

MAY 23 1984

IN THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

ORDINANCE 84- 9

(AN ORDINANCE AMENDING THE TEXT
(AND MAP OF THE CLATSOP COUNTY
(COMPREHENSIVE PLAN, COMMUNITY PLANS,
(BACKGROUND REPORTS AND COUNTY-WIDE
(ELEMENTS, AMENDING THE CLATSOP COUNTY
(LAND AND WATER DEVELOPMENT AND USE
(ORDINANCE 80-14, EXCEPTIONS TO STATEWIDE
(PLANNING GOALS 3, 4, 16, 17 AND 18 AS
(ADOPTED BY THE BOARD OF COMMISSIONERS
(AND RESCINDING INCONSISTENT PROVISIONS
(AND DECLARING AN EMERGENCY.

The Board of County Commissioners of Clatsop County, Oregon ordain as follows:

SECTION 1. SHORT TITLE.

This ordinance shall be known as the 1984 LCDC In Order to Comply Statement Amendments.

SECTION 2. FINDINGS.

The Board of County Commissioners of Clatsop County, Oregon recognizes that the Clatsop County Comprehensive Plan Background Reports, County-wide Elements and Community Plans, and Clatsop County Land and Water Development and Use Ordinance No. 80-14, as amended, are in need of revision and amendment. In the interest of the health, safety and welfare of the citizens of Clatsop County and in consideration of the recommendations of the Clatsop County Planning Commission and pursuant to State law, the Board of Commissioners hereby determines the necessity of amending said Comprehensive Plan and Land and Water Development and Use Ordinance to comply with Oregon Statewide Planning Goals and Guidelines.

1 The Board of Commissioners finds that said Ordinance amendments comply
2 with the goals of the Land Conservation and Development Commission.

3 The Board of County Commissioners further determines and takes notice
4 that the adoption procedure for this ordinance amending the Clatsop County
5 Comprehensive Plan and County Land and Water Development and Use Ordinance
6 (No. 80-14) particularly complies with Goal 1 of the Land Conservation and
7 Development Commission, the Citizen Involvement Goal. The County Planning
8 Commission has sought review and comment and has conducted the public
9 hearing process pursuant to the requirements of ORS 215.050 and 215.060. A
10 Planning Commission hearing was held on May 22, 1984. The Planning
11 Commission adopted recommendations to the Board of Commissioners on May 22,
12 1984. The Board received and considered the Planning Commission's
13 recommendations on this proposed amendment. The Board of Commissioners held
14 hearings pursuant to law on this ordinance on May 23, 1984.

15 SECTION 3. CONFORMITY WITH THE LAW.

16 This ordinance shall not substitute for nor eliminate the necessity for
17 conformity with any and all laws or rules of the State of Oregon or its
18 agencies, or any ordinance, rule or regulation of Clatsop County.

19 SECTION 4. INCONSISTENT PROVISIONS.

20 This ordinance shall supercede, control and repeal any inconsistent
21 provision of the Clatsop County Comprehensive Plan and Clatsop County Land
22 and Water Development and Use Ordinance No. 80-14, as amended, or any other
23 ordinance regulation made by Clatsop County.

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1 SECTION 5. SEPARABILITY.

2 If any section, subsection, sentence, clause, phrase or any portion of
3 this ordinance is for any reason held invalid or unconstitutional by a court
4 of competent jurisdiction, such portion shall be deemed as a separate,
5 distinct, and independent provision and such holding shall not affect the
6 validity of the remaining portions of this ordinance.

7 SECTION 6. EFFECTIVE DATE.

8 This ordinance shall be in full force and effective immediately upon
9 adoption as set forth in the emergency clause.

10 SECTION 7. EMERGENCY CLAUSE.

11 In order to implement the recommendations of the Planning Commission
12 and findings of the Board with the greatest expedience and in order to
13 realize the benefits to be derived from the adoption of this ordinance to
14 the Comprehensive Plan Background Reports, County-wide Elements, Community
15 Plans and the County Land and Water Development and Use Ordinance (80-14),
16 an emergency is declared to exist and this ordinance shall become effective
17 immediately upon its passage.

18 SECTION 8. ADOPTION CLAUSE.

19 This Ordinance amending the Clatsop County Comprehensive Plan
20 Background Reports, County-wide Elements, and Community Plans and the
21 Clatsop County Land and Water Development and Use Ordinance (80-14) attached
22 hereto and marked Exhibit A, is hereby adopted by reference and incorporated
23 herein in its entirety.

24 _____
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26 _____

ENACTED this 23rd day of May, 1984.

THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

Don R. Church
Don Church, Chairman

Joan M. Dukes
Joan Dukes, Commissioner

Roger A. Berg
Roger Berg, Commissioner

Vote: Aye: Joan M. Dukes, Don R. Church & Roger A. Berg

Nay: -0-

Abstention: -0-

ATTEST:

Germa Hensinger
Recording Secretary to the Board

May 23, 1984

Date

Date of First Reading: May 23, 1984

Date of Second Reading: May 23, 1984

1. Amend the County's agricultural and forest elements and subarea plans to clearly indicate that conversion of agriculture and forest lands requires a Goal 2 exception.

Response

Add to Goal 3 and 4 County-wide Elements and all of the Community Plans:

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

2. Amend the Committed Lands Exception to provide additional information addressing OAR 660-04-025 requirements or rezone the lands identified in the Goal 2 section with the appropriate resource zone.

Response

Add the following to the Goal 2 Background Report:

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- A. Exception area #2, additional information for 4-10-2100, 4-10-2101 and 4-10-19CA-4700:

- a) Adjacent uses - This parcel is adjacent to "committed" lands to the north and south, and to "built upon" lands to the west.
- b) Public facilities - A buried water line owned by the Arch Cape Water District crosses this property from the northeast to the southwest. Sewer lines are approximately 60' from the west boundary of these taxlots, which are in the Arch Cape Service (Sewer) District. The land is within the Cannon Beach Rural Fire Protection District.
- c) Parcel sizes - These taxlots make up two ownerships. Kent Price owns about 37 acres. Howard B. Johnson owns about 7 acres. The average parcel size within this exception area (the Arch Cape RSA) is about 1/2 acre.
- d) Neighborhood characteristics - There are about 190 homes located within 3/4 of a mile to the southeast and north of these parcels.

CONCLUSION: This land is irrevocably committed to residential development for the following reasons:

- a large number of existing residences in the area preclude many types of forest practices (slash burning, aerial spraying of herbicides).
- buried water line on the property precludes many types of harvest practices, including skidding of logs.
- the large amount of committed lands to the north, south and east will likely be occupied by a large number of houses within the period of time needed to grow merchantable timber on this site (40 years more or less).

- B. Exception area #2, additional information for land in 4-10-30 between Arch Cape Creek and Oswald West State Park.

- a. Adjacent uses - North of this property is the Arch Cape RSA, containing relatively dense residential development. To the south is Oswald West State Park, in "Conservation-Other Resources" plan designation and a Recreation Management (RM) zone. Lands to the east are zoned for forestry.
- b. Public facilities - This land is in the Arch Cape Sewer and Water District. Water from the district is presently available on the property. Sewer pipes do not yet reach the property. This land fronts State Highway 101 immediately north of the tunnel for a distance of about 400 feet.
- c. Parcel size and ownership patterns - This parcel consists of several blocks in an old platted subdivision, owned by the Dichter Brothers. The land, exclusive of dedicated public streets, totals 27 acres. The average parcel size to the north is .56 acres within the Arch Cape RSA.

- d. Other relevant factors - This area includes over 1 mile of unimproved public right-of-way, totalling about 15 acres. Any forest management operations would have to avoid trees in this right-of-way, since they belong to the public. Surveys would be required to locate these unimproved roads.

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CONCLUSION: This land is irrevocably committed to residential development due to the following factors:

- adjacent recreational and residential uses are not fully compatible with many forest practices.
- underground waterlines on the property make certain harvesting and felling activities difficult without first precisely locating those lines.
- the cost of surveys to locate unimproved dedicated public rights-of-way on the parcel preclude commercial forestry.

- C. Exception area #5, additional information for 4-9-27-400, 401, 500, 501 and 502.

- a) Adjacent lands - Both north and south on Highway 53 are irrevocably committed to residential development. To the northwest and southeast of these parcels are forest lands.
- b) Public facilities - State Highway 53 bisects these parcels. Additional private utilities include electricity, phone and well or surface water.
- c) Parcel size and ownership patterns - These lands consist of 3 separate ownerships, 24 acres, 1.5 acres and 26 acres, more or less.
- d) Other relevant factors - The two larger ownerships are bisected by Highway 53 and by intermingled smaller tracts.

CONCLUSION: This property is irrevocably committed to residential uses due primarily to the fact that they are not "blocked" into single uninterrupted pieces. Smaller parcels and the State Highway effectively preclude economical management of these parcels.

- D. Exception area #6, additional information for 4-9-31-502 and 600.

Attached.

- E. Exception area #10, additional information for 5-10-2400.

Attached.

- F. Exception area #11, additional information for 5-10-14-1200, 5-20-23A-100, and 5-10-24B-100 and 101.

No additional information is to be supplied for this area.

G. Exception area #21, additional information on 5-7-11-200, 300, 400, 800.

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- a) Adjacent uses - South of this narrow strip between Fishhawk Falls State Highway and the Nehalem River are committed residential lands. North of these lands are pastures in an AF-20 zone. Across the Nehalem River, to the southeast, are forest lands in an F-80 zone. Across the highway, to the northeast, are forest lands in an F-80 and AF-20 zone.
- b) Parcel size and ownership patterns - These parcels are in 3 ownerships. Sizes are about 42 acres, 20 acres and 8 acres. Thirteen parcels to the south in this residential zone average 5.68 acres in size.
- c) Public facilities and services - These parcels have a total of 5,000 linear feet of road frontage on the Fishhawk Falls State Highway. They are also within the Jewell School District and within 1 mile of the Jewell School. Although the Jewell School District is well funded through timber revenues, the facility is substantially underutilized.
- d) Neighborhood and regional characteristics - There are a total of 11 homes in exception area #14. The parcels in question here are within 1 mile of the Jewell School.
- e) Natural boundaries - These lands are separated from adjacent forest lands to the east by the Nehalem River and to the west by Fishhawk Falls State Highway.
- f) Other relevant factors - These lands comprise a narrow strip between the highway and the river between 150 and 900 feet wide. This area has historically been the center of development in the Jewell area, having once been the site of a lumber mill, several houses no longer existing, and a railroad line.

CONCLUSION: These lands are committed to residential development for the following reasons:

- 1. Although the lands have in the past been used for forestry and agriculture, their size and configuration makes them unsuitable for modern production techniques using large mechanized farm equipment.
- 2. The highway and the river separate these lands from nearby forest lands to the southeast and northwest.
- 3. The continued cost effective delivery of educational services from the Jewell School District depends in large part on more fully utilizing the existing facility.

H. Exception area #22, additional information on 5-7-11-100.

- a) Adjacent uses - This industrially zoned parcel is adjacent to residential lands to the west, commercial lands to the east and forest lands to the north and south.
- b) Public facilities and services - This parcel has over 2,400 feet of road frontage on State Highway 202 and is in the Jewell School District.
- c) Parcel size and ownership patterns - This 42 acre parcel is adjacent to a 3 acre parcel on the west, large tracts of forest land to the north and south and a small commercial parcel to the east.

- d) Neighborhood and regional characteristics - This parcel is near the intersection of State Highway 202 and the Fishhawk Falls State Highway. There are 4 residences and one business within 250 feet of the north, west and east boundaries of this parcel. This parcel historically has been and currently is characterized by industrial uses. The State Highway Department owns a small (1 acre) site on this land used as a maintenance and equipment storage yard. The telephone company owns a small (.23 acre) substation on this property also. The Meier Brothers operated a saw mill on the site near the abandoned railroad right-of-way. A now abandoned gas station and store are near the northeast corner of this parcel. The Meier Brothers still maintain a 7,000 sq.ft. storage and maintenance shop for their logging equipment on this site.
- e) Natural boundaries - The parcel is separated from forest land in the same ownership to the south by Fishhawk Creek, a Class I stream. Forest land to the north is separated from this industrial property by State Highway 202.

CONCLUSION: This parcel is irrevocably built and committed to industrial uses not allowed by Goal 4 because of the following reasons:

1. The site has historically been used for industrial uses; a saw mill, telephone substation, and highway department maintenance shop. Although the saw mill no longer exists, a large maintenance facility for logging equipment still operates on the site.
2. The continued cost-effective operation of the Jewell School District depends to some extent on a broad diversified tax base. Future industrial development of this tax base is consistent with the historical and current uses of this site.

I. Exception area #22, additional information on 5-7-11-500 and 800.

- a) Adjacent uses - East along State Highway 202 are residential lands. North of the highway and south of this property are forest lands. The Jewell Game Refuge lies to the west of this parcel.
- b) Public facilities and services - This land fronts State Highway 202 for approximately 1,700 feet. The parcel is also within the Jewell School District.
- c) Parcel size and ownership patterns - These two tax lots in the same ownership are about 33.5 acres in size. This parcel surrounds on 3 sides two smaller parcels in the residential zone of 2.4 and 1.1 acres. Three residential parcels to the east range from less than an acre to about 3.5 acres. Forest and game refuge lands to the west and south and across State Highway 202 to the north are much larger.
- d) Neighborhood and regional characteristics - There are several houses along State Highway 202 between the wildlife refuge and the junction of Highway 202 and Fishhawk Falls State Highway.
- e) Natural boundaries - This parcel is separated from forest lands to the north by State Highway 202.

CONCLUSION: This parcel is irrevocably committed to residential uses because of the following:

1. Continued cost effective operation of the nearby Jewell School depends in part on being able to fully utilize the existing facility, which is about 1 1/2 miles from this parcel.
2. The area along the south side of State Highway 202 and the Fishhawk Falls State Highway has historically been used for residential and other non-forest development.

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J. Exception area #25, additional information for 7-9-3-3100.

Information to be supplied as available.

K. Exception area #31, additional information for 8-9-31-6000.

- a) Adjacent uses - North, south and west of this parcel are residential lands. Forest lands are generally east of this parcel.
- b) Public facilities and services - This parcel has public water and fire protection and fronts on Lewis and Clark County Road.
- c) Parcel size and ownership patterns - This land is a 22 acre portion of a large parcel including forest lands to the east under the same ownership. Twenty adjacent parcels in the residential zone average 1.75 acres in size.
- d) Neighborhood and regional characteristics - There are 17 homes on residential lots adjacent to this parcel.

CONCLUSION: This land is committed to residential development for the following reasons:

1. Adjacent homes and residentially zoned lands preclude use of certain forest practices, such as aerial herbicide application and slash burning.
2. By zoning this property for residential uses, potential conflicts are reduced from 3 sides to just 1 side.
3. Continued cost effective delivery of public facilities, particularly water, depend on demand densities commensurate with existing supply facilities.

L. Exception area #31, additional information for 8-9-31-5200.

- a) Other relevant factors - This land is topographically separated from adjacent farm land in the same ownership to the west. Tax lot 5200 is predominantly outside of the 100 year flood boundary, as established by FEMA. Adjacent farm land to the west is entirely within the 100 year floodplain.

CONCLUSION: This parcel is irrevocably committed to residential development because it is topographically differentiated from adjacent farm land in an EFU zone.

M. Exception area #31, additional information for 7-9-6-1500.

- a) Adjacent uses - There is residential land to the north, farm land to the west and south, and forest land to the east.

- b) Public facilities and services - This parcel is served by public water, fire and schools. The parcel fronts on Lewis and Clark County Road. Cable television service is also available.
- c) Parcel size and ownership patterns - The committed portion of this parcel is about 17 acres in size. Adjacent residential lands to the north range from 2.3 to 2.8 acres.
- d) Neighborhood and regional characteristics - There are 4 residences adjacent to this parcel on the north.
- e) Natural boundaries - This land is separated from adjacent farm land to the south in the same ownership by a small stream.
- f) Other relevant factors - Agriculture in this area is severely hampered by elk problems.

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CONCLUSION: This land is irrevocably committed to residential development for the following reasons:

- 1. Continued cost effective delivery of public facilities in this area, especially water, depend in part on demand densities commensurate with supply capacities.
- 2. Elk problems make agricultural practices on this parcel not cost effective. The landowner has repeatedly lost portions of the hay crop from this parcel because of elk damage.

N. Exception area #31, additional information for 7-10-1-900.

- a) Adjacent uses - Residential lands are adjacent or nearly adjacent to the north and east. Lands to the south and west are in an EFU zone and used for agricultural uses.
- b) Parcel size and ownership patterns - Six adjacent residential parcels to the east average .74 acres.
- c) Public facilities and services - There is a 4" water line from the Lewis and Clark Water District to this parcel. The parcel is also in the Lewis and Clark Fire and School Districts. Cable television, mail delivery, newspaper delivery, telephone service and electricity also are available at this parcel.
- d) Neighborhood and regional characteristics - There are 13 homes within 250 feet of this parcel.
- e) Natural boundaries - This parcel is topographically separated from adjacent farm land to the west in the same ownership by a steep slope. This parcel is outside of the FEMA 100 year floodplain, while adjacent farmland to the west and south is within the 100 year floodplain.
- f) Other relevant factors - The landowner indicates that this parcel is not suitable for agriculture due to complaints from adjacent property owners and because portions of the parcel are unusable due to topographic and vegetation constraints.

CONCLUSION: This parcel is irrevocably committed to residential development for the following reasons:

- 1. Adjacent land uses make some agricultural practices difficult to use because of possible complaints (i.e. liquid manure).

2. Efficient delivery of public facilities, particularly water, depends in part on assuring that demand density are commensurate with existing supply capacity.
3. The parcel is topographically separated from adjacent EFU land by a steep slope.

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- O. Exception area #32, additional information for 7-10-13-100, 200, 400, 500, 600, 800 and 7-10-12-2100 and 2200.
- a) Adjacent uses - North and east of this area are residential land uses. West and south are forest lands.
 - b) Public facilities and services - This land is within the Lewis and Clark Water, Fire and School Districts.
 - c) Parcel size and ownership characteristics - These 7 ownerships average only 22.6 acres each. Forty-eight other residential parcels within the exception area average 5.52 acres in size.
 - d) Neighborhood and regional characteristics - The overall average density in this exception area is about 1 dwelling unit per 6.5 acres.
 - e) Natural boundaries - The residential portion of tax lot 800 is separated from adjacent forest lands by Heckard Creek to the south and by a County Road to the north.
 - f) Other relevant factors - Tax lots 100, 200, 400 and 2200 are divided by a logging road owned and maintained by the Crown Zellerbach Corporation.

CONCLUSION: These parcels are irrevocably committed to residential development for the following reasons:

1. Continued cost-effective delivery of public facilities, especially water, depends in part on the demand density being commensurate with existing supply capacity.
2. Some of these parcels are divided by a Crown Zellerbach logging road. It is difficult to conduct forest management on both sides of the road since it is not at grade in some places.

- P. Exception area #32, additional information on 7-9-19-1101, 1105, 1106, 1107, 1108, 1109, 1110, 1112, 1113, 1114.
- a) Adjacent uses - this land is adjacent to forest land on the west. Residential lands abut the property on the east. Both residential and forest lands are adjacent to this land on the north and south.
 - b) Public facilities - All of these parcels have access to one of the two County roads adjacent to this property to the south and east. This area is within the Lewis and Clark Water, Fire and School Districts.
 - c) Parcel size and ownership patterns - These 9 parcels average 5.6 acres in size. Although these parcels were created without specific goal findings in 1979 and 1981, they were not created in violation of the County land division ordinance at those times.
 - d) Neighborhood and regional characteristics - This area is built to an average overall density of about 1 dwelling unit per 13.3 acres.

CONCLUSION: This area is irrevocably committed to residential development due primarily to the following factors:

1. Continued cost-effective delivery of public facilities, especially water, depends to some extent on demand densities commensurate with existing supply capacities.
2. The small size of these individual parcels is such that survey costs associated with timber harvest would far outstrip the value of trees removed.

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Q. Exception area #47, additional information on 8-7-11-400.

- a) Adjacent uses - Davis Bottom Road is a predominantly residential area. To the north and east of this parcel are forest and agricultural lands.
- b) Public facilities and services - Water is available from the Knappa Water Association, road access is available onto Davis Bottom Road.
- c) Parcel size and ownership patterns - This parcel consists of about 30 acres of pasture. Adjacent residential property on Davis Bottom Road, to the west and south, consists of 14 parcels averaging 6.4 acres each.
- d) Neighborhood and regional characteristics - There are 11 houses along Davis Bottom Road within 2,500 feet of this parcel.
- e) Natural boundaries - This parcel is partially separated by an unnamed slough from agricultural lands to the northwest.

CONCLUSION: This parcel is irrevocably committed to residential uses for the following reasons:

1. The large number of small residential tracts and homes in the area make some farm practices impractical (i.e. liquid manure).
2. The continued cost-effective delivery of public facilities, especially water, depends in part on demand densities commensurate with supply capacity.
3. The property would not be easily farmed as a unit in conjunction with EFU lands to the northwest due to their separation by a slough.

R. Exception area #48, additional information on 8-7-9 1800, 1900, 2000, 2100, 2101, 2102; 8-8-24 2200, 2300, 2400, 2500, 2501, 2502, 3700, 3800, 3900, 4000, 4100, 4202; 8-8-25 100, 101, 300, 500, 600, 700, 800, 1104, 1700, 2105, 2200 .

- a) Adjacent uses - These lands are surrounded by residential lands to the north, west, and south. Mixed use farm/forest lands lie to the east.
- b) Public facilities and services - These lands are served by the Wickiup Water District. This water district does not at this writing issue new hook-ups. According to the District's counsel, they anticipate being able to issue new connections by the end of the summer, 1984. This is contingent on entering into a new supply

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agreement with the City of Astoria. These parcels are also served by the Knappa-Svenson-Burnside Fire District. None of these parcels have either direct access, or indirect access via an easement, to a county road.

- c) Parcel size and ownership patterns - The area consists of 21 separate ownerships averaging 23.6 acres each. There are 44 parcels immediately adjacent to this area in residential zones. The average size of these adjacent parcels is 8.12 acres.
- d) Neighborhood and regional characteristics - within this area are a total of 13 residences. There are 21 more residences located within 250 feet of the 5 mile perimeter of this area. See appendix 3
- e) Other Relevant Factors - these parcels and adjacent resource lands consist of several different soil types, ranging from agricultural soil capability class II to VI. Soils on these parcels are predominantly class IV, while adjacent soils in the AF-20 zone are predominantly class II.

CONCLUSION: These lands are irrevocably committed to residential development due primarily to the following factors:

- 1. Surrounding land uses make some agricultural practices (such as liquid manure) and forestry practices (such as slash burning) impractical.
- 2. The continued cost effective delivery of public facilities is to some extent dependent on demand densities commensurate with supply capacities. The cost effectiveness of Wickiup Water District's proposed expansion depends on an adequate rate base.
- 3. The average size of these parcels (23 acres) makes commercial agriculture or forestry possible, but difficult for many of the smaller parcels.
- 4. The number and density of residences both in and around this area make certain farm and forestry management practices impractical.

S. Exception area #48, additional information on 8-7-17 2400, 2500.

- a) Adjacent uses - there are residential lands to the south, east and west of these parcels. Mixed farm/forest lands in the same ownership lie to the north.
- b) Public facilities and services - The Knappa Water Association provides water service in this area. Fire protection is provided by the Knappa-Svenson-Burnside Fire District. Both parcels have direct access to the County Road.
- c) Parcel size and ownership patterns - these two parcels are 41 and 32 acres in size. Twenty adjacent residential parcels average 3.4 acres each.
- d) Neighborhood and regional characteristics - There are 54 residences on immediately adjacent parcels in residential zones, including about 45 mobile homes in the mobile home court to the south of tax Lot 2500.

CONCLUSION - These parcels are irrevocably committed to residential development due primarily to the following reasons:

- 1. adjacent residential zoning and development make certain farm forest practices (such as slash burning and liquid manure) impractical.

2. continued cost-effective delivery of public services, particularly water, depend in part on demand densities commensurate with existing supply capabilities.

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U. Exception area #49. Additional information on 8-6-36-200.

Delete this parcel from the exception area. Add to the end of the Northeast Community Plan, as Appendix D:

The property described as T8N R9N Section 36 Tax lot 200 is identified by the U.S. Soil Conservation Service as made up of dredge spoils and Lacota Silt Loams. Both of these soils have an agriculture capability rating of VIw. Although the parcel is currently valued by the County Assessor as farmland, the property is not agricultural land under the definition provided by Statewide Agricultural Lands Goal 3 or the Clatsop County Land and Water Development and Use Ordinance. This area has historically been used for agricultural uses. Between 10 and 15 years ago, dredge materials were disposed of on this area, burying agricultural soils under the class VI dredge material. Adjacent property east of this area within the dike are used for agriculture and are in an EFU zone. These adjacent agricultural lands are behind a dike and road, and are thus separated from this subject land. For these reasons, a portion of the land in tax lot 200 has been zoned for residential purposes and an exception has not been taken.

V. Exception area #52, additional information on 8-6-35BB 100, 500, 600, 700, 800; 8-6-3700.

- a) adjacent uses - residential lands to the north and east, forest lands in the same ownership to the south and west.
- b) public facilities and services - Fire protection through the Wauna-Westport Fire District. Water from the Wauna Water District.
- c) Parcel size and ownership patterns - The average lot size of adjacent residential parcels to the north and east is 3.2 acres. This parcel is approximately 25 acres, adjacent to about 35 acres of forest land in the AF-20 zone in the same ownership.
- d) natural boundaries - a electric transmission right-of-way used by the Bonneville Power Administration separates the residential portion of this ownership from the forest portion.
- e) other relevant factors - a water line owned by the Wauna Water District crosses a portion of the property from the southwest to the northeast.

CONCLUSION: this land is irrevocably committed to residential development due primarily to the following reasons:

1. nearby residences and residential ownership make certain forest practices, such as slash burning, impractical on this property.
2. Because the BPA transmission lines separate this property from adjacent forest land, it would be difficult to manage the northern unit as part of the larger timber holdings south of the power line.
3. Major water line owned by the Wauna Water District bisecting this parcel would further impair efficient forest management.

3. If the Arch Cape and Falcon Cove exceptions to Goal 18 are preserved, adopt the following changes to the plan and development ordinance:

- a. Amend the plan to delete the unapprovable portions of the Falcon Cove exception as identified in the Goal 2 review above.
- b. Amend the ordinance to apply the geologic hazard overlay (GHO) zoning district to all oceanfront lots included in the exception. The Department suggests the following revisions:

Sec. 4.031 Purpose. This district applies to the Arch Cape and Falcon Cove areas of exception for certain Goal 18 beachfront protective structure requirements and to all other areas of Clatsop County.....

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Sec. 4.035(2). For areas identified as geologic hazards in the Martin Ross report stated above, for all of the Arch Cape and Falcon Cove oceanfront lots included in the comprehensive plan exception to Goal 18, and for areas determined to have evidence...

- c. Amend the geologic hazards overlay zone and/or the geologic hazards requirement in the Standards Document to require consideration of and preference for the use of residential structural setbacks for future development in the Arch Cape and Falcon Cove oceanfront lots. The Department suggests the following revisions:

Section 4.034(3)(e). Residential structures on oceanfront lots in the Arch Cape and Falcon Cove areas shall be set back from the ocean side of the lot the maximum distance permitted by the applicable roadside setback, unless the site investigation report required by Section 4.035 clearly demonstrates that any hazard from shoreline erosion would not threaten the structure during an assumed 30 year life span.

Response

- 3a. Delete from the Clatsop County Goal 2 Exception Section all portions of the Falcon Cove exception to Goal 18 beachfront protective structure requirements except:

Assessor's Map
4-10-31BC

4-10-31CB

4-10-31CC

Oceanfront Lots

Nos. 2-9 between Calder and Early Streets

Nos. 1-7 between Ocean Way and Waring Streets

All

See map for reference. Amend the above section to correct statistics as appropriate for the above deletions.

- 3b. (1) Extend the Geologic Hazards Overlay (/GHO) District the entire length of the oceanfront lots in the Southwest Coastal planning area.

Section 4.031 Purpose. This district applies to the Arch Cape and Falcon Cove areas of exception for certain Goal 18 beachfront protective structure requirements and to all other areas of Clatsop County...

Section 4.035(2). For areas identified as geologic hazards in the Martin Ross report stated above, for all of the Arch Cape and Falcon Cove oceanfront lots included in the Comprehensive Plan exception to Goal 18, and for areas determined to have evidence...

3. c. Add to Section 4.034(3) the following:

- e. Residential structures on oceanfront lots in the Arch Cape and Falcon Cove areas of exception to Goal 18 beachfront protective structure requirements and to all other oceanfront areas of Clatsop County that are known to be subject to geologic hazards shall be set back from the ocean side of the lot the maximum distance permitted by the applicable roadside setback, unless the site investigation report required by Section 4.035 clearly demonstrates that any hazard from shoreline erosion would not threaten the structure an assumed 30 year life span.

- 4. Amend the lot of record provisions of Sections 1.030 and 10.025 in a manner "clearly" consistent with Chapter 884 of Oregon's Laws 1981 as amended in 1983.

Response

Delete existing lot of record entirely and replace with the following:

LOT OF RECORD (GRANDFATHERED LOT):

For areas zoned Agriculture-Forest (AF-20), Foresty 38 (F-38), and Forest 80 (F-80):

- I. Sec.9 (1) As used in sections 9 to 12, chapter 884, Oregon Laws 1981:

(a) "Contiguous" means lots, parcels or lots and parcels that have a common boundary. "Contiguous" does not include lots, parcels or lots and parcels separated by a public road.

(b) "Lot" and "parcel" have the meaning given those terms in ORS 92.010.

