

1 IN THE BOARD OF COUNTY COMMISSIONERS
2 FOR CLATSOP COUNTY, OREGON

3
4 ORDINANCE NO. 82- 32

DEC 29 1982

(AN ORDINANCE AMENDING THE CLATSOP PLAINS
(COMMUNITY PLAN ELEMENT OF THE CLATSOP COUNTY
(COMPREHENSIVE PLAN TO INCLUDE FINDINGS ON THE
(CLATSOP PLAINS GROUNDWATER PROTECTION PLAN
(AND DECLARING AN EMERGENCY.

5
6 The Board of County Commissioners of Clatsop County, Oregon ordain as follows:

7 SECTION 1. SHORT TITLE.

8 This ordinance shall be known as the Clatsop Plains Community Plan Element
9 of the Clatsop County Comprehensive Plan Amendment to include findings of the
10 Clatsop County Groundwater Protection Plan.

11 SECTION 2.

12 The Board of County Commissioners of Clatsop County, Oregon recognizes that the
13 Clatsop County Comprehensive Plan as adopted by the Board of County Commissioners, as
14 amended, needs periodic revision and amendment. The Board of Commissioners find that
15 the Comprehensive Plan Text amendment complies with the following goals of the Land
16 Conservation and Development Commission: 1 through 14 and 16 through 18.

17 The Board of County Commissioners further determines and takes notice that the
18 adoption procedure for this ordinance amending the Comprehensive Plan particularly
19 complies with Goal 1 of the Land Conservation and Development Commission, the Citizen
20 Involvement Goal. The County Planning Commission has sought review and comment and
21 has conducted the public hearing process pursuant to the requirements of ORS 215.050.

22 A Planning Commission hearing was held on November 9, 1982. The Board received
23 and considered the Planning Commission's recommendations on this proposed amendment.
24 The Board of Commissioners held hearings pursuant to law on this ordinance on December
25 15, 1982 and December 29, 1982.

1 SECTION 3. CONFIRMITY WITH THE LAW.

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

5 SECTION 4. INCONSISTENT PROVISIONS.

6 This ordinance shall supercede, control and repeal any inconsistent provision
7 of the Clatsop County Comprehensive Plan, as amended, the Clatsop County Land and
8 Water Development and Use Ordinance, as amended, or any other ordinance or regulation
9 made by Clatsop County.

10 SECTION 5. SEPARABILITY.

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

16 SECTION 6. EFFECTIVE DATE.

17 This ordinance shall be in full force and effective immediately upon the date
18 set forth in the emergency clause herein.

19 SECTION 7. EMERGENCY CLAUSE.

20 In order to implement the Clatsop County Planning Commission recommendations and
21 the findings of the Board with the greatest expedience and in recognition of benefits
22 to be derived by the adoption of this Amendment, this ordinance shall become effective
23 immediately upon its passage; an emergency is declared to exist.

24 SECTION 8. ADOPTION CLAUSE.

25 The Clatsop County Comprehensive Plan Text Amendment to the Clatsop Plains
26 Community Plan Element attached hereto and marked Attachment A is hereby adopted

1 and incorporated herein in its entirety.

2 ENACTED this 29th day of December, 1982.

3 THE BOARD OF COUNTY COMMISSIONERS
4 FOR CLATSOP COUNTY, OREGON

5 BY: *Bob Westerberg*
6 Bob Westerberg, Chairman

7 BY: *Roger A. Berg*
8 Roger Berg, Commissioner

9 BY: *Don R. Church*
10 Don Church, Commissioner

11 VOTE: Aye: ROGER A. BERG, BOB WESTERBERG, DON R. CHURCH

12 Nay: -0-

13 Abstention: -0-

14 ATTEST:

15 *Gene Schussinger*
16 Recording Secretary to the Board

17 DECEMBER 29, 1982

18 Date

In spring, 1979, the County received Section 208 planning grant funds to conduct an intensive groundwater investigation of areas which were still under an EQC moratorium. The County subcontracted the study to a private consulting firm in February, 1980, and it was completed in March, 1982. The study, entitled "Clatsop Plains Ground Water Protection Plan", was adopted by the Clatsop County Board of Commissioners on March 24, 1982.

