffic congestion and hazards do not result. Based on this, the Planning Commission concludes that the amendments are consistent with LWDUO §5.412(4).

6. Applicable criteria for these amendments include LWDUO §5.412(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.” Clatsop County’s planning documents do not define “over-intensive use of land”, but it is reasonable to assume that the phrase is related to density, at least within the context of residential development. The proposed amendments are intended to allow the establishment of one 2-acre residential lot and a clear division of uses. This proposal conserves the bulk of tax lot 2200 for agriculture and forestry purposes, which will not overly intensify the use of the land. The proposal also gives reasonable consideration to the character of the area and is compatible with the overall zoning pattern. The following factors support this conclusion and are summarized here. Residential zoning on adjoining property to the east and south is zoned to allow a maximum density of one dwelling unit per two acres. Clatsop County's planning documents, as well as Oregon administrative rules and Oregon case law, establish a bright line at one dwelling units per two acres, or 0.5 du/acre. Densities in excess of this are urban, while lower densities are rural. The proposed maximum density falls on the rural side of this line. Based on this, and on evidence and testimony in the record, the Planning Commission finds that the amendments are consistent with §5.412(5).

7. LWDUO §5.412(6) is applicable to these amendments. It reads as follows: “*The proposed change gives reasonable consideration to peculiar suitability of the property for particular uses.* The subject property is currently zoned for forestry (AF). The proposed change is to a rural residential zone (RA2). The property shares many physical similarities with residentially-zoned property to the south, east, and southwest, along the Hillcrest Loop Road corridor. These features include road access, water, and fire district coverage. The RA2 zone allows rural residences as an outright use (section 3.204(1)). As described elsewhere, and supported by the attached documents, maps, and photographs, the subject property is suitable for the uses allowed in the RA2 zone, especially rural residences. A creek crosses the west side of the subject property. Home sites can be located away from the creek to protect riparian and aquatic resources. All home sites can be located on the east side of the creek so as to avoid impacts associated with a road crossing. The tentative site plan shows this configuration. The subject property is better-suited for rural residential uses than for industrial forestry or commercial agriculture. The site's small size, and its proximity to many rural residences along Hillcrest Loop Road, make the subject property more suitable for rural residences. The site's location within the loop formed by Hillcrest Loop Road make it part of the Knappa community. Commercial forest land in this area is primarily located outside of the Hillcrest Loop. Land along the

Hillcrest Loop corridor, including the subject property, is particularly well-suited for rural residences. This is demonstrated by many existing rural residences in this area, and by the community's investment in infrastructure (water, roads, schools) that supports rural residential land use. Based on this, and on evidence and testimony in the record, the Planning Commission concludes that the amendments are consistent with §5.412(6).

8. LWDUO §5.412(7) is applicable to these amendments: *The proposed change will encourage the most appropriate use of land throughout Clatsop County.* The proposed amendment encourages appropriate land use in Clatsop County. The County's comprehensive plan recognizes the appropriateness of several different categories of land use through its system of planning and zoning: residential, commercial, industrial, farm, forest, etc. The comprehensive plan also recognizes that, within residential zones, a variety of housing types and densities are appropriate. The AF zoning over most of the subject property was is not appropriate given the predominant use of land along the Hillcrest Loop Road corridor, the small size of the subject property; and the residential nature of surrounding lands. The proposed amendment, rezoning ½ acre on the northeast corner of the site, is also appropriate given the predominant uses along the Hillcrest Loop corridor bordering the far southeastern portion of the parcel. In addition, the residential uses located to the east and south of the subject property and the mixed zoning located on that portion of the property are all factors supporting the request. The amendments do not diminish the commercial forest land base in Clatsop County; nor do they impair commercial agricultural lands or operations in the County. Based on this, and on evidence and testimony in the record, the Planning Commission finds that the amendments are in conformance with LWDUO §5.412(7).

9. LWDUO §5.412(8) is applicable to these amendments: *The proposed change will not be detrimental to the health, safety and general welfare of Clatsop County.* The County's planning documents do not directly define these health, safety or welfare considerations. Presumably, they include traffic safety, water quality, emergency response, noise, landslides, geologic hazards, and the like. Development of a single-family residence on the subject property can be accomplished in a manner that does not harm the County's health, safety, or general welfare. Measures that help achieve this goal include:
 - Using a single primary approach road/driveway with a secondary/emergency access, both connecting to Hillcrest Loop Road;
 - Maintaining appropriate setbacks from adjoining property;
 - Erosion control measures can be employed during and after construction;
 - Wastewater will be disposed using DEQ-approved systems;
 - Potable water will meet applicable state and county standards;
 - Appropriate engineering standards will be incorporated into the design and construction of the shared driveway and into individual homes;
 - Roads will be built to applicable County standards;

- Clustering development so as to avoid the creek and riparian corridor on the western part of the property.

Based on the information in the application, and this discussion, the Planning Commission finds that the proposal will not harm the health, safety, or general welfare of Clatsop County.

10. LWDUO §5.350 establishes the requirement for a Transportation Impact Review. Subsection 5.350(2)(A)(1) indicates that a traffic impact study may be required when “A change in zoning or a plan amendment designation” is requested. The traffic impact study is optional. The rural residential development likely to result from these amendments is not likely to generate the level or type of traffic suggested in subsections (2)(A)(3)(a) through (e) to warrant a traffic impact study. If the County determines that a traffic impact study might be warranted, the appropriate time to evaluate traffic impacts will be when development approval is requested. Based on this, and on evidence and testimony in the record, the Planning Commission finds that the proposed amendments are consistent with LWDUO §5.350.

C. Conclusions

1. The Planning Commission concludes that the amendments are consistent with applicable criteria in the County’s land use documents, and should be approved.
2. Attached are the following Exhibits, incorporated into and made a part of these findings:
 - Exhibit A: a map showing approximately ½ acre on tax lot 2200 to be rezoned from AF to RA2, and from the Conservation Forest Lands plan designation to the Rural Lands plan designation;
 - a. The Map is located on Page 37 of the Original Staff Report dated February 27, 2009 appended as a supplemental document to these revised findings submitted by the applicant (Documents are located after Exhibit C mentioned Below).
 - Exhibit B: an exception to statewide planning goals 3 and 4;
 - Exhibit C: an exception to statewide planning goal 14.

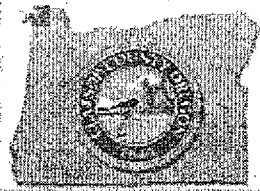
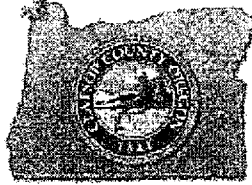


Exhibit B



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EXHIBIT B

Exception to Goals 3 and 4 for a Portion of Tax Lot 8-7-30-2200

1. Summary

This document contains an exception to statewide planning goals 3 and 4 for a portion of tax lot 8-7-30-2200. Also included in this document are findings justifying the exception. Tax lot 2200 covers about 20 acres. The proposed exception area is about ½ acre. Tax lot 2200 is currently in a Conservation Forest Lands plan designation in the County's Comprehensive Plan, and in the AF zone. This exception is part of an amendment package that will change the zoning and comprehensive plan designation on a ½ acre portion of tax lot 2200 to Rural Lands/RA2. Adjoining land to the south, southwest, and east was included in an exception to goals 3 and 4, adopted by Clatsop County in 1982.

Exceptions to the statewide planning goals are governed by ORS 197.732, OAR 660-04, and statewide planning goal 2. This document includes findings as required under these statutes and administrative rules. The exception area is shown on the attached map.

2. Exception Requirements

A. Statewide Planning Goals

This exception is taken to statewide planning goals 3 and 4. Statewide planning goal 3 addresses agricultural lands. The goal is "To preserve and maintain agricultural lands." The proposed exception area is not designated as agricultural land, nor is there any evidence that it qualifies as farm land under statewide planning goal 3. Nonetheless, this goal exception includes an exception to goal 3 to allow uses and densities not allowed on farm land. Exceptions to goal 3 are authorized under OAR 660-04-10(1)(a).

Statewide planning goal 4 addresses forest lands. The goal reads as follows:

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Nearly all of tax lot 2200 is designated as forest land in the County's comprehensive plan. A relatively small area on the east side is in the RA2 zone, and designated as Rural Lands. Exceptions to goal 4 are authorized under OAR 660-04-10(1)(b).

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The proposed exception area may include resources and features under one or more of the other statewide planning goals. This goal exception does not exempt tax lot 2200 from the requirements of these other statewide planning goals. Proposed goal findings are included with the amendment request in a separate document.

B. Exception Criteria

An exception is a decision to exclude land from the requirements of one or more applicable statewide planning goals. Exceptions are authorized under ORS 197.732, OAR 660-04, and statewide planning goal 2. Exception requirements are described below.

Oregon Revised Statutes (ORS) 197.732(1) establishes three different types of exceptions: physically developed (ORS 197.732(1)(a)); irrevocably committed (ORS 197.732(1)(b)); and reasons (ORS 197.732(1)(c)). This exception is a reasons exception. ORS 197.732(1)(c) establishes requirements for a reasons exception:

(1) A local government may adopt an exception to a goal if:

...

(c) The following standards are met:

(A) Reasons justify why the state policy embodied in the applicable goals should not apply;

(B) Areas which do not require a new exception cannot reasonably accommodate the use;

(C) The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

(D) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

Statewide planning goal 2 establishes requirements for exceptions. Part II(c) of goal 2 is applicable to a reasons exception, and is identical to ORS 197.732(1)(c), cited above. Oregon Administrative Rules (OAR) chapter 660, division 4, establishes rules for exceptions. OAR 660-04-000(2) and OAR 660-04-05(1) provide general definitions of an exception:

An exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals in accordance with the process specified in Goal 2, Part II, Exceptions. The documentation for an exception must be set forth in a local government's comprehensive plan. Such documentation must support a conclusion that the standards for an exception have been met. The conclusion shall

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be based on findings of fact supported by substantial evidence in the record of the local proceeding and by a statement of reasons which explain why the proposed use not allowed by the applicable goal should be provided for. The exceptions process is not to be used to indicate that a jurisdiction disagrees with a goal. (OAR 660-04-000(2))

An "Exception" is a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that: (a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability; (b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and (c) Complies with the provisions of this Division. (OAR 660-04-05(1))

OAR 660-04-20(2) sets detailed requirements for a reasons exception. OAR 660-04-22 lists reasons needed to justify an exception under goal 2, part II(c). These requirements are addressed in the following sections.

3. Findings

A. Reasons justify why the state policy embodied in the applicable goals should not apply (OAR 660-04-20(2)(a))

This section sets forth the facts and assumptions for determining that state policy embodied in goals 3 and 4 should not apply to the exception area. This section also explains why the proposed uses require a location on resource land. The exception area includes about ½ acre on tax lot 8-7-30-2200, as shown on the attached map.

The policy embodied in goal 3 is in ORS 215.243:

Agricultural land use policy. The Legislative Assembly finds and declares that:

(1) Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to all of the people of this state, whether living in rural, urban or metropolitan areas of the state.

(2) The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation.

(3) Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts

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between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion.

(4) Exclusive farm use zoning as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones. (ORS 215.243)

The State policy embodied in goal 4 is stated in the text of the goal:

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

There are several reasons why goals 3 and 4 should not apply to the proposed exception area. The subject property contributes nothing to the agricultural economy of the County or the state. The exception area includes some land that may be suitable for low-intensity pasture; however, there is no recent history of successful commercial-scale agriculture on the property, or on adjoining property. The Hillcrest Loop Road area is characterized by small-scale animal husbandry, such as 4-H projects and the like. The proposed exception site is too small to be successfully employed for the kind of commercial agriculture typically found in Clatsop County. Land in the proposed exception area contributes nothing to the agricultural economy of the County or the state. Clatsop County has a small agricultural sector compared to other Oregon counties. According to 1997 data from the US National Agricultural Statistics Service:

- Clatsop County has relatively few farms: 229 in 1997, or less than one percent of all farms in Oregon.
- Clatsop County has less farm acreage than any other county in Oregon; 34,030 acres in 1997, less than two-tenths of one percent of Oregon's farm acreage.
- Clatsop County farms produced about \$5,325,000 worth of farm products in 1997, less than two-tenths of one percent of the state total, and less than any other County except one (Lincoln County).

The proposed exception area does not generate farm products or farm income. The site does not support crops or actively-managed pasture. If it were farmland, the subject property would represent less than one-tenth of one percent of the County's farmland.

Farm products are not grown on the proposed exception site for several reasons. Management of animal waste and controlling runoff in Clatsop County's rainy environment is more expensive than on competing sites. Distances to markets are greater than for competing sites in the Willamette Valley. The small size of the County's

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agricultural sector is linked to the lack of agricultural support services in the County. The lack of developed markets, storage facilities, processing plants, farm equipment and chemical suppliers, and transportation infrastructure in Clatsop County raises production costs relative to competing farms with these services close at hand. Nearby non-farm dwellings along Hillcrest Loop pose an additional constraint on many farm practices.

The *Soil Survey of Clatsop County, Oregon* classifies soils in the exception area as Knappa Variant loam. The *Soil Survey* assigns these soil types a Land Capability Class of 3 for the Knappa Variant soil. The Land Capability Classification System shows, in a general way, the suitability of soils for most kinds of field crops. Class 3 soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both.

The subject property is not needed to assure continued agricultural use on adjoining farm land: adjoining land is not in the EFU zone, nor is there any commercial-scale agriculture occurring on adjoining property.

Forestry: Land in the proposed exception area is not part of the forest land base of the County or the state, nor does it contribute to the forest products industry. Forest practices are not presently occurring on the proposed exception area, nor are they likely to occur in the future.

Knappa Variant loam is rated in the *Soil Survey of Clatsop County, Oregon*, and in *Land Evaluation of Forest Soils; Clatsop County, Oregon* for forest productivity. Knappa soils have a moderately high site index for Sitka spruce of 167.

In addition to limitation posed by soils, commercial timber production on the exception site is further limited by a small stream crossing the site in a south-to-north direction. Oregon Forest Practices Act regulations restrict harvesting within a riparian zone on both sides of the creek. Most of the site is not stocked with commercial tree species. Non-forest dwellings on adjoining land to the south and north restrict certain commercial forest operations, such as slash burning and pesticide application. The proposed exception area covers about ½ acre. This is too small to be managed for forestry on a commercial scale. Oregon requires an 80-acre minimum lot size for land divisions in forest zones (OAR 660-06-026(1)).

Public recreational opportunities associated with forest land (such as hiking, hunting, camping, fishing) are not present on the site. The proposed exception area is privately-owned, and public access for recreational opportunities is not available. The subject property is poorly suited for these activities. There are no developed recreational facilities on the exception site, such as trails, picnic areas, or campsites. There is no evidence that the proposed exception area could be successfully managed for forest recreational activities.

Unlike some forest lands, the proposed exception area is not managed for soil, air, water, fish or wildlife resources.

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Conclusion, OAR 660-04-20(2)(a): These reasons justify a decision to not apply the state policy embodied in the forest lands goal and the agricultural lands goal to the proposed exception area.

B. Areas which do not require a new exception cannot reasonably accommodate the use (OAR 660-04-20(2)(b))

Alternative areas for the rural residential uses planned for the exception site cannot reasonably accommodate these uses. These alternative areas, and the reasons for this conclusion, are described below.

Urban areas within the Astoria UGB: Rural residential uses planned for the subject property might be accommodated within the Astoria Urban Growth Boundary, located about ten miles west of the exception area. However, the UGB cannot reasonably accommodate rural residential uses for reasons explained in the following paragraphs. Rural residences fill a different need than do urban residences. Density is the key difference. Home-sites on the proposed exception area will be developed at a maximum density of one dwelling unit per two acres. Residential densities in the Astoria UGB are substantially greater, between four and twelve dwelling units per acre. Rural activities such as 4-H livestock projects are impractical in the Astoria UGB. The exception site is not in the same school district as residentially-zoned property in the Astoria UGB: the proposed exception site is in the Knappa School District.

Urban areas within the Knappa-Svensen Rural Community: Rural residential uses planned for the proposed exception area might be accommodated within the Knappa-Svensen Rural Residential Zone, beginning just a short distance northeast of the exception site along Hillcrest Loop. However, this area cannot reasonably accommodate uses planned for the proposed exception area. The KSRRCR zone allows smaller lot sizes than planned for the exception site (see LWDUO section 3.096(1)), and several uses not contemplated in the exception area, such as duplexes (section 3.092(1)).

The Existing Exception Area: Vacant buildable residential land exists in the existing exception area. According to the exception text adopted by Clatsop County in 1982, exception area # 49 (which includes rural residential land between Knappa and Svensen) has 835 parcels covering 4,032 acres. This proposed exception adds about ½ acre. The existing exception area includes 39 parcels larger than 20 acres. The proposed new exception area has characteristics lacking on other land already in the exception area; most importantly, it is owned by the applicant, and adjoins an existing family home.

C. Long-term environmental, economic, social and energy consequences (OAR 660-04-20(1)(c))

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The following criteria must be met in order to approve this exception:

The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts. These criteria are addressed in the following paragraphs.

Environmental Consequences:

The long-term environmental consequences resulting from the exception are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception. Facts supporting this conclusion are discussed below.

Water quality: Residential development within the proposed exception area is not likely to have significant water quality impacts because:

- All new development will be served by new DEQ-approved drainfields and septic tanks;
- Existing County regulations intended to control soil erosion (section S4.300 – S4.310) and to protect riparian areas (S4.237) help mitigate some of the water quality impacts of new development.

Air quality: Residential development within the proposed exception area is unlikely to have significant air quality impacts because:

- The exception area, like all other lands in Clatsop County, is not listed as a “non-

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attainment" area with respect to air quality standards by the Oregon Department of Environmental Quality.

- Air emissions from motor vehicle transportation associated with the exception area are the same as would be expected from other potential exception areas in the County. The proposed exception area is closer to Astoria and to commercial and educational facilities in the Knappa-Svensen Rural Community than other possible exception areas to the south and east, which may help minimize travel distances, and thus minimize transportation-related air emissions.

Fish and wildlife habitat: Residential development planned for the subject property is not likely to have significant impacts on fish or wildlife habitat because:

- Fish habitat may be present in the tributary to Little Creek that flows across the site. These resources are protected by the tentative design, which maintains riparian areas and avoids crossing the creek with access drives.
- Downstream aquatic resources include habitat for many fish species, including threatened or endangered salmon species. Potential down-slope water quality impacts can be minimized or avoided by following best management practices during and after construction, by requiring DEQ-approved drain-fields and septic tanks for new homes on the subject property, and by managing stormwater runoff.
- Wildlife habitat in the proposed exception area may be impacted by new residential development; but this impact is unlikely to be significantly greater than it would be in other potential exception areas because (1) the proposed exception area has not been identified as providing exceptional or significant habitat for any wildlife species; and (2) wildlife habitat in the proposed exception area is limited by existing development in the surrounding area.

Noise: Residential development planned for the proposed exception area may increase noise levels in the immediate vicinity, but this environmental impact is not likely to be significantly greater in the proposed exception area than it would be in alternative exception areas.

Other environmental consequences: There is no evidence that environmental impacts associated with solid waste disposal, toxic substances, or greenhouse gas emissions are substantially different at the proposed exception area as compared to any other alternative exception area.

Based on this information, the County can conclude that the long-term environmental consequences resulting from residential, commercial and industrial development in the proposed exception area are not significantly more adverse than would typically result from the same development being located in other areas requiring an exception.

Economic Consequences:

EXHIBIT B

The long-term economic consequences resulting from the exception are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception. Findings supporting this conclusion are discussed here.

Potential economic consequences of residential development in the proposed exception area include the following:

- Land values in the exception area may rise because the per-acre price of land zoned for agricultural or forest uses is less than the per-acre price of rural residential land, other factors being equal.
- Economic activity related to residential construction may increase as the property is developed. The impact is not expected to be large, as only one single-family dwelling would be developed.

Based on this, the County can conclude that the proposed exception's long-term economic consequences are not significantly different than would typically result from the same proposal being located in alternative areas requiring a goal exception.

Social Consequences:

The long-term social consequences resulting from the exception are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception. Findings supporting this conclusion are provided here.

Population growth: A new home is likely to be built on the proposed exception site as a result of this comprehensive plan amendment. This will result in another family living in the Knappa-Svensen area, and may result in some slight changes in the social setting in this community. This is unlikely to be significantly different than might be expected at other alternative exception areas because the Knappa-Svensen area already accommodates a relatively large rural residential population; the area is well-served by infrastructure and services needed to accommodate low-density rural residential development; and the area is close to schools, employment, and shopping. Additionally, new residential construction is subject to development standards that, to a limited extent, help minimize social disruption. Examples of these standards include yard setbacks and height limits.

Commercial activity: New commercial development is not planned for the proposed exception area. Existing commercial lands in Astoria and in the Knappa-Svensen rural community are sufficient to serve the immediate needs of the proposed development. Additional trade generated by the proposed development may have a slight positive impact on these existing commercial enterprises.

Industrial development: New industrial development is not planned for the exception area. The proposed exception, and subsequent development of the exception area, should have no appreciable impact on industrial development in Clatsop County.

EXHIBIT B

Loss of open space: The proposed exception will result in the loss of open space. The open space afforded by the subject property may provide social benefits to surrounding residents. There is no evidence that the proposed exception area provides this kind of social benefit to a significantly greater degree than do alternative exception areas. If this social consequence exists, it is likely to be roughly proportional to the number of surrounding property owners who benefit from adjoining vacant land. Some alternative exception sites, such as farm land on the Clatsop Plains, have substantially more passing traffic than does the proposed exception site. Other alternative exception sites may have less. In general, the site's open space value can't be preserved for the public without compensating the owner. Overall, there is no evidence that the proposed exception area will result in this kind of negative social consequence to a significantly greater degree than any other alternative exception area.

This information supports a conclusion that the long-term social consequences resulting from the exception are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception.

Energy Consequences:

Long-term energy consequences resulting from the proposed exception are not significantly worse than would typically result from the same proposal being located in other areas requiring a goal exception. This conclusion is supported by the following findings:

- No known energy resources (such as oil or gas fields, geothermal resources, hydroelectric generating capacity, or coal deposits) are located on the site.
- Energy consumption may change as a result of residential development. These uses typically consume more energy per acre than do low-intensity agricultural or forestry uses. However, this change is unlikely to be substantially greater than it would be at alternative exception areas.
- Energy distribution requirements may change as a result of development within the proposed exception area, but the change is likely to be relatively minor. There is no evidence that the proposed exception area is significantly worse with respect to energy transmission than any other potential exception area.
- Waste products resulting from energy production are unlikely to be more difficult to manage as a result of the proposed exception than would be the case if an alternative exception site were chosen.
- Opportunities for wind energy generation on the site may be foregone as a result of the exception. There is no evidence that the proposed exception site is particularly well-suited for wind energy development.

These facts support a conclusion that long-term energy consequences resulting from the proposed exception are not significantly more adverse than would typically result from the

EXHIBIT B

same proposal being located in other areas requiring a goal exception.

Conclusion -- Long-term environmental, economic, social and energy consequences:

Findings on preceding pages support a conclusion that long-term environmental, economic, social and energy consequences resulting from the uses allowed within the proposed exception on the subject property are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception.

D. Compatibility with adjacent uses (OAR 660-04-05(1)(d))

OAR 660-04-20(2)(d) reads as follows:

The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

Proposed uses on the proposed exception area are those listed in the RA2 zone:

- Single-family dwelling (LWDUO section 3.204(1) and (2))
- Limited home occupation (3.204(3))
- Minor utilities (3.204(4))
- Farm use (3.204(5))
- Roadside stand for farm products grown on the premises (3.204(6))
- Forestry (3.204(7))
- Low intensity recreation (3.204(8))
- Public or private neighborhood park or playground (3.204(9))
- Horticultural nursery (3.204(10))
- Cluster developments (3.204(11))
- Duplex (3.204(12))
- Temporary uses (3.204(13))
- Handicapped housing facility (3.204(14))
- Health hardship dwelling (3.204(15))
- Communication facilities (3.204(17))
- Public/semi-public development (3.207(1))
- Utilities necessary for public service (3.207(2))
- Extraction, processing, and stockpiling of subsurface materials (3.207(3))

EXHIBIT B

- Dog kennel (3.207(4))
- Airport (3.207(5))
- Public or private recreation (3.207(6))
- Home occupation (3.207(7))
- Veterinary clinic (3.207(8))
- Golf course (3.207(9))
- Golf driving range (3.207(10))
- Campground, primitive (3.207(11))
- Boat ramps (3.207(12))
- Bed and breakfast establishment (3.207(14))

Single-family residences are the primary use intended for the exception area. Some of the potential uses listed above and allowed in the RA2 zone won't be developed on the site. For example, it is too small for an airport or golf course; it lacks access to navigable water needed for a boat ramp. Some uses listed above do not require a goal exception: agriculture or forestry; a primitive campground; low-intensity recreation.

Adjacent uses include rural residences to the south, southeast, and east. Planned uses in the proposed exception area are generally compatible with existing and planned uses on adjoining lands for the following reasons:

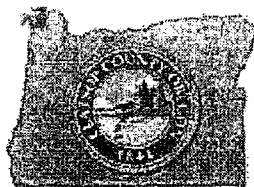
Adjacent forest use: Adjoining land to the north and west is zoned AF, a forestry zone. However, this land is not in commercial forest use, and is instead used as low-intensity pasture. The proposed exception will allow rural residential uses on the exception site. A logging road passes the exception area on the east. Log trucks are relatively commonplace in the Knappa-Svensen area, and rural residents are generally used to the noise associated with log trucks.

Adjoining residential use: The proposed rural residential uses adjoin existing rural residences in the RA2 zone. Compliance with setbacks and other development standards will mitigate potential incompatibility between residential uses.

Conclusion: Compatibility with adjacent uses Clatsop County finds that proposed rural residential uses planned for the exception site are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.



Exhibit C



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EXHIBIT C

Exception to Goal 14 for a Portion of Tax Lot 8-7-30-2200

1. Summary

This document contains an exception to statewide planning goal 14 for a portion of tax lot 8-7-30-2200. Also included in this document are findings justifying the exception. Tax lot 2200 covers about 20 acres. The proposed exception area is about ½ acre. Tax lot 2200 is currently in a Conservation Forest Lands plan designation in the County's Comprehensive Plan, and in the AF zone. This exception is part of an amendment package that will change the zoning and comprehensive plan designation on a ½ acre portion of tax lot 2200 to Rural Lands/RA2. Adjoining land to the south, southwest, and east was included in an exception to goals 3 and 4, adopted by Clatsop County in 1982.

Exceptions to the statewide planning goals are governed by ORS 197.732, OAR 660-04, and statewide planning goal 2. This document includes findings as required under these statutes and administrative rules. The exception area is shown on the attached map.

2. Exception Requirements

A. Statewide Planning Goals

This exception is taken to statewide planning goal 14:

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

More specifically, the exception is taken to the rural residential density requirements in OAR 660-004-0040. Exceptions to goal 14 are authorized under OAR 660-04-10(1)(c):

*660-004-0010. Application of the Goal 2 Exception Process to Certain Goals
(1) The exceptions process is not applicable to Statewide Goal 1 "Citizen Involvement" and Goal 2 "Land Use Planning." The exceptions process is generally applicable to all or part of those statewide goals which prescribe or restrict certain uses of resource land or limit the provision of certain public facilities and services. These statewide goals include but are not limited to:*

(c) Goal 14 "Urbanization" as provided for in OAR chapter 660, division 14 and the applicable paragraph (1)(c)(A), (B) or (C) of this rule:

EXHIBIT C

- (A) An exception is not required for the establishment of an urban growth boundary around or including portions of an incorporated city;*
- (B) When a local government changes an established urban growth boundary applying Goal 14 as it existed prior to the amendments adopted April 28, 2005, it shall follow the procedures and requirements set forth in Goal 2 "Land Use Planning," Part II, Exceptions. An established urban growth boundary is one which has been acknowledged by the Commission under ORS 197.251, 197.625 or 197.626. Revised findings and reasons in support of an amendment to an established urban growth boundary shall demonstrate compliance with the seven factors of Goal 14 and demonstrate that the following standards are met:*
- (i) Reasons justify why the state policy embodied in the applicable goals should not apply (This factor can be satisfied by compliance with the seven factors of Goal 14);*
 - (ii) Areas which do not require a new exception cannot reasonably accommodate the use;*
 - (iii) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and*
 - (iv) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.*
- (C) When a local government changes an established urban growth boundary applying Goal 14 as amended April 28, 2005, a goal exception is not required unless the local government seeks an exception to any of the requirements of Goal 14 or other applicable goals;*

The proposed exception area may include resources and features under one or more of the other statewide planning goals. This goal exception does not exempt tax lot 2200 from the requirements of these other statewide planning goals. Proposed goal findings are included with the amendment request in a separate document.

B. Exception Criteria

An exception is a decision to exclude land from the requirements of one or more applicable statewide planning goals. Exceptions are authorized under ORS 197.732, OAR 660-04, and statewide planning goal 2. Exception requirements are described below.

Oregon Revised Statutes (ORS) 197.732(1) establishes three different types of exceptions: physically developed (ORS 197.732(1)(a)); irrevocably committed (ORS 197.732(1)(b)); and reasons (ORS 197.732(1)(c)). This exception is a reasons exception. ORS 197.732(1)(c) establishes requirements for a reasons exception:

- (1) A local government may adopt an exception to a goal if:*

EXHIBIT C

(c) *The following standards are met:*

(A) *Reasons justify why the state policy embodied in the applicable goals should not apply;*

(B) *Areas which do not require a new exception cannot reasonably accommodate the use;*

(C) *The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and*

(D) *The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.*

Statewide planning goal 2 establishes requirements for exceptions. Part II(c) of goal 2 is applicable to a reasons exception, and is identical to ORS 197.732(1)(c), cited above. Oregon Administrative Rules (OAR) chapter 660, division 4, establishes rules for exceptions. OAR 660-04-000(2) and OAR 660-04-05(1) provide general definitions of an exception:

An exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals in accordance with the process specified in Goal 2, Part II, Exceptions. The documentation for an exception must be set forth in a local government's comprehensive plan. Such documentation must support a conclusion that the standards for an exception have been met. The conclusion shall be based on findings of fact supported by substantial evidence in the record of the local proceeding and by a statement of reasons which explain why the proposed use not allowed by the applicable goal should be provided for. The exceptions process is not to be used to indicate that a jurisdiction disagrees with a goal. (OAR 660-04-000(2))

An "Exception" is a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that: (a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability; (b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and (c) Complies with the provisions of this Division. (OAR 660-04-05(1))

OAR 660-04-20(2) sets detailed requirements for a reasons exception. OAR 660-04-22 lists reasons needed to justify an exception under goal 2, part II(c). These requirements are addressed in the following sections.

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3. Findings

A. Reasons justify why the state policy embodied in the applicable goals should not apply (OAR 660-04-20(2)(a))

This section sets forth the facts and assumptions for determining that state policy embodied in goal 14 should not apply to the exception area. This section also explains why the proposed uses require this location. The exception area includes about ½ acre on tax lot 8-7-30-2200, as shown on the attached map.

There are several reasons why the goal 14 lot size policy should not apply to the proposed exception area. The subject property will allow an existing substandard (in terms of lot size) area of RA2 zoning to be developed with a rural residence under current lot size requirements. A larger or smaller exception area would not accomplish the goal of establishing a single rural home site using the existing RA2-zoned land. A different exception area would not allow the existing RA2-zoned land to be used. The proposed exception does not allow the establishment of urban uses or densities on tax lot 2200.

Conclusion, OAR 660-04-20(2)(a): These reasons justify a decision to not apply the state policy embodied in goal 14 to the proposed exception area.

B. Areas which do not require a new exception cannot reasonably accommodate the use (OAR 660-04-20(2)(b))

Alternative areas for the rural residential uses planned for the exception site cannot reasonably accommodate these uses. These alternative areas, and the reasons for this conclusion, are described below.

Urban areas within the Astoria UGB: Rural residential uses planned for the subject property might be accommodated within the Astoria Urban Growth Boundary, located about ten miles west of the exception area. However, the UGB cannot reasonably accommodate rural residential uses for reasons explained in the following paragraphs. Rural residences fill a different need than do urban residences. Density is the key difference. Home-sites on the proposed exception area will be developed at a maximum density of one dwelling unit per two acres. Residential densities in the Astoria UGB are substantially greater, between four and twelve dwelling units per acre. Rural activities such as 4-H livestock projects are impractical in the Astoria UGB. The exception site is not in the same school district as residentially-zoned property in the Astoria UGB: the proposed exception site is in the Knappa School District.

Urban areas within the Knappa-Svensen Rural Community: Rural residential uses planned for the proposed exception area might be accommodated within the Knappa-Svensen Rural

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Residential Zone, beginning just a short distance northeast of the exception site along Hillcrest Loop. However, this area cannot reasonably accommodate uses planned for the proposed exception area. The KSRCR zone allows smaller lot sizes than planned for the exception site (see LWDUO section 3.096(1)), and several uses not contemplated in the exception area, such as duplexes (section 3.092(1)).

The Existing Exception Area: Vacant buildable residential land exists in the existing exception area. According to the exception text adopted by Clatsop County in 1982, exception area # 49 (which includes rural residential land between Knappa and Svensen) has 835 parcels covering 4,032 acres. This proposed exception adds about ½ acre. The existing exception area includes 39 parcels larger than 20 acres. The proposed new exception area has characteristics lacking on other land already in the exception area; most importantly, it is owned by the applicant, and adjoins an existing family home.

C. Long-term environmental, economic, social and energy consequences (OAR 660-04-20(1)(c))

The following criteria must be met in order to approve this exception:

The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts. These criteria are addressed in the following paragraphs.

Environmental Consequences:

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The long-term environmental consequences resulting from the exception are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception. Facts supporting this conclusion are discussed below.

Water quality: Residential development within the proposed exception area is not likely to have significant water quality impacts because:

- All new development will be served by new DEQ-approved drainfields and septic tanks;
- Existing County regulations intended to control soil erosion (section S4.300 – S4.310) and to protect riparian areas (S4.237) help mitigate some of the water quality impacts of new development.

Air quality: Residential development within the proposed exception area is unlikely to have significant air quality impacts because:

- The exception area, like all other lands in Clatsop County, is not listed as a “non-attainment” area with respect to air quality standards by the Oregon Department of Environmental Quality.
- Air emissions from motor vehicle transportation associated with the exception area are the same as would be expected from other potential exception areas in the County. The proposed exception area is closer to Astoria and to commercial and educational facilities in the Knappa-Svensen Rural Community than other possible exception areas to the south and east, which may help minimize travel distances, and thus minimize transportation-related air emissions.

Fish and wildlife habitat: Residential development planned for the subject property is not likely to have significant impacts on fish or wildlife habitat because:

- Fish habitat may be present in the tributary to Little Creek that flows across the site. These resources are protected by the tentative design, which maintains riparian areas and avoids crossing the creek with access drives.
- Downstream aquatic resources include habitat for many fish species, including threatened or endangered salmon species. Potential down-slope water quality impacts can be minimized or avoided by following best management practices during and after construction, by requiring DEQ-approved drain-fields and septic tanks for new homes on the subject property, and by managing stormwater runoff.
- Wildlife habitat in the proposed exception area may be impacted by new residential development; but this impact is unlikely to be significantly greater than it would be in other potential exception areas because (1) the proposed exception area has not been identified as providing exceptional or significant habitat for any wildlife species; and (2) wildlife habitat in the proposed exception area is limited by existing development in the surrounding area.

EXHIBIT C

Noise: Residential development planned for the proposed exception area may increase noise levels in the immediate vicinity, but this environmental impact is not likely to be significantly greater in the proposed exception area than it would be in alternative exception areas.

Other environmental consequences: There is no evidence that environmental impacts associated with solid waste disposal, toxic substances, or greenhouse gas emissions are substantially different at the proposed exception area as compared to any other alternative exception area.

Based on this information, the County can conclude that the long-term environmental consequences resulting from residential, commercial and industrial development in the proposed exception area are not significantly more adverse than would typically result from the same development being located in other areas requiring an exception.

Economic Consequences:

The long-term economic consequences resulting from the exception are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception. Findings supporting this conclusion are discussed here.

Potential economic consequences of residential development in the proposed exception area include the following:

- Land values in the exception area may rise because the per-acre price of land zoned for agricultural or forest uses is less than the per-acre price of rural residential land, other factors being equal.
- Economic activity related to residential construction may increase as the property is developed. The impact is not expected to be large, as only one single-family dwelling would be developed.

Based on this, the County can conclude that the proposed exception's long-term economic consequences are not significantly different than would typically result from the same proposal being located in alternative areas requiring a goal exception.

Social Consequences:

The long-term social consequences resulting from the exception are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception. Findings supporting this conclusion are provided here.

Population growth: A new home is likely to be built on the proposed exception site as a result of this comprehensive plan amendment. This will result in another family living

EXHIBIT C

in the Knappa-Svensen area, and may result in some slight changes in the social setting in this community. This is unlikely to be significantly different than might be expected at other alternative exception areas because the Knappa-Svensen area already accommodates a relatively large rural residential population; the area is well-served by infrastructure and services needed to accommodate low-density rural residential development; and the area is close to schools, employment, and shopping. Additionally, new residential construction is subject to development standards that, to a limited extent, help minimize social disruption. Examples of these standards include yard setbacks and height limits.

Commercial activity: New commercial development is not planned for the proposed exception area. Existing commercial lands in Astoria and in the Knappa-Svensen rural community are sufficient to serve the immediate needs of the proposed development. Additional trade generated by the proposed development may have a slight positive impact on these existing commercial enterprises.

Industrial development: New industrial development is not planned for the exception area. The proposed exception, and subsequent development of the exception area, should have no appreciable impact on industrial development in Clatsop County.

Loss of open space: The proposed exception will result in the loss of open space. The open space afforded by the subject property may provide social benefits to surrounding residents. There is no evidence that the proposed exception area provides this kind of social benefit to a significantly greater degree than do alternative exception areas. If this social consequence exists, it is likely to be roughly proportional to the number of surrounding property owners who benefit from adjoining vacant land. Some alternative exception sites, such as farm land on the Clatsop Plains, have substantially more passing traffic than does the proposed exception site. Other alternative exception sites may have less. In general, the site's open space value can't be preserved for the public without compensating the owner. Overall, there is no evidence that the proposed exception area will result in this kind of negative social consequence to a significantly greater degree than any other alternative exception area.

This information supports a conclusion that the long-term social consequences resulting from the exception are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception.

Energy Consequences:

Long-term energy consequences resulting from the proposed exception are not significantly worse than would typically result from the same proposal being located in other areas requiring a goal exception. This conclusion is supported by the following findings:

- No known energy resources (such as oil or gas fields, geothermal resources,

EXHIBIT C

- hydroelectric generating capacity, or coal deposits) are located on the site.
- Energy consumption may change as a result of residential development. These uses typically consume more energy per acre than do low-intensity agricultural or forestry uses. However, this change is unlikely to be substantially greater than it would be at alternative exception areas.
- Energy distribution requirements may change as a result of development within the proposed exception area, but the change is likely to be relatively minor. There is no evidence that the proposed exception area is significantly worse with respect to energy transmission than any other potential exception area.
- Waste products resulting from energy production are unlikely to be more difficult to manage as a result of the proposed exception than would be the case if an alternative exception site were chosen.
- Opportunities for wind energy generation on the site may be foregone as a result of the exception. There is no evidence that the proposed exception site is particularly well-suited for wind energy development.

These facts support a conclusion that long-term energy consequences resulting from the proposed exception are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception.

Conclusion – Long-term environmental, economic, social and energy consequences:

Findings on preceding pages support a conclusion that long-term environmental, economic, social and energy consequences resulting from the uses allowed within the proposed exception on the subject property are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception.

D. *Compatibility with adjacent uses* (OAR 660-04-05(1)(d))

OAR 660-04-20(2)(d) reads as follows:

The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

Proposed uses on the proposed exception area are those listed in the RA2 zone:

EXHIBIT C

- Single-family dwelling (LWDUO section 3.204(1) and (2))
- Limited home occupation (3.204(3))
- Minor utilities (3.204(4))
- Farm use (3.204(5))
- Roadside stand for farm products grown on the premises (3.204(6))
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- Temporary uses (3.204(13))
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- Communication facilities (3.204(17))
- Public/semi-public development (3.207(1))
- Utilities necessary for public service (3.207(2))
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- Veterinary clinic (3.207(8))
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- Campground, primitive (3.207(11))
- Boat ramps (3.207(12))
- Bed and breakfast establishment (3.207(14))

Single-family residences are the primary use intended for the exception area. Some of the potential uses listed above and allowed in the RA2 zone won't be developed on the site. For example, it is too small for an airport or golf course; it lacks access to navigable water needed for a boat ramp. Some uses listed above do not require a goal exception: agriculture or forestry; a primitive campground; low-intensity recreation.

Adjacent uses include rural residences to the south, southeast, and east. Planned uses in the proposed exception area are generally compatible with existing and planned uses on adjoining lands for the following reasons:

Adjacent forest use: Adjoining land to the north and west is zoned AF, a forestry zone. However, this land is not in commercial forest use, and is instead used as low-intensity pasture. The proposed exception will allow rural residential uses on the exception site. A logging road passes the exception area on the east. Log trucks are relatively commonplace in the Knappa-Svensen area, and rural residents are generally used to the noise associated with log trucks.

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Adjoining residential use: The proposed rural residential uses adjoin existing rural residences in the RA2 zone. Compliance with setbacks and other development standards will mitigate potential incompatibility between residential uses.

Conclusion: Compatibility with adjacent uses Clatsop County finds that proposed rural residential uses planned for the exception site are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.



Exhibit A

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

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



**“Exhibit A”
Staff Report**

February 27, 2009

OWNER: Corey Eisenbarth
42301 hillcrest Loop
Astoria, OR 97103

APPLICANT: Mark Barnes
PO Box 569
Astoria, OR 97103

REQUEST: The Applicant requests a Zoning Map Amendment from Agricultural Forestry (AF) to Residential Agriculture-2 (RA2), a Comprehensive Plan Text Amendment, and a Goal Exceptions to Statewide Planning Goals 3, 4, and 14.

PROPERTY: T8N, R7W, Section 30, Tax Lot 2200

SIZE: Approximately 22 acres / Proposal will Rezone ¼ to ½ of an Acre.

LOCATION: The Property is located north of Hillcrest Loop about a mile east of the Koppisch Road and Hillcrest Loop intersection.

ZONING: AF – Agricultural Forestry / Residential Agriculture 2

COUNTY STAFF REVIEWERS: Michael J. Weston II, Planner

STAFF

RECOMMENDATION: **CONDITIONAL APPROVAL**

EXHIBITS:

- 1: Comments
- 2: Public Notices
- 3: Zone Map Change & Comp Plan Amendment Application Materials
- 4: Goal Exception Application Materials
- 5: OAR 660 Div 4
- 6: ORS 197.732
- 7: Site Photos

I. BACKGROUND

On May 14, 2008, Mark Barnes, on behalf of property owner Corey Eisenbarth, submitted to Clatsop County Transportation and Development Services an applications for a comprehensive plan text amendment, zoning map amendment, and associated goal exceptions for a 20 plus acre unit of land located north of Hillcrest Loop about a mile east of the Koppisch Road - Hillcrest Loop intersection (See maps below). The applicant proposes changing a portion of the property's zoning from Agricultural Forestry, [80 acre minimum] to Residential Agriculture-2 {two-acre minimum lot size}. The applicant also seeks a Comprehensive Plan Text Amendment and exceptions to Statewide Planning Goals 3 (Agriculture), 4 (Forestry) & 14 (Urbanization) pursuant to Oregon Administrative Rules (OAR) Chapter 660 Division 4 and Oregon Revised Statute (ORS) 197.732.

This proposal will grant the applicant the ability to satisfy the criteria (minimum lot size) for partitioning a two-acre lot on the northeast corner of the property. Currently the property has mixed zoning with approximately 1¾ acres zoned Residential Agricultural 2 and approximately 20 acres zoned Agriculture Forestry.

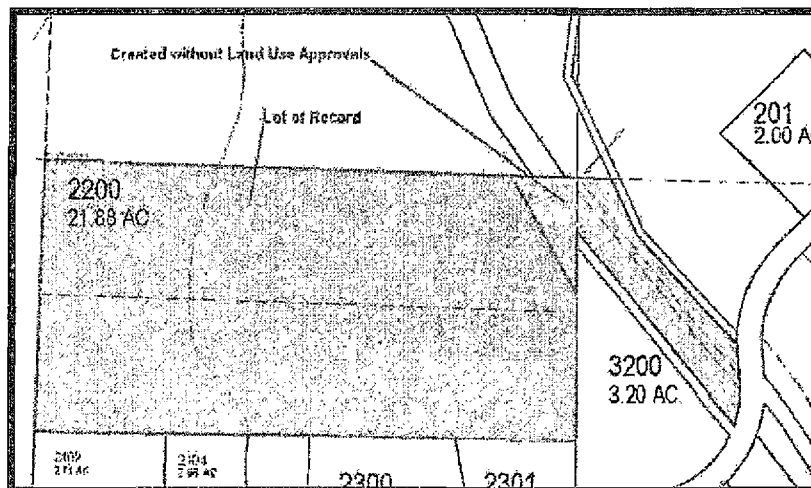
The applicant had originally proposed to rezone the entire 20 plus acres to RA-2, but after conversations with local and state representative the proposal was modified to satisfy the exception & zone change criteria. The current plan is reflected throughout this document.

II. PROPERTY STATUS AND CONDITIONS

Lot of Record Status:

Part 1:

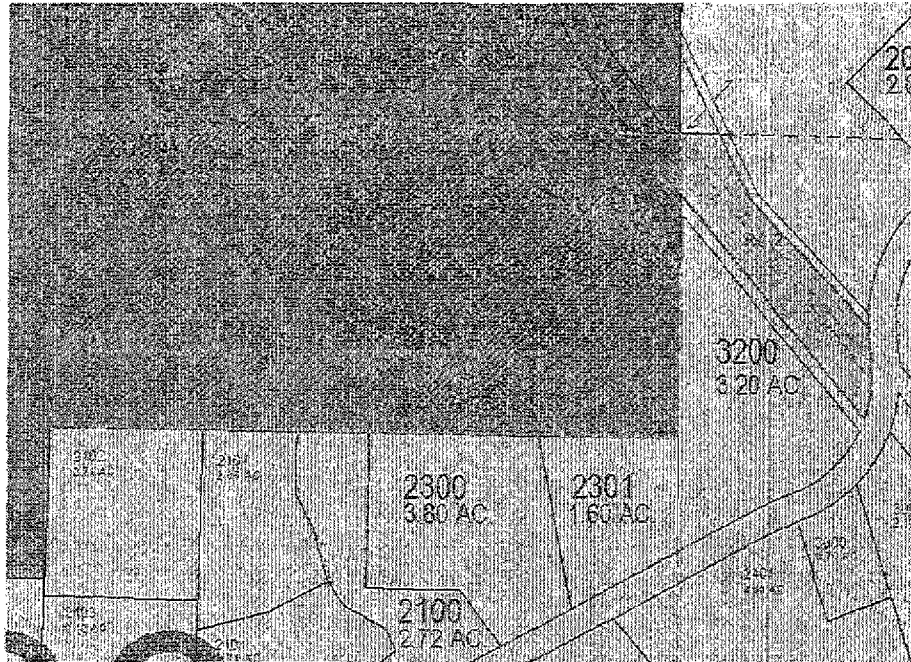
The subject property (T8N, R07W, Sec30, TL 2200) was created by the recording of a deed with the Clatsop County Clerk on December 6, 1939 (Clatsop County Deed Records Volume 150, Pages 333). However, in 2007 multiple deeds were recorded between Larry Eisenbarth, Agency Creek Management, & Toni & Lisa Middleton; that created new parcels of property without benefit of land use approval. The result was the creation of substandard parcels some of which comprise T8N, R07W, Sec30, TL 2200. In its current configuration, the entirety of T8N, R07W, Sec30, TL 2200 does not meet the definition of a “Lot-of-Record” as identified in LWDUO §1.030. However, the original parcel created by deed on December 6, 1939 (identified by the map below) does meet the definition in §1.030. *Refer to Map #1 below.*



Map #1

Part 2:

Clatsop County records indicate that Max Kelly owned TL# 2200 on March 28, 1997; the effective date of Clatsop County Ordinance #97-3, that established the current minimum lot size for AF zoning. Contiguous substandard lots were not owned in common. Therefore, the parcel identified in Clatsop County Deed Records, Bk 150, Page 333 is considered a “land use lot-of-record”. The property acquired in 2007 and combined with tax lot 2200 is not considered part of the “land use lot-of-record”. *Refer to Map #2 below.*



Map #2

In Sum, only that portion of T8N, R07W, Sec30, TL 2200, zoned AF and described in Clatsop County Deed Records, Bk 150, Pg 333 is considered a land use lot of record. In 2007, multiple deeds were recorded that created substandard parcels of land which were then combined with TL 2200. This action, the partitioning of land without benefit of land use approvals from Clatsop County, may encumber the entire property in regard to future land use approvals and actions. The proposed actions will clear the title and allow the applicant to establish two land use lots of record, presuming a partition is applied for and granted.

