

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

In the Matter of:

An Ordinance adopting amendments to the Shoreline Sanitary District Boundary and the text of Goal 11 of the Clatsop County Comprehensive Plan and Clatsop Plains Community Plan, and adding a map of the sanitary district boundary to allow the district to expand its boundary to include T7N, R10W, Sec. 15, Tax Lot 00700, owned by Alan and Laurel Feves

ORDINANCE NO. 22-06

Doc # **RECORDED**

SEP 15 2022

Recording Date: **2022090018**
Doc#

RECITALS

WHEREAS, on May 6, 2022, Alan and Laurel Feves filed an application for amendments to the Clatsop County Comprehensive Plan Text of Goal 11 and the Clatsop Plains Community Plan; and

WHEREAS, the application was considered by the Planning Commission at a public hearing on July 12, 2022, and the Planning Commission unanimously recommended approval to the Board of County Commissioners; and

WHEREAS, consideration for adoption of this Ordinance complies with the Post Acknowledgement Plan Amendment rules of the Oregon Land Conservation and Development Commission, and the Clatsop County Planning Commission has sought review and comment and has conducted a public hearing process pursuant to the requirements of ORS 215.050 and 215.060 and the Clatsop County Land and Water Development and Use Code; and

WHEREAS, the Clatsop County Board of Commissioners received and considered the Planning Commission's recommendation and held a public hearing on August 24, 2022, that was continued to September 14, 2022; and

WHEREAS, public notice has been provided pursuant to law;

NOW THEREFORE,

THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAINS AS FOLLOWS:

SECTION 1. An exception is taken to Statewide Planning Goal 11; the text of Clatsop County Comprehensive Plan Goal 11 and the Clatsop Plains Community Plan are hereby amended as shown on the attached Exhibit A; and the revised map of the Shoreline Sanitary District Boundary, also attached, Exhibit B, is added to Clatsop County Comprehensive Plan Goal 11.

SECTION 2. In support of this ordinance, the Board adopts the findings dated July 5, 2022, and associated exhibits contained in Exhibit C.

Approved this 14 day of September, 2022

THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

By Mark Kujala
Mark Kujala, Chair

Date 9-14-22

By Theresa Dursse
Theresa Dursse, Recording Secretary

First Reading: August 24, 2022

Second Reading: September 14, 2022

Effective Date October 14, 2022

EXHIBIT A

Proposed Clatsop County Comprehensive Plan Text Amendments for Boundary Adjustment to the Shoreline Sanitary District to Include T7N, R10W, Sec. 15, Tax Lot 00700

Additions are underlined.

Deletions are ~~strikethrough~~.

Clatsop Plains Community Plan

Public Facilities and Services

Sewer Policies

1. Sewage systems shall be allowed in those areas outside of the Urban Growth Boundary only to alleviate a health hazard or water pollution problem which has been identified by the Department of Environmental Quality and will be used only as a last resort.
2. Except as authorized by OAR 660-011-0060, the Shoreline Sanitary Sewer District located near Cullaby Lake shall not extend sewer service outside of its current sewer service area. Further development of this intensity on the Clatsop Plains shall occur within the Urban Growth Boundaries.
3. Due to a wastewater treatment plant that can no longer meet State and federal water quality standards the Shoreline Sanitary Sewer District at Cullaby Lake shall be allowed construct a sewer pipeline outside of the Rural Service Area in order to connect to the City of Warrenton's sewer system. As provided for in an Intergovernmental Agreement between Clatsop County and the Shoreline Sanitary District no connections outside the Rural Service Area and the district's boundary shall be allowed unless such connections are authorized in accordance with the requirements of OAR 660-011-0060.
4. Due to proximity to Cullaby Lake; onsite wetlands; appropriate existing RSA-SFR zoning and Comprehensive Plan "Development" designation that took exceptions to Goals 3 and 4, as documented in Clatsop County Comprehensive Plan Goal 2, adopted July 23, 1980; and the abutment of the Shoreline Sanitary District boundary, Clatsop County has taken an exception to Goal 11, to amend the Comprehensive Plan and Clatsop Plains Community Plan in accordance with OAR 660-011-0060, to extend the boundary of the Shoreline Sanitary District to include T7N, R10W, Sec. 15, Tax Lot 00700. A map of the amended boundary is included with this community plan.

Community Development

General Development Policies

Rural Service Area

Policies

1. The minimum building site in Rural Service Area shall be 7,500 square feet in sewerred areas and 15,000 square feet in unsewerred areas.

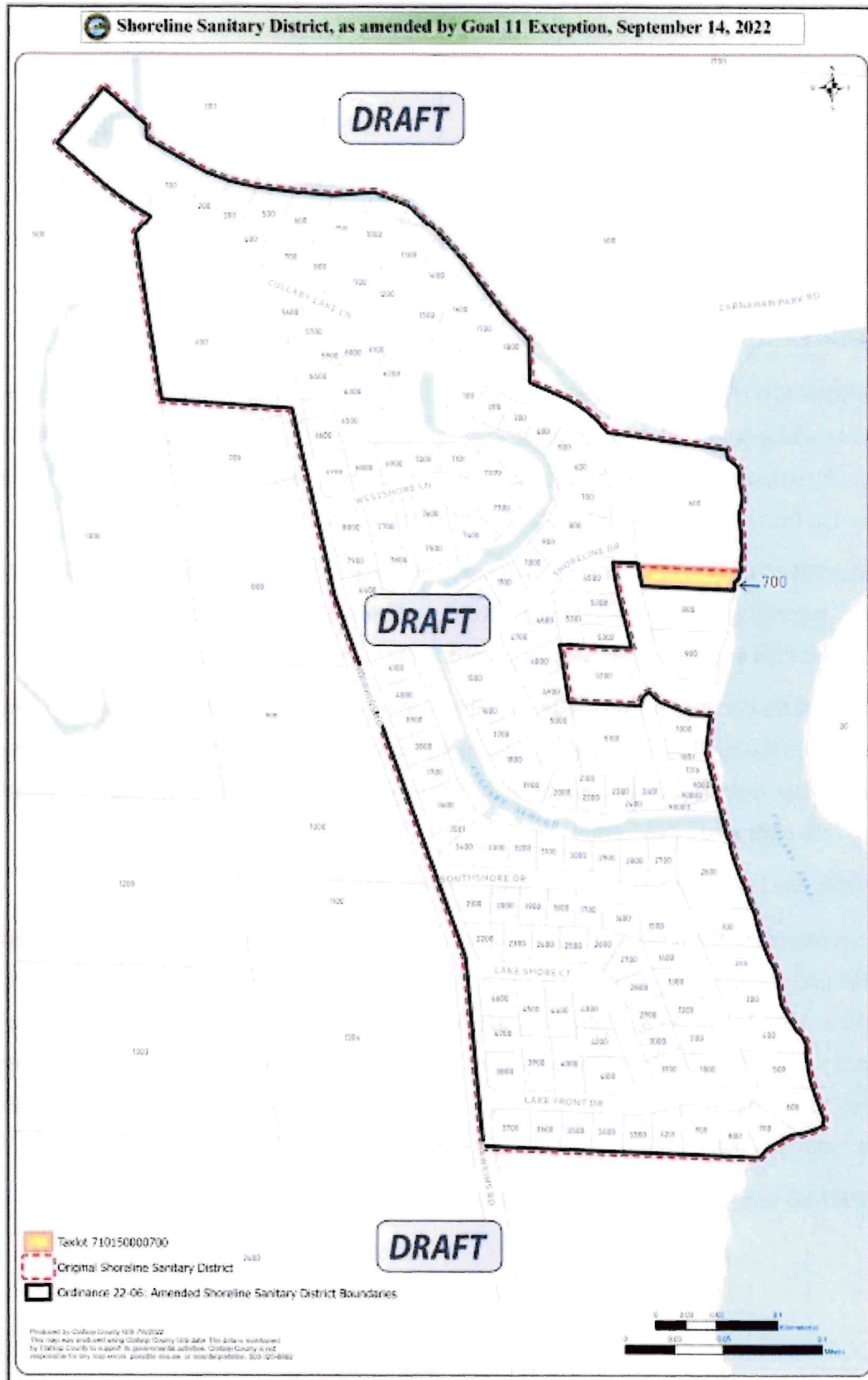
2. The area known as Shoreline Estates shall be designated a RURAL SERVICE AREA, due to the existing facilities available. The expansion of the RURAL SERVICE AREA designation should NOT be allowed. It is the intent of the Community Plan to encourage urban densities to occur within the cities and the Urban Growth Boundaries where more facilities and services are available.

