Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

October 8, 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 002-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. The submitted ordinance was adopted by the County on September 23, 2009, per ORS 197.615 (3) and DLCD did not notify within five working days of receipt, any persons who requested notification.

Appeal Procedures*

DLCD DEADLINE TO APPEAL:
Acknowledged under ORS Sections 197.615, 197.625, and 197.830 (9)

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 if no notice of intent to appeal is filed within the 21-day period set out in ORS 197.830 (9), the amendment to the acknowledged comprehensive plan or land use regulation or the new land use regulation shall be considered acknowledged upon the expiration of the 21-day period.

Under ORS 197.830 (9) a notice of intent to appeal a land use decision or limited land use decision shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final. 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 ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

cc: Matt Spangler, DLCD Regional Representative
Amanda Punton, DLCD
Jon Jinings, DLCD Regional Representative
Paul Klarin, DLCD Coastal Division

FORM 2

DLCD Notice of Adoption

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

☐ In person ☐ electronic ☐ mailed

DEPT OF
SEP 29 2009
LAND CONSERVATION AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: **Clatsop County**
Local file number: **20090124, 0125, 0143**
Date of Adoption: **September 23, 2009**
Date Mailed: ~~**04/13/2009**~~ 9/28/09
Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 04/13/2009

☒ Comprehensive Plan Text Amendment
☐ Comprehensive Plan Map Amendment
☐ Land Use Regulation Amendment
☒ Zoning Map Amendment
☐ New Land Use Regulation
☒ Other: **Goal 14 Exception**

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

The amendment rezones 120.59 acres from Residential Agriculture 1 (46.35 ac) and Open Space Parks & Recreation (74.24 ac) to Residential Agriculture 1 (21.85 ac) and Lake Wetland (98.74 ac). The amendment also includes a Comprehensive Plan Text Amendment and Goal 14 Exception (21.85 ac). The proposal reduced the number of possible dwelling units from 27 to 14. Nine acres of land on the subject property within the Residential Agriculture 1 zone is not subject to a zone change and remains unchanged.

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

The original proposal was modified to keep and additional one-acre strip of the Residential Agriculture 1 zone in order to retain the current setbacks for neighboring parcels.

Plan Map Changed from: **Rural Lands/Conservation** to: **Conservation/Rural Lands**
Zone Map Changed from: **RA1/OPR** to: **RA1/LW**
Location: T8N **R06W Sec 36, TL200** Acres Involved: **121.59**
Specify Density: Previous: **27 dwelling units** New: **14 dwelling units**
Applicable statewide planning goals:

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

Was an Exception Adopted? ☒ YES ☐ NO
Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?	☒ **Yes**	☐ **No**
If no, do the statewide planning goals apply?	☐ **Yes**	☐ **No**
If no, did Emergency Circumstances require immediate adoption?	☐ **Yes**	☐ **No**

DLCD file No. 002-09 (17507) [15732]

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

Columbia County, ODOT, WRD, ODFW, USACE, OPRD, DLCD, ODF, Westport Sewer District, CREST, Clatsop County WSCD.

Local Contact: **Jennifer Bunch, Planner** Phone: (503) **325-8611** Extension:

Address: **800 Exchange Strect, Ste. 100** Fax Number: **503-338-3666**

City: **Astoria** Zip: **97103** E-mail Address: **jbunch@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.**

CERTIFICATE OF MAILING

I hereby certify that I served a copy of the attached DLCD Notice of Adoption for the J&S Reserve Comprehensive Plan Text, Zoning Map Amendment and Goal 14 Exception with postage paid and deposited in the post office at Astoria, Oregon on said day.

Date: September 28, 2009

Jennifer Bunch, Planner
Clatsop County

BEFORE THE BOARD OF COMMISSIONERS
FOR THE COUNTY OF CLATSOP

In the Matter of:

AN ORDINANCE AMENDING THE CLATSOP COUNTY COMPREHENSIVE PLAN TEXT, COMPREHENSIVE PLAN ZONING MAP, AND ADOPTING AN EXCEPTION TO STATEWIDE PLANNING GOAL 14

ORDINANCE NO. 09-03

Doc # 200909O026

Recording Date: 9-24-09

RECITALS

WHEREAS, on May 14, 2008, Mark Barnes, on behalf of J&S Reserve, LLC, filed an application for an amendment to the Clatsop County Comprehensive Plan Text, Comprehensive Plan Zoning Map, and an exception to Statewide Planning Goal 14 on property in Clatsop County (the "property") described as T8N, R06W, Sec. 36, TL 200.

WHEREAS, the application was considered by the Planning Commission at a public hearing on June 9, 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 September 23, 2009, 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 changes to the Rural Lands and Conservation Other Resources designations.

SECTION 3. An exception to Statewide Planning Goal 14 is approved.

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 Staff Report dated June 2, 2009, and associated exhibits contained in Exhibit "PC".

Approved this 23 day of September, 2009

THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

By _____
Jeffrey S. Hazen, Chair

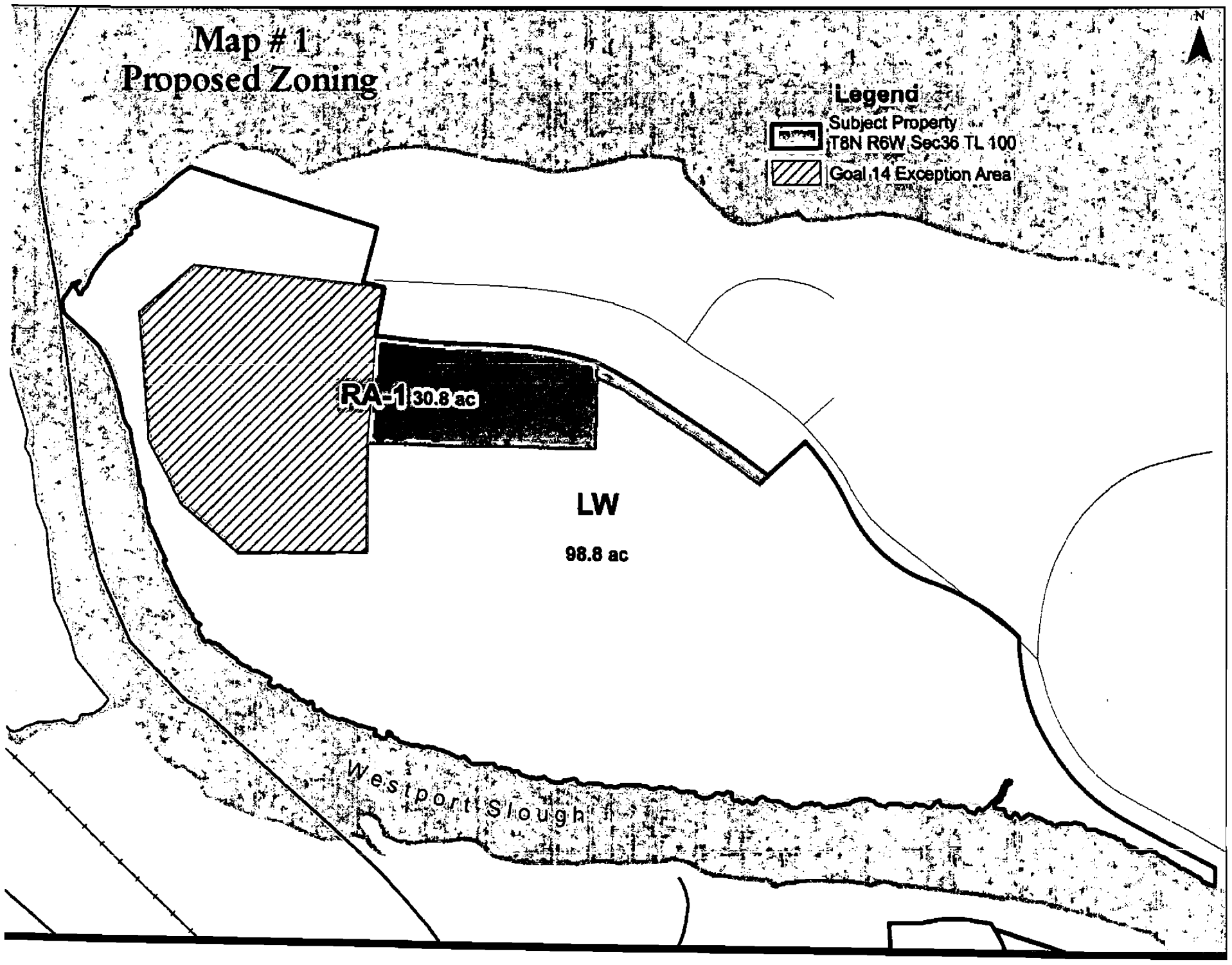
Map # 1
Proposed Zoning
N
Legend
Subject Property
T8N R6W Sec36 TL 100
Goal 14 Exception Area
RA-1 30.8 ac
LW
98.8 ac
Westport Slough

TABLE OF CONTENTS

Exhibit i

Clatsop Development - FW: OPR & Duck ponds

From: MARILYN PUTMAN <putmansatriverranch@q.com>
To: Clatsop County Commissioners <commissioners@co.clatsop.or.us>, <comdev@c...
Date: 8/30/2009 6:32 PM
Subject: FW: OPR & Duck ponds

From: putmansatriverranch@q.com
To: patroberts@ipinc.net; jhazen@co.clatsop.or.us; rhone@peak.org; jpraichl@co.clatsop.or.us; asamuelson@co.clatsop.or.us
Subject: FW: OPR & Duck ponds
Date: Mon, 31 Aug 2009 01:29:37 +0000

My name is Marilyn Putman. I live at River Ranch, which is an incorporated subdivision located in the eastern portion of Clatsop County, Oregon. I live in close proximity to the area that John (Sam) Karamanos is proposing to rezone. While I realize the first (Board of Commissioners) "Public" Hearing regarding this proposal is not open to public testimony, I am hoping that by reading this e-mail it will assist you in making your decision regarding the rezoning project.

Please read the entire e-mail, including the bottom portion to Ms. Bunch which addresses the issue of wetlands being placed on property currently zoned OPR.

I am opposed to the rezoning effort. I, and other River Ranch residents, provided our testimony in opposition at the June 9th hearing. I will voice my opinion and present this e-mail, once again, to the Clatsop County Board of Commissioners at the Public Hearing to be held September 23, 2009.

Thank you.

Marilyn Putman, River Ranch Resident and Clatsop County Voter

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Date: Tue, 16 Jun 2009 08:27:03 -0700
From: JBUNCH@co.clatsop.or.us
To: putmansatriverranch@q.com
Subject: Re: OPR & Duck ponds

Marilyn,

The simple answer is 'Yes'. If wetlands do not exist on the property you could create new wetlands as a wildlife refuge and management area in the OPR zone. Most likely this would also involve some state and federal permits.

Now to address this question regarding the Karmanos property. The Karamanos property already contains wetlands that were compromised in order to utilize the lands for agricultural use prior to the OPR zoning. The owner states he is interested in wetland and habitat restoration on the site. The property contains areas that are classified on the National Wetland Inventory as wetlands. So this would classify his work as restoration. Again, state and federal permits would also be required.

Take Care,

Jennifer

Jennifer Bunch
Planner / GIS Specialist / Floodplain Administrator
Transportation & Development Services
Land Use Planning & Public Works
www.co.clatsop.or.us

PH (503) 325-8611
FAX (503) 338-3666

800 Exchange St., Suite 100
Astoria, OR 97103

>>> MARILYN PUTMAN <putmansatriverranch@q.com> 6/15/2009 8:36 PM >>>
Under the current Clatsop County Zoning guides, if I had a large enough piece of property that is zoned OPR, if I filled all the necessary paperwork out and met the criteria for establishing a wetlands area, could I put the wetlands on my OPR property?

Thank you for your reply.

Marilyn Putman

Jennifer Bunch - FW: zone change hearing

From: Roger and Joan RYAN <jandrryan@q.com>
To: <jbunch@co.clatsop.or.us>
Date: 9/2/2009 4:49 PM
Subject: FW: zone change hearing

We are forwarding an old e-mail which still states our concerns. We do not want to lose value of our property. Further restrictions and easmemts would do this. Joan and Roger Ryan

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From: jandrryan@q.com
To: jbunch@co.clatsop.or.us
Subject: zone change hearing
Date: Thu, 28 May 2009 16:50:46 -0700

This is in regard to the proposed zone change of the J and S Reserve property identified as T8N, R06W, Sec. 36, TL200. The hearing is scheduled for June 9 at 10am. We own property in the River Ranch which is adjacent to this property. We have owned this property since 1991 but have not built on it as yet. We do not want to see any zone change that would result in the devaluation of our property (Block 4 lot 15). We understand there might be some changes in setback requirements. We want to be assured that we will be able to build on our lot as all our neighbors have been able to do.

Joan and Roger Ryan phone 541-752-2706 e-mail jandrryan@q.com

Exhibit ii

State Of Oregon

County Of Clatsop } ss.

Affidavit of
PUBLICATION

I, **Robert D Temple**, being duly sworn, depose and say that I am the principal clerk of the manager of the **DAILY ASTORIAN**, a newspaper of general circulation, as defined by section ORS 193.010 and 193.020 Oregon Compiled Laws, Annotated, printed and published daily at Astoria in the aforesaid county and state; the **Legal Notice #AB2450 Notice of Public Hearing (Barnes)** a printed copy of which is hereto attached, was published in the entire issue of said newspaper for **one** successive and consecutive **time(s)** in the following issues. **August 28, 2009**

Signed

Signed and attested before me on the **28th** day of **August 2009, by:**

OFFICIAL SEAL
DEBRA J BLOOM
NOTARY PUBLIC-OREGON
COMMISSION NO. 428357
MY COMMISSION EXPIRES APRIL 23, 2012

Notary Public for the State of Oregon, Residing at Astoria, Oregon, Clatsop County.

Copy Of Advertisement

RECEIVED
AUG 31 2009
COMMUNITY DEVELOPMENT
CLATSOP COUNTY

AB2450
NOTICE OF PUBLIC HEARING
CLATSOP COUNTY BOARD OF COMMISSIONERS

Notice is hereby given that the Clatsop County Board of Commissioners will conduct two public hearings at the Judge Guy Boyington Building located at 857 Commercial Street, Astoria, Oregon, to consider the following request:

A comprehensive plan text and zoning map amendment (zone change) for 121.59 acres of land located north of Hwy 30 in the unincorporated Westport area of Clatsop County. The property is described as T8N, R06W, Sec36, TL200. The applicant, Mark Barnes, on behalf of J&S Reserve, LLC, property owner, proposes changing the zoning on the subject property from Residential Agriculture-1 and Opens Space Parks and Recreation to Residential Agriculture-1 and Lake Wetland. The applicant also seeks an exception to Statewide Planning Goal 14 (Urbanization) as part of the request.

HEARING DATES
Wednesday, September 9, 2009- 10 A.M.
Public Testimony will not be accepted

Wednesday, September 23, 2009 – 6 P.M.
Public Testimony will be accepted

A copy of the application, all documents and evidence submitted by or on behalf of the applicant may be reviewed in the Clatsop County Community Development Department at 800 Exchange Street, Suite 100, Astoria, Oregon at no cost and may be obtained at reasonable cost. The staff report for this matter may be inspected at no cost or obtained at reasonable cost seven (7) days prior to the hearing. Interested parties are invited to express their opinions for or against the proposal in person at the hearing or by letter addressed to the Clatsop County Board of Commissioners, 800 Exchange Street, Suite 100, Astoria, OR, 97103. Letters may also be faxed to (503) 338-3606 or emailed to comdev@co.clatsop.or.us Written comments must be received no later than 5PM on September 8, 2009 to be considered at the September 9, 2009 public hearing. Alternatively, interested parties may deliver letters directly to the Board of Commissioners at the hearing. Please contact Jennifer Bunch, Clatsop County Planner, at (503) 325-8611 or jbunch@co.clatsop.or.us for more details on this land use matter.

Published: August 28th, 2009

Exhibit iii

NOTICE OF RESCHEDULED PUBLIC HEARING
CLATSOP COUNTY BOARD OF COMMISSIONERS
Ordinance 09-03

Comprehensive Plan Text Amendment, Zoning Map Amendment and Goal 14 Exception request by Mark Barnes, on behalf of J&S Reserve, LLC, to change the zoning on 121.59-acres in an unincorporated area of Clatsop County near Westport.

You are receiving this notice because you testified either in person or in writing at the June 9, 2009, Planning Commission public hearing on this matter. The Planning Commission decision document (Resolution and Order No. 09-06-03), including recommendation to approve the request *as modified*, adopted findings of fact, staff report, and exhibits, is available for review at the Clatsop County Transportation & Development Services located at 800 Exchange Street, Suite 100, Astoria, and online at www.co.clatsop.or.us.

HEARING DATES and LOCATION

Wednesday, September 9, 2009 - 10 A.M.	Wednesday, September 23, 2009 – 6 P.M.
Public Testimony will not be accepted	*Public Testimony will be accepted*
Judge Guy Boyington Building	Judge Guy Boyington Building
857 Commercial Street	857 Commercial Street
Astoria, OR 97103	Astoria, OR 97103

Description of Application: A comprehensive plan text and zoning map amendment (zone change) for 121.59-acres of land located north of Hwy 30 north of Highway 30 near the unincorporated area of Westport in Clatsop County. The property is identified as T8N-R06W-Sec36-TL100. The applicant proposes changing the zoning on the subject property from RA-1 and OPR to RA-1 and LW. The applicant also seeks an exception to Statewide Planning Goal 14 (Urbanization) as part of the zone change request.

You are invited to submit comment in writing, by the deadline listed below, or in person at the September 23, 2009 hearing. Written comment should be addressed to the Clatsop County Board of Commissioners, 800 Exchange Street, Suite 100, Astoria, OR, 97103. Letters may also be emailed to comdev@co.clatsop.or.us or faxed to (503) 338-3666. In order for letters to be included in the written record for this land use matter, **the County must receive letters no later than 5PM on September 22, 2009**. Alternatively, letters may be provided directly to the Board of Commissioners at the September 23, 2009, public hearing. Failure of an issue to be raised either at the Planning Commission or Board of Commissioners public hearings, 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 appeal based on that issue.

Please contact Jennifer Bunch, Clatsop County Planner, at (503) 325-8611 or jbunch@co.clatsop.or.us for more details.

Exhibit iv

Minutes of June 9, 2009
Clatsop County Planning Commission **Regular** Session
Judge Guy Boyington Building
857 Commercial Street
Astoria, Oregon 97103

Chairperson Cary Johnson called the June 9, 2009, Clatsop County Planning Commission meeting to order at 10:00 a.m. Planning Commissioners (PC) present: Christine Bridgens, Cary T. Johnson, and Marcia Harper-Vellutini, Brian Pogue and Clarke W. Powers. Excused: Mike Autio.

Staff present: Blair Henningsgaard, County Counsel; Ed Wegner, Director; Will Caplinger, Transportation and Development Services Manager; and Mike Weston and Jennifer Bunch, Planners, Transportation and Development Services.

Business from the Public

No one asked to speak.

Minutes

PC Pogue moved and PC Bridgens seconded the (May 12, 2009) minutes be approved. Motion approved unanimously.

Public Hearing

Request by Deborah Betron for 20-Foot Variance to 35-Foot Setback from Aquatic Vegetation Line and to Standards in Clatsop County Zoning Ordinance Section 5.610 § 2 (A and B), on Property Located in the Cullaby Lake Area

There were no conflicts of interest or *ex parte* contacts to report, and no one objected to the jurisdiction of the planning commission to hear the matter at this time.

Planner Mike Weston explained the variance request and described the area, including the vegetation, waterway system and setbacks. He entered into the record as exhibit 1 a letter from Ronald W. Powell, DO, and photographs of the subject property. Mr. Weston defined the criteria and goals that would apply and noted the lot is smaller than most in the subdivision, clarifying the variance was to the 50-foot setback, not the 35-foot one. A number of houses in the subdivision encroach on their lots' setbacks, he added. Mr. Weston said this variance could be construed as encroaching on the riparian zone, but he didn't find it doing so more than others in the neighborhood.

Mr. Weston said granting a variance requires proof of hardship that is not self-imposed, and he said the hardship in this case seemed more to do with the owners' health than with the property. The owners cannot use stairs, he said, and have presented written documentation from a physician to this effect. Because of this, the home must be on one level, and the property's small size contributes to the problem. Also, the additional square footage would increase the lot coverage to more than is permitted normally, so a variance is needed for this as well, he said, explaining the 1,500-square foot house would be increased in size by about 900 square feet, or about 60%. He noted a number of homes are in the 50-foot setback already.

Mr. Weston recommended approval with conditions.

In response to a questions from planning commissioners, Mr. Weston said he anticipated the bind would be the nature of the hardship being health-related rather than land-related if the decision were appealed. The hardship technically must be suffered by the property, he explained, emphasizing again the small lot size contributed to the problem and adding the addition would be in line with the rest of the structure and not closer to the canal.

Chairperson Johnson opened public testimony. No one from a public agency requested to speak.

Applicant Deborah Betron spoke, stating her love of the area and noting her active participation in the neighborhood association. Ms. Betron said she cannot use stairs and the home would be unusable to her soon if she is not able to construct the addition.

In response to a question from PC Powers, Ms. Betron said she had not really considered what would happen if the variance were not granted. She said she did not want to consider not living there.

PC Pogue asked about a letter appearing in the packet, asking if the people who wrote it were immediate neighbors. Ms. Betron said they were not. Planning commissioners noted other dwellings in the immediate neighborhood were built closer to the canal already.

No other proponents wished to speak, and there were no opponents. Chairperson Johnson closed public testimony.

PC Powers moved and PC Bridgens seconded to accept the applicant's request for a variance as recommended by staff with conditions (adopting staff findings). Motion approved unanimously.

J&S Reserve Zoning Map Amendment, Text Amendment and Goal 14 Exception Request to Rezone Approximately 121.59 acres from OPR to RA-1 (21.85 acres) RA1 to LW (47.35 acres) and OPR to LW (52.39 acres), near the River Ranch Subdivision

There were no conflicts of interest or *ex parte* contacts to report, and no one objected to the jurisdiction of the planning commission to hear the matter at this time.

Planner Jennifer Bunch began her presentation by entering exhibits 5, 7, 8, and 9, additional public comment, the applicant's agent's response to public comment, copies of the definitions of the applicable zoning, and a hard copy of the PowerPoint presentation into the record.

Using a series of PowerPoint slides, Ms. Bunch outlined the request and explained what would be changed if the request were approved. She characterized the request as a land swap that would rezone land with a "conservation other resources" designation more suitable for rural land and rezone RA1 property to Lake and Wetlands, decreasing the rural lands RA1 zoning by 33.5 acres overall.

Ms. Bunch briefly reviewed the criteria to be addressed. She then addressed several issues raised in the public comment received:

- Setbacks: The applicant has agreed to maintain the setbacks currently in place between his property and the River Ranch subdivision.
- Access: The applicant, Mr. Karamanos, does not intend to access the site through his property within the River Ranch subdivision; instead, he intends to use a private road

that has an easement though his property and by which River Ranch residents access the subdivision.

- Water and sewer demand: The applicant's proposal reduces to 14 the number of homes that could be built on the site, reducing the demand for water and sewer.
- Duck hunting/use of firearms: The applicant is an avid duck hunter, and the current zoning would permit commercial hunting activities; however, the Lake and Wetlands zoning would allow only private hunting by owners and their guests.
- LNG/pipelines: The proposal doesn't include application for a pipeline and was not evaluated as such.

Ms. Bunch concluded by recommending approval of the request.

Chairperson Johnson called for a stand at ease, from 19:46 a.m. to 10:58 a.m., to permit planning commissioners time to read the materials just distributed.

Chairperson Johnson reconvened the hearing and asked commissioners if they had questions of staff.

In response to a question from PC Bridgens, Ms. Bunch explained there had been concern about the access to the remaining home sites being through the River Ranch subdivision. The only time access would become an issue, she said, is if the potential subdivision is developed, at which time access must be legally supplied in order to subdivide.

In response to a question from Chairperson Johnson, Ms. Bunch said Clatsop Plains is the only area in the county where density transfers may be made.

In response to a question from PC Bridgens, Ms. Bunch said affirmed proposal's overall impact on water and sewer service requirements would be to reduce them.

Chairperson Johnson opened public testimony, asking speakers to limit their remarks to three minutes each.

Marilyn Putman, 91553 Overlook Drive, Clatskanie, spoke as president of the River Ranch Homeowners Association Board of Governors, 47089 River Ranch Lane, Clatskanie. Ms. Putman read from a letter she entered into the record, opposing the request. Ms. Putman said the homeowners association's concerns included access and an increase in traffic. She said the homeowners association was not required to provide an easement would not do so if requested. She stated the Goal 14 statement was inaccurate.

Mark Barnes, P.O. Box 469, Astoria, representing the applicant, Sam Karamanos, spoke next, saying the proposal reduces the number of potential home sites is reduced from about 27 to 14, and Ms. Bunch had stated; however, the actual number of home sites the applicant wants is four, and those four are quite a way off in the future. He thought the number of home sites would be locked in via a deed restriction. Mr. Barnes said the proposal would change the configuration of property's zoning to a layout more suitable with the actual circumstances of the property.

Mr. Barnes noted both zones allow hunting, which is regulated by the Oregon Department of Fish and Wildlife. He noted the OPR zone allows more intensive hunting. Water, he continued, is available from a well on Mr. Karamanos' other property, less than a mile away, and he believed the issue of sand ownership and submerged lands can be worked out with the Department of State Lands. He said there was a host of LNG and pipeline issues, to which he could not respond, saying neither he nor his client were officers, owners, shareholders or

employees of an LNG company. He said if there were anything specific that he could address about an LNG issue he would do so if possible, but he noted it didn't have anything to do with the criteria applicable to the proposal. He offered to answer questions and said Mr. Karamanos also was present to answer questions.

Chairperson Johnson requested comments from proponents.

Bernie Bjork, 36292 Bartoldus Loop, Astoria, spoke in favor, saying the request was a zone change on private property, it met criteria, and staff had recommended approval. He suggested moving it forward.

As there were no other proponents, Chairperson Johnson asked for opponents.

Lori Durheim, 398 Atlantic Street, Astoria, read from a letter, entered into the record as exhibit 10, stating the zone change was favorable to Bradwood Landing and ignored the will of the voters, who voted to exclude pipelines from OPR-zoned lands. She asked if the results of the vote were meaningless.

A. Joan Daniels, 47061 River Ranch Lane, Clatskanie, stated Mr. Karamanos had approached the River Ranch Homeowners Association about granting an easement. The issue was discussed at a meeting of the homeowners association, which Mr. Karamanos was invited to attend but did not, she reported. The homeowners association determined granting an easement would increase traffic and possibly heavy equipment, creating a financial burden on River Ranch members. She emphasized River Ranch's separate identity from Mr. Karamanos' proposal.

Leoann Duoma, 47006 River Ranch Lane, Clatskanie, spoke in opposition, stating she had no problem with the additional homes, but she was concerned about and wanted to protect the road into River Ranch.

Don West, 3361 Harrison Avenue, Astoria, stated planning commissioners had "an incredible opportunity to do the right thing," by combining the will of the people, demonstrated through the September vote to exclude pipelines through OPR-zoned lands, and their duties here today. He speculated that 99% of the people present at today's hearing knew how the property would actually be used, alleging the property would be used to carry a pipeline. He said he was surprised by the narrow view and said the larger picture should be examined.

George Sickles, 47034 River Ranch Lane, Clatskanie, stated he lives directly behind the RA1- proposal encouraged commissioners to keep the zoning as it is.

Cheryl Johnson, 44183 Peterson Lane, Brownsmead, stated the applicant, Bradwood Landing and NorthernStar wanted everyone to believe this was a relatively simple zone change. She said the truth was the decision would have an impact on the river and the community far greater than anything experienced before. She reviewed the ballot measure and subsequent vote on issue of permitting pipelines through OPR-zoned lands and state an overwhelming majority of the county's voters decided to reject pipelines. Ms. Johnson said the county could only approve the zone change if it would not result in an over-intensive use of the land. She considered the use to be intensive and said the planning commission has the authority to leave the land zoned OPR, which she requested it do. She also requested an open and honest discussion of the above issues before voting on the matter. She submitted her written statement into the record as exhibit 11.

Carl Dominey, 3647 Duane Street, Astoria, provided testimony on the law of majority, reviewing the results of the September ballot measure. The majority of the voters, he said, stated lawfully and loudly a preference for keeping pipelines out.

LaRee Johnson, P.O. Box 601, Astoria, stated she was opposed to changing the zoning from OPR to lands, wetlands and residential. She also reviewed the September ballot results and pointed out the requirements that the proposed zone change not result in an over-intensive use of the land, will encourage the most appropriate use of the land, and will not be detrimental to the community. She stated an LNG pipeline is not the most appropriate use of the land and has been shown to be detrimental to the populace, citing Dr. Jerry Havens' presentation about the risk to population zones, environmental compromise, degradation of quality of life, reduction of salmon runs, fire and life safety issues, and overbuilding. She asked where the pay-off was and who was getting it.

Pamela Mattson McDonald, 687 14th Street, No. C, Astoria, stated the issue of access should have been more prominent and instead the zoning was, raising in her mind the issue of a ruse and causing her to question what the zoning was for really. She requested the zoning remain the same.

Jocelyn Heller, 3892 Franklin Avenue, Astoria, asked how the zoning change could be requested without acknowledgement of what the issue really was, saying she could not imagine not grasping the real issue. She asked the zoning remain the same as it is.

Don Edwards, 47135 River Ranch Lane, Westport, stated he was concerned about the hunting in the back and the possibility of up to 14 homes. He was concerned about noise, safety and the white tailed deer and potential access through River Ranch.

Jan Mitchell, 362 Duane, Astoria, stated she opposes LNG pipelines in the OPR zone and understood the applicant wants to protect his wetlands through a change to the more restrictive LW zoning, though it appears there is no threat currently. She said it might be incidental the LW zoning allows pipelines, which OPR no longer does. She thought the more restrictive LW zoning would be a strange place to put a pipeline, and she asked the planning commission to initiate a change that would restrict pipelines from the LW zone. She also suggested the planning commissioners ask the applicant if such a change would be of concern to him. She said she did not want to see the process manipulated to get around the public will, which would a mockery of the democratic and planning processes.

Brett VandenHeuvel, 724 Oak Street, Hood River, representing Columbia Riverkeepers, Columbia Pacific Common Sense, and Cheryl Johnson and Ted Messing, stated if the zone change request had nothing to do with LNG pipelines, there were some easy solutions, such as approving with a condition to not build a pipeline on the property. He agreed with Ms. Mitchell's requests to ask the applicant if building a pipeline is something he would allow in the future. Mr. Vandenheuvel said approval was not appropriate because no access or easement was included and road construction is not permitted in the LW or OPR zones. More importantly, he said, staff had indicated the LNG pipeline had not been evaluated as part of this process because it was not part of the application. He said this approach was both inappropriate and illegal and is called "piecemealing." He explained if a large project is broken into enough small pieces, or piecemealed, its impact is lost. Mr. VandenHeuvel asserted an LNG pipeline application that includes this property is pending before the county at this time, and the planning commission is being asked to circumvent the will of the voters to permit the pipeline's route. He requested the application be reviewed as a whole, not piecemealed. He stated the commission had the authority to deny the application and asked if this truly was the highest and best use of the land, or if in fact it was an over-intensive use of the land. If the planning commission approves this, LNG would follow, he concluded, and there would not be a second chance to review it.

Donna Quinn, 1684 Franklin Avenue, Astoria, stated there is the law, and there is the spirit of the law and interpretation, and the question of what the intention is. She believed there are other factors at work here that have bearing, and she said there would be repercussions far beyond Clatsop County. She asked the change not be made.

Jean Dominey, 3647 Duane, Astoria, requested the record on this item remain open the legal number of days permitted. She said the document had errors in it and thus was flawed, and the public announcement also was flawed, explaining a reference to Puget Island was in error. Her third point, she said, under Applicable Criteria, had to do with Oregon Administrative Rule 660.00.0020(b), referring to "long-term environmental." She did not believe Goal 16 was well addressed in the findings. She thought the water table and local wells would be affected, but the consideration was not mentioned in the document. She stated open space doesn't have to be built on to be considered "used." She concluded by saying the planning commission did not have to decide on the matter today.

Peter Huhtala, 937 14th Street, Astoria, began by noting no one had denied the matter dealt with LNG and by agreeing with comments by Brett VandenHeuvel and LaRee Johnson. He stated the planning commission would need to determine if the zone change would be detrimental to the people of Clatsop County and that the application had no urgency. He noted the neighbors had objected and believed Goal 14 was not addressed adequately. He commented on the long-term effects on the economy and the environment and of removing land from the resource base for a pipeline and recommended denial of the request, saying the planning commission did not have all the information necessary to properly evaluate the long-term impacts of running an LNG pipeline through the site.

Hobe Kytr, 5253 Ash Street, Astoria, said he was astonished to see in both the staff report and the applicant's submission a statement asserting that because the upper end of the Columbia River Estuary is defined as the eastern end of Puget Island, the subject property did not have to conform to Goal 16 (Estuarine Resources). He presented chart 18523, the official navigation chart for this section of the river. Using the chart, he explained he researched the definition in the OARs and found the definition states the western end of the island as the boundary. He noted this was a technicality, but he wondered why this was not caught at the staff level and asked what other errors were included in the document.

Vicki Baker, 3015 Harrison, Astoria, asked what it is the applicant could not do under the current zoning. She asked planning commissioners to examine that question before changing the zoning, saying it didn't seem to her the zoning needed to be changed for what the applicant stated he wanted to do. She said though not addressed, the pipeline was an issue, and it was something that would be permitted through the zone change. She asked the planning commission to ask staff what would happen if a pipeline were to go through the property.

John Orr, 88824 Dawson Road, Gearhart, stated he found a common thread and flaw in the process, which he thought related to the piecemeal approach taken to the project. He believed an illegal decision had been made previously on a Goal 16 issue and saw the same problem resurfacing, saying the Goal 16 finding in this application was infirm. The whole estuary is a hydrological system, he said, and a "systems" approach was necessary. He further said Goal 5 is to protect natural resource and the OPR zone is to provide open space and scenic natural resources and didn't believe the application was consistent with either. He also disagreed with the finding the application would not increase the burdens on county public services. He suggested a condition be placed on any approval that states an LNG pipeline was not a contemplated use. If an LNG pipeline is an intended use, then the matter should be re-submitted, he said. He concluded by commenting that it seemed very clear that the public opposes the LNG pipeline, citing Goal 1, Citizen Involvement, requirements.

Josie Peper, 5334 Alder, Astoria, said her comments would be specific to zone change criteria 8. She said everyone present knew if the zone change went through, a pipeline would be permitted through some of this property. She said the planning commission's responsibilities included the health, safety and well being of Clatsop County and its citizens, and LNG and its pipelines have not been shown to be safe. She said they have been identified by the federal government as terrorist targets and would produce a variety of types of pollution, all contradicting criteria 8. Therefore, she concluded, she requested the planning commission "exercise integrity" and vote no on the zone change.

Ted Thomas, 398 Atlantic, Astoria, stated he considered the application could be considered to be a subterfuge if or ruse, saying everyone had been led to believe the proposal had nothing to do with LNG. Why then, he asked, had the proposal not been put forth that the potential for a liquefied natural gas pipeline be specifically excluded from this application, accommodating both parties? He believed the reason no one had proposed excluding a pipeline was because the whole idea was to get around the recent vote excluding pipelines from OPR zoning.

Chairperson Johnson asked Mr. Barnes if he would like to rebut testimony. Mr. Barnes, noting the commission had heard more than 30 minutes if testimony on a variety of topics, requested that if the commission chose to grant Jean Dominey's request to keep the hearing open, he be given the opportunity to rebut in writing. Mr. Barnes said rather than trying to rebut all the comments today, he would prefer to respond in writing after the hearing was closed, adding he would have to decline to try responding today in three minutes because he couldn't do it.

Chairperson Johnson commented the planning commission's role today was purely advisory and he was inclined to finish the item today and send it on if county counsel found that a reasonable option.

County Counsel Blair Henningsgaard said the commission could follow this course.

PC Bridgens asked if there were some reason the commission could not hear a more in-depth rebuttal from Mr. Barnes at this time. Planning commissioners agreed to ask Mr. Barnes questions, and Mr. Barnes said he would respond to a few of the topics raised in testimony.

