



CLATSOP COUNTY PLANNING COMMISSION

REGULAR MEETING AGENDA

Hybrid Meeting at Judge Guy Boyington Building, 857 Commercial St.,
Astoria and Via Zoom

Tuesday, October 10, 2023 at 10:00 AM

GO TO MEETING

- [1.](#) Zoom Link and Meeting Instructions

CALL MEETING TO ORDER

FLAG SALUTE

ROLL CALL

ADOPT AGENDA

BUSINESS FROM THE PUBLIC: This is an opportunity for anyone to give a brief presentation about any land use planning issue or county concern that is not on the agenda.

PUBLIC HEARINGS

- [2.](#) Goal 11 Exception: Cannon Beach Rural Fire Protection District for Arch Cape Fire Hall
- [3.](#) Ordinance 23-10: Goal 11 Exception to Expand Arch Cape Sanitary District Boundary

DISCUSSION ITEM

- [4.](#) FY 23/24 Work Plan Status Update
- [5.](#) LAWDUC Amendments to Facilitate Housing Development
- [6.](#) 2023 Legislative Updates

PROJECT STATUS REPORT

- [7.](#) October 2023 Project Status Report

DIRECTOR'S REPORT

- [8.](#) [October](#) 2023 Directors Report

GOOD OF THE ORDER

ADJOURN

NOTE TO PLANNING COMMISSION MEMBERS: Please contact the Community Development Department (503-325-8611) if you are unable to attend this meeting.



Clatsop County

Community Development – Planning

800 Exchange St., Suite 100
Astoria, OR 97103
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Clatsop County Planning Commission Regular Meeting Zoom Meeting Instructions

To join the meeting from your computer, tablet or smartphone:

Hi there,

You are invited to a zoom webinar.

WHEN: October 10, 2023 10:00 AM Pacific Time (US and Canada)

TOPIC: Planning Commission

Please click the link below to join the webinar:

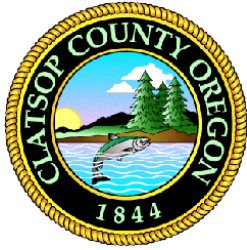
<https://co-clatsop-or-us.zoom.us/j/83932736797?pwd=WFJePkl6GtLHn9X65CJ98MITFCwVuw.ktR3J85BQYT5EiEk>

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Dial by your location: 1 253 215 8782 US

Webinar ID: 839 3273 6797

Those wishing to provide testimony on public hearings or provide oral communication at the designated time must register in advance by calling 503-325-8611 or emailing comdev@clatsopcounty.gov. You will be notified when your three-minute presentation is scheduled. Comments may also be submitted via email to comdev@clatsopcounty.gov to be read at the meeting.



Clatsop County

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STAFF REPORT

STAFF REPORT DATE: October 2, 2023

HEARING DATE: October 10, 2023

HEARING BODY: Clatsop County Planning Commission

REQUEST: Quasi-judicial procedure: Exception to Goal 11 and amendments to the Clatsop County Comprehensive Plan and Southwest Coastal Community Plan to complete annexation of property known T4N, R10W, Sec. 19BC, TL 04000, also known as 79729 Hwy 101, Arch Cape into the Arch Cape Sanitary District's boundary

PROPERTY OWNER: Cannon Beach Rural Fire Protection District (CBRFPD)
P.O. Box 24
Cannon Beach, OR 97110

PROPERTY DESCRIPTION: T4N, R10W, Sec. 19BC, TL 04000 (TL 04000), 2.03 ac+/-

ZONING/MINIMUM LOT SIZE: Forest – 80 (F-80), 80 acres minimum lot size

Overlay: *National Hydro Dataset, southwest corner (Austin Creek)*

COMP PLAN DESIGNATION: Forest Lands

PROPERTY LOCATION: 79729 Hwy 101, Arch Cape

STAFF REVIEWER: Julia Decker, Planning Manager

EXHIBITS

1. Proposed Goal 11 Amendment
2. Proposed Map of Arch Cape Sanitary District Boundary after adoption of Ordinance 23-09 (and 23-10, under separate item)
3. Hearings Officer Decision, Resolution and Order No. 07-03-09, March 21, 2007, and March 19, 2012 vesting approval
4. Oregon Department of Environmental Quality letter to ACSO Manager
5. Partition Plat 2008-012
6. Affidavit of Posting and Mailed Public Notice

STAFF RECOMMENDATION: Recommend the Clatsop County Planning Commission recommend Board of Clatsop County Commissioners amend the text of the Comprehensive Plan to expand the Arch Cape Sanitary District to include T4N, R10W, Sec. 19BC, Tax Lot 04000, and update any maps within the County's Comprehensive Plan that depict the sanitary district boundaries accordingly.

PROPERTY STATUS: This exception proposal is an exercise in forensics and is a justification for a Goal 11 exception after the sanitary district's service has been extended already, more than a decade ago, to correct an oversight from 2007, when the Cannon Beach Rural Fire Protection

District sought to relocate the old Arch Cape fire hall from its location in the tsunami inundation area on E. Beach Road. This goal exception is being drafted after-the-fact and relies on assumptions found at the time and documented in staff and Hearings Officer's findings and the Hearings Officer's decision. No health hazard has been found to have existed on the property; however, connecting the fire station to the sanitary district's facilities may well have alleviated the risk, given the topography, wetland area, and proximity to Austin Creek, which cuts through the southwest corner of the property. As documented in the Hearings Officer's decision, the approval of the partition of the 2.03-acre parcel and the conditional use permit for the fire station assumed the sanitary district would connect to and serve T4N, R10W, Sec. 19BC, TL 04000 (TL 04000).

T4N, R10W, Sec. 19BC, TL 04000 was created by the recording of Partition Plat 2008-012 on May 19, 2008, with the Clatsop County Clerk, Instrument No. 200804689, Exhibit 5. The subject TL 04000 meets the county's definition of "lot of record" (LAWDUC Section 1.0500).

The parcel was created for the purpose of placing a fire station in the F-80 Zone, outside the flood and tsunami zones and the geologic hazard area. The station is a satellite of the Cannon Beach Rural Fire Protection District. The partition and conditional use approval of the fire station were approved together by the Clatsop County Hearings Officer, Resolution and Order No. 07-03-09, on March 21, 2007, and vested on March 19, 2012, by then-Community Development Director Hiller West.

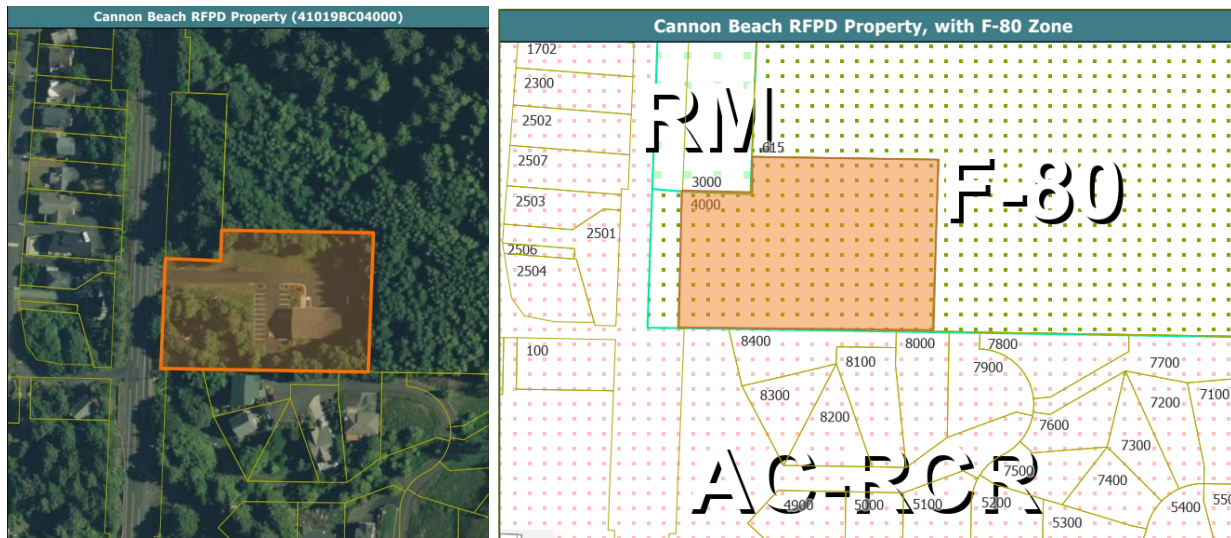
The approximately 2.03-acre property slopes up steeply to the east from Highway 101 to a flat bench, developed with the Cannon Beach Rural Fire Protection District's Arch Cape substation. Austin Creek cuts through the southwest corner by the highway, where the slope and highway frontage appear to include wetland vegetation; however, no wetlands are mapped on the site, according to the Oregon Department of State Lands' (DSL) Statewide Wetlands Inventory. State law establishes a preference to avoid wetland impacts.

ARCH CAPE SANITARY DISTRICT BACKGROUND: The Arch Cape Sanitary District and system were created in 1975, before the adoption of Clatsop County's Comprehensive Plan Goal 11 on July 23, 1980. The county's Comprehensive Plan and the Oregon Administrative Rules that implement Statewide Planning Goal 11 (Public Facilities and Services) prohibit the extension of sewer services outside urban growth boundaries (UGB). However, when appropriate, exceptions to Goal 11 can be made. When the Land and Water Development and Use Ordinance 80-14 was adopted on September 30, 1980, Arch Cape was identified as "Rural Service Area" (RSA), as Clatsop County had taken appropriate exceptions to Goals 3 and 4 for the sewer service in this area, documented in the county's original Goal 2, adopted July 23, 1980. The zoning was amended in 2003 to Arch Cape Rural Community Residential. Today, the district serves 345 active connections with capacity at total buildout for 485 connections. Over the years, the district's boundary has expanded without land use procedures, which this goal exception is designed to help resolve.

REQUEST BACKGROUND: The Arch Cape Fire Hall was completed in 2012. Currently there is no active application under consideration for the site. However, due to assumptions made by the hearings officer and fire district and county staff in 2007, Community Development staff recommends this procedure as a "housekeeping matter" and has met with Department of Land Conservation and Development (DLCD) staff, who agree the goal exception would serve to finish the unresolved concern. Previously, Cannon Beach Rural Fire Protection District Chief Marc Reckmann considered applying to construct firefighter housing on the site, but that proposal is not active at this time. Approval of this goal exception would only "legalize" the already-completed sewer extension to the fire hall. Any other proposals, including development of firefighter housing, still would require appropriate land use applications and approvals.

Because the Southwest Coastal Community Plan currently is being updated as part of the project to update the county's entire Comprehensive Plan, staff is not recommending this goal exception be added to the community plan at this time. Any changes to the sanitary district boundary that should

be included in the revised community plan would be added at the time the new plan is adopted.



Illustrations: Clatsop County GIS

The F-80-zoned parcel developed with the fire station is situated immediately north of Arch Cape and abuts the Arch Cape Rural Community Residential (AC-RCR) Zone. The station was developed to serve the Arch Cape/Cove Beach area and includes three fire apparatus bays, a training tower, and an office and meeting/community room. It includes 22 paved parking spaces. Non-paved areas on the margins of the site are used for training, and a subsequent conditional use permit was approved for the storage of area residents' emergency supplies in a shipping container in the northeast corner of the site. Though slightly more than two acres in size, the site is mostly fully used, except for the western portion, where the property slopes down steeply to an area along the highway that appears to be unmapped wetlands. Staff is not aware of any delineation or study of the site for wetlands but has observed the site many times over the years. (Because the parcel is outside the AC-RCR Zone, it was not part of the Pacific Habitat Services Local Wetland Inventory project approved by the Department of State Lands in 2011.)

As noted in the staff report and Hearings Officer's findings in 2007, the parcel proposed and ultimately created by Partition Plat 2008-012 was the minimum size necessary for the nearly 3,700-sq. ft. fire hall, its parking, access and circulation areas, and training area, given the slope and requirement that it be buffered from nearby neighborhoods: Castle Rock Estates, immediately to the south; and the dwellings to the west on the private, oceanfront Carnahan Road. Vegetation was preferred for buffering. Vegetation was and remains the buffering method prescribed in the Southwest Coastal Community Plan that covers this area.

Also noted in the 2007 staff report and the Hearings Officer's findings and decision was the assumption of connection to the Arch Cape Sanitary District. Access to the sewer district and the ability to avoid using a septic system was part of the reason the lot size for the partition of the F-80 Zone for the fire station could be kept to a little more than two acres, despite the presence of the slope and size of the building and paved areas.

In effect when this application was approved was the Land and Water Development and Use Ordinance (LWDUO) 80-14. LWDUO Section 3.555 Conditional Uses and Development listed fire stations to protect rural areas as a Type IIa use, subject to Standards Document Section S3.509, the county's conditional use standards. (All of the same standards and criteria exist in the current Land and Water Development Code, but the numbering and arrangement of sections has been updated.)

LWDUO 80-14, Section 3.557 Development and Use Standards included minimum lot sizes. For the F-80 Zone, the minimum lot size was and remains 80 acres; however, subsection (2) permits

reduced parcels sizes for specific uses, including a fire station to protect rural areas, provided the parcel's size is the minimum necessary to accommodate the use. The 2007 staff report found the subject two-acre parcel was the smallest possible that could accommodate the station, parking, access, and appropriate landscaping. The staff report assumed the station would be connected to the sanitary district and did not take a septic system into account during its examination of the minimum lot size necessary, suggesting if the station were to require a septic system, more acreage would be required.

The Hearings Officer found the staff report to be credible and included staff's findings in her own. The Hearings Officer set as a condition of approval that the applicant, the Cannon Beach Rural Fire Protection District, would be required to satisfy the Sanitary and Water District's requirements prior to submittal of a development permit.

Among the documents submitted to document the sanitary district's approval was a letter from the Oregon Department of Environmental Quality to Sanitary District Manager Thomas Merrell, dated April 21, 2009, approving the plans for the sewer extension to the fire station. A copy of the letter is attached as Exhibit 4.

The proposed amendments to the Comprehensive Plan and sanitary district boundary are written by staff and have been submitted to DLCD for review. The proposed amendments are in compliance with state law for post-acknowledgement plan amendments (PAPA) as required by law ([OAR 660-018](#)). The procedure for this application is quasi-judicial.

APPLICABLE CRITERIA

The applicable criteria for this land use application are contained in the following documents and sources:

- I. **LAWDUC 20-03**
2.1050 Type IV Procedure
2.2000 Public Deliberations and Hearings
4.3500 Forest-80 Zone
- II. **Clatsop County Comprehensive Plan**
Goal 1 – Citizen Involvement
Goal 2 – Land Use Planning
Goal 4 – Forest Lands
Goal 6 – Air, Water, and Land Quality
Goal 11 – Public Facilities & Services
Southwest Coastal Community Plan
- III. **Oregon Administrative Rule 660-011-0060**

REQUEST EVALUATION

The following section examines the application versus the applicable criteria.

I. LAWDUC 20-03

Section 2.1050 Type IV Procedure

- 1) Type IV actions will involve either a legislative or quasi-judicial process as appropriate to the circumstances. They may involve the creation, broad scale implementation or revision of public policy such as amendments to the text of the Comprehensive Plan, Community Plans, Zoning Code, or Comprehensive Plan Zoning Map are generally processed as legislative. Large scale changes in Community Development maps also may be characterized as legislative where a larger number of property owners are directly affected. Requests for changes affecting specific properties, a limited number of property owners and/or a specific project are considered quasi-judicial. The Type IV procedure is to be used where indicated in this Ordinance.

- 2) Under the Type IV procedure, the Director shall schedule a public hearing pursuant to Section 2.2010 before the Planning Commission.
- 3) The Director shall mail and publish a notice pursuant to Section 2.3020.

Staff Analysis and Finding: Clatsop County Community Development is processing this text amendment request as a Type IV procedure. Because only one parcel is to be affected, the application is considered quasi-judicial. The public hearing before the Planning Commission is scheduled for Tuesday, October 10, 2023, and published notice in The Astorian is scheduled for September 30, 2023, pursuant to Section 2.3020. Public notice was provided in accordance with Section 2.1050 3) on September 20, 2023. Mailed notices were provided to property owners within 750 feet of the subject property, the Arch Cape Sanitary District, Oregon Department of Transportation, as well as DLCD staff.

Section 2.1050 criteria have been met.

2.2000 Public Deliberations and Hearings

Staff Response: Section 2.2000 provides detailed instructions for the conduct of public hearings, responsibilities of all parties, providing and publishing notices, and posting the subject property. All applicable elements of Section 2.2000 have been, or will be, followed, as prescribed by code.

Section 2.2000 has been, or will be, met, as prescribed by code.

Section 4.3550. Conditional Development and Use [Ord. 18-02]

The following forest and non-forest developments and uses and their accessory developments and uses may be permitted under a Type IIA procedure and Sections 2.4000-2.4050, subject to applicable criteria, development standards and site plan review.

(15) Fire stations for rural fire protection subject to 3.9230.

Staff Response: The fire station was approved by the Clatsop County Hearings Officer on March 21, 2007, using a Type IIA procedure, Resolution and Order No. 07-03-09. The approval was made under the Land and Water Development and Use Ordinance #80-14, which was numbered differently than the current Land and water Development and Use Code; however, the sections contain the same content. Section 3.9230, formerly Section S3.526 of the Clatsop County Standards Document, to which the approval was subject, was then and is now the conditional use review criteria for structure siting and development in the forest zone. Among the criteria necessary for approval were findings that the parcel was suitable for the proposed fire station when considering the parcel's size, shape, location, topography, existence of improvements, natural features, and adequacy of public facilities and services. The Hearings Officer adopted staff findings that found the parcel suitable when considering the foregoing, in part due to the availability of sewer. (Exhibit 3.)

The use of the site, including the size of the parcel for a fire station served by the Arch Cape Sanitary Sewer District, was found by the Clatsop County Hearings Officer to meet the criteria now numbered as LAWDUC Section 4.3550 (15) and LAWDUC Section 3.9230, as documented in R&O No. 07-03-09. The criteria remain satisfied.

II. COMPREHENSIVE PLAN GOALS AND POLICIES

Goal 1 – Citizen Involvement

To establish and maintain a Community Involvement Program which ensures the opportunity for local community members to be involved in a broad range of planning and land use issues.

OBJECTIVE 2: The County’s Program for Public Involvement shall be designed to solicit input from and participation by members of the public representing a broad cross-section of the County’s population.

OBJECTIVE 3: Encourage involvement of the public in the land use planning process.

Policy A: Agendas for all planning commission meetings should be provided at least seven days prior to the meetings.

Policy B: Notices of all meetings of the Committee for Citizen Involvement should be:

1. posted in the Clatsop County Planning Office;
2. posted on the Clatsop County website;
3. posted on Clatsop County social media accounts;
4. mailed to all property owners within each planning area;
5. submitted to local radio station(s) events calendars; and
6. published in a local newspaper

Policy D: Public notice shall be sent to affected residents and neighborhood/community organizations, as defined in Section 1.0500, LAWDUC, concerning Comprehensive Plan amendments, zone changes, conditional use applications, subdivisions, planned developments, and other land use actions that require written notice.

Staff Analysis and Finding: Clatsop County Community Development is processing this procedure for a Goal 11 exception and text amendments as a Type IV quasi-judicial procedure and has scheduled a public hearing before the Clatsop County Planning Commission for October 10, 2023, and hearings with first and second readings before the Board of Clatsop County Commissioners for November 8, 2023, and December 13, 2023, respectively.

Public notices were mailed to property owners within 750 feet of the subject property, the Arch Cape Sanitary District, the Arch Cape Falcon Cove Beach Community Club, and DLCD and other state staff, among others. Notice was published in the county’s paper of record, The Astorian, on Saturday, September 30, 2023. Public comments are being accepted by letter, facsimile, email, and in-person testimony at public hearings.

The procedure for adoption of the proposed text amendments and goal exception is consistent with applicable Goal 1 policies.

Goal 2 – Land Use Planning

Farm and Forest Resource Lands

There are two designations for resource lands within Clatsop County. These are based on the requirements of Statewide Planning Goals 3 (Agricultural Lands) and 4 (Forest Lands). Conversions resulting in a change from Forest Lands or Rural Agricultural Lands to Rural Lands or Development designations, require an exception to either Goal 3 and/or Goal 4.

3. Forest Lands

Forest Lands are those lands that are to be retained for the production of wood fiber and other forest uses.

Staff Analysis and Finding: After consulting with DLCD staff and determining that no conversion of the parcel's Comprehensive Plan designation would be necessary, county planning staff confirmed with DLCD staff no exception to Goal 4 would be necessary. The subject parcel's zoning will remain F-80, and there would be no increased development pressure on surrounding lands, meaning no Goal 14 exception was necessary.

The use of the parcel for the Arch Cape Fire Hall, a satellite of the Cannon Beach Rural Fire Protection District, was reviewed and approved under a Type IIa procedure, which found the use was listed as permissible with conditions in the F-80 Zone without a change in the Comprehensive Plan designation. Because no conversion to Rural Lands or Development designations is required, no exception to Goal 4 is necessary.

This exception to Goal 11, and only Goal 11, is consistent with Goal 2.

Goal 4 – Forest Lands

OBJECTIVE 1: To conserve forest lands for forest uses.

Staff Analysis and Finding: As noted above in the Goal 2 analysis, the Comprehensive Plan designation will remain Forest Lands and no zone change is proposed. When use as a fire hall was reviewed in 2007, the analysis noted the size of the parcel to be partitioned was the smallest possible to accomplish the proposed use, and the proposed use would improve fire safety in a rural area that included a residential neighborhood nestled into forest area along Hwy 101. The presence of the fire station improves fire safety not only for the community but also helps protect the surrounding forest lands by reducing the risk of fire spreading to those forest lands from the neighborhood. The Goal 11 exception to permit extension of the sewer to the subject parcel assists with allowing the smallest possible footprint for the fire station while improving fire safety for the whole area, including forest lands. The strategy is consistent with conserving forest lands.

This Goal 11 exception is consistent with Goal 4.

Goal 11 – Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development in Clatsop County.

PUBLIC FACILITIES GOALS

Goal 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 uses.

Goal 3: To avoid the extension of urban services (i.e. sewer systems) into outlying sparsely settled areas (1 acre or greater sites).

GENERAL PUBLIC FACILITIES POLICIES

Policy I: The County should consider relocating critical public facilities outside of tsunami and landslide zones. Where feasible, new and expanded public facilities should be designed and constructed to withstand a Cascadia event earthquake and outside of tsunami hazard areas.

LAND USE POLICIES

Policy B: The County will discourage the placement of new public facilities, including water and fire services, in areas designated as Forest Lands, Conservation Other Resources, Rural Agricultural Lands, and Natural.

WASTE DISPOSAL POLICIES

Policy A: Clatsop County considers sewer services appropriate only for urbanizable lands and Rural Service 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.

Staff Analysis and Finding: As noted elsewhere in this report and associated exhibits, the subject property is outside the Development-designated Arch Cape-Rural Community Residential Zone, but it is immediately adjacent to it. Typically, extension of the sewer district's infrastructure would not be permissible, per the policies listed above. However, the concept being considered was to relocate the fire hall structure out of a low-lying tsunami run-up area on E. Beach, farther south in Arch Cape. The relocation is supported under Policy I, above, General Public Facilities Policies.

Much of Arch Cape is within the area identified by Clatsop County Emergency Management as lying within the tsunami inundation area. The subject property was selected in part because it was out of the FEMA flood hazard area, the tsunami inundation area, and the geologic hazard area, and it could be appropriately sized for the necessary structure and parking. Little else in Arch Cape could meet those requirements without being unreasonably expensive, due to the 7,500-square-foot minimum lot size that creates small, residential lots in a seaside community that are being offered for an average of approximately \$365,000 each, according to staff research of real estate listings for vacant land in Arch Cape on September 29, 2023, using Realtor.com. Based on the more than 58,000-square-foot footprint of the fire station, it would take at least seven of these lots to provide the acreage necessary for the existing facility. Stimson Lumber sold the 2.03-acre forest parcel to the fire district for \$2,030, Instrument No. 200611968, Clatsop County Clerk Records. In addition, the subject parcel has excellent Hwy 101 access.

The fire hall, a critical facility, needed to meet a set of prerequisites that were difficult to fulfill in the area; however, the proposal that relocated the fire hall from E. Beach Road in 2007 was found to be consistent with Goal 11, as it did not result in pressure to convert lands to more intensive uses and as it relocated the critical facility out of the hazard area. Given the remoteness of the residential areas of Arch Cape, a rural service area, and Cove Beach through the tunnel to the south, locating a public facility such as a fire station in the F-80 Zone immediately adjacent to the residential community but outside the hazards made immense sense. The same findings would be made today under the newly updated and adopted Goal 11, sub-goal 2 b., and General Policy I.

Waste Disposal Policy A allows that the county may permit the extension of the sewer into areas outside rural services and urban growth boundaries in the event of a health hazard or water pollution problem identified by DEQ. The text is not clear as to whether the health hazard must be identified by DEQ, though it most frequently is, but connecting the subject parcel and fire hall to the sanitary sewer district was meant to alleviate health and safety concerns. The site's topography, probable wetland area, and proximity to Austin Creek, which cuts through the southwest corner of the property, provide natural buffering to the nearby neighborhood, and the sewer extension reduces potential risk to the wetlands and creek from septic failure. DEQ supported the sewer line extension, as documented in Exhibit 4, the letter to the Arch Cape Sanitary District manager.

The extension of the sanitary district boundary into a 2.03-acre, Goal 4 parcel that is immediately adjacent to a rural service area to serve a critical facility relocated out of a hazard area is consistent with the spirit of Goal 11, if not the letter. The connection to the Arch Cape Sanitary District was anticipated by the county and district staff and the county hearings officer in 2007, when the partition and facility were approved.

Southwest Coastal Community Plan

Conservation Forest Lands and Conservation Other Resources

1. Public facilities will be discouraged from developing in these Plan designations.

Staff Analysis and Finding: Little in the current Southwest Coastal Community Plan is applicable to forest lands. The rural service area section, however, states sewer and water services will not be extended outside the rural service area, but the plan also notes the Arch Cape Sanitary District sewer system was completed in 1975 for a population of 1,150. The community plan was adopted June 1, 1979, before the Comprehensive Plan was adopted on July 23, 1980, and long before current hazard mapping. The benefit of hindsight is recognizing the need for a relocated fire station outweighing the absolute language in the old plan's language. The community plan contains long sections devoted to geologic and flood hazards, doesn't mention the tsunami hazard, and barely mentions wildfire risks. A new plan would address all these things. Simply put: The old Southwest Coastal Community Plan did not anticipate that the fire station might need to be moved out of the residential area in order to be better able to serve the area's residents.

Due to the recognition in the old plan of hazards to the community, even if not all the hazards are mentioned, it is sensible and practical to take an exception to Goal 11 that allows the sewer service to be extended to the small, immediately adjacent parcel to serve as the fire station location. The fire station use was permitted under a Type IIa procedure in the F-80 Zone, with a finding the parcel was the minimum size necessary to accomplish the siting. The extension of sewer allowed the parcel size to remain just over two acres, despite all the infrastructure and parking on the property, along with the slope, probable wetlands, and Austin Creek. The Goal 11 exception was envisioned by the staff and hearings officer at the time; the final work was simply overlooked.

Staff finds the Goal 11 exception under these circumstances does not conflict with Goal 11.

III. OREGON ADMINISTRATIVE RULE 660-011-0060

Rule 660-011-0060

Sewer Service to Rural Lands

- (1)** As used in this rule, unless the context requires otherwise:

- (b)** "Extension of a Sewer System" means the extension of a pipe, conduit, pipeline, main, or other physical component from or to an existing sewer system in order to provide service to a use, regardless of whether the use is inside the service boundaries of the public or private service provider. The sewer service authorized in section (8) of this rule is not an extension of a sewer;
- (d)** "Public health hazard" means a condition whereby it is probable that the public is exposed to disease-caused physical suffering or illness due to the presence of inadequately treated sewage;
- (f)** "Sewer system" means a system that serves more than one lot or parcel, or more than one condominium unit or more than one unit within a planned unit development, and includes pipelines or conduits, pump stations, force mains, and all other structures, devices, appurtenances and facilities used for treating or disposing of sewage or for collecting or conducting sewage to an ultimate point for treatment and disposal. The following are not considered a "sewer system" for purposes of this rule:
 - (A)** A system provided solely for the collection, transfer and/or disposal of storm water runoff;
 - (B)** A system provided solely for the collection, transfer and/or disposal of animal waste from a farm use as defined in ORS 215.303.

local government shall not allow:

- (a) The establishment of new sewer systems outside urban growth boundaries or unincorporated community boundaries;
- (b) The extension of sewer lines from within urban growth boundaries or unincorporated community boundaries in order to serve uses on land outside those boundaries;
- (c) The extension of sewer systems that currently serve land outside urban growth boundaries and unincorporated community boundaries in order to serve uses that are outside such boundaries and are not served by the system on July 28, 1998.

(8) A local government may allow a residential use to connect to an existing sewer line provided the conditions in subsections (a) through (h) of this section are met:

- (a) The sewer service is to a residential use located on a parcel as defined by [ORS 215.010 \(Definitions\)](#)(1), or a lot created by subdivision of land as defined in [ORS 92.010 \(Definitions for ORS 92.010 to 92.192\)](#);

Staff Analysis: The subject T4N, R10W, Sec. 19BC, Tax Lot 04000 (TL 04000), was created by the recording of Partition Plat 2008-12, Instrument No. 200804689, with the Clatsop County Clerk, on May 19, 2008, in compliance with the county's definition of "parcel" (LAWDUC Section 1.0500), which complies with ORS 215.010. Additional findings related to the extension of sewer service outside of the rural community boundary are provided above.

- (b) The parcel or lot is within a special district or sanitary authority sewer service boundary that existed on January 1, 2005, or the parcel is partially within such boundary and the sewer service provider is willing or obligated to provide service to the portion of the parcel or lot located outside that service boundary;

Staff Analysis: TL 04000 currently is not within the Arch Cape Sanitary District Boundary for land use purposes, but the district extended its sewer line and has served the parcel since it was constructed in 2011-12. The original development permit for the fire hall includes agency sign off from the manager of the Arch Cape Sanitary District at the time, Thomas Merrell.

Also, TL 04000 is within the Union Health District, a special health care district organized under ORS 440.325, established June 1, 1955, which existed on January 1, 2005. Given that TL 04000 is developed now with a sewer extension more than a decade old, the parcel is considered irrevocably committed to development.

- (c) The sewer service is to connect to a residential use located within a rural residential area, as described in [OAR 660-004-0040 \(Application of Goal 14 to Rural Residential Areas\)](#), which existed on January 1, 2005;

Staff Analysis: The subject T4N, R10W, Sec. 19BC, Tax Lot 04000 (TL 04000), was zoned Forestry, in 1980. No exception to Goal 4 was taken or is required for the use for the fire station, as noted under Goal 2 of the Clatsop County Comprehensive Plan, as discussed above.

- (d) The nearest connection point from the residential parcel or lot to be served is within 300 feet of a sewer line that existed at that location on January 1, 2005;

Staff Analysis: Arch Cape Sanitary District Manager Matt Gardner estimates the distance, valve to valve, from the connection in the cul-de-sac at the end of Big Cedar Drive in the Castle Rock Estates subdivision, zoned Arch Cape-Rural Community Residential, to the connection in front of the Arch Cape Fire Hall to be 150 feet. The cul-de-sac at the end of Big Cedar Drive is approximately 45 feet to the property line of the fire district's property. The Big Cedar valve connection has been in position and serving dwellings in Castle Rock Estates since the mid-1980s.

- (e) It is determined by the local government to be practical to connect the sewer service to the residential use considering geographic features or other natural or man-made constraints;

Staff Analysis: The use is not residential, although it serves a residential area. As described throughout this staff report, the determination to connect the fire hall to the sanitary district was considered practical, so much so that it appears the final step of the operation, the Goal 11 exception, was overlooked. The geographic features include slope, probable wetlands, a creek with a riparian setback, and lot size constraints due to partitioning requirements that obliged the fire district to keep the partitioned lot to the smallest size possible for the purpose. Connection to the sewer district was used in part to justify the small lot size.

The constraints mostly are of human design, devised to protect natural resources, and the sewer connection contributes to protecting those resources.

- (f) The sewer service authorized by this section shall be available to only those parcels and lots specified in this section, unless service to other parcels or lots is authorized under sections (4) or (9) of this rule;

Staff Analysis: T4N, R10W, Sec. 19BC, Tax Lot 04000 is the only subject of this specific request.

- (g) The existing sewer line, from where the nearest connection point is determined under subsection (8)(d) of this rule, is not located within an urban growth boundary or unincorporated community boundary; and

Staff Analysis: The Arch Cape Sanitary District serves Arch Cape, a designated Rural Community, Ordinance 03-10, adopted October 10, 2003, by the Board of Clatsop County Commissioners, is in an unincorporated community boundary. However, the sewer line has been extended outside the unincorporated community, which is what necessitates this goal exception request. The connection serves a legally-established public facility that serves the rural community.

- (h) The connection of the sewer service shall not be relied upon to authorize a higher density of residential development than would be authorized without the presence of the sewer service, and shall not be used as a basis for an exception to Goal 14 as required by [OAR 660-004-0040 \(Application of Goal 14 to Rural Residential Areas\)](#)(6).

Staff Analysis: T4N, R10W, Sec. 19BC, Tax Lot 04000 is a legal lot that has been legally developed with a fire hall that serves a rural community. No residential development is proposed and no Goal 14 exception is requested or proposed. Including the parcel within the district will not increase the density of development. No new parcels would be created. The proposed expansion of the sanitary district boundary would not be used as a basis for a Goal 14 exception. This Goal 11 exception is requested as a housekeeping matter, to finish a project that was started in 2007.

