



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: October 21, 2015

Jurisdiction: Clatsop County

Local file no.: 15-03

DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/21/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 55 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 001-15 {23871}

Received: 10/21/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption**. (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Clatsop County

Local file no.: **Ordinance 15-03**

Date of adoption: 10/14/15

Date sent: 10/21/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 06/24/15

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes **No**

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Jennifer Bunch, Senior Planner

Phone: 503-325-8611

E-mail: [jbunch@co.clatsop.or.us](mailto:jbunch@co.clatsop.or.us)

Street address: 800 Exchange Street, Ste 100

City: Astoria

Zip: 97103

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

Goal 5

#### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from HI	to LW	5.01 acres.	A goal exception was required for this change.
Change from HI	to RCP	24.5 acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): T8N R06W Sec36 TL406/408

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

New Section 3.290 Rural Community Parks Zone

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCDC or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

October 21, 2015

**NOTICE OF FINAL DECISION**



File Numbers: Ordinance No. 15-03

Decision Date: October 14, 2015

Applicant: Clatsop County

Property Owner: Clatsop County

**Action: APPROVAL**

Action Described: Westport Park Amendments: Amendments to the Comprehensive Plan, Zoning Map, and Land and Water Development and Use Ordinance to change the zoning on the subject properties from Heavy Industrial to Rural Community Parks and Lake and Wetland. The action also expands the rural community boundary.

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Clatsop County has completed its review of the application described above. The Board of County Commissioners approved the application on October 14, 2015. 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 (7:30 AM – 4:00 PM, 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](http://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 October 21, 2015.

Jennifer Bunch, Senior Planner

10/21/15  
Date

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

In the Matter of:

**AN ORDINANCE AMENDING THE  
CLATSOP COUNTY COMPREHENSIVE  
PLAN, LAND AND WATER  
DEVELOPMENT USE ORDINANCE 80-14,  
AND COMPREHENSIVE PLAN ZONING  
MAP**

**ORDINANCE NO. 15-03**

**RECORDED**

Doc #

**OCT 10 2015**

**Doc# 2015100021**

Recording Date: \_\_\_\_\_

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**RECITALS**

WHEREAS, Clatsop County Filed an application for an amendment to the Clatsop County Comprehensive Plan, Land Use Ordinance and Comprehensive Plan Zoning Map; and

WHEREAS, the request was considered by the Planning Commission at a public hearing on August 18, 2015, and the Planning Commission unanimously recommended approval, which is attached as Exhibit "PC"; and

WHEREAS, consideration for this ordinance complies with the Post Acknowledgement rules of the Oregon Land Conservation and Development Commission and the Clatsop County Planning Commission has sought review and comment and has conducted the public hearing process pursuant to the requirements of ORS 215.050 and 215.060, and the Board of Commissioners received and considered the Planning Commission's recommendations on this request and held a public hearing on September 23, 2015, and October 14, 2015, on this ordinance pursuant to law on; and

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

**THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAIN AS FOLLOWS:**

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

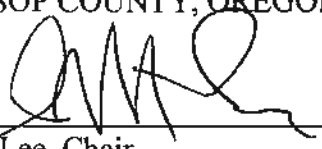
SECTION 2. The Clatsop County Comprehensive Plan Zoning Map is hereby amended as shown in the attached Exhibit B.

SECTION 3. The Clatsop County Land and Water Development and Use Ordinance 80-14 is hereby amended as shown in the attached Exhibit C.

SECTION 4. In support of this ordinance, the Board adopts the findings of the Planning Commission recommendation dated August 18, 2015, contained in Exhibit "PC"

Approved this 14 day of October, 2015

THE BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

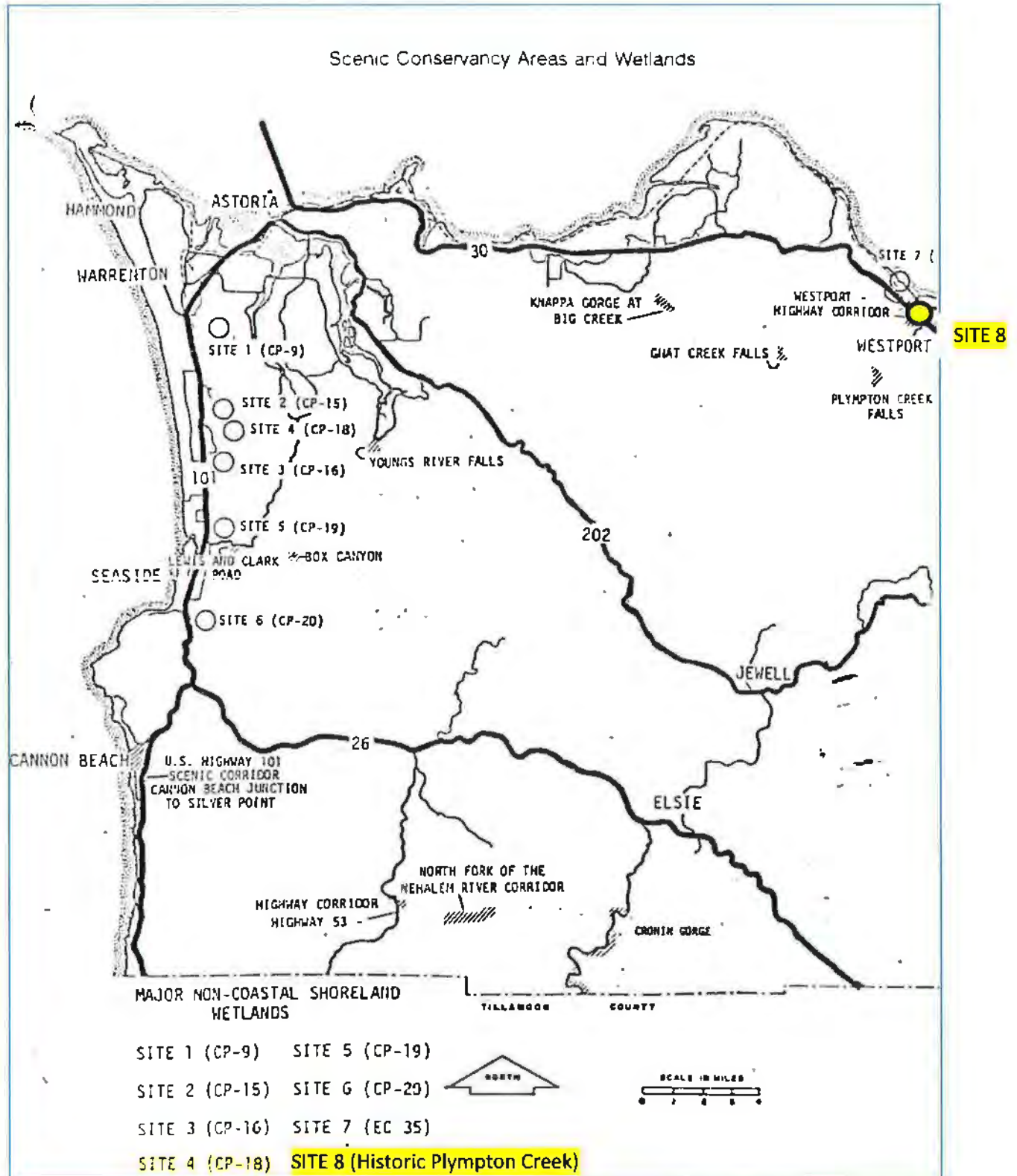
By  \_\_\_\_\_  
Scott Lee, Chair

# Exhibit A

## Comprehensive Plan Text Amendment

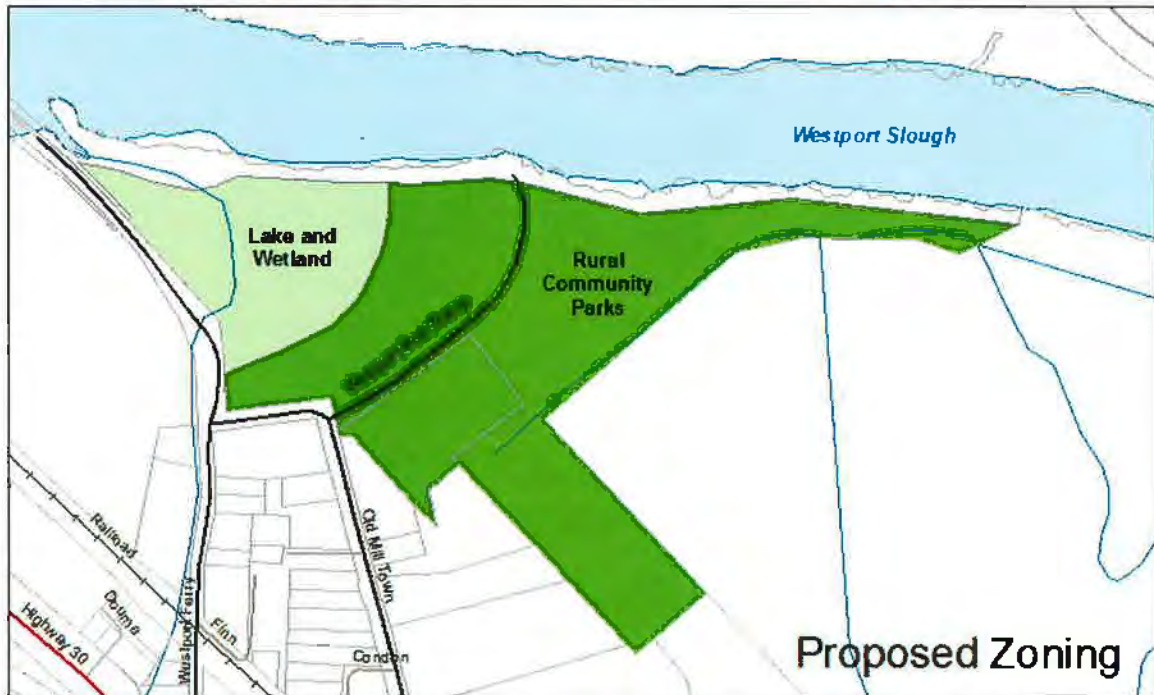
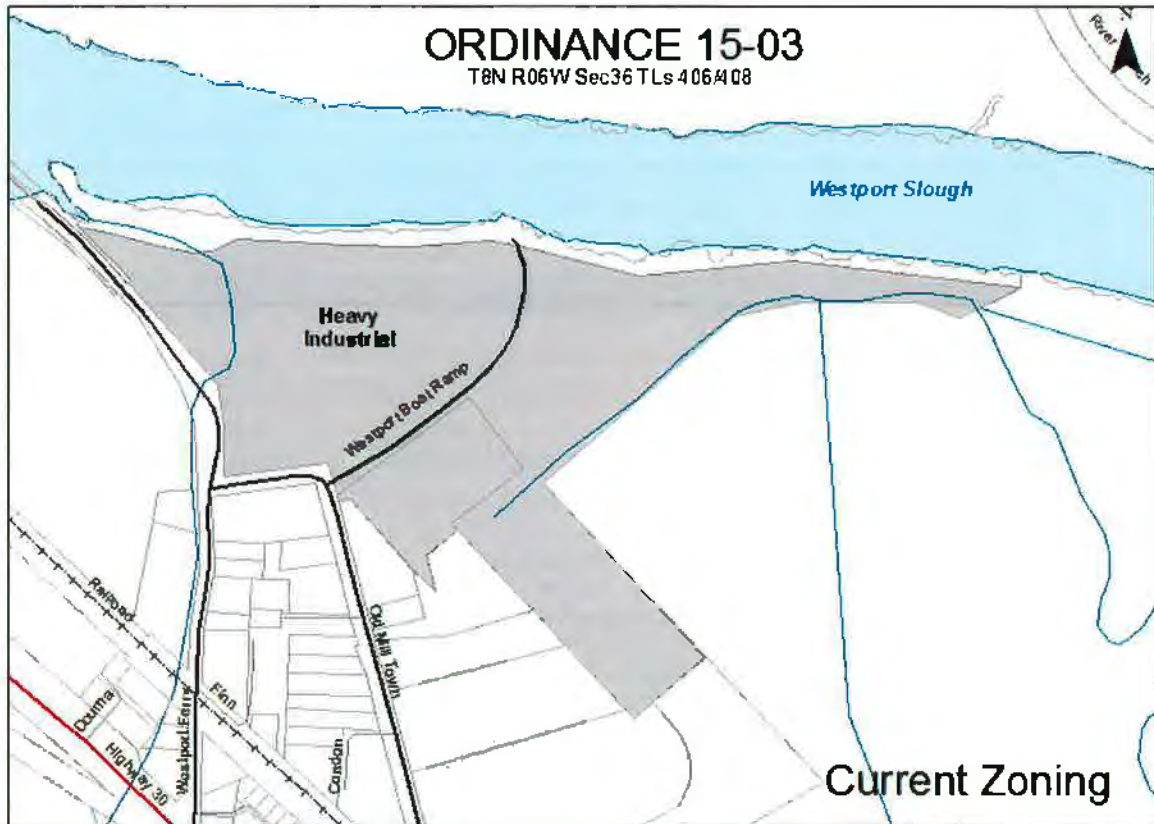
### Goal 5 - Open Spaces, Scenic & Historic Areas and Natural Resources

Adoption of the Lake and Wetland zone requires the Goal 5 Element of the Comprehensive Plan to be amended to include this site in the list of Major Non-Coastal Shoreland Wetlands. The text and map would be amended to include this area as **“Site 8”**.



