Oregon
Theodore R. Kulongoski, Governor

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

NOTICE OF ADOPTED AMENDMENT

07/09/2012

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 008-11

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, July 23, 2012

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

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

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jennifer Bunch, Clatsop County
Jon Jinings, DLCD Community Services Specialist
Matt Spangler, DLCD Regional Representative
Patrick Wingard, DLCD Regional Representative

<paa> YA

FORM 2 DLCD Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE STAMP

DEPT OF

JUL 02 2012

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **Clatsop County**

Local file number: **20110363, 64, 65**

Date of Adoption: **6/27/2012**

Date Mailed: **6/29/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 12/14/2011

☒ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

The consolidation application included a comprehensive plan zoning map amendment, text amendment (density transfer), two (2) subdivisions, and three (3) property line adjustments. Comprehensive plan zoning map amendment: Two sites will be downzoned from RA5 and RA1 to OPR; the resulting density (13 density units) will be transferred to two (2) receiving sites. Text Amendment: The table included in the Clatsop County Standards Document in S3.162 will be amended to include the transferred density

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

Plan Map Changed from: to:

Zone Map Changed from: to:

Location: Acres Involved:

Specify Density: Previous: New:

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...

35-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. 008-11 (19097) [17100]

DLCD file No. _____

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

ODOT, OWR, DLCD, Clatsop Soil and Water Conservation, CREST, City of Seaside, City of Warrenton, DEQ, Clatsop County Public Works, NPS

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

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

City: **Astoria** Zip: **97103-** E-mail Address: **jbunch@co.clatsop.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and **one complete paper copy** (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail **plan.amendments@state.or.us**.

June 29, 2012

NOTICE OF FINAL DECISION

File Number:	Ordinance No. 12-01
Decision Date:	June 27, 2012
Applicant:	Russ Earl and Osburn-Olson, LLC
Property Owners:	Russ Earl, Osburn-Olson, William Fackerell, and United States of America.
Action:	APPROVAL, with conditions
Action Described:	A consolidated request by Frog Consulting LLC, on behalf of property owners Russ Earl, Osburn Olson LLC, William Fackerell, and the United States of America, for comprehensive plan zoning map amendments, comprehensive plan text amendments, three property line adjustments, and two cluster subdivisions.

Clatsop County has completed its review of the application described above. The Board of County Commissioners approved the application on June 27, 2012. A complete copy of the decision document, including the ordinance, resolution and order, and adopted findings of fact, is available for review at the following location during normal business hours (8-5, M-F):

Clatsop County Land Use Planning Office
800 Exchange Street, Suite 100
Astoria, OR 97103

The decision document is also available for review on the Clatsop County website. To access the document online please visit the County's website at the following address, www.co.clatsop.or.us. Once on the homepage, click on the Land Use Planning page.

The requirements for appeal of this decision are set forth in ORS 197.830 to 197.845. In general, the requirements for appeal require a "Notice of Intent to Appeal" the decision, to be filed with the Oregon Land Use Board of Appeals (LUBA) in Salem, Oregon. The Notice of Intent to Appeal the decision must be filed with LUBA not later than 21 days from the date of this notice. Please call LUBA at 503-373-1265 if you have questions regarding appeal procedures.

If you have questions about this notice, please contact the Clatsop County Land Use Planning Department at (503) 325-8611.

CERTIFICATE OF MAILING

I, Jennifer Bunch, hereby certify that I mailed this Notice of Final Decision via the United States Postal Service on June 29, 2012.

Jennifer Bunch — 6/29/12

Jennifer Bunch, Senior Planner — Date

BEFORE THE BOARD OF COMMISSIONERS
FOR THE COUNTY OF CLATSOP

In the Matter of:	**ORDINANCE # 12-01**
A CONSOLIDATED APPLICATION FOR A COMPREHENSIVE PLAN ZONING MAP AMENDMENT, COMPREHENSIVE PLAN TEXT AMENDMENT, AND THREE PROPERTY LINE ADJUSTMENTS, AND TWO CLUSTER SUBDIVISIONS ON PROPERTY OWNED BY RUSS EARL, OSBURN-OLSON, LLC, UNITED STATES OF AMERICA, AND WILLIAM FACKERELL	**Doc #** 201206005-5 **Recording Date:** 6·28·12

RECITALS

WHEREAS, on, August 11, 2012, Russ Earl and Osburn-Olson, LLC, filed an application for an amendment to the Clatsop County Comprehensive Plan Zoning Map, Compressive Plan Text, Three Property Line Adjustments, and Two Cluster Subdivisions.

WHEREAS, the consolidated application was considered by the Planning Commission at a public hearing on February 14, 2012, that was continued to March 13, 2012, and the Commission unanimously recommended denial, which is attached as Exhibit "PC"; and

WHEREAS, the applicant submitted a traffic impact study on June 7, 2012, that was reviewed by staff who prepared additional findings in support of the traffic impact study; and

WHEREAS, based on the June 8, 2012, findings staff recommended approval of the consolidated application with conditions, and

WHEREAS, consideration for adoption of this Resolution & Order complies with the Post Acknowledgement Plan Amendment rules of the Oregon Land Conservation and Development Commission, and the Clatsop County Planning Commission has sought review and comment and has conducted a public hearing process pursuant to the requirements of ORS 215.050 and 215.060 and the Clatsop County Land and Water Development and Use Ordinance, and the Clatsop County Board of Commissioners received and considered the Planning Commission's recommendation and the staff recommendation and held a public hearing on June 13, 2012; and

WHEREAS, public notice has been provided pursuant to law;

NOW THEREFORE,

THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAINS AS FOLLOWS:

SECTION 1. The Clatsop County Zoning Map is hereby amended as shown in the attached Exhibit A.

SECTION 2. The text of Clatsop County Land and Water Development Use Ordinance No. 80-24, Standards Document, Section S3.162 is hereby amended as shown on the attached Exhibit B.

SECTION 3. In support of this ordinance, the Board adopts the findings in the Staff Report dated April 3, 2012, addendum dated April 10, 2012, additional findings dated June 8, 2012 and associated exhibits contained in Exhibit "PC"

Approved this 27th day of June, 2012

THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

By _____
Peter Huhtala, Chair

By _____
Valerie Crafard, Recording Secretary

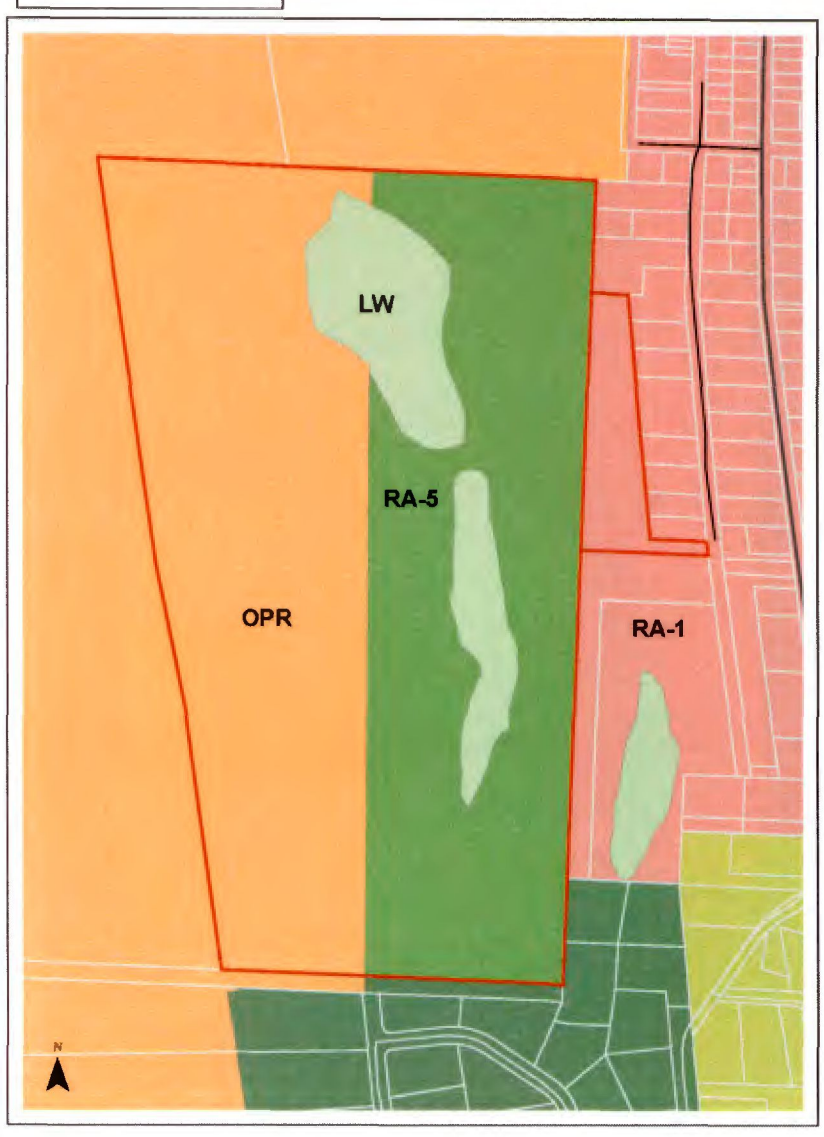
APPROVED AS TO FORM:

_____
Jeff Bennett, County Counsel

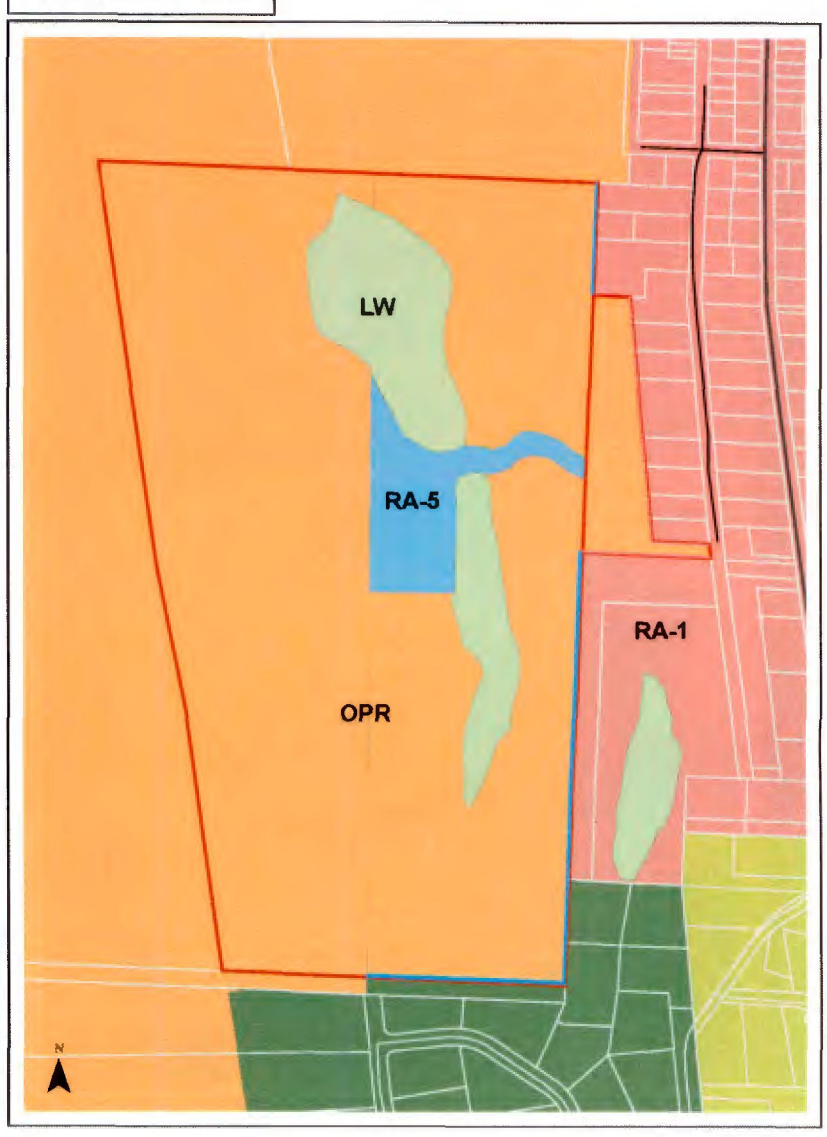
EXHIBIT A

T7N R10W Sec16 TL500
T7N R10W Sec16AB TL2800

CURRENT ZONING



PROPOSED ZONING



T6N R10W Sec03A TL200

CURRENT ZONING

PROPOSED ZONING

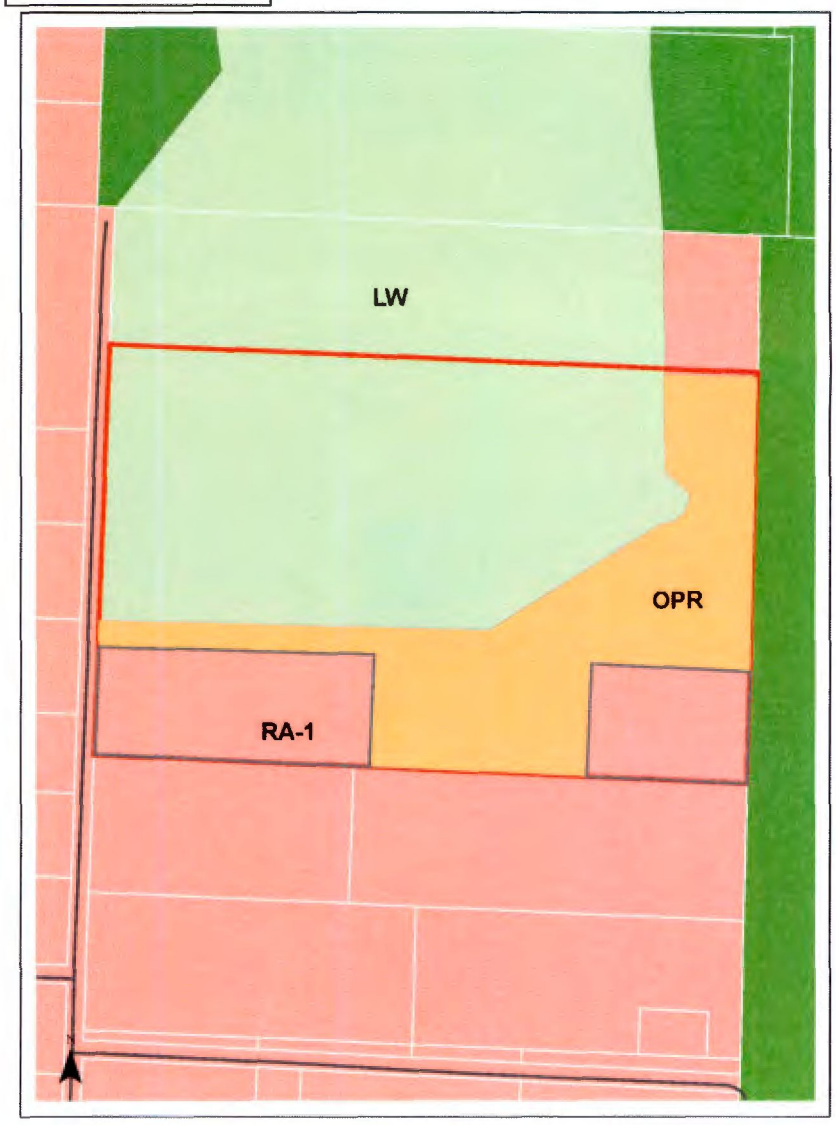


Exhibit B
ORD 12-01

S3.162. Density Table.

Sending Sites	Existing Zoning	New Zoning	Applicable Acreage	Density Units [1]	Remaining Density	Receiving Site/s	Receiving Zone	Density Credits [2]
710160000500	**RA-5/OPR/LW**	**RA-5/OPR/LW**	**33.8**	**6**	**1**	**71022C002900 (3); 710270003700 (3)**	**RA-5**	**6**
710160002800	**RA-1**	**OPR**	**4.5**	**2**	**0**	**710270003700 (1); 710270003600 (1)**	**RA-5**	**2**
61003A000200	**RA-1/LW**	**RA-1/OPR/LW**	**8.4**	**4**	**2**	**71022C002900 (3); 710270003600 (1)**	**RA-5**	**4**
710090000902	RA5, RA1, & LW	OPR & LW	RA1 = 3.32 ac RA5 = 27.34 ac	1.66 5.47	0	71028DA00500 71028DA00800	CBR	7 units
			Subtotal = 7.13 (du)					**Subtotal = 7 (dc)**
710090000801	RA5 & LW	OPR & LW	RA5 = 4.45 ac	0.89				
71009CA00100	RA5	OPR	0.59	0.12				
71009CA01100	RA5	OPR	2.3	0.46				
71009CA01200	RA5	OPR	2.07	0.41				
71009CB00100	RA5 & LW	OPR & LW	RA5 = 0.18	0.04				
71009CB00500	RA5 & LW	OPR & LW	RA5 = 0.44	0.09				
71009CB00600	RA5 & LW	OPR & LW	RA5 = 1.83	0.36				
71009CB00700	RA5 & LW	OPR & LW	RA-5 = 2.26	0.45				
71009CB00800	RA5 & LW	OPR & LW	RA5 = 2.22	0.44				
71009CD00100	RA5	OPR	1.84	0.37				
71009CD00200	RA5 & LW	OPR & LW	RA5 = .76	0.15	0	710160000200	RA-5	7 units
71009CD00300	RA5 & LW	OPR & LW	RA5 = .99	0.2				
71009CD00400	RA5	OPR	0.12	0.02				
71009CD00600	RA5 & LW	OPR & LW	RA5 = .37	0.07				
71009CD00700	RA5 & LW	OPR & LW	RA5 = 1.14	0.23				
71009CD00800	RA5	OPR	1.33	0.27				
71009CD00900	RA1	OPR	1.87	0.94				
71009CD01000	RA1	OPR	0.7	0.35				
71009CD01100	RA1	OPR	0.92	0.46				
71009CD01200	RA5	OPR	0.92	0.18				
71009CD01300	RA5	OPR	0.7	0.14				

71009CD01400	RA5	OPR	0.92	0.18				
71009CD01500	RA5	OPR	0.92	0.18				
71009CD01600	RA5 & LW	OPR & LW	RA5 = .28	0.06				
71009CD02000	RA5	OPR	0.34	0.07				
71009CD02100	RA5	OPR	0.45	0.09				
71009CD02200	RA5	OPR	0.45	0.09				
71009CD02300	RA1	OPR	0.45	0.23				
			Subtotal = 7.54 (du)					**Subtotal = 7 (dc)**
Street Vacations Between Lots listed Above	RA5	OPR	5.12	1.024	0	710160000200	RA-5	1 Unit
			Subtotal = 1.024 (du)					**Subtotal = 1 (dc)**
810280003400	SFR-1 / LW	OPR / LW	SFR-1 = 14.89	14.89	1.51	710270003500	RA-5	19 Units
81033A001200	SFR-1 / LW	OPR / LW / SFR-1	SFR-1 = 5.62	4.62 [3]				
			Subtotal = 19.51 (du)					**Subtotal = 19 (dc)**
Remaining Density from Above	SFR-1	OPR / SFR-1	SFR-1 1.51	0.4	1.11	TBD	TBD	4 Units
81033A001300	SFR-1	OPR	SFR-1 = 3.71	0				
			Subtotal = 4.11 (du)					**Subtotal = 4 (dc)**
81033D002102	SFR-1	OPR	SFR-1 = .44	0.44	0	TBD	TBD	1 Unit
			Subtotal = .44 (du)					**Subtotal = 1 (dc)**
81028CA001600	SFR-1	OPR / SFR-1	SFR-1 = 2.52	1.15 [4]	1.36	TBD	TBD	1 Unit
			Subtotal = 1.15 (du)					**Subtotal = 1 (dc)**

[1] "Density Units" are calculated using the minimum lot size of the zone, i.e. 3.32 Acres of RA-1 divided by 2 equals 1.66 units.

[2] "Density Credits" are rounded down to the the nearest whole "Density Unit" (example: 7.54 Density Units = 7 Density Credits)

[3] A little over one acre is remaining on Tax Lot 1200.

[4] This application rezones the easterly 1.15 acres and leaves 1.37 acres zoned SFR-1.

Memorandum

DATE: June 8, 2012

TO: Clatsop County Board of Commissioners

FROM: Jennifer Bunch, Senior Planner

RE: West Dunes/Clatsop Estates Consolidated Application

On March 13, 2012, the Planning Commission recommended denial of the West Dunes/Clatsop Estates consolidated application based solely on the absence of a traffic impact study (TIS). Since the PC issued the recommendation of denial the applicant has provide additional materials that staff believes satisfies the TIS requirement and warrants a revised staff recommendation of Approval with Conditions.

Traffic Impact Study
On May 30, 2012, the applicants, through their attorney, Stark Ackerman, provided a draft TIS. Staff asked County Engineer, Ron Ash, and Matt Caswell, ODOT, to review the study. Mr. Ash and Mr. Caswell had previously provided comments on the application.

In an email dated June 7, 2012 (Attachment D), Mr. Ash acknowledges he continues to have safety concerns but that the results of the TIS show that the impacts of the proposed development do not warrant mitigation. Mr. Caswell's email (Attachment E) provides clarification of his February 28, 2012, comments contained in Exhibit 6 (pg. 374) of the staff report (Exhibit PC).

Section L5.352(3)(A) requires a TIS to be prepared in accordance with OAR 734-051-180. Since its inclusion in our code this administrative rule has been modified and renumbered. At the time the consolidated application was deemed complete OAR 734-051-0070(7) provided guidance on the preparation of a TIS. Staff has evaluated the applicant's TIS against the LWDUO Criteria and administrative rules and has determined it contains the required elements. Based on the applicants May 30th submission staff has prepared additional findings that are included with this memo as Attachment F.

Revised Preliminary Plat
The applicant has also provided a revised preliminary plat (Attachment C) that updates the open space calculations to remove the area encumbered by the roadways. All references to a connection to the Polo Ridge subdivision have been removed.

Public Comment – Melvin Maki
Mr. Maki had previously provided written comment during the Planning Commission proceedings and recently provided comment to the Board of Commissioner (Attachment G) that reiterates his concerns regarding increased setbacks on his property as a result of the downzone to OPR on the Fackerell property as well as safety concerns on Highway 101. Prior to the PC hearing, staff worked with the applicant to resolve the issue of increased setbacks by retaining strips of residential zoning at the downzone sites. Examples are provided in Exhibit 5 of the Staff Report. With the submission of the final

TIS staff has prepared findings supporting the conclusion that mitigation is not required at the West Dunes and Clatsop Estates approaches on Highway 101.

Revised Staff Recommendation
Based on the additional and revised findings staff recommends that the Board of Commissioners approve the consolidated application subject to conditions of approval and conduct a first reading of Ordinance 12-01.

Attachments:
A – Letter from attorney Stark Ackerman dated May 30, 2012
B – Final Traffic Impact study dated June 6, 2012
C – Revised Preliminary Subdivision Plats dated March 30, 2012
D – Email from Ron Ash dated June 7, 2012
E – Email from Matt Caswell dated June 7, 2012
F – Revised findings for L3.512 dated June 8, 2012
G – Public Comment submitted by Melvin Maki dated May 16, 2012

Attachment A

Ackerman letter dated May 30, 2012

B L A C K | H E L T E R L I N E LLP

STARK ACKERMAN
E-mail: sa@bhlaw.com
Admitted in Oregon and Washington

Our File No. 009498-0004

May 30, 2012

BY E-MAIL (JBunch@co.clatsop.or.us)

Jennifer Bunch, CFM
Planner / GIS Specialist
Clatsop County
800 Exchange Street, Suite 100
Astoria, OR 97103

Reference: Clatsop Estates and West Dunes Subdivision Application

Dear Jennifer:

As you know, we represent Osburn-Olson, LLC and Russ Earl, the applicants in the consolidated Clatsop Estates and West Dunes subdivision application. This letter addresses two issues that surfaced during the Planning Commission's consideration of the application that we believe warrant additional input to help the Board in its consideration: the request for a traffic impact study, and the relationship of the subject application to the Polo Ridge subdivision.

Traffic Impact Study

Our clients have proposed a 27-lot development, comprised of the 18-lot West Dunes subdivision and the 9-lot Clatsop Estates subdivision. Access to the subdivisions will be provided by West Dunes Lane (the southern access), which will serve 14 lots of the West Dunes subdivision, and Clatsop Estates Lane (the northern access), which will serve four lots of the West Dunes subdivision, all nine lots of the Clatsop Estates subdivision, and six already existing lots.

The Planning Commission's recommendation of denial of the application was based solely on the fact that the application did not include a Traffic Impact Study. The enclosed Traffic Impact Study prepared by Lancaster Engineering corrects that deficiency.[1] The Traffic Impact Study concludes that no mitigation measures are required to serve the proposed development. Specifically, left-turn lanes are not warranted at either approach, nor are right-turn lanes warranted. The Traffic Impact Study also addresses the county approval criteria set forth

[1] The enclosed Traffic Impact Study is marked as a draft; however, the analysis has been completed and the applicant represents that the final Traffic Impact Study will not differ in any material form. The final copy of the Traffic Impact Study will be submitted shortly, in advance of the hearing.

in Section 5.352(4) of the Clatsop County Land and Water Development Use Ordinance (the "LWDUO"), and concludes that each of the traffic-related requirements are satisfied without any mitigation. Accordingly, the proposed development can be adequately served by the two planned approaches. We believe that the submission of this Traffic Impact Study, and its conclusion that the County's traffic approval criteria are met and no mitigation measures are required, fully resolves the basis for denial expressed by the Planning Commission.

Relationship to Polo Ridge

There was much discussion at the Planning Commission hearings about the relationship between the proposed development and the conditionally approved Polo Ridge subdivision. Although the initial tentative plat for the proposed subdivision showed possible future connections between to the Polo Ridge subdivision, the proposed subdivision is intended to be entirely separate and independent of Polo Ridge, and the tentative plat is being revised to make that clear. No access to the Polo Ridge subdivision is needed for the present application and no access is proposed to be provided to Polo Ridge (unless required by the County).[2]

Conclusion

We believe that this additional information clarifies some confusion about the application and corrects the one approval criterion that the Planning Commission concluded was not met. Therefore, we believe that the application now meets the approval criteria and should be approved by the Board.

Thank you for your consideration of the enclosed information. Please contact me at (503) 224-5560 or sa@bhlaw.com if you have any questions or would like additional information.

Very truly yours,

Stark Ackerman

SA:ckm:vc
Enclosure
538289_3.doc

cc: Clients (via e-mail)

[2] If Polo Ridge in the future requests access through our client's development, we believe that would require a modification to the Polo Ridge approval, and as part of that modification the County would have an opportunity to consider the impacts, including the traffic impacts, of such a proposal.

Attachment B

Final Traffic Impact Study dated June 6, 2012

TECHNICAL MEMORANDUM

LANCASTER ENGINEERING
321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

TO: Russ Earl and Osburn-Olson, LLC

FROM: Todd E. Mobley, PE, PTOE TEM

DATE: June 6, 2012

SUBJECT: Clatsop Estates and West Dunes Subdivisions
Traffic Impact Study

INTRODUCTION

This memorandum is written to describe the analysis, results, and recommendations undertaken for the subject development and serves as the Traffic Impact Study (TIS) that is required by Clatsop County. The TIS is required based on Clatsop County Land and Water Development Use Ordinance, Section 5.352(2).

PROJECT DESCRIPTION

The proposed development is north of Surf Pines Road on the west side of Highway 101. The proposal consists *only* of the Clatsop Estates and West Dunes subdivisions. These two residential subdivisions will create a total of 27 lots. Clatsop Estates is at the north end of the project area and consists of nine lots. West Dunes is located immediately to the south and consists of 18 lots. Access to the subdivisions is provided as follows:

West Dunes Lane: Also referred to as the "southern access", this proposed internal street will intersection Highway 101 and serve a total of 14 lots of the West Dunes subdivision. A road approach to Highway 101 currently exists in this location but is used only as field access.

Clatsop Estates Lane: Also referred to as the "northern access", this street will serve four lots from West Dunes subdivision, all nine lots of the Clatsop Estates subdivision, and six existing properties, for a total of 19. In addition, the street will serve as a maintenance access for an open space property. A road approach to Highway 101 currently exists in this location to serve the existing six properties.

Polo Ridge is an adjacent subdivision to the east. Access to Highway 101 is *not* proposed for the purpose of serving Polo Ridge. The current land use action under consideration is only Clatsop Estates and West Dunes.

In the vicinity of the site, Highway 101 is a two-lane facility with a single travel lane in each direction and paved shoulders on both sides of the highway. The posted speed is 55 mph. The Oregon Department of Transportation (ODOT) has jurisdiction over the highway and also has

permitting authority over all driveways and street intersections. In this section of Highway 101 there are frequent private driveway and street approaches. Because there is not a well-established system of local streets, many properties rely on Highway 101 for direct property access.

SCOPE OF WORK

The primary concern in this case is the safety and operation of the two subject approaches to Highway 101. Given the small size of the two subdivisions under consideration and the relatively large volume of traffic on Highway 101, impacts at any upstream or downstream intersections will be negligible. Accordingly, the discussion and analysis in this memo will be limited to the two approaches to the highway.

ODOT ANALYSIS & COMMENT

On February 28, 2012, ODOT submitted comments to the Clatsop County planning department via email. These comments focus on the southern access and raise concerns that appear to result not from any impact of the development proposed by this application, but from the impact *if* the Polo Ridge subdivision also uses the southern access. This traffic study will only address the impacts of the West Dunes and the Clatsop Estates subdivisions because these are the subdivisions that are the subject of the current application and because the Polo Ridge subdivision does not currently have a legal right to use the southern access[1].

ODOT indicates that on 11/10/2008, a road approach application was approved for 21 single-family homes and approved for construction. Through their own independent analysis, included with the February 28, 2012 email, ODOT establishes the following:

- For 21 homes, a left-turn lane on Highway 101 at the approach is not warranted. In fact, it is determined that a left-turn lane would not be needed unless 40 or more homes are served by the approach. *Note: The current application would result in the southern access serving 14 homes and the northern access serving 19 homes.*
- Intersection sight distance standards are satisfied
- Stopping sight distance standards are satisfied
- The localized crash rate is 0.32 crashes per million vehicle miles, which is less than half of the 2010 statewide crash rate for similar facilities, which is 0.66.

In the ODOT analysis, no operational problems are raised when considering the original permitted use of 21 single family homes. As currently proposed, the Clatsop Estates and West Dunes will not result in more than 19 homes taking access to either of the two approaches to the state highway.

---

[1] The impact of the Polo Ridge subdivision can be considered by the County if and when a specific, complete proposal is made to use the southern access. The County will have an opportunity to review impacts of such a proposal at that time.

TRIP GENERATION

To estimate the trips that will be generated by the proposed Clatsop Estates and West Dunes subdivisions, trip rates from the manual *TRIP GENERATION,* Eighth Edition, published by the Institute of Transportation Engineers (ITE) were used. Specifically, trip rates from land-use category 210, *Single-Family Detached Housing* were used. The trip rates are based on the number of dwelling units.

The table below shows a summary of the trip generation calculations, divided into trips on each approach to the highway. It should be noted that the trip generation here is considerably lower than that in the ODOT comments, since that analysis was prepared based on 50 homes. Detailed trip generation calculations are attached to this memorandum.

Trip Generation Summary

	AM Peak Hour			PM Peak Hour			Weekday	Saturday
	In	Out	Total	In	Out	Total	Total	Total
West Dunes Lane								
14 Lots	3	8	11	9	5	14	134	142
Clatsop Estates Lane								
19 Lots	4	10	14	12	7	19	182	192
TOTALS:	7	18	25	21	12	33	316	334

ODOT ANALYSIS PROCEDURES MANUAL

To determine the need for left-turn lanes or right-turn lanes at approaches to the highway, ODOT has adopted analysis methodologies, which are contained in their Analysis Procedures Manual. The examination of the need for a left-turn lane is contained in the comments submitted by ODOT. To complete the analysis, the need for a right-turn lane was also examined.

Exhibit 7-2 of the Analysis Procedures Manual shows that if the right-turning volume is less than 20 vehicles per hour, a right-turn lane is not required. In this case, the highest entering traffic volume during the peak hour is 12 vehicles per hour. Assuming that these entering trips are split evenly between northbound and southbound, the right-turning volume will be only six vehicles per hour.

There is an additional caveat in the analysis procedure that says if there are over 700 vehicles per hour in the outside lane, then a shoulder should be provided if there is no right-turn lane. In this case, there is a paved shoulder. A right-turn lane is not recommended.

CAMP RILEA TO SURF PINES CORRIDOR PLAN

ODOT is presently working on a corridor plan to examine the operation of this section of Highway 101, ranging from Camp Rilea on the north to Surf Pines Lane on the south. That plan is examining safety and operation along Highway 101 from a corridor perspective. The study examines the near and long-term operation of six intersections in this segment and notes the presence of many direct driveway approaches. Study reports available to date note ongoing safety and capacity concerns.

The corridor study is important, and will be a valuable tool to help ODOT and Clatsop County plan for a safe transportation system in this area. It is recognized that fewer road approaches along the highway would help preserve mobility and efficient throughput. However, the study is still in process, and has reached no conclusions nor been adopted as a governing document applicable to planning decisions. In addition, identificd problem areas are not in the vicinity of the two approaches that will serve the two subdivisions under consideration in the subject application, and such a study cannot preclude properties such as this from taking access to the highway. This is particularly true when ODOT's own investigation shows no need for mitigation or improvement with usage levels higher than what is currently proposed.

Ron Ash, Clatsop County Engineer, submitted comments via email on February 29, 2012 citing the Camp Rilea to Surf Pines plan and raising concerns that an additional access to this section of Highway 101 would decrease safety. As shown in the report and in ODOT's analysis and comments, an additional access can in fact be safely accommodated. Areas with the highest crash rates identified in the Camp Rilea to Surf Pines Corridor Plan are not in the vicinity of the proposed subdivisions. In fact, ODOT's analysis shows that thc crash rate for this segment is less than half of the rate for similar facilities statewide.

APPROVAL CRITERIA

Established approval criteria when a TIS is required are contained in the Clatsop County Land and Water Development Use Ordinance, Section 5.352(4). This code section is quoted in *italics* below, with a responses inserted where necessary.

(A) Criteria. When a Traffic Impact Study is required, approval of the development proposal requires satisfaction of the following criteria, in addition to other criteria applicable to the proposal:

1) The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:

(a) Have the least negative impact on all applicable transportation facilities; and

Response: Access to the two subdivisions is divided relatively equally, with each approach to the highway having similarly low traffic volumes. This results in a smaller impact than concentrating traffic volumes in one location. The minor impact at each access does not create a need for mitigation.

(b) Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and

Response: Given the rural character of the site, it is expected that the large majority of trips to and from the subdivision will be auto-oriented. Non-motor vehicle modes of transportation are accommodated on roadway shoulders where available. This is consistent with how non-motor vehicle modes are currently accommodated by the surrounding transportation system.

(c) Make the most efficient use of land and public facilities as practicable; and

Response: Given the geometric and topographical constraints of the site, the subdivisions are configured in such a manner that maximizes the use of the property and the public facilities that it uses and does not require any new transportation accesses or facilities. Topography of the site prohibits the connection of Clatsop Estates Lane and West Dunes Lane within the site.

(d) Provide the most direct, safe, and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and

Response: As mentioned above, topography prohibits the connection of Clatsop Estates Lane and West Dunes Lane within the site. As such, the internal streets offer the most direct and efficient circulation and access that is practicable for this property.

(e) Otherwise comply with the applicable requirements of the Clatsop County Land and Water Development Use Ordinance and the Standards Document.

Response: Applicable traffic-related requirements are satisfied and no mitigations are recommended. Compliance with other applicable County requirements is addressed in other submissions by the project applicants.

CONCLUSIONS & RECOMMENDATIONS

The proposed Clatsop Estates and West Dunes subdivisions can be adequately accommodated by the two proposed approaches to Highway 101. It is recommended that the approaches be constructed to ODOT standards. Left-turn lanes on Highway 101 are not warranted at either approach, nor are right-turn lanes. Aside from construction of the new private streets, no mitigations are recommended on Highway 101.

1e

TRIP GENERATION CALCULATIONS

Land Use: Single-Family Detached Housing
Land Use Code: 210
Variable: Dwelling Units
Variable Value: 14

AM PEAK HOUR

Trip Rate: 0.75

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	**3**	**8**	**11**

PM PEAK HOUR

Trip Rate: 1.01

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	**9**	**5**	**14**

WEEKDAY

Trip Rate: 9.57

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**67**	**67**	**134**

SATURDAY

Trip Rate: 10.08

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**71**	**71**	**142**

Source: TRIP GENERATION, Eighth Edition

1e

TRIP GENERATION CALCULATIONS

Land Use: Single-Family Detached Housing
Land Use Code: 210
Variable: Dwelling Units
Variable Value: 19

AM PEAK HOUR

Trip Rate: 0.75

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	**4**	**10**	**14**

PM PEAK HOUR

Trip Rate: 1.01

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	**12**	**7**	**19**

WEEKDAY

Trip Rate: 9.57

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**91**	**91**	**182**

SATURDAY

Trip Rate: 10.08

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	**96**	**96**	**192**

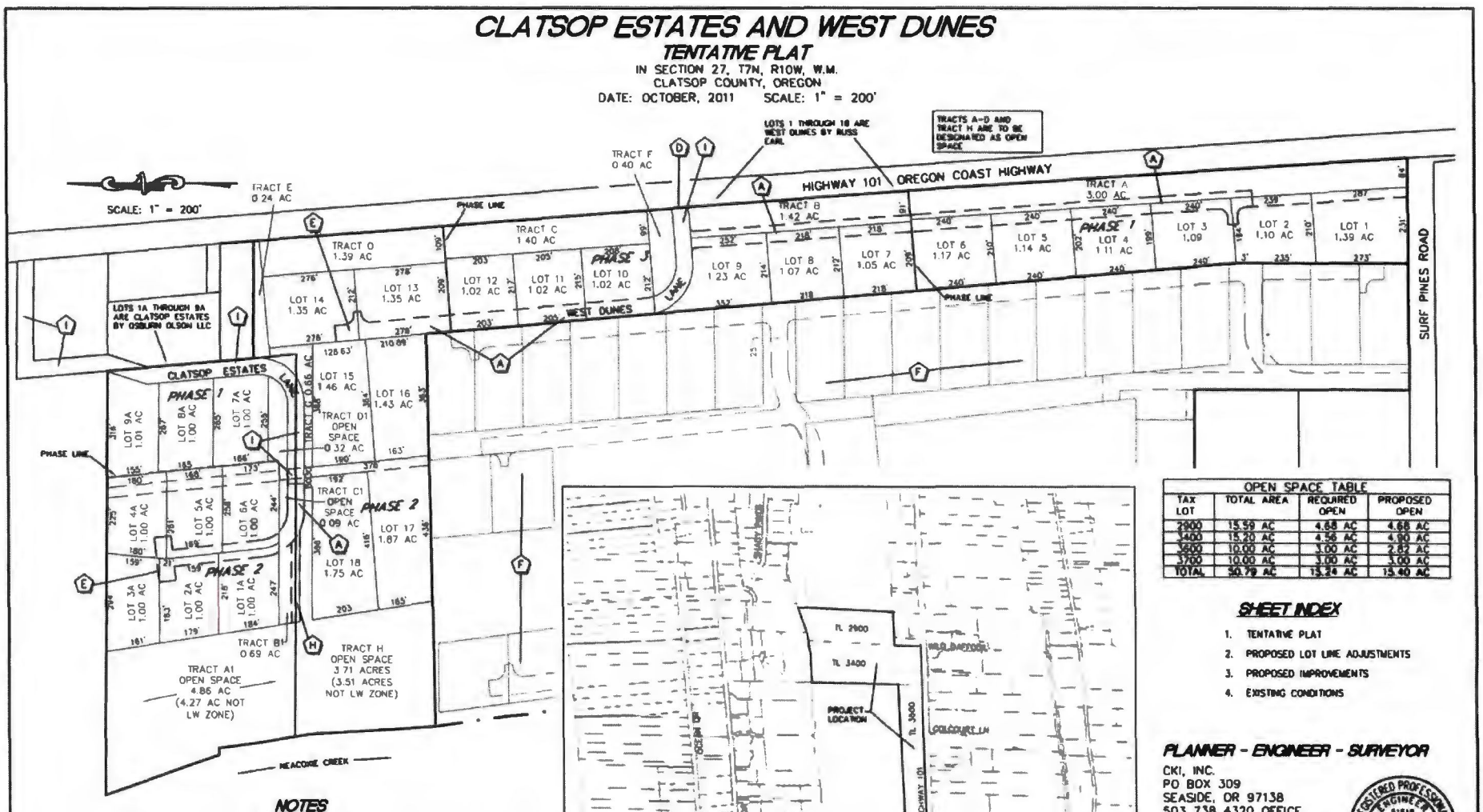
Source: TRIP GENERATION, Eighth Edition

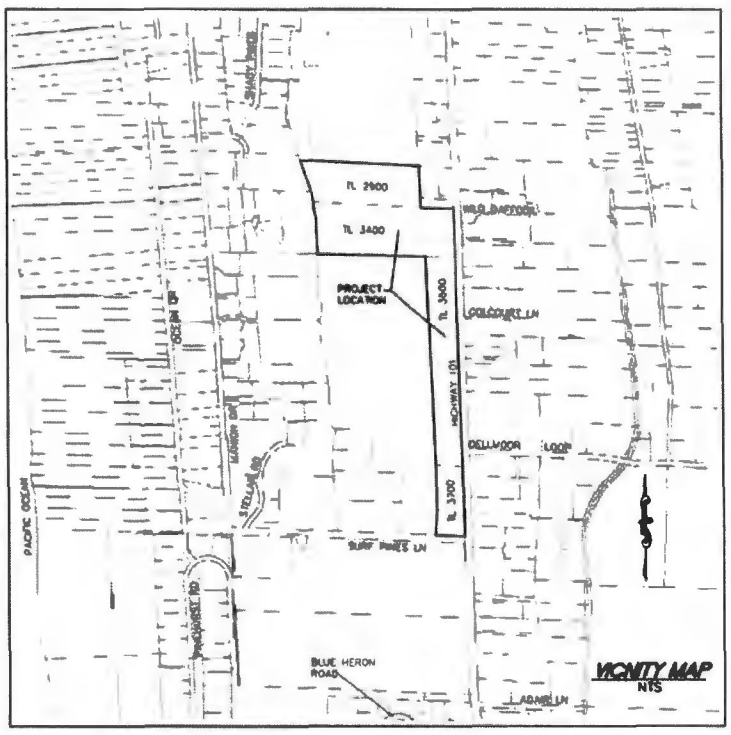
Attachment C
Revised Preliminary Plats

CLATSOP ESTATES AND WEST DUNES

TENTATIVE PLAT

IN SECTION 27, T7N, R10W, W.M.
CLATSOP COUNTY, OREGON
DATE: OCTOBER, 2011 SCALE: 1" = 200'





OPEN SPACE TABLE

TAX LOT	TOTAL AREA	REQUIRED OPEN	PROPOSED OPEN
2900	15.59 AC	4.68 AC	4.68 AC
3400	15.20 AC	4.56 AC	4.90 AC
3500	10.00 AC	3.00 AC	2.82 AC
3700	10.00 AC	3.00 AC	3.00 AC
TOTAL	50.79 AC	15.24 AC	15.40 AC

SHEET INDEX

1. TENTATIVE PLAT
2. PROPOSED LOT LINE ADJUSTMENTS
3. PROPOSED IMPROVEMENTS
4. EXISTING CONDITIONS

NOTES

- (A) PROPOSED 50' PRIVATE ACCESS AND UTILITY EASEMENT WITH 22' WIDE ROADWAY
- (B) NOT USED
- (C) NOT USED
- (D) ODOT APPROVED ACCESS LOCATION
- (E) PROPOSED FIRE APPARATUS TURNAROUND
- (F) PROPOSED WIDEMAN DEVELOPMENT
- (G) NOT USED
- (H) 25' ACCESS EASEMENT TO PROPOSED LAND CONSERVANCY TRACTS
- (I) 50' PUBLIC ROADWAY (DEDICATED) WITH 22' WIDE ROADWAY

PROPOSED RIGHT OF WAYS AND ROADWAY EASEMENTS ARE HATCHED FOR CLARITY

PLANNER - ENGINEER - SURVEYOR

CKI, INC.
PO BOX 309
SEASIDE, OR 97138
503 738 4320 OFFICE
503 738 7854 FAX
WWW.CKIINC.NET

REGISTERED PROFESSIONAL ENGINEER 31518 OREGON JULY 11, 2006 DEAN L. KERANEN
PRELIMINARY
RENEWAL DATE: 6/30/2013

APPLICANT/OWNER

RUSS EARL AND
OSBURN OLSON LLC
1369 STILLWATER COURT
SEASIDE, OREGON 97138

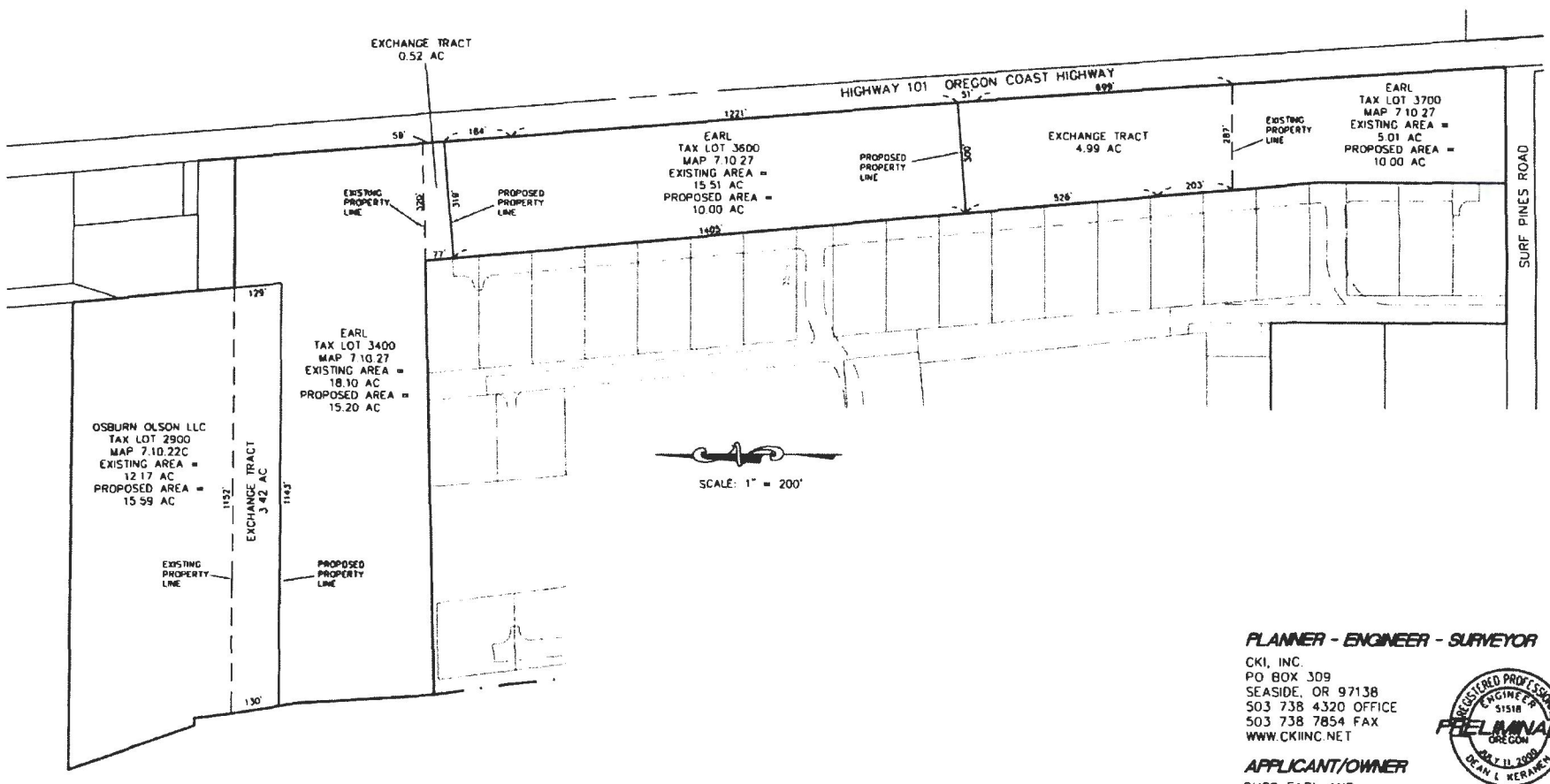
CKI
LAND SURVEYING - PLANNING
CIVIL ENGINEERING

DRAWING NAME: 9-054 DATE OF PLOT: 3/30/12

CLATSOP ESTATES AND WEST DUNES

PROPOSED PROPERTY LINE ADJUSTMENTS

IN SECTION 27, T7N, R10W, W.M.
CLATSOP COUNTY, OREGON
DATE: OCTOBER, 2011 SCALE: 1" = 200'



PLANNER - ENGINEER - SURVEYOR

CKI, INC.
PO BOX 309
SEASIDE, OR 97138
503 738 4320 OFFICE
503 738 7854 FAX
WWW.CKIINC.NET

REGISTERED PROFESSIONAL ENGINEER 51518 OREGON JULY 11, 2000 DEAN L. KERAMEN
PRELIMINARY
PRELIMINARY DATE: 5/30/2013

APPLICANT/OWNER

RUSS EARL AND
OSBURN OLSON LLC
1369 STILLWATER COURT
SEASIDE, OREGON 97138

CKI
LAND SURVEYING - PLANNING
CIVIL ENGINEERING

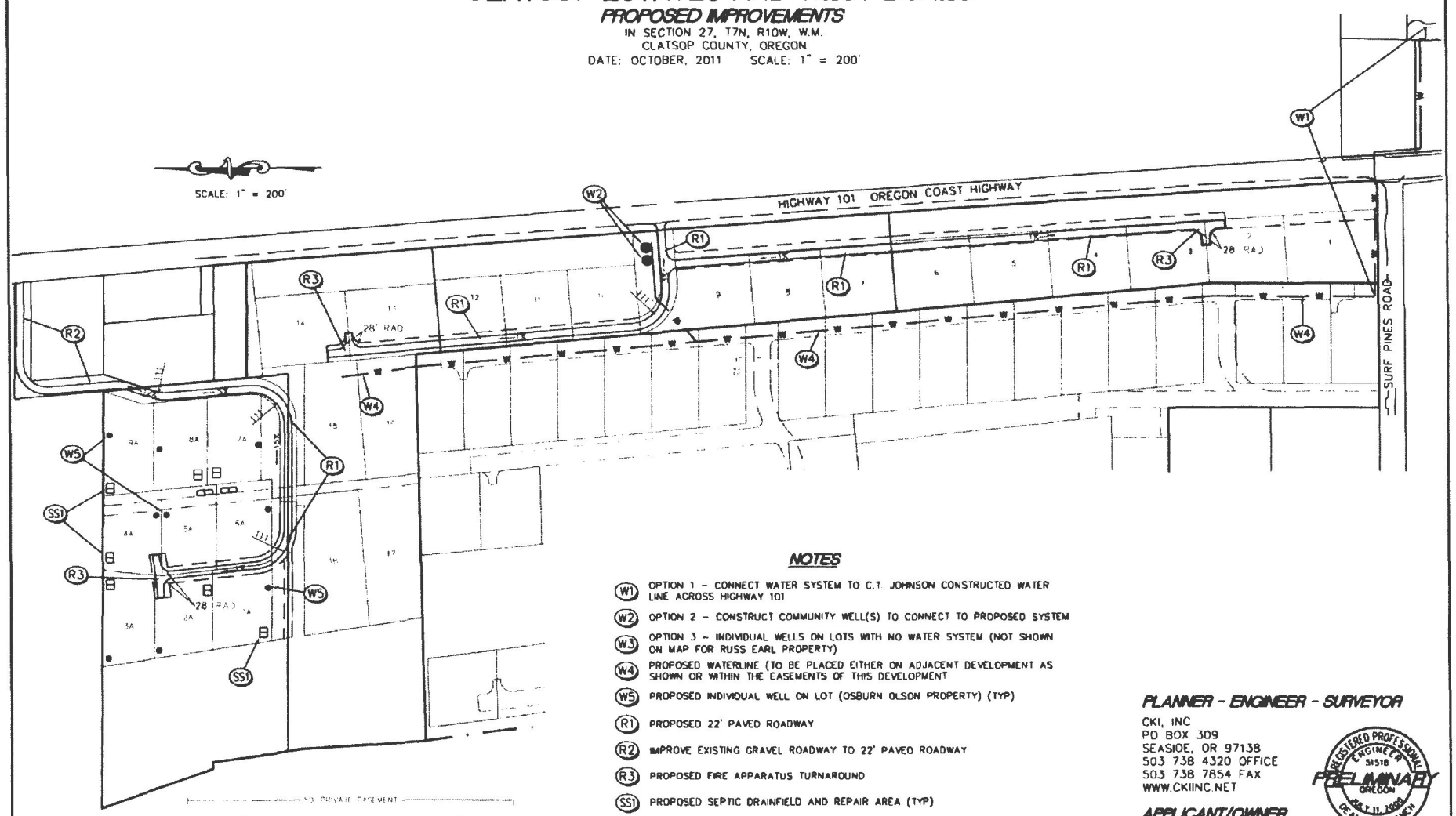
DRAWING NAME: 9-054 DATE OF PLOT: 3/30/12

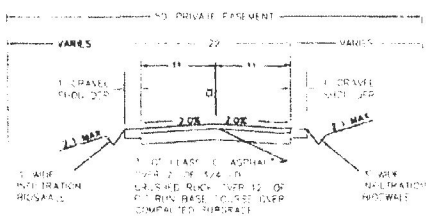
CLATSOP ESTATES AND WEST DUNES

PROPOSED IMPROVEMENTS

IN SECTION 27, T7N, R10W, W.M.
CLATSOP COUNTY, OREGON
DATE: OCTOBER, 2011 SCALE: 1" = 200'

SCALE: 1" = 200'





NEW ROAD TYPICAL SECTION A-22
NTS

NOTES

- (W1) OPTION 1 – CONNECT WATER SYSTEM TO C.T. JOHNSON CONSTRUCTED WATER LINE ACROSS HIGHWAY 101
- (W2) OPTION 2 – CONSTRUCT COMMUNITY WELL(S) TO CONNECT TO PROPOSED SYSTEM
- (W3) OPTION 3 – INDIVIDUAL WELLS ON LOTS WITH NO WATER SYSTEM (NOT SHOWN ON MAP FOR RUSS EARL PROPERTY)
- (W4) PROPOSED WATERLINE (TO BE PLACED EITHER ON ADJACENT DEVELOPMENT AS SHOWN OR WITHIN THE EASEMENTS OF THIS DEVELOPMENT
- (W5) PROPOSED INDIVIDUAL WELL ON LOT (OSBURN OLSON PROPERTY) (TYP)
- (R1) PROPOSED 22' PAVED ROADWAY
- (R2) IMPROVE EXISTING GRAVEL ROADWAY TO 22' PAVED ROADWAY
- (R3) PROPOSED FIRE APPARATUS TURNAROUND
- (SS1) PROPOSED SEPTIC DRAINFIELD AND REPAIR AREA (TYP)

DRAINAGE NOTE:
RUNOFF FROM PAVED SURFACES TO BE MANAGED BY THE USE OF INFILTRATION BIOSWALES ON BOTH SIDES OF THE ROADWAYS AS SHOWN IN THE TYPICAL SECTION

PLANNER - ENGINEER - SURVEYOR

CKI, INC
PO BOX 309
SEASIDE, OR 97138
503 738 4320 OFFICE
503 738 7854 FAX
WWW.CKIINC.NET

REGISTERED PROFESSIONAL ENGINEER 51518 OREGON JULY 11, 2006 DEAN L. KERANEN
PRELIMINARY
RENEWAL DATE 6/30/2013

APPLICANT/OWNER

RUSS EARL AND
OSBURN OLSON LLC
1369 STILLWATER COURT
SEASIDE, OREGON 97138

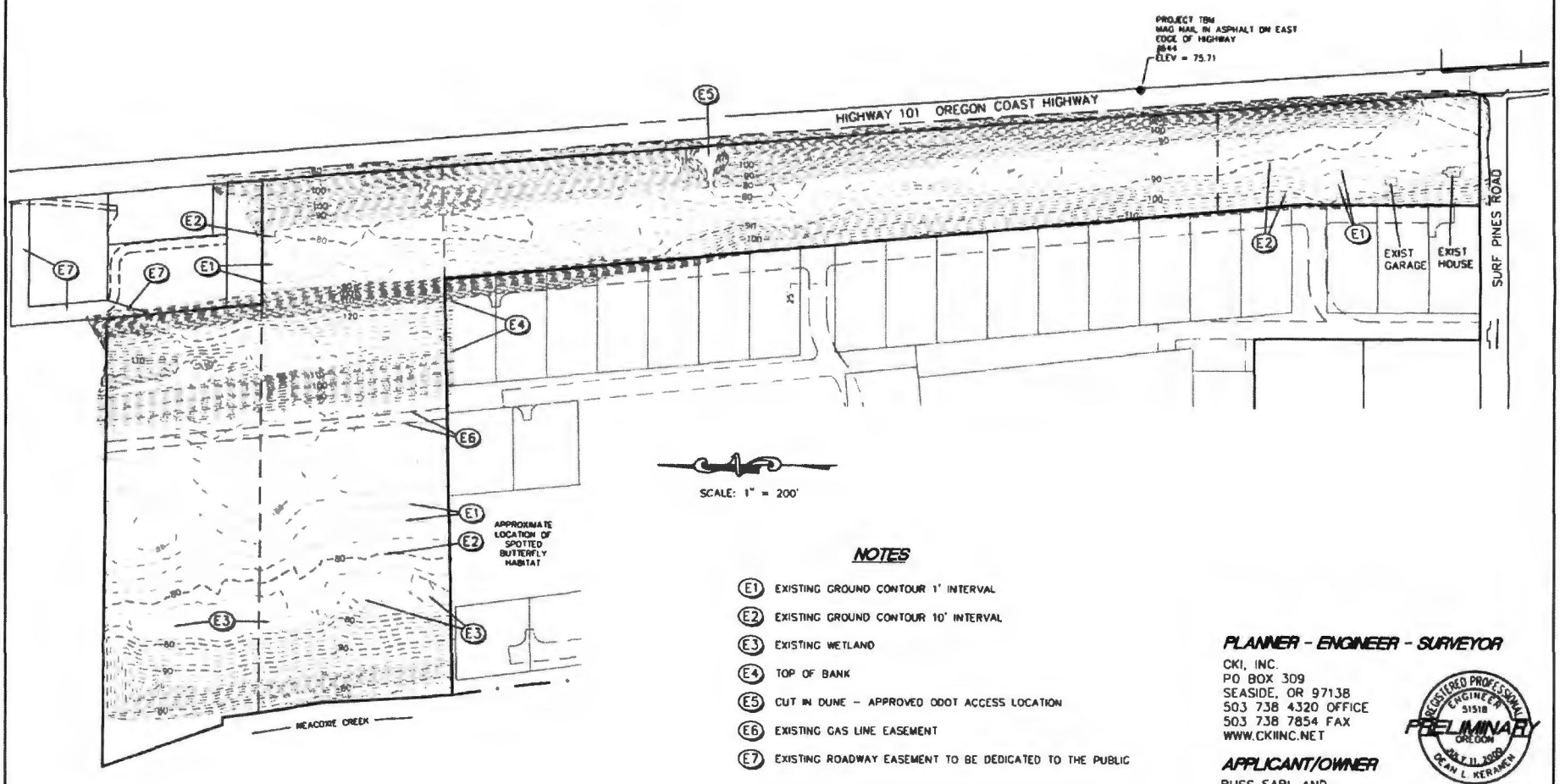
CKI
LAND SURVEYING - PLANNING
CIVIL ENGINEERING

DRAWING NAME: 9 054 DATE OF PLOT: 3/30/12

CLATSOP ESTATES AND WEST DUNES

EXISTING CONDITIONS

IN SECTION 27, T7N, R10W, W.M.
CLATSOP COUNTY, OREGON
DATE: OCTOBER, 2011 SCALE: 1" = 200'



SCALE: 1" = 200'

NOTES

(E1) EXISTING GROUND CONTOUR 1' INTERVAL
(E2) EXISTING GROUND CONTOUR 10' INTERVAL
(E3) EXISTING WETLAND
(E4) TOP OF BANK
(E5) CUT IN DUNE – APPROVED ODOT ACCESS LOCATION
(E6) EXISTING GAS LINE EASEMENT
(E7) EXISTING ROADWAY EASEMENT TO BE DEDICATED TO THE PUBLIC

PLANNER - ENGINEER - SURVEYOR

CKI, INC.
PO BOX 309
SEASIDE, OR 97138
503 738 4320 OFFICE
503 738 7854 FAX
WWW.CKIINC.NET

REGISTERED PROFESSIONAL ENGINEER 51918 OREGON JULY 11, 2000 DEAN L. KERAMEN

PRELIMINARY

RENEWAL DATE: 6/30/2013

APPLICANT/OWNER

RUSS EARL AND
OSBURN OLSON LLC
1369 STILLWATER COURT
SEASIDE, OREGON 97138

CKI
LAND SURVEYING - PLANNING
CIVIL ENGINEERING

DRAWING NAME: 9-054 DATE OF PLOT: 3/30/12

Attachment D

Ron Ash email dated June 7, 2012

Jennifer Bunch

From: Ron Ash
Sent: Thursday, June 07, 2012 9:12 AM
To: Jennifer Bunch
Subject: RE: West Dunes and Clatsop Estates - Letter and Traffic Impact Study

Jennifer,
The abbreviated TIS for West Dunes and Clatsop Estates appears to show that there is not a warrant for either right or left turn lanes for the proposed approach locations into the subdivision. However, I still believe to provide safe ingress and egress for the subdivision and the public, that either a left turn lane should be provided or the approach should be moved to the south across from Dellmoor Loop where a left turn lane is already in place.

Ron

Ron Ash, P.E., P.L.S., County Engineer
Technical Services Manager
Department of Transportation
1100 Olney Ave
Astoria, OR 97103
503.325.8631 voice 503.325.9312 fax
rash@co.clatsop.or.us

CLATSOP COUNTY

From: Jennifer Bunch
Sent: Thursday, May 31, 2012 8:27 AM
To: 'matthew.C.Caswell@odot.state.or.us'; Ron Ash
Subject: FW: West Dunes and Clatsop Estates - Letter and Traffic Impact Study

Matt & Ron,
Attached is the TIS for the Earl/Osburn-Olson development on the Clatsop Plains. Since you had provided comment in this matter I am asking for your input on the TIS.

Thanks!

Jennifer

From: Caroline E.K. MacLaren [mailto:ckm@bhlaw.com]
Sent: Wednesday, May 30, 2012 5:26 PM
To: Jennifer Bunch
Cc: Stark Ackerman; Vicki F. Christensen
Subject: West Dunes and Clatsop Estates - Letter and Traffic Impact Study

Jennifer:

Attachment E

Matt Caswell email dated June 7, 2012

Jennifer Bunch

From: CASWELL Matthew C <Matthew.C.CASWELL@odot.state.or.us>
Sent: Thursday, June 07, 2012 10:11 AM
To: Jennifer Bunch
Cc: Ron Ash
Subject: RE: West Dunes and Clatsop Estates - Letter and Traffic Impact Study
Attachments: Lancaster TIA.PDF

Importance: High

Jennifer,

I would like to provide further comment on the Technical Memorandum dated May 29, 2010 from Lancaster Engineering. There are two points I take issue with in the Technical Memorandum:

1. The memorandum incorrectly concludes from my February 28, 2012 email that a left turn lane is not needed unless 40 or more homes are served by the approach1: The statement is contained on page 2 of the report under the first bullet of the ODOT Analysis & Comment as stated: ***"In fact, it is determined that a left-turn lane would not be needed unless 40 or more homes are served by the approach."***

   This statement is very misleading. My comment in the email stated that a left turn warrant was met for 40 homes. This analysis was based on a volume warrant as shown in my attached documentation, and was meant to show that 40 homes would absolutely require a left turn lane without any further analysis. As any Civil Engineer who evaluates left turn warrants should know, the volume warrant is only one of many criteria reviewed in an analysis for a left turn warrant. Nowhere in my email did I state that a left turn lane was not needed unless 40 or more homes were served by this approach. In fact, I stated in my email that ODOT **was** concerned with safety and operations and under our current rules a traffic impact analysis would be required for as little as 9 homes being served by an approach.

2. The memorandum also concludes that the analysis completed in 2008 is still valid and therefore **did not** provide a left turn analysis. The existing approach was analyzed and approved in 2008. In general, ODOT does not accept a traffic impact analysis older than 3 years. The original analysis is almost four years old. The current approach under consideration has not been constructed and development of homes will most likely not be completed in the near future. Traffic volumes are anticipated to significantly increase in the near future with the new big box developments in Warrenton. Since the original analysis was completed over 3 years ago, along with the anticipated increase in traffic volumes, it would seem appropriate that a current traffic impact analysis be completed for the left turn lane.

It would be appreciated if these comments could be placed into the final record.

Thank you,

Matt Caswell, P.E.
Oregon Department of Transportation
Development Review Coordinator
Region 2, 455 Airport Rd SE, Bldg. B
Salem, OR 97301-5395
503.986.2849 (Office)
503.986.2630 (FAX)
e-mail: matthew.c.caswell@odot.state.or.us

Attachment F

Revised Findings – L5.352

Revised Findings – June 8, 2012

West Dunes Subdivision
Transportation Impact Review L5.352

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

(A) The development application involves one or more of the following actions:
(a) A change in zoning or a plan amendment designation; or

Analysis and Finding:
The consolidated application includes comprehensive plan zoning map amendments but not at the location of the proposed subdivisions and staff has determined that this criterion does not apply to the proposed subdivision. This position is consistent with earlier decisions issued by Clatsop County for similar developments in the Clatsop Plains area. For example, Ordinance 09-05 Manion Pines Subdivision (8 LOTS) including density transfers and Ordinance 10-05 Polo Ridge (30 LOTS) with density transfers. In both of these matters County Staff provided findings and determined that a Traffic Impact Study was not warranted. The criterion is not met.

(b) Any proposed development or land use action that ODOT states may have operational or safety concerns along a state highway; and

Analysis and Finding:
On February 28, 2012, Matt Caswell with the Oregon Department of Transportation provided written comments (Exhibit 6) relating to operational or safety concerns along Highway 101, adjacent to the proposed subdivisions. Mr. Caswell explained that because under the rules in effect at the time of application for an approach a traffic impact study (TIS) and mitigation could not be required by ODOT. Mr. Caswell did writes that if a new access application was submitted under the current rules a TIS and possible mitigation would be required for the development of only nine (9) homes. Mr. Caswell did state in his email that while ODOT can't require mitigation the agency does have safety and operational concerns at the site of the proposed development. Mr. Caswell attached various documents, including crash history; to justify this statement In addition a study is currently underway on Highway 101 from Camp Rilea to Surf Pines Lane. The Overview on the ODOT study website states:

This ODOT planning effort will address safety and operational issues on a section of U.S. 101 from Camp Rilea to Surf Pines Lane, south of Warrenton. This 4.6 mile section of highway is mostly two lanes, has above average crash rates, and can be congested by frequent turning movements.
http://www.us101rileatosurfpines.org/ (accessed 3/6/12)

Considering Mr. Caswell's comments and the current study that is underway the criteria in L5.352(1)(A)(2) is met.

(c) The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, or crash history. The Institute of Transportation

Engineers Trip Generation manual shall be used for determining vehicle trip generation:

(a) An increase in site traffic volume generation by 500 Average Daily Trips (ADT) or more (or as required by the County Engineer); or

Analysis and Finding: Utilizing a figure ten (10) trips per day per dwelling (10 ADT) the total of projected traffic volume for both subdivisions would be 270 ADT. This figure does not meet the requirement in L5.352(A)(3)(a).

(b) An increase in ADT hour volume of a particular movement to and from the State highway by 20 percent or more; or

Analysis and Finding: Considering that there is zero (0) volume to and from the Highway to the proposed West Dunes subdivision any increase in volume will exceed 20%. The criterion is met.

(c) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or

Analysis and Finding: This criterion is not applicable to the proposed residential development.

(d) The location of the access driveway does not meet minimum site distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or

Analysis and Finding: County Engineer Ron Ash submitted comments to staff on February 29, 2012 (Exhibit 7). Mr. Ash relays safety concerns related to vehicle turning and deceleration in this area of Highway 101. The criterion is met.

(e) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

Analysis and Finding: This criterion is not applicable to the proposed residential development.

CONCLUSION: ~~The applicant is proposing a total of 18 residential lots. But the intension appears to be to provide access to the proposed Clatsop Estates subdivision and the conditionally approved Polo Ridge subdivision which are directly adjacent to the subject to the subject parcels. This would create three contiguous subdivisions with a total of 58 residential lots.~~ Based on the findings in L5.352(2), (3)(b) and (d) Staff concludes that a traffic impact study is required.

(3) Traffic Impact Study Requirements;

(A) Preparation. A Traffic Impact Study shall be prepared by a professional engineer in accordance with OAR 734-051-180.

Analysis and Finding: The applicant provided a traffic impact study on May 30, 2012 that was prepared by a professional engineer. Oregon Administrative Rule 734-051-0070 was in effect on November 21, 2011, when the application was deemed complete has replaced the rule cited in L5.352.

OAR 734-051-0070

(7) All of the following apply when a Traffic Impact Study is required:

(a) A Professional Engineer employed by the Department shall determine the scope of the study and shall review and comment on the study.

Analysis and Finding: The TIS was reviewed by County Engineer, Ron Ash on June 7, 2012. Based on the TIS Mr. Ash determined that no mitigation was required. The criterion is met.

(b) Future year analyses apply to both public and private approaches and include year of each phase opening and future year beyond build out, based on vehicle trips per day and type of land use action, but not greater than the year of planning horizon for transportation system plans or 15 years, whichever is greater.

Analysis and Finding: The TIS addresses complete build out of both subdivisions. The criterion is met.

(c) A Professional Engineer must prepare the study in accordance with methods and input parameters approved by the Department.

Analysis and Finding: On pages 3 – 4 of the TIS the engineer identifies the ODOT data sources and procedures used for preparation of the TIS. The criterion is met.

(d) The scope and detail of the study must be sufficient to allow the Department to evaluate the impact of the proposal and the need for roadway capacity, operational, and safety improvements resulting from the approach.

Analysis and Finding Page 3 of the TIS the engineer identifies the ODOT data sources and the procedures used for preparation of the TIS. The criterion is met.

(e) The study must identify the data and the application of data in the analysis.

Analysis and Finding: The TIS identifies the trip generation data and the appropriate calculations are provided. The criterion is met.

(f) The study may be sufficient to satisfy the requirements of this rule without being adequate to satisfy local government requirements or the Transportation Planning Rule.

Analysis and Finding: OAR 734-051-0070 (7)(f) does not contain approval criteria.

(B) Transportation Planning Rule Compliance. See Section 7 of the Transportation Plan.

Analysis and Finding: Section 7 of the Clatsop County Transportation Plan describes how the TSP complies with the TPR. The implementing ordinances ensure compliance with the TSP and in turn with the TPR. The criterion is met.

(C) If the proposed development may cause one or more of the effects in Section 5.352(2), above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Study shall include recommended mitigation measures.

Analysis and Finding: The traffic impact study does not identify any of the effects contained in L5.352(2); therefore mitigation measures are not required. The criterion is met.

CONCLUSION: The application meets the applicable criteria in L5.352(3).

(4) Approval Criteria:

(A) Criteria. When a Traffic Impact Study is required, approval of the development proposal requires satisfaction of the following criteria, in addition to other criteria applicable to the proposal:

1) The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:

(a) Have the least negative impact on all applicable transportation facilities; and

Analysis and Finding: Staff agrees with the Applicant's findings contained on page 4 of the TIS. Access to each of the subdivisions is divided almost equally between the two access points. This reduces the traffic volume at one location. As stated in the TIS any increase in traffic volume does not warrant mitigation on Highway 101. The criterion is met.

(b) Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and

Analysis and Finding: Staff agrees with the applicants findings contained on page 5 of the TIS. The rural character of the Clatsop Plains area does not encourage non-motor vehicular transportation. The criterion is met.

(c) Make the most efficient use of land and public facilities as practicable; and

Analysis and Finding: Topographical constrains limits any connectivity between the two subdivisions. Two approaches to the highway not only distribute the increase in volume generated by the developments but also provides for efficient use of the land. The criterion is met.

(d) Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and

Analysis and Finding: The Clatsop Plains area has limited local street access

(e) Otherwise comply with applicable requirements of the Clatsop County Land and Water Development Use Ordinance and the Standards Document.

(5) Conditions of Approval.

(A) In approving an action that requires a Traffic Impact Study, the County may condition that approval on identified mitigation measures.

Analysis and Finding: As stated in the TIS the two approaches, if built to ODOT standards, can adequately serve the proposed subdivisions. Conditions of approval are not required.

CONCLUSION: The application meets the applicable criteria in L5.352(4).

Clatsop Estates Subdivision

Transportation Impact Review L5.352

(2) When Required.

A Traffic Impact Study may be required to be submitted to the County with a land use application, when the following conditions apply:

A. The development application involves one or more of the following actions:

1) A change in zoning or a plan amendment designation; or

Analysis and Finding:
The consolidated application includes comprehensive plan zoning map amendments but not at the location of the proposed subdivisions and staff has determined that this criterion does not apply to the proposed subdivision. This position is consistent with earlier decisions issued by Clatsop County for similar developments in the Clatsop Plains area. For example, Ordinance 09-05 Manion Pines Subdivision (8 LOTS) including density transfers and Ordinance 10-05 Polo Ridge (30 LOTS) with density transfers. In both of these matters County Staff provided findings and determined that a Traffic Impact Study was not warranted. The criterion is not met.

2) Any proposed development or land use action that ODOT states may have operational or safety concerns along a state highway; and

Analysis and Finding:
On February 28, 2012, Matt Caswell with the Oregon Department of Transportation provided written comments (Exhibit 6) relating to operational or safety concerns along Highway 101, adjacent to the proposed subdivisions. Mr. Caswell explained that because under the rules in effect at the time of application for an approach a traffic impact study (TIS) and mitigation could not be required by ODOT. Mr. Caswell did writes that if a new access application was submitted under the current rules a TIS and possible mitigation would be required for the development of only nine (9) homes. Mr. Caswell did state in his email that while ODOT can't require mitigation the agency does have safety and operational concerns at the site of the proposed development. Mr. Caswell attached various documents, including crash history; to justify this statement. In addition a study is currently underway on Highway 101 from Camp Rilea to Surf Pines Lane. The Overview on the ODOT study website provides the following:

This ODOT planning effort will address safety and operational issues on a section of U.S. 101 from Camp Rilea to Surf Pines Lane, south of Warrenton. This 4.6 mile section of highway is mostly two lanes, has above average crash rates, and can be congested by frequent turning movements.
(http://www.us101rileatosurfpines.org/ accessed 3/6/12)

Considering Mr. Caswell's comments and the current study that is underway that the criteria in L5.352(1)(A)(2) is met.

3) The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, or crash history. The Institute of Transportation Engineers Trip Generation manual shall be used for determining vehicle trip generation:

(a) An increase in site traffic volume generation by 500 Average Daily Trips (ADT) or more (or as required by the County Engineer); or

Analysis and Finding:
Utilizing a figure ten (10) trips per day per dwelling (10 ADT) the total of projected traffic volume for both subdivisions would be 270 ADT. This figure does not meet the requirement in L5.352(A)(3)(a).

(b) An increase in ADT hour volume of a particular movement to and from the State highway by 20 percent or more; or

Analysis and Finding:
Considering that there is zero (0) volume to and from the Highway to the proposed West Dunes and Clatsop Estates subdivisions any increase in volume will exceed 20%. The criterion is met.

(c) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or

Analysis and Finding: This criterion is not applicable to the proposed residential development.

(d) The location of the access driveway does not meet minimum site distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or

Analysis and Finding:
County Engineer Ron Ash submitted comments to staff on February 29, 2012 (Exhibit 7). Mr. Ash relays safety concerns related to vehicle turning and deceleration in this area of Highway 101. The criterion is met.

(e) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

Analysis and Finding: This criterion is not applicable to the proposed residential development.

CONCLUSION: ~~The applicant is proposing a total of 18 residential lots. But the intension appears to be to provide access to the proposed Clatsop Estates subdivision and the conditionally approved Polo Ridge subdivision which are directly adjacent to the subject to the subject parcels. This would create three contiguous subdivisions with a total of 58 residential lots.~~ Based on the findings in L5.352(2), (3)(b) and (d) Staff concludes that a traffic impact study is required.

(6) Traffic Impact Study Requirements;

(D) Preparation. A Traffic Impact Study shall be prepared by a professional engineer in accordance with OAR 734-051-180.

Analysis and Finding: The applicant provided a traffic impact study on May 30, 2012 that was prepared by a professional engineer. Oregon Administrative Rule 734-051-0070 was in effect on November 21, 2011, when the application was deemed complete has replaced the rule cited in L5.352.

OAR 734-051-0070

(7) All of the following apply when a Traffic Impact Study is required:

(a) A Professional Engineer employed by the Department shall determine the scope of the study and shall review and comment on the study.

Analysis and Finding: The TIS was reviewed by County Engineer, Ron Ash on June 7, 2012. Based on the TIS Mr. Ash determined that no mitigation was required. The criterion is met.

(b) Future year analyses apply to both public and private approaches and include year of each phase opening and future year beyond build out, based on vehicle trips per day and type of land use action, but not greater than the year of planning horizon for transportation system plans or 15 years, whichever is greater.

Analysis and Finding: The TIS addresses complete build out of both subdivisions. The criterion is met.

(c) A Professional Engineer must prepare the study in accordance with methods and input parameters approved by the Department.

Analysis and Finding: On pages 3 – 4 of the TIS the engineer identifies the ODOT data sources and procedures used for preparation of the TIS. The criterion is met.

(d) The scope and detail of the study must be sufficient to allow the Department to evaluate the impact of the proposal and the need for roadway capacity, operational, and safety improvements resulting from the approach.

Analysis and Finding Page 3 of the TIS the engineer identifies the ODOT data sources and the procedures used for preparation of the TIS. The criterion is met.

(e) The study must identify the data and the application of data in the analysis.

Analysis and Finding: The TIS identifies the trip generation data and the appropriate calculations are provided. The criterion is met.

(f) The study may be sufficient to satisfy the requirements of this rule without being adequate to satisfy local government requirements or the Transportation Planning Rule.

Analysis and Finding: OAR 734-051-0070 (7)(f) does not contain approval criteria.

(E) Transportation Planning Rule Compliance. See Section 7 of the Transportation Plan.

Analysis and Finding: Section 7 of the Clatsop County Transportation Plan describes how the TSP complies with the TPR. The implementing ordinances ensure compliance with the TSP and in turn with the TPR. The criterion is met.

(F) If the proposed development may cause one or more of the effects in Section 5.352(2), above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Study shall include recommended mitigation measures.

Analysis and Finding: The traffic impact study does not identify any of the effects contained in L5.352(2), therefore mitigation measures are not required. The criterion is met.

CONCLUSION: The application meets the applicable criteria in L5.352(3).

(7) Approval Criteria:

(B) Criteria. When a Traffic Impact Study is required, approval of the development proposal requires satisfaction of the following criteria, in addition to other criteria applicable to the proposal:

1) The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:

(f) Have the least negative impact on all applicable transportation facilities; and

Analysis and Finding: Staff agrees with the Applicant's findings contained on page 4 of the TIS. Access to each of the subdivisions is divided almost equally between the two access points. This reduces the traffic volume at one location. As stated in the TIS any increase in traffic volume does not warrant mitigation on Highway 101. The criterion is met.

(g) Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and

Analysis and Finding: Staff agrees with the applicants findings contained on page 5 of the TIS. The rural character of the Clatsop Plains area does not encourage non-motor vehicular transportation. The criterion is met.

(h) Make the most efficient use of land and public facilities as practicable; and

Analysis and Finding: Topographical constrains limits any connectivity between the two subdivisions. Two approaches to the highway not only distribute the increase in volume generated by the developments but also provides for efficient use of the land. The criterion is met.

(i) Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and

Analysis and Finding: The Clatsop Plains area has limited local street access

(j) Otherwise comply with applicable requirements of the Clatsop County Land and Water Development Use Ordinance and the Standards Document.

(8) Conditions of Approval.

(B) In approving an action that requires a Traffic Impact Study, the County may condition that approval on identified mitigation measures.

Analysis and Finding: As stated in the TIS the two approaches, if built to ODOT standards, can adequately serve the proposed subdivisions. Conditions of approval are not required.

CONCLUSION: The application meets the applicable criteria in L5.352(4).

Attachment G

Public Comment - Maki

RECEIVED
Clatsop County
MAY 21 2012
Land Use/Planning

RECEIVED
MAY 18 2012
By

CLATSOP COUNTY BOARD OF COMMISSIONERS
800 EXCHANGE STREET, SUITE 100
ASTORIA, OR 97103

WED. 5/16/2012

RE: PUBLIC HEARING, FROG CONSULTING LLC, 6/13/2012.
ATTACHED IS MY 2/10/2012 LETTER, OPPOSING ANY SET-BACK, SENDING SITE, AND/OR PROPERTY LINE CHANGES, AT TRACT 1. MY PURCHASE OF THIS 9.88 AC. CLOSED ON 10/27/12. I WAS SHOCKED TO LEARN OF A SETBACK 4 ± MONTH'S LATER.

NO ONE WOULD APPROVE OF SUCH SETBACKS AND/OR OTHER ADDED RESTRICTIONS WITHOUT JUST COMPENSATION. I MAY NEED TRACT 1, IN ITS ENTIRETY, FOR MITIGATION OR SET BACK FOR MY OTHER PROPERTIES.

I CONTINUE TO STRONGLY OPPOSE ANY CHANGES TO MY PROPERTIES. MY CONCERNS FOR SAFETY ON HW 101 REMAINS.

ATTACHMENT: A.S.

5/16/2012 Melvin N. Makl

MELVIN N. MAKI
(CELL) 503-791-4977

CLATSOP COUNTY PLANNING & COMMISSION
800 EXCHANGE ST., SUITE 100
ASTORIA, OR 97103
ATT'N: JENNIFER BUNCH FRI. 2/10/2012

RE: ORDINANCE 12-01 PROPOSED, AND UNDER-
SIGNED TRACT 1 McCORMICK GARDENS (9.88 Ac

I, MELVIN N. MAKI, HEREBY OBJECT TO AND STONGLY OPPOSE ANY ACTIVITY OR ACTION THAT ALTERS SETBACKS; OR OTHERWISE EFFECTS MY SUBJECT 9.88 ACRE PROPERTY, KNOWN AS TRACT 1. SAID PROPERTY WAS PLATTED IN 1910, 102 YEARS AGO, AS AGRICULTURAL. WHY CHANGE NOW?

I ALSO OPPOSE SUCH MODIFICATIONS TO MY 329.67 ACRE PROPERTY LINES OFF DELMOOR ROAD. FURTHER, I AM CONCERNED ABOUT HIGHWAY 101 TRAFFIC DENSITY & SAFETY IN THAT AREA, OF THE PROPOSED SUB-DIVISION; ESPECIALLY AT THE ODOT APPROVED INTERSECTION OF WEST DUNE LANE WITH HIGHWAY 101.

THANK YOU FOR PRESENTING THIS LETTER OPPOSING ANY SETBACK CHANGES TO MY PROPERTY AT TRACT 1, McCORMICK GARDENS; AND MY CONCERN FOR 101 SAFETY RESULTING FROM THE PROPOSED SUB-DIVISION.

IN CLOSING, I AM FOR PROGRESS, AND IF IT IS CRITICAL FOR THE PROPOSED PROJECT, ~~I AND~~ MIGHT BE WILLING TO SELL MY 9.88 ACRES. GOOD LUCK.

2/10/12 Melvin N. Maki
MELVIN N. MAKI

TECHNICAL MEMORANDUM

LANCASTER ENGINEERING
321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

TO: Russ Earl and Osburn-Olson, LLC

FROM: Todd E. Mobley, PE, PTOE

DATE: June 12, 2012

SUBJECT: Clatsop Estates and West Dunes Subdivisions
Response to Comments

INTRODUCTION

This memorandum is written to respond to comments from Ron Ash, Clatsop County Engineer, and Matt Caswell, ODOT Development Review Coordinator. Comments from Mr. Ash and Mr. Caswell were received in response to the Traffic Impact Study (TIS) for the subject application, dated June 6, 2012. (Mr. Ash and Mr. Caswell reviewed a draft version of the report dated May 29, 2012. The final version did not differ from the May 29 draft version other than to include two trip generation tables).

RON ASH COMMENTS

In an email dated June 7, 2012, Mr. Ash states that the TIS "appears to show" that neither left-turn lanes nor right-turn lanes are necessary at the two subdivision accesses to Highway 101. Mr. Ash goes on to state: "However, I still believe to provide safe ingress and egress for the subdivision and the public, that either a left turn lane should be provided or the approach should be moved to the south across from Dellmoor Loop where a left turn lane is already in place."

Mr. Ash does not dispute the conclusions of the TIS, which *clearly* shows that based on objective engineering evidence, and applying accepted traffic engineering procedures and standards, left and right turn lanes are not warranted. In addition, ODOT's own analysis shows that for a development of this size, left-turn lane warrants are not satisfied. Mr. Ash's statement that he "believes" additional mitigation should be provided appears to be derived solely from personal opinion. It is not supported by any engineering evidence or analysis that is currently in the record, or linked by him to any applicable approval criterion for the application that he says is not met. Therefore, his belief, which is inconsistent with the undisputed conclusions of the TIS, should not be a basis for a decision on the application.

MATT CASWELL COMMENTS

A copy of a prior email (dated May 31, 2012) that Mr. Caswell submitted regarding the TIS is enclosed with this letter.

In a subsequent email dated June 7, 2012, Matt Caswell of ODOT offers clarification regarding a statement made in the TIS regarding the need for a left-turn lane if development reached 40 homes as discussed in his February 28, 2012 email. That statement was not intended to be misleading, but in any case, it is somewhat irrelevant. Mr. Caswell's February 28 email clearly shows that for 21

homes a turn lane is not needed. The proposed subdivision accesses will not serve more than 19 homes each. As such, a left-turn lane is not needed. This finding is clearly stated in the TIS and is undisputed by Mr. Caswell.

Mr. Caswell also takes issue with our reliance on a 2008 ODOT analysis referred to in his February 28 email, due to its age. He goes on to state that traffic volumes on Highway 101 are anticipated to "significantly increase" in the near future, and that because of the age and the expected volume increase, it would "seem appropriate" to undertake a new traffic impact analysis to recognize traffic increases. The fact is, however, that traffic volumes on Highway 101 are sufficiently high, and have been for years, that the need for a left-turn lane is driven by the volumes on the side street approach, not the highway. Therefore, a left-turn lane warrant analysis is quite sensitive to the volumes on the road approach (in this case, the level of development being served) but is not sensitive to changes in traffic on Highway 101. That is to say, increases in highway traffic alone do not make a left-turn lane more warranted.

In addition, traffic volume data collected and published by ODOT at a nearby permanent recorder station (ATR 04-001, 2.09 miles north of Dellmoor Loop Road) show that traffic volumes have varied only slightly, ranging from about 13,500 to 14,000 vehicles per day between 2003 and 2010. This consistent volume included a time of significant growth and development as well as a major economic recession. To presume a sudden and significant increase in traffic volumes in the near future is not a reasonable expectation.

Because the 2008 ODOT analysis was done for the same road approach that is the subject of this application, and given the consistent traffic volumes and trends on Highway 101 in this area and the insensitivity of a traffic analysis to changes in highway traffic, the 2008 ODOT analysis is most definitely relevant and applicable to the subject application.

Finally, Mr. Caswell's recent email does not conclude that the TIS is insufficient or that a left turn lane or any other mitigation is required. Therefore, Mr. Caswell's comments should not be a basis for a decision on this application.

CONCLUSION

In conclusion, the TIS clearly and reliably shows that left and right-turn lanes are not warranted at the two accesses that will serve the proposed subdivision. This finding is supported by Mr. Caswell's own analysis and is not disputed by him or the County Engineer.

Caroline E.K. MacLaren

From: Jennifer Bunch [JBunch@co.clatsop.or.us]
Sent: Thursday, May 31, 2012 3:38 PM
To: Caroline E.K. MacLaren
Subject: FW: West Dunes and Clatsop Estates - Letter and Traffic Impact Study

FYI

From: CASWELL Matthew C [mailto:Matthew.C.CASWELL@odot.state.or.us]
Sent: Thursday, May 31, 2012 8:56 AM
To: Jennifer Bunch
Cc: Ron Ash
Subject: RE: West Dunes and Clatsop Estates - Letter and Traffic Impact Study

Thanks Jennifer. The documents do a good job of clarifying the intentions of the multiple developments and should help us with future requests.

Matt Caswell, P.E.
Oregon Department of Transportation
Development Review Coordinator
Region 2, 455 Airport Rd SE, Bldg. B
Salem, OR 97301-5395
503.986.2849 (Office)
503.986.2630 (FAX)
e-mail: matthew.c.caswell@odot.state.or.us

From: Jennifer Bunch [mailto:JBunch@co.clatsop.or.us]
Sent: Thursday, May 31, 2012 8:27 AM
To: CASWELL Matthew C; Ron Ash
Subject: FW: West Dunes and Clatsop Estates - Letter and Traffic Impact Study

Matt & Ron,
Attached is the TIS for the Earl/Osburn-Olson development on the Clatsop Plains. Since you had provided comment in this matter I am asking for your input on the TIS.

Thanks!

Jennifer

From: Caroline E.K. MacLaren [mailto:ckm@bhlaw.com]
Sent: Wednesday, May 30, 2012 5:26 PM
To: Jennifer Bunch
Cc: Stark Ackerman; Vicki F. Christensen
Subject: West Dunes and Clatsop Estates - Letter and Traffic Impact Study

Jennifer:

Attached is a cover letter and traffic impact study for the consolidated West Dunes and Clatsop Estates application.

Thank you,
Carrie

Caroline E.K. MacLaren
BLACK | HELTERLINE LLP
805 S.W. Broadway, Suite 1900
Portland, OR 97205
503.417.2168 (d)
503.224.5560 (p)
503.224.6148 (f)
ckm@bhlaw.com

Black Helterline LLP Confidentiality Notice:
This e-mail is for the intended recipient and should not be read by or distributed to anyone else. If you are not the intended recipient, please notify me via return e-mail (or call me collect at 503.224.5560), delete this e-mail and destroy any hard copies.

IRS Circular 230 Notice:
To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

This message has been prepared on resources owned by Clatsop County, Oregon. It is subject to the Internet and Online Services Use Policy and Procedures of Clatsop County.
This message has been prepared on resources owned by Clatsop County, Oregon. It is subject to the Internet and Online Services Use Policy and Procedures of Clatsop County.

TODD E. MOBLEY, PE, PTOE
Principal

As Principal, Todd has responsible charge of all projects at *Lancaster Engineering*, often serving as direct Project Manager overseeing other employees. Since beginning work at *Lancaster Engineering* in 1997, he has completed a wide variety of transportation planning and engineering projects. These include the design of traffic signals and signal systems, signing and striping plans, traffic control plans, traffic impact studies for residential, commercial, and industrial land development projects, speed zone studies, parking studies, and accident and conflict analyses. Other areas of experience include transportation analyses for large master planned developments such as business parks, hospitals, and schools.

Prior to his association with *Lancaster Engineering,*Todd had several years of experience with the Oregon Department of Transportation, including work in the Project Development offices of Region 4 in Bend and Region 1 in Portland. His experience with ODOT included transit station pedestrian facility design, preliminary roadway designs for both rural and urban roads, project cost estimates for roadway improvement and safety enhancement projects, and surveying.

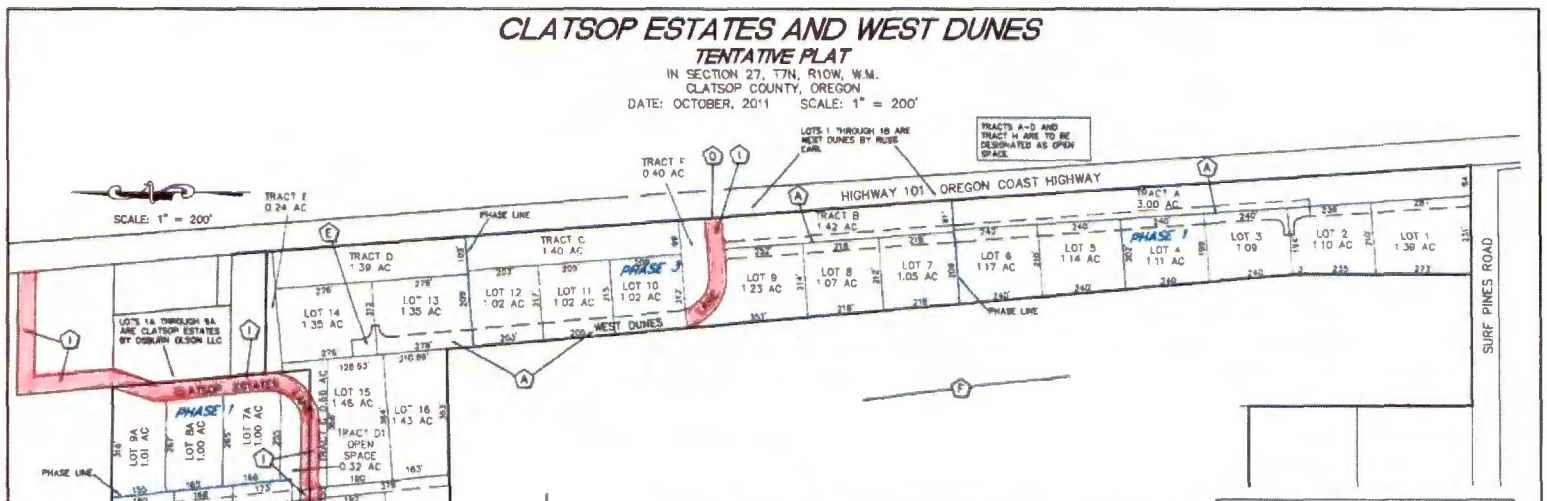
He is a graduate of Portland State University in civil engineering. His course work included advanced studies in highway design for capacity, urban transportation systems, transportation planning, and construction engineering management. Since graduation, he has completed courses in intersection conflict analyses and the modeling and analysis of traffic signals and signal systems.

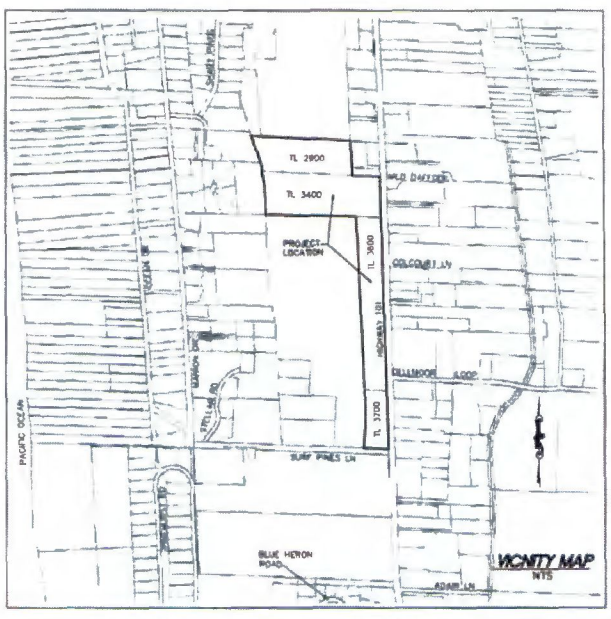
Todd is a registered Professional Civil Engineer in Oregon (54853PE) and Washington (39703), a certified Professional Traffic Operations Engineer, and is certified by the Oregon Department of Transportation as a Traffic Signal Inspector. He is active in professional societies and has served as the past president of the Oregon Section of the Institute of Transportation Engineers. He is also a member of the Transportation Research Board.

CLATSOP ESTATES AND WEST DUNES

TENTATIVE PLAT

IN SECTION 27, T7N, R10W, W.M.
CLATSOP COUNTY, OREGON
DATE: OCTOBER, 2011 SCALE: 1" = 200'





OPEN SPACE TABLE			
TAX LOT	TOTAL AREA	REQUIRED OPEN	PROPOSED OPEN
2900	15.59 AC	4.68 AC	4.68 AC
3400	15.20 AC	4.56 AC	4.90 AC
3600	10.00 AC	3.00 AC	7.62 AC
3700	10.00 AC	3.00 AC	3.00 AC
TOTAL	50.79 AC	15.24 AC	15.40 AC

SHEET INDEX

1 TENTATIVE PLAT
2 PROPOSED LOT LINE ADJUSTMENTS
3. PROPOSED IMPROVEMENTS
4. EXISTING CONDITIONS

NOTES

- (A) PROPOSED 50' PRIVATE ACCESS AND UTILITY EASEMENT WITH 22' WIDE ROADWAY
- (B) NOT USED
- (C) NOT USED
- (D) ODOT APPROVED ACCESS LOCATION
- (E) PROPOSED FIRE APPARATUS TURNAROUND
- (F) PROPOSED WIDEMAN DEVELOPMENT
- (G) NOT USED
- (H) 25' ACCESS EASEMENT TO PROPOSED LAND CONSERVANCY TRACTS
- (I) 50' PUBLIC ROADWAY (DEDICATED) WITH 22' WIDE ROADWAY

PROPOSED RIGHT OF WAYS AND ROADWAY EASEMENTS ARE HATCHED FOR CLARITY

PLANNER - ENGINEER - SURVEYOR

CKI, INC
PO BOX 309
SEASIDE, OR 97138
503 738 4320 OFFICE
503 738 7854 FAX
WWW.CKIINC.NET

APPLICANT/OWNER

RUSS EARL AND
OSBURN OLSON LLC
1369 STILLWATER COURT
SEASIDE, OREGON 97138

REGISTERED PROFESSIONAL ENGINEER 31518 OREGON JULY 11, 1980 DEAN L. KERAMES
PRELIMINARY
RENEWAL DATE: 6/30/2013

CKI
LAND SURVEYING - PLANNING
CIVIL ENGINEERING

DRAWING NAME: 9-054 DATE OF PLOT: 3/30/12

BEFORE THE PLANNING COMMISSION
FOR THE COUNTY OF CLATSOP

In the Matter of ORDINANCE 12-01: A CONSOLIDATED APPLICATION FOR A COMPREHENSIVE PLAN ZONING MAP AMENDMENT, COMPREHENSIVE PLAN TEXT AMENDMENT, THREE PROPERTY LINE ADJUSTMENTS AND TWO CLUSTER SUBDIVISIONS	RESOLUTION AND ORDER # **12-03-04**

THE ABOVE ENTITLED MATTER came before the Planning Commission on February 14, 2012, and March 13, 2012, for a public hearing and consideration of a Comprehensive Plan Zoning Map Amendment, Compressive Plan Text Amendment, Three Property Line Adjustments, and Two Subdivisions.

THE PLANNING COMMISSION after reviewing the findings of fact in Exhibit "A" (*Staff Report)* has determined the proposed consolidated application is not consistent with Clatsop County's Comprehensive Plan and Land Use Ordinance.

THE PLANNING COMMISSION considering all evidence provided by the Planning Department Staff and public testimony provided at the public hearing, hereby recommends **DENIAL** of the consolidated application based on the findings presented in "*Exhibit A - Staff Report and Addendum*" attached hereto and by this reference made part hereof.

WHEREFORE, the Planning Commission finds and resolves:

To recommend the DENIAL of the consolidated application to the Board of Commissioners.

SO ORDERED this 13th day of March 2012.

THE PLANNING COMMISSION FOR
CLATSOP COUNTY

Bruce Francis, Chair
Clatsop County Planning Commission

Clatsop County
Community Development
Land Use Planning
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

ORDINANCE 12-01
Staff Report
"Exhibit A"

REPORT DATE: February 7, 2012 (includes the March 6, 2012 revised findings)
HEARING DATES: February 14, 2012 (continued to March 13, 2012)

HEARING BODY: Clatsop County Planning Commission

OWNERS: Russ Earl
Osburn Olson LLC
United States of America
William Fackrell

AGENT: Frog Consulting, LLC

REQUEST: Comprehensive Map Amendments, Text Amendments, Property Line Adjustments (3), Cluster Subdivisions (2)

PROPERTY:

Downzone/Sending Sites	Owner
T7N R10W Sec16 TL500	United States of America
T7N R10W Sec16AB TL2800	United States of America
T6N R10W Sec03A TL200	William Fackerell

Receiving/Subdivision Sites	Owner	Subdivsion
T7N R10W Sec22C TL2900	Osburn Olson, LLC	Clatsop Estates
T7N R10W Sec27 TL3600	Russ Earl	West Dunes
T7N R10W Sec27 TL3700	Russ Earl	West Dunes
T7N R10W Sec27 TL3400	Russ Earl	West Dunes

CURRENT ZONING: RA-5 and RA-1
PROPOSED ZONING: RA-5, RA-1 and OPR

STAFF REVIEWER: Jennifer Bunch, Planner

DEPARTMENT RECOMMENDATION: **DENIAL**

EXHIBITS:

1. Consolidated Application Materials (pg. 104)
   - Property Line Adjustments (pg. 115)
   - Text Amendment (pg. 126)
   - Zoning Map Amendment (pg. 130)
   - Clatsop Estates Subdivision (pg. 173)
   - West Dunes Subdivision (pg. 223)
   - Attachments (pg.?? - 318
2. DLCD Notice of Proposed Amendment (pg. 319)
3. Notice of Hearing (pg. 322)
4. Public & Agency Comment (pg. 335)
5. Setback Maps (pg. 370)
6. ODOT Comments (pg. 374)
7. County Engineer Comments (pg. 396)
8. NCLC Comments (pg. 398)
9. Applicant Comments (pg. 401)
10. Revised Preliminary Plat 02/28/12 (pg. 407)
11. Will Serve Letter from City of Warrenton (pg. 412)

I. BACKGROUND and PROJECT DESCRIPTION

On August 19, 2011, Frog Consulting, LLC, submitted to Clatsop County, on behalf of Russ Earl and Osburn-Olson, LLC, a consolidated application for a comprehensive plan zoning map amendment, text amendment, three property line adjustments, and two cluster subdivisions. The application was deemed incomplete on September 22, 2011. On November 21, 2011 the applicants submitted additional materials and application was deemed complete. Clatsop County issued the required 45-day notice to the Department of Land Conservation and Development on December 14, 2011. Mailed notice of hearing was issued to property owners within 250-feet and interested agencies on January 12, 2012.

The applicants propose to downzone three parcels, the "sending sites" and move the density to three parcels, the "receiving sites". The applicants propose two different subdivisions, West Dunes, applicant Russ Earl; and Clatsop Estates, applicant Osburn-Olson, LLC.

Sending Sites

Two of the sending sites are owned by the United States of America. In 2010, the National Parks Service (NPS) purchased this property from the North Coast Land Conservancy. As part of that transaction the NCLC retained a conservation easement on the property and thus has control over the development rights. NCLC negotiated the transfer of the density units to the applicants' property in exchange for the protection of over eight (8) acres along Neacoxie Creek within the subdivisions. The third sending site is owned by William Fackerell and is located off of McCormick Gardens Road. A fourth site, owned by Gloria Edler, is the subject of another application and has proposes to send two (2) credits to property owned by Mr. Earl.

Receiving Sites

Applicant Russ Earl owns taxlots 3400, 3600, and 3700. The proposal would place seven (7) credits, plus an additional two from Mr. Edler, on the Earl property. Mr. Earl then proposes an 18 lot cluster subdivision known as West Dunes. Applicants Ryan Osburn and Corey Olson (Osburn-Olson, LLC) own taxlot 2900. The proposal would place and additional six (6) density credits on their property. They then propose a nine (9) lot cluster subdivision known as Clatsop Estates.

II. LOT OF RECORD STATUS

Downzone/Sending Sites

T7N R10W Sec16 TL500 United States of America

The subject property was created by deed and recorded with the Clatsop County Clerk (Deed Records, Bk 244, Pg 496/7) on March 3, 1958. The property meets the county's definition of "lot of record". LWDUO §1.030.

T7N R10W Sec16AB TL2800 United States of America

The subject property was created by deed and recorded with the Clatsop County Clerk (Deed Records, Bk 246, Pg 555) in 1958. The property meets the county's definition of "lot of record". LWDUO §1.030.

T6N R10W Sec03A TL200 William Fackerell
The subject property was created as Tracts 2, 3, and 4 of the McCormick Gardens subdivision and recorded with the Clatsop County Clerk (Subdivision Records, Bk 5, Pg 9) on October 15, 1910. The property meets the county's definition of "lot of record". LWDUO §1.030.

Receiving/Subdivision Sites
T7N R10W Sec22C TL2900 Osburn Olson, LLC
The subject property was created by a warranty deed and recorded with the Clatsop County Clerk (Deed Records, Bk 160, Pg 507) on July 10, 1941. The property meets the county's definition of "lot of record". LWDUO §1.030.

T7N R10W Sec27 TL3600 Russ Earl
T7N R10W Sec27 TL3700 Russ Earl
The subject properties were created as Parcels 1 and 2 of Partition Plat 1996-020 and recorded with the Clatsop County Clerk (Partition Records, Bk 145, Pg 144) on June 11, 1996. Each parcel meets the county's definition of "lot of record". LWDUO §1.030.

T7N R10W Sec27 TL3400 Russ Earl
The subject property was created by a bargain and sale deed and recorded with the Clatsop County Clerk (Deed Records, Bk 338, Pg 427) on September 1, 1970. The property meets the county's definition of "lot of record". LWDUO §1.030.

III. SUMMARY OF STAFF CONCLUSIONS

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 and Finding can be found.

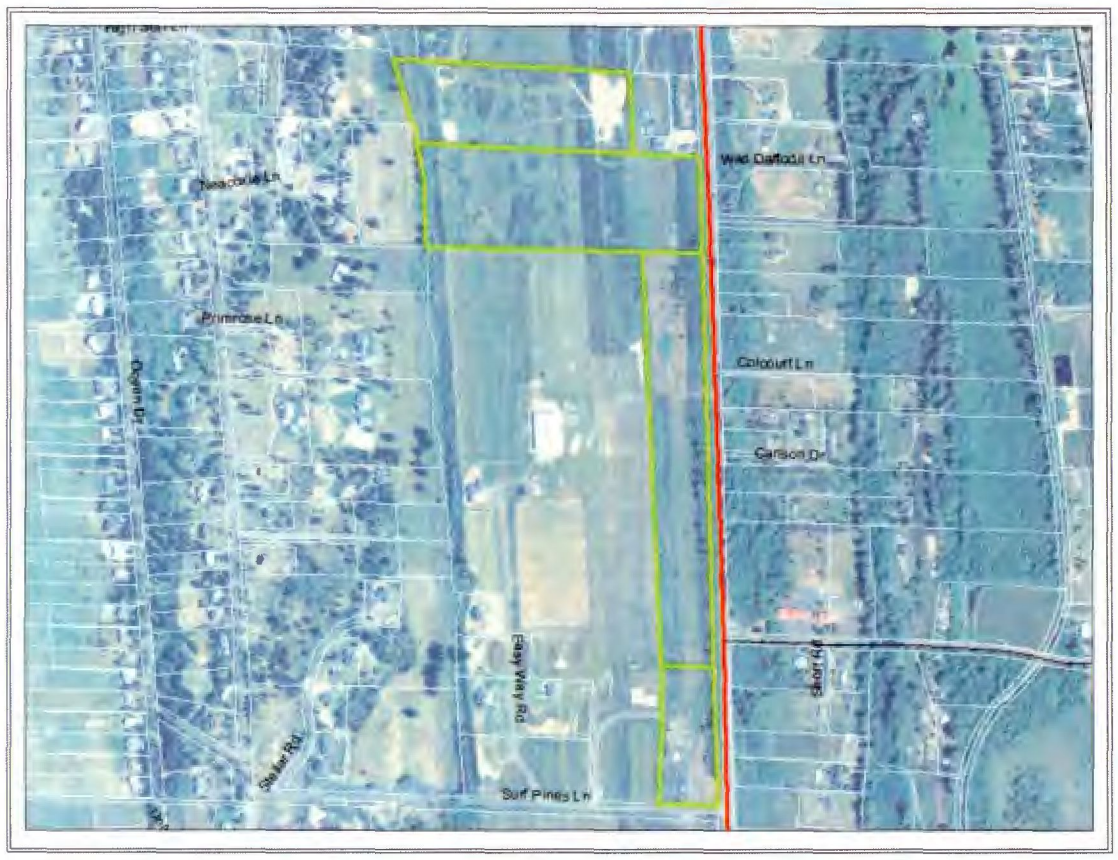
Summary of Criteria and Staff Conclusions		
Criteria	**Staff Conclusions**	**Page(s)**
Zoning Map Amendment	**Satisfied**	**8**
Zone Change Criterion No. 1 – Consistency with Comprehensive Plan	Satisfied	8
Zone Change Criterion No. 2 – Consistency with Statewide Plan Goals	Satisfied	18
Zone Change Criterion No. 3 – Adequacy of Public Facilities and Services	Satisfied	18
Zone Ch. Criterion No. 4 – Adequacy of Transportation Facilities	Satisfied	18
Zone Change Criterion No. 5 – Compatibility with Zoning Patterns	Satisfied	18
Zone Change Criterion No. 6 - Suitability	Satisfied	19

Zone Change Criterion No. 7 – Appropriate Use of the Land	Satisfied	19
Zone Change Criterion No. 8 – Health, Safety, and Welfare	Satisfied	19
Text Amendment	**Satisfied**	**21**
Property Line Adjustments	**Satisfied**	**22**
RA-5 Zone	Satisfied	22
Property Line Adjustment Requirements	Satisfied	23
West Dunes Subdivision	**Not Satisfied**	**24**
RA-5 Zone	Satisfied	24
Subdivision Requirements	Satisfied with Conditions	26
Transportation System Impact Review	Not Satisfied	36
Cluster Standards	Satisfied with Conditions	38
Vehicle Access and Control Standards	Satisfied with Conditions	42
Subdivision Design Standards	Satisfied with Conditions	47
Subdivision Improvements	Satisfied with Conditions	53
Road Standards	Satisfied with Conditions	55
Clatsop Estates Subdivision	**Not Satisfied**	**60**
RA-5 Zone	Satisfied with Conditions	60
Subdivision Requirements	Satisfied with Conditions	62
Transportation System Impact Review	Not Satisfied	72
Cluster Standards	Satisfied with Conditions	76
Vehicle Access and Control Standards	Satisfied with Conditions	79
Subdivision Design Standards	Satisfied with Conditions	84
Subdivision Improvements	Satisfied with Conditions	84
Road Standards	Satisfied with Conditions	91
Overall Recommendation	**Recommend DENIAL the Board of Commissioners**	**103**

IV. NEIGHBORHOOD CONDITIONS

The receiving/subdivision sites are bound on the east by Highway 101 and on the west by community of Surf Pines. Directly adjacent to the south is the Polo Ridge subdivision which was conditionally approved in 2010. The area primarily consists of single family dwellings.