(c) "Lot of record" means a lot or parcel in the unincorporated area of a county outside of the Willamette Greenway and outside of areas designated in a county comprehensive plan as being in a floodplain or geological hazard area of designated for urban, industrial or commercial development and which was lawfully created by or transferred to the present owner by a deed or sales contract executed after January 1, 1948 and before January 1, 1975.

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6034
(2)(a) Notwithstanding paragraph (c) of subsection (1) of this section, only one lot of record exists when:

(A) A lot or parcel that is within the definition of "lot of record" is contiguous to one or more lots or parcels that are within the definition of "lot of record"; and

(B) Greater than possessory interests are held in those contiguous lots, parcels or lots and parcels by the same person, spouses or a single partnership or business entity, separately or in tenancy in common.

(b) When the interests described in subparagraph (B) of paragraph (a) of this subsection are held by spouses, paragraph (a) of this subsection applies only to those contiguous lots, parcels or lots and parcels in which one spouse held the interests before transfer to another spouse.

Sec.10. (1) Notwithstanding ORS 197.005 to 197.430, 215.213 and any other provision of law, if at the time a person acquired a lot of record, establishment of a single family dwelling was a permitted use on that lot of record, a county may not deny that person a permit for a single family dwelling as a result of zoning, rezoning, adopting or amending a comprehensive plan or changing the text of a zoning code.

(2) This section does not apply to exclusive farm use zones created under ORS 215.203 or land designated as marginal land under section 2 of this 1983 Act.

Sec.11. The governing body of a county or its designate shall not approve an application for a single family dwelling on any portion of a lot of record that has been assessed for five or more years based on valuation at true cash value for farm use under ORS 308.370 or at true cash value for forest use under ORS 321.300 (1975 Replacement Part), 321.352, 321.377, 321.622 (1975 Replacement Part), 321.720 or 321.810, unless:

(1) Applicable land use regulations otherwise authorize a single family dwelling on the lot of record through zoning procedures including, but not limited to, permitted use, permitted use with conditions, conditional use, and variance procedures; or

(2) A comprehensive plan acknowledged under ORS 197.251 provides that the lot of record lies within:

(a) An urban growth boundary; or

(b) An area other than:

(A) An area of forest land designated for protection pursuant to goal 4 of the statewide planning goals (OAR 660-150-000, effective January 25, 1975); or

(B) A zone established pursuant to ORS 215.203 for the preservation of agricultural land.

Sec.12 The governing body of a county shall keep a record of its actions under sections 10 and 11 of this 1981 Act and shall submit the record to the Land Conservation and Development Commission. Before the end of each even-numbered year, the commission shall prepare a written report for submission to the Oregon Legislative Assembly on:

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- (1) The number of dwellings approved on lots of record; and
- (2) The commission's recommendation, if any, for amendments to sections 9 to 12 of this 1981 Act.

Sec.13 (1) Sections 9, 10, 11 and 12 of this Act are repealed July 1, 1985.

(2) Any building permit issued under section 10 of this Act before July 1, 1985, shall not expire until July 1, 1987.

II. The following shall constitute a lot of record for areas that are "built upon or irrevocably committed" and zoned RSA-SFR, RSA-MFR, CR, CBR, SFR-1, RA-1, RA-2, RA-5, NC, TC, GC, LI, HI, MI and MR:

A unit of land created as follows:

- a. A lot in an existing, duly recorded subdivision that was approved pursuant to lot sizes required by Clatsop County Zoning Ordinance #66-2;
- b. A parcel in an existing minor or major partition approved by the Clatsop County Department of Planning and Development, Planning Commission or Board of Commissioners; or
- c. Any unit of land including a subdivision created prior to zoning (Ordinance 66-2) and partitioning regulations by deed(s) or land sale contract(s) and recorded with the Clatsop County Clerk, provided however, that contiguous units of land so created under the same ownership and not conforming to the minimum property size of this Ordinance shall be considered one (1) lot of record.

Lots in one of the zones noted in I, except I(1)(c), and II above must meet all other requirements of applicable overlay districts, other Land and Water Development and Use Ordinance requirements, and the Standards Document.

Delete Section 10.025.

5. Amend provisions authorizing cottage industries in a manner consistent with ORS 215.448.

Response

- A. Amend Section 1.030 Definitions to change the definition of "cottage industry" to "home occupation" in accordance with HB 2625 and retitle the existing definition of home occupation as "limited home occupation".

HOME OCCUPATION: Any occupation or profession carried on by a member of the family residing on the premises, if the occupation or profession:

- a. will be operated by a resident of the property on which the business is located and the resident files an annual report verifying that the home occupation complies with the conditions originally imposed;
- b. will employ no more than five full or part-time persons;
- c. will be operated in:
 1. the dwelling; or
 2. other buildings normally associated with uses permitted in the zone in which the property is located; and
- d. will not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located;
- e. will comply with all conditions imposed pursuant to Sections 5.000 through 5.030 and all standards as set forth in S3.450 through S3.462.

The existence of home occupations shall not be used for justification for a zone change.

- B. Delete the Cottage Industries standards in the Standards Document and replace with the following:

Home Occupation

S3.460. Purpose. The purpose of this section is to establish standards by which limited small-scale business activities, hereafter referred to as Home Occupation, could operate in non-commercial and non-industrial zones. Allowable uses which would come under Home Occupation would include such things as small-scale light manufacturing and crafts. A Home Occupation shall be allowed in the following zones only: RA-1, RA-2, RA-5, RSA-MFR, AF-20, F-38 and F-80.

S3.462. Home Occupation Standards. The following limitations and requirements shall apply to all Home Occupations:

1. Parking of 1 space per employee must be provided on the same tract of land.*

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2. No more than two vehicles or trailers are to be used in the operation of the Home Occupation.
3. No modification shall be made to the dwelling to establish or operate the Home Occupation that would cause it to resemble anything other than a dwelling.
4. All materials, parts, tools and other equipment used in the operation of the Home Occupation shall be stored entirely within the dwelling or accessory building.
5. The Home Occupation shall not involve operations or use of equipment or processes which would produce or cause the emission of gasses, dust, odors, vibration, electrical interference, smoke, noise, or light in a manner likely to cause offence to irritation to neighboring residents.
6. No more than two unlighted signs with a combined area on all surfaces of 5 square feet shall be used to identify the Home Occupation. No other form of identification or advertisement shall be used.
7. The Home Occupation uses are not intended to involve in-person customer retail sales of merchandise on the premises. The use shall be confined to the fabricating and manufacturing of an end product. The establishment of an accessory structure for the purpose of engaging in retail sales of manufactured goods and services shall not be allowed to occur on the premises.*
8. A Home Occupation in or adjacent to the AF-20, F-36, and F-80 zone shall not involve activities which might disrupt or adversely impact forest use of the parcel or adjacent parcels. The Home Occupation shall also not involve activities sensitive to standard forest management practices including but not limited to herbicide application or the noise or heavy equipment which might occur on forest parcels.**

*Amended R&O 82-6-133, dated June 23, 1982.

**Amended 83-17, dated September 30, 1983.

- C. Change all references of S3.450 and S3.452 in Ordinance 80-14 as amended to S3.460 and S3.462.
- D. Change all references in the Clatsop County Comprehensive Plan, Community Plans, Background Reports, County-wide Elements and Clatsop County Land and Water Development and Use Ordinance 80-14 all as amended of "home occupations" to "limited home occupations" and of "cottage industries" to "home occupations".

6. Amend Section 4.342 of the Destination Resort Overlay Zone to indicate that Exceptions to Goals 3, 4, 17 or 18 require a plan amendment.

Response

Add as a third paragraph to Section 4.342 of the Clatsop County Land and Water Development and Use Ordinance the following:

When a Destination Resort is requested and it is determined that an Exception is necessary to a Statewide Planning Goal an Exception shall be taken to the appropriate Goal or Goals.

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7. Carefully reexamine the application of zones (particularly those zones with densities of one acre or below) to rural areas where known water deficiencies or sewage disposal problems exist. Justify the decision for retaining rural residential densities in known problem areas consistent with Goal 11 or rezone these lands to lower densities which will not further compound existing problems.

Response

See Goal 11 IOTCS

8. Amend the plan and ordinance to do one of two things:
- a. Adopt additional plan policies and ordinance provisions to implement the County's policy requiring (1) that potable water be available to all new lots and developments, (2) that school capacity be assessed, and (3) that proposed subdivisions be denied if schools are unable to support projected needs.
 - b. Adopt revisions to the Public Facilities Element, policies, and ordinances consistent with the County's response to IOTC 7.

Response

See Goal 11 IOTCS

9. Amend ordinance provisions contained in Sections 5.402 and 5.406 to require a plan amendment to revise or adjust special district (overlay zone) boundaries (also see Goal 5 section requirements).

Response

- (1) Change Section 5.400 from Boundary Changes to Zone Change.
- (2) Delete 5.402 and 5.406.
- (3) Change all 5.402 and 5.406 references in the Clatsop County Land and Water Development and Use Ordinance 80-14, as amended, to Section 5.400 through Section 5.412.

- (4) Revise 5.410 to read: Purpose: This section provides the criteria for changing the boundaries of any base zone or overlay district delineated on the official Clatsop County "Comprehensive Plan/Zoning Map" (including CREST Resource Base Maps). A change in a base zone or overlay district may be made according to the criteria set forth in Section 5.412. The process for changing a zone designation shall be a Type IV procedure initiated by the governing body, Planning Commission or by Petition of a majority of property owners in the area proposed for change. Mailed notice of the hearing shall include the owners of property within 250 feet of the area proposed for change. If the change involves a Goal 5 resource a Plan amendment must also be requested and the Goal 5 Administrative Rule used to justify the decision.
- (5) In Section 5.412 change Planning Commission to governing body.
- (6) In Section 3.040 delete (1) and renumber remaining accordingly.

10. Amend the land use ordinance to delete Section 3.764(9) regarding new floating residences in the John Day exception area.

Response

Leave as is.

8004 617 866

11. Amend the Lake and Wetland zone to clarify which forest harvest standards apply in areas zoned LW.

Response

Goal 2 #11:

1. Add to Section 3.615(1) S4.502 in the blank space and to 3.615(2) S4.504 in the blank space.
2. Add to Section 3.616(3) in the blank space the following number S4.500.
3. Delete Section 3.616(2) and renumber sections accordingly.

GOAL 4 - FOREST LANDS

1. Amend the Forest Element, Forest Policy 2 and subarea plan policies, and the AF-20 and F-38 Zone to: (a) provide criteria which are based on area characteristics, such as contiguous ownership pattern, types of management, forest uses, etc., and can be used to justify the application of the County's forest zones; (b) clearly indicate that the AF-20 and F-38 zones can only be employed in areas where the predominate contiguous ownership pattern is under 40 acres for the AF-20 zone and 76 acres for the F-38 Zone, respectively; (c) remove references which imply that employing the AF-20 Zone as a buffer between smaller ownerships and primary forest lands is acceptable.

Response

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- (a) and (b): Delete and replace the County-Wide Forest Lands Policy #2; the Seaside-Rural Community Plan Conservation Policy #2; the Lewis and Clark Community Plan Forest Lands Policy #1; the Northeast Community Plan Forest Lands Policy ; the Clatsop Plains Community Plan Conservation Forest Lands Policy; the Elsie-Jewell Community Plan Conservation Forest Lands Policy #1; and add to the Southwest Coastal Community Plan as a forest lands policy, the following:

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

Add new County-wide Forest Lands Policy #19:

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

- " Clatsop County will rely on the following management criteria when reviewing a proposed zone change to a forest zone:
AF-20 and F-38: lands in these forest zones are characterized by both agricultural and forest land uses. Management of these lands is often done on a low -intensity, part-time basis.
F-80: Forest lands in the F-80 zone include areas where timber production is the primary land use. These lands are often intensively managed by full time professional foresters."

Add new County-wide Forest Lands Policy #21:

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

Add new County-wide Forest Lands Policy #22:

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

Add to the AF-20 and F-38 zone, section 3.552(1)a and 3.542(1)a, the following new language:

- " Minimum for division of land: (38 or 20) acres, subject to County-wide Forest Lands Policy #22, or subject to clustering provision in Section S3.154."

(c)

Amend the Goal 4 Forest Lands Background Report as follows:

1. Page 28, delete the sentence "The AF-20 zone also serves as a buffer between rural areas and large blocks of forest land in the F-80 zone."
2. Page 28, delete the sentence "Areas characterized by this type of parcel are often transitional areas, serving as buffers between 'built or committed' residential areas and industrially managed commercial forest areas."
2. Provide information justifying the decision to apply the AF-20 or F-38 zones to those properties listed under the IOTC 3 discussion or rezone those lands to the appropriate resource zone.

Response

See IOTCS #1 above.

3. Amend the F-38 zone to make asphalt-concrete plants a temporary use or delete this use from the F-38 zone.

Response

(a) Add new section 3.537 to the F-38 zone:

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- " Section 3.537 Temporary Development and Use: The following development and use and its accessory developments and uses may be permitted under a Type II procedure and Section 5.500, subject to applicable criteria, site plan review and applicable development standards.

1. Portable concrete, ready-mix, or asphalt batching plant accessory to and on the same site as an existing or approved surface or subsurface mining operation, and subject to the standards in the Light Industry Zone section 3.448(3)."

(b) Delete Section 3.554(2).

GOAL 5 - OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

1. Either adopt policies to protect and/or resolve conflicts with identified oil, gas, nuclear, large-scale hydro and other energy sources, or apply the Goal 5 Administrative Rule to these sites, utilizing the (1B) designation and policy option, as appropriate.

Response

Add the following policies:

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1. Clatsop County shall apply the Goal 5 Administrative Rule to oil, gas, nuclear, and large-scale hydro that are proposed in the future.
2. If and when the City of Astoria intends on constructing a hydroelectric facility at the Youngs River Falls site, Clatsop County shall, in cooperation with the City of Astoria, apply the Goal 5 Administrative Rule.
2. Amend the plan to identify the wind sites to which the County's wind policy applies, and adopt implementing measures to carry out the policy. Alternatively, the County may apply all applicable steps of the Goal 5 Rule to wind sites including a (1B) policy for all (1B) wind sites.

Response

Wind Energy Sites. Amend Goal 13 Energy Conservation Report to clarify there are no identified wind energy sites. Add the following paragraphs to p.8, Wind, of the Energy Conservation Background Report.

In 1983, the Oregon Department of Energy completed a study titled "Oregon Coastal Zone Wind Data Inventory". This study summarizes locations at which reliable wind information has been collected. Six sites in Clatsop County are identified: Clatsop Spit, Columbia River Jetty, Fort Stevens, Astoria Weather Bureau, Astoria WBAB (Port of Astoria Airport), and Wickiup Ridge.

There is no inventory information available on potential wind energy sites.

3. Adopt a (1B) policy to apply the Goal 5 Administrative Rule process to the 14 major watersheds and the small or minor watersheds at some point in the future. Alternatively, the County may adopt a plan policy to protect and/or resolve conflicts in these areas.

Response

Add the following policy:

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.

4. Amend the Goal 5 Element to indicate which mineral and aggregate sites are (1B) and which (1C) sites and provide reasons for placing individual sites in either category. Adopt a (1B) policy for the (1B) sites, and apply the Goal 5 Rule process to the (1C) sites. The County must apply the QM District to sites which fall into the (3C) category.

Response

Goal 5 Mineral Site

617 AG 871

1. Add the following paragraph (to be located after the second paragraph) to Mineral and Aggregate Resources Section p.10 of the Goal 5 Report.

Clatsop County's inventory consists of 38 sites, 33 of which have little information known about them. They have not been placed in the Quarry & Mining (QM) zone, but are in other zones. The remaining five are the County's primary sites and are protected by the Quarry & Mining (QM) zone.

2. a. Revise Policy #1 p.10 of Mineral and Aggregate Resources Section of Goal 5 report to read as follows:

1. A Quarry & Mining Zone (QM) will be applied to the five sites listed in the inventory as appropriate for a QM zone. The zone will prohibit some conflicting uses and subject others to specific criteria. The County will establish policies and standards to protect adjacent uses from potential impacts from the utilization of aggregate sites.

- b. Add a new policy 2 as follows and renumber the remaining policies accordingly:

2. Clatsop County shall apply the Goal 5 Administrative Rule for the (1B) mineral and aggregate sites considered for QM zoning.

5. For unjustified exceptions identified in the Goal 2 section of this report located in Peripheral Big Game Range, the County must either (a) rezone to resource, or (b) justify these exceptions. Where the County chooses to justify an exception, it must analyze the ESEE consequences of taking the exception on the habitat values.

Response

In the discussion of Big Game Range, clarify that the majority of Peripheral Big Game Range areas are not subject to built and committed exceptions for rural development.

- a. Revise the last two paragraphs of the Big Game discussion on page 13 and the first paragraph on page 14 to read:

The majority of Big Game Range is designed Conservation Forest Lands and Rural Agricultural Lands in the Comprehensive Plan and is zoned Forest-80 (F-80), Forest-38 (F-38), Exclusive Farm Use (EFU) and Agriculture-Forestry (AF-20). The remainder is designated Rural Lands in the Comprehensive Plan and zoned Residential-Agriculture, with lot sizes ranging from one to five acres in size.

The Department of Fish and Wildlife recommends that Peripheral Big Game Range be developed at densities of one dwelling unit per 40 acres, or one dwelling unit per 20 acres if clustering is required. The Forest-80 (F-80) zone allows forest or farm dwellings at a density of one dwelling per 80 acres. Other uses allowed are required to support forest management operations or required to be at a density that will not conflict with big game range. Thus the F-80 zone is consistent with the Fish and Wildlife criteria. The F-38 permits forest or farm dwellings at a density of one dwelling per 38 acres. Other allowed uses may have the potential to conflict with big game range. However, the zone contains criteria and standards that insure that development is consistent with the maintenance of big game range (see discussion under Major Big Game Range, page 12 & 13). Thus the F-38 zone is consistent with the Fish & Wildlife criteria for Peripheral Big Game Range. The Exclusive Farm Use (EFU) allows farm dwellings at a density of one dwelling unit per 38 acres. This density is consistent with the Fish & Wildlife criteria for Peripheral Big Game Range. As discussed under the Major Big Game Range above, the Agriculture-Forestry 20 (AF-20) zone is subject to review criteria and siting standards that are consistent with the Department of Fish and Wildlife's criteria of one dwelling per 20 acres.

Areas zoned Residential-Agriculture are committed to rural residential development. These areas already experience substantial conflicts between residential use and big game range. Because of this existing conflict, no additional criteria or standards to protect Peripheral Big Game Range are proposed in these areas. It should be noted that the built and committed rural residential areas form only a portion of the County's entire Peripheral Big Game Range. More intensive rural development in these areas will not significantly interfere with the overall use of peripheral range areas by big game.

6. Amend the Goal 5 Element to identify the Brownsmead area and Karlson Island as (1B) sites for Columbia White-tailed Deer habitat. Adopt a (1B) plan policy to apply the applicable steps of the Goal 5 Administrative Rule to these sites as information becomes available through the efforts of the U.S. Fish and Wildlife Service or ODFW.

Response

See RESPONSE following IOTCS #8.

7. Amend Wildlife Policy 9 regarding the habitat of the Columbian White-tailed Deer to submit proposals for development activities in the habitat to the U.S. Fish and Wildlife Service, and to clarify what the phrase, "will consider" means as used in that policy.

Response

See RESPONSE following IOTCS #8.

- 617 873
8. Either adopt implementing measures (including resource zoning) to protect the Columbia White-tailed Deer habitat on the Dant and Russell Site, the Wauna Mill site, the Magruder Ranch, and in the Westport area, or justify (through ESEE consequences analysis) the decision to allow residential, commercial and industrial development on these sites. If the County decides to justify exceptions to allow development of one or more of these sites, it must coordinate with the USFWS and ODFW in developing implementing measures to minimize the impacts of development on the deer habitat and to assure consistency with the Federal Recovery Plan for the Columbia White-tailed Deer. (Note: It is unlikely that the County can justify (3B) decision for the Magruder Ranch exception area).

Response

- a. Delete the discussion of Columbia White-tail deer, page 14-16 and replace with the following:

Columbian White-tail Deer

There are two populations of Columbian White-tail deer in North America. One population is located in Clatsop and Columbia Counties in Oregon and Wahkiakum County in Washington. The other population is located in Douglas County. The Department of Interior classified the Columbian White-tail deer as an endangered species in 1968.

According to the "Columbia White-tailed Deer Recovery Plan", prepared by U.S. Fish and Wildlife in June, 1983, there are approximately 300-395 deer located along the Columbia River. This population is broken down into 5 subpopulations: Puget Island, 50-75 deer; Tenasillahe Island, 30-40 deer; Mainland Washington, 150-200 deer; Wallace Island-Westport, 70-80 deer; and Karlson Island, 8-12 deer. Two of these subpopulations are located entirely in Clatsop County, Tenasillahe Island and Karlson Island. A portion of the Wallace Island-Westport subpopulation is also located in Clatsop County, though it is primarily in Columbia County; the portion in Clatsop County is adjacent to Westport Slough and the Columbia River (southern 1/2 of Section 25, Township 8N, Range 6W, and the northern 1/2 of Section 36, Township 8N, Range 6W, and the southeast 1/4 of Section 36, Township 8N, Range 6W, and that part of northeast 1/4 of Section 1, Township 7N, Range 6W North of Highway 30). The Recovery Plan states that "there have been reports of occasional sightings of Columbia White-tail deer in other areas along the lower Columbia River, but the locations listed above (subpopulations) are believed to contain the only populations of any consequence" (p.9). The Oregon Department of Fish and Wildlife also considers the entire Dant & Russell site, Wauna Mill site and an area north of the Wauna Mill site as important habitat for the Wallace Island-Westport subpopulation. Clatsop County will use the subpopulations identified by the Columbia White-tail Deer Recovery Plan and the expanded ODFW Wallace Island-Westport subpopulation habitat as its definition of Columbian White-tail deer habitat. There have been sightings of Columbian White-tail deer in Brownsmead. At this time it is not considered essential habitat by ODFW and USF&W.

The management objective of the U.S. Fish & Wildlife Services is to protect the remaining Columbian White-tail Deer habitat and remove the species from the threatened or endangered species list. The U.S. Fish & Wildlife Service has determined that the objective of reducing the status of the deer from endangered to threatened can be achieved by maintaining a minimum population of 400 deer consisting of three viable subpopulations, two of which must be located on secured habitat. The deer could be removed from the threatened and endangered species list if a minimum population of 400 deer, consisting of three viable subpopulations distributed in suitably secure habitat, were maintained. Habitat is considered secure if it is free from adverse human activity in the foreseeable future and relatively safe from natural phenomena that would destroy its value. A viable population is one whose intrinsic probability of extinction is relatively low and whose population is large enough to minimize deleterious effects of inbreeding. This population has been determined to be 50 for Columbian White-tail deer.

617 AS 874

Three populations are considered viable, Puget Island, Mainland Washington and Wallace Island-Westport. Two populations are considered secure, Tenasillahe Island and Mainland Washington. Therefore, there is only one population that is both viable and secure, the Columbian White-tail Deer Refuge in Washington. The U.S. Fish & Wildlife Service feels that it can expand the population of Tenasillahe Island. When this occurs there will be two viable and secure subpopulations and the classification of the deer can be reduced to threatened. Improving the security of the Puget Island or Wallace Island-Westport subpopulations will be required if the deer are to be taken off the list entirely (Karlson Island is considered too small an area to support a viable population). Efforts are underway to secure habitat in both areas, however the Wallace Island-Westport area presents a better opportunity because it is not intensively managed for farming, or heavily populated.

The bulk of the Wallace Island-Westport subpopulation is located in Columbia County. The majority of the habitat is located on the approximately 1,300 acre Magruder Ranch. The Magruder property consists of two distinct elements. A rural residential area of 35 developed acres and 70 acres of potential development. This area is located in Clatsop County. The second portion of the Magruder Ranch comprises approximately 1,250 acres, most of which is being leased by Crown Zellerbach as part of its experimental cottonwood plantation. Discussions with U.S. Fish & Wildlife indicate that they will focus their efforts in securing the Wallace Island-Westport subpopulation on the portion of the Magruder Ranch in Columbia County. Indications are that a cooperative agreement between U.S. Fish & Wildlife, Oregon Department of Fish and Wildlife, Crown Zellerbach and the Magruder Trust has the potential to make this subarea population secure. The USFW believes it can accomplish the objective of securing this population without the rural residential area in Clatsop County if the cooperative agreement is completed. (conversation with U.S. Fish & Wildlife, May 1984).

There are no conflicting uses for the habitat located on Tenasillahe Island. The island is part of the Columbian White-tail Deer National Wildlife Refuge which is managed for the protection of Columbian White-tail deer habitat.

There are no conflicting uses for the habitat located on Karlson Island. The island is part of the Lewis & Clark National Wildlife Refuge which is managed for the protection of wildlife habitat.

There are no conflicting uses for the following portion of the Wallace Island-Westport subpopulation. The area northwest of the Wauna Mill site is forest uplands and is zoned Natural Uplands and Forest-80. An area to the south of Westport Slough and east of the built upon or irrevocably committed area of Westport is owned by Crown Zellerbach and is part of their experimental cottonwood plantation. The site is zoned Forest-80. The activities permitted in these areas are consistent with the maintenance of the Columbian White-tail deer population.

There are conflicting uses for the portion of the Wallace Island-Westport subpopulation habitat located on: 1) the Dant & Russell site and the Wauna Mill site; both sites are zoned for Heavy Industrial use, HI; 2) the 100 acre River Ranch rural residential development zoned RA-1; and 3) the northerly portion of the community of Westport which is zoned RA-1.

The main consequence of allowing the conflicting residential and industrial development to occur is that white-tail deer habitat may be further degraded or destroyed. White-tail deer may be displaced from these areas to other non-impacted areas, thus placing additional pressure on the remaining habitat area. Loss of habitat may result in a further decline in the population of a species that is already considered endangered. In residential areas, some negative social and economic consequences may result from increased damage to gardens and ornamental vegetation caused by deer.

However, the potential adverse consequences will be substantially less than in other areas because the U.S. Fish & Wildlife Service does not consider these areas to be the most essential for securing the Wallace Island-Westport subpopulation. The Wauna Mill site, most of the Dant & Russell site, and most of the community of Westport are not included within the essential habitat delineated in the recovery plan for the Wallace Island-Westport subarea population. As already indicated, the U.S. Fish & Wildlife Service does not consider the existing and planned rural residential development of River Ranch to be a critical factor in its objective to provide "secure habitat" on the remaining portion of the Magruder Ranch.

The consequences of not allowing additional residential, commercial and industrial development would be substantial. The Westport area is an established community that approaches urban area densities. The County has taken "built and committed" exceptions to allow for the future development of lands already committed to non-resource use. The River Ranch subdivision was approved subject to conditions intended to minimize its impact on the Columbian White-tail deer. Not allowing development in committed areas would effectively preclude any additional residential and commercial development, thus limiting any growth of the community. The Dant & Russell site and the Wauna Mill site

are two of the County's prime industrial sites. Not allowing further development on these sites would have a major impact on the County's employment base and economy. An adequate supply of industrial land is particularly important to Clatsop County because of its need to expand employment opportunities.

The County finds that there are substantial negative economic and social consequences of not allowing conflicting uses. Therefore, the County will allow the identified conflicting uses, but will seek to minimize their impact on Columbian White-tail deer habitat. This objective will be achieved in the following manner. First, proposals with a potential substantial impact on Columbian White-tail deer habitat (e.g. subdivisions, dredge material disposal, industrial development, and land clearing of more than one acre) will be forwarded to the Oregon Department of Fish & Wildlife and the U.S. Fish & Wildlife Service for their determination of potential conflicts and their recommendations for measures to remedy those conflicts. The County will implement recommendations received from the U.S. Fish & Wildlife Service and Oregon Department of Fish & Wildlife to the maximum extent feasible, consistent with other land use planning requirements. Second, the County will require that any additional rural residential development at River Ranch be clustered on the more northerly portion of the site. The County will implement any other measures recommended to it, by the Oregon Department of Fish and Wildlife and U.S. Fish & Wildlife, for minimizing the impact of additional rural residential development on Columbian White-tail deer habitat at River Ranch. Third, the County will regulate development along Driscoll Slough to protect wetland and riparian values. Such a policy will also protect habitat important to the Columbian White-tail deer.

- b. Amend the Comprehensive Plan Fish & Wildlife Areas and Habitats Policy 9 to read:
 - 9. The County shall submit all proposals with a potential for substantial impact on identified Columbian White-tail deer habitat (e.g. subdivision, dredge material disposal, industrial development, and land clearing of more than one acre) to the Oregon Department of Fish and Wildlife and the U.S. Fish & Wildlife for their determination of conflicts. If either agency identifies conflicts and makes recommendations for resolving these conflicts, the County shall implement those recommendations to the maximum extent feasible, consistent with other land use planning requirements. If in the future subpopulation of the Columbia White-tailed deer are located which are not within identified essential habitat, the County will consider recommendations for protection of these areas to the extent feasible consistent with other land use planning requirements including but not limited to the Coal 5 Administrative Rule.
- c. Amend the Comprehensive Plan Fish & Wildlife Areas and Habitats Policy Section by adding a new policy for additional rural residential development at River Ranch.

11. The County will require that any additional rural residential development at River Ranch be clustered on the more northerly portion of the site. The County will implement other measures recommended to it, by the Oregon Department of Fish and Wildlife and the U.S. Fish & Wildlife Service, for minimizing the impact of additional rural residential development on Columbian White-tail deer.

9. Adopt policies and implementing measures to resolve conflicts between forest operations and sensitive nesting and roosting areas and pigeon mineral springs identified in the plan, consistent with the Commission's Goal 5/FPA analysis and the April 19, 1983, Attorney General Office's letter to the State Forester regarding the use of overlay zones. (Note: An acceptable approach would be to adopt plan policies and ordinance language to rely on the FPA and the coordination agreement recently adopted by the State Board of Forestry and the Fish and Wildlife Commission).