III. SUMMARY OF STAFF CONCLUSIONS

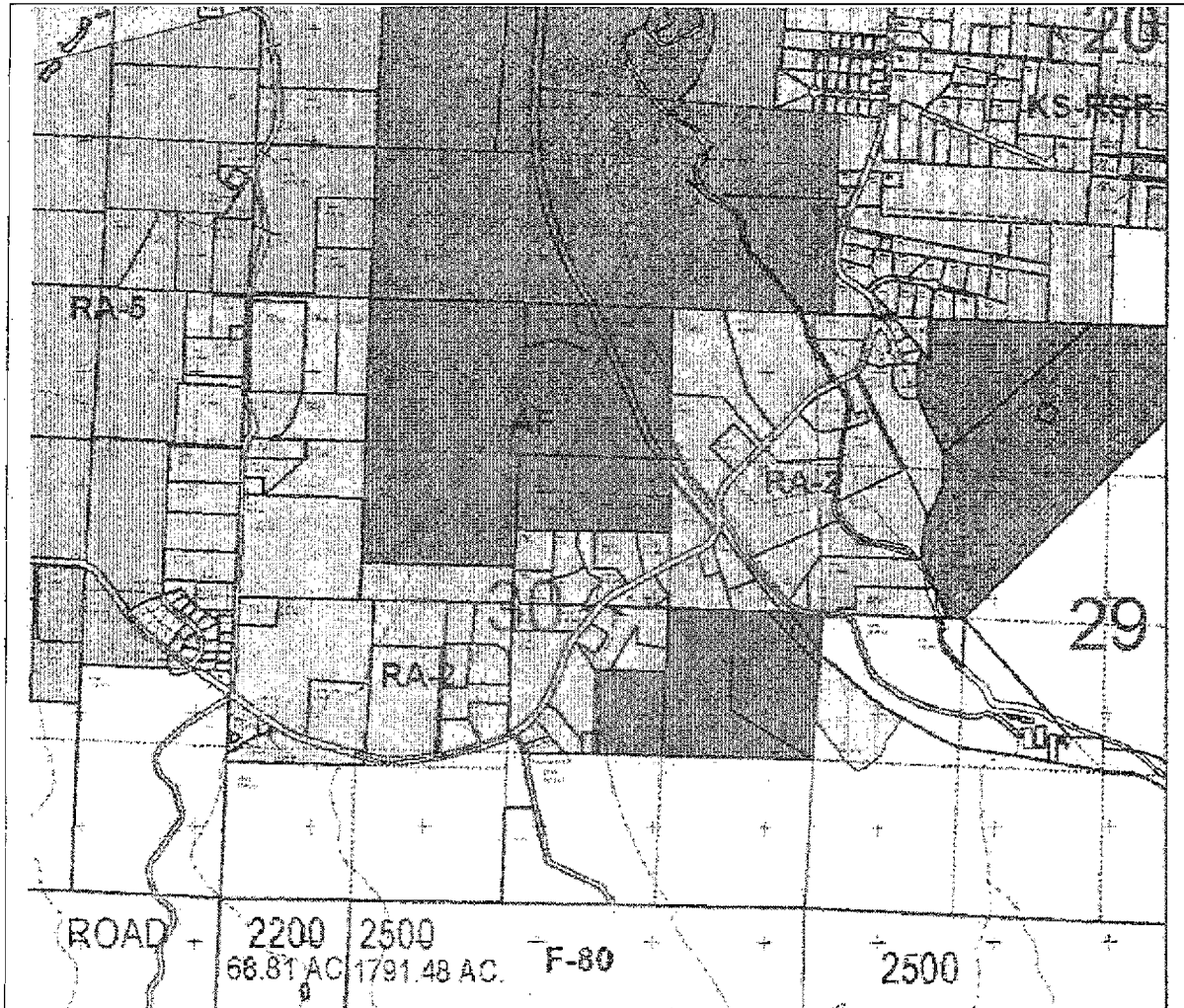
This report is lengthy and complex. It contains a variety of staff analyses and findings, maps, technical information, policies, approval criteria, and many exhibits. The following table lists the main criteria that apply to the request, a summary of staff's conclusions pertaining to each criterion,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

| Table 1. Summary of Criteria and Staff Conclusions | | |
|---|--|----------------|
| Criterion | Staff Conclusions | Page(s) |
| Zone Change Criterion No. 1 – Consistency with Comprehensive Plan | Consistent with Goal Exceptions | 7-20 |
| Goal 1 Element – Citizen Involvement | Satisfied. | 7 |
| Goal 2 Element – Land Use Planning | Consistent with Goal Exceptions | 7-8 |
| Goal 3 Elements – Agriculture Lands | Goal Exception Required (+Condition) | 8-10 |
| Goal 4 Elements – Forest Lands | Goal Exception Required (+Condition) | 10-14 |
| Goal 5 Element – Open Spaces, Scenic, Historic & Natural Resources | Satisfied. With Condition of Approval. | 14 |
| Goal 6 Element – Air, Water & Land | Satisfied. | 14 |
| Goal 7 Element – Natural Hazards | Satisfied. | 14 -15 |
| Goal 8 Element - Recreation | Satisfied. | 15 |
| Goal 9 Element - Economy | Satisfied. | 15 |
| Goal 10 Element – Population and Housing | Satisfied. | 15 |
| Goal 11 Element – Public Facilities | Shall be satisfied by complying with LWCUO 80-14 . | 16 |
| Goal 12 Element - Transportation | Satisfied. | 16 |
| Goal 13 Element - Energy | Satisfied. | 16 |
| Goal 14 Element - Urbanization | Goal Exception Required | 16-19 |
| Goal 16 & 17 Elements – Shorelands | Satisfied. | 19 |
| Goal 18 Element – Beach and Dunes | Satisfied. | 20 |
| Northeast Community Plan Element | Satisfied. | 20 |
| Zone Change Criterion No. 2 – Consistency with Statewide Plan Goals | Can be satisfied with proposed modifications | 20 |
| Zone Change Criterion No. 3 – Adequacy of Public Facilities and Services | Satisfied with Conditions | 21 |
| Zone Ch. Criterion No. 4 - Transportation | Satisfied. | 21 |
| Zone Ch. Criterion No. 5 - Compatibility | Can be satisfied with proposed modification. | 21-22 |
| Zone Ch. Criterion No. 6 - Suitability | Satisfied | 22 |
| Zone Ch. Criterion No. 7 - Appropriate | Can be Satisfied with Proposed Modification. | 22-23 |
| Zone Ch. Criterion No. 8 - Health/Welfare | Can be Satisfied with Proposed Modifications. | 23 |
| Goal Exception Criteria Goal 3 | Can be Satisfied with Proposed Modifications. | 24-29 |
| Goal Exception Criteria Goal 4 | Can be Satisfied with Proposed Modifications. | 29-31 |
| Goal Exception Criteria Goal 14 | Can be Satisfied with Proposed Modifications | 32 |
| Comprehensive Text Amendment | Satisfied | 33-34 |
| Conclusion | Findings Need Modification before adoption. | 35 |
| Conditions | Proposed | 36 |

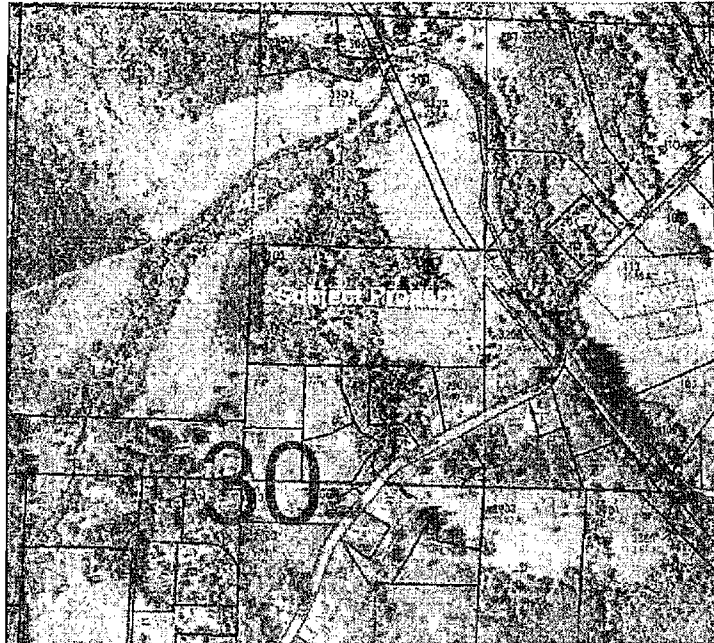
IV. NEIGHBORHOOD CONDITIONS

The neighborhood and surrounding areas are comprised of remote forest, park, and rural areas. Rural Residences are located to the south of the subject property & Forest and Parklands surround the property on three sides.

Map 3. Area Zoning



Map 2. Neighborhood Conditions



The area consists predominately of rural residences and mixed farm-forest lands. Most residences are located along the dominant service roads; larger farm and forest plots are located just beyond the initial residential developments.

V. 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.

Additional criteria relating to the applicant's request for Clatsop County to adopt an exception to Statewide Planning Goals 4 (Forestry) & 14 (Urbanization) are contained in Oregon Administrative Rule Chapter 660 Division 4 (attached; Exhibit 5) and Oregon Revised Statute 197.732 (attached; Exhibit 6).

VI. EVALUATION OF APPLICATION

As part of its land use application (attached, Exhibit 3), the applicant evaluates the application against the applicable criteria of LWDUO § 5.412 and offers findings of fact for the county's consideration. In the following sections, staff examines the application versus the eight applicable criteria of LWDUO § 5.412 (1)-(8) and proposes findings of fact for the Planning Commission's review and consideration. Proposed findings pertaining to the Goal Exception aspect of this application begin on page 24 of this report.

Zone Change Criterion No. 1: LWDUO §5.412(1) - Consistency with Comprehensive Plan

Consistency with the comprehensive plan is discussed in full detail in the applicant's findings and appended to this document as "EX - 3C". In order to avoid repetition the following section will analyze those findings for consistency and where appropriate offer modifications if necessary.

Comprehensive Plan, Goal 1 element – Citizen Involvement Analysis:

Finding of Fact:

The Applicant's findings as discussed in "EX - 3C" satisfactorily address the applicable citizen involvement policies of the Goal 1 element of the Clatsop County Comprehensive Plan.

Comprehensive Plan, Goal 2 element – Land Use Planning Analysis:

The County's Comprehensive Plan implements Statewide Planning Goal 2, in addition Statewide Planning Goal 2 establishes the process for taking exceptions to Goals 3, 4 and 14, which are required when processing this request. The exception to Goals 3 & 4 is necessary to change the zoning from AF and allow non-forest uses or change the comprehensive plan to "Rural Lands" (see below for "Rural Lands" description). The exception to Goal 14 is required in accordance with the new interpretations of the Goal 2 Exception Process as Amended by LCDC in January of 2008. The interpretation is contained in Exhibit 5 and stated for reference below.

(i) For rural residential areas designated after the effective date of this rule (January 2008), the affected County shall either:

- (A) Require that any new lot or parcel have an area of at least ten acres, or*
- (B) Establish a minimum size of at least two acres for new lots or parcels in accordance with the requirements for an exception to Goal 14 in OAR chapter 660, Division 014. The minimum lot size adopted by the county shall be consistent with OAR 660-004-0018, "Planning and Zoning for Exception Areas."*

Staff proposes the following amendments to the applicant's findings to ensure conformance:

Amend "EX - 3C" Page 4 (¶ 1) to read:

The "Designation of Rural Lands" policy is applicable because the proposal places approximately ¼ up to ½ of an acre in the Rural lands plan designation. The policy does not establish a clear line between rural lands and other lands. Instead, "general" guidance is provided. Adding ¼ to ½ an acre to the Residential Agriculture 2 Zone on this parcel will create approximately 2 acres of land zoned Residential Agriculture 2, this proposal then satisfies criteria B above as well as the minimum lot size as established in Clatsop County's Land Water Development and Use Ordinance 80-14. The area is characterized by a pattern of small lots. The assessment and taxation maps for the subject _____

Comprehensive Plan, Goal 3 element – Agricultural Lands

The applicant addresses the agricultural lands policy in "EX - 3C" & "EX - 3B". Staff concurs with the applicants combined findings with one exception, the land is zoned Agriculture Forestry (Mixed Farm Forest) as such agricultural policies would apply despite the comprehensive plan designation (Conservation Forest Lands). The applicant has proposed an exception to Goal 3 in accordance with ORS 197.732, OAR 660-04, and Statewide Planning Goal 2. Compliance with those criteria will be addressed later in this report.

Staff proposes the following amendments to the applicant's findings to ensure conformance:

Amend "EX - 3C" with the following analysis & findings:

The land is currently designated Agriculture - Forest therefore the following elements of the Clatsop County's Comprehensive plan, Goal 3 element apply to this request:

Goal 3 - Agricultural Lands

Goal

To preserve and maintain agricultural lands.

Policies

1. The County shall provide areas for the continued practice of agriculture and permit the establishment of only those new uses, which are compatible with agriculture activities.

The subject property is currently zoned for mixed farm & forest practices. The applicant in an effort to avoid the policies established through the Goal 3 element is requesting a goal exception to this particular element. See "Goal Exception" Criteria For Analysis.

2. Existing farming communities which constitute the mainstay of the agricultural economy in the County shall be preserved by Exclusive Farm Use (EFU) zoning.

This property is not zoned exclusive farm use; this proposal will have a minimal effect on the agricultural economy.

3. The County shall encourage the consolidation of EFU land into large efficient farm units.

The consolidation of these lands would result in a 22-acre agricultural plot. The site would be suitable for grazing, rangeland, and forestlands.

4. All divisions of EFU land shall be reviewed by the County for compatibility with the Agricultural Goals of the State and County policies.

This site is not zoned EFU. Furthermore the applicant in an effort to avoid the policies established through the Goal 3 element is requesting a goal exception to this particular element. See "Goal Exception" Criteria For Analysis.

5. Non-farm uses permitted on EFU land shall be minimized to allow for maximum agricultural productivity.

This site is not zoned EFU. The applicant in an effort to avoid the policies established through the Goal 3 element is requesting a goal exception to this particular element. See "Goal Exception" Criteria For Analysis.

6. Agricultural land, which also meets the criteria for forestland, and which is primarily utilized for livestock grazing or forestry in sufficient parcel size, shall be conserved for forest uses.

The applicant has met this Criterion by requesting the smallest possible exception that will allow them to meet both *Farm Forest* criteria and *Rural Land* criteria. Furthermore the applicant is requesting a goal exception to this particular element. See "Goal Exception" Criteria For Analysis.

7. The County shall encourage the division of underutilized agriculture land into small tracts to maximize the potential for part-time hobby farms where large farms are impractical or where the area is determined to be committed to other uses.

This criterion is satisfied with this proposal by leaving the bulk of the property in the Agriculture Forestry Zone. Furthermore the applicant is requesting a goal exception to this particular element. See "Goal Exception" Criteria For Analysis.

8. The County recognizes that there is an increasing problem with elk herds on agricultural lands. In order to continue the productivity of the County's agricultural lands, the County will do the following:
- a. Wildlife refuges and game management areas shall be limited. New proposals shall require a zone change and an assessment of public need and impacts of establishing additional wildlife refuges or game management areas adjacent to agricultural activities.
 - b. The State Wildlife Commission shall be officially requested to resolve the existing adverse impacts on agricultural lands associated with elk, including but not limited to, one or more of the following measures:
 1. Revision of hunting laws to sustained management levels.
 2. Reduce the elk population in Clatsop County.
 3. Indemnify the owners for damage on their property resulting from elk.
 4. Pay for and install adequate fencing.

*** The following requirements will need to be met in order to assess compliance with this criterion. ***
These will be attached as a condition of approval to the request.

Riparian Setbacks:

All riparian, greenbelt, and waterway setbacks shall be maintained. ODFW recommends the proposed development be designed around these setbacks (i.e. do not waive setbacks to allow development within).

Stream-Road Crossings:

Any stream-road crossings (including utilities) are to comply with fish passage requirements. Laws regarding fish passage may be found in ORS 509.580 through 510, and in OAR 635, Division 412. ODFW shall approve in advance any instream structure (Ron Rehn 503.842.2741).

Wildlife Damage Exclusion

Wording to be included into a covenant to the deed of each lot:

This property is in an area of known big game and furbearer animal use. Any and all present and future owners of this property agree to indemnify and hold harmless the Oregon Department of Fish and Wildlife for any damage and/or inconvenience caused by these animals to persons, real property, and/or personal property.

This agreement shall inure in perpetuity to all successors, assignors, and heirs. This agreement cannot be deleted or altered without prior contact and agreement by the Oregon Department of Fish and Wildlife.

Sensitive Resources:

No known sensitive resources exists within 1 mile of the project area. (i.e. eagle nest, Heron rookery, etc.)

Findings of Fact:

Upon the adoption of the Goal Exception and Comprehensive Plan Amendment the proposal will satisfy the requirements for compliance with the Goal 4 element of the County's Comprehensive Plan.

LWDUO § 5.412(1) – Goal 3 Element Proposed Exception with conditions.

Comprehensive Plan, Goal 4 element – Forest Lands

Staff proposes the following amendments to the applicant's findings to ensure conformance:

Amend "EX-3C" with the following analysis & findings:

The land is currently designated Agriculture - Forest therefore the following elements of the Clatsop County's Comprehensive plan, Goal 4 element apply to this request:

Goal 4 - Forest Lands

Goal

To conserve forest lands for forest uses.

Policies

1. Forest lands shall be conserved for forest uses, including the production of trees and the processing of forest products, open space, buffers from noise, visual separation from conflicting uses, watershed protection, wildlife and fisheries habitat, soils protection from wind and water, maintenance of clean air and water, outdoor recreational activities compatible with these uses, and grazing land for livestock.

The applicant has not met this Criterion. Furthermore the applicant is requesting a goal exception to this particular element. See "Goal Exception" Criteria Section "B" for Analysis.

2. Forest Lands shall be designated Conservation-Forest in the County's Comprehensive Plan. When considering a zone change to a forest zone, the Planning Commission or other reviewing body shall review the proposal against the acreage, management, and other approval criteria in County-wide Forest Lands Policies #19, #20 and #21.*

The applicant is not proposing to rezone this property as AF-20 or F-38; furthermore the acreage of the site does not lend itself to the acreage requirements depicted in Policies 19, 20 & 21. The applicant is requesting to rezone the area to RA-2 and therefore this policy is not applicable to the request.

3. Forest practices on lands designated Conservation-Forest shall conform to the Oregon Forest Practices Act and Oregon Forest Practice Rules, as revised.

The applicant claims they will comply with the requirements of the Forest Practices Act as applicable to this situation. Staff finds no reason why this criterion cannot reasonable be satisfied.

4. Division of forestlands will be permitted only upon a finding that the proposed division meets the following criteria:
 - a. the proposed division will not diminish the potential for timber production, watershed protection and fish and wildlife habitat, and
 - b. the creation of new parcels will not materially alter the overall stability of the area's land use pattern.

The applicant is requesting an exception to goal 4, regardless Staff feels the request satisfies this particular element. A reduction of a 1/4 acre of potential farm/forest land will not diminish the potential for timber products nor will it have a detrimental effect on fish and wildlife habitat.

5. The clustering of non-forest residences on forestlands may be permitted in the AF-20 and F-38 zones, subject to non-forest use siting standards. This non-forest development is permitted conditionally because, properly designed and sited, it does not result in the loss of forest lands nor does it diminish or interfere with forest uses.

This criterion is not applicable to this request.

6. The designation of new park and recreation areas (campgrounds, etc.) on forestlands shall require an assessment of public need for these facilities and their potential impact on adjacent forestlands. The productive capacity of the land shall be evaluated and considered when siting these developments. These developments, if allowed, shall be sited and designed so as not to preclude forest management wherever possible.

No Parks are proposed with this application; this criterion is not applicable.

7. The County will do the following in order to minimize conflicts between the use of forestland for elk habitat and for commercial timber production.

- a. Wildlife refuges:

Existing wildlife refuges, which are owned/leased and managed by the Oregon Department of Fish and Wildlife (ODFW) or by the United States Fish and Wildlife Service (USFWS), shall be designated Conservation-Other Resource and zoned Open Space, Parks and Recreation (OPR).

Proposed wildlife management areas, which are managed, and either owned or leased by the Oregon Department of Fish and Wildlife (ODFW) located in areas designated Conservation Forest or in other lowland areas under any plan designation shall be reviewed by the County for compliance with the approval standards listed below. Such hearings shall be conducted according to a Type IV procedure at a time and place convenient to residents of the affected planning area. ODFW shall provide an evaluation of the economic, social, environmental and energy consequences of the proposal and** information sufficient to support findings with respect to the following approval criteria:

1. Identification of the need for the proposed new wildlife management area. "Need" means specific problems or conflicts that will be resolved or specific ODFW objectives that will be achieved by establishing the proposed area.
2. Alternative lands and management actions available to the ODFW, and an analysis of why those alternatives or management actions will not resolve identified problems or achieve objectives.

No wildlife refuges or management areas are known to exist at this particular site. However a disclaimer as described below will be required as a function of approval. See Requirements Under § 9 below.

8. The State Fish and Wildlife Commission shall be officially requested to resolve the existing adverse impacts on forestland resulting from elk browse. The following measures are suggested:

- revision of hunting laws.
- reduce the elk population in Clatsop County to sustained management levels.
- compensate landowners for damage to forest crops resulting from elk.
- where appropriate, provide technical and financial assistance to forestland owners for the installation of fencing.

See Requirements Under § 9 below.

9. The County shall take the necessary action through the State Legislative Assembly to revise the laws governing the action of the State Fish and Wildlife Commission for the provision of acceptable methods of relief to property owners from damage due to elk.

***** The following requirements will need to be met in order to assess compliance with this criterion. *****
These will be attached as a condition of approval to the request.

Riparian Setbacks:

All riparian, greenbelt, and waterway setbacks shall be maintained. ODFW recommends the proposed development be designed around these setbacks (i.e. do not waive setbacks to allow development within).

Stream-Road Crossings:

Any stream-road crossings (including utilities) are to comply with fish passage requirements. Laws regarding fish passage may be found in ORS 509.580 through 910, and in OAR 635, Division 412. ODFW shall approve in advance any instream structure (Ron Rehn. 503 842-2741).

Wildlife Damage Exclusion:

Wording to be included into a covenant to the deed of each lot:

This property is in an area of known big game and furbearer animal use. Any and all present and future owners of this property agree to indemnify and hold harmless the Oregon Department of Fish and Wildlife for any damage and/or inconvenience caused by these animals to persons, real property, and/or personal property.

This agreement shall inure in perpetuity to all successors, assignors, and heirs. This agreement cannot be deleted or altered without prior contact and agreement by the Oregon Department of Fish and Wildlife.

Sensitive Resources:

No sensitive resources exist within 1 mile of the project area. (i.e. eagle nest, Heron rookery, etc.).

10. Forestry activities within watersheds in areas designated Conservation-Forest in the Comprehensive Plan will be conducted in accordance with the Oregon Forest Practices Act and the Oregon Forest Practice Rules, as revised. Additional protective measures negotiated between forest landowners and water users are encouraged.

No Forestry activities, are proposed at this time. Regardless all forest activities are required to comply with the Oregon Forest Practices act and the Oregon Forest Practices Rules.

11. The productive capacity of the land will be considered before land designated Conservation-Forest is changed to another plan designation. The impact of the proposed new use on adjacent lands shall also be evaluated and considered before such a plan change is made.

Adjacent land to the proposed site is Residential Agriculture 2 and Agricultural Forestry. The addition of 1/4 of an acre to the Residential Agriculture 2 zone should not produce any conflicts with surrounding uses nor should it decrease the productive capacity of those lands.

12. Off-road vehicles (ORVs) shall be strictly confined to established rock roads in order to prevent erosion, stream degradation, damage to young trees and seedlings, and disturbance of wildlife and its habitat.

No off road activities are planned for the subject site. This policy is not applicable to the request.

13. Existing utility right-of-ways shall be utilized to the maximum extent possible before new right-of-ways are created.

See Finding 14 below.

14. Roads in forest areas shall be limited to the minimum width necessary for traffic management and safety.

If the application is found to be consistent with the Goal Exception and Zone change criteria the applicant's would be required to meet applicable County Standards for developing an access road to the proposed home site; however at this time no solid design has been proposed. The design offered in the rough schematic provided by the applicant has been amended. The proposed parcel has direct access to Hillcrest Loop and an optional easement through tax lot 2200.

15. Forest landowners shall be encouraged to actively pursue methods of complete utilization of wood fiber left on the ground after harvesting.

No harvesting of forest products are proposed except that necessary for the development of a home site. Regardless this is not an applicable criterion for this proposal.

16. Where forestlands of suitable management size occur in the interior of rural residential areas, or are completely surrounded by residential development, small woodland management and farming is encouraged. Over time these areas may be needed for housing and in future comprehensive plan updates shall be considered ideally situated for conversion to residential uses prior to conversion of other forestlands.

The subject property is suitable for small woodland management, according to the Goal 4 element this type of woodland management should be encourage. This proposal satisfies and preserves the intention of the Goals and policies established within this element of the Comprehensive plan.

17. Expansion of existing non-forest developments and uses in forest zones may be permitted under a Type II procedure only when such expansion is substantially confined to the existing site.

The proposal does not include the expansion of an existing non-forest development. This policy is not applicable to this request.

18. Partitioning of forest lands under the provisions of Clatsop County's forest zones which serve to increase forest management efficiency by allowing one or more forest owners to consolidate their land holdings is encouraged.

The applicant is proposing to partition a section and not consolidate their holdings; this runs contrary to this particular subsection. However this application also attempts to satisfy the criteria based in the rural lands element and is proposing an exception to Goal 4 in order to comply with Clatsop County's Comprehensive Plan and Statewide planning Goal 2.

19. Clatsop County will rely on the following acreage criteria when reviewing a proposed zone change to a forest zone:

AF-20: Lands in the AF-20 zone shall be comprised predominantly of ownerships smaller than 40 acres. Ownerships 40 acres and larger may also be placed in an AF-20 zone if they are generally surrounded by ownerships smaller than 40 acres.

F-38: Lands in the F-38 zone shall be comprised predominantly of ownerships smaller than 76 acres. Ownerships 76 acres and larger may also be placed in an F-38 zone if they are generally surrounded by ownerships smaller than 76 acres.

F-80: Lands in the F-80 zone shall be comprised predominantly of ownerships 76 acres and larger.*

This proposal involves a zone change to Residential Agriculture-2 zone which is not designated a forest zone; therefore the provisions of this policy can not be satisfied with out the goal exception. See Goal Exception Criteria Section "B" for analysis.

20. Clatsop County will rely on the following management criteria when reviewing a proposed zone change to a forest zone:

AF-20 and F-38: Lands in these forest zones are characterized by both agricultural and forestland uses. Management of these lands is often done on a low-intensity, part-time basis.

F-80: Forestlands in the F-80 zone include areas where timber production is the primary land use. These lands are often intensively managed by full time professional foresters.*

Not applicable – See 21 Below

21. A zone change from the F-80 zone to any other zone, including the AF-20 or F-38 zone, shall require a plan amendment. The purpose for such a plan change is to assure that primary forest lands in the F-80

zone are not converted to mixed use forest lands in the F-38 or AF-20 zones, or to any other plan designation without appropriate review by the County.*

The applicant is proposing to rezone the area RA-2, Rural Lands from AF. The proposal will satisfy the requirements as described under the Goal 2 requirements for "Rural Lands." In addition by going through the Post Acknowledgement procedures the applicant is satisfying this element by providing the proper level of review.

22. Partitioning of land in the AF-20 zone and F-38 zone shall be approved only upon a finding that such newly created parcels shall be used only for forest uses. This policy does not apply to the small lots resulting from a cluster partition.*

The applicant is proposing to partition the property; this is inconsistent with Goal 4. The applicant is requesting an exception from this criterion; See Goal Exception "B" for further detail.

23. In land use changes involving a change from Conservation-Forest Lands or Rural Agricultural Lands to Rural Lands or Development designations an Exception to the Agricultural Lands or Forest Lands Goals must be taken.*

The applicant is proposing to take an exception to the requirements of Goal 4 and 14 as mentioned above and described later in this report.

Findings of Fact:

Upon the adoption of the Goal Exception and Comprehensive Plan Amendment the proposal will satisfy the requirements for compliance with the Goal 4 element of the County's Comprehensive Plan.

LWDUO § 5.412(1) -- Goal 4 Element Proposed Exception with conditions.

Comprehensive Plan, Goal 5 element – Open Spaces, Scenic & Historic areas and Natural Resources

The Goal 5 element is satisfactorily addressed in the applicants proposed findings and conditions. See "EX - 3C," Page 11 & 12 for a list of mitigation measures to ensure compliance with Goal 5 policies.

LWDUO § 5.412(1) – Goal 5 Element Satisfied with conditions.

Comprehensive Plan, Goal 6 element – Air, Water, and Land Quality:

The proposal as amended does not conflict with the applicable plan policies of Goal 6. The Clatsop County Land and Water Development and Use Ordinance (LWDUO) contains multiple development standards that would apply to the future development of the subject property to assure the protection of air, water and land quality standards in accordance with Goal 6.

Finding of Fact:

Based on the analysis above and that provided by the applicant on page 23 of "EX - 3C", the application satisfies the applicable plan policies of the Goal 6 element of the Clatsop County Comprehensive Plan.

Staff recommends page 23 {¶ 2} be omitted from the applicant's findings or modified since the proposal has been modified and no subdivision is being proposed.

LWDUO § 5.412(1) – Goal 6 Element Satisfied with modification.

Comprehensive Plan, Goal 7 element – Natural Hazards

The applicant's analyses contained on pages 26, 27, & 28 satisfactorily demonstrate that the application conforms to the applicable plan policies of the Goal 7 element of the Clatsop County Comprehensive Plan.

Finding of Fact:

Based on the analysis above, the application satisfies the applicable plan policies of the Goal 7 element of the Clatsop County Comprehensive Plan.

LWDUO § 5.412(1) – Goal 7 Element Satisfied.

Comprehensive Plan, Goal 8 element – Recreational Lands

Staff concurs with the applicants proposed findings located on page 29 of “ EX - 3C ”.

Finding of Fact:

Based on the analysis above, the application satisfies the applicable plan policies of the Goal 7 element of the Clatsop County Comprehensive Plan

LWDUO § 5.412(1) – Goal 8 Element Satisfied.

Comprehensive Plan, Goal 9 element – Economy

Staff Concurs with the applicant’s proposed findings located on page 31 of “ EX - 3C ”.

Finding of Fact:

Based on the analysis above, the application satisfies the applicable plan policies of the Goal 9 element of the Clatsop County Comprehensive Plan.

LWDUO § 5.412(1) – Goal 9 Element Satisfied.

Comprehensive Plan, Goal 10 element – Population and Housing

The applicant has addressed the criteria of the Goal 10 element of Clatsop County’s Comprehensive plan on pages 39 & 40 of “ EX - 3C ”. In sum the findings adequately address the policies inherent in the Goal 10 element with one exception.

Staff proposes the following amendments to the applicant’s findings to ensure conformance:

Amend “ EX - 3C ” Page 40 { § 4 from Sentence 7 on } to read:

Policy 4 requires that setbacks for well/septic system be observed. These setbacks can be enforced as a condition of approval. The proposal will create the potential for one 2 acre lot in the RA-2 zone. The lot will conform to the minimum lot size, hence there should be ample room for well/ septic systems setbacks. (“Please note that this parcel has been annexed and is currently serviced by the Wickiup Water District”). The final part of policy 4 requires that “Development of residential units will not result in the loss of lands zoned or designated for agricultural or forestry and will not interfere with surrounding agricultural or forestry activities.” This proposal maintains a satisfactory base of Agriculture - Forestry in the amount of ~20 acres and changes the designation on ¼ to ½ an acre in order to comply with the minimum lot requirements of the Rural Lands designation. Currently there is approximately 1¼ of an acre with RA-2 zoning. In its current form this parcel cannot meet the minimum lot size requirements as set forth in the Rural Lands Element discussed previously. Interference with farm or forest activities on nearby lands can be avoided through careful siting of residences, and by enforcing the minimum setbacks.

Comprehensive Plan, Goal 11 element – Public Facilities and Services Analysis:

The findings produced by the applicant on pages 43, 44, & 46 satisfactorily address the relevant criteria. As a condition of approval the applicant will need to demonstrate that adequate educational services are available to service the site. In the applicant's findings they discuss the Knappa School district and Community College but provide no evidence to support their claim. A letter from the school district stating availability will suffice.

Finding of Fact:

Based on the analysis above, the proposal satisfies the applicable plan policies of the Goal 11 element of the Clatsop County Comprehensive Plan; the applicant has not addressed the potential impact to the Knappa school district. Regardless, Staff finds that this alteration will cause no more impact.

LWDUO § 5.412(1) Goal 11 element of – **Satisfied with conditions.**

Comprehensive Plan, Goal 12 element – Transportation Analysis:

The applicant's analyses on page 50-57 in Exhibit 3C adequately addresses the Clatsop County Transportation System Plan's (Ordinance No. 03-09) Goals and Policies.

Finding of Fact:

Based on the analysis above and those contained within the applicant's findings, consistency with the Goal 12 Transportation element of the Comprehensive Plan is satisfied.

LWDUO § 5.412(1) – Goal 12 Element - **Satisfied.**

Comprehensive Plan, Goal 13 element – Energy Conservation Analysis:

The applicant's findings on page 57 & 58 of Exhibit 3C satisfactorily demonstrates that the application conforms to the applicable plan policies of the Goal 13 element of the Clatsop County Comprehensive Plan.

Finding of Fact:

Based on the analysis above and those in the applicants findings, the application satisfies the applicable plan policies of the Goal 13 element of the Clatsop County Comprehensive Plan.

LWDUO § 5.412(1) – Goal 13 Element **Satisfied.**

Comprehensive Plan, Goal 14 element – Urbanization:

While the bulk of Goal 14 addresses lands within the urban growth boundary and are thereby rendered not applicable to this proposal OAR 660-004-0040 Section 7(i)§(A) states:

- (i) *For rural residential areas designated after the effective date of this rule, the affected county shall either:*
 - (A.) *Require that any new lot or parcel have an area of at least ten acres, or*
 - (B.) *Establish a minimum size of at least two acres for new lots or parcels in accordance with the requirements for an exception to Goal 14 in OAR chapter 660, division 14. The minimum lot size adopted by the county shall be consistent with OAR 660-004-0018, "The Planning and Zoning for Exception Areas."*

Staff proposes the following amendments to the applicant's findings to ensure conformance:

- ▼ *Amend "EX - 3C" with the following analysis & findings:*

Goal

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

Policies and District Agreements:

Policy:

Urban growth boundaries shall be established to identify and separate urbanizable land from rural land. Establishment and change of the boundaries shall be based upon considerations of the following factors:

- (1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;

Applicant has not demonstrated a need for this proposal. An exception in accordance with OAR 660 Division 14 is proposed and discussed later in this report.

- (2) Need for housing, employment opportunities, and livability;

It is well documented that Clatsop County is in need of affordable housing; the proposal does not address this need.

- (3) Orderly and economic provision for public facilities and services;

Not Satisfied: The proposal does not satisfactorily address these criteria

- (4) Maximum efficiency of land uses within and on the fringe of the existing urban area;

Not Applicable

- (5) Environmental, energy, economic and social consequences;

These criteria are addressed later in this report. See "Goal Exception" Analysis Sections "A & C"

- (6) Retention of agricultural land as defined, with Class I being the highest priority for retention Class IV the lowest priority; and

- (7) Compatibility of the proposed urban uses with nearby agricultural activities.

These criteria are addressed later in this report. See "Goal Exception" Analysis Sections "A & C"

Policy:

Establishment and change of the urban growth boundaries shall be a cooperative process between a city and the county or counties that surround it.

Not Applicable, Land is not within the Urban Growth Boundary

Policy:

Land within the urban growth boundaries separating urbanizable land from rural land shall be considered available over a time for urban uses. Conversion of urbanizable land to urban uses shall be based on consideration of:

- (1) Orderly, economic provision for public facilities and services;
- (2) Availability of sufficient land for the various uses to insure choices in the market place;
- (3) LCDC goals or the acknowledged comprehensive plan; and,
- (4) Encouragement of development within urban areas before conversion of urbanizable areas.

Not Applicable, Land is not within the Urban Growth Boundary

Policy:

Plans should designate sufficient amounts of urbanizable land to accommodate the need for further urban expansion, taking into account (1) the growth policy of the area, (2) the needs of the forecast population, (3) the carrying capacity of the planning area, and (4) the open space and recreational needs.

The local communities have been managing their urban growth boundaries in accordance with Oregon planning policies. Each community conducts buildable lands inventories on a regular basis. Each community has ample buildable lands within their urban growth boundary to support additional lots. This policy has not been satisfied; an exception in accordance with OAR 660 Division 14 is proposed and discussed later in this report.

Urban Growth Boundary Management Agreements:

Each City and the County have adopted the UGB management agreements. As of June 1996, through the adopted UGB agreements the cities of Astoria, Cannon Beach, Gearhart, Seaside and Warrenton are administering and enforcing the UGB Comprehensive Plan and Zoning Ordinances inside the UGB outside the city.

Not Applicable.

Policy:

The County shall review these agreements every three to six years, or as needed and update accordingly.

See each respective City's Urban Growth Boundary Plan:

- Astoria
- Cannon Beach
- Gearhart
- Seaside
- Warrenton

Clatsop County has adopted each of the UGB plan and zoning for each of the above. They are contained in separate documents in the Clatsop County Community Development Department or respective City Hall.

Not Applicable.

Policy:

The size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels.

These are not considered urban lands, rather they are considered rural lands from conservation Farm/Forest & other resources.

Policy:

Plans providing for the transition from rural to urban land use should take into consideration as to a major determination the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

Not applicable, this policy applies to areas within urban growth boundaries

Unincorporated Rural Communities:

Clatsop County has identified and established boundaries for the following rural communities: Miles Crossing - Jeffers Gardens, Arch Cape, Svensen, Knappa and Westport. Land use plans in these areas recognize the importance of communities in rural Clatsop County.

Policy:

In unincorporated communities outside urban growth boundaries the county may approve uses, public facilities and services more intensive than allowed on rural lands by Goal 11 and 14, either by exception to those goals, or as provided by OAR 660 rules, which ensure such uses do not;

- (1) Adversely effect agricultural and forest operations, and
- (2) Interfere with the efficient functioning of urban growth boundaries.

District Agreements:

Clatsop County has adopted agreements with the service districts with respect to land use planning and coordination. These agreements are contained in separate documents located in the Clatsop County Community Development Department and the respective district offices.

Policy:

The County shall review these agreements every three to six years, or as needed and update accordingly.

Policy Implementation:

1. The type, location and phasing of public facilities and services are factors which should be utilized to direct urban expansion.
2. The type, design, phasing and location of major public transportation facilities (i.e., all modes: air, marine, rail, mass transit, highways, bicycle and pedestrian), and
3. Improvements thereto are factors, which should be utilized to support urban expansion into urbanizable areas and restrict it from rural acres.
 6. Financial incentives should be provided to assist in maintaining the use and character of lands adjacent to urbanizable areas,
 7. Local land use controls and ordinances should be mutually supporting; adopted and enforced to integrate the type, timing and location of public facilities and services in a manner to accommodate increased public demands as urbanizable lands become more urbanized.
 8. Additional methods and devices for guiding urban land use should include but not be limited to the following:
 - i. Tax incentives and disincentives;
 - ii. Multiple use and joint development practices
 - iii. Fee and less-than-fee acquisition techniques; and
 - iv. Capital improvement programming.
9. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests carrying out the goal.

The afore mentioned policies apply to areas within urban growth boundaries and do not apply to this proposal.

Findings of Fact:

Upon the adoption of the Goal Exception and Comprehensive Plan Amendment the proposal will satisfy the requirements for compliance with the Goal 14 element of the County's Comprehensive Plan.

LWDUO § 5.412(1) – Goal 14 Element Proposed Exception with conditions

Comprehensive Plan, Goal 16 and 17 elements – Estuarine Resources and Coastal Shorelands Analysis:

Finding of Fact:

Not Applicable.

Comprehensive Plan, Goal 18 element – Beaches and Dunes

Finding of Fact:
Not Applicable.

Comprehensive Plan, Northeast Community Plan element

The applicable goals and policies of the Northeast Community Plan are discussed and adequately addressed within the applicant's proposed findings on pages 62-71 of "EX - 3C".

Finding of Fact:

Based on the analysis above and those in the applicant's findings, the application satisfies the applicable plan policies of the Northeast Community Plan element of the Clatsop County Comprehensive Plan.

LWDUO § 5.412(1) – Northeast Community Plan Element Satisfied.

Zone Change Criterion No. 2: LWDUO §5.412(2) - Consistency with Statewide Planning Goals

Clatsop County has a ratified comprehensive plan. Consistency with Statewide Planning Goals is determined through the consistency with the County's Comprehensive Plan. The applicant has elaborated and provided findings addressing the Statewide Planning Goals, they are appended to this document as "EX – 3B". The Goal Exception and Comprehensive Plan Amendments are required for compliance with the Statewide Planning Goals.

Staff proposes the following amendments to the applicant's findings to ensure conformance:

Amend "EX – 3A " Page 1 (¶2) to read:

Tax lot 2200 covers approximately 22 acres. Most of this is in the AF zone. Approximately 1.75 acres are located in the RA2 Zone. The proposed amendment would place just enough of tax lot 2200 (≈ .25 - .5 of an acre) into the RA2 zone in order to satisfy the minimum lot size requirements for partitioning that section from the remainder of tax lot 2200. The purpose of this amendment is to provide a clear divide between those uses permitted under the "Rural Lands" designation and those permitted under the "Agriculture Forestry" designation.

Amend "EX – 3A " Page 1 (¶ 4 – 1st bullet point) to read:

Comprehensive Plan Map Amendment from "Conservation Forest Resources" to "Rural Lands" on a Maximum of ½ an acre in the Northeast corner of Tax Lot 2200 located at T8N, R7W, Section 30;

Amend "EX – 3A " Page 1 (¶ 4 – 2nd bullet point) to read:

Zone Map Amendment from Agriculture-Forestry (AF) to Residential Agriculture-2 (RA2) on a maximum of ½ an acre in the northeast corner of tax lot 2200;

Amend "EX – 3A " Page 1 (¶ 4 – 3rd bullet point) to read:

Comprehensive Plan Text Amendment in the form of an exception to statewide planning goals 3 (agricultural lands), goal 4 (forest lands), and goal 14 (urbanization) for a ½ acre portion of tax lot 2200.

Amend "EX – 3B " Page 10 (¶ 1 – 2nd bullet point) to read:

- Development of this site in accordance with the amended proposal does not require the extension of any public roads or the construction of new public roads. The site has access onto Hillcrest Loop Road, an existing improved County collector. A shared driveway system can be used to access the additional homesite.

Finding of Fact:

If the applications for Goal Exceptions and Comprehensive Plan Text Amendments are approved, Zone Change Criterion No. 2 can be met.

Based on the analysis above and incorporating the modification proposed by staff, the application can satisfy Zone Change Criterion No. 2.

LWDUO § 5.412(2) can be Satisfied with Proposed Modifications.

Zone Change Criterion No. 3: LWDUO §5.412(3) - Adequacy of Public Facilities and Services

Staff concurs with the applicant that adequate public facilities and services exist to be provided to the subject property with two exceptions. There is no proof that an adequate water supply can be provided. The applicant has provided a statement of annexation but not a letter stating water availability. In addition the applicant has not provided evidence from the Knappa School District that it can service the site adequately. More details regarding this criterion are located on pages 16 of this report and 43-50 of the "EX - 3C". Appropriate mechanisms are in place in the LWDUO 80-14 to ensure that prior to development approvals on the subject property, adequate public facilities and services will be installed.

Finding of Fact:

Based on the analysis above and those within the applicant's findings it is reasonable to presume that adequate facilities will be available. Prior to development the applicant will need to provide proof of a suitable source for water and refuse disposal. As a condition of approval the applicant will need to demonstrate that the Knappa School District has adequate capacity to serve the additional students. Upon documentation from the school district, the application will satisfy Zone Change Criterion No. 3.

LWDUO § 5.412(3) Satisfied with Conditions.

Zone Change Criterion No. 4: LWDUO §5.412(4) - Adequacy of Transportation Facilities

Analysis:

Staff concurs with the applicant that adequate transportation facilities exist for the proposal. Appropriate mechanisms are in place in the LWDUO to ensure that prior to development approvals on the subject property, adequate transportation facilities will be in place.

Finding of Fact:

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

LWDUO § 5.412(4) Satisfied.

Zone Change Criterion No. 5: LWDUO §5.412(5) - Over Intensive Use of the Land, Character of the Area, and Compatibility of Zoning Patterns

For the most part Staff concurs with the applicant's findings located on page 4 -5 of " EX - 3A ".

Staff proposes the following amendments to the applicant's findings to ensure conformance:

Amend "EX - 3A " Page 4 (¶ 3) to read:

Clatsop County's Planning documents do not define "over-intensive use of land", but it is reasonable to assume that the phrase is related to density, at least within the context of residential development. The proposed amendments are intended to allow the establishment of on 2-acre residential lot and a clear division of uses. This proposal conserves the bulk of tax lot 2200 for agriculture and forestry purposes, which will not overly intensify the use of the land. The proposal also gives reasonable consideration to the character of the area and is compatible with the overall zoning pattern. The following factors support this conclusion and are summarized below:

Finding of Fact:
Based on the analysis above and incorporating the modification proposed by staff, the application can satisfy Zone Change Criterion No. 5.
LWDUO § 5.412(5) can be Satisfied with Proposed Modification.

Zone Change Criterion No. 6: LWDUO §5.412(6) - Peculiar Suitability of Site for Particular Uses

Analysis:
Staff concurs with the applicant's proposed findings located on page 5 of " EX - 3A ".

Finding of Fact:
Based on the analysis above, the application satisfies Zone Change Criterion No. 6.
LWDUO § 5.412(6) Satisfied.

Zone Change Criterion No. 7: LWDUO §5.412(7) - Zone Change Promotes Appropriate Use of Land in County

For the most part Staff concurs with the applicant's findings located on page 6 -7 of " EX - 3A ".

Staff proposes the following amendments to the applicant's findings to ensure conformance:

Amend "EX - 3A " Page 6 (¶ 1 sentence 4) to read:

...variety of housing types and densities are appropriate. The AF zoning over most of the subject property is appropriate given the surrounding conditions to the North and West. The rezoning of the proposed 1/2 acre on the Northeast corner is also appropriate given the predominate uses along the Hillcrest loop corridor bordering the far southeastern portion of the parcel; in addition the residential uses located to the east and south of the subject property and the mixed zoning located on that portion of the property are all factors supporting the request. The proposed amendment does not diminish the commercial Forest...

Finding of Fact:

Based on the analysis above, the application does not satisfy Zone Change Criterion No. 7.

LWDUO § 5.412(7) can be Satisfied with Proposed Modification.

Zone Change Criterion No. 8: LWDUO §5.412(8) - Health, Safety, and General Welfare

For the most part Staff concurs with the applicant's findings located on page 7 -8 of " EX - 3A ".

Staff proposes the following amendments to the applicant's findings to ensure conformance:

• Amend "EX - 3A." Page 7 (¶ 2 sentence 3) to read:

Development of a single-family residence on the subject property can be accomplished in a manner that does not harm the County's health, safety, or general welfare.

• Omit first bullet point Page 7 (¶ 2)

• Amend "EX - 3A." Page 8 (next to last ¶) to read:

The traffic impact study is optional. The proposed rural residential development is not likely to generate the level or type of traffic suggested in subsections (a) through (e) cited above, to warrant a traffic impact study if the County...

Finding of Fact:

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

LWDUO § 5.412 (8) can be Satisfied with Proposed Modifications.

VII. GOAL EXCEPTION

The Applicant is proposing to take a goal exception to Statewide Planning Goals 3, 4 & 14 in order to process the application for a Zone Change. There are essentially three (3) routes an applicant can chose when taking a Goal Exception. Those routes are as follows:

1. Lands that are "Physically Developed" as established by ORS 197.732(1a) and processed in accordance with the rules established in OAR 660-004-0025
2. Lands that are "Irrevocably Committed" as established by ORS 197.732(1b) and processed in accordance with the rules established in OAR 660-004-0028
3. Finally, those lands where "Reasons" Justify why the State Policy embodied in those goals should not apply as established by ORS 197.732(1c), and processed in accordance with the rules as depicted in OAR 660-004-0020 and defined in OAR 660-004-0022.

(A.) EXCEPTION TO GOAL 3 {AGRICULTURAL LANDS}

215.243 Agricultural land use policy. The Legislative Assembly finds and declares that:

- (1) Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to all of the people of this state, whether living in rural, urban or metropolitan areas of the state.
- (2) The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation.
- (3) Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion.
- (4) Exclusive farm use zoning as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones. [1973 c.503 §1

The Applicant in this case has chosen to pursue a coarse that "Reasons" justify this Goal Exception. In Analyzing the Criteria established through Goal 2, part II(c) {OAR 660-004-0020} there are essentially 4 major factors when assessing the application for conformance with the Goal Exception Requirements. Those 4 factors are addressed in the following text:

1. "Reasons justify why the state policy embodied in the applicable goals should not apply."
 - ☛ The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land.

Staff concurs with the applicant's reasoning and evidence provided in the findings. Agricultural practices in Clatsop County and the locations, topography and soil types do not indicate high value farmland nor would the county's farm inventory suffer by a rezone of this area. Staff feels that the soil classifications are better suited for pastureland, rangeland, forestland or wildlife habitat.

The first factor to the Goal Exception Requirements can be satisfied with the following amendments:

The following amendments are required to ensure conformance with the modified proposal:

- Page 5 (¶ 1) of "EX 4" needs to be amended to represent the modified proposal.
- Page 6 (¶ 2) of "EX 4" needs to be amended to represent the modified proposal.
- Page 7 (¶ 3) of "EX 4" needs to be amended to read:
The revised proposal ensures the possibility of continued agricultural uses on adjoining farm/forest lands. In addition the proposed exception area is not necessary to assure continued agricultural use on adjoining properties.
- Page 7 (¶ 6) of "EX 4" needs to be amended to represent the modified proposal.

2. "Areas which do not require a new exception cannot reasonably accommodate the use:"

- The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified:

SATISFIED: See Exhibit 4 page 3.

- To show why the particular site is justified it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:

SATISFIED: The applicant's findings on page 8-9 of "EX 4" inadequately address why existing exception cannot reasonably accommodate the proposed use density type alone does not satisfy this requirement in addition the County has ample land designated RA1 & RA2.

Regardless the department feels that the close proximity of the 1982 goal exception and the fact that the development of this parcel was justified under that exception has a certain degree of relevancy in this proposal. Based on those analogies, this site, or at the very least a portion of this site was designated "Rural Lands"; based on the fact that in 1982 the minimum lot size for rural lands would have been 1 acre it is reasonable to assume that the density for this site has already been accounted for.

Therefore staff feels that although the applicant's findings do not adequately address why other areas are not suitable there are other reasons that justify this exception.

- Can the proposed use be reasonably accommodated on non-resource land that would not require an exception, including increasing the density of uses on non-resource land?

SATISFIED: The applicant addresses this factor in their findings on page 9 of "EX 4"

- Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to non-resource uses, not allowed by the applicable goal, including resource land in existing rural centers, or by increasing the density of uses on committed

lands? If not, why not?

NOT SATISFIED: The applicant fails to address this criterion. Staff feels that through simple reasoning this criteria can be satisfied. A close look at the proposed exception area would indicate that it is indeed irrevocably committed to non-resource uses. This factor should satisfy the criteria. Staff recommends the applicant address these criteria in the revisions.

- Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

SATISFIED: It is reasonable to assume that a single-family dwelling could be reasonably accommodated within local urban growth boundaries. The applicant again uses density differences to justify this exception; while this does not adequately address the criteria there are other reasons to proceed with this exception, most apparent is a separation of uses. Rural Lands require a 2 acre minimum; therefore in order to separate the uses we must establish 2 acres in the Residential Agriculture 2 (RA2) zone. This proposal uses the least amount of land necessary to meet the minimum lot size and separate the uses; it also preserves the bulk of the property for those uses permissible under the Agriculture Forestry designation.

- Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

SATISFIED: Theoretically it is virtually impossible for the proposed development not to use some sort of public facility or service such as transportation or waste disposal, despite this revelation the proposal should have little to no further impact upon existing public facilities.

3. The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts.

The reasons put forth by the applicant as to why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site are summarized in the (unfilled/non-gray highlighted) text boxes below and detailed in Exhibit 4 pages 9-13. Staff analysis follows in the gray highlighted text boxes.

Environmental:

- 'Water quality will be mitigated through DEQ-approved drain fields and septic tanks. County Erosion Control regulations (section S4.300-4.310) & Riparian Setbacks help mitigate some of the impacts on water quality from new developments.' (p.9)
- 'Impacts upon air quality are unlikely because the area is not listed as a "non-attainment" area with respect to air quality standards by DEQ. The increased air emissions from motor vehicles accessing the site would be nominal in comparison to the air emissions produced from alternate sites.' (p.9)
- 'Fish habitats are present on the site (Little Creek), but this proposal affects the opposite corner of the subject parcel. Significant impacts on wildlife habitat are unlikely to be greater than it would be in other alternate exception areas.' (p.10) {Amended to reflect Modified Proposal}

SATISFIED: Staff concurs with the applicant, this proposal should not significantly affect the environmental conditions of the area.