(9) A local government may allow the establishment of new sewer systems or the extension of sewer lines not otherwise provided for in section (4) of this rule, or allow a use to connect to an existing sewer line not otherwise provided for in section (8) of this rule, provided the standards for an exception to Goal 11 have been met, and provided the local government adopts land use regulations that prohibit the sewer system from serving any uses or areas other than those justified in the exception. Appropriate reasons and facts for an exception to Goal 11 include but are not limited to the following:

- (a) The new system, or extension of an existing system, is necessary to avoid an imminent and significant public health hazard that would otherwise result if the sewer service is not provided; and, there is no practicable alternative to the sewer system in order to avoid the imminent public health hazard, or

(b) The extension of an existing sewer system will serve land that, by operation of federal law, is not subject to statewide planning Goal 11 and, if necessary, Goal 14.[ED. NOTE: Goals referenced are available from the agency.]

Staff Analysis: T4N, R10W, Sec. 19BC, Tax Lot 04000 is a legally buildable lot that was legally developed with a fire station to serve a rural community that is located in a hazardous area. Goal 11 prohibits expansion of the sanitary district’s boundaries without an appropriate exception. This request would legalize work that was anticipated and done previously. It reduces risk to the community by providing for a fire station to serve an area of multiple hazards – fire, flood, tsunami, and earthquake – and locates the station on the smallest parcel possible outside those hazards.

To include the property within the district’s boundaries serves the interest of the public, is consistent with statewide planning goals, and would not increase density or intensity of use.

Based on the above, staff finds the criteria of OAR 660-011-0060 to be met and recommends the exception be granted.

PUBLIC AND AGENCY COMMENTS

As of September 29, 2023, the Community Development Department has received no public or agency comments on this application.

FINDINGS AND RECOMMENDATION

Based on the analysis above, staff has found the proposed exception to Goal 11 and amendments to the Comprehensive Plan are consistent with OAR 660-011-0060. Staff recommends the Clatsop County Planning Commission recommend Board of Clatsop County Commissioners amend the text of the Comprehensive Plan to expand the Arch Cape Sanitary District to include T4N, R10W, Sec. 19BC, Tax Lot 04000, and update any maps within the County’s Comprehensive Plan that depict the sanitary district boundaries accordingly.

Recommended motion: “I move that the Clatsop County Planning Commission recommend Board of Clatsop County Commissioners amend the text of the Comprehensive Plan to expand the Arch Cape Sanitary District to include T4N, R10W, Sec. 19BC, Tax Lot 04000, and update any maps within the County’s Comprehensive Plan that depict the sanitary district boundaries accordingly.”

GOAL 11



PUBLIC FACILITIES AND SERVICES

STATEWIDE PLANNING

GOAL 11:

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

CLATSOP COUNTY GOAL 11:

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development in Clatsop County.

OVERVIEW

Public facilities and services affect a community in four ways:

- (1) Through the costs involved in their financing;
- (2) Through their influence on land use patterns;
- (3) Through their economic impacts; and
- (4) Quality of life impacts.

The nature and level of these services do much to define a community, clearly marking the differences between urban and rural land usage by their presence or absence.

The five incorporated cities and unincorporated Clatsop County provide differing levels of public facilities. Almost all of the cities provide police and fire protection, sewer, water and library services. As the size of a 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 of the zoning and to the lack of need to serve resource farm and forest lands. Most rural land uses are sufficiently dispersed so as not to efficiently or financially support public facilities such as sewer.

Per the requirements of Statewide Planning Goal 11, counties with an unincorporated community must develop and adopt a community public facility plan that regulates facilities and services. Outside of urban growth boundaries, public facilities such as water or sewer should generally not be provided. Examples from the Department of Land Conservation and Development (DLCD) state:

- Public sewer service is only allowed outside of an urban growth boundary to alleviate an existing health hazard.
- Public water service is only allowed if it is not used as a justification to increase existing levels of allowed rural development.

GOAL 11: PUBLIC FACILITIES AND SERVICES

CLATSOP COUNTY COMPREHENSIVE PLAN

Clatsop County is responsible for coordinating the planning for public services in unincorporated county areas. These planning efforts should be done in coordination with local special districts and service providers.

GOALS, OBJECTIVES AND POLICIES

PUBLIC FACILITIES GOALS

- Goal 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.**
- Goal 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 uses.**
- Goal 3:** **To avoid the extension of urban services (i.e. sewer systems) into outlying sparsely settled areas (1 acre or greater sites).**

GENERAL PUBLIC FACILITIES POLICIES

- Policy A:** Clatsop County recognizes the level of public facilities and services described in the Goal 11 Background Report regarding “Appropriate Levels of Public Facilities”, 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.
- Policy B:** 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.
- Policy C:** 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 applications for new development.
- Policy D:** Water and sewer districts shall be encouraged to cooperate with the County in changing district boundaries.

GOAL 11: PUBLIC FACILITIES AND SERVICES

ended XXXXX/Ordinances 23-09 and 23-10

CLATSOP COUNTY COMPREHENSIVE PLAN

- Policy E:** All new planned developments and subdivisions should install underground utilities. Efforts should be made to place existing overhead lines underground in already developed areas.
- Policy F:** The County should work with utility operators and property owners to identify and develop public green belt paths and trails within utility rights-of-way.
- Policy G:** 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.
- Policy H:** When a Comprehensive Plan or Zone Change or both are permitted under state law and would allow a higher residential density, or allow more intensive 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.
- Policy I:** The County should consider relocating critical public facilities outside of tsunami and landslide zones. Where feasible, new and expanded public facilities should be designed and constructed to withstand a Cascadia event earthquake and outside of tsunami hazard areas.
- Policy J:** Clatsop County should consider and develop measures to address tsunami risks and to provide evacuation routes and signage when planning, developing, improving, or replacing public facilities and services.
- Policy K:** Clatsop County should update public facility plans to plan, fund, and locate future facilities outside of the tsunami inundation zone, whenever possible.
- Policy L:** Structures and public facilities owned and/or operated by Clatsop County should be seismically retrofitted.
- Policy M:** The County shall work with special districts and state agencies to identify what services and/or infrastructure improvements are currently needed in the unincorporated areas and begin to plan for those projects.

LAND USE POLICIES

- Objective 1:** To encourage the location of public and private facilities and services in areas appropriate for higher-density residential development.
- Policy A:** In areas designated Rural Lands, the capacity of rural water systems should be provided at level appropriate for rural development and should not support urban-level density or intensities.

GOAL 11: PUBLIC FACILITIES AND SERVICES

ended XXXXX/Ordinances 23-09 and 23-10

CLATSOP COUNTY COMPREHENSIVE PLAN

Policy B: The County will discourage the placement of new public facilities, including water and fire services, in areas designated as Forest Lands, Conservation Other Resources, Rural Agricultural Lands, and Natural.

DIKING AND DRAINAGE DISTRICT POLICIES

Policy A: Clatsop County may assist diking districts in reorganization as well as providing assistance in obtaining funds for improvement of the diking district.

Policy B: The county should work with the property owners as well as the appropriate state, federal, and local governments to clarify roles and responsibilities of each party in the event of diking failure.

WATER SUPPLY SYSTEM POLICIES

Policy A: Development of a subdivision, planned development, or the building of individual residences, commercial or industrial structures requiring water or subsurface sewage disposal shall require proof that a year-round source of potable water is available.

Policy B: If water supply for building permits is from a surface source, including a spring, proof of water rights from the State must be presented.

Policy C: 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.

Policy D: Clatsop County should encourage existing community water supply systems to be improved and maintained at a level sufficient to:

1. Provide adequate fire flow and storage capacity to meet the service area requirements,
2. Meet the anticipated long-range maximum daily use and emergency needs of the service area, and
3. Provide adequate pressure to ensure the efficient operation of the water distribution system.

Policy E: Clatsop County may coordinate with the cities in examining the feasibility of developing a regional water system to provide municipal and community water.

Policy F: Clatsop County shall work with water districts to plan to ensure adequate

GOAL 11: PUBLIC FACILITIES AND SERVICES

ended XXXXX/Ordinances 23-09 and 23-10

CLATSOP COUNTY COMPREHENSIVE PLAN

water, services and funding exist to serve new development over time.

Policy G: The County shall work with water districts to determine potential build-out in order to ensure that there is adequate water to meet future growth needs.

Policy H: The County should encourage new innovation and concepts to conserve and/or reduce water usage including, but not limited to grey water recycling, as permitted under OAR 340-053.

Policy I: The County should review its minimum water flow requirements for new development to ensure that its requirements are consistent with actual usage patterns.

Policy J: Clatsop County should review whether required water flow should be based on the number of fixtures and/or house size instead of requiring a fixed number of gallons of water per day.

WASTE DISPOSAL POLICIES

Policy A: Clatsop County considers sewer services appropriate only for urbanizable lands and Rural Service 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.

Policy B: Clatsop County shall cooperate with cities in developing a phased growth plan to guide the provision of municipal services to urbanizable areas.

Policy C: Clatsop County may encourage alternative methods of sewage disposal when such methods are economically, legally, and environmentally feasible.

Policy D: Clatsop County should consider the use of solid waste to generate electricity.

Policy E: Clatsop County should continue to coordinate with the cities in the establishment of a regional landfill site.

Policy F: The County should identify suitable areas for use as a human waste disposal site.

Policy G: A Goal 11 exception in accordance with OAR 660-011-0060 has been taken to include T7N, R10W, Sec. 15, Tax Lot 00700 in the Shoreline Sanitary District Boundary. The subject parcel is within the Rural Service Area and is designated "Development" in the Comprehensive Plan. A map of the Shoreline Sanitary District Boundary, as amended, is included in the Clatsop Plains Community Plan.

Policy H: A Goal 11 exception in accordance with OAR 660-11-0060 has been taken to include T4N, R10W, Sec. 19BC, TL 04000, also known as 79729 Hwy 101,

GOAL 11: PUBLIC FACILITIES AND SERVICES

ended XXXXX/Ordinances 23-09 and 23-10

CLATSOP COUNTY COMPREHENSIVE PLAN

Arch Cape, into the Arch Cape Sanitary District's boundary, to accommodate the Cannon Beach Rural Fire Protection District's Arch Cape Fire Station. (Ord. 23-09)

A map of the district boundary, as amended, shall be included in the Southwest Coast Community Plan.

Policy I: A Goal 11 exception in accordance with OAR 660-11-0060 has been taken to include T4N, R10W, Sec. 19BB, TL 00300, also known as 79878 Hwy 101, Arch Cape, and T4N, R10W, Sec. 19BB, TL 00401, also known as 79876 Hwy 101, Arch Cape, into the Arch Cape Sanitary District's boundary. (Ord. 23-10)

A map of the district boundary, as amended, shall be included in the Southwest Coast Community Plan.

OTHER PUBLIC FACILITIES POLICIES

Policy A: Clatsop County may rely upon the various school districts in the County for the provision of public education.)

Policy B: Clatsop County shall notify the appropriate school district of all proposed subdivisions, planned developments and mobile home park applications.

Policy C: Clatsop County should 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.

Policy D: Clatsop County may 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.

Policy E: Rural fire protection districts should be encouraged to expand service boundaries to include lands designated Rural Lands.

Policy F: New power transmission lines shall be confined to existing easements whenever possible to minimize impacts to resource lands.

Policy G: Clatsop County will work with public and private land owners to identify a future site or sites for the installation of a solid waste disposal site to accommodate a biodigester or other system for the temporary treatment and/or storage of septage.

GOAL 11: PUBLIC FACILITIES AND SERVICES

CLATSOP COUNTY COMPREHENSIVE PLAN

IMPLEMENTING OREGON ADMINISTRATIVE RULES (OAR):

[OAR 660-011](#) – Public Facilities Planning

COORDINATING AGENCIES:

Oregon Department of Environmental Quality (DEQ)

Oregon Health Authority (OHA)

Oregon Water Resources Department

Oregon Department of Land Conservation and Development (DLCD)

BACKGROUND REPORTS AND SUPPORTING DATA:

[Oregon Climate Change Adaptation Framework](#), Department of Land Conservation and Development, 2021

[Future Climate Projections Clatsop County](#), Oregon Climate Change Research Institute, February 2020

[Goal 11 Background Report](#)

GOAL 11: PUBLIC FACILITIES AND SERVICES



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This map was produced using Clatsop County GIS data. The data is maintained by Clatsop County to support its governmental activities. Clatsop County is not responsible for any map errors, possible misuse, or misinterpretation.

March 21, 2007

NOTICE OF DECISION AND RIGHTS OF APPEAL

Applicant: Cannon Beach RFPD, Cleve Rooper

Owner: Same.

Property Description: T4N R10W Section 19BC Tax lot 1400-4000 TA

Request: Conditional Use Permit for a fire station
Partition**Action: Approval with Conditions**


Dear Cannon Beach RFPD:

The Clatsop County Hearings Officer has completed review of the request noted above. The Resolution and Order, as well as findings, are enclosed. If you or any interested party of record wish to appeal this decision, or one or more of the conditions, you have until the date appearing at the bottom of this letter to do so. The appeal must comply with Section 2.230 of the Clatsop County Land and Water Development and Use Ordinance #80-14 (procedure for appeal). This department will issue no development permits for any activities or structure until the 12-day appeal period has expired.

You should be aware that any conditions of approval that are a part of this request must be completed before any development permits can be issued for the above request. This approval is not final until these conditions are completed. Please note that there is a time limit to complete these conditions. The time limit is noted in the conditions of approval.

If you have any questions regarding this decision, appeal procedure or any of the conditions of approval, please do not hesitate to contact Teri Allen at 325-8611.

Sincerely,

Ed Wegner, Director
Community Development**LAST DAY TO APPEAL: 4:00 P.M. - April 2, 2007**

**Department of
Community Development**
800 Exchange Street
Suite 100
Astoria, Oregon 97103

**Economic Development
Planning & Development**
Telephone (503) 325-8611
Fax (503) 338-3666**Building Codes Division**
Telephone (503) 338-3697
Fax (503) 338-3666*Inspection Request Line*
(503) 338-3698www.co.clatsop.or.us

BEFORE THE HEARINGS OFFICER
OF CLATSOP COUNTY, OREGON

IN THE MATTER OF AN APPLICATION)
FOR A PARTITION AND CONDITIONAL USE)
APPROVAL FOR A FIRE STATION TO BE)
LOCATED AT TWP. 4N, RNG. 10W, W.M.,)
SECTION 19BC, TAX LOT ~~1400~~, 4000 7th)
CLATSOP COUNTY, OREGON)

Resolution and
Order

Applicant: Cleve Roper, CBFD)
Owner: Stimpson Lumber Company)
Zoning: F-80)

No. 07- 03-09

March 21, 2007

The above-named applicant applied to the Clatsop County Community Development Department on December 1, 2007 for a partition and conditional use approval for a rural fire station; and

The Hearings Officer conducted a public hearing on the application on March 6, 2007; and

The Hearings Officer hereby adopts the findings of fact and conclusions of law in a decision attached hereto and labeled Exhibit A;

Based on the findings of fact and conclusions of law set out in Exhibit A, the application is hereby conditionally approved.

The effective date of this decision is 12 days from the date of this decision. The decision may be appealed to the Clatsop County Board of Commissioners by an affected party in accordance with the procedures set out in Clatsop County Land and Water Use and Development Ordinance 2.230(3) within 12 days of this date.

ON BEHALF OF CLATSOP COUNTY



Anne Corcoran Briggs, AAL
Hearings Officer

DECISION OF THE CLATSOP COUNTY HEARINGS OFFICER
TYPE IIA DECISION
March 18, 2007
Exhibit A

Applicant: Cleve Roper, Fire Chief, 188 Sunset, PO Box 24, Cannon Beach, Oregon 97110

Owner: Stimpson Lumber, PO Box 68, Forest Grove, Oregon 97116

Request: Partition to create one two-acre and one 78-acre parcel and conditional use approval to site a rural fire station and parking lot on the proposed two-acre parcel

Property Description: T4N, R10W, Section 19BC Tax Lot 4000.

Location: The property is located north of the Castle Rock Estates subdivision, on the east side of Highway 101, near the Arch Cape cannon.

Comprehensive Plan Designation: Conservation Forest Lands

Zoning: F-80 (Forest 80)

Acres: 80 acres

Overlay District: Geologic Hazards Overlay (GHO)

I. APPLICABLE LAND AND WATER DEVELOPMENT AND USE ORDINANCE (LWDUO) CRITERIA:

Section 1.010-1.050 (Title, Scope, Definitions, Rules, Scope, Consistency with Comprehensive Plan)

Section 2.190 (Decision)

Section 2.230 (Request for Review/Appeal)

Section 2.260 (Review Body Decision)

Section 3.551-3.575 (Forest-80 (F-80) Zone requirements)

Section 4.040 (Geologic Hazard Overlay Zone)

Section 5.000-5.030 (Conditional Use)

Section 5.200-5.252 (Subdivisions, Partitions and Property Line Adjustments)

Section 5.350 (Transportation System Impact Review)

II. BACKGROUND:

The Cannon Beach Rural Fire Protection District provides fire and emergency response service to the Arch Cape/Cannon Beach area. The District's existing fire station is located in a tsunami inundation zone. For the past two years, the district has tried to relocate the station to a site that is out of the inundation zone, provides for an adequate service radius, and accommodates a fire station and parking area that could be used as an emergency response headquarters if needed.

The proposed site is part of an 80-acre parcel owned by Stimson Lumber that fronts on Highway 101. This segment of Highway 101 is generally developed with recreational and year-round dwellings and tourist-oriented attractions. The owner has agreed to the partition and to the application for the rural fire station. The proposed station includes 3,680 square feet, with three fire apparatus bays, a training tower and an office/meeting room. A 19-space on-site paved parking area is also proposed.

The two-acre portion of the subject property is undeveloped, and is heavily vegetated with coastal shrubs and trees. According to the applicant, the existing vegetation along the perimeter of the property will be retained to form a physical and visual buffer between the proposed station and adjoining properties. Austin Creek, a fish bearing stream bisects the southwest corner of the property. Oregon Fish and Wildlife (ODFW) has recommended that development of the property be limited to the building footprint, driveway access and parking, and concurs with the applicant's proposal to retain the existing conifers, salal and other existing vegetation as much as possible. The applicant has agreed to conditions of approval that implement those recommendations.

The Arch Cape Water and Sewer Districts have approved extensions of water and sewer lines to serve the subject property. A "Conditional Approval for a State Highway Approach" was granted by the Oregon Department of Transportation (ODOT) on July 16, 2006. The applicant asserts that it can meet all conditions set out in the conditional approval.

The authorized citizen planning organization for the area, the Southwest Coastal Citizen Advisory Committee met on February 7, 2007 and recommended approval of the application, although some concerns were expressed regarding the elevation of the site, the need for a warning light on the highway to advise motorists of approaching emergency vehicles, and the ability of the water district to extend water service to the site.

In a letter dated February 28, 2007, Tom Byron, Chair of the Castle Rock Estates Board of Directors, wrote to identify several conditions of approval that the owners believe should be applied to minimize the impact of the proposal on Castle Rock Estates homeowners. Those conditions include: visual and physical barriers for aesthetic and security reasons, minimizing the use of sirens and outdoor lighting, and installing informational signs to notify the public that the fire station parking area and Castle Rock Estates tunnel cannot be used for beach access.

III. ANALYSIS AND DECISION

Clatsop County Comprehensive Plan - Goals and Policies

The applicable county comprehensive plan policies are set out on pages 3 and 4 of the staff report. The policies include providing for public notice and involvement, ensuring that development within resource areas is compatible with resource uses, and ensuring that public services are available and adequate to serve the proposed uses. Those policies are implemented through the Clatsop County Land and Water Development and Use Ordinance and the Clatsop County Standards Ordinance. The applicable standards included in those regulations are set out and evaluated below.

Finding: To the extent the Clatsop County Comprehensive Plan policies impose independent approval criteria that must be satisfied in order to approve the application, the applicant has provided evidence that the proposed use is consistent with rural uses and services in the area, and will provide a needed public service within the district. In addition, the evidence shows that the station can and will be served by community water and sewer. Transportation facilities are adequate to accommodate the trips generated from the proposed use. The proposal is therefore consistent with the Clatsop County Comprehensive Plan.

Southwest Coastal Community Plan

The applicable Southwest Coastal Community Plan refinement plan policies are set out on pages 4 through 6 of the staff report. These policies require notice to the Southwest Coastal Citizen Advisory Committee, the local CAC. The policies require that development: be engineered to address slope and erosion concerns, accommodate landscaping that is appropriate for the area and provide opportunities for natural drainage, minimize cuts and fills, be limited to rural uses that can be accommodated by rural services, and ensure that commercial resource activities can continue in the area. In addition, access points on Highway 101 need to be regulated to reduce the potential for accidents.

Finding: The proposal included notice to and response from the Southwest Coastal Citizen Advisory Committee as well as notice and response from affected neighbors and public agencies. The proposal minimizes changes to the existing vegetation on the property, and is designed to take advantage of existing topography. Access to the site has been conditionally approved by ODOT.

While the proposal introduces a public service use onto land that has been zoned for and used as part of a commercial forest operation, the evidence in the record shows that the site is located in an area that has already been affected by non-resource development, and is unlikely to be used for timber production. The evidence also shows that the siting of a fire station in the area will provide fire and emergency response in the area, which will help to limit fire hazards on forest lands.

In addition, the evidence shows that the proposal will require the extension of public services outside of the boundaries of the Arch Cape Water and Sewer Districts, but that the extension is the result of special circumstances that are unlikely to be replicated elsewhere.

As a whole, balancing the policies set out in the Southwest Coastal Community Plan, the Hearings Officer concludes that the proposal is consistent with the plan.

Clatsop County Land and Water Development and Use Ordinance (CCLWD&UO)

Section 3.555 (F-80 Zone). Conditional Development and Use

The following forest and non-forest developments and uses and their accessory developments and uses may be permitted under a Type IIA procedure and Sections 5.000-5.030, subject to applicable criteria, development standards and site plan review:

(10) Fires stations for rural fire protection subject to the standards in Section S3.509.

Finding: The applicant proposes to site a fire station for rural fire protection and emergency response. As noted, this use is conditionally allowed, provided the applicant demonstrates that the applicable conditional use criteria and the development standards are satisfied.

Section 3.557. Development and Use Standards

The following standards are applicable to permitted and conditional development in the [F-80] zone:

(2) Land divisions resulting in parcels smaller than 80 acres may be approved for the following uses providing such uses have been approved subject to the standards in Section S3.509 and the resulting parcels are the minimum necessary for the use:

(l) Fire stations for rural fire protection subject to the standards in S3.509.

Finding: The applicant proposes a fire station on a two-acre parcel to be partitioned from an 80 acre parcel. The applicant has demonstrated that the proposed two acre parcel is the minimum necessary to accommodate the proposed station, parking, the access to Highway 101 and appropriate landscaping. This standard is satisfied.

Section 3.527(3) Setbacks for Buildings: Front yard, 30 feet; side and rear yards, 30 feet.

Finding: The applicant proposes to site the building at least 200 feet from the front property line and at least 55 feet from all other property lines. This standard is met.

Section 3.552(3) Maximum Building Height: 45 feet.

Finding: The applicant states that it will comply with this standard. A condition of approval is imposed to ensure compliance.

CCLWD&UO Standards Document

The following standards and requirements shall govern the application for a fire station in the F-80 zone:

S2.010 Grading of Building Site. The grading of a building site shall conform to the standards contained in the Uniform Building Code * * * for all hazards * * *.

Finding: A grading permit will be required as part of the applicant's building permit/development permit process. A condition of approval is imposed to require that the applicant obtain all necessary development permits prior to construction.

S.200-S2.212 Off-Street Parking--Minimum parking requirements for fires stations are not set out in the Off-Street Parking standards. When building or development is not specifically listed, the minimum parking standards shall be established by the Community Development Director based upon the requirements of comparable uses listed. Parking spaces shall be a minimum of nine feet by 19 feet in size. Parking areas shall have durable and dustless surfaces or be graveled to a two-inch depth and maintained adequately for all weather use. Parking areas, aisles and turnarounds shall * * * [accommodate] the on-site collection of drainage waters to eliminate sheet flow into abutting rights-of-way and adjoining properties.

Finding: S2.202 does not identify parking standards for a fire station. The Community Development Director concluded that the parking standards for a "public utility such as gas, water and telephone facilities" provide an appropriate comparable use. That use requires one parking space for every two employees on the largest shift plus one space per company vehicle. The applicant is a rural fire protection district with two full time employees and three fire trucks. The applicant proposes to store the emergency response vehicles in bays within the fire station, and proposed 19 spaces to accommodate employees, volunteers and visitors. The applicant has satisfied this requirement.

S2.400 Water Improvement Standards--A year-round supply of at least 250 gallons of water per day must be provided.

Finding: The applicant proposes to connect to the Arch Cape Water Service District. Based on this evidence, the Hearings Officer concludes that adequate water is available to satisfy this standard. A condition of approval is imposed to ensure that this standard is met.

S.2.500 Erosion Control Development Standards--An erosion control plan shall be required for land disturbing activities, in conjunction with a development permit.

Finding: A condition of approval is imposed to require the submittal of an erosion control plan with all development permit applications.

S3.509 Approval of Certain Uses in the Farm and Forest Zones. The applicant must demonstrate that the proposed use will not force a significant change in or significantly increase the cost of accepted farm and forest practices on farm and forest lands; or significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

Finding: The applicant proposes to site a rural fire station within its service area to minimize the costs to provide fire suppression and emergency services to all properties within its service area. The Hearings Officer finds that by providing fire and emergency response services as proposed, the applicant has demonstrated that the proposal will not significantly increase the costs of fire suppression, increase the risk to fire suppression personnel or significantly increase fire hazards in the area.

In addition, the record shows that the property is sited in an area that is not used or needed for resource uses. The applicant proposes to convert only a small portion of the existing 80-acre parcel for non-resources uses and the proposed two-acre parcel is located near Highway 101 in an area that has already been significantly affected by non-resource development. Based on this evidence, the Hearings Officer concludes that the proposed use will not force a significant change in or significantly increase the costs of accepted farm and forest uses on adjacent or nearby resource lands.

S3.512 Siting Requirements for Dwellings and Structures in Forest and Agriculture-Forest Zones. Dwellings and structures shall be sited on the parcel [where] (A) They have the least impact on nearby or adjoining forest or agricultural lands; (B) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; (C) The amount of forest lands used to site access roads, service corridors, * * * and structures is minimized; and (D) the risks associated with wildfire are minimized.

Finding: As noted above, the applicant proposes to create a two-acre parcel that is located near Highway 101, near other non-resource uses, thus minimizing the amount of land taken out of resource use, and minimizing the effect of the proposed uses on existing resource practices, to the extent they are occurring on the 78-acre remainder parcel and other nearby resource tracts. In addition, the proposed two acre parcel is the smallest parcel that could accommodate the proposed uses, parking and buffering. Finally, the proposed use, a rural fire station, will provide fire suppression services that will help reduce the risk of wildfire in the area.

This criterion is satisfied.

S3.512 Continued--The applicant shall provide evidence that the domestic water supply is from a source authorized by the Oregon Water Resources Department.

Finding: The applicant is connecting to the Arch Cape Water Service District. The district will provide domestic water in accordance with the requirements set out in OWRD and Oregon Health Division regulations for community water districts. This standard is satisfied.

S5.030-5.034--Access Control.

Finding: These standards require a showing that the applicable transportation authority (county, city or state) have or will approve an access approach onto a public road. The proposed access to the property must be safe and provide adequate capacity for the use.

The applicant proposes to install an access from the property directly onto Highway 101. The applicant asserts that access to Highway 101 is a benefit because the highway is the main thoroughfare through its district, and emergency response time is shortened when access to the main highway is readily available. Some members of the public recommended that a traffic light be installed on Highway 101 at the fire station intersection to alert on-coming drivers of the existence of the station. The applicant responded that ODOT controls the installation of signals on Highway 101, and approves signals only if they are warranted. In this case, the applicant asserts, ODOT has concluded that a signal is not warranted.

The applicant has provided evidence that ODOT has given conditional approval for an access approach onto Highway 101 without the need to install signals. The Hearings Officer concludes that as proposed, signalization is not warranted and, provided the applicant complies with the conditional access approval standards, this standard is satisfied as well.

CCLWD&UO 4.043 Geologic Hazard Permit Requirements.

Finding: The subject property is located within a geologic hazard zone. The applicant has provided a preliminary geotechnical report from Horning Geosciences, dated March 31, 2006. That report indicates that it is feasible to develop the property as proposed, provided the applicant develops the property in accordance with recommendations provided in a detailed geotechnical study. The applicant has indicated that it has commissioned the detailed geotechnical study but that it is not complete. The Hearings Officer concludes that it is appropriate to require the submittal of a detailed geotechnical report either before or concurrent with the submittal of development permit applications, and to require that all development on the site comply with recommendations set out in that detailed geotechnical report.

CCLWD&UO 5.015(2) Authorization of a Conditional Development and Use

In addition to the other applicable standards of this ordinance, the hearing body must determine that the development will comply with the following criteria * * *:

(a) The proposed use does not conflict with any provision, goal or policy of the Comprehensive Plan.

Finding: Based on the findings set out on page 3 above and incorporated herein by this reference, the Hearings Officer concludes that the proposal is consistent with the Clatsop County Comprehensive Plan.

(b) The proposed use meets the requirements and standards of the [CCLWD&UO.]

Finding: As explained in the findings in response to the specific standards set out in the CCLWD&UO and in the Standards Document, the Hearings Officer finds that the applicant has met or can meet the applicable standards, provided the applicant complies with conditions of approval set out below.

(c) The site under consideration is suitable for the proposed use considering:

1. The size, design, and operating conditions of the use, including but not limited to off-street parking, fencing/buffering, lighting, signage and building location.

Finding: The applicant has demonstrated that the proposed two-acre parcel is the minimum necessary to accommodate the proposed use, and that the design and siting of the structures on the property are intended to minimize the impact of the proposed use on adjoining properties. The applicant has demonstrated that off-street parking standards have been met, and that it will meet all applicable lighting or signage standards.

Testimony was received expressing concerns regarding sirens, lighting and trespass from the subject parcel through the Castle Rock Estates tunnel to the beach. With respect to lighting, the testimony requested that lighting be minimized to allow for maximum enjoyment of the night sky.

In response to this testimony, the applicant's representative testified that pagers have replaced sirens as the mechanism to call volunteers to the fire station in the event of an emergency. The emergency response vehicles are equipped with sirens that will be used as necessary to provide safe travel along Highway 101. With respect to lighting, there was testimony that some residents of the area prefer to have more lighting in the area to enhance security and provide some illumination on Highway 101. The applicant stated that its proposal is to provide lighting on the building and in the parking lot as needed to guide people into the property and the buildings, but that it will not otherwise install perimeter or security lighting. With respect to buffers and fencing to minimize trespass onto the Castle Rock Estates property, the applicant's representative testified that the applicant intended to retain the existing vegetation, which includes 10-foot tall blackberry and salal, as the primary buffer along the perimeter of the property. The applicant's representative testified that the buffer is difficult to move through, and should provide an adequate deterrent to potential trespassers.

Based on the applicant's testimony and evidence, which the Hearings Officer finds to be credible, the Hearings Officer concludes that this criterion is met.

2. The adequacy of transportation access to the site, including street capacity and ingress and egress to adjoining streets.

Finding: The applicant has demonstrated that Highway 101 has adequate capacity to serve the trips generated from the proposed use, and that the access approach to Highway 101 will satisfy ODOT standards for sight distance and vision clearance. The Hearings Officer finds that transportation access is adequate to serve the proposed use.

3. The adequacy of public facilities and services necessary to serve the use.

Finding: The Arch Cape Sanitary and Water Districts have formally approved the extension of sewer and water services to serve the property. No other public services have been identified as being necessary to serve the proposed use. This criterion is satisfied.

4. The natural and physical features of the site such as topography, natural hazards, natural resource values and other features.

Finding: The subject property is appropriate for the proposed use because it is the only site located out of the tsunami zone that is suitable for siting a fire station and has a willing seller. The property is located off of Highway 101, a preferred location for emergency providers. The structures on the site will be located to avoid affecting Austin Creek, which traverses the southwest portion of the property. This criterion is satisfied.

(d) The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in (c) above.

Finding: The Hearings Officer adopts the findings set out in the staff report at page 13, which state:

"The fire department responded to 282 emergency calls last year and 278 the previous year. Approximately 35% were in the Arch Cape/Falcon Cove area. This area is a rural residential area of Clatsop County. The fire station does not detract from the rural environment, and provides a needed service to the community. Overall, the proposal makes good use of an existing site, does not create any additional impact on the environment and maintains the rural character of southern Clatsop County."

(e) The proposed use will not interfere with normal use of coastal shorelands.

Finding: The subject property is not designated as coastal shorelands, and will not interfere with uses allowed on coastal shorelands.

(f) The proposed use will cause no unreasonably adverse effects to aquatic or coastal shoreland areas.

Finding: The proposed use will provide fire and emergency response service in a rural area. The property is not designated as coastal shorelands and use of the property will not cause runoff or other deleterious effect to aquatic species or coastal shorelands. The property will continue to include vegetation that is typical of the Oregon coast, including coastal conifers, salal and blackberries. This criterion is satisfied.

(g) The use is consistent with the maintenance of peripheral and major big game habitat on lands identified in the Comprehensive Plan as Agricultural Lands or Conservation Forest Lands. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in the area on big game habitat.

Finding: The proposed fire station will be sited near Highway 101 in an area that is already developed with non-resource uses. The remainder of the property will continue to be zoned and managed for resource uses. In addition, ODFW has reviewed the proposal and recommended conditions of approval to minimize the impact of the development on existing stream and habitat resources. Based on this evidence, the Hearings Officer concludes that it is appropriate to impose conditions of approval requiring the identification of Austin Creek on the partition plat, a requirement that no development occur within 50 feet of the Austin Creek streambank, and a requirement that existing vegetation be retained as feasible. With these conditions, this criterion is satisfied.