Response

Add the following:

Clatsop County shall rely upon the Forest Practices Act and any supplemental agreements between the Fish and Wildlife Commission and the Board of Forestry to protect critical wildlife habitat sites.

10. Apply the Sensitive Bird Habitat Overlay District to nesting and roosting sites and pigeon mineral springs identified on lands designated Conservation-Forest.

Response

1. In Section 4.220 of the Clatsop County Land and Water Development and Use Ordinance 80-14 as amended, delete the words "on lands other than Conservation-Forest Lands".
 2. Amend the Clatsop County "Comprehensive Plan/Zoning Map" (including CREST Resource Base Maps) with the Sensitive Bird Habitat Overlay Zone for all identified bald eagle and osprey nesting sites, Band-tailed pigeon mineral spring and heron rookeries located on Conservation-Forest Lands. The zone size is per Section 4.260(2) of the Clatsop County Land and Water Development and Use Ordinance 80-14 as amended.
 3. Add to Section 4.240 after first sentence: The SBHO does not regulate forest practices, only those development and uses that would require a development on lands designated Conservation Forest Lands.
11. If Clatsop County intends to regulate the establishment of wildlife management areas and refuges, it must complete the following tasks:
- a. Provide factual information in the comprehensive plan related to specific Goal requirements which justify the use of a procedure for the approval of new wildlife management areas, specifying which particular aspects of wildlife management area or refuge establishment affect land use in the County;
 - b. Amend the plan policy and zoning ordinance to include clear and objective standards for the approval of new management areas and refuges. (Note: These standards and their application must be designed so as not to result in the inability of ODFW to carry out its statutory responsibilities).

If no reasonable justification for using a plan/zone change or conditional use procedure can be made by the County based on Statewide Planning Goal Requirements, then Clatsop County must revise its plan and ordinance so as not to regulate such areas. (Note: As an alternative, Clatsop County and CDFW may wish to adopt a memorandum of agreement to deal with this issue. However, this is not a goal requirement).

Response:

6044 617 879

(a) Add to the County's Goal 5 element, page 14, after paragraph #4, the following new information:

- * Wildlife management areas owned and managed by the Oregon Department of Fish and Wildlife are currently located at Beneke Creek Road north of Jewell, at Jewell Meadows east of Jewell, and on Highway 26 west of Elsie. These areas attract large number and concentrations of Elk. The consequences of allowing expansion of these areas or establishment of new areas include, but are limited to the following:

ECONOMIC - increased reforestation costs around these areas, damage to residential landscaping, loss of farm crops, and increased fencing costs.

SOCIAL - none

ENVIRONMENTAL - meets the ODFW policy of preserving Elk herds.

ENERGY - none.

Existing wildlife management areas have been placed in an OPR zone. This action does not resolve the conflicts between wildlife management areas and adjacent forest, farm and residential property. The County has adopted a "1(b)" approach with respect to the expansion of existing wildlife management areas and establishment of new management areas. This approach is implemented through County-wide Forest Lands Policy 7(a)."

(b) Delete County-wide Forest Lands Policy #7(a); Seaside Rural Plan Fish and Wildlife Policy #6; Lewis and Clark Community Plan Fish and Wildlife Policy #4; Northeast Community Plan Fish and Wildlife Policy #12; Clatsop Plains Community Plan Fish and Wildlife Policy #5; Elsie-Jewell Community Plan Fish and Wildlife Policy #1; and the Southwest Coastal Community Plan Open Space, Historic, Recreation, Scenic and Natural Areas Policy #8, and replace with the following:

*a. Wildlife refuges:

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

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

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

12. Amend the Goal 5 element with regard to scenic views and sites to include an analysis of ESEE consequences of forest practices and rural residential development along the Nehalem River between George and Cronin Creeks. Based on this analysis, adopt plan policies and implementing measures to resolve those conflicts.

Response

Scenic Site, the Nehalem River between George and Cronin Creeks. See reference on ESEE consequences discussion in the Wild & Scenic Rivers section of the Recreational Needs Background Report and refer to riparian protection measures. Revise the first paragraph on p.48, Goal #5 Element, to read:

There are no conflicting uses for the portions of the Nehalem River between George and Cronin Creek that have been designated by the Department of Forestry as scenic conservation or recreational use. Forest practices and rural residential developments are conflicting uses to the scenic character of the river for the remaining segments. (Discussion of the Goal #5 Administrative Rule requirements, including ESEE consequences, is found in the Recreational Needs Background Report dealing with Wild and Scenic Rivers). No additional County requirements will be placed on the portion of the site designated scenic conservancy or recreational use by the Department of Forestry. For the remaining river segments, the County will rely on any further Department of Transportation planning process undertaken in considering the possible designation of the Nehalem River as a state scenic river to resolve possible conflicts between scenic values and other land uses along the river. The County will adopt plan policies and development code requirements to protect riparian vegetation on non-forest land. These requirements will aid in protecting the scenic character of the river.

13. Adopt a plan policy to protect wilderness areas.

Response

Add the following:

8014 617 881

Clatsop County shall work with federal agencies in the protection of federal wilderness areas.

14. Amend Section 5.400 of the Ordinance to require that changes in special purpose district boundaries are preceded and justified by a Goal 5 Rule analysis.

Response

See response to Goal 2 IOTCS #9.

1. Amend the plan and ordinance provisions in one of three ways:
 - a. Adopt as policies the level of service definitions and new ordinance provisions which (1) require that an adequate supply of potable water be made available to each newly created parcel; (2) require an assessment of school capacity prior to the approval of any new subdivisions; (3) provide a requirements for finding that school capacity is adequate for new subdivision approvals and that public water, sewer and fire protection is adequate in RSA's before new development can be approved; or
 - b. Adopt policies and ordinance provisions which provide the same assurances as "A" above but only for "identified" problem areas as discussed in the Goal 11 element. Revise settlements under the appropriate levels of service discussion, accordingly, to indicate where stricter provisions shall or shall not apply consistent with Goal 11; or
 - c. In conjunction with Goal 2's IOTC addressing densities within committed lands, amend the County's plan/zone map in a manner which substantially reduces rural residential densities in committed areas where the availability of potable water, sewage disposal, or schools at capacity are known to be problems. Indicate in the Goal 11 Element the measures taken to reduce the need for services in specific problem areas. Revise service level definitions, policies and ordinances to reflect the method chose to comply with Goals 2 and 11.

Response

1. Delete Goal 11 Public Facilities and Services County-wide Element and replace with the following located between pages 34 and 35.
2. Amend the Clatsop County Land and Water Development and Use Ordinance 80-14, as amended;
 - A. Section 1.030 definition:

WATER SUPPLY, POTABLE - A water source that complies with appropriate state agency regulations as to quality and quantity.

POTABLE WATER SUPPLY - See Water Supply, Potable.
 - B. Revise Section 2.030(2)(a) to read:

Applications for permits, excluding land divisions, requesting....
 - C. Revise Section 2.030(2)(a)(1) to read:

(1) proof that a year round source of potable water has been obtained pursuant to Section S2.400.
 - D. In Section 2.060(4)(a) add:
 4. change period to comma and add and
 5. potable water supply is present pursuant to Section S2.400 (does not apply to land partitions), and
 6. proof of sewage disposal acceptable to DEQ.
 - E. Add to the Standards Document the following standards:

5014 617 883

COUNTY-WIDE ELEMENT

Goal 11

Public Facilities and Services

Amended May, 1984

Public facilities and services affect a community in two ways: (a) through the costs involved in their financing and (b) through their influence on land use patterns. The nature and level of these services due much to define a community, clearly making the differences between urban and rural land usage by their presence or absence.

The 5 cities and 1 town in Clatsop County provide differing levels of public facilities. Almost all of the urban areas provide police and fire protection, sewer, water and library services. As the size of the city increases, the services provided become more varied.

There are limited public facilities and services provided in rural Clatsop County. This is due to the low density development characteristics and the lack of need to serve open farm and forest lands. Most rural land use is sufficiently dispersed so as not to require public facilities such as a sewer.

BASIC FINDINGS

Diking and Drainage Districts

There are 7 active diking districts, 7 inactive diking districts, 2 drainage districts and 1 water control district in the County. Most of the dikes and water control structures were constructed prior to the 1940s. By far the largest land use of diked lands is for farming. Many of the dikes are in serious states of disrepair and could possibly be breached during flood stages.

Water Supply

Most of the County's rural residents obtain their water from a community water system. Other residents utilize a surface source, a spring or a well. Drilling for potable water in sedimentary rock formations of the County appears to be the least reliable source. Some of the well water found has been brackish while other wells drilled have proven adequate for domestic use.

At least 5 of the 20 community water systems in the County are at or close to capacity, while 6 other systems are unsure of their capacity. Several of the community systems are inadequate in present supply, storage and distribution system capacities.

Within RSAs, UGBs and municipalities, a community water system is considered a basic service required for development. In Rural and Conservation Plan designations, this level of service is not required for development. However, construction of residences, commercial or industrial structures, where appropriate must show proof of water from some source.

All of the cities within the next 20 years will have to find additional sources of water. Some of the cities and rural water systems are or (may in the future be) at odds with the Environmental Protection Agency over the issue of the federal turbidity standards. The Clatsop Plailns and Gnat

Creek aquifers might have a greater potential as future water sources than existing or potential sources from springs or rivers. This is due in part to the cost of treating and distributing surface water. Studies need to be made on the possibility of a regional water supply system which could use the Columbia River as a source, filter it for purity and deliver it to the municipal and community water systems in Clatsop County.

Waste Disposal

In most parts of the unincorporated County and within the City of Gearhart sewage is handled through the use of on-site sewage disposal systems. The proliferation in the early 1980's of alternative Department of Environmental Quality (DEQ) regulations for on-site systems has lead to much greater areas of the County where residential development may take place, based on soil types and groundwater characteristics. This is no long the severe limitation in some areas that it once was.

The Westport area is an area served by on-site sewage disposal systems and a collection system that discharges untreated sewage directly into a surface water stream. Recently a portion of the area has been declared a health hazard by the State of Oregon. A sewer district is expected to be formed by June 1, 1984. Tentative approvals from DEQ and a Community Block Grant for installation of a sewer system in the Westport area have been received. Construction on the system could begin as soon as September 1984.

The City of Seaside is exploring methods to expand their treatment capacities. Warrenton will need to look at expansion around 1990, if the growth of the late 1970's again occurs. The City of Cannon Beach has installed an innovative marsh treatment system to augment their sewage lagoons (for further information see respective Urban Growth Boundary Plans).

Over the last several years, the solid waste sites in Clatsop County has either filled up or closed due to new environmental standards developed by the federal government. Several potential new landfill sites have been rejected due to water pollution problems, steep slopes or remoteness from populated areas. Clatsop County is in the process of reexamining potential landfill sites and should be developing a site by the mid 1980's.

Governmental Structures and Other Public Facilities and Services

Within Clatsop County there are 51 different types and sizes of service districts and associations. The level of rural fire protection provided by the 9 rural fire districts varies from a fire insurance rating of 6 to 9. Police protection provided by the County Sheriff's Department is inadequate for areas remote from population centers.

All school districts within the County has some capacity for additional students, although some schools are nearing capacity. Warrenton built a new elementary school in 1980, consolidating the old grade school and junior high.

Within the County, postal delivery and location of homes for emergency services has become an increasing problem with approximately 400 different house numbers for each of the 6 rural mail routes. The situation grows more complicated as time passes and the population of rural areas of the County increases.

1. Urbanizable Areas - To provide public facilities in accordance with coordinated land use and transportation systems in a manner which encourages the orderly conversion of land from rural to urban use.
2. Outside of Urbanizable Areas -
 - a. To support the provision of needed public facilities for rural areas at levels appropriate for rural densities;
 - b. To discourage the development of inappropriate public facilities on resource lands which would result in pressure for conversion to more intense use.

OVERALL POLICY REGARDING APPROPRIATE LEVELS OF PUBLIC FACILITIES IN THE COUNTY

Six different Plan designations exist for lands in the County. Differing levels of public facilities and services are appropriate for the different types of development planned for the County. Certain facilities and services are available to all County residents, such as County health services, Sheriff's protection and many other social services.

1. Development - This is a Plan category for estuary and shoreland areas appropriate for commercial and industrial use. Consequently, a level of public facilities sufficient to carry on that type of use is appropriate. Public water and sewer services would be appropriate but may not be necessary depending on the type of development. Public fire protection is appropriate. Development here will not directly affect school services, although increased employment may result in increased housing in the vicinity which would impact schools. Those impacts will be considered in terms of the residential effects, not at the point of commercial or industrial development.

A. Urban Growth Boundary (UGB) - Appropriate levels of services for UGB areas are discussed in the Comprehensive Plans of the individual cities.

B. Rural Service Area (RSA) - The RSAs in the County are Arch Cape, Fishhawk Lake Estates, Shoreline Estates and the old Naval Hospital site. All currently have public water, sewer and fire protection although the current water supply for the old Naval hospital is inadequate. Public water or sewer services and fire protection are appropriate in RSAs and further development must be based on the capacities of the systems. Development in RSAs can have significant impacts on schools. Applications for subdivisions within RSAs will be referred to the appropriate school district. The development will be allowed only if the schools are capable of handling the increased capacity expected to be generated from the proposal.

2. Rural Lands - Most of the areas built upon or committed to non-resource use in the County are in this Plan designation. Much of the area is currently served by community water systems. As the background report indicates, several of these water systems currently have, or very well

may in the future, experience shortages. The City of Astoria provides water to the John Day and Fern Hill Water Districts, both of which are nearing their capacities. The Astoria trunk line is sufficiently sized to provide both of the districts with additional water. John Day needs to negotiate with Astoria for additional water. Fern Hill's system however is old and is in need of repairs.

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Knappa Water Association currently has a moratorium on new hookups. The distribution system is adequate but an additional source(s) is needed. In an effort to correct the situation and lift the moratorium the District has:

- (1) revised its water rate schedule to increase the per unit water cost as consumption increases and to increase revenues to assist in system improvements; and
- (2) contracted for test well drilling for summer of 1984 with the intention of having additional wells on line in summer of 1985.

Wickiup, Youngs River/Lewis & Clark, Falcon Cove and Arch Cape water systems are all near their capacity. All have contracted with engineering firms to help upgrade their systems.

Clatsop County is concerned that development not outstrip the capacity of the districts to serve their service areas. Clatsop County requires that a proof of an adequate source of water be available before any development permit (e.g. residential, commercial or industrial), excluding land divisions, is approved. Also Clatsop County will coordinate with each of the affected Districts and Associations to determine if County policies will issue a report, and if necessary, amend its Plan and Implementing Ordinance prior to its first Periodic Review before LCDC.

Public water supply is an appropriate public facilities in this Plan designation, but is not essential for development.

Rural fire protection districts are present in many of the areas in this Plan designation. This is often a desired rural service and is appropriate in this Plan designation but is not a prerequisite for RA zoning. Some rural residents are more willing to pay high fire insurance premiums than taxes to maintain a local fire district. Development is scattered enough in this Plan designation, as compared with RSAs or cities, that fire protection is not a requirement for development.

Community sewage systems are not appropriate in this Plan designation.

Partition and subdivision proposals in this Plan designation will be referred to the local school district for comment.

3. Rural Agricultural Lands - These are lands preserved for agricultural use. Generally, residences are allowed only in conjunction with farm use. Some parcels in this Plan designation are served by community water systems but generally water supply is on an individual basis. Since parcel size and use are controlled by the Exclusive Farm Use (EFU) zoning district, it is not appropriate to extend community water to parcels in this Plan designation since it would not lead to pressure to

further develop land for residences. The primary function of Rural Agricultural Land is for agricultural use. Any extension of public water will only be to support a development in conjunction with resource use and will not be the basis for future conversion to non-resource use.

As with the Rural Lands Plan designation, public fire protection may be present here, and is appropriate, but is not necessary for development.

Community sewage systems are not appropriate in this Plan designation.

4. Conservation Forest Lands - The primary purpose of this Plan designation is to conserve lands for commercial timber production. Generally residences are in conjunction with a forest use, but in many areas with this designation residences on substandard parcels are common. Therefore, community water systems are often present already. As with agricultural lands, the parcel size and use are controlled by the zoning present. Therefore it is not inappropriate to extend community water to residences. The large minimum parcel sizes and distances of lines will limit extensions, and the Plan designation removes the ability to develop land just for residential purposes. The primary function of Conservation Forest Lands is forest use. Any extension of public water will only be to support a development in conjunction with a resource use and will not be the basis for future conversion to non-resource use.

Public fire protection may be present here, and is appropriate since so many residences currently exist, but is not necessary for development and is not encouraged in sparsely settled forest areas.

Community sewage systems are not appropriate in this Plan designation.

5. and 6. Conservation Other Resources and Natural - These Plan designations are for important resource areas and for recreation areas. For areas such as the estuary and wetlands, no public water, sewer or fire protection is appropriate. For developed recreational areas, these facilities are appropriate but may not be necessary.

GENERAL PUBLIC FACILITIES POLICIES

1. Clatsop County recognizes the level of public facilities and services described in the section "Overall Policy Regarding Appropriate Levels of Public Facilities in the County" above, as that which is reasonable and appropriate for development in different Plan designations in the County. Development of facilities and services in excess of those levels and types shall not be approved by the County.
2. The level of urban services provided within urban growth boundaries shall be determined by policies mutually adopted by the Board of County Commissioners and the affected city.
3. Development permits (excluding land divisions) shall be allowed only if the public facilities (water and sanitation, septic feasibility or sewage capacity) are capable of supporting increased loads. The County shall consider prior subdivision approvals within the facilities service area when reviewing the capabilities of districts.

EX 617 P6 888A

4. The creation of new community water systems and fire districts shall be discouraged in the areas designated Conservation, Forest Lands and Natural.
5. Water and sewer districts shall be encouraged to cooperate with the County in changing district boundaries. Before a public facility (i.e. water, sewer) extends its service area, it should demonstrate the ability to service vacant lands currently served by that public facility.
6. All new planned developments and subdivisions shall install underground utilities. Efforts should be made to place existing overhead lines underground in already developed areas.
7. Utility rights-of-way, where not located within road rights-of-way, should be considered for future utilization as part of a green belt or pathway.
8. All utility lines and facilities should be located on or adjacent to existing public or private rights-of-way to avoid dividing existing farm units.
9. When a Comprehensive Plan or Zone Change or both are requested that would result in a higher residential density, commercial or industrial development it shall be demonstrated and findings made that the appropriate public facilities and services (especially water, sanitation (septic feasibility or sewage) and schools) are available to the area being changed without adversely impacting the remainder of the public facility or utility service area.

DIKING AND DRAINAGE DISTRICT POLICY

1. Clatsop County should assist diking districts in reorganization as well as providing assistance in obtaining funds for improvement of the diking district.

WATER SUPPLY SYSTEMS POLICIES

1. If a community water system is to be utilized, either in the development of a subdivision, planned development, or the building of individual residences, commercial or industrial structures requiring water or subsurface sewage disposal, the County shall require proof that a year-round source of potable water is available.
2. If water supply for building permits is from a surface source, including a spring, proof of water rights from the State must be presented.
3. When water supply to a subdivision or planned development is to be from a source other than a community water system, the developer shall provide evidence of a proven source of supply and guarantee availability of water to all parcels of land within the proposed development.
4. Clatsop County shall encourage existing community water supply systems to be improved and maintained at a level sufficient to:

- 617 889
- a. provide adequate fire flow and storage capacity to meet the service area requirements,
 - b. meet the anticipated long-range maximum daily use and emergency needs of the service area, and
 - c. provide adequate pressure to ensure the efficient operation of the water distribution system.
5. Clatsop County shall cooperate with the various cities in examining the feasibility of developing some type of regional water system to provide municipal and community water.
 6. Clatsop County should work with State agencies to conduct a study of the Gnat Creek aquifer to determine the potential to provide a water source for residents of the area.
 7. Clatsop County shall monitor the number of land partitions in the Fern Hill, John Day, Wickiup, Knappa, Youngs River/Lewis & Clark, Falcon Cove and Arch Cape water system areas to determine if the County land partition policy is adversely affecting their District or Water Association. The County will develop, in conjunction with the above Districts and Associations, a report, and if necessary, amend the Comprehensive Plan and Land and Water Development and Use Ordinance to rectify the problem prior to its first Periodic Review before LCDC.

WASTE DISPOSAL POLICIES

1. Clatsop County considers sewer services only appropriate for urbanizable lands and RSAs. The intensity of land use facilitated by provisions of sewer is not appropriate for Rural areas. Clatsop County may permit the creation or extension of sewer services outside UGBs and RSAs in the event of a health hazard or water pollution problem identified by DEQ.
2. Clatsop County shall cooperate with cities in developing a phased growth plan to guide the provision of municipal services to urbanizable areas.
3. Clatsop County shall encourage alternative methods of sewage disposal when such methods are economically, legally, and environmentally feasible.
4. Clatsop County should consider the use of solid waste and forest lands waste to generate electricity.
5. Clatsop County shall continue to cooperate with the various cities in the establishment of a regional landfill site.

GOVERNMENTAL STRUCTURE AND OTHER PUBLIC FACILITIES POLICIES

1. Clatsop County shall encourage schools that most economically serve the population of the County and consideration should be given to development of a consolidated district.
2. Clatsop County shall rely upon the various school districts in the County for the provision of public education.

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3. Clatsop County shall notify the appropriate school district of all subdivisions, planned developments and mobile home park applications
4. Clatsop County shall continue to cooperate with all appropriate governmental jurisdictions, agencies, and special districts (including water, sewer, roads, etc.) in developing a coordinated approach for the planning and delivery of health and social services.
5. Clatsop County shall continue to encourage the upgrading of the level and quality of the County Sheriff's Department as funds become available.
6. Clatsop County should work with local residents as well as with the rural fire protection districts in examining various methods to improve fire protection. One method which could be used is to require subdivisions and planned developments to dedicate a site, funds, equipment, and/or construction materials for a fire station.
7. Clatsop County, should work with the U.S. Postal Service in developing a new address system to facilitate the immediate location of buildings by emergency and support services in Clatsop County.
8. Rural fire protection districts shall be encouraged to expand service boundaries to include lands designated Rural Lands.

S2.400 Water Improvement Standards.

A year round supply of at least 250 gallons of water per day by one of the following sources:

Source	Standard	Proof
Public or Community Water	Within Water Utility or area of service	Written correspondence from Water Utility stating water is available at the property line or conditions to the satisfaction of the Water Utility to make water available at the property line.
Well	Existing Well or easement provided no more than three households use one well as a potable water source. Over 3 households must meet state potable water requirements (ORS 448.115).	Well log data as to required quantity from certified well driller. Potability test from certified water lab.
Spring	Application from the State of Oregon Water Resources Dept. for domestic water rights of at least .005 CFS (2.25 gals/min). Existing spring on property or easement to spring on adjacent property. Minimal development collection system and sediment box.	Permit from the State of Oregon Water Resources Dept. for domestic water right. Certified to required quantity by Oregon Registered Engineer, Land Surveyor or qualified hydrologist. Potability test from certified water lab.
River, Stream, Pond or Hand Dug Well	Application from the State of Oregon Water Dept. for domestic water right of at least .005 cfs (2.25 gals/min)	Permit from the State of Oregon Water Resources Dept. for domestic water right. Potability test from certified water lab.

1. Compliance with this standard does not insure a year-round source of potable water but establishes at a given time that the standard was met.

In order to comply with Goal 16 for the Columbia River estuary, the following revisions must be made:

1. Adopt plan policy which defines the Development Aquatic estuarine use designation consistent with the Goal 16 development management unit purpose statement. The Department suggests the following language:

Development Aquatic areas are managed for navigation and other water-dependent uses consistent with the need to minimize damage to the estuarine ecosystem. Some water-related and other uses may be permitted. Development Aquatic areas may include: areas suitable for deep or shallow draft navigation, including shipping and access channels or turning basins; dredged material disposal sites and mining or mineral extraction areas; and areas of minimal biological significance adjacent to developed or developable shorelines which may need to be altered to provide navigational access or create new land access for water-dependent uses.

Response

Revise definition of Development Aquatic to read:

Development Aquatic areas are managed for navigation and other water-dependent uses consistent with the need to minimize damage to the estuarine ecosystem. Some water-related and other uses may be permitted. Development Aquatic areas may include: areas suitable for deep or shallow draft navigation, including shipping and access channels or turning basins; dredged material disposal sites and mining or mineral extraction areas; and areas of minimal biological significance adjacent to developed or developable shorelines which may need to be altered to provide navigational access or to create new land areas for water-dependent uses.

2. Adopt and/or amend plan policy statements and/or the permitted use matrix to establish the following:
 - a. Delete or revise Transportation Policy 3 and Youngs Bay-Astoria Area Policy 2 to not allow land transportation facilities (e.g., roads, railways, bridge crossings) in Natural Aquatic areas;
 - b. Identify permissible uses in the Natural Aquatic, Conservation Aquatic 1, Conservation Aquatic 2, and Development Aquatic areas which are required to be consistent with the resource capabilities and purpose of the management unit; and
 - c. Allow riprap in Natural Aquatic areas only if it is determined that there is a need to protect uses existing as of October 7, 1977, unique natural resources, historical and archaeological values, or public facilities.

P 20.13, Policy 3, Implementation. Revise to read:

3. New roads and railroads will not be located in aquatic areas except where bridge crossings are needed and where no feasible shoreland or upland route exists. New roads and railroads shall be designed and located to take advantage of the natural topography and to cause minimal disruption of the shoreland area. Causeways across aquatic areas shall not be permitted. New roads and railroads should be located on existing uplands where possible. New land transportation facilities (e.g., roads, railroads, bridge crossings) shall not be located in Aquatic Natural zone designations.

P 32, Area Policies 2 Transportation Routes. Revise to read:

2. Existing roads and railroads are identified as Development designations for the purpose of maintenance, repair, and necessary expansion. New roads and railroads shall be designed and located to take advantage of the natural topography and to cause minimal disruption of adjacent aquatic and shoreland areas. New roads and railroads should be located on existing uplands where feasible. No new transportation facilities, including but not limited to roads, railroads, and bridge crossings, shall be located in Aquatic Natural areas in Shoreland areas identified by Clatsop County as significant natural, scenic or historic areas.

Item 2.b.

Delete matrix and replace with the following:

617 894

Clatsop County Comprehensive Plan

Permitted Use Matrix

	AN	AC1	AC2	AD
<u>Development Uses</u>				
Aquaculture (water-dependent portions of aquaculture facilities)	R*	R*	C*	R
Commercial and industrial uses				
industrial uses				R
Water-related commercial or industrial uses				C*
Non-water dependent commercial or industrial uses				C*
Low intensity water-dependent commercial or industrial uses			C*	
Docks and individual moorages		R	R	C*
Land transportation facilities (bridge crossings)		C*	C*	C*
Log dump/sort/storage (in-water)			C*	R
Low water bridge	R*	P	P	P
Marinas				C*
Mining/mineral extraction			C*	C*
Navigational aid	P	P	P	P
Navigational structures				
Breakwaters, grains, pile dikes				C*
Minor navigational improvements			C*	
Recreation, high intensity water-dependent			C*	C*
Recreation, low intensity water-dependent	P	P	P	P
Research and educational observation	P			
Resource enhancement				
Passive restoration	P	P	P	P
Active restoration	C*	C*	C*	C*
Utilities				
Communication facilities	C*	R	R	R
Storm water and treated wastewater outfalls			R*	R
Submerged cable, sewerline, water line or other pipeline	C*	R	R	R
<u>Development Activities</u>				
<u>Dikes</u>				
Maintenance and repair of existing dikes	R	R	R	R
Emergency repair of existing dikes	P	P	P	P
<u>Dredging</u>				
New projects				C*
Maintenance of existing projects		C*	C*	
Minor navigational improvements		C*	C*	
As a source of fill for dike maintenance	R*	R*	R	R
Of existing tidegate channels and drainage ways	R*	R*	R	R

	AN	AC1	AC2	AD
Dredged material disposal (in-water)				C*
Fill				C*
Piling/dolphin installation		R	R	R
Shoreline stabilization				
Vegetative	P	P	P	P
Riprap	R*	R*	R	R
Bulkhead			C*	C*

AN Aquatic Natural zone
AC1 Aquatic Conservation One zone
AC2 Aquatic Conservation Two zone
AD Aquatic Development zone

6034 617 895

P Development uses and activities permitted
R Development uses and activities permitted with review
C Conditional development uses and activities

* Indicates uses and activities allowed if determined to meet the resource capability of the zone in which the use and/or activity occurs and if found to be consistent with the purpose of the affected zone.

Note that revision of the matrix revealed an omission in the conditional use category of the AC2 zone

ADD to Section 3.768, Conditional Development and Uses Activities.

11. Active restoration.

Item 2.c.

Revise Estuarine Construction Policy #4 in the Columbia River Estuary add between the front and second sentence the following:

Structural shoreline stabilization in the Aquatic Natural zone (AN) limited to riprap only when it is determined that this activity is necessary to protect:

- a. Structures or uses existing as of October 7, 1977.
- b. Unique natural resources, historic or archaeological sites.
- c. Public facilities.

617 896

3. Amend the Aquatic Conservation 2 (AC-2) zoning district in the land use ordinance to require "storm water and treated waste water outfall" uses to be consistent with the resource capabilities and purposes of the management unit.

Item 3.

Revise Aquatic Conservation Two zone (AC-2). Section 3.766, Development Uses and Activities Permitted with Review:

Delete Category 7. Storm water and treated waste water outfalls; and

Add to Section 3.768, Conditional Development Uses and Activities.
Category 12. Storm water and treated waste water outfalls.

4. Adopt plan policy which incorporates Goal 16 overall statement requirements regarding dredge, fill, and other reductions or degradations of estuarine values.

Response

See IOTCS #5 below.

5. Adopt plan policy incorporating Goal 16 Implementation Requirement (1) regarding impact assessments.

Response

Add as P 20.05 Overall Estuarine Development Policies to the Columbia River Estuary Section of the Goal 16 and 17 Element of the Comprehensive Plan.

