



# CLATSOP COUNTY PLANNING COMMISSION REGULAR MEETING AGENDA

GoTo Meeting

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**Tuesday, March 08, 2022 at 10:00 AM**

## ZOOM MEETING INSTRUCTIONS

1. Instructions and Meeting Link

## ROLL CALL

## CALL MEETING TO ORDER

## INTRODUCTION OF NEW MEMBERS

## ADOPT AGENDA

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

## MINUTES:

2. January 11, 2022 Regular Meeting Minutes Amended
3. Review of the February 8, 2022, regular Planning Commission meeting minutes.

## PUBLIC HEARINGS:

4. Review of amendments to Articles 4 and 5, LAWDUC, regarding short-term rental units.
5. Review of updates to Comprehensive Plan Goal 7 - Areas Subject to Natural Hazards
6. Review of Goal 13: Energy Conservation - Draft 02

## WORK SESSION

7. Review of Draft FY 2022-23 Land Use Planning Work Plan

## PROJECT STATUS REPORT

8. Update on projects reviewed and/or approved by the Planning Commission

## DIRECTOR'S REPORT

## ADJOURN

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

During the COVID-19 pandemic, the Clatsop County Planning Commission remains committed to broad community engagement and transparency of government. To provide an opportunity for public testimony while physical distancing guidelines are in effect, the Commission will host virtual meetings using the Zoom platform.

**To join the meeting from your computer, tablet or smartphone.**

<https://co-clatsop-or-us.zoom.us/j/96938108959?pwd=QjRKeVp4UVd1SWw3OWxuOFIsVEFRUT09>

**Dial by your location:** +1 669 900 6833 US

**Meeting ID:** 969 3810 8959

**Passcode:** 587994

Those wishing to provide testimony on public hearings or provide oral communication at the designated time must register in advance by calling 503-325-8611 or emailing [ghenrikson@co.clatsop.or.us](mailto:ghenrikson@co.clatsop.or.us). You will be notified when your three-minute presentation is scheduled. Comments may also be submitted via email to [ghenrikson@co.clatsop.or.us](mailto:ghenrikson@co.clatsop.or.us) to be read at the meeting.

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Agenda packets also available online at [www.co.clatsop.or.us](http://www.co.clatsop.or.us)

**This meeting is accessible to persons with disabilities or wish to attend but do not have computer access or cell phone access. Please call 325-1000 if you require special accommodations at least 48 hours prior to the meeting in order to participate.**



# Clatsop County

## Community Development – Planning

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

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1 **Minutes of January 11, 2022**  
2 **Clatsop County Planning Commission Regular Session**  
3 **Online Meeting**  
4

5 *The regular meeting was called to order at 10:02 a.m. by Chair Gardner.*  
6

<u>Commissioners Present</u>	<u>Commissioners Absent</u>	<u>Staff Present</u>
8 Nadia Gardner		8 Gail Henrikson
9 John Orr		9 Julia Decker
10 Lam Quang		10 Joanna Lyons-Antley
11 Christopher Farrar		
	12 Cary Johnson	

13  
14 **Adopt Agenda:**

15 *Commissioner Farrar moved and Commissioner Orr seconded to adopt the agenda as presented. Motion*  
16 *passed unanimously.*  
17

18 **Business from the Public:**

19 There was no business from the public.  
20

21 **Minutes:**

22 *The minutes of the December 14, 2021 regular meeting were approved by consensus.*  
23

24 **Legislative Hearing – Clatsop County Comprehensive Plan Update Goals 7, 9 and 13:**

25 Gail Henrikson, Community Development Director, provided an update: Goal 13 was scheduled to be reviewed  
26 and completed on November 23, 2021 at the Joint Planning Commission and Countywide CAC Meeting and  
27 Goals 7 and 9 were to completed at a December 28, 2021 meeting. Goal 13 was not completed in November and  
28 was continued to the December meeting. The December meeting did not have a quorum resulting in the  
29 meeting being rescheduled for January 7, 2022. A meeting was held on January 7, 2022 but staff did not have  
30 enough lead time to include information for review at today’s meeting. The agenda item for today’s meeting has  
31 been advertised and staff is requesting the commission formally continue the hearing to the February 8, 2022  
32 regular planning commission meeting.  
33

34 *Commissioner Farrar moved and Commissioner Quang seconded to continue the public hearings for Goals 7, 9*  
35 *and 13 to the February 8, 2022 regular planning commission meeting. The motion passed unanimously.*  
36

37 **Review of House Bill 3012 and Senate Bill 391, Accessory Dwelling Units (ADU’s) on Rural Residential Lands.**

38 Director Henrikson provided the following information: These bills do not require implementation by the county  
39 and today’s discussion is to ascertain whether the planning commission would like to make a recommendation  
40 to the Board of Commissioners regarding any changes to the zoning code. Accessory Dwelling Units (ADU’s) are  
41 currently allowed in areas designated in the comprehensive plan as properties served by a public sanitary sewer  
42 system. They are permitted as Type I uses, which do not require public notices and/or public hearings. They can  
43 only be permitted on parcels with an existing single family dwelling. They must also meet the following:

- 44 • maximum lot coverage requirements
- 45 • setback requirements
- 46 • size limitations to 75% of the gross habitable floor area of the main house or 900 square feet, whichever is  
47 less. If attached to the main house, only one front door is allowed
- 48 • if attached to the main house, must be constructed of similar materials to the main house

49 A revised definition of the wildland urban interface and development of wildfire risk maps must be completed  
50 prior to the full implementation of Senate Bill 391. The Department of Forestry is working on developing the  
51 wildfire risk maps with a completion date projected as the end of June 2022. If amendments to the county code



1 are desired, they would be prepared and reviewed by the Planning Commission and a formal recommendation  
2 would be presented to the Board of County Commissioners for possible adoption.  
3

4 Discussion Topics:

- 5 • Differences between an ADU and a guesthouse
- 6 • Minimum lot sizes requirements, ADU size limitations, siting location and setback requirements
- 7 • Septic system impacts
- 8 • Policing and enforcing proper usage of ADU's and excluding short term rentals
- 9 • Identifying areas in the county that should be allowed to construct ADU's
- 10 • Permitting processes, including properties with existing code violations
- 11 • Existing historic house provisions
- 12 • Allowing density increases in high hazards areas such as lowlands prone to tsunami risks and flooding
- 13 • Infrastructure impacts on traffic and water

14  
15 **Project Status Report:**

16 Director Henrikson advised that the meteorological tower has been completed on the potential windfarm  
17 property.  
18

19 **Director's Report:**

20 Director Henrikson presented the following information:

- 21 • January 19, 2022 at 10:00 a.m. the Joint Planning Commission and Board of Commissioners meeting will be  
22 held to discuss Planning Commission vacancy appointments, the strategic plan update, the comprehensive  
23 plan update process and updates to the Planning Commission Bylaws
- 24 • The county is considering issuing a request for proposals for a consultant to update Goals 16, 17, and 18
- 25 • A meeting with Oregon's Kitchen Table has been scheduled regarding public outreach on the comprehensive  
26 plan update
- 27 • January 25, 2022 will be the next joint meeting of the Planning Commission and the Countywide Citizen  
28 Advisory Committee

29  
30 **Good of the Order:**

31 Nothing was reported  
32

33 ***As there was no further business or discussion, Chair Gardner adjourned the meeting at 12:32 p.m.***  
34

35 Respectfully Submitted,  
36  
37

38  
39 \_\_\_\_\_  
40 Nadia Gardner  
Chair - Planning Commission



# Clatsop County

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**TO:** Clatsop County Planning Commission Members

**CC:** Joanna Lyons-Antley, County Counsel  
Clatsop County Planning Staff

**FROM:** Gail Henrikson, Community Development Director

**DATE:** January 4, 2022

**RE:** **HB 3012 AND SB 391: ACCESSORY DWELLING UNITS ON RURAL LANDS**

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## OVERVIEW

The purpose of this work session is to provide background on SB 391, which was approved during the 2021 legislative session. SB 391 allows counties to permit accessory dwelling units (ADUs) on rural residential lands, subject to specific criteria outlined in the bill. If the Board of Commissioners chooses to allow ADUs on rural residential lands, the *Land and Water Development and Use Code* (LAWDUC) would need to be amended to incorporate the use and associated development standards. In addition to the specific standards included in SB 391, discretionary items will need to be identified and standards developed.

SB 391 is closely linked to SB 762, which requires adoption of statewide wildfire hazard maps and related wildfire provisions, including a revised definition of the wildland-urban interface and the wildfire hazard zones. While SB 391 became effective immediately upon signing by the Governor, it cannot be implemented by counties until the wildland-urban interface definition is revised and wildfire maps are finalized.

In order to complete this process two statewide wildfire rulemaking committees have been established. A revised definition of “wildland-urban interface” was adopted by the rulemaking committee on October 22, 2021. Work to develop wildfire hazard risk maps is ongoing, but is expected to be completed by mid-2022.

In order to be able to implement the provisions of SB 391 as quickly as possible following completion of the above tasks, staff is providing an overview to the Planning Commission in order to begin formulation of possible code amendments that may be required. It is anticipated that additional work sessions with both the Board of Commissioners and the Planning Commission will be required before bringing back a final set of amendments in April or May 2022.

## BACKGROUND

### ***Existing ADU Regulations in Clatsop County***

ADUs in Clatsop County are currently permitted only in the following zones, which are designated as “Development” and which are served by a sanitary sewer system:

- Arch Cape Rural Community Residential (AC-RCR)
- Knappa Svensen Rural Community Residential (KS-RCR)

- Rural Community Multi-Family Residential (RC-MFR)
- Rural Community Residential (RCR)

ADUs are a Type I use in each of those zones, meaning that only a development permit is required from Planning.

In addition to the requirement that properties be served by a state-approved sanitary sewer system, the following standards also apply to ADUs:

- Allowed only in conjunction with parcels containing one single-family dwelling
- A maximum of one ADU is permitted per lot or parcel
- ADUs are not permitted in conjunction with a duplex or multi-family dwelling
- ADUs must comply with applicable maximum lot coverage and setbacks
- ADUs can either be a separate stand-alone structure or attached to the primary dwelling
- Maximum gross habitable floor area (GHFA) of the ADU is limited to 75% of the GHFA of the primary dwelling, or 900 square feet, whichever is less
- If an ADU is within or attached to the existing primary dwelling, only one entrance is permitted on the front of the existing dwelling
- ADUs are to be constructed with similar building materials, architectural design and colors as the primary dwelling

ORS 215.501 defines an “Accessory Dwelling Unit” as a “residential structure that is used in connection with or that is auxiliary to a single-family dwelling.”

### ***Rural Lands in Clatsop County***

Under Oregon’s statewide land use planning program, rural residential zones are those are outside of urban growth boundaries (UGBs), but which are also excluded from the state’s resource (farm and forest) zones. These residential zones are also sometimes referred to as “exception” areas as the County has taken an exception to either Goal 3 (Agricultural Lands) and/or Goal 4 (Forest Lands) in order to designate the parcels for residential use. In Clatsop County, the following zones are considered rural residential lands where a single-family home may be established as a primary use:

- CR: Coastal Residential
- CBR: Coastal Beach Residential
- RA-1: Residential Agriculture-1
- RA-2: Residential Agriculture-2
- RA-5: Residential Agriculture-5
- SFR-1: Single-Family Residential-1

The County also has an RA-10 (Residential Agriculture-10) zone in its zoning code. This designation, however, has never been applied to a parcel within the County.

Per information from Clatsop County GIS staff, there are 6,162 rural residential tax lots in the County, distributed as follows:

- CR: 241
- CBR: 388
- RA-1: 1,932
- RA-2: 1,587

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- RA-5: 1,605
- SFR-1: 409

Additional analysis would be required in order to determine which of these parcels would be eligible for an accessory dwelling unit, based upon lot size, age of the existing home and other required standards. Because of the narrow lead time provided to staff to prepare this agenda item, it was not possible to complete this analysis prior to the deadline to publish the Planning Commission agenda.

**Other Existing Regulations:**

*Guesthouses*

Guesthouses are currently permitted in the following rural lands zoning designations:

- CBR
- CR
- RA-1
- RA-2
- RA-5
- RA-10
- SFR-1

Per Section 1.0500, LAWDUC, a “Guesthouse” is defined as:

*An accessory building, studio, or other habitable space/structure, used in conjunction with the main dwelling for the temporary housing on non-paying visitors and guests, subject to the following provisions:*

- 1) *The maximum gross habitable floor area (GHFA) shall not exceed 75 percent of the GHFA of the main floor of the primary dwelling on the lot, or 600 square feet, whichever is less. The floor area of any garage shall not be included in the total GHFA.*
- 2) *Metering devices shall **not** be permitted on guesthouses.*
- 3) *Cooking Facilities shall **not** be permitted in guesthouses.*
- 4) *A maximum of one ADU or Guesthouse is permitted per lot or parcel and must accompany a primary residence.*
- 5) *Guesthouses shall only be allowed in rural community and rural residential zones as designated by this ordinance.*

**HB 3012**

In 2017, the Oregon legislature approved HB 3012, which provided counties with the opportunity to allow accessory dwelling units on rural residential lands if the existing house was constructed prior to 1945. This bill would allow a new home to be built on the property, subject to certain standards, and the existing home would need to be converted to an accessory dwelling unit. To date, Clatsop County has not opted to include this dwelling unit option in its rural residential zones. Specific requirements of HB 3012 are displayed in **Table 1**, below.

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TABLE 1: HB 3012 STANDARDS AND LIMITATIONS		
HB 3012 STANDARD	COMMENTS	PLANNING COMMISSION DISCUSSION ITEM
1. Parcel must be within an acknowledged rural residential exception area and outside an urban reserve	<p>There are no urban reserves in Clatsop County.</p> <p>The County has the following rural residential zones in acknowledged exception areas:</p> <ul style="list-style-type: none"> <li>• CR: Coastal Residential</li> <li>• CBR: Coastal Beach Residential</li> <li>• RA-1: Residential Agriculture-1</li> <li>• RA-2: Residential Agriculture-2</li> <li>• RA-5: Residential Agriculture-5</li> <li>• RA-10: Residential Agriculture-10</li> <li>• SFR-1: Single-Family Residential-1</li> </ul>	<p>Should the County utilize the exception process to remove additional land from resource zones in order to provide more rural residential land for single-family dwellings and accessory dwelling units?</p> <p><u>New exceptions not needed at this time.</u></p>
2. Minimum 2-acre lot size	<p>Minimum-required lot sizes for the County’s rural residential zones are as follows:</p> <ul style="list-style-type: none"> <li>• CR: 20,000 SF (inside exception area)</li> <li>• CR: 2 acres (outside exception area)</li> <li>• CBR: 1 acre (inside exception area)</li> <li>• CBR: 2 acres (outside exception area)</li> <li>• RA-1: 2 acres</li> <li>• RA-2: 2 acres</li> <li>• RA-5: 5 acres</li> <li>• RA-10: 10 acres</li> <li>• SFR-1: 1 acre (inside exception area)</li> <li>• SFR-1: 2 acres (outside exception area)</li> </ul> <p>The Oregon Department of Environmental Quality continues to monitor the Clatsop Plains area, which has been previously studied due to concern about high septic tank densities, sandy soil geologies and high water tables leading to potential groundwater contamination sensitivities.<sup>1</sup></p>	<p>Should consideration be given to raising the eligible lot or parcel size for ADUs?</p> <p><u>2 acres OK</u></p> <p>Should ADUs be prohibited in the Clatsop Plains Planning Area due to existing and ongoing water quality concerns?</p> <p><u>Exclude from Clatsop Plains Maybe as a conditional use with appropriate conditions</u></p> <p>Are there are other zones or geographic areas where ADUs should not be permitted?</p> <p><u>Not in hazard areas (tsunami, flooding, geo); access to transit; minimize traffic; sites without services (grocery stores, laundromats, etc.); maybe use an overlay zone to determine where ADUs could be permitted</u></p>
3. An historic single-family dwelling (SFD) exists on the site	<p>“Historic home” is defined HB 3012 as a single-family dwelling constructed between 1850 and 1945. No analysis has been done to verify how many existing parcels with single-family dwellings would qualify for an ADU under this standard.</p>	None

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**TABLE 1: HB 3012 STANDARDS AND LIMITATIONS**

HB 3012 STANDARD	COMMENTS	PLANNING COMMISSION DISCUSSION ITEM
<p>4. The historic existing SFD must be converted to an Accessory Dwelling Unit (ADU) upon completion of the construction of the new SFD</p>	<p>No timeframe is provided in HB 3012 to complete this conversion.</p>	<p>Should a timeframe be established to complete the conversion of the historic home to an ADU? If so, what would be an appropriate timeframe?  <u>Want to avoid abandoned/empty homes;</u></p>
<p>5. ADU is subject to all applicable laws regarding sanitation and wastewater disposal and treatment</p>	<p>All dwellings are subject to these requirements. Parcel size, however, can create issues when trying to replace or upgrade septic systems and drainfields.</p>	<p>Should consideration be given to raising the eligible lot or parcel size for ADUs?  <u>See above</u>                      Should ADUs be prohibited in the Clatsop Plains Planning Area due to existing and ongoing water quality concerns?  <u>See above</u></p>
<p>6. The owner that constructs a new SFD and converts the existing historic home to an ADU <b>may not</b>:</p> <ul style="list-style-type: none"> <li>a. Subdivide or partition the parcel so that the new SFD would be located on a different lot or parcel than the ADU</li> <li>b. Alter, renovate or remodel the ADU so that the square footage of the ADU is more than 120% of the historic home square footage</li> <li>c. Rebuild the ADU if the structure is lost to fire</li> </ul>	<p>A tracking system would need to be developed and maintained by staff to ensure that these parcels are not partitioned in the future, unless state legislation allows such divisions.</p>	<p>None</p>
<p>7. A county may require the new SFD to be serviced by the same water supply source or system as the ADU</p>	<p>This provision is optional. Any connection of a second dwelling unit to the water supply system or water source would need to be approved by the appropriate agency and written verification of such approval provided to the County prior to the issuance of permits.</p>	<p>Should new SFDs be required to be connected to the same water supply source or system as the ADU?  <u>Can be on separate systems</u></p>

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TABLE 1: HB 3012 STANDARDS AND LIMITATIONS		
HB 3012 STANDARD	COMMENTS	PLANNING COMMISSION DISCUSSION ITEM
8. A county may impose additional conditions of approval for construction of a new single-family dwelling or conversion of a historic home to an accessory dwelling unit	Section 3.0060(1), LAWDUC, would require 2 parking spaces for the new SFD and one parking space for the ADU.	<p>Is the one-space parking requirement for the ADU adequate or should this standard be increased or eliminated?  <u>1 space for 400 SF or less; more than 400 SF 2 spaces</u></p> <p>Should ADUs be permitted to have garages and/or outbuildings?  <u>OK as long as any maximum lot coverages are not exceeded</u></p> <p><u>Garages/outbuildings should not be allowed as that brings the ADU closer to house territory.</u></p> <p>Are there other conditions of approval that should be required?  <u>Should be located outside hazard areas</u></p>

<sup>1</sup>Statewide Groundwater Monitoring Program: North Coast 2015-2016 Report, published January 2018

**SB 391 OVERVIEW**

SB 391, which was adopted on June 23, 2021, would allow counties to permit accessory dwelling units (ADUs) on rural residential lands, subject to specific standards. The bill does not mandate that counties must allow ADUs on rural residential lands. Neither does the bill prohibit counties from imposing additional restrictions, for example, regarding the construction of outbuildings in conjunction with an ADU. **Table 2**, below, provides a list of the requirements of SB 391, staff comments regarding the standards, and discussion items for the Planning Commission.

TABLE 2: SB 391 STANDARDS AND LIMITATIONS		
SB 391 STANDARD	COMMENTS	PLANNING COMMISSION DISCUSSION ITEM
1. Parcel must be within an acknowledged rural residential exception area	<p>Clatsop County has the following rural residential zones in acknowledged exception areas:</p> <ul style="list-style-type: none"> <li>• CR: Coastal Residential</li> <li>• CBR: Coastal Beach Residential</li> <li>• RA-1: Residential Agriculture-1</li> <li>• RA-2: Residential Agriculture-2</li> <li>• RA-5: Residential Agriculture-5</li> <li>• RA-10: Residential Agriculture-10</li> </ul>	<p>Should the County utilize the exception process to remove additional land from resource zones in order to provide more rural residential land for single-family dwellings and accessory dwelling units?  <u>See above</u></p>

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<p>2. Minimum 2-acre lot size</p>	<p>• SFR-1: Single-Family Residential-1</p> <p>Minimum-required lot sizes for the County’s rural residential zones are as follows:</p> <ul style="list-style-type: none"> <li>• CR: 20,000 SF (inside exception area)</li> <li>• CR: 2 acres (outside exception area)</li> <li>• CBR: 1 acre (inside exception area)</li> <li>• CBR: 2 acres (outside exception area)</li> <li>• RA-1: 2 acres</li> <li>• RA-2: 2 acres</li> <li>• RA-5: 5 acres</li> <li>• RA-10: 10 acres</li> <li>• SFR-1: 1 acre (inside exception area)</li> <li>• SFR-1: 2 acres (outside exception area)</li> </ul> <p>The Oregon Department of Environmental Quality continues to monitor the Clatsop Plains area, which has been previously studied due to concern about high septic tank densities, sandy soil geologies and high water tables leading to potential groundwater contamination sensitivities.<sup>1</sup></p>	<p>Should consideration be given to raising the eligible lot or parcel size for ADUs? <a href="#">See above</a></p> <p>Should ADUs be prohibited in the Clatsop Plains Planning Area due to existing and ongoing water quality concerns? <a href="#">See above</a></p> <p>Are there are other zones or geographic areas where ADUs should not be permitted? <a href="#">See above</a></p>
<p>3. One single-family dwelling (SFD) exists on the site</p>	<p>No analysis has been done to verify how many existing parcels with single-family dwellings would qualify for an ADU under this standard.</p>	<p>None</p>
<p>4. Existing SFD has not been declared a nuisance and is not subject to any pending actions under ORS 105.550-105.600</p>	<p>ORS 105.550-105.600 addresses abatement of nuisance properties and provides local governments with specific authorities to abate certain public nuisance activities that affects the health, safety and welfare of its community.</p> <p>ORS 105.555 and 105.597 also identify a specific list of nuisances but does not limit the authority of counties to further restrict those activities.</p> <p>SB 391 does not address properties that are in violation of local land use codes and ordinances. Section 2.0100(2), LAWDUC, prohibits the development permits from being issued for work on properties that have an open code</p>	<p>Should property owners, who have open code violations be allowed to construct an ADU on their property, even if the code violation remains unresolved? <a href="#">No permits for properties with violations</a></p>

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	violation, unless the permit would resolve the violation.	
5. ADU is subject to all applicable laws regarding sanitation and wastewater disposal and treatment	Section 2.1130, LAWDUC, requires applicants who are constructing a dwelling unit to provide proof of a year-round potable water source and verification of septic approval or hook-up to a state-approved sewer system.	None
6. ADU cannot contain more than 900 square feet of useable floor area	<p>Section 1.0500, LAWDUC, restricts accessory dwelling units to a maximum of 75% of the Gross Habitable Floor Area (GHFA) of the primary dwelling unit or 900 square feet, whichever is less.</p> <p>“Gross Floor Area” is defined in Section 1.0500, LAWDUC as “The total gross floor area including exterior building walls of all floors of a building or structure.” No definition of “Gross Habitable Floor Area” is provided.</p> <p>SB 391 also does not define “useable floor area”</p> <p>A definition of either “Gross Habitable Floor Area” or “Useable Floor Area” would need to be developed.</p>	<p>Should the existing ADU standards in the LAWDUC be revised to eliminate the 75% limitation and to allow any ADU to be up to a maximum of 900 SF in area?</p> <p><u>Staff to provide recommendation</u></p>
7. ADU cannot be located farther than 100 feet from the existing SFD	<p>SB 391 is silent as to how the 100-foot distance should be measured. There are several possible options:</p> <ul style="list-style-type: none"> <li>• The entire footprint of the ADU must be within 100 feet of the existing SFD</li> <li>• At least 50% of the footprint of the ADU must be within 100 feet of the existing SFD</li> <li>• The closest point of the ADU cannot be more than 100 feet from the existing SFD</li> </ul>	<p>How should the 100-foot distance limitation be measured?</p> <p><u>Staff to provide recommendation</u></p>
8. If ADU is supplied water from a well, no portion of the parcel can be within an area in which new or existing ground water uses have been restricted by the Water Resources Commission	There are no groundwater restricted areas within Clatsop County.	None

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<p>9. No portion of the parcel can be within a designated area of critical state concern</p>	<p>There are no designated areas of critical state concern in Clatsop County</p>	<p>None</p>
<p>10. The parcel is served by a fire protection service provider with professionals who have received training or certification described in ORS 181A.410</p>	<p>Information from Clatsop County GIS indicates that while the majority of rural residential lands are served by a fire district, there may be some areas where service is not provided. Additional analysis would be required to determine which rural residential parcels would not meet this standard.</p>	<p>None</p>
<p>11. The parcel and the ADU comply with rules of the State Board of Forestry under ORS 477.015 – 477.061</p>	<p>ORS 477 relates to Fire Protection of Forests and Vegetations and specifically the wildland-urban interface (WUI).</p> <p>SB 762, which was adopted in June 2021, revised several sections of ORS 477 that are referenced in SB 391. As discussed at the beginning of this memo, SB 762 has two significant provisions:</p> <ol style="list-style-type: none"> <li>1. Develop a definition of “Wildland-Urban Interface”</li> <li>2. Identify wildfire hazard zones that will be included in the statewide wildfire hazard map</li> </ol> <p>Structures that are located within the newly-defined “wildland-urban interface” will be required to adhere to the Department of Forestry rules for fire hazard mitigation as defined in ORS 477-015-477.061.</p> <p>The estimated timeframe to complete this work, as projected by the Department of Land Conservation and Development, is June 2022.</p> <p>Until this work is completed, The County will be unable to implement the provisions of SB 391. Depending upon the final products developed at the state level, additional amendments to the LAWDUC will likely be required.</p>	<p>None at this time</p>
<p>12. Statewide wildfire risk maps have been approved and the</p>	<p>The estimated timeframe to complete this mapping work, as projected by the</p>	<p>None at this time</p>

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<p>ADU complies with the Oregon Residential Specialty Code (ORSC) regarding wildfire hazard mitigation for the mapped area</p>	<p>Department of Land Conservation and Development, is June 2022.</p> <p>Until this work is completed, The County will be unable to implement the provisions of SB 391. Depending upon the final products developed at the state level, additional amendments to the LAWDUC will likely be required.</p>	
<p>13. The county has adopted land use regulations regarding:</p> <ul style="list-style-type: none"> <li>a. Adequate setbacks from resource lands</li> <li>b. Access for firefighting equipment, safe evacuation and staged evacuation areas</li> <li>c. Defensible space and fuel break standards developed in consultation with local fire protection service providers, if the ADU is not subject to ORS 477.015-477-061</li> </ul>	<p>SB 391 does not define what constitutes an “adequate setback”. The County has adopted a 50-foot minimum setback from resource zones/lands</p> <p>All applications to construct a dwelling unit in unincorporated Clatsop County are required to provide an Agency Review Form signed by the Chief of the applicable fire district, verifying that access, staging areas, and other life safety requirements have been met.</p> <p>Currently, the only defensible space requirements are found in Section 3.9250, LAWDUC, and apply only to dwellings or structures that are constructed in a forest zone (F-80 or AF). Under SB 391, any ADU that is constructed outside of the wildland-urban interface will provide defensible space and fuel break standards that are developed in conjunction with local fire providers.</p> <p>Depending upon how the requirements of SB 762 are finally implemented at the state level, additional revisions will likely be needed to the LAWDUC.</p> <p>Additional outreach to local fire providers will also be required.</p>	<p>Is the current 50-foot setback from resource zones “adequate”?</p> <p style="text-align: right;"><u>50' OK</u></p>
<p>14. ADU cannot be used for vacation occupancy</p>	<p>Current County policy regarding short-term rentals (STR) allows any legally constructed dwelling to be used as an STR.</p>	<p>Should the County require the property owner to record a restrictive covenant on the property that would prohibit the ADU from being used as an STR?</p>

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		<u>Yes</u>
<p>15. If a county allows ADUs on rural lands, the county <b>may not</b> approve any of the following:</p> <p>a. A land division that would allow the existing SFD to be located on a different lot or parcel than the ADU</p> <p>b. Construction of a second ADU on the same parcel</p>	<p>A tracking system would need to be developed and maintained by staff to ensure that these parcels are not partitioned in the future, unless state legislation allows such divisions.</p> <p>It is unclear in SB 391 whether temporary occupation of an RV or a health hardship dwelling would be permitted on a parcel where an ADU has been constructed. This will likely require clarification through the adoption of additional legislation at the state level.</p>	None
<p>16. A county may require an ADU to be served by the same water supply source or system as the existing SFD, if permitted by water right or ORS 537.545</p>	<p>This provision is optional. Any connection of a second dwelling unit to the water supply system or water source would need to be approved by the appropriate agency and written verification of such approval provided to the County prior to the issuance of permits.</p>	<p>Should new SFDs be required to be connected to the same water supply source or system as the ADU?</p> <p style="color: red;"><u>Can have separate sources</u></p>
<p>17. ADUs served by wells must maintain all setbacks from wells as required by the Water Resources Commission or Water Resources Department</p>	<p>These setbacks would be required for any new dwelling.</p>	None
<p>18. An existing SFD and an ADU permitted under SB 391 are considered a single unit for the purposes of calculating exemptions under ORS 537.545(1)</p>	<p>ORS 537.545(1) addresses “Appropriation of Water Generally”. Subsection (1) details exceptions that do not require registration, certificate of registration, application for a permit, permit, certificate of completion or ground water right certificate. Exceptions include:</p> <ul style="list-style-type: none"> <li>• Single or group domestic purposes not exceeding 15,000 gallons per day</li> <li>• Watering any lawn or non-commercial garden not exceeding one-half acre in area</li> </ul>	None
<p>19. A county is <b>not</b> prohibited from imposing any additional restrictions on ADUs on rural residential lands, including restrictions on the construction of garages and outbuildings that support an accessory dwelling unit</p>	<p>Section 3.0060(1), LAWDUC, would require 2 parking spaces for the new SFD and one parking space for the ADU.</p>	<p>Is the one-space parking requirement for the ADU adequate or should this standard be increased or eliminated?</p> <p style="color: red;"><u>See above</u></p> <p>Should ADUs be permitted to have garages and/or outbuildings?</p> <p style="color: red;"><u>See above</u></p>

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		<p>Are there other conditions of approval that should be required?  <a href="#">See above</a></p>
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**ADDITIONAL DISCUSSION ITEMS**

In addition to the legislation-specific items presented above, there are other areas of discussion that require Planning Commission input. These issues are discussed in further detail in **Table 3**.

<b>TABLE 3: ADDITIONAL DISCUSSION ITEMS</b>		
<p>1. HB 3012 does not specify what type of procedure local governments should use</p>	<p>Clatsop County has 3 levels of procedures that are utilized to review and approve specific uses:</p> <p><b>Type I (ministerial decision):</b></p> <ul style="list-style-type: none"> <li>• Requires clear and objective standards in the LAWDUC</li> <li>• Such standards would not require staff discretion</li> <li>• Not subject to public notice or public hearings requirements</li> </ul> <p><b>Type II (conditional use / no public hearing):</b></p> <ul style="list-style-type: none"> <li>• Review criteria are reasonably objective</li> <li>• Require limited staff discretion</li> <li>• Conditions of approval used to minimize impacts or ensure compliance with code</li> <li>• Public notice required, but public hearing is not required</li> <li>• Can be elevated to a Type IIA, which would require a public hearing</li> </ul> <p><b>Type IIA (conditional use / with public hearing):</b></p> <ul style="list-style-type: none"> <li>• Require staff discretion and judgment when applying the development criteria</li> <li>• Extensive conditions of approval used to minimize impacts or ensure compliance with code</li> <li>• Public notice and published notice required</li> <li>• Property must be posted</li> <li>• Public hearing required</li> </ul>	<p>If ADUs are to be considered as a possible type of housing product to address the affordable housing crisis in Clatsop County, what is the appropriate level of review? Should all ADUs be required to be approved via public hearing?  <a href="#">Type IIA, could be loosened after 3-5 years if ADUs are not an issue.</a></p> <p><a href="#">Need programs and incentives to encourage long-term rental housing.</a></p>

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TABLE 3: ADDITIONAL DISCUSSION ITEMS		
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	As the review procedure increases in complexity, this will translate to increased application fees and processing time for applicants.	
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**NEXT STEPS**

Following discussion and input from the Planning Commission, staff will schedule this item for discussion with the Board of Directors at a future work session. Dependent upon direction from the Board, staff will prepare any draft code amendments for further review by the Planning Commission.

**MATERIALS INCLUDED WITH THIS AGENDA ITEM:**

- **Exhibit A:** [HB 3012 Enrolled](#)
- **Exhibit B:** [SB 391 Enrolled](#)
- **Exhibit C:** [SB 762 Enrolled](#)

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**Minutes of February 8, 2022**  
**Clatsop County Planning Commission Regular Session**  
**Online Meeting**

13 *The regular meeting was called to order at 10:00 a.m. by Chair Gardner.*

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**Commissioners Present**

Nadia Gardner  
John Orr  
Lam Quang  
Christopher Farrar

**Commissioners Absent**

Cary Johnson - Excused

**Staff Present**

Gail Henrikson  
Ian Sisson  
Joanna Lyons-Antley  
Clancie Adams

**Adopt Agenda:**

*Commissioner Farrar moved and Commissioner Orr seconded to adopt the agenda as presented. Motion passed unanimously.*

**Election of Officers:**

*Commissioner Farrar nominated Nadia Gardner as Chair for the 2022 calendar year. The nomination passed unanimously.*

*Commissioner Quang nominated Chris Farrar as Vice-Chair for the 2022 calendar year. The nomination passed unanimously.*

**Business from the Public:**

There was no business from the public.

**Minutes:**

*Commissioner Farrar moved and Commissioner Quang seconded to continue the minutes of the January 11, 2022 regular meeting to the March 8, 2022 regular meeting for clarification and additions. The motion passed unanimously.*

**Quasi-Judicial Hearing - Conditional Use Home Occupation #21-000591:**

Jose Antonio Velazquez-Silva and Susana Huanosta have submitted a Conditional Use Application to legalize an existing home occupation on property they own in unincorporated Clatsop County. The property address is 34074 W. Campbell Loop, Seaside, Oregon, further identified as Township 5N, Range 10W, Section 14DC, Tax Lot 01103.

*No ex-parte contacts or conflicts of interest were reported. Chair Gardner stated she was familiar with the location and had interacted with Mr. Barret on a different matter some time ago. She did not feel this was a conflict of interest and that she could participate in the hearing without bias.*

*No objections to the jurisdiction of the Commission to hear the matter were reported.*

Ian Sisson, Senior Planner, presented the staff report. The application is a conditional use permit to legalize an existing home occupation for a construction contracting business which has been operating for approximately six years. The property is zoned RA-1, has mapped wetlands on site, is in a flood hazard overlay and on the peripheral of the big game habitat overlay. Comments from neighboring owners have been received and included in the meeting packet. These comments address road maintenance, traffic and parking issues. Mr. Sisson provided an overview of the criteria and regulations as well as the recommended conditions of approval. He then responded to questions and provided clarification as needed.

Jose Antonio Velazquez, 34074 W. Campbell Loop, Seaside, Applicant.

1 Mr. Velazquez stated that he submitted an application six years ago and was advised a hearing would be  
2 required. He did not receive information about the hearing being scheduled and assumed it did not happen. He  
3 then tried to apply online twice but the application was denied. He also stated that he often hires his crew  
4 during slow times to clean and do home improvement projects that are personal projects and not part of the  
5 business. He feels that he has been respectful and friendly to his neighbors and is willing to abide by the  
6 regulations and conditions of approval. There was a business on the property when he purchased it and that was  
7 one of the deciding factors in buying the property. He feels that he is being targeted due to his Hispanic  
8 background as no complaints were made prior to his purchasing the property. Mr. Velazquez responded to  
9 questions and provided clarification.

10  
11 **Gary Phelan, 34067 W Campbell Loop, Seaside.**

12 Mr. Phelan has lived on his property for 45 years. The subject property was built in 2000 and has been used as a  
13 vehicle repair/body shop and a carpet warehouse for a Home Depot installation contractor prior to being owned  
14 by Mr. Velazquez. This history was disclosed to Mr. Velazquez prior to his purchase of the property. The heavy  
15 materials delivered to the property were for improvements to the existing property and were not part of the  
16 business operation. The Road is 15 feet wide and two vehicles can safely pass. Mr. Phelan is in favor of the  
17 permit being granted with the condition that the business use not be allowed to grow at this site.

18  
19 **Dale Barrett, 34107 W. Campbell Loop, Seaside.**

20 Mr. Barrett has lived on Campbell Loop since 1987. The property in question was used for a carpet business and  
21 there were delivery trucks coming and going more and more often. He stated he would have complained if this  
22 activity had continued. He contacted the county code compliance regarding Mr. Velazquez running a commercial  
23 business in a residentially zoned neighborhood about five years ago. Trucks are coming and going seven days a  
24 week at all hours. When Mr. Velazquez applied for a permit to remodel the home, he was denied due to a hold  
25 by code compliance on the property and this was the first time the county had addressed his complaint. There's  
26 a stop work order on his garage and the work continues. Mr. Velazquez owns property in Gearhart where the  
27 business could possibly be moved and operated legally. Campbell Loop is a private road with a paved surface of  
28 18 feet and vehicles can pass only if you pull off to the side of the road. Mr. Barrett stated he has witnessed as  
29 many as five commercial trucks on the property at a time, they appear to be burning construction waste in the  
30 back of the property, the increased traffic is causing congestion at the highway entrance, and a commercial  
31 dumpster pick up is happening every week.

32  
33 **Mr. Velazquez** responded that he supports the neighborhood by paying three times the rate for road  
34 maintenance and contributing to the water line maintenance even though it doesn't affect his property. He also  
35 responded to questions from the commissioner's and provided clarification.

36  
37 ***Commissioner Quang moved and Commissioner Farrar seconded to approve the Conditional Use request by***  
38 ***Jose Antonio Velazquez and Susanna to legalize an existing home occupation on a property they own in***  
39 ***unincorporated Clatsop County, 34074 W. Campbell Loop, subject to the Conditions of Approval.***

40  
41 ***Commissioner Farrar moved and Commissioner Quang seconded to amend the motion for approval of the***  
42 ***Conditional Use application to include regulation number 15. The motion passed unanimously.***

43  
44 ***Chair Gardener requested a roll call:***

45 ***Commissioner Farrar – Yea***

46 ***Commissioner Quang – Yea***

47 ***Commissioner Orr – Nay***

48 ***Chair Gardner – Nay***

49 ***The motion failed.*** The applicant was advised that he has the option to appeal the ruling to the Board of  
50 Commissioners.

51  
52 ***Chair Gardner called for a recess at 12:50 p.m. and reconvened the meeting a 12:55 p.m.***



1 **Legislative Hearing – Clatsop County Comprehensive Plan Update Goal 9 Economic Development:**

2 **Julia Decker, Planning Manager**, requested a continuation of the Goal 9 hearing until April 12, 2022 due to the  
3 extent of the requested revisions and the inadequate timeline available to complete a draft for today’s meeting.  
4

5 ***Commissioner Farrar moved and Commissioner Quang seconded to continue the hearing of Goal 9, Economic  
6 Development, until the April Planning Commission meeting. Motion passed unanimously.***  
7

8 **Legislative Hearing – Clatsop County Comprehensive Plan Update Goal 7 Natural Hazards:**

9 **Gail Henrikson, Community Development Director**, presented her report. This hearing deals with Goal 7 Natural  
10 Hazards. The statewide planning goals state the goal is to protect people and property from natural hazards.  
11 Goal 7 identifies the following hazards; floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires.  
12 The county is required to adopt inventory polices and implement measures to address each of these hazards.  
13 Several local special districts and other municipalities worked to create the Multi-Jurisdictional Natural Hazard  
14 Mitigation Plan which the Board of Commissioners adopted in March 2021. The plan addresses all of the hazards  
15 included in the Statewide Planning Goal 7 and also includes drought, winter/windstorms, and volcanic ash fall.  
16

17 The Tsunami Evacuation Facilities Improvement Plan is scheduled to be finished in the next few months and will  
18 identify current recreational trails that can be integrated into evacuation routes. These sites will function year  
19 round as recreational facilities but will be available in times of emergency for evacuation. The committee will  
20 attend the Rural Recreational Lands Planning Advisory Committee in March and return to the Planning  
21 Commission in April with a draft report for review. Final adoption is anticipated by the Board of Commissioners  
22 at a meeting in May 2022.  
23

24 The draft will also include recommendations from the Oregon Climate Change Research Institute regarding  
25 climate change projections predicting Clatsop County will experience more extreme heat events, intense rain  
26 events resulting in flooding, coastal erosion, droughts, and wildfires resulting in decreased air quality. The Board  
27 of County Commissioners have requested an emphasis be placed on resilience preparation, response and  
28 recovery.  
29

30 ***Commissioner Farrar moved and Commissioner Quang seconded to continue the public hearing for Goal 7 to  
31 the March 8, 2022 regular planning commission meeting. The motion passed unanimously.***  
32

33 ***Commissioner Farrar moved and Commissioner Orr seconded to continue the public hearing for Goal 13 to the  
34 March 8, 2022 regular planning commission meeting. The motion passed unanimously.***  
35

36 ***Commissioner Quang departed the meeting and due to a lack of quorum, Chair Gardner adjourned the  
37 meeting at 12:32 p.m.***  
38

39 Respectfully Submitted,  
40  
41

42 \_\_\_\_\_  
43 Nadia Gardner  
44 Chair - Planning Commission



# Clatsop County – Land Use Planning

**TO:** Clatsop County Planning Commissioners  
**FROM:** Gail Henrikson, AICP, CFM, Community Development Director  
**DATE:** March 1, 2022  
**RE:** **ORDINANCE 22-01: SHORT-TERM RENTALS**

## REQUEST

- Revise Article 4 of the Clatsop County Land and Water Development and Use Code (LAWDUC) to include short-term rentals as a Type I use in the following zones:
  - 4.0720: Miles Crossing, Jeffers Gardens and Westport Rural Community Residential (RCR)
  - 4.1020: Knappa and Svensen Rural Community Residential (KS-RCR)
  - 4.1120: Rural Service Area - Single Family Residential (RSA-SFR)
  - 4.1220: Rural Community Multi-Family Residential (RC-MFR)
  - 4.1320: Rural Service Area – Multi-Family Residential (RSA-MFR)
  - 4.1420: Rural Community Commercial (RCC)
  - 4.2220: Coastal Beach Residential (CBR)
  - 4.2320: Coastal Residential (CR)
  - 4.2420: Single Family Residential-1 (SFR-1)
  - 4.2520: Residential – Agriculture-1 (RA-1)
  - 4.2620: Residential – Agriculture-2 (RA-2)
  - 4.2720: Residential – Agriculture-5 (RA-5)
  - 4.2820: Residential – Agriculture-10 (RA-10)
  - 4.2920: Neighborhood Commercial (NC)
  - 4.3030: General Commercial (GC)
  - 4.3130: Tourist Commercial (TC)
- Repeal Sections 5.4900-5.4970, which contain the Arch Cape short-term rental operating standards (these standards will be relocated to Chapter 5.24, Clatsop County Code)
- Revise Section 4.0620(12) to indicate that the operating standards are located in the Clatsop County Code

## BACKGROUND

In 2003, Clatsop County adopted Ordinance 03-13, which established short-term rental operating standards for the Arch Cape area. Those standards addressed parking, occupancy and application procedures. While short-term rental units operated throughout the entire unincorporated county, these standards only applied to properties in the Arch Cape overlay. In 2017, revisions were made to the Land and Water Development and Use Ordinance

eliminate the Arch Cape overlay district and the short-term rental operating standards were incorporated into the Arch Cape Rural Community Residential (AC-RCR) zoning district (Ordinance 17-02). Again, while short-term rental units were in operation throughout the entire county, these specific standards only applied to rentals AC-RCR zone.

In January 2018, the Board adopted Ordinance 18-01, which enacted operating standards for short-term rental units throughout unincorporated Clatsop County. Ordinance 18-01 only applied to rental units outside of the Arch Cape area, which continued to operate under its own separate ordinance. Ordinance 18-01 included provisions regarding occupancy and parking and also incorporated health and safety requirements. When originally drafted, the intent was to eventually merge the Arch Cape short-term rental ordinance and Ordinance 18-01 into one unified set of standards that would be applied to all vacation rentals in unincorporated Clatsop County. Since January 2018, Ordinance 18-01 has been amended twice (Ordinance 18-09 and Ordinance 19-04). These revisions were primarily to supplement and clarify the application process and did not make changes to the parking, occupancy or health/safety provisions in the ordinance.

In July 2020, staff began hosting quarterly short-term rental meetings in the Falcon Cove, Arch Cape and Clatsop Plains areas of the county. The meetings were in response to the increasing number of short-term rental complaints being received by Code Compliance staff. The purpose of the meetings was to:

- explain how the code compliance process worked,
- allow staff the opportunity to hear directly from residents and rental owners, and
- increase communication between residents and rental owners in the community.

A total of seven meetings were conducted between July 2020 and January 2021.

Based upon input staff received during the quarterly meetings and upon staff's firsthand experience with implementing the short-term rental ordinance, staff prepared a list of recommended changes to the short-term rental ordinance. Those recommendations were presented to the Board during a work session on February 24, 2021. At the work session, the Board provided direction to staff regarding six specific questions, including whether short-term rental licenses should be transferrable, fees, and length of permits. "Bigger ticket" policy issues such as capping the number of short-term rentals, were not addressed at that work session.

Based upon input from the Board, staff prepared additional revisions to the short-term rental ordinance for Board review on April 20, 2021. During the period between the February and April work sessions, the Board and staff received a significant number of communications from

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community members regarding the draft ordinance revisions. These emails and phone calls represented a diverse range of opinions on the subject. When the ordinance revisions were brought back to the Board on April 20, the Board requested that staff temporarily pause work on the revisions.

A subsequent work session with the Board of Commissioners were conducted on June 1, 2021. At that work session the Board directed staff to move forward with a temporary moratorium on the issuance of new short-term rental licenses. Two public town hall meetings were conducted on July 9 and July 18, 2021, to obtain public input on the proposed moratorium. Those public comments were presented to the Board at a work session held August 3, 2021. Based upon Board discussion at that work session, staff prepared Ordinance 21-03, which established a 120-day moratorium. Ordinance 21-03 was adopted following a second public hearing on August 25, 2021. The Board extended the moratorium for an additional 120 days during a regular meeting held December 8, 2021. The moratorium is currently scheduled to expire on April 28, 2022.

Following commencement of the moratorium, staff conducted a series of three public town hall meetings to obtain public input on revisions proposed to the operating standards for short-term rentals in unincorporated Clatsop County outside of Arch Cape. Those meetings were conducted on September 24 and November 12, 2021, and on January 22, 2022. The three town hall meetings addressed the following topics:

- Parking
- Trash
- Noise
- Permit Transferability
- Permit Cost / Permit Length
- Occupancy Limits
- Length of Stay
- Violations and Penalties
- Unsubstantiated Complaints
- “Good Neighbor” Standards
- Local Representative / Agent Requirements
- Neighborhood Notification Requirements
- Zoning

A total of 137 persons attended the three town hall meetings.

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TABLE 1: SHORT-TERM RENTAL MORATORIUM TIMELINE												
	2021							2022				
	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	
DLCD 45-Day Notice for Moratorium	✓	✓										
Prepare Draft Moratorium Ordinance	✓	✓										
BOC Work Session / Town Hall – Moratorium Ordinance		✓										
14-Day Public Comment Period – Moratorium Ordinance		✓										
1 <sup>st</sup> Public Hearing – Moratorium Ordinance (August 11)			✓									
2 <sup>nd</sup> Public Hearing – Moratorium Ordinance (August 25)			✓									
Moratorium in Effect until April 28, 2022				✓	✓	✓	✓	✓	✓	✓	✓	✓
Prepare Draft #1 - Combined Ordinance and Revisions	✓	✓	✓									
BOC Work Session / Town Hall – Draft #1				✓								
14-Day Written Public Comment Period – Draft #1				✓								
Prepare Draft #2 – Combined Ordinance and Revisions					✓							
BOC Work Session / Town Hall – Draft #2						✓						
14-Day Written Public Comment Period – Draft #2						✓						
Prepare Draft #3 – Combined Ordinance and Revisions							✓					
BOC Work Session / Town Hall – Draft #3 – January 26, 2022								✓				
14-Day Written Public Comment Period – Draft #3								✓				
1 <sup>st</sup> Public Hearing – Combined Ordinance (February 9, 2022)									X			
BOC Work Session – February 26, 2022									✓			
LAWDUC Revisions – Planning Commission Review (March 8, 2022)										✓		
LAWDUC and Code Revisions – 1 <sup>st</sup> Public Hearing BOC (Tentative: April 13, 2022)												
LAWDUC and Code Revisions – 2 <sup>nd</sup> Public Hearing BOC (Tentative: April 27, 2022)												
Moratorium Expires: April 28, 2022												

On January 26, 2022, staff presented the results of those three meetings to the Board at a work session. The information prepared for the Board included the following six options related to zoning for short-term rentals:

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- 1) Prohibit new short-term rentals in unincorporated Clatsop County and create an amortization schedule to phase out all existing short-term rentals
- 2) Establish a cap on the total number of short-term rentals
- 3) Prohibit short-term rentals in residential zones
- 4) Remove short-term rentals as a permitted use in the Arch Cape – Rural Community Residential (AC-RCR) zone and regulate all short-term rentals through the business licensing process in Article 5 of the Clatsop County Code
- 5) Extend the Arch Cape STR requirements to include Cove Beach / Coastal Residential (CR) zone. Add STRs with an occupancy of 6 or fewer renters as a permitted use to the CR zone. Rental applications for an occupancy exceeding 6 renters would be processed as a Type II conditional use. Apply Ordinance 19-04, with proposed revisions, to the remainder of unincorporated Clatsop County and regulate through licensing only.
- 6) Revise LAWDUC to allow STRs as a permitted or conditional use in all residential zones where single-family dwellings are permitted. Exclude from farm/forest resource zones consistent with ORS.

Of the six options presented, the Board directed staff to move forward with Option #5. Based upon that direction, staff prepared the initial version of Ordinance 22-01, which was scheduled for a first public hearing on February 9, 2022. The Board removed that item from the agenda without conducting the public hearing and instead scheduled additional discussion on the topic at its February 16, 2022, work session.

At that work session, staff presented the revisions that are proposed in this item that is before the Planning Commission on March 8.

#### **LAND AND WATER DEVELOPMENT AND USE CODE (LAWDUC)**

Clatsop County's zoning district and attendant regulations are contained within the Land and Water Development and Use Code (LAWDUC). Zoning identifies geographic areas where a specific type of use is allowed and establishes the type of procedure used to review and approve an application. Section 1.1040, LAWDUC, states that "a structure may be used or developed...only as this Ordinance [LAWDUC] permits."

In Clatsop County, short-term rentals have been included in the Arch Cape – Rural Community Residential (AC-RCR) zone since 2003 as a Type I permitted use. When Ordinance 18-01 was adopted in January 2018, it did not address zoning issues nor did it revise the Land and Water Development and Use Ordinance, as LAWDUC was titled at that time.

The issue of addressing short-term rentals in the LAWDUC has been raised in two separate

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letters prepared by Daniel Kearns, an attorney with Reeve Kearns. Those letters are included with written comments attached as **Exhibit C**.

County counsel, County land use counsel, staff and the Board agree that short-term rentals must be addressed in the County's zoning code. The Board has directed staff to rectify this omission by revising Article 4, LAWDUC, to allow short-term rental uses as a Type I use in the zones listed at the beginning of this memo. Allowing short-term rentals as a Type I use would be consistent with the approval process that has been utilized in Arch Cape since 2003. A Type I use does not require public notice or a public hearing.

### NEXT STEPS

Following review and a formal recommendation from the Planning Commission, Ordinance 22-01 is tentatively scheduled for a first public hearing at the April 13, 2022, Board of Commissioners meeting. A second and final public hearing is tentatively scheduled for April 27, 2022.

A companion ordinance, Ordinance 22-03, is also being prepared by staff. Ordinance 22-03 would create Chapter 5.24 in the Clatsop County Code, and transfer the Arch Cape short-term rental operating standards to that new code section. No revisions are proposed to the Arch Cape operating standards other than including new code citations and updating application procedures to reflect current processes.

Ordinance 22-03 will also contain proposed revisions to the operating standards for short-term rentals in the remainder of unincorporated Clatsop County. As licensing requirements contained within the Clatsop County Code, implementation of these operating standards are not considered a land use decision. Therefore, Ordinance 22-03 does not require review by the Planning Commission.

Ordinance 22-03 is also tentatively schedule for two public hearings on April 13 and April 27, 2022.

### RECOMMENDATION

There are three courses of action that the Planning Commission may choose to follow:

- 1) Recommend the Board of Commissioners approve the revisions as submitted by staff;
- 2) Recommend the Board of Commissioners approve the revisions, including any recommended amendments from the Planning Commission; **or**
- 3) Recommend the Board of Commissioners deny the revisions

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Staff recommends that the Planning Commission recommend the Board of Commissioners approve revisions to Articles 4 and 5 of the Clatsop County Land and Water Development and Use Code as presented by staff in **Exhibits A and B**.

*Suggested motion: "I recommend that the Planning Commission recommend that the Board of Commissioners approve the revisions to Article 4 and 5 of the Land and Water Development and Use Code as presented by staff."*

**BACKGROUND MATERIALS PROVIDED IN MARCH 8, 2021, AGENDA PACKAGE:**

- **EXHIBIT A:** Article 4 Revisions
- **EXHIBIT B:** Article 5 Revisions
- **EXHIBIT C:** Written Comments (through 4PM, March 1, 2022)

**Supplemental Information:**

- [Written Comments Received after 4PM, March 1, 2022](#)
- [February 16, 2022: Board of Commissioners Work Session Video](#)
- [January 26, 2022: Board of Commissioners Work Session Video](#)
- [January 26, 2022: Board of Commissioners Work Session Agenda Package](#)
- [January 22, 2022: STR Town Hall Meeting #3 Video](#)
- [January 22, 2022: STR Town Hall Meeting #3 Written Comments](#)
- [November 12, 2021: STR Town Hall Meeting #2 Video](#)
- [November 12, 2021: STR Town Hall Meeting #2 Written Comments](#)
- [September 24, 2021: STR Town Hall Meeting #1 Video](#)
- [September 24, 2021: STR Town Hall Meeting #1 Written Comments](#)



# EXHIBIT A

## *Article 4 Revisions*

# ARTICLE 4. ZONE REGULATIONS

## ARTICLE 4. ZONE REGULATIONS

### SECTION 4.0100. ESTABLISHMENT OF ZONES

The classification system used in the Clatsop County Comprehensive Plan was established and mapped as a management tool to implement the policies and intent of the Comprehensive Plan. The classifications are defined in the Land Use Planning Element of the Comprehensive Plan and the Development Patterns section of each of the Community Plans.

With each Plan classification, land use zones are established that are appropriate to carry out the intent and purpose of the Plan classification. The zone and district classification within each of the Comprehensive Plan designations for the County are shown in Table 4.1. The zone boundaries are as shown on the Clatsop County "Comprehensive Plan/Zoning Map" and Columbia River Estuary Resource Maps that in their present form are hereby adopted by reference. Where the abbreviated designation is used in this Ordinance, it has the same meaning as the entire classification title.

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### SECTION 4.0600. ARCH CAPE RURAL COMMUNITY RESIDENTIAL ZONE (AC-RCR)

#### Section 4.0610. Purpose and Intent

The Arch Cape RCR zone is intended to accommodate the immediate and foreseeable demand for low density housing in Clatsop County's rural communities. This zone has been developed with the purpose to: (1) Allow residential development that is compatible with rural communities that wish to maintain a primarily single family rural residential character, (2) do not adversely impact adjacent resource lands, (3) allow for minimum lot sizes and densities, that will provide for an ultimate build out that is more commensurate with actual physical, and (4) environmental constraints, and the availability of community water and sewer facilities, and may provide for non-residential uses that are small in scale, intended for the needs of the local community or for people traveling through the rural community, and are compatible with surrounding uses.