IV. CONCLUSION

For the reasons set forth above, the Hearings Officer concludes that the proposal meets all applicable approval criteria, provided the conditions set forth below are satisfied:

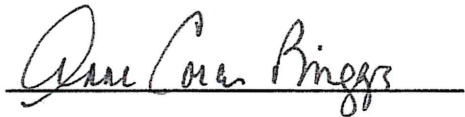
1. This approval shall expire four years after the date of the County's final decision on this matter, unless substantial construction or action pursuant thereto has taken place, or a time extension has been granted, subject to Section 5.030.
2. Approval is based on the submitted plan. Any substantial change will require the applicant to submit a new application for conditional use review. Development shall be limited to the proposed footprint of the driveway/parking lot and firehouse only, leaving the remainder of the property in its present state.
3. Development shall comply with all applicable state, federal and local laws and regulations.
4. The applicant shall submit a detailed geotechnical study prior to or concurrent with development permit applications. The geotechnical study shall be reviewed and approved by county staff prior to the issuance of building permits. All development shall be consistent with the recommendations set out in the approved geotechnical study.
5. Prior to construction, the applicant shall obtain all necessary development permits.
6. A sign permit from Community Development shall be sought and approved prior to the placement of any new sign.
7. The partition shall be finalized and recorded with the Clatsop County Clerk prior to the issuance of any development/building permit applications.
8. The applicant shall demonstrate that it has satisfied the Sanitary and Water Districts requirements as stated in their service letters prior to the submittal of development permit applications. The applicant shall also provide documentation that the water service to be provided by the Water District is adequate to provide at least 250 gallons of water per day on a year-round basis.

9. The applicant shall provide a copy of the final, approved access permit from ODOT prior to submittal of an application for a building permit for the fire station.
10. The applicant shall provide an Erosion Control Plan consistent with the design standards set out in the Code.
11. Site drainage and stream riparian buffers must be constructed and maintained in accordance with ODFW recommendations for protection of Austin Creek.
12. Trees on the parcel must be retained to the maximum extent feasible. Trees may be removed to accommodate development within the proposed building, parking and access footprints. Dead, diseased trees and trees posing a threat to public safety may also be removed.
13. The applicant shall comply with all yard and riparian setbacks. Buildings shall not exceed 45 feet in height.

Accordingly, this application is APPROVED, as conditioned above.

Dated this 13th day of March, 2007

Mailed this ____ day of March, 2007



Anne Corcoran Briggs, Hearings Officer

Pursuant to LWUDO 2.230(3) and ORS 215.422(1), this decision is final unless it is appealed within ten days of the date this decision is mailed.



Oregon

Theodore R. Kulongoski, Governor

APRIL 21, 2009

THOMAS MERRELL
MANAGER
ARCH CAPE SANITARY DISTRICT
PO BOX 28
ARCH CAPE, OR 97102-0028

RE: Arch Cape Sanitary District
File No: 3300
Clatsop County

**Arch Cape Fire Station Sanitary Sewer Extension
Plan Approval**

Dear Mr. Merrell:

The Oregon Department of Environmental Quality (ODEQ) has approved sanitary sewer plans for connection of the Arch Cape Fire Station to Arch Cape Sanitary District (ACSD). Mr. Nathan C. Crater, PE, of HLB/Otak, Incorporated, submitted the sanitary sewer plans and specifications on March 30, 2009, per Oregon Administrative Rule (OAR) Chapter 340, Division 052. A \$149 Technical Activities Fee (TAF) was paid for ODEQ's plan review on this project. A project description and DEQ's conditions of approval are listed below.

DESCRIPTION – Construct:

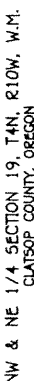
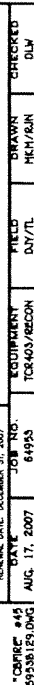
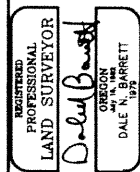
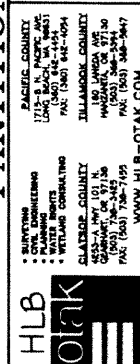
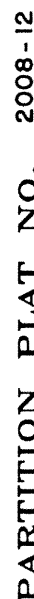
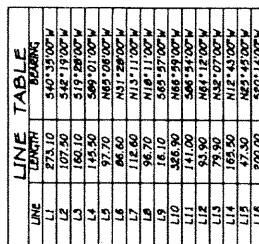
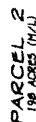
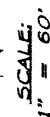
- 98 lineal feet of 6-inch diameter, ASTM D-3034 SDR-35 PVC sanitary lateral;
- One standard 48-inch diameter concrete manhole;
- One inside drop connection to an existing concrete manhole;
- Two 8-inch diameter, ASTM D-3034 SDR-35 PVC cleanouts; and
- 257 lineal feet of 8-inch diameter, ASTM D-3034 SDR-35 PVC sanitary sewer main.

CONDITIONS OF APPROVAL

1. Construction shall be inspected and certified in writing by the design engineer, Mr. Nathan C. Crater, PE, per OAR 340-052. Please use the attached "Inspection and Certification of Proper Construction" and "Manhole Test Record" forms to certify the project and to record testing on the new project manhole and the inside drop manhole connection.
2. The ACSD shall not allow any sewer construction to be performed, except under active inspection. Sanitary taps to existing sewers must be inspected and approved by qualified ACSD staff. Only APWA approved materials and methods shall be used.
3. All sanitary sewer materials, construction, and testing shall comply with the American Public Works Association (APWA), Oregon Chapter, Year-2002 and subsequent revisions (Part RD300 of Oregon Standard Drawings and Part 00400 of Oregon Standard Specifications for Construction), and with the ACSD Construction Standards. The most stringent requirements shall apply in each situation. A copy of both APWA and ACSD construction standards shall be kept at the construction site for reference at all times.
4. The PVC **sanitary sewer** main shall be **air tested** per APWA Part 00445.72, and **deflection tested** per Part 00445.73. A **TV acceptance inspection** is required for the newly constructed sanitary sewer, per APWA Part 00445.74. Sanitary sewer **manholes shall be tested**, per APWA Part 00470.71.

Exhibit 4

Department of Environmental Quality
Northwest Region Portland Office
2020 SW 4th Avenue, Suite 400
Portland, OR 97201-4987
(503) 229-5263
Fax: (503) 229-6945
TTY: (503) 229-5471





Clatsop County

Community Development – Planning

800 Exchange St., Suite 100
Astoria, OR 97103
(503) 325-8611 phone
(503) 338-3606 fax
www.co.clatsop.or.us

PUBLIC NOTICE

REQUEST BEFORE THE CLATSOP COUNTY PLANNING COMMISSION: TEXT AMENDMENTS TO GOAL 11 ELEMENT OF THE CLATSOP COUNTY COMPREHENSIVE PLAN AND AMEND THE SOUTHWEST COASTAL COMMUNITY PLAN, TO INCLUDE A PARCEL WITHIN ARCH CAPE SANITARY DISTRICT

Ordinance No. 23-09

DATE OF HEARING: **Tuesday, October 10, 2023**
TIME: 10:00 a.m.
LOCATION: **Hybrid: Judge Guy Boyington Building, 857 Commercial Street, Astoria, and via Zoom webinar link (Virtual Meeting)**
To join the meeting from your computer, tablet or smartphone:
<https://co-clatsop-orus.zoom.us/j/83932736797?pwd=WFJePkl6GtLHn9X65CJ98MITFCwVuw.ktR3J85BQYT5EiEk>
Dial by your location: 1 253 215 8782 US
Webinar ID: 839 3273 6797
Passcode: 000068
CONTACT PERSON: Julia Decker, Planning Manager

You are receiving this notice because you own property within 750 feet of the request listed below, or you are considered to be an affected state or federal agency, local government, or special district. A vicinity map for the subject property may be found on page 2.

Clatsop County Community Development is undertaking an exception to Goal 11 and map/text amendments to the Clatsop County Comprehensive Plan to extend the Arch Cape Sanitary District's boundary to include the Arch Cape Fire Station, located at 79729 Hwy 101, Arch Cape, T4N, R10W, Sec. 19BC, TL 04000, immediately adjacent to Arch Cape. The subject property is zoned F-80 (Forest – 80, 80-acre minimum lot size). A zone change is not required. This exception will formalize and conclude procedures begun in 2007, pursuant to OAR 660-011-0060, but not completed.

Please see map on reverse side.

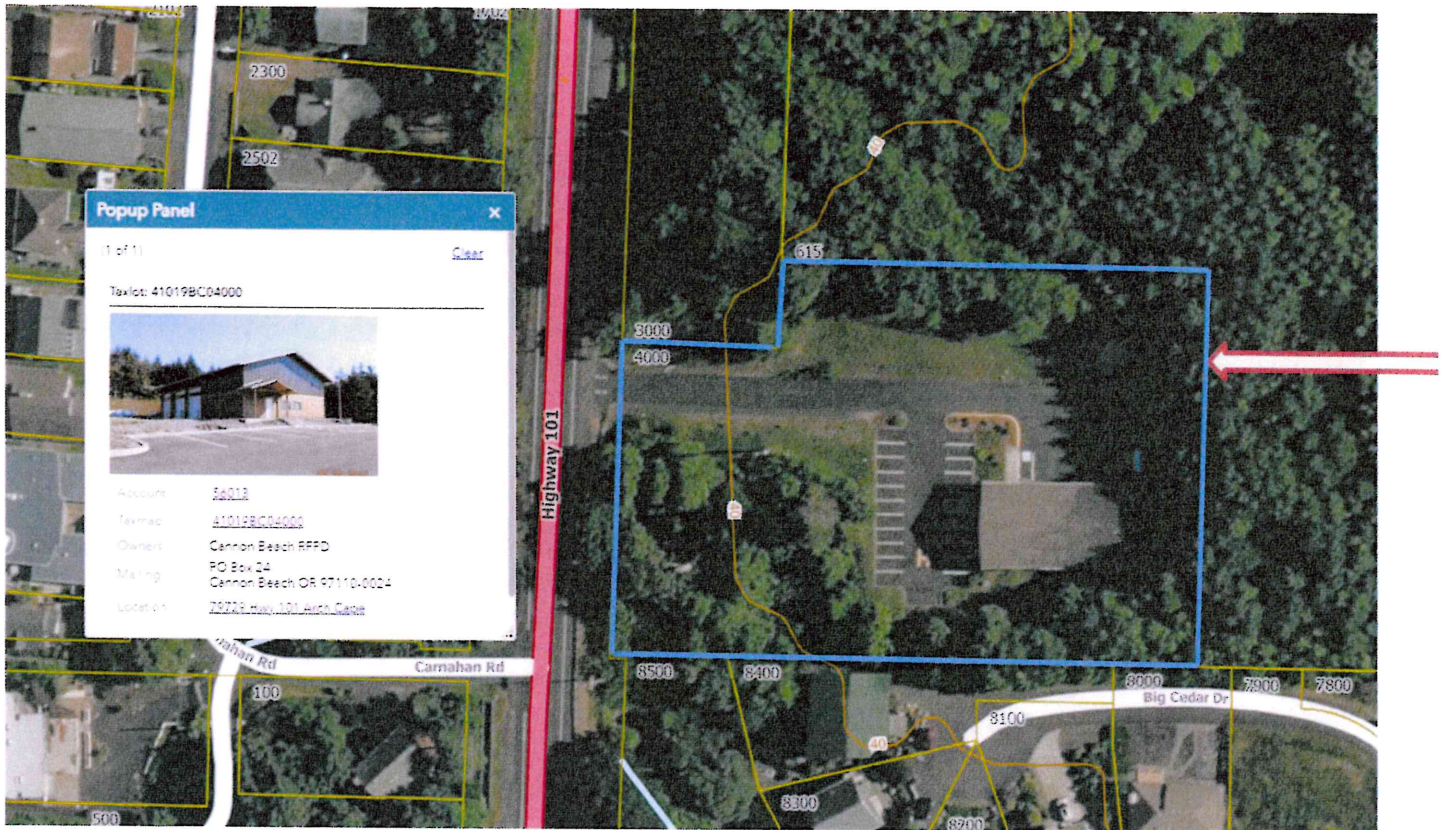
NOTICE IS HEREBY GIVEN that Clatsop County's Community Development Department, Land Use Planning Division has received the application described above. Pursuant to *Section 2.1030* of the Clatsop County Land and Water Development and Use Code #20-03, the Department Director has scheduled a quasi-judicial public hearing on this matter before the Clatsop County Planning Commission at **10:00 a.m. on Tuesday, October 10, 2023**, in accordance with the requirements depicted in the county ordinance.

All interested persons are invited to testify in person by attending in person or via the virtual hearing, or you may testify in writing by addressing a letter to the Clatsop County Planning Commission, 800 Exchange Street, Suite 100, Astoria, OR 97103. Written comments may also be sent via FAX to [503-338-3606](tel:5033383606) or via email to comdev@co.clatsop.or.us. Written comments must be received in this office no later than **4:00 p.m. on Monday, October 2, 2023**, in order to be included in the agenda packet. Written comments received by **4:00 p.m. on Monday, October 9, 2023**, will be presented at the hearing by staff; comments will be accepted at the hearing up to the point when the Planning Commission Chairperson closes the public comment portion of the hearing.

Planning representative for the application is Julia Decker, Planning Manager, (503) 325-8611 or jdecker@clatsopcounty.gov.

NOTE: Failure to raise an issue precludes appeal on that issue; and in raising an issue, you must specify the relevant Zoning Code criterion (see page 2*) to which the issue is directed.

Notice to Mortgagee, Lien Holder, Vendor or Seller: ORS Chapter 215 requires that if you receive this notice it must promptly be forwarded to the purchaser.



2022 aerial, Clatsop County GIS. Cannon Beach Rural Fire Protection District (Arch Cape Fire Hall), 79729 Hwy 101, depicted in blue outline. Amber contour line indicates slope. Properties to south on Big Cedar Drive (Castle Rock Estates) and across the highway to the west on Carnahan Road are within the Arch Cape Sanitary District. Parcels to the north and east are not within the sanitary district.

The Clatsop County Planning Commission will consider the request and make a recommendation to the Board of Clatsop County Commissioners, who will make the final decision regarding the request.

The following criteria may apply to the request:

LAWDUC 20-03

- 2.1050 Type IV Procedure
- 2.2000 Public Deliberations and Hearings

Oregon Administrative Rule 660-011-0060

COMPREHENSIVE PLAN

- Goal 1 (Citizen Involvement)
- Goal 2 (Land Use Planning)
- Goal 6 (Air, Water, and Land Quality)
- Goal 11 (Public Facilities & Services)
- Southwest Coastal Community Plan**

The above-referenced documents are available for review at the Clatsop County Community Development Department office, 800 Exchange Street, Suite 100, Astoria, Oregon, and on-line at the county's website, www.co.clatsop.or.us.

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at the Community Development Department Office during normal business hours (M-F, 7:30 a.m. to 4 p.m.) at no cost and will be provided at reasonable cost.

If you have questions about this land use matter or need more information, please contact Julia Decker, Planning Manager, at (503) 325-8611, or via email at jdecker@co.clatsop.or.us.

OWNER_LINE	OWNER_LL_1	OWNER_LL_2	STREET_ADD	CITY STATE ZIP_CODE
Andersen Joel D	Andersen Misti Dawn B	Andersen Revocable Trust Joel	12134 NE 19th Ave	Portland, OR 97212
Arch Cape Domestic Water Supply District			32065 E Shingle Mill Ln	Arch Cape, OR 97102
Ardington Michael Aynsley	Ardington Susan Shayne		3237 Centerwood Ct SE	Olympia, WA 98501
Barsukoff Ivan/ Evodokia			4634 S Timber Trail Dr	Woodburn, OR 97071-8719
Berg J&S Investments LLC			19174 SW 55th Ct	Tualatin, OR 97062
Byron Living Trust	Byron Thomas, Stephen	Byron Kay, Harding	3574 NE 182nd St	Lake Forest Park, WA 98155-4222
Caffall Bros Forest Products			PO Box 3178	Newberg, OR 97132-5178
Caffall Kathy L Rev Trust	Caffall Kathy L		1308 Oak Knoll Ct	Newberg, OR 97132-6046
Campbell William E III	Chartt Sharon L		80421 Big Cedar Dr	Arch Cape, OR 97102
Cannon Beach RFPD			PO Box 24	Cannon Beach, OR 97110-0024
Castle Rock Estates Owners			32001 Buena Vista Dr	Arch Cape, OR 97102-0121
Costa Dana A			1750 Cinnamon Hill Dr SE	Salem, OR 97306
Deemie Paul M	Childress Sandra A	Deemie and Childress Trust	3065 Crestview Dr S	Salem, OR 97302
Johnson Milton H/Joann R Tr	Johnson Family Trust		6405 Montana Ln	Vancouver, WA 98661
Kennedy Timothy	Kennedy Angela		3124 NE 28th St	Portland, OR 97212
Killam Merry	Killam James		10637 NW Lost Park Dr	Portland, OR 97229
Lieberman Noah	Lieberman Dena		4907 NE Ainsworth St	Portland, OR 97218
Lynch Edward C			400 W 36th St	Vancouver, WA 98660
Oregon State Dept Of Transport				
Petruszelli Stephen J	Petruszelli Dolores A	Petruszelli Revocable Living Trus	9980 SW Riverwood Ln	Tigard, OR 97224
Proffitt Joanne Gail	Proffitt Jack R		PO Box 1844	Beaverton, OR 97075-1844
Simpson Gregg	Hufford Gary L	Hufford Joan M	17734 Kantishna Dr	Eagle River, AK 99577
Solorzano Valerie			5721 SE Insley	Portland, OR 97206
Steele Robert W/Nicolette G			11135 June Agnes Cir	Eagle River, AK 99577
Walsh Gerald M	Walsh Ellen R		6003 Chadwell Rd SW	Huntsville, AL 35802
Willden Paula	Willden Christopher		80405 Carnahan Rd	Arch Cape, OR 97102
Arch Cape Sanitary District	Matt Gardner			
Brett Estes	DLCD Coastal Policy Specialist/NC Regional Rep			
Jon Jinings	DLCD Community Services Specialist			
Oregon Dept. of Forestry	DLCD Community Services Specialist			
Arch Cape Falcon Cove Beach Community Club	Stewardship Foresters			
Hilary Foote	DLCD Farm Forest Specialist			

ODOTR2PLANMGR@ODOT.STATE.OR.US

mattgardneracuti@gmail.com
brett_estes@dcd.oregon.gov
Jon.JININGS@dcd.oregon.gov
Bryce.RODGERS@odf.oregon.gov; Craig.L.Sorter@odf.oregon.gov
acfbcc@gmail.com
hilary.foote@state.or.us

CERTIFICATE OF MAILING

I hereby certify I served a copy of the attached public notice to those paid and deposited in the US Post Office, Astoria, Oregon, on said day or via email.

Date: September 20, 2023

Roan Dickey, Permit Tech



9/19/2023



Affidavit for Posted Notice of a Public Hearing

(per LAWDUC Section 2.2030)

Please submit this completed declaration at least 7 days prior to the scheduled hearing.

Ordinance #23-09

I, Ian Sisson, Senior Planner, Clatsop County Community Development, do hereby declare as follows:

1. On September 29, 2023, I posted the "Notice of Public Hearing" sign(s) provided by Clatsop County Community Development on the project site (one for each frontage for corner lots):

79729 Hwy 101, Arch Cape

2. Attached to this declaration is a photograph showing the duly posted public notice on the project site.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this date, 10-3-2023

Signature

IAN SISSON

Print name

SENIOR PLANNER

Relationship to Project, e.g., owner, architect, attorney



**NO
PARKING
NO
TRESPASSING**
CANNON BEACH RURAL
FIRE PROTECTION DISTRICT

7
9
7
2
9

Cannon Beach
Rural Fire
Protection District
Arch Cape Station

Clatsop County
Subject of
PUBLIC HEARING
503.325.8611
WWW.clatsopcounty.gov



Clatsop County

Community Development – Planning

800 Exchange St., Suite 100
Astoria, OR 97103
(503) 325-8611 phone
(503) 338-3606 fax
www.clatsopcounty.gov

STAFF REPORT

STAFF REPORT DATE:	October 3, 2023
HEARING DATE:	October 10, 2023
HEARING BODY:	Clatsop County Planning Commission
REQUEST:	Exception to Goal 11 to correct an oversight from 2002 when two parcels of land were annexed into the Arch Cape Sanitary District without completing the goal exception procedure required pursuant to OAR 660-011-0060.
PROPERTY DESCRIPTION:	T4N, R10W, Sec. 19BB, Tax Lot 00300 (TL 300), ±1.22 acres
Site Address:	79878 Hwy 101, Arch Cape
Owner:	Michael and Lisa Wodtke 1921 Bayard Ave. Saint Paul, MN 55116
	T4N, R10W, Sec. 19BB, Tax Lot 00401 (TL 401), ±0.67 acres
Site Address:	79876 Hwy 101, Arch Cape
Owner:	Hidden Cove LLC, Scott Sharpe Strachan LLC, Jocaca Beach LLC 4712 NE 29 th Ave Portland, OR 97211
ZONING DESIGNATION:	Coastal Residential (CR; 20,000 sq. ft minimum lot size)
Overlays:	Geologic Hazards Overlay (GHO) Shoreland Overlay (SO)
COMPREHENSIVE PLAN DESIGNATION:	Rural Lands
STAFF REVIEWER:	Ian Sisson, Senior Planner
STAFF RECOMMENDATION:	Recommend the Board of Clatsop County Commissioners approve the proposed exception to Goal 11 to expand the Arch Cape Sanitary District boundary to include T4N, R10W, Sec. 19 BB, Tax Lots 300 and 401, and update any maps within the Comprehensive Plan that depict the sanitary district boundaries accordingly.
EXHIBITS	<ol style="list-style-type: none">1. June 12, 2002, Resolution & Order in the matter of Annexation to Arch Cape Sanitary District2. Septic record for TL 4013. Maps of Arch Cape Sanitary District4. Public Notices

SUBJECT PROPERTIES:



PROPERTY STATUS AND HISTORY: TL 300 was created by the recording of a warranty deed, Book 197, Page 177, Clatsop County Book of Deed Records, on February 13, 1948. TL 401 was created by the recording of a warranty deed, Book 250, Page 140, Clatsop County Book of Deed Records, on April 11, 1959. The subject TL 00700 meets the county's definition of "lot of record" (LAWDUC Section 1.0500).

TL 300 and TL 401 are oceanfront properties and are each developed with a single-family dwelling. The dwelling on TL 300 was constructed in 1961 and the dwelling on TL 401 was constructed in 1959. Both dwellings are situated near Highway 101 atop a steep escarpment. This section of coastline has historically experienced landslide activity and is within an identified geologic hazard area.

The dwellings were each originally served by on-site sewage disposal systems. Due to the steep, active terrain, the septic systems were small and experienced issues over time. In 1993, the septic system on TL 401 was decommissioned after being determined to be a public health hazard by the Oregon Department of Environmental Quality (DEQ), and a new system was constructed on an abutting parcel to the south. At the time, the property owner had requested to connect to the Arch Cape Sanitary District's sewer system; however, a moratorium on new connections was in place. (See on-site septic record for TL 401, Exhibit 2)

In 2002, the Board of Clatsop County Commissioners adopted a resolution and order to annex TL 300 and TL 401 into the Arch Cape Sanitary District (Exhibit 1). The required exception to Goal 11 was not taken. This proposal would correct that oversight. Approval of this goal exception would only "legalize" the already-completed sewer extension to the subject parcels. No new development or change of use is included in this proposal.

Because the Southwest Coastal Community Plan currently is in the process of being updated as part of the county's Comprehensive Plan update project, staff is not recommending this goal exception be added to the community plan at this time. Any changes to the sanitary district boundary that should be included in the revised community plan would be added at the time the new plan is adopted.

The proposed amendments to the Comprehensive Plan and sanitary district boundary are written by staff

and have been submitted to DLCD for review. The proposed amendments are in compliance with state law for post-acknowledgement plan amendments (PAPA) as required by law ([OAR 660-018](#)). The procedure for this application is quasi-judicial.

I. APPLICABLE CRITERIA

Clatsop County Land and Water Development and Use Code 20-03 (LAWDUC)

- 2.1050 Type IV Procedure
- 2.2000 Public Deliberations and Hearings
- 4.2300 Coastal Residential Zone (CR)
- 5.3000 Geologic Hazards Overlay District (GHO)

Clatsop County Comprehensive Plan

- Goal 1 – Citizen Involvement
- Goal 2 – Land Use Planning
- Goal 6 – Air, Water, and Land Resources Quality
- Goal 11 – Public Facilities and Services
- Southwest Coastal Community Plan*

Oregon Administrative Rules (OAR)

- 660-011-0060 Sewer Service to Rural Lands

II. STAFF ANALYSIS

The following section examines the application versus the applicable criteria.

I. LAWDUC 20-03

Section 2.1050 Type IV Procedure

- 1) Type IV actions will involve either a legislative or quasi-judicial process as appropriate to the circumstances. They may involve the creation, broad scale implementation or revision of public policy such as amendments to the text of the Comprehensive Plan, Community Plans, Zoning Code, or Comprehensive Plan Zoning Map are generally processed as legislative. Large scale changes in Community Development maps also may be characterized as legislative where a larger number of property owners are directly affected. Requests for changes affecting specific properties, a limited number of property owners and/or a specific project are considered quasi-judicial. The Type IV procedure is to be used where indicated in this Ordinance.
- 2) Under the Type IV procedure, the Director shall schedule a public hearing pursuant to Section 2.2010 before the Planning Commission.
- 3) The Director shall mail and publish a notice pursuant to Section 2.3020.

Staff Analysis and Finding: Clatsop County Community Development is processing this text amendment request as a Type IV procedure. Because only two parcels are to be affected, the application is considered quasi-judicial. The public hearing before the Planning Commission is scheduled for Tuesday, October 10, 2023, and published notice in The Astorian is scheduled for September 30, 2023, pursuant to Section 2.3020. Public notice was provided in accordance with Section 2.1050 3) on September 21, 2023. Mailed notices were provided to property owners within 250 feet of the subject property, the Arch Cape Sanitary District, Oregon Department of Transportation, as well as DLCD staff.

Section 2.1050 criteria have been met.

2.2000 Public Deliberations and Hearings

Staff Analysis and Finding: Section 2.2000 provides detailed instructions for the conduct of public hearings, responsibilities of all parties, providing and publishing notices, and posting the subject property. All applicable elements of Section 2.2000 have been, or will be, followed, as prescribed by code.

Section 2.2000 has been, or will be, met, as prescribed by code.

SECTION 4.2300. COASTAL RESIDENTIAL ZONE (CR)

Section 4.2310. Purpose

The CR zone is intended to encourage residential and very limited recreation development in the Southwest Coastal planning area primarily where commitments to such development have been made through existing subdivision, partitioning or development, of where the anticipated magnitude or density of development will not require more than a very basic level of services. This zone is a Goal 14 exceptions area.

Staff Analysis and Finding: The proposed Goal 11 exception would “legalize” the already-completed sewer extension to the subject parcels, each of which is developed with a single-family dwelling. No new development or change of use is included in this proposal.

The proposal does not conflict with the Coastal Residential Zone.

II. COMPREHENSIVE PLAN GOALS AND POLICIES

Goal 1 – Citizen Involvement

To establish and maintain a Community Involvement Program which ensures the opportunity for local community members to be involved in a broad range of planning and land use issues.

OBJECTIVE 2: The County’s Program for Public Involvement shall be designed to solicit input from and participation by members of the public representing a broad cross-section of the County’s population.

OBJECTIVE 3: Encourage involvement of the public in the land use planning process.

Policy A: Agendas for all planning commission meetings should be provided at least seven days prior to the meetings.

Policy B: Notices of all meetings of the Committee for Citizen Involvement should be:

1. posted in the Clatsop County Planning Office;
2. posted on the Clatsop County website;
3. posted on Clatsop County social media accounts;
4. mailed to all property owners within each planning area;
5. submitted to local radio station(s) events calendars; and
6. published in a local newspaper

Policy D: Public notice shall be sent to affected residents and neighborhood/community organizations, as defined in Section 1.0500, LAWDUC, concerning Comprehensive Plan amendments, zone changes, conditional use applications, subdivisions, planned developments, and other land use actions that require written notice.

Staff Analysis and Finding: Clatsop County Community Development is processing this procedure for a Goal 11 exception and text amendments as a Type IV quasi-judicial procedure and has scheduled a public hearing before the Clatsop County Planning Commission for October 10, 2023, and hearings with first and second readings before the Board of Clatsop County Commissioners for November 8, 2023, and December 13, 2023, respectively.

Public notices were mailed to property owners within 250 feet of the subject properties, the Arch Cape Sanitary District, the Arch Cape Falcon Cove Beach Community Club, and DLCD and other state staff, among others. Notice was published in the county's paper of record, The Astorian, on Saturday, September 30, 2023. Public comments are being accepted by letter, facsimile, email, and in-person testimony at public hearings.

The procedure for adoption of the proposed text amendments and goal exception is consistent with applicable Goal 1 policies.

Goal 2 – Land Use Planning

6. Rural Lands

Rural Lands are those that are outside an urban growth boundary, outside of rural community boundaries, and are not agricultural or forest resource lands. Rural lands include areas suitable for sparse settlement, small farms or acreage homesites with no or few/limited public services, and which are not suitable, necessary or intended for urban use.

Land Use Policies – Rural Lands Designation

Objective 3: To retain rural areas as sparse settlement, small farms or acreage homesites with minimal public services.

Staff Analysis and Finding: TL 300 and TL 401 are oceanfront properties and are each developed with a single-family dwelling. The dwelling on TL 300 was constructed in 1961 and the dwelling on TL 401 was constructed in 1959. The CR Zone and "Rural Lands" plan designation were applied to the properties in 1980.

The dwellings were each originally served by on-site sewage disposal systems. Due to the steep, active terrain, the septic systems experienced issues over time. In 1993, the septic system on TL 401 was decommissioned after being determined to be a public health hazard by DEQ, and a new system was constructed on an abutting parcel to the south. (See on-site septic record for TL 401, Exhibit 2)

In 2002, the Board of Clatsop County Commissioners adopted a resolution and order to annex TL 300 and TL 401 into the Arch Cape Sanitary District (Exhibit 1), allowing them to connect to the sewer system and decommission the on-site septic systems. During that process, there was an administrative oversight and the required exception to Goal 11, to allow the extension of sewer service to rural lands, was not taken. This proposal would correct that oversight.

As described above, the Rural Lands designation provides for minimal public services. Extension of the public sewer to the two parcels resolved a public health issue and has not / is not anticipated to lead to development that is inconsistent with the purpose or intent of the Rural Lands designation.

Staff discussed this proposal with DLCD staff and determined a zone change is not necessary because OAR 660-011-0060 provides for the extension of sewer service to rural lands if applicable criteria are met (addressed later in this report, where it will be demonstrated the proposal meets those criteria).

The proposed exception to Goal 11 does not conflict with Goal 2.

Goal 6 – Air, Water and Land Resources Quality

Overall Goals

Goal 1: Development in Clatsop County shall comply with all state and federal environmental standards.

Policy B: Waste discharges from any development, when combined with existing discharges from existing development, shall not result in a violation of state or federal environmental quality statutes, rules or standards.

General Policies

Policy A: The County should continue to encourage the Department of Environmental Quality (DEQ) and other state agencies to monitor air quality, surface and groundwater quality, and land quality including waste disposal and erosion problems within Clatsop County.

Staff Analysis and Finding: The dwellings on the subject properties were each originally served by on-site sewage disposal systems. Both dwellings are situated near Highway 101 atop a steep escarpment. This section of coastline has historically experienced landslide activity and is within an identified geologic hazard area.

Due to the steep, active terrain, the septic systems experienced issues over time. In 1993, the septic system on TL 401 was decommissioned after being determined to be a public health hazard by DEQ, and a new system was constructed on an abutting parcel to the south. (See on-site septic record for TL 401, Exhibit 2).

An on-site septic record for TL 300 is not available, but the site conditions and geologic hazards are very similar to TL 401 and it is understood by staff that the septic system for TL 300 also presented a public health hazard. Allowing extension of sewer service to the subject properties would reduce hazards to public health and pollution of the land and water, which is consistent with Goal 6.

The proposed exception to Goal 11 is consistent with Goal 6.

Goal 7 – Areas Subject to Natural Hazards

Objectives and Policies

Objective 3: To reduce or prevent damage to public and private services, buildings, and infrastructure; and to protect natural and cultural resources as a part of those efforts.

Landslide Policies

Policy A: The County shall recognize the development limitations imposed by areas of mass movement potential.

Policy D: Clatsop County should restrict closely spaced septic tanks and drainfields from moderately to steeply sloping areas because of the potential for sliding.

Staff Analysis and Finding: The dwellings on the subject parcels are situated near Highway 101 atop a coastal bluff. This section of coastline has steep slopes and is within an identified geologic hazard area. Due to the steep, active terrain, the original septic systems serving the dwellings experienced issues over time.

In 1993, the septic system on TL 401 was decommissioned after being determined to be a public health hazard by DEQ, and a new system was constructed on an abutting parcel to the south. (See on-site septic record for TL 401, Exhibit 2).

Extending sewer service to the dwellings recognizes the development limitations of the subject properties and reduces the potential for damage to the septic systems, which also serves to protect natural resources.

The proposed exception to Goal 11 is consistent with Goal 7.

Goal 11 – Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development in Clatsop County.

PUBLIC FACILITIES GOALS

Goal 2: Outside of Urbanizable Areas:

- a. To support the provision of needed public facilities for rural areas at levels appropriate for rural densities;

Goal 3: To avoid the extension of urban services (i.e. sewer systems) into outlying sparsely settled areas (1 acre or greater sites).

WASTE DISPOSAL POLICIES

Policy A: Clatsop County considers sewer services appropriate only for urbanizable lands and Rural Service 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.

Staff Analysis and Finding: The subject properties are in the Coastal Residential Zone (CR), which has a minimum lot size of 20,000 sq. ft. While the properties are not within an urban growth boundary, rural service area or rural community boundary, Goal 11 Waste Disposal Policy A provides that Clatsop County may permit the extension of sewer services in the event of a health hazard identified by DEQ.

As discussed earlier in this report, the septic record for TL 401 indicates the original on-site sewage disposal system was decommissioned after being determined to be a public health hazard by DEQ. While a septic record is not available for TL 300, that property contains the same site conditions, including steep slopes and landslide hazards, which put the septic system at high risk of failure resulting in hazards to public health.

The Goal 11 exception process is being used to correct an administrative oversight from 2002 when the subject properties were annexed into the Arch Cape Sanitary District without land use review, allowing the extension of the district boundary and sewer service outside the Arch Cape rural community boundary, to reduce the public health hazards associated with on-site disposal systems in this location.