Map 1. Subdivision/Receiving Sites - Aerial Photo (2009)



V. APPLICABLE CRITERIA

A. ZONING MAP AMENDMENT

LWDUO 80-14
L5.400. ZONE CHANGES

B. TEXT AMENDMENT

C. PROPERTY LINE ADJUSTMENTS (3)

LWDUO 80-14
L3.180. RESIDENTIAL-AGRICULTURE-1 ZONE (RA-5).
L 5.200. SUBDIVISIONS, PARTITIONS AND PROPERTY LINE ADJUSTMENTS.

D. WEST DUNES SUBDIVISION

LWDUO 80-14
L3.180. RESIDENTIAL-AGRICULTURE-1 ZONE (RA-5).
L 5.200. SUBDIVISIONS, PARTITIONS AND PROPERTY LINE ADJUSTMENTS.

STANDARDS
S3.150 CLUSTER DEVELOPMENT AND DENSITY TRANSFER
S5.100 SUBDIVSION DESIGN STANDARDS
S5.115. SUBDIVISION IMPROVEMENTS
S6.000. TRANSPORTATION IMPROVEMENTS AND ROAD STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION

E. CLATSOP ESTATES SUBDIVISION

LWDUO 80-14
L3.180. RESIDENTIAL-AGRICULTURE-1 ZONE (RA-5).
L 5.200. SUBDIVISIONS, PARTITIONS AND PROPERTY LINE ADJUSTMENTS.

STANDARDS
S3.150 CLUSTER DEVELOPMENT AND DENSITY TRANSFER
S5.100 SUBDIVSION DESIGN STANDARDS
S5.115. SUBDIVISION IMPROVEMENTS
S6.000. TRANSPORTATION IMPROVEMENTS AND ROAD STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION

VI. EVALUATION OF APPLICATION

As part of the land use application (Exhibit 1), the applicant evaluates the application against the applicable criteria of LWDUO, Standards Document, and Comprehensive Plan 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 AMENDMENTS

NOTE: The findings included in this section primarily address the downzone/sending sites owned by the United States of America (710160000500/71016AB02800) and William Fackerell (61003A000200). Staff also evaluates the proposed subdivision for compliance with the comprehensive plan as required by L5.226(23).

The findings for the zoning map amendment for the Gloria Edler property are included in the Eldler Consolidated Application being processed under Ordinance 12-02.

LWDUO 80-14
L5.400 ZONE CHANGES
L5.412 ZONE CHANGE CRITERIA

Zone Change Criterion No. 1:

L5.412(1) Consistency with Comprehensive Plan

Goal 1 – Citizen Involvement

(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 and Finding Documentation of published and mailed notice is attached as Exhibit 4.

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

Goal 2 – Land Use Planning
The County's land and water have been placed in one of six (6) Plan designations. They are:

4. Conservation Other Resources
Conservation Other Resources areas provide important resource or ecosystem support functions such as lakes 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.

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 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.

Analysis and Finding: The proposed zoning map amendment would change the comprehensive plan designation on approximately 35-acres from Rural Lands (RA-5 and RA-1 zones) to Conservation Other Resources (OPR zone). The Fackerell sending site contains approximately 24.5 acres of mapped wetland (NWI 2009) and the USA sending site is currently managed by the Fort Clatsop National Historical Park. Both of these sites will potentially benefit from the low impact uses allowed by the OPR zone by protecting critical habitat and recreational resources

The proposed subdivisions are cluster developments that are an allowed use in the Rural Lands designation and the RA-5 zone. Consistency with development standards will ensure consistency with the Rural Lands designation.

Conclusion: The consolidated application does not conflict with the comprehensive plan designation of Conservation Other Resources.

Goal 3 – Agricultural Lands
Goal 4 – Forest Lands

Analysis and Finding: In 1983, an amendment was made to the Clatsop Plains Community plan which identified the area west of Highway 101 "non-resource lands".

Conclusions: The Goal 3 and Goal 4 elements of the Clatsop County Comprehensive Plan do not apply.

Goal 5 – Open Spaces. Scenic & Historic areas and Natural Resources
Goal - To conserve open space and protect natural and scenic resources.

Wetlands

1. The County will protect identified significant freshwater wetlands, for which no conflicting uses have been identified, from incompatible uses.

Analysis and Finding: Both of the downzone/sending sites will potentially benefit from the low impact uses allowed by the OPR zone by protecting critical wetland habitat and recreational resources.

The applicants are proposing open space in both subdivisions along Neacoxie Creek and the associated wetland to ensure protection of these natural resources.

Conclusion: The consolidated application does not conflict with Goal 5 of the Clatsop County comprehensive Plan.

Goal 6 – Air, Water, and Land Quality:

Goal -

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

Policies

12. The District Conservationist shall be used for technical evaluation of all development activities (including subdivisions and major partitions) that could create erosion and sedimentation problems with his/her recommendations incorporated into planning approvals.

Analysis and Finding: The district conservationist at the Clatsop Soil and Water Conservation was served provided with the Notice of Public Hearing and therefore has had an opportunity to submit comment in this matter.

Conclusion: The application does not conflict with the applicable policies of the Goal 6 element of the Clatsop County Comprehensive Plan.

Goal 7 – Natural Hazards

Goal –

To protect life and property from natural disaster and hazards.

Analysis and Finding: Both the Fackerell and USA sending sites are located in an area with a Geological Hazard Overlay. These hazards consist of compressible soils and ocean front property. Development standards will apply to any future development on the property. These development standards assist in protecting life and property from natural disasters and hazards in the geological hazard area. In addition, a portion of the USA ocean front parcel is with the Tsunami Inundation area. The zoning map amendment from RA-5 to OPR will eliminate the potential for residential development thus protection life and property from natural disaster and hazards.

Conclusion: The application does not conflict with the policies of the Goal 7 element of the Clatsop County Comprehensive Plan.

Goal 8 – Recreational Lands

Finding: The Goal 8 element of the Comprehensive Plan does not contain applicable policies.

Goal 9 – Economy

Conclusion: The Goal 9 element of the Comprehensive Plan does not contain applicable policies.

Goal 10 – 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.
5. Encourage development of land with less resource value.

Analysis and Finding: The proposal seeks to rezone property in a manner that would encourage the most appropriate use of the land. The applicant has proposed rezoning wetland areas on the subject parcels to OPR. This would prohibit the development of intense residual uses on property, thus preserving the basic elements of the environment. In addition, the development on the Fackerell parcel will be limited to the upland areas and will have the least impact to the wetlands.

The proposed subdivisions seek to utilize and develop land that is between established residential development and services.

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

Goal 11 – Public Facilities and Services

General Public Facilities Policies

1. 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 and Finding: The proposed zoning map amendment will not result in a higher density on the subject downzone properties, it will reduce density. The density of the receiving/subdivision parcels will, however, increase. Public comment was submitted by Chief Bill Eddy, Gearhart RFPD. Chief Eddy is requiring the installation of a hydrant system in accordance with Oregon Fire Code (OFC) to ensure adequate fire protection services to the residents in the Gearhart Rural Fire Protection District. Failure to install such a system would result in an adverse impact on the remainder of the Gearhart RFPD.

Condition of Approval # 1:
Prior to the recording of the final plat a fire hydrant system shall be installed in accordance with State Fire Code. The location of all hydrants shall be approved by the Gearhart RFPD.

Conclusion: The proposed condition of approval will ensure consistency with the public facility and services policies of the Goal 11 element of the Clatsop County Comprehensive Plan.

Goal 12 – Transportation

Goals and Objectives
The formulation of goals and objectives represent an important component of the Transportation System Planning (TSP) process. Goals and objectives are intended to reflect the vision and character of Clatsop County as the community develops its transportation system. The goals and objectives also are intended to implement and support the other elements of the Clatsop County Comprehensive Plan.

The Clatsop County TSP goals and objectives serve two main purposes: (1) to guide the development of the Clatsop County transportation system during the next 20 years; and (2) to demonstrate how the TSP relates to other County, regional, and State plans and policies. The goal statements are general statements of purpose to describe how the County and the TSP intend to address the broad elements of the transportation system. The objectives are specific steps that illustrate how the goal is to be carried out.

The goals and objectives were formed as part of the Clatsop County TSP planning process. They reflect the input of residents, businesses, and agencies that was obtained during the course of preparing the TSP. They also reflect current local, regional, and State goals and policies, and are intended to support these policies. Transportation-related goals and objectives in Clatsop County's Comprehensive Plan have been incorporated into the TSP goals and objectives.

Goal 1: Mobility
Develop a multimodal transportation system that serves the travel needs of Clatsop County residents, businesses, visitors, and freight transport.

Objectives:

1. *Provide a network of arterials and collectors that are interconnected, appropriately spaced, and reasonably direct.*
2. *Balance the simultaneous needs to accommodate local traffic and through-travel.*
3. *Minimize travel distances and vehicle-miles traveled.*
4. *Safely, efficiently, and economically move motor vehicles, pedestrians, bicyclists, transit, trucks, and trains to and through the County.*
5. *Use appropriate, adopted Clatsop County road standards during development of new roadways.*
6. *Encourage development patterns that offer connectivity and mobility options for members of the community.*
7. *Work to enhance the connection of the Port of Astoria and the Warrenton Harbor to the surrounding communities.*
8. *Coordinate with rail and shipping entities to promote intermodal linkages for passengers and goods.*
9. *Recognize and balance freight needs with needs for local circulation, safety, and access.*
10. *Provide an interconnected system of roads, pedestrian and bicycle facilities, and other forms of transportation that will link communities.*
11. *Promote intercity connectivity between major population areas, including linkages to the Portland metropolitan area.*

ANALYSIS and FINDING: The TSP Goal 1 objectives for mobility do not establish specific approval criteria applicable to the proposed zoning map amendments or subdivision proposals. They establish guidelines that assist in developing the approval criteria and development standards that are contained in the LWDUO and Standards document. The consolidated application is evaluated against the criteria and standards elsewhere in the staff report.

Goal 2: Livability
Provide a transportation system that balances transportation system needs with the desire to maintain pleasant, economically viable communities.

Objectives:

1. *Minimize adverse social, economic, and environmental impacts created by the transportation system, including balancing the need for road connectivity and the need to minimize neighborhood cut-through traffic.*
2. *Preserve and protect the County's significant natural features and historic sites.*
3. *Promote a transportation system that is adequate to handle the truck, transit, and automobile traffic in such a way to encourage successful implementation of County economic goals and the preservation of existing residential neighborhoods.*
4. *Work with local and State governments to develop alternate transportation facilities that will allow development without major disruption of existing neighborhoods or downtown areas.*

ANALYSIS and FINDING: The TSP Goal 2 objectives for livability do not establish specific approval criteria applicable to the proposed zoning map amendments or subdivision proposals.

Goal 3: Coordination
Maintain a transportation system plan that is consistent with the goals and objectives of local communities, the County, and the State.

Objectives:

1. *Coordinate transportation planning and implementing actions with state agencies, local governments, special districts and providers of transportation services.*
2. *Provide a County transportation system that is consistent with other elements and objectives of the Clatsop County Comprehensive Plan.*
3. *Provide a County transportation system that coordinates with other local transportation system plans and rural community plans.*
4. *Coordinate land use and transportation decisions to efficiently use public infrastructure investments to:*
    a. *Maintain the mobility and safety of the roadway system*
    b. *Foster compact development patterns in incorporated and rural communities*
    c. *Encourage the availability and use of transportation alternatives*
    d. *Enhance livability and economic competitiveness*
5. *Cooperate with local jurisdictions and rural communities in establishing and maintaining zoning standards that will prevent the development of incompatible or hazardous uses around airports.*
6. *Work to protect airspace corridors and airport approaches.*

ANALYSIS and FINDING: The TSP Goal 3 objectives for coordination do not establish specific approval criteria applicable to the proposed zoning map amendments or subdivision proposals. They establish guidelines that assist in developing the approval criteria and development standards that are

contained in the LWDUO and Standards document. The consolidated application is evaluated against the criteria and standards elsewhere in the staff report.

Goal 4: Public Transportation
Work to improve cost-effective and safe public transportation throughout Clatsop County.

Objectives:

1. *Coordinate with the Sunset Empire Transportation District (SETD) to encourage commuter bus service to serve communities throughout Clatsop County.*
2. *Encourage a carpooling program for County employees and others to increase vehicle occupancy and minimize energy consumption.*
3. *Work with SETD to develop transit systems and stations and related facilities in convenient and appropriate locations that adequately and efficiently serve resident and employee needs.*
4. *Work to improve the signage and amenities at transit stops and stations.*

ANALYSIS and FINDING: The TSP Goal 4 objectives for public transportation do not establish specific approval criteria applicable to the proposed zoning map amendments or subdivision proposals.

Goal 5: Pedestrian and Bicycle Facilities
Provide for an interconnected system of pedestrian and bicycle facilities throughout Clatsop County to serve commuters and recreational users.

Objectives:

1. *Coordinate with the goals and objectives and recommended improvements set forth in the Clatsop County Bicycle Master Plan.*
2. *Use unused rights-of-way for greenbelts, walking trails, or bike paths where appropriate.*
3. *Develop and periodically update inventory information on existing bicycle routes and support facilities.*
4. *Promote multimodal connections where appropriate.*
5. *Promote increased bicycle awareness and support safety education and enforcement programs.*
6. *Develop safe and convenient pedestrian and bicycle systems that link all land uses, provide connections to transit facilities, and provide access to publicly owned land intended for general public use, such as the beach.*
7. *Promote development standards that support pedestrian and bicycle access to commercial and industrial development, including, but not limited to, direct pathway connections, bicycle racks and lockers, and signage where appropriate.*
8. *Protect and expand public access via pedestrian ways, bikeways, and trails for recreational purposes.*

ANALYSIS and FINDING: The TSP Goal 5 objectives for pedestrian and bicycle facilities do not establish specific approval criteria applicable to the proposed zoning map amendments or subdivision proposals. They establish guidelines that assist in developing the approval criteria and development standards that are contained in the LWDUO and Standards document. The consolidated application is evaluated against the criteria and standards elsewhere in the staff report.

Goal 6: Accessibility
Provide a transportation system that serves the needs of all members of the community.

Objectives:

1. *Coordinate with SETD to encourage programs that serve the needs of the transportation disadvantaged.*

2. *Provide for the transportation disadvantaged by complying with State and Federal regulations and cooperating with local, County and State agencies to provide transportation services for the disadvantaged.*

3. *Upgrade existing transportation facilities and work with public transportation providers to provide services that improve access for all users.*

4. *All improvements to the transportation system (traffic, transit, bicycle & pedestrian) in the public right-of-way shall comply with the Americans with Disabilities Act of 1990.*

ANALYSIS and FINDING: The TSP Goal 6 objectives for accessibility do not establish specific approval criteria applicable to the proposed zoning map amendments or subdivision proposals.

Goal 7: Environment
Provide a transportation system that balances transportation services with the need to protect the environment and significant natural features.

Objectives:

1. *Provide a transportation system that encourages energy conservation, in terms of efficiency of the roadway network and the standards developed for road improvements.*

2. *Encourage use of alternative modes of transportation and encourage development that minimizes reliance on the automobile.*

3. *Work to balance transportation needs with the preservation of significant natural features and viewsheds.*

4. *Minimize transportation impacts on wetlands and wildlife habitat.*

ANALYSIS and FINDING: The TSP Goal 7 objectives for the environment do not establish specific approval criteria applicable to the proposed zoning map amendments or subdivision proposals. They establish guidelines that assist in developing the approval criteria and development standards that are contained in the LWDUO and Standards document. The consolidated application is evaluated against the criteria and standards elsewhere in the staff report.

Goal 8: System Preservation
Work to ensure that development does not preclude the construction of identified future transportation improvements and that development mitigates the transportation impacts it generates.

Objectives:

1. *Require developers to aid in the development of the transportation system by dedicating or reserving needed rights-of-way by constructing half- or full-road improvements needed to serve new development, and by constructing off-road pedestrian, bicycle, and transit facilities when appropriate.*

2. *Consider transportation impacts when making land use decisions, and consider land use impacts (in terms of land use patterns, densities, and designated uses) when making transportation-related decisions.*

3. *Ensure that amendments to the comprehensive plan, land use designation amendments and land use regulation changes that are found to significantly affect a transportation facility are consistent with the identified function and capacity of that facility.*

ANALYSIS and FINDING: The TSP Goal 8 objectives for system preservation do not establish specific approval criteria applicable to the proposed zoning map amendments or subdivision proposals. They establish guidelines that assist in developing the approval criteria and development standards that are contained in the LWDUO and Standards document. The consolidated application is evaluated against the criteria and standards elsewhere in the staff report.

Goal 9: Capacity
Provide a transportation system that has sufficient capacity to serve the needs of all users.

Objectives:

1. *Protect capacity on existing and improved roads to provide acceptable service levels to accommodate anticipated demand.*
2. *Limit access points on highways and major arterials, and use alternative access points when possible to protect existing capacity.*
3. *Provide frontage setback requirements from the public right-of-way for all designated arterials within the County adjacent to commercial and industrial development.*
4. *Minimize direct access points onto arterial rights-of-way by encouraging common driveways or frontage roads.*
5. *Update and maintain County access management standards to preserve the safe and efficient operation of County roadways, consistent with functional classification.*

ANALYSIS and FINDING: The TSP Goal 9 objectives for capacity do not establish specific approval criteria applicable to the proposed zoning map amendments or subdivision proposals. They establish guidelines that assist in developing the approval criteria and development standards that are contained in the LWDUO and Standards document. The consolidated application is evaluated against the criteria and standards elsewhere in the staff report.

Goal 10: Transportation Funding
Provide reasonable and effective funding mechanisms for countywide transportation improvements identified in the TSP.

Objectives:

1. *Develop a Capital Improvements Program that establishes transportation priorities and identifies funding mechanisms for implementation.*
2. *Identify funding opportunities for a range of projects, and coordinate with local, State, and Federal agencies.*

ANALYSIS and FINDING: The TSP Goal 10 objectives for transportation funding do not establish specific or mandatory approval criteria applicable to the proposed zoning map amendments or subdivision proposals.

Goal 11: Safety
Provide a transportation system that maintains adequate levels of safety for all users.

Objectives:

1. *Undertake, as needed, special traffic studies in problem areas, especially around schools, to determine appropriate traffic controls to effectively and safely manage automobile and pedestrian traffic.*
2. *Work to improve the safety of rail, bicycle, and pedestrian routes and crossings.*
3. *Coordinate lifeline and tsunami evacuation routes with local, State, and private entities.*

ANALYSIS and FINDING: The TSP Goal 11 objectives for safety do not establish specific approval criteria applicable to the proposed zoning map amendments or subdivision proposals. They establish guidelines that assist in developing the approval criteria and development standards that are contained in the LWDUO and Standards document. The consolidated application is evaluated against the criteria and standards elsewhere in the staff report.

Conclusion: The TSP goals and objectives do not establish specific approval criteria applicable to the proposed zoning map amendments or subdivision proposals. They establish guidelines that assist in developing the approval criteria and development standards that are contained in the LWDUO and Standards document. The consolidated application is evaluated against the criteria and standards elsewhere in the staff report.

Goal 13 – Energy Conservation

Conclusion: The Goal 13 element of the Clatsop County Comprehensive Plan does not apply.

Goal 14 – Urbanization

Conclusion: The Goal 14 element of the Clatsop County Comprehensive Plan does not apply.

Goals 16 and 17 – Estuarine Resources and Coastal Shorelands

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

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.

Analysis and Finding: The downzone on the USA parcel is consistent with Goal 18 because it will assist in conserving and protection the beach area and prohibit residential development in the dune area.

Conclusion: The proposed zoning map amendment is does not conflict with Goal 18.

Clatsop Plains Community Plan

OVERALL GOAL: The Clatsop Plains Community Plan shall provide for planned and orderly growth of the Clatsop Plains planning area which is in keeping with a majority of its citizens and without unduly depriving landowners and/or residents of the reasonable use of their land. The Plan shall:

1. protect and maintain the natural resources, natural environment and ecosystems,
2. respect the natural processes,
3. strive for well-designed and well placed development, and
4. preserve the semi-rural, agricultural, open space and marine characteristics of the area.

Analysis and Finding: The proposal seeks to rezone property in a manner that would encourage the most appropriate use of the land. The applicant has proposed rezoning wetland areas on the Fackerell

parcel and federally owned recreational land to OPR. This would prohibit the development of intense residential uses on property with identified wetlands, thus preserving the basic elements of the environment. In addition, the development on the Fackerell parcel will be limited to the upland areas and will have the least impact to the wetlands. Overall the proposed consolidated application preserves the rural and open space characteristic of the area.

The clustering of the subdivision lots in the Clatsop Plains is required to assist in preserving the semi-rural and open space characteristics of the area.

Conclusion: The Zoning Map Amendment application is consistent with the policies of the Clatsop Plains Community Plan.

Zone Change Criterion No. 2:

L5.412(2) - Consistency with Statewide Planning Goals

Analysis and Finding: Clatsop County has an acknowledged comprehensive plan. Consistency with Statewide Planning Goals is determined through the consistency with the County's Comprehensive Plan.

Conclusion: The proposed Comprehensive Plan Zoning Map amendment is consistent with Statewide Planning Goals.

Zone Change Criterion No. 3:

L5.412(3) - Adequacy of Public Facilities and Services

- **(A)** Parks, schools and recreational facilities
- **(B)** Police and fire protection and emergency medical service
- **(C)** Solid waste collection
- **(D)** Water and wastewater facilities

Analysis and Finding: Both the Fackerell and USA parcels have adequate public facilities and services in place. However, the down zoning of the property will reduce the need for such services in these areas.

Conclusion: The application satisfies Zone Change Criterion No. 3.

Zone Change Criterion No. 4:

L5.412(4) - Adequacy of Transportation Facilities

Analysis and Finding: The downzone sites are currently served by county facilities. The downzone will reduce the density of the subject parcel and in turn reduce the need for transportation facilities.

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

Zone Change Criterion No. 5:

L5.412(5) – Over Intensive Use of the Land, Character of the Area, and Compatibility of Zoning Patterns

Analysis and Finding: The proposed development would not change the character of the neighborhood or cause over intensive use of the land. The Fackerell and USA downzone sites are currently undeveloped residential lands. The new zoning designation, OPR, will preserve the wetland and ocean front property to preserve habitat and open space. However, at both downzone sites the implementation of the OPR zone, a resource zone, will result in increased rear or side yard setbacks a total of on 12 parcels and on six (6) parcels existing structures will convert form being conforming structures to legal non-conforming structures due to change in either a side or rear yard setback. These setbacks would increase from either 10 or 20 feet to 50 feet. While the LWDUO places limitations on the expansion, repair and replacement legal non-conforming structures the owners would not be prohibited from replacing or repairing the structures. The change in setbacks on these properties would result in the property owners having to place structures 50-feet from a property line instead of the current 10 foot side yard setback or the 20 foot rear yard setback, and again, would not prohibit the property owners from placing any structures on the property. The affected properties are identified in Exhibit 5.

Conclusion: Based on the analysis above, the application satisfies Zone Change Criterion No. 5.

Zone Change Criterion No. 6:

L5.412(6) - Peculiar Suitability of Site for Particular Uses

Analysis and Finding: The Fackerell and USA downzone sites are currently undeveloped residential lands. The new zoning designation, OPR, will preserve the wetland and ocean front property to preserve habitat and open space.

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

Zone Change Criterion No. 7:

L5.412(7) - Zone Change Promotes Appropriate Use of Land in County

Analysis and Finding: The proposal seeks to rezone property in a manner that would encourage the most appropriate use of the land. The applicant has proposed rezoning wetland areas on the Fackerell subject parcel to OPR. This would prohibit the development of intense residential uses on property with identified wetlands, thus preserving the basic elements of the environment. In addition, the development on the parcels will be limited to the upland areas and will have the least impact to the wetlands. The USA parcels are under the management of Fort Clatsop Historical Park and adjacent to the ocean shore. Overall the proposed zoning map amendment preserves the rural and open space characteristic of the area.

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

Zone Change Criterion No. 8:

L5.412(8) - Health, Safety, and General Welfare

Analysis and Finding: The consolidated application does not propose any activity or development that would hinder the health, safety or welfare of Clatsop County residents.

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

B. TEXT AMENDMENT

Proposed Text Amendment to S3.162 table:

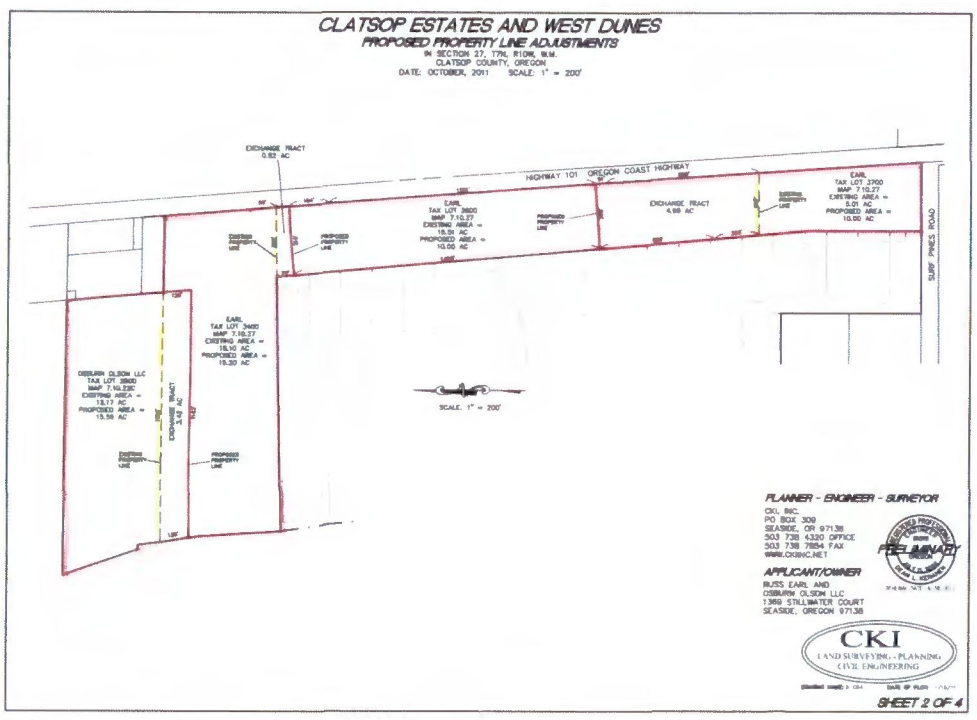
Map & tax Number	Total Acreage Sending Site	RA1/RA 5 Acreage	Acreage Rezoned to OPR	Acreage Remaining RA5/RA1	Density Credits Transferred	Receiving Site
710160000500	100	40 (RA5)	35	5	7	71022C002900 (3); 710270003700 (4)
710160002800	4.5	4.5 (RA1)	4.5	0	2	710270003700 (1); Tent: 710270003600 (1)
61003A000200	29.71	13+ (RA1)	8	5	4	71022C002900 (4)
61003A0001000	10.30	10.3 (RA1)	10.3	0	2	710270003600 (2)
TOTAL	144.51	52.7	55.7	10	15	

Analysis and Finding:
The proposed text amendment to "Density Table S3.162" is a simple housekeeping issue required by S3.161(1)(F) and does not require evaluation against any criteria nor consistency with the comprehensive plan.

Conclusion:
Based on the analysis above, the proposed text amendment does not require findings of fact and consistency with the comprehensive plan.

C. PROPERTY LINE ADJUSTMENTS

The applicants are proposing three (3) property line adjustments.



A larger version is included with the application as Sheet 2.

Section 3.220. Residential-Agriculture-5 Zone (RA-5).
Section 3.228. Development and Conditional Development and Use Standards.

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

(1) Lot size:

(A) One family dwelling: 5 acres.
Two family dwelling: 10 acres.

(B) Cluster development subject to the provision of Clatsop County Standards Document, S3.150-S3.161.

Analysis and Finding: None of the proposed property line adjustment will reduce the acreage of the parcels less than the minimum lot size.

Conclusion:
Based on the analysis above, the proposed property line adjustments are consistent with the minimum lot size of the RA-5 zone.

Section 5.200. Subdivisions, Partitions and Property Line Adjustments.
Section 5.202. Applicability.

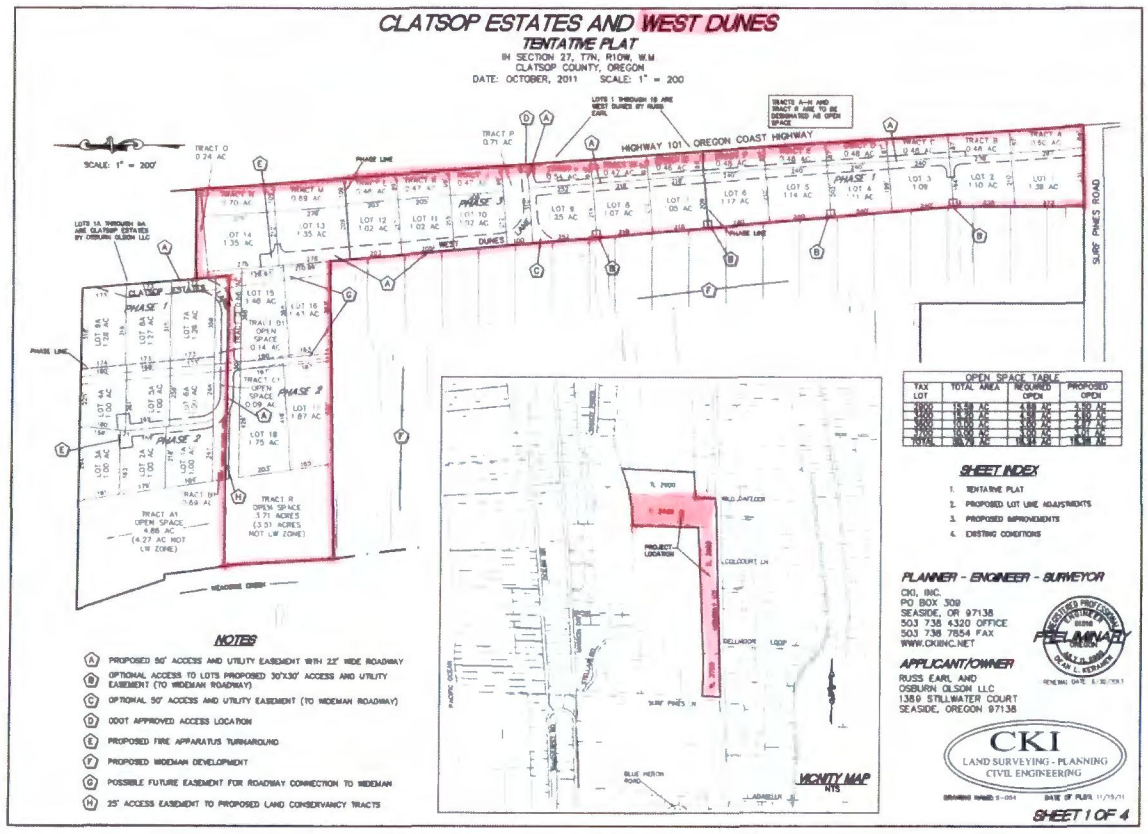
Property Line Adjustment -- is the relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

Analysis and Finding:
The proposed property line adjustment will relocate three common property line boundaries between abutting properties.

Conclusion:
Based on the analysis above the proposed property line adjustment are consistent with L5.202.

D. WEST DUNES SUBDIVSION

A



larger version is included with the application as Sheet 1.

L3.220. RESIDENTIAL-AGRICULTURE-5 ZONE (RA-5)

Section 3.228. Development and Conditional Development and Use Standards.

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

(2) Lot size:

(A) One family dwelling: 5 acres.
Two family dwelling: 10 acres.

(B) Cluster development subject to the provision of Clatsop County Standards Document, S3.150-S3.161.

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

Analysis and Finding: The applicant is proposing a cluster development. The standards of S3.150 – S3.161 are addressed later in this section on Page 29 of this report.

Section 3.229. 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.

Analysis: Running parallel to Highway 101 is a dune that creates a natural buffer between the highway and the proposed West Dunes subdivision. This dune area is designated as open space tracts A-N on sheet 1 of the preliminary plat. Therefore, a buffer of trees is not necessary.

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

Analysis and Finding: The total acreage of the West Dunes site is 35.2-acres. This will require 10.56-acre of permanent common open space that does not include roads and submerged land. Sheet 1 of the preliminary plat dated February 28, 2012, identifies tracts A-H as open space. However, a portion of open space tracts A and B appear to be encumbered by the road easement. In order for the subdivision to meet the 30% open space requirement the road must be placed in the easement area outside of the open space parcels. A condition of approval will ensure that the open space requirement is met.

The applicant is proposing a transfer of ownership of open space tract H to the North Coast Land Conservancy. A transfer of ownership of this tract could potentially prohibit the tract from being "*used, maintained and enjoyed by the owners and occupants of the individual building units*" which directly conflicts with the definition of common open space contained in L1.030:

OPEN SPACE, COMMON -- A parcel of land together with any improvements that are to be used, maintained and enjoyed by the owners and occupants of the individual building units (Homeowners Association) in subdivisions with common open space, planned development or cluster development.

Jon Wickersham, Conservation Director for the North Coast Land Conservancy has submitted testimony (Exhibit 8) stating that the public would not be restricted from the property and the tract would be available for the enjoyment of the residents of the subdivision. Staff has determined that while Tract H will be held in private ownership the intent and purpose of common open space will still be met and a condition of approval will ensure consistency. **The criterion met.**

Condition of Approval #2:
The roadway that serves as access for lots 2-9 shall not be constructed in open space tracts A and B. Prior to the recording of Phase 1 the applicant shall provide a survey that shows the exact location of the roadway.

Condition of Approval #2a: The covenants and restrictions shall include a provision that if Tract H is held in private ownership the property can continue to be used and enjoyed by the residents of West Dunes.

Conclusion: Based on the analysis and the condition of approval above, the West Dunes subdivision will meet the requirements in L3.229(2).

L5.200. SUBDIVISIONS, PARTITIONS AND PROPERTY LINE ADJUSTMENTS.

L5.202. Applicability.

Subdivisions -- occur when a tract of land is divided into four (4) or more lots, including the parent parcel, within a calendar year. A proposed subdivision for six (6) or less lots shall be processed by the Director under a Type II procedure. Any larger subdivision shall be processed by the Director under a Type III procedure. Section 5.220 through 5.252 of this Ordinance pertain to the processing of subdivision requests.

Analysis and Finding: The applicant is proposing 18 lots in the West Dunes subdivision which requires a Type III procedure. However, the due to the Comprehensive Plan Zoning map amendments and the Text Amendment the consolidated application is being processed under the stricter Type IV procedure.

Section 5.220. Subdivisions.

An applicant for a subdivision for six (6) or less lots shall be processed by the Director under a Type II procedure. Any larger subdivision shall be processed by a Type III procedure. A subdivision occurs when four (4) or more lots are created, including the parent parcel, within a calendar year.

(1) No one subdivision, contiguous group of subdivisions or planned development shall create greater than thirty (30) lots within the same calendar year, (January 1-December 31), in the Rural designation in the Clatsop Plains planning area; and

Analysis and Finding: The applicant is proposing 18 lots in the West Dunes subdivision. Also included in the consolidated application is a proposal for Clatsop Estates, a nine (9) lot subdivision. The proposed subdivision are contiguous but will not exceed the 30 lot threshold.

(2) The applicant when applying for a subdivision or planned development in the Clatsop Plains Rural designation, shall show how the request addresses the NEED issue of the Clatsop Plains Community Plan below:

"6. Clatsop County intends to encourage a majority of the County's housing needs to occur within the various cities' urban growth boundaries. Approval of subdivisions and planned developments shall relate to the needs for rural housing. Through the County's Housing Study, the County has determined the Clatsop Plains rural housing needs to be approximately 900 dwelling units for both seasonal and permanent by the year 2000."

Analysis and Finding: Analysis and Findings: Section L5.220 requires the applicant to address the needs of housing in the Clatsop Plains area where the County's housing study is painfully out of date. It is reasonable to expect that if land is zoned for residential use that the need exists.

Conclusion: Based on the analyses above, the West Dunes subdivision meets the requirements in L5.220.

Section 5.226. Preliminary Plat Information.

The Preliminary Plat of the proposed subdivision shall include the following information:

(1) Proposed name of subdivision. Subdivision plat names shall be subject to the approval of the County Surveyor or, in the case where there is no County Surveyor, the County Assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers and, if used, the block numbers of the subdivision plat of the same name last filed. On or after January 1, 1992, any subdivision submitted for final approval shall not use block number or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters.

Analysis and Finding: Attachment 12 of the Application provides an email from Clatsop County Surveyor Vance Swenson approving the "West Dunes" plat name.

(2) Northpoint, scale, and date of the completed drawing, approximate acreage, and boundary lines.

Analysis and Finding: All four sheets four the preliminary plat contain the information required by L5.226(2).

(3) Appropriate identification clearly stating the map is a Preliminary Plat.

Analysis and Finding: All four sheets of the preliminary plat contain the information required by L5.226(3).

(4) Location of the subdivision by section, township, range, tax lot or lots and donation land claim sufficient to define the location and boundaries of the proposed subdivision.

Analysis and Finding: All four sheets four the preliminary plat contain the information required by L5.226(4).

(5) Names, addresses and zip codes of all owners, subdividers, and engineers or surveyors responsible for laying out the subdivision.

Analysis and Finding: All four sheets four the preliminary plat contain the information required by L5.226(5).

(6) Existing locations, widths, names of both opened and unopened streets within or adjacent to the subdivision, together with easements, or rights-of-way and other important features, such as section lines, corners, city boundary lines and monuments.

Analysis and Finding: Sheet #1 of the preliminary plat contains the information required by L5.226(6).

(7) A vicinity map showing the relationship of the proposed subdivision to surrounding development, streets, and sewer and water services, within one-quarter (1/4) mile of the exterior boundaries of the proposed development.

Analysis and Finding: Sheet #3 of the preliminary plat contains the information required by L5.226(7).

(8) Location of at least one (1) temporary bench mark within the plat boundaries.

(9) Contour lines related to the temporary bench mark or other datum approved by the County Surveyor and having contour intervals together with the calculated degrees of slope as follows:
(A) For slopes not in excess of 10 percent: two-foot contours.
(B) For slopes over 10 percent: five-foot contours.

Analysis and Finding: Sheet #4 of the preliminary plat contains the location of a temporary benchmark on the east side of Highway 101. The contours on this sheet are identified in 2-foot increments.

(10) Location of significant natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees.

Analysis and Finding: Sheet #4 of the preliminary plat contains location of existing wetland areas.

(11) Location of any rare, threatened and endangered species (plant or animal) located on or within 1,000 feet of the proposed subdivision.

Analysis and Finding: Sheet #4 of the preliminary plat contains the approximate location of Silverspot Butterfly habitat.

(12) Location and direction of all water courses and/or bodies and the location of all areas subject to flooding.

Analysis and Finding: Sheet #4 of the preliminary plat contains location and identifies the direction of Neacoxie Creek. The subject property is not located in a special flood hazard area.

(13) Existing uses on the property, including location of all existing structures.

Analysis and Finding: Sheet #4 of the preliminary plat contains location of the existing dwelling and garage.

(14) Location, width, name, approximate grade, and radii of curves of all proposed streets, their relationship of such streets to any projected or existing streets adjoining the proposed subdivision. The subdivider shall submit documented preliminary approval, from the County Roadmaster, of his road design.

Analysis and Finding: The applicant has provided documentation of preliminary approval from Ron Ash, County Engineer (Attachment 18).

(15) Location, width, and purpose of proposed easements and private roads for private use, where permitted, and all reservations or restrictions relating to such easements and private roads.

Analysis and Finding: The proposed easements are identified on Sheet 1 of the preliminary plat but the applicant has not included any documents identifying any restrictions or reservations on such easements. A condition of approval will ensure consistency with this requirement.

Condition of Approval # 3:
Prior the recording of the first phase of the subdivision plat the applicant shall provide documentation of any restriction or reservations relating to easements and private roads.

(16) Proposed plan for draining surface water, including the location and type of drainage ways to carry surface water from the development without adversely affecting adjacent properties. If any filling is proposed, the drainage plan must demonstrate that adequate provisions have been made for the prevention of backup or ponding of surface water on adjacent properties as well as within the proposed development.

Analysis and Finding: The applicant's findings (application page 133) propose the use of bio-swales for drainage of surface water; however, the preliminary plat does not identify the location of the bio-swales or any other provisions for surface water drainage. A condition of approval will ensure consistency with this requirement.

Condition of Approval # 4:
Prior the recording of the first phase of the plat the applicant shall provide a storm water drainage plan to ensure that the development will not adversely affecting the subject property or adjacent properties.

(17) Location, acreage and dimensions of lots and the proposed lot numbers.

Analysis and Finding: Location , acreage, dimensions of lots and proposed lot numbers are identified on Sheet 1 of the preliminary plat.

(18) Site, if any, allocated for a purpose other than single family dwellings.

Analysis and Finding: All open space sites are identified on sheet 1 of the preliminary plat.

(19) Location, acreage and dimensions of areas proposed for public use.

Analysis and Finding: The applicant does not propose any areas for public use.

(20) Location, acreage and dimensions of areas proposed for common open space (30% in the Rural designation of the Clatsop Plains planning area).

Analysis and Finding: The proposed open space tracts are identified sheet 1 of the preliminary plat.

(21) Any subdivision may be platted in as many as three (3) phases. All phases must be submitted on the Preliminary Plat with proposed time limitations for the recording of the various phases. However, phasing must meet the following time limitations:

(A) Phase I - shall be recorded within twelve (12) months of preliminary approval.
(B) Phase II - shall be recorded within thirty-six (36) months of preliminary approval.
(C) Phase III - shall be recorded within sixty (60) months of preliminary approval.

The Planning staff shall review each phase prior to recording to make sure the phase, as recorded, is in accord with the preliminary approval given by the Planning Commission. Any submitted phase which does not coincide with the approval as given by the Planning Commission shall be referred to the Planning Commission for a hearing. At such hearing, the Commission shall have the authority to revoke, revise, amend or alter the prior approval. Notice shall be sent subject to Sections 6.110-6.120.

For any subdivision which has an approved phasing plan as granted by the Commission under the Preliminary Plat approval, all parts of the subdivision shall fall under control of the various Ordinances in effect at the time of preliminary approval, unless state or local law shall determine that newer or current Ordinances or laws are to be followed.

If any time limitation is exceeded, preliminary approval for the subdivision or any phase of the subdivision shall be void. The subdivider shall submit any future proposals for development of the property to the Commission for approval.

Agreement for improvements for each phase shall comply with this Ordinance prior to the Final Plat approval of such phase. If a bond is required, such bond shall be for a sum determined by the County Engineer to be sufficient to cover costs of construction for that phase.

Analysis and Finding: the applicant is proposing three (3) phases to the West Dunes Subdivision. Section L5.220(23) identifies the time limits for the phased development. A condition of approval will be utilized to ensure consistency with these time limitations.

Condition of Approval #5:
Phases 1 through 3 shall be recorded within the following time limitations:
Phase I - shall be recorded within twelve (12) months of preliminary approval.
Phase II - shall be recorded within thirty-six (36) months of preliminary approval.
Phase III - shall be recorded within sixty (60) months of preliminary approval.
If any time limitation is exceeded, preliminary approval for the subdivision or any phase of the subdivision shall be void.

(22) Technical documentation shall be supplied to the Commission by the subdivider at the time of submittal of the Preliminary Plat, addressing the following items:

(A) An acceptable and approved method of sewage disposal for each proposed lot which meets the rules and regulations of the Environmental Quality Commission of the State of Oregon as administered by the Department of Environmental Quality or its contract agent.

Analysis and Finding: The applicant has provided three (3) DEQ Site Evaluations, one for each phase. Past practice has been to allow subdivision developers to provide "sample" site evaluations to show that septic systems are viable on the property. This allows the developer some flexibility for minor lot line adjustments, if needed, to accommodate septic systems. The sample site evaluations are contained in Attachment 16 of the application.

(B) An acceptable and approved method of water supply.

Analysis and Finding: The applicant is proposing to utilize wells for domestic water supply. Correspondence form Oregon Water Resources regarding the use of wells is included in Attachment 13 of the application.

(C) The nature and type of improvements proposed for the subdivision, and a timetable for their installation.

Analysis and Finding: The applicant has not included a timetable for proposed improvements.

(D) A description of community facilities which would serve the subdivision, and a timetable for the completion or installation of the facilities.

Analysis and Finding: The applicant is not proposing any community facilities.

(E) Where a surface or subsurface water problem may exist, as determined by the Department of Environmental Quality, County Sanitarian, or other qualified specialist, a complete report by an independent, qualified hydrologist or hydrogeologist or other qualified specialist shall be required prior to any hearing on the Preliminary Plat by the Commission. The fee for such study shall be paid by the subdivider.

Analysis and Finding: The applicant has stated in the application document that "no current surface or subsurface water problem is known to exist at this time" (Page 137 application)

(F) Subdividers shall provide a list of any restrictive covenants which are to be recorded.

Analysis and Finding: Attachment 20 of the consolidated application includes a draft copy of the restrictive covenants that are to be recorded.

(G) A demonstration that lot size and use are in compliance with the applicable zone.

Analysis and Finding: Section L3.228(1)(B) of the RA-5 zoning allow lots to be development according to the Cluster Development and Density Transfer Standards. Later in this section of the staff report the application is evaluated against these standards. (Page 29).

(23) Compliance with the Clatsop County Comprehensive Plan and Land and Water Development and Use Ordinance, and ORS 92 and 215.

Analysis and Finding: The purpose of the staff report and public hearings process is to determine compliance with the applicable statutes, ordinances, and comprehensive plan.

(24) Lots not intended for sale shall be designated by alphabetic symbol which indicates the intended usage. The acreage for each dedicated lot, if any, is to be shown.

Analysis and Finding: The preliminary plat identifies the opens space tracts with alphabetic symbols.

(25) Notations indicating any limitations on rights-of-access to or from streets and lots or other parcels of land proposed by the developer or established by the Board.

Analysis and Finding: Any limitations on rights-of-access to or from streets and lots are required to be noted on the face of the final plat. The preliminary plat does not contain this information.

Condition of Approval #6:
Any limitations on rights-of-access to or from streets and lots shall be noted on the face of the final plat.

(26) A quotation from the Clatsop County Assessor on taxes to be paid on a proposed subdivision before final platting shall take place in accordance with ORS 92.095.

Analysis and Finding: Oregon Revised Statute 92.095 requires that all property taxes be paid prior to the recording of subdivision plat. This requirement can be met through a condition of approval.

Condition of Approval #7:
Prior to the recording of any phase of the subdivision all property taxes shall be paid.

(27) If any federal or state permit is required to carry out the preliminary plat approval, approval shall be subject to a condition requiring the subdivision to comply with any applicable federal and state laws.

Analysis and Finding: Consistency with this requirement can be demonstrated through a condition of approval.

Condition of Approval #8:
Prior to final plat approval the applicant shall provide documentation of any required state or federal permits.

(28) In areas subject to the geologic hazard overlay zone, a grading plan prepared in conformance with Section 4.040.

Analysis and Finding: The subject parcels are not located in a geological hazard area.

Conclusion: Based on the analyses and proposed conditions of approval the proposed subdivision meets the requirements of L5.226.

Section 5.240. Supplementary Information with Final Plat.

(1) Evidence of Title. The Commission shall require Evidence of Title accompanying the Final plat by a letter or Final plat report in the name of the subdivider. Such evidence shall indicate that the title company has issued a preliminary report for the parcel being subdivided and shall state that the Final plat and certificates have been reviewed. It shall also list exceptions, if any, that will be imposed by the County when the Final plat is recorded.

Analysis and Finding: Section L5.240(1) requires evidence of title to accompany the final plat.

Condition of Approval #9:
The applicant shall provide evidence of title to accompany the final plat.

(2) Restrictive Covenants. A copy of any Restrictive Covenant(s) is to be filed with the Final plat. On Final plats showing areas which will be jointly owned or used by the various owners in the subdivision, a covenant document will be mandatory as part of the Final plat. For other Final plats, the covenants are optional with the subdivider.

Analysis and Finding: The applicant is not proposing any jointly own lots or tracts; therefore, restrictive covenants are optional. Section L5.240(2) requires any restrictive covenants to be recorded with the final plat.

Condition of Approval #10:
Any restrictive covenants shall be recorded with the final subdivision plat.

(3) Traverse Data. The subdivider shall provide traverse data on form work sheets or complete computer printouts showing the closure of the exterior boundaries of the subdivision and of each lot and each block of the subdivision.

Analysis and Finding: Section L5.240(2) requires traverse data to accompany the plat at final submission

Condition of Approval #11:
The applicant shall provide traverse data that will accompany the submission of the final plat.

(4) Improvement Plans. Improvement plans shall be submitted for various facilities that are to be constructed by the subdivider, including drainage plans, sewer plans, water plans, curb and gutter, sidewalk and street plans, and any other construction plans that may be required. These plans shall indicate design criteria, assumptions and computations for proper analysis in accordance with sound engineering practice. Where such plans are or would be the same as those included in the County's Standard Specifications, they may be submitted by reference to such Standard Specifications.

Analysis and Finding: Clatsop County requires that all improvements to be complete prior to the recording of the final plat. However, the final plat can be recorded without the completion of these improvements if the subdivider provides a performance bond. In the case of a performance bond an improvement plan shall be required at the time of the recording of the final plat.

Condition of Approval #12:
If a performance bond is presented for the completion of required subdivision improvements an improvement plan is required to accompany the submission of the final plat.

(5) Dedication of Land, Rights, Easements, and Facilities for Public Ownership, Use and Utility Purposes.

(A) All land shown on the Final Plat intended for dedication to the public for public use shall be offered for dedication at the time the plat is filed and must be expressly accepted by the Board prior to the Final Plat being accepted for recording. Land dedicated for public use, other than roads, shall be accepted by the Board by the acceptance of a deed and by no other means.

(B) All streets, pedestrian ways, drainage channels, easements and other rights-of-way shown on the Final Plat as intended for public use, shall be offered for dedication for public use at the time the Final Plat is filed.

(C) Rights of access to and from streets, lots and parcels shown on the Final Plat shall not have final approval until such time as the County Engineer is satisfied that the required street improvements are completed in accordance with applicable standards and specifications. The subdivider must petition separately to the Board for acceptance of any dedicated land, access rights or facilities. Acceptance of the Final Plat shall not be construed as approval of dedicated land rights, easements or other facilities.

Analysis and Finding: Clatsop County has determined that the proposed "West Dunes Lane" and two unnamed easements have the ability to serve as access to the proposed Clatsop Estates subdivision and the conditionally approved Polo Ridge Subdivision. As required by L5.240(5) West Dunes Lane and the unnamed easements are required to be offered for dedication and be accepted by the Board of Commissioners prior to the recording the final plat for Phase I.

Condition of Approval #13:
If any portion of any road in the West Dunes subdivision has the potential to provide access for the proposed Clatsop Estates subdivision or the conditionally approved Polo Ridge Subdivision, these roads shall be offered for dedication and must be accepted by the Board of Commissioners prior to acceptance of the final subdivision plat.

(6) Reserve Strips. One (1) foot reserve strips shall be provided across the end of stubbed streets adjoining unsubdivided land or along streets or half streets adjoining unsubdivided land and shall be designated as a reserve strip on the plat. The reserve strip shall be included in the dedication granting to the Board the authority to control access over the reserve strip to assure the continuation or completion of the street. This reserve strip shall overlay the dedicated street right-of-way. The Board may require a reserve strip in other areas of the subdivision in order to control access.

Analysis and Finding: The proposal does not contain any stubbed street adjoining land that could further be developed.

(7) Drainage Plan. The Final Plat shall be accompanied by a drainage plan showing street grades, curbs, natural drainageways and other drainage works in sufficient detail to enable the engineer to determine the adequacy of provisions for drainage and the disposal of surface and storm waters within the subdivision and other adjoining areas. Subsequent changes to the drainage plan may be approved by separate action by the Board after receiving the recommendation by the County Engineer.

Analysis and Finding: A storm water drainage plan is required to accompany the final plat.

Condition of Approval #14:
The final plat shall be accompanied by a drainage plan showing streets, natural drainage ways and other drainage works to sufficiently show the adequacy of provisions for drainage.

(8) Common Open Space. Maintenance of common open space shall be subject to Section S3.180.

Analysis and Finding: A condition of approval shall ensure consistency with L5.240(8). Refer to the findings for S3.180.

Conclusion: Based on the analyses and proposed conditions of approval the proposed subdivision meets the requirements of L5.240.

Section 5.242. Agreement for Improvements.

The subdivider shall improve or agree to improve lands dedicated for streets, alleys, pedestrian ways, drainage channels, easements and other rights-of-way to County Standards as a condition preceding the acceptance and approval of the Final Plat.

Before the Commission approval is certified on the Final Plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision; or he/she shall execute and file with the Board an agreement between himself and the County specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the subdivider.

A performance bond, as provided in Section 5.244 of this Ordinance, shall be required with such agreement. Provisions for the construction of the improvements in phases and for an extension of time under specified conditions may be made upon prior agreement by, or application to, the Commission or Board.

Analysis and Finding: L5.242 requires that the road improvements to be complete prior to the recording of the final plat or the applicant shall provide a performance bond.

Condition of Approval #15:
Prior to the recording of the final plat all road improvements shall be completed or the applicant shall provide a performance bond in accordance with L5.242.

Conclusion: The proposed West Dunes subdivision will meet L5.242 through a condition of approval.

Transportation Impact Review L5.352

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

(C) The development application involves one or more of the following actions:
(a) A change in zoning or a plan amendment designation; or

Analysis and Finding:
The consolidated application includes comprehensive plan zoning map amendments but not at the location of the proposed subdivisions and staff has determined that this criterion does not apply to the proposed subdivision. This position is consistent with earlier decisions issued by Clatsop County for similar developments in the Clatsop Plains area. For example, Ordinance 09-05 Manion Pines Subdivision (8 LOTS) including density transfers and Ordinance 10-05 Polo Ridge (30 LOTS) with density transfers. In both of these matters County Staff provided findings and determined that a Traffic Impact Study was not warranted. The criterion is not met.

(b) Any proposed development or land use action that ODOT states may have operational or safety concerns along a state highway; and

Analysis and Finding:
On February 28, 2012, Matt Caswell with the Oregon Department of Transportation provided written comments (Exhibit 6) relating to operational or safety concerns along Highway 101, adjacent to the proposed subdivisions. Mr. Caswell explained that because under the rules in effect at the time of application for an approach a traffic impact study (TIS) and mitigation could not be required by ODOT. Mr. Caswell did writes that if a new access application was submitted under the current rules a TIS and possible mitigation would be required for the development of only nine (9) homes. Mr. Caswell did state in his email that while ODOT can't require mitigation the agency does have safety and operational concerns at the site of the proposed development. Mr. Caswell attached various documents, including crash history, to justify this statement In addition a study is currently underway on Highway 101 from Camp Rilea to Surf Pines Lane. The Overview on the ODOT study website states:

This ODOT planning effort will address safety and operational issues on a section of U.S. 101 from Camp Rilea to Surf Pines Lane, south of Warrenton. This 4.6 mile section of highway is mostly two lanes, has above average crash rates, and can be congested by frequent turning movements.
http://www.us101rileatosurfpines.org/ (accessed 3/6/12)

Considering Mr. Caswell's comments and the current study that is underway that the criteria in L5.352(1)(A)(2) is met.

(c) The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, or crash history. The Institute of Transportation Engineers Trip Generation manual shall be used for determining vehicle trip generation:

(a) An increase in site traffic volume generation by 500 Average Daily Trips (ADT) or more (or as required by the County Engineer); or

Analysis and Finding: Utilizing a figure ten (10) trips per day per dwelling (10 ADT) the total of projected traffic volume for both subdivisions would be 270 ADT. This figure does not meet the requirement in L5.352(A)(3)(a).

(b) An increase in ADT hour volume of a particular movement to and from the State highway by 20 percent or more; or

Analysis and Finding: Considering that there is zero (0) volume to and from the Highway to the proposed West Dunes subdivision any increase in volume will exceed 20%. The criterion is met.

(c) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or

Analysis and Finding: This criterion is not applicable to the proposed residential development.

(d) The location of the access driveway does not meet minimum site distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or

Analysis and Finding: County Engineer Ron Ash submitted comments to staff on February 29, 2012 (Exhibit 7). Mr. Ash relays safety concerns related to vehicle turning and deceleration in this area of Highway 101. The criterion is met.

(e) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

Analysis and Finding: This criterion is not applicable to the proposed residential development.

CONCLUSION: The applicant is proposing a total of 18 residential lots. But the intension appears to be to provide access to the proposed Clatsop Estates subdivision and the conditionally approved Polo Ridge subdivision which are directly adjacent to the subject to the subject parcels. This would create three contiguous subdivisions with a total of 58 residential lots. Considering the findings in L5.352(2), (3)(b) and (d) Staff concludes that a traffic impact study is required.

STANDARDS DOCUMENT

S3.150. Cluster Development and Density Transfer
S3.158. Residential Cluster Development Standards.

(1) The tract of land to be developed shall not be less than 4 contiguous acres in size, provided that land divided by a road shall be deemed to be contiguous.

Analysis and Finding: The total acreage of the proposed West Dunes subdivision site 35.2 acres. This exceeds the minimum of 4 acres identified in S3.158(1).

(2) The development may have a density not to exceed the equivalent of the number of dwelling units allowed per acre in the zone or zones.

Analysis and Finding: The overall density of the proposed 18-lot West Dunes subdivision will not exceed the combined density of the sending sites (9 density credits) and receiving sites (9 density units).

(3) The cluster development shall not contain commercial or industrial developments.

Analysis and Finding: The proposed cluster subdivision does not contain any commercial or industrial development.

(4) The minimum percentage of common open space shall be 30% excluding roads and property under water (MHHW).

Analysis and Finding: The total acreage of the West Dunes site is 35.2-acres. This will require 10.56-acre of common open space that does not include roads and submerged lands. Sheet 1 of the preliminary plat dated February 28, 2012, identifies tracts A-G as open space. As stated in the findings for L3.229(2) the applicant intends to transfer ownership of Tract H to the North Coast Land Conservancy (NCLC). The NCLC will ensure that the open space will be available to the residents of the West Dunes subdivision and will meet the intent of the definition of common open space (Exhibit 8). The criterion in S3.158(4) is met.

(5) Attached residences are permitted provided the density allowed per acre in the zone is not exceeded (this does not apply in the Clatsop Plains planning area).

Analysis and Finding: This standard does not apply in the Clatsop Plains planning area.

(6) The prescribed common open space may be used to buffer adjacent forest, farm, hazard areas or other resource lands such as but not limited to archeological and historical sites, water bodies, etc.

Analysis and Finding: Tract R will be used as an open space buffer between the subdivision lots and Neacoxie Creek and the adjacent wetland area.

(7) Land in the same ownership or under a single development application that is divided by a road can be used in calculating the acreage that can be used in the clustering option.

Analysis and Finding: None of the subject property is divided by a road.

(8) For lands zoned primarily for rural residential uses located outside urban growth boundaries, unincorporated community boundaries, and located outside non-resource lands as defined in OAR660-004-000(5)(3), the following additional conditions must be met.

(A) The number of new dwellings units to be clustered does not exceed 10;

(B) None of the new lots or parcels created will be smaller than two acres;

(C) The development is not served by a new community sewer system or by any extension of a sewer system from within an urban growth boundary or from within an unincorporated community, unless the new service or extension is authorized consistent with OAR 660-011-0060;

(D) The overall density of the development will not exceed one dwelling for each unit of acreage specified in the base zone designations effective on October 4, 2000 as the minimum lot size for the area;

(E) Any group or cluster of two or more dwelling units will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest uses and will not significantly increase the cost of accepted farm or forest practices there; and

(F) For any open space or common area provided as part of the cluster development under this subsection (8), the owner shall submit proof of non-revocable deed restrictions recorded in the deed records. The deed restrictions shall preclude all future rights to construct a dwelling on the lot, parcel or tract designated as open space or common area for as long as the lot, parcel or tract remains outside an urban growth boundary.

Analysis and Finding: The standards in S3.158(8) do not apply because the subject property is in an area identified in the Clatsop Plains Community Plan as "non-resource lands".

Conclusion: Based on the analyses above, the application meets the standards in S3.518.

S3.160. Additional Residential Cluster Development Standards for the Clatsop Plains Planning Area.

(1) All planned developments and subdivisions shall designate and retain areas as permanent common open space.

Analysis and Finding: The applicant is proposing permanent open space to be identified on the plat as Tracts A-R.

(2) The minimum percentage of common open space shall be 30% excluding roads.

Analysis and Finding: As stated in the Analysis and Finding for S3.158(4) staff is unable to determine the amount of the proposed open space in Tracts B-I that is not encumbered by the proposed roadway. Condition of approval #2 will ensure consistency with this requirement.

(3) Permanent common open space shall include, whenever possible, steep dunes which would require substantial alterations for building, buffers along streams, water bodies, deflation plains, and farm and forest lands.

Analysis and Finding: Open space in Tracts A-N are a dune line along Highway 101. The open space Tract R is adjacent to Neacoxie Creek which is zoned Lake and Wetland.

(4) Buffers (screening) shall be provided in all subdivisions and planned developments along all property lines adjacent to arterials and/or collectors.

Analysis and Finding: The open space in Tracts A-N is a dune line along Highway 101 which provides a natural buffer. Staff has determined that additional screening is not necessary.

(5) Permanent common open space as part of subdivisions or planned developments adjoining one another shall be interrelated and continuous whenever possible. This could mean that the common open space could continuously follow ridge tops, deflation plains or shorelands. The Clatsop County Department of Community Development shall prepare a map of potential systems of common open space to be used as a guide for developers.

Analysis and Finding: The applicant is not proposing "common" open space but privately held tracts of open space. Tracts A-N are continues tracts of open space along the dune line adjacent to Highway 101. Tract R is adjacent to Tract A1 of the proposed Clatsop Estates subdivision providing continuous open space area.

(6) Streams and drainages which form a system of common open space shall be preserved.

Analysis and Finding: The applicant is not proposing "common" open space but privately held tracts of open space. Tract R is an area near Neacoxie Creek and wetlands that will be preserved as open space.

Conclusion: Based on the analyses above, the application meets the standards in S3.160.

S3.161. Density Transfer Standards for the Clatsop Plains Planning Area.

(1) Transfer of residential development rights between sites in the Clatsop Plains Planning Area is allowed as follows:

(A) The remaining parcel of the sending site shall be rezoned to ether the Open Space Parks and Recreation zone or Natural Uplands zone or Conservation Shorelands zone or Natural Shorelands zone. The applicant shall file the rezone request at the same time as the density transfer request is submitted, and

(B) Prior to final approval of a density transfer the County shall require that deed restrictions be filed in the Clatsop County Deed Records in a form approved by County Counsel, that prohibits any further development beyond that envisioned in the approved density transfer until such time as the entire area within the density transfer approval has been included within an urban growth boundary; and

Analysis and Finding: The applicants have included a comprehensive plan zoning map amendment request as part of the consolidated application. As a condition of approval the applicant shall record a deed restriction in accordance with S3.161(1)(B).

Condition of Approval #16:
The applicant shall record a deed restriction on the portion of the parcels that are to be rezoned as OPR. The deed restriction shall prohibit any further development in the density transfer are until such time as the entire area has been included in an urban growth boundary.

(C) The Community Development Director shall demarcate the approved restrictions on the official Zoning Map, and

Analysis and Finding: The Director will ensure that all recordkeeping requirements are met.

(D) No parcel of land shall be involved in more than one (1) density transfer transaction, and

Analysis and Finding: In 2008, taxlot 3400 received three density credits as the result of a downzone and density credit transfer (Ordinance 08-02). This application does not propose transferring any additional credits to taxlot 3400. All other parcels involved in this development have not been involved in any density transfer transactions.

(E) Density transfer goes with the property - not the owner; and
(F) Minimum lot size shall be one (1) acre for the receiving site.

Analysis and Finding: All density transfers will continue with the land, not the owner. None of the proposed lots in the West Dunes or Clatsop Estates subdivisions will be less than one acre in size.

(2) All sending and receiving parcels shall be recorded in the "Density Table" (S3.162) and the appropriate sections filled out completely prior to approval. At the applicant's expense, if a receiving parcel cannot be identified at the time of application for a density transfer, the applicant can choose to record the remaining credits with an affidavit, which shall be recorded by the applicant, and maintained with the County Planning Department. Staff will review the requisite comprehensive plan text and map amendments for conformity with the down zone and density transfer requirements.

Analysis and Finding: The consolidated application includes a text amendment to modify the "Density Table S3.162".

Conclusion: Based on the analyses above, the application meets the standards in S3.161.

S.3180. Maintenance of Common Open Space and Facilities.
S3.181. Maintenance of Common Open Space and Facilities.
Whenever any lands or facilities, including streets or ways, are shown on the final development plan as being held in common, the tenants be created into a non-profit corporation under the laws of the State of Oregon, and that such corporation shall adopt articles of incorporation and by- laws and adopt and impose a declaration of covenants and restrictions on such common areas and facilities to the satisfaction of the Planning Commission. Said association shall be formed and continued for the purpose of maintaining such common open spaces and facilities. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levies to maintain said areas and facilities for the purposes intended. The period of existence of such associations shall not be less than twenty (20) years, and it shall continue thereafter until a majority vote of the members shall terminate it.

Analysis and Finding: The standard in S3.181 applies because the proposed subdivision contains common open space. The requirements of S3.181 can be met through a condition of approval.

Condition of Approval #16a:
Prior to the recording of Phase 1 a non-profit corporation shall be formed under the laws of the State of Oregon, and that such corporation shall adopt articles of incorporation and by-laws and adopt and impose a declaration of covenants and restrictions on common areas and facilities. The association shall be formed and continued for the purpose of maintaining such common open spaces and facilities. The association shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levies to maintain said areas and facilities for the purposes intended. The period of existence of such associations shall not be less than twenty (20) years, and it shall continue thereafter until a majority vote of the members shall terminate it.

Chapter 5 Vehicle Access Control and Circulation.

S5.033 Access Control Standards.

(2) Traffic Impact Study Requirements. The County or other agency with access jurisdiction may require a traffic impact study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See, Section 5.350 – Traffic Impact Study.)

Analysis and Finding: After review of L5.352 and consultation with the County Engineer and ODOT staff has determined that the criterion is met and a traffic impact study is required.

(3) The County or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.

Analysis and Finding: The proposed lots will not front on an arterial street. Shared driveways are proposed for Lots 2-9.

(4) Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are "options" to the developer/subdivider.

(A) Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.

(B) Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., "shared driveway"). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.

(C) Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Subsection (6) below.

(D) Access to and from off-street parking areas shall not permit backing onto a public street. Except that in limited situations where no alternative design is possible and sight distances are acceptable, parking areas having three or fewer spaces may allow for backing onto a collector or local street subject to the approval of the Public Works Director.

Analysis and Finding: The access to the proposed subdivision is in accordance with Option 3.

(5) Subdivisions Fronting Onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid- block lanes).

Analysis and Finding: The proposed subdivision does not front onto an arterial street.

(6) Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-5, or CBR Zones, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the RSA- SFR, RSA-MFR, CR, SFR-1, RA-1, RA-5, or CBR Zones, a landscape buffer with trees and/or shrubs and ground cover not less than 20 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner's association, etc.).

Analysis and Finding: The applicant's findings for this criteria state that "There are no double frontage lots with this development". However, Note "B" on Sheet 1 of the preliminary plat identifies "optional access to lots proposed 30x30 access and utility easement (to Wideman Property)" Utilization of this "optional access" will create double frontage for lots 2 – 9, which is prohibited by S5.033(5). Removal of this "optional access" reference and a notation limiting the right of access for lots 2-9 to the unnamed road within the West Dunes subdivision will ensure consistency with this requirement.

Condition of Approval #17:
Removal of this "optional access" reference and a notation on the final plat limiting the right of access for lots 2-9 to the unnamed road within the West Dunes subdivision. This condition shall also be addressed in the restrictive covenants.

(7) Reverse Frontage Lots. When a lot has frontage opposite that of the adjacent lots, access shall be provided from the street with the lowest classification.

Analysis and Finding: The proposed subdivision does not contain any reverse frontage lots.

(8) Access Spacing. The access spacing standards below shall apply to newly established public street intersections, private drives, and non-traversable medians unless the Public Works Director determines that site and or road conditions make it impractical to meet the access spacing standard.

Access Spacing			
Functional Classification	Posted Speed	Minimum Spacing Between Driveways and/or Streets	Minimum Spacing Between Traffic Signals
Arterial	35 mph or less	150 feet	2800 feet
	40 mph	185 feet	
	45 mph	230 feet	
	50 mph	275 feet	
	55 mph	350 feet	
Collector	25-35 mph	100 feet	400 feet
Local Street	25 mph	Access to each lot permitted	400 feet

Analysis and Finding: The proposed roads will have a functional classification of "Local Street". Access is permitted to each lot.

(9) Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for two- family and three-family housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Section S5.033(9), below, in order to maintain the required access spacing, and minimize the number of access points.

Analysis and Finding: The applicant proposes shared and individual access to lots.

(10) Shared Driveways. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The County shall require shared driveways as a condition of land division or site design review, as

applicable, for traffic safety and access management purposes in accordance with the following standards:

(A) Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

(B) Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.

(C) Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

Analysis and Finding: The applicant is proposing shared access driveways on Lots 2-9. Any shared access requires an easement.

Condition of Approval #18:
Shared access easements shall be identified on the face of the final plat.

(11) Street Connectivity and Formation of Blocks Required. In order to promote efficient vehicular and pedestrian circulation throughout the county, land divisions and large site developments, as determined by the Community Development Director, shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

A. Block Length and Perimeter. No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street. The recommended minimum length of blocks along an arterial street is 1.800 feet. An exception to the above standard may be granted, as part of the applicable review process, when blocks are divided by one or more pathway(s); pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles; or where the site's topography or the location of adjoining streets makes it impractical to meet the standard.

Analysis and Finding: The applicant's findings (application page 148) contain a request for an exception to S5.033(10)(A) for block containing lots 2 -14 . The applicant cites topographical difficulties and site constraints that limit traditional lot and block development. Staff agrees with the applicant's analysis and recommends an exception to S5.033(10)(A).

(B) Street Standards. Public and private streets shall also conform to Sections S6.000 – Transportation Improvements and Road Standard Specifications for Design and Construction and Section S5.040 - Pedestrian and Bicycle Access and Circulation, and applicable Americans With Disabilities Act (ADA) of 1990 design standards.

Analysis and Finding: All roads shall be built to the standards of S6.000. Conditions of approval shall ensure compliance with road standards are provided in S6.000 later in this report. Section S5.040 applies only to development in rural communities.

(C) Driveway Openings. Driveway openings or curb cuts shall be the minimum width necessary to provide the required number of vehicle travel lanes (12 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

(d) Single family, two-family, and three-family uses shall have a minimum driveway width of 10 feet, and a maximum width of 24 feet.

Analysis and Finding: The applicant states that all driveway opening shall be constructed between 10 - 24 feet in width. This development will occur at the permitting stage for each dwelling.

(12) Fire Access and Parking Area Turn-Arounds. A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive, or an alternative acceptable to the local Fire District and Public Works Director. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, please refer to Section S5.102.10 - Cul-de-Sac.

Analysis and Finding: The applicants' findings state that a letter is included in the application materials (Attachment 15) that illustrates compliance with S5.033(11). However, the August 15, 2011, letter from Gearhart Fire Chief Bill Eddy does not state the proposed improvements meet the requirements set forth in Oregon Fire Code. A condition of approval will ensure compliance with S5.033(11).

Condition of Approval #19:
Prior to recording of the final plat the applicant shall provide documentation from the Gearhart RFPD that the roads within the subdivision have been improved and are consistent with State Fire Code.

(13) Vertical Clearances. Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.

Analysis and Finding: The all driveways and roadways require a vertical clearance of 13' 6". A condition of approval shall ensure compliance.

Condition of Approval #20:
All driveways, streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6 " for their entire length and width.

(14) Vision Clearance. See Section S2.012. Clear Vision Area.

Analysis and Finding: All development shall comply with S2.012 Clear Vision Area. The applicant is responsible for ensuring clear vision areas at the intersection of West Dunes Land and Highway 101.

Condition of Approval #21:
A clear vision area is required at the intersection of Highway 101 and West Dunes Lane and at all intersections within the subdivision. No plantings, fences, walls, etc. shall exceed 2.5 feet in height for a minimum distance of 30-feet. This condition shall be addressed in the restrictive covenants.

(15) Construction. The following development and maintenance standards shall apply to all driveways and private streets, except that the standards do not apply to driveways serving one single-family detached dwelling:

(A) Surface Options. Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material may be used to reduce surface water runoff and protect water quality. Paving surfaces shall be subject to review and approval by the Public Works Director.

(B) Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with standards approved by the Public Works Director.

Analysis and Finding: A storm water drainage plan is required in condition of approval #3.

(C) Driveway Aprons. When driveway approaches or "aprons" are required to connect driveways to the public right-of-way, they shall be paved with concrete or asphalt surfacing.

Analysis and Finding: Later in this report staff finds that applicant shall be required to offer the subdivision roads for dedication. Therefore, driveway aprons are required to be paved.

Condition of Approval #22:
Driveway aprons shall be paved with concrete or asphalt surfacing.

S5.100. Subdivision Design Standards

S5.102. Streets.

(1) General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive development plan, the arrangement of streets in a subdivision shall either:

(A) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

(B) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

(2) Minimum right-of-way and roadway widths. The width of streets and roadways shall be adequate to fulfill County specifications as provided in Section S6.000 of this Ordinance.

Analysis and Finding: All of the roads within the proposed West Dunes subdivision meet the applicable standards in S6.000 – Table I.

(3) Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way. If necessary, special slope easements may be required.

Analysis and Finding: The County Engineer, Ron Ash, has approved the preliminary road designs. All of the proposed easements meet the 50-foot standard and slope easements are not necessary.

(4) Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the County under conditions approved by the Planning Commission.

Analysis and Finding: Reserve strips or street plugs are not proposed with this development.

(5) Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

Analysis and Finding: There are no existing streets in the proposed subdivision.

(6) Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision or adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

Analysis and Finding: All of the proposed streets extend to the boundaries of the subdivision.

(7) Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet or tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line.

Analysis and Finding: **None of the proposed intersection angles on West Dunes Lane are less than 90 degrees.**

(8) Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.

Analysis and Finding: **There are no existing streets within the proposed subdivision. All roads will meet the standards of S6.000 – Table 1.**

(9) Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half strips.

Analysis and Finding: **The applicant is not requesting approval of any half streets.**

(10) Cul-de-sacs. a cul-de-sac shall be as short as possible and shall terminate with a turnaround.

Analysis and Finding: **The applicant is not proposing any cul-de-sacs.**

(11) Street names. Except for extensions of existing streets, no street shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and, if near a city, to the pattern in the city, and shall be subject to the approval of the Planning Commission.

Analysis and Finding: All new road names are issued in accordance with Clatsop County Ordinance 00-07. The applicant must apply for approval of the name "West Dunes Lane". A separate name will be required for road that extends south from West Dunes Lane.

Condition of Approval #23:
Prior to the recording of the final plat the applicant shall apply for approval of the road name "West Dunes Lane" and for the unnamed road. Application and approval shall be in accordance with Ordinance 00-07.

(12) Grades and curves. Grades shall not exceed 6 percent on arterials, 10 percent on collector streets, 12 percent on any other street. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept steeper grades and sharper curves.

Analysis and Finding: Attachment 18 documents preliminary road design approval from County Engineer Ron Ash.

(13) Streets adjacent to railroad right-of-way. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

Analysis and Finding: The proposed street is not adjacent to a railroad right-of-way.

(14) Marginal access streets. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Analysis and Finding: Marginal access streets are not applicable to this development.

(15) Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.

Analysis and Finding: The applicant is proposing an alley between the Clatsop Estates subdivision and the neighboring Polo Ridge subdivision. If connected to Polo Ridge this proposed "alley" has the potential to serve 19+ lots. Road standards apply to this and all roads within the proposed subdivision. This 'alley' should be improved to an A-22 road standard. Condition of approval #26 requires all roads to be improved to an A-22 public road standard.

Conclusion: Based on the analyses and conditions approval the proposed subdivision meets the applicable requirements of S5.102.

S5.104. Blocks.

(1) General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.

(2) Size. No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining street justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.

Analysis and Finding: The applicant is proposing a block (lots 1 – 9) that exceeds 1,000-feet. The topography of the area and the dimensions of the parent parcel limit the size, width and shape of the lots. Refer to the analysis for S5.033(10)(A) on page 37.

(3) Easements.

(A) Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 12 feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six feet in width.

Analysis and Finding: The application states that water will be provided to the lots by either community wells, individual wells, or from the City of Warrenton. The preliminary plat states that if water is provided by the City of Warrenton all water lines will be located with the road easements. The preliminary plat does not identify any waterline easements in the event that community wells are utilized.

Condition of Approval #24:
The final plat shall identify easements for utilities not contained the road right-of-way or existing easements.

(B) Water courses. If a subdivision is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.

Analysis and Finding: A water course does not traverse the subject property.

(C) Pedestrian ways. When desirable for public convenience, pedestrian pathways shall be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks in accordance with Section S5.040.

Analysis and Finding: The requirements of S5.040 apply to development in rural communities.

Conclusion: Based on the analyses and conditions approval the proposed subdivision meets the applicable requirements of S5.104.

S5.106. Lots.

(1) Size and shape, lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. An interior lot shall have a minimum

average width of 50 feet and a corner lot a minimum average width of 60 feet. a lot shall have a minimum average of 100 feet, and the depth shall not ordinarily exceed two times the average width. These minimum standards shall apply with the following exceptions:

(A) In areas that will not be served by a public water supply or a sewer, minimum lot sizes shall conform to the requirements of the County Health Department and shall take into consideration requirements for water supply and sewage disposal, as specified in Section 34. The depth of such lots shall not ordinarily exceed two times the average width.

Analysis and Finding: The proposed lots are appropriate for the location and exceed the minimum widths identified in S5.106(1)(A). The Department of Environmental Quality regulates the setback distances between water supply and sewage disposal.

(2) Access. Each lot shall abut upon a street other than an alley for a width of at least 25 feet.

Analysis and Finding: Each of the proposed lots will abut a street for a minimum width of 25-feet.

(3) Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 feet wide and across, which there shall be no right of access may be required along the line of lots abutting such a traffic artery or other incompatible use.

Analysis and Finding: The applicant does not propose any through lots.

(4) Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

Analysis and Finding: All side lot lines in the proposed development run at right angles to the street upon which the lots face.

Conclusion: Based on the analyses and conditions approval the proposed subdivision meets the applicable requirements of S5.106.

S5.108 General Soil Development.

Lot grading in areas subject to the geologic hazard overlay zone shall conform to the standards of Section 4.040.

Analysis and Finding: The subject property is not located in a geological hazard area.

Conclusion: Based on the analysis provided above the proposed subdivision meets the applicable requirements of S5.108.

S5.110. Building Lines.

If special building setback lines are to be established in the subdivision, they shall be shown on the subdivision plat or included in the deed restriction.

Analysis and Finding: There are no special building setbacks within the proposed subdivision.

Conclusion: Based on the analysis provided above the proposed subdivision meets the applicable requirements of S5.110.

S5.112. Large Lot Subdivision.

In subdividing tracts into large lots which at some future time are likely to be resubdivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building size restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

Analysis and Finding: The proposed West Dunes subdivision is no a "large lot" subdivision and cannot be further subdivided.

Conclusion: Based on the analysis provided above the proposed subdivision meets the applicable requirements of S5.112.

S5.114. Land for Public Purposes.

If the County has an interest in acquiring any portion of the proposed subdivision for a public purpose, or if the County has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed one year.

Analysis and Finding: The County has not been advised of any public agency's interest in acquiring land for public purposes.

Conclusion: Based on the analysis provided above the proposed subdivision meets the applicable requirements of S5.114.

S5.115. Subdivision Improvements
S5.120. Improvement Requirements.

The following improvements shall be installed at the expense of the subdivider:

(1) Water supply. Lots within a subdivision shall either be served by a public domestic water supply system conforming to state or County specifications or the lot size shall be increased to provide such separation of water sources and sewage disposal facilities as the County Sanitarian considers adequate for soil and water conditions.

(2) Sewage. Lots within a subdivision either shall be served by a public sewage disposal system conforming to state or County specifications or the lot size shall be increased to provide sufficient area for a septic tank disposal system approved by the County Sanitarian as being adequate for soil and water conditions considering the nature of the water supply.

Analysis and Finding: Sewage disposal will be provided by individual septic systems. Setbacks between septic systems and wells are regulated by the Department of Environmental Quality (DEQ).

(3) Drainage. Such grading shall be performed and drainage facilities installed conforming to County specifications as necessary to provide proper drainage within the subdivision and other affected areas in order to secure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed if necessary to protect the subdivision against flooding or other inundation.

Analysis and Finding: A storm water drainage plan is required in COA #3

(4) Streets. Where streets are to be accepted into the County road system, the subdivider shall grade and improve streets in the subdivision and the extension of such streams to the paving line of existing streets with which such streets intersect in conformance with County specifications. Street improvements shall include related improvements such as curbs, shoulders, sidewalks and median strips to the extent these are required. All other streets shall be improved in accordance with minimum road standards as set forth in S6.000.

Analysis and Finding: Conditions of approval will ensure compliance with county road standards. Any roads that are accepted into the public road system shall be improved to standards before the applicant offers the road for dedication.

(5) Pedestrian ways. A sidewalk in conformance with the standards of Section S5.034 shall be installed in the center of pedestrian ways.

Analysis and Finding: The standards of S5.040 do not apply to development outside rural communities.

(6) Underground utilities. Underground utilities shall be required.

Analysis and Finding: Section S5.210(6) requires all utilities to be installed underground. A condition of approval will ensure compliance.

Condition of Approval #25:
All utilities shall be located underground.

Conclusion: Based on the analyses and conditions approval the proposed subdivision meets the applicable requirements of S5.120.

SECTION S6.000. TRANSPORTATION IMPROVEMENTS AND ROAD STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION.

Table 1- Right-of-Way and Improvement Standards Table

Functional Road Class	A.D.T	Design Standard Typical	Travel Width	R-O-W Width	Surface Type	Design Speed MPH	Max. % Grade	Min. Curve Radius	Street Signs
Arterial	>1000	A - 32	24	80	A.C.	45	12	750	(1)
Collector	300 – 1000	A - 28	24***	60	A.C.	40	12	500	(1)
Local	60 – 300	A - 24	22	60	A.C./Oil	35	12	350	(1)
Subdivision (10+ lots)	>60	A - 22	20(5)	50	A.C.(6)	25	12	250	(1)
Subdivision (4-9 lots)	30 – 60	A - 20	20(5)	50	A.C.(6)	20	12**	150	(1)
Partition (3+) ****	<60	A - 20	20(5)	50	Gravel	20	12**	150	(1)
Partition (1-2 Lots)	<30	A – 14(4)	14(5)	25	Gravel	15	16*	50	(1)

*If unavoidable conditions exist a grade of 2% greater than that shown may be allowed with A.C. paving.
**If unavoidable conditions exist a grade of 4% greater than that shown may be allowed with A.C. paving.
***May be reduced to 22 feet as specified in AASHTO if approved by the County Engineer.
****Partition with the potential for further partition into additional lots, as allowed per Section 5.200 LWDUO.
(1) One (1) approved street sign will be provided at each intersection for each named street.
(2) All dead-end streets will be terminated with a cul-de-sac or approved turnaround. See Design Standard Typical Cul-de-sac for details.
(3) Drainage/slope easements may be required if roadway slopes extend beyond the right-of-way.
(4) **A-14 roads 400 feet in length or greater shall provide turn-outs at a maximum distance of 400 feet, or at a lesser interval that will maintain a continuous visual contact between each successive turn-out.**
(5) **Minimum unobstructed road travel lane width, per Oregon Fire Code as adopted by ORS-October 2004.**
(6) Minimum A.C. thickness is 3" nominally compacted ODOT class "C" or approved equal.

Effective Date: May 2, 2005

Analysis and Finding: Table 1 Right-of-Way improvement standards require the proposed roadways to be improved to an A-22 road standard, which the applicant is proposing. In addition, the proposed alley located in Phase 2 is identified as being a future access point to the Polo Ridge development. This road is also subject to the requirements of Table 1.

Condition of Approval #26:
All roads within the West Dunes subdivision shall be constructed to an A-22 road standard.

Conclusion: Based on the analysis and condition of approval the application will meet the road standards identified in S6.000 – Table 1.

S6.160. Private Road Minimum Requirements.

Table 2 and the following minimum requirements shall apply for any action relating to the approval of a private road:

(1) Private roads shall provide access to no more than ten (10) abutting lots or parcels. A private road may serve more than ten (10) lots or parcels when the parcels are within a planned development or subdivision and when such road is constructed to the standards for a public road, and is approved as a part of the planned development or subdivision. Under no circumstances shall a private road serve other roads or areas. Surf Pines and The Highlands at Gearhart are exempt from this requirement. These two areas are served by private roads and already exceed the 10-lot standard.

Analysis and Finding: The proposed roads will access more than ten (10) parcels. In accordance with standards in S6.000 – Table 1 the roads shall be constructed to an A-22 standard which is a public road standard. On the preliminary plat dated November 15, 2011, the applicant identifies an "Optional 50' Access and Utility Easement (to Wideman Property)" from Highway 101 to the eastern boundary of the conditionally approved Polo Ridge Subdivision. In order to comply with S6.160 the applicants submitted a revised preliminary plat dated February 28, 2012. The revision identifies the roadway area to be offered for dedication. The criterion is met through a condition of approval.

Condition of Approval #27:
The following road shall be offered for dedication to the public and accepted by the Board of Commissioners prior to the recording of Phase 1: West Dunes Lane from Highway 101 to the eastern boundary of T7N-R10W-Sec27-TL3500; a distance of approximately 311-feet.

(2) Private roads shall not be approved if the road is presently needed, or is likely to be needed, for development of adjacent property, or to be utilized for public road purposes in the normal development of the area, or if the private road is intended to serve commercial, or industrial district uses. Private roads shall not be approved for commercial or industrial land divisions.

Analysis and Finding: Both the 11/15/11 and the 2/28/12 preliminary plats identify two "Possible Future Easements for Roadway Connection to Wideman Property". Standard S6.160(1) states that "under no circumstances shall a private road serve other roads or areas". The proposed private road is likely to be needed to access the conditionally approved Polo Ridge subdivision. State Fire Code requires residential developments with more than 30 dwellings to have a minimum of two ingress and egress locations. On February 8, 2011, the Oregon Department of Transportation issued a letter to Jason Palmberg, an applicant in the Polo Ridge subdivision, informing him that the existing approach approval issued to Ryan Osburn and Russ Earl was also valid for the 29-lot Polo Ridge subdivision. In the event that development proceeds on the Polo Ridge subdivision it is likely that proposed West Dunes Lane will be needed for access. *Refer to the analysis and condition of approval below for S6.160(6).*

Condition of Approval #27a:
The following roads shall be offered for dedication to the public and accepted by the Board of Commissioners prior to the recording of Phase 2: The two unnamed easements identified by Note "G" on the February 28, 2012, preliminary plat.

(3) The minimum easement for a private road shall be 25 feet, except where the natural slope of the land within the easement (cross-slope) is greater than 21 percent, in which case the easement width shall be 50 feet. The minimum right-of-way width shall accommodate required cut and fill slopes, ditches, turnouts and cul-de-sacs.

Analysis and Finding: The proposed easement is 50-feet in accordance with the standards in Table 1. No slopes greater than 21 percent exist on the property

(4) A lot or parcel abutting a railroad or limited access road right-of-way may require special consideration with respect to its access requirements.

Analysis and Finding: The private road does not require special consideration regarding access requirements because it does not abut a railroad or limited access road.

(5) Guardrail is required on all bridges and for a distance of 40 feet along the approaches to all bridges. Guardrail is also required along any fill slope or natural ground slope below the road that is steeper than 1:1, over 10 feet high, and is within 10 feet horizontally of the edge of the traveled road surface. The guardrail materials must be approved as conforming to Oregon State Highway Standard Specifications.

Analysis and Finding: The applicant is not proposing any bridges.

(6) The County may require that the private road being considered be established as a dedicated way or County road and improved to the applicable standards, if it is determined by the County that the access and transportation needs of the public would be better served by such a change.

The determination made by the County will include the following:

(A) proximity of other roads being used for the same purpose,
(B) topography of the parcel and contiguous parcels,
(C) potential development as determined by the existing zoning or proposed zoning if the request involves a zone change,
(D) safety factors such as visibility, frequency or road access points.

Analysis and Finding: Based on the analyses contained in S6.160(1) & (2) on and proposed connections to the Wideman/Polo Ridge property the County can require the proposed private roads be offered for dedication as a public road.

Condition of Approval #27:
All roads in the proposed West Dunes subdivision shall be offered for dedication to the public and accepted by the Board of Commissioners prior to the recording of the final subdivision plat.

(7) All private roads that are dead-end roads shall have a cul-de-sac or other suitable turnaround.

Analysis and Finding: Standard S6.160(7) and Oregon Fire Code requires road turnarounds.

Condition of Approval #28:
Road turnarounds shall be provided in accordance with Clatsop County Road Standards and State Fire Code.

(8) A private road shall directly connect only to a public, county or state road.

Analysis and Finding: The proposed private roads within West Dunes are shown as connecting to Clatsop Estates and Polo Ridge. Standard S6.160(8) prohibits these private road connections. Refer to the analysis, findings and conditions of approval for S6.160(1) & (2).

Conclusion: Based on the analyses and conditions of approval provided above, the consolidated application will be consistent with the requirements of S6.160.

(9) The travel surface of the private road shall be constructed so as to ensure egress and ingress for the parcels served during normal climatic conditions:

(A) Twelve (12) inches of pit run base course or equivalent. The grade of rock shall be approved by the County Road Department prior to construction.

As an alternate, the depth of the base course containing 4 or 6-inch minus or jaw run may be less than 12 inches as determined on a case-by-case basis by the County Road Department.

(B) Two inches of 3/4-inch minus top course.

Analysis and Finding: The private road shall meet the construction requirements of an A-22 as required by S6.000 - Table 1. Refer to COA #26.

(10) The County shall require that a maintenance agreement be recorded in the records of Clatsop County along with any map or plat creating a private road, and include the following terms:

(A) That the agreement for maintenance shall be enforceable by a majority of persons served by the road.

(B) That the owners of land served by the road, their successors, or assigns, shall maintain the road, either equally or in accordance with a specific formula.

(11) The County shall require that an easement over the private road for ingress and egress, including the right of maintenance, be conveyed to the properties served by the road.

Analysis and Finding: Standards S6.160(10)-(11) requires an easement and road maintenance agreement that binds the owners of the land served by the road to maintain the road.

Condition of Approval #29: The applicant shall record an easement and road maintenance agreement prior to the recording of the final plat. The agreement for maintenance shall be enforceable by a majority of persons served by the road and the owners of land served by the road, their successor, or assigns shall maintain the road either equally or in accordance with a specified formula. Alternatively, the applicant may include the easement and road maintenance provision in the subdivision covenants and restrictions.

Conclusion: Based on the analyses and conditions of approval provided above, the consolidated application will be consistent with the requirements of S6.160.

S6.170. Minimum Construction Standards for Private Roads.

(1) Twelve (12) foot wide improved travel surface (see a-12 standard cross-section).

(2) Turnouts shall be required at 800 feet maximum spacing, or at distances which ensure continuous visual contact between turnouts, and constructed to the following dimensional standards: 50 feet in length and seven (7) feet in width, with 25 foot tapers on each end back from its point of connection with the County or public road.

(3) Cut and fill slope requirements, and ditch lines as detailed on the a-12 standard cross section. The grade of the ditch slopes parallel to centerline shall be no less than 1% to provide for adequate drainage. The developer shall be required to provide all erosion control measures

necessary to maintain the standard cross section and to eliminate any increase in any stream turbidity.

(4) The width of the road approach at its intersection with the County road, or other public road, shall equal 18 feet, and taper over a distance of 50 feet to the travel surface width back from its point of connection with the County or public road.

(5) The finished grade within 20 feet of the traveled portion of the roadway shall not exceed +3 percent. Elsewhere the finished grade shall not exceed 18 percent. Any finished grade in excess of 14% shall be paved.

(6) A 30 foot radius cul-de-sac, or other suitable turnaround, at the terminus of the private road or within 200 feet of its terminus.

Analysis: The standards in S6.160(1)-(6) identify the minimum private road standards. Table 1 requirements the roads to be constructed to an A-22 standard which exceeds the minimum requires of this section.

(7) All culverts, bridges and other waterway crossings serving two (2) or more parcels shall be constructed and maintained to carry American Association of State Highway and Transportation Officials (AASHTO) HS-20 loading. A typical acceptable type is 16 gauge, galvanized CMP for small cross drains and drainageway crossings. Twelve inch diameter culverts are the absolute minimum. Bridges and other large waterway crossings shall be certified by a professional registered engineer.

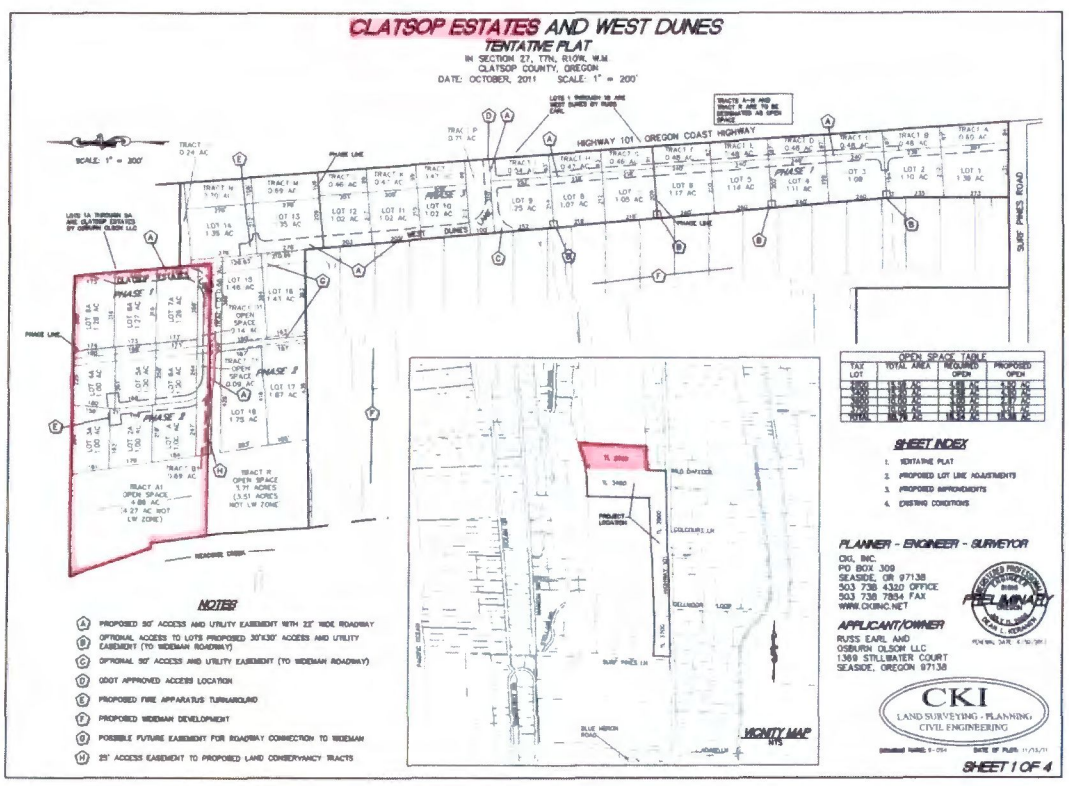
Analysis and Finding: The applicant is not proposing any bridges or culverts.

(8) All private road points of access to public roads shall include a landing area to extend 20 feet minimum beyond the shoulder of the public road on which the profile grade shall not exceed three (3) percent. A greater landing area may be required to allow for future road improvements.

Analysis and Finding: Standard S6.170(8) provides specific standards for the construction of the access point to the county road. Road approach approval is required in COA #2.

Conclusion:
Based on the analyses and conditions of approval provided above, the consolidated application will be consistent will meet or exceed the requirement of S6.170.

E. CLATSOP ESTATES SUBDIVISION



L3.220. RESIDENTIAL-AGRICULTURE-5 ZONE (RA-5)

Section 3.228. Development and Conditional Development and Use Standards.

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

(3) Lot size:

(C) One family dwelling: 5 acres.
Two family dwelling: 10 acres.

(D) Cluster development subject to the provision of Clatsop County Standards Document, S3.150-S3.161.

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

Analysis and Finding: The applicant is proposing a cluster development. The standards of S3.150 – S3.161 are addressed later in this section on page 63.

Section 3.229. 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.

Analysis and Finding: The proposed Clatsop Estates subdivision is not located directly adjacent to Highway 101

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

Analysis and Finding: The applicant is proposing a cluster subdivision which is required to contain no less than 30% open space. Based on the overall acreage (15.59) of Clatsop Estates the required open space should be no less than 4.68 acres. Sheet 1 of the preliminary plat dated February 28, 2012 identifies that 4.68 acres of open space will be provided. Staff is unable to determine the amount of open space in Tracts B1, C1, and D1 that are not encumbered by the proposed road and easement. In addition, the applicants are not proposing common open space in Tract A1 that will be held by the homeowners association. The applicant is proposing a transfer of ownership of open space tract A1 to the North Coast Land Conservancy. A transfer of ownership of this tract could potentially prohibit the tract from being *"used, maintained and enjoyed by the owners and occupants of the individual building units"* which directly conflicts with the definition of common open space contained in L1.030:

OPEN SPACE, COMMON -- A parcel of land together with any improvements that are to be used, maintained and enjoyed by the owners and occupants of the individual building units (Homeowners Association) in subdivisions with common open space, planned development or cluster development.

Jon Wickersham, Conservation Director for the North Coast Land Conservancy has submitted testimony (Exhibit 8) stating that the public would not be restricted from the property and the tract would be available for the enjoyment of the residents of the subdivision. Staff has determined that while Tract A1 will be held in private ownership the intent and purpose of common open space will still be met. **The criterion can be met through a condition of approval.**

Condition of Approval #29a:
Prior to the recording of phase 1 the applicant shall submit calculations showing the amount of open space in Tracts B1, C1 and D1 that are no encumbered by the roadway or easements.

Condition of Approval #29b:
The covenants and restrictions shall include a provision that if Tract A1 is held in private ownership the property can continue to be used and enjoyed by the residents of Clatsop Estates.

Conclusion: Based on the analysis and findings above, the Clatsop Estates subdivision meets the requirement in L3.229.

L5.200. SUBDIVISIONS, PARTITIONS AND PROPERTY LINE ADJUSTMENTS.

L5.202. Applicability.

Subdivisions -- occur when a tract of land is divided into four (4) or more lots, including the parent parcel, within a calendar year. A proposed subdivision for six (6) or less lots shall be processed by the Director under a Type II procedure. Any larger subdivision shall be processed by the Director under a Type III procedure. Section 5.220 through 5.252 of this Ordinance pertain to the processing of subdivision requests.

Analysis and Finding: The applicant is proposing 9 lots in the Clatsop Estates subdivision which requires a Type III procedure. However, the due to the Comprehensive Plan Zoning map amendments and the Text Amendment the consolidated application is being processed under a Type IV procedure.

Section 5.220. Subdivisions.

An applicant for a subdivision for six (6) or less lots shall be processed by the Director under a Type II procedure. Any larger subdivision shall be processed by a Type III procedure. A subdivision occurs when four (4) or more lots are created, including the parent parcel, within a calendar year.

(1) No one subdivision, contiguous group of subdivisions or planned development shall create greater than thirty (30) lots within the same calendar year, (January 1-December 31), in the Rural designation in the Clatsop Plains planning area; and

Analysis and Finding: The applicant is proposing 9 lots in the Clatsop Estates subdivision. The adjacent development, West Dunes, proposes 18 lots. The total of 27 lots does not exceed the limit of 30 lots per calendar year.

(2) The applicant when applying for a subdivision or planned development in the Clatsop Plains Rural designation, shall show how the request addresses the NEED issue of the Clatsop Plains Community Plan below:

"6. Clatsop County intends to encourage a majority of the County's housing needs to occur within the various cities' urban growth boundaries. Approval of subdivisions and planned developments shall relate to the needs for rural housing. Through the County's Housing Study, the County has determined the Clatsop Plains rural housing needs to be approximately 900 dwelling units for both seasonal and permanent by the year 2000."

Analysis and Finding: Section L5.220 requires the applicant to address the needs of housing in the Clatsop Plains area where the County's housing study is painfully out of date. It is reasonable to expect that if land is zoned for residential use that the need exists.

Conclusion: Based on the analyses above, the West Dunes subdivision meets the requirements in L3.228.

Section 5.226. Preliminary Plat Information.

The Preliminary Plat of the proposed subdivision shall include the following information:

(1) Proposed name of subdivision. Subdivision plat names shall be subject to the approval of the County Surveyor or, in the case where there is no County Surveyor, the County Assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers and, if used, the block numbers of the subdivision plat of the same name last filed. On or after January 1, 1992, any subdivision submitted for final approval shall not use block number or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters.

Analysis and Finding: Attachment 12 of the Application provides an email from Clatsop County Surveyor Vance Swenson approving the "Clatsop Estates" plat name.

(2) Northpoint, scale, and date of the completed drawing, approximate acreage, and boundary lines.

Analysis and Finding: All four sheets four the preliminary plat contain the information required by L5.226(2).

(3) Appropriate identification clearly stating the map is a Preliminary Plat.

Analysis and Finding: All four sheets of the preliminary plat contain the information required by L5.226(3).

(4) Location of the subdivision by section, township, range, tax lot or lots and donation land claim sufficient to define the location and boundaries of the proposed subdivision.

Analysis and Finding: All four sheets four the preliminary plat contain the information required by L5.226(4).

(5) Names, addresses and zip codes of all owners, subdividers, and engineers or surveyors responsible for laying out the subdivision.

Analysis and Finding: All four sheets four the preliminary plat contain the information required by L5.226(5).

(6) Existing locations, widths, names of both opened and unopened streets within or adjacent to the subdivision, together with easements, or rights-of-way and other important features, such as section lines, corners, city boundary lines and monuments.

Analysis and Finding: Sheet #1 of the preliminary plat contains the information required by L5.226(6).

(7) A vicinity map showing the relationship of the proposed subdivision to surrounding development, streets, and sewer and water services, within one-quarter (1/4) mile of the exterior boundaries of the proposed development.

Analysis and Finding: Sheet #3 of the preliminary plat contains the information required by L5.226(7).

(8) Location of at least one (1) temporary bench mark within the plat boundaries.

(9) Contour lines related to the temporary bench mark or other datum approved by the County Surveyor and having contour intervals together with the calculated degrees of slope as follows:
(D) For slopes not in excess of 10 percent: two-foot contours.
(E) For slopes over 10 percent: five-foot contours.

Analysis and Finding: Sheet #4 of the preliminary plat contains the location of a temporary benchmark on the east side of Highway 101. The contours on this sheet are identified in 2-foot increments.

(10) Location of significant natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees.

Analysis and Finding: Sheet #4 of the preliminary plat contains location of existing wetland areas.

(11) Location of any rare, threatened and endangered species (plant or animal) located on or within 1,000 feet of the proposed subdivision.

Analysis and Finding: Sheet #4 of the preliminary plat contains the approximate location of Silverspot Butterfly habitat.

(12) Location and direction of all water courses and/or bodies and the location of all areas subject to flooding.

Analysis and Finding: Sheet #4 of the preliminary plat contains location and identifies the direction of Neacoxie Creek. The subject property is not located in a special flood hazard area.

(13) Existing uses on the property, including location of all existing structures.

Analysis and Finding: Sheet #4 of the preliminary plat contains location of the existing dwelling and garage.

(14) Location, width, name, approximate grade, and radii of curves of all proposed streets, their relationship of such streets to any projected or existing streets adjoining the proposed subdivision. The subdivider shall submit documented preliminary approval, from the County Roadmaster, of his road design.

Analysis and Finding: The applicant has provided documentation of preliminary approval from Ron Ash, County Engineer (Attachment 18).

(15) Location, width, and purpose of proposed easements and private roads for private use, where permitted, and all reservations or restrictions relating to such easements and private roads.

Analysis and Finding: The proposed easements are identified on Sheet 1 of the preliminary plat but the applicant has not included any documents identifying any restrictions or reservations on such easements. A condition of approval will ensure consistency with this requirement.

Condition of Approval #30:
Prior the recording of the first phase of the plat the applicant shall provide documentation of any restrictions or reservations relating to easements and roads.

(16) Proposed plan for draining surface water, including the location and type of drainage ways to carry surface water from the development without adversely affecting adjacent properties. If any filling is proposed, the drainage plan must demonstrate that adequate provisions have been made for the prevention of backup or ponding of surface water on adjacent properties as well as within the proposed development.

Analysis and Finding: The applicant's findings (application page 83) propose the use of bio-swales for drainage of surface water; however, the preliminary plat does not contain identify the location of the bio-swales or any other provisions for surface water drainage. A condition of approval will ensure consistency with this requirement.

Condition of Approval #31:
Prior the recording of the first phase of the plat the applicant shall provide a storm water drainage plan to ensure that the development will not adversely affecting the subject property or adjacent properties.

(17) Location, acreage and dimensions of lots and the proposed lot numbers.

Analysis and Finding: The location, acreage, dimensions, and proposed lot numbers are identified on Sheet 1 of the preliminary plat.

(18) Site, if any, allocated for a purpose other than single family dwellings.

Analysis and Finding: All open space sites are identified on sheet 1 of the preliminary plat.

(19) Location, acreage and dimensions of areas proposed for public use.

Analysis and Finding: The applicant does not propose any areas for public use.

(20) Location, acreage and dimensions of areas proposed for common open space (30% in the Rural designation of the Clatsop Plains planning area).

Analysis and Finding: The proposed open space tracts are identified sheet 1 of the preliminary plat.

(21) Any subdivision may be platted in as many as three (3) phases. All phases must be submitted on the Preliminary Plat with proposed time limitations for the recording of the various phases. However, phasing must meet the following time limitations:

(D) Phase I - shall be recorded within twelve (12) months of preliminary approval.
(E) Phase II - shall be recorded within thirty-six (36) months of preliminary approval.
(F) Phase III - shall be recorded within sixty (60) months of preliminary approval.

The Planning staff shall review each phase prior to recording to make sure the phase, as recorded, is in accord with the preliminary approval given by the Planning Commission. Any submitted phase which does not coincide with the approval as given by the Planning Commission shall be referred to the Planning Commission for a hearing. At such hearing, the Commission shall have the authority to revoke, revise, amend or alter the prior approval. Notice shall be sent subject to Sections 6.110-6.120.

For any subdivision which has an approved phasing plan as granted by the Commission under the Preliminary Plat approval, all parts of the subdivision shall fall under control of the various Ordinances in effect at the time of preliminary approval, unless state or local law shall determine that newer or current Ordinances or laws are to be followed.

If any time limitation is exceeded, preliminary approval for the subdivision or any phase of the subdivision shall be void. The subdivider shall submit any future proposals for development of the property to the Commission for approval.

Agreement for improvements for each phase shall comply with this Ordinance prior to the Final Plat approval of such phase. If a bond is required, such bond shall be for a sum determined by the County Engineer to be sufficient to cover costs of construction for that phase.

Analysis and Finding: the applicant is proposing two (2) phases to the Clatsop Estates Subdivision. Section L5.220(21) identifies the time limits for the phased development. A condition of approval will be utilized to ensure consistency with these time limitations.

Condition of Approval #32:
Phases 1 and 2 shall be recorded within the following time limitations:
Phase I - shall be recorded within twelve (12) months of preliminary approval.
Phase II - shall be recorded within thirty-six (36) months of preliminary approval.
If any time limitation is exceeded, preliminary approval for the subdivision or any phase of the subdivision shall be void.

(22) Technical documentation shall be supplied to the Commission by the subdivider at the time of submittal of the Preliminary Plat, addressing the following items:

(A) An acceptable and approved method of sewage disposal for each proposed lot which meets the rules and regulations of the Environmental Quality Commission of the State of Oregon as administered by the Department of Environmental Quality or its contract agent.

Analysis and Finding: The applicant has provided two (2) DEQ Site Evaluations, one for each phase. Past department practice has been to allow subdivision developers to provide "sample" site evaluations to show that septic systems are viable on the property. This allows the developer some flexibility for minor lot line adjustments, if needed, to accommodate septic systems. The sample site evaluations are contained in Attachment 16 of the application.

(B) An acceptable and approved method of water supply.

Analysis and Finding: The applicant is proposing to utilize wells for domestic water supply. Correspondence form Oregon Water Resources regarding the use of wells is included in Attachment 13 of the application.

(C) The nature and type of improvements proposed for the subdivision, and a timetable for their installation.

Analysis and Finding: The applicant has not provided a timetable for proposed subdivision improvements.

(D) A description of community facilities which would serve the subdivision, and a timetable for the completion or installation of the facilities.

Analysis and Finding: The applicant is not proposing any community facilities.

(E) Where a surface or subsurface water problem may exist, as determined by the Department of Environmental Quality, County Sanitarian, or other qualified specialist, a complete report by an independent, qualified hydrologist or hydrogeologist or other qualified specialist shall be required prior to any hearing on the Preliminary Plat by the Commission. The fee for such study shall be paid by the subdivider.

Analysis and Finding: The applicant has stated in the application document that "no current surface or subsurface water problem is known to exist at this time" (application Page 87).

(F) Subdividers shall provide a list of any restrictive covenants which are to be recorded.

Analysis and Finding: Attachment 20 of the consolidated application includes a draft copy of the restrictive covenants that are to be recorded.

(G) A demonstration that lot size and use are in compliance with the applicable zone.

Analysis and Finding: Section L3.228(1)(B) of the RA-5 zoning allows lots to be development according to the Cluster Development and Density Transfer Standards. Later in this section of the staff report these standards are evaluated. (Page 63)

(23) Compliance with the Clatsop County Comprehensive Plan and Land and Water Development and Use Ordinance, and ORS 92 and 215.

Analysis and Finding: Without a traffic impact study staff is unable to determine compliance with Goals 11 and 12. The criteria in L5.220(23) has not been met.

(24) Lots not intended for sale shall be designated by alphabetic symbol which indicates the intended usage. The acreage for each dedicated lot, if any, is to be shown.

Analysis and Finding: The preliminary plat identifies the opens space tracts with alphabetic symbols.

(25) Notations indicating any limitations on rights-of-access to or from streets and lots or other parcels of land proposed by the developer or established by the Board.

Analysis and Finding: Notations indicating any limitations on rights-of-access to or from streets and lots shall be noted on the face of the final plat.

Condition of Approval #33: Notations indicating any limitations on rights-of-access to or from streets and lots shall be noted on the face of the final plat.

(26) A quotation from the Clatsop County Assessor on taxes to be paid on a proposed subdivision before final platting shall take place in accordance with ORS 92.095.

Analysis and Finding: Oregon Revised Statute 92.095 requires that all property taxes be paid prior to the recording of subdivision plat. This requirement can be met through a condition of approval.

Condition of Approval #34:
Prior to the recording of any phase of the subdivision all property taxes shall be paid.

(27) If any federal or state permit is required to carry out the preliminary plat approval, approval shall be subject to a condition requiring the subdivision to comply with any applicable federal and state laws.

Analysis and Finding: consistency with this requirement can be demonstrated through a condition of approval.

Condition of Approval #35:
Prior to final plat approval the applicant shall provide documentation of any required state or federal permits.

(28) In areas subject to the geologic hazard overlay zone, a grading plan prepared in conformance with Section 4.040.

Analysis and Finding: The subject parcels are not located in a geological hazard area.