#### Section 4.0620. Development and Use Permitted

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

- 1) One family dwelling.
- 2) Accessory Dwelling Unit (ADU) per section 1.0500.
- 3) Guest House per section 1.0500.
- 4) Accessory buildings per section 1.0500 are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to

# ARTICLE 4. ZONE REGULATIONS

- uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- (B) Accessory buildings in this zone shall be subordinate in size to the primary dwelling.
- 5) Signs only as follows, subject to the provisions of Section 3.0130:  
(A) Temporary signs.  
(B) Nameplates.
- 6) Handicapped housing facility as defined in Section 1.0500.
- 7) Home occupation, Limited.
- 8) Low intensity recreation.
- 9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 10) Health hardship pursuant to Section 3.0180, no public notice required.
- 11) Temporary uses including use of a Recreational Vehicle during construction phase, subject to the provisions of Section 2.8200.
- 12) Short term rental subject to the provisions of Section 5.4910 standards in Chapter 5.24, Clatsop County Code.
- 13) Land transportation facilities as specified in Section 4.0300 with the exception of new public or private road development, See Section 4.0630(12).

\*\*\*

# ARTICLE 4. ZONE REGULATIONS

## SECTION 4.0700. MILES CROSSING, JEFFERS GARDENS AND WESTPORT RURAL COMMUNITY RESIDENTIAL ZONE (RCR)

### Section 4.0710. Purpose and Intent

The Miles Crossing, Jeffers Gardens and Westport RCR zone is intended to accommodate the immediate and foreseeable demand for low density housing in Clatsop County rural communities. This zone has been developed with the purpose to: (1) allow residential development that is compatible with rural communities that wish to maintain a primarily single family rural residential character, (2) do not adversely impact adjacent resource lands, e.g. farm or forest, (3) allow for minimum lot sizes and densities, that will provide for an ultimate build out that is more commensurate with actual physical, and environmental constraints, and the availability of community water and sewer, and (4) may provide for non-residential uses that are small in scale, intended for the needs of the local community or for people traveling through the rural community, and are compatible with surrounding uses.

### Section 4.0720. Development and Use Permitted (RCR)

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards. Combined square footage of commercial uses, including their accessory uses occur in building or buildings that do not exceed the following area standards:

- 1) One family dwelling.
- 2) Accessory Dwelling Unit (ADU) per Section 1.0500.
- 3) Guesthouse per Section 1.0500.
- 4) Accessory buildings per Section 1.0500 are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 5) Signs only as follows:
  - (A) Temporary signs, subject to the provisions of Section 3.0130
  - (B) Nameplates subject to the provisions of Section 3.0130.
- 6) Handicapped housing facility as defined in Section 1.0500.
- 7) Home occupation, Limited.
- 8) Low intensity recreation.
- 9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 10) Farm use.
- 11) Roadside stand for farm products grown on the premises, subject to provisions of Sections 3.9520 and 3.9540.
- 12) Health hardship pursuant to Section 3.0190, no public notice required.
- 13) Temporary uses including use of a Recreational Vehicle during construction phase, subject to the provisions of Section 2.8200.
- 14) Land transportation facilities as specified in Section 4.0300.

# ARTICLE 4. ZONE REGULATIONS

- 15) Short term rental subject to the standards in Chapter 5.12, Clatsop County Code.

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# ARTICLE 4. ZONE REGULATIONS

## SECTION 4.1000. KNAPPA AND SVENSEN RURAL COMMUNITY RESIDENTIAL ZONE (KS-RCR).

### Section 4.1010. Purpose and Intent

The Knappa and Svensen RCR zone is intended to accommodate the immediate and foreseeable demand for low density housing in Clatsop County rural communities. This zone has been developed with the purpose to: (1) allow residential development that is compatible with rural communities that wish to maintain a primarily single family rural residential character, (2) do not adversely impact adjacent resource lands, (3) allow for minimum lot sizes and densities, that will provide for an ultimate build out that is more commensurate with actual physical, and environmental constraints, and the availability of community water and do not exceed the carrying capacity of the property absorb waste, and (4) may provide for non-residential uses that are small in scale, intended for the needs of the local community or for people traveling through the rural community, and are compatible with surrounding uses.

### Section 4.1020. Development and Use Permitted

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

- 1) One family dwelling.
- 2) Accessory Dwelling Unit (ADU) per Section 1.0500.
- 3) Guesthouse per Section 1.0500.
- 4) Accessory buildings per Section 1.0500 are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 5) Signs only as follows:
  - (A) Temporary signs subject to the provisions of Section 3.0130.
  - (B) Nameplates subject to the provisions of Section 3.0130.
- 6) Handicapped housing facility as defined in Section 1.0500.
- 7) Home occupation, Limited.
- 8) Low intensity recreation.
- 9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 10) Farm use.
- 11) Roadside stand for farm products grown on the premises, subject to provisions of Section 3.9520- 3.9540.
- 12) Health hardship pursuant to Section 3.0190, no public notice required.
- 13) Temporary uses including use of a Recreational Vehicle during construction phase, subject to the provisions of Section 2.8200.
- 14) Land transportation facilities as specified in Section 4.0300.
- 15) **Short term rental subject to the standards in Chapter 5.12, Clatsop County Code.**

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# ARTICLE 4. ZONE REGULATIONS

## SECTION 4.1100. RURAL SERVICE AREA-SINGLE FAMILY RESIDENTIAL ZONE (RSA-SFR)

### Section 4.1110. Purpose

The RSA-SFR zone is intended to accommodate the foreseeable demand for single family residential development in areas where public facilities such as sewer, fire protection and water are available or planned in Rural Service Areas (RSA).

### Section 4.1120. Development and Use Permitted (RSA-SFR)

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable standards.

- 1) One family dwelling per lot.
- 2) Guesthouse per Section 1.0500.
- 3) Accessory buildings are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 4) Limited home occupation.
- 5) Utilities in conjunction with a permitted use.
- 6) Low intensity recreation.
- 7) Public or private neighborhood park or playground.
- 8) Signs subject to the provisions of Section 3.0130.
- 9) Temporary uses subject to the provisions of Section 2.8200.
- 10) Handicapped housing facility.
- 11) Land transportation facilities as specified in Section 4.0300.
- 12) **Short term rental subject to the standards in Chapter 5.12, Clatsop County Code.**

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# ARTICLE 4. ZONE REGULATIONS

## SECTION 4.1200 RURAL COMMUNITY MULTI-FAMILY RESIDENTIAL ZONE (RC-MFR)

### Section 4.1210. Purpose

The RC-MFR zone is intended to provide areas suitable for various types of residential development at a rural community density in areas where public facilities such as sewer, fire protection and water are available, or were historically developed with mobile home parks, manufactured home parks and multi-family housing.

### Section 4.1220. Development and Use Permitted (RC-MFR)

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 1) One family dwelling.
- 2) Accessory Dwelling Unit (ADU) per Section 1.0500.
- 3) Guesthouse per Section 1.0500.
- 4) Accessory buildings are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 5) Two family dwelling (duplex).
- 6) Accessory buildings are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 7) Mobile home subject to the provisions in Section 3.4100.
- 8) Limited home occupation.
- 9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 10) Low intensity recreation.
- 11) Public or private neighborhood park or playground.
- 12) Signs only as follows:
  - (A) Temporary signs, subject to provisions of Section 3.0130.
  - (B) Nameplates subject to the provisions of Section 3.0130.
- 13) Temporary uses subject to the provisions of Section 2.8200.
- 14) Cluster developments subject to the provisions of Section 3.3000.
- 15) Handicapped housing facility.
- 16) Communication facilities subject to the standards in Section 3.9400.
- 17) Land transportation facilities as specified in Section 4.0300.
- 18) **Short term rental subject to the standards in Chapter 5.12, Clatsop County Code.**

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# ARTICLE 4. ZONE REGULATIONS

## SECTION 4.1300. RURAL SERVICE AREA - MULTI-FAMILY RESIDENTIAL ZONE (RSA-MFR)

### Section 4.1310. Purpose

The RSA-MFR zone is intended to provide areas suitable for various types of residential development at an urban density in areas where public facilities such as sewer, fire protection and water are available or planned in Rural Service Areas (RSA).

### Section 4.1320. Development and Use Permitted (RSA-MFR)

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 1) One family dwelling or two family dwelling (duplex) per lot.
- 2) Guesthouse per Section 1.0500.
- 3) Accessory buildings are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 4) Mobile home subject to the provisions in Section 3.4100.
- 5) Limited home occupation.
- 6) Minor utilities.
- 7) Low intensity recreation.
- 8) Public or private neighborhood park or playground.
- 9) Signs subject to the provisions of Section 3.0130.
- 10) Temporary uses subject to the provisions of Section 2.8200.
- 11) Handicapped housing facility.
- 12) Communication facilities subject to the standards in Section 3.9400.
- 13) Land transportation facilities as specified in Section 4.0300.
- 14) **Short term rental subject to the standards in Chapter 5.12, Clatsop County Code.**

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# ARTICLE 4. ZONE REGULATIONS

## SECTION 4.1400. RURAL COMMUNITY COMMERCIAL ZONE (RCC)

### Section 4.1410 Purpose and Intent

This zone is located in the Rural Community of Arch Cape, Svensen, Westport, Miles Crossing and Jeffers Gardens. The RCC zone is intended to: (1) provide support for existing small concentrations of retail and commercial services; (2) contribute to community identity; (3) provide job opportunities within the community; (4) allow only those uses that are compatible with the surrounding uses considering varying environmental and other site constraints, and the availability of community water, sewer, or if such services are not available, such uses do not exceed the carrying capacity of the property to provide potable water and absorb waste; and (5) provide services for the community, surrounding rural, farm and forest areas, and traveling public. New commercial uses are those defined under state law as “small-scale, low impact” with building or buildings not to exceed 4,000 square feet of floor area, unless determined that large buildings are intended to serve the rural community, surrounding rural area or the travel needs of the people passing through the area. Expansion of an existing commercial use resulting in building or buildings exceeding 4,000 square feet of floor area are appropriate when the use is intended to serve the rural community, surrounding rural area or the travel needs of people passing through the area.

### Section 4.1420. Development and Use Permitted

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

- 1) Splitting and sale of firewood.
- 2) Roadside stand, which shall be less than 120 sq. ft. in size, subject to provisions in Sections 3.9520-3.9540.
- 3) Low intensity recreation.
- 4) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 5) Handicapped housing facility.
- 6) Land transportation facilities as specified in Section 4.0300.
- 7) **Short term rental subject to the standards in Chapter 5.12, Clatsop County Code.**

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# ARTICLE 4. ZONE REGULATIONS

## SECTION 4.2200. COASTAL BEACH RESIDENTIAL ZONE (CBR)

### Section 4.2210. Purpose

The CBR zone is intended to accommodate the immediate foreseeable demand for low density residential development in the area commonly known as Surf Pines. Surf Pines covers an area of approximately 1-1/2 square miles and is located south of the community of Sunset Beach and west of Neacoxie Lake and Creek. Surf Pines is an area committed to low density rural residential development. This zone is a Goal 14 exceptions area.

### Section 4.2220. Development and Use Permitted

The following uses and their accessory uses are permitted under a permit procedure subject to the applicable development standards.

- 1) One family dwelling.
- 2) Guesthouse per Section 1.0500.
- 3) Accessory buildings are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 1) Limited home occupation.
- 2) Public or private neighborhood park or playground.
- 3) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 4) No sign except for:
  - (A) Temporary signs subject to the provisions of Section 3.0130.
  - (B) Nameplates subject to the provisions of Section 3.0130.
- 5) Handicapped housing facility.
- 6) Cluster development subject to the provisions of Sections 3.3000-3.3050.
- 7) Low intensity recreation.
- 8) Land transportation facilities as specified in Section 4.0300.
- 9) **Short term rental subject to the standards in Chapter 5.12, Clatsop County Code.**

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# ARTICLE 4. ZONE REGULATIONS

## SECTION 4.2300. COASTAL RESIDENTIAL ZONE (CR)

### Section 4.2310. Purpose

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

### Section 4.2320. Development and Use Permitted (CR)

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 1) One family dwelling per lot.
- 2) Guesthouse per Section 1.0500.
- 3) Accessory buildings are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 4) Limited home occupation.
- 5) Low intensity recreation.
- 6) Public or private neighborhood park or playground.
- 7) Cluster development subject to the provisions of Section 3.3000.
- 8) Signs subject to provisions of Clatsop County Section 3.0130.
- 9) Handicapped housing facility.
- 10) Accessory uses as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the primary use on the same lot or parcel to include, but not limited to detached garages, storage buildings, or other non-agricultural farm uses.
- 11) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 12) Land transportation facilities as specified in Section 4.0300.
- 13) **Short term rental subject to the standards in Chapter 5.12, Clatsop County Code.**

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# ARTICLE 4. ZONE REGULATIONS

## SECTION 4.2400. SINGLE FAMILY RESIDENTIAL-1 ZONE (SFR-1)

### Section 4.2410. Purpose

The SFR-1 zone is intended to accommodate the immediate foreseeable demand for low density rural housing in areas where commitments to such uses have already been made through existing subdivisions, partitioning, development and availability of public services (i.e. fire, protection/ community water system). The zone is intended for those areas that have development or will develop having little or no farm uses and houses constructed in a traditional manner, and tracts of land sold on a lot-by-lot basis together with some typical subdivision development. This zone is a Goal 14 exceptions area.

### Section 4.2420. Development and Use Permitted (SFR-1)

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

- 1) One family dwelling.
- 2) Guesthouse per Section 1.0500.
- 3) Accessory buildings are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 4) Limited home occupation.
- 5) Public or private neighborhood park or playground.
- 6) No signs except for:
  - (A) Temporary signs subject to the provisions of Section 3.0130.
  - (B) Name plates subject to the provisions of Section 3.0130.
- 7) Handicapped housing facility.
- 8) Low intensity recreation.
- 9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 10) Land transportation facilities as specified in Section 4.0300.
- 11) **Short term rental subject to the standards in Chapter 5.12, Clatsop County Code.**

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# ARTICLE 4. ZONE REGULATIONS

## SECTION 4.2500. RESIDENTIAL-AGRICULTURE-1 ZONE (RA-1)

### Section 4.2510. Purpose

The RA-1 zone is intended to accommodate the immediate foreseeable demand for low-density rural residential development in areas where commitments to such uses have already been made through existing subdivision, partitioning, development and availability of public services (fire protection, community water system and roads). In areas contiguous with RA-2 or Urban Growth Boundary residential zones or similar city zone designations, the RA-1 zone is intended to be a transitional zoning district between the AF, F-80, and EFU zones and is the same as the RA-2 zone, with the conversion of such lands to higher density residential use occurring in an orderly and economical manner.

### Section 4.2520. Development and Use Permitted (RA-1)

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 1) One family dwelling.
- 2) Guesthouse per Section 1.0500.
- 3) Accessory buildings per are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 4) Limited home occupations.
- 5) Farm use.
- 6) Roadside stand for farm products grown on the premises.
- 7) Forestry.
- 8) Low intensity recreation.
- 9) Public or private neighborhood park or playground.
- 10) Horticultural nursery.
- 11) Temporary uses subject to the provisions of Section 2.8200.
- 12) Handicapped housing facility.
- 13) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 14) Health hardship dwelling subject to the standards in Section 3.0190.
- 15) Communication facilities subject to the standards in Section 3.9400.
- 16) Land transportation facilities as specified in Section 4.0300.
- 17) **Short term rental subject to the standards in Chapter 5.12, Clatsop County Code.**

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# ARTICLE 4. ZONE REGULATIONS

## SECTION 4.2600. RESIDENTIAL-AGRICULTURE-2 ZONE (RA-2)

### Section 4.2610. Purpose.

The RA-2 zone is intended to accommodate the immediate foreseeable demand for very low density rural residential development where commitments to such uses have already been made through existing subdivision, partitioning or development, or in selected, small areas having unique scenic quality and other development that will not require more than a very basic level of services (fire protection or community water). In areas contiguous with the SFR or RA-1 or any Urban Growth Boundary area the RA-2 zone is intended to be a transitional zone between the AF, F-80, EFU zones and said residential zone, with conversion of such lands to higher density residential use occurring in an orderly and economical manner.

### Section 4.2620. Development and Use Permitted (RA-2)

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 1) One family dwelling.
- 2) Guesthouse per Section 1.0500.
- 3) Accessory buildings are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 4) One mobile home per lot subject to standards in Section 3.4100.
- 5) Limited home occupation.
- 6) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 7) Farm use.
- 8) Roadside stand for farm products grown on the premises.
- 9) Forestry.
- 10) Low intensity recreation.
- 11) Public or private neighborhood park or playground.
- 12) Horticultural nursery.
- 13) Temporary uses subject to the provisions of Section 2.8200.
- 14) Handicapped housing facility.
- 15) Health hardship dwelling, subject to the standards in Section 3.0190.
- 16) Communication facilities subject to the standards in Section 3.9400.
- 17) Land transportation facilities as specified in Section 4.0300.
- 18) **Short term rental subject to the standards in Chapter 5.12, Clatsop County Code.**

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# ARTICLE 4. ZONE REGULATIONS

## SECTION 4.2700. RESIDENTIAL-AGRICULTURE-5 ZONE (RA-5)

### Section 4.2710. Purpose.

The RA-5 zone is intended to accommodate the immediate foreseeable demand for very low density rural residential development in designated outlying areas where commitments to such uses have already been made through existing subdivision, partitioning, or development, or in selected small areas having unique scenic, locational and other suitable site qualities. The RA-5 zone is intended to be applied to land where the anticipated magnitude or density of development will not require more than a very basic level of services, such as single local road access, individual domestic wells and sewage disposal systems. The very low density limitation of the RA-5 zone is also based on prevailing lot sizes, limited or undetermined domestic water sources, or limitations of soil conditions for subsurface sewage disposal.

### Section 4.2720. Development and Use Permitted (RA-5)

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 1) One family dwelling per lot.
- 2) Guesthouse per Section 1.0500.
- 3) Accessory buildings are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 4) One mobile home per lot subject to standards in Section 3.4100.
- 5) Limited home occupation.
- 6) Minor utilities.
- 7) Farm use.
- 8) Roadside stand for farm products grown on the premises.
- 9) Forestry.
- 10) Low intensity recreation.
- 11) Public or private neighborhood park or playground.
- 12) Horticultural nursery.
- 13) Two family dwelling (duplex) subject to Section 4.2770, (1)(A).
- 14) Temporary uses subject to the provisions of Section 2.8200.
- 15) Handicapped housing facility.
- 16) Health hardship dwelling, subject to the standards in Section 3.0190.
- 17) Communication facilities subject to the standards in Section 3.9400.
- 18) Land transportation facilities as specified in Section 4.0300.
- 19) **Short term rental subject to the standards in Chapter 5.12, Clatsop County Code.**

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# ARTICLE 4. ZONE REGULATIONS

## SECTION 4.2800. RESIDENTIAL-AGRICULTURE-10 ZONE (RA-10)

### Section 4.2810. Purpose

The RA-10 zone is intended to accommodate the immediate foreseeable demand for very low density rural residential development in outlying areas where commitments to such uses have already been made through existing subdivision, partitioning, development, or in selected small areas having unique scenic, locational and other suitable site qualities. The RA-10 zone is intended to be applied to land where the anticipated magnitude or density of development will not require more than a very basic level of services, such as single local road access, individual domestic wells and sewage disposal systems. The low density limitation of the RA-10 zone is also based on prevailing lot sizes, limited or undetermined domestic water sources, or limitations of soil conditions for subsurface sewage disposal.

### Section 4.2820. Development and Use Permitted

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 1) One family dwelling per lot.
- 2) Guesthouse per Section 1.0500.
- 3) Accessory buildings per Section 1.0500 are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
- 4) One mobile home per lot subject to standards in Section 3.4100.
- 5) Limited home occupation.
- 6) Minor utilities.
- 7) Farm use.
- 8) Roadside stand for farm products grown on the premises.
- 9) Forestry.
- 10) Low intensity recreation.
- 11) Public or private neighborhood park or playground.
- 12) Horticultural nursery.
- 13) Two family dwelling (duplex) per Section 4.2770(1)(A).
- 14) Temporary uses per Section 2.8200.
- 15) Handicapped housing facility.
- 16) Health hardship dwelling, subject to the standards in Section 3.0190.
- 17) Communication facilities subject to the standards in Section 3.9400.
- 18) Land transportation facilities as specified in Section 4.0300.
- 19) **Short term rental subject to the standards in Chapter 5.12, Clatsop County Code.**

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# ARTICLE 4. ZONE REGULATIONS

## SECTION 4.2900. NEIGHBORHOOD COMMERCIAL ZONE (NC)

### Section 4.2910. Purpose

In addition to the purposes listed in the policies of the Comprehensive Plan, the purpose of the Neighborhood Commercial zone (NC) is to provide for small concentrations of retail and commercial service surrounding rural areas; to stabilize existing commercial districts; to contribute to community identify and to protect adjacent residences and resources from adverse hazards, noise, glare, traffic congestion and other effects. New commercial uses are those defined under state law as “small-scale, low impact” with building or buildings not to exceed 3,000 square feet of floor area, unless determined through review that large buildings are intended to serve the surrounding rural area or the travel needs of the people passing through the area. Expansion of an existing commercial use resulting in building or buildings exceeding 3,000 square feet of floor area are appropriate when the use is intended to serve the surrounding rural area or the travel needs of people passing through the area.

### Section 4.2920. Development and Use Permitted

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 1) Handicapped housing facility.
- 2) Bed & breakfast establishment subject to the standards in Section 3.8030-3.8050.
- 3) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 4) Land transportation facilities as specified in Section 4.0300.
- 5) **Short term rental subject to the standards in Chapter 5.12, Clatsop County Code.**

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# ARTICLE 4. ZONE REGULATIONS

## SECTION 4.3000. GENERAL COMMERCIAL ZONE (GC)

### Section 4.3010. Purpose and Intent

The purpose of the GC zone is to provide for commercial developments which require large land area including outdoor merchandise display and storage and for wholesale and heavier commercial developments not suitable for location in other commercial zones; and to reserve land along major thoroughfares for developments which require high traffic volumes and prominent visible locations. New commercial uses are those defined under state law as “small- scale, low impact” with building or buildings not to exceed 3,000 square feet of floor area, unless determined through review that large buildings are intended to serve the surrounding rural area or the travel needs of the people passing through the area. Expansion of an existing commercial use resulting in building or buildings exceeding 3,000 square feet of floor area are appropriate when the use is intended to serve the surrounding rural area, or the travel needs of people passing through the area.

### Section 4.3020. Application

The GC zone is to be applied on major roads adjacent to or within rural communities.

### Section 4.3030. Development and Use Permitted

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 1) Bed & breakfast establishment subject to the standards in Sections 3.8030-3.8050.
- 2) Splitting and sale of firewood.
- 3) Public or private neighborhood park or playground.
- 4) Golf driving range.
- 5) Low intensity recreation.
- 6) Boat ramps subject to Sections 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
- 7) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 8) Land transportation facilities as specified in Section 4.0300.
- 9) Short term rental subject to the standards in Chapter 5.12, Clatsop County Code.

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# ARTICLE 4. ZONE REGULATIONS

## SECTION 4.3100. TOURIST COMMERCIAL ZONE (TC)

### Section 4.3110. Purpose

The Tourist Commercial (TC) zone is intended to provide for accommodations and facilities serving tourists, the motoring public and other travelers; to provide basic services for permanent and seasonal residents; and to concentrate commercial development in appropriate areas so as to maintain the efficiency of major roads. New commercial uses are those defined under state law as “small-scale, low impact” with building or buildings not to exceed 3,000 square feet of floor area, unless determined through review that large buildings are intended to serve the surrounding rural area or the travel needs of the people passing through the area. Expansion of an existing commercial use resulting in building or buildings exceeding 3,000 square feet of floor area are appropriate when the use is intended to serve the surrounding rural area or the travel needs of people passing through the area.

### Section 4.3120. Application

The TC zone is to be applied at central intervals on major roads in areas with high recreation or tourist uses; adjacent to or within communities; and in similar areas with intensive tourist use.

### Section 4.3130. Development and Use Permitted

The following developments and their accessory developments are permitted under a Type I procedure subject to applicable development standards.

- 1) Residential developments in association with a development that is permitted or conditional such as a dwelling for the owner or operator of a commercial development.
- 2) Handicapped housing facility.
- 3) Bed & breakfast establishment subject to the standards in Sections 3.8030-3.8050.
- 4) Public or private neighborhood park or playground.
- 5) Golf driving range.
- 6) Low intensity recreation.
- 7) Boat ramps subject to Section 5.4100-5.4170 for areas identified as Coastal Shorelands in the Comprehensive Plan.
- 8) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 9) Land transportation facilities as specified in Section 4.0300.
- 10) **Short term rental subject to the standards in Chapter 5.12, Clatsop County Code.**

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# EXHIBIT B

## *Article 5 Revisions*

# ARTICLE 5. SPECIAL DISTRICTS

## ARTICLE 5. SPECIAL PURPOSE DISTRICTS

### SECTION 5.0000. SPECIAL PURPOSE DISTRICTS

A special purpose district is an overlay district which may be combined with any portion of any zone as appropriate to the purpose of the district. The regulations of a special purpose district may add to or modify the requirements of the underlying zone and the regulations of the special purpose district and the zone shall all apply. Where the requirements of a special purpose overlay district and the underlying base zone conflict, the regulations that are more restrictive shall control. The boundaries of special purpose districts are shown on the Clatsop County Land and Water Development Map and Columbia River Estuary Resource Base Maps. These maps are hereby adopted by this reference as a part of this Ordinance.

Each special purpose district and the abbreviated designation suffix are listed in Table 5.1.

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### SECTION 5.4900. ARCH CAPE RURAL COMMUNITY OVERLAY DISTRICT (RCO) SECTION 5.4910. ARCH CAPE SHORT TERM (VACATION) RENTALS

This section regulates the short term rental of dwelling units within the Arch Cape Rural Community Overlay District.

#### Section 5.4920. Purpose

The purpose of this section is to regulate short term rentals to enhance livability and safety in the Arch Cape residential neighborhoods. Rentals of a short-term dwelling unit shall be limited to either a minimum period of seven (7) nights or, if for fewer than seven (7) nights, then to no more than one rental within a seven (7) night period. Use of a short term rental by a record owner of a property shall not be considered to be a rental under this section.

#### Section 5.4930. Permit Required

An owner shall obtain a revocable short term rental permit whenever a dwelling unit (as defined in Section 1.0500) is to be used for short term rental purposes and shall comply with the requirements of the County's transient room tax ordinance (No. 90-7).

- 1) A short term rental permit shall be obtained prior to using the unit as a short term rental.
- 2) Short term rental permits are issued & renewed annually by July 1st of the given year.
- 3) Short term rental permits are non-transferable, new owners will be required to attain new permits or register in accordance with 5.4930(2) above.

# ARTICLE 5. SPECIAL DISTRICTS

- 4) ~~The short-term rental permit does not relieve the owner of the obligation to pay county room taxes.~~
- 5) ~~If the terms of the short-term rental permit are not met, the short-term rental permit may be revoked and the owner subject to penalties per Section 5.4970.~~

## **Section 5.4940. Short-Term Rental Permit Application Requirements**

~~An application for a short-term rental permit shall be completed on the form provided by the County and shall provide the following information:~~

- 1) ~~A list of all the property owners of the short-term rental including names, addresses and telephone numbers. Property ownership, for the purposes of this section, shall consist of those individuals who are listed on the Clatsop County Assessor's tax records.~~
- 2) ~~The applicant shall provide proof of payment for county room taxes annually pursuant to County Code Chapter 39.~~
- 3) ~~Completion of the inspection section of the application form by an Oregon Certified Home Inspector as defined by ORS 701.005(4), based on a visual inspection to certify the following:~~
  - (A) ~~Compliance with the following standards:~~
    1. ~~There shall be one functioning smoke detector in each sleeping room, with a minimum of two functioning smoke detectors in each dwelling unit. There shall also be one Functioning fire extinguisher at each exit;~~
    2. ~~Exterior doors shall be operational. All passageways to exterior doors shall be clear and unobstructed.~~
    3. ~~Electrical systems shall be serviceable with no visible defects or unsafe conditions.~~
    4. ~~All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed.~~
    5. ~~Each sleeping room shall have an exterior exit that opens directly to the outside, or an emergency escape or rescue window.~~
  - (B) ~~The number of sleeping rooms within the short-term rental, as defined in Section 5.4950(4).~~
  - (C) ~~The number of parking spaces on the subject property that meet the standards of Section 5.4950(5).~~
  - (D) ~~Inspection certifications shall be valid for a period of five (5) years and shall expire June 30th of the 5th year. Additionally, Inspection certificates shall be required whenever modifications requiring a building permit are made to the dwelling unit(s).~~
- 4) ~~A site plan, drawn to scale, showing the location of buildings and required parking.~~
- 5) ~~The name, address and telephone number of a contact person, who shall be~~

# ARTICLE 5. SPECIAL DISTRICTS

responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards.

- 6) The contact person may be the owner or the designated agent who shall serve as a contact person.
- 7) Statement that the applicant has met and will continue to comply with the standards in this section.
- 8) Other information as requested by the County.

## **Section 5.4950. Short Term Rental Standards**

All short-term rentals shall meet the following standards:

- 1) A Short-Term Rental dwelling unit shall be limited to either a minimum period of seven (7) nights or, if for fewer than seven (7) nights, then to no more than one rental within a seven (7) night period.
- 2) One rental (as defined in Section 1.0500) per lot or parcel, excluding a caretaker residing in the Residence or ADU. A Guesthouse is **not** considered a dwelling unit and shall not be rented separately.
- 3) All applicable County room taxes shall be paid pursuant to County Code Chapter 39.
- 4) The maximum occupancy for each short term rental unit shall be calculated on the basis of two (2) persons per sleeping room plus an additional four (4) persons, up to a maximum of fourteen (14) persons. For this purpose, a sleeping room is defined as fully enclosed habitable space with a heat source, and an emergency escape or rescue opening.
- 5) Off-street parking shall be used if physically available and comply with Section 3.0050 Section 3.0100 applicable to single family or two family dwellings. On-street parking shall be used only when off-street parking spaces are not physically available. Parking is "physically available" when a garage or driveway can be emptied or materials removed so as to allow for the parking. The owner shall notify every renter in writing of these requirements and shall advise the renter where the off-street parking spaces to serve the unit are located. If on-street parking must be used, the renter shall use the parking along the frontage of the rental unit.
- 6) A house number visible from the street shall be maintained.
- 7) Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or littering and placed where they are not clearly visible from the street except between 5 am on the day prior to pickup and 5 pm on the day of pickup.

## **Section 5.4960. Conformity Required; Display of Permits**

- 1) The issuance of the short-term rental permit shall be subject to the continued compliance with the requirements of this section.



# ARTICLE 5. SPECIAL DISTRICTS

- 2) ~~The current short-term rental permit shall be permanently and prominently displayed inside and near the front entrance of the short-term rental and provided to adjacent property owners within 100 feet of the property, and shall list the following:~~
  - ~~(A) The name, address and phone number of the owner and designated agent;~~
  - ~~(B) The maximum occupancy and vehicle limits for the short-term rental unit;~~
  - ~~(C) Identification of the number and location of parking spaces available;~~
  - ~~(D) A statement regarding how the parking standards under Section 5.4950(4) are to be met;~~
  - ~~(E) A statement that it is illegal to leave litter on the beach (OAR 736-021-0090(4));~~
  - ~~(F) A statement that all fires on the beach must be extinguished before leaving the site of the fire (OAR 736-021-0120(4));~~
  - ~~(G) A statement that the short-term rental permit may be revoked for violations;~~
  - ~~(H) A statement regarding how the garbage removal standards under Section 5.4950(6) are to be met; and~~
  - ~~(I) Such other information as may be required by the County.~~
- 3) ~~The owners are responsible to ensure that current and accurate information is provided to the County.~~

## **Section 5.4970. Compliance, Hearings and Penalties**

~~Owners of Short-Term Rental Units shall obey all applicable ordinances and regulations of the County and shall be subject to the enforcement and penalty proceedings contained in the applicable County Ordinances. Any property owner who operates a Short-Term Rental in violation of this section may be subject to the abatement and penalty provisions of ORS 203.065, 203.810, and ordinances adopted under the Clatsop County Charter. The enforcement provisions of Clatsop County Code Compliance Ordinance, Section 38 of the Clatsop County Code shall also apply, except where modified by this section. The following process shall be followed in the event of a complaint alleging a violation of this section or a permit issued under this section:~~

- 1) ~~The complaining party shall first attempt to contact the contact person designated on the permit and the notice posted on the Short-Term Rental, describe the problem and indicate the desired remedy.~~
- 2) ~~The contact person shall promptly respond to the complaint and remedy any situation that is out of compliance with this section or permit.~~
- 3) ~~If the response is not satisfactory to the complaining party, the complaining party may lodge a complaint with the County by submitting a written complaint including the time, date and nature of the alleged violation. The property owner shall allow the County to inspect any records related to the short-term rental dwelling unit upon request of the County.~~

# ARTICLE 5. SPECIAL DISTRICTS

- 4) ~~The County may initiate enforcement under Section 38 of the Clatsop County Code.~~
- 5) ~~In addition to any other remedy allow under Section 38 of the Clatsop County Code, the hearings body may do any of the following:~~
  - ~~(A) Take no action on the request for the revocation of the short-term rental permit;~~
  - ~~(B) Attach conditions to the existing short-term rental permit;~~
  - ~~(C) Require a new home inspection under Section 5.4940(3);~~
  - ~~(D) Suspend the short-term rental permit;~~
  - ~~(E) Revoke the short-term rental permit; and/or~~
  - ~~(F) Prohibit an owner from obtaining a short-term rental permit for a period of up to five (5) years.~~
- 6) ~~Should a permit be revoked, the owner may not obtain any short-term rental permit sooner than one year after the date of revocation.~~
- 7) ~~Any property owner found in violation of the provisions of this ordinance shall be required to reimburse the County for its costs of enforcement including reimbursement of staff time, investigation costs, mailings, service fees, mileage and other costs related to the investigation and prosecution of the violation in question.~~

# EXHIBIT C

*Written Comments Received Prior to 4PM*

*March 1, 2022*

## Gail Henrikson

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**From:** beth radich <bradich@gmail.com>  
**Sent:** Tuesday, March 1, 2022 11:39 AM  
**To:** Gail Henrikson; Clatsop Development  
**Subject:** Resident Input for the March 8 Planning Commission Meeting

**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.

Hello - please include this input for the upcoming Planning Commissioner meeting - thank you!

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Hello Planning Commissioners and thank you for your work,

My name is Beth Radich and my family lives in the Falcon Cove Beach residential neighborhood, a Coastal Residential Zone.

We chose to move to this residential neighborhood because of its unique natural character and complete absence of commercial activity. We quickly learned what it takes to keep a neighborhood like this thriving--and it is the amazing neighbors. We fully committed to the things that make our community liveable--our watershed, our local school, and our neighborhood which includes sensitive areas such as Oswald West Park and the newly created Rainforest Reserve linking to the Cape Falcon Marine Reserve.

Over the past few years, despite starting conversations with Clatsop County with the goal of ensuring the Zoning would be enforced and to stem the rapid degradation of livability brought about by what has become an explosion of commercial highly transactional STRs, these businesses now take up about **30%** of the housing supply in our community and are radically impacting livability and housing costs. There are plenty of areas where zoning allows and resources support STRs--Coastal Residential Zones are not such an area.

It does not serve residents and voters, and is totally counterproductive then that the County now proposes to alter the Coastal Residential Zone to only support non-resident, out of area absentee business owners, against all consistent and united input from residents. This area was intentionally and comprehensively Zoned Residential, and its housing supply needs to be available for residents and neighbors--teachers, nurses, firefighters, volunteers, tile setters, retirees, etc. We hear weekly if not daily of valuable and talented and skilled locals and their families who can't find housing, and it breaks our heart to see every house that sells convert into an STR, with out of area corporations and businesses outbidding locals who just need a place to live!

I was pleased to be included in the Planning Committee Meeting last year discussing the Housing Crisis and possible solutions, thank you. I have read the Study commissioned by the County and have seen firsthand that the conclusion is correct--Short Term Rentals do indeed exacerbate the housing crisis. The Good News there is 'low hanging fruit'--a free place to begin to address the issues.

The residents of this Coastal Residential Zone have been consistent and united--we do not want our Coastal Residential Zone altered to allow commercial businesses. The most effective and efficient way to help the housing crisis is to begin with the housing we already have and ensure that housing is not being used for commercial transient rentals in residential neighborhoods. And the most cost-effective and efficient way to manage all of the violations arising from commercial businesses operating in residential neighborhoods is to uphold and enforce the existing Zoning, which was

developed in a comprehensive, thoughtful and costly way. Throwing out that work, simply to make a few bucks and only benefit absentee business owners while harming local housing needs and neighbors is not what is healthy for our community or our tax dollars.

Please support families and residents, who support our Community. Please uphold the tenets of the Coastal Residential Zoning, in doing so you will help families, residential communities, jobs, our fragile environments, and save tax dollars.

Thank you,  
Beth Radich  
Coastal Residential Zone resident

Nadia Gardner, Chair

26 February 2022

John Orr

Lam Quang

Cary Johnson

Christopher Farrar

Clatsop County

800 Exchange Street

Suite 410

Astoria, OR 97103

Dear Planning Commissioners Gardner, Orr, Quang, Johnson and Farrar,

Regarding the recommendations from the County regarding changes to the Clatsop County Ordinance (s) for Short Term Rentals (STRs) that are on your Agenda for discussion on 8 March 2022, we would like to note that while we support a number of the proposed restrictions on STRs that represent "Best Practices" that have been successfully implemented in a number of other jurisdictions in Clatsop County as well as in other Communities in Oregon and around the Country, we, the community of Cove Beach and the North Coast Neighbors for Neighborhood grass roots organization, would request that the Clatsop County Planning Commission reject any changes to the Clatsop County Code that would allow STRs in the Coastal Residential (CR) Zone. This request is based on the following FACTS:

1 As detailed in the two attached letters from Dan Kearns (a well-known and well respected land use attorney) dated 12/28/20 and 10/25/21 (which was a collaboration that included a detailed legal analysis by another well-known land use attorney Wendy Kellington (Kellington Law Group)), it is quite clear that the County violated its own Ordinances when it started issuing STR Permits to property owners in the CR Zone back in 2018 (after enactment of Ordinance 18-01). While the County never responded to the two letters from Dan Kearns, the County has, nevertheless, acknowledged that issuance of STR Permits to Property owners in the CR Zone was not legal by their current proposals to change the Code to now allow STRs and was also acknowledged by at least one Commissioner at the 2/16/22 Board of Commissioners Workshop.

2. It is also quite clear that the residents and most property owners in Cove Beach are opposed to STRs in Cove Beach and that they relied on the provisions of the CR Ordinance when they purchased or built their homes in Cove Beach that STRs and other types of commercial businesses not specifically stated in the CR Zone Ordinance would not be allowed in Cove Beach. Please see attached letter to the Board of Commissioners dated 1/25/2021 protesting the STR permits issued in our Community signed by 75 Residents and Property Owners in our Community (with an additional 10 Property owners who have also agreed to this letter subsequent to 1/25/21).

It is clear that a majority of the Citizens of Clatsop County who live in Cove Beach want the County to honor the established law and the CR Zoning Ordinance as it has been for the past 50 or more years.

3. The presence of STRs in Cove Beach is not only harming the current residents and property owners (as evidenced by numerous letters sent to the Board of Commissioners over the past year that are part of the existing record) but these STRs are also decreasing the availability of Affordable Housing which is a key problem in Clatsop County as acknowledged by the Board of Commissioners. Over the past two years, our community has seen 3 homes converted from Affordable, long-term rental units to Short Term Rentals.

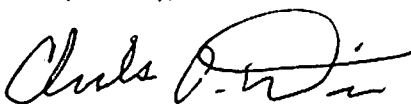
4. Our concerns and objections to STRs in our Community are in response to a situation forced on us by the County. Our Community was quite happy and peaceful for many years with the provisions of the CR Zoning Ordinance. It was only when the COUNTY started illegally issuing STR Permits in Cove Beach that we started our protests – first by calling this mistake to the County’s attention (and we were ignored) then by attempting to have meaningful two-way conversations with the County Commissioners (which they refused to do in contravention of the requirements of Goal 1 which clearly requires: “Effective two-way communication with the public”) and eventually by taking action to bring this issue to the attention of the Board of Commissioners and to the Public by Public Testimony and many, many letters to the Board (over 25 emails/letters). Our Community is NOT asking for nor seeking any “special” attention or measures from the County – we simply want the County to follow the Law and to uphold the “promises” embodied in the CR Zone Ordinance as it existed when we all built or purchased our homes in this small RESIDENTIAL Community.

5. Numerous other jurisdictions in Clatsop County and across Oregon have successfully implemented local Ordinances that prohibit STRs in Residential Zones including: Astoria, Warrenton, Gearhart, Lincoln County, Depoe Bay, Newport, Bandon, so it is clear that it is legal and appropriate to prohibit STRs in certain Residential Zones. This also underscores how many elected officials have listened to their constituents and have recognized the harm that STRs cause in Residential Neighborhoods as well as the detrimental impact of STRs on Affordable Housing.

6. Several County Commissioners have alluded to fears of a “takings” claim from the STR Owners should the County not obey their command to change the County Code to allow STRs in the CR Zone. We have provided to the County a legal letter from a well-known and well-respected Land Use Attorney (Dan Kearns) that addresses this exact issue in professional legal terms and that demonstrates that there is no merit in this fear and no valid legal grounds for such a claim (see attached Letter from Dan Kearns dated 7/14/2021)

Our Community is shocked and dismayed that the County is attempting to not only ignore their mistake in issuing STR permits to property owners in Cove Beach since 2018 but that the County is now attempting to change the Land Use Code to suddenly make it permissible with no valid or logical reason to do so. Making such a change benefits ONLY one group – the property owners of STRs, ALL of whom live outside of Clatsop County. Making such a change HARMS the residents and citizens of the County who live in Cove Beach. What could possibly be the motivation and rationale for such a change?? Why would our elected Representatives be more concerned about what business investors who live outside the County (and many of them live outside the State) want than what their own citizens want?? This seems to be illogical, unethical, immoral, and great example of bad governance and of dismissing the “will of the people” in favor of the financial interests of a special interest group.

Respectfully,



Charles A. Dice  
cadice@hotmail.com

Member of North Coast Neighbors for Neighborhood  
NeighborsforNeighborhood@gmail.com

# Reeve Kearns PC

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December 28, 2020

Clatsop County Planning Department  
Gail Henrikson, Director  
800 Exchange Street  
Astoria, OR 97103

**SENT VIA E-MAIL**

**Re: Revisions to Clatsop County Short-term Rental Regulations**

Dear Ms. Henrikson:

I have been retained by a group of residents in the Cove Beach area of Clatsop County to advise them and communicate with Clatsop County officials on workable and effective tools for regulating short-term rentals (STRs). By way of background, I have served as a city attorney in Oregon and Washington for many cities that have faced the same STR issues as Clatsop County does. I have also represented rental groups and neighborhood groups in different jurisdictions working through new STR regulatory programs. Thus, I see STR programs from all angles and continue to address them through enforcement as the Hood River city attorney.

Luckily for Clatsop County, it is not the first jurisdiction to grapple with this problem, and the County has many regulatory tools already in place. Before you embark on new or more regulations, it is important to characterize the problem(s) you want to address. In this case, STRs, when unregulated, create the following problems:

- Lack of affordable housing for County workers and residents. Especially coastal communities suffer from a significant shortage of affordable housing options, especially for hourly workers in seasonal tourist or resort communities. Even people with good paying jobs in healthcare, government, marine science and education are unable to find a home or are priced out of the market because of the prevalence of STRs. These people either don't accept such jobs in the County or are forced to commute. By definition, a dwelling operated as an STR is not affordable and generally is not available as a year-round home.
- Nuisance impacts on existing neighborhoods are severe because the STR owners and/or managers fail to limit guests, regulate their behavior, or properly control the number of people, where, when, or how often STRs are rented. The nuisance impacts of uncontrolled STRs has a devastating effect on residential neighborhoods especially when they proliferate without limit and end up dominating established neighborhoods and



communities. Excessive and unresponsive STRs also present a public health hazard in the spread of Coronavirus and through failing septic systems, which is more of a County problem than a city problem.

While Clatsop County has in place a basic framework for regulating STRs, those regulations are largely ineffective; enforcement does not work, and there is nothing in the regulations that curb, limit or reduce the ever expanding number of STRs in the County's residential communities. In Cove Beach, for example, approximately 30% of the homes are operated as STRs, which is far beyond a healthy or normal proportion. National consultants report that 0.5% to 1.5% of housing stock as STRs is workable and does not destroy residential neighborhoods. What follows are few regulatory tools that work, and which the County should consider:

1. Adopt a moratorium on new STR licenses. First, you should adopt a moratorium on accepting, processing or approving new STR licenses, similar to what Lincoln County OR has done, as well as Pacific County WA. As more and more people register their homes as STRs, the problem becomes that much worse and the ultimate goal of reducing the number of STRs that much more difficult to attain. A moratorium on new licenses has helped stem the spread of COVID-19 in Lincoln County and elsewhere and would help preserve established neighborhoods in Clatsop County while you consider regulatory options. A moratorium is a good idea, and the County should adopt one if it is serious about making any code changes to address this growing problem.

2. Use the Zoning tools that you already have in place. Clatsop County's LWDUO already address STRs, treats them differently than conventional bed and breakfast uses, and allows STRs in some zones and not others. For example, STRs are specifically listed as uses allowed in the Arch Cape Rural Community Zone (LWDUO 4.109), but are not listed as allowed at all in the Coastal Residential Zone (CR – LWDUO 3.140). A long-standing tenant of zoning code interpretation is that, where a use is specifically listed as allowed in one zone, but omitted from the list of uses in another zone, it is presumed to not be allowed in the other zone. This principal is reflected in Clatsop County's chapters related to Uses Permitted with Review in LWDUO 5.040, which provides that only if a use is listed in the zone as being allowed can it proceed under one of the permit procedures in the LWDUO. If a use is not listed, then some other procedure must be used, such as Development and Uses of the Same Type under LWDUO 5.060. Because STRs are not listed as uses allowed anywhere in the CR Zone, it is either presumptively not allowed, or can only be allowed through a Type III process under LWDUO 5.060:

“An unlisted development and use shall be approved for the zone determined by the Planning Commission through separate action under the appropriate procedures specified in Sections 2.015-2.030.” LWUDO 5.062 (Authorization of the Development and Use)

Instead, Clatsop County seems to have tacitly allowed STRs to become established at a high concentration of ~30% in the Cove Beach area, which is Zoned CR, without any land use review. Because STRs are not listed as being allowed in the CR Zone, they are presumptively

not allowed. At a minimum, they could only be permitted by the Planning Commission under LWDUO 5.062 through a Type III process. STRs are a listed use allowed in the AC-RCR Zone as a Development and Use Permitted. LWDUO 3.064(12). STRs are thus allowed in Arch Cape, subject to the special use standards in LWDUO 4.109. However, by its express terms, the STR standards in LWDUO 4.109 apply only to STRs in the Arch Cape Rural Community Overlay Zone, and nowhere else. Given the County's comprehensive regulatory approach to STRs in the AC-RCR Zone and no other references in the LWUDO to suggest that STRs are allowed in any other zone leads back to the inescapable conclusion that STRs are prohibited in all zones except the AC-RCR Zone, and then only when they comply with the special standards in LWDUO 4.109.

The conclusion that STRs, in fact, are severely restricted and regulated under the LWDUO is also obvious when one reviews how Clatsop County regulates conventional bed and breakfast operations, which are functionally identical to STRs, yet have their own set of special regulations in Standards Document Sections 3.464 to 3.468. Bed and breakfast are conditionally allowed in the AC-RCR Zone by LWDUO 3.066(10) and are conditionally allowed in the CR Zone by LWDUO 3.146(2). The purpose section of the County's bed and breakfast standards would and should apply equally to STRs:

"The following standards shall apply to all bed & breakfast establishments in order to preserve the character of the neighborhood or area in which it is to be located. Bed and breakfast establishments shall be allowed in the zones as permitted by this section and as defined by ORS 215.448 (Home Occupations). The regulations have been established to provide an alternative form of lodging for visitors who prefer a residential setting." S3.464.

This purpose statement and the County's objective to protect neighborhood character and livability demonstrates the County's understanding of the detrimental effect that such lodging operations can have on residential neighborhoods. This damaging threat applies equally to the detrimental effect that STRs have on residential neighborhoods as LWDUO 4.110 expressly acknowledges:

"The purpose of this section is to regulate short-term rentals to enhance livability and safety in the Arch Cape residential neighborhoods. Rentals of a short-term dwelling unit shall be limited ..." LWDUO 4.110

The only conclusion to be drawn from this collection of LWDUO and Special Standard provisions is that, because of their potential for damaging and destabilizing effects on residential neighborhood character, STRs are not allowed in any zone where they are not specifically listed, which is limited to AC-RCR Zone. STRs are not listed, and are therefore not allowed, in the County's CR Zone. Given this body of code provisions showing how the Board of County Commissioners wants to regulate STRs and bed and breakfast operations and to protect established residential neighborhoods, there is no support for the tacit assumption that STRs are allowed outright without regulation everywhere else.

2. **Licensing Program.** In addition to already-existing zoning regulations, the most important regulatory tool for controlling the proliferation and nuisance effects of STRs is a well-operated licensing program, which Clatsop County already has. The objective should be to discover all STR operators in the County and force them into the program. Once in the program, the regulatory program should function as intended. There are multiple service providers that can comb the internet on a regular basis and detect all operating STRs in the County. These services are quite efficient and cost effective and, again, licensing and renewal fees should be set high enough to pay for this cost of running the program.

The first step to an effective program, however, is to have every operating STR enrolled, licensed, and paying taxes. STRs that operate without a valid license should be subject to an extremely high and prohibitive fine in the range of \$5,000. A relatively frequent license renewal (annual or once every 2 years) is advisable because it maintains a closer and more frequent relationship between the STR operator and the County. This also makes the ultimate possibility of license revocation a more potent threat that helps bring about and maintain compliance with the County's operational regulations.

For this, license fees and annual renewal fees must be high enough to fund an effective compliance monitoring and enforcement program. STR regulation and enforcement should be self-sustaining and not drain the County's general fund. A well-run licensing program also provides a reliable revenue stream to operate the program through license fees and Transient Lodging (hotel) Taxes under ORS 320.345 to 320.365. The County should amend Chapter 5.12 to provide for these measures, but the program's real failing is the lack of any effective or responsive enforcement program.

3. **Enforcement.** Enforcement is important, but please do not believe claims by the industry that existing regulations are sufficient and all the county needs to do is ramp-up enforcement. As explained below, regulations in Chapter 5.12 need to be tightened. Enforcement is expensive and, in all enforcement actions, the County has the burden of proof. Because of the mechanical difficulties in having the Sheriff's Office bring an enforcement action in Circuit Court, the penalties must be severe. Otherwise, a fine of a few hundred dollars is a relatively modest cost of doing business. In the long run, an effective regulatory program, a comprehensive licensing program, with an efficient and effective enforcement program should obviate the need for much active enforcement. If prosecution is relatively swift and certain, with a possible maximum penalty of losing one's STR operating license and an extremely high penalty for operating without a license, the County should not see that many enforcement actions in the long run.

The County's current STR enforcement program, however, does not work well and there is little consequence if one is prosecuted under it. Fines become an acceptable cost of doing business because of the significant income generated from a well operated full-time STR that is marketed and booked through an internet based platform. First, enforcement should not be done by the Sheriff's Office. Code enforcement deputies generally work only during weekday business hours; whereas, STR violations occur on weekends and after hours. The Sheriff's Office takes the view that, unless the Deputy personally observes the violation, no citation will

issue. As such, there have been precious few citations issued under Clatsop County's program. That alone is a strong indication of how dysfunctional the County's STR program is.

Instead, STR enforcement should be a civil infraction matter, not criminal; therefore, a better approach would be to have an administrative person from the planning department be responsible for licensing, monitoring and enforcement, not the Sheriff's Office. Again, the licensing and annual renewal fees should be sufficient to fund a civil enforcement position. Depending upon the total number of STRs, licensing, monitoring and all related enforcement activities should be a full time employee position. Violations should be civil infractions, which obviates the need for a sworn law enforcement officer to respond to STR complaints or be responsible for STR enforcement.

The County should accept and process complaints from neighbors, based on civilian affidavits as the basis for a STR citation so long as there is sufficient credible evidence to support the complaint. In reality, very few STR violations should proceed to trial, and most should be resolved short of trial. Nonetheless, the County must be prepared to proceed to trial on at least a few cases where the respondent refuses to cooperate or cease the violations. Once a new regulatory program is fully operational, the need for enforcement actions should subside to much lower levels as the STR community comes into compliance and none will want to risk the ultimate penalty losing the STR operating license.

Violations, especially repeat violations, should lead to a quick and certain civil enforcement process and eventual loss of license if they continue. The current system rewards violators because enforcement is very spotty, time-consuming, and if convicted, fines are regarded as a reasonable cost of doing business. Monetary fines should be assessable against management companies as well as the owner/operator of the house, with the understanding that repeat violations will result in loss of the STR license.

As it is currently configured, Clatsop County's enforcement rests largely on neighborhood residents enforcing the STR regulations on offending STR renters by confronting them at the time the offense occurs, *i.e.*, at all hours of the day and night. Residents are the only people in a position to detect infractions because it is impossible to get a Sheriff's Deputy to respond unless there is a threat of violence with a weapon. Most of the full-time residents in Clatsop County's coastal communities, including Cove Beach, are seniors, which means the only available enforcement mechanism requires elderly residents to confront a group of 8 to 14 renters, often in the middle of the night, about their bad behavior. This is unconscionable, and the County must adopt an enforcement program for STRs that is properly structured and actually works for these types of civil infractions.

4. Regulations. Avoid putting STR regulations in your land use or development code because they are easily challenged as land use regulations and could create Measure 49 claims for compensation. STRs are businesses and should be regulated as businesses, not as a special type of land use, and Chapter 5.12 provides a workable framework to place all STR regulations. Here are some regulatory tools to consider, some of which are already in Chapter 5.12 in some form:

- a. **Limit the number of STRs.** Some mechanism to limit or a maximum cap on the number of STRs is necessary because, left to the market, the County will have too many STRs in its established coastal neighborhoods, and they will be distributed unevenly. Cove Beach is a prime example of what happens when there is no limit or cap on STRs. If you have too many STRs, the people who work hourly wage jobs cannot find afford housing in the communities where they work, and resident neighbors are left to live with the nuisance impacts of noncompliant and unregulated STR renters and watch their property values and quality of life go down. You must impose a cap of some sort, for example, a cap of 4% of the housing stock as STRs would be a reduction from what Clatsop County currently has in many areas, but 0.5% to 1% is healthier and a more nation-wide norm. The County could also impose a percentage or absolute number cap on an area by area basis, or by neighborhood (or platted subdivisions). Bend, for example, adopted a density limitation of one STR per 250-foot circle, in addition to other limitations. This program works, as does an absolute cap or limitation on the number of licenses available in the County. The problem with adopting such a cap to limit STRs in Clatsop County, however, is the political and legal difficulty of imposing it on an already-existing body of STRs. There is no easy or equitable way to impose a cap because it will require elimination of existing STRs, and selecting which STRs to eliminate first could subject the County to legal challenges. Therefore, I recommend other means to reduce the current number and density of STRs and also consider a cap to limit the number going forward once a reasonable level has been achieved.
- b. **Require owner-occupancy.** Instead of an absolute cap or a cap imposed by neighborhood, an effective means to limit the spread and nuisance impact of STRs is to require the rental dwelling to be the owner's primary residence. Hood River takes this approach, which it modeled after Portland, and requires owner occupancy. Owner occupancy has the effect of eliminating corporate and other non-resident operators, which tend to be the worst offenders and the most non-responsive to local problems. For example, if the home is the owner's primary residence, it can be rented as a STR for up to 90 days per year. If it is not the owner's primary residence, then STR rental is limited to a maximum of 30 or fewer days per year. The County should strive to eliminate corporate ownership and operation of STRs, because corporate owners are often unresponsive operators, and they necessarily seek to operate houses as STRs full time, which exacerbates both of the above-mentioned problems.
- c. **Limit the number of days rented per year and/or require a 7-day minimum.** Most jurisdictions impose limitations on the number of days a STR can be rented under its license, and if the operator wants more days, the regulations are stricter. This can take the form of number of consecutive days or weekends rented or limit on the total days per year. A full season of STR rental should be presumed to be a maximum of 90 days per year. Such limitations weed-out commercial rental companies from owning homes and keep them from operating houses as full-time STRs. By imposing a 7-day minimum, the County can reduce the number of weekend rentals, which will eliminate some of the most intensive rentals and nuisances. Alternatively, a program like Gearhart's, which allows

one rental per 30 days, would also be a vast improvement over the currently unrestricted STR provisions.