The proposal to expand the Arch Cape Sanitary District boundary to include the subject properties and extend the sewer system does not conflict with Goal 11.

Southwest Coastal Community Plan

Public Facilities

Sewer System

The Arch Cape Sewer Service District sewer system was completed in 1975. It is designed for a population of 1,150 persons with present population in the summer months being around 450 to 500 persons.

Southwest Coastal CAC Goal: To provide public facilities and services capable of meeting existing and future needs at appropriate levels for the Rural Service Area and Rural areas in the most cost effective manner.

Staff Analysis and Finding: The Southwest Coastal Community Plan was adopted June 1, 1979, and has been minimally updated over the years. A comprehensive update of the community plan is currently underway. The proposal to expand the Arch Cape Sanitary District boundary to serve two parcels with single-family homes, which have existed since 1959 and 1961, does not conflict with the community plan.

III. OREGON ADMINISTRATIVE RULES (OAR)

OAR 660-011-0060

Sewer Service to Rural Lands

(1) As used in this rule, unless the context requires otherwise:

- (b) "Extension of a Sewer System" means the extension of a pipe, conduit, pipeline, main, or other physical component from or to an existing sewer system in order to provide service to a use, regardless of whether the use is inside the service boundaries of the public or private service provider. The sewer service authorized in section (8) of this rule is not an extension of a sewer;
- (d) "Public health hazard" means a condition whereby it is probable that the public is exposed to disease-caused physical suffering or illness due to the presence of inadequately treated sewage;
- (f) "Sewer system" means a system that serves more than one lot or parcel, or more than one condominium unit or more than one unit within a planned unit development, and includes pipelines or conduits, pump stations, force mains, and all other structures, devices, appurtenances and facilities used for treating or disposing of sewage or for collecting or conducting sewage to an ultimate point for treatment and disposal. The following are not considered a "sewer system" for purposes of this rule:
 - (A) A system provided solely for the collection, transfer and/or disposal of storm water runoff;
 - (B) A system provided solely for the collection, transfer and/or disposal of animal waste from a farm use as defined in ORS 215.303.

2) Except as provided in sections (3), (4), (8), and (9) of this rule, and consistent with Goal 11, a local government shall not allow:

- (b) The extension of sewer lines from within urban growth boundaries or unincorporated community boundaries in order to serve uses on land outside those boundaries;

8) A local government may allow a residential use to connect to an existing sewer line provided the conditions in subsections (a) through (h) of this section are met:

- a) The sewer service is to a residential use located on a parcel as defined by ORS 215.010 (Definitions)(1), or a lot created by subdivision of land as defined in ORS 92.010 (Definitions for ORS 92.010 to 92.192);
- b) The parcel or lot is within a special district or sanitary authority sewer service boundary that existed on January 1, 2005, or the parcel is partially within such boundary and the sewer service provider is willing or obligated to provide service to the portion of the parcel or lot located outside that service boundary;
- c) The sewer service is to connect to a residential use located within a rural residential area, as described in OAR 660-004-0040 (Application of Goal 14 to Rural Residential Areas), which existed on January 1, 2005;
- d) The nearest connection point from the residential parcel or lot to be served is within 300 feet of a sewer line that existed at that location on January 1, 2005;
- e) It is determined by the local government to be practical to connect the sewer service to the residential use considering geographic features or other natural or man-made constraints;
- f) The sewer service authorized by this section shall be available to only those parcels and lots specified in this section, unless service to other parcels or lots is authorized under sections (4) or (9) of this rule;
- g) The existing sewer line, from where the nearest connection point is determined under subsection (8)(d) of this rule, is not located within an urban growth boundary or unincorporated community boundary; and
- h) The connection of the sewer service shall not be relied upon to authorize a higher density of residential development than would be authorized without the presence of the sewer service, and shall not be used as a basis for an exception to Goal 14 as required by OAR 660-004-0040 (Application of Goal 14 to Rural Residential Areas)(6).

Staff Analysis and Findings: The subject properties are lawfully established units of land in a rural residential zone. Each property has been developed with a single-family dwelling. The parcels were annexed into the Arch Cape Sanitary District in 2002. The CR Zone is a rural residential zone and was the subject properties in 1980.

According to Arch Cape Sanitary District staff, the dwellings on TL 300 and TL 401 are connected to a sewer line within the right-of-way for Highway 101, which is less than 300 feet from the subject parcels and is not located within an urban growth boundary or unincorporated community boundary. The exact date that sewer line was installed is unknown, but considering the subject properties were annexed into the district in 2002, it is believed to have been installed prior to January 1, 2005. Additionally, adjacent parcels south of the subject property indicate sewer easements were in place since at least 1980.

Based on the steep topography of the parcels, mapped landslide hazards, and documented coastal erosion, on-site sewage disposal is impractical and poses hazards to public health; it is more practical for the subject properties to connect to the sewer system.

This proposal affects only TL 300 and TL 401 and would not authorize extension of sewer services to other lots or parcels. The purpose of this proposal is to correct an administrative oversight when the subject parcels were annexed into the Arch Cape Sanitary District without land use review and will not be relied upon to authorize a higher density of residential development than would be authorized without the presence of the sewer service, and will not be used as a basis for an exception to Goal 14.

The proposal satisfies the criteria listed in OAR 660-011-0060(8).

- 9) A local government may allow the establishment of new sewer systems or the extension of sewer lines not otherwise provided for in section (4) of this rule, or allow a use to connect to an existing sewer line not otherwise provided for in section (8) of this rule, provided the standards for an exception to Goal 11 have been met, and provided the local government adopts land use regulations that prohibit the sewer system from serving any uses or areas other than those justified in the exception. Appropriate reasons and facts for an exception to Goal 11 include but are not limited to the following:
- (a) The new system, or extension of an existing system, is necessary to avoid an imminent and significant public health hazard that would otherwise result if the sewer service is not provided; and, there is no practicable alternative to the sewer system in order to avoid the imminent public health hazard, or
 - (b) The extension of an existing sewer system will serve land that, by operation of federal law, is not subject to statewide planning Goal 11 and, if necessary, Goal 14.

STAFF FINDINGS AND CONCLUSION: This report demonstrates the proposal satisfies the criteria listed in section (8) of this rule, as well as the standards for an exception to Goal 11. The subject parcels are rural lands not located within an urban growth boundary or unincorporated community. The steep and active terrain, and identified landslide and coastal erosion hazards, are unique challenges for on-site sewage disposal systems which present imminent and significant public health hazards, as documented in the septic record for TL 401 (Exhibit 2). An exception to Goal 11 is warranted to allow the existing development on the subject parcels to be connected to the sewer system operated by the Arch Cape Sanitary District. This Goal 11 exception serves to correct an oversight of the goal exception process that occurred in 2002 when the Board of Clatsop County Commissioners approved a resolution and order annexing the subject parcels into the sanitary district without land use review (Exhibit 1).

PUBLIC AND AGENCY COMMENTS

As of October 3, 2023, the Community Development Department has received no public or agency comments on this application.

CONCLUSION AND RECOMMENDATION

Based on the analysis above, staff has found the proposed exception to Goal 11 and amendments to the

Comprehensive Plan are consistent with OAR 660-011-0060. Staff recommends the Clatsop County Planning Commission recommend the Board of Clatsop County Commissioners amend the text of the Comprehensive Plan to expand the Arch Cape Sanitary District to include T4N, R10W, Sec. 19BB, Tax Lot 00300 and Tax Lot 00401, and update any maps within the County's Comprehensive Plan that depict the sanitary district boundaries accordingly.

Recommended motion: "I move that the Clatsop County Planning Commission recommend Board of Clatsop County Commissioners amend the text of the Comprehensive Plan to expand the Arch Cape Sanitary District to include T4N, R10W, Sec. 19BB, Tax Lot 00300 and Tax Lot 00401, and update any maps within the County's Comprehensive Plan that depict the sanitary district boundaries accordingly."

GOAL 11



PUBLIC FACILITIES AND SERVICES

STATEWIDE PLANNING

GOAL 11:

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

CLATSOP COUNTY GOAL 11:

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development in Clatsop County.

OVERVIEW

Public facilities and services affect a community in four ways:

- (1) Through the costs involved in their financing;
- (2) Through their influence on land use patterns;
- (3) Through their economic impacts; and
- (4) Quality of life impacts.

The nature and level of these services do much to define a community, clearly marking the differences between urban and rural land usage by their presence or absence.

The five incorporated cities and unincorporated Clatsop County provide differing levels of public facilities. Almost all of the cities provide police and fire protection, sewer, water and library services. As the size of a 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 of the zoning and to the lack of need to serve resource farm and forest lands. Most rural land uses are sufficiently dispersed so as not to efficiently or financially support public facilities such as sewer.

Per the requirements of Statewide Planning Goal 11, counties with an unincorporated community must develop and adopt a community public facility plan that regulates facilities and services. Outside of urban growth boundaries, public facilities such as water or sewer should generally not be provided. Examples from the Department of Land Conservation and Development (DLCD) state:

- Public sewer service is only allowed outside of an urban growth boundary to alleviate an existing health hazard.
- Public water service is only allowed if it is not used as a justification to increase existing levels of allowed rural development.

GOAL 11: PUBLIC FACILITIES AND SERVICES

CLATSOP COUNTY COMPREHENSIVE PLAN

Clatsop County is responsible for coordinating the planning for public services in unincorporated county areas. These planning efforts should be done in coordination with local special districts and service providers.

GOALS, OBJECTIVES AND POLICIES

PUBLIC FACILITIES GOALS

- Goal 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.**
- Goal 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 uses.**
- Goal 3:** **To avoid the extension of urban services (i.e. sewer systems) into outlying sparsely settled areas (1 acre or greater sites).**

GENERAL PUBLIC FACILITIES POLICIES

- Policy A:** Clatsop County recognizes the level of public facilities and services described in the Goal 11 Background Report regarding “Appropriate Levels of Public Facilities”, 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.
- Policy B:** 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.
- Policy C:** 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 applications for new development.
- Policy D:** Water and sewer districts shall be encouraged to cooperate with the County in changing district boundaries.

GOAL 11: PUBLIC FACILITIES AND SERVICES

ended XXXXX/Ordinances 23-09 and 23-10

CLATSOP COUNTY COMPREHENSIVE PLAN

- Policy E:** All new planned developments and subdivisions should install underground utilities. Efforts should be made to place existing overhead lines underground in already developed areas.
- Policy F:** The County should work with utility operators and property owners to identify and develop public green belt paths and trails within utility rights-of-way.
- Policy G:** 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.
- Policy H:** When a Comprehensive Plan or Zone Change or both are permitted under state law and would allow a higher residential density, or allow more intensive 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.
- Policy I:** The County should consider relocating critical public facilities outside of tsunami and landslide zones. Where feasible, new and expanded public facilities should be designed and constructed to withstand a Cascadia event earthquake and outside of tsunami hazard areas.
- Policy J:** Clatsop County should consider and develop measures to address tsunami risks and to provide evacuation routes and signage when planning, developing, improving, or replacing public facilities and services.
- Policy K:** Clatsop County should update public facility plans to plan, fund, and locate future facilities outside of the tsunami inundation zone, whenever possible.
- Policy L:** Structures and public facilities owned and/or operated by Clatsop County should be seismically retrofitted.
- Policy M:** The County shall work with special districts and state agencies to identify what services and/or infrastructure improvements are currently needed in the unincorporated areas and begin to plan for those projects.

LAND USE POLICIES

- Objective 1:** To encourage the location of public and private facilities and services in areas appropriate for higher-density residential development.
- Policy A:** In areas designated Rural Lands, the capacity of rural water systems should be provided at level appropriate for rural development and should not support urban-level density or intensities.

GOAL 11: PUBLIC FACILITIES AND SERVICES

ended XXXXX/Ordinances 23-09 and 23-10

CLATSOP COUNTY COMPREHENSIVE PLAN

Policy B: The County will discourage the placement of new public facilities, including water and fire services, in areas designated as Forest Lands, Conservation Other Resources, Rural Agricultural Lands, and Natural.

DIKING AND DRAINAGE DISTRICT POLICIES

Policy A: Clatsop County may assist diking districts in reorganization as well as providing assistance in obtaining funds for improvement of the diking district.

Policy B: The county should work with the property owners as well as the appropriate state, federal, and local governments to clarify roles and responsibilities of each party in the event of diking failure.

WATER SUPPLY SYSTEM POLICIES

Policy A: Development of a subdivision, planned development, or the building of individual residences, commercial or industrial structures requiring water or subsurface sewage disposal shall require proof that a year-round source of potable water is available.

Policy B: If water supply for building permits is from a surface source, including a spring, proof of water rights from the State must be presented.

Policy C: 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.

Policy D: Clatsop County should encourage existing community water supply systems to be improved and maintained at a level sufficient to:

1. Provide adequate fire flow and storage capacity to meet the service area requirements,
2. Meet the anticipated long-range maximum daily use and emergency needs of the service area, and
3. Provide adequate pressure to ensure the efficient operation of the water distribution system.

Policy E: Clatsop County may coordinate with the cities in examining the feasibility of developing a regional water system to provide municipal and community water.

Policy F: Clatsop County shall work with water districts to plan to ensure adequate

GOAL 11: PUBLIC FACILITIES AND SERVICES

ended XXXXX/Ordinances 23-09 and 23-10

CLATSOP COUNTY COMPREHENSIVE PLAN

water, services and funding exist to serve new development over time.

Policy G: The County shall work with water districts to determine potential build-out in order to ensure that there is adequate water to meet future growth needs.

Policy H: The County should encourage new innovation and concepts to conserve and/or reduce water usage including, but not limited to grey water recycling, as permitted under OAR 340-053.

Policy I: The County should review its minimum water flow requirements for new development to ensure that its requirements are consistent with actual usage patterns.

Policy J: Clatsop County should review whether required water flow should be based on the number of fixtures and/or house size instead of requiring a fixed number of gallons of water per day.

WASTE DISPOSAL POLICIES

Policy A: Clatsop County considers sewer services appropriate only for urbanizable lands and Rural Service 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.

Policy B: Clatsop County shall cooperate with cities in developing a phased growth plan to guide the provision of municipal services to urbanizable areas.

Policy C: Clatsop County may encourage alternative methods of sewage disposal when such methods are economically, legally, and environmentally feasible.

Policy D: Clatsop County should consider the use of solid waste to generate electricity.

Policy E: Clatsop County should continue to coordinate with the cities in the establishment of a regional landfill site.

Policy F: The County should identify suitable areas for use as a human waste disposal site.

Policy G: A Goal 11 exception in accordance with OAR 660-011-0060 has been taken to include T7N, R10W, Sec. 15, Tax Lot 00700 in the Shoreline Sanitary District Boundary. The subject parcel is within the Rural Service Area and is designated "Development" in the Comprehensive Plan. A map of the Shoreline Sanitary District Boundary, as amended, is included in the Clatsop Plains Community Plan.

Policy H: A Goal 11 exception in accordance with OAR 660-11-0060 has been taken to include T4N, R10W, Sec. 19BC, TL 04000, also known as 79729 Hwy 101,

GOAL 11: PUBLIC FACILITIES AND SERVICES

ended XXXXX/Ordinances 23-09 and 23-10

CLATSOP COUNTY COMPREHENSIVE PLAN

Arch Cape, into the Arch Cape Sanitary District's boundary, to accommodate the Cannon Beach Rural Fire Protection District's Arch Cape Fire Station. (Ord. 23-09)

A map of the district boundary, as amended, shall be included in the Southwest Coast Community Plan.

Policy I: A Goal 11 exception in accordance with OAR 660-11-0060 has been taken to include T4N, R10W, Sec. 19BB, TL 00300, also known as 79878 Hwy 101, Arch Cape, and T4N, R10W, Sec. 19BB, TL 00401, also known as 79876 Hwy 101, Arch Cape, into the Arch Cape Sanitary District's boundary. (Ord. 23-10)

A map of the district boundary, as amended, shall be included in the Southwest Coast Community Plan.

OTHER PUBLIC FACILITIES POLICIES

Policy A: Clatsop County may rely upon the various school districts in the County for the provision of public education.)

Policy B: Clatsop County shall notify the appropriate school district of all proposed subdivisions, planned developments and mobile home park applications.

Policy C: Clatsop County should 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.

Policy D: Clatsop County may 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.

Policy E: Rural fire protection districts should be encouraged to expand service boundaries to include lands designated Rural Lands.

Policy F: New power transmission lines shall be confined to existing easements whenever possible to minimize impacts to resource lands.

Policy G: Clatsop County will work with public and private land owners to identify a future site or sites for the installation of a solid waste disposal site to accommodate a biodigester or other system for the temporary treatment and/or storage of septage.

GOAL 11: PUBLIC FACILITIES AND SERVICES

CLATSOP COUNTY COMPREHENSIVE PLAN

IMPLEMENTING OREGON ADMINISTRATIVE RULES (OAR):

[OAR 660-011](#) – Public Facilities Planning

COORDINATING AGENCIES:

Oregon Department of Environmental Quality (DEQ)

Oregon Health Authority (OHA)

Oregon Water Resources Department

Oregon Department of Land Conservation and Development (DLCD)

BACKGROUND REPORTS AND SUPPORTING DATA:

[Oregon Climate Change Adaptation Framework](#), Department of Land Conservation and Development, 2021

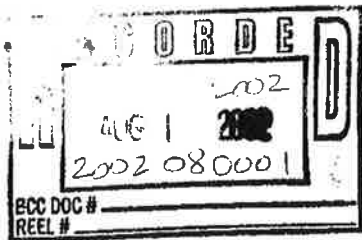
[Future Climate Projections Clatsop County](#), Oregon Climate Change Research Institute, February 2020

[Goal 11 Background Report](#)

GOAL 11: PUBLIC FACILITIES AND SERVICES

EXHIBIT 1

June 12, 2002, Resolution & Order in the matter of Annexation to
Arch Cape Sanitary District



IN THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

IN THE MATTER OF ANNEXATION)
TO ARCH CAPE SANITARY) RESOLUTION AND ORDER
DISTRICT) FOR ANNEXATION OF
TERRITORY

WHEREAS, on May 24, 2002, a petition was filed with the Board for annexation to the Arch Cape Sanitary District, and

WHEREAS, on June 12, 2002 the Board set a public hearing date and caused notice thereof to be published and posted, and

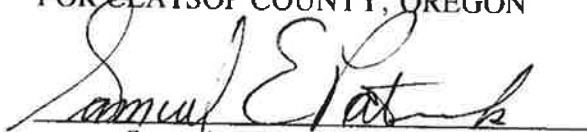
WHEREAS, after duly considering said petition, the Board finds:

1. The petition is signed by all land owners in the territory to be annexed.
2. The petition is in lawful form.
3. Said district approves of said annexation.
4. In accord with the criteria of ORS 198.857, the territory would benefit by annexing to said district, it is designated as a rural service area in the South West Coastal Community Plan and annexation does not conflict with that plan.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the property described in Exhibit A, attached hereto and incorporated herein, is declared annexed to and a part of Arch Cape Sanitary District.

DATED this 10th day of July, 2002.

BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON


Samuel E. Patrick, Chairperson

a:HR#1\clerk\R&O#102.anx

PAGE 1 - RESOLUTION AND ORDER



Recording Instrument #: 200208328
Recorded By: Clatsop County Clerk
of Pages: 4 Fee: 0.00
Transaction date: 7/25/02 10:31:19
Deputy: kkelso

Exhibit "A"
Legal Description

Parcel 1 - Hertzberg/Beers Property:

A portion of Section 19, Township 4 North, Range 10 West, Willamette Meridian, in the County of Clatsop and State of Oregon, described as follows:

Beginning at a point on the Westerly right of way line of the Oregon Coast Highway 100 feet Northerly from its intersection with the North line of the South 2 chains of Lot 1 of Section 19;

Thence North 76° 57' West 78.6 feet;

Thence North 76° 57' West to the Westerly line of that certain tract conveyed to Howard Vollum and Jean E. Vollum, husband and wife, recorded January 21, 1959 in Book 249, page 3, Deed Records, said line being also known as the high tide line of the Pacific Ocean;

Thence Northerly along said Westerly line to the Southwest corner of that certain tract conveyed to Walter E. Church and Bernice McGregor Church, husband and wife, recorded February 20, 1948 in Book 197, Page 177, Fee No. 144567, Deed Records;

Thence along the Southerly line of said Church property North 67° 06' East 128.2 feet to a white stake and South 76° 57' East 125 feet to the Highway right of way line;

Thence Southerly to the point of beginning.

Parcel 2 - Church Property:

A portion of Section 19, Township 4 North, Range 10 West, Willamette Meridian, in the County of Clatsop and State of Oregon, described as follows.

Beginning at a ¾ inch iron pipe on the West boundary of Oregon Coast Highway right-of-way, South 1023.8 feet and East 159.0 feet from the Meander Corner to Sections 18 and 19, Township 4 North, Range 10 West, Willamette Meridian;

Thence North 76° 57' West 125.0 feet to a white stake;

Thence South 67° 06' West, a distance of 128.2 feet to a ½ inch iron pipe on approximate high tide line on Pacific Ocean;

Thence along high tide line to a ½ inch iron pipe which is North 07° 03' East 145.3 feet from the last listed pipe;

Thence North 83° 38' East 191.7 feet to a ¾ inch iron pipe on the West boundary of Oregon Coast Highway right-of-way;

Thence South 12° 15' East 147.0 feet to the point of beginning.

EXCEPTING THEREFROM:

1. Any portion of this tract which may overlap State Highway right-of-way.
2. An easement for a private access road, beginning at same point of beginning as the tract described above;

thence North 76° 57' West 125.0 feet;

thence North 13° 03' East 10.0 feet;

thence South 76° 57' East 120.2 feet;

thence to point of beginning.

3. An easement for a private access road, beginning at a point North 12 15' West 117.0 feet from the point of beginning of the tract described above;

thence North 12 15' West 30.0 feet;

thence South 83 38' West 10.0 feet;

thence to point of beginning.

10-12

LOT 1 8.67

200
6.32 AC

300
1.22 AC

401
0.67 AC

500
0.85 AC

10-16

400
0.59 AC

CS B-7459

SEE MAP 4 10 19BC

U.S. HWY.

HIGHWAY

OREGON COAST

Property to be annexed

Arch Cape

Sand town

2 District

Boundary

4 10 19BB

EXHIBIT 2

On-site Septic Program Record for TL 401



Clatsop County
Environmental Health
820 Exchange Street, Suite 100
Astoria, Oregon 97103
Phone 503-325-8500
mmcnickle@co.clatsop.or.us www.co.clatsop.or.us

Septic Tank Decommission

The Department of Environmental Quality rules require that all septic tanks be properly abandoned following hookup to a new septic system or when the tank is no longer in use. Please return the following form along with the pumping receipt to the Clatsop County Community Development Department.

Oregon Administrative Rule 340-071-0185 Decommissioning of Systems

(2) Procedures for decommissioning

- a. Tanks, cesspools and seepage pits must be pumped by a licensed sewage disposal service to remove all septage.
- b. Tanks, cesspools and seepage pits must be filled with reject sand, bar-run gravel or other material approved by the agent, or the container must be removed and properly disposed.

Property Owner: Joseph Hertzber, Nancy Beers, Joe Deblasio

Septic Tank Location: North side of property

Legal Description: T 4N R 10W S 19 BB Lot 401

Date Tank Pumped: _____

By: _____ License #: _____
(signature of licensed pumper)

This septic tank was backfilled with sand, clean bar-run gravel or other approved material after being pumped.

By: _____ Date: _____
(signature of operator/owner)

This septic tank was removed and properly disposed of: Converted into a holding tank/wet well for sewer

By: Whitman Johnson, Big River Construction Date: 4/22/2019
(signature of operator/owner)

34710

Control No.

\$ 125.00

Fee

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

PERMIT NO. 93-155

☐ New Construction☒ Repair☐ Other _____

Permit Issued To Joe Hertzberg 4N 10W 19BB 401 Clatsop
 (Property Owner's Name) (Township) (Range) (Section) (Tax Lot / Acct. No.) (County)
Highway 101 Arch Cape Dewey Donald 09-29-93
 (Road Location) (City) (Issued by - Signature) (Date Issued)

PERMITS ARE NOT TRANSFERABLE

ALL WORK TO CONFORM TO OREGON ADMINISTRATIVE RULES, CHAPTER 340. WORK SHALL BE DONE BY PROPERTY OWNER OR BY LICENSED SEWAGE DISPOSAL SERVICE. (MAKE NO CHANGES IN LOCATION OR SPECIFICATIONS WITHOUT WRITTEN APPROVAL)

SPECIFICATIONSEXPIRATION DATE September 29, 1994TYPE OF SYSTEM Standard-Seepage trench system with effluent lift pumpAverage Daily Sewage Flow 150 Gallons/DayDesign Peak Sewage Flow 300 Gallons/Day

Dosing Septic

Tank Volume 1000 GallonsDisposal Trenches ☐Seepage Bed(s) ☐ _____ Square FeetMaximum Depth 42 inches.Minimum Depth 36 inches.70 Linear FeetEqual ☐ Loop ☐ Serial ☒Pressurized ☐

Minimum Distance Between Trenches _____

Total Rock Depth 30 inches.Below Pipe 24 inches.Above Pipe 2 inches.☐ Rake Sidewall

Special Conditions (Follow Attached Plot Plan) Install as per approved plot plan. 10' setback from water lines and new easement property lines. This system is to serve a maximum two (2) bedroom residence. Abandon existing septic system and submit copy of pumping receipt.

PRE-COVER INSPECTION REQUIRED — CONTACT North Coast Branch Office - 861-3280.**CERTIFICATE OF SATISFACTORY COMPLETION**As-Built Drawing
with Reference LocationsInstaller Glenn Carlson

Final Insp. Date _____

☐ Inspected By _____☐ Issued by Operation of Law

☒ Pre-cover inspection waived
pursuant to OAR 340,
Division 71

See As-Built plot plan
submitted by Installer

In accordance with Oregon Revised Statute 454.665, this Certificate is issued as evidence of satisfactory completion of an on-site sewage disposal system at the location identified above.

Issuance of this Certificate does not constitute a warranty or guarantee that this on-site disposal system will function indefinitely without failure.

(Authorized Signature)

(Title)

(Date)

(Office)

Agenda Item # 3.

Page 69

PROPOSED SUBSURFACE OR ALTERNATIVE SEWAGE DISPOSAL SYSTEM



CARLSON CONTRACTING

P.O. Box 157
HAMMOND, OREGON 97121
(503) 861-2408

AS Built

(Exhibit No. T)

Permit No.

Property Address *HWY 101, Arch Cape*

T4N, R10W, Sec. 19BB TL/ACCT No. 401- Co. OR

No. Living Units <i>1</i>	bedrooms <i>2</i>	Baths <i>1 1/2</i>	Basement Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Water Supply Community <input type="checkbox"/> Public <input checked="" type="checkbox"/> Other-List <input type="checkbox"/>
------------------------------	----------------------	-----------------------	---	---

Septic Tank: *Dos*
 Ft. from well _____ Steel _____ Concrete ☒ No. Compartments *1* Gallon Capacity *1000*

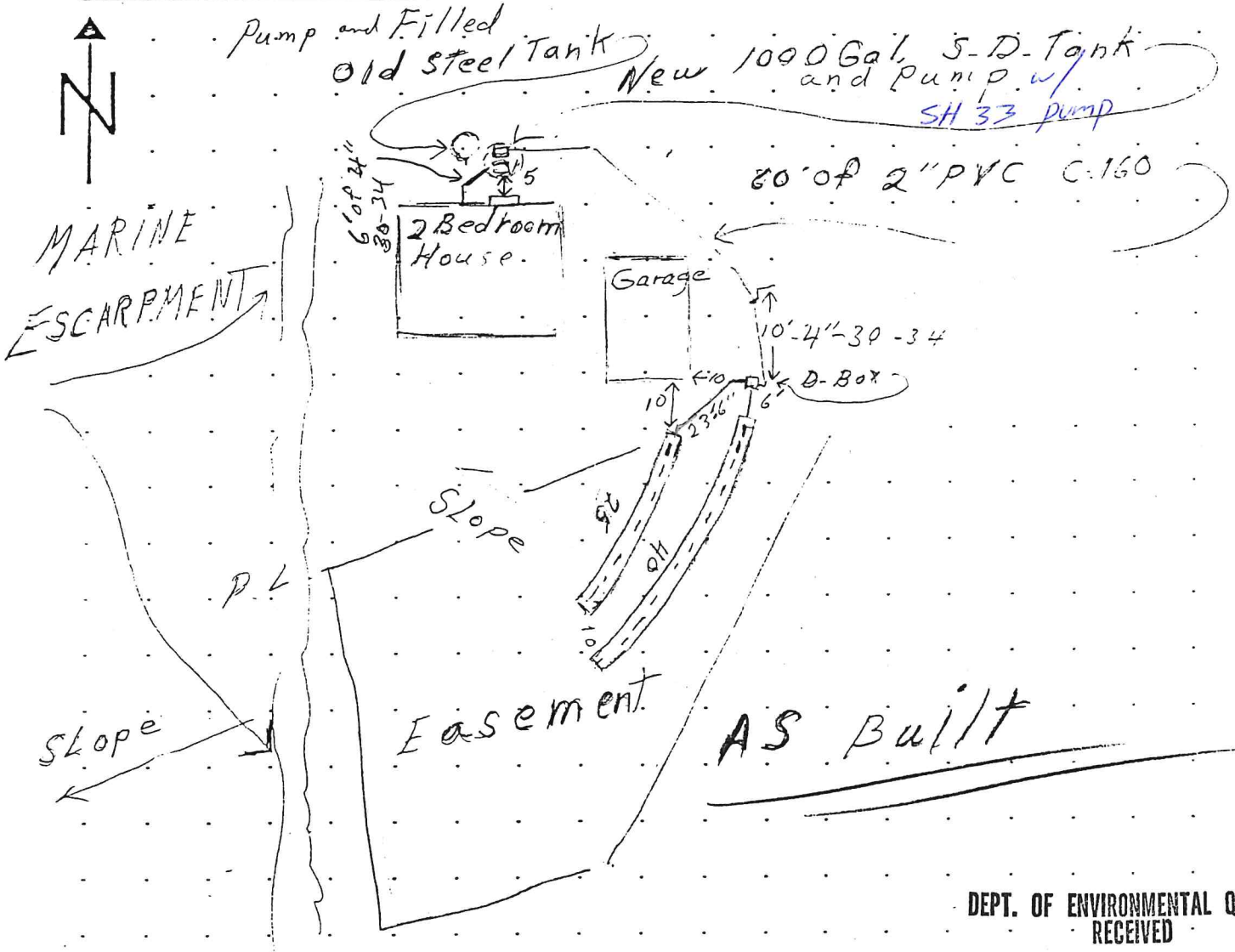
Inside Dimensions: Feet
 Length _____ Width _____ Diameter *7* Depth *5*
 Tile Disposal Field: Distribution Box: Yes ☐ No ☐

Applicant Name *Sumner Sharpe* Other Distribution-Type *Serial*

Mailing Address *1108 N.E. Going St.* Feet from Well _____ Foundation *10*

Portland, OR 97211 Lot Line Front _____ Side _____ Rear _____

Length of Lines—Feet 1 <i>25</i> 2 <i>40</i> 3 _____ 4 _____ 5 _____ 6 _____	Trench Width <i>2</i>	Total Sq. Ft. <i>130</i>	Ft. Between Lines <i>9</i>	Filter Type <i>2 1/2</i>	Filter Depth Above Tile <i>2</i> in.	Filter Depth Below Tile <i>24</i> in.
---	-----------------------	--------------------------	----------------------------	--------------------------	--------------------------------------	---------------------------------------



DEPT. OF ENVIRONMENTAL QUALITY
RECEIVED

OCT 19 1993

ASTORIA BRANCH OFFICE

John Carl

**CARLSON'S SEPTIC TANK
PUMPING AND REPAIR
Rt. 4, Box 312
Astoria, OR 97103**

INVOICE NO.

4897

SOLD TO <i>Summer Sharp.</i>			SHIPPED TO <i>Astoria Treatment Plant</i>		
STREET & NO. <i>Hwy 101</i>			STREET & NO.		
CITY <i>Arch Cape</i>	STATE <i>ORE</i>	ZIP	CITY <i>Astoria</i>	STATE <i>ORE</i>	ZIP <i>97103</i>

CUSTOMER'S ORDER

SALESMAN

TERMS

F.O.B.

DATE

10-13-93

INVOICE

1000 gal Tank pumped

Ticket # 2388

REDIFORM

7L 706/
01706



PROPOSED SUBSURFACE OR ALTERNATIVE SEWAGE DISPOSAL SYSTEM

CARLSON CONTRACTING

P.O. Box 157
HAMMOND, OREGON 97121
(503) 861-2408

(Exhibit No. 1)

Permit No.

Property Address HWY 101, Arch Cape
T4N, R10W, Sec. 19BB, TL/Acct No. 401- Co. OR.

