



CLATSOP COUNTY PLANNING COMMISSION

REGULAR MEETING AGENDA

Tuesday, July 12, 2016

10:00 a.m.

Guy Boyington Building
857 Commercial Street
Astoria, OR 97103

1. CALL MEETING TO ORDER
2. FLAG SALUTE
3. ROLL CALL
4. ADOPT AGENDA
5. 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.
6. MINUTES:
 - Regular Meeting Minutes June 14, 2016 **Page 3**
7. HEARING: Continuation of a quasi-judicial hearing to consider a zoning map amendment from Rural Community Residential to Rural Community Multi-Family Residential on 10.4 acres of land in the Miles Crossing area. Also proposed is a conditional use permit for a ~~468~~ **48**-unit multi-family development. The applicant is Richard Krueger and Bella Ridge Apartments, LLC. The property is identified as T8N R09W Sec30AD TL600, and is commonly known as 92257 Lewis & Clark Rd, Astoria, OR. Staff: Heather Hansen, Community Development Director **Page 9**
8. OPEN DISCUSSION:
This is an opportunity for the commission to discuss topics of interest.
9. ADJOURN

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

ACCESSIBILITY: This meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting by contacting the Community Development Land Use Planning Division, 503-325-8611.

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Minutes of June 14, 2016
Clatsop County Planning Commission
Executive and Regular Session
City of Astoria Council Chambers
1095 Duane Street, Second Floor
Astoria, Oregon 97103

The executive session was called to order at 9:00 a.m. by Chair Francis and concluded at 9:42 a.m.

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

<u>Commissioners Present</u>	<u>Commissioners Absent</u>	<u>Staff Present</u>
Bruce Francis	Cindy Johnsen	Clancie Adams
Kay Foetisch-Robb		Heather Hansen
Robin Risley		Chris Crean
Myrna Patrick		
Thomas Merrell		
Michael Magyar		

Agenda Adoption:

Commissioner Patrick moved and Commissioner Foetisch-Robb seconded to adopt the agenda as presented. Motion passed unanimously.

Business from the Public:

There was no business from the public.

Minutes:

Commissioner Risley moved and Commissioner Magyar seconded to approve the May 24, 2016 Clatsop County Planning Commission Regular Meeting minutes as presented. Motion passed unanimously.

Continuation of the quasi-judicial hearing to consider a zoning map amendment from Rural Community Residential to Rural Community Multi-Family Residential on 10.4 acres of land in the Miles Crossing area. Also proposed is a conditional use permit for a 168 unit multi-family development. The applicant is Richard Krueger and Bella Ridge Apartments, LLC. The property is identified as T8N R09W SEC 30AD TL600 and is commonly known as 92257 Lewis & Clark Road, Astoria, OR. Staff: Heather Hansen, Community Development Director.

No ex-parte contacts were reported at this time.

A conflict of interest was reported by Commissioner Magyar as he is an employee of OTAK and has knowledge of this application. Commissioner Magyar recused himself from this hearing.

No objections to the jurisdiction of the Commission to hear the matter at this time were reported.

Chair Francis re-opened public testimony.

Heather Hansen, Clatsop County Community Development Director.

1 Ms. Hansen provided the commission members with copies of written testimony received after the May
2 24, 2016 meeting.

3

4 **Paul Williams, Chief Deputy Clatsop County Sheriff's Office, 90630 Fort Clatsop Road, Astoria, OR**

5 Mr. Williams spoke on behalf of the Sheriff's Office and expressed concerns regarding the notification
6 process for development impacting law enforcement. He provided information on how high density
7 housing creates significant changes to the Sheriff's Office day to day operations as they are staffed to
8 respond to rural needs, especially in regards to response times and visibility. (Maps were provided
9 indicating the department's current staffing). He also presented concerns regarding adverse traffic impacts
10 on the Miles Crossing intersection.

11

12 **David Noren, Attorney for Applicant, PO Box 586, Hillsboro, OR**

13 Mr. Noren requested the commission leave the record open to provide the applicant an opportunity to
14 respond to any issues raised. He reviewed discussions the applicant and the sanitary/sewer districts had in
15 regards to calculations and analysis that conclude there is sufficient capacity to serve the proposed
16 development and provide future hookups by increasing the capacity of existing storage tanks. He also
17 addressed the intergovernmental agreement between the City of Astoria and the district. He suggested the
18 commission impose a condition of approval that building permits not be issued prior to the district
19 authorizing connection to the development.

20 Mr. Noren addressed the following:

- 21 • Sheriff's Office comments regarding traffic and policing activities around high density development.
22 He noted under the existing zoning that up to 56 single family dwellings would be allowed and feels
23 the proposed development would not dramatically increase activity more than the allowed
24 development under the existing zoning. The proposed project will also provide additional tax base to
25 fund upgrades to law enforcement services.
- 26 • The traffic study concerns have been addressed by ODOT; the analysis indicates the change between
27 the existing and proposed zoning indicates no drop in the level of service.
- 28 • Comprehensive Plan policies were addressed in the submitted zone change criteria.
- 29 • Any conflicts with EFU lands and the presence of farming activity can be addressed with a condition of
30 approval requiring acceptance of farming practices.

31

32 **Dale Barrett, OTAK, 4253A Highway 101 N, Gearhart, OR**

33 Mr. Barrett is confident the water and sewer districts have the required capacity to serve both the
34 proposed as well as future development. He also noted Mr. Krueger has communicated with the sewer
35 district regarding costs to increase storage capacity for the handling of a storm surge event.

36

37 **Mike Weston, Frog Consulting, 469 Lexington Avenue, Astoria, OR**

38 Mr. Weston asked the commission to consider recent FEMA floodplain rules that limit the type of
39 development that can occur in the Miles Crossing vicinity. The sewer district originally contemplated
40 growth in the area taking place behind the dikes. The dikes have since been, or are on the verge of being,
41 decertified which will make development in those areas impracticable and free up capacity for other areas.

42

43 **Kevin Leahy, 3560 Irving Avenue, Astoria, OR**

44 Mr. Leahy is the Director of CEDR and the Clatsop Community College Small Business Loan Center. The
45 biggest issues businesses in the county are facing are housing and an available trained work force. These
46 factors are impeding business growth in our community and this project would be a great move forward to
47 address the housing issue.

48

1 **Richard Lee 92294 Youngs River Road, Astoria, OR**

2 Mr. Lee previously owned the proposed development property and addressed the following:

- 3 • A highway study completed for a 70 acre development including a 105 unit RV park, a grocery store
4 and a housing development stated no adverse effect to Highway 101.
- 5 • A recent medical emergency in the RV park was responded to by law enforcement within five
6 minutes.
- 7 • At a recent Sewer Board meeting it was stated the district is currently losing money and without this
8 development they will be forced to raise rates.
- 9 • The tax base generate from the development will bring in 50 years of development immediately
10 allowing the water district to expand and replace lines and ensuring adequate water.

11
12 **Elena Miller, 35175 Gravel Lane, Astoria, OR**

13 Ms. Miller lives 2.5 miles from the proposed development. The Youngs River Lewis & Clark Water District
14 does not have a count of potential home sites in the district and cannot foresee the number of water
15 meters needed for future development. With the changes in climate and federal and state water guidelines
16 there needs to be assurance to the current users that there will be an adequate water supply in the future.
17 The Water Board Chairman, Fred Mestrich, agreed to this development with complete disregard for current
18 water users and without consulting an engineer. Two of the major Pacific County Rivers are at a record low
19 after one of the rainiest winters on record. City rights to the water above Youngs River Falls, which could be
20 pumped into Barney Creek to supply additional demand, does not appear to be available. Ms. Miller
21 summed up her comments by voicing concern the project will strain the infrastructure of Lewis & Clark and
22 Youngs River and will affect the area for generations to come.

23
24 **Tricia Dunn, 92000 Lewis & Clark Road, Astoria, OR**

25 Ms. Dunn is concerned with class sizes at Lewis and Clark School increasing from the current 28-32
26 students per class. She sees no reason why the zoning should be changed to multi-family when the
27 property will currently support up to 60 single family dwellings and the rezone will change the character of
28 the community dramatically. She also voiced traffic, water and sewer concerns.

29
30 **James Neikes, 34755 Hwy 101 Business, Astoria, OR**

31 Mr. Neikes feels the proposed 168 apartment unit complex is a significant upgrade to the current zoning
32 which allows 30-56 single family dwellings. Jeffers Gardens has hundreds of lots that can be developed but
33 the impacts of the apartment complex may make this impossible due to the sewer capacity being reached.
34 The tax base would be increased significantly more by developing 56 single family homes than by the
35 proposed apartment complex.

36 The water and sewer situations are serious. It has been proposed by the district to collect the systems
37 development fees, allow the development to be built and then upgrade the infrastructure. This approach
38 makes no sense and will cause the whole rural community to suffer for one development.

39
40 **Peter Gates, 35246 Lyngstad Heights Lane, Astoria, OR**

41 Mr. Gates lives about a mile from the development and is especially concerned with traffic issues as the
42 proposed development will be located on a section of road with a blind corner, no sidewalks, no safe
43 pedestrian or bike access, and no current bus service. He also questioned the impact on Lewis and Clark
44 School classrooms and sizes and the possibility of requiring portable classrooms. He also expressed
45 concerns regarding fire protection resources and water infrastructure impacts.

46
47 **Lisa Lindberg, 35383 Schwab Lane, Astoria, OR**

48 Ms. Lindberg expressed concerns regarding the sewer capacity, impacts on future development and the
49 tax burden on the original residents who are six years into paying off a 30 year sewer bond. The amount of

1 tax revenue generation from the development will not cover future expansion costs. The tax rate for those
2 located in the sewer districted doubled due to the sewer upgrade and are the second highest tax levies in
3 the County. The current sewer system has limited capacity and the district is approving using the entire
4 capacity for one development. This does not seem equitable to the rest of the community.

5 Ms. Lindberg also expressed the following concerns:

- 6 • A 2010 traffic proposal was made to construct two roundabouts in the area due to traffic issues at the
7 Miles Crossing intersection which is complex and confusing and will be adversely affected by the
8 proposed development.
- 9 • The development plans are not appropriate for a rural setting as they include no amenities such as
10 open spaces or playgrounds and the proposed parking is inadequate for the location in a rural
11 community.

12
13 **Joan Ferretti, 35139 Gravel Lane, Astoria, OR**

14 Ms. Ferretti lives on Lewis & Clark Road and feels it is a serious thing to rezone a rural single family
15 neighborhood to multi family housing. She feels this is a private commercial enterprise pretending to be a
16 social service. The builder wants it both ways, city water and our water. Ms. Ferretti opposes the rezoning
17 for high density housing as it will set a precedent for future rezoning.

18
19 **Tom Tetlow, 35072 Jefferson Lane, Astoria, OR**

20 Mr. Tetlow stated the decision made by the Planning Commission will impact the community forever. He
21 served on the steering committee when the rural community was formed in 1999, the first in the State of
22 Oregon. At that time there was the option of zoning properties as RCR or RCMF and the community chose
23 to zone their area as Rural Community Residential. The sewer system was designed to service single family
24 homes not high density housing. The district is six years into a 30 year bond on a sewer system that was
25 designed to operate 30 to 50 years servicing single family homes not high density development.

26 Mr. Tetlow served on the sewer district for 16 years and the district is not anti-development. The
27 property is already approved for 36 single family homes and could actually accommodate 50 or 60. He
28 asked the commission to make a decision based on the expectations of the community and what the
29 people have supported for the last 30 years.

30
31 **Randy Trevillion, 89526 Elkhorn Drive, Astoria, OR**

32 Mr. Trevillion served on the local water board for 25 years and questioned the amount of available water.
33 During his time on the board, there were at least two engineering studies conducted to determine future
34 water availability. Multiple factors were considered as the Lewis and Clark River and Barney Creek have
35 approximately 40 acres of watershed. The actual watershed is located on private forest lands which when
36 harvested will result in less water retention until it refoiliates. Inquiries to the City of Astoria regarding the
37 possibility of purchasing one cubic foot of Astoria's water rights above Youngs River Falls were never
38 responded to. At the most recent water meeting the board indicated they have not done any engineering
39 on current water availability for the area.

40 Mr. Trevillion read the submitted traffic study and noted a worst case scenario was not presented as the
41 parcel proposed for development isn't currently zoned high density. There could be a 42% traffic increase
42 on that portion of the road. The school's current policy is "everyone rides the bus" including kids living
43 across the street from the school, making the proposed footpath unnecessary.

44
45 **Dale Barrett, OTAK**

46 Mr. Barrett addressed the water capacity and moratorium that went on in the Lewis & Clark service
47 district area. Those moratoriums took place due to inadequate storage capacity. This development requires
48 water for fire plugs more so than water for drinking water, washing, etc. The water districts increased their
49 storage capacity with a new, million gallon tank located above the Lewis and Clark School. They also

1 upgraded some of the water lines. Those applying for land divisions prior to the upgrades would not have
2 had capacity which resulted in a moratorium on hookups but this is no longer the case with the upgraded
3 tank.

4 Mr. Barrett also addressed fire concerns, stating there will be a fire suppression system in each of the
5 buildings as well as sprinklers as required by building codes. Warrenton and Astoria fire districts provide
6 backup for large fires which includes equipment, trucks and personnel.

7
8 **David Noren,**

9 Mr. Noren feels a condition of approval limiting the number of apartments allowed in Phase II would
10 address the sewer and water capacity concerns.

11
12 **Paul Williams, Chief Deputy Clatsop County Sherriff's Office**

13 Mr. Williams stated the sheriff is not opposed to development in the area but adding that a 168 unit
14 apartment complex is going to increase the pressure on the Miles Crossing intersection. The traffic issue is
15 serious and needs to be addressed especially with regards to the school and the already congested early
16 morning commute.

17
18 **Heather Hansen Community Development Director**

19 Ms. Hansen reminded the commission that the bulk of the comments addressed water and sewer issues
20 and they need to be addressed by the appropriate districts, not the commission or county staff. The
21 transportation impact study was reviewed by the ODOT Senior Transportation Analyst/Engineer using the
22 state methodologies and concluding the incremental increase of the proposed development didn't trigger
23 their mitigation thresholds.

24
25 ***Chair Francis closed public testimony and continued the hearing for final deliberation to the July 12th***
26 ***meeting, allowing written evidence and argument to be submitted for seven days closing on June 21st, an***
27 ***additional seven days for response to new evidence closing on June 28th. After June 28th the record is***
28 ***closed to any outside evidence and the applicant will be given another seven days for rebuttal and final***
29 ***written argument close of day July 5th, no new evidence allowed. The applicant agreed to extend the 150***
30 ***days by 30 days.***

31
32 ***Chair Francis called for a recess at 11:46 a.m. and reconvened at 11:57 a.m.***

33
34 **Other Business:**

35
36 Commissioner Merrell opened a discussion regarding the public involvement and education process.
37 Discussion ensued.