Conclusion: Based on the analyses and proposed conditions of approval the proposed subdivision meets the applicable requirements of L5.226.

Section 5.240. Supplementary Information with Final Plat.

(1) Evidence of Title. The Commission shall require Evidence of Title accompanying the Final plat by a letter or Final plat report in the name of the subdivider. Such evidence shall indicate that the title company has issued a preliminary report for the parcel being subdivided and shall state that the Final plat and certificates have been reviewed. It shall also list exceptions, if any, that will be imposed by the County when the Final plat is recorded.

Analysis and Finding: Section L5.240(1) requires evidence of title to accompany the final plat.

Condition of Approval #36:
The applicant shall provide evidence of title to accompany the final plat.

(2) Restrictive Covenants. A copy of any Restrictive Covenant(s) is to be filed with the Final plat. On Final plats showing areas which will be jointly owned or used by the various owners in the subdivision, a covenant document will be mandatory as part of the Final plat. For other Final plats, the covenants are optional with the subdivider.

Analysis and Finding: Section L5.240(2) requires a copy of any restrictive covenants to be filed with the final plat.

Condition of Approval #37:
The applicant shall record a copy of any restrictive covenants with the final plat.

(3) Traverse Data. The subdivider shall provide traverse data on form work sheets or complete computer printouts showing the closure of the exterior boundaries of the subdivision and of each lot and each block of the subdivision.

Analysis and Finding: Section L5.240(2) requires traverse data to accompany the plat at final submission

Condition of Approval #38:
The applicant shall provide traverse data that will accompany the submission of the final plat.

(4) Improvement Plans. Improvement plans shall be submitted for various facilities that are to be constructed by the subdivider, including drainage plans, sewer plans, water plans, curb and gutter, sidewalk and street plans, and any other construction plans that may be required. These plans shall indicate design criteria, assumptions and computations for proper analysis in accordance with sound engineering practice. Where such plans are or would be the same as those included in the County's Standard Specifications, they may be submitted by reference to such Standard Specifications.

Analysis and Finding: Clatsop County requires that all improvements to be complete prior to the recording of the final plat. However, the final plat can be recorded without the completion of these improvements if the subdivider provides a performance bond. In the case of a performance bond an improvement plan shall be required at the time of the recording of the final plat.

Condition of Approval #39:
If a performance bond is presented for the completion of required subdivision improvements an improvement plan is required to accompany the submission of the final plat.

(5) Dedication of Land, Rights, Easements, and Facilities for Public Ownership, Use and Utility Purposes.

(A) All land shown on the Final Plat intended for dedication to the public for public use shall be offered for dedication at the time the plat is filed and must be expressly accepted by the Board prior to the Final Plat being accepted for recording. Land dedicated for public use, other than roads, shall be accepted by the Board by the acceptance of a deed and by no other means.

(B) All streets, pedestrian ways, drainage channels, easements and other rights-of-way shown on the Final Plat as intended for public use, shall be offered for dedication for public use at the time the Final Plat is filed.

(C) Rights of access to and from streets, lots and parcels shown on the Final Plat shall not have final approval until such time as the County Engineer is satisfied that the required street improvements are completed in accordance with applicable standards and specifications. The subdivider must petition separately to the Board for acceptance of any dedicated land, access rights or facilities. Acceptance of the Final Plat shall not be construed as approval of dedicated land rights, easements or other facilities.

Analysis and Finding: Clatsop County has determined that the entire access to Clatsop Estates from Highway 101 at MP 15.66 and Clatsop Estates Lane has the potential to serve as access to the proposed West Dunes subdivision and the conditionally approved Polo Ridge subdivision. Therefore, the roadway must be a road that is dedicated to public use. As required by L5.240(5) the roadway is required to be offered for dedication and be accepted by the Board of Commissioners prior to the recording the final plat for Phase I.

Condition of Approval #40: The proposed Clatsop Estates Lane and the private easement that serves as access to the roadway shall be offered for dedication and must be accepted by the Board of Commissioners prior to recording of Phase I.

(6) Reserve Strips. One (1) foot reserve strips shall be provided across the end of stubbed streets adjoining unsubdivided land or along streets or half streets adjoining unsubdivided land and shall be designated as a reserve strip on the plat. The reserve strip shall be included in the dedication granting to the Board the authority to control access over the reserve strip to assure the continuation or completion of the street. This reserve strip shall overlay the dedicated street right-of-way. The Board may require a reserve strip in other areas of the subdivision in order to control access.

Analysis and Finding: The proposal does not contain any stubbed street adjoining land that could further be developed.

(7) Drainage Plan. The Final Plat shall be accompanied by a drainage plan showing street grades, curbs, natural drainageways and other drainage works in sufficient detail to enable the engineer to determine the adequacy of provisions for drainage and the disposal of surface and storm waters within the subdivision and other adjoining areas. Subsequent changes to the drainage plan may be approved by separate action by the Board after receiving the recommendation by the County Engineer.

Analysis and Finding: Condition of approval #31 requires a storm water drainage plan prior to the recording of phase 1 of the subdivision.

(8) Common Open Space. Maintenance of common open space shall be subject to Section S3.180.

Analysis and Finding: A condition of approval shall ensure consistency with L5.240(8). Refer to the findings for S3.180.

Conclusion: Based on the analyses and proposed conditions of approval the proposed subdivision meets the requirements of L5.240.

Section 5.242. Agreement for Improvements.

The subdivider shall improve or agree to improve lands dedicated for streets, alleys, pedestrian ways, drainage channels, easements and other rights-of-way to County Standards as a condition preceding the acceptance and approval of the Final Plat.

Before the Commission approval is certified on the Final Plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision; or he/she shall execute and file with the Board an agreement between himself and the County specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the subdivider.

A performance bond, as provided in Section 5.244 of this Ordinance, shall be required with such agreement. Provisions for the construction of the improvements in phases and for an extension of time under specified conditions may be made upon prior agreement by, or application to, the Commission or Board.

Analysis and Finding: L5.242 requires that the road improvements to be complete prior to the recording of the final plat or the applicant shall provide a performance bond.

Condition of Approval #41:
Prior to the recording of the final plat all road improvements shall be completed or the applicant shall provide a performance bond in accordance with L5.242.

Conclusion: The proposed Clatsop Estates subdivision will meet L5.242 through a condition of approval.

Transportation Impact Review L5.352
When Required.
A Traffic Impact Study may be required to be submitted to the County with a land use application, when the following conditions apply:

A. The development application involves one or more of the following actions:
1) A change in zoning or a plan amendment designation; or

Analysis and Finding:
The consolidated application includes comprehensive plan zoning map amendments but not at the location of the proposed subdivisions and staff has determined that this criterion does not apply to the proposed subdivision. This position is consistent with earlier decisions issued by Clatsop County for similar developments in the Clatsop Plains area. For example, Ordinance 09-05 Manion Pines Subdivision (8 LOTS) including density transfers and Ordinance 10-05 Polo Ridge (30 LOTS) with density transfers. In both of these matters County Staff provided findings and determined that a Traffic Impact Study was not warranted. The criterion is not met.

2) Any proposed development or land use action that ODOT states may have operational or safety concerns along a state highway; and

Analysis and Finding:
On February 28, 2012, Matt Caswell with the Oregon Department of Transportation provided written comments (Exhibit 6) relating to operational or safety concerns along Highway 101, adjacent to the proposed subdivisions. Mr. Caswell explained that because under the rules in effect at the time of application for an approach a traffic impact study (TIS) and mitigation could not be required by ODOT. Mr. Caswell did writes that if a new access application was submitted under the current rules a TIS and possible mitigation would be required for the development of only nine (9) homes. Mr. Caswell did state in his email that while ODOT can't require mitigation the agency does have safety and operational concerns at the site of the proposed development. Mr. Caswell attached various documents, including crash history; to justify this statement. In addition a study is currently underway on Highway 101 from Camp Rilea to Surf Pines Lane. The Overview on the ODOT study website provides the following:

This ODOT planning effort will address safety and operational issues on a section of U.S. 101 from Camp Rilea to Surf Pines Lane, south of Warrenton. This 4.6 mile section of highway is mostly two lanes, has above average crash rates, and can be congested by frequent turning movements.
(http://www.us101rileatosurfpines.org/ accessed 3/6/12)

Considering Mr. Caswell's comments and the current study that is underway that the criteria in L5.352(1)(A)(2) is met.

3) The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, or crash history. The Institute of Transportation Engineers Trip Generation manual shall be used for determining vehicle trip generation:

(a) An increase in site traffic volume generation by 500 Average Daily Trips (ADT) or more (or as required by the County Engineer); or

Analysis and Finding:
Utilizing a figure ten (10) trips per day per dwelling (10 ADT) the total of projected traffic volume for both subdivisions would be 270 ADT. This figure does not meet the requirement in L5.352(A)(3)(a).

(b) An increase in ADT hour volume of a particular movement to and from the State highway by 20 percent or more; or

Analysis and Finding:
Considering that there is zero (0) volume to and from the Highway to the proposed West Dunes and Clatsop Estates subdivisions any increase in volume will exceed 20%. The criterion is met.

(c) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or

Analysis and Finding: This criterion is not applicable to the proposed residential development.

(d) The location of the access driveway does not meet minimum site distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or

Analysis and Finding:
County Engineer Ron Ash submitted comments to staff on February 29, 2012 (Exhibit 7). Mr. Ash relays safety concerns related to vehicle turning and deceleration in this area of Highway 101. The criterion is met.

(e) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

Analysis and Finding: This criterion is not applicable to the proposed residential development.

CONCLUSION: The applicant is proposing a total of 9 residential lots. But the intension is to provide access to the proposed West Dunes subdivision and the conditionally approved Polo Ridge subdivision which are directly adjacent to the subject to the subject parcels. This would create three contiguous subdivisions with a total of 58 residential lots. Considering the findings in L5.352(2), (3)(b) and (d), Staff concludes that a traffic impact study is required.

STANDARDS DOCUMENT

S3.150. Cluster Development and Density Transfer
S3.158. Residential Cluster Development Standards.

(1) The tract of land to be developed shall not be less than 4 contiguous acres in size, provided that land divided by a road shall be deemed to be contiguous.

Analysis and Finding: The total acreage of the proposed Clatsop Estates subdivision site 15.59 acres. This exceeds the minimum of 4 acres identified in S3.158(1).

(2) The development may have a density not to exceed the equivalent of the number of dwelling units allowed per acre in the zone or zones.

Analysis and Finding: The overall density of the proposed 9-lot West Dunes subdivision will not exceed the combined density of the sending sites (6 density credits) and receiving sites (3 density units).

(3) The cluster development shall not contain commercial or industrial developments.

Analysis and Finding: The proposed cluster subdivision does not contain any commercial or industrial development.

(4) The minimum percentage of common open space shall be 30% excluding roads and property under water (MHHW).

Analysis and Finding: The Open Space Table on Sheet 1 of the 2/28/12 Preliminary Plan identifies 4.68 acres of open space for the subdivision. Staff is also unable to determine the amount of the proposed open space in Tracts B1, C1, and D1 that is not encumbered by the proposed roadway or easement. Refer to the analysis, findings and condition of approval in L3.229(2).

As stated in the findings for L3.229(2) the applicant intends to transfer ownership of Tract A1 to the North Coast Land Conservancy (NCLC). The NCLC will ensure that the open space will be available to the residents of the West Dunes subdivision and will meet the intent of the definition of common open space. *Refer to Exhibit 8.* The criterion in S3.158(4) is met.

(5) Attached residences are permitted provided the density allowed per acre in the zone is not exceeded (this does not apply in the Clatsop Plains planning area).

Analysis and Finding: This standard does not apply in the Clatsop Plains planning area.

(6) The prescribed common open space may be used to buffer adjacent forest, farm, hazard areas or other resource lands such as but not limited to archeological and historical sites, water bodies, etc.

Analysis and Finding: Tract A1 is adjacent to Neacoxie Creek and will provide a buffer to the Lake and Wetland zone along the creek.

(7) Land in the same ownership or under a single development application that is divided by a road can be used in calculating the acreage that can be used in the clustering option.

Analysis and Finding: None of the subject property is divided by a road.

(8) For lands zoned primarily for rural residential uses located outside urban growth boundaries, unincorporated community boundaries, and located outside non-resource lands as defined in OAR660-004-000(5)(3), the following additional conditions must be met.

(G) The number of new dwellings units to be clustered does not exceed 10;

(H) None of the new lots or parcels created will be smaller than two acres;

(I) The development is not served by a new community sewer system or by any extension of a sewer system from within an urban growth boundary or from within an unincorporated community, unless the new service or extension is authorized consistent with OAR 660-011-0060;

(J) The overall density of the development will not exceed one dwelling for each unit of acreage specified in the base zone designations effective on October 4, 2000 as the minimum lot size for the area;

(K) Any group or cluster of two or more dwelling units will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest uses and will not significantly increase the cost of accepted farm or forest practices there; and

(L) For any open space or common area provided as part of the cluster development under this subsection (8), the owner shall submit proof of non-revocable deed restrictions recorded in the deed records. The deed restrictions shall preclude all future rights to

construct a dwelling on the lot, parcel or tract designated as open space or common area for as long as the lot, parcel or tract remains outside an urban growth boundary.

Analysis and Finding: The standards in S3.158(8) do not apply because the subject property is in an area identified in the Clatsop Plains Community Plan as "non-resource lands".

Conclusion: Based on the analyses above, the application meets the standards in S3.518.

S3.160. Additional Residential Cluster Development Standards for the Clatsop Plains Planning Area.

(1) All planned developments and subdivisions shall designate and retain areas as permanent common open space.

Analysis and Finding: The applicant is proposing permanent open space to be identified on the plat as Tracts A1-C1.

(2) The minimum percentage of common open space shall be 30% excluding roads.

Analysis and Finding: The Open Space Table on Sheet 1 of the 2/28/12 Preliminary Plan identifies 4.68 acres of open space for the subdivision. Staff is also unable to determine the amount of the proposed open space in Tracts B1, C1, and D1 that is not encumbered by the proposed roadway or easement. Refer to the analysis, findings and condition of approval in L3.229(2).

As stated in the findings for L3.229(2) the applicant intends to transfer ownership of Tract A1 to the North Coast Land Conservancy (NCLC). The NCLC will ensure that the open space will be available to the residents of the West Dunes subdivision and will meet the intent of the definition of common open space. *Refer to Exhibit 8.* The criterion in S3.160(2) is met.

(3) Permanent common open space shall include, whenever possible, steep dunes which would require substantial alterations for building, buffers along streams, water bodies, deflation plains, and farm and forest lands.

Analysis and Finding: Tract A1 is adjacent to Neacoxie Creek and will provide a buffer to the Lake and Wetland zone along the creek.

(4) Buffers (screening) shall be provided in all subdivisions and planned developments along all property lines adjacent to arterials and/or collectors.

Analysis and Finding: The subject property is not adjacent to arterials or collector streets.

(5) Permanent common open space as part of subdivisions or planned developments adjoining one another shall be interrelated and continuous whenever possible. This could mean that the common open space could continuously follow ridge tops, deflation plains or shorelands. The Clatsop County Department of Community Development shall prepare a map of potential systems of common open space to be used as a guide for developers.

Analysis and Finding: The applicant is not proposing "common" open space but privately held tracts of open space. Tract A1 is an area of open space adjacent to Neacoxie Creek. The adjacent West Dunes subdivision is proposing open space (Tract R) directly adjacent to Clatsop Estates tract A1. Refer to sheet 1 of the preliminary plat.

(6) Streams and drainages which form a system of common open space shall be preserved.

Analysis and Finding: The applicant is not proposing "common" open space but privately held tracts of open space. Tract AI is an area adjacent to Neacoxie Creek and wetlands that will be preserved as open space.

Conclusion: Based on the analyses above, the application meets the standards in S3.160.

S3.161. Density Transfer Standards for the Clatsop Plains Planning Area.

(3) Transfer of residential development rights between sites in the Clatsop Plains Planning Area is allowed as follows:

(A) The remaining parcel of the sending site shall be rezoned to ether the Open Space Parks and Recreation zone or Natural Uplands zone or Conservation Shorelands zone or Natural Shorelands zone. The applicant shall file the rezone request at the same time as the density transfer request is submitted, and

(B) Prior to final approval of a density transfer the County shall require that deed restrictions be filed in the Clatsop County Deed Records in a form approved by County Counsel, that prohibits any further development beyond that envisioned in the approved density transfer until such time as the entire area within the density transfer approval has been included within an urban growth boundary; and

Analysis and Finding: The applicant has included a comprehensive plan zoning map amendment request as part of this consolidated application. As a condition of approval the applicant shall record a deed restriction in accordance with S3.161(1)(B).

Condition of Approval #42:
The applicant shall record a deed restriction on the portion of the parcels that are to be rezoned as OPR. The deed restriction shall prohibit any further development in the density transfer are until such time as the entire area has been included in an urban growth boundary.

(C) The Community Development Director shall demarcate the approved restrictions on the official Zoning Map, and

Analysis and Finding: The Director will ensure that all recordkeeping requirements are met.

(D) No parcel of land shall be involved in more than one (1) density transfer transaction, and

Analysis and Finding: The subject property has not been involved in any density transfer transaction.

(E) Density transfer goes with the property - not the owner; and
(F) Minimum lot size shall be one (1) acre for the receiving site.

Analysis and Finding: None of the proposed lots in the Clatsop Estates subdivisions will be less than one acre in size.

(4) All sending and receiving parcels shall be recorded in the "Density Table" (S3.162) and the appropriate sections filled out completely prior to approval. At the applicant's expense, if a receiving parcel cannot be identified at the time of application for a density transfer, the applicant can choose to record the remaining credits with an affidavit, which shall be recorded by the applicant, and maintained with the County Planning Department. Staff will review the requisite comprehensive plan text and map amendments for conformity with the down zone and density transfer requirements.

Analysis and Finding: The consolidated application includes a text amendment to modify the "Density Table S3.162".

Conclusion: Based on the analyses above, the application meets the standards in S3.161.

S.3180. Maintenance of Common Open Space and Facilities.
S3.181. Maintenance of Common Open Space and Facilities.
Whenever any lands or facilities, including streets or ways, are shown on the final development plan as being held in common, the tenants be created into a non-profit corporation under the laws of the State of Oregon, and that such corporation shall adopt articles of incorporation and by- laws and adopt and impose a declaration of covenants and restrictions on such common areas and facilities to the satisfaction of the Planning Commission. Said association shall be formed and continued for the purpose of maintaining such common open spaces and facilities. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levies to maintain said areas and facilities for the purposes intended. The period of existence of such associations shall not be less than twenty (20) years, and it shall continue thereafter until a majority vote of the members shall terminate it.

Analysis and Finding: The standard in S3.181 applies because the proposed subdivision contains common open space. The requirements of S3.181 can be met through a condition of approval.

Condition of Approval #42a:
Prior to the recording of Phase 1 a non-profit corporation shall be formed under the laws of the State of Oregon, and that such corporation shall adopt articles of incorporation and by-laws and adopt and impose a declaration of covenants and restrictions on common areas and facilities. The association shall be formed and continued for the purpose of maintaining such common open spaces and facilities. The association shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levies to maintain said areas and facilities for the purposes intended. The period of existence of such associations shall not be less than twenty (20) years, and it shall continue thereafter until a majority vote of the members shall terminate it.

Chapter 5 Vehicle Access Control and Circulation.

S5.033 Access Control Standards.

(1) Traffic Impact Study Requirements. The County or other agency with access jurisdiction may require a traffic impact study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See, Section 5.350 – Traffic Impact Study.)

Analysis and Finding: After review of L5.352 and consultation with the County Engineer and ODOT staff has determined that a traffic impact study is required. Refer to the findings in L5.352.

(2) The County or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.

Analysis and Finding: The proposed access to Clatsop Estates subdivision is from Highway 101 at milepost 15.66. The Oregon Department of Transportation regulates access to and from the Highway. The applicant has not provided documentation of an approved access at this location. A condition of approval will satisfy this requirement.

Condition of Approval #43:
Prior the recording of Phase 1 the applicant shall provide documentation of an ODOT approved access, for the Clatsop Estates subdivision, at milepost 15.66 on Highway 101.

(3) Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are "options" to the developer/subdivider.

(A) Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.

(B) Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., "shared driveway"). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.

(C) Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Subsection (6) below.

(D) Access to and from off-street parking areas shall not permit backing onto a public street. Except that in limited situations where no alternative design is possible and sight distances are acceptable, parking areas having three or fewer spaces may allow for backing onto a collector or local street subject to the approval of the Public Works Director.

Analysis and Finding: On page 96 of the application the applicant identifies the applicable access option as being Option 3; however, the sheet 3 of the preliminary plat clearly shows the access to Clatsop Estates as being across private property. Therefore the applicant should identify the appropriate "option" as #2

(4) Subdivisions Fronting Onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid- block lanes).

Analysis and Finding: The proposed subdivision does not front onto an arterial street.

(5) Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-5, or CBR Zones, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the RSA- SFR, RSA-MFR, CR, SFR-1, RA-1, RA-5, or CBR Zones, a landscape buffer with trees and/or shrubs and ground cover not less than 20 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner's association, etc.).

Analysis and Finding: The proposal does not include any double frontage lots.

(6) Reverse Frontage Lots. When a lot has frontage opposite that of the adjacent lots, access shall be provided from the street with the lowest classification.

Analysis and Finding: The proposed subdivision does not contain any reverse frontage lots.

(7) Access Spacing. The access spacing standards below shall apply to newly established public street intersections, private drives, and non-traversable medians unless the Public Works Director determines that site and or road conditions make it impractical to meet the access spacing standard.

Access Spacing			
Functional Classification	Posted Speed	Minimum Spacing Between Driveways and/or Streets	Minimum Spacing Between Traffic Signals
Arterial	35 mph or less	150 feet	2800 feet
	40 mph	185 feet	
	45 mph	230 feet	
	50 mph	275 feet	
	55 mph	350 feet	
Collector	25-35 mph	100 feet	400 feet

Local Street	25 mph	Access to each lot permitted	400 feet

Analysis and Finding: The proposed roads will have a functional classification of "Local Street". Access is permitted to each lot.

(8) Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for two- family and three-family housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Section S5.033(9), below, in order to maintain the required access spacing, and minimize the number of access points.

Analysis and Finding: The applicant proposes shared and individual access to lots.

(9) Shared Driveways. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The County shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

(D) Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

(E) Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.

(F) Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

Analysis and Finding: The applicant's findings propose shared driveways "where appropriate and feasible".

Condition of Approval #43a :
Shared access easements shall be identified on the final plat.

(10) Street Connectivity and Formation of Blocks Required. In order to promote efficient vehicular and pedestrian circulation throughout the county, land divisions and large site developments, as determined by the Community Development Director, shall produce

complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

A. Block Length and Perimeter. No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street. The recommended minimum length of blocks along an arterial street is 1.800 feet. An exception to the above standard may be granted, as part of the applicable review process, when blocks are divided by one or more pathway(s); pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles; or where the site's topography or the location of adjoining streets makes it impractical to meet the standard.

Analysis and Finding: The proposed block does not exceed the 1,000 feet in length.

(D) Street Standards. Public and private streets shall also conform to Sections S6.000 – Transportation Improvements and Road Standard Specifications for Design and Construction and Section S5.040 - Pedestrian and Bicycle Access and Circulation, and applicable Americans With Disabilities Act (ADA) of 1990 design standards.

Analysis and Finding: All roads shall be built to the standards of S6.000 (refer to COA #51). Section S5.040 applies only to development in rural communities.

(E) Driveway Openings. Driveway openings or curb cuts shall be the minimum width necessary to provide the required number of vehicle travel lanes (12 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

4) Single family, two-family, and three-family uses shall have a minimum driveway width of 10 feet, and a maximum width of 24 feet.

Analysis and Finding: The applicant states that all driveway opening shall be constructed between 10 - 24 feet in width. This development will occur at the permitting stage for each dwelling.

(11) Fire Access and Parking Area Turn-Arounds. A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive, or an alternative acceptable to the local Fire District and Public Works Director. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, please refer to Section S5.102.10 - Cul-de-Sac.

Analysis and Finding: The applicants' findings state that a letter is included in the application materials (Attachment 15) that illustrates compliance with S5.033(11). However, the August 15, 2011, letter from Gearhart Fire Chief Bill Eddy does not state the proposed improvements meet the requirements set forth in Oregon Fire Code. A condition of approval will ensure compliance with S5.033(11).

Condition of Approval #44:
Prior to recording of the final plat the applicant shall provide documentation from the Gearhart RFPD that the roads within the subdivision have been improved and are consistent with State Fire Code.

(12) Vertical Clearances. Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.

Analysis and Finding: The all driveways and roadways require a vertical clearance of 13' 6". A condition of approval shall ensure compliance.

Condition of Approval #45:
All driveways, streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6 " for their entire length and width.

(13) Vision Clearance. See Section S2.012. Clear Vision Area.

Analysis and Finding: All development shall comply with S2.012 Clear Vision Area. The applicant is responsible for ensuring clear vision areas at the intersection of Clatsop Estates Lane and the proposed "alley" that wills serve lots 16 &17 of the West Dunes subdivision.

Condition of Approval #46:
A clear vision area is required at the intersection of Clatsop Estates Lane and the proposed "alley" that will serve lots 16 &17 of the West Dunes subdivision. No plantings, fences, walls, etc. shall exceed 2.5 feet in height for a minimum distance of 30-feet. This condition shall be addressed in the restrictive covenants.

(14) Construction. The following development and maintenance standards shall apply to all driveways and private streets, except that the standards do not apply to driveways serving one single-family detached dwelling:

(A) Surface Options. Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material may be used to reduce surface water runoff and protect water quality. Paving surfaces shall be subject to review and approval by the Public Works Director.

(B) Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with standards approved by the Public Works Director.

Analysis and Finding: A storm water drainage plan is required by condition of approval #31.

(C) Driveway Aprons. When driveway approaches or "aprons" are required to connect driveways to the public right-of-way, they shall be paved with concrete or asphalt surfacing.

Analysis and Finding: Later in this report staff finds that applicant shall be required to offer the subdivision roads for dedication. Therefore, all driveway aprons must be paved with concrete or asphalt surfacing.

Condition of Approval #47:
Development and construction of roadways shall be in conformance with best management practices and the standards approved by Clatsop County Public Works.

Conclusion: Based on the analyses and proposed conditions of approval the proposed subdivision meets the applicable requirements of S5.033.

S5.100. Subdivision Design Standards

S5.102. Streets.

(1) General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive development plan, the arrangement of streets in a subdivision shall either:

(C) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

(D) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

(2) Minimum right-of-way and roadway widths. The width of streets and roadways shall be adequate to fulfill County specifications as provided in Section S6.000 of this Ordinance.

Analysis and Finding: All of the roads within the proposed Clatsop Estates subdivision meet the applicable standards in S6.000 – Table I. Refer to COA #51.

(3) Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way. If necessary, special slope easements may be required.

Analysis and Finding: The County Engineer, Ron Ash, has approved the preliminary road designs. All of the proposed easements meet the 50-foot standard and slope easements are not necessary.

(4) Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the County under conditions approved by the Planning Commission.

Analysis and Finding: Reserve strips or street plugs are not proposed with this development.

(5) Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

Analysis and Finding: **There are no existing streets within the proposed subdivision.**

(6) Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision or adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

Analysis and Finding: **The proposed street, Clatsop Estates Lane, extends to the boundary of the subdivision.**

(7) Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet or tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line.

Analysis and Finding: **No of the proposed intersection angles on Clatsop Estates Lane are less than 90 degrees.**

(8) Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.

Analysis and Finding: **There are no existing streets within the proposed subdivision. All new roads will meet the standards of S6.000 – Table 1.**

(9) Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half strips.

Analysis and Finding: **The applicant is not requesting approval of any half streets.**

(10) Cul-de-sacs. a cul-de-sac shall be as short as possible and shall terminate with a turnaround.

Analysis and Finding: The applicant is not proposing any cul-de-sacs.

(11) Street names. Except for extensions of existing streets, no street shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and, if near a city, to the pattern in the city, and shall be subject to the approval of the Planning Commission.

Analysis and Finding: All new road names are issued in accordance with Clatsop County Ordinance 00-07. The applicant must apply for approval of the name "Clatsop Estates Lane". .

Condition of Approval #48:
Prior to the recording of Phase 1 the applicant shall apply for approval of the road name "Clatsop Estates Lane". Application and approval shall be in accordance with Ordinance 00-07.

(12) Grades and curves. Grades shall not exceed 6 percent on arterials, 10 percent on collector streets, 12 percent on any other street. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept steeper grades and sharper curves.

Analysis and Finding: County Engineer Ron Ash has approved the road design for Clatsop Estates Lane. This approval ensures the criterion above has been met.

(13) Streets adjacent to railroad right-of-way. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

Analysis and Finding: The proposed street is not adjacent to a railroad right-of-way.

(14) Marginal access streets. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Analysis and Finding: The proposed subdivision does not abut an arterial street.

(15) Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.

Analysis and Finding: The applicant is not proposing any alley ways.

Conclusion: Based on the analyses and proposed conditions of approval the proposed subdivision meets the applicable requirements of S5.102.

S5.104. Blocks.

(1) General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.

(2) Size. No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining street justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.

Analysis and Finding: The block containing lots 1A – 9A of the Clatsop Estates subdivision is approximately 840 feet in length.

(3) Easements.

(A) Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 12 feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six feet in width.

Analysis and Finding: The application states that domestic water will be provided by individual wells on each lot. The preliminary plat states that if water is provided by the City of Warrenton all water lines will be located with the road easements. The preliminary plat does not identify any waterline easements in the event that community wells are utilized.

Condition of Approval #49:
The final plat shall identify easements for utilities not contained the road right-of-way or existing easements.

(B) Water courses. If a subdivision is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of- way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.

Analysis and Finding: A water course does no traverse the subject property.

(C) Pedestrian ways. When desirable for public convenience, pedestrian pathways shall be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks in accordance with Section S5.040.

Analysis and Finding: The requirements of S5.040 apply to development in rural communities.

Conclusion: Based on the analyses and conditions approval the proposed subdivision meets the applicable requirements of S5.104.

S5.106. Lots.

(1) Size and shape, lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. An interior lot shall have a minimum average width of 50 feet and a corner lot a minimum average width of 60 feet. a lot shall have a minimum average of 100 feet, and the depth shall not ordinarily exceed two times the average width. These minimum standards shall apply with the following exceptions:

(B) In areas that will not be served by a public water supply or a sewer, minimum lot sizes shall conform to the requirements of the County Health Department and shall take into consideration requirements for water supply and sewage disposal, as specified in Section 34. The depth of such lots shall not ordinarily exceed two times the average width.

Analysis and Finding: The proposed lots are appropriate for the location and exceed the minimum widths identified in S5.106(1)(A). The Department of Environmental Quality regulates the distances between water supply and sewage disposal.

(2) Access. Each lot shall abut upon a street other than an alley for a width of at least 25 feet.

Analysis and Finding: Each of the proposed lots will abut a street for a minimum width of 25-feet.

(3) Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 feet wide and across, which there shall be no right of access may be required along the line of lots abutting such a traffic artery or other incompatible use.

Analysis and Finding: The applicant does not propose any through lots.

(4) Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

Analysis and Finding: All of the side lot lines in the Clatsop Estates subdivision run at right angles to the street upon which they face. Refer to sheet 1 of the preliminary plat.

Conclusion: Based on the analyses and conditions approval the proposed subdivision meets the applicable requirements of S5.106.

S5.108 General Soil Development.

Lot grading in areas subject to the geologic hazard overlay zone shall conform to the standards of Section 4.040.

Analysis and Finding: The subject property is not located in a geological hazard area.

Conclusion: Based on the analysis the proposed subdivision meets the applicable requirements of S5.108.

S5.110. Building Lines.
If special building setback lines are to be established in the subdivision, they shall be shown on the subdivision plat or included in the deed restriction.

Analysis and Finding: There are no special building setbacks within the proposed subdivision.

Conclusion: Based on the analysis the proposed subdivision meets the applicable requirements of S5.110.

S5.112. Large Lot Subdivision.
In subdividing tracts into large lots which at some future time are likely to be resubdivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building size restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

Analysis and Finding: The proposed Clatsop Estates subdivision is no a "large lot" subdivision and cannot be resubdivided.

Conclusion: Based on the analysis the proposed subdivision meets the applicable requirements of S5.112.

S5.114. Land for Public Purposes.

If the County has an interest in acquiring any portion of the proposed subdivision for a public purpose, or if the County has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed one year.

Analysis and Finding: The County has not been advised of any public agency's interest in acquiring land for public purposes.

Conclusion: Based on the analysis the proposed subdivision meets the applicable requirements of S5.114.

S5.115. Subdivision Improvements

S5.120. Improvement Requirements.

The following improvements shall be installed at the expense of the subdivider:

(1) Water supply. Lots within a subdivision shall either be served by a public domestic water supply system conforming to state or County specifications or the lot size shall be increased to provide such separation of water sources and sewage disposal facilities as the County Sanitarian considers adequate for soil and water conditions.

(2) Sewage. Lots within a subdivision either shall be served by a public sewage disposal system conforming to state or County specifications or the lot size shall be increased to provide sufficient area for a septic tank disposal system approved by the County Sanitarian as being adequate for soil and water conditions considering the nature of the water supply.

Analysis and Finding: Setbacks between septic systems and wells are regulated by the Department of Environmental Quality (DEQ).

(3) Drainage. Such grading shall be performed and drainage facilities installed conforming to County specifications as necessary to provide proper drainage within the subdivision and other affected areas in order to secure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed if necessary to protect the subdivision against flooding or other inundation.

Analysis and Finding: A storm water drainage plan is required by COA #31.

(4) Streets. Where streets are to be accepted into the County road system, the subdivider shall grade and improve streets in the subdivision and the extension of such streams to the paving line of existing streets with which such streets intersect in conformance with County specifications. Street improvements shall include related improvements such as curbs, shoulders, sidewalks and median strips to the extent these are required. All other streets shall be improved in accordance with minimum road standards as set forth in S6.000.

Analysis and Finding: Conditions of approval will ensure compliance with county road standards. Any roads that are accepted into the public road system shall be improved to standards before the applicant offers the road for dedication.

(5) Pedestrian ways. A sidewalk in conformance with the standards of Section S5.034 shall be installed in the center of pedestrian ways.

Analysis and Finding: The standards of S5.040 do not apply to development outside rural communities.

(6) Underground utilities. Underground utilities shall be required.

Analysis and Finding: Section S5.210(6) requires all utilities to be installed underground. A condition of approval will ensure compliance.

Condition of Approval #50:
All utilities shall be located underground.

Conclusion: Based on the analyses and conditions approval the proposed subdivision meets the applicable requirements of S5.120.

SECTION S6.000. TRANSPORTATION IMPROVEMENTS AND ROAD STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION.

Table 1- Right-of-Way and Improvement Standards Table

Functional Road Class	A.D.T	Design Standard Typical	Travel Width	R-O-W Width	Surface Type	Design Speed MPH	Max. % Grade	Min. Curve Radius	Street Signs
Arterial	>1000	A - 32	24	80	A.C.	45	12	750	(1)
Collector	300 – 1000	A - 28	24***	60	A.C.	40	12	500	(1)
Local	60 – 300	A - 24	22	60	A.C./Oil	35	12	350	(1)
Subdivision (10+ lots)	>60	A - 22	20(5)	50	A.C(6)	25	12	250	(1)
Subdivision (4-9 lots)	30 – 60	A - 20	20(5)	50	A.C.(6)	20	12**	150	(1)
Partition (3+) ****	<60	A - 20	20(5)	50	Gravel	20	12**	150	(1)
Partition (1-2 Lots)	<30	A – 14(4)	14(5)	25	Gravel	15	16*	50	(1)

*If unavoidable conditions exist a grade of 2% greater than that shown may be allowed with A.C. paving.
**If unavoidable conditions exist a grade of 4% greater than that shown may be allowed with A.C. paving.
***May be reduced to 22 feet as specified in AASHTO if approved by the County Engineer.
****Partition with the potential for further partition into additional lots, as allowed per Section 5.200 LWDUO.
(1) One (1) approved street sign will be provided at each intersection for each named street.
(2) All dead-end streets will be terminated with a cul-de-sac or approved turnaround. See Design Standard Typical Cul-de-sac for details.
(3) Drainage/slope easements may be required if roadway slopes extend beyond the right-of-way.
(4) **A-14 roads 400 feet in length or greater shall provide turn-outs at a maximum distance of 400 feet, or at a lesser interval that will maintain a continuous visual contact between each successive turn-out.**
(5) **Minimum unobstructed road travel lane width, per Oregon Fire Code as adopted by ORS-October 2004.**
(6) Minimum A.C. thickness is 3" nominally compacted ODOT class "C: or approved equal.

Effective Date: May 2, 2005

Analysis and Finding: Table 1 Right-of-Way Improvement Standards require the entire road, from Highway 101 to the end of Clatsop Estates Lane, to be improved to an A-22 road standard.

Condition of Approval #51:
The entire roadway, from Highway 101 to the end of Clatsop Estates Lane, shall be improved to an A-22 road standard.

Conclusion: Based on the analysis and condition of approval the application will be the road standards identified in S6.000 – Table 1.

S6.160. Private Road Minimum Requirements.
Table 2 and the following minimum requirements shall apply for any action relating to the approval of a private road:

(1) Private roads shall provide access to no more than ten (10) abutting lots or parcels. A private road may serve more than ten (10) lots or parcels when the parcels are within a planned development or subdivision and when such road is constructed to the standards for a public road, and is approved as a part of the planned development or subdivision. Under no circumstances shall a private road serve other roads or areas. Surf Pines and The Highlands at Gearhart are exempt from this requirement. These two areas are served by private roads and already exceed the 10-lot standard.

Analysis and Finding: The proposed road will serve more than ten (10) parcels, this includes the 9 Clatsop Estates lots and lots 15-18 of the West Dunes subdivision. In accordance with standards in S6.000 – Table 1 the road shall be constructed to an A-22 standard which is a public road standard. On sheet 1 of the February 28, 2012, preliminary plat the applicant identifies a 50-foot public roadway. Refer to COA #51a.

(2) Private roads shall not be approved if the road is presently needed, or is likely to be needed, for development of adjacent property, or to be utilized for public road purposes in the normal development of the area, or if the private road is intended to serve commercial, or industrial district uses. Private roads shall not be approved for commercial or industrial land divisions.

Analysis and Finding: The proposed road is likely to be used to access the conditionally approved subdivision, Polo Ridge. On February 8, 2011, the Oregon Department of Transportation issue a letter to Jason Palmberg, an applicant in the Polo Ridge subdivision, informing him that the existing approach approval at MP 16.03 valid for the 29-lot Polo Ridge Ridge subdivision. In the event that development proceeds on the Polo Ridge subdivision it is likely that proposed West Dunes Lane will be utilized for access to Polo Ridge. *Refer to the Analysis and Finding below in S6.160(6).*

(3) The minimum easement for a private road shall be 25 feet, except where the natural slope of the land within the easement (cross-slope) is greater than 21 percent, in which case the easement width shall be 50 feet. The minimum right-of-way width shall accommodate required cut and fill slopes, ditches, turnouts and cul-de-sacs.

Analysis and Finding: The proposed easement is 50-feet in accordance with the standards in Table 1. No slopes greater than 21 percent exist on the property

(4) A lot or parcel abutting a railroad or limited access road right-of-way may require special consideration with respect to its access requirements.

Analysis and Finding: The private road does not require special consideration regarding access requirements because it does not abut a railroad or limited access road.

(5) Guardrail is required on all bridges and for a distance of 40 feet along the approaches to all bridges. Guardrail is also required along any fill slope or natural ground slope below the road that is steeper than 1:1, over 10 feet high, and is within 10 feet horizontally of the edge of the traveled road surface. The guardrail materials must be approved as conforming to Oregon State Highway Standard Specifications.

Analysis and Finding: The applicant is not proposing any bridges.

(6) The County may require that the private road being considered be established as a dedicated way or County road and improved to the applicable standards, if it is determined by the County that the access and transportation needs of the public would be better served by such a change.

The determination made by the County will include the following:

(E) proximity of other roads being used for the same purpose,
(F) topography of the parcel and contiguous parcels,
(G) potential development as determined by the existing zoning or proposed zoning if the request involves a zone change,
(H) safety factors such as visibility, frequency or road access points.

Analysis and Finding: Based on the analyses contained in S6.160(1) & (2) and the proposed connections to the Wideman/Polo Ridge property the County can require the proposed private roads be offered for dedication as a public road.

Condition of Approval #51a: All roads in the proposed Clatsop Estates subdivision shall be offered for dedication and accepted by the Clatsop County Board of Commissioners prior to the recording of the first phase of the plat.

(7) All private roads that are dead-end roads shall have a cul-de-sac or other suitable turnaround.

Analysis and Finding: Standard S6.160(7) requires a turnaround.

Condition of Approval #52: Road turnarounds shall be provided in accordance with Clatsop County Road Standards and State Fire Code.

(8) A private road shall directly connect only to a public, county or state road.

Analysis and Finding: The sheet 1 of the preliminary plat shows Clatsop Estates Lane connecting to West Dunes Lane and the Polo Ridge subdivision. Standard S6.160(8) prohibits these private road connections. Refer to the analysis and finding for S6.160(1), (2) & (6).

(9) The travel surface of the private road shall be constructed so as to ensure egress and ingress for the parcels served during normal climatic conditions:

(A) Twelve (12) inches of pit run base course or equivalent. The grade of rock shall be approved by the County Road Department prior to construction.

As an alternate, the depth of the base course containing 4 or 6-inch minus or jaw run may be less than 12 inches as determined on a case-by-case basis by the County Road Department.

(B) Two inches of 3/4-inch minus top course.

Analysis and Finding: The proposed road shall meet the construction requirements of an A-22 as required by Table 1. Refer to COA #51.

(10) The County shall require that a maintenance agreement be recorded in the records of Clatsop County along with any map or plat creating a private road, and include the following terms:

(C) That the agreement for maintenance shall be enforceable by a majority of persons served by the road.

(D) That the owners of land served by the road, their successors, or assigns, shall maintain the road, either equally or in accordance with a specific formula.

(11) The County shall require that an easement over the private road for ingress and egress, including the right of maintenance, be conveyed to the properties served by the road.

Analysis and Finding: Standards S6.160(10)-(11) requires an easement and road maintenance agreement that binds the owners of the land served by the road to maintain the road.

Condition of Approval #53: The applicant shall record an easement and road maintenance agreement prior to the recording of the final plat. The agreement for maintenance shall be enforceable by a majority of persons served by the road and the owners of land served by the road, their successor, or assigns shall maintain the road either equally or in accordance with a specified formula. Alternatively, the applicant may include the easement and road maintenance provision in the subdivision covenants and restrictions.

S6.170. Minimum Construction Standards for Private Roads.

(1) Twelve (12) foot wide improved travel surface (see a-12 standard cross-section).

(2) Turnouts shall be required at 800 feet maximum spacing, or at distances which ensure continuous visual contact between turnouts, and constructed to the following dimensional standards: 50 feet in length and seven (7) feet in width, with 25 foot tapers on each end back from its point of connection with the County or public road.

(3) Cut and fill slope requirements, and ditch lines as detailed on the a-12 standard cross section. The grade of the ditch slopes parallel to centerline shall be no less than 1% to provide for adequate drainage. The developer shall be required to provide all erosion control measures necessary to maintain the standard cross section and to eliminate any increase in any stream turbidity.

(4) The width of the road approach at its intersection with the County road, or other public road, shall equal 18 feet, and taper over a distance of 50 feet to the travel surface width back from its point of connection with the County or public road.

(5) The finished grade within 20 feet of the traveled portion of the roadway shall not exceed +3 percent. Elsewhere the finished grade shall not exceed 18 percent. Any finished grade in excess of 14% shall be paved.

(6) A 30 foot radius cul-de-sac, or other suitable turnaround, at the terminus of the private road or within 200 feet of its terminus.

Analysis and Finding: The standards in S6.160(1)-(6) identify the minimum private road standards. Table 1 requirements the proposed private road to be constructed to an A-22 standard which exceeds the minimum requires of this section.

(7) All culverts, bridges and other waterway crossings serving two (2) or more parcels shall be constructed and maintained to carry American Association of State Highway and Transportation Officials (AASHTO) HS-20 loading. A typical acceptable type is 16 gauge, galvanized CMP for small cross drains and drainageway crossings. Twelve inch diameter culverts are the absolute minimum. Bridges and other large waterway crossings shall be certified by a professional registered engineer.

Analysis and Finding: The applicant is not proposing any bridges or culverts.

(8) All private road points of access to public roads shall include a landing area to extend 20 feet minimum beyond the shoulder of the public road on which the profile grade shall not exceed three (3) percent. A greater landing area may be required to allow for future road improvements.

Analysis and Finding: Standard S6.170(8) provides specific standards for the construction of the access point to the county road. Road approach approval is required in COA #2.

Conclusion:
Based on the analyses and conditions of approval provided above, the consolidated application will be consistent will meet or exceed the requirement of S6.170.

VII. PUBLIC AND AGENCY COMMENT

Exhibit 4A
Bill Eddy, Chief
Gearhart Fire Department

Summary: Chief Eddy outlines several requests to ensure adequate emergency services access to the proposed subdivisions. These requests includes: road to be built to county standards, apparatus turnarounds, hydrant system, and access. The applicant has included this letter in the application document as Attachment 15. A copy is also provided in Exhibit 4 of the staff report.

Staff Response:
Staff has addressed Chief Eddy's requirements throughout this report.

Fire Hydrants	Goal 11 requires adequate public facility and services. Staff has recommended a condition of approval to require a fire hydrant system in accordance with Oregon State Fire Code. (COA #1)
Road Standards	Staff has proposed conditions of approval #26 and 51 which require the applicant to provide documentation from the Gearhart RFPD that the roads within the subdivisions have been improved and are consistent with State Fire Code
Access	The applicants are prosing separate access roads into each subdivision.

RESPONSE TO FEBRUARY 14, 2012 - Public Testimony

Surf Pines Association (SPA)

Increased setbacks –
As presented by staff at the February 14 hearing a solution was proposed that would maintain the setbacks for the properties adjacent to the downzone/sending sites.

Access and Circulation –
Mr. Wingard, on behalf of the SPA expressed concern about approving the subdivision plat that shows a connection to Surf Pines Lane. Neither applicant is proposing using Surf Pines Lane as an access for West Dunes or Clatsop Estates. What is proposed is a possible connection to the conditionally approved Polo Ridge subdivision. The Polo Ridge subdivision was conditionally approved based on the access from Surf Pines Lane and any change to the proposed access to Polo Ridge will need to consider as a modification to the approved preliminary plat. Section L5.000 authorizes the Director to approve "minor" changes such as "lot line adjustments" to preliminary plats. The Director will need to make the determination if the change in access is a "minor" change or if this change should be considered by the Planning Commission. In addition, a condition of approval was issued in the Polo Ridge matter that requires the developer to provide documentation of legal access. If the SPA is unhappy with the possible connection between West Dunes/Clatsop Estates and Polo Ridge they can certainly deny Polo Ridge access to Surf Pines Lane. Any access to Polo Ridge through West Dunes/Clatsop Estates will most likely eliminate the need to utilize Surf Pines Lane for ingress and egress to Polo Ridge.

Mr. Wingard expressed concern that staff had not address **Goal 12** TSP policies and objectives in the staff report. Staff had taken the position that the Goal 12 TSP policies and objective were formulated to provide guidance in preparing the Land Use Ordinance and Standards which staff did address in the February 7, 2012, staff report. However, staff has prepared additional findings for the Goal 12 TSP Policies and Objectives as a function of this staff report addendum.

Water Supply –
The SPA agrees with proposed condition of approval #1 that would require the installation of a fire hydrant system but then questions staff's reliance on public comment submitted by Chief Bill Eddy of the Gearhart RFPD as the sole basis for condition of approval #1. Staff relies heavily on the expertise of local professionals such as Chief Eddy when evaluating the adequacy of public facilities and services required by Goal 11.

The applicants have submitted the consolidated application identifying the water source as shared wells but have left open the option of using public water to be provided by the City of Warrenton.

Cluster Development Standards – open space
In the attached memo staff has addressed the issue of "common" open space. In the February 7, 2012, report staff took the position that the intent of common open space was met even through private ownership of individual open space tracts. After considering concerns raised by some Planning Commissioners and testimony submitted by the SPA staff has included revised findings in this staff report addendum. In addition, the applicant has submitted a revised plat showing larger, contiguous tracts of common open space.

Miles Sweeney
Mr. Sweeney provided written and oral testimony regarding the concerns about an increase in the side yard setback. Staff presented a solution at the February 14th hearing and we believe that this matter is resolved.

Jim Scheller
Mr. Scheller expressed concerns regarding safety on Highway 101 and a desire to have a network of trails incorporated into the open space of both subdivisions. In the addendum staff has addressed the transportation safety issues. Pedestrian and bicycle facilities area not an approval criteria for development outside of rural communities in Clatsop County.

***

VIII. CONCLUSION, CONDITIONS OF APPROVAL & RECOMMENDATION:

Conclusion:

Staff has evaluated the application materials against the appropriate criteria contained in the Clatsop County Comprehensive Plan, the Land and Water Development and Use Ordinance, and the Standards Document. The consolidated application is inconsistent with LWDUO Section L5.350.

CONDITIONS OF APPROVAL

Condition of Approval #1: West Dunes and Clatsop Estates Subdivisions

Condition of Approval # 1:
Prior to the recording of the final plat a fire hydrant system shall be installed in accordance with State Fire Code. The location of all hydrants shall be approved by the Gearhart RFPD.

Conditions of Approval 1-29: West Dunes Subdivision

Condition of Approval #2:
The roadway that serves as access for lots 2-9 shall not be constructed in open space tracts A and B. Prior to the recording of Phase 1 the applicant shall provide a survey that shows the exact location of the roadway.

Condition of Approval #2a: The covenants and restrictions shall include a provision that if Tract H is held in private ownership the property can continue to be used and enjoyed by the residents of West Dunes.

Condition of Approval # 3:
Prior the recording of the first phase of the subdivision plat the applicant shall provide documentation of any restriction or reservations relating to easements and private roads.

Condition of Approval # 4:
Prior the recording of the first phase of the plat the applicant shall provide a storm water drainage plan to ensure that the development will not adversely affecting the subject property or adjacent properties.

Condition of Approval #5:
Phases 1 through 3 shall be recorded within the following time limitations:

Phase I - shall be recorded within twelve (12) months of preliminary approval.
Phase II - shall be recorded within thirty-six (36) months of preliminary approval.
Phase III - shall be recorded within sixty (60) months of preliminary approval.

If any time limitation is exceeded, preliminary approval for the subdivision or any phase of the subdivision shall be void.

Condition of Approval #6:
Any limitations on rights-of-access to or from streets and lots shall be noted on the face of the final plat.

Condition of Approval #7:
Prior to the recording of any phase of the subdivision all property taxes shall be paid.

Condition of Approval #8:
Prior to final plat approval the applicant shall provide documentation of any required state or federal permits.

Condition of Approval #9:
The applicant shall provide evidence of title to accompany the final plat.

Condition of Approval #10:
Any restrictive covenants shall be recorded with the final subdivision plat.

Condition of Approval #11:
The applicant shall provide traverse data that will accompany the submission of the final plat.

Condition of Approval #12:
If a performance bond is presented for the completion of required subdivision improvements an improvement plan is required to accompany the submission of the final plat.

Condition of Approval #13:
If any portion of any road in the West Dunes subdivision has the potential to provide access for the proposed Clatsop Estates subdivision or the conditionally approved Polo Ridge Subdivision, these roads shall be offered for dedication and must be accepted by the Board of Commissioners prior to acceptance of the final subdivision plat.

Condition of Approval #14:
The final plat shall be accompanied by a drainage plan showing streets, natural drainage ways and other drainage works to sufficiently show the adequacy of provisions for drainage.

Condition of Approval #15:
Prior to the recording of the final plat all road improvements shall be completed or the applicant shall provide a performance bond in accordance with L5.242.

Condition of Approval #16:
The applicant shall record a deed restriction on the portion of the parcels that are to be rezoned as OPR. The deed restriction shall prohibit any further development in the density transfer are until such time as the entire area has been included in an urban growth boundary.

Condition of Approval #16a:
Prior to the recording of Phase 1 a non-profit corporation shall be formed under the laws of the State of Oregon, and that such corporation shall adopt articles of incorporation and by-laws and adopt and impose a declaration of covenants and restrictions on common areas and facilities. The association shall be formed and continued for the purpose of maintaining such common open spaces and facilities. The association shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levies to maintain said areas and facilities for the purposes intended. The period of existence of such associations shall not be less than twenty (20) years, and it shall continue thereafter until a majority vote of the members shall terminate it.

Condition of Approval #17:
Removal of this "optional access" reference and a notation on the final plat limiting the right of access for lots 2-9 to the unnamed road within the West Dunes subdivision. This condition shall also be addressed in the restrictive covenants.

Condition of Approval #18:
Shared access easements shall be identified on the face of the final plat.

Condition of Approval #19:
Prior to recording of the final plat the applicant shall provide documentation from the Gearhart RFPD that the roads within the subdivision have been improved and are consistent with State Fire Code.

Condition of Approval #20:
All driveways, streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6 " for their entire length and width.

Condition of Approval #21:
A clear vision area is required at the intersection of Highway 101 and West Dunes Lane and at all intersections within the subdivision. No plantings, fences, walls, etc. shall exceed 2.5 feet in height for a minimum distance of 30-feet. This condition shall be addressed in the restrictive covenants.

Condition of Approval #22:
Driveway aprons shall be paved with concrete or asphalt surfacing.

Condition of Approval #23:
Prior to the recording of the final plat the applicant shall apply for approval of the road name "West Dunes Lane" and for the unnamed road. Application and approval shall be in accordance with Ordinance 00-07.

Condition of Approval #24:
The final plat shall identify easements for utilities not contained the road right-of-way or existing easements.

Condition of Approval #25:
All utilities shall be located underground.

Condition of Approval #26:
All roads within the West Dunes subdivision shall be constructed to an A-22 road standard.

Condition of Approval #27:
The following road shall be offered for dedication to the public and accepted by the Board of Commissioners prior to the recording of Phase 1: West Dunes Lane from Highway 101 to the eastern boundary of T7N-R10W-Sec27-TL3500; a distance of approximately 311-feet.

Condition of Approval #27a:
The following roads shall be offered for dedication to the public and accepted by the Board of Commissioners prior to the recording of Phase 2: The two unnamed easements identified by Note "G" on the February 28, 2012, preliminary plat.

Condition of Approval #28:
Road turnarounds shall be provided in accordance with Clatsop County Road Standards and State Fire Code.

Condition of Approval #29: The applicant shall record an easement and road maintenance agreement prior to the recording of the final plat. The agreement for maintenance shall be enforceable by a majority of persons served by the road and the owners of land served by the road, their successor, or assigns shall maintain the road either equally or in accordance with a specified formula. Alternatively, the applicant may include the easement and road maintenance provision in the subdivision covenants and restrictions.

Conditions of Approval 29a-53: Clatsop Estates Subdivision

Condition of Approval #29a:
Prior to the recording of phase 1 the applicant shall submit calculations showing the amount of open space in Tracts B1, C1 and D1 that are no encumbered by the roadway or easements.

Condition of Approval #29b: The covenants and restrictions shall include a provision that if Tract A1 is held in private ownership the property can continue to be used and enjoyed by the residents of Clatsop Estates.

Condition of Approval #30:
Prior the recording of the first phase of the plat the applicant shall provide documentation of any restrictions or reservations relating to easements and roads.

Condition of Approval #31:
Prior the recording of the first phase of the plat the applicant shall provide a storm water drainage plan to ensure that the development will not adversely affecting the subject property or adjacent properties.

Condition of Approval #32:
Phases 1 and 2 shall be recorded within the following time limitations:

Phase I - shall be recorded within twelve (12) months of preliminary approval.
Phase II - shall be recorded within thirty-six (36) months of preliminary approval.

If any time limitation is exceeded, preliminary approval for the subdivision or any phase of the subdivision shall be void.

Condition of Approval #33: Notations indicating any limitations on rights-of-access to or from streets and lots shall be noted on the face of the final plat.

Condition of Approval #34:
Prior to the recording of any phase of the subdivision all property taxes shall be paid.

Condition of Approval #35:
Prior to final plat approval the applicant shall provide documentation of any required state or federal permits.

Condition of Approval #36:
The applicant shall provide evidence of title to accompany the final plat.

Condition of Approval #37:
The applicant shall record a copy of any restrictive covenants with the final plat.

Condition of Approval #38:
The applicant shall provide traverse data that will accompany the submission of the final plat.

Condition of Approval #39:
If a performance bond is presented for the completion of required subdivision improvements an improvement plan is required to accompany the submission of the final plat.

Condition of Approval #40: The proposed Clatsop Estates Lane and the private easement that serves as access to the roadway shall be offered for dedication and must be accepted by the Board of Commissioners prior to recording of Phase I.

Condition of Approval #41:

Prior to the recording of the final plat all road improvements shall be completed or the applicant shall provide a performance bond in accordance with LS.242.

Condition of Approval #42:
The applicant shall record a deed restriction on the portion of the parcels that are to be rezoned as OPR. The deed restriction shall prohibit any further development in the density transfer are until such time as the entire area has been included in an urban growth boundary.

Condition of Approval #42a:
Prior to the recording of Phase 1 a non-profit corporation shall be formed under the laws of the State of Oregon, and that such corporation shall adopt articles of incorporation and by-laws and adopt and impose a declaration of covenants and restrictions on common areas and facilities. The association shall be formed and continued for the purpose of maintaining such common open spaces and facilities. The association shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levies to maintain said areas and facilities for the purposes intended. The period of existence of such associations shall not be less than twenty (20) years, and it shall continue thereafter until a majority vote of the members shall terminate it.

Condition of Approval #43:
Prior the recording of Phase 1 the applicant shall provide documentation of an ODOT approved access, for the Clatsop Estates subdivision, at milepost 15.66 on Highway 101.

Condition of Approval #43a :
Shared access easements shall be identified on the final plat.

Condition of Approval #44:
Prior to recording of the final plat the applicant shall provide documentation from the Gearhart RFPD that the roads within the subdivision have been improved and are consistent with State Fire Code.

Condition of Approval #45:
All driveways, streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6 " for their entire length and width.

Condition of Approval #46:
A clear vision area is required at the intersection of Clatsop Estates Lane and the proposed "alley" that will serve lots 16 &17 of the West Dunes subdivision. No plantings, fences, walls, etc. shall exceed 2.5 feet in height for a minimum distance of 30-feet. This condition shall be addressed in the restrictive covenants.

Condition of Approval #47:
Development and construction of roadways shall be in conformance with best management practices and the standards approved by Clatsop County Public Works.

Condition of Approval #48:
Prior to the recording of Phase 1 the applicant shall apply for approval of the road name "Clatsop Estates Lane". Application and approval shall be in accordance with Ordinance 00-07.

Condition of Approval #49:
The final plat shall identify easements for utilities not contained the road right-of-way or existing easements.

Condition of Approval #50:

All utilities shall be located underground.

Condition of Approval #51:
The entire roadway, from Highway 101 to the end of Clatsop Estates Lane, shall be improved to an A-22 road standard.

Condition of Approval #51a: All roads in the proposed Clatsop Estates subdivision shall be offered for dedication and accepted by the Clatsop County Board of Commissioners prior to the recording of the first phase of the plat.

Condition of Approval #52: Road turnarounds shall be provided in accordance with Clatsop County Road Standards and State Fire Code.

Condition of Approval #53: The applicant shall record an easement and road maintenance agreement prior to the recording of the final plat. The agreement for maintenance shall be enforceable by a majority of persons served by the road and the owners of land served by the road, their successor, or assigns shall maintain the road either equally or in accordance with a specified formula. Alternatively, the applicant may include the easement and road maintenance provision in the subdivision covenants and restrictions.

***

Recommendation:
Staff recommends that the Planning Commission adopt the findings of fact contained in the staff report and recommend DENIAL to the Clatsop County Board of Commissioners.

Respectfully Submitted,

Jennifer Bunch, Planner
Transportation & Development Services

EXHIBIT 1

CONSOLIDATED APPLICATION MATERIALS

Frog Consulting LLC

CLATSOP ESTATES AND WEST DUNES

Density Transfer

Property Line Adjustment

Text Amendment

Zone Change

Subdivision Criteria

SUBMITTED TO:

CLATSOP COUNTY

SUBMITTED BY:

MICHAEL WESTON, CEO & CO-FOUNDER, CRYSTAL WESTON, PRINCIPAL AND CO-FOUNDER

PREPARED FOR:

RYAN OSBURN, COREY OLSON, RUSS EARL, THE NORTH COAST LAND CONSERVANCY, & THE UNITED STATES OF AMERICA

TABLE OF CONTENTS

TABLE OF CONTENTS I

EXHIBIT A – EXECUTIVE SUMMARY 1

INTRODUCTION 1
BACKGROUND 1
SATISFACTION OF CRITERION 3
CONCLUSION 6

EXHIBIT B – PROPERTY LINE ADJUSTMENT 7

APPLICATIONS 7

EXHIBIT C – DENSITY TRANSFER 13

SUMMARY OF APPLICABLE APPROVAL CRITERIA 13
LAND AND WATER DEVELOPMENT AND USE ORDINANCE 13
STANDARDS DOCUMENT 14
DENSITY TABLE 16

EXHIBIT D – TEXT AMENDMENT 17

APPLICATION 17
SUMMARY OF APPLICABLE APPROVAL CRITERIA 20
LAND AND WATER DEVELOPMENT AND USE ORDINANCE 20
STANDARDS DOCUMENT 21

EXHIBIT E – ZONE CHANGE 22

APPLICATION 22
SUMMARY OF APPLICABLE APPROVAL CRITERIA 25
LAND AND WATER DEVELOPMENT AND USE ORDINANCE 25

EXHIBIT F – SUBDIVISION CRITERIA FOR CLATSOP ESTATES 65

APPLICATION 65
SUMMARY OF APPLICABLE APPROVAL CRITERIA 79
CLATSOP COUNTY'S COMPREHENSIVE PLAN 79
LAND AND WATER DEVELOPMENT AND USE ORDINANCE 79
STANDARDS DOCUMENT 89

EXHIBIT G – SUBDIVISION CRITERIA FOR WEST DUNES 115

APPLICATION 115
SUMMARY OF APPLICABLE APPROVAL CRITERIA 129
CLATSOP COUNTY'S COMPREHENSIVE PLAN 129

LAND AND WATER DEVELOPMENT AND USE ORDINANCE 129
STANDARDS DOCUMENT 139

ATTACHMENTS 165

ATTACHMENT 1: PROPOSE DENSITY CREDIT SENDING SITE: 710160000500 166
ATTACHMENT 2: PROPOSED DENSITY CREDIT SENDING SITE: 710160002800 167
ATTACHMENT 3: PROPOSED DENSITY CREDIT SENDING SITE: 61003A000200 168
ATTACHMENT 4: SENDING SITE 710160000500 WITH ESTIMATED ACREAGE 169
ATTACHMENT 5: SENDING SITE 710160002800 WITH ESTIMATED ACREAGE 171
ATTACHMENT 6: SENDING SITE 61003A000200 WITH ESTIMATED ACREAGE 172
ATTACHMENT 7: PROPOSED PROPERTY LINE ADJUSTMENTS 173
ATTACHMENT 8: CLATSOP ESTATES AND WEST DUNES PRELIMINARY PLAT 174
ATTACHMENT 9: PROPOSED IMPROVEMENTS MAP 175
ATTACHMENT 10: EXISTING CONDITIONS AND CONTOUR MAP 176
ATTACHMENT 11: SOILS MAP 177
ATTACHMENT 12: CLATSOP COUNTY SURVEYOR PLAT NAMES RESERVATION 178
ATTACHMENT 13: LETTER FROM WATER RESOURCES DIVISION FOR CLATSOP ESTATES AND WEST DUNES 179
ATTACHMENT 14: LETTER FROM SEASIDE SCHOOL DISTRICT STATING AVAILABILITY FOR ADDITIONAL STUDENTS FOR CLATSOP ESTATES AND WEST DUNES 180
ATTACHMENT 15: LETTER FROM THE LOCAL RURAL FIRE PROTECTION DISTRICT FOR CLATSOP ESTATES AND WEST DUNES 181
ATTACHMENT 16: DEQ SITE EVALUATIONS FOR CLATSOP ESTATES AND WEST DUNES 186
ATTACHMENT 17: ODOT LETTER REGARDING ACCESS FOR CLATSOP ESTATES AND WEST DUNES 187
ATTACHMENT 18: LETTER FROM COUNTY ROAD MASTER INDICATING ROAD DESIGN APPROVAL FOR CLATSOP ESTATES AND WEST DUNES 188
ATTACHMENT 19: COVENANTS, CONDITIONS AND RESTRICTIONS FOR CLATSOP ESTATES 189
ATTACHMENT 20: COVENANTS, CONDITIONS AND RESTRICTIONS FOR WEST DUNES 190
ATTACHMENT 21: LETTER FROM US DEPARTMENT OF THE INTERIOR 191
ATTACHMENT 22: GOAL 14 HOUSING NEEDS 193

EXHIBIT A – EXECUTIVE SUMMARY

INTRODUCTION

The agent, Frog Consulting on behalf of the owners, applicants, and interested parties, are pleased to present our consolidated application for West Dunes and Clatsop Estates.

This application is a five-tier application involving the following components:

Exhibit B – Property line adjustments as follows:

Adjustment 1:	3700 (5.01 ac. to 10 ac.[i]) & 3600 (15.51 ac. to 10.52 ac.)
Adjustment 2:	3600 (10.52 ac. to 10 ac.) & 3400 (18.10 ac. to 18.62 ac.)
Adjustment 3:	3400 (18.62 ac. to 15.20 ac.) & 2900 (12.17 ac. to 15.59 ac.)

Exhibit C – A density transfer - 13 dc[ii] from three parcels.

Exhibit D – A text amendment to Standards Document S3.162 "Density Table"

Exhibit E – Consolidated zone change application

- 35 Acres of Residential Agriculture-5 (RA5) to Open Space Parks and Recreation (OPR) on 710160000500
- 4.5 Acres RA1 to OPR on 71016AB02800
- 8 Acres RA1 to OPR on 61003A000200

Exhibit F – Clatsop Estates Subdivision (2 Phase - 9 Lot Cluster Subdivision)

Exhibit G – West Dunes Subdivision (3 Phase – 18 Lot Subdivision)

BACKGROUND

The applicants are proposing to consolidate and move density from a number of parcels to the "receiving sites" owned by Ryan Osburn, Corey Olson & Russ Earl and identified as T7N, R10W, Section 22C, Tax Lot 02900; T7N, R10W, Section 27, Tax Lots 3400, 3600, & 3700.

TAX LOT 2900: CLATSOP ESTATES

Tax lot 2900 is the subject property for the Clatsop Estates Subdivision (Exhibit F). The parcel is owned by Osburn-Olson LLC and will receive 6 density credits from two different sites. The parcel will receive 3 dc from tax lot 500, owned by the United States of America (USA) & represented by North Coast Land Conservancy (NCLC) and 3 dc from tax lot 200 owned by William Fackerell. The 6 dc in addition to the 15 acres of RA5 and .58 acres of L&W that will constitute the subject property after the property line adjustment will enable the applicant to develop 9 lots on the parcel.

Clustering requirements require the owner to identify 30% of the entire development site as "permanent common open space." Thirty percent of the final acreage for this parcel (15.59 ac.) is 4.68 acres. Total permanent common open space identified on the preliminary plat for the Clatsop Estates Subdivision totals 4.50 with a total of 4.68 acres required. We are proposing to use the excess open space from the West Dunes Subdivision to fulfill this requirement (for the remaining .18 acres required).

---

[i] Numbers highlighted in blue are the final acreages for the projected parcels.

[ii] dc = density credits as illustrated in Exhibit D – Text Amendment, Table 4: Density Table

TAX LOT 3400: WEST DUNES

Tax lot 3400 is the subject property for phase one of the West Dunes Subdivision (Exhibit G – Subdivision Criteria for West Dunes). The parcel is owned by the Russ Earl Trust and was the subject of a previous density transfer transaction that resulted in the placement of 3 dc. The 3 dc in addition to the 15 acres of RA5 that will remain on the parcel after the property line adjustments will enable the applicant to develop a total of 6 lots on the parcel.

Clustering requirements require the owner to identify 30% of the entire development site as "permanent common open space." Thirty percent of the final acreage for this parcel (15.20 ac.) is 4.56 acres.

TAX LOT 3700: WEST DUNES

Tax lot 3700 is the subject property for phase two of the West Dunes Subdivision. The parcel is owned by the Russ Earl Trust and will receive 4 dc from tax lot 500, and 1 dc from tax lot 2800. Tax lots 500 and 2800 are owned by the USA and represented by NCLC. The 5 dc in addition to the 10 acres of RA5 that will remain on the parcel after the property line adjustments will enable the applicant to develop a total of 7 lots on the parcel.

As mentioned previously 30% of the entire development will need to be identified as "permanent common open space." Thirty percent of the final acreage for this parcel (10 ac.) is 3.00 acres.

TAX LOT 3600: WEST DUNES

Tax lot 3600 is the subject property for phase three of the West Dunes Subdivision. The Parcel is owned by the Russ Earl Trust and will tentatively receive 4 dc from 3 different sites. The parcel will receive 1 dc from tax lot 2800, owned by the USA & represented by NCLC, 1 dc from tax lot 200 owned by William Fackerell, and 2 dc from Gloria Edler. A contingency is proposed regarding the placement of the Edler credits.

Should the Edler project fail to be completed and my client is unable to acquire the 2 credits necessary to complete phase three of this development, then the remaining credit from NCLC/USA will be retained & recorded with an affidavit and the dc placed on the Density Table per section S3.161 (2). In addition tax lot 3600 will be withdrawn from all sections of this application save the property line adjustment portion or Exhibit A.

Should my client acquire the 2 credits from the Edler project then the parcel will remain as phase three of the West Dunes Subdivision. The 4 dc in addition to the 10 acres of RA5 that will remain on the parcel after the property line adjustments will enable the applicant to develop a total of 6 lots on the parcel. As mentioned previously 30% of the entire development will need to be identified as "permanent common open space." Thirty percent of the final acreage for this parcel (10 ac.) is 3.00 acres.

Total permanent common open space identified on the preliminary plat for the West Dunes Subdivision totals 10.74 acres with a total of 10.56 acres required.

All identified areas within the sending sites (shown in Attachment 1, Attachment 2, Attachment 3, Attachment 4, Attachment 5, Attachment 6 and Attachment 7), will be rezoned to Open Space Parks and Recreation. The following table summarizes the density from the sending sites and the destination for each dc.

TABLE 1: DENSITY TABLE SENDING SITES

Map & tax Number	Total Acreage Sending Site	RA1/RA5 Acreage	Acreage Rezoned to OPR	Acreage Remaining RA5/RA1	Density Credits Transferred	Receiving Site
710160000500	100	40 (RA5)	35	5	7	71022C002900 (3); 710270003700 (4)
710160002800	4.5	4.5 (RA1)	4.5	0	2	710270003700 (1); Tent: 710270003600 (1)
61003A000200	29.71	13+ (RA1)	8	5	4	71022C002900 (3); Tent: 710270003600 (1)
6103A0001000	10.30	8.2 (RA1)	8.2	0	4 / 2 tent	Tent: 710270003600 (2) Unknown (2)[iii]
TOTAL	144.51	52.7	55.7	10	15 / (2 tent).	

SATISFACTION OF CRITERION

In order to satisfy the Zone Change requirements listed in Section 5.412 of the County's Land Use Ordinance, this application provides findings demonstrating consistency with the 18 applicable Statewide Planning Goals, the County's Comprehensive Plan, the County's Land Water Development and Use Ordinance (LWDUO), and the County's Standards Documents (SD). These provisions and criteria are thoroughly addressed in the proposed findings attached as Exhibit E. The findings demonstrate how the proposal is consistent with those criteria and policies identified throughout the aforementioned documents.

Clatsop Estates Subdivision is a 9-lot cluster subdivision, on 15.59 acres. West Dunes Subdivision is an 18-lot cluster subdivision on 35.20 acres. This proposal uses the provisions in the SD S3.150-S3.162 to phase in 15 (2 tentative) density credits from the sending sites identified above and create parcels in accordance with the provisions of the Clatsop County Comprehensive Plan and Land Use Ordinance.

[iii] The applicant, Mr. Earl, is negotiating for the acquisition of two density credits from Ms. Edler who owns tax lot 1000. Ms. Edler will also be submitting an application for a down zone and a text amendment in the near future.

The findings in the attached exhibits provide accurate analysis and findings of consistency with the provisions for approval. Areas of analysis that have not been satisfied prior to permitting shall be satisfied as conditions of approval and implemented during the appropriate phase of development.

TABLE 2: SUMMARY OF APPLICABLE CRITERION

Criterion	Summary Finding	Exhibit	Page/s
Property Line Adjustment			
LWDUO Section 3.224 (16)	Conditionally Satisfied	B	7
Density Transfer & Text Amendment			
LWDUO Section 3.164	Satisfied	C	13
SD Section 3.161(1a)	Satisfied w/ Zone Change	C	14
SD Section 3.161 (1b)	Consistent	C	14
SD Section 3.161 (1c)	Consistent	C	14
SD Section 3.161 (1d)	Consistent	C	15
SD Section 3.161 (1e)	Consistent	C	15
SD Section 3.161 (1f)	Consistent	C	16
SD Section 3.161 (2)	Consistent w/ Amendment	C & D	16
SD Section 3.162	See Proposed Table	C	16
Zone Change			
LWDUO 5.412 #1 Consistency with Comp Plan	Satisfied	E	25
Goal 1 Element - Citizen Involvement	Consistent	E	26
Goal 2 Element - Land Use Planning	Consistent	E	27
Goal 3 Element -Agricultural Lands	Consistent	E	27
Goal 4 Element - Forest Lands	Consistent	E	28
Goal 5 Element - Open Space, Scenic, Historic, & Natural Resources	Consistent	E	28
Goal 6 Element - Air, Water, and Land Quality	Consistent	E	31
Goal 7 Element - Natural Hazards	Consistent	E	32
Goal 8 Element - Recreation	Consistent	E	33
Goal 9 Element - Economy	Consistent	E	33
Goal 10 Element - Housing	Consistent	E	33
Goal 11 Element - Public Facilities	Consistent	E	35
Goal 12 Element - Transportation	Consistent	E	35

Goal 13 Element - Energy Conservation	Consistent	E	40
Goal 14 Element - Urbanization	Consistent	E	42
Goal 16 Element - Estuarine Resources	Consistent	E	42
Goal 17 Element - Coastal Shorelands	Consistent	E	42
Goal 18 Element - Beaches and Dunes	Consistent w/ Application for Cluster Subdivision	E	42
Clatsop Plains Community Plan	Consistent w/ Appropriate Conditions	E	44
LWDUO 5.412 #2 Consistency with Statewide Planning Goals	Satisfied	E	61
LWDUO 5.412 #3 Provisions for adequate Public Facilities and Services	Satisfied	E	61
LWDUO 5.412 #4 Adequate and Safe Transportation	Consistent w/ Appropriate Conditions	E	62
LWDUO 5.412 #5 Compatibility with the Character of the Area and Zoning Pattern	Consistent	E	63
LWDUO 5.412 #6 Suitability of the Property for the Use	Consistent	E	63
LWDUO 5.412 #7 Appropriate Use of Land	Consistent	E	63
LWDUO 5.412 #8 Health, Safety and General Welfare	Consistent	E	64
Subdivision			
LWDUO 5.226 - Preliminary Plat	Consistent w/ Appropriate Conditions	F / G	79 / 129
LWDUO 5.228 - Applicable Criteria	Consistent w/ Appropriate Conditions	F / G	89 / 139
SD S3.152 - Cluster Development Procedures	Consistent	F / G	90 / 140
SD S3.158 - Residential Cluster Standards	Consistent	F / G	91 / 141
SD S3.160 - Development Standards for Clatsop Plains	Consistent w/ Appropriate Conditions	F / G	94 / 143
SD S5.033 Access Control Standards	Consistent w/ Appropriate Conditions[iv]	F / G	95 / 145
SD S5.102 Streets	Consistent as Proposed	F / G	100 / 150
SD S5.104 Blocks	See Footnote #3	F / G	101 / 151
SD S5.106 Lots	Consistent	F / G	102 / 152
SD S5.108 General Soil Development	Consistent	F / G	103 / 153

[iv] Criteria 10A on Page F10 and SD S5.104 allows the hearing body to grant an exception to block length for a finding of consistency.

SD S5.110 Building Lines	Consistent	F / G	103 / 153
SD S5.112 Large Lot Subdivision	Not Applicable	F / G	103 / 153
SD S5.114 Land for Public Purposes	Consistent	F / G	103 / 153
SD S5.116 Improvement Procedures	Consistent	F / G	104 / 154
SD S5.118 Specifications for Improvements	Consistent	F / G	104 / 154
SD S5.120 Improvement Requirements	Consistent	F / G	105 / 155
SD S6.005 General Road Access Policies	Consistent	F / G	105 / 155
SD S6.010 Improvement Plans	Consistent	F / G	108 / 158
SD S6.050 Table 1 Public / Private Road Standards	Consistent as Proposed	F / G	109 / 159
A conclusion of "Consistency" can be achieved by applying appropriate conditions to ensure compliance with the relevant policies and criteria.			

CONCLUSION

As illustrated in Table 2: Summary of Applicable Criterion, and detailed in the identified exhibit (column 3), the hearing body can adopt a summary finding of consistency with the provisions and criteria, and conditionally approve the request based on the analysis presented by the applicants and illustrated throughout this report.

Thank you in advance for your help and cooperation in reviewing this land use matter.

Respectfully,

Michael J Weston II, CEO & Co-Founder Date **Crystal S. Weston, Principal & Co-Founder** Date

EXHIBIT B – PROPERTY LINE ADJUSTMENT

See Attachment 7 for the maps illustrating these changes.

APPLICATIONS

CLATSOP COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT

No. _____
Fee: $70.00

800 Exchange Street, Suite 100 * Astoria, Oregon 97103 * (503) 325-8611 * FAX (503) 325-8606

BOUNDARY LINE ADJUSTMENT APPLICATION

PROPOSED USE: Single family residential BASE ZONE: RA5
OVERLAY DISTRICT: _____

PROJECT LOCATION:	T:	7N	R:	10W	S:	27	TL:	03400	ACRES:	18.10
ADJACENT PROPERTY:	T:	7N	R:	10W	S:	22C	TL:	02900	ACRES:	12.17
IN SAME OWNERSHIP:	T:		R:		S:		TL:		ACRES:	

APPLICANT 1: (mandatory)	PROPERTY OWNER: (if different than applicant)
Name: Russell Earl	Name:
Address: PO Box 2276	Address:
City/State/Zip: Gearhart, OR 97138	City/State/Zip:
Phone: 503-440-4938	Phone:

ATTORNEY / SURVEYOR / CONSULTANT / AGENT
Name: CKI, Inc
Address: PO Box 309
City/State/Zip: Seaside OR 97138
Phone: 503-738-4320

INSTRUCTIONS

1. **Complete form and attach site plan**
2. **For commercial and industrial uses, include parking and loading plan, sign plan, and drainage plan.**
3. **For residential and other uses, include a drainage plan.**
4. **Review applicant's statement and sign this form.**

I have read and understand the statements on page 2 of this form and agree to abide by them.

Applicant Signature: _____ Date: _____

Owner Signature: _____ Date: _____

Agent Signature: _____ Date: _____

Clatsop County Department of Planning & Development Authorization: _____ Receipt No. _____ Date: _____

APPLICANT'S STATEMENT

1. Pertaining to the subject property described, I hereby declare that I am the legal owner of record, or an agent having the consent of the legal owner of record, and am authorized to make the application for a Development Permit/Action so as to obtain the necessary building permits, sanitation permits, US Army Corps of Engineers Permits, Oregon Department of Parks and Recreation Permits, or Clatsop County Road Approach Permits. I shall obtain any and all necessary permits and complete the conditions of approval as required herein within 180 days of the issuance of this permit before I do any of the proposed uses or activities. The statements within this application are true and correct to the best of my knowledge and belief. I understand that if the permit authorized was based on false statements or misrepresentations or it is determined that I have failed to fully comply with all conditions attached to and made a part of this permit, this permit approval is hereby revoked and null and void.

2. It is expressly made a condition of this permit that I at all times fully abide by all state, federal and local laws, rules, and regulations governing my activities conducted or planned pursuant to this permit.

3. As a condition for issuing this Development Permit/Action the undersigned agrees that he/she will hold Clatsop County harmless from and indemnify the County for any and all liabilities to the undersigned, his/her property, or any other person or property, that might arise from any and all claims, damages, actions, causes of action or suits of any kind or nature whatsoever which might result from the signer's failure to build, improve, or maintain roads which serve as access to the subject property or from the undersigned's failure to fully abide by any of the conditions included in or attached to this permit.

4. WAIVER OF VESTED RIGHTS DURING APPEAL PERIOD FOR ZONING AUTHORIZATION. I have been advised that this Land and Water Development Permit/Action authorized by the Clatsop County Planning Director may be appealed within ten calendar days of the date of permit issuance and authorization (note: if the tenth day is a Saturday, Sunday or legal holiday, the appeal period lasts until the end of the next day which is not a Saturday, Sunday or legal holiday). I understand that if the approval authorized by the County and referenced above is reversed on appeal, then the authorization granted prior to the end of the appeal period will be null and void. I further understand and consent to the fact that any actions taken by me in reliance upon the authorization granted during the appeal period shall be at my own risk, and that I hereby agree not to attempt to hold Clatsop County responsible for consequences or damages in the event that removal of improvements constructed during the appeal period is ordered because an appeal is sustained.

5. I am aware that failure to abide by applicable Clatsop County Land and Water Development and Use Ordinance 80-14 as amended, and Standards Document regulations may result in revocation of this permit or enforcement action by the County to resolve a violation and that enforcement action may result in levying of a fine.

6. I understand that a change in use, no matter how insignificant, may not be authorized under this permit and may require a new Development Plan/Action. You should check with the Clatsop County Department of Planning and Development.

7. This Development Permit/Action expires 180 days from the date of issuance unless substantial construction or action pursuant to the permit has taken place.

CLATSOP COUNTY DEPARTMENT OF
PLANNING & DEVELOPMENT

No. _____
Fee: $70.00

800 Exchange Street, Suite 100 * Astoria, Oregon 97103 * (503) 325-8611 * FAX (503) 325-8606

BOUNDARY LINE ADJUSTMENT APPLICATION

PROPOSED USE: Single family residential
BASE ZONE: RA5
OVERLAY DISTRICT:

PROJECT LOCATION:	T:	7N	R:	10W	S:	27	TL:	03600	ACRES:	15.51
ADJACENT PROPERTY:	T:	7N	R:	10W	S:	27	TL:	03400	ACRES:	18.10
IN SAME OWNERSHIP:	T:		R:		S:		TL:		ACRES:	

APPLICANT 1: (mandatory)	PROPERTY OWNER: (if different than applicant)
Name: Russell Earl	Name:
Address: PO Box 2276	Address:
City/State/Zip: Gearhart, OR 97138	City/State/Zip:
Phone: 503-440-4938	Phone:

ATTORNEY / SURVEYOR / CONSULTANT / AGENT
Name: CKI, Inc
Address: PO Box 309
City/State/Zip: Seaside, OR 97138
Phone: 503-738-4320

INSTRUCTIONS

1. **Complete form and attach site plan**
2. **For commercial and industrial uses, include parking and loading plan, sign plan, and drainage plan.**
3. **For residential and other uses, include a drainage plan.**
4. **Review applicant's statement and sign this form.**

I have read and understand the statements on page 2 of this form and agree to abide by them.

Applicant Signature: _____ Date: _____

Owner Signature: _____ Date: _____

Agent Signature: _____ Date: _____

Clatsop County
Department of Planning
& Development
Authorization: _____ Date: _____

Receipt No. _____

APPLICANT'S STATEMENT

1. Pertaining to the subject property described, I hereby declare that I am the legal owner of record, or an agent having the consent of the legal owner of record, and am authorized to make the application for a Development Permit/Action so as to obtain the necessary building permits, sanitation permits, US Army Corps of Engineers Permits, Oregon Department of Parks and Recreation Permits, or Clatsop County Road Approach Permits. I shall obtain any and all necessary permits and complete the conditions of approval as required herein within 180 days of the issuance of this permit before I do any of the proposed uses or activities. The statements within this application are true and correct to the best of my knowledge and belief. I understand that if the permit authorized was based on false statements or misrepresentations or it is determined that I have failed to fully comply with all conditions attached to and made a part of this permit, this permit approval is hereby revoked and null and void.

2. It is expressly made a condition of this permit that I at all times fully abide by all state, federal and local laws, rules, and regulations governing my activities conducted or planned pursuant to this permit.

3. As a condition for issuing this Development Permit/Action the undersigned agrees that he/she will hold Clatsop County harmless from and indemnify the County for any and all liabilities to the undersigned, his/her property, or any other person or property, that might arise from any and all claims, damages, actions, causes of action or suits of any kind or nature whatsoever which might result from the signer's failure to build, improve, or maintain roads which serve as access to the subject property or from the undersigned's failure to fully abide by any of the conditions included in or attached to this permit.

4. WAIVER OF VESTED RIGHTS DURING APPEAL PERIOD FOR ZONING AUTHORIZATION. I have been advised that this Land and Water Development Permit/Action authorized by the Clatsop County Planning Director may be appealed within ten calendar days of the date of permit issuance and authorization (note: if the tenth day is a Saturday, Sunday or legal holiday, the appeal period lasts until the end of the next day which is not a Saturday, Sunday or legal holiday). I understand that if the approval authorized by the County and referenced above is reversed on appeal, then the authorization granted prior to the end of the appeal period will be null and void. I further understand and consent to the fact that any actions taken by me in reliance upon the authorization granted during the appeal period shall be at my own risk, and that I hereby agree not to attempt to hold Clatsop County responsible for consequences or damages in the event that removal of improvements constructed during the appeal period is ordered because an appeal is sustained.

5. I am aware that failure to abide by applicable Clatsop County Land and Water Development and Use Ordinance 80-14 as amended, and Standards Document regulations may result in revocation of this permit or enforcement action by the County to resolve a violation and that enforcement action may result in levying of a fine.

6. I understand that a change in use, no matter how insignificant, may not be authorized under this permit and may require a new Development Plan/Action. You should check with the Clatsop County Department of Planning and Development.

7. This Development Permit/Action expires 180 days from the date of issuance unless substantial construction or action pursuant to the permit has taken place.

CLATSOP COUNTY DEPARTMENT OF
PLANNING & DEVELOPMENT

No. _____
Fee: $70.00

800 Exchange Street, Suite 100 * Astoria, Oregon 97103 * (503) 325-8611 * FAX (503) 325-8606

BOUNDARY LINE ADJUSTMENT APPLICATION

PROPOSED USE: Single family residential BASE ZONE: RA5
OVERLAY DISTRICT: _____

PROJECT LOCATION:	T:	7N	R:	10W	S:	27	TL:	03700	ACRES:	5.01
ADJACENT PROPERTY:	T:	7N	R:	10W	S:	27	TL:	03600	ACRES:	15.51
IN SAME OWNERSHIP:	T:		R:		S:		TL:		ACRES:	

APPLICANT 1: (mandatory)
Name: Russell Earl
Address: PO Box 2276
City/State/Zip: Gearhart, OR 97138
Phone: 503-738-4320

PROPERTY OWNER: (if different than applicant)
Name:
Address:
City/State/Zip:
Phone:

ATTORNEY / SURVEYOR / CONSULTANT / AGENT
Name: CKI, Inc
Address: PO Box 309
City/State/Zip: Seaside, OR 97138
Phone: 503-738-4320

INSTRUCTIONS

1. **Complete form and attach site plan**
2. **For commercial and industrial uses, include parking and loading plan, sign plan, and drainage plan.**
3. **For residential and other uses, include a drainage plan.**
4. **Review applicant's statement and sign this form.**

I have read and understand the statements on page 2 of this form and agree to abide by them.

Applicant Signature: _____ Date: _____

Owner Signature: _____ Date: _____

Agent Signature: _____ Date: _____

Clatsop County
Department of Planning
& Development
Authorization: _____ Date: _____

Receipt No. _____

APPLICANT'S STATEMENT

1. Pertaining to the subject property described, I hereby declare that I am the legal owner of record, or an agent having the consent of the legal owner of record, and am authorized to make the application for a Development Permit/Action so as to obtain the necessary building permits, sanitation permits, US Army Corps of Engineers Permits, Oregon Department of Parks and Recreation Permits, or Clatsop County Road Approach Permits. I shall obtain any and all necessary permits and complete the conditions of approval as required herein within 180 days of the issuance of this permit before I do any of the proposed uses or activities. The statements within this application are true and correct to the best of my knowledge and belief. I understand that if the permit authorized was based on false statements or misrepresentations or it is determined that I have failed to fully comply with all conditions attached to and made a part of this permit, this permit approval is hereby revoked and null and void.

2. It is expressly made a condition of this permit that I at all times fully abide by all state, federal and local laws, rules, and regulations governing my activities conducted or planned pursuant to this permit.

3. As a condition for issuing this Development Permit/Action the undersigned agrees that he/she will hold Clatsop County harmless from and indemnify the County for any and all liabilities to the undersigned, his/her property, or any other person or property, that might arise from any and all claims, damages, actions, causes of action or suits of any kind or nature whatsoever which might result from the signer's failure to build, improve, or maintain roads which serve as access to the subject property or from the undersigned's failure to fully abide by any of the conditions included in or attached to this permit.

4. WAIVER OF VESTED RIGHTS DURING APPEAL PERIOD FOR ZONING AUTHORIZATION. I have been advised that this Land and Water Development Permit/Action authorized by the Clatsop County Planning Director may be appealed within ten calendar days of the date of permit issuance and authorization (note: if the tenth day is a Saturday, Sunday or legal holiday, the appeal period lasts until the end of the next day which is not a Saturday, Sunday or legal holiday). I understand that if the approval authorized by the County and referenced above is reversed on appeal, then the authorization granted prior to the end of the appeal period will be null and void. I further understand and consent to the fact that any actions taken by me in reliance upon the authorization granted during the appeal period shall be at my own risk, and that I hereby agree not to attempt to hold Clatsop County responsible for consequences or damages in the event that removal of improvements constructed during the appeal period is ordered because an appeal is sustained.

5. I am aware that failure to abide by applicable Clatsop County Land and Water Development and Use Ordinance 80-14 as amended, and Standards Document regulations may result in revocation of this permit or enforcement action by the County to resolve a violation and that enforcement action may result in levying of a fine.

6. I understand that a change in use, no matter how insignificant, may not be authorized under this permit and may require a new Development Plan/Action. You should check with the Clatsop County Department of Planning and Development.

7. This Development Permit/Action expires 180 days from the date of issuance unless substantial construction or action pursuant to the permit has taken place.

EXHIBIT C – DENSITY TRANSFER

SUMMARY OF APPLICABLE APPROVAL CRITERIA

The County Zoning Code criteria for approving this request are contained in the Clatsop County Land Water Development and Use Ordinance (LWDUO), codified as of February 28, 2011, and the Clatsop County Standards Document (SD), including amendments through February 28, 2011. In discussion below, Frog Consulting has identified what we believe are the applicable criteria and described how those approval criteria are met.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 3.164: DEVELOPMENT AND USE PERMITTED

APPROVAL CRITERION

LWDUO: *The following uses and their accessory uses are permitted under a permit procedure subject to applicable development standards.*

Standards Document: *(11) Cluster developments subject to the provisions of S3.150-S3.161.*

FINDINGS

Cluster developments and density transfers, subject to applicable standards, are permissible in accordance with Section 3.164 (10). SD Sections S3.150-S3.160 will be addressed in Exhibit F – Subdivision Criteria for Clatsop Estates and Exhibit G – Subdivision Criteria for West Dunes of this report. SD section S3.161-S3.162 will be addressed with Exhibit B – Property Line Adjustment and Exhibit C – Density Transfer .

The text amendment (Exhibit D – Text Amendment) and zone change (Exhibit E – Zone Change) portions of this application require Type IV procedures (LWDUO Section 2.035) per LWDUO Sections 2.310 & 5.410. The subdivision aspect of this proposal including the modification of the previously platted subdivision requires Type III procedures per LWDUO section 5.220. In order to streamline this proposal the applicants request that these applications be consolidated in accordance with section 2.060 (2) and processed simultaneously through LWDUO sections 2.035 & 2.300.

In accordance with Section 2.310 the Community Development Director shall prepare a notice program designed to reach persons believed to have a particular interest and to provide the general public with a reasonable opportunity to be aware of the hearings on the proposal.

In summary,

- The Community Development Director per LWDUO Section 2.310 will satisfy notification requirements.
- Cluster Requirements, SD sections S3.150-S3.160, will be addressed in Exhibit F – Subdivision Criteria for Clatsop Estates and Exhibit G – Subdivision Criteria for West Dunes.
- Density Transfer Requirements, SD Sections S3.161-S3.162, will be addressed in Exhibit C – Density Transfer and Exhibit D – Text Amendment.

Criteria under section 3.164 are satisfied.

STANDARDS DOCUMENT

STANDARDS DOCUMENT SECTION 3.161: DENSITY TRANSFER STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (1A)

CRITERIA

-(1) Transfer of residential development rights between sites in the Clatsop Plains Planning Area is allowed as follows:

> *-(A) The remaining parcel of the sending site shall be rezoned to either the Open Space Parks and Recreation zone or Natural Uplands zone or Conservation Shorelands zone or Natural Shorelands zone. The applicant shall file the rezone request at the same time as the density transfer request is submitted, and*

FINDINGS

The applicant has submitted an application for a down zone on the sending sites. The down zone application and findings can be reviewed in Exhibit E – Zone Change. The sending sites are currently zoned Residential Agriculture-5 (RA5) and Residential Agricultural-1 (RA1). The combination of all sending sites equates to approximately 47.5 acres. This application proposes to rezone all identified areas currently zoned RA5 & RA1 to Open Space Parks and Recreation (OPR).

Criteria under SD S3.161 (1A) are satisfied.

STANDARDS DOCUMENT SECTION 3.161: DENSITY TRANSFER STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (1B)

CRITERIA

-(1) Transfer of residential development rights between sites in the Clatsop Plains Planning Area is allowed as follows:

> *-(B) Prior to final approval of a density transfer the County shall require that deed restrictions be filed in the Clatsop County Deed Records in a form approved by County Counsel, that prohibits any further development beyond that envisioned in the approved density transfer until such time as the entire area within the density transfer approval has been included within an urban growth boundary; and*

FINDINGS

The applicant proposes to insert the following language in the deeds of the parcels to be rezoned:

"This restriction precludes all future rights to construct a dwelling on the lot, parcel or tract for as long as the lot, parcel or tract remain outside of urban growth boundaries. The lot, parcel or tract, shall be designated permanent common open space, and zoned Open Space, Parks and Recreation for as long as the lot, parcel, or tract remain outside of urban growth boundaries. Prior to the removal of this restriction authorization shall be acquired from the Clatsop County Community Development and Planning Department."

Criteria under SD S3.161 (1B) are satisfied.

STANDARDS DOCUMENT SECTION 3.161: DENSITY TRANSFER STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (1C)

CRITERIA

-(1) Transfer of residential development rights between sites in the Clatsop Plains Planning Area is allowed as follows:

> *-(C) The Community Development Director shall demarcate the approved restrictions on the official Zoning Map, and*

FINDINGS

This is a requirement for Clatsop County's Community Development Director. The applicant has provided maps attained from Clatsop County that illustrate the area to be rezoned. Regardless updating the official zoning maps is not the applicant's responsibility according to this criteria.

Criteria under SD S3.161 (1C) shall be completed by the Community Development Director and are satisfied for the purposes of assessing this application against the criteria.

STANDARDS DOCUMENT SECTION 3.161: DENSITY TRANSFER STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (1D)

CRITERIA

-(1) Transfer of residential development rights between sites in the Clatsop Plains Planning Area is allowed as follows:

-(D) No parcel of land shall be involved in more than one (1) density transfer transaction, and

FINDINGS

No parcel of land is proposed for more than one transaction. This is illustrated in the density table updates proposed as a function of the zoning text amendments identified in Exhibit D – Text Amendment. Currently this proposal involves just under 47.5 acres of land that result in the transfer of 13 density credits (2 credits are contingent on the Edler project, as discussed elsewhere). Six density credits will be sent to the Clatsop Estates receiving site. For the West Dunes receiving sites, tax lot 3400 already has 3 dc (these are not included in the total of 15 credits discussed above), tax lot 3700 is to receive 5 dc, and tax lot 3600 is to receive 1 dc from the NCLC, 1 from William Fackerell and 2 (contingent) from the Edler project for a total of 9 new density credits (The placement of the density credits on 3600 will likely require a follow-up text amendment.).

In order to accommodate this request the applicant is proposing a text amendment addressed in Exhibit D – Text Amendment that would allow the County to issue an affidavit detailing the remaining density credits. Table 3: Total Acreage and Eligible Credits below illustrates total acreage and eligible credits.

TABLE 3: TOTAL ACREAGE AND ELIGIBLE CREDITS OF SENDING SITES

Map Key	*Zoning*	*Applicable Acreage*	*Density Credits*
710160000500	RA-5 / LW	35	Total = 7 dc density
61003A000200	RA-1 / LW	8	Total = 4 dc
710160002800	RA-1 / LW	4.5	Total = 2 dc

Criteria under SD S3.161 (1D) are satisfied.

STANDARDS DOCUMENT SECTION 3.161: DENSITY TRANSFER STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (1E)

CRITERIA

-(1) Transfer of residential development rights between sites in the Clatsop Plains Planning Area is allowed as follows:

-(E) Density transfer goes with the property - not the owner; and

FINDINGS

The applicants understand and agree to this requirement. Residential density credits transferred under this proposal will be assigned to the Clatsop Estates and West Dunes receiving sites and not to the applicants personally.

Criteria under SD S3.161 (1E) are satisfied.

STANDARDS DOCUMENT SECTION 3.161: DENSITY TRANSFER STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (1F)

APPROVAL CRITERION

-(1) Transfer of residential development rights between sites in the Clatsop Plains Planning Area is allowed as follows:

-(F) Minimum lot size shall be one (1) acre for the receiving site.

FINDINGS

The applicant is proposing lots that are one acre or larger as illustrated in the Preliminary Plats for Clatsop Estates and West Dunes contained within Exhibit F – Subdivision Criteria for Clatsop Estates and Exhibit G – Subdivision Criteria for West Dunes, respectively. Additionally the applicant is satisfying the standards as set forth in S3.150-S3.161.

Criteria under SD S3.161 (1F) are satisfied.

STANDARDS DOCUMENT SECTION 3.161: DENSITY TRANSFER STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (2)

CRITERIA

-(2) All sending and receiving parcels shall be recorded in the "Density Table" (S3.162) and the appropriate sections filled out completely prior to approval. At the applicant's expense, if a receiving parcel cannot be identified at the time of application for a density transfer, the applicant can choose to record the remaining credits with an affidavit, which shall be recorded by the applicant, and maintained with the County Planning Department. Staff will review the requisite comprehensive plan text and map amendments for conformity with the down zone and density transfer requirements.

FINDINGS

The criteria identified here are satisfied through the completion of the text amendment portion of this approval. (See Exhibit D – Text Amendment)

Criteria under SD S3.161 (2) are satisfied.

DENSITY TABLE

STANDARDS DOCUMENT SECTION 3.162: DENSITY TABLE

FINDINGS

The text amendment addressing the proposed density transfers has been addressed in Exhibit D – Text Amendment.

Criteria under SD S3.162 are satisfied.

EXHIBIT D – TEXT AMENDMENT

APPLICATION

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

APPLICANT: (Mandatory)

Name: Russell Earl Phone # (Day): 503-440-4938

Mailing Address: PO Box 2276 FAX #:

City/State/Zip: Gearhart, OR 97138 Signature:

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

Name: Osburn/Olson Phone # (Day): 503-717-3907

Mailing Address: 1369 Stillwater Court FAX #:

City/State/Zip: Seaside, OR 97138 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:
The applicants are proposing a text amendment to Standards Document S3.162 "Density Table."

The proposed changes are illustrated in the following table:

Map & tax Number	Total Acreage Sending Site	RA1/RA5 Acreage	Acreage Rezoned to OPR	Acreage Remaining RA5/RA1	Density Credits Transferred	Receiving Site
710160000500	100	40 (RA5)	35	5	7	71022C002900 (3); 710270003700 (4)
710160002800	4.5	4.5 (RA1)	4.5	0	2	710270003700 (1); Tent: 710270003600 (1)
61003A000200	29.71	13+ (RA1)	8	5	4	71022C002900 (4)
6103A0001000	10.30	8.2 (RA1)	8.2	0	4 / 2 tent	Tent:

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

						710270003600 (2) Unknown (2)[1]
TOTAL	144.51	52.7	55.7	10	13 / 2 tent.	

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] The applicant, Mr. Earl, is negotiating for the acquisition of two density credits from Ms. Edler who owns tax lot 1000. Ms. Edler will also be submitting an application for a down zone and a text amendment in the near future.

APPLICANT'S STATEMENT

1. Pertaining to the subject property described, I hereby declare that I am the legal owner of record, or an agent having the consent of the legal owner of record, and am authorized to make the application for a Development Permit/Action so as to obtain the necessary building permits, sanitation permits, US Army Corps of Engineers Permits, Oregon Department of Parks and Recreation Permits, or Clatsop County Road Approach Permits. I shall obtain any and all necessary permits and complete the conditions of approval as required herein within 180 days of the issuance of this permit before I do any of the proposed uses or activities. The statements within this application are true and correct to the best of my knowledge and belief. I understand that if the permit authorized was based on false statements or misrepresentations or it is determined that I have failed to fully comply with all conditions attached to and made a part of this permit, this permit approval is hereby revoked and null and void.

2. It is expressly made a condition of this permit that I at all times fully abide by all state, federal and local laws, rules, and regulations governing my activities conducted or planned pursuant to this permit.

3. As a condition for issuing this Development Permit/Action the undersigned agrees that he/she will hold Clatsop County harmless from and indemnify the County for any and all liabilities to the undersigned, his/her property, or any other person or property, that might arise from any and all claims, damages, actions, causes of action or suits of any kind or nature whatsoever which might result from the signer's failure to build, improve, or maintain roads which serve as access to the subject property or from the undersigned's failure to fully abide by any of the conditions included in or attached to this permit.

4. WAIVER OF VESTED RIGHTS DURING APPEAL PERIOD FOR ZONING AUTHORIZATION. I have been advised that this Land and Water Development Permit/Action authorized by the Clatsop County Planning Director may be appealed within ten calendar days of the date of permit issuance and authorization (note: if the tenth day is a Saturday, Sunday or legal holiday, the appeal period lasts until the end of the next day which is not a Saturday, Sunday or legal holiday). I understand that if the approval authorized by the County and referenced above is reversed on appeal, then the authorization granted prior to the end of the appeal period will be null and void. I further understand and consent to the fact that any actions taken by me in reliance upon the authorization granted during the appeal period shall be at my own risk, and that I hereby agree not to attempt to hold Clatsop County responsible for consequences or damages in the event that removal of improvements constructed during the appeal period is ordered because an appeal is sustained.

5. I am aware that failure to abide by applicable Clatsop County Land and Water Development and Use Ordinance 80-14 as amended, and Standards Document regulations may result in revocation of this permit or enforcement action by the County to resolve a violation and that enforcement action may result in levying of a fine.

6. I understand that a change in use, no matter how insignificant, may not be authorized under this permit and may require a new Development Plan/Action. You should check with the Clatsop County Department of Planning and Development.

7. This Development Permit/Action expires 180 days from the date of issuance unless substantial construction or action pursuant to the permit has taken place.

SUMMARY OF APPLICABLE APPROVAL CRITERIA

The County Zoning Code criteria for approving this request are contained in the Clatsop County Land Water Development and Use Ordinance (LWDUO), codified as of February 28, 2011, and the Clatsop County Standards Document (SD), including amendments through February 28, 2011. In the discussion below, the applicant identified what they believe are the applicable criteria and describes how those approval criteria are met.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 2.310: LEGISLATIVE ACTION UNDER THIS ORDINANCE (1A, 1B, 2)

CRITERIA

-(1) The following are legislative actions under this Ordinance:

-(A) An amendment to this Ordinance.

-(B) A district or zone change action the County Commission has designated as legislative after finding the matter at issue involves such a substantial area and number of property owners or such broad public policy changes that administrative processing would be inappropriate.

-(2) A legislative action shall follow the Type IV procedures subject to the modification and supplements of Section 2.310 to 2.335.

FINDINGS

The application proposes a text amendment to this ordinance per Standards Document section 3.161 (2), an update to the Density Table Section 3.162 and map change designations, which require a text amendment from "Rural Lands" to "Conservation Other Resources." The modifications to the Clatsop County Standards Documents and Comprehensive Zoning Map require this application to follow "Post-Acknowledgement Procedures" in accordance with ORS 197.610.

Under ORS 197.610 (2) the local government can determine that the goals do not apply to a particular proposed amendment and forego the full proceedings. The applicant feels this proposal is such an application and suggests that the text amendments do not require findings pertaining to the statewide planning goals. Please note that the zone change portion (Exhibit E – Zone Change) of this application will address compliance with statewide planning goals.

In accordance with the aforementioned assumption the following language will need to be modified as a function of this proposal:

TABLE 4: DENSITY TABLE

Map Key	*Current Plan Designation*	*Proposed Plan Designation*
710160000500	Rural Lands	Conservation Other Resources
61003A000200		
710160002800		

STANDARDS DOCUMENT

STANDARDS DOCUMENT SECTION 3.161: DENSITY TRANSFER STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (2)

CRITERIA

All sending and receiving parcels shall be recorded in the "Density Table" (S3.162) and the appropriate sections filled out completely prior to approval. At the applicant's expense, if a receiving parcel cannot be identified at the time of application for a density transfer, the applicant can choose to record the remaining credits with an affidavit, which shall be recorded by the applicant, and maintained with the County Planning Department. Staff will review the requisite comprehensive plan text and map amendments for conformity with the down zone and density transfer requirements.

FINDINGS

Part two of the text amendment requires amendments to the Density Table identified in SD section 3.162 mentioned above. The applicant proposes the following addition to the Density Table:

TABLE 5. DENSITY TABLE AMENDMENTS

Sending Sites	*Existing Zoning*	*New Zoning*	*Applicable Acreage*	*Density Units*	*Remaining Density*	*Receiving Site/s*	*Receiving Zone*	*Density Credits*
710160000500	RA-5/ LW	OPR / LW	RA-5 = 44	8.0	1.0	71022C002900 (3); 710270003700 (4)	RA-5	7
61003A000200	RA-1/ LW	OPR / LW	RA-1 = 13	6.5	2.5	71022C002900 (3) 71027003600 (1)	RA-5	4
710160002800	RA-1/ LW	OPR / LW	RA-1 = 4.5	2.25	.25	710270003700 (1) 710270003600 (1)[v]	RA-5	2
			Subtotal = 16.75(du)		3.75(du)		Subtotal =13 (dc)	

Table 5. Density Table Amendments above contains all the fields illustrated in the "Density Table" section S3.162. Table 5 identifies the sending parcels, estimates the acreage, the proposed zoning, the receiving sites, and indicates the number of Density Credits that are being transferred.

Criteria under SD S3.161 (2) are satisfied.

[v] This is a tentative landing of this density credit based on the combination of 2 additional density credits from the Edler Site.

EXHIBIT E – ZONE CHANGE
APPLICATION

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

PROPOSED USE:		
	Zoning	Comprehensive Plan Designation
Current:	RA5 / RA1	Rural Lands
Proposed:	OPR	Conservation Other Resources

LEGAL DESCRIPTION OF PROPERTY:								
T:	7	R:	10	S:	16	TL:	500	ACRES: 35
T:	7	R:	10	S:	16AB	TL:	2800	4.2
T:	6	R:	10	S:	3A	TL:	00200	8.5

OTHER ADJACENT PROPERTY OWNED BY THE APPLICANT:								
T:		R:		S:		TL:		ACRES:
T:		R:		S:		TL:		
T:		R:		S:		TL:		

APPLICANT 1: (Mandatory)
Name: Frog Consulting LLC Phone # (Day): 503-325-5666
Mailing Address: 469 Lexington Avenue FAX #:
City/State/Zip: Astoria, OR 97103 Signature:

PROPERTY OWNER: (Mandatory if different from applicant)
Name: USA, represented by NCLC Phone # (Day):
Mailing Address: 909 First Avenue 5th Floor FAX #:
City/State/Zip: Seattle, WA 98104 Signature:

PROPERTY OWNER #2 SURVEYOR/AGENT/CONSULTANT/ATTORNEY: (optional)
Name: William Fackerell Phone # (Day):
Mailing Address: 88271 MCCORMICK GARDENS RD FAX #:
City/State/Zip: Gearhart, OR 97138 Signature:

Community Development Department
800 Exchange, Suite 100 * Astoria Oregon 97103 * (503) 325-8611 * FAX 503-338-666

Each of the following criteria and standards must be addressed by the applicant. The information needed to address these criteria should be submitted on separate 8.5" by 11" sheets of paper, typed.

1. The map change must be consistent with the Comprehensive Plan. The Comprehensive Plan includes the following elements:

   Goal 1 – Citizen Involvement
   Goal 2 – Land Use Planning
   Goal 3 – Agricultural Lands
   Goal 4 – Forest Lands
   Goal 5 – Open Space
   Goal 6 – Air, Water and Land Resources Quality
   Goal 7 – Natural Hazards
   Goal 8 – Recreational Needs
   Goal 9 – The Economy
   Goal 10 – Housing
   Goal 11 – Public Facilities and Services
   Goal 12 – Transportation
   Goal 13 – Energy Conservation
   Goal 14 – Urbanization
   Goal 16 – Estuarine Resources
   Goal 17 – Coastal Shorelands
   Goal 18 – Beaches and Dunes
   Southwest Coastal Community Plan
   Northeast Community Plan
   Elsie/Jewell Community Plan
   Seaside Rural Community Plan
   Lewis and Clark/Olney/Walluski Community Plan
   Clatsop Plains Community Plan

   Some of these elements of the Comprehensive Plan are not applicable to the proposed map amendment. County staff will help identify applicable plan elements and policies.

2. **Also address the following from** Section 5.412. Zone Change Criteria of the Clatsop County Land and Water Development and Use Ordinance #80-14.

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

OFFICE USE ONLY: date received: _____ application: _____
date completed: _____ R&O /Ord #: _____

SUMMARY OF APPLICABLE APPROVAL CRITERIA

The County Zoning Code criteria for approving this request are contained in the Clatsop County Land Water Development and Use Ordinance (LWDUO), codified as of February 28, 2011, and the Clatsop County Standards Document (SD), including amendments through February 28, 2011. In discussion below, the applicant identified what they believe are the applicable criteria and describes how those approval criteria are met:

LAND AND WATER DEVELOPMENT AND USE ORDINANCE

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.410: PURPOSE

As discussed in Exhibit D, the criteria for a Density Transfer begins with SD section 3.161 (1A), which states:

The remaining parcel of the sending site shall be rezoned to either the Open Space Parks and Recreation zone or Natural Uplands zone or Conservation Shorelands zone or Natural Shorelands zone. The applicant shall file the rezone request at the same time as the density transfer request is submitted

In accordance with SD section 3.161 (1A), the applicant is submitting application for a down zone to Open Space Parks and Recreation (OPR), in accordance with the LWDUO requirements depicted under Section 5.400 – 5.412. The application for a zone change and text amendment is being submitted simultaneously with the density transfer request.