Economic:

- 'Land values in the area may rise because the per-acre price of agriculture or forestland in Clatsop County is less than the per acre price of rural residential land, other factors being equal' (p.11)
- 'Economic activity related to the residential construction may increase as the property is developed. The impact is not expected to be large, as only eight or fewer homes would be developed.' (p.11)

SATISFIED: Applicant satisfactorily addresses the criteria detailed within Exhibit 4 pages 11, 12.

Social:

- 'Population growth is unlikely to be different than if located in another area. (No appreciable impact)' (p.11)
- 'New Commercial Development is not planned for the proposed site; existing commercial centers are sufficient to service the proposed site. (No appreciable impact)' (p.11)
- 'New industrial development is not planned; the Southwest Coastal community planning area has no industrial zoning. (No appreciable impact)' (p.11)
- 'The proposed exception will result in the loss of open space. The proposed exception should not result in significant adverse affects. (p.12)

SATISFIED: As modified the proposal preserves the majority of open space and farm/forest lands, this proposal should not negatively affect surrounding neighbors or the overall amount of open space in the area.

Energy:

- “No known energy resources are located on the site.” (p.13)
- “Energy consumption is likely to change with rural development; however, this change is unlikely to be substantially greater than it would be at alternative exception areas.” (p.13)
- “Energy distribution requirements may change but the change is likely to be relatively minor. There is no evidence that the proposed exception area is significantly worse with respect to energy transmission than any other potential exception area.” (p.14)
- “Waste products are unlikely to be more difficult to manage than if an alternate exception site were chosen.” (p.14)
- “Opportunities for wind energy generation on the site may be foregone as a result of the exception. There is no evidence that the proposed exception site is particularly well-suited for wind energy development.” (p.14)

SATISFIED: Staff finds that the 3rd major factor of the goal exception criteria is satisfied, because the proposed development would not have significantly more adverse effects than would typically result from the same proposal being located in other areas requiring a Goal Exception; hence the criteria is satisfied.

4. "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts". The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

Compatibility:

- 'A Single Family Residence is the primary use intended for the proposed exception area.' (p.15)
- Adjoining lands to the north and west is zoned AF, and used primarily as pastureland. The proposed exception should not effect those operations.
 - The proposed use is compatible with the adjoining rural residences to the south & east.

SATISFIED: The proposed development is compatible with the residential developments to the south & east, it is also compatible to the surrounding lands to the north, & west.

In sum the proposal satisfies a majority of the Goal Exception Criteria and thereby weighs in favor of granting the exception.

In order to ensure compliance with the Goal Exception Criteria, Staff recommends the following pages & sections of "Exhibit 4" be modified to represent the revised proposal:

- Page 1 (¶ 1)
- Figure 2
- Page 5 (¶ 2)
- Page 6 (¶ 2)
- Page 7 (¶'s 3 & 6)
- Page 9 (¶ 2)

(B.) EXCEPTION TO GOAL 4 {FOREST LANDS}

OAR 660-015-0000(4) FOREST LANDS: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

The Applicant in this case has chosen to pursue a course that "Reasons" justify this Goal Exception. In Analyzing the Criteria established through Goal 2, part II(c) {OAR 660-004-0020} there are essentially 4 major factors when assessing the application for conformance with the Goal Exception Requirements. Those 4 factors are addressed in the following text:

1. "Reasons justify why the state policy embodied in the applicable goals should not apply."
 - ☛ The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land.

MODIFICATION NECESSARY:

The applicant combines their Goal 3 & 4 exceptions. Within the application materials, this particular section has a brief response from the applicant on page 3 referencing the amendment request. The amendment request was assessed for conformance with Goal 4 on pages 10-14. conditions and modifications to the proposed findings are required in order to ensure compliance.

When modified to represent the proposed modification the applicant's findings should support their conclusion. As discussed previously in this report: "A majority of woodlot operations in Oregon are conducted on parcels of less than 10 acres (OERI, 2008, p.1: "The Future of Oregon's Working Forests").

"Forestlands cover about 90% of the County's land area. The forestland base of Clatsop County comprises a total of about 474,000 acres, of which about 265,000 is commercial timber land in industrial ownership, about 160,000 acres is state owned timber land, and about 47,000 is in private non-industrial ownership.

The County's forestlands are highly productive. over 93% of the commercial forests lands consist of site class II and III lands. These forestlands contribute in a variety of ways to the quality of life in Clatsop County. The production of timber for utilization in the forest products industry is vital to the County's economy. The forest products industry is the largest dollar generator in Clatsop County. Forest Lands also contribute to the economy by providing recreational opportunities for tourists, hunters & hikers. Forest lands also yield non-economical benefits to county residents in the form of clean water, fish and wildlife habitat, outdoor recreational opportunities, and aesthetic resources." (Clatsop County's Comprehensive Plan, Goal 4 Element pg. 1)

The revised proposal should preserve the possibility of Commercial Farm/Forest operations on tax lot 2200 while providing a clear separation between Rural Residential and Conservation lands. The relatively small nature of this request should not result the substantial loss of any land used for farm or forest purposes.

The applicant has not addressed these criteria sufficiently in their goal exception findings; however the proposed modifications in conjunction with this report should satisfy the Goal Exception Requirements.

SATISFIED

2. "Areas which do not require a new exception cannot reasonably accommodate the use:"

- The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified:

SATISFIED: Addressed previously page 25, see also Exhibit 4 page 8.

- To Show why the particular site is justified it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic Factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodates in other areas. Under the alternative factor the following questions shall be addressed:

SATISFIED: Addressed previously on Page 25 of this report.

- Can the proposed use be reasonably accommodated on non-resource land that would not require an exception, including increasing the density of uses on non-resource land?

NOT SATISFIED: Addressed previously on Pages 25 & 26 of this report.

- Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to non-resource uses, not allowed by the applicable goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?

MODIFICATION NECESSARY:

The applicant uses density variations as a key difference in the type of development, however one of the main purposes of zoning is to prevent sprawling developments that drain resources from communities. This is abundantly clear in the analogy of the State's Agricultural Lands Policy {ORS 215.243§(3)} discussed in the previous section and the forest lands policies 4 & 5 of the Southwest Coastal Community Plan which state:

"Before designated forest land is changed to another use, the productive capacity of the land in each use should be considered and evaluated" (Policy 4)

"Before designated forest land is changed to another use, the impact of the proposed use should be considered on adjacent forest lands"

The applicant's findings do not satisfactorily address these concerns, nor do the proposed findings adequately establish why the proposed development cannot be reasonably accommodated on non-resource land.

As discussed previously in this report (p10-14) the revised proposal takes into consideration the intent of Goal 4 and preserves the majority of the land as Conservation Forest Lands, this proposal centers around the 2 acres on the easternmost side of the property. The proposal changes only what is necessary to permit the use in which the majority of that portion is already designated for {The establishment of a single-family dwelling on 2 acres}.

The proposal satisfies this criterion, the applicant's proposed findings do not represent the modified proposal so at this time they do not meet this criterion; therefore this is not satisfied until the findings have been modified.

- Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

See explanation on page 26.

- Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

See explanation on page 26.

3. The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts.

SATISFIED: See previous findings addressed in section A § 3 of this report.

4. "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts". The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

SATISFIED: See previous findings addressed in section A § 4 of this report.

(C.) EXCEPTION TO GOAL 14 {URBANIZATION}

OAR 660-015-0000(14) URBANIZATION: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities

The Applicant has not provided documentation in the form of findings justifying a goal 14 exception, Staff recommends the applicant include this documentation with the proposed revision and modifications proposed in this report and submit them to the department for review at least 7 days prior to the next regularly scheduled planning commission hearing.

Upon review the department feels the proposal as modified satisfies the conditions as depicted in this report.

VIII. COMPREHENSIVE PLAN TEXT AMMENDMENTS

As a function of the proposed map amendment and goal exception an amendment to the county's comprehensive plan is necessary in order to determine compliance with the text amendment criteria. These criteria are discussed in length throughout this document and within the findings provided by the applicant (EX - 3C). Compliance with the Zone Change Criteria and Goal Exception Criteria will ultimately satisfy determine whether the proposal satisfies the requirements.

APPLICABLE COMPREHENSIVE PLAN GOALS AND POLICIES

Comprehensive Plan, Goal 1 element – Citizen Involvement:

In the application documents (attached, Exhibit 3), the applicant explains that the procedures used by the county to review the land use application satisfy the applicable citizen involvement policies of the comprehensive plan. Staff concurs with the applicant and adds that all requirements pertaining to the public notices (LWDCUO § 2.105 - § 2.125) for this land use matter have been met.

Finding of Fact:

Based on the analysis above, the application satisfies the applicable citizen involvement policies of the Goal 1 element of the Clatsop County Comprehensive Plan. LWDCUO § 5.412(1) – Goal 1 Element.

Comprehensive Plan, Goal 2 element – Land Use Planning:

The proposed text amendments modify the plan designations on a portion of the subject property. These amendments are simply housekeeping issues and run concurrent with the Zone Change Application and Goal Exception Application.

Finding of Fact:

Based on the analysis above, the application satisfies the applicable citizen involvement policies of the Goal 2 element of the Clatsop County Comprehensive Plan.

Comprehensive Plan, Goal 3 element – Agricultural Lands:

Compliance with the requirements of Goal 3 are addressed on pages 6-10 and 24-28.

Comprehensive Plan, Goal 4 element – Forest Lands:

Compliance with the requirements of Goal 4 are addressed on pages 10-14 and 29-31

Comprehensive Plan, Goal 5 element – Open Space, Scenic, Historic Areas and Natural Resources:

Comprehensive Plan, Goal 6 element – Air, Water, and Land Quality:

Comprehensive Plan, Goal 7 element – Natural Hazards:

Finding of Fact:

Goals 5-7 of the Clatsop County Comprehensive Plan are not applicable to the Text Amendment.

IX. CONCLUSION

In sum the application weighs in favor for a goal exception to the goals 3 & 4, and will likely weigh in favor for a goal exception to Goal 14. Regardless at this time the applicant's findings require some modification, staff cannot recommend approval until modified findings have been

As currently proposed the application does not satisfy the criteria necessary for approval; therefore staff respectfully recommends a continuance of the current application to allow the applicant to modify their findings in accordance with the recommendations contained within this report.

| | |
|---|-------------------------|
| Zoning Map Amendment: | Can be Satisfied |
| Goal Exceptions: | Can be Satisfied |
| Comprehensive Plan Text Amendment: | Can be Satisfied |

X. EXHIBITS

Immediately follow.

Respectfully submitted,



Michael Weston II, MPA

Planner, Transportation & Development

*****Conditions*****

1) **Riparian Setbacks:**

All riparian, greenbelt, and waterway setbacks shall be maintained. ODFW recommends the proposed development be designed around these setbacks (i.e. do not waive setbacks to allow development within.

Stream-Road Crossings:

Any stream-road crossings (including utilities) are to comply with fish passage requirements. Laws regarding fish passage may be found in ORS 509.580 through 910, and in O.A.R. 635, Division 412. ODFW shall approve in advance any instream structure (Ron Rehn 503 842-2741).

2) **Wildlife Damage Exclusion:**

Wording to be included into a covenant to the deed of each lot:

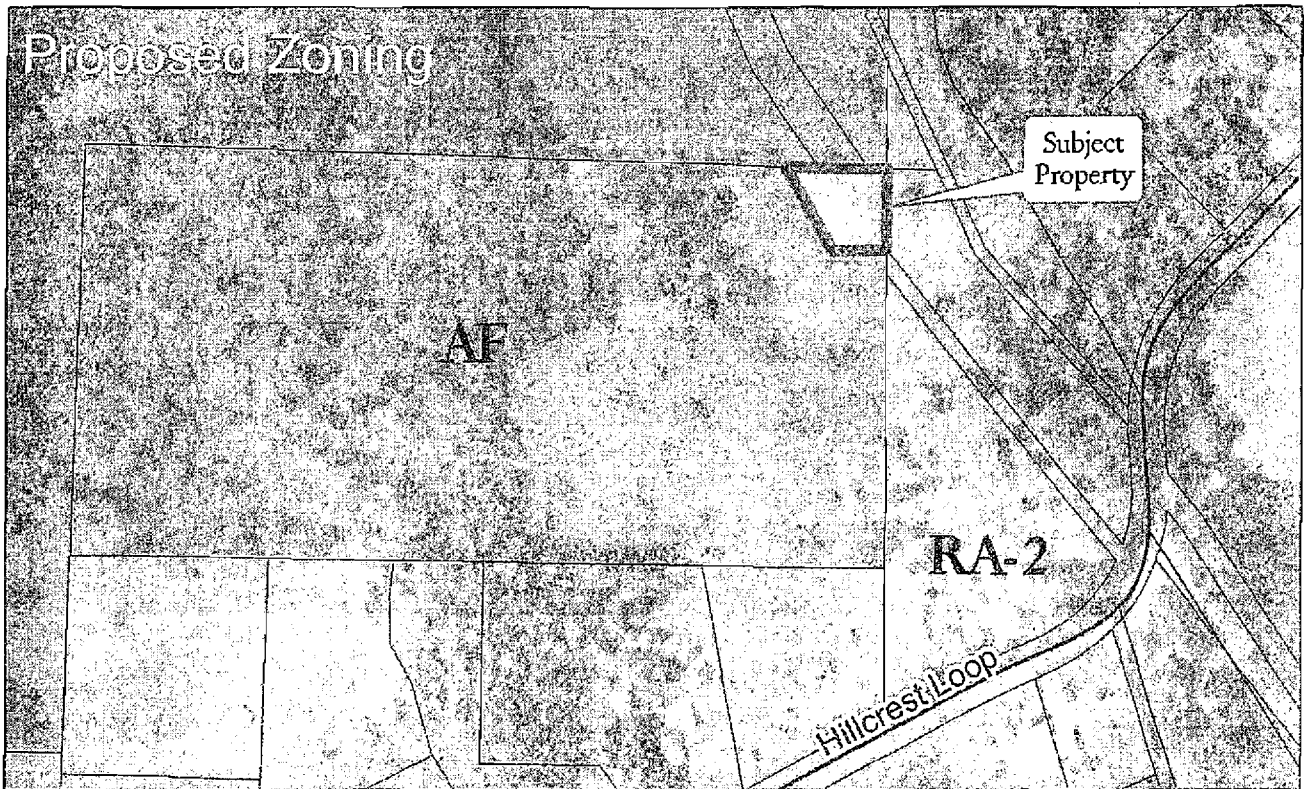
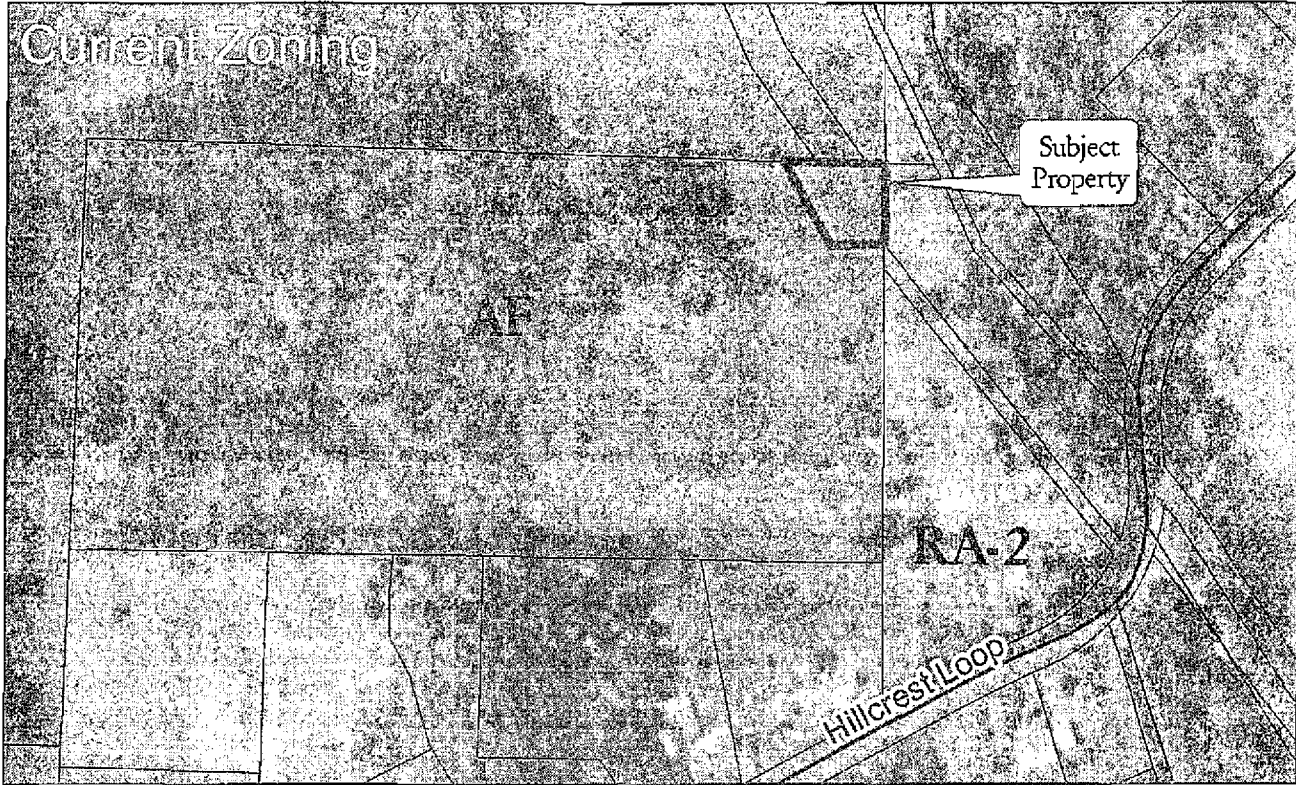
This property is in an area of known big game and furbearer animal use. Any and all present and future owners of this property agree to indemnify and hold harmless the Oregon Department of Fish and Wildlife, Clatsop County, Oregon Department of Forestry, or any other governmental agency for any damage and/or inconvenience caused by these animals to persons, real property, and/or personal property.

This agreement shall inure in perpetuity to all successors, assignors, and heirs. This agreement cannot be deleted or altered without prior contact and agreement by the Oregon Department of Fish and Wildlife & Clatsop County.

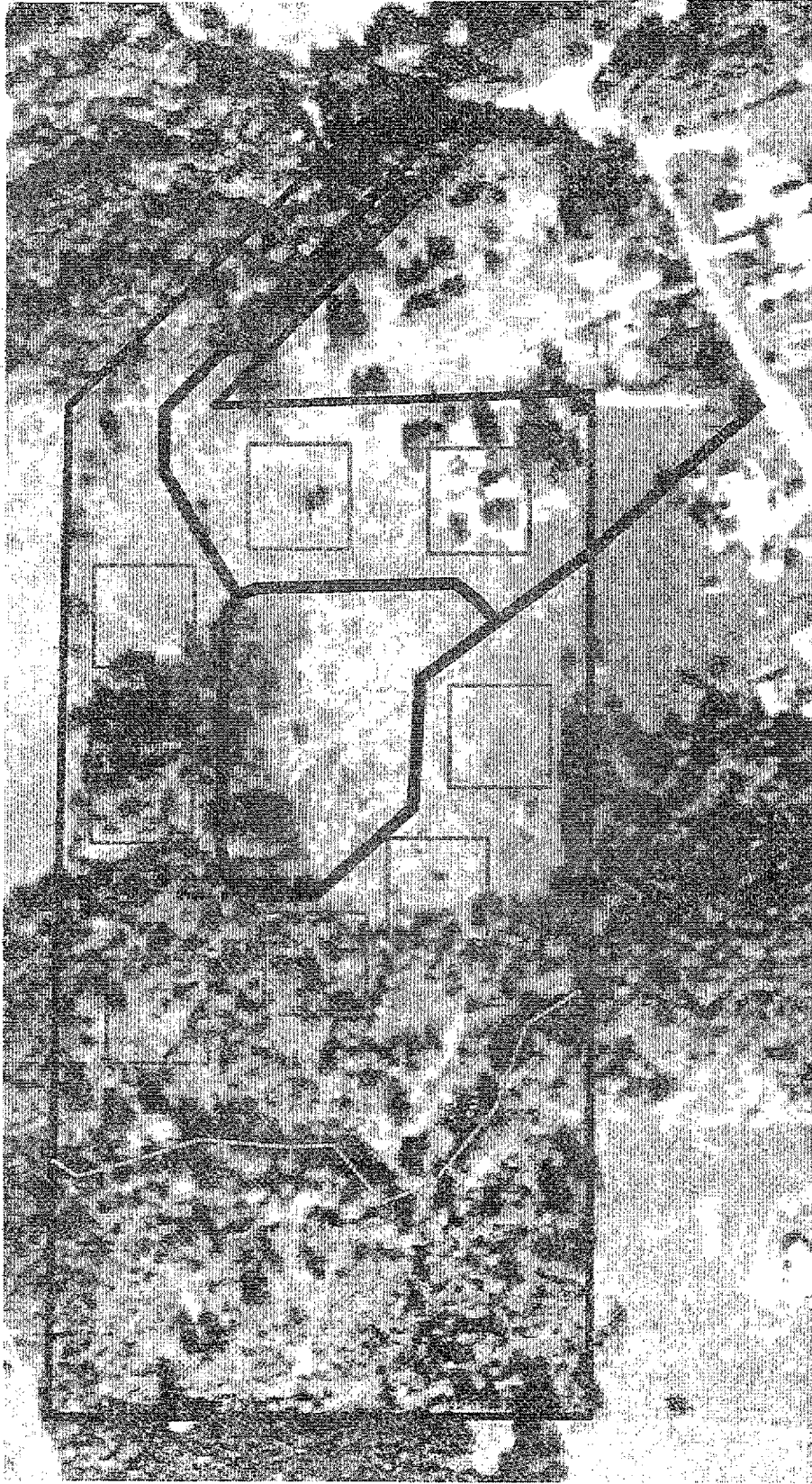
***Land Uses and Practices** - Purchaser recognizes that lands in the adjacent area may be managed for commercial forestry which include activities such as; logging, slash burning, other fire control, silvicultural site preparation, construction of forest roads, aerial and ground application of forest chemicals, and other silvicultural practices which often create noise, dust, visual impacts and other alterations of the forest environment. Purchaser acknowledges that adjacent land owners have the right to conduct such commercial forest management activities, which are regulated by state forest practice rules and regulations, and will not attempt to impose additional restrictions on these activities*

- 3) See "EX - 3C" Page 11 & 12 for a list of mitigation measures to ensure compliance with Goal 5 policies.
- 4) The applicant will need to demonstrate that adequate educational services are available to service the site. A letter from the school district stating availability will suffice.
- 5) All development shall occur consistent with Clatsop County's Land Water Development and Use Ordinance and all State and Federal Laws regarding the development of the proposed site.

Eisenbarth Zone Change



ORIGINAL PROPOSAL



Tentative Development Plan (2008-05-01)



Exhibit I.

Comments

WICKIUP WATER DISTRICT

SVENSEN

92648 SVENSEN MARKET ROAD • ASTORIA, OREGON 97103

503/458-6555

July 9, 2008



Larry Eisenbarth
c/o Corey Eisenbarth
42301 Hillcrest Loop Rd
Astoria, OR 97103

RE: Annexation

Dear Mr. Eisenbarth;

Enclosed please find a copy of the Wickiup Water District's Resolution to annex your property into our water district.

On advice from our legal council, we will not be able to handle this matter any further. You, as the landowner, will need to complete and submit any and all applications, etc. that the County may require for the annexation.

Please feel free to contact the office at the above number should you have any further questions or concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Signe Warner".

Signe Warner
Business Manager

IN THE WICKIUP WATER DISTRICT
FOR CLATSOP COUNTY, OREGON

| | | |
|-----------------------------|---|------------|
| IN THE MATTER OF ANNEXATION |) | |
| CERTAIN PROPERTY TO |) | RESOLUTION |
| THE WICKIUP WATER DISTRICT |) | 2008-04 |

WHEREAS, ORS 198.855 allows landowners to petition the affected County for annexation to a Special District without an election, followed by a public hearing on the petition; and

WHEREAS, on May 1, 2008, a petition was filed for annexation of the property described in Attachment "A", attached hereto and incorporated herein, to the Wickiup Water District; and

WHEREAS, the District at its regularly scheduled meeting considered the petition and after duly considering said petition, the District finds:

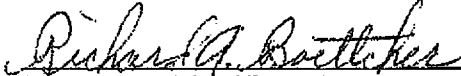
1. The Wickiup Water District approved of said annexation

NOW, THEREFORE, BE IT RESOLVED AND ORDERED:

1. That the petition to annex the property described in Attachment "A" to the Wickiup Water District and make it a part thereof is approved by endorsement.

DATED this 9th day of July, 2008.

Board of Commissioners for the Wickiup Water District



Treasurer - Richard Boettcher

ATTACHMENT A

Beginning at a point 660 feet North of the Southwest corner of the Southwest quarter of the Northeast quarter of Section 30, Township 8 North, Range 7 West, Willamette Meridian;

Thence running North 330 feet;

Thence East 1,320 feet;

Thence South 330 feet;

Thence West 1,320 feet to the point of beginning.

ALSO the North half of the North half of the Southwest quarter of the Northeast quarter of Section 30, Township 8 North, Range 7 West, Willamette Meridian.

EXCEPTING THEREFROM a parcel of land in Section 30, more particularly described as follows:

Beginning at a stake set for the Northeast corner of the Southwest quarter of the Northeast quarter of Section 30, Township 8 North, Range 7 West, Willamette Meridian;

Thence West 165 feet;

Thence South 29° 15' East a distance of 338 feet;

Thence North a distance of 294 feet to the point of beginning.

TOGETHER WITH an easement for ingress and egress over a strip of land 20 feet in width, the East line of which is described as follows:

Beginning at the Southeast corner of the above described Pearson tract;

Thence South along the Southerly extension of the East line of said Pearson tract to the county road and the point of beginning.

All in the County of Clatsop, State of Oregon.

GENERAL POWER OF ATTORNEY

Notice: This is an important document. Before signing this document, you should know these important facts. By signing this document, you are not giving up any powers or rights to control your finances and property yourself. In addition to your own powers and rights, you may be giving another person, your attorney-in-fact, broad powers to handle your finances and property. This general power of attorney may give the person whom you designate (your "attorney-in-fact") broad powers to handle your finances and property, which may include powers to encumber, sell or otherwise dispose of any real or personal property without advance notice to you or approval by you. The powers will not exist after you become disabled, or incapacitated. This document does not authorize anyone to make medical or other health care decisions for you. If you own complex or special assets such as a business, or if there is anything about this form that you do not understand, you should ask a lawyer to explain this form to you before you sign it. If you wish to change your general power of attorney, you must complete a new document and revoke this one. You may revoke this document at any time by destroying it, by directing another person to destroy it in your presence or by signing a written and dated statement expressing your intent to revoke this document. If you revoke this document, you should notify your attorney-in-fact and any other person to whom you have given a copy of the form. You also should notify all parties having custody of your assets. These parties have no responsibility to you unless you actually notify them of the revocation. If your attorney-in-fact is your spouse and your marriage is annulled, or you are divorced after signing this document, this document is invalid. Since some 3rd parties or some transactions may not permit use of this document, it is advisable to check in advance, if possible, for any special requirements that may be imposed. You should sign this form only if the attorney-in-fact you name is reliable, trustworthy and competent to manage your affairs.

Larry Eisenbath of 1805 Sherman Ave, City of North Bend, State of Ore, do hereby appoint: Cory Eisenbath of 1805 Sherman Ave, City of North Bend, State of Oregon.

my attorney-in-fact to act in my name, place and stead in any way which I myself could do, if I were personally present, with respect to the following matters to the extent that I am permitted by law to act through an agent:

- (a) real estate transactions;
- (b) chattel and goods transactions;
- (c) bond, share and commodity transactions;
- (d) banking transactions;
- (e) business operating transactions;
- (f) insurance transactions;
- (g) estate transactions;
- (h) claims and litigation;
- (i) personal relationships and affairs;
- (j) benefits from military service;
- (k) records, reports and statements;
- (l) retirement benefit transactions;
- (m) making gifts to my spouse, children and more remote descendants, and parents;
- (n) tax matters;
- (o) all other matters;
- (p) full and unqualified authority to my attorney-in-fact to delegate any or all of the foregoing powers to any person or persons whom my attorney-in-fact shall select;
- (q) each of the above matters identified by the following letters:
- (r) the following specific powers:



Recording Instrument #: 200705900
 Recorded By: Clatsop County Clerk
 # of Pages: 2 Fee: 31.00
 Transaction date: 8/11/2007 10:39:39
 Deputy: tromeyn

Return to Larry Eisenbath
 1805 Sherman Ave
 North Bend OR 97458

If the attorney-in-fact named above is unable or unwilling to serve, I appoint _____, of _____, City of _____, State of _____,

to be my attorney-in-fact for all purposes hereunder.

To induce any third party to rely upon this power of attorney, I agree that any third party receiving a signed copy or facsimile of this power of attorney may rely upon such copy, and that revocation or termination of this power of attorney shall be ineffective as to such third party until actual notice or knowledge of such revocation or termination shall have been received by such third party. I, for myself and for my heirs, executors, legal representatives and assigns, agree to indemnify and hold harmless any such third party from any and all claims that may arise against such third party by reason of such third party having relied on the provisions of this power of attorney.

This Power of Attorney may be revoked by me at any time.

Dated: _____

Larry Eisenbarth
Signature of Grantor (Person appointing Attorney-in-Fact)

State of Oregon County of COOS

On July 20, 2006, the Grantor, Larry Eisenbarth, came before me personally and, under oath, stated that he/she is the person described in the above document and he/she signed the above document in my presence.

Trisha Reid
Notary Signature

Notary Public,
In and for the County of COOS State of Oregon

My commission expires: Oct 30 2007



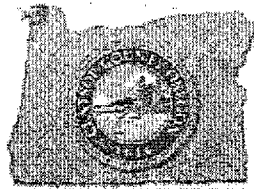
I accept my appointment as Attorney-in-Fact.

Larry Eisenbarth
Signature of Attorney-in-Fact

Larry Eisenbarth
Name of Attorney-in-Fact

Exhibit II.

Public Notices



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

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



NOTICE OF PUBLIC HEARING BEFORE THE CLATSOP COUNTY PLANNING COMMISSION

In The Matter of Ordinance 09-XX, an Ordinance Amending the Comprehensive Plan/Zoning Map and a Goal Exception to Statewide Planning Goals 3, 4 & 14. The applicant Mark Barnes on Behalf of Corey Eisenbarth submitted the application for a Rezone and associated Goal Exceptions. The revised proposal will rezone approximately ½ an acre from Agriculture Forestry {AF} to Residential Agriculture 2 {RA-2}. The property is identified as: T8N, R7W, Section 30 T1s 2201.

For more information see description on top of Page 2.

DATE OF HEARING: Tuesday, March 10, 2009
TIME: 1 pm
LOCATION: Judge Guy Boyington Building, 857 Commercial Street,
Astoria, Oregon 97103
CONTACT PERSON: Michael Weston

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

NOTICE IS HEREBY GIVEN that the Planning Division of Clatsop County's Department of Transportation and Development has scheduled a public hearing on this matter before the Planning Commission at 1:00 PM on Tuesday, March 10, 2009 at the Judge Guy Boyington Building, 857 Commercial St, Astoria, OR 97103.

Interested persons are invited to testify in person by attending the hearing, or they may submit testimony in writing by addressing a letter to the Clatsop County Planning Commission, 800 Exchange Street, Suite 100, Astoria, OR 97103. Written comments may also be sent via FAX to 503-338-3666 or via email to comdev@co.clatsop.or.us. Written comments will be accepted in this office no later than **5pm on Monday, March 9, 2009** in order to be presented by staff to the Planning Commission at the March 10, 2009 hearing. After that date written comments may be presented in person at the hearing.

NOTE: Failure of an issue to be raised in a hearing, in person, or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes an appeal based on that issue.

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

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

As mentioned previously this proposal will rezone approximately 1/2 an acre of Agricultural Forest {AF} to Residential Agricultural 2 {RA-2}; the result will permit the applicant to meet the minimum lot size requirement and partition a 2 acre parcel along the proposed zone line.

The Property is located north of Hillcrest Loop about a mile east of the Koppisch Road and Hillcrest Loop intersection. The subject parcel is approximately 22 acres in size with approximately 1.7 acres zoned Residential Agriculture 2 & 20 acres zoned Agriculture Forestry.

See Maps on Pages 3 & 4 for more detail.

The following criteria from Clatsop County Land and Water Development and Use Ordinance (LWDUO) apply to the request: §2.035 (Type IV Procedures for Land Use Applications), §2.105-§2.125 (Notice Requirements for Public Hearings), §2.300 (Legislation), § 3.200 (Residential Agriculture 2 acre), §3.510 (Agriculture Forestry –80 acre), §5.400 (Zone Changes), & §5.350 (Transportation System Impact Review).

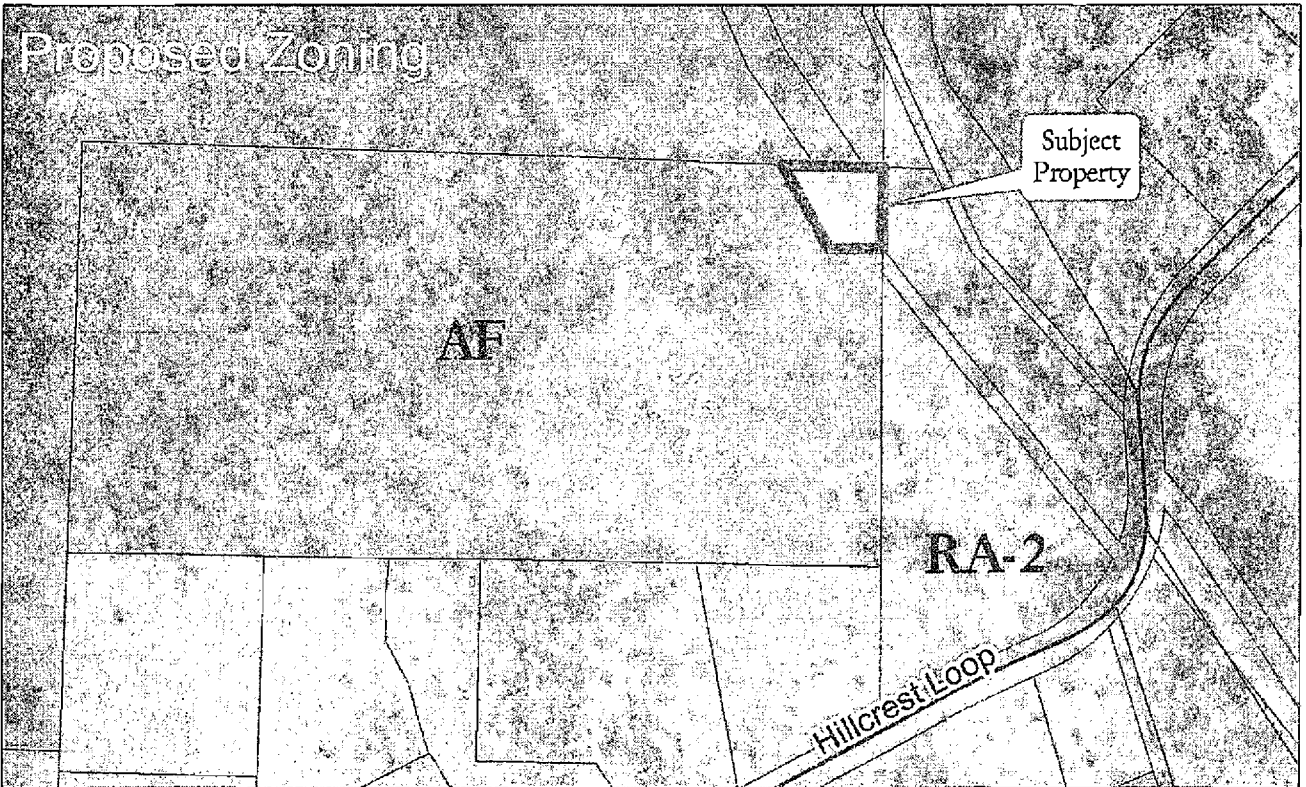
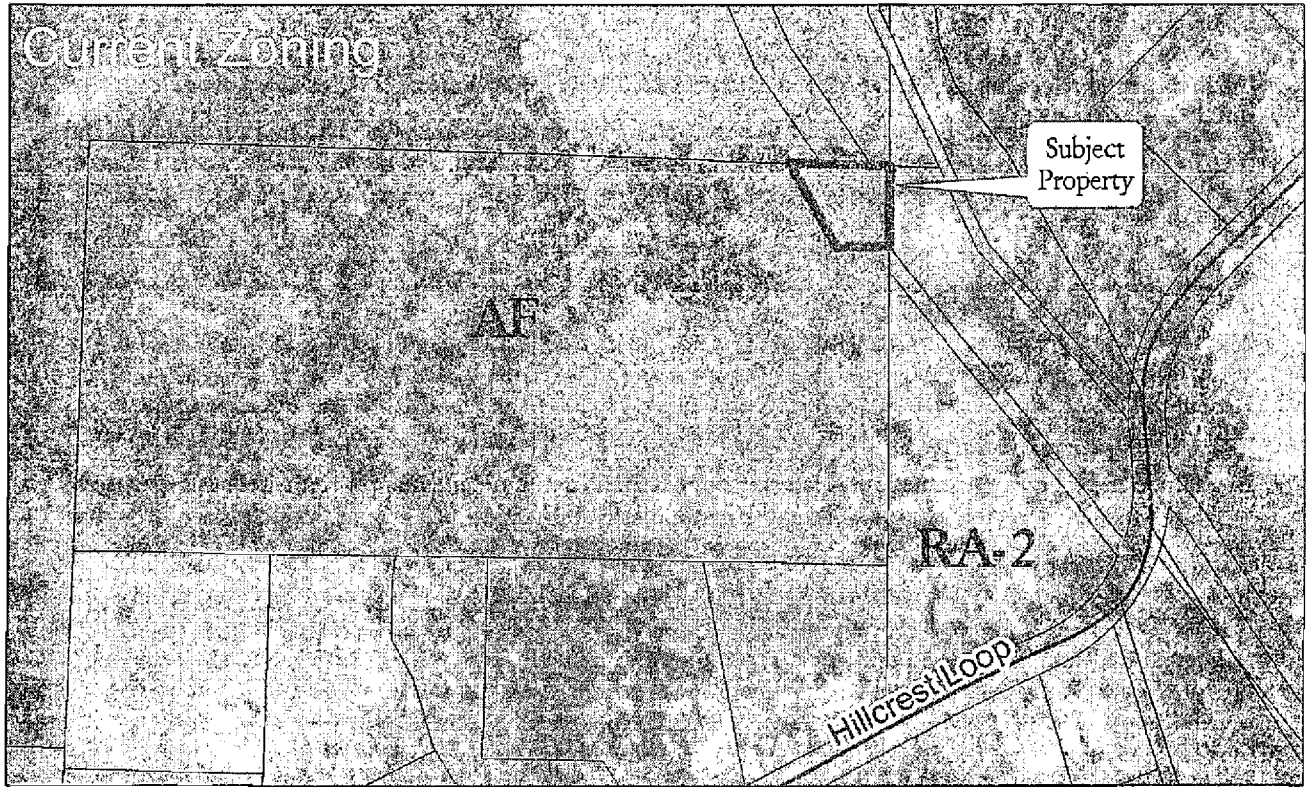
In addition the following elements of Clatsop County's Standards Document apply to the request: Chapters 1-3 (Site Oriented Development), Chapter 4 (Environmental Protection), Chapter 5 (Vehicle Access Control and Circulation).

In addition, the following elements of the Clatsop County Comprehensive Plan apply to the request: Goal 1 (Citizen Involvement), Goal 2 (Land Use Planning), Goal 3 (Agricultural Lands), Goal 4 (Forest Lands), Goal 5 (Natural Resources, Scenic and Historic Areas and Open Spaces), Goal 6 (Air, Water, and Land Quality), Goal 8 (Recreational Needs), Goal 9 (Economic Development), Goal 10 (Housing), Goal 11 (Public Facilities & Services), Goal 12 (Transportation), Goal 13 (Energy Conservation), Goal 14 (Urbanization) and the Northeast Community Plan.

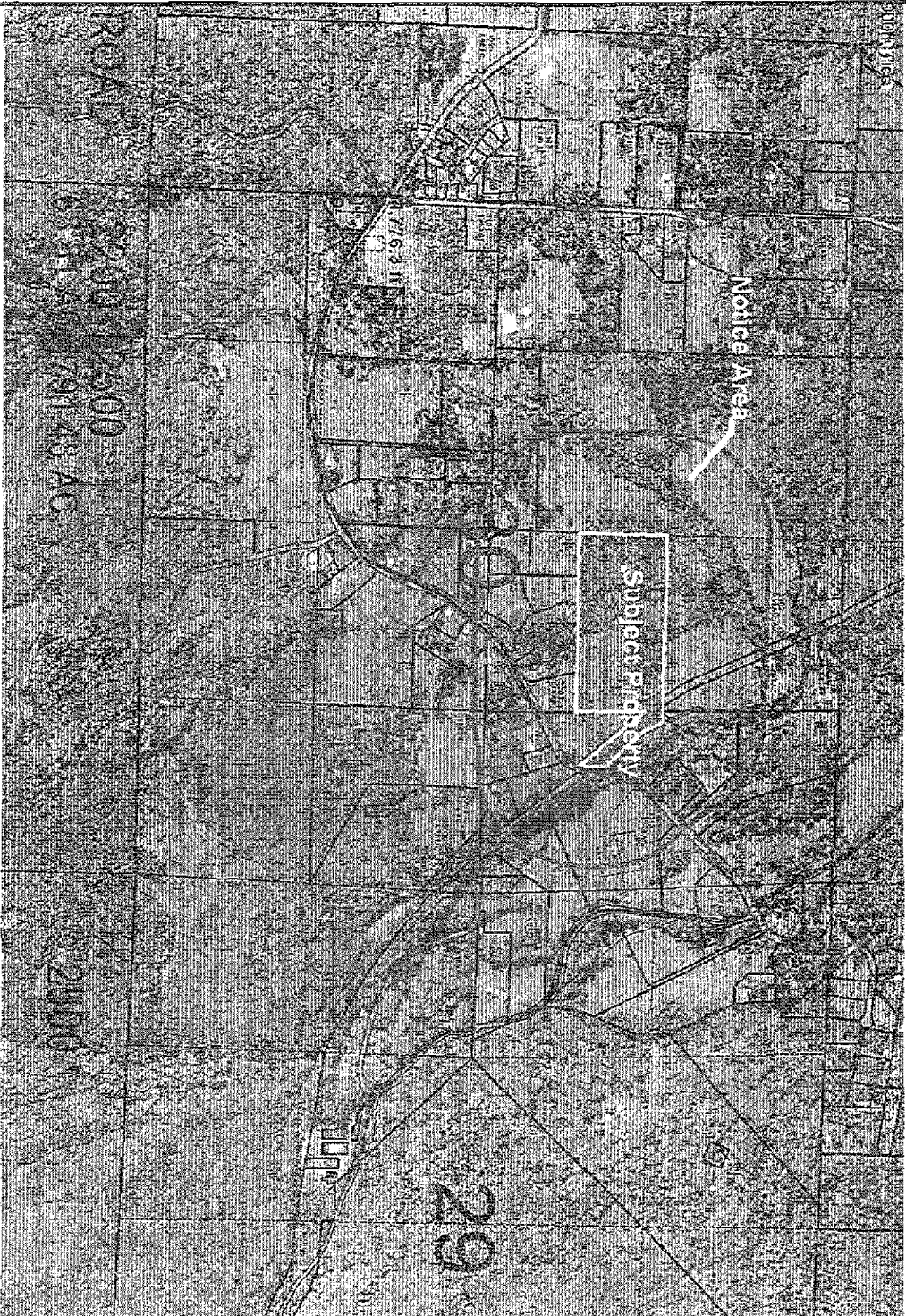
A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at the Planning Office during normal business hours (M-F, 8-5) at no cost and will be provided at reasonable cost. These materials are also available online at www.co.clatsop.or.us.

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

Eisenbarth Zone Change

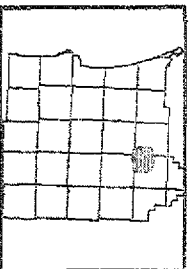


Vicinity Map



Clatsop County Map

- PLS
 PLS Township
 Tax Lot Avenue
 Tax Map
 Water Body
 River
 Creek
 Eared Boundary
 Supplemental Boundary
 34
 Road (L-O-W)
 Notice Area



1 in. = 1153 ft.



2/18/2010



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

1000

1 DLCD Notice of Proposed Amendment

in person electronic mailed

DATE RECEIVED

or DLCD Use Only

THIS FORM MUST BE RECEIVED BY DLCD AT LEAST
 45 DAYS PRIOR TO THE FIRST EVIDENTIARY HEARING
 PER ORS 197.610 OAR CHAPTER 660, DIVISION 18

Jurisdiction: **Clatsop County** Local file number: **20080287, 288**
 Date First Evidentiary hearing: **8/12/2008** Date of Final Hearing: **10/22/2008**
 Is this a revision to a previously submitted proposal? Yes No Date submitted: **5/14/2008**
 Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other Goal Exception

Briefly Summarize Proposal. Do not use technical terms. Do not write "See Attached" (limit of 500 characters)

The application is for an amendment to the Comprehensive Plan Zoning Map and a Goal Exception to Statewide Goals 3 & 4. The property is currently zoned Agriculture-Forest (AF). The applicants are proposing to rezone approximately 22 acres from AF to Residential Agriculture - 2 (RA-2) in order to develop 8 lots.

Has sufficient information been included to advise DLCD of the effect of proposal? Yes
 Plan map changed from: **Conservation Forest Lands** To: **Rural Lands**
 Zone map changed from: **Agriculture Forestry (AF)** To: **Residential Agriculture (RA-2)**
 Location of property (do not use Tax Lot): **T8N, R07W, Section 30; N. of Hillcrest Loop Rd**
 Previous density: **80 acre** New density: **2 acre** Acres involved: **22**

Applicable statewide planning goals:

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

Is an exception to a statewide planning goal proposed? YES NO Goals: **3 & 4**

Affected state or federal agencies, local governments or special districts (It is jurisdiction's responsibility to notify these agencies. DLCD only reports this information.)

Clatsop County, ODFW, ODF, DLCD, DSL, DEQ, Knappa/Svenson RFPD, Wickiup Water District

Local Contact: **Michael Weston, Planner** Phone: **(503) 325-8611** Extension: **1702**
 Address: **800 Exchange St, Suite 100** Fax Number: **503-338-0666**
 City: **Astoria** Zip: **97103-** E-mail Address: **mweston@co.clatsop.or.us**

DLCD file No. _____

SUBMITTAL REQUIREMENTS

This form must be received by DLCD at least 45 days prior to the first evidentiary hearing
per ORS 197.610 and OAR Chapter 660, Division 18

1. This form must be submitted by local jurisdictions only (not by an applicant).
2. When submitting, please print this form on light green paper.
3. Send this Form and **TWO COPIES** of the proposed amendment to:

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

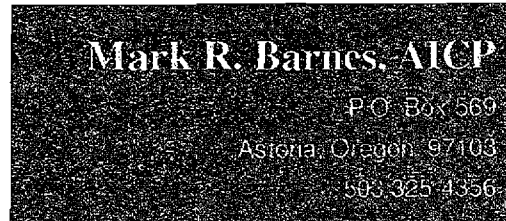
4. **Electronic Submittals:** At least one hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050, extension 238, or by emailing mara.ulloa@state.or.us.
5. Unless exempt by ORS 197.610(2), proposed amendments must be received at the DLCD's Salem office at least 45 days before the first evidentiary hearing on the proposal. (The clock begins on the day DLCD receives your proposal.) The first evidentiary hearing is usually the first public hearing held by the jurisdiction's planning commission on the proposal.
6. Submittal of a proposed amendment to the text of a comprehensive plan or land use regulation must include the text of the amendment and any other information the local government believes is necessary to advise DLCD of the effect of the proposal. "Text" means the specific language being added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal is not adequate.
7. Submittal of a proposed map amendment must also include a map of the affected area showing existing and proposed plan and zone designations. The map should be legible and on 8½ x 11 inch paper. Please provide the specific location of property, such as an address and/or tax lot number. Include text regarding background and/or the justification for the change, such as the application accepted by the local government.
8. Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.
9. **Do not submit this form without supporting documentation.**
10. **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.

Exhibit III.

**Text Amendment
&
Zoning Map Change**
(Application materials)

EX - 3A

12 May 2008



Clatsop County Planning Department
800 Exchange Street
Astoria, OR 97103

re: proposed comprehensive plan and zone map amendment, tax lot 8-7-30-2200

I am writing on behalf of my client, Mr. Corey Eisenbarth. The subject property is owned by Larry Eisenbarth, Corey's father. A power of attorney (copy attached) grants Corey Eisenbarth the ability to pursue this proposal.

Tax lot 2200 covers about 23 acres. Most of this is in the AF zone. About 3 acres are in the RA2 zone. The proposed amendment would place all of tax lot 2200 in the RA2 zone. The purpose of the amendment is to develop no more than eight rural residences on the subject property. A tentative site plan is attached.

FP Amendment

This cover letter, along with the attached application form, maps, photographs, and supporting documents, constitute our application for an amendment to the County Comprehensive Plan and zoning map.

The proposed amendment includes the following components:

- Comprehensive Plan map amendment from Conservation Forest Resources to Rural Lands on a 20-acre (approximately) portion of tax lot 2200;
- Zone map amendment from Agriculture-Forestry (AF) to Residential-Agriculture-2 (RA2) on a 20-acre (approximately) portion of tax lot 2200;
- Comprehensive Plan text amendment in the form of an exception to statewide planning goals 3 (agricultural lands) and 4 (forest lands) for a 20-acre (approximately) portion of tax lot 2200.

FP Amendment

The County's ordinances establish a review and approval process and criteria for these

amendments. Applicable criteria are in section 5.412 of the County's Land and Water Development and Use Ordinance (LWDUO). Section 5.350 may also be applicable. These criteria are excerpted and briefly addressed in the following paragraphs, and more expansively in the attached documents and maps.

5.412(1): The proposed change is consistent with the policies of the Clatsop County Comprehensive Plan.

The proposed amendment is consistent with applicable policies in the County's Comprehensive Plan. Attached are proposed findings demonstrating that these amendments, and the intended use of the subject property, do not conflict with applicable plan policies in the County-wide plan elements, or in the Northeast Community Plan. The proposal does not violate any policies in the comprehensive plan, nor does it require amendment of any plan policy.

5.412(2): The proposed change is consistent with the statewide planning goals (ORS 197).