38
39 Heather Hansen provided information on the recruitment process for the vacant senior planner position
40 in Community Development. The county will be advertising for a Principle Planner in order to draw a more
41 qualified pool of applicants hopefully with backgrounds working in rural and coastal areas.

42
43 Heather Hansen updated the commission on the applicants and upcoming appointments for the vacant
44 planning commission seats. Commissioner Foetisch Robb advised she will not be applying for appointment
45 at the end of her term.

46
47 ***As there was no further business or discussion, Chair Francis adjourned the meeting at 12:18 p.m.***
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Respectfully Submitted,

Bruce Francis
Chairperson - Planning Commission

DRAFT



Clatsop County

Community Development-Planning
800 Exchange St., Suite 100
Astoria, Oregon 97103
www.co.clatsop.or.us

Phone (503) 325-8611
Fax (503) 338-3666

ADDENDUM to Staff Report Permit #20160076/77

ADDENDUM DATE: July 5, 2016 (to May 17, 2016 Staff Report)

HEARING: Clatsop County Planning Commission, July 12, 2016

APPLICATION:

1. Zoning Map Amendment, Rural Community Residential (RCR) to Rural Community Multi-Family Residential (RC-MFR)
2. MODIFIED Conditional Use Permit for 48 units (Phase 1 only). Any additional apartment buildings would require a separate conditional use review by the Planning Commission.

APPLICANT/OWNER: Bella Ridge Apartments, LLC (Richard Krueger)

AGENT: Frog Consulting, LLC (Mike Weston)

DEEMED COMPLETE: April 25, 2016 (150-days-September 22, 2016; extended to October 22, 2016)

PROPERTY DESCRIPTION: Township 8N, Range 09W, Section 30AD, Tax lot 600
Zoning: RCR- Rural Community Residential
Current Plan Designation: Development

PROPERTY LOCATION: 92257 Lewis & Clark Road, Astoria, OR 97103

PROPERTY SIZE: 10.4 Acres

COUNTY STAFF: Heather Hansen, Community Development Director

EXHIBITS:

- I. Written Testimony Submitted at May 24, 2016 Hearing
- II. Written Testimony Submitted at June 14, 2016 Hearing
- III. New Written Evidence Submitted by June 21, 2016 Deadline
- IV. Response to New Written Evidence Submitted by June 28, 2016 Deadline
- V. Applicant's Final Argument
- VI. Amended Conditions of Approval

RECOMMENDATIONS: Zoning Map Amendment - **Approval**
Conditional Use Permit - **Approval, subject to conditions.**

A. SUMMARY

On May 24, 2016, the Planning Commission held its first public hearing when the staff report was presented, public testimony was heard, and written testimony was taken. The record was closed and the hearing was continued to June 14, 2016. At the June 14 hearing, the record was reopened, more public testimony was heard, and written testimony was taken.

On June 14, a request was made by the applicant to leave the record open and continue the hearing to July 12. The Planning Commission agreed to leave the record open 7 additional days so that all parties were allowed to submit additional written evidence (June 21), an additional 7 days to respond in writing to any additional evidence that came in (June 28), and that the applicant be allowed an additional 7 days to submit final written argument (July 5). The applicant agreed to extend the deadline for a final decision by 30 days. The Planning Commission continued the hearing to July 12, 2016. The record is closed.

In response to further discussion with the Miles Crossing Sanitary Sewer District and to concerns from the community, the applicant is limiting the application to the 48 units in Phase 1 only. Any further apartment development would be required to go through a new conditional use process, including a new hearing before the Planning Commission.

B. WRITTEN TESTIMONY (Exhibits I, II, III, IV)

There were 183 pages of written testimony submitted. The complete list can be found in Exhibits I-IV. The comments are referenced by the Exhibit number.

1. Applicant

II-C. David Noren, Applicant's attorney: Requested that the Planning Commission reopen the record and continue the hearing to July 12th.

STAFF RESPONSE: The record was reopened and continued as requested.

II-G. David Noren, Applicant's attorney: Suggested a condition of approval that only the first two phases be constructed based on current capacity, and that the third phase shall not be constructed until the sewer district has expanded capacity of its storage tank with the approval of the City of Astoria and DEQ.

STAFF RESPONSE: None.

III-K. David Noren, Applicant's attorney: Included letter and maps from Mike Weston regarding development capacity in the area and how the sewage capacity would be provided in phases over time.

STAFF RESPONSE: None.

III-L. David Noren, Applicant's attorney: Included copy of IGA between City of Astoria and the sewer district; a letter from Ken Cook, City of Astoria Public Works Director (also submitted separately -- see III-I under Public Agencies); a letter from Mike Pinney, DEQ (see II-L-3 under Public Agencies); and a letter from Richard Scott, Miles Crossing Sanitary Sewer District (see II-L-4 under Service Districts).

STAFF RESPONSE: None.

III-M. David Noren, Applicant's attorney: Included letter from Bill Mitchell, Water District Superintendent, regarding water system line size and pressure at the subject site (see III-M-1 under Service Districts); and a letter from Adam Dailey, Senior Civil Engineer Otak regarding reserve water capacity assuming project is built.

STAFF RESPONSE: Establishes that water capacity is adequate.

III-O. David Noren, Applicant's attorney: Letter changing CUP application/request to include the 48 units in Phase 1 only. A condition of approval is proposed to include a dog park for residents within the 100-year floodplain that would be approximately 30 feet x 250 feet.

STAFF RESPONSE: The application has been reduced to the 48 units in the first phase only. This addresses the majority of applicable concerns raised; the remainder are addressed through existing and new proposed conditions of approval (See Exhibit VI).

IV-A. Laurie Willey, Community Manager, Krueger Property Management, submitted a copy of their rental application.

STAFF RESPONSE: None.

2. Public Agencies

I-A. Michael Summers, Public Works Director, Clatsop County, re: Traffic Impact Study: Letter concurs with the traffic impact analysis, which indicates that the level of service for the study intersection will remain at acceptable operation levels post construction of the proposed project, though he does note that sight distance will need to be remedied at both driveways during the design and construction process in order to ensure adequate sight distance for vehicles.

STAFF RESPONSE: Condition of Approval #8 requires that construction of the driveways be reviewed and approved by the Public Works Director.

I-B. Michael Summers, Public Works Director, Clatsop County, re: Access and Internal Circulation: Letter notes that internal circulation is sufficient, yet there are areas of excess pavement that could be reduced in the final design phase. He recommends that the project site engineer use fire truck turning templates and other vehicle templates to assess the necessity of various pavement expanses. He also notes that the fire marshal shall be contacted to ensure there is adequate fire truck access to the rear of all buildings as necessary. Specifically Buildings #1, 2, 3, 6, 7 should be reviewed for appropriate fire access as there is not a planned access way in the rear of these buildings.

STAFF RESPONSE: Condition of Approval #7 requires that the commercial site plan be reviewed and approved of the local fire chief.

I-C. Keith Blair, Senior Transportation Analyst, ODOT Region 2: Keith Blair notes that the revised traffic impact study addresses the deficiencies outlined in his previous comment letter. No further analysis work is required. The revised study finds the increase in traffic is not significant and, therefore, no mitigation measures are required. ODOT concurs with this finding.

STAFF RESPONSE: None.

III-I Ken Cook, Public Works Director, City of Astoria: Letter describes the City and Sewer District's IGA related to storage capacity to address combined sewage overflow.

STAFF RESPONSE: None

III-L-3 Michael Pinney, DEQ (submitted by David Noren): Letter summarizes DEQ's role in permitting the City of Astoria's treated wastewater discharge and combined sewer overflow.

STAFF RESPONSE: None.

3. Service Districts

I-E. Craig Hoppes, Superintendent, Astoria School District: Letter in support of the project. States it could be a great benefit to the enrollment within the school district, which continues to have declining enrollment. The superintendent feels that part of the decline is due to lack of affordable housing. Mentions collaborative effort to provide walking trails to school.

STAFF RESPONSE: None.

- I-J. Tom Bergin, Sheriff, Clatsop County: Letter states that Sheriff is neutral regarding the development, though he raises concerns about traffic and pedestrian safety, impact on law enforcement, and lack of opportunity to comment sooner.

STAFF RESPONSE: None.

Richard Scott, Miles Crossing Sanitary School District

- II-D. 6/13 letter: Indicates the Board's decision regarding the proposed 168 units was put on hold until July 5th.
- III-L-4 6/17 letter (submitted by David Noren): Indicates tentative approval for Phase 1 only and that the District is delaying approval of Phases II and III until an impact study of the effects of Phase I can be conducted. Also notes that the SDCs and monthly fees the applicant will pay for each apartment.
- IV-B. 6/27 letter: Formal retraction of approval granted on 6/17 pending further discussion with the Board and input from local residents.

STAFF RESPONSE: New Condition of Approval #10 requires approval by the Sewer District to be granted prior to issuance of a development permit for site preparation or construction activities on the site.

Bill Mitchell, Superintendent, Miles Crossing Sanitary Sewer District

- II-F. 6/14 letter indicates that Mr. Mitchell reviewed the current capacity in their system and the projected increase resulting from the proposed 168-unit apartments and found that there is sufficient capacity and an additional 80 Equivalent Dwelling Units before the system reaches its daily capacity per the IGA with the City of Astoria.

STAFF RESPONSE: New Condition of Approval #12 states that the approval before the Planning Commission is solely for the 48 units as proposed in Phase 1. Any additional apartments would require a new conditional use review by the Planning Commission.

- III-M-1 6/21 letter describes the type, size, and pressure for water service to the proposed development.

STAFF RESPONSE: None.

- III-A. Paul Williams, Chief Deputy, Clatsop County Sheriff's Office: Email notes that the tax rate for Rural Law Enforcement is .7195, so for every \$300,000 in assessed value, the District receives \$215.85.

STAFF RESPONSE: None.

- III-B. Jeff Rusiecki, Emergency Communications Manager, City of Astoria Police/911: The email raises concerns that the proposed height of the apartment buildings may obstruct communications between the tower and microwave dishes co-located on the adjacent school property and other sites in their communications network.

STAFF RESPONSE: The maximum height of structures under the current zoning is the same as the proposed zoning – 35-feet, i.e., houses can already be built to 35-feet in height. A New Condition of Approval #13 requires that the Applicant provide the County with confirmation that construction of the two apartment buildings will not interfere with the emergency network's line of sight or other facilities.

4. Letters Regarding Regional Workforce Housing Shortage

- I-A. Arlene LaMear, Mayor, City of Astoria

- I-F. Skip Hauke, Executive Director, Astoria-Warrenton Chamber of Commerce

I-G. Kevin Leahy, Executive Director, CEDR

STAFF RESPONSE: These letters address the need for a mix of housing types and affordability per policies under Goal 10-Population and Housing.

5. **Planning Consultant**

On June 20, 2016 the Clatsop County Planning Commission received two memoranda from Beth La Fleur, a Planning Consultant representing project area residents. The memoranda opposed both the conditional use permit application for an apartment complex (Exhibits III-G), and the map amendment (rezone) from single family to multi-family (Exhibit III-H). The memoranda roughly address the following criteria:

Exhibit III-G	Exhibit III-H
<ul style="list-style-type: none">• Section 3.118• Section 5.015• Section 5.025	<ul style="list-style-type: none">• Section 5.412(1),(2)• Section 5.412(3)• Goal 10(1), (4), (8)• Goal 11 (3),(9)

For clarity in our response, the County will address each criterion identified in the memoranda, responding to particular concerns raised under each.

III-G. Beth LaFleur, Planning Consultant, memo regarding the Conditional Use Application

STAFF RESPONSE:

Section 3.118

Section 3.118 (Development and Use Standards) states that certain standards are applicable to permitted and conditional developments in this zone. Subsection 3 sets forth that lot size for conditional developments are required to be based upon three factors, including the site size needed, the nature of the proposed use in relation to the impacts on nearby properties, and consideration of existing criteria and standards relating to sanitation requirements, water supply, and local setbacks.

Under this criterion, the memo expresses concerns that there is no open space on the property, the property has inadequate turn arounds for fire vehicles, lacks the required parking spaces, lacks adequate bike facilities, and lacks of transportation options. To address these concerns in turn: The proposal does include open space, including a large open space along the eastern boundary where the wetland habitat exists.

Condition of Approval #7 requires the applicant to submit the commercial site plan to the Fire Chief for approval of the design of fire access, turn-arounds and vehicle clearance; Condition of Approval #4 requires the applicant to construct no less than 252 parking spots; Condition of Approval #9 requires the applicant to construct a multi-use pathway suitable for bicycles.; and the proposal includes a community bus stop adjacent to the property to link the property with transportation options.

The memo also sets forth concerns that are addressed under III-H below, such as the availability of public facilities.

Section 5.015(2)(A), (C), and (D)

Section 5.015(2) states, "In addition to the other applicable standards of this ordinance, the hearing body must determine that the development will comply with the following criteria to approve a conditional development and use.

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

- (B) *The proposed use meets the requirements and standards of the Clatsop County Land and Water Development and Use Ordinance (Ordinance 80-14).*
- (C) *The site under consideration is suitable for the proposed use considering:*
 - 1) *The size, design, and operating characteristics of the use, including but not limited to off-street parking, fencing/buffering, lighting, signage, and building location.*
 - 2) *The adequacy of transportation access to the site, including street capacity and ingress and egress to adjoining streets.*
 - 3) *The adequacy of public facilities and services necessary to serve the use.*
 - 4) *The natural and physical features of the site such as topography, natural hazards, natural resource values, and other features.*
- (D) *The proposed use is compatible with existing and projected uses on surrounding lands, considering the factors in (C) above.*

The memo also addresses concerns regarding lighting and landscaping. The applicant has expressed a willingness to comply with all conditions of approval regarding the location and intensity of outdoor lighting and landscaping.

The memo once again states concerns with regard to traffic impact, stating that “calculating numbers is one way to measure traffic capacity, but on-the-ground observation of the reality is another.” The Traffic Impact Study was conducted by Lancaster Engineering, registered professional engineers, and the study meets the code requirements. No competing study was conducted by opponents to this application, and as such, the TIS provided by the applicant is the evidence that must be considered by the Planning Commission. See *Oberdorfer v. Harney County*, 64 Or LUBA 47 (2011) (“A petitioner’s unsupported opinion . . . does not undermine the expert evidence . . .”)

Concerns raised regarding the validity of the service provider letters have been addressed below. The Planning Commission has been given no reason to believe the letters are not valid, or do not conform to requirements for certification of provision of service.

Section 5.025 sets forth Requirements for Conditional Development and Use.

The memo does not bring up any unaddressed concerns under this criterion. All requirements listed in Section 5.025 have been addressed by the applicant, or are listed as Conditions of Approval, and as such are not reiterated here.