CRITERIA

This section provides the criteria for amending the boundaries of any base zone or overlay district delineated on the official Clatsop County "Comprehensive Plan/Zoning Map". A change in a base zone or overlay district may be made according to the criteria set forth in Section 5.412. The process for changing a zone designation shall be a Type IV procedure initiated by the governing body, Planning Commission, or by petition of a majority of property owners in the area proposed for change. Mailed notice of the hearing shall include the owners of the property within 250 feet of the area proposed for the change. If the change involves a Goal 5 resource, a Plan amendment must also be requested and the Goal 5 Administrative Rule used to justify the decision.

FINDINGS

This application will be processed in accordance with LWDUO Section 2.035 (Type IV Procedures). The criteria contained in LWDUO Section 5.412 are addressed within this document. Mailed notice is customarily provided by Clatsop County. The proposed zoning amendment will not involve Goal 5 resources identified in the Clatsop County Comprehensive Plan; therefore the Goal 5 Administrative Rule is not applicable to this request.

Criteria for a processing a zone change, under LWDUO Section 5.410 are satisfied.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.412: ZONE CHANGE CRITERIA (1)

Per LWDUO Section 5.412 (1), the proposed zone change must be consistent with the Comprehensive Plan. The County Comprehensive Plan consists of several separate documents: an overall County element, and five community plans. The subject property is in the Clatsop Plains Community Boundaries. In order to assess this application for consistency with the Comprehensive Plan the applicant has assessed this proposal with the policies identified in the Countywide Element and Clatsop Plains Community Plan.

CRITERIA

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

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

FINDINGS

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 1: CITIZEN INVOLVEMENT, POLICIES

-(1) The Committee for Citizen Involvement shall be the Clatsop County Planning Commission, consisting of seven members. The Planning Commission shall strive to represent a cross section of affected citizens in all phases of the planning process. As an appropriate component, five Planning Commission members shall be representatives of the six designated geographic areas (with a seven member Commission, one area may have two members). No more than two Planning Commission members may reside within incorporated cities. Each member of the Planning Commission shall be selected by an open, well-publicized, public process by the Board of Commissioners.

-(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.

-(3) Active Citizen Advisory Committees may submit their comments to the Clatsop County Department of Planning and Development, Clatsop County Planning Commission and Clatsop County Board of Commissioners. These bodies shall answer the CAC request in a timely manner.

-(4) The Board of Commissioners, through the Planning Department, should provide adequate and reasonable financial support; technical assistance shall be available and presented in a simplified form, understandable for effective use and application.

-(5) Citizens shall be provided the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan and Implementation Measures.

-(6) Clatsop County shall encourage organizations and agencies of local, state and federal government and special districts to participate in the planning process.

-(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.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 1: CITIZEN INVOLVEMENT, POLICIES 1-9

Public and published notices affording the public the opportunity to participate in evidentiary hearings are a function of satisfying the Goal 1 policies described herein. The local planning department has established procedures for notifying the public, establishing type of review, and the procedures the matter will be heard. Satisfactory compliance with the procedures identified in Clatsop County's Zoning Ordinance Section 2.100 satisfy the criteria for Citizen Involvement.

This proposal is consistent with Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 1: Citizen Involvement policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 2: LAND USE PLANNING

The County's land and water have been placed in one of six (6) Plan designations. (1) Conservation Forest Lands, (2) Conservation Other Resources, (3) Natural, (4) Rural Agricultural Lands, (5) Rural Lands, and (6) Development.

This proposal consists of 7 sites (the potential sending site from the Edler project will be addressed in a separate application). The 4 receiving sites are all zoned RA5, and the sending sites are zoned RA5, RA1 and RA1 and will be changed to OPR. All of these zoning designations are currently listed under the Rural Lands designation in LWDUO Table 3.010. Relevant rural lands policies are detailed below.

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;

-(c) 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

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 2: LAND USE PLANNING

This policy establishes criteria for determining the appropriate zoning classification to designate a particular lot or parcel. The receiving sites have already been designated RA-5 per subsection (d) above. This application does not propose to change the zoning of the parcel, therefore this proposal is consistent with the rural lands policies described herein.

This proposal is consistent with Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 2: Land Use Planning policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 3: AGRICULTURAL LANDS

Goal

To preserve and maintain agricultural lands (Policies 1-8)

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 3: AGRICULTURAL LANDS

The subject property is considered residential - agricultural land, however, the County adopted a report in 1982 indicating that several hundred acres in the Clatsop Plains were not suitable for farming. For this reason, Agricultural Lands Policies are not applicable to this proposal.

This proposal is consistent with Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 3: Agricultural Lands policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 4: FOREST LANDS
Goal

To preserve forest lands for forest uses. (Policies 1-23)

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 4: FOREST LANDS
The subject property is not forestland subject to the plan's Forest Lands Element. Reiterating the finding above, the 1982 study/report indicates that these areas in the Clatsop Plains Planning Area were not only unsuitable for farming, but also from forest practices. Therefore policies in the Forest Lands Plan Element are not applicable to this proposal.

This proposal is consistent with Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 4: Forest Lands policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 5: OPEN SPACES, SCENIC & HISTORIC AREAS AND NATURAL RESOURCES
Goal

To protect and ensure appropriate use of mineral and aggregate resources consistent with Statewide Planning Goal 5 and the process for complying with the Goal Specified in Oregon Administrative Rules Chapter 600, Division 23.

Mineral and Aggregate Resources (Policies 1-15)

Energy Sources (Policies 1-4)

Scenic Sites (Policies 1-2)

Fish and Wildlife Areas and Habitats (Policies 1-12)

-(1) To ensure that future development does not unduly conflict with Major Big Game Range, the County shall:

-(a) designate the majority of its timber lands F-80;

-(b) require that review and conditional uses in the F-38 and AF-20 zone be allowed only if they are found to be consistent with the maintenance of big game range;

-(c) require that review and conditional uses in the F-38 and AF-20 zone be subject to clustering and siting criteria;

-(d) submit proposed review and conditional use applications to the Oregon Department of Fish and Wildlife for their comments on consistency with Major Big Game habitat and recommendations on appropriate siting criteria to minimize any conflicts; and

-(e) submit all proposed Plan and zone changes of land zoned F-80, F-38, and AF-20 to a more intensive use zone to the Oregon Department of Fish and Wildlife for a determination of possible conflicts with big game habitat requirements. If the Department identified conflicts, the County will consider recommendations for resolving these conflicts.

-(2) To ensure that future development does not unduly conflict with Peripheral Big Game Range, the County shall:

-(a) require that review and conditional uses in the AF-20 zone be allowed only if they are found to be consistent with the maintenance of big game range;

-(b) require that review of conditional uses in the AF-20 zone be subject to clustering and siting criteria;

-(c) submit proposed review and conditional use applications to the Oregon Department of Fish and Wildlife for their comments on consistency with Peripheral Big Game Range and recommendations on appropriate siting criteria to minimize any conflict; and

-(d) submit all proposed plan and zone changes of land zoned AF-20 to the Oregon department of Fish and Wildlife for a determination of possible conflicts with big game habitat requirements. If the Department identifies conflicts, the County will consider recommendations for resolving these conflicts.

-(3) The County shall rely on strict enforcement of the Oregon Forest Practices Act to protect riparian vegetation along Class I streams and lakes, and Class II streams affecting Class I streams, from potential adverse affects of forest practices.

-(4) To protect riparian vegetation along streams and lakes not covered by the Forest Practices Act, the County shall require a setback for non-water dependent uses.

-(5) The County shall rely on the State Department of Water Resources to insure that minimum stream flow standards required for the maintenance of fish habitat are developed and implemented.

-(6) Building permit applications, where a stream is proposed as the water source, shall be accompanied by a water right permit.

-(7) The County shall rely on the Division of State Lands' permit process, under the Fill and Removal Law, to insure that proposed stream alterations such as bridges, channelization, or filling do not adversely affect the stream's integrity or its value as fish habitat.

-(8) New developments shall not restrict existing public access to rivers, streams, or lakes. New developments are encouraged to provide additional public access to rivers, streams and lakes where such access is consistent with the area's environmental characteristics.

*-(9) The County shall submit all proposals with a potential for substantial impact on identified Columbian White-tail deer habitat (e.g. subdivision, dredge material disposal, industrial development, and land clearing of more than one acre) to the Oregon Department of Fish and Wildlife and the U.S. Fish & Wildlife for their determination of conflicts. If either agency identifies conflicts and makes recommendations for resolving these conflicts, the County shall implement those recommendations to the maximum extent feasible, consistent with other land use planning requirements. If in the future subpopulation of the Columbia White-tailed deer are located which are not within identified essential habitat, the County will consider recommendations for protection of these areas to the extent feasible consistent with other land use planning requirements including but not limited to the Goal 5 Administrative Rule.**

-(10) The County will establish a procedure for protecting sensitive nesting sites from incompatible uses and activities.

*-(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.**

*-(12) Clatsop County shall rely upon the Forest Practices Act and any supplemental agreements between the Fish and Wildlife Commission and the Board of Forestry to protect critical wildlife habitat sites.**

Wetlands (Policies 1-3)

Natural Areas (Policies 1-4)

Water Resources and Watersheds (Policies 1-5)

Wilderness Areas (Policy 1)

Historic Sites (Policies 1-7)

Cultural Areas (Policies 1-2)

Bald Eagle Nests and Nesting Activity and Great Blue Heron Rookeries

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 5: OPEN SPACES, SCENIC & HISTORIC AREAS AND NATURAL RESOURCES
Mineral and Aggregate Resources: Not Applicable to this proposal

Energy Sources: The Clatsop Plains has not been identified as a potential energy source. These policies are not applicable.

Scenic Sites: There are no Goal 5 scenic sites identified on the Clatsop Plains. Sites inventoried in different elements of the County's plan are considered "local desires" and are not portrayed or referenced as Goal 5 "Scenic Sites." These policies are not applicable.

Fish and Wildlife Areas and Habitats: Policies three, four, and eight can be construed to apply to this request. The applicant is proposing to designate area along Neacoxie Creek as open space and will be conveying those lands to the North Coast Land Conservancy (NCLC). All other policies can be satisfied through conformance with applicable standards for development.

Wetlands: No Goal 5 "Wetlands" have been identified within the development area of this proposal.

Natural Areas: No Goal 5 "Natural Areas" have been identified within the development area of this proposal. Regardless the applicant in an effort to preserve habitat for the Silverspot butterfly is designating an area in the Northwest portion of the Lot as permanent common open space and conveying the property to the NCLC.

Water Resources and Watersheds: No impacts to Goal 5 "Water Resources and Watersheds" are projected with this development. The proposal intends to acquire water from the City of Warrenton.

Wilderness Areas: There are no Goal 5 "Wilderness Areas" present on the subject property.

Historic Sites: There are no Goal 5 "Historic Sites" present on the subject property.

Cultural Areas: There were no significant cultural areas identified during initial site investigations.

Bald Eagle Nests and Nesting Activity and Great Blue Heron Rookeries: There are no known Bald Eagle Nests or Blue Heron Rookeries in the vicinity of the development area. Habitat may exist along the nearby banks of Neacoxie Creek, regardless no development is permitted within 50 feet from the bank so no impact should occur.

This proposal is consistent with Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 5: Open Spaces, Scenic & historic Areas and Natural Resources policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 6: AIR, WATER AND LAND QUALITY

-(1) The County shall encourage the maintenance of a high quality of air, water and land through the following actions:

-(a) encouraging concentration of urban development inside Urban Growth Boundaries,

-(b) encouraging maintenance and improvement of pollution control facilities,

-(c) cooperating with the State Highway Department to provide an efficient transportation system. Methods to reduce congestion and air pollution on Marine Drive/Commercial Street should be explored.

-(d) encouraging indigenous, clean industries such as fishing, boat building, tourism, and forest products utilization and

-(e) encouraging development of resource recovery mechanisms such as recycling centers and wood waste processing.

-(2) The County Planning Department shall work with the Department of Environmental Quality (DEQ) to monitor and keep its environmental data base current including information on air quality, surface and groundwater quality, and land quality including waste disposal and erosion problems.

-(3) The cumulative effect of development on the County's environment should be monitored and, where appropriate, regulated. When evaluating proposals that would affect the quality of the air, water or land in the County, consideration should be given to the impact on other resources important to the County's economy such as marine resource habitat and recreational and aesthetic resources important to the tourist industry.

-(4) The County shall continue its efforts to find an acceptable regional solid waste disposal site or an acceptable alternative (i.e. recycling, electricity generation).

-(5) Recovery of wood wastes, rather than slash burning, shall be encouraged as a means of reducing air and water pollution, improving the economy, and for producing energy.

-(6) Upon completion of the Clatsop Plains Groundwater Study, the County shall reevaluate the Clatsop Plains Community Plan to determine whether existing policies and standards are adequate to protect water quality in the aquifer, lakes and streams. Consideration shall be given to protection of the lakes from Further degradation (eutrophication), and possible remedial actions to improve water quality.

-(7) The County shall work to maintain the quality of its estuarine waters through participation in the regional Columbia River estuary planning process.

-(8) The County shall cooperate with DEQ, State Forestry Department, State Transportation Department and other agencies in implementing best management practices to reduce non-point pollution.

-(9) The County shall recommend that state agencies regulate the issuance of water rights so as to insure that the total water rights of a stream bed do not exceed the minimum stream flow.

-(10) Subdivisions adjacent to major arterials shall address the reduction of noise impacts in their site plans.

-(11) Performance standards for noise will be considered for inclusion as standards in the County's industrial-commercial zones.

-(12) The District Conservationist shall be used for technical evaluation of all development activities (including subdivisions and major partitions) that could create erosion and sedimentation problems with his/her recommendations incorporated into planning approvals.

-(13) Any development of land, or change in designation of use of land, shall not occur until it is assured that such change or development complies with applicable state and federal environmental standards.

-(14) Waste discharges from any development, when combined with existing discharges from existing developments, shall not result in a violation of state or federal environmental quality statutes, rules, or standards.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 6: AIR, WATER AND LAND QUALITY

Potentially applicable Goal 6 criteria include two, six, thirteen, and fourteen described above. These policies are implemented through adherence to development standards in the zoning district.

-(2): Addressed at the development stage and satisfied prior to the issuance of a development permit.

-(6): A ground water study was conducted on the Clatsop plains and determined that adequate water was present to support development. See additional documentation shown in Attachment 13. This proposal satisfies policy 6.

-(13): the proposed use complies with state and federal environmental standards. This policy is satisfied.

-(14): waste discharges shall be contained in a manner that does not result in a violation of state or federal regulation.

This proposal is consistent with Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 6: Air, Water and Land Quality policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 7: NATURAL HAZARDS

Flood Hazard Policies

Goal

To protect life and property from natural disaster and hazards

General Mass Movement Policies (Policies 1-7)

Development Policies for Areas of Mass Movement (Policies 1-4)

Policies for Streambank Erosion and Deposition (Policies 1-7)

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 7: NATURAL HAZARDS

No natural hazards are demarcated on the subject property. Therefore policies in the Natural Hazard Plan Element are not applicable to this proposal.

This proposal is consistent with Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 7: Natural Hazards policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 8: RECREATION

Introduction

Clatsop County's recreational lands sites are utilized by the public for a wide range of recreational activities…

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 8: RECREATION

The subject parcel does not contain any resources relevant to the Goal 8 policies. The sending site will be rezoned open space, parks and recreation in accordance with the density transfer provisions outlined in the County's SD Section S3.161§1A. In addition the proposal will designate permanent common open space within the subdivision boundaries that can be used to satisfy any recreational needs of prospective homeowners. These areas will either be conveyed to the NCLC, held in the joint ownership of prospective buyers, or in individual ownership.

This proposal is consistent with Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 8: Recreation policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 9: ECONOMY

Goal

To diversify and improve the economy of the state and Clatsop County

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 9: ECONOMY

The County's Goal 9 element does not have any policies establishing mandatory approval criteria applicable to this proposal or to the subject property. The site is not included in the County's inventory of buildable industrial or commercial lands.

This proposal is consistent with Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 9: Economy policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 10: 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.

-(5) Direct new urban growth within Clatsop County to existing urban growth boundary or rural service areas where under utilized public or semi-public facilities exist or utility and/or investments have already been made.

-(6) Encourage development of land with less resource value.

-(7) Coordinate planning efforts of local governments and special districts to maximize efficiency of public facilities, and have land use actions reflect the goals and policies of the Plan.

Housing 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 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.

-(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.

-(5) Clatsop County shall permit temporary siting of mobile homes in specified locations in the event of an emergency.

-(6) Clatsop County shall encourage multi-family housing and mobile home park developments to develop within the various urban growth boundaries.

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

-(8) Clatsop County shall make provisions for housing in areas designated for Rural, Urban Growth Boundaries, and Rural Service Areas, which provide variety in location, type, density, and cost where compatible with development on surrounding lands.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 10: HOUSING

Most policies in this section are not applicable to this proposal or to the subject property. The Clatsop Plains adopted a total density provision in 1993 when the density transfer amendments were enacted. The proposal does not increase the number of overall homesites from what is already allocated on the Clatsop Plains. Additionally, in accordance with housing policy 3 listed above, the proposal clusters residential dwelling units and dedicates lands less suitable for development for preservation purposes including open space, big game & wetland habitat.

This proposal intends to utilize existing public facilities to the maximum extent possible. The Department of Environmental Quality has already approved septic systems in each phase of the proposed developments that illustrates the capacity of the land to accommodate the development proposed. See Attachment 16.

This proposal is consistent with Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 10: Housing policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 11: PUBLIC FACILITIES AND SERVICES
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.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 11: PUBLIC FACILITIES AND SERVICES
Goal 11, like Goal 2 has 6 different designations for land and water in Clatsop County. The subject property is again designated "Rural Lands." Public Facility policies pertaining to Rural Lands are addressed below with findings immediately following the relevant criteria.

In addition to the Rural Lands policy there are general provisions that apply to the extension and utilization of public facilities, these include transportation systems, water systems, sewer systems, protection services, school districts, etc. Consistency with the Goal 11 Element requires acknowledgement from some service providers (i.e. the Rural Fire Protection District and the School District). Studies also indicate an ample water reservoir exists below the Clatsop Plains. See Attachment 9, Attachment 13, Attachment 15, Attachment 17, and Attachment 18.

Regarding general public facilities policies number 9, the proposed zone change on the sending site will lower the potential development density on the subject property so policy 9 is essentially not applicable to the rezoning aspect of the proposal. The subdivisions outlined in this proposal are proposing to replace those densities in a better-suited location. Septic feasibility has been proven with the approval of septic sites in each phase of development, and a letter from the school district acknowledging adequate service satisfies this request. See Attachment 14 and Attachment 16.

This proposal is consistent with Clatsop County Comprehensive Plan, Section I: Countywide Elements, Goal 11: Public Facilities and Services policies.

CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION
Clatsop County's Comprehensive Plan contains sixteen transportation policies. The County's Transportation System Plan (TSP) includes Goals and Objectives, which are written in policy language. Those goals and policies are listed below with appropriate findings following applicable policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 1: MOBILITY
Develop a multimodal transportation system that serves the travel needs of Clatsop County residents, businesses, visitors, and freight transport.

Objectives:

-(1) Provide a network of arterials and collectors that are interconnected, appropriately spaced, and reasonably direct.

-(2) Balance the simultaneous needs to accommodate local traffic and through-travel.

-(3) Minimize travel distances and vehicle-miles traveled.

-(4) Safely, efficiently, and economically move motor vehicles, pedestrians, bicyclists, transit, trucks, and trains to and through the County.

-(5) Use appropriate, adopted Clatsop County road standards during development of new roadways.

-(6) Encourage development patterns that offer connectivity and mobility options for members of the community.

-(7) Work to enhance the connection of the Port of Astoria and the Warrenton Harbor to the surrounding communities.

-(8) Coordinate with rail and shipping entities to promote intermodal linkages for passengers and goods.

-(9) Recognize and balance freight needs with needs for local circulation, safety, and access.

-(10) Provide an interconnected system of roads, pedestrian and bicycle facilities, and other forms of transportation that will link communities.

-(11) Promote intercity connectivity between major population areas, including linkages to the Portland metropolitan area.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 1: MOBILITY

While these policies do not establish mandatory approval criteria the applicant is proposing to design their road network in a convenient manner that provides adequate circulation and connectivity. Appropriate road standards will be utilized to ensure fire and safety access to lots and parcels. Additionally turnarounds and cult-de-sacs are engineered to meet Oregon Fire Code requirements and County Standards.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 2: LIVABILITY

Provide a transportation system that balances transportation system needs with the desire to maintain pleasant, economically viable communities.

Objectives:

-(1) Minimize adverse social, economic, and environmental impacts created by the transportation system, including balancing the need for road connectivity and the need to minimize neighborhood cut-through traffic.

-(2) Preserve and protect the County's significant natural features and historic sites.

-(3) Promote a transportation system that is adequate to handle the truck, transit, and automobile traffic in such a way to encourage successful implementation of County economic goals and the preservation of existing residential neighborhoods.

-(4) Work with local and State governments to develop alternate transportation facilities that will allow development without major disruption of existing neighborhoods or downtown areas.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 2: LIVABILITY

Transportation access to adjoining lots as well as neighborhood livability have been incorporated into the designs for the Clatsop Estates and West Dunes Subdivision.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 3: COORDINATION

Maintain a transportation system plan that is consistent with the goals and objectives of local communities, the County, and the State.

Objectives:

-(1) Coordinate transportation planning and implementing actions with state agencies, local governments, special districts and providers of transportation services.

-(2) Provide a County transportation system that is consistent with other elements and objectives of the Clatsop County Comprehensive Plan.

-(3) Provide a County transportation system that coordinates with other local transportation system plans and rural community plans.

-(4) Coordinate land use and transportation decisions to efficiently use public infrastructure investments to:

-(a) Maintain the mobility and safety of the roadway system

-(b) Foster compact development patterns in incorporated and rural communities

-(c) Encourage the availability and use of transportation alternatives

-(d) Enhance livability and economic competitiveness

-(5) Cooperate with local jurisdictions and rural communities in establishing and maintaining zoning standards that will prevent the development of incompatible or hazardous uses around airports.

-(6) Work to protect airspace corridors and airport approaches.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 3: COORDINATION

The transportation network proposed will have no negative impact upon the County's transportation system and network.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 4: PUBLIC TRANSPORTATION

Work to improve cost-effective and safe public transportation throughout Clatsop County.

Objectives:

-(1) Coordinate with the Sunset Empire Transportation District (SETD) to encourage commuter bus service to serve communities throughout Clatsop County.

-(2) Encourage a carpooling program for County employees and others to increase vehicle occupancy and minimize energy consumption.

-(3) Work with SETD to develop transit systems and stations and related facilities in convenient and appropriate locations that adequately and efficiently serve resident and employee needs.

-(4) Work to improve the signage and amenities at transit stops and stations.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 4: PUBLIC TRANSPORTATION

Goal 4 is pointed at local jurisdictions and does not present any relevant criteria for evaluation.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 5: PEDESTRIAN AND BICYCLE FACILITIES

Provide for an interconnected system of pedestrian and bicycle facilities throughout Clatsop County to serve commuters and recreational users.

Objectives:

-(1) Coordinate with the goals and objectives and recommended improvements set forth in the Clatsop County Bicycle Master Plan.

-(2) Use unused rights-of-way for greenbelts, walking trails, or bike paths where appropriate.

-(3) Develop and periodically update inventory information on existing bicycle routes and support facilities.

-(4) Promote multimodal connections where appropriate.

-(5) Promote increased bicycle awareness and support safety education and enforcement programs.

-(6) Develop safe and convenient pedestrian and bicycle systems that link all land uses, provide connections to transit facilities, and provide access to publicly owned land intended for general public use, such as the beach.

-(7) Promote development standards that support pedestrian and bicycle access to commercial and industrial development, including, but not limited to, direct pathway connections, bicycle racks and lockers, and signage where appropriate.

-(8) Protect and expand public access via pedestrian ways, bikeways, and trails for recreational purposes.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 5: PEDESTRIAN AND BICYCLE FACILITIES

The applicant is platting the street to the property boundary to allow future vehicle and bicycle traffic should the property to the southwest be developed.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 6: ACCESSIBILITY

Provide a transportation system that serves the needs of all members of the community.

Objectives:

-(1) Coordinate with SETD to encourage programs that serve the needs of the transportation disadvantaged.

-(2) Provide for the transportation disadvantaged by complying with State and Federal regulations and cooperating with local, County and State agencies to provide transportation services for the disadvantaged.

-(3) Upgrade existing transportation facilities and work with public transportation providers to provide services that improve access for all users.

-(4) All improvements to the transportation system (traffic, transit, bicycle & pedestrian) in the public right-of-way shall comply with the Americans with Disabilities Act of 1990.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 6: ACCESSIBILITY

The proposed design and layout is intended to meet the intent of these policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 7: ENVIRONMENT

Provide a transportation system that balances transportation services with the need to protect the environment and significant natural features.

Objectives:

-(1) Provide a transportation system that encourages energy conservation, in terms of efficiency of the roadway network and the standards developed for road improvements.

-(2) Encourage use of alternative modes of transportation and encourage development that minimizes reliance on the automobile.

-(3) Work to balance transportation needs with the preservation of significant natural features and viewsheds.

-(4) Minimize transportation impacts on wetlands and wildlife habitat.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 7: ENVIRONMENT

The road was designed around the idea of preserving butterfly habitat, livability, connectivity and maximum utilization of the land.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 8: SYSTEM PRESERVATION

Work to ensure that development does not preclude the construction of identified future transportation improvements, and that development mitigates the transportation impacts it generates.

Objectives:

-(1) Require developers to aid in the development of the transportation system by dedicating or reserving needed rights-of-way by constructing half- or full-road improvements needed to serve new development, and by constructing off-road pedestrian, bicycle, and transit facilities when appropriate.

-(2) Consider transportation impacts when making land use decisions, and consider land use impacts (in terms of land use patterns, densities, and designated uses) when making transportation-related decisions.

-(3) Ensure that amendments to the comprehensive plan, land use designation amendments and land use regulation changes that are found to significantly affect a transportation facility are consistent with the identified function and capacity of that facility.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 8: SYSTEM PRESERVATION

The applicant is proposing to dedicate the needed rights-of-way as necessary to provide adequate transportation connectivity to adjacent parcels and minimize impacts to the existing network.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 9: CAPACITY

Provide a transportation system that has sufficient capacity to serve the needs of all users.

Objectives:

-(1) Protect capacity on existing and improved roads to provide acceptable service levels to accommodate anticipated demand.

-(2) Limit access points on highways and major arterials, and use alternative access points when possible to protect existing capacity.

-(3) Provide frontage setback requirements from the public right-of-way for all designated arterials within the County adjacent to commercial and industrial development.

-(4) Minimize direct access points onto arterial rights-of-way by encouraging common driveways or frontage roads.

-(5) Update and maintain County access management standards to preserve the safe and efficient operation of County roadways, consistent with functional classification.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 9: CAPACITY

The proposed development will not create a detrimental impact to the existing road network. Access points have been minimized and right-of ways have been designated to ensure capacity and potential future growth of the area.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 10: TRANSPORTATION FUNDING

Provide reasonable and effective funding mechanisms for countywide transportation improvements identified in the TSP.

Objectives:

-(1) Develop a Capital Improvements Program that establishes transportation priorities and identifies funding mechanisms for implementation.

-(2) Identify funding opportunities for a range of projects, and coordinate with local, State, and Federal agencies.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 10: TRANSPORTATION FUNDING

These provisions are not applicable to this proposal.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 11: SAFETY

Provide a transportation system that maintains adequate levels of safety for all users.

Objectives:

-(1) Undertake, as needed, special traffic studies in problem areas, especially around schools, to determine appropriate traffic controls to effectively and safely manage automobile and pedestrian traffic.

-(2) Work to improve the safety of rail, bicycle, and pedestrian routes and crossings.

-(3) Coordinate lifeline and tsunami evacuation routes with local, State, and private entities.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 12: TRANSPORTATION, TSP GOAL 11: SAFETY

These provisions are also not applicable to this proposal

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 13: ENERGY CONSERVATION

-(1) The County recognizes the need for energy conservation through support of a County-wide conservation program in which the County government will play a leading role.

-(a) Methods to reduce energy consumption should be explored, such as enforcing strict temperature and lighting controls in government buildings and incentive programs for carpooling, etc.

-(b) New government buildings shall be energy efficient. Decisions on design and selection of equipment should not be based on the lowest initial cost alone. Operating and energy costs for a reasonable life expectancy of the building must receive equal consideration. Further, consideration should be given to the use of solar energy in heating and cooling all new government buildings.

-(c) The County, cities, Extension Service and Community College should work together to establish an Energy Conservation Service with the assistance of private and public funds and expertise. This service could provide the following:

-(1) Promote energy conservation through seminars, other educational programs, and information dissemination.

-(2) Develop climate maps, energy efficient building standards and other guidelines for energy conservation.

-(3) With the help of local utility companies, provide technical assistance to individuals desiring to retrofit their homes or buildings with improved insulation of alternative energy sources.

-(4) Conduct audits with the assistance of local utility companies to identify sources of greatest energy wastes in buildings and recommend ways in which to reduce this waste.

-(5) Provide technical assistance to evaluate the energy efficiency of new residential, industrial, and commercial building plans submitted for approval.

-(6) Maintain information on the energy efficiency of brands and models of appliances, autos, etc.

-(d) The County and cities should work together to establish a County-wide recycling operation (i.e. through a sheltered workshop program).

-(2) The following land use policies shall be adopted as part of the Comprehensive Plan to conserve energy and promote the use of alternative systems:

-(a) Shopping, cultural, medical, educational and other public facilities shall be encouraged to cluster in urban growth boundaries so that one trip can serve several purposes and so that the possibility of public transportation will be enhanced.

-(b) In new subdivisions, major or minor partitions:

-(1) Should maximize the opportunity for solar orientation of windows in buildings by running streets in east-west directions, and lots on a north-south axis. When topographic conditions or natural features make street orientation for good solar orientation of units undesirable or difficult, lots shall be laid out so that units can be oriented to the south to the greatest extent possible. Clustering, innovative yard and setback approaches may be used in lieu of the street and lot plan if good solar orientation is achieved.

-(2) Open space should be located whenever possible to buffer structures from shadows cast by other buildings.

-(3) Easements for protecting solar access should be provided for every lot.

-(3) The County shall promote the application of renewable and alternative energy sources, by encouraging the use of total energy systems where, for example, electricity is generated and the waste heat is utilized for space heating and cooling purposes.

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

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 13: ENERGY CONSERVATION

Policies established in the Goal 13 element do not establish mandatory criteria for approval of the proposed zone change, density transfer or subdivision. Regardless many aspects of energy conservation are applied at the individual development stage. Components of the Goal 13 element that can be implemented in the design phase center around distance to facilities, and adequacy of alternative transportation networks (i.e. bike and pedestrian mobility). These aspects of the proposal have been addressed in the Goal 12 Element of the Comprehensive Plan.

CRITERIA/FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 14: URBANIZATION

Policies contained in the Goal 14 element of the County's Comprehensive Plan apply to areas within urban growth boundaries and city limits. The proposal is on lands designated rural, outside of city limits and urban growth boundaries. Additionally, goal 14 exceptions have been taken across the Clatsop Plains and land use studies encouraging cluster developments and open space preservation have been adopted as supporting documents to the County's Comprehensive Plan. Additionally the Clatsop Plains has a total density provision that allows the transfer and clustering of density rights on the Clatsop Plains. This proposal is in accordance with county ordinances designed with these aspects in mind. See Attachment 22 for a more complete discussion.

This proposal is consistent with the Goal 14 policies.

CRITERIA/FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 16 AND 17: ESTUARINE RESOURCES AND COASTAL SHORELANDS

The majority of this development is outside the Coastal Shorelands and estuarine resources. The small area on the western boundary along Neacoxie creek that is designated Coastal Shorelands is set aside for permanent common open space. In addition riparian setbacks established in Clatsop County SD section S4.500 preserve Goal 16 and 17 resources.

This proposal is consistent with the Goal 16 & 17 policies.

CRITERIA-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 18: BEACHES AND DUNES

-(1) Uses permitted on the beach, the area located west of the statutory Vegetation Line as established and described by ORS 390.770, or the line of established upland shore vegetation, whichever is further inland, shall be consistent with the requirements ORS 390.605 - 390.725 and Oregon Administrative Rules adopted pursuant thereto. Residential development and commercial and industrial buildings are prohibited. The County will coordinate its actions in beach areas with the Oregon Department of Parks and Recreation.

-(2) Uses permitted on active foredunes, on other foredunes which are conditionally stable and are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding shall be limited to low intensity uses which have minimal impact on the dune system and which have a minimal monetary value. Residential developments and commercial and industrial buildings are prohibited.

-(3) The County, in making land use decisions in beach and dune areas, other than older stabilized dunes, shall consider the impact of the proposed development on the site and on adjacent areas, and the methods that are proposed for protecting the site and adjacent areas from any potential adverse effects of the proposed development.

-(4) The stability of all types of dunes, in relationship to the potential for wind erosion, is based on the maintenance of its vegetative cover. For this reason, the county shall implement a wind erosion control program that minimizes site disturbance, provides for temporary and permanent sand stabilization, and requires the continued maintenance of newly established vegetation.

-(5) On active and conditionally stable dunes, pedestrian, bicycle, equestrian and vehicular circulation shall be managed to minimize adverse impacts to dunes and their stabilizing vegetation

-(6) Land use actions (i.e. Comprehensive Plan changes, zone changes, subdivisions and partitions, planned developments, conditional use permits) shall be reviewed by the Planning Commission or the Department of Planning and Development so that the proposed activity(ies) will not result in the drawdown of the groundwater supply which could lead to any or all of the following:

-(a) the loss of stabilizing vegetation,

-(b) the loss of water quality,

-(c) salt water intrusion into the water supply,

-(d) result in the permanent drawdown of the dune lakes.

-(7) Foredunes shall be breached only on a temporary basis for emergency purposes such as fire control, cleaning up oil spills, or alleviating flood hazards. Breaches in foredune areas shall be restored in a manner that is consistent with the character of the area prior to the foredune breaching.

-(8) Foredune grading for view enhancement or to prevent on-going sand inundation may be allowed for structures in foredune areas that were committed to development on or before January 1, 1977 and where an overall plan for managing the foredune grading is prepared. Before construction can begin, the foredune grading plan must be adopted as an amendment to the Comprehensive Plan.

-(9) The extensive modification of dune areas other than that permitted by an approved plan for foredune grading for view enhancement, is strongly discouraged because the shape of unmodified dune forms is an essential element in defining the physical character of the Clatsop Plains.

-(10) Clustering of development is encouraged so that development occurs on the most stable dune areas, with less stable areas retained as open space.

-(11) The County will provide for the appropriate management of dune areas within Fort Stevens State Park through the adoption of the Fort Stevens State Park Master Plan.

-(12) Removal of vegetation that provides wildlife habitat shall be limited. Unnecessary removal of shoreline vegetation shall be prohibited.

-(13) In order to establish construction feasibility, within the dune construction area, and to provide recommendations on methods to mitigate potentially hazardous conditions, a site specific investigations by registered professional geologist or certified engineering geologist shall be required for the issuance of a development permit in all beach and dune areas that the Planning Director considers to have a hazard potential.

-(14) On-site sewage disposal systems shall be prohibited in active foredunes, on other foredunes which are conditionally stable and are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding.

-(15) Beachfront protective structures shall be permitted only where development existed on or before January 1, 1977.

-(16) Where appropriate, developers may be required to dedicate easements for public access to the beach.

-(17) The county supports studies designed to increase scientific knowledge about the processes that have shaped and will continue to shape the dunes of the Clatsop Plains.

FINDINGS-CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION I: COUNTYWIDE ELEMENTS, GOAL 18: BEACHES AND DUNES

Policies 6, 10, & 12 are assumed to be applicable to this request. Policy 6 is satisfied because the applicant is not proposing to draw water from the ground water reserves thereby preserving ground water supplies. Policy 10 is satisfied with the application for a cluster subdivision clustering lots in accordance with the clustering provisions outlined in SD S3.150. Policy 12 will be satisfied by the land preservation activities proposed with this application. In particular, silver spot butterfly habitat has been identified and set aside for permanent common open space.

This proposal is consistent with the Goal 18 policies.

CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN

OVERALL GOAL FOR THE CLATSOP PLAINS

The Clatsop Plains and Seaside-Gearhart Citizen Advisory Committees recognize that the natural resources and amenities of the Clatsop Plains are in fact the features which make it a desirable place in which to live. Protection of these resources (the forest, dunes, open spaces, views, animal life and habitat, ocean beaches, lakes and streams, and the absence of urban noises to name a few) is paramount if the quality of life is to be maintained for both existing and future residents. Development must be required to respect these resources and amenities since poor development or over development could very easily destroy these values, which make up the present character of the Clatsop Plains.

Out of the various meetings with the two CACs, an OVERALL GOAL for the Clatsop Plains was developed which summarizes the policies to be applied to the Clatsop Plains area. This OVERALL GOAL reads as follows:

OVERALL GOAL

The Clatsop Plains Community Plan shall provide for planned and orderly growth of the Clatsop Plains planning area, which is in keeping with a majority of its citizens and without unduly depriving landowners and/or residents of the reasonable use of their land. The Plan shall:

-(1) protect and maintain the natural resources, natural environment and ecosystems.

-(2) respect the natural processes.

-(3) strive for well designed and well placed development, and

-(4) preserve the semi-rural, agricultural, open space and marine characteristics of the area.

In order to meet the Goal, the County shall:

-(1) Use the physical characteristics described in the section on landscape units as the major determinants of the location and intensity of the use of the land.

-(2) Retain as much of the land as possible in its natural state.

-(3) Review, update and amend the Plan on a regular basis as needs, additional data and/or economics demand.

The community goals and policies, which follow in this Plan, are the basis from which the Zoning Ordinance will be developed.

The Clatsop Plains planning area encompasses approximately 16,307 acres in the northwest section of Clatsop County along the coast. This planning area, for the most part, relates toward the ocean, with the various beaches and rolling dunes; and toward the several lakes in the planning

area. The Clatsop Plains is essentially bisected by U.S. Highway 101. This highway is a major line for north-south movement down the Oregon Coast as well as a corridor of travel between the two population centers in the plains.

The Clatsop Plains Community Plan is an amplification of some of the policies in the County-wide Elements section of the Comprehensive Plan, and also contains policies addressing particular concerns people have for the Clatsop Plains. The County-wide Elements section issued at the community level to identify policies and strategies for addressing specific local opportunities/problems.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, GENERAL LANDSCAPE UNITS POLICIES
-(1) Excavations in sedimentary highland (Toms) should be properly engineered to assure against slope failure.

-(2) Proposed projects involving modifications of established drainage patterns should be evaluated in terms of potential for altering land stability.

-(3) Loss of ground cover for moderately to steeply sloping land may cause erosion problems by increasing runoff velocity and land slumpage. Vegetative cover for moderately to steeply sloping areas shall be maintained.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, GENERAL LANDSCAPE UNITS POLICIES
-(1) No excavation in the sedimentary highlands is proposed.
-(2) No modifications to drainage patterns are proposed with this project
-(3) All disturbed areas shall be re-vegetated upon completion of development in accordance with Clatsop County's erosion control measures.
General Landscape policies are satisfied.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, COASTAL SHORELANDS AND OTHER SHORELANDS
Clatsop Plains Planning Area Goal

To preserve to the fullest possible extent the scenic, aesthetic, and ecological qualities of the Coastal Shorelands and other shorelands in the Clatsop Plains in harmony with those uses which are deemed essential to the life and well-being of its citizens.

Policies

The following are in addition to those found in the Ocean and Coastal Lakes of the Estuarine Resources and Coastal Shorelands Element and Open Space, Scenic and Historic Areas and Natural Areas Element.

-(1) No filling or alteration to designated and mapped critical natural holding basins such as lakes, wetlands, or marshlands.

-(2) Culverts and other roadway or driveway improvements considered necessary by the Clatsop County Department of Planning and Development, County Road Department, and State agencies shall be installed in such a manner as not to impede the flow of the drainage way nor impede the passage of resident or migratory population of fish.

-(3) Mining, dredging, or removal of gravel and similar materials from streams and other surface water shall be strictly controlled to prevent adverse alterations to flow characteristics, siltation pollution, and destruction or disruption of spawning areas.

-(4) Shorelands identified in this Plan for their aesthetic, scenic, historic or ecological qualities shall be preserved. Any private or public development, which would degrade shoreland qualities, shall be discouraged.

-(5) The public has a right to enjoy and utilize all the public water bodies. No improvement shall be permitted which impedes this ability. Care also must be exercised in protecting the privately owned shorelands.

-(6) Public and private bridge crossings over public water bodies shall be constructed to standards that insure maximum protection to the persons utilizing the structure and to the water system it crosses. To the maximum extent possible, minimum fill and/or removal shall take place during construction of the bridge.

-(7) Shorelands in Rural areas shall be used as appropriate for the following:

-(1) farm use,

-(2) private and public water dependent recreation,

-(3) aquaculture, and

-(4) to fulfill the open space requirements in subdivisions and planned developments.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, COASTAL SHORELANDS AND OTHER SHORELANDS
Shoreland policies pertaining to this proposal apply to areas along Neacoxie creek. All areas within the plat boundaries bordering the creek are designated common open space and will be transferred to the North Coast Land Conservancy (NCLC).

Coastal Shoreland policies are satisfied.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, BEACHES
Policies

See Goal 18 Beaches and Dunes Background Report and County-wide Element (Ord 03-08)

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, BEACHES
Policies pertaining to the Goal 18 county-wide element were addressed previously on pages 18 & 19 of this document and found to be consistent.

Beaches policies are satisfied.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, DUNES
Policies

See Goal 18 Beaches and Dunes Background Report and County-wide Element (Ord 03-08)

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, DUNES
Policies pertaining to the Goal 18 county-wide element were addressed previously on pages 18 & 19 of this document and found to be consistent.

Dunes policies are satisfied.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, FORT STEVENS STATE PARK SUBAREA POLICY
Off-road vehicles should not be permitted on dune or wetland areas in the park and shall not traverse the Natural wetland-salt marsh in Clatsop Spit.

For additional information, policies and mapping for these areas see the Columbia River Estuary section of the Estuarine Resources and Coastal Shorelands Background Report and County-wide Element.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, FORT STEVENS STATE PARK SUBAREA POLICY
Not Applicable to this application.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, ALLUVIAL LOWLANDS POLICY
Development on peat and other compressible soils shall be discouraged. In those areas where development has already occurred on peat and other compressible soils, policies on those soils in the County-wide Element shall apply.

FINDING: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, ALLUVIAL LOWLANDS POLICY
The soil types within the subdivision location do not include peat soils.

This policy is not applicable to the application.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, ALLUVIAL TERRACES POLICY
The County should encourage development on this type of landscape unit due to the slight to moderate slopes and the moderately well drained soils.

FINDING: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, ALLUVIAL TERRACES POLICY
Alluvial terraces are defined as: "A terraced embankment of loose material adjacent to the sides of a river valley. Also known as built terrace; drift terrace; fill terrace; stream-built terrace; wave-built platform; wave-built terrace." The subject property is located on wave & stream built terraces.

The application is in conformance with this policy.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, COAST RANGE FOOTHILLS POLICY
The predominant land use on this landscape unit should be forestry and low-density residential use. This is due to the characteristics of soils in this landscape unit, which have potential for mass movement.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, COAST RANGE FOOTHILLS POLICY
The area is not located in the Coast Range Foothills.

This policy is not applicable to this request.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, NATURAL RESOURCES
Post 208 Water Quality Study*

The study made several recommendations:

-(a) The groundwater protection strategy of this study should promote the maximum present and future beneficial uses of the Clatsop Plains aquifer. On-site wastewater disposal has been shown to be a significant beneficial use of the aquifer, and thus, the moratorium should be lifted in all areas of the Clatsop Plains study area.

-(b) The Camp Rilea wastewater spray irrigation field should be rehabilitated with a cover material that is conducive to plant growth. A suitable crop management plan should be developed so that the selected crop can be periodically harvested to remove the nutrients. The crop should be planted during March-April 1982, so that the spray irrigation field will be operable during the heavy summer use period.

-(c) The Warrenton landfill should be closed through an approved closure plan as directed by DEQ. The closure plan should provide for prohibition of further leachate contamination of the aquifer and the necessary gas removal facilities.

-(d) The wastewater disposal recommendations for the unincorporated Clatsop Plains are as follows:

-(1) Continue with current zoning requiring a minimum of 1 acre lot size and permit the use of a standard septic tank and disposal field.

-(2) For lots of record between 1/2 acre and 1 acre, a septic tank with a low pressure disposal field or sand filter should be used.

-(3) For lots of record between 10,000 square feet and 1/2 acre, septic tank systems should use a sand filter with a low pressure disposal field, if DEQ's regulations on house size, setbacks and system redundancy can be accommodated.

-(4) Allow no septic systems on lot sizes smaller than 10,000 square feet.

-(e) All future development in Gearhart, in accordance with the current Comprehensive Plan, should be required to use low pressure disposal fields and/or sand filters to maximize nitrogen removal in the system prior to disposal in the soil. DEQ should be requested to adopt a special geographic rule exempting the DEQ house size regulations in Gearhart.

-(f) Wastewater disposal recommendations for the seven sensitive areas are:

-(1) Install low pressure distribution and/or sand filter systems for all new wastewater sources (including the aggregate of one development) under 5,000 gallons per day.

-(2) For all new wastewater sources exceeding 5,000 gallons per day, construction of sewers and wastewater treatment facilities using land disposal or other disposal techniques acceptable to DEQ should be required.

-(3) Present uses of the aquifer for wastewater disposal should not be prohibited.

-(g) No action should be taken on surface water conditions at this time.

-(h) Aquifer reserve areas should be maintained to protect the aquifer as a possible future drinking water source through the following measures:

-(1) A minimum of 2.5 square miles of aquifer should be set aside for water supply development, including an area set aside by the City of Warrenton, the area within the boundaries of Camp Rilea, and the 40 acres of County-owned land at Del Ray Beach.

-(2) The County should preserve the necessary recharge area within Camp Rilea by developing an agreement with the Oregon Department of Military within 6 months.

-(3) Additional areas for aquifer protection should be sought through land use planning, and open space requirements.

-(4) Land use in the reserve areas should be controlled so that the potential for groundwater contamination from nitrogen and other possible pollutants is kept to a minimum.

-(i) The groundwater monitoring program should be continued as a part of the DEQ statewide monitoring program for the wells identified in Section VII of the report with samples taken on a semi-annual basis."

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, NATURAL RESOURCES

These are recommendations and not policies or criteria and thereby are not approval criteria. Regardless the measures described and recommended in the study will likely be implemented in the individual lot development stage.

These are not applicable criteria for approval and thereby satisfied.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, CLATSOP PLAINS AQUIFER POLICY

-(1) Land use actions (i.e. Comprehensive Plan changes, zone changes, subdivisions and partitions, planned developments, conditional use permits, etc.) shall be reviewed by the Planning Commission and the Department of Planning and Development to insure that the proposed activity(ies) will not:

-(a) adversely affect the water quality;

-(b) result in the drawdown of the groundwater supply;

-(c) result in the loss of stabilizing vegetation, or

-(d) salt water intrusion into the water supply.

Recommended Actions

-(1) To avoid desiccation of the groundwater lakes and encroachment of sea water, a water management program which is consistent with the water-budget equation for the Clatsop Plains should be developed. The County should request technical and financial assistance from state and federal agencies in evaluating water development potentials.

-(2) The County, in cooperation with other local jurisdictions, should consider a cost/benefit comparison of developing the Clatsop Plains aquifer as a water source with other sources of water supply.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, CLATSOP PLAINS AQUIFER POLICY

As mentioned previously the applicant is proposing to supply water to the proposed subdivisions via on site wells. As demonstrated in Attachment 13 no adverse impacts to the Clatsop Plains Aquifer are expected with this development.

The application satisfies this policy.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, CRITICAL HAZARDS

Wind and Ocean Shoreline Erosion Policies

Clatsop County shall prohibit:

-(1) the destruction of stabilizing vegetation (including the inadvertent destruction by moisture loss or root damage).

-(a) the destruction of stabilizing vegetation (including the inadvertent destruction by moisture loss or root damage).

(b) the exposure of stable and conditionally stable areas to erosion, and

-(c) construction of shore structures which modify current or wave patterns or the beach sand supply.

-(2) Erosion shall be controlled and the soil stabilized by vegetation and/or mechanical and/or structural means on all dune lands. After stabilization, continuous maintenance shall be provided. In those areas where the County has taken an Exception to the Beaches and Dunes Goal, the County shall have building permits reviewed by the Soil Conservation Service and use their recommendations as conditions of approval.

-(3) Removal of vegetation during construction in any sand area shall be kept to the minimum required for building placement or other valid purpose. Removal of vegetation should not occur more than 30 days prior to grading or construction. Permanent revegetation shall be started on the site as soon as practical after construction, final grading or utility placement. Storage of sand and other materials should not suffocate vegetation.

-(4) In all open sand areas, revegetation must be clearly monitored and carefully maintained, which may include restrictions on pedestrian traffic. Revegetation shall return the area to its pre-construction level of stability or better. Trees should be planted along with ground cover such as grass or shrubs. To encourage stabilization, a revegetation program with time limits shall be required by the Planning Department as a condition of all building permits and land use actions (i.e. Comprehensive Plan changes, zone changes, subdivisions and partitions, planned developments, conditional use permits etc.).

-(5) Removal of vegetation, which provides wildlife habitat, shall be limited. Unnecessary removal of shoreline vegetation shall be prohibited.

-(6) Site specific investigations by a qualified person such as a geologist, soils scientist, or geomorphologist may be required by the County prior to the issuance of building permits in open sand areas, on the ocean front, in steep hillsides of dunes, regardless of the vegetative cover, and in any other conditionally stable dune area which, in the view of the Planning Director or Building Official, may be subject to wind erosion or other hazard potential. Site investigations may be submitted to the State Department of Geology and other agencies for review of recommendations.

-(7) Log debris plays an important role in the formation and maintenance of foredunes. Therefore, driftwood removal from sand areas and beaches for both individual and commercial purposes should be regulated so that dune building processes and scenic values are not adversely affected.

Recommended Action

The County should work with the Clatsop Soil and Water Conservation District in determining whether their three zones affecting dunes are needed in light of new State law requirements.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, CRITICAL HAZARDS

Proper erosion control measures satisfying these policies can be implemented through appropriate conditions of approval. The applicant agrees to conditions necessary to ensure proper erosion control.

These policies are satisfied with the application of appropriate conditions.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, CULTURAL
Clatsop Plains Housing Goal:

To provide adequate numbers of housing units at price ranges and rent levels commensurate with financial capabilities of the households in the region and to allow for flexibility in housing location, type and density.

Housing Policies

-(1) Planned developments, the replatting of old subdivisions, and other land use actions shall encourage the preservation of steep slopes and other sensitive areas in their natural condition.

-(2) The location of a mobile home on an individual parcel of land shall be allowed in CONSERVATION FOREST LANDS and RURAL EXCLUSIVE FARM USE* areas which are in conjunction with a farm or forestry use. In areas designated RURAL LANDS*, a double wide or wider mobile home shall be allowed except in Surf Pines (zones SFR-1 and CBR*), Smith Lake (zone SFR-1*) and Shoreline Estates (zone RSA-SFR*).*

-(3) Areas shall be provided for mobile home parks within the cities' Urban Growth Boundaries.

-(4) Opportunities shall be provided for elderly and low income housing within the cities' Urban Growth Boundaries due to the availability of services provided.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, CULTURAL
The proposal discourages development on steep slopes and preserves sensitive habitat. Policy 2 can be addressed with an appropriate condition of approval or through CC&R that will govern the subdivision. The area is located outside of city limits and urban growth boundaries, therefore Policies 3 & 4 are not applicable to this request.

This policy can be satisfied with appropriate conditions.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES
Sewer Policies

-(1) Sewage systems shall be allowed in those areas outside of the Urban Growth Boundary only to alleviate a health hazard or water pollution problem, which has been identified by the Department of Environmental Quality and will be used only as a last resort.

-(2) The Shoreline Estates sewer system located near Cullaby Lake shall expand its sewer service area only to the current existing treatment plant's design capacity of approximately 500 people. Further development of this intensity on the Clatsop Plains shall occur within the Urban Growth Boundaries.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES
The sites will be serviced by individual septic systems approved by the Department of Environmental Quality as demonstrated in Attachment 16.

The proposal is consistent with these policies.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, TRANSPORTATION

Fire Protection Policy

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

Clatsop Plains Transportation Goal:

The County will develop policies, which minimize the number of access points on U.S. 101.

Transportation Policies

-(1) The development of new access points onto U.S. 101 shall be kept to a minimum number. It is the intent of this policy to reduce the potential for accidents, and to provide the most efficient means of maintaining highway capacity. Planned development, subdivision, major partition regulations shall be written so as to implement this policy.

-(2) Minor partitioning shall be required for all property adjacent to U.S. 101. Minor partition proposals will be reviewed in order to prevent numerous access points along this highway. The requirement for minor partition review shall take effect on the date of adoption of the Clatsop Plains Community Plan.

-(3) Streets in new developments shall be designed to minimize disturbance of the land by following contour lines (as an alternative to a grid pattern) and avoiding cut-and-fill construction techniques.

-(4) Unnecessary rights-of-way should be used as green belts, walking trails or bike paths where appropriate.

-(5) To minimize negative visual and noise impacts of U.S. 101, a buffer screen of existing vegetation shall be required for residential properties along U.S. 101. Planted vegetation should be encouraged in those areas along U.S. 101 where none presently exists. The buffer shall be 25 feet wide, unless the size of the lot and natural topography would create a hardship.

-(6) Clatsop County shall restrict direct access to arterials (i.e., U.S. 101) where alternative access is available.

-(7) At the time of a major or minor partition, access points shall be examined. Consolidation of existing access points or easements for adjoining properties to allow a common access point shall be considered.

-(8) It is the County's intent to develop a system of collectors, frontage roads and common access points to solve the problems that many access points create along U.S. 101. In order to carry out this intent the County shall do the following:

> *-(a) Require new developments to have access taken from the existing collectors and frontage roads unless a variance is given.*
>
> *-(b) New access points shall be reviewed by the County. New access points shall be reviewed based upon proximity to existing access points and safety standards developed by the Department of Transportation.*

-(9) Clatsop County should conduct a study of the Clatsop Plains to analyze access controls and problems in establishing criteria for collectors and frontage roads. The study should include: designation of specific access points, location of frontage roads, criteria for temporary access points, etc.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, TRANSPORTATION
Access roads to the site will be created and developed in a manner that limits disturbed areas to those necessary to develop the road network. All disturbed areas will be revegetated in accordance with erosion policies. The roads are designed around areas designated for habitat preservation. The road plans have also been approved by the County Road Master, as demonstrated in Attachment 18.

The proposal is consistent with the intent of these policies.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, RAIL
Recommended Action

Further study should be done by the County Department of Planning and Development on what portions of the rights-of-way will not revert back to property owners. And if some of the rights-of-way do not revert back, further work should be done on how the rights-of-way should be used.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, RAIL
These are recommended policies and do not pose approval criteria.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, AIR TRANSPORTATION
Recommended Action

The Seaside-Gearhart Citizen Advisory Committee, the County, the Cities of Seaside and Gearhart, and the State Aeronautics Division should work together in developing the Seaside Airport Plan.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, AIR TRANSPORTATION
These criteria are not applicable to this application.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, HISTORIC AREAS
Clatsop Plains Planning Goal:

To preserve Historic Resources of our past that might otherwise be lost due to unnecessary and unwise development.

Historic Area Policies

-(1) The County shall work with the Clatsop County Historical Advisory Committee and other organizations to identify and protect important local historical and archeological sites. Compatible uses and designs of uses should be encouraged for property nearby important historical or archeological sites.

-(2) Clatsop County shall protect significant historical resources by:

-(a) encouraging those programs that make preservation economically possible;

-(b) implementing measures for preservation when possible;

-(c) recognizing such areas in public and private land use determinations subject to County review.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, HISTORIC AREAS
There are no areas of historic significance on this site.

These policies are not applicable to this request.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, FISH AND WILDLIFE AREAS
Clatsop Plains Planning Goal:

To preserve wildlife habitats and natural vegetation as an essential part of the ecosystem for both men and wildlife.

Fish and Wildlife Policies

-(1) Maintain important fish and wildlife sites by protecting vegetation along many water bodies, classifying suitable land and water locations as NATURAL or CONSERVATION, and otherwise encouraging protection of valuable fish and wildlife habitats.

-(2) Private and public owners of property on which valuable habitat is located will be encouraged to adequately protect important fish and wildlife sites. The private owners, which participate in preserving the natural character of these sites, will be assisted in taking advantage of reduced property taxes for protecting such areas. New subdivisions shall be required to leave undeveloped reasonable amounts of property, which is needed for protection of valuable fish and wildlife habitat.

-(3) Intensive recreational development shall not locate within sensitive crucial habitat areas.

-(4) Habitat of all species indicated as endangered, threatened or vulnerable shall be preserved. Nesting sites of endangered bird species shall be protected and buffered from conflicting uses.

*-(5) *Wildlife refuges:*

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

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

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, FISH AND WILDLIFE AREAS
The area is not identified as Oregon Silverspot Butterfly habitat and therefore not subject to Policy 4. A survey conducted on an adjacent property discover some violets near Neacoxie creek. As a precaution this proposal sets these areas aside for preservation and identified the area as permanent common open space. Additionally this area will be conveyed to the NCLC for preservation and land stewardship.

The Fish and Wildlife policies are satisfied.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, RECREATION
Recreational Policies

-(1) Recreational vehicle parks shall only be permitted in the urban growth boundaries in the Clatsop Plains.

-(2) The World War II lookout site, dune area west of Sunset Lake and the land northeast of Camp Rilea should be kept in County ownership. These areas should be preserved for their scenic value as well as for wildlife value.

-(3) The designated bike trail going down the Coast shall be changed to follow U.S. 101 instead of along the Lewis and Clark Road.

-(4) Recreational users shall not be allowed complete and free use of the more delicate beach/dune land forms (active dune areas). Access to these areas shall be limited and only via stabilized trails.

-(5) Clatsop County shall adopt the Fort Stevens State Park Plan as part of the Clatsop Plains Community Plan.

*-(6) State and local jurisdictions shall cooperate to evolve the most efficient traffic flow patterns, parking arrangements and policy requirements for areas on and adjacent to active dune areas, especially parks and beach accesses.**

Recommended Action

Further research should be done on a possible trail going from Fort Clatsop National Park to the coastal beaches.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, RECREATION
These policies are not applicable to this request.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, SCENIC AREAS
Clatsop Plains Planning Goal:

Important vistas, views of the ocean, and other significant visual features should be preserved and the obstruction of these vistas should be discouraged.

*The following discussion and policies are in addition to those found in the Open Space, Scenic and Historic Areas and Natural Resources, Recreational Needs and Estuarine Resources and Coastal Shorelands Elements. Sites inventoried (i.e. views along U.S. 101 of dune ridges and coastal foothills) that are in addition to those inventoried in the Open Space, Scenic and Historic Areas and Natural Resources, Recreational Needs and Estuarine and Coastal Shorelands Element are local desires and are not to be construed as additional Goal site requirements (e.g. they are not exceptional views).**

Scenic Area Policies

Area	*Perspectives*	*Policy or Control*
Beach/Ocean	*All directions*	*1. In order to provide the greatest view potential for properties along the ocean, the building height shall be limited to 18' on beach front lots and 26' for adjacent properties.*
World War II Viewing	*Oceans, beaches, Clatsop*	*2. The County owns about 40 acres of land. This land should be set aside for its scenic*

Point	*Plains*	*value.*
Lewis & Clark Road above Thompson Falls	*Seaside-Gearhart area, ocean, and Tillamook Head*	*3. If property above Thompson Falls is developed, some areas shall be set aside as open space.*
Views along U.S. 101	*The dunes to the west and Coastal Foothills to the east*	*4. Excessive sign sizes and numbers of signs shall be discouraged by local regulations. No new billboards or other off-premise signs shall be allowed, except in commercial or industrial zoned land with strict controls.*
Coastal Foothills and Dune Ridges	*All Directions*	*5. No intensive development on the foothills or on top of dune ridges should be permitted.*

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, SCENIC AREAS

No important vistas, views of the ocean, or other significant visual features will be disturbed by this proposal. The majority of the development for this subdivision will occur in the narrow area between dune ridges. There are three lots within the Clatsop Estates subdivision that may need to be placed upon the dune, which is a large table top and runs from surf pines lane north beyond the subject property. Adjacent subdivisions were also granted permission to place home sites on the top of the dunes due to the topography of the sites. Similar provisions are proposed with this development.

The proposal is consistent with Scenic Area policies.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, OPEN SPACE

Policies

-(1) Land owners shall be encouraged to retain or preserve large parcels of undeveloped land as open space under the provisions of the open space taxation program.

-(2) The County shall carefully consider the feasibility of all methods for the preservation of open space as the opportunities arise.

-(3) The County Zoning Ordinance shall prescribe a maximum lot coverage in those areas designated DEVELOPMENT.

*-(4) All planned developments and subdivisions in the Clatsop Plains planning area designated RURAL LANDS** shall cluster land uses and designate areas as permanent common open space. No reversionary clause shall be permitted in common open space. The minimum percentage of common open space shall be 30%, excluding roads and property under water. The clustering of dwellings in small numbers and the provision of common open space assures good utilization of land, increased environmental amenities, maintenance of a low density semi-rural character, maintenance of natural systems (dunes, wetlands), and may be used as an open space buffer between the residential use and adjacent agricultural or forest uses. This policy shall apply in all RURAL LANDS** areas in the Clatsop Plains except for the area commonly known as Surf Pines.* Clustering shall be prohibited in the area known as Surf Pines.* Surf Pines is further described by the following description (see Appendix B) and map.**

-(5) Permanent open space shall include, whenever possible, steep dunes which would require substantial alterations for building, buffers along streams, water bodies, deflation plains, and farm and forest lands.

-(6) Buffers (screening) shall be provided in all subdivisions and planned developments along property lines adjacent to arterials and/or collectors.

-(7) Permanent open space as part of subdivisions or planned developments adjoining one another shall be interrelated and continuous whenever possible. This could mean that open space could continuously follow ridge tops, deflation plains or shorelands. The Clatsop County Department of Planning and Development shall prepare a map of potential systems of open space to be used as a guide for developers.

-(8) Streams and drainages, which form a system of open space, shall be preserved.

FINDINGS: CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, OPEN SPACE

This proposal is for a 9-lot cluster subdivision on 15.59 acres (Clatsop Estates) and for an 18-acre subdivision on 35.20 acres (West Dunes).

Tax lot 2900 is the subject property for the Clatsop Estates Subdivision. In accordance with clustering requirements the owner has identified 30% of the entire development site as "permanent common open space." Thirty percent of the final acreage for this parcel (15.59 ac.) is 4.68 acres. Total permanent common open space identified on the preliminary plat for the Clatsop Estates Subdivision totals 4.5 acres, and an additional .18 acres is located on the adjacent parcels for a total of 4.70 acres.

Tax lot 3400 is the subject property for phase one of the West Dunes Subdivision. In accordance with clustering requirements the owners have identified 30% of the entire development site as "permanent common open space." Thirty percent of the final acreage for this parcel (15.20 ac.) is 4.56 acres. Tax lot 3700 is the subject property for phase two of the West Dunes Subdivision. In accordance with clustering requirements, 30% of the entire development has been identified as "permanent common open space." Thirty percent of the final acreage for this parcel (10 ac.) is 3.00 acres. Tax lot 3600 is the subject property for phase three of the West Dunes Subdivision. In accordance with clustering requirements, 30% of the entire development has been identified as "permanent common open space." Thirty percent of the final acreage for this parcel (10 ac.) is 3.00 acres. Total permanent common open space identified on the preliminary plat for the West Dunes Subdivision totals 10.74 acres with a total of 10.56 acres required; .18 acres of open space is used within the Clatsop Estates Subdivision to achieve adequate open space. The applicants have designated sufficient open space to satisfy the 30% requirement. These areas are identified on the Plat with an alphanumeric identifier (i.e. "Tract C"). See Attachment 8.

The open space policies are satisfied.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, COMMUNITY DEVELOPMENT
General Development Policies

-(1) The predominant growth (residential, commercial, and industrial) shall occur within the Cities of Seaside, Warrenton, Gearhart and the Town of Hammond, as well as those areas in the Urban Growth Boundaries.

-(2) Residential, commercial and industrial development shall be directed away from those areas designated CONSERVATION FOREST LANDS, CONSERVATION OTHER RESOURCES, and NATURAL.

-(3) In divisions of land into lots where future partitions or resubdivisions could occur, lots should be designed to take the potential for future divisions of land into consideration.

-(4) Natural features such as creeks and ridges should be used wherever possible as a boundary between intensive uses such as commercial activities and low intensive uses.

-(5) Plot plans or building plans may be required to indicate on them how storm water is to be drained. Access permits shall be reviewed by the State Highway Department and County Road Department to insure adequate drainage is provided.

-(6) Incentives shall be provided to encourage developers to use innovative methods to provide a high quality of design, energy conservation and low-income housing.

-(7) The following policies shall be used when examining commercial development in the Clatsop Plains:

> *-(a) To direct and encourage commercial activities to locate within urban growth boundaries. This will be most convenient for customers because most people will live in the urban areas. Also, business requirements for water, sewer, fire protection and other public services can best be met.*
>
> *-(b) To group business activities into clusters or "centers". This will be more convenient for patrons, permitting them to accomplish more than one purpose during a stop. It will also avoid mixing homes with scattered businesses. Joint use of vehicular access and parking at commercial centers will be more economical and be less disruptive for street traffic.*
>
> *-(c) To prevent "strip" commercial development along arterials, particularly U.S. Highway 101, and to limit business to designated strategic locations. To reserve non-commercial portions of arterials so that property owners may develop residential or other uses without fear of disruptive business development next door.*
>
> *-(d) To emphasize and support existing town centers as business places. These centers are important for community identify, social cohesion, civic activity, public service, convenience, attractions and amenities. They should continue to be a focus for commercial activities as well.*
>
> *-(e) To concentrate new commercial development in and adjacent to existing, well-established business areas. To increase the patronage and vitality of these areas and to avoid undue dispersal of new commercial activities.*

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, COMMUNITY DEVELOPMENT

The intent of these policies is to regulate commercial development focused on community centers. With the exception of policy 5, these policies do not apply to this request. In accordance with policy 5, storm water drainage plans will likely be a function of a development permit and assessed at that time. Where necessary, storm water drainage from improved surfaces will be directed to bio-swales and appropriate drainage areas.

The proposal is consistent with the policies regarding community development.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, RURAL SERVICE AREA

Policies

-(1) The minimum building site in Rural Service Area shall be 7,500 square feet in sewered areas and 15,000 square feet in unsewered areas.

-(2) The area known as Shoreline Estates shall be designated a RURAL SERVICE AREA, due to the existing facilities available. The land area for this designation shall not be larger than the existing treatment plant's capacity. The expansion of the RURAL SERVICE AREA designation should NOT be allowed. It is the intent of the Community Plan to encourage urban densities to occur within the cities and the Urban Growth Boundaries where more facilities and services are available.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, RURAL SERVICE AREA

Lot sizes are in excess of 15,000 square feet, and the receiving site is not located in a rural service area. Therefore these policies are not applicable to this request

The policies regarding rural service areas are not applicable to this request.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, RURAL LANDS
Clatsop Plains RURAL LANDS Goal:

To preserve and maintain the present overall rural quality of life now enjoyed in the Clatsop Plains.

Policies

-(1) The minimum parcel size for building sites in RURAL LANDS areas shall be one acre.**

-(2) Rural residential subdivisions shall be required to have paved streets, except if the subdivision involves extremely large land parcels or only a few land parcels are involved and there is no potential for increase traffic demand on the roadway.

*-(3) In recognition of the existing commercial uses at Cannon Beach Junction and the area south of Warrenton, a general commercial zone shall be provided at the Cannon Beach Junction and south of Warrenton.**

-(4) A neighborhood commercial zone allowing such uses as a gas station, or "Ma or Pa" grocery store shall be provided at the following locations along U.S. 101; Reed and Hertig, Sunset Lake and Dugan's Store and the West Lake Store.

-(5) When considering new commercial areas or expansion of existing commercially zoned land the policies pertaining to commercial land in the General Development policies, as well as the following standards, shall be used:

-(a) Adequate off-street parking shall be provided to prevent traffic congestion resulting from on-street parking.

-(b) A buffer and screen shall be provided between commercial and residential uses.

-(c) Signs shall be designed so as not to distract from the surrounding area.

-(d) The size of neighborhood commercial uses shall be sized to serve every day personal needs of the surrounding rural population and generate little or no traffic from outside of the rural area.

-(e) Review by State and County Road officials for safe access including adequate site distance.

-(6) Clatsop County intends to encourage a majority of the County's housing needs to occur within the various cities' urban growth boundaries. Approval of subdivisions and planned developments shall relate to the needs for rural housing. Through the County's Housing Study, the County has determined the Clatsop Plains rural housing needs to be approximately 900 dwelling units for both seasonal and permanent by the year 2000. The rural housing needs should be reexamined every two (2) years from the date of adoption of the Plan.

-(7) Subdivisions and planned development shall be encouraged to phase development over several years to provide for rural housing needs.

*-(8) *Grandfather the following lots:*

-(a) *Block 4, lots 1-4*
Block 13, lots 3, 4, 15-18
*Block 19, lots 7 & 8***

Block 19, lots 9-12
Block 20, Lots 1-4, 9-14, 17-20
Block 29, lots 2, 3, 6, 7, 14, 15

All in Sunset Beach subdivision, Clatsop County, Oregon provided, however, that a 10,000 sq.ft. minimum lot size be required and that any other conditions for development applicable to this area shall be enforced.

*-(b) The five (5) lot area commonly referred to as RAM West (see attached map) provided, however, that there are no more than five lots exclusive of the coastal shoreland area.***

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, RURAL LANDS
Applicable rural lands policies include policies 1, 2, 6, & 7. All proposed lots meet or exceed the one-acre minimum described in policy 1. Paved streets in accordance with county road standards depicted in Table 1 Section S6.050 will service the subdivision. It is unclear by the language in the county's goal 10 element what or when the County's rural housing needs were last assessed. Regardless housing markets usually drive housing needs; hence it stands to reason that if there is a market there is a need. See Attachment 22 for more information on housing needs. Additionally in accordance with policy 7 the applicants are proposing to develop this subdivision in three phases as indicated on the preliminary plat.

The proposal is consistent with the rural lands policies.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, RURAL AGRICULTURAL LANDS
*Policies**

See Agricultural Lands Background Report and County-wide Element.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, RURAL AGRICULTURAL LANDS
Policies addressing the Rural Agricultural Lands are not applicable to this proposal.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, CONSERVATION FOREST LANDS
*Policy***

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

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, CONSERVATION FOREST LANDS
Policies addressing Conservation Forest Lands are not applicable to this proposal.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, CONSERVATION OTHER RESOURCES
*Policy**

See Open Space, Scenic and Historic Areas and Natural Resources, Recreational Needs, Estuarine Resources and Coastal Shorelands and Beaches and Dunes Background Reports and County-wide Elements.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, CONSERVATION OTHER RESOURCES
Policies addressing Conservation Other Resources are not applicable to this proposal.

CRITERIA: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, CONSERVATION OTHER RESOURCES, NATURAL
Policies

-(1) Areas rich in wildlife or of a fragile ecological nature, shall be preserved as Natural areas. The following areas shall be designated NATURAL: Clatsop Spit, Tillamook Chute, portions of Fort Stevens, Carnahan Lake, Slusher Lake and portions of the Necanicum Estuary.

-(2) The NATURAL aquatic designations for Carnahan Lake and Slusher Lake shall extend 100 feet measured horizontally from the aquatic-shoreland boundary.

FINDINGS: CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN, PUBLIC FACILITIES AND SERVICES, CONSERVATION OTHER RESOURCES, NATURAL
The receiving site does not consist of the attributes mentioned above; therefore, the policies are not applicable to this request.

With appropriate conditions Land and Water Development and Use Ordinance Section 5.412: Zone Change Criteria 1 will be satisfied.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.412: ZONE CHANGE CRITERIA (2)

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

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

FINDINGS
Per LWDUO Section 5.412 (2), the proposed zone change must be consistent with the Statewide Planning Goals (ORS 197). Clatsop County has a ratified comprehensive plan; consistency with Statewide Planning Goals is determined through a review for consistency with the County's Comprehensive Plan. As the factors indicate in the review of the comprehensive plan, this proposal is consistent with the policies and criteria detailed both in the County Wide Element and the Clatsop Plains Community Plan.

Based on the analysis of the Clatsop County Comprehensive Plan the proposal is consistent with the Statewide Planning Goals (ORS 197).

The proposal is consistent with Land and Water Development and Use Ordinance Section 5.412: Zone Change Criteria 2.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.412: ZONE CHANGE CRITERIA (3A, 3B, 3C, 3D)

APPROVAL CRITERION

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

-(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

FINDINGS

Mentioned previously in the analysis for Goal 11, the proposal has adequate public facilities. The applicant has provided letters from the local rural fire protection district and the local school district that would service potential residents of the subdivision. DEQ Site evaluations for a representative sample have been provided. Additionally water will be provided from either the city of Warrenton and/or on site wells.

See Attachment 9, Attachment 13, Attachment 14, Attachment 15, Attachment 16, Attachment 17 and Attachment 18.

The applicant has documented that adequate public facilities are available for development of this site.

The proposal is consistent with Land and Water Development and Use Ordinance Section 5.412: Zone Change Criteria 3.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.412: ZONE CHANGE CRITERIA (4)

APPROVAL CRITERION

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

-(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.

FINDINGS

Both the sending site and the receiving sites are serviced by adequate and safe transportation networks. The change in zoning of the sending sites will result in a reduction of traffic heading to those areas, with a proportionate increase in traffic near the subject parcels. Overall, because the densities are transferred within the same general region and all sites utilize Highway 101 for north-south transit, overall impacts to traffic are negligible. Furthermore, the roads have been assessed and approved by the County Road Master, as shown in Attachment 18.

In accordance with Clatsop County's TSP policies an increase in ADT over 300 might require a traffic impact study. The estimated average daily trips generated from the Clatsop Estates subdivision is 90 ADT; the estimated ADTs generated from West Dunes is 180 ADT for a combined total of 270 ADTs. This proposal should not generate over 300 average daily trips even in peak season. Therefore a traffic impact study should not be required.

The proposal is consistent with Land and Water Development and Use Ordinance Section 5.412: Zone Change Criteria 4.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.412: ZONE CHANGE CRITERIA (5)

APPROVAL CRITERION

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

-(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.

FINDINGS

This project proposes lot sizes in accordance with policies for the Clatsop Plains Community plan and compatible with the surrounding development patterns and characteristics. The proposal will not result in the over-intensive use of the land.

The proposal is consistent with Land and Water Development and Use Ordinance Section 5.412: Zone Change Criteria 5.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.412: ZONE CHANGE CRITERIA (6)

APPROVAL CRITERION

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

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

FINDINGS

This proposal is designed around the characteristics and terrain of the site. It includes common open space, possible butterfly habitat along Neacoxie Creek; wetland preserves and considers the contours of the site to provide the best residential components given the natural terrain.

The proposal is consistent with Land and Water Development and Use Ordinance Section 5.412: Zone Change Criteria 6.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.412: ZONE CHANGE CRITERIA (7)

APPROVAL CRITERION

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

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

FINDINGS

The primary objective of this proposal is to move the density from marginal lands and place them on lands better suited for residential development. The applicants have structured this proposal to maximize the potential of the land while maintaining a balance between development, future growth, and environmental concerns.

This proposal is consistent with Land and Water Development and Use Ordinance Section 5.412: Zone Change Criteria 7.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.412: ZONE CHANGE CRITERIA (8)

APPROVAL CRITERION

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

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

FINDINGS

The proposal does not pose any threats to the health, safety, and general welfare of Clatsop County.

This proposal is consistent with Land and Water Development and Use Ordinance Section 5.412: Zone Change Criteria 8.

EXHIBIT F – SUBDIVISION CRITERIA FOR CLATSOP ESTATES

APPLICATION

APPLICATION FOR SUBDIVISION
Fee: $239 Pre-application Conference
Type II - $1296
Type III - $1609
Extension - $184

APPLICANT:	Frog Consulting LLC	Phone:	503-325-5666
Address:	469 Lexington Ave, Astoria OR 97103		
OWNER:	Osburn - Olson LLC	Phone:	503-717-3907
Address:	1369 Stillwater Court, Seaside OR 97138		
AGENT:	CKI, Inc,	Phone:	503-738-4320
Address:	PO Box 309, Seaside OR 97138		

Proposed Development:
Proposed Name of the Development:
Existing Comprehensive Plan Designation:
Present Zoning:
Property Description:

7	10	22C	2900
Township	Range	Section	Tax Lot(s)

Directions to the property from Astoria:_Highway 101 South, right at access point north of Surf Pines Lane.

What is the nearest "Community" (i.e. Svensen, Arch Cape,Westport)? Gearhart

General description of the property:

Existing Use: Residential farm

Topography: Dune topography

General description of adjoining property:

Existing Uses: residential and agricultural
Topography: Dune

Include a map of the property and adjacent parcels. The map must show both existing and proposed development and existing and proposed roads, etc.

Total acreage: 15.59 Number of proposed lots: 10

Smallest lot size: 0.72 Largest lot size: 1.45

Septic tanks or subsurface sewer: Septic

Has each lot been evaluated through the Department of Environmental Quality? No but a representative sample has been taken.

Are the DEQ documents attached? Yes

Water source (public water, wells, springs): Wells

What is the name of the Water District: N/A (Warrenton Water District)

Are documents attached? (Letter from the Water District, or quantity/quality information about well water, and a copy of the water right if water from a spring is to be utilized): Yes

What other utilities will be provided? Electric, Phone, Cable, Gas

When and whom will install them? Respective companies.

Are documents attached, which verify that these utilities will be provided? Yes

Do you propose any covenants or private restrictions for the proposed development? Yes

Is a copy of the proposed restrictions attached to this application? Yes

Do you propose to create a homeowners or road maintenance association?: _Yes_If yes, and you have a copy of such maintenance agreement, attach it to this application.

Identify which goal and policy statements contained within the Comprehensive Plan pertain to this subdivision request. See Attached Findings

Explain how you proposed subdivision and use conform to the uses, goals and policy statements identified
See Attached Findings

Does your proposed subdivision and use conflict with the uses, goal and policy statements identified above:
No

This section is only to be filled out if the proposed subdivision occurs in the Clatsop Plains planning area.

1. Is there a public need for your proposed subdivision and use? (Would your proposed use provide a service, product or usage needed by the public?) Explain on a separate piece of paper how the proposed development complies with the policy below: See attached Findings Addressing Clatsop Plains Policies

   Rural Policy #6: "Clatsop County intends to encourage a majority of the county's urban growth boundaries. Approval of subdivisions and planned developments shall relate to the needs for rural housing. Through the County's Housing Study, the County has determined the Clatsop Plains rural housing needs to be approximately 900 dwelling units for both seasonal and permanent by the year 2000. The rural housing needs should be re-examined every two (2) years from the date of the adoption of the plan."

The information contained in this application is in all respect true, complete, and correct to the best of my knowledge.

Applicant's Signature: _____ D ate: _____
Owner's Signature: _____ D ate: _____
(Or notarized letter)

THE FOLLOWING INFORMATION IS ADDRESSED IN THE ATTACHED EXHIBIT G WEST DUNES SUBDIVISION

Section 5.220.Subdivisions. An applicant for a subdivision for six (6) or less lots shall be processed by the Director under a TYPE II procedure. Any larger subdivision shall be processed by a TYPE III procedure. A subdivision occurs when four (4) or more lots are created, including the parent parcel, within a calendar year.

(1) No one subdivision, contiguous group of subdivisions or planned development shall create greater than thirty (30) lots within the same calendar year, (January 1- December 31), in the Rural designation in the Clatsop Plains planning area; and

(2) The applicant when applying for a subdivision or planned development in the Clatsop Plains Rural designation, shall show how the request addresses the NEED issue of the Clatsop Plains Community Plan below:

"6. Clatsop County intends to encourage a majority of the County's housing needs to occur within the various cities' urban growth boundaries. Approval of subdivisions and planned
developments shall relate to the needs for rural housing. Through the County's Housing Study, the County has determined the Clatsop Plains rural housing needs to be approximately 900 dwelling units for both seasonal and permanent by the year 2000."

Section 5.222. Preliminary Plat An applicant for a subdivision shall submit (9) copies of the Preliminary Plat, together with improvement plans and other supplementary information required by this Ordinance to indicate the design and objectives of the subdivision.

Section 5.224. Form and Scale of Preliminary Plat. The Preliminary Plat shall be clearly and legibly drawn. It shall show all pertinent information to scale so that the Commission may have an adequate understanding of what is proposed during the review process. Under ordinary circumstances, the scale of the drawing is to be one (1) inch equals fifty (50) feet or one-hundred (100) feet, or for areas over one- hundred (100) acres; one (1) inch equals two-hundred (200) feet.

Section 5.226. Preliminary Plat Information. The Preliminary Plat of the proposed subdivision shall include the following information:

1. Proposed name of subdivision. Subdivision plat names shall be subject to the approval of the County Surveyor or, in the case where there is no County Surveyor, the County Assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot

numbers and, if used, the block numbers of the subdivision plat of the same name last filed. On or after January 1,1992, any subdivision submitted for final approval shall not use block number or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters.

2. Northpoint, scale, and date of the completed drawing, approximate acreage, and boundary lines.

3. Appropriate identification clearly stating the map is a Preliminary Plat.

4. Location of the subdivision by section, township, range, tax lots or lots and donation land claim sufficient to define the location and boundaries of the proposed subdivision.

5. Names, addresses and zip codes of all owners, subdividers, and engineers or surveyors responsible for laying out the subdivision.

6. Existing locations, widths, names of both opened and unopened streets within or adjacent to the subdivision, together with easements or rights-of–way and other important features, such as section lines, corners, city boundary lines and monuments.

7. A vicinity map showing the relationship of the proposed subdivision to surrounding development, streets, and sewer and water services, within one-quarter (1/4) mile of the exterior boundaries of the proposed development.

8. Location of at least (1) temporary bench mark within the plat boundaries.

9. Contour lines related to the temporary bench mark or other datum approved by the County Surveyor and having contour intervals together with the calculated degrees of slope as follows:

    a. For slopes not in excess of 10 percent: two-foot contours.

    b. For slopes over 10 percent : five-foot contours.

10. Location of significant natural features such as rock outcroppings, marshes, wooded areas, and isolated preservable trees.

11. Location of any rare, threatened and endangered species (plant or animal) located on or within 1,000 feet of the proposed subdivision.

12. Location and direction of all water courses and/or bodies and the locations of all areas subject to flooding.

13. Existing uses on the property, including location of all existing structures.

14. Location, width, name, approximate grade, and radii of curves of all proposed streets, their relationship of such streets to any projected or existing streets adjoining the proposed subdivision. The subdivider shall submit documented preliminary approval, from the County Roadmaster, of his road design.

15. Location, width, and purpose of proposed easements and private roads for private use, where permitted, and all reservations or restrictions relating to such easements and private roads.

16. Proposed plan for draining surface water, including the location and type of drainage ways to carry surface water from the development without adversely affecting adjacent properties. If any filling is proposed, the drainage plan must demonstrate that adequate provisions have been made for the prevention of backup or ponding of surface water on adjacent properties as well as within the proposed development.

17. Location, acreage, and dimensions of lots and the proposed lot numbers.

18. Site if any, allocated for a purpose other than single family dwellings.

19. Location, acreage, and dimensions of areas proposed for public use.

20. Location, acreage, and dimensions of areas proposed for common open space (30% in the Rural designation of the Clatsop Plains planning area).

21. Any subdivision may be platted in as many as three (3) phases. All phases must be submitted on the Preliminary Plat with proposed time limitations for the recording of the various phases. However, phasing must meet the following time limitations:
    a. Phase I- shall be recorded within twelve (12) months of preliminary approval
    b. Phase II-shall be recorded within thirty-six (36) months of preliminary approval.
    c. Phase III-shall be recorded within sixty (60) months of preliminary approval.

The Community Development staff will review each phase prior to recording to make sure the phase, as recorded, is in accord with the preliminary approval given by the Planning Commision. Any submitted phase which does not coincide with the approval as given by the Planning Commision shall be referred to the Planning Commission for a hearing. At such hearing, the Commission shall have the authority to revoke, revise, and amend or alter the prior approval. Notice shall be sent subject to Sections 6.110-6.120.

For any subdivision which has an approved phasing plan as granted by the Commision under the Preliminary Plat approval, all parts of the subdivision shall fall under control of the various Ordinances in effect at the time of preliminary approval, unless state or local law shall determine that newer or current Ordinances or laws are to be followed.

If any time limitation is exceeded, preliminary approval for the subdivision or any phase of the subdivsion shall be void. The subdivider shall submit any future proposals for the

development of the Property to the Commission for approval.

Agreement for improvements for each phase shall comply with this Ordinance prior to the Final Plat approval of such phase. If a bond is required, such bond shall be for a sum determined by the County Engineer to be sufficient to cover costs of construction for that phase.

22. Technical documentation shall be supplied to the Commission by the subdivider at the time of submittal of the Preliminary Plat, addressing the following items:
    a. An acceptable and approved method of sewage disposal for each proposed lot which meets the rules and regulations of the Environmental Quality Commission of the State of Oregon as administered by the Department of Environmental Quality or its contract agent.
    b. An acceptable and approved method of water supply.
    c. The nature and type of improvements proposed for the subdivision, and a timetable for their installation.
    d. A description of community facilities which would serve the subdivision, and a timetable for the completion or installation of the facilities.
    e. Where a surface or subsurface water problem may exist, as determined by the Department of Environmental Quality, County Sanitarian, or other qualified specialist, a complete report by an independent, qualified hydrologist or hydrogeologist or other qualified specialist shall be required prior to any hearing on the Preliminary Plat by the Commission. The fee for such study shall be paid by the subdivider.
    f. Subdividers shall provide a list of any restrictive covenants which are to be recorded.
    g. A demonstration that lot size and use are in compliance with the applicable zone.

23. Compliance with the Clatsop County Comprehensive Plan and Land and Water Development and Use Ordinance, and ORS 92 and 215.

24. Lots not intended for sale shall be designated by alphabetic symbol which indicates the intended usage. The acreage for each dedicated lot, if any, is to be shown.

25. Notations indicating any limitations on rights-of-access to or from streets and lots or other parcels of land proposed by the developer or established by the Board.

26. A quotation from the Clatsop County Assessor on taxes to be paid on a proposed subdivision before final platting shall take place in accordance with ORS 92.095.

27. If any federal or state permit is required to carry out the preliminary plat approval, approval shall be subject to a condition requiring the subdivsion to comply with the applicable federal and state laws.

Section 5.228. Preliminary Plat Review.

1. Upon receipt of a completed Preliminary Plat, the Community Development Department shall set a date for a public hearing before the Planning Commission.

Copies of the Preliminary Plat shall be furnished to all affected city, county, state and federal agencies and special districts for review and comment. Failure to provide written comment to the Community Development Department within fifteen (15) working days thereof may be deemed a recommendation for approval unless an additional review period is requested by the jurisdiction and approved.

2. The Preliminary Plat, supplementary information and recommendations of the Community Development Staff and other reviewing agencies shall be submitted to the Commission for review at a public hearing. The Commission shall review the plat and other data submitted, taking action upon the proposal within sixty (60) days from the date of the first hearing at which the request was heard.

3. The Commission may approve, conditionally approve or disapprove the proposed subdivision. The Commission may attach as a condition of approval those conditions reasonably necessary to carry out the provisions of this Ordinance and may require the developer to post a bond of an amount set by the County Engineer, for all improvements or construction within the proposed subdivision. The Commission may also require the subdivider to file a map within thirty (30) days of the date of conditional approval showing the design approved by the Planning Commission.

4. If the Commission has approved or conditionally approved a subdivision, it shall make specific findings indicating that sufficient water supply is available, that each lot has an approved sewage disposal site or will have access to an area for sewage disposal, and that an approved road system will provide access or will be constructed to provide access to each lot in the subdivision. In addition to those specific findings, the Commission shall make its findings in regard to the standards as set forth in Section 5.220 to and including 5.226 and S5.100 to and including S5.120 of this Ordinance, the road standards as set forth in Section S6.000 of the Development and Use Standards Document.

5. Preliminary Plat approval shall be binding on the Commission and the subdivider for the purpose of preparing the Final Plat, provided that there are no changes of the plan of the subdivision, and that it complies with all conditions as set forth by the Commission in its preliminary approval and Section S5.100 to and including S5.120 and road standards as set forth in S6.000 of the Development and Use Standards Document of this Ordinance. Such approval of the Preliminary Plat shall be valid for two (2) years from the date of the approval of the Preliminary Plat.

6. Minor amendments, such as slight alteration in lot lines, to an approved preliminary plat may be approved by the Director if said amendments concur with the Planning Commission's conditions of approval. Such amendments will only be valid for the twelve month period following their approval and will become invalid if not implemented within that time.

Section 5.230. Granting of Extensions.

1. The Community Development Director may grant an extension of up to twelve (12) months to the Preliminary Plat approval and of up to twelve (12) months to any subdivision being developed in phases. The Director shall have the authority to attach whatever conditions are necessary to carry the provisions of the Comprehensive Plan and this Ordinance but in no event shall more than (2) extensions be granted by the Community Development Director. Any request for an extensions shall be processed under a Type I procedure, 2.100.

2. A subdivider who is developing his subdivision in phases may seek an extension of time from the Director on the phase then under development. The Director upon the facts presented may grant an extension of time of up to twelve (12) months. This extension of time shall not affect any other phases not under development.

3. The granting of an extension by the Director shall be noted on two (2) copies of the Preliminary Plat, including any conditions imposed. One signed copy is to be given to the subdivider while the other copy is retained in the Community Development Department file.

Section 5.232. Submission of Final Plat. Within two (2) years after approval of the Preliminary Plat,or within such time as set forth by the Commission under the provisions of Section 5.230(2) of this Ordinance, the subdivider shall cause the subdivision to be surveyed and a plat prepared in accord with the approved Preliminary Plat. Before approval by any County official, the Final Plat shall be approved and signed by all persons and must also have the signature and seal of the registered professional land surveyor responsible for the laying out of the subdivsion. All signatures must be with black India ink.

Section 5.234. Form and Scale of Final Plat

1. The final Plat offered for approval and recording shall be made pursuant to the Standards in Section S5.200.

2. At the time of filing the Final Plat, the surveyor who made the plat shall furnish the County Clerk and/or County Surveyor with an exact copy of the Final Plat offered for recording. This copy shall be made with black India ink or silver halide permanent photocopy on polyester film having the same or better characteristics of strength, stablility and transparency, and shall have an affidavit that the photocopy or tracing is an exact copy of the Plat.

3. The scale on the Final Plat will be one (1) inch to one-hundred (100) feet or, one (1) inch to fifty (50) feet. The scale may be increased or decreased if necessary to fit the legal sized 18"x 24" plat, but in all cases the scale shall be in multiples of ten.

4. The subdivider shall provide, at his/her own expense, up to six (6) prints at request of the Commissioner and/or Board.

Section 5.236. Information on Final Plat. The following information shall be shown on the Final Plat and is required by ORS 92.

1. The name of the subdivision, the date the plat was prepared, the scale, northpoint, legend and existing features such as highways and railroads.

2. Legal description of the subdivision boundaries.

3. Reference, by distance and bearings, to adjoining recorded surveys, if any, and referenced to a field book or map as follows:
   a. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.
   b. Adjoining corners of adjoining subdivsion.
   c. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this Ordinance.

4. Exact location and width of streets and easements intersecting the boundary of the subdivision.

5. Subdivision boundaries, lot or tract boundaries, and street right-of-way and centerlines with dimensions to the nearest 1/100th of a foot and bearings in degrees, minutes and seconds, pursuant to the requirements of OR 92.

6. Names and width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius, central angle, longchord bearing and distance shall be indicated.

7. Easements denoted by fine dotted lines, clearly identified and, if already of record, there shall be written statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

8. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision.

9. Location of all permanent monuments within the proposed subdivision.

10. Ties to any city, county, or adjacent subdivision's boundary lines.

11. Acreage of each parcel to the nearest 1/100th of an acre.

12. Any conditions specified by the Commission or Board upon granting preliminary approval.

13. A statement of water rights noted on the subdivision plat or partition plat.
14. A copy of the acknowledgement from the State Water Resources Dept. under ORS 92.122, if the person offering the subdivision or partition plat for filing indicates on the statement of water rights that a water right is appurtenant to the subdivision or partition.

Section 5.238. Survey Requirements.

1. A complete and accurate survey of the land to be subdivided shall be made by a registered professional land surveyor licensed to practice in the State of Oregon, in accordance with ORS 92.

Section 5.240. Supplementary Information with Final Plat

1. Evidence of Title. The Commission shall require Evidence of Title accompanying the Final Plat by a letter or Final Plat report in the name of the subdivider. Such evidence shall indicate that the title company has issued a preliminary report for the parcel being subdivided and shall state that the Final Plat and certificates have been reviewed. It shall also list exceptions, if any, that will be imposed by the County when the Final Plat is recorded.

2. Restrictive Covenants. A copy of any Restrictive Covenant (s) is to be filed with the Final Plat. On Final Plats showing areas which will be jointly owned or used by the various owners in the subdivision, a covenant document will be mandatory as part of the Final Plat. For other FinalPlats, the covenants are optional with the subdivider.

3. Traverse Data. The subdivider shall provide traverse data on form work sheets or complete computer printouts showing the closure of the exterior boundaries of the subdivision and of each lot and each block of the subdivision.

4. Improvements Plans. Improvement plans shall be submitted for various facilities that are to be constructed by the subdivider, including drainage plans, sewer plans, water plans, curb and gutter, sidewalk and street plans, and any other construction plans that may be required. These plans shall indicate design criteria, assumptions and computations for proper analysis in accordance with sound engineering practice. Where such plans are or would be the same as those included in the County's Standard Specifications, they may be submitted by reference to such Standard Specifications.

5. Dedication of Land, Rights, Easements, and Facilities for Public Ownership, Use and Utility\ Purposes.
    a. All land shown on the Final Plat intended for dedication to the public for public use shall be offered for dedication at the time the plat is filed and must be expressly accepted by the Board prior to the Final Plat being accepted for recording. Land dedicated for public use, other than roads, shall be accepted

by the Board by the acceptance of a deed and by no other means.

b. All streets, pedestrian ways, drainage channels, easements and other rights-of-way shown on the Final Plat as intended for public use, shall be offered for dedication for public use at the time the Final Plat is filed.

c. Rights of access to and from streets, lots and parcels shown on the Final Plat shall not have final approval until such time as the County Engineer is satisfied that the required street improvements are completed in accordance with the applicable standards and specifications. The subdivider must petition separately to the Board for acceptance of any dedicated land, access rights or facilities. Acceptance of the Final Plat shall not be construed as approval of dedicated land rights, easements or other facilities.

6. Reserve Strips. One (1) foot reserve strips shall be provided across the end of stubbed streets adjoining unsubdivided land or along streets or half streets adjoining unsubdivided land and shall be designated as a reserve strip on the plat. The reserve strip shall be included in the dedication granting to the Board the authority to control access over the reserve strip to assure the continuation or completion of the street. This reserve strip shall overlay the dedicated street right-of-way. The Board may require a reserve strip in other areas of the subdivision in order to control access.

7. Drainage Plan. The Final Plat shall be accompanied by a drainage plan showing street grades, curbs, natural drainageways and other drainage works in sufficient detail to enable the engineer to determine the adequacy of provisions for drainage and the disposal of surface and storm waters within the subdivision and other adjoining areas. Subsequent changes to the drainage plan may be approved by separate action by the Board after receiving the recommendation by the County Engineer.

8. Common Open Space. Maintenance of common open space shall be subject to

Section S3.180. Section 5.242. Agreement for Improvements.

The subdivider shall improve or agree to improve lands dedicated for streets, alleys, pedestrian ways, drainage channels, easements and other rights-of way to County Standards as a condition preceding the acceptance and approval of the Final Plat.

Before the Commission approval is certified on the Final Plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision; or he/she shall execute and file with the Board and agreement between himself and the County specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the subdivider.

A performance bond, as provided in Section 5.244 of this Ordinance, shall be required with such agreement. Provisions for the construction of the improvements in phases and for extension of time under specified conditions may be made upon prior agreement by,

or application to, the Commission or Board.

Section 5.244. Performance Bond.

1. The subdivider shall file with the agreement to assure full and faithful performance thereof, one of the following:
    a. A surety bond executed by a surety company authorized to transfer business in the State of Oregon on a form approved by the District Attorney.
    b. In lieu of a surety bond, (a) the subdivider may deposit with the County Treasurer cash money in an amount fixed by the County Engineer, or (b) file certification by a bank or other reputable lending institution that money is being held to cover the costs of the improvements and incidental expenses. Said money will only be released upon authorization of the County Engineer.
2. Such assurance of full and faithful performance shall be for a sum determined by the County Engineer as sufficient to cover the cost of the improvements and repairs that may be required prior to acceptance including related engineering, and may include an additional percentage as determined by the County Engineer to cover any inflationary costs that may be incurred during the construction period to the full and final completion of the project.
3. If the subdivider fails to carry out provisions of the agreement and the County has reimbursed costs of expenses resulting from failure, the County shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred, the subdivider shall be liable to the County for the difference.
4. If subdivision extensions are granted, the bond may need to be revised. 260

Section 5.246. Final Plat Approval

Upon receipt of the Final Plat, the exact transparent copy thereof, prints and supplementary information, the Community Development Director shall review the Final Plat and documents to determine that the plat conforms with the approved Preliminary Plat and that there has been compliance with provisions of the law and this Ordinance.

If the County Surveyor, Sanitarian and Engineer and the Community Development Director or the Commission determine that the Final Plat conforms fully with the approved Preliminary Plat and all applicable regulations and standards for final platting, the Community Development Director shall advise the Chairperson of the Commission. The Chairperson of the Commission may then have the Plat signed in order of signatures listed below in this Ordinance, without further action by the Commission. If the Final Plat is not in such conformance, it shall be submitted to the Commission. When submitted to the Commission for review, approval of the Final Plat shall be by majority of those present. If the Plat is signed without further review by the Commission, the action shall be reported to the Commission at the next regular meeting. In the absence of the Chairperson, his duties and powers with respect to action of Final Plats shall revert to the Vice- Chairperson of the Commission.

Approval of a Final Plat by the Commission shall constitute an acceptance by the public of the dedication of any street or way shown on the Plat. Acceptance of a street or way by approval of the Final Plat shall not constitute an acceptance to maintain the street or way. Acceptance of the maintenance of any street or way accepted by approval of the Final Plat, shall be by a separate process of petitioning the Board of acceptance of road maintenace. Approval of the Final Plat shall not act as an acceptance by the public of any other land for public purposes.

Section 5.248. Filing of Final Plat. The subdivider shall, without delay, submit the Final Plat for signature of the following County officials in the order listed:

1. Surveyor, in accordance with the provisions of ORS 92.100;
2. Commission;
3. Assessor;
4. Tax Collector;
5. Board of Commissioners designee upon request of the Board;
6. Clerk.

Section 5.250. Time Limit for Recording of a Plat.

The Final Plat shall be recorded within (30) days of the date that the signatures and approvals as required in Section 5.248 of this Ordinance, has been obtained. In the event the Final Plat is not recorded within the time herein provided, it will be resubmitted to the Commission, which may require changes or alterations deemed necessary because of changed conditions within the general area of the subdivision.

Section 5.252. Partial Platting.

If desired by the subdivider, individual phases of an approved Preliminary Plat may be recorded with the approval of the Commission and in the same manner as a Final Plat.

SUMMARY OF APPLICABLE APPROVAL CRITERIA

The County Zoning Code criteria for approving this request are contained in the Clatsop County Land Water Development and Use Ordinance (LWDUO), codified as of February 28, 2011, Clatsop County Standards Document (SD), including amendments through February 28, 2011, and Clatsop County's Comprehensive Plan. In discussion below, the applicant identified what they believe are the applicable criteria and describes how those approval criteria are met.

CLATSOP COUNTY'S COMPREHENSIVE PLAN

APPROVAL CRITERIA AND FINDINGS

Comprehensive Plan Policies applying to the subdivision and zone change are thoroughly addressed in Exhibit E – Zone Change. Consistency with the Comprehensive plan policies can be satisfied with the application of appropriate conditions.

The proposal is consistent with comprehensive plan policies and statewide planning goals.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.220: SUBDIVISIONS

APPROVAL CRITERION

An applicant for a subdivision for six (6) or less lots shall be processed by the Director under a Type II procedure. Any larger subdivision shall be processed by a Type III procedure. A subdivision occurs when four (4) or more lots are created, including the parent parcel, within a calendar year.

(1) *No one subdivision, contiguous group of subdivisions or planned development shall create greater than thirty (30) lots within the same calendar year, (January 1-December 31), in the Rural designation in the Clatsop Plains planning area; and*

(2) *The applicant when applying for a subdivision or planned development in the Clatsop Plains Rural designation, shall show how the request addresses the NEED issue of the Clatsop Plains Community Plan below:*

"6. Clatsop County intends to encourage a majority of the County's housing needs to occur within the various cities' urban growth boundaries. Approval of subdivisions and planned developments shall relate to the needs for rural housing. Through the County's Housing Study, the County has determined the Clatsop Plains rural housing needs to be approximately 900 dwelling units for both seasonal and permanent by the year 2000."

FINDINGS

See Attachment 22 for a complete discussion.

The proposal satisfies criteria LWDUO Section 5.220, subsections 1 and 2.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (1)

APPROVAL CRITERION

The Preliminary Plat of the proposed subdivision shall include the following information:

-(1) Proposed name of subdivision. Subdivision plat names shall be subject to the approval of the County Surveyor or, in the case where there is no County Surveyor, the County Assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous

subdivision bearing that name. All subdivision plats must continue the lot numbers and, if used, the block numbers of the subdivision plat of the same name last filed. On or after January 1, 1992, any subdivision submitted for final approval shall not use block number or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name that has previously used block numbers or letters.

FINDINGS
The Applicant is proposing to use "Clatsop Estates" as the name of the platted subdivision. See Attachment 10 and Attachment 12.

The proposal satisfies criteria 1.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (2)

APPROVAL CRITERION
-(2) Northpoint, scale, and date of the completed drawing, approximate acreage, and boundary lines.

FINDINGS
The information is provided on the Preliminary Plat. See Attachment 8.

The proposal satisfies criteria 2.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (3)

APPROVAL CRITERION
-(3) Appropriate identification clearly stating the map is a Preliminary Plat.

FINDINGS
The information is noted on the submitted plat. See Attachment 8.

The proposal satisfies criteria 3.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (4)

APPROVAL CRITERION
-(4) Location of the subdivision by section, township, range, tax lot or lots and donation land claim sufficient to define the location and boundaries of the proposed subdivision.

FINDINGS
The information is provided on the preliminary subdivision plat. See Attachment 8.

The proposal satisfies criteria 4.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (5)

APPROVAL CRITERION

-(5) Names, addresses and zip codes of all owners, subdividers, and engineers or surveyors responsible for laying out the subdivision.

FINDINGS
The information is provided on the preliminary subdivision plat (see Attachment 8).

The proposal satisfies criteria 5.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (6)

APPROVAL CRITERION
-(6) Existing locations, widths, names of both opened and unopened streets within or adjacent to the subdivision, together with easements, or rights-of-way and other important features, such as section lines, corners, city boundary lines and monuments.

FINDINGS
This information is provided on the preliminary subdivision plat. See Attachment 8.

The proposal satisfies criteria 6.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (7)

APPROVAL CRITERION
-(7) A vicinity map showing the relationship of the proposed subdivision to surrounding development, streets, and sewer and water services, within one-quarter (1/4) mile of the exterior boundaries of the proposed development.

FINDINGS
An appropriate vicinity map is provided on the face of the preliminary plat.

The proposal satisfies criteria 7.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (8)

APPROVAL CRITERION
-(8) Location of at least one (1) temporary benchmark within the plat boundaries.

FINDINGS
The information is provided on the preliminary subdivision plat. See Attachment 8.

The proposal satisfies criteria 8.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (9)

APPROVAL CRITERION
-(9) Contour lines related to the temporary bench mark or other datum approved by the County Surveyor and having contour intervals together with the calculated degrees of slope as follows:

-(A) For slopes not in excess of 10 percent: two-foot contours.

-(B) For slopes over 10 percent: five-foot contours.

FINDINGS

2-foot contours are shown on the portions with grades below 10%. In areas where the grade is above 10 percent slopes are demarcated with 5-foot contours. See Attachment 1, Attachment 2, Attachment 3, Attachment 4, Attachment 5 and Attachment 6.

The proposal satisfies criteria 9.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (10)

APPROVAL CRITERION

-(10) Location of significant natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees.

FINDINGS

The preliminary plat illustrates significant natural features such as wetlands. There are no other significant natural features on the site.

The proposal satisfies criteria 10.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (11)

APPROVAL CRITERION

-(11) Location of any rare, threatened and endangered species (plant or animal) located on or within 1,000 feet of the proposed subdivision.

FINDINGS

No rare, threatened or endangered species were discovered on the subject property. A scan of the area identified blue violets near the subdivision boundaries (south of the subject property and within the Polo Ridge Subdivision Plat) indicated potential Oregon Silver Spot Butterfly habitat in or around Neacoxie Creek. To preserve this potentially important habitat, the applicants are proposing to designate similar areas on the subject property as permanent common open space in the care of North Coast land Conservancy as a precaution.

The proposal satisfied criteria 11.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (12)

APPROVAL CRITERION

-(12) Location and direction of all watercourses and/or bodies and the location of all areas subject to flooding.

FINDINGS

Existing wetlands are identified. See Attachment 1, Attachment 2, Attachment 3, Attachment 4, Attachment 5 and Attachment 6.

The proposal satisfies criteria 12.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (13)

APPROVAL CRITERION

FINDINGS

-(13) Existing uses on the property, including location of all existing structures.

FINDINGS:

Existing structures and their uses are clearly demarcated on the preliminary plat. See Attachment 8.

The proposal satisfies criteria 13.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (14)

APPROVAL CRITERION

-(14) Location, width, name, approximate grade, and radii of curves of all proposed streets, their relationship of such streets to any projected or existing streets adjoining the proposed subdivision. The subdivider shall submit documented preliminary approval, from the County Roadmaster, of his road design.

FINDINGS

A statement from the County Road Master indicating approval of the road design is attached to this document. See Attachment 18.

The proposal satisfies criteria 14.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (15)

APPROVAL CRITERION

-(15) Location, width, and purpose of proposed easements and private roads for private use, where permitted, and all reservations or restrictions relating to such easements and private roads.

FINDINGS

The location, width, and purpose of the road easements are identified on the preliminary plat. See Attachment 8. All reservations and restrictions will be contained in the CC&Rs attached to the document, see Attachment 19.

The proposal satisfies criteria 15.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (16)

APPROVAL CRITERION

-(16) Proposed plan for draining surface water, including the location and type of drainage ways to carry surface water from the development without adversely affecting adjacent properties. If any filling is proposed, the drainage plan must demonstrate that adequate provisions have been made for the prevention of backup or ponding of surface water on adjacent properties as well as within the proposed development.

FINDINGS

The soils are predominately sandy loam with a high permeability rating. Surface water drainage should not be a problem. Regardless, the applicant is proposing to direct drainage into bio-swales leading to appropriate drainage areas or wetlands as indicated on the preliminary plat. See Attachment 11 and Attachment 9.

The proposal satisfies criteria 16.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (17)

APPROVAL CRITERION

-(17) Location, acreage and dimensions of lots and the proposed lot numbers.

FINDINGS

The information is provided on the preliminary plat. See Attachment 8.

The proposal satisfies criteria 17.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (18)

APPROVAL CRITERION

-(18) Site, if any, allocated for a purpose other than single-family dwellings.

FINDINGS

Sites allocated to permanent common open space are identified with alphanumeric numbers on the face of the plat. See Attachment 8.

The proposal satisfies criteria 18.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (19)

APPROVAL CRITERION

-(19) Location, acreage and dimensions of areas proposed for public use.

FINDINGS

As mentioned in 18 above areas designated for recreational purposes and public use have been identified as open space tracts, and given an alphanumeric number. There is a public use area adjacent to the access road and this may, at the owners option, be developed into a pocket park at a later date.

The proposal satisfies criteria 19.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (20)

APPROVAL CRITERION

-(20) Location, acreage and dimensions of areas proposed for common open space (30% in the Rural designation of the Clatsop Plains planning area).

FINDINGS

County Clustering provisions require 30% open space. For this proposal 30% of the total land area equals 4.68 acres of open space. The plat identifies 4.5 acres of permanent common open space between Tracts A1, C1, & D1 and the last .18 acres of required open space will be carried over from the West Dunes subdivision (which is a part of the application). Additionally clusters are in groups of ten and separated by a minimum of 100 feet.

The proposal satisfies criteria 20.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (21)

APPROVAL CRITERION

Any subdivision may be platted in as many as three (3) phases. All phases must be submitted on the Preliminary Plat with proposed time limitations for the recording of the various phases. However, phasing must meet the following time limitations:

-(A) Phase I - shall be recorded within twelve (12) months of preliminary approval.

-(B) Phase II - shall be recorded within thirty-six (36) months of preliminary approval.

-(C) Phase III - shall be recorded within sixty (60) months of preliminary approval.

The Planning staff shall review each phase prior to recording to make sure the phase, as recorded, is in accord with the preliminary approval given by the Planning Commission. Any submitted phase, which does not coincide with the approval as given by the Planning Commission shall be referred to the Planning Commission for a hearing. At such hearing, the Commission shall have the authority to revoke, revise, amend or alter the prior approval. Notice shall be sent subject to Sections 6.110-6.120.

For any subdivision which has an approved phasing plan as granted by the Commission under the Preliminary Plat approval, all parts of the subdivision shall fall under control of the various Ordinances in effect at the time of preliminary approval, unless state or local law shall determine that newer or current Ordinances or laws are to be followed.

If any time limitation is exceeded, preliminary approval for the subdivision or any phase of the subdivision shall be void. The subdivider shall submit any future proposals for development of the property to the Commission for approval.

Agreement for improvements for each phase shall comply with this Ordinance prior to the Final Plat approval of such phase. If a bond is required, such bond shall be for a sum determined by the County Engineer to be sufficient to cover costs of construction for that phase.

FINDINGS

The proposal is for a two-phase, 9 lot cluster subdivision development in accordance with the provisions listed above.

The proposal satisfies criteria 21.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (22A)

APPROVAL CRITERION

-(22) Technical documentation shall be supplied to the Commission by the subdivider at the time of submittal of the Preliminary Plat, addressing the following items:

> *-(A) An acceptable and approved method of sewage disposal for each proposed lot which meets the rules and regulations of the Environmental Quality Commission of the State of Oregon as administered by the Department of Environmental Quality or its contract agent.*

FINDINGS

The applicant has provided documentation from a sampling of lots throughout the subdivision. Those DEQ evaluations have been appended for consideration. See Attachment 16.

Based on the cost and difficulty associated with DEQ site evaluation, and unspecified location of the dwellings that will be proposed sometime in the future, the applicant would request that this be attached as a condition of approval.