Applicable statewide planning goals are:

- Goal 1: Citizen Involvement
- Goal 2: Land Use Planning
- Goal 3: Agricultural Lands
- Goal 4: Forest Lands
- Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources
- Goal 6: Air, Water, and Land Resources Quality
- Goal 7: Areas Subject to Natural Disasters and Hazards
- Goal 8: Recreational Needs
- Goal 9: Economy of the State
- Goal 10: Housing
- Goal 11: Public Facilities and Services
- Goal 12: Transportation
- Goal 13: Energy Conservation
- Goal 14: Urbanization

The proposed amendments and development are consistent with applicable statewide planning goals. For the most part, the goals are embodied in Clatsop County's comprehensive plan and implementing ordinances. Statewide planning goal 4 is applicable to the subject property. An exception to goal 4 is needed to allow non-forest uses on tax lot 2200. The proposed amendment package includes an exception to statewide planning goal 4. Goals 15 (Willamette River Greenway), 16 (Estuaries), 17 (Coastal Shorelands), 18 (Beaches and Dunes), and 19 (Ocean Resources) are not applicable to this proposal because the subject property is outside of the planning area for these goals. Compliance with the statewide planning goals is demonstrated by proposed findings, attached. A proposed goal exception is also attached.

5.412(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.

The facilities mentioned in section 5.412(3) are already present or can be provided at levels sufficient to support the proposed residential development, consistent with the Rural Lands comprehensive plan designation and RA2 zoning. The Eisenbarth property is within the Knappa School District. School facilities are about 1.5 miles northeast of the subject property. Clatsop Community College serves the subject property and the surrounding area. The subject property is within the Knappa-Svensen-Burnside Rural Fire Protection District, and within Clatsop County's Rural Law Enforcement District. Western Oregon Waste, a private garbage collection service, can serve development on the subject property. Water can be provided by Wickiup Water District, Carmen Creek Water Association, or by individual wells. The feasibility of this arrangement is demonstrated by the attached letter. Individual subsurface wastewater disposal systems can be used on the subject property. The feasibility of this is demonstrated by the attached letter/report from Denis Vinson, a licensed installer of these systems.

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.(5.412(4))

The site is served by Hillcrest Loop Road. We anticipate serving development on the site with a loop private road system, with two approaches onto Hillcrest Loop Road. Internal circulation will be provided by this private road, which can be designed to meet relevant County standards. A potential road configuration is shown on the attached tentative development plan. Compliance with applicable County road construction standards and road approach requirements assure that the proposed amendments will not cause undue traffic congestion or hazards.

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. (5.412(5))

Clatsop County's planning documents do not define "over-intensive use of land", but it is reasonable to assume that the phrase is related to density, at least within the context of residential development. The proposed amendments are intended to allow a maximum of eight single-family residences on about 23 acres, or an average density of about one dwelling unit per 2.9 acres. This is not overly intensive. Factors supporting this conclusion are summarized below:

*HP
Amendment*

- Residential zoning on adjoining property to the east and south is zoned to allow a maximum density of one dwelling unit per two acres.
- Clatsop County's planning documents, as well as Oregon administrative rules and Oregon case law, establish a bright line at one dwelling units per two acres, or 0.5 du/acre. Densities in excess of this are urban, while lower densities are rural. The proposed maximum density falls on the rural side of this line.

The proposed amendments give reasonable consideration to the character of the area. The subject property is in the rural part of Knappa, along Hillcrest Loop Road. The Knappa Rural Community, with higher density zoning, is about 0.4 miles to the northeast of the subject property. The Hillcrest Loop Road area is characterized by low-density single family rural residences.

The overall zoning pattern in the area is mixed. Figure 1, on page 6 of this letter, shows a

portion of the zoning map for this area. Most of the nearby residential land is in the RA2 zone. Some RA5 zoning is further west, and Rural Community zoning is to the northeast. Forest zoning (AF) is to the north and west. The primary use of AF-zoned property in this area is for rural residences, not for commercial forestry.

The proposed change gives reasonable consideration to peculiar suitability of the property for particular uses. (5.412(6))

The subject property is currently zoned for forestry (AF). The proposed change is to a rural residential zone (RA2). The property shares many physical similarities with residentially-zoned property to the south, east, and southwest, along the Hillcrest Loop Road corridor. These features include road access, water, and fire district coverage. The RA2 zone allows rural residences as an outright use (section 3.204(1)). As described elsewhere, and supported by the attached documents, maps, and photographs, the subject property is suitable for the uses allowed in the RA2 zone, especially rural residences.

A creek crosses the west side of the subject property. Home sites can be located away from the creek to protect riparian and aquatic resources. All home sites can be located on the east side of the creek so as to avoid impacts associated with a road crossing. The tentative site plan shows this configuration.

The subject property is better-suited for rural residential uses than for industrial forestry or commercial agriculture. The site's small size, and the proximity of many rural residences along Hillcrest Loop Road, make the subject property more suitable for rural residences. The site's location within the loop formed by Hillcrest Loop Road make the site part of the Knappa community. Commercial forest land in this area is primarily located outside of the Hillcrest Loop.

Land along the Hillcrest Loop corridor, including the subject property, is ~~well~~ particularly well-suited for rural residences. This is demonstrated by many existing rural residences in this area, and by the community's investment in infrastructure (water, roads, schools) that supports rural residential land use.

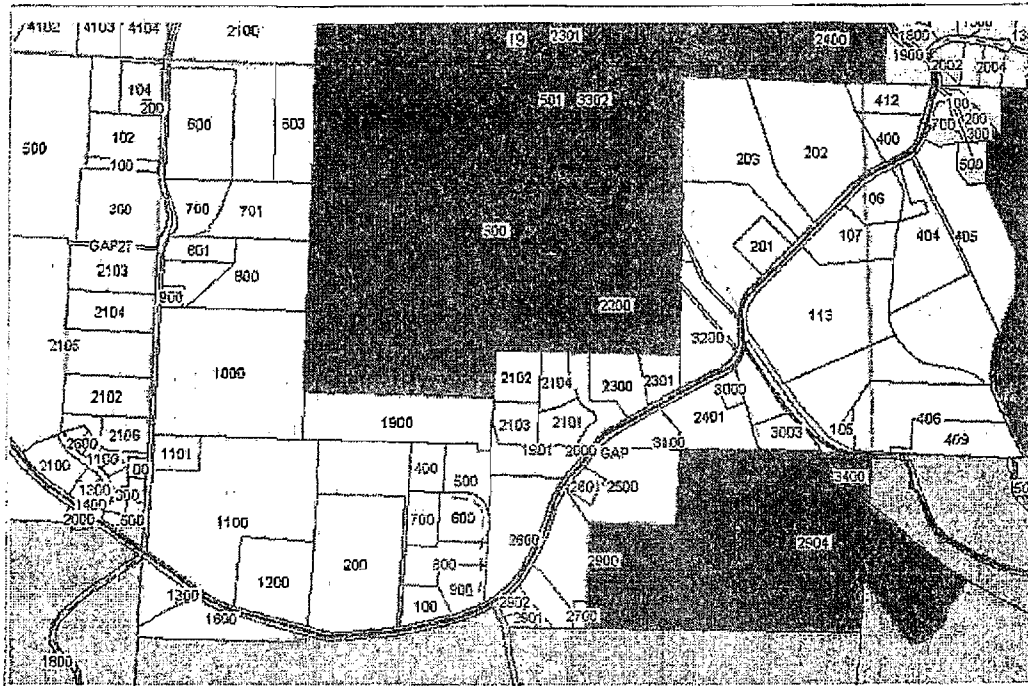


Figure 1; Current Zoning

RAS

RA2



KS-RCR

The proposed change will encourage the most appropriate use of land throughout Clatsop County. (5.412(7))

The proposed amendment encourages appropriate land use in Clatsop County. The County's comprehensive plan recognizes the appropriateness of several different categories of land use through its system of planning and zoning: residential, commercial, industrial, farm, forest, etc. The comprehensive plan also recognizes that, within residential zones, a variety of housing types and densities are appropriate. The AF zoning over most of the subject property is not appropriate given the predominant use of land along the Hillcrest Loop Road corridor, the small size of the subject property; and the residential nature of surrounding lands. The proposed amendment does not diminish the commercial

forest land base in Clatsop County; nor does it impair commercial agricultural lands or operations in the County.

5.412(8): The proposed change will not be detrimental to the health, safety and general welfare of Clatsop County.

The County's planning documents do not directly define these health, safety or welfare considerations. Presumably, they include traffic safety, water quality, emergency response, noise, landslides, geologic hazards, and the like. Development of eight single-family residences on the subject property can be accomplished in a manner that does not harm the County's health, safety, or general welfare. Measures that help achieve this goal include:

*RP
Amendment*

- Limiting residential development on the site to a maximum of eight units; — *Omit*
- Using a single primary approach road/driveway with a secondary/emergency access, both connecting to Hillcrest Loop Road;
- Maintaining appropriate setbacks from adjoining property;
- Erosion control measures can be employed during and after construction;
- Wastewater will be disposed using DEQ-approved systems;
- Potable water will meet applicable state and county standards;
- Appropriate engineering standards will be incorporated into the design and construction of the shared driveway and into individual homes;
- Roads will be built to applicable County standards;
- Clustering development so as to avoid the creek and riparian corridor on the western part of the property.

Based on the information in the application, and this discussion, the County should find that the proposal will not harm the health, safety, or general welfare of Clatsop County.

LWDUO section 5.350 establishes the requirement for a Transportation Impact Review. Subsection 5.350(2)(A)(1) indicates that a traffic impact study may be required when "A change in zoning or a plan amendment designation" is requested:

(2) When Required. A Traffic Impact Study may be required to be submitted to the County with a land use application, when the following conditions apply:

(A) The development application involves one or more of the following

actions:

- 1) *A change in zoning or a plan amendment designation; or*
- 2) *Any proposed development or land use action that ODOT states may have operational or safety concerns along a state highway; and*
- 3) *The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, or crash history. The Institute of Transportation Engineers Trip Generation manual shall be used for determining vehicle trip generation:*
 - (a) An increase in site traffic volume generation by 500 Average Daily Trips (ADT) or more (or as required by the County Engineer); or*
 - (b) An increase in ADT hour volume of a particular movement to and from the State highway by 20 percent or more; or*
 - (c) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or*
 - (d) The location of the access driveway does not meet minimum site distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or*
 - (e) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.*

The traffic impact study is optional. The proposed eight-unit (maximum) rural residential development is not likely to generate the level or type of traffic suggested in subsections (a) through (e), cited above, to warrant a traffic impact study. If the County determines that a traffic impact study might be warranted, the appropriate time to evaluate traffic impacts will be when subdivision approval is requested.

*AP
Amendment*

I look forward to working with the Commission and staff on this project. Please contact

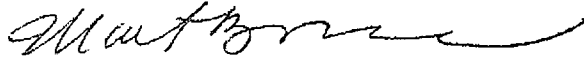
12 May 2008

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8-7-30-2200

me if you need additional information.

Yours Sincerely,



Mark R. Barnes, AICP

attachments: preliminary site development plan
comprehensive plan amendment: proposed goal exception
comprehensive plan policies: proposed findings
statewide planning goals: proposed findings
traffic impact study
letter from Wikiup Water District confirming availability
letter from Dennis Vinsin regarding septic feasibility
power of attorney

Statewide Planning Goals: Proposed Findings

This document contains findings needed to justify the following post-acknowledgment plan amendments with respect to the applicable Statewide Planning Goals:

- Comprehensive Plan Map amendment from Conservation Forest Resources to Rural Lands on tax lot 8-7-30-2200 (about 20 acres);
- Zone Map amendment from Agriculture-Forestry (AF) to Residential-Agriculture-2 (RA2) on tax lot 2200;
- Comprehensive Plan text amendment in the form of an exception to statewide planning goals 3 (agricultural lands) and 4 (forest lands) for tax lot 2200.

A more detailed description of the proposed amendments is provided elsewhere in the application materials.

Goal #1 - Citizen Involvement.

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Clatsop County's Comprehensive Plan and implementing ordinances were found to be in compliance with Goal 1 when the plan was acknowledged by LCDC (the Oregon Land Conservation and Development Commission) in 1982. This proposed post-acknowledgment plan amendment does not seek to change any of the Goal 1-related provisions of the County's Plan or ordinances. The applicant's expect the County to follow the procedures in its ordinance when reviewing this proposed amendment. Based on this, the County should find the proposal in compliance with statewide planning goal 1.

Goal #2 - Land Use Planning.

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Clatsop County's Comprehensive Plan and implementing ordinances were found to be in compliance with goal 2 when the plan was acknowledged by LCDC in 1982. This proposed post-acknowledgment plan amendment does not change any of the goal 2-related provisions of the County's plan or ordinances; nor does it change the policy framework used by the County as a basis for land use decisions and actions. Proposed amendments include an exception to statewide planning goals 3 and 4, consistent with the administrative rules for exceptions. The application includes an adequate factual base to support the County's decision on this matter. Based on this, the County should find the proposed amendments in compliance with statewide planning goal 2

Goal #3 - Agricultural Lands

To preserve and maintain agricultural lands. Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700.

The subject property is not agricultural land subject to the requirements of Goal 3. However, the AF zoning on tax lot 2200 may have been applied, in part, in response to the site's theoretical farm land potential. Consequently, the proposed goal exception is taken to the requirements of statewide planning goals 3 and 4.

Goal #4 - Forest Lands

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Tax lot 2200 is categorized by Clatsop County as forest land subject to the requirements of statewide planning goal 4. The proposed goal exception is taken to the requirements of goal 4.

5/12/2008

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Goal #5 - Open Spaces, Scenic and Historic Areas, and Natural Resources

Statewide planning goal 5 reads as follows: *To protect natural resources and conserve scenic and historic areas and open spaces.* These resources are addressed under goal 5:

- a. Riparian corridors, including water and riparian areas and fish habitat;
- b. Wetlands;
- c. Wildlife Habitat;
- d. Federal Wild and Scenic Rivers;
- e. State Scenic Waterways;
- f. Groundwater Resources;
- g. Approved Oregon Recreation Trails;
- h. Natural Areas;
- i. Wilderness Areas;
- j. Mineral and Aggregate Resources;
- k. Energy sources;
- l. Cultural areas.

Clatsop County's goal 5 element identifies several resources occurring in the vicinity of the subject property. This proposal does not require any changes to the County's acknowledged goal 5 inventory or protection measures currently in place. Goal 5 resources, and the measures adopted by Clatsop County to protect them, are briefly described in the following paragraphs.

Open space is a goal 5 resource. The County-wide goal 5 element identifies three kinds of open space: general open space (farms, forests, estuaries, the ocean and ocean beaches); site-specific open space (parks, wildlife refuges, wetlands, and specific scenic areas); and areas provided in conjunction with a specific development (dedicated open space in a subdivision). No amendment to the County's acknowledged goal 5 element is needed.

Mineral and aggregate deposits are goal 5 resources. The County-wide goal 5 element does not identify any commercial mineral or aggregate resources on or near the subject property.

Wildlife habitat is a Goal 5 resource. The comprehensive plan's inventory map describes the subject property and nearly all of the Knappa-Svensen area, as Peripheral Big Game Habitat. Upland game birds (grouse, quail, pigeons) are not known to use the site or adjacent lands. Waterfowl habitat is not present on the subject property. The County-wide goal 5 element discusses habitat for "Furbearers and Hunted Non-game Wildlife", including beaver, muskrat, nutria, mink, river otter, skunk, bobcat, raccoon, rabbits, and coyotes. Some of these non-game species may use the site from time to time. The goal 5 element does not include any measures for protection of fur-bearing or hunted non-game wildlife habitat. Northern bald eagles, osprey, herons and snowy plovers are identified as important non-game birds. This plan amendment does not amend any specific goal 5 protection measures for any wildlife resources.

Fish habitat is a goal 5 resource. The stream crossing the site (a tributary of Little Creek) is not inventoried in the County's land use documents as fish habitat. The proposed tentative development plan protects this stream and a riparian corridor. No changes to the County's fish habitat protection measures are proposed or needed for this amendment.

Ecologically and scientifically significant natural areas are goal 5 resources. None of the 23 sites listed in the County's inventory is on or near the subject property.

Outstanding scenic views and sites are goal 5 resources. Twelve sites are listed in the County's final inventory of scenic sites. None of these final inventory sites is on or near the subject property.

Water areas, watersheds, and groundwater are goal 5 resources. A tributary of Little Creek crosses the site. The subject property is in a watershed that drains into the Columbia River; however, the proposed amendments and subsequent rural residential development do not require any amendments to the inventory, or to the protection measures adopted by the County for water areas, groundwater resources, or watersheds.

Wetlands are a goal 5 resource. Clatsop County's goal 5 plan element relies on a wetland inventory completed by Duncan Thomas in 1980. The Thomas inventory does not identify any wetlands on the subject property. The National Wetlands Inventory, conducted by the US Fish and Wildlife Service, identifies wetlands in a riparian corridor on the property. The proposed amendments do not change the status of this creek with respect to state or federal permit requirements, or with respect to the County's wetland inventory or its riparian resource protection measures.

5/12/2008

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Wilderness areas are goal 5 resources. The Oregon Islands Wilderness Area, which does not include this property, is identified by the County as a goal 5 wilderness area.

Historic sites are goal 5 resources. The subject property is not included in the County's preliminary or final inventory of historic sites.

Cultural areas are goal 5 resources. No archaeological sites have been identified on or near the subject property. Statutory requirements will be followed if cultural artifacts are found during site development.

Oregon recreation trails and wild and scenic waterways are goal 5 resources. They are addressed in the County's Recreational Needs Element. No recreational trails or wild or scenic waterways are present on the subject property.

The proposed amendment does not change the County's goal 5 inventories; nor does it affect any resource protection measures adopted under goal 5. Based on this, the County should find that the proposal complies with statewide planning goal 5.

Goal #6 - Air, Water, and Land Resources Quality

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

Clatsop County relies on a number of plan policies and ordinance requirements to meet goal 6. The County also relies on the programs of various state and federal agencies, including the US Environmental Protection Agency (EPA) and the Oregon Department of Environmental Quality (DEQ).

The proposed use of the site is for ^asingle family rural residences. The subject property, as well as the surrounding area, is not served by a centralized sewage collection and treatment system or plant. Instead, each proposed dwelling on the subject property will be served by an individual subsurface wastewater disposal system. Clatsop County relies on DEQ to review and approve proposals for these systems. This application includes a letter from Denis Vinson, a DEQ-licensed installer of septic systems, demonstrating the feasibility of

using these kinds of wastewater disposal systems on this site.

The subject property is not designated as a potential site for a wastewater treatment plant, or for disposal of sludge from a wastewater treatment plant. No nearby sites are designated or used for wastewater or sewage sludge disposal, so the subject property is not needed as a buffer for these uses.

Runoff from impervious surfaces will be directed to the groundwater table by way of percolation from the surface; or towards existing drainage-ways via grassy swales. The County should find this means of stormwater management is feasible based on its successful use elsewhere in the vicinity. A detailed stormwater management plan is a requirement of a development permit: this can be provided when the property is developed.

Air emissions associated with single family residences are likely to be limited to emissions from fire places and wood-burning stoves, natural gas or propane appliances (such as water heaters or space heaters), barbecues, and outdoor burning. The County does not regulate these activities under its goal 6 program. They are covered by state or federal programs, to the extent they are regulated at all.

The site is not currently used as or designated for future use as a solid waste disposal site. Solid waste in this area is collected for disposal off-site at a licensed solid waste disposal facility. No nearby sites are designated or used for disposal or transfer of solid waste, so the subject property is not needed as a buffer for these uses.

Goal # 7 - Areas Subject to Natural Disasters and Hazards.

Statewide planning goal 7 is "To protect life and property from natural disasters and hazards." The specific hazards addressed by goal 7 are stream flooding, ocean flooding, ground water, erosion and deposition, landslides, earthquakes, weak foundation soils, and other local or regional hazards. The proposed amendment does not change any of the goal 7 protections in the County's comprehensive plan or implementing ordinances.

The site is not in the mapped regulatory 100-year or 500-year floodplain, or in an area prone to ocean flooding, as shown on the most current flood insurance rate map for this area.

The subject property is not in an area identified in the County's goal 7 element as prone to high groundwater levels.

There is no evidence of substantial ongoing erosion or deposition on the subject property, nor is this type of hazard mapped on the property.

This site, like all land along the Pacific Coast of North America, is subject to earthquake hazards. This site is not identified in the County's goal 7 element as requiring any special measures to mitigate possible earthquake damage. New residences constructed on the property as a result of this amendment will meet applicable seismic requirements in the Oregon Residential Specialty Code.

The site is not identified in the County's goal 7 element as suffering from weak foundation soils.

The subject property is not in an area inventoried by the County as landslide topography.

Based on this information, the County should find that the proposal does not violate statewide planning goal 7.

Goal # 8 - Recreational Needs.

Statewide planning goal 8 is "To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts."

The subject property is not inventoried as a goal 8 resource by the County. Development of the subject property for up to eight rural residential home sites does not impair any goal 8 resource or violate any of the County's goal 8 implementation measures. Clatsop County should find that the proposed amendments do not take the Recreational Lands Master Plan out of compliance with the goal.

Goal #9 - Economy of the State

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Goal 9 is principally concerned with commercial and industrial lands. The proposed amendments neither add to nor subtract from the County's inventory of developable commercial or industrial lands. The proposal does not need any amendments to the policies or implementing measures adopted by the County to meet statewide planning goal 9. The site is not presently zoned or used for commercial or industrial activities. The proposed zoning would not allow commercial or industrial use of the site. The nearest commercially zoned land is in the Knappa Rural Community, to the northeast. Based on this, the County should find that the proposal is consistent with statewide planning goal 9.

Goal #10 - Housing

Statewide planning goal 10 is *To provide for the housing needs of citizens of the state.* The proposed amendments add eight potential home sites to the County's inventory of buildable land that can be used to meet goal 10 obligations. The RA2 zone allows single family dwellings as a permitted use; see LWDUO section 3.204(1). A letter from licensed installer Dennis Vinson demonstrates the feasibility of using DEQ-approved subsurface wastewater disposal systems on the site. Development on the subject property will rely on water from the Wikiup Water District and the Carmen Creek Water Association to meet residential needs. The proposal does not seek amendment of the County's goal 10 element; nor does it undermine the County's compliance with goal 10. Based on this, the County should find the proposal consistent with statewide planning goal 10.

Goal #11 - Public Facilities and Services, and OAR 660-011

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The Hillcrest Loop corridor, including the subject property, is serviced at a level appropriate for rural residential development. Like the subject property, most existing

homes are served by a water district. Pacific Power provides electricity in this area. Qwest and other companies provide telephone service. The site is in an area served by the Knappa-Svensen-Burnside Rural Fire Protection District. The proposal does not require amendment of the County's goal 11 element, or undermine the County's compliance with goal 11. Based on this, the County should find the proposal consistent with statewide planning goal 11.

Goal #12 - Transportation

Statewide planning goal 12 is "To provide and encourage a safe, convenient and economic transportation system." Clatsop County's comprehensive plan contains a goal 12 element, as well as a separate transportation system plan (TSP). Applicable policies from the County's goal 12 element and the TSP are addressed elsewhere.

The only transportation facility near the subject property is Hillcrest Loop Road. There are no rail lines, pipelines, airports, or navigation channels on or near the property. As it passes the subject property, Hillcrest Loop Road provides a shared surface for motor vehicles, bicycles, and pedestrians. Proposed amendments, and subsequent rural residential development on the site, do not conflict with ongoing use of, or improvement to, this transportation facilities.

The proposed amendments do not require a revision of the County's TSP, or any other type of amendment to the goal 12 element. The amendments, and subsequent rural residential development on the site, as limited by the RA2 zone, do not threaten the County's ability to provide a safe, convenient and economic transportation system.

Goal #13 - Energy Conservation.

Statewide Planning Goal 13 is "To conserve energy." The goal goes on to read as follows:

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

This proposal does not require any amendment to the County's goal 13 element, nor does it undermine compliance with goal 13. The proposed amendment package and planned development of this site is consistent with the goal of conserving energy for the following reasons:

- Houses built on this site will be new construction, built to current codes for residential energy efficiency, and using new appliances and heating systems. Because of this, these homes will be substantially more energy efficient than older homes of comparable size.
- Development of this site for up to eight residences does not require the extension of any public roads or the construction of new public roads. The site has access onto Hillcrest Loop Road, an existing improved County collector. A shared driveway system can be used to access all home sites
- Site orientation will assure adequate solar access for houses built on the subject property.

Amendment

Based on this information, the County should find the proposal consistent with statewide planning goal 13.

Goal #14 - Urbanization.

Statewide planning goal 14 is "To provide for an orderly and efficient transition from rural to urban land use." The goal goes on to address urban growth boundaries. This proposed amendment does not involve an existing or proposed urban growth boundary (UGB). Nearby UGBs are to the west (Astoria) and east (Clatskanie). Goal 14 also addresses unincorporated communities. The proposal does not involve land in an unincorporated community, nor does it require the extension of services from an unincorporated community. The Knappa-Svensen Rural Community is a designated unincorporated community under goal 14. The proposal is entirely outside of the Knappa-Svensen Rural Community.

OAR 660-21 addresses urban reserve areas under goal 14. The subject property is not in an

urban reserve area, nor has the County designated any urban reserve areas. Because of this, OAR 660-21 is not applicable to the proposal.

OAR 660-04-0040 addresses rural residential areas. Subsection (5)(a) reads as follows:

A rural residential zone currently in effect shall be deemed to comply with Goal 14 if that zone requires any new lot or parcel to have an area of at least two acres.

The proposed RA2 zoning for the subject property carries a minimum lot size of two acres: see LWDUO section 3.208(1)(a). The proposal complies with goal 14.

Goal #17 - Coastal Shorelands

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and

To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

The subject property is not within goal 17's coastal shorelands boundary. The County adopted an inventory prepared by CREST (Columbia River Estuary Study Taskforce). The proposal is outside of the CREST estuary shorelands boundary.

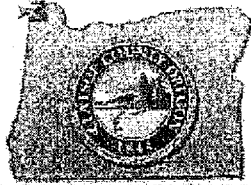
Goal #18 - Beaches and Dunes.

To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and

Clatsop County adopted a beach and dune inventory as required by this goal in the late

1970's. The inventory was prepared by Leonard Palmer. The subject property is not included in the inventory, nor is it a beach or dune area as defined by goal 18.

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Proposed Findings – Clatsop County Comprehensive Plan

The proposed amendment includes the following components:

- Comprehensive Plan Map amendment from Conservation Forest Resources to Rural Lands on a 20-acre (approximately) portion of tax lot 8-7-30-2200;
- Zone Map amendment from Agriculture-Forestry (AF) to Residential-Agriculture-2 (RA2) on a 20-acre (approximately) portion of tax lot 2200;
- Comprehensive Plan text amendment in the form of an exception to statewide planning goals 3 (agricultural lands) and 4 (forest lands) for a 20-acre (approximately) portion of tax lot 2200.

This document addresses consistency with the Clatsop County Comprehensive Plan, as required under section 5.412(1) of the County's Land and Water Development and Use Ordinance:

The proposed change is consistent with the policies of the Clatsop County Comprehensive Plan.

County-wide policies are addressed first, followed by community plan policies beginning on page 51.

Citizen Involvement Policies

The County's comprehensive plan includes nine citizen involvement policies. The proposed amendment package does not conflict with these policies, or prevent them from being implemented. The proposal does not require the amendment of any of these policies. The citizen involvement policies do not establish mandatory approval criteria or standards applicable to this proposal. The policies are excerpted below, but policy-by-policy findings are not necessary for the proposed amendments.

Goal 1 - Citizen Involvement Policy 1: *The Committee for Citizen Involvement shall be the Clatsop County Planning Commission, consisting of seven members. The Planning Commission shall strive to represent a cross section of affected citizens in all phases of the planning process. As an appropriate component, five Planning Commission members shall be representatives of the six designated geographic areas (with a seven member Commission, one area may have two members). No more than two Planning Commission members may reside within incorporated cities. Each member of the Planning Commission shall be selected by an open, well-publicized, public process by the Board of Commissioners.*

Goal 1 - Citizen Involvement Policy 2: *The Planning Commission and active Citizen Advisory Committees shall hold their meetings in such a way that the public is notified in advance and given the opportunity to attend and participate in a meaningful fashion.*

Goal 1 - Citizen Involvement Policy 3: *Active Citizen Advisory Committees may submit their comments to the Clatsop County Department of Planning and Development, Clatsop County Planning Commission and Clatsop County Board of Commissioners. These bodies shall answer the CAC request in a timely manner.*

Goal 1 - Citizen Involvement Policy 4: *The Board of Commissioners, through the Planning Department, should provide adequate and reasonable financial support; technical assistance shall be available and presented in a simplified form, understandable for effective use and application.*

Goal 1 - Citizen Involvement Policy 5: *Citizens shall be provided the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan and Implementation Measures.*

Goal 1 - Citizen Involvement Policy 6: *Clatsop County shall encourage organizations and agencies of local, state and federal government and special districts to participate in the planning process.*

Goal 1 - Citizen Involvement Policy 7: *Clatsop County shall use the news media, mailings, meetings, and other locally available means to communicate planning*

information to citizens and governmental agencies. Prior to public hearings regarding major Plan revisions, notices shall be publicized.

Goal 1 - Citizen Involvement Policy 8: *Clatsop County shall establish and maintain effective means of communication between decision-makers and those citizens involved in the planning process. The County shall ensure that ideas and recommendations submitted during the planning process will be evaluated, synthesized, quantified, and utilized as appropriate.*

Goal 1 - Citizen Involvement Policy 9: *Public notices will also be sent to affected residents concerning zone and Comprehensive Plan changes, conditional uses, subdivisions and planned developments.*

Land Use Planning Policies

Clatsop County's Comprehensive Plan includes one Land Use Planning policy:

Designation of Rural Lands Policy: *Generally parcels less than 15 acres and that are "built upon or irrevocably committed" to a non-resource use is to be placed in a residential, industrial or commercial zone.*

Residential

Residential densities are generally designated through the following additional criteria:

- a. *Where subdivisions or partitioning or both have occurred in a one-acre pattern of development the area will be placed in one of the one-acre zones;*
- b. *In areas with a development pattern of two to five acre parcels (some smaller and some larger), the areas will be placed in a two-acre zone;*
- c. *In areas adjacent to resource (forest, agriculture, wetlands, estuary areas) lands, or Camp Rilea, the areas will be placed in a five-acre zone;*
- d. *In areas where large parcels (15 acres or greater) of non-resource land are located, the areas will be placed in a five-acre zone;*

e. *In addition to criteria a through d, minimum lot sizes increase with increasing distance from the following areas:*

1. *all urban growth boundaries*
2. *Svensen center*
3. *Knappa center*

The "Designation of Rural Lands" policy is applicable because the proposal places about 20 acres in the Rural Lands plan designation. The policy does not establish a clear line between Rural Lands and other lands. Instead, "general" guidance is provided. At 20 acres, the subject property is slightly larger than the 15 acre figure used in the policy. However, it meets the other parts of the policy. The area is characterized by a pattern of small lot sizes. The assessment and taxation maps for the subject property and surrounding lands show many small lots, many in the two-acre size class. The subject property is close to the Knappa Rural Community UGB. Knappa-Svensen Rural Community Residential (KS-RCR) zoning begins about one-half mile to the northwest of the subject property. To the immediate south and east of the subject property is a large area of RA2 zoning. The subject property is not in or adjacent to an estuary, farm lands, or Camp Rilea. The subject property is similar in most respects to adjoining and nearby residentially-zoned land.

HP Amendment

The "Designation of Rural Lands" policy has been interpreted by the County as providing broad guidelines, rather than a sequential list of tests that each parcel must pass. Moreover, the County has evaluated compliance with the policy by considering an area, as opposed to an individual tax lot, as the appropriate unit of analysis. Clatsop County should find the proposal consistent with this policy, based on evidence in the application materials and on this discussion.

Agricultural Lands Policies

The subject property is not agricultural land. Tax lot 2200 is presently in a Conservation Forest Resources plan designation, and in the AF zone. This is a forest zone and plan designation; agricultural lands in Clatsop County are in the Conservation Farm Land plan designation and the EFU zone. The subject property is not farm land; if it were, Clatsop County would have placed it in the EFU zone. The County comprehensive plan's Agricultural Lands policies are not applicable to this proposal.

Goal 3 – Agricultural Lands policy 1: *The County shall provide areas for the continued practice of agriculture and permit the establishment of only those new uses which are compatible with agriculture activities.*

Goal 3 – Agricultural Lands policy 2: *Existing farming communities which constitute the mainstay of the agricultural economy in the County shall be preserved by Exclusive Farm Use (EFU) zoning.*

Goal 3 – Agricultural Lands policy 3: *The County shall encourage the consolidation of EFU land into large efficient farm units.*

Goal 3 – Agricultural Lands policy 4: *All divisions of EFU land shall be reviewed by the County for compatibility with the Agricultural Goals of the State and County policies.*

Goal 3 – Agricultural Lands policy 5: *Non-farm uses permitted on EFU land shall be minimized to allow for maximum agricultural productivity.*

Goal 3 – Agricultural Lands policy 6: *Agricultural land which also meets the criteria for forest land and which is primarily utilized for livestock grazing or forestry in sufficient parcel size, shall be conserved for forest uses.*

Goal 3 – Agricultural Lands policy 7: *The County shall encourage the division of underutilized agriculture land into small tracts to maximize the potential for part-time hobby farms where large farms are impractical or where the area is determined to be committed to other uses.*

Goal 3 – Agricultural Lands policy 8: *The County recognizes that there is an increasing problem with elk herds on agricultural lands. In order to continue the productivity of the County's agricultural lands, the County will do the following:*

- a. *Wildlife refuges and game management areas shall be limited. New proposals shall require a zone change and an assessment of public need and impacts of establishing additional wildlife refuges or game management areas adjacent to agricultural activities.*

- b. *The State Wildlife Commission shall be officially requested to resolve the existing adverse impacts on agricultural lands associated with elk, including but not limited to, one or more of the following measures:*
- 1. revision of hunting laws to sustained management levels.*
 - 2. reduce the elk population in Clatsop County.*
 - 3. indemnify the owners for damage on their property resulting from elk.*
 - 4. pay for and install adequate fencing.*

Forest Lands Policies

Tax lot 2200 is in an AF zone, in the Conservation Forest Lands plan designation. This is a forest zone and plan designation. The proposed amendment removes the forest lands designation from tax lot 2200 and makes these policies inapplicable.

Forest Lands policy 23 requires an exception for an amendment that changes a parcel's plan designation from Forest Lands to Rural Lands. An exception is included as a part of this proposal.

None of the forest lands policies requires specific findings, or establishes approval criteria or standards applicable to the proposed amendment.

Goal 4 – Forest Lands policy 1: *Forest lands shall be conserved for forest uses, including the production of trees and the processing of forest products, open space, buffers from noise, visual separation from conflicting uses, watershed protection, wildlife and fisheries habitat, soils protection from wind and water, maintenance of clean air and water, outdoor recreational activities compatible with these uses, and grazing land for livestock.*

Goal 4 – Forest Lands policy 2: *Forest Lands shall be designated Conservation-Forest in the County's Comprehensive Plan. When considering a zone change to a forest zone, the Planning Commission or other reviewing body shall review the proposal against the acreage, management, and other approval criteria in County-wide Forest Lands Policies #19, #20 and #21.*

Goal 4 – Forest Lands policy 3: *Forest practices on lands designated Conservation-Forest shall conform to the Oregon Forest Practices Act and Oregon Forest Practice Rules, as revised.*

Goal 4 – Forest Lands policy 4: *Division of forestlands will be permitted only upon a finding that the proposed division meets the following criteria:*

- a. *the proposed division will not diminish the potential for timber production, watershed protection and fish and wildlife habitat, and*
- b. *the creation of new parcels will not materially alter the overall stability of the area's land use pattern.*

Goal 4 – Forest Lands policy 5: *The clustering of non-forest residences on forestlands may be permitted in the AF-20 and F-38 zones, subject to non-forest use siting standards. This non-forest development is permitted conditionally because, properly designed and sited, it does not result in the loss of forest lands nor does it diminish or interfere with forest uses.*

Goal 4 – Forest Lands policy 6: *The designation of new park and recreation areas (campgrounds, etc.) on forestlands shall require an assessment of public need for these facilities and their potential impact on adjacent forestlands. The productive capacity of the land shall be evaluated and considered when siting these developments. These developments, if allowed, shall be sited and designed so as not to preclude forest management wherever possible.*

Goal 4 – Forest Lands policy 7: *The County will do the following in order to minimize conflicts between the use of forestland for elk habitat and for commercial timber production.*

- a. *Wildlife refuges: Existing wildlife refuges which are owned/leased and managed by the Oregon Department of Fish and Wildlife (ODFW) or by the United States Fish and Wildlife Service (USFWS) shall be designated Conservation-Other Resource and zoned Open Space, Parks and Recreation (OPR). Proposed wildlife management areas which are managed and either owned or leased by the Oregon Department of Fish and Wildlife (ODFW) located in areas designated Conservation Forest or in other lowland areas under any plan designation shall be reviewed by the County for compliance with the approval standards listed below. Such*

hearings shall be conducted according to a Type IV procedure at a time and place convenient to residents of the affected planning area. ODFW shall provide an evaluation of the economic, social, environmental and energy consequences of the proposal and information sufficient to support findings with respect to the following approval criteria:

- I. Identification of the need for the proposed new wildlife management area. "Need" means specific problems or conflicts that will be resolved or specific ODFW objectives that will be achieved by establishing the proposed area.
2. Alternative lands and management actions available to the ODFW, and an analysis of why those alternatives or management actions will not resolve identified problems or achieve objectives.

b. The State Fish and Wildlife Commission shall be officially requested to resolve the existing adverse impacts on forestland resulting from elk browse. The following measures are suggested:

- revision of hunting laws.
- reduce the elk population in Clatsop County to sustained management levels.
- compensate land owners for damage to forest crops resulting from elk.
- where appropriate, provide technical and financial assistance to forestland owners for the installation of fencing.

- c. The County shall take the necessary action through the State Legislative Assembly to revise the laws governing the action of the State Fish and Wildlife Commission for the provision of acceptable methods of relief to property owners from damage due to elk.

Goal 4 – Forest Lands policy 10: Forestry activities within watersheds in areas designated Conservation-Forest in the Comprehensive Plan will be conducted in accordance with the Oregon Forest Practices Act and the Oregon Forest Practice

Rules, as revised. Additional protective measures negotiated between forest landowners and water users are encouraged.

Goal 4 – Forest Lands policy 11: *The productive capacity of the land will be considered before land designated Conservation-Forest is changed to another plan designation. The impact of the proposed new use on adjacent lands shall also be evaluated and considered before such a plan change is made.*

Goal 4 – Forest Lands policy 12: *Off-road vehicles (ORVs) shall be strictly confined to established rock roads in order to prevent erosion, stream degradation, damage to young trees and seedlings, and disturbance of wildlife and its habitat.*

Goal 4 – Forest Lands policy 13: *Existing utility right-of-ways shall be utilized to the maximum extent possible before new right-of-ways are created.*

Goal 4 – Forest Lands policy 14: *Roads in forest areas shall be limited to the minimum width necessary for traffic management and safety.*

Goal 4 – Forest Lands policy 15: *Forest landowners shall be encouraged to actively pursue methods of complete utilization of wood fiber left on the ground after harvesting.*

Goal 4 – Forest Lands policy 16: *Where forestlands of suitable management size occur in the interior of rural residential areas, or are completely surrounded by residential development, small woodland management and farming is encouraged. Over time these areas may be needed for housing and in future comprehensive plan updates shall be considered ideally situated for conversion to residential uses prior to conversion of other forestlands.*

Goal 4 – Forest Lands policy 17: *Expansion of existing non-forest developments and uses in forest zones may be permitted under a Type II procedure only when such expansion is substantially confined to the existing site.*

Goal 4 – Forest Lands policy 18: *Partitioning of forest lands under the provisions of Clatsop County's forest zones which serve to increase forest management efficiency by allowing one or more forest owners to consolidate their land holdings is encouraged.*

Goal 4 – Forest Lands policy 19: *Clatsop County will rely on the following acreage criteria when reviewing a proposed zone change to a forest zone:*

AF-20: Lands in the AF-20 zone shall be comprised predominantly of ownerships smaller than 40 acres. Ownerships 40 acres and larger may also be placed in an AF-20 zone if they are generally surrounded by ownerships smaller than 40 acres.

F-38: Lands in the F-38 zone shall be comprised predominantly of ownerships smaller than 76 acres. Ownerships 76 acres and larger may also be placed in an F-38 zone if they are generally surrounded by ownerships smaller than 76 acres.

F-80: Lands in the F-80 zone shall be comprised predominantly of ownerships 76 acres and larger.

Goal 4 – Forest Lands policy 20: *Clatsop County will rely on the following management criteria when reviewing a proposed zone change to a forest zone:*

AF-20 and F-38: lands in these forest zones are characterized by both agricultural and forestland uses. Management of these lands is often done on a low-intensity, part-time basis.

F-80: Forestlands in the F-80 zone include areas where timber production is the primary land use. These lands are often intensively managed by full time professional foresters.

Goal 4 – Forest Lands policy 21: *A zone change from the F-80 zone to any other zone, including the AF-20 or F-38 zone, shall require a plan amendment. The purpose for such a plan change is to assure that primary forest lands in the F-80 zone are not converted to mixed use forest lands in the F-38 or AF-20 zones, or to any other plan designation without appropriate review by the County.*

Goal 4 – Forest Lands policy 22: *Partitioning of land in the AF-20 zone and F-38 zone shall be approved only upon a finding that such newly created parcels shall be used only for forest uses. This policy does not apply to the small lots resulting from a cluster partition.*

Goal 4 – Forest Lands policy 23: *In land use changes involving a change from Conservation-Forest Lands or Rural Agricultural Lands to Rural Lands or Development designations an Exception to the Agricultural Lands or Forest Lands Goals must be taken.*

Open Spaces, Scenic & Historic Areas and Natural Resources Policies

The proposal does not include any changes to the County's goal 5 inventory, analysis, or implementation measures. The subject property is not inventoried as a mineral or aggregate resource site. No known historic or archaeological resources are present on the site. It is not included in the County's inventory of scenic sites. There is no habitat for the Columbia White-tailed deer on the site. No energy resources are known to be present on the subject property. The subject property is not in a goal 5 designated natural area.

Fish and Wildlife Area and Habitats policy 1 includes this provision:

e. submit all proposed Plan and zone changes of land zoned F-80, F-38, and AF-20 to a more intensive use zone to the Oregon Department of Fish and Wildlife for a determination of possible conflicts with big game habitat requirements. If the Department identifies conflicts, the County will consider recommendations for resolving these conflicts.

The subject property is within the area designation for Peripheral Big Game Habitat; policy 1e is applicable. Design recommendations from ODFW can be incorporated into the final project layout.

The County's goal 5 element does not include any inventoried goal 5 wetlands or goal 5 riparian resources on the subject property; however, the site does contain riparian habitat associated with an un-named tributary of Little Creek. The proposed amendment does not change the County's approach to these resources. The property can be developed without damaging riparian resources by incorporating the following impact avoidance and reduction measures:

- Erosion control measures can be used during road and homesite construction to avoid siltation.

- Riparian setbacks can be observed in the siting of homesites.
- Stream crossings can be avoided : see the proposed tentative design.
- Sanitary wastewater can be handled using DEQ-approved disposal systems, thus avoiding any surface water degradation.
- Direct discharge of untreated runoff from roof drains can be avoided by using grassy swales or drywells for roof drain discharge.
- Water resources in Little Creek and its tributaries can be protected by not using surface water sources to meet domestic water needs.

Mineral and Aggregate Resources Policy 1: *The County shall protect significant mineral and aggregate resources consistent with Statewide Planning Goal 5 and the process for complying with the Goal specified in Oregon Administrative Rules Chapter 660, Division 16.*

Mineral and Aggregate Resources Policy 2: *In making a decision whether to protect a significant mineral or aggregate site from conflicting uses, the County shall recognize that Goal 5 requires the protection of natural resources for future generations, and that the requirements of other applicable Statewide Planning Goals must be considered in any analysis of conflicting uses.*

Mineral and Aggregate Resources Policy 3: *The County shall maintain an inventory of mineral and aggregate resources sites. The Comprehensive Plan inventory shall consist of three parts:*

- An inventory of "significant sites" identified through the Goal 5 process as important resources that will be protected from conflicting uses;*
- An inventory of "potential sites" for which sufficient information concerning the location, quality, and quantity of a resource site is not adequate so as to allow the County to make a determination of significance;*
- An inventory of "other sites" for which available information demonstrates that the site is not a significant resource to be protected.*

Mineral and Aggregate Resources Policy 4: *The location of a mineral or aggregate resource shall be identified as the site of a recoverable source of material. A resource site may consist of all or portions of a parcel, and may*

comprise contiguous parcels in different ownerships. Identification of a resource site need not include mineral and aggregate reserves that are irrevocable committed to other land uses which are incompatible with surface mining.

Mineral and Aggregate Resources Policy 5: *For an aggregate site to be determined significant, the resource must meet Oregon Department of Transportation specifications for concrete aggregate rock. It is the County's policy to protect the highest quality rock for future use.*

Mineral and Aggregate Resources Policy 6: *For an aggregate site to be determined significant, the site must possess a minimum of 250K cubic yards of minable reserves. It is the policy of the County to protect a variety of large reserves in order to serve the regional market.*

Mineral and Aggregate Resources Policy 7: *The significance of non-aggregate mineral resources shall be judged on a case-by-case basis, taking into account information concerning the commercial or industrial use of the resource, as well as the relative quality and relative abundance of the resource within at least the County.*

Mineral and Aggregate Resources Policy 8: *Because material source sites owned or controlled by municipal, County or state government agencies have been acquired for the purpose of maintaining the public road system, and collectively form a network of great importance, the County shall deem such sites presumptively significant. Such sites shall be analyzed along with other significant sites to establish the appropriate level of protection from conflicting uses.*

Mineral and Aggregate Resources Policy 9: *The County shall recognize existing surface mining operations as significant resources pursuant to Goal 5, and shall allow existing operations to continue for two (2) years without conforming to the performance standards in the zoning ordinance. Expansion beyond the limits of an existing site shall be in accordance with County zoning regulations.*

Mineral and Aggregate Resources Policy 10: *The scope of an existing or "grandfathered" aggregate operation shall be established by:*

- a. Authorization by a County land use approval; or*

- b. The extent of the area disturbed by mining on the effective date of this ordinance; or*
- c. The continuous pursuit of a specific mining plan by an operator for not less than five years.*

Mineral and Aggregate Resources Policy 11: *In order to maintain the right to continue an existing surface mining operation and bring the County's inventory of mineral and aggregate resources into compliance with Goal 5, an analysis of economic, social, environmental and energy (ESEE) consequences performed for an existing site shall only consider the consequences of potential conflicting uses upon current or future operations, and the consequences of mine expansion on existing or potential conflicting uses.*

Mineral and Aggregate Resources Policy 12: *Sites on the "other sites" inventory shall not be protected pursuant to Goal 5.*

Mineral and Aggregate Resources Policy 13: *For sites on the "potential sites" inventory, the County shall review available information about mineral and aggregate resources, and if the information is sufficient, determine the site to be significant when one of the following conditions exists:*

- a. As part of the next scheduled periodic review;*
- b. When a landowner or operator submits information concerning the potential significance of a resource site and requests a Comprehensive Plan amendment;*
- c. When resolution of the status of a potential resource is necessary to advance another planning objective.*

Mineral and Aggregate Resources Policy 14: *For each site determined to be significant, the County shall complete the remainder of the Goal 5 process of identifying conflicting uses, analyzing the ESEE consequences of the conflicting use(s), and designating a level of protection from conflicting uses. If the final decision concerning the site is to fully preserve or partially protect the resource from conflicting uses, the site shall be zoned with the Mineral and Aggregate Resources Overlay.*

Mineral and Aggregate Resources Policy 15: *When analyzing the ESEE consequences of potential conflicts between a significant mineral or aggregate*

resource and another significant Goal 5 resource, the County shall consider the protection program adopted for the conflicting resource. Conflicts with other natural resources shall not be the basis for mining restrictions unless the County has included the conflicting resource on the inventory of significant Goal 5 resources, and adopted a resource protection program.

Mineral and Aggregate Resources Policy 16: *The County may consider the effects of surface mining operations on public roads and traffic. Consideration may include review of proposed routes, site distances at access points, roadway width and alignment, and level of service. The County may impose conditions or restrictions directly related to the impact created by surface mining; however, any conditions or restrictions shall not be approval criteria, and shall be applied uniformly to all road users in a manner consistent with the County's transportation plan.*

Mineral and Aggregate Resources Policy 17: *In order to approve surface mining at a site zoned for exclusive farm or forestry use, the County shall find, as part of the ESEE analysis, that the proposed activity will not: (1) force a significant change in, or significantly increase the cost of, accepted farming or forestry practices on surrounding lands, and (2) will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.*

Mineral and Aggregate Resources Policy 18: *The County shall not independently apply the Mineral and Aggregate Resources Overlay to land within another County, or within a city or its urban growth boundary. The County shall seek to ensure protection of significant sites where the impact area surrounding the resource extends across jurisdictional boundaries through cooperative agreements with another County or a city.*

Mineral and Aggregate Resources Policy 19: *The County shall require increased setbacks, insulation, screening, or similar measures as conditions of approval for any new conflicting use within an impact area surrounding a mineral or aggregate resource site when such measures are deemed necessary to resolve conflicts identified in a site-specific Goal 5 analysis.*

Mineral and Aggregate Resources Policy 20: *The County may establish and impose conditions on operation of a surface mine when deemed necessary as a*

result of a site-specific Goal 5 analysis. Where such conditions conflict with criteria and standards in the Mineral and Aggregate Resources Overlay, the conditions developed through the Goal 6 analysis shall control.