III-H. Beth LaFleur, Planning Consultant, memo regarding the Rezone Application

STAFF RESPONSE:

Section 5.412(3)(A-1)

Section 5.142(3) states that the governing body must approve a non-legislative zone designation change if it finds compliance with Section 1.040, and all of the following criteria:

- (3) *The property in the affected area will be provided with adequate public facilities and services including, but not limited to:*
 - (A) *Parks, schools and recreation facilities*

The memo expressed concerns that the District’s letter of support does not address its ability to handle the influx of new students and as such it does not adequately show it meets the criteria under Section 5.412(3)(A). The letter of support from the school district attributes its challenges to

“declining enrollment,” and welcomes the influx of students as a “great benefit.” Based on the District’s testimony, we find this criterion to be met.

Moreover, ORS 195.110(13) only allows a city or county to deny an application for residential development based on a lack of school capacity if it meets three criteria, one of which requires the District to raise the issue. Because the school district has not raised the issue the application cannot be denied on the basis of school capacity.

In addition, the memo suggests the proposed development does not have sufficient sidewalks or access to recreational facilities and parks. As the application provides, the subject property will contain sidewalks, bike parking, and a multi-use path to Lewis and Clark School. The school contains a park and ball fields. That the School District and not the County maintains the schoolyard has no impact on whether the development has adequate public facilities. The school district is a public entity.

(B) Police, fire protection and emergency medical services

The memo questions whether the documentation from the fire and police services are “valid.” The application contains a letter from the Lewis & Clark Fire Chief expressing—not only that he supports the project—but also that the Fire District will serve the new community. The Fire Chief had no concerns regarding increased service levels. Paul Williams, Chief Deputy Clatsop County Sheriff’s Office testified that the Sheriff’s office does not oppose the development.

(C) Solid waste collection

The memo notes that the applicant did not provide service availability documentation from a solid waste collection agency. The Staff Report from May 17, 2016 provides that Western Oregon Waste will provide solid waste collection.

(D) Water and wastewater facilities

The memo questions whether the proposed site would have adequate water and wastewater facilities. The application contains a letter from the Superintendent of the Young’s River Lewis & Clark Water District indicating the water district has “enough water to accommodate” the proposed development.; 6/21/16 letter from Young’s River Lewis & Clark Water District; 6/21/16 Letter from Adam Daily. This demonstrates there are adequate public facilities for water.

Regarding wastewater, the applicant suggested the Commission impose a Condition of Approval requiring the applicant to provide “will serve” approval from the Sewer District (See NEW Condition of Approval #10).

(E) The applicant shall demonstrate consistency with Transportation Planning Rule, specifically by addressing whether the proposed amendment creates significant effect on the transportation system pursuant to OAR 660-012-0060. If required, a Traffic Impact Study (TIS) shall be prepared in accordance with Section 5.350

The memo raises some concerns about the validity of the analysis provided by the Transportation Impact Study (TIS) regarding whether the proposed development will have significant effects on the transportation system. The applicant demonstrated the proposed development does not create any significant effects on the transportation system.

The applicant submitted a TIS consistent with section 5.352 and OAR 660-012-0060 finding the proposed development would have no significant effects on the transportation system. The Oregon Department of Transportation and the County’s Public Works Department concurred.

The Memo states the study was “misleading” because it did not contain a variable to address the “worst case scenario” for the proposed zone change. When making its findings, the TIS analyzed the actual impacts of the proposed use, not just the “worst case scenario” based on outright permitted uses. As the study notes, when analyzing the potential impact for zone changes, the study examines the “reasonable worst case development scenario” consisting of the highest-intensity use or combination of uses permitted outright under the proposed zone. However, in this case the proposed development of 168 is not a use permitted outright, but a conditional use. Since conditional uses are evaluated on a case-by-case basis, there is no reasonable “worst case scenario.” Instead, the study evaluated the actual impact of the 168 units.

Finally, there is no requirement under state law to examine the worst case scenario; state law requires an examination if the proposal will “significantly affect” a transportation facility. OAR 660-012-0060. As stated above, the TIS found the actual impact for the proposed 168 apartment units would have no significant effects and ODOT concurred. This finding is sufficient to meet the criterion.

(F) The proposed change will not result in over-intensive use of the land, will give reasonable consideration to the character of the area, and will be compatible with the overall zoning pattern.

Although the memo combines much of its arguments regarding criteria (F)-(I), it appears to contend that this criterion is not met because the County did not give “reasonable consideration” to the area and it is not compatible with the overall zoning. The application contains sufficient evidence that the proposed development did give consideration to the character of the area and will be compatible with the overall zoning pattern.

The proposed development is located between two urban growth boundaries, and is surrounded by commercial, single family residential, an elementary school and land zoned EFU, which has been committed to a non-agricultural use, a golf course, for 10 years. The proposed development is in the vicinity of minor and major arterials which provide easy access to urbanized areas. As such, the applicant provided information demonstrating that RC-MFR zoning would be compatible with the character of the area.

Regarding the overall zoning pattern, as the Housing Needs Analysis articulates, the County is in great need of rental housing, and apartments in particular. Not only is there a substantial need in Clatsop County, there are few parcels that are economically feasible to develop into workforce housing. The applicant provided sufficient evidence that the proposal would address the County’s housing needs and therefore is compatible with the overall zoning pattern.

(G) The proposed change gives reasonable consideration to peculiar suitability of the property for particular uses.

The memo does not raise concerns under this criterion not addressed elsewhere.

(H) The proposed change will encourage the most appropriate use of land throughout Clatsop County.

The memo contends established land use zones create predictability in growth and development pattern and should not be changed based on “special interest.”

The RCR may have been an appropriate land use designation when it was originally applied to the property; however, comprehensive plan and zoning maps are considered living documents, subject to change with the community’s needs. In this case, a Housing Needs Analysis identified a

considerable unmet demand for housing, which is particularly pronounced in the rental market. This proposed development directly addresses the community's unmet demands for workforce housing.

The Housing Needs Analysis found Clatsop County lacked multi-family developments. Likely both causing and exacerbating the problem, most of the identified sites for multi-family zoning cannot be developed at cost levels that are justifiable by current market rental levels. In other words, the lands elsewhere available for multi-family developments in the area are difficult and expensive to develop and therefore cost-prohibitive to develop into affording housing.

There is no requirement in the code, as the memo suggests, that areas zoned RC-MFR must have been historically developed with "mobile home parks, manufactured home parks, and multi-family housing." Moreover, this language is from the RC-MFR zone purpose statement, which is not a valid criterion for consideration by the Planning Commission.

Additionally, the memo contends the proposed development does not contain access to mass transit. The applicant is proposing to provide a community bus stop for residents of the apartment complex in an effort to encourage intermodal transportation. The applicant has coordinated with Sunset Empire Transportation District in an effort to provide a bus stop adjacent to the subject property.

The memo incorrectly states that the proposed property is surrounded by low density residential development and Exclusive Farm Use land. In fact, the area is a mix of commercial, industrial, rural residential and EFU land currently being used as a golf course. The memo also incorrectly states that there are no nearby parks or recreation facilities, no sidewalks and no mass transit access available. The proposed development abuts a school with recreation facilities and is connected via a multi-use pathway. Condition of Approval #9. The proposed development includes sidewalks and a bus stop to provide access to mass transit.

(1) The proposed change will not be detrimental to the health, safety and general welfare of Clatsop County.

The applicant demonstrated that the proposed development will have all the required utilities and services necessary for a safe and healthy community, with the exception of a "will serve" letter from the sanitary sewer system, which will be required as a Condition of Approval (See NEW Condition of Approval #10). The applicant also established that proposed development would address a paucity in the housing stock – workforce housing. With more workforce housing, there will be enough students to keep schools open, more economic activity, and more available employees, among other benefits.

Goal 10(1)

The memo states the application fails to provide findings that public facilities are available. As discussed above, the applicant has provided the necessary documentation regarding the provision of public facilities such as police, fire, parks and recreation.

The memo suggests that the application does not minimize conflicts with agricultural uses. As the applicant demonstrated, the subject site is on land currently zoned residential, adjacent to residential and commercial zones, and shares a property line with an elementary school. The adjacent land zoned EFU is developed as a golf course. The only resource land near the proposed development is to the east and buffered from the development by a wetland area. The proposal should have no impacts on current and future uses of the EFU zoned property.

Goal 10(4)

The memo posits again in its analysis of Goal 10(4) that the proposed development will interfere with agricultural uses. The memo does not identify any code criteria against which the argument can

be considered. The memo notes that this property is currently zoned for residential use. As such, the surrounding area has already been deemed compatible with residential uses. This argument is addressed above under Goal 10(1), 5.412(3)(H), (F).

Goal 10(8)

The memo contends the staff ignores the proposed development is adjacent to EFU land. The substance of this argument is addressed above under Goal 10(1). However, Goal 10(8) requires that Clatsop County “shall make provisions for housing in areas designated for Rural, Urban Growth Boundaries, and Rural Services Areas which provide variety in location, type, density and cost where compatible with development surrounding the land.” To address this mandate, the County ensures the overall housing stock addresses the community’s needs.

As stated previously, most of the developable land within the area is not suitable for affordable, workforce multi-family development because of natural hazards and rough topography. As a result, there are few properties available to meet the goal of providing a variety of densities and costs. This land can supply a variety of density and cost lacking from the region.

As the Housing Needs Analysis makes clear, the market area is in dire need of lower income workforce rental properties to address existing and future demands. The market analysis completed when this property was originally zoned RCR failed to recognize that due to the topographical challenges and natural hazards, the buildable lands supply for affordable workforce multi-family housing in the area was extremely limited. Therefore the fact that RCR was an appropriate zoning more than a decade ago does not reliably indicate it is the most—or only—appropriate zone today.

Goal 11 (3), (9)

The memo states again that the application fails to provide evidence that public facilities are available. As discussed above, the applicant has provided the necessary documentation regarding the provision of public facilities such as police, fire, parks and recreation.

As stated previously, the Young’s River Lewis & Clark Water District provided a letter stating it “has enough water to accommodate for the extra meters . . . needed for [the] development.” Discussion of provision of sewage capacity is discussed above.

- IV-C. An additional memo was submitted on June 28, 2016 in response to new written evidence (Exhibit IV-C)

STAFF RESPONSE: The memo purports that if the property is rezoned and the first phase is approved then approval of future phases is inevitable. This is not true. The applicant would need to resubmit a Conditional Use application that would go before the Planning Commission and there would be public hearings. The application would be reviewed on its merits against the review criteria, including whether there is adequate sewer capacity.

The memo also reiterates that the location is not appropriate for a multi-family zoning and apartments. The proposed RC-MFR zone is intended for rural communities where public facilities such as sewer, fire protection and water are available.

6. Public/Property Owners/Residents

Written materials also were submitted by residents and property owners in the vicinity of the proposed development. The issues raised are summarized below. The staff response to each issue is included after the table to avoid redundancy.

or (*emphasis added*) were historically developed with mobile home parks, manufactured home parks, and multi-family housing. The RCR-MFR zone could not be applied in 2003 because sanitary sewer was not available in the area.

The property is surrounded by a golf course, commercially-zoned properties, a school, and property zoned RCR. And given that adequate services are available to serve the property, it is one of the few suitable sites for multi-family development in the area.

A NEW Condition of Approval #14 requires the addition of a 10-foot wide landscape strip along Lewis & Clark Road to provide an attractive mix of shrubs and privacy hedges.

Other:

- The lack of amenities onsite has been addressed through NEW Condition of Approval #11.
- Adjacent EFU land is a golf course. Existing farming and ag activities are protected by Oregon's Right To Farms laws.
- Goal 10 is an applicable Statewide Planning Goal in all areas of the State.

C. ORAL TESTIMONY

After reviewing the minutes of the May 24 and June 14 hearings, there was no oral testimony related to the review criteria that is not addressed in this Addendum to the Staff Report.

D. APPLICANT'S FINAL ARGUMENT (Exhibit V)

The Applicant's final argument is based on evidence in the record and issues raised at the two Planning Commission hearings, and during the open record period that ended on June 28, 2016. The Applicant concludes that the property has adequate public facilities and services available to serve the site and otherwise complies with the criteria for a Conditional Use Permit to develop the 48-unit apartment project with conditions, and with the criteria for a zone change from RCR to RCR-MFR.

STAFF RESPONSE: See the following Section E. Conclusion and Recommendation.

E. CONCLUSION AND RECOMMENDATION

The applicant modified the Conditional Use application to include only Phase 1 – two 24-unit apartment buildings. The findings of fact and conclusions from the staff report are still valid. The relevant concerns and issues raised have been addressed through conditions of approval.

Based on the analysis and findings of the staff report and this addendum, staff has determined that the zoning map amendment meets the applicable criteria and the conditional use permit meets the criteria with conditions of approval. Therefore, staff recommends that the Planning Commission adopt the findings of fact of the May 17, 2016 staff report and this Addendum, including the amended conditions of approval (also attached as Exhibit VI), and approve the zoning map amendment and the conditional use permit subject to the conditions of approval in Exhibit VI.

F. AMENDED CONDITIONS OF APPROVAL (Exhibit VI)

A complete list of Conditions of Approval are presented in Exhibit VI. The following list includes only those that were amended or added.

AMENDED Condition of Approval #2: Prior to the issuance of a development permit that authorizes the commencement of site preparation and construction activities on the site, the Applicant shall obtain approval of a Commercial Site Plan that complies with relevant conditions of approval. The site plan

shall **be reviewed by a Type I procedure and shall** address the applicable requirements identified throughout the **May 17, 2016 staff report and July 5, 2016 Addendum**.

AMENDED Condition of Approval #4: The Applicant shall construct no less than ~~252~~ **72** parking spaces in accordance with S2.210, Design Requirements of Off-Street Parking. ~~Seven~~ **Three** of the spaces shall be accessible and ~~one~~ **two** of those shall be designated "wheelchair only". ~~The accessible and wheelchair only spaces shall be equally distributed at each of the seven buildings.~~ All parking spaces shall be identified on the parking plan that is to be included with the commercial site plan and shall meet design requirements of S2.210. ~~Parking may be installed in accordance with each phase of the development.~~

AMENDED Condition of Approval #5: The Applicant shall construct no less than ~~26~~ **10** bicycle parking spaces ~~distributed as equally as possible at each of the seven buildings.~~ The commercial site plan shall indicate the locations of the bicycle parking.

AMENDED Condition of Approval #8: Prior to the final Building Inspection ~~for each phase,~~ the Public Works Director shall review and approve the construction of all driveways and parking areas.