With appropriate conditions the proposal satisfies criteria 22A

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (22B)

APPROVAL CRITERION

-(B) An acceptable and approved method of water supply.

FINDINGS

The applicants are proposing to supply the subdivisions with water from on-site wells. The water table has been shown to be adequate in previous studies, and approval for wells is demonstrated in Attachment 13.

The proposal satisfies criteria 22B.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (22C)

APPROVAL CRITERION

-(C) The nature and type of improvements proposed for the subdivision, and a timetable for their installation.

FINDINGS

The improvements will be developed in phases in accordance with the timetable established with county ordinance and identified with criteria 21 above.

The proposal satisfies criteria 22C.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (22D)

APPROVAL CRITERION

-(D) A description of community facilities, which would serve the subdivision, and a timetable for the completion or installation of the facilities.

FINDINGS

Community facilities for the subdivision were discussed previously with criteria 18 above. These facilities are intended to service the community but will likely be held in private ownership and subject to their discretion. Therefore these facilities are not necessarily going to service the general public.

The proposal satisfies criteria 22D.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (22E)

APPROVAL CRITERION

-(E) Where a surface or subsurface water problem may exist, as determined by the Department of Environmental Quality, County Sanitarian, or other qualified specialist, a complete report by an independent, qualified hydrologist or hydrogeologist or other qualified specialist shall be required prior to any hearing on the Preliminary Plat by the Commission. The fee for such study shall be paid by the subdivider.

FINDINGS

No current surface or subsurface water problem is known to exist at this time.

The proposal satisfies criteria 22E.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (22F)

APPROVAL CRITERION

-(F) Subdividers shall provide a list of any restrictive covenants, which are to be recorded.

FINDINGS

The applicant has provided a draft copy of the restrictive covenants to be recorded with the subdivision. See Attachment 19.

The proposal satisfies criteria 22F.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (22G)

APPROVAL CRITERION

-(G) A demonstration that lot size and use are in compliance with the applicable zone.

FINDINGS

Cluster provisions identified in the Standards Document Section 3.150-S3.160 are addressed later in this report.

Based on the findings in the analysis of SD S3.150-S3.160 the proposal satisfies criteria 22G.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (23)

APPROVAL CRITERION

-(23) Compliance with the Clatsop County Comprehensive Plan and Land and Water Development and Use Ordinance, and ORS 92 and 215.

FINDINGS

Consistency with Clatsop County's Comprehensive Plan is addressed on pages 3-6 of this document and pages 26-61 of Exhibit E – Zone Change. Compliance with Clatsop County's LWDUO and ORS 92 and 215 require findings of consistency with Section 5.228 addressed later in this report.

The proposal satisfies criteria 23.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (24)

APPROVAL CRITERION

-(24) Lots not intended for sale shall be designated by alphabetic symbol, which indicates the intended usage. The acreage for each dedicated lot, if any, is to be shown.

FINDINGS

The information is shown on the Preliminary Plat.

The proposal satisfies criteria 24.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (25)

APPROVAL CRITERION

-(25) Notations indicating any limitations on rights-of-access to or from streets and lots or other parcels of land proposed by the developer or established by the Board.

FINDINGS

Such notations shall be noted on the face of the final plat or referenced to a recorded document in the County Deed Records if required by the hearing body.

The proposal satisfies criteria 25.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (26)

APPROVAL CRITERION

-(26) A quotation from the Clatsop County Assessor on taxes to be paid on a proposed subdivision before final platting shall take place in accordance with ORS 92.095.

FINDINGS

ORS 92.095 requires that all taxes be paid before filing of a partition or subdivision final plat. The applicant will be required to document all taxes are paid and current prior to approval and signing of the final plat. This should be appended as a condition of approval by the hearing body.

The proposal satisfies criteria 26.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (27)

APPROVAL CRITERION

-(27) If any federal or state permit is required to carry out the preliminary plat approval, approval shall be subject to a condition requiring the subdivision to comply with any applicable federal and state law.

FINDINGS

The applicant has provided most of the appropriate documentation and permits with this application. See Attachment 9, Attachment 13, Attachment 14, Attachment 15, Attachment 16, Attachment 17 and Attachment 18. Any other documentation required can be addressed through appropriate approval conditions.

The proposal satisfies criteria 27.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (28)

APPROVAL CRITERION

-(28) In areas subject to the geologic hazard overlay zone, a grading plan prepared in conformance with Section 4.040.

FINDINGS

According to the maps in the Community Development Department depicting Natural Hazards the proposed subdivision is not in a geological hazard.

The criterion does not apply to this development.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.228 (4)

CRITERIA

-(4) If the Commission has approved or conditionally approved a subdivision, it shall make specific findings indicating that sufficient water supply is available, that each lot has an approved sewage disposal site or will have access to an area for sewage disposal, and that an approved road system will provide access or will be constructed to provide access to each lot in the subdivision. In addition to those specific findings, the Commission shall make its findings in regard to the standards as set forth in Section 5.220 to and including 5.226 and S5.100 to and including S5.120 of this Ordinance, the road standards as set forth in S6.000 of the Development and Use Standards Document.

FINDINGS

Availability of Water Supply: See Attachment 13 for documentation of the approval of the use of on-site wells.

Approved Provisions for Sewage Disposal: See Attachment 16 for satisfaction of sewage disposal criteria.

Approved Road System: A statement from the County Road Master has been appended to this document illustrating that the road design meets the County's standards. See Attachment 18.

The proposal satisfies these criteria.

STANDARDS DOCUMENT

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.151: PURPOSE

CRITERIA

The intent of these standards is to preserve large contiguous forest and agricultural lands, other resource lands, and lands suitable for open space by providing an alternative to the division of forest, agricultural and resource lands into the minimum sized lots allowed in the appropriate zones, and to apply standards to rural residential lands consistent with state administrative rules governing cluster developments.

FINDINGS

This is not a criteria and therefore does not apply.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.152: PROCEDURES FOR CLUSTER DEVELOPMENT (1)

CRITERIA

A cluster development shall comply with the procedures and standards in this section.

-(2) The applicant shall discuss the proposed cluster development with the staff of the Clatsop County Department of Community Development in a pre-application conference pursuant to Section 2.020.

FINDINGS

An informal pre-application conference has been conducted for this proposal.

The applicant has satisfied criteria 1.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.152: PROCEDURES FOR CLUSTER DEVELOPMENT (2)

CRITERIA

-(2) An applicant for a cluster development must submit a development plan and receive approval of the plan prior to development.

FINDINGS

The applicant is submitting a preliminary plat illustrating a cluster development. Approval of the preliminary plat is essential for the development to move forward.

The proposal will satisfy criteria 2.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.152: PROCEDURES FOR CLUSTER DEVELOPMENT (3)

CRITERIA

-(3) As soon as plan approval is given, the plan and any conditions of approval shall be recorded in the Office of the County Clerk by book and page and shall constitute an agreement not to divide the property as long as it remains in its present zoning.

FINDINGS

These criteria will need to be assessed through appropriate conditions.

The proposal will satisfy criteria 3.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.152: PROCEDURES FOR CLUSTER DEVELOPMENT (4A, 4B, 4C)

CRITERIA

-(4)

(A) As a condition to the approval that may be given for partitioning under this section, the applicant shall provide all deeds or contracts affecting the original farm use parcel to assure that the maximum density will not be exceeded.

-(B) For each partition application under this Standard the Community Development Director or designate shall determine and include with the approved plan map a statement including:

-(1) the number of homesite lots allowable on the original parcel,

-(2) a legal description of the original parcel,

-(3) the number of homesite lots that will result from the proposed partition, and

-(4) the number of homesite lots, if any, that could be allowed in the future on the original parcel.

FINDINGS

The subject site is not in farm use; therefore criterion "A" is not applicable. Criterion "B" is to be completed by the Community Development Director in order to justify the open space and density provisions are satisfied. Calculations pertaining to these are included in this report.

The proposal is consistent with these provisions.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (1)

CRITERIA

-(1) The tract of land to be developed shall not be less than 4 contiguous acres in size, provided that land divided by a road shall be deemed to be contiguous.

FINDINGS

The acreage on the site exceeds the required 4 acres.

The proposal satisfies criteria 1.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (2)

CRITERIA

-(2) The development may have a density not to exceed the equivalent of the number of dwelling units allowed per acre in the zone or zones.

FINDINGS

The number of dwelling units does not exceed the number of permissible dwelling units from the sending sites and receiving sites.

The proposal satisfies criteria 2.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (3)

CRITERIA

-(3) The cluster development shall not contain commercial or industrial developments.

FINDINGS

The proposal does not include commercial or industrial developments.

The proposal satisfies criteria 3.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (4)

CRITERIA

-(4) The minimum percentage of common open space shall be 30% excluding roads and property under water (MHHW).

FINDINGS

The 30% requirement would require 15.24 acres to be designated open space. The applicant has designated 15.28 acres of common open space.

The proposal satisfies criteria 4.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (5)

CRITERIA

-(5) Attached residences are permitted provided the density allowed per acre in the zone is not exceeded (this does not apply in the Clatsop Plains planning area).

FINDINGS

Attached residences are not proposed.

The proposal is consistent with provision 5.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (6)

CRITERIA

-(6) The prescribed common open space may be used to buffer adjacent forest, farm, hazard areas or other resource lands such as but not limited to archeological and historical sites, water bodies, etc.

FINDINGS

The common open space is used to buffer lots from Shorelands along the banks of Neacoxie Creek.

The proposal is consistent with provision 6.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (7)

CRITERIA

-(7) Land in the same ownership or under a single development application that is divided by a road can be used in calculating the acreage that can be used in the clustering option.

FINDINGS

This is not an approval criteria. The proposal does not take this aspect into consideration.

The proposal is consistent with provision 7.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (8)

CRITERIA

-(8) For lands zoned primarily for rural residential uses located outside urban growth boundaries, unincorporated community boundaries, and located outside non-resource lands as defined in OAR660-004-000(5)(3), the following additional conditions must be met.

-(A) The number of new dwellings units to be clustered does not exceed 10;

-(B) None of the new lots or parcels created will be smaller than two acres;

-(C) The development is not served by a new community sewer system or by any extension of a sewer system from within an urban growth boundary or from within an unincorporated community, unless the new service or extension is authorized consistent with OAR 660-011-0060;

-(D) The overall density of the development will not exceed one dwelling for each unit of acreage specified in the base zone designations effective on October 4, 2000 as the minimum lot size for the area;

-(E) Any group or cluster of two or more dwelling units will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest uses and will not significantly increase the cost of accepted farm or forest practices there; and

-(F) For any open space or common area provided as part of the cluster development under this subsection (8), the owner shall submit proof of non-revocable deed restrictions recorded in the deed records. The deed restrictions shall preclude all future rights to construct a dwelling on the lot, parcel or tract designated as open space or common area for as long as the lot, parcel or tract remains outside an urban growth boundary.

FINDINGS

No cluster of more than ten lots is proposed with this proposal. A 100' buffer area between clusters is provided as a function of this proposal.

Criteria A-F only apply to areas located outside non-resource lands. The subject property is within the defined non-resource exception area of the Clatsop Plains located west of Highway 101.

The proposal is consistent with the provisions of the Criteria 8 that do not conflict with the density transfer provision.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.160: ADDITIONAL RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (1)

CRITERIA

-(1) All planned developments and subdivisions shall designate and retain areas as permanent common open space.

FINDINGS

These areas are designated on the preliminary plat. See Attachment 8.

The proposal satisfies criteria 1.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.160: ADDITIONAL RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (2)

CRITERIA

-(2) The minimum percentage of common open space shall be 30% excluding roads.

FINDINGS

As mentioned previously the requirement on this parcel is 15.24, the applicant is proposing 15.28 acres of open space.

The proposal satisfies criteria 2.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.160: ADDITIONAL RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (3)

CRITERIA

-(3) Permanent common open space shall include, whenever possible, steep dunes which would require substantial alterations for building, buffers along streams, water bodies, deflation plains, and farm and forest lands.

FINDINGS

These aspects were taken into consideration when designating the areas of permanent common open space.

The proposal is consistent with provision 3.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.160: ADDITIONAL RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (4)

CRITERIA

-(4) Buffers (screening) shall be provided in all subdivisions and planned developments along all property lines adjacent to arterials and/or collectors.

FINDINGS

If a buffer is required by the hearing body the applicant will plant a vegetative buffer along the eastern boundary of the receiving site.

With appropriate conditions the proposal will satisfy criteria 4.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.160: ADDITIONAL RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (5)

CRITERIA

-(5) Permanent common open space as part of subdivisions or planned developments adjoining one another shall be interrelated and continuous whenever possible. This could mean that the common open space could continuously follow ridge tops, deflation plains or shorelands. The Clatsop County Department of Community Development shall prepare a map of potential systems of common open space to be used as a guide for developers.

FINDINGS

Most of the common open space provided as a function of this proposal shares contiguous boundaries. There are essentially two common open space areas, one along Neacoxie creek and the other along Highway 101.

The proposal satisfies criteria 5.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.160: ADDITIONAL RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (6)

CRITERIA

-(6) Streams and drainages, which form a system of common open space shall be preserved.

FINDINGS

Wetland areas in the western section of the Clatsop Estates subdivision and the majority of low-lying areas are designated common open space.

The proposal satisfies criteria 6.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (1)

CRITERIA

-(1) Traffic Impact Study

FINDINGS

In accordance with the provisions outlined in LWDUO Section 5.350 a traffic impact study is not required for this proposal

The proposal satisfies these criteria.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (2)

CRITERIA

-(2) Consolidation of Access Points, other Transportation Mitigation

FINDINGS

There are two access points necessary to access the subject property due to the topography. Two very steep dunes separate lots 1-12 using West Dunes Lane from lots 1A-10A of Clatsop Estates and Lots 15-18 of West Dunes, which access Highway 101 through Clatsop Estates Lane.

The proposal satisfies this criterion.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (3)

CRITERIA

-(3) Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are "options" to the developer/subdivider.

> *-(A) Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.*
>
> *-(B) Option 2. Access is from a private street or driveway connecting to an adjoining property that has direct access to a public street (i.e., shared driveway"). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.*
>
> *-(C) Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street access shall comply with the access spacing standards in Subsection (6) below.*
>
> *-(D) Access to and from off-street parking areas shall not permit backing onto a public street. Except that in limited situations where no alternative design is possible and site distances are acceptable, parking areas having three or fewer spaces may allow for backing onto a collector or local street subject to the approval of the Public Works Director.*

FINDINGS

All access points are in accordance with Option 3 identified above.

The proposal satisfies the access provisions.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (4)

CRITERIA

-(4) Subdivision Fronting onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes).

FINDINGS

The subdivision does not front onto an arterial street.

These criteria are satisfied.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (5)

CRITERIA

-(5) Double Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-5, or CBR Zones, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-5, or CBR Zones, a landscape buffer with trees and/or shrubs and ground cover not less than 20 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner's association, etc.).

FINDINGS

No double frontage lots are created as a function of this development. Open space areas separate the lots from Highway 101.

The proposal satisfies the criteria regarding double frontage lots.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (6)

CRITERIA

-(6) Reverse Frontage Lots. When a lot has frontage opposite that of the adjacent lots, access shall be provided from the street with the lowest classification.

FINDINGS

No reverse frontage lots are proposed.

The proposal satisfies the criteria for reverse frontage lots.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (7)

CRITERIA

-(7) Access Spacing

FINDINGS

Minimum spacing standards for driveways to each lot do not apply along the private road (local street).

The proposal satisfies the access spacing criteria.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (8)

CRITERIA

-(8) Number of Access Points

FINDINGS

There is one access point currently proposed with this subdivision. Some lots may share driveway access points, but most have direct access to the private roads proposed within the subdivision.

The proposal satisfies the criteria regarding access points

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (9)

CRITERIA

-(9) Shared Driveways

FINDINGS

Where appropriate and feasible shared driveways will be implemented.

The proposal satisfies the shared driveway criteria.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (10A)

CRITERIA

-(10) Street Connectivity and Formation of blocks Required

-(A) Block Length and Perimeter

FINDINGS

The applicant's are proposing to use an existing road that was constructed for the Polo Ridge Subdivision to access lots 1-10 for the West Dunes subdivision. This will result is a block longer than the 1,000-foot stipulation. West Dunes Lane will serve lots 11-14 (Phase 3), and it is in conformance. Clatsop Estates Lane will serve lots 1A through 10A for the Clatsop estates Subdivision and lots 15 through 18 of the West Dunes subdivision, and it is within the block length requirement. Lots 16 and 17 of the West Dunes Subdivision will be serviced by an alleyway from Clatsop Estates Lane (towards the potential future Wideman Roadway) as phase two of the West Dunes subdivision.

The blocks that are over the 1000-foot recommendation were created due to topography and the rural character of the area does not allow for the uniform creation of a city block layout. With the exception of the road mentioned, all other roads in the subdivisions meet the block standard. Additionally LWDUO S5.033(10)(a) allows provisions for an exception to this standard when the topography makes the location of adjoining streets impractical to comply.

All proposed roads within the subdivision boundaries satisfy this criteria.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (10B)

CRITERIA

-(10) Street Connectivity and Formation of blocks Required

-(B) Street Standards

FINDINGS

All streets servicing the subdivision shall be built to County Road Standards identified in Clatsop County's SD S6.050, Table 1.

The proposal will satisfy applicable street standards.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (10C)

CRITERIA
-(10) Street Connectivity and Formation of blocks Required

-(C) Driveway Openings

FINDINGS
The driveways that will connect the subdivision lots to the road system shall be 10-24 feet in width. Consistency with this standard will be confirmed at the development review/building permitting stage for each subdivision lot.

The proposal will satisfy applicable driveway opening criteria.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (11)

CRITERIA
-(11) Fire Access and Parking Area Turnarounds

FINDINGS
The road network is built in conformance with the fire department recommendations. A letter from the fire department has been provided to illustrate compliance with these criteria. See Attachment 15.

The proposal is consistent with fire access and parking area turnarounds.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (12)

CRITERIA
-(12) Vertical Clearances

FINDINGS
No obstructions currently exist.

The proposal is consistent with the vertical clearance criteria.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (13)

CRITERIA
-(13) Vision Clearance

FINDINGS

All clear vision areas shall be maintained at the access points.

The proposal satisfies the clear vision criteria.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (14)

CRITERIA

-(14) Construction

FINDINGS

Development and construction of streets, driveways, stormwater drainage systems shall be in conformance with the standards approved by the county's Public Works Department.

This criterion can be conditionally satisfied.

STANDARDS DOCUMENT SECTION 5.100: SUBDIVISION DESIGN STANDARDS, SUBSECTION 5.102: STREETS

CRITERIA

-(1) General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive development plan, the arrangement of streets in a subdivision shall either:

-(A) Provide for the continuation or appropriate projection of exiting principal streets in surrounding areas; or

-(B) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

-(2) Minimum right-of-way and roadway widths. The width of streets and roadways shall be adequate to fulfill County specifications as provided in Section 56.000 of this Ordinance.

-(3) Where existing conditions, such as the topography or the sixe or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way. If necessary, special slope easements may be required.

-(4) Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection if of the public welfare or of substantial property rights and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the County under conditions approved by the Panning Commission.

-(5) Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

-(6) Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision or adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

-(7) Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees unless there is a special intersection design. The intersection of an arterial or collector

street with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet or tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius of 20 feet and maintain a uniform width between the roadway and the right-of-way.

-(8) Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.

-(9) Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such a tract. Reserve strips and street plugs may be required to preserve the objectives of half strips.

-(10) Cul-de-sacs. A Cul-de-sac shall be as short as possible and shall terminate with a turnaround.

-(11) Street names. Except for extensions of existing streets, no street shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and, if near a city, to the pattern in the city, and shall be subject to the approval of the Planning Commission.

-(12) Grades and curves. Grades shall not exceed 6 percent on arterials, 10 percent on collector streets, 12 percent on any other street. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall not be to an even 10 feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept steeper grades and sharper curves.

-(13) Street adjacent to railroad right-of-way. Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

-(14) Marginal access streets. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

-(15) Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.

FINDINGS

The access road will be located within a 50-foot easement. A letter from ODOT has been included regarding the access points to the subject parcels, see Attachment 17.

The proposal is consistent with the County's provisions for governing street design.

STANDARDS DOCUMENT SECTION 5.100: SUBDIVISION DESIGN STANDARDS, SUBSECTION 5.104: BLOCKS

CRITERIA

-(1) General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.

-(2) Size. No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.

-(3) Easements.

> *-(A) Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 12 feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six feet in width.*
>
> *-(B) Water courses. If a subdivision is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.*
>
> *-(C) Pedestrian ways. When desirable fro public convenience, pedestrian pathways shall be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks in accordance with Section 55.040.*

FINDINGS

Due to the topography and rural location, uniform subdivision blocks are not incorporated into the design of this subdivision. As described on the previous page topography juxtaposed with other constraints make adhering to a 1000' block length impractical in some situations. All newly proposed roads adhere to this criteria; however the applicant is proposing to access lots 2-9 using the road developed for Ridgeline Estates later identified as Polo Ridge, See Attachment 8.

The previous hearing body has granted an exception to block length for Polo Ridge based on the topography of the area, all other proposed roadways adhere to block length criteria. The proposal is consistent with this provision.

STANDARDS DOCUMENT SECTION 5.100: SUBDIVISION DESIGN STANDARDS, SUBSECTION 5.106: LOTS

CRITERIA

-(1) Size and shape, lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. An interior lot shall have a minimum average of 100 feet, and the depth shall not ordinarily exceed two times the average width. These minimum standards shall apply with the following exceptions:

> *-(A) In areas that will not be served by a public water supply or a sewer, minimum lot sized shall conform to the requirements of the County Health Department and shall take into consideration requirements for water supply and sewage disposal, as specified in Section 34. The depth of such lots shall not ordinarily exceed two times the average width.*
>
> *-(B) Where property is zoned, lot sizes shall conform to the zoning requirement. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated.*

-(2) Access. Each lot shall abut upon a street other than an alley for a width of at least 25 feet.

-(3) Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet wide and across, which there shall be no right of access may be required along the line of lots abutting such a traffic artery or other incompatible use

-(4) Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

FINDINGS

The proposed subdivision lots are of the appropriate size, shape, width, and orientation for 1-acre lots in accordance with the density provisions in the Clatsop Plains planning area.

The proposal is consistent with the lot size and shape.

STANDARDS DOCUMENT SECTION 5.100: SUBDIVISION DESIGN STANDARDS, SUBSECTION 5.108: GENERAL SOIL DEVELOPMENT

CRITERIA

Lot grading in areas subject t the geological hazard overlay zone shall conform to the standards of Section 4.040.

FINDINGS

No grading has occurred on site thus far. LWDUO § 5.108 contains additional requirements for lot grading, specifically, cut slopes shall not exceed 1 ½ feet horizontal to one foot vertical and fill slopes shall not exceed two feet horizontal to one foot vertical.

Grading activity will be in compliance with the grading provisions.

STANDARDS DOCUMENT SECTION 5.100: SUBDIVISION DESIGN STANDARDS, SUBSECTION 5.110: BUILDING LINES DEVELOPMENT

CRITERIA

If special building setback lines are to be established in the subdivision, they shall be shown on the subdivision plat or in the deed restriction.

FINDINGS

No special building setbacks are proposed.

The proposal is consistent with Building Line provisions.

STANDARDS DOCUMENT SECTION 5.100: SUBDIVISION DESIGN STANDARDS, SUBSECTION 5.112: LARGE LOT SUBDIVISION

CRITERIA

In subdividing tracts into large lots which at some future time are likely to be resubdivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building size restrictions as will provide for extension and openings of street intervals which will permit a subsequent division of any parcel into lots of smaller size.

FINDINGS

The Current zoning and lot configuration does not allow the lots to be reduced further in the future. Criteria have been met.

The criteria is not applicable to this application.

STANDARDS DOCUMENT SECTION 5.100: SUBDIVISION DESIGN STANDARDS, SUBSECTION 5.114: LAND FOR PUBLIC PURPOSES

CRITERIA

If the County has an interest in acquiring any portion of the proposed subdivision for a public purpose, or if the County has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed one year.

FINDINGS

The county has not expressed an interest in this property. Therefore no such lands are required or proposed.

The proposal is consistent with the public Lands provision.

STANDARDS DOCUMENT SECTION 5.115: SUBDIVISION IMPROVEMENTS, SUBSECTION 5.116: IMPROVEMENT PROCEDURES

CRITERIA

In addition to other requirements, improvements shall conform to the requirements of this ordinance and improvements standards or specifications adopted by the County and shall be installed in accordance with the following procedure:

-(1) Work shall not be commenced until plans have been reviewed for adequacy and approved by the County. To the extent necessary for evaluation of the subdivision proposal, the plans may be required before approval of the final map. All plans shall be prepared on tracing cloth in accordance with the requirements of the County.

-(2) Work shall not be commenced until the County has been notified in advance, and if work has been discontinued for any reason it shall not be resumed until the County has been notified.

-(3) Required improvements shall be inspected by and constructed to the satisfaction of the County. The County may require changes in typical sections and details if unusual conditions arise during construction warrant such changes in the public interest.

-(4) Underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider shall be constructed prier to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to lengths that will avoid the need to disturb street improvements when service connections are made.

-(5) A map showing public improvements as built shall be filed with the County Engineer upon completion of the improvements.

FINDINGS

All subdivision improvements shall conform to the requirements of the County LWDUO and SD improvement standards and specifications adopted by the County.

The proposal is consistent with these criteria.

STANDARDS DOCUMENT SECTION 5.115: SUBDIVISION IMPROVEMENTS, SUBSECTION 5.118: SPECIFICATIONS FOR IMPROVEMENTS

CRITERIA

The County Engineer shall prepare and submit to the Board of County Commissioners specifications to supplement the standards of this ordinance based on engineering standards appropriate for the improvements concerned. Specifications shall be prepared for the construction of the following:

-(1) Streets including related improvements such as curbs, shoulders, median strips and sidewalks, and including suitable provisions for necessary slope easements.

-(2) Drainage facilities.

-(3) Sidewalks in pedestrian ways.

-(4) Sewers and sewage disposal facilities

-(5) Public water supplies and water distribution systems.

FINDINGS
All road and drainage improvements will be installed in accordance with applicable county requirements.

The proposal will be consistent with Clatsop County Standards.

STANDARDS DOCUMENT SECTION 5.115: SUBDIVISION IMPROVEMENTS, SUBSECTION 5.120: IMPROVEMENT REQUIREMENTS

CRITERIA
The following improvements shall be installed at the expense of the subdivider:

-(1) Water supply. Lots within a subdivision shall either be served by a public domestic water supply system conforming to state or County specifications or the lot size shall be increased to provide such separation of water sources and sewage disposal facilities as the County Sanitarian considers adequate for soil and water conditions.

-(2) Sewage. Lots within a subdivision either shall be served by a public sewage disposal system conforming to state or County specifications or the lot size shall be increased to provide sufficient area for a septic tank disposal system approved by the County Sanitarian as being adequate for soil and water conditions considering the nature of the water supply.

-(3) Drainage. Such grading shall be performed and drainage facilities installed conforming to County specifications as necessary to provide proper drainage within the subdivision and other affected areas in order to secure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed if necessary to protect the subdivision against flooding or other inundation.

-(4) Streets. Where streets are to be accepted into the County road system, the subdivider shall grade and improve streets in the subdivision and the extension of such streams to the paving line of existing streets with which such streets intersect in conformance with County specifications. Street improvements shall include related improvements such as curbs, shoulders, sidewalks, and median strips to the extent these are required. All other streets shall be improved in accordance with minimum road standards as set forth in S6.000.

-(5) Pedestrian ways. A sidewalk in conformance with the Standards of Section S5.034 shall be installed in the center of pedestrian ways.

-(6) Underground utilities. Underground utilities shall be required.

FINDINGS
The applicants will be installing the necessary utility(ies) in accordance with the rules of the applicable agency(ies) including: (1) Water lines; (2) DEQ approvals; (3) Drainage systems; (4) Streets; (5) Pedestrian ways; and (6) Underground Utilities.

The proposal is Consistent with the County's Improvement Requirements.

STANDARDS DOCUMENT CHAPTER 6: ROAD STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION, SUBSECTION 6.005: GENERAL ROAD AND ACCESS POLICIES

CRITERIA
-(1) Purpose. The establishment of the criteria to be used in Clatsop County for evaluating the appropriateness of proposed roads which are intended to provide access to lots or parcels. This criteria shall form the basis for determining what requirements are necessary to ensure that there will be adequate provisions available now, and in the future, to provide for the transportation needs of lots, parcels, or developments.

The Clatsop County Road Standards are the intended to provide access to new development in a manner which reduces construction cost, makes efficient use of land, allows emergency vehicles access while discouraging inappropriate traffic volumes and speeds, and which accommodates convenient pedestrian and bicycle circulation. The standards apply to County roads, dedicated roads and private roads.

The Road Standards to be applied are based on the density of the zone in which it will be built and shall be constructed to that standard. The Clatsop County Department of Community Development, Planning Commission or Board of County Commissioners will on a case by case basis consider possible future parcelization and whether or not the road being built should be private or dedicated.

Where a partition is proposed in Major or Peripheral Big Game Range areas, the road shall be located to minimize its impact on big game range.

-(2) Conditions of Development Approval. No development may occur unless required transportation facilities are in place or guaranteed, in conformance with the provisions of this document. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development on public facilities and services. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

-(3) Criteria. Roads in Clatsop County shall be designed, constructed, and maintained to:

-(A) Be capable of ensuring unrestricted travel to and from a property.

-(B) Provide adequate, safe, and legal access with minimum public cost.

-(C) Place the burden of the costs on the benefited person(s).

-(D) Provide access for fire protection, ambulance, police, mail, school bus, public transit, and garbage services.

-(E) Provide for drainage ways and utility services.

-(F) Be compatible with adjoining land use.

-(G) Minimize, with the constraints of reasonable engineering practices and costs, the creation of roads within lands designated for Exclusive Farm Use, Forest Resource,

-(H) Ensure that the new road will minimize interference with forest management or harvesting practices.

-(I) Minimize within the constraints of reasonable engineering practices and costs the loss of productive agricultural or forest land, and be located on that portion of such land that is least suitable for timber or agricultural production, taking into consideration, but not limited to, the following: topography, soil capability or classification, erosion potential, and the size and resultant configuration of the affected tracts.

-(J) Minimize the loss of important wildlife habitat, such as sensitive deer and elk range, identified natural areas, and other significant natural features.

-(K) Facilitate safe and convenient pedestrian and bicycle trips to meet local travel needs in developed areas.

-(L) Streets within or adjacent to a development shall be improved in accordance with the Transportation System Plan and the provisions of this Section.

-(4) Standards, Generally:

-(A) The following are a variety of types or forms of access used to gain ingress andegress to property within Clatsop County:

-(1) County roads

-(2) Federal roads

-(3) State highways

-(4) Dedicated ways

-(5) Flag lots

-(6) Ways of necessity

-(7) Public roads

-(8) Private roads

-(9) Prescriptive roads

-(B) Publicly dedicated and maintained roads provide superior access.

-(C) Flag lots may provide access, but can hinder future development of the surrounding area.

-(D) Private roads function best if they are designed to serve a predetermined, limited amount of development.

-(E) Paved roads are safer, less of a nuisance, and more economical to maintain than gravel roads.

-(F) Road requirements should support a complete transportation network, and not inhibit new land development innovations and concepts.

-(G) Dedicated ways or County roads shall be the ordinary standard recommended for subdivisions, except as may be dictated by natural hazards, topography, or other special circumstances.

-(5) Standards. Specifically:

-(A) As far as is feasible, roads shall be in alignment with existing or appropriate projections of existing roads by continuation of their centerline.

-(B) When necessary to give access to, or permit a satisfactory future division of adjoining lands, rights-of-way or easements shall be extended to the boundary of a major partition, subdivision, or development. The County may also require the improvement of such rights-of-way or easements in a Class "a" division. A temporary turnaround may be required for the resulting dead end road.

-(C) Frontage roads, or double frontage parcels or lots may be required by the County when a proposed parcel or lot would otherwise abut an arterial or collector road in order to effect separation of through and local traffic. In addition, screening or other treatments may be required along arterials and collectors in order to provide adequate noise and visual protection to adjacent properties.

-(D) Whenever a proposed division or development is intended to abut a public road, the County shall restrict or limit as to location and number, vehicular access points unless specifically exempted in any approval thereof.

-(E) Where a cut or fill road slope is outside the normal right-of-way, a slope easement shall be required of sufficient width to permit maintenance of the cut or fill and drainage structure.

FINDINGS

If the applicant proposed to meet the minimum standard required per county road standards the road system would consist of an A-22 access road, with A-20 and A-14 service road/alleyway. The applicant has provided a statement from the County Road Master verifying that the proposed development conforms to county road standards. See Attachment 17.

The proposal will be consistent with County road standards including access policies.

STANDARDS DOCUMENT CHAPTER 6: ROAD STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION, SUBSECTION 6.010: IMPROVEMENT PLANS

CRITERIA

The Improvement Plans will include, but not be limited, to the following:

-(1) A plan view showing:

-(A) Dimensioning necessary to survey and relocate the roadway.

-(B) Right-of-way lines as shown on the final plat.

-(C) Proposed drainage structures, showing both size and type of structure.

-(D) Location of all existing and proposed utilities.

-(E) Location and dimensions of the pedestrian circulation system.

-(F) Location of bicycle parking.

-(G) Location and type of signs.

-(H) Toe of slope and top of cut lines showing the limits of the construction area within the dedication.

-(I) Section lines, fractional section lines and/or Donation Land Claim lines tie to corner from which dedication description is prepared.

-(J) Vicinity map in the upper left hand corner of the first plan sheet showing roughly the relationships of the proposed road to cities, state highways, county roads, or other well defined topographical features.

-(K) The stamp and signature of the Registered Professional Engineer preparing the plans.

-(2) A profile showing:

-(A) Centerline grades and vertical curves.

-(B) Curb profiles where curbs are required.

-(C) Super elevation transition diagrams for horizontal curves shall be shown if curbs are not required.

-(3) Typical roadway cross-section showing:

-(A) Width and depth of base.

-(B) Width and depth of paving.

-(C) Curbs if required.

-(D) Side slopes.

-(E) Ditch section in cut areas.

-(4) Detail plans of all bridges, stamped by a registered professional engineer.

-(5) Detail plans of any drainage and irrigation structures, sewer lines, or other structures.

-(6) Any other information required by the County Road Department.

FINDINGS

The road layout shown on the preliminary subdivision plat application has been reviewed and approved by the County and local fire protection district.

The proposal will adhere to improvement plan policies.

STANDARDS DOCUMENT CHAPTER 6: ROAD STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION, SUBSECTION 6.050: PUBLIC AND COUNTY ROAD STANDARDS

CRITERIA

(1) Road Design:

-(A) The radius of curvature, grade and intersection curb return radius of streets shall conform with the minimum standards prescribed in Tables 1, 2, 3, and 4 of these standards.

-(B) Alignment of streets: Streets located on opposite sides of an intersecting street shall have their centerlines directly opposite each other where possible; otherwise, the centerlines shall be separated by not less than 125 feet.

-(C) Intersection angles: Street intersections shall be as near right angles as possible except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees.

-(D) Location of centerline: The centerline of the paving shall correspond to the centerline of the right-of-way where possible and practical.

-(E) Continuation of streets: Subdivision streets which constitute the continuation of streets in contiguous territory shall be aligned so that their centerlines coincide. Where straight-line continuations are not possible, such centerlines shall be continued by curves. New streets or the continuation of a street in contiguous territory may be required by the Planning Commission where such continuation is necessary to maintain the function of the street or a desirable existing or planned pattern of streets and blocks in the surrounding area. Any road or street which does not connect directly to a County maintained road, City maintained street or state highway will not be accepted for maintenance by the County.

-(F) Streets in Subdivision Adjoining Unsubdivided Land:

-(1) Stubbed streets: Where a subdivision adjoins unsubdivided land, streets which may be necessary to assure the proper subdivision of the adjoining land or the continuation of the function of a major arterial or collector street shall be provided through to the boundary line of the subdivision.

-(2) Half streets: Half streets proposed adjacent and parallel to the boundary line of the subdivision, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision when in conformity with other requirements of this ordinance and when the Planning Commission finds it will be practical to require the dedication and improvement of the other half when the adjoining property is subdivided. Half streets shall not be permitted where lots would front on such streets. Where half streets are provided, a performance bond may be required to insure all improvements until such time as the remaining half street on adjacent property is dedicated and improved. Whenever an existing half street is adjacent and parallel to the boundary line of a proposed subdivision, the subdivider shall dedicate and improve such additional right-of-way as may be necessary to meet the standards for the type of streets involved.

-(G) Subdivision roads: All roads not to be maintained by the County shall be posted with an approved sign stating roads are not County maintained.

-(H) Existing streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the subdivision. When existing streets are to be used as access to the subdivision they shall be constructed as to provide reasonable access as determined by the County Public Works Director or County Engineer.

-(I) Cross Sections and Tables. All new arterials, collectors, and local streets must conform with design standards of Table 1 Road Right-of-Way and Improvement Standards.

-(2) Improvement Plans: A complete set of Improvement Plans shall be submitted and approved by the County Public Works Director prior to the start of construction on any County maintained road, public way or subdivision road which is to become a public way.

-(3) Surveying: All roads shall be located by a survey crew so as to insure that the road is constructed in the location shown on the improvement plans. The construction of the road improvement shall be within 0.3' more or less of the horizontal and vertical location shown on the improvement plans.

-(4) Monumentation: All P.C. and P.T. points on horizontal curves shall be referenced with a 5/8" x 30" steel rod driver twenty-four (24) inches into the ground set at the intersection of the R/W line and a line perpendicular to the tangent at the P.C. or P.T. point and shall be witnessed by a white 4" x 4" cedar post forty-eight (48) inches in length set eighteen (18) inches into the ground set twelve (12) inches from and in line with the P.C. or P.T. point. As an alternative to the white cedar posts, a forty-eight (48) inch steel post painted white may be used for such witness posts.

-(5) Standard Specifications; All roadway excavation, fill construction, subgrade preparation, aggregate bases, surfacing, prime coats and paving will be built in accordance with the 1974 edition of the Oregon State Highway Division's "Standard Specifications for Highway Construction". Whenever these specifications refer to the State, consider that to mean the County of Clatsop, the appropriate County Department or appropriate County address. In case of discrepancy or conflict in the plans, standard specifications, supplemental standard specifications and special provisions, they shall govern in the following order:

-(A) Special Provisions

-(B) Plans specifically applicable to the project.

-(C) Standard or general plans.

-(D) Supplemental Standard Specifications.

-(E) Standard Specifications.

-(6) Testing: All testing except as herein noted, will conform to methods described in "A.A.S.H.T.O. Materials, Part 11, Tests", 11th Edition 1974. All lab costs for testing will be born by the developer.

-(7) Inspection: The County Road Department shall be notified 48 hours in advance of the time for subgrade inspection, 48 hours in advance of the time for base inspection and 48 hours in advance of the time for paving inspection. The subgrade is to be inspected before placing the base. The base is to be inspected before placing the pavement.

If proper notification for inspection has not been given, the Clatsop County Road Department will not grant approval of the road for twelve months. In this way, the County can observe any deficiencies that may develop in the road and have them corrected before acceptance.

-(8) Subgrade: All subgrades will be compacted in accordance with Section 203.41 of the Standard Specifications.

-(9) Aggregate Base: Aggregates for aggregate base shall be gravel or rock, crushed or uncrushed, including sand, reasonably well graded from coarse to fine. The grading shall be such that the maximum size shall not exceed 75 percent of the compacted thickness of the layer in which it is incorporated. The aggregate fraction passing a 1/4" sieve shall constitute not less than 10 percent nor more than 50 percent of the whole, by weight, and not more than 8 percent of the total aggregate shall pass a no. 200 sieve. Within the above limits, the subbase aggregate shall be so graded that the materials will be dense and firm when watered and compacted. If crushed aggregate meeting the requirements of Section 703.07 of the Standard Specifications is used, a 2-inch reduction in aggregate base depth will be allowed.

-(10) Asphalt Prime Coat: For all roadway sections using an oil mat, an asphalt prime coat will be applied to the aggregate base in addition to the oil mat. The prime coat will be applied in accordance with Section 408 of the Standard Specifications. Application rate and type of oil will be as approved by the County Public Works Director. The aggregate shall be 3/4 to 1/2 or as approved by the County Public Works Director and specified in Section 703.12 of the Standard Specifications. The aggregate shall be applied approximately at the rate of 0.01 cubic yards/square yard. A three-day curing period will be required.

-(11) Asphalt Penetration Macadam: Where any oil mat is required it shall be applied in accordance with Section 406 of the Standard Specifications. It shall be equal to or greater than a Type 0-9 penetration macadam as shown on the O.S.H.D. Standard Table of Details (Drawing No. 1833). The bituminous material used in the first two spreads shall be as approved by the County Public Works Director. The bituminous material used in the seal coat may be as approved by the Public Works Director.

-(12) Asphalt Concrete Pavement: Where asphalt concrete pavement is required it shall be done in accordance with Sections 401 and 403 of the Standard Specifications. The asphalt cement shall be as approved by the County Public Works Director. The class of asphalt concrete shall be Class B.

-(13) Concrete Curb: Where required Portland cement concrete curbs shall be constructed in accordance with Clatsop County "curb-driveway" Standard Drawing and Section 609 of Standard Specifications. The concrete shall be Class 3300 as specified in Section 504 of Standard Specifications.

-(14) Select Backfill: The curbs shall be backfilled in the areas shown on the plans with select backfill. This select backfill shall consist of materials with a maximum size of three inches. The material shall compacted to at least 90 percent of its relative maximum density.

-(15) Clearing: The right-of-way shall be cleared of all trees. However, in subdivisions where traffic safety would not be involved and a lesser requirement would not create a hazard, the right-of-way shall be cleared a minimum of forty-feet (40) or four-feet (4) beyond the edge of shoulder or curb line or the finished road. Also in subdivision, the case of an individual tree which is considered an exceptional or stately tree, an allowance can be made to leave the tree within the above mentioned four (4) foot area. In some instances, consideration can also be given to allow the prism of the road to shift slightly toward one side of the right-of-way. Any change in the alignment should be done to provide a safe and aesthetic looking roadway.

-(16) Signs: Clatsop County has jurisdiction concerning the location of all signs on County maintained roads and public ways.

When in the Public Works Director's opinion there may be a need for a change in the speed limit for a road, he shall request the Oregon State Speed Control Board to study the road in question. If the Speed Control Board issues an order to post a speed limit on the road, Clatsop County will furnish and install the speed limit signs at the County's expense.

Name signs for County maintained roads shall have reflective green background with reflective white letters.

Signing at intersections will be paid for as follows:

-(A) Intersection of two County maintained roads:

-(1) Stop signs - County.

-(2) Name signs - County.

-(B) Intersection of a County maintained road and a public way:

-(1) Stop signs - County.

-(2) Name signs - County.

-(C) Intersection of two public ways:

-(1) Stop signs - Others.

-(2) Name signs - Others.

-(D) Intersection of two private ways:

-(1) Stop signs - Others.

-(2) Name signs - Others.

-(E) Intersection of private way and public way:

-(1) Stop signs - Others.

-(2) Name signs - Others.

Clatsop County Road Department may furnish and install the signs which were referred to above as paid for by "others". However, they shall be paid by "others" for the County's expense.

-(17) Drainage:

-(A) Size of culverts: The design and construction of all drainage facilities within a project shall be of sufficient size and quality to receive and transport, at a 25 year storm frequency standard all surface drainage and natural drainage course waters coming to and passing through the project from the watershed or watersheds to which it is servient, when the lands located in such are at full planned development, according to the Comprehensive Framework Plan. The minimum diameter pipe to be used shall be 12 inches.

Prior to approval being granted for a project, it must be shown that the existing downstream facilities be adequate to receive and pass storm water runoff discharged through and from the proposed project from a 25 year storm based on the present development plus any proposed developments of the lands of the watershed or watersheds to which the proposed project is servient.

In those areas located in the 100-year floodplain, the design and construction of all drainage facilities shall be of sufficient size and quality to receive and transport the 100- year storm without raising the floodplain elevation. The drainage facilities may be designed to pass less than a 100-year storm provided retention or detention of the runoff is designed and that such retention or detention does not raise the floodplain upstream.

-(B) Drainage easements: When, due to topographical or other reason, all or any portion of the water collected in the project must be discharged at the boundary of the project, such that it is concentrated and must run across other private property before reaching a natural or existing drainage course, the developer shall make all necessary arrangements with the affected property owner or owners. Arrangements shall include, but are not limited to, a proper easement for drainage in favor of the public executed by the affected owner or owners and a method of transporting the water, i.e. ditch, sewer, etc., satisfactory to the Department and said owner or owners.

If it is necessary to carry water across portions of the land being developed hereunder, which are not to become public, and a satisfactory easement has not been provided in the official plat of the area, the developer shall prepare and cause to be executed a proper easement to the public for such purpose.

-(C) Connections to roadside ditches: Where drainage is to be connected to an existing roadside ditch, the ditch shall not be deepened so as to produce a finished ditch more than two (2) feet below the maximum of two (2) foot depth, the developer shall cause to be constructed a proper size storm sewer line in said roadside ditch.

Table 1- Right-of-Way and Improvement Standards Table

Functional Road Class	A.D.T	Design Standard Typical	Travel Width	R-O-W Width	Surface Type	Design Speed MPH	Max. % Grade	Min. Curve Radius	Street Signs
Arterial	>1000	A - 32	24	80	A.C.	45	12	750	(1)
Collector	300 – 1000	A - 28	24***	60	A.C.	40	12	500	(1)
Local	60 – 300	A - 24	22	60	A.C./Oil	35	12	350	(1)
Subdivision (10+ lots)	>60	A - 22	20	50	A.C.(5)	25	12	250	(1)
Subdivision (4-9 lots)	30 – 60	A - 20	18	50	A.C.(5)	20	12**	150	(1)
Partition (> 3 ***)	<60	A - 20	18	50	Gravel	20	12**	150	(1)
Partition (1-3 lots)	<30	A – 12(4)	12	25	Gravel	15	16*	50	(1)

* If unavoidable conditions exist a grade of 2% greater than that shown may be allowed with A.C. paving.
** If unavoidable conditions exist a grade of 4% greater than that shown may be allowed with A.C. paving.
*** May be reduced to 22 feet as specified in AASHTO if approved by the County Engineer.
(1) One (1) approved street sign will be provided at each intersection for each named street.
(2) All dead-end streets will be terminated with a cul-de-sac or approved turnaround. See Design Standard Typical Cul-de-sac for details.
(3) Drainage/slope easements may be required if roadway slopes extend beyond the right-of-way.
(4) A-12 roads require turn-outs at a maximum distance of 250 feet, or at a lesser interval that will maintain a continuous visual contact between each successive turn-out.
(5) Minimum A.C. thickness is 3" nominally compacted ODOT Class C, or approved equal.

(Amended 11/1/2004)

Table 1A - Road Improvement Policy Matrix

(For Reference Purposes Only)

	Resources Zones	Non-Resource Zones	
	New Road Created or Existing Road Used	New Road Created	Existing Road Used
1.Must a road be improved in conjunction with a partition?			
A. Private Road	No	Yes	Yes [1]
B. Public Road	No	Yes	No
C. County Road	Yes [2]	Yes	No
2. Minimum Road Standard Required?			
A. Private Road	n/a	A-12	A-12[1]
B. Public Road	n/a	A-20	A-20
C. County Road	[2]	A-20[3]	A-20

[1] If an existing private road provides access to a parcel, this road must be improved to at least an A-12 standard. See Table 1, Road Right-of-way and Improvement Standards.

[2] If a County road is created or utilized in a resource zone to provide access to a partitioned parcel, the Board of Commissioners shall establish minimum improvement standards and control the timing of the improvement.

[3] If a new portion of a County road is created to provide access to a non-resource zone partition, the Board of Commissioners shall set the improvement standards (the minimum improvement shall be an A-20 standard).

FINDINGS

The subdivision road will be located within a 50-foot wide easement and meet the county's A-20 requirements. The road shall be provided with suitable turnaround(s) in accordance with the Uniform Fire Code and the applicable Fire Chief. A road maintenance agreement shall be recorded and referenced on the face of the final subdivision plat. See Attachment 17 and Attachment 18.

The proposal is consistent with County road development standards.

EXHIBIT G – SUBDIVISION CRITERIA FOR WEST DUNES

APPLICATION

APPLICATION FOR SUBDIVISION
Fee: $239 Pre-application Conference
Type II - $1296
Type III - $1609
Extension - $184

APPLICANT: Frog Consulting LLC Phone: 503-325-5666

Address: 469 Lexington Ave, Astoria OR 97103

OWNER: Russ Earl Phone: 503-440-4938

Address: PO Box 2276, Gearhart OR 97138

AGENT: CKI, Inc, Phone: 503-738-4320

Address: PO Box 309, Seaside OR 97138

Proposed Development:
Proposed Name of the Development:
Existing Comprehensive Plan Designation:
Present Zoning:

Property Description:	7	10	27	3400, 3600, 3700
	Township	Range	Section	Tax Lot(s)

Directions to the property from Astoria:_Highway 101 South, right at access point north of Surf Pines Lane.

What is the nearest "Community" (i.e. Svensen, Arch Cape,Westport)? Gearhart

General description of the property:

Existing Use: Residential farm

Topography: Dune topography

General description of adjoining property:

Existing Uses: residential and agricultural
Topography: Dune

Include a map of the property and adjacent parcels. The map must show both existing and proposed development and existing and proposed roads, etc.

Total acreage: 35+ Number of proposed lots: 18

Smallest lot size: 0.90 Largest lot size: 1.77

Septic tanks or subsurface sewer: Septic

Has each lot been evaluated through the Department of Environmental Quality? No but a representative sample has been taken.

Are the DEQ documents attached? Yes

Water source (public water, wells, springs): Wells

What is the name of the Water District: N/A (Warrenton Water District)

Are documents attached? (Letter from the Water District, or quantity/quality information about well water, and a copy of the water right if water from a spring is to be utilized): Yes

What other utilities will be provided? Electric, Phone, Cable, Gas

When and whom will install them? Respective companies.

Are documents attached, which verify that these utilities will be provided? Yes

Do you propose any covenants or private restrictions for the proposed development? Yes

Is a copy of the proposed restrictions attached to this application? Yes

Do you propose to create a homeowners or road maintenance association?: _Yes_If yes, and you have a copy of such maintenance agreement, attach it to this application.

Identify which goal and policy statements contained within the Comprehensive Plan pertain to this subdivision request. See Attached Findings

Explain how you proposed subdivision and use conform to the uses, goals and policy statements identified
See attached Findings

Does your proposed subdivision and use conflict with the uses, goal and policy statements identified above:
No

This section is only to be filled out if the proposed subdivision occurs in the Clatsop Plains planning area.

1. Is there a public need for your proposed subdivision and use? (Would your proposed use provide a service, product or usage needed by the public?) Explain on a separate piece of paper how the proposed development complies with the policy below: See attached Findings Addressing Clatsop Plains Policies

   Rural Policy #6: "Clatsop County intends to encourage a majority of the county's urban growth boundaries. Approval of subdivisions and planned developments shall relate to the needs for rural housing. Through the County's Housing Study, the County has determined the Clatsop Plains rural housing needs to be approximately 900 dwelling units for both seasonal and permanent by the year 2000. The rural housing needs should be re-examined every two (2) years from the date of the adoption of the plan."

The information contained in this application is in all respect true, complete, and correct to the best of my knowledge.

Applicant's Signature: _____ D ate: _____
Owner's Signature: _____ D ate: _____
(Or notarized letter)

THE FOLLOWING INFORMATION IS ADDRESSED IN THE ATTACHED EXHIBIT G WEST DUNES SUBDIVISION

Section 5.220.Subdivisions. An applicant for a subdivision for six (6) or less lots shall be processed by the Director under a TYPE II procedure. Any larger subdivision shall be processed by a TYPE III procedure. A subdivision occurs when four (4) or more lots are created, including the parent parcel, within a calendar year.

(1) No one subdivision, contiguous group of subdivisions or planned development shall create greater than thirty (30) lots within the same calendar year, (January 1- December 31), in the Rural designation in the Clatsop Plains planning area; and

(2) The applicant when applying for a subdivision or planned development in the Clatsop Plains Rural designation, shall show how the request addresses the NEED issue of the Clatsop Plains Community Plan below:

"6. Clatsop County intends to encourage a majority of the County's housing needs to occur within the various cities' urban growth boundaries. Approval of subdivisions and planned
developments shall relate to the needs for rural housing. Through the County's Housing Study, the County has determined the Clatsop Plains rural housing needs to be approximately 900 dwelling units for both seasonal and permanent by the year 2000."

Section 5.222. Preliminary Plat An applicant for a subdivision shall submit (9) copies of the Preliminary Plat, together with improvement plans and other supplementary information required by this Ordinance to indicate the design and objectives of the subdivision.

Section 5.224. Form and Scale of Preliminary Plat. The Preliminary Plat shall be clearly and legibly drawn. It shall show all pertinent information to scale so that the Commission may have an adequate understanding of what is proposed during the review process. Under ordinary circumstances, the scale of the drawing is to be one (1) inch equals fifty (50) feet or one-hundred (100) feet, or for areas over one- hundred (100) acres; one (1) inch equals two-hundred (200) feet.

Section 5.226. Preliminary Plat Information. The Preliminary Plat of the proposed subdivision shall include the following information:

1. Proposed name of subdivision. Subdivision plat names shall be subject to the approval of the County Surveyor or, in the case where there is no County Surveyor, the County Assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot

numbers and, if used, the block numbers of the subdivision plat of the same name last filed. On or after January 1,1992, any subdivision submitted for final approval shall not use block number or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters.

2. Northpoint, scale, and date of the completed drawing, approximate acreage, and boundary lines.

3. Appropriate identification clearly stating the map is a Preliminary Plat.

4. Location of the subdivision by section, township, range, tax lots or lots and donation land claim sufficient to define the location and boundaries of the proposed subdivision.

5. Names, addresses and zip codes of all owners, subdividers, and engineers or surveyors responsible for laying out the subdivision.

6. Existing locations, widths, names of both opened and unopened streets within or adjacent to the subdivision, together with easements or rights-of–way and other important features, such as section lines, corners, city boundary lines and monuments.

7. A vicinity map showing the relationship of the proposed subdivision to surrounding development, streets, and sewer and water services, within one-quarter (1/4) mile of the exterior boundaries of the proposed development.

8. Location of at least (1) temporary bench mark within the plat boundaries.

9. Contour lines related to the temporary bench mark or other datum approved by the County Surveyor and having contour intervals together with the calculated degrees of slope as follows:

    a. For slopes not in excess of 10 percent: two-foot contours.

    b. For slopes over 10 percent : five-foot contours.

10. Location of significant natural features such as rock outcroppings, marshes, wooded areas, and isolated preservable trees.

11. Location of any rare, threatened and endangered species (plant or animal) located on or within 1,000 feet of the proposed subdivision.

12. Location and direction of all water courses and/or bodies and the locations of all areas subject to flooding.

13. Existing uses on the property, including location of all existing structures.

14. Location, width, name, approximate grade, and radii of curves of all proposed streets, their relationship of such streets to any projected or existing streets adjoining the proposed subdivision. The subdivider shall submit documented preliminary approval, from the County Roadmaster, of his road design.

15. Location, width, and purpose of proposed easements and private roads for private use, where permitted, and all reservations or restrictions relating to such easements and private roads.

16. Proposed plan for draining surface water, including the location and type of drainage ways to carry surface water from the development without adversely affecting adjacent properties. If any filling is proposed, the drainage plan must demonstrate that adequate provisions have been made for the prevention of backup or ponding of surface water on adjacent properties as well as within the proposed development.

17. Location, acreage, and dimensions of lots and the proposed lot numbers.

18. Site if any, allocated for a purpose other than single family dwellings.

19. Location, acreage, and dimensions of areas proposed for public use.

20. Location, acreage, and dimensions of areas proposed for common open space (30% in the Rural designation of the Clatsop Plains planning area).

21. Any subdivision may be platted in as many as three (3) phases. All phases must be submitted on the Preliminary Plat with proposed time limitations for the recording of the various phases. However, phasing must meet the following time limitations:
    a. Phase I- shall be recorded within twelve (12) months of preliminary approval
    b. Phase II-shall be recorded within thirty-six (36) months of preliminary approval.
    c. Phase III-shall be recorded within sixty (60) months of preliminary approval.

The Community Development staff will review each phase prior to recording to make sure the phase, as recorded, is in accord with the preliminary approval given by the Planning Commision. Any submitted phase which does not coincide with the approval as given by the Planning Commision shall be referred to the Planning Commission for a hearing. At such hearing, the Commission shall have the authority to revoke, revise, and amend or alter the prior approval. Notice shall be sent subject to Sections 6.110-6.120.

For any subdivision which has an approved phasing plan as granted by the Commision under the Preliminary Plat approval, all parts of the subdivision shall fall under control of the various Ordinances in effect at the time of preliminary approval, unless state or local law shall determine that newer or current Ordinances or laws are to be followed.

If any time limitation is exceeded, preliminary approval for the subdivision or any phase of the subdivsion shall be void. The subdivider shall submit any future proposals for the

development of the Property to the Commission for approval.

Agreement for improvements for each phase shall comply with this Ordinance prior to the Final Plat approval of such phase. If a bond is required, such bond shall be for a sum determined by the County Engineer to be sufficient to cover costs of construction for that phase.

22. Technical documentation shall be supplied to the Commission by the subdivider at the time of submittal of the Preliminary Plat, addressing the following items:
    a. An acceptable and approved method of sewage disposal for each proposed lot which meets the rules and regulations of the Environmental Quality Commission of the State of Oregon as administered by the Department of Environmental Quality or its contract agent.
    b. An acceptable and approved method of water supply.
    c. The nature and type of improvements proposed for the subdivision, and a timetable for their installation.
    d. A description of community facilities which would serve the subdivision, and a timetable for the completion or installation of the facilities.
    e. Where a surface or subsurface water problem may exist, as determined by the Department of Environmental Quality, County Sanitarian, or other qualified specialist, a complete report by an independent, qualified hydrologist or hydrogeologist or other qualified specialist shall be required prior to any hearing on the Preliminary Plat by the Commission. The fee for such study shall be paid by the subdivider.
    f. Subdividers shall provide a list of any restrictive covenants which are to be recorded.
    g. A demonstration that lot size and use are in compliance with the applicable zone.
23. Compliance with the Clatsop County Comprehensive Plan and Land and Water Development and Use Ordinance, and ORS 92 and 215.

24. Lots not intended for sale shall be designated by alphabetic symbol which indicates the intended usage. The acreage for each dedicated lot, if any, is to be shown.

25. Notations indicating any limitations on rights-of-access to or from streets and lots or other parcels of land proposed by the developer or established by the Board.

26. A quotation from the Clatsop County Assessor on taxes to be paid on a proposed subdivision before final platting shall take place in accordance with ORS 92.095.

27. If any federal or state permit is required to carry out the preliminary plat approval, approval shall be subject to a condition requiring the subdivsion to comply with the applicable federal and state laws.

Section 5.228. Preliminary Plat Review.

1. Upon receipt of a completed Preliminary Plat, the Community Development Department shall set a date for a public hearing before the Planning Commission.

Copies of the Preliminary Plat shall be furnished to all affected city, county, state and federal agencies and special districts for review and comment. Failure to provide written comment to the Community Development Department within fifteen (15) working days thereof may be deemed a recommendation for approval unless an additional review period is requested by the jurisdiction and approved.

2. The Preliminary Plat, supplementary information and recommendations of the Community Development Staff and other reviewing agencies shall be submitted to the Commission for review at a public hearing. The Commission shall review the plat and other data submitted, taking action upon the proposal within sixty (60) days from the date of the first hearing at which the request was heard.

3. The Commission may approve, conditionally approve or disapprove the proposed subdivision. The Commission may attach as a condition of approval those conditions reasonably necessary to carry out the provisions of this Ordinance and may require the developer to post a bond of an amount set by the County Engineer, for all improvements or construction within the proposed subdivision. The Commission may also require the subdivider to file a map within thirty (30) days of the date of conditional approval showing the design approved by the Planning Commission.

4. If the Commission has approved or conditionally approved a subdivision, it shall make specific findings indicating that sufficient water supply is available, that each lot has an approved sewage disposal site or will have access to an area for sewage disposal, and that an approved road system will provide access or will be constructed to provide access to each lot in the subdivision. In addition to those specific findings, the Commission shall make its findings in regard to the standards as set forth in Section 5.220 to and including 5.226 and S5.100 to and including S5.120 of this Ordinance, the road standards as set forth in Section S6.000 of the Development and Use Standards Document.

5. Preliminary Plat approval shall be binding on the Commission and the subdivider for the purpose of preparing the Final Plat, provided that there are no changes of the plan of the subdivision, and that it complies with all conditions as set forth by the Commission in its preliminary approval and Section S5.100 to and including S5.120 and road standards as set forth in S6.000 of the Development and Use Standards Document of this Ordinance. Such approval of the Preliminary Plat shall be valid for two (2) years from the date of the approval of the Preliminary Plat.

6. Minor amendments, such as slight alteration in lot lines, to an approved preliminary plat may be approved by the Director if said amendments concur with the Planning Commission's conditions of approval. Such amendments will only be valid for the twelve month period following their approval and will become invalid if not implemented within that time.

Section 5.230. Granting of Extensions.

1. The Community Development Director may grant an extension of up to twelve (12) months to the Preliminary Plat approval and of up to twelve (12) months to any subdivision being developed in phases. The Director shall have the authority to attach whatever conditions are necessary to carry the provisions of the Comprehensive Plan and this Ordinance but in no event shall more than (2) extensions be granted by the Community Development Director. Any request for an extensions shall be processed under a Type I procedure, 2.100.

2. A subdivider who is developing his subdivision in phases may seek an extension of time from the Director on the phase then under development. The Director upon the facts presented may grant an extension of time of up to twelve (12) months. This extension of time shall not affect any other phases not under development.

3. The granting of an extension by the Director shall be noted on two (2) copies of the Preliminary Plat, including any conditions imposed. One signed copy is to be given to the subdivider while the other copy is retained in the Community Development Department file.

Section 5.232. Submission of Final Plat. Within two (2) years after approval of the Preliminary Plat,or within such time as set forth by the Commission under the provisions of Section 5.230(2) of this Ordinance, the subdivider shall cause the subdivision to be surveyed and a plat prepared in accord with the approved Preliminary Plat. Before approval by any County official, the Final Plat shall be approved and signed by all persons and must also have the signature and seal of the registered professional land surveyor responsible for the laying out of the subdivsion. All signatures must be with black India ink.

Section 5.234. Form and Scale of Final Plat

1. The final Plat offered for approval and recording shall be made pursuant to the Standards in Section S5.200.

2. At the time of filing the Final Plat, the surveyor who made the plat shall furnish the County Clerk and/or County Surveyor with an exact copy of the Final Plat offered for recording. This copy shall be made with black India ink or silver halide permanent photocopy on polyester film having the same or better characteristics of strength, stablility and transparency, and shall have an affidavit that the photocopy or tracing is an exact copy of the Plat.

3. The scale on the Final Plat will be one (1) inch to one-hundred (100) feet or, one (1) inch to fifty (50) feet. The scale may be increased or decreased if necessary to fit the legal sized 18"x 24" plat, but in all cases the scale shall be in multiples of ten.

4. The subdivider shall provide, at his/her own expense, up to six (6) prints at request of the Commissioner and/or Board.

Section 5.236. Information on Final Plat. The following information shall be shown on the Final Plat and is required by ORS 92.

1. The name of the subdivision, the date the plat was prepared, the scale, northpoint, legend and existing features such as highways and railroads.

2. Legal description of the subdivision boundaries.

3. Reference, by distance and bearings, to adjoining recorded surveys, if any, and referenced to a field book or map as follows:
   a. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.
   b. Adjoining corners of adjoining subdivsion.
   c. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this Ordinance.

4. Exact location and width of streets and easements intersecting the boundary of the subdivision.

5. Subdivision boundaries, lot or tract boundaries, and street right-of-way and centerlines with dimensions to the nearest 1/100th of a foot and bearings in degrees, minutes and seconds, pursuant to the requirements of OR 92.

6. Names and width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius, central angle, longchord bearing and distance shall be indicated.

7. Easements denoted by fine dotted lines, clearly identified and, if already of record, there shall be written statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

8. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision.

9. Location of all permanent monuments within the proposed subdivision.

10. Ties to any city, county, or adjacent subdivision's boundary lines.

11. Acreage of each parcel to the nearest 1/100th of an acre.

12. Any conditions specified by the Commission or Board upon granting preliminary approval.

13. A statement of water rights noted on the subdivision plat or partition plat.
14. A copy of the acknowledgement from the State Water Resources Dept. under ORS 92.122, if the person offering the subdivision or partition plat for filing indicates on the statement of water rights that a water right is appurtenant to the subdivision or partition.

Section 5.238. Survey Requirements.

1. A complete and accurate survey of the land to be subdivided shall be made by a registered professional land surveyor licensed to practice in the State of Oregon, in accordance with ORS 92.

Section 5.240. Supplementary Information with Final Plat

1. Evidence of Title. The Commission shall require Evidence of Title accompanying the Final Plat by a letter or Final Plat report in the name of the subdivider. Such evidence shall indicate that the title company has issued a preliminary report for the parcel being subdivided and shall state that the Final Plat and certificates have been reviewed. It shall also list exceptions, if any, that will be imposed by the County when the Final Plat is recorded.

2. Restrictive Covenants. A copy of any Restrictive Covenant (s) is to be filed with the Final Plat. On Final Plats showing areas which will be jointly owned or used by the various owners in the subdivision, a covenant document will be mandatory as part of the Final Plat. For other FinalPlats, the covenants are optional with the subdivider.

3. Traverse Data. The subdivider shall provide traverse data on form work sheets or complete computer printouts showing the closure of the exterior boundaries of the subdivision and of each lot and each block of the subdivision.

4. Improvements Plans. Improvement plans shall be submitted for various facilities that are to be constructed by the subdivider, including drainage plans, sewer plans, water plans, curb and gutter, sidewalk and street plans, and any other construction plans that may be required. These plans shall indicate design criteria, assumptions and computations for proper analysis in accordance with sound engineering practice. Where such plans are or would be the same as those included in the County's Standard Specifications, they may be submitted by reference to such Standard Specifications.

5. Dedication of Land, Rights, Easements, and Facilities for Public Ownership, Use and Utility\ Purposes.
    a. All land shown on the Final Plat intended for dedication to the public for public use shall be offered for dedication at the time the plat is filed and must be expressly accepted by the Board prior to the Final Plat being accepted for recording. Land dedicated for public use, other than roads, shall be accepted

by the Board by the acceptance of a deed and by no other means.

b. All streets, pedestrian ways, drainage channels, easements and other rights-of-way shown on the Final Plat as intended for public use, shall be offered for dedication for public use at the time the Final Plat is filed.

c. Rights of access to and from streets, lots and parcels shown on the Final Plat shall not have final approval until such time as the County Engineer is satisfied that the required street improvements are completed in accordance with the applicable standards and specifications. The subdivider must petition separately to the Board for acceptance of any dedicated land, access rights or facilities. Acceptance of the Final Plat shall not be construed as approval of dedicated land rights, easements or other facilities.

6. Reserve Strips. One (1) foot reserve strips shall be provided across the end of stubbed streets adjoining unsubdivided land or along streets or half streets adjoining unsubdivided land and shall be designated as a reserve strip on the plat. The reserve strip shall be included in the dedication granting to the Board the authority to control access over the reserve strip to assure the continuation or completion of the street. This reserve strip shall overlay the dedicated street right-of-way. The Board may require a reserve strip in other areas of the subdivision in order to control access.

7. Drainage Plan. The Final Plat shall be accompanied by a drainage plan showing street grades, curbs, natural drainageways and other drainage works in sufficient detail to enable the engineer to determine the adequacy of provisions for drainage and the disposal of surface and storm waters within the subdivision and other adjoining areas. Subsequent changes to the drainage plan may be approved by separate action by the Board after receiving the recommendation by the County Engineer.

8. Common Open Space. Maintenance of common open space shall be subject to

Section S3.180. Section 5.242. Agreement for Improvements.

The subdivider shall improve or agree to improve lands dedicated for streets, alleys, pedestrian ways, drainage channels, easements and other rights-of way to County Standards as a condition preceding the acceptance and approval of the Final Plat.

Before the Commission approval is certified on the Final Plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision; or he/she shall execute and file with the Board and agreement between himself and the County specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the subdivider.

A performance bond, as provided in Section 5.244 of this Ordinance, shall be required with such agreement. Provisions for the construction of the improvements in phases and for extension of time under specified conditions may be made upon prior agreement by,

or application to, the Commission or Board.

Section 5.244. Performance Bond.

1. The subdivider shall file with the agreement to assure full and faithful performance thereof, one of the following:
    a. A surety bond executed by a surety company authorized to transfer business in the State of Oregon on a form approved by the District Attorney.
    b. In lieu of a surety bond, (a) the subdivider may deposit with the County Treasurer cash money in an amount fixed by the County Engineer, or (b) file certification by a bank or other reputable lending institution that money is being held to cover the costs of the improvements and incidental expenses. Said money will only be released upon authorization of the County Engineer.
2. Such assurance of full and faithful performance shall be for a sum determined by the County Engineer as sufficient to cover the cost of the improvements and repairs that may be required prior to acceptance including related engineering, and may include an additional percentage as determined by the County Engineer to cover any inflationary costs that may be incurred during the construction period to the full and final completion of the project.
3. If the subdivider fails to carry out provisions of the agreement and the County has reimbursed costs of expenses resulting from failure, the County shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred, the subdivider shall be liable to the County for the difference.
4. If subdivision extensions are granted, the bond may need to be revised. 260

Section 5.246. Final Plat Approval

Upon receipt of the Final Plat, the exact transparent copy thereof, prints and supplementary information, the Community Development Director shall review the Final Plat and documents to determine that the plat conforms with the approved Preliminary Plat and that there has been compliance with provisions of the law and this Ordinance.

If the County Surveyor, Sanitarian and Engineer and the Community Development Director or the Commission determine that the Final Plat conforms fully with the approved Preliminary Plat and all applicable regulations and standards for final platting, the Community Development Director shall advise the Chairperson of the Commission. The Chairperson of the Commission may then have the Plat signed in order of signatures listed below in this Ordinance, without further action by the Commission. If the Final Plat is not in such conformance, it shall be submitted to the Commission. When submitted to the Commission for review, approval of the Final Plat shall be by majority of those present. If the Plat is signed without further review by the Commission, the action shall be reported to the Commission at the next regular meeting. In the absence of the Chairperson, his duties and powers with respect to action of Final Plats shall revert to the Vice- Chairperson of the Commission.

Approval of a Final Plat by the Commission shall constitute an acceptance by the public of the dedication of any street or way shown on the Plat. Acceptance of a street or way by approval of the Final Plat shall not constitute an acceptance to maintain the street or way. Acceptance of the maintenance of any street or way accepted by approval of the Final Plat, shall be by a separate process of petitioning the Board of acceptance of road maintenace. Approval of the Final Plat shall not act as an acceptance by the public of any other land for public purposes.

Section 5.248. Filing of Final Plat. The subdivider shall, without delay, submit the Final Plat for signature of the following County officials in the order listed:

1. Surveyor, in accordance with the provisions of ORS 92.100;
2. Commission;
3. Assessor;
4. Tax Collector;
5. Board of Commissioners designee upon request of the Board;
6. Clerk.

Section 5.250. Time Limit for Recording of a Plat.

The Final Plat shall be recorded within (30) days of the date that the signatures and approvals as required in Section 5.248 of this Ordinance, has been obtained. In the event the Final Plat is not recorded within the time herein provided, it will be resubmitted to the Commission, which may require changes or alterations deemed necessary because of changed conditions within the general area of the subdivision.

Section 5.252. Partial Platting.

If desired by the subdivider, individual phases of an approved Preliminary Plat may be recorded with the approval of the Commission and in the same manner as a Final Plat.

SUMMARY OF APPLICABLE APPROVAL CRITERIA

The County Zoning Code criteria for approving this request are contained in the Clatsop County Land Water Development and Use Ordinance (LWDUO), codified as of February 28, 2011, Clatsop County Standards Document (SD), including amendments through February 28, 2011, and Clatsop County's Comprehensive Plan. In discussion below, the applicant identified what they believe are the applicable criteria and describes how those approval criteria are met.

CLATSOP COUNTY'S COMPREHENSIVE PLAN

APPROVAL CRITERIA AND FINDINGS

Comprehensive Plan Policies applying to the subdivision and zone change are thoroughly addressed in Exhibit E – Zone Change. Consistency with the Comprehensive plan policies can be satisfied with the application of appropriate conditions.

The proposal is consistent with comprehensive plan policies and statewide planning goals.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.220: SUBDIVISIONS

APPROVAL CRITERION

An applicant for a subdivision for six (6) or less lots shall be processed by the Director under a Type II procedure. Any larger subdivision shall be processed by a Type III procedure. A subdivision occurs when four (4) or more lots are created, including the parent parcel, within a calendar year.

(1) *No one subdivision, contiguous group of subdivisions or planned development shall create greater than thirty (30) lots within the same calendar year, (January 1-December 31), in the Rural designation in the Clatsop Plains planning area; and*

(2) *The applicant when applying for a subdivision or planned development in the Clatsop Plains Rural designation, shall show how the request addresses the NEED issue of the Clatsop Plains Community Plan below:*

"6. Clatsop County intends to encourage a majority of the County's housing needs to occur within the various cities' urban growth boundaries. Approval of subdivisions and planned developments shall relate to the needs for rural housing. Through the County's Housing Study, the County has determined the Clatsop Plains rural housing needs to be approximately 900 dwelling units for both seasonal and permanent by the year 2000."

FINDINGS

See Attachment 22 for a complete discussion.

The proposal satisfies criteria LWDUO Section 5.220, subsections 1 and 2.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (1)

APPROVAL CRITERION

The Preliminary Plat of the proposed subdivision shall include the following information:

-(1) Proposed name of subdivision. Subdivision plat names shall be subject to the approval of the County Surveyor or, in the case where there is no County Surveyor, the County Assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous

subdivision bearing that name. All subdivision plats must continue the lot numbers and, if used, the block numbers of the subdivision plat of the same name last filed. On or after January 1, 1992, any subdivision submitted for final approval shall not use block number or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name that has previously used block numbers or letters.

FINDINGS
The Applicant is proposing to use "West Dunes" as the name of the platted subdivision. See Attachment 10 and Attachment 12.

The proposal satisfies criteria 1.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (2)

APPROVAL CRITERION
-(2) Northpoint, scale, and date of the completed drawing, approximate acreage, and boundary lines.

FINDINGS
The information is provided on the Preliminary Plat. See Attachment 8.

The proposal satisfies criteria 2.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (3)

APPROVAL CRITERION
-(3) Appropriate identification clearly stating the map is a Preliminary Plat.

FINDINGS
The information is noted on the submitted plat. See Attachment 8.

The proposal satisfies criteria 3.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (4)

APPROVAL CRITERION
-(4) Location of the subdivision by section, township, range, tax lot or lots and donation land claim sufficient to define the location and boundaries of the proposed subdivision.

FINDINGS
The information is provided on the preliminary subdivision plat. See Attachment 8.

The proposal satisfies criteria 4.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (5)

APPROVAL CRITERION

-(5) Names, addresses and zip codes of all owners, subdividers, and engineers or surveyors responsible for laying out the subdivision.

FINDINGS
The information is provided on the preliminary subdivision plat (see Attachment 8).

The proposal satisfies criteria 5.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (6)

APPROVAL CRITERION
-(6) Existing locations, widths, names of both opened and unopened streets within or adjacent to the subdivision, together with easements, or rights-of-way and other important features, such as section lines, corners, city boundary lines and monuments.

FINDINGS
This information is provided on the preliminary subdivision plat. See Attachment 8.

The proposal satisfies criteria 6.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (7)

APPROVAL CRITERION
-(7) A vicinity map showing the relationship of the proposed subdivision to surrounding development, streets, and sewer and water services, within one-quarter (1/4) mile of the exterior boundaries of the proposed development.

FINDINGS
An appropriate vicinity map is provided on the face of the preliminary plat.

The proposal satisfies criteria 7.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (8)

APPROVAL CRITERION
-(8) Location of at least one (1) temporary benchmark within the plat boundaries.

FINDINGS
The information is provided on the preliminary subdivision plat. See Attachment 8.

The proposal satisfies criteria 8.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (9)

APPROVAL CRITERION
-(9) Contour lines related to the temporary bench mark or other datum approved by the County Surveyor and having contour intervals together with the calculated degrees of slope as follows:

-(A) For slopes not in excess of 10 percent: two-foot contours.

-(B) For slopes over 10 percent: five-foot contours.

FINDINGS

2-foot contours are shown on the portions with grades below 10%. In areas where the grade is above 10 percent slopes are demarcated with 5-foot contours. See Attachment 1, Attachment 2, Attachment 3, Attachment 4, Attachment 5 and Attachment 6.

The proposal satisfies criteria 9.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (10)

APPROVAL CRITERION

-(10) Location of significant natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees.

FINDINGS

The preliminary plat illustrates significant natural features such as wetlands. There are no other significant natural features on the site.

The proposal satisfies criteria 10.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (11)

APPROVAL CRITERION

-(11) Location of any rare, threatened and endangered species (plant or animal) located on or within 1,000 feet of the proposed subdivision.

FINDINGS

No rare, threatened or endangered species were discovered on the subject property. A scan of the area identified blue violets near the subdivision boundaries (south of the subject property and within the Polo Ridge Subdivision Plat) indicated potential Oregon Silver Spot Butterfly habitat in or around Neacoxie Creek. To preserve this potentially important habitat, the applicants are proposing to designate similar areas on the subject property as permanent common open space in the care of North Coast land Conservancy as a precaution.

The proposal satisfied criteria 11.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (12)

APPROVAL CRITERION

-(12) Location and direction of all watercourses and/or bodies and the location of all areas subject to flooding.

FINDINGS

Existing wetlands are identified. See Attachment 1, Attachment 2, Attachment 3, Attachment 4, Attachment 5 and Attachment 6.

The proposal satisfies criteria 12.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (13)

APPROVAL CRITERION

FINDINGS

-(13) Existing uses on the property, including location of all existing structures.

FINDINGS:

Existing structures and their uses are clearly demarcated on the preliminary plat. See Attachment 8.

The proposal satisfies criteria 13.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (14)

APPROVAL CRITERION

-(14) Location, width, name, approximate grade, and radii of curves of all proposed streets, their relationship of such streets to any projected or existing streets adjoining the proposed subdivision. The subdivider shall submit documented preliminary approval, from the County Roadmaster, of his road design.

FINDINGS

A statement from the County Road Master indicating approval of the road design is attached to this document. See Attachment 18.

The proposal satisfies criteria 14.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (15)

APPROVAL CRITERION

-(15) Location, width, and purpose of proposed easements and private roads for private use, where permitted, and all reservations or restrictions relating to such easements and private roads.

FINDINGS

The location, width, and purpose of the road easements are identified on the preliminary plat. See Attachment 8. All reservations and restrictions will be contained in the CC&Rs attached to the document, Attachment 20.

The proposal satisfies criteria 15.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (16)

APPROVAL CRITERION

-(16) Proposed plan for draining surface water, including the location and type of drainage ways to carry surface water from the development without adversely affecting adjacent properties. If any filling is proposed, the drainage plan must demonstrate that adequate provisions have been made for the prevention of backup or ponding of surface water on adjacent properties as well as within the proposed development.

FINDINGS

The soils are predominately sandy loam with a high permeability rating. Surface water drainage should not be a problem. Regardless, the applicant is proposing to direct drainage into bio-swales leading to appropriate drainage areas or wetlands as indicated on the preliminary plat. See Attachment 11 and Attachment 9.

The proposal satisfies criteria 16.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (17)

APPROVAL CRITERION

-(17) Location, acreage and dimensions of lots and the proposed lot numbers.

FINDINGS

The information is provided on the preliminary plat. See Attachment 8.

The proposal satisfies criteria 17.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (18)

APPROVAL CRITERION

-(18) Site, if any, allocated for a purpose other than single-family dwellings.

FINDINGS

Sites allocated to permanent common open space are identified with alphanumeric numbers on the face of the plat. See Attachment 8.

The proposal satisfies criteria 18.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (19)

APPROVAL CRITERION

-(19) Location, acreage and dimensions of areas proposed for public use.

FINDINGS

As mentioned in 18 above areas designated for recreational purposes and public use have been identified as open space tracts, and given an alphanumeric number. There is a public use area adjacent to the access road and this may, at the owners option, be developed into a pocket park at a later date.

The proposal satisfies criteria 19.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (20)

APPROVAL CRITERION

-(20) Location, acreage and dimensions of areas proposed for common open space (30% in the Rural designation of the Clatsop Plains planning area).

FINDINGS

County Clustering provisions require 30% open space. For this proposal 30% of the total land area (35.20 acres) equals 10.56 acres of open space. The plat identifies 10.74 acres of permanent common open space in the West Dunes Subdivision.

As a function of the consolidated application .18 acres of extra open space will be carried over from the West Dunes subdivision to the Clatsop Estates Subdivision. Additionally all clusters are in groups of ten and separated by a minimum of 100 feet.

The proposal satisfies criteria 20.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (21)

APPROVAL CRITERION

Any subdivision may be platted in as many as three (3) phases. All phases must be submitted on the Preliminary Plat with proposed time limitations for the recording of the various phases. However, phasing must meet the following time limitations:

-(A) Phase I - shall be recorded within twelve (12) months of preliminary approval.

-(B) Phase II - shall be recorded within thirty-six (36) months of preliminary approval.

-(C) Phase III - shall be recorded within sixty (60) months of preliminary approval.

The Planning staff shall review each phase prior to recording to make sure the phase, as recorded, is in accord with the preliminary approval given by the Planning Commission. Any submitted phase, which does not coincide with the approval as given by the Planning Commission shall be referred to the Planning Commission for a hearing. At such hearing, the Commission shall have the authority to revoke, revise, amend or alter the prior approval. Notice shall be sent subject to Sections 6.110-6.120.

For any subdivision which has an approved phasing plan as granted by the Commission under the Preliminary Plat approval, all parts of the subdivision shall fall under control of the various Ordinances in effect at the time of preliminary approval, unless state or local law shall determine that newer or current Ordinances or laws are to be followed.

If any time limitation is exceeded, preliminary approval for the subdivision or any phase of the subdivision shall be void. The subdivider shall submit any future proposals for development of the property to the Commission for approval.

Agreement for improvements for each phase shall comply with this Ordinance prior to the Final Plat approval of such phase. If a bond is required, such bond shall be for a sum determined by the County Engineer to be sufficient to cover costs of construction for that phase.

FINDINGS

The proposal is for a three-phase, 18 lot cluster subdivision development in accordance with the provisions listed above.

The proposal satisfies criteria 21.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (22A)

APPROVAL CRITERION

-(22) Technical documentation shall be supplied to the Commission by the subdivider at the time of submittal of the Preliminary Plat, addressing the following items:

-(A) An acceptable and approved method of sewage disposal for each proposed lot which meets the rules and regulations of the Environmental Quality Commission of the State of Oregon as administered by the Department of Environmental Quality or its contract agent.

FINDINGS

The applicant has provided documentation from a sampling of lots throughout the subdivision. Those DEQ evaluations have been appended for consideration. See Attachment 16.

Based on the cost and difficulty associated with DEQ site evaluation, and unspecified location of the dwellings that will be proposed sometime in the future, the applicant would request that this be attached as a condition of approval.

With appropriate conditions the proposal satisfies criteria 22A

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (22B)

APPROVAL CRITERION

-(B) An acceptable and approved method of water supply.

FINDINGS

The applicants are proposing to supply the subdivisions with water from on-site wells. The water table has been shown to be adequate in previous studies, and approval for wells is demonstrated in Attachment 13.

The proposal satisfies criteria 22B.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (22C)

APPROVAL CRITERION

-(C) The nature and type of improvements proposed for the subdivision, and a timetable for their installation.

FINDINGS

The improvements will be developed in phases in accordance with the timetable established with county ordinance and identified with criteria 21 above.

The proposal satisfies criteria 22C.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (22D)

APPROVAL CRITERION

-(D) A description of community facilities, which would serve the subdivision, and a timetable for the completion or installation of the facilities.

FINDINGS

Community facilities for the subdivision were discussed previously with criteria 18 above. These facilities are intended to service the community but will likely be held in private ownership and subject to their discretion. Therefore these facilities are not necessarily going to service the general public.

The proposal satisfies criteria 22D.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (22E)

APPROVAL CRITERION

-(E) Where a surface or subsurface water problem may exist, as determined by the Department of Environmental Quality, County Sanitarian, or other qualified specialist, a complete report by an independent, qualified hydrologist or hydrogeologist or other qualified specialist shall be required prior to any hearing on the Preliminary Plat by the Commission. The fee for such study shall be paid by the subdivider.

FINDINGS

No current surface or subsurface water problem is known to exist at this time.

The proposal satisfies criteria 22E.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (22F)

APPROVAL CRITERION

-(F) Subdividers shall provide a list of any restrictive covenants, which are to be recorded.

FINDINGS

The applicant has provided a draft copy of the restrictive covenants to be recorded with the subdivision. Attachment 20.

The proposal satisfies criteria 22F.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (22G)

APPROVAL CRITERION

-(G) A demonstration that lot size and use are in compliance with the applicable zone.

FINDINGS

Cluster provisions identified in the Standards Document Section 3.150-S3.160 are addressed later in this report.

Based on the findings in the analysis of SD S3.150-S3.160 the proposal satisfies criteria 22G.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (23)

APPROVAL CRITERION

-(23) Compliance with the Clatsop County Comprehensive Plan and Land and Water Development and Use Ordinance, and ORS 92 and 215.

FINDINGS

Consistency with Clatsop County's Comprehensive Plan is addressed on pages 3-6 of this document and pages 26-61 of Exhibit E – Zone Change. Compliance with Clatsop County's LWDUO and ORS 92 and 215 require findings of consistency with Section 5.228 addressed later in this report.

The proposal satisfies criteria 23.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (24)

APPROVAL CRITERION

-(24) Lots not intended for sale shall be designated by alphabetic symbol, which indicates the intended usage. The acreage for each dedicated lot, if any, is to be shown.

FINDINGS

The information is shown on the Preliminary Plat.

The proposal satisfies criteria 24.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (25)

APPROVAL CRITERION

-(25) Notations indicating any limitations on rights-of-access to or from streets and lots or other parcels of land proposed by the developer or established by the Board.

FINDINGS

Such notations shall be noted on the face of the final plat or referenced to a recorded document in the County Deed Records if required by the hearing body.

The proposal satisfies criteria 25.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (26)

APPROVAL CRITERION

-(26) A quotation from the Clatsop County Assessor on taxes to be paid on a proposed subdivision before final platting shall take place in accordance with ORS 92.095.

FINDINGS

ORS 92.095 requires that all taxes be paid before filing of a partition or subdivision final plat. The applicant will be required to document all taxes are paid and current prior to approval and signing of the final plat. This should be appended as a condition of approval by the hearing body.

The proposal satisfies criteria 26.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (27)

APPROVAL CRITERION

-(27) If any federal or state permit is required to carry out the preliminary plat approval, approval shall be subject to a condition requiring the subdivision to comply with any applicable federal and state law.

FINDINGS

The applicant has provided most of the appropriate documentation and permits with this application. See Attachment 9, Attachment 13, Attachment 14, Attachment 15, Attachment 16, Attachment 17 and Attachment 18. Any other documentation required can be addressed through appropriate approval conditions.

The proposal satisfies criteria 27.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.226: PRELIMINARY PLAT INFORMATION (28)

APPROVAL CRITERION

-(28) In areas subject to the geologic hazard overlay zone, a grading plan prepared in conformance with Section 4.040.

FINDINGS

According maps in the Community Development department depicting Natural Hazards the Proposed subdivision is not in a geological hazard.

The criterion does not apply to this development.

LAND AND WATER DEVELOPMENT AND USE ORDINANCE SECTION 5.228 (4)

CRITERIA

-(4) If the Commission has approved or conditionally approved a subdivision, it shall make specific findings indicating that sufficient water supply is available, that each lot has an approved sewage disposal site or will have access to an area for sewage disposal, and that an approved road system will provide access or will be constructed to provide access to each lot in the subdivision. In addition to those specific findings, the Commission shall make its findings in regard to the standards as set forth in Section 5.220 to and including 5.226 and S5.100 to and including S5.120 of this Ordinance, the road standards as set forth in S6.000 of the Development and Use Standards Document.

FINDINGS

Availability of Water Supply: See Attachment 13 for documentation of the approval of the use of on-site wells.

Approved Provisions for Sewage Disposal: See Attachment 16 for satisfaction of sewage disposal criteria.

Approved Road System: A statement from the County Road Master has been appended to this document illustrating that the road design meets the County's standards. See Attachment 18.

The proposal satisfies these criteria.

STANDARDS DOCUMENT

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.151: PURPOSE

CRITERIA

The intent of these standards is to preserve large contiguous forest and agricultural lands, other resource lands, and lands suitable for open space by providing an alternative to the division of forest, agricultural and resource lands into the minimum sized lots allowed in the appropriate zones, and to apply standards to rural residential lands consistent with state administrative rules governing cluster developments.

FINDINGS
This is not a criteria and therefore does not apply.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.152: PROCEDURES FOR CLUSTER DEVELOPMENT (1)

CRITERIA
A cluster development shall comply with the procedures and standards in this section.

-(2) The applicant shall discuss the proposed cluster development with the staff of the Clatsop County Department of Community Development in a pre-application conference pursuant to Section 2.020.

FINDINGS
An informal pre-application conference has been conducted for this proposal.

The applicant has satisfied criteria 1.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.152: PROCEDURES FOR CLUSTER DEVELOPMENT (2)

CRITERIA
-(2) An applicant for a cluster development must submit a development plan and receive approval of the plan prior to development.

FINDINGS
The applicant is submitting a preliminary plat illustrating a cluster development. Approval of the preliminary plat is essential for the development to move forward.

The proposal will satisfy criteria 2.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.152: PROCEDURES FOR CLUSTER DEVELOPMENT (3)

CRITERIA
-(3) As soon as plan approval is given, the plan and any conditions of approval shall be recorded in the Office of the County Clerk by book and page and shall constitute an agreement not to divide the property as long as it remains in its present zoning.

FINDINGS
These criteria will need to be assessed through appropriate conditions.

The proposal will satisfy criteria 3.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.152: PROCEDURES FOR CLUSTER DEVELOPMENT (4A, 4B, 4C)

CRITERIA
-(4)

(A) As a condition to the approval that may be given for partitioning under this section, the applicant shall provide all deeds or contracts affecting the original farm use parcel to assure that the maximum density will not be exceeded.

-(B) For each partition application under this Standard the Community Development Director or designate shall determine and include with the approved plan map a statement including:

-(1) the number of homesite lots allowable on the original parcel,

-(2) a legal description of the original parcel,

-(3) the number of homesite lots that will result from the proposed partition, and

-(4) the number of homesite lots, if any, that could be allowed in the future on the original parcel.

FINDINGS

The subject site is not in farm use; therefore criterion "A" is not applicable. Criterion "B" is to be completed by the Community Development Director in order to justify the open space and density provisions are satisfied. Calculations pertaining to these are included in this report.

The proposal is consistent with these provisions.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (1)

CRITERIA

-(1) The tract of land to be developed shall not be less than 4 contiguous acres in size, provided that land divided by a road shall be deemed to be contiguous.

FINDINGS

The tract of land to be developed is in excess of the requirement of 4 acres.

The proposal satisfies criteria 1.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (2)

CRITERIA

-(2) The development may have a density not to exceed the equivalent of the number of dwelling units allowed per acre in the zone or zones.

FINDINGS

The number of dwelling units does not exceed the number of permissible dwelling units from the sending sites and receiving sites. Credits to be landed on Tax Lot 3600 may have to wait until the follow-up application is finaled before phase three of the subdivision can continue.

The proposal can conditionally satisfy criteria 2.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (3)

CRITERIA

-(3) The cluster development shall not contain commercial or industrial developments.

FINDINGS

The proposal does not include commercial or industrial developments.

The proposal satisfies criteria 3.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (4)

CRITERIA

-(4) The minimum percentage of common open space shall be 30% excluding roads and property under water (MHW).

FINDINGS

The 30% requirement would require approximately 10.56 acres to be designated open space. The applicant has designated 10.74 acres of common open space.

The proposal satisfies criteria 4.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (5)

CRITERIA

-(5) Attached residences are permitted provided the density allowed per acre in the zone is not exceeded (this does not apply in the Clatsop Plains planning area).

FINDINGS

Attached residences are not proposed.

The proposal is consistent with provision 5.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (6)

CRITERIA

-(6) The prescribed common open space may be used to buffer adjacent forest, farm, hazard areas or other resource lands such as but not limited to archeological and historical sites, water bodies, etc.

FINDINGS

The common open space is used to buffer lots from Shorelands along the banks of Neacoxie Creek, and Highway 101.

The proposal is consistent with provision 6.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (7)

CRITERIA

-(7) Land in the same ownership or under a single development application that is divided by a road can be used in calculating the acreage that can be used in the clustering option.

FINDINGS

This is not an approval criterion. The proposal does not take this aspect into consideration.

The proposal is consistent with provision 7.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.158: RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS (8)

CRITERIA

-(8) For lands zoned primarily for rural residential uses located outside urban growth boundaries, unincorporated community boundaries, and located outside non-resource lands as defined in OAR660-004-000(5)(3), the following additional conditions must be met.

-(A) The number of new dwellings units to be clustered does not exceed 10;

-(B) None of the new lots or parcels created will be smaller than two acres;

-(C) The development is not served by a new community sewer system or by any extension of a sewer system from within an urban growth boundary or from within an unincorporated community, unless the new service or extension is authorized consistent with OAR 660-011-0060;

-(D) The overall density of the development will not exceed one dwelling for each unit of acreage specified in the base zone designations effective on October 4, 2000 as the minimum lot size for the area;

-(E) Any group or cluster of two or more dwelling units will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest uses and will not significantly increase the cost of accepted farm or forest practices there; and

-(F) For any open space or common area provided as part of the cluster development under this subsection (8), the owner shall submit proof of non-revocable deed restrictions recorded in the deed records. The deed restrictions shall preclude all future rights to construct a dwelling on the lot, parcel or tract designated as open space or common area for as long as the lot, parcel or tract remains outside an urban growth boundary.

FINDINGS

The additional conditions described in A-F above apply to lands located outside the non-resource areas. The subject property is within the Clatsop Plains designated non-resource lands area, therefore satisfaction of these criteria is not applicable to this proposal.

The proposal is consistent with the provisions of the Criteria 8 that does not conflict with the density transfer provision.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.160: ADDITIONAL RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (1)

CRITERIA

-(1) All planned developments and subdivisions shall designate and retain areas as permanent common open space.

FINDINGS
These areas are designated on the preliminary plat. See Attachment 8.

The proposal satisfies criteria 1.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.160: ADDITIONAL RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (2)

CRITERIA
-(2) The minimum percentage of common open space shall be 30% excluding roads.

FINDINGS
As mentioned previously the requirement on this parcel is 10.56, the applicant is proposing 10.74 acres of open space.

The proposal satisfies criteria 2.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.160: ADDITIONAL RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (3)

CRITERIA
-(3) Permanent common open space shall include, whenever possible, steep dunes which would require substantial alterations for building, buffers along streams, water bodies, deflation plains, and farm and forest lands.

FINDINGS
These aspects were taken into consideration when designating the areas of permanent common open space.

The proposal is consistent with provision 3.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.160: ADDITIONAL RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (4)

CRITERIA
-(4) Buffers (screening) shall be provided in all subdivisions and planned developments along all property lines adjacent to arterials and/or collectors.

FINDINGS
If a buffer is required by the hearing body the applicant will plant a vegetative buffer along the eastern boundary of the receiving site.

With appropriate conditions the proposal will satisfy criteria 4.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.160: ADDITIONAL RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (5)

CRITERIA

-(5) Permanent common open space as part of subdivisions or planned developments adjoining one another shall be interrelated and continuous whenever possible. This could mean that the common open space could continuously follow ridge tops, deflation plains or shorelands. The Clatsop County Department of Community Development shall prepare a map of potential systems of common open space to be used as a guide for developers.

FINDINGS

There are two areas of contiguous open space. One along Neacoxie creek and the other along Highway 101 All common open space in these respective areas share contiguous boundaries.

The proposal satisfies criteria 5.

STANDARDS DOCUMENT SECTION 3.150: CLUSTER DEVELOPMENT AND DENSITY TRANSFER, SUBSECTION 3.160: ADDITIONAL RESIDENTIAL CLUSTER DEVELOPMENT STANDARDS FOR THE CLATSOP PLAINS PLANNING AREA (6)

CRITERIA

-(6) Streams and drainages, which form a system of common open space shall be preserved.

FINDINGS

Wetland areas in the western section of Tax Lot 3400 of the West Dunes subdivision are designated common open space.

The proposal satisfies criteria 6.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (1)

CRITERIA

-(1) Traffic Impact Study

FINDINGS

In accordance with the provisions outlined in LWDUO Section 5.350 a traffic impact study is not required for this proposal

The proposal satisfies these criteria.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (2)

CRITERIA

-(2) Consolidation of Access Points, other Transportation Mitigation

FINDINGS

There are currently two access points proposed to the subject property; one from West Dunes Lane and the other from Clatsop Estates Lane. We are proposing to use shared driveways for lots 2-9.

The proposal satisfies this criterion.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (3)

CRITERIA

-(3) Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are "options" to the developer/subdivider.

-(A) Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.

-(B) Option 2. Access is from a private street or driveway connecting t an adjoining property that has direct access to a public street (i.e., shared driveway"). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.

-(C) Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street access shall comply with the access spacing standards in Subsection (6) below.

-(D) Access to and from off-street parking areas shall not permit backing onto a public street. Except that in limited situations where no alternative design is possible and site distances are acceptable, parking areas having three or fewer spaces may allow for backing onto a collector or local street subject to the approval of the Public Works Director.

FINDINGS

The access proposed for this subdivision is in accordance with Option 3 above.

The proposal satisfies the access provisions.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (4)

CRITERIA

-(4) Subdivision Fronting onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes).

FINDINGS

The subdivision does not front onto an arterial street. A buffer zone of common open space is proposed between the lots and Highway 101. In addition all access is taken from private access roads within the subdivision.

These criteria are satisfied.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (5)

CRITERIA

-(5) Double Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new

double-frontage lots shall be prohibited in the RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-5, or CBR Zones, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-5, or CBR Zones, a landscape buffer with trees and/or shrubs and ground cover not less than 20 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner's association, etc.).

FINDINGS
There are no double frontage lots proposed with this development.

The proposal satisfies the criteria regarding double frontage lots.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (6)

CRITERIA
-(6) Reverse Frontage Lots. When a lot has frontage opposite that of the adjacent lots, access shall be provided from the street with the lowest classification.

FINDINGS
No reverse frontage lots are proposed.

The proposal satisfies the criteria for reverse frontage lots.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (7)

CRITERIA
-(7) Access Spacing

FINDINGS
Minimum spacing standards for driveways to each lot do not apply along the private road (local street).

The proposal satisfies the access spacing criteria.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (8)

CRITERIA
-(8) Number of Access Points

FINDINGS
Access is proposed from two private roads, each with access points to Highway 101. Some lots will share access points/driveways while others fronting on West Dunes Lane and Clatsop Estates Lane will have single access points

The proposal satisfies the criteria regarding access points

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (9)

CRITERIA
-(9) Shared Driveways

FINDINGS
Where appropriate and feasible shared driveways will be implemented.

The proposal satisfies the shared driveway criteria.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (10A)

CRITERIA
-(10) Street Connectivity and Formation of blocks Required

-(A) Block Length and Perimeter

FINDINGS
The applicant's originally proposed to use an existing road that was constructed for the Polo Ridge Subdivision to access lots 1-10 for the West Dunes subdivision. This would have resulted in a block longer than the 1,000-foot stipulation. The West Dunes Subdivision has proposed an alternative should the Polo Ridge road be unacceptable. West Dunes Lane will serve lots2-14, and the applicants request the hearing body grant similar consideration as the subject parcel is subject to the same topography as the neighboring parcel. Clatsop Estates Lane will serve lots 1A through 10A for the Clatsop estates Subdivision and lots 15 through 18 of the West Dunes subdivision; both streets are within the block requirement. Lots 16 and 17 of the West Dunes Subdivision will be serviced by an alleyway from Clatsop Estates Lane (towards the potential future Wideman Roadway) as phase two of the West Dunes subdivision.

The applicants are requesting that the hearing body allow an exception to the block length standard in order to accommodate one block over the 1000-foot recommendation similar to what was authorized by the previous Board action on Polo Ridge siting the same topographical difficulties and the rural character of the area, which does not allow uniform creation of a city block layout. With the exception of the road mentioned, all other roads in the subdivisions meet the block standard. Additionally LWDUO S5.033(10)(a) allows provisions for an exception to this standard when the topography makes the location of adjoining streets impractical to comply.

The proposed application satisfies this criterion.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (10B)

CRITERIA
-(10) Street Connectivity and Formation of blocks Required

-(B) Street Standards

FINDINGS
All streets servicing the subdivision shall be built to County Road Standards identified in Clatsop County's SD S6.050, Table 1.

The proposal will satisfy applicable street standards.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (10C)

CRITERIA

-(10) Street Connectivity and Formation of blocks Required

-(C) Driveway Openings

FINDINGS

The driveways that will connect the subdivision lots to the road system shall be 10-24 feet in width. Consistency with this standard will be confirmed at the development review/building permitting stage for each subdivision lot.

The proposal will satisfy applicable driveway opening criteria.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (11)

CRITERIA

-(11) Fire Access and Parking Area Turnarounds

FINDINGS

The road network is built in conformance with the fire department recommendations. A letter from the fire department has been provided to illustrate compliance with these criteria. See Attachment 15.

The proposal is consistent with fire access and parking area turnarounds.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (12)

CRITERIA

-(12) Vertical Clearances

FINDINGS

No obstructions currently exist.

The proposal is consistent with the vertical clearance criteria.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (13)

CRITERIA

-(13) Vision Clearance

FINDINGS

Clear vision areas shall be maintained at all access points.

The proposal satisfies the clear vision criteria.

STANDARDS DOCUMENT SECTION 5: VEHICLE ACCESS CONTROL AND CIRCULATION, SUBSECTION 5.033: ACCESS CONTROL STANDARDS (14)

CRITERIA

-(14) Construction

FINDINGS

Development and construction of streets, driveways, stormwater drainage systems shall be in conformance with the standards approved by the county's Public Works Department.

This criterion can be conditionally satisfied.

STANDARDS DOCUMENT SECTION 5.100: SUBDIVISION DESIGN STANDARDS, SUBSECTION 5.102: STREETS

CRITERIA

-(1) General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive development plan, the arrangement of streets in a subdivision shall either:

-(A) Provide for the continuation or appropriate projection of exiting principal streets in surrounding areas; or

-(B) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

-(2) Minimum right-of-way and roadway widths. The width of streets and roadways shall be adequate to fulfill County specifications as provided in Section 56.000 of this Ordinance.

-(3) Where existing conditions, such as the topography or the sixe or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way. If necessary, special slope easements may be required.

-(4) Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the for the protection if of the public welfare or of substantial property rights and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the County under conditions approved by the Panning Commission.

-(5) Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

-(6) Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision or adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

-(7) Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet or tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain

an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius of 20 feet and maintain a uniform width between the roadway and the right-of-way.

-(8) Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.

-(9) Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such a tract. Reserve strips and street plugs may be required to preserve the objectives of half strips.

-(10) Cul-de-sacs. A Cul-de-sac shall be as short as possible and shall terminate with a turnaround.

-(11) Street names. Except for extensions of existing streets, no street shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and, if near a city, to the pattern in the city, and shall be subject to the approval of the Planning Commission.

-(12) Grades and curves. Grades shall not exceed 6 percent on arterials, 10 percent on collector streets, 12 percent on any other street. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall not be to an even 10 feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept steeper grades and sharper curves.

-(13) Street adjacent to railroad right-of-way. Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

-(14) Marginal access streets. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

-(15) Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.

FINDINGS

The access road will be located within a 50-foot easement. A letter from ODOT has been included, see Attachment 17.

The proposal is consistent with the County's provisions for governing street design.

STANDARDS DOCUMENT SECTION 5.100: SUBDIVISION DESIGN STANDARDS, SUBSECTION 5.104: BLOCKS

CRITERIA

-(1) General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.

-(2) Size. No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.

-(3) Easements.

-(A) Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 12 feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six feet in width.

-(B) Water courses. If a subdivision is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.

-(C) Pedestrian ways. When desirable fro public convenience, pedestrian pathways shall be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks in accordance with Section S5.040.

FINDINGS

The applicant's have designed their internal roads to satisfy this requirement; however due to the topography and rural location uniform subdivision blocks are not incorporated into the design of this subdivision. As described on the previous page topography juxtaposed with other constrains make a city subdivision style block impractical in this situation. See Attachment 8.

This proposal is consistent with this provision.

STANDARDS DOCUMENT SECTION 5.100: SUBDIVISION DESIGN STANDARDS, SUBSECTION 5.106: LOTS

CRITERIA

-(1) Size and shape, lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. An interior lot shall have a minimum average of 100 feet, and the depth shall not ordinarily exceed two times the average width. These minimum standards shall apply with the following exceptions:

-(A) In areas that will not be served by a public water supply or a sewer, minimum lot sized shall conform to the requirements of the County Health Department and shall take into consideration requirements for water supply and sewage disposal, as specified in Section 34. The depth of such lots shall not ordinarily exceed two times the average width.

-(B) Where property is zoned, lot sizes shall conform to the zoning requirement. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated.

-(2) Access. Each lot shall abut upon a street other than an alley for a width of at least 25 feet.

-(3) Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from traffic arteries or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet wide and across, which there shall be no right of access may be required along the line of lots abutting such a traffic artery or other incompatible use

-(4) Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

FINDINGS

The proposed subdivision lots are of the appropriate size, shape, width, and orientation for 1-acre lots in accordance with the density provisions in the Clatsop Plains planning area.

The proposal is consistent with the lot size and shape.

STANDARDS DOCUMENT SECTION 5.100: SUBDIVISION DESIGN STANDARDS, SUBSECTION 5.108: GENERAL SOIL DEVELOPMENT

CRITERIA

Lot grading in areas subject t the geological hazard overlay zone shall conform to the standards of Section 4.040.

FINDINGS

Minor grading has occurred on site in the past but does not effect this proposal. LWDUO § 5.108 contains additional requirements for lot grading, specifically, cut slopes shall not exceed 1 ½ feet horizontal to one foot vertical and fill slopes shall not exceed two feet horizontal to one foot vertical.

Grading activity will be in compliance with the grading provisions.

STANDARDS DOCUMENT SECTION 5.100: SUBDIVISION DESIGN STANDARDS, SUBSECTION 5.110: BUILDING LINES DEVELOPMENT

CRITERIA

If special building setback lines are to be established in the subdivision, they shall be shown on the subdivision plat or in the deed restriction.

FINDINGS

No special building setbacks are proposed.

The proposal is consistent with Building Line provisions.

STANDARDS DOCUMENT SECTION 5.100: SUBDIVISION DESIGN STANDARDS, SUBSECTION 5.112: LARGE LOT SUBDIVISION

CRITERIA

In subdividing tracts into large lots which at some future time are likely to be resubdivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building size restrictions as will provide for extension and openings of street intervals which will permit a subsequent division of any parcel into lots of smaller size.

FINDINGS

The Current zoning and lot configuration does not allow the lots to be reduced further in the future. Criteria have been met.

The criteria is not applicable to this application.

STANDARDS DOCUMENT SECTION 5.100: SUBDIVISION DESIGN STANDARDS, SUBSECTION 5.114: LAND FOR PUBLIC PURPOSES

CRITERIA

If the County has an interest in acquiring any portion of the proposed subdivision for a public purpose, or if the County has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed one year.

FINDINGS

The county has not expressed an interest in this property. Therefore no such lands are required or proposed.

The proposal is consistent with the public Lands provision.

STANDARDS DOCUMENT SECTION 5.115: SUBDIVISION IMPROVEMENTS, SUBSECTION 5.116: IMPROVEMENT PROCEDURES

CRITERIA

In addition to other requirements, improvements shall conform to the requirements of this ordinance and improvements standards or specifications adopted by the County and shall be installed in accordance with the following procedure:

-(1) Work shall not be commenced until plans have been reviewed for adequacy and approved by the County. To the extent necessary for evaluation of the subdivision proposal, the plans may be required before approval of the final map. All plans shall be prepared on tracing cloth in accordance with the requirements of the County.

-(2) Work shall not be commenced until the County has been notified in advance, and if work has been discontinued for any reason it shall not be resumed until the County has been notified.

-(3) Required improvements shall be inspected by and constructed to the satisfaction of the County. The County may require changes in typical sections and details if unusual conditions arise during construction warrant such changes in the public interest.

-(4) Underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider shall be constructed prier to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to lengths that will avoid the need to disturb street improvements when service connections are made.

-(5) A map showing public improvements as built shall be filed with the County Engineer upon completion of the improvements.

FINDINGS

All subdivision improvements shall conform to the requirements of the County LWDUO and SD improvement standards and specifications adopted by the County.

The proposal is consistent with these criteria.

STANDARDS DOCUMENT SECTION 5.115: SUBDIVISION IMPROVEMENTS, SUBSECTION 5.118: SPECIFICATIONS FOR IMPROVEMENTS

CRITERIA

The County Engineer shall prepare and submit to the Board of County Commissioners specifications to supplement the standards of this ordinance based on engineering standards appropriate for the improvements concerned. Specifications shall be prepared for the construction of the following:

-(1) Streets including related improvements such as curbs, shoulders, median strips and sidewalks, and including suitable provisions for necessary slope easements.

-(2) Drainage facilities.

-(3) Sidewalks in pedestrian ways.

-(4) Sewers and sewage disposal facilities

-(5) Public water supplies and water distribution systems.

FINDINGS

All road and drainage improvements will be installed in accordance with applicable county requirements.

The proposal will be consistent with Clatsop County Standards.

STANDARDS DOCUMENT SECTION 5.115: SUBDIVISION IMPROVEMENTS, SUBSECTION 5.120: IMPROVEMENT REQUIREMENTS

CRITERIA

The following improvements shall be installed at the expense of the subdivider:

-(1) Water supply. Lots within a subdivision shall either be served by a public domestic water supply system conforming to state or County specifications or the lot size shall be increased to provide such separation of water sources and sewage disposal facilities as the County Sanitarian considers adequate for soil and water conditions.

-(2) Sewage. Lots within a subdivision either shall be served by a public sewage disposal system conforming to state or County specifications or the lot size shall be increased to provide sufficient area for a septic tank disposal system approved by the County Sanitarian as being adequate for soil and water conditions considering the nature of the water supply.

-(3) Drainage. Such grading shall be performed and drainage facilities installed conforming to County specifications as necessary to provide proper drainage within the subdivision and other affected areas in order to secure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed if necessary to protect the subdivision against flooding or other inundation.

-(4) Streets. Where streets are to be accepted into the County road system, the subdivider shall grade and improve streets in the subdivision and the extension of such streams to the paving line of existing streets with which such streets intersect in conformance with County specifications. Street improvements shall include related improvements such as curbs, shoulders, sidewalks, and median strips to the extent these are required. All other streets shall be improved in accordance with minimum road standards as set forth in S6.000.