Mineral and Aggregate Resources Policy 21: *As part of the ESEE analysis and decision on the level of protection to be afforded significant mineral and aggregate resource sites, the County shall determine the appropriate post-mining use of the site.*

Mineral and Aggregate Resources Policy 22: *The County recognizes the jurisdiction of the Department of Geology and Mineral Industries for the purpose of the mined land reclamation pursuant to ORS 517.750 to 517.900 and the rules adopted thereunder.*

Mineral and Aggregate Resources Policy 23: *Unless specifically determined on a case-by-case basis, it shall be the policy of the County, pursuant to ORS 517.830(3), that DOGAMI delay its final decision on approval of a reclamation plan and issuance of an operating permit, as those terms are defined by statute and administrative rule, until all issues concerning local land use approval have been adjudicated by the County.*

Mineral and Aggregate Resources Policy 24: *No surface mining or processing activity, as defined by the zoning ordinance, shall commence without land use approval from the County, and approval of a reclamation plan and issuance of an operating permit by DOGAMI.*

Mineral and Aggregate Resources Policy 25: *Land shall not be rezoned to remove the Mineral and Aggregate Resources Overlay until the mineral or aggregate resource is depleted, and the site has been reclaimed.*

Energy Sources policy 1: *Development shall not be allowed to impair the feasibility of potential wind generating facilities at sites identified as appropriate for such generation.*

Energy Sources policy 2: *The County will rely on state and federal permitting processes to govern the location of low-head hydro projects and to resolve any conflicts that may result from such projects.*

Energy Sources policy 3: *Clatsop County shall apply the Goal 5 Administrative Rule to oil, gas, nuclear, and large-scale hydro that are proposed in the future.*

Energy Sources policy 4: *If and when the City of Astoria intends on constructing a hydroelectric facility at the Youngs River Falls site, Clatsop County shall, in cooperation with the City of Astoria, apply the Goal 5 Administrative Rule.*

Scenic Sites policy 1: *Should the Knappa Gorge at Big Creek site be placed on Boise Cascade's five-year timber management plan, the County and Boise Cascade will develop a program to resolve the conflicts between timber harvesting and the site's scenic values.*

Energy Sources policy 2: *The State Department of Forestry shall notify the County of any proposal to change a scenic conservancy designation for sites listed in the Comprehensive Plan as having scenic values. Any designation change by the Department of Forestry shall be preceded by a full evaluation under the Goal #5 Administrative Rule.*

Fish and Wildlife Areas and Habitats policy 1: *To ensure that future development does not unduly conflict with Major Big Game Range, the County shall:*

- a. designate the majority of its timberlands F-80;*
- b. require that review and conditional uses in the F-38 and AF-20 zone be allowed only if they are found to be consistent with the maintenance of big game range;*
- c. require that review and conditional uses in the F-38 and AF-20 zone be subject to clustering and siting criteria;*
- d. submit proposed review and conditional use applications to the Oregon Department of Fish and Wildlife for their comments on consistency with Major Big Game habitat and recommendations on appropriate siting criteria to minimize any conflicts; and*
- e. submit all proposed Plan and zone changes of land zoned F-80, F-38, and AF-20 to a more intensive use zone to the Oregon Department of Fish and Wildlife for a determination of possible conflicts with big game habitat requirements. If the Department identified conflicts, the County will consider recommendations for resolving these conflicts.*

Fish and Wildlife Areas and Habitats policy 2: *To ensure that future development does not unduly conflict with Peripheral Big Game Range, the County shall:*

- a. require that review and conditional uses in the AF-20 zone be allowed only if they are found to be consistent with the maintenance of big game range;*
- b. require that review of conditional uses in the AF-20 zone be subject to clustering and siting criteria;*
- c. submit proposed review and conditional use applications to the Oregon Department of Fish and Wildlife for their comments on consistency with Peripheral Big Game Range and recommendations on appropriate siting criteria to minimize any conflict; and*
- d. submit all proposed plan and zone changes of land zoned AF-20 to the Oregon department of Fish and Wildlife for a determination of possible conflicts with big game habitat requirements. If the Department identifies conflicts, the County will consider recommendations for resolving these conflicts.*

Fish and Wildlife Areas and Habitats policy 3: *The County shall rely on strict enforcement of the Oregon Forest Practices Act to protect riparian vegetation along Class I streams and lakes, and Class II streams affecting Class I streams, from potential adverse affects of forest practices.*

Fish and Wildlife Areas and Habitats policy 4: *To protect riparian vegetation along streams and lakes not covered by the Forest Practices Act, the County shall require a setback for non-water dependent uses.*

Fish and Wildlife Areas and Habitats policy 5: *The County shall rely on the State Department of Water Resources to insure that minimum stream flow standards required for the maintenance of fish habitat are developed and implemented.*

Fish and Wildlife Areas and Habitats policy 6: *Building permit applications, where a stream is proposed as the water source, shall be accompanied by a water right permit.*

Fish and Wildlife Areas and Habitats policy 7: *The County shall rely on the Division of State Lands' permit process, under the Fill and Removal Law, to insure*

that proposed stream alterations such as bridges, channelization, or filling do not adversely affect the stream's integrity or its value as fish habitat.

Fish and Wildlife Areas and Habitats policy 8: *New developments shall not restrict existing public access to rivers, streams, or lakes. New developments are encouraged to provide additional public access to rivers, streams and lakes where such access is consistent with the area's environmental characteristics.*

Fish and Wildlife Areas and Habitats policy 9: *The County shall submit all proposals with a potential for substantial impact on identified Columbian White-tail deer habitat (e.g. subdivision, dredge material disposal, industrial development, and land clearing of more than one acre) to the Oregon Department of Fish and Wildlife and the U.S. Fish & Wildlife for their determination of conflicts. If either agency identifies conflicts and makes recommendations for resolving these conflicts, the County shall implement those recommendations to the maximum extent feasible, consistent with other land use planning requirements. If in the future subpopulation of the Columbia White-tailed deer are located which are not within identified essential habitat, the County will consider recommendations for protection of these areas to the extent feasible consistent with other land use planning requirements including but not limited to the Goal 5 Administrative Rule.*

Fish and Wildlife Areas and Habitats policy 10: *The County will establish a procedure for protecting sensitive nesting sites from incompatible uses and activities.*

Fish and Wildlife Areas and Habitats policy 1: *The County will require that any additional rural residential development at River Ranch be clustered on the more northerly portion of the site. The County will implement other measures recommended to it, by the Oregon Department of Fish and Wildlife and the U.S. Fish & Wildlife Service, for minimizing the impact of additional rural residential development on Columbian White-tail deer.*

Fish and Wildlife Areas and Habitats policy 12: *Clatsop County shall rely upon the Forest Practices Act and any supplemental agreements between the Fish and Wildlife Commission and the Board of Forestry to protect critical wildlife habitat sites.*

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

Wetlands policy 2: *A ten-acre site within Wetland Site 6 shall be provided for gravel extraction.*

Wetlands policy 3: *The following requirements shall apply to Wetland Site 7 (which also contains white-tail deer habitat).*

- a. All industrial development shall be located north of the railroad right-of-way. The area between the railroad right-of-way and U.S. Highway 30 shall be designated for protection of its wetland characteristics.*
- b. Development of land adjacent to Driscoll Slough shall be carried out in a way that will minimize the alteration of riparian vegetation, degradation of water quality and stream sedimentation. Proposed development will be evaluated against the Department of Fish and Wildlife's management objectives of maintaining vegetative cover, particularly riparian vegetation, and the maintenance of corridors that provide for deer movement between habitat areas. Construction of a bridge or other transportation access across the slough shall be the minimum necessary to accomplish the project. Piling is preferred to filling for any access corridor across Driscoll Slough.*
- c. Industrial development on the eastern portion of the site shall be designed to minimize or avoid the removal of riparian vegetation along Westport Slough. Riparian vegetation removal shall be permitted where direct access to the water is required.*
- d. Filling of the site shall not be permitted until a specific development proposal has been reviewed and approved by the County.*

Natural Areas policy 1: *Significant natural and scientific areas and scenic sites should be set aside for preservation and managed so as to protect the unique characteristics of the area.*

Natural Areas policy 2: *The County will cooperate with appropriate State and Federal agencies and private groups to ensure that examples of the full range of Oregon's natural ecosystem are preserved for future study and enjoyment.*

Natural Areas policy 3: *A 1/4 acre site, located on the portion of Onion Peak designated Natural, shall be reserved for a potential radio transmission facility. The siting and placement of such a facility shall minimize impacts on the area's natural qualities.*

Natural Areas policy 4: *The Natural designation for Sugar Loaf Mountain shall not affect the continued operating and maintenance of the radio transmitter facility located there.*

Water Resources and Watersheds policy 1: *The County will cooperate and coordinate with State and Federal agencies in assuring the maximum beneficial use of all water areas in the County.*

Water Resources and Watersheds policy 2: *The County will coordinate its actions with water quality planning and implementation activities carried out by such state agencies as the Department of Environmental Quality, the Soil and Water Conservation Commission, the Department of Forestry, and the Department of Water Resources.*

Water Resources and Watersheds policy 3: *Where municipalities or water districts have identified possible conflicts between forest management practices and the maintenance of the integrity of their watershed, the County encourages these to work with the Northwest Region Forest Practices Committee in the development of amendments to the Oregon Forest Practices Act that will provide needed modification and protection of state licensed water supply systems.*

Water Resources and Watersheds policy 4: *The County encourages the development of community dock facilities rather than individual piers or docks.*

Water Resources and Watersheds policy 5: *As information becomes available, Clatsop County shall apply Goal 5 Administrative Rules to the 14 identified watersheds and the small or minor watersheds identified in this element.*

Wilderness Areas policy 1: *Clatsop County shall work with federal agencies in the protection of federal wilderness areas.*

Historic Sites policy 1: *The County encourages the State Parks Division, when developing a master program for Ecola Park, to give proper recognition to the historical activities that occurred there.*

Historic Sites policy 2: *The County encourages the State Highway Division to relocate the Cannon Beach Cannon at a suitable new location should Highway 101 widening ever make the present site unsuitable.*

Historic Sites policy 3: *The County Parks Department, to the extent funding permits, will continue to maintain the Lindgren House.*

Historic Sites policy 4: *The County encourages the Clatsop County Historical Society and the State Historic Preservation Office to place commemorative plaques at the sites of the Falls Pulp Mill and the Shepherd and Morse Sawmill.*

Historic Sites policy 5: *The Clatsop Plains Cemetery shall be protected from incompatible uses by placing it in the Open Space, Parks and Recreation Zone.*

Historic Sites policy 6: *The County will protect the historical character of the Tillamook Lighthouse, Morrison House, the Clatsop Plains Memorial Church and the Westport Log Tunnel through appropriate provisions in the zoning ordinance.*

Historic Sites policy 7: *Clatsop County will work with the Clatsop County Historical Society and the State Historic Preservation Office to evaluate the historical significance of sites and buildings identified by the Citizen Advisory Committee. The Goal #5 Administrative Rule evaluation process will also be applied at that time. The County will take appropriate action to protect any sites that are placed on the State of Oregon Inventory of Historic Sites and Buildings. This will be completed in the next two years.*

Cultural Areas policy 1: *The County will review land use activities that may affect known archeological sites. If it is determined that a land-use activity may affect the integrity of an archaeological site, the County shall consult with the State Historic Preservation Office on appropriate measures to preserve or protect the site and its contents.*

Cultural Areas policy 1: *Indian cairns, graves and other significant archeological resources uncovered during construction or excavation shall be preserved intact*

until a plan for their excavation or reinternment has been developed by the State Historic Preservation Office.

Air, Water and Land Quality Policies

Proposed amendments do not include any changes to the County's Air, Water and Land Quality policies, or to the County's implementation strategy for these policies. Air emissions and water discharge associated with development under the proposed amendments is regulated by various state and federal agencies. Many of the policies in this plan element express the County's aspirations, and do not establish mandatory approval criteria or standards applicable to the proposal.

Air, Water and Land Quality policy 10 requires subdivision plans to address noise impacts. Proposed amendments do not include any subdivision plans; however, approval of the amendments may result in a request for subdivision approval, so this policy is not entirely irrelevant. A subdivision plan for the subject property could address noise impacts associated with Hillcrest Loop Road and with the adjacent logging road by locating potential homesites away from the sources of noise. The site is protected from logging road noise by a topographic feature, and from Hillcrest Loop Road by distance: the nearest point of tax lot 2200 is about 300 feet from Hillcrest Loop Road. Distance and topography are effective means for reducing the intensity of motor vehicle noise. It is not known if the County has ever implemented policy 10 in the context of reviewing a subdivision plan.

Air, Water and Land Quality policy 13 requires compliance with applicable state and federal standards. The specific standards are not identified in the policy. State and federal air and water quality standards must be met regardless of policy 13. It is feasible for rural residential development on the subject property to meet these standards. Feasibility is demonstrated by compliant rural residential development on adjoining and nearby property. The environmental setting and type of development on adjoining and nearby land are similar to that anticipated for the subject property.

Air, Water and Land Quality Policy 1: The County shall encourage the maintenance of a high quality of air, water and land through the following actions:

(a) encouraging concentration of urban development inside Urban Growth Boundaries,

(b) encouraging maintenance and improvement of pollution control facilities,

(c) cooperating with the State Highway Department to provide an efficient transportation system. Methods to reduce congestion and air pollution on Marine Drive/Commercial Street should be explored.

(d) encouraging indigenous, clean industries such as fishing, boat building, tourism, and forest products utilization and

(e) encouraging development of resource recovery mechanisms such as recycling centers and wood waste processing.

Air, Water and Land Quality Policy 2: The County Planning Department shall work with the Department of Environmental Quality (DEQ) to monitor and keep its environmental data base current including information on air quality, surface and groundwater quality, and land quality including waste disposal and erosion problems.

Air, Water and Land Quality Policy 3: The cumulative effect of development on the County's environment should be monitored and, where appropriate, regulated. When evaluating proposals that would affect the quality of the air, water or land in the County, consideration should be given to the impact on other resources important to the County's economy such as marine resource habitat and recreational and aesthetic resources important to the tourist industry.

Air, Water and Land Quality Policy 4: The County shall continue its efforts to find an acceptable regional solid waste disposal site or an acceptable alternative (i.e. recycling, electricity generation).

Air, Water and Land Quality Policy 5: Recovery of wood wastes, rather than slash burning, shall be encouraged as a means of reducing air and water pollution, improving the economy, and for producing energy.

Air, Water and Land Quality Policy 6: Upon completion of the Clatsop Plains Groundwater Study, the County shall reevaluate the Clatsop Plains Community Plan to determine whether existing policies and standards are adequate to protect

water quality in the aquifer, lakes and streams. Consideration shall be given to protection of the lakes from further degradation (eutrophication), and possible remedial actions to improve water quality.

Air, Water and Land Quality Policy 7: The County shall work to maintain the quality of its estuarine waters through participation in the regional Columbia River estuary planning process.

Air, Water and Land Quality Policy 8: The County shall cooperate with DEQ, State Forestry Department, State Transportation Department and other agencies in implementing best management practices to reduce non-point pollution.

Air, Water and Land Quality Policy 9: The County shall recommend that state agencies regulate the issuance of water rights so as to insure that the total water rights of a stream bed do not exceed the minimum stream flow.

Air, Water and Land Quality Policy 10: Subdivisions adjacent to major arterials shall address the reduction of noise impacts in their site plans.

Air, Water and Land Quality Policy 11: Performance standards for noise will be considered for inclusion as standards in the County's industrial-commercial zones.

Air, Water and Land Quality Policy 12: The District Conservationist shall be used for technical evaluation of all development activities (including subdivisions and major partitions) that could create erosion and sedimentation problems with his/her recommendations incorporated into planning approvals.

Air, Water and Land Quality Policy 13: Any development of land, or change in designation of use of land, shall not occur until it is assured that such change or development complies with applicable state and federal environmental standards.

Air, Water and Land Quality Policy 14: Waste discharges from any development, when combined with existing discharges from existing developments, shall not result in a violation of state or federal environmental quality statutes, rules, or standards.

Flood Hazard Policies

The subject property is upstream of the limits of detailed study for Little Creek. This is shown on community panel 4100270013A, FEMA Flood Insurance Rate Map. Because of this, none of the County's Flood Hazard policies is applicable to this proposal, nor is any implementing measure.

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

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

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

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

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

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

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

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

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

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

General Mass Movement Policies

The subject property is not in an area of steep slopes or known mass movement.

Mass Movement Policy 1: *The County shall recognize the development limitations imposed by areas of mass movement potential.*

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

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

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

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

Mass Movement Policy 6: *The presence of faults in an area shall constitute additional reason for restricting development in areas of landslide topography.*

Mass Movement Policy 7: *The County Planning Department should inform potential builders and developers of the presence of fault lines and may require a*

site investigation in appropriate situations (such as the construction of a school, hospital or large residential development).

Mass Movement Development Policy 1: *Structures should be planned to preserve natural slopes. Cut and fill construction methods shall be discouraged.*

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

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

Mass Movement Policy 4: *The County shall require a preliminary slope stability investigation in the following hazard areas:*

- a. Where detailed soils map exist, in hazardous soils areas listed in Table 2;*
- b. Where no detailed soil maps exist, all areas which have slopes in excess of 25%.*

Where the preliminary slope stability investigation indicates mass movement hazards on the site, a detailed site investigation report shall be prepared. The detailed report shall indicate the severity of the hazard and any recommended techniques that could be used to alleviate the hazard before structures, roads, and septic tanks are allowed in non-commercial forest lands.

Streambank Erosion and Deposition policies

An un-named tributary to Little Creek crosses the subject property. No signs of active bankline erosion were visible during a December 11, 2007 site visit. Little Creek is not inventoried in the County's goal 7 element as subject to shoreline erosion. Development of the subject property will comply with the riparian setbacks in section S4.500 of the County's Development Standards Document.

Streambank Erosion and Deposition policy 1: *The outside faces of dikes shall be stabilized to prevent erosion as part of the regular maintenance of existing dikes.*

Streambank Erosion and Deposition policy 2: *A buffer of riparian vegetation along streams and rivers should be encouraged in order to protect and stabilize the banks.*

Streambank Erosion and Deposition policy 3: *Property owners shall be notified of areas of streambank erosion so they can take this information into account when placing structures.*

Streambank Erosion and Deposition policy 4: *The DEQ's best management practices for agricultural areas shall be supported to reduce erosion and sedimentation of streams.*

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

Streambank Erosion and Deposition policy 6: *The Forest Practices Act shall be strictly enforced to reduce sedimentation of streams.*

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

Recreation Policies (Goal 8)

The subject property is not mentioned in the County-wide goal 8 element, or in the Northeast Community Plan. The County's adopted Recreational Lands Master Plan is its goal 8 element. None of the plan policies directly address the site, or provide criteria applicable to this proposal. The County should conclude that the proposed amendments do not conflict with the policies of its Recreational Lands Master Plan.

Recreation Lands policy 1: *The County should protect, manage, enhance and preserve identified park resources and recreational land resources.*

Recreation Lands policy 2: *The County should, to the extent practicable, retain existing county-owned stream front properties identified in adopted or approved park master plans, the County Transportation System Plan, or as needed for public access such as boat ramps, trails or other recreational needs.*

Recreation Lands policy 3: *The Recreational Lands Advisory Committee will maintain a public forum for citizen input regarding any future changes that potentially impact parks, recreational lands, trails, boat ramps and related programs within the county.*

Recreation Lands policy 4: *The County shall participate with other governmental, private, regional, volunteer and non-profit groups and agencies in coordinating planning efforts that may impact the County's recreational resources or park master plans.*

Recreation Lands policy 5: *County park and recreational lands shall be managed in accordance with county adopted or approved park master plans.*

Recreation Lands policy 6: *Clatsop County shall utilize the County Recreational Lands Committee as a primary public review body for all County actions related to recreation issues. This committee shall be given the opportunity to review and comment on all County recreational issued including:*

- *Potential County land sales involving County Park lands or lands adjoining County park properties;*
- *Potential County timber sales involving County Park lands or lands adjoining County park properties;*
- *Major County Park improvement proposals; and*
- *Annual County Parks budget proposals.*

Recreation Lands policy 7: *Existing County-owned recreational lands sites, as identified in the Clatsop County Parks and Recreational Lands Master Plan, shall not be sold, traded, rezoned or exchanged without first requesting the input of the County Recreational Lands Advisory Committee and a careful examination of existing and potential recreation values.*

Recreation Lands policy 8: *All revenue generated from the use, sale or lease of county parks shall be used solely for county park purposes.*

Recreation Lands policy 9: *Periodically review and update the County Park Master Plan.*

Recreation Lands policy 10: *A "county park" zone designation shall be created to support the Clatsop County Recreational Lands Master Plan in conformance with OAR 660-034-0035(2)(a) through 660-034-0035(2)(i).*

Recreation Lands policy 11: *Eliminate conflicting provisions of the Clatsop Plains Area Plan unless it can be demonstrated that public and private infrastructure or natural systems are unable to accommodate future park development.*

Recreation Lands policy 12: *Consider zone district text amendments that support Clatsop County Recreational Lands Master Plan.*

Economy (Goal 9) Policies

The County's goal 9 Forest Products policies do not establish mandatory approval criteria or development standards applicable to the proposal or to development of the subject property. These policies are either aspirational, or pertain to County coordination with other agencies.

The three Marine Resources policies, the Travel Industry policies, the Human Resources policies, and the Community Resources policies in the goal 9 element are similar to the Forest Products policies. No specific findings are required, as these policies do not establish any approval criteria or development standards applicable to the proposal.

The County should conclude that the proposed amendments are consistent with the policies in the goal 9 element.

Economy/Forest Products policy 1: *Forestation and reforestation of the County's forest lands is encouraged.*

Economy/Forest Products policy 2: *The County shall encourage the continuation of the long-term supply of raw products necessary to provide material for County mills by the following:*

- a. Sustained yields of forest products should be promoted through educational programs provided by service foresters, extension service personnel and continuing educational courses.*
- b. Information should be disseminated to owners of small woodlots to help them direct their forest management practices toward a sustained yield of forest products.*
- c. Small woodlot owners should be provided financial incentives for maintaining forest land use and effective management practices. Both public and private sectors (especially local forest products industries) should examine long-range payment and contractual agreements with small woodlot owners to level existing tax inequities and diminish long-range cash flow problems. (Such contracts could include reseeding agreements and cost sharing proposals).*
- d. State and federal representatives should be asked to explore legislation to provide assistance and incentives to small woodlot owners to insure participation in effective management programs.*
- e. Public works (such as CETA or an EDA program) and other labor intensive techniques should be employed to accelerate seeding and replanting efforts on small woodlots. In addition, labor intensive brush clearing and seeding preparations should take precedence where feasible over non-labor intensive techniques, especially if cleared fiber could be utilized for other purposes (energy generation).*
- f. Reforestation of special species should be encouraged by public incentives, especially for long maturation species such as cedar.*

Economy/Forest Products policy 3: *The County will work with private industry, the Port of Astoria, the Clatsop County Economic Development Committee and other economic organizations in their attempts to improve forest industry employment opportunities by:*

- a. *Providing technical assistance and business management training to help establishment of small businesses involved in timber salvage, precommercial thinning, tree planting, pole and post cutting, etc.*
- b. *Working with groups such as the Economic Development Administration to encourage the location of small businesses in the County which provide season long employment in the forest industry. Small businesses which would more totally process wood products from currently wasted material should be especially encouraged.*
- c. *Utilizing local education facilities and personnel to provide training in forestry-related skills through cooperation with and knowledge of industry needs.*
- d. *Supporting public actions (such as revenue bonding) which:*
 - 1) *encourage research and development of wood-waste fueled energy generation,*
 - 2) *develop technology and products made primarily from non-commercial and under utilized tree species (especially alder), and*
 - 3) *assist small scale equipment development (i.e. chippers, portable specialty saw mills, etc.).*
- e. *Considering all measures to encourage expanded local processing of locally grown wood fiber to minimize current dollar leakages, including low interest loans, CETA grants, small business assistance programs, and maximum use of the community reinvestment act.*
- f. *Providing adequate industrial lands, an efficient permit approval procedure and adequate public facilities for forestry-related businesses.*

Marine Resources policy 1: The County shall enhance and protect the marine resource environment through participation in the Columbia River estuary regional planning process.

Marine Resources policy 2: *Clatsop County encourages efforts towards organizing the numerous fishing interests in Clatsop County in conjunction with OSU's Sea Grant Program, Clatsop Community College and the Clatsop County Economic Development Committee to develop methods to expand fishery activity in Clatsop County. Such activity could include:*

- a. continued staff support for the Vanderveldt Pond salmon hatchery model project,*
- b. expansion of the Vanderveldt Pond model project to include experimentation with other species and various food fish by-products,*
- c. establishment of other model programs to utilize various fish species in different products, and*
- d. provision of technical assistance to local citizens interested in attempting commercial ventures derived from model programs.*

Marine Resources policy 3: *The County, Port of Astoria, and the Economic Development Committee should promote those public facilities and services required to increase the amount of seafood landed in Clatsop County. These activities include:*

- a. Cataloging existing federal and state loan programs, production credits, and other program opportunities so that are fishermen and local financial institutions are aware of benefits and utilization procedures. (NOTE: The Economic Development Committee with financial assistance is the ideal setting for bringing finance managers and fishery personnel together).*
- b. Encouraging resource agencies to continue developing information on the sustained yield of fisheries.*
- c. The County, through the Citizen Advisory and technical committees, should become involved in the selection of research projects in the Columbia River Estuary Data Development Study so that the research generated reflected local needs and concerns.*

d. Developing and expanding land based facilities in cooperation with fishery personnel, local businessmen, and port district staff, placing special attention on cold storage, landing facilities and moorage facilities.

e. Developing a brochure of facilities available in Clatsop County to be distributed to the west coast fishing fleet in order to expand visitor landings in the area.

f. Giving priority to the development of marketing and transportation cooperatives or associations to provide competitive advantages to local fishery personnel.

g. Encouraging cooperation of local lending institutions and provision of technical assistance to assist local boat builders in expanding building facilities.

Travel Industry policy 1: The County Planning Commission, in cooperation with the Recreation/Tourism Subcommittee should act in unison to insure that future Recreation/Tourism high intensity activity is located in Urban Growth Boundaries and Rural Service Areas which have the capacity to handle them at the lowest possible public cost. Tourist facilities should be developed in these areas before developing new facilities elsewhere.

Travel Industry policy 2: The County Commission, in conjunction with the Fair Board, should attempt to promote year-round utilization of the facilities at the County Fairgrounds.

Travel Industry policy 3: The County should encourage local travel industry representatives and organizations to coordinate with each other to promote off-season activities. Clatsop County supports the EDC Recreation/Tourism Subcommittee efforts in developing a County-wide visitors bureau. The Recreation/Tourism Subcommittee of the EDC could provide a forum for the fragmented tourist industry to meet and organize their efforts. The primary goal should be to provide indoor off-season facilities to level out the current employment pattern.

Travel Industry policy 4: The County should encourage Clatsop Community College, in coordination with local tourist and retail organizations, to provide

programs and training for local businesses. Such training could consist of off-season workshops on needed areas of information and should be geared to the financial scope and needs of existing small businesses. Workshops could be offered in:

- a. marketing and advertising methods for small businesses,*
- b. management assistance,*
- c. employee/employer relations, and*
- d. customer relations.*

Travel Industry policy 5: In order to develop and better utilize local recreational and tourist resources, the County should research, inventory and catalog existing and potential recreational resources.

Human Resources Policy 1: The County shall encourage local County-based industrial and commercial firms to cooperate with existing educational institutions to develop and utilize job training programs to hire local unemployed and underemployed individuals.

Human Resources Policy 2: The Human Resources Committee of the County should serve as a liaison between local business and the community college. The committee should provide information to the college on the needs of local business and information to local business of services available at the college.

Community Resources Policy 1: The County and other local jurisdictions should continue support of the economic planning program by either:

- a. Providing staff assistance to the existing EDC which currently has the official task of County-wide economic planning and special district and municipal coordination,*
- b. Integrating the existing economic planning process into the Department of Planning and Development and providing additional staff to operate a full-time economic program, or*
- c. Delegating the existing economic planning process to the Clatsop-Tillamook Intergovernmental Council and sharing staff costs with member governments.*

Community Resources Policy 2: *The EDC, in conjunction with the County, Port and any affected municipality, should work to make one of the larger industrial parcels available for small users.*

Community Resources Policy 3: *The County shall establish standards and procedures for allowing the establishment of cottage industries in various rural areas of the County. Standards shall address measures to insure the use does not impact surrounding properties and insure that the scale of the use is compatible with the surrounding area. The provision for cottage industries is intended to allow residents to experiment with various manufacturing and processing operations at minimal cost. If a business becomes established and desires expansion beyond the small scale limits in the Zoning Ordinance, the business shall relocate in an industrial area.*

Community Resources Policy 4: *The County and the Port of Astoria shall cooperatively promote "Port" programs which demonstrate some benefits to all taxpayers in the Port District.*

Community Resources Policy 5: *Education and citizen involvement programs should be developed by the Port of Astoria to determine what citizens in various areas of the County need and desire for economic development.*

Community Resources Policy 6: *In order to make major industrial development possible, local governments, the Port and state and federal agencies shall work together to improve: (a) the railroad from Portland to Astoria, (b) Highway 30 in and near Astoria.*

Community Resources Policy 7: *Commercial and industrial uses in the Rural Plan designation should be either those necessary to serve local needs or those which are most appropriately located near and are dependent on nearby resource lands.*

Community Resources Policy 8: *The Destination Resorts designated on the Comprehensive Plan/Zoning Map may receive a Destination Resort Overlay District and Development Plan Approval upon Compliance with the following criteria:*

- Natural amenities of the site;
- *The type and extent of development proposed, and its direct and indirect on-site and off-site environmental, social and energy impacts;*
- *Access to adequate transportation facilities;*
- *The physical limitations for development of the site, including natural hazards such as flooding and steep slopes;*
- *Whether or not the effects of the development can be limited to avoid interference with continued resource use of surrounding lands including intensive farming operations, highly sensitive natural resource sites; and*
- *Orderly and economic provision of key facilities, assuming full development of the subject site.*

Community Resources Policy 9: *Require an economic and fiscal impact assessment showing whether or not there are net benefits to the County as a whole for the destination resort. Such an assessment should examine and consider:*

- *Changes in employment and income to the area and the county;*
- *Changes in local revenues and demands for new or increased levels of public facilities and services; and*
- *Indirect economic impacts on the surrounding area including the effect of the loss of resource land.*

Community Resources Policy 10: *Require conditions necessary and sufficient to ensure that the development is compatible with continued resource use of surrounding lands. These measures may include, but are not limited to:*

- *Limiting the number of dwelling units;*
- *Limiting the overall density of the development;*
- *Limiting the location of structures, roads and physical alterations, or otherwise restricting layout to protect important natural features or to buffer the resort from adjacent or nearby uses; and*
- *Additional planning and zoning controls on nearby land to reduce or manage pressures of offsite development created by the destination resort.*

Community Resources Policy 11: *Clatsop County recommends that a joint state-federal task force be appointed to examine planning for developed recreation facilities on state and federal lands. Based upon a state-wide study of potential*

facility needs, such a task force could suggest needs which might be met on state or federal owned lands.

Population and Housing Policies (Goal 10)

The goal 10 element has several broadly-written population policies that may be applicable to the proposal. Goal 10 population policy 2 is "Promote population to locate in established service areas." The County's planning strategy implements this policy with a pattern of higher residential density in urban areas, and lower densities in rural areas. The subject property is in a rural area. The proposed density, one dwelling unit per two acres, is rural. Thus, the proposal is consistent with policy 2.

Population policy 3 from the County's goal 10 element is: "Promote the accommodation of growth within areas where it will have minimal negative impacts on the County's environment and natural resources." Clatsop County implements this policy by prohibiting or limiting development in sensitive environmental areas such as estuaries, wetlands, active dunes, floodways, and agricultural lands. Most of these types of environmental or natural resources can be avoided and protected during development of the property by carefully design and best management practices.

Goal 10 population policy 4 is: "Utilize current vacant land found between developments or within committed lands." It isn't entirely clear how the County implements this policy, or how the policy has been interpreted. The subject property is located along the Hillcrest Loop Road corridor. This area has many rural homesites on both sides of the County Road. Utilities are located along this road. The proposed amendments do not conflict with this policy, because the subject property is "vacant land between developments".

Goal 10 population policy 6 is "Encourage development of land with less resource value". The County can implement this policy by approving the proposed amendment. The subject property has less resource value than many other potential rural residential development sites. There are no economically recoverable mineral resources on the site. There are no known energy sources on the subject property. The site has no value as a public recreational resource because it is privately owned. Wetlands are absent. Riparian resources associated with a Little Creek tributary on the site can be protected. There is no Columbia White-tailed deer habitat on the site. There is no documented use of the site by sensitive species such as spotted owls, snowy plover, Oregon silverspot butterfly, or

marbled murrelet. Agricultural use of the site has been limited to low-intensity grazing, and the subject property is not designated as high value farmland.

Goal 10 housing and residential development policy 1 reads as follows:

Clatsop County shall encourage residential development only in those areas where necessary public facilities and services can be provided and where conflicts with forest and agricultural uses are minimized.

The subject property meets this test. Necessary public facilities are available. The site has access to a County Road. It is in the Knappa-Svensen-Burnside Rural Fire Protection District. Public or community water is available from the Wikiup Water District, and from the Carmen Creek Water Association. Sewer service is not an essential public facility. In fact, Oregon law prohibits sewer service in rural areas under most circumstances. The feasibility of individual waste water disposal systems is demonstrated by their use on similarly-situated nearby property, and by a letter from Denis Vinson, a licensed installer of these systems. Conflicts between development on the subject property and nearby farm and forest operations can be minimized by careful siting decisions for the homesites, and by maintaining adequate setbacks between homesites and adjoining forest and farm land.

Goal 10 housing and residential development policy 4 establishes a four-part test for residential development. Water must be available which meets state and federal standards. Water is available from Wikiup Water District and from Carmen Creek Water Association, pursuant to Clatsop County Standards Document section S2.400. Policy 4 requires that each housing unit must have an approved method for sewage disposal. Individual subsurface wastewater disposal systems are feasible on this site, as demonstrated by their use on surrounding property, and by a letter from a licensed installer. Policy 4 requires that well/septic systems setbacks be observed. These setbacks can^{be} enforced as a condition of approval. A maximum of eight dwellings will be developed on the 20-acre (approximately), so there is ample room for well/septic system setbacks. The final part of policy 4 requires that "Development of residential units will not result in the loss of lands zoned or designated for agriculture or forestry and will not interfere with surrounding agricultural or forestry activities." The proposed amendments include a zone change and goal exception, removing forest zoning from tax lot 2200. Thus, this part of the policy is not applicable. To interpret it any other way would bar the approval of exceptions. The County has found dozens of goal 4 exceptions to be consistent with this policy. Interference with farm or forest activities on nearby lands can be avoided through careful siting of residences, and by enforcing minimum setbacks.

FP
Amendment

Population policy 1: *Community plans should provide for orderly growth which reduces the cost of essential services while preserving the basic elements of the environment.*

Population policy 2: *Promote population to locate in established service areas.*

Population policy 3: *Promote the accommodation of growth within areas where it will have minimal negative impacts on the County's environment and natural resources.*

Population policy 4: *Utilize current vacant land found between developments or within committed lands.*

Population policy 5: *Direct new urban growth within Clatsop County to existing urban growth boundary or rural service areas where under utilized public or semi-public facilities exist or utility and/or investments have already been made.*

Population policy 6: *Encourage development of land with less resource value.*

Population policy 7: *Coordinate planning efforts of local governments and special districts to maximize efficiency of public facilities, and have land use actions reflect the goals and policies of the Plan.*

Housing/Residential Development Policy 1: *Clatsop County shall encourage residential development only in those areas where necessary public facilities and services can be provided and where conflicts with forest and agricultural uses are minimized.*

Housing/Residential Development Policy 2: *Clatsop County shall assist in planning for the availability of adequate numbers of housing units at price ranges and rent levels commensurate with the financial capabilities of County residents.*

Housing/Residential Development Policy 3: *Clatsop County shall encourage planned developments and subdivisions to cluster dwelling units. The clustering of dwellings in small numbers and the provision of common open space assures good utilization of the land, increased environmental amenities, and may be used as an*

open space buffer between the residential use and adjacent agricultural or forest uses.

Housing/Residential Development Policy 4: Clatsop County shall permit residential development in those designated areas when and where it can be demonstrated that:

- a. Water is available which meets state and federal standards;*
- b. Each housing unit will have either an approved site for a sewage disposal system which meets the standards of the County and the Department of Environmental Quality or ready access to a community system;*
- c. The setback requirements for the development of wells and septic systems on adjacent parcels have been observed;*
- d. Development of residential units will not result in the loss of lands zoned or designated for agriculture or forestry and will not interfere with surrounding agricultural or forestry activities.*

Housing/Residential Development Policy 5: Clatsop County shall permit temporary siting of mobile homes in specified locations in the event of an emergency.

Housing/Residential Development Policy 6: Clatsop County shall encourage multi-family housing and mobile home park developments to develop within the various urban growth boundaries.

Housing/Residential Development Policy 7: Clatsop County shall encourage the development of passed over lots that already have services such as water and roads be preferred for development over tracts requiring an extension of services.

Housing/Residential Development Policy 8: Clatsop County shall make provisions for housing in areas designated for Rural, Urban Growth Boundaries, and Rural Service Areas which provide variety in location, type, density and cost where compatible with development on surrounding lands.

Housing/Governmental Cooperation and Coordination policy 9: Clatsop County shall cooperate with governmental agencies and Clatsop County Housing Authority in promoting unified housing policies and in ensuring an equitable distribution of assisted housing throughout the County.

Housing/Governmental Cooperation and Coordination policy 10: *Clatsop County shall encourage state and federal agencies to develop programs and funding sources to increase the level of support for the maintenance and rehabilitation of existing housing and for the development of additional housing.*

Housing Rehabilitation policy 11: *Clatsop County shall develop and maintain an inventory of the type and condition of the current housing stock. The rural housing needs should be reexamined every two years to reflect the market changes and new information.*

Housing Rehabilitation policy 12: *Clatsop County shall encourage the retention of the current housing stock and, where necessary and feasible, will assist in the rehabilitation of substandard housing units.*

Assisted Housing policy 13: *Clatsop County shall set aside tracts of lands which it owns within the cities and their urban growth boundaries which can be used for low cost housing. The lands should be inventoried and a program developed through the Northwest Oregon Housing Association to release those lands for this purpose. Clustering techniques, common wall and townhouse construction, both for sale and for rent, could be employed in the development of these lands.*

Assisted Housing policy 14: *Clatsop County shall activate support programs which serve to improve housing conditions of those homeowners who are physically or financially unable to make improvements on their own.*

Population Policy: *Review of the forecast should occur every three to five years.*

Public Facilities and Services Policies (Goal 11)

The subject property is within the Knappa-Svensen-Burnside Rural Fire Protection District, the Knappa School District, and the Clatsop County Rural Law Enforcement District. The site has access onto Hillcrest Loop Road, ^{an} improved County collector (Figure 5-3, Clatsop County TSP, July 2003). The subject property and surrounding lands lack access to a centralized sewer collection and treatment system. Water is available from Wikiup Water District (public), and from Carmen Creek Water Association (private).

The County's goal II element includes this long policy describing the relationship between service levels and the different plan designations:

Overall Policy Regarding Appropriate Levels of Public Facilities in the County:

Six different Plan designations exist for lands in the County. Differing levels of public facilities and services are appropriate for the different types of development planned for the County. Certain facilities and services are available to all County residents, such as County health services, Sheriff's protection and many other social services.

1. Development - This is a Plan category for estuary and shoreland areas appropriate for commercial and industrial use. Consequently, a level of public facilities sufficient to carry on that type of use is appropriate. Public water and sewer services would be appropriate but may not be necessary depending on the type of development. Public fire protection is appropriate. Development here will not directly affect school services, although increased employment may result in increased housing in the vicinity which would impact schools. Those impacts will be considered in terms of the residential effects, not at the point of commercial or industrial development.

2. Rural Lands - Most of the areas built upon or committed to non-resource use in the County are in this Plan designation. Much of the area is currently served by community water systems. As the background report indicates, several of these water systems currently have, or very well may in the future, experience shortages. The City of Astoria provides water to the John Day and Fern Hill Water Districts, both of which are nearing their capacities. The Astoria trunk line is sufficiently sized to provide both of the districts with additional water. John Day needs to negotiate with Astoria for additional water. Fern Hill's system, however, is old and is in need of repairs. ... Public water supply is an appropriate public facilities in this Plan designation, but is not essential for development. Rural fire protection districts are present in many of the areas in this Plan designation. This is often a desired rural service and is appropriate in this Plan designation but is not a prerequisite for RA zoning. Some rural residents are more willing to pay high fire insurance premiums than taxes to maintain a local fire district. Development is scattered enough in this Plan designation, as compared with RSAs or cities, that fire protection is not a requirement for development. Community

sewage systems are not appropriate in this Plan designation. Partition and subdivision proposals in this Plan designation will be referred to the local school district for comment.

3. Rural Agricultural Lands - These are lands preserved for agricultural use. Generally, residences are allowed only in conjunction with farm use. Some parcels in this Plan designation are served by community water systems but generally water supply is on an individual basis. Since parcel size and use are controlled by the Exclusive Farm Use (EFU) zoning district, it is not appropriate to extend community water to parcels in this Plan designation since it would not lead to pressure to further develop land for residences. The primary function of Rural Agricultural Lands is for agricultural use. Any extension of public water will only be to support a development in conjunction with resource use and will not be the basis for future conversion to non-resource use. As with the Rural Lands Plan designation, public fire protection may be present here, and is appropriate, but is not necessary for development. Community sewage systems are not appropriate in this Plan designation.

4. Conservation Forest Lands - The primary purpose of this Plan designation is to conserve lands for commercial timber production. Residences are generally in conjunction with a forest use; however, in many areas with this zoning designation residences on substandard parcels are common. Community water systems are often present in this instances. As with agricultural lands, the parcel size and use are controlled by the zoning existing. Therefore it is appropriate to extend community water to residences. The large minimum parcel sizes and distances of lines will limit extensions, and the Plan designation removes the ability to develop land just for residential purposes. The primary function of Conservation Forest Lands is forest use. Any extension of public water will occur only to support a development in conjunction with a resource use and will not be the basis for future conversion to non-resource use. Public fire protection may be present here, and is appropriate since so many residences currently exist, but is not necessary for development and is not encouraged in sparsely settled forest areas. Community sewage systems are not appropriate in this Plan designation.

5. and 6. Conservation Other Resources and Natural - These Plan designations are for important resource areas and for recreation areas. For areas such as the estuary and wetlands, no public water, sewer or fire protection is appropriate. For

developed recreational areas, these facilities are appropriate but may not be necessary.

The proposed amendments to a Rural Lands plan designation is consistent with the overall goal 11 policy because the site lacks the prohibited service (sewer).

General Public Facilities policy 9 is applicable:

When a Comprehensive Plan or Zone Change or both are requested that would result in a higher residential density, commercial or industrial development it shall be demonstrated and findings made that the appropriate public facilities and services (especially water, sanitation (septic feasibility or sewage) and schools) are available to the area being changed without adversely impacting the remainder of the public facility or utility service area.

Appropriate public facilities are available at the subject property. Water will be Wikiup Water District or from Carmen Creek Water Association. Fire suppression service is available. The site is in the Knappa-Svensen-Burnside Rural Fire Protection District. Law enforcement services are available. The site is in the Clatsop County Rural Law Enforcement District. Surface transportation services are available. The site is served by Hillcrest Loop Road. Educational services are available. The site is in the Knappa School District, and the Clatsop Community College District.

General Public Facilities Policy 1: Clatsop County recognizes the level of public facilities and services described in the section "Overall Policy Regarding Appropriate Levels of Public Facilities in the County" above, as that which is reasonable and appropriate for development in different Plan designations in the County. Development of facilities and services in excess of those levels and types shall not be approved by the County.

General Public Facilities Policy 2: The level of urban services provided within urban growth boundaries shall be determined by policies mutually adopted by the Board of County Commissioners and the affected city.

General Public Facilities Policy 3: Development permits (excluding land divisions) shall be allowed only if the public facilities (water and sanitation, septic feasibility or sewage capacity) are capable of supporting increased loads. The

County shall consider prior subdivision approvals within the facilities service area when reviewing the capabilities of districts.

General Public Facilities Policy 4: The creation of new community water systems and fire districts shall be discouraged in those areas designated Conservation Forest Lands and Natural.

General Public Facilities Policy 5: Water and sewer districts shall be encouraged to cooperate with the County in changing district boundaries. Before a public facility (i.e. water, sewer) extends its service area, it should demonstrate the ability to service vacant lands currently served by that public facility.

General Public Facilities Policy 6: All new planned developments and subdivisions shall install underground utilities. Efforts should be made to place existing overhead lines underground in already developed areas.

General Public Facilities Policy 7: Utility rights-of-way, where not located within road rights-of-way, should be considered for future utilization as part of a green belt or pathway.

General Public Facilities Policy 8: All utility lines and facilities should be located on or adjacent to existing public or private rights-of-way to avoid dividing existing farm units.

General Public Facilities Policy 9: When a Comprehensive Plan or Zone Change or both are requested that would result in a higher residential density, commercial or industrial development it shall be demonstrated and findings made that the appropriate public facilities and services (especially water, sanitation (septic feasibility or sewage) and schools) are available to the area being changed without adversely impacting the remainder of the public facility or utility service area.

Diking and Drainage District Policy 1: Clatsop County should assist diking districts in reorganization as well as providing assistance in obtaining funds for improvement of the diking district.

Water Supply Systems Policy 1: If a community water system is to be utilized, either in the development of a subdivision, planned development, or the building of individual residences, commercial or industrial structures requiring water or

subsurface sewage disposal, the County shall require proof that a year-round source of potable water is available.

Water Supply Systems Policy 2: If water supply for building permits is from a surface source, including a spring, proof of water rights from the State must be presented.

Water Supply Systems Policy 3: When water supply to a subdivision or planned development is to be from a source other than a community water system, the developer shall provide evidence of a proven source of supply and guarantee availability of water to all parcels of land within the proposed development.

Water Supply Systems Policy 4: Clatsop County shall encourage existing community water supply systems to be improved and maintained at a level sufficient to:

- a. provide adequate fire flow and storage capacity to meet the service area requirements,*
- b. meet the anticipated long-range maximum daily use and emergency needs of the service area, and*
- c. provide adequate pressure to ensure the efficient operation of the water distribution system.*

Water Supply Systems Policy 5: Clatsop County shall cooperate with the various cities in examining the feasibility of developing some type of regional water system to provide municipal and community water.

Water Supply Systems Policy 6: Clatsop County should work with State agencies to conduct a study of the Gnat Creek aquifer to determine the potential to provide a water source for residents of the area.

Water Supply Systems Policy 7: Clatsop County shall monitor the number of land partitions in the Fern Hill, John Day, Wickiup, Knappa, Youngs River/Lewis & Clark, Falcon Cove and Arch Cape water system areas to determine if the County land partition policy is adversely affecting their District or Water Association. The County will develop, in conjunction with the above Districts and Associations, a report, and if necessary, amend the Comprehensive Plan and Land and Water

Development and Use Ordinance to rectify the problem prior to its first Periodic Review before LCDC.

Waste Disposal Policy 1: Clatsop County considers sewer services only appropriate for urbanizable lands and RSAs. The intensity of land use facilitated by provisions of sewer is not appropriate for Rural areas. Clatsop County may permit the creation or extension of sewer services outside UGBs and RSAs in the event of a health hazard or water pollution problem identified by DEQ.

Waste Disposal Policy 2: Clatsop County shall cooperate with cities in developing a phased growth plan to guide the provision of municipal services to urbanizable areas.

Waste Disposal Policy 3: Clatsop County shall encourage alternative methods of sewage disposal when such methods are economically, legally, and environmentally feasible.

Waste Disposal Policy 4: Clatsop County should consider the use of solid waste and forest lands waste to generate electricity.

Waste Disposal Policy 5: Clatsop County shall continue to cooperate with the various cities in the establishment of a regional landfill site.

Governmental Structure and Other Public Facilities Policy 1: Clatsop County shall encourage schools that most economically serve the population of the County and consideration should be given to development of a consolidated district.

Governmental Structure and Other Public Facilities Policy 2: Clatsop County shall rely upon the various school districts in the County for the provision of public education.

Governmental Structure and Other Public Facilities Policy 3: Clatsop County shall notify the appropriate school district of all subdivisions, planned developments and mobile home park applications.

Governmental Structure and Other Public Facilities Policy 4: Clatsop County shall continue to cooperate with all appropriate governmental jurisdictions,

agencies, and special districts (including water, sewer, roads, etc.) in developing a coordinated approach for the planning and delivery of health and social services.

Governmental Structure and Other Public Facilities Policy 5: Clatsop County shall continue to encourage the upgrading of the level and quality of the County Sheriff's Department as funds become available.

Governmental Structure and Other Public Facilities Policy 6: Clatsop County should work with local residents as well as with the rural fire protection districts in examining various methods to improve fire protection. One method which could be used is to require subdivisions and planned developments to dedicate a site, funds, equipment, and/or construction materials for a fire station.

Governmental Structure and Other Public Facilities Policy 7: Clatsop County should work with the U.S. Postal Service in developing a new address system to facilitate the immediate location of buildings by emergency and support services in Clatsop County.

Governmental Structure and Other Public Facilities Policy 8: Rural fire protection districts shall be encouraged to expand service boundaries to include lands designated Rural Lands.

Transportation Policies (Goal 12)

The County's Transportation System Plan (TSP) does not have policies; instead, it has Goals and Objectives.

With respect to the mobility goal, the proposed amendments do not conflict with the development or maintenance of a multimodal transportation system in Clatsop County. None of the mobility objectives establish mandatory approval criteria or development standards applicable to the proposal.

Goal 1: Mobility . Develop a multimodal transportation system that serves the travel needs of Clatsop County residents, businesses, visitors, and freight transport.

Objectives:

1. *Provide a network of arterials and collectors that are interconnected, appropriately spaced, and reasonably direct.*
2. *Balance the simultaneous needs to accommodate local traffic and through-travel.*
3. *Minimize travel distances and vehicle-miles traveled.*
4. *Safely, efficiently, and economically move motor vehicles, pedestrians, bicyclists, transit, trucks, and trains to and through the County.*
5. *Use appropriate, adopted Clatsop County road standards during development of new roadways.*
6. *Encourage development patterns that offer connectivity and mobility options for members of the community.*
7. *Work to enhance the connection of the Port of Astoria and the Warrenton Harbor to the surrounding communities.*
8. *Coordinate with rail and shipping entities to promote intermodal linkages for passengers and goods.*
9. *Recognize and balance freight needs with needs for local circulation, safety, and access.*
10. *Provide an interconnected system of roads, pedestrian and bicycle facilities, and other forms of transportation that will link communities.*
11. *Promote intercity connectivity between major population areas, including linkages to the Portland metropolitan area.*

With respect to the livability goal, the proposed amendments and subsequent development on the subject property are consistent with the balance struck in the TSP. The TSP's mobility objectives do not establish mandatory approval criteria applicable to the proposal.

Goal 2: Livability . Provide a transportation system that balances transportation system needs with the desire to maintain pleasant, economically viable communities.

Objectives:

1. *Minimize adverse social, economic, and environmental impacts created by the transportation system, including balancing the need for road connectivity and the need to minimize neighborhood cut-through traffic.*
2. *Preserve and protect the County's significant natural features and historic sites.*

3. *Promote a transportation system that is adequate to handle the truck, transit, and automobile traffic in such a way to encourage successful implementation of County economic goals and the preservation of existing residential neighborhoods.*
4. *Work with local and State governments to develop alternate transportation facilities that will allow development without major disruption of existing neighborhoods or downtown areas.*

With respect to the coordination goal, neither the amendments nor subsequent rural residential development on the site conflict with the goal of maintaining a transportation system that is consistent with the goals and objectives of the relevant local communities, the County and the State of Oregon. The TSP's coordination objectives do not establish mandatory approval criteria or development standards applicable to the proposed amendments.

Goal 3: Coordination . Maintain a transportation system plan that is consistent with the goals and objectives of local communities, the County, and the State.

Objectives:

1. *Provide a County transportation system that is consistent with other elements and objectives of the Clatsop County Comprehensive Plan.*
2. *Provide a County transportation system that coordinates with other local transportation system plans and rural community plans.*
3. *Coordinate land use and transportation decisions to efficiently use public infrastructure investments to:*
 - Maintain the mobility and safety of the roadway system*
 - Foster compact development patterns in incorporated and rural communities*
 - Encourage the availability and use of transportation alternatives*
4. *Enhance livability and economic competitiveness*
5. *Cooperate with local jurisdictions and rural communities in establishing and maintaining zoning standards that will prevent the development of incompatible or hazardous uses around airports.*
6. *Work to protect airspace corridors and airport approaches.*

With respect to the public transportation goal, the amendments do not conflict with the goal of improving safe and efficient public transportation in Clatsop County. The TSP's

public transportation objectives do not establish mandatory approval criteria applicable to the amendments.