- d. Adopt and strengthen existing nuisance focused regulations. This will save the neighborhoods of your constituents by making them more livable. Require all STRs to have sufficient on-site parking, subscribe to weekly garbage service; impose a maximum number of bedrooms that can be rented and a maximum number of guests per bedroom. Require a local contact the neighbors can call if there is any late night noise, parking, garbage or other problems, and require that the local contact be able to respond and be on-site within 15 or 20 minutes maximum. Require mailed notification each year to all neighbors within a certain distance of every STR, which given the rural nature of many Clatsop County communities, should be a 500-foot notice radius. The annual notice should include the STR owner's name address, STR license number, contact phone number, along with the same contact information of the local representative responsible for immediate response in case of a problem at the STR. The County's regulations should require basic public safety equipment, such as smoke detectors, on-site fire extinguishers, an emergency evacuation plan, etc. Many of these requirements are already in Chapter 5.12, but should be tightened-up and made more restrictive and specific. Enforcement should be focused on monitoring for strict compliance with these nuisance-based regulations, and the ultimate penalty should be loss of the operating license, not just a simple monetary fine.
- e. Require septic inspections annually or every 5 years. Substandard and out-right failing septic systems are a significant public and environmental health problem throughout coastal Oregon, outside of urban areas where sewer is available. This is a significant human health and environmental problem and is a defensible health-based regulation that is a lawful basis for license revocation. Again, a well-operated STR generates a significant amount of rental income each year, and even a relatively expensive septic system repair should be viewed as a reasonable cost of engaging in this business.

Oregon DEQ administers the Existing System Evaluation Report (ESER) system under OAR 340-071-0155, which should be used for this purpose. Inspections may be performed only by suitably qualified professionals certified under the program.<sup>1</sup> The County should adopt this program and requirement, as Lincoln County has done, and should require evaluation of the STR based on the maximum daily flow rate when it is fully occupied. The County's current regulations only require an inspection to verify functionality of the system, but do not take into account the design limitations of the system that affect its capacity, nor its ability to serve a fully-loaded STR. Many of the homes in Cove Beach have DEQ septic permits with a design limit of 350 gallons per day, yet water meter readings by the Falcon Cove Beach Water District (FCBWD) show

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<sup>1</sup> OAR 340-071-0155 allows ESER inspections to be performed by licensed and certified septic system installer, certified maintenance provider, registered environmental health specialist, licensed professional engineer, National Association of Wastewater Technicians certified inspector, or other professional certification approved in writing by DEQ.

daily water usage by local STRs frequently exceeds these limits, sometimes with water usage in excess of 1,400 gallons per day. While some STR operators claim that septic certification is not necessary because many STRs are used only a few days per week and the home does not experience full occupancy on a full-time basis, the ability of each septic system to serve the STR's actual occupancy – whether full-time or part-time – is a determination best left to a certified ESER inspector under DEQ's adopted standards. Ultimately, County regulations should limit STR use and occupancy to a level that the septic system can support, as documented by a licensed ESER inspector under OAR 340-071-0155.

- f. Give existing lawful STRs 5 years to come into compliance to avoid Takings claims. Some regulations, especially a cap or owner occupancy requirement will be impossible for most corporate and non-resident owned STRs to remain in the program. Other regulations may also jeopardize the ability to continue a lawful STR operation. To provide a gradual transition and avoid a claim of an unconstitutional Takings, the County can give existing lawful STRs 5 years to come into compliance. In 1990, the Oregon Supreme Court upheld Cannon Beach's STR regulatory program that give preexisting STRs a 5-year amortization period to comply or shut-down. *See Cope v. City of Cannon Beach*, 317 Or 339, 855 P2d 1083 (1993).

5. Limit transferability. The County should restrict transferability of STR licenses as a means of gradually, incrementally reducing the number of operating STR licensees. For example, Gearhart prohibits transfer of STR licenses except by inheritance, which will lead to an eventual reduction in the number of STRs. Severe limitations on transferability bring about quicker reductions in the number of STRs. By limiting the transferability of STR licenses, the County will be able to bring about eventual extinguishment of STRs in the areas where it wants them eliminated, and with little legal risk. Bend, on the other hand, adopted regulations that limited new STR licenses but allowed all of then-existing STR licenses to be fully transferable with the house forever, which has created a perverse house pricing effect. Because an original STR license in Bend is perpetual, a house with such a license sells for \$30,000 to \$50,000 more than a house without a license. Limitations on transferability also tend to eliminate corporate STR owners, who are often unresponsive to local nuisance concerns. Also understand, however, that many family beach houses that are operated as STRs for part of the year are held in a family trust, which is a corporate entity.

6. Eventual phase-out from residential subdivisions and neighborhoods. The most severe conflicts arise when STRs are allowed to dominate residential neighborhoods and grow in number without limit. If the County regulates the number (or existence) of STRs on a neighborhood-by-neighborhood basis or by geographic area, it can also exempt certain specific neighborhoods where it wants STRs to dominate. Strict limits and eventual reduction or elimination will preserve the County's neighborhoods where STRs are destroying livability and affordability. When Cannon Beach adopted its first set of strict STR regulations in the early 1990s, the city allowed pre-existing STRs a 5-year phase-out period. The program was challenged in court, and the 5-year amortization period was upheld as a lawful means of compensating owners for the extinguishment of the STR. For Clatsop County, this means that

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December 28, 2020

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eventual extinguishment of existing STRs is legal and doable, and there are numerous examples of local governments reducing STR numbers or eliminating them altogether. Additionally, the fact that every short-term rental that is prohibited from operating can be used as a long-term rental should tell you that Takings claims invariably fail because a perfectly suitable economically viable use remains because every house previously operated as a short-term rental can be used as a long-term rental.

Please do not forget that, while STR operations are an important business group throughout the County, every STR is a potential long-term rental, which has none of the problem attributes of STRs. Too many STRs, especially when they are concentrated in established residential neighborhoods, fundamentally changes the nature of the County's communities to the detriment of your constituents and their neighborhoods. The COVID-19 pandemic has added another reason to discourage transient group concentrations that are detrimental to the health and livability of your neighborhoods. I would be happy to assist you, your County Counsel or any County administrator toward a more workable STR program. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Daniel Kearns". The signature is fluid and cursive, with a long horizontal stroke at the end.

Daniel Kearns

cc: Joanna Lyons-Antley, County Counsel  
Charles Dice  
Cameron LaFollette



# Reeve Kearns PC

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October 25, 2021

Joanna Lyons-Antley, Esq.  
Clatsop County Counsel  
800 Exchange St., Suite 420  
Astoria, OR 97103

**SENT VIA E-MAIL**

**Re: Regulation and Enforcement of short-term rental regulations in the County's Rural Lands Zones**

Dear Joanna:

As you know, I have been retained by a group of residents in the Cove Beach area to advise them and communicate with Clatsop County officials on matters related to short-term rentals (STRs). I sent a letter to the Planning Director on December 28, 2020 that, among other things, explained how the County's existing zoning regulations were sufficient to regulate rampant proliferation of STRs in most of the County's residential areas without the need for more/new STR regulations.

As I explained, the current Land and Water Development and Use Code (LWDUC) expressly allows STRs only in the Arch Cape Rural Community Zone, which is one of the County's Development Lands designations and they are not an allowed use in Cove Beach or any other Rural Lands zone. In fact, STRs are listed as possibly allowed use only in the County's Development Lands zones (Table 1 of the LWDUC), with a reference to Ordinance 18-01 for all Development Lands zones. In contrast, STRs are not listed or even mentioned as an allowed use anywhere in any of the County's Rural Lands (Table 2 of the LWDUC), and it contains no reference to Ordinance 18-01. As you know, Ordinance 18-01 is not a land use regulation, but a business regulation of STRs, codified in Chapter 5.12 (Short-Term Rentals) that has been amended several times. None of the ordinances amending Ordinance 18-01 amended the LWDUC, and Table 2 makes no mention of Ordinance 18-01. The Urban-Rural Lands distinction in Table 1 versus Table 2 and the fact that STRs are allowed only in the former and not in the latter, reflects a fundamental tenant of Oregon land use law, *i.e.*, that urban types and intensities of uses are not allowed on rural lands or in rural zones. STRs are commercial, unrelated to resource uses, and therefore are urban in nature and simply not allowed in any of the County's Rural Lands zones. That is what the County's Development Code provides.

The other fundamental tenant of land use law that is important here is the notion that uses expressly listed as allowed in one zone but not in another implies that those uses are prohibited in all zones where they are not specifically listed. This interpretational rule is reflected in each zone described in the LWDUC. For all of the Development Lands zones, each zone begins with a section entitled "Permitted and Conditional Uses," which provides: "The uses listed in Table 1: Development Lands Permitted and Conditional Uses are allowed in this district." Similarly, all of the Rural Lands zones begins with a section entitled "Permitted and Conditional Uses," which provides: "The uses listed in Table 2: Rural Lands Permitted and Conditional Uses are allowed in this district." These provisions mean that if the use is not listed as permitted or conditional, it is not allowed. Again, this is the plain text and context of the County's Development Code.

Cove Beach, where my clients reside, is zoned Coastal Residential (CR), and LWDUC §4.2320 provides that "The uses listed in Table 2: Rural Lands Permitted and Conditional Uses are allowed in this district." STRs are not listed as allowed outright or conditionally in the CR zone. Because they are not allowed outright or conditionally, they are prohibited in the CR zone. The same is true for every one of the County's Rural Lands Zones, *viz.*, STRs are prohibited in all Rural Land zones because they are not listed as allowed. The fact that Table 2 for Development Lands lists STRs as allowed in Arch Cape corroborates the legal conclusion that they are prohibited in the Rural Lands zones, and it raises the legal question as to whether any of the numerous STR licenses the County has issued in Cove Beach are lawful. The answer is they are not. STRs are not allowed in any of the County's Rural Lands zones, including the CR zone.

The legal status of STRs in Cove Beach, in fact, STRs in all of the County's Rural Lands zones, matters because every one of them is currently susceptible to an enforcement action by the County or anyone seeking to enforce County regulations under ORS 215.185 or 197.825(3)(a). Moreover, every STR license is valid only for 5 years, after which it must be renewed with the County. *See* Clatsop County Code §5.12.090(B) & (G). If the license is valid for only 5 years, there can be no claim of a protected property right or perpetual nonconforming use right, nor can the County lawfully renew any STR license in any of the County's Rural Lands zones because they are not allowed.

Given the structure and text of the LWDUC, it is clear that the Board of Commissioners intended STRs to be allowed only in the County's Development Lands zones and not in its Rural Lands zones. The Board of Commissioners confirmed that policy decision when it adopted STR regulations in Ordinance 18-01 and subsequently amended those regulations but only mentioned them in reference to Development Lands (Table 1) and not in the Rural Lands regulations (Table 2). Any time the County makes a decision to issue or renew a STR license in a Rural Lands zone pursuant to LWDUC §5.12.090, that decision is *ultra vires*, violates the LWDUC and is appealable as a "land use decision" and a "permit" under state law. *See* ORS 197.015(10) and 215.402(4), respectively. Any prior decision by the County to approve or renew a STR license, therefore, was a land use decision and a permit that, I assume, followed none of the notice and public participation procedures required by state law for "land use decisions" in ORS 197.763 or for "permits" in ORS 215.416. Even though they are older than 21 days, those permits are still

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October 25, 2021

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appealable by anyone who was entitled to notice pursuant to ORS 197.830(3) and enforcement in circuit court under ORS 215.185 and 197.825(3)(a).

The fact that County staff have been issuing and renewing STR licenses in the County's Rural Lands zones contrary to the LWDUC is a serious matter. While there are several possible legal consequences for the County and the permit holders, my focus is on rectifying the current unlawful situation going forward by the County: (1) ceasing to accept or approve any STR permit applications in the Rural Lands zones and (2) ceasing to renew any existing STR permits in the Rural Lands zones and allowing all existing permits to expire. This approach would obviate the need for the County to take immediate action to revoke all of the unlawfully issued STR licenses in all of the Rural Lands zones, and allows those existing STR operations to wind-down. The result would be the cessation of all STRs that currently operate in the Rural Lands zones within 5 years or less.

While my client is ready to proceed with one or more land use appeals or enforcement against the County to enjoin further STR operation or issuance/renewal of STR permits, I want to first meet with you, the County's Planning Director and Manager to discuss the situation and to see if a mutually acceptable path forward can be identified. Ultimately, we want the County to come into compliance with the current LWDUC. Toward that end, please let me know if and when you, Gail Henrikson, and Don Bohn might be able to meet to discuss the matter. I understand that the Board has a community workshop on STRs scheduled for November 12, so I would hope to meet before then. Thank you.

Sincerely,



Daniel Kearns

cc: Gail Henrikson, Planning Director  
Don Bohn, County Manager  
Charles Dice  
Cameron LaFollette  
Wendie Kellington, Esq.

January 25, 2021

Mark Kujala, District 1 Commissioner and Board of County Commissioners Chair  
Lianne Thompson, District 5 Commissioner and Board Vice Chair  
Pamela Wev, District 3 Commissioner  
John Toyooka, District 2 Commissioner  
Courtney Bangs, District 4 Commissioner  
Don Bohn, County Manager  
Gail Henrikson, Director of Community Development

Dear Commissioners Kujala, Thompson, Wev, Bangs and Toyooka; County Manager Bohn; and Director Henrikson,

Marriott International Homes & Villas is advertising a "hidden oasis" in our rural neighborhood.\* Their paying customers will think it truly is a hidden oasis, but that's no longer the case for us, the property owners and residents of Falcon Cove Beach and citizens of Clatsop County.

Falcon Cove Beach (FCB) is a rural, residential community of 95 homes, with 25 full-time residents and approximately 200 part-time home owners. Thirty STRs are already bringing more than 20,000 STR transient customers a year to our small community. The proliferation of STRs in our Cove has burgeoned out of control, – as the Marriott example shows – changing the balance from residential to blatantly commercial, overwhelming our infrastructure, endangering our health and safety, and straining the natural environment which sustains us.

The Friends of FCB, after months of research and thoughtful discussion, have concluded that a diverse volunteer task force of FCB property owners working cooperatively with Clatsop County leaders and outside experts will be the best means for creating long-lasting solutions to this unprecedented growth. We invite you to join our undertaking. Over 70 residents and property owners from 35 households endorse our efforts.

In order to move forward, our most immediate needs are:

- A freeze on issuance of new short term rental (STR) permits in our FCB community while a long range plan is being developed to address the issues raised
- A clarification of the current CR Zone ordinance which does not appear to permit vacation rentals in the Coastal Residential Zone
- Addressing the commercial nature of STRs while supporting and maintaining the rural residential character and quality of life in Falcon Cove Beach
- Ensuring STRs do not further endanger public health and safety in terms of septic system design and operation, parking practices on very narrow local roads, and impact on our community resources

We are determined to protect the beauty and livability of this place we love. We look forward to working with you. Thank you.

Respectfully submitted

Friends of Falcon Cove Beach  
FalconCoveBeachFriends@gmail.com

Cover Letter continued on page 2

**Attachments**

- Priority Requests for County Action
- Background Facts and Data with Citations
- FCB Residents and Property Owners Endorsing Request

**\*Marriott Link**

[https://homes-and-villas.marriott.com/en/properties/78099946-arch-cape-modern-beachside-hideaway-with-decks-and-fireplace?locationName=Cannon%20Beach,%20Oregon&start\\_date=2021-07-10&number\\_of\\_guests=1&nights=8&showPriceInHomeCurrency=falseTeam](https://homes-and-villas.marriott.com/en/properties/78099946-arch-cape-modern-beachside-hideaway-with-decks-and-fireplace?locationName=Cannon%20Beach,%20Oregon&start_date=2021-07-10&number_of_guests=1&nights=8&showPriceInHomeCurrency=falseTeam)

## A Few Facts on STRs from Friends of Falcon Cove Beach

1. Administratively, Falcon Cove Beach straddles two counties – Clatsop and Tillamook. Geographically, Oswald West State Park surrounds our Cove on three sides. Cape Falcon Marine Reserve and the Pacific Ocean border the west side. Our community between the forest and the sea, bridges the two protected natural areas.

2.
 

Clatsop County	Tillamook County
66 homes	29 homes
20 are short-term rentals	10 are short-term rentals
30%	34%

For perspective, Arch Cape’s short-term rental (STR) proportion is 21%; Cannon Beach 11%; Manzanita 20%; Gearhart 6%; Seaside 9%.<sup>1</sup>

Clatsop County does not limit the number of possible STRs in unincorporated rural areas – like our Cove.

3. Another way to look at it –

25 full-time residents (actual people)  
200 part-time residents (4 per home)  
**20,640 STR transient customers per year<sup>2</sup>**

These numbers don’t include all the support people required for each rental – property managers, meet & greeters, caretakers, cleaners, lawn service and maintenance crews, and septic tank pumpers.

4. Until January 1992, Cove Beach Subdivision Deed Restrictions specifically prohibited home rentals.<sup>3</sup>

Since January 1992, the new Coastal Residential (CR) Zoning Ordinance Zone doesn’t permit or give conditional use to short term rentals or vacation rentals or any other kind of commercial activity.<sup>4</sup>

5. STRs dramatically reduce affordable housing availability. Clatsop County already recognizes this significant problem.<sup>5</sup>

6. While both Clatsop and Tillamook Counties require an initial Septic System Inspection for an STR permit, they check functionality, not **capacity**. This results in failures when the number of people using the system, exceeds the system design capacity.

A house on a septic system designed for a family of 4, can legally be listed as an 8-10 customer rental. Houses on 1500-2000-gallon holding tanks also can be approved as STRs. These tanks often are pumped twice a month, a stinky process indeed!

7. STRs use more water than non-STR properties. In Falcon Cove Beach, approximately 75% of the houses which exceed the base 4500 gallons per month, are STRs.<sup>6</sup>
8. STRs pay a 10.5% Transient Occupancy Tax (TOT) to Clatsop County. In 2019, Falcon Cove Beach STRs paid approximately \$84,000 in room tax.<sup>7</sup> Currently, **none** of these funds are used to support our community infrastructure.
9. At this time, **none** of the Falcon Cove Beach STR owners are full-time or part-time residents. **None** live in Clatsop County.

*Falcon Cove Beach residents don't need tourists to exist. We're not Seaside or Cannon Beach. The money the STRs generate, doesn't stay in our community. However the community pays the expense of having them. No one in our community benefits from the STR rentals – except the STR owners and the County.*

*- long time FCB resident*

#### Notes

\*<sup>1</sup> Cannon Beach STR Task Force PPT Presentation, March 3, 2020

\*<sup>2</sup> Peak Season: 24 people/week x 20 weeks x 30 STRs x 90% rental rate. Non-peak Season: 16 people/wk x 32 weeks x 30 STRs x 50% rental rate. Occupancy rates vary from 4-14 customers with most STRs in the 6- 8 customer range. Additional details available on request.

\*<sup>3</sup> The Arch Cape Land Company created and platted the Cove Beach Subdivision in 1927. Clatsop County Deeds Book 290 p395.

\*<sup>4</sup> CC CR Zone Ordinance 80-14

\*<sup>5</sup> Clatsop County Housing Strategies Report, January 2019.

Control Commercial Use of Residential Land: Non-residential uses of housing units should be discouraged and/or controlled to the extent possible. This includes housing used purely for short-term rental and investment income. It can be helpful to shift the mindset to thinking of these as commercial uses (like a hotel) taking place in residential zones where they may not be appropriate.

Making a Business of "Residential Use:" The Short-Term Rental Dilemma in Common-Interest Communities. Emory Law Journal. <https://scholarlycommons.law.emory.edu/elj/vol68/iss4/3/>

\*<sup>6</sup> Falcon Cove Beach Domestic Water District (FCBDWD)

\*<sup>7</sup> Dec 17 email from Alisa Sprague, Tax Technician, Clatsop County

# Priorities Requests for Clatsop County Actions

## Re: Falcon Cove Beach STRs

- 1. Freeze the issuance of new short term rental permits until issues are resolved:** Place an immediate hold on issuing additional new rental permits until public health and safety issues, environmental concerns, livability, quality of life issues, and compliance operations can be resolved.
- 2. Limit the long-term growth of STRs in Falcon Cove Beach:** While a temporary cap is placed on new STR permits, help pursue a long-term solution to limit the growth of STRs beyond the community's capacity to support them and to maintain the rural residential character in Falcon Cove Beach, while being fair to all property owners.
- 3. Clarify and strengthen current STR ordinances to prevent and consequate irresponsible renters and STR house owners:** Allow for the modification of the current STR ordinance to be more consistent with other STR ordinances in the area e.g., limiting occupancy and rental turnover rates, and due to public safety concerns, requiring septic design capacity and operational functionality to match occupancy.
- 4. Ensure existing STR ordinances are being followed by all STR owners and occupants:** Follow through on newly-proposed compliance monitoring and enforcement policies and procedures and clearly communicate these plans.
  - a. Permit Transparency**

Make readily available a comprehensive database of STRs, complete with contact numbers, maximum occupancy, maximum parking, etc. to enable concerned neighbors to make informed decisions about potential non-compliance prior to lodging complaints with STR owners and/or the county, as necessary.
  - b. Regular Inspections**

Institute a policy to ensure that all STRs are periodically and randomly inspected/audited by Clatsop County to ensure compliance with STR ordinances, particularly over weekends and during evening hours.
  - c. Complaint Process and Records**

Make records of complaints and county actions accessible and transparent.
- 5. Ensure that transient tax dollars are directed to address STR public safety and infrastructure needs:** Direct transient tax dollars received from Falcon Cove Beach STRs to provide funding and direct services to the Falcon Cove Beach community to support public safety and infrastructure. In particular help fund the maintenance, replacement and upgrading of water systems and roads to address needs caused in part by heavy use from STR occupants and rental property service providers.
- 6. Work with a Falcon Cove Beach Task Force to monitor and address evolving issues:** Join with a task force of Falcon Cove Beach community members to: gather and analyze facts and data on the current situation and relevant trends, conduct benchmarking to learn about STR regulations in other similar communities, recommend future STR ordinance for Falcon Cove Beach, and assist in implementation plans, responsibilities and schedules.



## FCB Residents and Property Owners Endorsing Request

<b>Reba Owen</b>	<b>79124 Tide Road</b>
<b>Ben Shoop</b>	<b>79118 Tide Road</b>
<b>Samantha Shoop</b>	<b>79118 Tide Road</b>
<b>Timmer Shoop</b>	<b>79118 Tide Road</b>
<b>Elyse Shoop</b>	<b>79118 Tide Road</b>
<b>John Conboy</b>	<b>44660 Tide Avenue</b>
<b>Rachel Slade</b>	<b>44660 Tide Avenue</b>
<b>William Laird</b>	<b>79118 Tide Road</b>
<b>Grace Hann</b>	<b>79118 Tide Road</b>
<b>Kelly Hann</b>	<b>79118 Tide Road</b>
<b>Tom DeBlasis</b>	<b>41031CC Lot 1200</b>
<b>Beth Radich</b>	<b>79117 Tide Road</b>
<b>Jason Stegner</b>	<b>79117 Tide Road</b>
<b>Eleanor Stegner</b>	<b>79117 Tide Road</b>
<b>Ruth Corry</b>	<b>44705 Tide Avenue</b>
<b>Michael Corry</b>	<b>44705 Tide Avenue</b>
<b>Charles Dice</b>	<b>31911 Clatsop Lane</b>
<b>Theresa Dice</b>	<b>31911 Clatsop Lane</b>
<b>Kathy Grewe</b>	<b>31849 Clatsop Lane</b>
<b>Scott Grewe</b>	<b>31849 Clatsop Lane</b>
<b>Bob Florek</b>	<b>31849 Clatsop Lane</b>
<b>Sarah Grewe</b>	<b>31849 Clatsop Lane</b>
<b>John Chapman</b>	<b>79374 Ray Brown Road</b>
<b>Brad Schneider</b>	<b>79374 Ray Brown Road</b>
<b>Rick Hess</b>	<b>79440 Ray Brown Road</b>
<b>Darlene Hess</b>	<b>79440 Ray Brown Road</b>
<b>Gay Walker</b>	<b>79458 Ray Brown Road</b>
<b>Joanne Cornelius</b>	<b>44920 Tide Avenue</b>
<b>David Cleland</b>	<b>44920 Tide Avenue</b>
<b>Steve Rall</b>	<b>44990 Second Avenue</b>
<b>Jennifer Rall</b>	<b>44990 Second Avenue</b>
<b>Michael Knighten</b>	<b>79433 Ray Brown Rd</b>
<b>Leonard Cobb</b>	<b>79236 Ray Brown Road</b>
<b>Else Cobb</b>	<b>79236 Ray Brown Road</b>
<b>Eric Cobb</b>	<b>79236 Ray Brown Road</b>
<b>Margaret Kirsten Mercur-Cobb</b>	<b>79236 Ray Brown Road</b>
<b>John Cobb</b>	<b>79236 Ray Brown Road</b>
<b>John R. Shields</b>	<b>79080 Cove Beach Road</b>
<b>Denise Holman</b>	<b>6185 Columbia Street</b>

Marvin Mattson	44775 Tide Avenue
Scott Peterson	44985 Tide Avenue
Craig Peterson	44985 Tide Avenue
Jeffrey Stuhr	79093 Cove Beach Road
Kristina Knoepel	31987 Clatsop Lane
Brian Teter	31987 Clatsop Lane
Joe Blecha	31912 Clatsop Lane
Ericka Klein	31912 Clatsop Lane
Jeff Davis	79432 Ray Brown Road
Denise Davis	79432 Ray Brown Road
Rick Smith	79165 Ray Brown Road
Leslie Smith	79165 Ray Brown Road
Lindsay Smith	79165 Ray Brown Road
Sue Paduano	79210 Ray Brown Road
Paul Paduano	79210 Ray Brown Road
Grace Paduano	79210 Ray Brown Road
Mary Paduano	79210 Ray Brown Road
Susan Phillips	79170 Cove Beach Road
Dave Rumker	79170 Cove Beach Road
Viviane Simon-Brown	79028 Cove Beach Rd
Dale Major	79028 Cove Beach Rd
John Major	79028 Cove Beach Rd
Barbara Felisky	79544 Ray Brown Rd
Tim Felisky	79544 Ray Brown Rd
Deb Ross	79252 Ray Brown Road
Dan Ross	79252 Ray Brown Road
Lindsey Ross	79252 Ray Brown Road
Dave Carlo	79370 Ray Brown Road
Susan Birkemeier	79338 Ray Brown Road
Jeff Weil	6085 Columbia St
Nancy Weil	6085 Columbia St
Lori Cronyn	44490 Falcon Lane
Jock Wise	79308 Ray Brown Road
Beth Wise	79308 Ray Brown Road
Rob Lamb	79207 Ray Brown Road
Melinda Holdsworth	79207 Ray Brown Road

14 July 2021

Mark Kujala, District 1 Commissioner and Board of County Commissioners Chair  
John Toyooka, District 2 Commissioner  
Pamela Wev, District 3 Commissioner  
Courtney Bangs, District 4 Commissioner  
Lianne Thompson, District 5 Commissioner and Board Vice Chair  
Don Bohn, County Manager  
Gail Henrikson, Director of Community Development

**Clatsop County**

**800 Exchange Street**

**Suite 410**

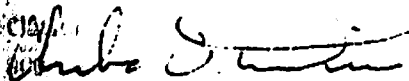
**Astoria, OR 97103**

Dear Commissioners, Kujala, Toyooka, Wev, Bangs, Thompson; County Manager Bohn; and Director Henrikson,

Over the past months we have listened carefully to your comments at the various Short Term Rental meetings (Board of Commissioner Workshops, Short Term Rental Town Halls, etc). Several of you have mentioned concerns about the possibility of the County becoming liable for a "Takings" claim or a "Measure 49" claim with respect to any restrictions that might be included in a revised Short Term Rental Ordinance. We have asked a prominent, well respected Land Use Attorney to prepare a letter that addresses these specific points – see attached Letter from Dan Kearns.

We hope you find this helpful as you continue your discussions and deliberations on this very important topic.

Respectfully,



**Charles A. Dice**

**North Coast Neighbors for Neighborhoods**

# Reeve Kearns PC

Attorneys at Law

510 American Bank Building  
621 S.W. Morrison Street  
Portland, Oregon 97205  
Voice Mail: 503-225-1127  
Email: dan@reevekearns.com

Daniel H. Kearns  
Direct Dial: 503-997-6032

July 14, 2021

North Coast Neighbors for Neighborhood  
c/o Charles Dice  
31911 Clatsop Lane  
Arch Cape, OR 97102

**SENT VIA E-MAIL**

**Re: Takings and related issues in STR regulation**

Dear Mr. Dice:

You asked for guidance, analysis and a legal opinion about whether and to what degree Clatsop County would incur liability for unconstitutional Takings or Just Compensation under Oregon's so-called Measure 49 (ORS 195.300 to 195.336) if it were to impose new restrictions on Short-term Rentals (STRs) in the County. As I understand the range of proposals and regulatory options under discussion by the Board of County Commissioners, all are amendments to the County's Short-Term Rentals Ordinance in Chapter 5.12 of the County Code.

To avoid Takings claims and Measure 49 claims for compensation, it will be key for Clatsop County to focus on its STR permit regulatory program and to avoid any amendments to its land use regulations or Development Code. This is because the operative section governing Measure 49 compensation provides that:

"If a public entity enacts one or more land use regulations that restrict the residential use of private real property or a farming or forest practice and that reduce the fair market value of the property, then the owner of the property shall be entitled to just compensation from the public entity that enacted the land use regulation or regulations as provided in ORS 195.310 to 195.314."

ORS 195.305.

Clatsop County's Chapter 5.12 is a set of business regulations - not land use regulations.

Thus, Measure 49's Just Compensation program is focused exclusively on new local land use regulations that restrict the range of allowable uses of residential property. STR restrictions that Clatsop County might adopt through its permit program in Clatsop County Code Chapter 5.12 are not "land use regulations" as defined in ORS 195.300(14), and therefore would not trigger any right to a claim for just compensation under Measure 49. LUBA has twice rejected

the argument that STR licensing and business regulations are “land use regulations,” so there is little risk of a Taking claim if Clatsop County were to tighten significantly its STR regulations, reduce the number of STR permits it issues, or effectively put existing STR operators out of business. *See Oregonians in Action Legal Center v. Lincoln City*, LUBA No. 2014-108 & 2015-002/003 (slip op. April 22, 2015) and *Emerald Cove LLC v. Lincoln City*, LUBA No. 2015-078 (slip op. Feb 4, 2016).

State and federal Takings jurisprudence is similarly tied to new land use regulations and governmental deprivations of vested property rights and almost never results from the imposition of new business regulations such as Clatsop County’s STR permit program in Chapter 5.12. The County’s program is legitimately based on the premise that, to exercise the privilege of operating an STR business in Clatsop County, the operator must qualify for and obtain a permit and maintain compliance with the applicable requirements. Clatsop County Code 5.12.080 lists all of the many standards that must be met to qualify for an STR permit. Most of these permit requirements are solidly based on public health, safety and welfare, and some are similarly designed to prevent nuisance impacts from STR operations. Every STR operator in Clatsop County must continually comply with the STR permit requirements and must be reinspected and renew their permit every 5 years or risk losing their permit. CCC 5.12.090(G).

If Clatsop County does change its STR permit regulations to become stricter – as we hope it will – it is highly unlikely that any permit holder would have a legitimate claim for a Fifth Amendment Takings, Fourteenth Amendment Equal Protection or Due Process claim when they fail to meet the new permit requirements. No one has a vested property right in a perpetual STR permit, nor is there a legal right or expectation that the STR regulations and permit requirements will not change from year to year. *See Towry v. Lincoln City*, 26 Or LUBA 554 (1994) (upholding new Lincoln City STR regulations against a host of constitutional claims). Even a prohibition or end to STRs in certain areas or throughout the County, would not necessarily give rise to a Taking claim since the Supreme Court upheld Cannon Beach’s first round of STR regulations in the early 1990s that provided a 5-year amortization period for then-existing STRs to cease operating. *Cope v. City of Cannon Beach*, 115 Or App 11, 836 P2d 775 (1992), *aff’d* 317 Or 339 (1993). The *Cope* case is a strong precedent for Oregon jurisdictions considering regulations to curtail existing STRs and reduce the number operating. It stands for the proposition that such regulations, when properly drafted and enforced, based on legitimate governmental health/safety/welfare interests, and provide some accommodation for investment backed expectations, do not give rise to Takings claims.

Finally, counties in Oregon have the added complication of ORS 215.130 which limits their ability to eliminate nonconforming uses through new land use regulations. However, similar to Measure 49, ORS 215.130 impacts the County’s ability to enforce new land use regulations, not new business regulations. By making the business regulations for STRs stricter, rather than adopting new land use regulations, Clatsop County can also avoid the complications that ORS 215.130 creates for the curtailment of non-conforming uses.

This means that Clatsop County has little legal exposure if it were to adopt new STR permit regulations that limit or prohibit STR permits in certain residential areas, neighborhoods,

Reeve Kearns P.C.

July 14, 2021

Page 3

parts of the County, or even zones within the County. Such prohibitions could lawfully prevent the issuance of new, or the renewal of existing, STR permits, especially if the County provided a 5-year amortization period as Cannon Beach did with its first program in the early 1990s. Similarly, new STR permit regulations that require owner residency, limit rentals to once every 14 days or a minimum of 7 days, limit the maximum number of rentable bedrooms or number of occupants, require all guests to park on-site, or require septic system certification (DEQ's Existing System Evaluation Report program) are all legitimate business regulations – not land use regulations – and all have a solid public health/safety/welfare basis. These STR regulations would also go a long way to reducing the nuisance impacts these operations have on the residential neighborhoods where they now exist in extremely high numbers.

Ultimately, operation of a short-term rental is a business endeavor. Clatsop County regulates them as businesses in Chapter 5.12, and that should be the vehicle for future regulations. That regulatory tool is very effective in limiting or eliminating the County's exposure to Takings claims or claims for Just Compensation under Measure 49. Please contact me if you need further elaboration or advice on this matter.

Sincerely,

A handwritten signature in black ink that reads "Daniel Kearns". The signature is written in a cursive style with a long horizontal stroke at the end.

Daniel Kearns

23 September 2021

Mark Kujala, District 1 Commissioner and Board of County Commissioners Chair  
John Toyooka, District 2 Commissioner  
Pamela Wev, District 3 Commissioner  
Courtney Bangs, District 4 Commissioner  
Lianne Thompson, District 5 Commissioner and Board Vice Chair  
Don Bohn, County Manager  
Gail Henrikson, Director of Community Development

Clatsop County  
800 Exchange Street  
Suite 410  
Astoria, OR 97103

Dear Commissioners, Kujala, Toyooka, Wev, Bangs, Thompson; County Manager Bohn; and Director Henrikson,

This letter is in support of updates to the existing Clatsop County Short Term Rental Ordinance:

The North Coast Neighbors for Neighborhoods (NCN4N) organization is a grass roots group that started in Cove Beach but that now includes members from other areas in Clatsop County (such as Arch Cape, Grand Lane, and unincorporated Gearhart). Our group includes many long-time residents of Clatsop County – folks who live in the County, work (or worked) in the County, spend money in the County, vote in the County and Volunteer for a number of County events and committees as well as owners of family vacation homes in the CR Zone and owners of lots in the CR Zone as well as STR Owners. Our group would urge the Planning Department and the Board of Commissioners to look at what other jurisdictions in Clatsop County, in neighboring Coastal Counties and other Counties in Oregon have done about the Short Term Rental problem in their Communities and Neighborhoods (such as Astoria, Warrenton, Gearhart, Cannon Beach, Manzanita, Lincoln County, etc). Each of these jurisdictions has spent many months (or years) holding Public Hearings and developing well thought out restrictions on Short Term Rentals that strike a balance between owners of STRs and Residents of Residential Neighborhoods. Almost all of these STR Ordinances recognize the importance of keeping Residential Neighborhoods truly Residential and free from the commercial impact of STRs and they also clearly identify STRs as commercial businesses and they have crafted meaningful and effective Business Codes or Ordinances for these businesses to regulate them just as they regulate other businesses. Below is an excerpt from the Gearhart STR Ordinance that is typical of this recognition that STRs are commercial, business ventures and the importance of maintaining the fundamental Quality of Life aspects of a Residential Neighborhood:

## Section 7.010 Purpose

The purpose of these provisions is to control, manage and limit vacation rentals primarily in single-family dwellings. Because of their location in residential zones, their specific characteristics and potential impacts, vacation rentals in dwellings in Gearhart require special consideration so they properly operate with respect to the Comprehensive Plan and the objectives of the underlying zone districts.

Also from Gearhart Ordinance Section 7.020:

4. R-A, R-1, R-2 and RCPD Zones. Vacation rental dwellings are similar to a commercial business use and therefore are not a permitted use in the R-A, R-1, R-2 and RCPD zones

Also, From the Cannon Beach Short Term Rental Task Force Presentation March 2020

The City finds that transient occupancy of dwelling units constitutes a visitor oriented commercial use in the City's residential areas. In order to maintain the residential character and livability of its neighborhoods and to prevent the adverse effects of the transient occupancy of dwelling units on residential neighborhoods, it is necessary to limit and regulate the transient occupancy of dwelling units. (Comprehensive Plan, Housing policy 8)

And, From Lincoln County Short Term Rental ordinance

## **CHAPTER 4**

### **Business Regulation**

#### **SHORT TERM RENTAL OF DWELLING UNITS**

**4.405 Findings and Purpose**

**4.410 Applicability**

**4.415 Definitions**

**4.420 Licenses**

**4.425 Application for License; Fee**

**4.430 Issuance of License**

**4.480 Operating Standards**

**4.490 Complaint Procedure**

**4.450 Denial, Revocation or Nonrenewal of a License; Hearing**

**4.455 Nonliability of County**

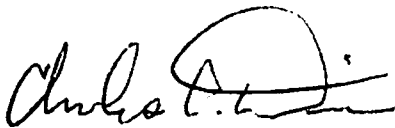
**4.460 Severability**



Some of the more common elements of these various existing Ordinances (or Ordinances that are being updated) that represent known "Best Practices" include:

1. For those Neighborhoods that use Septic Systems, restrict maximum Occupancy to the Design Capacity of the Septic System as noted in the original DEQ Approval for that specific Septic System. Also do not issue STR permits to any homes that use cesspools, holding tanks, or pressurized systems. This is a real Public Health and Safety issue that has been recognized and addressed by many of these communities.
2. For those Neighborhoods that have substandard streets or roads (roads that may not meet County road standards) prohibit on-street parking at STRs or limit STR Occupancy to only approved on-site parking spaces. This is consistent with State Fire Codes for "sub-standard" rural residential streets/roads.
3. Define a "sleeping room" or "Bedroom" consistent with already existing definitions and Standards and restrict maximum STR Occupancy to 2 persons per Bedroom ONLY (but subject to Items 1 and 2 above if more restrictive).
4. Require external signage that is visible from the Street and that provides the contact information including telephone number for the property owner or manager.
5. Do not allow STR permits to be transferrable
6. Prohibit STRs in certain Residential Neighborhoods that are and have been dedicated solely to Residential, Single Family home use in the relevant Comprehensive Plan and/or Zoning Ordinances – such as the Neighborhoods in the CR Zone (which does not allow commercial business activity in the Zone)
7. Provide an open and transparent Complaint System that allows Residents to lodge Complaints about STRs in their neighborhood on a 24/7 basis, that provides a timely response to these complaints (measured in minutes), that permanently logs these complaints and that also logs all of the steps taken to resolve the complaint as well as any action taken by the County to sanction the STR owner. This System MUST include "closing the loop" with the Complaining party so that they know what actions were taken and why (or why not).

Respectfully submitted by:



Charles A. Dice  
Member of North Coast Neighbors for Neighborhood

14 July 2021

**Mark Kujala, District 1 Commissioner and Board of County Commissioners Chair**

**John Toyooka, District 2 Commissioner**

**Pamela Wev, District 3 Commissioner**

**Courtney Bangs, District 4 Commissioner**

**Lianne Thompson, District 5 Commissioner and Board Vice Chair**

**Don Bohn, County Manager**

**Gail Henrikson, Director of Community Development**

**Clatsop County**

**800 Exchange Street**

**Suite 410**

**Astoria, OR 97103**

**Dear Commissioners, Kujala, Toyooka, Wev, Bangs, Thompson; County Manager Bohn; and Director Henrikson,**

**This letter is in support of the proposed Moratorium on Short Term Rental Permits.**

**One of the Strategic Objectives of the Board Of Commissioners is Affordable Housing. At the 6/15/21 Clatsop County Board of Commissioners Work Shop, the Board reviewed a Study date 2/26/21 by Angelo Planning that identified a number of potential sites in the Northern part of the County where Affordable Housing Complexes might be developed to provide Affordable Housing for Clatsop County workers and their families. Looking at the preliminary site plans for some of these complexes it is clear that this project will involve many millions of dollars to develop.**

**In the County's Affordable Housing Study presented in January of 2019**

**([https://www.co.clatsop.or.us/sites/default/files/fileattachments/county\\_government/page/11631/clatsop\\_co\\_housing\\_strategies\\_report\\_jan19.pdf](https://www.co.clatsop.or.us/sites/default/files/fileattachments/county_government/page/11631/clatsop_co_housing_strategies_report_jan19.pdf)) the following paragraph is found on page 5:**

**"The growth of short-term rental activity, made easier by new website and app platforms, is likely exacerbating the perceived housing shortage and lack of affordability. While the Oregon Coast has always had vacation rental activity, these technologies have facilitated the management of vacation housing for income generation. Investors seeking short-term rental properties likely bid up housing prices for local residents, and also make it attractive to convert traditional rentals for year-round residents into short-term rentals for vacationers."**

**This exact same conclusion has been noted in numerous similar reports done by or for Counties and Municipalities all across the country over the past several years as these communities deal with the issue of Affordable Housing. It is very clear that the rapid growth and lucrative business model for Short Term Rental properties is shifting thousands of properties away from actual or potential long-term rental to working families in favor of commercial units for affluent business investors.**

**In my community of Cove Beach, over just the last couple of years, we have seen at least two homes transition from long term rentals for local workers to Short Term Vacation Rentals and we have one home that is currently occupied by a local teacher and her family where the property owner has already said that she plans to convert the property to a Short Term Rental. We have also seen several homes sell as commercial business ventures to out of state owners/investors based on the financial projections on using the home as a Short Term Rental – with the newly purchased home being put in service as a Short Term Rental immediately. This is an especially troublesome trend for our small Community as homes are now being valued not just as a Single Family Home but rather based on the large cash flows that can be realized from a Short Term Rental. These transactions are driving up the price of homes in our Community and truly**

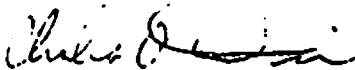
closing out the possibility of homes being sold to workers or families or retirees for domestic use. These Short Term Rental properties in our Community are achieving nightly rental rates of \$500, \$800, \$1000 and more (just Google "Cove Beach Oregon Vacation Rentals and drill into the many, many offerings to find these summer season rates). This means that these STRs are only affordable for truly affluent clients or for very large groups where the enormous costs can be split over 10 to 14 or more people. If allowed to continue, over time, our Community will inevitably transition from a wonderful, quiet, peaceful residential community to a beach resort of all Short Term Rental properties. Only two entities benefit from STRs in a Residential Neighborhood such as ours – the out of area property owner and the County (from Transient Occupancy Tax). There is NO BENEFIT to the established, existing homeowners – only problems.

We believe that there is a real and immediate opportunity for the County to consider substantial changes to its Short Term Rental program to encourage property owners to make these existing properties available to long term renters as Affordable Housing. This could reduce the number of new Affordable Housing complexes that the County is currently envisioning at a potential savings of hundreds of thousands or millions of dollars. Such changes in the Short Term Rental program or Ordinance might include "best practices" features found in many other well designed, existing STR Ordinances in other communities in Clatsop County (such as Astoria, Gearhart, Cannon Beach, Warrenton) as well as many other communities and counties across the Country, such as:

1. No STR Permits in certain, specific existing Residential Neighborhoods
2. No STR Permits in Land Use Zones where STRs are not a permitted use.
3. Limited number of rental periods – such as one rental every 14 days or rentals limited to 30 days per year.
4. Limited number of rental units in each community/Neighborhood as a % of total number of homes
5. Limit total number of STRs allowed in the Community
6. Limit STR permits to owner occupied properties where owner is "in residence" during any STR use (Homestays)
7. No transfer of STR Permits allowed
8. STR permits "matched" to provision of an Affordable Housing Unit by that property owner on a one for one basis
9. Rotate STR Permit with availability of same property as Affordable Housing (STR permit for 3 years followed by use as Affordable Housing for 3 years as an example).

There are probably many more possibilities to develop good solutions to address the Affordable housing problems using existing housing units. We believe a Moratorium would provide the "space" for the County to study these possibilities and opportunities in much more detail to arrive at a more affordable, practical, and equitable solution.

Respectfully,



Charles A. Dice  
31911 Clatsop Lane  
Arch Cape, OR (Cove Beach)

28 February 2022

Clatsop County Planning Commission  
Nadia Gardner, Chair  
John Orr  
Lam Quang  
Cary Johnson  
Christopher Farrar  
Gail Henrikson, Community Development Director

Clatsop County  
800 Exchange Street  
Suite 410  
Astoria, OR 97103

Re: Testimony for Clatsop County Planning Commission Regular Meeting on 8 March 2022

Dear Planning Commissioners Gardner, Orr, Quang, Johnson, and Farrar:

We have requested that the following testimony be included in the PC Packet for your March 8 meeting when you will discuss the County Board of Commissioners' recommendation to modify the Clatsop County Code for the sole purpose of accommodating the addition of Short-Term Rental (STR) commercial activity as a permitted use in what is now, and has been since 1966, a Coastal Residential (CR) Zone.

As residents of Cove Beach, a CR-zoned area in southwestern Clatsop County, we respectfully request that the Planning Commission reject any proposed modifications to the Clatsop County Code that would permit STRs in the CR Zone. We strongly oppose the County Commissioners' proposed changes to the Code for several important reasons.

As you know, the LAWDUC was created after much analysis and planning in the 1960s and zoned as Rural Lands/Coastal Residential the fragile and perhaps inhospitable areas to protect them from encroaching development (what LAWDUC describes as "intended to encourage residential and very limited recreation development."). It's precisely this fragile, inhospitable environment that drew us to purchase our home here; we specifically chose to invest our life savings in our "forever home" on Ray Brown Road more than 5 years ago because of its location in a zone that prohibits commercial activity (i.e., STRs, among other businesses).

Since the County began mistakenly issuing STR permits in CR-zoned Cove Beach in 2018, the number of permits has exploded to 30% of the existing homes in our neighborhood, with no proposed caps in sight. And now grasping the unlawfulness of permitting in the CR Zone 22 homes as STR businesses – rather than curbing or sunseting that activity – rather than respecting the clearly stated wishes of the people who live here – the Board is actually looking as a "fix" at changing the zoning of the CR Zone. To what end? Only to mask the County's wrongdoing, only to make STRs legal in our delicate residential neighborhood. Retrofitting the CR Zone is an astoundingly irresponsible and unethical strategy that reflects bad governance. Such a change WILL "result in over-intensive use of the land," will NOT "give reasonable consideration to the character of the area," and WILL "be detrimental to the health, safety

and general welfare” of the residents of Cove Beach. (You’ll recognize these as criteria that must be complied with when seeking a non-legislative zone designation change, as listed in LAWDUC *Article 2. Procedures for Land Use Applications*, <https://www.co.clatsop.or.us/media/13811>.) Zone retrofitting is unjustifiable.

In its Ordinance 22-01, Chapter 5.24 Short-Term Rentals (AC-RCR and CR Zones), the County Board of Commissioners claims the purpose of regulating STRs is “**to enhance livability and safety** in the Arch Cape and Coastal Residential zone neighborhoods.” No, livability and safety are not the concerns of the Board of Commissioners when they seek to retrofit zoning to accommodate STR-permitting violations. Rather, it’s greed. It’s a perceived need to increase the fiscal benefit – both to the business owners and to the County – at the expense of precious resources, public health and safety, and a neighborly community. When investors start buying up properties because there are no curbs on the percentage of STRs in the delicate Rural Land area of Cove Beach, our neighborhood will have become a resort – which directly contradicts the County’s definition of a CR Zone, which “is intended to encourage residential and **very limited** recreation development in the Southwest Coastal planning area ... of where the anticipated magnitude or density of development will not require more than a very basic level of services.” (LAWDUC *Article 4. Zone Regulations*, <https://www.co.clatsop.or.us/media/34496>) Rural Lands-designated Cove Beach cannot cope with resort-like usage without severe impacts to livability and safety of its residents, the neighborhood.

There exist alternative solutions to the STR matter besides changing Clatsop County Code to permit STRs in the CR Zone. We have encouraged the Board of Commissioners to follow the model of what our sister communities have done to protect their citizens and communities. Several jurisdictions in Clatsop County – Astoria, Warrenton, Gearhart, and Cannon Beach, to name a few – as well as in neighboring counties, such as Lincoln County – have recognized the deleterious nature of STRs in residential neighborhoods and have prohibited these commercial uses in some or all residential zones. We have asked the Commissioners to listen to us, their constituents, the residents who live here and whose daily lives will be most impacted.

Thank you, Planning Commission, for considering our pleas to reject any proposed modifications to the Clatsop County Code that would permit STRs in the CR Zone.

Respectfully yours,  
Jeff and Denise Davis  
79432 Ray Brown Rd.  
Cove Beach, OR 97102

Joanne K. Cornelius  
44920 Tide Avenue  
Arch Cape, OR 97102  
[jkcornelius@charter.net](mailto:jkcornelius@charter.net)  
503 436-1217

Clatsop County Planning Dept.

Gail Hendrickson

Re: Short Term Rentals

The message from Falcon Cove Beach Water District regarding SDR's was very important to be considered by the County Commissioners. I agree with their letter. I have lived here for 48 years and have seen the community changed not much by growth, but by allowing commercial activities in a rural area. Now designated as rural residential based on land use. No sidewalks, street lights, sewage systems, commercial allowed. These NW Counties are incapable of managing this kind of activity on rural lands because of the distances to the officials who should respond to complaints. Regardless of the many rules that counties come up with regarding SDR's to protect communities there is no way to satisfy all. Regular rural homeowners have less rules than the STR's have to abide by. It is a no ending problem and ends up being a police state. Commercial activities are not allowed and yet someone has determined that STR's don't seem to apply as "commercial" even though they are managed from such distances. The upshot is Counties are using precious time and budget dollars to force a commercial activity in a rural residential designated area. STR complaints should be handled by owners of these properties. I have never seen a STR owner spend time helping with mowing paths that lead to the beach.

When I go to the county to ask to have no parking signs put up on one side of the street so that rescue vehicles can get by on the road in front of my house I am told to take pictures, get community members to write letters, etc. I have to prove the need.

The Oregon coast has many parks along the coast for visitors. They have restrooms, picnic areas, camp sites, parking lots, and safe access to the beach. The counties and cities have been careful to not close up street access to the beach in rural areas also, especially in the incorporated areas. Our rural community roads, parking abilities, beach access, etc. cannot handle commercial activities. As word spreads about our location and as parks become overcrowded, even drive-by tourists find their way here. Beach access is dangerous, people use the trails as bathrooms, renters drive from the homes they are renting to the scant parking places by the small beach trails creating inability for emergency vehicles to get through. Then, when one asks for no-parking signs along one side of the road county commissioners put the onus on local residences to police the areas and show pictures, and get neighbors to sign grievances . In effect, we become watchmen for our rural area, caused by Counties allowing commercial activities as a land use.

Thank you.

Sincerely.

Joanne Cornelius

DT: February 28, 2022

SJ: Proposed Ordinance 22-01 Agenda Topic for March 8, 2022

TO: Clatsop County Planning Commissioners

Nadia Gardner, Chair

Christopher Ferrar

Cary Johnson

John Orr

Lam Quang

CC: Director Henrikson

FM: Rick & Leslie Smith

Dear Planning Commissioners Gardner, Ferrar, Johnson, Orr, and Quang:

We are requesting that the Clatsop County Planning Commission reject any changes to the Clatsop County Code with regard to upcoming changes to the Clatsop County Ordinances for short term rentals (STRs) that would allow STRs in the Coastal Residential Zones (CR Zones).

#### BACKGROUND

In prior workshops and discussions with Clatsop County Board of Commissioners (CC BoC) over the past 3 years, we're dismayed that the CC BoC has ignored many recommendations from residents and home owners regarding land use for operating businesses in CR Zones. There have also been two letters from Reeve Kearns, Attorneys at Law, (dated December 28, 2020 and October 25, 2021) which point out the hard work that was invested, reviewed, and approved by LAWDUC in the comprehensive plan. As outlined in these legal opinions to Clatsop County, vacation rentals are not a permitted use in Coastal Residential Zones, yet, the proposed ordinance 22-01 would change Land Use Code as a convenience to make STRs permissible because the County illegally started issuing STR Permits in Cove Beach (and the CR Zone) in 2018.

We ask that you reject the upcoming land use changes. You could also support the recommended path for the County that STR owners and business owners should wind down and exit the CR Zones by:

- 1) ceasing to accept or approve any new STR permit applications
- 2) ceasing to renew any existing STR permits, and
- 3) allowing all existing STR permits to expire
- 4) The county has stated that our small community only represents 1/10<sup>th</sup> of 1% of Clatsop County, so this should not be a major impact on the potential revenue stream from STRs

This approach would obviate the need for the County to take immediate action to revoke all of the unlawfully issued STR licenses in all of the CR Zones, and allow those existing STR operations to wind down. The result would be the cessation of all STRs that currently operate in the CR Zones within 5 years or less. Ultimately, we want the County to come into compliance with the LAWDUC zoning established for the comprehensive plan.

We had expected our CC BoC to uphold the CR Zoning ordinance and represent their constituents and those of us that are actual residents, and the ones that voted them into office. Instead, they have chosen to support outside interests and business owners that claim to be providing a benefit to coastal visitors, yet take the income and profits generated by these businesses, outside of the county.



It has been an uphill challenge getting the CC BoC to understand our position. We want to thank those commissioners that have supported the feedback provided over the last couple years, especially regarding other county-wide STR guidelines:

- 1) Prohibit transfer of STR permits. If an STR changes ownership, the new owners would be required to apply for a new permit and have new septic, safety, and building inspections.
- 2) Reduce the permit period from 5 years to 2 years and retain the current \$550 fee.
- 3) Limit rentals to either a minimum period of seven (7) nights or, if for fewer than seven (7) nights, then to no more than one rental within a seven (7) night period

Thank you for your support to reject these CC BoC Ordinance changes to our CR Zones.

Rick & Leslie Smith

Residents and neighbors in Cove Beach

## Gail Henrikson

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**From:** Rick Hess <rickjhess@yahoo.com>  
**Sent:** Monday, February 28, 2022 9:57 AM  
**To:** Gail Henrikson  
**Subject:** CR ZONE RULE CHANGES

**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.

### Planning Commission Members

I request that you do not approve the proposed rule changes for STRs. Legal opinions state that STRs are not allowed in residential neighborhoods. There are many communities that have rules that prohibit commercial businesses including STRs in some residential neighborhoods. Clatsop County needs to follow the legal opinions and create rules that ban and phase out STRs in residential neighborhoods like Cove Beach. I have had my home on Ray Brown Road in Cove Beach since 1979 and I would like to have it remain in a CR ZONE that prohibits commercial businesses like STRs.

Richard Hess  
79440 Ray Brown Road  
Cove Beach

Clatsop County Planning Commission  
Nadia Gardner  
John Orr  
Lam Quang  
Cary Johnson  
Christopher Farrar

February 28, 2022

Cc: Gail Henrikson

Clatsop County  
800 Exchange Street  
Suite 410  
Astoria, OR 97103

Re: Testimony for Clatsop County Planning Commission Meeting scheduled for March 8, 2022

Dear Planning Commissioners,

My name is Susan Paduano. My husband, Paul, and I are homeowners in the Falcon Cove Beach neighborhood. I proudly support North Coast Neighbors for Neighborhood and thank you for the opportunity to present my views in the packet prepared for your upcoming meeting.