# **Exhibit B**

## Comprehensive Plan Zoning Map Amendment





## Exhibit C

### Text Amendments to the Clatsop County Land and Water Development and Use Ordinance 80-14

#### Rural Community Parks Zone

The Land and Water Development and Use Ordinance 80-14 will be amended to include the RCP zone in the table below:

**Table 3.010 Comprehensive Plan Zoning Designations**

TABLE 3.010 COMPREHENSIVE PLAN ZONING DESIGNATIONS		
Conservation Forest Lands	AF	Agriculture Forest
	F80	Forest 80
Conservation Other Resources	AC1	Aquatic Conservation One
	AC2	Aquatic Conservation Two
	NAC2	Necanicum Estuary Aquatic Conservation
	OPR	Open Space, Parks and Recreation
	RM	Recreation Management
	RCP	Rural Community Parks
	CS	Coastal Shorelands
	EAC	Ecola Aquatic Conservation
	LW	Lake and Wetland
	QM	Quarry and Mining
Natural	AN	Aquatic Natural
	NU	Natural Uplands
	NS	Natural Shorelands
Rural Agricultural Lands	EFU	Exclusive Farm Use
Rural Lands	CBR	Coastal Beach Residential
	CR	Coastal Residential
	SFR1	Single Family Residential 1
	RA1	Residential Agriculture 1
	RA2	Residential Agriculture 2
	RA5	Residential Agriculture 5
	RA10	Residential Agriculture 10
	GC	General Commercial
	NC	Neighborhood Commercial
	TC	Tourist Commercial
	MR	Military Reserve
	Development	AD
RSA-SFR		Rural Service Area-Single Family Residential
RSA-MFR		Rural Service Area-Multi Family Residential
RCR		Rural Community Residential
AC-RCR		Arch Cape Rural Community Residential
KS-RCR		Knappa-Svensen Rural Community Residential
RCC		Rural Community Commercial

	RCC-LI	Rural Community Light Industrial
	RCI	Rural Community Industrial
	RC-MFR	Rural Community-Multi Family Residential
	LI	Light Industrial
	HI	Heavy Industrial
	MI	Marine Industrial
	UGB	Urban Growth Boundary

The Land and Water Development and Use Ordinance 80-14 will be amended to include the following section:

**SECTION 3.290. RURAL COMMUNITY PARKS ZONE (RCP).**

**Section 3.291. Purpose and Intent.**

The RCP zone is intended to be applied to new and existing public and private parks in Rural Communities that contain significant natural values and recreation opportunities. These areas are intended to accommodate the type of recreational development that insures the maintenance of the site's natural values is intended to serve the rural community, surrounding rural area or the needs of people passing through the area.

**Section 3.292. Development and Use Permitted.**

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

- (1) Public regional park or recreation area excluding campgrounds.
- (2) Low intensity recreation.
- (3) Historical or archaeological site/area.
- (4) Public or private neighborhood park or playground.
- (5) Accessory development customarily provided in conjunction with the above developments.
- (6) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- (7) Land transportation facilities as specified in Section 3.035.

**Section 3.293 Conditional Development and Use.**

The following commercial uses and their accessory uses are permitted under a Type II permit procedure subject to applicable development standards provided that commercial uses occur in a building or buildings that do not exceed the following area standards:

- (1) Campground, primitive.
- (2) Boat ramps.
- (3) Legally existing and allowed uses as of *[insert effective date of ordinance]* may continue as permitted uses.
- (4) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-3 above subject to the provisions of section 5.060.

**Section 3.294. Conditional Development and Use.**

The following uses and their accessory uses are permitted under a Type II-a permit procedure subject to applicable development standards and site plan review.

- (1) Recreational Vehicle (RV) Park except in the Clatsop Plains Planning Area

**Section 3.295. Development and Use Standards.**

The following standards are applicable to all permitted uses in this zone.

- (1) Setback requirements:
  - (A) Front yard setbacks: 25 feet.
  - (B) Side and rear yard when abutting a residence or residential zone: 10 feet.
  - (C) The setbacks for all structures shall be thirty-five feet (35) from the line of non-aquatic vegetation.
  - (D) All structures shall be a minimum of fifty feet (50) from adjacent resource zones.
- (2) Building height: 35 feet
- (3) Off-street parking requirements: Off-street parking shall be subject to Clatsop County Standards Document, Section S2.200 of the Development and Use Standards Document.
- (5) Recreational Vehicle (RV) Park subject to the following provisions:
  - (A) Density, Maximum fifteen (15) RV spaces per acre.
  - (B) Minimum 30-foot setback to any adjoining residential zone.
  - (C) Minimum 50-foot setback to any adjoining resource zone.
  - (D) Subject to meeting the State Building Code requirements; and
  - (E) Subject to provisions of Clatsop County Standards Document, S.3.550 – S3.552 (2) (I)(J)(K) and (3)-(10) inclusive.

**Section 3.296 State and Federal Permits**

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

**RECOMMENDATION OF THE PLANNING COMMISSION  
TO THE CLATSOP COUNTY BOARD OF COMMISSIONERS**

**EXHIBIT #** PC

In the Matter of

AN ORDINANCE AMENDING THE CLATSOP  
COUNTY COMPREHENSIVE PLAN, LAND  
AND WATER DEVELOPMENT USE  
ORDINANCE 80-14, AND COMPREHENSIVE  
PLAN ZONING MAP.

**ORDINANCE #15-03**

THE ABOVE ENTITLED MATTER came before the Planning Commission on August 18, 2015, for a public hearing and consideration of amendments to the Comprehensive Plan, Land and Water Development and Use Ordinance, and Comprehensive Plan Zoning Map.

THE PLANNING COMMISSION after reviewing the findings of fact in Exhibit "A" (*Staff Report*) has determined the proposed amendments are consistent with Clatsop County's Comprehensive Plan and the Statewide Planning Goals.

THE PLANNING COMMISSION considering all evidence provided by Clatsop County staff and public testimony provided at the public hearing, hereby **RECOMMENDS APPROVAL** based on the findings presented in "*Exhibit A - Staff Report*" attached hereto and by this reference made part hereof.

**WHEREFORE, the Planning Commission, having conducted a public hearing, reviewed the staff report, accepted testimony, and deliberated on the evidence presented, by a vote of 5 in favor and 0 opposed hereby recommends that the Board of County Commissioners adopt the Westport Park Amendments, and amend the Clatsop County Comprehensive Plan, Land and Water Development and Use Ordinance, and Comprehensive Plan Zoning Map.**

SO ORDERED this 18<sup>th</sup> day of August 2015.

THE PLANNING COMMISSION FOR  
CLATSOP COUNTY

  
\_\_\_\_\_  
Bruce Francis, Chair



# Clatsop County

Community Development  
800 Exchange St., Suite 100  
Astoria, Oregon 97103  
www.co.clatsop.or.us

Phone (503) 325-8611  
Fax (503) 338-3666

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## "Exhibit A"

# Staff Report Ordinance 15-03

**REPORT DATE:** August 7, 2015

**HEARING DATE:** August 18, 2015

**HEARING BODY:** Clatsop County Board of Commissioners  
Clatsop County Planning Commission

**REQUEST:**

1. Comprehensive Plan & Zoning Map Amendments: HI to LW
2. Expansion of the Westport Rural Community
3. LWDUO Text Amendment – Rural Community Parks Zone
4. Comprehensive Plan Zoning Map Amendment: HI to RCP

**PROPERTY:** T8N R06W Sec36 TLs 406/408

**OWNER/APPLICANT:** Clatsop County

**STAFF:** Jennifer Bunch, Senior Planner

**APPENDICES:**

- A. HI to LW Map Amendment & Goal 5 Findings
- B. Rural Community Expansion Findings
- C. LWDUO Text Amendment Findings
- D. HI to RCP Map Amendment Findings
- E. Public Notices
- F. Public Comments Received

## I. SUMMARY

Clatsop County is requesting amendments to its Comprehensive Plan, Zoning Map, and Land and Water Development and Use Ordinance to change the zoning on the subject properties from Heavy Industrial to Rural Community Parks and Lake and Wetland. The action requires expansion of the rural community boundary and amendments to the Clatsop County Comprehensive Plan, Zoning Map and Land and Water Development and Use Ordinance 80-14. The subject properties are identified as T8N, R06W, Sec. 36, Tax Lots 408 and 406. The properties are more commonly known as the Westport Boat Ramp and Westport Sewer Plant.

## II. RECOMMENDED ACTION

Staff recommends the Planning Commission adopt the findings of fact contained in this staff report and recommend approval of the proposed amendments to the Clatsop County Board of Commissioners.

## III. BACKGROUND

In 2007, Clatsop County was awarded approximately \$480,000 as the result of a penalty levied by the State of Oregon against Georgia-Pacific for failing to create a minimum number of new jobs for a new paper machine at Wauna Mill. GP had received tax breaks for the new machine through an Enterprise Zone property tax relief program in exchange for pledging to create a set amount of new positions. State law requires enterprise zone funds to be spent on projects that will benefit residents of the Enterprise Zone (in this case, the residents of Westport). Clatsop County teamed with Clatsop Economic Development Resources (CEDR) and representatives from local businesses, utilities, schools and emergency service providers to determine the community's most pressing needs and identify projects that could be eligible for the GP funds. Among the choices were the five project components listed below that are known collectively as the Westport Corridor and Community Plan (WCCP):

1. New Ferry Access Road to Highway 30
2. Westport/Highway 30 Pedestrian Improvements
3. Plympton Creek Restoration to Original Streambed
4. Georgia Pacific Brownfield Clean-Up and Transition to County Park
5. Westport Boat Ramp Reconstruction and Improvements

The proposed amendments address project components 3-5.

### **Plympton Creek Restoration to Original Streambed**

This project component involves rerouting the lower reach of Plympton Creek to its original bed. Please refer to Appendix A for more details on the creek realignment.

Current Zoning: Heavy Industrial (HI)  
Lake and Wetlands (LW)  
Flood Hazard Overlay (/FHO)

Proposed Zoning: Lake and Wetlands (LW) (*new*)  
Flood Hazard Overlay (/FHO) (*no change proposed*)

This project would fall under Clatsop County's definition of Restoration, more specifically Active Restoration. LWDUO Sec. 1.030 defines Restoration as:

RESTORATION -- Revitalizing, returning or replacing attributes and amenities such as natural biological productivity and aesthetic or cultural resources which have been diminished or lost by past alterations, activities or catastrophic events. For the purpose of Oregon Statewide Planning Goal 16, estuarine restoration means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a

functioning part of the estuarine system when alteration work began. Active restoration involves the use of specific remedial actions such as removing dikes or fills, installing water treatment facilities, or rebuilding or removing deteriorated urban waterfront areas or returning diked areas to tidal influence. Passive restoration is the use of natural processes, sequences, and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

The lower reach of Plympton Creek traverses the HI and LW zoning districts. Clatsop County's Heavy Industrial (HI) zone does not identify Restoration as a permissible land use. The Lake and Wetland (LW) zone identifies Active Restoration as a conditionally permitted land use. In order to facilitate the Plympton Creek project staff recommends the zoning be amended to Lake and Wetland zone. This would allow active restoration and later the protection of the salmon bearing creek and associated wetlands.

### **County Park**

This project component involves development of a county park on brownfield property formerly owned by Georgia Pacific and donated to the County for that purpose in December 2014. The subject property is adjacent to the Westport Boat Landing.

Current Zoning:      Heavy Industrial (HI)  
                            Lake and Wetlands (LW)  
                            Flood Hazard Overlay (/FHO)

Proposed Zoning:    Rural Community Parks (RCP) Zone  
                            Lake and Wetlands (LW) Zone *(no change proposed)*  
                            Flood Hazard Overlay (/FHO) *(no change proposed)*

The HI zone does not allow park or recreation improvements. The LW zone allows Low Intensity Recreation as an outright permitted use. LWDUO Sec. 1.030 defines 'Recreation, Low Intensity' as, "Recreation that does not require developed facilities and can be accommodated without change to the area or resource. For example, boating, hunting, hiking, wildlife photography, and beach or shore activities can be low intensity recreation. Facilities included as low-intensity recreation include picnic tables, trail signs, unpaved trails and portable restrooms". The boat landing is located within the LW zone. Boat landings are permitted conditionally in this zone meaning alterations to and/or expansion of the boat landing would require a new conditional use permit.

To facilitate the park improvements staff recommends a zone change to a more conducive zone. Staff carefully considered the pros and cons of each of the two existing park zones, Recreation Management (RM) and Open Space, Parks, and Recreation (OPR), but after discussion with Parks staff who expressed their desire in the future to install flush toilets instead of vault toilets or porta-potties and to provide a site for a seasonal park host, the decision was made to expand the adjacent rural community to include the proposed park area, excluding the site that will be zoned Lake and Wetland. By combining the features of both the RM and OPR zones staff developed a new zoning designation, Rural Community Parks. No zoning amendments are proposed for the area along the Westport Slough which will remain in the current Lake and Wetland zone.

The proposed RCP zone offers flexibility in making park and recreation improvements. 'Public regional park or recreation area excluding campgrounds' and 'Public or private neighborhood park or playground' are permitted outright in the proposed RCP zone.

### **Westport Boat Landing Improvements**

This project involves reconstruction of the Westport Boat Landing and upgrades to the facility such as improved accessways, vehicle/trailer staging and parking areas, and restrooms.

Current Zoning:     Heavy Industrial (HI)  
                      Lake and Wetlands (LW)  
                      Flood Hazard Overlay (/FHO)

Proposed Zoning:   Rural Community Parks (RCP) Zone *(new)*  
                      Lake and Wetlands (LW) Zone *(no change proposed)*  
                      Flood Hazard Overlay (/FHO) *(no change proposed)*

The boat ramp is located in the LW zone. The associated access road and parking lot are located in the HI zone. Boat ramps are permitted conditionally in the LW zone meaning alterations to and/or expansion of the boat landing will require a new conditional use permit. The conditional use permit process requires public notice and administrative review by the Clatsop County Planning Division.

The existing parking lot and accessory road are permitted in the HI zone under the overarching provision of LWDUO Sec. 3.035(1) that reads, "...the following improvements are permitted outright uses and activities: (A) Normal operation, maintenance, repair and preservation activities of existing transportation facilities". Because the park project involves more than just routine maintenance, a change in zone for the project area should be considered.

The best zoning for the parking area and access road that serves the boat landing is the proposed RCP zone. Since the future park will also be zoned RCP, it makes sense that these associated amenities share the same zoning. The same could be said for the boat landing itself. Although the current LW zone and the proposed RCP zone conditionally allow boat launches a zone change for the LW portion of the boat ramp is not needed to facilitate improvements.