Goal 4: Public Transportation : Work to improve cost-effective and safe public transportation throughout Clatsop County.

Objectives:

- 1. Coordinate with the Sunset Empire Transportation District (SETD) to encourage commuter bus service to serve communities throughout Clatsop County.*
- 2. Encourage a carpooling program for County employees and others to increase vehicle occupancy and minimize energy consumption.*
- 3. Work with SETD to develop transit systems and stations and related facilities in convenient and appropriate locations that adequately and efficiently serve resident and employee needs.*
- 4. Work to improve the signage and amenities at transit stops and stations.*

With respect to the TSP's pedestrian and bicycle facilities goal, the proposed amendments do not interfere with the County's efforts to provide an interconnected system of pedestrian and bicycle facilities. Hillcrest Loop Road as it passes the subject property relies on a shared roadway for bicycle, pedestrian and motor vehicle travel. Rural residential development on the subject property can be accommodated without interfering with bicycle or pedestrian improvements along Hillcrest Loop Road. The TSP's goal 5 objectives do not establish mandatory approval criteria applicable to the proposal.

Goal 5: Pedestrian and Bicycle Facilities . Provide for an interconnected system of pedestrian and bicycle facilities throughout Clatsop County to serve commuters and recreational users.

Objectives:

- 1. Coordinate with the goals and objectives and recommended improvements set forth in the Clatsop County Bicycle Master Plan.*
- 2. Use unused rights-of-way for greenbelts, walking trails, or bike paths where appropriate.*
- 3. Develop and periodically update inventory information on existing bicycle routes and support facilities.*

4. *Promote multimodal connections where appropriate.*
5. *Promote increased bicycle awareness and support safety education and enforcement programs.*
6. *Develop safe and convenient pedestrian and bicycle systems that link all land uses, provide connections to transit facilities, and provide access to publicly owned land intended for general public use, such as the beach.*
7. *Promote development standards that support pedestrian and bicycle access to commercial and industrial development, including, but not limited to, direct pathway connections, bicycle racks and lockers, and signage where appropriate.*
8. *Protect and expand public access via pedestrian ways, bikeways, and trails for recreational purposes.*
9. *Provide Americans with Disabilities Act (ADA) access to public fishing areas.*

With respect to the TSP's accessibility goal, the proposed amendments do not conflict with the goal of providing an accessible transportation system to all members of the community. The TSP's goal 6 objectives do not establish mandatory approval criteria applicable to the proposal.

Goal 6: Accessibility . Provide a transportation system that serves the needs of all members of the community.

Objectives:

1. *Coordinate with SETD to encourage programs that serve the needs of the transportation disadvantaged.*
2. *Provide for the transportation disadvantaged by complying with State and Federal regulations and cooperating with local, County and State agencies to provide transportation services for the disadvantaged.*
3. *Upgrade existing transportation facilities and work with public transportation providers to provide services that improve access for all users.*

With respect to the TSP's environmental goal; the proposed amendments and development on the subject property are consistent with the provision of a transportation system that balances services with environmental protection. No amendments to this goal or to the goal 7 objectives are required. The TSP's goal 7 objectives do not establish mandatory approval criteria for this proposal.

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Goal 7: Environment . Provide a transportation system that balances transportation services with the need to protect the environment and significant natural features.

Objectives:

- 1. Provide a transportation system that encourages energy conservation, in terms of efficiency of the roadway network and the standards developed for road improvements.*
- 2. Encourage use of alternative modes of transportation and encourage development that minimizes reliance on the automobile.*
- 3. Work to balance transportation needs with the preservation of significant natural features and viewsheds.*
- 4. Work to minimize transportation impacts on beach/dune areas.*
- 5. Minimize transportation impacts on wetlands and wildlife habitat.*

With respect to the County TSP's goal 8 requirements, the proposal does not conflict with transportation system preservation. Neither the amendments nor subsequent rural residential development on the site preclude the construction of any future transportation improvements identified in the TSP. Impacts to the transportation system of the proposed development are minimal, and can be mitigated by following ODOT requirements for approach location and construction. The TSP's system preservation objective 1 requires "developers" to aid in the development of the transportation system. Mr. Eisenbarth does not object to paying his fair share for transportation system improvements, provided it meets the requirements of the County's ordinance, Oregon's requirements for systems development charges, and federal exaction law. System preservation objective 2 requires a consideration of transportation impacts when making land use decisions.

Goal 8: System Preservation . Work to ensure that development does not preclude the construction of identified future transportation improvements, and that development mitigates the transportation impacts it generates.

Objectives:

- 1. Require developers to aid in the development of the transportation system by dedicating or reserving needed rights-of-way by constructing half- or full-road improvements needed to serve new development, and by constructing off-road pedestrian, bicycle, and transit facilities when appropriate.*

2. *Consider transportation impacts when making land use decisions, and consider land use impacts (in terms of land use patterns, densities, and designated uses) when making transportation-related decisions.*

With respect to TSP goal 9, Capacity; The proposed amendments are consistent with the County's efforts to provide a transportation system with sufficient capacity. The proposal relies on a single primary access onto Hillcrest Loop Road, with a secondary emergency access, also onto Hillcrest Loop Road, rather than on multiple individual driveway access points. This is consistent with objectives 2 and 4.

Goal 9: Capacity . Provide a transportation system that has sufficient capacity to serve the needs of all users.

Objectives:

1. *Protect capacity on existing and improved roads to provide acceptable service levels to accommodate anticipated demand.*
2. *Limit access points on highways and major arterials, and use alternative access points when possible to protect existing capacity.*
3. *Provide frontage setback requirements from the public right-of-way for all designated arterials within the County adjacent to commercial and industrial development.*
4. *Minimize direct access points onto arterial rights-of-way by encouraging common driveways or frontage roads.*
5. *Update and maintain County access management standards to preserve the safe and efficient operation of County roadways, consistent with functional classification.*

With respect to TSP goal 10, transportation funding; the project does not conflict with the goal of providing reasonable and effective funding mechanisms for transportation improvements identified in the TSP. The two goal 10 objectives do not establish mandatory approval criteria applicable to the proposed amendments.

Goal 10: Transportation Funding . Provide reasonable and effective funding mechanisms for countywide transportation improvements identified in the TSP.

Objectives:

1. *Develop a Capital Improvements Program that establishes transportation priorities and identifies funding mechanisms for implementation.*
2. *Identify funding opportunities for a range of projects, and coordinate with local, State, and Federal agencies.*

With respect to TSP goal 11, Safety; the proposed amendments do not compromise the County's ability to provide a safe transportation system. The three objectives under this goal do not establish mandatory approval criteria applicable to the proposal or to subsequent development on the site.

Goal 11: Safety. Provide a transportation system that maintains adequate levels of safety for all users.

Objectives:

1. *Undertake, as needed, special traffic studies in problem areas, especially around schools, to determine appropriate traffic controls to effectively and safely manage automobile and pedestrian traffic.*
2. *Work to improve the safety of rail, bicycle, and pedestrian routes and crossings.*
3. *Coordinate lifeline and tsunami evacuation routes with local, State, and private entities.*

Energy Conservation Policies (Goal 13)

The proposal does not require the amendment of any of the County's energy conservation policies. The proposal can have a positive impact on energy conservation in Clatsop County. The subject property is near the Knappa and Svensen Rural Communities, and within a relatively short distance from the city of Astoria. These communities provide most of the employment, health care, entertainment, and shopping opportunities needed on an everyday basis by rural residents. This helps minimize energy spent on transportation. The subject property's topography allows for a southerly orientation for most homesites. This provides good opportunities for solar energy, both passive or active. The falling relative price of solar energy hardware provides good opportunities for the use of solar energy in new homes built on the site. Current energy efficiency requirements for new

home construction and for new appliances mean that homes developed on the subject property will be substantially more energy efficient than the average existing home in Clatsop County.

Energy Conservation policy 1: The County recognizes the need for energy conservation through support of a County-wide conservation program in which the County government will play a leading role.

a. Methods to reduce energy consumption should be explored, such as enforcing strict temperature and lighting controls in government buildings and incentive programs for carpooling, etc.

b. New government buildings shall be energy efficient. Decisions on design and selection of equipment should not be based on the lowest initial cost alone. Operating and energy costs for a reasonable life expectancy of the building must receive equal consideration. Further, consideration should be given to the use of solar energy in heating and cooling all new government buildings.

c. The County, cities, Extension Service and Community College should work together to establish an Energy Conservation Service with the assistance of private and public funds and expertise. This service could provide the following:

1) Promote energy conservation through seminars, other educational programs, and information dissemination.

2) Develop climate maps, energy efficient building standards and other guidelines for energy conservation.

3) With the help of local utility companies, provide technical assistance to individuals desiring to retrofit their homes or buildings with improved insulation of alternative energy sources.

4) Conduct audits with the assistance of local utility companies to identify sources of greatest energy wastes in buildings and recommend ways in which to reduce this waste.

5) *Provide technical assistance to evaluate the energy efficiency of new residential, industrial, and commercial building plans submitted for approval.*

6) *Maintain information on the energy efficiency of brands and models of appliances, autos, etc.*

d. *The County and cities should work together to establish a County-wide recycling operation (i.e. through a sheltered workshop program).*

Energy Conservation policy 2: *The following land use policies shall be adopted as part of the Comprehensive Plan to conserve energy and promote the use of alternative systems:*

a. *Shopping, cultural, medical, educational and other public facilities shall be encouraged to cluster in urban growth boundaries so that one trip can serve several purposes and so that the possibility of public transportation will be enhanced.*

b. *In new subdivisions, major or minor partitions:*

1) *Should maximize the opportunity for solar orientation of windows in buildings by running streets in east-west directions, and lots on a north-south axis. When topographic conditions or natural features make street orientation for good solar orientation of units undesirable or difficult, lots shall be laid out so that units can be oriented to the south to the greatest extent possible. Clustering, innovative yard and setback approaches may be used in lieu of the street and lot plan if good solar orientation is achieved.*

2) *Open space should be located whenever possible to buffer structures from shadows cast by other buildings.*

3) *Easements for protecting solar access should be provided for every lot.*

Energy Conservation policy 3: *The County shall promote the application of renewable and alternative energy sources, by encouraging the use of total energy*

systems where, for example, electricity is generated and the waste heat is utilized for space heating and cooling purposes.

Energy Conservation policy 4: The County shall consider energy conservation in the designation of Rural Lands and Development Lands.

Urbanization Policies (Goal 14)

The subject property is not within an urban growth boundary, nor do the proposed amendments require the expansion of any urban growth boundary. The Astoria Urban Growth Boundary is about ten miles west of the subject property. The proposal does not allow urban levels of development on the subject property. Clatsop County's plan, as well as state law, hold that a two-acre minimum lot size is not an urban level of residential development. The proposed RA2 zoning allows a two-acre minimum lot size.

Urbanization policy 1: Urban growth boundaries shall be established to identify and separate urbanizable land from rural land. Establishment and change of the boundaries shall be based upon considerations of the following factors:

- (1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;*
- (2) Need for housing, employment opportunities, and livability;*
- (3) Orderly and economic provision for public facilities and services;*
- (4) Maximum efficiency of land uses within and on the fringe of the existing urban area;*
- (5) Environmental, energy, economic and social consequences;*
- (6) Retention of agricultural land as defined, with Class I being the highest priority for retention. Class IV the lowest priority; and*
- (7) Compatibility of the proposed urban uses with nearby agricultural activities.*

Urbanization policy 2: Establishment and change of the urban growth boundaries shall be a cooperative process between a city and the county or counties that surround it.

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Urbanization policy 3: *Land within the urban growth boundaries separating urbanizable land from rural land shall be considered available over a time for urban uses. Conversion of urbanizable land to urban uses shall be based on consideration of:*

- (1) Orderly, economic provision for public facilities and services;*
- (2) Availability of sufficient land for the various uses to insure choices in the market place;*
- (3) LCDC goals or the acknowledged comprehensive plan; and,*
- (4) Encouragement of development within urban areas before conversion of urbanizable areas.*

Urbanization policy 4: *Plans should designate sufficient amounts of urbanizable land to accommodate the need for further urban expansion, taking into account (1) the growth policy of the area, (2) the needs of the forecast population, (3) the carrying capacity of the planning area, and (4) the open space and recreational needs.*

Urbanization policy 5: *The County shall review these agreements every three to six years, or as needed and update accordingly.*

Urbanization policy 6: *The size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels.*

Urbanization policy 7: *Plans providing for the transition from rural to urban land use should take into consideration as to a major determination the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.*

Urbanization policy 8: *In unincorporated communities outside urban growth boundaries the county may approve uses, public facilities and services more intensive than allowed on rural lands by Goal 11 and 14, either by exception to those goals, or as provided by OAR 660 rules, which ensure such uses do not:*
(1) Adversely effect agricultural and forest operations, and

(2) Interfere with the efficient functioning of urban growth boundaries.

Urbanization policy 9: *The County shall review these agreements every three to six years, or as needed and update accordingly.*

Northeast Community Plan; Landscape Unit Policies

These policies deal with the six landscape units in the Northeast planning area: alluvial lowlands; alluvial terraces; coast range foothills; sedimentary uplands; basaltic highlands; and estuary wetlands, coastal shorelands and water-bodies. The subject property appears to be in the alluvial terraces landscape unit. The Northeast Community plan includes one policy for this landscape unit:

- 1. Development is encouraged on alluvial terraces due to the slight to moderate slopes and moderately well-drained soils.*

The subject property has moderate topography and well-drained soils, as described in the policy. This policy does not establish mandatory approval criteria or development standards applicable to this proposal, or applicable to subsequent rural residential development on this site.

Northeast Community Plan; Surface Water and Groundwater Policy

- 1. The County shall recommend that state agencies regulate the issuance of water rights so as to insure that the total water rights of a stream bed do not exceed the minimum stream flow.*

Policy 1 does not establish mandatory approval criteria applicable to the proposal. The subject property can be developed without any new water rights. There is no evidence that Little Creek or its tributaries are over-committed.

Northeast Community Plan; Agriculture and Forestry Policies

The community plan includes four agriculture and forestry policies:

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1. *The diked lands of Brownsmead are designated for exclusive farm use (EFU zone). This discourages housing development, subdivision of farms into small uneconomical units, and keeps property taxes low, thus encouraging farmers to make long term plans and investments.*
2. *The Forest Practices Act shall be strictly enforced in all watersheds that drain into agricultural lands. Poor drainage is a major problem to agricultural practices. Strict implementation of the Forest Practices Act would help keep siltation of sloughs and drainage ditches to a minimum.*
3. *Cleaning of sloughs and ditches and dike maintenance shall be allowed under the supervision of the local diking districts and in cooperation with the Clatsop Soil and Water Conservation District.*
4. *Trapping of nuisance fur bearing animals, such as nutria, shall be encouraged to minimize crop and dike damage.*

Proposed amendments include an exception to the farm and forest goals, so it is not clear whether these policies are applicable to this request. In any case, the policies do not establish mandatory approval criteria or development standards.

Northeast Community Plan; Housing Policies

The proposed amendments are consistent with the Northeast Community Plan's housing policies. Dwellings can be clustered on the east side of the creek, to the extent allowed under the County's implementation of this policy.

1. *The plan shall designate ample areas for a variety of locational and acreage choices for those desiring rural housing.*
2. *Clustering of dwellings shall be encouraged to maintain the rural character of the area, provide the best utilization of the land, and to reduce housing costs.*
3. *Current regulations of the Department of Environmental Quality concerning sewage disposal indicate that additional houseboats are unlikely. These residences also block navigable waters which would otherwise be used by the public. Therefore, expansion of this type of residence should be limited to the John Day River where they have historically been a way of life.*

4. Large scale low income subsidized housing projects shall be located in urban areas or in rural service areas where necessary community services can be provided (Astoria and Westport).

5. Mobile homes and conventional homes shall be constructed and installed in accordance with current state law. Mobile homes shall be skirted. However, mobile home parks shall be allowed to locate in Urban Growth Boundaries or Rural Service Areas. They shall be adequately buffered or screened with a sight-obscuring fence or landscape planting around the periphery of the park.

Northeast Community Plan: Recreation Policies

The subject property is not a park, and the proposed amendments do not affect park lands or any designated recreational sites. These policies are not applicable to the proposal.

1. Big Creek Park and Aldrich Point should be regularly maintained. A resident near these parks should serve on the County Parks Board so that improvements can beautification projects can more adequately serve local residents' needs, specifically the needs of young people (i.e. ballparks and game areas).

2. The summer youth recreation program should continue after the School District abandons it. A board, the school, county, state and federal agencies should be encouraged to coordinate their efforts in development of other local recreational resources.

3. Trespassing should be discouraged on private lands by the development of an area-wide signing system which explains the extent of the area for public use and encourages respect for private property rights. The state should be contacted to assist in this effort.

4. Additional locations for public recreational access or expansion of existing facilities should be jointly considered by interested state agencies and the County to assess needs and protect the environment. Non-intensive recreational uses of

the shoreland and water areas that are compatible with the rural character of the area (such as bird watching, canoeing, fishing, hiking, etc.) shall be preferred over noisy, high-intensity uses. In consideration of expansion of existing or potential recreational facilities along the river, therefor, a public hearing shall be held to assess the needs of the area, and based on the intensity of use, the following standards met:

a. Access from US Highway 30 must be appropriately located and designed to provide for safe exit from and entry to the highway by large motor homes and vehicles pulling trailers.

b. State and County roads connecting US Highway 30 with access points must be capable of handling the types and volumes of traffic that such a facility would create.

c. The impacts of site development and the resulting traffic upon local residential areas shall be carefully considered. The County will reject proposals which will have undue impacts on local citizens.

5. Existing public land shall be preferred for public recreational development prior to acquiring additional locations. Land trades should also be considered in order to keep property on the tax rolls.

Northeast Community Plan: Historic Area Policies

The subject property is not designated as a historic site. These policies do not establish mandatory approval criteria applicable to a zone change, plan amendment, or exception.

1. A professional archaeological study team should be encouraged to conduct a survey of the Indian villages in the area and develop a strategy for excavation or protection. Until such a study is complete, the County shall carefully review all development proposals that would impact archaeological sites.

2. Care shall be taken to avoid placement of incompatible uses on properties adjoining significant archaeological and historic sites or permitting activities which would conflict with the nature of identified sites.

3. The use of identifying signs for historical and cultural landmarks shall be encouraged. Other historic sites such as old churches, schoolhouses, etc. should be signed. The Clatsop County Historical Society shall be encouraged to assist in this project.

4. Technical and financial assistance from all sources shall be sought in order to protect, restore, or purchase significant historical areas that can fulfill the needs for parks, recreation, natural and scenic resources. For instance, the Westport log tunnel might be incorporated into the State trail system (proposed Northwest loop).

5. The County shall work with the Department of Forestry and other adjoining property owners to develop a protection plan for the Westport log tunnel.

6. Local, state and federal agencies and committees are encouraged to work together to identify and preserve historical sites in Clatsop County.

Northeast Community Plan: Scenic and Natural Areas Policies

Policy 1 does not establish mandatory approval criteria applicable to this proposal. The amendments do not prevent the County from implementing this policy. The subject property is not a designated Oregon Natural Heritage site; nor is it in the Columbia River Estuary or within the estuary shoreland boundary.

1. In order to preserve the scenic views and vistas, off-premise signs and billboards shall not be allowed along the Columbia River Highway.

2. Areas identified through the Oregon Natural Heritage Program or the Columbia River Estuary Plan that are rich in wildlife or of a fragile ecological nature shall be considered for protection.

The proposed amendments do not involve any designated scenic or natural areas. These policies are not applicable to the proposal or to the subject property.

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Northeast Community Plan: Fish and Wildlife Policies

Twelve fish and wildlife policies in the Northeast Community Plan do not establish mandatory approval criteria applicable to the proposed amendment, or to development on the subject property.

1. *New roads, bridges, etc. over rivers and streams shall be designed to minimize removal of shoreline vegetation and shall be installed in a manner that will not impede the flow of water or passage of fish.*
2. *Proliferation of individual, single purpose piers and mooring facilities is discouraged in water areas to avoid increasing damage to fish habitat and scattered shoreline alterations.*
3. *Parks should be managed to leave natural vegetation when possible.*
4. *Chemical spraying along County roads is discouraged. Other methods (i.e. mowing) should be utilized to control plant growth.*
5. *Steps to increase native or hatchery runs on Plympton Creek, Little Creek, Mary's Creek, Ferris Creek, Bear Creek or the John Day River are encouraged.*
6. *Because of the importance of the Gnat creek and Big Creek hatcheries, activities of development that could be detrimental to their water quality are discouraged in these creeks or in the waters into which they drain. All waters which drain into these creeks should be carefully managed to avoid harmful effects.*
7. *Dredging and filling of freshwater wetlands and water areas should be minimized.*
8. *Off-road vehicles should only be allowed in designated areas.*
9. *Mining, dredging or removal of gravel or similar materials from streams and other surface water shall be strictly controlled to prevent adverse alteration to flow characteristics, siltation and pollution, and destruction or disruption of spawning areas.*
10. *Considering that the eagle is the national symbol of freedom; it is an endangered species; there are only 708 breeding pairs in the lower 48 United States (August 1978 National Geographic); there are only a few known pairs residing in Clatsop County; the eagle is part of the ecosystem of the estuary; and Clatsop County is a wintering ground for migrating eagles from Alaska, eagles should be given full protection through compliance with "Bald Eagle Management guidelines -- Oregon and Washington" administered by the U.S. Fish and Wildlife Service. (See Appendix A). Landowners are encouraged to develop eagle habitat plans within those guidelines tailored to suit specific conditions.*

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11. *The Conservation Other Resources designation for lands comprising habitat for the Columbia White-tailed deer is intended to protect the species. Any proposal to change the use or modify Columbian White-tailed deer habitat of these lands shall be carefully evaluated for possible effects on Columbian White-tailed deer survival.*
12. *Wildlife refuges: Existing wildlife refuges which are owned/leased and managed by the Oregon Department of Fish and Wildlife (ODFW) or by the United States Fish and Wildlife Service (USFWS) shall be designated Conservation-Other Resources and zoned Open Space, Parks and Recreation (OPR). Proposed wildlife management areas which are managed and either owned or leased by the Oregon Department of Fish and Wildlife (ODFW) located in areas designated Conservation Forest or in other lowland areas under any Plan designation shall be reviewed by the County for compliance with the approval standards listed below. Such hearings shall be conducted accordance to a Type IV procedure at a time and place convenient to residents of the affected planning area. ODFW shall provide an evaluation of the economic, social, environmental and energy consequences of the proposal and information sufficient to support findings with respect to the following approval criteria: (1) Identification of the need for the proposed new wildlife management area. "Need" means specific problems or conflicts that will be resolved or specific ODFW objectives that will be achieved by establishing the prosed area. (2) Alternative lands and management actions available to the ODFW, and an analysis of why those alternatives or management actions will not resolve identified problems or achieve objectives.*

Northeast Community Plan: Transportation Policies

Transportation policies in the Northeast Community Plan are not directly applicable to the proposed amendment. Policy 1 concerns industrial developments. The proposal does not involve industrial use or industrial zoning. Policies 2, 3, and 4 are aspirational; that is, they express the County's non-mandatory wishes. The proposed development plan is consistent with policy 5 in that the proposal uses a common access road onto Hillcrest Loop, rather than multiple individual driveways.

1. *Major industries existing or planned should develop programs to aid employees in fuel conservation.*

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2. *Walking and bicycling is encouraged. Shoulders along roads should be wide and shaded whenever possible. A footpath/bicycle path should be planned which would link Astoria and Knappa.*
3. *A regular passenger bus service to the Northeast should be explored by the County.*
4. *Housing developments shall be encouraged to locate along existing roads and avoid the creation of new roads. When new roads are created they should be as short as possible and designed to serve as many residents as possible by the use of clustering techniques or other means to minimize travel distances and long stretches of pavement.*
5. *Highway approaches shall be minimized wherever possible through the use of common driveways, access points, frontage roads and other means. Commercial developments should be clustered together and parking should be shared. County regulations shall be written so as to implement this policy.*
6. *Minor partitioning shall be required for all property adjacent to U.S. 30. Minor partition proposals will be reviewed in order to prevent numerous access points along this highway. The requirement for minor partition review shall take effect on the date of adoption of the Northeast Community Plan.*
7. *Clatsop County shall: (a) require new subdivisions to have access taken from the existing collectors and frontage roads unless a variance is given; (b) review new access points based upon proximity to existing access points and safety standards developed by the Department of Transportation.*
8. *Clatsop County shall encourage the development of transshipment points along the Columbia River where deep water is close to the shore.*

Northeast Community Plan: Public Facilities and Services Policies

The proposed amendments do not conflict with the Northeast Community Plan's public facilities and services policies. These policies do not establish mandatory approval criteria applicable to the proposed amendments.

1. *All diking districts and landowners of affected areas are encouraged to take immediate steps to identify those areas in need of repair and to take appropriate action with assistance from the Corps of Engineers.*

2. *Sewer systems shall be extended outside the Rural Service District only to alleviate a health hazard or water pollution problem identified by DEQ and will be used only as a last resort. Every effort will be made to avoid health hazards and failing systems which necessitates costly sewer construction. Periodic inspection of existing septic systems especially in higher density areas will be encouraged in order to anticipate needed improvements or possible needed changes in zoning density.*
3. *Composting toilets and the use of other alternative sewage treatment systems are encouraged.*
4. *Efforts to improve and expand existing water systems to serve rural population densities are encouraged. Consolidation of districts is also encouraged for economies of sale and better coordination. In areas where the future water supply by districts is questionable, well systems may be feasible. Lot sizes in these areas shall be larger to reflect this alternative.*
5. *A study should be undertaken to determine the extent of the aquifer (a large underground lake or water source) area believed to be along the basalt ridge from Knappa to Westport, currently in forest management. Every effort should be made to utilize this supply for future growth as opposed to expanding surface water systems because of the costliness of required treatment for surface water.*
6. *New power transmission lines will be confined to existing easements to eliminate further scarring of the hills.*
7. *Power systems which utilize solar (i.e. solar farms) and wind generated energy are well suited for the Northeast county and shall be encouraged to locate here.*
8. *Major manufacturing operations shall be encouraged to develop their own sources of energy through waste treatment or other alternatives which utilize renewable resources.*

Northeast Community Plan: Rural Land Policies

The proposed amendments change the plan designation on the subject property from Conservation Forest Lands to Rural Lands, so these policies are potentially applicable. The one-acre lot size in policy one is no longer applicable or enforceable. The proposed two-acre minimum lot size requested is the smallest allowed in a rural residential areas. The plan updates in policy 2 have generally not taken place; the current proposal is not part of a county-wide or even sub-area update. The proposed amendments do not involve commercial uses or zoning, so policies 3 and 4 are not applicable.

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1. *Generally the minimum parcel size for building sites shall be one acre, where adequate public facilities are available. Clustering will allow smaller lot sizes, depending on septic tank approval. The overall density, however, will be 1 acre/dwelling unit.*
2. *The conversion of lands adjacent to forest land which are "built upon or are irrevocably committed" to a higher density by rezoning shall be encouraged at Plan Updates if it is determined that more land is needed for housing than was anticipated at the time of adoption of the Northeast Plan, and public facilities are adequate to serve higher densities. Conversion of these lands to higher densities should occur before conversion of resource lands (EFU, Forest) to housing.*
3. *New commercial zones shall only be considered if of a neighborhood type or if concentrated in and adjacent to existing, well-established business areas, in order to increase the patronage and vitality of these areas and to avoid undue dispersal of new commercial activities.*
4. *When considering new commercial buildings or when existing commercial uses are considering expansion, the following standards shall be required in addition to those polices addressed in the Transportation Section: (a) Adequate off-street parking shall be provided; (b) A buffer or landscape planting area shall be provided abutting residential zones; (c) Signs shall be limited. Signs which advertise national brands of products or similar advertisements which are not promoting the primary item for sale on the premises shall be discouraged.*

Northeast Community Plan: Conservation Forest Lands and Other Resources Policies

Policies 1 and 2 are not applicable to the proposal.

1. *The Gnat Creek marsh, Big Creek spruce swamp, Plympton Creek waterfalls, Bradwood Cliffs, and important marshes along the Columbia River, shall be protected from alteration.*
2. *Landowners shall be encouraged to dedicate isolated natural features (landmarks) such as big trees, waterfalls, etc.*

Exhibit IV.

Goal Exception
(Application materials)

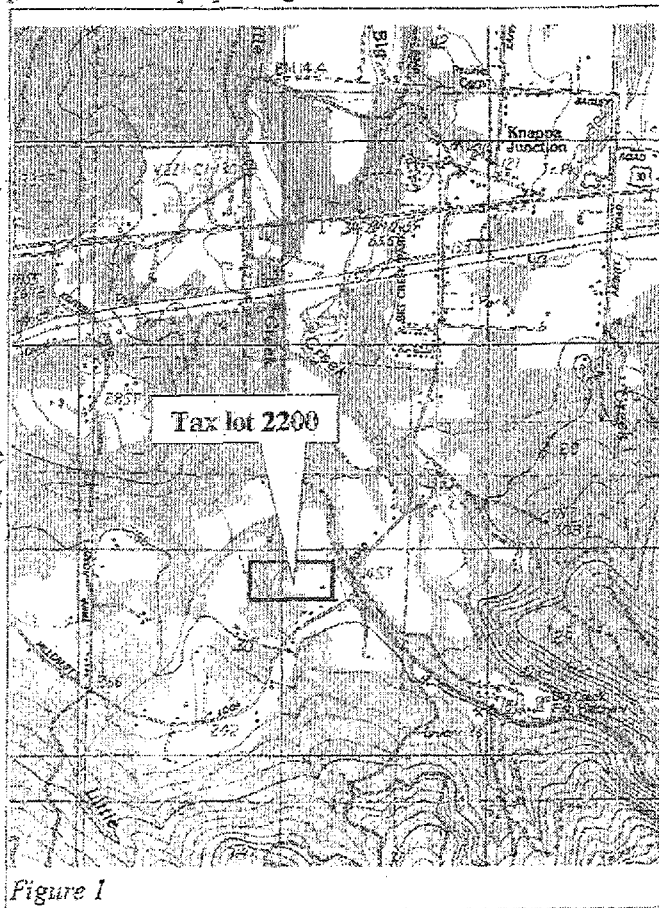
Exception to Goals 3 and 4 for
Tax Lots 8-7-30-2200

1. Summary

This document contains an exception to statewide planning goals 3 and 4 for tax lot 8-7-30-2200. Also included in this document are findings justifying the exception. The subject property covers about 20 acres. Tax lot 2200 is currently in a Conservation Forest Lands plan designation in the County's Comprehensive Plan, and in the AF zone. Adjoining land to the south, southwest, and east was included in an exception to goals 3 and 4, adopted by Clatsop County in 1982. A copy of the 1982 exception is attached. This amendment is part of a larger proposal to develop up to eight rural residences on the 20-acre (approximately) tract.

FP Amendment

Exceptions to the statewide planning goals are governed by ORS 197.732, OAR 660-04, and statewide planning goal 2. This document includes findings as required under these statutes and administrative rules. The exception area's general location is shown on Figure 1. Figure 2 shows the tax lots included in the exception, as well as surrounding property. The proposed exception adjoins an existing exception adopted by the County in 1982; exception area number 3. A copy of the adopted exception is attached.



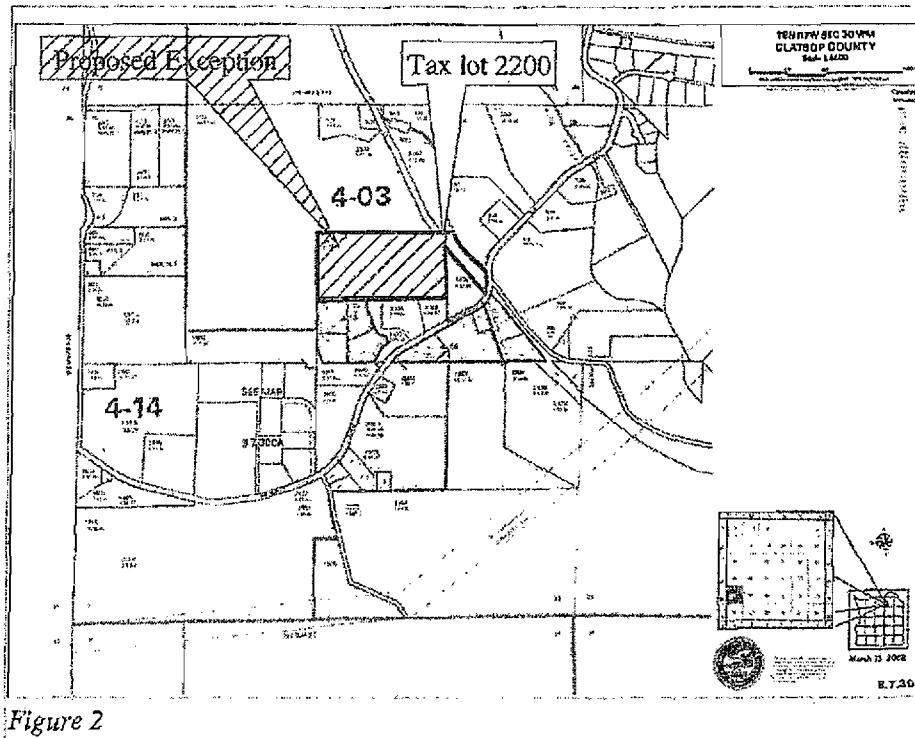


Figure 2

2. Exception Requirements

A. Statewide Planning Goals

This exception is taken to statewide planning goals 3 and 4. Statewide planning goal 3 addresses agricultural lands. The goal is "To preserve and maintain agricultural lands." The proposed exception area is not designated as agricultural land, nor is there any evidence that it qualifies as farm land under statewide planning goal 3. Nonetheless, this goal exception includes an exception to goal 3 to allow uses and densities not allowed on farm land. Exceptions to goal 3 are authorized under OAR 660-04-10(1)(a).

Statewide planning goal 4 addresses forest lands. The goal reads as follows:

To conserve forest lands by maintaining the forest land base and to protect the

state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Nearly all of tax lot 2200 is designated as forest land in the County's comprehensive plan. A relatively small area on the east side is in the RA2 zone, and designated as Rural Lands. Exceptions to goal 4 are authorized under OAR 660-04-10(1)(b).

The proposed exception area may include resources and features under one or more of the other statewide planning goals. This goal exception does not exempt tax lot 2200 from the requirements of these other statewide planning goals. Proposed goal findings are included with the amendment request in a separate document.

B. Exception Criteria

An exception is a decision to exclude land from the requirements of one or more applicable statewide planning goals. Exceptions are authorized under ORS 197.732, OAR 660-04, and statewide planning goal 2. Exception requirements are described below.

Oregon Revised Statutes (ORS) 197.732(1) establishes three different types of exceptions: physically developed (ORS 197.732(1)(a)); irrevocably committed (ORS 197.732(1)(b)); and reasons (ORS 197.732(1)(c)). This exception is a reasons exception. ORS 197.732(1)(c) establishes requirements for a reasons exception:

(1) A local government may adopt an exception to a goal if:

...

(c) The following standards are met:

(A) Reasons justify why the state policy embodied in the applicable goals should not apply;

(B) Areas which do not require a new exception cannot reasonably accommodate the use;

(C) The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with

measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
(D) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

Statewide planning goal 2 establishes requirements for exceptions. Part II(c) of goal 2 is applicable to a reasons exception, and is identical to ORS 197.732(1)(c), cited above. Oregon Administrative Rules (OAR) chapter 660, division 4, establishes rules for exceptions. OAR 660-04-000(2) and OAR 660-04-05(1) provide general definitions of an exception:

An exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals in accordance with the process specified in Goal 2, Part II, Exceptions. The documentation for an exception must be set forth in a local government's comprehensive plan. Such documentation must support a conclusion that the standards for an exception have been met. The conclusion shall be based on findings of fact supported by substantial evidence in the record of the local proceeding and by a statement of reasons which explain why the proposed use not allowed by the applicable goal should be provided for. The exceptions process is not to be used to indicate that a jurisdiction disagrees with a goal. (OAR 660-04-000(2))

An "Exception" is a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that: (a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability; (b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and (c) Complies with the provisions of this Division. (OAR 660-04-05(1))

OAR 660-04-20(2) sets detailed requirements for a reasons exception. OAR 660-04-22 lists reasons needed to justify an exceptions under goal 2, part II(c). These requirements are addressed in the following sections.

3. Findings

A. Reasons justify why the state policy embodied in the applicable goals should not apply (OAR 660-04-20(2)(a))

This section sets forth the facts and assumptions for determining that state policy embodied in goals 3 and 4 should not apply to the exception area. This section also explains why the proposed uses require a location on resource land. The exception area includes most of tax lot 8-7-30-2200, covering about 20 acres, as shown in Figure 2.

FP
Amendment

The policy embodied in goal 3 is in ORS 215.243:

Agricultural land use policy. The Legislative Assembly finds and declares that:

(1) Open land used for agricultural use is an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to all of the people of this state, whether living in rural, urban or metropolitan areas of the state.

(2) The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation.

(3) Expansion of urban development into rural areas is a matter of public concern because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion.

(4) Exclusive farm use zoning as provided by law, substantially limits alternatives to the use of rural land and, with the importance of rural lands to the public, justifies incentives and privileges offered to encourage owners of rural lands to hold such lands in exclusive farm use zones. (ORS 215.243)

The State policy embodied in goal 4 is stated in the text of the goal:

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

There are several reasons why goals 3 and 4 should not apply to the proposed exception area. The subject property contributes nothing to the agricultural economy of the County or the state. The 20 acre includes some areas that may be suitable for low-intensity pasture; however, there is no recent history of successful commercial-scale agriculture on the property, or on adjoining property. The Hillcrest Loop Road area is characterized by small-scale animal husbandry, such as 4-H projects and the like. The proposed exception site is too small to be successfully employed for the kind of commercial agriculture typically found in Clatsop County. Land in the proposed exception area contributes nothing to the agricultural economy of the County or the state. Clatsop County has a small agricultural sector compared to other Oregon counties. According to 1997 data from the US National Agricultural Statistics Service:

AP
Amendment

- Clatsop County has relatively few farms: 229 in 1997, or less than one percent of all farms in Oregon. [1]
- Clatsop County has less farm acreage than any other county in Oregon; 34,030 acres in 1997, less than two-tenths of one percent of Oregon's farm acreage. [1]
- Clatsop County farms produced about \$5,325,000 worth of farm products in 1997, less than two-tenths of one percent of the state total, and less than any other County except one (Lincoln County) [1].

The proposed exception area does not generate farm products or farm income. The site does not support crops or actively-managed pasture. If it were farmland, the subject property would represent less than one-tenth of one percent of the County's farmland.

Farm products are not grown on the proposed exception site for several reasons. Management of animal waste and controlling runoff in Clatsop County's rainy environment is more expensive than on competing sites [4]. Distances to markets are greater than for competing sites in the Willamette Valley. The small size of the County's agricultural sector is linked to the lack of agricultural support services in the County. The lack of

developed markets, storage facilities, processing plants, farm equipment and chemical suppliers, and transportation infrastructure in Clatsop County raises production costs relative to competing farms with these services close at hand. Nearby non-farm dwellings along Hillcrest Loop pose an additional constraint on many farm practices.

The *Soil Survey of Clatsop County, Oregon* [2] classifies soils in the exception area as Knappa Variant loam. The *Soil Survey* assigns these soil types a Land Capability Class of 3 for the Knappa Variant soil. The Land Capability Classification System shows, in a general way, the suitability of soils for most kinds of field crops. Class 3 soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both.

The subject property is not needed to assure continued agricultural use on adjoining farm land: adjoining land is not in the EPU zone, nor is there any commercial-scale agriculture occurring on adjoining property.

*P
Amendment*

Forestry: Land in the proposed exception area is not part of the forest land base of the County or the state, nor does it contribute to the forest products industry. Forest practices are not presently occurring on the proposed exception area, nor are they likely to occur in the future.

Knappa Variant loam is rated in the *Soil Survey of Clatsop County, Oregon* [2], and in *Land Evaluation of Forest Soils; Clatsop County, Oregon* [5] for forest productivity. Knappa soils have a moderately high site index for Sitka spruce of 167.

In addition to limitation posed by soils, commercial timber production on the exception site is further limited by a small stream crossing the site in a south-to-north direction. Oregon Forest Practices Act regulations restrict harvesting within a riparian zone on both sides of the creek. Most of the site is not stocked with commercial tree species. Non-forest dwellings on adjoining land to the south and north restrict certain commercial forest operations, such as slash burning and pesticide application. The proposed exception area covers about 20 acres. This is too small to be managed for forestry on a commercial scale. Oregon requires an 80-acre minimum lot size for land divisions in forest zones (OAR 660-06-026(1)).

*P
Amendment*

Public recreational opportunities associated with forest land (such as hiking, hunting, camping, fishing) are not present on the site. The proposed exception area is privately-

owned, and public access for recreational opportunities is not available. The subject property is poorly suited for these activities. There are no developed recreational facilities on the exception site, such as trails, picnic areas, or campsites. There is no evidence that the proposed exception area could be successfully managed for forest recreational activities.

Unlike some forest lands, the proposed exception area is not managed for soil, air, water, fish or wildlife resources.

Conclusion, OAR 660-04-20(2)(a): These reasons justify a decision to not apply the state policy embodied in the forest lands goal and the agricultural lands goal to the proposed exception area.

B. Areas which do not require a new exception cannot reasonably accommodate the use (OAR 660-04-20(2)(b))

Alternative areas for the rural residential uses planned for the exception site cannot reasonably accommodate these uses. These alternative areas, and the reasons for this conclusion, are described below.

Urban areas within the Astoria UGB: Rural residential uses planned for the subject property might be accommodated within the Astoria Urban Growth Boundary, located about ten miles west of the exception area. However, the UGB cannot reasonably accommodate rural residential uses for reasons explained in the following paragraphs. Rural residences fill a different need than do urban residences. Density is the key difference. Home-sites on the proposed exception area will be developed at a maximum density of one dwelling unit per two acres. Residential densities in the Astoria UGB are substantially greater, between four and twelve dwelling units per acre. Rural activities such as 4-H livestock projects are impractical in the Astoria UGB. The exception site is not in the same school district as residentially-zoned property in the Astoria UGB: the proposed exception site is in the Knappa School District.

Urban areas within the Knappa-Svensen Rural Community: Rural residential uses planned for the proposed exception area might be accommodated within the Knappa-Svensen Rural Residential Zone, beginning just a short distance northeast of the exception site along

Hillcrest Loop. However, this area cannot reasonably accommodate uses planned for the proposed exception area. The KSRCR zone allows smaller lot sizes than planned for the exception site (see LWDUO section 3.096(1)), and several uses not contemplated in the exception area, such as duplexes (section 3.092(1)).

The Existing Exception Area: Vacant buildable residential land exists in the existing exception area. According to the exception text adopted by Clatsop County in 1982, exception area # 49 (which includes rural residential land between Knappa and Svensen) has 835 parcels covering 4,032 acres. This proposed exception adds about 20 acres. The existing exception area includes 39 parcels larger than 20 acres. The proposed new exception area has characteristics lacking on other land already in the exception area; most importantly, it is owned by the applicant and already has a family home on it.

TP
Amendment

C. *Long-term environmental, economic, social and energy consequences* (OAR 660-04-20(1)(c))

The following criteria must be met in order to approve this exception:

The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the

long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts. These criteria are addressed in the following paragraphs.

Environmental Consequences:

The long-term environmental consequences resulting from the exception are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception. Facts supporting this conclusion are discussed below.

Water quality: Residential development within the proposed exception area is not likely to have significant water quality impacts because:

- All new development will be served by new DEQ-approved drainfields and septic tanks;
- Existing County regulations intended to control soil erosion (section S4.300 – S4.310) and to protect riparian areas (S4.237) help mitigate some of the water quality impacts of new development.

Air quality: Residential development within the proposed exception area is unlikely to have significant air quality impacts because:

- The exception area, like all other lands in Clatsop County, is not listed as a “non-attainment” area with respect to air quality standards by the Oregon Department of Environmental Quality.
- Air emissions from motor vehicle transportation associated with the exception area are the same as would be expected from other potential exception areas in the County. The proposed exception area is closer to Astoria and to commercial and educational facilities in the Knappa-Svensen Rural Community than other possible exception areas to the south and east, which may help minimize travel distances, and thus minimize transportation-related air emissions.

Fish and wildlife habitat: Residential development planned for the subject property is not likely to have significant impacts on fish or wildlife habitat because:

- Fish habitat may be present in the tributary to Little Creek that flows across the site. These resources are protected by the tentative design, which maintains riparian areas and avoids crossing the creek with access drives.
- Downstream aquatic resources include habitat for many fish species [6], including threatened or endangered salmon species. Potential down-slope water quality impacts can be minimized or avoided by following best management practices during and after construction, by requiring DEQ-approved drain-fields and septic tanks for new homes on the subject property, and by managing stormwater runoff.
- Wildlife habitat in the proposed exception area may be impacted by new residential development; but this impact is unlikely to be significantly greater than it would be in other potential exception areas because (1) the proposed exception area has not been identified as providing exceptional or significant habitat for any wildlife species; and (2) wildlife habitat in the proposed exception area is limited by existing development in the surrounding area.

Noise: Residential development planned for the proposed exception area may increase noise levels in the immediate vicinity, but this environmental impact is not likely to be significantly greater in the proposed exception area than it would be in alternative exception areas.

Other environmental consequences: There is no evidence that environmental impacts associated with solid waste disposal, toxic substances, or greenhouse gas emissions are substantially different at the proposed exception area as compared to any other alternative exception area.

Based on this information, the County can conclude that the long-term environmental consequences resulting from residential, commercial and industrial development in the proposed exception area are not significantly more adverse than would typically result from the same development being located in other areas requiring an exception.

Economic Consequences:

The long-term economic consequences resulting from the exception are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception. Findings supporting this conclusion are discussed here.

Potential economic consequences of residential development in the proposed exception area include the following:

- Land values in the exception area may rise because the per-acre price of land zoned for agricultural or forest uses is less than the per-acre price of rural residential land, other factors being equal.
- Economic activity related to residential construction may increase as the property is developed. The impact is not expected to be large, as only eight or fewer homes would be developed.

Based on this, the County can conclude that the proposed exception's long-term economic consequences are not significantly different than would typically result from the same proposal being located in alternative areas requiring a goal exception.

Social Consequences:

The long-term social consequences resulting from the exception are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception. Findings supporting this conclusion are provided here.

Population growth: New homes are likely to be built on the proposed exception site as a result of this comprehensive plan amendment. This will result in a few more families living in the Knappa-Svensen area than at present, and may result in some slight changes in the social setting in this community. This is unlikely to be significantly different than might be expected at other alternative exception areas because the Knappa-Svensen area already accommodates a relatively large rural residential population; the area is well-served by infrastructure and services needed to accommodate low-density rural residential development; and the area is close to schools, employment, and shopping. Additionally, new residential construction is subject to development standards that, to a limited extent, help minimize social disruption. Examples of these standards include yard setbacks and height limits.

Commercial activity: New commercial development is not planned for the proposed exception area. Existing commercial lands in Astoria and in the Knappa-Svensen rural community are sufficient to serve the immediate needs of the proposed development.

Additional trade generated by the proposed development may have a slight positive impact on these existing commercial enterprises.

Industrial development: New industrial development is not planned for the exception area. The proposed exception, and subsequent development of the exception area, should have no appreciable impact on industrial development in Clatsop County.

Loss of open space: The proposed exception will result in the loss of open space. The open space afforded by the subject property may provide social benefits to surrounding residents. There is no evidence that the proposed exception area provides this kind of social benefit to a significantly greater degree than do alternative exception areas. If this social consequence exists, it is likely to be roughly proportional to the number of surrounding property owners who benefit from adjoining vacant land. Some alternative exception sites, such as farm land on the Clatsop Plains, have substantially more passing traffic than does the proposed exception site. Other alternative exception sites may have less. In general, the site's open space value can't be preserved for the public without compensating the owner. Overall, there is no evidence that the proposed exception area will result in this kind of negative social consequence to a significantly greater degree than any other alternative exception area.

This information supports a conclusion that the long-term social consequences resulting from the exception are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception.

Energy Consequences:

Long-term energy consequences resulting from the proposed exception are not significantly worse than would typically result from the same proposal being located in other areas requiring a goal exception. This conclusion is supported by the following findings:

- No known energy resources (such as oil or gas fields, geothermal resources, hydroelectric generating capacity, or coal deposits) are located on the site.
- Energy consumption may change as a result of residential development. These uses typically consume more energy per acre than do low-intensity agricultural or forestry uses. However, this change is unlikely to be substantially greater than it would be at alternative exception areas.

- Energy distribution requirements may change as a result of development within the proposed exception area, but the change is likely to be relatively minor. There is no evidence that the proposed exception area is significantly worse with respect to energy transmission than any other potential exception area.
- Waste products resulting from energy production are unlikely to be more difficult to manage as a result of the proposed exception than would be the case if an alternative exception site were chosen.
- Opportunities for wind energy generation on the site may be foregone as a result of the exception. There is no evidence that the proposed exception site is particularly well-suited for wind energy development.

These facts support a conclusion that long-term energy consequences resulting from the proposed exception are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception.

Conclusion -- Long-term environmental, economic, social and energy consequences:

Findings on preceding pages support a conclusion that long-term environmental, economic, social and energy consequences resulting from the uses allowed within the proposed exception on the subject property are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception.

D. *Compatibility with adjacent uses* (OAR 660-04-05(1)(d))

OAR 660-04-20(2)(d) reads as follows:

The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

Proposed uses on the proposed exception area are those listed in the RA2 zone:

- Single-family dwelling (LWDUO section 3.204(1) and (2))
- Limited home occupation (3.204(3))
- Minor utilities (3.204(4))
- Farm use (3.204(5))
- Roadside stand for farm products grown on the premises (3.204(6))
- Forestry (3.204(7))
- Low intensity recreation (3.204(8))
- Public or private neighborhood park or playground (3.204(9))
- Horticultural nursery (3.204(10))
- Cluster developments (3.204(11))
- Duplex (3.204(12))
- Temporary uses (3.204(13))
- Handicapped housing facility (3.204(14))
- Health hardship dwelling (3.204(15))
- Communication facilities (3.204(17))
- Public/semi-public development (3.207(1))
- Utilities necessary for public service (3.207(2))
- Extraction, processing, and stockpiling of subsurface materials (3.207(3))
- Dog kennel (3.207(4))
- Airport (3.207(5))
- Public or private recreation (3.207(6))
- Home occupation (3.207(7))
- Veterinary clinic (3.207(8))
- Golf course (3.207(9))
- Golf driving range (3.207(10))
- Campground, primitive (3.207(11))
- Boat ramps (3.207(12))
- Bed and breakfast establishment (3.207(14))

Single-family residences are the primary use intended for the exception area. Some of the potential uses listed above and allowed in the RA2 zone won't be developed on the site. For example, it is too small for an airport or golf course; it lacks access to navigable water needed for a boat ramp. Some uses listed above do not require a goal exception: agriculture or forestry; a primitive campground; low-intensity recreation.