As a Falcon Cove Beach homeowner, I completely agree with the following points:

1. There is no good, logical, ethical reason to change the existing Land Use Code for the CR Zone that has existed since 1966 and that has provided the basis for many of us to decide to purchase homes in Falcon Cove Beach because it prohibits commercial business activity (including STRs) in our residential neighborhood.
2. The only reason the County Commissioners are proposing this Code change is because they illegally started issuing STR Permits in Cove Beach (and the CR Zone) in 2018, and they now have at least 22 STR owners that they are afraid of "offending" by telling them that they cannot continue with their very lucrative commercial businesses in our residential neighborhood. So rather than admitting that they made a mistake and taking an ethical approach to correcting their mistake, the County has decided to vilify the residents of Falcon Cove Beach and change the Code to cover up their mistake. This is unethical, immoral, bad governance, and bad public policy.
3. The County has been provided with legal opinions from two well-known and well-respected Land Use Attorneys that demonstrate, in legal terms, that the County violated its own Code in issuing these 22 STRs. The County has also been provided with a legal opinion demonstrating that the STR owners do not have any valid "takings" claims. Several other surrounding jurisdictions (Astoria, Gearhart, Warrenton, Lincoln County) have successfully passed Ordinances that prohibit STRs in certain residential neighborhoods, such as those with septic systems, like ours. So, practically and legally, there is no good reason for the County to change the CR Zoning code; the County's doing so seems to be based in fear, greed, and malice. Not good governance.

Please say "no" to any changes to the County Code that would allow STRs in the areas currently zoned as Coastal Residential.

Thank you,  
Susan Paduano  
79210 Ray Brown Rd, Arch Cape OR 97102  
[spaduano1@icloud.com](mailto:spaduano1@icloud.com)



# Clatsop County

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**TO:** Clatsop County Planning Commission Members

**FROM:** Gail Henrikson, Community Development Director

**DATE:** March 1, 2022

**RE:** **GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS - DRAFT 04**

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## UPDATE

This item was continued from the February 8, 2022 regular Planning Commission meeting. Following that meeting, staff received comments on Goal 7 from the Department of Land Conservation and Development (DLCD) on February 24. Overall, DLCD commended the robustness of the draft and identified areas where additional information could be used to enhance the document. Those recommendations have been incorporated in Draft 04.

## OVERVIEW

Statewide Planning Goal 7 requires the County to adopt inventories, policies and implementing measures to reduce risk to people and property from natural hazards. For the purposes of Goal 7, “natural hazards” are:

- floods
- landslides
- earthquakes
- tsunamis
- coastal erosion
- wildfires

Local governments may also identify and plan for other natural hazards specific to their jurisdictions or geographic regions. Clatsop County’s Goal 7 has not been updated since 2003.

There are no Oregon Administrative Rules (OAR) that implement Goal 7.

## MULTI-JURISDICTIONAL NATURAL HAZARDS MITIGATION PLAN

Beginning in 2019, the County, cities and other taxing districts and agencies began work to update the County’s 2015 Natural Hazards Mitigation Plan. The [2021 Multi-Jurisdictional Natural Hazards Mitigation Plan](#) (MJNHMP) includes three additional hazards that are not addressed in Statewide Planning 7:

- drought
- volcanic ash fall
- wind/winter storms

Staff is proposing to incorporate these three additional hazards and the mitigation actions identified in the adopted MJNHMP into the revised Goal 7. While public input was obtained during the preparation of the MJNHMP, general public input has not been received on natural hazards in the context of the comprehensive plan update.

### ***FUTURE CLIMATE CHANGE PROJECTIONS CLATSOP COUNTY***

In February 2020, the Oregon Climate Change Research Institute released a report entitled *Future Climate Change Projections Clatsop County*. Technical information and recommendations from this report have also been incorporated into Goal 7 – Draft 02. This information was also included in the 2021 MJNHMP.

### **TSUNAMI EVACUATION FACILITIES IMPROVEMENT PLAN (TEFIP)**

Clatsop County has also undertaken a Tsunami Evacuation Facilities Improvement Plan (TEFIP) to identify opportunities where recreational trails and evacuation routes could be co-located for year-round utilization. The consultants for the project provided an update to the Board at its November 10 work session and completion of work on this project is estimated for March-April 2022. As part of the project, the consultants have identified goals and policies from the DLCDC document *Preparing for a Cascadia Subduction Zone Tsunami: A Land Use Guide for Oregon Coastal Communities*. Those recommended goals and policies have been incorporated into this draft of Goal 7. Any additional recommendations from the TEFIP should also be incorporated into other applicable goals as part of this update process.

### **BOARD DISCUSSION – NOVEMBER 3, 2021**

The Board of Commissioners reviewed Goal 7 – Draft 01 at a [work session](#) held on November 3, 2021. In addition to the specific Goal 7 direction provided by the Board, which is noted in the table below, the Board also provided the following general comments with regard to the Comprehensive Plan and Goal 7 update process:

#### **Commissioner Wev:**

- Emphasized concerns regarding sea level rise and the need to address this in Goal 7

#### **Commissioner Bangs:**

- Make no rules or statements that are against current written law
- Remove all statements that present a personal opinion against a particular project or idea
- Stick to facts
- Remove statements that the county does not have the authority, ability, or budget to enforce
- Goals and policies should be **SMART**: **S**pecific, **M**easurable, **A**ttainable, **R**elevant and **T**ime-bound.
- Goals should be challenging but reasonable and realistic
- Restrictions should not focus on one industry or entity, but should be applied to all municipalities, etc.

- Goals should support and promote local industries and businesses
- Goals should incentive growth in the county
- Goals should support expansion of housing in both rural and urban areas
- The Board needs to review and acknowledge goals as part of the strategic planning process. Goals need to be attainable. Community conversations should reflect that.
- Whatever is within the purview of the county to support and improve growth is okay.

**Commissioner Thompson:**

- Everyone has concerns about the environment. Need to determine how to use those concerns to maintain the well-being of our place.
- Honor constraints mentioned by Commissioner Bangs
- Emphasized constraint and effectiveness.
- The County doesn't have control over natural hazards; we cannot prevent them, we can only mitigate their impacts.
- Resilience should be emphasized
- Natural disasters impact people and businesses in Clatsop County
- Emphasize preparation, response and recovery
- Planning should be integrated with emergency management.

**Commissioner Toyooka:**

- The County should think globally, but act locally
- Goals and policies should support local constituents
- The County should focus on local actions, not global actions

**Commissioner Kujala:**

- Agreed with the other commissioners
- Recommended including drought, volcanic ash fall, and wind/winter storms in Goal 7

Following the November 3 work session, Countywide CAC member Patrick Corcoran also provided comments on the first draft of Goal 7. On January 7, the members of the Planning Commission and the Countywide Citizen Advisory Committee reviewed Goal 7 – Draft 02 during a joint meeting. The revisions approved at that meeting are included as a link at the bottom of this memo. All revisions from the January 7, 2022, joint meeting have been incorporated into Draft 03 and were to have been reviewed on February 24. However, this item was conditioned to March 8.

**WRITTEN COMMENTS**

In addition to the comments received from DLCDC on February 24, staff has also made revisions based upon written comments that have been received from the public, Countywide CAC members and Planning Commission members. All revisions incorporated into Draft 04 are highlighted in yellow.

**ACTION ITEMS:**

- 1) Review Goal 7 - Draft 04: Areas Subject to Natural Hazards** as revised at the joint Planning Commission / Countywide Citizen Advisory Committee meeting of January 7, 2022 and by staff to incorporate comments from DLCD.
- 2) Review discussion** from the November 3, 2021, Board of Commissioners work session to determine what, if any, additional revisions should be made to Goal 7.
- 3) Accept a motion and second** to recommend the Board of Commissioners approve revisions to Goal 7, including any recommended amendments to the goal.

**BACKGROUND MATERIALS PROVIDED IN MARCH 8, 2021, AGENDA PACKAGE:**

- **EXHIBIT A:** Goal 7 – Draft 04: Areas Subject to Natural Hazards
- **EXHIBIT B:** Written Comments - Patrick Corcoran
- **EXHIBIT C:** Written Comments – Oregon Shores
- **EXHIBIT D:** Written Comments – Bill Eddy
- **EXHIBIT E:** Written Comments – Chris Farrar

**Additional reference materials for those interested in further research and technical information:**

- [Statewide Planning Goal 7](#)
- [Clatsop County Goal 7 \(Current\)](#)
- [Clatsop County Goal 7 – Draft 01](#)
- [Clatsop County Goal 7 – Draft 02 \(including PC/CCAC revisions dated January 7, 2022\)](#)
- [Clatsop County Goal 7 – Draft 03](#)
- [DLCD Comments – Goal 7](#)
- [Clatsop County Multi-Jurisdictional Natural Hazard Mitigation Plan, 2021](#)

	ISSUE	STAFF COMMENT	BOARD DISCUSSION
1.	Adoption of the Tsunami Overlay Zone	<p>A Tsunami Hazard Overlay (THO) was drafted and proposed to the Board in 2015 (Ordinance 15-04). Based upon public comment and input, the Board at that time the item was tabled indefinitely. The public comment received focused on the following concerns:</p> <ul style="list-style-type: none"> <li>• General unintended consequences</li> <li>• Restrictions on future development</li> <li>• Stricter building code requirements</li> <li>• Disclosure statement would affect property sales</li> <li>• Increased costs for new homes</li> <li>• Restrictions on the use of density credits</li> <li>• Increased insurance rates</li> <li>• Decline in property values</li> </ul> <p>The purpose of the proposed THO was to:</p> <ul style="list-style-type: none"> <li>• Reduce loss of life</li> <li>• Reduce damage to private and public property</li> <li>• Reduce social, emotional, and economic disruptions</li> <li>• Increase the ability of the community to respond and recover</li> </ul> <p>A significant portion of new residential growth is centered in the Clatsop Plains and coastal areas of Clatsop County. This increase in development may also be reflected in a corresponding increase in loss of life and/or property damage when a tsunami occurs.</p> <p>Adoption of the TOZ is a recommended mitigation action in the adopted Multi-Jurisdictional Natural Hazards Mitigation Plan.</p>	<p><b>Commissioner Thompson:</b> Need to do a lot of listening. Have to keep bringing it up because denial will not work. How do we handle the risk? A community conversation is called for. Public outreach and listening are the keys for success. Have to respond to people’s concerns. Whose cost and whose benefit?</p> <p><b>Commissioner Wev:</b> Where are the cities in this process? The cities make up most of the linear feet of our coast. To what extent does the county know what the cities are doing with regard to tsunami ordinances? Tsunamis do not really affect unincorporated County until they get to the Columbia River and Youngs Bay. The County will impact the five cities with any decisions it makes. There should be a conversation with the cities to discuss ramifications.</p> <p><b>Commissioner Bangs:</b> Seeing the potential consequences of adopting a tsunami overlay causes a large amount of hesitancy. None of the consequences are positive ramifications for development. Hesitant to revisit this conversation. The potential consequences seem too high.</p> <p><b>Commissioner Toyooka:</b> There are a lot of potential negative consequences. Need to</p>



	ISSUE	STAFF COMMENT	BOARD DISCUSSION
			<p>have more conversations, including with the cities. Has to be a coordinated effort.</p> <p><b>Commissioner Thompson:</b> Concern about negative consequences is valid, but it is about saving people’s lives. The known negatives, balanced and harmonized with the potential, but likely negatives are very challenging public policy. Have to continue to explore, but very gradually and respectfully. Supports working with the cities. How do we have a groundswell of public opinion that reflects who will have the costs and who will have the benefits.</p> <p><b>Commissioner Kujala:</b> Agrees with all the comments that have been made. Need to review and refine Tsunami Overlay boundary.</p> <p><b>Commissioner Wev:</b> Far more concerned about the slow and steady rising of the ocean. The County will need to confront this issue very soon, and is already confronting it in some instances. There is a lot of information about sea level rise available now that the County probably should be dealing with. This also has impacts for groundwater and other natural resources. Impacts dikes and agricultural communities. Hesitant to re-up on the tsunami overlay</p>

	ISSUE	STAFF COMMENT	BOARD DISCUSSION
			<p>zone as it is not quite as pressing a situation.</p> <p><b>Commissioner Thompson:</b> Clatsop County has an active geography – including the movement under Highway 101. Need to pay attention to all manners of disturbance. Make the tsunami overlay a Tier 2 project. Need to increase awareness and people’s confidence in their ability to adapt and cope in ways that maintain family well-being and community well-being.</p> <p><b>Commissioner Kujala:</b> This is a lower priority, but much dialog needs to take place.</p>
2.	<p>Clatsop County participates in the National Flood Insurance Program (NFIP) and has adopted floodplain regulations. These are the minimum-standards required to retain eligibility to the participate in the NFIP program.</p> <p><a href="#">FEMA’s Community Rating System (CRS)</a> is a voluntary incentive program that</p>	<p>Participation in the CRS program would discount premium rates for owners and residents who have flood insurance policies. This would be a benefit to constituents, particularly as the <a href="#">Risk Rating 2.0</a> may increase premiums for some property owners over the next several years.</p> <p>Depending upon the level of involvement desired by the community and the Board, policy holders would be able to receive discounts of 5%-45% on their premiums.</p> <p>To achieve the minimum Rate Class of “9”, which would enable policy holders to receive a 5% discount, minimal staff time should be required, as some of the activities are already being conducted.</p> <p>To achieve a higher rating and higher policy-holder discount, increased staff time and funding would be required.</p>	<p>Board did not provide direction</p>

	ISSUE	STAFF COMMENT	BOARD DISCUSSION
	<p>recognizes and encourages community floodplain management practices that exceed the minimum requirements of the NFIP.</p> <p>In CRS communities, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community’s efforts</p>		
3.	<p>The MJNHMP includes three additional natural hazards that are not identified in Statewide Planning Goal 7:</p> <ul style="list-style-type: none"> <li>• Drought</li> <li>• Volcanic Ash Fall</li> <li>• Wind / Winter Storm</li> </ul>	<p>The MJNHMP already includes mitigation strategies regarding these three hazards. Minimal staff work would be required to incorporate them into Goal 7.</p> <p>Including these hazards is not required, but would create a more accurate assessment of the natural hazards the community faces or may face in the 20-year planning horizon.</p>	<p>Include drought, volcanic ash fall, and winter storms</p>
4.	<p>Critical Facilities in the Inundation Zone</p>	<p>In 2019, the Oregon Legislature approved HB 3309, which repealed a nearly 25-year-old law prohibiting new schools, hospitals, jails, and police and fire stations from being built in the state’s tsunami inundation zone.</p>	<p>Board did not provide direction</p>

	ISSUE	STAFF COMMENT	BOARD DISCUSSION
		<p>Clatsop County’s codes still contain language prohibiting these critical facilities within the inundation zone. Both the County Public Works facility and the County Emergency Operations Center are located within the inundation zone.</p>	
5.	<p>Use of DOGAMI Maps and Requirements for Geological Hazard Reports or Waivers</p>	<p>The County currently relies on DOGAMI bulletins from 1974 and 1979. These bulletins are outdated and in some cases are inaccurate and technological advances have provided more sophisticated measuring techniques.</p> <p>Staff is proposing to utilize DOGAMI’s Landslide Susceptibility mapping data, which identifies properties as either being in an area with a low, moderate, high, or very high susceptibility for landslide activities.</p> <p>Current regulations require any development occurring on property within an area mapped for potential landslide / mass movement, to include a geologic hazard report or a waiver request prepared by a profession registered geologist or a professional engineering geologist.</p> <p>By utilizing the updated DOGAMI data, it may be possible to more finely tune this process by only applying this requirement to properties that are in the “high” or “very high risk” category.</p>	<p>Board did not provide direction</p>
6.	<p>Additional requirements or restrictions for development in areas subject to coastal erosion</p>	<p>Elevations along the Pacific Coast are generally at sea level. While dunes and headlands may rise steeply once past the vegetative line, coastal erosion has been a significant issue within the southwest quadrant of the County. In 2020, king tides and winter storms accelerated erosion and property damage in this area, impacting both private properties and</p>	<p>Board did not provide direction</p>

	ISSUE	STAFF COMMENT	BOARD DISCUSSION
		<p>public beach access points.</p> <p>The Oregon Climate Change Research Institute (OCCRI) released a <a href="#">report</a> in February 2020 detailing future climate projections for Clatsop County. The report notes that the global average sea level has risen 7-8 inches since 1900, with almost half of that rise occurring since 1993. The report also projects that in Clatsop County, based upon an intermediate-low level model of climate change, sea level is expected to rise by 0.2 feet by 2040. Under the high model, that rise increases to 1.3 feet in 2040. The extreme model places sea level rise at 1.6 feet by 2040.</p>	
7.	Wildfires	<p>The members of the citizen advisory committees have repeatedly raised concerns about the need to encourage or require enhanced building hardening and best practices to mitigate damage and impacts from wildfires. Many of these techniques, such as spark arresters on chimneys and defensible clear space around structures, are already required for dwellings built on forest resource lands.</p>	Board did not provide direction

# EXHIBIT A

*Draft 04 – Goal 7:  
Areas Subject to Natural Hazards*

STATEWIDE  
PLANNING

GOAL 7:

To protect people and property from natural hazards.

CLATSOP  
COUNTY GOAL 7:

To protect people and property in Clatsop County from natural hazards.

OVERVIEW

Statewide Planning Goal 7 requires local comprehensive plans to address Oregon’s natural hazards. Protecting people and property from natural hazards requires knowledge, planning, coordination, and education. Goal 7 requires local governments to adopt inventories, policies and implementing measures to reduce risk to people and property from the following natural hazards:

- Floods (coastal and riverine)
- Landslides
- Earthquakes and related hazards
- Tsunamis
- Coastal erosion
- Wildfires

Goal 7 also allows local governments to plan for other natural hazards specific to their jurisdictions. In 2021, the County completed an update of its Multi-Jurisdictional Natural Hazards Mitigation Plan (MJNHMP). This plan also analyzes the County’s risk from drought, volcanic ash fall and wind/winter storms and provides recommended mitigation actions. In addition to the above natural hazards, Clatsop County Goal 7 incorporates these three additional hazards and associated mitigation actions identified in the 2021 MJNHMP.

Clatsop County has been planning for some of Oregon's natural hazards for over 40 years. River and coastal floods, landslide, wildfires, and coastal erosion are a consistent presence in Oregon and in Clatsop County. In recent years, more awareness has been developing about the possibility of a major earthquake and tsunami from the Cascadia Subduction Zone (CSZ). Good planning does not put buildings or people in harm's way. Planning, especially for the location of essential services like schools, hospitals, fire and police stations, is done with sensitivity to the potential impact of nearby hazards. Natural hazard mitigation is defined as permanently reducing or alleviating the losses of life, property and injuries from natural hazards through long- and short-

## CLATSOP COUNTY COMPREHENSIVE PLAN

term strategies. Natural hazard mitigation planning is a process that identifies actions to reduce the dangers to life and property from natural hazard events.

In order to address natural hazards in its comprehensive land use plan the County must adopt a natural hazard inventory, and supporting plans and policies. Clatsop County Goal 7 incorporates the risk assessment and recommended risk-reduction actions identified in the 2021 MJNHMP. The 2021 MJNHMP aligns with the goals of the comprehensive plan and helps Clatsop County meet the requirements of statewide Goal 7.

Population demographics are a factor in a community's vulnerability to disaster because development patterns, economic characteristics, age, race, health, and wealth all may contribute to vulnerability and resilience. While natural hazards can cause losses to nearly anyone, the adverse impacts of natural hazards often disproportionately impact people who are already vulnerable, underserved, or disadvantaged by one or more risk factors. Vulnerable populations are those groups that possess specific characteristics that inhibit their ability to prepare for, respond to, or recover from a disaster. In addition, people from non-white or non-able-bodied populations may be considered "underserved." Vulnerable and underserved populations are more likely to have unique needs, and combinations of needs, that put them at risk of being victims of a disaster. Understanding trends in these factors will support the County's ability to plan, regulate, and effectively serve populations in need. It is vital to provide education and support to vulnerable and underserved groups to ensure equitable engagement in natural hazards decision-making processes, as well as emergency preparedness and response efforts.

In Clatsop County two departments focus on natural hazards planning: Emergency Management and Community Development. State partners with the County in the natural hazards planning area include:

- Oregon Department of Emergency Management (OEM)
- Oregon Department of Land Conservation and Development (DLCD)
- Oregon Department of Geology and Mineral Industries (DOGAMI)
- Federal Emergency Management Agency (FEMA)

Clatsop County Public Works and law enforcement have primary roles during and post-disaster. Increasing informed and appropriate public participation in the natural hazards planning process, emergency preparedness, and response is crucial to achieving the County's natural hazard goal.

A variety of rules, agencies, and background reports are relevant to natural hazards planning in Clatsop County, including the following:

**Federal Emergency Management Agency (FEMA):** FEMA provides grants for drafting and updating Natural Hazards Mitigation Plans (NHMPs). FEMA-approved NHMPs confer eligibility for hazard mitigation assistance through the Hazard Mitigation Grant Program (HMGP), the Pre-



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Disaster Mitigation Grant Program (PDM), the Flood Mitigation Assistance Program (FMA), and the Building Resilient Infrastructure and Communities (BRIC) program.

**The Disaster Mitigation Act of 2000 (DMA 2000)** is the federal basis for natural hazard mitigation planning grants and funding. It establishes the PDM grant program and requirements for the national post-disaster HMGP, which are administered by FEMA. Section 322 of the DMA 2000 (42 U.S.C. § 5165) governs mitigation planning at the state and local levels, and Title 44, Part 201 of the Code of Federal Regulations implements the DMA 2000 with respect to the same. 44 C.F.R. § 201.6 contains the standards for developing local natural hazard mitigation plans and requires them to be updated every five years. State and local jurisdictions must have approved mitigation plans in place in order to qualify to receive post-disaster HMGP funds. DLCD implements Goal 7's requirements in part by maintaining and updating Oregon's Natural Hazards Mitigation Plan ("ONHMP") and assisting local governments, tribes, and special districts to draft, maintain, and update their NHMPs. Clatsop County, cities, and other taxing districts worked with DLCD to update the County's 2015 NHMP, resulting in the 2021 MJNHMP.

**Clatsop County Multi-Jurisdictional Natural Hazards Mitigation Plan (MJNHMP)** is a strategic planning document addressing hazards, vulnerability, and risk in Clatsop County. The MJNHMP fulfills FEMA requirements to ensure that Clatsop County is eligible for federal hazard mitigation grants. Relevant goals, objectives, and actions from that document have been incorporated into various sections of CCCP Goal 7. The MJNHMP is also referenced as a supporting document in the "Objectives and Policies" section of CCCP Goal 7. The document also highlights population demographic trends important to the County's ability to effectively serve vulnerable and underserved populations.

**OCCRI - Future Climate Projections: Clatsop County (Feb. 2020):** FEMA requires that NHMPs include a review of hazards in terms of potential climate impacts. The 2021 MJNHMP included a climate assessment specific to Clatsop County prepared by the Oregon Climate Change Research Institute (OCCRI) based at Oregon State University. OCCRI completed this report, entitled "Future Climate Projections: Clatsop County" (2020 OCCRI Report), in February 2020. The 2020 OCCRI Report states that effects of climate change are already apparent in Oregon. It indicates that climate change is expected to influence the likelihood of occurrence of existing natural hazard events such as heavy rains, river flooding, drought, heat waves, cold waves, wildfire, air quality, and coastal erosion and flooding. OCCRI's report covers climate change projections related to natural hazards relevant to Clatsop County. The 2021 MJNHMP and CCCP Goal 7 incorporate and rely on this source for estimation of the impact of climate change on natural hazards.

**County Plans and Policies related to hazard mitigation:** Clatsop County's Flood Overlay Zone and Floodplain Ordinance, Geohazard Overlay Zone, Beaches and Dune Overlay Zone each guide development in areas with identified hazards. The County's Transportation System and Dredge Material Disposal Plans contain provisions for tsunami evacuation facilities and activities related to coastal erosion, respectively.

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Statewide Land Use Planning Goals: Working in conjunction with Goal 7, statewide Goals 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18 (Beaches and Dunes), and 19 (Ocean Resources) are particularly relevant to the management of hazards by local communities.

Oregon Department of Geology and Mineral Industries (DOGAMI): DOGAMI provides ongoing scientific study of hazards, such as earthquakes and landslides, to help jurisdictions understand the risks and prepare mitigation strategies. The County utilizes DOGAMI's Statewide Landslide Information Layer for Oregon (SLIDO), dated July 23, 2022, to determine properties that are in the moderate to very high landslide susceptibility category.

~~In 2021, the County completed an update of its Multi-Jurisdictional Natural Hazards Mitigation Plan (MJNHMP). This plan also analyzes the County's risk from drought, volcanic ash fall and wind/winter storms and provides recommended mitigation actions.~~

## HISTORICAL PERSPECTIVE

When Clatsop County's first comprehensive plan was adopted in 1980, consideration was given to the suitability of various land for development. Physical characteristics that were hazardous or limiting were analyzed and regulations were developed for those areas to minimize loss of life and property and to avoid expensive and burdensome corrective measures. Historically, natural hazards of concern in Clatsop County were identified as:

- Flooding
- Tsunamis
- Mass movement (landslides)
- Earthquakes
- High groundwater and compressible soils
- Erosion and deposition

The following narrative and tables document the historical incidents of each of the natural hazards within Clatsop County that are covered by Statewide Planning 7. The narrative and tables also address winter storms, which were analyzed in the MJNHMP, and compressible soils and high groundwater, which are included in the current.

### FLOODING

Oregon has a history of flooding with flood records dating back to the 1860s. The principal types of flood that are a threat to Clatsop County include:

- Riverine flooding from freshwater rivers and streams;
- Ocean flooding from high tides or wind-driven waves;
- Dams, levees, and tide gates.

#### *Riverine Flooding*

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There are many large rivers within Clatsop County that either drain to the Pacific Ocean or the Columbia River. The major rivers within the county are:

- Lewis and Clark
- Necanicum
- Nehalem
- North Fork Nehalem
- Skipanon
- John Day
- Walluski
- Youngs

The Columbia River defines the north boundary of the county and separates Oregon from Washington. These rivers are all subject to flooding, which can cause damage to buildings within the Special Flood Hazard Area. Other flooding events are due to coastal flooding from the Pacific Ocean for low-lying coastal developments and from the many estuaries within the county.



*Debris Washed onto Residential Deck by 2021 Storm*

### ***Ocean Flooding***

Flooding from wind-driven waves is a common event on the Oregon coast. This is particularly true during the winter storm season, during El Niño events, and when spring and King tides occur. While ocean storms can and do occur annually, El Niño events tend to occur every three to five years. These types of events can wash large debris ashore, cause property damage and endanger humans.

### ***Dams, Levees and Tide Gates***

Dam failure can be caused by destabilizing events such as large snowpack, heavy rains, or extreme floods that exceed spillway capacity. Seismic events can structurally damage dams, creating or exacerbating structural issues that increase vulnerability to otherwise normal snow and rain events. Regular maintenance and inspections are required to ensure the structural soundness of these types of facilities. In Clatsop County, there are five dams, as noted in **Table 1**.

**Table 1: Dams in Clatsop County**

Name	Hazard Level	Height	Storage (acre-feet)	Owner	Notes
Bear Creek Dam	High <sup>1</sup>	94 FT	800	City of Astoria	Water Supply / Bear Creek

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Middle Reservoir	High	39 FT	168	City of Astoria	Water Supply / Bear Creek
Wickiup Lake	High	30 FT	340	City of Astoria	Water Supply / Bear Creek
Seaside City Reservoir	High	45 FT	170	City of Seaside	Water Supply / Necanicum River
Fishhawk Lake	Significant <sup>2</sup>	40 FT	1,650	Fishhawk Lake HOA	Dam repair underway / lake drained in 2019

**Source:** 2021 Clatsop County Multi-Jurisdictional Natural Hazards Mitigation Plan: U.S. Army Corps of Engineers National Inventory of Dams, 2020.

<sup>1</sup>High: Failure would present a strong risk for loss of life, annual inspection, Emergency Action Plan (EAP) required

<sup>2</sup>Significant: Failure would present a strong risk for loss of major infrastructure, inspection every 3 years, EAP not required

Levees that are unmaintained or that have been designed for different conditions may cause flooding under various conditions. There are over 8,000 acres of lowlands in Clatsop County that depend on over 35 miles of dikes for flood control. Many of these dikes are in poor condition and are expensive to maintain and repair. A list of diking districts and their status is listed in Goal 6.

Tide gates are structures designed to protect farm land and other development from salt water and high tides. Due to the expense and time associated with permitting in estuaries it can be cost-prohibited to replace them when the break. Most tide gates are well past the end of their useful lives and may be impossible to operate, making it difficult to drain freshwater flood flows. Thus, tide gates can result in back-flooding at these locations. This back-flooding can cause erosion, structure failure, and variations in the local fresh-salt water chemistry that may not benefit native species or estuarine products.

### **FEMA**

FEMA has mapped Clatsop County water bodies for 10-, 50-, 100-, and 500- year flood events, with the probability of flooding in a year being 10%, 2%, 1%, and 0.2% respectively. Areas subject to these floods are depicted on FEMA Flood Insurance Rate Maps (FIRMs) and profiled in an accompanying Flood Insurance Study (FIS). Recurrence intervals can differ between reaches of the same stream. For example, certain reaches of the Young's River may experience a 100-year (1%) flood while other sections of the river may be having a 50-year (2%) or perhaps a 500-year (0.2%) flood event.

FEMA's National Flood Insurance Program (NFIP) requires jurisdictions that regulate development, such as a county or municipality, to use FEMA's Flood Insurance Rate Maps (FIRMs) for managing the local floodplain. FIRMs depict flood conditions and the associate Flood Insurance Study (FIS) provides details about the location, source and nature of flooding in the County. In Clatsop County, two Flood Insurance Studies are used in the unincorporated areas:

- #41007CV001B and #41007CV002B, dated June 20, 2018, Version Number 2.3.2.0
- #41007CV001A and #41007CV2A, dated September 17, 2010

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It should be noted that FEMA’s flood maps do not consider future conditions, such as sea level rise. The effect of rising sea levels on the county’s estuaries has not yet been mapped. **Table 2** details historic flooding events in Clatsop County and on the North Oregon Coast from 1876-January 2021.

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## Table 2: Historic Flood Events

Date	Location	Event Type	Magnitude	Details
Jan. 2021 (01/03/2021)	Clatsop County	Flood, Heavy Rain		A strong westerly upper level jet over the northern Pacific was directed at the Oregon coast, driving a plume of deep moisture toward NW Oregon Street flooding stranded vehicles along Circle Creek, approximately 1 mile south of Seaside.
Jan. 2018 (01/18/2018)	N. Oregon Coast	Flood, Coastal Erosion	3 ft. waves	A strong stationary low pressure system brought high seas with wave heights up to 37'. Seaside and Cannon Beach had water in their streets.
Oct. 2017 (10/21/2017)	N. Oregon Coast	High Wind, Heavy Rain	53 mph. on Astoria-Megler Bridge	A very potent atmospheric river brought strong winds to the north Oregon Coast and Coast Range on October 21st. What followed was a tremendous amount of rain for locations along the north Oregon Coast and Coast Range.
Nov. 2016 (11/24/2016)	Bradwood, Clatsop County	Heavy Rain	3.52 in. of rain	A moist Pacific front moving slowly across the area produced heavy rainfall, resulting in flooding of several rivers across Northwest Oregon and at least two landslides.
Dec. 2007 (12/01/2007-12/03/2007)	Clatsop County	High Wind, Heavy Rain, Mudslides	A series of powerful Pacific storms brought straight-line winds, rain, and mudslides.	A series of powerful Pacific storms Dec. 1-3, 2007 brought straight-line winds, rain, and mudslides resulting in Presidential Disaster Declaration; \$180 million in damage in the state, power outages for several days, and five deaths attributed to the storm.
Dec. 2006 (12/14/2006, 12/15/2006)	Clatsop, Tillamook Counties	High Wind, Heavy Rain		\$10,000 in damages.
Nov. 2006 (11/05/2006-11/08/2006)	Clatsop County	High Wind, Heavy Rain		Severe storms, flooding, landslides, mudslides.
Dec. 2004 (12/08/2004-12/09/2004)	W. Oregon	Winter Storm, High Wind, Heavy Snow, High Surf	2.5 ft. of snow on Mt Hood; Lightning in Astoria; 25 ft. Surf	A large powerful Pacific storm brought a wide variety of weather to Northwestern Oregon. High winds along the Coast heralded the approach of the storm early in the morning. A City employee was struck by lightning. Heavy rain accompanied this storm resulting in mud slides. The storm also generated high seas, which created high surf along the Northern and Central Oregon Coast the next day. Buoys 20 miles off the Oregon Coast reported maximum seas of 25 to 26 feet.
Jan. 2004 (01/27/2004-01/29/2004)	Clatsop	Heavy Rain	4 in. rain in Seaside; 4.29 in. rain at Astoria Airport	A series of strong Pacific storm systems brought heavy rain to Northwest Oregon.
Dec. 2003 (12/12/2003 - 12/14/2003)	Clatsop	Heavy Rain	1-3 in.	A strong very moist Pacific system moved into the are producing heavy rains.
Mar. 2003	Clatsop	Heavy Rain	1-3 in.	Heavy rains once again moved into Northwest Oregon. Many stations reported 1 to 3 inches during the same 24-hour period.



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Date	Location	Event Type	Magnitude	Details
Jan 2003 (01/29/2003-01/31/2003)	Clatsop	Heavy Rain, Floods	1-3 in.	Heavy rains associated with a strong Pacific weather system brought 2 days of heavy rains to the area. Numerous locations reported 1 to 3 inches. These heavy rains filled many small streams, 2 feet of water covered Highway 101 between Seaside and Cannon Beach.
Jan. 2002	N. Oregon Coast	Winter Storm: High Winds, Heavy Rains	63 mph.	A winter storm brought high winds, heavy rain, and warmer temperatures to the area, resulting in flooding and mud and landslides. High winds knocked out power along the coast from Cannon Beach and Seaside to Warrenton for varying periods of time. Reported winds included Cannon Beach 40 to 45 mph with gusts to 63 mph.
2001	Clatsop	n/a		A dike failure required a significant emergency repair effort to prevent significant flood losses.
Aug. 2001 (08/22/2001-08/23/2001)	Clatsop	Heavy Rain		n/a – Unknown if above event is connected to this Aug. event.
Dec. 1996 (12/26/1996-12/31/1996)	N. Oregon Coast	Heavy Rain, Floods	16 rivers flooded	Heavy rains caused 16 rivers in NW Oregon to flood during the last week of December 1996 and into early January 1997. Dozens of homes were flooded on various rivers and numerous highways were rendered impassable.
Nov. 1996 - Dec. 1996	Five Western States	Heavy Rain, Freezing Rain/Heavy Wet Snow	6-18 in. rain west of the Cascades; 8 in. in 24 hrs. in Coast Range	During the period from mid-November to mid-December 1996, many areas received above-normal precipitation, greatly increasing the snowpack over mid and high elevations. Three sequential storms brought moderate to heavy rain, with the last creating a rain-on-snow event which resulted in incredible amounts of runoff.
Nov. 1996 (11/18/1996-11/20/1996)	N. Oregon Coast	Heavy Rain, Floods	11 rivers reached flood stage	Road damage from landslides; high velocity flows, damage from erosion and undermining of structures. Heavy rainfall over Oregon caused many rivers in Northwestern Oregon to flood. The first small streams began flooding on November 18th with 11 larger rivers reaching flood stage on the 19th and 20th. Major rivers such as the lower reaches of the Willamette remained above flood stage until November 23rd. Initial damage estimates from this flooding exceeded \$3 million.
Feb. 1996 (2/5/1996-2/9/1996)	N. Oregon Coast	Floods, Debris Flow	Astoria 7.68 in. rain in 3 days	A river of subtropical atmospheric moisture flowed above northern Oregon producing very heavy rainfall, particularly in the northwestern part of the state. Runoff from heavy rains and melting mountain snow caused major floods upon many northern Oregon rivers. Six rivers set all time high river stage records, and 7 people lost their lives as a direct result of flooding. Statewide damage was estimated at over 285 million dollars with an estimated five thousand

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Date	Location	Event Type	Magnitude	Details
				homes destroyed. Numerous mudslides were triggered, disrupting transportation in mountainous areas of western Oregon.
Nov. 1991	Oregon Coast	High Wind, High Surf	25 ft. waves	This slow-moving storm generated 25-foot waves and resulted in damage to buildings, boats, and transmission lines.
1982	Clatsop	Dike failure		Caused almost \$200,000 in damage (Clatsop EOP, 2018).
Nov.-Dec. 1977	Western Oregon	Heavy Rain, Floods	n/a	Rain on snow event; \$16.5 million in damages.
Jan. 1972	Western Oregon	Heavy Rain, Floods	n/a	Record flows on coastal rivers.
Dec. 1964 (12/24/1964)	Oregon	Floods, Heavy Rain, Winter Storm	100-year flood event; Benchmark	The Christmas flood of 1964 was driven by a series of storms, known as atmospheric rivers or “pineapple expresses,” that battered the region producing as much as 15 inches of rain in 24 hours at some locations. The combination of heavy rain, melting snow, and frozen ground caused extreme runoff, erosion, and flooding.
Dec. 1964 - Jan. 1965	Oregon	Floods, Heavy Rain, Winter Storm		Rain on snow event; record flood on many rivers.
Mar. 1964	Oregon Coast	Flood	n/a	n/a
Jan. 1956	Western Oregon	High Wind, Heavy Rain, Mudslides		Heavy rains, high winds, mud slides resulted in estimated damages of \$95,000.
May - June 1948	Columbia River Basin	Flood	n/a	Rain on snow event; Rocky Mountain snow melt.
May 1928	Columbia River Basin	Flood	n/a	Rain on snow event; Rocky Mountain snow melt.
June 1913	Columbia River Basin	Flood	n/a	Rain on snow event; Rocky Mountain snow melt.
Feb. 1907	Western Oregon	Flood	n/a	
June 1894	Columbia River Basin	Flood	33 ft. in Portland	Rain on snow event; Rocky Mountain snow melt.
May - June 1884	Columbia River Basin	Flood	n/a	Rain on snow event; Rocky Mountain snow melt.
June 1880	Columbia River Basin	Flood	27.4 ft. in Portland	Rain on snow event; Rocky Mountain snow melt.
Mar. 1876	Columbia River Basin	Flood	< 27.0 ft in Portland	Rain on snow event; Rocky Mountain snow melt.

Source: NOAA Storm Events Database, <https://www.ncdc.noaa.gov/stormevents/>, accessed 12/2/2019.

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### MASS MOVEMENT / LANDSLIDE

In simplest terms, a landslide is any detached mass of soil, rock, or debris that falls, slides, or flows down a slope or a stream channel. Landslides are classified according to the type and rate of movement and the types of materials that are transported. In understanding a landslide, two forces are at work:

- gravity, the driving forces that cause the material to move down slope, and
- friction, the forces and strength of materials that act to retard the movement and stabilize the slope.

When the driving forces exceed the resisting forces, a landslide occurs.

Clatsop County has significant chronic risks from landslides, particularly on steep forested slopes subject to heavy rainfall each winter. However, the potential for catastrophic risk is posed by an earthquake that could trigger landslides resulting in road closures and isolation. Most slopes in Clatsop County steeper than 70% have a risk of rapidly moving landslide activity regardless of geologic unit. Areas directly below these slopes in the paths of potential landslides are at risk as well. The combination of steep slopes and geologic formation (sedimentary rock units) contributes to the increased hazard risk. There is a strong correlation between intense winter rainstorms and the occurrence of rapidly moving landslides (debris flows).

Landslides accompany nearly every major storm system that impacts western Oregon. In recent events, landslides accompanied storms in 1964, 1966, 1982, 1996, and 2007. Two major landslide-producing winter storms occurred in Oregon during November 1996. Intense rainfall triggered over 9,500 landslides and debris flows that resulted in eight fatalities throughout the state. The



*Landslide on Old 77 Vesper Road, 2017*

fatalities and losses resulting from the 1996 landslide events brought about the passage of Oregon Senate Bill 12, which set site development standards, authorized the mapping of areas subject to rapidly moving landslides and the development of model landslide (steep slope) ordinances. During the December 2007 storm, a landslide occurred near Woodson in neighboring Columbia County, a few miles east of the eastern border of Clatsop County. This slide sent a debris flow across Highway 30 and into Westport Slough, destroying several residential

structures and covering the highway with mud and large woody debris. In 2021, a landslide triggered by heavy rains caused a landslide that damaged a water transmission line owned by the City of Astoria. This line serves several water districts in unincorporated areas of Clatsop County and resulted in a boil water notice that lasted several days. **Table 3** details historic landslide events in unincorporated Clatsop County.

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**Table 3: Historic Landslide Events**

Date	Location	Details
Nov. 2021	Bear Creek Watershed, east of Astoria city limits	Heavy rains and steep slope saturation caused a water transmission line to rupture. The break impacted outlying water districts, including Willowdale, Fernhill, John Day, Olney, Walluski, Riverpoint and Williamsport. A boil-water notice was in place for several days
Jan. 2021	Hwy 30 east of Liberty Lane	Large amount of material damaged at least one vehicle and closed Hwy 30 for multiple days
Jan. 2020	Ecola State Park; crescent Beach Trail and other locations	An active landslide closed the park indefinitely due to road problems, a trail shearing off slope, and slope instability
Mar. 2017	Old 77 Vesper Road	Approximately 3,000-5,000 CY of soil material and several hundred trees collapsed onto a 0.25-mile segment of the County road. The roadway was closed to all access
2009	Near Astoria's Water Main	An active landslide threatened the City of Astoria's potable water main
Dec. 2007	Woodson Slide at Hwy 30 / Westport Slough	The slide destroyed several residential structures; covered the highway with mud and debris

Source: GeoScience, 2008; DOGAMI )-13-05; Daily Astorian, Feb. 2020

### EARHTQUAKE / CASCADIA SUBDUCTION ZONE

Earthquakes in the Pacific Northwest states of Washington and Oregon result from movement called “slip” on faults in a variety of geographic and geologic settings. Earthquakes in much of the region are a consequence of stresses associated with motion of the Juan de Fuca Oceanic Plate to the northeast with respect to the North America Continental Plate at a rate of several centimeters per year. This relative motion is largely made possible because the Juan de Fuca plate descends into the Earth's mantle below the North American continent along what is called the Cascadia Subduction Zone, which extends from northwestern California through western Oregon and western Washington to Vancouver Island, Canada.

The US Geological Survey defines Pacific NW earthquakes in three seismological categories: crustal, deep, and megathrust. While all three types of quakes possess the potential to cause major damage, Cascadian Subduction Zone (CSZ) earthquakes pose the greatest danger due to the close proximity to the fault of the Pacific Northwest, the anticipated magnitude of an earthquake event, and the size and speed of arrival of the subsequent tsunami it would cause due to the displacement of water caused by the fault movement. A major CSZ event could generate an earthquake with a magnitude of 9.0 or greater which would result in devastating damage and loss of life. The proximity of the CSZ to the coastal areas of Clatsop County make them especially threatened by earthquakes and tsunamis.

Clatsop County has not been the center point of any recorded earthquakes. The earthquake risk that faces the communities of the Oregon coast has really only come to be understood since the 1960s. Before then, the seismic risk of the Pacific Rim was associated with volcanoes, but earthquakes were not understood to be a natural hazard of high potential magnitude to which Oregon is very vulnerable. On April 13, 1949, a major earthquake (magnitude 6.8) originating near Olympia, Washington caused eight deaths and estimated \$25 million in damage. In

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Oregon, widespread damage was observed, including injuries in Astoria. This event and then the Alaska earthquake of 1964 with its resulting tsunami that impacted the Oregon coast was a major catalyst for the scientists in the field of seismic study. Emerging tools and scientific vigor set several researchers on the path to discover the Cascadia subduction zone and arrangement of plates in the Pacific Northwest, but also to develop methodologies to document the history of tsunamis that affirm the occurrence of high magnitude earthquakes in the historical record.

In 1989, the devastating Loma Prieta earthquake in the San Francisco Bay Area instigated awareness and action around the risks of earthquakes in Oregon. The science was conclusive enough to be acted upon by policy makers that citizens demanded—the groundswell of knowledge and advocacy coming from the north coast of Oregon. By 1991, the Oregon Seismic Safety Policy Advisory Commission (OSSPAC), or Earthquake Commission, was formed as a result of Senate Bill 96 spurring regional partnerships with other states and scientists, and the support for seismic safety standards in State building code. **Table 4** lists the historic earthquakes that have occurred in the Pacific Northwest.

**Table 4: Historic Earthquake Events**

Date	Magnitude	Location	Details
Aug. 2018 (08/22/2018)	6.2	170 miles west of Coos Bay.	10.0 km depth; MMI: IV.
Aug. 2010 (08/28/2010)	5.2	80 miles offshore from Reedsport.	
Feb. 2001 (02/28/2001)	6.8	Nisqually, WA	400 injured; \$2 billion in damage; ‘Deep’ earthquake.
July 1999 (07/02/1999)	5.9	Satsop, Washington	
Dec. 1993 (12/04/1993)	5.1	Klamath Falls, Oregon	4.8 km depth; MMI: VI.
Sept. 1993 (09/21/1993)	5.9 and 6.0	Klamath Falls, Oregon	2 dead; \$10 million in damage from these “crustal” earthquakes; 8.5 and 8.6 km depth respectively.
Mar. 1993 (03/25/1993)	5.6	Scotts Mills, Oregon (east of Woodburn)	\$30 million in damage from this “crustal” earthquake; MMI: VI.
Nov. 1980 (11/08/1980)	7.0	off N.CA Coast	19.0 km depth; MMI: VI.
May 1980 (05/18/1980)	5.1	Mt. St. Helens	Associated with eruption.
Jun. 1973 (06/16/1973)	5.6	80 miles offshore from Lincoln City.	
Apr. 1965 (04/29/1965)	6.5	Renton, Washington	7 dead; \$50 million in damage
Mar. 1964 (03/28/1964)	9.2	Prince William Sound, Alaska	140 dead; \$311 million in damage. Largest recorded earthquake in the U.S.
Dec. 1963 (12/27/1963)	4.5	Oregon	33.0 km depth
Nov. 1962 (11/06/1962)	5.2	Portland, Oregon	16.0 km depth
Dec. 1953 (12/16/1953)	5.0	Portland, Oregon	n/a depth

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Apr. 1949 (04/13/1949)	6.8	Olympia, Washington	8 dead; \$25 million in damage; 'Deep' earthquake at 70 km depth.
Dec. 1941 (12/19/1941)	5.6	Portland, Oregon	
July 1936 (07/16/1936)	5.8	Milton-Freewater, Oregon	
May 1916 (05/13/1916)	5.7	Richland, Washington	
Apr. 1906 (04/18/1906)	8.3	San Francisco, California	3,000 dead; \$374 million in damage
Jan. 1700 (01/26/1700)	9.0	off Pacific NW coast	

**Source:** USGS, <https://earthquake.usgs.gov/earthquakes/>; Sullivan, W.L., 2018.

### TSUNAMI

A tsunami is a series of waves that can travel great distances from its origin and can cause serious flooding and damage to coastal communities. The wavelength of a tsunami may be 100 miles or more in the ocean, with a surface wave height of only a few feet or more. These waves have the potential to travel up to 500 mph—when this incredible force reaches shore it has enough energy to destroy human settlements and flatten river channels for several miles upstream. There are two sources of tsunamis that can affect Clatsop County:

- **Local Tsunami:** Generated by an earthquake immediately offshore of the Oregon Coast (e.g., a CSZ earthquake) and would result in a tsunami coming onshore within 10 to 20 minutes following the earthquake.
- **Distant Tsunami:** Generated by a distant earthquake (e.g., large event occurring off a distant coastline, such as Japan) and would result in a tsunami coming onshore 4 or more hours following an earthquake on another subduction zone.

A significant portion of new residential growth is centered in the Clatsop Plains and coastal areas of Clatsop County. This increase in development may also be reflected in a corresponding increase in loss of life and/or property damage when a tsunami occurs.

In 2015, a Tsunami Hazard Overlay (THO) was drafted and proposed to the Board (Ordinance 15-04). The purpose of the proposed THO was to reduce loss of life: damage to private and public property; and social, emotional and economic disruptions. The ordinance was also intended to increase the ability of the community to respond and recover from a tsunami.

Based upon public comment and input, the Board at that time tabled the item indefinitely. The public comment received focused on the following concerns:

- General unintended consequences
- Restrictions on future development
- Stricter building code requirements
- Disclosure statement would affect property sales
- Increased costs for new homes
- Restrictions on the use of density credits

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- Increased insurance rates
- Decline in property values

Although the Board at that time did not move forward with the TOZ, adoption of the Tsunami Overlay Zone is a recommended mitigation action in the adopted Multi-Jurisdictional Natural Hazards Mitigation Plan.

Since 1812, Oregon has experienced about a dozen tsunamis with wave heights greater than 3 feet; some of these were destructive. Ten of these were generated by distant earthquakes near Alaska, Chile or Japan. The worst damage and loss of life resulted from the 1964 Alaskan earthquake, the resulting tsunami killed four people (campers on a beach in Newport) and caused around one million dollars in damage to bridges, houses, cars, boats, and sea walls in Oregon (DOGAMI, 2013). The greatest tsunami damage in Oregon occurred in the estuary channels located further inland, not along the coast as expected. The estuary channels amplified the tsunami wave heights and caused extreme flooding. Seaside, which was struck by a 10-foot wave, was the hardest hit city in Oregon due to its level topography and proximity to the ocean.

In March 2011, the Tohoku, Japan earthquake, a magnitude 9.0 subduction zone earthquake, triggered a tsunami that inundated the northeast coast of Japan, killing 15,845 persons. More than 1.1 million buildings were damaged or destroyed, including schools and hospitals. That event created a heightened awareness of a Cascadia Subduction Zone event in the Pacific Northwest. State agencies such as the Department of Geology and Mineral Industries (DOGAMI), began promoting a culture of preparedness and resiliency. In 2013, released updated maps showing tsunami inundation zones, evacuation routes and assembly points for communities in Clatsop County.

On January 15, 2022, a tsunami advisory was issued by the National Tsunami Warning Center for coastal areas in Washington, Oregon, and California, including Clatsop County. The advisory was issued following an underwater volcanic eruption near Tonga in the Pacific Ocean.

### HB 3309 (2019)

During the 2019 legislative session, the Oregon Legislature adopted HB 3309. This bill eliminated a statewide prohibition regarding location of new essential facilities in the tsunami inundation zone. A prohibition regarding the placement of new **critical-essential and hazardous facilities and special occupancy structures** in the tsunami inundation zone still exists in Clatsop County's *Land and Water Development and Use Code (LAWDUC)*. As defined by the LAWDUC, "Essential facilities" are considered to mean hospitals and other medical facilities having surgery and emergency treatment areas, fire and police stations, tanks or other structures containing housing or supporting water or fire suppression materials or equipment required for the protection of essential or hazard facilities or special occupancy structures, emergency vehicle shelters and garages, structures and equipment in emergency-preparedness centers, standby power generating equipment for essential facilities, and structures and equipment in government communication centers and other facilities required for emergency response. "Hazardous facilities" include structures housing supporting or containing sufficient quantities



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of toxic or explosive substances to be of danger to the safety of the public if released. “Special occupancy structures” include covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons, buildings with a capacity greater than 250 individuals for every public, private or parochial school through secondary level or child care centers, buildings for colleges or adult education schools with a capacity greater than 500 persons, medical facilities with 50 or more resident, incapacitated patients not included in the facilities mentioned above, jails and detention facilities, and all structures and occupancies with a capacity greater than 5,000 persons.

A complete list of historic tsunami events is shown in **Table 5**.

**Table 5: Historic Tsunami Events – Pacific Northwest**

Date	Magnitude	Location	Details
Feb. 2001 (02/28/2001)	6.8	Puget Sound	400 injured; \$2 billion in damage
Nov. 1980 (11/08/1980)	7.0	off Oregon Coast	
May 1980 (05/18/1980)	5.1	Mt. St. Helens	Triggered by eruption
Jun. 1973 (06/16/1973)	5.6	80 miles offshore from Lincoln City.	
May-July 1968	up to 5.1	Adel, Oregon (east of Lakeview)	
Apr. 1965 (04/29/1965)	6.5	Renton, Washington	7 dead; \$50 million in damage
Mar. 1964 (03/28/1964)	9.2	Prince William Sound, Alaska	140 dead; \$311 million in damage. Largest recorded earthquake in the U.S.

**Sources:** 2021 Clatsop County Multi-Jurisdictional Natural Hazards Mitigation Plan; USGS, <https://earthquake.usgs.gov/earthquakes/events/alaska1964/>; Sullivan, W.L., 2018.

## EROSION

### *Coastal Erosion*

Coastal erosion occurs through a complex interaction of many geologic, atmospheric, and oceanic factors. Beaches, sand spits, dunes and bluffs are constantly affected by waves, currents, tides, and storms resulting in chronic erosion, landslides, and flooding. Changes may be gradual over a season or many years. Changes may also be drastic, occurring during the course of a single storm event. Two important natural variables for coastal change are the beach sand budget (balance of sand entering and leaving the system) and processes (waves, currents, tides, and wind) that drive the changes. Erosion becomes a hazard when human development, life, and safety are threatened.

Coastal erosion occurs via the following mechanisms:

- Beach, dune and bluff erosion caused by wind, waves, runoff, and disturbance;

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- Mass wasting of sea cliffs in the form of landslides and slumps due to gravity, constant wave and tidal effects, and geologic instability;
- Storm surges, high ocean waves and the flooding of low-lying lands during major storms;
- Sand inundation;
- Erosion due to the occurrence of El Niño’s and from rip current embayments; and
- Recession of coastal bluffs due to long-term changes in mean sea level and the magnitude and frequency of storm systems.

Clatsop County’s coastal erosion is largely driven by major storm events that can produce waves 20 to 50 feet in height. Coastal bluffs comprised of uplifted marine terrace deposits and sand dunes are especially vulnerable to erosion. Beaches and dunes are highly susceptible to erosion, especially during large storms coupled with high ocean water levels. Vegetated dunes have eroded back as much as 50 meters in just one or two winters in some areas. Unlike bluff-backed shorelines, dunes can accrete back during cycles of decreased storm activity, which may erase signs of long-term erosion rates, and mask the potential for catastrophic erosion events.

**Table 6** details occurrences of severe coastal erosion.

**Table 6: Historic Coastal Erosion Events**

Date	Location	Description	Notes
Jan. 2018 (01/18/2018)	N. Oregon Coast	Flood, Coastal Erosion	Severe beach erosion and damage to trails near the Peter Iredale Shipwreck, about 5 to 6 ft. of dune entirely eroded and swept out to sea. Logs and other debris washed up on roads.
1980-2018	Falcon Cove	High Waves, Coastal Erosion	Five homes lost to coastal erosion.
1997-1998	N. Oregon Coast	High Waves, Coastal Erosion	El Niño events
1982-1983	N. Oregon Coast	High Waves, Coastal Erosion	El Niño events
1978	Nestucca Spit	High Waves, Coastal Erosion	Winter storm caused beach and cliff erosion.
1972	Siletz Spit	High Waves, Coastal Erosion	Winter storm caused beach and cliff erosion.

**Source:** C. Dice, 2019; NOAA Storm Events Database, <https://www.ncdc.noaa.gov/stormevents/>, accessed 12/2/2019.

### **Streambank Erosion**

Areas of most active streambank erosion are recognized by steep slopes, little vegetation cover, and position on the outside of stream and river channels. In addition to the loss of land, stream erosion can contribute to the deterioration of water quality, destruction of fish spawning grounds and silt deposition, resulting in the clogging of streams and estuaries.

### **WILDFIRE**

Fire is an essential part of Oregon’s ecosystem, but it is also a serious threat to life and property particularly in the state’s growing rural communities. Wildfires are fires occurring in areas

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having large areas of flammable vegetation that require a suppression response. Areas of wildfire risk exist throughout the state with areas in central, southwest and northeast Oregon having the highest risk. The Oregon Department of Forestry has estimated that there are about 200,000 homes in areas of serious wildfire risk.

Wildfire can be divided into three categories: interface, wildland, and firestorms. Although Clatsop County is most susceptible to interface fires, wildland and firestorm events are also possible. Clatsop County has not had many significant wildfires in the past. This is mostly due to its wet climate. **Table 7** provides information on the previous occurrences of hazard events.