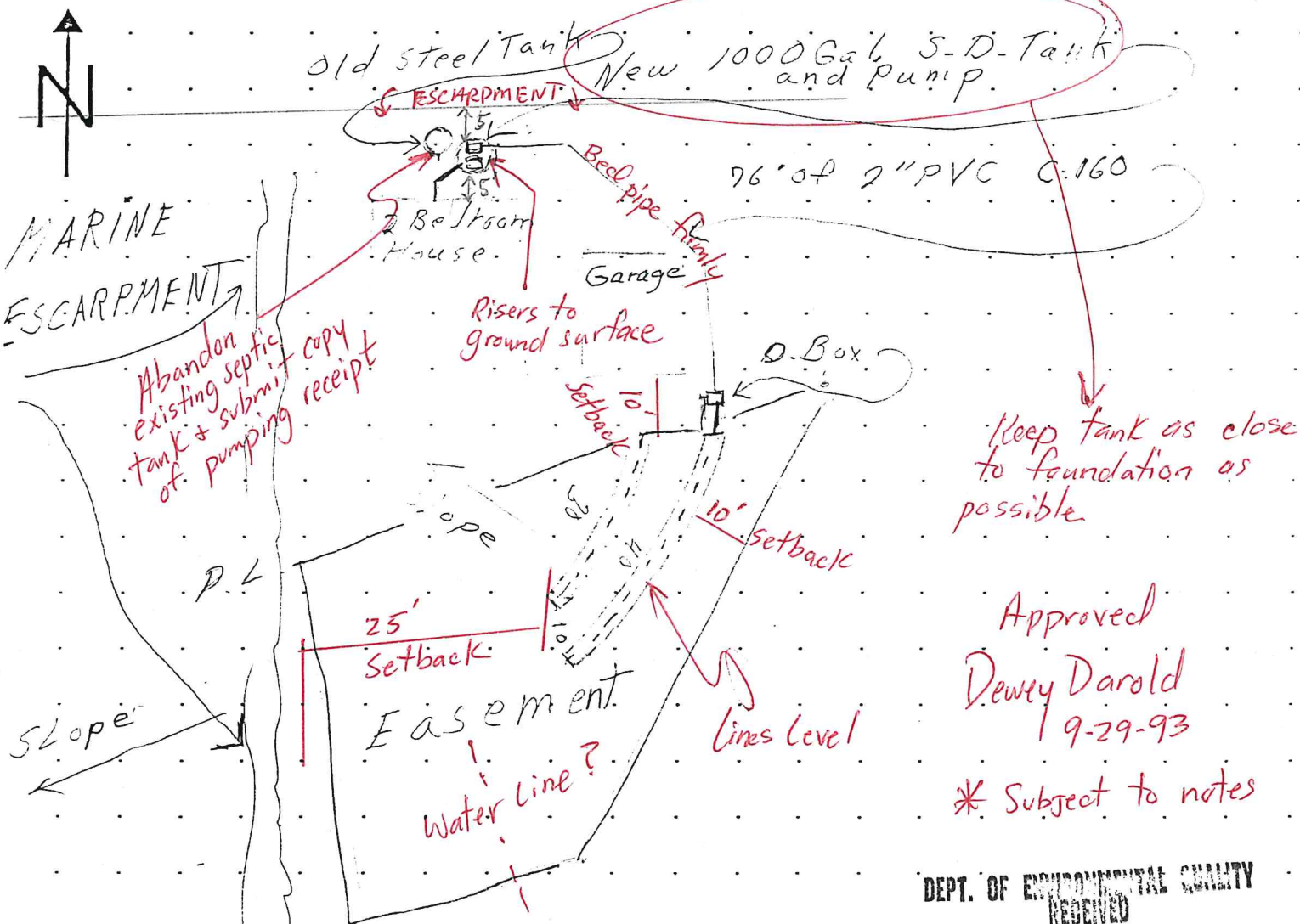
No. Living Units <u>1</u>	Bedrooms <u>2</u>	Baths <u>1 1/2</u>	Basement <u>Yes</u> <input checked="" type="checkbox"/> <u>No</u> <input type="checkbox"/>	Water Supply <u>Public</u> <input checked="" type="checkbox"/> <u>Other-List</u> <input type="checkbox"/>
---------------------------	-------------------	--------------------	--	---

Septic Tank: <u>Domestic</u>	Feet from well <u>Steel</u> <input type="checkbox"/> <u>Concrete</u> <input checked="" type="checkbox"/>	No. Compartments <u>1</u>	Gallon Capacity <u>1000</u>
------------------------------	--	---------------------------	-----------------------------

Inside Dimensions: Feet	Length <u>5</u>	Width <u>7</u>	Diameter <u>7</u>	Depth <u>5</u>	Tile Disposal Field: <u>Yes</u> <input type="checkbox"/> <u>No</u> <input type="checkbox"/>
-------------------------	-----------------	----------------	-------------------	----------------	---

Applicant Name <u>Sumner Sharpe</u>	Other Distribution-Type <u>Serial</u>
Mailing Address <u>1108 N.E. Going St.</u>	Feet from Well <u>Foundation 10</u>
<u>Portland, OR 97211</u>	Lot Line Front <u>Side</u> <u>Rear</u>

Length of Lines—Feet	30 + 40	Trench Width <u>2</u>	Total Sq. Ft. <u>140</u>	Feet Between Lines <u>10</u>	Filter Type <u>2 1/2</u>	Filter Depth Above Tile <u>2</u> in.	Filter Depth Below Tile <u>24</u> in.
----------------------	---------	-----------------------	--------------------------	------------------------------	--------------------------	--------------------------------------	---------------------------------------



Keep tank as close to foundation as possible

Approved
Dewey Darold
19-29-93
* Subject to notes

DEPT. OF ENVIRONMENTAL QUALITY
RECEIVED

SEP 21 1993

ASTORIA BRANCH OFFICE

* Try to install during dry weather

Sumner
Sharpe



CARLSON CONTRACTING DEPT. OF ENVIRONMENTAL QUAL
P.O. Box 157
HAMMOND, OREGON 97121
(503) 861-2408

SEP 21 1993

HYDROMATIC

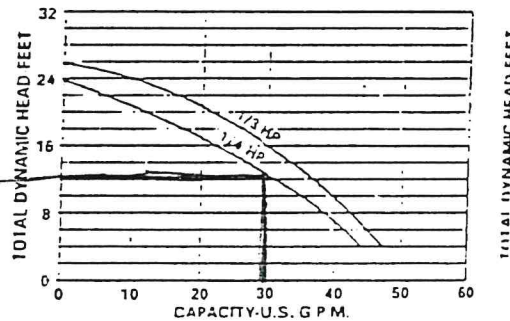
TYPE
MODEL

SUMP/EFFLUENT

SW25 & 33

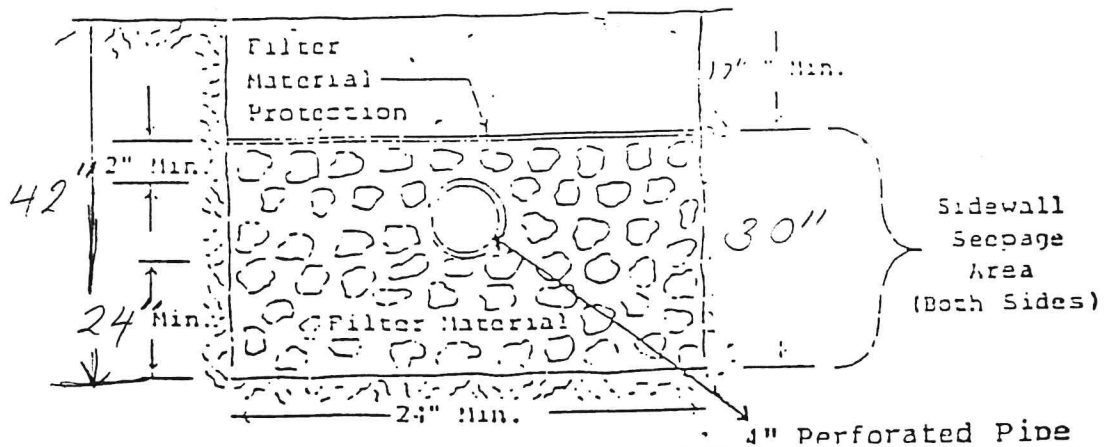
MAX. SOLIDS 1/2" SPHERE
1/4 AND 1/3 HP
1550 RPM

PERFORMANCE



Dewey Darold
3 Approved
9-29-93

GRAVITY-FED
TRENCH



DEQ APPROVED BUILDING MATERIAL LIST

- | | |
|---------|---|
| 76' | Distribution System |
| Michael | 2" P.V.C. C-160 |
| 8' | 1000 gallon septic tank |
| 1' | ASTM - 4" PVC 30-34 effluent sewer line |
| 30' | Quadel drop box's |
| 70' | ASTM - 4" PVC 27-29 header pipe |
| 16 Yds. | ASTM - 4" Distribution piping |
| | 1 1/2" to 2 1/2" crushed rock |

as of the date first hereinabove written.

BOOK 824 PAGE 123

Jean Vollum
(Grantors)

Jean Vollum

Joe Hertzberg
(Grantees)

Joe Hertzberg

STATE OF OREGON)
County of MULT) ss.
Sept 20, 1993)

Personally appeared the above-named Jean Vollum

and acknowledged the foregoing instrument to be their voluntary act.
Before me: hcn

T. T. R.
Notary Public for Oregon
My commission expires: 12/3/94

STATE OF OREGON)
County of MULTNOMAH) ss.
September 22, 1993)

Personally appeared the above-named Joe Hertzberg

and acknowledged the foregoing instrument to be their voluntary act.
Before me:

Tamell P. Sando
Notary Public for Oregon
My commission expires: 2/10/94

After recording return to:
Joe Hertzberg
c/o 1737 N.E. Broadway
Portland, OR 97232

DEQ-WQ-XF123
(6/81)

P.O. Box 219
160 Laneda Avenue
Manzanita, OR 97130

TEL: 503-368-5394
FAX: 503-368-5847

JULY 29, 1993

SEPTIC DISPOSAL AREA EASEMENT
FOR SUMNER SHARP

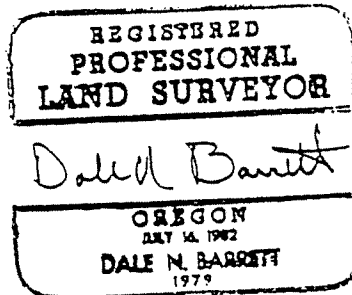
Beginning at a 5/8" rebar with yellow plastic cap stamped "LS 849" in the N.W. 1/4, Sec.19, T.4N., R.10W., W.M., at the Northeast corner of the Vollum parcel as recorded in Book 206, Page 9, and Book 249, Page 3, of Clatsop County Deed Records.

thence South 36° 06' 05" West 51.08 feet to a point;

thence North 76° 57' 00" West 50.00 feet, parallel with the North line of the Vollum parcel, to a point;

thence North 2° 40' 51" East 47.78 feet to a 5/8" rebar with yellow plastic cap stamped "LS 849", on the North line of said Vollum parcel;

thence South 76° 57' 00" East 78.60 feet, along the North line of said Vollum parcel to the point of beginning.



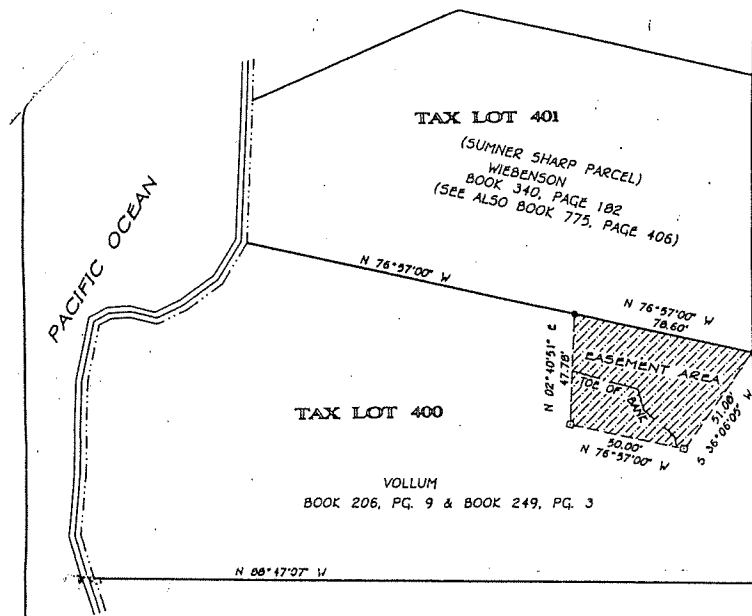
I hereby certify that the within instrument was received for the record and recorded in the public records of Clatsop County, State of Oregon, Book 775, Page 406.

'93 SEP 24 11:45

938317

John Davidson
JOHN DAVIDSON, Clatsop County Clerk

Document Type:	20
FEES: LRS 205.320	
4 pages @ \$5 =	20
\$10 PLCT Ord	10
\$20 Trans Fee	20
\$20 TAI Ord	
Other:	
TOTAL FEES PAID =	50
Cash	164.89
Check	
From:	
Billing Code	

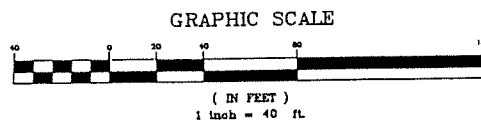


BOOK 824 PAGE 125

BASIS OF BEARING
THE LINE BETWEEN THE FOUND MONUMENTS ON THE SOUTH LINE OF SUBJECT PARCEL BEARS NORTH 76°57'00" WEST, THE VALUE PER MAP B-7455.

NOTE
THIS MAP DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY. FOR SURVEY, SEE MAP B-7455. THE PURPOSE OF THIS MAP IS TO SHOW THE LOCATION OF A PROPOSED EASEMENT FOR SEPTIC SYSTEM PURPOSES.

LEGEND
 • INDICATES FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "LS 849", SEE MAP B-7455.
 □ INDICATES SET 2"x2" WOOD HUB WITH LATH



SHARP-SM.DWG
"SHARP" 39

SKETCH MAP FOR: SUMNER SHARP FOR THAT PARCEL AS DESCRIBED IN BOOK 775, PAGE 406 NW 1/4, SECTION 19, T4N, R10W, W.M. TILLAMOOK COUNTY		SURVEY BY: HANDFORTH LARSON & BARRETT, INC. P.O. BOX 219 MANZANITA, OR 97130 (503) 368-5394 FAX (503) 368-5847		REGISTERED PROFESSIONAL LAND SURVEYOR <i>Dale N. Barrett</i> OREGON JULY 18, 1988 DALE N. BARRETT 1878 RENEWAL DATE: DECEMBER 31, 1993	
DATE	JOB NO.	EQUIPMENT	FIELD	DRAWN	CHECKED
JULY 29, 1993	1637	TOPCON GTS-3C CO-OP 41	MHT/DLG	RDM	DNB

Harrington, Anderson & DeBlasio

Attorneys at Law

Kenneth E. Anderson
David H. DeBlasio

1 7 3 7 N.E. Broadway
Portland, Oregon 9 7 2 3 2-1 4 8 6
(5 0 3) 2 8 8- 5 8 2 3
FAX (5 0 3) 2 8 0 - 1 7 8 9

September 23, 1993

Of Counsel
Francis E. Harrington

DEPT. OF ENVIRONMENTAL QUALITY
RECEIVED

SEP 24 1993

ASTORIA BRANCH OFFICE

Clatsop County Recorder
P.O. Box 178
Astoria, OR 97103

RE: EASEMENT AGREEMENT - VOLLUM TO HERTZBERG

Dear Recorder:

Enclosed you will find an executed Easement Agreement with attached legal description and map and our check for the appropriate fee.

Please provide a copy of the executed agreement in accord with your rules to DEQ to the attention of Dewey W. Darold, R.S., Environmental Specialist, Northwest Region, Water Quality, DEPARTMENT OF ENVIRONMENTAL QUALITY, North Coast Branch Office, 17 North Highway 101, Warrenton, OR 97146.

If you have any questions whatsoever, please do not hesitate to contact me. Thank you in advance for your cooperation.

Very truly yours,

HARRINGTON, ANDERSON & DeBLASIO

David H. DeBlasio
DHD:jps
Enclosures

cc: Mr. Dewey W. Darold, R.S. (no enclosures)
Mr. Sumner Sharpe (no enclosures)

FAX

Transmission

HARRINGTON, ANDERSON & DeBLASIO
Attorneys at Law
1737 N.E. Broadway
Portland, Oregon 97232

OFFICE: (503) 288-5823
FAX: (503) 280-1789

From: David J. Blasio

Date: 9/22/93 Time: 9 AM

No. Pages: 5 (including this sheet.)
call if incorrect.

To: Dwight DARD

Company: DEQ

Department: _____

Fax Number: 503 861-3259

Special Instructions: _____

Here is the Revised
Agreement signed by Mrs. Vollum,
Notarized as of Monday Hire,
I will ask the Clerk to be
sure to send you a copy. Thanks
for your help. Please call if
any questions. At the # Above
TJ

Harrington, Anderson & DeBlasio

Attorneys at Law

Kenneth E. Anderson
David H. DeBlasio

Of Counsel
Francis E. Harrington

1 7 3 7 N.E. Broadway
Portland, Oregon 9 7 2 3 2-1 4 8 6
(5 0 3) 2 8 8- 5 8 2 3
FAX (5 0 3) 2 8 0 - 1 7 8 9

September 8, 1993

Dewey W. Darold, R.S.
Environmental Specialist
North Coast Branch Office
17 North Highway 101
Warrenton, OR 97146

VIA FAX
1-503-861-3269

Re: Easement Vollum to Hertzberg

Dear Mr. Darold:

Enclosed is the easement form filled out for your approval. The Septic Disposal Area Easement done by Handforth Larson & Barrett, Inc. is Exhibit A. We've enclosed a map also.


Let me know if it meets your approval for submission to Mrs. Vollum.

Please call me concerning any questions, concerns or comments you may have.

If I am not available when you call, please leave good times to return your call. Thank you.

Very truly yours,

HARRINGTON, ANDERSON & DeBLASIO


David H. DeBlasio
DHD/mfm
Enclosures

C:\DAM\ARCHIVE\179

**HANDFORTH
LARSON &
BARRETT, INC.**

Civil Engineering & Surveying

P.O. Box 219
160 Lanada Avenue
Manzanita, OR 97130

TEL: 503-368-5394
FAX: 503-368-5847

JULY 29, 1993

**SEPTIC DISPOSAL AREA EASEMENT
FOR SUMNER SHARP**

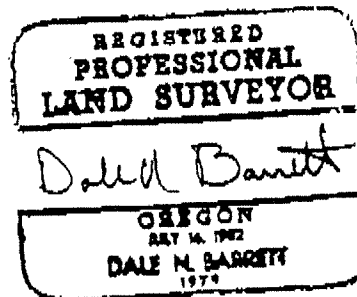
Beginning at a 5/8" rebar with yellow plastic cap stamped "LS 849" in the N.W. 1/4, Sec.19, T.4N., R.10W., W.M., at the Northeast corner of the Vollum parcel as recorded in Book 206, Page 9, and Book 249, Page 3, of Clatsop County Deed Records.

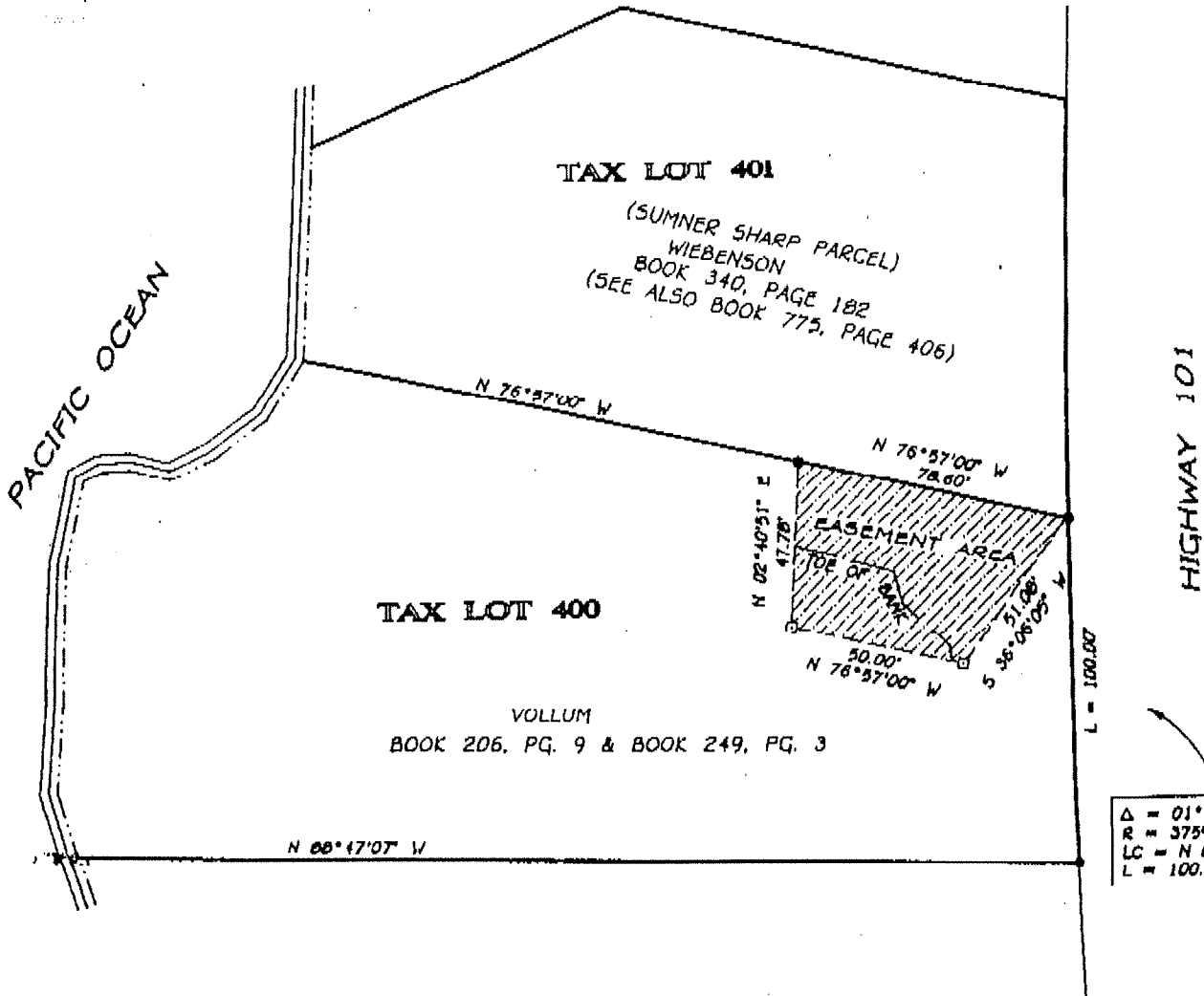
thence South 36° 06' 05" West 51.08 feet to a point;

thence North 76° 57' 00" West 50.00 feet, parallel with the North line of the Vollum parcel, to a point;

thence North 2° 40' 51" East 47.78 feet to a 5/8" rebar with yellow plastic cap stamped "LS 849", on the North line of said Vollum parcel;

thence South 76° 57' 00" East 78.60 feet, along the North line of said Vollum parcel to the point of beginning.





$\Delta = 01^{\circ}31'28''$
 $R = 3759.60'$
 $LC = N 01^{\circ}30'10'' W$
 $L = 100.00'$

BASIS OF BEARING
 THE LINE BETWEEN THE FOUND MONUMENTS ON THE SOUTH LINE OF SUBJECT PARCEL BEARS NORTH $76^{\circ}57'00''$ WEST. THE VALUE PER MAP B-7455.

NOTE
 THIS MAP DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY. FOR SURVEY, SEE MAP B-7455. THE PURPOSE OF THIS MAP IS TO SHOW THE LOCATION OF A PROPOSED EASEMENT FOR SEPTIC SYSTEM PURPOSES.

LEGEND
 • INDICATES FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "LS 849", SEE MAP B-7455.
 W INDICATES SET 2"x2" WOOD HUD WITH LATH

GRAPHIC SCALE



(IN FEET)
 1 inch = 40 ft

SHARP-SM.DWG
 "SHARP" 39

SKETCH MAP FOR:
SUMNER SHARP
 FOR THAT PARCEL AS DESCRIBED IN
 775, PAGE 406
 Agenda Item # 3.

SURVEY BY:
HANDFORTH LARSON & BARRETT, INC.
 P.O. BOX 219
 MANZANITA, OR 97130
 (503) 368-5394 FAX (503) 368-5847

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Dale N. Barrett

Page 82

NW 1/4, SECTION 19, T4N, R10W, W.M.
 TILLAMOOK COUNTY

OREGON
 July 18, 1982
 DALE N. BARRETT

FAX

Transmission

HARRINGTON, ANDERSON & DeBLASIO
Attorneys at Law
1737 N.E. Broadway
Portland, Oregon 97232

OFFICE: (503) 288-5823
FAX: (503) 280-1789

From: DAVID De Blasio

Date: 8/30 Time: 11 AM

No. Pages: 1 (Including this sheet.)
call if incorrect.

To: Dewey DAROLD

Company: DE4

Department: _____

Fax Number: (503) 861-3259

Special Instructions: _____

PLEASE CALL ME CALLER

Re your letter of 8/26

TO JOE HARTBERG - I've

TRIED TO CALL you AT

861-3280 Since 8³⁰ AM But

CANNOT get through - Thank you

DAVID De BLASIO 288-5823

DEPARTMENT OF ENVIRONMENTAL QUALITY

North Coast Branch Office
17 North Highway 101
Warrenton, OR 97146
Phone (503) 861-3280

DEPARTMENT OF
ENVIRONMENTAL
QUALITY

Date: August 26, 1993

NORTHWEST REGION

Joe Hertzberg
3115 NW Thurman
Portland, OR 97210

Re: Field visit to property
T4N, R10W, Section 19BB, Tax Lot 401, Clatsop County,
0.55 Acres.

Dear Mr. Hertzberg:

On August 24, 1993, Department personnel conducted a follow-up field visit to the above described property for the purpose of evaluating a new proposed easement boundary surveyed by Handforth, Larson & Barrett. The new easement boundary, southeast of the residence, provides additional area for repair (replacement) of an on-site sewage disposal system.

Find enclosed an easement form which is to be used. Please have both parties sign the form and notarize it. After that, it must be filed in the Clatsop County Clerk's office and recorded on the deeds to the property. You should submit the easement form or bring it into our office before it is filed in the Clerk's office so that we can make sure it has been filled out correctly.

The repair system, different than what was originally proposed, will consist of an alternative serial distribution seepage trench system with an effluent lift pump, as described in the enclosed construction detail and setback sheets.

Before a repair permit can be issued, a detailed and to-scale plot plan is required. The plot plan must show the layout of the entire on-site sewage disposal system with all applicable setbacks to the house foundation, water lines, new easement property lines, escarpment, etc. A materials list showing types and quantities to be used in the construction is needed along with a non-pressurized system head calculations. Enclosed is a calculation sheet. You may want to consult with a state licensed installer who is familiar with plan preparation and can design a system to meet our requirements.



Joe Hertzberg
August 26, 1993
Page 2

Only a limited area of this property appears suitable for on-site sewage disposal. Please refer to the enclosed diagram for specifics concerning the location, boundaries and/or special conditions of the specific approved site.

It should be noted that this system repair authorization is based upon a need to overcome a public health hazard. The site conditions do not entirely meet current state standards. As a result, the system must be considered a **Nonconforming Repair**. Depending upon the situation, this may or may not affect the ability of the system to perform proper sewage treatment and disposal.

The completed plot plan and easement agreement should be submitted to our office within the next two weeks and the system installation completed no later than **September 30, 1993**, weather permitting.

If you should have any questions or would like to discuss matters further, please feel welcome to contact me at (503) 861-3280.

Sincerely,



Dewey W. Darold, R.S.
Environmental Specialist
Northwest Region
Water Quality

enc: Non-pressurized System Head Calculation Sheet
Site Diagram
Easement Form
Construction Detail Sheet
Setback Sheet

cc: Sumner Sharpe
Glenn Carlson, Carlson Contracting

SEEPAGE TRENCH SYSTEM CONSTRUCTION DETAIL SHEET

Date 8-27-93

Applicant Joe Hertzberg

Tax Lot 401 Section 19BB Twp 4 Rng 10 Acreage 0.55

- X 1. For the installation of an alternative SEEPAGE TRENCH SYSTEM on the above property, the following construction specifications shall apply:

X The septic tank shall have minimum liquid capacity of 1000 gallons.

X The disposal field shall be constructed in Serial distribution with a MAXIMUM TRENCH DEPTH of 42 inches and a minimum trench depth of 42 inches. Trenches shall contain a total of 30 inches of drainrock, 24 inches of which is to be installed below the distribution pipe. There must be at least 12 inches of backfill over the top of the drainrock from the natural ground surface.

X With the soil conditions on this site, 43 lineal feet of disposal trench will be required per 150 gallons maximum projected daily sewage flow. For the proposed development, a minimum of 86 total lineal feet of disposal trench is required. Disposal trenches shall be constructed 2 feet wide on 10 foot minimum centers with no individual trench exceeding 125 feet in length. The trenches and perforated distribution piping shall be installed within one inch (1) of level, contoured to the natural ground surface.

X An effluent lift pump will be necessary to construct the disposal field in the approved area at the correct trench depths.

 The top of the disposal trench drainrock shall be protected by filter fabric.

X Specific construction setback requirements are outlined in the enclosed listing.

2. The following conditions shall apply to this system installation:

X The projected maximum daily sewage flow is limited to 300 gallons per day, equal to a 2 bedroom single family dwelling.

X For sanitation purposes, the minimum lot size for this single building site is 0.55 Acres.

X This lot size will require an approved off-site public or community water supply.

 The system cannot be installed on land slopes in excess of percent.

~~X~~

Construction of this system is limited to the summer months (June through September) with dry soil and site conditions.

~~X~~

No part of the system shall be installed within the 10' easement or right-of-way.

3. Special Conditions: _____

Dewey David

Sanitarian, DEQ Astoria Branch Office

MINIMUM SETBACK REQUIREMENTS

Date 8-27-93

Applicant Joe Hertzberg

Tax Lot 401 Section 19BB Twp 4 Rng 10 Acreage 0.55

SETBACK REQUIRED (as marked)	DISPOSAL FIELD OR AREA ¹	TREATMENT AND DISTRIBUTION UNITS ²
<input checked="" type="checkbox"/> Groundwater Supplies (wells) ³	100'	50'
<input type="checkbox"/> Springs		
Upslope from system	50'	50'
Downslope from system	100'	50'
<input type="checkbox"/> Surface Public Waters ⁴	100'	50'
For Sand Filter System (only)	50'	50'
<input type="checkbox"/> Intermittent Streams ⁵	50'	50'
<input type="checkbox"/> Groundwater Interceptors ⁶		
On a slope 3% or less	20'	20'
On a slope greater than 3%		
- Upslope from system	10'	10'
- Downslope from system	50'	25'
<input type="checkbox"/> Cuts Manmade ⁷	_____'	_____'
<input type="checkbox"/> Escarpments ⁸	<u>25</u> '	<u>10</u> '
<input type="checkbox"/> Curtain Drains		
Upslope from system	10'	10'
Downslope from system	50'	25'
<input checked="" type="checkbox"/> Property Lines	10'	10'
<input checked="" type="checkbox"/> Water Lines	10'	10'
<input checked="" type="checkbox"/> Building Foundations (all)	10'	5'
<input type="checkbox"/> Other _____	_____'	_____'

Special Conditions: _____

¹ Includes all disposal trenches, "bottomless" sand filter, seepage beds and replacement area.

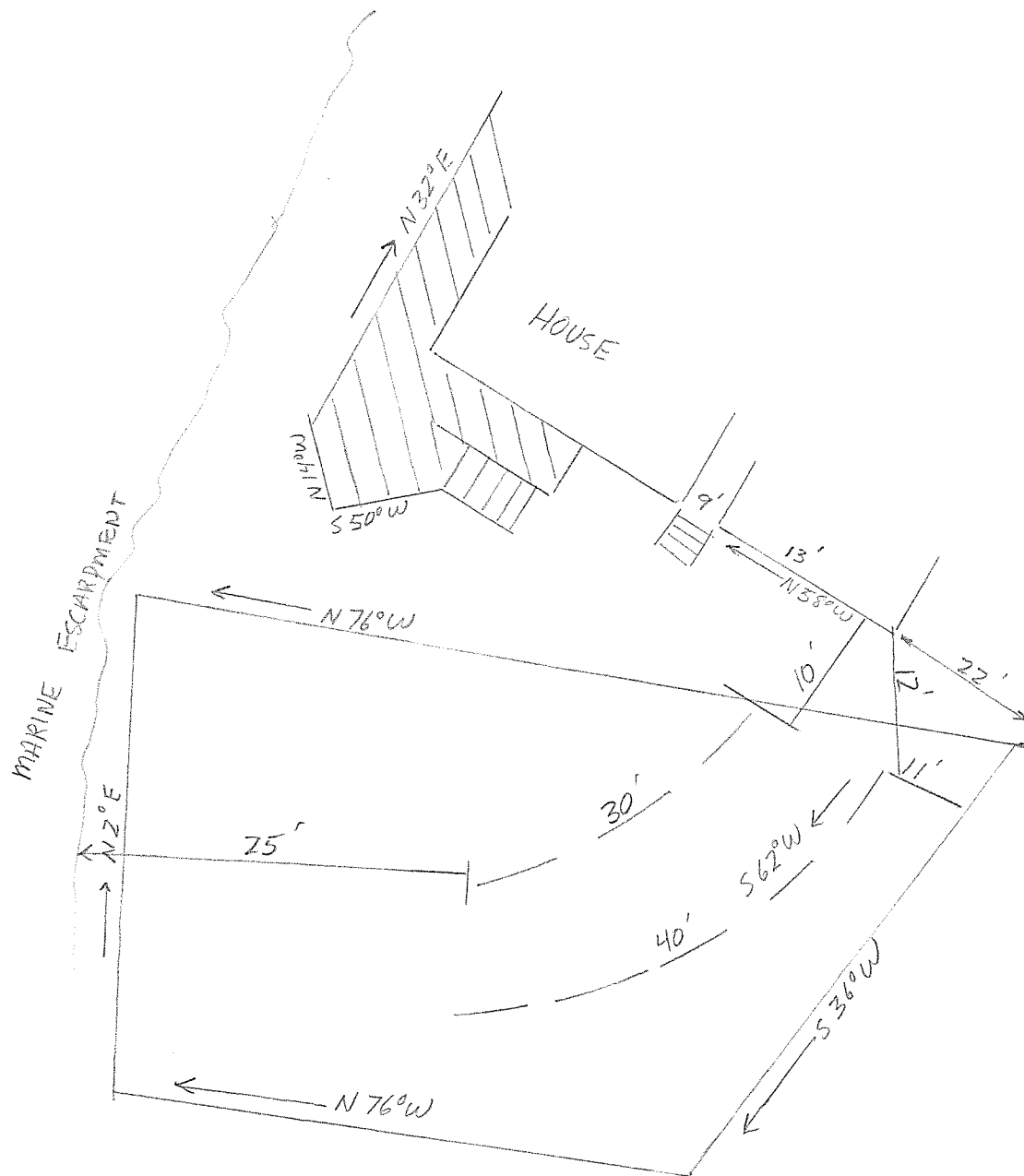
² Includes septic tank, effluent sewer, header pipes, drop boxes, distribution box, sand filter, dosing tank, pressure line, etc.