P 20.05 OVERALL ESTUARINE DEVELOPMENT POLICIES

Development uses and activities in estuarine aquatic areas must be evaluated for potentially significant reduction or degradation of estuarine natural values, including natural biological productivity, estuarine habitat, environmental diversity, unique features of the estuarine environment, and water quality.

1. Dredging, filling (including dredged material disposal), or other potential degradation of estuarine natural values shall be allowed only if each of the following criteria are met:
 - a. The development or use activity is required for navigation or other water-dependent uses.
 - b. An estuarine location is required.
 - c. A public need is demonstrated.
 - d. No alternative upland development location exists.
 - e. Adverse impacts due to the development are minimized as much as feasible.

2. Proposals for dredging, filling (including dredged material disposal), or other potentially degrading alteration of estuarine natural value shall be accompanied by a description of the impacts expected from the development proposal. The purpose of an impact assessment is to judge the capability of the estuarine resource to accommodate the identified impacts without altering the integrity of the resource as it relates to the stated purpose of the management unit in which the development is proposed and with respect to adjacent estuarine resource values.

BOOK 617 PAGE 897

6. Amend the plan to make the Lower River and Islands Community Plan text, policies, and land use designations consistent with the Columbia River Estuary management element of the County-wide plan document. The Department suggests that the Lower River and Islands Community Plan (Ordinance 79-13) be repealed.

Response

Repeal Ordinance 79-13, portion pertaining to the Lower River and Islands Plan only. The CREST Inventory is not being repealed.

In order to comply with Ordinal 16, the following revisions must be made:

1. Amend the land use ordinance to not allow "navigation structures" in the Necanicum Estuary Aquatic Conservation (NCA-2) zone (Section 3.820). The Department suggests that Section 3.824 be revised to delete "navigation structures" and to add "navigation aids".

8014 617 898

Response

In Section 3.824 of the Clatsop County Land and Water Development and Use Ordinance 80-14, as amended delete "navigation structures" and add "navigational aids".

In order to comply with Goal 17, the following revision must be made:

1. Adopt plan policies which require Tenasillahe Island shorelands to be managed for the protection of habitat for the endangered Columbia White-tailed deer.

Response

Amend Goal 16-17 Element, Columbia River Estuary section of Comprehensive Plan:

P31. LOWER RIVER AND ISLANDS PLAN

AREA POLICIES

1. Public access, refuge management and preservation of wildlife habitat.

Add new paragraph following third existing paragraph:

Clatsop County shall work with the U.S. Fish and Wildlife Service planning and permit review staff and with personnel of the Columbia White-tailed Deer National Wildlife Refuge to ensure that shorelands at Tenasillahe Island will be managed for the protection of habitat for the endangered Columbia White-tailed Deer.

2. Adopt plan policies which require the protection of identified active eagle nests in shorelands near Aldrich Point, John Day and Ivy Station. The Department suggests that Eastern Clatsop Planning Area Policy 2 (Ordinance 83-17, Exhibit A-11, Part II, Sec. p 33) and Northeast Community Plan Natural Area Policy 10 (Ord. 79-14, p.35) be made mandatory:

Response

Amend Goal 16-17 Element, Columbia River Estuary Section of Comprehensive Plan.

P33. EASTERN CLATSOP PLAN

AREA POLICIES

2. Eagles.

Revise existing policy to the following:

Northern bald eagles shall be given full protection because the bald eagle is the national symbol of freedom, is an endangered species with only 708 breeding pairs remaining in the lower 48 United States, and with only a few known pairs in Clatsop County. The lower Columbia River also provides essential wintering habitat for migrating bald eagles. A buffer area around trees containing bald eagle nests should be protected from logging operations, so that the nest tree is not subject to blowdown. Clatsop County shall work with state and federal resource agencies to ensure that identified northern bald eagle nests in shoreland areas of eastern Clatsop County, including but not limited to John Day Point, Ivy Station, and Aldrich Point, are protected from potentially disruptive development uses and activities.

3. Adopt plan policies to protect all identified significant natural areas within the shorelands boundary. The Department suggests that Eastern Clatsop Planning Area Policy 7 (Ord. 83-17, Exhibit A-011, Part II, Sec.p33) be made mandatory.

3004 617 900

Response

Amend Goal 16-17, Columbia River Estuary section of Comprehensive Plan.

P33. EASTERN CLATSOP PLAN

AREA POLICIES

7. Natural areas.

Revise existing second paragraph and add new third paragraph:

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

Implementation of the Clatsop County Comprehensive Plan shall protect all significant natural resources and natural resource areas identified within the County's shorelands boundary.

4. Delete Youngs Bay-Astoria Planning Area Policy 2 (Ord. 83-17, Exhibit A-11, Part II, Sec. p.32) or amend the policy to prohibit its application to identified significant shoreland natural, scenic, or historic resource areas.

Response

Amend Goal 16-17 Element, Columbia River Estuary section of Comprehensive Plan.

P32. LEWIS AND CLARK, YOUNGS, AND WALLUSKI RIVER VALLEYS

AREA POLICIES

2. Transportation routes.

Revise existing policy - all of the paragraph:

Existing railroads and public highways are designated Development for the purpose of maintenance, repair, and potential expansion of transportation facilities. Maintenance, repair, and/or expansion of existing transportation facilities must be accomplished in a manner which minimizes or prevents adverse impacts on adjacent estuarine aquatic area and shoreland resources. New transportation routes shall not be located in aquatic areas, except where bridge crossings are justified because feasible alternative shoreland or upland routes do not exist. New transportation routes shall not be allowed in shoreland areas identified by Clatsop County as significant natural, scenic, or historic resource areas.

5. Amend Forestry Policy 4 (Ord. 83-17, Exhibit A, Sec. p.20.12) to read as follows:

3014 617 215 901

Where the County's comprehensive plan identifies major marshes, significant wildlife habitat or areas or riparian vegetation on coastal shorelands subject to forest operations governed by the Forest Practices Act, the Act and rules of the Department of Forestry shall be administered in such a manner as to protect the natural values and to maintain riparian vegetation.

Response

Amend Goal 16-17 Element, Columbia River Estuary section of the Comprehensive Plan.

P20.12 FORESTRY AND FOREST PRODUCTS INDUSTRY

Policy 7.

Revise existing paragraph and add the following:

Where the County's comprehensive plan identifies major marshes, significant wildlife habitat or areas or riparian vegetation on coastal shorelands subject to forest operations governed by the Forest Practices Act, the Act and rules of the Department of Forestry shall be administered in such a manner as to protect the natural values and to maintain riparian vegetation.

6. Amend the plan and/or land use ordinance to reconcile the inconsistencies between the plan's definition of the water dependent development shoreland designation (Ord. 83-17, Exhibit A-11, Part II, Sec. p.10B) and the ordinance's purpose statement for the M-1 Marine Industrial Shorelands zoning district (Sec. 3.622).

Response

Amend the Goal 16-17, Columbia River Estuary section of the Comprehensive Plan.

Section P10, INTRODUCTION AND BACKGROUND

PLAN CONTENT AND STRUCTURE, Part B, Use and Area Descriptions

7. ESND Development Shorelands.

Revise description as follows:

ESND Development Shorelands are managed for water-dependent development as the highest priority use, preserving these shorelands for water-dependent industrial, commercial, and high intensity recreational use. Water-related uses, and uses which are not water-dependent or water-related are allowed only if the uses do not foreclose options for future higher priority water-dependent uses and do not limit the potential for more intensive development uses of the area. ESND Development Shorelands include areas of high potential for water-dependent industrial, commercial, or recreational by virtue of proximity to deep or shallow-draft navigation channels, existence of sufficient backup land, and potential aquaculture use.

7. Amend the land use ordinance to require notice and adequate opportunity to comment be given to state and federal resource agencies and other interested parties when the County is reviewing a non-water dependent development proposal in the M-1 Marine Industrial zone. The Department suggests that the following language be added to the Conditional Use Section 5.015(1) and the Permitted with Review Section 5.045:

Where the proposed development involves a non-water dependent use or activity in the M-1 Marine Industrial zone, mailed notice shall also be provided to any interest party who has requested in writing, and to state and federal agencies with statutory planning and permit issuance in aquatic areas, including Oregon Division of State Lands, Department of Fish and Wildlife, United States Fish and Wildlife Service, Environmental Protection Agency, and the National Marine Fisheries Service.

8014 617 902

Response

Amend Goal 16-17 Element, Columbia River Estuary section of the Comprehensive Plan.

A. Section 3.634 Development Standards and Procedural Requirements.

Add to number 5 of this section, the following:

In instances where non-water dependent development uses and activities are proposed in the Marine Industrial Shorelands zone under Section 3.626, Development and Uses Activities Permitted with Review, and under Section 3.628, Conditional Development Uses and Activities, the County shall provide mailed notice to state and federal agencies with statutory planning and permit issuance authority in aquatic areas, including the Oregon Division of State Lands, Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Army Corps of Engineers, and the Environmental Protection Agency.

B. Add to Conditional Use, Section 5.015(1) and to Permitted with Review, Section 5.045, of the County's Zoning Ordinance, the following:

Where the proposed development involves a non-water dependent use or activity in the Marine Industrial Shorelands zone, Section 3.620, mailed notice shall also be provided to any interested party who has submitted a written request concerning the proposed development, and to state and federal agencies with statutory planning and permit issuance authority in aquatic areas, including the Oregon Division of State Lands, Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Corps of Engineers, and the Environmental Protection Agency.

In order to comply with Goal 17, the following revisions must be made:

1. Amend the language of Ocean and Coastal Lakes Shorelands Riparian Vegetation Policy (Ord. 83-17, Exhibit A-11, Part V, p.35) regarding the "lot of record" exemption to be consistent with the following:

The plan's identification of areas "built and committed" to development;

The "lots of record" definitions and usage in Sections 9 to 13, Chapter 884, Oregon Laws of 1981 as amended by Sections 14 and 15, Chapter 826, Oregon Laws of 1983; and (3) a determination by the County of a minimum depth developable residential lot. Revise Standard S4.504(3) accordingly to implement the policy. The Department suggests the following changes:

- a. Delete from the policy all references to a "lot of record" exemption.

- b. Amend standard S4.504(3) to read:

Exemptions from (1) and (2) above and from the applicable setback requirement for the front or rear yard that is opposite the riparian area may be granted without a variance for uses on:

- (a) Lots located in areas identified in the comprehensive plan's Goal 2 exception element as "built and committed" and which existed as of the date of adoption of this ordinance, and single family residential "lots of record" as defined and used in Chapter 884 Oregon Laws 1981 as amended, where the lot depth resulting from the riparian setback and the opposite front/rear yard setback is less than 45 feet.
- (b) Other lots in identified "built and committed" areas and other "lot of record" where the combination of setbacks required by this section result in a buildable lot depth of less than 45 feet.

Exemptions from the riparian setback shall be the minimum necessary to accommodate the proposed use after the yard opposite the riparian area has been reduced to a width of no less than ten feet.

Response

- (1) Delete from the Ocean and Coastal Lakes Shorelands Riparian Vegetation Policy all reference to a "lot of record" exemption.

- (2) Amend Riparian Vegetation standard S4.504(3) to read:

Exemptions from (1) and (2) above and from the applicable setback requirement for the front or rear yard that is opposite the riparian area may be granted without a variance for uses on:

- (a) Lots located in areas identified in the comprehensive plan Goal 2 exception element as "built and committed" and which existed as of the date of adoption of this ordinance, and single family residential "lots of record" as defined and used in Chapter 884 Oregon Laws 1981 as amended, where the lot depth resulting from the riparian setback and the opposite front/rear yard setback is less than 45 feet.

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- (b) Other lots in identified "built and committed" areas and other "lot of record" where the combination of setbacks required by this section result in a buildable lot depth of less than 45 feet.

Exemptions from the riparian setback shall be the minimum necessary to accommodate the proposed use after the yard opposite the riparian area has been reduced to a width of no less than ten feet.

2. Add implementing measures to carry out Goal 17 requirements for flood and erosion control structures. The Department suggests that Section 4.034(3)(c) be amended by adding the following language:

And if designed to minimize adverse impacts on water currents, erosion and accretion patterns.

Response

Amend Section 4.034(3)(c) the Clatsop County Land and Water Development and Use Ordinance 80-14, as amended, with the following:

And if designed to minimize adverse impacts on water currents, erosion and accretion patterns.

In order to comply with Goal 18, the following revisions must be made:

1. Amend the Active Dune Overlay zone (Section 4.040) and the Beaches and Dunes Overlay Zone (Sec. 4.060) to reference the Beach and Dune Area Requirements Standards (S4.100-S4.138) in the ordinance. This will correct problems described in the Goal 18 review above for Requirements 3 regarding site investigations; Requirement 5 regarding "other development" on active foredunes; and the new plan material regarding overall Goal 18 implementation. The Department suggests that the first sentences of Sections 4.046 and 4.067 be rewritten as follows:

The Beach and Dune Area Requirements of Sections S4.100 to S4.138 of Chapter 4 of the Development and Use Standards Document and the following requirements shall apply to all development...

Response

Amend the first sentence of Section 4.046 of the Active Dune Overlay District and Section 4.067 of the Beaches and Dunes Overlay as follows:

The Beach and Dune Area Requirements of Sections S4.100 to S4.138 of Chapter 4 of the Development and Use Standards Document and the following requirements shall apply to all development...

2. Amend Beach Policy (e) and Beaches and Dunes Overlay Zone Section 4.065(2) as necessary reconcile the inconsistency regarding the permissibility of sand removal from beaches.

Response

- (1) Do not change as Section 4.065(2)(b)(ii) does not allow commercial removal of sand from an ocean beach.
- (2) 4.065(2)(b)(ii) typo. Change on to an.

3. Adopt ordinance measures adequate to fully implement new Beach and Dune policies regarding dune stabilization criteria and dune stabilization priorities. The Department suggests that the criteria of Beaches and Dunes Overlay Zone Section 4.065(5)(b) be amended to add the following:

(vi) There is a demonstration that the development is being threatened by erosion hazard.

(vii) There is a demonstration that maintenance of existing riparian vegetation and/or planting of new riparian vegetation will not provide adequate protection.

Response

Amend the Beaches and Dunes Overlay Zone Section 4.065(5)(b) of the Clatsop County Land and Water Development and Use Ordinance 80-14, as amended, by adding:

(vi) There is a demonstration that the development is being threatened by erosion hazard.

(vii) There is a demonstration that maintenance of existing riparian vegetation and/or planting of new riparian vegetation will not provide adequate protection.

4. Amend Beach and Dune Area Requirement Standards S4.126(2) regarding foredune height modification to delete criteria (b) through (d).

Response

Delete S4.126 (2)(b) through (d).

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Other items:

1. In Standards Document:

Delete S4.221 Timber Harvesting standards.

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2. Revise the Goal 3 Agricultural Lands Background Report, County-wide Element and Clatsop County Land and Water Development and Use Ordinance 80-14, as amended, to be consistent: all references to 40 acre minimum lot size or lots should be changed to 38 acres.

COGAN & ASSOCIATES

Consultants in Planning and Public Affairs

FINDINGS OF FACT
TO SUPPORT AN EXCEPTION TO
LCDC STATEWIDE PLANNING GOAL 4, FOREST LANDS
FOR PROPERTY IN CLATSOP COUNTY, OREGON

Prepared on Behalf of

Gordon J. King

Paul N. McCracken

Prepared by

Cogan & Associates, Inc.

For Presentation to

the

Clatsop County Board of Commissioners

May 14, 1984

617 909

GENERAL INFORMATION

Applicants: Gordon J. King
Paul N. McCracken

Request: Exception to LCDC Statewide Planning Goal 4, Forest Lands

Location: North fork of the Nehalem River in southwest Clatsop County, west of Oregon Highway 53 and north of the Tillamook County line

Properties: Two parcels of 41 acres including 21 acres (Section 31, T4N, R9W, Tax Lot 502) owned by King and the southern 20 acres of a 40-acre parcel (Section 31, T4N, R9W, Tax Lot 600) owned by McCracken

Proposed Comprehensive Plan Designation: Rural Residential

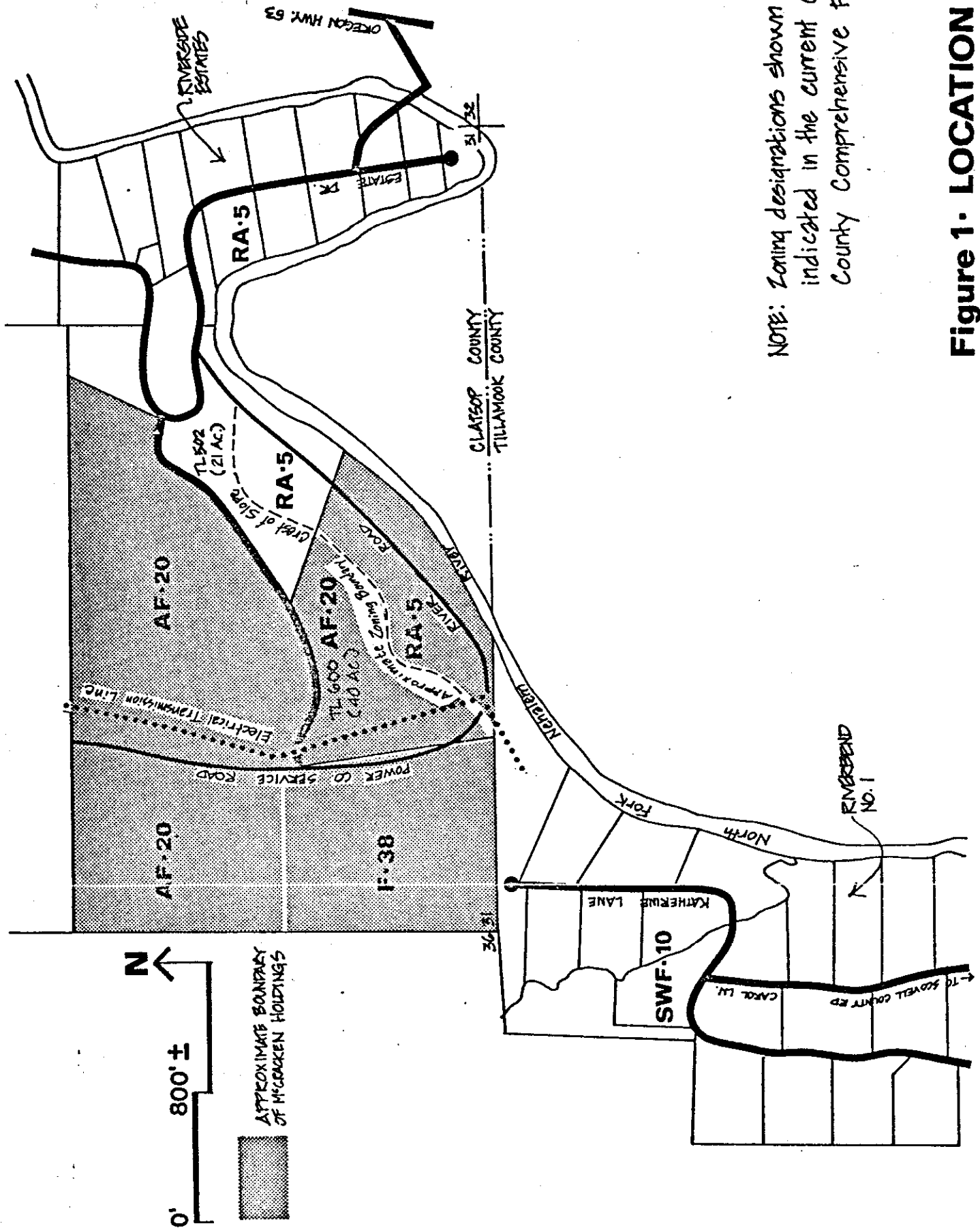
Proposed Zoning: RA-5, Residential-Agriculture

SUMMARY

The applicants wish to retain the proposed planning and zoning designations, that is, rural residential and RA-5, residential-agricultural, for the above-named parcels as contained in the current draft of the Clatsop County comprehensive plan. In its recent review of the plan, the Department of Land Conservation and Development (DLCD) noted that these designations were inappropriate as there were insufficient findings of fact to justify an exemption to LCDC Goal 4 governing protection of the state's forest resources. The purpose of this document is to present findings which support retention of these designations.

BACKGROUND

Location. A total of 41 acres in two tax lots, the affected property is located in southwest Clatsop County about six miles east of the seaside community of Nehalem. As illustrated in Figure 1, Paul McCracken's parcel is part of a 187-acre land holding extending to the west, north and northeast; it also is bound by King's property on the east, the Nehalem River on the south, and Riverbend #1, a rural residential subdivision, to the southwest. King's parcel is bound on the west and north by McCracken holdings, on the east by the Riverside Estates subdivision, and on the south by the river.



617 618 910

NOTE: Zoning designations shown are as indicated in the current Clatsop County Comprehensive Plan.

Figure 1- LOCATION MAP

Regional Characteristics. The affected property is located in the southern portion of the county's Seaside-Rural planning area, a sparsely populated corridor of land on either side of Oregon Highway 53. This particular portion is in the upper Nehalem River valley within the western foothills of the coast range. At this point, agricultural uses to the west and south give way primarily to forest uses.

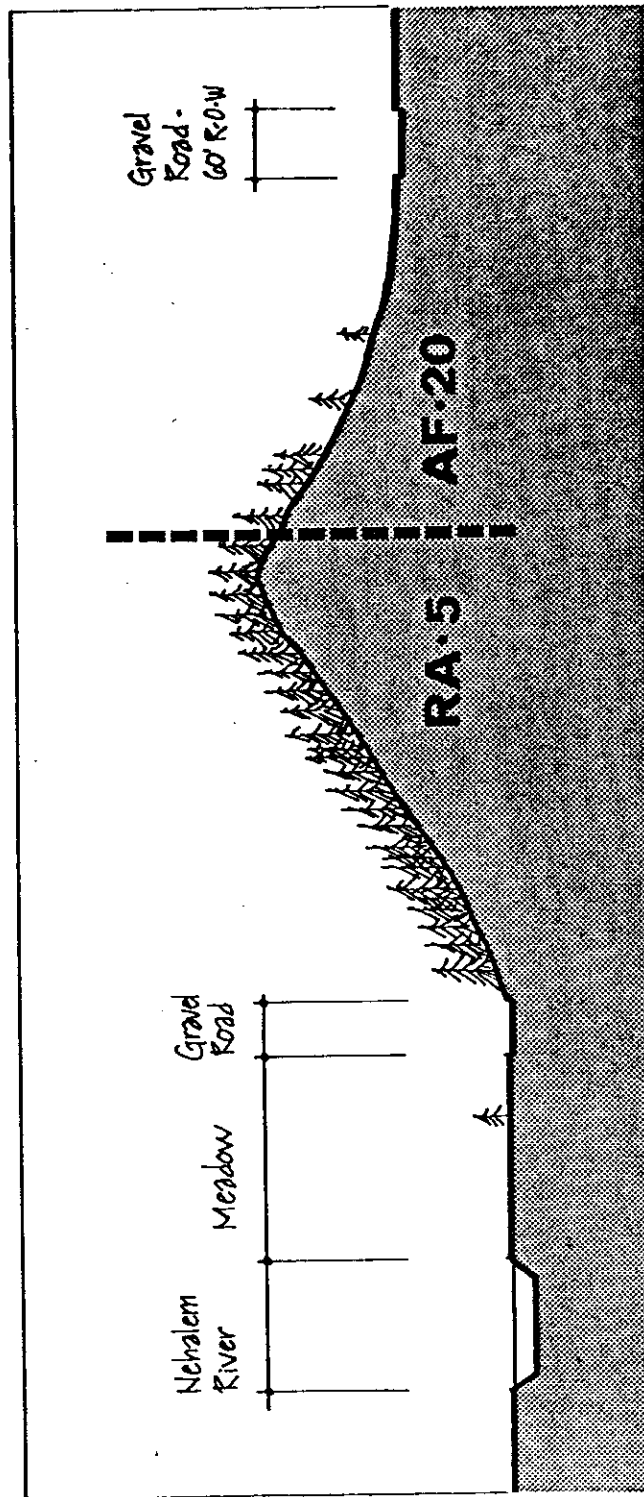
Site Characteristics. As illustrated in Figure 2, a narrow meadow, approximately 200 feet wide is on the southern margin of the two parcels extending northerly from the river. The property then slopes steeply at an estimated grade of between 25 and 35 percent¹ (Figure 3a). The remaining property slopes gently from the crest of the slope to the west and northwest. The boundary between the northern and southern halves of McCracken's parcel coincides approximately with the crest of this hill.

Currently, all but the meadow is heavily forested, including stands of alder, Douglas fir and spruce. Mr. McCracken was honored as Clatsop County Tree Farmer of the Year in 1982 and actively manages all his holdings, including this tax lot, as a tree farm. Mr. King undertakes minimal forest management.

There are two roads on the property. The first, a two-lane graveled road within a 60-foot right-of-way, separates the two parcels from the rest of McCracken's holdings to the north (Figure 3b). This road takes its access to the east from Estates Drive, the street serving the Riverside Estates subdivision; this in turn provides direct access to Highway 53. The road also is connected to a narrow, unimproved service road extending along the western boundary of McCracken's parcel; the latter road is adjacent to an electrical transmission line which serves the Riverbend subdivision to the southwest.

A second, smaller road closer to the river bisects the two parcels in an east/west direction, separating the meadow from the steep slope described above. This roadway also has access to the power service road to the west and Estate Drive to the east, providing a looped roadway through and around the two parcels.

¹ Detailed topographical maps of the site are not available.



Looking West

Cross-Section of McCracken Property

NOT TO SCALE

Figure 2

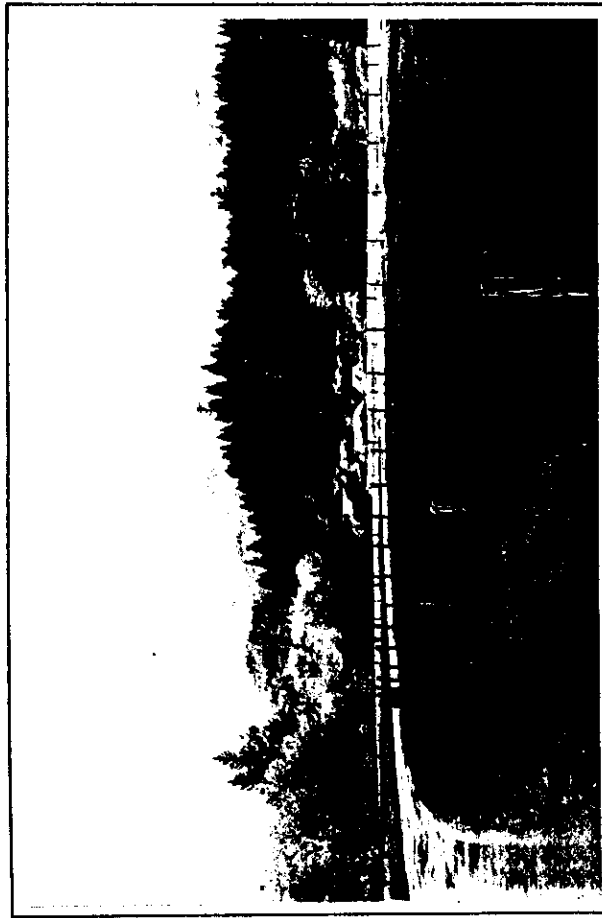


Figure 3a
Steep, wooded slope as seen from south

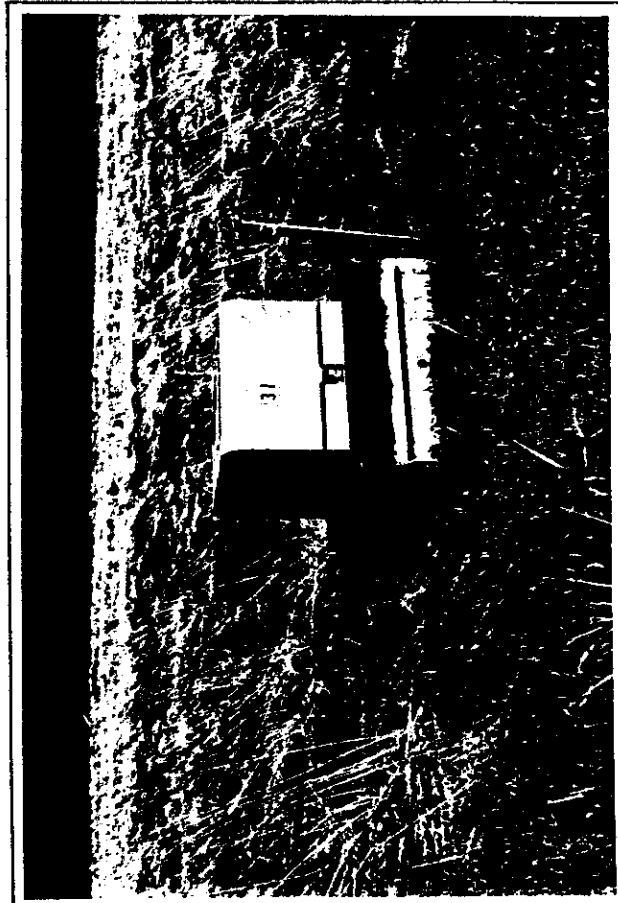


Figure 3c
Electrical service box at Riverside
Estates subdivision



Figure 3b
Gravel road on north boundary of
Tax Lots 502 and 600

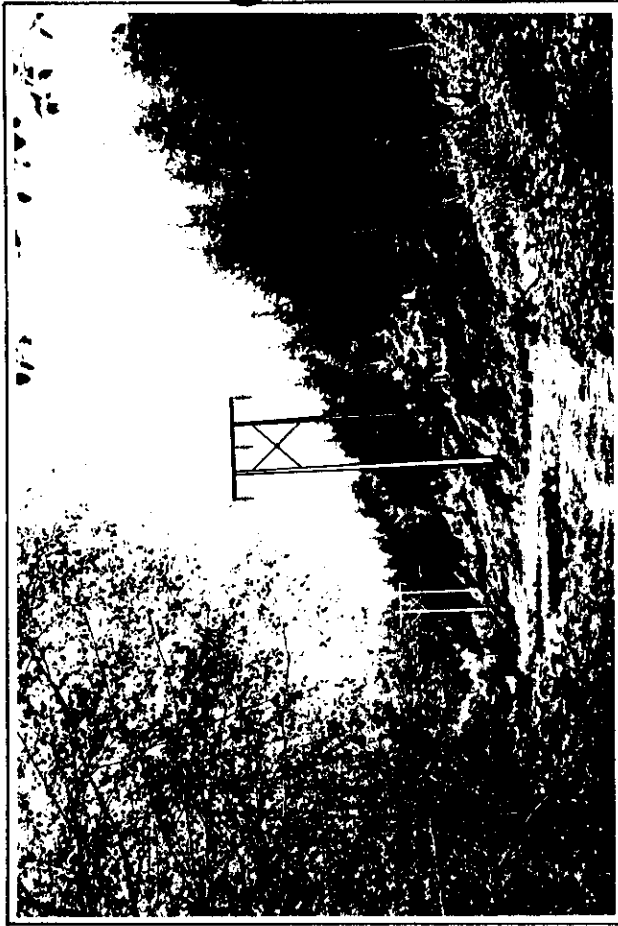


Figure 3d
Electrical transmission line on west
boundary of Tax Lot 600

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Surrounding Land Uses. A large dairy farm lies to the south of the property, across the Nehalem River. As noted previously, two rural residential subdivisions are southwest and east in Tillamook County. Riverbend #1 contains 36 building lots; according to Tillamook County planning staff, about half of these have been sold but none developed. The other subdivision to the east contains 24 platted lots, ranging in size from 2.5 to 10 acres. Although all have been sold, no development has occurred.