The road access issue is resolved, he said, by taking access through the Karamanos property to the south of the River Ranch subdivision and east to the larger access road. The 50-foot strip that protects the lots from being required to have the larger setback also can be an area where the access road is sited. He suggested requiring access taken that way, though he though it was redundant. He said it was the applicant's intent to use his own road to access the property, not go through the subdivision, and he thought the 50-foot strip accommodated this.

In response to a question from PC Pogue, Mr. Barnes described the control of the private road and clarified there is no intent to use any of the River Ranch homeowners' property.

PC Pogue asked if Mr. Barnes anticipated a problem with water supply. Mr. Barnes did not, based on the experience of other homeowners in the area and noting the number of homes being proposed (four) is pretty small, and there is no indication of problems in the area. Mr. Karamanos added he has wells on his other property in the area and pumps 150 gallons per minute from 100 feet down. Ms. Bunch clarified that when someone makes application for a subdivision, water availability must be proven, but not for a partition.

In response to a question from PC Bridgens, Mr. Barnes said it seemed the commission was supposed to consider the impact of the decision on the future of the area, and he thought the application looked pretty good, given the number of home being proposed is several times smaller than what the zoning allowed.

Mr. Barnes also responded to those asking why the pipeline was not part of the application and alleging the project was "piecemealed," explaining Mr. Karamanos was not building a pipeline. Mr. Barnes stated neither Mr. Karamanos nor he was an agent of nor employed by a liquefied natural gas firm. He said one of those testifying had said there is a pipeline application before the county already, and Mr. Barnes stated even if the pipeline proposal crossed this property, it was not the subject of this application and it wouldn't be appropriate for Mr. Karamanos to make an application for a small section of it. Mr. Barnes added his statement assumed the speaker had been correct and stated he, himself, did not have any knowledge of such an application.

Mr. Barnes said some who testified suggested the planning commission recommend rejecting the application; he noted it is difficult to find people to do habitat restoration, let alone enthusiastically and with support from state and federal wildlife agencies.

Addressing the typographical error in the staff report that misidentified the end of the estuary and asserted Goal 16 criteria are not met, Mr. Barnes said typos are not uncommon and typically are not grounds for denial.

He went on, saying his initial response to the suggestion of conditioning approval based on not permitting a pipeline in Lake and Wetlands-zoned areas was, "We don't care." However, he cautioned commissioners that when an application is before them, the applicant is entitled to have the application evaluated under the rules in place at the time of the application.

He concluded by reiterating his request to be able to respond in writing should the commission keep the hearing open.

In response to questions from PC Powers and PC Bridgens, Mr. Karamanos provided detailed information about his plans for his property and the legacy he hopes to leave for his heirs. He stated he has been an avid duck hunter since he was 12 years old.

Mr. Barnes noted the LW zoning is less intense than the OPR zoning and said OPR zoning would permit a recreational vehicle park, for example.

Chairperson Johnson asked if there were any further comments from agencies. Ms. Putman, representing the River Ranch Homeowners Association, said maintenance of the road from the from the gate to tract C, which Mr. Karamanos owns and proposes to use for access, is the responsibility of the homeowners association and would be impacted. She asked that the financial obligation of the homeowners be considered in the final decision.

Ms. Bunch provided staff's rebuttal. She said the proposal reduces the potential number of homes that could be built, which would reduce wear and tear on the road. She and Ms. Putman clarified for commissioners which sections of road were the responsibility of the homeowners. PC Powers noted if the application were denied and the potential 27 homes were built instead, the road would still be impacted. Ms. Bunch said the impact would be higher with 27 homes.

Mr. Karamanos responded to questions from PC Pogue about who would occupy the four homes identified in his proposal. He said the homes, which he did not think would be built in his lifetime, would go to his trust fund, J&S Reserve, established for his blood heirs. It would only be able to be sold in its entirety and only to some sort of conservation organization, he said.

Mr. Barnes thought something could be drafted that would require beneficiaries of the trust fund lots to pay proportionate fees for road maintenance.

In response to a question from Chairperson Johnson, Ms. Bunch said she had spoken with Laren Woolley, the county's DLCD representative, about the application, and DLCD had not provided written response. She thought it safe to assume the state would have responded had there been concerns about the application. She confirmed for Chairperson Johnson the application met all the applicable criteria in her opinion.

PC Pogue commented the proposal seemed to reduce impact and had staff's support.

Chairperson Johnson said the proposal seemed to fit the criteria the planning commission was required to use to evaluate it. He emphasized there was not way to tell what might come in the future, and the commission's role was advisory.

In response to a question from Chairperson Johnson, Mr. Henningsgaard said the planning commission could close the record.

PC Pogue agreed the commission could look only at the very specific nature of the application. PC Powers agreed with PC Pogue and commented commissioners could only consider what was in the document. He stated he appreciated the public testimony about LNG, but the application and testimony by the applicant didn't include anything about a pipeline.

Chairperson Johnson closed public testimony and, hearing no procedural motions, requested a motion.

PC Bridgens moved and PC Harper-Vellutini seconded to adopt the findings of fact of the staff report and recommend approval of the zoning map amendment detailed in Exhibit 6, Goal 14 exception, and text amendment and recommend this to the Clatsop County Board of Commissioners. Motion approved unanimously via roll call vote, with Bridgens, Johnson, Harper-Vellutini, Pogue and Powers voting yes and none opposed.

Chairperson Johnson recessed meeting momentarily at 12:25 p.m., then reconvened and asked if there were any other business before the planning commission. Hearing none, he asked for a motion to adjourn.

PC Pogue moved and PC Powers seconded to adjourn. Motion approved unanimously.

Adjournment

Chairperson Johnson adjourned the meeting at 12:26 p.m.

Respectfully submitted,

Cary T. Johnson
Chairperson, Planning Commission

Exhibit v

State Of Oregon

County Of Clatsop } ss.

RECEIVED
JUN 8 2009
Community
Development
CLATSOP COUNTY

Affidavit of
PUBLICATION

I, **Robert D Temple**, being duly sworn, depose and say that I am the principal clerk of the manager of the **DAILY ASTORIAN**, a newspaper of general circulation, as defined by section ORS 193.010 and 193.020 Oregon Compiled Laws, Annotated, printed and published daily at Astoria in the aforesaid county and state; the **Legal Notice #AB2318 Notice of Public Hearing (Betron)** a printed copy of which is hereto attached, was published in the entire issue of said newspaper for **one** successive and consecutive **time(s)** in the following issues **June 5, 2009**

Signed

Signed and attested before me on the **5th** day of **June 2009, by:**

OFFICIAL SEAL
LESLIE TILA
NOTARY PUBLIC-OREGON
COMMISSION NO. 402583
MY COMMISSION EXPIRES FEBRUARY 16, 2010

Notary Public for the State of Oregon, Residing at Astoria, Oregon, Clatsop County.

Copy Of Advertisement

AB2318
NOTICE OF PUBLIC HEARINGS
CLATSOP COUNTY PLANNING COMMISSION

Notice is hereby given that the Clatsop County Planning Commission will conduct public hearings, starting at 10:00 AM on Tuesday, June 9, 2009, in the Judge Guy Boylington Building, 857 Commercial Street, Astoria, Oregon, to consider the following requests:

1. Betron Variance Request & Expansion of a Non-Conforming Use: Request by Deborah Betron (owner) for a 20' variance to the 35-foot setback from the line of aquatic vegetation and a variance to the standards depicted in Clatsop County's Zoning Ordinance Section 5.610 § 2(A & B). The subject property is located in the Cullaby Lake area on the north side of Shoreline Dr. Staff: Michael Weston II, Planner.

2. J&S Reserve, LLC, Request for Zoning Map Amendment, Comprehensive Plan Text Amendment, and Goal 14 Exception: Request by Mark Barnes on behalf of Sam Karamanos for a zone change on 121.59 acres north of Westport. The applicant proposes changing zoning from RA-1 and OPR to RA-1 and LW. Staff: Jennifer Bunch, Planner.

A copy of the applications, all documents and evidence submitted by or on behalf of the applicants may be reviewed in the Clatsop County Transportation and Development – Land Use Planning Division office, at 800 Exchange Street, Suite 100, Astoria, Oregon, at no cost and may be obtained at reasonable cost. The staff reports for these matters may be inspected at no cost or obtained at reasonable cost seven (7) days prior to the hearings. Parties are invited to express their opinions for or against the proposals in person at the hearings or by letter addressed to the Clatsop County Planning Commission Chair, 800 Exchange Street, Suite 100, Astoria, OR; 97103. Letters also may be faxed to (503) 338-3666, or emailed to comdev@co.clatsop.or.us. The County must receive written comments by 9AM on Monday, June 8, 2009. Letters received after this date and time may not be included in the record and may not be considered by the Planning Commission. At the culmination of these public hearings, the Planning Commission will make recommendations to the County Board of Commissioners to approve, approve with modifications, or deny each request. Please contact Clatsop County Land Use Planning, at (503) 325-8611 for more details on these land use matters.

Published: June 5th, 2009

PC

BEFORE THE PLANNING COMMISSION
OF CLATSOP COUNTY, OREGON

In the Matter of:	
AN AMENDMENT TO THE CLATSOP COUNTY COMPREHENSIVE PLAN TEXT AND ZONING MAP AND AN EXCEPTION TO STATEWIDE PLANNING GOAL 14 BY J&S RESERVE, LLC	RESOLUTION & ORDER 09-06-03

RECITALS

A. Pursuant to Article 2 of the Clatsop County Land and Water Use Development Ordinance, J&S Reserve, LLC, applied for a comprehensive plan zoning map amendment, comprehensive plan text amendment, and exception to statewide planning goal 14. (Exhibit 1 of the attached Exhibit "A" Staff Report) on April 2, 2009 regarding property in Clatsop County (the "Property") described as:

T8N, R06W, Section 36, Tax Lot 200

B. Pursuant to County Procedures for Land Use Applications, staff examined the application and submitted a report dated June 2, 2009 regarding the request. The Staff Report is attached as Exhibit "A".

C. Pursuant to County procedures, a hearing was held on the matter on June 9, 2009 for which appropriate notice was provided.

WHEREFORE, the Planning Commission finds and resolves:

1. That the Transportation & Development Services Department is directed to present the Planning Commission's recommendation to approve the request as depicted in Exhibit 6 of the Staff Report, to the Board of Commissioners for their consideration.

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

SO ORDERED this 9th day of June 2009.

PLANNING COMMISSION FOR
CLATSOP COUNTY, OREGON

Cary T. Johnson, Chair

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

REPORT DATE: June 2, 2009

HEARING DATE: June 9, 2009

OWNER: J & S Reserve LLC
47000 River Ranch Lane
Clatskanie, OR 97016

AGENT: Mark Barnes
PO Box 569
Astoria, OR 97103

REQUEST: The Applicant requests a Zoning Map Amendment from RA-1 and OPR to RA-1 and LW, a Comprehensive Plan Text Amendment, and a Goal Exceptions to Statewide Planning Goal 14.

PROPERTY: T8N, R06W, Sec 36 – TL 200

SIZE: 129.59 acres total (121.59 subject of this application)

LOCATION: The subject property is near the eastern boundary of Clatsop County north of Highway 30 in the Westport area.

CURRENT ZONING: Residential Agriculture 1 (RA-1) and Open Space Parks and Recreation (OPR)

STAFF REVIEWER: Jennifer Bunch, Planner

DEPARTMENT RECOMMENDATION: Adopt the findings of fact of the staff report and recommend approval of the zone change as modified, Goal 14 exception, and text amendment to the Board of Commissioners.

EXHIBITS:

I. BACKGROUND

On April 2, 2009, Mark Barnes, on behalf of J & S Reserve, LLC, submitted to Clatsop County Transportation and Development Services applications for a comprehensive plan text amendment, zoning map amendment, and goal exception for 121.59-acres of land located north of Highway 30 and the rural community of Westport. (See maps below). The property totals 129.59 acres near Clatsop County's eastern edge. Westport Slough, immediately south and west of the subject property, is zoned Aquatic Development (AD) and Lake and Wetlands (LW). The property to the east (tax lot 100) is zoned Exclusive Farm Use (EFU). The property to the south is in the Heavy Industrial (HI) zone.

II. PROPERTY STATUS AND CONDITIONS

Lot of Record Status
The subject property was created as parcel # 2 of Partition Plat 2008-026. The property meets the county's definition of "lot of record". LWDUO §1.030.

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.

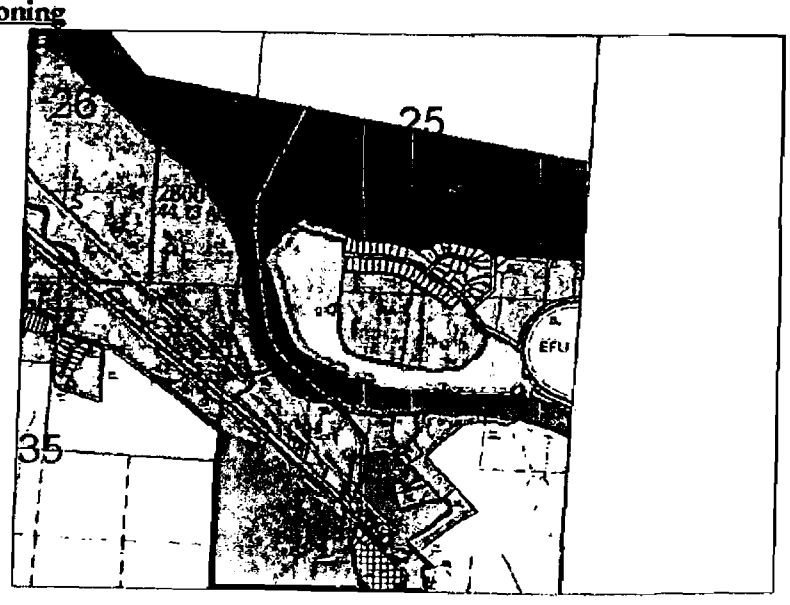
Summary of Criteria and Staff Conclusions		
Criteria	Department Conclusions	Page(s)
[redacted]	Satisfied except for Goal 14, for which the applicant has requested a Goal Exception.	5 - 12
Goal 1 Element - Citizen Involvement	Satisfied	5
Goal 2 Element - Land Use Planning	Satisfied	5
Goal 3 Element - Agriculture Lands	Satisfied	7
Goal 4 Element - Forest Lands	Satisfied	7
Goal 5 Element - Open Spaces, Scenic, Historic & Natural Resources	Satisfied	7
Goal 6 Element - Air, Water & Land	Satisfied	8
Goal 7 Element - Natural Hazards	Satisfied	8
Goal 8 Element - Recreation	Satisfied	8
Goal 9 Element - Economy	Satisfied	8
Goal 10 Element Population and Housing	Satisfied	8
Goal 11 Element - Public Facilities	Satisfied	10
Goal 12 Element - Transportation	Satisfied	11
Goal 13 Element - Energy	Satisfied	11
Goal 14 Element - Urbanization	Inconsistent *Applicant has requested an Exception to Goal 14*	11
Goal 16 & 17 Elements - Estuary and Shorelands	Satisfied	12

Goal 18 Element - Beach and Dunes	Not Applicable	12
Northeast Community Plan	Satisfied	12
Zone Change Criterion No. 2 – Consistency with Statewide Plan Goals	Satisfied except for Goal 14 *Applicant has requested an Exception to Goal 14*	13
Zone Change Criterion No. 3 - Adequacy of Public Facilities and Services	Satisfied	13
Zone Ch. Criterion No. 4 Adequacy of Transportation Facilities	Satisfied	13
Zone Change Criterion No. 5 - Compatibility with Zoning Patterns	Satisfied	14
Zone Change Criterion No. 6 Suitability	Satisfied	14
Zone Change Criterion No. 7 Appropriate Use of the Land	Satisfied	14
Zone Change Criterion No. 8 - Health, Safety, and Welfare	Satisfied	14
Goal 5 Justification -	Satisfied	15
Goal Exception Criteria Goal 14	Satisfied	15
Comprehensive Plan Amendment	Satisfied	19
Overall Recommendation	Recommend APPROVAL – modified with conditions – to the Board of Commissioners	21

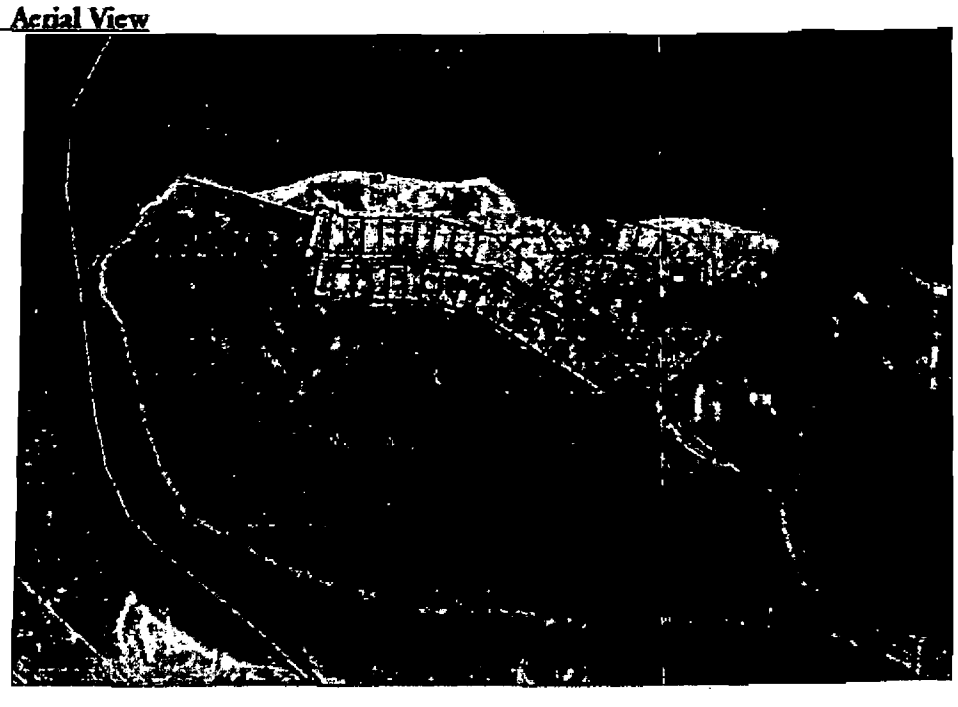
IV. NEIGHBORHOOD CONDITIONS

The surrounding area is comprised of rural residential use and open space. Rural Residences (River Ranch Subdivision) are located to the north of the subject property; these residential lots average 0.5-acres in size. To the west and south the property is bounded by Westport Slough and to the east is un-utilized farmland and the Columbia County border.

Map 1. Area Zoning



Map 2. Aerial View



V. APPLICABLE CRITERIA

A. ZONING MAP AMENDMENT
The following criteria applies to the applicant's request for Clatsop County to adopt a zoning map amendment:

Clatsop County Land and Water Development and Use Ordinance 80-14,
§5.412. Zone Change Criteria
§5.410 (Goal 5 Justification)
OAR 660-023

B. GOAL EXCEPTION
The following criteria applies to the applicant's request for Clatsop County to adopt an exception to Statewide Planning Goal 14:

Oregon Administrative Rule Chapter 660, Division 4

C. TEXT AMENDMENT
The following criteria applies to the applicant's request for Clatsop County to adopt text amendments to the Comprehensive Plan:

Clatsop County Comprehensive Plan Goals and Policies

V. EVALUATION OF APPLICATION

As part of the land use application (Exhibit 1), 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 applicable criteria and proposes findings of fact for the Planning Commission's review and consideration.

A. ZONING MAP AMENDMENT

LWDUO 80-14, §5.412

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

Comprehensive Plan, Goal 1 element – Citizen Involvement Analysis:

(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.

(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.

(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.

(9) Public notices will also be sent to affected residents concerning zone and Comprehensive Plan changes, conditional uses, subdivisions and planned developments.

Analysis –
Documentation of public notice is attached as Exhibit 4.

Department Findings:
The application satisfies the applicable citizen involvement policies of the Goal 1 element of the Clatsop County Comprehensive Plan.

Goal 2 Element – Land Use Planning Analysis:
The County's Comprehensive Plan implements Statewide Planning Goal 2, which establishes the process for taking an exception to Goal 14. 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.

(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 014. The minimum lot size adopted by the county shall be consistent with OAR 660-004-0018, "Planning and Zoning for Exception Areas."

Analysis
Clatsop County does not have a rural residential zone with a ten (10) acre minimum; therefore, any zone change to a rural residential designation requires an exception to Goal 14. The proposal includes an exceptions request that is addressed later in this report.

The following excerpts from the Goal 2 element apply to this request:

2. *Conservation Other Resources*
Conservation Other Resources area provide important resource or ecosystem support functions such as lakes and wetland and federal, state and local parks. Other areas designated Conservation Other Resources include lands for low intensity uses which do not disrupt the resource and recreational value of the land. * Most of the Columbia River Estuary is in this designation.

Analysis
The proposal seeks to increase the area of land designated Conservation Other Resources and reduce the area of land with the Rural Lands designation. The rezoning of the subject property encourages the most appropriate use of the land by designating the upland area "buildable" and protecting important wetland resources and ecosystems.

6. *Rural Lands*
Rural Lands are those that are outside the urban growth boundary, outside of rural community boundaries, and are not agricultural lands or forestlands. Rural lands include lands suitable for sparse settlement, small farms or acreage home sites with no or hardly any public services, and which are not suitable, necessary or intended for urban use.

Analysis
This proposal is essentially a land swap. The proposal seeks to rezone land with a Conservation Other Resources designation that is more suitable for Rural Land and re-zone RA-1 property to LW. The area of rural lands (RA-1) will actually be decreased by 33.5 acres.

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

(a) Some level of public facilities and services, especially surfaced public roads, fire protection, and piped water;
(b) A pattern of parcel sizes generally smaller than 15 acres;
(c) Existing residential development at a density generally higher than 1 dwelling unit per 10 acres; and
(d) Natural boundaries, such as creeks and roads, separating the exception area from adjacent resource lands.

Areas generally falling under the above criteria are designated Rural Lands throughout the Comprehensive Plan. Rural Lands include lands suitable for spare settlement, small farms or acreage home sites with no or hardly any public services, and which are not suitable, necessary or intended for urban use. Most of these lands contain agricultural site class II-IV and forest site class FA-FD.

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. *Suersen center*
   3. *Knappa center*

Since approximately 90% of the total County land area is forest land most of the lands identified as Rural in the Plan contain forest land class FA-FC and/or agricultural site class soils II-IV (see Forestry and Agricultural Background Report).

Analysis:
The subject property is on the north by the River Ranch Subdivision, an "irrevocably committed" exception area and to the south by wetlands. The site meets the criteria of rural lands.

Department Finding:
The application is consistent with the applicable "Conservation Other Resources" and "Rural Lands" policies of the Goal 2 element of the Clatsop County Comprehensive Plan.

Goal 3 Element – Agricultural Lands

Goal 4 Element – Forest Lands

Department Finding:
The department agrees with the applicant's analysis that the Goal 3 and Goal 4 elements of the Clatsop County Comprehensive Plan do not contain applicable policies. The criteria have been met.

Goal 5 Element – Open Spaces. Scenic & Historic areas and Natural Resources

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

Fish and Wildlife Areas and Habitat

11. 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.

Analysis:
The proposal seeks to "relocate" the area designated for residential development to the northwest portion of the subject property in an upland area which essentially "clusters" the developable area. This allows for the remaining property to be appropriately designated "Lake and Wetland". The area of buildable RA-1 lands is decreased on the site and thus reduces the potential conflicts between the deer habitat and residential use.

Department Finding:
The Zoning Map Amendment application is consistent with the Goal 5 element of the Clatsop County Comprehensive Plan.

Goal 6 Element – Air, Water, and Land Quality:
Goal -
To maintain and improve the quality of the air, water and land resources of the state.

Analysis:
The proposal does not conflict with the applicable plan policies of Goal 6. The Clatsop County Land and Water Development and Use Ordinance (LWDUO) contain 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.

Department Finding:
The application satisfies the applicable plan policies of the Goal 6 element of the Clatsop County Comprehensive Plan.

Goal 7 Element – Natural Hazards
Goal –
To protect life and property from natural disaster and hazards.

Analysis:
The subject property is located in an identified flood hazard area. Clatsop County's Land Water Development and Use Ordinance will ensure compliance with standards designed to protect future development from flood damage.

Department Finding:
The application satisfies the applicable plan policies of the Goal 7 element of the Clatsop County Comprehensive Plan.

Goal 8 Element – Recreational Lands

Analysis:
The portion of the subject property zoned Open Space Parks and Recreation (OPR); however, the applicant seeks to rezone a large portion of the OPR to a more restrictive Lake Wetland (LW) designation to in order to assist with a final goal of habitat restoration and protection. The removal of OPR zoning designation does not conflict with the policies set forth in Goal 8.

Department Finding:
Based on the analysis the proposal does not conflict with the policies of the Goal 8 element of the Clatsop County Comprehensive Plan.

Goal 9 Element – Economy
Goal –
To diversify and improve the economy of the state and Clatsop County.

Department Finding:
The department agrees with the applicant's analysis that Goal 9 is not applicable.

Goal 10 Element – Population and Housing
Goal - To provide for the housing needs of citizens of the state.
Population Policies

1. Community plans should provide for orderly growth, which reduces the cost of essential services while preserving the basic elements of the environment.
2. Promote population to locate in established service areas.
3. Promote the accommodation of growth within areas where it will have minimal negative impacts on the County's environment and natural resources.
4. Utilize current vacant land found between developments or within committed lands.
6. Encourage development of land with less resource value.

Analysis:
The proposal seeks to rezone property in a manner that would encourage the most appropriate use of the land. The new residential zoning will be situated in an upland area while the wetlands will be zone appropriately.

Housing Policies

Residential Development

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.

Analysis:
The proposal seeks to rezone the subject parcel to assure the appropriate use of the land. The RA-1 will be reduced in area but move to an upland area outside of the wetlands.

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.

Analysis:
Clatsop County has a shortage of affordable housing; however it is not likely that these parcels will offer any relief from that dilemma; however, this proposal does not conflict with this 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.

Analysis:
The applicant proposes reducing the buildable acreage and clustering development to the northwest end of the parcel. This will minimize impact on adjacent resource lands.

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.

Analysis:
In accordance with the Clatsop County LWDUO, mechanisms are in place to ensure the requirements listed in Policy 4 are met prior to development on the site.

6. Clatsop County shall encourage the development of passed over lots that already have services such as water and roads to be preferred for development over tracts requiring an extension of services.

Analysis:
This site will require the extension of services such as roads to allow for development of home sites. The applicant has indicated that water service is available to the proposed residential sites.

Department Finding:
The application does not conflict with the Goal 10 element of the Clatsop County Comprehensive Plan.

Goal 11 Element – Public Facilities and Services Analysis:

The following excerpted Overall Policy Regarding Appropriate Levels of Public Facilities in the Rural Lands Plan designation applies to the request:

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.
Clatsop County is concerned that development not outstrip the capacity of the service area districts. Clatsop County requires that a proof of an adequate source of water be available before any development permit (e.g. residential, commercial or industrial), excluding land divisions, is approved.

Public water supply is an appropriate public facility 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.

The following Goal 11 plan policies also apply to the request:

General Public Facilities Policies

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. The County shall not approve development of facilities and services in excess of those levels and types.

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.

Analysis:
The applicant proposes a reduction in the total buildable area on the property. The proposal will result in a reduced need for public facilities and services. Appropriate mechanisms are in place in the LWDUO to ensure that prior to land use approvals and before development permits are issued for new development on the subject property, appropriate public services and facilities will be in place to service the property.

Department Finding:
The proposal satisfies the applicable plan policies of the Goal 11 element of the Clatsop County Comprehensive Plan. The Goal 11 element of LWDUO § 5.412(1) – can be satisfied with conditions.

Goal 12 Element – Transportation Analysis:

Analysis
With the proposal the reduction of buildable residential lands will occur thus reducing the potential impact on local and regional transportation facilities.

Department Finding:
Consistency with the Goal 12 Transportation element of the Comprehensive Plan is satisfied. LWDUO § 5.412(1) – Goal 12 Element.

Goal 13 Element – Energy Conservation Analysis:
Goal –
To conserve energy.

Analysis:
The applicant's findings demonstrate that the application conforms to the applicable plan policies of the Goal 13 element of the Clatsop County Comprehensive Plan.

Department Finding:
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.

Goal 14 Element – Urbanization
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;
(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.

Analysis:
These criteria are addressed later in this report. See "Goal Exception" Analysis.

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.

Analysis:
The proposal would cause a decrease in the amount of potential dwelling units and an increase in open space. However, due to the RA-1 zoning with a 2-acre minimum lot size, a Goal 14 Exception is required. The proposal seeks to change the zoning designations to provide for the most appropriate use of the land.

Department Finding:
The applicant's proposed exception to Statewide Planning Goal 14 is addressed later in this report. See Goal Exception Analysis Section "B".

Goal 16 and 17 Elements – Estuarine Resources and Coastal Shorelands

Analysis:
The department agrees with the analysis provided by the applicant that states that the Columbia River estuary ends at the eastern edge of Puget Island [OAR 660-017-0005(6)]. The subject property is not considered to be in the estuary or in a coastal shoreland area.

Department Finding:
Goal 16 and 17 elements of the Clatsop County Comprehensive Plan do not apply.

Goal 18 Element – Beaches and Dunes

Department Finding:
The Goal 18 elements of the Clatsop County Comprehensive Plan do not apply.

Northeast Community Plan Element

Landscape Units

Alluvial Lowland Policies

1. Low density activities, such as agriculture, shall be preferred uses in the alluvial lowlands.

Alluvial Terrace Policy

1. Development is encouraged on alluvial terraces due to the slight to moderate slopes and moderately well drained soils.

Analysis:
The applicant proposes "relocating" and reducing the developable RA-1 zone to the non-wetland are of the property in order to assist in preservation and conservation of the wetland areas. Low intensity restoration and preservation activities within the proposed LW zone. The more intense residential use will be clustered on the non-wetland portion of the property.

Fish and Wildlife

*Policies:

11.* The Conservation Other Resources* designations 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 Columbia White-tailed deer survival.*

Analysis:
The proposal adds land to the Conservation Other Resources designation and therefore increases white-tailed deer habitat and reduces potential conflicts.

Department Finding:
The Zoning Map Amendment application is consistent with the policies of the Northeast Community Plan.

Zone Change Criterion No. 2:

LWDUO §5.412(2) - Consistency with Statewide Planning Goals

Analysis:
Clatsop County has a ratified comprehensive plan. Consistency with Statewide Planning Goals is determined through the consistency with the County's Comprehensive Plan. This proposal does require a Goal 14 exception.

Department Finding:
If the application for Goal 14 Exception and Comprehensive Plan Text Amendments are approved, Zone Change Criterion No. 2 will be met.

Zone Change Criterion No. 3:

LWDUO §5.412(3) - Adequacy of Public Facilities and Services

Analysis:
Staff concurs with the applicant that adequate public facilities and services exist. Appropriate mechanisms are in place in the LWDUO to ensure that prior to development approvals on the subject property, adequate public facilities and services will be installed.

Department Finding:
The applicant demonstrated that adequate water supplied by the Westport Water District and subsurface sewage systems. The down zoning to the LW zone and the reduction in buildable land will reduce the need for public facilities and services in the area. The application satisfies Zone Change Criterion No. 3.

Zone Change Criterion No. 4:

LWDUO §5.412(4) - Adequacy of Transportation Facilities

Analysis:
Staff agrees with the applicant that adequate transportation facilities exist for the proposal. The impact on transportation will be reducing by the down zoning to LW. 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.

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

Zone Change Criterion No. 5:

LWDUO §5.412(5) – Over Intensive Use of the Land, Character of the Area, and Compatibility of Zoning Patterns

Analysis:
The applicant has provided an in depth analysis of the application as it relates to Criteria No. 7. Staff agrees that the application promotes the most appropriate use of the land by rezoning the upland areas for development and rezoning wetland areas to Lake and Wetland zoning.

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

Zone Change Criterion No. 6:

LWDUO §5.412(6) - Peculiar Suitability of Site for Particular Uses

Analysis:
The applicant provides a complete analysis of the peculiar suitability of the site. Staff concurs with the applicant's findings.

Department Finding:
Based on the analysis above, the application satisfies Zone Change Criterion No. 6.

Zone Change Criterion No. 7:

LWDUO §5.412(7) - Zone Change Promotes Appropriate Use of Land in County

Analysis:
The applicant has provided an in depth analysis of the application as it relates to Criteria No. 7. Staff agrees that the application promotes the most appropriate use of the land by rezoning the upland areas for development and designating the wetland areas for protection and restoration.

Department Finding:
Based on the analysis above, the application satisfies Zone Change Criterion No. 7.

Zone Change Criterion No. 8:

LWDUO §5.412(8) - Health, Safety, and General Welfare

Analysis:
The application does not hinder the health or safety of Clatsop County.

Department Finding: [redacted]
Based on the analysis above, the application satisfies Zone Change Criterion No. 8. [redacted]

Goal 5 Justification:
LWDUO 880-14, §5.140 states, "If the (zone) change involves a Goal 5 resource, a Plan amendment must also be requested and the Goal 5 Administrative Rule used to justify the decision".

Oregon Administrative Rule 660-023 – Procedures and Requirements for Complying with Goal 5

660-023-0010 Definitions
(5) "PAPA" is a "post-acknowledgment plan amendment."

660-023-0250 Applicability

(3) Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:
  (a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant (emphasis added) Goal 5 resource or to address specific requirements of Goal 5;
  (b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or
  (c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.

(6) Local governments may determine that a particular resource site is not significant, provided they maintain a record of that determination. Local governments shall not proceed with the Goal 5 process for such sites and shall not regulate land uses in order to protect such sites under Goal 5.

Analysis:
The subject property is not identified in the Clatsop County Comprehensive Plan as containing significant Goal 5 resources, but the site does contain resources identified under Goal 5 and includes lands discussed in the Goal 5 element of the Plan.

Department Finding: [redacted]
The proposed amendment has met the Goal 5 requirements. [redacted]

B. GOAL 14 EXCEPTION

Oregon Administrative Rule (OAR) 660-004-0035, requires that any newly designated rural residential areas shall have a lot or parcel size of at least ten (10) acres, **or** a minimum lot size of two acres in accordance with the requirements for an exception to Goal 14. Therefore, the applicant's request for a zone change from OPR to RA-1 (2-acre minimum) requires an exception to Goal 14.

There are three (3) routes an applicant can chose when taking a Goal Exception. These 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. ***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.***

The Applicant has chosen to pursue a "Reasons" exception to Goal 14.

APPLICABLE CRITERIA

Oregon Administrative Rules (OAR) 660-004

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;

Analysis:
The proposed exception area is part of a larger proposal that is essentially a land swap. The applicant seeks to reconfigure the zoning to better reflect the extent of the wetlands on the site and to relocate RA-1 zoning to the upland areas that are currently zoned OPR. The area of RA-1 zoning will be reduced in size (55.35 ac to ~30 ac) and the area with the Comprehensive Plan designation of "Conservation Other Resources" will be increased.

Finding:
Based on the analysis above and the analysis included in the application the department has concluded that request meets the requirements of ORS 197.732(2)(c)(A).

(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.

Analysis:
The applicant's proposal seeks to make the most appropriate use of the land. Utilization of the current zoning configuration, which does not require an exception, has the potential for up to 27 dwelling units. However, due to the applicant seeks to protect the valuable wetland habitat on the property. Much of the property that is currently zoned RA-1 is wetlands identified on the NWI. The request for a goal exception will allow the relocation of the RA-1 zone to the upland area, which is more ideal for residential development. The RA-1 area will be reduced to approximately 30 acres (no more than 15 possible dwellings) with 22 acres within the requested exception area.

Finding:
Based on the analysis above and the analysis included in the application the department has concluded that request meets the requirements of ORS 197.732(2)(c)(B).

Q: ORS & nxt. OAR c.f. page re wells/water table findings

(b) 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;

Analysis:
The applicant has provided complete and thorough findings that address the criteria.

(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.

Analysis:
Adjacent to the proposed exception area is rural residential zoning and development. The adjacent open space that is currently zoned OPR is not being utilized at this time. As part of the larger proposal the applicant seeks to rezone the OPR to LW to ensure further protection of the wetland habitat and resources. The exception request actually makes the residential uses more compatible with the adjacent wetland area by moving the development upland and out of any wetland areas. The department also agrees with the thorough analysis contained in the goal exception application document.