NEW Condition of Approval #10: **Prior to issuance of a development permit that authorizes the commencement of site preparation or construction activities on the site, the Applicant shall provide the Clatsop County Community Development Department with proof that the Miles Crossing Sanitary Sewer District Board has approved connection to its system for the 48-unit development.**

NEW Condition of Approval #11: **The portion of the southeast corner of the property within the 100-year floodplain shall be designated on the commercial site plan as a play area and recreation area to be maintained by the apartment manager, including a mowed open area and a covered picnic shelter for at least two picnic tables.**

NEW Condition of Approval #12: **This approval is solely for two 24-unit apartment buildings as proposed in Phase I. Additional multi-family development on the property, if any, must be reviewed as a new conditional use application that will go before the Planning Commission.**

NEW Condition of Approval #13: **Prior to issuance of a development permit that authorizes the commencement of site preparation or construction activities on the site, the Applicant shall provide the Clatsop County Community Development Department with confirmation that construction of the two apartment buildings will not interfere with the emergency network's line-of-sight or other facilities.**

NEW Condition of Approval #14: **A 10-foot wide landscaped area along Lewis and Clark Road shall be included on the commercial site plan. The area will provide a mix of visually attractive shrubs and privacy hedges that will be maintained by the apartment manager.**

NEW Condition of Approval #15: **On the commercial site plan, an overflow parking area with a gravel surface for up to 30 passenger vehicles will be provided. The overflow parking should include a restriction on storage of boats and recreational vehicles.**

EXHIBIT I. Written Testimony Submitted at or before May 24, 2016 Hearing

- A. Michael Summers, Public Works Director, Clatsop County, 3/29/16 letter re: Traffic Impact Study
- B. Michael Summers, Public Works Director, Clatsop County, 3/29/16 letter re: Access and Internal Circulation
- C. Keith Blair, PE, Senior Transportation Analyst, ODOT Region 2, 5/9/16 letter re: Traffic Impact Study
- D. Arlene LaMear, Mayor, City of Astoria, 2/29/16 letter
- E. Craig Hoppes, Superintendent, Astoria School District, 1/16/16 letter
- F. Skip Hauke, Executive Director, Astoria-Warrenton Chamber of Commerce, 3/1/16 letter
- G. Kevin Leahy, Executive Director, CEDR, 2/24/16 letter
- H. Betty Cunningham, Resident, letter received 5/23/16
- I. Joan Ferretti, Resident, letter received 5/23/16
- J. Tom Bergin, Sheriff, 5/23/16 letter
- K. Bill Cook, resident, letter received 5/24/16
- L. Jim Neikes, resident/property owner, materials submitted 5/24/16
- M. Jackie Riekkola, resident, letter submitted 5/24/16
- N. Tom Tetlow, resident, materials submitted 5/24/16



PUBLIC WORKS

MEMORANDUM

To: Richard Krueger, Applicant
Michael Ard, Lancaster Engineering
Adam Daily, Otak

From: Michael Summers, Public Works Director

CC: Jennifer Bunch, Senior Planner

Date: March 29, 2016

Subject: Bella Ridge Apartments – Traffic Impact Study

I have reviewed the Bella Ridge Apartments Traffic Impact Study dated January 24, 2016, prepared by Lancaster Engineering. I concur with the traffic impact analysis for the Bella Ridge Apartments. The study indicates that the level of service for the study intersection will remain at acceptable operational levels post construction of the project.

Sight distance will need to be remedied at both driveways during the design and construction process in order to ensure adequate sight distance for vehicles.



PUBLIC WORKS

MEMORANDUM

To: Richard Krueger, Applicant
Adam Daily, Otak

From: Michael Summers, Public Works Director

CC: Jennifer Bunch, Senior Planner

Date: March 29, 2016

Subject: Bella Ridge Apartments – Access and Internal Circulation

I have reviewed the Bella Ridge Apartments – preliminary layout dated January 11, 2016 for preliminary access and circulation for the project. The internal circulation is sufficient, yet there are areas of excess pavement that could be reduced in the final design process. I recommend the project site development engineer use some fire truck turning templates and other vehicle templates to assess the necessity of various pavement expanses.

The fire marshal shall be contacted by this project to ensure there is adequate fire truck access to the rear of all of the buildings as necessary. Specifically buildings #1, 2, 3, 6, 7 should be reviewed for appropriate fire access as there is not a planned access way in the rear of these buildings.



Oregon

Kate Brown, Governor

Department of Transportation

Region 2 Tech Center
455 Airport Road SE, Building A
Salem, Oregon 97301-5397
Telephone (503) 986-2990
Fax (503) 986-2839

DATE: May 9, 2016

TO: Bill Johnston
Region 2 Senior Planner

FROM: *Keith P Blair*
Keith P. Blair, PE
Region 2 Senior Transportation Analyst

SUBJECT: Bella Ridge Apartments (Clatsop County)
Proposed Zone Change and Conditional Use Permit
Assessment of Applicant's Traffic Impact Study

A. Summary

ODOT Region 2 Traffic has reviewed the revised traffic impact study (dated May 3, 2016) for the proposed Bella Ridge apartment complex near Miles Crossing, in unincorporated Clatsop County. The revised study addresses the deficiencies outlined in my previous comment letter (dated April 26, 2016). No further analysis work is required.

The revised study finds the increase in traffic is not significant and, therefore, no mitigation measures are required. ODOT concurs with this finding.

B. Comments and Observations

1. The applicant is requesting a zone change from Rural Community Residential to Rural Community Multi-Family, which allows for duplexes. A Conditional Use Permit is also being applied for, either separately or concurrently, to allow for apartment complexes (168 units are proposed).
2. Region 2 Traffic assumes all land uses and densities used in the analysis, under both current and proposed zones, are consistent with the County's code.
3. The Warrenton-Astoria Highway No. 105 (US 101 Business) is a state highway. The proposed development is approximately 0.5 miles south of the intersection of US 101 Bus with Young's River Road and Lewis and Clark Road, which are County facilities. The area is known as "Miles Crossing," which is an unincorporated community in Clatsop County.

4. Traffic studies prepared for the purpose of evaluating impacts on state highways must be consistent with the current versions of ODOT's *Analysis Procedures Manual (APM)*. The *APM* is updated frequently and the most recently published versions, including new and updated chapters, are available online at: <http://www.oregon.gov/ODOT/TD/TP/Pages/APM.aspx>.
5. The revised study addresses the deficiencies outlined in my previous comment letter (dated April 26, 2016).
6. The revised study finds the increase in traffic is not significant and, therefore, no mitigation measures are required. ODOT concurs with this finding.
7. ODOT approval would be required for any proposed mitigation measures affecting the safety or operation of US 101 Business.

C. Follow-up

1. Please forward this memo to Clatsop County along with any additional comments you may have.
2. If there are any questions regarding these comments, please contact me at (503) 986-2857 or Keith.P.Blair@odot.state.or.us.



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

February 29, 2016

Clatsop County Planning Commission
800 Exchange Street, Room 100
Astoria OR 97103

Dear Members of the Clatsop County Planning Commission:

All across the State of Oregon, cities and towns are facing the problem of a lack of affordable housing. In Astoria, the vacancy rate for apartments is nearly zero. Astoria wants to remain a city that can provide housing for its workforce and that doesn't force its citizens to live far away from their jobs. Unfortunately, inside the city limits we also face a shortage of buildable land.

The proposed apartment project in the Miles Crossing area would be a godsend. One hundred sixty-four (164) new apartments would greatly assist in meeting the needs for affordable housing in both Astoria and in Clatsop County as a whole. The project would be located next to Lewis and Clark Elementary School and the Astoria School District is in favor of it. The Coast Guard needs additional housing even with their new construction. Employers would be able to refer their prospective employees to housing that is fairly priced.

The developer, Richard Krueger, understands our housing shortage and has already built two apartment complexes in Astoria.

I am happy to endorse this project.

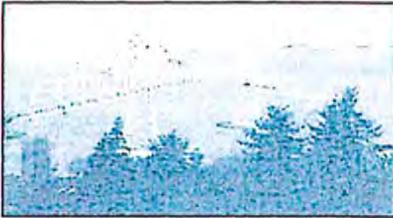
Sincerely,

THE CITY OF ASTORIA

A handwritten signature in cursive script that reads "Arline LaMear".

Arline LaMear
Mayor

Astoria School District No. 1C



Craig Hoppes, *Superintendent*
785 Alameda Avenue • Astoria, Oregon 97103
Phone: 503-325-6441 • Fax: 503-325-6524
www.astoria.k12.or.us

January 16, 2016

Clatsop County Board of Commissioners
Attention: Scott Lee, Chair
800 Exchange Street, Suite 410
Astoria, OR 97103

Dear Mr. Lee:

The Astoria School District Board of Directors have directed me to write a letter to the Clatsop County Board of Commissioners in support of a multi-unit apartment complex development that is currently being planned just North of Lewis and Clark Elementary.

The multi-unit apartment complex development that is being planned by Mr. Richard Krueger could be of great benefit to the enrollment within the Astoria School District. Astoria School District continues to have a declining enrollment. I feel that part of that declining enrollment could be due to a lack of affordable housing in the Astoria area. This proposed multi-unit apartment complex will only help with affordable housing in the Astoria area.

In addition, I have met with Mr. Krueger we have discussed a collaborative effort that we will have if the development is approved to provide walking trails that will lead to the school from the development.

If you have any questions or need further information please feel free to contact me.

Sincerely,

Craig Hoppes
Superintendent
Astoria School District



ASTORIA
WARRENTON
The Spirit of the Columbia

EXHIBIT # I-F

March 1, 2016

Clatsop County Planning Commission:

The Astoria-Warrenton Chamber of Commerce continues to partner with Clatsop Economic Development Resources (CEDR), as well as both the Cannon Beach and Seaside Chambers and Clatsop County to aggressively address the critical housing shortage we are facing and working together to correct this situation has become a high priority for all of us.

While certainly not having access to the information you folks have, it is our understanding that developer, Richard Krueger, has proposed developing a 164 unit apartment complex in the Miles Crossing area. This number of units would take a big bite out of our area's housing needs and we would ask that you give strong consideration to his proposal. Mr. Krueger has already shown his commitment to be a part of the solution to our housing shortage, having built both the Edgewater at the Mill Pond and now finishing up on the second phase of the Yacht Club Apartments, all in just the last few years

We all understand that for Clatsop County to grow in a positive way, to grow our number of family wage jobs and to retain our young people, we simply must have a larger inventory of decent housing that working families can afford. What would we do if tomorrow any one of us got a call from a small manufacturing operation wanting to move its operation to our new Business Park. They want to bring 10 of their present employees with them and hire 10 more when they get the plant rolling. Great opportunity for our area, but where would their 10 employees live? I seriously doubt that we could locate 10 available apartments, at any price, in the entire County.

In the spirit of full disclosure, I need to inform you that Richard is married to my cousin and is a very good friend, **but** I have absolutely no financial investment in this project, nor will I have any financial gain when the project is completed. My only interest in this development is to see it have a very positive effect on our housing needs.

Thank you once again for your thoughtful consideration of Mr. Krueger's proposal.

Sincerely,

Skip Hauke, Executive Director
Astoria Warrenton Chamber of Commerce

CHAMBER of COMMERCE



February 24, 2016

Clatsop County Commissioners:

At the January Clatsop Economic Development Resource's (CEDR) Board of Director's meeting, it was unanimously agreed that CEDR lend its support to the housing project being proposed by Mr. Richard Krueger, at the Miles Crossing site.

While we don't pretend to know the challenges related to Mr. Krueger's proposal, we are well aware of the **absolute need** for all types of housing in Clatsop County and the 168 units that he is looking to build would take a major chunk out of the housing crisis we are now facing.

One of CEDR's major goals is that of growing jobs in Clatsop County and in order to achieve that goal, we simply need to be able to supply adequate housing. With the current growth of many of our local businesses, the impending arrival of businesses such as Walmart, potential growth at the North Coast Business Park and throughout Clatsop County, we have to realize that not all of the employees needed will be local, but many will be newcomers to Clatsop County. Where will they live?

CEDR has several committees of dedicated volunteers working on our housing shortage from all angles and we are making some great progress. As a matter of fact Mr. Krueger was at our initial housing meeting this past October, along with many other contractors, developers, planning staff and county-wide leaders, all looking for solutions to our lack of housing of any kind.

His proposed Miles Crossing project could be exactly the type of project needed to put us on the right track, and hopefully be a catalyst for future development with other developers county-wide.

Please know that if CEDR can be of any assistance in this approval process or if our testimony, as to the seriousness of our housing crisis is needed, please call me to review more details.

We thank you for your thoughtful consideration of this valuable project.

Sincerely yours,

Kevin Leahy

Executive Director, CEDR & Clatsop Community College Small Business Development Center

Email: k Leahy@clatsopcc.edu

Direct: 503-338-2342

MAY 23 2016

Land Use Planning

May 29, 2016

Clatsop County Planning Commission
800 Exchange St., Ste. 100
Astoria, Oregon, 97103

Attn: Ms. Bunch:

In regard to the letter we received regarding the zone change on the 10.4 acres at Miles Crossing property owned by Mr. Krueger from Richard Lee, I would like to protest the building of his three phase apartment complex as we have owned a one acre piece adjacent to the ten acres for many years and I believe that the building of three 168 unit apartments would decrease the value of our view property.

We've owned this property for many years planning to sell it for our retirement years. I believe that the apartments would not be appealing for someone to build an expensive home (or two) with a view on our acre homesite.

I would appreciate if this matter could be studied. Thank you.

Sincerely,



Betty Cunningham
92241 Lewis & Clark Rd.
Astoria, Oregon 97103

RECEIVED
Clatsop County
MAY 23 2016

May 19, 2006
35139 Gravel Ln.
Astoria, OR 97103

Land Use Planning

Jennifer Bunch, Senior Planner
Clatsop County Community Development
800 Exchange Street, Suite 100
Astoria, OR 97103

AB 5122

Dear Senior Planner, Jennifer Bunch,

Assuming the 168-unit Bella Ridge Apartments at 92257 Lewis and Clark Road will be attractive to large families, I wonder whether a study of the impact on the (two) bridges needs to be done.

Since this zone change might be of interest to the larger community, it may be that only a few property owners within 100-feet will be cognizant of it.

Therefore, is a one-time, one-week notice in the Daily Astorian (-May 17) generally considered adequate for a project of this size?

As this zone

Is this
zone change specific to only
the 10.4 acres, or could it
encompass any other areas
now or in some future?

Supposing
there is pressure to get this done,
my concern is mainly the impact
on the bridges, the nature of
the notice, and a public which
does not pay attention.

Thanking you
for your consideration,

Sincerely,

Joan Ferretti

P.S. Could you kindly send a copy of
this letter to the Planning
Commission, the County Commissioners,
and the County Manager?

Thanks, again. J.F.