- 3 Includes temporarily abandoned wells, agricultural wells, etc.
- 4 Means creeks, streams, rivers, lakes, bays, ponds, marshes, reservoirs, etc.; public or private, natural or manmade setback measured from bank drop-off or mean yearly high water mark.
- 5 Drainageway or groundwater interceptor that continuously flows water for a period of greater than 2 months but not continuously for any year.
- 6 Any natural or artificial groundwater or surface water drainage system including footing drains, agricultural drain tile, ditches, etc.
- 7 Land surface as a result of mechanical land shaping where the modified slope exceeds 50 percent, and the depth of the cut exceeds thirty (30) inches or the effective soil depth.
- 8 Natural occurring slopes greater than 50% which extend vertically 6 feet or more calculated from top to toe characterized by a cliff or steep hillside; setback is measured from top of slope break.

Dewey Danold
Sanitarian, DEQ Astoria Branch Office

410-1988-401

Dewey Darold
8-24-93
Site Visit
(NTS)



**HANDFORTH
LARSON &
BARRETT, INC.**

Civil Engineering & Surveying

P.O. Box 219
160 Laneda Avenue
Manzanita, OR 97130TEL: 503-368-5394
FAX: 503-368-5847

JULY 29, 1993

**SEPTIC DISPOSAL AREA EASEMENT
FOR SUMNER SHARP**

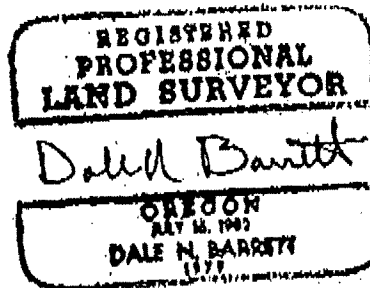
Beginning at a 5/8" rebar with yellow plastic cap stamped "LS 849" in the N.W. 1/4, Sec.19, T.4N., R.10W., W.M., at the Northeast corner of the Vollum parcel as recorded in Book 206, Page 9, and Book 249, Page 3, of Clatsop County Deed Records.

thence South 36° 06' 05" West 51.08 feet to a point;

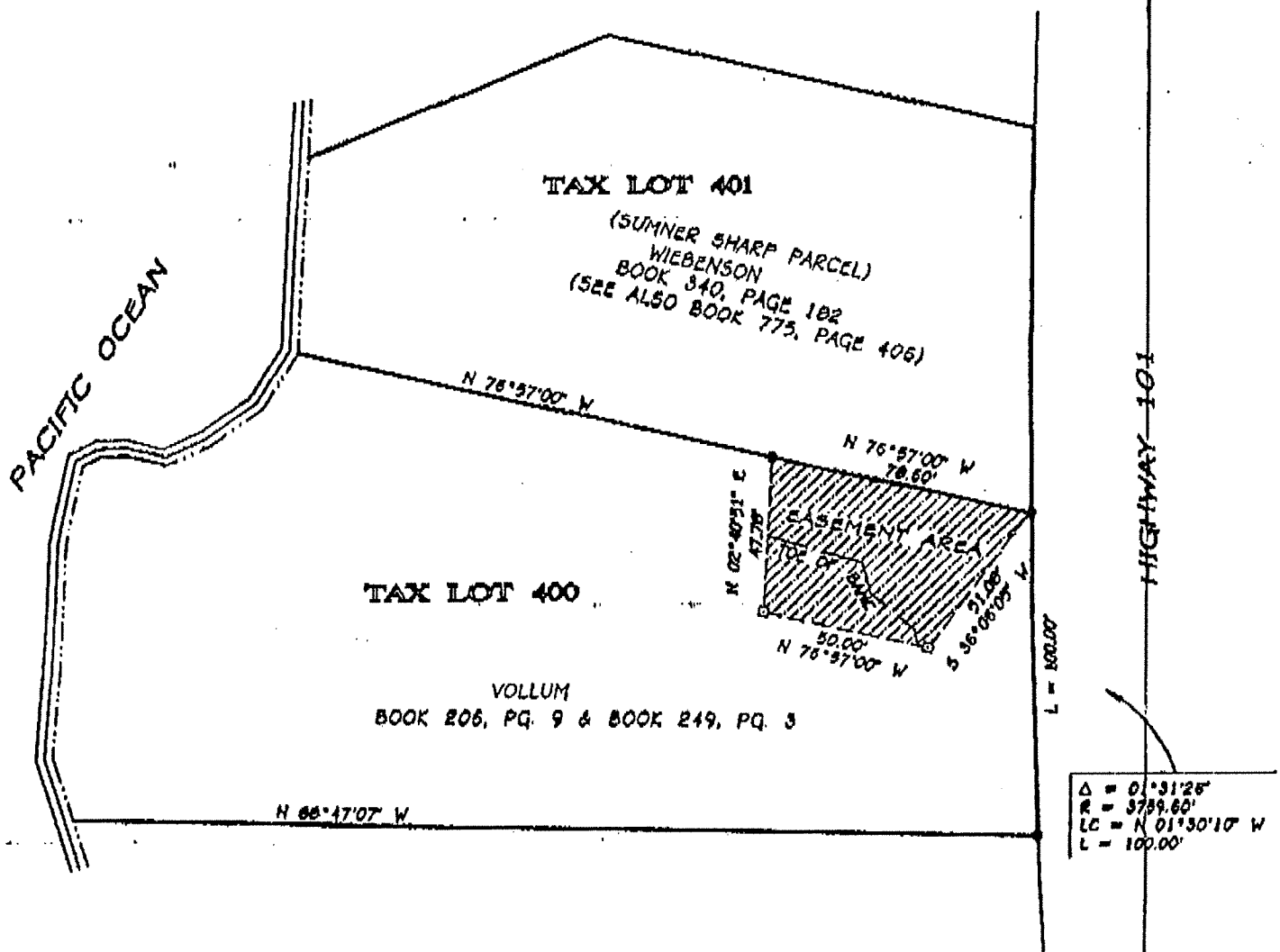
thence North 76° 57' 00" West 50.00 feet, parallel with the North line of the Vollum parcel, to a point;

thence North 2° 40' 51" East 47.78 feet to a 5/8" rebar with yellow plastic cap stamped "LS 849", on the North line of said Vollum parcel;

thence South 76° 57' 00" East 78.60 feet, along the North line of said Vollum parcel to the point of beginning.



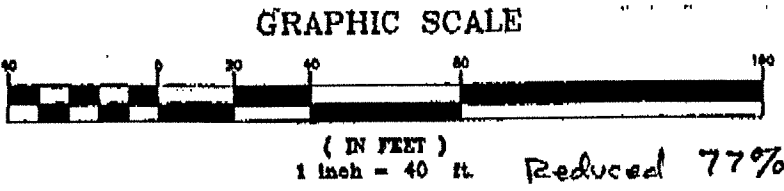
Post-It™ brand fax transmittal memo 7671		# of pages 2
To <i>Dewey Darold</i>	From <i>Sumner Sharp</i>	
Co. <i>DEB</i>	Co. <i>MR</i>	
Dept.	Phone # <i>282-5069</i>	
Fax # <i>861-3259</i>	Fax #	



BASIS OF BEARING
THE LINE BETWEEN THE FOUND MONUMENTS ON THE SOUTH LINE OF SUBJECT PARCEL BEARS NORTH 76°57'00" WEST, THE VALUE PER MAP S-7455.

NOTE
THIS MAP DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY. FOR SURVEY, SEE MAP S-7455. THE PURPOSE OF THIS MAP IS TO SHOW THE LOCATION OF A PROPOSED EASEMENT FOR SEPTIC SYSTEM PURPOSES.

LEGEND
● INDICATES FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "LS 849", SEE MAP S-7455.
■ INDICATES SET 2"X2" WOOD HUB WITH LATH



SKETCH MAP FOR:
SUMNER SHARP
FOR THAT PARCEL AS DESCRIBED IN
775, PAGE 406
Agenda Item # 3.
NW 1/4, SECTION 19, T4N, R10W, W.M.
TILLAMOOK COUNTY

SURVEY BY:
HANDFORTH LARSON & BARRETT, INC.
P.O. BOX 219
MANZANITA, OR 97130
(503) 368-5394 FAX (503) 368-5847

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Dale Barrett
OREGON
APR 14, 1993
DALE H. BARRETT

ASTORIA BRANCH OFFICE

P.O. Box 869, Astoria, OR 97103

DEPARTMENT OF

ENVIRONMENTAL

QUALITY

NORTHWEST REGION

DATE: March 1, 1993

Joe Hertzberg
3115 NW Thurman
Portland, OR 97210

Re: Evaluation Report for On-Site Sewage Disposal Repair
T4N, R10W, Section 19BB, Tax Lot 401, Clatsop County
0.55 Acres.

Dear Mr. Hertzberg:

I have conducted an evaluation on the above described property for a repair (replacement) on-site sewage disposal system. This evaluation and report is based upon current Department of Environmental Quality regulations governing on-site sewage disposal, Oregon Administrative Rules (OAR) Chapter 340, Divisions 71, 72 & 73.

Based upon the results of this study, on-site sewage disposal repair appears feasible for the installation of a **Standard Serial Distribution System**, as described in the enclosed construction detail and setback sheets.

Only a limited area of this property appears suitable for on-site sewage disposal. Please refer to the enclosed diagram for specifics concerning the location, boundaries and/or special conditions of the specific approved site.

Please note that this approval is site specific to the area tested and does not address or warrant the potential or feasibility of locating the system elsewhere on the property.

It should be noted that this system repair authorization is based upon a need to overcome a public health hazard. The site conditions do not entirely meet current State standards. As a result the system must be considered a **Nonconforming Repair**. Depending upon the situation this may or may not affect the ability of the system to perform proper sewage treatment and disposal.

This system is limited to a dwelling of **two (2) bedrooms** maximum. The definition of "bedroom" means any room within a dwelling which meets minimum habitation criteria as interpreted and administered by the local building official.



1500 SW First Avenue
Suite 750
Portland, OR 97201-5884
(503) 229-5
DEQ-1

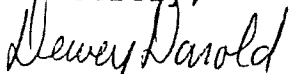
Page 93

Joe Hertzberg
March 1, 1993
Page 2

For repair permit issuance, a detailed and to-scale plot plan is required. The plot plan must show all applicable features, including setbacks to water lines, building foundations, property lines, escarpments, etc. The plot plan should be submitted within (30) days from the date of this report.

Technical information pertaining to the evaluation is available upon request. If you have any questions, or would like further information, please feel welcome to contact the DEQ Astoria Branch Office at (503) 325-8660.

Sincerely,



Dewey W. Darold, R.S.
Environmental Specialist
Northwest Region
Water Quality

cc: Sumner Sharpe

enc: Site Diagram
Construction Detail Sheet
Setback Sheet

STANDARD SEWAGE DISPOSAL SYSTEM CONSTRUCTION DETAIL SHEET

Date 3-1-93

Applicant Joe Hertzberg

Tax Lot 401 Section 19BB Twp 4 Rng 10 Acreage 0.55

- X 1. For the installation of an STANDARD SEWAGE DISPOSAL SYSTEM on the above property, the following construction specifications shall apply:

X The septic tank shall have minimum liquid capacity of 1000 gallons.

X The disposal field shall be constructed in Serial distribution with a MAXIMUM TRENCH DEPTH of 36 inches and a minimum trench depth of 24 inches. There must be at least 12 inches of backfill over the top of the drainrock, measured from the natural ground surface.

X With the soil conditions on this site, 75 lineal feet of disposal trench will be required per 150 gallons maximum projected daily sewage flow. For the proposed development, a minimum of 150 total lineal feet of disposal trench is required. Disposal trenches shall be constructed 2 feet wide on 10 foot minimum centers with no individual trench exceeding 125 feet in length. The trenches and distribution piping shall be installed within one (1) inch of level, contoured to the natural ground surface.

 A curtain drain is required as a component of this system. This groundwater interceptor shall be constructed 12 inches wide by inches deep with inches of clean drainrock placed over a 4 inch perforated collection pipe. The trench and collection pipe shall be constructed on a grade of 0.2 to 0.4 feet of fall per 100 feet of line. A minimum 10 foot upslope setback must be maintained from the disposal trenches. The collection piping shall be exhausted by a non-perforated pipe to a point below and away from the disposal field. The end of the outfall shall consist of heavy duty pipe with the outlet protected by a flap gate or grate.

X An effluent lift pump will ~~may~~ be necessary to construct the disposal field in the approved area at the correct trench depths.

 The top of the disposal trench drainrock shall be protected by filter fabric.

X Specific construction setback requirements are outlined in the enclosed listing.

- X 2. The following conditions shall apply to this system installation:

X For sanitation purposes, the minimum lot size for this single building site is 0.55.

X This lot size will require an approved off-site public or community water supply.

 This system shall not be installed on slopes in excess of percent.

X Construction of this system is limited to the summer months (June through September) with dry soil and site conditions.

X No part of the system shall be installed within the 10' easement or right-of-way.

X 3. Special Conditions: If it is determined that the area will not accommodate 150 linear feet of disposal trench, then you may want to incorporate seepage trenches.

Dewey Danold
Sanitarian, DEQ Astoria Branch Office

MINIMUM SETBACK REQUIREMENTS

Date 3-1-93

Applicant Joe Hertzberg

Tax Lot 401 Section 19B3 Twp 4 Rng 10 Acreage 0.55

SETBACK REQUIRED (as marked)	DISPOSAL FIELD OR AREA ¹	TREATMENT AND DISTRIBUTION UNITS ²
<input checked="" type="checkbox"/> Groundwater Supplies (wells) ³	100'	50'
<input checked="" type="checkbox"/> Springs		
Upslope from system	50'	50'
Downslope from system	100'	50'
<input type="checkbox"/> Surface Public Waters ⁴	100'	50'
For Sand Filter System (only)	50'	50'
<input type="checkbox"/> Intermittent Streams ⁵	50'	50'
<input type="checkbox"/> Groundwater Interceptors ⁶		
On a slope 3% or less	20'	20'
On a slope greater than 3%		
- Upslope from system	10'	10'
- Downslope from system	50'	25'
<input type="checkbox"/> Cuts Manmade ⁷	_____'	_____'
<input checked="" type="checkbox"/> Escarpments ⁸	<u>25'</u>	<u>10'</u>
<input type="checkbox"/> Curtain Drains		
Upslope from system	10'	10'
Downslope from system	50'	25'
<input checked="" type="checkbox"/> Property Lines	10'	10'
<input checked="" type="checkbox"/> Water Lines	10'	10'
<input checked="" type="checkbox"/> Building Foundations (all)	10'	5'
<input type="checkbox"/> Other _____	_____'	_____'

Special Conditions: You may have to relocate water line if
not able to maintain 10' setback. The disposal trenches
can be as close as five feet to property lines if
not able to maintain a 10' setback

¹ Includes all disposal trenches, "bottomless" sand filter, seepage beds and replacement area.

² Includes septic tank, effluent sewer, header pipes, drop boxes, distribution box, sand filter, dosing tank, pressure line, etc.

³ Includes temporarily abandoned wells, agricultural wells, etc.

⁴ Means creeks, streams, rivers, lakes, bays, ponds, marshes, reservoirs, etc.; public or private, natural or manmade setback measured from bank drop-off or mean yearly high water mark.

⁵ Drainageway or groundwater interceptor that continuously flows water for a period of greater than 2 months but not continuously for any year.

⁶ Any natural or artificial groundwater or surface water drainage system including footing drains, agricultural drain tile, ditches, etc.

⁷ Land surface as a result of mechanical land shaping where the modified slope exceeds 50 percent, and the depth of the cut exceeds thirty (30) inches or the effective soil depth.

⁸ Natural occurring slopes greater than 50% which extend vertically 6 feet or more calculated from top to toe characterized by a cliff or steep hillside; setback is measured from top of slope break.

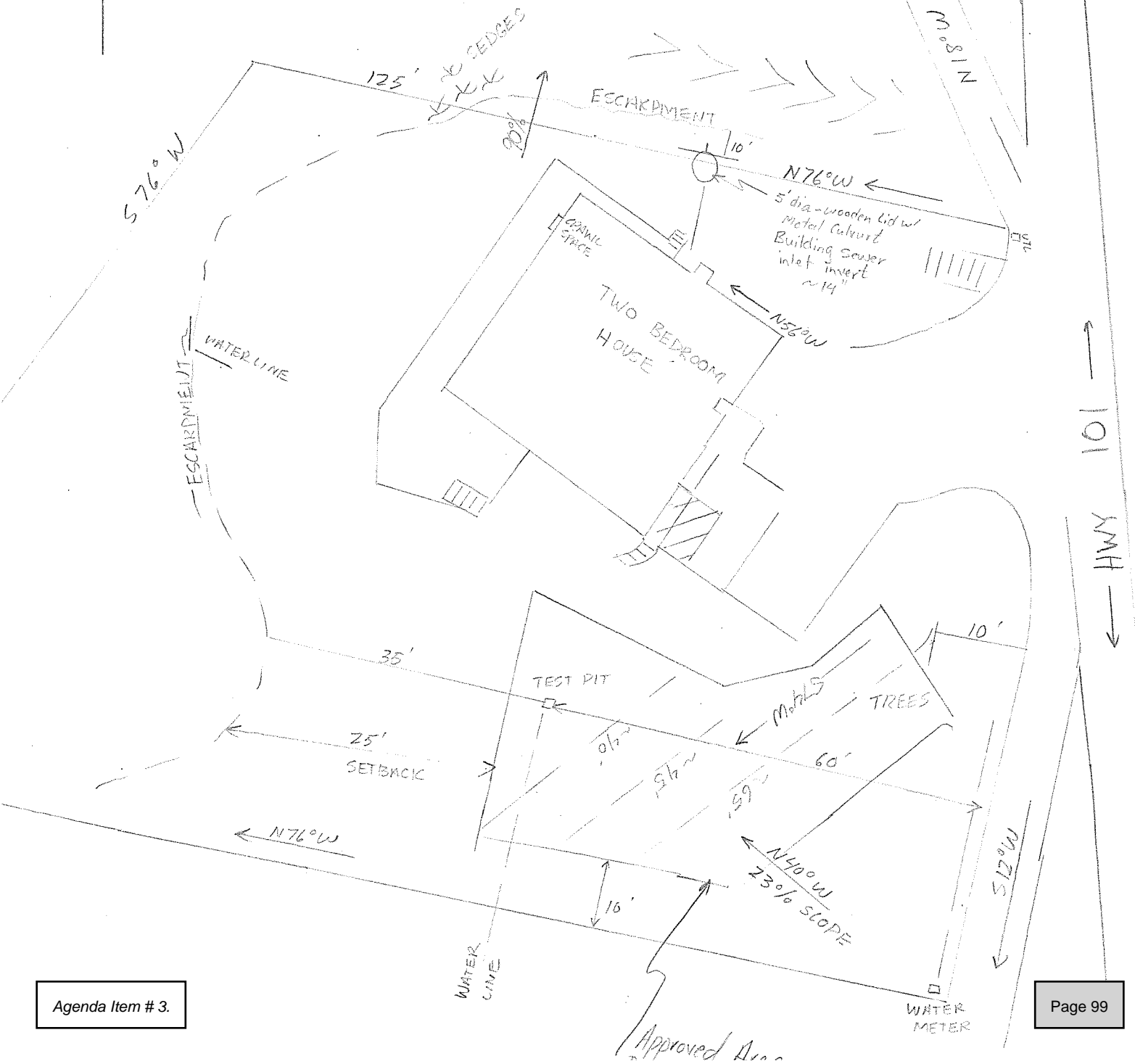


Sanitarian, DEQ Astoria Branch Office

Joe Hertzberg
410-19BB-401
0.55 Acre

Dewey Darold
3-1-93
R.P.
(NTS)

N



ARCH CAPE SERVICE DISTRICT

Box 28 • Arch Cape, Oregon 97102
(503) 436-2790

DEPT. OF ENVIRONMENTAL QUALITY
RECEIVED

MAR 02 1993

ASTORIA BRANCH OFFICE

1 March 1993


Dewey Darold
DEQ
PO Box 869
Astoria, OR 97103

Dear Mr. Darold:

Thank you for your phone call today regarding the Sumner Sharp property in Arch Cape. As I stated in our conversation, Arch Cape Service District is not issuing sewer hook up permits or considering any other land annexation at this time due to a water moratorium. The moratorium has been brought about because of the district's restrictive water rights. The district has applied to the Water Resource Commission for an increase in rights, but at present that request is on an administrative hold. The district has no idea how long it will be before the application is considered and an increase in rights issued. Until that time, no building permits will be issued.

If you have any other questions do not hesitate to call.

Sincerely,


Mike Graham
ACSD

SITE EVALUATION FIELD WORKSHEET

Tax Reference: 410-198B-401

Applicant: Joe Hertzberg

Evaluator: Dewey Darold, R.E.

Date: 3-1-93

Parcel Size: 0.55 Acre

	DEPTH	TEXTURE	SOIL MATRIX COLOR AND MOTTLING (NOTATION), % COARSE FRAGMENTS, ROOTS, STRUCTURE, LAYER LIMITING EFFECTIVE SOIL DEPTH, ETC.
Pit 1	0-3	N/A	"O" horizon needles, twigs, moss, etc.
	3'-19"	SIL	7.5YR 3/2 strong med. sbk. fri.
	19"-31"	SIL	10YR 4/3, stg. med. sbk. fri.
	31"-62"	SCL	10YR 6/6 massive - fri med sand
Pit 2			
Pit 3			
Pit 4			

Landscape Notes: Marine escarpment

Slope: 23%

Aspect: N.W.

Groundwater Type: Temporary

Other Site Notes: High caps currently has a moratorium on new water hook-ups. Affects sewer hook-ups. Sink to plant operator will provide letter stating position. House to the south is on city sewer.

SYSTEM SPECIFICATIONS

Peak Daily Flow: 300 gpd

Average Daily Flow: 150 gpd

1. Initial System: Std. Serial Dist. system

Disposal Facility: 75' / 150'

(linear feet/square feet)

Max. Depth: 36"

124 inches ^{Min.}

2. Replacement System: _____

Disposal Facility: _____

(linear feet/square feet)

Max. Depth: _____

inches

Special Conditions: _____

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY
NORTH COAST OFFICE
749 Commercial, P.O. Box 869
Astoria, Oregon 97103
325-8660 or 1-800-452-4011

OFFICE USE ONLY
Date Rec'd 2-22-93
Date Completed 9-30-93
Required Fee \$125.00
Receipt No. 55869
Control No. 34710

FOR APPLICANT'S USE - (PLEASE PRINT)

0.55Ac

Lot Size (Acreage or Dimensions)

Joe Hertzberg

(Property Owner's Name)

Sumner Sharpe

(Applicant's Name if Different from Owner)

Legal Description
of Property

T4N

R10W

19B3 40-19B3-401

Clatsop

(Township)

(Range)

(Section)

(Tax Lot/Acct. No.)

(County)

For Parcels in Platted
Subdivisions, Indicate

(Subdivision Name)

(Lot Number)

(Block Number)

Proposed Facility

Water Supply

☒ Single Family Residence

(Number of Bedrooms)

☒ Public (Community System)

☐ Private

(Indicate: Well, Spring, Etc.)

☐ Other

(Specify)

Existing Facility

☒ Single Family Residence

(Number of Bedrooms)

☐ Other

(Specify)

APPLICATION FOR:

☐ Site Evaluation Report

☐ Permit to Construct On-Site Sewage Disposal System

☒ Permit to Repair On-Site Sewage Disposal System

☐ Permit for Alteration of On-Site Sewage Disposal System

☐ Permit Renewal

☐ Existing System Report

☐ Plan Review

☐ Other (Specify)

☐ Authorization Notice

Purpose of Authorization Notice

☐ Connect to an existing system
not currently in use

☐ Replace one mobile home with
with another or a house

☐ Replace or rebuild a house

☐ Addition of one or more bedroom

☐ Personal hardship

☐ Temporary housing

☐ Other (Specify)

This application will be returned if it is not filled out completely and accompanied by the appropriate fee and attachments required in the guidance packet. Your site must be prepared according to instructions in the guidance packet before action can be taken on this application.

By my signature, I certify that the information I have furnished is correct, and hereby grant the Department of Environmental Quality and its authorized agent permission to enter onto the above described property for the purpose of this application.

Sumner Sharpe
(Signature)

2/22/93
(Date)

☒ Authorized Representative

☐ Licensed Installer

License No. _____

Owner's Mailing Address

Joe Hertzberg

3115 NW Thurman

Portland, OR 97210

Phone 248-9205

Applicant's Mailing Address (if different)

Sumner Sharpe

1108 NE GOING ST

PORTLAND, OR 97201

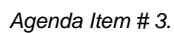
Phone 503/225-0192(W) IW\WC8\WC8690 (7-19-91)

503/284-6807 (h)

Call Sumner Sharpe before going to site.

SUBJECT RESIDENCE SITE PLAN
2490 AUSTIN PT.
ARCH CAPE, OREGON

SHEET NO. 1 OF 1
JOB NO. 84-92
BY MEB DATE 12-10-91



93-53

FOR DEQ USE ONLY

LAND USE COMPATIBILITY STATEMENT FOR ON-SITE SEWAGE DISPOSAL SYSTEMS

APPLICANT'S NAME <i>Sumner Sharpe</i>		MAILING ADDRESS <i>1108 NE GOING ST</i>		PHONE <i>225-0192 (w) 284-6807 (h)</i>
		<i>PORTLAND</i> <i>OR 97211</i>		
		CITY	STATE	ZIP
P L O C A L I T Y	TOWNSHIP <i>T4N</i>	RANGE <i>R10W</i>	SECTION <i>19</i>	TAX LOT OR ACCT NO <i>41019BB-401</i>
	SUBDIVISION/PROJECT	LOT	BLOCK	COUNTY <i>Clatsop</i>
	<input checked="" type="checkbox"/> PROPERTY IS A LOT OF RECORD CREATED BEFORE AUGUST 1, 1981.			

PROPOSED LAND USE

Single Family Residence

STATEMENT OF COMPATIBILITY FROM APPROPRIATE LAND USE AUTHORITY (An equivalent statement may be provided in lieu of this form)

PROPERTY'S ZONING DESIGNATION

CR (Coastal-Residential)

*NOTE: This is for repair of an existing septic system - pty is in a known slide area. A new residence would require a preliminary GHD rept. at minimum.

THE ABOVE PROPOSAL HAS BEEN REVIEWED AND FOUND TO BE:

☒ COMPATIBLE WITH THE LCDC ACKNOWLEDGED COMPREHENSIVE PLAN☐ CONSISTENT WITH THE STATEWIDE PLANNING GOALS☐ NOT COMPATIBLE WITH THE LCDC ACKNOWLEDGED COMPREHENSIVE PLAN☐ NOT CONSISTENT WITH THE STATEWIDE PLANNING GOALS

OR

REASON FOR FINDING OF COMPATIBILITY / INCOMPATIBILITY

Allowed Use in this Zone

PROPERTY IS LOCATED: (check one)

☐ INSIDE CITY☐ INSIDE URBAN GROWTH BOUNDARY
OUTSIDE CITY LIMITS☒ OUTSIDE URBAN
GROWTH BOUNDARY

LAND USE AUTHORITY

Clatsop Co Dept/Planning & Dev

SIGNED

Shawn McConnell

TITLE

Planner

DATE

2-22-93☐ CITY/COUNTY CONCURRENCE IF INSIDE URBAN GROWTH BOUNDARY

SIGNED

TITLE

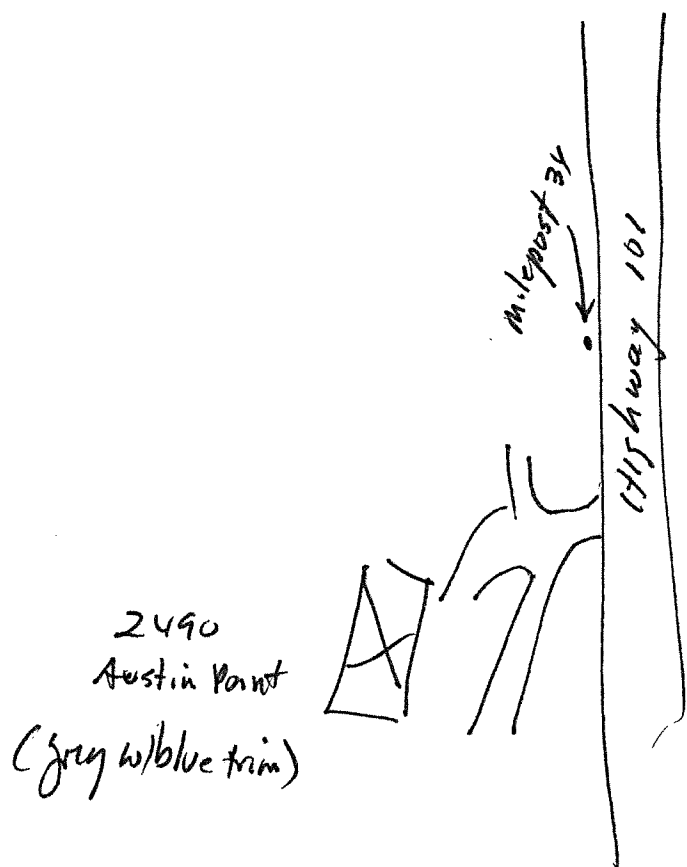
DATE

9-59: Phone call from Mr. Wiebenson. Plans to buy a lot and build north of Arch Cape. Wants insp. of property to see if O.K. for sewage disp. system.

11-59 F.V. Inspection made of property with Mr. Wiebenson. The lot is very rough & is near a cave. Plans call for the house to be built in two levels. I believe the front can be used for the disposal system. Suggested that the property be cleared so a better picture can be seen of what he has.

68 F.V. Talked to Mr. W.E. Wiebenson who is on the sewer committee. He is for sewers. Told him I would do all I could to help the committee out. BRV

9-70 F.V. Insp of property of Mr. Wiebenson & Mr. Church neighbor as request by The County Board of Commissioners. These men do not want to be in the county service dist now. Mr. Wiebenson never called back regarding his sewer. Mr. Church I understand built about 7 years ago with out any permit. This property is very rough ^{steep} covered with brush, logs etc. Unable to tell what is in. But the terrain makes it impossible to install an approved system.



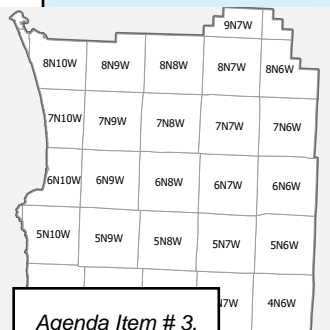
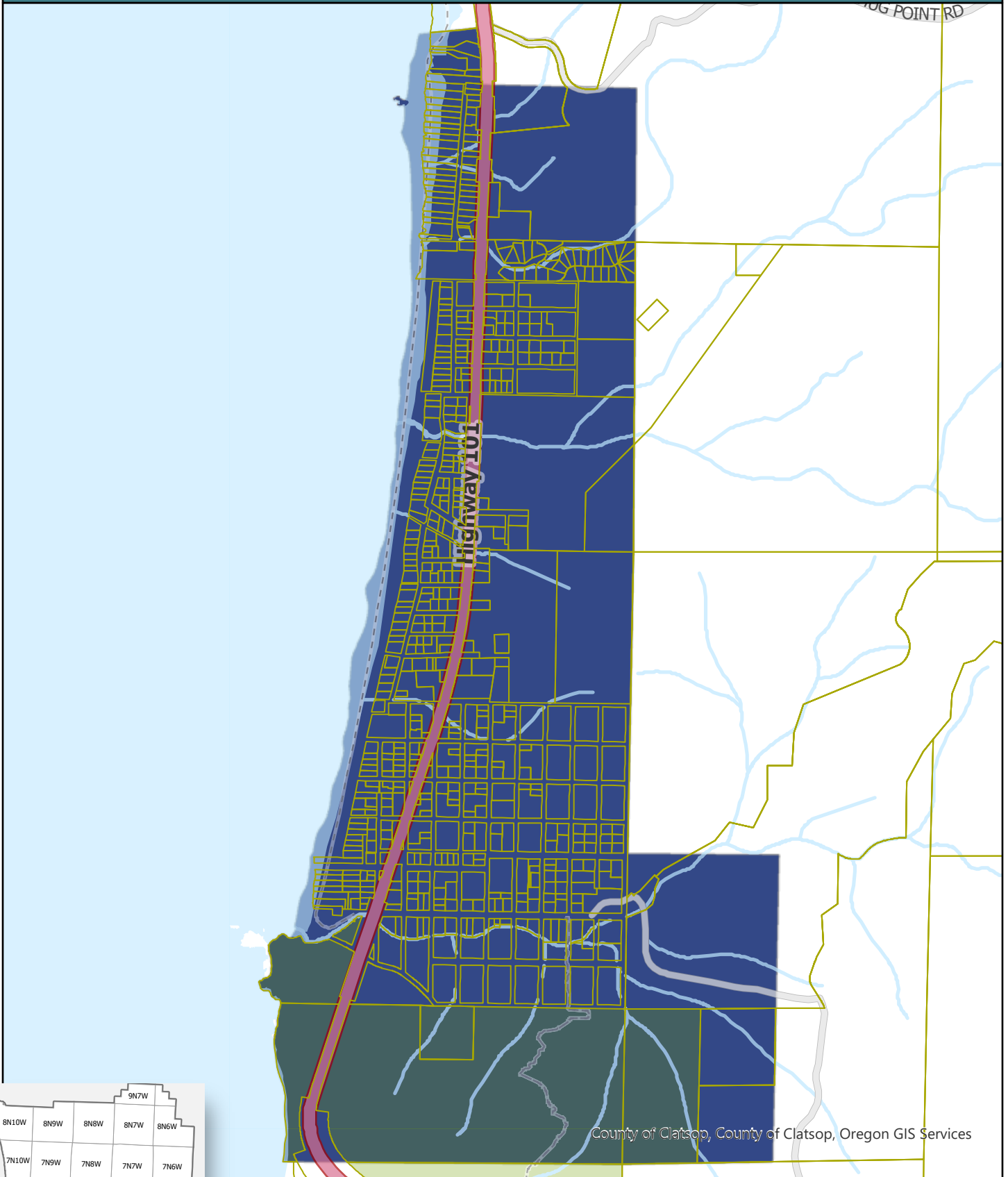
1st Driveway on
right after m.p. 34 -
House is straight
ahead.