Goal 11 - Public Facilities and Services

Waste Disposal Policies

1. Clatsop County considers sewer services only appropriate for urbanizable lands and RSA's. The intensity of land use facilitated by provisions of sewer is not appropriate for Rural areas. Clatsop County may permit the creation or extension of sewer services outside UGB's and RSA's in the event of a health hazard or water pollution problem identified by DEQ.
2. In order to alleviate a water quality issue identified by DEQ the Shoreline Sanitary District at Cullably Lake shall be allowed to extend a sewer pipe connection to the City of Warrenton. No connections shall be allowed outside the Rural Service Area or City of Warrenton Urban Growth Boundary, unless such connections are authorized in accordance with the requirements of OAR 660-011-0060.
3. 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.
- ~~3.4.~~ Clatsop County shall cooperate with cities in developing a phased growth plan to guide the provision of municipal services to urbanizable areas.
- ~~4.5.~~ Clatsop County shall encourage alternative methods of sewage disposal when such methods are economically, legally, and environmentally feasible.
- ~~5.6.~~ Clatsop County should consider the use of solid waste and forest lands waste to generate electricity.
- ~~6.7.~~ Clatsop County shall continue to cooperate with the various cities in the establishment of a regional landfill site.

EXHIBIT B



Ordinance 22-06: Shoreline Sanitary District Goal 11 Exception and Text and Map Amendments

First Reading: August 24, 2022

Second Reading: September 14, 2022

EXHIBIT C

BEFORE THE PLANNING COMMISSION
FOR THE COUNTY OF CLATSOP

In the Matter of

PROPOSED ORDINANCE 22-06: AN
APPLICATION BY ALAN AND LAUREL FEVES
TO AMEND THE SHORELINE SANITARY
DISTRICT BOUNDARY AND THE TEXT OF
GOAL 11 OF THE CLATSOP COUNTY
COMPREHENSIVE PLAN AND CLATSOP
PLAINS COMMUNITY PLAN, ADDING A MAP
OF THE SANITARY DISTRICT BOUNDARY

RESOLUTION AND ORDER

22-07-01

THE ABOVE ENTITLED MATTER came before the Planning Commission on July 12, 2022, for a public hearing and consideration of Comprehensive Plan text amendments to Goal 11 and the Clatsop Plains Community Plan that would allow the Shoreline Sanitary District to expand its boundary to include T7N, R10W, Sec. 15, Tax Lot 00700, owned by Alan and Laurel Feves.

THE PLANNING COMMISSION after reviewing the findings of fact in Exhibit "A" (*Staff Report*) has determined the proposed text amendments and district boundary map are consistent with Clatsop County's Comprehensive Plan and the applicable Oregon Administrative Rules.

THE PLANNING COMMISSION considering all evidence provided by Community Development Department staff, the applicant, and agency testimony provided at the public hearing, hereby recommends **APPROVAL** of the application based on the findings presented in "*Exhibit A - Staff Report*" attached hereto and by this reference made part hereof.

WHEREFORE, the Planning Commission finds and resolves:

To recommend the Board of Clatsop County Commissioners amend the text of the Comprehensive Plan and Clatsop Plains Community Plan to expand the Shoreline Sanitary District to include T7N, R10W, Sec. 15, Tax Lot 00700, and update any maps within the County's Comprehensive Plan and Community Plan that depict the sanitary district boundaries accordingly with the draft map to be provided at the Planning Commission hearing, which should be added to the Clatsop Plains Community Plan.

SO ORDERED this 10th day of August, 2022.

THE PLANNING COMMISSION FOR
CLATSOP COUNTY


Christopher Farrar, Chair



Clatsop County

Community Development

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Astoria, Oregon 97103
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Phone (503) 325-8611
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STAFF REPORT

STAFF REPORT DATE: July 5, 2022

HEARING DATE: July 12, 2022

HEARING BODY: Clatsop County Planning Commission

REQUEST: Quasi-judicial procedure: Exception to Goal 11 and text amendments to the Clatsop County Comprehensive Plan and Clatsop Plains Community Plan to extend the Shoreline Sanitary District's (SSD) boundary to include property known as T7N, R10W, Sec. 15, Tax Lot 00700, also known as 33777 Cullaby Lake Lane, Warrenton

OWNERS/APPLICANT: Alan and Laurel Feves
304 NW Furnish
Pendleton, OR 97801

PROPERTY DESCRIPTION: T7N, R10W, Sec. 15, Tax Lot 00700 (TL 00700), 0.37 ac+/- (approximately 16,000 square feet)

ZONING/MINIMUM LOT SIZE: Rural Service Area – Single Family Residential (RSA-SFR), 7,500 square-foot minimum on state-approved sanitary sewer for lots of 0 to 12% slope

Overlays/Layers: *Statewide Wetlands Inventory, all
Peripheral Big Game Habitat, all*

COMP PLAN DESIGNATION: Development

PROPERTY LOCATION: 33789 Cullaby Lake Lane, south of Warrenton

STAFF REVIEWER: Julia Decker, Planning Manager

DEEMED COMPLETE: May 18, 2022

150-DAY DEADLINE: October 15, 2022

EXHIBITS

1. Application, including approved wetland delineation
2. Proposed Text Amendments, including Strikethrough
3. Intergovernmental Agreement and Existing 2012 Goal Exception Resolution & Order
4. Correspondence with John Glen, SSD Chairman
5. 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 and Clatsop Plains Community Plan to expand the Shoreline Sanitary District to include T7N, R10W, Sec. 15, Tax Lot 00700, and update any maps within the County's Comprehensive Plan and Community Plan that depict the sanitary district

boundaries accordingly with the draft map to be provided at the Planning Commission hearing, which should be added to the Clatsop Plains Community Plan.

PROPERTY STATUS: The parcel proposed for goal exception and inclusion in the Shoreline Sanitary District, T7N, R10W, Sec. 15, Tax Lot 00700 (TL 00700), was created by the recording of a warranty deed, Book 230, Page 011, Clatsop County Book of Deed Records, on March 10, 1955. The subject TL 00700 meets the county's definition of "lot of record" (LAWDUC Section 1.0500).

The approximately 16,000-square-foot property is flat and lakefront, in a rural neighborhood that is developed with single-family homes, situated between Carnahan County Park and Cullaby Lake County Park. A wetland delineation approved by the Oregon Department of State Lands (DSL) on January 10, 2022, documents 3,588 square feet of the property as wetland and another 688 square feet as water, leaving about 11,724 square feet of upland area. State law establishes a preference to avoid wetland impacts, although there are options to fill or reconfigure if they choose to follow that path. The applicants/owners prefer to leave the wetland undisturbed. The wetland delineation and approval are included in the application packet, Exhibit 1.

SHORELINE SANITARY DISTRICT BACKGROUND: Clatsop 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. This was the case for the Shoreline Estates subdivision in the Cullaby Lake area. Shoreline Estates is an identified "Rural Service Area" (RSA) and Clatsop County took appropriate exceptions to Goals 3 and 4 to allow sewer service in this area, as documented in the county's original Goal 2, adopted July 23, 1980. The goal exception found the Shoreline Estates subdivision and several parcels along the lakefront adjoining the 1968 subdivision, including TL 00700, the subject of this application, to be in an area that was "built upon and irrevocably committed" to development.

The Shoreline Sanitary District (SSD) currently serves 149 connections, with six buildable lots remaining. The district began operation as a wastewater treatment facility in the Cullaby Lake neighborhood of Shoreline Estates on the Clatsop Plains in 1969. The district collected and treated wastewater from the Shoreline Estates subdivision and discharged it into the Skipanon River under a National Pollutant Discharge Elimination System (NPDES) permit. Oregon Revised Statutes and the Federal Clean Water Act require an NPDES permit in order to discharge wastewater into waters of the state. Permit holders must periodically re-apply for their NPDES permits with the State of Oregon's Department of Environmental Quality (DEQ).

In 2003, the State of Oregon's Water Quality Standard for temperature was modified. When the district resubmitted its NPDES permit in 2006, the district was notified of the changes and found the aging treatment plant was unable to meet the new standards for water temperature and dissolved oxygen. After receiving several warning letters and a pre-enforcement notice in 2006 and 2007 for exceeding allowable discharge limits of certain types of pollutants which resulted in civil penalties, the district in November of 2007 entered into a Mutual Agreement and Order (MAO) with DEQ that allowed a renewal permit to be issued with modified standards to provide the district with time to identify a solution and resolve the problem.