The EQC approved the findings and conclusions from the study in August, 1982. These findings and the resulting EQC recommendations are listed below:

- "(a) The Warrenton Landfill leachate is causing high nitrogen levels in the aquifer, as well as other pollution problems.
- (b) The Camp Rilea wastewater effluent spray field was improperly constructed, and because no plant growth is available to remove nitrogen, it is contributing to the nitrate-nitrogen contamination of the aquifer.
- (c) Based on current zoning densities and the Department guidelines for wastewater disposal in rapidly draining soils, the projected average nitrate-nitrogen concentrations will exceed the Department's planning limit of 5 mg/l in several areas of Gearhart in the future.
- (d) Based on the projected year 2000 maximum development, current zoning densities, and the Department's wastewater disposal guidelines, the projected areawide average nitrate-nitrogen concentrations will remain below the 5 mg/l planning limit in the unincorporated areas of Clatsop Plains.
- (e) Based on the projected year 2000 maximum development densities in seven sensitive areas, current zoning densities, and the Department's wastewater disposal guidelines, the projected areawide average nitrate-nitrogen concentration will exceed the 5 mg/l planning limit in several of the sensitive areas.
- (f) The aquifer should be protected through the full implementation of a groundwater protection plan and specifically through the formal establishment of aquifer reserve areas.
- (g) The surface water bodies do not appear to be significantly impacted by nitrate-nitrogen concentrations in the groundwater given their advanced state of biological productivity.
- (h) Fecal coliform contamination does not appear to be a major concern in the majority of Clatsop Plains.
- (i) The trace organics laboratory analysis did not indicate a significant problem.

- (j) The sands of the Clatsop Plains exhibit very rapid draining characteristics, and thus would easily transmit to the aquifer pollutants other than those specifically mentioned in this report. Therefore, care should be taken when handling any potentially environmentally hazardous material over the aquifer. In addition, it is important to be certain that on-site sewage disposal systems remain free of unusual wastes or chemical additives."

Based on the above findings, the study made several recommendations:

- "(a) The groundwater protection strategy of this study should promote the maximum present and future beneficial uses of the Clatsop Plain aquifer. On-site wastewater disposal has been shown to be a significant beneficial use of the aquifer, and thus, the moratoriums should be lifted in all areas of the Clatsop Plains study area.
- (b) The Camp Rilea wastewater spray irrigation field should be rehabilitated with a cover material that is conducive to plant growth. A suitable crop management plan should be developed so that the selected crop can be periodically harvested to remove the nutrients. The crop should be planted during March-April 1982, so that the spray irrigation field will be operable during the heavy summer use period.
- (c) The Warrenton Landfill should be closed through an approved closure plan as directed by DEQ. The closure plan should provide for prohibition of further leachate contamination of the aquifer and the necessary gas removal facilities.
- (d) The wastewater disposal recommendations for the unincorporated Clatsop Plains are as follows:
- (1) Continue with current zoning requiring a minimum of 1 acre lot size and permit the use of a standard septic tank and disposal field.
 - (2) For lots of record between 1/2 acre and 1 acre, a septic tank with a low pressure disposal field or sand filter should be used.
 - (3) For lots of record between 10,000 square feet and 1/2 acre, septic tank systems should use a sand filter with a low pressure disposal field, if DEQ's regulations on house size, setbacks and system redundancy can be accommodated.
 - (4) Allow no septic systems on lot sizes small than 10,000 square feet.

- (e) All future development in Gearhart, in accordance with the current Comprehensive Plan, should be required to use low pressure disposal fields and/or sand filters to maximize nitrogen removal in the system prior to disposal in the soil. DEQ should be requested to adopt a special geographic rule exempting the DEQ house size regulations in Gearhart.
- (f) Wastewater disposal recommendations for the seven sensitive areas are:
 - (1) Install low pressure distribution and/or sand filter systems for all new wastewater sources (including the aggregate of one development) under 5,000 gallons per day.
 - (2) For all new wastewater sources exceeding 5,000 gallons per day, construction of sewers and wastewater treatment facilities using land disposal or other disposal techniques acceptable to DEQ should be required.
 - (3) Present uses of the aquifer for wastewater disposal should not be prohibited.
- (g) No action should be taken on surface water conditions at this time.
- (h) Aquifer reserve areas should be maintained to protect the aquifer as a possible future drinking water source through the following measures:
 - (1) A minimum of 2.5 square miles of aquifer should be set aside for water supply development, including an area set aside by the City of Warrenton, the area within the boundaries of Camp Rilea, and the 40 acres of County-owned land at Del Rey Beach.
 - (2) The County should preserve the necessary recharge areas within Camp Rilea by developing an agreement with the Oregon Department of Military within 6 months.
 - (3) Additional areas for aquifer protection should be sought through land use planning, and open space requirements.
 - (4) Land use in the reserve areas should be controlled so that the potential for groundwater contamination from nitrogen and other possible pollutants is kept to a minimum.
- (i) The groundwater monitoring program should be continued as a part of the DEQ statewide monitoring program for the wells identified in Section VII of the report with samples taken on a semi-annual basis.

As a result of the County's adoption of the study, the EQC adopted a rule in August, 1982 to lift the Clatsop Plains moratorium and to protect the groundwater resource. The EQC requires that an aquifer reserve area of at least 2.5 square miles be set aside as a possible future drinking water source. An Aquifer Reserve Overlay Zoning District is being applied to the largely undeveloped portions of Camp Rilea to carry out this mandate.