Availability of Services. Electrical and telephone services to these subdivisions is available to the eastern edge of King's parcel and the southwestern edge of McCracken's. The Riverbend subdivision is served by an electrical power line which runs the entire length of the western boundary of tax lot 600 (Figures 3c and 3d). The area is served by the Seaside School District and the Clatsop County Sheriff's Department. No fire service is available. Because of the rural character of the area, residents rely upon on-site wells for water and septic tanks for sewage disposal. Thus, a full complement of services appropriate for rural residential development is available on the site.

Planning/Zoning Designations. Prior to October 1983, all of tax lots 502 and 600 were designated as rural residential on the comprehensive plan map, with a corresponding zone designation of RA-5, residential-agriculture; this requires a minimum lot size of five acres. The remainder of McCracken's holdings were designated on the plan map as conservation-forest district and zoned AF-20 -- agricultural-forest with a minimum lot size of 20 acres. In preparation for final submission of the plan to the Oregon Department of Land Conservation and Development, the county's planning staff recommended that all of King's and McCracken's property be rezoned F-80 with a minimum lot size of 80 acres. This is the most restrictive forest zone.

The applicants protested these proposed changes in a public hearing before the Clatsop County Board of Commissioners. As a result, the following zoning designations were adopted (Figure 1): RA-5 for King's parcel, tax lot 502, and the southern half of McCracken's parcel, tax lot 600; AF-20 for the remainder of McCracken's holding except for the 44-acre parcel to the west, i.e. tax lot 700, which was rezoned F-38.

The county retained the RA-5 zoning for the Riverside Estates subdivision in recognition of the preexisting division of land. To justify its rural residential zone designation for all three parcels, the county now seeks an exception from LCDC Goal 4, Forest Lands.

The property directly south across the river is zoned EFU, exclusive farm use, reflecting its current use as a dairy farm. The Riverbend subdivision to the southwest bears a zoning designation of SWF-10, small woodlot forest with a minimum lot size of 10 acres. Rural residential development on these lots is permitted, as platting of the property occurred prior to the adoption of the Tillamook County plan.

ANALYSIS

The purpose of LCDC Goal 4, Forest Lands, is "to conserve forest land for forest uses." However, under the provisions of Goal 2, Land Use Planning, an exception may be granted when "it appears that it is not possible to apply the appropriate goal to specific properties or situations..."

To obtain an exception to Goal 4, an applicant must meet at least one of the following three tests:

- The property is physically developed with non-resource uses.
- The property is irrevocably committed to non-resource uses.
- There is a need for the proposed non-resource use, there are no appropriate alternative sites, and the establishment of the use is compatible with adjacent resource uses.

In this case, there are sufficient findings of fact to support the second test, that is, an exception is appropriate as the land is "irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impractical."
[OAR 660-04-028(1)]

Discussion follows:

Existing Adjacent Uses. The two parcels in question are between two rural residential subdivisions, Riverside Estates and Riverbend, which contain lots varying in size from 2.5 to 10 acres. Several lots in each subdivision have been sold, although no development yet has occurred. The granting of the exception would permit the contiguous development of low density rural residential uses along this portion of the Nehalem River.

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Availability of Public Facilities and Services. Electrical and telephone service has been installed in the two subdivisions, and, therefore, can be extended readily to both the King and McCracken property. In fact, Riverbend obtains its electrical power via a transmission line which runs along the western boundary of McCracken's tax lot. The affected property is served by a two-lane graveled road located in a 60-foot right-of-way which runs along the northern boundary. This road will provide access to proposed homesites to the south. The road has direct access to Highway 53 to the east via Estates Drive, which serves Riverside Estates.

Schools and police protection are provided by the Seaside School District and the Clatsop County Sheriff's Department; no fire service is available. Because of the rural nature of the area, local residents rely upon on-site wells for water and septic systems for sewage disposal. The availability of potable water and adequately draining soils for septic systems have been demonstrated previously as prerequisites to approval of Riverside Estates.

The two affected parcels can be provided with the minimum level of public services and facilities required to support low density rural residential development.

Suitability for Forest Use. With the exception of a narrow riverside meadow, nearly all the land on the affected property is characterized by steeply sloped terrain, with an average grade exceeding 25 percent. Many of the marketable trees on this slope are in their prime. Due to their maturity and the economics of logging, clearcutting, that is, removal of all trees at one time, is the advisable forest management practice. At the very least, portions of the slope should be clearcut so that new saplings have sufficient space and sunlight to grow.

However, the removal of mature trees from the slope could facilitate erosion of the topsoil, inhibiting the development of newly replanted trees. Furthermore, it is generally accepted that south facing slopes in Oregon's coastal range provide the least amenable environment for commercial woodlot production. As a result, withdrawal of this 40 acres would not have a significant impact on the state's forest lands inventory.

Natural/Manmade Boundaries. The affected property is separated from agricultural uses to the south by the Nehalem River, which forms a natural barrier. The graveled road along the north margin provides an effective manmade barrier between the properties and forest uses to the north and west.

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The proposed zoning leaves the remaining 20 acres of the McCracken parcel in an AF-20 zone. As noted previously, McCracken also owns an additional 147 acres to the north and west which he manages as a tree farm. The northern portion of tax lot 600 can be included in these activities with no difficulty. In any event, the proposed density of development, that is, eight five-acre homesites, will not have a substantial adverse impact on continued commercial forest management practices.

Other Relevant Factors. Other factors in this case that support the granting of an exception to Goal 4 include:

- McCracken and King have felt no urgency to subdivide their land, since it has been designated for rural residential use for the last eight years.
- As further evidence of the committed nature of this property, both applicants paid approximately \$3,500 per acre; at the time of purchase, timber land in this portion of Clatsop County generally costs \$500 per acre.
- In anticipation of future rural residential development, the applicants have upgraded the road along the north boundary of their properties at a cost in excess of \$20,000.
- King purchased his property for the express purpose of providing his four sons a place to fish and develop homesites for their personal use. McCracken purchased his large acreage to establish a tree farm. However, he recognizes the recreational/residential potential of that portion of tax lot 600 with river frontage.

SUMMARY OF FINDINGS

1. The affected property contains a total of 41 acres in two tax lots, including a 21-acre parcel (Section 31, T4N, R9W, tax lot 502) owned by Gordon J. King and the adjacent southern 20 acres of a 40-acre parcel (tax lot 600) owned by Paul N. McCracken. The latter is part of a contiguous 187-acre land holding.
2. Except for a riverside meadow, the two parcels are heavily forested, including stands of alder, Douglas fir and spruce. McCracken actively manages all his holdings, including this tax lot, as a tree farm. Currently, King undertakes minimal forest management.

3. The 41 acres are designated rural residential on the Clatsop County comprehensive plan map and zoned RA-5, residential-agriculture with a minimum lot size of five acres. The north half of tax lot 600, and most of the remainder of McCracken's property, is designated as a conservation-forest district on the plan map and zoned AF-20, agricultural-forest, with a minimum lot size of 20 acres.
4. The affected property lies between two rural residential subdivisions, Riverside Estates on the east, and Riverbend #1 to the southwest. Several lots have been sold but none developed. Electrical and telephone service is available in both subdivisions and, thus, easily could be extended to both tax lots 502 and 600. In fact, electrical service to Riverbend is provided via a transmission line along the western boundary of tax lot 600.
5. Access to the two parcels, and eventually to the proposed homesites there, is provided by a graveled, two-lane road in a 60 foot right-of-way along the northern boundary. This road has access to Oregon Highway 53 to the east via Estates Drive, the main road in neighboring Riverside Estates. The owners recently improved this road at a cost exceeding \$20,000. A second unimproved road traverses the parcels between the river meadow and a steep slope.
6. Schools and police protection are provided by the Seaside School District and the Clatsop County Sheriff's Department. No fire service is available. Because of the rural nature of the area, local residents rely upon on-site wells and septic systems for sewage disposal.
7. Public services and facilities -- access, utilities, police protection, schools, and on-site water and sewage disposal -- appropriate for low density rural residential development are readily available on the site.
8. Most of the 41 acres is characterized by steeply sloped terrain, with an average grade exceeding 25 percent. Due to the maturity of trees on the slope and the economics of logging, clearcutting, that is, removal of all trees at one time, is the advisable forest management practice. At the very least, portions of the slope should be clearcut so that new saplings have sufficient space and sunlight to grow, although this also could facilitate erosion. Furthermore, it is generally accepted that south facing slopes in Oregon's coastal range are the least amenable environment for commercial woodlot production. As a result, withdrawal of this acreage would not have a significant impact on the state's forest lands inventory.

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9. The affected property is separated from agricultural uses to the south by the Nehalem River and from forest uses to the north and west by the graveled road mentioned above. The proposed density of development, that is, eight five-acre homesites, will not have a substantial adverse impact on continued agricultural and commercial forest management practices.

BEFORE THE COUNTY COMMISSION OF THE STATE OF OREGON
FOR THE COUNTY OF CLATSOP

In the Matter of Clatsop County's)	
Acknowledgment of Compliance of)	SUPPLEMENTAL
its Comprehensive Plan and)	FINDINGS OF FACT
CAMJERAN, INC., an Oregon)	
Corporation,)	
Applicant)	

The County Commission makes the following additional findings on certain land owned by Camjeran, Inc., an Oregon Corporation:

(1) We adopt and incorporate by reference herein the Findings of Fact, Conclusions of Law and Order of the Planning Commission and County Commission for Clatsop County, in the matter of Camjeran, Inc.'s application for a major partition. A copy is attached hereto marked Exhibit "A".

(2) The property is served by underground electricity. An easement has been granted for that purpose to Pacific Power & Light Company (Exhibit "B"). The buried, underground electricity lines extend to the homesites, a distance of approximately 1500 feet from the western boundary.

(3) A water rights permit has been granted by the State of Oregon for a domestic water supply on the property (Exhibit "C") for three homesites. A water supply system has been designed by Hanforth & Larson, Engineers, see Exhibit "D", and is two-thirds completed as of May 11, 1984. The water storage tanks are on the

site. The water lines are on site and about one-half of underground installation is completed.

(4) Cable television and telephone lines have been installed in the property to serve the three homesites. These are buried underground in the same trench as the electricity, extending 1500 feet into the property from the westerly boundary of the property and U. S. Highway 101.

(5) Restrictive covenants have been filed limiting division of the property into three (3) parcels until the year 2000. The Restrictions and Covenants also prohibit cutting trees within 300 feet of the center line of the Oregon Coast Highway. The limitation on cutting trees is an indication that the property is not suitable for commercial logging, but rather has aesthetic and buffer purposes benefiting both the City of Cannon Beach and the homesites (Exhibit "E").

(6) A preliminary design for an approximate 6,000 square foot home on one site has been prepared, a copy of which is attached as Exhibit "F".

(7) Soil testing has been completed. A soils report is attached as Exhibit "G".

(8) The road approach permit is attached as Exhibit "H".

(9) Extensive additional home site preparation, subsequent to the approval of the major partition, has been done by Ken Leahy Construction, Inc. The soil

removed during site preparation was used for the berm at the site of a new sewer lagoon of the City of Cannon Beach.

(10) Design, construction and rocking of the approximate 1300 foot roadway is completed. Only final surfacing needs to be completed. Internal roads to the homesites are in the same stage of completion.

(11) Subsurface sewage disposal approval has been made (See Exhibit I). A third site has not been tested as of this time, but approval would be expected when it is tested.

(12) The property is not in timber deferral for real property tax purposes, and, according to the records of the assessor, has not been in timber deferral for at least the last five years (Exhibit J).

The property is no longer available for forest uses. There is no adverse impact to the City of Cannon Beach (See Exhibit E). This property is irrevocably committed to residential development. These relevant factors make the uses allowed by the forestry goal impracticable.

LIST OF EXHIBITS

BOOK 617 PAGE 923

IN RE:

In the Matter of Clatsop County's Acknowledgment of Compliance of its Comprehensive Plan and CAMJERAN, INC., an Oregon Corporation.

EXHIBIT A: Resolutions, Findings and Orders of Clatsop County Planning Commission and County Commission approving Partition of the property into three parcels.

EXHIBIT B. Underground utility easement with PP&L.

EXHIBIT C: State of Oregon Water Rights certificate.

EXHIBIT D: Water system engineering prepared by Hanforth & Larson, Engineers, Manzanita.

EXHIBIT E: Declaration of Covenants and Restrictions limiting partition of property to three parcels until the year 2000.

EXHIBIT F: Sketch of proposed dwelling on property.

EXHIBIT G: Soils testing report, Northwest Testing Laboratories.

EXHIBIT H: Road Approach Construction Permit to 101.

EXHIBIT I: Sub-Surface Sewage Disposal approval letter from DEQ.

EXHIBIT J: Letter from Clatsop County Assessor's office.

IN THE PLANNING COMMISSION
OF CLATSOP COUNTY, OREGON

IN THE MATTER OF PETITION NO. n/a)
FOR MAJOR PARTITION APPROVAL IN)
CLATSOP COUNTY)
BY CAMJERRAN COMPANY)

RESOLUTION NO. 83-5-3PC

RECORDING DATE: MAY 17 1983

THE ABOVE ENTITLED MATTER having come on regularly before the Planning
Commission at its meeting(s) of December 14, 1982, January 11, 1983, February 15, 1983, April 12, 1983 and May 10, 1983 and;

IT APPEARING to the Commission that the above named petitioner applied
to the Planning Commission of Clatsop County for major partition pursuant
to Clatsop County Land and Water Development and Use Ordinance #80-14 on a tract
of land immediately east of the junction of Highway 101N and , located on
Alternate Highway 101 (to Cannon Beach), and also
described as Tax Lot 2400, Section 20
, Township 5 North, Range 10 West,
Willamette Meridian, Clatsop County, Oregon; and

IT APPEARING to the Planning Commission from the testimony, reports, and
information produced by the petitioner, interested persons, the Planning
Director, and the Department of Planning and Development Staff, that said
petition should be granted; and

IT APPEARING to the Planning Commission that the findings of the (Planning
Commission) ~~(and) (Department of Planning and Development)~~ should be adopted as
the basis for the aforesaid Planning Commission decision, and the Planning Com-
mission being fully advised in the premises; it is, therefore:

RESOLVED that the petition to which reference was hereinabove made, be, and
hereby is, granted, and the findings of the (Planning Commission) ~~(and) (Department~~
~~of Planning and Development)~~ as described in Exhibit "A", attached hereto and

1 by this reference made a part hereof, be, and hereby are, adopted as the basis
 2 of the aforesaid; for the determination that, on balance, the public welfare is
 3 better served in granting such approval when considering the probable detri-
 4 mental effects of such use on surrounding persons, properties or the public;
 5 and it is further

6 RESOLVED that the petition to which reference was hereinabove made,
 7 referring to the property described herein, be, and hereby is, granted, subject
 8 to the conditions contained in Exhibit "B", attached hereto and by this reference
 9 made a part hereof, all in accordance with the provisions of the Clatsop County
 10 Land and Water Development and Use Ordinance #80-14 and the rules and regulations
 11 of this Commission; and it is further

12 RESOLVED that this resolution granting the aforesaid application be placed
 13 on record in the files of the County Clerk.

14 DATED this 16th day of May, 19 83.

PLANNING COMMISSION
 FOR CLATSOP COUNTY, OREGON

BY Fred Rogers
 Chairman
 BY Chris Schneider
 Secretary

BEFORE THE PLANNING COMMISSION OF THE STATE OF OREGON
FOR THE COUNTY OF CLATSOP

In the Matter of the Application)	
)	
of)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW
CAMJERAN, INC., an Oregon)	AND ORDER
corporation,)	
)	
Applicant.)	

On December 14, 1982, Applicant appeared through Joseph R. Camberg. Application was made for a major partition to create three (3) lots, together with a variance request for a 14% road grade. The Planning Commission for Clatsop County finds, concludes and orders as follows:

FINDINGS OF FACT

1) The proposed major partition into lots of approximately 2, 4, and 19 acres, is for property located as shown on Map A of the Staff Report dated February 4, 1982 (hereinafter referred to as "Staff Report"). The property is adjacent to U. S. Highway 101 for approximately 1,400 feet (Camberg testimony). The property is East and across the Highway from the North Junction to the City of Cannon Beach and a national historical marker (Camberg testimony, Exhibit IV). The property is contiguous to the city limits of Cannon Beach and approximately 300 feet from the open burning garbage dump for the City (Camberg testimony, Staff Report, Attachment A).

2) The adopted Comprehensive Plan and Zoning

Ordinance for Clatsop county designate the subject land as Residential, Agricultural - 2 (RA-2) (Camberg testimony, Staff Report). The property has been so designated since the Seaside Rural Community Plan was adopted by the Clatsop County Board of Commissioners on or about July 23, 1980. In conformity with the Plan designation, the land was found to be "committed" at that time (Camberg testimony, Staff Report, Attachment A).

3) The subject property is within the City of Cannon Beach Rural Fire Protection District, the Sunset Empire Parks and Recreation District and School District No. 10, Seaside (Camberg testimony, Staff Report, Attachment A).

4) There is electricity on the property (Camberg testimony, Staff Report, Attachment A).

5) Mutual easements have been granted between Crown Zellerbach, owner of the adjacent timberlands, and Applicant, for roadway purposes (Camberg testimony, Staff Report, Attachment A).

6) The property has a unique and spectacular view. Photographs of the view were submitted by Applicant (Exhibit III).

7) The State Highway Department worked in cooperation with Applicant to develop a new access road to the City of Cannon Beach garbage dump as well as Applicant's property. The new access road eliminated a traffic hazard on Highway 101 (Camberg testimony, Staff Report, Attachment D).

8) Since July, 1980, in good faith reliance on the designation RA-2, Applicant has made further improvements to the property. Prior to July, 1980, Applicant had surveyed and cleared the land, developed flat areas suitable for residential construction and built internal roadways. As noted earlier, the land was designated "committed" in 1980. Since 1980, Applicant has constructed an access roadway of approximately 1,500 feet from U. S. Highway 101 to the proposed residential sites, in cooperation with the State Highway Department as stated above. Applicant has expended approximately \$10,000 in survey fees and approximately \$25,000 in road construction, obtaining access, rockering the roads and in additional site leveling (Camberg testimony, Staff Report, Attachment A).

9) Applicant proposes deed restrictions so that the parcels will not be further subdivided (Camberg testimony, Exhibit V).

10) Having residents on the property will aid in early fire detection and discourage theft of wood on this and adjacent property (Camberg testimony).

11) The three (3) proposed residential sites of 2, 4 and 19 acres meet the Comprehensive Plan and zoning requirements of Clatsop county. See, Staff Report, p. 4, "Findings - County Plan", which portion of the Staff Report is hereby adopted.

CONCLUSIONS

1) This major partition request complies with the Comprehensive Plan⁴ and zoning ordinances of Clatsop County.

2) The property, with its unique and spectacular view, has aesthetic qualities which support the conclusion that its highest and best use is for residential purposes.

3) Residential use is not incompatible with adjacent forest land uses. Crown Zellerbach apparently finds such residential use compatible with its timber management practices on adjacent parcels, as Crown cooperated with Applicant on the exchanging of easements and has made no adverse comment to this application. Having residents on this property will enhance fire suppression for the entire area, and in particular at the open burning garbage site. Owners on the property would discourage theft and other forestry damage to this and adjacent property.

4) Applicant has made a substantial investment to the benefit of this and surrounding property, acting in good faith reliance on the County's Comprehensive Plan and zoning ordinance. It would be grossly unfair and inequitable, in light of Applicant's expenditures for planning, surveying, land clearing, site preparation, road clearing, graveling, obtaining improved access for the benefit of the public as well as this property, exchanging easements, etc., for the county to deny the application for a major partition.

5) All relevant factors lead to the conclusion that

this request for a major partition be granted.

The Planning Commission has determined that the Clatsop County Comprehensive Plan and zoning ordinance govern in determining this application for a major partition. However, staff has exhibited some concern that the Forestry Goal and whether or not this parcel is committed should be applied. Without conceding that we do not have local jurisdiction of this matter, we provide the following findings and conclusions to provide a record:

FINDINGS OF FACT - MAJOR PARTITION

A) Adjacent Uses.

The proposed major partition into lots of approximately 2, 4 and 19 acres, is for property located as shown on Map A of the staff report dated February 4, 1982 (hereafter referred to as "Staff Report"). The property is adjacent to U. S. Highway 101 for approximately 1,400 feet (Camberg testimony). The property is East and across the Highway from the North Junction to the City of Cannon Beach and a national historical marker (Camberg testimony, Exhibit IV). The property is contiguous to the City limits of Cannon Beach and approximately 300 feet from the open burning garbage dump for the City (Camberg testimony, Staff Report, attachment A). The parcel is bounded on three (3) sides by Crown Zellerbach holdings (Staff Report).

B) Public Facilities and Services.

The subject property is within the City of Cannon Beach Rural Fire Protection District, the Sunset Empire Parks and Recreation District and School District No. 10, Seaside (Camberg testimony, Staff Report, attachment A). There is electricity on the property (Camberg testimony, Staff Report, attachment A).

The developer proposes a private water system and septic tank waste disposal (Staff Report).

C) Parcel size and ownership patterns.

The parcel is approximately 25 acres in size (Staff Report). Applicant proposes to partition the parcel into three (3) lots of approximately 2, 4 and 19 acres each (Staff Report). Applicant proposes to impose deed restrictions so that the lots will not be further subdivided (Camberg testimony, Exhibit V).

D) Neighborhood and Regional Characteristics.

The property is contiguous to the city limits of Cannon Beach. We take notice that Cannon Beach is a coastal resort community. Cannon Beach and the nearby coastal areas offer, and attract residents because of, lovely views of the Pacific Ocean.

The subject property, largely due to its elevation, offers unique and spectacular views of the coastline (see photographs, Exhibit III).

E) Natural Boundaries.

The land is bounded on the West by U.S. Highway

101 for approximately 1,400 feet (Camberg testimony).

F) Other Relevant Factors.

1) The adopted Comprehensive Plan and Zoning Ordinance for Clatsop County designate the subject land as Residential Agricultural - 2 (RA-2) (Camberg testimony, Staff Report). The property has been so designated since the Seaside Rural Community Plan was adopted by the Clatsop County Board of Commissioners on or about July 23, 1980. In conformity with that Plan designation, the land was found to be "committed" at that time (Camberg testimony, Staff Report, Attachment A).

2) Since July, 1980, in good faith reliance on the designation RA-2, Applicant has made further improvements to the property. Prior to July, 1980, Applicant had surveyed and cleared the land, developed flat areas suitable for residential construction and built internal roadways. As noted earlier, the land was designated "committed" in 1980. Since 1980, Applicant has constructed an access roadway of approximately 1,500 feet from U. S. Highway 101 to the proposed residential sites, in cooperation with the State Highway Department as stated below. Applicant has expended approximately \$10,000 in survey fees and approximately \$25,000 in road construction, obtaining access, rockering the roads and in additional site leveling (Camberg testimony, Staff Report, Attachment A).

3) The three (3) proposed residential sites of 2, 4

and 19 acres meet the Comprehensive Plan and zoning requirements of Clatsop County. See, Staff Report, p. 4, "Findings - County Plan," which portion of the Staff Report is hereby adopted.

4) Mutual easements have been granted between Crown Zellerbach, owner of the adjacent timberlands, and Applicant, for roadway purposes (Camberg testimony, Staff Report, Attachment D).

5) The State Highway Department worked in cooperation with Applicant to develop a new access road from U. S. Highway 101 to the City of Cannon Beach garbage dump as well as Applicant's property. The new access road eliminated a traffic hazard on Highway 101 (Camberg testimony, Staff Report, Attachment D).

6) Having residents on the property will aid in early fire detection and discourage theft of wood on this and adjacent property (Camberg testimony).

CONCLUSIONS - MAJOR PARTITION

1) This major partition request complies with the Comprehensive Plan and zoning ordinances of Clatsop County.

2) The property, with its unique and spectacular view, has aesthetic qualities which support the conclusion that its highest and best use is for residential purposes.

3) Residential use is not incompatible with adjacent forest land uses. Crown Zellerbach apparently finds such residential use compatible with its timber management

practices on adjacent parcels, as Crown cooperated with Applicant on the exchange of easements and has made no adverse comment to this application. Having residents on this property will enhance fire suppression for the entire area, and in particular at the open burning garbage site. Owners on the property would discourage theft and other forestry damage to this and adjacent property.

4) The existing electricity on the property and the proposed water and sewage facilities are adequate for three (3) residential sites.

5) The proposed deed restrictions prohibiting further division of the three (3) parcels assures that this land will not eventually fall into urban use or density.

6) The three (3) proposed residential sites are complimentary to the regional characteristics of this coastal area. They will provide homesites at an elevation that will offer full appreciation of the areas natural beauty.

7) The natural boundary of U. S. Highway 101 provides a point of access for the property. The owner of the other adjacent property has been cooperative with Applicant, as noted in 3) above.

8) Applicant has made a substantial investment to the benefit of this and surrounding property, acting in good faith reliance on the County's Comprehensive Plan and zoning ordinance. It would be extremely unfair and inequitable, in

light of Applicant's expenditures for planning, surveying, land clearing, site preparation, road clearing, graveling, obtaining improved access for the benefit of the public as well as this property, exchanging easements, etc., for the County to reverse its finding that the land is built upon (roads) and irrevocably committed to non-forest uses.

For the above reasons, the facts that we have found compel the conclusion that it is not possible to apply the Forestry Goal to Applicant's land. We further conclude that the major partition should be granted.

CONDITIONS:

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1. All parcels and roadway shall be surveyed.
2. A final map, prepared by the surveyor, shall be submitted on a form provided by this department.
3. The above conditions shall be completed within one year of the date of recording, or the partition will be null and void.
4. Applicant will supply the Planning Department copies of the legal descriptions which will be utilized in creation of the partitioned parcels by deed and/or land sale contract for review and approval prior to recordation with the County Clerk's Office. Said descriptions shall be kept on file in the Planning Office after review and approval and shall include language describing and verifying easement rights for use of the common roadway by the partitioned parcels. Language shall be included in said deed/contract instruments which shall specify that holders of each lot approved by this report mutually agree to maintain the roadway in common and as long as the road exists.
5. Prior to issuance of a building permit or mobile home placement permit for any of the parcels, a class A-20 roadway will be constructed and approved by the Department of Planning and Development.

Ex A. P. 13

IN THE BOARD OF COUNTY COMMISSIONERS
OF CLATSOP COUNTY, OREGON

IN THE MATTER OF THE APPEAL OF)	RESOLUTION & ORDER
MAJOR PARTITION APPROVAL IN)	No. 83-6-63
CLATSOP COUNTY FOR PROPERTY OWNED)	
BY CAMJERRAN, INC., AN OREGON)	FINDINGS AND CONCLUSIONS
CORPORATION.)	

The Board of Commissioners of Clatsop County in session at 9:00 A.M. on June 23, 1983 for purposes of hearing the appeal of the above entitled matter by the City of Cannon Beach,

The Commission finds that a resolution of the Planning Commission was executed on or about May 16, 1983 approving the major partition as requested;

That the letter dated May 20, 1983 from Lucille Houston, Mayor of the City of Cannon Beach was treated as a notice of appeal of the action of major partition;

That the scope of review is limited to the record made before the Planning Commission on the decision being appealed;

That all publications and requisite notices have been given regarding the appeal;

That at the time set for hearing the appeal, the City of Cannon Beach appeared not, nor did the City submit written argument, but only its notice of appeal, and Commissioner Church reported that Mayor Houston had telephoned him prior to the commencement of the hearing to

Ex 9. P. 14

advise him that the City would not appear, and no one having spoken in support of the appeal, and the Commissioners hearing the staff report and the response to the staff report by representatives of CAMJERRAN, INC. and the matter was recessed for a period of five minutes;

Upon review, it was duly moved by Commissioner Church, seconded by Commissioner Berg and unanimously passed, members Berg and Church present, that the action of the Planning Commission be affirmed,

THEREFORE, the Board of Commissioners resolve that the appeal of the City of Cannon Beach from the granting of a major partition to CAMJERRAN, INC. be and the same is hereby denied and the action of the Planning Commission affirmed in its entirety, the Board of County Commissioners further adopting as its own the Findings of Fact and Conclusions of Law of the Planning Commission which are recorded in Book 597, Page 941 through 953, Records of Clatsop County, State of Oregon.