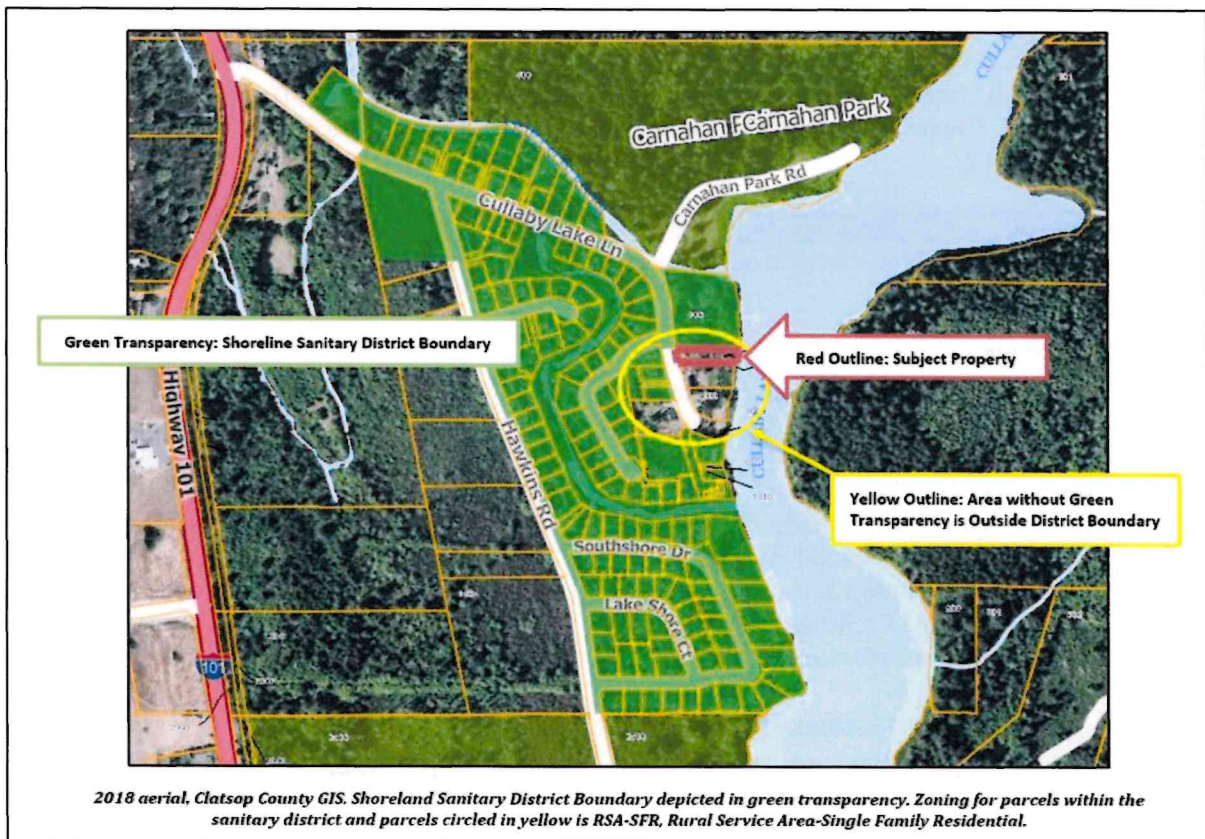
The district identified four options and selected as the best connecting the City of Warrenton via a 3.3-mile pipeline for sewage disposal. Voters approved \$2 million bond in November 2008 and the district applied for federal loans to assist with the financing.

Connecting the Shoreline Sanitary District to the City of Warrenton for sewage disposal and treatment required another Goal 11 exception, this time for the pipeline to connect the two systems and transport the effluent. With approval from the Department of Land Conservation and Development (DLCD) and Clatsop County, the district entered into an intergovernmental agreement

with Clatsop County that prohibits connections to the sewer line outside of the Rural Service Area or the City of Warrenton's Urban Growth Boundary. This agreement was entered into on September 26, 2012 (Exhibit 3).

On February 13, 2013, the Board of Clatsop County Commissioners approved Ordinance #12-11, amending the Comprehensive Plan text of Goal 11 and the Clatsop Plains Community Plan. The text amendments modified language in Goal 11 and the Community Plan as well as added two new policies restricting connections outside the RSA and UGB unless such connections are authorized in accordance with the appropriate Oregon Administrative Rules.

APPLICATION BACKGROUND: The subject TL 00700 is not part of the Shoreline Estates subdivision, but was legally created by deed in 1955, prior to the effective date of the 1980 Land and Water Development and Use Ordinance #80-14. TL 00700 is a legally buildable lot of record. It and the parcels immediately around it were included in the Goal 3 and Goal 4 exceptions taken for the area with the adoption of the Community Plan and Comprehensive Plan in 1980 and are zoned RSA-SFR, Rural Service Area - Single Family Residential. The minimum lot size for development in the RSA-SFR Zone is 7,500 square feet for lots connected to the now-state-approved Shoreline Sanitary Sewer District, due to the district's approved Goal 11 amendments and connection to the City of Warrenton for treatment and disposal. There are three other parcels, two of them also lakefront, immediately to the south of the subject property, which are developed already and served by individual on-site septic systems. All of these parcels are less than one acre in size. The minimum lots size for non-sewered lots in the RSA-SFR Zone is 15,000 square feet.



New lots created under current regulations that are outside the sewer district boundary would need to be a minimum of 15,000 square feet in size. TL 00700 meets the minimum lot size for non-sewered lots and is buildable; however, only about 11,724 square feet of TL 00700 is considered upland.

Without a connection to the Shoreline Sanitary District, TL 00700 would be required to use a septic system. TL 00700 is lakefront, and the upland area of the parcel is undersized and has wetlands the owners wish to leave undisturbed. The constraints of the property in upland area size, narrow dimension, and lake frontage, which requires a 50-foot setback, make development of the property with a single-family dwelling, for which it is zoned, challenging, though not impossible. A sewer connection is the more desirable alternative due to the proximity of the lake to the east and the wetlands on the site and would reduce the possibility of soil saturation and potential pollution.

The owners/applicants have applied for text amendments to Goal 11 of the Comprehensive Plan and the Clatsop Plains Community Plan to expand the boundary of the Shoreline Sanitary District to include TL 00700. Like the parcels within the Shoreline Estates subdivision, TL 00700 is zoned RSA-SFR, is designated as "Development" in the Comprehensive Plan, and already is excepted from Goals 3 and 4. No zone change or Comprehensive Plan designation change is required, only additional amendments to Goal 11 and the Clatsop Plains Community Plan to expand the sewer district boundary to include the subject parcel.

John Glen, Chairman of the Shoreline Sanitary District Board of Directors, has indicated via email, Exhibit 4, the sanitary district's board had voted unanimously in favor of annexing TL 00700 into the district. Mr. Glen also stated in his email Warrenton city officials would not act until Clatsop County approved the boundary expansion. Additionally, Mr. Glen stated city staff told him there would be no problem connecting TL 00700 to the sewer system so long as it is also served by the city's water system, which is what the owners/applicants intend, and the parcel is within the city's water service area already.

The proposed amendments are written by staff and have been submitted to DLCD for review and 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. Proposed amendments are attached, Exhibit 2.

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
- II. **Clatsop County Comprehensive Plan**
Goal 1 – Citizen Involvement
Goal 2 – Land Use Planning
Goal 6 – Air, Water, and Land Quality
Goal 10 – Population & Housing
Goal 11 – Public Facilities & Services
Clatsop Plains Community Plan
- III. **Oregon Administrative Rule 660-011-0060**

APPLICATION 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 and 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, July 12, 2022. Public notice was provided in accordance with Section 2.1050 3) on July 5, 2022. Mailed notices were provided to property owners within 250 feet of the subject property, the Shoreline Sanitary District, the City of Warrenton, 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.

II. COMPREHENSIVE PLAN GOALS AND POLICIES

Goal 1 – Citizen Involvement

2. The Planning Commission and active Citizen Advisory Committees shall hold their meetings in such a way that the public is notified in advance and given the opportunity to attend and participate in a meaningful fashion.
5. Citizens shall be provided the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan and Implementation Measures.
7. Clatsop County shall use the news media, mailings, meetings, and other locally available means to communicate planning information to citizens and governmental agencies. Prior to public hearings regarding major Plan revisions, notices shall be publicized.
9. Public notices will also be sent to affected residents concerning zone and Comprehensive Plan changes, conditional uses, subdivisions and planned developments

Staff Analysis and Finding: Clatsop County Community Development is processing this application 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 July 12, 2022, and hearings with first and second readings before the Board of Clatsop County Commissioners for August 24, 2022, and September 14, 2022, respectively.

Public notices were mailed to property owners within 250 feet of the subject property, the Shoreline Sanitary District, and the City of Warrenton, among others. Notice was published in the county's paper of record, The Daily Astorian, on Tuesday July 5, 2022. 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

1. Development

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

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

- a. Rural Service Area (RSA). The County has designated four areas as RSA's. They are Cullaby Lake, Glenwood Mobile Home Park, Old Naval Hospital site, and Fishhawk Lake. Information on these is found in the community plan in which the RSA resides.

Staff Analysis and Finding: The Shoreline Sanitary District and the subject TL 00700 are zoned RSA-SFR, Rural Service Area – Single Family Residential, with a Comprehensive Plan designation of Development, as noted in 1. Development, a. of Goal 2, above.

Clatsop County took appropriate exceptions to Goals 3 and 4 to allow sewer service in this area, as documented in the county's original Goal 2, adopted July 23, 1980. The goal exception found the Shoreline Estates subdivision and several parcels along the lakefront adjoining the 1968 subdivision, including TL 00700, the subject of this application, to be in an area that was "built upon and irrevocably committed" to development.

The proposed text amendments and goal exception are consistent with applicable Goal 2 policies.

Goal 6 – Air, Water, and Land Quality

Goal: To maintain and improve the quality of the air, water and land resources of the state.

Policies

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

Staff Analysis and Finding: The Shoreline Sanitary District and the Shoreline Estates subdivision, which is immediately adjacent to TL 00700 and in the same zone and Comprehensive Plan designation, were approved for Goal 11 exceptions and text amendments to allow the relatively densely developed neighborhood to avoid pollution of Cullaby Lake and the nearby Skipanon River and to connect a pipeline to the City Warrenton once the district's own system began to fail.

