

EXHIBIT 2:

Public Notice



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

CONDITIONAL USE PERMIT

Application #24-000029

COMMENT PERIOD ENDS:

SEND COMMENTS TO:

4:00 p.m. on February 20, 2024

Community Development Department

800 Exchange Street, Suite 100

Astoria, Oregon 97103

CONTACT PERSON:

Jason Pollack, Planner

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.

NOTICE IS HEREBY GIVEN that Clatsop County's Community Development Department, Land Use Planning Division has received the application described in this letter. Pursuant to *Section 2.2040* of the Clatsop County Land and Water Development and Use Code (LAWDUC), the Department Director has the authority to approve the request in accordance with the requirements as depicted in the County Ordinance *20-03*.

Columbia River Estuary Study Taskforce (CREST) has submitted a conditional use permit application to Clatsop County Community Development for a fish access and habitat restoration project. According to the applicant, the project would seek to enhance habitat divided by railroad infrastructure owned by Portland & Western Railroad Inc. (PNWR). The CUP application includes two project sites under one application; known as Agency Creek and Warren Slough at approximately river mile 23 of the Columbia River. The project will create new openings in the railroad prism to provide access to approximately 44 total acres of wetland habitat for migrating and juvenile salmonids.

The Agency Creek site includes removal of three undersized culverts to be replaced by one channel spanning bridge of 36-feet. The Agency Creek site is a 40.96-acre parcel owned by Agency Creek Management Co., identified as Township 8N, Range 07W, Section 18, Tax Lot 101 (807180000101), the property is split zoned Forest-80 (F-80) and Aquatic Natural (AN). The work site includes the railroad infrastructure owned by PNWR and the project area falls within the railroad right-of-way (ROW). The Agency Creek site includes the scrapedown of a failed levee, this work will take place within the floodplain and will be subject to the requirements of the Flood Hazard Overlay (FHO).

The Warren Slough site includes removal of two undersized culverts to be replaced by one channel spanning bridge of 60-feet. The Warren Slough site is roughly 17.5 acres in size and falls within the railroad ROW. The closest property to the Warren Slough site is identified as Township 8N, Range 07W, Section 8, Tax Lot 500 (807080000500), the project area is split zoned Aquatic Natural (AN) and Natural Shorelands (NS). The Warren Slough site also includes a staging area for equipment in the Exclusive Farm Use (EFU) Zone.

The railroad infrastructure is owned by PNWR, which has a permanent exclusive rail service easement over the railroad corridor. The state of Oregon, through the Oregon Department of Transportation (ODOT), owns the railroad corridor, but ODOT's ownership is subject to the PNWR rail service easement. The Agency Creek and Warren Slough sites are subject to a Type II conditional use review procedure.

See reverse side for a project map. Detailed project documents and drawings are available from the Community Development Department upon request.

All interested persons are invited to submit written comments relevant to the proposed development and applicable standards to the Clatsop County Community Development Department (address above). Written comments may also be sent via FAX to [503-338-3606](tel:5033383606), or email to comdev@clatsopcounty.gov. Written comments must be received in this office no later than **4:00 p.m. on February 20, 2024**, in order to be considered in the review. Planning representative for the application is Jason Pollack, Planner, (503) 325-8611 or jpollack@clatsopcounty.gov

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.

Mailing Date: February 8, 2024

If written objections are received regarding how the request fails to meet the standards of the zone or other ordinance requirements on or before the date above, the Community Development Director may place the request on the next appropriate Planning Commission agenda for review. Failure to raise an issue in person or by letter precludes appeal; and in raising an issue, the relevant Zoning Ordinance or Comprehensive Plan criterion to which the issue is directed must be specified. The following criteria apply to the request:

LAWDUC 20-03*

Article 1. Introductory Provisions
 2.1020 Type II procedure
 2.2040 Mailed Notice for a Type II Procedure
 2.2050 Procedure for Mailed Notice
 2.4000 Conditional Development and Use
 2.7000 Coastal Zone Consistency Review
 3.0000 Site Oriented Improvements
 3.2000 Erosion Control Development Standards
 4.3500 Forest-80 Zone (F-80)
 4.3300 Exclusive Farm Use (EFU)
 4.4600 Aquatic Natural Zone (AN)
 4.4700 Natural Shorelands (NS)
 5.1000 Flood Hazard Overlay (FHO)
 5.4100 Shoreland Overlay (SO)
 6.3000 Columbia River Estuary Impact Assessment and Resource Capability Determination