Adjacent uses include rural residences to the south, southeast, and east. Planned uses in the proposed exception area are generally compatible with existing and planned uses on adjoining lands for the following reasons:

Adjacent forest use: Adjoining land to the north and west is zoned AF, a forestry zone. However, this land is not in commercial forest use, and is instead used as low-intensity pasture. The proposed exception will allow rural residential uses on the exception site. A logging road passes the exception area on the east. Log trucks are relatively commonplace in the Knappa-Svensen area, and rural residents are generally used to the noise associated with log trucks.

Adjoining residential use: The proposed rural residential uses adjoin existing rural residences in the RA2 zone. Compliance with setbacks and other development standards will mitigate potential incompatibility between residential uses.

Conclusion: Compatibility with adjacent uses Clatsop County finds that proposed rural residential uses planned for the exception site are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

4. References

- [1] National Agricultural Statistics Service. May 1999. *1997 Census of Agriculture: Ranking of States and Counties*. Washington, D.C.: US Department of Agriculture.
- [2] Soil Conservation Service. 1988. *Soil Survey of Clatsop County, Oregon*. Washington, D.C.: US Department of Agriculture.
- [3] <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>, 9 April 2008
- [4] Dairy Business Communications. February 2000. *Boardman Cheese Plant to Help Tillamook Survive and Expand*. www.dairybusiness.com/western/Feb00
- [5] Forestland Evaluation Committee. 1990. *Land Evaluation of Forest Soils: Clatsop County, Oregon*. Astoria, Oregon: Clatsop Soil and Water Conservation District.

- [6] Bottom, D. L., Jones, K. K., Herring, M. J. 1984. *Fishes of the Columbia River Estuary*. Astoria, Oregon: Oregon Department of Fish and Wildlife, Columbia River Estuary Data Development Program.

Planning Area: NORTHEAST
 Goal 3 - soils: II, III, IV and VIs.
 Goal 4 - site class: Mostly FB,
 some FA, FC and FG.

| | | |
|-------|----------|----------|
| Maps: | 8-7-8CC | 8-7-16 |
| | 8-7-17 | 8-7-17B |
| | 8-7-17C | 8-7-17CD |
| | 8-7-18 | 8-7-19 |
| | 8-7-19BA | 8-7-19DA |
| | 8-7-20 | 8-7-20AA |
| | 8-7-20B | 8-7-20BB |
| | 8-7-21 | 8-7-29 |
| | 8-7-30 | 8-8-14 |
| | 8-8-15 | 8-8-15DD |
| | 8-8-21 | 8-8-22A |
| | 8-8-22B | 8-8-22BA |
| | 8-8-22C | 8-8-22D |
| | 8-8-23 | 8-8-24 |
| | 8-8-25 | 8-8-25DA |
| | 8-8-26 | 8-8-26CC |
| | 8-8-26D | 8-8-27 |
| | 8-8-27B | 8-8-27C |
| | 8-8-27D | 8-8-34 |

FINDINGS

(a) adjacent uses:

WEST - forestry.
 SOUTH - forestry.
 EAST - forestry and agriculture.
 NORTH - forestry, agriculture and aquatic areas.

(b) public facilities and services:

WATER - Burnside Water Association, Wickiup Water District, Knappa Water Association, Cammen Creek Water Association.
 FIRE - Knappa-Svenson-Burnside Fire District.
 ROADS - State Highway 30, various paved county roads.

(c) parcel size and ownership patterns:

This exception area consists of 835 parcels totaling 4,031.73 acres. The overall average lot size is 4.83 acres. There are 107 parcels larger than ten acres totaling 2,235.57 acres or about 55% of the total exception area. Of those parcels larger than ten acres, there are 39 lots larger than 20 acres, totaling 1,235.41 acres or about 31% of the total exception area. These larger parcels are surrounded by smaller parcels.

(d) neighborhood and regional characteristics:

There are a total of 682 residential, commercial and institutional structures in this area at an overall density of about 1 per 5.91 acres.

CONCLUSION

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

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

| $\frac{P}{S}$ | $\frac{N}{D}$ | $\frac{E}{S}$ | $\frac{1}{\% \text{ acreage}}$ | $\frac{P}{S}$ |
|---------------|---------------|---------------|--------------------------------|---------------|
| do. | 835 | 4.83 | 4,031.73 | 100% |
| e. 100. | 107 | 20.84 | 2,235.57 | 55% |
| o. 200. | 34 | 21.63 | 1,235.41 | 31% |

Krupp / Division

2

| | | | | | | | | | | |
|-----------|------|---|------|-----------|---|------|-----------|-----|------|------|
| 8-8-21 | 5000 | □ | 9.16 | 882241601 | □ | 2.40 | 882242500 | □ | .23 | |
| | 1500 | | | 1600 | □ | 1.32 | 2600 | □ | .54 | |
| | 1600 | | | 200 | | 1.83 | 2400 | | .60 | |
| | 1700 | | 7.69 | 432 | □ | 2.80 | 2300 | | 1.73 | |
| | 1400 | | | 9400 | | | 1900 | | 2.70 | |
| | 1300 | | | 2000 | | 5.10 | 2000 | | 7.2 | |
| | | | | 4000 | □ | 4.43 | 2700 | □ | 1.80 | |
| 8-8-16 DD | 1600 | | 2.10 | 4700 | □ | 1.15 | 3200 | | | |
| | | | | 4600 | □ | .13 | 3100 | | 1.00 | |
| 8-8-15 | 1600 | | 3.25 | 4500 | □ | 2.07 | 1800 | | 2.70 | |
| | 1400 | | 2.14 | 4100 | □ | 1.89 | 4500 | | 1.71 | |
| | 1400 | | 7.31 | 5000 | □ | 1.75 | 4000 | | 1.95 | |
| | | | | 5000 | □ | 1.11 | 4000 | | | |
| | | | | 4000 | | | 4100 | | 1.00 | |
| 8-8-24 | 600 | □ | 2.79 | 5000 | □ | 1.69 | | | | |
| | 500 | □ | .75 | 4800 | □ | 1.29 | 8-8-23B | 400 | □ | 1.20 |
| | 400 | □ | 5.92 | 2500 | □ | 1.37 | 500 | □ | 1.00 | |
| | 1000 | □ | 9.95 | 2500 | □ | 7.82 | 300 | | .41 | |
| | 1100 | □ | 6.60 | 2900 | □ | 1.17 | 300 | □ | .52 | |
| | 1900 | | 3.25 | 2900 | □ | 1.16 | 200 | □ | 1.70 | |
| | 2000 | | .30 | 2900 | □ | 1.15 | 1000 | | 1.00 | |
| | 300 | □ | 5.10 | 2900 | | 1.05 | 1000 | | | |
| | 1800 | □ | 7.60 | 2900 | □ | 1.00 | 1000 | | 4.10 | |
| | 700 | □ | 1.30 | 3000 | □ | | 1200 | | | |
| | | | | | | | | | | |
| | 700 | □ | 1.40 | | | | | | | |
| | 1500 | □ | 2.84 | 3400 | □ | .60 | 5000 | | | |

| | | | | | | | |
|------|------|--------------|-------|---------|---------|-------|---|
| 2901 | 58 | 48.22B.000 | 29.22 | 8.8.22L | 1011 | 2 | |
| 2900 | 4.24 | | 1101 | 2.17 | 1200 | 3 | |
| 2500 | | | 1202 | 2.72 | 1400 | 1.5 | |
| 2800 | 1.95 | | 1100 | 14.80 | 1400 | 17.0 | |
| 2700 | 2.19 | | 1103 | 2.54 | 7000 | | |
| 2600 | 1.55 | | | | 601 | 10.3 | |
| 2000 | 7.66 | 4.8.22B.100 | 100 | 2.41 | 500 | | |
| 1000 | 1.20 | | 200 | .38 | 600 | 30 | |
| 2501 | .68 | | 300 | .30 | 107 | 3.16 | |
| 2401 | 2.03 | | 400 | .37 | 101 | .5 | |
| 2500 | .38 | | 500 | .57 | 200 | | |
| 2600 | 2.75 | | 600 | .31 | 700 | 1.4 | |
| 2100 | .59 | | 700 | .41 | 1500 | 24.37 | |
| 2200 | .90 | | 800 | .35 | 1000 | .39 | |
| 2300 | | | | | 1700 | 2.00 | |
| 2201 | 3.44 | 8.8.22C.1000 | 1000 | 5.35 | 1800 | 4.42 | |
| 2000 | .30 | | 1000 | 5.41 | 1900 | 9.17 | |
| 1900 | .14 | | 1000 | 4.07 | 2000 | .60 | |
| 1800 | 1.52 | | 1004 | 1.35 | 2000 | | |
| 1000 | | | 1008 | 6.19 | | | |
| 1001 | 2.02 | | 1002 | 5.35 | 8.8.22D | 1200 | 4 |
| 1500 | 4.25 | | 1300 | 13.10 | 1400 | 120 | |
| 1501 | | | 900 | .67 | 1300 | 1.2 | |
| 1401 | .69 | | 1000 | 5.55 | 1400 | .7 | |
| 1300 | | | 1000 | 5.55 | 1500 | 1.5 | |
| 1200 | | | 1000 | 5.55 | 1600 | 1.5 | |
| 1100 | | | 1000 | 5.55 | 1700 | 1.5 | |
| 1000 | | | 1000 | 5.55 | 1800 | 1.5 | |
| 1000 | | | 1000 | 5.55 | 1900 | 1.5 | |
| 1000 | | | 1000 | 5.55 | 2000 | 1.5 | |

| 4 | | |
|------|-------|---------|
| 1000 | 3.34 | 8.8.220 |
| 900 | 4.43 | 2900 |
| 800 | 4.77 | 11.43 |
| 700 | 5.00 | 8.8.227 |
| 600 | 5.30 | 1400 |
| 500 | 5.60 | 3.81 |
| 400 | 5.90 | 1.422 |
| 300 | 6.20 | 1.104 |
| 200 | 6.50 | 1.135 |
| 100 | 6.80 | 1.550 |
| 0 | 7.10 | 1.750 |
| 1000 | 7.40 | 1.950 |
| 900 | 7.70 | 2.150 |
| 800 | 8.00 | 2.350 |
| 700 | 8.30 | 2.550 |
| 600 | 8.60 | 2.750 |
| 500 | 8.90 | 2.950 |
| 400 | 9.20 | 3.150 |
| 300 | 9.50 | 3.350 |
| 200 | 9.80 | 3.550 |
| 100 | 10.10 | 3.750 |
| 0 | 10.40 | 3.950 |
| 1000 | 10.70 | 4.150 |
| 900 | 11.00 | 4.350 |
| 800 | 11.30 | 4.550 |
| 700 | 11.60 | 4.750 |
| 600 | 11.90 | 4.950 |
| 500 | 12.20 | 5.150 |
| 400 | 12.50 | 5.350 |
| 300 | 12.80 | 5.550 |
| 200 | 13.10 | 5.750 |
| 100 | 13.40 | 5.950 |
| 0 | 13.70 | 6.150 |
| 1000 | 14.00 | 6.350 |
| 900 | 14.30 | 6.550 |
| 800 | 14.60 | 6.750 |
| 700 | 14.90 | 6.950 |
| 600 | 15.20 | 7.150 |
| 500 | 15.50 | 7.350 |
| 400 | 15.80 | 7.550 |
| 300 | 16.10 | 7.750 |
| 200 | 16.40 | 7.950 |
| 100 | 16.70 | 8.150 |
| 0 | 17.00 | 8.350 |
| 1000 | 17.30 | 8.550 |
| 900 | 17.60 | 8.750 |
| 800 | 17.90 | 8.950 |
| 700 | 18.20 | 9.150 |
| 600 | 18.50 | 9.350 |
| 500 | 18.80 | 9.550 |
| 400 | 19.10 | 9.750 |
| 300 | 19.40 | 9.950 |
| 200 | 19.70 | 10.150 |
| 100 | 20.00 | 10.350 |
| 0 | 20.30 | 10.550 |
| 1000 | 20.60 | 10.750 |
| 900 | 20.90 | 10.950 |
| 800 | 21.20 | 11.150 |
| 700 | 21.50 | 11.350 |
| 600 | 21.80 | 11.550 |
| 500 | 22.10 | 11.750 |
| 400 | 22.40 | 11.950 |
| 300 | 22.70 | 12.150 |
| 200 | 23.00 | 12.350 |
| 100 | 23.30 | 12.550 |
| 0 | 23.60 | 12.750 |
| 1000 | 23.90 | 12.950 |
| 900 | 24.20 | 13.150 |
| 800 | 24.50 | 13.350 |
| 700 | 24.80 | 13.550 |
| 600 | 25.10 | 13.750 |
| 500 | 25.40 | 13.950 |
| 400 | 25.70 | 14.150 |
| 300 | 26.00 | 14.350 |
| 200 | 26.30 | 14.550 |
| 100 | 26.60 | 14.750 |
| 0 | 26.90 | 14.950 |
| 1000 | 27.20 | 15.150 |
| 900 | 27.50 | 15.350 |
| 800 | 27.80 | 15.550 |
| 700 | 28.10 | 15.750 |
| 600 | 28.40 | 15.950 |
| 500 | 28.70 | 16.150 |
| 400 | 29.00 | 16.350 |
| 300 | 29.30 | 16.550 |
| 200 | 29.60 | 16.750 |
| 100 | 29.90 | 16.950 |
| 0 | 30.20 | 17.150 |
| 1000 | 30.50 | 17.350 |
| 900 | 30.80 | 17.550 |
| 800 | 31.10 | 17.750 |
| 700 | 31.40 | 17.950 |
| 600 | 31.70 | 18.150 |
| 500 | 32.00 | 18.350 |
| 400 | 32.30 | 18.550 |
| 300 | 32.60 | 18.750 |
| 200 | 32.90 | 18.950 |
| 100 | 33.20 | 19.150 |
| 0 | 33.50 | 19.350 |
| 1000 | 33.80 | 19.550 |
| 900 | 34.10 | 19.750 |
| 800 | 34.40 | 19.950 |
| 700 | 34.70 | 20.150 |
| 600 | 35.00 | 20.350 |
| 500 | 35.30 | 20.550 |
| 400 | 35.60 | 20.750 |
| 300 | 35.90 | 20.950 |
| 200 | 36.20 | 21.150 |
| 100 | 36.50 | 21.350 |
| 0 | 36.80 | 21.550 |
| 1000 | 37.10 | 21.750 |
| 900 | 37.40 | 21.950 |
| 800 | 37.70 | 22.150 |
| 700 | 38.00 | 22.350 |
| 600 | 38.30 | 22.550 |
| 500 | 38.60 | 22.750 |
| 400 | 38.90 | 22.950 |
| 300 | 39.20 | 23.150 |
| 200 | 39.50 | 23.350 |
| 100 | 39.80 | 23.550 |
| 0 | 40.10 | 23.750 |
| 1000 | 40.40 | 23.950 |
| 900 | 40.70 | 24.150 |
| 800 | 41.00 | 24.350 |
| 700 | 41.30 | 24.550 |
| 600 | 41.60 | 24.750 |
| 500 | 41.90 | 24.950 |
| 400 | 42.20 | 25.150 |
| 300 | 42.50 | 25.350 |
| 200 | 42.80 | 25.550 |
| 100 | 43.10 | 25.750 |
| 0 | 43.40 | 25.950 |
| 1000 | 43.70 | 26.150 |
| 900 | 44.00 | 26.350 |
| 800 | 44.30 | 26.550 |
| 700 | 44.60 | 26.750 |
| 600 | 44.90 | 26.950 |
| 500 | 45.20 | 27.150 |
| 400 | 45.50 | 27.350 |
| 300 | 45.80 | 27.550 |
| 200 | 46.10 | 27.750 |
| 100 | 46.40 | 27.950 |
| 0 | 46.70 | 28.150 |
| 1000 | 47.00 | 28.350 |
| 900 | 47.30 | 28.550 |
| 800 | 47.60 | 28.750 |
| 700 | 47.90 | 28.950 |
| 600 | 48.20 | 29.150 |
| 500 | 48.50 | 29.350 |
| 400 | 48.80 | 29.550 |
| 300 | 49.10 | 29.750 |
| 200 | 49.40 | 29.950 |
| 100 | 49.70 | 30.150 |
| 0 | 50.00 | 30.350 |

| | | | | | | | |
|------|-------|----------|------|-------|--------|------|-------|
| 400 | 37.24 | 8-8-77-D | 300 | 6.92 | 8-8-24 | 100 | 14.88 |
| 500 | 9.79 | | 400 | 10.50 | | 104 | 15.52 |
| 200 | 4.80 | | 500 | 11.49 | | 103 | 16.8 |
| 201 | 4.04 | | 500 | 11.49 | | | |
| 900 | 4.44 | | 500 | 11.49 | 9-2-26 | 1700 | 38.96 |
| 900 | 4.44 | | 500 | 11.49 | | | |
| 900 | 4.44 | | 500 | 11.49 | | | |
| 900 | 4.44 | | 500 | 11.49 | | | |
| 300 | 10.51 | | 1300 | 2.65 | | 2000 | 25.2 |
| 200 | 9.61 | | 700 | 2.65 | | 2000 | 1.92 |
| 100 | 1.70 | | 2100 | 2.65 | | 2000 | 2.93 |
| 200 | 2.13 | | 2200 | 2.65 | | 2000 | 2.50 |
| 203 | 7.71 | | 2300 | 2.65 | | 2000 | 4.6 |
| 201 | 7.71 | | 2400 | 2.65 | | 2000 | 4.6 |
| 1400 | 6.45 | | 2000 | 13.62 | | 2000 | 12.4 |
| 1300 | 9.95 | | 100 | 1.97 | | 2000 | 15.15 |
| 1000 | 5.25 | | 200 | 1.97 | | 2000 | 1.02 |
| 1200 | 6.80 | | 500 | 7.61 | | 2500 | 33.59 |
| 1100 | 7.53 | | 800 | 9.85 | | 2100 | |
| | | | 1000 | 1.50 | | 2100 | |
| 800 | 7.00 | | 1100 | 1.89 | | 1900 | 21.60 |
| 900 | 3.00 | | 1500 | 9.64 | | 1900 | 22.13 |
| 300 | 10.30 | | 1000 | 6.47 | | 1500 | 4.52 |
| 200 | 2.10 | | 1200 | 13.69 | | 1000 | 1.52 |
| 100 | 4.95 | | 1500 | 17.00 | | 1400 | 1.44 |
| 800 | 1.16 | | | | | 1500 | 2.42 |
| 700 | 2.07 | | | | | | |

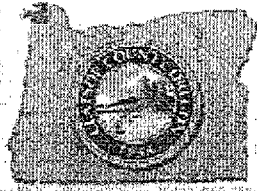
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| 3700 | 18.19 | 1400 | 1.09 | 1700 | 1.06 |
| 3800 | 18.42 | 1500 | .90 | 1901 | 1.00 |
| 5101 | 1.43 | 1700 | 1.00 | 4156 | 1.23 |
| 600 | 15.21 | 1800 | 1.40 | 1400 | |
| 401 | | 1900 | 1.51 | 1402 | 1.25 |
| 701 | 22.77 | 2000 | | 1401 | 1.20 |
| 2700 | | 2100 | 1.20 | 2200 | 29.75 |
| 2600 | 20.06 | 2201 | 1.15 | 2200 | 7.19 |
| 2801 | | 2200 | 1.23 | 1200 | 11.36 |
| 2501 | | 2300 | 1.19 | 500 | 23.67 |
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| 2400 | | 4201 | .89 | 200 | 1.35 |
| 3600 | 29.59 | 4200 | | 102 | 3.84 |
| 3700 | | 4100 | 20.95 | 200 | |
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| 600 | | 900 | 3.82 | 2105 | 24.30 |
| 600 | | 901 | 1.69 | 2102 | 4.00 |
| 900 | 2.85 | 1000 | 4.85 | 4107 | 2.94 |
| 1000 | 9.03 | 700 | 20.00 | 2165 | |
| 1100 | .36 | 1100 | 27.10 | 2191 | 1.40 |
| 1202 | .99 | 1200 | 20.11 | 2000 | 1.00 |
| 1300 | 3.63 | 1101 | 15.33 | 1800 | 3.00 |
| 2000 | | 1000 | 1.00 | 8.2.2000 | 1000 |
| 2000 | | 1200 | 15.09 | 400 | 1.24 |

8

| | | | | | | | |
|------|-------|--------|------|-------|--------|------|-------|
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| 3500 | 3.01 | | 4400 | | | 6400 | 25.18 |
| 2000 | 5.80 | | 4500 | 12.43 | | | |
| 1700 | 7.92 | | 700 | 1.12 | 8.8.14 | 500 | 24.00 |
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| 500 | | | 450 | | | 600 | |
| 3700 | 6.67 | | 4700 | 2.79 | | 500 | 1.00 |
| 3700 | 7.48 | | 4700 | | | | |
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| 1900 | | | 500 | 2.25 | | 400 | 1.00 |
| 1900 | 15.34 | | 500 | 1.07 | | 400 | 1.30 |
| 2000 | | | 500 | 1.57 | | 400 | 3.00 |
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| 2200 | 1.21 | | 500 | 1.50 | | 400 | 3.00 |
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| 2500 | 1.30 | | 500 | | | 400 | 3.02 |
| 3500 | 1.60 | | 1000 | 1.07 | | 500 | 45.29 |
| 3700 | 1.11 | | 5500 | 7.50 | | 200 | |
| 3800 | 1.50 | | 5500 | 1.00 | | 2900 | 7.17 |
| 3500 | 1.20 | | 500 | 1.70 | | 300 | 1.90 |
| 3800 | 1.50 | | 900 | 1.40 | | 300 | 1.53 |
| 400 | 1.00 | | 500 | 1.00 | | 300 | 1.53 |
| 500 | 1.25 | | | | | | |
| 4200 | 9.27 | | 5000 | 1.11 | | 3500 | 4.33 |

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| | | | | | | | | |
|----|------|----|------|------|---------|--------|------|-------|
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| | 800 | 26 | | 1400 | 2.72 | | 103 | 3.59 |
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| | 1000 | 28 | | 1600 | 3.25 | | 102 | 4.76 |
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| | 1200 | 30 | | 1800 | 5.651 | | 105 | 1.20 |
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| | 1500 | 33 | | 2100 | 5.28 | | 3002 | 1.20 |
| | 1600 | 34 | | 2200 | 3.02 | | | |
| | 1700 | 35 | | 2300 | 3.00 | 8.7.19 | 2102 | 1.00 |
| | 1800 | 36 | | 2400 | 2.80 | | 2101 | 29.07 |
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| | 2000 | 38 | | 2600 | 7.80 | | 400 | 9.00 |
| | 2100 | 39 | | 2700 | 1.19 | | 1000 | 4.25 |
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| | 2400 | 42 | | 3000 | 6.10 | | 1002 | 2.04 |
| | 2500 | 43 | | 3100 | 10.37 | | 1005 | 4.77 |
| | 2600 | 44 | | 3200 | 7.70 | | 1003 | 1.04 |
| | 2700 | 45 | | 3300 | 2.00 | | 1004 | 1.00 |
| | 2800 | 46 | | 3400 | 1.04 | | 1006 | 1.85 |
| | 2900 | 47 | | 3500 | 1.00 | | 500 | 1.00 |
| | 3000 | 48 | | 3600 | 1.00 | | 40 | 0.00 |
| | 3100 | 49 | | 3700 | 1.00 | | 500 | 1.00 |



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Exhibit V.

OAR 660 Div 4

Oregon Administrative Rules
(filed through December 14, 2007)

LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

DIVISION 4
INTERPRETATION OF GOAL 2 EXCEPTION PROCESS
660-004-0000

Purpose

- (1) The purpose of this rule is to explain the three types of exceptions set forth in Goal 2 "Land Use Planning, Part II, Exceptions." Except as provided for in OAR chapter 660, division 14, "Application of the Statewide Planning Goals to Newly Incorporated Cities and to Urban Development on Rural Lands" and OAR chapter 660, division 12, "Transportation Planning", section 0070, "Exceptions for Transportation Improvements on Rural Land", this division interprets the exception process as it applies to statewide Goals 3 to 19.
- (2) An exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals in accordance with the process specified in Goal 2, Part II, Exceptions. The documentation for an exception must be set forth in a local government's comprehensive plan. Such documentation must support a conclusion that the standards for an exception have been met. The conclusion shall be based on findings of fact supported by substantial evidence in the record of the local proceeding and by a statement of reasons which explain why the proposed use not allowed by the applicable goal should be provided for. The exceptions process is not to be used to indicate that a jurisdiction disagrees with a goal.
- (3) The intent of the exceptions process is to permit necessary flexibility in the application of the Statewide Planning Goals. The procedural and substantive objectives of the exceptions process are to:
 - (a) Assure that citizens and governmental units have an opportunity to participate in resolving plan conflicts while the exception is being developed and reviewed; and
 - (b) Assure that findings of fact and a statement of reasons supported by substantial evidence justify an exception to a statewide Goal.
- (4) When taking an exception, a local government may rely on information and documentation prepared by other groups or agencies for the purpose of the exception or for other purposes, as substantial evidence to support its findings of fact. Such information must be either included or properly incorporated by reference into the record of the local exceptions proceeding. Information included by reference must be made available to interested persons for their review prior to the last evidentiary hearing on the exception.

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 195.012, 197.040, 197.712, 197.717, 197.732

Hist.: LCDC 5-1982, f. & ef. 7-21-82; LCDC 9-1983, f. & ef. 12-30-83; LCDC 1-1984, f. & ef. 2-10-84; LCDD 2-2006, f. & cert. ef. 2-15-06; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06

660-004-0005

Definitions

For the purpose of this Division, the definitions in ORS 197.015 and the Statewide Planning Goals shall apply. In addition the following definitions shall apply:

- (1) An "Exception" is a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that:
 - (a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;
 - (b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and
 - (c) Complies with the provisions of this Division.
- (2) "Resource Land" is land subject to the statewide Goals listed in OAR 660-004-0010(1)(a) through (g) except subsections (c) and (d).
- (3) "Nonresource Land" is land not subject to the statewide Goals listed in OAR 660-004-0010(1)(a) through (g) except subsections (c) and (d). Nothing in these definitions is meant to imply that other goals, particularly Goal 5, do not apply to nonresource land.

Stat. Auth.: ORS 197

Stats. Implemented ORS 197.015 & 197.732

Hist.: LCDC 5-1982, f. & ef 7-21-82; LCDC 9-1983, f. & ef. 12-30-83; LCDD 3-2004, f. & cert. ef. 5-7-04

660-004-0010

Application of the Goal 2 Exception Process to Certain Goals

(1) The exceptions process is not applicable to Statewide Goal 1 "Citizen Involvement" and Goal 2 "Land Use Planning." The exceptions process is generally applicable to all or part of those statewide goals which prescribe or restrict certain uses of resource land or limit the provision of certain public facilities and services. These statewide goals include but are not limited to:

(a) Goal 3 "Agricultural Lands"; however, an exception to Goal 3 "Agricultural Lands" is not required for any of the farm or nonfarm uses permitted in an exclusive farm use (EFU) zone under ORS Chapter 215 and OAR chapter 660 division 033, "Agricultural Lands" ;

(b) Goal 4 "Forest Lands"; however, an exception to Goal 4 "Forest lands" is not required for any of the forest or nonforest uses permitted in a forest or mixed farm/forest zone under OAR chapter 660, division 006, "Forest Lands";

(c) Goal 14 "Urbanization" except as provided for in OAR chapter 660, division 014 and the applicable paragraph (I)(c)(A), (B) or (C) of this rule:

(A) An exception is not required for the establishment of an urban growth boundary around or including portions of an incorporated city;

(B) When a local government changes an established urban growth boundary applying Goal 14 as it existed prior to the amendments adopted April 28, 2005, it shall follow the procedures and requirements set forth in Goal 2 "Land Use Planning," Part II, Exceptions. An established urban growth boundary is one which has been acknowledged by the Commission under ORS 197.251, 197.625 or 197.626. Revised findings and reasons in support of an amendment to an established urban growth boundary shall demonstrate compliance with the seven factors of Goal 14 and demonstrate that the following standards are met:

(i) Reasons justify why the state policy embodied in the applicable goals should not apply (This factor can be satisfied by compliance with the seven factors of Goal 14);

(ii) Areas which do not require a new exception cannot reasonably accommodate the use;

(iii) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

(iv) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

(C) When a local government changes an established urban growth boundary applying Goal 14 as amended April 28, 2005, a goal exception is not required unless the local government seeks an exception to any of the requirements of Goal 14 or other applicable goals;

(d) Goal 11 "Public Facilities and Services";

(e) Goal 16 "Estuarine Resources";

(f) Goal 17 "Coastal Shorelands"; and

(g) Goal 18 "Beaches and Dunes."

(2) The exceptions process is generally not applicable to those statewide goals which establish planning procedures and standards that do not prescribe or restrict certain uses of resource land or limit the provision of certain public facilities and services, because these goals contain general planning guidance or their own procedures for resolving conflicts between competing uses. However, exceptions to these goals, although not required, are possible and exceptions taken to these goals will be reviewed when submitted by a local jurisdiction. These statewide goals are:

(a) Goal 5 "Natural Resources";

(b) Goal 6 "Air, Water, and Land Resources Quality";

(c) Goal 7 "Natural Disasters and Hazards";

(d) Goal 8 "Recreational Needs";

(e) Goal 9 "Economy of the State";

- (f) Goal 10 "Housing" except as provided for in OAR 660-008-0035, "Substantive Standards for Taking a Goal 2, Part II, Exception pursuant to ORS 197.303(3);
- (g) Goal 12 "Transportation" except as provided for by OAR 660-012-0070, "Exceptions for Transportation Improvements on Rural Land";
- (h) Goal 13 "Energy Conservation";
- (i) Goal 15 "Willamette Greenway" except as provided for in OAR 660-004-0022(6); and
- (j) Goal 19 "Ocean Resources."

(3) An exception to one goal or goal requirement does not assure compliance with any other applicable goals or goal requirements for the proposed uses at the exception site. Therefore, an exception to exclude certain lands from the requirements of one or more statewide goals or goal requirements does not exempt a local government from the requirements of any other goal(s) for which an exception was not taken.

Stat. Auth.: ORS 197

Stats. Implemented: ORS 197.732

Hist.: LCDC 5-1982, f. & ef. 7-21-82; LCDC 9-1983, f. & ef. 12-30-83; LCDC 1-1984, f. & ef. 2-10-84; LCDC 3-1984, f. & ef. 3-21-84; LCDC 2-1987, f. & ef. 11-10-87; LCDC 3-1988(Temp), f. & cert. ef. 8-5-88; LCDC 6-1988, f. & cert. ef. 9-29-88; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 4-2005, f. & cert. ef. 6-28-05

660-004-0015

Inclusion as Part of the Plan

(1) A local government approving a proposed exception shall adopt as part of its comprehensive plan findings of fact and a statement of reasons which demonstrate that the standards for an exception have been met. The applicable standards are those in Goal 2, Part II(c), OAR 660-004-0020(2), and 660-004-0022. The reasons and facts shall be supported by substantial evidence that the standard has been met.

(2) A local government denying a proposed exception shall adopt findings of fact and a statement of reasons which demonstrate that the standards for an exception have not been met. However, the findings need not be incorporated into the local comprehensive plan.

Stat. Auth.: ORS 197

Stats. Implemented ORS 197.732

Hist.: LCDC 5-1982, f. & ef. 7-21-82; LCDC 9-1983, f. & ef. 12-30-83

660-004-0018

Planning and Zoning for Exception Areas

(1) Purpose. This rule explains the requirements for adoption of plan and zone designations for exceptions. Exceptions to one goal or a portion of one goal do not relieve a jurisdiction from remaining goal requirements and do not authorize uses, densities, public facilities and services, or activities other than those recognized or justified by the applicable exception. Physically developed or irrevocably committed exceptions under OAR 660-004-0025 and 660-004-0028 are intended to recognize and allow continuation of existing types of development in the exception area. Adoption of plan and zoning provisions that would allow changes in existing types of uses, densities, or services requires the application of the standards outlined in this rule.

(2) For "physically developed" and "irrevocably committed" exceptions to goals, residential plan and zone designations shall authorize a single numeric minimum lot size and all plan and zone designations shall limit uses, density, and public facilities and services to those:

(a) That are the same as the existing land uses on the exception site;

(b) That meet the following requirements:

(A) The rural uses, density, and public facilities and services will maintain the land as "Rural Land" as defined by the goals and are consistent with all other applicable Goal requirements; and

(B) The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to nonresource use as defined in OAR 660-004-0028; and

(C) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses;

(c) For which the uses, density, and public facilities and services are consistent with OAR 660-022-0030, "Planning and Zoning of Unincorporated Communities", if applicable, or

(d) That are industrial development uses, and accessory uses subordinate to the industrial development, in buildings of any size and type, provided the exception area was planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714

(3) Uses, density, and public facilities and services not meeting section (2) of this rule may be approved only under provisions for a reasons exception as outlined in section (4) of the rule and OAR 660-004-0020 through 660-004-0022.

(4) "Reasons" Exceptions:

(a) When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception;

(b) When a local government changes the types or intensities of uses or public facilities and services within an area approved as a "Reasons" exception, a new "Reasons" exception is required;

(c) When a local government includes land within an unincorporated community for which an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022 was previously adopted, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that were justified in the exception or OAR 660-022-0030, whichever is more stringent.

Stat. Auth.: ORS 197

Stats. Implemented: ORS 197.732

Hist.: LCDC 9-1983, f. & ef. 12-30-83; LCDC 1-1986, f. & ef. 3-20-86; LCDD 4-1998, f. & cert. ef. 7-28-98; LCDD 3-2004, f. & cert. ef. 5-7-04; LCDD 8-2005, f. & cert. ef. 12-13-05; LCDD 7-2006, f. 10-13-06, cert. ef. 10-23-06

660-004-0020

Goal 2, Part II(c), Exception Requirements

(1) If a jurisdiction determines there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal or to allow public facilities or services not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception.

(2) The four factors in Goal 2 Part II(c) required to be addressed when taking an exception to a Goal are:

(a) "Reasons justify why the state policy embodied in the applicable goals should not apply": The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land;

(b) "Areas which do not require a new exception cannot reasonably accommodate the use":

(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified;

(B) To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:

(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?

(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

(C) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A

detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.

(c) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;

(d) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. Compatible is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

(3) If the exception involves more than one area for which the reasons and circumstances are the same, the areas may be considered as a group. Each of the areas shall be identified on a map, or their location otherwise described, and keyed to the appropriate findings.

(4) For the expansion of an unincorporated community defined under OAR 660-022-0010, or for an urban unincorporated community pursuant to OAR 660-022-0040(2), The exception requirements of subsections (2)(b), (c) and (d) of this rule are modified to also include the following:

(a) Prioritize land for expansion: First priority goes to exceptions lands in proximity to an unincorporated community boundary. Second priority goes to land designated as marginal land. Third priority goes to land designated in an acknowledged comprehensive plan for agriculture or forestry, or both. Higher priority is given to land of lower capability site class for agricultural land, or lower cubic foot site class for forest land;

(b) Land of lower priority described in subsection (a) of this section may be included if land of higher priority is inadequate to accommodate the use for any one of the following reasons:

(A) Specific types of identified land needs cannot be reasonably accommodated on higher priority land; or

(B) Public facilities and services cannot reasonably be provided to the higher priority area due to topographic or other physical constraints; or

(C) Maximum efficiency of land uses with the unincorporated community requires inclusion of lower priority land in order to provide public facilities and services to higher priority land.

Stat. Auth.: ORS 197

Stats. Implemented ORS 197.732

Hist.: LCDL 5-1982, f. & ef 7-21-82; LCDL 9-1983, f. & ef. 12-30-83; LCDL 8-1994, f. & cert. ef. 12-5-94; LCDD 3-2004, f. & cert. ef. 5-7-04

660-004-0022

Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)

An exception Under Goal 2, Part II(c) can be taken for any use not allowed by the applicable goal(s). The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of this rule:

(1) For uses not specifically provided for in subsequent sections of this rule or in OAR 660-012-0070 or chapter 660, division 14, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following:

(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either

(b) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or

(c) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

(2) Rural Residential Development: For rural residential development the reasons cannot be based on market demand for housing, except as provided for in this section of this rule, assumed continuation of past urban and rural population distributions, or housing types and cost characteristics. A county must show why, based on the economic analysis in the plan, there are reasons for the type and density of housing planned which require this particular location on resource lands. A jurisdiction could justify an exception to allow residential development on resource land outside an urban growth boundary by determining that the rural location of the proposed residential development is necessary to satisfy the market demand for housing generated by existing or planned rural industrial, commercial, or other economic activity in the area.

(3) Rural Industrial Development: For the siting of industrial development on resource land outside an urban growth boundary, appropriate reasons and facts include, but are not limited to, the following:

(a) The use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports; or

(b) The use cannot be located inside an urban growth boundary due to impacts that are hazardous or incompatible in densely populated areas; or

(c) The use would have a significant comparative advantage due to its location (e.g., near existing industrial activity, an energy facility, or products available from other rural activities), which would benefit the county economy and cause only minimal loss of productive resource lands. Reasons for such a decision should include a discussion of the lost resource productivity and values in relation to the county's gain from the industrial use, and the specific transportation and resource advantages which support the decision.

(4) Expansion of Unincorporated Communities: For the expansion of an Unincorporated Community defined under OAR 660-022-0010(10), appropriate reasons and facts include but are not limited to the following:

(a) A demonstrated need for additional land in the community to accommodate a specific rural use based on Goals 3-19 and a demonstration that either:

(A) The use requires a location near a resource located on rural land; or

(B) The use has special features necessitating its location in an expanded area of an existing unincorporated community, including:

(i) For industrial use, it would have a significant comparative advantage due to its location (i.e., near a rural energy facility, or near products available from other activities only in the surrounding area; or it is reliant on an existing work force in an existing unincorporated community);

(ii) For residential use, the additional land is necessary to satisfy the need for additional housing in the community generated by existing industrial, commercial, or other economic activity in the surrounding area. The plan must include an economic analysis showing why the type and density of planned housing cannot be accommodated in an existing exception area or UGB, and is most appropriate at the particular proposed location. The reasons cannot be based on market demand for housing, nor on a projected continuation of past rural population distributions.

(b) Need must be coordinated and consistent with the comprehensive plan for other exception areas, unincorporated communities, and UGBs in the area. Area encompasses those communities, exception areas, and UGBs which may be affected by an expansion of a community boundary, taking into account market, economic, and other relevant factors;

(c) Expansion requires demonstrated ability to serve both the expanded area and any remaining infill development potential in the community at time of development with the level of facilities determined to be appropriate for the existing unincorporated community.

- (5) Expansion of Urban Unincorporated Communities: Expansion of an urban unincorporated community defined under OAR 660-022-0010(9) shall comply with OAR 660-022-0040.
- (6) Willamette Greenway: Within an urban area designated on the approved Willamette Greenway Boundary maps, the siting of uses which are neither water-dependent nor water-related within the setback line required by Section C.3.k of the Goal may be approved where reasons demonstrate the following:
- (a) The use will not have a significant adverse effect on the greenway values of the site under consideration or on adjacent land or water areas;
 - (b) The use will not significantly reduce the sites available for water-dependent or water-related uses within the jurisdiction;
 - (c) The use will provide a significant public benefit; and
 - (d) The use is consistent with the Legislative findings and policy in ORS 390.314 and the Willamette Greenway Plan approved by LCDC under ORS 390.322.
- (7) Goal 16 X Water Dependent Development: To allow water dependent industrial, commercial, or recreational uses in development and conservation estuaries which require an exception, an economic analysis must show that there is a reasonable probability that the proposed use will locate in the planning area during the planning period considering the following:
- (a) Factors of Goal 9 or for recreational uses the factors of Goal 8;
 - (b) The generally predicted level of market demand for the proposed use;
 - (c) The siting and operational requirements of the proposed use including land needs, and as applicable, moorage, water frontage, draft, or similar requirements; and
 - (d) Whether the site and surrounding area are able to provide for the siting and operational requirements of the proposed use;
 - (e) The economic analysis must be based on Goal 9 element of the County Comprehensive Plan and consider and respond to all economic needs information available or supplied to the jurisdiction. The scope of this analysis will depend on the type of use proposed, the regional extent of the market and the ability of other areas to provide for the proposed use.
- (8) Goal 16 -- Other Alterations or Uses: An exception to the requirement limiting dredge and fill or other reductions or degradations of natural values to water dependent uses or to the natural and conservation management unit requirements limiting alterations and uses is justified, where consistent with ORS Chapter 541, in any of the following circumstances:
- (a) Dredging to obtain fill for maintenance of an existing functioning dike where an analysis of alternatives demonstrates that other sources of fill material including adjacent upland soils or stockpiling of material from approved dredging projects can not reasonably be utilized for the proposed project or that land access by necessary construction machinery is not feasible;
 - (b) Dredging to maintain adequate depth to permit continuation of present level of navigation in the area to be dredged;
 - (c) Fill or other alteration for a new navigational structure where both the structure and the alteration are shown to be necessary for the continued functioning of an existing federally authorized navigation project such as a jetty or a channel;
 - (d) An exception to allow minor fill, dredging, or other minor alteration of a natural management unit for a boat ramp or to allow piling and shoreline stabilization for a public fishing pier;
 - (e) Dredge or fill or other alteration for expansion of an existing public non-water-dependent use or a nonsubstantial fill for a private nonwater-dependent use (as provided for in ORS 541.625) where:
 - (A) A Countywide Economic Analysis based on the factors in Goal 9 demonstrates that additional land is required to accommodate the proposed use; and
 - (B) An analysis of the operational characteristics of the existing use and proposed expansion demonstrates that the entire operation or the proposed expansion cannot be reasonably relocated; and
 - (C) That the size and design of the proposed use and the extent of the proposed activity are the minimum amount necessary to provide for the use.
 - (f) In each of the situations set forth in subsections (7)(a) to (e) of this rule, the exception must demonstrate that proposed use and alteration (including, where applicable, disposal of dredged materials) will be carried out in a manner which minimizes adverse impacts upon the affected aquatic and shoreland areas and habitats.

(9) Goal 17 -- Incompatible Uses in Coastal Shoreland Areas: Exceptions are required to allow certain uses in Coastal Shoreland areas:

(a) These Coastal Shoreland Areas include:

(A) Major marshes, significant wildlife habitat, coastal headlands, exceptional aesthetic resources and historic and archaeological sites;

(B) Shorelands in urban and urbanizable areas, in rural areas built upon or irrevocably committed to non-resource use and in unincorporated communities pursuant to OAR chapter 660, division 022 (Unincorporated Communities) that are suitable for water dependent uses;

(C) Designated dredged material disposal sites;

(D) Designated mitigation sites.

(b) To allow a use which is incompatible with Goal 17 requirements for coastal shoreland areas listed in subsection (9)(a) of this rule the exception must demonstrate:

(A) A need, based on the factors in Goal 9, for additional land to accommodate the proposed use;

(B) Why the proposed use or activity needs to be located on the protected site considering the unique characteristics of the use or the site which require use of the protected site; and

(C) That the project cannot be reduced in size or redesigned to be consistent with protection of the site and where applicable consistent with protection of natural values.

(c) Exceptions to convert a dredged material disposal site or mitigation site to another use must also either not reduce the inventory of designated and protected sites in the affected area below the level identified in the estuary plan or be replaced through designation and protection of a site with comparable capacity in the same area;

(d) Uses which would convert a portion of a major marsh, coastal headland, significant wildlife habitat, exceptional aesthetic resource, or historic or archaeological site must use as little of the site as possible, be designed and located and, where appropriate, buffered to protect natural values of the remainder of the site.

(e) Exceptions to designate and protect for water-dependent uses an amount of shorelands less than is required by Goal 17 Coastal Shoreland Uses Requirement 2 must demonstrate compliance with the following:

(A) Based on the factors of Goals 8 and 9, there is no need during the next 20-year period for the amount of water-dependent shorelands required by Goal 17 Coastal Shoreland Uses Requirement 2 for all cities and the county in the estuary. The Goal 8 and Goal 9 analyses must be conducted for the entire estuary and its shorelands, and must consider the water-dependent use needs of all local government jurisdictions along the estuary, including the port authority if any, and be consistent with the Goal 8 and Goal 9 elements of the comprehensive plans of those jurisdictions.

(B) There is a demonstrated need for additional land to accommodate the proposed use(s), based on one or more of the requirements of Goals 3 to 18.

(10) Goal 18 -- Foredune Breaching: A foredune may be breached when the exception demonstrates an existing dwelling located on the foredune is experiencing sand inundation and the grading or removal of sand is:

(a) Only to the grade of the dwelling;

(b) Limited to the immediate area in which the dwelling is located;

(c) Sand is retained in the dune system by placement on the beach in front of the dwelling; and

(d) The provisions of Goal 18 Implementation Requirement 1 are met.

(11) Goal 18 -- Foredune Development: An exception may be taken to the foredune use prohibition in Goal 18 "Beaches and Dunes", implementation requirement (2). Reasons which justify why this state policy embodied in Goal 18 should not apply shall demonstrate compliance with the following:

(a) The use will be adequately protected from any geologic hazards, wind erosion, undercutting ocean flooding and storm waves, or is of minimal value; and

(b) The use is designed to minimize adverse environmental effects;

(c) The provisions of OAR 660-004-0020 shall also be met.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 197.040

Stats. Implemented: ORS 195.012, 197.040, 197.712, 197.717, and 197.732

Hist.: LCDC 9-1983, f. & ef. 12-30-83; LCDC 1-1984, f. & ef. 2-10-84; LCDC 3-1984, f. & ef. 3-21-84; LCDC 4-1985, f. & ef. 8-8-85; LCDC 8-1994, f. & cert. ef. 12-5-94; LCDD 7-1999, f. & cert. ef. 8-20-99; LCDD 3-

2004, f. & cert. ef. 5-7-04; LCDD 2-2006, f. & cert. ef. 2-15-06; LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06; LCDD 9-2006, f. & cert. ef. 11-15-06

660-004-0025

Exception Requirements for Land Physically Developed to Other Uses

- (1) A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal.
- (2) Whether land has been physically developed with uses not allowed by an applicable Goal, will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception.

Stat. Auth.: ORS 197

Stats. Implemented ORS 197.732

Hist.: LCDC 5-1982, f. & ef. 7-21-82; LCDC 9-1983, f. & ef. 12-30-83

660-004-0028

Exception Requirements for Land Irrevocably Committed to Other Uses

- (1) A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable:
 - (a) A "committed exception" is an exception taken in accordance with ORS 197.732(1)(b), Goal 2, Part II(b), and with the provisions of this rule;
 - (b) For the purposes of this rule, an "exception area" is that area of land for which a "committed exception" is taken;
 - (c) An "applicable goal," as used in this section, is a statewide planning goal or goal requirement that would apply to the exception area if an exception were not taken.
- (2) Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:
 - (a) The characteristics of the exception area;
 - (b) The characteristics of the adjacent lands;
 - (c) The relationship between the exception area and the lands adjacent to it; and
 - (d) The other relevant factors set forth in OAR 660-004-0028(6).
- (3) Whether uses or activities allowed by an applicable goal are impracticable as that term is used in ORS 197.732(1)(b), in Goal 2, Part II(b), and in this rule shall be determined through consideration of factors set forth in this rule. Compliance with this rule shall constitute compliance with the requirements of Goal 2, Part II. It is the purpose of this rule to permit irrevocably committed exceptions where justified so as to provide flexibility in the application of broad resource protection goals. It shall not be required that local governments demonstrate that every use allowed by the applicable goal is "impossible." For exceptions to Goals 3 or 4, local governments are required to demonstrate that only the following uses or activities are impracticable:
 - (a) Farm use as defined in ORS 215.203;
 - (b) Propagation or harvesting of a forest product as specified in OAR 660-033-0120; and
 - (c) Forest operations or forest practices as specified in OAR 660-006-0025(2)(a).
- (4) A conclusion that an exception area is irrevocably committed shall be supported by findings of fact which address all applicable factors of section (6) of this rule and by a statement of reasons explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception area.
- (5) Findings of fact and a statement of reasons that land subject to an exception is irrevocably committed need not be prepared for each individual parcel in the exception area. Lands which are found to be irrevocably committed under this rule may include physically developed lands.
- (6) Findings of fact for a committed exception shall address the following factors:
 - (a) Existing adjacent uses;

(b) Existing public facilities and services (water and sewer lines, etc.);

(c) Parcel size and ownership patterns of the exception area and adjacent lands:

(A) Consideration of parcel size and ownership patterns under subsection (6)(c) of this rule shall include an analysis of how the existing development pattern came about and whether findings against the Goals were made at the time of partitioning or subdivision. Past land divisions made without application of the Goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads and underground facilities) on the resulting parcels or other factors make unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and nonresource parcels created pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for nonfarm dwellings or an intensive commercial agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for land adjoining those parcels;

(B) Existing parcel sizes and contiguous ownerships shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as one farm or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels. Small parcels in separate ownerships are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations.

(d) Neighborhood and regional characteristics;

(e) Natural or man-made features or other impediments separating the exception area from adjacent resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area;

(f) Physical development according to OAR 660-004-0025; and

(g) Other relevant factors.

(7) The evidence submitted to support any committed exception shall, at a minimum, include a current map, or aerial photograph which shows the exception area and adjoining lands, and any other means needed to convey information about the factors set forth in this rule. For example, a local government may use tables, charts, summaries, or narratives to supplement the maps or photos. The applicable factors set forth in section (6) of this rule shall be shown on the map or aerial photograph.

(8) The requirement for a map or aerial photograph in section (7) of this rule only applies to the following committed exceptions:

(a) Those adopted or amended as required by a Continuance Order dated after the effective date of section (7) of this rule; and

(b) Those adopted or amended after the effective date of section (7) of this rule by a jurisdiction with an acknowledged comprehensive plan and land use regulations.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.732 & ORS 197.736

Hist.: LCDC 5-1982, f. & ef. 7-21-82; LCDC 9-1983, f. & ef. 12-30-83; LCDC 5-1985, f. & ef. 11-15-85; LCDC 4-1996, f. & cert. ef. 12-23-96

660-004-0030

Notice and Adoption of an Exception

(1) Goal 2 requires that each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.

(2) A planning exception takes effect when the comprehensive plan or plan amendment is adopted by the city or county governing body. Adopted exceptions will be reviewed by the Commission when the comprehensive plan is reviewed for compliance with the goals, when a plan amendment is reviewed pursuant to OAR chapter 660, division 18, or when a periodic review is conducted pursuant to ORS 197.640.

Stat. Auth.: ORS 197

Stats. Implemented ORS 197.610 - ORS 197.625, ORS 197.628 - ORS 197.646 & ORS 197.732

Hist.: LCDC 5-1982, f. & ef. 7-21-82; LCDC 9-1983, f. & ef. 12-30-83

660-004-0035

Appeal of an Exception

(1) Prior to acknowledgment, an exception, or the failure to take a required exception, may be appealed to the Land Use Board of Appeals, pursuant to ORS 197.830, or to the Commission as an objection to the local government's request for acknowledgment, pursuant to ORS 197.251 and OAR 660-003-0000.

(2) After acknowledgment, an exception taken

as part of a plan amendment, or the failure to take a required exception when amending a plan, may be appealed to the Board, pursuant to ORS 197.620 and OAR chapter 660, division 18.