The effect of more than 150 dwellings, each with its own septic system on lots, mostly ranging from 7,500 to 10,000 square feet in size, on a lake, river, and wetland area, would result in environmental damage through intensity of use and saturation, leaching, and/or failing septic systems.

When the Shoreline Sanitary District plant could no longer serve the need of the community and began to accrue violations and fines, an exception was taken to connect the system to the City of Warrenton. The objective was to restore the water quality of the Skipanon River and continue to protect it.

The subject TL 00700 could have been included in the sanitary district's boundary when the district was formed in the late 1960s: The tax lot was included in the exceptions to Goals 3 and 4 and zoned in concert with the subdivision. However, the lot was not included at the time, and the reason for this is not available. Regardless, there is no reason not to include TL 00700 in the district, and every reason to extend the boundary to avoid having a septic system on a lakefront property with lake-adjacent wetlands. To include the property within the district's boundaries serves the interest of the public and is consistent with Goal 6, to maintain and improve water quality. It likewise avoids the prospect of another septic system in an area of concentrated development that could create a negative cumulative effect on the lakefront.

The proposed text amendments and goal exception to allow connection of a lakefront single family dwelling to a sanitary district that is immediately available and in the same zoning and Comprehensive Plan designations are consistent with applicable the Goal 6 policy.

Goal 10 – Population & Housing

Goal: To provide for the housing needs of citizens of the state.

Population Policies

3. Promote the accommodation of growth within areas where it will have minimal negative impacts on the County's environment and natural resources.
4. Utilize current vacant land found between developments or within committed lands.
5. Direct new urban growth within Clatsop County to existing urban growth boundary or rural service areas where underutilized public or semi-public facilities exist or utility and/or investments have already been made.
6. Encourage development of land with less resource value.
7. Coordinate planning efforts of local governments and special districts to maximize efficiency of public facilities, and have land use actions reflect the goals and policies of the Plan.

Housing Policies

Residential Development

1. Clatsop County shall encourage residential development only in those areas where necessary public facilities and services can be provided and where conflicts with forest and agricultural uses are minimized.

Staff Analysis and Finding: The previous goal exceptions have permitted this lakefront community to develop at the RSA-SFR density level of lots sizes as low as 7,500 square feet. Goal 3 and 4 exceptions were taken decades ago, recognizing the limited resource value of the area and the nature of the development. The area is considered irrevocably committed and is designated "Development" in the county's Comprehensive Plan. TL 00700 is a buildable lot of record, regardless of whether it is permitted to be included in the sanitary district, and can be developed with a single family dwelling; however, it is less than one acre and would exceed the 7,500-square-foot minimum lot size for the RSA-SFR Zone if allowed into the district.

Given the proximity of TL 00700 to the sanitary district and the density of the neighborhood, as well as the Comprehensive Plan and zoning designation match between the subject TL 00700 and the properties within the sanitary district, permitting the expansion of the sanitary district boundary is not only consistent with Goal 10, it should be encouraged.

The proposed text amendments are consistent with the applicable policies of Goal 10.

Goal 11 – Public Facilities and Services

Public Facilities Goals

2. Outside of Urbanizable Areas -
 - a. To support the provision of needed public facilities for rural areas at levels appropriate for rural densities;
 - b. To discourage the development of inappropriate public facilities on resource lands which would result in pressure for conversion to more intense use.

Waste Disposal Policies

1. Clatsop County considers sewer services only appropriate for urbanizable lands and RSA's. The intensity of land use facilitated by provisions of sewer is not appropriate for Rural areas. Clatsop County may permit the creation or extension of sewer services outside UGB's and RSA's in the event of a health hazard or water pollution problem identified by DEQ.
2. In order to alleviate a water quality issue identified by DEQ the Shoreline Sanitary District at Cullaby Lake shall be allowed to extend a sewer pipe connection to the City of Warrenton. No connections shall be allowed outside the Rural Service Area or City of Warrenton Urban Growth Boundary, unless such connections are authorized in accordance with the requirements of OAR 660-011-0060.

Staff Analysis and Finding: The proposed text amendments would allow the expansion of the Shoreline Sanitary District boundary to include TL 00700, which is within the Rural Service Area (RSA) and designated as "Development" in the Comprehensive Plan. Exceptions to Goals 3 and 4 were taken decades ago to alleviate a water pollution problem identified by DEQ. The neighborhood does not have any recognized agriculture or forestry value. The neighborhood is developed to a nearly urban level, with most tax lots between 7,500 to 10,000 square feet and none over an acre.

Due to the subject TL 00700 being legally developable, with or without a sewer connection, the expansion of the sewer boundary would not increase density. Additionally, expansion of the sewer boundary would help alleviate the potential for cumulative water pollution.

This amendment is being made in accordance with the requirements of OAR 660-011-0060.

The proposed text amendments are consistent with the applicable policies of Goal 11.

Clatsop Plains Community Plan

Public Facilities and Services

Sewer Policies

1. Sewage systems shall be allowed in those areas outside of the Urban Growth Boundary only to alleviate a health hazard or water pollution problem which has been identified by the Department of Environmental Quality and will be used only as a last resort.
2. Except as authorized by OAR 660-011-0060, the Shoreline Sanitary Sewer District located near Cullaby Lake shall not extend sewer service outside of its current sewer service area. Further development of this intensity on the Clatsop Plains shall occur within the Urban Growth Boundaries.
3. Due to a wastewater treatment plant that can no longer meet State and federal water quality standards the Shoreline Sanitary Sewer District at Cullaby Lake shall be allowed construct a sewer pipeline outside of the Rural Service Area in order to connect to the City of Warrenton's sewer system. As provided for in an Intergovernmental Agreement between Clatsop County and the Shoreline Sanitary District no connections outside the Rural Service Area and the district's boundary shall be allowed unless such connections are authorized in accordance with the requirements of OAR 660-011-0060.

Community Development

General Development Policies

Rural Service Area

Policies

1. The minimum building site in Rural Service Area shall be 7,500 square feet in sewer areas and 15,000 square feet in unsewered areas.
2. The area known as Shoreline Estates shall be designated a RURAL SERVICE AREA, due to the existing facilities available. The land area for this designation shall not be larger than the existing treatment plant's capacity. The expansion of the RURAL SERVICE AREA designation should NOT be allowed. It is the intent of the Community Plan to encourage urban densities to occur within the cities and the Urban Growth Boundaries where more facilities and services are available.

Staff Analysis and Finding: The Shoreline Sanitary District has appropriate goal exceptions, zoning, and Comprehensive Plan designation due to the need to alleviate an environmental health hazard identified by DEQ. The proposed text amendments (Exhibit 2) would allow the expansion of the Shoreline Sanitary District boundary into an immediately adjacent parcel within the same RSA-SFR Zone, a designated Rural Service Area, under authorization by OAR 660-011-0060. The Rural Service Area designation does not require expansion and the zoning does not require change. The density of the neighborhood would not increase.

Goal exceptions were taken to permit the Shoreline Sanitary plant that was existing when the Comprehensive Plan and zoning code were adopted originally, and the area along the lakefront, immediately adjacent to Shoreline Estates was included in the original goal exception process, suggesting it was identified as an area appropriate for inclusion in the district's boundaries. **The proposal is consistent with General Development Policies – Rural Service Area, 1 and 2.**

The previous exception to Goal 11 permitted the district to connect to the City of Warrenton to alleviate a water pollution violation identified by DEQ. Expanding the district boundary alleviates the potential for increasing water pollution to the lake that the original goal exceptions were designed to mitigate. The amendment is being taken under authorization by OAR 660-011-0060. **The proposal is consistent with Sewer Policies 1, 2, and 3.**

Development permits are required to construct a single family dwelling in the RSA-SFR Zone (or anywhere) and approval by the City of Warrenton must be obtained in order to successfully apply for a development permit. Community Development sent a public notice to the City of Warrenton, and the sanitary district has been in contact with the city. In an email dated April 27, 2022, (Exhibit 4) John Glen, Chairman of the Shoreline Sanitary District Board of Directors, indicated the sanitary district's board had voted unanimously in favor of annexing TL 00700 into the district. Mr. Glen also stated in his email city officials would not act until Clatsop County approved the boundary expansion. Additionally, Mr. Glen stated city staff told him there would be no problem connecting TL 00700 to the sewer system so long as it is also served by the city's water system, which is what the owners/applicants intend. TL 00700 is within the city's water service district.

Expansion of the district must be in accordance with OAR 660-011-0060, which is discussed in the next section of this report.

The proposed text amendments are consistent with the applicable policies of the Clatsop Plains Community Plan.

The following elements of the Clatsop County Comprehensive Plan do not contain applicable policies:

- Goal 3 – Agricultural Lands
- Goal 4 – Forest Lands
- Goal 5 – Open Space, Scenic, Historic Areas and Natural Resources
- Goal 7 – Natural Hazards
- Goal 8 – Recreation
- Goal 9 – Economy
- Goal 12 – Transportation
- Goal 13 – Energy Conservation
- Goal 14 – Urbanization
- Goal 16/17 – Estuarine Resources and Coastal Shorelands
- Goal 18 – Beaches and Dunes
- Goal 19 Element – Ocean Resources

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;

(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:

(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 T7N, R10W, Sec. 15, Tax Lot 00700 (TL 00700), was created by the recording of a warranty deed, Book 230, Page 011, Clatsop County Book of Deed Records, on March 10, 1955, in compliance with the county’s definition of “parcel” (LAWDUC Section 1.0500), which complies with ORS 215.010.