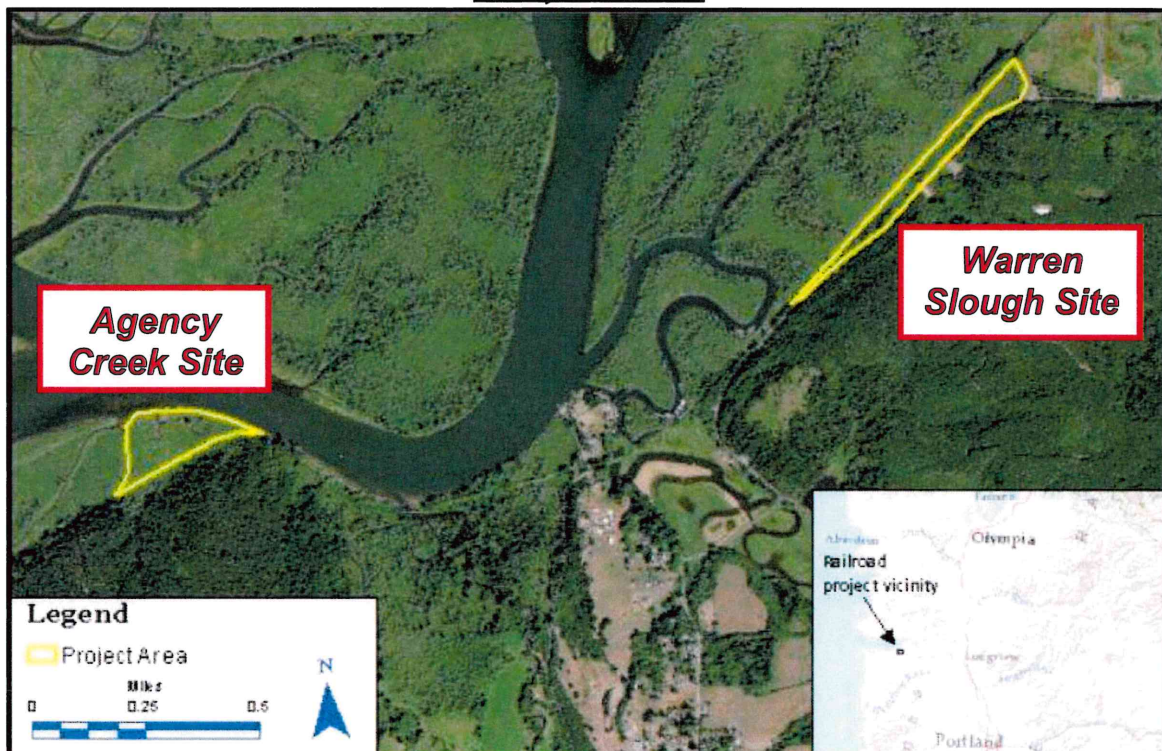
6.4000 Columbia River Estuary Shoreland and Aquatic Use and Activity Standards
 6.5000 Protection of Riparian Vegetation
 6.7000 Development of Historic and/or Archaeological Sites

Comprehensive Plan

Goal 1: Citizen Involvement
 Goal 2: Land Use Planning
 Goal 4: Forest Lands
 Goal 5: Open Space Scenic and Historic areas and Natural Resources;
 Goal 16: Estuarine Resources;
 Goal 17: Coastal Shorelands;
 Goal 6: Air, Water and Land Resources
 Goal 11: Public Facilities and Services
Northeast Community Plan

*All documents listed above 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.

PROJECT MAP



APPLICANT SUPPLIED PHOTO

A copy of the application is available for inspection at the Clatsop County Planning office at no cost and will be provided at a reasonable cost. Application materials can also be viewed online on the permitting website, <https://aca-oregon.accela.com/oregon/>, and on the county's website, www.clatsopcounty.gov.