(3) After acknowledgment, an exception taken as part of a periodic review work task submitted under OAR 660-025-0130, or failure to take a required exception when amending a plan, may be appealed to the Commission pursuant to ORS 197.633 and OAR 660-025-0150 and 0160.

Stat. Auth.: ORS 197

Stats. Implemented ORS 197.610 - 197.625, 197.732 & 197.830

Hist.: LCDC 5-1982, f. & ef. 7-21-82; LCDC 9-1983, f. & ef. 12-30-83; LCDD 3-2004, f. & cert. ef. 5-7-04

660-004-0040

Application of Goal 14 (Urbanization) to Rural Residential Areas

(1) The purpose of this rule is to specify how Statewide Planning Goal 14, *Urbanization*, applies to rural lands in acknowledged exception areas planned for residential uses.

(2)(a) This rule applies to lands that are not within an urban growth boundary, that are planned and zoned primarily for residential uses, and for which an exception to Statewide Planning Goal 3, (*Agricultural Lands*), Goal 4 (*Forest Lands*), or both has been taken. Such lands are referred to in this rule as *rural residential areas*.

(b) Sections (1) to (8) of this rule do not apply to the creation of a lot or parcel, or to the development or use of one single-family home on such lot or parcel, where the application for partition or subdivision was filed with the local government and deemed to be complete in accordance with ORS 215.427(3) before the effective date of Sections (1) to (8) of this rule.

(c) This rule does not apply to types of land listed in (A) through (H) of this subsection:

(A) land inside an acknowledged urban growth boundary;

(B) land inside an acknowledged unincorporated community boundary established pursuant to OAR Chapter 660, Division 022;

(C) land in an acknowledged urban reserve area established pursuant to OAR Chapter 660, Division 021;

(D) land in an acknowledged destination resort established pursuant to applicable land use statutes and goals;

(E) resource land, as defined in OAR 660-004-0005(2);

(F) nonresource land, as defined in OAR 660-004-0005(3);

(G) marginal land, as defined in ORS 197.247, 1991 Edition;

(H) land planned and zoned primarily for rural industrial, commercial, or public use.

(3)(a) This rule shall take effect on the effective date of an amendment to Goal 14 to provide for development of all lawfully created lots and parcels created in rural residential areas prior to the effective date of the amendment to Goal 14.

(b) Some rural residential areas have been reviewed for compliance with Goal 14 and acknowledged to comply with that goal by the department or commission in a periodic review, acknowledgment, or post-acknowledgment plan amendment proceeding that occurred after the Oregon Supreme Court's 1986 ruling in *1000 Friends of Oregon v. LCDC, 301 Or 447 (Curry County)*, and before the effective date of this rule. Nothing in this rule shall be construed to require a local government to amend its acknowledged comprehensive plan or land use regulations for those rural residential areas already acknowledged to comply with Goal 14 in such a proceeding. However, if such a local government later amends its plan's provisions or land use regulations that apply to any rural residential area, it shall do so in accordance with this rule.

(4) The rural residential areas described in Subsection (2)(a) of this rule are rural lands. Division and development of such lands are subject to Statewide Planning Goal 14, *Urbanization*, which prohibits urban use of rural lands.

(5)(a) A rural residential zone currently in effect shall be deemed to comply with Goal 14 if that zone requires any new lot or parcel to have an area of at least two acres.

(b) A rural residential zone does not comply with Goal 14 if that zone allows the creation of any new lots or parcels smaller than two acres. For such a zone, a local government must either amend the zone's minimum lot and parcel size provisions to require a minimum of at least two acres or take an exception to Goal 14. Until a local government amends its land use regulations to comply with this subsection, any new lot or parcel created in such a zone must have an area of at least two acres.

(c) For purposes of this section, "rural residential zone currently in effect" means a zone applied to a rural residential area, in effect on the effective date of this rule, and acknowledged to comply with the statewide planning goals.

(6) After the effective date of this rule, a local government's requirements for minimum lot or parcel sizes in rural residential areas shall not be amended to allow a smaller minimum for any individual lot or parcel without taking an exception to Goal 14 pursuant to OAR 660, Division 014.

(7)(a) The creation of any new lot or parcel smaller than two acres in a rural residential area shall be considered an urban use. Such a lot or parcel may be created only if an exception to Goal 14 is taken. This subsection shall not be construed to imply that creation of new lots or parcels two acres or larger always complies with Goal 14. The question of whether the creation of such lots or parcels complies with Goal 14 depends upon compliance with all provisions of this rule.

(b) Each local government must specify a minimum area for any new lot or parcel that is to be created in a rural residential area. For the purposes of this rule, that minimum area shall be referred to as the minimum lot size.

(c) If, on the effective date of this rule, a local government's land use regulations specify a minimum lot size of two acres or more, the area of any new lot or parcel shall equal or exceed that minimum lot size which is already in effect.

(d) If, on the effective date of this rule, a local government's land use regulations specify a minimum lot size smaller than two acres, the area of any new lot or parcel created shall equal or exceed two acres.

(e) A local government may authorize a planned unit development (PUD), specify the size of lots or parcels by averaging density across a parent parcel, or allow clustering of new dwellings in a rural residential area only if all conditions set forth in paragraphs (7)(e)(A) through (7)(e)(H) are met:

(A) The number of new dwelling units to be clustered or developed as a PUD does not exceed 10.

(B) The number of new lots or parcels to be created does not exceed 10.

(C) None of the new lots or parcels will be smaller than two acres.

(D) The development is not to be served by a new community sewer system.

(E) The development is not to be served by any new extension of a sewer system from within an urban growth boundary or from within an unincorporated community.

(F) The overall density of the development will not exceed one dwelling for each unit of acreage specified in the local government's land use regulations on the effective date of this rule as the *minimum lot size* for the area.

(G) Any group or cluster of two or more dwelling units will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest use and will not significantly increase the cost of accepted farm or forest practices there.

(H) For any open space or common area provided as a part of the cluster or planned unit development under this subsection, the owner shall submit proof of nonrevocable deed restrictions recorded in the deed records. The deed restrictions shall preclude all future rights to construct a dwelling on the lot, parcel, or tract designated as open space or common area for as long as the lot, parcel, or tract remains outside an urban growth boundary.

(f) Except as provided in subsection (e) of this section, a local government shall not allow more than one permanent single-family dwelling to be placed on a lot or parcel in a rural residential area. Where a medical hardship creates a need for a second household to reside temporarily on a lot or parcel where one dwelling already exists, a local government may authorize the temporary placement of a manufactured dwelling or recreational vehicle.

(g) In rural residential areas, the establishment of a new mobile home park or manufactured dwelling park as defined in ORS 446.003(32) shall be considered an urban use if the density of manufactured dwellings in the park exceeds the density for residential development set by this rule's requirements for minimum lot and parcel sizes. Such a park may be established only if an exception to Goal 14 is taken.

(h) A local government may allow the creation of a new parcel or parcels smaller than a minimum lot size required under subsections (a) through (d) of this section without an exception to Goal 14 only if the conditions described in paragraphs (A) through (D) of this subsection exist:

- (A) The parcel to be divided has two or more permanent habitable dwellings on it;
- (B) The permanent habitable dwellings on the parcel to be divided were established there before the effective date of this rule;
- (C) Each new parcel created by the partition would have at least one of those permanent habitable dwellings on it; and
- (D) The partition would not create any vacant parcels on which a new dwelling could be established.
- (E) For purposes of this rule, "habitable dwelling" means a dwelling that meets the criteria set forth in ORS 215.283(t)(A)-(t)(D).
 - (i) For rural residential areas designated after the effective date of this rule, the affected county shall either:
 - (A) Require that any new lot or parcel have an area of at least ten acres, or
 - (B) Establish a minimum size of at least two acres for new lots or parcels in accordance with the requirements for an exception to Goal 14 in OAR 660, Division 014. The minimum lot size adopted by the county shall be consistent with OAR 660-004-0018, "Planning and Zoning for Exception Areas."
- (8)(a) Notwithstanding the provisions of Section 7 of this rule, divisions of rural residential land within one mile of an urban growth boundary for any city or urban area listed in paragraphs (A) through (E) of this subsection shall be subject to the provisions of subsections (8)(b) and (8)(c).
 - (A) Ashland;
 - (B) Central Point;
 - (C) Medford;
 - (D) Newberg;
 - (E) Sandy.
- (b) If a city or urban area listed in Subsection (8)(a):
 - (A) has an urban reserve area that contains at least a twenty-year reserve of land and that has been acknowledged to comply with OAR 660, Division 021; or
 - (B) is part of a regional growth plan that contains at least a twenty-year regional reserve of land beyond the land contained within the collective urban growth boundaries of the participating cities, and that has been acknowledged through the process prescribed for Regional Problem Solving in ORS 197.652 through 197.658; then any division of rural residential land in that reserve area shall be done in accordance with the acknowledged urban reserve ordinance or acknowledged regional growth plan.
- (c) Notwithstanding the provisions of Section 7 of this rule, if any part of a lot or parcel to be divided is less than one mile from an urban growth boundary for a city or urban area listed in Subsection (8)(a), and if that city or urban area does not have an urban reserve area acknowledged to comply with OAR 660, Division 021, or is not part of an acknowledged regional growth plan as described in Subsection (b), Paragraph (B), of this section, the minimum area of any new lot or parcel there shall be ten acres.
- (d) Notwithstanding the provisions of Section 7, if the Portland metropolitan service district has an urban reserve area that contains at least a twenty-year reserve of land and that has been acknowledged to comply with OAR 660, Division 021, any division of rural residential land in that reserve area shall be done in accordance with the acknowledged urban reserve ordinance.
- (e) Notwithstanding the provisions of Section 7, if any part of a lot or parcel to be divided is less than one mile from the urban growth boundary for the Portland metropolitan area and is in a rural residential area, and if the Portland metropolitan area does not have an urban reserve area that contains at least a twenty-year reserve of land and that has been acknowledged to comply with OAR 660, Division 021, the minimum area of any new lot or parcel there shall be twenty acres. If the lot or parcel to be divided also lies within the area governed by the Columbia River Gorge National Scenic Area Act, the division shall be done in accordance with the provisions of that act.
- (f) Notwithstanding the provisions of Section 7 and Subsection (8)(e), a local government may establish minimum area requirements smaller than twenty acres for some of the lands described in Subsection (8)(e). The selection of those lands and the minimum established for them shall be based on an analysis of the likelihood that such lands will urbanize, of their current parcel and lot sizes, and of the capacity of local governments to serve such lands efficiently with urban services at the densities set forth in the Metro 2040 plan. In no case shall the minimum area requirement set for such lands be smaller than 10 acres.

(g) A local government may allow the creation of a new parcel, or parcels, smaller than a minimum lot size required under subsections (a) through (f) of this section without an exception to Goal 14 only if the conditions described in paragraphs (A) through (E) of this subsection exist:

(A) The parcel to be divided has two or more permanent, habitable dwellings on it;

(B) The permanent, habitable dwellings on the parcel to be divided were established there before the effective date of OAR 660-004-0040;

(C) Each new parcel created by the partition would have at least one of those permanent, habitable dwellings on it;

(D) The partition would not create any vacant parcels on which new dwellings could be established; and

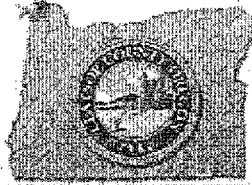
(E) The resulting parcels shall be sized to promote efficient future urban development by ensuring that one of the parcels is the minimum size necessary to accommodate the residential use of the parcel.

(F) For purposes of this rule, habitable dwelling means a dwelling that meets the criteria set forth in ORS 215.283(1)(t)(A) - (D).

(9) The development, placement, or use of one single-family dwelling on a lot or parcel lawfully created in an acknowledged rural residential area is allowed under this rule and Goal 14, subject to all other applicable laws. Stat. Auth.: ORS 183 & 197

Stats. Implemented: ORS 197.175 & 197.732

Hist.: LCDD 7-2000, f. 6-30-00, cert. ef. 10-4-00; LCDD 3-2001, f. & cert. ef. 4-3-01; LCDD 3-2004, f. & cert. ef. 5-7-04



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Exhibit VI.

ORS 197.732

Oregon Revised Statutes

Chapter 197 — Comprehensive Land Use Planning Coordination

2005 EDITION

197.732 Goal exceptions; criteria; rules; review. (1) A local government may adopt an exception to a goal if:

(a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;

(b) The land subject to the exception is irrevocably committed as described by Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or

(c) The following standards are met:

(A) Reasons justify why the state policy embodied in the applicable goals should not apply;

(B) Areas which do not require a new exception cannot reasonably accommodate the use;

(C) The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

(D) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

(2) "Compatible," as used in subsection (1)(c) of this section, is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

(3) The commission shall adopt rules establishing:

(a) That an exception may be adopted to allow a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use;

(b) Under what circumstances particular reasons may or may not be used to justify an exception under subsection (1)(c)(A) of this section; and

(c) Which uses allowed by the applicable goal must be found impracticable under subsection (1) of this section.

(4) A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the standards of subsection (1) of this section have or have not been met.

(5) Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.

(6) Upon review of a decision approving or denying an exception:

(a) The board or the commission shall be bound by any finding of fact for which there is substantial evidence in the record of the local government proceedings resulting in approval or denial of the exception;

(b) The board upon petition, or the commission, shall determine whether the local government's findings and reasons demonstrate that the standards of subsection (1) of this section have or have not been met; and

(c) The board or commission shall adopt a clear statement of reasons which sets forth the basis for the determination that the standards of subsection (1) of this section have or have not

been met.

(7) The commission shall by rule establish the standards required to justify an exception to the definition of "needed housing" authorized by ORS 197.303 (3).

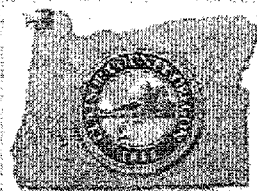
(8) As used in this section, "exception" means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that:

(a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;

(b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and

(c) Complies with standards under subsection (1) of this section.

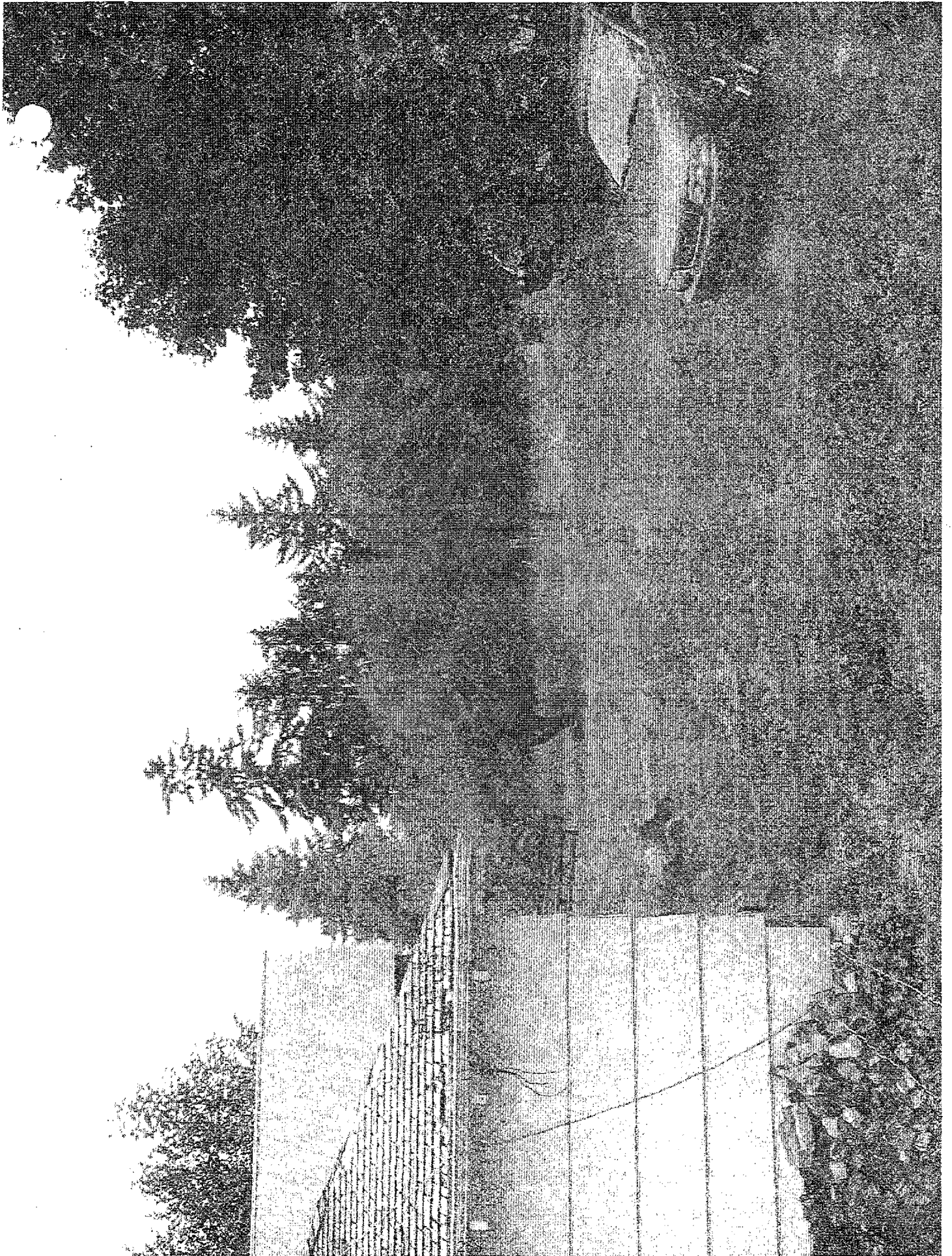
(9) An exception acknowledged under ORS 197.251, 197.625 or 197.630 (1) (1981 Replacement Part) on or before August 9, 1983, continues to be valid and is not be subject to this section. [1983 c.827 §19a; 1995 c.521 §3; 2005 c.67 §1]

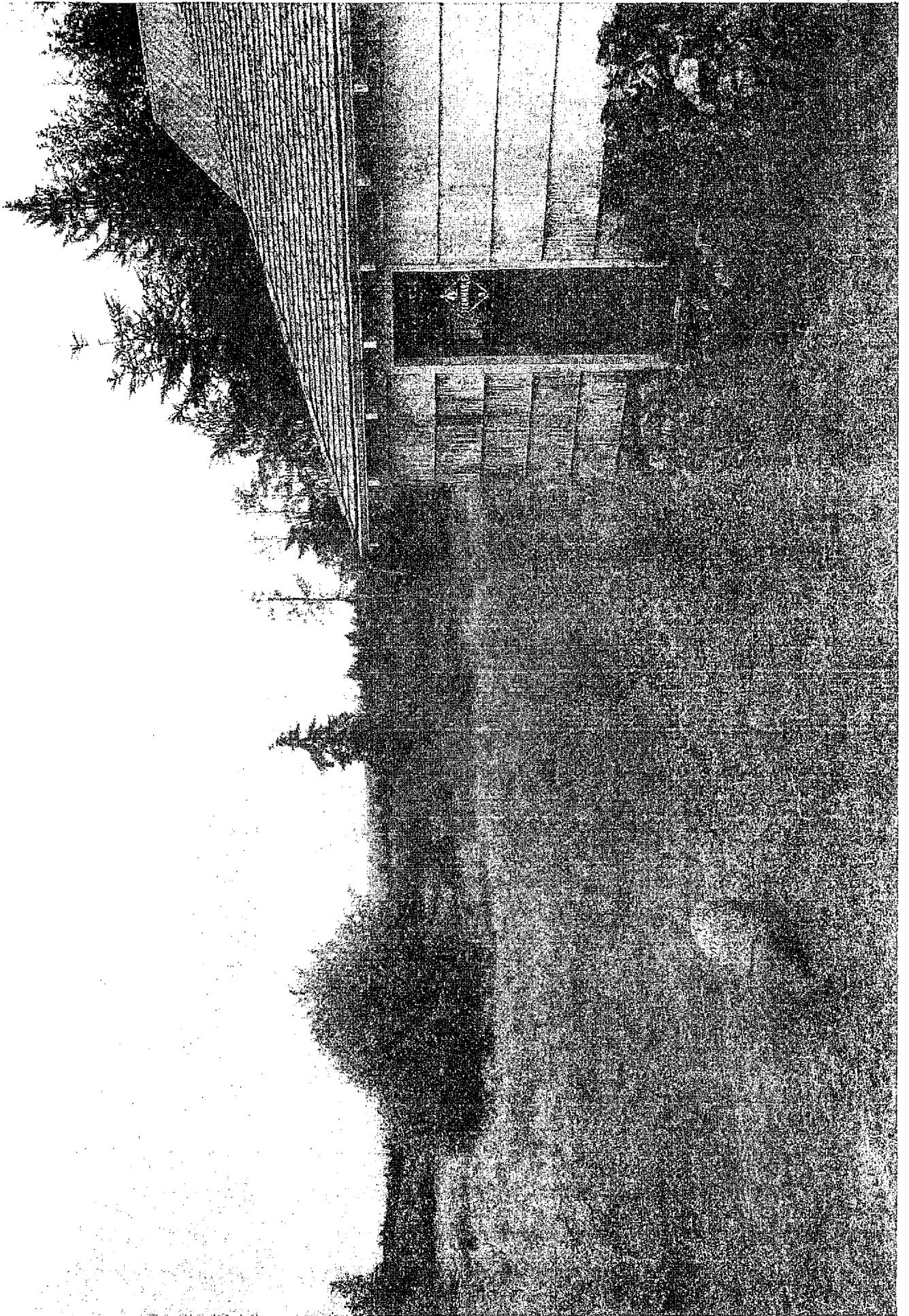


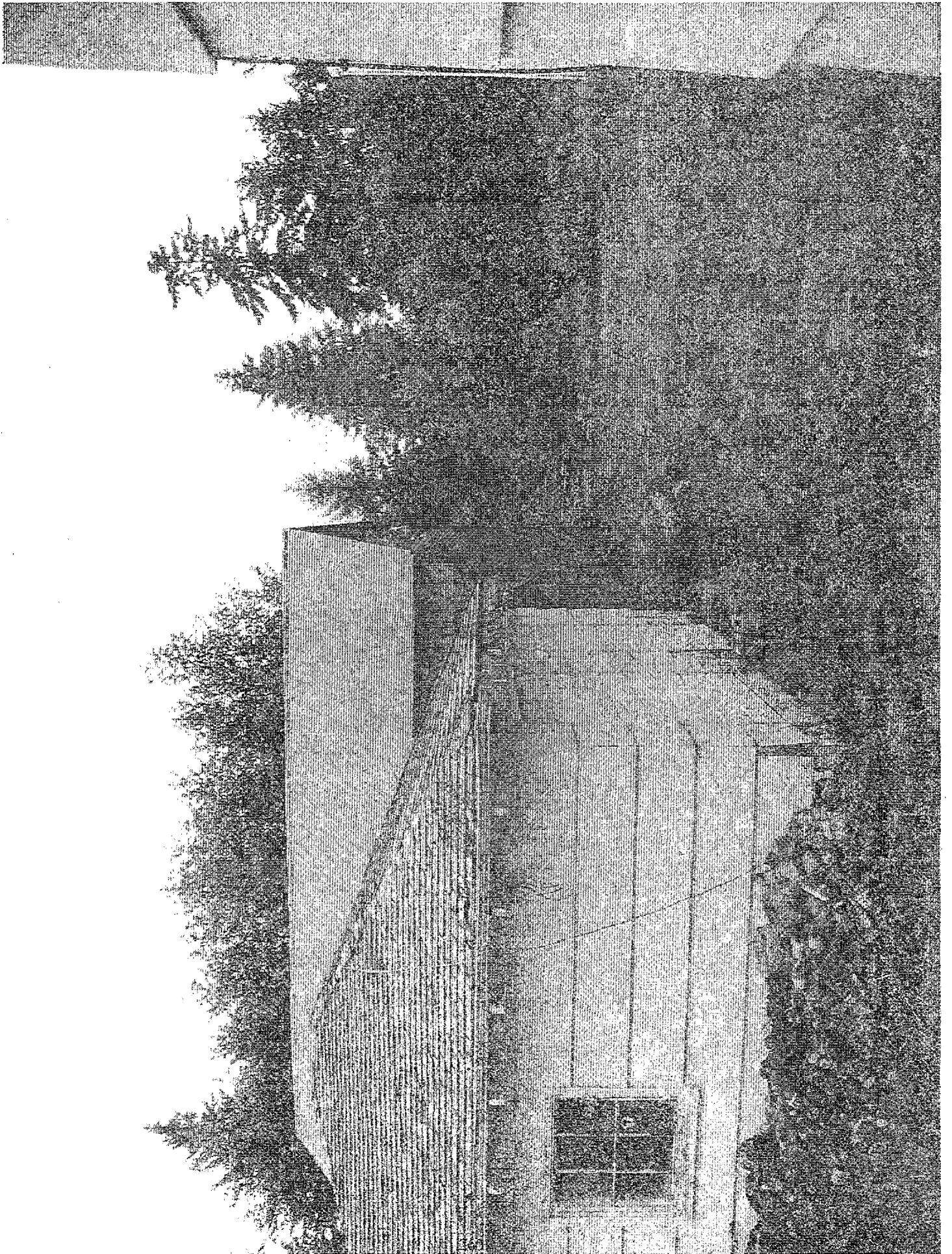
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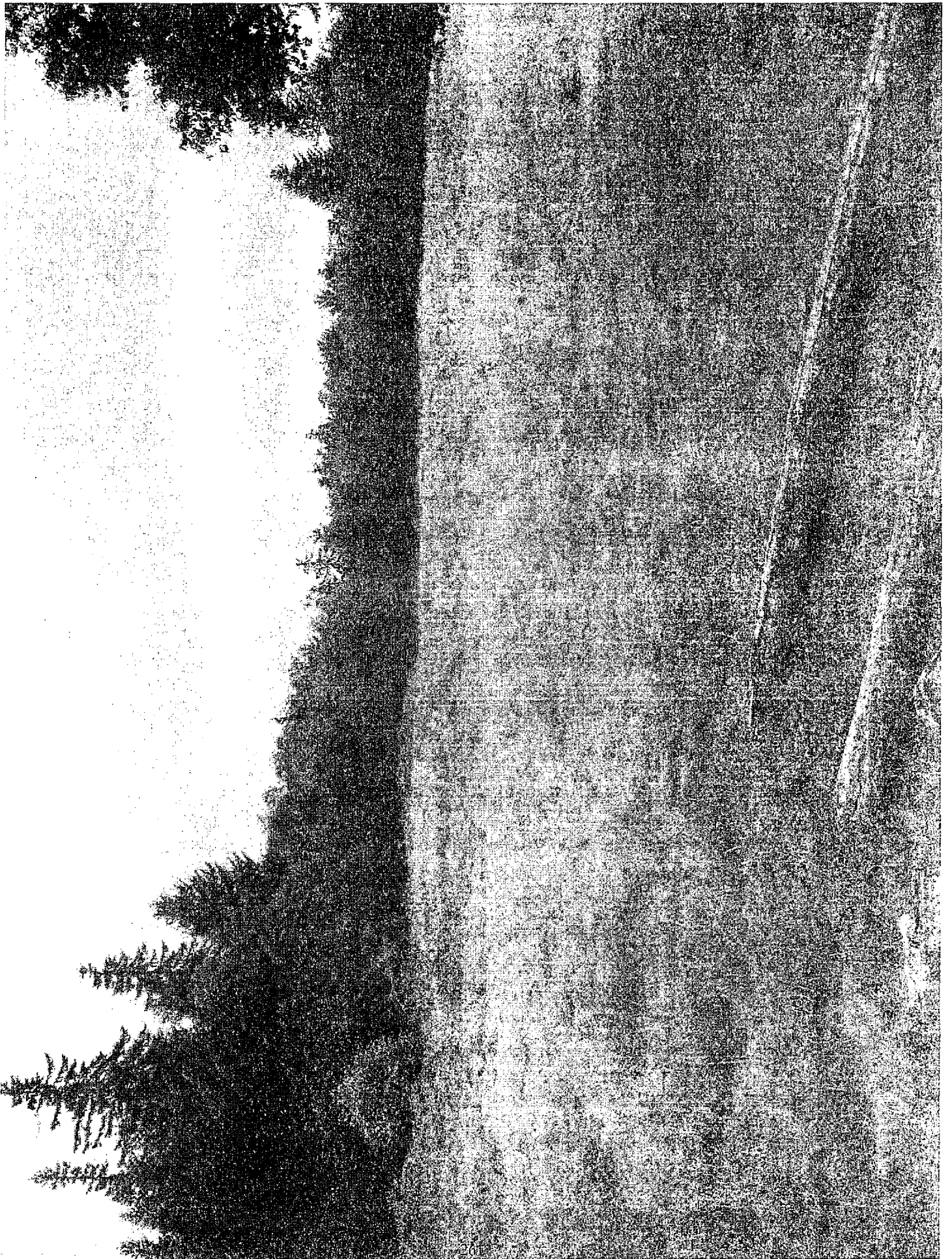
Exhibit VII.

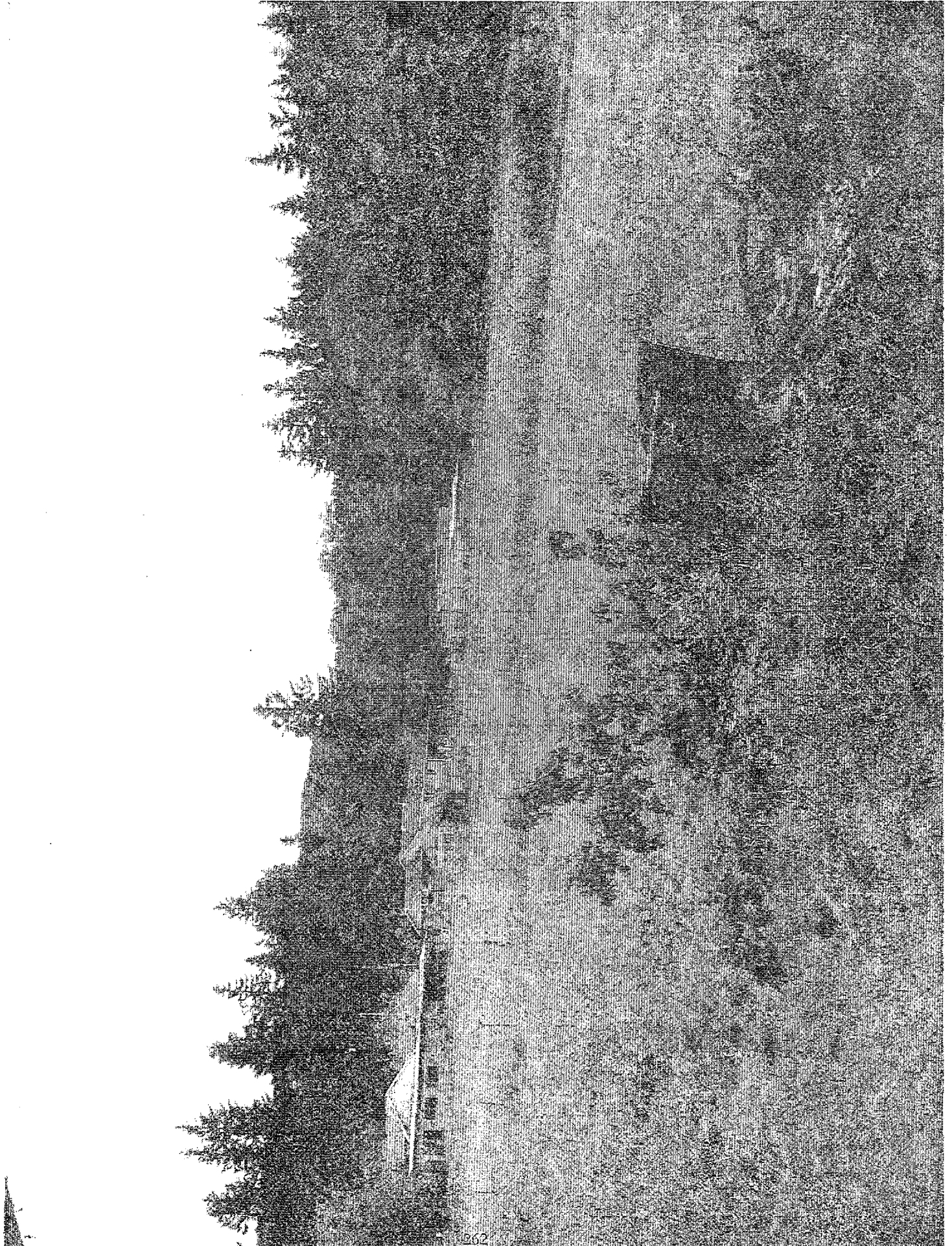
Site Photos

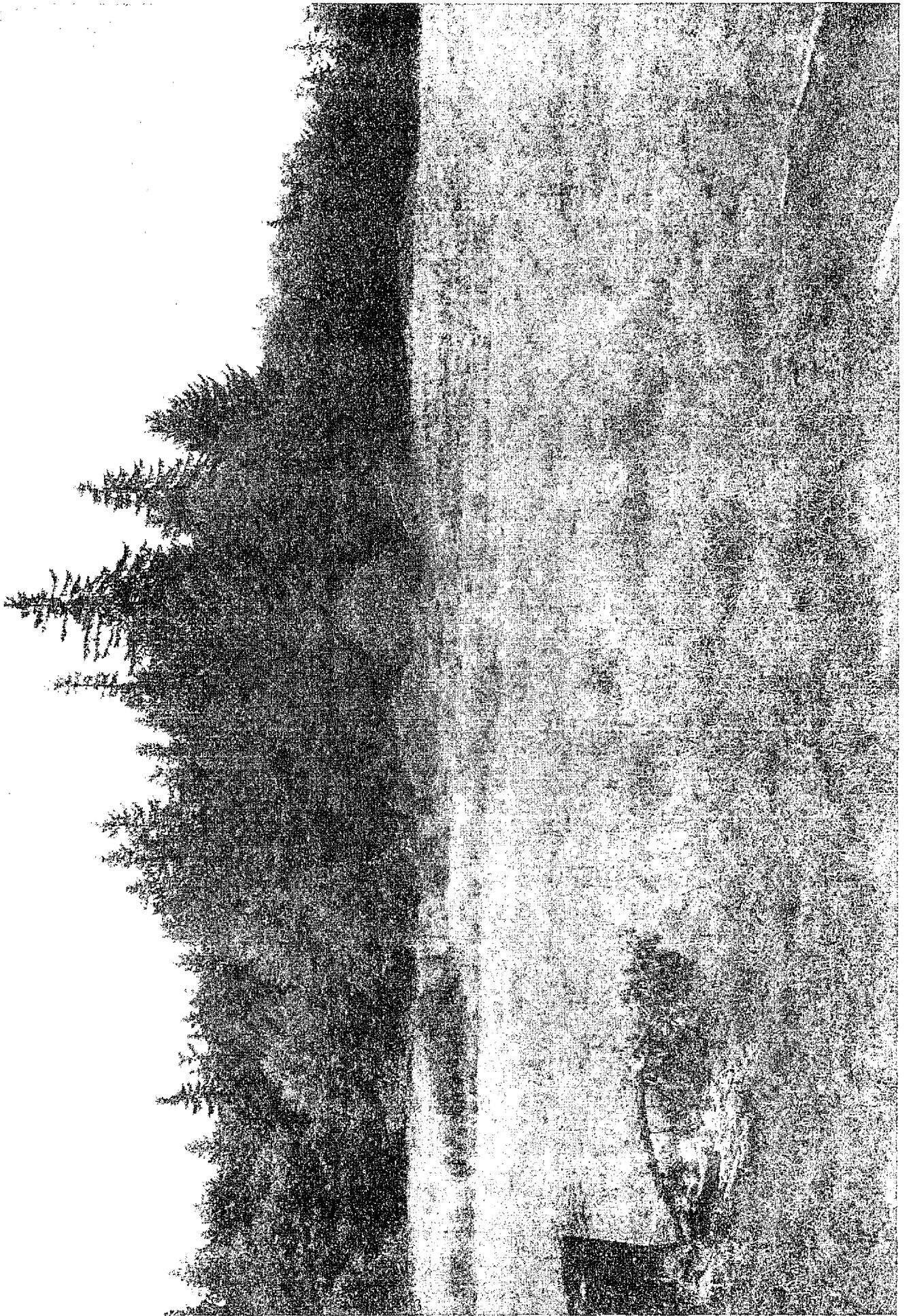


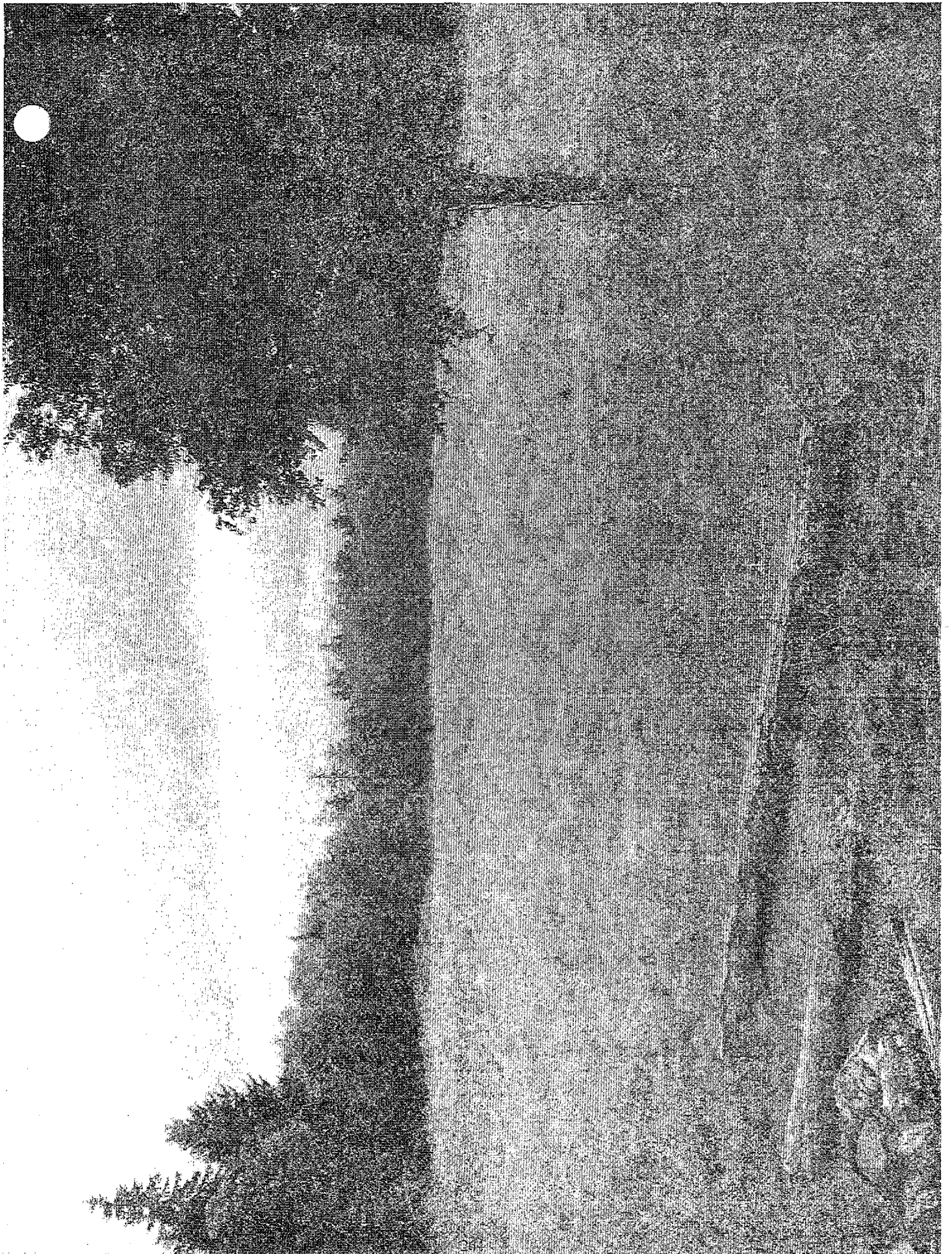


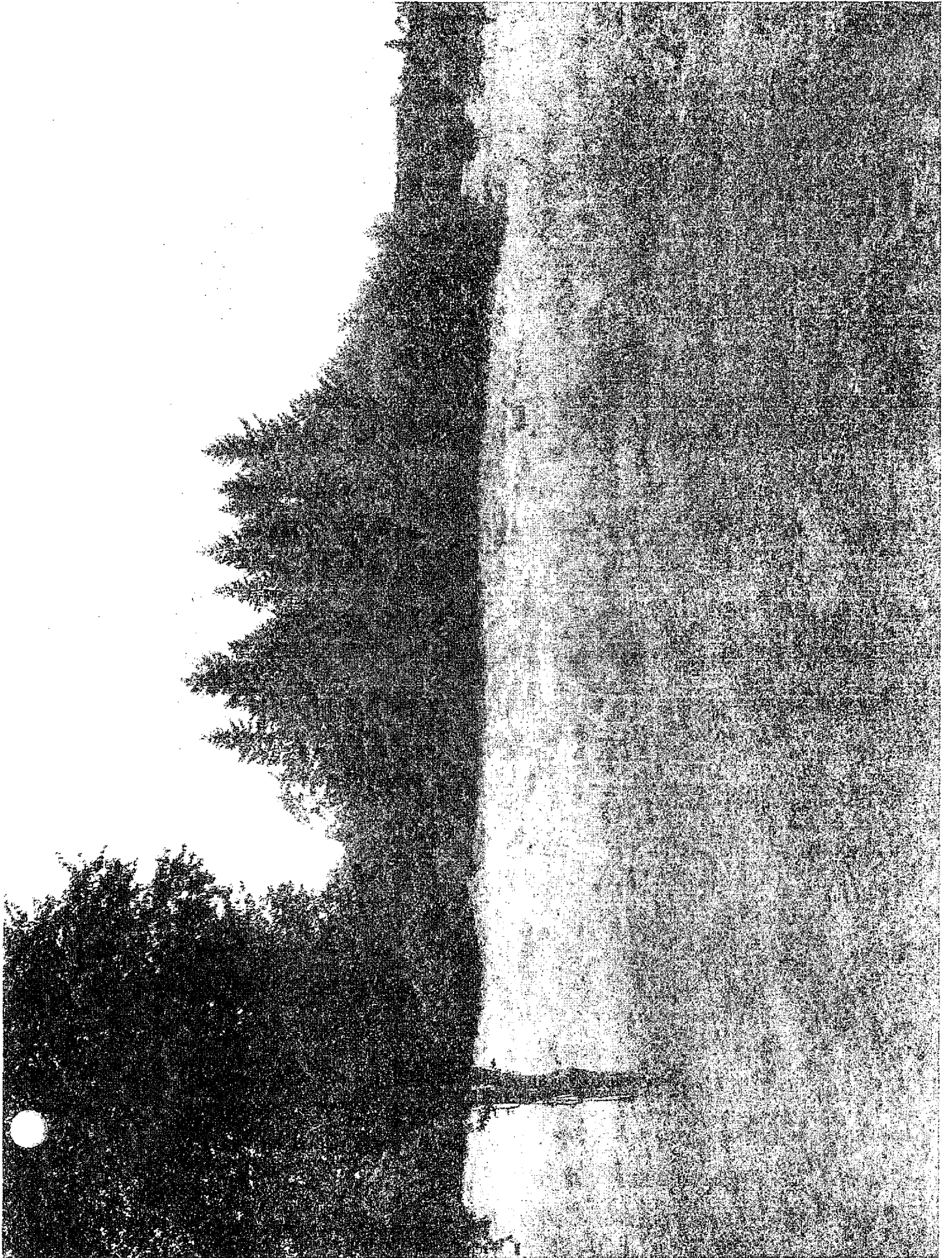




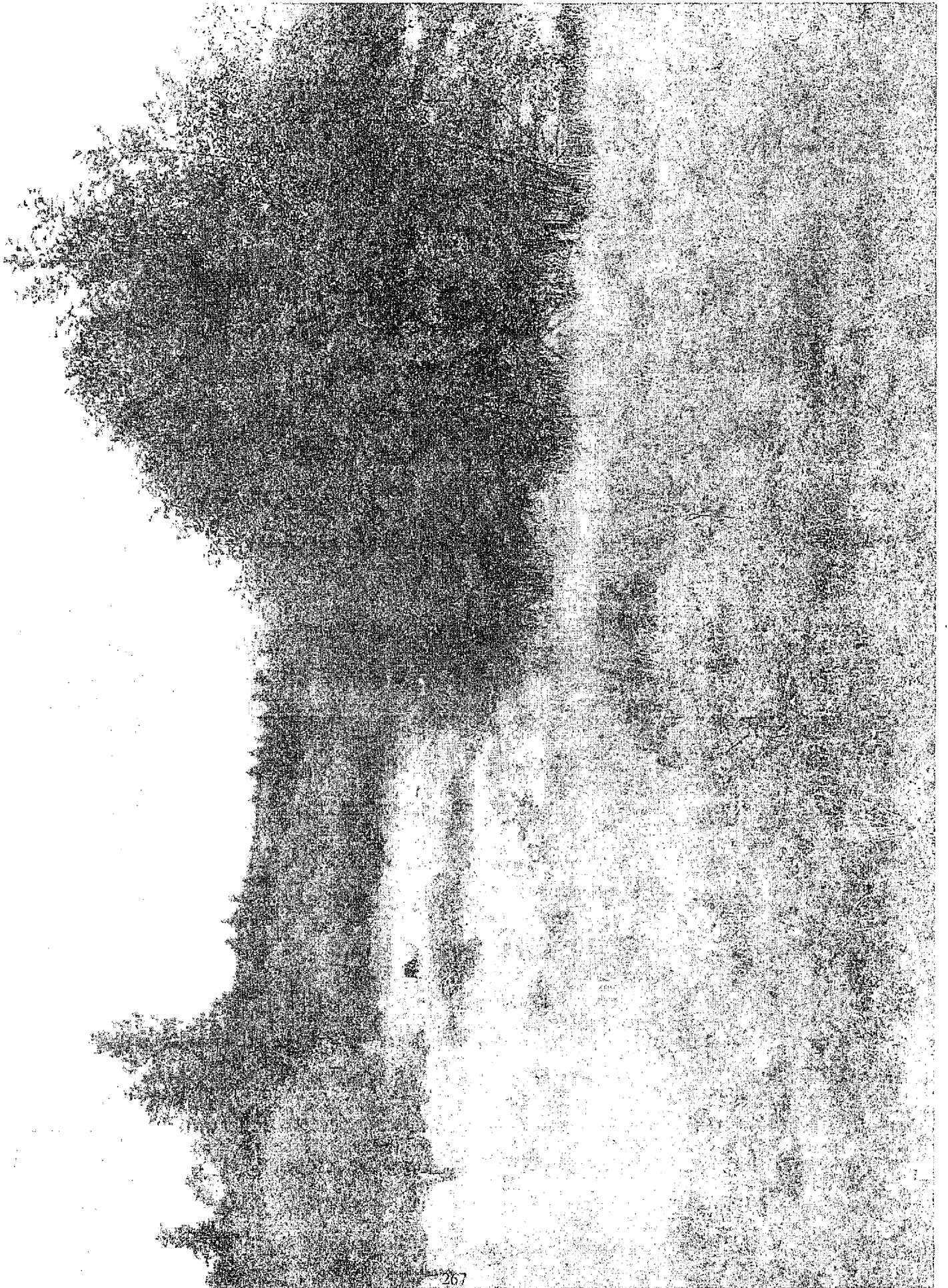




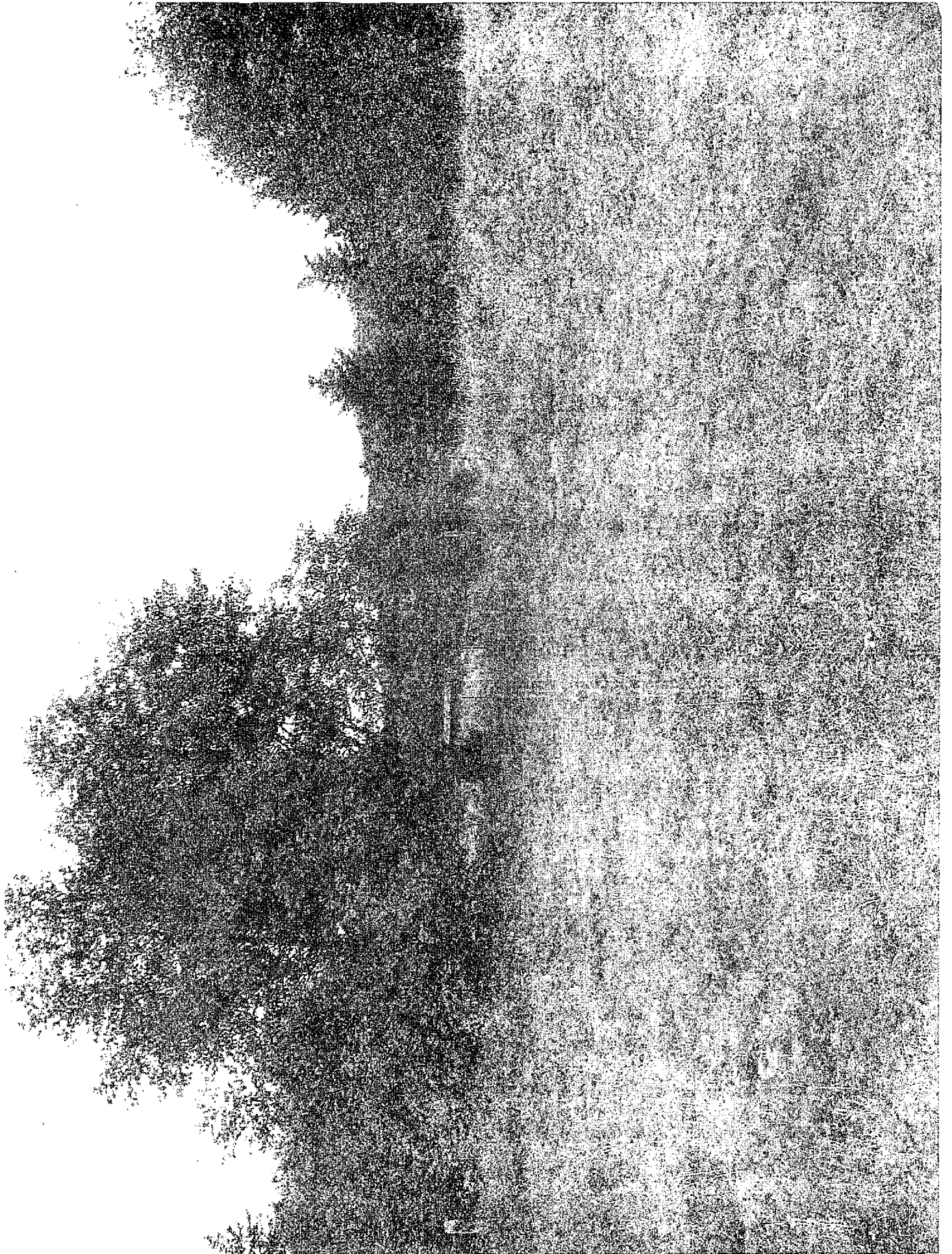












PRIORITY



CLATSOP COUNTY

Transportation and Development Services
Land Use Planning

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