(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 00700 is not currently in the Shoreline Sanitary District’s boundary but tax lots outside the boundary were considered for inclusion in 2008, when the district was pursuing connection to the City of Warrenton. According to an email exchange between then-DLCD Coastal Representative Laren Woolley and the Patrick Curran PE, Curran-McLeod Inc., the engineering firm hired by the district for the pipeline expansion, the topic was discussed when determining which section of OAR 660-011-0060 to apply to the application. A copy of the email is found in the original file. There is no information about why previous owner apparently chose not to pursue inclusion.

However, TL 00700 is within several special districts that existed on January 1, 2005 and is within their original boundaries: Gearhart Rural Protection District, established July 17, 1957; Union Health District, established June 1, 1955; and Sunset Empire Park and Recreation District, formed February 14, 1969. The parcel is within an area considered irrevocably committed to development and likely would have been included in the sanitary district’s boundaries when the opportunity was presented in 2008.

(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 T7N, R10W, Sec. 15, Tax Lot 00700 (TL 00700), was zoned RSA-SFR, a rural residential service area, in 1980, for which exceptions to Goals 3 and 4 were taken, as documented in Goal 2 of the Clatsop County Comprehensive Plan adopted July 23, 1980. The residential use of TL 00700 complies with OAR 660-004-0040.

- (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: Per Shoreline Sanitary District Chairman John Glen via email, Exhibit 4, the nearest connection point, which existed on January 1, 2005, is located in the street in front of 90304 Shoreline Drive. Shoreline Drive forms a "T" intersection with Cullaby Lake Lane slightly to the north of TL 00700. According to Clatsop County GIS, using public rights-of-way, TL 00700 is about 275 feet from the connection point in front of 90304 Shoreline Drive. The connection point is within 300 feet of the subject property.

- (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 upland portion of the subject TL 00700 is substandard in size for a lot served by a septic system according to the county's zoning code, although it would be possible to place a septic system on the TL 00700 because the lot is legally buildable and systems can be designed for substandard lots. However, the tax lot is part of a larger neighborhood; all but four tax lots of which are served by the Shoreline Sanitary District. All the lots are sized accordingly, mostly 7,500 to 10,000 square feet. TL 00700 is lakefront and approximately one-quarter of the parcel is wetland or submerged, according to the wetland delineation approved by DSL (Exhibit 1). Constraints include the 50-foot setback from the lake and setback requirements for septic systems to wetlands. The constraints are of human design, devised to protect natural resources. In addition to being the property owners' preference, connection to the Shoreline Sanitary District is recommended by staff, especially given the immediate proximity of the sewer district to the tax lot.

- (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: T7N, R10W, Sec. 15, Tax Lot 00700 is the only subject of this application. Shoreline Sanitary District is subject to an intergovernmental agreement (Exhibit 3), limiting additional connections without proper authorization through the Goal 11 exception/amendment process. Finally, the Clatsop Plains Community Plan Rural Area Service Policy 2 prohibits expansion of the Rural Service Area.

- (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: Neither the Shoreline Sanitary District nor T7N, R10W, Sec. 15, Tax Lot 00700 is in an urban growth boundary or unincorporated community boundary.

- (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: T7N, R10W, Sec. 15, Tax Lot 00700 is a legally buildable lot within a Rural Service Area and zoned RSA-SFR. It can be developed with one dwelling, regardless of whether it is annexed into the sanitary district's boundary or not. 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 would not be used as a basis for a Goal 14 exception.

PUBLIC AND AGENCY COMMENTS

As of July 1, 2022, 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 and Clatsop Plains Community 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 and Clatsop Plains Community Plan to expand the Shoreline Sanitary District to include T7N, R10W, Sec. 15, Tax Lot 00700, and update any maps within the County's Comprehensive Plan and Community Plan that depict the sanitary district boundaries accordingly. Staff further recommends the draft map to be presented at the Planning Commission hearing be added to the Clatsop Plains Community Plan.

Exhibit 1



Clatsop County
Community Development
800 Exchange Street, Suite 100
Astoria, Oregon 97103
Phone 503 325-8611 Fax 503 338-3606
comdev@co.clatsop.or.us www.co.clatsop.or.us

22-000260

REC'D MAY 05 2022

Goal Exception Application

Fee: \$5,000

Owner(s): ALAN & LAUREL FEVES Email: ALAN@Feves.com
Mail Address: 304 N W FURNISH City/State/Zip: Pendleton OR 97201
Phone: 541 379 1648 Phone: 541 377 2618
Applicant: ALAN & LAUREL FEVES Email: _____
Mail Address: _____ City/State/Zip: _____
Phone: _____ Phone: _____
Other: _____ Email: _____
Mail Address: _____ City/State/Zip: _____
Phone: _____ Phone: _____

Exception to Goal: ☐ 3 ☐ 4 ☐ 10 ☒ 12 ☐ 14 ☐ 16 ☐ 17 ☐ 18
☒ Other: 11 ☐ Amend Existing Exception

Property Description - Map ID: T7N R10W S15 TL700
Proposed Use: Residence
Existing Zoning: RSA-SFR Overlay District: _____

Adjacent Property Owned by Applicant:

Map ID: NONE
Map ID: _____

I have read and understand the statements on the back of this form and agree to abide by them. All owners of record, per Clatsop County Assessment records, must sign the application. Representatives of public agencies, corporations, trusts, etc. must provide documentation of signing authority.

Signature: Laurel A Feves Date: 4-27-22

Signature: Alan Feves Date: 4-27-22

Signature: _____ Date: _____

This application supports the following land use goals for the State of Oregon.

Goal 2 – Land Use Planning

1. The property is currently zoned RSA-SFR, which supports the use of the property as residential housing.

Goal 6 – Air, Water, and Land Resources Quality.

The County should encourage the maintenance of high quality of air, water and land as follows:

1. By connecting to the sewer district, there will be one less septic system near wetlands and Cullaby lake.
2. Connecting to the sewer district's system will enable a home to be built on the lot without the need to fill sensitive wetlands in order to provide space for a septic system. See attached wetland study.

Goal 10 – Housing

1. The lot now sits vacant and with a shortage of housing in the region, it makes sense to develop the property. Zoning is RSA-SFR and housing is the best use for the lot. Attachment to the sewer district system will assist in the development of this lot as a residence.

Goal 11 – Public Facilities

1. The goal 11 discourages the extension of a sewer system into rural areas outside of the city's growth boundary. However, the property is surrounded by members of the sewer district. The adjacent property to the North is a member of the district, and several properties to the south and to the west are members. On the East side is Cullaby Lake.
2. My building contractor has had informal discussions with the City of Warrenton and they say that their system has sufficient capacity. I have also met with the Shoreline Sewer District and they have no objections to my joining the district.
3. Practical Alternative options may involve filling wetlands, which are an important part of the ecological system. It makes sense to allow connection to an existing, nearby sewer system in order to avoid altering existing wetlands and to avoid adding a septic system near those wetlands and Cullaby lake.
4. While the lot size is about .3 acre, there is a significant amount of wetland on the property as illustrated by a delineation study #WD 2021-0540. (Rural Service Area Policy – minimum building site in RSA shall be 7500 in sewerred areas and 15000 sq ft in unsewerred areas). Due to wetlands and lot size with setbacks, a connection to the sewer system is favored by the policy.



Oregon

Kate Brown, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

State Land Board

January 10, 2022

Alan Feves
304 NW Furnish Avenue
Pendleton, OR 97801

Kate Brown
Governor

Re: **WD # 2021-0540 Approved with Revisions**
Wetland Delineation Report for Tax Lot 700
Clatsop County; T7N R10W S15 TL700

Shemia Fagan
Secretary of State

Tobias Read
State Treasurer

Dear Alan Feves:

The Department of State Lands has reviewed the wetland delineation report prepared by Green Banks, LLC for the site referenced above. Based upon the information presented in the report, and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in revised Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland (Wetland A, totaling approximately 0.08 acres) and one waterway (Cullaby Lake) were identified. They are subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined). However, Cullaby Lake is an essential salmonid stream; therefore, fill or removal of any amount of material below its OHWL or within hydrologically connected wetlands (Wetland A) may require a state permit.

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal, other state agencies or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact the Jurisdiction Coordinator for Clatsop County, Daniel Evans, PWS at (503) 986-5271.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Ryan", written in a cursive style.