CLATSOP COUNTY SHERIFF'S OFFICE

Thomas J. Bergin
SHERIFF

EXHIBIT # I-J

Criminal Division
(503) 325-8635

Support Division
(503) 325-8653

Corrections Division
(503) 325-8641

To whom it may concern,

Ref: High density development

Date: May 23, 2016

During the week of May 16th I was apprised by concerned neighbors within the community of Jeffers Garden regarding a new development to be built near the Lewis and Clark school.

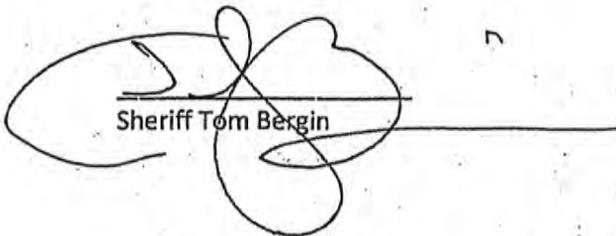
A complex that will house several hundred people in an area close to the Lewis and Clark school will cause more traffic problems than we already have and the concerns of safety for children along the road will rise dramatically with the much increased traffic. This intersection is already a mess and it will become worse with the large increase of people into such a confined area.

At this point, I am neither for or against this project however I do have some additional strong concerns after reaching out to the planning department and talking with Jennifer Bunch. She advised there to be 168 two bedroom two bath high density dwellings. This type of layout will definitely have an impact on Law Enforcement and would be similar in nature to an Emerald heights or the now defunct Blue Ridge that the City of Astoria Police department deals with rather frequently. Those developments being within the city limits of Astoria negates the issue of response time however this is very problematic for the Sheriff's office in a rural area. Usually per shift there are only two to three deputies covering approximately 1000 square miles our response times will be much slower. When you congregate this many people into a high density living arrangement, problems naturally occur at a much higher rate.

The part that concerns me the most is that Law Enforcement was not asked to comment about this project. I worry this project was not thoroughly thought out and a more holistic approach should be taken before any further approval is finalized.

I look forward to your response.

Sincerely,



Sheriff Tom Bergin

P.O. Box 658 ▪ 355 Seventh Street ▪ Astoria, OR 97103

BILL COOK EXHIBIT # I-K
91998 LEWIS & CLARK RD
ASTORIA, OR 97103

The community of Lewis and Clark/Jeffers Garden has just heard of this paradigm shift in an otherwise rural residential and farming/agriculture community.

While housing is an important need for all residents of Clatsop County, the Planning Commission should consider that a decision of this magnitude deserves casting a wider net of input from those in this community who are potentially going to be affected or have concerns.

How many land owners were contacted, the number? Does this amount seem representative of the community surrounding this property?

LNG was a miserable time in Clatsop County and lessons should be taken from that process which started with quiet discussions of advocates and when announced, a foregone conclusion it would happen; is this what the Planning Department and Commission wish to take place again, another contested and protracted project? It does not have to be that way.

Extend the public hearing for 30 days to allow the resident's time to digest the true impacts.

It is noted that letters of support are attached to this application. What does this mean? Your role is to deal with land issues as it relates to your goals, without a cross section of public input, this Commission fails in achieving its own published goals. Having leadership in the community advocate for a project is most suited to the final hearing before the County Commission. This would appear to be a paving of the way to approval and it seems wholly inappropriate that staff would accept these letters at this time.

How did these proponents know of this project when the area community is just recently being made aware?

Has the Sheriff's Department been involved in the planning directly?

How will this non-permanent housing project be policed?

What safety provisions are and will be made to increase patrols and response of same?

While ODOT may not find 250 cars, or at least the accommodation of same, impactful, the fact of the matter is Lewis & Clark Road is a narrow two lane road that will see significant increase in car traffic at peak periods.

Miles Crossing is already an accident waiting to happen, what consideration has the PC given to this?

Bella Ridge
Submitted @ Hearing 10:33 AM

INTRODUCTION & SUMMARY

Miles Crossing Sanitary Sewer District (the District) provides for establishing system development charges (SDCs) in its Sewer Use Ordinance 2008-1, dated January, 2008. Since the District is just beginning operation of its sewer system, it has not yet implemented SDCs. This report provides a methodology for establishing SDCs that meet the requirements of Oregon Revised Statutes (ORS) Chapter 223.

Over the past several years those who are initially connected to the sewer system have been paying a monthly sewer rate. The money was used to pay for planning and engineering of the sewer system, legal fees to set up the District, acquire land and rights-of-way for the sewer lines, vacuum stations, pump station, and connection to the City of Astoria's sewer system. Some but not all of these costs are recorded as capital assets in the District's annual financial statements (audits).

Since the system is now constructed and is new, the sewer SDC will consist of a reimbursement fee only. The sewer system is designed to handle 434 equivalent single-family dwelling units. It currently has approximately 200 connections.

Tables 1 and 2 show the SDC schedules for displacement and turbine meters. Each schedule is based on water meter size and type of residential development. The SDC for a particular multiple family, lodging, or RV development, is the higher of the SDC based on the meter type and size, or based on the number of units in the proposed development multiplied by the appropriate fee per unit. For example, a proposed RV park with 50 units that orders a 3-inch turbine meter would pay \$234,700, because the SDC for that size and type of meter is greater than 50 RV spaces multiplied by \$3,353/space (\$167,650). Had the developer selected a 3-inch displacement meter, the SDC would be \$167,353, because the SDC for the 50 spaces is greater than the SDC for the 3-inch displacement meter (\$100,600).

Table 1 Proposed System Development Charges—Displacement Meters

Meter Size (inches in diameter)	Proposed Fees		
	Reimbursement	Improvement	Total
Residential & Non-Residential Development			
5/8 x 3/4	\$10,060		\$10,060
3/4	16,800	0	16,800
1	26,860	0	26,860
1 1/2	33,500	0	33,500
2	67,100	0	67,100
3	100,600	0	100,600
4	134,100	0	134,100
6	335,300	0	335,300
8†	N/A	N/A	N/A
Multi-family, lodging, RV Developments, per Unit			
Duplex to Fourplex	\$10,060	\$0	\$10,060
Apartment (>fourplex)	\$7,042	\$0	\$7,042
Lodging Facility	\$8,048	\$0	\$8,048
RV Space in a Park	\$3,353	\$0	\$3,353

Methodology—Sewer System Development Charges

Page 1

IN THE BOARD OF COMMISSIONERS
FOR MILES CROSSING SANITARY SEWER DISTRICT

APPROVING REVISED SYSTEM
DEVELOPMENT CHARGES

)
)

RSD KBT JLV
RESOLUTION AND ORDER
No. 2014-~~79~~-1

WHEREAS, Miles Crossing Sanitary Sewer District ("District") provides sewer collection and treatment service for citizens of its District; and

WHEREAS, Resolution 2010-5-4 set a Systems Development Charge of \$10,030, which was reduced in Resolution 2013-2 to \$6,500; and

WHEREAS, based on an additional year of actual usage the District has accumulated data to further refine charges pursuant to the District's methodology set forth in Resolution 2013-2, and

WHEREAS, further review establishes that a rate of \$5,600 is an appropriate amount for the reimbursement fee.

NOW, THEREFORE, be it resolved and ordered:

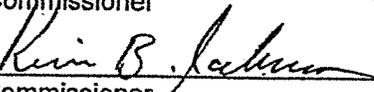
The system development reimbursement fee shall be \$5,600 per connection.

It is further resolved and ordered that property owners who have already paid a higher systems development charge shall be refunded the difference of the amount paid and the current rate.

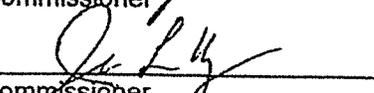
Adopted by the Board of Directors of Miles Crossing Sanitary Sewer District this 2
day of September, 2014.



Commissioner



Commissioner



Commissioner

Applicant Response: The site plan included as attachment 1 addresses the size, design, and operating characteristics of the proposal, including off-street parking, building locations, lighting, utilities, multi-use pathways & sidewalks, along with other relevant components necessary to evaluate the suitability of the site. Lancaster Engineering has performed a traffic impact study and the applicant is proposing to conduct the necessary transportation improvements. Will serve letters from the water and sanitary district are contained in the Exhibit A - Appendix. Findings addressed throughout Exhibit A also illustrate how the parcel is suitable for the proposed development. The property is considered an alluvial terrace and identified in the Comp Plan as ideal land for intense and urban style developments. The area is also identified as development is in the comprehensive plan.

Analysis & Finding:

- 1) The Applicant proposes adequate off street parking, lighting, signage and building locations based on the characteristics of the site.
- 2) As demonstrated in the findings in Appendix C, *Transportation Impact Study*, it is demonstrated that the proposed development has adequate transportation access to the site.
- 3) The findings in later in this appendix under Goal 11, demonstrate that adequate public facilities and services are in place or are available to serve the proposed multi-family development.
- 4) The design of the multi-family buildings appears to take into consideration the natural and physical features of the site. The site does not contain significant natural features or any natural hazards. The site is above the special flood hazard and tsunami inundation areas as well as geologic hazard zone. **Based on this analysis the proposed Conditional Use meets the criteria in 5.015(2)(C).**

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

Applicant Response: The proposed use should help to benefit the commercial uses in the nearby community Center and other small local businesses in the area. The proposed use is compatible with adjacent uses.

Analysis & Finding:

The subject property is directly adjacent to commercial and single family residential zones. In addition, the property shares a property boundary with Lewis and Clark School. The proposal takes advantage of the fact that ~~it is outside flood, tsunami, and geologic hazard areas~~. It is accessed by an existing transportation network and served by public facilities within the rural community. **Based on this analysis the proposed Conditional Use meets the criteria in 5.015(2)(D).**

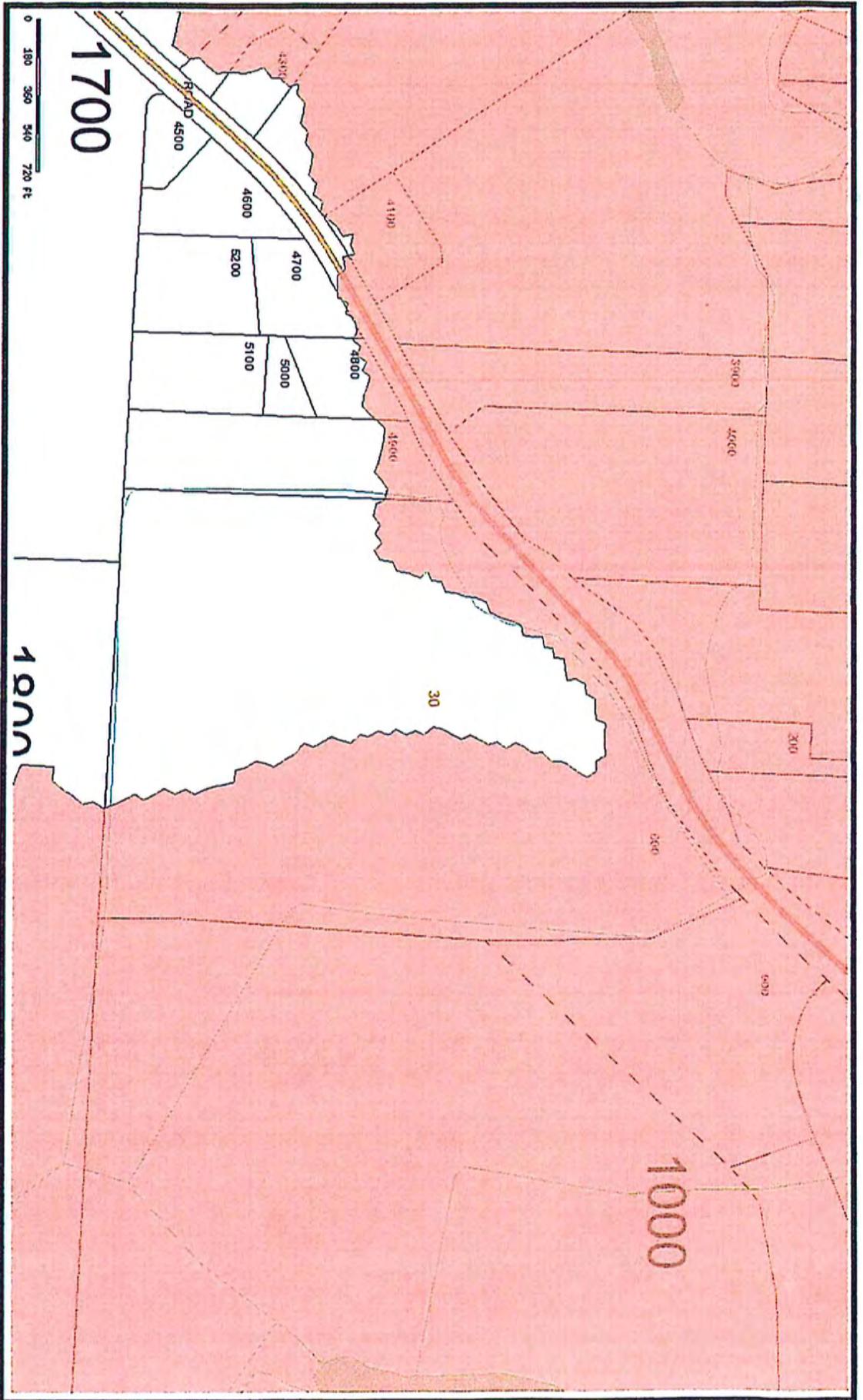
(E) The proposed use will not interfere with normal use of coastal shorelands.

(F) The proposed use will cause no unreasonably adverse effects to aquatic or coastal shoreland areas, and

Applicant Response: E - The proposed Use will not impact coastal shorelands.
F - The proposed use will have no adverse effects to aquatic or coastal shorelands. All development is located outside of potential impact areas.

Analysis & Finding:

The subject property is outside coastal shorelands; therefore the criteria do not apply. **Based on this analysis the criteria in 5.015(2)(E) and (F) do not apply.**



Clatsop County Webmaps

Disclaimer: This map was produced using Clatsop County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation. Photos may not align with taxlots.



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- 4) The design of the multi-family buildings appears to take into consideration the natural and physical features of the site. The site does not contain significant natural features or any natural hazards. The site is above the special flood hazard and tsunami inundation areas as well as geologic hazard zone. Based on this analysis the proposed Conditional Use meets the criteria in 5.015(2)(C).

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Applicant Response: The proposed use should help to benefit the commercial uses in the nearby community Center and other small local businesses in the area. The proposed use is compatible with adjacent uses.