2490 Austin Point --
at the north end of
Arch Cape, about 1/2
mile after Hug Point
(Top of hill at north
end of Arch Cape)

EXHIBIT 3

Maps of Arch Cape Sanitary District

Arch Cape Sanitary District



County of Clatsop, County of Clatsop, Oregon GIS Services



Clatsop County

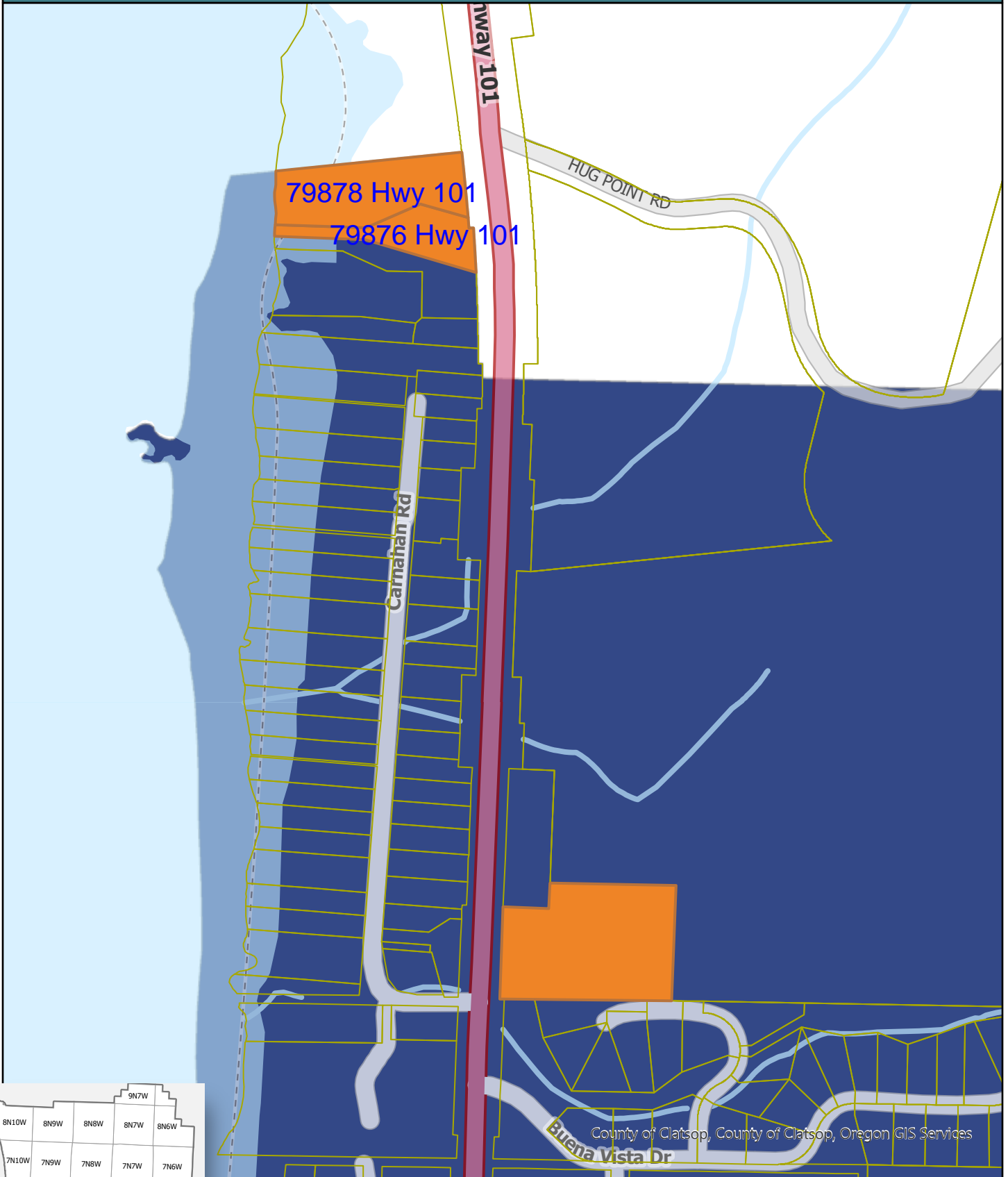
0.45

mi



This map was produced using Clatsop County GIS data. The data is maintained by Clatsop County to support its governmental activities. Clatsop County is not responsible for any map errors, possible misinterpretation.

Arch Cape Sanitary District



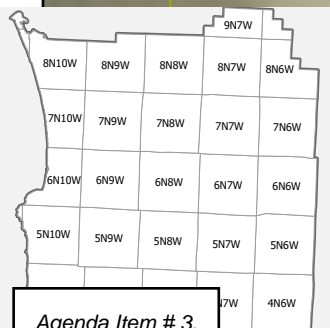
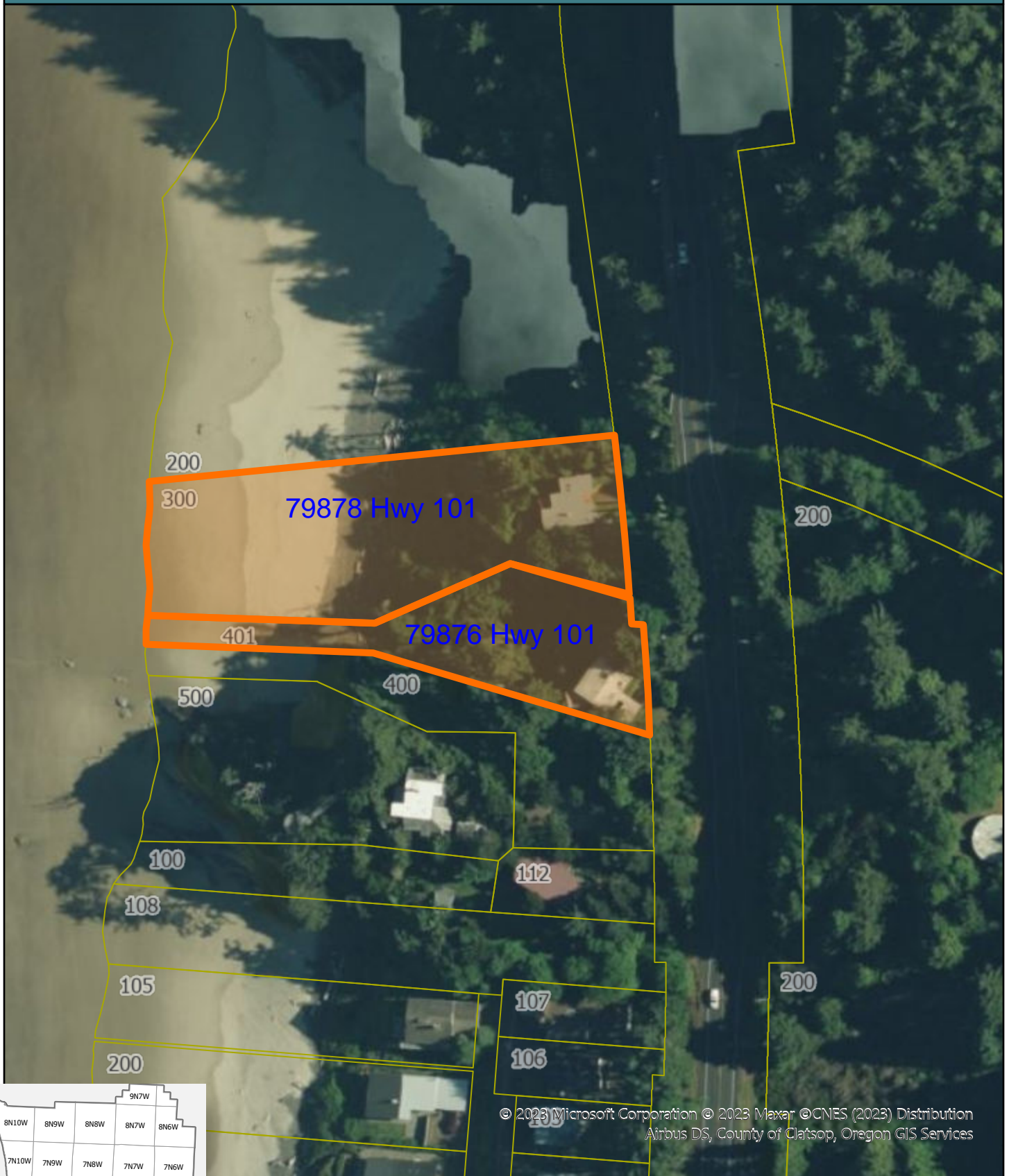
Clatsop County

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mi



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Clatsop County

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EXHIBIT 4

Public and Posted Notices



Clatsop County

Community Development – Planning

800 Exchange St., Suite 100
Astoria, OR 97103
(503) 325-8611 phone
(503) 338-3606 fax
www.clatsopcounty.gov

NOTICE OF PUBLIC HEARING

ORDINANCE #23-10: COMPREHENSIVE PLAN AMENDMENT

GOAL 11 – PUBLIC FACILITIES AND SERVICES

HEARING BODY: Clatsop County Planning Commission

DATE OF HEARING: Tuesday, October 10, 2023

TIME: 10:00 a.m.

LOCATION (HYBRID): Judge Guy Boyington Building
857 Commercial Street
Astoria, OR 97103

Join via Zoom: <https://tinyurl.com/ClatsopCountyPC10102023>
Join via Telephone: (253)215-8272
Webinar ID: 839 3273 6797
Passcode: 000068

CONTACT PERSON: Ian Sisson, Senior Planner

You are receiving this notice because you own property within 250 feet of the request listed below, or you are considered to be an affected state or federal agency, local government, or special district.

In 2002, the Board of Clatsop County Commissioners approved the annexation of two parcels, located at 79876 and 79878 Hwy 101, Arch Cape, into the Arch Cape Sanitary District. The annexation was approved without taking an exception to Goal 11 as required pursuant to Oregon Administrative Rules (OAR) 660-011-0060.

The subject properties are further identified as Township 4N, Range 10W, Section 19BB, Tax Lot 300 (79878 Hwy 101) and Tax Lot 401 (79876 Hwy 101). Both parcels are oceanfront, located in the Coastal Residential Zone (CR), Geologic Hazards Overlay (GHO), and Shoreland Overlay (SO). Each parcel is developed with a single-family dwelling. According to County Assessor records, the dwelling on TL 300 was constructed in 1961 and the dwelling on TL 401 was constructed in 1959.

The dwellings were each originally served by on-site sewage disposal systems (septic). Due to the steep, active terrain along this section of coastline, the septic systems eventually posed hazards to public health, which caused previous property owners to pursue connection to the sewer system operated by the Arch Cape Sanitary District. Clatsop County Community Development has proposed an exception to Goal 11 and map/text amendments to the Clatsop County Comprehensive Plan to correct the administrative oversight from 2002 when the subject parcels were annexed into the district.

The Clatsop County Planning Commission will consider the request and make a recommendation to the Board of Clatsop County Commissioners, which will make the final decision regarding the request.

See map on reverse side of this notice.

NOTICE IS HEREBY GIVEN that Clatsop County's Community Development Department, Land Use Planning Division has received the application described above. Pursuant to *Section 2.1030* of the Clatsop County Land and Water Development and Use Code #20-03 (LAWDUC), the Department Director has scheduled a public hearing on this matter before the Clatsop County Planning Commission at **10:00 a.m. on Tuesday, October 10, 2023**, in accordance with the requirements depicted in the county ordinance.

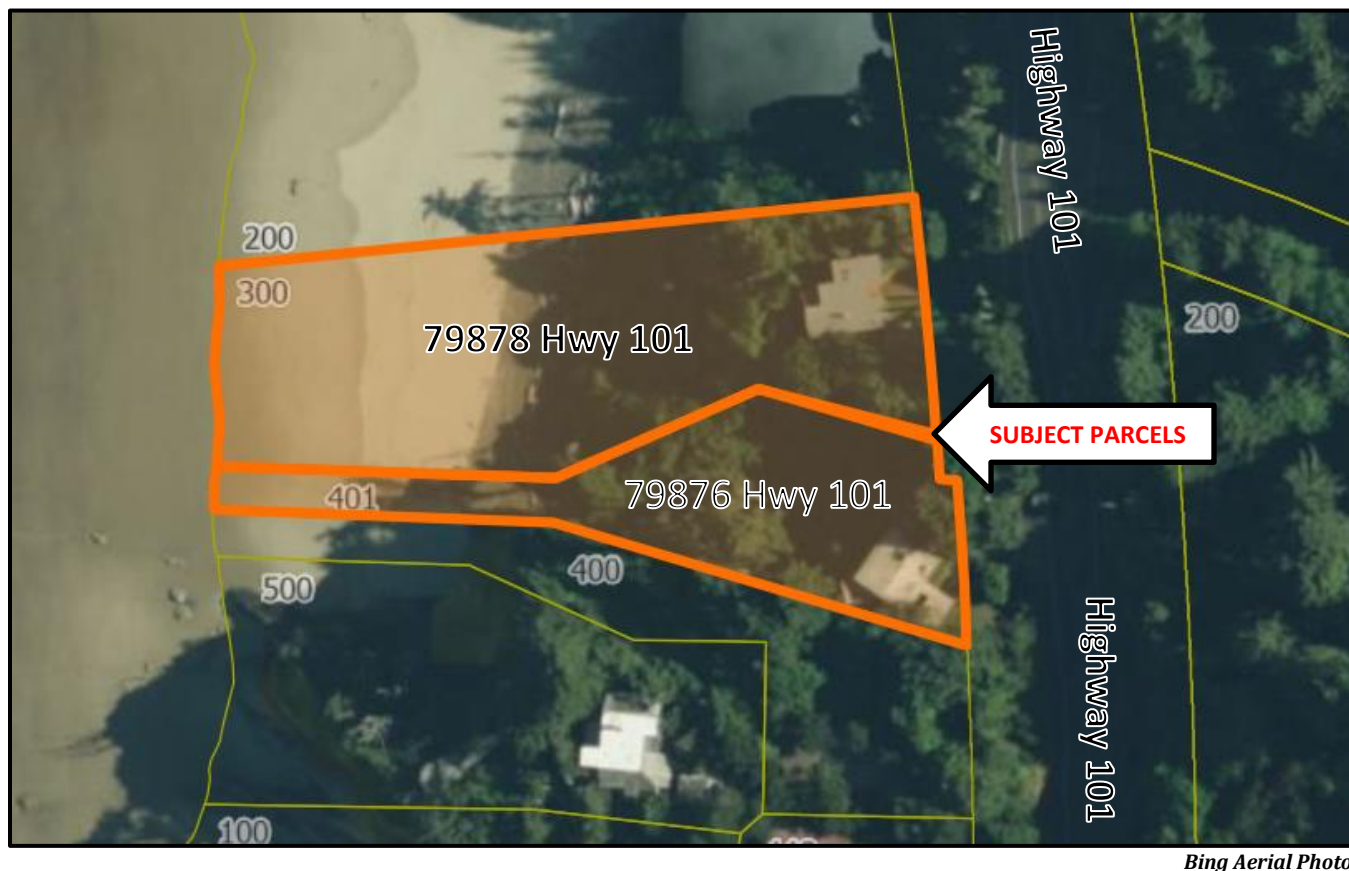
All interested persons are invited to testify in person by attending in person or via the virtual hearing, or you may testify in writing by addressing a letter to the Clatsop County Planning Commission, 800 Exchange Street, Suite 100, Astoria, OR 97103. Written comments may also be sent via FAX to [503-338-3606](tel:5033383606) or via email to comdev@clatsopcounty.gov. Written comments

must be received in this office no later than **4:00 p.m. on Monday, October 2, 2023**, in order to be included in the agenda packet. Written comments received by **4:00 p.m. on Monday, October 9, 2023**, will be presented at the hearing by staff; comments will be accepted at the hearing up to the point when the Planning Commission Chairperson closes the public comment portion of the hearing.

NOTE: Failure to raise an issue precludes appeal on that issue; and in raising an issue, you must specify the relevant Zoning Code criterion (see below) to which the issue is directed.

Planning staff representative for this matter is Ian Sisson, Senior Planner, (503) 325-8611 or isisson@clatsopcounty.gov.

VICINITY MAP



The following criteria may apply to the request:

- **LAWDUC 20-03:** 2.1050 Type IV Procedure; 2.2000 Public Deliberations and Hearings
- **COMPREHENSIVE PLAN:** Goal 1 (Citizen Involvement); Goal 2 (Land Use Planning); Goal 6 (Air, Water, and Land Resources Quality); Goal 11 (Public Facilities and Services); *Southwest Coastal Community Plan*
- **OREGON ADMINISTRATIVE RULES:** OAR 660-011-0060 Sewer Service to Rural Lands

The above-referenced documents are available for review at the Clatsop County Community Development Department office, 800 Exchange Street, Suite 100, Astoria, Oregon, and on-line at the county's website, www.clatsopcounty.gov.

A copy of all documents and evidence related to this matter and applicable criteria are available for inspection at the Community Development Department Office during normal business hours (M-F, 7:30 a.m. to 4 p.m.) at no cost and will be provided at reasonable cost.



Affidavit for Posted Notice of a Public Hearing

(per LAWDUC Section 2.2030)

Please submit this completed declaration at least 7 days prior to the scheduled hearing.

Ordinance #23-10

I, Ian Sisson, Senior Planner, Clatsop County Community Development, do hereby declare as follows:

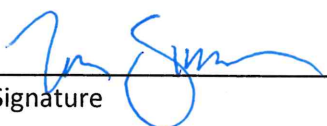
1. On September 29, 2023, I posted the "Notice of Public Hearing" sign(s) provided by Clatsop County Community Development on the project site (one for each frontage for corner lots):

79876 and 79878 Hwy 101, Arch Cape

2. Attached to this declaration are photographs showing the duly posted public notice on the project site.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this date, 10 - 3 - 2023



Signature

IAN SISSON

Print name

SENIOR PLANNER

Relationship to Project, e.g., owner, architect, attorney





Clatsop County – Land Use Planning

800 Exchange Street, Suite 100

Astoria, OR 97103

(503) 325-8611 | (503) 338-3606 (Fax) | comdev@clatsopcounty.gov

TO: Planning Commission Members

CC: Land Use Planning Staff

FROM: Gail Henrikson, AICP, CFM – Community Development Director

DATE: October 10, 2023

RE: **FY 23/24 WORK PLAN – QUARTERLY UPDATE**

On June 14, 2023, the Board of Clatsop County Commissioners formally approved the Land Use Planning FY 23/24 Work Plan as part of the County's adopted budget. The work plan incorporates strategic plan action items identified by the Board when such action items intersect with land use planning. The work plan also includes items identified by staff, which should be accomplished in order to meet regulatory requirements or to update regulations and processes in order to increase operational efficiencies. The purpose of the work plan is twofold:

1. Ensure that Community Development staff is focused on Board priority items
2. Assist staff in resource and budget planning

In order to demonstrate accountability and transparency to both elected and appointed officials and the public, staff will provide quarterly updates on the status of tasks included in the work plan.

For project information and updates, visit us on the web!

www.co.clatsop.or.us/landuse



LAND USE PLANNING

FY 2023-24 WORK PLAN

TASK #1	COMPREHENSIVE PLAN UPDATE		
	SUBTASKS	REQUIRED RESOURCES	PARTNERS
	<p>A. Goals 1-4, 6-14, Goal 19 to return to Board at March 15 work session, with possible adoption prior to the end of FY 22/23 or early FY 23/24.</p> <p>UPDATES: OCTOBER 2023: Completed</p>	1.00 FTE	Public Board of Commissioners County Manager County Counsel County Land Use Counsel Planning Commission Staff
	<p>B. Goal 5: Continued review and revision with Board, Planning Commission, legal counsel and the public</p> <p>UPDATES: OCTOBER 2023: Revised draft of Goal 5 under courtesy review by DLCD; BOC work session scheduled for October 25</p>	1.00 FTE	Public Board of Commissioners County Manager County Counsel County Land Use Counsel Planning Commission Staff
	C. Community Plans: Continued review and revision with Board,	1.00 FTE	Public



LAND USE PLANNING

FY 2023-24 WORK PLAN

	Planning Commission, legal counsel and the public UPDATES: OCTOBER 2023: Revised community plans scheduled for BOC work session November 1		Board of Commissioners County Manager County Counsel County Land Use Counsel Planning Commission Oregon's Kitchen Table
	D. Prepare revisions based upon final DLCD and land use legal review, if needed UPDATES: OCTOBER 2023: Ongoing	1.00 FTE	Public Board of Commissioners County Counsel County Land Use Counsel DLCD Staff
	E. Draft an RFP for environmental consultant services to update the Estuary Management Plan and develop recommendations to update Goals 16 (Estuarine Resources) and 17 (Coastal Shorelands) UPDATES: OCTOBER 2023: RFP issued June 30, 2023. Notice of Intent to Award issued September 29. Contract scheduled for Board approval October 25	0.25 FTE \$150,000	Public Board of Commissioners County Counsel County Land Use Counsel DLCD Environmental Consultants Staff



LAND USE PLANNING

FY 2023-24 WORK PLAN

	<p>F. Draft an RFP for environmental consultant services to update Goal 18 (Beaches and Dunes) and develop recommendations to update LAWDUC implementing ordinances</p> <p>UPDATES: OCTOBER 2023: RFP issued June 30, 2023. Notice of Intent to Award issued September 29. Contract scheduled for Board approval October 25</p>	<p>0.25 FTE \$50,000</p>	<p>Public Board of Commissioners County Counsel County Land Use Counsel DLCD Environmental Consultants Staff</p>
	<p>G. Continue to work with Board to review and revise public participation process and schedule as needed</p> <p>UPDATES: OCTOBER 2023: Ongoing</p>	<p>0.02 FTE</p>	<p>Public Board of Commissioners Planning Commission Staff</p>
TASK #2	STRATEGIC PLAN FOCUS AREA - GOVERNANCE		
	SUBTASKS	REQUIRED RESOURCES	PARTNERS
	<p>A. Develop annual work program, to be approved by the Board of Commissioners, establishing priorities and focus areas for staff and the Planning Commission</p> <p>UPDATES:</p>	<p>0.05 FTE</p>	<p>Board of Commissioners Planning Commission Staff</p>



LAND USE PLANNING

FY 2023-24 WORK PLAN

	OCTOBER 2023: Ongoing. Quarterly updates to be provided to the Planning Commission and BOC		
	B. Continue to increase public outreach through the use of new and diverse media in order to attract new participants representing the demographic, economic, and social composition of the county. UPDATES: OCTOBER 2023: Ongoing work with County's Public Affairs Office	0.20 FTE	Public Board of Commissioners Planning Commission Public Affairs Office Staff
	C. Create quarterly newsletter to be mailed to all property owners providing updates on ongoing and future projects and to identify future trends and issues UPDATES: OCTOBER 2023: Digital quarterly newsletter to begin publishing in October	0.15 FTE	Public Public Affairs Officer Staff
	D. Develop and implement a work plan for the state-mandated Committee for Citizen Involvement UPDATES: OCTOBER 2023: Not started	0.20 FTE	Public Board of Commissioners Planning Commission Public Affairs Officer Staff



LAND USE PLANNING

FY 2023-24 WORK PLAN

TASK #3

STRATEGIC PLAN FOCUS AREA - ENVIRONMENTAL QUALITY

SUBTASKS	REQUIRED RESOURCES	PARTNERS
<p>A. Work with DLCD and DEQ to identify existing data related to water quality and quantity within Clatsop County and to identify potential funding sources that could be utilized by Clatsop County to hire its own consultants to collect and/or analyze this data</p> <p>UPDATES:</p> <p>OCTOBER 2023: Discussions started with DEQ, DLCD and Oregon Solutions in FY 22/23. No further updates</p>	0.20 FTE	Public Board of Commissioners Planning Commission DLCD DEQ Environmental Consultant Staff
<p>B. Continue to monitor and participate in the NEPA review of FEMA's Implementation Plan to address National Marine Fisheries Services Biological Opinion (BiOp); prepare and update the Board as needed</p> <p>UPDATES:</p> <p>OCTOBER 2023: BOC submitted public comments in FY 22/23. FEMA developing model ordinance and draft Environmental Impact Statement (EIS). Publication anticipated in early 2024.</p>	0.25 FTE	AOC Board of Commissioners Planning Commission Staff



LAND USE PLANNING

FY 2023-24 WORK PLAN

	Staff attendance at Oregonians for Floodplain Protection meetings - a coalition organized by Tillamook County		
	<p>C. Continue discussions with the Board to determine preferred path to implement requirements of FEMA's Biological Opinion (BiOp); obtain public input</p> <p>UPDATES:</p> <p>OCTOBER 2023: Information provided as needed via County Manager's weekly report to the Board. No public work items currently scheduled</p>	0.25 FTE	<p>Public</p> <p>Board of Commissioners</p> <p>Planning Commission</p> <p>FEMA</p> <p>DLCD</p> <p>Staff</p>
TASK #4	STRATEGIC PLAN FOCUS AREA - INFRASTRUCTURE		
	SUBTASKS	REQUIRED RESOURCES	PARTNERS
	<p>A. Provide assistance to Emergency Management staff as needed with regard to FEMA hazard mitigation grant application preparation</p> <p>UPDATES:</p> <p>OCTOBER 2023: No request for assistance has been received</p>	0.10 FTE	<p>Board of Commissioners</p> <p>Emergency Management</p> <p>Affected Stakeholders</p> <p>FEMA</p> <p>Staff</p>
	B. Provide assistance, as needed, to support discussions and	0.05 FTE	Public



LAND USE PLANNING

FY 2023-24 WORK PLAN

	projects related to tide gates and levees UPDATES: OCTOBER 2023: Meetings with Public Works staff to identify project for NOAA's Coastal Regional Resiliency Grant (see Task D, below)		Board of Commissioners FEMA Staff
	C. Work with Emergency Management to implement recommendations from the Tsunami Evacuation Facilities Improvement Plan (TEFIP) UPDATES: OCTOBER 2023: Not yet started	0.10 FTE	Public Board of Commissioners Emergency Management Staff
	D. Work with DLCD and NOAA to identify potential impacts to infrastructure and community assets from sea level rise UPDATES: OCTOBER 2023: Public Works, Planning, NOAA, CREST, and other agencies and organizations drafted and submitted a letter of intent to apply for NOAA's Coastal Regional Resiliency Challenge Grant in August 2023. The project identified would focus on sea level rise and impacts to dikes and levees in both WA and OR. Awaiting determination from NOAA re: invitation to apply	0.10 FTE	Public Board of Commissioners DLCD NOAA Staff



LAND USE PLANNING

FY 2023-24 WORK PLAN

	<p>E. Provide assistance as needed for any climate change local impact analyses</p> <p>UPDATES:</p> <p>OCTOBER 2023: Ongoing work with DLCD's NOAA Fellow re: sea level rise.</p>	0.05 FTE	<p>Board of Commissioners</p> <p>Consultants</p> <p>OCCRI</p> <p>Staff</p>
	<p>F. Work with watershed councils to identify and map watershed boundaries and create a Webmaps layer</p> <p>UPDATES:</p> <p>OCTOBER 2023: Met with North Coast Watershed Association staff in July 2023. Watershed Association presentation to BOC on September 6, 2023. Association is finished up a mapping grant.</p>	0.01 FTE	<p>Watershed Councils</p> <p>GIS</p> <p>Staff</p>
TASK #5	STRATEGIC PLAN FOCUS AREA - SOCIAL SERVICES		
	SUBTASKS	REQUIRED RESOURCES	PARTNERS
	<p>A. Continue to monitor state legislation and audit County zoning codes to identify areas where the County's regulations may be out of sync with state regulations regarding child care facilities, emergency shelters, and residential care facilities</p>	0.05 FTE	<p>DLCD</p> <p>Public</p> <p>Board of Commissioners</p>



LAND USE PLANNING

FY 2023-24 WORK PLAN

and homes; prepare code amendments recommended by
DLCD

UPDATES:

OCTOBER 2023: Ongoing. 2023 legislative update amendments
discussed in work session with PC October 2023

Planning Commission
Staff

TASK #6

STRATEGIC PLAN FOCUS AREA - ECONOMIC DEVELOPMENT

SUBTASKS

A. Draft an RFP for consultant services to conduct an Economic
Opportunities Analysis and develop recommendations to
update the Comprehensive Plan and LAWDUC implementing
ordinances

UPDATES:

OCTOBER 2023: RFP issued June 30, 2023. Contract awarded
to Johnson Economics September 27, 2023. Initial meeting with
consultant/staff on October 3 to finalize project scope and timeline

REQUIRED RESOURCES

0.25 FTE
\$95,000

PARTNERS

Public
Business Owners
Board of Commissioners
Chambers of Commerce
Port of Astoria
County Counsel
County Land Use Counsel
DLCD
Consultants
Staff



LAND USE PLANNING

FY 2023-24 WORK PLAN

	<p>B. Conduct review of commercial and industrial zones to identify and implement changes to simplify development process and reduce or remove barriers to development</p> <p>UPDATES:</p> <p>OCTOBER 2023: Economic Strategies Group meeting September 2023. Group to identify local changes needed and state assistance required</p>	0.25 FTE	Public Business Owners Board of Commissioners Planning Commission Staff
	<p>C. Initiate process to review local regulatory barriers to economic development; include evaluation of opportunities to reduce the cost of development</p> <p>UPDATES:</p> <p>OCTOBER 2023: Economic Strategies Group meeting September 2023. Group to identify local changes needed and state assistance required</p>	0.15 FTE	Public Affected Stakeholders Board of Commissioners Planning Commission Staff
	<p>D. Identify barriers to affordable, workforce and market-rate housing within Clatsop County codes; identify a variety of housing options that would be appropriate within unincorporated Clatsop County</p> <p>UPDATES:</p>	0.15 FTE	Public Contractors Board of Commissioners Planning Commission Staff



LAND USE PLANNING

FY 2023-24 WORK PLAN

OCTOBER 2023: Housing amendments discussed at BOC work session October 4 and at PC work session October 10. Public hearing with PC tentatively scheduled for December 2023.

TASK #7

LEGISLATED MANDATES

SUBTASKS

REQUIRED RESOURCES

PARTNERS

A. Continue to meet all regulatory requirements and process applications according to 150-day timeframe mandated by ORS

4.50 FTE

Staff

UPDATES:

OCTOBER 2023: Ongoing

B. Update the *Land and Water Development and Use Code* to incorporate any applicable legislative changes made during the 2023 legislative session

0.15 FTE

Public
Board of Commissioners
Planning Commission
Staff

UPDATES:

OCTOBER 2023: Draft 2023 legislative amendments presented at October 10 PC work session

TASK

PROCESS IMPROVEMENT AND STREAMLINING



LAND USE PLANNING

FY 2023-24 WORK PLAN

#8

#8	SUBTASKS	REQUIRED RESOURCES	PARTNERS
	<p>A. Continue to review and revise Community Development website to ensure information is relevant, clear, and accurate. Include information that makes the development and permitting process easy to understand for all users.</p> <p>UPDATES: OCTOBER 2023: Ongoing</p>	0.10 FTE	Public Public Affairs Office Staff
	<p>B. Continue to utilize a formal orientation program for newly-appointed planning commissioners. Update Planning Commission training materials as needed.</p> <p>UPDATES: OCTOBER 2023: Implemented; utilized as needed</p>	0.01 FTE	County Counsel Planning Commission Staff
	<p>C. Continue to work with the Oregon Building Codes Division to implement updates to the Accela e-permitting system to clarify planning requirements.</p> <p>UPDATES: OCTOBER 2023: Ongoing</p>	0.01 FTE	Oregon BCD Staff



LAND USE PLANNING

FY 2023-24 WORK PLAN

TASK #9

SPECIAL PROJECTS

SUBTASKS	REQUIRED RESOURCES	PARTNERS
<p>A. Update Continuity of Operations Plan for Community Development Department</p> <p>UPDATES: OCTOBER 2023: Not yet started</p>	0.20 FTE	Emergency Management Staff
<p>B. Following DLCD acknowledgement of the comp plan updates, begin review of and updates to the LAWDUC</p> <p>UPDATES: OCTOBER 2023: "Low-hanging fruit" amendments being processed as time permits; "clear and objective standards" to be developed and adopted by January 1, 2025; housing amendments in process</p>	1.00 FTE	Public Board of Commissioners County Counsel County Land Use Counsel Planning Commission Staff
<p>C. Continue to work with Oregon Solutions to implement the County's commitments from the Clatsop Plains Elk Collaborative Declaration of Cooperation</p>	0.10 FTE	Public Board of Commissioners Oregon Solutions



LAND USE PLANNING

FY 2023-24 WORK PLAN

	UPDATES: OCTOBER 2023: Final meeting with Oregon Solutions held on March 22, 2023. Facilitation of project now transferred to CREST. No updates since March 2023		Planning Commission Staff
	D. Evaluate and obtain public input regarding participation in FEMA's Community Rating System (CRS) program UPDATES: OCTOBER 2023: Not started	0.01 FTE	Public Board of Commissioners Emergency Management Staff
	E. Evaluate and obtain public input regarding becoming a Certified Local Government, to assist with historic preservation efforts UPDATES: OCTOBER 2023: Not started	0.01 FTE	Public Board of Commissioners Staff
	F. Schedule public meetings to continue to receive public input on the review and update of the County's geologic hazard overlay development process and requirements UPDATES: OCTOBER 2023: Ordinance 23-12 (GHO exemptions) adopted	0.05 FTE	Public Affected Stakeholders Board of Commissioners Planning Commission DOGAMI



LAND USE PLANNING

FY 2023-24 WORK PLAN

	August 23, 2023		Staff
	G. Recreate permitted and conditional use tables in LAWDUC UPDATES: OCTOBER 2023: Draft revisions to be presented for PC discussion January 2024	0.05 FTE	Public Board of Commissioners Planning Commission Staff
	H. Initiate process to obtain public input to identify concerns and determine level of support for adoption of a Tsunami Overlay Zone; draft code amendments if needed UPDATES: OCTOBER 2023: Not started	0.50 FTE \$5,000 (FY 23/24)	Public Affected Stakeholders Board of Commissioners Planning Commission Emergency Management DLCD Staff
TOTAL STAFF REQUIRED		13.77 FTE	
TOTAL EXPENDITURES REQUIRED		\$300,000	
BCD: Oregon Building Codes Division DEQ: Department of Environmental Quality DLCD: Department of Land Conservation and Development DOGAMI: Department of Geology and Mineral Industries			



LAND USE PLANNING FY 2023-24 WORK PLAN

FEMA: Federal Emergency Management Agency

NOAA: National Oceanic and Atmospheric Administration

OCCRI: Oregon Climate Change Research Institute



Clatsop County – Land Use Planning

800 Exchange Street, Suite 100

Astoria, OR 97103

(503) 325-8611 | (503) 338-3606 (Fax) | comdev@clatsopcounty.gov

TO: Planning Commission Members

CC: Anthony Pope, County Counsel
Land Use Planning Staff

FROM: Gail Henrikson, AICP, CFM – Community Development Director

DATE: October 10, 2023

RE: **LAWDUC AMENDMENTS TO FACILITATE HOUSING DEVELOPMENT**

Since March 2023, land use planning staff have been conducting intermittent work sessions with the Planning Commission to discuss revisions to the Land and Water Development and Use Code (LAWDUC) to facilitate housing development. Before bringing staff's proposed revisions to a public hearing before the Planning Commission staff will discuss the proposed revisions and additional work items with the Board of Commissioners on October 4. The presentation provided to the Board is attached to this memo. This results of the work session will be discussed with the Planning Commission on October 10. Please be prepared to provide any additional input on the proposed amendments at that time.