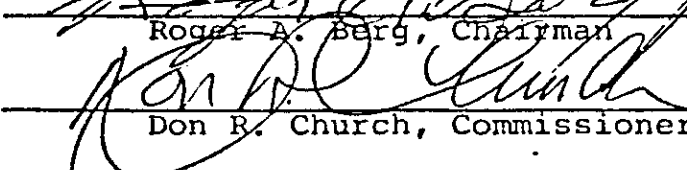
Dated this 29th day of June, 1983.

CLATSOP COUNTY BOARD OF COMMISSIONERS

By


Roger A. Berg, Chairman

By


Don R. Church, Commissioner

2 Ex A. P. 15

(CORRECTIVE)

File No. 101-7872

WO No. 31-710-101

W/O 9140

UNDERGROUND
RIGHT-OF-WAY EASEMENT
(Corporate)

6014 617. PAGE 939

For value received, CAMJERRAN CO.,
a _____ corporation, hereinafter referred to as Grantor, does hereby
grant to PACIFIC POWER & LIGHT COMPANY, a corporation, its successors and assigns, the
Grantee, an easement or right-of-way, 10 feet in width, for an electric underground
distribution line of one or more conductors and all necessary or desirable appurtenances
(including but not limited to the right to install conduits, surface or subsurface mounted
transformers, surface mounted connection boxes and meter cabinets) over, under, across and
along the following described real property in CLATSOP County, State of
OREGON, to wit:

Located in the S.E. 1/4 of the N.W. 1/4 of Section 20, Township 05 North,
Range 10 West, of the Willamette Meridian.

This instrument is granted and recorded to correct an error contained
in that certain certain instrument executed by Joe R. Camberg on March 13,
1984 and recorded in Book 614 Page 570, Deed Records of Clatsop County.

the location and course of said right-of-way are approximately as shown on the
sketch attached as Exhibit(s) "A" and by this reference made a part hereof.

Together with the right of ingress and egress over the adjacent lands of Grantor in
order to install, maintain, repair, replace, rebuild, operate and patrol the underground
electric power lines and appurtenances, and to exercise all other rights herein granted.

Grantor shall have the right to use the lands subject to the above-described easement
for all purposes not inconsistent with the uses and purposes herein set forth; provided
that Grantor shall not build or erect any structure upon right-of-way without the prior
written consent of the Grantee.

All rights hereunder shall cease if and when such line shall have been abandoned.

Dated this 25 day of APRIL, 1984.

CAMJERRAN, INC.

By:

JOSEPH R. CAMBERG - PRESIDENT

(Title)

Attest:

HAROLD A. SNOW - VICE PRESIDENT (Title)

STATE OF OREGONCounty of Clatsop

On this 25th day of April, 1984, before me personally appeared
Joseph R. Camberg, to me personally known to be the
President of the corporation that executed the within and fore-
going instrument; who, duly sworn, on oath did say: that he is the President
of the corporation that executed the within foregoing instrument; that the seal affixed to
said instrument is the corporate seal of said corporation, and that said instrument was
signed and sealed in behalf of said corporation by authority of its Board of Directors,
and he acknowledged said instrument to be the free act and deed of said corporation for
the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year
above written.

Ex B P. 1

Notary Public for OREGONResiding at Warrenton, OregonMy commission expires: 7/23/86

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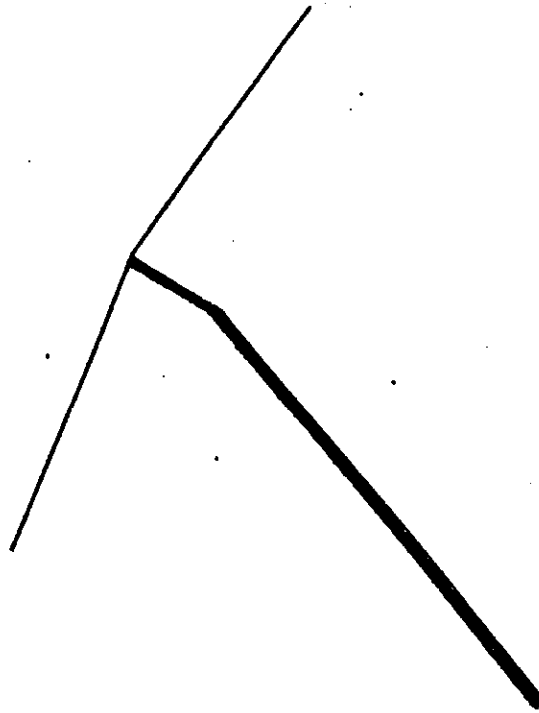
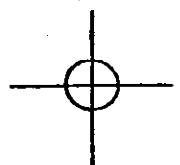


EXHIBIT "A"

LEGEND

— 10' WIDE EASEMENT

CENTER OF SECTION 20



Ex B. P. 2

DISTRICT <u>CLATSOP</u>	
NAME <u>JOE CAMBERG</u>	FILE NO. <u>101-7872</u>
LOCATION <u>CANNON BEACH</u>	E R NO. <u>31-710-101</u>
MAP NO. <u>12-05-10-20-B</u>	W.O. <u>9140</u>
DRAWN <u>JAN. 9 1983</u>	

PACIFIC POWER & LIGHT COMPANY

E R SKETCH

SCALE 1" = 200'

FORM 2705-4/74

MACDONALD, MCCALLISTER & SNOW

ATTORNEYS AT LAW

P. O. BOX 508

ASTORIA, OREGON 97103

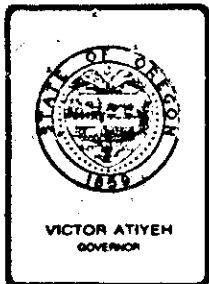
George Balmer

Pacific Power & Light

988 Commercial Street

Astoria, Oregon 97103

Ex B. P. 3



Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

BOOK 617 pg. 942

PHONE 378-3066

October 28, 1983

Joe Camberg
1920 Beach Drive
Seaside, OR 97138

REFERENCE: File 67944

We have received your application for use of water for domestic use to include one-half acre for lawn and garden for three families along with the supporting data and fees. Your application has been filed and assigned number 67944.

Applications which are received in proper form for a permit, including maps, supporting data and fees, will be considered for approval shortly after the mandatory 30-day waiting period. Applications which are defective, conflict with existing rights or require additional information will be reviewed in detail and will be returned for completion or correction within 45 days.

If your application is approved, the project described in the application will be subject to the Water Policy Review Board's Basin Program statements, existing minimum flows and demands of prior rights during periods of low water.

Sincerely,


RALPH H. JACKSON, Supervisor
Application/Permit Section

RHJ:wpc

0003/X
8986B

EX. C P1

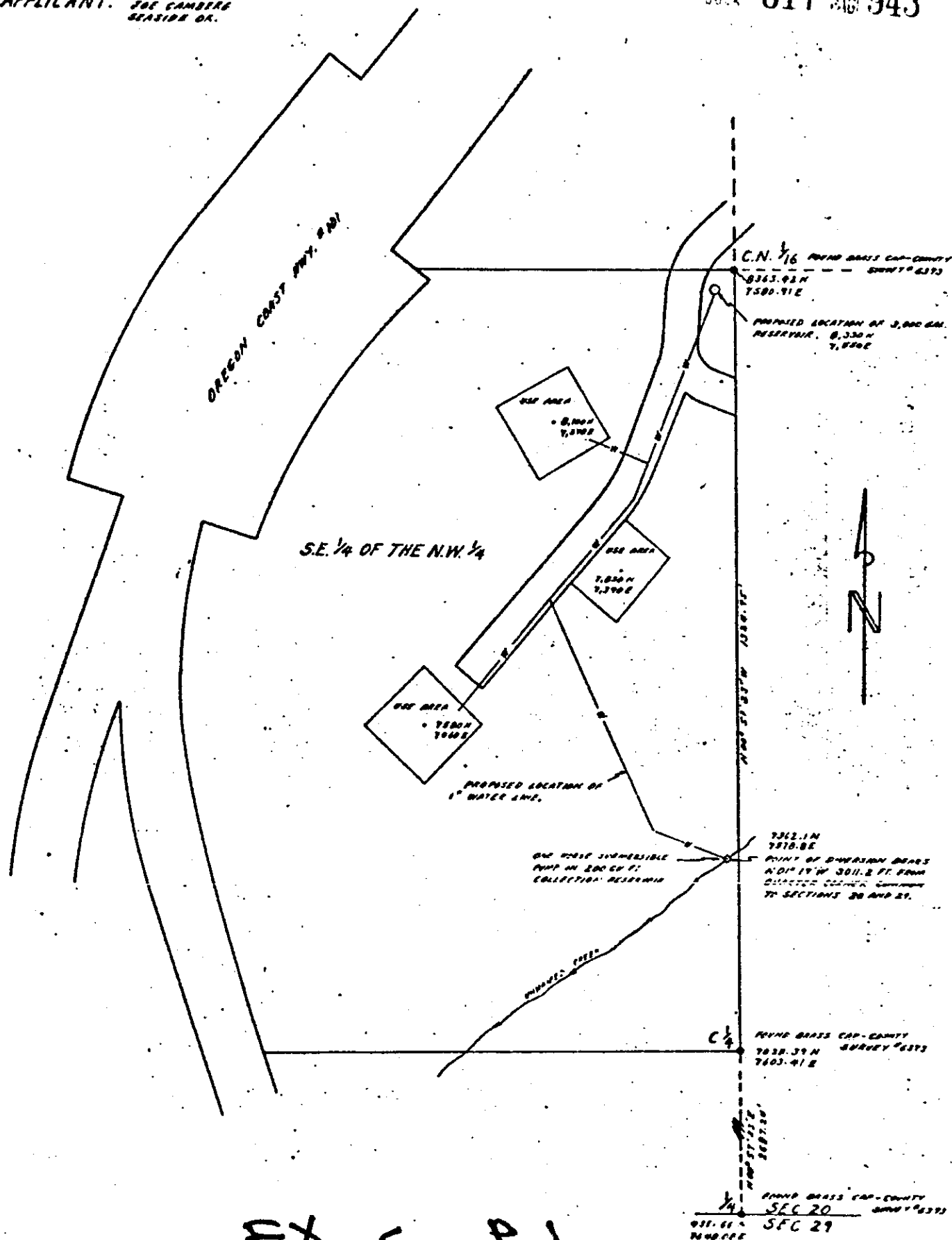
PLAT FOR APPLICATION TO USE SURFACE WATERS IN THE STATE OF OREGON.
S.E. 1/4 OF THE N.W. 1/4, SEC. 20, T5N, R10W, W.M.

DATE: 10/12/83

SCALE: 1"=100'

APPLICANT: JOE CAMBERE
SEASIDE, OR.

8804 617 818 943





6014 617 944

STATE OF OREGON

County of CLATSOP

PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION 67944 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to Joe Camberg of 1920 Beach Drive, Seaside, Oregon 97138, phone 738-5382, for the use of the waters of an unnamed creek, a tributary of Elk Creek,

for the PURPOSE of domestic use for three families including the irrigation of not to exceed one-half acre lawn and noncommercial garden for each

that the PRIORITY OF THE RIGHT dates from October 14, 1983

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.01 cubic foot per second of water

The POINT OF DIVERSION is to be LOCATED: 3010 feet North and 69 feet West from the Quarter Corner of Sections 20 and 29, being within the SE 1/4 NW 1/4 of Section 20, Township 5 North, Range 10 West, WM, in the County of Clatsop.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

Township 5 North, Range 10 West, WM Section 20 SE 1/4 NW 1/4 Domestic use for three families including the irrigation of not to exceed one-half acre lawn and noncommercial garden for each

Actual construction work shall begin on or before November 17, 1984, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1985.

Complete application of the water to the proposed use shall be made on or before October 1, 1986.

Witness my hand this 17th day of November, 1983.

William H. Young
WATER RESOURCES DIRECTOR

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

APPLICATION 67944

EX <

P3

PERMIT

47828

Camjerran Co.
Water System.

Page 1 of 6

10/20/83

by R.G. Larson

Design of a private water system
for 3 single family homes on a
hilltop above Cannon Beach, Oregon.

Elevations

Diversion point = 144'

Reservoir = 423'

Site #1 (South) = 317'

Site #2 (Center) = 362'

Site #3 (North) = 385'



Approximate Distances

Diversion to Roadway \approx 540'

Roadway to Reservoir \approx 860'

Reservoir to #1 \approx 400'

Reservoir to #2 \approx 500'

Reservoir to #3 \approx 1000'

The water system will use a submersible pump in a diversion structure, then pump the water to a pressurized holding tank near the NE corner of the property, then feed by gravity to the three home sites.

Ex D.P.I

Camjerran Co.
Water System.Page 2 of 6.
10/20/83
by RGLarsonCheck water pressure at homesites
based upon gravity feed from
reservoir site.Site #1 (South)

$$\Delta \text{Elev.} = 423 - 317 = 106 \text{ ft.}$$

$$\text{Static Pressure} = 106' \times .433 \text{ PSI/ft} = \underline{46 \text{ PSI}}$$

$$\text{@ 2nd Story of house, pressure} = \underline{39 \text{ PSI}} \quad \underline{\text{OK}}$$

Site #2 (Center)

$$\Delta \text{Elev.} = 423 - 362 = 61 \text{ ft.}$$

$$\text{Static Pressure} = 61' \times .433 \text{ PSI/ft} = \underline{26 \text{ PSI}}$$

$$\text{@ 2nd Story of house, pressure} = \underline{20 \text{ PSI}} \quad \underline{\text{MIN.}}$$

Site #3 (North)

$$\Delta \text{Elev.} = 423 - 385 = 38 \text{ ft.}$$

$$\text{Static Pressure} = 38' \times .433 \text{ PSI/ft} = \underline{16 \text{ PSI}}$$

$$\text{@ 2nd Story of house, pressure} = \underline{10 \text{ PSI}} \quad \underline{\text{NG}}$$

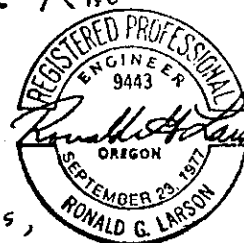
Therefore, a small booster pump system will be required for Site #3 as minimum pressure is usually 20 psi for operating clothes washer, dishwasher etc. Site #2 may also require a pump, depending upon house elevations, and owners desires. Neither pump will affect the design parameters of the main system. Typical booster pump installations consist of a $\frac{3}{4}$ hp pump and pressure tank to be located in the garage of the home to

END P. 2

Camjerran Co Water System

Page 3 of 6
10/20/83
by RGLarson

boost pressure to an operating range of 40 psi to 60 psi. Typical systems are available from several manufacturers with outlets in the Portland area. Also available from Sears, Wards, etc.



Design of Diversion Pump.

Use 4' diameter concrete sections, tongue + groove joint, perforated walls, set in the ground adjacent to the creek, backfilled with gravel, drain rock. Diversion collection structure should be 4' ϕ , \pm 12' high (3 each 4' sections) with an enclosed roof over the works to protect from freezing.

Max. static head = $423 - 144 = 279$ ft.

Max. Static pressure head = 121 psi @ pump.

Length of pipe to reservoir \approx 1400 ft.

For single family residence minimum req't. for water = 5 gal/min (gpm). For 3 homes use a minimum of 10 gpm = 600 gph

At 10 gpm for 1400 ft of PVC pipe, check friction loss for various pipe sizes. (C=150)

1" Pipe 77.3 ft.

1 1/4" Pipe 20.1 ft.

1 1/2" Pipe 9.4 ft.

2" Pipe 3.3 ft.

Use this PVC pipe.

Ex D. P. 3

Camjerran Co. Water System

Page 4 of 6
10/20/03
by RG Larson



Thus using $1\frac{1}{4}$ " pipe friction head is 20.1 ft., velocity is 2.14 ft/sec and velocity head is negligible.

Total Dynamic Head = 300 ft.

Max dyn. pressure = 130 psi (loss impact + stopping).

Pump Requirements are then

10 gpm @ 300 ft of head.

Many pumps are available for this application. Grundfos is chosen for this example.

Grundfos. SP 2-26 $1\frac{1}{2}$ hp. Single phase, 240v.

(produces 12.6 gpm @ 300 ft. of head.)

full load amps = 10.8 amps

pump outlet = $1\frac{1}{4}$ " NPT

Assume that PP&L transformer will be located on roadway near site #1 for minimum distance from power source to transformer. Distance \approx 540'

Use #4 type UF wire 240 volts.

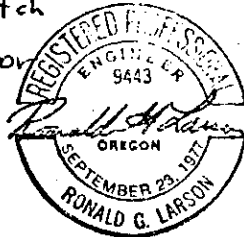
Need 1100 ft of wire (lay 2 cables in trench).

Operating controls will consist of a float level at the tank reservoir to turn the pump on and off. This can be a 110 v. switch or low voltage (32v. or 24v.) with a relay at the transformer

EXD. P. 4

Camjerran Co.
Water SystemPage 5 of 6
10/20/83
by R G Larson

location to operate the 240v. switch
for the pump. Use #12 UF wire for
this control circuit.

Reservoir size.

Size req'd for minimum 3 days of
storage, assume 3 persons per household
with minimum water requirements of
100 gal/person/day. Storage size for
domestic purposes = $100(3)(3)(3) = 2700 \text{ gal.}$

Use 3000 gal. reservoir, fiberglass,
direct burial tank to protect same
from freezing, vandalism, etc.

Distribution lines

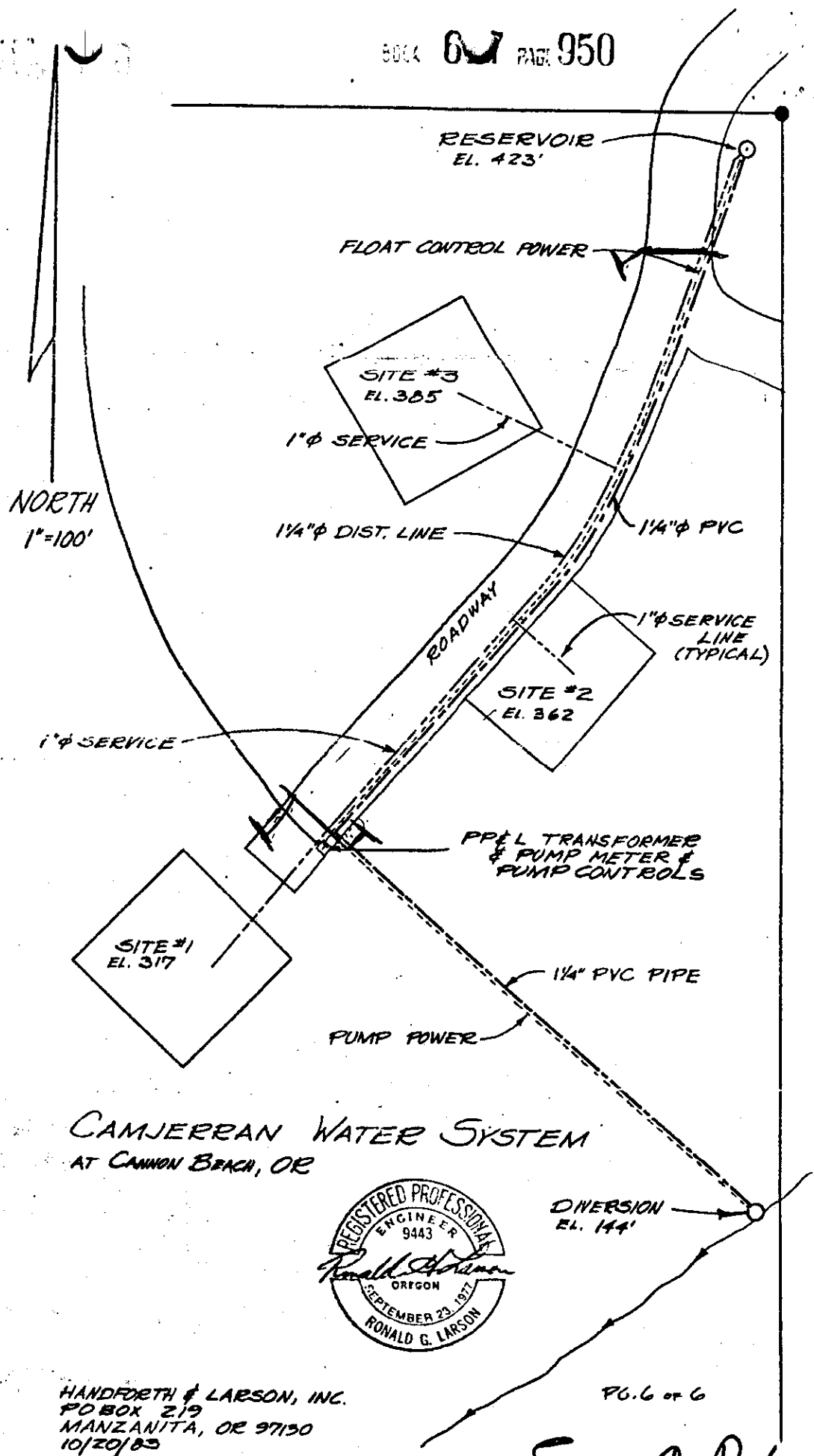
Use $1\frac{1}{4}$ " main distribution with 1"
service lines to each house.

Alternate Design

The pump size may be decreased as
the reservoir is increased, for fire
protection. Example:

Use Grundfos SP2-18 1 HP pump 240v.
delivers. 8gpm @ 300 ft head.
Then use 5000 gal storage tank.

EXP. 5



WOELFLE PLUMBING & HEATING

604 617 PAGE 951

Now That You've Gone To The Rest
Come To The Best
Ron Woelfle
P. O. Box 335 Wheeler, OR 97147
Phone 368-6725

No 1007

PROPOSAL SUBMITTED TO <u>Dan Can Development Co.</u>		PHONE <u>738-9424 sim</u>	DATE <u>April 17/84</u>
STREET <u>1920 Beach Drive</u>		JOB NAME <u>Canyerran Co Water System</u>	
CITY, STATE AND ZIP CODE <u>Seaside Or 97138</u>		JOB LOCATION <u>Hill Top above Cannon Beach Or</u>	
ARCHITECT <u>J. Smith-Larson</u>	DATE OF PLANS <u>10/20/83</u>	JOB PHONE	

submit specifications and estimates for:

Run pvc pipe for 3 single family dwellings.

1900' 1 1/2" SCH 40 PVC
700' 1" SCH 40 PVC
1 fittings and 3 shut off valves
8 hrs Labor @ 30.00 hr (2 men)

1 - 3000 gal fiber glass storage tank to be figured separate
1 - Grundfos SP-2-26 1 1/2 HP single phase pump 240V to be figured separate
1 - Any float controls to be figured separate

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

Twelve Hundred Dollars and no/100 dollars (\$ 1200.00)
Payment to be made as follows:
100% upon completion of pipe installation

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Workmen are fully covered by Workmen's Compensation Insurance.

Authorized Signature Ronald H. Woelfle

Note: This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____

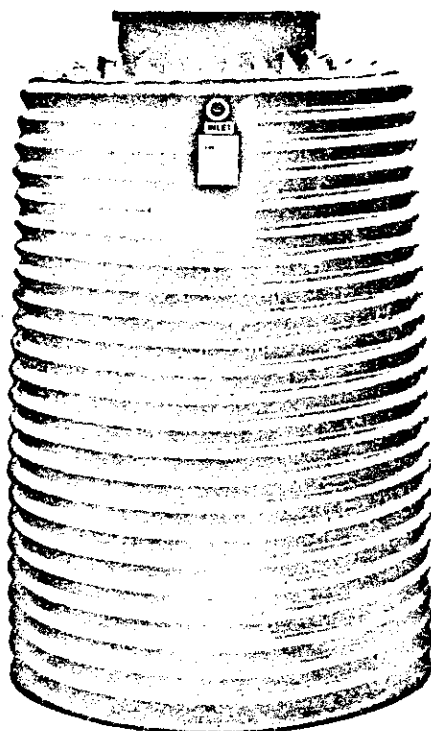
Signature _____

Signature _____

CPI POTABLE WATER TANKS

800 617 8152

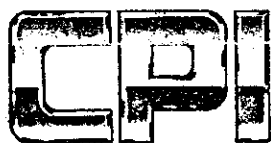
FDA APPROVED
MATERIAL



CPI-500

DIMENSIONS:

diameter at bottom = 4'
overall height = 6'4"
weight (empty) = 150 lbs.
avg. wall thickness = 1/4"
plumbing fittings = 1-1/2" pvc
manhole diameter = 18"

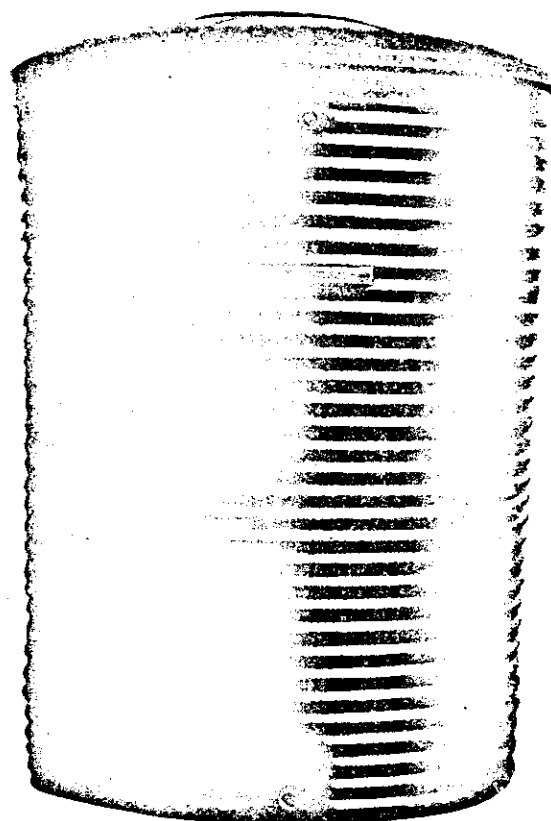


INCORPORATED
201 CARLISLE ST.
COOS BAY, OR. 97420
(503) 269-1022



DIMENSIONS:

diameter at bottom = 62"
diameter at top = 72"
overall height = 8'1"
weight (empty) = 200 lbs.
avg. wall thickness = 1/4"
plumbing fittings = 1-1/2" pvc
manhole diameter = 18"



CPI-1400

(more tanks on other side)

P A D C

607 299

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

DATED: September 14TH 1983

BY: CAMJERAN, INC., an Oregon Corporation - Declarant

Declarant is the owner of real property in Clatsop County, State of Oregon, described as:

That portion of the Southeast quarter of the Northwest quarter lying East of the East right of way line of Oregon Coast Highway in Section 20, Township 5 North, Range 10 West, Willamette Meridian, Clatsop County, Oregon.

Declarant intends to partition the property and sell portions of the property. Declarant desires to impose this Declaration of Covenants, Conditions and Restrictions, hereinafter referred to as Declaration, upon the property as part of a common development plan for the benefit of Declarant and for the benefit of those who acquire portions of the property and also, as specifically set forth herein, for the benefit of the City of Cannon Beach, a municipal corporation of the State of Oregon.

Declarant desires this Declaration bind Declarant and its grantees, successors and assigns, run with the property and portions thereof and burden and benefit the property and portions thereof all as set forth in this Declaration.

NOW, THEREFORE DECLARANT STATES AS FOLLOWS:

SECTION 1 - DEVELOPMENT AND SUBDIVISION

Declarant agrees that the property shall not be

divided into more than three (3) parcels of land or lots prior to January 1, 2000.

SECTION 2 - TREE CUTTING

Declarant agrees that no trees shall be cut on the property within three hundred (300) feet of the centerline of the existing Oregon Coast Highway until January 1, 2000.

Until that time, should it become apparent under sound forestry practices that cutting may be necessary to remove diseased trees in order to preserve the entire stand of timber, then such cutting may be permitted after forty-five (45) days written notice to the City of Cannon Beach, a municipal corporation of the State of Oregon of such intention. Such notice shall include a copy of a qualified forester's recommendation together with a plan of cutting.

SECTION 3 - TERMINATION OF CONDITIONS

After January 1, 2000, the Restrictions on the property as set forth in Section 1, Development and Sub-division, and Section 2, Tree Cutting, shall automatically expire by their own terms and be void and not bind Declarant or any grantee, successor or assign of Declarant beyond January 1, 2000. Further, the right or privity granted to the City of Cannon Beach in Section 4 immediately following shall also terminate, save and except causes of action arising prior to January 1, 2000.

SECTION 4 - ENFORCEMENT AND EFFECT OF SALE

Enforcement

This Declaration and the rights granted in this Declaration may be enforced at law or equity, through any available remedy, by any owner of a portion of the property benefited by this Declaration or against any owner of the portion of property obligated by this Declaration. This Declaration also may be enforced until January 1, 2000 on the prohibition against partition or against cutting of trees by the City of Cannon Beach, a municipal corporation of the State of Oregon.

Effect of Sale

Any grantee, contract vendee or lessee of any portion of the property shall upon acquiring its interest in the property be obligated by and subject to the covenants and obligations which are set forth in this Declaration.

Indemnity

Any party described in the above paragraph who fails to perform its obligations under this Declaration shall defend, indemnify and hold harmless every other owner of any portion of the property from any claim, loss of liability arising out of or in any way connected with such person's failure to perform its obligations under this Declaration.

Attorneys' Fees

In the event suit or action is instituted to enforce any of the terms of this Declaration, the prevailing

party shall be entitled to recover from the other party such sum as the court may adjudge reasonable as attorneys' fees at trial or on appeal of such suit or action, in addition to all other sums provided by law.