Analysis & Finding:

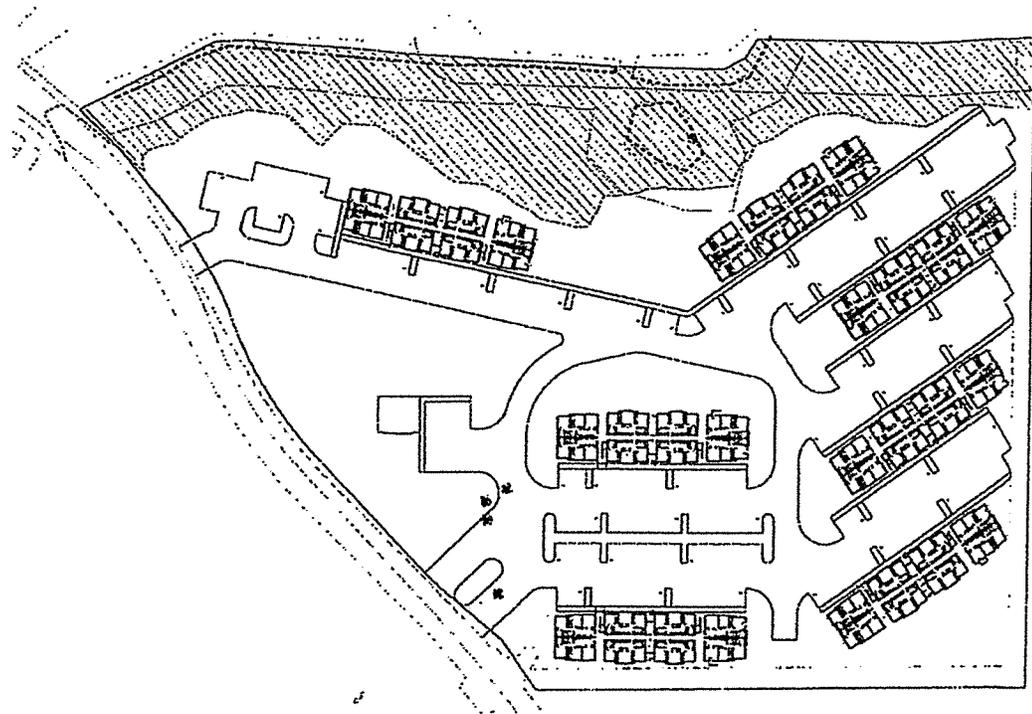
The subject property is directly adjacent to commercial and single family residential zones. In addition, the property shares a property boundary with Lewis and Clark School. The proposal takes advantage of the fact that it is outside flood, tsunami, and geologic hazard areas. It is accessed by an existing transportation network and served by public facilities within the rural community. Based on this analysis the proposed Conditional Use meets the criteria in 5.015(2)(D).

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F - The proposed use will have no adverse effects to aquatic or coastal shorelands. All development is located outside of potential impact areas.

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The subject property is outside coastal shorelands; therefore the criteria do not apply. Based on this analysis the criteria in 5.015(2)(E) and (F) do not apply.



12

APPENDIX A. SITE PLAN

Briss Ridge Apartments - Traffic Impact Study

May 29, 2016

To Whom it May Concern,

JACKIE RIEKKOL
EXHIBIT # I-M

Regarding the proposed development on Lewis & Clark, my concern and objection is only if the County Building is considering 4-Plexes or larger as I don't believe the RCR Zoning allows it. I don't believe a "conditional use" to build larger unit should be allowed if it will take up all the available meters, and sewer capacity that is needed for other developments building within the RCR zoning (ie) Wireless Meadows which upgraded the sewer & water lines in 2005 (about) when the sewer came in. The County re-zoned our area to create growth evenly and we need the meters for as well as sewer capacity.

Sincerely,

Jackie Riekkol

Bella Ridge
Submitted @ hearing 5/24 10:02 AM



Clatsop County

Community Development
800 Exchange St., Suite
Astoria, Oregon 97103
www.co.clatsop.or.us

GOAL ①
CLATSOP County
250 Feet Notice

Tom
Tetlow
EXHIBIT # I-N
(503) 325-8611
(503) 338-3666

NOTICE BEFORE THE CLATSOP COUNTY PLANNING COMMISSION

In the matter of an application for a zoning change from Rural Community Residential (RCR) to Rural Community Multi-Family Residential (RC-MFR) for a 168-unit apartment complex.

Daily Astorian - Legal Notice
Published only MAY 17
Bottom of Page

Residential (RCR) to
168-unit apartment

Press Release No Public Notice

DATE OF HEARING: May 24, 2016
TIME: 12:00 PM
LOCATION: Astoria City Hall - Council Chambers, 2nd Floor
1095 Duane Street
Astoria, Oregon 97103
CONTACT PERSON: Jennifer Bunch, Senior Planner

You are receiving this notice because you either own property within 250 feet of the property that serves as the subject of the land use application described in this letter, or you are considered to be an affected state or federal agency, local government, or special district.

NOTICE IS HEREBY GIVEN that Clatsop County Community Development has scheduled a public hearing on this matter before the Planning Commission at 12:00 PM on Tuesday, May 24, 2016, at the Astoria City Hall, 2nd Floor, 1095 Duane Street, Astoria, OR 97103.

Interested persons are invited to submit testimony in writing or in person by attending the hearing. Alternately, interested persons may submit testimony in writing for Staff to present by addressing a letter to the Clatsop County Planning Commission, 800 Exchange Street, Suite 100, Astoria, OR 97103. Written comments may also be sent via FAX to 503-338-3666 or via email to comdev@co.clatsop.or.us. Written comments must be received in this office no later than 4PM on Monday, May 23, 2016, in order to be presented by Staff at the May 24, 2016, public hearing.

NOTE: Failure of an issue to be raised in a hearing, in person, or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes an appeal based on that issue.

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

****THE LAND USE APPLICATION DESCRIBED****
The applicant, Richard Krueger, is requesting a zoning map amendment from Rural Community Residential (RCR) to Rural Community Multi-Family Residential (RC-MFR) on 10.4 acres in the community of Miles Crossing. The applicant also request approval of a conditional use permit to construct a three-phase, 168 unit apartment complex known as Bella Ridge Apartments. The property is identified as T8N R09W Sec30AD TL600, and is commonly known as 92257 Lewis & Clark Rd, Astoria, OR.

Date Mailed: April 29, 2016

The following criteria apply to the request:

LWDUO 80-14

- 1.010-1.050 Definitions
- 2.030 Type III Procedure
- 2.110 Mailed Notice of a Public Hearing
- 2.125 Procedure for a Published Notice
- 3.072 Rural Community Residential Zone
- 3.114 Rural Community Multi-Family Residential
- 5.350 Transportation System Impact Review
- 5.000 Conditional Development and Use
- 5.400 Zone Changes

Clatsop County Standards Document

- Chapter 2: Site Oriented Improvements
- Chapter 5: Vehicle Access Control and Circulation
- Chapter 6: Road Standard Specifications for Design and Construction

Clatsop County Comprehensive Plan

- Goal 1 Citizen Involvement
- Goal 2 Land Use Planning
- Goal 6 Air Water and Land Quality
- Goal 7 Natural Hazards
- Goal 9 Economy
- Goal 10 Population and Housing
- Goal 11 Public Facilities and Services
- Goal 12 Transportation
- Lewis & Clark, Youngs, Wallooskee River Valleys Community Plan

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

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at the Community Development Department Office during normal business hours (M-F, 7:30 AM-4:00 PM) at no cost and will be provided at reasonable cost. A copy of the staff report will be available for inspection at the Community Development office at least seven days prior to the hearing and will be provided at a reasonable cost.

If you have questions about this land use matter or need more information, please contact: Jennifer Bunch, Clatsop County Senior Planner at (503) 325-8611 or jbunch@co.clatsop.or.us.



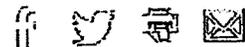


Developer plans Miles Crossing apartments

Richard Krueger is in the planning stages of another Astoria apartment complex.

By Edward Stratton • The Daily Astorian

Published on January 15, 2016 8:45AM



Last changed on January 15, 2016 10:12AM

Buy this photo



EDWARD STRATTON/THE DAILY ASTORIAN

Developer Richard Krueger is exploring a possible apartment complex on a piece of property in Miles Crossing next to Lewis and Clark Elementary School.

Developer Richard Krueger is planning a large apartment complex in the Miles Crossing neighborhood that could help address a lack of affordable rental housing.

The Astoria School Board voted Wednesday to provide Krueger a letter of support as he seeks county approval for the project between Lewis and Clark Elementary School and Lewis and Clark Golf & RV Resort.

http://www.dailyastorian.com/Local_News/20160115/developer-plans-miles-crossing-apar... 5/23/2016

"I'm in the preliminary process," Krueger said of the project, adding the proposed apartments could include between 164 and 168 units phased in over time.

Krueger is having a community needs and traffic impact analysis performed, and said he plans on going in front of the Clatsop County Planning Commission in the next month or so to seek approval.

"If it's affordable housing for people to live here, I think it's great," said Astoria Superintendent Craig Hoppes, noting the district's falling enrollment over the years.

The school district and Krueger would work collaboratively on walking paths between the apartments and the school, which is located to the south of the proposed complex.

Krueger said he started looking this winter into the property, which was the site of a proposed 36-lot subdivision preliminarily approved in July by the Planning Commission.

Jennifer Bunch, a senior planner with Clatsop County, said she couldn't talk specifically about Krueger's current project, as she has not yet received an application. She said the property is currently zoned single-family residential and in need of a zoning change.

"I like to present the general public with an affordable, clean place to stay," said Krueger, who also built the Edgewater at Mill Pond apartments in Uppertown and the Yacht Club Apartments at the northern end of the Old Youngs Bay Bridge.

Krueger ran into opposition from neighbors while looking into apartments on the two city blocks of the former Central School in Astoria, but said there is still the possibility he could build something there.

City planners in Astoria have identified a shortage of both affordable rentals and homes for sale. Rents and sales prices for units that are on the market are often out of reach for low and middle-income families.

30 Year Veterans

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503-325-2445 Free Estimates

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Oregon state law requires anyone who contracts for construction work to be licensed with the Construction Contractors Board. An active license means the contractor is bonded and insured. Verify the contractor's CCB license through the CCB Consumer Website www.hirelicensedcontractors.com

95 Schools & Education

IF YOU HAVE QUESTIONS about a Business or School Advertiser, we advise you to call: The Consumer Hotline in Salem at (503)378-4320, 9 AM-1 PM, Monday-Friday or in Portland at (503)229-5576

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Oregon Firewood Law requires advertisements quote a price and also express quantity in units of a cord or fractional part of a cord. Ads must also identify the species of wood and whether the wood is unseasoned (green) or dry.

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In good condition
\$20,000 OBO
Contact Ernie 503-280-0577

7433.
Published: May 17, 2016

AB5122 CLATSOP COUNTY PLANNING COMMISSION NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Clatsop County Planning Commission will hold a public hearing beginning at 10:00 AM on Tuesday, May 24, 2016, at the City of Astoria Council Chambers, 1095 Duane Street, Astoria, OR, regarding the following:

A quasi-judicial hearing to consider an application for an 8-lot subdivision known as Cooperage View Estates in the Olney area. The Applicant is SF & RC, LLC, and the property is identified as 90224 Highway 202, Astoria. Staff: Jennifer Bunch, Senior Planner.

A quasi-judicial hearing to consider an application for an 87-lot cluster subdivision known as Westlake Village. The Applicant is Westlake Acres, LLC. The subject properties are located between Highway 101 (near MP 14) and Sunsel Lake in the Clatsop Plains area of Clatsop County. This area is also known as the "Reed Ranch" property. Staff: Jennifer Bunch, Senior Planner.

A quasi-judicial hearing to consider a zoning map amendment from Rural Community Residential to Rural Community Multi-Family Residential on 10.4 acres of land in the Miles Crossing area. Also proposed is a conditional use permit for a 168-unit multi-family development. The applicant is Richard Krueger and Bella Ridge Apartments, LLC. The property is identified as T8N R09W Sec30AD TL600, and is commonly known as 92257 Lewis & Clark Rd, Astoria, OR. Staff: Jennifer Bunch, Senior Planner

A copy of all documents pertaining to this matter may be reviewed in the Clatsop County Community Development office, 800 Exchange Street, Suite 100, Astoria, OR at no cost and may be obtained at reasonable cost seven (7) days prior to the hearing.

Published: May 17th, 2016



TRAFFIC BACKS UP TO PROPOSED SITE DAILY



DAILY OCC.

398 Homes ~~in~~ Use

L & C ROAD

ADD 168

42% INCREASE

Lewis & Clark Fire & Rescue

Rural Address Location Guide

~~Follow up
42% 398~~

East Lewis & Clark Area

<i>Number</i>	<i>New Address</i>	<i>Name</i>	<i>Old Address</i>
INTERSECTION	MILES CROSSING	MILES CROSSING	
92348	LEWIS & CLARK RD.	SPRINGER'S GARAGE/JIM VARNER'S AUTO	RT.3 BOX ???
92257	LEWIS & CLARK RD.	LEE	RT.3 BOX 130
92256	LEWIS & CLARK RD.	KLEPP	RT.3 BOX 131
92241	LEWIS & CLARK RD.	CUNNINGHAM	RT.3 BOX 134
92232	LEWIS & CLARK RD.	BURGHEN	RT.3 BOX 133
92230	LEWIS & CLARK RD.	KARNA	RT.3 BOX 135
92227	LEWIS & CLARK RD.	HALEY	RT.3 BOX 136
92220	LEWIS & CLARK RD.	CHRISTENSEN	RT.3 BOX 137
92202	LEWIS & CLARK RD.	MAGNUSON	RT.3 BOX 140
92195	LEWIS & CLARK RD.	BEYERS	RT.3 BOX 141
92192	LEWIS & CLARK RD.	JONES	RT.3 BOX 142
92187	LEWIS & CLARK RD.	SPICKA	RT.3 BOX 143
92184	LEWIS & CLARK RD.	COOK	RT.3 BOX 142-A
92179	LEWIS & CLARK RD.	LEWIS & CLARK SCHOOL	RT.3 BOX 145
92178	LEWIS & CLARK RD.	WILSON	RT.3 BOX 144
HYDRANT (L)	371 GPM	LEWIS & CLARK RD.	
92168	LEWIS & CLARK RD.	ALDERMAN N.	RT.3 BOX 147
92158	LEWIS & CLARK RD.	JUNES	RT.3 BOX 148
92152	LEWIS & CLARK RD.	BRANDON	RT.3 BOX 149
92146	LEWIS & CLARK RD.	IHANDER	RT.3 BOX 150
92081	LEWIS & CLARK RD.	HESS	RT.3 BOX 154
92063	LEWIS & CLARK RD.	MEYERS	RT.3 BOX 155
92041	LEWIS & CLARK RD.	STEELE	RT.3 BOX 156
92000	LEWIS & CLARK RD.	NORTH	RT.3 BOX 157
91998	LEWIS & CLARK RD.	COOK	RT.3 BOX 158
91984	LEWIS & CLARK RD.	ALDERMAN J.	RT.3 BOX 161
91978	LEWIS & CLARK RD.	STEVENS	RT.3 BOX 162
91975	LEWIS & CLARK RD.	THOMPSON	RT.3 BOX 160
91964	LEWIS & CLARK RD.	JACOBSON	RT.3 BOX 165
INTERSECTION	ORCHARD LN. (R)	LEWIS & CLARK RD.	