#### **IV. OVERVIEW OF REQUESTED AMENDMENTS**

The Applicant, Clatsop County, requests the following:

##### Comprehensive Plan Zoning Map Amendments

- Plympton Creek Restoration: Rezone 5.1 acres from Heavy Industrial to Lake and Wetland. *Includes Amendments to the Goal 5 Element of the Comprehensive Plan*
- County Park Transition: Rezone approximately 18.3 acres from Heavy Industrial to Rural Community Parks.

##### Expansion of the Westport Rural Community Boundary

- County Park Transition: Consistency with OAR 660-022

##### Land and Water Development and Use Ordinance Text Amendments

- County Park Transition. Amendments to include the new Rural Community Parks zone.



## V. APPLICABLE CRITERIA

### LWDUO 80-14

1.010-1.050 Definitions  
2.035 Type IV Procedure  
2.100 Public Deliberations and Hearings  
2.185 Quasi-Judicial Hearing Procedure  
3.610 Lake and Wetland Zone  
5.350 Transportation System Impact Review  
5.400 Zone Changes

OAR 660-022 Unincorporated Communities  
OAR 660-023 Complying with Goal 5

### Clatsop County Comprehensive Plan

Goal 1 Citizen Involvement  
Goal 2 Land Use Planning  
Goal 5 Natural Resources  
Goal 6 Air, Water, and Land Quality  
Goal 8 Recreation  
Goal 9 Economy  
Goal 11 Public Facilities and Services  
Goal 12 Transportation  
Goal 14 Urbanization  
Goal 16/17 Estuarine Resources & Coastal Shorelands  
Northeast Community Plan

## VI. EVALUATION OF APPLICABLE CRITERIA

The finding for each component of the request is included the following appendices:

- A. HI to LW Map Amendment/Goal 5 Amendment Findings
- B. Rural Community Expansion Findings
- C. LWDUO Text Amendments Findings
- D. HI to RCP Map Amendment Findings

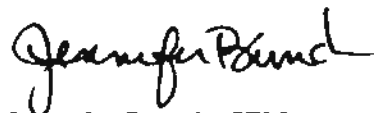
## VII. PUBLIC COMMENT

None received as of 5:00 PM on August 6, 2015. Any comments received at this time will be presented at the hearing.

## VIII. CONCLUSION

The findings contained in this report and its appendices support a conclusion that the proposed amendments are consistent with the requirements of the Clatsop County Comprehensive Plan, Land and Water Development and Use Ordinance, and OAR 660-023.

Respectfully Submitted,



Jennifer Bunch, CFM  
Senior Planner

## **Appendix A**

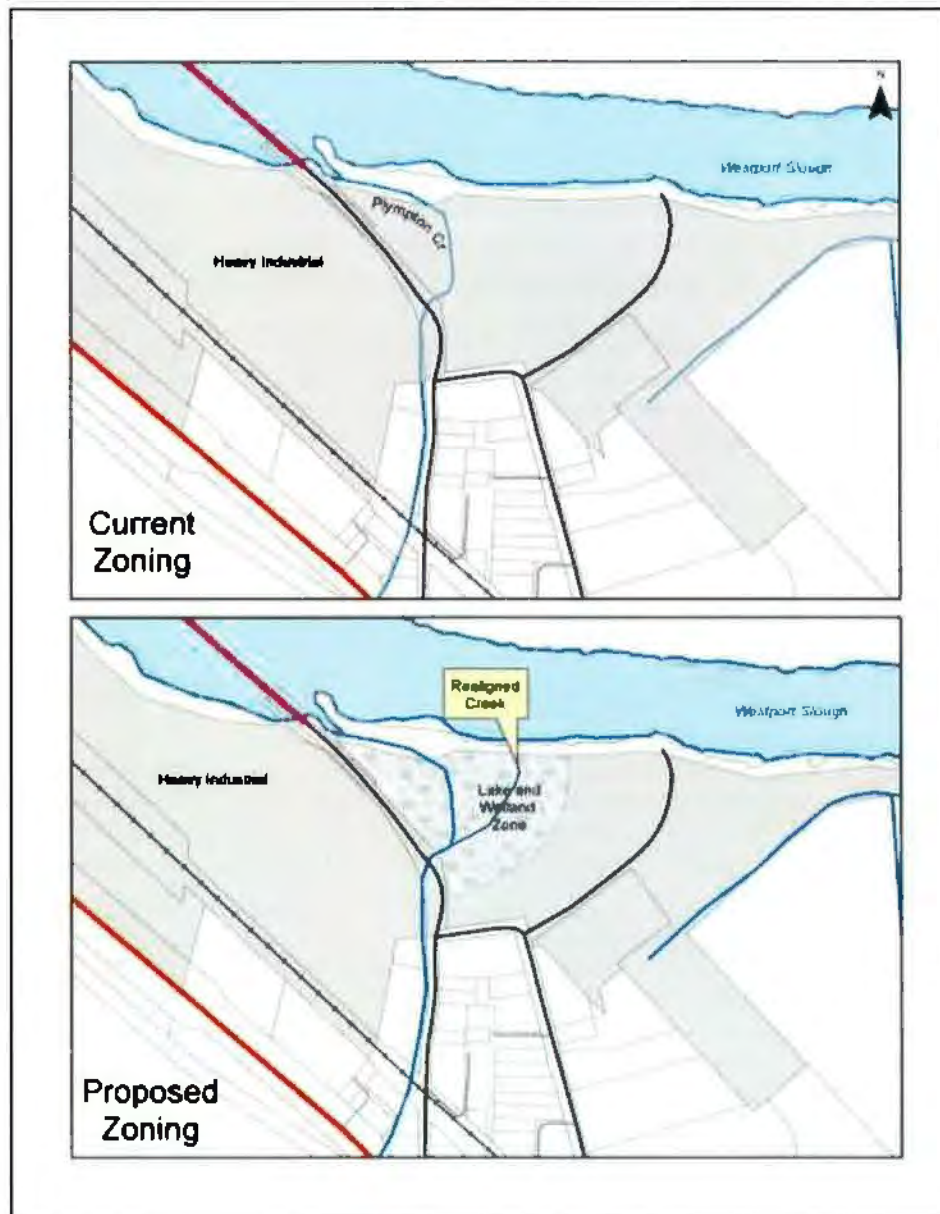
### **Findings in Support of a Comprehensive Plan Zoning Map Amendment and Comprehensive Plan Text Amendment**

-- Heavy Industrial (HI) to Lake Wetland (LW) --  
On a portion of T8N R06W Sec36 TL00408

#### **I. Summary**

This document contains findings that demonstrate that the proposed Comprehensive Plan Zoning Map amendment is consistent with the applicable policies and criteria contained in the Clatsop County Comprehensive Plan, Land and Water Development and Use Ordinance 80-14, and Statewide Planning Goal 5 (OAR 660-023).

#### **II. Map of Proposed Zoning**



### III. Findings

#### A. LWDUO 80-14

##### **Section 5.350 Transportation System Impact Review**

The following section incorporates requirements for developments that have the potential to impact the county's transportation system.

- (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

##### **Section 5.354 Amendments Affecting the Transportation System**

- (1) Review of Applications for Effect on Transportation Facilities.  
When a development application includes a proposed comprehensive plan amendment, zone change or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility. An amendment significantly affects a transportation facility if it would:
  - (B) Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the Clatsop County Transportation System Plan ("TSP"); or
  - (C) Changes standards implementing a functional classification system; or
  - (D) Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
  - (E) Reduce the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan.

##### **FINDINGS OF FACT #1A:**

The current Heavy Industrial area to be rezoned Lake and Wetland is currently sitting idle. The assignment of the LW zone would serve to decrease potential use the purpose of the zone is to assure the conservation of important shoreland and wetland habitats and conserve natural ecosystems. Permitted developments are limited to low to moderate intensity. The intent of rezoning the area is to facilitate the realignment and restoration of the original channel of Plympton Creek. Future development areas around the realigned Plympton Creek would be limited to walking paths and wildlife viewing. Therefore, there will be no impact to the adjacent or nearby transportation facilities. **Based on this analysis a Traffic Impact Study is not required for the HI to LW zoning map amendment.**

##### **Section 5.412. Zone Change Criteria.**

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

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

##### **FINDING OF FACT #2A:**

The applicable comprehensive plan policies are evaluated later in this appendix and the findings conclude that the proposed zoning map amendment from HI to LW is consistent with the comprehensive plan. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment meeting the criteria in L5.412(1).**

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

**FINDING OF FACT #3A:**

Clatsop County's Comprehensive Plan has been acknowledged by the State of Oregon as being consistent with the Statewide Planning Goals. Consistency with the Clatsop County Comprehensive Plan ensures consistency with the Statewide Goals. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment meets the criteria in L5.412(2).**

- (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

**FINDING OF FACT #4A:**

The zoning map amendment from HI to LW will not require additional public facilities or services. The proposed amendment will facilitate the realignment and restoration of the historical Plympton Creek channel. Any future park improvements will be walking paths and other uses of similar intensity. The area is currently served by police and fire protection, and solid waste collection. Access to the property is currently provided by county roads from Highway 30. No change in access is proposed. Water is available in the area and wastewater facilities would be provided outside the LW area at the nearby boat ramp. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment meets the criteria in L5.412(3)(A)-(D).**

- (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.

**FINDING OF FACT #5A:**

As stated in the findings for L5.354 the comprehensive plan zoning map amendment involves no change in use and is to correct an error in the zoning map. The subject property has been in forest use for decades and will continue to be in forest use. Therefore, there will be no impact to the adjacent or nearby transportation facilities. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment meets the criteria in L5.412(4).**

- (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.

**FINDING OF FACT #6A:**

The proposed zone change will expand the Lake and Wetland zoning district to cover an approximate 300-foot reach of Plympton Creek and approximately five acres of freshwater wetlands. The newly-zoned LW area will abut an existing stretch of LW zone along Westport Slough to the north and a newly-zoned Rural Community Parks area directly to the east that will eventually support a new park adjacent to the Westport Boat Ramp. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment meets the criteria in L5.412(5).**

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

**FINDING OF FACT #7A:**

The 5.01-acre site contains the lower reaches of Plympton Creek and is almost entirely wetland. The proposed LW zone is better suited for the property than the current HI zoning given the significant development constraints of the natural features that exist on the property. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment meets the criteria in L5.412(6).**

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

**FINDING OF FACT #8A:**

The zone change will facilitate the future active restoration of Plympton Creek to its original streambed. This proposal directly relates to creation of a waterfront park at the Westport Boat Ramp. Together these projects will assist in protecting wetland and riparian resources, greatly improve local recreation opportunities, and improve livability for residents. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment meets the criteria in L5.412(7).**

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

**FINDING OF FACT #9A:**

The proposal will facilitate improvements to fish and wildlife habitat on Plympton Creek and will not be detrimental to the health, safety or general welfare of county residents, business owners or visitors. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment meets the criteria in L5.412(8).**

**B. COMPREHENSIVE PLAN GOALS AND POLICIES**

**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.
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.

**FINDING OF FACT #10A:**

Prior to the August 18, 2015, public hearing, proper notification was provided to property owners within 250-feet, citizens and agencies in accordance with LWDUO Sections 2.110, 2.120 & 2.125 and OR5 197.763. A list of notified property owners and interested parties/agencies is included in Appendix E. Published has been provided in the Daily Astorian. **Based on this analysis the applicable Goal 1 policies have been satisfied.**

**Goal 2 – Land Use Planning**

The County's land and water have been placed in one of six (6) Plan designations (see map next page). They are:

**1. Development**

Development areas are those with a combination of physical, biological, and social/economic characteristics which make them necessary and suitable for residential, commercial, or industrial development and includes those which can be adequately served by existing or planned urban services and facilities.

In Clatsop County, the County has three types of such areas: cities and their urban growth boundaries; rural communities; and rural service areas, which are areas similar to cities (sewer and water) but lack size and a government structure.

c. 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. These communities are established through a process that applies OAR 660 Division 22 requirements. Portions of land identified in the Miles Crossing and Jeffers Gardens rural community plan take an exception to Statewide Planning Goal 3 and Goal 4 for portions of land zoned EFU or AF. The exceptions documentation for a portion of the Miles Crossing and Jeffers Gardens rural community boundary is adopted as part of the Comprehensive Plan, and is located at the end of this section.

#### 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.

#### **FINDING OF FACT #11A:**

The 5.01 acres affected by the proposal is currently designated in the comprehensive plan as Development (Heavy Industrial zoning). The proposal would change the area's plan designation to Conservation Other Resources (Lake and Wetland zoning). The affected area is well suited for inclusion in the LW zone and has limited opportunity for development under its current HI zoning. The affected area abuts LW zoning along its northerly boundary and is classified almost entirely as a forested/shrub freshwater wetland per the 2009 US Fish & Wildlife Service National Wetland Inventory (NWI) maps save a narrow (20' -50') strip along the east side of Westport Ferry Road. The 5.01-acre area proposed for the zone change has been determined based on historical knowledge of the original Plympton Creek streambed plus a 200 foot wide buffer that will allow for riparian plantings and wetland restoration along the renewed creek banks of this salmon-bearing stream. Before any active restoration activity may commence on Plympton Creek, a conditional use permit must be obtained from Clatsop County. State and federal floodplain and environmental permits must also be obtained. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is consistent with Goal 2.**

#### **Goal 3 – Agricultural Lands**

#### **Goal 4 – Forest Lands**

#### **FINDING OF FACT #12A:**

Goals 3 and 4 do not apply to the request.

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

##### Fish and Wildlife Areas and Habitats

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.

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.