Finding:
Based on the analysis above and the analysis included in the application the department has concluded that request meets the requirements of OAR 660-004-0020.

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.

Analysis:
The proposal included in the application is site specific. The applicant seeks to apply the appropriate zoning designations to the land in a manner consistent with the actual extent of the upland and wetland areas. The applicant wishes to preserver wetland habitat, consistent with Goal 5, by relocating the "buildable" rural land to an upland area on the property.

(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.

Analysis:
The application proposes a decrease of rural lands on the subject property. The zoning map amendment seeks to redistribute the zoning in a manner consistent with the topography of the property. Rural lands are being proposed for upland areas.

Finding:
Based on the analysis above, the proposed Goal 14 exception is consistent with OAR 66-004-0022

C. COMPREHENSIVE PLAN TEXT AMMENDMENTS

The comprehensive plan designation must be change to rezone the subject property from OPR (Conservation Other Resources) to RA-1 (Rural Lands) and to rezone RA-1 (Rural Lands) to LW (Conservation Other Resources). Changing these designations requires a comprehensive plan text amendment.

APPLICABLE CRITERIA
COMPREHENSIVE PLAN GOALS AND POLICIES

Goal 1 Element – Citizen Involvement:

Analysis:
In the application documents (attached, Exhibit 1), 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 (LWDUO § 2.105 - § 2.125) for this land use matter have been met.

Department Finding:
The text amendment satisfies the applicable citizen involvement policies of the Goal 1 element of the Clatsop County Comprehensive Plan.

Goal 2 Element – Land Use Planning:

Analysis:
The proposal seeks to increase the area of land designated Conservation Other Resources and reduce the area of land with the Rural Lands designation. The rezoning of the subject property encourages the most appropriate use of the land by designating the upland area "buildable" and protecting important wetland resources and ecosystems. The overall request includes a Goal 14 amendment.

Department Finding:
The text amendment does not conflict with the Goal 2 element of the Clatsop County Comprehensive Plan.

Goal 3 Element – Agricultural Lands:
Goal 4 Element – Forest Lands:
Goal 5 Element – Open Space, Scenic, Historic Areas and Natural Resources:
Goal 6 Element – Air, Water, and Land Quality:
Goal 7 Element – Natural Hazards:
Goal 8 Element – Recreation:
Goal 9 Element – Economy:
Goal 10 Element – Population & Housing:
Goal 11 Element – Public Facilities and Services:
Goal 12 Element – Transportation:
Goal 13 Element – Energy Conservation:
Goal 14 Element – Urbanization:
Goal 16/17 Elements – Estuarine Resources and Coastal Shorelands:

Department Finding:
Comprehensive Plan Goals 3 -14 and 16/17 are not applicable to the text amendment request.

Northeast Community Plan:

CONSERVATION OTHER RESOURCES POLICY

1. The county shall encourage the identification, conservation and protection of watersheds, fish and wildlife habitats, and areas of historical, cultural, and/or scientific importance. Forestry, recreational, and associated activities may be review and restricted when such activities are found to be in conflict with the conservation and protection of such areas.

Analysis:
The proposal increases the area within the Conservation Other Resources designation and therefore increases potential white-tailed deer habitat. The text amendment and zone change the applicant proposes restoration and protection of wetlands on the subject property.

Department Finding:
Based on the analysis above, the text amendment application does not conflict with the policies of the Northeast Community Plan.

VI. PUBLIC COMMENT (Exhibit 5)

As of the date of this staff report, one written comment was received from an adjacent property owner within the River Ranch subdivision who is concerned about impact that the zone change from RA-1 to LW will have on their property, specifically setbacks.

Department Response:
The zone change to LW, a resource zone, will increase the rear yard setback from 20-feet to 50-feet for nine lots. In discussion with the applicant's representative a compromise has been reached that would

maintain the 20-foot setback for the residents of River Ranch. The applicant has agreed to maintain a 50-foot wide strip of the RA-2 zoning designation along these nine lots to protect the setback of the River Ranch residents. Attached, as **Exhibit 6**, is a modified map showing proposed zone changes that incorporate the 50-foot strip.

VII. CONCLUSION and RECOMMENDATION:

The department has evaluated the application materials against the appropriate criteria contained in the Clatsop County Comprehensive Plan and Land Use Ordinance, and Oregon Administrative Rules. The proposed zone change is consistent with the applicable criteria and correctly identifies the areas best suited for rural residential development and those areas best suited wildlife habitat and wetland restoration activities. The proposed amendments encourage the most appropriate use of the land.

The department recommends that the Planning Commission adopt the findings of fact of the staff report and recommend approval of the Zoning Map Amendment *as detailed in Exhibit 6*, Goal 14 exception, and Text Amendment to the Board of Commissioners.

Respectfully Submitted,

Jennifer Bunch, Planner
Transportation & Development Services

Exhibit 1
Zoning Map Amendment
Application Materials

COMPREHENSIVE PLAN/ZONING MAP AMENDMENT
Fee: $977.00 (required with application)
$2175.00 (required with application)

PROPOSED USE: Four residential parcels; wetland habitat restoration

	Zoning	Comprehensive Plan Designation
Current:	RA1 and OPR	Rural Lands and Conservation-Other Resources
Proposed:	RA1 and LW	Rural Lands and Conservation-Other Resources

LEGAL DESCRIPTION OF PROPERTY:

T: 8 R: 6 S: 36 TL: 200 ACRES: 129.59

OTHER ADJACENT PROPERTY OWNED BY THE APPLICANT:

T: 8 R: 6 S: 36 TL: 100 ACRES: 24.47

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

APPLICANT 1: (Mandatory)

Name: Sam Karamanos Phone # (Day): 503-728-2676

Mailing Address: 801 NE 21st Ave. FAX #: 503-233-9441

City/State/Zip: Portland, OR 97232 Signature: _____

PROPERTY OWNER: (Mandatory if different than applicant)

Name: same Phone # (Day): _____

Mailing Address: _____ FAX #: _____

City/State/Zip: _____ Signature: _____

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

Name: Mark Barnes, AICP Phone # (Day): 503-325-4356

Mailing Address: PO Box 569 FAX #: _____

City/State/Zip: Astoria, OR 97103 Signature: _____

Community Development Department
800 Exchange, Suite 100 * Astoria Oregon 97103 * (503) 325-8611 * FAX 503-338-3666

APPLICANT'S STATEMENT OF STANDARDS, FACTS AND JUSTIFICATION IN SUPPORT OF THE ZONING AND COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT PROPOSAL BY SAM KARAMONOS

28 February 2009

REQUEST

Applicant seeks a rezone of the property described in Partition Plat No. 2008-026, recorded 11-26-08, Instrument No. 200810683 (Clatsop County tax lot 8-6-36-200), from Open Space Parks and Recreation (OPR) and Residential Agriculture-1 (RA1) to Lake and Wetlands (LW) and RA1; and amendment of the combined zoning/comprehensive plan map to reflect the change. As shown on the enclosed drawing, Applicant proposes a reconfiguration of the zoning on the property such that certain property zoned RA1 will become LW, and certain property zoned OPR will become RA1 and LW.

The purpose of the LW zone includes conservation of examples of different natural ecosystems and to assure a diversity of species and ecological relations in Clatsop County as well as protection of significant shoreland and wetland biological habitats. LWDUO 3.611. Rezoning of the property is consistent with the owner's objective of preserving and enhancing the site as habitat through passive restoration and ultimately active restoration to create a mitigation bank. Relocation of a portion of the existing RA-zoned land to the higher portion of the property is consistent with avoiding wetlands on the site and clustering residential development to the north of the site.

LWDUO 5.410 governs zone map changes and provides in part that

> "If the change involves a Goal 5 resource, a Plan amendment must also be requested and the Goal 5 Administrative Rule used to justify the decision."

The OPR and LW zones have the same Comprehensive Plan Map designation, Conservation-Other Resources. The RA1 zone has a Comprehensive Plan Map designation of Rural Lands. Also requested are: an amendment of the RA1 lands' Rural Lands designation to Conservation, Other Resources for those OPR lands to become RA; an amendment to the OPR lands designation to Rural Lands; and to the text of the Comprehensive Plan Goal 5 Element to reflect the requested changes.

FINDINGS

A. PROPERTY HISTORY AND BACKGROUND

The property is 129.6 acres near Clatsop County's eastern edge. Westport Slough, immediately south and west of the subject property, is zoned Aquatic Development (AD) and Lake and Wetlands (LW). The property to the east (tax lot 100) is zoned Exclusive Farm Use (EFU). The property to the south is in the Heavy Industrial (HI) zone.

The Comprehensive Plan Goal 5 Element discusses Columbia White-tail deer:

> "The bulk of the Wallace Island – Westport subarea is located in Columbia County. The majority of the habitat is located on the approximately 1,300 acre Magruder Ranch. The Magruder property consists of two distinct elements. A rural residential area of 35 developed acres and 70 acres of potential development. This area is located in Clatsop County. The second portion of the Magruder Ranch comprises approximately 1,250 acres, most of which is leased by Crown Zellerbach as part of its experimental cottonwood plantation"

The 100 acre River Ranch area zoned RA1 is identified in the Plan as a conflicting use for deer habitat. The Plan goes on to note that U.S. Fish and Wildlife Service (USFWS) believes it can secure the deer population without the rural residential area in Clatsop County if a cooperative agreement between Crown Zellerbach, the Magruder Trust, Oregon Department of Fish and Wildlife (ODFW), and USFWS is completed. The Plan goes on to state that the consequences of not allowing additional residential development would be substantial but that further development will have to be clustered at the more northerly portion of the property. The proposal to rezone the part of the RA1 property to LW is consistent with that requirement as part of the northerly portion of the site is proposed to retain the RA1 designation and other property to the north of the site and adjacent to the existing RA1 is proposed to be given the RA1 designation. The southern part of the site is proposed for the LW designation. Expanding the area free from conflicting uses will enhance the site's habitat value. Rezoning of the OPR portion of the property is appropriate as the LW zone allows less intensive uses than the OPR zone and continues the open nature of the property while recognizing its private ownership.

B. APPROVAL CRITERIA FOR REZONING

1. Introduction

LWDUO 5.412 provides that the governing body shall approve a non-legislative zone designation change if it finds compliance with Section 1.040 and eight specific criteria set forth in the code. These criteria are met as set forth below.

2. LWDUO 1.040 is met.

LWDUO 1.040 provides that

> "The provisions of this Ordinance shall apply to all unincorporated areas of Clatsop County, Oregon which are not within the urban growth boundary of an incorporated city or town. The procedural provisions of this ordinance will continue to be utilized for unincorporated areas within urban growth boundaries. A parcel of land or water area may be used, developed by land division or otherwise, and a structure may be used or developed by construction, reconstruction, alteration, occupancy or otherwise only as this Ordinance permits. In addition to complying with the criteria and other provisions within this Ordinance, each development shall comply with the applicable standards set forth in County Development and Use Standards Document. The requirements of this Ordinance apply to the person undertaking a development or the user of a development and to the person's successors in interest."

The property is located in the unincorporated Clatsop County lands and the LWDUO applies. No development is proposed as part of this rezone application so the approval criteria in the standards document do not apply. As a non-legislative rezone application, this request will be processed pursuant to LWDUO 3.052(1) and 2.035. The Planning Commission shall make a recommendation to the Board of County Commissioners on the request with the final decision issued by the Board.

C. CRITERIA IN LWDUO 5.412 (1) – (8) ARE MET AS DISCUSSED BELOW.

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

Applicant: The applicable policies of the Comprehensive Plan are discussed below.

Criterion 1, LWDUO 5.412(1)
Goal 1 – Citizen Involvement Policies

> *(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.*
>
> *(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.*

(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.

(9) Public notices will also be sent to affected residents concerning zone and Comprehensive Plan changes, conditional uses, subdivisions and planned developments.

Applicant: Policy (2) is met by the Planning Commission holding its proceedings as set forth in the LWDUO. With regards to (7)-(9), these policies are met by providing the published notice set forth in the LWDUO.

Goal 2 – Land Use Planning;

The County's land and water have been placed in six plan designations.

Current Zoning	Current Plan Designation	Proposed Zoning	Proposed Plan Designation	Acres
OPR	Conservation Other Resources	LW	Conservation Other Resources	21.8
OPR	Conservation Other Resources	RA1	Rural Lands	21.9
RA1	Rural Lands	LW	Conservation Other Resources	25.5

Rural Lands are described in the Comprehensive Plan Goals and Policies document as those areas outside the urban growth boundary, outside of rural community boundaries and are not agricultural lands or forestlands. "Rural land includes lands suitable for sparse settlement, small farms or acreage homesites with no or hardly any public services, and which are not suitable, necessary or intended for urban use." Clatsop County Comprehensive Plan Goals and Policies, p. 10. In identifying sites appropriate for rural housing, the County has looked to areas which have some level of public facilities and services, a pattern of parcel sizes less than 15 acres, existing residential development at a density greater than one dwelling per unit and natural boundaries separating the exception area from adjacent resource lands. "Areas generally falling under the above set of criteria are designated Rural Lands throughout the Comprehensive Plan." Id. at 11. The property proposed to change from OPR to RA1 meets these standards as it is adjacent to the River Ranch development which has parcels less than 15 acres in size, and public services; and it

is separated from the wetland area by grade.

Goal 3 – Agricultural Lands;

Goal 4 – Forest Lands

Applicant: These goals do not contain applicable policies.

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

> *11. 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.*

Applicant: The proposal is consistent with this policy as the portion of the property to retain the RA1 designation is that at the more northerly portion of the site and the additional land proposed for the RA1 designation is to the north of the site. The LW zone provisions incorporate input by the Oregon Department of Fish and Wildlife and U.S. Fish and Wildlife Service. LWDUO 3.614, for example, allows vegetation removal from coastal lakes east of U.S. Highway 101 acceptable to ODFW and other state and federal agencies.

Goal 6 – Air, Water and Land Quality

> *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.*

Applicant: This policy is met as the LW, OPR and RA1 zones all require that any required state or federal permit be obtained and presented to the County before development occurs. LWDUO 3.198, 3.592, 3.617.

Goal 7 – Natural Hazards

Applicant: This goal does not contain any applicable policies.

Goal 8 – Recreational Lands

Applicant: This goal does not establish applicable policies.

Goal 9 – Economy

Applicant: Goal 9 does not establish applicable policies.

Goal 10 – Population and Housing Population Policies

2. Promote population to locate in established service areas.

3. Promote the accommodation of growth within areas where it will have minimal negative impact on the County's environmental and natural resources.

Applicant: Each of these policies is furthered by the proposed amendments. The area proposed for rezoning to RA1 is adjacent to the established River Ranch service area. Residential development at the site will have minimal impact on natural resources as the area is dry and outside the wetland area with little resource value.

Housing Policies – Residential Development

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.*

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.*

3. *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 or surrounding lands.*

Applicant: The proposal is consistent with these policies. The area to be zoned RA1 is not agricultural or forest land and necessary public facilities and services can be provided. This is a relocation of River Ranch area RA1 land and, for the most part, will use the same public facilities and services. Because the OPR and RA1 area proposed for rezoning contains numerous wetlands, it is not well suited to residential development and some

replacement RA1 land is proposed and the available land for residential use is not appreciably reduced. As required by the policies to limit impact on Columbia White-tail deer, residential development is currently limited to the northerly portion of the site. S3.158(8) provides that for lands zoned primarily for rural residential uses located outside urban growth boundaries, unincorporated community boundaries and located outside non-resource lands or defined in OAR 660-004-000(5)(3) the number of new dwelling units to be clustered may not exceed ten, and the lots may not be less than two acres in size. Under this standard, the maximum number of housing units is ten. The acreage proposal for currently undeveloped RA1 land is approximately 40 acres. Thirty percent of 40 acres in open space is 13 acres. This leaves the potential 15 two-acre residential lots, but the maximum number of lots that would be allowed on the RA1 lands under the standard cluster development would be ten.

Goal 11 – Public Facilities and Services Policies

> *a. Rural Lands—Most of the areas built upon or committed to nonresource 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 shortage . .*

> *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.*

General Public Facilities Policies

> *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.*

Applicant: No public water, sewer or fire protection is required for the LW lands and the essential "swap" or relocation of RA1 lands from one portion of the site adjacent to existing development to another will not increase the need for public service. The requested amendments are consistent with this policy.

General Public Facilities Policies

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.*

Applicant: No increase in development density will occur because land that will have a higher residential development will be effectively counterbalanced by the removal of acreage currently zoned RA1 to LW, removing its developability and compliance with the open space tract requirement applicable to cluster development in the RA1 zone.

Goal 12 – Transportation

Applicant: This goal does not contain any applicable approval criteria.

Goal 13 – Energy Conservation

4. *The County shall consider energy conservation in the designation of Rural Lands and Development Lands.*

Applicant: Designation of the portion of the property RA1 Rural Lands is consistent with promoting energy conservation because the site is adjacent to the existing River Ranch development and the existing transportation access from the dike road and the existing road on the property, reducing the need to create new roadways.

Goal 14 – Urbanization

Applicant: This does not contain approval criteria as the RA1 zone will not allow development of lots more than two acres in size and not urban in size. S3.158(8).

Goal 15 – Willamette River Greenway

Goal 16 and 17 – Estuarine Resources and Coastal Shorelands;

Goal 18 – Beaches and Dunes

Applicant: These sections of the Comprehensive Plan do not contain applicable approval

criteria. Goal 15 is not applicable in Clatsop County. The policies in Goal 16 and 17 apply to the jurisdictional shorelands. The jurisdictional end of the estuary is the eastern edge of Puget Island and does not extend to the subject property. OAR 660-017-0005(6). Goal 18 does not apply because the property is not adjacent to the Pacific Ocean.

Northeast Community Plan -- Landscape Units: Alluvial Lowland Policies

> *1. Low density activities, such as agriculture, shall be preferred uses in the alluvial lowlands.*

Applicant: Uses allowed under the LW designation are low intensity, such as passive and active restoration and some farming, and consistent with this policy. RA-1 land uses are more intensive. Policy 1 establishes a preference for low intensity uses in this landscape unit. The proposed map amendment is consistent with this preference, placing most of the site in a LW zone, and clustering a few rural residences in the part of the site most suited for this type of development – the non wetland area adjoining the River Ranch subdivision.

Alluvial Terraces Policy

> *2. The county should encourage development on this type of landscape unit due to the slight to moderate slopes and the moderately well drained soils.*

Applicant: The area proposed for RA1 designation has slight to moderate slopes and well drained soils and is suitable for development. LW land is less suitable for development because of the potential degredation of groundwater quality; potential negative impacts on wildlife habitat; regulatory problems associated with wetland development; additional costs of developing in wetlands; potential impacts on flood storage capacity; loss of characteristic native wetland vegetation; and compaction of wetland soils.

Fish and Wildlife

> *11. The Other Conservation Resources designations for lands comprising habitat for the Columbia White-tall deer is intended to protect the species. Any proposal to change the use or modify Columbian White-tail deer habitat of these lands shall be carefully evaluated for possible effects on Columbia White-tail deer survival.*

Applicant: Development of mitigation and restoration projects allowed under the LW designation will enhance the area's suitability as habitat for Columbian White-tail deer by allowing less intense development and habitat restorative activities.

Conservation Other Resources

> *1. The County shall encourage the identification, conservation, and protection of watershed, fish and wildlife habitats and areas of historical, cultural, and/or scientific importance. Forestry, recreational, and associated activities may be reviewed and restricted when such activities are found to be in conflict with the conservation and protection of such areas.*

Applicant: These amendments promote the conservation of fish and wildlife habitat by promoting the protection of wetlands.

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

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.*

Applicant: Clatsop County's Comprehensive Plan and implementing ordinances complied with Goal 1 when they were acknowledged. LWDUO 5.410, for example, provides in part: "Mailed notice of the hearing shall include the owners of property within (250) feet of the area proposed for change." Clatsop County will comply with Goal 1 by following applicable, acknowledged, procedures in its ordinance when reviewing the application. Rezoning of this parcel and plan amendment does not alter any of the Goal 1-related provisions of the County's plan or ordinances. This goal is met.

Goal 2 – Land Use Planning

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

Applicant: Clatsop County's Comprehensive Plan and implementing ordinances complied with Goal 2 when they were acknowledged. Applicant's proposed post-acknowledgment plan amendment and rezoning of the property does not change any of the Goal 2-related provisions of the County's plan or ordinances; nor do they change the basic Goal 2 policy framework or its use as a basis for all land use decisions and actions. This application provides an adequate factual base for the requested actions. Goal 2 is met.

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.

Applicant: The OPR, RA1 and LW zones are not rural agricultural zones and do not apply to Goal 3 lands. Goal 3 is not implicated.

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 afforest 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.

Applicant: The proposed text amendment and rezoning do not involve forest land subject to Goal 4 as the OPR, RA1 and LW zones are not forest zones. Goal 4 is not implicated by the amendment.

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

To protect natural resources and conserve scenic and historic areas and open spaces.

Applicant: The following resources are addressed under statewide planning goal 5:

- Riparian corridors, including water and riparian areas and fish habitat
- Wetlands
- Wildlife Habitat
- Federal Wild and Scenic Rivers
- State Scenic Waterways
- Groundwater Resources
- Approved Oregon Recreation Trails
- Natural Areas
- Wilderness Areas
- Mineral and Aggregate Resources
- Energy sources
- Cultural areas

The text amendment and rezoning are consistent with Goal 5 for the reasons set forth in part D of these findings.

Goal 6 – Air, Water, and Land Resources Quality

> *To maintain and improve the quality of the air, water and land resources of the state.*

Applicant: The LW zone allows less intensive development than the OPR or RA1 zones and therefore will result in no degradation in air, water and land resources of the site. Designation of some land currently zoned OPR to RA1 will allow development of the land for a limited number of rural residences. Given that there will not be a net increase in RA1 land and given the fact that the OPR zone allows development of uses such as RV parks, more intensive development will not occur as a result of the rezone and associated amendments. Goal 6 is met.

Goal 7 – Areas Subject to Natural Disasters and Hazards

> *To protect life and property from natural disasters and hazards.*

Applicant: The specific hazards addressed by Goal 7 are:

- areas subject to stream flooding
- ocean flooding
- ground water
- erosion and deposition
- landslides
- earthquakes
- weak foundation soils
- other hazards

The proposed text amendment and rezoning do not alter any of the Goal 7 protections in Clatsop County's Comprehensive Plan or implementing ordinances, and the proposed amendment is consistent with Goal 7.

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.*

Applicant: The purpose of the OPR zone is:

> "to provide for the conservation of open space; the protection and development of areas uniquely suited for outdoor recreation and the protection of designated scenic, natural and cultural resource areas." LWDUO 3.582.

The property is not the site of a public recreation area. There is no effective public access to the site, it is not publicly-owned or open to the public, and it is not listed in the County's long-range recreation or park planning documents as a potential future site for public recreation. The text amendment and rezoning do not affect recreational resources in the County. The nature of the low intensity uses allowed in the LW zone will promote preservation of open space. The relocation of RA1 zoned lands on the site to a dryer, more suitable location will not result in a net decrease in open area. Goal 8 is met.

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.*

Applicant: The purpose of the Goal 9 administrative rule is described in OAR 660-009 as follows:

> "The purpose of this division is to aid in achieving the requirements of Goal 9, Economy of the State (OAR 660-015-000(9)), by implementing the requirements of ORS 197.712(2)(a) - (d). The rule responds to legislative direction to assure that comprehensive plans and land use regulations are updated to provide adequate opportunities for a variety of economic activities throughout the state (ORS 197.712(1)) and to assure that plans are based on available information about state and national economic trends."

Goal 9 is concerned with commercial and industrial land uses. The proposed amendments do not remove potential commercial or industrial land from productive use, and Goal 9 is met.

Goal 10 – Housing

> *To provide for the housing needs of citizens of the state.*

Applicant: The purpose of the Goal 10 administrative rule, from OAR 660-008-0000(1), is stated as follows:

> "The purpose of this rule is to assure opportunity for the provision of adequate

numbers of needed housing units, the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process so as to reduce housing costs. This rule is intended to define standards for compliance with Goal 10 "Housing" and to implement ORS 197.303 through 197.307."

The purpose of the RA1 zone is to:

> "accommodate the immediate foreseeable demand for low density rural residential development in areas where commitments to such use have already been made through existing subdivision, partitioning, development and availability of public services (fire protection, community water system and roads)." LWDUO 3.182.

The proposed text amendment and rezoning do not subtract appreciably from the inventory of buildable land in Clatsop County that can be used to meet housing needs. The adopted policies of Clatsop County require that future residential development be clustered to the north of the site and this area is proposed to retain and expand its RA1 designation. The code provisions restricting the number of housing sites to a maximum of ten units ensures that an expansive residential development would not be permitted at this site. S3.158(8) provides that for lands zoned primarily for rural residential uses located outside urban growth boundaries, unincorporated community boundaries and located outside non-resource lands or defined in OAR 660-004-000(5)(3) the number of new dwelling units to be clustered may not exceed ten and the lots may not be less than two acres in size. Under this standard, the maximum number of housing units is ten. The acreage proposal to remain RA1 is approximately 40 acres. Thirty percent of 40 acres in open space is 13 acres. This leaves the potential ten two-acre residential lots, the maximum that would be allowed on the RA1 lands under this standard. Proposed amendments do not by themselves increase the projected demand for housing beyond the existing inventory of buildable land in the County. The proposed amendment is consistent with Goal 10.

Goal 11 – Public Facilities and Services

> *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.*

Applicant: The purpose of the Goal 11 administrative rule as stated in OAR 660-011-000(1) as being:

> "to aid in achieving the requirements of Goal 11, Public Facilities and Services, OAR 660-015-0000(11), interpret Goal 11 requirements regarding public facilities and services on rural lands, and implement ORS 197.712(2)(e), which requires that a city or county shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. The purpose of the plan is to help assure that urban development in such urban growth

> boundaries is guided and supported by types and levels of urban facilities and services appropriate for the needs and requirements of the urban areas to be serviced, and that those facilities and services are provided in a timely, orderly and efficient arrangement, as required by Goal 11. The division contains definitions relating to a public facility plan, procedures and standards for developing, adopting, and amending such a plan, the date for submittal of the plan to the Commission and standards for Department review of the plan."

The approval of the Comprehensive Plan text amendment, rezoning and plan map amendment does not provide for specific connections or services and the development approval will assure compliance with county ordinances and plan policies. Further, the LW uses are not anticipated to require public services. The needs of RA1 development will be met as discussed in the response to zone amendment criterion 5.412(3). Goal 11 is met.

Goal 12 – Transportation

> *To provide and encourage a safe, convenient and economic transportation system.*

Applicant: Clatsop County's Comprehensive Plan contains a Goal 12 element. The County also adopted a transportation system plan (TSP) in 2003, but the TSP is not integrated into the Goal 12 element. The proposed text amendment and rezoning will not impact the transportation system, no increase in traffic or decrease in capacity is proposed. Road access to the site is via private roads that connect to public roads in Columbia County, to the east. The number of potential homesites, and their projected contribution to traffic, is reduced under the proposal. Statewide planning goal 12 is met.

Goal 13 – Energy Conservation

> *To conserve energy.*

Applicant: Statewide planning goal 13 also includes the following language:

> "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."

The proposed text amendment and zoning amendment will not impact energy conservation. Proposed amendments are consistent with statewide planning goal 13.

Goal 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.

Applicant: The rezone and text amendment do not create a need for urban levels of service and do not represent the urbanization of land. Goal 14 does not apply.

Goal 15 – Willamette River Greenway

Applicant: Statewide Planning Goal 15 does not apply because it applies only to the Willamette River Greenway.

Goal 16 – Estuarine Resources

To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

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.

Applicant: The property is not within the jurisdictional boundaries of the estuary, or within the Coastal Shorelands boundary. The proposed changes do not affect Goals 16 and 17.

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 To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

Goal 19 – Ocean Resources

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

Applicant: The proposed text and zone amendments are not subject to Goals 18 and 19.

3. Criterion (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

Applicant: The property is privately owned and its rezoning will not result in the loss of publicly available park or recreational facilities. The LW zone is less intense than the current OPR and RA1 zoning as set forth in (5) below. Uses allowed in the LW zone will not generate a need for parks, schools, and recreational facilities, police and fire protection and emergency medical service, solid waste collection or water and wastewater facilities. Similarly, since RA1 land is being relocated as opposed to newly created, the rezone and amendments will cause no increase in the services needed and will be served by those providers serving the existing River Ranch development.

4. Criterion (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.

Applicant: The rezoning from OPR and RA1 to LW is a down zoning resulting in less intense potential uses of the site. The rezoning from OPR to RA1 relocates potential residential development already recognized in the zoning for the area to another location on the site and will not result in more traffic in the area than current uses allow. No specific development is proposed and if, at a later time, development is proposed at a level triggering the need for transportation review, application of existing regulations will ensure that there is no undue traffic congestion or hazards.

5. Criterion (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.

Applicant: The surrounding area is not intensely developed. The property to the north is

zoned for low density residential use. The area to the east is zoned EFU and other adjacent areas are zoned for aquatic uses. Uses allowed in the LW, OPR and RA1 zones are listed in the following table.

USE	LW	OPR	RA1
Single-family dwelling			3.184(1)
Limited home occupation			3.184(2)
Farm use		3.584(1)	3.184(3)
Roadside stand for farm products grown on the premises.			3.184(4)
Forestry		3.584(2)	3.184(5)
Low-intensity recreation	3.613(1)	3.584(14)	3.184(6)
Public or private neighborhood park or playground		3.584(9)	3.184(7)
Horticultural nursery			3.184(8)
Temporary uses			3.184(9)
Cluster developments			3.184(10)/ 3.190(12)
Handicapped housing facility			3.184(11)
Utilities			3.184(12)
Health hardship dwelling			3.184(13)
Property line adjustment	3.613(8)	3.584(13)	3.184(14)
Partition			3.184(15)
Communication facilities			3.184(16)
Land transportation facilities	3.613(9)		3.184(17)
Public/semi-public development			3.190(1)
Extraction, processing, and stockpiling of rock, sand, mineral and other subsurface materials			3.190(2)
Dog kennel			3.190(3)
Airport			3.190(4)
Public or private recreation			3.190(5)
Campground, primitive		3.586(1)	3.190(6)
Home occupation			3.190(7)
Veterinary clinic			3.190(8)
Golf course		3.584(6)	3.190(9)
Golf driving range		3.584(10)	3.190(10)
Boat ramps			3.190(11)
Accessory uses		3.584(12)/	3.190(13)

USE	LW	OPR	RA1
		3.586(10)	
Bed and breakfast establishment			3.190(14)
Wildlife refuge or management area		3.584(3)	
Public regional park or recreation area excluding campgrounds		3.584(4)	
Historical or archaeological site/area		3.584(5)	
R.V. Park		3.584(7)	
Other watersheds		3.584(8)	
Municipally owned watersheds		3.584(11)	
Group camping facilities		3.586(2)	
Hunting and fishing clubs		3.586(3)	
Hiking, nature observation or horse trails		3.586(4)	
Marinas, boat launchings and moorage facilities		3.586(5)	
Structures for viewing or exhibition of natural resources		3.586(6)	
Cemetery		3.586(7)	
Developments within a historical structure		3.586(8)	
Riding stables		3.586(9)	
Passive restoration	3.613(2)		
Vegetative shoreline stabilization	3.613(3)		
Submerged cable, sewerline, waterline or other pipeline	3.613(4)		
Maintenance and repair of existing structures	3.613(5)		
Cultivation and harvest of cranberries	3.613(6)/ 3.614(7)		
Bridges and pile supported walkways or other piling supported structures	3.613(7)/ 3.614(4)		
Active restoration	3.614(1)		
Structural shoreline stabilization limited to riprap	3.614(2)		
Boat launch	3.614(3)		
Docks	3.614(5)		
Vegetation removal from coastal lakes	3.614(6)		

Uses such as RV parks and cluster residential developments allowed in the OPR and RA1 zones are not allowed in the LW zone. The proposed change from OPR to RA1 is to a less intensive zone; reflects the suitability of the area for habitat; and, given the low intensity of allowed uses, is compatible with the neighboring farm, residential and aquatic zones. The

change in some OPR land to RA1 land will not result in overly intensive use of the area. Lots may not be less than two acres in size. This is consistent with zoning generally for the area and effectively shifts land zoned RA1 in the area to a more appropriate location and results in a net increase in open area. The applicant wishes to pursue active restoration of wetland habitat in the area proposed for LW zoning. Active restoration is allowed in the LW zoning, but not in the OPR or RA1 zones.

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

Applicant: The property is appropriate for RA1 and LW zoning. The area for RA1 land is adjacent to existing RA1 land and able to access those existing service providers and improve an existing road to serve future lots. Attempts to use the site as a poplar plantation have been largely unsuccessful because the property is wet, resulting in poplars blowing or falling down in the saturated soils before they can be harvested.

Loss of scrub/shrub and forested wetland types in the lower Columbia River and estuary has been well documented as is estimated to be between 55% and 58% reduced from the late 19th and early 20th centuries. The wetlands currently zoned for residential or open space development are a mix of palustrine, scrub-shrub and emergent wetlands with a seasonally flooded/saturated water regime. Hydrology is directly supported by precipitation, a seasonally high groundwater table, and occasional overbank flooding from Westport Slough. The wetlands are in the Flats class with a minor Riverine Flow-through component (using the classification system in *Guidebook for Hydrogeomorphic (HGM)-based Assessment of Oregon Wetland and Riparian Sites*, by Paul Adamus) . The wetlands have a relatively high mix of native plant species, and provide a number of beneficial ecological and habitat functions including: sediment stabilization; breeding and wintering waterbird, amphibian/turtle, and invertebrate habitats; primary production, water storage and delay, nitrogen removal, and carbon sources for salmonid food webs. Hybrid poplar was planted previously on the site, however the trees in the lowest areas have either died or blew over due to extended periods of standing water. Columbian white-tailed deer (adults and new fawns) have also been seen in the wetlands in spring and summer, feeding on emerging vegetation and new leaves, and bedding down in the denser vegetation. The proposed LW area is used by Columbia White-tail deer and the restoration activities allowed under the LW zoning will enhance the property's use by deer.

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

Applicant: The purpose of the Lake and Wetlands Zone as described in LWDUO 3.611

includes "to assure the conservation of important shoreland and wetland biological habitats and conserve examples of different natural ecosystem types and to assure a diversity of species and ecological relations in Clatsop County." The LW designation is appropriate here because the land provides important habitat for Columbia White-tail deer, conserves an example of a different natural ecosystem type and helps to assure a diversity of species and ecological relations in the county. The wetlands on the site are, as described in Goal 5, OAR 660-23-0100, areas "inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adopted for life in saturated soil conditions." LWDUO 3.612 provides that "The zone shall be designated on the Clatsop County Land and Water Development and Use Ordinance zoning map, and shall conform to the 1" to 400' photocontour maps entitled Significant Shoreland and Wetland Biological Habitats on file at the Clatsop County Department of Community Development office and hereby adopted by reference." Applicant seeks an amendment to the zoning map directly as opposed to a change of the habitat map on file.

The proposed change is consistent with the plan generally. The OPR land has a comprehensive plan map designation of Conservation Other Resources. The Comprehensive Plan states that these "areas provide important resource or ecosystem support functions such as lake and wetlands and federal, state and local parks. Other areas designated Conservation Other Resources include lands for low intensity uses which do not disrupt the resource and recreational value of the land. Most of the Columbia River Estuary is in this designation." Comprehensive Plan Goal 2, p. 8.

Zoning designation that implement the Conservation Other Resources plan designation are set out in the following table from LWDUO Table 3.010.

Plan Designation	Zone abbreviation	Zone
Conservation Other Resources	AC1	Aquatic Conservation One
	AC2	Aquatic Conservation Two
	NAC2	Necanicum Estuary Aquatic Conservation
	OPR	Open Space, Parks, and Recreation
	RM	Recreation Management
	CS	Coastal Shorelands
	EAC	Ecola Aquatic Conservation
	LW	Lake and Wetland
	QM	Quarry and Mining

Both the OPR zone and the LW zone implement the Conservation Other Resources plan designation. Therefore, a zoning change from OPR to LW does not require a comprehensive plan map change. The RA1 zoned portion of the property has a Rural Lands Comprehensive Plan Map designation. "Rural Lands are those lands which are outside the urban growth boundary and are not agricultural lands or forestlands. Rural lands include lands suitable for spare settlement, small farms or acreage homesites with no or hardly any public services, and which are not suitable, necessary or intended for urban use. Most of these lands contain agricultural site class II-IV and forest site class FA-FD."