East Lewis & Clark Area

Number	New Address	Name	Old Address
35242	ORCHARD LN.	BISH (L)	RT.3 BOX 164
35237	ORCHARD LN.	HUGHES (R)	RT.3 BOX 166
35225	ORCHARD LN.	BURNS (R)	RT.3 BOX 168
35224	ORCHARD LN.	MINERS (L)	RT.3 BOX 167-A
35222	ORCHARD LN.	RICE (L)	RT.3 BOX 169
35210	ORCHARD LN.	MCGRORTY (L)	RT.3 BOX 170
35208	ORCHARD LN.	BREWER (END)	RT.3 BOX 170-A
35203	ORCHARD LN.	GUSTAFSON (R)	RT.3 BOX 174
35200	ORCHARD LN.	LINDROS (L)	RT.3 BOX 167
35198	ORCHARD LN.	TUCKER (L)	RT.3 BOX 171
35186	ORCHARD LN.	LINDROS' SHOP	
35185	ORCHARD LN.	SHATTO (R)	RT.3 BOX 175
35184	ORCHARD LN.	YEAGER (L)	RT.3 BOX 172
35182	ORCHARD LN.	TIKKALA (L)	
HYDRANT (L) 525 GPM LEWIS & CLARK RD.			
91938	LEWIS & CLARK RD.	SCHECK	RT.3 BOX 182
91932	LEWIS & CLARK RD.	GOODNESS	RT.3 BOX 181
INTERSECTION LAILA LN. (L) LEWIS & CLARK RD.			
35176	LAILA LN.	SNELL (R)	RT.3 BOX 184
35188	LAILA LN.	NIEMI (L)	RT.3 BOX 183-B
35190	LAILA LN.	ELY (END)	RT.3 BOX 183-A
35201	LAILA LN.	DEPONTE (END)	RT.3 BOX 183
91915	LEWIS & CLARK RD.	HAUER	RT.3 BOX 185
91906	LEWIS & CLARK RD.	HAZZELET	RT.3 BOX 186
INTERSECTION JEFFERSON LN. (L) LEWIS & CLARK RD.			
35059	JEFFERSON LN.	TUCKER (L)	RT.3 BOX 188
35064	JEFFERSON LN.	LINDBERG (R)	RT.3 BOX 187
35072	JEFFERSON LN.	TETLOW (R)	RT.3 BOX 192
35077	JEFFERSON LN.	HAWKINS (L)	RT.3 BOX 188-B
35078	JEFFERSON LN.	MANNERS (R)	RT.3 BOX 189
35087	JEFFERSON LN.	CLAYTON (L-END)	RT.3 BOX 190
91882	LEWIS & CLARK RD.	CUTLIP	RT.3 BOX 195

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East Lewis & Clark Area

Number	New Address	Name	Old Address
91865	LEWIS & CLARK RD.	COLE (L)	RT.3 BOX 194-A
91863	LEWIS & CLARK RD.	PAULSON (R)	RT.3 BOX 194
91848	LEWIS & CLARK RD.	HELLIGSO	RT.3 BOX 201
91824	LEWIS & CLARK RD.	NEGHERBON	RT.3 BOX 200
INTERSECTION FICK LN. (L)		LEWIS & CLARK RD.	
35191	FICK LN.	LINK (L)	RT.3 BOX 203
35207	FICK LN.	JOHNSON (L)	RT.3 BOX 204
35228	FICK LN.	FICK (R)	RT.3 BOX 208
35238	FICK LN.	LAIRD (END)	RT.3 BOX 196
INTERSECTION LYGSTAD HEIGHTS LN. (L)		LEWIS & CLARK RD.	
35186	LYNGSTAD HEIGHTS LN.	BENTON (R)	RT.3 BOX 202-A
35198	LYNGSTAD HEIGHTS LN.	GALEOTTI (R)	RT.3 BOX 202-B
35210	LYNGSTAD HEIGHTS LN.	SALES (R)	RT.3 BOX 205-H
35220	LYNGSTAD HEIGHTS LN.	STORTS (R)	RT.3 BOX 204-B
35221	LYNGSTAD HEIGHTS LN.	STUARTS (L)	RT.3 BOX 203-B
35225	LYNGSTAD HEIGHTS LN.	DION (L)	RT.3 BOX 203-A
35228	LYNGSTAD HEIGHTS LN.	MATTEUCCI (R)	RT.3 BOX 205
35240	LYNGSTAD HEIGHTS LN.	WAISANEN (R)	RT.3 BOX 205-C
35243	LYNGSTAD HEIGHTS LN.	BRUNICK (L)	RT.3 BOX 206
35246	LYNGSTAD HEIGHTS LN.	GATES (R)	RT.3 BOX 209
HYDRANT	? GPM	LYNGSTAD HEIGHTS LN.	
35255	LYNGSTAD HEIGHTS LN.	AMES (L)	RT.3 BOX 206-H
35268	LYNGSTAD HEIGHTS LN.	FOSS (R)	RT.3 BOX 211
35269	LYNGSTAD HEIGHTS LN.	KNEAPER (L)	RT.3 BOX 212-B
35272	LYNGSTAD HEIGHTS LN.	LAINÉ (R)	RT.3 BOX 206-B
35274	LYNGSTAD HEIGHTS LN.	CARLSON (R)	RT.3 BOX 191
35275	LYNGSTAD HEIGHTS LN.	VARNER (L)	RT.3 BOX 214
INTERSECTION WOODLAND LN. (R)		LYNGSTAD HEIGHTS LN.	
35285	WOODLAND LN.	JOHNSON (L)	RT.3 BOX 207
35298	WOODLAND LN.	TROFITTER (R)	RT.3 BOX 220
35314	WOODLAND LN.	WAGE (R)	RT.3 BOX 2211
35324	WOODLAND LN.	MIZAR (R)	RT.3 BOX 2300

East Lewis & Clark Area

<i>Number</i>	<i>New Address</i>	<i>Name</i>	<i>Old Address</i>
35345	WOODLAND LN.	JOHNSON (L)	RT.3 BOX 2212
35349	WOODLAND LN.	DAVIS (L)	RT.3 BOX 2263
35358	WOODLAND LN.	PHILLIPAKIS (R)	RT.3 BOX 2260
35363	WOODLAND LN.	MATTHEWS (L)	RT.3 BOX 2261
35366	WOODLAND LN.	LANE (R)	RT.3 BOX 2258
35369	WOODLAND LN.	MILLER(L)	RT.3 BOX 2259
35388	WOODLAND LN.	PALMROSE (R)	RT.3 BOX 2256
35416	WOODLAND LN.	HARRIS (R)	RT.3 BOX 2325
35424	WOODLAND LN.	CULVER (END)	RT.3 BOX 2350
35440	WOODLAND LN.	SHEPARD (END)	RT.3 BOX 2245
35302	LYNGSTAD HEIGHTS LN.	STRIKER (R)	RT.3 BOX 190-B
35303	LYNGSTAD HEIGHTS LN.	VERMEUL (L)	RT.3 BOX 214-A
35304	LYNGSTAD HEIGHTS LN.	HELLIGSO (R-END)	RT.3 BOX 212
91775	LEWIS & CLARK RD.	TAGGART	RT.3 BOX 209-A
91755	LEWIS & CLARK RD.	FILLIGER	RT.3 BOX 210
91753	LEWIS & CLARK RD.	FILLIGER	RT.3 BOX 210-A
91637	LEWIS & CLARK RD.	SALMI	RT.3 BOX 229
91566	LEWIS & CLARK RD.	LAUGHBON	RT.3 BOX 225
INTERSECTION WILDCAT LN. (L)		LEWIS & CLARK RD.	
35099	WILDCAT LN.	MEYER(L)	RT.3 BOX 229-A
35119	WILDCAT LN.	ROBERTSON (L)	RT.3 BOX 229-D
35126	WILDCAT LN.	ROSE (R)	RT.3 BOX 229-E
35127	WILDCAT LN.	DAW (L)	RT.3 BOX 229-C
35131	WILDCAT LN.	VANOSDAL-HUGHES (END)	RT.3 BOX 229-F
91541	LEWIS & CLARK RD.	PETERSON	RT.3 BOX 230
INTERSECTION ROSS LN. (L)		LEWIS & CLARK RD.	
35043	ROSS LN.	YOUNGREN (L)	RT.3 BOX 231-C
35045	ROSS LN.	OLSEN (R)	RT.3 BOX 231-B
35052	ROSS LN.	MATHEWS (R)	RT.3 BOX 234
35058	ROSS LN.	WESTERLUND (R)	RT.3 BOX 233
35059	ROSS LN.	GUSTAFSON (L)	RT.3 BOX 231
35064	ROSS LN.	HARTMAN (R)	RT.3 BOX 232

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<i>Number</i>	<i>New Address</i>	<i>Name</i>	<i>Old Address</i>
HYDRANT (R)	454 GPM	ROSS LN.	
INTERSECTION	HELLIGSO LN. (R)	ROSS LN.	
35156	ROSS LN.	HELLIGSO C. (R)	RT.3 BOX 231-E
35174	ROSS LN.	MOOREHOUSE/WHITE (R)	RT.3 BOX 231-F
35232	ROSS LN.	JORDAN (END)	RT.3 BOX 231-D
91481	LEWIS & CLARK RD.	MUEHLBERG	RT.3 BOX 235
HYDRANT (L)	742 GPM	LEWIS & CLARK RD.	
91462	LEWIS & CLARK RD.	KAAKINEN	RT.3 BOX 235-C
91458	LEWIS & CLARK RD.	TAGGART	RT.3 BOX 239-S
INTERSECTION	HELLIGSO LN. (L)	LEWIS & CLARK RD.	
35094	HELLIGSO LN.	HELLIGSO S.	RT.3 BOX 231-H
35111	HELLIGSO LN.	BROWN (L-END)	RT.3 BOX 231-G
35119	HELLIGSO LN.	LILLY (L)	RT.3 BOX 235-D
91441	LEWIS & CLARK RD.	RANDALL-MIKE'S AUTO REPAIR	RT.3 BOX 235-A
91421	LEWIS & CLARK RD.	JACKSON	RT.3 BOX 236
91415	LEWIS & CLARK RD.	SLOTTE	RT.3 BOX 237
INTERSECTION	BOMAN LN. (L)	LEWIS & CLARK RD.	
35103	BOMAN LN.	BOMAN (L)	RT.3 BOX 238
35104	BOMAN LN.	LITTON (R)	RT.3 BOX 240
35110	BOMAN LN.	CARTER (R)	RT.3 BOX 239-E
35116	BOMAN LN.	GREENBERG (R)	RT.3 BOX 239-D
35126	BOMAN LN.	SPENCER -HOVDEN (R)	RT.3 BOX 239
35139	BOMAN LN.	CUTLIP (END)	RT.3 BOX 239-C
91382	LEWIS & CLARK RD.	GREEN	RT.3 BOX 240-B
91371	LEWIS & CLARK RD.	MORGAN - JACKSON RET. HSE.	RT.3 BOX 240-A
91367	LEWIS & CLARK RD.	BOWMAN	RT.3 BOX 243
91367	LEWIS & CLARK RD.	BOWMAN	RT.3 BOX 243-A
91362	LEWIS & CLARK RD.	BAY	RT.3 BOX 241
91341	LEWIS & CLARK RD.	PERKINS	RT.3 BOX 244
91331	LEWIS & CLARK RD.	STROZYK	RT.3 BOX 244-A
91323	LEWIS & CLARK RD.	ZEA	RT.3 BOX 245

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<i>Number</i>	<i>New Address</i>	<i>Name</i>	<i>Old Address</i>
MILEPOST 1	LEWIS & CLARK RD.		
91306	LEWIS & CLARK RD.	ROBERTS A.	RT.3 BOX 246
INTERSECTION	LABRADOR LN. (L)	LEWIS & CLARK RD.	
35149	LABRADOR LN.	CAUGHLIN (L)	RT.3 BOX 245-A
35170	LABRADOR LN.	TEASDALE (R)	RT.3 BOX 245-C
35179	LABRADOR LN.	O'BRIEN (END)	RT.3 BOX 245-B
91290	LEWIS & CLARK RD.	OWEN	RT.3 BOX 248
91276	LEWIS & CLARK RD.	HARTILL	RT.3 BOX 247
HYDRANT (L)	830 GPM	LEWIS & CLARK RD.	
91263	LEWIS & CLARK RD.	KAUL	RT.3 BOX 250
INTERSECTION	WILLETTE LN. (L)	LEWIS & CLARK RD.	
35145	WILLETTE LN.	HANNEMAN (L)	RT.3 BOX 251
35173	WILLETTE LN.	LEWIS (L)	RT.3 BOX 251-C
35182	WILLETTE LN.	MARTIN (END)	RT.3 BOX 351-B
91219	LEWIS & CLARK RD.	STARR	RT.3 BOX 352
91215	LEWIS & CLARK RD.	LANDWEHR	RT.3 BOX 252-A
91214	LEWIS & CLARK RD.	NELSON W.	RT.3 BOX 249
91212	LEWIS & CLARK RD.	OBERG	RT.3 BOX 259
91205	LEWIS & CLARK RD.	UNDERHILL	RT.3 BOX 254
91191	LEWIS & CLARK RD.	KLEIN	RT.3 BOX 255
INTERSECTION	MUDD LN. (L)	LEWIS & CLARK RD.	
35164	MUDD LN.	SEPPA M. (R)	RT.3 BOX 265
35188	MUDD LN.	JOHNSON, M.	
35212	MUDD LN.	PHILLIPS (R)	RT.3 BOX 263
35213	MUDD LN.	LINK (L)	RT.3 BOX 261
35218	MUDD LN.	ALFONSE (R)	RT.3 BOX 260
35219	MUDD LN.	BIRD (L)	RT.3 BOX 264-A
35246	MUDD LN.	LONGTAIN (R)	RT.3 BOX 264
35250	MUDD LN.	WUBBEN (R)	RT.3 BOX 253-S
35253	MUDD LN.	(VACANT) (END)	RT.3 BOX 253
35255	MUDD LN.	CLARK (L)	RT.3 BOX 253-A
35324	MUDD LN.	CACCAVANO (R)	RT.3 BOX 253-D