**FINDING OF FACT #13A:**

The proposal includes a 200-foot buffer along Plympton Creek to assure adequate protection of riparian vegetation. Prior to commencing active restoration activities on the creek, applicable State, Federal and Clatsop County permits must be obtained. The proposal will not restrict existing public access to Plympton Creek or Westport Slough. These Goal 5 provisions have been satisfied. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is consistent with Goal 5 Fish and Wildlife Area and Habitat Policies.**

Wetlands

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

**FINDING OF FACT #14A:**

The wetlands included in the proposal are not identified as significant according to the Goal 5 element of the county's plan. Later in this report an analysis of the site pursuant to OAR 660-23 determines that the wetlands on-site should, in fact, be classified as significant and thus be included in the county's LW zoning district. The map amendment would then protect these significant wetlands and demonstrate consistency with this policy. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is consistent with Goal 5, Wetlands Policy 1.**

Natural Areas

1. Significant natural and scientific areas and scenic sites should be set aside for preservation and managed so as to protect the unique characteristics of the area.
2. The County will cooperate with appropriate State and Federal agencies and private groups to ensure that examples of the full range of Oregon's natural ecosystem are preserved for future study and enjoyment.

**FINDING OF FACT #15A:**

Although the comprehensive plan does not identify the affected area as a significant natural area or scenic site, it abuts the Lake and Wetland-zoned corridor along Westport Slough that is considered a significant Goal 5 resource in the county plan. Plympton Creek provides an excellent fall Chinook fishery and habitat for other fish and wildlife. The proposal will assist in protecting the unique characteristics of the area and ensure future opportunities for study and enjoyment. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is consistent with Goal 5, Natural Areas Policies 1 and 2.**



Water Resources and Watersheds

1. The County will cooperate and coordinate with State and Federal agencies in assuring the maximum beneficial use of all water areas in the County.
2. The County will coordinate its actions with water quality planning and implementation activities carried out by such state agencies as the Department of Environmental Quality, the Soil and Water Conservation Commission, the Department of Forestry, and the Department of Water Resources.
5. As information becomes available, Clatsop County shall apply Goal 5 Administrative Rules to the 14 identified watersheds and the small or minor watersheds identified in this element.\*

**FINDING OF FACT #16A:**

Notice of the pending action has been provided to the Oregon Division of State Lands, Oregon Dept. of Land Conservation and Development, and Clatsop County Soil and Water Conservation Commission. Changes to the county's Lake and Wetland zone constitute a change to the county's Goal 5 program thus requiring compliance with the procedures of Oregon Administrative Rule 660 Division 23. This matter is addressed below, at the end of the Goal 5 analysis. The 8900 acre Plympton Creek/West Creek watershed is identified as a Watershed and Groundwater Resource in the County's Goal 5 Plan element. The proposal will not be detrimental to the quality or quantity of Plympton Creek/West Creek watershed or groundwater resources. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is consistent with Goal 5, Water Resources and Watersheds Policies 1-2 and 5.**

Cultural Areas

1. The County will review land use activities that may affect known archeological sites. If it is determined that a land-use activity may affect the integrity of an archaeological site, the County shall consult with the State Historic Preservation Office on appropriate measures to preserve or protect the site and its contents.
2. Indian cairns, graves and other significant archeological resources uncovered during construction or excavation shall be preserved intact until a plan for their excavation or re-interment has been developed by the State Historic Preservation Office.

**FINDING OF FACT #17A:**

The proposal does not affect any known archeological sites. As part of the future creek realignment project, appropriate actions shall be taken to ensure that any significant archaeological resources that may be uncovered will be reported to the State Historic Preservation Office. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is consistent with Goal 5, Cultural Areas, Policies 1-2.**

**OREGON ADMINISTRATIVE RULES**

**DIVISION 23**

**PROCEDURES AND REQUIREMENTS FOR COMPLYING WITH GOAL 5**

660-023-0250  
Applicability

(1) This division replaces OAR 660, Division 16, except with regard to cultural resources, and certain PAPAs and periodic review work tasks described in sections (2) and (4) of this rule. Local governments shall follow the procedures and requirements of this division or OAR 660, Division 16, whichever is applicable, in the adoption or amendment of all plan or land use regulations pertaining to Goal 5 resources. The requirements of Goal 5 do not apply to land use decisions made pursuant to acknowledged comprehensive plans and land use regulations.

(2) The requirements of this division are applicable to PAPAs initiated on or after September 1, 1996. OAR 660, Division 16 applies to PAPAs initiated prior to September 1, 1996. For purposes of this section "initiated" means that the local government has deemed the PAPA application to be complete.

(3) Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

(a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;

(b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or

(c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.

(4) Consideration of a PAPA regarding a specific resource site, or regarding a specific provision of a Goal 5 implementing measure, does not require a local government to revise acknowledged inventories or other implementing measures, for the resource site or for other Goal 5 sites, that are not affected by the PAPA, regardless of whether such inventories or provisions were acknowledged under this rule or under OAR 660, Division 16.

**FINDING OF FACT #18A:**

The zone change proposal (PAPA) amends the county's acknowledged Goal 5 plan; therefore, Goal 5 must be addressed in accordance with OAR 660.023.

660-023-0000  
Purpose and Intent

This division establishes procedures and criteria for inventorying and evaluating Goal 5 resources and for developing land use programs to conserve and protect significant Goal 5 resources. This division explains how local governments apply Goal 5 when conducting periodic review and when amending acknowledged comprehensive plans and land use regulations.

660-023-0030  
Inventory Process

(1) Inventories provide the information necessary to locate and evaluate resources and develop programs to protect such resources. The purpose of the inventory process is to compile or update a list of significant Goal 5 resources in a jurisdiction. This rule divides the inventory process into four steps. However, all four steps are not necessarily applicable, depending on the type of Goal 5 resource and the scope of a particular PAPA or periodic review work task. For example, when proceeding under a quasi-judicial PAPA for a particular site, the initial inventory step in section (2) of this rule is not applicable in that a local government may rely on information submitted by applicants and other participants in the local process. The inventory process may be followed for a single site, for sites in a particular geographical area, or for the entire jurisdiction or urban growth boundary (UGB), and a single inventory process may be followed for multiple resource categories that are being considered simultaneously. The standard Goal 5 inventory process consists of the following steps, which are set out in detail in sections (2) through (5) of this rule and further explained in sections (6) and (7) of this rule:

- (a) Collect information about Goal 5 resource sites;
- (b) Determine the adequacy of the information;
- (c) Determine the significance of resource sites; and
- (d) Adopt a list of significant resource sites.

(2) Collect information about Goal 5 resource sites: The inventory process begins with the collection of existing and available information, including inventories, surveys, and other applicable data about potential Goal 5 resource sites. If a PAPA or periodic review work task pertains to certain specified sites, the local government is not required to collect information regarding other resource sites in the jurisdiction. When collecting information about potential Goal 5 sites, local governments shall, at a minimum:

- (a) Notify state and federal resource management agencies and request current resource information; and
- (b) Consider other information submitted in the local process.

(3) Determine the adequacy of the information: In order to conduct the Goal 5 process, information about each potential site must be adequate. A local government may determine that the information about a site is inadequate to complete the Goal 5 process based on the criteria in this section. This determination shall be clearly indicated in the record of proceedings. The issue of adequacy may be raised by the department or objectors, but final determination is made by the commission or the Land Use Board of Appeals, as provided by law. When local governments determine that information about a site is inadequate, they shall not proceed with the Goal 5 process for such sites unless adequate information is obtained, and they shall not regulate land uses in order to protect such sites. The information about a particular Goal 5 resource site shall be deemed adequate if it provides the location, quality and quantity of the resource, as follows:

- (a) Information about location shall include a description or map of the resource area for each site. The information must be sufficient to determine whether a resource exists on a particular site. However, a precise location of the resource for a particular site, such as would be required for building permits, is not necessary at this stage in the process.
- (b) Information on quality shall indicate a resource site's value relative to other known examples of the same resource. While a regional comparison is recommended, a comparison with resource sites within the jurisdiction itself is sufficient unless there are no other local examples of the resource. Local governments shall consider any determinations about resource quality provided in available state or federal inventories.
- (c) Information on quantity shall include an estimate of the relative abundance or scarcity of the resource.

**FINDING OF FACT #19A:**

Precise maps of the 5.01-acre area to be rezoned to Lake and Wetland and added to the county's list of Goal 5 resources are provided in this staff report. The affected area would extend the existing significant LW-zoned wetland corridor along Westport Slough to include the lower reaches of Plympton Creek and the adjoining freshwater forested/shrub wetlands. Plympton Creek provides excellent habitat for Chinook salmon and other species of fish and wildlife. The proposed zone change is requested to facilitate a historic channel reconnection. The abandoned streambed would not be filled; rather, it would be allowed to provide a highly valuable backwater habitat feature component.

(4) Determine the significance of resource sites: For sites where information is adequate, local governments shall determine whether the site is significant. This determination shall be adequate if based on the criteria in subsections (a) through (c) of this section, unless challenged by the department, objectors, or the commission based upon contradictory information. The determination of significance shall be based on:

(a) The quality, quantity, and location information;

(b) Supplemental or superseding significance criteria set out in OAR 660-023-0090 through 660-023-0230; and

(c) Any additional criteria adopted by the local government, provided these criteria do not conflict with the requirements of OAR 660-023-0090 through 660-023-0230.

(5) Adopt a list of significant resource sites: When a local government determines that a particular resource site is significant, the local government shall include the site on a list of significant Goal 5 resources adopted as a part of the comprehensive plan or as a land use regulation. Local governments shall complete the Goal 5 process for all sites included on the resource list except as provided in OAR 660-023-0200(7) for historic resources, and OAR 660-023-0220(3) for open space acquisition areas.

**FINDING OF FACT #20A:**

The site is a natural extension of the LW-zoned corridor that currently exists along Westport Slough. The site would add LW-zoning to approximately 300 feet of Plympton Creek and to nearly five acres of associated freshwater forested/shrub wetlands. Having very similar land and water characteristics to the significant wetlands that adjoin the site to the north, the site is considered significant. The site will be added to the county's list of significant Goal 5 resources.

(1) Local governments shall develop a program to achieve Goal 5 for all significant resource sites based on an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use. This rule describes four steps to be followed in conducting an ESEE analysis, as set out in detail in sections (2) through (5) of this rule. Local governments are not required to follow these steps sequentially, and some steps anticipate a return to a previous step. However, findings shall demonstrate that requirements under each of the steps have been met, regardless of the sequence followed by the local government. The ESEE analysis need not be lengthy or complex, but should enable reviewers to gain a clear understanding of the conflicts and the consequences to be expected. The steps in the standard ESEE process are as follows:

- (a) Identify conflicting uses;
- (b) Determine the impact area;
- (c) Analyze the ESEE consequences; and
- (d) Develop a program to achieve Goal 5.

(2) **Identify conflicting uses.** Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site. The following shall also apply in the identification of conflicting uses:

(a) If no uses conflict with a significant resource site, acknowledged policies and land use regulations may be considered sufficient to protect the resource site. The determination that there are no conflicting uses must be based on the applicable zoning rather than ownership of the site. (Therefore, public ownership of a site does not by itself support a conclusion that there are no conflicting uses.)

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

(3) **Determine the impact area.** Local governments shall determine an impact area for each significant resource site. The impact area shall be drawn to include only the area in which allowed uses could adversely affect the identified resource. The impact area defines the geographic limits within which to conduct an ESEE analysis for the identified significant resource site.

(4) **Analyze the ESEE consequences.** Local governments shall analyze the ESEE consequences that could result from decisions to allow, limit, or prohibit a conflicting use. The analysis may address each of the identified conflicting uses, or it may address a group of similar conflicting uses. A local government may conduct a single analysis for two or more resource sites that are within the same area or that are similarly situated and subject to the same zoning. The local government may establish a matrix of commonly occurring conflicting uses and apply the matrix to particular resource sites in order to facilitate the analysis. A local government may conduct a single analysis for a site containing more than one significant Goal 5 resource. The ESEE analysis must consider any applicable statewide goal or acknowledged plan requirements, including the requirements of Goal 5. The analyses of the ESEE consequences shall be adopted either as part of the plan or as a land use regulation.

**(5) Develop a program to achieve Goal 5.** Local governments shall determine whether to allow, limit, or prohibit identified conflicting uses for significant resource sites. This decision shall be based upon and supported by the ESEE analysis. A decision to prohibit or limit conflicting uses protects a resource site. A decision to allow some or all conflicting uses for a particular site may also be consistent with Goal 5, provided it is supported by the ESEE analysis. One of the following determinations shall be reached with regard to conflicting uses for a significant resource site:

(a) A local government may decide that a significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited.

(b) A local government may decide that both the resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.

(c) A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided, as per subsection (b) of this section.

**ANALYSIS:**

No conflicting uses have been identified at the site. The regulations contained in the LW zone are considered adequate to protect this significant resource site and to achieve compliance with Goal 5. The impact area includes the lower reaches of Plympton Creek (north of Hwy 30) and those lands lying within 50 feet of the resource site. The ESEE analysis of the proposal is as follows:

Environmental:

The rezoning and realignment of Plympton Creek to its historic channel will serve as a means to protect and restore salmon bearing stream. The existing wetlands will be protected by the Lake and Wetland Zone which is intended to protect significant shoreland and wetland biological habitats and conserve natural ecosystems. Only low intensity uses that do not result in major alterations are allowed. The intent of the zone is to protect Goal 5 wetland resources and as such does not allow conflicting uses. The current zone, Heavy Industrial, does not allow Active Restoration which would end any plans for the restoration project. Considering that the site is within the 100-year floodplain applying the LW zone will also provide important open space areas in the event of a flood.

Should the area remain in the Heavy Industrial zone the utilization of the site for industrial development would require the disturbance and possible fill of the existing wetlands and place development with the 100-year floodplain.

**Based on this analysis, we find that the zoning map amendment would provide additional protection for significant natural resources.**

Social:

The zoning amendment to LW is intended to protect and facilitate the restoration of Plympton Creek but to also serve as an important component of the future County Park development. The area may be improved with trails which would offer low intensity recreational opportunities. Visitors and residents could observe salmon runs and other wildlife.

Economical:

Restoration of Plympton creek may serve to increase salmon runs and those providing a benefit to the commercial and recreational fishing industries which attracts visitors and improves the economy of the area. While the current site is zoned for industrial use the zone change may limit future job opportunities in the Westport area.