Peter Ryan, SPWS
Aquatic Resource Specialist

Enclosures

ec: C. Jonas Moiel, Green Banks LCL
Clatsop County Planning Department
Brad Johnson, Corps of Engineers
Dan Cary, SPWS, DSL
Oregon Coastal Management Program

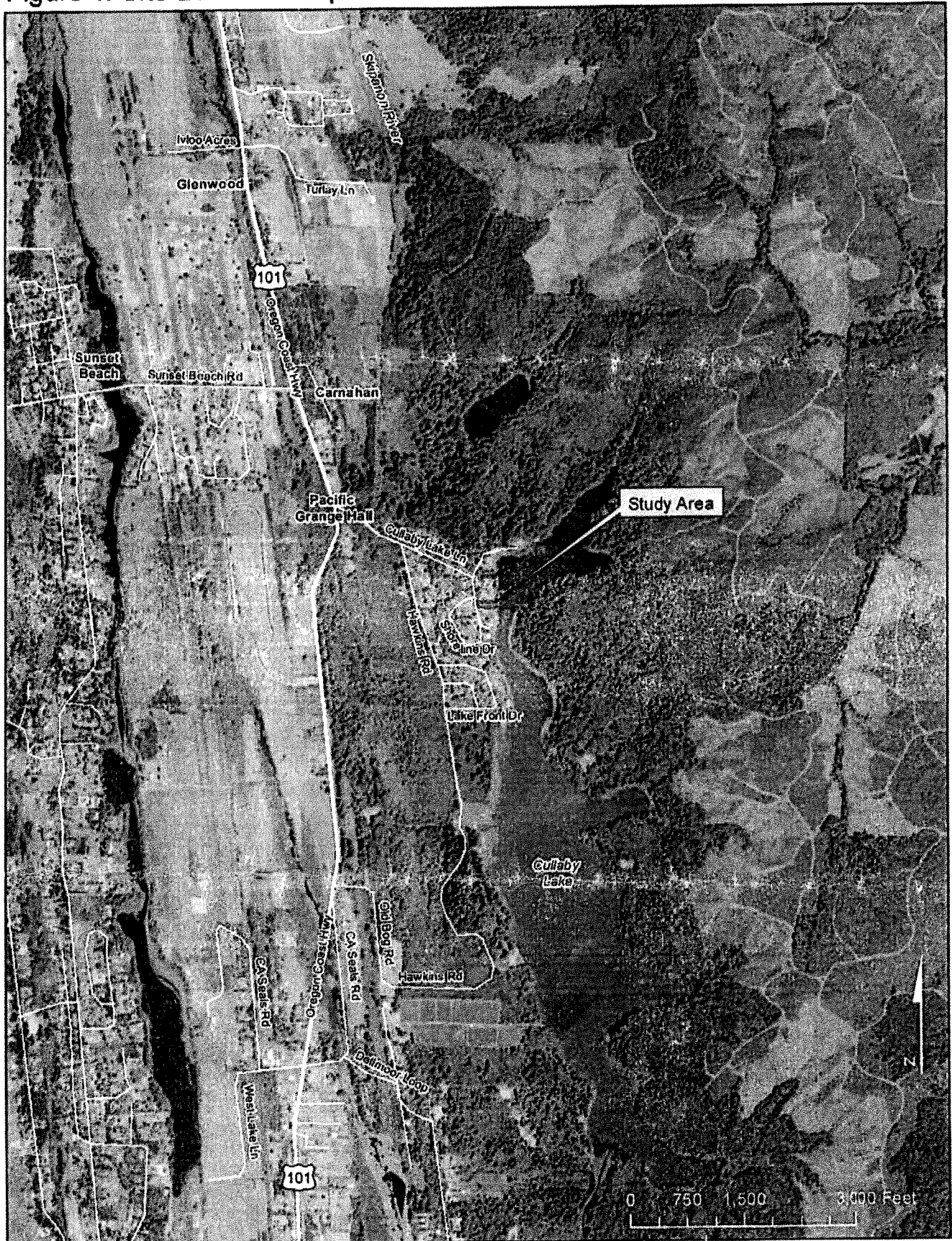
WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

Fully completed and signed report cover forms and applicable fees are required before report review timelines are initiated by the Department of State Lands. Make checks payable to the Oregon Department of State Lands. To pay fees by credit card, go online at: <https://apps.oregon.gov/DSL/EPS/program?key=4>.

Attach this completed and signed form to the front of an unbound report or include a hard copy with a digital version (single PDF file of the report cover form and report, minimum 300 dpi resolution) and submit to: Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279. A single PDF of the completed cover form and report may be e-mailed to: Wetland_Delineation@dsl.state.or.us. For submittal of PDF files larger than 10 MB, e-mail DSL instructions on how to access the file from your ftp or other file sharing website.

Contact and Authorization Information	
<input type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner Name, Firm and Address: Alan Feves 304 NW Furnish AVE Pendleton, OR 97801	Business phone # 541 276 4856 Mobile phone # (optional) 541 379 1648 E-mail: Alan@Feves.com
<input type="checkbox"/> Authorized Legal Agent, Name and Address (if different):	Business phone # Mobile phone # (optional) E-mail:
I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.	
Typed/Printed Name: <u>Alan Feves</u> Signature: <u>[Signature]</u> Date: <u>9-22-11</u> Special instructions regarding site access:	
Project and Site Information	
Project Name: wetland delineation tax lot 700	Latitude: 46.093276 Longitude: -123.908178 decimal degree - centroid of site or start & end points of linear project
Proposed Use: residential development: build a single family residence	Tax Map # 7 10 15 Tax Lot(s) 700 Tax Map # Tax Lot(s)
Project Street Address (or other descriptive location): located between street addresses 33789 and 33739 Cullaby Lake Lane	Township 7N Range 10W Section 15 QQ Use separate sheet for additional tax and location information
City: Warrenton County: Clatsop	Waterway: River Mile:
Wetland Delineation Information	
Wetland Consultant Name, Firm and Address: C. Jonas Moiel, M.E.M. Green Banks LLC 14200 SE McLoughlin BLVD, STE A Milwaukie, OR 97267	Phone # Mobile phone # (if applicable) E-mail: jonas@greenbanksllc.com
The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.	
Consultant Signature: <u>[Signature]</u> Date: <u>9/28/11</u>	
Primary Contact for report review and site access is <input type="checkbox"/> Consultant <input checked="" type="checkbox"/> Applicant/Owner <input type="checkbox"/> Authorized Agent	
Wetland/Waters Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Study Area size: 0.37 Total Wetland Acreage: 0.08	
Check Applicable Boxes Below	
<input type="checkbox"/> R-F permit application submitted <input type="checkbox"/> Mitigation bank site <input type="checkbox"/> EFSC/ODOE Proj. Mgr: <u> </u> <input type="checkbox"/> Wetland restoration/enhancement project (not mitigation) <input type="checkbox"/> Previous delineation/application on parcel If known, previous DSL # <u> </u>	<input checked="" type="checkbox"/> Fee payment submitted \$ <u>475</u> <input type="checkbox"/> Resubmittal of rejected report (\$100) <input type="checkbox"/> Request for Reissuance. See eligibility criteria. (no fee) DSL # <u> </u> Expiration date <u> </u> <input type="checkbox"/> LWI shows wetlands or waters on parcel Wetland ID code <u> </u>
For Office Use Only	
DSL Reviewer: <u>DE</u> Fee Paid Date: <u> </u> / <u> </u> / <u> </u>	DSL WD # <u>2021-0540</u>
Date Delineation Received: <u>09/28/21</u> Scanned: <input type="checkbox"/> Electronic: <input checked="" type="checkbox"/>	DSL App.# <u> </u>

Figure 1. Site Location Map



Service Layer Credits: Esri, HERE, Garmin, OpenStreetMap contributors, and the GIS user community
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

g:\server\CE-Network\projects\167_Warrenton
 Delmeason_Alan_Favos\GIS\mxd\Figure 1. Site
 Location Map 210810.mxd

greenbanks

T7N R10W S15 WM



Tax lot layer provided by
Clatsop County

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

\\gb-server\GB-Network\projects\107_Warren\on
Delineation_Alan Faves\GIS\mxd\Figure 2.
Tax Lot Map 210923.mxd

greenbanks

2. The area known as Shoreline Estates shall be designated a RURAL SERVICE AREA, due to the existing facilities available. The expansion of the RURAL SERVICE AREA designation should NOT be allowed. It is the intent of the Community Plan to encourage urban densities to occur within the cities and the Urban Growth Boundaries where more facilities and services are available.

Goal 11 - Public Facilities and Services

Waste Disposal Policies

1. Clatsop County considers sewer services only appropriate for urbanizable lands and RSA's. The intensity of land use facilitated by provisions of sewer is not appropriate for Rural areas. Clatsop County may permit the creation or extension of sewer services outside UGB's and RSA's in the event of a health hazard or water pollution problem identified by DEQ.
2. In order to alleviate a water quality issue identified by DEQ the Shoreline Sanitary District at Cullaby Lake shall be allowed to extend a sewer pipe connection to the City of Warrenton. No connections shall be allowed outside the Rural Service Area or City of Warrenton Urban Growth Boundary, unless such connections are authorized in accordance with the requirements of OAR 660-011-0060.
3. 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.
- ~~3.4.~~ Clatsop County shall cooperate with cities in developing a phased growth plan to guide the provision of municipal services to urbanizable areas.
- ~~4.5.~~ Clatsop County shall encourage alternative methods of sewage disposal when such methods are economically, legally, and environmentally feasible.
- ~~5.6.~~ Clatsop County should consider the use of solid waste and forest lands waste to generate electricity.
- ~~6.7.~~ Clatsop County shall continue to cooperate with the various cities in the establishment of a regional landfill site.