**Table 7: Historic Wildfire Events**

Date	Location	Description	Notes
Nov. 13, 2014	Arch Cape Fire #2	~100 acres	
2013	Arch Cape and Falcon Cove Fire	~300 acres	
Oct. 27, 2007	Crane/Crusher Fire	68 acres	
Nov. 23, 2022	Elk Mountain Fire	40-60 acres	Cost: \$22,989 Cause: Debris burning
Sept. 9, 1988	Strum Creek Fire	45 acres	Cost: \$237,363 Cause: Debris burning
June 30, 1985	McFarlane Creek Fire	125 acres	Cost: \$87,257 Cause: Debris burning
Aug. 3, 1977	Oldy 17 Fire	834 acres	Possibly Fire 77521062 (483 acres) Cost: \$443,101 Cause: Debris burning
Oct. 17, 1976	Cronin Creek Fire	483 acres	See above
Aug. 21, 1973	Crawford Ridge Fire	110-112 acres	Cost: \$50,814 Cause: Smoking
Aug. 28, 1939	Saddle Mountain Fire	207,000 acres	Largest recorded fire this century in Clatsop County
1933-1951	Tillamook Burn	355,000 acres	The Tillamook Burn was a catastrophic series of large forest fires in the northern Oregon Coast Range beginning in 1933 and striking at six-year intervals through 1951

Source: Ballou, B., 2004; ODF, 2012

## WINTER STORM AND WINDSTORM

High winds are a regular occurrence throughout Clatsop County. Destructive windstorms are less frequent, but the manner in which they occur are consistent. Destructive windstorms and severe winter events typically occur in fall and winter in Clatsop County, from October through March. Severe summer weather is associated with thunderstorms which can cause tornadoes and water spouts (NOAA, 2018). Severe winter weather produces high winds, rain, freezing rain, ice, and snow. A windstorm can be any of the following type of events: straight-line wind,



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down-slope wind, thunderstorm, downburst, or tornado. The list of historic storm events in **Table 8** provides significant context for the frequency, magnitude, and impacts associated with wind and winter storm events in Clatsop County.

**Table 8: Historic Wind and Winter Storm Events**

Date	Location	Event Type	Magnitude	Details
Feb. 2019 (02/12/2019)	Coast Range of NW Oregon	Heavy Snow	1 to 2 feet of snow in Columbia Gorge	Back-to-back low-pressure systems dropping south along the coast of British Columbia and Washington brought cold air south into NW Oregon as well as plenty of moisture. Seine Creek SNOTEL around 2000 feet recorded 8 inches of snow in a 7-hour period.
Feb. 2019 (02/08/2019-02/09/2019)	Coast Range of NW Oregon	Heavy Snow	6 to 12 inches of snow was observed above 1000 feet elevation	A low-pressure system brought arctic air and heavy snow south out of Canada into the Columbia Basin and Coast Range.
Jan. 2019 (01/15/2019)	N. Oregon Coast	High Wind	65 mph on Astoria-Megler Bridge	A strong low-pressure system moving up the coast from the south brought strong southerly winds across all of northwest Oregon.
Dec. 2019 (12/20/2018)	N. Oregon Coast	High Wind	75 mph on Astoria-Megler Bridge	A low-pressure system tracked northeast toward Victoria Island. The trailing cold front moved onto the coast, bringing strong southerly winds ahead of the front to the coast and the coast range.
Dec. 2019 (12/17/2018)	N. Oregon Coast	High Wind, High Surf	65 mph on Astoria-Megler Bridge	A strong low-pressure system over the Gulf of Alaska brought a strong cold front through. This generated strong winds across northwest Oregon, resulting in heavy rain, flooding, and coastal erosion.
Dec. 2019 (12/14/2018)	N. Oregon Coast	High Wind	43 mph on Astoria-Megler Bridge	A strong low-pressure system tracked northeast into British Columbia. The associated cold front brought with it strong southerly winds on the north and central Oregon coast.
Nov. 2018 (11/26/2018)	N. Oregon Coast	High Wind	78 mph on Astoria-Megler Bridge	A strong cold front moved onto the coast, bringing high winds, mainly to beaches and headlands along the coast.
April 2018 (04/10/2019)	N. Oregon Coast	High Wind	61 mph on Astoria-Megler Bridge	A shortwave lifting NNE brought a quick-hitting cold front into northwest Oregon. The front brought a short period of high winds to beaches and headlands along the coast.
April 2018 (04/07/2019)	N. Oregon Coast	High Wind	64 mph on Astoria-Megler Bridge	A strong low-pressure system tracking northeast towards Vancouver Island generated strong winds along the Coast and in the Willamette Valley.
Mar. 2018 (03/08/2019)	N. Oregon Coast	High Wind	69 mph	Strong low-pressure system moving up from the south brought high winds to the Coast and Coast Range.
Feb. 2018 (02/21/2018)	N. Oregon Coast	Winter Weather	1" of snow in Astoria	Low pressure system drifting southward along the Oregon Coast pulled cold air all the way to the coast and brought snow levels down to sea level. One (indirect) fatality resulting from icy streets.
Feb. 2018 (02/18/2018)	Coast Range of NW Oregon	Heavy Snow	6-7 inches of snow on Coast Range summits	Cold low-pressure system brought 5 to 10 inches of snow which accumulated quickly. ODOT weather stations recorded 6-7 inches of snow at summits through the Coast Range.

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Date	Location	Event Type	Magnitude	Details
Jan. 2018 (01/27/2018)	N. Oregon Coast	High Wind	62 mph on Astoria-Megler Bridge	A strong cold front moving into western Oregon brought strong southerly winds to the north Oregon beaches and headlands and coastal communities along Oregon's central coast.
Jan. 2018 (01/23/2018)	N. Oregon Coast	High Wind	63 mph on Astoria-Megler Bridge	Low pressure moving into British Columbia pushed a cold front across western Oregon. This brought strong southerly winds to the coastal beaches and headlands.
Jan. 2018 (01/18/2018)	Seaside	Hail	1.00 -2.00 in. hail	A broad low-pressure system off the coast of Washington and Oregon destabilized the atmosphere enough to generate a severe thunderstorm that moved through Seaside, dropping large hail.
Dec. 2017 (12/29/2017)	N. Oregon Coast	High Wind	67 mph on Astoria-Megler Bridge	A strong cold front moved through the area, bringing high winds mainly to beaches and headlands, but also to a few higher elevation spots in the Coast Range as well.
Oct. 2017 (10/21/2017)	N. Oregon Coast	High Wind, Heavy Rain	53 mph on Astoria-Megler Bridge	A very potent atmospheric river brought strong winds to the north Oregon Coast and Coast Range on October 21st. What followed was a tremendous amount of rain for locations along the north Oregon Coast and Coast Range.
Oct. 2017 (10/18/2017)	N. Oregon Coast	High Wind	47 mph on Astoria-Megler Bridge	A low-pressure system moving eastward into the Pacific Northwest brought a strong cold front which generated southerly sustained winds up to 47 mph along the Oregon Coast.
Apr. 2017 (04/07/2017)	N. Oregon Coast	High Wind	73 mph	A strong low-pressure system moved northeasterly up the Oregon coast, creating a strong pressure gradient that brought strong winds to all of northwest Oregon. The event brought down many trees across the area and two fatalities.
Feb. 2017 (02/08/2017 - 02/09/2017)	N. Oregon Coast	High Wind	71 mph	A warm front starting the snow in the Columbia Gorge came through on the 7th, then a trailing cold front moved through on the 8th through the 9th bringing high winds to the Oregon Coast and Coast Range and snow and ice to the Columbia Gorge.
Feb. 2017 (02/05/2017 - 02/06/2017)	N. Oregon Coast	Heavy Snow	5.5 in. of snow	A low-pressure system with an associated cold front brought impactful snow and high winds to the Oregon Coast.
Jan. 2017 (01/17/2017 - 01/18/2017)	N. Oregon Coast	High Wind	63 mph	An approaching low-pressure system brought rain across the Columbia River and freezing conditions in other counties.
Jan. 2017 (01/10/2017 - 01/11/2017)	Coast Range of NW Oregon	Heavy Snow	12 in. in Banks, OR	A strong low-pressure system moved up from the southwest and overran an existing cold, deep airmass. Surface temperatures as precipitation started were just above freezing, but with heavy showers, precipitation quickly turned over to snow during the early evening hours. Embedded thunderstorms enhanced snowfall rates around the Portland Metro area for a crippling snowstorm Tuesday evening.
Jan. 2017 (01/07/2017 - 01/08/2017)	Coast Range of NW Oregon	Winter Storm	0.89 in. of ice (liquid equivalent while temperatures were well below freezing)	A broad shortwave trough brought multiple rounds of precipitation, including a wintry mix of snow and ice for many locations across Northwest Oregon.
Dec. 2016 (12/19/2016)	N. Oregon Coast	High Wind	47 mph on Astoria-Megler Bridge	A warmer low-pressure system moved into to Northwest Oregon, bringing high winds along the North and Central Oregon Coast. Cold east winds through the Columbia River Gorge continued for the first part of the event, leading to light accumulations of snow and sleet in portions of far northwest Oregon.

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Date	Location	Event Type	Magnitude	Details
Dec. 2016 (12/08/2016)	Coast Range of NW Oregon	Heavy Snow	3-6 in. of snow	A strong frontal system brought strong east winds and a mix of snow, sleet, and freezing rain
Nov. 2016 (11/24/2016)	N. Oregon Coast	High Wind	65 mph at Cannon Beach	A strong cold front moving southeastward onto the Coast brought high winds to the Northwest Oregon Coast.
Nov. 2016 (11/24/2016)	Bradwood, Clatsop County	Heavy Rain	3.52 in. of rain	A moist Pacific front moving slowly across the area produced heavy rainfall, resulting in flooding of several rivers across Northwest Oregon and at least two landslides.
Nov. 2016 (11/12/2016)	N. Oregon Coast	High Wind	45 mph on Astoria-Megler Bridge	A low-pressure system tracking northeastward off the Coast brought high winds to the far North Oregon Coast.
Oct. 2016 (10/15/2016)	N. Oregon Coast	High Wind	61 mph on Clatsop Spit	A deepening low-pressure system passed north along the Coast bringing strong winds to Northwest Oregon.
Oct. 2016 (10/14/2016)	Clatsop Spit (Ft. Stevens, Hammond)	Hail	1.0 -1.5 in. diameter	Behind the front that moved through on October 13, unstable airmass generated strong convective showers and thunderstorms. A few of these thunderstorms produced tornadoes, strong winds, hail, and heavy rain.
Mar. 2016 (03/05/2016)	N. Oregon Coast	High Wind	52 mph on Megler Bridge	A cold front produced a burst of strong winds for the north Oregon Coast in the early morning.
Mar. 2016 (03/01/2016)	N. Oregon Coast	High Wind	52 mph	A cold front backed by a deep surface low resulted in strong winds across Northwest Oregon. Thunderstorms along the front produced damaging winds. Strong winds ahead of the front blew down a weak tree onto a moving vehicle, and resulted in one fatality.
Feb. 2016 (02/05/2016)	N. Oregon Coast	High Wind	45 mph	A low-level jet ahead of an occluded front produced several hours of strong winds to the North Oregon coast.
Jan. 2016 (01/28/2016)	N. Oregon Coast	High Wind	69 mph gusts	A strong cold front produced a few hours of high winds along the North Oregon Coast.
Dec. 2015 (12/22/2015 - 12/24/2015)	Coast Range of NW Oregon	Heavy Snow	6-14 in. of snow	Moist onshore winds produced a steady stream of showers over the area with snow levels between 1000 and 2000 feet. This resulted in heavy snow for the Northern Oregon Cascades and Coast Range.
Dec. 2015 (12/21/2015)	N. Oregon Coast	High Wind	59 mph gusts	High winds impacted Northwest Oregon as a 980 millibar low moved onshore in Pacific County, Washington. The winds resulted in widespread tree damage and power outages.
Dec. 2015 (12/17/2015, 12/21/2015)	N. Oregon Coast	High Wind	51-59 mph	Two events in five days. 1) A low-pressure system resulted in strong winds along the Northern and Central Oregon Coast. 2) High winds impacted Northwest Oregon as a 980 millibar low moved onshore in Pacific County, Washington. The winds resulted in widespread tree damage and power outages.

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Date	Location	Event Type	Magnitude	Details
Dec. 2015 (12/06/2015, 12/07/2015, 12/08/2015, 12/10/2015, 12/12/2015)	N. Oregon Coast	High Wind	40-56 mph gusts	Five events in seven days. Several weather stations along the North Oregon Coast measured high winds with sustained winds ranging between 40 and 45 mph. The Clatsop and Tillamook County Emergency Managers reported several trees downed from the winds with widespread power outages.
Nov. 2015 (11/17/2015)	N. Oregon Coast	High Wind	40-50 mph gusts	A cold front produced strong winds that resulted in a lot of downed trees, power outages, and road closures.
Oct. 2015 (10/31/2015)	N. Oregon Coast	High Wind	45 mph sustained winds on Astoria-Megler Bridge	A strong front produced a burst of strong winds as it moved across northwest Oregon.
Oct. 2015 (10/10/2015)	N. Oregon Coast	High Wind	63 mph peak gusts on Astoria-Megler Bridge	A strong cold front produced a brief burst of strong winds across the northwest Oregon coast and coast range.
Aug. 2015 (08/29/2015)	N. Oregon Coast	High Wind	58 mph with gusts to 90 mph at Oceanside	An unusually early and strong low-pressure system resulted in high winds along the coast and strong winds inland. Downed trees and power lines resulted in power outages, minor damage, and traffic delays.
Mar. 2015 (03/15/2015)	N. Oregon Coast	High Wind	59 mph	A surface low produced strong gusty winds across Northwest Oregon as it moved north offshore the Central and Northern Oregon coasts before making landfall in Southwest Washington. Soils were well saturated due to a prolonged period of heavy rain, and many trees were downed impacting life and property.
Feb. 2015 (02/07/2015)	N. Oregon Coast	High Wind	64 mph. on the Astoria-Megler Bridge	A surface low moved from south to north just offshore the coast from the Central Oregon Coast to the South Washington Coast, and produced a burst of strong winds.
Feb. 2015 (02/05/2015)	N. Oregon Coast	High Wind	47 mph. gusts to 62 mph. on the Astoria-Megler Bridge	A low-level jet ahead of a cold front brought a burst of strong winds to the North Oregon Coast.
Jan. 2015 (01/17/2015)	N. Oregon Coast	High Wind	60 mph gusts	A frontal system accompanied by an upper jet resulted in a burst of gusty winds for the Northwest Oregon Coast, Coast range and Cascades.
Feb. 2014 (02/15/2014)	N. Oregon Coast	High Wind	72 mph gusts on Clatsop Spit, other Clatsop locations	A strong cold front produced strong winds for the North Oregon coast and coast range on February 15, 2014. Highways 26 and 53 were closed due to downed trees. Several weather stations along the entire North Oregon coast measured high winds on February 15, 2014. The strongest wind gust was 86 mph which was measured at Garibaldi NOS (TLB03). Pacific City (AT297), Astoria-Megler Bridge (ODT76), and Clatsop Spit (3CLO3) measured peak wind gusts between 69 and 72 mph.
Feb. 2014 (02/06/2014)	N. Oregon Coast	Heavy Snow	4-8" snow	A preceding cold arctic airmass combined with a moist Pacific storm resulted in widespread heavy snow for Northwest Oregon including the coast and the Willamette Valley. A 30-mile wide band of heavy snow set up along the Oregon coast in the morning on the 6th and resulted in 4 to 8 inches of snow from Tillamook to Manzanita.

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Date	Location	Event Type	Magnitude	Details
Nov. 2012 (11/18/2012- 11/19/2012)	N. Oregon Coast	High Wind	78 mph	A strong pacific frontal system brought high winds to the Coast and coast range of Northwest Oregon. Strong winds were reported at Garibaldi with sustained winds of 59 mph with gusts to 83 mph. Strong winds were also reported at Pacific City and Clatsop spit with wind gusts to 68 mph.
Dec. 2010 (12/13/2010)	Clatsop, Ft. Stevens	High Wind, Thunderstorm	64 mph	A strong cold pool of air aloft produced a very unstable airmass over western Oregon. A vigorous low-pressure center was just off the Washington Coast with a surface trough moving through western Oregon. This trough served as a focus for thunderstorms during the day. These thunderstorms produced strong, gusty winds in several locations. Strong, gusty winds were reported at Clatsop Spit with sustained winds of 35 mph and gusts to 56 mph.
Mar. 2009 (03/07/2009- 03/08/2009 and 03/14/2009- 03/15/2009)	N. Oregon Coast	Heavy Snow	6" snow	Ahead of a deep, incoming trough, a weather system brought snow to some higher elevations in northwest Oregon. Then, a potent late season frontal system brought heavy snow to the higher elevations of northwest Oregon.
Dec. 2008 (12/26/2008)	N. Oregon Coast	High Wind	63 mph on Clatsop Spit	A strong Pacific winter storm system brought high winds to the coastal region northwest Oregon.
Dec. 2008 (12/24/2008 - 12/25/2008)	Coast Range of NW Oregon	Winter Storm Heavy Snow	11 - 15 in. of snow over two days	A snow storm on Christmas Day left 6 to 10 inches of snow in the Coast Range of northwest Oregon.
Dec. 2008 (12/12/2008 - 12/13/2008)	Coast Range of NW Oregon	Heavy Snow	8-10 in. of snow on the Coast Range passes	A strong and very cold Pacific system brought heavy snow accumulations to northwest Oregon.
Dec. 2008 (12/12/2008)	N. Oregon Coast	High Wind	41 mph with gusts to 70 mph on Clatsop Spit	A strong Pacific winter storm system brought high winds to the coastal region and Cascades of northwest Oregon. The strong winds ahead of the approaching frontal system caused several power outages along the coast and resulted in nearly \$8 million in estimated property and crop damages for Clatsop, Lane, Tillamook, and Lincoln Counties.
Nov. 2008 (11/08/2008, 11/11/2008)	N. Oregon Coast	High Wind	40-50 mph with gusts to 70 mph	A typical late-fall Pacific low-pressure system brought strong winds to the coast of northwest Oregon.
Dec. 2007 (12/01/2007- 12/03/2007)	Clatsop County	High Wind, Heavy Rain, Mudslides	Gusts 85-130 mph in Knappa/Svensen; 3.5 in rain Astoria	A series of powerful Pacific storms Dec. 1-3, 2007 brought straight-line winds, rain, and mudslides resulting in Presidential Disaster Declaration; \$180 million in damage in the state, power outages and communication isolation for several days, and five deaths attributed to the storm. <a href="https://en.wikipedia.org/wiki/Great_Coastal_Gale_of_2007">https://en.wikipedia.org/wiki/Great_Coastal_Gale_of_2007</a>
Nov. 2007	Clatsop, Tillamook Counties	storm with high winds		\$10,000 in damages.
Dec. 2006 (12/14/2006, 12/15/2006)	Clatsop, Tillamook Counties	High Wind, Heavy Rain		\$10,000 in damages.



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Date	Location	Event Type	Magnitude	Details
Nov. 2006 (11/05/2006-11/08/2006)	Clatsop County	High Wind, Heavy Rain		Severe storms, flooding, landslides, mudslides.
Mar. 2006 (03/20/2006)	Clatsop, Tillamook, Lincoln, Lane Counties	High Wind	60 mph, 75 mph	Two wind storm events with winds measured at 60 mph and 75 mph resulted in \$75,000 and \$211,000 in estimated property damage among all four coastal counties; the storms also impacted 10 other counties outside of Region 1.
Feb. 2006	Clatsop, Tillamook, Lincoln, Lane Counties	High Wind	77 mph	More than \$200,000 in estimated property damage among all four coastal counties; the storm also impacted nine other counties outside of Region 1.
Jan. 2006	Clatsop, Tillamook, Lincoln, Lane Counties	High Wind	86 mph, 103 mph	Two storm events with high winds of 86 mph and 103 mph resulted in \$388,888 in property damage among all four coastal counties; the storm also impacted 5 other counties outside Region 1.
Dec. 2004 (12/08/2004-12/09/2004)	W. Oregon	Winter Storm, High Wind, Heavy Snow, High Surf	2.5' of snow on Mt Hood; Lightning in Astoria; 25' Surf	A large powerful Pacific storm brought a wide variety of weather to Northwestern Oregon. High winds along the Coast heralded the approach of the storm early in the morning. Heavy rain accompanied this storm resulting in mud slides. The storm also generated high seas, which created high surf along the Northern and Central Oregon Coast the next day. Buoys 20 miles off the Oregon Coast reported maximum seas of 25 to 26 feet.
Jan. 2004 (01/27/2004-01/29/2004)	Clatsop	Heavy Rain	4" in Seaside; 4.29" Astoria Airport	A series of strong Pacific storm systems brought heavy rain to Northwest Oregon.
Mar. 2003	Clatsop	Heavy Rain	1"-3"	Heavy rains once again moved into Northwest Oregon. Many stations reported 1 to 3 inches during the same 24-hour period.
Jan 2003 (01/29/2003-01/31/2003)	Clatsop	Heavy Rain, Floods	1"-3"	Heavy rains associated with a strong Pacific weather system brought 2 days of heavy rains to the area. Numerous locations reported 1 to 3 inches. These heavy rains filled many small streams, 2 feet of water covered Highway 101 between Seaside and Cannon Beach.
Jan. 2002	N. Oregon Coast	Winter Storm: High Winds, Heavy Rains	63 mph	A winter storm brought high winds, heavy rain, and warmer temperatures to the area, resulting in flooding and mud and landslides. High winds knocked out power along the coast from Cannon Beach and Seaside to Warrenton for varying periods of time. A private single engine plane was flipped by the gusty winds at the Astoria Regional Airport in Warrenton. Reported winds included Cannon Beach 40 to 45 mph with gusts to 63 mph.
Aug. 2001 (08/22/2001-08/23/2001)	Clatsop	Heavy Rain		

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Date	Location	Event Type	Magnitude	Details
Jan. 2000	Clatsop, Tillamook	High Wind	70 mph	Strong winds associated with a strong offshore storm buffeted the North and Central Oregon Coast. Cannon Beach reported gusts to 70 mph and Astoria reported gusts to 59 mph.
Jan. 1999	Clatsop, Tillamook	High Wind	61 mph	A Pacific storm caused gusts of 61 mph in Cannon Beach.
Jan. 1998 (01/11/1998- 01/12/1998)	Clatsop, Tillamook	Ice Storm	6" snow	The event began when an arctic front brought very cold air from Alaska, resulting in widespread snow. Snow turned to freezing rain in the Gorge Monday, and persisted there and within the reach of strong east winds blowing out of the west end of the Gorge. Trees and large tree limbs were knocked down over a large area, and there were widespread power outages. One fatality, a 43 year old man was found dead from exposure in the back yard of his home in Astoria.
Jan. 1998 (01/05/1998)	Seaside, Clatsop County	Tornado	F0	A weak tornado did minor damage to the Kinni-Kinnic Lodge and an adjacent home on Beach Street in Seaside (estimated property damage was \$3,000).
Dec. 1997 (12/22/1997)	Clatsop, Tillamook	Heavy Snow	3" of snow	A weak Pacific storm dumped three inches of snow on Wilson river and Sunset summit passes in the Coast Range before the snow turned to rain.
Nov. 1997	Western Oregon	High Wind, High Surf	gusts to 89 mph at Florence	Severe beach erosion; trees toppled.
Nov. 1997 (11/19/1997)	N. Oregon Coast	High Wind	80 mph	A powerful Pacific storm brought high winds to the Oregon coast. The highest wind speeds reported included sustained 60 mph with gusts to 80 mph at Tillamook.
Dec. 1996 (12/29/1996 - 12/30/1996)	N. Oregon Coast	High Wind	55 mph gusting to 66 mph at Cannon Beach	The first in a series of strong Pacific storms lashed the North Oregon Coast with winds up to 110 mph.
Dec. 1996 (12/26/1996- 12/31/1996)	N. Oregon Coast	Heavy Rain, Floods	16 rivers flooded	Heavy rains caused 16 rivers in NW Oregon to flood during the last week of December 1996 and into early January 1997. Dozens of homes were flooded on various rivers and numerous highways were rendered impassable.
Nov. 1996 - Dec. 1996	Five Western States	Heavy Rain, Freezing Rain/Heavy Wet Snow	6-18" West of the Cascades; 8" in 24 hrs in Coast Range	During the period from mid-November to mid-December 1996, many areas received above-normal precipitation, greatly increasing the snowpack over mid and high elevations. Three sequential storms brought moderate to heavy rain, with the last creating a rain-on-snow event which resulted in incredible amounts of runoff.
Nov. 1996 (11/18/1996- 11/20/1996)	N. Oregon Coast	Heavy Rain, Floods	11 rivers reached flood stage	Heavy rainfall over Oregon caused many rivers in Northwestern Oregon to flood. The first small streams began flooding on November 18th with 11 larger rivers reaching flood stage on the 19th and 20th. Major rivers such as the lower reaches of the Willamette remained above flood stage until November 23rd. Initial damage estimates from this flooding exceeded \$3 million.

## CLATSOP COUNTY COMPREHENSIVE PLAN

Date	Location	Event Type	Magnitude	Details
Dec. 1995	Statewide	High Wind	Over 100 mph	Wind gusts of over 100 mph; e.g. Sea Lion Caves gusts to 119 mph. The storm followed the path of Columbus Day Storm (Dec. 1962) and resulted in four fatalities, many injuries, and widespread damage (FEMA-1107-DR-Oregon).
Feb. 1994	Warrenton	Tornado		Damage in a local park.
Jan. 1993	Oregon Coast	High Wind	98 mph	Inauguration Day Storm resulted in a major disaster declaration in Washington State. Tillamook wind gusts to 98 mph resulted in widespread damage, especially in the Nehalem Valley.
Nov. 1991	Oregon Coast	High Wind, High Surf	25-foot waves	This slow-moving storm generated 25-foot waves and resulted in damage to buildings, boats, and transmission lines.
Jan. 1991	Most of Oregon	High Wind	Gusts of 57 mph at Seaside	75-foot trawler sank NW of Astoria
Feb. 1990	Oregon Coast	High Wind	53 mph	Wind gusts resulted in damage to docks, piers, and boats.
Jan. 1990 (01/24/1990)	Statewide	High Wind	100 mph wind gusts	One fatality; damaged buildings; falling trees resulted in a disaster declaration in Oregon (FEMA-853-DR-Oregon).
Mar. 1988	North and Central Coast	High Wind	wind gusts 55–75 mph	One fatality near Ecola State Park; uprooted trees.
Dec. 1987	Oregon Coast / NW Oregon	High Wind	winds on coast 60 mph	Saturated ground enabled winds to uproot trees.
Jan. 1987	Oregon Coast	High Wind	wind gusts to 96 mph at Cape Blanco	Significant erosion occurred along highways and beaches; several injuries.
Jan. 1986	North and Central Coast	High Wind	75 mph winds	Damaged trees, buildings, and power lines.
Nov. 1981 (11/13/1981, 11/15/1981)	Oregon Coast, North Willamette Valley	High Wind		Back to back windstorms
Mar. 1971	Most of Oregon	High Wind		Falling trees took out power lines; building damage; notable damage in Newport.
Feb. 1971 (02/13/1971)				wind/rain



## CLATSOP COUNTY COMPREHENSIVE PLAN

Date	Location	Event Type	Magnitude	Details
Oct. 1967	Western Oregon	High Wind	winds on Oregon Coast 100–115 mph	Significant damage to buildings, agriculture, and timber.
Oct. 1967 (10/03/1967)	Clatsop County, Warrenton	Tornado	F1	\$25k in property damage; Impact area: 0.5 mi x 70 yds.
Oct. 1966	Seaside	Tornado	F0	Windows broken, telephone lines down, outdoor signs destroyed.
Oct. 1966 (10/20/1966)	Near Astoria Airport	Tornado/ Waterspout	F0	Began over ocean and moved inland; several homes and commercial buildings damaged.
Dec. 1964 (12/24/1964)	Oregon	Floods, Heavy Rain, Winter Storm	100-year flood event; Benchmark; 15 inches of rain in 24 hours	The Christmas flood of 1964 was driven by a series of storms, known as atmospheric rivers or “pineapple expresses,” that battered the region producing as much as 15 inches of rain in 24 hours at some locations. The combination of heavy rain, melting snow, and frozen ground caused extreme runoff, erosion and flooding. <a href="https://www.usgs.gov/news/christmas-flood-1964">https://www.usgs.gov/news/christmas-flood-1964</a>
Mar. 1963	NW Oregon Coast	High Wind	100 mph gusts (unofficial)	widespread damage
Oct. 1962 (10/12/1962)	Statewide	High Wind	131 mph	Oregon’s most destructive storm, the Columbus Day Windstorm Event, produced a barometric pressure low of 960 mb and resulted in wind speeds of 131 mph on the Oregon coast resulting in 23 fatalities and \$170 million in damages.
Nov. 1958	Northern/ Northwest Oregon	High Wind	Gusts to 75 mph at Astoria	Wind gusts across the Oregon, Idaho, Montana, Wyoming resulted in damage to buildings and utility lines; wind gusts to 75 mph at Astoria; gusts to 131 mph at Hebo.
June 1957 (06/05/1957)	Clatsop	High Wind	96 mph gusts	Thunderstorm, Wind
Jan. 1956	Western Oregon	High Wind, Heavy Rain, Mudslides		Heavy rains, high winds, mud slides resulted in estimated damages of \$95,000.
Dec. 1955 (12/29/1955)	Western Oregon	High Wind	up to 90 mph	Wind gusts at North Bend up to 90 mph resulted in significant damage to buildings and farms.
Dec. 1951	Most of Oregon	High Wind	60–100 mph	Winds 60-100 mph and a barometric pressure low of 968.5 mb near Astoria resulted in many damaged buildings and telephone/power lines down.
Nov. 1951	Most of Oregon	High Wind	40–60 mph with 75–80 mph gusts	Winds 40–60 mph with 75–80 mph gusts resulted in widespread damage, especially to transmission lines.
Apr. 1931	Western Oregon	High Wind	78 mph	Wind speeds up to 78 mph resulted in widespread damage.

## CLATSOP COUNTY COMPREHENSIVE PLAN

Date	Location	Event Type	Magnitude	Details
Jan. 1921	Oregon Coast/ Lower Columbia	High Wind	130 mph gusts in Astoria	Winds recorded at 113 mph at the mouth of the Columbia River; 130 mph in Astoria.
Jan. 1880	Western Oregon	High Wind	65-80 mph	Very high winds, 65-80 mph near Portland, resulted in flying debris and fallen trees.

Sources: NOAA Storm Events Database, <https://www.ncdc.noaa.gov/stormevents/>, accessed 12/2/2019. Oregon DOT weather sensor is located on Astoria-Megler Bridge.; Taylor and Hatton, 1999, The Oregon Weather Book, pp. 130-137; Tillamook County NHMP, 2018.; FEMA <[http://www.fema.gov/news/disasters\\_state.fema?id=41](http://www.fema.gov/news/disasters_state.fema?id=41)>

### DROUGHT

Watershed in Clatsop County are largely rain-dominated systems, meaning the drivers of drought and water scarcity are different than across much of the western United States, where mountain snowpack contributes to streamflow. As with other areas of the Pacific Northwest, Clatsop County typically experiences wet winters and dry summers. This seasonal cycle of precipitation means that severe drought is rare during the rainy winters on the Oregon coast, but the region is prone to periods of summertime water scarcity, especially when precipitation is lower than average in the shoulder seasons of spring and fall. This scarcity is exacerbated by a lack of natural storage, such as snowpack, and by a lack of built storage in the form of reservoirs.

**Table 9** provides information on historic drought events within Oregon.

**Table 9: Historic Drought Events**

Date	Location	Description
2015	25 counties in Oregon	Clatsop County did not have a drought declaration but did experience a dry and hot spring and summer following two years of lower moisture and higher temperatures (2013-2014)
2001-02	Statewide, except Portland metro area and Willamette Valley	The second most intense drought in Oregon's history; 18 counties with state drought declaration (2001); 23 counties state-declared drought (2002); some of the 2001 and 2002 drought declarations were in effect through June or December 2003; Coos and Curry Counties in Region 1 were not under a drought declaration until December of 2002.
1985-1997	Oregon	Generally, a dry period, capped by statewide droughts in 1992 and 1994
1992	Statewide	1992 fell toward the end of a generally dry period, which caused problems throughout the state; the 1992 drought was most intense in eastern Oregon, with severe drought occurring in Region 1; the winter of 1991-1992 was a moderate El Niño event, which can manifest itself in warmer and drier winters in Oregon; Governor declared a drought for all 36 counties in September 1992.
1976-1981	Western Oregon	Intense drought; 1976-1977 was the single driest water year of the century.
1939-1941	Oregon	A three-year intense drought; Water Year 1939 was one of the more significant drought years on the Oregon Coast during that period.

## CLATSOP COUNTY COMPREHENSIVE PLAN

1917-1931	Oregon	A very dry period, punctuated by brief wet spells in 1920-21 and 1927. The 1920s and 1930s, know more commonly as the Dust Bowl, were a period of prolonged, mostly drier than normal conditions across much of the state and country; moderate to severe drought affected much of the state except southeastern Oregon
1924	Oregon	A prolonged statewide drought that caused major problems for agriculture
1904-1905	Oregon	A drought period of about 18 months

**Source:** Taylor and Hatton, 1999, 2015 Clatsop NHMP; 2016 Tillamook NHMP; 2021 Clatsop County MJNHMP

### VOLCANIC ASH FALL

According to the Department of Geology and Mineral Industries (DOGAMI), Mt. Hood and Mt. St. Helens are the two volcanoes that could impact Clatsop County. Of all the Washington volcanoes, only Glacier Peak (north of Mt. Rainier) and Mt. Saint Helens have generated very large explosive eruptions in the past 15,000 years.

On May 18, 1980, Mt. St. Helens in Washington State erupted. The eruption killed 57 persons, destroyed more than 200 houses and cabins, and destroyed or damaged more than 185 miles of highways and roads and 15 miles of railways. In Clatsop County, ash fall from the volcanic eruption covered houses, damaged vehicles and equipment, and impacted animals and livestock.

Mt. Hood is approximately 90 miles southeast of the southeastern corner of the County. Given that most of Clatsop County's population is located in the northern and western areas of the County and that volcanic ash would follow eastward wind patterns, it is unlikely that a volcanic event at Mt. Hood would significantly impact Clatsop County. There have been no recorded effects from eruptions of Mt. Hood in the past century. During the 1900s, however, there were numerous small lahars and debris avalanches, preceded by steam explosions and ash explosions in the mid-1800s. **Table 10** details historic volcanic events from 1781 through the present.

**Table 10: Historic Volcanic Events**

Date	Event	Location
May 18, 1980	Eruption	Mount St. Helens
1781	Most recent eruptive period began	Mount Hood, White River and Sandy River valleys

**Source:** USGS; Sullivan, W.L., 2018; Clatsop County *Multi-Jurisdictional Natural Hazards Mitigation Plan*, 2021

### HIGH GROUNDWATER AND COMPRESSIBLE SOILS

In the alluvial lowland areas near streams and rivers and in the interdune areas of the Clatsop Plains, the groundwater table is at or near the ground surface much of the year. Problems associated with high groundwater include hydrostatic pressure causing buoyancy of

## CLATSOP COUNTY COMPREHENSIVE PLAN

underground tanks or fracturing of basement floors and walls and health hazards from improperly working septic systems.

Most of the soils with high groundwater levels also experience problems due to the compressible properties of the soils. Construction on compressible soils can result in differential settling of homes and roads. Engineering solutions include excavation and backfilling with a more suitable materials, preloading, and the use of piling or spread footings depending upon the nature of the specific structure being considered and the degree of severity of the hazard.

## CURRENT CONDITIONS

Each of Clatsop County's communities is subject to some or all of the natural hazards listed in Statewide Planning Goal 7. Beginning in 2019, Clatsop County, with technical assistance from the Department of Land Conservation and Development (DLCD) undertook an update of its 2015 Natural Hazards Mitigation Plan. The MJNHMP includes a hazard vulnerability analysis for unincorporated Clatsop County, which is shown in **Table 11**.

**Table 11: Clatsop County Hazard Vulnerability Analysis**

Hazard	Risk
Flood	High
Landslide	Low
Earthquake	High
Tsunami	High
Coastal Erosion	Medium
Wildfire	Low
Winter Storm	High

**Source:** Clatsop County 2019.

The following details the rationale for the rankings, as noted in the MJNHMP.

### FLOOD

Flood risk was ranked based on the annual, primarily coastal, flooding that occurs in the County, putting infrastructure and structures at risk. Annually, Highway 202 and tide gates get overwhelmed with high tides, as do areas in the City of Seaside and along U. S. Highway 101. During the 1996 flood, coastal flooding inundated the Surf Pines areas near Gearhart. Between January 3-6 2022, melting snow and heavy rainfall resulted created in over \$144,082-787,700 in damages, resulting in an emergency declaration. Flooding, breached dikes, landslides, downed trees and power lines harmed public infrastructure and private property and blocked roads. Unrecovered costs to businesses have not been determined. The following damage estimates were reported:

# CLATSOP COUNTY COMPREHENSIVE PLAN

## Table 12: Clatsop County January 2022 Flood Damage Estimates

Jurisdiction	Impacted Infrastructure/Activity	Damage Estimate
Clatsop County	Debris Clearance	\$21,934
	Protective Measures	\$22,784
	Road Systems	\$193,572
	Water Control Facilities	\$351,872
City of Astoria	Evergreen Field – Storm Pipe Collapse	\$50,000
	Coxcomb Drive – Small Landslide Along Roadway	\$100,000
	37th Street & Irving – Storm Pipe Inlet Damage	\$10,000
	22nd Street & Franklin – Storm Pipe Failure	\$3,000
	20th Street & Franklin – Mudslide Cleanup	\$3,000
	Watershed / Headworks Roads – Road Damage	\$3,000
	Miscellaneous Waterline Breaks Due To Land Movement	\$10,000
City of Cannon Beach	Debris Clearance, Water Control Facilities, Residences and Parks	\$10,000
Youngs River Lewis & Clark Water District	Road systems	\$4,500
Miles Crossing Sanitary Sewer District	Water Control Facilities	\$4,100
<b>TOTAL</b>		<b>\$787,762.00</b>

**Source:** Clatsop County Emergency Management.

The extent of the damage and risk to people caused by flood events is primarily dependent on the depth and velocity of floodwaters. Fast moving floodwaters can wash buildings off their foundations and sweep vehicles downstream. Extensive flood damage to residences and other structures also results from basement flooding and landslide damage related to soil saturation. Surface water entering into crawlspaces, basements and daylight basements is common during flood events not only in or near flooded areas but also on hillsides and other areas far removed from floodplains. Most damage is caused by water saturating materials susceptible to loss (e.g., wood, insulation, wallboard, fabric, furnishings, floor coverings and appliances.)

Homes in frequently flooded areas can also experience blocked sewer lines and damage to septic systems and drain fields. This is particularly the case of residences in rural flood prone areas who commonly utilize private individual sewage treatment systems. Inundation of these systems can result in the leakage of wastewater into surrounding areas creating the risk of serious water pollution and public health threats. This kind damage can render homes unlivable.

Roads, bridges, other infrastructure, and lifelines (pipelines, utility, water, sewer, communications systems, etc.) can be seriously damaged when high water combines with flood debris, mud and ice. Bridges are a major concern during flood events as they provide critical

## CLATSOP COUNTY COMPREHENSIVE PLAN

links in road networks by crossing watercourses and other significant natural features. Bridges and the supporting structures, however, can also be obstructions in flood-swollen watercourses and can inhibit the rapid flow of water during flood events. Flood events impact businesses by damaging property and interrupting commerce. Flood events can cut off customer access and close businesses for repairs. A quick response to the needs of businesses affected by flood events can help a community maintain economic viability in the face of flood damage.

**Table 12-13** details forecasted loss from flood events. **Figure 1** shows the location of the **Special Flood Hazard Area**.

**Table 12-13: Flood Exposure**

<i>(1% 100-year flood event)</i>								
<i>(all dollar amounts in thousands)</i>								
<b>Community</b>	<b>Total Number of Buildings</b>	<b>Total Estimated Building Value (\$)</b>	<b>Total Population</b>	<b>Potentially Displaced Residents from Flood Exposure</b>	<b>% Potentially Displaced Residents from Flood Exposure</b>	<b>Number of Flood Exposed Buildings</b>	<b>% of Flood Exposed Buildings</b>	<b>Number of Flood Exposed Buildings Without Damage**</b>
Unincorp. County (rural)	8,214	1,378,964	9,477	1,175	12.4%	1,175	14.3%	131
Arch Cape	462	113,684	183	9	5.1%	22	4.8%	7
Svensen-Knappa	1,652	178,049	3,013	17	0.6%	7	0.4%	1
Westport	348	24,928	498	0	0.0%	3	0.9%	1
<b>Total Unincorp. County</b>	<b>10,676</b>	<b>1,695,624</b>	<b>13,171</b>	<b>1,201</b>	<b>9.1%</b>	<b>1,207</b>	<b>11.3%</b>	<b>140</b>

\*1% results include coastal flooding source. \*\* Building first-floor height is above flood elevation. **Source:** Williams et al, 2020

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# CLATSOP COUNTY COMPREHENSIVE PLAN

**Figure 1: Special Flood Hazard Areas**



## CLATSOP COUNTY COMPREHENSIVE PLAN

### LANDSLIDE

Landslide risk for Clatsop County is ubiquitous – more than half of all the buildings in the County are at risk of at least moderate susceptibility to landslide risk. Landslides, however, are not common occurrences and when they do occur, impact a limited number of residents and structures unlike an earthquake or tsunami. For this reason, the risk was rated as “Low” in the hazard vulnerability analysis. Because Clatsop County can expect a large magnitude earthquake in the future, it is likely that landslides will exceed what has been historically experienced.

Depending upon the type, location, severity and area affected, severe property damage, injuries and loss of life can be caused by landslide hazards. Landslides can damage or temporarily disrupt utility services, roads and other transportation systems and critical lifeline services such as police, fire, medical, utility and communication systems, and emergency response. In addition to the immediate damage and loss of services, serious disruption of roads, infrastructure and critical facilities and services may also have longer-term impacts on the economy of the community and surrounding area. **Table 13-14** details anticipated impacts due to landslide exposure. Figure 2 shows the locations of landslide topography.

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CLATSOP COUNTY COMPREHENSIVE PLAN

Table 1314: Landslide Exposure

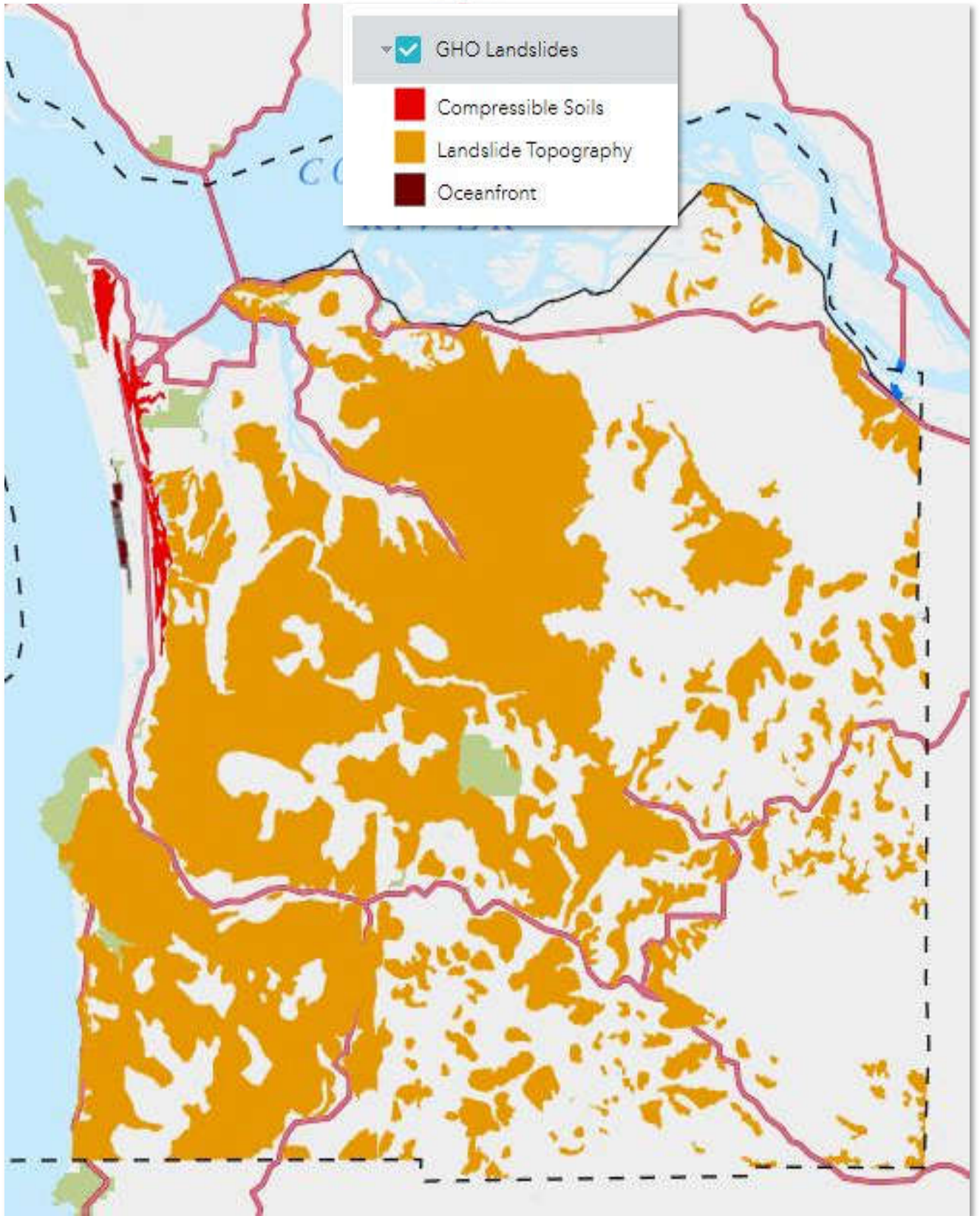
(all dollar amounts in thousands)

Community	Total Number of Buildings	Total Estimated Building Value (\$)	Very High Susceptibility			High Susceptibility			Moderate Susceptibility		
			Number of Buildings	Building Value (\$)	Percent of Building Value Exposed	Number of Buildings	Building Value (\$)	Percent of Building Value Exposed	Number of Buildings	Building Value (\$)	Percent of Building Value Exposed
Unincorp. County (rural)	8,214	1,378,964	952	133,908	9.7%	1,561	146,865	11%	2,284	300,221	22%
Arch Cape	462	113,684	69	17,412	15%	66	13,960	12%	167	40,595	36%
Svensen-Knappa	1,652	178,049	119	12,201	7%	600	56,657	32%	441	55,810	31%
Westport	348	24,928	116	7,207	29%	19	2,859	12%	17	1,402	6%
Total Unincorp. County	10,676	1,695,624	1,256	170,728	10%	2,246	220,342	13%	2,909	398,028	23%

\*1% results include coastal flooding source. \*\* Building first floor height is above flood elevation. Source: Williams et al, 2020 Williams, M.C., Anthony L. H., & O'Brien, F.E., 2020

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Figure 2: Landslide Topography



## CLATSOP COUNTY COMPREHENSIVE PLAN

### EARTHQUAKE

Earthquake risk was ranked for a Cascadia earthquake event scenario. The 2018 DOGAMI Natural Hazard Risk Report for Clatsop County indicated that very high liquefaction soils are found throughout most of the populated coastal portions of Clatsop County and within low-laying areas of the City of Warrenton. **Table 14-15** details the projected monetary and structural impacts from earthquakes.

Generally, the older the home is, the greater the risk of damage from natural disasters. This is because stricter building codes have been developed with improved scientific understanding of plate tectonics and earthquake risk. For example, structures built after the late 1960s in the Northwest use earthquake-resistant designs and construction techniques. Those built before 1960 (47.1% of homes in Clatsop County) are not likely to be earthquake resistant.

“Unreinforced masonry” (or URM) buildings are known to be the most susceptible to damage.

While buildings and other structures can be designed or retrofitted to withstand earthquakes, it can be prohibitively expensive to design for the highest magnitude events. Most buildings are designed with life-safety integrity for the occupants to safely survive the event and evacuate, but not necessarily to protect the building from damage. The advantage of improved seismic design requirements is that they can protect lives and maintain the functionality of the structure in lesser magnitude events. Buildings that were not built to an adequate seismic standard often can be retrofitted and strengthened to help withstand earthquakes and provide life safety.

Roads, bridges, ports, and utilities (telecom, gas, water, powerlines, etc.) also suffer damage in earthquakes. Damage and loss of life can be very severe if structures are not designed to withstand shaking, are on ground that amplifies shaking, or ground which liquefies due to shaking. Earthquake damage to roads and bridges can be particularly serious by hampering or cutting off the movement of people and goods and disrupting the provision of emergency response services. Such effects in turn can produce serious impacts on the local and regional economy by disconnecting people from work, home, food, school and needed commercial, medical and social services. A major earthquake can separate businesses and other employers from their employees, customers, and suppliers thereby further hurting the economy. Following an earthquake event, the cleanup of debris can be a huge challenge for the community.

Ports face the challenge of both the proximity to water and the instability of the large vessels/craft docked at piers and on runways. The high cost of maintenance and the age of the many maritime structures means that the forces associated with an earthquake could easily be catastrophically damaging.

Utilities face the risk of lines breaking, particularly at connections. These are ideal and affordable choices for retrofitting because adding flexibility to a length of pipe at its connection point can help prevent damage. However, gas utilities and all infrastructure using liquid or pressurized fuel should use automatic shut-off valves to prevent leaks, spills, explosions, and fire following a seismic event.

## CLATSOP COUNTY COMPREHENSIVE PLAN

Water impoundments are a risk in an earthquake event due to the weight of water and the fact that containers used for the stationary storage of water (dams, levees, tanks, pools, reservoirs, etc.) may not have the strength of material to withstand the motion of water due to ground shaking. The ability of dams to withstand earthquake forces should be considered. This is especially important as three dams in Clatsop County have been designated as “high hazard”: Bear Creek (Astoria), Middle Reservoir, and Wickiup Lake. For more information about the dams in Clatsop County, see the Flood hazard section of this plan.

Four dams in Clatsop County have been designated as “high hazard”, meaning they would pose a risk to downstream populations if they failed in an earthquake event. All have Emergency Action Plans in place: Bear Creek, Middle Reservoir, and Wickiup Lake, all managed for water supply by the City of Astoria, and the Seaside City Reservoir (Peterson Point Dam) established in 1996 also used for domestic water supply.

One of the most important preparations that can be made for a major earthquake event is to prevent the release of toxic gases and flammable fuels. Not only could the release of chlorine gas for water disinfection be lethal or fires started from liquid or pressurized fuels, the control of these releases is imminently more difficult without power, roads, or structural integrity of untested systems. Due to the importance of these concerns, the State of Oregon recently released a Fuel Plan and Clatsop County is similarly conducting an inventory of county fuel storage sites. Local water providers are required to meet standards for the storage of water treatment chemicals, but local regulations and coordination should be conducted locally to ensure that private entities managing pools or small, private water sources are similarly protecting the public by considering the seismic resilience of their systems to withstand a major earthquake.

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Table 1415: Earthquake Exposure

*(all dollar amounts in thousands)*

Community	Total Number of Buildings	Total Estimated Building Value (\$)	Total Earthquake Damage*		Earthquake Damage outside of Medium Tsunami Zone							
			Buildings Damaged		Buildings Damaged				Building Design Level Upgraded to at Least Moderate Code			
			Sum of Economic Loss	Loss Ratio	Yellow-Tagged Buildings	Red-Tagged Buildings	Sum of Economic Loss	Loss Ratio	Yellow-Tagged Buildings	Red-Tagged Buildings	Sum of Economic Loss	Loss Ratio
Unincorp. County (rural)	8,214	1,378,964	504,969	37%	619	2,251	480,396	34.8%	648	1,404	321,707	23.3%
Arch Cape	462	113,684	23,820	21%	18	59	16,694	14.7%	9	45	12,676	11.2%
Svensen-Knappa	1,652	178,049	38,280	22%	146	377	38,280	21%	118	236	27,790	16%
Westport	348	24,928	9,592	39%	37	154	9,592	38.5%	59	84	7,157	28.7%
Total Unincorp. County	10,676	1,695,624	576,661	34%	820	2,840	544,962	32%	833	1,769	369,331	22%

Source: Williams et al, 2020

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## CLATSOP COUNTY COMPREHENSIVE PLAN

### TSUNAMI

Tsunami risk was ranked for a Cascadia earthquake event scenario. During certain periods of the year, the population of Clatsop County can increase by 25% or more as visitors travel to the beach and other coastal areas. The beaches and the coastal cities frequented by these tourists are located within the tsunami inundation zone. **Table 15-16** details the projected monetary and structural impacts from **earthquakes** **tsunamis**. **Figure 3 illustrates the**

The combination of earthquake and tsunami will have a significant impact to the entire coastal and estuarine portions of rural Clatsop County. Low-lying areas within coastal and estuarine communities are predicted to be inundated by the Medium-sized tsunami scenario.

Approximately a third of the county's buildings have exposure to tsunami inundation from the Medium-sized scenario. In some communities a very high percentage (50% - 80%) of development is exposed to tsunami hazard. Over 11,000 permanent residents, included residents of incorporated cities and unincorporated Clatsop County could be impacted from a CSZ tsunami event and require medical and shelter services. Because there is high risk of tsunami along the entire coast and estuarine areas of Clatsop County, awareness is important for future planning and mitigation efforts in the areas at risk. **A tsunami event would affect cities and unincorporated areas alike, impacting resources and budgets. Neighboring counties are also likely to be highly affected, necessitating a regional coordination effort to consolidate resources, personnel, and supplies.**

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# CLATSOP COUNTY COMPREHENSIVE PLAN

**Table 1516: Tsunami Exposure**

*(all dollar amounts in thousands)*

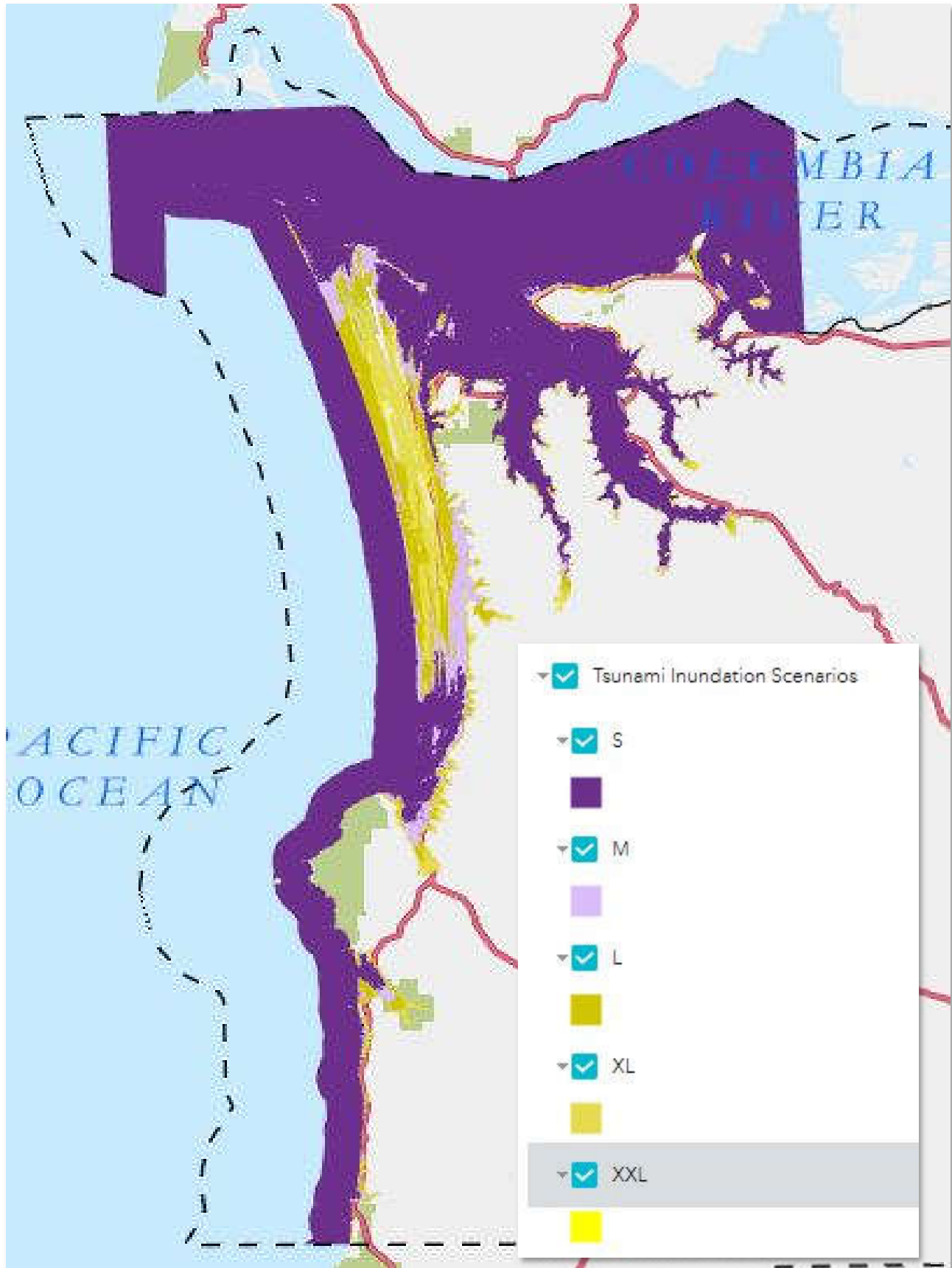
Community	Total Number of Buildings	Total Estimated Building Value (\$)	Small (Low Severity)			Medium (Moderate Severity)			Large (High Severity)			X Large (Very High Severity)			XX Large (Extreme Severity)		
			# of Bldgs	Building Value (\$)	Percent of Building Value Exposed	# of Bldgs	Building Value (\$)	Percent of Building Value Exposed	# of Bldgs	Building Value (\$)	Percent of Building Value Exposed	# of Bldgs	Building Value (\$)	Percent of Building Value Exposed	# of Bldgs	Building Value (\$)	Percent of Building Value Exposed
Unincorp. County (rural)	8,214	1,378,964	879	52,749	3.8%	1,040	67,075	4.9%	1,801	221,393	16%	3,145	475,022	34%	3,222	490,567	36%
Arch Cape	462	113,684	69	16,910	15%	162	43,350	38%	233	60,639	53%	360	90,490	80%	372	92,486	81%
Svensen-Knappa	1,652	178,049	0	0	0%	0	0	0%	0	0	0%	0	0	0%	0	0	0%
Westport	348	24,928	0	0	0%	0	0	0%	0	0	0%	0	0	0%	0	0	0%
<b>Total Unincorp. County</b>	<b>10,676</b>	<b>1,695,624</b>	<b>948</b>	<b>69,659</b>	<b>4.1%</b>	<b>1,202</b>	<b>110,425</b>	<b>6.5%</b>	<b>2,034</b>	<b>282,032</b>	<b>17%</b>	<b>3,505</b>	<b>475,812</b>	<b>33%</b>	<b>3,594</b>	<b>583,053</b>	<b>34%</b>

Source: Clatsop County Multi-Jurisdictional Natural Hazards Mitigation Plan, 2021; Williams et al, 2020

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CLATSOP COUNTY COMPREHENSIVE PLAN

Figure 3: Tsunami Inundation Zones





# CLATSOP COUNTY COMPREHENSIVE PLAN

## COASTAL EROSION

Coastal erosion is increasingly affecting people due to development near the beach or coastal bluffs. Structures and infrastructure that serve homes are the primary vulnerability of this hazard. People who purchase real estate in areas subject to coastal erosion are the primary individuals at personal risk of this hazard, although first responders and other emergency personnel are likely at greater hazard as they will be required to assist in coastal erosion-related rescues in recreational settings. Typically, shoreline stabilization efforts using riprap are not an effective long-term mitigation and such measures are strictly regulated under Goal 18.