-(5) Pedestrian ways. A sidewalk in conformance with the Standards of Section S5.034 shall be installed in the center of pedestrian ways.

-(6) Underground utilities. Underground utilities shall be required.

FINDINGS

The applicants will be installing the necessary utility(ies) in accordance with the rules of the applicable agency(ies) including: (1) Water lines from shared wells; (2) DEQ approvals; (3) Drainage systems; (4) Streets; (5) Pedestrian ways; and (6) Underground Utilities.

The proposal is Consistent with the County's Improvement Requirements.

STANDARDS DOCUMENT CHAPTER 6: ROAD STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION, SUBSECTION 6.005: GENERAL ROAD AND ACCESS POLICIES

CRITERIA

-(1) <u>Purpose.</u> The establishment of the criteria to be used in Clatsop County for evaluating the appropriateness of proposed roads which are intended to provide access to lots or parcels. This criteria shall form the basis for determining what requirements are necessary to ensure that there will be adequate provisions available now, and in the future, to provide for the transportation needs of lots, parcels, or developments.

The Clatsop County Road Standards are the intended to provide access to new development in a manner which reduces construction cost, makes efficient use of land, allows emergency vehicles access while discouraging inappropriate traffic volumes and speeds, and which accommodates convenient pedestrian and bicycle circulation. The standards apply to County roads, dedicated roads and private roads.

The Road Standards to be applied are based on the density of the zone in which it will be built and shall be constructed to that standard. The Clatsop County Department of Community Development, Planning Commission or Board of County Commissioners will on a case by case basis consider possible future parcelization and whether or not the road being built should be private or dedicated.

Where a partition is proposed in Major or Peripheral Big Game Range areas, the road shall be located to minimize its impact on big game range.

-(2) Conditions of Development Approval. No development may occur unless required transportation facilities are in place or guaranteed, in conformance with the provisions of this document. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development on public facilities and services. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

-(3) Criteria. Roads in Clatsop County shall be designed, constructed, and maintained to:

-(A) Be capable of ensuring unrestricted travel to and from a property.

-(B) Provide adequate, safe, and legal access with minimum public cost.

-(C) Place the burden of the costs on the benefited person(s).

-(D) Provide access for fire protection, ambulance, police, mail, school bus, public transit, and garbage services.

-(E) Provide for drainage ways and utility services.

-(F) Be compatible with adjoining land use.

-(G) Minimize, with the constraints of reasonable engineering practices and costs, the creation of roads within lands designated for Exclusive Farm Use, Forest Resource,

-(H) Ensure that the new road will minimize interference with forest management or harvesting practices.

-(I) Minimize within the constraints of reasonable engineering practices and costs the loss of productive agricultural or forest land, and be located on that portion of such land that is least suitable for timber or agricultural production, taking into consideration, but not limited to, the following: topography, soil capability or classification, erosion potential, and the size and resultant configuration of the affected tracts.

-(J) Minimize the loss of important wildlife habitat, such as sensitive deer and elk range, identified natural areas, and other significant natural features.

-(K) Facilitate safe and convenient pedestrian and bicycle trips to meet local travel needs in developed areas.

-(L) Streets within or adjacent to a development shall be improved in accordance with the Transportation System Plan and the provisions of this Section.

-(4) Standards, Generally:

-(A) The following are a variety of types or forms of access used to gain ingress andegress to property within Clatsop County:

-(1) County roads

-(2) Federal roads

-(3) State highways

-(4) Dedicated ways

-(5) Flag lots

-(6) Ways of necessity

-(7) Public roads

-(8) Private roads

-(9) Prescriptive roads

-(B) Publicly dedicated and maintained roads provide superior access.

-(C) Flag lots may provide access, but can hinder future development of the surrounding area.

-(D) Private roads function best if they are designed to serve a predetermined, limited amount of development.

-(E) Paved roads are safer, less of a nuisance, and more economical to maintain than gravel roads.

-(F) Road requirements should support a complete transportation network, and not inhibit new land development innovations and concepts.

-(G) Dedicated ways or County roads shall be the ordinary standard recommended for subdivisions, except as may be dictated by natural hazards, topography, or other special circumstances.

-(5) Standards, Specifically:

-(A) As far as is feasible, roads shall be in alignment with existing or appropriate projections of existing roads by continuation of their centerline.

-(B) When necessary to give access to, or permit a satisfactory future division of adjoining lands, rights-of-way or easements shall be extended to the boundary of a major partition, subdivision, or development. The County may also require the improvement of such rights-of-way or easements in a Class "a" division. A temporary turnaround may be required for the resulting dead end road.

-(C) Frontage roads, or double frontage parcels or lots may be required by the County when a proposed parcel or lot would otherwise abut an arterial or collector road in order to effect separation of through and local traffic. In addition, screening or other treatments may be required along arterials and collectors in order to provide adequate noise and visual protection to adjacent properties.

-(D) Whenever a proposed division or development is intended to abut a public road, the County shall restrict or limit as to location and number, vehicular access points unless specifically exempted in any approval thereof.

-(E) Where a cut or fill road slope is outside the normal right-of-way, a slope easement shall be required of sufficient width to permit maintenance of the cut or fill and drainage structure.

FINDINGS

The applicant is proposing to meet the minimum standard required per county road standards the road system consists of an A-22 access road, with two A-20 roads and an A-14 service road/alleyway. The applicant has provided a statement from the County Road Master verifying that the proposed development conforms to county road standards. See Attachment 17.

The proposal will be consist with County road standards including access policies.

STANDARDS DOCUMENT CHAPTER 6: ROAD STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION, SUBSECTION 6.010: IMPROVEMENT PLANS

CRITERIA

The Improvement Plans will include, but not be limited, to the following:

-(1) A plan view showing:

-(A) Dimensioning necessary to survey and relocate the roadway.

-(B) Right-of-way lines as shown on the final plat.

-(C) Proposed drainage structures, showing both size and type of structure.

-(D) Location of all existing and proposed utilities.

-(E) Location and dimensions of the pedestrian circulation system.

-(F) Location of bicycle parking.

-(G) Location and type of signs.

-(H) Toe of slope and top of cut lines showing the limits of the construction area within the dedication.

-(I) Section lines, fractional section lines and/or Donation Land Claim lines tie to corner from which dedication description is prepared.

-(J) Vicinity map in the upper left hand corner of the first plan sheet showing roughly the relationships of the proposed road to cities, state highways, county roads, or other well defined topographical features.

-(K) The stamp and signature of the Registered Professional Engineer preparing the plans.

-(2) A profile showing:

-(A) Centerline grades and vertical curves.

-(B) Curb profiles where curbs are required.

-(C) Super elevation transition diagrams for horizontal curves shall be shown if curbs are not required.

-(3) Typical roadway cross-section showing:

-(A) Width and depth of base.

-(B) Width and depth of paving.

-(C) Curbs if required.

-(D) Side slopes.

-(E) Ditch section in cut areas.

-(4) Detail plans of all bridges, stamped by a registered professional engineer.

-(5) Detail plans of any drainage and irrigation structures, sewer lines, or other structures.

-(6) Any other information required by the County Road Department.

FINDINGS
The road layout shown on the preliminary subdivision plat application has been reviewed and approved by the County and local fire protection district.

The proposal will adhere to improvement plan policies.

STANDARDS DOCUMENT CHAPTER 6: ROAD STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION, SUBSECTION 6.050: PUBLIC AND COUNTY ROAD STANDARDS

CRITERIA
(1) Road Design:

-(A) The radius of curvature, grade and intersection curb return radius of streets shall conform with the minimum standards prescribed in Tables 1, 2, 3, and 4 of these standards.

-(B) Alignment of streets: Streets located on opposite sides of an intersecting street shall have their centerlines directly opposite each other where possible; otherwise, the centerlines shall be separated by not less than 125 feet.

-(C) Intersection angles: Street intersections shall be as near right angles as possible except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees.

-(D) Location of centerline: The centerline of the paving shall correspond to the centerline of the right-of-way where possible and practical.

-(E) Continuation of streets: Subdivision streets which constitute the continuation of streets in contiguous territory shall be aligned so that their centerlines coincide. Where straight-line continuations are not possible, such centerlines shall be continued by curves. New streets or the continuation of a street in contiguous territory may be required by the Planning Commission where such continuation is necessary to maintain the function of the street or a desirable existing or planned pattern of streets and blocks in the surrounding area. Any road or street which does not connect directly to a County maintained road, City maintained street or state highway will not be accepted for maintenance by the County.

-(F) Streets in Subdivision Adjoining Unsubdivided Land:

-(1) Stubbed streets: Where a subdivision adjoins unsubdivided land, streets which may be necessary to assure the proper subdivision of the adjoining land or the continuation of the function of a major arterial or collector street shall be provided through to the boundary line of the subdivision.

-(2) Half streets: Half streets proposed adjacent and parallel to the boundary line of the subdivision, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision when in conformity with other requirements of this ordinance and when the Planning Commission finds it will be practical to require the dedication and improvement of the other half when the adjoining property is subdivided. Half streets shall not be permitted where lots would front on such streets. Where half streets are provided, a performance bond may be required to insure all improvements until such time as the remaining half street on adjacent property is dedicated and improved. Whenever an existing half street is adjacent and parallel to the boundary line of a proposed subdivision, the subdivider shall dedicate and improve such additional right-of-way as may be necessary to meet the standards for the type of streets involved.

-(G) Subdivision roads: All roads not to be maintained by the County shall be posted with an approved sign stating roads are not County maintained.

-(H) Existing streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the subdivision. When existing streets are to be used as access to the subdivision they shall be constructed as to provide reasonable access as determined by the County Public Works Director or County Engineer.

-(I) Cross Sections and Tables. All new arterials, collectors, and local streets must conform with design standards of Table 1 Road Right-of-Way and Improvement Standards.

-(2) Improvement Plans: A complete set of Improvement Plans shall be submitted and approved by the County Public Works Director prior to the start of construction on any County maintained road, public way or subdivision road which is to become a public way.

-(3) Surveying: All roads shall be located by a survey crew so as to insure that the road is constructed in the location shown on the improvement plans. The construction of the road improvement shall be within 0.3' more or less of the horizontal and vertical location shown on the improvement plans.

-(4) Monumentation: All P.C. and P.T. points on horizontal curves shall be referenced with a 5/8" x 30" steel rod driver twenty-four (24) inches into the ground set at the intersection of the R/W line and a line perpendicular to the tangent at the P.C. or P.T. point and shall be witnessed by a white 4" x 4" cedar post forty-eight (48) inches in length set eighteen (18) inches into the ground set twelve (12) inches from and in line with the P.C. or P.T. point. As an alternative to the white cedar posts, a forty-eight (48) inch steel post painted white may be used for such witness posts.

-(5) Standard Specifications: All roadway excavation, fill construction, subgrade preparation, aggregate bases, surfacing, prime coats and paving will be built in accordance with the 1974 edition of the Oregon State Highway Division's "Standard Specifications for Highway Construction". Whenever these specifications refer to the State, consider that to mean the County of Clatsop, the appropriate County Department or appropriate County address. In case of discrepancy or conflict in the plans, standard specifications, supplemental standard specifications and special provisions, they shall govern in the following order:

-(A) Special Provisions

-(B) Plans specifically applicable to the project.

-(C) Standard or general plans.

-(D) Supplemental Standard Specifications.

-(E) Standard Specifications.

-(6) Testing: All testing except as herein noted, will conform to methods described in "A.A.S.H.T.O. Materials, Part 11, Tests", 11th Edition 1974. All lab costs for testing will be born by the developer.

-(7) Inspection: The County Road Department shall be notified 48 hours in advance of the time for subgrade inspection, 48 hours in advance of the time for base inspection and 48 hours in advance of the time for paving inspection. The subgrade is to be inspected before placing the base. The base is to be inspected before placing the pavement.

If proper notification for inspection has not been given, the Clatsop County Road Department will not grant approval of the road for twelve months. In this way, the County can observe any deficiencies that may develop in the road and have them corrected before acceptance.

-(8) Subgrade: All subgrades will be compacted in accordance with Section 203.41 of the Standard Specifications.

-(9) Aggregate Base: Aggregates for aggregate base shall be gravel or rock, crushed or uncrushed, including sand, reasonably well graded from coarse to fine. The grading shall be such that the maximum size shall not exceed 75 percent of the compacted thickness of the layer in which it is incorporated. The aggregate fraction passing a 1/4" sieve shall constitute not less than 10 percent nor more than 50 percent of the whole, by weight, and not more than 8 percent of the total aggregate shall pass a no. 200 sieve. Within the above limits, the subbase aggregate shall be so graded that the materials will be dense and firm when watered and compacted. If crushed aggregate meeting the requirements of Section 703.07 of the Standard Specifications is used, a 2-inch reduction in aggregate base depth will be allowed.

-(10) Asphalt Prime Coat: For all roadway sections using an oil mat, an asphalt prime coat will be applied to the aggregate base in addition to the oil mat. The prime coat will be applied in accordance with Section 408 of the Standard Specifications. Application rate and type of oil will be as approved by the County Public Works Director. The aggregate shall be 3/4 to 1/2 or as approved by the County Public Works Director and specified in Section 703.12 of the Standard Specifications. The aggregate shall be applied approximately at the rate of 0.01 cubic yards/square yard. A three-day curing period will be required.

-(11) Asphalt Penetration Macadam: Where any oil mat is required it shall be applied in accordance with Section 406 of the Standard Specifications. It shall be equal to or greater than a Type 0-9 penetration macadam as shown on the O.S.H.D. Standard Table of Details (Drawing No. 1833). The bituminous material used in the first two spreads shall be as approved by the County Public Works Director. The bituminous material used in the seal coat may be as approved by the Public Works Director.

-(12) Asphalt Concrete Pavement: Where asphalt concrete pavement is required it shall be done in accordance with Sections 401 and 403 of the Standard Specifications. The asphalt cement shall be as approved by the County Public Works Director. The class of asphalt concrete shall be Class B.

-(13) Concrete Curb: Where required Portland cement concrete curbs shall be constructed in accordance with Clatsop County "curb-driveway" Standard Drawing and Section 609 of Standard Specifications. The concrete shall be Class 3300 as specified in Section 504 of Standard Specifications.

-(14) Select Backfill: The curbs shall be backfilled in the areas shown on the plans with select backfill. This select backfill shall consist of materials with a maximum size of three inches. The material shall compacted to at least 90 percent of its relative maximum density.

-(15) Clearing: The right-of-way shall be cleared of all trees. However, in subdivisions where traffic safety would not be involved and a lesser requirement would not create a hazard, the right-of-way shall be cleared a minimum of forty-feet (40) or four-feet (4) beyond the edge of shoulder or curb line or the finished road. Also in subdivision, the case of an individual tree which is considered an exceptional or stately tree, an allowance can be made to leave the tree within the above mentioned four (4) foot area. In some instances, consideration can also be given to allow the prism of the road to shift slightly toward one side of the right-of-way. Any change in the alignment should be done to provide a safe and aesthetic looking roadway.

-(16) Signs: Clatsop County has jurisdiction concerning the location of all signs on County maintained roads and public ways.

When in the Public Works Director's opinion there may be a need for a change in the speed limit for a road, he shall request the Oregon State Speed Control Board to study the road in question. If the Speed Control Board issues an order to post a speed limit on the road, Clatsop County will furnish and install the speed limit signs at the County's expense.

Name signs for County maintained roads shall have reflective green background with reflective white letters.

Signing at intersections will be paid for as follows:

-(A) Intersection of two County maintained roads:

-(1) Stop signs - County.

-(2) Name signs - County.

-(B) Intersection of a County maintained road and a public way:

-(1) Stop signs - County.

-(2) Name signs - County.

-(C) Intersection of two public ways:

-(1) Stop signs - Others.

-(2) Name signs - Others.

-(D) Intersection of two private ways:

-(1) Stop signs - Others.

-(2) Name signs - Others.

-(E) Intersection of private way and public way:

-(1) Stop signs - Others.

-(2) Name signs - Others.

Clatsop County Road Department may furnish and install the signs which were referred to above as paid for by "others". However, they shall be paid by "others" for the County's expense.

-(17) Drainage:

-(A) Size of culverts: The design and construction of all drainage facilities within a project shall be of sufficient size and quality to receive and transport, at a 25 year storm frequency standard all surface drainage and natural drainage course waters coming to and passing through the project from the watershed or watersheds to which it is servient, when the lands located in such are at full planned development, according to the Comprehensive Framework Plan. The minimum diameter pipe to be used shall be 12 inches.

Prior to approval being granted for a project, it must be shown that the existing downstream facilities be adequate to receive and pass storm water runoff discharged through and from the proposed project from a 25 year storm based on the present development plus any proposed developments of the lands of the watershed or watersheds to which the proposed project is servient.

In those areas located in the 100-year floodplain, the design and construction of all drainage facilities shall be of sufficient size and quality to receive and transport the 100- year storm without raising the floodplain elevation. The drainage facilities may be designed to pass less than a 100-year storm provided retention or detention of the runoff is designed and that such retention or detention does not raise the floodplain upstream.

-(B) Drainage easements: When, due to topographical or other reason, all or any portion of the water collected in the project must be discharged at the boundary of the project, such that it is concentrated and must run across other private property before reaching a natural or existing drainage course, the developer shall make all necessary arrangements with the affected property owner or owners. Arrangements shall include, but are not limited to, a proper easement for drainage in favor of the public executed by the affected owner or owners and a method of transporting the water, i.e. ditch, sewer, etc., satisfactory to the Department and said owner or owners.

If it is necessary to carry water across portions of the land being developed hereunder, which are not to become public, and a satisfactory easement has not been provided in the official plat of the area, the developer shall prepare and cause to be executed a proper easement to the public for such purpose.

-(C) Connections to roadside ditches: Where drainage is to be connected to an existing roadside ditch, the ditch shall not be deepened so as to produce a finished ditch more than two (2) feet below the maximum of two (2) foot depth, the developer shall cause to be constructed a proper size storm sewer line in said roadside ditch.

Table 1- Right-of-Way and Improvement Standards Table

Functional Road Class	A.D.T	Design Standard Typical	Travel Width	R-O-W Width	Surface Type	Design Speed MPH	Max. % Grade	Min. Curve Radius	Street Signs
Arterial	>1000	A - 32	24	80	A.C.	45	12	750	(1)
Collector	300 – 1000	A - 28	24***	60	A.C.	40	12	500	(1)
Local	60 – 300	A - 24	22	60	A.C./Oil	35	12	350	(1)
Subdivision (10+ lots)	>60	A - 22	20	50	A.C.(5)	25	12	250	(1)
Subdivision (4-9 lots)	30 – 60	A - 20	18	50	A.C.(5)	20	12**	150	(1)
Partition (> 3 ***)	<60	A - 20	18	50	Gravel	20	12**	150	(1)
Partition (1-3 lots)	<30	A – 12(4)	12	25	Gravel	15	16*	50	(1)

* If unavoidable conditions exist a grade of 2% greater than that shown may be allowed with A.C. paving.
** If unavoidable conditions exist a grade of 4% greater than that shown may be allowed with A.C. paving.
*** May be reduced to 22 feet as specified in AASHTO if approved by the County Engineer.
(1) One (1) approved street sign will be provided at each intersection for each named street.
(2) All dead-end streets will be terminated with a cul-de-sac or approved turnaround. See Design Standard Typical Cul-de-sac for details.
(3) Drainage/slope easements may be required if roadway slopes extend beyond the right-of-way.
(4) A-12 roads require turn-outs at a maximum distance of 250 feet, or at a lesser interval that will maintain a continuous visual contact between each successive turn-out.
(5) Minimum A.C. thickness is 3" nominally compacted ODOT Class C, or approved equal.

(Amended 11/1/2004)

Section 6.050 / Table 1 illustrated above was cropped from the County's Standard Document posted online. It is our belief that the table was modified in May of 2005 rendering this illustration as "outdated". Regardless it is our belief that the proposed road designs will satisfy the May 2005 table.

Table 1A - Road Improvement Policy Matrix
(For Reference Purposes Only)

	Resources Zones	Non-Resource Zones	
	New Road Created or Existing Road Used	New Road Created	Existing Road Used
1.Must a road be improved in conjunction with a partition?			
A. Private Road	No	Yes	Yes (1)
B. Public Road	No	Yes	No
C. County Road	Yes (2)	Yes	No
2. Minimum Road Standard Required?			
A. Private Road	n/a	A-12	A-12(1)
B. Public Road	n/a	A-20	A-20
C. County Road	(2)	A-20(3)	A-20

(1) If an existing private road provides access to a parcel, this road must be improved to at least an A-12 standard. See Table 1, Road Right-of-way and Improvement Standards.
(2) If a County road is created or utilized in a resource zone to provide access to a partitioned parcel, the Board of Commissioners shall establish minimum improvement standards and control the timing of the improvement.
(3) If a new portion of a County road is created to provide access to a non-resource zone partition, the Board of Commissioners shall set the improvement standards (the minimum improvement shall be an A-20 standard).

FINDINGS

The subdivision road will be located within a 50-foot wide easement and meet the county's A-20 requirements. The road shall be provided with suitable turnaround(s) in accordance with the Uniform Fire Code and the applicable Fire Chief. A road maintenance agreement shall be recorded and referenced on the face of the final subdivision plat. See Attachment 17 and Attachment 18.

The proposal is consistent with County road development standards.

ATTACHMENTS

ATTACHMENT 1: PROPOSE DENSITY CREDIT SENDING SITE: 710160000500

ATTACHMENT 2: PROPOSED DENSITY CREDIT SENDING SITE: 710160002800

ATTACHMENT 3: PROPOSED DENSITY CREDIT SENDING SITE: 61003A000200

ATTACHMENT 4: SENDING SITE 710160000500 WITH ESTIMATED ACREAGE

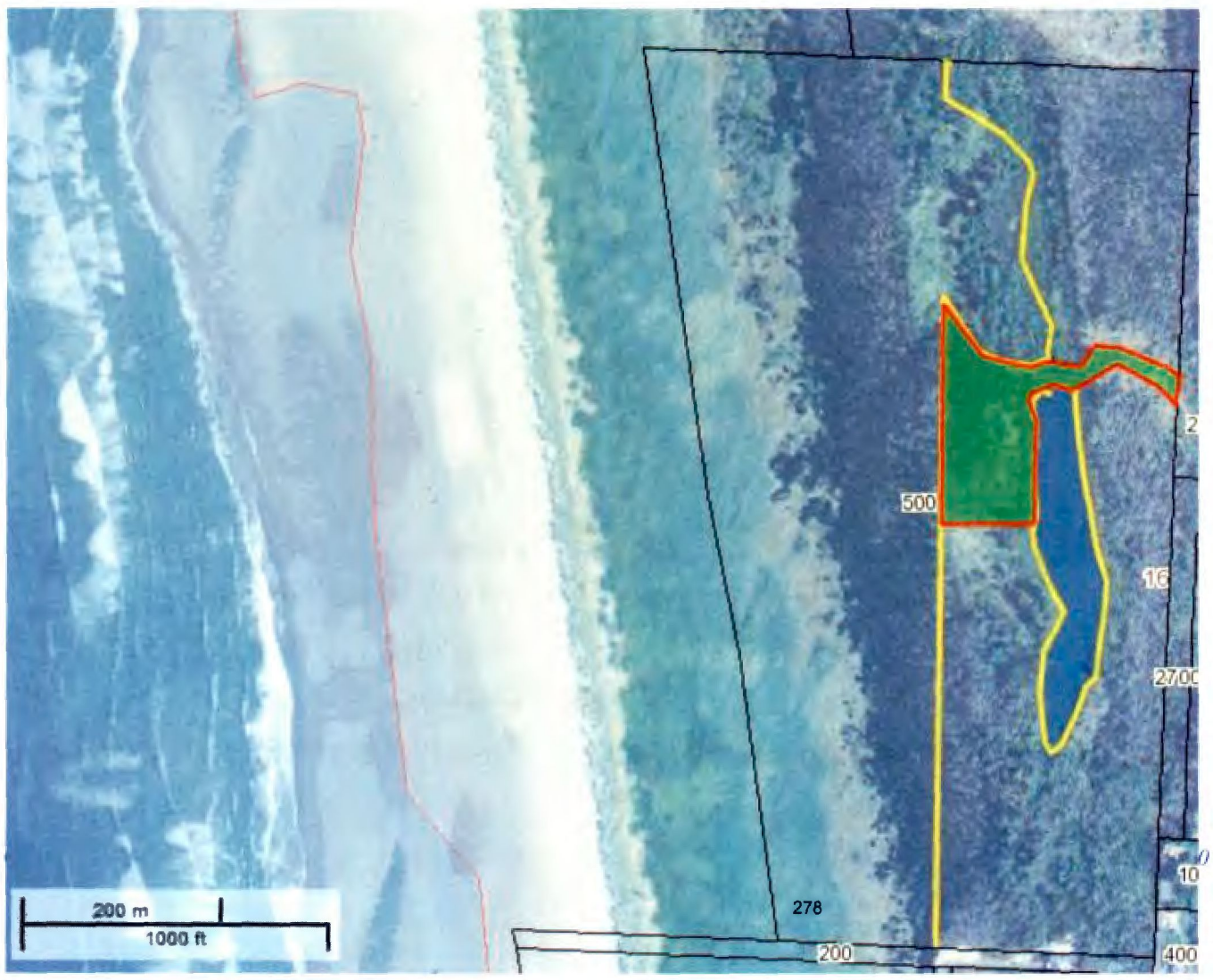
Sending Site 1

T7N, R10W, Sec 16, Tax Lot 500

Estimated RA5 Acreage = 40.11 Acres**

** Acreage Excludes the 3.89 acres that constitute the lake in the center of the property

5 Acre Parcel
Containing Home Site & Driveway Remains RA5

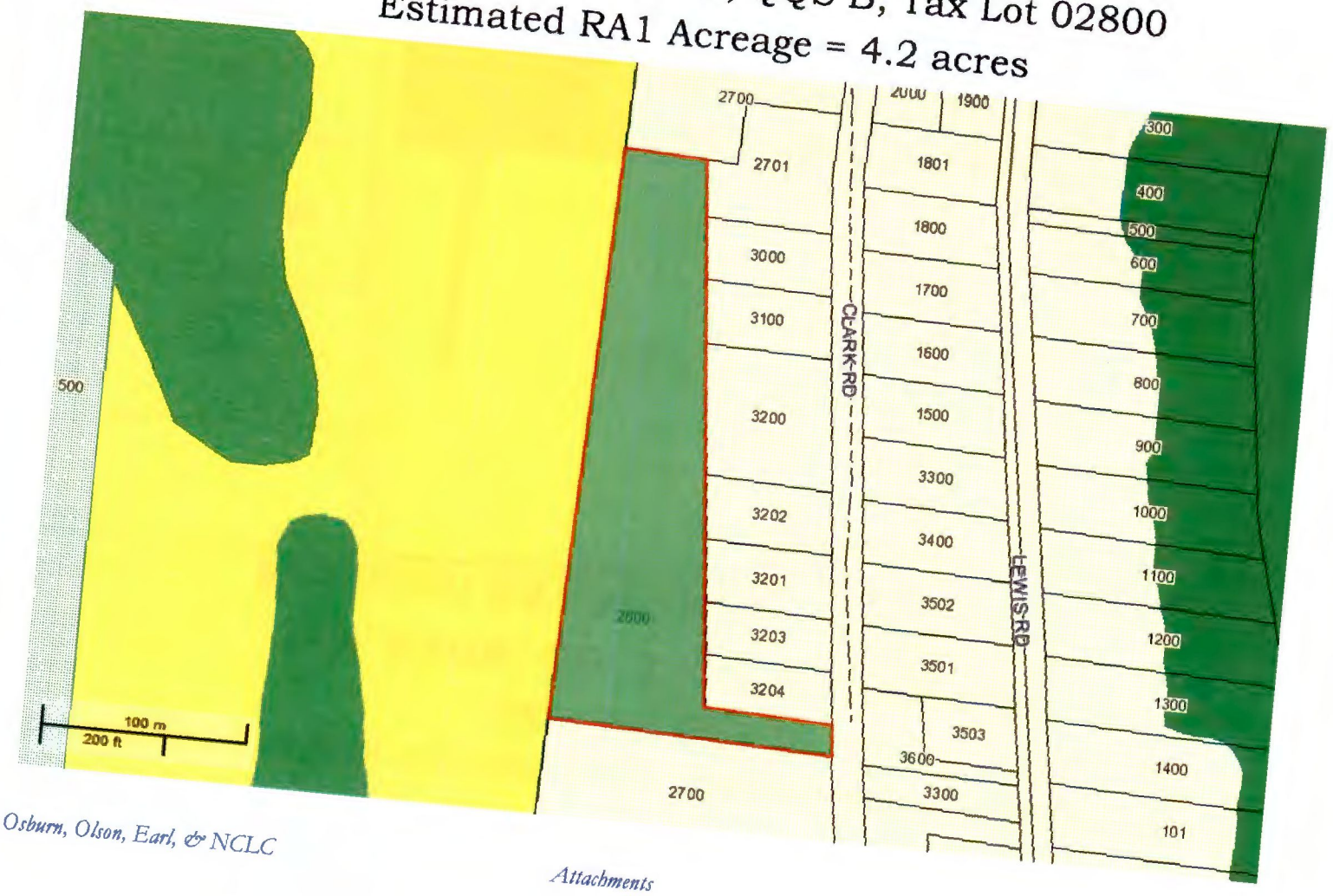


ATTACHMENT 5: SENDING SITE 710160002800 WITH ESTIMATED ACREAGE

Sending Site 2

T7N, R10W, Sec 16, QS A, QQS B, Tax Lot 02800

Estimated RA1 Acreage = 4.2 acres

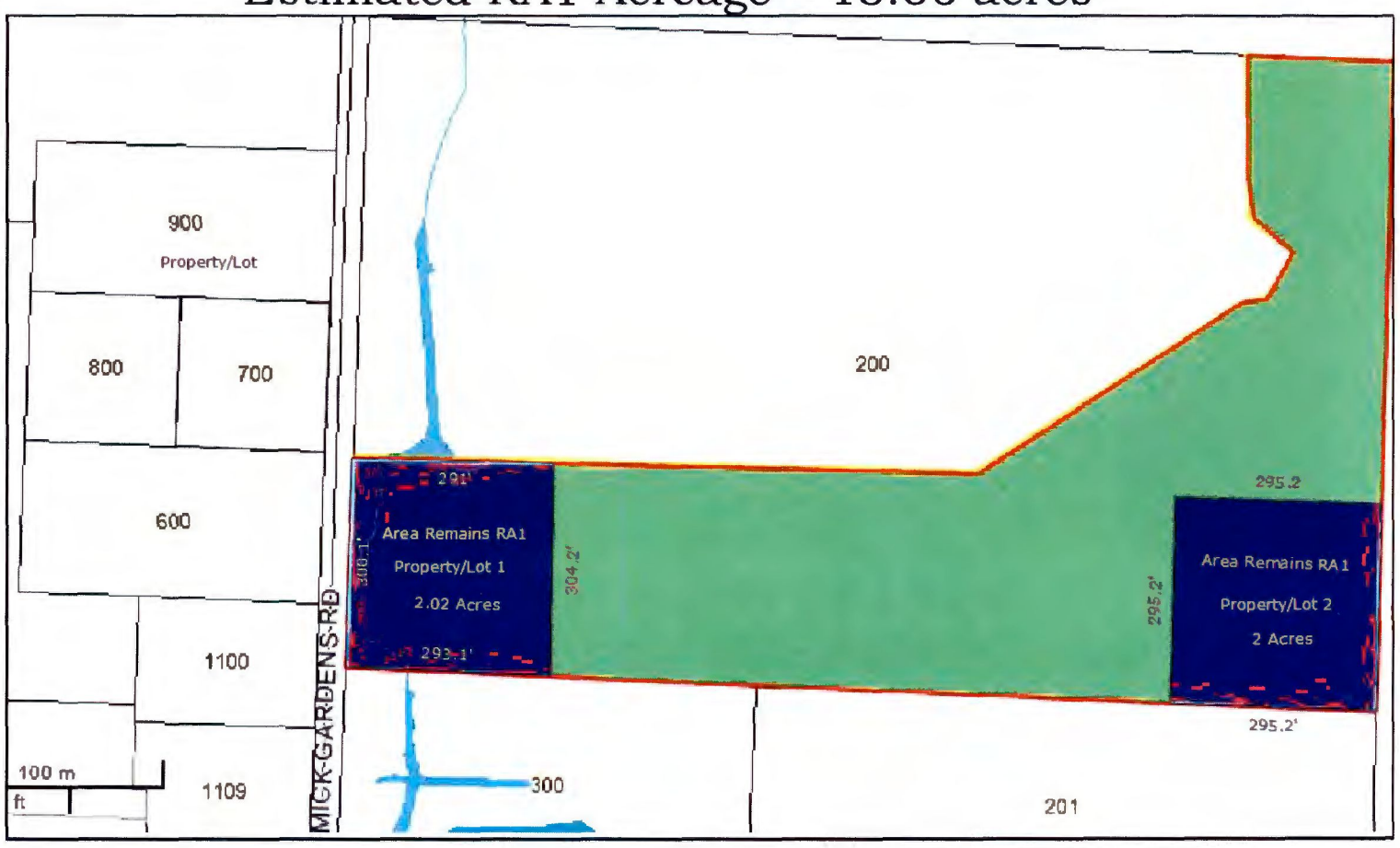


ATTACHMENT 6: SENDING SITE 61003A000200 WITH ESTIMATED ACREAGE

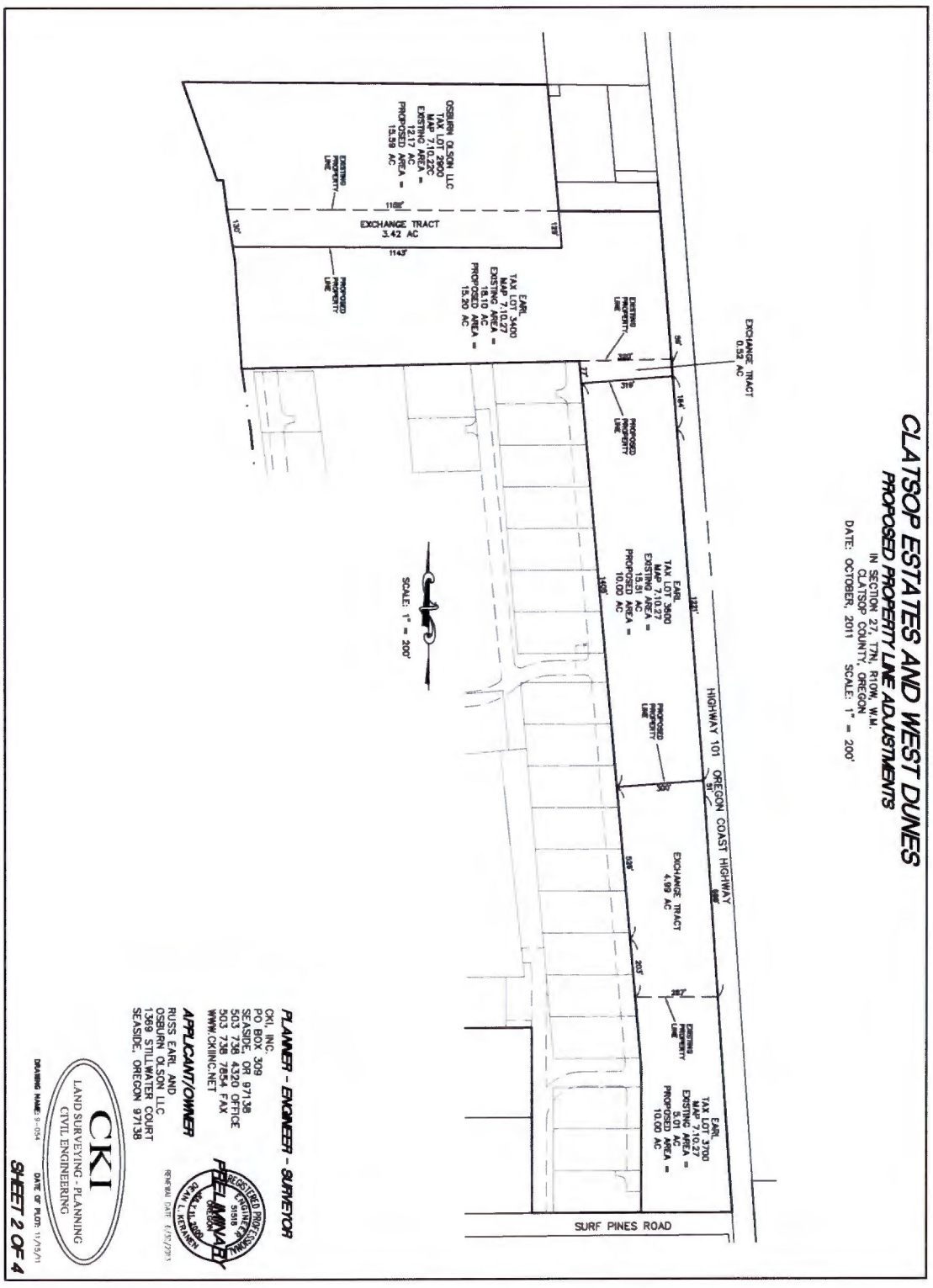
Sending Site 3

T6N, R10W, Sec 3, QS A, TL 00200

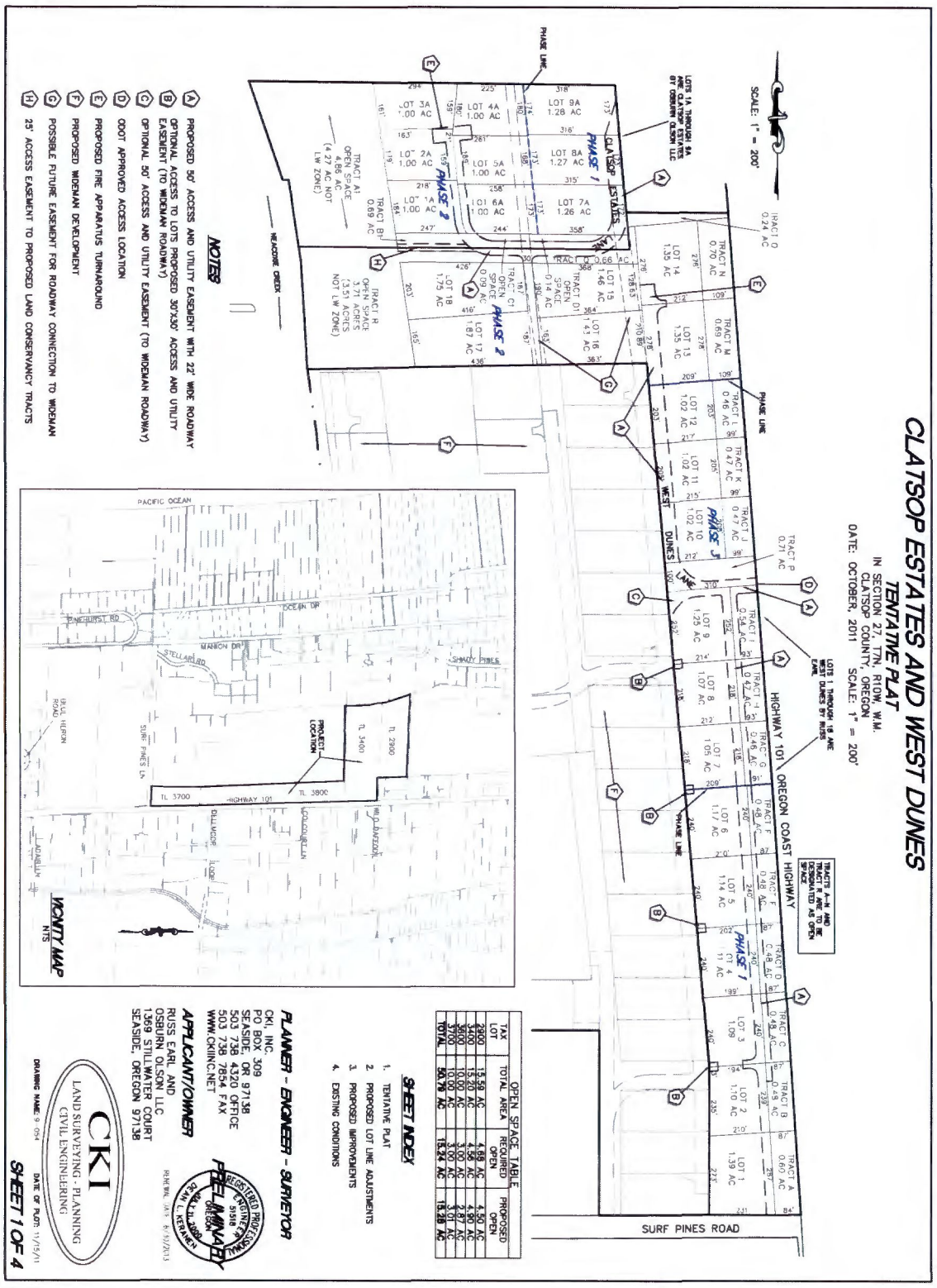
Estimated RA1 Acreage = 13.56 acres



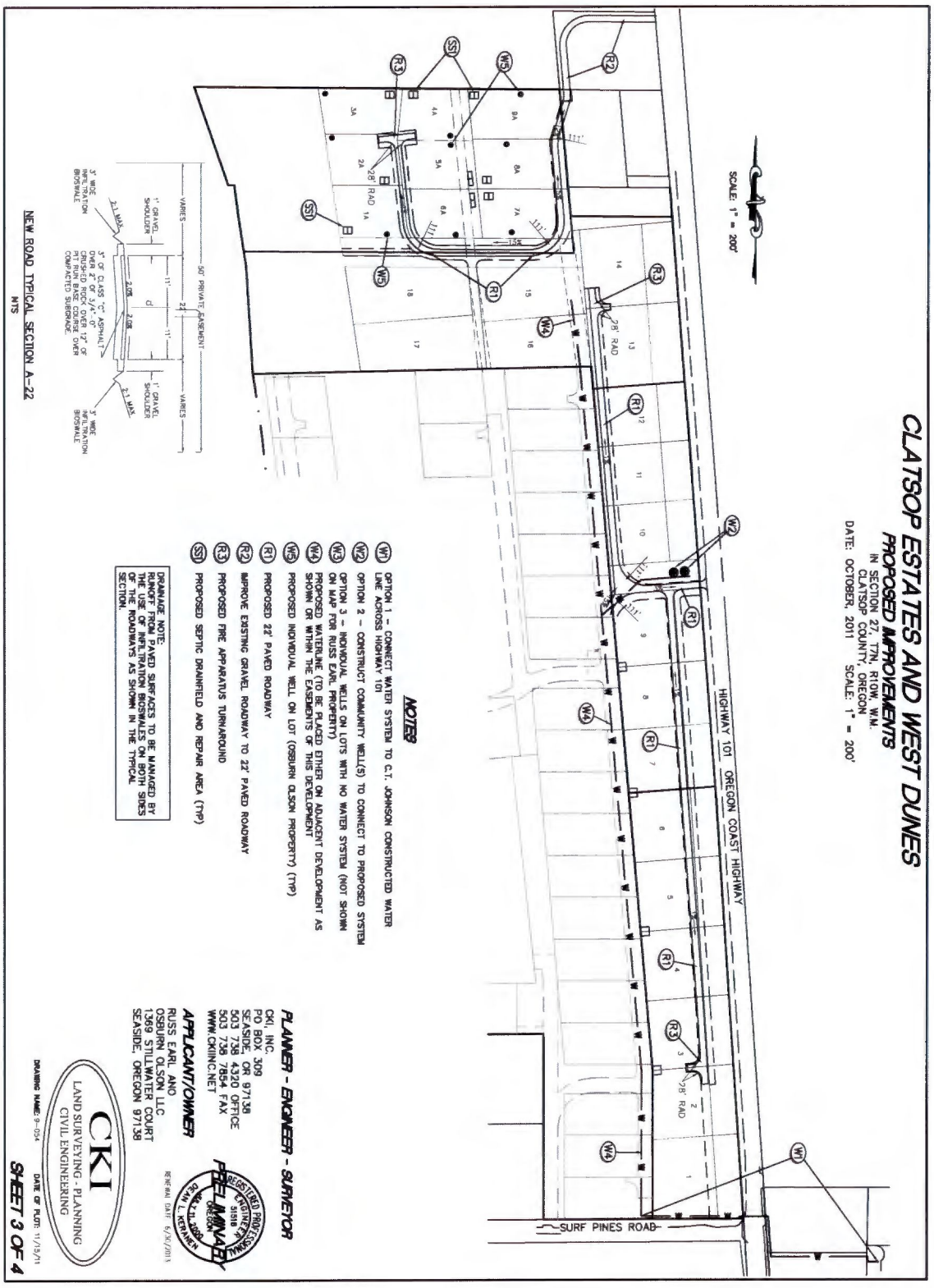
ATTACHMENT 7: PROPOSED PROPERTY LINE ADJUSTMENTS



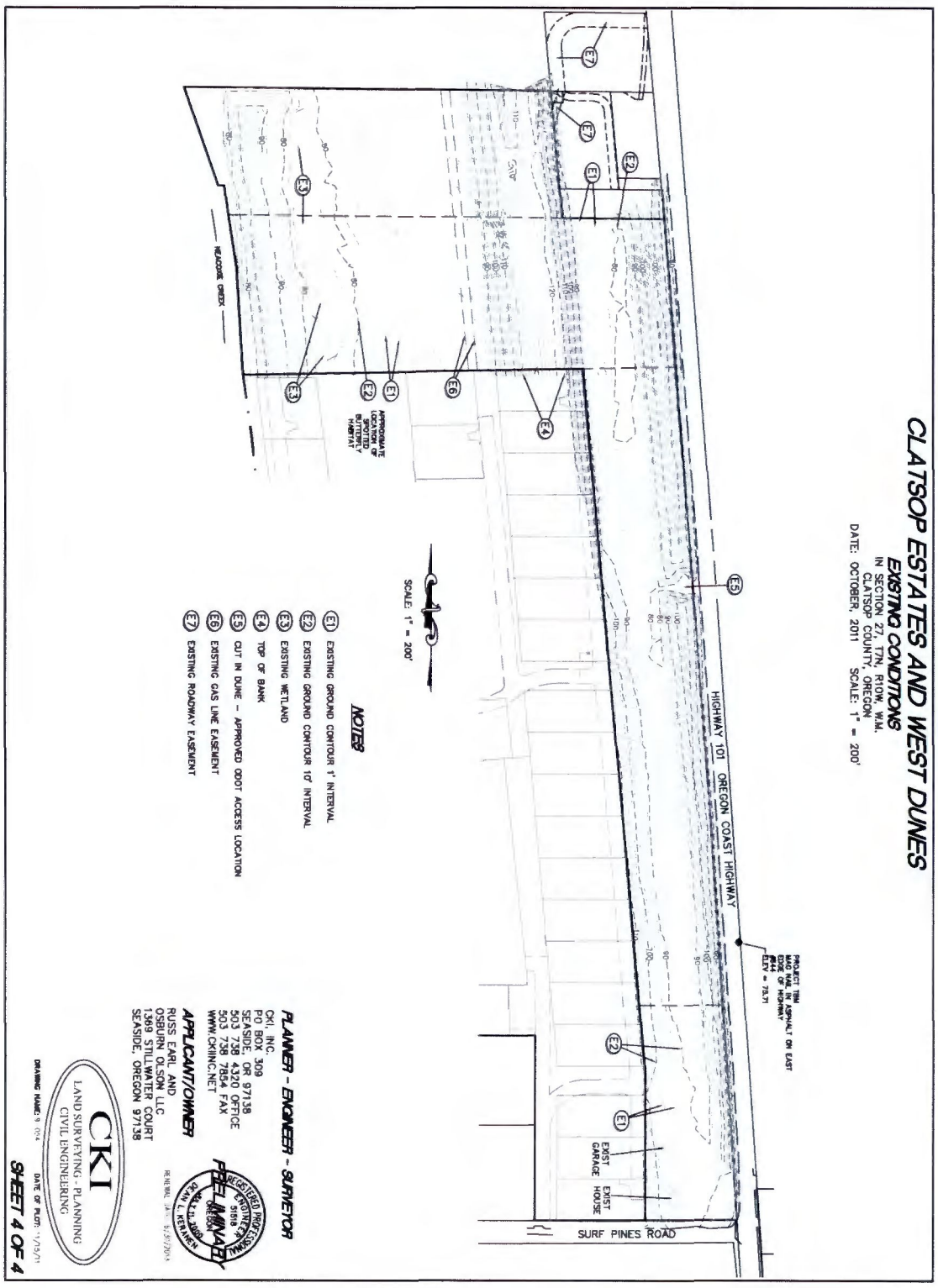
ATTACHMENT 8: CLATSOP ESTATES AND WEST DUNES PRELIMINARY PLAT



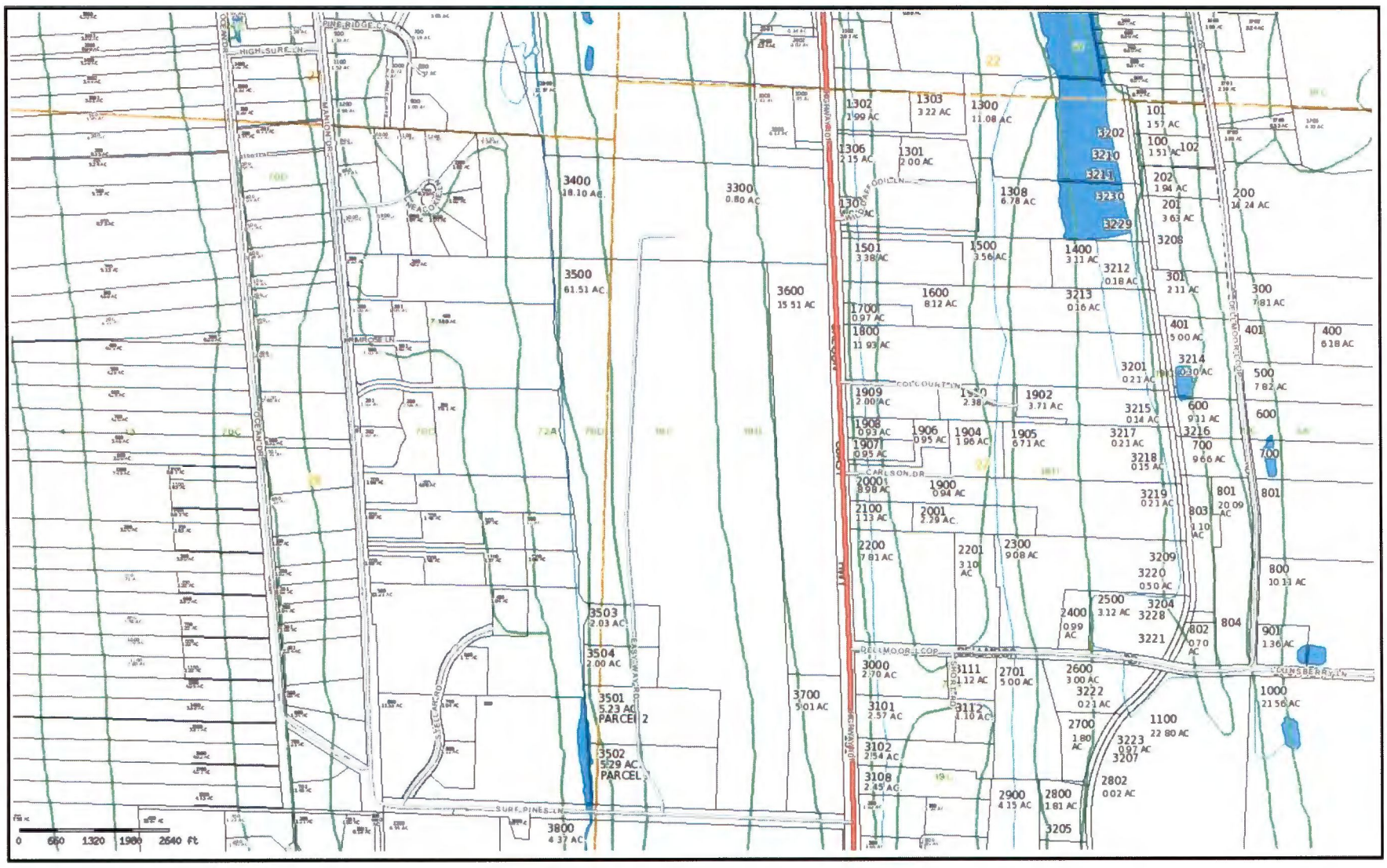
ATTACHMENT 9: PROPOSED IMPROVEMENTS MAP



ATTACHMENT 10: EXISTING CONDITIONS AND CONTOUR MAP



ATTACHMENT 11: SOILS MAP



ATTACHMENT 12: CLATSOP COUNTY SURVEYOR PLAT NAMES RESERVATION

Gmail - Plat name reservations for Mike Weston 8/16/11 10:29 AM

Gmail by Google

Frog Consulting, LLC <frogconsultingllc@gmail.com>

Plat name reservations for Mike Weston

1 message

Vance Swenson <VSwenson@co.clatsop.or.us> **Mon, Aug 15, 2011 at 1:59 PM**
To: "frogconsultingllc@gmail.com" <frogconsultingllc@gmail.com>

Hi Mike,

This email will serve as your confirmation for the requested name of "Clatsop Estates" in care of Ryan Osburn and Cory Olson for the subdivision/development on tax lot 71022C002900. It will also serve as your confirmation for the requested name of "West Dunes" in care of Russ Earl for the subdivision/development on tax lots 710270003400, 710270003600, 710270003700. These names will be reserved for you and the developers for a period of two years from todays date.

Enjoy the weather today!

Vance Swenson

Clatsop County Surveyor

1100 Olney Avenue

Astoria, OR 97103

Phone: 503-338-3600 Ext. 2510

This message has been prepared on resources owned by Clatsop County, Oregon. It is subject to the Internet and online Services Use Policy and Procedures of Clatsop County.

ATTACHMENT 13: LETTER FROM WATER RESOURCES DIVISION FOR CLATSOP ESTATES AND WEST DUNES

ATTACHMENT 14: LETTER FROM SEASIDE SCHOOL DISTRICT STATING AVAILABILITY FOR ADDITIONAL STUDENTS FOR CLATSOP ESTATES AND WEST DUNES

From: Dougherty, Doug [mailto:DDougherty@seaside.k12.or.us]
Sent: Tuesday, August 16, 2011 11:44 AM
To: mweston@portofastoria.com
Cc: cgo@seasurf.net
Subject: Impact Statement for the Development of Clatsop Estates and West Dunes

Dear Mr. Weston:

I have been asked to write a potential impact statement related to the proposed development of Clatsop Estates and West Dunes containing approximately 28 lots. I believe Seaside School District can accommodate the students that would live in this development.

Thank you, Doug

Douglas C. Dougherty, Ph.D., Superintendent

Seaside School District

1801 South Franklin Street

Seaside, Oregon 97138

Phone: (503) 738-5591 * Fax: (503) 738-3471

ATTACHMENT 15: LETTER FROM THE LOCAL RURAL FIRE PROTECTION DISTRICT FOR CLATSOP ESTATES AND WEST DUNES

GEARHART
Volunteer Fire Department
P.O. Box 2530/670 Pacific Way
Gearhart, Oregon 97138
503-738-7838 / 503-738-9385 (fax)
[redacted] / gearhartfire.com (web)

August 15, 2011

Jennifer Bunch
Clatsop County Planning
Astoria, Oregon 97103
503-338-3666 (fax)

RE: Fire Department Access and Water Supply
Clatsop Estates & West Dunes
Tentative Plat

Eight (8) pages to follow.

Jennifer,

If you should have any questions or need any additional information please feel free to contact me.

Thank you,

Bill Eddy
Gearhart Fire

Volunteer Fire Department
P.O. Box 2530 • Gearhart, OR 97138

August 15, 2011

Jennifer Bunch
Clatsop County Planning
Astoria, Oregon 97103

RE: Fire Department Requirements
Clatsop Estates & West Dunes
Russ Earl and Osburn Olson LLC
Tentative Plat

Fire Department Access & Water Supply

Fire Department Access:

Road widths shall meet Clatsop County Road requirements. Apparatus turnarounds shall meet the requirements set forth in the OFC and posted "No Parking".

Since there are no dimensions indicated for road widths or apparatus turnarounds they shall be approved by the Fire Chief prior to final approval. The proposed development is listed at 28 lots. Two (2) access roads shall be required if more than 30 residential lots are permitted or accessed thru the current single ODOT approved access (exceptions may be allowed for approved automatic sprinkler systems).

Fire Department Water Supply:

Since there will be a higher lot density than the property was originally zoned as the requirements for Water Supply are as follows.

1. A hydrant system meeting the requirements set forth in the OFC shall be installed.

2. Hydrant locations shall be approved by the Fire Chief.

The purpose of this requirement is to ensure the current level of protection to the residents of the Gearhart Rural Fire Protection District is not jeopardized.

In December 2007 a request was submitted for a zoning change on the identical property, the same requirement was essential then.

(Please see attached letter dated December 10, 2007.)

The "Tentative Plat" attached does not show any Fire Department features (road widths, apparatus turnarounds measurements, hydrant locations, etc), these requirement need to be approved by the Fire Chief prior to approval of this development.

If you should have any questions please feel free to contact me.

Thank you,

Bill Eddy
Fire Chief
Gearhart Fire Department

cc: Gearhart Rural Fire Protection Board Members
Russ Earl
File

RECD

GEARHART

Volunteer Fire Department

P.O. Box 2530•Gearhart, OR 97138

December 10, 2007

Patrick Wingard, Principal Planner
Clatsop County Community Development
800 Exchange St., Suite 100
Astoria, Oregon 97103

RE: Zoning Change (RA-5 to RA-2), Russ Earl & Osburn-Olson LLC
T7N - R10W – SEC 22C TL 2900 & T7N – R10W, SEC 27, TL's 3300, 3400, 3600, 3700

Mr. Wingard,

Fire Department Access & Water Supply

Fire Department Access:

Fire Department Access shall meet the guidelines as set forth in the OFC Application Guide and the Oregon Fire Code. This can be done if the zoning change is approved and prior to any final approval of the actual development plans (access, roads & turnarounds).

Fire Department Water Supply:

With respects to Fire Department Water Supply, this Zone change presents a unique issue that needs to be addressed prior to approval. Since the applicants

1.3.4

are requesting a zoning change for a higher density of buildable lots Water Supply requirements shall need to be as follows for the adequate fire protection and to ensure the present level of protection to the residents of the Gearhart Rural Fire Protection District not be jeopardized.

1. A hydrant system meeting the requirements set forth in the Oregon Fire Code shall be required.

2. Fire flow requirements shall meet the requirements set forth in the Oregon Fire Code.

If you should have any questions, or feel you need my presence at the Public Hearing please contact me.

Thank you,

Bill Eddy
Fire Chief
Gearhart Fire Department

ATTACHMENT 16: DEQ SITE EVALUATIONS FOR CLATSOP ESTATES AND WEST DUNES

ATTACHMENT 17: ODOT LETTER REGARDING ACCESS FOR CLATSOP ESTATES AND WEST DUNES

Oregon
Theodore R. Kulongoski, Governor

Department of Transportation
ODOT District 1
350 W Marine Drive
Astoria, OR 97103
(503) 325-7222
Fax: (503) 325-1314
craig.a.dean@odot.state.or.us

File Code: PMT 4-21

November 10, 2008

Ryan Osburn
Osburn Olson LLC
1369 Stillwater Court
Seaside, OR 97138

Subject: **Transmittal of *Permit to Construct a State Highway Approach***
Highway Number 009, (Oregon Coast),
at Mile Point 16.03
Application Number 7915

ODOT has received your evidence of insurance and required bond or cash deposit and can now issue a ***Permit to Construct a State Highway Approach.***

The *Construction Permit(s)* is attached. This *Construction Permit* includes the Construction Drawing(s) and all necessary terms and conditions.

You have until the date specified on the *Construction Permit*(s), November 30, 2009, to complete installation of the approach(es).

As set forth in OAR 734-051-0185, your contractor must **advise ODOT** (please contact the District 01 Office at (503) 325-7222) at **least 48 hours in advance of commencing construction**. Construction of the approach must conform to the terms of the *Construction Permit* and exhibits attached to the *Construction Permit*. I have attached a copy of OAR 734-051-0215, which addresses applicant liability and control during construction of approaches.

You must notify the District 01 Office when construction of the approach is completed. ODOT will inspect the completed approach and advise you in writing whether or not the approach has been constructed in a satisfactory manner. If the approach was constructed in a satisfactory manner, a *Permit to Operate, Maintain and Use an Approach* can be issued.

If the approach was not constructed in a satisfactory manner, ODOT will provide in a written notice a list of all specific deficiencies that must be satisfactorily corrected before a *Permit to Operate, Maintain and Use an Approach* can be issued.

NOTE: An approach can be legally used ONLY after a *Permit to Operate, Maintain, and Use an Approach* has been issued.

If you have any questions regarding the construction of your approach(es), please contact me at (503) 325-7222. I welcome the opportunity to assist you.

Sincerely,

Craig Dean

Craig Dean, Permit Specialist
ODOT District 1, Maintenance Office

Attachments: *Construction Permit*
OAR 734-051-0215, Liability and Control

Subject: **Liability and Control for Construction and Maintenance, Repair, Operation and Use of Approaches (OAR 734-051-0215)**
<Highway Name>, <Hwy. No> at <Milepoint>
<Application Number XXX>

As set forth in OAR 734-051-0215, the following liability and control applies to the construction of an approach. This includes Insurance requirements, bond requirements, and damage to the highway surface, utility relocation, and signing and traffic control.

Oregon Administrative Rule 734-051-0215 states:

(1) An applicant or permittee assumes responsibility for damage or injury to any person or property resulting from the construction, maintenance, repair, operation, or use of an approach for which a Construction Permit or a Permit to Operate is issued and where the applicant may be legally liable.

(2) An applicant or permittee indemnifies and holds harmless the State of Oregon, the Commission, the Department, and all officers, employees, or agents of the Department against damages, claims, demands, actions, causes of action, costs, and expenses of whatsoever nature which may be sustained by reasons of the acts, conduct, or operation of the applicant, his agents, or employees in connection with the construction, maintenance, repair, operation, or use of an approach.

(3) Construction of an approach may not begin until the applicant provides the Department with evidence of insurance in the following minimum amounts:

(a) $50,000 for property damage resulting from any single occurrence, or $500,000 combined single limit; and
(b) $200,000 for the death or injury of any person, subject to a limit of $500,000 for any single occurrence.

(4) Insurance policies must include as named as insured the State of Oregon, the Commission, and the Department, its officers, agents and employees, except as to claims against the applicant, for personal injury to any members of the Commission or the Department and its officers, agents, and employees or damage to any of its or their property.

(5) Construction of an approach may not begin until a copy of the insurance policy or a certificate showing evidence of insurance is filed with the Department.

(6) An applicant or permittee shall provide 30 days written notice to the Department of intent to cancel or intent not to renew insurance coverage. Failure to comply with notice provisions does not affect coverage provided to the State of Oregon, the Commission, or the Department, its officers, agents and employees.

(7) If the highway surface or highway facilities are damaged by the applicant or the applicant's contractor, the applicant must replace or restore the highway or highway facilities to a condition satisfactory to the Department.

(8) The applicant or permittee must furnish, in an amount specified by the Region Manager and for the time period necessary to install the approach, a cash deposit or a bond issued by a surety company licensed to do business in the State of Oregon to ensure that any damage to the highway has been corrected to the Department's satisfaction; and no construction is performed until a deposit or bond is filed with the Department.

(9) The applicant or permittee is responsible for relocating or adjusting any utilities located on highway right of way when required for accommodation of the approach, and no construction may be performed until the applicant furnishes evidence to the Department that satisfactory arrangements have been made with the owner of the affected utility facility.

(10) The applicant or permittee is responsible for erosion control during construction of the approach.

(11) Where warning signs are required by the Construction Permit, other regulations, or the Region Manager, the Department furnishes, places, and maintains the signs at the applicant's or permittee's expense, and unauthorized signs are not allowed on any portion of the right of way.

(12) The work area during any construction or maintenance performed under a Construction Permit or a Permit to Operate is protected in accordance with the Manual on Uniform Traffic Control Devices adopted under OAR 734-020-0005.

(13) An applicant or permittee shall provide true and complete information, and if any required fact that is material to the assessment of the approach's impact upon traffic safety, convenience, or the legal or property rights of any person (including the State of Oregon) is false, incorrect, or omitted, the Region Manager may:

(a) Deny or revoke the Construction Permit; and

(b) At the applicant's or permittee's expense:

(A) Require the applicant or permittee to remove the approach and restore the area to a condition acceptable to the Region Manager;

(B) Require the applicant or permittee to provide additional safeguards to protect the safety, convenience, and rights of the traveling public and persons (including the State), if such safeguards are adequate to achieve these purposes, as a condition for the continued validity of the Permit to Operate;

(C) Reconstruct or repair the approach; or

(D) Remove the approach.

Stat. Auth.: ORS 184.616, 184.619, 374.310; 374.312; 374.345; Ch. 972 and Ch. 974, Oregon Laws 1999

Stat. Implemented: ORS 374.305 to 374.345 and 374.990; Chapter 974 Oregon Laws 1999, Chapter 371 Oregon Laws 2003

Oregon
John A. Kitzhaber, M.D., Governor

Department of Transportation
District 1 Maintenance office
350 W Marine Dr
Astoria, OR 97103
(503) 325-7222
FAX (503) 325-1314
Craig.a.dean@odot.state.or.us

File Code: PMT 4-00

February 8, 2011

RECEIVED
Clatsop County
DEC 12 2011
Land Use/Planning

Jason Palmberg
3 Js real Estate
1790 SE 3rd
Astoria, OR 97103

Regarding: Oregon Coast Hwy US-101
At mile point 16.03
Application Number 16613

Your application for State Highway Approach was received on January 27, 2011. Upon further review of your application and an additional search of our files, we have found an existing permit. The existing construction permit (#53956) was issued to Ryan Osburn to serve a 21 unit housing development.

We have evaluated the existing permit using the current change of use criteria. We have concluded that change of use criteria that would require a new road approach application to be processed are not met. As such, the Application for State Highway approach that you submitted will not need to be processed. The existing construction permit (#53956) is considered valid for your current proposed use of an additional 29 lot residential subdivision. A copy of the permit is enclosed for your records. However the approach will need to be paved according to permit specifications before the Operate Maintain and Use permit can be issued.

Should you have any questions, or need further assistance, please contact Craig Dean, Permit Specialist at 503-325-6490.

Sincerely,

David Neys, District Manager
ODOT District 1 Maintenance Office

Attachment: Road Approach Permit No. 53956

Cc: Craig Dean, Permit Specialist
David Knitowski, Region Access Management Engineer

PERMIT NO: 53956

PERMIT TO CONSTRUCT A STATE HIGHWAY APPROACH

Oregon Department of Transp...n

Completion Date: 11/30/2009

Application Id: 7916 District: 01 Highway Number: 009 MilePoint: 16.03 Reason for Request: New approach

Applicant Information

Name: Ryan Osburn
Company: Osburn Olson LLC
Mailing Address: 1369 Stillwater Court, Seaside, OR 97138
Phone: (503) 717-3907 FAX: ( ) -
eMail: dean@cklink.net

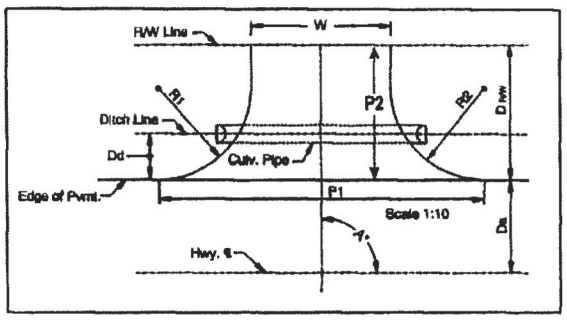
Property Information

Address: N/A
County: Clatsop
Highway: Oregon Coast Route: US101

MilePoint	Engineering Station	Side of Hwy	Natl Forest?
16.03	328+03	R	N

Landmarks: Between West Lake & Dellmoor Loop Road

Plan View



Insurance Information

Company: Knutsen Insurance (Seaside)
Policy No: C03166486 Amount: $2,000,000
Policy Begin: 06/08/2008 Policy End: 06/08/2009

Tax Lot Information

Township	Range	Section	Tax Lot
7N	10W	22C	2900
7N	10W	27	3400

Specification

Width (W): 24.00ft		Angle (A): 90
Radius 1 (R1): 20.00ft		Radius 2 (R2): 20.00ft
Paving Lmt (P1): 64.00ft		Paving Lmt (P2): 20.00ft
Surf (Ds): 18.00ft	Ditch (Dd):	R/W (Drw): 22.00ft
Culvert: None	Diam:	Len:
Sub Base Crse: 75mm - 0 Aggregate Base (3" - 0)		Thickness: 12.00in
Base Crse: 19mm - 0 Aggregate Base (3/4" - 0)		Thickness: 4.00in
Level Crse: LEVEL 2, 3/4 INCH DENSE HMAC		Thickness: 2.00in
Wear Crse: LEVEL 2, 3/4 INCH DENSE HMAC		Thickness: 2.00in

Performance Bond Information

Company:
Bond No: Amount:

Property Owner Information

Name: Ryan Osburn
Company: Osburn Olson LLC
Mailing Address: 1369 Stillwater Court, Seaside, OR 97138 USA
Phone: (503) 717-3907 FAX: ( ) -
eMail: dean@cklink.net

Instructions

Issuing of permits under these regulations is not a finding of compliance with the statewide planning goals or the acknowledged comprehensive plan for the area. Permits are issued subject to the approval of city, county or other governmental agencies having authority to regulate land use by means of zoning and/or building regulations. It shall be the applicant's responsibility to obtain any such approvals including, where applicable, local government determinations of compliance with statewide planning goals. All materials and workmanship shall be in accordance with current Oregon Standard Specifications for Highway Construction.

The Permit is issued subject to the provisions of Oregon Administrative Rules 734-051-0045 through 734-051-0355, which are by reference made a part of this permit; and which are in effect at any particular time in the duration of the permit.

This permit is not valid until signed by a duly authorized representative of the Oregon Department of Transportation.

Local Agency Approval (If required)	Date	Authorized ODOT Signature	Date
			11/10/08

PERMIT NO: 53956

PERMIT FOR ENCROACHMENT, CONSTRUCTION ON OR USE OF STATE HIGHWAY

Oregon Department of Transportation

Application Id: 7915 **Highway Number: 009** **MilePoint 16.03**

PROVISIONS

Reason for Request: New approach

Applicant: Ryan Osburn **Company: Osburn Olson LLC**

150.201 Within 48 hours before beginning permit work and again after completing permit work, the Applicant (or agent) shall notify the District permitting representative.

150.411 Applicant (or agent) shall have on the job site, at all times, a copy of the permit and all attachments. The permit shall be readily available for inspection.

150.501 The permitted work is located within the Oregon Utility Notification Center (OUNC) area. The OUNC is a utilities notification system to notify owners of utilities about excavation work performed in the vicinity of their facilities. The utilities notification system telephone number is 1-800-332-2344.

150.702 Do not park on state right-of-way unless permitted by the District Manager. Comply with ORS 810.230, 810.160.

150.703 Remove all dirt and debris from the highway at the end of each work shift or more frequently if a hazard to the traveling public exists or as directed by the District Manager.

170.303 Applicant shall be responsible and liable for (1) investigating presence/absence of any legally protected or regulated environmental resource(s) in the action area; (2) determining any and all restrictions or requirements that relate to the proposed actions, and complying with such, including bur not limited to those relating to hazardous material(s), water quality constraints, wetlands, archeological or historic resources(s) state and federal threatened or endangered species, etc; (3) complying with all federal, state, and local laws, and obtaining all required and necessary permits and approvals.

If the applicant impacts a legally protected/regulated resource, applicant/permittee shall be responsible for all costs associated with such impact, including, but not limited to all costs of mitigation and rehabilitation, and shall indemnify, and hold harmless ODOT for such impacts and be responsible and liable to ODOT for any costs or claims that ODOT may have.

374.315 Construction under permits; maintenance after construction. All construction under the permits issued under ORS 374.310 shall be under the supervision of the granting authority and at the expense of the applicant. After completion of the construction of the particular approach road, facility, thing or appurtenance, they shall be maintained at the expense of the applicant and in accordance with the rules and regulations adopted pursuant to ORS 374.310.

200.021 The work area during construction or maintenance performed under the permit provisions shall be protected in accordance with the current Manual on Uniform Traffic Control Devices for Streets and Highways, US Department of Transportation, and the Oregon Department of Transportation supplements thereto. Flaggers must have certification and must carry proof indicating their completion of an approved workzone traffic control course. All traffic control devices shall be maintained according to the ATTSSA Quality Standards for Work Zone Traffic Control Devices handbook.

276.071 Applicant shall comply with all federal , state, and local laws, regulations, executive orders and ordinances applicable to the work under this permit, including, without limitation, the provisions of ORS 276.071. If applicant chooses to assign thier permitted responsibilities to a consultant or contractor, applicant shall inform the contractor of the requirements of ORS 276.071.

276.072 Upon completion of the permitted work, applicant shall notify ODOT and request final inspection. If all structures and appurtences constructed under this permit are found to be in compliance with permit provisions and state standards, ODOT will accept ownership of the permitted structures and appurtences by written notice to the applicant.

1.000 Approach shall be constructed at a minimum of a 2% slope away from the highway to ensure that water drains away from the highway.

302

PRELIMINARY CONSTRUCTION SPECIFICATIONS
FOR A STATE HIGHWAY APPROACH

Oregon Department of Transportation

Completion Date: 09/30/2009

Application Id: 7915 **District: 01** **Highway Number: 009** **MilePoint: 16.03** **Reason for Request: New approach**

Applicant Information

Name: Ryan Osburn
Company: Osburn Olson LLC
Mailing Address: 1369 Stillwater Court, Seaside, OR 97138
Phone: (503) 717-3907 FAX: ( ) -
eMail: dean@ckilnk.net

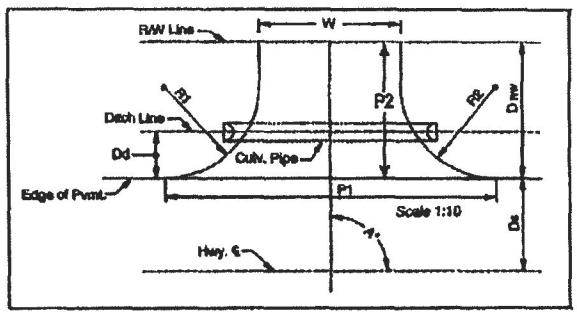
Property Information

Address: N/A
County: Clatsop
Highway: Oregon Coast Route: US101

MilePoint:	Engineering Station:	Side of Hwy:	Natl Forest?:
16.03	328+03	R	N

Landmarks: Between West Lake & Dellmoor Loop Road

Plan View



Insurance Information

Company:
Policy No: Amount:
Policy Begin: Policy End:

Tax Lot Information

Township	Range	Section	Tax Lot
7N	10W	22C	2900
7N	10W	27	3400

Specification

Width (W): 24.00ft		Angle (A): 90
Radius 1 (R1): 20.00ft		Radius 2 (R2): 20.00ft
Paving Lmt (P1): 64.00ft		Paving Lmt (P2): 20.00ft
Surf (Ds): 18.00ft	Ditch (Dd):	R/W (Drw): 22.00ft
Culvert: None	Diam:	Len:
Sub Base Crse: 75mm - 0 Aggregate Base (3" - 0)		Thickness: 12.00in
Base Crse: 19mm - 0 Aggregate Base (3/4" - 0)		Thickness: 4.00in
Level Crse: LEVEL 2, 3/4 INCH DENSE HMAC		Thickness: 2.00in
Wear Crse: LEVEL 2, 3/4 INCH DENSE HMAC		Thickness: 2.00in

Performance Bond Information

Company:
Bond No: Amount:

RECEIVED
NOV 07 2008
By J.M.

Property Owner Information

Name: Ryan Osburn
Company: Osburn Olson LLC
Mailing Address: 1369 Stillwater Court, Seaside, OR 97138 USA
Phone: (503) 717-3907 FAX: ( ) -
eMail: dean@ckilnk.net

Instructions

Issuing of permits under these regulations is not a finding of compliance with the statewide planning goals or the acknowledged comprehensive plan for the area. Permits are issued subject to the approval of city, county or other governmental agencies having authority to regulate land use by means of zoning and/or building regulations. It shall be the applicant's responsibility to obtain any such approvals including, where applicable, local government determinations of compliance with statewide planning goals. All materials and workmanship shall be in accordance with current Oregon Standard Specifications for Highway Construction.

The Permit is issued subject to the provisions of Oregon Administrative Rules 734-051-0045 through 734-051-0355, which are by reference made a part of this permit; and which are in effect at any particular time in the duration of the permit.

Applicant Signature	Date 11-3-08	***This permit is not valid until signed by a duly authorized representative of the Oregon Department of Transportation.***	
Local Agency Approval (if required)	Date	Authorized ODOT Signature	Date 11/10/08

PERMIT NO: _____

PERMIT FOR ENCROACHMENT, CONSTRUCTION ON OR USE OF STATE HIGHWAY

Oregon Department of Transportation

Application Id: 7916 **Highway Number: 009** **MilePoint 16.03**

PROVISIONS

Reason for Request: New approach

Applicant: Ryan Osburn **Company: Osburn Olson LLC**

150.201 Within 48 hours before beginning permit work and again after completing permit work, the Applicant (or agent) shall notify the District permitting representative.

150.411 Applicant (or agent) shall have on the job site, at all times, a copy of the permit and all attachments. The permit shall be readily available for inspection.

150.501 The permitted work is located within the Oregon Utility Notification Center (OUNC) area. The OUNC is a utilities notification system to notify owners of utilities about excavation work performed in the vicinity of their facilities. The utilities notification system telephone number is 1-800-332-2344.

150.702 Do not park on state right-of-way unless permitted by the District Manager. Comply with ORS 810.230, 810.160.

150.703 Remove all dirt and debris from the highway at the end of each work shift or more frequently if a hazard to the traveling public exists or as directed by the District Manager.

170.303 Applicant shall be responsible and liable for (1) investigating presence/absence of any legally protected or regulated environmental resource(s) in the action area; (2) determining any and all restrictions or requirements that relate to the proposed actions, and complying with such, including bur not limited to those relating to hazardous material(s), water quality constraints, wetlands, archeological or historic resources(s) state and federal threatened or endangered species, etc; (3) complying with all federal, state, and local laws, and obtaining all required and necessary permits and approvals.

If the applicant impacts a legally protected/regulated resource, applicant/permittee shall be responsible for all costs associated with such impact, including, but not limited to all costs of mitigation and rehabilitation, and shall indemnify, and hold harmless ODOT for such impacts and be responsible and liable to ODOT for any costs or claims that ODOT may have.

374.315 Construction under permits; maintenance after construction. All construction under the permits issued under ORS 374.310 shall be under the supervision of the granting authority and at the expense of the applicant. After completion of the construction of the particular approach road, facility, thing or appurtenance, they shall be maintained at the expense of the applicant and in accordance with the rules and regulations adopted pursuant to ORS 374.310.

200.021 The work area during construction or maintenance performed under the permit provisions shall be protected in accordance with the current Manual on Uniform Traffic Control Devices for Streets and Highways, US Department of Transportation, and the Oregon Department of Transportation supplements thereto. Flaggers must have certification and must carry proof indicating their completion of an approved workzone traffic control course. All traffic control devices shall be maintained according to the ATTSSA Quality Standards for Work Zone Traffic Control Devices handbook.

276.071 Applicant shall comply with all federal , state, and local laws, regulations, executive orders and ordinances applicable to the work under this permit, including, without limitation, the provisions of ORS 276.071. If applicant chooses to assign thier permitted responsibilities to a consultant or contractor, applicant shall inform the contractor of the requirements of ORS 276.071.

276.072 Upon completion of the permitted work, applicant shall notify ODOT and request final inspection. If all structures and appurtences constructed under this permit are found to be in compliance with permit provisions and state standards, ODOT will accept ownership of the permitted structures and appurtences by written notice to the applicant.

1.000 Approach shall be constructed at a minimum of a 2% slope away from the highway to ensure that water drains away from the highway.

RECEIVED NOV 07 2008

S.M.

Applicant Signature	Date
[signature]	11-3-08

ATTACHMENT 18: EMAIL FROM COUNTY ROAD MASTER INDICATING ROAD DESIGN APPROVAL FOR CLATSOP ESTATES AND WEST DUNES

From: Ron Ash <RAsh@co.clatsop.or.us>
Subject: **Clatsop Estates and West Dunes Tentitive Plat Aproval**
Date: November 10, 2011 10:55:55 AM PST
To: Jennifer Bunch <JBunch@co.clatsop.or.us>, "Frog Consulting, LLC (frogconsultingllc@gmail.com)" <frogconsultingllc@gmail.com>
1 Attachment, 2.5 KB

I have looked over the Clatsop Estates and West Dunes tentative plat and proposed improvements as drawn by CKI, dated 10/18/11. The road ROW as designated by "Note A" has been located to avoid major topographical issues. The road typical section A-22 and the location designated as "Note R1" are approved as shown. However, the developer may want to consider paving two, 2" lifts of class "C" asphalt to obtain a much improved road longevity.

Ron Ash, P.E., P.L.S., County Engineer
Technical Services Manager
Department of Transportation & Development
1100 Olney Ave
Astoria, OR 97103
503.325.8631 voice 503.325.9312 fax
rash@co.clatsop.or.us

This message has been prepared on resources owned by Clatsop County, Oregon. It is subject to the Internet and online Services Use Policy and Procedures of Clatsop County.

ATTACHMENT 19: COVENANTS, CONDITIONS AND RESTRICTIONS FOR CLATSOP ESTATES

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

Whereas, the undersigned _____ hereinafter referred to as Declarant, is owner in fee simple of the property described in Exhibit A (Deed) attached hereto and incorporated by reference herein and

Whereas, the Declarant desires to declare their intention to creation certain covenants, conditions and restrictions in order to effectuate and comply with the requirements of Oregon Administrative Rule (OAR 660-06-027).

Declarant hereby declares that all of the property described on Exhibit A shall be held, sold and conveyed subject to the following covenants, conditions and restrictions:

It is not lawful to use the property described in this instrument for the construction or siting of a dwelling or to use the acreage of the tract for the construction or siting of a dwelling.

These covenants, conditions and restrictions can be removed only and at such time as the property described herein is no longer protected under the Statewide Planning Goals for Agricultural and forestlands or the Legislature otherwise provides by statute that these covenants, conditions and restrictions may be removed and the authorized representative of the County or Counties in which the property subject to these covenants, conditions and restrictions are located executes and records a release of the covenants, conditions and restrictions created by this instrument.

In witness whereof, the undersigned, being Declarant herein, has heretofore their hand this _____ day of _____.

_____ _____

_____ _____

State of)

County)

The foregoing instrument was acknowledged before me this _____day of _____, by _____.

Notary Public for Oregon

My Commission Expires: _____

ATTACHMENT 20: COVENANTS, CONDITIONS AND RESTRICTIONS FOR WEST DUNES

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

Whereas, the undersigned _____ hereinafter referred to as Declarant, is owner in fee simple of the property described in Exhibit A (Deed) attached hereto and incorporated by reference herein and

Whereas, the Declarant desires to declare their intention to creation certain covenants, conditions and restrictions in order to effectuate and comply with the requirements of Oregon Administrative Rule (OAR 660-06-027).

Declarant hereby declares that all of the property described on Exhibit A shall be held, sold and conveyed subject to the following covenants, conditions and restrictions:

It is not lawful to use the property described in this instrument for the construction or siting of a dwelling or to use the acreage of the tract for the construction or siting of a dwelling.

These covenants, conditions and restrictions can be removed only and at such time as the property described herein is no longer protected under the Statewide Planning Goals for Agricultural and forestlands or the Legislature otherwise provides by statute that these covenants, conditions and restrictions may be removed and the authorized representative of the County or Counties in which the property subject to these covenants, conditions and restrictions are located executes and records a release of the covenants, conditions and restrictions created by this instrument.

In witness whereof, the undersigned, being Declarant herein, has heretofore their hand this _____ day of _____.

_____ _____

_____ _____

State of)

County)

The foregoing instrument was acknowledged before me this _____day of _____, by _____.

Notary Public for Oregon

My Commission Expires: _____

ATTACHMENT 21: LETTER FROM US DEPARTMENT OF THE INTERIOR

United States Department of the Interior
NATIONAL PARK SERVICE
Lewis and Clark National and State Historical Parks
92343 Fort Clatsop Road
Astoria, Oregon 97103

IN REPLY REFER TO

August 11, 2011

Clatsop County Board of Commissioners
c/o Duane Cole, County Manager
800 Exchange St., Suite 410
Astoria, OR 97103

Dear Mr. Cole and Commissioners,

I am writing to confirm the National Park Service's support for the transfer of Clatsop Plains density credits from an easement on the former Yeon property to a conservation project at tax lots 710270003400, 710270003600 and 71022C002900.

Disposition of Credits

In 2010, the National Park Service (NPS) purchased the 107-acre Yeon property from the North Coast Land Conservancy (NCLC). NCLC retained a conservation easement on the property that limits development to the footprint of the existing house and trails. It is the position of the NPS that the 8 density credits assigned to the property belongs to NCLC by virtue of their easement. However, we understand that the county regulates conditions for possession and use of these credits and may assign responsibility for disposition of credits to the landowner (NPS), easement holder (NCLC) or both.

This letter confirms that both NCLC and NPS support the use of these credits for the project described below. NPS believes that this project is consistent with Mr. Yeon's desire to use his property to support conservation actions on the Oregon Coast and is also consistent with the goals of the County's Clatsop Plains Community Plan.

Proposed Conservation Project

The North Coast Land Conservancy (NCLC) is working with landowners of tax lots 710270003400, 710270003600 and 71022C002900 in the Clatsop Plains to transfer eight development credits in exchange for the protection of 8 acres of conservation lands within a proposed subdivision. The proposed conservation lands contain native coastal prairie and habitat for many species of concern.

The proposed conservation lands are adjacent to NCLC's Neacoxie Estates property. If conserved, the two properties together would create a block of 12.4 acres of native coastal prairie

protected in perpetuity. The proposed property also closely borders NCLC's Prairie Easement and Surf Pines Prairie properties, creating a nearly connected network of 36 acres within the Surf Pines neighborhood.

The proposed 8 acre conservation area will also become part of a larger network of conservation lands on the Clatsop Plains, a network that includes lands owned by Clatsop County, NPS, the State of Oregon and the cities of Gearhart and Seaside. NPS hopes to continue to work in partnership the County and other conservation landowners to control invasive weeds, manage fuels and fire risk, enhance trails, open space and recreation facilities, and provide outdoor experiences for residents and visitors.

Thank you for your consideration. Please contact me at 503-861-4401 if you have any questions.

Sincerely,

David M. Szymanski

David Szymanski
Superintendent

ATTACHMENT 22: GOAL 14 HOUSING NEEDS

OVERVIEW OF GOAL 14

Oregon's Administrative Rule 660-015-0000 (14) (effective April 28, 2006) has a stated goal as follows:

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.

To carry out the law, the concept of "urban growth boundaries" (UGBs) has been used to keep population growth centralized within urban centers (within the UGB). Expansion of urban growth boundaries involves establishing a "need" for additional housing to justify expansion of the urban growth boundaries of urban areas. This allows municipalities to deliver services- such as roads, sewer, water and education- more efficiently, keeping taxes lower. The pertinent section of Goal 14 is quoted below:

Urban Growth Boundaries

Urban growth boundaries shall be established and maintained by cities, counties and regional governments to provide land for urban development needs and to identify and separate urban and urbanizable land from rural land. Establishment and change of urban growth boundaries shall be a cooperative process among cities, counties and, where applicable, regional governments. An urban growth boundary and amendments to the boundary shall be adopted by all cities within the boundary and by the county or counties within which the boundary is located, consistent with intergovernmental agreements, except for the Metro regional urban growth boundary established pursuant to ORS chapter 268, which shall be adopted or amended by the Metropolitan Service District.

Land Need

Establishment and change of urban growth boundaries shall be based on the following:

(1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and

(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).

In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.

Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

In carrying out Oregon's land use planning law, each municipality (in this case, Clatsop County) is required to adopt a comprehensive plan that addresses each of Oregon's land use planning goals. Individuals seeking to comply with Oregon's land use planning laws do so by complying with the comprehensive plan that the subject property is governed by. For this consolidated application, the pertinent document would be Clatsop County's Comprehensive Plan. This application has sought to comply with each aspect of Clatsop County's Comprehensive Plan, including the sections addressing Oregon's Goal 14.

The section of Clatsop County's Comprehensive Plan addressing Goal 14 has been included below:

Goal 14 - 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 form 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.

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

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

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

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.

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

Policy:
The County shall review these agreements every three to six years, or as needed and update accordingly.
See each respective City's Urban Growth Boundary Plan:

Astoria
Cannon Beach
Gearhart
Seaside
Warrenton

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

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

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

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

Policy:
In unincorporated communities outside urban growth boundaries the county may approve uses, public facilities and services more intensive than allowed on rural lands by Goal 11 and 14, either by exception to those goals, or as provided by OAR 660 rules, which ensure such uses do not;
(1) Adversely effect agricultural and forest operations, and
(2) Interfere with the efficient functioning of urban growth boundaries.

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

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

Policy Implementation:
1. The type, location and phasing of public facilities and services are factors which should be utilized to direct urban expansion.
2. The type, design, phasing and location of major public transportation facilities (i.e., all modes: air, marine, rail, mass transit, highways, bicycle and pedestrian), and
3. Improvements thereto are factors which should be utilized to support urban expansion into urbanizable areas and restrict it from rural acres.
4. Financial incentives should be provided to assist in maintaining the use and character of lands adjacent to urbanizable areas.
5. Local land use controls and ordinances should be mutually supporting, adopted and enforced to integrate the type, timing and location of public facilities and services in a manner to accommodate increased public demands as urbanizable lands become more urbanized.
6. Additional methods and devices for guiding urban land use should include but not be limited to the following: (1)tax incentives and disincentives; (2) multiple use and joint development practices (3) fee and less-than-fee acquisition techniques; and (4) capital improvement programming.
7. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests carrying out the goal.

IMPLEMENTATION OF OREGON'S GOAL 14

Oregon's Administrative Rule 660-015-0000 (2) (effective April 28, 2006) has a stated goal as follows:

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

To reach this goal, the text of the law includes the following:

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents. The plans, supporting documents and implementation

ordinances shall be filed in a public office or other place easily accessible to the public. The plans shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governmental units.

All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

Affected Governmental Units -- *are those local governments, state and federal agencies and special districts which have programs, land ownerships, or responsibilities within the area included in the plan.*

This text demonstrates that local governments are responsible for creating and submitting their jurisdiction's land use plans. Each jurisdiction is also responsible for obtaining the information needed to update their comprehensive plan and obtaining public input.

2. Elements of the Plan

The following elements should be included in the plan:

(a) Applicable statewide planning goals

(b) Any critical geographic area designated by the Legislature

(c) Elements that address any special needs or desires of the people in the area

(d) Time periods of the plan, reflecting the anticipated situation at appropriate future intervals. All of the elements should fit together and relate to one another to form a consistent whole at all times.

The land use plans also are intended to address the state's applicable planning goals, including goal 14. This allows the state's land use laws to be applied to each locality in a practical and relevant way.

Therefore, Oregon's Land Use Planning system clearly intends that municipalities have the role of determining the size of the need for housing. No individual has the authority to modify the urban growth boundary of a municipality or otherwise modify a locality's comprehensive plan, which is the express purpose of quantifying the housing needs for a region.

CLATSOP COUNTY COMPREHENSIVE PLAN, SECTION II: COMMUNITY PLANS, CLATSOP PLAINS COMMUNITY PLAN

The excerpt below is from the Clatsop County Comprehensive Plan in regards to the housing needs of the Clatsop Plains Community.

Clatsop County Comprehensive Plan, Section II: Community Plans, Clatsop Plains Community Plan, Public Facilities and Services, Rural Lands, Policy #6:

-(6) Clatsop County intends to encourage a majority of the County's housing needs to occur within the various cities' urban growth boundaries. Approval of subdivisions and planned developments shall relate to the needs for rural housing. Through the County's Housing Study, the County has determined the Clatsop Plains rural housing needs to be approximately 900 dwelling units for both seasonal and permanent by the year 2000. The rural housing needs should be reexamined every two (2) years from the date of adoption of the Plan.

As shown in the above except from Clatsop County's Comprehensive Plan, a County Housing Study is well overdue. The last assessment by the County of regional housing needs determined that "*approximately 900 dwelling units for both seasonal and permanent*" would be needed "*by the year 2000.*" This last Housing Study (conducted in 1980) is obviously completely outdated.

As Clatsop County has requested an assessment of the housing needs of the Clatsop Plains Community as a part of this application in order for it to be deemed complete, Frog Consulting has provided an overview of housing needs for the Clatsop Plains community. As Clatsop County has identified through this request and as shown in the text of Clatsop County's Comprehensive Plan, a more complete review of the County's Housing Needs should have been completed every two years (15 times since the 1980 study) and each time reflected in the County's Comprehensive Plan. This is the responsibility of Clatsop County, and Frog Consulting would readily provide consulting services to the County in this endeavor once the County decides to move forward in fulfilling this obligation under Oregon's Administrative Rule 660-015-0000 (2).

FACTS PRELIMINARILY ESTABLISHING A NEED FOR HOUSING IN THE CLATSOP PLAINS COMMUNITY

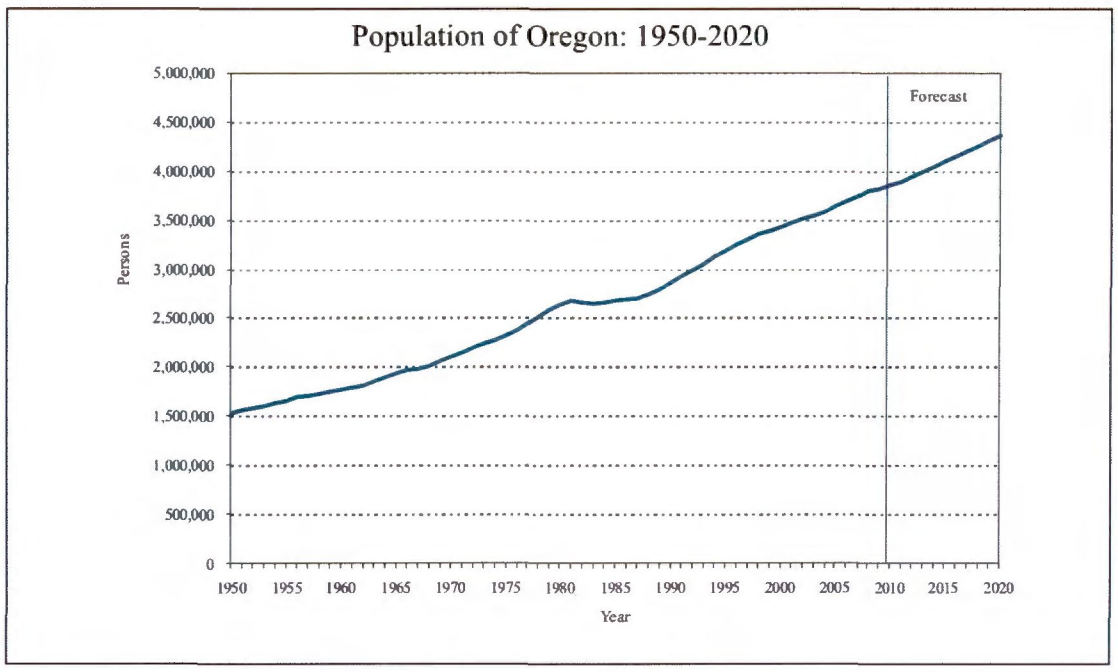
The population in a region, household composition, and the economy that employs those households are the primary factors that drive housing demand. Global events such as financial markets, currency issues, and similar factors are also contributors, but at the local level there is less data on how such macro forces will play out.

POPULATION GROWTH IN OREGON

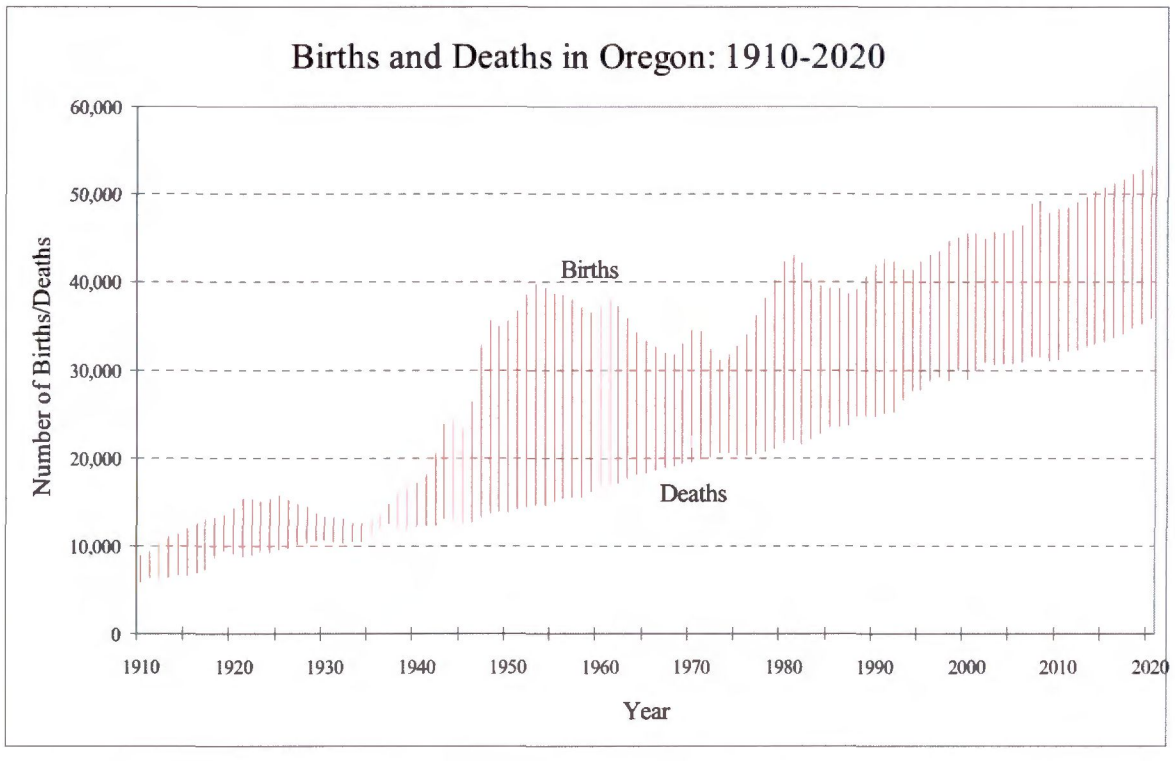
Oregon had 3,421,399 people in 2000, and that number rose to 3,791,075 by 2008 (a 10.8% increase).[vi] According to the State of Oregon's Office of Economic Analysis,[vii] Oregon's population is expected to increase significantly between 2010 and 2020. In 2009 Oregon's population was 3.8 million and by 2020 it is projected to be 4.4 million, an increase of approximately 16% per decade. Oregon's population growth, since 1950, has typically been higher than the national average. Currently the growth rate is the same as for the US due to the economic slowdown, but that is expected to change as the economy improves and Oregon's population growth rate returns to above average.

[vi] Oregon Department of Human Services. "Your Community in Focus, Clatsop County."

[vii] State of Oregon, Office of Economic Analysis, February 2010. Contact: kanhaiya.L.VAIDY@state.or.us



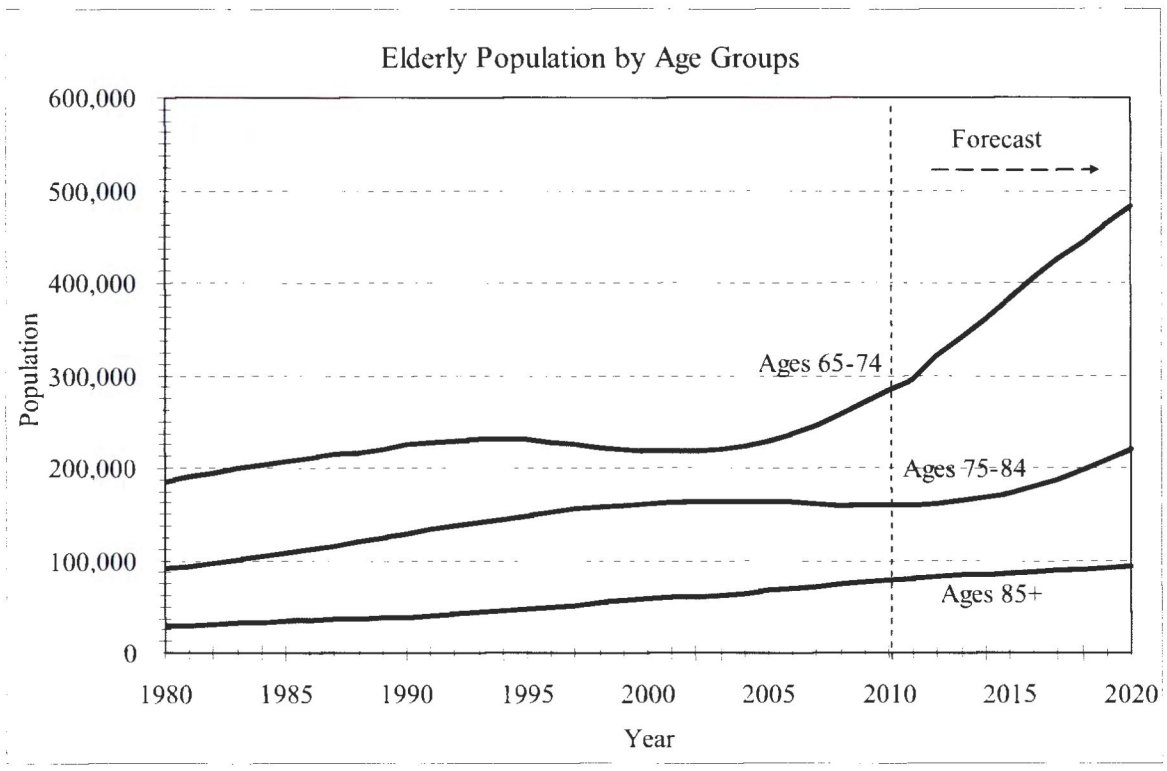
The population growth rate is partly driven by a birth rate that exceeds the death rate, as shown below:



A larger driver of population growth in Oregon is net in-migration. This accounts for about 50% of Oregon's population growth currently, but from 1990-2005 the share was closer to 75%. As the economy recovers Oregon is expected to move

closer to historical trends. The average net migration to Oregon from 2000-2010 was 27,000 people annually, and from 2010-2020 it is expected to increase to a net increase of 33,000 people coming to Oregon annually.

The increasing population in Oregon will encompass more and more people of retirement age over time as the baby boom generation ages. According to Oregon's Office of Economic Analysis,[vii] "the growth rate between 2011 and 2012 [of people of retirement age] will exceed 5 percent and stay above 4 percent rate during the forecast horizon. There will be 53 percent more elderly in 2020 than in 2010." Between 2010 and 2010, the cohort of 65-74 year olds is expected to grow by 70%, from about 300,000 people to just under 500,000.



CLATSOP COUNTY POPULATION TRENDS

Clatsop County is both a place to work and a place to retire. Both job prospects and the area as a retirement destination will impact future housing needs.

Clatsop County is expected to experience similar trends as compared to the rest of Oregon. Clatsop County's population in the year 2000 was 35,630, increasing to 37,695 by the year 2008 (5.8% increase).[vi] In Clatsop County, there were 37,039 people in 2010.[viii] This represented an increase in population of 4% between the year 2000 and 2010, which was a modest increase compared to Oregon's 12% increase in the same time period. Clatsop County had a significantly older population compared with the rest of Oregon, with 16.9% of people in Clatsop County 65 and older and 13.5% of people in Oregon being 65 and older.

[viii] 2010 US Census Bureau

This was about half the increase experienced by Oregon as a whole for this time frame. Oregon's population is projected to increase by 13% from 2010-2020, with the state's increase in those 65 and older expected to be a 46% increase over 10 years.[vi] Clatsop County's population is expected to grow by only 2%, while the 65 and older portion of the population will grow by an expected 40%. This is especially compelling because Clatsop County already has a higher number of those in that age cohort, so a smaller percentage increase is still a large overall increase. By the year 2020, 22% (or about 8,229 people) are expected to be 65 and older in Clatsop County. The vast majority of those 65 and older will fall into the newly retired or about to retire age category (65-74).[vi]

Overall, Clatsop County is expected to experience similar trends as Oregon overall, with more growth than the national average, and most of that growth coming from net in-migration (from other states, for example). The new residents will mostly be between 65 and 74. The Oregon coast was seen as a retirement destination before the current recession, as evidenced by the demographics of the area. As the economy improves and boomers on the brink of retirement stop working, this trend could continue, as 42% of todays 50 year-olds plan to move when they retire.[ix]

ECONOMICS IN CLATSOP COUNTY

Trends regarding job prospects (an important component of demand for homes) are generally more positive than the rest of Oregon.[x] As of August 2011, the U.S. unemployment rate remained high due to the still recovering economy, at 9.1%. Oregon's unemployment rate overall was higher than the national average, at 9.6%. However, Clatsop County's unemployment typically is lower than the state unemployment rate, and currently is at 8.6% currently.

THE ECONOMY AND PERCEPTIONS OF HOMEOWNERSHIP

In spite of the recent economic downturn, "fully eight-in-ten (81%) adults agree that buying a home is the best long-term investment a person can make," according a nationwide Pew Research Center Survey.[xi] About half of homeowners surveyed thought that their homes had lost value in the recession and it would take about 3 years for values to recover. Yet when renters were "asked if they rent out of choice or because they cannot afford to buy a home, just 24% say they rent out of choice. And when renters are asked if they would like to continue to rent or if they would prefer one day to buy a home, 81% say they would like to buy."

For those reaching or at retirement age, the enthusiasm for homeownership is particularly pronounced. "Adults ages 65 and older are more sold on the investment value of homeownership than any other age group. Some 48% of this older cohort agree that homeownership is the best long-term investment a person can make, compared with 39% of those ages 50 to 64; 32% of those ages 30 to 49; and 35% of those ages 18 to 29.

Adults in the older age group are more likely to have owned their home a long time and to have paid off their mortgage. As a result, they're less exposed to being underwater because of the sharp decline in housing prices. The Pew Research survey finds that just 5% of older homeowners report being in this situation, compared with 13% of homeowners ages 50 to 64; 20% of homeowners ages 30 to 49; and 23% of homeowners ages 18 to 29."[xi]

SUMMARY

[ix] 2010 Del Webb survey of a statistically significant sampler of Baby Boomers

[x] State of Oregon, Employment Department, Current Unemployment Rates, August 2011 (seasonally adjusted).

[xi] Pew Research Center, Social and Demographic Trends. "Five Years After the Bubble Burst: Home Sweet Home. Still." 4/12/2011. Data collected 3/15/11-3/29/11.

To ask that a single applicant be tasked with establishing the housing needs of a community (a responsibility that squarely falls on local governments to fulfill) could be considered arbitrary and capricious, especially considering that no other applicant has been given this requirement to date for similar applications. Oregon's land use laws are clear in indicating that local governments such as Clatsop County are responsible for determining the housing needs discussed in Goal 14, and communicating those needs in their regularly updated comprehensive plans. However, Frog Consulting has provided compelling empirical evidence demonstrating a need for housing in the Clatsop Plain Community in the above text. We would be happy to discuss a contract whereby Frog Consulting would provide a detailed Housing Study for the County as a whole in order to satisfy this obligation, but requiring that a single applicant pay for this service is not consistent with the laws governing land use law implementation.

EXHIBIT 2

DLCD NOTICE OF PROPOSED AMENDMENT

FORM 1

DLCD Notice of Proposed Amendment

Post Acknowledgment Plan Amendments
Urban Growth Boundary
Urban Reserve Area

In person ☐ Digital ☐ mailed ☐

For DLCD Use Only

THIS COMPLETED FORM, including the text of the amendment and any supplemental information, **must be received at DLCD's Salem office at least 45 DAYS PRIOR TO THE FIRST EVIDENTIARY HEARING** ORS 197.610, OAR 660-018-000

Jurisdiction: **Clatsop County**

Date of First Evidentiary Hearing: **02/14/2012**

Local File Number: **20110363/20110364/20110365**

Date of Final Hearing: **05/09/2012**

Is this a REVISION to a previously submitted proposal? ☒ No ☐ Yes Original submittal date:

☒ Comprehensive Plan Text Amendment(s)

☒ Comprehensive Plan Map Amendment(s)

☐ Land Use Regulation Amendment(s)

☐ Zoning Map Amendment(s)

☐ Transportation System Plan Amendment(s)

☐ Urban Growth Boundary Amendment(s)

☐ Other (please describe):

☐ Urban Reserve Area Amendment(s)

Briefly Summarize Proposal in plain language IN THIS SPACE (maximum 500 characters):

The consolidation application proposes a comprehensive plan zoning map amendment, text amendment (density transfer), two (2) subdivisions, and three (3) property line adjustments. Comprehensive plan zoning map amendment: Two sites will be downzoned from RA5 and RA1 to OPR; the resulting density (13 density units) will be transferred to two (2) receiving sites. Text Amendment: The table included in the Clatsop County Standards Document in S3.162 will be amended to include the transferred density credits.

Has sufficient information been included to advise DLCD of the effect of proposal? ☒Yes, text is included

Are Map changes included: minimum 8½"x11" color maps of Current and Proposed designations. ☒ Yes, Maps included

Plan map change from: **RA5/RA1** To: **OPR**

Zone map change from: To:

Location of property (Site address **and** TRS): **Included in attached materials.**

Previous density range:. New density range: Acres involved: **102.28**

Applicable statewide planning goals:

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

Is an exception to a statewide planning goal proposed? ☐ YES ☒ NO Goal(s):

Affected state or federal agencies, local governments or special districts (It is jurisdiction's responsibility to notify these agencies.

ODOT, OWR, DLCD, Clatsop Soil and Water Conservation, CREST, City of Seaside, City of Warrenton, DEQ, Clatsop County Public Works, NPS

Local Contact person (name and title): **Jennifer Bunch, Planner**

Phone: **503-325-8611** Extension:

Address: **800 Exchange Street, Ste 100** City: **Astoria** Zip: **97103**

Fax Number: **503-338-3666** E-mail Address: **jbunch@co.clatsop.or.us**

- FOR DLCD internal use only -

DLCD file No _____

EXHIBIT 3

MAILIED NOTICE
OF HEARING

CERTIFICATE OF MAILING

I hereby certify that I served a copy of the following Public Notice for the Earl/Osburn request for a comprehensive plan zoning map amendments, comprehensive plan text amendments, property line adjustments, and two cluster subdivisions to the attached listing with postage paid and mailed on Friday, January 13, 2012.

Date: 1/13/2012.