No Other Rights

This Declaration shall not be construed to create any easements, licenses or property rights unless those rights are explicitly set forth in this Declaration.

IN WITNESS WHEREOF, Declarant has executed this Declaration to be effective on the date first shown above.

CAMJERAN, INC., an Oregon
Corporation

Joseph R. Camberg
JOSEPH R. CAMBERG, PRESIDENT

STATE OF OREGON)

County of Clatsop)

ss.

Personally appeared the above named JOSEPH R. CAMBERG, President of Camjeran, Inc., an Oregon Corporation, and acknowledged the foregoing instrument to be signed on behalf of the corporation by authority of its board of directors and acknowledged the instrument to be the corporation's voluntary act and deed.

DATED: SEPT. 14, 1983

BEFORE ME:

Linda E. Malm
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES 3/22/85



AFTER RECORDING RETURN TO:

HAROLD A. SNOW
P.O. Box 508
Astoria, Oregon 97103

STATE OF OREGON, } ss. 855148
County of Clatsop }

I hereby certify that the within instrument was received for record and recorded in the record of

DEED

of said county on

OCT 13 3 14 PM '83



In Book

607

On Page

299

Witness my hand and Seal of office affixed

NORMA HUNSINGER

County Clerk.

By Shirley Albright Deputy.

EX E P S

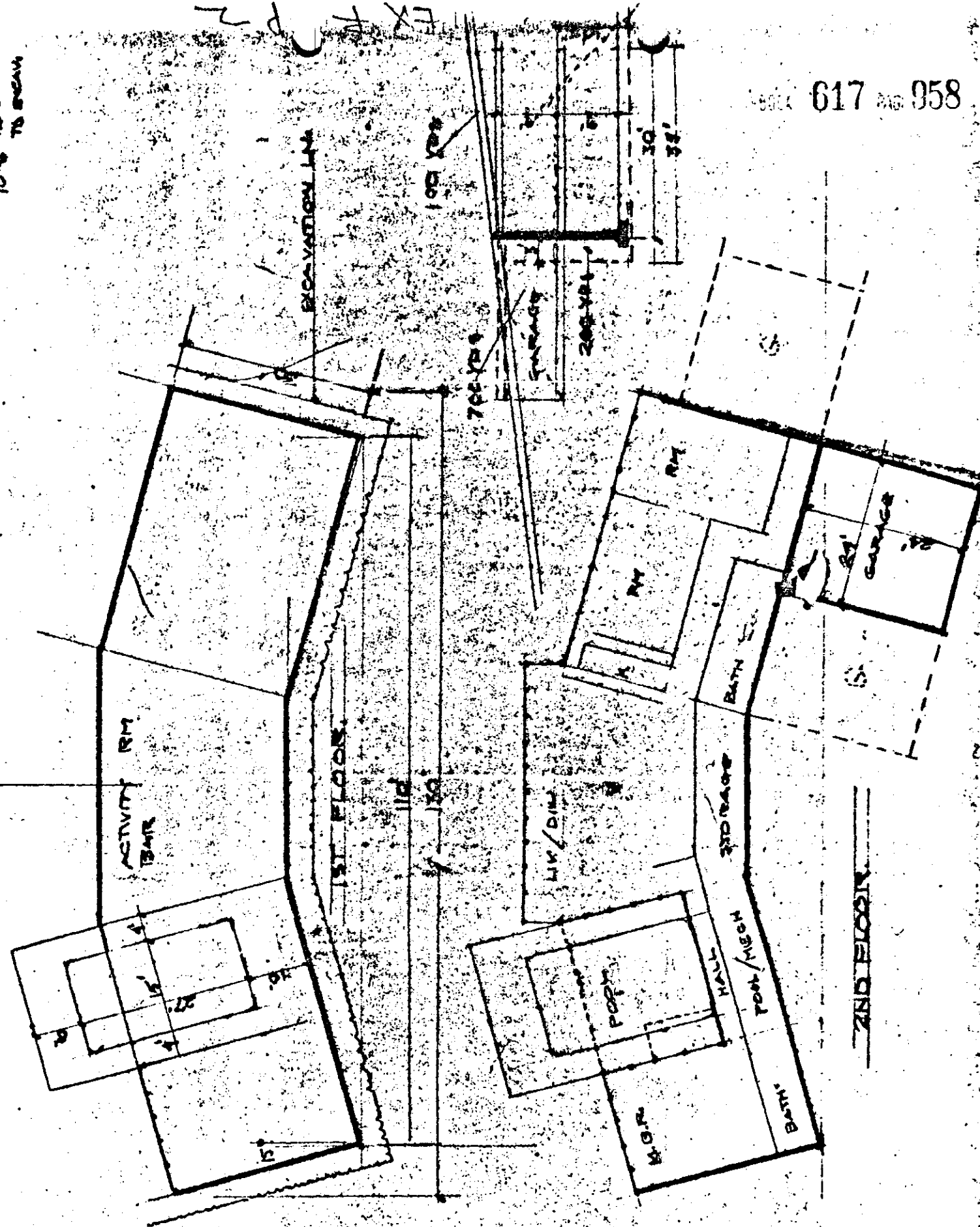
S 45° W

0 12'

10' 12' 240' PL
TO BEAM

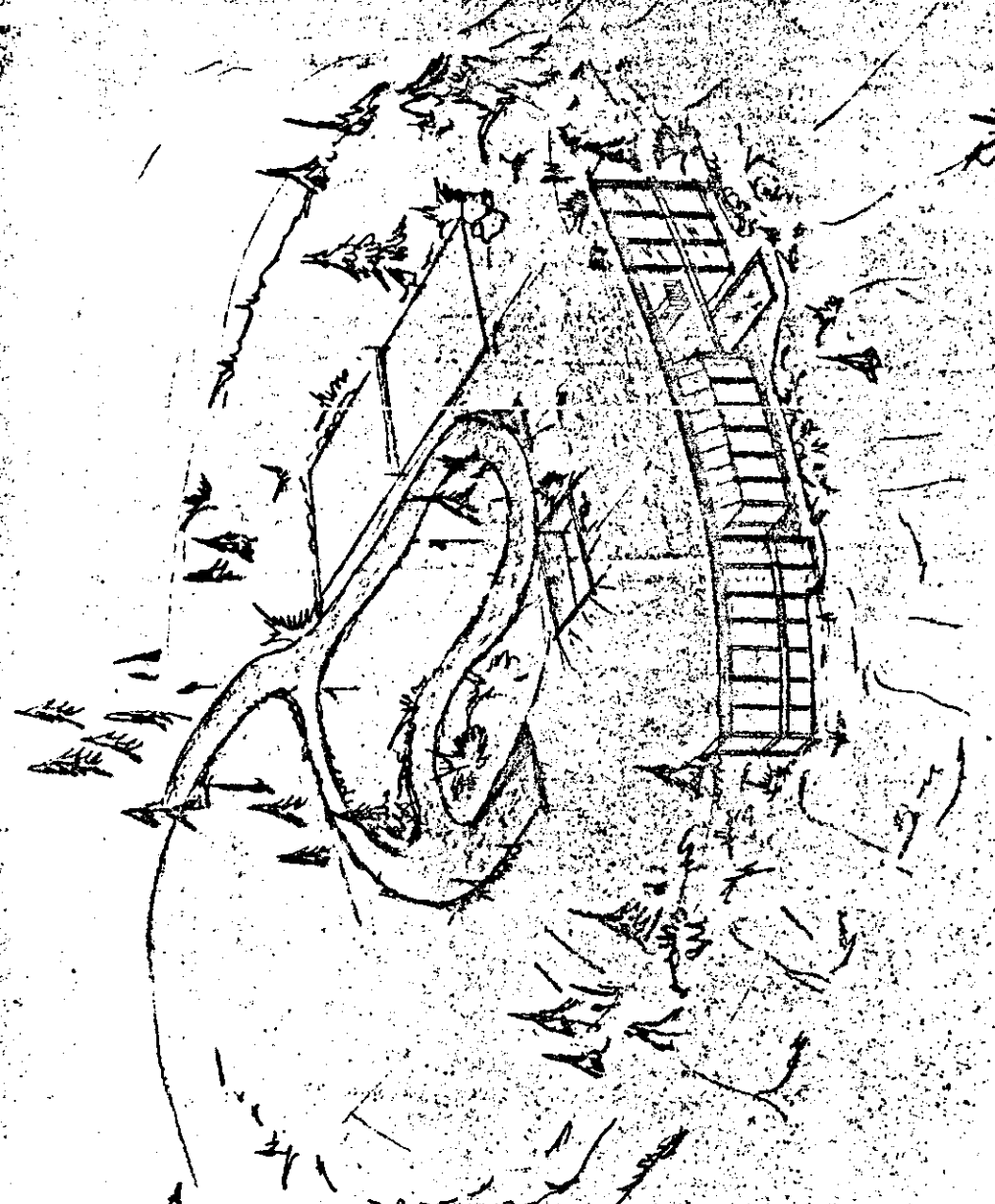
2 d 7 X 7

617 958



EX P 7

617 959



HILTOP RESIDENCE
EARTH SHELTER TYPE FOR
FRESH AIR CAMPING
10-6-83

1ST FL = 3000 sq ft NOT INCL. POOL AREA
2ND FL = 3000 sq ft
TOTAL 6000 sq ft GARAGE
EXCAVATION = 36,000 cu ft 1,200 YDS.

1/3 1500
ROOM TOP 12" = 100 YDS
3' FILL 200 YDS
BACK FILL 700 YDS

CIRCLE DRIVE + ADD PARKING
CENTRAL LOWER W. ENTRY
SOLAR PANELS
TENNIS COURT
GOLF GREEN
POOL AREA

NORTHWEST TESTING LABORATORIES

4115 N. MISSISSIPPI AVENUE

Mailing Address: P. O. BOX 17126
PORTLAND, OREGON 97217-0126

CONSTRUCTION INSPECTION
MATERIALS INSPECTION
CHEMICAL ANALYSIS
PHYSICAL TESTING

ENVIRONMENTAL TESTING
NON DESTRUCTIVE TESTING
WELDING CERTIFICATION
SOIL TESTING

November 3, 1983

5014 617 960

Mr. Joe Camberg
1920 Beach Drive
Seaside, Oregon 97138

Subject: Single Family Residence
Hill Top Residence
Cannon Beach, Oregon

Gentlemen:

At your request we have examined the site proposed for the construction of a single family dwelling at the above location in Cannon Beach, Oregon. We present herewith a report of our findings, conclusions and recommendations.

Site Description

The proposed construction site consists of an area where the top of a hill has been excavated to remove material for the city treatment ponds. The over-all area has been excavated several feet exposing a very stiff clay.

Proposed Construction

The proposed house will cut into the edge of this hillside removing upward of another ten feet of material. The house is proposed to be a two-story earth covered structure.

Conclusions and Recommendations

From our examination of the project site we draw the following principal conclusions and recommendations:

1. We conclude that this site is stable and that it may be developed for residential purposes in accordance with the methods and precautions outlined below.
2. The structures may be supported on native soils using conventional spread footings placed at comparatively shallow depth in the finished grade (minimum 18" below existing grade).

EX G P 1

Mr. Joe Camberg
Page 2

3. Spread footings may be designed for contact pressures of 3,000 psf, with a minimum footing width of 16 inches. All footings should be at least ten feet back from the original slope measured below the top soil.
4. Lateral earth pressures on foundation walls, retaining walls, etc., may be calculated on the basis of equivalent fluid pressure of 35 pcf for level backfill and 60 pcf for steeply-sloping backfill.
5. All backfill, retaining walls, foundation walls, etc., should be made with select granular material (sand and/or gravel). We anticipate that on-site material will not be suitable for this purpose and that it will be necessary to import material to the project for structure backfill.
6. Temporary earth slopes may be cut near-vertical to heights of 5 or 6 feet, above which height lower declivities will be required. We estimate that slopes of 1 vertical to 1 horizontal may be used for slope heights of 10 or 12 feet. Above 10 to 12 feet, 1 vertical to 1.5 horizontal should be used for temporary excavations in which no bracing is applied.
7. Permanent earth slopes should be dressed to a declivity of 1 vertical to 2 horizontal.
8. An adequate subsurface drain system should be installed behind subsurface walls. Surface run-off drains and the subsurface drains should be carried to approved disposal areas.
9. Foundation Preparation Inasmuch as the soil units which will provide support for the main structure are extremely sensitive to disturbance in the presence of excess moisture, care should be taken to protect prepared bearing surfaces until footing concrete can be placed. Precautions to achieve this end would consist of (1) covering of prepared bearing surfaces with impervious membranes or granular blankets (4-inch maximum thickness) or (2) cessation of work during rainy weather.
10. Under no circumstances should fills be constructed anywhere on the slope. Surplus material (other than the small amount to be removed from local excavations) must be removed from the site to a remote disposal area.

EX 6 P 2

Mr. Joe Camberg
Page 3

11. All roof, yard, and other upland surface water must be directed to storm sewers or other approved disposal points. Under no circumstances should storm water be led into a subsurface drain system (such as dry wells, leach fields or foundation drains.)
12. We request that the final plans be submitted to us for review of the foundation design. We also request that we be given an opportunity to inspect the footing excavations prior to the placement of concrete.

We will be available for further consultation and inspection during remaining design and construction phases of this project.

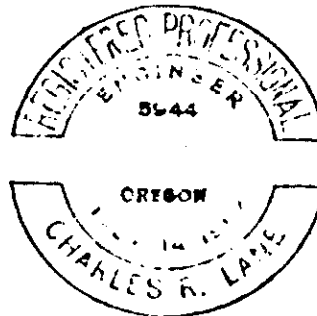
Respectfully,

NORTHWEST TESTING LABORATORIES, INC.

Charles R. Lane

Charles R. Lane, P.E.
General Manager

Report Number 270553



EX G

A 3



HIGHWAY DIVISION

APPLICATION AND PERMIT TO
CONSTRUCT APPROACH ROAD

Approach Permit No.

27388

Name and Address of Applicant

9004 617 PAGE 963

Crown Zellerbach Corp.
Lewis and Clark Road
Seaside, OR 97138

Applicant hereby applies to the Department and State
Highway Engineer for permission to construct an ap-
proach road connection to the east side of
the Oregon Coast Highway
No. 9, Clatsop County,
Milepoint 27.88, Highway Engineers Station
184+00 as described herein.

Special Provisions

Map Reference 6R-3-1

1. Current Rules and Regulations governing Approach Road Permits as adopted by the State of Oregon, Department of Transportation, Highway Division, are by this reference made a part of this permit. Copies of said Rules and Regulations may be obtained from the District Engineer.
2. The approach(es) shall be constructed in accordance with the Type 3 Approach Road Sketch attached hereto and by this reference made a part hereof.
3. The following additional drawings are attached hereto and by this reference made a part hereof Copy of R/W map showing approach & drawing showing accel. & decel. lanes & culvert pipe placement.
4. Facility served by approach(es) Crown land and subdivision with a max. of 12 homes.
5. Construction of the approach(es) shall commence on or after 2 November, 1981, and will be completed on or before 1 October, 1982.
6. Applicant or his contractor shall notify the District Engineer at P. O. Box 686, Astoria, OR 97103, phone 325-7222 prior to commencing work and after completing construction of the approach(es) covered by this permit.
7. Approach of old Hwy just south of this approach will be completely removed and the roadway blocked as shown on attached drawing. Old Hwy will also be completely blocked at south edge of new approach as also shown on attached drawing.

Recommended for approval: Orig. Signed - Eldon L. Everton
District Engineer

Regional Engineer

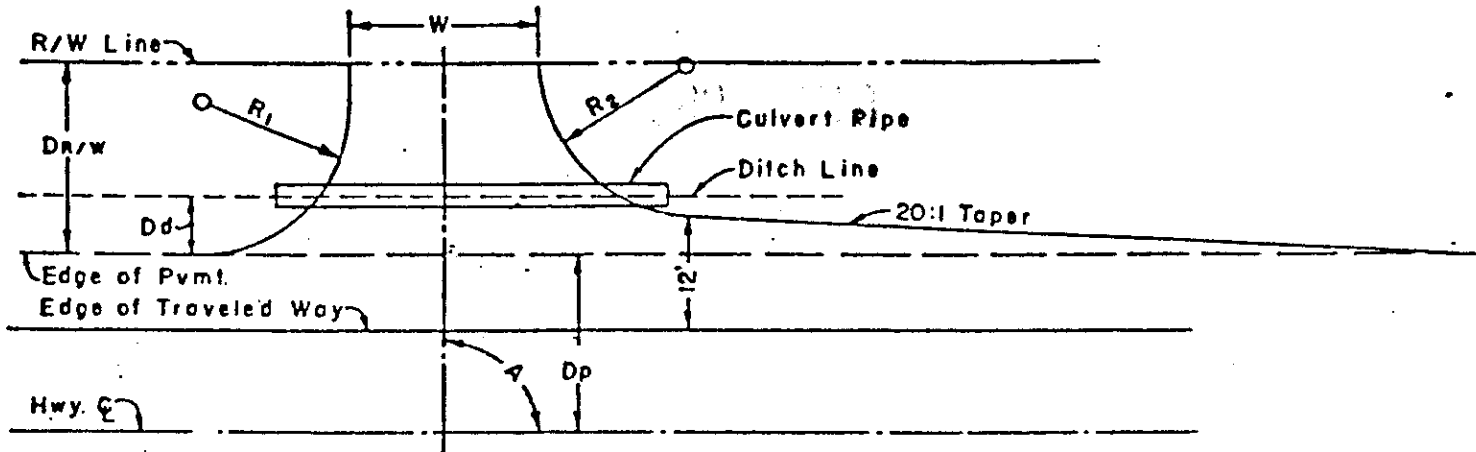
Applicant declares he is the owner or lessee of the real property abutting the above described highway and has the lawful authority to apply for this permit. This permit is issued subject to the terms and provisions contained herein and attached hereto; this permit is accepted and approved by the applicant subject to said terms and provisions.

Applicant CROWN ZELLERBACH CORP.

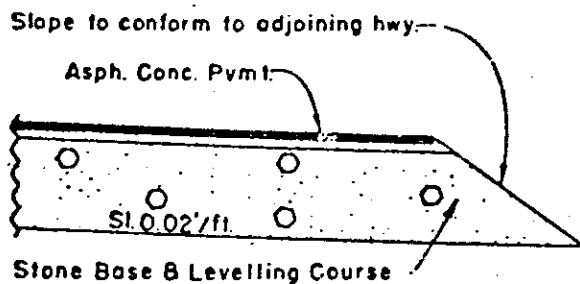
DEPARTMENT OF TRANSPORTATION

By /s/ Neil A. Mendenhall, Jr.By ORIGINAL SIGNED BY GARFIELD JOLES UTILITY PERMIT ENGINEERDate of Application /d/ 10-30-81Effective Date 11-10-81

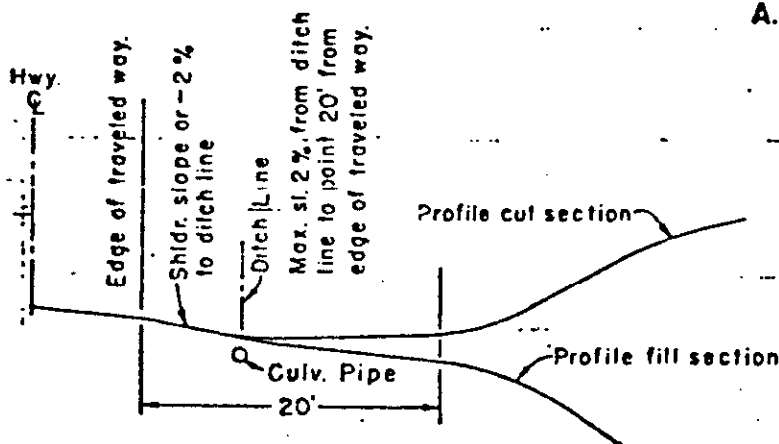
EX H P1.



PLAN



APPROACH TYPICAL SECTION



PROFILE

The approach covered by this permit shall be constructed in accordance with the following dimensions and specifications.

$W = 30'$ $R_1 = 30'$ $R_2 = 35'$ $A = 90^\circ$

$D_p = 16'$ $D_d = 60'$ $D_R/W = 124'$

Culvert Pipe ☒ Required ☐ Not Required

If required: Type CMP & Perf.

Diameter 24 & 8 inches

Length 70 feet

Stone base: Size & Type 4"-0" Pit Run R

Comp. Thkn. 12 inches

Stone levelling Size & Type 3/4"-3" Crushed

Course: Comp. Thkn. 3 inches

A.C. Pmnt.: Class B or C

Comp. Thkn. 4 inches

NOTE
All material and workmanship shall be in accordance with the current State of Oregon Standard Specification for Highway Construction



HIGHWAY DIVISION

TYPE 3 APPROACH ROAD

PAVED

APPLICANT Crown Zellerbach Corp.

Lewis and Clark Road

Seaside, OR 97138

HWY. Oregon Coast NO. 9

SIDE OF HWY. east

MILEPOINT 27.88 ENGRS. STA. 184+0

PERMIT NO. 27353

734-3367D (11-80)

EX. A P 2

9928 - A ^{Abandoned as State H. & R. # 233 May 1923}

Road to be blocked
so that no vehicles
can proceed beyond
this point.

8' per sec
24" CMP

240'

280'

edge of existing
pavement

Existing

540'

617 PAGE 965

188+35.46 RT

400 Spira:
S 81°00'
a 1.0

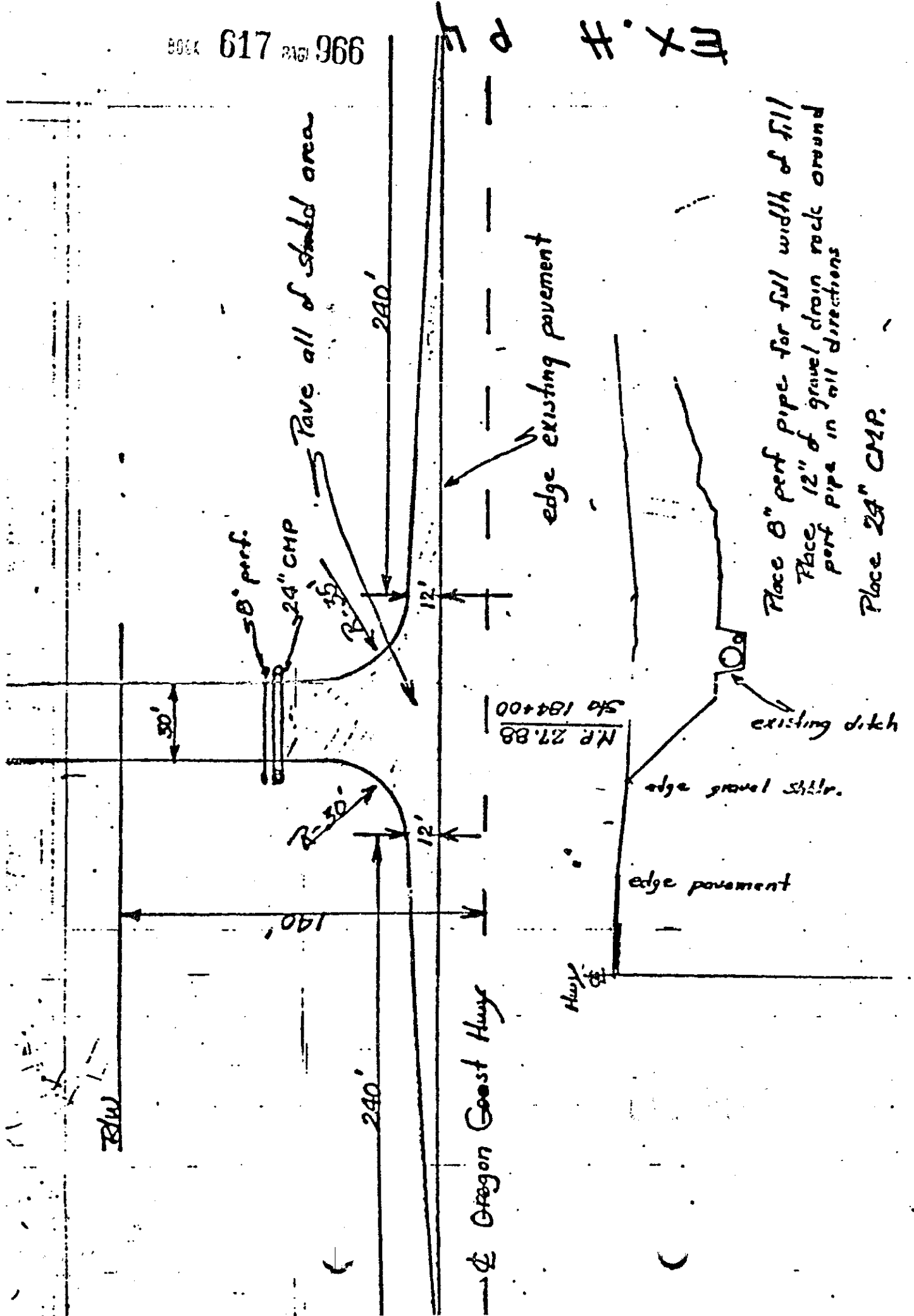
184+35.46 P.C.S

183+82.96 P.S.C

400 Spira:
S 81°00'
a 1.0

4° C.R.
Δ 18.06
T 428.77

1/4 of N.W. 1/4



Place 8" perf pipe for full width of fill
 Place 12" of gravel drain rock around
 perf pipe in all directions
 Place 24" CMP.



617 967

Department of Environmental Quality

522 S.W. 5th AVENUE, BOX 1760, PORTLAND, OREGON 97207

North Coast Branch
P. O. Box 869
Astoria, Oregon 97103
Phone (503) 325-8660

Camjerran Co.
1920 Beach Drive
Seaside, Oregon 97138

Re: OSS-Clatsop County
Site Evaluation, Approved
T5N, R10W, S20, TL2400
Parcel #1

Gentlemen,


In response to your completed application of March 12, 1984, a field inspection was made on April 3 and 14. Topographic and physical features of the site were checked. Soil information was collected by examining 2 soil pits. The field worksheet is attached for your reference.

Based on the field work, the site complies with the rules of the Oregon Environmental Quality Commission. At least one specific area meets Oregon Administrative Rules Chapter 340, Division 71, governing on-site sewage disposal. The attached favorable report of evaluation for one lot shows approval of a standard or alternative sewage disposal system.

An approved report is not a permit to construct the system. However, it is a valuable document, similar to the title to an automobile. The approval runs with the land and is transferable. A permit will be issued to the owner of the land upon receipt of a complete application and fee, it will be good for one year and is renewable. Conditions on the approved site or adjacent land must not be altered in a manner that would prohibit permit issuance, for example, topsoil is removed from approved site, neighbor drills a well too close, an improper partition, etc. The Department intends to honor this approval unless something occurs that would adversely affect the approved site. Technical rule changes won't invalidate the approval, a different type system may be required, however, which may cost more to build than this sewage disposal system.

If you have any questions regarding this letter, approval, or the conditions, it is very important that you call me at 325-8660 before any development of the site.

Sincerely,


John L. Smits, R. S.
Environmental Analyst
North Coast Branch

JLS:smm
Enclosures

DEQ-1

Encl. I
Pg 1

Camjerran

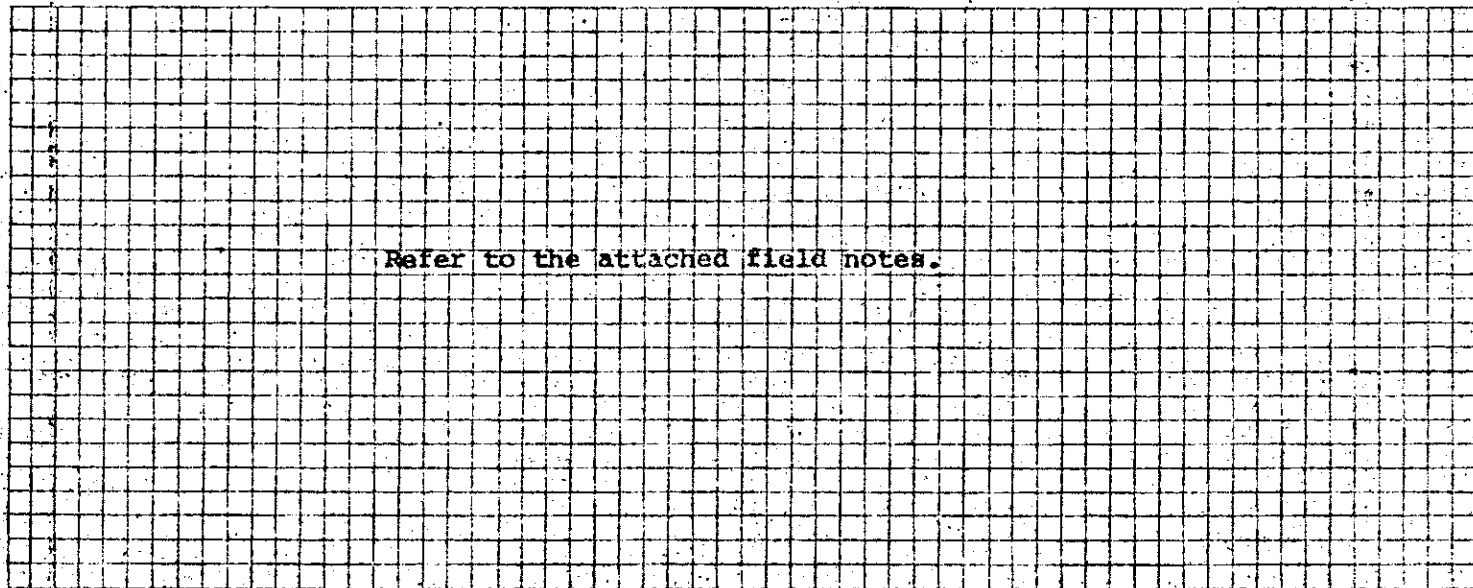
REPORT OF EVALUATION FOR ONE LOT
ON-SITE SEWAGE SYSTEMS
(Technical Report — Not a Permit)

5 North (Township)	10 West (Range)	20 (Section)	part of 2400 (Tax Lot/Acct. No.)	Clatsop (County)
Clatsop County Major Partition 83-5-3PC (Subdivision Name)	Parcel #1 (Lot No.)	n/a (Block No.)	4.24 acres (Lot Size)	

The Entire Property ☐ Has ☒ Has Not Been Evaluated

Location: Crown Zellerbach Road off Highway 101,
near Cannon Beach Landfill

PLOT PLAN OF APPROVABLE AREA:



Any alteration of the natural conditions in the area approved for the on-site system or replacement area may void this approval.