According to the regional risk assessment for the Oregon Coast, the following assets and locations are generally the most vulnerable to coastal erosion (Oregon DLCDC, 2015):

- Buildings, parks, and infrastructure along low-lying areas adjacent to bays or the ocean and at higher elevations where buildings and infrastructure have been located on readily erodible materials (e.g., consolidated sand, weakly cemented sandstone, siltstone, etc.).
- Areas subject to flooding with wave action—while few of Oregon’s coastal developments are within FEMA-designated Velocity (V) zones, those that appear to be constructed according to V-zone standards which fall under the regulatory purview of local jurisdictions compliant with the National Flood Insurance Program (NFIP).
- Coastal highways are strongly impacted by coastal erosion. In Clatsop County much of the problem is linked to the local geology. Bedrock conditions change abruptly within very short distances. This results in an inconsistent highway foundation; some sections are more susceptible to erosion than others and require continuous maintenance.

Table 16-17 details the projected monetary and structural impacts from coastal erosion events.

**Table 16-17: Coastal Erosion Exposure**

*(all dollar amounts in thousands)*

Community	Total Number of Buildings	Total Estimated Building Value (\$)	Low Hazard			Moderate Hazard			High Hazard		
			# of Bldgs	Building Value (\$)	Percent of Building Value Exposed	# of Bldgs	Building Value (\$)	Percent of Building Value Exposed	# of Bldgs	Building Value (\$)	Percent of Building Value Exposed
Unincorp. County (rural)	8,214	1,378,964	17	2,505	0.2%	20	2,595	0.2%	54	15,544	1.1%
Arch Cape	462	113,684	0	0	0%	50	12,270	11%	121	33,051	29%
Total Unincorp. County	8,676	1,492,648	17	2,505	0.2%	70	14,865	1%	175	48,595	3.3%

Source: Williams et al, 2020, DLCDC Note: Falcon Cove is included in the Arch Cape unincorporated area. For the purposes of the 2020 Natural Hazard Risk Report, DOGAMI designated Astoria, Knappa-Svensen, and Westport, as ‘non-coastal communities’, thus this table

## CLATSOP COUNTY COMPREHENSIVE PLAN

excludes building numbers for those communities. Astoria has some coastal erosion along Youngs Bay but is not included in DOGAMI report.

### WILDFIRE

Generally, unincorporated Clatsop County is at low risk from wildfire risk due to high coastal humidity. In the intermittent dry periods with east winds from summer to late fall, however, wildfire risk can elevate quickly. The *Natural Hazard Risk Report for Clatsop County Oregon*, prepared by DOGAMI, indicates that 11% of Clatsop County is subject to high wildfire risk and 44% of the County is subject to moderate wildfire risk.

The effects of fire on ecosystem resources can include damages, benefits, or some combination of both. Ultimately, a fire's effects depend largely on the characteristics of the fire site, the severity of the fire, its duration and the value of the resources affected by the fire.

The effects of a wildfire on the built environment, particularly in the face of a major wildfire event, can be devastating to people, homes, businesses, and communities. Fuel, topography, weather and the extent of development are the key determinants for wildfires. A number of other factors also have been identified which affect the degree of risk to people and property in identified wildfire interface areas. These include:

- Combustible roofing material (for example, cedar shakes)
- Wood construction
- Homes and other structures with no defensible space
- Roads and streets with substandard width, grades, weight-load, and connectivity standards making evacuation and fire response more difficult
- Subdivisions and homes surrounded by heavy natural fuel types
- Structures on steep slopes covered with flammable vegetation
- Limited on-site or community water supply
- Locations with normal prevailing winds over 30 miles per hour

The 2018 DOGAMI Natural hazard risk report for Clatsop County identified locations within the study area that are comparatively more vulnerable or at greater risk to wildfire hazard. Wildfire risk is high for hundreds of homes in the low-laying forested areas in the unincorporated county along the Columbia River. This area also includes the communities of Warrenton, Westport, and to a lesser extent Astoria and Svensen-Knappa. The following communities within Clatsop County are considered "Interface Communities":

- Arch Cape
- Astoria
- Brownsmead
- Cannon Beach
- Coastal Strip
- Elsie-Vinemapple
- Fern Hill
- Hamlet
- Jewell
- Knappa-Svensen
- Lewis & Clark
- Necanicum
- Olney
- Warrenton
- Westport

# CLATSOP COUNTY COMPREHENSIVE PLAN

The Clatsop County Community Wildfire Protection Plan wildland fire risk assessment analyzes the potential losses to life, property, and natural resources. Objectives of the risk assessment are to identify the Wildland-Urban Interface, develop and conduct a wildland fire risk assessment, and identify and prioritize hazardous fuels treatment projects.

**Table 17-18** details the projected monetary and structural impacts from wildfires.

**Table 18: Wildfire Exposure**

*(all dollar amounts in thousands)*

Community	Total Number of Buildings	Total Estimated Building Value (\$)	Moderate Hazard			High Hazard		
			# of Bldgs	Building Value (\$)	Percent of Building Value Exposed	# of Bldgs	Building Value (\$)	Percent of Building Value Exposed
<u>Unincorp. County (rural)</u>	<u>8,214</u>	<u>1,378,964</u>	<u>1,324</u>	<u>145,792</u>	<u>11%</u>	<u>4,083</u>	<u>605,685</u>	<u>44%</u>
<u>Arch Cape</u>	<u>462</u>	<u>113,684</u>	<u>3</u>	<u>838</u>	<u>1%</u>	<u>227</u>	<u>52,459</u>	<u>46.1%</u>
<u>Svensen-Knappa</u>	<u>1,652</u>	<u>178,049</u>	<u>58</u>	<u>5,607</u>	<u>3%</u>	<u>993</u>	<u>107,642</u>	<u>60%</u>
<u>Westport</u>	<u>348</u>	<u>24,928</u>	<u>63</u>	<u>2,524</u>	<u>10%</u>	<u>82</u>	<u>7,334</u>	<u>29%</u>
<u>Total Unincorp. County</u>	<u>10,676</u>	<u>1,695,624</u>	<u>1,448</u>	<u>154,762</u>	<u>9.1%</u>	<u>5,385</u>	<u>773,120</u>	<u>46%</u>

Source: Williams et al, 2020

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## Table 17: Wildfire Exposure

Source: Williams et al, 2020

### WINDSTORM AND WINTER STORM

Windstorm and winter storm risk was ranked based on the 2007 storm event. All of the County is considered at risk from windstorms and winter storms annually. The primary impacts are interruptions in electricity, communication, and travel. The scenario considered was the 2007 event that resulted in closed roads and loss of power and telecommunications across the County for nearly two weeks. The lack of access to Portland hospitals and the inability to communicate with people with medical needs were two major life safety concerns.

Many buildings, utilities, and transportation systems in Clatsop County are vulnerable to wind damage. This is especially true in open areas, such as in the Clatsop Plains area, natural grasslands, or farmland. It also is true in forested areas with above-ground utility lines. A windstorm can knock down trees and power lines which results in road closures, power outages, and tons of debris. Fallen trees block roads and rails for long periods, which can affect emergency and commercial operations. Clatsop County works with utility companies in identifying problem areas and tree maintenance/removal is an ongoing mitigation action.

Tree-lined coastal roads and highways present a special problem in Clatsop County, especially along Highways 30 and 101. Wind-driven waves are common along the Oregon coast and are responsible for road and highway wash-outs and the erosion of beaches and headlands. These problems are addressed under Flood Hazards (i.e., Ocean flooding and wave action). Bridges spanning bays or the lower Columbia River would be closed during high wind periods.

Damage data and loss estimates related to windstorms and winter storms are not consistently collected except in the case of severe events when a request for public and/or individual assistance is made as part of a disaster declaration request. These post-disaster damage estimates can be found following presidentially-declared disasters. Damages from the December 2007 storm, for example, were estimated at \$12,353,136 in rural Clatsop County (excludes cities).

### DROUGHT

Drought can affect all segments of a jurisdiction's population, particularly those employed in water-dependent and water-related activities (e.g., agriculture, hydroelectric generation, recreation, etc.). Domestic water users may also be subject to stringent conservation measures (e.g., rationing) and could be faced with significant increases in electricity rates.

Water-borne transportation systems (e.g., ferries, barges, etc.) could be impacted by periods of low water. A prolonged drought in forests promotes an increase of insect pests, which in turn, damage trees already weakened by a lack of water. A moisture-deficient forest constitutes a significant fire hazard. In addition, drought and water scarcity add another dimension of stress

## CLATSOP COUNTY COMPREHENSIVE PLAN

to species listed pursuant to the Endangered Species Act (ESA) of 1973.

Drought poses a risk of reduced water availability for communities and agricultural producers during peak demand in late summer. This limits the growth of community development and of overall production of products that have a late summer water demand.

### **VOLCANIC ASH FALL**

While ash fall is the primary risk for Clatsop County, the City of Astoria and the Port of Astoria also identify debris flow as a potential hazard. Most of Clatsop County is isolated climatically from the impacts of volcanic gases such as those emitted from a volcanic event before, during, or after a volcanic eruption due to its proximity to the Pacific Ocean and Columbia River.

Structural damage can result from the weight of volcanic ash, especially if it is wet. Four inches of wet ash may cause buildings to collapse. A half-inch of ash can impede the movement of most vehicles and disrupt transportation, communication, and utility systems, and cause problems for human and animal respiratory systems. It is extremely dangerous for aircraft, particularly jet planes; volcanic ash can damage critical engine components, coat exposed electrical components, and erode exposed structure.

Ashfall may severely decrease visibility, and can even cause darkness, which can further disrupt transportation and other systems. Ashfall can severely degrade air quality, triggering health problems. In areas with considerable ashfall, people with breathing problems might need additional services from doctors or emergency rooms. In severe events, an air quality warning could be issued, similar to those given on poor air quality days during the summer. This would, for example, warn people with breathing problems not to go outside.

On roads and streets, ashfall can create serious traffic problems as well as road damage. Vehicles moving over even a thin coating of ash can cause clouds of ash to swell. This results in visibility problems for other drivers, calling for speed restrictions, and often forcing road closures. It also adds to the potential for health problems for residents in the area. Extremely wet ash creates very slippery and hazardous road conditions. Ash that fills roadside ditches and culverts can prevent proper drainage and cause shoulder erosion and road damage. Blocked drainages can also trigger debris flows or lahars if they cause water to pool on or above susceptible slopes. Conventional snow removal methods do not work on dry ash, as they only stir it up and cause it to resettle on the roadway. When ash is pushed to the side of travel lanes, wind and vehicle movement continue to cause it to billow.

To identify the areas that are likely to be affected by future events, prehistoric rock deposits are mapped and studied to learn about the types and frequency of past eruptions at each volcano. This information helps scientists to better anticipate future activity at a volcano and provides a basis for preparing for the effects of future eruptions through emergency planning. Scientists also use wind direction to predict areas that might be affected by volcanic ash; during an eruption that emits ash, the ashfall deposition is controlled by the prevailing wind direction.

## CLATSOP COUNTY COMPREHENSIVE PLAN

The predominant wind pattern over the Cascades is from the west, and previous eruptions seen in the geologic record have resulted in most ashfall drifting to the east of the volcanoes.

DRAFT

## CLATSOP COUNTY COMPREHENSIVE PLAN

### HIGH GROUNDWATER AND COMPRESSIBLE SOILS

High groundwater can also be an indicator of propensity for liquefaction in the event of an earthquake. Clatsop County should discuss review compressible soils with DOGAMI and consider carefully what more steps should be taken to mitigate impacts to development from liquefaction. Working with DOGAMI, the County should also consider whether development is appropriate in certain areas if mitigation is not possible.

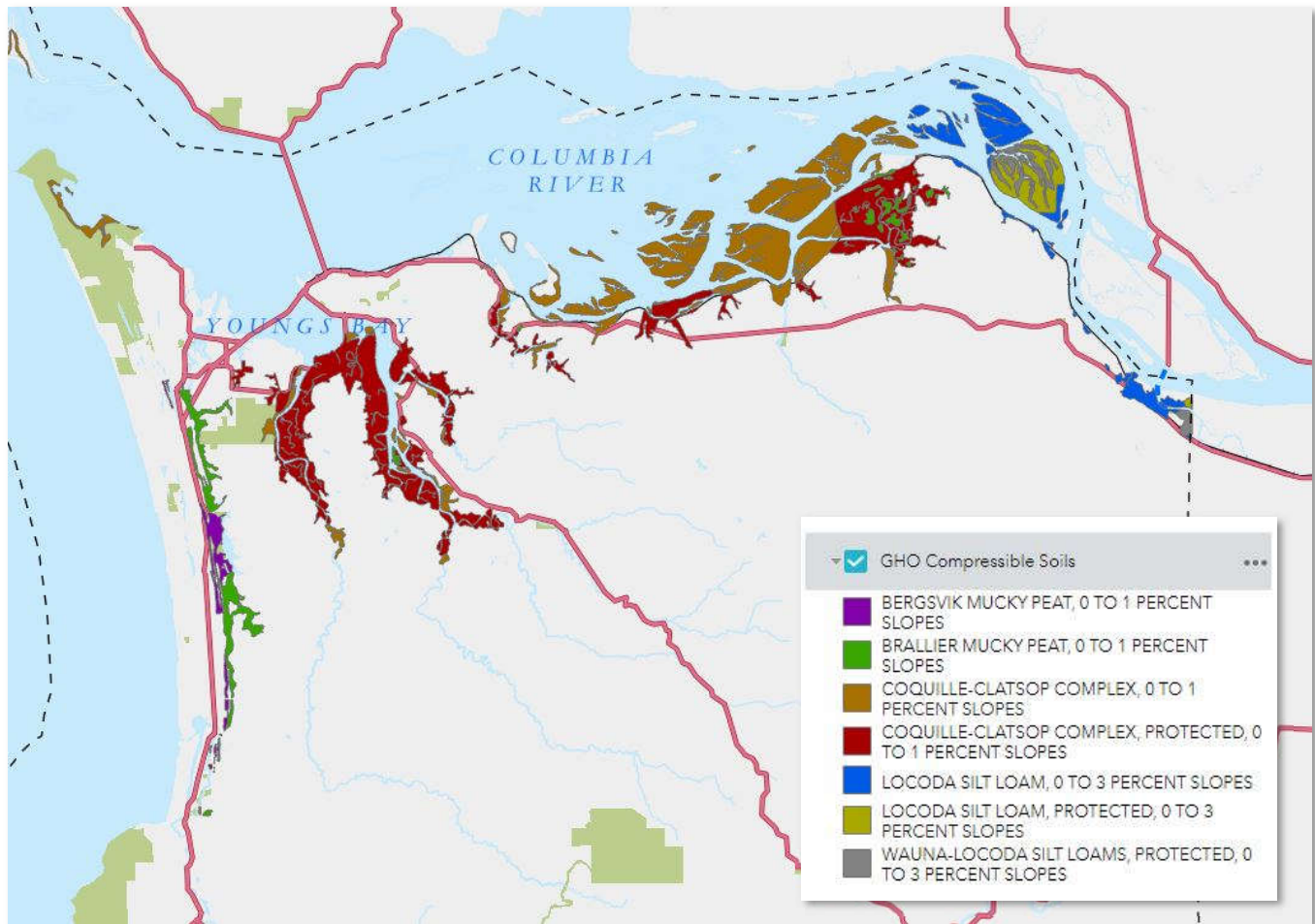
Additionally, when a high water table is present, groundwater is more susceptible to pollution. Increased groundwater pollution is never recommended as it can create a public health issue as much of the County's drinking water is sourced from groundwater. Further, surface water can mix with groundwater causing water quality and public health issues. If development is allowed in areas with a high water table, the types of development and attendant possibilities for water contamination should be carefully considered and sufficient mitigation with ongoing vigilance required.

As shown on the figure below, areas with compressible soils are primarily located within the Clatsop Plains, Lewis and Clark Olney Wallooskee, and Northeast planning areas.

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**Figure 4: Compressible Soils**



**CURRENT ON-GOING PLANNING EFFORTS**

***Tsunami Evacuation Facilities Improvement Plan (TEFIP)***

On August 22, 2019, the County received an award letter from the Oregon Transportation and Growth Management Program to prepare a Tsunami Evacuation Facilities Improvement Plan (TEFIP). This plan will augment existing efforts by the Emergency Management Division of Clatsop County, which in past years has installed “You are Here” signs at a majority of beach access points. An emphasis will be placed on identifying trails and paths that can provide year-round recreational opportunities while also functioning as evacuation routes in the event of a disaster. The project began in January 2020 and is expected to be completed in early 2022.

**Sea level rise adaptation planning**

DLCD’s Coastal Shores Specialist and Climate Change Coordinator applied for and were successful in securing a NOAA Coastal Management Fellowship focused on providing capacity to local entities in Clatsop County to create sea level rise adaptation action plans, starting in



## CLATSOP COUNTY COMPREHENSIVE PLAN

August 2022. DLCD staff will attend a matching workshop with fellow candidates in April 2022 to be matched with a Coastal Management Fellow to complete this work over two years.

# FUTURE CONDITIONS

## FLOOD

Per information from the MJNHMP and the *Future Climate Projections Clatsop County* (Oregon Climate Change Research Institute, February 2020), changes to climate conditions are projected to have the following impacts on flooding within Clatsop County:

- Coastal rain-dominated watersheds may experience an increase in winter flood risk due to projected greater precipitation and warmer winter temperatures, in addition to increases in the frequency and intensity of flood-producing atmospheric river events.
- Flood risk from the Columbia River is not expected to change due to projected decreases in peak flows and the fact that it is highly managed for flood control.
- Coastal wetland ecosystems are sensitive to rising sea levels, increases in coastal storms and wave height, warming air and water temperatures, changing precipitation patterns and freshwater runoff, saltwater intrusion, and ocean acidification, which can lead to changes in biological, chemical, and physical processes; shifts in species and biodiversity loss; and altered location and spatial extent of tidal wetlands.
- The Necanicum River Estuary is projected to gain potential tidal wetland area as sea level rises.
- Sea level rise and changing wave dynamics are key climate change impacts expected to increase the risk of coastal erosion and flooding hazards on the Oregon Coast. Local sea level rise in Clatsop County is projected to reach 0.8 to 4.8 feet by 2100. These estimates include vertical land movement trend estimates and are based on two global sea level scenarios used in the 2018 US National Climate Assessment.
- The likelihood of a 4-foot flood event, that is, water reaching four feet above mean high tide, ranges from 4%-38% by the 2030s, 19%-100% by the 2050s, and 98-100% by 2100.
- Climate change is expected to exacerbate coastal erosion in Clatsop County. By 2100 or before, assets and people within the 4-foot inundation zone are highly likely to be impacted or displaced—including 3,407 people, \$138 million in property value, and a half-mile of state, county, and local roads.

## LANDSLIDE

The February 2020 OCCRI *Clatsop County Future Projections* report does not indicate any

## CLATSOP COUNTY COMPREHENSIVE PLAN

increased climate risks specific to landslide hazards. Overall population growth, however, increases the percentage of population and structures that may be exposed to impacts from landslides.

### EARTHQUAKE

The Cascadia Subduction Zone has not produced an earthquake since 1700 and is building up pressure where the Juan de Fuca Plate is subsiding underneath the North American plate.

Currently, Per information from the Oregon Office of Emergency Management, scientists are predicting that there is about a 37% percent chance that a megathrust earthquake of 7.1+ magnitude in this fault zone will occur in the next 50 years. This event will be felt throughout the Pacific Northwest.

The February 2020 OCCRI *Clatsop County Future Projections* report does not indicate any increased climate risks specific to the earthquake hazard. Continued expansion of tourism, coupled with population growth, greatly raises the potential impacts to life and property that will occur during a CSZ event.

### TSUNAMI

~~The February 2020 OCCRI *Clatsop County Future Projections* report does not indicate any increased climate risks specific to the earthquake hazard.~~ Many of the visitors to Clatsop County, whether day visitors or overnight tourists, come to the area to be in close proximity to the ocean and beach. During peak tourism times, including holidays and special events, population in coastal areas may swell by several thousand. Many of those visitors may not be familiar with the location of evacuation routes or safety protocols when a tsunami warning is issued. Continual public outreach and education, clearly marked evacuation routes and assembly points are needed to assist both residents and visitors during a tsunami event. During public meetings held as part of the Tsunami Evacuation Facilities Improvement Plan (TEFIP) preparation, several vertical structures may be required in highly touristed coastal areas, including Fort Stevens State Park. Consideration should be given to implementing the recommendations contained in the final TEFIP report.

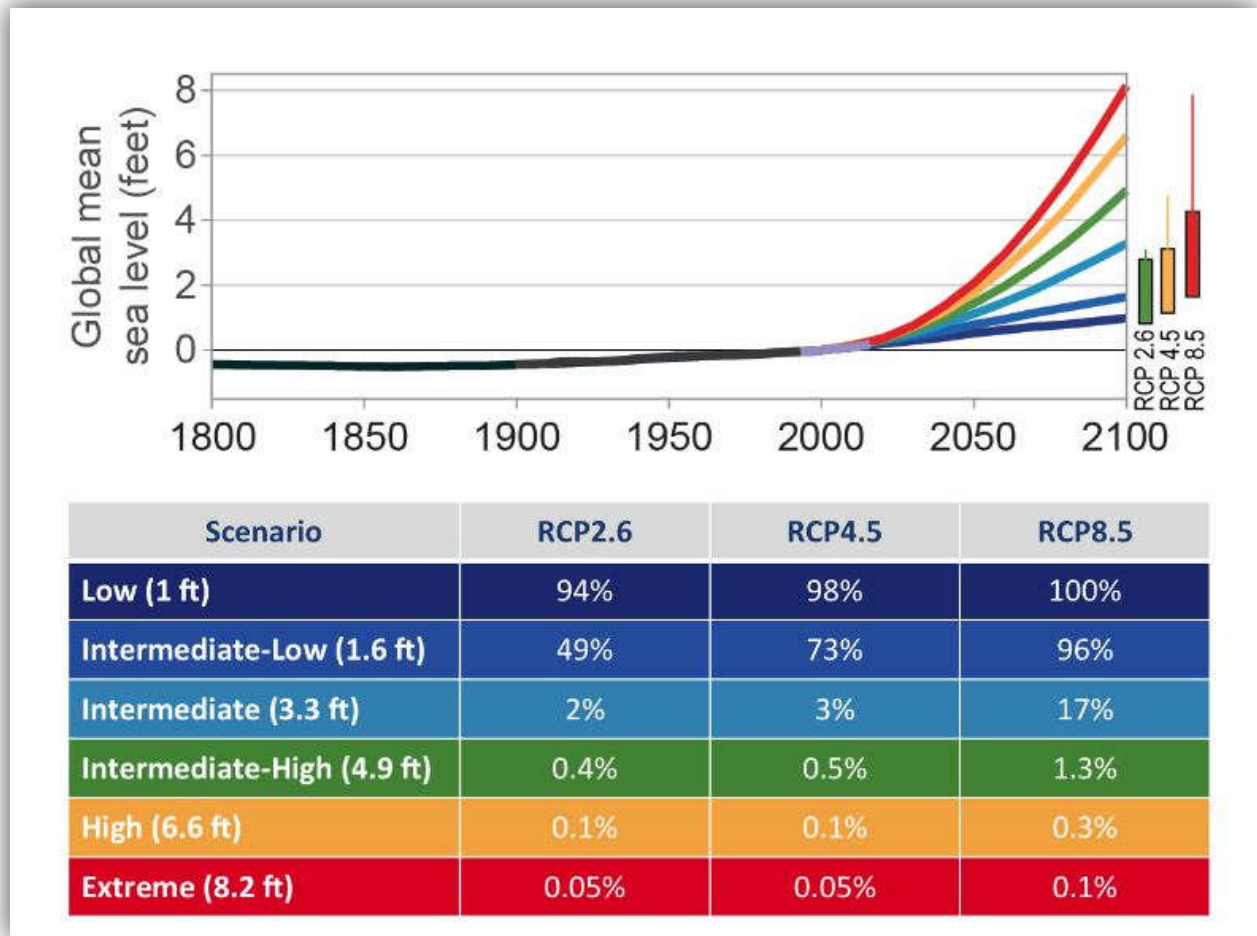
### COASTAL EROSION

Sea level rise and changing wave dynamics are key climate change impacts expected to increase the risk of coastal erosion and flooding hazards on the Oregon Coast. Local sea level rise in Clatsop County is projected to reach 0.8 to 4.8 feet by 2100. These estimates include vertical land movement trend estimates and are based on two global sea level scenarios used in the 2018 U.S. National Climate Assessment. The likelihood of a 4-foot flood event, that is, water reaching four feet above mean high tide, ranges from 4%-38% by the 2030s, 19%-100% by the 2050s, and 98-100% by 2100 (Dalton, M.M., 2020, p.38). Climate change is expected to exacerbate coastal erosion in Clatsop County. By 2100 or before, assets and

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## CLATSOP COUNTY COMPREHENSIVE PLAN

people within the 4-foot inundation zone are highly likely to be impacted or displaced—



Source: *Clatsop County Future Projections*, Oregon Climate Change Research Institute, February 2020

including 3,407 people, \$138 million in property value, and a half-mile of state, county, and local roads (Dalton, M.M., 2020, p.38). “The projected increase in local sea levels along the Oregon coast raises the starting point for storm surges and high tides making coastal hazards more severe and more frequent in the future (Climate Central, 2019; Dalton, M.M., 2020, p.35).”

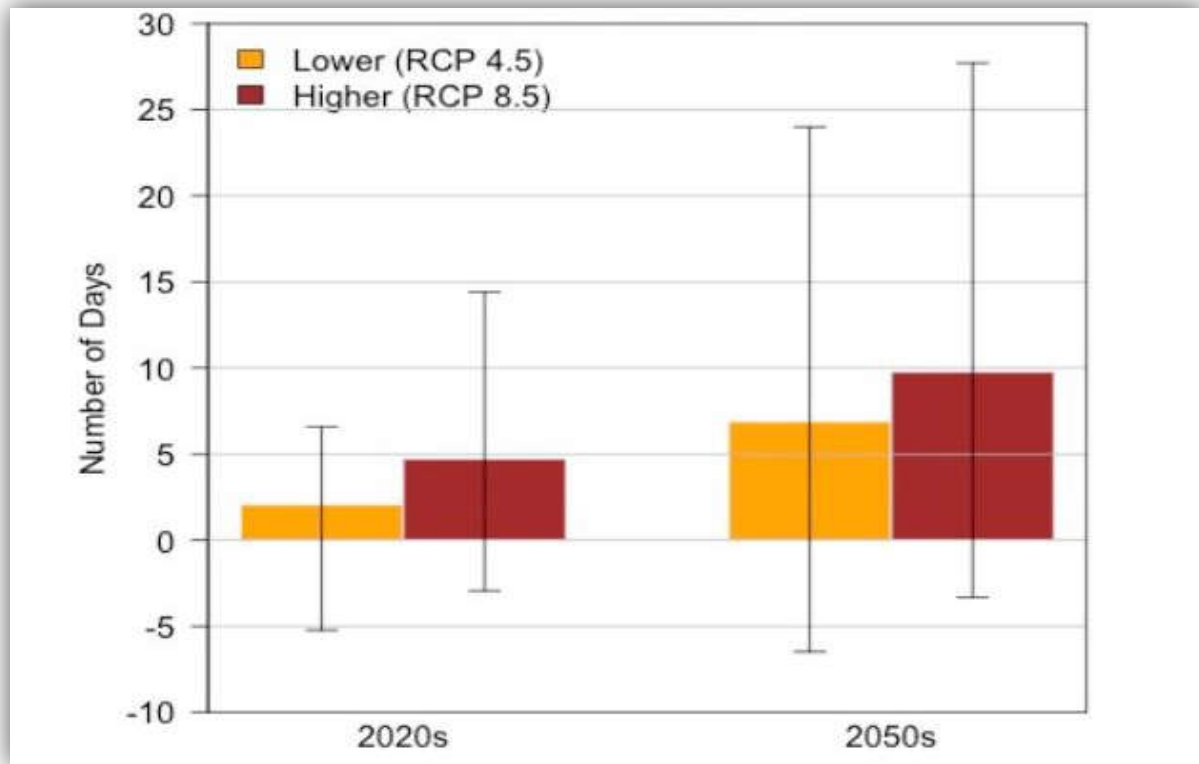
**Figure 1: Global Mean Sea Level Rise (1800-2100)**

### WILDFIRE

Climate change impacts are anticipated to increase the frequency, duration, and intensity of extreme heat due to continued warming temperatures (Dalton, M.M., 2020, p. 13). Associated risks to air quality of warmer temperatures include increased ground level ozone pollution, increased smoke and particulates from wildfires, and more potent pollen seasons, resulting in increased risk of respiratory and cardiovascular illness, increased allergies, and greater rates of asthma. While woodstove smoke and diesel emissions are other contributors of particulates,

## CLATSOP COUNTY COMPREHENSIVE PLAN

wildfires are primarily responsible for the days when air quality standards for PM2.5 are exceeded in western Oregon. The number of “smoke wave” days in Clatsop County is projected to increase (Dalton, M.M., 2020, p. 28).



Source: *Future Climate Projections Clatsop County*, OCCRI, February 2020

Wildfire risk is expressed in the frequency of very high fire danger days—and the frequency of very high fire danger days is expected to increase under future climate change scenarios for Clatsop County. Under the higher emissions scenario by the 2050s, the number of very high fire danger days is expected to increase by 10 days compared to the historic baseline—this translates to an annual increase of about 27% (Dalton M.M., 2020, p.27).

### Figure 2: Change in Annual Very High Fire Danger Days

#### WIND AND WINTER STORM

Climate change has the potential to alter surface winds through changes in the large-scale free atmospheric circulation and storm systems, and through changes in the connection between the free atmosphere and the surface. Future projections indicate a slight northward shift in the jet stream and the extratropical cyclone activity, but there is as yet no consensus on whether or not extratropical storms and associated extreme winds will intensify or become more frequent along the Northwest coast under a warmer climate. The *Future Climate Projections Clatsop County* report, prepared by the Oregon Climate Change Research Institute and issued in

## CLATSOP COUNTY COMPREHENSIVE PLAN

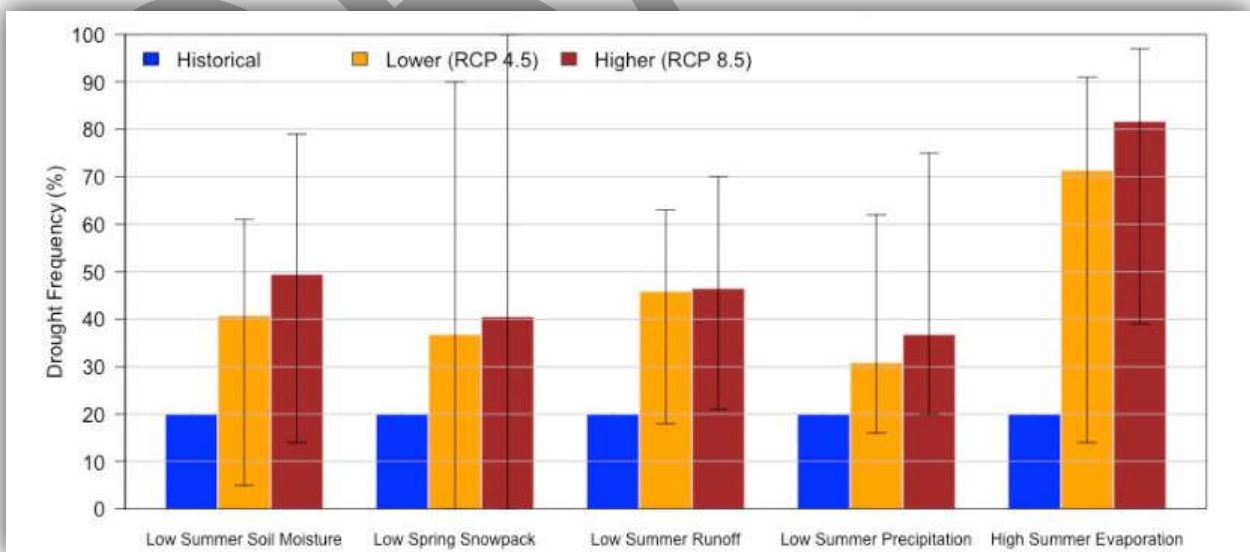
February 2020, notes the following impacts from climate change on wind and winter storm events:

- Climate change will cause very little, if any, change to the frequency or intensity of windstorms in the Pacific Northwest.
- Cold extremes are still expected from time to time, but with less frequency and intensity as the climate warms. Under the higher emissions scenario, by the 2050s, the coldest night of the year is projected to increase by about 6 degrees F (range 0-10 degrees F) and annually have one less day per year below freezing.
- Regionally, the occurrence of rain-on-snow, or precipitation occurring as rain instead of snow, is likely to increase which could contribute to deficits in late-summer water supply for regional agricultural producers or higher temperatures for cold water-dependent fish like trout and salmon.

### DROUGHT

Drought conditions, as represented by low summer soil moisture, low spring snowpack, low summer runoff, low summer precipitation, and high summer evaporation are projected to become more frequent in Clatsop County by the 2050s (Dalton, M.M., 2020, p.25).

In Clatsop County, spring snowpack (that is, the snow water equivalent on April 1), summer runoff, summer soil moisture, and summer precipitation are projected to decline while summer evaporation is projected to increase under both lower (RCP 4.5) and higher (RCP 8.5) emissions scenarios by the 2050s (2040–2069). This leads to the magnitude of low summer soil moisture,



Source: *Future Climate Projections Clatsop County*, OCCRI, February 2020

low spring snowpack, low summer runoff, low summer precipitation, and high summer



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evaporation expected with a 20% chance in any given year of the historical period being projected to occur much more frequently by the 2050s under both emissions scenarios. The 2020s (2010–2039) were not evaluated in this drought analysis due to data limitations but can be expected to be similar but of smaller magnitude to the changes for the 2050s (Dalton M.M., 2020, p.24).

### Figure 3: Drought Metrics for Clatsop County

#### VOLCANIC ASH FALL

The February 2020 OCCRI *Clatsop County Future Projections* report does not indicate any increased climate risks specific to volcanic events or volcanic ash fall. Continued expansion of tourism, coupled with population growth, greatly raises the potential impacts to life and property that might occur during a volcanic event.

#### OTHER ISSUES AND TRENDS

##### ***FEMA Biological Opinion (BiOp)***

The [National Flood Insurance Program](#) (NFIP) provides flood insurance for homeowners and property owners. The NFIP is administered by the Federal Emergency Management Agency (FEMA). FEMA sets standards for local governments participating in the NFIP, including requirements for local floodplain development ordinances. The Department of Land Conservation and Development (DLCD) is designated as Oregon's NFIP coordinating agency and assists local governments with implementation of the federal standards.

Because the NFIP has a direct effect on development that occurs in areas adjacent to local streams, rivers, and waterbodies, it is important for the NFIP to consider its effects on endangered species. Marine and anadromous species are protected by the Endangered Species Act (ESA) which is administered by the National Marine Fisheries Service (NMFS), a branch of the National Oceanic Atmospheric Administration (NOAA). This branch is also known as NOAA-Fisheries. The ESA provides for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The ESA requires federal agencies to ensure that actions they authorize, fund, or carry out do not jeopardize the continued existence of any ESA listed species.

For several years, the NMFS and FEMA have been discussing measures that could be used to reduce negative impacts from the National Flood Insurance Program (NFIP) on salmon, steelhead and other species listed as threatened under the Endangered Species Act (ESA). In April 2016, NMFS delivered a jeopardy Biological Opinion (BiOp) to FEMA, stating that parts of the NFIP could have a negative impact on the habitat of endangered salmon species.

Local governments that participate in the NFIP, including Clatsop County, will likely need to change their review process for floodplain development permits. FEMA Region X, State and local government staff have been meeting since 2016 to respond to the finding and recommendations in the BiOp and to determine the best ways to implement the interim

## CLATSOP COUNTY COMPREHENSIVE PLAN

measures described in the Reasonable and Prudent Alternative (RPA). In October 2021, FEMA released a draft of its [Oregon Implementation Plan for NFIP-ESA Integration](#).

### OBJECTIVES AND POLICIES

**Objective 1:** To reduce or prevent the risk of injury or death from natural hazards.

**Objective 2:** To reduce or eliminate damage to critical facilities, services, and equipment from a natural hazard event.

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

**Objective 4:** To increase cooperation and collaboration among mitigation partners to protect the economic engines of Clatsop County.

**Objective 5:** To raise awareness about the risks of natural hazards and the strategies to mitigate them.

**Objective 6:** Consider the likely post-Cascadia landscape, and encourage the development and redevelopment of key-essential and hazardous facilities and special occupancy structures when siting them today.

### GENERAL NATURAL HAZARD POLICIES

**Policy A:** Prohibit comprehensive plan or zone map amendments that would result in increased residential densities or more intensive uses in natural hazard areas unless adequate mitigation is implemented. Mitigation measures should focus on life safety and hazard-resistant structure design and construction.

**Policy B:** The County should develop a centralized County 911 system and resilient back-up communications system.

**Policy BC:** In coordination with the cities and appropriate visitor and tourism agencies, the County should develop a pre-plan of how to accommodate visitors to the coast following a major disaster.

**Policy CD:** The County shall develop post-disaster recovery plans for unincorporated communities and areas within Clatsop County.

**Policy DE:** In order to facilitate recovery efforts, the County shall develop a debris management plan.

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**Policy EF:** The County ~~should~~ shall continue to analyze the costs and risks associated with maintaining critical county-owned public safety facilities within the tsunami inundation zone and study the relocation of these facilities.

**Policy FG:** The County should develop emergency shelter facilities through out the County.

**Policy GH:** The County should create and maintain an inventory of available generators and fuel distribution sites.

**Policy HI:** The County should continue to conduct outreach and education efforts to community organizations active in disasters and that may have control over structures and areas that may be designated as relief sites during periods of emergency response and recovery.

**Policy IJ:** The County encourages power companies to update and improve powerlines to protect from wildfires, storms and promote resiliency.

### FLOOD POLICIES

**Policy A:** Clatsop County recognizes the value of an integrated flood hazard management program in order to protect life and property and shall continue participation in the Federal National Flood Insurance Program.

**Policy B:** Through an integrated flood hazard management program, the county will implement and administer appropriate land use planning techniques and construction standards.

**Policy C:** The County will develop and maintain educational efforts regarding the public benefit derived from an integrated flood hazard management program.

**Policy D:** The County shall limit land uses in the floodplain to those uses identified by the adopted floodplain regulations as suitable.

**Policy E:** The County shall strive to make flood hazard information, including that related to tsunamis, available to the public to ensure that owners and potential buyers of flood prone land are aware of the hazard. County property deeds maps should shall indicate when the property is in a mapped tsunami zone.

**Policy F:** To provide continued flood protection, the County encourages the maintenance and repair of existing flood control structures except when dike



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breaching is carried out to restore natural animal and plant habitat and/or reduce flooding of critical infrastructure. The construction of new dikes, for the purpose of establishing future development in floodplain areas, shall be discouraged.

- Policy G:** Agriculture, forestry, open space and recreation shall be the preferred uses of flood prone areas.
- Policy H:** The County shall prohibit the placement of hospitals, public schools, nursing homes, and other similar public uses within areas subject to flooding.
- Policy I:** Subdivisions occurring within floodplain areas shall be encouraged to cluster land uses outside of the floodplain area leaving the floodplain in open space.
- Policy J:** For specified areas, the County will consider the adoption of regulations requiring the preparation and implementation of a drainage plan as part of its review and approval of conditional use permits and development permits.
- Policy K:** Clatsop County should explore public support for becoming a Community Rating System (CRS) community.
- Policy L:** The county should engage and support the diking districts and drainage improvement companies in respect to accreditation of the County's levees.

## LANDSLIDE POLICIES

- Policy A:** The County shall recognize the development limitations imposed by areas of mass movement potential.
- Policy B:** Mass movement hazards do not necessitate disapproval of development, but higher additional development standards approvals can be expected will continue to be required in order to minimize potential damage and property loss.
- Policy C:** Clustering of development on stable or less steep portions of sites that are not identified as areas of historical (known) landslides, or shallow or deep landslide susceptibility is encouraged in order to maintain steeper or unstable slopes in their natural conditions.
- Policy D:** Closely spaced septic tanks and drainfields should be restricted from moderately to steeply sloping areas because of the potential for sliding.
- Policy E:** Projects which include plans for modifying the topography of sloping areas or established drainage patterns shall be evaluated in terms of the effect these changes would have on slope stability, including neighboring properties.

## CLATSOP COUNTY COMPREHENSIVE PLAN

- Policy F:** The presence of faults in an area may constitute justification for restricting development in areas of landslide topography.
- Policy G:** Structures should be planned to preserve natural slopes. Cut and fill construction methods shall be discouraged. Structures should be planned to preserve natural slopes. Cut and fill construction methods shall be discouraged.
- Policy H:** Access roads and driveways shall follow slope contours to reduce the need for grading and filling, reduce erosion, and prevent the rapid discharge of runoff into natural drainageways.
- Policy I:** Loss of ground cover for moderately to steeply sloping lands may cause land slippage and erosion problems by increasing runoff velocity. Development on moderate to steep slopes should generally leave the natural topography of the site intact. Existing vegetation, particularly trees, should be retained on the site.
- Policy J:** The County, in coordination with appropriate state and local agencies should identify and develop alternative transportation routes around slide-prone areas within the county.
- Policy K:** The County shall utilize the Department of Geology and Mineral Inventories' Statewide Landslide Information Layer for Oregon (SLIDO), dated ~~XXXX July 23, 2022~~ November 29, 2021, to determine properties that are in the moderate to very high landslide susceptibility category. Development on properties within the moderate to very high category shall be required to subject a geologic hazard report or request a waiver from that requirement.

### EARTHQUAKE POLICIES

- Policy A:** The County shall develop and implement a program to retrofit County bridges that are identified by a seismic vulnerability assessment.
- Policy B:** Structures and public facilities owned and/or operated by Clatsop County should be seismically retrofitted.
- Policy C:** The County should work with private land owners to identify lifelines routes that can be utilized following a seismic event.
- Policy D:** The County should develop incentive programs to encourage homeowners and businesses to perform seismic retrofits to existing structures.

## TSUNAMI POLICIES

**Policy A:** The County should identify viable sites for vertical evacuation construction.

**Policy B:** Clatsop County should implement a Tsunami Hazard Inundation overlay and develop regulations and maps for hazard mitigation planning.

**Policy C:** The County shall establish long-term supply and staging areas outside of inundation zones.

**Policy D:** Clatsop County shall continue to upgrade and improve tsunami evacuation routes.

**Policy E:** Consideration should be given to implementing the recommendations contained in the final TEFIP report.

**Policy F:** Property titles shall indicate when property in Clatsop County is in a mapped tsunami zone.

**Policy G:** Clatsop County should engage Oregon DLCD and local municipalities in an exploration of options for changing land use designations on resource lands adjacent to UGBs to allow development outside of tsunami inundation zones.

**Policy H:** To protect life, minimize damage and facilitate rapid recovery from a local source Cascadia Subduction Zone earthquake and tsunami, the County will:

1. Support tsunami preparedness and related resilience efforts.
2. Take reasonable measures to protect life and property to the fullest extent feasible, from the impact of a local source Cascadia tsunami.
3. Use the Oregon Department of Geology and Mineral Industries (DOGAMI) Tsunami Inundation Maps applicable to the County to develop tsunami hazard resiliency measures.
4. Enact design or performance implementing code components in identified tsunami hazard areas.
5. Implement land division provisions to further tsunami preparedness and related resilience efforts.
6. Consider potential land subsidence projections to plan for post Cascadia event earthquake and tsunami redevelopment.
7. Identify and secure the use of appropriate land above a tsunami inundation zone for temporary housing, business and community functions post event.
8. As part of a comprehensive pre-disaster land use planning effort, consistent with applicable statewide planning goals, identify appropriate locations above the tsunami inundation for relocation of housing.

## CLATSOP COUNTY COMPREHENSIVE PLAN

business and community functions post event.

**Policy I:** To facilitate the orderly and expedient evacuation of residents and visitors in a tsunami event, the County will:

1. Adopt a tsunami evacuation facilities improvement plan that identifies current and projected evacuation needs, designates routes and assembly areas, establishes system standards, and identifies needed improvements to the local evacuation system.
2. Identify and secure the use of appropriate land above a tsunami inundation zone for evacuation, assembly, and emergency response.
3. Ensure zoning allows for adequate storage and shelter facilities.
4. Provide development or other incentives to property owners that donate land for evacuation routes, assembly areas, and potential shelters.
5. Require needed evacuation route improvements, including improvements to route demarcation (way finding in all weather and lighting conditions), vegetation management, for new development and substantial redevelopment in tsunami hazard areas.
6. Work with neighboring jurisdictions to identify inter-jurisdictional evacuation routes and assembly areas where necessary.
7. Provide for the development of vertical evacuation structures in areas where reaching high ground is impractical.
8. Evaluate multi-use paths and transportation policies for tsunami evacuation route planning.
9. Encourage suitable structures to incorporate vertical evacuation capacity in areas where evacuation to high ground is impractical.
10. Install signs to clearly mark evacuation routes and implement other way finding technologies (e.g., painting on pavement, power poles and other prominent features) to ensure that routes can be easily followed day or night and in all weather conditions.
11. Prepare informational materials related to tsunami evacuation routes and make them easily available to the public.

**Policy J:** In order to reduce development risk in high tsunami areas, the County will:

1. Prohibit comprehensive plan or zone map amendments that would result in increased residential densities or more intensive uses in tsunami hazard areas unless adequate mitigation is implemented. Mitigation measures should focus on life safety and tsunami resistant structure design and construction.

## CLATSOP COUNTY COMPREHENSIVE PLAN

2. Encourage open space, public and private recreational and other minimally developed uses within the tsunami inundation zone area.
3. Prohibit the development of those essential facilities and special occupancy structures identified in ORS 455.446 and ORS 455.447 within the tsunami inundation area.
4. Consider the use of transferrable development credits as authorized by ORS 94.541-94.538 to facilitate development outside of tsunami inundation zones.
5. Encourage, through incentives, building techniques that address tsunami peak hydraulic forces which will minimize impacts and increase the likelihood that structures will remain in place.
6. Protect and enhance existing dune features and coastal vegetation to promote natural buffers and reduce erosion.

**Policy K:** With regard to hazard mitigation planning, the County will:

1. Address tsunami hazards and associated resilience strategies within the community's FEMA approved hazard mitigation plan.
2. Incorporate and adopt relevant sections of the hazard mitigation plan into the comprehensive plan.
3. Ensure hazard mitigation plan action items related to land use are implemented through the comprehensive plan and implementing ordinances.

**Policy L:** The County will promote tsunami awareness education and outreach by:

1. Encouraging and supporting tsunami education and outreach, training and practice.
2. Implementing a comprehensive and ongoing tsunami preparedness community education and outreach program.
3. Collaborating with local, state and federal planners and emergency managers for the purpose of developing a culture or preparedness supporting evacuation route planning and other land use measures that minimize risk and maximize resilience from tsunami events.

**Policy M:** The county will identify and work to secure the use of suitable areas within the tsunami inundation zone for short and long-term, post-disaster debris storage, sorting and management.

**Policy N:** The County will work with other public and private entities to establish mutual aid agreements for post-disaster debris removal and otherwise plan

## CLATSOP COUNTY COMPREHENSIVE PLAN

for needed heavy equipment in areas that may become isolated due to earthquake and tsunami damage.

**Policy O:** The County will limit or prohibit new hazardous facilities as defined in ORS 455.447 within tsunami inundation zones. Where limiting or prohibiting such facilities is not practical, require adequate mitigation measures consistent with state and federal requirements.

**Policy P:** Clatsop County should adopt the Tsunami Inundation Maps prepared by DOGAMI and basis planning decision on a “Medium” tsunami event.

### COASTAL EROSION POLICIES

**Policy A:** Human activities influence, and in some cases, intensify the effects of erosion and other coastal hazards. Therefore, Clatsop County shall prohibit:

- a. the destruction of stabilizing vegetation (including the inadvertent destruction by moisture loss or root damage)
- b. the exposure of stable and conditionally stable areas to erosion, and
- c. construction of shore line stabilization structures which modify current or wave patterns or the beach sand supply

**Policy B:** Erosion shall be controlled and the soil stabilized by native, non-invasive vegetation and/or mechanical and/or structural means on all dune lands. Non-structural methods of erosion control and soil stabilization shall be preferred. Structural means shall only be permitted subject to Coastal Erosion Policy A(c) and the regulations contained in Goal 18 (Beaches and Dunes).

**Policy C:** Projects should seek to avoid removal of vegetation during construction in any sand area whenever possible. If such impacts are shown to be unavoidable, Removal-removal of vegetation during construction in any sand area shall be kept to the minimum required for building placement or other valid purpose. Removal of vegetation should not occur more than 30 days prior to grading or construction. Permanent revegetation shall be started on the site as soon as practical after construction, final grading or utility placement. Storage of sand and other materials should not suffocate vegetation.

**Policy D:** In all open sand areas, revegetation must be clearly monitored and carefully maintained, which may include restrictions on pedestrian or motorized vehicle traffic. Revegetation shall return the area to its pre-construction level of stability or better. Trees should be planted along with ground cover

## CLATSOP COUNTY COMPREHENSIVE PLAN

such as grass or shrubs. To encourage stabilization, a revegetation program with time limits shall be required by the Community Development Department as a condition of all land use actions (i.e. Comprehensive Plan changes, zone changes, subdivisions and partitions, planned developments, conditional use permits etc.).

- Policy E:** Removal of vegetation which provides wildlife habitat shall be ~~limited~~ **avoided to the greatest extent possible**. Unnecessary removal of shoreline vegetation shall be prohibited.
- Policy F:** Site specific investigations by a qualified person such as a geologist, soils scientist, or geomorphologist may be required by the County prior to the issuance of development permits in open sand areas, on the ocean front, in steep hillsides of dunes, regardless of the vegetative cover, and in any other conditionally stable dune area which, in the view of the Planning Community Development Director, may be subject to wind erosion or other hazard potential. Site investigations may be submitted to the Department of Geology and Mineral Industries and other agencies for review of recommendations.
- Policy G:** Log debris plays an important role in the formation and maintenance of foredunes. Therefore, driftwood removal from sand areas and beaches for both individual and commercial purposes should be ~~regulated~~ **discouraged** so that dune building processes and scenic values are not adversely affected.

**Policy H:** To prevent increasing coastal erosion, structures such as beach access stairs and decks, should be limited in the oceanfront setback areas of coastal bluff properties.

### WILDFIRE POLICIES

- Policy A:** Clatsop County should develop informational materials to inform the community about how to protect themselves and their assets from wildfire.
- Policy B:** The County should develop hardening standards for new construction in wildfire risk areas. For example, require spark arresters, metal roofs, fire retardant siding, and vegetative clearing.
- Policy C:** Hardening of existing residential structures should be encouraged.
- Policy D:** New construction on rural residential lands adjacent to forest resource land should be required to utilize hardening techniques and materials .



## CLATSOP COUNTY COMPREHENSIVE PLAN

**Policy E:** Creation of defensible space should be required in accordance with State of Oregon statutes and rules in areas of high and extreme wildfire risk in the wildland-urban interface. It should be encouraged for existing development and required for new development in all areas of wildfire risk as shown by the Oregon Wildfire Risk Explorer. Creation of defensible space should be encouraged based upon the best practices identified by the Oregon State University Extension Service.

**Policy F:** The County should work with the OSU Forestry and Natural Resources Extension Fire Program staff to review and adapt best practices from the *Forest and Fire Toolkit*, prepared by the Klamath Siskiyou Wildlands Center.

**Policy G:** Information from the FireWise plant list should be made readily available to the public and use of those species should be encouraged.

**Policy H:** The County ~~shall~~ should consider other sources of information as they become available.

**Policy I:** The County shall encourage signage promoting fire safety along County roads.

**Policy J:** Multiple access points should be provided within subdivisions to improve emergency access and increase potential escape routes.

**Policy K:** The County should incorporate Firewise USA® best practices into its development standards.

**Policy L:** In coordination with Clatsop County Emergency Management and local fire districts, the Clatsop County Community Wildfire Protection Plan (CWPP) shall be regularly reviewed and updated and recommendations incorporated into the Natural Hazards Mitigation Plan.

### WIND / WINTER STORM POLICIES

**Policy A:** The County should promote hazard tree and vegetation management best practices and programs, but balance with vegetation for slope stabilization and scenic benefits.

**Policy B:** The County should promote tree planting projects on private and public properties, using “right tree, right place” methods.

**Policy C:** The County should direct residents to information regarding methods to tie down roofs, sheds and other structures.

**Policy D:** The County encourages new power lines to be placed underground.



### STREAMBANK EROSION AND DEPOSITION POLICIES

- Policy A:** The County shall encourage the stabilization of the outside faces of dikes to prevent erosion as part of the regular maintenance of existing dikes.
- Policy B:** A buffer of riparian vegetation along streams and rivers of a width demonstrated by best available science to be effective for the purposes intended should be encouraged in order to protect and stabilize the banks and to provide wildlife habitat.
- Policy C:** The DEQ's best management practices for agricultural areas shall be supported to reduce erosion and sedimentation of streams.
- Policy D:** The County encourages appropriate agencies to work to obtain and enforce speed limits for boats in areas where dikes and private docks are affected by wave erosion.
- Policy E:** Clatsop County supports strict enforcement of the Forest Practices Act to reduce sedimentation of streams.
- Policy F:** Problems from natural erosion or the creation of situations where erosion would be increased due to actions on or adjacent to the river banks shall be avoided by carefully reviewing state and federal permits for shoreline stabilization to minimize impacts on adjacent land.