Andrea Neys
Signature

Andrea Neys, Staff Asst.
Staff Assistant

COMMUNITY DEVELOPMENT DEPT

Owner	OwnerLine1	Mailing Address	City	State	Zip
AGUIRRE EDWARD/BARBARA		90326 Lewis Rd	Warrenton	OR	97146
ANM WARRENTON HOLDINGS LLC		PO Box 1535	Milton	WA	98354-1535
BARKSDALE NORMAN L/HOA-TRAN		90356 Lewis Rd	Warrenton	OR	97146
BERKELEY EDWARD W/ANN M TR	BERKELEY EDWARD LIV TRUST 1/2	8344 SW Mapleridge Dr	Portland	OR	97225-6430
BETTERIDGE PATRICK M	BETTERIDGE DEBRA J	90360 Clark Rd	Warrenton	OR	97146-7222
BIG BEARS LLC	CHARLTON FAM REV LIV TRUST	855 SW Spring Ln	Portland	OR	97225
BLISSETT JAMES A	BLISSETT DEBORAH L	PO Box 2297	Gearhart	OR	97138
BOGGS MAUREEN C	SURMEYER FRANK N	90364 Lewis Rd	Warrenton	OR	97146
C T JOHNSON INC		37751 Hwy 30	Astoria	OR	97103
CHESNUT DAVID B	CHESNUT KIMBERLY	PO Box 2091	Gearhart	OR	97138
D DIMEO ENTERPRISES LLC		PO Box 5218	Beaverton	OR	97007
DEGERNESS BLAINE	DEGERNESS SUSAN	56331 Kamook Ln	Warren	OR	97053
DELKER KARL G	DELKER SHARON L	2120 Skyline Dr	Seaside	OR	97138
DODGE KIMBERLIE S/CRAIG H		3220 NE 22nd Ave	Portland	OR	97212
DYCHES RONALD E TR	DYCHES LOU TESTIMENTARY TRUST	PO Box 42626	Portland	OR	97242-0626
EARL RUSSELL RAYMOND	EARL RUSSELL R REV LIVING TRUST	PO Box 2276	Gearhart	OR	97138 2276
EARL RUSSELL RAYMOND	EARL RUSSELL R REV LIVING TRUST	10706 NE 38th Ave	Vancouver	WA	98686
EDGAR CHARLES C	EDGAR CYNTHIA A	33097 Malarkey Ln	Warrenton	OR	97146
FACKERELL REITA LEA	REITA FACKERELL LIVING TRUST	776 Summit Ave	Gearhart	OR	97138
FACKERELL WILLIAM L		88271 McCormick Gardens Rd	Gearhart	OR	97138
FAIRLESS JAMES		PO Box 595	Seaside	OR	97138
FRENCH JERRY R/CYNTHIA M		84-757 Kiana Pl #13 A	Waianae	Hi	96792
GARDNER RAYMOND C/LINDA K		90440 Clark Rd	Warrenton	OR	97146
GUNDERSON WILLIAM F JR		PO Box 2278	Gearhart	OR	97138-2278
HARTMAN THOMAS G JR	HARTMAN THOM	8310 N Brandon	Portland	OR	97217
HAZEN ROY S/CAROLYN N		33571 Wild Daffodil Ln	Warrenton	OR	97146
HENRY RICHARD L/GRACE E		789 SW Stepien Rd	Gaston	OR	97119
HILL BRAD TRUSTEE	HILL BRAD TRUST	PO Box 638	Warrenton	OR	97146
JOHNSON WESLEY R/KATHERINE L		PO Box 2389	Gearhart	OR	97138-2389
JURGENSEN ERMA J TR	JURGENSEN ERMA J LIVING TRUST	89413 Hwy 101	Warrenton	OR	97146
KING WINCHESTER/SUZANNE I TR	KING LIVING TRUST	33099 Malarkey Ln	Warrenton	OR	97146
KLEFSTAD GREGGORY K/GERTRUDE M		2680 Montair Ave	Long Beach	CA	90815
KLEMP DENNIS M/MELODI G		PO Box 249	Warrenton	OR	97146
KRUGER DONALD L/NANCY R		90128 Manion Dr	Warrenton	OR	97146
KYRIAZIS SCOTT M	KYRIAZIS CAROL A	89442 Hwy 101	Warrenton	OR	97146
LEWIS & CLARK OREGON TIMBER LLC	c/o Stanley G. Renecker & John Gilleland	One SW Columbia #Suite 1700	Portland	OR	97258
LIEBERMAN JAY A	LIEBERMAN AKIKO Y	PO Box 764	Seaside	OR	97138
LOWENBERG TERRY M/MOLLY		PO Box 2730	Gearhart	OR	97138
MACLEAN ROBERT/JULIE		11365 SW 121st St	Tigard	OR	97223
MAJOR JOHN E/DANNY		10459 Rusty Railroad Ave	Las Vegas	NV	89135
MAJOR JOHN E/DANNY		10459 Rusty Railroad Ave	Las Vegas	NV	89135
MAKI MELVIN N		34025 Lounsberry Ln	Warrenton	OR	97146

MAKI MELVIN N		34025 Lounsberry Ln	Warrenton	OR	97146
MARTINEZ ALBERTO/NANCY A		PO Box 1535	Milton	WA	98354-1535
MARTINEZ REVOCABLE LIVING TRUST		PO Box 1535	Milton	WA	98354-1535
MCCORMACK ANNELISE R		90380 Lewis Rd	Warrenton	OR	97146
MCCURDY JOINT REVOCABLE TRUST	HAYWARD MCCURDY SHERRI TRUSTEE	PO Box 941	Warrenton	OR	97146
MOORE LONNY D		1111 N Roosevelt Dr #108	Seaside	OR	97138
MULVEY THOMAS S/ JUDITH A		PO Box 2762	Gearhart	OR	97138
NAVRATIL GREGORY A	LEONARD JUDITH W	PO Box 2346	Gearhart	OR	97138
NORTH COAST LAND CONSERVANCY INC		PO Box 67	Seaside	OR	97138
OSBURN JOHN BURR		89053 Hwy 101	Warrenton	OR	97146
OSBURN-OLSON LLC		1369 Stillwater Ct	Seaside	OR	97138
PAUL RONNY MARIE	TRENHOLM DENNIS LEE	110 Merced Dr	Kelso	WA	98626
PEDEGANA DAVID L/KATHRYN K		PO Box 2622	Gearhart	OR	97138
PENTTILA PHILIP L/MELINDA L		89229 Manion Dr	Warrenton	OR	97146
PERDUE L COLLEEN		90130 Manion Dr	Warrenton	OR	97146
PIERCE BLANCHE A	PEIRCE BLANCHE A	90316 Lewis Rd	Warrenton	OR	97146
POETSCH JIM/MINDY		911 1st Ave	Seaside	OR	97138
REICHLE WILLIAM C/JOAN M		3315 SE Schiller	Portland	OR	97202
RILEY MICHAEL O/CAROL L		89285 Manion Dr	Warrenton	OR	97146
ROTHENBERGER STANLEY H/BONNIE L		1111 N 1st St #Apt 6C	Bismarck	ND	58501-3523
ROYSTON FAMILY TRUST	ROYSTON FRANK E TRUSTEE	PO Box 2776	Gearhart	OR	97138
RUTHERFORD STANLEY W/SHARON M		91122 Ft Clatsop Rd	Astoria	OR	97103
RYAN JOAN V TRUST	RYAN JOAN V TR	1165 Ave A	Seaside	OR	97138
SAGE ROBERT G II	SAGE TRINA (MEIER)	3876 E Maplewood Ave	Post Falls	ID	83854
SCHINDELE ANDREW J/CAROLYN S		89051 Hwy 101	Warrenton	OR	97146
SCHINDELE JOHN A		89049 Hwy 101	Warrenton	OR	97146
SEASIDE CHRISTIAN CHURCH		PO Box 280	Warrenton	OR	97146
SEASIDE SCHOOL DIST #10					
SEPPA HUGH/CAROL		33416 West Lake Ln	Warrenton	OR	97146
SEPPA/ HEATHER SCOTT	FOUTS JAN N/ GERALDINE J	89471 Shady Pine Rd	Warrenton	OR	97146
SET HOLDINGS LLC	LLD HOLDINGS LLC	12653 SW Snowbrush Ct	Tigard	OR	97223
SNOOK MICHAEL D/KATHLEEN P		88266 McCormick Gardens Rd	Seaside	OR	97138
STATE OF OREGON PARKS & REC DEPT					
STOCKENBERG JOHN F/JUDITH M		PO Box 614	Warrenton	OR	97146
SURF PINES ASSOCIATION		33317 Surf Pines Ln	Warrenton	OR	97146
SWEENEY MILES	SWEENEY SANDRA	1200 SW Main Bldg	Portland	OR	97205-2040
ULBRICHT KENNETH/LYNN		PO Box 1161	Seaside	OR	97138
UNITED STATES OF AMERICA	Columbia Cascades Land Resources	909 First Avenue 5th Floor	Seattle	WA	98104 1060
VAIL DEBORAH L	ADELMAN LAUREL E	89323 Hwy 101	Warrenton	OR	97146
WESTON CRAIG E	WESTON DANA S	PO Box 2865	Gearhart	OR	97138
WHITE JEREMY	WHITE BARBARA J	16509 NW Sellers Rd	Banks	OR	97106
WIDEMAN CARA MICHELE		89085 Short Rd	Warrenton	OR	97146
WIDEMAN OSCAR D/ PAMELA G		PO Box 1000	Cannon Beach	OR	97110

Plan Amendment Specialist	DLCD	635 Capitol St NE, Suite 150	Salem	OR	97301-2540
Frog Consulting, LLC	c/o Mike Weston	469 Lexington Avenue	Astoria	OR	97103

01.13.2012 Mailing List Earl/Osburn

Clatsop County
Community Development
800 Exchange Street, Suite 100
Astoria, OR 97103

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

NOTICE OF PUBLIC HEARING
BEFORE THE CLATSOP COUNTY PLANNING COMMISSION

ORDINANCE 12-01

A consolidated request by Frog Consulting, LLC, on behalf of property owners Russ Earl and Osburn Olson, LLC, for a comprehensive plan zoning map amendments, comprehensive plan text amendments , property line adjustments, and two cluster subdivisions.

DATE OF HEARING:	February 14, 2011
TIME:	11:00 am
LOCATION:	Judge Guy Boyington Building, 857 Commercial Street, Astoria, Oregon 97103
CONTACT PERSON:	Jennifer Bunch, Clatsop County 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 notice or you are considered to be an affected state or federal agency, local government, or special district. Map illustrating the affected areas are included.

NOTICE IS HEREBY GIVEN that the Planning Division of Clatsop County's Department of Community Development has scheduled a public hearing on this matter before the Planning Commission at **11:00 AM on Tuesday, February 14, 2011**, at the Judge Guy Boyington Building, 857 Commercial St, Astoria, OR 97103.

Interested persons are invited to submit testimony in writing or in person by attending the hearing. Alternately, interested persons may submit testimony in writing by addressing a letter to the Clatsop County Planning Commission, 800 Exchange Street, Suite 100, Astoria, OR 97103. Written comments may also be sent via FAX to 503-338-3666 or via email to comdev@co.clatsop.or.us. Written comments must be received in this office no later than **5PM on Monday February 13, 2012,** in order to be presented by staff at the February 14, 2012, 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 proposed Comprehensive Plan Zoning Map Amendments will rezone approximately 47.5 acres of Residential Agriculture 5 (RA-5) and Residential Agriculture 1 (RA-1) property to Open Space Parks and Recreation (OPR). The resulting 13 density credits will be transferred to the proposed West Dunes and Clatsop Estates cluster subdivisions.

Down zone/Sending Sites	Owner	
T7N R10W Sec16 TL500	United States of America	
T7N R10W Sec16AB TL2800	United States of America	
T6N R10W Sec03A TL200	William Fackerell	
Receiving & Subdivision Sites	**Owner**	**Subdivision**
T7N R10W Sec22C TL2900	Osburn Olson, LLC	Clatsop Estates
T7N R10W Sec27 TL3600	Russ Earl	West Dunes
T7N R10W Sec27 TL3700	Russ Earl	West Dunes
T7N R10W Sec27 TL3400	Russ Earl	West Dunes

The proposed text amendment modifies the Density Table in section S3.162. The applicant has also requested the approval of three (3) property line adjustments and two (2) cluster subdivisions; West Dunes (18 lots) and Clatsop Estates (9 lots).

The following criteria apply to the request:

County Land and Water Development and Use Ordinance (LWDUO)
1.030 (Definitions),
2.035 (Type IV Procedures)
2.105-2.125 (Notice Requirements for Public Hearings)
3.180 (Residential Agriculture 1 Zone)
3.580 (Open Space Parks and Recreation Zone)
5.200 (Subdivisions, Partitions, & Property Lines Adjustments)
5.350 (Transportation System Impact Review)
5.400 (Zone Changes)

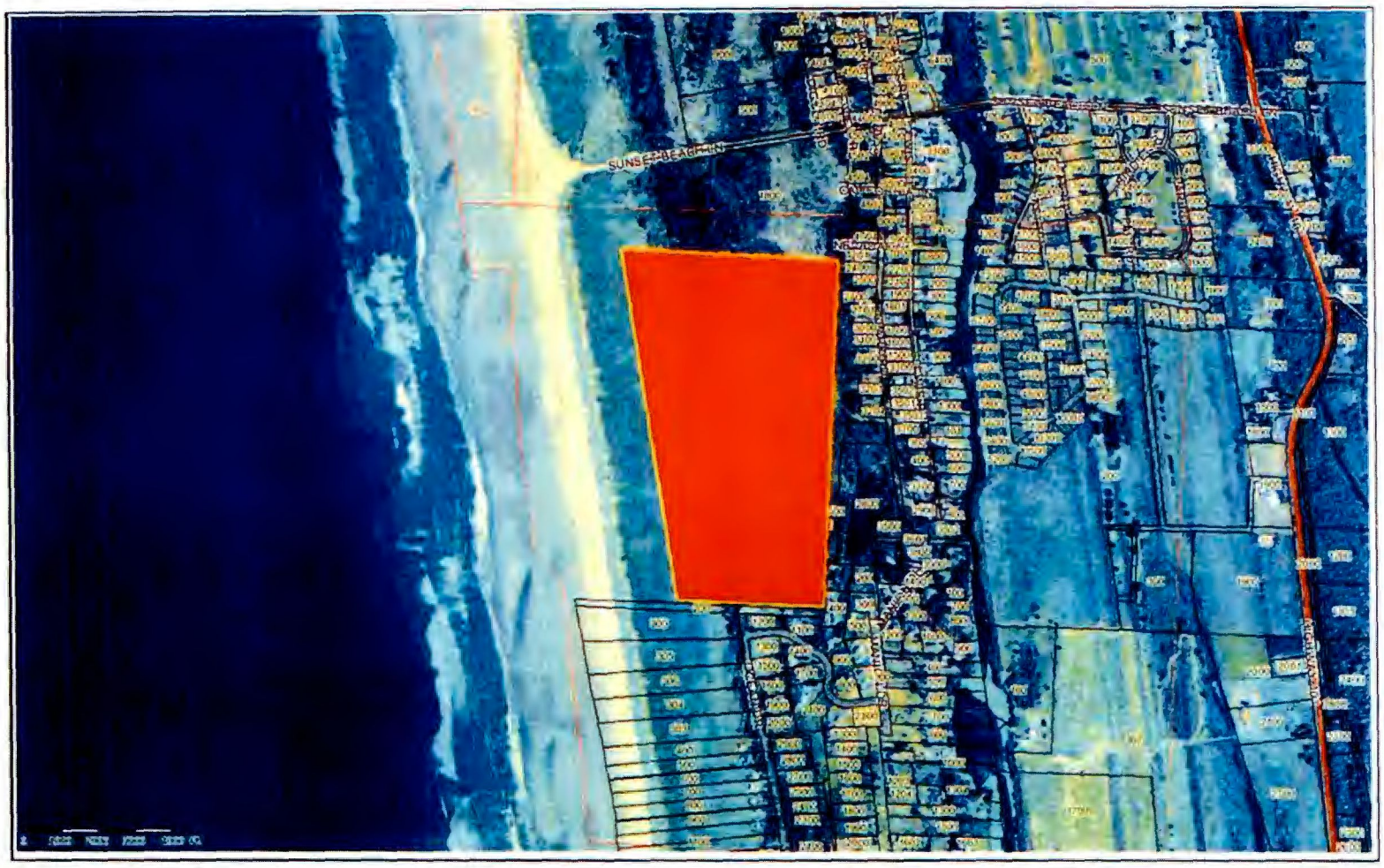
Clatsop County's Standards Document
Chapters 1-3 (Site Oriented Development)
Chapter 3 (S3.150 – S3.162 Cluster Development and Density Transfer)
Chapter 4 (Environmental Protection)
Chapter 5 (Vehicle Access Control and Circulation)
Chapter 6 (Road Standard Specifications for Design and Construction)

Clatsop County Comprehensive Plan
Goal 1 (Citizen Involvement)
Goal 2 (Land Use Planning)
Goal 5 (Natural Resources, Scenic and Historic Areas and Open Spaces)
Goal 6 (Air, Water, and Land Quality)
Goal 7 (Natural Hazards)
Goal 8 (Recreation)
Goal 9 (Economic Development)
Goal 10 (Housing)
Goal 11 (Public Facilities & Services)
Goal 12 (Transportation)
Goal 13 (Energy Conservation)
Goal 14 (Urbanization),
Goal 18 (Beaches and Dunes)
Clatsop Plains Community Plan

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at the Planning Office during normal business hours (M-F, 8-5) at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at the Clatsop County Planning office at no cost at least seven days prior to the hearing and will be provided at a reasonable cost. If you have questions about this land use matter or need more information, please contact 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.

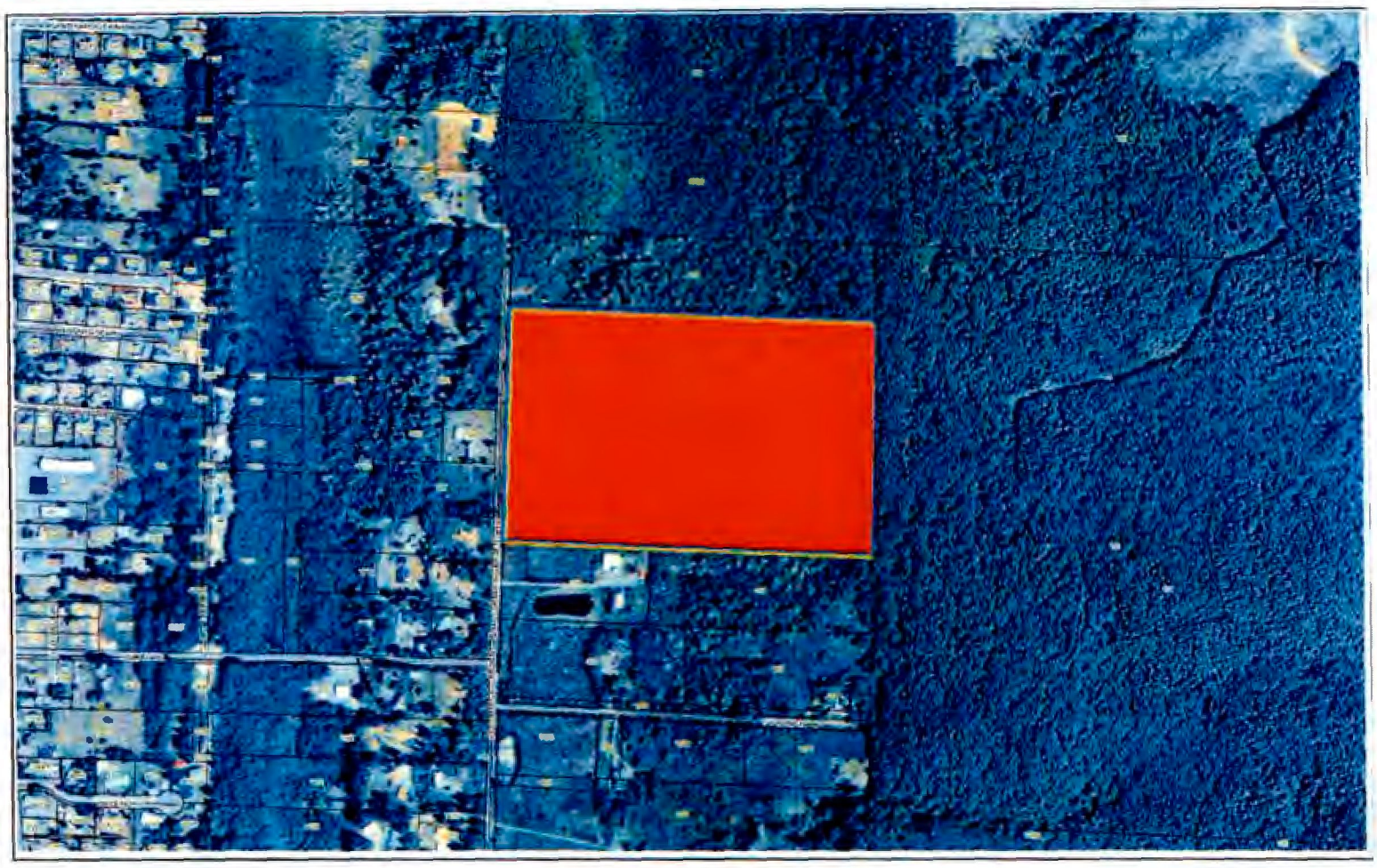
ATTACHMENT 1: PROPOSE DENSITY CREDIT SENDING SITE: 710160000500

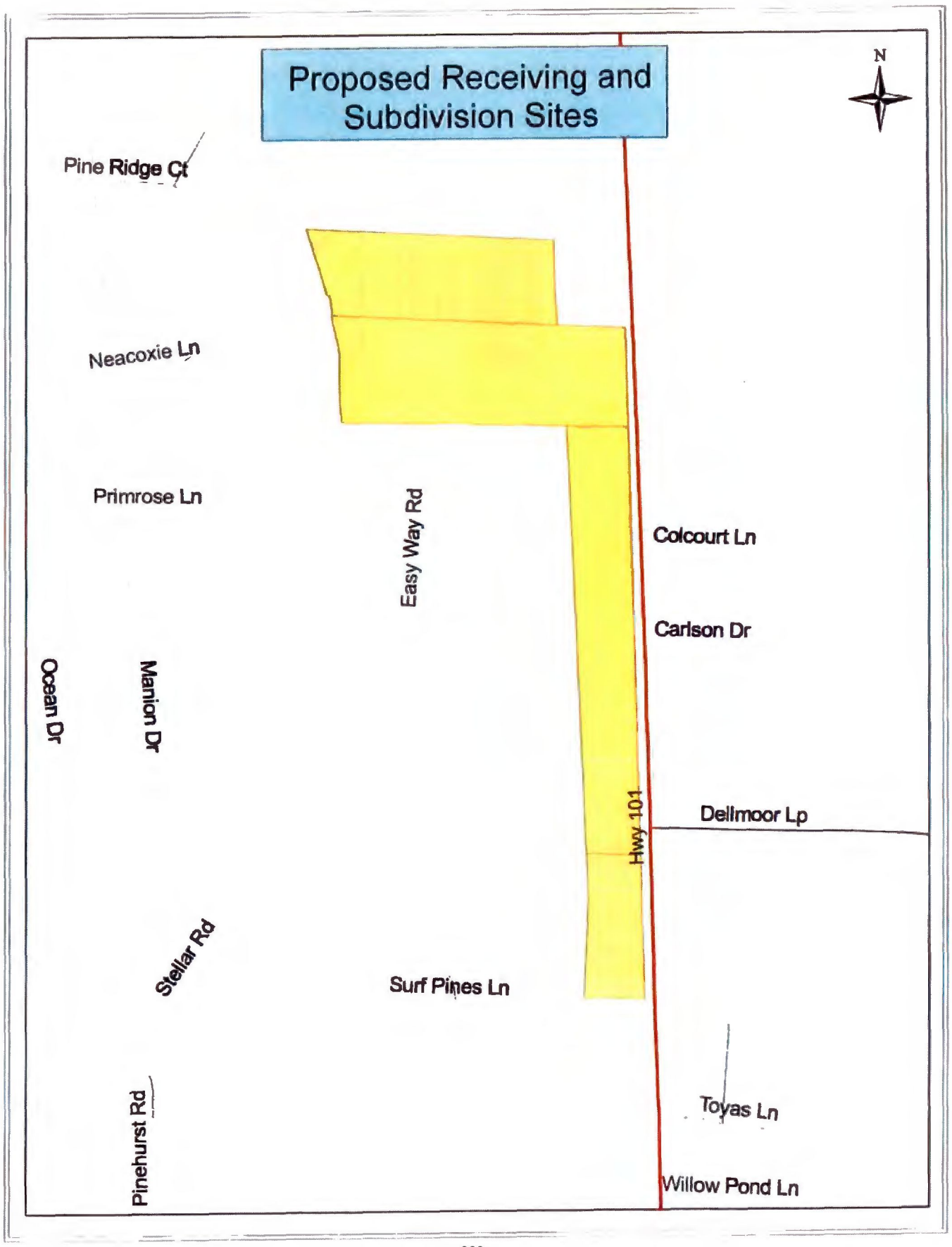


330

ATTACHMENT 2: PROPOSED DENSITY CREDIT SENDING SITE: 71016A0002800

ATTACHMENT 3: PROPOSED DENSITY CREDIT SENDING SITE: 61003A000200




Proposed Receiving and Subdivision Sites
N
Pine Ridge Ct
Neacoxie Ln
Primrose Ln
Easy Way Rd
Colcourt Ln
Carlson Dr
Ocean Dr
Marion Dr
Hwy 101
Dellmoor Lp
Stellar Rd
Surf Pines Ln
Pinehurst Rd
Toyas Ln
Willow Pond Ln

ATTACHMENT 8: CLATSOP ESTATES AND WEST DUNES PRELIMINARY PLAT

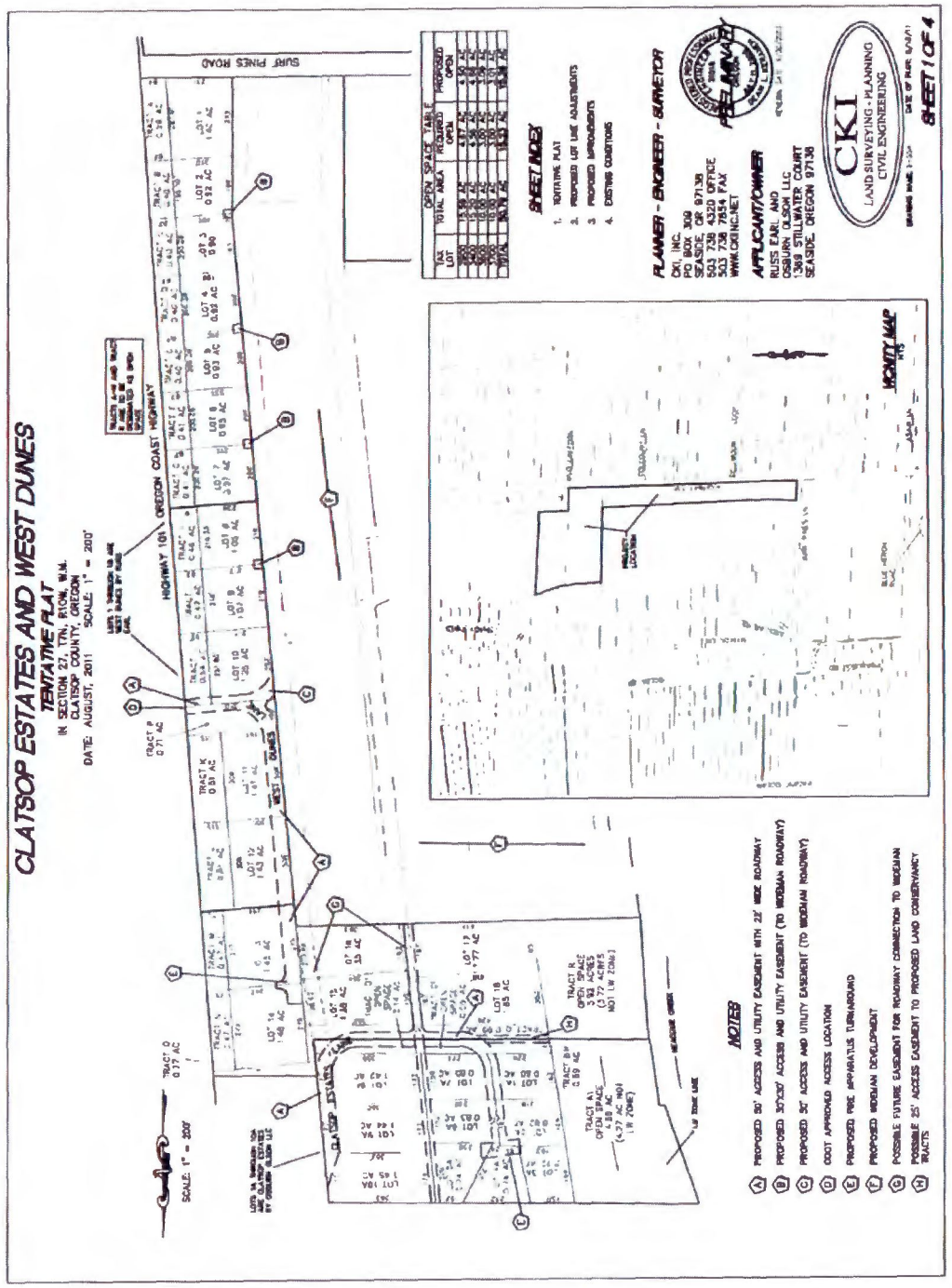


EXHIBIT 4

PUBLIC &
AGENCY COMMENTS

GEARHART
Volunteer Fire Department
P.O. Box 2530/670 Pacific Way
Gearhart, Oregon 97138
503-738-7838 / 503-738-9385 (fax)
gearhartfd@freedomnw.com / gearhartfire.com (web)

August 15, 2011

Jennifer Bunch
Clatsop County Planning
Astoria, Oregon 97103
503-338-3666 (fax)

RE: Fire Department Access and Water Supply
Clatsop Estates & West Dunes
Tentative Plat

Eight (8) pages to follow.

Jennifer,

If you should have any questions or need any additional information please feel free to contact me.

Thank you,

Bill Eddy
Gearhart Fire

GEARHART
Volunteer Fire Department
P.O. Box 2530 • Gearhart, OR 97138

August 15, 2011

Jennifer Bunch
Clatsop County Planning
Astoria, Oregon 97103

RE: Fire Department Requirements
Clatsop Estates & West Dunes
Russ Earl and Osburn Olson LLC
Tentative Plat

Fire Department Access & Water Supply

Fire Department Access:

Road widths shall meet Clatsop County Road requirements. Apparatus turnarounds shall meet the requirements set forth in the OFC and posted "No Parking".

Since there are no dimensions indicated for road widths or apparatus turnarounds they shall be approved by the Fire Chief prior to final approval. The proposed development is listed at 28 lots. Two (2) access roads shall be required if more than 30 residential lots are permitted or accessed thru the current single ODOT approved access (exceptions may be allowed for approved automatic sprinkler systems).

Fire Department Water Supply:

Since there will be a higher lot density than the property was originally zoned as the requirements for Water Supply are as follows.

1. A hydrant system meeting the requirements set forth in the OFC shall be installed.

2. Hydrant locations shall be approved by the Fire Chief.

The purpose of this requirement is to ensure the current level of protection to the residents of the Gearhart Rural Fire Protection District is not jeopardized.

In December 2007 a request was submitted for a zoning change on the identical property, the same requirement was essential then.

(Please see attached letter dated December 10, 2007.)

The "Tentative Plat" attached does not show any Fire Department features (road widths, apparatus turnarounds measurements, hydrant locations, etc), these requirement need to be approved by the Fire Chief prior to approval of this development.

If you should have any questions please feel free to contact me.

Thank you,

Bill Eddy
Fire Chief
Gearhart Fire Department

cc: Gearhart Rural Fire Protection Board Members
Russ Earl
File

COPY

Volunteer Fire Department

P.O. Box 2530 • Gearhart, OR 97138

December 10, 2007

Patrick Wingard, Principal Planner
Clatsop County Community Development
800 Exchange St., Suite 100
Astoria, Oregon 97103

RE: Zoning Change (RA-5 to RA-2), Russ Earl & Osburn-Olson LLC
T7N - R10W – SEC 22C TL 2900 & T7N – R10W, SEC 27, TL's 3300, 3400, 3600, 3700

Mr. Wingard,

Fire Department Access & Water Supply

Fire Department Access:

Fire Department Access shall meet the guidelines as set forth in the OFC Application Guide and the Oregon Fire Code. This can be done if the zoning change is approved and prior to any final approval of the actual development plans (access, roads & turnarounds).

Fire Department Water Supply:

With respects to Fire Department Water Supply, this Zone change presents a unique issue that needs to be addressed prior to approval. Since the applicants

COPY

are requesting a zoning change for a higher density of buildable lots Water Supply requirements shall need to be as follows for the adequate fire protection and to ensure the present level of protection to the residents of the Gearhart Rural Fire Protection District not be jeopardized.

1. A hydrant system meeting the requirements set forth in the Oregon Fire Code shall be required.

2. Fire flow requirements shall meet the requirements set forth in the Oregon Fire Code.

If you should have any questions, or feel you need my presence at the Public Hearing please contact me.

Thank you,

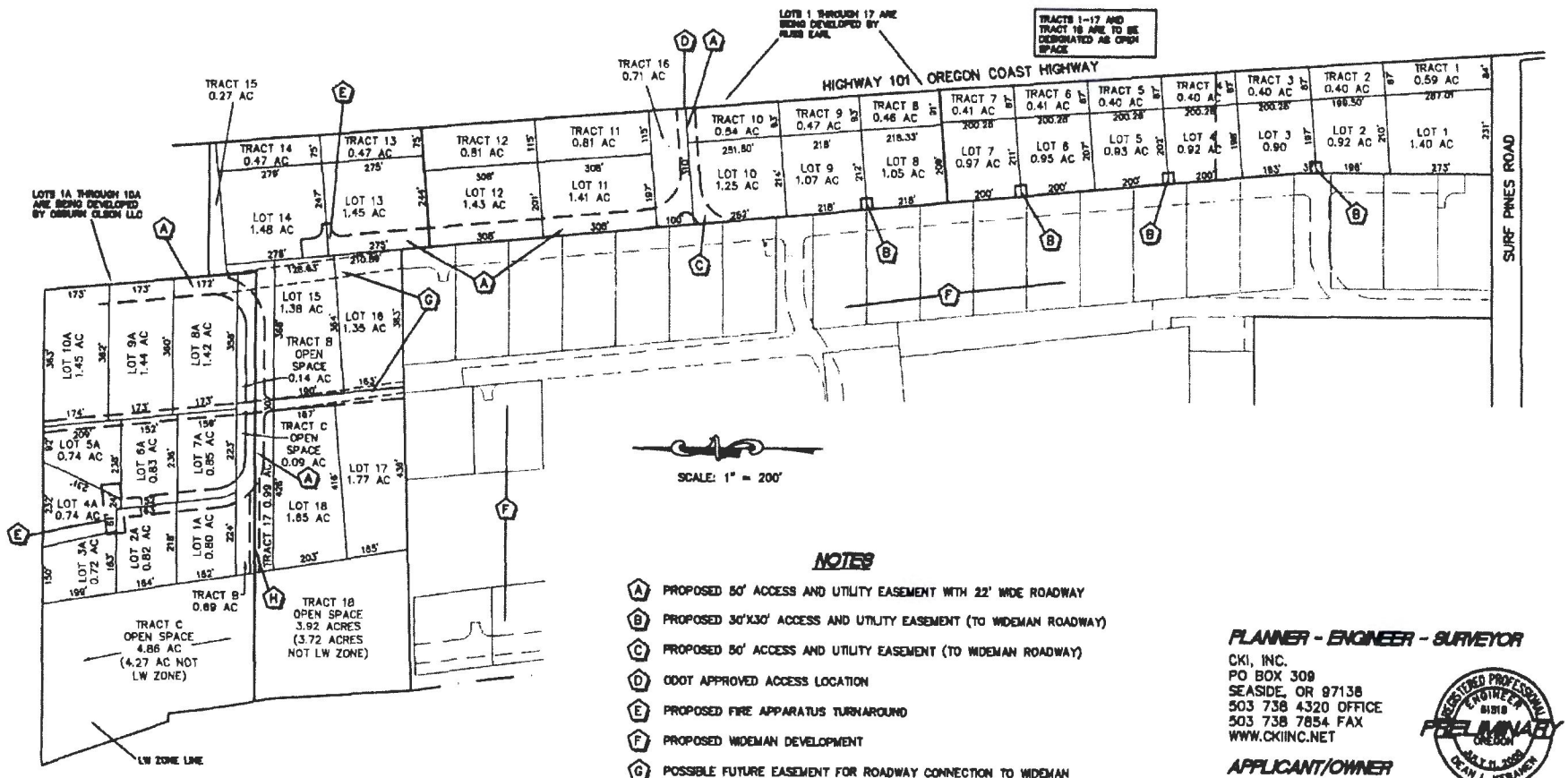
Bill Eddy
Fire Chief
Gearhart Fire Department

cc: Gearhart Rural Fire Protection Board Members
File

CLATSOP ESTATES AND WEST DUNES

TENTATIVE PLAT

IN SECTION 27, T7N, R10W, W.M.
CLATSOP COUNTY, OREGON
DATE: AUGUST, 2011 SCALE: 1" = 200'



SCALE: 1" = 200'

NOTES

(A) PROPOSED 50' ACCESS AND UTILITY EASEMENT WITH 22' WIDE ROADWAY
(B) PROPOSED 30'X30' ACCESS AND UTILITY EASEMENT (TO WIDEMAN ROADWAY)
(C) PROPOSED 50' ACCESS AND UTILITY EASEMENT (TO WIDEMAN ROADWAY)
(D) ODOT APPROVED ACCESS LOCATION
(E) PROPOSED FIRE APPARATUS TURNAROUND
(F) PROPOSED WIDEMAN DEVELOPMENT
(G) POSSIBLE FUTURE EASEMENT FOR ROADWAY CONNECTION TO WIDEMAN
(H) POSSIBLE 25' ACCESS EASEMENT TO PROPOSED LAND CONSERVANCY TRACTS

PLANNER - ENGINEER - SURVEYOR

CKI, INC.
PO BOX 309
SEASIDE, OR 97138
503 738 4320 OFFICE
503 738 7854 FAX
WWW.CKIINC.NET

REGISTERED PROFESSIONAL ENGINEER 61518 OREGON PRELIMINARY JULY 11, 2006 DEAN L. KERAMES

RENEWAL DATE: 6/30/2013

APPLICANT/OWNER

RUSS EARL AND
OSBURN OLSON LLC
1369 STILLWATER COURT
SEASIDE, OREGON 97138

SHEET INDEX

1. TENTATIVE PLAT
2. PROPOSED LOT LINE ADJUSTMENTS
3. PROPOSED IMPROVEMENTS
4. EXISTING CONDITIONS

CKI
LAND SURVEYING - PLANNING
CIVIL ENGINEERING

DRAWING NAME: 9-054 DATE OF PLOT: 8/4/11

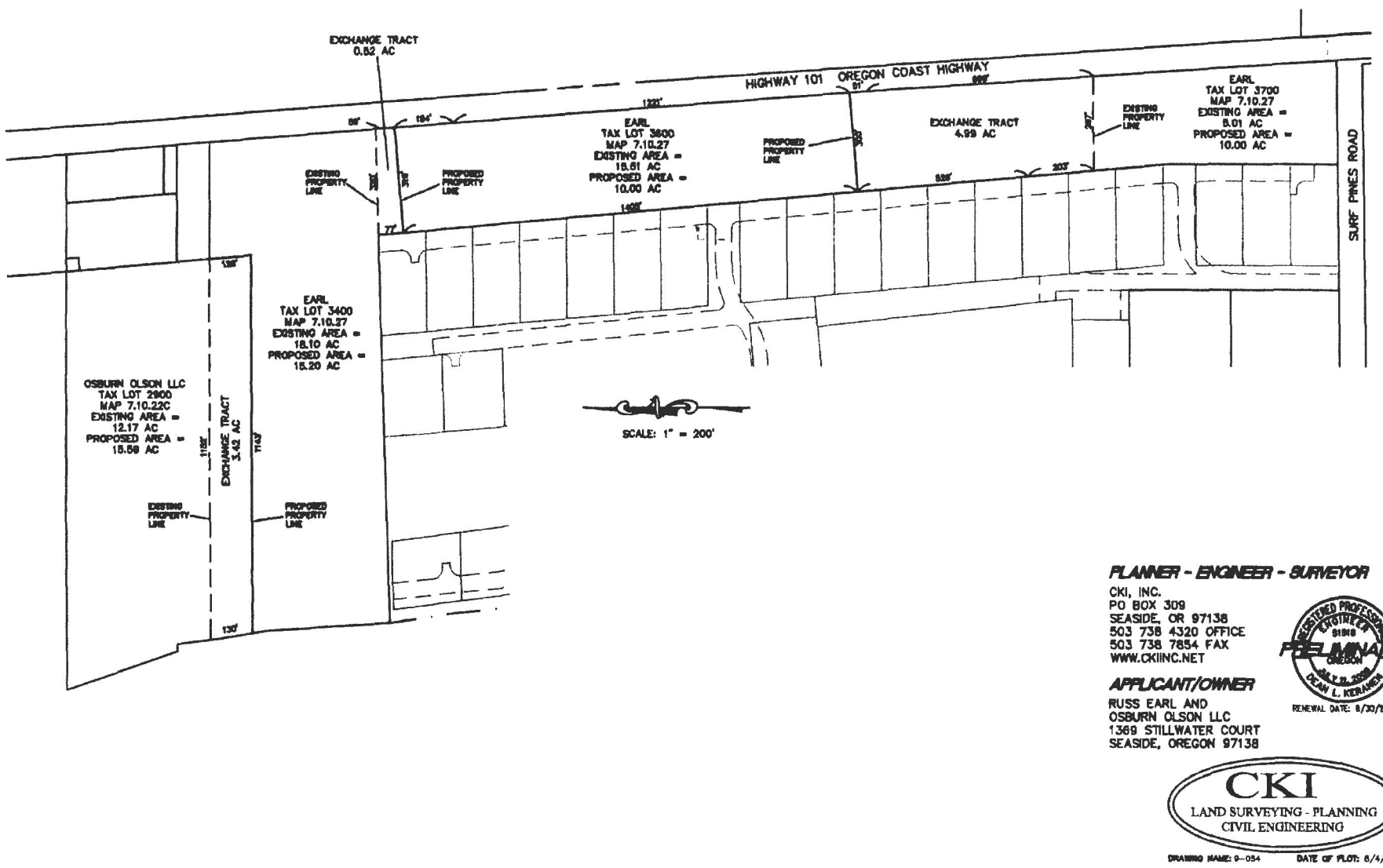
SHEET 1 OF 4

342

CLATSOP ESTATES AND WEST DUNES

PROPOSED PROPERTY LINE ADJUSTMENTS

IN SECTION 27, T7N, R10W, W.M.
CLATSOP COUNTY, OREGON
DATE: AUGUST, 2011 SCALE: 1" = 200'



PLANNER - ENGINEER - SURVEYOR

CKI, INC.
PO BOX 309
SEASIDE, OR 97138
503 738 4320 OFFICE
503 738 7854 FAX
WWW.CKIINC.NET

REGISTERED PROFESSIONAL ENGINEER 51848 OREGON PRELIMINARY DEAN L. KERAMES
RENEWAL DATE: 6/30/2013

APPLICANT/OWNER

RUSS EARL AND
OSBURN OLSON LLC
1369 STILLWATER COURT
SEASIDE, OREGON 97138

CKI
LAND SURVEYING - PLANNING
CIVIL ENGINEERING

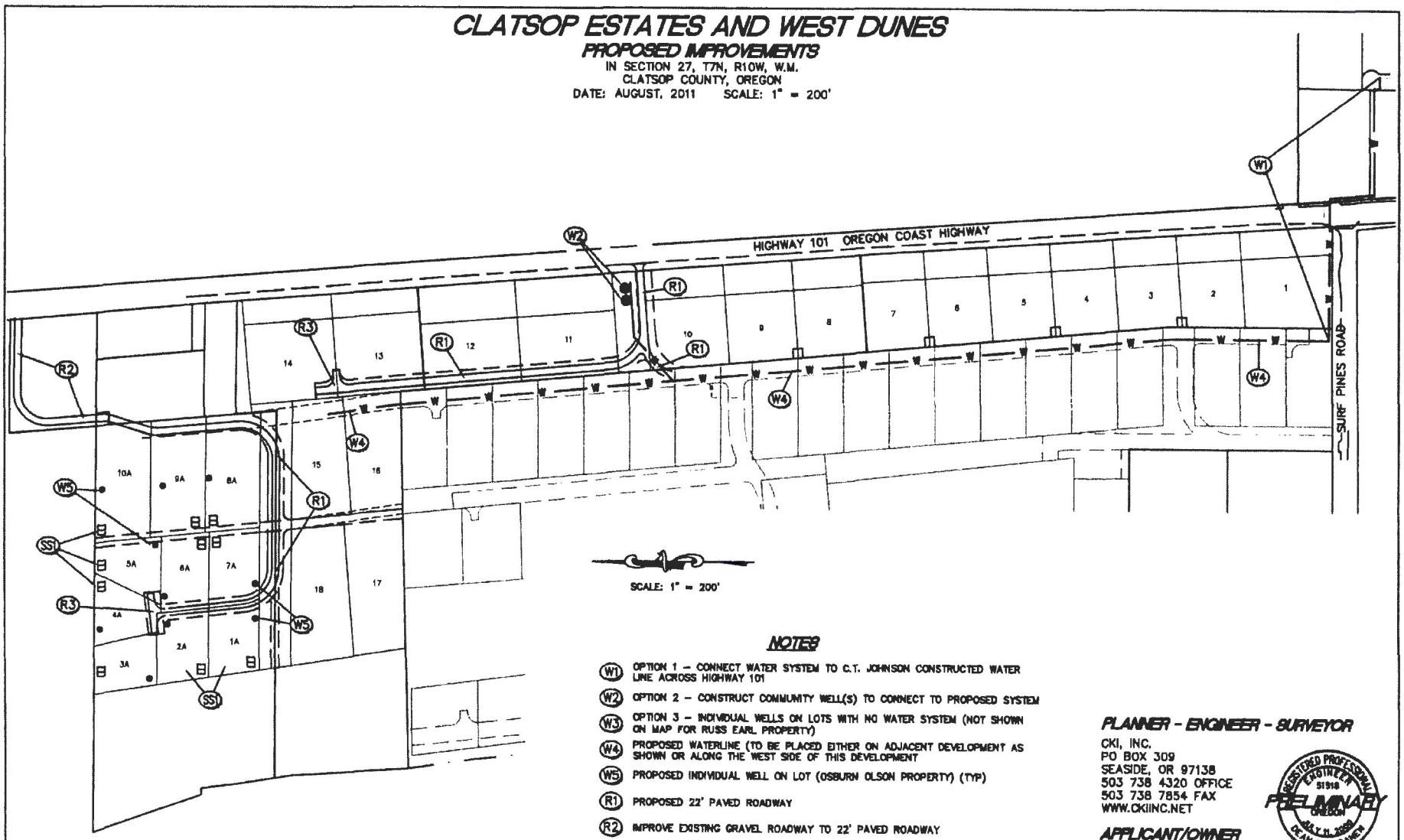
DRAWING NAME: 9-054 DATE OF PLOT: 8/4/11

SHEET 2 OF 4

CLATSOP ESTATES AND WEST DUNES

PROPOSED IMPROVEMENTS

IN SECTION 27, T7N, R10W, W.M.
CLATSOP COUNTY, OREGON
DATE: AUGUST, 2011 SCALE: 1" = 200'



SCALE: 1" = 200'

NOTES

- (W1) OPTION 1 – CONNECT WATER SYSTEM TO C.T. JOHNSON CONSTRUCTED WATER LINE ACROSS HIGHWAY 101
- (W2) OPTION 2 – CONSTRUCT COMMUNITY WELL(S) TO CONNECT TO PROPOSED SYSTEM
- (W3) OPTION 3 – INDIVIDUAL WELLS ON LOTS WITH NO WATER SYSTEM (NOT SHOWN ON MAP FOR RUSS EARL PROPERTY)
- (W4) PROPOSED WATERLINE (TO BE PLACED EITHER ON ADJACENT DEVELOPMENT AS SHOWN OR ALONG THE WEST SIDE OF THIS DEVELOPMENT
- (W5) PROPOSED INDIVIDUAL WELL ON LOT (OSBURN OLSON PROPERTY) (TYP)
- (R1) PROPOSED 22' PAVED ROADWAY
- (R2) IMPROVE EXISTING GRAVEL ROADWAY TO 22' PAVED ROADWAY
- (R3) PROPOSED FIRE APPARATUS TURNAROUND
- (SS1) PROPOSED SEPTIC DRAINFIELD AND REPAIR AREA (TYP)

PLANNER - ENGINEER - SURVEYOR

CKI, INC.
PO BOX 309
SEASIDE, OR 97138
503 738 4320 OFFICE
503 738 7854 FAX
WWW.CKIINC.NET

APPLICANT/OWNER

RUSS EARL AND
OSBURN OLSON LLC
1369 STILLWATER COURT
SEASIDE, OREGON 97138

REGISTERED PROFESSIONAL ENGINEER 51918 OREGON JULY 31, 2009 DEAN L. KERAMES
PRELIMINARY
RENEWAL DATE: 6/30/2013

CKI
LAND SURVEYING - PLANNING
CIVIL ENGINEERING

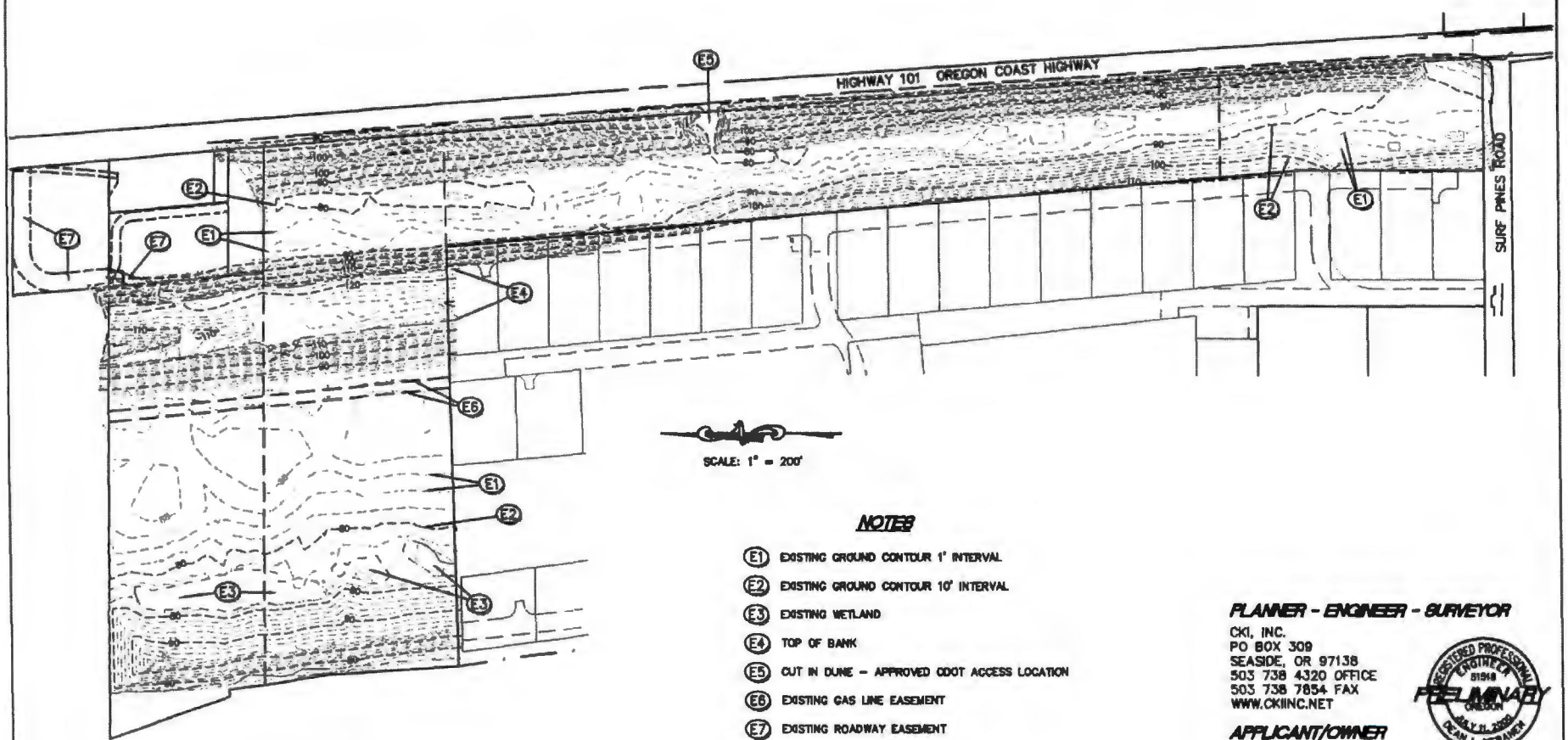
DRAWING NAME: 9-054 DATE OF PLOT: 8/4/11

SHEET 3 OF 4

CLATSOP ESTATES AND WEST DUNES

EXISTING CONDITIONS

IN SECTION 27, T7N, R10W, W.M.
CLATSOP COUNTY, OREGON
DATE: AUGUST, 2011 SCALE: 1" = 200'



SCALE: 1" = 200'

NOTES

(E1) EXISTING GROUND CONTOUR 1' INTERVAL
(E2) EXISTING GROUND CONTOUR 10' INTERVAL
(E3) EXISTING WETLAND
(E4) TOP OF BANK
(E5) CUT IN DUNE – APPROVED ODOT ACCESS LOCATION
(E6) EXISTING GAS LINE EASEMENT
(E7) EXISTING ROADWAY EASEMENT

PLANNER - ENGINEER - SURVEYOR

CKI, INC.
PO BOX 309
SEASIDE, OR 97138
503 738 4320 OFFICE
503 738 7854 FAX
WWW.CKIINC.NET

REGISTERED PROFESSIONAL ENGINEER 51949 OREGON JULY 31, 2009 DEAN L. KERAMIDA

PRELIMINARY

RENEWAL DATE: 6/30/2013

APPLICANT/OWNER

RUSS EARL AND
OSBURN OLSON LLC
1389 STILLWATER COURT
SEASIDE, OREGON 97138

CKI
LAND SURVEYING - PLANNING
CIVIL ENGINEERING

DRAWING NAME: 9-054 DATE OF PLOT: 8/4/11

SHEET 4 OF 4

Miles Sweeney

D. 503.412.6727
milessweeney@brownsteinrask.com

RECEIVED
Clatsop County

FEB 08 2012

Land Use/Planning

February 8, 2012

VIA FACSIMILE AND U.S. MAIL

Clatsop County Land Use Planning
Attn: Jennifer Bunch
800 Exchange St., Room 100
Astoria, OR 97103

RE: Ordinance 12-01 *Proposed*

Dear Planning Commission:

We own the home and property immediately to the south of the property which is subject to the proposed land use application. We purchased the property and developed the site based on the understanding that there would never be any development to the north due to the restricted easement imposed as a condition of the donation of the Yeon property. As I understand it, the proposed density transfer would confirm that no development but that an unintended consequence of this proposal would be to enlarge the existing setback of 5' to 50'.

Our lot is 50' wide with a 5' setback on each side. A 50' setback would encompass all or our home. As I understand it, since the home is in place it would be "grandfathered in" but we could never improve our home or make any change in its existing footprint. Obviously, we would not have purchased our property and built our home if we understood that the right to create any improvements on our property could subsequently be eliminated.

The initial Notice to owners of property within 250' of the subject property did not make reference to the 50' setback that would follow approval. It was only thanks to the follow-up letter of February 7, 2012 that the proposed amendment "....may result in a new setback on your property" that we realized the potential devastation to our property and plans. Ms. Bunch, who sent the February 7th follow-up, confirmed the 50' setback consequence. I mention this history since it may very well be other adjacent property owners did not realize the affect upon them of the proposal.

Leaving aside the wisdom of the proposed development given the excess of unsold lots in the area we wish to oppose the subject ordinance since an unintended consequence of same would be to destroy our plans for our home. We are not anti-growth. If, as a condition of

approval of the subject ordinance, we could be assured that the setback would remain at only 5' we would be prepared to withdraw our objections.

We plan on being in attendance at 1:00pm to answer any questions or comments that the Commission might have regarding this protest.

Respectfully Submitted,

Miles Sweeney

Sandra Sweeney

FEB-8-2012 14:36 FROM:BROWNSTEIN RASK 5032211074 TO:915033383666 P:3/3

RECEIVED
Clatsop County
FEB 10 2012
Land Use/Planning

CLATSOP COUNTY PLANNING & COMMISSION
800 EXCHANGE ST., SUITE 100
ASTORIA, OR 97103
ATT'N: JENNIFER BUNCH FRI. 2/10/2012.

RE: ORDINANCE 12-01 PROPOSED, AND UNDER-SIGNED TRACT 1 McCORMICK GARDENS (9.88 Ac)

I, MELVIN N. MAKI, HEREBY OBJECT TO AND STONGLY OPPOSE ANY ACTIVITY OR ACTION THAT ALTERS SETBACKS; OR OTHERWISE EFFECTS MY SUBJECT 9.88 ACRE PROPERTY, KNOWN AS TRACT 1. SAID PROPERTY WAS PLATTED IN 1910, 102 YEARS AGO, AS AGRICULTURAL. WHY CHANGE NOW?

I ALSO OPPOSE SUCH MODIFICATIONS TO MY 329.64 ACRE PROPERTY LINES OFF DELMOOR ROAD. FURTHER, I AM CONCERNED ABOUT HIGHWAY 101 TRAFFIC DENSITY & SAFETY IN THAT AREA, OF THE PROPOSED SUB-DIVISION; ESPECIALLY AT THE ODOT APPROVED INTERSECTION OF WEST DUNE LANE WITH HIGHWAY 101.

THANK YOU FOR PRESENTING THIS LETTER OPPOSING ANY SETBACK CHANGES TO MY PROPERTY AT TRACT 1, McCORMICK GARDENS; AND MY CONCERN FOR 101 SAFETY RESULTING FROM THE PROPOSED SUB-DIVISION.

IN CLOSING, I AM FOR PROGRESS, AND IF IT IS CRITICAL FOR THE PROPOSED PROJECT, ~~AND~~ I MIGHT BE WILLING TO SELL MY 9.88 ACRES. GOOD LUCK.

2/10/12. Melvin N. Maki
MELVIN N. MAKI

Volunteer Fire Department
P.O. Box 2530/670 Pacific Way
Gearhart, Oregon 97138
503-738-7838 / 503-738-9385 (fax)
gearhartfd@freedomnw.com / gearhartfire.com (web)

February 10, 2012

Attn. Jennifer Bunch
Clatsop County Planning
Astoria, Oregon 97103

RE: Clatsop Estates & West Dunes

Eleven (11) pages to follow.

Jennifer,

If you should have any questions and need anything else please feel free to contact me.

Thanks,
Bill
Gearhart Fire

Volunteer Fire Department
P.O. Box 2530/670 Pacific Way
Gearhart, Oregon 97138
503-738-7838 / 503-738-9385 (fax)
gearhartfd@freedomnw.com / gearhartfire.com (web)

February 10, 2012

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

RE: Fire Department Access & Water Supply
Clatsop Estates & West Dunes
Proposed Subdivision

Included are two (2) previous documents on file regarding this proposal, Fire Department requirements will be contained later in this testimony. Two points I would like for you to consider prior to Fire Department requirements.

First, Clatsop Plains has experienced significant growth in the past ten (10) years and by all indication will accelerate in the coming years. A solid plan should be in place to ensure this future growth and safety of the public by sound infrastructure. The infrastructure I am referring too is a municipal/public water system large enough to satisfy this growth and adaptable to future growth so hydrant systems are installed ensuring safety to the residents and firefighters.

Secondly, the residents of the Gearhart Rural Fire Protection District and the Gearhart Fire Department have work hard and are proud of their Insurance Services Office (ISO) 4 Rating. The ISO is a national company that rates fire protection areas and assigns them a rating based on many factors, two major sections are water supply and distance from a responding station. Over the

years Surf Pines, Cullaby Lake, Sunset Lake, Pinehurst, etc. have invested in establishing infrastructure to construct hydrant systems within their respective communities. Because of this and the construction of the new Sub-Station located in the West Lake area the entire Gearhart Rural Fire Protection District in the Clatsop Plains now benefits from an ISO Class 4 rating (a very good rating, lower the number the better).

In conclusion, by requiring the developers to adhere to the Fire Department Access and Water Supplies listed below we can ensure the same or greater level of safety to the residents of the Gearhart Rural Fire Protection District and the ability to benefit from their investment related to the very good ISO rating they have established.

Fire Department Access & Water Supply Requirements

Fire Department Access:

Road widths shall meet Clatsop County Road requirements. Apparatus turnarounds shall meet the requirements set forth in the OFC and posted "No Parking".

Since there are no dimensions indicated for road widths or apparatus turnarounds they shall be approved by the Fire Chief prior to final approval. The proposed development is listed at **28 lots**. Two (2) access roads shall be required if more than **30 residential lots** are permitted or accessed thru the current single ODOT approved access (exceptions may be allowed through additional requirements, OFC and approval of Clatsop County).

Fire Department Water Supply:

Since there will be a higher lot density than the property was originally zoned as the requirements for Water Supply are as follows.

1. A hydrant system meeting the requirements set forth in the OFC shall be installed.

2. Hydrant locations shall be approved by the Fire Chief.

The purpose of this requirement is to ensure the current level of protection to the residents of the Gearhart Rural Fire Protection District is not jeopardized.

2/10/2012

In December 2007 a request was submitted for a zoning change on the identical property, the same requirement was essential then. Another comment was sent to Clatsop County Planning August of 2011.

(Please see attached letter dated December 10, 2007 & August 15, 2011).

If you should have any questions please feel free to contact me.

Thank you,

Bill Eddy
Fire Chief
Gearhart Fire Department

2/10/2012

Volunteer Fire Department
P.O. Box 2530 • Gearhart, OR 97138

August 15, 2011

Jennifer Bunch
Clatsop County Planning
Astoria, Oregon 97103

RE: Fire Department Requirements
Clatsop Estates & West Dunes
Russ Earl and Osburn Olson LLC
Tentative Plat

Fire Department Access & Water Supply

Fire Department Access:

Road widths shall meet Clatsop County Road requirements. Apparatus turnarounds shall meet the requirements set forth in the OFC and posted "No Parking".

Since there are no dimensions indicated for road widths or apparatus turnarounds they shall be approved by the Fire Chief prior to final approval. The proposed development is listed at 28 lots. Two (2) access roads shall be required if more than 30 residential lots are permitted or accessed thru the current single ODOT approved access (exceptions may be allowed for approved automatic sprinkler systems).

Fire Department Water Supply:

Since there will be a higher lot density than the property was originally zoned as the requirements for Water Supply are as follows.

1. A hydrant system meeting the requirements set forth in the OFC shall be installed.

2. Hydrant locations shall be approved by the Fire Chief.

The purpose of this requirement is to ensure the current level of protection to the residents of the Gearhart Rural Fire Protection District is not jeopardized.

In December 2007 a request was submitted for a zoning change on the identical property, the same requirement was essential then.

(Please see attached letter dated December 10, 2007.)

The "Tentative Plat" attached does not show any Fire Department features (road widths, apparatus turnarounds measurements, hydrant locations, etc), these requirement need to be approved by the Fire Chief prior to approval of this development.

If you should have any questions please feel free to contact me.

~~Thank~~ you,

Bill Eddy
Fire Chief
Gearhart Fire Department

cc: Gearhart Rural Fire Protection Board Members
Russ Earl
File

GEARHART
Volunteer Fire Department
P.O. Box 2530 • Gearhart, OR 97138

December 10, 2007

Patrick Wingard, Principal Planner
Clatsop County Community Development
800 Exchange St., Suite 100
Astoria, Oregon 97103

RE: Zoning Change (RA-5 to RA-2), Russ Earl & Osburn-Olson LLC
T7N - R10W – SEC 22C TL 2900 & T7N – R10W, SEC 27, TL's 3300, 3400, 3600, 3700

Mr. Wingard,

Fire Department Access & Water Supply

Fire Department Access:

Fire Department Access shall meet the guidelines as set forth in the OFC Application Guide and the Oregon Fire Code. This can be done if the zoning change is approved and prior to any final approval of the actual development plans (access, roads & turnarounds).

Fire Department Water Supply:

With respects to Fire Department Water Supply, this Zone change presents a unique issue that needs to be addressed prior to approval. Since the applicants

are requesting a zoning change for a higher density of buildable lots Water Supply requirements shall need to be as follows for the adequate fire protection and to ensure the present level of protection to the residents of the Gearhart Rural Fire Protection District not be jeopardized.

1. A hydrant system meeting the requirements set forth in the Oregon Fire Code shall be required.

2. Fire flow requirements shall meet the requirements set forth in the Oregon Fire Code.

If you should have any questions, or feel you need my presence at the Public Hearing please contact me.

Thank you,

Bill Eddy
Fire Chief
Gearhart Fire Department

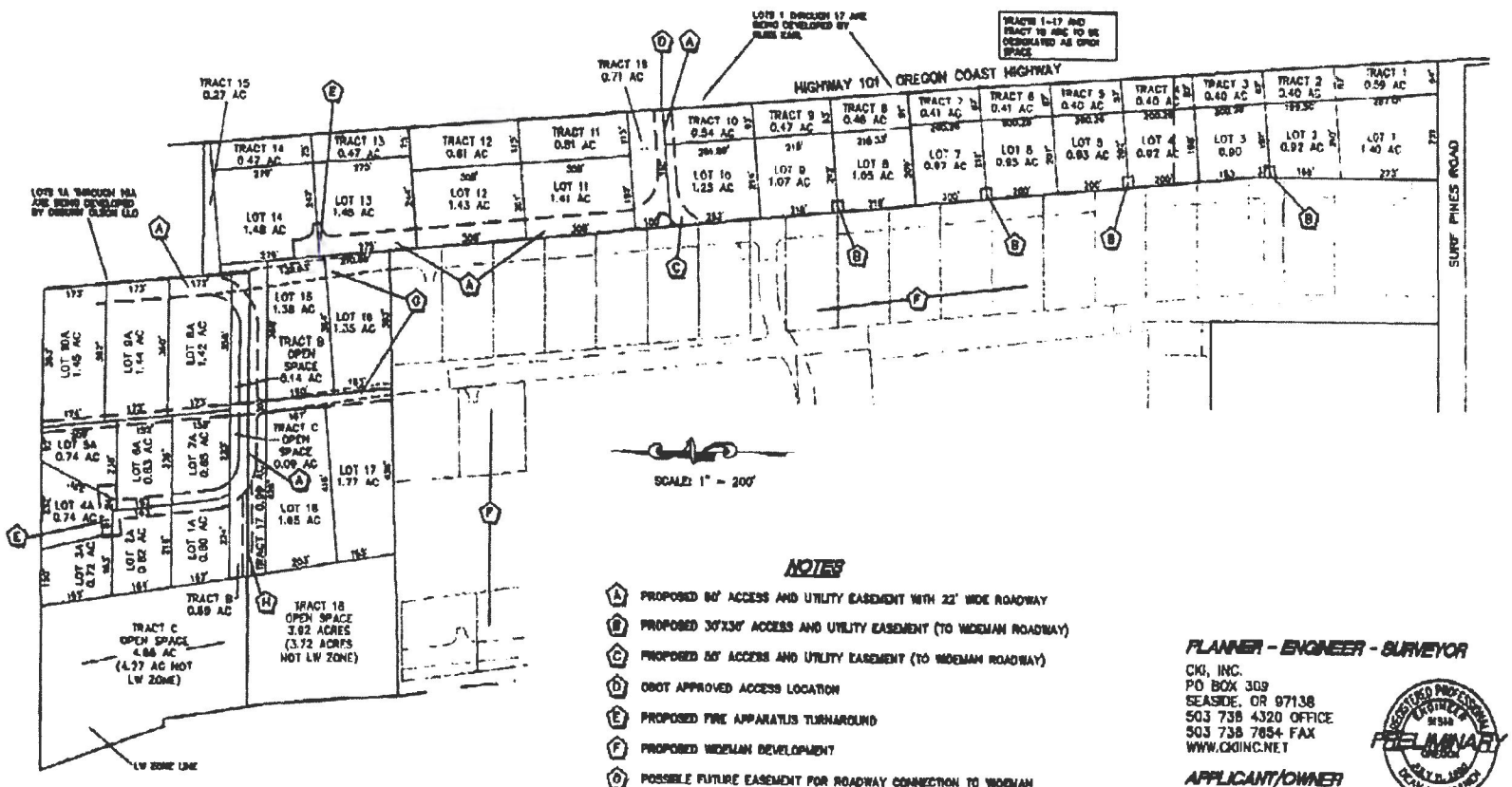
cc: Gearhart Rural Fire Protection Board Members
File

Feb 10 12 03:03p CITY OF GEARHART 5037389385 p.9

CLATSOP ESTATES AND WEST DUNES

TENTATIVE PLAT

IN SECTION 27, T7N, R10W, W.M.
CLATSOP COUNTY, OREGON
DATE: AUGUST, 2011 SCALE: 1" = 200'



NOTES

- (A) PROPOSED 60' ACCESS AND UTILITY EASEMENT WITH 22' WIDE ROADWAY
- (B) PROPOSED 30'X30' ACCESS AND UTILITY EASEMENT (TO WIDEMAN ROADWAY)
- (C) PROPOSED 50' ACCESS AND UTILITY EASEMENT (TO WIDEMAN ROADWAY)
- (D) ODOT APPROVED ACCESS LOCATION
- (E) PROPOSED FIRE APPARATUS TURNAROUND
- (F) PROPOSED WIDEMAN DEVELOPMENT
- (G) POSSIBLE FUTURE EASEMENT FOR ROADWAY CONNECTION TO WIDEMAN
- (H) POSSIBLE 25' ACCESS EASEMENT TO PROPOSED LAND CONSERVANCY TRACTS

PLANNER - ENGINEER - SURVEYOR

CKI, INC.
PO BOX 309
SEASIDE, OR 97138
503 738 4320 OFFICE
503 738 7654 FAX
WWW.CKIINC.NET

REGISTERED PROFESSIONAL ENGINEER OREGON JULY 9, 1982 DEAN L. KEPHART — PRELIMINARY — RENEWAL DATE: 6/30/2013

APPLICANT/OWNER

RUSS EARL AND
OSBURN OLSON LLC
1369 STILLWATER COURT
SEASIDE, OREGON 97138

SHEET INDEX

1. TENTATIVE PLAT
2. PROPOSED LOT LINE ADJUSTMENTS
3. PROPOSED IMPROVEMENTS
4. EXISTING CONDITIONS

CKI
LAND SURVEYING PLANNING
CIVIL ENGINEERING

DRAWING NAME: B-034 DATE OF PLOT: 8/4/11

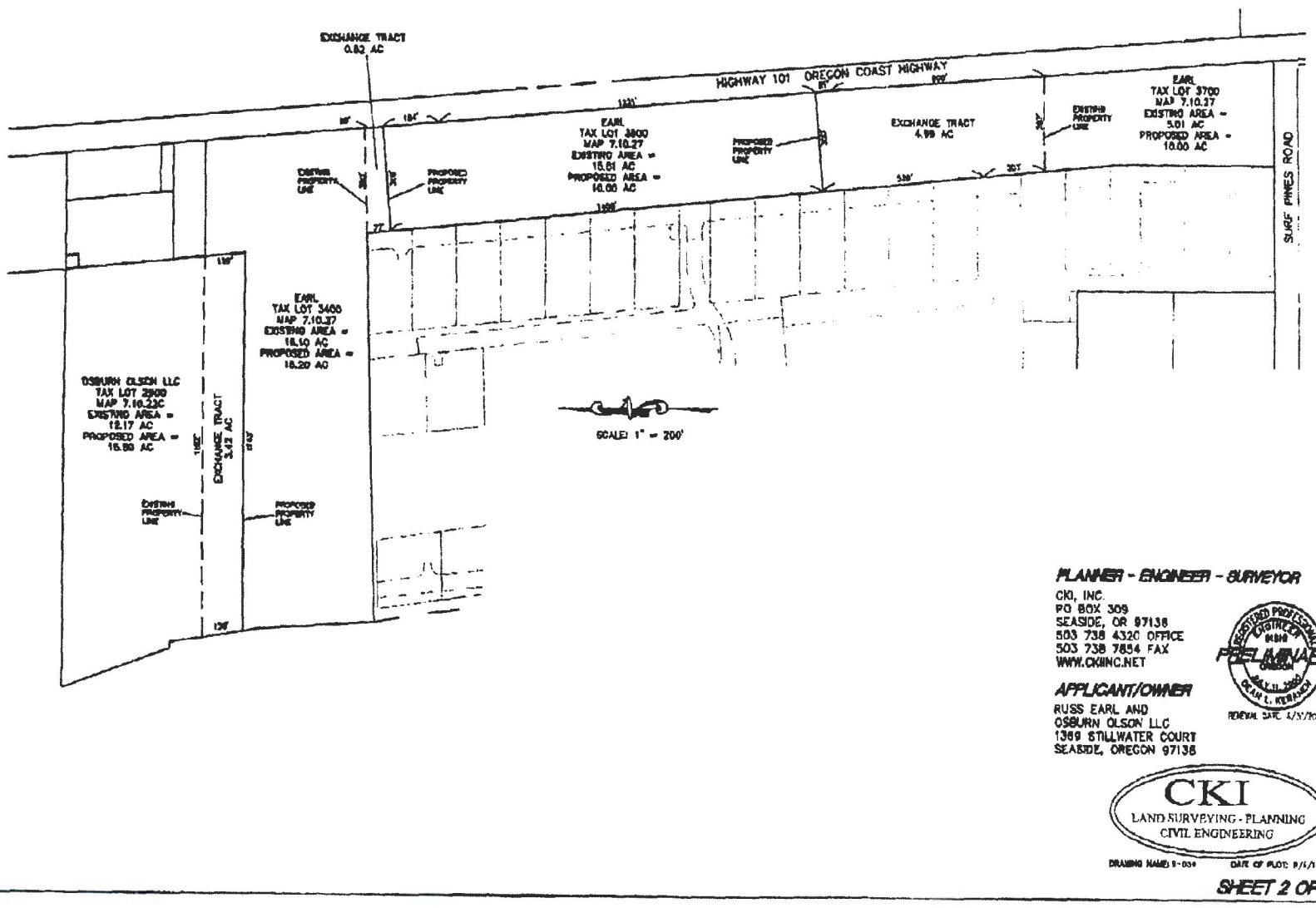
SHEET 1 OF 4

357

CLATSOP ESTATES AND WEST DUNES

PROPOSED PROPERTY LINE ADJUSTMENTS

IN SECTION 27, T7N, R10W, W.M.
CLATSOP COUNTY, OREGON
DATE: AUGUST, 2011 SCALE: 1" = 200'



PLANNER - ENGINEER - SURVEYOR
CKI, INC.
PO BOX 309
SEASIDE, OR 97138
503 738 4320 OFFICE
503 738 7854 FAX
WWW.CKIINC.NET

APPLICANT/OWNER
RUSS EARL AND
OSBURN OLSON LLC
1369 STILLWATER COURT
SEASIDE, OREGON 97138

REGISTERED PROFESSIONAL ENGINEER OREGON PRELIMINARY JULY 12, 2005 CRAIG L. KERRANEN
RENEWAL DATE: 6/30/2013

CKI
LAND SURVEYING - PLANNING
CIVIL ENGINEERING

DRAWING NAME: 8-030 DATE OF PLOT: 8/6/11

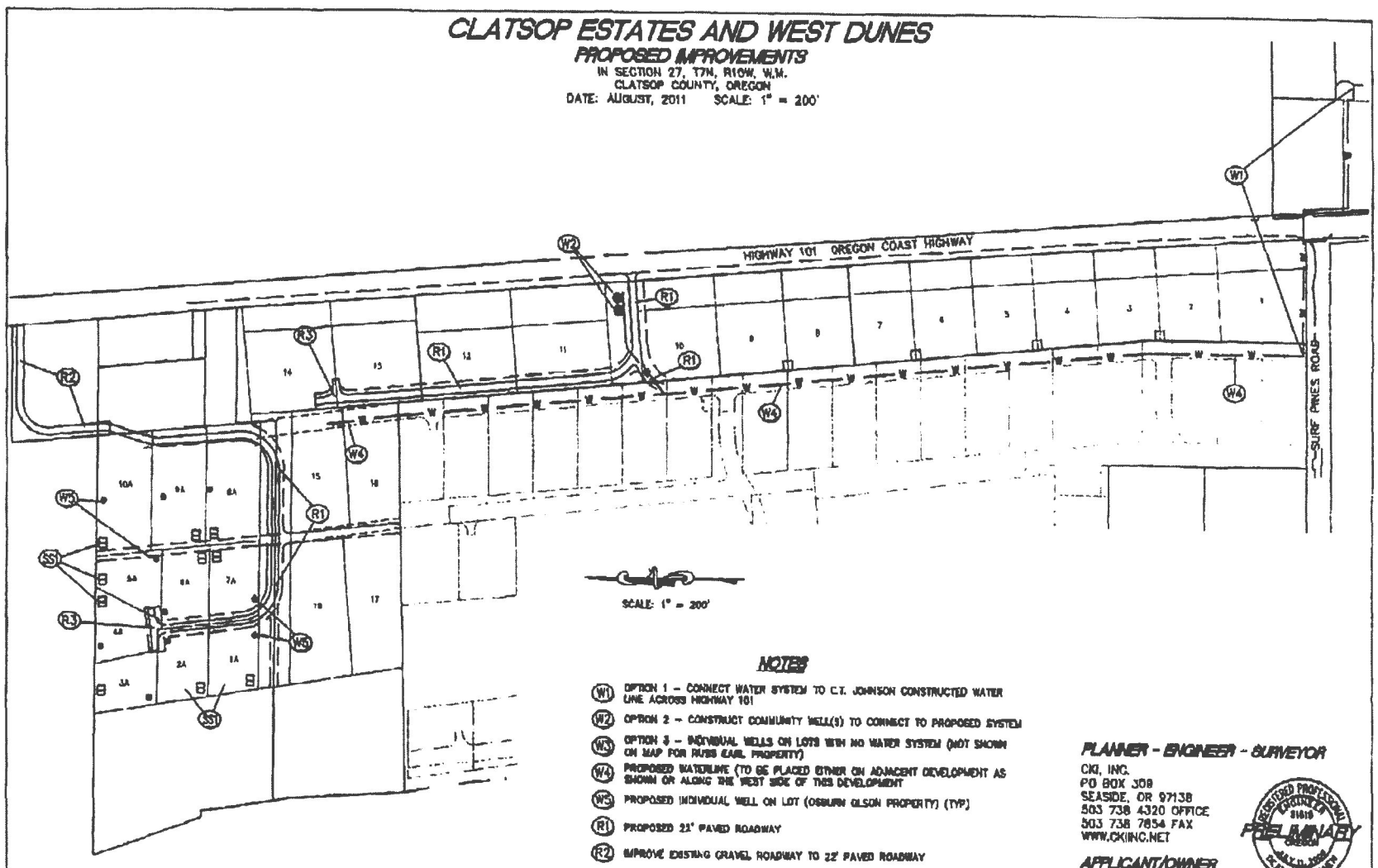
SHEET 2 OF 4

p.11
5037389385
CITY OF GEARHART
Feb 10 12 03:04p
359

CLATSOP ESTATES AND WEST DUNES

PROPOSED IMPROVEMENTS

IN SECTION 27, T7N, R10W, W.M.
CLATSOP COUNTY, OREGON
DATE: AUGUST, 2011 SCALE: 1" = 200'



SCALE: 1" = 200'

NOTES

- (W1) OPTION 1 – CONNECT WATER SYSTEM TO C.T. JOHNSON CONSTRUCTED WATER LINE ACROSS HIGHWAY 101
- (W2) OPTION 2 – CONSTRUCT COMMUNITY WELL(S) TO CONNECT TO PROPOSED SYSTEM
- (W3) OPTION 3 – INDIVIDUAL WELLS ON LOTS WITH NO WATER SYSTEM (NOT SHOWN ON MAP FOR RUSS EARL PROPERTY)
- (W4) PROPOSED WATERLINE (TO BE PLACED EITHER ON ADJACENT DEVELOPMENT AS SHOWN OR ALONG THE WEST SIDE OF THIS DEVELOPMENT
- (W5) PROPOSED INDIVIDUAL WELL ON LOT (OSBURN OLSON PROPERTY) (TYP)
- (R1) PROPOSED 22' PAVED ROADWAY
- (R2) IMPROVE EXISTING GRAVEL ROADWAY TO 22' PAVED ROADWAY
- (R3) PROPOSED FIRE APPARATUS TURNAROUND
- (SS) PROPOSED SEPTIC DRAINFIELD AND REPAIR AREA (TYP)

PLANNER - ENGINEER - SURVEYOR

CKI, INC.
PO BOX 309
SEASIDE, OR 97138
503 738 4320 OFFICE
503 738 7854 FAX
WWW.CKIINC.NET

REGISTERED PROFESSIONAL ENGINEER 51619 OREGON PRELIMINARY MAY 11, 1982 DEAN L. MYHRER

RENEWAL DATE: 6/30/2013

APPLICANT/OWNER

RUSS EARL AND
OSBURN OLSON LLC
1389 STILLWATER COURT
SEASIDE, OREGON 97138

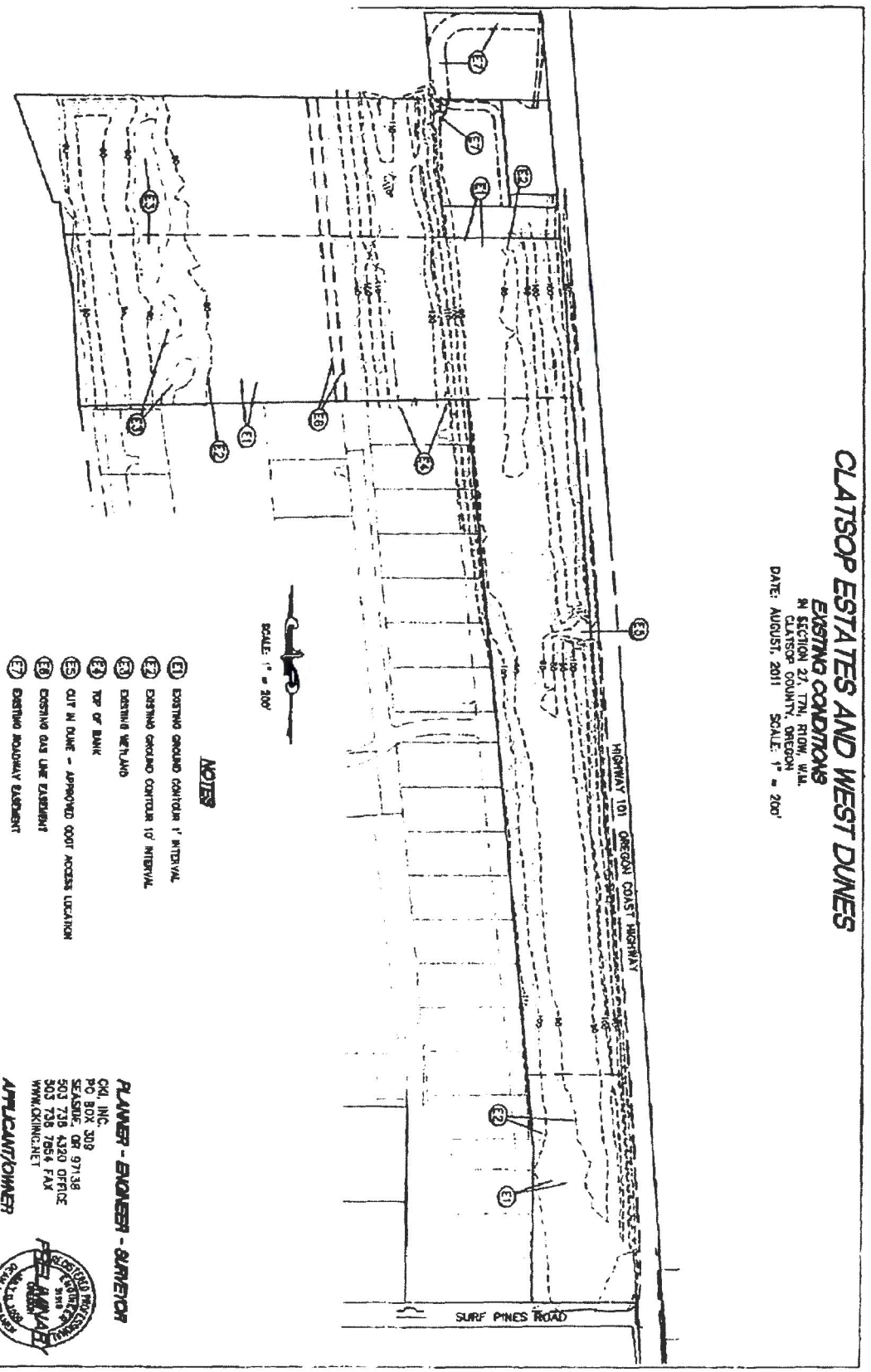
CKI
LAND SURVEYING - PLANNING
CIVIL ENGINEERING

DRAWING NAME: S-004 DATE OF PLOT: 8/4/11

CLATSOP ESTATES AND WEST DUNES

EXISTING CONDITIONS

IN SECTION 27, T7N, R10W, W.M.
CLATSOP COUNTY, OREGON
DATE: AUGUST, 2011 SCALE: 1" = 200'



SCALE: 1" = 200'

NOTES

(E1) EXISTING GROUND CONTOUR 1' INTERVAL
(E2) EXISTING GROUND CONTOUR 10' INTERVAL
(E3) EXISTING WETLAND
(E4) TOP OF BANK
(E5) CUT IN DUNE – APPROVED ODOT ACCESS LOCATION
(E6) EXISTING GAS LINE EASEMENT
(E7) EXISTING ROADWAY EASEMENT

PLANNER - ENGINEER - SURVEYOR
CKI, INC.
PO BOX 309
SEASIDE, OR 97138
503 738 4320 OFFICE
503 738 7854 FAX
WWW.CKIINC.NET

APPLICANT/OWNER
RUSS EARL AND
OSBURN OLSON LLC
1369 STRAWATER COURT
SEASIDE, OREGON 97138

REGISTERED PROFESSIONAL ENGINEER OREGON ROBERT L. STRAWATER 9910 RENEWAL DATE 6/30/2013

PRELIMINARY

CKI
LAND SURVEYING - PLANNING
CIVIL ENGINEERING

DRAWING NAME: e-ES1 DATE OF PLOT: 8/4/11

SHEET 4 OF 4

Surf Pines Association
33317 Surf Pines Lane
Warrenton, OR 97146

February 13, 2012

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

RE: Proposed Ordinance 12-01
Clatsop Estates and West Dunes Subdivisions

Dear Chairman Bruce Francis and Members of the Planning Commission,

Surf Pines Association, an Oregon nonprofit corporation with 350 members, owns property that abuts the southerly extent of proposed West Dunes Subdivision. The Surf Pines Association boundary abuts proposed Sending Site 710160000500.

The Association appreciates the opportunity to provide comment to the Planning Commission in its consideration of the consolidated land use application that includes comprehensive plan and text amendments, property line adjustments and two subdivisions in the Clatsop Plains planning area. Surf Pines' primary concerns with regard to the proposed application are as follows:

Increased Setbacks (Yard Areas) on Surf Pines Association Properties [LWDUO 5.412(5)]
Surf Pines Association opposes any land use action that would increase setback, or yard area, requirements on properties within the Surf Pines boundary. If the application were approved as presented, the proposed "down-zone" on Sending Site 710160000500 would cause some structures within Surf Pines to be classified as non-conforming. This is not acceptable. The Association asks that the Planning Commission consider this negative impact to affected parcels in its review of this application and adjust the plans accordingly.

Access and Circulation Plan [LWDUO 5.200, 5.350, 5.400, Std's Chapter 5, Std's Chapter 6; Goal 12 – Transportation]
Surf Pines Association owns Surf Pines Lane. The Association opposes any land use action that assumes use of this private roadway in the land use review and approval process. If the application were approved as presented, roads within West Dunes Subdivision would connect to roads within Polo Ridge Subdivision. In April 2011, Surf Pines Association granted conditional approval for a single roadway connection from Polo Ridge Subdivision to Surf Pines Lane. This approval was conditioned on the applicant making certain improvements in the area and

obtaining a favorable, two-thirds, vote by the Surf Pines Association Membership. This conditional approval did not extend to other properties and if West Dunes Subdivision were to be approved as presented, the Association would rescind its conditional approval to Polo Ridge. The Association is adamant that unauthorized use of Surf Pines Lane not occur in conjunction with this land use request. This private roadway should, in no way, be relied upon as being part of an acceptable access and circulation plan for the proposal.

Surf Pines Association is concerned that the applicant does not propose any improvements to Hwy 101 to mitigate the impacts of the proposed subdivisions. Has Clatsop County assessed the subdivision proposals against its Comprehensive Plan (Goal 12) Transportation Mobility, Coordination, Safety, System Preservation etc. Goals and Objectives?

Will proposed Clatsop Estates Lane connect to Hwy 101 via a second ODOT-approved access location somewhere to the north of the West Dunes Lane access point? If so, has Clatsop County reviewed this proposed new, or expanded, connection versus its applicable Goal 12 plan policies?

In its application, the applicant's engineer references an ODOT approved access location for proposed West Dunes Lane. Has Clatsop County confirmed with ODOT that this approval also includes access for the Polo Ridge lots? Has Clatsop County confirmed with ODOT that this approved access location accounts for the second proposed access point for Clatsop Estates Lane to the north?

Water Supply [LWDUO 5.226(22)(B), S5.120(1); Goal 11 – Public Facilities & Services]
Surf Pines Association recognizes and supports proposed Condition of Approval #1 to require installation of a hydrant system for proposed Clatsop Estates and West Dunes Subdivisions.

The applicant proposes use of individual wells for supply of water to the two proposed subdivisions. Clatsop County appears to rely solely on Chief Eddy's August 15, 2011 letter as its basis for imposing Condition of Approval #1. Has Clatsop County considered the following Goal 11 plan policies in evaluating the subdivision requests?

Water Supply Systems Policies

1. If a community water system is to be utilized, either in the development of a subdivision, planned development, or the building of individual residences, commercial or industrial structures requiring water or subsurface sewage disposal, the County shall require proof that a year-round source of potable water is available.

3. When water supply to a subdivision or planned development is to be from a source other than a community water system, the developer shall provide evidence of a proven source of supply and guarantee availability of water to all parcels of land within the proposed development.

4. Clatsop County shall encourage existing community water supply systems to be improved and maintained at a level sufficient to:

   a. provide adequate fire flow and storage capacity to meet the service area requirements,
   b. meet the anticipated long-range maximum daily use and emergency needs of the service area, and
   c. provide adequate pressure to ensure the efficient operation of the water distribution system.

5. Clatsop County shall cooperate with the various cities in examining the feasibility of developing some type of regional water system to provide municipal and community water.

Clatsop Plains Residential Cluster Development Standards [LWDUO S3.150; Clatsop Plains Community Plan]

The proposed privately held tracts of land along Hwy 101 do not meet the county's definition for Common Open Space and should not be counted towards meeting the minimum (30%) amount of common open space for subdivision in the Clatsop Plains Planning Area.

LWDUO S3.160(4) requires that buffers (screening) be required in all subdivisions along all property lines adjacent to arterials and/or collectors. Surf Pines Lane is a moderate (35 mph) speed roadway that collects traffic from Manion Drive, Ocean Drive, Stellar Lane and several other local roads and provides a connection to Hwy 101, an arterial roadway. As a collector roadway, Surf Pines Lane needs to be screened from the proposed West Dunes Subdivision. The existing single-family residence at 33503 Surf Pines Lane takes access from Surf Pines Lane. The Association acknowledges that this driveway to proposed Lot 1, West Dunes Subdivision will continue in the future. To provide the required buffers (screening) to Surf Pines Lane, the Association asks that the Planning Commission consider imposing this condition between proposed Lots 1 and 2 instead of along the roadway itself to allow for an uninterrupted, and more effective, buffer.

Thank you very much for your time and consideration. Please include Surf Pines Association in all future mailed notices for this proposal.

Respectfully,

Patrick Wingard, AICP
Surf Pines Administrator
(503) 717-3995
wingardpds@gmail.com

Copy. Surf Pines Association, Board of Directors
Bill Johnston, ODOT Region 2 Planner
Chief Bill Eddy, Gearhart RFPD

Surf Pines Association
33317 Surf Pines Lane
Warrenton, OR 97146

March 12, 2012

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

RE: Proposed Ordinance 12-01
Clatsop Estates and West Dunes Subdivisions

Dear Chairman Bruce Francis and Members of the Planning Commission,

Surf Pines Association, an Oregon nonprofit corporation with 350 members, owns property that abuts the southerly extent of proposed West Dunes Subdivision. The Surf Pines Association boundary abuts proposed Sending Site 710160000500.

The Association appreciates the opportunity to provide comment to the Planning Commission in its consideration of this consolidated land use application in the Clatsop Plains planning area. This letter is the second letter submitted to the Clatsop County Planning Commission in regard to the subject land use application. Concerns expressed in this letter are in addition to those contained in the first letter to the Planning Commission dated February 12, 2012.

The February 7, 2012 staff report and addendum appear to lack findings pertaining to the following section and sub-sections of the LWDUO Standards Document:

S3.160. Additional Residential Cluster Development Standards for the Clatsop Plains Planning Area.

(7) Standards to be evaluated to achieve purpose and intent[1].

(A) The minimum parcel size for cluster developments in the Rural Lands plan designation may be less than one (1) acre, but in no case may they be less than one-half (½) acre provided the following criteria are met.

The County has determined that satisfaction of the following criteria will achieve the County's purpose and intent to preserve the rural character of rural residential development:

[1] Note, LWDUO S3.159 (not included here) is entitled, Purpose and Intent of a Rural Residential Development in the Clatsop Plains Planning Area.

1) Total amount and percentage of permanent common open space. All permanent common open space shall constitute not less than 30% of the entire development site, excluding roads and land under water.
2) Total number of lots in an individual residential cluster. No individual cluster, which consists of two (2) or more building lots, may contain more than twenty (20) building lots.
3) Distance between individual clusters within a proposed subdivision or planned development. Each individual cluster shall be separated from any other cluster within the proposed development by no less than 100 feet as measured from lot boundaries. For purposes of this standard a road connecting two or more clusters is not considered a part of the cluster in determining the required separation.
4) Distance between proposed residential clusters and pre-existing adjacent residential development. Each proposed cluster shall be separated from any existing adjacent residential development by no less than 100 feet as measured from lot boundaries. For purposes of this standard a road connecting the proposed cluster(s) and existing residential development is not considered a part of the cluster in determining the required separation.
5) Access roads. Access roads other than those connecting cluster(s) with pre-existing adjacent residential development and roads connecting clusters shall not be permitted in areas separating cluster development and pre-existing adjacent residential development.
6) Total overall density of development. The overall density of the entire development, including both open space and clustered development shall not exceed that density allowed in the base zone.
7) Individual lot size. The proposed lot size shall satisfy applicable Oregon Department of Environmental Quality rules regarding waste water treatment systems and local setback requirements but in no case may a lot be less than one-half (½) acre in size. No lots in the Coastal Beach Residential zone may be less than one (1) acre in size.
8) Unique or significant resources on site. Any identified Goal 5 or Goal 17 resource will be preserved and protected as required by the Comprehensive Plan and designed as a part of the permanent common open space areas of the development.
9) Types and levels of public facilities. Only those types and levels of public facilities permitted by the Comprehensive Plan shall be allowed.
10) Distance between proposed residential clusters and the Urban Growth Boundary. Each proposed individual cluster shall be separated from the Urban Growth Boundary by no less than 200 feet as measured from lot boundaries, excluding any connecting roads between the proposed cluster and the Urban Growth Boundary.
11) Review Standards and Conditions:
    (a) In order for the County to conclude that a proposed planned development or subdivision in a rural residential zone maintains the rural character of the area, the County shall make findings, based upon

substantial evidence in the whole record, which establishes that the criteria have been satisfied.

(b) Upon approval of a rural residential planned development or subdivision, the County shall require, as a condition of approval, that deed restrictions shall be filed in the Clatsop County Deed Records, in a form approved by County Counsel, that prohibits additional parcelization of the approved development or vacation of any permanent open space until such time as the entire area within the development is included within an urban growth boundary.

Subdivision Preliminary Plat Information [LWDUO 5.226(23)]

(23) Compliance with the Clatsop County Comprehensive Plan and Land and Water Development and Use Ordinance, and ORS 92 and 215.

In reviewing the county staff report and addendum, Surf Pines Association is unable to determine if the application complies with several comprehensive plan policies that apply to the request, most notably:

Goal 1 – Citizen Involvement

6. Clatsop County shall encourage organizations and agencies of local, state and federal government and special districts to participate in the planning process.

Has the county determined if the information provided in the preliminary plat applications comply with this policy? Has Clatsop County communicated with the City of Warrenton with regard to water supply in the area? Has the county discussed this project with Bill Johnston, our local ODOT planner? If not, how then has Clatsop County encouraged local and state governments to participate in this planning process, one that involves area water resources and state transportation facilities? If so, then the Association would very much appreciate learning more about these communications.

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.

Surf Pines Association is concerned that many findings contained in the staff addendum/revised findings do not provide the appropriate level of evaluation or quantification as required by Citizen Involvement Policy #8 (above). In its findings, staff makes several references to plan policies or objectives not having established specific approval criteria applicable to the request. A few examples of these findings follow:

Goal 12 – Transportation, Goal 7: Environment
Objective:

3. Work to balance transportation needs with the preservation of significant natural features and viewsheds.

STAFF FINDING: The TSP Goal 7 objectives for the environment do not establish specific approval criteria applicable to the proposed zoning map amendments or subdivision proposals. They establish guidelines that assist in developing the approval criteria and development standards that are contained in the LWDUO and Standards document. The consolidated application is evaluated against the criteria and standards elsewhere in the staff report dated February 7, 2012 and in this staff report addendum.

The Overall Goal for the Clatsop Plains provides important insight into the natural resources and amenities of the area that are valued by members of Surf Pines Association:

The Clatsop Plains and Seaside-Gearhart Citizen Advisory Committees recognize that the natural resources and amenities of the Clatsop Plains are in fact the features which make it a desirable place in which to live. Protection of these resources (the forest, dunes, open spaces, views, animal life and habitat, ocean beaches, lakes and streams, and the absence of urban noises to name a few) is paramount if the quality of life is to be maintained for both existing and future residents. Development must be required to respect these resources and amenities since poor development or <u>over</u> development could very easily destroy these values which make up the present character of the Clatsop Plains.

Has the county worked to balance the transportation needs for the proposal with the preservation of significant natural features and viewsheds of the Clatsop Plains? If so, how? Does the county consider the application to have complied with this goal by adhering to road standards that are applied throughout Clatsop County?

Goal 12 – Transportation, Goal 8: System Preservation
Objective:
2. Consider transportation impacts when making land use decisions, and consider land use impacts (in terms of land use patterns, densities, and designated uses) when making transportation-related decisions.

STAFF FINDING: The TSP Goal 8 objectives for system preservation do not establish specific approval criteria applicable to the proposed zoning map amendments or subdivision proposals. They establish guidelines that assist in developing the approval criteria and development standards that are contained in the LWDUO and Standards document. The consolidated application is evaluated against the criteria and standards elsewhere in the staff report dated February 7, 2012 and in this staff report addendum.

From LWDUO Section 2.030 Type III Procedure:

(1) Type III actions involve complex or subjective decisions which may impose possible significant effects on some persons or a broad effect on a number of persons. Often these applications are quasi-judicial plan amendments.

Surf Pines Association is concerned that in its findings, the county does not understand or appreciate the difference between clear and objective standards contained in the LWDUO and Standards Document versus the discretionary and subjective policies and objectives contained in the comprehensive plan by which Type III applications, such as this one, are meant to be evaluated. The Association is troubled by the county's lack of analyses provided in response to ideas submitted during this complex and multi-faceted planning procedure.

The Association respectfully recommends to the county that in lieu of providing 45 pages of findings relative to the preliminary plats' compliance with applicable zoning and road standards (pp. 222-287, February 14, 2012 agenda packet) that it capitalize on the applicant's findings to boil its assessments of these clear and objective standards down to a page or two thereby allowing staff to refocus its efforts on a professional evaluation of the Type III application against the discretionary and subjective plan goals, policies and objectives that apply to the request. Surf Pines Association is most interested in learning from county staff and its valued planning commissioners, how it judges the application to meet, or not meet, these subjective plan elements, and why.

With regard to Transportation System Preservation Objective #2 (above), has the county considered the land use patterns that would result on the Clatsop Plains as a result of the transportation-related decisions that are part of this request? Is this a desirable effect on area land and water resources within the framework of the Clatsop Plains Community Plan and other applicable plan elements that help to guide development patterns in the area?

In closing, Surf Pines Association requests that Clatsop County evaluate the information contained in the preliminary plat applications against the following Clatsop Plains Community Plan policies. This list is not meant to be an exhaustive list; rather, the purpose of this list is to highlight some of the notable plan policies that relate to the land use application that have been overlooked in the county's evaluation of the request:

<u>Clatsop Plains Aquifer Policy</u>

1. Land use actions (i.e. Comprehensive Plan changes, zone changes, subdivisions and partitions, planned developments, conditional use permits, etc.) shall be reviewed by the Planning Commission and the Department of Planning and Development to insure that the proposed activity(ies) will not:
   a. adversely affect the water quality;
   b. result in the drawdown of the groundwater supply;
   c. result in the loss of stabilizing vegetation, or
   d. salt water intrusion into the water supply.

Critical Hazards

Wind and Ocean Shoreline Erosion Policies

1. Clatsop County shall prohibit:
   a. the destruction of stabilizing vegetation (including the inadvertent destruction by moisture loss or root damage).
   b. the exposure of stable and conditionally stable areas to erosion, and

4. In all open sand areas, revegetation must be clearly monitored and carefully maintained, which may include restrictions on pedestrian traffic. Revegetation shall return the area to its pre-construction level of stability or better. Trees should be planted along with ground cover such as grass or shrubs. To encourage stabilization, a revegetation program with time limits shall be required by the Planning Department as a condition of all building permits and land use actions (i.e. Comprehensive Plan changes, zone changes, subdivisions and partitions, planned developments, conditional use permits etc.).

Housing Policies

1. Planned developments, the replatting of old subdivisions, and other land use actions shall encourage the preservation of steep slopes and other sensitive areas in their natural condition.

Thank you very much for your time and consideration. Please include Surf Pines Association in all future mailed notices for this proposal.

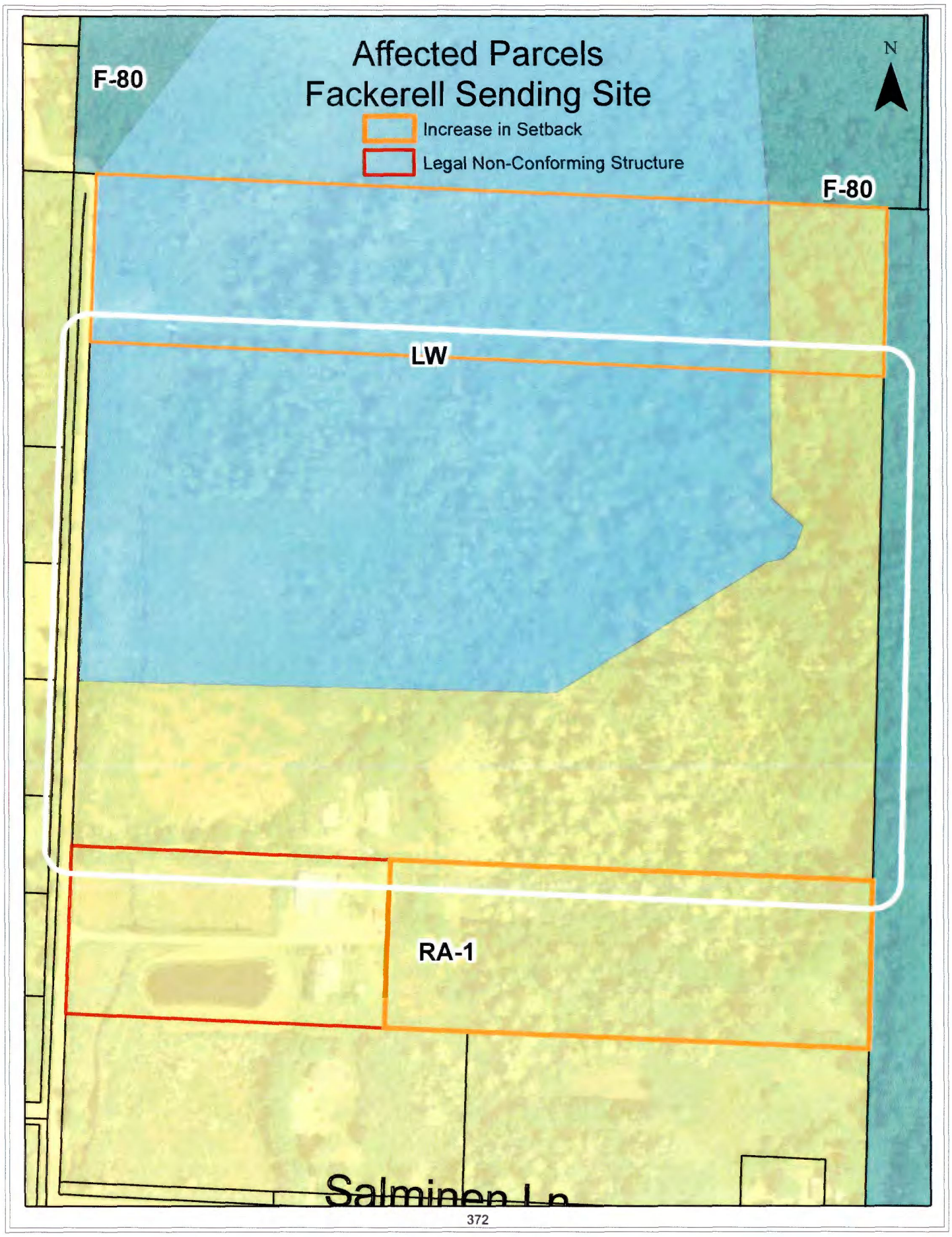
Respectfully,

Patrick Wingard, AICP
Surf Pines Administrator
(503) 717-3995
wingardpds@gmail.com

Copy. Surf Pines Association, Board of Directors
Bill Johnston, ODOT Region 2 Planner
Chief Bill Eddy, Gearhart RFPD

EXHIBIT 5

SETBACK MAPS


Affected Parcels
Fackerell Sending Site
Increase in Setback
Legal Non-Conforming Structure
N
F-80
F-80
LW
RA-1
Salminen Ln

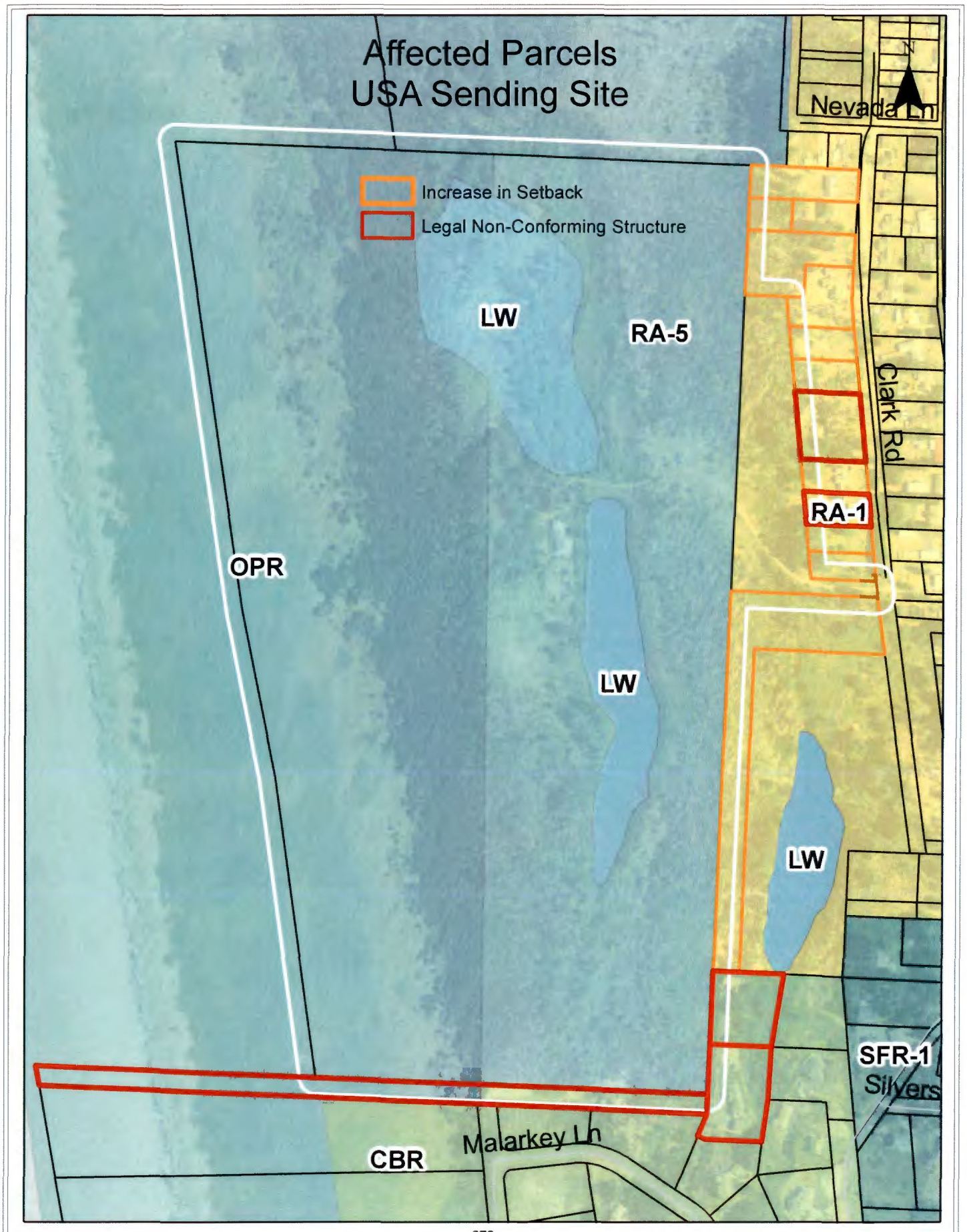

Affected Parcels
USA Sending Site
N
Nevada Ln
Increase in Setback
Legal Non-Conforming Structure
LW
RA-5
Clark Rd
RA-1
OPR
LW
LW
SFR-1
Silvers
CBR
Malarkey Ln

EXHIBIT 6

Jennifer Bunch

From: CASWELL Matthew C <Matthew.C.CASWELL@odot.state.or.us>
Sent: Tuesday, February 28, 2012 10:47 AM
To: Jennifer Bunch
Cc: DEAN Craig A; KNITOWSKI David; NEYS David J
Subject: Oregon Coast Hwy (009) at MP 16.03 RT
Attachments: Findings Package.pdf; Channelization.pdf; 7915 CRITERION_LEFT-TURN LANE.pdf

Jennifer,
Per your request are comments regarding the expanded development proposal and then approach located at: Hwy 009 (Oregon Coast Highway) @ MP 16.03 (right):

The above described approach is approved for 21 homes. However, the permit was deemed valid for an additional 29 homes at a later date, without mitigation to impacts due to the timing of the second application and the administrative rules in place at the time. A Use Permit has not been issued at this time because the approach has not been constructed to ODOT specifications. I have provided a sequence of events and explanation below:

- 11/10/2008: A road approach application was approved for 21 single family homes and approved for construction
- It was determined that the number of homes for this application did not warrant a left turn lane.
- 01/27/11: Jason Palmberg submitted an application for an additional 29 homes at this approach for a total of 50 homes
- SB 1024 was enacted at the time of the 2nd application. SB 1024 doubled the threshold to meet change of use, and changed the determination of safety and operational impacts to existing conditions, instead of potential future conditions, which would require a new application. Even though the volume of traffic for a total of 50 homes warranted a left turn lane, ODOT could not require a new application nor require mitigation.