**Based on this analysis, we find the economic effect of the map amendment to be neutral.**

Energy:

Applying the LW zone to the site and allowing low intensity recreational uses will result in the use of very little energy resources, possibly none. The development of an industrial site and its continued operation could result in a significant impact on local energy sources and require the extension of such services to the area.

**Based on this analysis, we find that the impact on energy resources to favor the rezoning to Lake and Wetland.**

	Retain in HI Zone	Rezone to LW	Comment
Environmental	-	+	Additional protection for salmon bearing stream.
Social	-	+	Residents/ visitors enjoy watching salmon runs.
Economical	0	0	Neutral. Fishing industry gains what might be lost by removing industrial zone.
Energy	0	+	Rezone results in little or no impact to energy resources.
<b>Conclusion: The ESEE analysis favors the zoning map amendment from Heavy Industrial (HI) to Lake and Wetland (LW).</b>			

660-023-0050

Programs to Achieve Goal 5

(1) For each resource site, local governments shall adopt comprehensive plan provisions and land use regulations to implement the decisions made pursuant to OAR 660-023-0040(5). The plan shall describe the degree of protection intended for each significant resource site. The plan and implementing ordinances shall clearly identify those conflicting uses that are allowed and the specific standards or limitations that apply to the allowed uses. A program to achieve Goal 5 may include zoning measures that partially or fully allow conflicting uses (see OAR 660-023-0040(5)(b) and (c)).

**FINDING OF FACT #21A:**

Comprehensive Plan provisions and land use regulations are in place to protect this significant resource.

**Conclusion:**

Based on this analysis contained in the findings for OAR 660-023 the proposed Comprehensive Plan Zoning Map Amendment meets the requirements of Goal 5.

**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

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.
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.
7. The County shall work to maintain the quality of its estuarine waters through participation in the regional Columbia River estuary planning process.
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.

**FINDING OF FACT #22A:**

The proposal will facilitate the future reconnection of Plympton Creek to its historic channel. Improved water quality and fishing conditions together with increased recreation and tourism in the area are anticipated. Prior to active restoration of Plympton Creek, all applicable local, state and federal permits must be obtained. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is consistent with applicable Goal 6 policies.**



## **Goal 7 - Natural Hazards**

### **Goal**

To protect life and property from natural disasters and hazards.

### **Flood Hazard Policies**

2. Through an integrated flood hazard management program, the county will implement and administer appropriate land use planning techniques and construction standards.
4. The County shall limit land uses in the floodplain to those uses identified by the adopted floodplain regulations as suitable.
7. Agriculture, forestry, open space and recreation shall be the preferred uses of flood prone areas.

### **FINDING OF FACT #23A:**

The majority of the affected area is located within a 100-year floodplain. Open space and recreation are preferred uses in flood prone areas. Prior to commencing active restoration of Plympton Creek, appropriate engineering, hydraulic and/or hydrologic models must be developed to ensure accurate remapping of the floodplain and to ensure no adverse effects to upstream or downstream properties. The Plympton Creek floodway terminates at Westport Ferry Landing Road. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is consistent with the applicable Goal 7 Flood Hazard Policies.**

### **Policies for Streambank Erosion and Deposition**

2. A buffer of riparian vegetation along streams and rivers should be encouraged in order to protect and stabilize the banks.

### **FINDING OF FACT #24A:**

The proposed zone change provides a 200-foot buffer along Plympton Creek to allow adequate room for riparian plantings and restoration. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is consistent with the applicable Goal 7 policies for Streambank Erosion and Deposition.**

## **Goal 8 – Recreational Lands**

1. The County should protect, manage, enhance and preserve identified park resources and recreational land resources.
3. The Recreational Lands Advisory Committee will maintain a public forum for citizen input regarding any future changes that potentially impact parks, recreational lands, trails, boat ramps and related programs within the county.
6. Clatsop County shall utilize the County Recreational Lands Committee as a primary public review body for all County actions related to recreation issues. This committee shall be given the opportunity to review and comment on all County recreational issued including:
  - a. Potential County land sales involving County Park lands or lands adjoining County park properties;

- b. Potential County timber sales involving County Park lands or lands adjoining County park properties;
  - c. Major County Park improvement proposals; and
  - d. Annual County Parks budget proposals.
7. Existing County-owned recreational lands sites, as identified in the Clatsop County Parks and Recreational Lands Master Plan, shall not be sold, traded, rezoned or exchanged without first requesting the input of the County Recreational Lands Advisory Committee and a careful examination of existing and potential recreation values.

**FINDING OF FACT #25A:**

The affected area abuts a planned park facility to the east. Low intensity recreation such as hiking, bird watching and wildlife photography are expected future uses in the LW-zoned area. This Goal 8 policy has been satisfied.

**Goal 9 – Economy**

**Goal 10 – Population & Housing**

**Goal 11 – Public Facilities and Services**

**Goal 12 – Transportation**

**Goal 13 – Energy Conservation**

**Goal 14 – Urbanization**

**FINDING OF FACT #26A:**

Goals 9 - 14 do not contain any applicable policies.

**Goal 16/17 – Estuarine Resources and Coastal Shorelands**

**Goal 16**

To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and

To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

**Goal 17**

To conserve, protect, where appropriate, development and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and

To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

**I. COLUMBIA RIVER ESTUARY LAND AND WATER USE PLAN**

**P10. INTRODUCTION AND BACKGROUND**

The Estuary Planning Area

The Columbia River Estuary planning area includes aquatic areas and shorelands from the 3-mile limit offshore to the eastern boundary of Wahkiakum County in Washington (RM 53) and the eastern boundary of Clatsop County in Oregon (RM 45). All tributary streams to the head of tide and their adjacent shorelands are included within the estuary planning area. In Oregon, the coastal zone, as defined by the Land Conservation and Development Commission, extends only to the downstream end of Puget Island (RM 38). Although shorelands generally extend to the landward limit of the floodplain for planning purposes, jurisdictional boundaries of the shorelands zones define a much smaller area. This Plan's informational sections, such as descriptions of shoreland features and human uses, apply to the entire floodplain area. Regulatory sections, such as aquatic and shoreland designations and policies, apply to the narrower jurisdictional shoreland area. Refer to the Goal 16 & 17 element of the Clatsop County Comprehensive Plan for a complete overview of the estuary planning process including use and area designations and use and activity tables for aquatic and shoreland areas.

#### P20.8 FISH AND WILDLIFE HABITAT

This subsection applies to uses and activities with potential adverse impacts on fish or wildlife habitat, both in Columbia River estuarine aquatic areas and in estuarine shorelands.

1. Endangered or threatened species habitat shall be protected from incompatible development.

#### P20.12. MITIGATION AND RESTORATION

##### Restoration

27. Restoration of tidal and non-tidal wetlands in the Columbia River Estuary area may be done either as a mitigation action or as an action outside of the context of mitigation.
29. All restoration projects shall serve to revitalize, return, replace or otherwise improve the wetland and aquatic ecosystems in the Columbia River Estuary area. Examples include restoration of natural biological productivity, fish and wildlife habitat, aesthetic or historic resources that have been diminished or lost due to past alterations, activities, or catastrophic events. In selecting projects, priority shall be given to those projects which provide substantial public benefits and which restore those wetland and aquatic habitat types, resources, or amenities which are in shortest supply compared to past abundance.
36. Restoration of riparian vegetation around wetlands and waterways in the Columbia River Estuary planning area is a high priority. Protection of these areas shall be implemented using various strategies (e.g., zoning, acquisitions, easements, and transfer of development rights).

#### **FINDING OF FACT #27A:**

The future active restoration of Plympton Creek to its original streambed will improve natural biological productivity, fish and wildlife habitat and aesthetics. The proposal will assist in the restoration of riparian vegetation around wetlands. **Based on this analysis these Goal 16/17 policies have been satisfied.**

#### P 30.22 WAUNA/WESTPORT SUBAREA PLAN

##### General Description

This subarea includes the Wauna Mill, Driscoll Slough, Westport Slough, the unincorporated community of Westport, and a private recreational home development east of Westport Slough. The subarea extends between the Clatsop/Columbia County line and downstream end of Puget Island. It extends to the state boundary, and landward to Oregon Highway 30.

### Aquatic Features

There is little information about the biological and physical characteristics of Westport Slough. The slough supports warmwater game fish. Plympton Creek, which drains into the slough, has a run of fall Chinook and some steelhead, coho, cutthroat, and chum.

### Issues

Portions of this subarea are low-lying with considerable wetland habitat value. This is especially true of the area between the railroad and the highway. North of the railroad there are some areas of wetland and a strip of mature riparian vegetation along the west bank of Westport Slough.

### Aquatic and Shoreland Designations

The following aquatic areas are designated Development: The following aquatic areas are designated Development:

#### 2. Westport Slough

#### Subarea Policies

2. Except where direct access to water is required for wharves, docks or piers, riparian vegetation along Westport Slough shall be protected for bank stabilization, wildlife habitat, water quality, and a visual and noise buffer.

#### **FINDING OF FACT #28A:**

The proposal will enhance the productive capacity of Plympton Creek and surrounding wetland and riparian areas while not diminishing the development potential of Westport Slough. **Based on this analysis, the proposal is consistent with the applicable provisions of the Goal 16/17 Wauna/Westport Subarea Plan.**

### **Goal 18 – Beaches and Dunes**

### **Goal 19 Element – Ocean Resources**

#### **FINDING OF FACT #29A:**

Goals 18 and 19 do not contain any applicable policies.

### **Northeast Community Plan**

#### **Landscape Units**

#### **Alluvial Lowland Policies**

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

#### **FINDING OF FACT #30A:**

The proposal would expand low intensity activities in the alluvial lowlands. The industrial property is not adjacent to the water. The proposal is consistent with this Northeast Community Plan policies.

### **Estuary Wetlands, Coastal Shorelands and Water Bodies**

#### **General Policies**

1. Recognizing the contribution of shallow water area, fresh water marshes, and wetlands to the biological productivity of the Columbia River Estuary, the indiscriminate filling of such areas is discouraged. It is also recognized that to develop areas adjacent to the river, some dredging and filling will be necessary. Therefore, potential water oriented sites that require the least amount of fill shall be preferred for development.
3. Natural areas in the estuary that are necessary to maintain a healthy balance with development and to maintain the existing quality of life in this area should be given full protection to ensure their preservation.

**FINDING OF FACT #31A:**

The proposal would expand low intensity activities in the alluvial lowlands. The industrial property is not adjacent to the water. **Based on this analysis, the proposal is consistent with these Northeast Community Plan policies.**

Fish and Wildlife Policies:

5. Steps to increase native or hatchery runs on Plympton Creek, Little Creek, Mary's Creek, Ferris Creek, Bear Creek or the John Day River are encouraged.

**FINDING OF FACT #32A:**

The proposal is meant to facilitate the future restoration of Plympton Creek to its original streambed and increase native and hatchery runs on Plympton Creek. **Based on the analysis this Fish and Wildlife Policy has been satisfied.**

Conservation Other Resources Policy\*

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

**FINDING OF FACT #33A:**

The affected area is well suited for inclusion in the Conservation Other Resources plan designation given its proximity to Plympton Creek, fish and wildlife habitat and prevalence of wetlands. Any recreational activities on the site will be low-intensity in nature. **This Conservation Other Resources Policy has been satisfied.**

#### **IV. COMPREHENSIVE PLAN AMENDMENT**

Adoption of the Lake and Wetland zone requires the Goal 5 Element of the Comprehensive Plan to be amended to include this site in the list of Major Non-Coastal Shoreland Wetlands. The text and map would be amended to include this area as **"Site 8"**.

**Conclusion:**

Based on the analysis and findings contained in this report the proposed Comprehensive Plan and Zoning Map Amendment

## **Appendix B**

### **Findings in Support of a Comprehensive Plan Amendment to Goal 2 -- Expansion of the Westport Rural Community - On T8N R06W Sec36 TL00406 and a Portion of T8N R06W Sec36 TL00408**

#### **I. Summary**

This document contains findings that demonstrate that the proposed expansion of the Westport Rural Community is consistent with OAR Chapter 660, Division 022.

#### **II. Findings**

##### **Requirements of OAR 660-0022**

Oregon Administrative Rule Chapter 660, Division 22 establishes the requirements for the designation of rural communities under Statewide Planning Goal 14, Urbanization:

The purpose of this division is to establish a statewide policy for the planning and zoning of unincorporated communities that recognizes the importance of communities in rural Oregon. It is intended to expedite the planning process for counties by reducing their need to take exceptions to statewide planning goals when planning and zoning unincorporated communities. [OAR 660-022-0000(1)]

The need to amend the rural community boundary is acknowledged and authorized by OAR 660-0022-0020 in accordance with -0020(3)(a):

##### **660-022-0020**

##### **Designation of Community Areas**

- (1) Except as provided in OAR 660-022-0070, county comprehensive plans shall designate and identify unincorporated communities in accordance with the definitions in OAR 660-022-0010. Counties may amend these designations as circumstances change over time.