### HIGH GROUNDWATER AND/OR COMPRESSIBLE SOILS POLICIES

- Policy A:** The County shall recognize the development limitations of lands with high groundwater and compressible soils during its planning process.
- Policy B:** All new development on compressible soils shall be engineered, as required by state and local building codes, to address structural issues associated with construction on compressible soils.
- Policy C:** The County should update its compressible soils and high water table maps as detailed soils information becomes available.

### DROUGHT POLICIES

- Policy A:** The County should coordinate with local watershed organizations and soil and water conservation districts to implement best practices for water

## CLATSOP COUNTY COMPREHENSIVE PLAN

management.

**Policy B:** The County should encourage the development and implementation of water conservation plans by local residents, water districts and systems, businesses, and industries.

**Policy C:** The County should support the use of water conservation practices by agricultural, industrial and municipal water users.

**Policy D:** The County should develop metrics for conditions that determine local drought and provide citizens with appropriate public announcements.

### VOLCANIC ASH FALL POLICIES

**Policy A:** The County should identify the type and amount of Personal Protective Equipment (PPE) that would be needed for vulnerable populations and essential workers if a volcanic event were to occur.

**Policy B:** The County should develop recommendations for health and safety of the general population and promote those recommendations.

**Policy C:** The County should identify the best practices that would need to be provided in public announcements in an ash fall event. Best practices should consider risks to livestock, agricultural products, homes (roofs, air systems), vehicles (paint, air systems), commercial and industrial equipment.

#### IMPLEMENTING OREGON ADMINISTRATIVE RULES (OAR):

None

#### COORDINATING STATE AGENCIES:

Oregon Department of Emergency Management (OEM)  
Department of Geology and Mineral Inventories (DOGAMI)  
Oregon Department of Land Conservation and Development (DLCD)  
Federal Emergency Management Agency (FEMA)  
Oregon Climate Change Research Institute (OCCRI)

#### BACKGROUND REPORTS AND SUPPORTING DATA:

[Clatsop County Multi-Jurisdictional Hazard Mitigation Plan 2021](#)

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

[Preparing for a Cascadia Subduction Zone Tsunami: A Land Use Guide for Oregon Coastal Communities, DLCD 2015](#)

# EXHIBIT B

*Written Comments – Patrick Corcoran*

Hello Commissioners,

I'd like to follow-up on your Work Session 11/3/2021. As you noticed, I was on the Zoom call! Even in retirement this issue flames my passion. Kudos to Gail and staff for a great overview and background on Goal 7 (Hazards). My comments here are exclusive to the Cascadia subduction zone earthquake and tsunamis, otherwise known as the Big One.

The conversation went as I expected. I'm not surprised that the Board lowered the priority of the "Tsunami Hazard Overlay Zone" (THOZ) within Goal 7. I still think that it is a prudent and reasonable idea. Tsunami overlay zones have already been adopted by three other Oregon counties, and a few coastal cities (including Gearhart). But, I do appreciate that it is politically fraught.

As an alternative to adopting an entire overlay zone, the Board might simply adopt the Tsunami Inundation Maps (TIM) as our tsunami inventory. That way, as I understand it, Planning Commissioners could refer to those maps when deciding on applications on a one-to-one basis. It's lower-hanging fruit, but it still increases our awareness of development in the zone, and reduces the odds of doing something regrettable.

**My fundamental interest is to do *something* relative to our tsunami hazard in Goal 7 of our Comprehensive Plan.** There is (to me) a moral element to this hazard that is not shared by any other hazard. Tragically, the more people in the high-hazard zones at the time of the quake, the more fatalities. That is directly influenced by our development pattern, which is framed by our land use laws.

**A note on "earthquakes versus tsunamis."** The earthquake hazard is geographically--everywhere. Earthquake solutions are mostly advances in structural engineering that are adopted into building codes. Earthquakes cause relatively few fatalities. Tsunamis are totally the opposite! They are acute hazards that occur in very specific places known and mapped. Sadly, we have to assume a 100% fatality rate from any tsunami over 6 feet\*. Tsunami solutions include: informing residents of the hazard, highlighting evacuation routes, incentivizing relocation, and regulating what is permitted in the zone.

**A note on Jeffers Gardens.** It appears that Jeffers Gardens is the most vulnerable community in the County's jurisdiction. (\*See DOGAMI's 2020 Open File Report 0-20-10) This M zone was inundated 19-out-of-19 times over the past 10,000 years—that's every time we got a Magnitude 9 quake. The 2010 Census listed 473 permanent residents in Jeffers Gardens. Ninety-seven were over age 65, and ninety-five had a disability. The evacuation destination for all of Jeffers Gardens is Lewis and Clark School. It's hard to read that an estimated 157 of residents of Jeffers Gardens will die or be injured in our most likely next event\*. Housing is a critical need in Clatsop County. But our worst tsunami zones are not a safe location for residential development--especially for low-income, older, and disabled residents.

**Connection of Goal 9 (Economic Development) to Goal 7 (Hazards).** Economic development and hazard resilience are two sides of the same coin. Consistently avoiding locating people and critical infrastructure in the worst of the tsunami zones is the most important thing we can do for the long-term economic success of the North Coast. An objective in Goal 9 might be "to create (over time and as budgets allow) a development footprint that can endure the hazard, and provide a basis for a quicker recovery." Development "footprint" meaning where our key economic stuff is, and how it interacts with other economic stuff outside of the hazard zone.

**Fear not! I have a Three-Point Plan!** “Lower the bar. Expand the definition of success. Claim victories!” Clatsop County will make more legitimate progress with modest goals, than with unrealistically high goals. We treat all other hazards as shades of grey. For example, all structures were not removed from our 100-year flood plain when those maps were adopted. Instead, we crafted building codes and regulations (and insurance) to mitigate the overall risk. Treating tsunamis the same as other hazards is appropriate and allows us to move forward.

**Lower the bar from XXL to M1.** We have gone from not knowing that we lived on a subduction zone in the 1980s to today where we have a high degree of scientific understanding about Cascadia. We have produced sophisticated maps outlining the hazard. Emergency managers were the early adopters to have to deal with this “new” hazard. In their profession, they look at the worst-case scenario (XXL) and adopt that as their planning scenario. It makes sense. You don’t bring a 2-story ladder to a 3-story fire!

But, this worst-case scenario doesn’t necessarily make sense from a land use planning perspective. The DOGAMI Tsunami Inundation Maps (TIM) were developed *specifically for planning purposes*. They show the inundation under 4 scenarios (M, L, XL, XXL).

The *least likely* event to occur in our planning horizon is the XXL. The *most likely* scenario to occur on the north coast during our planning horizon is the M scenario. *The M scenario accounts for 79% of all tsunami scenarios*. The M scenario (in my view) is the proper planning scenario for the comp plan.

This is still bad, but far more manageable in every regard: earthquake, tsunami, recovery, etc. The M tsunami scenario is represented by the color purple in the TIMs. (Naturally, Jeffers Gardens is at the intersection of three maps!) <https://www.oregongeology.org/tsuclearinghouse/pubs-inumaps.htm>

**Expand the definition of success.** First, heap hard-earned praises on our Emergency Manager. Tiffany Brown has brought our *response* ability up to national standards as well as funded new tsunami signage and outreach efforts among many other things. These successes are an essential realm of overall resilience. Emergency management and land use planning are complementary functions.

Land use planning has different goals and metrics for success. For example, if we feel that “avoiding development in our most hazardous zones” is a legitimate planning goal, then one objective for this goal might be (total brainstorm here) to establish “Tsunami Mitigation Credits” for developers who buy residential units in the high tsunami hazard zones in order to develop non-residential operations. (e.g. transportation, warehousing, light industry, vehicle repair, etc.) Success could be measured, for example, by the planning metric of how many residents and how much critical infrastructure remain in the purple zones in 5, 10, 15 years.

**Claim victories.** Did we adopt the TIMs into code? Victory! Was affordable housing located outside of the purple zone instead of inside the purple zone? Huge victory! Do people in the purple zones know that FEMA flood insurance covers tsunami damage? Another victory! And so on. The accumulation of individual victories will build our resilience over time. To foster political support, connect-the-dots from short-term victories to long-term economic resilience.

**A note on urgency.** The ground under our feet is rising every day from tectonic uplift. ODOT has measured this at about 4mm per year along Hwy 101. It has been 321 years since the last Big One. If we had a subduction zone earthquake today (M8 or M9), it would be statistically un-remarkable. Over 80

percent of CSZ events have occurred by 321 years into the cycle. We're not entering a period of increased danger; we have been in one for a long time without realizing it.

**This isn't new, and will never go away.** Tsunami maps, route finding, and other guidance to local governments has been evolving since the 1990s. Our understanding of our vulnerability has increased exponentially with tsunamis in Sumatra (2004), and especially Japan (2011). The DLCD publication Tsunami Land Use Guide was published in 2015. And, annoyingly, as soon as the next Big One rips pressure starts building-up again for the next one! Cascadia is more of a "condition to be managed" than a "disease to be cured." We're going to need to figure this out.

**A note on me.** My academic background is in Regional Economics, and Rural Development (OSU, 1989). I worked for the OSU Extension Service for over thirty years as an economic development specialist, community development specialist, and when I moved to Astoria in 2003, hazards outreach specialist. My hopeful vision is for the next Big One to be a speed bump, not a brick wall, in the evolution of our coastal economy. My goal is for Clatsop County to develop with extra caution given to the most hazardous areas, and to actively solicit and support innovative solutions from all sectors.

**Two questions.** For any proposed development in the high-hazard zone, ask yourself: "How likely are we to approve this project AFTER the next Big One?" The answer is usually pretty clear, and can provide first-order guidance on the relative resilience of the project. If the answer is yes, put it in the Victories category. If the answer is no, and the application is denied? Put that in the Victories category too. The corollary to that question is: "After the next Big One, what will we *wish* that we had done back in 2021?"

We *will* figure out how to thrive here on Cascadia's coast. This place is too spectacular to leave. But, how long will it take us to align our behavior with the realities of the hazard? One quake? Two?

I stand for the possibility of developing our coast *today* like we're going to have to develop it *eventually*.

Thank you for your many hours of volunteer service to Clatsop County.

Patrick Corcoran  
472 Pleasant Ave.  
Astoria, OR

# EXHIBIT C

## *Written Comments – Oregon Shores*



**OREGON SHORES**  
**CONSERVATION COALITION**

February 8, 2022

Clatsop County Planning Commission  
c/o Gail Henrikson, Community Development Director  
800 Exchange Street, Ste. 410  
Astoria, OR 97103

Via Email to: [ghenrikson@co.clatsop.or.us](mailto:ghenrikson@co.clatsop.or.us), [comdev@co.clatsop.or.us](mailto:comdev@co.clatsop.or.us)

**Re: CCPC Agenda Item #5 - Comprehensive Plan Update – Goal 7, Draft 03  
Clatsop County File #186-21-000664-PLNG  
Public Hearing Comments of the Oregon Shores Conservation Coalition**

Dear Chair Gardner and members of the Clatsop County Planning Commission:

Please accept these comments from the Oregon Shores Conservation Coalition and its members (collectively “Oregon Shores”) to be included in the record for the Clatsop County Planning Commission’s (“Commission” or “CCPC”) February 8, 2022 public hearing on Clatsop County File #186-21-000664-PLNG (DLCD File#: 004-21). Oregon Shores is a non-profit organization dedicated to protecting the natural communities, ecosystems, and landscapes of the Oregon coast while preserving the public’s access to these priceless treasures in an ecologically responsible manner. Our mission includes assisting people to effectively participate in land use matters and other regulatory decision-making processes affecting their coastal communities, and engaging Oregonians and visitors alike in a wide range of advocacy efforts and stewardship activities that serve to protect our state’s celebrated public coastal heritage. Our advocacy encompasses the entire coastal region from the crest of the Coast Range to the edge of the continental shelf.

For half a century, Oregon Shores has been an active public interest participant in legal, policy, and regulatory processes related to land use, coastal conservation, shoreline management, natural hazards, and climate resilience in the State of Oregon. Oregon Shores’ members and the public we serve live, work, visit, and enjoy recreation opportunities in Clatsop County. Oregon Shores previously offered comment on the proposed updates to Clatsop County Comprehensive



Plan (“CCCP”) Goal 1 (Public Participation), Goal 2 (Land Use Planning), and Goal 4 (Forest Lands) in October 2021. Oregon Shores hereby adopts in full and incorporates by reference our previous comments and supporting materials (including Oregon’s 2021 Climate Change Adaptation Framework, 2021 Climate Equity Blueprint, and 2021 OGWC Natural and Working Lands Proposal) in the record, and particularly with respect to CCCP Goal 1 (relating to public participation in the planning process).<sup>1</sup> We hope to lend our knowledge of and experience with coastal land use, development, and natural hazards to support an appropriate and informed review of the proposed amendments to CCCP Goal 7 (Areas Subject to Natural Hazards).

Oregon Shores learned from Planning Department staff that a copy of CCCP Goal 7, Draft 3 was provided to the Department of Land Conservation and Development (DLCD) for a courtesy review on the afternoon of February 1, 2022, and that the Commission anticipates making a recommendation on the same to the County Board of Commissioners (“Board”) at its February 8, 2022 meeting. As of the writing of this comment, DLCD comments on CCCP Goal 7, Draft 3 were not posted for public review on the CCCP update website. While we appreciate the need to complete review of CCCP Goal 7 (which we understand has been delayed since December 2021), Oregon Shores respectfully requests that the Planning Commission allow for public review of any comments offered by DLCD on Goal 7, Draft 3 prior to making its final recommendation to the Board on CCCP Goal 7. Please notify us of any further decisions, reports, notices, or actions issued in relation to this Agenda Item, as well as of any further public hearing that may be held in regard to this matter or the Clatsop County Comprehensive Plan (“CCCP”) update generally. General and specific comments are provided below.

### **I. CCCP Goal 7, Draft 03 – Overview, pp. 1-2<sup>2</sup>**

Overall, Oregon Shores supports the addition of a more comprehensive “Overview” section to CCCP Goal 7 – Draft 03. We offer the following general comments:

- **The Public’s Role in Natural Hazards Planning and Decision-Making Processes Should Be Made Explicit:** Oregon Shores is encouraged by CCCP Goal 7, Draft 3’s acknowledgement of the importance of awareness, education, and coordination in the natural hazards planning process, both in the Overview section and as Objective 5 of CCCP Goal 7, Draft 3.<sup>3</sup> However, upon review, Oregon Shores was unable to locate a clear description of the public’s role in the natural hazards planning and decision-making process. Oregon Shores strongly believes that informed and inclusive public participation is crucial for the County to meet its natural hazard goal over the 20-year planning period of the CCCP update, as well as to ensure consistency with CCCP Goal 1’s stated objective of encouraging “[a] diversified geographic, demographic and economic cross-section of the public” to participate in the land use planning process.<sup>4</sup>

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<sup>1</sup> Oregon Shores, Public Hearing Comment, *CCPC Agenda Item #4 - Comprehensive Plan Update - Goals 1-4* Clatsop County Comprehensive Plan Text Amendment #21-000664, (Oct. 12, 2021) available at <https://www.co.clatsop.or.us/media/33154>.

<sup>2</sup> CCPC Agenda Item 5, 82-83.

<sup>3</sup> CCCP Goal 7 – Draft 03, 1, 45.

<sup>4</sup> CCCP Goal 1– Draft 03, 6.

- **Further Detail About Supporting Documents and the Natural Hazards Planning Process Could Support More Meaningful Public Participation:** Oregon Shores is encouraged that the County has incorporated the 2021 MJNHMP<sup>5</sup> and the 2020 *Future Climate Projections: Clatsop County* (2020 OCCRI Report) into CCCP Goal 7 – D03.<sup>6</sup> These documents are vital to the public’s understanding of the County’s approach to achieving its natural hazards objective to “protect people and property in Clatsop County from natural hazards.”<sup>7</sup> However, per Oregon Shores’ review, CCCP Goal 7’s Overview section does not clearly explain the relevance of these documents to the natural hazards planning process. While CCCP Goal 7’s Overview as written might speak for itself to a planner, a commissioner, or a community-advisory committee member regarding how these materials fit into the process, it may be less evident for a community member less familiar with the world of natural hazards planning. The text of the Overview should indicate how support documents relate to natural hazards planning in the County, and provide an overview of standards and considerations that are relevant to the same.

To ensure the public understands its role in the natural hazards planning process, and to support meaningful and equitable participation, Oregon Shores respectfully requests that the Planning Commission and Planning Staff consider the suggestions provided in Attachment A to this comment. These suggestions are drawn primarily from Goal 7, Planning Department Staff Reports on CCCP Goal 7, the 2021 MJNHMP, and the 2020 OCCRI report, and aim to:

- Provide the public with further detail on the natural hazards planning process, including natural hazard mitigation;
- Clarify the public’s role in achieving the natural hazard goal, and the importance of considering population demographics for equitable natural hazards planning; and
- Clarify how the 2021 MJNHMP and 2020 OCCRI Report are related to CCCP Goal 7, and summarize key local, state, regional, and federal plans, policies, and data that are relevant to the natural hazards planning process required under Goal 7.<sup>8</sup>

Oregon Shores believes that adding the above information to the Overview section for CCCP Goal 7 would provide the public with a better understanding of the natural hazards planning process, and in particular, the bases for the adaptation and mitigation strategies used to address natural hazards in Clatsop County. This would in turn improve the ability of community members to use CCCP Goal 7 while participating in future land use decision-making processes

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<sup>5</sup> See CCPC Agenda Item 5, 68 (discussing proposal to incorporate additional hazards identified in MJNHMP into revised CCCP Goal 7). See also CCBC Nov. 3, 2021 Work Session, Agenda Item 4, 138 (stating “Proposed revisions to Goal 7 are drawn from the [MJNHMP], which was approved by the Board on March 24, 2021.”)

<sup>6</sup> See CCPC Agenda Item 5, 68 (stating that “Technical information and recommendations from [the OCCRI report] have also been incorporated into Goal 7 – Draft 02”).

<sup>7</sup> CCCP Goal 7 – Draft 03, 1.

<sup>8</sup> See, e.g., City of Milwaukie Comprehensive Plan (MCP) – Natural Hazards, 88-89 (2020) (providing a list of natural hazards regulations relevant to the planning process), [https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/75331/adopted\\_comprehensive\\_plan\\_document\\_aug\\_2020.pdf](https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/75331/adopted_comprehensive_plan_document_aug_2020.pdf); Multnomah County Comprehensive Plan (MCCP), Ch. 7 – Natural Hazards, 7-21 to 7-22 (2016) (providing a list relevant studies and planning processes, and explaining their relevance to the planning process), [https://multco-web7-psh-files-usw2.s3-us-west-2.amazonaws.com/s3fs-public/MultnomahCounty\\_ComprehensivePlan\\_CH7\\_PCRevisions\\_0.pdf](https://multco-web7-psh-files-usw2.s3-us-west-2.amazonaws.com/s3fs-public/MultnomahCounty_ComprehensivePlan_CH7_PCRevisions_0.pdf).

involving natural hazards issues. This would be consistent the County’s objective in CCCP Goal 1 to improve availability of and access to planning information for all community members.

**II. CCCP Goal 7, Draft 3 – Current Conditions – On-going Planning Efforts, p. 38:**

Oregon Shores supports the incorporation of the 2021 MJNHMP hazard vulnerability analysis into the Current Conditions section of CCCP Goal 7, Draft 3. In addition to the Tsunami Evacuation Facilities Improvement Plan (TEFIP) listed in the “Current On-going Planning Efforts” section, Oregon Shores recommends additional relevant state and federal natural hazards planning efforts to support public education on the same. These could include, but are not limited to, the state’s 2021 Climate Change Adaptation Framework and Climate Equity Blueprint, the 2021 Oregon Global Warming Commission Natural and Working Lands Proposal, DLCD’s upcoming Estuary Management Plan Updates, DLCD’s ongoing Ocean-fronting Roads Rulemaking, and upcoming Sea Level Rise Adaptation Planning for Clatsop County. Please consider the specific suggestions for this section enclosed in Attachment A.

**III. CCCP Goal 7, Draft 3 – Objectives & General Natural Hazards Policies – pp. 44-46**

Oregon Shores supports the addition of Objective 6 (considering the post-Cascadia landscape during development and redevelopment of key facilities) as well as the changes proposed to General Natural Hazards Policies E and I.

**IV. CCCP Goal 7, Draft 3 – Flood Policies – pp. 46-47.**

Apart from Policies A, E, F, and L, Oregon Shores notes that the County’s Flood Policies remain largely unchanged from those set forth in the existing CCCP Goal 7 (adopted in July 1980). Oregon Shores raises the following general concerns about flood hazards planning in Oregon and Clatsop County:

- **The NFIP provides a minimum standard that is likely inadequate to effectively manage future flood risk and climate change impacts to the same in Oregon and Clatsop County:** Oregon Shores understands the importance of integrated “flood hazard management programs,” and appreciates the County’s commitment to continue participation in the National Flood Insurance Program (“NFIP”).<sup>9</sup> However, as a broad range of scholarship demonstrates, flood risk is frequently not effectively managed by FEMA’s 100-year floodplain (or “base flood”) standard (i.e., reliance on this standard may underestimate risk). The NFIP itself is widely criticized for perversely incentivizing development and rebuilding in flood-prone areas,” a maladaptive pattern which may stem from NFIP’s “focus on accommodation over retreat.”<sup>10</sup>
- **Retreat does not require a cessation of land use:** Retreat refers to shifting development out of vulnerable areas, which thereby moves people and structures out of harm’s way

<sup>9</sup> CCCP 7 – Draft 3, 46. CCPC Agenda Item 5, 85.

<sup>10</sup> Sarah J. Adams-Schoen, *Beyond Localism: Harnessing State Adaptation Lawmaking to Facilitate Local Climate Resilience*, 8 Mich. J. Env’tl. & Admin. L. 185, 207-208 (2018) (citation omitted) available at <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1085&context=mjcal>.

and makes or preserves space for ecosystems.<sup>11</sup> While retreat is often thought of in terms of a total cessation of development, it can involve continued, less intensive land uses.<sup>12</sup>

- **Flood projections based on FEMA standards rely on historic data:** Oregon Shores is encouraged that the Historical Perspective section of CCCP Goal 7 – D03 acknowledges that “FEMA’s flood maps do not consider future conditions, such as sea level rise” and that “the effect of rising sea levels on the county’s estuaries has not yet been mapped.”<sup>13</sup> This indicates a critical data gap that could limit the effectiveness County’s flood hazard planning efforts over the 20-year lifetime of the CCCP update. This data gap should inform objectives and policies related to flooding in Clatsop County, particularly given the availability of the 2021 MJNHMP and 2020 OCCRI Report. Effective flood projections should consider the expected life of the proposed development, rather than historic data alone.
- **NFIP-Endangered Species Act (ESA) Integration – FEMA BiOP:** As noted by CCCP Goal 7 – D03, because the NFIP has a direct effect on development that occurs in areas adjacent to local streams, rivers, and waterbodies, it is important for the NFIP to consider its effects on endangered species.<sup>14</sup> In April 2016, the National Marine Fisheries Service (NMFS) delivered a jeopardy Biological Opinion (BiOp) to FEMA, stating that parts of the NFIP could have a negative impact on the habitat of endangered salmon species in Oregon. Oregon Shores appreciates that CCCP Goal 7 – D03 acknowledges that, because the County is an NFIP participant, it will likely need to change its floodplain development permit review process to address this issue. Oregon Shores is also encouraged that the County has been meeting with state and federal staff since 2016 to respond to the finding and recommendations in the BiOp and to determine the best ways to implement the interim measures described in the Reasonable and Prudent Alternative (RPA). Oregon Shores recommends that the CCCP Goal 7 flood hazards policies include language indicating that the floodplain development permit review process should not jeopardize the continued existence of any ESA-listed species in the County.

Oregon Shores urges the County to consider incorporating the following specific flood hazard mitigation strategies from the 2021 MJNHMP<sup>15</sup> as flood hazard policies in CCCP Goal 7, Draft 3:

- **Adopt higher standards to address future risk.** Adopt higher standards such as adding freeboard<sup>16</sup> to base flood elevation requirements (e.g., +1’ or +2’ BFE) to address

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<sup>11</sup> Adams-Schoen, *supra*, at 200.

<sup>12</sup> *Id.*, at 200-201.

<sup>13</sup> CCCP 7 – Draft 3, 4. CCPC Agenda Item 5, 85.

<sup>14</sup> CCCP 7 – Draft 3, 44.

<sup>15</sup> 2021 MJNHMP, 159.

<sup>16</sup> The FEMA glossary states that “freeboard” is a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed. Freeboard is not required by NFIP standards, but communities are encouraged to adopt at least a one-foot freeboard to account for the one-foot rise built into the concept of designating a floodway and the encroachment requirements where floodways

projected sea level rise and once completed, address sea level rise data as set forth in currently ongoing planning efforts (particularly in relation to estuaries);<sup>17</sup> Regulate to the 500-year floodplain rather than the 100-year floodplain standard.<sup>18</sup>

- **Find opportunities to increase flood water storage areas<sup>19</sup> by increasing requirements for protecting large trees, riparian vegetation, and wetlands that have the potential to consume and retain large amounts of surface and storm water.** Maintaining and improving wetland habitat and wetland function, restoring forests and wet meadows, and protecting and restoring tidal swamps are nature-based solutions that decrease flood risk, reduce flood damage, and create buffers against flooding due to sea level rise. The County should consider including a policy to protect and expand these nature-based solutions to flood hazard risks, which should include removing dikes to restore wetlands and mandating removal of non-functioning tidegates to do the same.
- **Relocation:** Relocate or elevate non-flood proofed structures to above the base flood elevation.
- **Retrofits:** Add flood vents, elevate HVAC and electrical equipment, or add flood-resistant materials to buildings built before modern flood code was adopted; develop incentive programs to encourage retrofits.
- **Removal:** Address repetitive loss and severe repetitive loss structures using FEMA’s property acquisition or “buyout” program (Flood Management Assistance or FMA) to remove structures that have repeatedly flooded in the past.
- **Urban Areas:** Create more permeable surfaces within urban areas, especially large parking lots.

#### V. CCCP Goal 7, Draft 3 – Landslide Policies and Geologic Reports<sup>20</sup>

- **Policy E:** Oregon Shores supports the addition of language requiring an evaluation of impacts to slope stability, to include neighboring properties, for projects which include plans that modify the topography of sloping areas or established drainage patterns.
- **Policy K:** Oregon Shores strongly supports reliance on DOGAMI’s Statewide Landslide Information Layer for Oregon (SLIDO) to identify properties that are in the moderate to very high landslide susceptibility category. Oregon Shores also strongly supports incorporating a requirement that properties mapped with moderate, high, or very high landslide susceptibility obtain a geologic hazard report prior to development. To ensure that geologic reports for these areas appropriately address identified hazards, this policy

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have not been designated. Freeboard results in significantly lower flood insurance rates due to lower flood risk. See <https://www.fema.gov/glossary/freeboard>.

<sup>17</sup> 2021 MJNHMP, 159.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> CCCP Goal 7, Draft 3 - 47-58.

should require an independent peer review, at the applicant's expense, by a qualified professional of the County's choosing.<sup>21</sup> The text of this policy should also elaborate on the circumstances where a waiver is warranted. Oregon Shores also strongly recommends that any waiver to the geologic hazard report requirement in areas mapped with moderate to very high landslide hazard risks be implemented by explicit criteria within Clatsop County Land and Water Development and Use Code (LAWDUC) Section 5.300. Please consider the specific language suggestions to Landslide Policy K in Attachment A, which reflect these general comments and concerns.

## VI. CCCP Goal 7, Draft 3 – Tsunami Policies<sup>22</sup>

- Oregon Shores generally supports Tsunami Policies F, H, I, J, K, L, M, N, and O.
- **Tsunami Evacuation Facilities Improvement Plan (TEFIP):** Oregon Shores supports incorporation of the TEFIP, as suggested by Planning Staff, into CCCP Goal 7, Draft 3. Co-locating evacuation routes with well-known recreational trails could support community members and visitors alike in safely navigating an emergency situation.<sup>23</sup> Oregon Shores urges the County to list and link DLCD's *Preparing for a Cascadia Subduction Zone Tsunami: A Land Use Guide for Oregon Coastal Communities*, along with a summary of incorporated goals and policies, within the Overview or the "Background Reports and Supporting Data" section for ease of public reference.
- **Policy B, Tsunami Hazard Overlay Zone (THOZ), and Tsunami Inundation Maps (TIM):** Oregon Shores is encouraged by the inclusion of Tsunami Policy B, indicating that "Clatsop County should implement a Tsunami Hazard Inundation overlay and develop regulations and maps for hazard mitigation planning."<sup>24</sup> However, this policy falls short of requiring adoption of the same. As noted by Planning Staff, "A significant portion of new residential growth is centered in the Clatsop Plains and coastal areas of Clatsop County. This increase in development may also be reflected in a corresponding increase in loss of life and/or property damage when a tsunami occurs."<sup>25</sup> Adopting a THOZ and imposing appropriate development restrictions, as recommended by the 2021 MJNHMP, is vital to community resilience for these areas.<sup>26</sup> As an interim measure, Oregon Shore supports the adoption of relevant DOGAMI Tsunami Inundation Maps (TIM) as the County's tsunami inventory maps, and encourages the County to add language to the Tsunami policies in CCCP Goal 7, Draft 3 indicating the same.

## VII. CCCP Goal 7, Draft 3 – Coastal Erosion Policies, pp. 51-52

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<sup>21</sup> See, e.g., MCP - Natural Hazards, 90 (Policy 5.1.2 includes a requirement for independent review of geologic reports in hazard areas).

<sup>22</sup> CCCP Goal 7, Draft 3 - 48-52.

<sup>23</sup> CCPC Agenda Item 5, 69.

<sup>24</sup> CCCP Goal 7, Draft 3 – 48.

<sup>25</sup> CCPC Agenda Item 5, 71.

<sup>26</sup> 2021 MJNHMP, 179.

Generally, Oregon Shores supports the inclusion of Coastal Erosion Policies A to H within CCCP Goal 7, D03. Oregon Shores offers comment and requests clarity on the following:

- **Policies A and F:** Oregon Shores strongly supports Policy A, and supports inclusion of Policy F.
- **Policy B:** Please provide examples of permissible mechanical and/or structural methods to control erosion and stabilize soils in dune lands. Please consider a more protective standard, an example of which is suggested in Attachment A.
- **Policy C:** Please provide examples of “other valid purposes” which could justify removal of vegetation in sand areas. Please consider adding language requiring avoidance of removal of vegetation in sand areas, rather than simply minimizing the same. Specific suggestions are provided in Attachment A.
- **Policy D:** The text should indicate which entity is responsible for monitoring revegetation in open sand areas, and which entity is responsible for carefully maintaining the same. Oregon Shores strongly supports the provisions to encourage stabilization contained in Policy D, including restricting motor vehicle traffic, requiring that revegetation to its pre-construction level of stability or better, and revegetation programs with time limits as conditions of approval to development permits. Policy D should address how the County will evaluate compliance with the provisions contained therein.
- **Policy E:** The text should indicate how the removal of vegetation which provides wildlife habitat shall be limited (e.g., in accordance with ODFW standards, or otherwise). Oregon Shores strongly supports the prohibition on removal of shoreland vegetation. The text should set forth what constitutes “unnecessary removal” for the purposes of this policy. Please consider avoidance of removal of vegetation important to wildlife, rather than a limitation of the same. Specific suggestions are provided in Attachment A.
- **Policy G:** Oregon Shores strongly supports inclusion of this policy. Please clarify how the County intends to regulate driftwood removal so that dune building processes and scenic values are not adversely affected (e.g., permitting, etc.).
- **Policy H:** Oregon Shores is encouraged to see inclusion of a policy regulating structures such as beach access stairs and decks to address increasing coastal erosion in coastal bluff areas, and strongly supports its retention in CCCP Goal 7. Oregon Shores supports safe, public access to the beach for all visitors to the Oregon Coast. However, such public access must be provided with careful consideration to protect the very beach the structure is meant to access. In coastal bluff areas, new private beach access stairways should be strictly limited, and decks prohibited. Please consider a more protective standard, an example of which is suggested in Attachment A. Alternatively, please clarify how the County intends to limit these structures to avoid harm to coastal bluff areas.

### VIII. Conclusion



The above measures would be valuable first steps to crafting a Comprehensive Plan that would proactively respond, rather than react, to the challenges expected in Clatsop County in the next 20 years, challenges which will only be exacerbated by the impacts of climate change. Oregon Shores believes that our communities, especially those along the Oregon coast, must begin to plan for climate change impacts immediately. We urge the Commission to use the amendments currently proposed as a starting point in order to respond to these oncoming challenges. With climate change, such hazards as wildfire, flooding, landslides, and coastal erosion are certain to increase. The County needs to get in front of this crisis and make decisions on the basis of present and increasing risks, rather than accepting developments and practices that might once have met common standards but are now extremely risky. Advance planning is critically important given two opposing forces likely to result from climate change. On the one hand, increased storm frequency and intensity, along with sea level rise and decreased summertime precipitation, will put coastal properties, infrastructure, natural areas, and water sources at risk. As storm surge increases and sea levels rise with climate change, we can expect to see more problems along the coast with homes being undercut by erosion along bluffs or dunes. On the other hand, Oregon's coastal climate is likely to remain mild, with longer, warmer summers and more temperate winters. As a result, Oregon's coastal communities may experience greater in-migration by people from other states escaping worsening situations elsewhere, with the associated pressures on land use and water resources this will bring. At the convergence of these two forces, Oregon's coastal communities will likely see property disappearing, as beaches migrate inland, while human population growth increases the demand for land and resources. Given these increasing pressures, the need for planning that addresses both climate change resilience and social equity is critical.

We are grateful to the Community Advisory Committees, the Clatsop Community Development Department, and the Planning Commission for their diligence and efforts on these proposed amendments. Please do not hesitate to contact us with any questions, and we look forward to working with you to find just solutions to the above issues.

Sincerely,



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Encl.



Suggestions to delete language are shown in ~~strikethrough~~ and suggestions adding new language are underlined. Suggestions to move text are shown in ~~strikethrough~~ and the moved language is then underlined. Where applicable, citations for new suggested language are provided for the Commission’s ease of reference.

**OVERVIEW – CCCP Goal 7, Draft 3, pp. 1-2:**

Statewide Planning Goal 7 (Goal 7) requires local comprehensive plans to address Oregon’s natural hazards. Protecting people and property from natural hazards requires knowledge, planning, coordination, and education. Goal 7 requires local governments to adopt inventories, policies and implementing measures to reduce risk to people and property from the following natural hazards:

- Floods (coastal and riverine)
- Landslides
- Earthquakes and related hazards
- Tsunamis
- Coastal erosion
- Wildfires

Goal 7 also allows local governments to plan for other natural hazards specific to their jurisdictions. In 2021, the County completed an update of its Multi-Jurisdictional Natural Hazards Mitigation Plan (MJNHMP). This plan also analyzes the County’s risk from drought, volcanic ash fall and wind/winter storms and provides recommended mitigation actions. In addition to the above natural hazards defined under Goal 7, Clatsop County Goal 7 incorporates these three additional hazards and the mitigation actions identified in the 2021 MJNHMP.<sup>1</sup>

Clatsop County has been planning for some of Oregon's natural hazards for over 40 years. River and coastal floods, landslide, wildfires, and coastal erosion are a consistent presence in Oregon and in Clatsop County. In recent years, more awareness has been developing about the possibility of a major earthquake and tsunami from the Cascadia Subduction Zone (CSZ). Good planning does not put buildings or people in harm's way. Planning, especially for the location of essential services like schools, hospitals, fire and police stations, is done with sensitivity to the potential impact of nearby hazards. Natural hazard mitigation is defined as permanently reducing or alleviating the losses of life, property and injuries resulting from natural hazards through long and short-term strategies.<sup>2</sup> Natural hazard mitigation planning is a process that identifies actions to reduce the dangers to life and property from natural hazard events.<sup>3</sup>

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<sup>1</sup> See CCPC Agenda Item 5, 68 (discussing Staff proposal to incorporate additional hazards identified in 2021 MJNHMP into revised CCCP Goal 7). See also CCBC Nov. 3, 2021 Work Session, Agenda Item 4, 138 (stating “[p]roposed revisions to [Clatsop County] Goal 7 are drawn from the Clatsop County [MJNHMP], which was approved by the Board on March 24, 2021.”)

<sup>2</sup> 2021 MJNHMP, 18.

<sup>3</sup> *Id.*, 12.

In order to address natural hazards in its comprehensive land use plan the County must adopt a natural hazard inventory, and supporting plans and policies. Clatsop County Goal 7 incorporates the risk assessment and recommended risk-reduction actions (a.k.a. “hazard mitigation strategies”) identified in the 2021 MJNHMP.<sup>4</sup> The 2021 MJNHMP aligns with the goals of the comprehensive plan, and helps Clatsop County meet the requirements of statewide Goal 7.<sup>5</sup>

Population demographics are a factor in a community’s vulnerability to disaster because development patterns, economic characteristics, age, race, health, and wealth all may contribute to vulnerability and resilience.<sup>6</sup> While natural hazards can cause losses to nearly anyone, the adverse impacts of natural hazards often disproportionately impact people who are already vulnerable, underserved, or disadvantaged by one or more risk factors.<sup>7</sup> Vulnerable populations are those groups that possess specific characteristics that inhibit their ability to prepare for, respond to, or recover from a disaster.<sup>8</sup> In addition, people from non-white or non-able-bodied populations may be considered “underserved.”<sup>9</sup> Vulnerable and underserved populations are more likely to have unique needs, and combinations of needs, that put them at risk of being victims of a disaster.<sup>10</sup> Understanding trends in these factors will support the County’s ability to plan, regulate, and effectively serve populations in need.<sup>11</sup> It is vital to provide education and support to vulnerable and underserved groups to ensure equitable engagement in natural hazards decision-making processes, as well as emergency preparedness and response efforts.

In Clatsop County two departments focus on natural hazards planning: Emergency Management and Community Development. State partners with the County in the natural hazards planning area include:

- Oregon Department of Emergency Management (OEM)
- Oregon Department of Land Conservation and Development (DLCD)
- Oregon Department of Geology and Mineral Industries (DOGAMI)
- Federal Emergency Management Agency (FEMA)

Clatsop County Public Works and law enforcement have primary roles during and post-disaster. Increasing informed and appropriate public participation in the natural hazards planning process, emergency preparedness, and response is crucial to achieving the County’s natural hazard goal.

~~In 2021, the County completed an update of its Multi-Jurisdictional Natural Hazards Mitigation Plan (MJNHMP). This plan also analyzes the County’s risk from drought, volcanic ash fall and wind/winter storms and provides recommended mitigation actions.~~

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<sup>4</sup> 2021 MJNHMP, 19.

<sup>5</sup> *Id.*

<sup>6</sup> 2021 MJNHMP, 41.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*, 49, 50-51.

<sup>9</sup> *Id.*, 49.

<sup>10</sup> *Id.*, 49.

<sup>11</sup> *Id.*, 41.

A variety of rules, agencies, and background reports are relevant to natural hazards planning in Clatsop County, including the following:

**Federal Emergency Management Agency (FEMA):** FEMA provides grants for drafting and updating Natural Hazards Mitigation Plans (NHMPs). FEMA-approved NHMPs confer eligibility for hazard mitigation assistance through the Hazard Mitigation Grant Program (HMGP), the Pre-Disaster Mitigation Grant Program (PDM), and the Flood Mitigation Assistance Program (FMA).

**The Disaster Mitigation Act of 2000 (DMA 2000)** is the federal basis for natural hazard mitigation planning grants and funding. It establishes the PDM grant program and requirements for the national post-disaster HMGP, which are administered by FEMA. Section 322 of the DMA 2000 (42 U.S.C. § 5165) governs mitigation planning at the state and local levels, and Title 44, Part 201 of the Code of Federal Regulations implements the DMA 2000 with respect to the same. 44 C.F.R. § 201.6 contains the standards for developing local natural hazard mitigation plans and requires them to be updated every five years. State and local jurisdictions must have approved mitigation plans in place in order to qualify to receive post-disaster HMGP funds. DLCD implements Goal 7’s requirements in part by maintaining and updating Oregon’s Natural Hazards Mitigation Plan (“ONHMP”) and assisting local governments, tribes, and special districts to draft, maintain, and update their NHMPs. Clatsop County, cities, and other taxing districts worked with DLCD to update the County’s 2015 NHMP, resulting in the 2021 MJNHMP. Further details about natural hazard mitigation are available in the Introduction of the 2021 MJNHMP.<sup>12</sup> Details about the DMA 2000 are available in Appendix A.9 of the same.<sup>13</sup>

**Clatsop County Multi-Jurisdictional Natural Hazards Mitigation Plan (MJNHMP)** is a strategic planning document addressing hazards, vulnerability, and risk in Clatsop County. The MJNHMP fulfills FEMA requirements to ensure that Clatsop County is eligible for federal hazard mitigation grants. Relevant goals, objectives, and actions from that document have been incorporated into various sections of CCCP Goal 7. The MJNHMP is also referenced as a supporting document in the “Objectives and Policies” section of CCCP Goal 7. Further details about the planning process that led to the adoption of this document can be found in the “Planning Process” chapter of the MJNHMP.<sup>14</sup> The document also highlights population demographic trends important to the County’s ability to effectively serve vulnerable and underserved populations in Figures II-12 and II-13 (depicting the “Clatsop County Overall Social Vulnerability Index 2016” and “Social Vulnerability Themes,” respectively).<sup>15</sup>

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<sup>12</sup> *Id.*, 18.

<sup>13</sup> 2021 MJNHMP, 448.

<sup>14</sup> *Id.*, 393-394.

<sup>15</sup> *Id.*, 50-51.

**OCCRI - Future Climate Projections: Clatsop County (Feb. 2020):**<sup>16</sup> FEMA requires that NHMPs include a review of hazards in terms of potential climate impacts.<sup>17</sup> DLCD’s application to fund the 2021 MJNHMP included a climate assessment specific to Clatsop County to be conducted by the Oregon Climate Change Research Institute (OCCRI) based at Oregon State University. OCCRI completed this report, entitled “Future Climate Projections: Clatsop County” (2020 OCCRI Report), in February 2020. The 2020 OCCRI Report states that effects of climate change are already apparent in Oregon.<sup>18</sup> It indicates that climate change is expected to influence the likelihood of occurrence of existing natural hazard events such as heavy rains, river flooding, drought, heat waves, cold waves, wildfire, air quality, and coastal erosion and flooding.<sup>19</sup> OCCRI’s report covers climate change projections related to natural hazards relevant to Clatsop County.<sup>20</sup> The 2021 County plan update, the 2021 MJNHMP, and CCCP Goal 7 incorporate and rely on this source for estimation of the impact of climate change on natural hazards.<sup>21</sup>

**County Plans and Policies related to hazard mitigation:** Clatsop County’s Flood Overlay Zone and Floodplain Ordinance, Geohazard Overlay Zone, Beaches and Dune Overlay Zone each guide development in areas with identified hazards. The County’s Transportation System and Dredge Material Disposal Plans contain provisions for tsunami evacuation facilities and activities related to coastal erosion, respectively. Further details about these plans and policies and their relation to hazard mitigation is available in Table II-69 of the 2021 MJNHMP.<sup>22</sup>

**Statewide Land Use Planning Goals:** Working in conjunction with Goal 7, statewide Goals 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18 (Beaches and Dunes), and 19 (Ocean Resources) are particularly relevant to the management of hazards by local communities. Further details about these goals and their relevance to natural hazards planning in Oregon and Clatsop County are available in Appendix A.9 of the 2021 MJNHMP.<sup>23</sup>

**Oregon Department of Geology and Mineral Industries (DOGAMI):** DOGAMI provides ongoing scientific study of hazards, such as earthquakes and landslides, to help jurisdictions understand the risks and prepare mitigation strategies. The County utilizes DOGAMI’s Statewide Landslide Information Layer for Oregon (SLIDO), dated July 23, 2022, to determine properties that are in the moderate to very high landslide susceptibility category.

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<sup>16</sup> Dalton, M. M. (2020). *Future Climate Projections: Clatsop County*. Oregon Climate Change Research Institute [OCCRI], College of Earth, Ocean and Atmospheric Sciences, Oregon State University (“OCCRI Report”).

<sup>17</sup> 2021 MJNHMP, 395.

<sup>18</sup> OCCRI Report, 5

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> 2021 MJNHMP, 395.

<sup>22</sup> *Id.*, 225.

<sup>23</sup> 2021 MJNHMP, 448.

**CCCP Goal 7, Draft 4 - Current Conditions – Current On-going Planning Efforts, p. 38:**

**Sea level rise adaptation planning**

DLCD’s Coastal Shores Specialist and Climate Change Coordinator applied for and were successful in securing a NOAA Coastal Management Fellowship focused on providing capacity to local entities in Clatsop County to create sea level rise adaptation action plans, starting in August 2022. DLCD staff will attend a matching workshop with fellow candidates in April 2022 to be matched with a Coastal Management Fellow to complete this work over two years.<sup>24</sup>

**CCCP Goal 7, Draft 3 – Landslide Policies, pp. 47-48.**

**Policy K:** The County shall utilize the Department of Geology and Mineral Inventories’ Statewide Landslide Information Layer for Oregon (SLIDO), dated **XXXXX July 23, 2022**, to determine properties that are in the moderate to very high landslide susceptibility category. Development on properties within the moderate to very high category shall be required to subject a geologic hazard report or request a waiver from that requirement. The County shall require neutral third-party review, at the applicant’s expense and by a qualified expert of the County’s choosing, of geologic reports submitted for proposed developments in areas mapped with high or very high landslide susceptibility. The peer reviewer shall conduct a site visit to verify, in writing, whether the geologic report was prepared in accordance with the requirements set forth in this Policy and other relevant criteria.

**CCCP Goal 7, Draft 3 – Coastal Erosion Policies, pp. 51-52**

**Policy A:** Human activities influence, and in some cases, intensify the effects of erosion and other coastal hazards.<sup>25</sup> Thus, Clatsop County shall prohibit:

- a. the destruction of stabilizing vegetation (including the inadvertent destruction by moisture loss or root damage)
- b. the exposure of stable and conditionally stable areas to erosion, and
- c. construction of shoreline stabilization structures which modify current or wave patterns or the beach sand supply

**Policy B:** Erosion shall be controlled and the soil stabilized by native, non-invasive vegetation and/or mechanical and/or structural means on all dune lands. Non-structural methods of erosion control and soil stabilization shall be preferred. Structural means shall only

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<sup>24</sup> LCDC, *Agenda Item 2 - Director’s Report - Feb. 3-4, 2022 LCDC Meeting*, 5-6 (Jan. 21, 2022) available at [https://www.oregon.gov/lcd/Commission/Documents/2022-02\\_Item-2\\_Directors-Report\\_Staff-Report.pdf](https://www.oregon.gov/lcd/Commission/Documents/2022-02_Item-2_Directors-Report_Staff-Report.pdf).

<sup>25</sup> 2021 MJNHMP, 119-120.

be permitted subject to Coastal Erosion Policy A.c. and the regulations contained in Goal 18 (Beaches and Dunes).

**Policy C:** Projects should seek to avoid removal of vegetation during construction in any sand area whenever possible. If such impacts are shown to be unavoidable, Rremoval of vegetation during construction in any sand area shall be kept to the minimum required for building placement or other valid purpose. Removal of vegetation should not occur more than 30 days prior to grading or construction. Permanent revegetation shall be started on the site as soon as practical after construction, final grading or utility placement. Storage of sand and other materials should not suffocate vegetation.

**Policy E:** Removal of vegetation which provides wildlife habitat shall be limited avoided. Unnecessary removal of shoreline vegetation shall be prohibited.

**Policy H:** To prevent increasing coastal erosion, ~~structures such as beach access stairs and decks, should be limited in the oceanfront setback areas of coastal bluff properties.~~ no new beach access stairs, decks, or other structures shall be allowed within oceanfront setback areas of coastal bluff properties. Where these structures already exist, maintenance and repairs will not be permitted unless the applicant provides a site-specific investigation conducted by a qualified person such as a geologist, soils scientist, or geomorphologist showing that rebuilding, repairing, or maintaining the existing structure will not adversely impact the bluff.

# EXHIBIT D

*Written Comments – Bill Eddy*

## Gail Henrikson

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**From:** Bill Eddy <gearhartfd@cityofgearhart.com>  
**Sent:** Friday, November 15, 2019 10:16 AM  
**To:** Gail Henrikson  
**Cc:** MaryF16@yahoo.com  
**Subject:** extra input

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Gail & Mary,

Additional information as to protecting homes within the Wildland Interface Area.

There are several good publications presented by The Oregon Department of Forestry, some are relevant to the Clatsop Plains area and some are not. Below are a few that I see to be important in the plains area, the further east you travel the risks change as does the fuel types, topography and dryness in the summer months. As such other prevention measures would be added and/or changed. I have tried to work with some of the different communities in my protection area regarding the Wildland Interface issues (educational, fuel mitigation, access, etc.), some success and some failures.

1. Defensible space is always good, depending on the topography this could be as easy as keeping vegetation cut (grass mowed, shrubs trimmed and not planted next to a structure and planting vegetation that does not burn well)
2. Building material (siding and roofing), using material that either does not burn or is resistant to burning.
3. Access: provide access in housing developments that can protect a development should a wildland fire occur threatening structures.
4. Water supply: having the access to a secured water supply such as a hydrant system is always critical in any fire environment, the "Plains" itself is very fortunate to have a robust hydrant system.
5. One thing that always seems to never come up especially in Oregon: most department in rural Oregon are volunteer, volunteerism across the nation is down tremendously in the last 25 years. I am not sure if this is even the platform to bring this up? In many states, mostly east coast, there are local incentives for people willing to volunteer as a firefighter. Volunteer firefighters are held to the same standards as career firefighter and hold the same certifications and/or licenses, as such requires a huge commitment. Is there anything that can come out of this committee to help these men and women for their willingness to serve?

As a whole Clatsop County Planning and the Fire Departments work well together when new developments are created. One problem that I run into now and then are the signal homes built in an area one at a time, and before you know it they are 5+ homes with very little infrastructure (access roads and water supply). Not sure if this is even an addressable issue from this committee?

I did get the "OK" last night to have the Clatsop Plains Advisory Committee meetings at the Hertig Station (33496 West Lake Road). Please advise me when the next meeting is so I may get it on the schedule and get the room set up for the meeting.

If you should have any questions please feel free to contact me.

Thanks, Bill



# EXHIBIT E

*Written Comments – Chris Farrar*

## CLATSOP COUNTY COMPREHENSIVE PLAN

### FLOOD

Flood risk was ranked based on the annual, primarily coastal, flooding that occurs in the County, putting infrastructure and structures at risk. Annually, Highway 202 and tide gates get overwhelmed with high tides, as do areas in the City of Seaside and along U. S. Highway 101. During the 1996 flood, coastal flooding inundated the Surf Pines areas near Gearhart. Between January 3-6 2022, melting snow and heavy rainfall resulted in \$144,082 in damages, resulting in an emergency declaration. Flooding, breached dikes, landslides, downed trees and power lines harmed public infrastructure and private property and blocked roads

What is breakdown of costs? Roads, powerlines, cleanup, dike repair?

The extent of the damage and risk to people caused by flood events is primarily dependent on the depth and velocity of floodwaters. Fast moving floodwaters can wash buildings off their foundations and sweep vehicles downstream. Extensive flood damage to residences and other structures also results from basement flooding and landslide damage related to soil saturation. Surface water entering into crawlspaces, basements and daylight basements is common during flood events not only in or near flooded areas but also on hillsides and other areas far removed from floodplains. Most damage is caused by water saturating materials susceptible to loss (e.g., wood, insulation, wallboard, fabric, furnishings, floor coverings and appliances.)

What is unrecovered loss to businesses?

Homes in frequently flooded areas can also experience blocked sewer lines and damage to septic systems and drain fields. This is particularly the case of residences in rural flood prone areas who commonly utilize private individual sewage treatment systems. Inundation of these systems can result in the leakage of wastewater into surrounding areas creating the risk of serious water pollution and public health threats. This kind damage can render homes unlivable.

Roads, bridges, other infrastructure, and lifelines (pipelines, utility, water, sewer, communications systems, etc.) can be seriously damaged when high water combines with flood debris, mud and ice. Bridges are a major concern during flood events as they provide critical links in road networks by crossing watercourses and other significant natural features. Bridges and the supporting structures, however, can also be obstructions in flood-swollen watercourses and can inhibit the rapid flow of water during flood events. Flood events impact businesses by damaging property and interrupting commerce. Flood events can cut off customer access and close businesses for repairs. A quick response to the needs of businesses affected by flood events can help a community maintain economic viability in the face of flood damage.

**Table 12** details forecasted loss from flood events.

**This section intentionally left blank.**

# CLATSOP COUNTY COMPREHENSIVE PLAN

**Table 12: Flood Exposure**

Dollar value seems to be off by a factor of 1000 or more

(1% 100-year flood event) Asterisk?

Community	Total Number of Buildings	Total Estimated Building Value (\$)	Total Population	Potentially Displaced Residents from Flood Exposure	% Potentially Displaced Residents from Flood Exposure	Number of Flood Exposed Buildings	% of Flood Exposed Buildings	Number of Flood Exposed Buildings Without Damage**
Unincorp. County (rural)	8,214	1,378,964	9,477	1,175	12.4%	1,175	14.3%	131
Arch Cape	462	113,684	183	9	5.1%	22	4.8%	7
Svensen-Knappa	1,652	178,049	3,013	17	0.6%	7	0.4%	1
Westport	348	24,928	498	0	0.0%	3	0.9%	1
Total Unincorp. County	10,676	1,695,624	13,171	1,201	9.1%	1,207	11.3%	140

\*1% results include coastal flooding source. \*\* Building first-floor height is above flood elevation. Source: Williams et al, 2020

## LANDSLIDE

Landslide risk for Clatsop County is ubiquitous – more than half of all the buildings in the County are at risk of at least moderate susceptibility to landslide risk. Landslides, however, are not common occurrences and when they do occur, impact a limited number of residents and structures unlike an earthquake or tsunami. For this reason, the risk was rated as “Low” in the hazard vulnerability analysis.

Categorization as Low Risk seems to ignore the connection between Cascadia EQ and associated high number of slides expected.

Depending upon the type, location, severity and area affected, severe property damage, injuries and loss of life can be caused by landslide hazards. Landslides can damage or temporarily disrupt utility services, roads and other transportation systems and critical lifeline services such as police, fire, medical, utility and communication systems, and emergency response. In addition to the immediate damage and loss of services, serious disruption of roads, infrastructure and critical facilities and services may also have longer-term impacts on the economy of the community and surrounding area. **Table 13** details anticipated impacts due to landslide exposure.

This section intentionally left blank.

**CLATSOP COUNTY COMPREHENSIVE PLAN**

**Table 13: Landslide Exposure**

*(all dollar amounts in thousands)*

Community	Total Number of Buildings	Total Estimated Building Value (\$)	Very High Susceptibility			High Susceptibility			Moderate Susceptibility		
			Number of Buildings	Building Value (\$)	Percent of Building Value Exposed	Number of Buildings	Building Value (\$)	Percent of Building Value Exposed	Number of Buildings	Building Value (\$)	Percent of Building Value Exposed
Unincorp. County (rural)	8,214	1,378,964	952	133,908	9.7%	1,561	146,865	11%	2,284	300,221	22%
Arch Cape	462	113,684	69	17,412	15%	66	13,960	12%	167	40,595	36%
Svensen-Knappa	1,652	178,049	119	12,201	7%	600	56,657	32%	441	55,810	31%
Westport	348	24,928	116	7,207	29%	19	2,859	12%	17	1,402	6%
Total Unincorp. County	10,676	1,695,624	1,256	170,728	10%	2,246	220,342	13%	2,909	398,028	23%

\*1% results include coastal flooding source. \*\* Building first-floor height is above flood elevation. Source: Williams et al, 2020

Footnotes are for table 12 not 13.

**EARTHQUAKE**

Earthquake risk was ranked for a Cascadia earthquake event scenario. The 2018 DOGAMI Natural Hazard Risk Report for Clatsop County indicated that very high liquefaction soils are found throughout most of the populated coastal portions of Clatsop County and within low-laying areas of the City of Warrenton. **Table 14** details the projected monetary and structural impacts from earthquakes.

Generally, the older the home is, the greater the risk of damage from natural disasters. This is because stricter building codes have been developed with improved scientific understanding of plate tectonics and earthquake risk. For example, structures built after the late 1960s in the Northwest use earthquake-resistant designs and construction techniques. Those built before 1960 (47.1% of homes in Clatsop County) are not likely to be earthquake resistant. “Unreinforced masonry” (or URM) buildings are known to be the most susceptible to damage.