The portion of the RA1 site proposed for a change in zoning and Comprehensive Plan Map designation contains numerous wetlands which would make development of large residential lots challenging. The wetness of the site and the plan policy requiring clustering of residential units on the northern part of the property make the change to LW appropriate. The purpose of the LW zone includes "to assure the conservation of important shoreland and wetland biological habitats and conserve examples of different natural ecosystem types and to assure a diversity of species and ecological relations in Clatsop County." LWDUO 3.611. This application accomplishes the desired conservation.

The change in the OPR zoned lands to RA1 requires a comprehensive plan map designation change from Conservation Other Resources to Rural Lands. This change is appropriate because the land is not agricultural or forest land. It is suitable for sparse settlement because it is relatively dry and adjacent to the existing River Ranch RA1 zoned development.

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

Applicant: The purpose of the LW zone is: "... to assure the conservation of important shoreland and wetland biological habitats and conserve examples of different natural ecosystem types and to assure a diversity of species and ecological relations in Clatsop County. " LWDUO 3.611.

The purpose of the OPR zone is: "to provide for the conservation of open space; the protection and development of areas uniquely suited for outdoor recreation and the protection of designated scenic, natural and cultural resource areas." LWDUO 3.582.

The purpose of the RA1 zone is to: "accommodate the immediate foreseeable demand for low density rural residential development in areas where commitments to such use have already been made through existing subdivision, partitioning, development and availability of public services (fire protection, community water system and roads)." LWDUO 3.182.

The proposed rezone will not be detrimental to the health, safety and general welfare of

the County given the following:

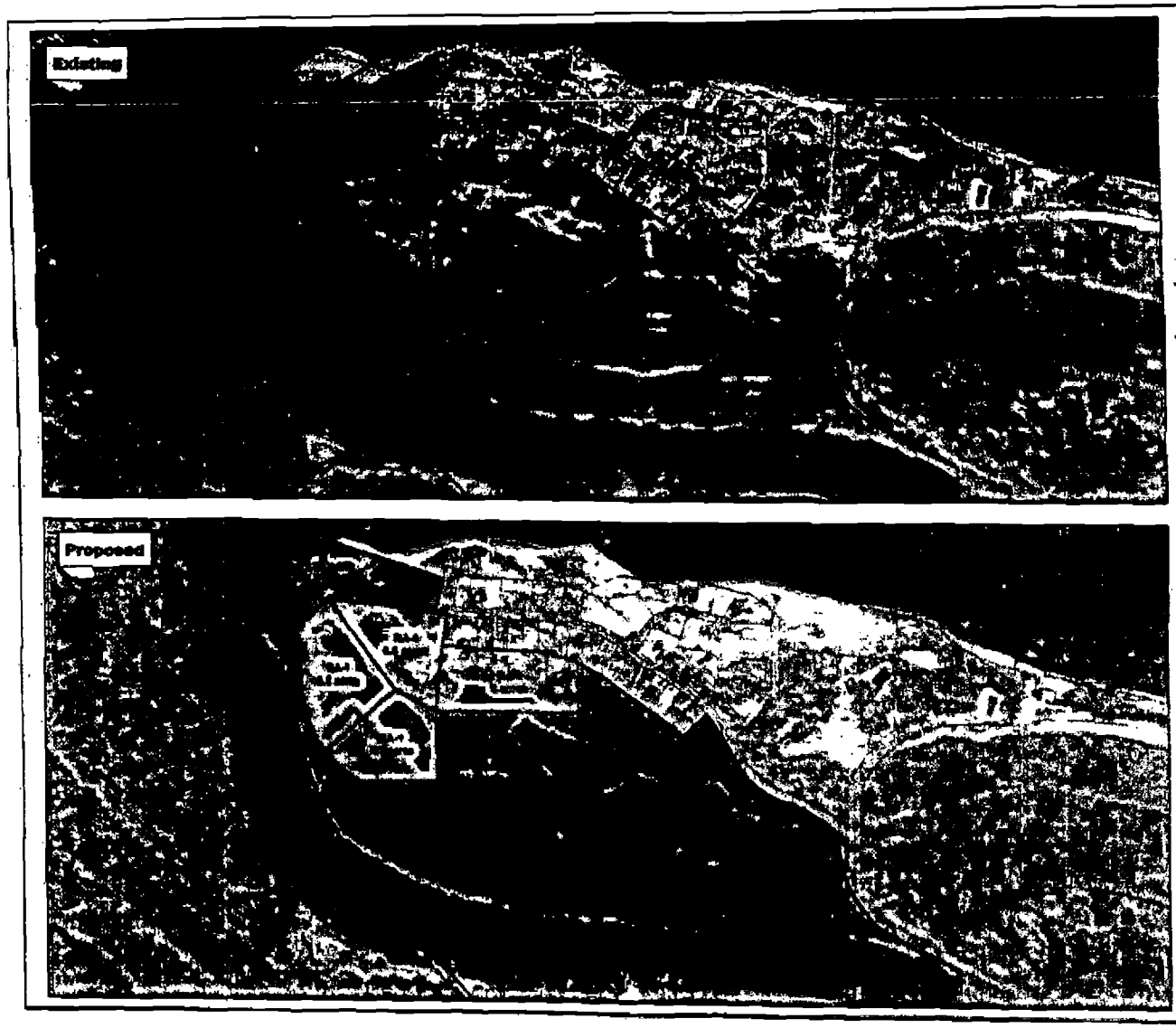
- The subject property is privately owned and not available for public recreation.
- Residential uses will be relocated on the site and not create a net increase in density.
- The proposed rezone allows only low intensity uses and will not place increased burdens on County public services and thus will not be detrimental to area health, safety and general welfare.
- New residences on the RA1-zoned portion of the site must conform to DEQ regulations for wastewater disposal.
- Restoration activities planned by the applicant will help expand the habitat of endangered Columbia white-tailed deer.

D. GOAL 5 IS MET AND THE FOLLOWING COMPREHENSIVE PLAN AMENDMENT SHOULD BE ADOPTED.

The property includes lands discussed in the Clatsop County Comprehensive Plan Goal 5 Element. LWDUO 5.410, the purpose section of the portion of the code addressing zone changes, states that a plan amendment must be requested when a Goal 5 resource is involved. LWDUO 5.410 governs zone map changes and provides in part that "If the change involves a Goal 5 resource, a Plan amendment must also be requested and the Goal 5 Administrative Rule used to justify the decision." Read in the context of the rules implementing Goal 5, a post-acknowledgment plan amendment (PAPA) is required in this case only if the amendment would affect a Goal 5 resource. OAR 660-023-0250 provides in relevant part:

> "Applicability.
> *****
> "(3) Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:
>
> "(a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;
>
> "(b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or
>
> "(c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area."

Exhibit 1a
Map



Existing Zoning and Proposed Zoning on J&S Reserve Property, Clatsop County

Existing RA-1 Acres	55.35
Proposed RA-1 Acres	29.85
Existing OPR Acres	74.24
Proposed L&W Acres	99.74
Proposed OPR Acres	0
	19.74
Proposed RA-1 in NWI	0
	28.16
Proposed OPR in NWI	0
Proposed L&W in NWI	47.9

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Zoning Designation
- L&W
- OPR
- RA-1
- RA-1 & Proposed Parcel Layout
- NW Wetlands
- Lot Boundaries

Exhibit 2
Goal 14 Exception
Application Materials

Exception to Statewide Planning Goal 14
For a Portion of Tax Lot 8-6-36-200,
Owned By Sam Karamanos

10 April 2009

1 Subject Property

This exception is for a thirty-acre portion of tax lot 200 on Clatsop County assessment and taxation map 8-6-36, shown on the attached map. The exception area is immediately south of the River Ranch subdivision, near the unincorporated community of Westport, in northeastern Clatsop County. A storage building is currently located on the proposed exception site; it is otherwise vacant. Road access is available from the north through the River Ranch subdivision, or from a private road to the east of the exception area.

2 Proposed Exception

This proposed exception is to this requirement in OAR 660-004-0040(3)(i):

> ***660-004-0040 -- Application of Goal 14 to Rural Residential Areas***
>
> ***(7)(l) 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, "Planning and Zoning for Exception Areas."***

3 Proposed Uses

The subject property is proposed for rural residential uses allowed in the RA2 zone; more specifically, up to a maximum of four rural residences, plus appropriate supporting infrastructure and outbuildings. Proposed lot sizes range from 6.6 acres to 8.1 acres. A tentative site development plan is attached.

4 Applicable Requirements

This exception is an amendment to Clatsop County's Comprehensive Plan. The applicable requirements for a goal exception are in ORS 197.732-736; OAR 660-04: *Interpretation of Goal 2 Exception Process*; and OAR 660-14: *Application of the Statewide Planning Goals to Newly Incorporated Cities, Annexation, and Urban Development on Rural Lands*. Statewide planning goal 14 itself is also applicable.

The pertinent language from ORS 197.732 is in subsection (2). It reads as follows:

> *(2) 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 that 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.*

This proposed goal exception is a reasons exception, pursuant to ORS 197.732(2)(c).

5 Findings – ORS 197.732(2)(c)(A)

Reasons justify why the state policy embodied in the applicable goals should not apply

The proposed residential density -- up to four dwelling units on about 30 acres -- may be contrary to goal 14. The requirements of OAR 660-004-0040(3)(i) should not be applied to the subject property for the following reasons:

- This proposed exception is part of a larger proposal that reduces the area of residential zoning on tax lot 200, and increases the area of Lake and Wetland zoning. This revised zoning configuration more accurately reflects the actual extent of wetlands on the site, as well as the owner's intent to restore and enhance wetland habitat on tax lot 200.

- Adjoining property to the north is zoned for rural residential development at a greater density than proposed for the subject property. Land to the immediate south is in the RA1 zone, which allows a maximum residential density of one dwelling unit per two acres. The actual density on adjoining property is higher: lot sizes in the River Ranch subdivision are smaller than one acre.
- The County's zoning strategy as embodied in the "Designation of Rural Lands" policy is consistent with the request. That policy reads as follows:

  > *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 densities are <u>generally</u> 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 proposed exception area replaces an existing area of RA1 zoning on the subject property. The existing RA1 area covers about 55.35 acres, which can be developed without the benefit of this exception. The proposed RA1 zoning, and this exception, cover about 30 acres.
- Proposed rural residential density in the exception area is four dwelling units on a 30-acre site, or about one dwelling unit per 7.5 acres. The existing RA1 area can be developed without a goal 14 exception at a density of one dwelling unit per two acres, or more than twenty residences on the 55.35 acres in the RA1 zone.

Based on these reasons, the County should find that the proposed exception meets the requirements of ORS 197.732(2)(c)(A).

6 Findings – ORS 197.732(2)(c)(B)

Areas that do not require a new exception cannot reasonably accommodate the uses

The proposed use is four rural residences on lots between six and nine acres in size, located next to a wetland habitat restoration area. Areas not requiring a new exception cannot reasonably accommodate this proposed use for several reasons:

- The goal 14 requirement described earlier in this exception applies to all vacant undeveloped rural lands. Thus, any vacant rural land without an existing exception would be subject to this requirement. Those areas already included in a goal 14 exception cannot accommodate the proposed use because they lack one or more of the threshold development requirements listed above.
- Urban areas in Astoria or Clatskanie cannot accommodate the proposed uses. The proposed rural residential density (about one dwelling per 7.5 acres) is neither feasible nor desirable within an urban area. Additionally, an urban location is not located near the proposed wetland restoration area.
- Vacant land in the adjoining River Ranch subdivision could not feasibly be used for the proposed use. Although River Ranch is suitably located, these subdivision lots are too small to accommodate the proposed rural residential uses. The proposed exception area lots are between six and nine acres in size; large enough to accommodate a residence and outbuildings. Lots in River Ranch are smaller than an acre. This is not large enough to accommodate much more than a residence and garage. River Ranch lots are not large enough to accommodate the proposed use.
- Under current Clatsop County land use regulations, the existing RA1-zoned land on tax lot 200 could accommodate the proposed use without an additional exception. However, this would violate state and federal wetland regulatory programs, and would be inconsistent with the owner's desire to restore and enhance wetland habitat on the southern part of tax lot 200.

Based on this, the County should find this proposed exception consistent with ORS 197.732(2)(c)(B).

7 Findings – ORS 197.732(2)(c)(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.

7.1 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 in this section.

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 controlling soil erosion (section S4.300 – S4.310) and establishing riparian setbacks (S4.237) help mitigate some of the water quality impacts of new development;
- Land on tax lot 200 that is already in the RA1 zone could be developed without an exception, but this would have a negative impact on existing wetland resources as well as on the suitability of the site for wetland restoration and enhancement.

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.

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 is not present at the proposed exception area.
- The Columbia River includes habitat for many fish species, including threatened or endangered salmon species. Potential down-slope impacts can be minimized or avoided by following best management practices during and after construction, by requiring DEQ-approved drainfields 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; (2) wildlife habitat in the proposed exception area is limited by existing development in the surrounding area; and (3) the balance of tax lot 300 outside of the proposed exception area provides better opportunities for restoration and enhancement of wetland wildlife habitat than does the proposed exception 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. Noise impacts associated with Highway 30 are mitigated by the exception area's distance from the Highway – about 0.4 miles to the wouthwest. Ship traffic on the Columbia River passes about 0.4 miles to the north.

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 rural residential 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.

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

- Land values on tax lot 200 may change because the number of potential homesites under current zoning – more than twenty – exceeds the number under the proposed exception – four potential rural residences.
- Economic activity related to residential construction may increase as the property is developed. The impact is not expected to be large, as no more than four homes would be developed.
- The proposed exception facilitates restoration and enhancement of wetland habitat on the balance of tax lot 200 outside of the exception area. This has economic consequences associated with wetland and wildlife regulatory programs generally, and wetland and wildlife habitat mitigation specifically.
- Wetland enhancement and restoration may increase the numbers of economically-important waterfowl in the area, thus increasing hunting opportunities for ducks and geese. This has econonmic consequences for the businesses that support and are associated with waterfowl hunting, as well as for programs funded through hunting license revenue.

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.

7.3 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 more families living in the Northeast Community area than at present, and may result in 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 Northeast Community planning area in Clatsop County already accommodates a 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 enough to existing urban areas (Astoria and Clatskanie) to meet shopping, medical and government service needs. 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 located in the unincorporated community of Westport. Additional trade generated by the proposed development may have a slight positive impact on existing commercial enterprises in Westport, Clatskanie and Astoria.

Industrial development: New industrial development is not planned for the exception area. The Northeast Community planning area has substantial areas of industrial zoning along the Highway 30 corridor. 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 exception area 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 people who pass the site, plus the number of surrounding property owners who benefit from adjoining farm land. This impact is more than off-set by the accompanying zone change to Lake and Wetland for the balance of tax lot 200 outside of the proposed exception. Overall, there is no evidence that the proposed exception area will result in kind of negative social consequence to a significantly greater degree than any other alternative exception area. The subject property is not publicly-owned, and public access is restricted by the lack of any public roads serving the site.

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.

7.4 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 patterns may change as a result of residential development. Rural residential 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, transmission or consumtion 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 singularly well-suited for wind energy development. The proximity of several homes in the River Ranch subdivision make the subject property a poor choice for wind energy generating facilities.

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.

8 Findings – ORS 197.732(2)(c)(D)

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

Proposed uses on the proposed exception area are those listed in the RA1 zone:

- Single-family dwelling (LWDUO section 3.184(1))
- Limited home occupation (3.184(2))
- Farm use (3.184(3))
- Roadside stand for farm products grown on the premises (3.184(4))
- Forestry (3.184(5))
- Low intensity recreation (3.184(6))
- Public or private neighborhood park or playground (3.184(7))
- Horticultural nursery (3.184(8))
- Cluster developments (3.184(10), 3.190(12))
- Temporary uses (3.184(9))
- Handicapped housing facility (3.184(11))
- Health hardship dwelling (3.184(13))
- Communication facilities (3.184(16))
- Land transportation facilities (3.184(17))
- Public/semi-public development (3.190(1))

- Utilities (3.184(12))
- Extraction, processing, and stockpiling of subsurface materials (3.190(2))
- Dog kennel (3.190(3))
- Airport (3.190(4))
- Public or private recreation (3.190(5))
- Home occupation (3.190(7))
- Veterinary clinic (3.190(8))
- Golf course (3.190(9))
- Golf driving range (3.190(10))
- Campground, primitive (3.190(6))
- Boat ramps (3.190(11))
- Bed and breakfast establishment (3.190(14))

Single-family residences are the primary use intended for the exception area. Some of the potential uses listed above and allowed in the RA1 zone cannot be developed on the proposed exception area. For example, it is too small for an airport or golf course. Some uses listed above do not require a goal exception: agriculture or forestry; a primitive campground; low-intensity recreation.

Adjacent uses include a residential subdivision to the north, and vacant land to be restored and enhanced as wetland and wildlife habitat to the south. Planned uses in the proposed exception area are generally compatible with existing and planned uses on adjoining lands for reasons explained in the following pragraphs.

Adjacent wetland and wildlife habitat: Most of the exception area consists consists of vacant land vegetated with native and non-native herbs, shrubs and trees. Exception area soils are primarily dredged material spoils (coarse sand), underlain by native material (probably silt-loam similar to the Lacoda or Wauna-Lacoda series described in the *Soil Survey of Clatsop County, Oregon*). This provides poor habitat for target species, primarily waterfowl, Columbian whitetail deer, and related species. Adjoining land outside of the exception area will be restored to wildlife and wetland habitat by the applicant. The location of the proposed exception area and the four-lot development plan leave sufficient buffer space between rural residential uses and adjoining wildlife habitat to avoid conflicts. Additionaly, Clatsop County's development code requires a fifty foot setback between a new rural residential structure in the RA1 zone and adjoining resource land (LWDUO section 3.194(5)(B)). The proposed location and configuration of the exception area place it adjacent to existing residential development (River Ranch), rather than spreading it through the proposed restoration and enhancement area, as would be the case with development under the current zoning configuration.

Adjoining residential use: The proposed rural residential uses and densities are compatible with adjoining residential uses and densities. This is an area of single-family residences. The proposed residential density (up to four dwelling units on about 29 acres) is similar to, and thus compatible with, adjoining residential development. Adjoining property to the north is already developed at a greater density than proposed for the subject property. The River Ranch subdivision contains 12 vacant lots and 36 built lots. The average lot size is 0.52 acres. Zoning on the proposed exception site will

be the same as on adjoining rural residential land in the River Ranch subdivision. As a result, the same types of uses are expected. Clatsop County's development code includes measures, such as setbacks, building height limits, use restrictions, off-street parking requirements, and other development standards that help avoid conflicts between nearby uses. Taken together, this supports a conclusion that development on the proposed exception site will be compatible with land uses on adjoining residential land.

The County should find that the proposed exception meets the requirements of ORS 197.732(2)(c)(D).

9 Conclusion

The County should find that the proposed goal 14 exception meets all applicable requirements for a goal exception.

Exhibit 3
Text Amendment
Application Materials

COMPREHENSIVE PLAN/ZONING ORDINANCE TEXT AMENDMENT
Fee: $3,309.00 (Required with application)

APPLICANT: (Mandatory)

Name: Sam Karamanos Phone # (Day): 503-728-2676

Mailing Address: 801 NE 21st Ave. FAX #: 503-233-9441

City/State/Zip: Portland, OR 97232 Signature: _____

APPLICANT #2 / AGENT / CONSULTANT / ATTORNEY: (Optional)

Name: Mark Barnes, AICP Phone # (Day): 503-325-4356

Mailing Address: PO Box 569 FAX #: _____

City/State/Zip: Astoria, OR 97103 Signature: _____

Check all that apply:

- ☐ Amendment to Zoning Ordinance
- ☐ Amendment to Standards Document
- ☒ Amendment to Comprehensive Plan
- ☒ Amendment to Community Plan
- ☐ Amendment to Background Report

Proposed amendment: Comprehensive Plan text amendment to the OPR lands designation to Rural Lands and to the text of the Comprehensive Plan Goal 5 Element to reflect the requested map changes.

OFFICE USE ONLY: date received: _____ application: _____

date completed: _____ R&O /Ord #: _____

Community Development Department
800 Exchange, Suite 100 * Astoria Oregon 97103 * (503)325-8611 * FAX 503-338-3666

1. Proposed Text Amendment/Findings

Open space for purposes of Goal 5 include "parks, forests, wildlife preserves, nature reservations or sanctuaries and public or private golf courses. OAR 660-023-0220. Goal 5 resources are identified in the County's Comprehensive Plan Goal 5 section. The property is not identified as a goal 5 resource, and the proposed changes will not result in a conflict with an identified Goal 5 resource in the County's Comprehensive Plan. The PAPA does not amend an urban growth boundary. The PAPA does amend the Comprehensive Plan Goal 5 Element adopted to address Goal 5, but does not amend an acknowledged UGB. The provisions of OAR 660-023 and Goal 5 are met.

OAR 660-023-0030 describes the inventory process. Pursuant to OAR 660-023-0030(6):

> "Local government may determine that a particular resource site is not significant provided they maintain a record of that determination. Local governments shall not proceed with the Goal 5 process for such sites and shall not regulate land uses in order to protect such sites under Goal 5."

OAR 660-023-0040 describes the ESEE process.

> "The steps in the standard ESEE process are to
> (a) Identify conflicting uses
> (b) Determine the impact areas
> (c) Analyze the ESEE consequences
> (d) Develop a program to achieve Goal 5."

OAR 660-023-0040(2) states:

> "Identify conflicting uses. Local governments shall identify conflicting uses that exist or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site. The following shall apply in the identification of conflicting uses:
>
> "(a) If no uses conflict with a significant resource site, the acknowledged policies and land use regulations may be considered sufficient to protect the resource site. The determination that there are no conflicting uses must be based on the applicable zoning rather than ownership of the site. (Therefore, public ownership of a site does not by itself support a conclusion that there are no conflicting uses.)

> "(b) A local government may determine that one or more significant Goal 5 resource sites are conflicting uses with another significant resource site. The local government shall determine the level of protection for each significant site using the ESEE analysis and/or the requirements in OAR 660-023-0090 through 660-023-0230 (see OAR 660-023-0020(1))."

Conflicting uses are land uses or "other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource (except as provided in OAR 660-023-0180(1)(b)). Local governments are not required to regard agricultural practices as conflicting uses." The uses allowed under the LW zoning are less intensive than those allowed under the acknowledged OPR or RA1 zoning as discussed in the response to (4). The uses are consistent with and do not conflict with preservation of Goal 5 resources. The LW uses do not conflict with any Goal 5 resources on the site but rather provide heightened protection. The site is not the location of identified significant Goal 5 resources. Since there is no conflict, the acknowledged land use policies and regulations ensure Goal 5 is met. The Impact Area is a "geographic area within which conflicting uses could adversely affect a significant Goal 5 resource." OAR 660-023-0010(3). Since there are no conflicting uses, there is no impact area. ESEE consequences "are the positive and negative economic, social, environmental and energy that could result from a decision to allow, limit or prohibit a conflicting use." OAR 660-023-0010(3). Since there is no conflict, there are no ESEE consequences to be analyzed and no need for a new program to develop a program to achieve Goal 5 based upon and supported by an ESEE analysis. OAR 660-023-0040(5).

The text of Clatsop County's Comprehensive Plan Goal 5 Element includes findings concerning the zoning of a portion of the River Ranch property (the RA1 property) for residential purposes. A portion of the OPR land is designated LW through this amendment and a portion is designated RA1. Existing undeveloped RA1 land as shown on the submitted map will become LW land. The relocation of the RA1 land will ensure that the residential development occurs on the portion of the property best used for such purpose because it is dry and to the north of the property, the general area proposed for future residential development to minimize impact on Columbia white-tailed deer. Through this amendment the general objectives achieved by in the past designating certain property RA1 are still met in the area but the precise location shifted to facilitate development of an LW zone in the area and future establishment of a wetland mitigation bank.

E. CONCLUSION.

Applicant requests that the property be rezoned from OPR and RA1 to LAW and the County's maps amended accordingly, that the Comprehensive Plan designation of the RA1 land to be changed to Conservation-Other Resources and a Goal 5 Comprehensive Plan text amendment adopted if necessary.

Exhibit 4
Public Notice

CERTIFICATE OF MAILING

I, Jennifer Bunch, hereby certify that I served a copy of the following Public Notice for the J&S Reserve Application to those on the listing attached with postage paid and deposited in the Post Office at Astoria, Oregon on said day.

Dated: May 14, 2009

Jennifer Bunch

Jennifer Bunch, Planner

Clatsop County

TaxlotKey	Owner_line	Ownerline(2)	Owner Address	City	State	Zip Code
	Clatsop Soil & Water Conservation		750 Commercial St, #207	Astoria	OR	97103
80625CD02000	Cori Keith/Cynthia L		47014 River Ranch Ln	Clatskanie	OR	97016
	Corps of Engineers	CENWP-OP-G	PO Box 2946	Portland	OR	97208-2946
	CREST		750 Commercial St, #205	Astoria	OR	97103
	Dept of Environmental Quality		65 N. Highway 101, Suite G	Warrenton	OR	97146
	Dept of Fish and Wildlife		4907 3rd Street	Tillamook	OR	97141
80625CD02100	Douma Leoann	Douma Leoann Rev Liv Trust	47006 River Ranch Ln	Westport	OR	97016
80625DC02800	Edwards Donald/Linda		47135 River Ranch Ln	Clatskanie	OR	97016
80625DC01700	Gwin Dennis/Martha M		47177 River Ranch Ln	Westport	OR	97016-9200
80625CD01400	Hathaway David E/Julie M		47070 River Ranch Ln	Clatskanie	OR	97016
80625CD01100	Hoffman Janice E Rev Living Trust	Hughes Edward C/ Teresa Tr	2709 NW 81st Pl	Portland	OR	97229
80625DC02900	Huntley Michael L/ Gloria D		PO Box 313	Clatskanie	OR	97016
806360000200	J & S Reserve LLC		47000 River Ranch Ln	Clatskanie	OR	97016
80625CD01500	Johnson Mark William		47068 River Ranch Ln	Westport	OR	97016-8250
80625DC02700	Kendig Max E/Wilma P		47144 River Ranch Ln	Clatskanie	OR	97016
	Laren Wooley	DLCD - Oregon Coast	810 SW Alder St, Suite B	Newport	OR	97365
80625DC01800	Malone William C/Leta		91552 Overlook Dr	Westport	OR	97016
80625DC02200	McFarland Homer W	Leroux Lerraine M	110 E Thunderbird Trail	Phoenix	AZ	85042
80625CD01900	Mounce Gary L	Mounce Nancy R	PO Box 1312	Clatskanie	OR	97016
80625DC01900	Oregon Bank The Trustee	Irwin Patricia L	4213 NE 25th Ave	Portland	OR	97212
	Oregon Dept of Forestry		92219 Highway 202	Astoria	OR	97103
806360000203	Oregon State Div/State Lands		775 Summer Street, NE	Salem	OR	97301-1279
80625CD00300	Patterson Donald L/Renay K		1635 SW 14th	Warrenton	OR	97146
80625DC02400	Perkins Philip L	Perkins Lillian M	47176 River Ranch Ln	Clatskanie	OR	97016
	Planning & Development Manager	ODOT - Region 2	455 Airport Road SE Bldg B	Salem	OR	97301-5395
80625CD00200	Potter Thomas E		47005 River Ranch Ln	Westport	OR	97016
80625DC02100	Putman Marilyn J		91553 Overlook Dr	Clatskanie	OR	97016
80625DC03000	River Ranch Homeowners Assoc		47089 River Ranch Lane	Clatskanie	OR	97016
	Ron Ash	County Engineer	1100 Olney Avenue	Astoria	OR	97103
80625DC02300	Rowland Charles PP/Cathy H		2032 Wembley Pl	Lake Oswego	OR	97034
80625DC02600	Ryan Roger G/Joan Marie Tr	Ryan Family Trust Utd 8/21/89	5427 NW Highland Dr	Corvallis	OR	97330
80625CD01300	Schultz William K	Schultz Shiela	6881 Ivegill Ct	San Jose	CA	95119
80625CD01800	Sickles George L/ Truth H Trust	aka Sickles Living Trust	47034 River Ranch Ln	Clatskanie	OR	97016
80625CD01800	Slotte Ron W/Darlene J		47058 River Ranch Ln	Clatskanie	OR	97016
	Steve Thornton	County Surveyor	1100 Olney Avenue	Astoria	OR	97103
80625DC02000	Turner Charles L/Gloria A		91555 Overlook Dr	Westport	OR	97016

	US Fish and Wildlife	Regional Office	911 NE 11th	Portland	OR	97232
	Westport Water Association		49206 Highway 30	Westport	OR	97016
	Westport Wauna RFPD		PO Box 5149	Westport	OR	97016
80625CD01200	Wiggins Robert C/Colleen A		47100 River Ranch Ln	Clatskanie	OR	97016
80625CD01700	Wood Eddy G/Diane M		47048 River Ranch Ln	Westport	OR	97016
	Plan Amendment Specialist	DLCD	635 Capitol Street NE, Suite	Salem	OR	97301-2540

Clatsop County
Transportation & Development Services
800 Exchange Street, Suite 100, Astoria, OR 97103
www.co.clatsop.or.us

ph: 503-325-86
fx: 503-338-36(
em: comdev@co.clatsop.or.us

CLATSOP COUNTY PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

Comprehensive Plan Text Amendment / Zoning Map Amendment / Goal 14 Exception Application from Mark Barnes, consultant, on behalf of J & S Reserve, property owners, to change the zoning on 121.59 acres from Residential-Agriculture-1 (RA-1) and Open Space, Parks, and Recreation (OPR) to Residential-Agriculture-1 (RA-1) and Lake and Wetland (LW).

DATE OF HEARING:	June 9, 2009
TIME:	10:00 AM
LOCATION:	Judge Guy Boyington Building 857 Commercial Street Astoria, Oregon
STAFF CONTACT:	Jennifer Bunch, Planner

You are receiving this notice because you either own property within 250 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 Clatsop County Transportation & Development Services has received the land use application described in this letter. Pursuant to Section 2.035 of the Clatsop County Land and Water Development and Use Ordinance (LWDUO), the Department Director has scheduled a public hearing on this matter before the Planning Commission at **10:00 AM** on **Tuesday, June 9, 2009** at the Judge Guy Boyington Building, 857 Commercial Street, Astoria, Oregon.

All interested persons are invited to testify in person by attending the hearing, or they may testify 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 jbunch@co.clatsop.or.us. Written comments must be received in this office no later than **5PM** on **Monday, June 8, 2009** in order to be considered at the June 9, 2009, public hearing.

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

THE LAND USE APPLICATION DESCRIBED:

The applicant, Mark Barnes, on behalf of J & S Reserve, property owners, proposes a comprehensive plan text amendment / zoning map amendment / goal exception for 121.59 acres of land located to the north of Hwy 30 in the unincorporated Westport area of Clatsop County. The subject property identified as T8N, R06W, Sec. 36, TL 200. The applicant proposes changing the zoning on the subject property from Residential-Agriculture-1 (47.35 ac) and Open Space Parks and Recreation (74.24 ac) to Residential-Agriculture-1 (21.85) and Lake Wetland (99.74). This proposal reduces the number of possible dwelling units on the subject property from 27 to 14.

The following criteria apply to the request:

Land & Water Development & Use Ordinance 80-14
§2.035 Type IV Procedures for Land Use Applications
§2.105-§2.125 Notice Requirements for Public Hearings
§3.180 Residential Agriculture 1 Zone
§3.580 Open Space Parks & Recreation Zone
§3.610 Lake Wetland Zone
§5.400 Zone Change Standards

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 5 (Scenic, Historic, and Natural Resources)
Goal 6 (Air, Water, and Land Quality),
Goal 7 (Natural Hazards),
Goal 8 (Recreation)
Goal 9 (Economy)
Goal 10 (Population and Housing)
Goal 11 (Public Facilities and Services)
Goal 12 (Transportation)
Goal 13 (Energy Conservation)
Goal 14 (Urbanization)
Northeast Community Plan

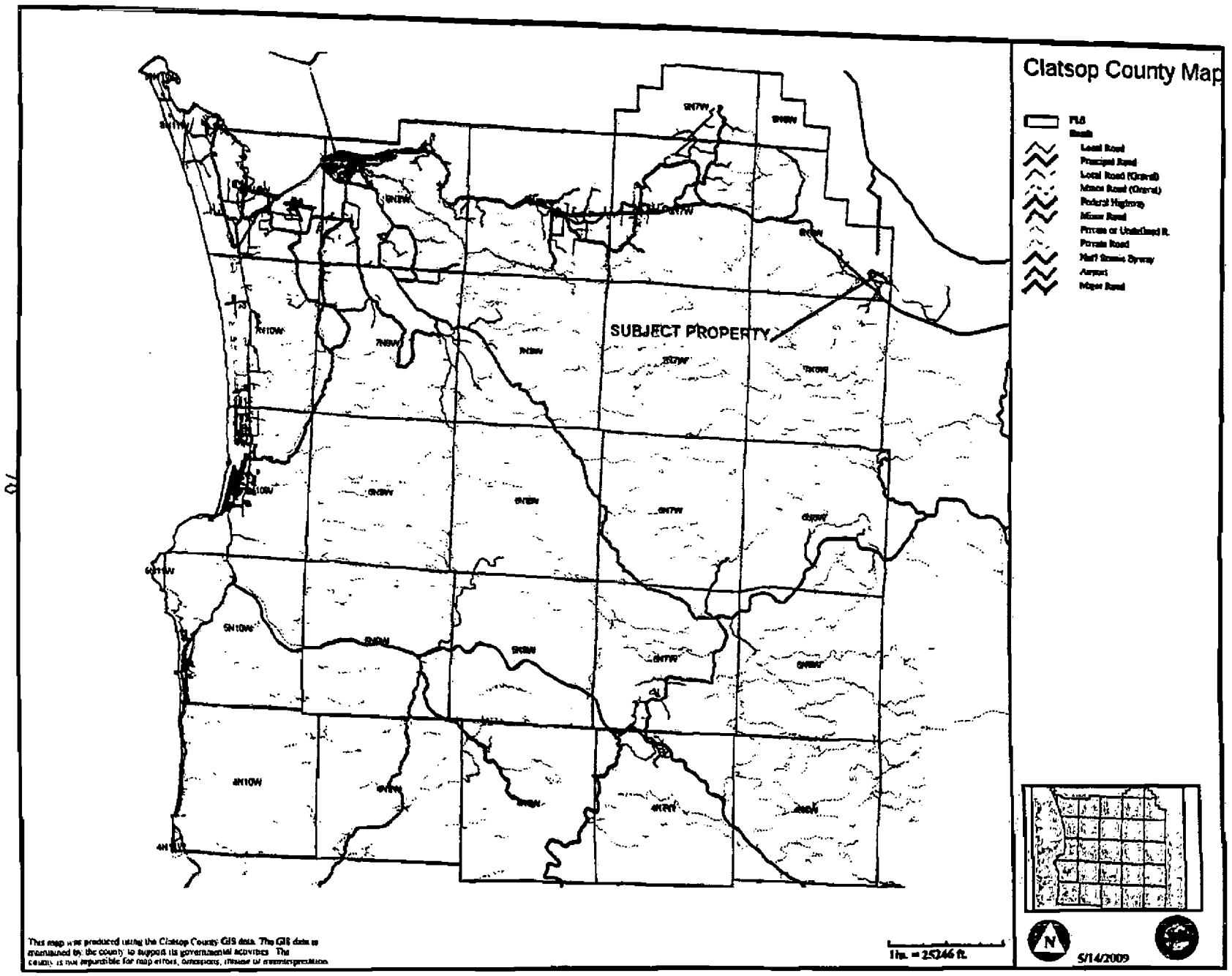
These documents are available for review at the Clatsop County Transportation & Development Services office, 800 Exchange Street, Suite 100, Astoria, Oregon and on-line at the county's website, www.co.clatsop.or.us.