Exhibit 3

C5114

RECORDED

SEP 28 2012

Doc# 2012090028

INTERGOVERNMENTAL AGREEMENT

SHORELINE SANITARY DISTRICT – CLATSOP COUNTY OREGON

This Intergovernmental Agreement (the "IGA") is made and entered into this 26th day of September, 2012, by and between Clatsop County, Oregon, a legal subdivision of the State of Oregon (the "County") and the Shoreline Sanitary District, a municipal corporation formed under ORS 450 (the "District"). The County and the District are each referred to in this IGA as a "Party" and collectively as the "Parties."

WHEREAS, by the authority granted in ORS 190.010, units of local government may enter into agreements with other units of local government for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform; and

WHEREAS, the District is a single-purpose sanitary district organized under ORS 450 which owns and operates a sanitary sewage system including collection sewers, pumping stations, wastewater treatment facilities, and an outfall to the Skipanon River, all in accord with state statutes and a NPDES permit issued and administered by DEQ; and

WHEREAS, the District has been experiencing difficulty complying with certain terms contained in its NPDES permit and was issued a Mutual Agreement and Order ("MAO") by DEQ to fully control or prevent the discharge of treated wastewater to the Skipanon River by April 30, 2009, which deadline has been extended by DEQ to December 31, 2012; and

WHEREAS, in order to comply with the MAO, the District desires to connect its sewage collection system with the City of Warrenton, and to have the City of Warrenton receive and treat the District's sanitary sewage in perpetuity; and

WHEREAS, the County and the District desire to meet all current and future Federal and State statutes, codes, and regulations; and

WHEREAS, the District and the City of Warrenton are not contiguous service districts.

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter set forth, it is mutually agreed as follows:

ARTICLE 1
AGREEMENT

1.1 The District will not allow or authorize any connections to the District pipeline between the District and the City of Warrenton without written authorization of Clatsop County and approval of state agencies with lawful jurisdiction for as long as the District owns the pipeline.

ARTICLE 2
MISCELLANEOUS

2.1 This IGA shall remain in full force and effect for as long as the District owns their pipeline or is otherwise modified or terminated by mutual written agreement following public hearings on this matter in each jurisdiction.

2.2 This Agreement and the covenants and obligations therein shall be binding on the heirs, successors and assigns of the parties.

2.3 This IGA shall be construed, interpreted and enforced in accordance with the laws of the State of Oregon and without regard to conflict of law principles.

IN WITNESS HEREOF, the Parties have caused this IGA to be executed on the date(s) shown below and mutually agree that this instrument will be in full force and effect upon the date that it has been executed by both the County and the District as provided for herein (the "Effective Date").

CLATSOP COUNTY



County Manager

9/27/12

Date


SHORELINE SANITARY DISTRICT



Chairman

9-6-12

Date



Secretary

Date

Exhibit 4

Julia Decker

From: John L Glen <jglen@pacifier.com>
Sent: Tuesday, July 5, 2022 1:32 PM
To: Julia Decker
Subject: Re: Shoreline Sanitary services

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.

As per our phone conversation, the nearest SSD sewer line ends on Shoreline Dr. in front of he property at 90304 Shoreline Dr..

John

-----Original Message-----

From: Julia Decker
Sent: Friday, July 1, 2022 11:08 AM
To: 'jglen@pacifier.com'
Subject: RE: Shoreline Sanitary services

Thank you, John.

One more question: Do you know where the nearest connection point is from the Feves' property to the sewer line? Is it just at the street?

Julia Decker | Planning Manager
Land Use Planning Division
Clatsop County Community Development
800 Exchange Street, Suite 100, Astoria, OR 97103
Tel: 503.325.8611 | Fax: 503.338.3606

Hours: M-F, 7:30 a.m. - 4:00 p.m.

www.co.clatsop.or.us

Interested in rural Accessory Dwelling Units (ADUs)? Take our survey.

COVID-19 AND LAND USE PLANNING: In order to protect the health of our employees, clients and the overall public, please be advised that whenever possible emails and phone meetings are encouraged. When scheduling a meeting or visiting a county office in person, if you or anyone in your party is ill, coughing, or has a fever, please reschedule your meeting. We understand that this may be an inconvenience and we appreciate your cooperation in working to protect the health of our community.

Take our customer satisfaction survey:

<https://www.co.clatsop.or.us/landuse/page/customer-feedback-land-use-planning>.

This message has been prepared on resources owned by Clatsop County, Oregon.

It is subject to the Internet and Online Services Use Policy and Procedures of Clatsop County.

-----Original Message-----

From: Jglen@pacifier.com <Jglen@pacifier.com>

Sent: Thursday, June 30, 2022 5:37 AM

To: Julia Decker <JDecker@co.clatsop.or.us>

Subject: Re: Shoreline Sanitary services

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.

Good morning,

We currently have 149 connections and I believe that we have 6 buildable lots remaining.

John

> Good morning John,

>

> Could you tell me how many sewer hook-ups Shoreline currently has? How

> many vacant lots are left, if any, inside the district's boundary?

>

> Thanks very much,

> Julia Decker | Planning Manager

> Land Use Planning Division

> Clatsop County Community Development

> 800 Exchange Street, Suite 100, Astoria, OR 97103

> Tel: 503.325.8611 | Fax: 503.338.3606

>

> Hours: M-F, 7:30 a.m. - 4:00 p.m.

>

> www.co.clatsop.or.us<<http://www.co.clatsop.or.us>>

>

> Interested in rural Accessory Dwelling Units (ADUs)? Take our

> survey.<<https://survey.sogosurvey.com/survey1.aspx?k=RRsRSPVUVsTWsPsPs>

> P&lang=0>

>

> COVID-19 AND LAND USE PLANNING: In order to protect the health of our

> employees, clients and the overall public, please be advised that

> whenever possible emails and phone meetings are encouraged. When

> scheduling a meeting or visiting a county office in person, if you or

> anyone in your party is ill, coughing, or has a fever, please

> reschedule your meeting. We understand that this may be an

> inconvenience and we appreciate your cooperation in working to protect

> the health of our community.

>

> Take our customer satisfaction survey:

> <https://www.co.clatsop.or.us/landuse/page/customer-feedback-land-use-planning>.

>

> This message has been prepared on resources owned by Clatsop County,

> Oregon. It is subject to the Internet and Online Services Use Policy

Julia Decker

From: Alan Feves <Alan@feves.com>
Sent: Wednesday, April 27, 2022 1:14 PM
To: Julia Decker
Subject: A letter from the Shoreline Sewer District...

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.

-----Original Message-----

From: John L Glen <jglen@pacifier.com>
Sent: Wednesday, April 27, 2022 12:02 PM
To: Alan Feves <Alan@feves.com>
Cc: Fred Reck <fredreck3@hotmail.com>; Bruce Francis <bruceonshoreline@gmail.com>
Subject: Re: Checking in

Good morning,

On October 6, 2021 I/the district sent a letter to the City of Warrenton with a copy to the County and our lawyer. The letter clearly stated that the district board of directors had unanimously approved the annexation of your property into the district. I also provided geographical information on your lot. The County responded to that letter stating that you would have to work with them to get approval for the annexation. The City of Warrenton indicated to me that they would not do anything until you and we receive approval from the County and the state for the annexation. They also said that as long as you had access to their water system, they did not have a problem with you connecting to our sewer system.

I have been out of state for the last two months and will have to get caught up with where you stand with the county.

Talk to you soon.

John

-----Original Message-----

From: Alan Feves
Sent: Wednesday, April 27, 2022 10:18 AM
To: John L Glen
Subject: Checking in

Just checking to see if shoreline district can provide a letter that they would accept me into the district if county approves. Also if Warrenton would approve and send you something in writing. Since I'm not in the district it is more difficult for me to obtain that from Warrenton.

--

Exhibit 5



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 CLATSOP PLAINS COMMUNITY PLAN,
TO INCLUDE A PARCEL WITHIN SHORELINE SANITARY DISTRICT**

Ordinance No. 22-06; Application #22-000260

DATE OF HEARING: Tuesday, July 12, 2022
TIME: 10:00 a.m.
LOCATION: Zoom Meeting (Virtual Meeting)
Planning Commission: Feves Goal 11 Exception Request
To join the meeting from your computer, tablet or smartphone:
[https://co-clatsop-or-us.zoom.us/Planning Commission](https://co-clatsop-or-us.zoom.us/Planning%20Commission)
Dial by your location: +1 699 900 6833 US
Meeting ID: 969 3810 8959
Passcode: 587994

CONTACT PERSON: Julia Decker, Planning Manager

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. A vicinity map for the subject property may be found on page 2.

Applicants/property owners Alan and Laurel Feves have applied for a Goal 11 exception and text amendments to the Clatsop County Comprehensive Plan and Clatsop Plains Community Plan to extend the Shoreline Sanitary District's boundary to include their property, T7N, R10W, Sec. 15, Tax Lot 00700, also known as 33777 Cullaby Lake Lane, Warrenton. The subject property is zoned RSA-SFR (Rural Service Area-Single Family Residential, 7,500 square foot minimum lots size with state-approved sanitary sewer). A zone change is not required.