Mailing Date: February 8, 2024

OWNER_LINE	OWNER_LL_1	OWNER_LL_2	STREET_ADD	CITY STATE ZIP_CODE
Brix Maritime Co	Norris Kristin		9030 NW Saint Helens Rd	Portland, OR 97231-1127
Norris Aaron			42233 Old Highway 30	Astoria, OR 97103
Agency Creek Management Co	Pacific Region		9600 SW Barnes Rd Ste #200	Portland, OR 97225-6666
U.S. Fish & Wildlife Service	Fish & Wildlife Commission		911 NE 11th Avenue	Portland, OR 97232
United States Of America	ODF		46 Steamboat Slough Road	Cathlamet, WA 98612
Oregon State Board Of Forestry	ODF - Astoria District Office		2600 State Street	Salem, OR 97310
Oregon State Board Of Forestry			92219 HWY 202	Astoria, OR 97103
Nature Conservancy The			1917 1st Ave	Seattle, WA 98101-1010
Tucker Corrine			93941 Blind Slough Rd	Astoria, OR 97103
Ziak Gary David/Peggy Jean Tr	Ziak Family Joint Revoc Liv Trust		40615 Ziak-Gnat Creek Ln	Astoria, OR 97103-8434
Anderson Robert E			42076 Eddy Point Ln	Astoria, OR 97103
Olsen Richard Martin 3/4	Olsen Linda Carol 1/4		93876 Blind Slough Rd	Astoria, OR 97103
North Coast Land Conservancy			PO Box 67	Seaside, OR 97138
Olsen Linda C			93876 Blind Slough Rd	Astoria, OR 97103
55 LLC			93121 Knappa Dock Rd	Astoria, OR 97103
Lebo Jerry			41092 Ziak-Gnat Creek Ln	Astoria, OR 97103-8434
CREST - APPLICANT		Jason Smith	jsmith@columbiaestuary.org	
CREST		Tom Josephson	tjosephson@columbiaestuary.org	
CC Public Works		Terry Hendryx	thendryx@clatsopcounty.gov	
CC Public Works		Dean Keranen	dkeranene@clatsopcounty.gov	
ODFW		Rob Reagan	robert.e.reagan@odfw.oregon.gov	
ODFW		Charles Barr	charles.m.barr@odfw.oregon.gov	
ODFW		Robert Bradley	robert.bradley@odfw.oregon.gov	
DSL		Katie Blauvelt	katie.blauvelt@dsl.oregon.gov	
DEQ		Hannah Smiley	hannah.smiley@deq.oregon.gov	
DEQ		Delia Negru	delia.negru@deq.oregon.gov	
DEQ		Haley Teach	haley.teach@deq.oregon.gov	
ODOT		Jennifer Sellers	jennifer.sellers@odot.oregon.gov	
ODOT		Cary Goodman	cary.goodman@odot.oregon.gov	
BPA		Shawn Skinner	srskinner@bpa.gov	
ODF		Brad Catton	brad.e.catton@oregon.gov	
ODF		Craig Sorter	CRAIG.L.SORTER@ODF.OREGON.GOV	
Clatsop County		Suzanne Johnson	sjohnson@clatsopcounty.gov	
PNWR (Railroad)		Ryan Englebright	ryan.englebright@gwrr.com	

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: 2-8-24
 Roan Dickey, Permit Tech



Jason Pollack

From: Michael Autio <mike@autiolaw.com>
Sent: Monday, February 19, 2024 2:23 PM
To: Jason Pollack; Clatsop Development
Subject: CREST CONDITIONAL USE PERMIT Application #24-000029

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My clients Jerry & Noreen Lebo have asked me to comment on their behalf regarding the CUP Application #24-000029 submitted by CREST. The Lebos own a parcel located at 41090 Ziak-Gnat Creek Lane, Account 18990, Map TL 807080000600. Approximately 7 acres of TL 807080000600 lie northwesterly of Ziak-Gnat Creek Lane and directly abut the PNWR railroad infrastructure. My clients are concerned that the proposed actions will most probably result in flooding of their property. They object to the application on that basis.



Thank you for your consideration,

Michael A. Autio, JD, MBA, LL.M.

Law Office of Michael A. Autio, LLC

Office Address :
Uppertown Station Building
399 31st Street, Suite C
Astoria, Oregon 97103

Correspondence Address:
93750 Autio Loop
Astoria, Oregon 97103

Phone: 503-325-9155
Toll-free: 800-483-8884
Fax: 503-210-0236

E-mail: mike@autiolaw.com
URL: <http://www.autiolaw.com>

CONFIDENTIALITY NOTICE:

This E-mail may contain confidential and privileged information intended only for the use of the recipient(s) named above. The Electronic Communications Privacy Act, 18 U.S.C. §§ 2510 et seq. & 18 U.S.C. §§ 2701 et seq., prohibits the interception of electronic communications and provides that "[n]o otherwise privileged wire, oral, or electronic communication intercepted in accordance with, or in violation of, the provisions of this chapter shall lose its privileged character." Any unauthorized use of this E-mail or attached documents is strictly prohibited. If you have received this E-mail and are not the intended recipient named above, please contact the sender.

Jason Pollack

From: Jason Smith <JSmith@columbiaestuary.org>
Sent: Tuesday, February 20, 2024 7:53 AM
To: Jason Pollack
Subject: RE: CREST CONDITIONAL USE PERMIT Application #24-000029

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jason,

Thank you for providing the comments from the Lebo's attorney. I will have the engineering team put together a no rise memo, or something similar. We have performed extensive surveys and modeled the existing and proposed conditions and based on those results (and the fact that there are no tide gates present on that system) have determined that it is very unlikely that the project is going to increase flooding. I will provide that documentation to the County and the Lebo's once available.