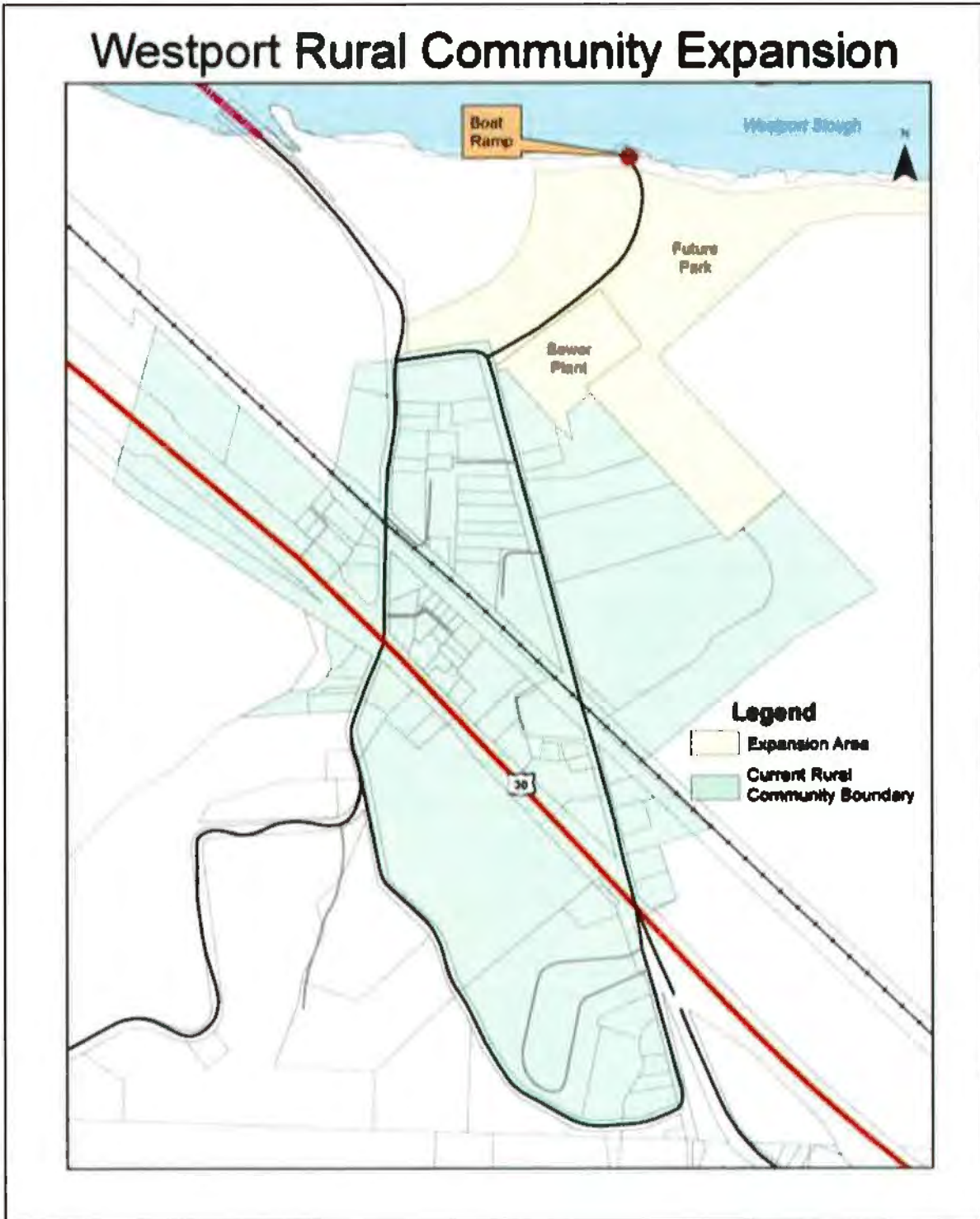
##### **FINDINGS OF FACT #1B:**

The Goal 2 Element of the Clatsop County Comprehensive Plan identifies several rural communities, including the Westport Rural Community, that were adopted in 2003 in accordance with OAR 660-022. As anticipated by -022(1), circumstances have changed and Clatsop County wishes to expand the Westport Rural Community boundary to include an area donated to the county for use as a county park.

- (2) Counties shall establish boundaries of unincorporated communities in order to distinguish lands within the community from exception areas, resource lands and other rural lands. The boundaries of unincorporated communities shall be shown on the county comprehensive plan map at a scale sufficient to determine accurately which properties are included.

**FINDINGS OF FACT #2B:**

The proposed boundary is depicted in the map below and would be amended to the Goal 2 element of the Clatsop County Comprehensive Plan along with the legal description of the property; thus meeting the requirement of OAR 660-022-0020(2).



- (3) Only land meeting the following criteria may be included within an unincorporated community boundary:
  - (a) Land which has been acknowledged as a Goal 3 or 4 exception area and historically considered to be part of the community provided the land only includes existing, contiguous concentrations of:
    - (A) Commercial, industrial, or public uses; and/or
    - (B) Dwelling units and associated residential lots at a greater density than exception and outside rural communities.

**FINDINGS OF FACT #3B:**

Exceptions to statewide planning goals 3 and 4 have been taken for the area within the proposed rural community expansion. The exceptions were adopted with Ordinance 83-17 and recorded in Book 605, Pages 765-6 of the Clatsop County Deed Records.

The land within the rural community expansion area has long been considered part of the community. This site was developed as a large mill site in 1910 and operated until its closing in 1956 due to the low supply of large logs. The mill then burned down in 1957. The site was left and slowly has overgrown with plant life to its present state. Wood storage areas, docks and railroad loading areas were planked and some of the piers that supported the dock are still visible in the north section of property along the slough and Plympton creek. In 1972, Clatsop County obtained an easement to operate the existing boat dock/ramp and parking lot to provide public access to the Columbia River. Then in December 2014, Georgia Pacific donated the land to Clatsop County for a new county park. The extension area also includes the Westport Sewer Plant, operated by Clatsop County. The area included in the expansion contains contiguous land for public use.

**Conclusion:**

Based on this analysis contained in these findings meets the requirements OAR 660-022 for the expansion of the Westport Rural Community.



## Appendix C

### Findings in Support of a Text Amendment to the Clatsop County Land and Water Development and Use Ordinance 80-14

#### Rural Community Parks Zone

##### I. Summary

The current HI zone does not permit park or recreation improvements. The OPR (Open Space, Parks and Recreation) and RM (Recreation Management) zones offer the best solution to allowing future park and recreation opportunities on the site. The OPR and RM zones have many similarities but the OPR zone offers a wider range of allowable uses and has more flexibility than the RM zone when considering future park and recreation improvements at the site. 'Public regional park or recreation area excluding campgrounds' and 'Public or private neighborhood park or playground' are permitted outright in the OPR zone. The Westport Boat Landing adjoins the site and is currently zoned LW, Lake and Wetland. To ease future permitting and provide cohesion between the Boat Ramp and the planned park and recreation improvements, a rezone request for the Boat Ramp (LW to OPR) is being made concurrent with this request (see Staff Report in subsequent Section V).

##### II. Text Amendments

The Land and Water Development and Use Ordinance 80-14 will be amended to include the RCP zone in the table below:

***Table 3.010 Comprehensive Plan Zoning Designations***

TABLE 3.010 COMPREHENSIVE PLAN ZONING DESIGNATIONS		
Conservation Forest Lands	AF	Agriculture Forest
	F80	Forest 80
Conservation Other Resources	AC1	Aquatic Conservation One
	AC2	Aquatic Conservation Two
	NAC2	Necanicum Estuary Aquatic Conservation
	OPR	Open Space, Parks and Recreation
	RM	Recreation Management
	RCP	Rural Community Parks
	CS	Coastal Shorelands
	EAC	Ecola Aquatic Conservation
	LW	Lake and Wetland
	QM	Quarry and Mining
Natural	AN	Aquatic Natural
	NU	Natural Uplands
	NS	Natural Shorelands
Rural Agricultural Lands	EFU	Exclusive Farm Use
Rural Lands	CBR	Coastal Beach Residential

	CR	Coastal Residential
	SFR1	Single Family Residential 1
	RA1	Residential Agriculture 1
	RA2	Residential Agriculture 2
	RA5	Residential Agriculture 5
	RA10	Residential Agriculture 10
	GC	General Commercial
	NC	Neighborhood Commercial
	TC	Tourist Commercial
	MR	Military Reserve
Development	AD	Aquatic Development
	RSA-SFR	Rural Service Area-Single Family Residential
	RSA-MFR	Rural Service Area-Multi Family Residential
	RCR	Rural Community Residential
	AC-RCR	Arch Cape Rural Community Residential
	KS-RCR	Knappa-Svensen Rural Community Residential
	RCC	Rural Community Commercial
	RCC-LI	Rural Community Light Industrial
	RCI	Rural Community Industrial
	RC-MFR	Rural Community-Multi Family Residential
	LI	Light Industrial
	HI	Heavy Industrial
	MI	Marine Industrial
	UGB	Urban Growth Boundary

The Land and Water Development and Use Ordinance 80-14 will be amended to include the following section:

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**SECTION 3.290. RURAL COMMUNITY PARKS ZONE (RCP).**

**Section 3.291. Purpose and Intent.**

The RCP zone is intended to be applied to new and existing public and private parks in Rural Communities that contain significant natural values and recreation opportunities. These areas are intended to accommodate the type of recreational development that insures the maintenance of the site's natural values is intended to serve the rural community, surrounding rural area or the needs of people passing through the area.

**Section 3.292. Development and Use Permitted.**

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

- (1) Public regional park or recreation area excluding campgrounds.
- (2) Low intensity recreation.
- (3) Historical or archaeological site/area.
- (4) Public or private neighborhood park or playground.
- (5) Accessory development customarily provided in conjunction with the above developments.
- (6) Utilities, maximum utilization of existing easements and rights-of-way shall be made.

- (7) Land transportation facilities as specified in Section 3.035.

**Section 3.293 Conditional Development and Use.**

The following commercial uses and their accessory uses are permitted under a Type II permit procedure subject to applicable development standards provided that commercial uses occur in a building or buildings that do not exceed the following area standards:

- (1) Campground, primitive.
- (2) Boat ramps.
- (3) Legally existing and allowed uses as of *[insert effective date of ordinance]* may continue as permitted uses.
- (4) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-3 above subject to the provisions of section 5.060.

**Section 3.294. Conditional Development and Use.**

The following uses and their accessory uses are permitted under a Type II-a permit procedure subject to applicable development standards and site plan review.

- (1) Recreational Vehicle (RV) Park except in the Clatsop Plains Planning Area

**Section 3.295. Development and Use Standards.**

The following standards are applicable to all permitted uses in this zone.

- (1) Setback requirements:
  - (A) Front yard setbacks: 25 feet.
  - (B) Side and rear yard when abutting a residence or residential zone: 10 feet.
  - (C) The setbacks for all structures shall be thirty-five feet (35) from the line of non-aquatic vegetation.
  - (D) All structures shall be a minimum of fifty feet (50) from adjacent resource zones.
- (2) Building height: 35 feet
- (3) Off-street parking requirements: Off-street parking shall be subject to Clatsop County Standards Document, Section S2.200 of the Development and Use Standards Document.
- (5) Recreational Vehicle (RV) Park subject to the following provisions:
  - (A) Density, Maximum fifteen (15) RV spaces per acre.
  - (B) Minimum 30-foot setback to any adjoining residential zone.
  - (C) Minimum 50-foot setback to any adjoining resource zone.
  - (D) Subject to meeting the State Building Code requirements; and
  - (E) Subject to provisions of Clatsop County Standards Document, S.3.550 – S3.552 (2) (I)(J)(K) and (3)-(10) inclusive.

**Section 3.296 State and Federal Permits**

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

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**IV. Findings**

These findings demonstrate that the proposed LWDUO text amendment is consistent with the applicable policies of the Clatsop County Comprehensive Plan.

## **A. Comprehensive Plan Goals and Policies**

### **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.
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.

#### **Finding of Fact #1C:**

Prior to the August 18, 2015, public hearing, proper notification was provided to property owners within 250-feet, citizens and agencies in accordance with LWDUO Sections 2.110, 2.120 & 2.125 and ORS 197.763. Lists of notified property owners and interested parties/agencies is included in Appendix E. Published has been provided in the Daily Astorian. **Based on this analysis the applicable Goal 1 policies have been satisfied.**

### **Goal 2 – Land Use Planning**

**Goal 3 – Agricultural Lands**

**Goal 4 – Forest Lands**

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

**Finding of Fact #2C:**

Goals 2 – 5 do not contain applicable policies.

**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

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.

**Finding of Fact #2C:**

As with all zoning districts, all development in the RCP zone must provide documentation of any required state or federal permit. This provision ensures that state and federal environmental standards are met. **Based on this analysis the applicable Goal 6 policy has been satisfied.**

**Goal 7 - Natural Hazards**

**Finding of Fact #2C:**

Goal 7 does not contain applicable policies.

**Goal 8 – Recreational Lands**

1. The County should protect, manage, enhance and preserve identified park resources and recreational land resources.
3. The Recreational Lands Advisory Committee will maintain a public forum for citizen input regarding any future changes that potentially impact parks, recreational lands, trails, boat ramps and related programs within the county.
6. Clatsop County shall utilize the County Recreational Lands Committee as a primary public review body for all County actions related to recreation issues. This committee shall be given the opportunity to review and comment on all County recreational issued including:
  - a. Potential County land sales involving County Park lands or lands adjoining County park properties;
  - b. Potential County timber sales involving County Park lands or lands adjoining County park properties;
  - c. Major County Park improvement proposals; and
  - d. Annual County Parks budget proposals.
7. Existing County-owned recreational lands sites, as identified in the Clatsop County Parks and Recreational Lands Master Plan, shall not be sold, traded, rezoned or exchanged without first requesting the input of the County Recreational Lands Advisory Committee and a careful examination of existing and potential recreation values.

**FINDING OF FACT #3C:**

On April 30, 2015, the proposed text amendments were presented to the Clatsop County Recreational Lands Advisory Committee who by consensus supported the zoning map and text amendments. **Based on this analysis the proposed LWDUO text amendment is consistent with the applicable Goal 8 policies.**

**Goal 9 - Economy**

**Goal 10 - Population & Housing**

**Goal 11 - Public Facilities and Services**

**Goal 12 - Transportation**

**Goal 13 - Energy Conservation**

**Goal 14 - Urbanization**

**Goal 16/17 - Estuarine Resources and Coastal Shorelands**

**Northeast Community Plan**

**Finding of Fact #2C:**

Goals 9-14, 16/17 and the Northeast Community Plan do not contain applicable policies.

**Conclusion:**

The proposed text amendment does not conflict with the applicable policies of the Clatsop County Comprehensive Plan.