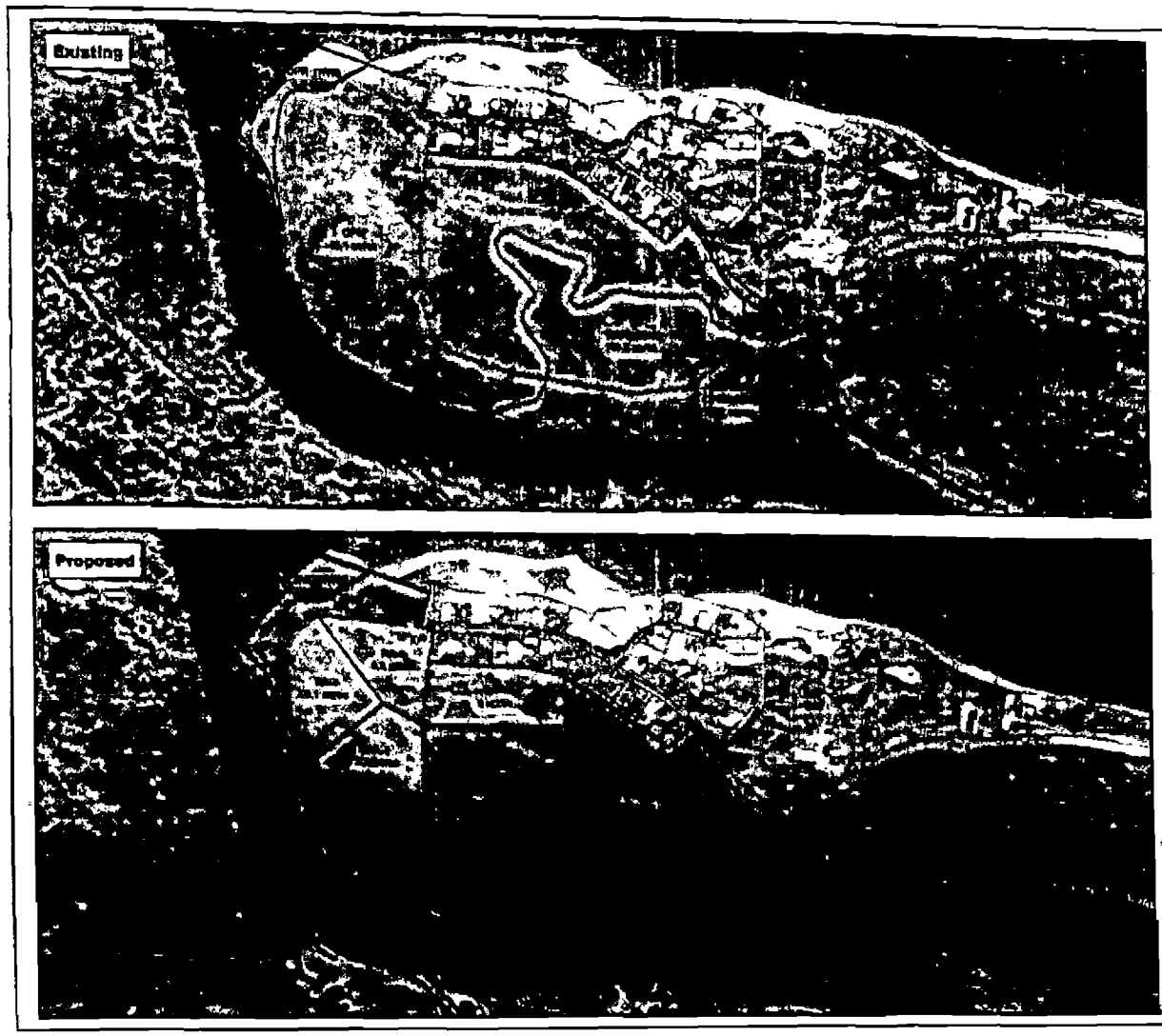
A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at the Transportation & Development Services Office during normal business hours (M-F, 8-5) at no cost and will be provided at reasonable cost. A copy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

In general, the procedure for conduct of the public hearing will be as follows: Introductory statements by the Planning Commission Chairperson, Planning Commission disclosures, staff report, applicant's presentation, testimony in favor, testimony in opposition, applicant rebuttal, conclusion of hearing, Planning Commission deliberations, and Planning Commission decision (in this case, a recommendation to the Board of Commissioners).

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

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.


Clatsop County Map
SUBJECT PROPERTY
This map was produced using the Clatsop County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.
1in. = 25246 ft.
5/14/2009



Existing Zoning and Proposed Zoning on J&S Reserve Property, Clatsop County

Existing RA-1 Acres	58.35
Proposed RA-1 Acres	29.85
Existing OPR Acres	74.24
Proposed L&W Acres	99.74
Proposed OPR Acres	0
	19.74
	0
	28.16
Proposed OPR in NWI	0
Proposed L&W in NWI	47.9

N

0 250 500 750 1,000 Feet

Zoning Designation
- L&W
- OPR
- RA-1
- RA-1 & Proposed Parcel Layout
- NW Wetlands
- Lot Boundaries

Exhibit 5
Public Comment

Jennifer Bunch - zone change hearing

From: Roger and Joan RYAN <jandrryan@q.com>
To: <jbunch@co.clatsop.or.us>
Date: 5/28/2009 4:51 PM
Subject: zone change hearing

This is in regard to the proposed zone change of the J and S Reserve property identified as T8N, R06W, Sec. 36, TL200. The hearing is scheduled for June 9 at 10am. We own property in the River Ranch which is adjacent to this property. We have owned this property since 1991 but have not built on it as yet. We do not want to see any zone change that would result in the devaluation of our property (Block 4 lot 15). We understand there might be some changes in setback requirements. We want to be assured that we will be able to build on our lot as all our neighbors have been able to do.

Joan and Roger Ryan phone 541-752-2706 e-mail jandrryan@q.com

J & S Reserve, LLC

Zoning Map Amendment, Goal 14 Exception, and Text Amendment

Staff Report
Supplement

Exhibits 5b – 5o

Additional Public Comment

Received June 2, 2009 – June 8, 2009

From: Laurie Caplan <lcaplan@pacifier.com>
To: <jbunch@co.clatsop.or.us.>
Date: 6/3/2009 11:58 AM
Subject: June 9 rezone hearing

Dear Members of the Planning Commission,
At a time when communities - and their planning commissions - across the country are struggling with empty, neglected, and abandoned industrial sites, I know you want to consider the best long-term planning for this county. In the case of this rezone request, you can follow the law AND maintain the careful planning intentions of Clatsop County. I urge you to keep the existing OPR zoning on this parcel.

J&S Reserve might well be the only landowner in the state eager to accommodate a 3-foot diameter, high-pressure natural gas pipeline. This pipeline would destroy habitat, prevent replanting, and threaten nearby property, wildlife, and people. This pipeline would clearly result in a reckless use of this land. The County can only approve if the proposed zone change "will not result in over-intensive use of the land" LWDUO 5.412(5), "will encourage the most appropriate use of land" 5.412(7), and "will not be detrimental to the health safety and general welfare of Clatsop County" 5.412(8).

Clatsop County voters are relying on you, as public volunteers, to uphold the intention of last September's referendum vote when 67% of voters said NO Pipelines in Parks. Changing the zoning of this park is legalistic maneuvering to get around the voters. Please deny this zone change.

Sincerely,
Laurie Caplan

766 Lexington Avenue
Astoria OR 97103
503-338-6508

5c

June 2, 2009

Marilyn Putman
91553 Overlook Drive
Clatskanie, OR 97016
(503) 455-2293

Clatsop County Planning Commission
800 Exchange Street, Suite 100
Astoria, OR 97103

RE: Rezoning effort of J & S Reserve regarding Township 8 North, Range 06 West, Section 36, Tax Lot 200

To Whom it May Concern:

I would like to go on record as being opposed to the rezoning effort of the above-described property located in Clatsop County, Oregon. I am a resident of River Ranch, which lies in close proximity to the proposed rezoning property. My main concerns are:

1) The property is currently zoned Open Space, Parks & Recreation (OPR) and RA-1. Rezoning the OPR land to Lake & Wetlands (L&W) would, in essence, open the door for the proposed Bradwood LNG project's pipeline. Current Clatsop County zoning does not allow pipelines, etc. to be placed on OPR land. Under L&W zoning, pipelines, etc. are allowed.
The document titled "Exception to Statewide Planning Goal 14 for a portion of Tax Lot 8-6-36-200, Owned by Sam Karamanos" basically states that ponds could be developed on the property being considered for rezoning. If OPR zoning allows ponds to be constructed, is it necessary that the OPR land be rezoned to L&W? What could possibly be the advantage? Is it possible that Mr. Karamanos is trying to circumvent the system by applying for his OPR property to be rezoned L&W?
2) Page 1 of the above "Exception" document states that Mr. Karamanos has road access available from the north [of the proposed property] through the River Ranch subdivision. Since Mr. Karamanos owns a lot at River Ranch, he has the same access into River Ranch to access his lot, as the other 47 property owners do. The road into River Ranch (River Ranch Lane) is a private road owned by the River Ranch Homeowners' Association. Mr. Karamanos does not have, nor has he formally requested, an easement through River Ranch.
3) The road from the gate to River Ranch Lane is a privately owned road (owned by Mr. Karamanos). River Ranch property owners have an easement to traverse the road; however the road maintenance is the responsibility of River Ranch Homeowner's Association. Though the RA-1 (minimum 2-acre building sites) portion of the rezoning application has been reduced from 27 to 14, traffic on the road (including the possibility of heavy equipment) would still increase, thereby placing a financial burden on the River Ranch Homeowners' Association for road repairs.

I urge you to disallow the above rezoning application based, in part, on the above concerns.

Thank you.

Sincerely,

Marilyn J. Putman

58

Jennifer Bunch - Do not take away the vote of the people

From: <donwest@cannerypierhotel.com>
To: <jbunch@co.clatsop.or.us>
Date: 6/4/2009 8:59 AM
Subject: Do not take away the vote of the people

This country is based on the peoples right to vote their views and when those views are expressed in special election with nearly 60% of the population taking part and 67% of those people saying NO to LNG pipelines in our public spaces and parklands then that is it. The mere fact that the planning commission is even having a meeting to consider changing the zoning to allow a private company from outside our area to change the will of the people is very much a slap in the face of the voters in Clatsop County. Denying this request would be the best possible course of action for the planning commission. I urge you all to not allow this private company to use this county for their own benefit while tearing away the legal votes of the citizens of Clatsop County.

Columbia River Business Alliance

Don West

5e

June 3 2009

Clatsop County Planning Commission
Ed Wegner Jr., Director
800 Exchange St. Room 100
Astoria, OR 97103

Mr. Wegner and the commission:

I live in Warrenton and voted NO last fall on the referendum to keep pipelines out of parks and recreation lands, along with 67% of the people who voted in that cycle. All rhetoric aside, you know that the vote was effectively a referendum on LNG pipelines, and the vote clearly showed that voters do *not* want pipelines running through public spaces. You now have before you a proposal that will effectively overturn the will of the people by re-zoning a parcel of land next to Westport Slough that is currently zoned Open Space, Parks and Recreation.

Since the county can only approve the proposed zone change if it "will encourage the most appropriate use of land" and "will not be detrimental to the health safety and general welfare of Clatsop County," the choice seems clear. An LNG pipeline is *not* the most appropriate use of the land and *would* be detrimental (potentially devastating) to the welfare of the county.

I urge you to reject this proposed zone change.

Sincerely,

Randall Henderson
89066 Ocean Drive
Warrenton OR 97146

5f

River Ranch Homeowners' Association
47089 River Ranch Lane
Clatskanie, OR 97016

June 5, 2009

River Ranch Homeowners' Association Board of Governors
47089 River Ranch Lane
Clatskanie, OR 97016

Clatsop County Planning Commission
800 Exchange Street, Suite 100
Astoria, OR 97103

To Whom it May Concern:

The River Ranch Homeowners' Association (RRHOA) Board of Governors would like to go on record as being in opposition to the rezoning effort of J & S Reserve regarding Township 8 North, Range 06 West, Section 36, Tax Lot 200. One of our main concerns is the preservation of the existing road into River Ranch.

We have attached a document (Attachment 1) stating several other reasons for our opposition. We would like to reiterate our first statement on Attachment 1 regarding road access through River Ranch. As per a letter from the law office of Salisbury & Callahan, L.L.P, dated March 10, 2004 (Attachment 2), since there is an existing road and access into the subject property, River Ranch is not required to grant an easement through its property in order for the owner to gain access (to the subject property). In the past, River Ranch has not granted any easement, prespective or otherwise, through its property for a non-member to gain access to adjoining property, nor will the (present) Board entertain such a request.

Under the River Ranch Articles of Incorporation dated September 9, 1977, two of the purposes of establishing River Ranch were to present a unified effort to the members in protecting the value of the property of the members of the association and to engage in such activities as may be to the mutual benefit of the owners of property in River Ranch Subdivision. It is the Board's responsibility to maintain those values.

The Board feels that granting such an easement would have a negative impact on not only the lives of property owners at River Ranch (due to the increase in traffic) but would also have a negative impact on the value of their property due to the increase in traffic, etc.

Thank you.

A. Joan Daniel, President

A. Joan Daniels, RRHOA Board President,
Representing the RRHOA Board of Governors

Attachments: Comments on "Exception to Statewide Planning Goal 14" (Att. 1)
Letter from Salisbury & Callahan, L.L.P (Att. 2)
Previous Growth Display (Att. 3)

COMMENTS ON THE "EXCEPTION TO STATEWIDE PLANNING GOAL 14
DATED 10 APRIL 2009"

RE: J. S. (Sam) Karamanos aka J & S Reserve, property owners, application for rezoning in (T8N, R06W, Sec. 36, TL 200) changing the zoning on 121.59 acres from RA-1 and OPR to RA-1 and LW:

(Page) 1, Number 1, Last sentence: "Road access is available from the north through the River Ranch subdivision".

- This statement is inaccurate. Though Mr. Karamanos owns a buildable lot on the southwest portion of River Ranch and has access to that lot, as the remaining 47 lot/property owners do, he does not have an easement through River Ranch to access his property that has been put forth to Clatsop County for rezoning (T8N, R06W, Sec. 36, TL 200).
  Mr. Karamanos has an existing road to access the subject property. As stated in the Exception document, "the road is a private road to the east of the exception area". The road has been in existence for several years and was upgraded within the last couple years to accommodate log trucks, chip trucks and heavy equipment needed to log some of the cottonwood trees that were on the land.
  River Ranch has documentation from the law offices of Salisbury and Callahan (attached) that states that since there is an existing road into the property (which was then owned by Duncan, Douglas, LLC), River Ranch is not obligated to grant an easement to the property owner.
  Mr. Karamanos approached River Ranch's board president in February or early March of 2009 asking if River Ranch Homeowners' Association would consider granting him an easement through River Ranch. It was suggested that Mr. Karamanos attend the meeting and present the request himself. Mr. Karamanos was unable to attend the meeting. The issue was discussed at the annual meeting on March 14th and again at the May 21st (2009) regular board meeting. It is the consensus of the River Ranch Board that granting an easement would increase traffic (including the possible use of heavy equipment), thereby forcing an undue and untimely financial burden on its members. The road maintenance is the responsibility of River Ranch members.

  There has been no legal document presented to River Ranch regarding an easement.

(Page) 3, Paragraph 1, last sentence: "The actual density on adjoining property is higher: lot sizes in the River Ranch subdivision are smaller than one acre".

- River Ranch was incorporated in September of 1977; the zoning requirements of 1977 and 2009 should not be compared or used to justify a density change.

(Page) 4, Paragraph 3: "Vacant land used in the adjoining River Ranch subdivision could not feasibly be used for the proposed use". ..."River Ranch lots are not large enough to accommodate the proposed use".

- River Ranch is an entirely separate entity from Mr. Karamanos' proposal for

rezoning. There are several statements that associate River Ranch with Mr. Karamanos' rezoning proposal; River Ranch is not associated with the proposal.

(Page) 5, Bottom of page: "Noise"

- Mr. Karamanos has already developed a wetland on his property lying to the west of River Ranch. Waterfowl are hunted there during hunting season. If the wetland is developed to the south of River Ranch on the proposed property, hunting could be permitted in close proximity to the already developed River Ranch subdivision and to the town of Westport, Oregon, lying to the south of the subject property, perhaps closer than the existing Clatsop County Code of Regulations Section 47.1.1A which states that "A firearm, explosive or explosive devise of any kind within 1000 feet of any dwelling not owned or occupied by that person, and causes annoyance and/or alarm to the complainant".

(Page) 9, Paragraph 2: "Adjacent uses include a residential subdivision to the north, and vacant land to be restored and enhanced as wetland and wildlife to the south".

- Please clarify that statement as the River Ranch subdivision lies to the north of the proposed rezoning property and as stated above, is not associated with the rezoning effort of Mr. Karamanos.

(Page) 9, Paragraph 3: "*Adjacent wetland and wildlife habitat*: ..."

- The Columbian whitetail deer are seen in abundance throughout River Ranch year round. The existing OPR owned by Mr. Karamanos, as well as the property within River Ranch, seems to be a very suitable habitat for the deer as well as other wildlife.

(Page) 9, "*Adjoining residential use*, (sentence 5) "...River Ranch contains 12 vacant lots and 36 built lots."

- River Ranch presently consists of 11 vacant lots, 37 "built" lots and one (1) home which is being constructed.

(Pages) 9 & 10, Paragraph 4: "Zoning on the proposed exception site will be the same as on adjoining rural residential land in the River Ranch subdivision..."

- Again, this should be considered a comparison (only) to River Ranch as River Ranch is not associated with the rezoning effort of Mr. Karamanos.

Page 2, FINDNGS "The 100 acre River Ranch area zoned RA1 is identified in the Plan as a conflicting use for deer habitat".

- River Ranch is not a 100 acre area. There are 48 lots in the subdivision, all are approximately .52 acres totaling 24.714 acres, Tracts A, B total 3.76 acres and are known as "common" areas within River Ranch; Tract C is the road(s) within River Ranch known as River Ranch Lane and Columbia River Road, respectively. All three (3) tracts are legally deeded properties to River Ranch within the River Ranch subdivision. The total acreage of River Ranch is approximately 30.89 acres, not 100 as stated in the Exception to Statewide Planning Goal 14 dated 10 April 2009.

Page 5 – Goal 5 Open Spaces... #11: "The County will require that any additional residential development at River Ranch be clustered on the more northerly portion of the site..."

- As stated previously, River Ranch is not associated with the rezoning effort of Mr. Karamanos on the subject property. The rezoning effort by Mr. Karamanos should not now, nor in the future, affect the future development of lots within River Ranch.

Page 7, Goal 11 "Public Facilities and Services Policies" section "a" - ...As the background report indicates, several of these water systems currently have or very well may in the future, experience shortage".

- Perhaps the County should require Mr. Karamanos to install well(s) on the subject RA-1 portion of the property.

Page 8, Energy Conservation... Applicant... "Designation of the portion of the property RA1 Rural Lands is consistent with promoting energy conservation because the site is adjacent to the existing River Ranch development... and the existing road on the property, reducing the need to create new roadways".

- River Ranch is a gated subdivision and is responsible for maintaining the existing blacktop road into the subdivision. A large portion of River Ranch's annual dues goes toward the maintenance of the road. Though two (2) adjoining property owners presently donate money toward the maintenance, donations are strictly voluntary. The subject property lies beyond the gate into River Ranch.

  The traffic will undoubtedly increase if the rezoning application is approved. The increase in traffic will cause damage to the road and as previously stated River Ranch would bear the financial burden of repairs to the road.

Page 20, Paragraph 1, last sentence: Criterion (6) "Attempts to use the site as a poplar plantation have been largely unsuccessful... falling down in the saturated soils before they can be harvested".

- It is a commonly known fact that poplar/cottonwood trees thrive in wet soil The fact that the trees on the subject property were not harvested in a timely manner and the extreme high winds 2 years ago, may have been major causing factors as to the blowing or falling down of the trees. Those facts do not necessarily mean that the ground is unsuitable for their growth. Please see the attached photo for previous growth display.

Page 25, Paragraph 3: "The text of Clatsop County's Comprehensive Plan Goal 5 Elements includes findings concerning the zoning of a portion of the River Ranch property (the RA1 Property) for residential purposes".

- Again, to reiterate previous statements, River Ranch is not associated with the rezoning effort of Mr. Karamanos.

Attachment 2

JOHN P. SALISBURY
salisbuj@clatskanie.com
Member Oregon &
Washington Bars

SALISBURY & CALLAHAN, L.L.P.
Attorneys At Law
P. O. Box 288 Clatskanie, OR 97016-0288
Phone: (503)728-2662 Fax: (503)728-3521

CATHLEEN B. CALLAHAN
cathi@clatskanie.com

March 10, 2004

Philip Perkins
River Ranch Homeowners Association
47176 River Ranch Lane
Clatskanie, OR 97016

Re: Douglas Duncan LLC Access Question

Dear Mr. Perkins:

1. Can RRHA be made to provide access over a private road which it owns?

You have asked me on behalf of the River Ranch Homeowners Association (RRHA) whether the Association may refuse to grant an adjoining landowner, Douglas Duncan, LLC (DDLLC), access through the Association's private road. I am assuming that the there are no agreements involving any current or former owners that would give DDLLC any right to access over the private road and that DDLLC has no right to access over the road through any prescriptive right or through prior use. I am further assuming that DDLLC has an enforceable access (which may not be as desirable as DDLLC would like) over a public road to its lands adjacent to River Ranch.

It is my opinion that River Ranch cannot be made to provide access over its private road to DDLLC. The only way that the DDLLC can a right of access over the road is through a way of necessity. In order to gain a way of necessity, DDLLC would have to file a civil action against RRHA and any other interested parties. A way of necessity established under ORS 376.150 to ORS 376.200 can only be established if numerous requirements are met. ORS 376.180 provides that a way of necessity shall meet all of the following requirements:

"(1) Be located to cause the least possible damage to land across which it is located;

(2) Be fenced or gated if required by the county governing body;

(3) Not be connected to a public road in a location or manner that creates a traffic hazard or decreases the safety on the public road;

(4) Be established only for uses in connection with the property for which the way of necessity is sought;

(5) Not be subject to any use that is not described in the order establishing the way of

necessity;

(6) Not exceed 30 feet in width unless authorized by the county governing body for engineering purposes;

(7) Not be connected to a public road where the rights of access to the road have been acquired by the state or a county unless the state or governing body of the county grants permission for the connection;

(8) Not be established if the property for which the way of necessity is sought has an existing enforceable access to a public road;

(9) Not be established if the petitioner for the way of necessity could acquire an easement for access to a public road through other legal action;

(10) Not be established for land that has been subdivided or partitioned in violation of ORS chapter 92;

(11) Not be established over land owned by the state or a political subdivision of the state unless permission is granted for the way of necessity under ORS 376.185; and

(12) Not be established for any land if the owner of the land had knowingly eliminated access to all public roads from the land by the sale of other land owned by the landowner.

Requirement (8) is of particular note because it states that a way of necessity may not be established if the property for which the way of necessity is sought has an existing enforceable access to a public road. Because this is the case, it is my opinion that DDLCC cannot compel RRHA to give DDLCC access over its road.

2. If RRHA did allow access, can RRHA place restrictions on vehicle type, frequency, maintenance cost sharing, etc.?

It is my opinion that the RRHA in entering into an agreement with DDLCC for an easement could place restrictions on all of the matters mentioned above. Because RRHA can completely prohibit access, it should be able to restrict access as it sees fit.

3. Would it be revocable?

There is a distinction in the law between an "easement" which usually is binding on successor owners and a "license" which is merely a personal privilege to use the land of another for a stated purpose and, unlike an easement, is revocable at the will of the owner of the land. RRHA could grant a

license to DDLCC, although it is unlikely that this would be satisfactory to DDLCC. RRHA could also enter into an easement with DDLCC that could terminate if specified instances of misuse or nonuse occurred.

Bylaws

I have reviewed the bylaws. I do not find any current illegality in the bylaws. They were prepared in 1977. In 1981, the Oregon legislature passed a statute, which has since been amended, which requires homeowners' associations to include certain provisions in their bylaws. These new statutes probably do not apply to River Ranch because, if I am correct, River Ranch received preliminary plat approval and the subdivision plat was filed before July 1, 1982, but the Association may wish to amend the bylaws to include some or all of these provisions. These deal with such issues as annual review of insurance, annual budget, right of members to inspect records, and other issues. The new bylaws appear to be generally more protective of individual members, but possibly more burdensome on the governing body. I do not believe that it is legally necessary for the Association to amend its bylaws, but it may wish to do so. I enclose a copy of ORS 94.625 through 94.785, which, as stated above, do not apply to River Ranch. If you wish me to prepare new bylaws incorporating some or all of the statutory changes or other changes, please let me know.

Very truly yours,

SALISBURY & CALLAHAN, L.L.P.

John P. Salisbury

JPS/cb

Attachment 3

Please Note: Corrected Photo Outline

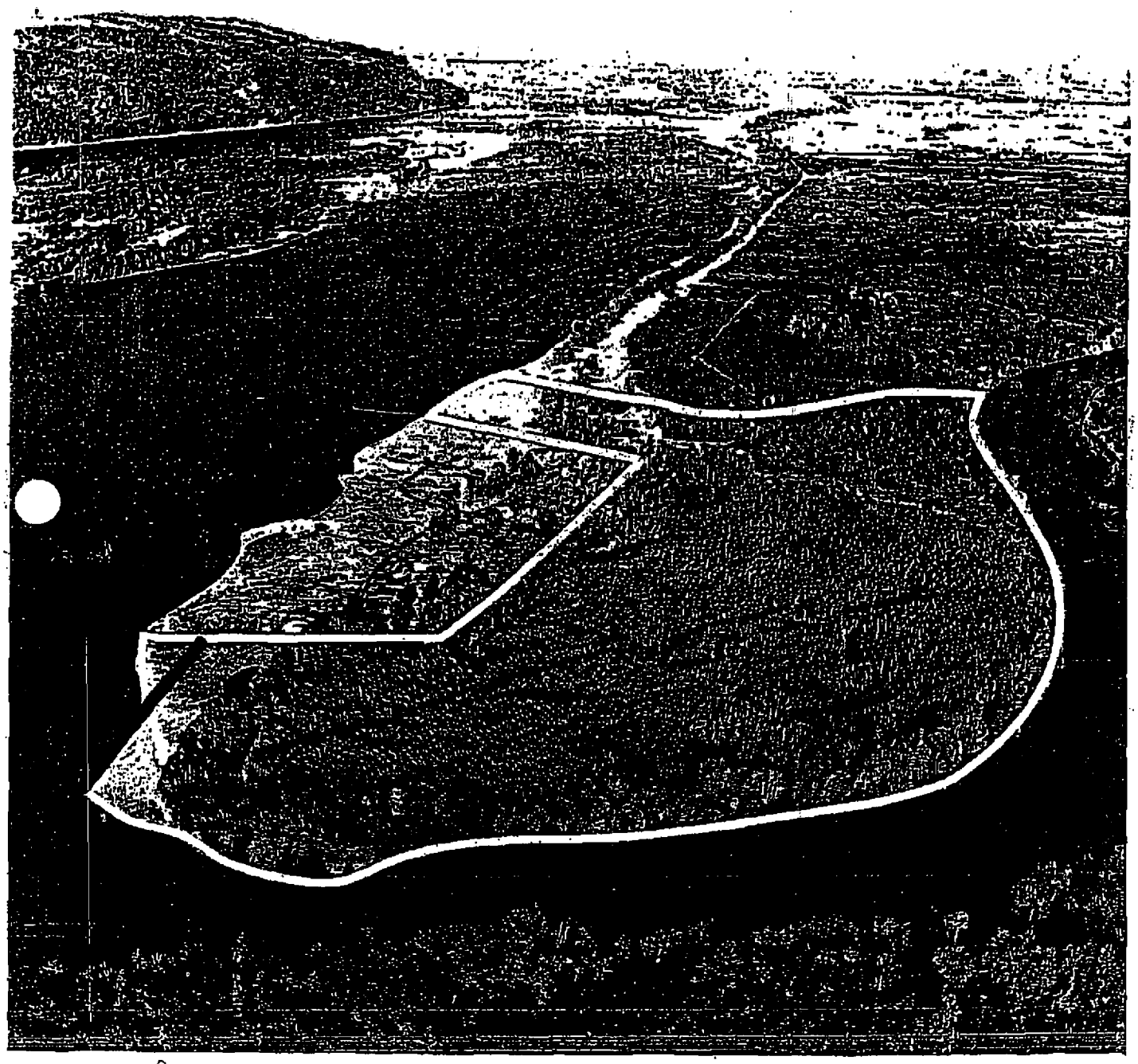


Photo from Nov 10, 2001
Auction Supplement re: Sale
of outlined property

Boundary outlines are for illustration only. Buyers are advised to conduct their own investigation to determine the exact location.

5g

Phil Perkins

To: Jennifer Bunch
Cc: MARILYN PUTMAN
Subject: J&S Reserve Zoning Amendment and Goal 14 Exception

6/08/2009

Dear Planning Commission Members,

As adjoining landowners we would like to go on record as being opposed to the above referenced request by J&S Reserve for the following reasons.

1. The two roads that access the subject area are both privately owned. The portion that starts where the Columbia County road ends (at the entrance gate) all the way to where the unimproved road into the subject area starts is by and large maintained with River Ranch Home Owner Association funds. Clatsop County is to be commended for seeking out those landowners who wish to turn land to wetlands or who choose to enhance existing wetlands for waterfowl migration. The County should not however encourage or allow economic development (hunting), or development if the ensuing cost to the infrastructure (roads) is borne by private residents not associated with the landowner.

   Nor should the county allow any development that could possibly give a landowner the potential legal advantage in seeking a County Commission or court ordered easement across adjoining landowners property. We believe that this action would allow for that possibility and would greatly diminish the quality of life we presently enjoy, and also lessen the value of our property due to the increase in traffic through River Ranch.

2. The County is on record as advocating economic development (hunting on wetlands). Under Chapter 4, section 47 to the Clatsop County Code of Regulations (Noise Control Standards) noise from the discharge of firearms while hunting would be allowed. At present J&S Reserve conducts hunting on land (in Columbia County). This hunting is in the early mornings and can continue for some hours. Although sporadic, the noise – from over a thousand feet away - is sharp enough and of a high enough decibel level as to cause sleeplessness. If this zoning change is allowed we are very confident that J&S Reserve (due to past land use practices) will actively conduct waterfowl hunting on the subject land - at an ever closer proximity to River Ranch than from the Columbia County land. This will cause my family physical and mental anguish due to the loss of sleep. The noise generated will be well in excess of existing uses of the land and the zoning change should be rejected on this basis.

3. Clatsop County should investigate further the ability of the local water association to support the proposed structural development. Water pressure to the hydrants serving River Ranch have in the past been lower than the Clatskanie Fire Dept. has considered optimal. We have requested that they conduct testing to determine current pressures in light of the damage to our water supply. The County should allow no structural development (zoning change) if these pressures prove inadequate. Again, we as homeowners at River Ranch will be subject to unnecessary risk at the expense of an adjoining landowner.
   We would request that any development of structures by J&S Reserve be required to have wells drilled to support the properties water needs.

In closing we would like to say that we commend J&S for seeking to keep and enhance wetlands. We encourage them to also be a good neighbor by allowing the land to stay undeveloped, until such time that the local infrastructure can support it. We also ask that they withdraw the request and leave the land as it is. Thank you for your consideration.

Phillip & Lillian Perkins
47176 River Ranch Lane
Westport Oregon 97016

5h

Jennifer Bunch - J&S Reserve Zoning Amendment and Goal 14 Exception

From: "Phil Perkins" <phil@nwoha.org>
To: "Jennifer Bunch" <JBUNCH@co.clatsop.or.us>
Date: 6/8/2009 7:11 AM
Subject: J&S Reserve Zoning Amendment and Goal 14 Exception
CC: "MARILYN PUTMAN" <putmansatriverranch@q.com>

6/08/2009

Dear Planning Commission Members,

As adjoining landowners we would like to go on record as being opposed to the above referenced request by J&S Reserve for the following reasons.

1. The two roads that access the subject area are both privately owned. The portion that starts where the Columbia County road ends (at the entrance gate) all the way to where the unimproved road into the subject area starts is by and large maintained with River Ranch Home Owner Association funds. Clatsop County is to be commended for seeking out those landowners who wish to turn land to wetlands or who choose to enhance existing wetlands for waterfowl migration. The County should not however encourage or allow economic development (hunting), or development if the ensuing cost to the infrastructure (roads) is borne by private residents not associated with the landowner.

   Nor should the county allow any development that could possibly give a landowner the potential legal advantage in seeking a County Commission or court ordered easement across adjoining landowners property. We believe that this action would allow for that possibility and would greatly diminish the quality of life we presently enjoy, and also lessen the value of our property due to the increase in traffic through River Ranch.

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   We would request that any development of structures by J&S Reserve be required to have wells drilled to support the properties water needs.

In closing we would like to say that we commend J&S for seeking to keep and enhance wetlands. We encourage them to also be a good neighbor by allowing the land to stay undeveloped, until such time that the local infrastructure can support it. We also ask that they withdraw the request and leave the land as it is. Thank you for your consideration. A signed copy of this will also be faxed to your office.

Philip & Lillian Perkins
47176 River Ranch Lane
Westport Oregon 97016

5i

Jennifer Bunch - Unable to make LNG meeting tomorrow...wanted to let the commissioners know to vote no for LNG's pipeline in public spaces etc.

From: "Bill & Georgette Eastland" <bilandjet91@centurytel.net>
To: "J Bunch" <jbunch@co.clatsop.or.us>
Date: 6/6/2009 10:48 PM
Subject: Unable to make LNG meeting tomorrow...wanted to let the commissioners know to vote no for LNG's pipeline in public spaces etc.

Dear Clatsop County Commissioners,

We voted no to LNG pipelines in our public spaces and parklands in September of 2008 as did 67% of our fellow voters. Do not change this decision. The LNG project is not a good fit for our region. They don't care about our beautiful state. Think of the future generations of Oregonians. Be strong. Vote no to pipelines in our public spaces and parklands.

Sincerely,
Bill and Georgette Eastland
92581 Tomberg Road
Astoria, Oregon 97103

5j

Jennifer Bunch - Zoning change proposed by J & S Reserve

From: "ndthurin@juno.com" <ndthurin@juno.com>
To: <jbunch@co.clatsop.or.us>
Date: 6/7/2009 10:56 AM
Subject: Zoning change proposed by J & S Reserve

Dear Jennifer Bunch,

I am writing to you as a long time member of the River Ranch Homeowners Association (RRHOA) regarding the above proposal.

As you may or may not know, River Ranch is a 48 lot subdivision that was formed in the late 1970's by Richard Magruder whose family owned the surrounding land in both Clatsop and Columbia Counties. Richard Magruder was killed in a tractor accident in 1978 before his subdivision was very active. The Clatskanie Land and Cattle Company was the name of the operating organization.

My wife and I bought a lot in 1979 and proceeded to have a house built, Actually we were the first people to build a house at River Ranch, there were two houses that were built on speculation that had been completed and sold. Our house was finished in December 1979 and the RRHOA came into being in February 1980. My wife was on the first Board. I mention all of this so that you will know that we have had a long relationship with this area. Incidentally, my wife passed away in 2000.

There are a number of reasons that I am against this proposal by J & S Reserve but some of the more important thing are the road access, sewage disposal, the water supply and the close proximity of duck hunting and the fact that we know nothing about what will be built.

With regard to the road when River Ranch was formed the area where the house's were built was paved, actually the road was paved to the Columbia County line. From that point to our security gate a distance of one mile the road was dirt and from the gate to Highway 30 it was also dirt. We have a perpetual easement on the road between River Ranch and our gate but we were and are required to maintain this road. This road was very bad in the early days, full of pot holes and mud in the winter and very dusty in the summer all the way to Highway 30.

Eventually Crown Zellerbach bought all of the Magruder property to raise pulp wood trees. We asked them if they would allow us to have that one mile section of road paved. They agreed and we hired a contractor from the Portland area and had it done. Shortly after that was done we went to the Columbia County Road Dept.and asked them if there was anything we could do about their two miles of road. They did not have any road money at the time but they said that if we paid for the materials they would do the work since they had the equipment and employees that were not busy. So we got the County road paved. The County did not do the best job in the world and that road is always in need of maintenance. They do not pay a lot of attention to us since River Ranch is located in Clatsop County and we do not pay taxes in Columbia County. We now have 31 houses here and eventually all 48 lots will be

occupied. Over the years we have gone to a lot of effort and expense for these roads and now there is the potential for another 17 houses and if this zoning change happens we will have more people and more road expense.