For project information and updates, visit us on the web!

www.clatsopcounty.gov/landuse



LAWDUC AMENDMENTS TO SUPPORT HOUSING DEVELOPMENT

Community Development

October 4, 2023

Agenda Item # 5.





OVERVIEW

Housing Crisis

Governor's Goal to Construct 36,000 Units

Scope of Proposed Revisions

Additional Work Items for FY 23/24



FACTORS AFFECTING HOUSING CONSTRUCTION

Land Use Planning processes are only one of many factors affecting housing affordability and construction:

- Land availability and cost
- Availability and cost of construction materials
- State building code requirements
- SDCs
- Inflation and interest rates
- Local employment and salaries
- NIMBY-ism
- Litigation



WHAT THE PROPOSED AMENDMENTS ARE INTENDED TO DO

Staff is proposing immediate- and medium-range revisions to LAWDUC in order to:

- Reduce application fees
- Reduce the amount of time for applicants to receive approvals
- Make processes simpler and easier to understand
- Encourage the construction of more housing at all price points



WHAT THE PROPOSED AMENDMENTS CANNOT DO

**Some needed or desired changes are
outside the control of Clatsop County:**

- Revise Oregon Residential Specialty Code (ORSC)
- Change Oregon Revised Statutes (ORS)
- Require owners to partition or sell land
- Reduce or waive SDCs



PROPOSED CHANGE #1

Allow duplex dwellings as Type I use

- Many zones only allow duplex units as a Type II conditional use
- Proposed change would reduce:
 - fee from \$1,200 to \$85
 - review time from several months to a few weeks (depending upon site-specific issues)



PROPOSED CHANGE #2

Create Uniformity Across Zones

- Only the AC-RCR zone requires new public or private road development or road extensions to be approved through a conditional use process
- Eliminating this requirement, consistent with all other residential zones in the County would:
 - reduce fee from \$1,200 to \$85
 - reduce review time from several months or years to a few weeks (depending upon site-specific issues)



PROPOSED CHANGE #3

Reduce minimum lot sizes for properties with community sewer and water

- Reduce minimum-required lot size for a duplex to 10,000 SF (most zones with water/sewer require 15,000 SF)
- Reduce minimum-required lot size for a single-family dwelling from 7,500 SF to 5,000 SF
- Reduce minimum lot width to 50' for single-family dwelling



PROPOSED CHANGE #4

Allow triplex and quadraplex dwellings in areas designated for Development in the comprehensive plan that are served by community water and sewer

- Development zones are typically served by water and sewer
- New standards would be required to address minimum lot sizes; revise definitions
- Residential Development zones include:
 - AC-RCR
 - RC-MFR
 - RC-SFR
 - RSA-MFR
 - RSA-SFR



PROPOSED CHANGE #5

Add “Multi-Family Dwellings”, “Mobile Home Parks” and “Boarding, rooming or group housing” as a Type I use in the following zones:

- RC-MFR and RSA-MFR
- These zones already allow these uses as conditional uses
- Change would:
 - reduce application fee from \$1,200 to \$85
 - reduce review time from several months or years to a few weeks (depending upon site-specific issues)



PROPOSED CHANGE #6

Allow existing single-family homes in commercial districts as a Type I instead of a non-conforming use

- Many of the County's commercial zones include existing homes that were constructed before the zoning was established and/or changed
- Those homes are now considered non-conforming uses and are subject to stringent requirements and fees in order to rebuild or make changes to the home
- Change would:
 - reduce application fee from \$1,200 to \$85
 - reduce review time from several months or years to a few weeks (depending upon site-specific issues)
- Because the County has limited commercial land, additional SFDs should not be permitted



PROPOSED CHANGE #7

Add stand-alone “Multi-Family Dwellings”, Manufactured Home Parks”, and “Boarding Houses” as Type II uses in commercial districts

- Many of the County’s commercial zones only allow mixed use or residential development in conjunction with a commercial or retail component
- Change would add new multi-family housing options to commercial zones
- Permitting as a conditional use would allow the County to have additional review over these proposals on limited commercial land that could otherwise provide employment opportunities



PROPOSED CHANGE #8

**Add stand-alone “On-site employee housing”
and as a Type I use in commercial/industrial
zones**

- Change would allow employers to construct on-site housing for employees (including the business owner)



Allow Residential Mixed Use in association with a commercial or retail component as a Type I use in commercial districts

PROPOSED CHANGE #9

- Many of the County's commercial zones only allow mixed use or residential development in conjunction with a commercial or retail component to be approved after a public hearing
- Change would allow the residential component as a Type I use
- Fee for the residential component would be reduced from \$1,500 to \$85
- Fees for the commercial/retail component would currently remain the same



PROPOSED CHANGE #10

Change fee and process to partition land

- Reduce application fee from \$1,000 to \$500 (**needs Board approval**)
- Change review process to eliminate repetitive and/or superfluous findings in staff report and utilize checklist report (**this has already been implemented**)
- ORS still requires 10-day public notice and 12-day appeal period
- Shorten processing time from several months to a few weeks (including notice and appeal)



PROPOSED CHANGE #11

Mass Timber Code-UP

- Clatsop County has been selected by DLCDC to participate in the Mass Timber Code-UP Technical Assistance project
- Intended to modernize the County's planning and development codes to accommodate modular mass timber housing
- It is unknown what code changes may occur as a result of this project



ITEMS FOR FUTURE REVIEW/ REVISION IN FY 23-24

The work items below will require more time and consultation with DLCDD and/or other jurisdictions. While not included in this initial set of proposed revisions, they are proposed to be completed by the end of this fiscal year.

- Review ORS to determine which EFU and forest dwellings could be reviewed as a Type I use instead of as a conditional use
- Survey of other jurisdictions geohazard mitigation regulations



ITEMS TO NOTE

Caveats and other items to consider

- Proposed fee reductions or procedures changes will result in reduced revenues
- Changes have not yet been reviewed by DLCD
- While most of the proposed changes have been discussed by the Planning Commission, no public input was provided during those meetings
- Some proposed changes may be met with opposition, especially changes to allow triplex and quadraplex dwellings



NEXT STEPS

Following discussion with your Board, staff will:

- Make revisions to the proposed amendments as needed
- Schedule the item for a public hearing with the Planning Commission
- Prepare required legal notices
- Public hearing with the Planning Commission tentatively scheduled for November 14
- Two public hearings before your Board in December 2023 and January 2024



DISCUSSION





Clatsop County – Land Use Planning

800 Exchange Street, Suite 100

Astoria, OR 97103

(503) 325-8611 | (503) 338-3606 (Fax) | comdev@clatsopcounty.gov

TO: Planning Commission Members

CC: Anthony Pope, County Counsel
Land Use Planning Staff

FROM: Gail Henrikson, AICP, CFM – Community Development Director

DATE: October 10, 2023

RE: **2023 LEGISLATIVE UPDATES**

BACKGROUND

Oregon Revised Statutes (ORS) 197.646 requires that “a local government shall amend its acknowledged comprehensive plan or... land use regulations implementing the plan...to comply with a new requirement in land use statutes, statewide land use planning goals or rules implementing the statutes or the goals.” This statute also states that when a local government does not adopt the required amendments, the new requirements “apply directly to the local government’s land use decisions.” Failure to adopt or enforce the new requirements is “basis for initiation of enforcement action” against the local jurisdiction.

Per ORS 197.646(2), the Department of Land Conservation and Development (DLCD) is required to notify local governments when a new requirement in land use statutes, statewide land use planning goals or rules implementing the statutes or the goals requires changes to an acknowledged comprehensive plan or to land use regulations implementing either plan.

The proposed LAWDUC amendments included in Exhibit A are designed to incorporate legislative changes to ORS affecting land use. The amendments originate from legislation adopted by the Oregon Legislature during its 2023 regular session.

A summary of the relevant bills is provided below. The purpose of the October 10th discussion is to familiarize the Planning Commission with the legislation and amendments that will be required. It is anticipated that a public hearing on the proposed revisions would be held at the November 14 Planning Commission Meeting.

LEGISLATIVE SUMMARY

[HB 2192 – Replacement Dwellings on Forest Land](#)

The Agriculture-Forestry Zone (AF) and Forest-80 (F-80) Zone currently allow alteration, restoration, or replacement of lawfully established dwellings on forest land subject to the standards listed in LAWDUC Section 3.9190(4), which require that the existing dwelling “has,”

- intact exterior walls and roof structures;

- indoor plumbing consisting of a kitchen sink, toilet and bathing facilities, connected to a sanitary waste disposal system;
- interior wiring for interior lights; and
- a heating system.

If the existing dwelling is to be replaced, the existing dwelling must be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

By contrast, for agricultural land in the Exclusive Farm Use Zone (EFU) and AF Zone, alteration, restoration, or replacement of lawfully established dwellings is allowed subject to the standards listed in LAWDUC Section 3.9140, which requires that the dwelling “has” or “formerly had” the features listed above.

HB 2192 aligns the standards for alteration, restoration, or replacement of lawfully established dwellings on forest land with the standards applicable on agricultural land by providing the opportunity to alter, restore, or replace dwellings that “formerly had” the required features; however, the application must be filed within three years following the date the dwelling last possessed all the required features. Additionally, construction of a replacement dwelling must commence no later than four years after approval of the application.

The bill also requires that the dwelling was assessed as a dwelling for purposes of ad valorem taxation since the later of five years before the date of the application or the date the dwelling was erected and became subject to property tax assessment. If the value of the dwelling was eliminated as a result of destruction or demolition, the dwelling must have been assessed as a dwelling since the later of five years before the date of the destruction or demolition, or the date the dwelling was erected and became subject to property tax assessment.

Finally, a replacement dwelling must comply with the construction provisions of section R327 of the Oregon Residential Specialty code if the dwelling is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk or if no statewide map of wildfire risk has been adopted.

[HB 2898 – Use of Recreational Vehicles Following Natural Disasters](#)

HB 2898 is a revision to House Bill 2809 (2021). HB 2809 was a direct response to the recovery from the 2020 wildfires and allowed sitting of an RV as a dwelling on a lot previously occupied by a manufactured or single-family dwelling made uninhabitable by a natural disaster.

HB 2898 alters the original house bill to allow for occupancy of an RV for five years instead of 24 months. This bill is directly related to properties destroyed by the 2020 wildfires (August 1-September 30, 2020).

[HB 3179 – Jurisdiction for Solar Photovoltaic Power Generation Facilities](#)

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According to DLCD's 2023 *Land Use Legislation Report*, HB 3179 increases the maximum acreage for solar photovoltaic power generation facilities under county jurisdiction. On high-value farmland the maximum facility acreage increases from 160 to 240 acres; on land that is predominantly cultivated or composed of certain soil acreage increases from 1,280 to 2,560 acres; and on any other land the acreage for county jurisdiction increases from 1,920 to 3,840 acres. Facilities greater than these thresholds will continue under the jurisdiction of the Energy Facility Siting Council.

HB 3179 also requires a photovoltaic power generating facility using newly authorized acreage limit under HB 3179 to provide a decommissioning plan to accomplish restoration of the site to a useful, nonhazardous condition, which includes bonding or other security as financial assurance. The bill prohibits the Oregon Department of Transportation and the county court or board of county commissioners from discriminating against or favoring a renewable energy facility in reviewing or granting siting permits for such facilities to be built on the right of way of state highways or county roads.

The implementation of this bill will be tracked as a separate project along with other updates to county policies related to renewable energy facilities to ensure consistency with ORS.

[HB 3197 – Clear and Objective Standards for Development of Housing](#)

HB 3197 requires counties to develop and apply clear and objective standards to residential development in areas zoned rural residential and in unincorporated communities. These standards must be implemented by July 1, 2025. In Clatsop County, these standards would apply to the unincorporated communities of Arch Cape, Miles Crossing/Jeffers Gardens, Knappa-Svensen, and Westport. Rural residential zones include:

- Coastal Beach Residential (CBR)
- Coastal Residential (CR)
- Residential Agriculture 1 (RA-1)
- Residential Agriculture 2 (RA-2)
- Residential Agriculture 5 (RA-5)
- Residential Agriculture 10 (RA-10)
- Single Family Residential 1 (SFR-1)

HB 3197 also requires clear and objective standards for farmworker accessory housing. This bill also allows local governments to establish a discretionary option in lieu of the clear and objective standards, to allow developers and local governments to agree to alternative design and development standards.

Because of the complexity and scale of these required changes, the implementation of this bill will be tracked as a separate project, to be completed prior to the July 1, 2025 deadline.

[HB 3395 – Housing Omnibus Bill](#)

HB 3395 contains several policy changes related to residential development. While the majority of those changes affect incorporated cities and areas inside Urban Growth Boundaries (UGBs), the following revisions are applicable to Clatsop County:

- Makes permanent the requirement that counties allow emergency shelters on rural residential lands. Shelters must be approved regardless of state or local land use laws. Shelters must be operated by specific entities or organizations such as a local government, housing authority, a religious corporation or an organization with two years' shelter operations experience. Shelters may provide services such as case management and amenities such as shower and laundry facilities. Because the legislation specifies that approval of an emergency shelter is not a land use decision, no public notice is required. Rural residential zones where shelters would be permitted are:
 - Coastal Beach Residential (CBR)
 - Coastal Residential (CR)
 - Residential Agriculture 1 (RA-1)
 - Residential Agriculture 2 (RA-2)
 - Residential Agriculture 5 (RA-5)
 - Residential Agriculture 10 (RA-10)
 - Single Family Residential 1 (SFR-1)

HB 2006, which was approved in 2021, originally established the requirement to allow emergency shelter siting. The requirements of HB 2006 were scheduled to expire on June 31, 2022; however, the legislature extended the expiration date until June 30, 2023 (HB 4051, 2022). Rather than continuing to extend the expiration date, the requirements have now been made permanent.

At the time HB 2006 was originally adopted, staff determined that because shelter siting was not a land use decision, and because the state statutes overruled any local zoning codes, changes to the County's LAWDUC were not required. Now that the siting requirements have been made a permanent part of state statute, a process should be developed to establish application fees and review guidelines to ensure consistency should the County begin to receive applications for emergency shelters. This process would track separately from the other legislative updates noted in this memo.

- Allows counties to accept award letters from public funding sources as a guarantee of water/sewer installation in subdivisions that will be used to provide affordable housing. The award letter would be in lieu of providing a bond or other security. This revision does not require any LAWDUC amendments.

[SB-1013 – RV Occupancy](#)

SB 1013 authorizes counties to allow property owners in rural residential zones to site one recreational vehicle (RV) subject to a residential rental agreement, provided:

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- The property is not within an urban reserve
- The property has an existing single-family dwelling occupied only as the owner's primary residence
- No other dwelling units are sited on the property
- The property owner does not allow the use of the RV for vacation or short-term rental use
- The RV is owned or leased by the tenant
- The property owner provides essential services to the RV

If a local jurisdiction decides to allow RV occupancy under SB 1013, the county may also require:

- property owners to register the RV with the county
- property owners to enter into a written residential rental agreement with the RV tenant
- limitations on the amount of rent the property owner may charge the tenant
- local inspection and siting standards.

SB 1013 was signed by the Governor on July 13, 2023, and will become effective on January 1, 2024.

During the 2023 legislative session, Clatsop County submitted comments on SB 1013 to AOC regarding potential concerns, questions and safety issues that might arise from passage of this bill. Because the bill is not mandatory, the decision of whether to allow persons to live in RVs is a policy determination that must be made by the Board of Commissioners. The Board will hold a work session on October 25 to discuss SB 1013. If the Board directs staff to move forward with implementation, these amendments will track separately from the other legislative amendments.

[SB 644 - Accessory Dwelling Units on lands zoned for rural residential use](#)

In 2023, the Clatsop County Board of Commissioners adopted Ordinance 23-03 which introduced a pathway for rural residentially zoned lands to permit an Accessory Dwelling Unit (ADU). An ADU is a habitable structure that serves as an additional living space on a property that already contains a single-family dwelling. ADUs can be attached or detached to an existing dwelling and they contain living space, bathrooms, and kitchens. The standards described in Ordinance 23-03, which were implemented from House Bill 3012 and Senate Bill 391, require the local adoption of statewide wildfire-risk maps prepared by the Oregon Department of Forestry (ODF). These maps have yet to be created by ODF therefore, Clatsop County has not been able to permit an ADU using those regulations.

Senate Bill 644 allows local jurisdictions to remove the wildfire-risk map component of their ADU regulations. The regulations still require that the parcel is served by a fire protection service, that the ADU is adequately setback from adjacent resource zones, and that the ADU has proper access for firefighting equipment, safe evacuations, and staged evacuations areas.

With the removal of the wildfire-risk map requirement, Clatsop County will be able to implement the ADUs that Ordinance 23-03 allowed for.

PROPOSED AMENDMENTS

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Proposed LAWDUC amendments pursuant to [HB 2192 – Replacement Dwellings on Forest Land](#):

SECTION 3.9180. FOREST ZONE STANDARDS. [ORD. 18-02]

Section 3.9190. Residential Uses

- 4) Alteration, restoration or replacement of a lawfully established dwelling, ~~where Subsections (A) or (B) apply~~ **where:**
- (A) ~~Alteration or restoration of a lawfully established dwelling that~~ **The dwelling to be altered, restored, or replaced has, or formerly had:**
- ~~1. Has~~ Intact exterior walls and roof structures;
 - ~~2. Has~~ Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - ~~3. Has~~ Interior wiring for interior lights; and
 - ~~4. Has a~~ **A heating system; ; and**
- (B) **Unless the value of the dwelling was eliminated as a result of destruction or demolition, was assessed as a dwelling for purposes of ad valorem taxation since the later of:**
- 1. Five years before the date of the application; or**
 - 2. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or**
- (C) **If the value of the dwelling was eliminated as a result of destruction or demolition, was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and since the later of:**
- 1. Five years before the date of the destruction or demolition; or**
 - 2. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment.**
- (D) ~~In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.~~ **For replacement of a lawfully established dwelling under this section:**
- 1. The dwelling to be replace must be removed, demolished or converted to an allowable nonresidential use within three months after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055.**
 - 2. The replacement dwelling:**
 - 1. May be sited on any part of the same lot or parcel.**
 - 2. Must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.**
 - 3. Must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:**

- a. The dwelling is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or
 - b. No statewide map of wildfire risk has been adopted.
- (E) An application under this section must be filed within three years following the date that the dwelling last possessed all the features listed under subsection (A) of this section.
- (F) Construction of a replacement dwelling approved under this subsection must commence no later than four years after the approval of the application under this section becomes final.

Proposed LAWDUC amendments pursuant to [HB 2898 – Use of Recreational Vehicles Following Natural Disasters](#)

SECTION 2.0300. EXCLUSIONS FROM DEVELOPMENT PERMIT REQUIREMENT

The activities listed below do not require a development permit. Exclusion from the requirement for a development permit does not exempt the development or its use from the other applicable requirements of the Ordinance.

- 1) Landscaping, gardening or other similar treatment or use of the land surface not involving the placement of a structure.
- 2) Fences less than or equal to 6.0 feet in height and not located on the portion of a corner lot so as to obstruct the clear line of vision of vehicular traffic approaching on either of two opposing streets (see Section 3.9530 - Clear Vision Area) or located in a designated floodway. Fences greater than 6.0 feet in height require a development permit and must meet applicable setback standards.
- 3) A change internal to a building or other structure that does not substantially affect the use of the structure and that does not require a building permit.
- 4) Residential accessory structures less than 200 square feet and less than 10 feet in height are not subject to a development permit when placed on the owner's property where said owner resides. No structures may be placed on a corner lot so as to obstruct the clear line of vision of vehicular traffic approaching on either of two opposing streets (see Section 3.9530 - Clear Vision Area).
- 5) A temporary emergency measure necessary for the safety or protection of property in the event of a natural disaster or catastrophic event, until appropriate permits may be obtained, if state, federal or local permits are required for the activity, structure or use.
- 6) Erection of a tent or similar portable structure for not more than 30 days.
- 7) Farming, except in the F-80 zone.
- 8) Seasonal flower stands, selling flowers produced on the property on which the stand is located and which stand is no larger than 10 square feet in size or over 10 feet in height.

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- 9) The propagation, management, or harvest of timber regulated by the Oregon Department of Forestry under the Oregon Forest Practices Act. This exclusion does not include those lands for which an exception to State Planning Goal 4 has been taken.
- 10) Structures (excluding mobile homes but including campers, trailers, motor homes, boats and other recreational vehicles) may be temporarily occupied by the property owners or their family or guests for not more than 30 days out of any 90-day period. No more than three recreational vehicles may be used for temporary occupancy purposes on said property at any time, and shall be removed from the property at the end of each occupancy period.
- 11) The establishment, construction or termination of a public facility or utility that directly serves a limited area of authorized development including such facilities as a private or public street, sewer, water line, electrical power or gas distribution line, or telephone or television cable system. This activity requires a development permit in special purpose districts and resource zones.
- 12) A recreational vehicle may be occupied as a residential dwelling on a lot or parcel with an existing dwelling that is uninhabitable due to damages from a natural disaster, including wildfire, earthquake, flooding or storms, until no later than:
 - a) The dwelling has been repaired or replaced and an occupancy permit has been issued;
 - ~~b) The County determines that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or~~
 - b) Five years ~~Twenty-four months~~ after the date the dwelling first became uninhabitable. [ORD. 23-02]
 - d) Under alter, restore, or replacement of a dwelling destroyed by wildfire, identified in an Executive Order issued by the Governor in accordance with the Emergency Conflagration Act (ORS 476.510 to 476.610) between August 1 and September 30, 2020, occupancy of a recreational vehicle under ORS197.493 (1)(b)(c) is extended to December 30, 2030.

Proposed LAWDUC amendments pursuant to [SB 644 - Accessory Dwelling Units on lands zoned for rural residential use](#):

ARTICLE 3. STRUCTURE SITING AND DEVELOPMENT STANDARDS

SECTION 3.0900. Accessory Dwelling Units and Guesthouses.

- B. Unless otherwise specified below, the following standards shall apply to all accessory dwelling units (ADU) on rural residential lands.
1. The lot or parcel is not located within an area designated as an urban reserve as defined in ORS 195.137.
 2. The lot or parcel is at least two acres in size.
 3. ADUs shall be allowed only in conjunction with parcels containing one single-family dwelling (the "primary dwelling"). A maximum of one ADU is permitted per lot or parcel. ADUs shall not be permitted in conjunction with a duplex or multi-family dwelling.
 4. The existing single-family dwelling property on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600.

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5. The existing single-family dwelling is not subject to any code violations under Clatsop County Code or the Clatsop County *Land and Water Development and Use Code*.
6. The accessory dwelling unit will comply with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment.
7. The accessory dwelling unit will comply with all applicable laws and regulations relating to water supply and quantity.
8. The accessory dwelling unit will be located no farther than 100 feet from the existing single-family dwelling. This distance shall be measured from the closest portion of the exterior wall of both structures, not including roof structures such as eaves, gutters, canopies, and other similar architectural features.
9. ADUs shall comply with setback requirements applicable to the parcel containing the primary dwelling.
10. The ADU may be created through conversion of an existing structure, or construction of a new structure that is either attached to the primary dwelling or detached.
11. The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 900 square feet. The floor area of any garage, utility rooms, or areas below the average level of the adjoining ground shall not be included in the total GHFA.
12. No portion of the lot or parcel is within a designated area of critical state concern.
13. The lot or parcel and ADU is served by a fire protection service.
14. ~~If the lot or parcel is in an area identified on the statewide map of wildfire risk described in ORS 477.490 as within the wildland-urban interface,~~ The lot or parcel and ADU comply with any applicable minimum defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by a local government pursuant to ORS 476.392.
15. ~~Statewide wildfire risk maps have been approved and the ADU complies with Oregon residential specialty code relating to wildfire hazard mitigation for the mapped area.~~
16. The accessory dwelling unit ~~must~~ **shall** comply with all minimum-required setbacks from adjacent lands zoned for resource use.
17. The accessory dwelling unit has adequate access for firefighting equipment, safe evacuation and staged evacuation areas.
18. ~~If the accessory dwelling unit is not in a n area identified on the statewide map of wildfire risk described in ORS 477.490 as within the wild-land-urban interface, the accessory dwelling unit complies with the provisions of this section and any applicable local requirements for defensible spaces established by a local government pursuant to ORS 476.293.~~
19. Accessory dwelling units allowed under this section may not be used for vacation occupancy, as defined in ORS 90.100.
20. The property owner, as a condition of approval, shall record a restrictive covenant on the property that prohibits the Accessory dwelling unit from being used for vacation occupancy, as defined in ORS 90.100.
21. The County may not approve a subdivision, partition, or other division of the lot or parcel so that the existing single-family dwelling is situated on a different lot or parcel than the accessory dwelling unit.



CLATSOP COUNTY PROJECT STATUS REPORT OCTOBER 2023

PROJECT STATUS REPORT – OCTOBER 2023

PERMIT #	PROJECT NAME	LOCATION	DESCRIPTION	PC MEETING DATE	PC DECISION	BOC MEETING DATES	BOC DECISION	STATUS	EXPIRATION DATE*
20170352	Arch Cape Deli	T4N, R10W, Section 30BB, Tax Lots 00601 and 00605 79330 Hwy 101	Conditional use permit to construct and operate a restaurant/grocery store/flex space with a manager's living quarters	11-14-17	APPROVED WITH CONDITIONS 7-0	N/A	N/A	Demolition and grading permits approved; property line adjustment approved; electrical, mechanical and fire suppression permits issued	Grading work begun Project is vested for land use; no expiration date Building permit expired 7-5-22 Permits for commercial alarm/suppression systems; electrical and mechanical issued
	Goal 5 Update	N/A	Continuing work to update Comprehensive Plan Goal 5	TBD		TBD		On-going	N/A
21-000665	Clatsop Plains Community Plan	N/A	Update of Clatsop Plains Community Plan	6-14-22 08-09-22	RECOMMEND APPROVAL 6-0	No dates established for adoption hearings		On-going	N/A

PROJECT STATUS REPORT – OCTOBER 2023

PERMIT #	PROJECT NAME	LOCATION	DESCRIPTION	PC MEETING DATE	PC DECISION	BOC MEETING DATES	BOC DECISION	STATUS	EXPIRATION DATE*
21-000666	Elsie-Jewell Community Plan	N/A	Update of Elsie-Jewell Community Plan	6-14-22 08-09-22	RECOMMEND APPROVAL 6-0	No dates established for adoption hearings		On-going	N/A
21-000667	Lewis and Clark Olney Wallooskee Community Plan	N/A	Update of Lewis & Clark Olney Wallooskee Community Plan	6-14-22 08-09-22	RECOMMEND APPROVAL 6-0	No dates established for adoption hearings		On-going	N/A
21-000668	Northeast Community Plan	N/A	Update of Northeast Community Plan	6-28-22 08-09-22	RECOMMEND APPROVAL AS AMENDED 6-0	No dates established for adoption hearings		On-going	N/A
21-000669	Seaside Rural Community Plan	N/A	Update of Seaside Rural Community Plan	6-28-22 08-09-22	RECOMMEND APPROVAL 6-0	No dates established for adoption hearings		On-going	N/A
21-000670	Southwest Coastal Community Plan	N/A	Update of Southwest Coastal Community Plan	08-09-22	RECOMMEND APPROVAL 6-0	No dates established for adoption hearings		On-going	N/A

PROJECT STATUS REPORT – OCTOBER 2023

PERMIT #	PROJECT NAME	LOCATION	DESCRIPTION	PC MEETING DATE	PC DECISION	BOC MEETING DATES	BOC DECISION	STATUS	EXPIRATION DATE*
22-000578 Ordinance 22-15	GHO Update	Geologic Hazard Areas	LAWDUC amendments to update GHO mapping and permitting procedures and standards	09-13-22 11-08-22	RECOMMEND APPROVAL 7-0	Work Session 10-05-22		On hold pending new notification and meeting date notice to affected property owners	N/A
Ordinance 23-09	Goal 11 Exception – Cannon Beach RFPD	T4N, R10W, Section 19BC, Tax Lot 04000 79729 Hwy 101	Retroactive goal exception to finalize sewer district expansion from 2007	10-10-23					
Ordinance 23-10	Goal 11 Exception – Coastal Residential Zone	T4N, R10W, Section 19BB, Tax Lot 00401 79876 Hwy 101 T4N, R10W, Section 19BB, Tax Lot 00300	Exception to Goal 11 to correct an oversight from 2002	10-10-23					

PROJECT STATUS REPORT – OCTOBER 2023

PERMIT #	PROJECT NAME	LOCATION	DESCRIPTION	PC MEETING DATE	PC DECISION	BOC MEETING DATES	BOC DECISION	STATUS	EXPIRATION DATE*
		79878 Hwy 101							
23-000416 Ordinance 23-13	Storage Structures for Emergency Supplies	25 Zones	LAWDUC amendments to allow storage structures for emergency supplies as a Type I use in 25 zones	9-12-23	5-0 to recommend Board approve as submitted	10-11-23 10-25-23			
23-000552	2023 Legislative Updates	N/A	LAWDUC amendments to address changes in land use legislation from the 2023 regular session of the Oregon Legislature	10-10-23 11-14-23	Work Session				

*Expiration date for projects that are not completed or substantially completed



Indicates change to project status



Clatsop County – Land Use Planning

800 Exchange Street, Suite 100

Astoria, OR 97103

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TO: Planning Commission Members

FROM: Gail Henrikson, AICP, CFM – Community Development Director

DATE: October 10, 2023

RE: DIRECTOR'S REPORT

COMPREHENSIVE PLAN UPDATE

- **Economic Opportunities Analysis (EOA):**
The Board of Commissioners awarded the contract, in the amount of \$61,000, to Johnson Economics. Staff and Johnson Economics will be holding a kick-off meeting on October 3 to finalize the scope of work and timelines.
- **Comprehensive Plan Goals 16 (Estuarine Resources) and 17 (Coastal Shorelands):**
A Notice of Intent to Award was issued on September 29. Staff is recommending that CREST be awarded the project, with a proposal of \$149,994. The contract award is scheduled for the October 25 Board of Commissioners meeting.
- **Comprehensive Plan Goal 18 (Beaches and Dunes):**
A Notice of Intent to Award was issued on September 29. Staff is recommending that CREST be awarded the project, with a proposal of \$49,964. The contract award is scheduled for the October 25 Board of Commissioners meeting.

US ARMY CORPS OF ENGINEERS PROJECTS

- Clatsop County has been invited to participate as a cooperating agency as the US Army Corps of Engineers prepares a 20-year Dredged Material Management Plan (DMMP). The Army Corps is charged with maintaining the navigational channel in the Columbia River. This new DMMP will cover dredging and depositing operations from RM 3 to RM 105.5. Staff's review on the draft DMMP must be completed by October 21, 2023.

Although the USACE is not required to obtain local permits, the USACE is required to show that its proposed projects are consistent with enforceable policies in local comprehensive plans and local zoning codes. Consistency reviews are required under the Coastal Zone Management Act (CZMA).

CLATSOP REGIONAL HOUSING TASK FORCE

The Clatsop Regional Housing Task Force will meet on October 4. The task force received notification in September that its Regional Infrastructure Readiness Grant had been approved by DLCD.

FARM AND FOREST IMPROVEMENTS PROJECT

The Farm and Forest Technical Working Committee met on August 31 and September 20. The group has identified potential areas where new rule-making is needed to clarify regulations, address emerging issues, and codify case law.

BEACHES AND DUNES ADVISORY COMMITTEE

Planning staff participated in the second Beaches and Dunes Inventory Mapping Advisory Committee meeting on September 27. The project is being led by DLCD staff in partnership with the Oregon Department of Geology and Mineral Industries (DOGAMI). The project, which is federally-funded, will update beaches and dunes landform mapping along the entire Oregon coast. It is anticipated that mapping for Clatsop County may be completed as early as March 2024. The new maps will be used to support the updates to Clatsop County's Goal 18.

MASS TIMBER CODE-UP PROJECT

On September 11, Community Development staff were notified by the Department of Land Conservation and Development (DLCD) that Clatsop County has been selected to participate in the Mass Timber Code-UP Technical Assistance project. The project is intended to modernize the County's planning and development codes to accommodate modular mass timber housing. DLCD will provide a consultant team, technical assistance and local project support via AmeriCorps Resource Assistance for Rural Environments (RARE). This initial project initiation meeting with staff was held on September 26.