## Appendix D

### Findings in Support of a Comprehensive Plan Zoning Map Amendment

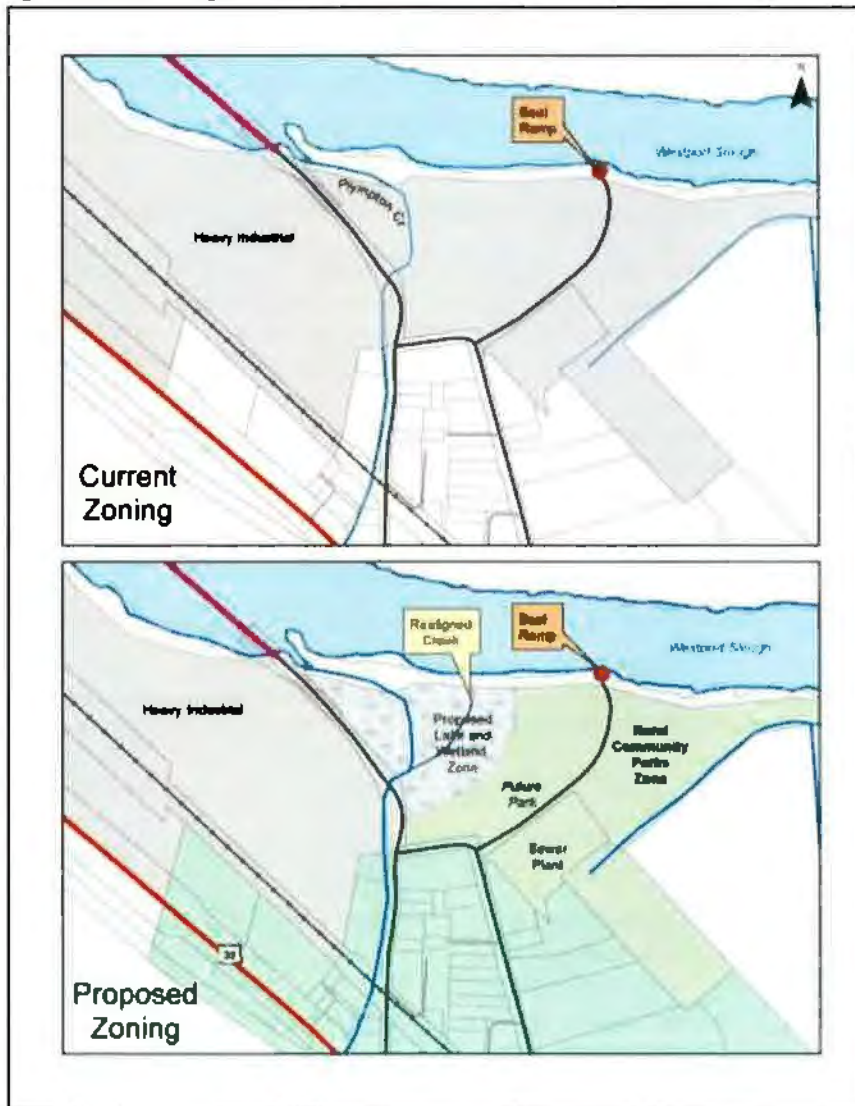
#### Heavy Industrial (Development) to Rural Community Parks (Conservation Other Resources)

On T8N R06W Sec36 TL00406  
and a Portion of T8N R06W Sec36 TL00408

#### I. Summary

This document contains findings that demonstrate that the proposed Comprehensive Plan Zoning Map amendment is consistent with the applicable policies and criteria contained in the Clatsop County Comprehensive Plan and Land and Water Development and Use Ordinance 80-14.

#### II. Map of Proposed Zoning



### III. Findings

#### A. LWDUO 80-14

##### **Section 5.350 Transportation System Impact Review**

The following section incorporates requirements for developments that have the potential to impact the county's transportation system.

(2) When Required.

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

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

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

##### **FINDING OF FACT #1D:**

In 2011, a Traffic Impact Analysis was completed by DKS and Associates as part of the Westport Corridor and Community Plan. In email correspondence dated August 7, 2015, Public Works Director, Michael Summers provides the following analysis:

*"The projected use of the Westport Boat Ramp property as a county park has the average daily traffic volume at 40 vehicles/day on average throughout the year. The peak time is during the August to early September Fall Salmon fishing season, could see an increase of average daily traffic for this time period to be between 80-120 vehicles per day. This is in the current state of improvements to the property. Should the zone change and rural community the Clatsop County Parks Department will further make improvements to the boat launch facility and improve the parking facility, depending on funding availability in the coming years. There will be an increase in walking trips by a few pedestrians per day with the future improvements to park amenities."*

The potential transportation impacts of development in the existing HI zone would far outweigh impacts resulting in any permitted development in the RCP. **Based on this analysis a Traffic Impact Analysis is not required.**



**Section 5.354 Amendments Affecting the Transportation System**

- (1) Review of Applications for Effect on Transportation Facilities.  
When a development application includes a proposed comprehensive plan amendment, zone change or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility. An amendment significantly affects a transportation facility if it would:
  - (B) Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the Clatsop County Transportation System Plan ("TSP"); or
  - (C) Changes standards implementing a functional classification system; or
  - (D) Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
  - (E) Reduce the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan.

**FINDING OF FACT #2D:**

Based on the analysis provided by Mr. Summers in Finding #1D, the proposed amendments will not have a significant impact on Clatsop County's Transportation System.

**Section 5.412. Zone Change Criteria.**

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

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

**FINDING OF FACT #2D:**

The applicable comprehensive plan policies are evaluated later in this appendix and the findings conclude that the proposed zoning map amendment from HI to RCP is consistent with the comprehensive plan. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment meets the criteria in L5.412(1).**

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

**FINDING OF FACT #3D:**

Clatsop County's Comprehensive Plan has been acknowledged by the State of Oregon as being consistent with the Statewide Planning Goals. Consistency with the Clatsop County Comprehensive Plan ensures consistency with the Statewide Goals. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment meets the criteria in L5.412(2).**

- (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

**FINDING OF FACT #4D:**

The zoning map amendment from HI to RCP will not require additional public facilities or services. The proposed amendment will set the stage for future park improvements and amenities. Future park improvements may include restroom facilities or seasonal park host. Inclusion in the rural community will allow connection to the Westport Sewer District. The area is currently served by police and fire protection, and solid waste collection. Access to the property is currently provided by county roads from Highway 30. No change in access is proposed. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment meets the criteria in L5.412(3)(A)-(D).**

- (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.

**FINDING OF FACT #5D:**

Based on the analysis contained in Finding of Fact #1D, the proposed amendment will not cause undue traffic congestion or hazards. **The proposed Comprehensive Plan Zoning Map Amendment meets the criteria in L5.412(4).**

- (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.

**FINDING OF FACT #6D:**

The current zoning, Heavy Industrial, allows for intensive industrial uses and structures up to 30,000 square feet in size. This zoning is currently adjacent to multi-family residential zoning which easily sets the stage for conflicting uses impacts to the surrounding area. The proposed zone change to RCP will allow a natural extension of the rural community that will facilitate improvements to the boat ramp and a future county park which will alleviate any potential conflicting uses. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment meets the criteria in L5.412(5).**

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

**FINDING OF FACT #7D:**

Since 1972, the site has been used as a public boat ramp. Development of County Park is reasonable considering the location of the site, and its popularity during salmon runs as it provides easy access to Westport Slough and the Columbia River. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment meets the criteria in L5.412(6).**

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

**FINDING OF FACT #8D:**

This proposal directly relates to creation of a waterfront park at the Westport Boat Ramp. This project along with the restoration of Plympton Creek will assist in protecting wetland and riparian resources, greatly improve local recreation opportunities, and improve livability for residents. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment meets the criteria in L5.412(7).**

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

**FINDING OF FACT #9D:**

The proposal will facilitate improvements the boat ramp and that along with the plans for a county park will not be detrimental to the health, safety or general welfare of county residents, business owners or visitors. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment meets the criteria in L5.412(8).**

**B. COMPREHENSIVE PLAN GOALS AND POLICIES**

**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.
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.

**FINDING OF FACT #10D:**

Prior to the August 18, 2015, public hearing, proper notification was provided to property owners within 250-feet, citizens and agencies in accordance with LWDUO Sections 2.110, 2.120 & 2.125 and ORS 197.763. Lists of notified property owners and interested parties/agencies is included in Appendix E. Published has been provided in the Daily Astorian. **Based on this analysis the applicable Goal 1 policies have been satisfied.**

## **Goal 2 – Land Use Planning**

The County's land and water have been placed in one of six (6) Plan designations (see map next page). They are:

### **1. Development**

Development areas are those with a combination of physical, biological, and social/economic characteristics which make them necessary and suitable for residential, commercial, or industrial development and includes those which can be adequately served by existing or planned urban services and facilities.

In Clatsop County, the County has three types of such areas: cities and their urban growth boundaries; rural communities; and rural service areas, which are areas similar to cities (sewer and water) but lack size and a government structure.

c. 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. These communities are established through a process that applies OAR 660 Division 22 requirements. Portions of land identified in the Miles Crossing and Jeffers Gardens rural community plan take an exception to Statewide Planning Goal 3 and Goal 4 for portions of land zoned EFU or AF. The exceptions documentation for a portion of the Miles Crossing and Jeffers Gardens rural community boundary is adopted as part of the Comprehensive Plan, and is located at the end of this section.

### **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.

### **FINDING OF FACT #11D:**

The HI zone has a Comprehensive Plan designation of Development. The proposed RCP zone would be assigned a designation of Conservation Other Resources. This designation is appropriate at this site considering the existing wetlands and its close proximity to Westport Slough and the Columbia River estuary. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is consistent with Goal 2.**

## **Goal 3 – Agricultural Lands**

## **Goal 4 – Forest Lands**

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

### **Fish and Wildlife Areas and Habitats**

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.

**FINDING OF FACT #12D:**

The zoning map amendment will not prohibit or restrict public access to Westport Slough and the Columbia River. Future boat ramp and county park improvements should result in easier access to the slough and river. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is consistent with Goal 5, Fish and Wildlife Area and Habitat Policy 8.**

Cultural Areas

1. The County will review land use activities that may affect known archeological sites. If it is determined that a land-use activity may affect the integrity of an archaeological site, the County shall consult with the State Historic Preservation Office on appropriate measures to preserve or protect the site and its contents.
2. Indian cairns, graves and other significant archeological resources uncovered during construction or excavation shall be preserved intact until a plan for their excavation or re-internment has been developed by the State Historic Preservation Office.

**FINDING OF FACT #13D:**

The proposal does not affect any known archeological sites. Any future development in the RCP zone precautions will be taken to ensure that any significant archaeological resources that may be uncovered will be reported to the State Historic Preservation Office. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is consistent with Goal 5, Cultural Areas, Policies 1-2.**

**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

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.

**FINDING OF FACT #14D:**

As with all zoning districts, all development in the RCP zone must provide documentation of any required state or federal permit. This provision ensures that state and federal environmental standards are met. **Based on this analysis the applicable Goal 6 policy has been satisfied.**

**Goal 7 - Natural Hazards**

Goal

To protect life and property from natural disasters and hazards.

Flood Hazard Policies

7. Agriculture, forestry, open space and recreation shall be the preferred uses of flood prone areas.

**FINDING OF FACT #15D:**

The majority of the affected area is located within a 100-year floodplain. Open space and recreation are preferred uses in flood prone areas. **Based on this analysis the proposed Comprehensive Plan Zoning Map Amendment is consistent with Goal 7 , Policy 8.**

**Goal 8 – Recreational Lands**

1. The County should protect, manage, enhance and preserve identified park resources and recreational land resources.
  
3. The Recreational Lands Advisory Committee will maintain a public forum for citizen input regarding any future changes that potentially impact parks, recreational lands, trails, boat ramps and related programs within the county.
6. Clatsop County shall utilize the County Recreational Lands Committee as a primary public review body for all County actions related to recreation issues. This committee shall be given the opportunity to review and comment on all County recreational issued including:
  - a. Potential County land sales involving County Park lands or lands adjoining County park properties;
  - b. Potential County timber sales involving County Park lands or lands adjoining County park properties;
  - c. Major County Park improvement proposals; and
  - d. Annual County Parks budget proposals.
  
7. Existing County-owned recreational lands sites, as identified in the Clatsop County Parks and Recreational Lands Master Plan, shall not be sold, traded, rezoned or exchanged without first requesting the input of the County Recreational Lands Advisory Committee and a careful examination of existing and potential recreation values.

**FINDING OF FACT #16D:**

On April 30, 2015, the proposed map amendment was presented to the Clatsop County Recreational Lands Advisory Committee who by consensus supported the zoning map and text amendments. **Based on this analysis the proposed LWDUO text amendment is consistent with the applicable Goal 8 policies.**

**Goal 9 – Economy**

**Goal 10 – Population & Housing**

**Goal 11 – Public Facilities and Services**

**Goal 12 – Transportation**

**Goal 13 – Energy Conservation**

**Goal 14 – Urbanization**

**FINDING OF FACT #17D:**

Goals 9 - 14 do not contain any applicable policies.

**Goal 16/17 – Estuarine Resources and Coastal Shorelands**

**Goal 16**

To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and

To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

Goal 17

To conserve, protect, where appropriate, development and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and

To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

I. COLUMBIA RIVER ESTUARY LAND AND WATER USE PLAN

P10. INTRODUCTION AND BACKGROUND

The Estuary Planning Area

The Columbia River Estuary planning area includes aquatic areas and shorelands from the 3-mile limit offshore to the eastern boundary of Wahkiakum County in Washington (RM 53) and the eastern boundary of Clatsop County in Oregon (RM 45). All tributary streams to the head of tide and their adjacent shorelands are included within the estuary planning area. In Oregon, the coastal zone, as defined by the Land Conservation and Development Commission, extends only to the downstream end of Puget Island (RM 38). Although shorelands generally extend to the landward limit of the floodplain for planning purposes, jurisdictional boundaries of the shorelands zones define a much smaller area. This Plan's informational sections, such as descriptions of shoreland features and human uses, apply to the entire floodplain area. Regulatory sections, such as aquatic and shoreland designations and policies, apply to the narrower jurisdictional shoreland area. Refer to the Goal 16 & 17 element of the Clatsop County Comprehensive Plan for a complete overview of the estuary planning process including use and area designations and use and activity tables for aquatic and shoreland areas.