Best,

Jason

JASON R. SMITH
HE/HIM/HIS
HABITAT RESTORATION PROGRAM MANAGER
COLUMBIA RIVER ESTUARY STUDY TASKFORCE
818 COMMERCIAL STREET, SUITE 203
ASTORIA, OREGON 97103
JSMITH@COLUMBIAESTUARY.ORG
(503) 325-0435 EXTENSION 219

From: Jason Pollack <jpollack@clatsopcounty.gov>
Sent: Tuesday, February 20, 2024 7:43 AM
To: Jason Smith <JSmith@columbiaestuary.org>
Subject: FW: CREST CONDITIONAL USE PERMIT Application #24-000029

Jason,

Public comment from the Lebo's attorney.

Thanks,



Jason Pollack
Planner
Clatsop County
Clatsop County – Land Use
800 Exchange St., Suite 100
Astoria, OR

EXHIBIT 3:

Pre-App Meeting



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

Memo Date: December 21, 2023

To: Jason Smith
Habitat Restoration Project Manager
Columbia River Estuary Study Taskforce (CREST)

From: Jason Pollack, Planner
Clatsop County Community Development

Subject: Pre-Application memo to provide a Summary of Key County Policies and Land Use Regulations that apply to the proposed Warren Slough Railroad Restoration Project and Agency Creek Restoration Project

Meeting Date: December 20, 2023 at 1:30p.m.

1. Introduction

The following summary is based on project descriptions (Attachments A and B) and inquiries from Jason Smith of CREST, regarding the proposed Warren Slough Railroad Restoration Project and Agency Creek Restoration Project. The Agency Creek Restoration Project is on private property owned by the Agency Creek Management Company. The Warren Slough project is within the railroad right-of-way, the Oregon Department of Transportation (ODOT) is the owner of the land under the tracks. Genesee & Wyoming is the railroad that owns the rail infrastructure (track and railroad prism) and holds an exclusive rail easement/lease for use of the right-of-way.

The purpose of this memo is to provide a description of the key policies and provisions that apply to these restoration projects. Nothing in this summary constitutes a land use decision, permit, or final determination by Clatsop County Community Development.

Subjects discussed here are limited to those involving land use and development and Clatsop County's Comprehensive Plan and Land and Water Development and Use Code #20-03 (LAWDUC). Subjects regarding other County departments, outside agencies or programs that may be involved in review of a proposal are not addressed here.

2. Subject Property

AGENCY CREEK PROJECT SITE:

- The railroad/track is owned by Genesee & Wyoming, Inc.
- Township 8N, Range 07W, Section 18, Tax Lot 101, owned by Agency Creek Management Co.
 - AN Zone [Project Area]
 - F-80 Zone [Outside Project Area]
- The State of Oregon owns the railroad right-of-way.
 - AN Zone [Project Area]
 - F-80 Zone [Project Area]

Zoning

- Forest-80 Zone (F-80), LAWDUC 4.3500
- Aquatic Natural Zone (AN), LAWDUC 4.4600

Overlays & Layers

- Floodplain Overlay (FHO), A-100-year zone, LAWDUC 5.1010 [Project Area]
- Shoreland Overlay (SO), LAWDUC 5.4100
- Statewide Wetlands Inventory (NRCS Predominantly Hydric Soils)

WARREN SLOUGH PROJECT SITE:

- The railroad/track is owned by Genesee & Wyoming, Inc.
- The State of Oregon owns the railroad right-of-way.
 - NS Zone [Project Area]
 - AN Zone [Project Area]

Adjacent Properties:

- Township 8N, Range 07W, Section 8, Tax Lot 500, owned by North Coast Land Conservancy, Inc.
 - NS Zone
- Township 8N, Range 07W, Section 8, Tax Lot 600, owned by Jerry and Noreen Lebo
 - AN Zone
 - AF Zone
- Township 8N, Range 07W, Section 9, Tax Lot 700, owned by Richard and Linda Olsen
 - AN Zone
 - AF Zone
 - EFU Zone [Staging and Natural Material Stockpile Site]

Adjacent Road:

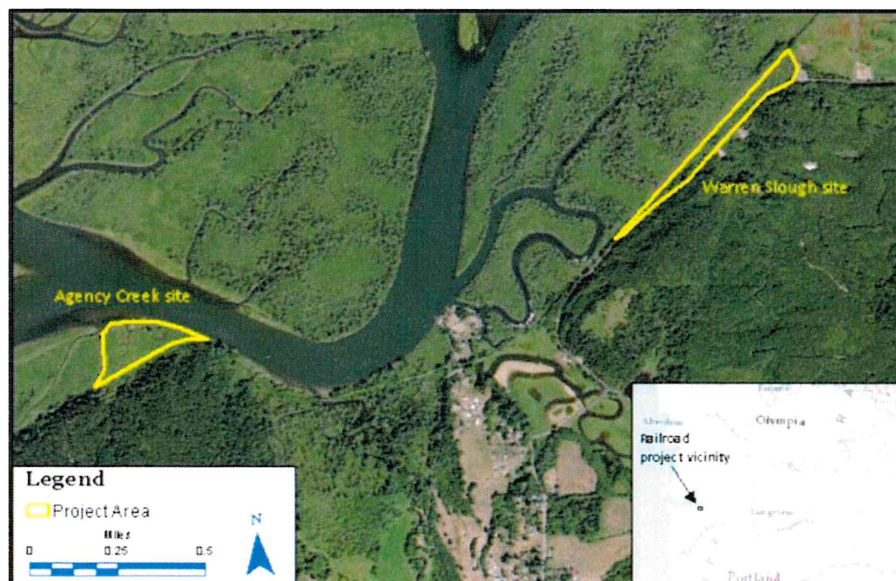
- Right-of-way for Ziak-Gnat Creek, a Clatsop County Major Collector

Zoning

- Exclusive Farm Use Zone (EFU), LAWDUC 4.3300
- Agriculture Forestry Zone (AF), LAWDUC 4.3400
- Forest-80 Zone (F-80), LAWDUC 4.3500
- Aquatic Natural Zone (AN), LAWDUC 4.4600
- Natural Shorelands Zone (NS), LAWDUC 4.4700

Overlays & Layers

- Floodplain Overlay (FHO), A-100-year zone, LAWDUC 5.1010 [Outside Project Area]
- Shoreland Overlay, LAWDUC 5.4100
- Statewide Wetlands Inventory (NRCS Predominantly Hydric Soils)



3. Land Use Applications & Criteria

The proposed projects can be permitted pursuant to the following provisions of the LAWDUC:

- For a staging and natural material stockpile site within the EFU Zone [Warren Slough]:
 - Section 4.3320(4), Development and Use Permitted subject to a Type I procedure.
 - (4) Creation of, restoration of, or enhancement of wetlands.
- For activities within the F-80 Zone [Agency Creek]:
 - Section 4.3530(1), Development and Use Permitted subject to a Type I procedure.
 - (1) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- For activities within the AN Zone [Agency Creek and Warren Slough]:
 - Section 4.4640(1), Conditional Development subject to a Type II procedure.
 - (1) Active restoration of fish and wildlife habitat or water quality.
 - *Subject to the procedures in Sections 6.3060- 6.3080 Resource Capability Determination.*
- For activities within the NS Zone [Warren Slough]:
 - Section 4.4740(2), Conditional Development subject to a Type II procedure.
 - (2) Restoration, mitigation.
 - *Subject to the provisions of Section 4.4750, Development Standards.*

Pursuant to Section 2.1110, applications are required to be processed under the highest numbered procedure required for any part of the development proposal. Therefore, each project will be reviewed under a Type II Conditional Use procedure.

As part of the Type II Conditional Use applications, the approval criteria and development standards within the following sections will need to be addressed (as applicable considering the location and scope for each project):

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

- Section 2.0200. State and Federal Permit Requirements
- Section 2.4000. Conditional Development and Use
- Section 2.7000. Coastal Zone Consistency Review
- Section 3.2000. Erosion Control Development Standards
- Section 4.3500. Forest-80 Zone (F-80)
- Section 4.4600. Aquatic Natural Zone (AN)
- Section 4.4700. Natural Shorelands Zone (NS)
- Section 5.1000. Flood Hazard Overlay (FHO)
- Section 5.4100. Shoreland Overlay District (SO)
- Section 6.3000. Columbia River Estuary Impact Assessment and Resource Capability Determination
- Section 6.3010. Impact Assessment
- Section 6.3060. Resource Capability Determination
- Section 6.4000. Columbia River Estuary Shoreland and Aquatic Use and Activity Standards
- Section 6.5000. Protection of Riparian Vegetation
- Section 6.7000. Development of Historic and/or Archeological Sites

Clatsop County Comprehensive Plan

- Goal 4 – Forest Lands
- Goal 5 – Open Space, Scenic and Historic Areas and Natural Resources
- Goal 6 – Air, Water and Land Resources Quality
- Goal 7 – Areas Subject to Natural Disasters and Hazards
- Goal 16 – Estuarine Resources
- Goal 17 – Coastal Shorelands

All documents listed above can be viewed and downloaded at:

www.co.clatsop.or.us/landuse/page/zoning-land-use-regulations

Conditions of approval for this type of project typically also include the following requirements prior to commencing work:

- Floodplain Development Permit
- Development Permit
- Grading, Drainage and Erosion Control Plan Review

Application forms can be downloaded [here](#).