A development of 40 homes or greater, at the above described approach, meets a left-turn warrant (see attached left-turn criterion chart). ODOT is therefore concerned with safety and operations, however, ODOT can not, and was not able, to require mitigation to the safety and operation impacts under the administrative rules currently in place, and at the time the second development was proposed.

If ODOT received a new road approach application for the development of 50 homes at this approach today, it would take only take 9 homes to require the applicant provide a traffic impact analysis (see attached channelization document).

For additional information I have attached the findings data used to evaluate the safety and operations at this approach.

Thank you for the opportunity to comment on this expanding development.

Matt Caswell, P.E.
Oregon Department of Transportation
Development Review Coordinator
Region 2, 455 Airport Rd SE, Bldg. B
Salem, OR 97301-5395
503.986.2849 (Office)

CHAMPS #: 7915 **Applicant: Osburn/Palmberg/Earl**

Highway: 009 (US101) **Mile Point: 16.03**

PRINT THE FOLLOWING: Information is used to verify the data for CHAMPS input

- Speed Chart - 1 mile-both directions of approach
- R/W Map of Approach Area
- CHAMPS PAGES: Application; Property; General; Notes & Findings
- PRINT ALL BACKUP FOR DATA DETERMINED BELOW

Check the following:

- Land use
- Engineering Stations
- Hwy Milepoints
- U-Permit & CHAMPS for existing permits

FINDINGS DATA

ADT FOR APPROACH DETERMINED BY:
ITE: 504: Traffic Study: ____: Applicant/ODOT Estimated:

ITE ADT: 504

SIGHT DISTANCE INFORMATION:

Design Speed Used for ISD/SSD:

OR

Design Speed Exception Based On:

- 85th Percentile Speed: ☐
  - Speed Left ____ Speed Right ____
- Curve Rider: ☐
  - Speed Left ____ Speed Right ____
- Engr Judgment: ☐
  - Speed Left: ____ Speed Right: ____

Posted Speed Left: 55
Curve Rider Left: n/a

Posted Speed Right: 55
Curve Rider Right: n/a

Hwy Grade - Left: 0%
Hwy Grade-Right: 0%

ISD Range: 610-775
ISD Measured Left: 1000
ISD Measured Right: 1000

SSD Required – Left : 495
SSD Measured – Left

SSD Required-Right: 495
SSD Measured- Right:

APPROACH SPACING:
Hwy Classification From: Appendix D of the 1999 OHP

- Check all that apply: ☐ STA ☐ UBA ☐ Expressway ☐ CC ☒ Other

Spacing Standards from: OAR 734-51, Tables 2, 3, 4, 5, 6, or 7.

Hwy Classification: Statewide - NHS - TR - SB

Spacing Standard: 1320

CRASH INFORMATION:
Obtain 3 yrs of Crash History, 0.10 miles each side of approach

- Report 1: Summary by Year
- Report 2: Comprehensive (PRC)-11x17

Functional Classification from Appendix A of the HDM
Crash Rate for State Highways:

- At Approach: Part II of current Crash Rate Book
- All State Hwy's: Part I, Table II of Crash Rate Book

SPIS Report and Rating:

No. of Crashes: None

Functional Classification: Rural Principal Arterial

Localized Crash Rate: 0.32
Statewide Crash Rate: 0.66

SPIS Status: Not a SPIS Site

CURRENT & FUTURE VOLUMES: Determine & Print Traffic Volumes for:
Current/Future Year Volumes & Growth Rate Using:

- Linear Interpolation Spreadsheet with:
  - Current Transportation Volume Tables
  - Future Volume Tables

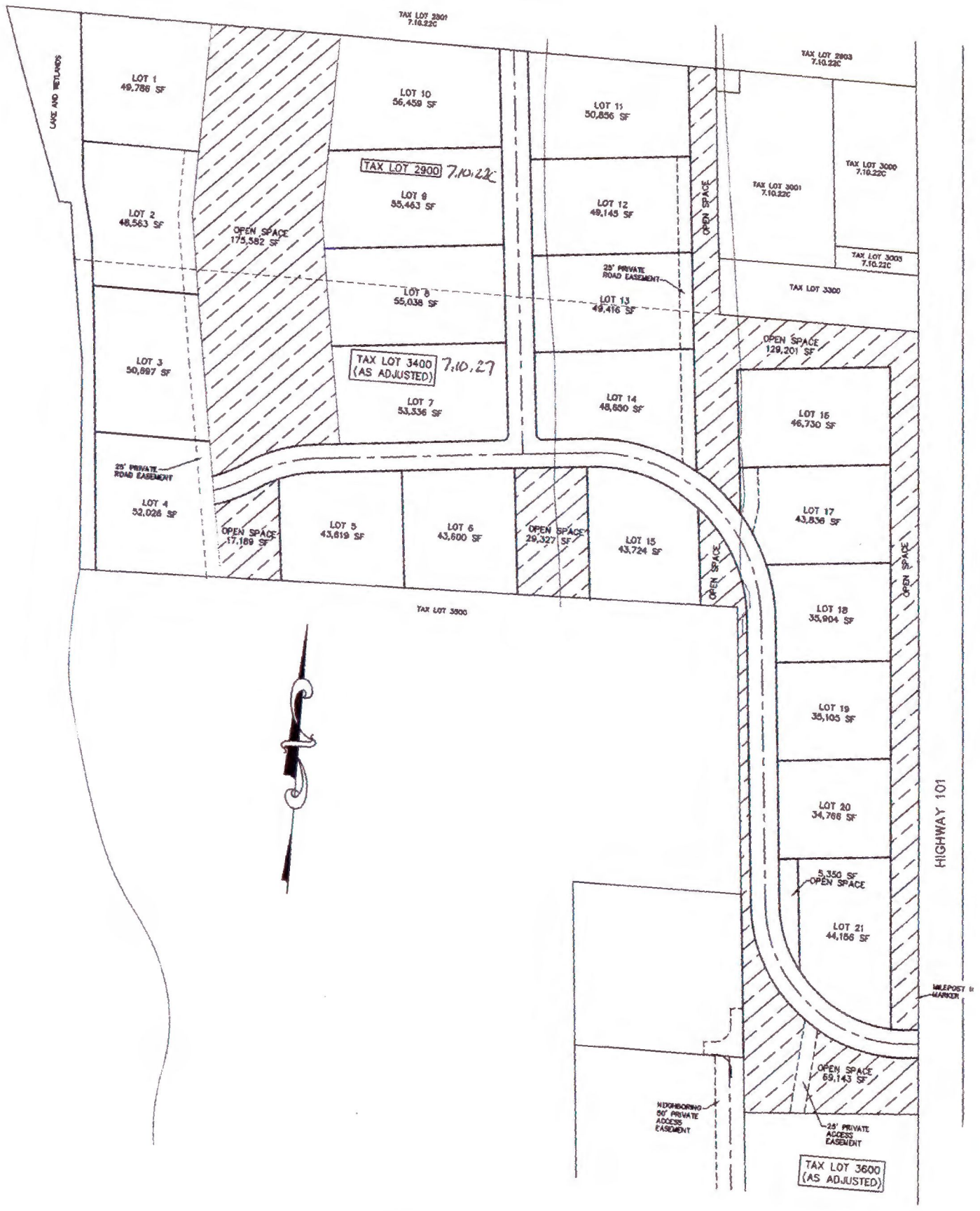
Current ADT: 14451

2030 ADT: 20548

Yearly Growth Rate: 2%

Research By: Matt Caswell **Date: 2-23-12**

4-1-2011

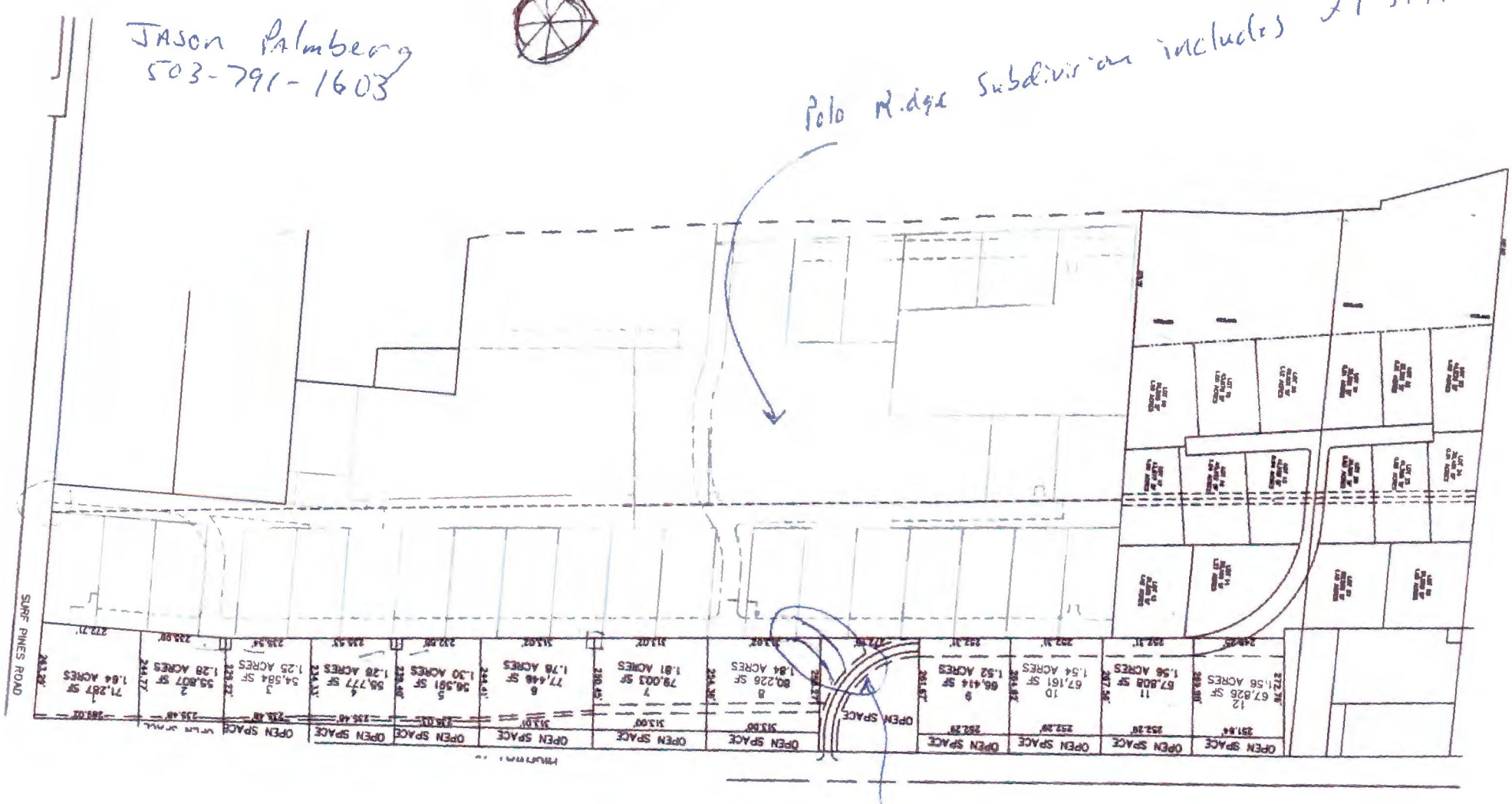

TAX LOT 2901
7.10.22C
TAX LOT 2903
7.10.22C
LAKE AND WETLANDS
LOT 1
49,786 SF
LOT 10
56,459 SF
LOT 11
50,856 SF
TAX LOT 2900 7.10.22C
LOT 9
55,463 SF
LOT 12
49,145 SF
OPEN SPACE
TAX LOT 3001
7.10.22C
TAX LOT 3000
7.10.22C
LOT 2
48,563 SF
OPEN SPACE
175,582 SF
TAX LOT 3003
7.10.22C
25' PRIVATE
ROAD EASEMENT
TAX LOT 3300
LOT 8
55,038 SF
LOT 13
49,416 SF
OPEN SPACE
129,201 SF
LOT 3
50,897 SF
TAX LOT 3400
(AS ADJUSTED) 7.10.22C
LOT 7
53,536 SF
LOT 14
48,650 SF
LOT 16
46,730 SF
25' PRIVATE
ROAD EASEMENT
LOT 4
52,026 SF
OPEN SPACE
17,189 SF
LOT 5
43,619 SF
LOT 6
43,600 SF
OPEN SPACE
29,327 SF
LOT 15
43,724 SF
OPEN SPACE
LOT 17
43,836 SF
OPEN SPACE
TAX LOT 3500
LOT 18
35,904 SF
LOT 19
35,105 SF
LOT 20
34,766 SF
HIGHWAY 101
5,350 SF
OPEN SPACE
LOT 21
44,166 SF
MILEPOST
MARKER
OPEN SPACE
69,143 SF
NEIGHBORING
50' PRIVATE
ACCESS
EASEMENT
25' PRIVATE
ACCESS
EASEMENT
TAX LOT 3600
(AS ADJUSTED)

will There be Any mitigation required To
Ad The Polo Ridge Subdivision To
The Russ Earl/Ryan Osborn Access To
Hwy 101.

Champs #7915

JASON Palmberg
503-791-1603

Polo Ridge Subdivision includes 24 SFR Lots



This Access road will
Serve 24 SFR. Lots.

Change of Use Evaluation

Existing approach road permit No. 53956 (Ryan Osburn)
CHAMPS Application Number: 7915 & 16613
Highway, No. 009, Route No. US 101
Mile point 16.03
Clatsop County
Tax lot(s) X7N-10W-27(3500 & 3600)

734-051-0045
Change of Use of an Approach

(1) This rule applies to private approaches existing under a valid Permit to Operate and private grandfathered approaches.
Finding: Existing Permit # 53956 for 21 homes to Ryan Osburn. A request by Jason Palmberg has been received on 2-1-2011 to add 29 homes to approach.

(2) As used in this rule -0045 "peak hour" of the site means the hour during which the highest volume of traffic enters and exits the property during a typical week.

(3) A change of use of an approach occurs, and an application must be submitted, when an action or event identified in subsection (a) of this section, results in an effect identified in subsection (b) of this section.

(a) The Department may review an approach at the time of an action such as:
(A) Zoning or plan amendment designation changes;
Finding: No
(B) Construction of new buildings;
Finding: No
(C) Floor space of existing buildings increase;
Finding: No
(D) Division or consolidation of property boundaries;
Finding: Yes – New subdivision to use approach
(E) Changes in the character of traffic using the approach;
Finding: No
(F) Internal site circulation design or inter-parcel circulation changes; or
Finding: No
(G) Reestablishment of a property's use after discontinuance for four years or more.
Finding: No

Sub-section (a) Determination: Met - New subdivision to use approach

(b) An application must be submitted when an action in subsection (a) of this section may result in any of the following:

(A)(i) The number of peak hour trips increases by 50 trips or more from that of the property's prior use; or
Finding: No – 29 single family homes generates about 29 peak hour trips
(ii.) The number of trips on a typical day increases by 500 trips or more from that of the property's prior use; and
Finding: No – 29 single family homes generates about 290 daily trips
(iii) The increase in subparagraph (A)(i) or (A)(ii) represents a 20 percent or greater increase in the number of trips on a typical day and the number of peak hour trips from that of the property's prior use.
Finding: N/A
(B) ODOT demonstrates that safety or operational problems related to the approach are occurring. Mitigation shall be limited to addressing the identified safety or operational problems.
Finding: No existing safety or operational problems are occurring at this approach because there is essentially no use of the approach at the present time.
(C) The approach does not meet a sight distance requirement (measured in feet) of 10 times the posted speed of the roadway or 10 times the 85th percentile speed of the roadway where the 85th percentile speed is higher or lower than the posted speed. The permittee may perform a study to determine if the 85th percentile speed is lower than the posted speed. The sight distance measurement and the study to determine the 85th percentile speed shall be performed by or under the supervision of an engineer registered in the state of Oregon.
Finding: Sight distance is met in both directions per approval of existing permit
(D) The daily use of an approach increases by 10 or more vehicles with a gross vehicle weight rating of 26,000 pounds or greater.
Finding: No

Sub-section (b) Not Met

(c) An effect in subsection (b) of this section may be determined by:
(A) Field counts;
Finding: No
(B) Site observation;
Finding: No
(C) Traffic Impact Study;
Finding: No
(D) Field measurement;
Finding: Yes, at time of approval of existing permit
(E) Crash history;
Finding: None in last 3 years per ODOT Crash database
(F) Institute of Transportation Engineer Trip Generation Manual; or
Finding: Yes – ITE Trip generation was used to determine ADT and PHT
(G) Information and studies provided by the local jurisdiction.

Finding: Not Met

(4) The following actions do not constitute a change of use:
  (a) Modifications in advertising, landscaping, general maintenance, or aesthetics not affecting internal or external traffic flow or safety; or
  (b) Buildout or redevelopment of an approved site plan or multi-phased development within the parameters of a Traffic Impact Study that is less than five years old or where within parameters of the future year analysis of the Traffic Impact Study, whichever is greater, and that is certified by a Professional Engineer.

Recommendation(s): No Change of Use - An Application will not be required for processing.

Stat. Auth.: ORS 184.616, 184.619, 374.310, 374.312 and 374.345; Ch. 972 and Ch. 974, OL 1999
Stat. Implemented: ORS 374.305 to 374.345 and 374.990; Ch. 974, OL 1999, Chapter 371, OL 2003

Osburn/Palmberg/Earl
Summary of Trip Generation Calculation
For 50 Dwelling Units of Single Family Detached Housing
February 23, 2012

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	9.57	3.69	1.00	479
7-9 AM Peak Hour Enter	0.19	0.00	1.00	10
7-9 AM Peak Hour Exit	0.56	0.00	1.00	28
7-9 AM Peak Hour Total	0.75	0.90	1.00	38
4-6 PM Peak Hour Enter	0.64	0.00	1.00	32
4-6 PM Peak Hour Exit	0.37	0.00	1.00	19
4-6 PM Peak Hour Total	1.01	1.05	1.00	51
AM Pk Hr, Generator, Enter	0.20	0.00	1.00	10
AM Pk Hr, Generator, Exit	0.57	0.00	1.00	28
AM Pk Hr, Generator, Total	0.77	0.91	1.00	39
PM Pk Hr, Generator, Enter	0.65	0.00	1.00	33
PM Pk Hr, Generator, Exit	0.37	0.00	1.00	19
PM Pk Hr, Generator, Total	1.02	1.05	1.00	51
Saturday 2-Way Volume	10.08	3.68	1.00	504
Saturday Peak Hour Enter	0.49	0.00	1.00	25
Saturday Peak Hour Exit	0.44	0.00	1.00	22
Saturday Peak Hour Total	0.93	0.99	1.00	47
Sunday 2-Way Volume	8.77	3.33	1.00	439
Sunday Peak Hour Enter	0.46	0.00	1.00	23
Sunday Peak Hour Exit	0.40	0.00	1.00	20
Sunday Peak Hour Total	0.86	0.95	1.00	43

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 8th Edition, 2008.

TRIP GENERATION BY MICROTRANS

Posted Speed Report

OREGON COAST
Hwy No. 009 Hwy

Roadway	Mileage Type	Overlap Code	Beginning Milepoint	Ending Milepoint	Speed
1			0.00	3.80	55
1			3.80	4.51	30
1			4.51	5.31	45
1			5.31	6.34	55
1			6.34	7.15	45
1			7.15	17.48	55
1			17.48	18.30	45
1			18.30	20.41	40

Data was originally gathered from video logs.
Currently updates come from a combination of OTC Speed Zone Orders and Video Logs.
Data does not include temporary speed zone information such as school and work zones.
If you have any questions please contact Jennifer Campbell @ (503) 986-4149.

State Highway Classification Summary

State Highway	Beg MP	End MP	Rte#	SCS	NHS	Freight Route	Trk Rte	Scenic Byway	Exp Way	By Pass	Hwy Seg Des
OREGON COAST											
009	0.00	10.16	US101	STATEWIDE	NHS		TR	SB			
009	12.15	19.99	US101	STATEWIDE	NHS		TR	SB			

APPENDIX A

FUNCTIONAL CLASSIFICATION OF STATE ROUTES

HWY	HIGHWAY NAME	Beg MP	End MP	NHS	Functional Classification
4		140.87	143.47	Yes	14-Urban Principal Arterial-Other
4		143.47	162.67	Yes	02-Rural Principal Arterial-Other
4		162.67	168.18	Yes	14-Urban Principal Arterial-Other
4		168.18	271.27	Yes	02-Rural Principal Arterial-Other
4		271.27	279.32	Yes	14-Urban Principal Arterial-Other
4		279.32	291.73	Yes	02-Rural Principal Arterial-Other
5	JOHN DAY	0.00	1.13	No	06-Rural Minor Arterial
5		0.97	1.13	No	06-Rural Minor Arterial
5		1.13	124.17	No	06-Rural Minor Arterial
5		124.17	278.21	Yes	02-Rural Principal Arterial-Other
6	OLD OREGON TRAIL	167.58	206.68	Yes	01-Rural Principal Arterial-Interstate
6		206.68	211.57	Yes	11-Urban Principal Arterial-Interstate
6		211.57	259.41	Yes	01-Rural Principal Arterial-Interstate
6		259.41	263.02	Yes	11-Urban Principal Arterial-Interstate
6		263.02	302.71	Yes	01-Rural Principal Arterial-Interstate
6		302.71	306.33	Yes	11-Urban Principal Arterial-Interstate
6		306.33	374.39	Yes	01-Rural Principal Arterial-Interstate
6		374.39	378.01	Yes	11-Urban Principal Arterial-Interstate
7	CENTRAL OREGON	0.51	3.58	Yes	14-Urban Principal Arterial-Other
7		3.58	258.20	Yes	02-Rural Principal Arterial-Other
7		258.20	266.82	No	06-Rural Minor Arterial
8	OREGON-WASHINGTON	-1.77	0.99	Yes	14-Urban Principal Arterial-Other
8		0.99	24.98	Yes	02-Rural Principal Arterial-Other
8		24.98	32.77	Yes	14-Urban Principal Arterial-Other
8		32.77	35.32	Yes	02-Rural Principal Arterial-Other
9	OREGON COAST	0.00	2.93	Yes	02-Rural Principal Arterial-Other
9		2.93	4.99	Yes	14-Urban Principal Arterial-Other
9		4.99	19.31	Yes	02-Rural Principal Arterial-Other
9		19.31	22.76	Yes	14-Urban Principal Arterial-Other
9		22.76	23.16	Yes	02-Rural Principal Arterial-Other
9		23.16	23.34	Yes	14-Urban Principal Arterial-Other
9		23.34	24.15	Yes	02-Rural Principal Arterial-Other
9		24.15	24.59	Yes	14-Urban Principal Arterial-Other
9		24.59	49.57	Yes	02-Rural Principal Arterial-Other
9		45.31	49.57	Yes	02-Rural Principal Arterial-Other
9		49.57	105.45	Yes	02-Rural Principal Arterial-Other
9		105.45	118.70	Yes	14-Urban Principal Arterial-Other
9		118.70	136.25	Yes	02-Rural Principal Arterial-Other
9		136.25	146.50	Yes	14-Urban Principal Arterial-Other
9		146.50	187.11	Yes	02-Rural Principal Arterial-Other
9		187.11	191.02	Yes	14-Urban Principal Arterial-Other
9		191.02	234.01	Yes	02-Rural Principal Arterial-Other
9		234.01	239.63	Yes	14-Urban Principal Arterial-Other
9		239.63	354.64	Yes	02-Rural Principal Arterial-Other
9		354.64	357.99	Yes	14-Urban Principal Arterial-Other
9		357.99	363.11	Yes	02-Rural Principal Arterial-Other

009: OREGON COAST

Highway 009 ALL ROAD TYPES, MP 15.53 to 16.58 08/01/2008 to 07/31/2011, Both Add and Non-Add mileage

Total crash records: 5

SER# / INVEST	S P E D	R A L	S U G	W C S	O H L	R K	DATE / DAY / TIME	COUNTY / CITY / URBAN AREA	RD# FC COMPNT / MLG TYP / MILEPNT	CONN# / FIRST STREET / SECOND STREET	RD CHAR / DIRECT / LOCTN	INT-TYPE (MEDIAN) / LEGS / (#LANES)	INT-REL / TRAF- / CNTL	OFFRD / RNDBT / DRVWY	WTHR / SURF / LIGHT	CRASH / COLL / SVRTY	V#	SPCL USE TRLR QTY / OWNER / TYPE	MOVE / FROM / TO	P#	PRTC TYPE	INJ SVRTY	A G E	S E X	LICNS RES	PED LOC	ERROR	ACT	EVENT	CAUSE
00401	N	N	N				08/28/2009	CLATSOP	1 02		STRGHT		N	N	CLR	S-1TURN	01	NONE 0	TURN-L											06
NO RPT							FR		MN 0		UN	(NONE)	STOP SIGN	N	DRY	TURN		PRVTE	S -W									019		00
							5P		15.54		03			Y	DAY	PDO		PSNGR CAR		01	DRVR	NONE	46	M	OTH-Y		000	000		00
												(02)														OR<25				
																	02	NONE 0	STRGHT											
																		PRVTE	S -N									031		00
																		PSNGR CAR		01	DRVR	NONE	50	F	OTH-Y		032	000		06
																									N-RES					
00214	N	N	N	N	N	N	05/20/2009	CLATSOP	1 02		STRGHT		N	N	CLR	ANIMAL	01	NONE 0	STRGHT										035,110		12
STATE							WE		MN 0		UN	(NONE)	NONE	N	DRY	OTH		PRVTE	N -S									000	035,110	00
							6A		16.30		03			N	DAY	PDO		PSNGR CAR		01	DRVR	NONE	49	M	OR-Y		000	000		00
												(02)														OR<25				
00487	N	N	N				11/02/2010	CLATSOP	1 02		STRGHT		N	N	CLR	ANIMAL	01	NONE 0	STRGHT										035		12
NONE							TU		MN 0		UN	(NONE)	UNKNOWN	N	DRY	OTH		PRVTE	N -S									000	035	00
							8A		16.38		03			N	DAWN	PDO		PSNGR CAR		01	DRVR	NONE	58	M	OR-Y		000	000		00
												(02)														OR<25				
00304	N	N	N	N	N	N	07/16/2009	CLATSOP	1 02		STRGHT		N	N	FOG	ANIMAL	01	NONE 0	STRGHT										035		12
COUNTY							TH		MN 0		UN	(NONE)	NONE	N	DRY	OTH		PRVTE	N -S									000	035	00
							5A		16.52		03			N	DAWN	PDO		PSNGR CAR		01	DRVR	NONE	57	F	OTH-Y		000	000		00
												(02)														N-RES				
00455	N	N	N	N	N	N	10/16/2008	CLATSOP	1 02		INTER	3-LEG	N	N	CLD	ANGL-OTH	01	NONE 0	TURN-L												32,02
STATE							TH		MN 0		CN		STOP SIGN	N	DRY	TURN		PRVTE	E -S									015		00
							6P		16.57		02	0		N	DUSK	INJ		PSNGR CAR		01	DRVR	NONE	20	M	OR-Y		032,028	000		32,02
																									OR<25				
																	02	NONE 0	STRGHT											
																		PRVTE	S -N									000		00
																		MTRCYCLE		01	DRVR	INJB	53	M	OR-Y		000	000		00
																									OR<25				

Disclaimer: The information contained in this report is compiled from individual driver and police crash reports submitted to the Oregon Department of Transportation as required in ORS 811.720. The Crash Analysis and Reporting Unit is committed to providing the highest quality crash data to customers. However, because submittal of crash report forms is the responsibility of the individual driver, the Crash Analysis and Reporting Unit can not guarentee that all qualifying crashes are represented nor can assurances be made that all details pertaining to a single crash are accurate. Note: Legislative changes to DMV's vehicle crash reporting requirement, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.

HIGHWAY 9, OREGON COAST

START M.P.	SECTION DESCRIPTION	2010 MILES	CRASH	ADT	CRASHES PER MILLION VEHICLE MILES 2010	2009	2008	2007	2006
	RURAL AREA - WASHINGTON STATE LINE to ASTORIA								
0.00	WASHINGTON STATE LINE to ASTORIA	2.97	2	7,300	.25	.38	.41		.26
	TOTAL WASHINGTON STATE LINE to ASTORIA	2.97	2	7,300	.25	.38	.41		.26
	URBAN CITY - ASTORIA								
2.97	NCL to Jct COLUMBIA RIVER HY 2W /US30	.83	2	7,300	.90		.48		.94
3.80	Jct HY 2W to INT NEHALEM HY 102 /ORE202	.52	2	23,092	.46	1.58	1.39	1.08	1.28
4.32	INT NEHALEM HY 102 to WCL	.65	12	19,100	2.65	2.39	2.67	2.39	1.37
	TOTAL ASTORIA	2.00	16	15,241	1.44	1.60	1.77	1.44	1.25
	RURAL CITY - WARRENTON								
4.97	ASTORIA to WARRENTON-ASTORIA HY 105	1.59	11	18,452	1.03	.37	.48	.66	.59
6.56	WARRENTON-ASTORIA HY 105 to WARRENTON CL	2.16	24	12,957	2.35	.77	1.52	2.02	1.17
	TOTAL WARRENTON	3.75	35	15,287	1.67	.57	.97	1.29	.86
	RURAL AREA - WARRENTON to GEARHART								
8.72	WARRENTON to Jct FORT STEVENS HY 104	.76	2	12,600	.57	.28	.31		
9.48	Jct HY 104 to POOLS BR /GLENWOOD 0-XING	1.35	7	13,600	1.04	1.54	.86	.56	1.66
12.82	GLENWOOD 0-XING to PARK DR /GEARHART	5.48	18	14,364	.63	.45	.75	.77	.85
	TOTAL WARRENTON to GEARHART	7.59	27	14,051	.69	.63	.73	.67	.92
	RURAL CITY - GEARHART								
18.30	PARK DR to SEASIDE NCL	1.02	5	17,001	.79	.16	.68	.17	.98
	TOTAL GEARHART	1.02	5	17,001	.79	.16	.68	.17	.98
	URBAN CITY - SEASIDE								
19.32	NCL to HOLLADAY DR	2.29	16	15,713	1.22	1.73	1.50	1.47	2.38
21.61	HOLLADAY DR to SCL	1.03	6	14,379	1.11	1.28	1.07	1.93	2.61
	TOTAL SEASIDE	3.32	22	15,299	1.19	1.60	1.37	1.61	2.44
	SUBURBAN AREA - SEASIDE to END UA								
22.74	SCL to END SEASIDE UA	.60		14,400		.94			1.01
	TOTAL SEASIDE to END UA	.60		14,400		.94			1.01
	RURAL AREA - SEASIDE UA to CANNON BEACH								
23.34	END UA to SUNSET HY 47 /US26	1.59	4	12,781	.54	1.06	.13	.51	.92
24.93	SUNSET HY 47 /US26 to CANNON BEACH NCL	3.85	3	8,593	.25	.39	.70	.50	.44
	TOTAL SEASIDE UA to CANNON BEACH	5.44	7	9,817	.36	.64	.49	.51	.61
	RURAL CITY - CANNON BEACH								
28.86	NCL to CANNON BEACH INT /SUNSET BLVD O-XING	.67	2	4,800	1.70		1.32		.55
29.53	CANNON BEACH INT to SCL	1.42	1	4,152	.46	.83		1.03	
	TOTAL CANNON BEACH	2.09	3	4,360	.90	.53	.47	.66	.21
	RURAL AREA - CANNON BEACH to NEHALEM								
30.95	SCL to TILLAMOOK COUNTY LINE	6.16	2	3,707	.24	1.27	.89	.50	.43
37.11	TILLAMOOK COUNTY LINE to NEHALEM	7.62	13	3,816	1.22	1.59	.61	.99	.55
	TOTAL CANNON BEACH to NEHALEM	13.78	15	3,767	.79	1.44	.74	.76	.49
	RURAL CITY - NEHALEM								
44.73	NEHALEM	.80	3	5,346	1.92	1.30	1.29	1.76	1.20
	TOTAL NEHALEM	.80	3	5,346	1.92	1.30	1.29	1.76	1.20
	RURAL AREA - NEHALEM to WHEELER								
45.53	SCL to WHEELER NCL	1.55	2	4,399	.80	.80	.38	.35	1.38
	TOTAL NEHALEM to WHEELER	1.55	2	4,399	.80	.80	.38	.35	1.38

TABLE II: FIVE-YEAR COMPARISON OF STATE HIGHWAY CRASH RATES

Table II presents a comparison of state highway crash rates for the past five years, for urban and rural areas, by functional classification. Mileage is shown for the current data year only.

See Table IV for information on official highway mileage.

JURISDICTION AND FUNCTIONAL CLASSIFICATION	MILES*	2010 Rate	2009 Rate	2008 Rate	2007 Rate	2006 Rate
TOTAL STATE HWY SYSTEM	**7,457.49**	**0.87**	**0.82**	**0.83**	**0.85**	**0.85**
Interstate Freeways	729.57	0.41	0.38	0.37	0.38	0.39
Other Fwys/Expressways	53.89	0.78	0.62	0.67	0.74	0.78
Non-Freeways (combined)	6,674.03	1.31	1.23	1.25	1.27	1.26
Other Principal Arterials	3,290.29	1.33	1.25	1.29	1.29	1.30
Minor Arterials	1,955.90	1.25	1.18	1.13	1.20	1.15
Urban Collectors	8.69	1.90	1.74	1.18	1.10	0.68
Rural Major Collectors	1,381.55	1.20	1.12	1.18	1.25	1.11
Rural Minor Collectors	34.71	1.29	0.32	0.87	0.64	0.66
Rural Local	2.89	0.00	7.49	0.00	0.00	16.52
URBAN HWY SYSTEM	**817.35**	**1.19**	**1.08**	**1.10**	**1.13**	**1.14**
Interstate Freeways	176.22	0.52	0.45	0.47	0.48	0.48
Other Fwys/Expressways	53.89	0.78	0.62	0.67	0.74	0.78
Non-Freeways (combined)	587.24	2.25	2.05	2.06	2.06	2.07
Other Principal Arterials	514.24	2.23	2.03	2.09	2.07	2.07
Minor Arterials	64.31	2.54	2.36	1.81	2.04	2.11
Urban Collectors	8.69	1.90	1.74	1.18	1.10	0.68
Urban Cities	**576.12**	**1.31**	**1.20**	**1.22**	**1.25**	**1.29**
Interstate Freeways	113.51	0.59	0.50	0.53	0.54	0.56
Other Fwys/Expressways	49.21	0.75	0.61	0.67	0.75	0.78
Non-Freeways (combined)	413.40	2.54	2.41	2.37	2.40	2.39
Other Principal Arterials	373.67	2.49	2.36	2.37	2.38	2.37
Minor Arterials	38.15	3.26	3.10	2.31	2.63	2.61
Urban Collectors	1.58	1.77	3.34	1.25	1.95	1.84
Suburban Areas	**241.23**	**0.79**	**0.69**	**0.70**	**0.73**	**0.72**
Interstate Freeways	62.71	0.30	0.32	0.28	0.31	0.28
Other Fwys/Expressways	4.68	1.33	0.82	0.61	0.65	0.85
Non-Freeways (combined)	173.84	1.39	1.12	1.25	1.18	1.23
Other Principal Arterials	140.57	1.40	1.12	1.29	1.19	1.23
Minor Arterials	26.16	1.30	1.11	0.91	1.10	1.33
Urban Collectors	7.11	1.93	1.29	1.16	0.86	0.42
RURAL HWY SYSTEM	**6,640.14**	**0.60**	**0.59**	**0.59**	**0.61**	**0.60**
Interstate Freeways	553.35	0.29	0.30	0.27	0.28	0.28
Non-Freeways (combined)	6,086.79	0.80	0.78	0.80	0.83	0.80
Other Principal Arterials	2,776.05	0.70	0.68	0.70	0.72	0.72
Minor Arterials	1,891.59	1.02	0.97	0.99	1.03	0.95
Rural Major Collectors	1,381.55	1.20	1.12	1.18	1.25	1.11
Rural Minor Collectors	34.71	1.29	0.32	0.87	0.64	0.66
Rural Local	2.89	0.00	7.49	0.00	0.00	16.52
Rural Cities	**224.59**	**1.12**	**1.09**	**1.10**	**1.13**	**1.02**
Interstate Freeways	14.05	0.30	0.31	0.30	0.24	0.14
Non-Freeways (combined)	210.54	1.30	1.27	1.27	1.32	1.21
Other Principal Arterials	110.98	1.28	1.17	1.19	1.19	1.13
Minor Arterials	54.14	1.41	1.63	1.60	1.71	1.34
Rural Major Collectors	45.17	1.25	1.09	1.10	1.30	1.37
Rural Minor Collectors	0.25	0.00	0.00	0.00	0.00	4.57
Rural Areas	**6,415.55**	**0.57**	**0.56**	**0.57**	**0.58**	**0.58**
Interstate Freeways	539.30	0.29	0.30	0.27	0.28	0.29
Non-Freeways (combined)	5,876.25	0.77	0.75	0.77	0.79	0.77
Other Principal Arterials	2,665.07	0.66	0.65	0.67	0.69	0.69
Minor Arterials	1,837.45	1.00	0.93	0.95	0.99	0.93
Rural Major Collectors	1,336.38	1.19	1.13	1.19	1.24	1.08
Rural Minor Collectors	34.46	1.40	0.35	0.94	0.69	0.36
Rural Local	2.89	0.00	7.49	0.00	0.00	16.52

* Couplet data is included. Frontage road and connection data are excluded.

Palmberg & Olsen & Osburn

Linear Interpolation

	Volume	MP
	20,500	15.90
Future year 2030	20,548	16.03
	21,400	18.36

	Volume	MP
	13,600	15.90
Previous Year 2010	13,774	16.03
	16,900	18.36

Present Year	Volume	MP
2012	14,451	16.03

Growth Rate (%)

2.46

Based on a 20-year growth rate.

1 Enter 1 for Linearly Interpolated Growth Rate
Enter 2 for Average Growth Rate

Don't forget to change the header and footer!

Accident Rate

Section Length	# of Years	# of Accidents	ADT
1	3	5	14,451

1/1/2008 - 12/31/2008

Using OTMS Crash Summary Data

Accident Rate

0.32

where:

A = number of accidents

T = number of days

L = length of section in hundredths of a mile

V = Average Daily Traffic (ADT) count for the same year as the accident statistics

Calculation

$$\frac{(5)(1{,}000{,}000)}{(1)(1095)(14451)} = 0.32$$

Milepoint	2010 AADT All Vehicles		Location Description
			OREGON COAST HIGHWAY NO. 9 (Continued)
4.97	*19100*		South city limits of Astoria on Youngs Bay Bridge
7.05	*14200*		0.02 mile northeast of Warrenton-Astoria Highway, (US101 Bus.)
7.30	*13800*		0.20 mile northeast of Fort Stevens Highway Spur and connection to Warrenton-Astoria Highway (US101 Bus.)
7.63	*11900*		0.10 mile south of Fort Stevens Highway Spur and connection to Warrenton-Astoria Highway (US101 Bus.)
8.72	*12600*		South city limits of Warrenton
9.58	*14900*		0.10 mile south of Fort Stevens Highway
			Equation: MP 10.16 BK = MP 12.15 AH
15.90	*13600*	*	Gearhart Automatic Traffic Recorder, Sta. 04-001, 2.09 miles north of Dellmoor Loop Road
18.36	*16900*		0.10 mile north of Cutler Lane
18.85	*16800*		0.02 mile south of Pacific Way
19.29	*17700*		South city limits of Gearhart
19.58	*18000*		0.10 mile north of Wahanna Road
19.72	*16400*		Neawanna Creek Bridge
			On Roosevelt Drive
19.89	*15900*		0.10 mile south of 24th Avenue
20.42	*16200*		0.02 mile north of 12th Avenue
20.46	*14300*		0.01 mile south of 12th Avenue
21.03	*16400*		0.02 mile north of Broadway
21.07	*15500*		0.02 mile south of Broadway
21.34	*13700*		0.02 mile south of Avenue "G"
21.51	*12800*		0.03 mile north of Avenue "M"
21.83	*14200*		0.01 mile north of Avenue "S"
21.88	*14700*		0.02 mile south of Avenue "S"
22.19	*14400*		0.02 mile south of Avenue "U"
24.83	*10500*		0.10 mile north of Sunset Highway (US26)
25.03	*9600*		0.10 mile south of Sunset Highway (US26)
28.35	*4200*		0.02 mile north of Cannon Beach Frontage Road
28.86	*4800*		North city limits of Cannon Beach
29.68	*4300*		South city limits of Cannon Beach, 0.15 mile south of Sunset Boulevard Interchange
30.82	*3600*		0.20 mile south of Warren Overcrossing
31.67	*3900*		0.30 mile south of S. Hemlock Street
35.57	*3400*		On Arch Cape Creek Bridge
37.11	*3300*		Clatsop-Tillamook County Line
43.08	*3700*		0.10 mile north of Laneda Avenue at Manzanita
43.20	*5400*		0.02 mile east of Laneda Avenue at Manzanita
43.98	*5900*		0.02 mile east of Bayside Gardens Lane
44.73	*6400*		West city limits of Nehalem
44.96	*5500*		0.02 mile west of 7th Street
45.00	*7800*		0.02 mile south of "H" Street
45.53	*5000*		South city limits of Nehalem
46.48	*4900*		0.02 mile north of Necanicum Highway (OR53)
46.52	*4500*		0.02 mile south of Necanicum Highway (OR53)
47.08	*4700*		North city limits of Wheeler
47.32	*4600*		0.02 mile north of Rector Street
47.36	*5000*		0.02 mile south of Rector Street
47.42	*4500*		0.02 mile north of Hall Street
47.50	*4100*		0.02 mile south of Hospital Road
47.73	*4100*		0.05 mile west of Dubois Street
48.66	*4000*		West city limits of Wheeler
			Equation: MP 49.57 BK = MP Z45.31 AH

8	31.64	1		0.28 mile south of Elizabeth Street			10500	12400	0.0002
8	32.62	1		0.02 mile south of Sunnyside-			13800	16500	0.3566
8	32.66	1		0.02 mile north of Sunnyside-			13500	16300	0.7556
8	34.46	1		Milton Automatic Traffic			14700	17600	0.6339
8	35.30	1		0.02 mile south of State Line Road,			14400	17300	0.5196
9	3.79	1		0.01 mile north of Lower Columbia		7200		11400	MODEL
9	3.90	1		0.10 mile southwest of Lower		23600		28200	MODEL
9	4.27	1		0.05 mile northeast of Nehalem		23300		27700	MODEL
9	4.97	1		South city limits of Astoria on		19400		21400	MODEL
9	7.05	1		0.02 mile northeast of Warrenton-		14400		16900	MODEL
9	7.30	1		0.20 mile northeast of Fort Stevens		14000		15100	MODEL
9	7.63	1		0.10 mile south of Fort Stevens		12000		16200	MODEL
9	8.72	1		South city limits of Warrenton		12700		17100	MODEL
9	9.58	1		0.10 mile south of Fort Stevens		15100		20400	MODEL
9	15.90	1		Gearhart Automatic Traffic			13600	20500	MODEL
9	18.36	1		0.10 mile north of Cutler Lane		17100		21400	0.8773
9	18.85	1		0.02 mile south of Pacific Way		17000		25300	0.9160
9	19.29	1		South city limits of Gearhart		17900		24800	0.8222
9	19.58	1		0.10 mile north of Wahanna Road		18300		25200	0.9189
9	19.72	1		Neawanna Creek Bridge		16600		22400	0.7246
9	19.89	1		0.10 mile south of 24th Avenue		16100		22300	0.8617
9	20.42	1		0.02 mile north of 12th Avenue		16400		21100	0.7763
9	20.46	1		0.01 mile south of 12th Avenue		14500		20300	0.5221
9	21.03	1		0.02 mile north of Broadway		16600		18600	0.2531
9	21.07	1		0.02 mile south of Broadway		15700		21700	0.7793

734-020-0400 through 734-020-0500.

Stat. Auth.: ORS 184.616, 184.619, 366.290, 373.015, 374.305, 374.310, 374.312, 374.315, 374.330, 374.335, 374.990 and 811.430 and section 2, chapter 31, OL 2010
Stats. Implemented: ORS 374.305 through 374.990

734-051-4020
Standards and Criteria for Approval of Private Approaches

(1) Applicability. This rule describes standards and criteria that the department applies to the review of an Application for State Highway Approach that has been deemed complete as set forth in OAR 734-051-3030. Applications submitted for change of use of an approach may be reviewed under the standards and criteria set forth in OAR 734-051-3020 in lieu of this rule.

(2) General Approval Criteria. Except for applications where the department identifies safety or operations concerns set forth in section (3), and except for applications in rural areas and on expressways that are subject to reasonable access standards set forth in sections (6) and (7), the Region Manager shall approve an Application for State Highway Approach that meets the general approval criteria (a)-(c) in this section. Additional criteria set forth in section (9) apply to interchange areas.

(a) Approach Road Spacing Standards. Section (8) of this rule sets forth the approach road spacing standards, except that the spacing standards applicable to interchanges and interchange areas are set forth in section (9).

(b) Channelization Standards. An application meets the channelization standards of this rule if none of the following conditions in (A) through (C) exist. Where a condition in (A) through (C) exists, an application may meet the channelization standards if the existing or proposed lane configuration on the highway conforms to the design requirements of the ODOT's Highway Design Manual in effect at the time the application is filed.

(A) Average daily trips for the existing or proposed development exceed four hundred (400) for an application on a two-lane highway with annual average daily traffic of five thousand (5,000) or more motor vehicles; or

(B) Average daily trips for the existing or proposed development exceed four hundred (400) for an application on a four-lane highway with annual average daily traffic of ten thousand (10,000) or more motor vehicles; or

(C) Average daily trips for the existing or proposed development multiplied by the annual average daily traffic on the highway is equal to or greater than the products listed in the Table 1.

Table 1 - Channelization Standards				
Product of Property Average daily trips Multiplied by the Abutting Highway Annual Average Daily Traffic (Millions)				
Number of Highway Lanes	Speed Limit 25 mph or lower	Speed Limit 30-35 mph	Speed Limit 40-45 mph	Speed Limit 50 mph or higher
2 lanes	5.1	3.9	1.8	1.3
4 lanes	10.2	7.8	3.6	2.6

(c) Sight Distance Standards. Table 2 sets forth the sight distance standards for approaches. An Application for State Highway Approach meets the sight distance standard of this rule if the intersection sight distance at the intersection of the proposed approach and highway is equal to or greater than shown in Table 2. Intersection sight distance shall never be less than stopping sight distance, as calculated in accordance with the 2004 AASHTO Policy on Geometric Design of Highways and Streets. Sight distance must be unobstructed within the sight triangle based on the following positions of measurement:

(A) Driver's eye height equal to 3.5 feet above the road surface of the proposed approach at a location 15 feet from the edge of the travel lane; and

(B) Object height equal to 3.5 feet above the road surface at the near edge of the travel lane to the left and at the far edge of the travel lane to the right of the approach.

Left Turn Lane Criterion

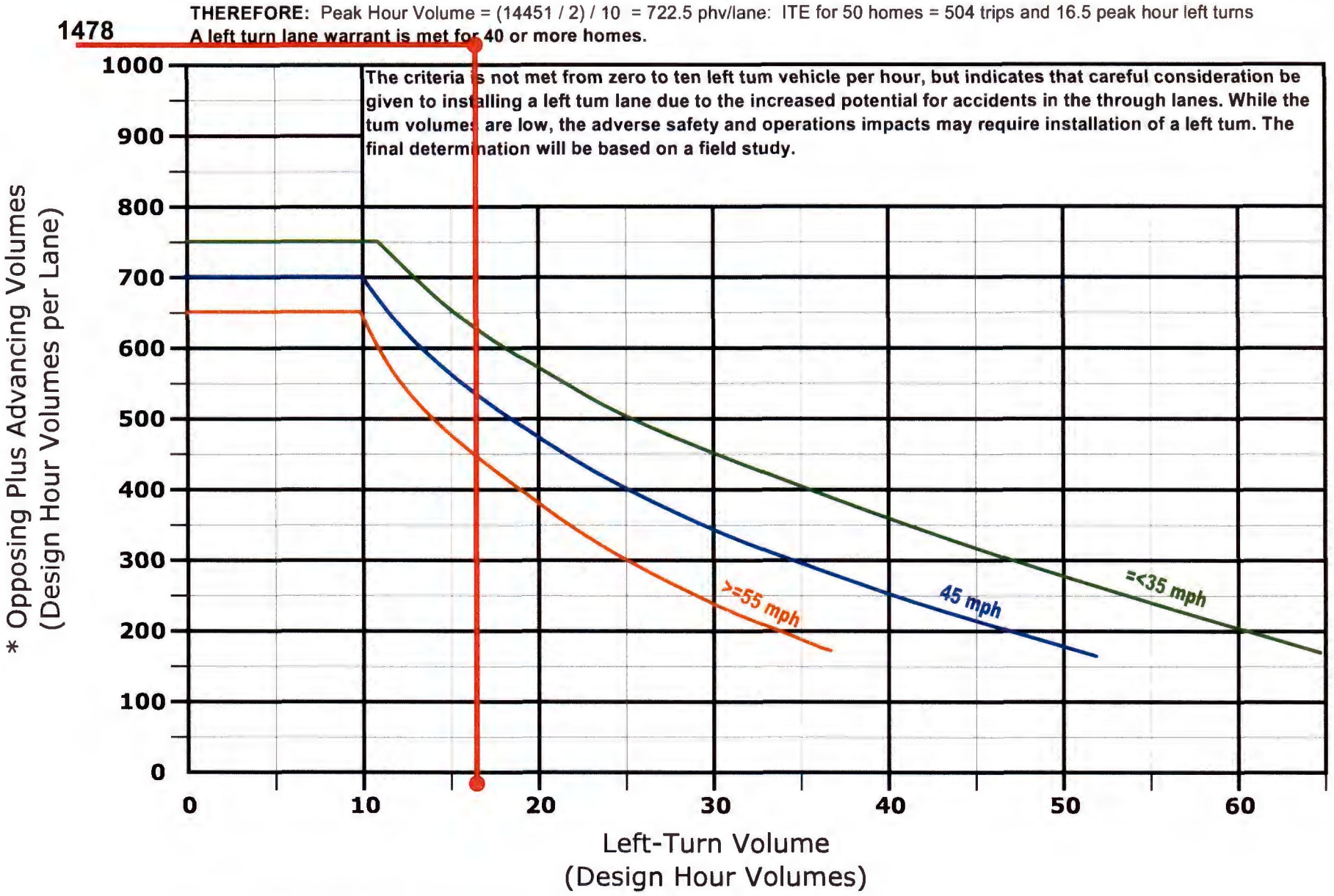
Count Date

Date?

GIVEN: HWY AADT = 14451; **ASSUME:** 50/50 distribution of trips at approach; Peak hour trips = 10% of ADT

THEREFORE: Peak Hour Volume = (14451 / 2) / 10 = 722.5 phv/lane: ITE for 50 homes = 504 trips and 16.5 peak hour left turns

A left turn lane warrant is met for 40 or more homes.



CHAMPS 7915 - HWY 009 @ MP 16.03 (PALMBERG-OSBURN-EARL-OLSON)

EXHIBIT 7

Jennifer Bunch

From: Ron Ash
Sent: Wednesday, February 29, 2012 9:56 AM
To: Jennifer Bunch
Subject: Russ Earl Subdivision

Jennifer,

I have concerns regarding the safety of the Russ Earl subdivision proposed approach located at approximately M.P. 16.1 on Oregon Coast Highway 101. The approach for the subdivision will be located within a two-lane, 55 MPH section of highway 101 that currently does not have a left-turn lane or a deceleration lane for vehicle turning movements off of the highway. Additionally, the proposed location of the approach is within the current ODOT Camp Rilea to Surf Pines Facility Plan www.us101rileatosurfpines.org to identify, prioritize, design and construct safety improvements that are needed along this section of highway. One of the greatest safety hazards that have been identified along this section of highway are the accidents that result from the turning movements associated with the large number of approaches combined with the high traffic volume on the Oregon Coast Highway. The addition of another approach designed for multiple housing units along this section of highway without the inclusion of proper turning pockets and other safety measures will only exacerbate the current accident problem.

Ron Ash, P.E., P.L.S., County Engineer
Technical Services Manager
Department of Transportation
1100 Olney Ave
Astoria, OR 97103
503.325.8631 voice 503.325.9312 fax
rash@co.clatsop.or.us

CLATSOP COUNTY

EXHIBIT 8

Jennifer Bunch

From: Jon Wickersham <jonw@nclctrust.org>
Sent: Friday, March 02, 2012 10:47 AM
To: Jennifer Bunch
Subject: Earl/osburn Open Space
Attachments: earl.pdf

Hi Jennifer,

Here are some comments I put together:

The North Coast Land Conservancy (NCLC) has worked with the applicants of the two subdivisions for the last year in hopes of transferring development credits and in return retaining a majority of the open space along Neacoxie Creek. North Coast Land Conservancy owns and manages several parcels in the area for open space and wildlife habitat as part of its Neacoxie Wildlife Corridor initiative (See attached map). NCLC has a property specific public access policy, allowing the public to use our properties in a way that best suites the property's conservation values. All of our properties within this section of the Neacoxie are held in common, in the sense that they are accessible to the public, minus a privately held conservation easement. NCLC believes because of the nature of the proposed open space public access does not pose a threat to the resource values of this parcel. Under NCLC ownership the parcel will receive management for invasive plants, trash removal and receive restoration as needed. NCLC will also host work parties to remove Scotch Broom, increase riparian plantings and provide educational opportunities to the public. NCLC believes its ownership and management of the proposed open space meets the requirements and intent of the Clatsop County open space requirements by meeting the following standards of the Clatsop County cluster development standards:

1) Holding the open space in common through public access for the enjoyment of the residents;
2) The open space includes steep dunes, buffers Neacoxie Creek and deflation plains;
3) Provides for the connection of open space between multiple subdivisions (proposed and Neacoxie Estates), which NCLC also owns; and
4) Protects both sides of Neacoxie Creek.

Thank you for allowing NCLC to comment on the proposed open space.

Jon Wickersham
Conservation Director
North Coast Land Conservancy
503.738.9126

Earl - Osburn Proposal
101
Legend
NCLC Properties
Proposed Subdivision
Proposed NCLC Property
400

EXHIBIT 9

Jennifer Bunch

From: Frog Consulting, LLC <frogconsultingllc@gmail.com>
Sent: Saturday, March 03, 2012 7:12 AM
To: Jennifer Bunch
Subject: Public Dedication Agreement
Attachments: 20120229 MOU with Signatures.pdf

Good Morning Jennifer,

Here are the signatures you requested on the Public Dedication Agreement. I'll get Ryan or Corey to sign as well.

In addition per your request this email also concerns the revised plat and the tracts that have been consolodated. The Common open space criteria will be satisfied through deed resrictions and held in trust through the CC&R/Homeowners Association with the exception of the portion along Neacoxie Creek which will be held as Common Open Space for the members of the subdivision by the North Coast Land Conservancy.

Following up on our conversation regarding the Oregon Department of Transportation's (ODOT) letter and potential Traffic Impact Study, it is our belief that the Land Use Code does not require a Traffic Impact Study, nor does ODOT's regulations; therefore we believe a Traffic Impact Study is unwarrented at this point. If you look at Clatsop Estates and West Dunes Combined the MAXIMUM average daily trips (ADT) that could possibly be generated is 280 divided between two access points each with a MAXIMUM of 140 ADT. The true potential of activity in this area, as we know from previous examples, is well below those figures. The ODOT regulations grandfather the access points, the County Code does not require impact studies on developments that generate less than 500 ADT (I think there may be another section in the Code/TIS that mentions 300 as a minimum figure that may warrent a TIS). Our proposal is well below both of those figures. Additionally, changing the criteria again would further delay a project that has already suffered 5-6 months of delays through one itteration of internal Land Use Code revisions.

Thank you for your time and consideration of these matters. We look forward to working with you to address and resolve any concerns regarding this project.

Sincerely,

Michael J. Weston II
CEO & Co-Founder

Frog Consulting LLC
469 Lexington Avenue
Astoria, OR 97103
Ph: 503-325-5666

LAND TRANSFER AND PUBLIC DEDICATION AGREEMENT ("Agreement")

PARTIES

Brad Hill Trust
PO Box 638
Warrenton, OR 97146 "Brad Hill Trust"

Karl & Sharon Delker
2120 Skyline Drive
Seaside, Or 97138 "Delkers"

Osburn/Olson LLC
33485 SW Old Pine Drive
Warrenton, OR 97103 "Osburn/Olson LLC"

RECITALS

WHEREAS, Osburn/Olson LLC seeks to acquire & dedicate to the public all lands contained within the currently held private ingress and egress easement for the purpose, and with the intent to construct an access road to the county's A-22 public road standards and dedicate to the public said road and right of way;

WHEREAS, the easement is currently held in private ownership by the Brad Hill Trust and Delkers;

WHEREAS, the parties have agreed to the transfer and dedication of said easement to the public domain, approximately ½ acre in size;

WHEREAS, prior to the transfer & dedication Osburn/Olson LLC will acquire a Lot of Record Determination from Clatsop County, a cost of $224.00 to be paid by Osburn/Olson LLC;

WHEREAS, once approved and the lot is verified to be a Land Use Lot of Record, thereby ensuring the ability to develop the site for residential purposes said land shall be dedicated to the public domain; and

The old access road is to be removed and relocated as far north and west as the new dedicated public right of way will allow;

WHEREAS, Osburn/Olson LLC will construct the public road to the Public standard determined to be necessary by the public authorizing agency; and

AGREEMENT

NOW, THEREFORE, in consideration of the mutual representations and warranties and obligations made herein, Brad Hill Trust, Delkers and Osburn/Olson LLC, each intending to be legally bound, hereby agree as follows:

1. Site Assessment and Approval

1.1 Osburn/Olson LLC shall take the remaining steps necessary to promptly seek approval from the Clatsop County Board of Commissioners and State of Oregon for Subdivision Approval of the Clatsop Estates Subdivision.

1.2 Osburn/Olson LLC will apply for and pay for a Lot of Record Determination for Tax Lot 2903 owned by the Brad Hill Trust, currently a cost of $224.00.

2. Construction

2.1 Pending Approval of 1.1 & 1.2 Osburn/Olson, LLC will construct the A-22 roadway along the northern and western boundaries of Tax Lot 2903 owned by the Brad Hill Trust, and within the prescribed easement through the Northwestern corner of the Delkers property Tax Lot 3001

2.2 The Roadway will be constructed per county public road standards as close to the northern boundaries and western boundaries as possible without impeding on neighboring properties.

2.3 Osburn/Olson LLC will provide an approach at the current easement junction for Tax Lot 3300 currently a private easement through Delkers property. This access approach will in turn serve the Delkers parcel Tax Lot 3001 & the Blissett's parcel Tax Lot 3300.

2.4 Osburn/Olson LLC shall not hinder other driveway approaches from neighboring parcels that depend on the easement for access to their parcels from US 101.

3. Dedication

3.1 Upon completion of the construction to public road standards, Osburn/Olson LLC shall seek public dedication and adoption from the County's Public Works Department for the Road and Road Right of Way.

3. Miscellaneous

4.1 Should all parties involved wish to construct a privacy berm along the southern and eastern edges of the public right of way one shall be constructed at the time of development.

4.2 This Agreement is the entire, final and complete agreement of the parties pertaining to the dedication and transfer of the private easement to a public trust, and supersedes and replaces all prior or existing written and oral agreements between the parties or their representatives relating to this easement.

4.3 Failure of any party to require performance of any provision of this contract shall not limit the party's right to enforce the provision, nor shall any waiver of any breach of any provision constitute a waiver of any succeeding breach of that provision or a waiver of that provision itself.

4.4 This contract shall be binding upon and inure to the benefit of the parties, their successors, and assigns but no interest of the parties may be assigned, subcontracted, or otherwise transferred, voluntarily or involuntarily, without the prior written consent of those parties represented in this agreement to which consent may be granted or withheld in its sole discretion.

4.5 In the event of litigation, the prevailing party shall be entitled to an award of reasonable attorney fees at trial or on appeal.

Dated 2, 28 2012.

Brad Hill Trust, by Brad Hill

Delkers, by Karl / Sharon Delker

Osburn/Olson LLC, By Ryan Osburn / Corey Olson

4.4 This contract shall be binding upon and inure to the benefit of the parties, their successors, and assigns but no interest of the parties may be assigned, subcontracted, or otherwise transferred, voluntarily or involuntarily, without the prior written consent of those parties represented in this agreement to which consent may be granted or withheld in its sole discretion.

4.5 In the event of litigation, the prevailing party shall be entitled to an award of reasonable attorney fees at trial or on appeal.

Dated March 1st, 2012.

Brad Hill Trust

Brad Hill Trust, by Brad Hill

Delkers, by Karl / Sharon Delker

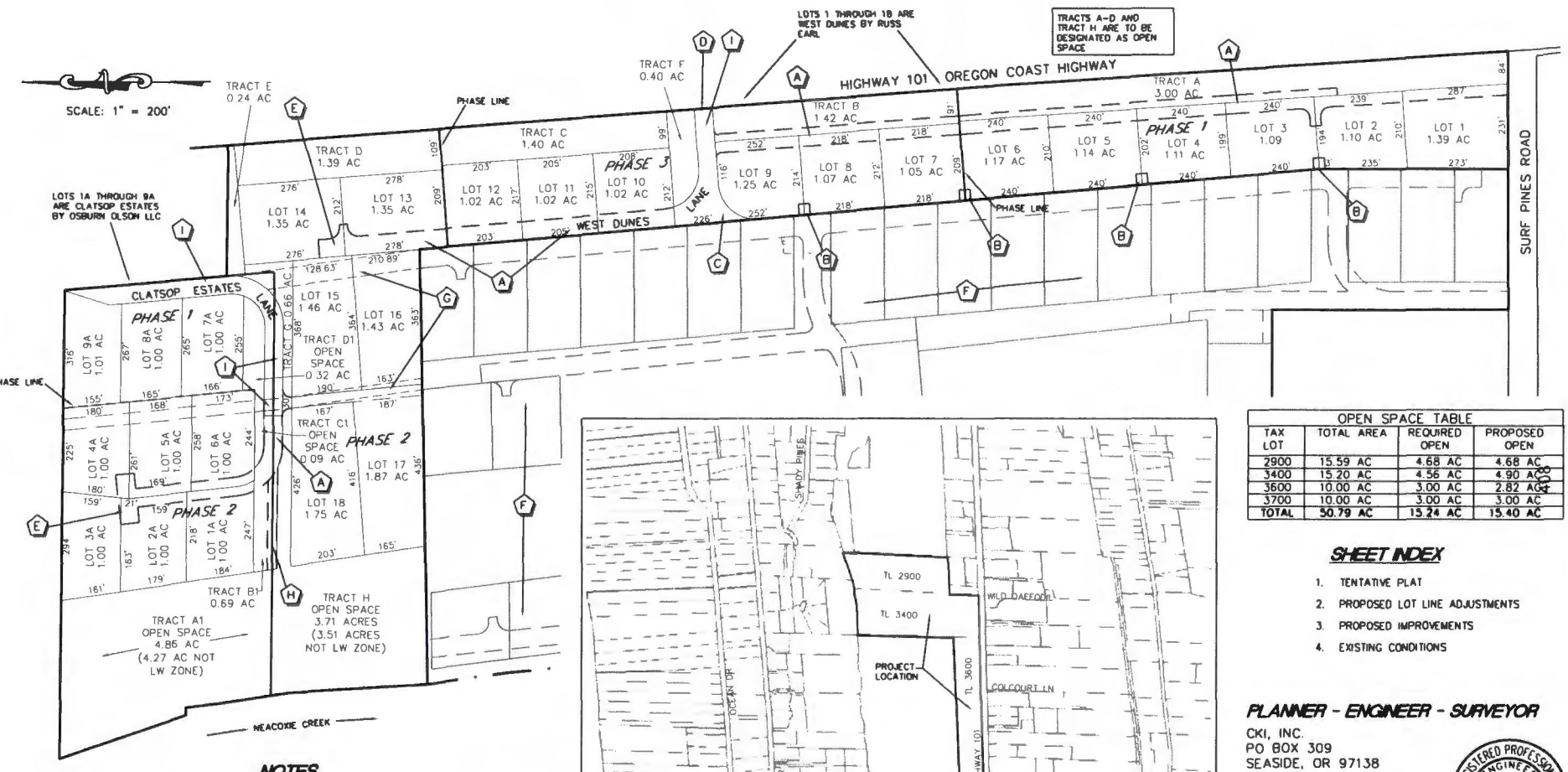
Osburn/Olson LLC, By Ryan Osburn / Corey Olson

EXHIBIT 10

CLATSOP ESTATES AND WEST DUNES

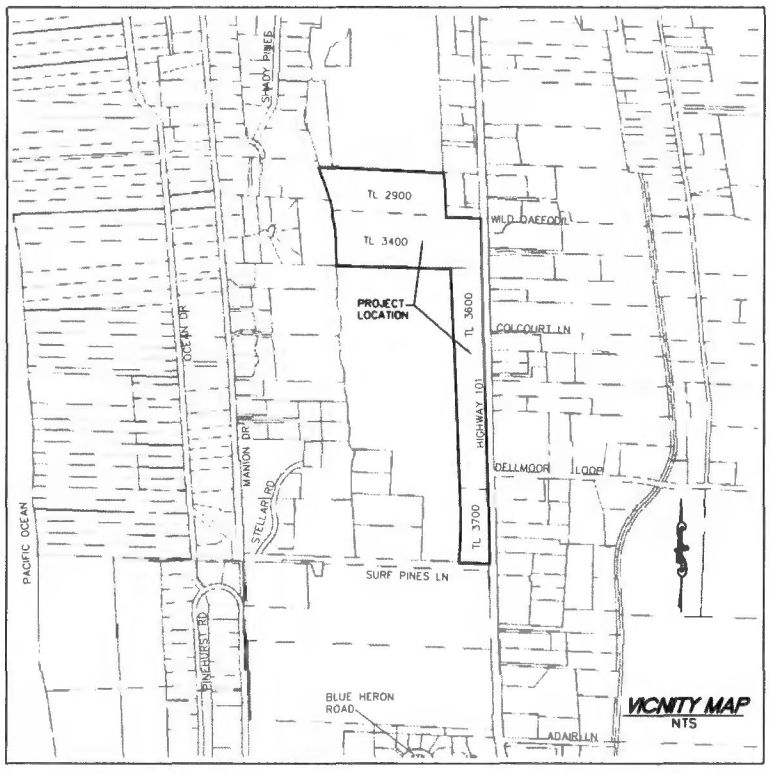
TENTATIVE PLAT

IN SECTION 27, T7N, R10W, W.M.
CLATSOP COUNTY, OREGON
DATE: OCTOBER, 2011 SCALE: 1" = 200'



NOTES

- (A) PROPOSED 50' PRIVATE ACCESS AND UTILITY EASEMENT WITH 22' WIDE ROADWAY
- (B) OPTIONAL ACCESS TO LOTS PROPOSED 30'X30' ACCESS AND UTILITY EASEMENT (TO WIDEMAN ROADWAY)
- (C) OPTIONAL 50' PUBLIC ROADWAY (TO WIDEMAN ROADWAY)
- (D) ODOT APPROVED ACCESS LOCATION
- (E) PROPOSED FIRE APPARATUS TURNAROUND
- (F) PROPOSED WIDEMAN DEVELOPMENT
- (G) POSSIBLE FUTURE EASEMENT FOR ROADWAY CONNECTION TO WIDEMAN
- (H) 25' ACCESS EASEMENT TO PROPOSED LAND CONSERVANCY TRACTS
- (I) 50' PUBLIC ROADWAY (DEDICATED) WITH 22' WIDE ROADWAY



OPEN SPACE TABLE			
TAX LOT	TOTAL AREA	REQUIRED OPEN	PROPOSED OPEN
2900	15.59 AC	4.68 AC	4.68 AC
3400	15.20 AC	4.56 AC	4.90 AC
3600	10.00 AC	3.00 AC	2.82 AC
3700	10.00 AC	3.00 AC	3.00 AC
TOTAL	50.79 AC	15.24 AC	15.40 AC

SHEET INDEX

1. TENTATIVE PLAT
2. PROPOSED LOT LINE ADJUSTMENTS
3. PROPOSED IMPROVEMENTS
4. EXISTING CONDITIONS

PLANNER - ENGINEER - SURVEYOR

CKI, INC.
PO BOX 309
SEASIDE, OR 97138
503 738 4320 OFFICE
503 738 7854 FAX
WWW.CKIINC.NET

REGISTERED PROFESSIONAL ENGINEER 51518 OREGON JULY 11, 2000 DEAN L. KERANEN
PRELIMINARY
RENEWAL DATE 6/30/2013

APPLICANT/OWNER

RUSS EARL AND
OSBURN OLSON LLC
1369 STILLWATER COURT
SEASIDE, OREGON 97138

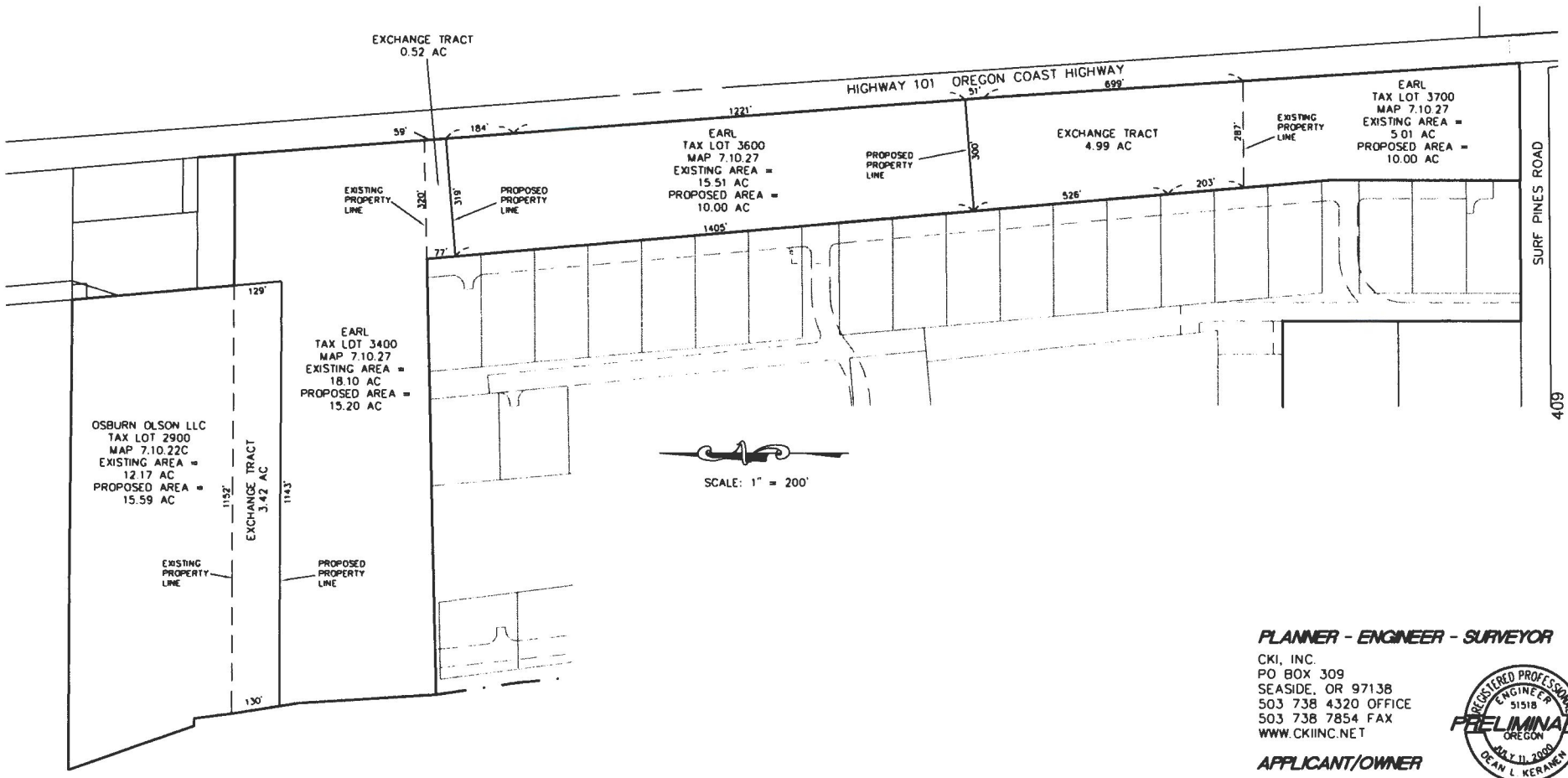
CKI
LAND SURVEYING - PLANNING
CIVIL ENGINEERING

DRAWING NAME: 9-054 DATE OF PLOT: 2/28/12

CLATSOP ESTATES AND WEST DUNES

PROPOSED PROPERTY LINE ADJUSTMENTS

IN SECTION 27, T7N, R10W, W.M.
CLATSOP COUNTY, OREGON
DATE: OCTOBER, 2011 SCALE: 1" = 200'



PLANNER - ENGINEER - SURVEYOR

CKI, INC.
PO BOX 309
SEASIDE, OR 97138
503 738 4320 OFFICE
503 738 7854 FAX
WWW.CKIINC.NET

REGISTERED PROFESSIONAL ENGINEER 51518 OREGON JULY 11, 2008 DEAN L. KERANEN
PRELIMINARY
RENEWAL DATE 6/30/2013

APPLICANT/OWNER

RUSS EARL AND
OSBURN OLSON LLC
1369 STILLWATER COURT
SEASIDE, OREGON 97138

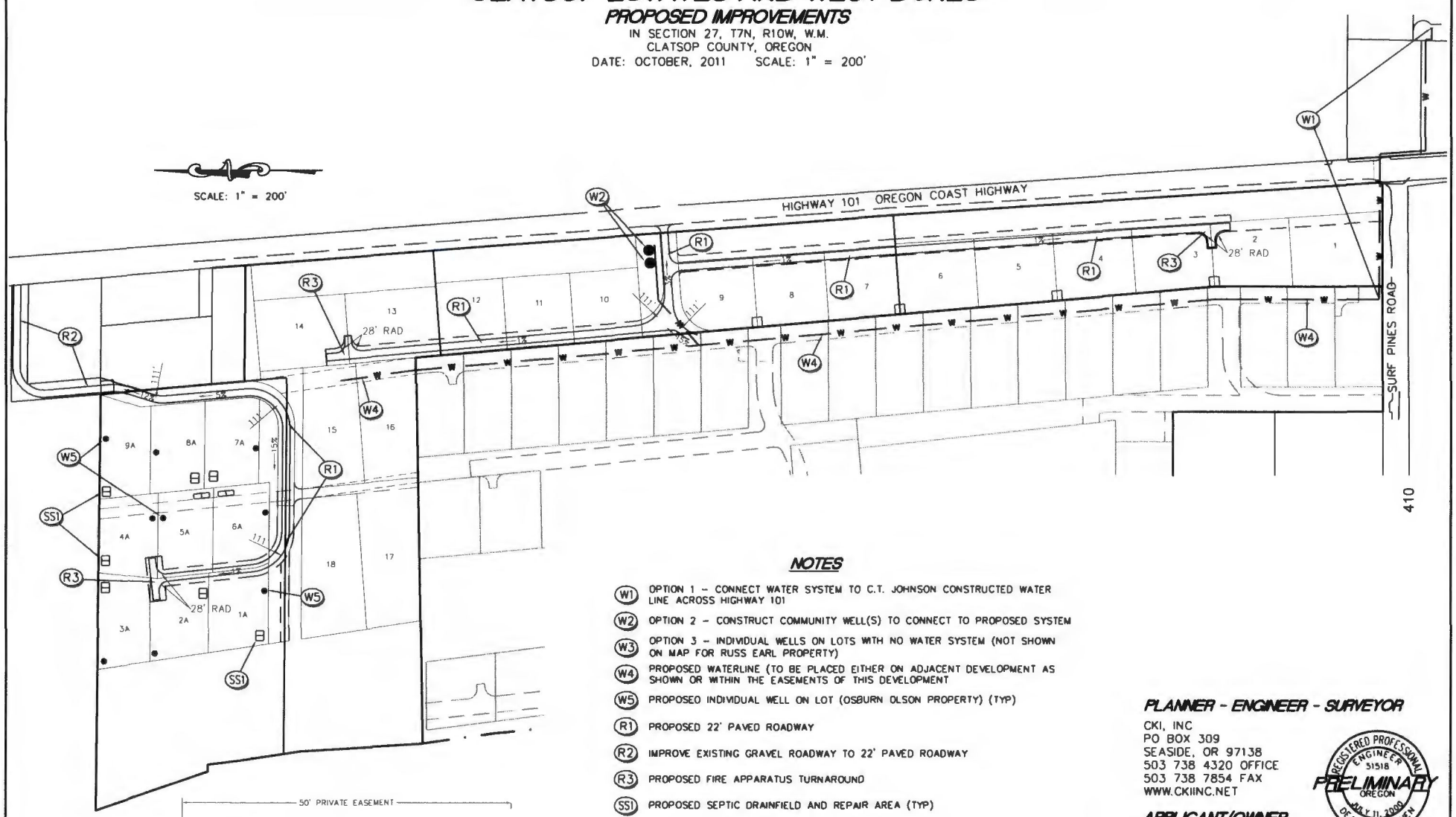
CKI
LAND SURVEYING - PLANNING
CIVIL ENGINEERING

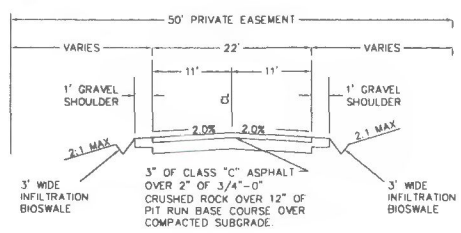
DRAWING NAME: 9-054 DATE OF PLOT: 2/28/12

CLATSOP ESTATES AND WEST DUNES

PROPOSED IMPROVEMENTS

IN SECTION 27, T7N, R10W, W.M.
CLATSOP COUNTY, OREGON
DATE: OCTOBER, 2011 SCALE: 1" = 200'





NEW ROAD TYPICAL SECTION A-22
NTS

NOTES

- (W1) OPTION 1 – CONNECT WATER SYSTEM TO C.T. JOHNSON CONSTRUCTED WATER LINE ACROSS HIGHWAY 101
- (W2) OPTION 2 – CONSTRUCT COMMUNITY WELL(S) TO CONNECT TO PROPOSED SYSTEM
- (W3) OPTION 3 – INDIVIDUAL WELLS ON LOTS WITH NO WATER SYSTEM (NOT SHOWN ON MAP FOR RUSS EARL PROPERTY)
- (W4) PROPOSED WATERLINE (TO BE PLACED EITHER ON ADJACENT DEVELOPMENT AS SHOWN OR WITHIN THE EASEMENTS OF THIS DEVELOPMENT
- (W5) PROPOSED INDIVIDUAL WELL ON LOT (OSBURN OLSON PROPERTY) (TYP)
- (R1) PROPOSED 22' PAVED ROADWAY
- (R2) IMPROVE EXISTING GRAVEL ROADWAY TO 22' PAVED ROADWAY
- (R3) PROPOSED FIRE APPARATUS TURNAROUND
- (SS1) PROPOSED SEPTIC DRAINFIELD AND REPAIR AREA (TYP)

DRAINAGE NOTE:
RUNOFF FROM PAVED SURFACES TO BE MANAGED BY THE USE OF INFILTRATION BIOSWALES ON BOTH SIDES OF THE ROADWAYS AS SHOWN IN THE TYPICAL SECTION.

PLANNER - ENGINEER - SURVEYOR

CKI, INC
PO BOX 309
SEASIDE, OR 97138
503 738 4320 OFFICE
503 738 7854 FAX
WWW.CKIINC.NET

REGISTERED PROFESSIONAL ENGINEER 51518 OREGON PRELIMINARY MAY 11, 2000 DEAN L KERAMEN

RENEWAL DATE 6/30/2013

APPLICANT/OWNER

RUSS EARL AND
OSBURN OLSON LLC
1369 STILLWATER COURT
SEASIDE, OREGON 97138

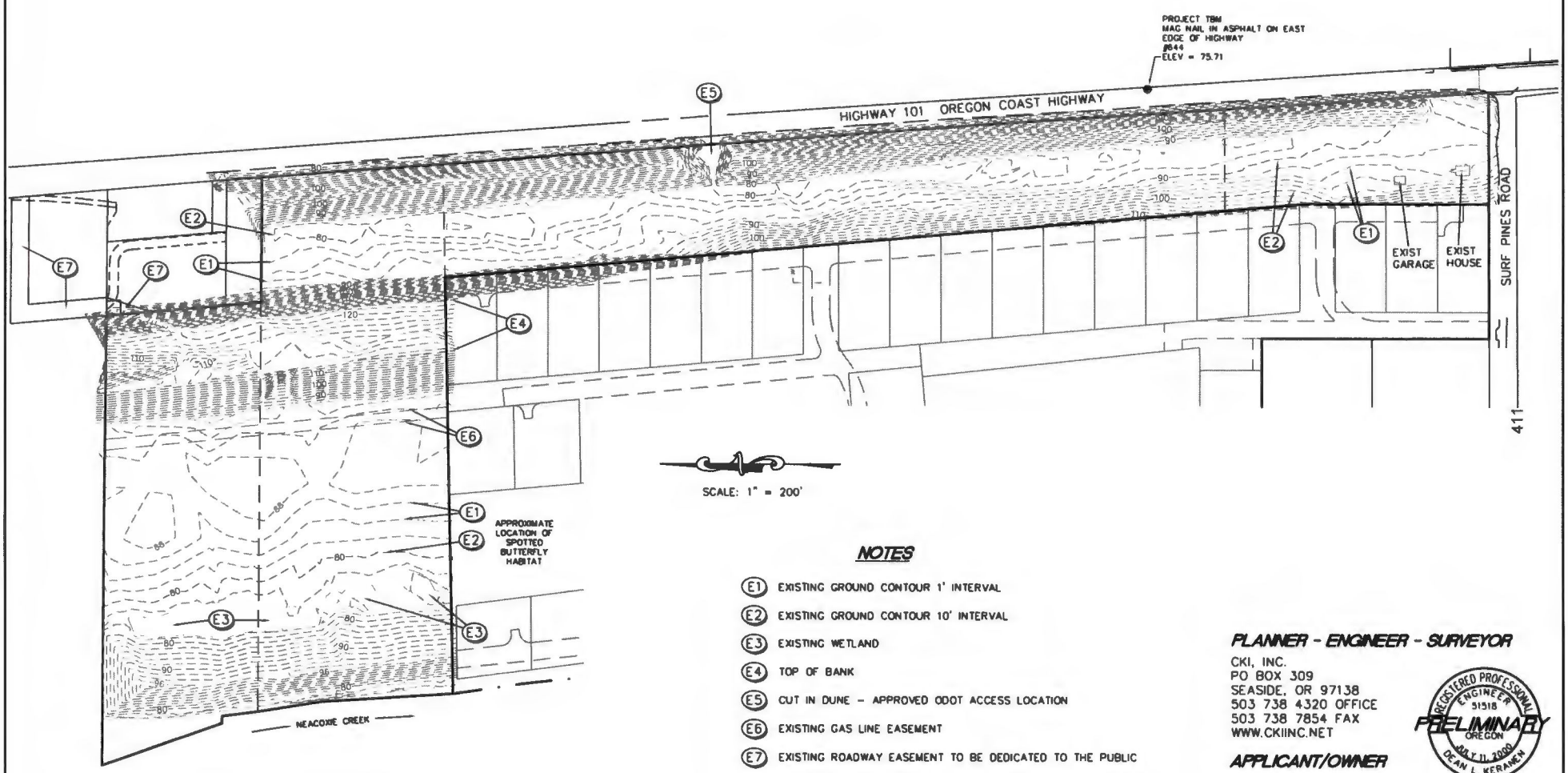
CKI
LAND SURVEYING - PLANNING
CIVIL ENGINEERING

DRAWING NAME: 9-054 DATE OF PLOT: 2/28/12

CLATSOP ESTATES AND WEST DUNES

EXISTING CONDITIONS

IN SECTION 27, T7N, R10W, W.M.
CLATSOP COUNTY, OREGON
DATE: OCTOBER, 2011 SCALE: 1" = 200'



SCALE: 1" = 200'

NOTES

(E1) EXISTING GROUND CONTOUR 1' INTERVAL
(E2) EXISTING GROUND CONTOUR 10' INTERVAL
(E3) EXISTING WETLAND
(E4) TOP OF BANK
(E5) CUT IN DUNE - APPROVED ODOT ACCESS LOCATION
(E6) EXISTING GAS LINE EASEMENT
(E7) EXISTING ROADWAY EASEMENT TO BE DEDICATED TO THE PUBLIC

PLANNER - ENGINEER - SURVEYOR

CKI, INC.
PO BOX 309
SEASIDE, OR 97138
503 738 4320 OFFICE
503 738 7854 FAX
WWW.CKIINC.NET

REGISTERED PROFESSIONAL ENGINEER 51518 OREGON JULY 11, 2008 DEAN L. KERANEN
PRELIMINARY
RENEWAL DATE 6/30/2013

APPLICANT/OWNER

RUSS EARL AND
OSBURN OLSON LLC
1369 STILLWATER COURT
SEASIDE, OREGON 97138

CKI
LAND SURVEYING - PLANNING
CIVIL ENGINEERING

DRAWING NAME: 9-054 DATE OF PLOT: 2/28/12

EXHIBIT 11

Contact Phone Number: 503-738-9281

Fax Number:

Making a difference through excellence of service

CITY OF WARRENTON

RESIDENTIAL WATER AND/OR SEWER AVAILIBILITY STATEMENT

REQUESTED BY: Russ Earl (West Dunes and Clatsop Estates) DATE: 08/26/11

MAILING ADDRESS: P.O.Box 2276, Gearhart, OR 97138 EMAIL ADDRESS: prgeonshore.com

SEWER IS AVAILABLE: ☐ SEWER IS NOT AVAILABLE: ☒ WATER IS AVAILABLE: ☒ WATER NOT AVAILABLE: ☐

REMARKS: **Mainline extension required for this development to be done by developer in conjunction with another development. Hiring water consultant.** City will meet on this with developer to finalize plan

☐ **Combined Fee** ☐ **Admin Fee**

WATER COST: n/a **METER SIZE**

Craig Walter 8/26/11
PUBLIC WORKS OFFICIAL (Date)

SEWER COST: n/a **UNITS**

This form is for water & sewer availability. A plat map with the lot highlighted and all map and tax lot information is required before a statement will be issued. Sewer and water is defined by City Ordinance. Sewer and water connection fees are defined by the City Resolution This water availability is good for 60 days and once lapsed must be reinstated before water and sewer connections may be made. Any changes to the fees schedule will be applicable at the time of connection and all fees will be refunded if the connection is not made within 12 months of receipt of funds. Once connected, all connections are immediately subject to monthly utility billing according to City of Warrenton policies.

WARRENTON UTILITY DEPARTMENT

WORK ORDER for Water and/or Sewer Connection Date:

(PRINT NAME)

(Signature)

Ref. Number Meter Size

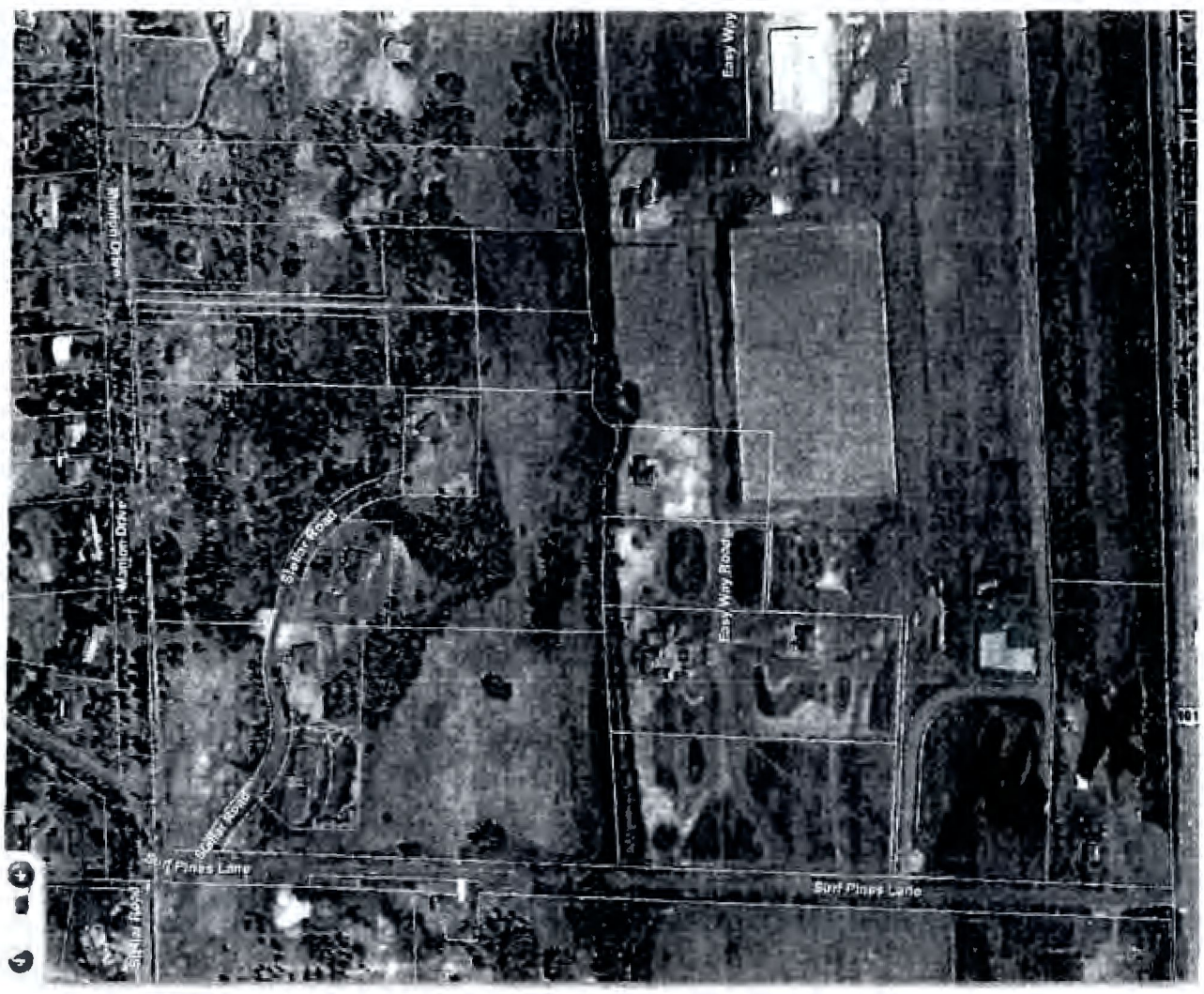
Meter Number Install Date

Meter Location

For office use only – please initial & date

Cashier PW UB

Tax Lot Number: 71027 3400,3500 3600, 3700 and 71022C002900,


Easy Way
Easy Way Road
Shelter Road
Surf Pines Lane
Surf Pines Lane
Surf Pines Lane
Mission Drive
Mission Drive
Surf Pines Lane
Surf Pines Lane
Surf Pines Lane

Easy Way Road

Planning Commission
Meeting Minutes
February 14, 2012

Minutes of February 14, 2012
Clatsop County Planning Commission Regular Session
Judge Guy Boyington Building
857 Commercial Street
Astoria, Oregon 97103

The meeting was called to order at 1001 by Chair Francis.

PL Commissioners Present:	**PC Absent:**	**Staff Present**:
Lianne Thompson	Michael Tiedeman, Excused	Jennifer Bunch
Bruce Francis	Kay Foetisch-Robb, Excused	Hiller West
Jan Mitchell		Jeff Bennett
Robert Stricklin		
Susanna Gladwin		

Clatsop County Board of Commissioners' Liaison Present:
Debra Birkby

Business from the Public:

PC Mitchell handed out a flyer from the Oregon Coast Alliance inviting the public to a free Clatsop County Land Use Workshop on February 29, 2012 from 4:00 p.m. to 6:30 p.m. at the Warrenton Community Center, 170 SW Third Street, Warrenton.

Minutes:

PC Thompson moved and PC Gladwin seconded to approve minutes from the December 13, 2011 Planning Commission meeting as amended and presented by staff. Motion passed unanimously.

PC Mitchell moved and PC Thompson seconded to approve minutes from the January 10, 2012 Planning Commission meeting as presented by staff. Motion passed unanimously.

PC Stricklin moved and PC Mitchell seconded to approve minutes from the January 27, 2012 Planning Commission workshop. Motion passed, with PC Thompson abstaining [due to her absence].

Strategic Plan:

Duane Cole, County Manager, presented the final results of the prioritization of the Strategic Plan by the members of the Planning Commission. Six of the Planning Commissioners participated, with PC Tiedeman out of town and unable to attend.

Mr. Cole explained that there are several projects already begun, including the US 101 flooding project, the Ensign Lane extension (required by contract), and the jail remodel. He continued, stating that on February 22nd, the 2nd public workshop on the jail remodel will be held.

Once the Strategic Plan is approved, at the February 29th Board of Commissioners Retreat, they will review it.

The top three Planning Projects were:

- County Technology Plan Update
- Comprehensive Plan Update
- Transmission Line Standards

The top Projects were:

- Westport Slough Dredging
- Fire Station Access Development
- County by-pass, truck, evacuation route
- Division of State Lands permitting by County
- Clatsop Plains Wastewater

The top Facilities' Projects were:

- Electricity to Fish Hatchery
- Recycling Center for Household Hazardous Waste
- Incubator Light Industrial Building

Duane encouraged the Planning Commissioners to think about whether or not there are other projects in Clatsop Plains that should be considered.

Chair Francis spoke about Clatsop Plains' issues, including water supply and municipalities' control of them, how can the county come in? He continued, talking about alternatives to ground water, including roof water catching, storing and pressurization. He felt that it would be a viable source.

PC Gladwin would like to see an inventory of water sources' availability for matching up to new and existing development.

PC Stricklin commented on the bypass and evacuation route. He would like to see them separated. He continued, stating that the evacuation routes would be a matter of anticipating the weakest links since we already know ther are predictable areas of collapse. PC Gladwin suggested this could be part of a citizens' advisory committee.

Chair Francis opened public comment at 1032.

Sheila Holden, representing Pacific Power and Light thanked the Planning Commission for ranking the formation of a PUD in Clatsop County at the bottom of the prioritization list. She continued, stating that Pacific Power would still like to see it eliminated completely from the Strategic Plan.

Chair Francis thanked Ms. Holden for their collaborative manner but explained that the Planning Commission would be remiss in their duties to remove it from the list. It will be passed along to the Board of Commissioners but they will get a feeling of the priority based on the ranking the Planning Commissioners completed.

PC Gladwin stated that it was ranked low for many different reasons, with PC Stricklin commenting that the core issue with the public seems to be rates and people's understanding how PP & L establishes those rates.

After a straw poll of the Commissioners, it was agreed to authorize Chair Francis to sign the letter of transmittal to move the Strategic Plan on to the County Board of Commissioners. On March 28th, there will be a public meeting, and Hiller West will revisit the Plan with the Planning Commission in October.

At 1044 Chair Francis called for a break; the meeting was reconvened at 1100.

Public Hearings:

Frog Consulting LLC representing Gloria Edler submitted a consolidated application for a comprehensive plan zoning map amendment, text amendment, and two partitions. The subject property is located adjacent to McCormick Gardens Road in the rural area east of the City of Gearhart.

No conflicts of interest were reported. Chair Francis reported an ex parte contact with Ms. Edler; years ago, she watched his children, but he stated that he could be objective. PC Gladwin also reported an ex parte contact, stating that she had walked the property some years ago.

Jennifer Bunch, Planner, presented the staff report. Ms. Bunch started by giving an overview of cluster development and density transfer, including zoning map amendments, density transfers, comprehensive plan text amendments (modification of table in the comprehensive plan), and partitions.

Ms. Bunch summarized the application with a PowerPoint presentation, recommending approval with conditions as stated in the staff report.

PC Mitchell commented on partitionalization and PC Gladwin expressed her concerns about water issues.

Chair Francis opened public testimony at 1143.

No public agencies asked to speak.

Mike Weston, Frog Consulting representing Gloria Edler, applicant spoke about the property being very wet but the owners are willing to address that plus the sewer concerns.

The Planning Commissioners as a group discussed utility easements, road improvements, hydrology, and drainage concerns.

No proponents or opponents asked to speak. At 1152 public testimony was closed.

PC Thompson moved and PC Mitchell seconded to adopt the findings of fact and recommend to the Clatsop County Board of Commissioners approval of the application with all 11 (eleven) conditions as presented in the staff report. Motion passed unanimously.

Chair Francis called for a break at 1155. The meeting was reconvened at 1202.

Frog Consulting LLC, representing Russ Earl and Osburn-Olson, LLC, submitted a consolidated application for a comprehensive plan zoning map amendment, text amendment, three property line adjustments, and two cluster subdivisions. The applicants propose to downzone three parcels, the "sending sites" and move the density to three parcels, the "receiving sites." The applicants proposed two different subdivisions, West Dunes, applicant Russ Earl, and Clatsop Estates, applicant Osburn-Olson, LLC.

No conflicts of interest were reported. Chair Francis and PC Mitchell reported ex parte contacts, both stating they knew Russ Earl, but they could be impartial on this matter.

Ms. Bunch presented a summary of the staff report as a PowerPoint presentation. Part of the proposal is to keep a 10 foot strip of the properties' current zoning intact to avoid change in setbacks that would negatively affect the adjacent property owner(s).

A discussion between Ms. Bunch and the Planning Commissioners was held regarding the fact that Clatsop County codes do not allow connection of private roads to private roads in other developments. Ms. Bunch continued, stating that she addressed this issue as a condition of approval as stating that all roads in the proposed West Dunes subdivision shall be offered for dedication to the public. The definition of a public road means it's dedicated to public use but not maintained by public funds.

PC Stricklin expressed his concerns about perching houses on top of the dunes, with Ms. Bunch responding that it was not part of the proposal.

Chair Francis and PC Mitchell expressed their concerns about road and access issues and why they weren't resolved before they are brought to the Planning Commission. Ms. Bunch replied that notice had been given and staff was not aware of the issue until analysis of the application was begun. She continued, stating that approval of the application could be given pending resolution of the road and access issues.

PC Thompson expressed concern about increased traffic and safety issues. Jeff Bennett, County Counsel, stated that the proposal did not meet the criteria in Clatsop County's code requiring a traffic study.

Ms. Bunch recommended approval of the consolidated application with conditions as stated in the staff report.

Public testimony was opened at 1253.

No public agencies asked to speak.

Mr. Weston, representing the applicant, spoke to the following:

- Setback issues have been resolved
- There will be about five houses on top of the dunes
- Applicant knows about the open space deficiency in Clatsop Estates; the lot sizes will be adjusted to fix that

- Applicant was not anticipating the roads' issues, but they have enough acreage and a solution is to make parts of West Dunes Lane public
- Applicant will acquire easement and negotiate with adjacent property owner to make it a public road

Chair Francis expressed concerns about assuming Surf Pines Road will allow access as it's a private road and he doesn't feel as if he has enough information.

Brief recess to allow applicant to confer with his consultant. At 1314 the meeting was called back to order.

Mr. Weston reported that his client was willing to continue the hearing.

Chair Francis questioned the open space tracts being attached to each individual lot instead of being allocated to an HOA as one open space tract that all of the homeowners could use.

Mr. Bennett recommended that the Planning Commission take public testimony even if they decide to continue the hearing.

Public testimony was opened at 1316.

Surf Pines Association, represented by Patrick Wingard, 33317 Surf Pines Lane, Warrenton, opposed some elements of the proposal, including:

- Anything less than 50 foot setback
- Coordination with Goal 12
- Goal 11 and water supply
- Buffering and screening

PC Gladwin expressed her concerns with connecting to Surf Pines Lane, ODOT/safety concerns, and water issues.

Jim Scheller, 32607 Turlay Lane, Warrenton, had concerns about open spaces, safety of roads, bicycle safety and his desire to see some trails.

Miles Sweeney, 90143 Ocean Drive, owns the property immediate to the south of proposed subdivision expressed his concerns about the 50 foot setbacks. Ms. Bunch responded that as stated earlier in the meeting, the subject property will maintain the current zoning with a 10' border in order to avoid changes to zoning on adjacent property.

Discussion continued with Planning Commissioners, staff and applicant regarding open space (private vs. common), HOA ownership of open space tracts, Goal 12, sewer and water requirements and whether or not Polo Ridge will ever be developed.

Mr. Bennett recommended setting deadlines for submittals and responses. The applicant felt able to accomplish the issue of public road dedication in 1-2 weeks.

Chair Francis continued the public testimony and hearing to March 13, 2012, the next regularly scheduled Planning Commission meeting.

Ocean Planning Update:

Hiller West updated the Planning Commission with a PowerPoint and verbal presentation, discussing the revisions made at the last Planning Commission meeting. He stated that it is tentatively set to go before the Board of Commissioners on March 28, 2012.

As there was no further business, the meeting was adjourned at 1446.

Respectfully Submitted,

Bruce Francis
Chairperson - Planning Commission

Planning Commission
Meeting Minutes
March 13, 2012

Minutes of March 13, 2012
Clatsop County Planning Commission Regular Session
Judge Guy Boyington Building
857 Commercial Street
Astoria, Oregon 97103

The meeting was called to order at 10.10 am by Chair Francis.

PL Commissioners Present:	**PC Absent:**	**Staff Present**:
Lianne Thompson		Hiller West
Bruce Francis		Jennifer Bunch
Michael Tiedeman		Julia Decker –Start of meeting only
Robert Stricklin		Jeff Bennett
Susanna Gladwin		Commissioner Birkby
Kay Foetisch-Robb		
Jan Mitchell		

Business from the Public:

There was no business from the Public.

Minutes:

PC Thompson moved and PC Mitchell seconded to approve minutes from the February 14, 2012 Planning Commission meeting as amended and presented by staff. Motion passed unanimously.

PC Tiedeman moved and PC Thompson seconded to approve minutes from the February 28, 2012 Planning Commission meeting as presented by staff. Motion passed with PC Foetisch-Robb and PC Mitchell abstaining [due to their absence].

Goal 19

Hiller West presented a review of the Goal 19 background in State Statute and the role of the State, in planning for the Territorial Sea. Mr. West gave background information regarding the statute, which gives the Department of Land Conservation and Development (DLCD) the designation of primary agency for Ocean Resources Planning. The DLCD is currently in the process of updating the Territorial Sea Plan, which was last amended in 1994.

A link on the Land Use Planning webpage is available for accessing the proposed amendments or by contacting Mr. West at the Planning Department.

Mr. West also provided information regarding:

- Clatsop County's process and role as a member of the review team.
- The joint agency review team process for review of any proposal for development in the Territorial Sea.
- The State's role in providing final permits and/or leases for any offshore renewable energy development.

- The draft Goal 19 element and policies.
- Additional policies as proposed under Goals 5, 9, 13, 17, 18 (information provided in Commissioner's packets).

Upcoming meeting/hearing schedule:

- March 28, 2012
  Regular meeting of the Board of Commissioners
  Staff presentation on the work that's been done to date and the draft of the Goal 19 elements and policies under the other goals
- April 10, 2012
  Planning Commission would adopt findings and conclusions and forward its recommendation to the Board of Commissioners
- April 25, 2012 or at a future meeting
  The Board of Commissioners would hold its public hearing
- End of April – Mid May
  Adoption by Clatsop County

Hearings

The first public hearing was opened by Chair Francis. This hearing is to accept public testimony on the Goal 19 effort.

No ex parte contacts or conflicts of interest were reported.

Chair Francis called for Public Testimony after allowing the Planning Commissioners a few minutes to review written comments.

Rick Williams, 18000 S Shiloh Ln, Oregon City, OR Mr. Williams, an ocean engineer representing the Oregon Military Department for a feasibility study for ocean energy at Camp Rilea, read a letter into the record.

Bernie Bjork, 36293 Bartoldus Loop, Astoria, OR. Mr. Bjork expressed his concerns that fishing was not brought up until Goal 9, page 7 of the document. Continuing, Mr. Bjork stated that energy devices are not compatible with fishing.

Katheryn "Misty" Moore, 348 Alameda, Astoria, OR. Ms. Moore presented concerns regarding MI & M3 proposed zones and her opinion that some parts of the proposed changes have great potential for harm. Stated concerns regarding the February 8, 2012 The Daily Astorian article regarding Senate Bill 1510.

Courtney Johnson, 917 SW Oak, Ste 417, Portland, OR. Ms. Johnson stated Oregon Shore's support of the process impact for local consultation.

Public Testimony was closed at 1137.

Following the public testimony, it was decided that Mr. West will bring a revised draft back to the Planning Commissioners at their April meeting, specifically addressing the effects vs. impacts.

PC Mitchell moved and PC Thompson seconded to direct staff to make changes and bring findings to April meeting. Motion passed unanimously.

Earl/Osburn/Olson Application Hearing:

PC Gladwin stated that she had an ex-parte contact with Patrick Wingard, administrator for the Surf Pines Association, but Mr. Wingard felt it inappropriate to discuss so there was no further contact. She also discussed safety concerns on the highway with ODOT staff.

PC Tiedemann said he had been an associate of Russ Earl in the past but he felt he could remain objective in hearing the proposal. PC Robb said she has known Mr. Osburn but also felt that she could remain objective.

The applicant's representative, Michael Westin, asked PC Gladwin whether she felt she had retained additional information through her interaction with ODOT and whether she could be impartial. PC Gladwin responded in the affirmative. She said the document she reviewed was not a safety study; it was more of a vision document.

Jennifer Bunch, Planner, presented the staff report. She stated the applicants submitted a revised application which proposed the open space would be retained by the homeowner's association. Alternatively, the open space could be sold to the Northwest Land Conservancy, who could manage it. In addition, ODOT had provided further documentation and statistics in support of their comments, as did County Engineer Ron Ash. As a result of the additional documentation, staff had determined that a traffic impact study should be required.

Ms. Bunch reviewed the staff responses to the public testimony at the February hearing on this proposal. She reviewed the staff conclusion and stated that staff had determined that the application did not meet the criteria for approval and recommends denial. PC Thompson thanked Planner Bunch for the additional work she had done. Chairman Francis reminded the commissioners that anything in their packets is applicable to their consideration.

Public Testimony was continued at 1230.

Michael Westin, Frog Consulting, 469 Lexington Ave, Astoria, representing the applicants, spoke in support of the application. He stated that improvements requested by staff are not proportional to the proposed subdivision, and said a traffic study had already been done by ODOT. He stated that Section 6.005(2) of the Standards document provides that conditions shall be roughly proportional to the impacts of the proposal. He said the applicants had satisfied the concerns expressed by the Planning Commission at the February hearing.

A discussion about private vs. public road access ensued between the commissioners and Mr. Westin. Mr. Westin stated that proposed Lot 1 would have access onto Surf Pines Road, while proposed Lots 2-18 would access Highway 101 by way of West Dunes Lane. Mr. Westin stated he had concerns about some of the proposed conditions in the staff report, specifically numbers 17, 32 and 38. He doesn't know what traverse points are. Regarding condition no. 17, it's the removal of access; he does not understand the intent. County code prohibits double-frontage lots. PC Gladwin said that the Clatsop Plains Community Plan also addresses safety issues.

Mr. Steve Earl, 33503 Surf Pines Lane, spoke in support of the application. He said he does not have a financial interest in development of the property, and that Polo Ridge is a 65 acre piece of undeveloped property which will need another time extension to meet their conditions of approval. Mr. Westin stated if a traffic study was to be required it could be as a condition of approval. County Attorney Bennett spoke to the Commission and recommended against that option, as the results of the study would not be subject to public review and discussion as part of the hearing process.

Mr. Ron Earl, 33503 Surf Pines Lane, spoke in support of the application. He said the traffic study requirement should have been placed on the Polo Ridge development.

Mr. Patrick Wingard, administrator for the Surf Pines Homeowners Association, 33317 Surf Pines Lane, Warrenton, spoke. He said staff needs to show how the application meets the more subjective provision of the Comprehensive Plan. He said there should be a requirement for a new plat map showing no connections with Polo Ridge. He wondered how anyone could apply for access approval from ODOT on property they did not own. And why the applicant has not contacted the Surf Pines Homeowners Association for approval to use their road.

Chair Francis recessed the hearing at 2:20 p.m. He reconvened the hearing at 2:39 p.m.

Planner Bunch responded to the comments made by Mr. Westin and Mr. Wingard. The request for comments to ODOT went to an address in Salem, as ODOT has requested. PC Gladwin stated she felt there are still some unresolved issues. Attorney Bennett described the options for action by the Planning Commission.

Chair Francis stated he does not see the need for a traffic impact study. He feels the applicants went to ODOT at the very beginning and were not told a traffic study was required. He then closed the public testimony portion of the hearing.

Chair Francis stated that PC Mitchell should not vote as she was not present for a portion of the hearing in February and had not heard the audio portion she had missed.

PC Thompson moved to adopt the finding and recommendation in the staff report and recommend denial of the application to the Board of Commissioners. The vote was 3-1 in favor of the motion with PCs Gladwin, Stricklin, and Thompson voting in favor and CM Francis voting against.

There was no further discussion by staff or the commission.

As there was no further business, the meeting was adjourned at 1511.

Respectfully Submitted,

Bruce Francis
Chairperson - Planning Commission

WILLIAM PAUL
(503) 325-0381
SUNSET PRESORT
397 MARINE DR
ASTORIA OR 97103

3 LBS

1 OF 1

SHIP TO:
PLAN AMEND. SPEC.
DEPT. OF STATE LAND CONS. & DEV.
SUITE 150
635 CAPITOL ST. N.E.
SALEM OR 97301-2540

OR 973 0-02

UPS GROUND

TRACKING #: 1Z 786 877 03 5325 2521

BILLING: P/P

REF 1:CC PLANNING # 715 $12.50
REF 2:06/29 # 13

WS 15.0 16 LP2442 27.0A 04/2012

SEE NOTICE ON REVERSE regarding UPS terms, and notice of limitation of liability. Where allowed by law, shipper authorizes UPS to act as forwarding agent for export control and customs purposes. If exported from the US, shipper certifies that the commodities, technology or software were exported from the US in accordance with the Export Administration Regulations. Diversion contrary to law is prohibited

DEPT OF

JUL 02 2012

LAND CONSERVATION
AND DEVELOPMENT

715

CLATSOP COUNTY
Transportation and Development Services
Land Use Planning
800 Exchange Street, Suite 100
Astoria, Oregon 97103
(503) 325-8611 • Fax (503) 338-3666

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

FIRST CLASS MAIL

MIDDLE S. OFFICE
KELS-2050
FOLTSSE AAUZOMSY 2521