With regard to sewage disposal, River Ranch is built on dredge spoils that were deposited over many years and it is primarily sand. The land in the proposed dwelling area is primarily clay. I believe that if you dug a 'perk' hole in January or February you would find a very high water table. I do not believe this area is suitable for a conventional septic system. The real answer to this problem would be to build a sewage disposal plant at this site. Incidentally, if you build housing on part of the area indicated on your diagram you will be building over the old Magruder dump which contains old ice boxes, stoves bed springs, auto parts, tires and a number of dead sheep and cows.

The water supply has always been a problem. As far as I know the Westport Water Association no longer has their own water supply and our water now comes from the Wauna Water District system. I know when I was there a week ago there was very little water pressure so I don't know if they can handle anymore customers other than those already in their plans.

I assume that duck hunting will be a part of this proposed development. Our River Ranch members located at the east end of our complex are complaining about the noise of the duck hunters close to their houses and so now we may have even more noise.

There is a lot I don't know about J & S Reserves plans because I only heard about this whole thing at the last minute because I did not get any notification from you.. I feel that J & S Reserve is trying to slip this proposal by us. Every owner of a lot at River Ranch should have been notified of this proposal because we all own property within 250 feet of the subject land. It is called River Ranch Lane which each member of the RRHOA owns a part. Being a Homeowners Association we could also be considered a local government or a special district.

One last comment, most of what I have mentioned would be taken care of if J & S Reserve just moved this whole operation up the Columbia River about a half a mile. They could even give their one mile of road to the county and we could move our security gate up close to our housing. Columbia County might be so happy to get the extra tax dollars that they might put a little more effort in maintaining the county road!

Sincerely, Richard M. Thurin

(503) 620-1033
15620 S.W. Alderbrook Drive
Tigard, OR 97224

(503) 455-2410
97049 River Ranch Lane
Westport, OR 97016

5k

Jennifer Bunch - testimony for June 9th LNG rezoning

From: "LaRee Johnson" <laree@lareejohnson.com>
To: <jbunch@co.clatsop.or.us>
Date: 6/7/2009 2:33 PM
Subject: testimony for June 9th LNG rezoning
Attachments: scale model of LNG tanks-sm.jpg

TO: Clatsop County Commissioners

FROM: LaRee Johnson, PO Box 601, Astoria, OR

RE: Zone change in J & S Reserve near Westport

DATE: June 9th, 2009

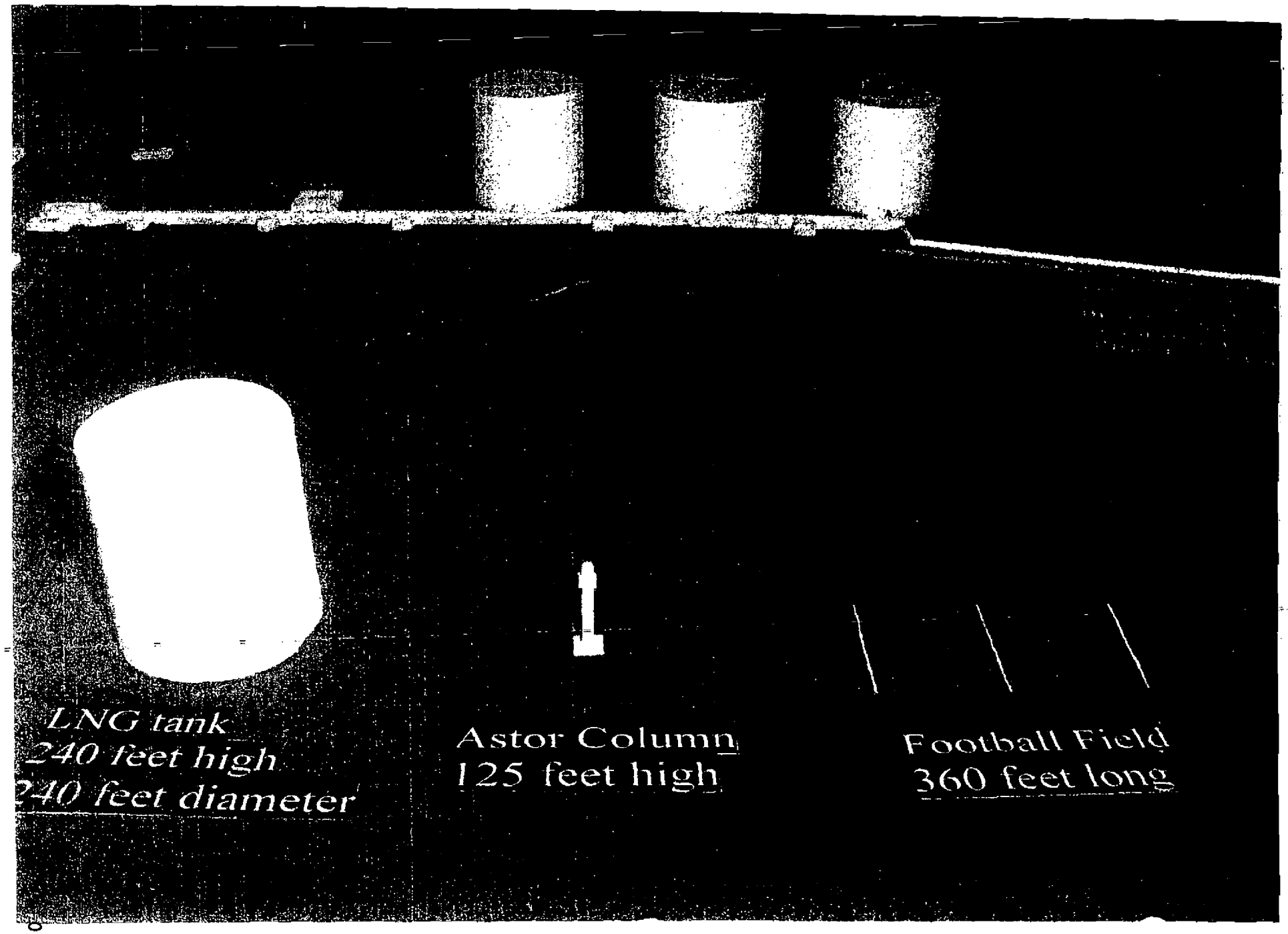
I am opposed to changing the zoning from *"Open Space, Parks, and Recreation,"* to *"Lakes and Wetlands" and "Residential."*

I understand that you have the authority to keep the law the way it is today. And 67% of the voters in Clatsop County voted last Fall to keep "Pipes out of Parks" as you know. Regarding this issue alone the County can only approve a change of this nature if the proposed zone change:
"will not result in over-intensive use of the land" LWDUO 5.412(5),
"will encourage the most appropriate use of land" 5.412(7), and
"will not be detrimental to the health safety and general welfare of Clatsop County" 5.412(8).

An LNG pipeline is NOT the most appropriate use of the land and has been shown to be detrimental to the welfare of the County populace on a number of issues, all of which you have heard repeatedly over the past several years. If you had attended the Dr. Jerry Havens presentation you would have a scientific rationale for why LNG should NOT be transported or located near population centers.

I have attached a scale model photo of an LNG tank with the Astor Column and a football field to show perspective---have you seen this? Some things money cannot buy, and I hope you know that the people along the Columbia River on both sides, Oregon and Washington, are well aware of the price that will be paid by generations to come if this travesty is allowed to go forward. The LNG companies and the investors will go on their merry way with money jingling in their pockets while those of us that call the Columbia River basin our home are left to deal with the security zones, the environmental compromise, the degradation of quality of life, further reduction of salmon runs, fire and safety issues, additional infrastructure costs, loss of cruise ship and other tourist related business, overbuilding with possibly never using these facilities since US gas may actually be cheaper---the reasons are numerous and stated many times at every one of these meetings.

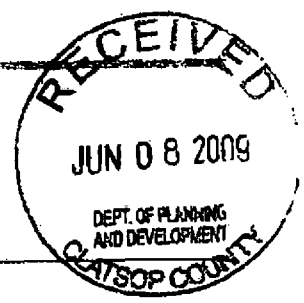
There have to be payoffs for decisions made. If you persist in promoting LNG instead of renewable energy resources, I would like to know exactly what the payoff is, and exactly who is getting paid off? It isn't us.


LNG tank
240 feet high
240 feet diameter
Astor Column
125 feet high
Football Field
360 feet long

960

5i

Clatsop Development - Please include in 6/9 testimony



From: Carol G Newman <caroltov@pacifier.com>
To: CC Planning Commission <comdev@co.clatsop.or.us>
Date: 6/8/2009 1:54 PM
Subject: Please include in 6/9 testimony

Greetings,
I am unable to attend tomorrow morning's hearing as I am involved in community volunteer work but I wish to be on the record if at all possible.

I am deeply disappointed to see that there is a proposal to change property zoning near Westport Slough from OPR to LW. It is very clear to anyone who looks at this issue that there is no reason to make this change other than to accommodate Northern Star's Bradwood Landing LLC in its attempts to force something unwanted on our community by allowing LNG pipelines to cross the property.

I am firmly in favor of supporting the vote and wishes of Clatsop County residents, 67% of whom said NO to these very pipelines.

Thank you for your attention.

Sincerely,
Carol Newman
44331 Peterson Ln
Astoria 97103

5m

Jennifer Bunch - J&S Reserve Goal Exception -Comments

From: "GRIMES Jim" <jim.grimes@state.or.us>
To: "Jennifer Bunch" <JBUNCH@co.clatsop.or.us>
Date: 6/8/2009 4:09 PM
Subject: J&S Reserve Goal Exception -Comments
CC: "GRIMES Jim" <jim.grimes@state.or.us>

Hi Jennifer,

Thank you for the opportunity to provide comment for the above referenced land use actions.

We have reviewed the Department ownership maps as well as selected dredge spoil information from the US Army Corps of Engineers for the area at the mouth of Westport Slough.

Our review indicated that a very large amount of dredge spoils were placed there since at least the 1960's. The spoils placement appears to have occurred on private lands as well as state-owned submerged and submersible lands, which brings two pertinent comments for the parcel.

The dredge spoils placed on private lands remains state-owned and subject to royalty payments if/when beneficial uses are made of the material or the material is moved from its place first deposited.

Any dredge spoils placed on land that was historically submerged or submersible remains state-owned, even if it is now upland. our records the northwesterly portion of the tax lot includes state-owned filled land.

We are available to answer questions or meet with you and the applicants to review information and discuss this issue further.

Please contact Jim Grimas the Land Manager for that area by phone at 503 986-5233 or by email at jim.grimes@state.or.us

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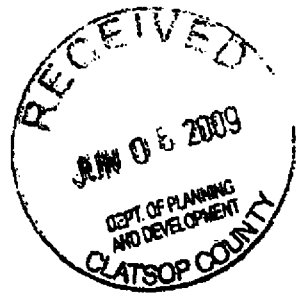
June 8, 2009



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

Regarding: J&S Reserve Zoning Map Amendment

I am a tax-paying citizen and homeowner residing in Clatsop County. In the referendum last fall on LNG pipelines in parklands, I voted against permitting pipelines in the Open Space, Parks, and Recreation Zone. I was not alone. Participation in this plebiscite was high; and 67% of the voters in that election voted the same way I did. This proposed zoning change makes a mockery of the direct will of the majority of the voters in Clatsop County.

From the evidence of the Staff Report and the Applicant's Statement of Standards, Facts and Justification in Support of the Zoning and Comprehensive Plan Map and Text Amendment Proposal by Sam Karamanos, this planning decision is being driven by a set of narrowly conceived and contrived technicalities that, in so doing, manage completely to ignore the ulterior motive plainly lying behind this zone change request. The OPR designation, because of the express will of the people in last fall's referendum prohibits an LNG pipeline to cross this parcel of land. Changing the designation to LW would remove that restriction. Since the proposed route to be taken by the NorthernStar Natural Gas LLC pipeline project would cross this property, the impediment deliberately placed by the voters in the way of LNG pipeline construction would be removed. The requested zone amendment is a transparently cynical and unethical sleight of hand.

As a point of technicality, both the Staff Report and the Applicant's submission are in error as to the bounds of the Columbia River estuary as defined in OAR 660-017-0005(6). On page 12 of the Staff Report, it states that: "The department agrees with the analysis provided by the applicant that states that the Columbia River ends at the eastern edge of Puget Island [OAR 660-017-0005(6)]." On page 32 of the applicant's submission, it states: "The jurisdictional end of the estuary is the eastern edge of Puget Island and does not extend to the subject property." In fact, the text of OAR 660-017-0005(6) actually reads: "Estuaries extend upstream to the head of tidewater, except for the Columbia River estuary, which, by definition, is considered to extend to the western edge of Puget Island." (Emphasis added.) Even though the errors cited above appear to be derived from a typographical error, they are indicative of a careless disregard for facts both on the part of Applicant and by Clatsop County planning staff. The subject property is directly across from the Puget Island terminal of the Wahkiakum ferry, and is clearly to the west of the eastern end of Puget Island. If the definition of the Columbia River estuary as stated by the Applicant were correct, Goal 16 on Estuarine Resources most definitely would be applicable to the subject property. That county planning staff did not catch this error, and yet even more disturbing, in fact repeats it, is a troubling indication of carelessness that cannot be overlooked.

Both the Applicant's submission and the planning staff report appear to have been predisposed to a preconceived conclusion, and thus admit only evidence that will lead to the desired end. This approach to the planning process ultimately and inevitably leads to a finding of no significant

impact, and would allow the zone change to go forward without ever mentioning the ulterior motive. The change of zoning from OPR to LW is said to provide greater protection for wetlands on the subject property. However, since the change in zone designation would remove the impediment to construction of NorthernStar's pipeline, the requested zoning amendment clearly would not afford greater protection for the wetlands in this vicinity. The pipeline route would require 50 feet of cleared right of way on both sides of the pipeline, which neither the applicant nor planning staff ever mention or acknowledge, Further, the Applicant states that no fire protection is needed for LW lands, which avoids altogether the fire protection issues connected with having a large gas pipeline crossing the property. It is a deceitful canard to pass this off as a thorough review of the implications of the requested zoning amendment.

The first and foremost principle of planning should be to do no harm. The requested zoning amendment does exactly the opposite. The will of the majority of voters in this county should be respected. Please leave the zoning on the J&S Reserve as it is.

Respectfully,

Hobe Kytr
5253 Ash Street
Astoria, OR 97103-2035
kytrfam@charter.net

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COLUMBIA RIVERKEEPER

Columbia Riverkeeper
724 Oak Street, Hood River, OR 97031
www.columbiariverkeeper.org

June 8, 2009

Clatsop County Planning Commission
Community Development Department
800 Exchange St., Ste. 100
Astoria, OR 97103

SUBMITTED VIA FAX (503 338 3666) AND EMAIL: jbunch@co.clatsop.or.us.

RE: Application of Mark Barnes, on behalf of J & S Reserve to amend the comprehensive plan text and zoning map and seek a goal exception for land in Westport area of Clatsop County.

I. INTRODUCTION

We submit these comments on behalf of the following organizations: Columbia Riverkeeper; Columbia Pacific Common Sense; and Friends of Living Oregon Waters; Cheryl Johnson and Ted Messing (collectively, "Columbia Riverkeeper"). This Coalition includes a broad spectrum of local and regional citizen groups with environmental, safety, and economic interests. Each organization has members who would be harmed by this zoning and comprehensive plan amendment.

II. THIS PROPOSAL WILL ALLOW LNG PIPELINES

Bradwood Landing LNG seeks to place its 36-inch gas pipeline across the land currently zoned Open Space, Parks, and Recreation (OPR) immediately east of Westport Slough. However, the pipeline is prohibited because the OPR zone does not allow pipelines. J & S Reserve is requesting to change the zoning along the pipeline route from OPR to Lake and Wetland (LW), which will allow the Bradwood pipeline. Therefore, a decision by the Planning Commission to remove the protection of the OPR zone is a decision to approve the LNG pipeline.

A. A zone change would allow LNG pipelines

The proposed Bradwood pipeline is designed to pass through the OPR zone. The LW zone allows pipelines as a permitted use. LWDUO 3.613. The OPR zone does not allow pipelines. LWDUO 5.584. Quite simply, the proposed zone change would allow the LNG pipeline.

The Planning Commission should not be fooled by the fact that the land use application before you does not mention LNG. The obvious effect of your decision will be to allow LNG pipelines, regardless of the fact that Bradwood Landing may be hiding that fact by placing another name on the application. The Planning Commission must look at the overall effect of the decision – this decision clearly changes the zoning for LNG pipelines. The attached map from the Bradwood Landing pipeline map application[1] shows that the Bradwood Pipeline is designed to cross the OPR zone adjacent to Westport Slough, owned by J & S Reserve. The attached narrative description explains that pipelines are not allowed in OPR zone but pipelines are allowed in the LW zone. Bradwood originally asked the County to allow pipelines through the OPR zone. The County agreed,

[1] Narrative in Support of Application of Local Approval of Natural Gas Pipeline, February 2007.

but a citizen referendum rejected that approval. Now, Bradwood has proposed a "Plan B" - trying to convince the Planning Commission to change the zoning to allow pipelines.

B. 67% of voters already rejected pipelines in the OPR zone

Allowing LNG pipelines in the OPR zone is expressly contrary to the September 16, 2008 Clatsop County referendum. The referendum asked voters whether they wanted to change the land-use ordinance to allow pipelines (among other uses) to cross OPR zones. An astounding 67% of voters rejected this zone change. Eight thousand two hundred and fifty two voters voted against the change while only 4,045 voted for it. The voter turnout was 58%. If the Planning Commission recommends changing the OPR zone to allow pipelines, that decision will fly in the face of the voters of Clatsop County. Elected and appointed officials have a duty to represent the citizens. This land use decision is one of the rare situations where the voters have already spoken on the very same issue. It is wholly inappropriate to undermine the vote of the people.

The only section of OPR zone in question for the Bradwood pipeline is adjacent to Westport Slough – the same section under consideration by the Planning Commission. Therefore, the Planning Commission will directly decide on whether to overturn the referendum for this section.

C. The referendum was an appropriate exercise of citizen rights.

Three citizens of Clatsop County, Marc Auerbach, Debbie Twombly, and Don West exercised their Constitutional right by filing a referendum ("Referendum") of sections 5 and 6 of Clatsop County Ordinance 08-05. Sections 5 and 6 of the Ordinance 08-05 amended the uses allowed in areas protected as Open Space, Parks, and Recreation. Since the enactment of the Clatsop County zoning ordinance in 1980, pipelines have been prohibited from areas protected as Open Space, Parks, and Recreation. LWDUO 3.580. The purpose of the Open Space, Parks, and Recreation areas is to: "provide for the conservation of open space; the protection and development of areas uniquely suite for outdoor recreation and protection of designated scenic, natural and cultural areas." *Id.*

In 2008, Clatsop County amended the OPR zone to allow pipelines in these areas zoned Open Space, Parks, and Recreation. However, the Citizens' properly filed the Referendum petition to the Clatsop County Clerk on April 11, 2008. After reviewing the subject of the Referendum and obtaining legal advice, the Clerk approved the Referendum for preparation of a ballot title and collection of signatures. The District Attorney drafted a ballot title and the Referendum proponents began gathering the necessary signatures to place the Referendum on the September 16, 2008 ballot. On September 16, 2008, citizens overwhelmingly rejected pipelines in the OPR zone.

The citizens properly exercised their Constitutional right to change the law when they voted on the referendum. Now, less than one year later, it is completely inappropriate that the Planning Commission would consider overruling the citizens' vote. We urge that you deny this zone change request that will allow LNG pipelines in the OPR zone.

D. The County failed to provide adequate notice on the effects of the zone change

The primary effect of the zone change is to allow an LNG pipeline through the OPR zone, as shown in Bradwood's pipeline map. However, the County completely failed to even mention this fact in the public notice, despite the public interest in LNG. At the very least, the Planning

Commission should request a new public notice and public hearing to inform citizens of the underlying effect of this action.

E. The County has authority to deny the zone amendment request

The Planning Commission should recommend against the zone change that would allow Bradwood's LNG pipeline. **The County has full authority to keep the law the way it is today.** Zone changes should only be approved in rare situations where the applicant has clearly demonstrated a situation that is unfair, or where the change is appropriate County policy. Here, the zone change from OPR to LW serves no purpose other than allowing the Bradwood pipeline. The applicant does not even attempt to explain why the change is necessary for the proposed uses.

The County can only approve if the proposed zone change "will not result in over-intensive use of the land," LWDUO 5.412(5), and "will encourage the most appropriate use of land." 5.412(7). Here, the proposed residential housing or the proposed LNG pipeline will result in overintensive use of the land and is not the most appropriate use because the wetlands and sloughs adjacent to Westport Slough are important ecological areas, including habitat for endangered salmon and the Columbia white-tailed deer. The application fails to consider these impacts. In addition, the application is inconstant with the requirement that a zone change "will not be detrimental to the health safety and general welfare of Clatsop County." 5.412(8). The intensive use of a 36-inch gas pipeline and increased residential use fail to protect the health, safety, and general welfare of the County, particularly residents in the neighborhood near the proposed pipeline. The application fails to meet these criteria and fails to provide substantial evidence that it is consistent with the LWDUO 5.412.

III. THE GOAL 14 EXCEPTION IS NOT PROPER

The applicant's statement in support of the Goal 14 "reasons exception" acknowledges that parcels smaller than 10 acres are not allowed in rural areas outside of urban growth boundaries, regardless of whether those lands are "resource" or "nonresource" lands. Thus, in order to allow for the four residental parcels, each less than ten acres in size, the county must find some justification for a Goal 14 exception. The usual justifications for Goal 14 exceptions are the "developed" or "committed" exceptions, however, as the lands at issue here are neither developed nor irrevocably committed to urban densities, the only option available is the "reasons" exception.

The applicant's statement cites to OAR 660-004-0040 and makes findings to support the requested Goal 14 reasons exception relative to ORS 197.732(2)(c). However, VinCEP v. Yamhill County, 53 Or LUBA 514 (2007), reversed on other grounds by 215 Or App 414 (2007), makes it clear that a reasons exception for proposed urban development on lands outside a UGB must be justified under OAR 660-014 provisions, rather than OAR 660-004 provisions. OAR 660-014-0040 provides the criteria for the Goal 14 reasons exception, and these criteria have not been addressed in the applicant's statement.

Some portions of the applicant's statement seem to indicate that the parcel or portions of the parcel are already under a Goal 14 "committed" exception, and thus zoned RA1 to allow for parcel sizes smaller than 10 acres. However, because the "committed" exception is specifically justified for a particular parcel in a particular location, the exception, once granted, can not later simply be shifted to some other parcel or even some other location on the same parcel. "Density trading" is not a valid justification for a reasons exception. There is no inventory or target of rural residential property that must be provided outside UGBs, and thus no rural residential development rights to tranfer. Each

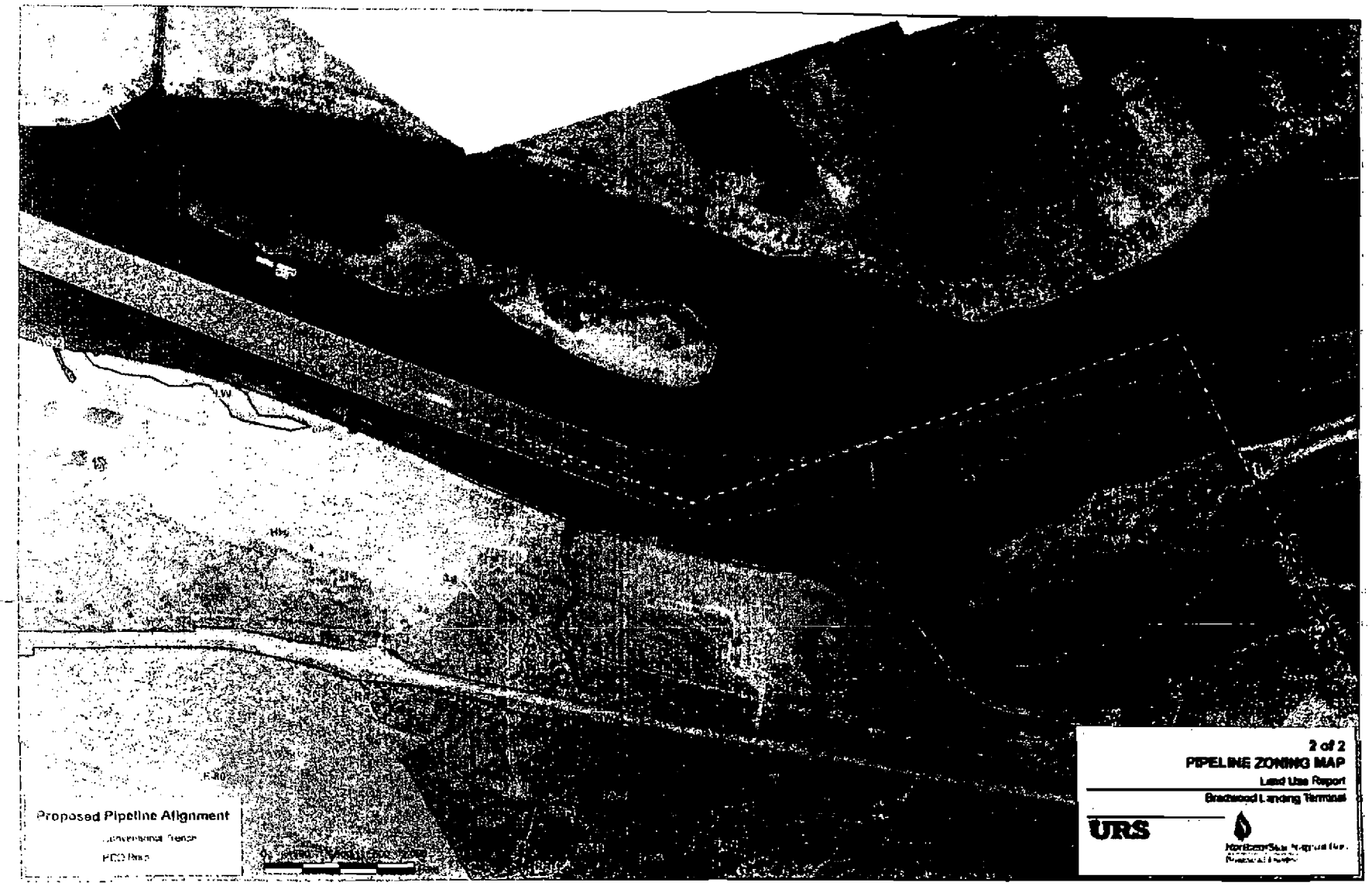
proposal must stand on its own merits, and this proposal, for four parcels less than ten acres, is not adequately justified with a Goal 14 reasons exception and is not properly eligible for a Goal 14 committed exception.

IV. CONCLUSION

The Planning Commission should respect the voice of the people and deny the zone change request. In addition, the Planning Commission should deny the application because the Goal 14 "reasons" exception is inappropriate.

Sincerely,

/s/ Brett VandenHeuvel
Columbia Riverkeeper


Proposed Pipeline Alignment
2 of 2
PIPELINE ZONING MAP
Land Use Report
Bradwood Landing Terminal
URS

1.1.1 Location and Description of Facilities Within Clatsop County

The pipeline will originate at a pig launcher and meter station within the proposed Bradwood Landing LNG Terminal. The Terminal will be located along the southern bank of the Columbia River at approximately River Mile 38, in Clatsop County, Oregon. The pipeline will exit the Terminal to the south, passing southwest of the Georgia-Pacific paper mill at Wauna where the first proposed delivery point would be located, and then proceed easterly to pass north of the community of Westport.

The proposed locations of the Bradwood Landing Pipeline is illustrated in Figure 1.

2.0 Identification of Clatsop County Zones Crossed by the Pipeline

2.1 Marine Industrial (MI) and Heavy Industrial (HI) Zones

The pipeline is permitted in the Marine Industrial (MI) and Heavy Industrial (HI) zones under multiple provisions. The pipeline is permitted in both zones as a utility "maximum use of existing easements and right of way will be used." LWDUO §§ 3.624(13), 3.404(5). Utility is defined in the code to include uses needed to operate transmission and distribution lines, including pumping stations, repeater stations and water storage tanks." LWDUO § 1.030. Within the MI zone, the pipeline project consists of the pig launcher used for pipeline inspections, the meter valve and 36" diameter pipe that connects to the remainder of the transmission pipeline, as well as associated construction workspaces. Within the Heavy Industrial zone, the pipeline project consists of a delivery station to serve Wauna Mill, the meter valve, the connection to the 36" pipeline and associated workspace during construction.

The pipeline is also permitted in the MI zone as a water dependent industrial and port use including, fuel storage and dispensing facilities as the pipeline is the means for dispensing the regassified liquefied natural gas stored at the terminal. LWDUO § 3.624(10)(B). The pipeline may also be conditionally permitted in the HI zone as "storage, distribution services and fabrication facilities including terminals, warehouses, storage buildings and yards, contractor's establishments, production mills or similar uses." The pipeline and the facilities to support construction of a lateral line to serve the Wauna mill distribute natural gas and are similar to the other uses listed and the purpose of the HI zone. It is the "intent of this zone to provide areas for industrial activities which may require large land areas for uses involving manufacturing, assembling, heavy fabrication, bulk handling of products and large amounts of storage and warehousing. In addition, it is the purpose of this classification to provide sites for industrial uses which are potentially incompatible with most other establishments and are typically appropriate to areas with extensive rail or shipping facilities. New industrial uses are not limited in size with building or buildings not to exceed the carrying capacity of the land to provide adequate water and absorb waste. Expansion of an existing industrial use resulting in building or buildings exceeding 30,000 square feet of floor area are appropriate when the use will not exceed the carrying capacity of the land." LWDUO § 3.402. The transmission of the natural gas is the bulk handling of the gas and appropriate in the HI zone.

2.2 Forest 80 (F80) Zone

The pipeline is conditionally permitted in the Forest 80 (F80) zone as a new gas distribution line with rights of way of 50 feet or less in width, subject to standards. While construction of the pipeline will require use of more than 50 feet, the permanent right of way will not exceed 50 feet and the use is permitted.

2.3 Lake and Wetland (LW) Zone

Submerged cable, sewer line, waterline or other pipelines are allowed in the Lake and Wetland (LW) zone. LWDUO § 3.613. The pipeline will be submerged through the LW zone and is an allowed use.

2.4 Exclusive Farm Use (EFU) Zone

The pipeline also crosses the Exclusive Farm Use (EFU) zone before entering Columbia County. Utility facilities necessary for public source are permitted in the EFU zone pursuant to § 3.564 (4). By definition, utility facilities necessary for public source include

> "[M]ajor structure(s) owned or operated by a public, private, or cooperative * * * fuel * * * company for the * * * transmission, distribution or processing" of the products." LWDUO § 1.030.

The pipeline is a major structure that will be operated by a fuel company to transmit and distribute natural gas. LWDUO § 3.564 is Clatsop County's codification of the state's provision governing uses allowed on EFU land pursuant to ORS 215.283(1). ORS 215.283(1)(d) allows "utility facilities necessary for public service." A utility facility necessary for public service may be established as provided in ORS 215.275. That ORS 215.283(1)(d) and therefore LWDUO 3.564 is intended to include natural gas pipelines is made particularly clear by the provisions in ORS 215.275(1) and (6). "The provisions of subsections (2) to (5) of this section do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission." ORS 215.275(6).

A utility facility established under ORS 215.213(2) or ORS 215.283(1)(d) is necessary for "*public service if the facility must be sited in an exclusive farm use zone in order to provide the service.*" ORS 215.275(1).

> "The facility is necessary if it must be situated in the EFU zone in order for service to be provided. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered that the facility must be sited in an exclusive farm use zone due to one or more of the following facts:
>
> "(A) Technical and engineering feasibility;
>
> "(B) The proposal is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other land;
>
> "(C) Lack of available urban and nonresource lands;
>
> "(D) Availability of existing rights of way;
>
> "(E) Public health and safety; and
>
> "(F) Other requirements of state and federal agencies."

OAR 660-033-0130(16).

The pipeline must be located in the EFU zone because it is locationally dependent. It is necessary to cross the EFU land in order to achieve the needed alignment.

Pipeline System Alternatives

Pipeline system alternatives that would meet the objectives of the Project to transport the additional supplies of natural gas from the Bradwood Landing LNG Terminal to the regional markets were analyzed. No suitable existing or planned pipeline system alternative was found to exist in the region that could transport the Bradwood Landing LNG sendout capacity of 1 Bcf/d to existing intrastate and interstate pipeline systems.

Furthermore, expansion of existing pipeline systems within the region to reach the target markets, would likely result in construction of a pipeline system with environmental impacts similar to those of the proposed Project.

Pipeline Route Alternatives

Route alternatives were identified and evaluated primarily based upon ability to eliminate or minimize overall environmental impacts associated with construction and operation of the pipeline. constructability, and proximity to populated areas. Route variations are generally identified during evaluation of a route alternative in an effort to avoid or reduce construction impacts to a specific. localized resource including wetlands, wildlife. habitat, cultural resources, residences, or particular terrain which presents difficulties for construction.

Four major route alternatives were considered: 1) the proposed Bradwood Landing Pipeline Route; 2) the Railroad Route Alternative: 3) the Northern Route Alternative; and 4) the Southern Route Alternative. In addition, a route alternative requiring a crossing of the Columbia River at Bradwood Landing was initially considered. However, due to the limitations of HDD (heavy directional drilling) technology and the length of the crossing at this location, the route was determined to be unconstructable and was eliminated from further consideration. The applicants considered following the Portland General Electric utility ROW for portions of the pipeline route. However, field reconnaissance found that this route presented insurmountable constructability issues.

Proposed Bradwood Landing Pipeline Route (Preferred Alternative)

The Preferred Alternative would interconnect with the existing Northwest Natural intrastate pipeline to their Mist storage facility off of this segment and a delivery point will be constructed at Port Westward to serve the existing PGE power plant through a new meter station. This route presents advantages relative to the other alternatives in terms of environmental impacts. constructability, proximity to populations, and proximity to target markets.

Railroad Route Alternative

Of the four route alternatives. only the Railroad Route is shorter (by less than a half mile). however. it falls to meet the project objective of delivery to PGE at Port Westward without the construction of a lateral which would significantly increase the overall length of the pipeline system and subsequently increase the numbers of landowners and environmental resources impacted by the project. Additionally, the portion of the railroad bed between Bradwood Landing and the Georgia Pacific paper mill at Wauna, is adjacent to a basalt ledge that may require blasting for installation of the pipeline. Blasting would potentially result in stability issues for the pipeline and the railroad bed and present a possibly insurmountable engineering constraint

Northern Route Alternative

The Northern Route Alternative's approximate length is 42.61 miles (Washington and Oregon). Although this route alternative achieves delivery to interstate markets, it fails to meet the project objective of delivery to PGE at Port Westward without the construction of a lateral which would significantly increase the overall length of the pipeline system and subsequently increase the numbers of landowners and environmental resources impacted by the project. This route would increase the length of the Project by 6.32 miles compared to the Preferred Alternative without the lateral to PGE included and by significantly more with it included. It also would significantly increase the total acreage impacted. Additionally, this alternative significantly increases overall project cost with the need for a second HDD to traverse the Columbia River at Trojan, Oregon.

A variation of the Northern Route would decrease the northern route length by 1.31 miles. However, this variation would still be 5.01 miles longer than the preferred route and also requires two HDDs. At the crossing of the Columbia River for the Northern Route Variation, the river is wider than a single bore can accomplish. Therefore, to complete the HDD bore at this location, the drill rig would be positioned on Cottonwood Island and drill both to the east and west to Oregon and Washington respectively.

The Southern Route

The Southern Route Alternative achieves delivery to interstate markets but fails to meet the project objective of delivery to PGE at Port Westward without the construction of a lateral which would significantly increase the overall length of the pipeline system and subsequently increase the numbers of landowners and environmental resources impacted by the project. As compared to the Preferred Alternative, this route would increase the length of the Project to about 75 miles. The overall footprint of the project (including extra workspaces and access roads) would significantly increase the potential for environmental impacts as compared to the Preferred Alternative.

Minor Route Variations

During development of the Bradwood Landing Pipeline Route Alternative several minor route variations were considered in an effort to eliminate or minimize potential impacts to specific localized resources, including residences, wetlands, or waterbodies. Route variations were also identified as specific landowner concerns were raised. As the proposed pipeline alignment has undergone refinement through ongoing field investigations and discussions with landowners, some of the minor route variations initially considered have been incorporated into the proposed alignment, undergone minor revision or been eliminated from further consideration. In addition, some segments of the proposed pipeline alignment have been revised and the initial segment no longer considered viable as a potential variation due to various constraints.