The applicants have obtained wetland delineation approval by the Oregon Department of State Lands and intend to develop the subject parcel with a single family dwelling, a Type I use in the RSA-SFR Zone, *Land and Water Development and Use Code (LAWDUC) Section 4.1120 1*). 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, July 12, 2022, using the county's electronic meeting software**, in accordance with the requirements depicted in the county ordinance. A schedule for additional hearings before the County Board of Commissioners is found on page 2 of this notice. The Board of Commissioners will make the final decision on the matter.

All interested persons are invited to testify in person by attending 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 Friday, July 1, 2022**, in order to be included in the agenda packet. Written comments received by **4:00 p.m. on Monday, July 11, 2022**, will be presented at the hearing; 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@co.clatsop.or.us.

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.

Date Mailed: June 22, 2022

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.



2018 aerial, Clatsop County GIS. Shoreland Sanitary District Boundary depicted in green transparency. Zoning for parcels within the sanitary district and parcels circled in yellow is RSA-SFR, Rural Service Area-Single Family Residential.

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. As of the date of this notice, the Board will hear a brief background report from staff on the matter at the Board's July work session on July 27, 2022, and conduct the first reading of Ordinance 22-06 on August 24, 2022, with a second and final reading on September 14, 2022.

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 10 (Population & Housing)

Goal 11 (Public Facilities & Services)

Clatsop Plains 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. Application materials also may be reviewed at <https://aca-oregon.accela.com>.

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 LINE 1	OWNER LINE 2	STREET_ADR	CITY STATE ZIP_CODE
Bennett-Webb Michelle Dawn				
Betron Deborah 1/4	Betron Deborah 1/4		33789 Cullaby Lake Ln	Warrenton, OR 97146
Fewes Alan G	Fewes Laurel A		16161 NW Carlewold Way	Portland, OR 97229
Freedman Rev Living Trust	Freedman Gregg Trustee	Freedman Laura J Trustee	304 NW Furnish	Pendleton, OR 97801
Glass Debra J			PO Box 809	Cannon Beach, OR 97110
Herrend Dell	ONeill Kate		90298 Shoreline Dr	Warrenton, OR 97146-7136
Holly Douglas Jon/Cathy Jo			2627 NE Anasworth	Portland, OR 97211
Jennison Bruce	Bushnell Stephanie		92374 Swensen Market Rd	Astoria, OR 97103-8289
Lyon Vincent M	Gaspas Paula K	Bushnell Chester	33739 Cullaby Lake Lane	Warrenton, OR 97146
Moore Shaver Mary L	Suever Douglas J		33786 Cullaby Lake Ln	Warrenton, OR 97146-7157
Packard Harvey B/Janet F			33801 Cullaby Lake Lane	Warrenton, OR 97146
Solberg Clayton D/Donna F			90295 Shoreline Dr	Warrenton, OR 97146-7136
Sontag Marian			PO Box 704	Warrenton, OR 97146-0704
City of Warrenton	Community Development & Public Works		PO Box 1680	San Juan Capistrano, CA 92693
Shoreline Sanitary District	c/o John Glen		P.O. Box 732	Warrenton, OR 97146
Lisa Phipps	DLCD Coastal Policy Specialist/NE Regional Rep			
Karen Groulak-Cord	DLCD Urban Planner/Community Services Division			
Jon Jennings	DLCD Community Services Specialist			
Kevin Young	DLCD Senior Urban Planner			

6/22/2022

CERTIFICATE OF MAILING

I hereby certify I served a copy of the attached notice of decision to those listed on the attached page via email and/or with postage paid and deposited in the US Post Office, Astoria, OR, on said day.

Julia Decker, Planning Manager.

Date



jid
6/22/2022

cityplanner@ci.warrenton.or.us, publicworks@ci.warrenton.or.us
 ip@pacifier.com
 Lisa Phipps@ci.warrenton.or.us
 Karen Groulak-Cord@ci.warrenton.or.us
 Jon Jennings@ci.warrenton.or.us
 Kevin Young@ci.warrenton.or.us



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.

Development Permit Number 22-00260

I, Doug Suever, do hereby declare as follows:

1. On 6/17/2022 (date), 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):

33777 Cullaby Lake Lane, Warrenton
Address (if no address assigned, use Map and Lot Number)

- 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, 6/17/2022

D. Suever
Signature

Doug Suever
Print name

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

this form | picture of w/posted sign → {decker@

front of prop. middle





Oregon

Kate Brown, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

State Land Board

January 10, 2022

Alan Feves
304 NW Furnish Avenue
Pendleton, OR 97801

Kate Brown
Governor

Re: WD # 2021-0540 **Approved with Revisions**
Wetland Delineation Report for Tax Lot 700
Clatsop County; T7N R10W S15 TL700

Shemia Fagan
Secretary of State

Dear Alan Feves:

Tobias Read
State Treasurer

The Department of State Lands has reviewed the wetland delineation report prepared by Green Banks, LLC for the site referenced above. Based upon the information presented in the report, and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in revised Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland (Wetland A, totaling approximately 0.08 acres) and one waterway (Cullaby Lake) were identified. They are subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined). However, Cullaby Lake is an essential salmonid stream; therefore, fill or removal of any amount of material below its OHWL or within hydrologically connected wetlands (Wetland A) may require a state permit.

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal, other state agencies or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact the Jurisdiction Coordinator for Clatsop County, Daniel Evans, PWS at (503) 986-5271.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Ryan".

Peter Ryan, SPWS
Aquatic Resource Specialist

Enclosures

cc: C. Jonas Moiel, Green Banks LCL
Clatsop County Planning Department
Brad Johnson, Corps of Engineers
Dan Cary, SPWS, DSL
Oregon Coastal Management Program

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

Fully completed and signed report cover forms and applicable fees are required before report review timelines are initiated by the Department of State Lands. Make checks payable to the Oregon Department of State Lands. To pay fees by credit card, go online at: <https://apps.oregon.gov/DSL/EPS/program?key=4>.

Attach this completed and signed form to the front of an unbound report or include a hard copy with a digital version (single PDF file of the report cover form and report, minimum 300 dpi resolution) and submit to: **Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279**. A single PDF of the completed cover form and report may be e-mailed to: **Wetland_Delineation@dsl.state.or.us**. For submittal of PDF files larger than 10 MB, e-mail DSL instructions on how to access the file from your ftp or other file sharing website.

Contact and Authorization Information

☐ Applicant ☒ Owner Name, Firm and Address:

Alan Feves
304 NW Furnish AVE
Pendleton, OR 97801

Business phone # 541 276 4886
Mobile phone # (optional) 541 379 1648
E-mail: Alan@Feves.com

☐ Authorized Legal Agent, Name and Address (if different):

Business phone #
Mobile phone # (optional)
E-mail:

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.

Typed/Printed Name: Alan Feves

Signature: 

Date: 9-22-21

Special instructions regarding site access:

Project and Site Information

Project Name: wetland delineation tax lot 700

Latitude: 46.093276 Longitude: -123.908178
decimal degree - centroid of site or start & end points of linear project

Proposed Use:
residential development: build a single family residence

Tax Map # 7 10 15

Tax Lot(s) 700

Tax Map #

Project Street Address (or other descriptive location):
located between street addresses 33789 and 33739 Cullaby Lake Lane

Tax Lot(s)

Township 7N Range 10W Section 15 QQ

Use separate sheet for additional tax and location information

City: Warrenton County: Clatsop

Waterway: River Mile:

Wetland Delineation Information

Wetland Consultant Name, Firm and Address:

C. Jonas Moiel, M.E.M.
Green Banks LLC
14200 SE McLoughlin BLVD, STE A
Milwaukie, OR 97267

Phone #
Mobile phone # (if applicable)
E-mail: jonas@greenbanksllc.com

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.

Consultant Signature: 

Date: 9/24/21

Primary Contact for report review and site access is ☐ Consultant ☒ Applicant/Owner ☐ Authorized Agent

Wetland/Waters Present? ☒ Yes ☐ No Study Area size: 0.37 Total Wetland Acreage: 0.08

Check Applicable Boxes Below

☐ R-F permit application submitted

☒ Fee payment submitted \$ 475

☐ Mitigation bank site

☐ Resubmittal of rejected report (\$100)

☐ EFSC/ODOE Proj. Mgr: _____

☐ Request for Reissuance. See eligibility criteria. (no fee)

☐ Wetland restoration/enhancement project (not mitigation)

DSL # _____ Expiration date _____

☐ Previous delineation/application on parcel
If known, previous DSL # _____

☐ LWI shows wetlands or waters on parcel
Wetland ID code _____

For Office Use Only

DSL Reviewer: DE

Fee Paid Date: _____ / _____ / _____

DSL WD # 2021-0540

Date Delineation Received: 09/ 28 / 21

Scanned: ☐

Electronic: ☒

DSL App.# _____

Figure 1. Site Location Map



Service Layer Credits: Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

\\gb-server\GB-Network\projects\107_Warrenton
Delineation_Alan Feves\GIS\mxds\Figure 1. Site
Location Map 210810.mxd

Figure 2. Tax Lot Map T7N R10W S15 WM



Figure 6. Wetlands and Waters Delineation Map