For any project activities within a County road right-of-way, including staging materials and equipment, an [Application and Permit to Occupy or Perform Operations Upon a County or Public Road](#) will be required. This application should be submitted to Clatsop County Public Works.

4. Timeline

At the time of application submission Clatsop County Community Development has 30 days to review the application for completeness. If additional information is required to process the application, you will be provided a Notice of Incomplete Application listing the missing information and providing 180 days to respond. Once the application is deemed complete, the application will be processed using a Type II procedure and a final decision, including any local appeals, will be issued within 150 days from the date the application is deemed complete.

5. Fees

The following is a list of permit fees which will apply to each project. All fees must be included with the application submittals.

- Type II Conditional Use Permit: \$1,200
- Type I Floodplain Development Permit: \$110
- Type I Development Permit: \$85
- Type I Grading, Drainage and Erosion Control Plan Review: \$150

TOTAL (per project): \$1,545

Please note, there is also a \$60 sign-off fee for any Land Use Compatibility Statement(s) (LUCS) which may be required to obtain state and/or federal permits. If a LUCS requires the development of findings, the fee is \$215.

6. Other Questions and Considerations to be Addressed

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

7. Pre-Application Meeting Attendees

1. Jason Smith, CREST, Senior Habitat Restoration Project Manager **[Applicant]**
2. Tom Josephson, CREST, Habitat Restoration Project Manager
3. Gail Henrikson, Clatsop County Community Development, Director/Floodplain Manager
4. Julia Decker, Clatsop County Community Development, Planning Manager
5. Ian Sisson, Clatsop County Community Development, Senior Planner
6. Jason Pollack, Clatsop County Community Development, Planner
7. Terry Hendryx, Clatsop County Public Works, PW Director
8. Dean Keranen, Clatsop County Public Works, County Engineer
9. Rob Reagan, ODFW, Ocean Salmon/Columbia River Program, Project Leader
10. Charles/Mac Barr, ODFW, Statewide Fish Passage, Program Leader
11. Robert Bradley, ODFW, District Fish Biologist
12. Katie Blauvelt, DSL, Aquatic Resource Coordinator
13. Hannah Smiley, DEQ, Natural Resource Specialist
14. Delia Negru, DEQ, 401 Program Project Manager
15. Haley Teach, DEQ, 401 Program Coordinator
16. Jennifer Sellers, ODOT, Environmental Program Manager
17. Cary Goodman, ODOT, Rail Asset Program Coordinator
18. Shawn Skinner, BPA, Environmental Protection Specialist

Email List:

1. jsmith@columbiaestuary.org
2. tjosephson@columbiaestuary.org
3. robert.e.reagan@odfw.oregon.gov
4. charles.m.barr@odfw.oregon.gov
5. robert.bradley@odfw.oregon.gov
6. katie.blauvelt@dsl.oregon.gov
7. hannah.smiley@deq.oregon.gov
8. delia.negru@deq.oregon.gov
9. haley.teach@deq.oregon.gov
10. jennifer.sellers@odot.oregon.gov
11. cary.goodman@odot.oregon.gov
12. jpollack@clatsopcounty.gov
13. isisson@clatsopcounty.gov
14. jdecker@clatsopcounty.gov
15. ghenrikson@clatsopcounty.gov
16. thendryx@clatsopcounty.gov
17. dkeranene@clatsopcounty.gov
18. srskinner@bpa.gov

8. Definitions

CÓASTAL SHORELANDS -- Those areas immediately adjacent to the ocean, estuaries, associated wetland and coastal lakes. The extent of shorelands shall include at least:

- 1) Areas subject to ocean flooding and lands within 100 feet of the ocean shore or within 50 feet of an estuary or coastal lake;
- 2) Adjacent areas of geologic instability where the geologic instability is related or will impact a coastal water body;

- 3) Natural or man-made riparian resources, especially vegetation necessary to stabilize the shoreline and to maintain water quality and temperature necessary for the maintenance of fish habitat and spawning areas;
- 4) Areas of significant shoreland and wetland biological habitats whose habitat quality is primarily derived from or related to the association with coastal water areas;
- 5) Areas necessary for water-dependent and water-related uses including areas of recreational importance which utilize coastal water or riparian resources; areas appropriate for navigation and port facilities, dredged material disposal and mitigation sites, and areas having characteristics suitable for aquaculture;
- 6) Areas of exceptional aesthetic or scenic quality, where the quality is primarily derived from or related to the association with coastal water areas;
- 7) Coastal headlands;
- 8) Dikes and their associated inland toe drains; and
- 9) Locations of archaeological or historical importance associated with the estuary.