While buildings and other structures can be designed or retrofitted to withstand earthquakes, it can be prohibitively expensive to design for the highest magnitude events. Most buildings are designed with life-safety integrity for the occupants to safely survive the event and evacuate, but not necessarily to protect the building from damage. The advantage of improved seismic design requirements is that they can protect lives and maintain the functionality of the structure in lesser magnitude events. Buildings that were not built to an adequate seismic standard often can be

## **CLATSOP COUNTY COMPREHENSIVE PLAN**

retrofitted and strengthened to help withstand earthquakes and provide life safety.

Roads, bridges, ports, and utilities (telecom, gas, water, powerlines, etc.) also suffer damage in earthquakes. Damage and loss of life can be very severe if structures are not designed to withstand shaking, are on ground that amplifies shaking, or ground which liquefies due to shaking. Earthquake damage to roads and bridges can be particularly serious by hampering or cutting off the movement of people and goods and disrupting the provision of emergency response services. Such effects in turn can produce serious impacts on the local and regional economy by disconnecting people from work, home, food, school and needed commercial, medical and social services. A major earthquake can separate businesses and other employers from their employees, customers, and suppliers thereby further hurting the economy. Following an earthquake event, the cleanup of debris can be a huge challenge for the community.

Ports face the challenge of both the proximity to water and the instability of the large vessels/craft docked at piers and on runways. The high cost of maintenance and the age of the many maritime structures means that the forces associated with an earthquake could easily be catastrophically damaging.

Utilities face the risk of lines breaking, particularly at connections. These are ideal and affordable choices for retrofitting because adding flexibility to a length of pipe at its connection point can help prevent damage. However, gas utilities and all infrastructure using liquid or pressurized fuel should use automatic shut-off valves to prevent leaks, spills, explosions, and fire following a seismic event.

Water impoundments are a risk in an earthquake event due to the weight of water and the fact that containers used for the stationary storage of water (dams, levees, tanks, pools, reservoirs, etc.) may not have the strength of material to withstand the motion of water due to ground shaking. The ability of dams to withstand earthquake forces should be considered. This is especially important as three dams in Clatsop County have been designated as “high hazard”: Bear Creek (Astoria), Middle Reservoir, and Wickiup Lake. For more information about the dams in Clatsop County, see the Flood hazard section of this plan.

Four dams in Clatsop County have been designated as “high hazard”, meaning they would pose a risk to downstream populations if they failed in an earthquake event. All have Emergency Action Plans in place: Bear Creek, Middle Reservoir, and Wickiup Lake, all managed for water supply by the City of Astoria, and the Seaside City Reservoir (Peterson Point Dam) established in 1996 also used for domestic water supply.

One of the most important preparations that can be made for a major earthquake event is to prevent the release of toxic gases and flammable fuels. Not only could the release of chlorine gas for water disinfection be lethal or fires started from liquid or pressurized fuels, the control of these releases is imminently more difficult without power, roads, or structural integrity of untested systems. Due to the importance of these concerns, the State of Oregon recently

### **GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS – DRAFT 3**

**CLATSOP COUNTY COMPREHENSIVE PLAN**

released a Fuel Plan and Clatsop County is similarly conducting an inventory of county fuel storage sites. Local water providers are required to meet standards for the storage of water treatment chemicals, but local regulations and coordination should be conducted locally to ensure that private entities managing pools or small, private water sources are similarly protecting the public by considering the seismic resilience of their systems to withstand a major earthquake.

**Table 14: Earthquake Exposure**

*(all dollar amounts in thousands)*

Community	Total Number of Buildings	Total Estimated Building Value (\$)	Total Earthquake Damage*		Earthquake Damage outside of Medium Tsunami Zone							
			Buildings Damaged		Buildings Damaged				Building Design Level Upgraded to at Least Moderate Code			
			Sum of Economic Loss	Loss Ratio	Yellow-Tagged Buildings	Red-Tagged Buildings	Sum of Economic Loss	Loss Ratio	Yellow-Tagged Buildings	Red-Tagged Buildings	Sum of Economic Loss	Loss Ratio
Unincorp. County (rural)	8,214	1,378,964	504,969	37%	619	2,251	480,396	34.8%	648	1,404	321,707	23.3%
Arch Cape	462	113,684	23,820	21%	18	59	16,694	14.7%	9	45	12,676	11.2%
Svensen-Knappa	1,652	178,049	38,280	22%	146	377	38,280	21%	118	236	27,790	16%
Westport	348	24,928	9,592	39%	37	154	9,592	38.5%	59	84	7,157	28.7%
Total Unincorp. County	10,676	1,695,624	576,661	34%	820	2,840	544,962	32%	833	1,769	369,331	22%

Source: Williams et al, 2020

**TSUNAMI**

Tsunami risk was ranked for a Cascadia earthquake event scenario. During certain periods of the year, the population of Clatsop County can increase by 25% or more as visitors travel to the beach and other coastal areas. The beaches and the coastal cities frequented by these tourists are located within the tsunami inundation zone. **Table 15** details the projected monetary and structural impacts from earthquakes. Tsunamis

The combination of earthquake and tsunami will have a significant impact to the entire coastal and estuarine portions of rural Clatsop County. Low-lying areas within coastal and estuarine communities are predicted to be inundated by the Medium-sized tsunami scenario. Approximately a third of the county’s buildings have exposure to tsunami inundation from the Medium-sized scenario. In some communities a very high percentage (50% - 80%) of development is exposed to tsunami hazard. Over 11,000 permanent residents, included residents of incorporated cities and

**CLATSOP COUNTY COMPREHENSIVE PLAN**

unincorporated Clatsop County could be impacted from a CSZ tsunami event and require medical and shelter services. Because there is high risk of tsunami along the entire coast and estuarine areas of Clatsop County, awareness is important for future planning and mitigation efforts in the areas at risk.

The County would not be able to ignore the damage within cities. There must be coordination between County and Cities. Losses anywhere in the County will affect County resources and budget. Probably neighboring counties will be affected also, so coordination needs to be regional.

**Table 15: Tsunami Exposure**

*(all dollar amounts in thousands)*

Community	Total Number of Buildings	Total Estimated Building Value (\$)	Small (Low Severity)			Medium (Moderate Severity)			Large (High Severity)			X Large (Very High Severity)			XX Large (Extreme Severity)		
			# of Bldgs	Building Value (\$)	Percent of Building Value Exposed	# of Bldgs	Building Value (\$)	Percent of Building Value Exposed	# of Bldgs	Building Value (\$)	Percent of Building Value Exposed	# of Bldgs	Building Value (\$)	Percent of Building Value Exposed	# of Bldgs	Building Value (\$)	Percent of Building Value Exposed
Unincorp. County (rural)	8,214	1,378,964	879	52,749	3.8%	1,040	67,075	4.9%	1,801	221,393	16%	3,145	475,022	34%	3,222	490,567	36%
Arch Cape	462	113,684	69	16,910	15%	162	43,350	38%	233	60,639	53%	360	90,490	80%	372	92,486	81%
Svensen-Knappa	1,652	178,049	0	0	0%	0	0	0%	0	0	0%	0	0	0%	0	0	0%
Westport	348	24,928	0	0	0%	0	0	0%	0	0	0%	0	0	0%	0	0	0%
<b>Total Unincorp. County</b>	<b>10,676</b>	<b>1,695,624</b>	<b>948</b>	<b>69,659</b>	<b>4.1%</b>	<b>1,202</b>	<b>110,425</b>	<b>6.5%</b>	<b>2,034</b>	<b>282,032</b>	<b>17%</b>	<b>3,505</b>	<b>475,812</b>	<b>33%</b>	<b>3,594</b>	<b>583,053</b>	<b>34%</b>

Source: Clatsop County Multi-Jurisdictional Natural Hazards Mitigation Plan, 2021; Williams et al, 2020

**COASTAL EROSION**

Coastal erosion is increasingly affecting people due to development near the beach or coastal bluffs. Structures and infrastructure that serve homes are the primary vulnerability of this hazard. People who purchase real estate in areas subject to coastal erosion are the primary individuals at personal risk of this hazard, although first responders and other emergency personnel are likely at greater hazard as they will be required to assist in coastal erosion-related rescues in recreational settings. Typically, shoreline stabilization efforts using riprap are not an effective long-term mitigation and such measures are strictly regulated under Goal 18.

According to the regional risk assessment for the Oregon Coast, the following assets and locations are generally the most vulnerable to coastal erosion (Oregon DLCD, 2015):





# Clatsop County

## Community Development – Planning

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

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**TO:** Clatsop County Planning Commission Members

**FROM:** Gail Henrikson, Community Development Director

**DATE:** February 28, 2022

**RE: GOAL 13 – DRAFT 02: ENERGY CONSERVATION**

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### STATEWIDE PLANNING GOAL 13

Land use decisions can have a direct effect on the energy a community consumes. For example, high-density uses along major streets improve the efficiency of public transportation systems, make it easier to walk or bike to a variety of locations, and thereby reduce gasoline consumption. Statewide Planning Goal 13 requires local governments to consider the effects of its comprehensive planning decision on energy consumption. The goal also directs cities and counties to have systems and incentives in place for recycling programs.

### CLATSOP COUNTY GOAL 13

The Clatsop County Goal 5 Resource Inventory directs readers to Goal 13 – Energy Conservation, for a list of energy sources. When Goal 13 was originally adopted in 1980, the following energy sources were identified in Clatsop County:

- **Hydroelectric:** Supplied primarily by the Bonneville Power Administration. Small quantities of power are also distributed by the Western Oregon Electric Co-op, Tillamook Public Utilities District, and the Clatskanie Public Utilities District.
- **Natural Gas:** Supplied by Northwest Natural since 1965.
- **Oil:** Oil products are refined in the Puget Sound area and piped into the state via the Olympic pipeline.
- **Coal:** Supplied to the state via rail and truck.
- **Wood:** It was anticipated that wood slash and mill wastes, in combination with municipal wastes, would be in demand as an energy source, as well as for gasohol and wood pellets. Wood was predicted to “easily provide energy for perhaps one-third to a half of the future population” of Clatsop County.
- **Nuclear Power:** A plant siting study in 1975 identified a 400-acre site in Brownsmead for a possible nuclear power plant.
- **Solar:** The use of large-scale solar farms was predicted to occur by 2000.
- **Wind:** Generation of power by wind was not expected to be developed in the near future due to the lack of technology to store the power. A 1983 ODOE study identified six sites in Clatsop County for possible wind generation projects:



- Clatsop Spit
- Columbia River Jetty
- Fort Stevens
- Astoria Weather Bureau
- Astoria WBAB (Port of Astoria Airport)
- Wickiup Ridge
- **Biomass:** The background report states that many “technical and social improvements are needed to reduce air pollution problems, problems with collection and handling, and slash burning practices. If some barriers are removed, it can be expected that full utilization of the energy available through biomass could be accomplished within the next twenty years.”
- **Tides and Waves:** The study concluded that while enough energy might be harnessed to be important to places like islands, there would not be enough energy trapped to operate cities under the technology present at the time.

There are no Oregon Administrative Rules (OARs) that implement Goal 13.

#### **BOARD DISCUSSION – OCTOBER 20, 2021**

The Board of Commissioners reviewed Goal 13 – Draft 01 at a work session held October 20, 2021. A summary of the Board member comments is below.

- Focus on actions that the County can take with its own facilities and fleet vehicles.
- Need to balance habitat preservation goals (EX: marbled murrelet) with alternative energy technologies such as wind turbines and where those facilities are sited.
- As technology increases, alternatives may become more viable. For example, wind turbines used to have a 50-year payment recapture period, but the life of the turbine was only 35 years. Also, lithium batteries in electric cars may last 10 years, but may cause 15 years’ worth of environmental impacts.
- Infrastructure is not in place to support fleet conversion to electric.
- Nuclear power should still be considered as an option as there have been safety advances. It has been used by the U.S. Navy for 50 years.
- Have to consider *all* alternative energy sources.
- Are the components in lithium batteries harvested in a conflict-free environment?
- Complex adaptive interactive systems – need to consider all the costs and all the benefits.
- Need to have complete and valid data. The current draft does not provide a complete picture.
- The Board cannot make sound policy decisions without validated information from trusted partners.

The Planning Commission and County Citizen Advisory Committee members reviewed Goal 13 at their November 23 and January 7 meetings. Amendments approved at those

meetings have been incorporated into Draft 02.

The Planning Commission was scheduled to review this item at its February 8, 2022 meeting. However, due to a lack of quorum, the item was continued to March 8, 2022.

**ACTION ITEMS:**

- 1) Review Goal 13 - Draft 02: Energy Conservation** as revised at the joint Planning Commission / Countywide Citizen Advisory Committee meetings of November 23, 2021 and January 7, 2022.
- 2) Review discussion** from the October 20, 2021, Board of Commissioners work session to determine what, if any, additional revisions should be made to Goal 13.
- 3) Accept a motion and second** to recommend the Board of Commissioners approve revisions to Goal 13, including any recommended amendments to the goal.

**BACKGROUND MATERIALS PROVIDED IN DECEMBER 28, 2021, AGENDA PACKAGE:**

- Goal 13 – Draft 02: Energy Conservation

**Additional reference materials for those interested in further research and technical information:**

- [Goal 13 – Draft 01: Energy Conservation, including revisions made November 23, 2021 and January 7, 2022](#)

STATEWIDE  
PLANNING

GOAL 13:

To conserve energy.

CLATSOP  
COUNTY GOAL

13:

To conserve energy, reduce waste and increase self-sufficiency.

Land use decisions can have a direct effect on the energy a community consumes. For example, high-density uses along major streets improve the efficiency of public transportation systems, make it easier to walk or bike to a variety of locations, and thereby reduce gasoline consumption.

Goal 13: Energy Conservation, requires local governments to consider the effects of its comprehensive planning decisions on energy consumption. Goal 13 encourages communities to look within existing urban neighborhoods for areas of potential redevelopment before looking to expand, and to "recycle and re-use vacant land." In urban settings, this is often referred to as "in-fill development." The goal also directs cities and counties to have systems and incentives in place for recycling programs.

At the time the goal was enacted, Oregonians were particularly concerned by development of new homes that blocked neighbors' sunlight, which can have impacts on passive heating and availability of natural light. These concerns are expressed in the goal language.

Today, concerns about renewable energy sources are seen through a different lens. Innovation in the areas of solar and wind energy have made them increasingly popular in Oregon. Concern about climate change has resulted in an increase in public and private interest in and development of alternative energy sources. Goal 13 was not written to govern or direct the production of energy, but its conservation.

The longstanding energy conservation policies for Clatsop County, since at least 1980, have focused on renewable energy, minimizing energy consumption, and encouraging recycling and other efficiencies.

## CLATSOP COUNTY COMPREHENSIVE PLAN

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- **Oil:** Oil products are refined in the Puget Sound area and piped into the state via the Olympic pipeline.
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- **Nuclear Power:** A plant siting study in 1975 identified a 400-acre site in Brownsmead for a possible nuclear power plant. The citizen advisory committees have recommended that this language be removed from the Clatsop County Comprehensive Plan.
- **Solar:** The use of large-scale solar farms was predicted to occur by 2000.
- **Wind:** Generation of power by wind was not expected to be developed in the near future due to the lack of technology to store the power. A 1983 ODOE study identified six sites in Clatsop County for possible wind generation projects:
  - Clatsop Spit
  - Columbia River Jetty
  - Fort Stevens
  - Astoria Weather Bureau
  - Astoria WBAB (Port of Astoria Airport)
  - Wickiup Ridge
- **Biomass:** The background report states that many “technical and social improvements are needed to reduce air pollution problems, problems with collection and handling, and slash burning practices. If some barriers are removed, it can be expected that full utilization of the energy available through biomass could be accomplished within the next twenty years.”
- **Tides and Waves:** The study concluded that while enough energy might be harnessed to be important to places like islands, there would not be enough energy trapped to operate cities under the technology present at the time.

### ENFORCEABLE POLICIES

Because Clatsop County is a partnering jurisdiction in the Oregon Coastal Zone Management Program, all proposed state and federal projects must be consistent with the County's comprehensive plan and implementing ordinances. In order to be considered "enforceable", policies, standards and regulations ***must***:

- Include mandatory language such as "will", "must" or "shall"
- Contain a clear standard
- Not be pre-empted by federal law
- Not regulate federal agencies, lands, or waters
- Not discriminate against a particular coastal user or federal agency
- Not hinder the national interest objectives of the Coastal Zone Management Act
- Not incorporate other policies or requirements by reference

Because many energy projects are permitted through either federal and/or state agencies, it is imperative that the policies in Clatsop County's Comprehensive Plan be considered "enforceable" under the requirements of the Coastal Zone Management Act. Drafting and adopting enforceable policies ensures that large-scale energy projects are consistent with the values and goals identified by community members and that those voices will be represented at the planning table.

### RENEWABLE ENERGY SITING

Clatsop County residents rely on dependable, affordable energy to meet their basic needs. Finding suitable locations for energy development can be challenging. Environmental impacts need to be considered. Some energy projects need large expanses of land, which can impact farming, forestry, and wildlife habitat. Cost is also an issue. The further an energy project is from transmission lines, the more expensive it is to build. The Oregon Department of Energy identifies the following renewable energy resources within the state:

- Solar
- Wind
- Hydropower
- Bioenergy
- Geothermal
- Marine
- Renewable Fuels
- Hydrogen

OAR 660-033-0130(37) and (38) provide standards for wind and solar energy siting on

## CLATSOP COUNTY COMPREHENSIVE PLAN

agricultural land. The rules are intended to direct energy development to lands that have limited value to wildlife and farming. During discussions with the citizen advisory committees, several potential wind and solar generation sites were considered, including the Clatsop Plains, Clatsop Ridge and Camp Rilea.

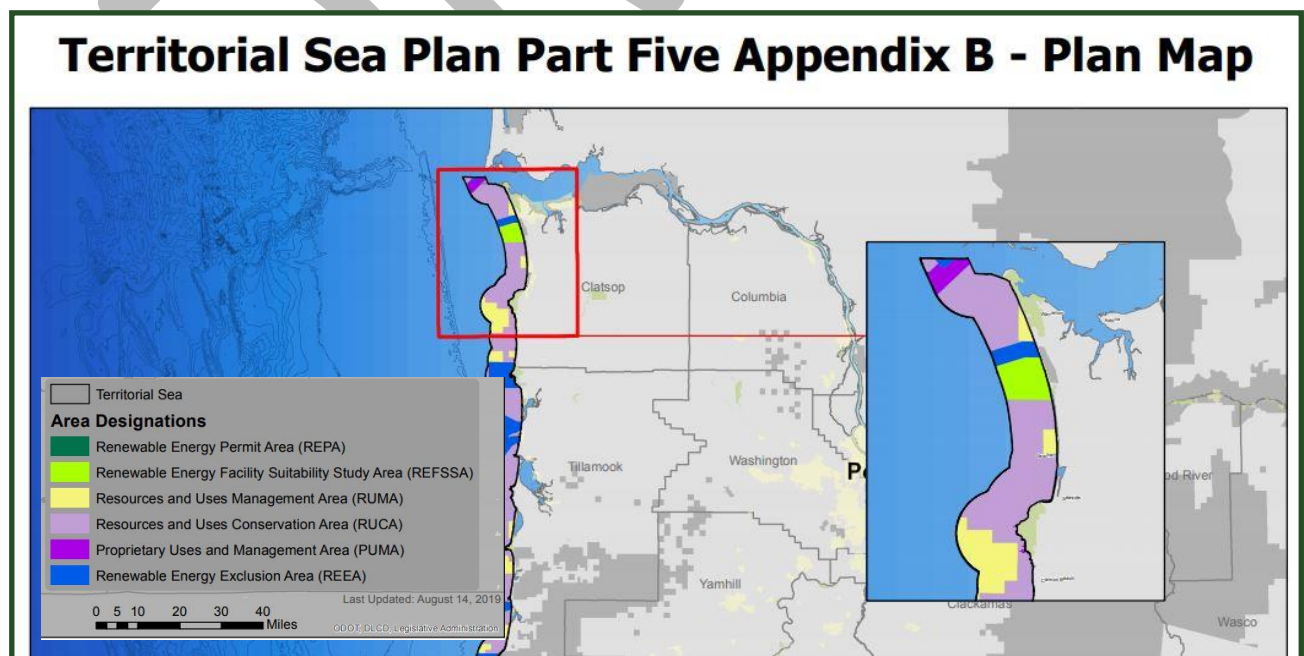
### OCEAN ENERGY

In Oregon, ocean energy is considered a renewable energy resource with the potential to reduce the human need of fossil fuels, such as coal or gas. Ocean energy facilities may promote the use of energy from wind, wave, current, or thermal, which may reduce the environmental impact of fossil fuels.

Part Five of the Oregon Territorial Sea Plan describes the process for making decisions about the development of renewable energy facilities within Oregon's Territorial Sea. The plan specifies the areas where new development may occur. The requirements of Part Five are intended to protect areas of important marine resources from the potential adverse effects of renewable energy facilities. The requirements address all phases of development including siting, development, operation, and removal from service. The Plan also identifies locations for development that may reduce damaging impacts to coastal communities and existing ocean resource users. If new facilities are developed in a responsible and appropriate manner, and in agreement with state and federal requirements, renewable ocean energy may help preserve Oregon's natural resources and enhance quality of life.

### OREGON RENEWABLE ENERGY SITING ASSESSMENT (ORESAS)

In 2019, the Oregon Department of Energy (ODOE) partnered with DLCD and the Oregon Institute for Natural Resources (INR) on a grant application to the U.S. Department of Defense for the study and assessment of renewable energy and transmission development in Oregon.



## **CLATSOP COUNTY COMPREHENSIVE PLAN**

Continued renewable energy development is anticipated in the coming decades, which will require analysis in order to balance natural resource, land use, environmental impacts, noise concerns, and cultural issues through processes at all levels of government.

DLCD, along with ODOE, will be identify high potential renewable energy production areas that are feasible for development and that overlap with military training and operations areas. These agencies will also review and assess the current development and siting procedures of local, state, and federal governments. Upon conclusion, a renewable energy siting mapping tool will be developed by INR with information gathered over the course of the project.

### **BONNEVILLE POWER ADMINISTRATION**

The Bonneville Power Administration (BPA), was created in 1937 as a temporary agency with a limited mission: to market and distribute electricity from the Bonneville Dam on the Columbia River. Throughout the 1940s through the 1960s, Congress authorized BPA to oversee and deliver power from more federal dams on the Columbia River and its tributaries.

Today, BPA provides about one-third of the power consumed in the Pacific Northwest. This power is supplied by 31 hydroelectric dams administered by BPA. In Clatsop County, almost all power is supplied by BPA through Pacific Power . Small amounts of electricity in the County are sold and distributed by the Western Oregon Electric Co-op, the Tillamook Public Utility District, and the Clatskanie Public Utilities District.

Congressional mandates in the 1980s pushed the agency towards energy conservation and the restoration of fish runs that had been decimated by the dams. Today, one of BPA's mandates is to prioritize habitat monitoring and restoration projects throughout the Columbia River.

The BPA is a primary funder for restoration projects in the Columbia River and contracts with the Columbia River Estuary Task Force (CREST) to oversee large-scale restoration projects.

The SAFE-funded (Select Area Fisheries Enhancement) portion of Clatsop County Fisheries is a collaborative program that includes both Washington and Oregon's Departments of Fish and Wildlife and Clatsop County Fisheries. It receives funding from the Bonneville Power Administration as off-sight mitigation for the effects of dams and water withdrawals on the Columbia River and its tributaries.

The program is part of the Northwest Power and Conservation Council's Fish and Wildlife Program. Of the \$1.8 million annual SAFE budget, Clatsop County Fisheries receives roughly \$400,000 per year.

### **PUBLIC TRANSPORTATION**

The Sunset Empire Transportation District (SETD) operates several public transit bus routes within the County and provides connector service to both Tillamook and Columbia counties. In April 2020, SETD proposed using funding from the Statewide Transportation Improvement Fund



## CLATSOP COUNTY COMPREHENSIVE PLAN

to purchase its first electric bus. However, ongoing worker shortages and capacity restrictions due to the coronavirus pandemic have necessitated revisions to SETD's operating plans. In September 2021, SETD released new schedules that suspended Routes 13, 17, 21 and the Seaside Streetcar.

### RECYCLING

Recology operates a recycling program in Clatsop County, providing opportunities to dispose of recyclable materials without placing them in a landfill. However, in recent years, China, one of the major importers of recyclable materials, has ceased allowing many materials from being imported. This has led, in some cases, to more recyclable materials being placed in landfills.

### RENEWABLE ENERGY PROJECTS IN CLATSOP COUNTY

#### *Wind Generation*

On October 13, 2020, the Clatsop County Planning Commission approved a meteorological testing tower for property located on Nicolai Ridge. The tower, which will be operated by WPD Wind Projects, Inc., will be used to test wind generation potential in the eastern portion of the County in order to determine whether future wind turbine development should occur in that area. The tower, which received building permits at the end of 2020, will be in place for up to one year while testing occurs. If WPD Wind Projects, Inc., determines that there is sufficient wind generation power, new permits and approvals, including approval from the Oregon Department of Energy, would be required.

#### *Solar*

While one would not typically associate Clatsop County with solar energy, there are several installations within Clatsop County, per information from the Oregon Department of Energy. In 1999, there were no photovoltaic projects with the county. In 2009 there were four installations. However, by 2019, the last year for which data is available, there were over 40 recorded projects. The majority of these installations are for residential purposes, with some commercial installations scattered throughout Astoria and the coastline. There are no utility-level solar projects within Clatsop County.

#### *Liquified Natural Gas*

In the past, two liquified natural gas (LNG) plants have been proposed in Clatsop County—one at Bradwood and one in Hammond. Both plants generated controversy and division throughout the community. Neither plant succeeded in obtaining approvals in Clatsop County. A similar proposal in Coos Bay (Jordan Cove LNG) and a methanol refinery in Kalama, WA, have also recently been denied. Port Westward, in adjacent Columbia County, Oregon, a proposed renewable diesel production facility capable of processing up to 50,000 barrels per day of renewable biomass feedstocks, is currently under review by ODOE.

#### *Ocean Energy Facilities*



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Marine energy encompasses both wave power – i.e., power from surface waves – and tidal power, which is obtained from the kinetic energy of large bodies of moving water. Oregon’s coast has among the best marine energy resources in the world, making it an ideal location for developing marine energy.

While there are no marine energy projects yet in commercial operation in Oregon, two test sites have been approved:

- North Energy Test Site (two nautical miles offshore, north of Newport)
- South Energy Test Site / PacWave (five nautical miles offshore, between Newport and Waldport)

There is the potential that this technology will be located off the Clatsop Coast in the future. As noted on the map included with in the Territorial Sea Plan, Part 5, there are areas off the coast of Clatsop County that would be eligible for the siting of potential projects. While these facilities would be located offshore, there would be on-shore infrastructure with land use impacts.

### FUTURE CONDITIONS NEW TECHNOLOGIES

#### ***Zero Emission Vehicles***

Zero Emission Vehicles (ZEVs) such as electric vehicles or hydrogen fuel cell vehicles, drive without emitting greenhouse gases. ZEVs include battery-operated vehicles, electric/hybrid vehicles and hydrogen fuel cell vehicles. Electric vehicles require charging station infrastructure. The source of the electric for these vehicles has an impact on air and water quality. In Clatsop County, the Oregon Department of Energy (ODOE) has identified 165 ZEVs, including 93 battery electric vehicles and 72 plug-in hybrid vehicles. Information from ODOE indicates there are 20 electric vehicle charging stations in Clatsop County.

#### ***Cross-Laminated Timber***

(CLT) is an emergency wood product with applications in both residential and non-residential buildings. CLT has been touted as a replacement for steel and concrete, which generate large quantities of greenhouse gases in the course of their production. Proponents cite carbon that is sequestered by the trees and captured in the timber as a way to off-set greenhouse gasses. Conversely, warmer temperatures, increased risk from invasive species and increased fire risk due to climate change may impact wood harvest capabilities. Increased harvest activities may also harm ecosystems and impact water quality.

#### ***Alternative Fuels***

Oregon imports all of its petroleum, which leaves the state vulnerable to changes in pricing

## CLATSOP COUNTY COMPREHENSIVE PLAN

and disruptions in the event of a natural disaster or fuel shortage. Alternative fuels produced in-state can help reduce those effects.

Alternative fuels may also typically produce fewer greenhouse gas emissions than traditional petroleum-based fuels.

Alternative fuels include:

- Ethanol
- Electricity
- Biofuels
- Renewable Diesel
- Compressed Natural Gas
- Renewable Natural Gas
- Liquefied Natural Gas
- Liquefied Petroleum Gas
- Hydrogen
- Hybrid or dual fuel

### CLIMATE CHANGE

On March 10, 2020, Governor Brown issued Executive Order 20-04, directing state agencies to take actions to reduce and regulate greenhouse gas emissions. The executive order establishes new science-based emissions reduction goals for Oregon. The executive order directs certain state agencies to take specific actions to reduce emissions and mitigate the impacts of climate change; and provides overarching direction to state agencies to exercise their statutory authority to help achieve Oregon's climate goals.

In February 2021, the Department of Land Conservation and Development (DLCD), in coordination with 24 other state agencies, will present its 2021 [Climate Change Framework](#) to the Legislature. A companion piece, published by the Oregon Climate Change Research Institute in February 2020, identifies increased risks due to climate change for Clatsop County. This study projects higher chances of drought periods, heavy rains, flooding, wildfire, loss of wetland ecosystems, increased ocean temperatures and chemistry changes, changes to average daily temperatures, increased heat waves, and increased coastal hazards such as erosion.

This study notes that Oregon's average temperature warmed at a rate of 2.2°F per century from 1895-2015. In Clatsop County, average temperature is projected to warm between 0.9°-3.5°F by 2039. Corresponding, the number of hot days (90° or warmer) will increase between 0.6-0.8 days by 2039 and the number of warm nights (65°F or greater) will increase between 0.2-0.3 days by 2039. In June 2020, Clatsop County, and much of the Pacific Northwest experienced a once-in-a-thousand-year "heat dome". This oppressive heat mass, which lasted for a day in western Clatsop County and for several days to the east, resulted in damage to vegetation and

## CLATSOP COUNTY COMPREHENSIVE PLAN

death in humans.

These projected changes have impacts for renewable energy sources for several reasons, including:

- Wildfires, coastal erosion and flooding may place energy infrastructure at risk
- Increased periods of drought may hamper consistent use of hydropower as water levels become unstable.
- Increasingly warmer or colder days will require more energy use to cool or heat homes and businesses.

### DEMAND FOR HOUSING

In 2019, Clatsop County and the cities of Astoria, Warrenton, Gearhart, Seaside and Cannon Beach, completed a housing study to identify opportunities and weaknesses associated with housing supply in Clatsop County. That report concluded that while the County has a surplus of potentially buildable lands, certain types of housing and housing products at specific price-points are either missing from the county's housing inventory, or are not provided in sufficient quantities.

In March 2020, the coronavirus pandemic resulted in changes worldwide that have significantly altered housing markets, including in Clatsop County. Some people choose to leave more densely populated areas and relocate to more rural areas. Others benefited from remote work options, which no longer tied workers to a specific geographic location. As a result, the median selling price of a home in Clatsop County rose from \$322,500 in November 2018 to \$502,500 in September 2021 (Source: Realtor.com). While some of these home sales will be to households that become permanent Clatsop County residents, many will be vacation homes and some of those will be used for short-term rentals.

The increase in median housing prices, coupled with a lack of long-term rental units, will result in increased pressure to increase housing stock by constructing new residential units. While Goal 14 stresses that higher intensity uses and dense development be directed to urban areas, there is, and will continue to be, a movement to increasing housing development on rural lands. Encroaching residential development has the potential to impact inventoried Goal 5 resources, including wildlife habitat, groundwater, and open spaces.

Continued pressure to direct housing and services away from urbanized areas, as required by Goal 14, may result in an increase in vehicle miles travelled by persons who live on rural residential lands that are located further away from employment centers, shopping, schools, medical facilities, and/or recreation centers. The costs associated with increased vehicle miles traveled are shown below.

**TABLE 1: ENERGY BURDEN ON CLATSOP COUNTY HOUSEHOLDS**

<b>% of Energy-Burdened<sup>1</sup> Households</b>	23%
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## CLATSOP COUNTY COMPREHENSIVE PLAN

<b>Average annual electricity cost</b>	\$1,236
<b>Average annual natural gas cost:</b>	\$627
<b>Average vehicle miles traveled per household</b>	21,825
<b>Average vehicle maintenance cost (fuel, maintenance, repairs)</b>	\$3,500
<b>Annual energy burden gap</b>	\$422
<b>Federal Poverty Level (Family of 3)</b>	\$21,720

Source: 2020 Biennial Energy Report, Oregon Department of Energy

<sup>1</sup>“Energy Burdened” households are those that spend more than 6% of their income on purchasing energy

### TRANSPORTATION CONGESTION

As the demand for housing increases there is also a corresponding increase in the need to provide new roads to those homes. Again, while Goal 14 directs new housing development primarily to urban areas, partitioning and subdividing of rural lands continues to occur in unincorporated Clatsop County. The construction of new roads, or the expansion of existing roads, has the potential to eliminate or reduce wildlife habitat.

Alternative modes of transportation, such as walking and bicycling are more typically associated with denser urban settings or with remote hiking and mountain bike trails. Little consideration is typically given to trips in rural communities that could potentially be made without the use of a motorized vehicle. For example, installation of a connected sidewalk or bike path system in the Miles Crossing / Jeffers Gardens area could be interconnected to provide residents safe and easy access to businesses in Warrenton without the need for a vehicle or for placing another trip on state and county roads. Such design considerations can help to improve air quality, physical health and reduce traffic congestion.

### TOURISM

Clatsop County has historically had a strong tourism base. Per information from Travel Oregon, in 2019 local recreationists and visitors spent \$785 million on outdoor recreation in Clatsop County. Many of those visitors are drawn by Goal 5 resources, including scenic views and sites, open spaces, and wildlife. During the ongoing pandemic, tourism has remained strong as visitors seek outdoor experiences away from crowded venues. However, because of the limited availability of public transit within the county and between adjacent counties and cities, the majority of visitors travel by vehicle to Clatsop County. This increase in traffic also corresponds to an increase in automobile and other vehicle emissions, and may not be economically affordable to all members of the community.

## GENERAL POLICIES

**Policy A:** The County recognizes the need for energy conservation through support of

## CLATSOP COUNTY COMPREHENSIVE PLAN

- a County-wide conservation program in which the County government will play a leading role.
- a. Methods to reduce energy consumption should be explored, such as enforcing strict temperature and lighting controls in government buildings and incentive programs for carpooling and telecommuting, etc.
  - b. New government buildings and major renovations to existing structures shall be energy efficient. Decision on design and selection of equipment should not be based on the lowest initial cost alone. Operating and energy costs for a reasonable life expectancy of the building must receive equal consideration. Further, consideration should be given to the use of solar energy and other renewable energy sources in heating and cooling all new government buildings.
  - c. The County should work together, with the cities, Extension Service and Community College to:
    - i. Promote energy conservation through seminars, other educational programs, and information dissemination.
    - ii. Coordinate with local utility companies to provide technical assistance to individuals desiring to retrofit their homes or buildings with improved insulation and alternative energy sources.
  - d. The County will continue to support, promote and expand recycling opportunities and will coordinate with cities to discourage businesses from the use of non-compostable/non-recyclable consumables.

**Policy B:** The following land use policies shall be adopted as part of the Comprehensive Plan to conserve energy and promote the use of alternative systems:

- a. Open space should be located whenever possible to buffer structures from shadows cast by other buildings.
- b. Existing solar access is to be protected.

**Policy C:** The County shall promote the application of renewable and alternative energy sources, by encouraging the use of total energy systems where, for example, electricity is generated and the waste heat is utilized for space heating and cooling purposes.

**Policy D:** The County shall consider energy conservation in the designation of RURAL LANDS and DEVELOPMENT lands.

**Policy E:** The County shall require notification of all local Native American entities

## CLATSOP COUNTY COMPREHENSIVE PLAN

tribes when public notices are required.

**Policy F:** When siting energy production and distribution facilities the county shall indicate when proposed sites are in tsunami hazard zones.

### CLIMATE CHANGE

**GOAL 1:** Clatsop County shall work to protect watersheds, surface waters, aquifers and drinking water supplies from the impacts of climate change.

**Policy A:** The County shall promote water conservation and reduced use to avoid unnecessary waste and consumption.

### ALTERNATIVE SITING POLICIES

**Policy A:** Identify a future site or sites for the installation of a solid waste disposal site to accommodate a biodigester or other system for the temporary treatment and/or storage of septage.

**Policy B:** Identify sites for the stockpiling and disposal of organic fill/waste that has been removed from other development sites.

### HOUSING AND DEVELOPMENT POLICIES

**Policy A:** Require new development projects, specifically subdivisions and commercial developments, and/or projects in rural communities, to incorporate bus stops, walking paths and/or bicycle/horse paths whenever possible.

**Policy B:** Encourage new development to incorporate alternative/renewable energy sources and high-efficiency products into construction. Encourage new public buildings to be constructed to LEED standards (ex: Silver Standard)

**Policy C:** In order to increase resiliency, electric vehicles can be used to power homes. The County should encourage the installation of these types of systems in new residential construction.

**Policy D:** The County should support organizations and programs that assist homeowners to retrofit and upgrade to energy-efficient technologies and appliances. This should include dwellings, as well as accessory buildings.

**Policy E:** Because existing building code does not adequately address weather conditions in the county and additional requirements may be needed at the local level, especially for commercial buildings / flashing. Therefore, the County should work with the Oregon Building Codes Division to identify and implement additional weather-proofing requirements to increase energy

## CLATSOP COUNTY COMPREHENSIVE PLAN

efficiency.

- Policy F:** When appliances are replaced, the County should encourage replacement with energy-efficient/best technology available.
- Policy G:** The County should support organizations and programs that assist homeowners to retrofit and upgrade to energy-efficient technologies and appliances. This should include dwellings, as well as accessory buildings.
- Policy H:** Clatsop County should require new developments to provide for expansion possibilities when installing new subdivision utilities (e.g. to accommodate new technologies such as fiber-optic internet)

### ALTERNATIVE / NEW ENERGY POLICIES

- Policy A:** The County shall consider turbines, utilizing the flow of the Columbia River, as an energy resource.
- Policy B:** Encourage the private use of energy-generating technologies such as solar panels, wind energy, geothermal heat pumps, and other developing energy sources in order to reduce transmission costs and pollution generated by the consumption of regionally-produced and -oriented energy sources.
- Policy C:** The County should coordinate with the Oregon Military Department to encourage the installation of solar panels at Camp Rilea.
- Policy D:** The County should coordinate with the Oregon Military Department to encourage the installation of wind generation turbines at Camp Rilea to achieve zero-net energy goal or be used for profit.
- Policy E:** The County should consider properties on the Clatsop Ridge as a potential wind generation site, but the County should preserve as much of the plains as possible as open space.
- Policy F:** Encourage County should review and determine the costs and benefits of converting its fleet to electric vehicles.
- Policy G:** The County should encourage the use of biofuels and wood gasification whenever possible.
- Policy H:** The county will encourage utility companies, businesses, individuals and other entities and institutions to utilize alternative energy sources, including but not limited to, biomass, small-scale hydro, solar, wave and wind technology to back up critical energy facilities. An emphasis shall be placed on the use of the most environmentally-friendly alternative energy sources as determined by scientific research.



## CLATSOP COUNTY COMPREHENSIVE PLAN

- Policy I:** The County should support the installation of wind turbines on higher grounds within the planning areas.
- Policy J:** The county recognizes that there are limited agricultural lands within the county, but there is also a need to balance that limitation with the need for renewable, sustainable energy sources. To achieve that balance, the county shall encourage the use of small-scale solar installations (5 acres or less) that integrate grazing or other agricultural practices with the solar installation.
- Policy K:** Incentivize the installation of solar panels through low interest loans or tax abatement/exemption programs.
- Policy L:** The County should cooperate with state and/or federal agencies in exploring potential sites for off-shore generation (including wind, wave and tidal energy) and reviewing development proposals. The County, in coordination with state and/or federal agencies shall ensure environmental impacts are minimized.
- Policy M:** The County should encourage and incentivize the conversion of excess energy from non-polluting sources and convert to hydrogen and store.
- Policy N:** The County should contact the Oregon Department of Energy to see if another study can be completed to identify potential wind generation sites and reassess current sites.
- Policy O:** Clatsop County shall invite and encourage the development of micro-grid technology and other decentralized power systems; especially for remote rural areas, and emergency back-up power.
- Policy P:** Consider renewable energy sources as a critical component of a natural hazards mitigation strategy in the event of a prolong power outage.

### WATER ENERGY POLICIES

- Policy A:** When new water supply systems are installed, the County shall encourage the use of in-watermain-hydro technology, similar to that used by the City of Astoria.
- Policy B:** Encourage the use of upper/lower reservoirs and pump stations to generate electricity (pumped storage sites)
- Policy C:** The County should support the concerns of the Chinook Indian Nation regarding the use of hydropower by identifying the costs and benefits of using small in-stream hydropower generation by reviewing existing studies



# CLATSOP COUNTY COMPREHENSIVE PLAN

and regulations.

## RECYCLING AND COMPOSTING POLICIES

- Policy A:** The county shall encourage community composting.
- Policy B:** The County should identify a site for an organic waste dump / composting facility.
- Policy C:** In order to reduce energy consumption and reduce trash in landfills and roadside litter that can harm wildlife, the County shall encourage businesses to reduce the amount of single-use and recyclable customer products, such as to-go containers and bags.
- Policy D:** When single-use products must be used, the County should encourage the use of recyclable or biodegradable products.
- Policy E:** The County will continue to support, promote and expand recycling opportunities.
- Policy F:** In order to increase recycling opportunities, the County shall work with recycling companies to establish additional recycling centers in underserved or unserved areas of Clatsop County.

## TRANSPORTATION POLICIES

- Policy A:** Explore priority areas and funding methods for construction and ongoing maintenance of walking paths and/or bicycle paths in Arch Cape, especially east of Highway 101.
- Policy B:** Because clustered development provides opportunity for public transit and reduces energy use, the County should encourage development of public transit and car and/or bike sharing programs.
- Policy C:** The County should conduct a commercial lands inventory to determine the need for more local commercial, medical, cultural opportunities for Elsie-Jewell area in order to reduce the number of average daily trips for such services.

**IMPLEMENTING OREGON ADMINISTRATIVE RULES (OAR):**

**COORDINATING AGENCIES:**

None

Oregon Department of Environmental Quality (DEQ)  
Oregon Department of Energy (ODOE)  
Oregon Department of Agriculture (ODA)

## CLATSOP COUNTY COMPREHENSIVE PLAN

Oregon Water Resources Department  
Oregon Department of Land Conservation and Development (DLCD)

[Oregon Territorial Sea Plan](#)

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

### BACKGROUND REPORTS AND SUPPORTING DATA:

DRAFT



# Clatsop County – Land Use Planning

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**TO:** Clatsop County Planning Commission Members  
**FROM:** Gail Henrikson, Community Development Director  
**DATE:** March 1, 2022  
**RE:** **FY 2022-23 LAND USE PLANNING WORK PLAN**

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## BACKGROUND

In 2020, the Board of Commissioners established a process to create and annually update a strategic plan. The strategic plan establishes focus areas and prioritizes action items associated with those focus areas. Dovetailing with that process, Community Development staff implemented a similar program, which created an annual Community Development Work Plan. This plan includes the Land Use Planning Work Plan, which incorporates strategic plan action items identified by the Board. The Land Use Planning Work Plan also incorporates items identified by staff that should be accomplished in order to meet regulatory requirements; to update regulations and processes; or to increase operational efficiencies. The purpose of the work plan is twofold:

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

Attached is the proposed FY 2022-23 Land Use Planning Work Plan. The plan is segmented into nine overarching tasks containing a total of 36 subtasks. The primary tasks include:

- Comprehensive Plan Update
- Strategic Plan Focus Areas, including Governance, Environmental Quality, Infrastructure, Social Services, and Economic Development
- Legislated Mandates
- Process Improvement and Streamlining
- Special Projects

Where applicable, staff has noted funding requests that will be required to complete the main task or subtask.

## ACTION ITEMS

The proposed FY 2022-23 Land Use Planning Work Plan will be included in the budget request that will be submitted by staff on March 4. Staff is requesting that the Planning Commission review the proposed work plan and provide any recommendations for additions or deletions of tasks and/or subtasks to the work plan. Those revisions will be incorporated into the draft submitted with the budget. It is anticipated that the Board of Commissioners will review a draft of the work plan at a future work session and will approve the final work plan in June 2022.

For project information and updates, visit us on the web!  
[www.co.clatsop.or.us/landuse/page/comprehensive-plan-update](http://www.co.clatsop.or.us/landuse/page/comprehensive-plan-update)  
[www.facebook.com/ClatsopCD](https://www.facebook.com/ClatsopCD)



# LAND USE PLANNING FY 2022-23 WORK PLAN

## TASK #1

### COMPREHENSIVE PLAN UPDATE

SUBTASKS	REQUIRED RESOURCES	PARTNERS
A. Goals 1-14, Goal 19 and community plans to be adopted in July-August 2022	1.00 FTE	Public Board of Commissioners County Manager County Counsel County Land Use Counsel Planning Commission Oregon's Kitchen Table
B. Prepare revisions based upon final DLCD review, if needed	1.00 FTE	Board of Commissioners DLCD Staff
C. Draft an RFP for environmental consultant services to update the Estuary Management Plan and develop recommendations to update Goals 16, 17 and 18	0.25 FTE \$150,000 (FY 22/23)	Public Board of Commissioners Environmental Consultants Staff
D. Continue to work with Board to review and revise public participation process and schedule as needed	0.02 FTE	Public Board of Commissioners Planning Commission Oregon's Kitchen Table Staff
E. Provide monthly updates to the Board of Commissioners	0.02 FTE	Board of Commissioners Staff
F. Obtain scope of work and cost estimate for land use counsel review of updated goals and community plans	0.05 FTE \$10,000 (FY 21/22)	Board of Commissioners County Counsel County Land Use Counsel Staff
G. Partner with Oregon's Kitchen Table to develop and implement a public outreach program	0.05 FTE \$25,600 (FY 21/22)	Public Board of Commissioners



# LAND USE PLANNING FY 2022-23 WORK PLAN

Oregon's Kitchen Table  
Staff

## TASK #2

### STRATEGIC PLAN FOCUS AREAS - GOVERNANCE

SUBTASKS	REQUIRED RESOURCES	PARTNERS
A. Develop annual work program, to be approved by the Board of Commissioners, establishing priorities and focus areas for staff and the Planning Commission	0.05 FTE	Board of Commissioners Planning Commission Staff
B. Continue to increase public outreach through the use of new and diverse media in order to attract new participants representing the demographic, economic, and social composition of the county.	0.20 FTE	Public Public Affairs Officer Staff
C. Create quarterly newsletter to be mailed to all property owners providing updates on ongoing and future projects and to identify future trends and issues	0.15 FTE	Public Public Affairs Officer Staff
D. Develop and implement a work plan for the state-mandated Committee for Citizen Involvement	0.20 FTE	Public Board of Commissioners Planning Commission Public Affairs Officer Staff

## TASK #3

### STRATEGIC PLAN FOCUS AREAS - ENVIRONMENTAL QUALITY

SUBTASKS	REQUIRED RESOURCES	PARTNERS
A. Identify for the Board what environmental studies may be required if information does not already exist at a state or federal level; assist in preparation of RFPs; assist with review	0.20 FTE	Public Board of Commissioners Planning Commission Environmental Consultant



# LAND USE PLANNING FY 2022-23 WORK PLAN

	of consultants' reports; draft code amendments if required <b>(Related to Subtask 1C)</b>		Staff
	B. Participate as needed and monitor AOC Water Needs Study process	0.05 FTE	AOC Board of Commissioners Planning Commission Staff
	C. Provide assistance to prepare Oregon DEQ grant application for ARPA funding to upgrade failing septic systems	0.05 FTE	Board of Commissioners Oregon DEQ Craft3 Staff
	D. Provide assistance as needed for any climate change local impact analyses	0.05 FTE	Board of Commissioners Consultants OCCRI Staff

## TASK #4 STRATEGIC PLAN FOCUS AREAS - INFRASTRUCTURE

SUBTASKS	REQUIRED RESOURCES	PARTNERS
A. Provide assistance to Emergency Management staff as needed with regard to FEMA hazard mitigation grant application preparation	0.10 FTE	Board of Commissioners Emergency Management Affected Stakeholders FEMA Staff
B. Initiate process to obtain public input to identify concerns and determine level of support for adoption of a Tsunami Overlay Zone; draft code amendments if needed	0.50 FTE \$5,000 (FY 22/23)	Public Affected Stakeholders Board of Commissioners Planning Commission Emergency Management DLCD Staff



# LAND USE PLANNING FY 2022-23 WORK PLAN

	C. Continue to obtain public input and prepare draft code amendments to allow Accessory Dwelling Units (ADUs) on rural lands	0.15 FTE \$3,000 (FY 22/23)	Public Board of Commissioners Planning Commission Staff
	D. Identify barriers to affordable and workforce housing within Clatsop County codes; identify a variety of housing options that would be appropriate within unincorporated Clatsop County	0.15 FTE	Public Contractors Board of Commissioners Planning Commission Staff

## TASK #5

### STRATEGIC PLAN FOCUS AREAS - SOCIAL SERVICES

	SUBTASKS	REQUIRED RESOURCES	PARTNERS
	A. Continue to work with DLCD to conduct an audit of County zoning codes to identify areas where the County's regulations may be out of sync with state regulations regarding home daycare facilities; prepare code amendments recommended by DLCD	0.05 FTE	DLCD Public Board of Commissioners Planning Commission Staff

## TASK #6

### STRATEGIC PLAN FOCUS AREAS - ECONOMIC DEVELOPMENT

	SUBTASKS	REQUIRED RESOURCES	PARTNERS
	A. Initiate process to review local regulatory barriers to economic development; include evaluation of opportunities to reduce the cost of development	0.15 FTE	Public Affected Stakeholders Board of Commissioners Planning Commission Staff
	B. Review and update County's geologic hazard overlay development process and requirements	0.05 FTE	Public Affected Stakeholders Board of Commissioners



# LAND USE PLANNING FY 2022-23 WORK PLAN

Planning Commission  
DOGAMI  
Staff

## TASK #7

### LEGISLATED MANDATES

SUBTASKS	REQUIRED RESOURCES	PARTNERS
A. Continue to meet all regulatory requirements and process applications according to 150-day timeframe mandated by ORS	4.50 FTE	Staff
B. Update the <i>Land and Water Development and Use Code</i> to incorporate any applicable legislative changes made during the 2022 legislative session	0.15 FTE	Public Board of Commissioners Planning Commission Staff

## TASK #8

### PROCESS IMPROVEMENT AND STREAMLINING

SUBTASKS	REQUIRED RESOURCES	PARTNERS
A. Review and revise Community Development Website to ensure information is relevant, clear, and accurate. Include information that makes the development and permitting process easy to understand for all users.	0.10 FTE	Public Staff
B. Continue to utilize a formal orientation program for newly-appointed planning commissioners. Update Planning Commission training materials as needed.	0.01 FTE	County Counsel Planning Commission Staff
C. Continue to work with the Oregon Building Codes Division to implement updates to the Accela e-permitting system to clarify planning requirements.	0.01 FTE	Oregon BCD Staff





# LAND USE PLANNING FY 2022-23 WORK PLAN

## TASK #9

### SPECIAL PROJECTS

SUBTASKS	REQUIRED RESOURCES	PARTNERS
A. Begin discussions with the Board to determine preferred path to implement requirements of FEMA's Biological Opinion (BiOp); obtain public input	0.25 FTE	Public Board of Commissioners Planning Commission FEMA DLCD Staff
B. Following DLCD acknowledgement of the comp plan updates, begin review of and updates to the LAWDUC	1.00 FTE	Public Board of Commissioners Planning Commission Staff
C. Continue to work with Oregon Solutions to implement the County's commitments from the Clatsop Plains Elk Collaborative Declaration of Cooperation	0.10 FTE	Public Board of Commissioners Oregon Solutions Planning Commission Staff
D. Digitize records pertaining to floating structures (float houses, duck shacks) and create electronic database	0.10 FTE	Staff
E. Continue review of the County's parking standards to ensure that require parking in consistent with industry standards and best practices	0.05 FTE	Public Board of Commissioners Planning Commission Staff
F. Evaluate and obtain public input regarding participation in FEMA's Community Rating System (CRS) program	0.01 FTE	Public Board of Commissioners Emergency Management Staff



# LAND USE PLANNING FY 2022-23 WORK PLAN

	G. Evaluate and obtain public input regarding becoming a Certified Local Government, to assist with historic preservation efforts	0.01 FTE	Public Board of Commissioners Staff
	H. Provide assistance, as needed, to the North Coast Watershed Association as an in-kind OWEB grant match to complete an interactive web map of watersheds and partner activities	0.02 FTE	North Coast Watershed Assoc. Staff
	I. Recreate permitted and conditional use tables in LAWDUC	0.05 FTE	Public Board of Commissioners Planning Commission Staff

<b>TOTAL STAFF REQUIRED</b>	<b>10.85 FTE</b>
<b>TOTAL NEW EXPENDITURES REQUIRED</b>	<b>\$193,600</b>

BCD: Oregon Building Codes Division  
 DEQ: Department of Environmental Quality  
 DLCD: Department of Land Conservation and Development  
 DOGAMI: Department of Geology and Mineral Industries  
 OCCRI: Oregon Climate Change Research Institute

# CLATSOP COUNTY PROJECT STATUS REPORT



## MARCH 2022

# PROJECT STATUS REPORT – MARCH 2022

PERMIT #	PROJECT NAME	LOCATION	DESCRIPTION	PC MEETING DATE	PC DECISION	BOC MEETING DATES	BOC DECISION	STATUS	EXPIRATION DATE*
20170352	Arch Cape Deli	4N, R10W, Section 30BB, Tax Lots 00601 and 00605, 79330 Hwy 101	Conditional use permit to construct and operate a restaurant/grocery store/flex space with a manager's living quarters	11-14-17	APPROVED WITH CONDITIONS 7-0	N/A	N/A	Demolition and grading permits approved; property line adjustment approved; development and building permits under review	Project is vested; no expiration date
21-000664	Comp Plan Update	N/A	Update of Goals 1-14 and 16-19 of the Clatsop County Comprehensive Plan	10-12-21	<b>GOAL 1:</b> APPROVED WITH AMENDMENTS 5-0	07-13-22 07-24-22		On-going	N/A
				10-12-21	<b>GOAL 2:</b> APPROVED WITH AMENDMENTS 4-1	07-13-22 07-24-22		On-going	N/A
				10-12-21	<b>GOAL 3:</b> APPROVED WITH AMENDMENTS 5-0	07-13-22 07-24-22		On-going	N/A
				10-12-21	<b>GOAL 4:</b> APPROVED WITH AMENDMENTS 5-0	07-13-22 07-24-22		On-going	N/A

# PROJECT STATUS REPORT – MARCH 2022

PERMIT #	PROJECT NAME	LOCATION	DESCRIPTION	PC MEETING DATE	PC DECISION	BOC MEETING DATES	BOC DECISION	STATUS	EXPIRATION DATE*
				11-09-21	<b>GOAL 5:</b> RETURNED TO JOINT PC/CCAC	07-13-22 07-24-22		On-going	N/A
				12-14-21	<b>GOAL 6:</b> APPROVED WITH AMENDMENTS 5-0	07-13-22 07-24-22		On-going	N/A
				2-8-22	<b>GOAL 7:</b> CONT'D TO 3/8/22				
				12-14-21	<b>GOAL 8:</b> APPROVED WITH AMENDMENTS 5-0	07-13-22 07-24-22		On-going	N/A
				2-8-22	<b>GOAL 13:</b> CONT'D TO 3/8/22				

# PROJECT STATUS REPORT – MARCH 2022

PERMIT #	PROJECT NAME	LOCATION	DESCRIPTION	PC MEETING DATE	PC DECISION	BOC MEETING DATES	BOC DECISION	STATUS	EXPIRATION DATE*
				1-11-22	<b>ADUs on Rural Lands</b>	4-20-22 BOC Work Session		On-going	N/A
21-000591	Velazquez Home Occupation	5N, R10W, Section 14DC, Tax Lots 01103  34074 W. Campbell Loop Road	Conditional use permit to legalize an existing home occupation	2-8-22	<b>Motion failed on a 2-2 vote; request was denied</b>	Planning Commission decision appealed to the BOC. Initial review scheduled for March 9		Pending appeal	TBD

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