Evaluation of the route alternatives indicates that the Preferred Alternative best meets the Project objectives of minimizing or avoiding environmental impacts, constructability, and reaching target intrastate and interstate natural gas markets.

2.5 Aquatic Development Zone (AD)

A portion of the Westport Slough is zoned Aquatic Development. As discussed with respect to the MI zone, the pipeline is a water dependent industrial use and is allowed outright in the AD zone as such. LWDUO § 3.744(9)(B). Pipelines and utility crossings are also allowed as a review use in the Aquatic Development zone subject to the standards in LWDUO §§ 3.754, 5.040-5.051. LWDUO

§ 3.746. The pipeline's crossing of the Westport Slough is therefore allowed subject to compliance with the relevant standards.

2.6 Open Space, Parks and Recreation (OPR) Zone

Less than a mile of the pipeline near the border of Clatsop and Columbia Counties is located within the OPR zone. "The OPR zone is intended to provide for the conservation of open space, the protection and development of areas uniquely suited for outdoor recreation and the protection of designated scenic, natural and cultural resource areas." Pipelines are not listed as permitted uses in the OPR zone. Given the low intensity of the use and the lack of disruption to the surface beyond the construction period, Northern Star Energy requests a text amendment making "pipelines, cables and utility crossings permitted uses" subject to the standards set forth in the zone.

2.7 Conclusion

To summarize, the pipeline is appropriate in the various zones crossed as set forth in the following table:

Zone	Permitted Use	Permit Type	
		Review Use	Conditional Use
MI	Water dependent use; Utilities, maximum use of existing easements		
AD	Water dependent use	Pipelines and utility crossings	
HI	Utilities, maximum use of existing easements		Storage and distribution and similar uses
F80			New distribution lines with rights of way 50 feet or less in width.
EFU	Utility facility necessary for public service		
LW	Submerged cable, sewer line, waterline or other pipeline		
OPR	*Proposed zoning text amendment*		

3.0 Compliance with Applicable Development Standards

3.1 MI Development Standards

Section 3.634. Development Standards.

(1) All uses and activities shall satisfy applicable regional policies contained in the Comprehensive Plan, Estuarine Resources and Coastal Shorelands Element.

Response: This is discussed in Section 8 of this narrative.

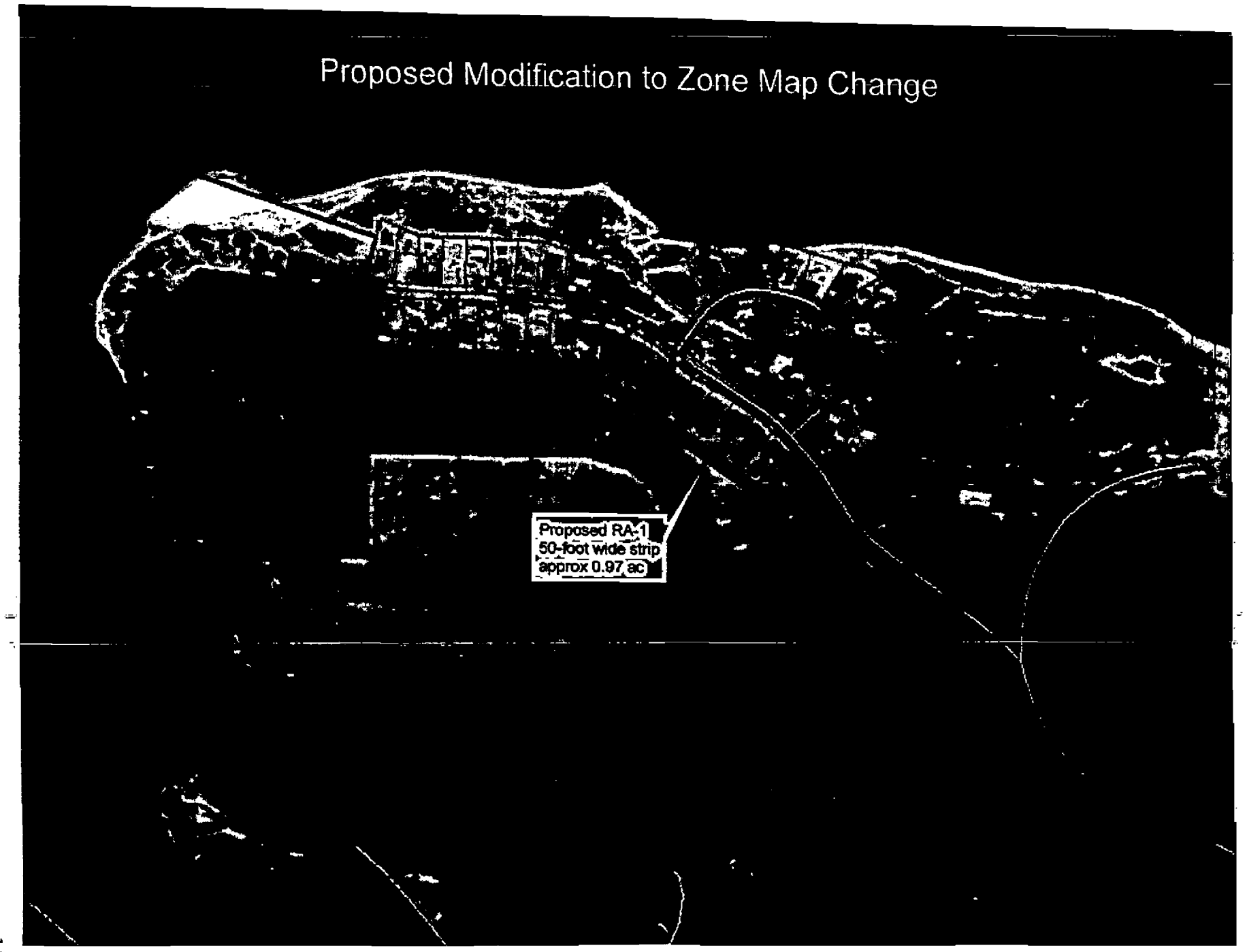
(2) All uses and activities shall satisfy applicable Columbia River Estuary Shoreland and Aquatic Use and Activity standards contained in the Development and Use Standards Document.

Response: This is discussed in Section 7 of this narrative.

(3) All other applicable ordinance requirements shall be satisfied.

Exhibit 6

Map of
Proposed
Modification


Proposed Modification to Zone Map Change
Proposed RA-1
50-foot wide strip
approx 0.97 ac

J & S Reserve, LLC

Zoning Map Amendment, Goal 14 Exception, and Text Amendment

Staff Report
Supplement

Exhibit 7
Applicant Response to Public Comment

Mark R. Barnes, AICP
P.O. Box 569
Astoria, Oregon 97103
503 325-4356

2 June 2009

Cary Johnson, Chair
Clatsop County Planning Commission
Suite 100
800 Exchange Street
Astoria, OR 97103

re: J&S Reserve/Sam Karamanos proposal; 8-6-36-200

Dear Chair Johnson;

I am writing on behalf of my client Mr. Sam Karamanos, the applicant and property owner on this matter. This letter responds to written testimony received by the Planning Department through Tuesday morning, June 2nd. A 5/28 email from Joan and Roger Ryan reads, in part:

> *We understand there might be some changes in setback requirements. We want to be assured that we will be able to build on our lot as all our neighbors have been able to do.*

The setback change the Ryans refer to is in section 3.194(5) of the RA1 zone, establishing a 20-foot rear yard setback under most circumstances, but a 50-foot setback when adjoining a resource zone. The Ryan's lot abuts land currently in the RA1 zone; the proposed amendment changes abutting land to the LW zone, a resource zone. A simple solution to this problem would be to leave a fifty-foot wide strip of RA1 zoning along the northern boundary of tax lot 200, where it abuts the River Ranch subdivision. This would result in the retention of the standard 20-foot rear yard setback. It would also allow for an access road to the proposed homesites. I have discussed this with Jennifer Bunch, the staff planner assigned to this project, and I believe we are in agreement that this is an acceptable solution to the dilemma facing the Ryans.

Yours Sincerely,

Mark R. Barnes, AICP

copy: Sam Karamanos

Ex B

SECTION 3.180. RESIDENTIAL-AGRICULTURE-1 ZONE (RA-1)

Section 3.182. Purpose.

The RA-1 zone is intended to accommodate the immediate foreseeable demand for low density rural residential development in areas where commitments to such uses have already been made through existing subdivision, partitioning, development and availability of public services (fire protection, community water system and roads). In areas contiguous with RA-2 or Urban Growth Boundary residential zones or similar city zone designations, the RA-1 zone is intended to be a transitional zoning district between the AF, F-80, EFU zones and is the same as RA-2 zone, with the conversion of such lands to higher density residential use occurring in an orderly and economical manner.

Section 3.184. Development and Use Permitted.

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

(1) One family dwelling.
(2) Limited home occupations.
(3) Farm use.
(4) Roadside stand for farm products grown on the premises.
(5) Forestry.
(6) Low intensity recreation.
(7) Public or private neighborhood park or playground.
(8) Horticultural nursery.
(9) Temporary uses subject to the provisions of Section 5.500.
(10) Cluster developments subject to the provisions of Clatsop County Standards Document, Section S3.150-S3.161
(11) Handicapped housing facility.
(12) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
(13) Health hardship dwelling subject to the standards in Clatsop County Standards Document, Section S3.025.
(14) Property line adjustment subject to provisions Section 5.200 – 5.208 and the following:
(A) Provided the existing parcel is not reduced below the minimum lot size; and
(B) Provided the lot line adjustment is within the same zone.
(15) Partition subject to provisions of Section 5.200 –5.208, and provided the existing parcel and new parcel(s) meet the minimum lot size and dimensions.
(16) Communication facilities subject to the standards in Clatsop County Standards Document, Section S4.700.
(17) Land transportation facilities as specified in Section 3.035.

Section 3.190. Conditional Development and Use.

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.000 to 5.030 subject to applicable criteria and development standards and site plan review.

(1) Public/semi-public development.

(2) Extraction, processing, and stockpiling of rock, sand, mineral and other subsurface materials.

(3) Dog kennel.

(4) Airport.

(5) Public or private recreation such as riding stable, fishing or boating docks or ramps, gun club, golf course, or resort type establishment in association with recreation.

(6) Campground, primitive.

(7) Home occupation subject to standards in Clatsop County Standards Document, Section S3.460.

(8) Veterinary clinic.

(9) Golf course subject to Section 4.040.

(10) Golf driving range.

(11) Boat ramps subject to Section 4.080-4.095 for areas identified as Coastal Shorelands in the Comprehensive Plan.

(12) Cluster development subject to the provisions of S3.150-S3.161.

(13) Accessory uses may be permitted prior to the issuance of a development permit for the primary use, subject to an approval by the Community Development Director provided that:

(A) The applicant submits a letter to the Director explaining the unique or unusual circumstances and nature of the intended use; and

(B) Provided the property owner obtains the primary use development permit within one-year (1) from the date the accessory use development permit is issued; and

(C) A statement that the accessory use, during the one-year period prior to establishing the primary use is not intended for the storage of, or the establishment of a Recreational Vehicle use; and

(D) May be subject to other conditions of approval deemed necessary to protect the primary purpose and intent of the zone, and to provide for public health, safety and welfare.

(14) Bed and breakfast establishment subject to the standards in Clatsop County Standards Document, Section S3.464-S3.468.

Section 3.194. Development and Conditional Development and Use Standards.

The following standards are applicable to permitted and conditional developments in this zone.

(1) Lot size:

(A) For one family dwelling: two (2) acre.

(B) Cluster development subject to the provisions of S3.150-S3.161.

(C) Other permitted development as required to meet State sanitation requirements and local setback and Ordinance requirements.

(D) Conditional developments shall be based upon:

1) the site size need of the proposed use,

2) the nature of the proposed use in relation to the impacts on nearby properties, and

3) consideration of State sanitation requirements, local setback and other criteria and standards of this Ordinance.

(2) Minimum lot width: 125 feet.

(3) Lot width/depth dimension shall not exceed a 1:3 ratio.

(4) Required front yard when front line abuts:

(A) Major arterial: 50 feet.

(B) Minor arterial: 30 feet.

(C) Major collector: 30 feet.

(D) Minor collector: 25 feet.

(E) Local street: 20 feet.

(5) Required rear yard: 20 feet.

(A) Exception on a corner lot: 5 feet.

(B) Exception when adjacent to resource zones - all structures: 50 feet.

(6) Required side yard:

(A) Minimum side yard 10 feet, except on a corner lot, the minimum street side yard shall be 20 feet.

(B) For lots of record created prior to September 30, 1980 that are less than the minimum lot size, required side yards shall be 5 feet.

(C) When the side yard abuts a resource zone, the minimum side yard shall be 50 feet.

(7) An accessory structure separated from the main building may be located in the required rear and side yard except in the required street side of a corner lot provided that is no closer than five (5) feet to a property line.

(8) Maximum building height: 35 feet.

(9) All new development shall indicate on the building permit how storm water is to be drained from the property. The Community Development Director may require the installation of culverts, dry wells or retention facilities in cases where a development has major storm drainage impacts.

(10) The setback for all structures shall be 35 feet from the line of non-aquatic vegetation.

(11) All standards as set forth in the Clatsop County Development Standards Document 80-14, as amended.

Section 3.196. Additional Development and Use Standards in the Clatsop Plains Planning Area.

(1) Where a buffer of trees exist along properties abutting Highway 101 at the effective date of this Ordinance, a buffer of trees 25 feet in width shall be maintained or planted when the property is developed. The Community Development Director or designate may waive this requirement where the size of the lot or natural topography would create a hardship.

(2) All planned developments and subdivision shall be required to cluster land uses and designate areas as permanent common open space. The development shall be reviewed according to Clatsop County Standards Document, Section 4.130 for Planned Developments or Section S3.150 for Clustered Developments. The minimum percentage of common open space shall be 30%, excluding roads and property under water.

Section 3.198. State and Federal Permit.

If any state or federal permit is required for a development or use, an applicant, prior to issuance of a development permit or action, shall submit to the Planning Department a copy of the state or federal permit.

SECTION 3.610. LAKE AND WETLANDS ZONE (LW)

Section 3.611. Purpose.

The purpose of the LW zone is to assure the conservation of important shoreland and wetland biological habitats and conserve examples of different natural ecosystem types and to assure a diversity of species and ecological relations in Clatsop County.

Low intensity uses which do not result in major alterations are appropriate in this zone. Low to moderate intensity recreation is appropriate in coastal lakes.

This zone includes coastal and non-coastal lakes, significant non-estuarine freshwater marshes and important upland biological habitat.

The freshwater marshes in this district are of two categories: those designated under Goal 17 which were formed by coastal processes, and those designated under Goal 5.

Section 3.612. Zone Boundaries.

The zone shall be designated on the Clatsop County Land and Water Development and Use Ordinance zoning map, and shall conform to the 1" to 400' photocontour maps entitled "Significant Shoreland and Wetland Biological Habitats" on file at the Clatsop County Department of Community Development office and hereby adopted by reference.

Section 3.613. Development and Use Permitted.

The following developments are permitted under a Type I procedure subject to the applicable development standards:

(1) Low intensity recreation.
(2) Passive restoration.
(3) Vegetative shoreline stabilization.
(4) Submerged cable, sewerline, waterline or other pipeline.
(5) Maintenance and repair of existing structures.
(6) Cultivation and harvest of cranberries, including irrigation equipment, pumps and ditches necessary for the management and protection of cranberries. This use is permitted only in the Delmoor Loop Road area as described in the County's Goal 5 Element.
(7) Bridges and pile supported walkways or other piling supported structures under 500 sq.ft., other than docks.
(8) Property line adjustment.
(9) Land transportation facilities as specified in Section 3.035.

Section 3.614. Conditional Development and Use Permitted.

The following developments may be permitted under a Type II procedure and Sections 5.000 to 5.030 subject to applicable criteria and development and site plan review:

(1) Active restoration.
(2) Structural shoreline stabilization limited to riprap.
(3) Boat launch.
(4) Bridges and pile supported walkways or other piling supported structures 500 sq. ft. or greater, other than docks.
(5) Individual docks limited to 500 square feet for recreational or fishing use and necessary piling.
(6) Vegetation removal from coastal lakes east of U.S. Highway 101 that is acceptable to the Oregon Department of Fish and Wildlife and other state and federal agencies.
(7) Developments necessary for and accessory to cranberry cultivation and harvest, including equipment storage sheds, access roads and temporary cranberry storage facilities, but not including a residence. This use is permitted conditionally only in the Delmoor Loop Road area as described in the County's Goal 5 Plan Element.

Section 3.615. Additional Conditional Uses and Activities Permitted in Goal 5 Wetlands.

The following uses may be permitted under a Type II procedure and Sections 5.000 to 5.030 subject to applicable standards. In addition, the use must be analyzed by the procedure in the Goal 5 Administrative Rule (OAR 660-16) and meet either Section 3B or 3C of that rule.

(1) Low intensity, non-structural agricultural uses subject to standards in S4.602.
(2) Selective harvesting of timber, subject to standards in S4.604.

Section 3.616. Development and Conditional Development and Use Standards.

(1) All standards as set forth in the Clatsop County Development Standards Document 80-14, as amended.
(2) Uses that are not water-dependent or water-related shall be set back to the extent of riparian vegetation identified in the Comprehensive Plan. Riparian vegetation shall be protected in accordance with Section S4.500. At such time that a development is proposed in the vicinity of the wetlands area, the county may require a site investigation to determine the exact location or the boundary. The site investigation shall be performed by a qualified expert, such as a biologist from the U.S. Army Corps of Engineers, Oregon Division of State Lands, or the Oregon Department of Fish and Wildlife. Nothing in this provision shall allow for a redefinition or major alteration of the wetlands boundary. In order to maintain consistency, the site investigation shall employ the same criteria originally used to identify freshwater wetlands in the County. (The study performed by Dr. Duncan Thomas of CREST, entitled *Significant Shoreland and Wetland Habitats in the Clatsop Plains*).

Section 3.617. State and Federal Permits.

If any state or federal permit is required for a development or use, an applicant, prior to issuance of a development permit or action, shall submit to the Planning Department a copy of the state or federal permit.

SECTION 3.580. OPEN SPACE, PARKS, AND RECREATION ZONE (OPR)

Section 3.582. Purpose.

The OPR zone is intended to provide for the conservation of open space; the protection and development of areas uniquely suited for outdoor recreation and the protection of designated scenic, natural and cultural resource areas.

Section 3.584. Development and Use Permitted.

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

(1) Farm use.
(2) Forest use.
(3) Wildlife refuge or management area.
(4) Public regional park or recreation area excluding campgrounds.
(5) Historical or archaeological site/area.
(6) Golf courses except in areas identified as Coastal Shorelands.
(7) R.V. Park subject to Section S3.550-S3.552 except in the Clatsop Plains Planning Area.
(8) Other watersheds.
(9) Public or private neighborhood park or playground.
(10) Golf driving range.
(11) Municipally owned watersheds.
(12) Accessory development customarily provided in conjunction with the above developments.
(13) Property line adjustment.
(14) Low intensity recreation.

Section 3.586. Conditional Development and Use.

The following developments and their accessory developments may be permitted under a Type II procedure and Sections 5.000 to 5.030 subject to applicable criteria and development standards and site plan review.

(1) Campground, primitive except in areas identified as Coastal Shorelands.
(2) Group camping facilities (e.g. youth, church) except in areas identified as Coastal Shorelands.
(3) Hunting and fishing clubs except in areas identified as Coastal Shorelands.
(4) Hiking, nature observation or horse trails.
(5) Marinas, boat launchings and moorage facilities.
(6) Structures for viewing or exhibition of natural resources.
(7) Cemetery except in areas identified as Coastal Shorelands.
(8) Other developments within a historical structure provided the use would not result in the modification of the outward appearance of the structure.

(9) Riding stables except in areas identified as Coastal Shorelands.
(10) Accessory development customarily provided in conjunction with the above developments.

Section 3.588. Conditional Development and Use Criteria.

The following limitations and requirements shall apply to conditional developments:

(1) The proposed development shall be consistent with the Clatsop County Comprehensive Plan.
(2) The development shall be compatible with and appropriate to the natural resources and features, recreational characteristics and current predominant land use of the area for which it is proposed.
(3) In no event shall the proposed development destroy or endanger the natural and recreational resources giving value to the area.
(4) The proposed development shall include adequate measures to reduce fire hazards and prevent the spread of fire to surrounding areas.
(5) The location of buildings, signs, parking, recreation areas and open space shall be compatible with adjacent areas and the natural scenic amenities of the locality.

Section 3.590. Development and Use Standards.

The following standards are applicable to permitted and conditional developments in this zone:

(1) Setbacks. No structures shall be placed closer than 100 feet to perennial streams, lakes or other water bodies or closer than 60 feet to arterials, collectors or public roads and highways or closer than 20 feet to other roads and property lines.
(2) Utility Services. All utility services, including power and telephone, shall be installed underground where physical conditions permit.
(3) Building Height. Maximum height for all structures shall be 35 feet or the maximum height allowed in an adjacent zone that has a lower maximum height standard.
(4) Area and Lot Size. The minimum area and lot size shall be that determined to be necessary for the protection of health and natural resources.
(5) An accessory structure separated from the main building shall be located in accordance with yard setback requirements.

Section 3.592. State and Federal Permits.

If any state or federal permit is required for a development or use, an applicant, prior to issuance of a development permit or action, shall submit to the Planning Department a copy of the state or federal permit.

STAFF REPORT ADDENDUM

J&S Reserve, LLC
Comprehensive Plan Text Amendment, Zoning Map Amendment, and Goal 14 Exception
September 17, 2009

Summary

In response to written testimony submitted to the Clatsop County Planning Commission by Columbia Riverkeeper, staff is providing this addendum to the June 2, 2009 staff report. Columbia Riverkeeper stated in their written testimony that the applicant had not addressed the appropriate Goal 14 criteria, specifically OAR 660-014-0040. Staff has determined that the criteria identified in OAR 660-014-0040 are addressed in other sections of the application and staff report and findings are provided below.

660-014-0040 Establishment of New Urban Development on Undeveloped Rural Lands

(1) As used in this rule, "undeveloped rural land" includes all land outside of acknowledged urban growth boundaries except for rural areas committed to urban development. This definition includes all resource and nonresource lands outside of urban growth boundaries. It also includes those lands subject to built and committed exceptions to Goals 3 or 4 but not developed at urban density or committed to urban level development.

Finding:
The subject property is not located in an urban growth boundary. The subject property meets the definition of "undeveloped rural land".

(2) A county can justify an exception to Goal 14 to allow establishment of new urban development on undeveloped rural land. Reasons that can justify why the policies in Goals 3, 4, 11 and 14 should not apply can include but are not limited to findings that an urban population and urban levels of facilities and services are necessary to support an economic activity that is dependent upon an adjacent or nearby natural resource.

(3) To approve an exception under section (2) of this rule, a county must also show:

(a) That Goal 2, Part II (c)(1) and (c)(2) are met by showing that the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities;

Finding:
The findings addressing 660-004-0020 Goal 2, Part II(c)(1) and (c)(2) are included in the Staff Report dated June 2, 2009. Staff determined that the applicant's findings adequately addressed these criteria.

(b) That Goal 2, Part II (c)(3) is met by showing that the long-term environmental, economic, social and energy consequences resulting from urban development 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 on other undeveloped rural lands, considering:

(A) Whether the amount of land included within the boundaries of the proposed urban development is appropriate, and

(B) Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding area.

Finding:
The findings addressing 660-004-0020 Goal 2, Part II(c)(3) are included in the Staff Report dated June 2, 2009. Staff determined that the applicant's findings adequately addressed these criteria.

(c) That Goal 2, Part II (c)(4) is met by showing that the proposed urban uses are compatible with adjacent uses or will be so rendered through measures designed to reduce adverse impacts considering:

(A) Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services; and

(B) Whether the potential for continued resource management of land at present levels surrounding and nearby the site proposed for urban development is assured.

Finding:
The findings addressing 660-004-0020 Goal 2, Part II(c)(4) are included in the Staff Report dated June 2, 2009. Staff determined that the applicant's findings adequately addressed these criteria.

(d) That an appropriate level of public facilities and services are likely to be provided in a timely and efficient manner; and

Finding:
Public services and facilities are in place to serve the existing 47.35 acres of RA-1 land on the subject property. The proposal would reduce that amount of RA-1 land on the subject property; therefore, the criterion has been met. *Findings for similar criteria was addressed under "Zone Change Criteria No. 2" in the June 2, 2009 Staff Report.*

(e) That establishment of an urban growth boundary for a newly incorporated city or establishment of new urban development on undeveloped rural land is coordinated with comprehensive plans of affected jurisdictions and consistent with plans that control the area proposed for new urban development.

Finding:
The subject property currently contains 47.35 acres of RA-1 zone that is in an exception area. The reduction of RA-1 zoned land and relocation of the exception area can be interpreted as being consistent with Clatsop County's comprehensive plan. The application meets the criteria.

(4) Counties are not required to justify an exception to Goal 14 in order to authorize industrial development, and accessory uses subordinate to the industrial development, in buildings of any size and type, in exception areas that were 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.

Finding:
This section is not applicable.

Respectfully Submitted,

Jennifer Bunch, Planner
Transportation & Development Services

Additional Public Comments

J&S Reserve, LLC
request for
Zoning Map Amendment, Comprehensive Plan Amendment, and Goal 14 Exception

Public Hearing
Clatsop County Board of Commissioners
September 23, 2009

Ex 9

J & S Reserve, LLC

Mark Barnes, Agent

Zoning Map Amendment
Comprehensive Plan Text Amendment
Goal 14 Exception

Clatsop County
Columbia County

Clatsop County Planning Commission
Public Hearing
Tuesday, June 9, 2009

FAX 503-338-3666

To Jennifer Bench
Clatsop County Planner

From Lorraine M. LeCour
& Howell McFarland

RE Rezoning T8N-R10W-Sec 36 TL 100
Meeting 9/23/09

2 pages

9/20/09

To Jennifer Bench
Chelsea County Planner - RE 9/25/09 Meeting
CC Marilyn Putman

We own property at River Ranch and we are aware that there is A chance to rezone Appx. 20 Acres T8N-R6W-Sec 36-TL100 from Recreational to wetlands The use of the wetlands are for personal hunting!!! Hunting does not belong next to residential. Does the Armanda Law need to be reviewed?

It is also very obvious that changing the zoning to wetlands allows the pipeline to be put in. Our Community does not need or want it!!! This will decrease property values, increase property insurance, hurt Comercial & personal fishing. There is Also the factor that the pipeline could blow up. We want to sleep At night, how About you?

This whole situation is Absurd and Appauling and it has gone to far on is someone going to make a pretty penny with Absolutely no consideration to the harm this will impose to our community!

Shame on you to line your pockets Should you pass this - send the pipline elsewhere & no to rezoning! (LVG)

Thank You

Lauren M. LeBoeuf & [signature]
Lorraine M. LeBoeuf Homer McFarland

Ed Wegner - Re:

From: Duane Cole
To: Commissioners, Board of County; Drury, David
Date: 9/21/2009 11:07 AM
Subject: Re:
CC: Ed Wegner; William Caplinger

David: Thanks for taking the time to express your concerns. The Commissioners have a copy of your letter. The construction and location of pipelines is a Federal decision and the pipeline companies attempt to work with local property owners to gain their consent to cross their property. From the County perspective I am not sure how the exclusion of pipelines from OPR would be adjudicated if there was a situation where a pipeline specifically needed to cross OPR land, but so far the County has not had to test this in the County zoning code. The County is not a part of the Oregon LNG approval process since this project is located in the City of Warrenton.
Duane

Duane Cole, County Manager
Clatsop County
800 Exchange Street, Suite 410
Astoria, Oregon 97103
Phone: 503 325 1000

>>> David Drury <daviddrury2@msn.com> 9/18/2009 11:45 AM >>>

David Drury
89834 Lewis & Clark Rd.
Astoria, Oregon 97103
September 17, 2009
Clatsop County Board of Commissioners
800 Exchange St., Suite 410
Astoria, OR 97103
Dear Commissioners,

Oregon Pipeline has proposed the construction of a 36 diameter, 1500 psi natural gas pipeline, which would be routed approximately 500-700 feet behind my home. I became aware of the project through the information Betty Brennan, my late mother-in-law, received. Her property is now owned by my brother and sister-in-law, Darcie and Roger Hays and surrounds my five acre parcel on three sides. The company plans to route the pipeline through the Hays property. I am adamantly against the routing and construction of the pipeline. I also oppose the construction of the LNG terminals that Oregon LNG and Northern Star Natural Gas are seeking to build on the Columbia River in Warrenton, OR. and Bradwood Landing.

I realize that my situation differs from property owners who are confronted with having the pipeline installed directly on their property, but installing the line so close to my home is unsafe and unacceptable. I want to do what I can to prevent the projects from being built. My late wife and I moved to this property almost 27 years ago and I built our house myself. Our intention was to live a peaceful existence and embrace the forest and rural lifestyle that surrounds the property. Unfortunately I lost my wife of 34 years to cancer, but my intentions are to continue to reside here indefinitely.

There is no doubt in my mind that the pipeline would greatly de-value my property and threaten public safety and security. There are potential hazards associated with the proposed LNG

facilities and pipelines, namely: the danger associated with the movement of LNG vessels through the Columbia River bar and the narrow channels upstream, potential pollution, and wildlife habitat impacts, fire hazard do to earthquakes or mechanical failure and terrorist attacks.

In the latest election, I and the majority of the citizens of Clatsop County voted in favor of the referendum to keep our parks and open spaces free of these pipelines. I urge you, our government officials to stop the permitting process of the Oregon LNG facility in Warrenton, OR, disapprove the construction of the pipeline proposed by Oregon Pipeline, originating at the Warrenton LNG facility, and disapprove the Northern Star Natural Gas application to construct an LNG terminal at Bradwood Landing, OR. and the construction of the Palomar pipeline proposed by Northwest Natural Gas Co. Thank you for your consideration in this matter.

Sincerely,
David Drury

September 21, 2009

To the Clatsop County Board of Commissioners;

The majority of you have never acknowledged the referendum vote although 67% of county residents who voted last September 16th defeated the referendum and thus prohibited pipelines in the County's designated OPR zones. Now a year later, you are once again considering changing the OPR zoning, but this time in the guise of wetlands and residential 1 demarcation. Funny how this will allow Bradwood Landing's pipeline to transverse open spaces, parks, and recreational areas.

If I were a betting person, which I am not, I would predict the vote for this zone change to be 4 to 1 in favor of this proposal based on your past history. Of course, anything is possible. The Board of Commissioners could take in account the written and public testimony of their constituents thus looking beyond the narrow confines of what is requested to see a broader picture and use common sense to actually say no to this proposal.

Maybe I am just whistling in the dark.

Lori Durheim

Lori Durheim
398 Atlantic St.
Astoria, OR 97103

September 21, 2009

Marilyn Putman
91553 Overlook Drive
Clatskanie, OR 97016

Clatsop County Board of Commissioners
800 Exchange Street, Suite 100
Astoria, OR 97103

RE: J&S Reserve Zone Change

To the Clatsop County Board of Commissioners:

On June 15, 2009 I sent an e-mail to Clatsop County employee, Jennifer Bunch, asking if the Clatsop County Zoning guide would allow me to establish wetlands on a piece of property currently zoned as OPR.

Ms Bunch's reply to me was:

> "The simple answer is 'Yes'. If wetlands do not exist on the property you could create new wetlands as a wildlife refuge and management area in the OPR zone. Most likely this would also involve some state and federal permits."
>
> ... "The Karamanos property already contains wetlands that were compromised in order to utilize the lands for agricultural use prior to the OPR zoning. The owner states he is interested in wetland and habitat restoration on the site. The property contains areas that are classified on the National Wetland Inventory as wetlands. So this would classify his work as restoration. Again, state and federal permits would also be required."

The glaring difference between OPR and L & W zoning is the ability to place a pipeline on L & W land. If that is the underlying wish for the property, please remember that in 2008, 67% of the Clatsop County voters cast their votes against putting a pipeline across property zoned as OPR.

To quote Ms. Samuelson from an article in NorthCoastOregon.com, "....If people don't want a certain industry in an area, then take that to the ballot..."

It appears to me that the majority of the voters of Clatsop County have spoken and have "taken it to the ballot".

Thank you,
Marilyn Putman
Marilyn Putman
503-455-2293

Attached: Copy of Putman/Bunch e-mails dated June 15th and June 16th, 2009
Page 2 (of 6) of the July 30, 2009 NorthCoastOregon.com article

Re: OPR & Duck ponds

From: **Jennifer Bunch** (JBUNCH@co.clatsop.or.us)
Sent: Tue 6/16/09 3:27 PM
To: MARILYN PUTMAN (putmansatriverranch@q.com)
Marilyn,

The simple answer is 'Yes'. If wetlands do not exist on the property you could create new wetlands as a wildlife refuge and management area in the OPR zone. Most likely this would also involve some state and federal permits.

Now to address this question regarding the Karmanos property. The Karamanos property already contains wetlands that were compromised in order to utilize the lands for agricultural use prior to the OPR zoning. The owner states he is interested in wetland and habitat restoration on the site. The property contains areas that are classified on the National Wetland Inventory as wetlands. So this would classify his work as restoration. Again, state and federal permits would also be required.

Take Care,

Jennifer

Jennifer Bunch
Planner / GIS Specialist / Floodplain Administrator
Transportation & Development Services
Land Use Planning & Public Works
www.co.clatsop.or.us

PH (503) 325-8611
FAX (503) 338-3666

800 Exchange St., Suite 100
Astoria, OR 97103

>>> MARILYN PUTMAN <putmansatriverranch@q.com> 6/15/2009 8:36 PM >>>
Under the current Clatsop County Zoning guides, if I had a large enough piece of property that is zoned OPR, if I filled all the necessary paperwork out and met the criteria for establishing a wetlands area, could I put the wetlands on my OPR property?

Thank you for your reply.

Marilyn Putman

NorthCoastOregon.com
Local News and Opinion for the North Coast

NorthCoastOregon.com LLC 866-466-1655 news@northcoastoregon.com

Running the Commissioner-Recall Petition Blockade

Saturday, SEP 19, 2009

Governor creates Reset Cabinet, restructuring state government Story on Pac NW page.

"Dear Alderbrook Aunty"
Click here to read Aunty's a
Use this form to contact Au
no email needed!

Fishing for Family Fun on Football Game Night
Article on Features Page!

Wondering what todo?
Planning the month ahead?
Visit the Event Page!

Astoria, OR Weather

59°F, Partly Cloudy

Sun: 68°F / 48°F
Mon: 80°F / 55°F
Tue: 83°F / 55°F

Local Blog Posts

Feels like fall
The Piranhas
Morning mist
An Interesting Week
Gordon Smith Lands Job
Here It Is
I Know, T.M.I.
The Guvanator Loses
Wanna See Something Cool?
How To Control The Big Box

View all »

Carrie Bartoldus 30.JUL.09

Self Appointed Gatekeeper Dispenses Misinformation

Getting to a petition for the recall of Jeff Hazen or Ann Samuelson might be harder than one would imagine, even with prominent signs displayed and one local hard copy paper keeping its readers informed where to go to sign the petitions. However, to get to the petition one must get past the petitioner's self appointed gatekeeper, Ted Thomas.

Recently Thomas was approached by a group of people that obviously seemed to him a threat to the democratic process: a woman, a teenager and a four year old child. Thomas blocked their progress to the table set up to give out information on the recall and collect signatures. Declaring that the spot had the same rights afforded an Oregon polling place Thomas sited an Oregon revised statute and stated that meant he had the right to keep those he considered "opposition" from coming closer than 300 feet.

In checking with the Clatsop County elections Clerk, Cathy Graeber, it was found that petitioners are not afforded the same status as a state polling place and that there is not a 300 foot rule that applies to petition collection. There are no rules applying to how close or far away petitioners must stand from each other, whether in opposition or not. The only rule affecting distance and petitioners states that petitioners themselves must remain 50 feet away from polls.

On January 1, 2010, however HB2005, sponsored by secretary of state Kate Brown, goes into effect. This law will prohibit people from blocking access to petitions, whether the intent is for gathering information about the petition or to sign the petition. Neither intimidation, threats, nor harassment will be tolerated to keep people from petitions.