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

Active restoration involves the use of specific remedial actions such as removing dikes or fills, installing water treatment facilities, or rebuilding or removing deteriorated urban waterfront areas or returning diked areas to tidal influence.

Passive restoration is the use of natural processes, sequences, and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

RESTORATION AS MITIGATION -- For the purposes of Statewide Planning Goal 16 estuarine restoration means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work began.

**(11) CITY/COUNTY PLANNING DEPARTMENT LAND USE AFFIDAVIT
(TO BE COMPLETED BY LOCAL PLANNING OFFICIAL)**

I have reviewed the project described in this application and have determined that:

- ☐ This project is not regulated by the comprehensive plan and land use regulations
- ☐ This project is consistent with the comprehensive plan and land use regulations
- ☒ This project is consistent with the comprehensive plan and land use regulations with the following:
- ☒ Conditional Use Approval
 - ☒ Development Permit
 - ☒ Other Permit (explain in comment section below)
- ☐ This project is not currently consistent with the comprehensive plan and land use regulations. To be consistent requires:
- ☐ Plan Amendment
 - ☐ Zone Change
 - ☐ Other Approval or Review (explain in comment section below)

An application or variance request has ☐ has not ☐ been filed for the approvals required above.

Local planning official name (print) JASON POLLACK	Title PLANNER	City / County CLATSOP CO.
Signature J Pollack		Date 12-27-2023
Comments: - Type II CUP per LANDUC section 4.4640 (1). - Type I Development Permit and Grading Review Permit. - Type I Floodplain Development Permit for work in the Floodplain (FHO). - See attached Pre-App memo.		

(12) COASTAL ZONE CERTIFICATION

If the proposed activity described in your permit application is within the [Oregon Coastal Zone](#), the following certification is required before your application can be processed. The signed statement will be forwarded to the Oregon Department of Land Conservation and Development (DLCD) for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program and consistency reviews of federally permitted projects, contact DLCD at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301 or call 503-373-0050 or click [here](#).

CERTIFICATION STATEMENT

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

Print /Type Applicant Name	Title
Applicant Signature	Date

(11) CITY/COUNTY PLANNING DEPARTMENT LAND USE AFFIDAVIT (TO BE COMPLETED BY LOCAL PLANNING OFFICIAL)

I have reviewed the project described in this application and have determined that:

- ☐ This project is not regulated by the comprehensive plan and land use regulations
- ☐ This project is consistent with the comprehensive plan and land use regulations
- ☒ This project is consistent with the comprehensive plan and land use regulations with the following:
- ☒ Conditional Use Approval
 - ☒ Development Permit
 - ☒ Other Permit (explain in comment section below)
- ☐ This project is not currently consistent with the comprehensive plan and land use regulations. To be consistent requires:
- ☐ Plan Amendment
 - ☐ Zone Change
 - ☐ Other Approval or Review (explain in comment section below)

An application or variance request has ☐ has not ☐ been filed for the approvals required above.

Local planning official name (print) JASON POLLACK	Title PLANNER	City / County CLATSOP CO.
Signature J Pollack		Date 12-29-2023
Comments: - Type II CUP per LAWDUC Section 4.4740(2), 4.4640 (1). - Type I Development and Grading Review Permit - Type I Floodplain Development Permit for work in the Floodplain (FMD) - see attach memo.		

(12) COASTAL ZONE CERTIFICATION

If the proposed activity described in your permit application is within the [Oregon Coastal Zone](#), the following certification is required before your application can be processed. The signed statement will be forwarded to the Oregon Department of Land Conservation and Development (DLCD) for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program and consistency reviews of federally permitted projects, contact DLCD at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301 or call 503-373-0050 or click [here](#).

CERTIFICATION STATEMENT

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

Print /Type Applicant Name	Title
Applicant Signature	Date

EXHIBIT 4:
Published Notice

AB9639

**NOTICE OF USE PERMITTED WITH REVIEW
CLATSOP COUNTY – PLANNING DIVISION**

Columbia River Estuary Study Taskforce (CREST) has submitted a conditional use permit (CUP) application to the Clatsop County Planning Division for a fish access and habitat restoration project. According to the applicant, the project would seek to enhance habitat divided by railroad infrastructure owned by Portland & Western Railroad Inc. (PNWR). The CUP application includes two project sites under one application; known as Agency Creek and Warren Slough at approximately river mile 23 of the Columbia River. The project will create new openings in the railroad prism to provide access to approximately 44 total acres of wetland habitat for migrating and juvenile salmonids.