This approval is given on the basis that the lot or parcel described above will not be further partitioned or subdivided and that conditions on subject or adjacent properties have not been altered in any manner which would prohibit issuance of a permit in accordance with O.R.S. 454.605 through 454.755 and Administrative Rules of the Environmental Quality Commission. Any such subdivision, partitioning or alteration may void this report.

The site has been found suitable for installation of the following kinds of on-site sewage disposal systems, with the limitations and additional requirements indicated: Alternative Bottomless Sandfilter

1) General sandfilter location has been determined, the final shape and specific location is subject to adjustment at time of system construction. 2) Designed for 450 gallons per day, approximately 400 sq. ft. basal area to serve up to a four (4) bedroom home. 3) Sandfilter to be set back 25 ft. from edge of fill. 4) Specific sandfilter construction plans are required at time of permit application.

WARNING: This document is a technical report for on-site sewage disposal only. It may be converted to a permit only if, at the time of application, the parcel has been found to be compatible with applicable LCDC-acknowledged local comprehensive land use plans and implementing measures or the Statewide Planning Goals. The Statement of Compatibility may be made on the attached form or its equivalent. Authorized Agent approval is required before a construction permit can be issued.

This report is valid until an on-site sewage system is installed pursuant to a construction permit obtained from DEQ - Astoria, or until earlier cancellation, pursuant to Commission rules, with written notice thereof by the Department of Environmental Quality to the owners according to Department records or the County tax records. Subject to the foregoing, this report runs with the land and will automatically benefit subsequent owners.

John L. Smith, R.S.
(Signature of Authorized Agent)

Environmental Analyst
(Title)

May 14, 1984
(Date)

DEQ - Astoria
(Office)

REPORT OF EVALUATION FOR ONE LOT

CONDITIONS OF APPROVAL

LEGAL DESCRIPTION: CLATSOP COUNTY; T5N, R10W, S20, TL2400SIZE OF PARCEL: 4.24 acres

Clatsop County Major Partition 83-5-3PC

LOCATION OF PARCEL: Off Highway 101, near Cannon Beach LandfillLOCATION OF APPROVED SITE ON PARCEL: See field notes.MINIMUM DESIGN FLOW: 450 gallons per day or up to a four (4) bedroom homeTYPE OF INITIAL SYSTEM: Alternative bottomless sandfilterTYPE OF REPLACEMENT SYSTEM: SameABSORPTION FACILITY "DRAINFIELD" SIZING: INITIAL SYSTEM- 400 sq. ft. bottomless sandfilterREPLACEMENT SYSTEM- sameMINIMUM SEPTIC TANK CAPACITY: 1000 gallonsDOSING TANK: 450 gallonsEFFLUENT PUMP: 1/3 hpEFFLUENT DISTRIBUTION: PressureSPECIAL CONDITIONS:

1. General sandfilter location has been determined, the final shape and specific location is subject to adjustment at time of system construction.
2. Designed for 450 gallons per day, approximately 400 sq. ft. basal area to serve up to a four (4) bedroom home.
3. Sandfilter to be set back 25 ft. from edge of fill.
4. Specific sandfilter construction plans are required at time of permit application.

TO GET YOUR SYSTEM CONSTRUCTION PERMIT, SUBMIT:

- 1) Complete application.
- 2) Current fee: \$285.00
- 3) Plot plan showing dwelling location, dimensions, driveway, domestic water location, general system location, distance to property lines, etc. Draw to a defined scale of not less than 1"=30'.
- 4) Land Use Compatibility Statement (zoning approval) or equivalent from appropriate land use authority (Clatsop County, Gearhart, Warrenton, etc.).
- 5) Any information on easements affecting the parcel (power line, water line, etc.).
- 6)

*Permit will be issued or denied within 20 days of receipt of your completed application or additional information requested as required by Oregon Administrative Rules (OAR) 340-71-160(8).

*A permit is valid for one (1) year and can be renewed prior to expiration, but is not transferable to a new owner.

EX-1
pg 3



617 313 970

Department of Environmental Quality

522 S.W. 5th AVENUE, BOX 1760, PORTLAND, OREGON 97207

North Coast Branch
P. O. Box 869
Astoria, Oregon 97103
Phone (503) 325-8660

Camjerran Co.
1920 Beach Drive
Seaside, Oregon 97138

Re: OSS-Clatsop County
Site Evaluation, Approved
T5N, R10W, S20, TL2400
Parcel #2

Gentlemen,

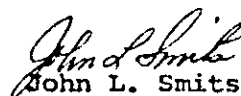
In response to your completed application of March 12, 1984, a field inspection was made on April 3 and 14. Topographic and physical features of the site were checked. Soil information was collected by examining 2 soil pits. The field worksheet is attached for your reference.

Based on the field work, the site complies with the rules of the Oregon Environmental Quality Commission. At least one specific area meets Oregon Administrative Rules Chapter 340, Division 71, governing on-site sewage disposal. The attached favorable report of evaluation for one lot shows approval of a standard or alternative sewage disposal system.

An approved report is not a permit to construct the system. However, it is a valuable document, similar to the title to an automobile. The approval runs with the land and is transferable. A permit will be issued to the owner of the land upon receipt of a complete application and fee, it will be good for one year and is renewable. Conditions on the approved site or adjacent land must not be altered in a manner that would prohibit permit issuance, for example, topsoil is removed from approved site, neighbor drills a well too close, an improper partition, etc. The Department intends to honor this approval unless something occurs that would adversely affect the approved site. Technical rule changes won't invalidate the approval, a different type system may be required, however, which may cost more to build than this sewage disposal system.

If you have any questions regarding this letter, approval, or the conditions, it is very important that you call me at 325-8660 before any development of the site.

Sincerely,


John L. Smits, R. S.
Environmental Analyst
North Coast Branch

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

For Office Use Only

REPORT OF EVALUATION FOR ONE LOT
ON-SITE SEWAGE SYSTEMS
(Technical Report — Not a Permit)

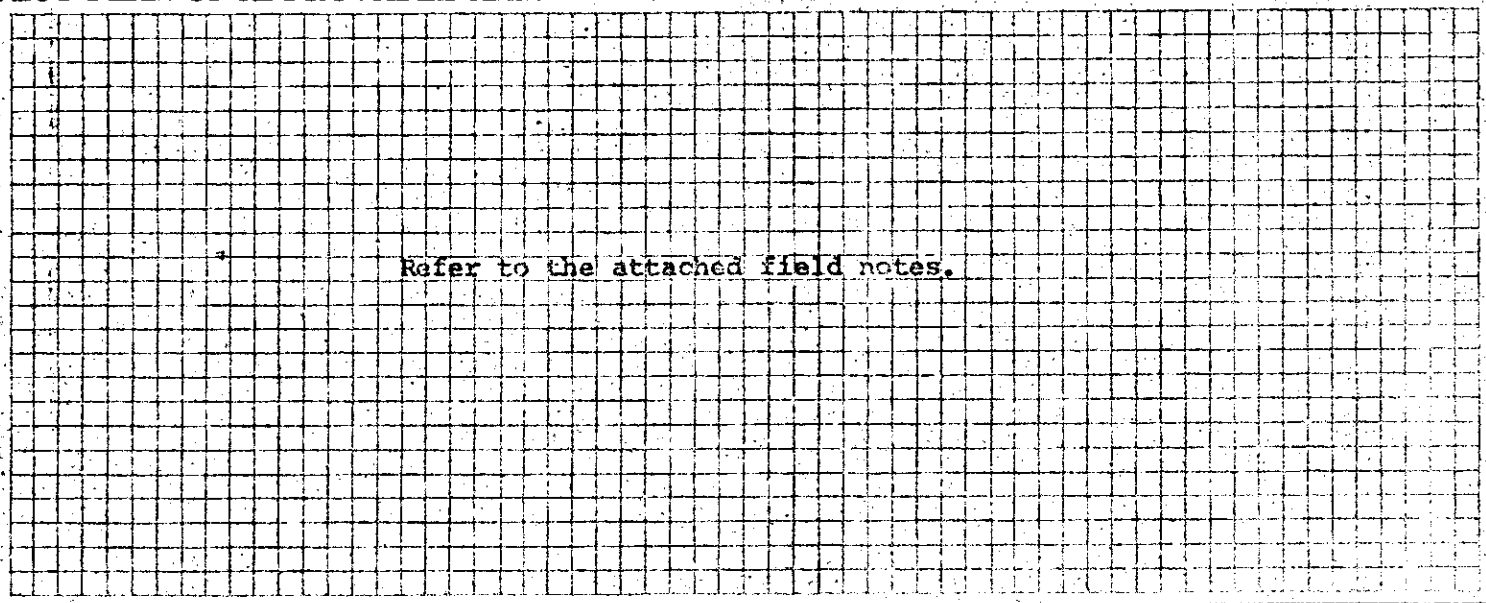
Camjerran

5 North 10 West 20 part of 2400 Clatsop
(Township) (Range) (Section) (Tax Lot/Acct. No.) (County)

Clatsop County Major Partition 93-5-3PC Parcel #2 n/a 2.15 acres
(Subdivision Name) (Lot No.) (Block No.) (Lot Size)

The Entire Property ☐ Has ☒ Has Not Been Evaluated Location: Crown Zellerbach Road off Highway 101,
near Cannon Beach Landfill

PLOT PLAN OF APPROVABLE AREA:



Any alteration of the natural conditions in the area approved for the on-site system or replacement area may void this approval.

This approval is given on the basis that the lot or parcel described above will not be further partitioned or subdivided and that conditions on subject or adjacent properties have not been altered in any manner which would prohibit issuance of a permit in accordance with O.R.S. 454.605 through 454.755 and Administrative Rules of the Environmental Quality Commission. Any such subdivision, partitioning or alteration may void this report.

The site has been found suitable for installation of the following kinds of on-site sewage disposal systems, with the limitations and additional requirements indicated: Alternative Bottomless Sandfilter

- 1) General sandfilter location has been determined, the final shape and specific location is subject to adjustment at time of system construction.
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This report is valid until an on-site sewage system is installed pursuant to a construction permit obtained from D.E.Q. - Astoria, or until earlier cancellation, pursuant to Commission rules, with written notice thereof by the Department of Environmental Quality to the owners according to Department records or the County tax records. Subject to the foregoing, this report runs with the land and will automatically benefit subsequent owners.

John A. Smith, Jr. Environmental Analyst May 14, 1984 D.E.Q. - Astoria
(Signature of Authorized Agent) (Title) (Date) (Office)

DEQ-WQ-XL 118
381

Enl. J
pg 5

REPORT OF EVALUATION FOR ONE LOT CONDITIONS OF APPROVAL

LEGAL DESCRIPTION: CLATSOP COUNTY; T5N, R10W, S20, TL2400
Clatsop County Major Partition 83-5-3PC

SIZE OF PARCEL: 2.15 acre

LOCATION OF PARCEL: Off Highway 101 near Cannon Beach Landfill

LOCATION OF APPROVED SITE ON PARCEL: See field notes

MINIMUM DESIGN FLOW: 450 gallons per day or up to a four (4) bedroom home

TYPE OF INITIAL SYSTEM: Alternative 'bottomless sandfilter

TYPE OF REPLACEMENT SYSTEM: Same

ABSORPTION FACILITY "DRAINFIELD" SIZING: INITIAL SYSTEM- 400 sq. ft. bottomless sandfilter

REPLACEMENT SYSTEM- same

MINIMUM SEPTIC TANK CAPACITY: 1000 gallons

DOSING TANK: 450 gallons

EFFLUENT PUMP: 1/3 hp

EFFLUENT DISTRIBUTION: Pressure

SPECIAL CONDITIONS:

1. General sandfilter location has been determined, the final shape and specific location is subject to adjustment at time of system construction.
2. Designed for 450 gallons per day, approximately 400 sq. ft. basal area to serve up to a four (4) bedroom home.
3. Sandfilter to be set back 25 ft. from edge of fill.
4. Specific sandfilter construction plans are required at time of permit application.

TO GET YOUR SYSTEM CONSTRUCTION PERMIT, SUBMIT:

- 1) Complete application.
- 2) Current fee: \$285.00
- 3) Plot plan showing dwelling location, dimensions, driveway, domestic water location, general system location, distance to property lines, etc. Draw to a defined scale of not less than 1"=30'.
- 4) Land Use Compatibility Statement (zoning approval) or equivalent from appropriate land use authority (Clatsop County, Gearhart, Warrenton, etc.).
- 5) Any information on easements affecting the parcel (power line, water line, etc.).
- 6)

*Permit will be issued or denied within 20 days of receipt of your completed application or additional information requested as required by Oregon Administrative Rules (OAR) 340-71-160(8).

*A permit is valid for one (1) year and can be renewed prior to expiration, but is not transferable to a new owner.

Exh I
Pg 6

Tax Reference 5North - 10W - Sec 20 T4. 2400 Parcel 2 4.25 AC Evaluator: John L. Smith
Applicant Cameron Date: April 13, 1984

Soil Matrix Color and Mottling (Notation), %Coarse Fragments, Roots, Structure, Layer Limiting Effective Soil Depth, etc.

Depth	Texture	
Pit 1		
Pit 2		
Pit 3		
Pit 4		

BOOK 617 PAGE 973

See attached notes for
7 test pits

Landscape Notes Upland - leveled pad
Slope Nearly level Aspect Southwest Groundwater Permanent > 50' Temp some areas
Other Site Notes _____

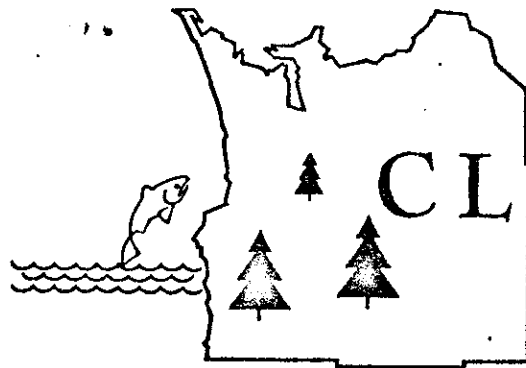
SYSTEM SPECIFICATIONS

Type System: Alternative Design Flow 450 gpd or up to a four (4) bedroom
Initial Sandfilter System Sizing bottomless 400 sqft 450 g. Max. Depth Absorption Facility (in) 4ft
Replacement Sandfilter System Sizing " " 150 g. Max. Depth Absorption Facility (in) 4ft

Special Conditions Construction of system will depend on some exploration to locate the most drainable fractured basalt - saprolite

PLOT PLAN ON REVERSE SIDE

617 974



CLATSOP COUNTY

Courthouse Astoria, Oregon 97103

ARTHUR C. JOHNSON - ASSESSOR - (503) 325-8522

May 14, 1984

Hal Snow, Attorney
Macdonald, McCallister & Snow
801 Commercial
Astoria, OR 97103

Re: 10-02 510-2400 (Camjeran, Inc., An Oregon Corp.)

The forestland described by our account number cited above, composed of 25.5 acres, more or less, is not now nor has it been during the past five years specially assessed. A change of use would not cause a payback for disqualification.

ARTHUR C. JOHNSON
Clatsop County Assessor


By Helen Huhta
Chief Deputy

HH:gv

Enh J

Appendix 3.

April 26, 1984

8064 617 PAGE 975

LCDC REVIEW

Clatsop County Comprehensive Land Use Plan

Speaker: Gerald Tomlinson - Chief: Knappa Svensen Burnside-Rural Fire Protection District

I wish to address my parcel of land in particular and clatsop county's plan in general. I have included documents numbered by page so that you may follow the highlights of my testimony.

I own a 29.75 acre parcel-tax lot 2200 in Sec. 25 of T8N, R8W. W.1.

Please Refer to page #1, which shows my parcel tax lot 2200 and my neighbors to the west; tax lot 1100, 1102, 1104, The LCDC Staff Report calls out my tax lot #2200 (29.75 acres) for non compliance, but leaves adjacent properties, Tax lot 1100 (24.10 acres), Tax lot 1102 (20.17 acres) in Compliance and then tax lot 1104 (18.33 acres) not in compliance. This is contrary to the guidelines which we were told we had to follow in justifying our case.

Page #2 is a map which shows the residentially developed nature of this area. (map from the route and box number map used by KSB*VFPD) The boxed in section is a loop of roads approx 1.5 miles square which is contiguous to 85 or more residences, my parcel and box # RT 6 Box 177 is marked by an X.

Page #3 and #4 are my testimony to our county planning staff. It addresses adjacent uses, public facilities, parcel size and ownership patterns, neighborhood and regional characteristics, and other pertinent information as required by the LCDC Goals and Guidelines.

Page #5 addresses the issue of water supply.

There has been a tremendous amount of effort put forth by Clatsop County's Citizens, Planning Staff and Commission to develop a plan that would be acceptable to LCDC. This comprehensive plan is the result of local involvement in statewide land use planning. I urge you to accept Clatsop County's plan as submitted. We did our part by providing justification for residential zoning on ours and adjacent parcels through goals and guidelines set forth by LCDC. The county planning staff accepted our arguments and placed us and our neighbors in an RA-5 Zone.

Thankyou

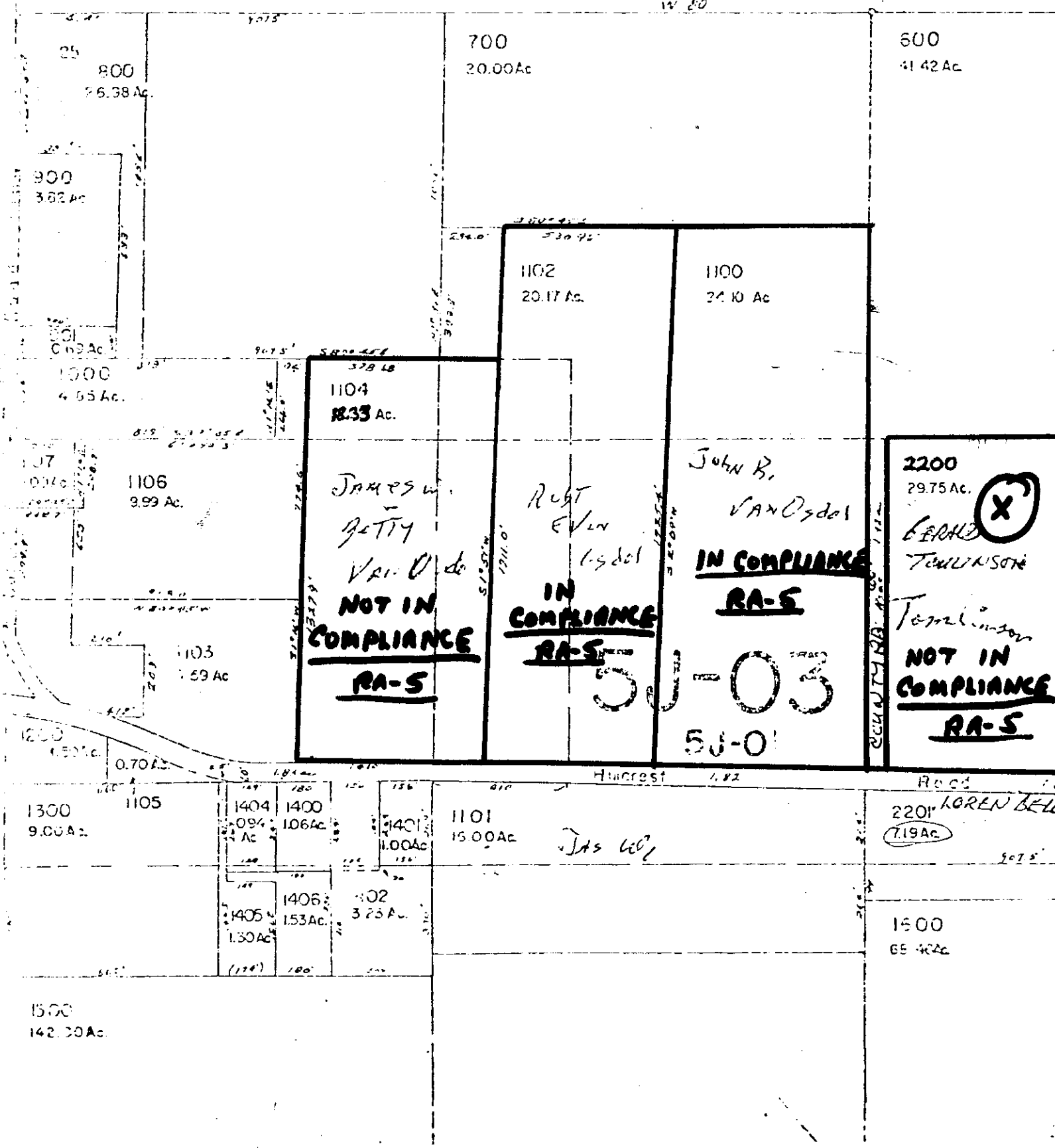
Township Sec.
8 8 25

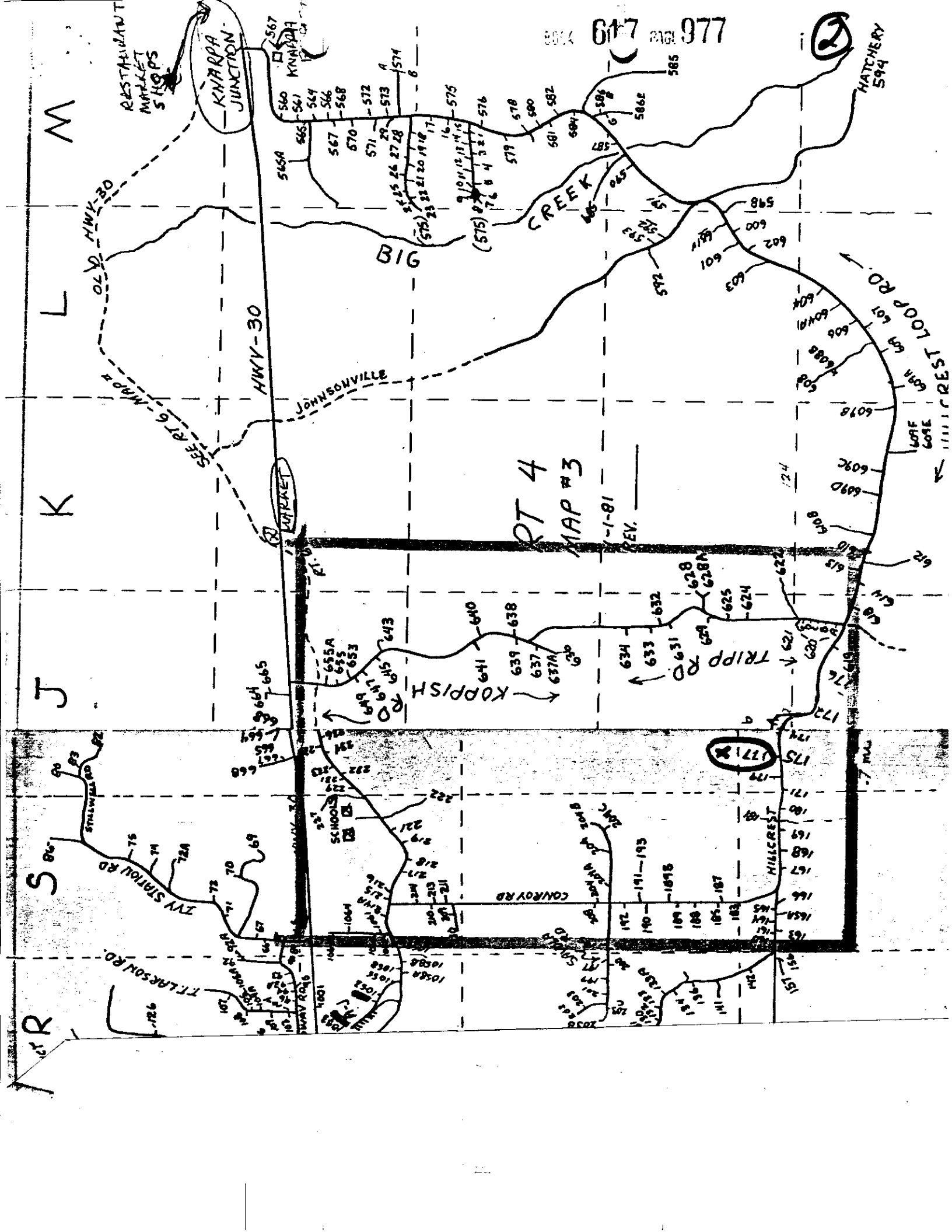
TAX LOT 1104 - 1101

1" = 400' (1)

617 976

See Map 8 8 25





July 8, 1983

Clatsop County:

Department of Planning and Development,
Planning Commission

Gentlemen and Madam;

This letter pertains to tax lot 2200, T8N, R8W, Section 25 (Northeast map #8) purchased by Gerald & Marguerite Tomlinson April 17, 1983. It requests that this property be left in it's present zoning, (RA-2) for the following reasons:

A. *Adjacent uses*- This land is bordered on the South by Hillcrest Loop Road. There is also an unimproved county road on it's West border. Hillcrest Loop is one of the main roads in this area and the majority of properties bordering it are residential, largely RA-2. An AF-20 Zone would create a discontinuity of the present usage pattern along Hillcrest Loop.

B. *Public Facilities*- These support the residential usage of this area, they include: Fire Protection District, Wickiup Water District, Schools and bussing, Natural Gas, Electricity, Telephone, Cable TV. Other services which support and Rural Residential Community nature are: Senior Citizen's Center, Stores, Restaurants, Churches, etc.

C. *Parcel Size & Ownership Patterns*- The majority of parcels along Hillcrest Loop are single family dwelling usage ranging in size from less than one acre to as much as 30 acres. Many of these parcels are derived from subdivided Homestead Properties. This is a historical precedent that should not be lost through rezoning.

D. *Neighborhood & Regional Characteristics*- The Residential Agricultural nature of this community is typified by community involvement in activities such as 4-H (Knappa Trailblazers Horse Club) and Knappa High School's top state award winning FFA chapter. The RA-2, RA-5 Zoning is ideal for these activities. This is a very close knit community with a high level of personal involvement in all aspects of community affairs.

F. The property directly south of and across Hillcrest Loop from this property is a 7 acre parcel (tax lot 2201, Loren Bell) with a new home. It is in the same AF-20 zone proposal, contrary to zoning criteria, page 3-c. article 9 of the circular. Proper zoning criteria (c.) would make it RA zoned as all this property presently is and should be.

continued-

(4)

F. continued- The neighbors I have been able to contact, John Van Osdol (TxL 1100), Robert Van Osdol (TxL 1102), James Van Osdol (TxL 1104), and Loren Bell (TxL 2201) also feel RA-2 is the correct zoning and request it not be changed. Previous soil tests have indicated highly percable land in this section.

Conclusion

The above facts address pertinent criteria for leaving this area in it's present zoning (RA-2). There is one remaining fact that cannot be ignored. Approximately 90% of the land in the county is presently forestry land (472,000 acres). Only about 48,000 acres (9%) of the land is presently RA zoned. The proposed revisions would drop the RA zoned land to Approx. 10,000 acres or 2% of the total. This represents an attack on approx. 79% of the small private residential ^{PROPERTIES} ~~property owners~~ in this county. It does no more than add to an already overly large resource category at the expense of an allready limited residential category.

The economic and social impact would be detrimental to this county. It does not represent the intent of the original Land Use Planning.

Carol Paulinas
Marguerite A. Tomlinson

(5)

ROLL, WESTMORELAND & LAVIS, P.C.
LAWYERS

HAYES PATRICK LAVIS
TODD WESTMORELAND
RICK W. ROLL

A. C. ROLL
(1908-1981)

April 23, 1984

BOOK 617 PAGE 980

Please reply to:

□
2106 FOURTH STREET
P. O. BOX 206
TILLAMOOK, OREGON 97141
TELEPHONE (503) 842-6688

✓
254 9TH STREET
ASTORIA, OREGON 97103
TELEPHONE (503) 325-8600

Mr. Curt Schneider
Clatsop County Planning Commission
Clatsop County Courthouse
Astoria, Oregon 97103

Re: Gerald Tomlinson and Other Wickiup Water District Users

Dear Mr. Schneider,

I'm writing this letter because it is my understanding that several of the property owners in the Wickiup Water District are attempting to provide for a comprehensive plan to allow residential development in the area. And that in reviewing the Clatsop County plan, there is question as to the availability of water for the development proposals.

There is presently an ongoing agreement and extensive work being done by the Wickiup Water District and the City of Astoria to increase the water availability. And as I have indicated in other correspondence, hopefully by mid to late summer, we will have the basic work accomplished so that the Water District will be in a position to expand its system providing more water to the residents in our area and increasing the number of hookups that we can service. This letter is written because of the question presently before you that may be decided within the next few days as to whether there should be zone changes by residents, including the Tomlinsons, because of the water availability.

The Wickiup Board is confident that we are going to be able to service and accommodate all parties with the existing needs that we know now, and would not want zone restrictions imposed upon these residents on the theory that there may not be available water.

If there is any further information you need, please contact my office or the Wickiup Water District.

Very truly yours,

ROLL, WESTMORELAND & LAVIS, P.C.

Hayes Patrick Lavis
HPL/mj

cc: Wickiup Water District

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