P20.13. PUBLIC ACCESS TO THE ESTUARY AND ITS SHORELINE

3. Public access in rural areas shall be preserved and enhanced through development of trails, scenic viewing areas, boat ramps and other actions consistent with local public access plans.
7. Public access to publicly owned shorelands and aquatic areas shall be maintained and improved where feasible.

P20.14. RECREATION AND TOURISM

Policies in this subsection are applicable to recreational and tourist-oriented facilities in Columbia River Estuary shoreland and aquatic areas.

2. Recreation uses in waterfront areas shall take maximum advantage of their proximity to the water by providing water access points, water-front viewing areas, and structures visually compatible with the waterfront.

**FINDING OF FACT #18D:**

The future active restoration of Plympton Creek to its original streambed will improve natural biological productivity, fish and wildlife habitat and aesthetics. The proposal will assist in the restoration of riparian vegetation around wetlands. **Based on this analysis these Goal 16/17 policies have been satisfied.**

**Goal 18 - Beaches and Dunes**

**Goal 19 - Ocean Resources**

**FINDING OF FACT #19D:**

Goals 18 and 19 do not contain any applicable policies.

**Northeast Community Plan**

Estuary Wetlands, Coastal Shorelands and Water Bodies

General Policies

3. Natural areas in the estuary that are necessary to maintain a healthy balance with development and to maintain the existing quality of life in this area should be given full protection to ensure their preservation.

**FINDING OF FACT #20D:**

The proposal would expand low intensity activities in the alluvial lowlands. The industrial property is not adjacent to the water. **Based on this analysis, the proposal is consistent with these Northeast Community Plan policies.**

Conservation Other Resources

Policy\*

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

**FINDING OF FACT #21D:**

The affected area is well suited for inclusion in the Conservation Other Resources plan designation given its proximity to Westport Slough, fish and wildlife habitat and prevalence of wetlands. **This Conservation Other Resources Policy has been satisfied.**

**Conclusion:**

Based on the analysis and findings of this report staff recommends approval of the proposed Comprehensive Plan Zoning Map Amendment meets the applicable criteria.





# Clatsop County

Community Development

800 Exchange St, Suite 100

Astoria, Oregon 97103

[www.co.clatsop.or.us](http://www.co.clatsop.or.us)

Phone (503) 325-8611

Fax (503) 338-3666

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## NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION

ORDINANCE 15-03

In the matter of an ordinance amending the Clatsop County Comprehensive Plan, Zoning Map, and Land and Water Development and Use Ordinance 80-14. The applicant, Clatsop County, is requesting adoption of amendments to establish the Lake and Wetlands zone and a new Rural Community Parks zone at and near the **Westport Boat Ramp**.

---

DATE/TIME:	August 18, 2015 at 10:00 AM
ADDRESS:	Judge Guy Boyington Building 857 Commercial Street, Astoria, Oregon 97103
CONTACT PERSON:	Jennifer Bunch, Senior Planner

---

You are receiving this notice because you either own property within 250 feet of the property that serves as the subject of the land use application described in this letter, or you are considered to be an affected state or federal agency, local government, or special district. A vicinity map for the subject property is included with this notice.

NOTICE IS HEREBY GIVEN that the Clatsop County's Community Development Department has received the application described in this letter. Pursuant to *Section 2.025* of the Clatsop County Land and Water Development and Use Ordinance (LWDUO), the Department Director has provided notice of intent to hold a public hearing in accordance with Section 2.110

Interested parties are invited to testify in person by attending the hearing, or 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 [503-338-3606](tel:503-338-3606) or via email to [comdev@co.clatsop.or.us](mailto:comdev@co.clatsop.or.us). Written comments must be received in this office no later than **5PM on Monday, August 17, 2015**, in order to be considered at the August 18, 2015, hearing.

THE CLATSOP COUNTY BOARD OF COMMISSIONERS WILL CONSIDER THIS MATTER AT A LATER DATE.

NOTE: Failure of an issue to be raised 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.

<p><b>Notice to Mortgagee, Lien Holder, Vendor or Seller:</b> ORS Chapter 215 requires that if you receive this notice it must promptly be forwarded to the purchaser.</p>
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**The Land Use Application Described:** Clatsop County is requesting amendments to its Comprehensive Plan, Zoning Map, and Land and Water Development and Use Ordinance to change the zoning on the subject properties from Heavy Industrial to Rural Community Parks and Lake and Wetland. The action requires expansion of the rural community boundary and amendments to the Clatsop County Comprehensive Plan, Zoning Map and Land and Water Development and Use Ordinance 80-14. The subject properties are identified as T8N, R06W, Sec. 36, Tax Lots 408 and 406. The properties are more commonly known as the Westport Boat Ramp and Westport Sewer Plant.

#### APPLICABLE CRITERIA

##### LWDOU 80-14

- 1.010-1.050 Definitions
- 2.035 Type IV Procedure
- 2.100 Public Deliberations and Hearings
- 2.185 Quasi-Judicial Hearing Procedure
- 3.610 Lake and Wetland Zone
- 5.350 Transportation System Impact Review
- 5.400 Zone Changes

- OAR 660-022 Unincorporated Communities
- OAR 660-023 Procedures and Requirements for  
Complying with Goal 5

##### Clatsop County Comprehensive Plan

- Goal 1 Citizen Involvement
- Goal 2 Land Use Planning
- Goal 5 Natural Resources
- Goal 6 Air, Water, and Land Quality
- Goal 8 Recreation
- Goal 9 Economy
- Goal 11 Public Facilities and Services
- Goal 12 Transportation
- Goal 14 Urbanization
- Goal 16 Estuarine Resources
- Northeast Community Plan

Copies of the applications, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at the Planning Department 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.

Planning representative for the application is Jennifer Bunch, Senior Planner, (503) 325-8611 or [jbunch@co.clatsop.or.us](mailto:jbunch@co.clatsop.or.us).



Owner	OwnerLine1	OwnerLine2	Mailing Address	City	State	Zip
ADAMS ANDREW LEE			91155 Old Mill Town Rd Unit #12	Westport	OR	97016-3227
AKIN JESSICA			91155 Old Mill Town Rd Unit #23	Westport	OR	97016-3227
BEHREND MICHAEL			91155 Old Mill Town Rd Unit #7	Westport	OR	97016-3225
CAPPS LINDA MAY			91187 Old Mill Town Rd	Westport	OR	97016-8249
CATE MOLLY ANNETTE	SHADOAN TERRANCE MICHAEL		91155 Old Mill Town Rd #41	Westport	OR	97016
CEBRIDGE CONNECTION	CLATSOP COUNTY OREGON		800 Exchange St #310	Astoria	OR	97103
CHAPMAN DANIEL M TR	CHAPMAN DOROTHY L TR	Chapman Dorothy L Trust	PO Box 3876	Kingman	AZ	86402
CROWN ZELLERBACH	LAND AND TAX DEPARTMENT	c/o Jeff Nuss	3001 John F Kennedy Blvd Ste #8	North Little Rock	AR	72116-9248
DEGANDI WILLIAM D/LINDA M			91237 Westport Ferry Rd	Westport	OR	97016-3216
DEVRIES WILMA			91240 Westport Ferry Rd	Westport	OR	97016-3216
DUNN GINA MARIE			91155 Old Mill Town Rd Unit #6	Westport	OR	97016-3225
ELBERT RANDY			91155 Old Mill Town Rd Unit #9	Westport	OR	97016-3225
ELMORE SANDRA			91155 Old Mill Town Rd Unit #4	Westport	OR	97016-3225
GEORGIA PACIFIC CONSUMER PRODUCTS	c/o Property Tax Department		PO Box 105681	Atlanta	GA	30348
GRAVES FELICIA MAE			91155 Old Mill Town Rd Unit #31	Westport	OR	97016-3227
GRAY JORDAN DAVID	GRAY ROBERT DAVID		91155 Old Mill Town Rd #44	Westport	OR	97016-3224
GREENWOOD RESOURCES INC	c/o Jeff Nuss		1500 SW 1st Ave Ste #1150	Portland	OR	97201-5881
HAI8Y KATHY LYNN			91155 Old Mill Town Rd #1	Westport	OR	97016
HART GAIL R			91155 Old Mill Town Rd	Westport	OR	97016
HART RICHARD	HART GAIL		91155 Old Mill Town Rd #30	Westport	OR	97016
HAVENS GARY L	HAVENS DAVID H	Havens Dennis W	1049 Columbia St	Cathlamet	WA	98612-9533
HAVENS GARY L/JODY O 1/3	HAVENS DENNIS W 1/3 AND	Havens David H/Lillian Eb 1/3	1049 Columbia St	Cathlamet	WA	98612-9533
HILL ROBERT	HILL PEGGY		91155 Old Mill Town Rd Unit #25	Westport	OR	97016-3227
HILL WILLIAM D/CLAUDIA C			91238 Old Mill town Rd	Westport	OR	97016-8267
HOLUM DANIAL R/LAURIE L			79945 Bodine Rd	Clatskanie	OR	97016-2212
IVERSON DALE			91155 Old Mill Town Rd Unit #10	Westport	OR	97016-3225
JACOB SHERRI KAY			91241 Westport Ferry Rd	Westport	OR	97016-3216
JOHNSON ELIZABETH MAE TRUST	ESCOBAR NELSON / LOUISA (C)		91205 Old Mill Town Rd	Westport	OR	97016
JOHNSON RALPH L JR AND	JOHNSON ELIZABETH M		91205 Old Mill Town Rd	Westport	OR	97016
KINNUNEN CATHERINE			91155 Old Mill Town Rd Unit #17	Westport	OR	97016-3227
KROTZER KEITH MERLE			91155 Old Mill Town Rd Unit #13	Westport	OR	97016-3226
LOUGHREY JOHN D			91155 Old Mill Town Rd Unit #8	Clatskanie	OR	97016-3225
MORFITT CRISTEN WAYNE			91155 Old Mill Town Rd Unit #32	Westport	OR	97016-3229
MORTON HAROLD O	MORTON MARTHA M		91155 Old Mill Town Rd #19	Westport	OR	97016
MURPHY-CALLIHAN NICOLE			91155 Old Mill Town Rd Unit #33	Westport	OR	97016-3227
NEWVILLE JUDITH R			91155 Old Mill Town Rd Unit #18	Westport	OR	97016-3227
NICHOLAS JOHN ANDREW			91155 Old Mill Town Rd Unit #36	Westport	OR	97016-3228
NICHOLAS RAYMOND LEROY	NICHOLAS JULIA CLAIR		PO Box 382	Astoria	OR	97103
NIEMI DENNIS R	NIEMI JOYCE E		91155 Old Mill Town Rd Unit #15	Westport	OR	97016-3226
PARR PATRICIA			91155 Old Mill Town Rd Unit #26	Westport	OR	97016-3227
PHILLIPS DARYL R/CAROLYN P			91213 Old Mill Town Rd	Westport	OR	97016
REEVES BILL R			90950 Hungry Hollow Loop Unit #29	Westport	OR	97016-8284
ROBERTS ROGER C			91155 Old Mill Town Rd #42	Clatskanie	OR	97016-3229
RUBECK JOSEPH R			91155 Old Mill Town Rd Unit #29	Westport	OR	97016-3227

SMITH DALE O  
SONDIE CHRIS  
ST. HELEN ELIJAH M  
TEEVIN BROS LAND & TIMBER CO  
UNITED PAPERWORKERS INTERNAT'L  
WESTPORT VILLAS II MHP LLC  
WHITAKER WAY LLC  
WHITAKER WAY LLC  
WIEST JOHN  
WOODS KARA LEE

SMITH TERI L  
FREULER BLISS A

VREELAND JUDITH J  
MCCOY SUSAN M

PO Box 1597	Clatskanie	OR	97016-1597
PO Box 661	Clatskanie	OR	97016
91155 Old Mill Town Rd Unit #24	Westport	OR	97016-3227
PO Box 247	Rainier	OR	97048-0247
91237 Old Mill Town Rd	Westport	OR	97016-8267
6255 SW Tower Way	Portland	OR	97221-3339
6255 SW Tower Way #14	Portland	OR	97221
PO Box 80813	Portland	OR	97280-1813
91155 Old Mill Rd ##28	Westport	OR	97016
91155 Old Mill Town Rd Unit #5	Westport	OR	97016

**CERTIFICATE OF MAILING**

I hereby certify I served a copy of the attached public notice to those listed on the attached page with postage paid and deposited in the US Post Office, Astoria, Oregon, on said day.

Clance Adams, Permit Tech

*Clance Adams*



Date: 07.30.15

Michael Summers, PW  
Steve Meshke, Parks  
Patrick Wingard, DLCD  
Ryan Crater, CREST  
Dan Cary, DSL  
ODOT

msummers@co.clatsop.or.us  
spmeshke@co.clatsop.or.us  
patrick.wingard@state.or.us  
rcrater@columbiaestuary.org  
dan.cary@state.or.us  
ODOTR2PLANMGR@ODOT.STATE.OR.US

Appendix F  
Public Comments



LAND & TIMBER CO.

August 6, 2015



**KNAPPA  
OFFICE**

42894  
OLD HWY. 30  
ASTORIA  
OREGON  
97103

OFFICE  
(503)  
458-6671

FAX  
(503)  
458-6106

**RAINIER  
OFFICE**

29191  
DIKE ROAD  
RAINIER  
OREGON  
97048

OFFICE  
(503)  
556-0410

FAX  
(503)  
556-2805

WWW.  
TEEVIN BROS.  
COM

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

Re: Ordinance 15-03, Establish Lake & Wetlands Zone and Rural Community Parks Zone – Westport

Dear Ms. Bunch:

Teevin Bros. supports these changes.

As an adjoining property owner who has participated in the development process to create a park and river access on this property, we are happy to see this next step being taken.

Since 2005 we have discussed this change with County staff; we do not see a conflict with our operations.

We do ask to be included when site development begins. A collaborative approach to site access, from road or river, will benefit both our objectives.

Congratulations in moving the process forward.

Sincerely,

  
Paul Langner  
Facilities Manager  
Teevin Bros.