At the time of the interview Thomas was informed that NorthCoastOregon was there to ask some questions and would be approaching the petitioners. Thomas stated that he did not read NCO, didn't know what it was -despite the fact there were clear signs on the car which pulled up adjacent to the petitioners and which Thomas was facing when he charged the adult, teen and child, and that he was reiterating his request that the group remain 300 feet away.

When the reporter was finally able to approach the petition table to ask questions, the clipboards with the petitions were promptly turned over. An unusual act given that the petitions are public documents, all information on them are supposed to open to public scrutiny and, after being turned in to the county elections clerk, anyone can ask for a copy of the signed petition(s).

Laws governing petition collecting and verification have changed recently, with petitions coming under close scrutiny as evidence of petition fraud has become virulent, especially in areas where passions run high but the necessary body count might not be what advocates of the petition had hoped for.

Top Stories
Community
- PGE employees celebrate 17,000 volunteer hours at SOLV Beach Cleanup

Government
- APPLICATION PERIOD OPENS FOR SEISMIC REHABILITATION GRANTS

Schools & Education
- UO's Posner among White House national medal winners
- CCC Hosts 5th Annual Constitution Day Program

Arts & Entertainment
- Shanghaied One Night Only Reunion Show ~25th Anniversary Special

Features
- Youth with yen to grow-up gets thumbs up from Aunty

Law Enforcement & Military News
- Missing Person Found
- Coast Guard rescues four surfers in Newport
- Settlement aims to insulate consumers from future window pains
- Coast Guard finds missing 6-year-old in Coos Bay

Public Notices & Meeting Announcements
- Consortium Board Meeting Sept 18th

Opinion, Editorial & Commentary
- We Depend On Rural Oregon

Front Page
- Astoria Tea Party Hears from Cascade Policy Institute

Pacific NW
- Ten Injured, Two Critically, In Multi-Motorcycle Crash - Interstate 5 south of Wilsonville
- McCoy Oatman named CRITFC Chair
- Beaverton Celebration Parade

LNG & Energy
- Green Contractor Filches Green Backs Accuses Oregon AG

Business & Economy
- FDIC Launches Foreclosure Prevention Initiative

Health, Science & Environment
- Obama Administration Officials Release Interagency Ocean Policy Task Force Interim Report

Fun, Unusual, Outrageous
- Outrageous:YAMHILL COUNTY CHARITY DIRECTOR INDICTED FOR EMBEZZLEMENT

Within 10 minutes of the confrontation Jeff Hazen himself arrived, bearing a chest of ice and cold water for the petitioners. Hazen reached the petition table without being accosted by Thomas, despite being announced by recall supporter, Jim Scheller, who identified Hazen as he exited his vehicle.

When Thomas was asked why he didn't stop Hazen from approaching Thomas responded by stating, "You don't know what we are going through in Seaside!" Thomas refrained from going into specifics regarding what his group was going through in Seaside but clarified why we had been stopped by stating, "We know by the way you write you oppose this recall."

Jeff Hazen, the subject of the recall, has blatantly declared that he is against the recall campaign on his blog, in radio interviews and news interviews, as well as a statement during a county commission board meeting. He approached the petitioners without being detained by Thomas, with his gift of refreshments, declaring that while he may not agree with his constituents on all matters he remained concerned for their well-being.

In Seaside a group of collecting signatures for the recall of Commissioner Samuelson was surprised to see Ann Samuelson herself set up a table across from them. Samuelson states she just wants equal opportunity for those being encouraged to sign the petition to hear both sides of the issue. "The first application for petitions turned in to the County Clerk sited a smorgasbord of vague reasons why I should be recalled. After reconsideration, maybe of the implications of swearing to those vague reasons, the chief petitioner changed it to one reason, my vote on one project's land use decision. After relying on the other side to stick to facts in the issue of the Jewell recall effort and seeing where that got me, I decided, since it is essentially the same group of people, that I should have the opportunity to hear what they are telling people and speak to the issues, myself. People deserve to hear the facts and to understand that we have a multitude of issues to deal with on the Board."

Samuelson continued, "If recalls were launched every time we voted the system would completely ground to a halt. We would lose the purpose of Home Rule. Part of the reason I am doing this is to educate people about Home Rule, about how the Board can and cannot vote. We are a quasi judicial court. We are judges, we can't let how we personally feel about a legal industry influence how we make land use decisions. If people don't want a certain industry in an area, then take that to the ballot. The fact that these people have had over five years to do that tells something about their read on the situation. Is the vote really there?"

Those leading the recall effort of Hazen and Samuelson just happen to also be those who are against the siting of LNG projects in Clatsop County. While Columbia Riverkeeper Board Member, Gayle Kiser, recently declared in an open letter that, "Columbia Riverkeeper is not involved in the recall efforts directed at her [Samuelson] and Jeff Hazen," many in Clatsop County feel that line is as murky as most of the lines between the anti-LNG camps.

Thomas further confused the issue by referring to "our" efforts in Seaside during the Jeff Hazen recall interview. Hazen does not have any constituents eligible to sign the petition living in Seaside. Hazen and Samuelson's districts are separated by Commissioner Patricia Robert's district. Yet, according to Graeber there is nothing illegal in the two recall efforts helping one another.

People are growing more confused as the same names continually appear in the media, yet the people mentioned could be representing one of a half

COLUMBIA RIVERKEEPER

Columbia Riverkeeper
724 Oak Street
Hood River, OR 97031
Phone: (541) 387-3030
www.columbiariverkeeper.org

September 22, 2009

Board of County Commissioners
Community Development Department
800 Exchange St., Ste. 100
Astoria, OR 97103

SUBMITTED VIA EMAIL: jbunch@co.clatsop.or.us, comdev@co.clatsop.or.us.

RE: Application of Mark Barnes, on behalf of J & S Reserve to amend the comprehensive plan text and zoning map and seek a goal exception for land in Westport area of Clatsop County.

I. INTRODUCTION

We submit these comments on behalf of the following organizations: Columbia Riverkeeper; Columbia Pacific Common Sense; and Friends of Living Oregon Waters; Cheryl Johnson and Ted Messing (collectively, "Columbia Riverkeeper"). This Coalition includes a broad spectrum of local and regional citizen groups with environmental, safety, and economic interests. Each organization has members who would be harmed by this zoning and comprehensive plan amendment. We incorporate and attach the comments we submitted to the Planning Commission. Please include those comments in the record before the Board of County Commissioners in this matter.

II. THIS PROPOSAL WILL ALLOW LNG PIPELINES

As our comments to the Planning Commission explained in detail, the proposed zone change will directly allow the proposed Bradwood Landing pipeline. The citizens of Clatsop County already rejected the pipeline through this very parcel so the zone change directly contradicts the will of the voters.

III. THE COUNT HAS THE AUTHORITY TO DENY THE APPLICATION

A zone change and a comprehensive plan amendment should not be an automatic rubberstamp, especially when the change facilitates a controversial project like the LNG pipeline. While the application from Mr. Barnes does not include the word "pipeline" or discuss LNG at all, it is obvious that this project will result in an LNG pipeline in the OPR land. The Board should not ignore the reality that this zone change is for an LNG pipeline.

The most important concept is that the Board has full discretion to deny a zone change – nothing requires the County to change the law when asked by a developer. Zone changes should only be approved in special situations where the applicant has clearly demonstrated a situation that is unfair, or where the change is appropriate County policy. Here, the zone change from OPR to LW serves no purpose other than allowing the Bradwood pipeline. The applicant does not even attempt to explain why the change is necessary for the proposed uses.

The County can only approve if the proposed zone change "will not result in over-intensive use of the land," LWDUO 5.412(5), and "will encourage the most appropriate use of land." 5.412(7). Nothing in this language limits the Board from considering the LNG pipeline. The LNG pipeline is certainly an "over-intensive use of the land" that the Board should consider.

Here, the proposed residential housing or the proposed LNG pipeline will result in overintensive use of the land and is not the most appropriate use because the wetlands and sloughs adjacent to Westport Slough are important ecological areas, including habitat for endangered salmon and the Columbia white-tailed deer. The application fails to consider these impacts. In addition, the application is inconstant with the requirement that a zone change "will not be detrimental to the health safety and general welfare of Clatsop County." 5.412(8). The intensive use of a 36-inch gas pipeline and increased residential use fail to protect the health, safety, and general welfare of the County, particularly residents in the neighborhood near the proposed pipeline. The application fails to meet these criteria and fails to provide substantial evidence that it is consistent with the LWDUO 5.412.

IV. THE GOAL 14 EXCEPTION IS NOT PROPER

The applicant's statement in support of the Goal 14 "reasons exception" acknowledges that parcels smaller than 10 acres are not allowed in rural areas outside of urban growth boundaries, regardless of whether those lands are "resource" or "nonresource" lands. Thus, in order to allow for the four residental parcels, each less than ten acres in size, the county must find some justification for a Goal 14 exception. The usual justifications for Goal 14 exceptions are the "developed" or "committed" exceptions, however, as the lands at issue here are neither developed nor irrevocably committed to urban densities, the only option available is the "reasons" exception.

The applicant and the County fail to provide adequate justification for the reasons exception.

OAR 660-004-0020 provides that County must address the following factors:

(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;"

Here, the staff report states this is basically a "land swap." This does not at all justify the exception of having resource lands in less than ten acre parcels. The County provides no justification of why the policies in the statewide goals should not apply. There is nothing specific about this property that requires an exception.

(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;"

Here, the applicant has not identified other possible alternative that do not require a new exception. There are hundred of acres in Clatsop County and multiple locations near this site

(including River Ranch) that are alternatives for residential lots. The exception is not necessary because there are alternative sites.

"(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?"

The County does not address these question at all in the staff report or the application. The staff report states that the exception allows for a configuration that is "more ideal for residential development." More ideal is not the standard. Here, the residential development can certainly be accommodated on nonresource land that is zone residential. The County has not provided any evidence that this residential development is not possible on nonresource lands.

"(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?"

The County failed to address this factor.

"(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?"

Here, the proposed use – residential housing – can certainly be accommodated inside the UGB."

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

Again, the County failed to consider this factor and the use can be reasonably accommodated with existing public facilities and services within the UGB and on nonresource land.

"(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."

There are specific sites that can reasonably accommodate the proposed use. First, the proposed use could be constructed on this site by constructing the currently available RA-1 lots (35.6 acres available plus 19.7 acres of RA-1 NWI) instead of seeking the zone exception to construct on resource lands. Second, the proposed use (residential housing) could be constructed at River Ranch. Third, there are multiple properties in and near Westport that are zoned residential. The town of

Westport itself along Highway 30 has land that can accommodate the proposed use. Also, there are multiple properties zoned residential along McLean Hill Road and elsewhere that can accommodate the propose residential use. Further, there are multiple parcels with the UGB that will accommodate this use, as parcels in adjacent communities. We request that the County specifically consider all residential-zoned parcels within 50 miles of this site.

"(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;"

The County failed to adequately address this factor. The resource land is a very productive wetland.

(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.

The County failed to adequately address this factor.

Overall, the applicant suggests that it really wants to build here and that it would create less houses. This is not an adequate reason for a goal exception. "Density trading" is not a valid justification for a reasons exception. There is no inventory or target of rural residential property that must be provided outside UGBs, and thus no rural residential development rights to tranfer. Each proposal must stand on its own merits, and this proposal, for four parcels less than ten acres, is not adequately justified with a Goal 14 reasons exception and is not properly eligible for a Goal 14 committed exception.

Further, the County failed to address the factors in 660-004-0022 (Reasons Necessary to Justify an Exception Under Goal 2, Part II(c). Therefore, the County has not provided an adequate reason to justify the exception.

In addition, the applicant failed to apply the factors in OAR 660-014. This subdivision appears to be an urban development, which must apply the factors in division 14. See VinCEP v. Yamhill County, 53 Or LUBA 514 (2007), reversed on other grounds by 215 Or App 414 (2007), (citing OAR 660-004-0022(1), *DLCD v. Umatilla County*)

V. CONCLUSION

For the reasons discussed above, the Board should deny the application.

Sincerely,

Brett VandenHeuvel
Columbia Riverkeeper

From: Laurie Caplan <lcaplan@pacifier.com>
To: Board of Commissioners <commissioners@co.clatsop.or.us>
Date: 9/22/2009 3:45 PM
Subject: Testimony for 9-23-09 public hearing
Attachments: My testimony OPR rezone hearing 9-23-09.doc; Part.002

Attached is my testimony for the 9-23-09 county public hearing about the OPR rezone request. Please include it in the official record.

Laurie Caplan

"All the ills of democracy can be cured by more democracy." -- Al Smith, 1933

Laurie Caplan
766 Lexington Avenue
Astoria, OR 97103

Testimony – Public Hearing – September 23, 2009

Several years ago when the possibility erupted of LNG terminals and pipelines on the Columbia River, a small group of people set out to learn about liquefied natural gas. They learned about the international LNG industry and about the millions and billions of dollars in fossil fuel profits for energy speculators. They saw industrialized waterways and coastlines in the US and around the world. They used their first-hand experiences of living and working on the Columbia River to study how LNG would affect our magnificent estuary.

They were a small group, and they recognized early on that LNG does not belong on the Columbia. They were a vocal minority speaking out against LNG.

Since then, that vocal minority has grown. In the county's public hearings in 2007, people testifying against LNG outnumbered supporters four-to-one. In last year's countywide referendum, voters in every precinct in every one of your districts voted at least two-to-one against having LNG-related pipes go through lands zoned Open Space, Parks, and Recreation. In some precincts, the vote was three-to-one.

It's no longer accurate to call the opponents of LNG a vocal minority. We are now the vocal majority. Yet, despite those numbers and the facts about LNG and the thousands of pages of public testimony against LNG, most of you continue to vote for it. In doing so, you vote against the expressed will of your constituents.

The people of Clatsop County have a right to expect independent thinking, careful weighing of the facts, and wise decision-making from each of you regarding LNG. With rare exceptions, that is not what we are getting.

Much more is at stake in Clatsop County than just proposed LNG terminals and pipelines. LNG is now about the quality of our local governments, the will of the people, the future of our communities, and the long-term quality of life for all of us. The noted conservative columnist, David Brooks, says it best. He writes: "Political problems, even many economic problems, are, at heart, ethical and cultural problems."

So, how will each of you resolve the ethical and cultural problems of responsibly representing the people of Clatsop County? What will you decide about LNG on the Columbia? We, the people, hold you accountable for the political, economic, ethical, and cultural impacts of your decisions.

Clatsop County Commission
September 23, 2009

RE: J&S Reserve Zoning Map Amendment

J&S Reserve, Clatsop County and especially Bradwood Landing & Northern Star would like us to believe that we are here today to consider a relatively simple zone change. The truth is these decisions will have impacts on our river and our community unlike anything we have seen previously.

In May and again in June of 2008 citizens went to court here in Clatsop County to defend our right to bring a ballot measure to the voters that deals w. LNG related pipelines in OPR zones. Both times the court upheld our right to do so. Then in September of 2008 12,301 Clatsop County citizens, a whopping 58.4% of the registered voters, cast votes on this single issue. When the votes were in, Clatsop County had spoken loudly and clearly with 8,252 no votes for allowing natural gas pipelines in lands zoned open space, parks and recreation. A solid majority said NO to LNG pipelines.

The county can only approve the proposed zone change if it "will not result in over-intensive use of the land." The pipelines originating at an LNG import terminal are 36" in diameter and carry highly pressurized, unordorized natural gas. The pipeline route requires a 75 ft. workspace on both sides of the pipeline during construction and 50 feet of cleared right of way on both sides of the pipeline following construction. Because Bradwood Landing included this pipeline route when they filed w. the Federal Energy Regulatory Commission, the requested change would indeed be an "intensive use" of the land.

The County Commission has the full authority to simply allow the land to remain as OPR. I respectfully request that you protect our estuary and our community from this destructive project by recommending against the zone change that would allow Bradwood's LNG related pipeline.

Cheryl Johnson
44183 Peterson Lane
Astoria, OR 97103

Letter to the Commissioners of Clatsop County;

Isn't it too bad that it has come to this; that we all should have to go to meeting after meeting for, how many years now, to protest for our safety; Just think of all the time all of us have spent researching and learning so that we can keep ourselves and our fellow citizens informed and safe; All this time that we could have been spending volunteering and doing other good works within our communities.

I believe the "findings of the staff to be in error with respect to "zone change criteria number #8", which is: "not to be detrimental to the health, safety, and general welfare of (the citizens of) Clatsop County". The outcome of this proposed zone change would neither respect, nor support this criteria, for we know very well that with this change, LNG pipelines would be allowed on the subject property, thus facilitating the private interests of Bradwood Landing's proposed LNG development. And ~ if you have done your homework, or if you have been listening to those who have, you know of the many risks associated with LNG when being situated in or near, or passing through, a populated area. In this decision, you are responsible for the lives, safety, property, and well-being of the citizens in your care: "not to be detrimental to the health, safety, and general welfare of (the citizens of) Clatsop County" ~ zone change #8.

I feel that my life and my property and my pets are at risk; all to favor out-of-state, private corporate interests, pushing a commodity from far away countries we may have issues with, for a price that will be more than we are paying now, and for a commodity, we have learned, that we have plenty of domestically.

We are not troublemakers, or ne'er-do-wells. We are teachers, we are doctors, we are nurses, we are fishermen, we are farmers and gardeners, we are secretaries, we are lawyers, we are librarians, we are carpenters, we are waitresses, we are office workers, we are photographers, we are business men and women, we are mothers and fathers, and grandparents, we are the young and we are senior citizens, we have worked at the chamber, we take care of your children, of your parents, and your pets; we are volunteers; we are your neighbors. We are active in our communities. We are the majority. We deserve your respect.

Please show us that you care about your constituents and neighbors by taking the honorable and thought-filled action ~ vote no on this zone change, or to put a deed restriction on the property, upholding the will of the people with regard to pipelines on the subject property.

Thank You,

Josie Peper

Josie Peper
5334 Alder
Astoria, OR 97103

I am Georgia Marincovich. My husband I own land in Clifton and also have a home there. We are very disturbed by the plan to change the zoning laws again to accomodate Northern Star.

Our concerns are numerous. Number one being that LNG tankers in the Columbia and The site at Bradwood do not conform with our Land Use laws and our Environmental laws.

This area as we all know is a Essential Fish Habitat and also an area where there are is a National Park and Wildlife Refuges and also Bradley State Park. It has been set aside by zoning laws to protect the environment and the wildlife in this area.

This is a noted area for Duck Hunting and Elk and Deer Hunting as well as fishing. Efforts to make a fast buck on this property fits right into the hands of the men with the money to buy out what is so precious to the County.

Changing zoning laws as has been done to try to accommodate Northern Star is not in the best interest in the County of Clatsop and especially to accommodate the Pipeline for which a vote of 67% of the people of Clatsop County said NO.

Clatsop County GIS

⊞ Map Zoning ☐
⊟ Legend

- Draw Map
- ☐ 2002 Aerial Photos
- ⊞ ☑ Tax Accounts
- ⊞ ☑ Cities
- ⊞ ☑ Countyline
- ⊞ ☑ Highways
- ⊞ ☑ PLS
- ⊞ ☑ PLS-TR
- ⊞ ☑ Roads
- ⊞ ☑ Taxlots
- ⊞ ☑ Water
- ⊟ ☑ Zoning
  - Open Space Parks & Rec (OPR)
  - Rural Community Commercial (RCC)
  - Rural Community Commercial Multi-Family (RC-MFR)
  - Rural Community Commercial-Light Industrial (RCC-LI)
  - Rural Community Residential (RCR)
  - Heavy Industrial (HI)
  - Rural Commercial Industrial (RCI)
  - Military Reserve (MR)
  - Rural Service Area Single-Family (RSA-SFR)
  - Single Family Residential 1 (SFR-1)
  - Westport Rural Community Residential (W-RCR)
  - Tourist Commerical (TC)
  - Quarry and Mining (QM)
  - Rural Service Area Multi-Family (RSA-MFR)
  - Natural Uplands (NU)
  - Coastal Beach Residential (CBR)
  - Ecola Aquatic Conservation (EAC)
  - Coastal Residential (CR)
  - Arch Cape Rural Community Residential (AC-RCR)
  - Aquatic Natural (AN)
  - Coastal Shorelands (CS)
  - Aquatic Conservation Two (AC-2)
  - Aquatic Development (AD)
  - Recreation Management (RM)
  - Lake and Wetland (LW)
  - Exclusive Farm Use (EFU)
  - Forest 80 (F-80)
  - Agriculture Forest (AF)
  - City
  - Urban Growth Boundary (UGB)
  - Neighborhood Commercial (NC)
  - Natural Shorelands (NS)
  - Residentail Agriculture 5 (RA-5) ⊗

⊗ = Specific alternative sites for the proposed housing development
See maps showing alternative sites in RA-5, RA-2, + RA-1

RECEIVED
SEP 23 2009
at hearing
DEPT. OF PLANNING AND DEVELOPMENT
CLATSOP COUNTY

9/23/09
Submitted by:
Brett Vandenheuval
at Public Hearing
during oral testimony

JBunch

- Residentail Agriculture 2 (RA-2)
- Highways (HWY)
- Light Industrial (LI)
- Marine Industrial (MI)
- Residentail Agriculture 1 (RA-1)
- Knappa-Svensen Rural Community Residential (KS-RCR)
- General Commercial (GC)
- Aquatic Conservation One (AC1)

(+) Zoom in to view layer
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⊞ **Scale** 1" = 1985 feet

⊞ **Identify** Tax Accounts

⊞ **Search**

⊞ **Search Results**

⊟ **Specs & Options**

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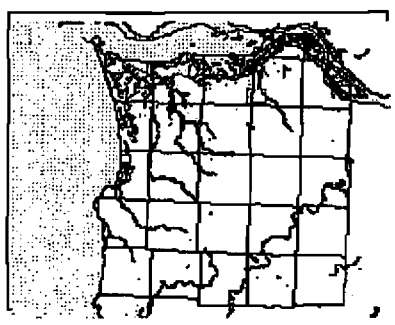
⊞ **Places**

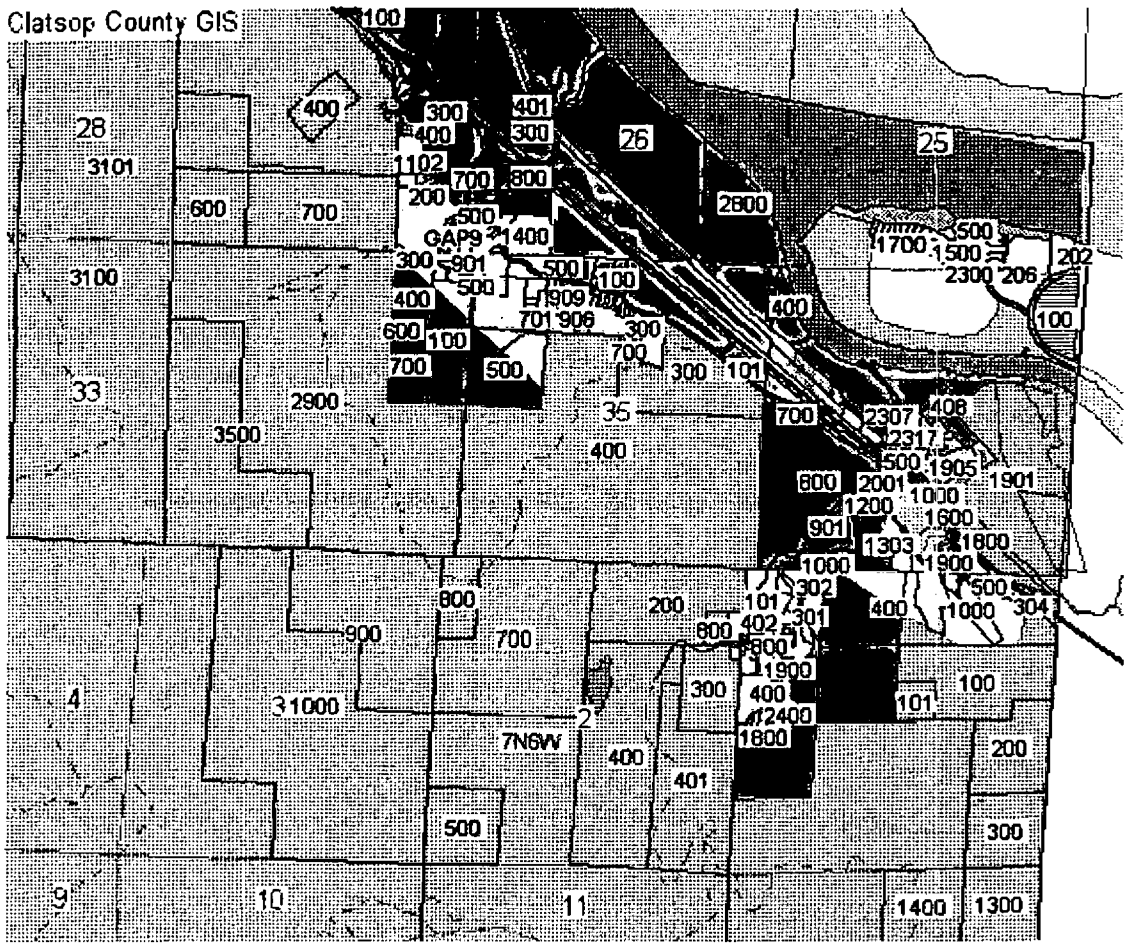
⊞ **Print**

⊟ **Reference Map**



Questions or Comments:
GIS Department

Help Documents


Clatsop County GIS
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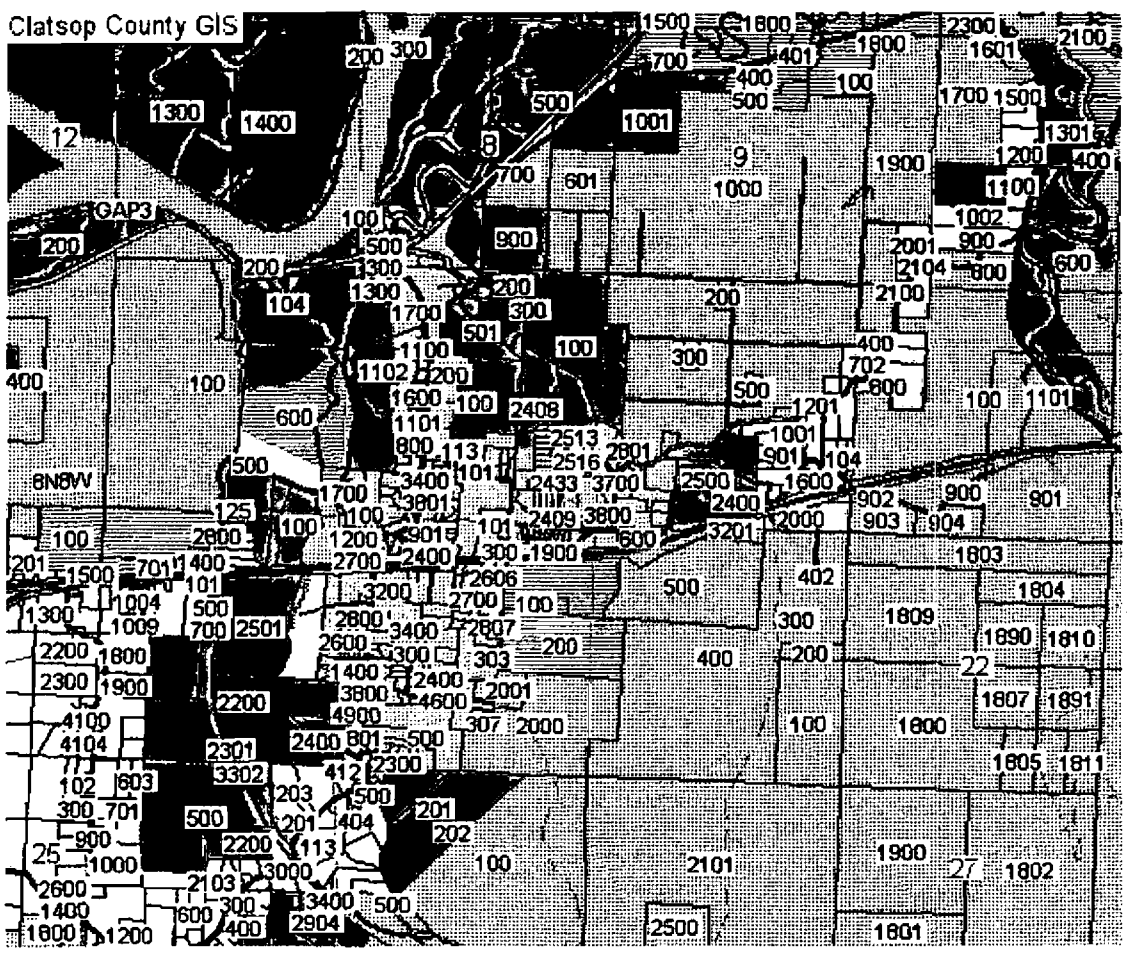
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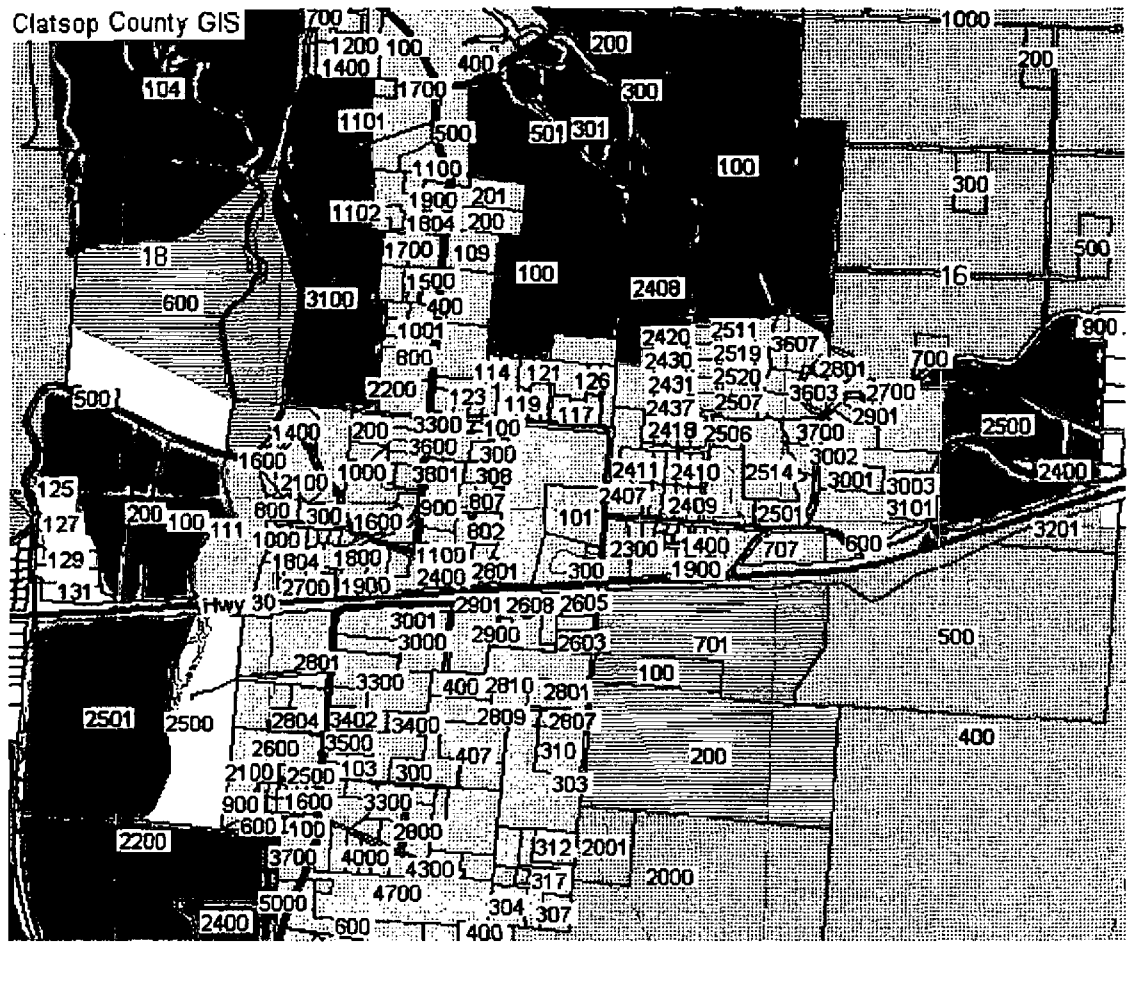
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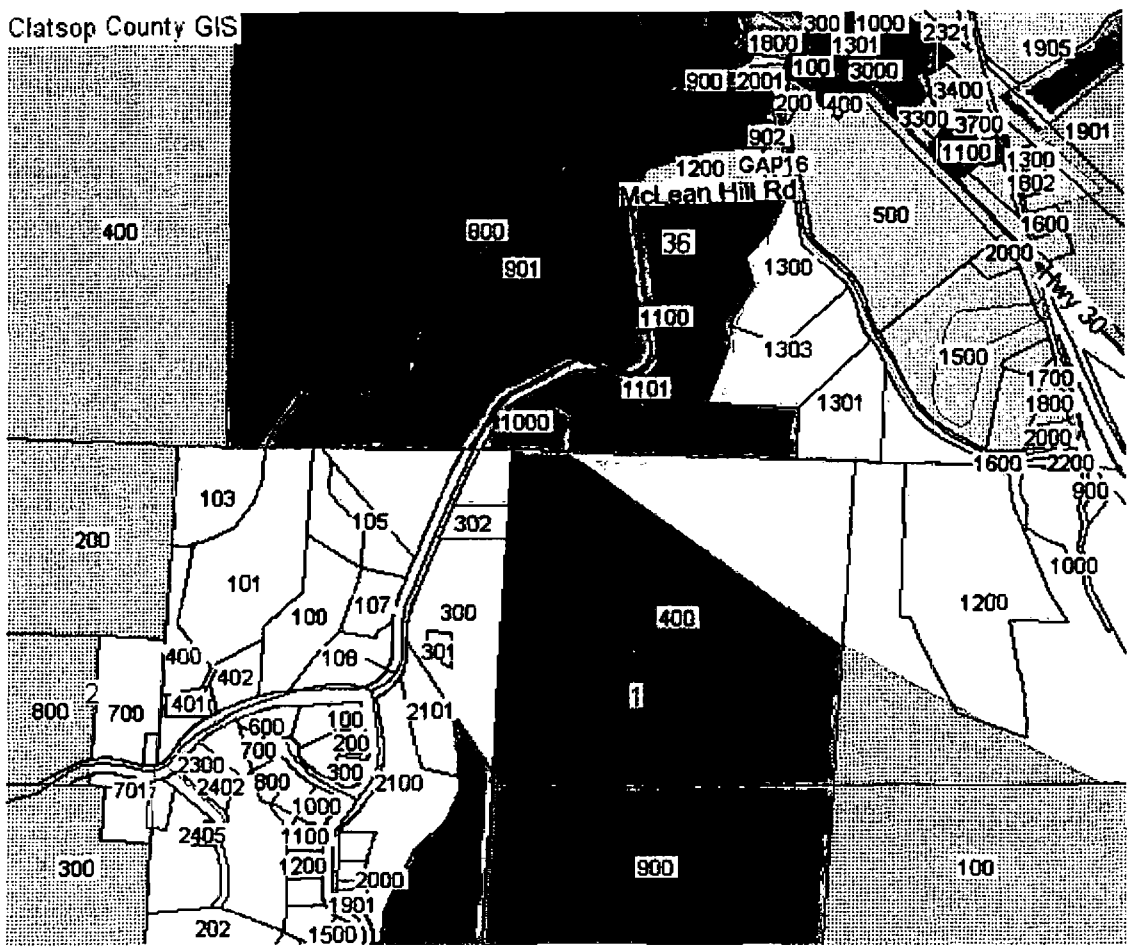
Hwy 30


Clatsop County GIS
GAP16
McLean Hill Rd
HWY 30

WILLIAM E. OR CLYDENE PAUL
(503) 325-03B1
SUNSET PRESORT
397 MARINE DR
ASTORIA OR 97103-4327

2 LBS

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SHIP TO:
D.L.C.D.
SUITE 150
635 CAPITOL ST. N.E.
SALEM OR 97301-2540

OR 973 0-02

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BILLING: P/P

REF 1:CC PLAN # 715 $9.50
REF 2:09/28 # 07

WS 11.0.15 LP2442 93 0A 07/2009

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

Plan Amendment Specialist
DLCD
635 Capitol Street, NE #150
Salem, OR 97301-2540

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