The Agency Creek site includes removal of three undersized culverts to be replaced by one channel spanning bridge of 36-feet. The Agency Creek site is a 40.96-acre parcel owned by Agency Creek Management Co., identified as Township 8N, Range 07W, Section 18, Tax Lot 101 (807180000101), the property is split zoned Forest-80 (F-80) and Aquatic Natural (AN). The work site includes the railroad infrastructure owned by PNWR and the project area falls within the railroad right-of-way (ROW). The Agency Creek site includes the scrapedown of a failed levee, this work will take place within the floodplain and will be subject to the requirements of the Flood Hazard Overlay (FHO).

The Warren Slough site includes removal of two undersized culverts to be replaced by one channel spanning bridge of 60-feet. The Warren Slough site is roughly 17.5 acres in size and falls within the railroad ROW. The closest property to the Warren Slough site is identified as Township 8N, Range 07W, Section 8, Tax Lot 500 (807080000500), the project area is split zoned Aquatic Natural (AN) and Natural Shorelands (NS). The Warren Slough site also includes a staging area for equipment in the Exclusive Farm Use (EFU) Zone.

The railroad infrastructure is owned by PNWR, which has a permanent exclusive rail service easement over the railroad corridor. The state of Oregon, through the Oregon Department of Transportation (ODOT), owns the railroad corridor, but ODOT's ownership is subject to the PNWR rail service easement. The Agency Creek and Warren Slough sites are subject to a Type II conditional use review procedure.

Copies of all documents are available for inspection at the Clatsop County Planning Division at 800 Exchange Street, Suite 100, during normal business hours (M-F, 7:30AM-4PM) at no cost, and copies may be obtained at a reasonable cost. Written comments may also be sent via FAX to 503-325-8325 or via email to comdev@clatsopcounty.gov. Written comments must be received in this office no later than 4:00 p.m. on March 7, 2024, in order to be considered in the review. If you have questions about these matters or need more information, please contact the Planning Division at (503) 325-8611 or comdev@clatsopcounty.gov.

Published: February 24, 2024

IN THE CIRCUIT COURT OF
THE STATE OF OREGON
FOR CLATSOP COUNTY

}AFFIDAVIT OF PUBLICATION
STATE OF OREGON
County of Clatsop} ss

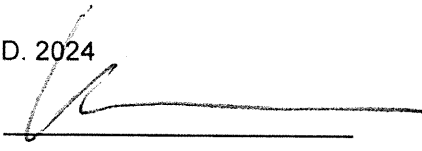
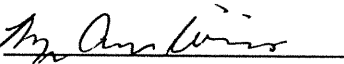
I, Sarah Silver being duly sworn, depose and say that I am the principal clerk of
the publisher of the The Astorian, Seaside Signal, a newspaper of general circulation, as defined by
ORS 193.010 and 193.020;
that the

AB9639 NOTICE OF USE PERMITTED WITH REVIEW CLATSOP COUNTY - PLANNING DIVISION COLUMBIA RIVER
ESTUARY STUDY TASKFORCE CREST HAS SUBMITTED A CONDITIONAL USE PERMIT CUP APPLICATION TO THE
CLATSOP COUNTY

a printed copy of which is hereto annexed; was published in the entire issue of said
newspaper for 1 successive and consecutive issues in the following issues:

2/24/24

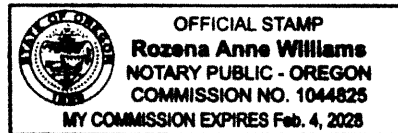
Subscribed and sworn to before me on this 24th day of February, A.D. 2024



Notary Public of Oregon

Add: 422204

PO:

Tagline: AB9639 Notice of Use





-Ad Proof-

This is the proof of your ad, scheduled to run on the dates indicated below. Please proofread carefully, and if changes are needed, please contact Tami Hart prior to deadline at or thart@dailyastorian.com.

Date: 2/22/2024 Account: EO33223 File#: Company Name: CLATSOP COUNTY COMMUNITY DEVELOPMENT Contact: CLANCIE ADAMS Address: 800 Exchange St Ste 100 Astoria, OR 97103-4641 Telephone: 503-338-3697 Fax:	Ad ID: 422204 Start: 02/24/2024 Stop: 02/24/2024 Total Cost: \$203.00 Columns Wide: 2.00 # of Inserts: 1 Ad Class: Legal Notices Phone: Email: thart@dailyastorian.com Amount Due: \$203.00
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Publication date: Saturday, February 24, 2024