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<i>Number</i>	<i>New Address</i>	<i>Name</i>	<i>Old Address</i>
35351	MUDD LN.	HOFFMAN (L)	RT.3 BOX 253-B
35370	MUDD LN.	MCLEOD (R)	RT.3 BOX 253-E
35375	MUDD LN.	MARTIN/DONER(L-END)	RT.3 BOX 253-C
91109	LEWIS & CLARK RD.	MILLER (L)	RT.3 BOX 266
91107	LEWIS & CLARK RD.	CAMPSALL (R)	RT.3 BOX 266-A
91077	LEWIS & CLARK RD.	NELSON P.	RT.3 BOX 267
INTERSECTION SEPPA LN. (R)		LEWIS & CLARK RD.	
35130	SEPPA LN.	LONG (L)	RT.3 BOX 271
35108	SEPPA LN.	BERGERSON (L)	RT.3 BOX 272
35092	SEPPA LN.	BOGLE (L)	RT.3 BOX 269
35082	SEPPA LN.	LEWIS & CLARK CHURCH (L)	RT.3 BOX 269
HYDRANT (R) 454 GPM		SEPPA LN.	
35038	SEPPA LN.	BIRD (L)	RT.3 BOX 270-A
35029	SEPPA LN.	SEPPA K. (R)	RT.3 BOX 270-C
35026	SEPPA LN.	COWAN	RT.3 BOX 270-B
35007	SEPPA LN.	SEPPA DAIRY (END)	RT.3 BOX 270
INTERSECTION CONIFER LN. (L)		LEWIS & CLARK RD.	
35163	CONIFER LN.	KNEELAND (L)	RT.3 BOX 273-K
35264	CONIFER LN.	LITWIN (R)	RT.3 BOX 273-A
35267	CONIFER LN.	WATTS (L)	RT.3 BOX 273-G
35289	CONIFER LN.	PIERCE (L)	RT.3 BOX 273-C
HYDRANT (R) 491 GPM		CONIFER LN.	
35290	CONIFER LN.	TELEN (R)	RT.3 BOX 273-B
35297	CONIFER LN.	HUBBARD (L)	RT.3 BOX ???
35307	CONIFER LN.	HELMERSON (END)	RT.3 BOX 273
91003	LEWIS & CLARK RD.	POLLARD	RT.3 BOX 276
91002	LEWIS & CLARK RD.	BERGERSON/GUSTAFSON	RT.3 BOX 275
90993	LEWIS & CLARK RD.	FREESE	RT.3 BOX 277
90976	LEWIS & CLARK RD.	SELL	RT.3 BOX 278
INTERSECTION LEIGH LN. (L)		LEWIS & CLARK RD.	
35243	LEIGH LN.	MATHIESEN (L)	RT.3 BOX 279
35244	LEIGH LN.	LEIGH SHARON. (R)	RT.3 BOX 280

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Number	New Address	Name	Old Address
35248	LEIGH LN.	LEIGH SHIRLEY (END)	RT.3 BOX 279-A
90956	LEWIS & CLARK RD.	CARTER	RT.3 BOX 282-A
HYDRANT (L) 830 GPM LEWIS & CLARK RD.			
90942	LEWIS & CLARK RD.	SWOPE	RT.3 BOX 282-B
90937	LEWIS & CLARK RD.	OLSON E.	RT.3 BOX 280-A
90934	LEWIS & CLARK RD.	LARSON	RT.3 BOX 282-C
90923	LEWIS & CLARK RD.	OLSON A.	RT.3 BOX 281
90921	LEWIS & CLARK RD.	OLSON J.	RT.3 BOX 281-B
90916	LEWIS & CLARK RD.	CAMPBELL/GANN/ZUBER	RT.3 BOX 283-A
90898	LEWIS & CLARK RD.	SLOTTE	RT.3 BOX 283
90896	LEWIS & CLARK RD.	BUZZETTI	RT.3 BOX 285
90895	LEWIS & CLARK RD.	KLINDT	RT.3 BOX 285-A
90887	LEWIS & CLARK RD.	COURSEY	RT.3 BOX 288
90886	LEWIS & CLARK RD.	OLSEN G.D. (R)	RT.3 BOX 289-C
90884	LEWIS & CLARK RD.	KAUL/NELSON (L)	RT.3 BOX 289-B
90882	LEWIS & CLARK RD.	HUCKLEBERRY	RT.3 BOX 289-A
90868	LEWIS & CLARK RD.	NORDSTROM	RT.3 BOX 289
90862	LEWIS & CLARK RD.	VIRGILLO	RT.3 BOX 287
90861	LEWIS & CLARK RD.	COONS	RT.3 BOX 302
INTERSECTION REITH-LARSON LN. (R) LEWIS & CLARK RD.			
35144	REITH-LARSON LN.	TARABOCHIA (L)	RT.3 BOX 301
35133	REITH-LARSON LN.	BAKER (R)	RT.3 BOX 293
35123	REITH-LARSON LN.	GUSTAFSON (R)	RT.3 BOX 294
35116	REITH-LARSON LN.	PEARSON (L)	RT.3 BOX 290
35115	REITH-LARSON LN.	MUSTARD (R)	RT.3 BOX 295
35106	REITH-LARSON LN.	REITH (L)	RT.3 BOX 290
35079	REITH-LARSON LN.	MAGATHAN (END)	RT.3 BOX 300
INTERSECTION KEE LN. (L) LEWIS & CLARK RD.			
35162	KEE LN.	LERTORA (R)	RT.3 BOX 305-B
HYDRANT ? GPM KEE LN.			
35206	KEE LN.	OSTERHOLME (R)	RT.3 BOX 305
35215	KEE LN.	KEE (L)	RT.3 BOX 303

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Number	New Address	Name	Old Address
35242	KEE LN.	BOULE (R)	RT.3 BOX 304-A
35244	KEE LN.	KILLION (R-END)	RT.3 BOX 304
90831	LEWIS & CLARK RD.	TICE	RT.3 BOX 305-A
MILEPOST 3	LEWIS & CLARK RD.		
90609	LEWIS & CLARK RD.	THIEL/ALL BOAT MARINE SURVEYORS	RT.3 BOX 306
90385	LEWIS & CLARK RD.	HARBER	RT.3 BOX 310
INTERSECTION	LEWIS & CLARK	LOGAN ROAD	SEE WEST L & C
L & C RD.	URNS RIGHT AND	CROSSES TO WEST SIDE OF	THE RIVER.
90587	LOGAN RD.	LOGAN RD.CHAPEL	RT.3 BOX 311
90571	LOGAN RD.	WAHLBRAN	RT.3 BOX 311
90562	LOGAN RD.	MEINERS	RT.3 BOX 314
90560	LOGAN RD.	#1 (R): JONCICH/MIRAMONTES	
90560	LOGAN RD.	#2 (L): LIAZON	
90558	LOGAN RD.	NELSON	RT.3 BOX315 315-A
90525	LOGAN RD.	NETEL GRANGE	RT.3 BOX ???
90502	LOGAN RD.	CLAVETTE	RT.3 BOX 315-A
90482	LOGAN RD.	KORHONEN	RT.3 BOX 316
90429	LOGAN RD.	STOFFELSON	RT.3 BOX 319
HYDRANT	830 GPM	LOGAN RD.	
INTERSECTION	GUSTAFSON LN. (L)	LOGAN RD.	
35373	GUSTAFSON LN.	SIMON (L)	RT.3 BOX 320-A
INTERSECTION	LAZY CREEK RD. (L)	GUSTAFSON LN.	
90627	LAZY CREEK RD.	UHT (R)	RT.3 BOX 322-D
90727	LAZY CREEK RD.	TELEN (R)	RT.3 BOX 322-B
90748	LAZY CREEK RD.	HOLDIMAN SR. (L)	RT.3 BOX 322-?
90757	LAZY CREEK RD.	ATHA - BONNER (END)	RT.3 BOX 322-C
35417	GUSTAFSON LN.	WAIT (L)	RT.3 BOX 322
35418	GUSTAFSON LN.	RUSINOVICH (R)	RT.3 BOX 325
35419	GUSTAFSON LN.	RUMMEL (L)	RT.3 BOX 323
35420	GUSTAFSON LN.	OWNED BY WEBER, RENTAL	
35422	GUSTAFSON LN.	WEBER (R)	RT.3 BOX 323-B

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Number	New Address	Name	Old Address
35423	GUSTAFSON LN.	GUSTAFSON V. (END)	RT.3 BOX 323-A
90412	LOGAN RD.	JASPER	RT.3 BOX 322-A
90406	LOGAN RD.	SMITH	RT.3 BOX 321
90378	LOGAN RD.	DAVIS	RT.3 BOX 324
90346	LOGAN RD.	HANKINS	RT.3 BOX 325-A
INTERSECTION HOMER LN. (L)		LOGAN RD.	
35433	HOMER LN.	RIEPE (L)	RT.3 BOX 326
35441	HOMER LN.	SOLUM (L)	RT.3 BOX 328
35448	HOMER LN.	CLOSE (R)	RT.3 BOX 329-A
35449	HOMER LN.	FICKEN (L-END)	RT.3 BOX 328-A
90302	LOGAN RD.	BAETEN	RT.3 BOX 331
90286	LOGAN RD.	MILLER	RT.3 BOX 331-A
HYDRANT ? GPM		LOGAN RD.	
INTERSECTION TUCKER CREEK LN. (L)		LOGAN RD.	
35482	TUCKER CREEK LN.	MCKINNEY-WINTERS	RT.3 BOX 333
35483	TUCKER CREEK LN.	WOOLSTENHULME	RT.3 BOX 329-D
35508	TUCKER CREEK LN.	CLARKE	RT.3 BOX 332
35520	TUCKER CREEK LN.	JURASIN M.	RT.3 BOX 332-H
35543	TUCKER CREEK LN.	PATTISHALL	RT.3 BOX 329-B
35561	TUCKER CREEK LN.	LINDBERG	RT.3 BOX 329
35578	TUCKER CREEK LN.	SMITH	RT.3 BOX 330-A
35599	TUCKER CREEK LN.	CHRISTENSEN RON	RT.3 BOX 330
35619	TUCKER CREEK LN.	GRIFFIN	RT.3 BOX 330-C
35620	TUCKER CREEK LN.	OHLER (R)	RT.3 BOX 330-J
35622	TUCKER CREEK LN.	LITWIN (END)	RT.3 BOX 330-D
35628	TUCKER CREEK LN.	CHRISTENSEN ANNA	RT.3 BOX 330-B
35631	TUCKER CREEK LN.	ALBERTSEN	RT.3 BOX 331-E
HYDRANT ? GPM		TUCKER CREEK LN.	
INTERSECTION RIP CHRISTENSEN RD. (L)		TUCKER CREEK LN.	
90499	RIP CHRISTENSEN RD.	JURASIN N. (R)	RT.3 BOX 331-H
90522	RIP CHRISTENSEN RD.	ATTIG (L)	RT.3 BOX 331-G
90534	RIP CHRISTENSEN RD.	THOMAS (L)	RT.3 BOX 331-F

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East Lewis & Clark Area

<i>Number</i>	<i>New Address</i>	<i>Name</i>	<i>Old Address</i>
90543	RIP CHRISTENSEN RD.	EARLY (END)	RT.3 BOX 331-K
35684	TUCKER CREEK LN.	CHRISTENSEN RIP	RT.3 BOX 332-B
35704	TUCKER CREEK LN.	PENA - MCLAIN	RT.3 BOX 332-D
35711	TUCKER CREEK LN.	JOHANSEN A.E.	RT.1 BOX 633
35843	TUCKER CREEK LN.	JOHANSEN FERN	RT.1 BOX 632
35897	TUCKER CREEK LN.	MAKI - OAKLY	RT.1 BOX 630
35953	TUCKER CREEK LN.	CARLSON	RT.1 BOX 628
36077	TUCKER CREEK LN.	WOLFGRAM M. SR.	RT.1 BOX 626
36117	TUCKER CREEK LN.	WOLFGRAM M. JR.	RT.1 BOX 626-A
36183	TUCKER CREEK LN.	NIEMELA	RT.1 BOX 625
36211	TUCKER CREEK LN.	ROWLAND	RT.1 BOX 624
36231	TUCKER CREEK LN.	CARLSON J. (L)	RT 1 BOX 623
36233	TUCKER CREEK LN.	CARLSON A. (R)	RT.1 BOX 623-A
36337	TUCKER CREEK LN.	SCHALLER	RT.1 BOX 622
INTERSECTION	YOUNGS RIVER RD.	TUCKER CREEK LN.	SEE YOUNGS RIVER
90278	LOGAN RD.	MANGIN PAT	RT.3 BOX 331-B
INTERSECTION	SEARLS LN. (R)	LOGAN RD.	
35375	SEARLS LN.	MANGIN ROBERT (R)	RT.3 BOX 331-C
35364	SEARLS LN.	DEGANDI (L)	RT.3 BOX 338-E
35344	SEARLS LN.	SEARLS (L-END)	RT.3 BOX 338-D
35342	SEARLS LN.	CURRY (R)	RT.3 BOX 338-C
35343	SEARLS LN.	ARNOLD (R)	RT.3 BOX 338-B
35255	SEARLS LN.	FERGUSON (R)	RT.3 BOX 338-A
35254	SEARLS LN.	SMITH (END)	RT.3 BOX 338
INTERSECTION	M&M RD. (R)	LOGAN RD.	
90424	M&M RD.	GUSTAFSON M. (R)	RT.3 BOX 334-B
90440	M&M RD.	MAKI (R)	RT.3 BOX 334-D
90454	M&M RD.	MOORE (R)	RT.3 BOX 335-B
90464	M&M RD.	WILSON (END)	RT.3 BOX 335-A
90217	LOGAN RD.	BACKLIN	RT.3 BOX 339
90216	LOGAN RD.	LEWIS & CLARK FIRE STATION #2	

East Lewis & Clark Area

<i>Number</i>	<i>New Address</i>	<i>Name</i>	<i>Old Address</i>
90190	LOGAN RD.	BLACKWELL-PARCHER-SMITH	RT.3 BOX 335
90179	LOGAN RD.	CONKLIN	RT.3 BOX 336
90171	LOGAN RD.	FLYNN	RT.3 BOX 336-A
INTERSECTION LITTLE LN. (R)		LOGAN RD.	
35551	LITTLE LN.	GEDENBERG (R)	RT.3 BOX 337-A
35550	LITTLE LN.	ZOSKE (L)	RT.3 BOX 337-L
35538	LITTLE LN.	REINEBACH (L)	RT.3 BOX 337-M
35537	LITTLE LN.	MILLS - JAQUES (R)	RT.3 BOX 337-B
35525	LITTLE LN.	MESTRICH (R)	RT.3 BOX 337-C
35524	LITTLE LN.	BOLTON (L-END)	RT.3 BOX 337-W
90137	LOGAN RD.	ECKER	RT.3 BOX 342
90132	LOGAN RD.	CROSS (L)	RT.3 BOX 341
90134	LOGAN RD.	SCHNEIDER - BLUNCK (END)	RT.3 BOX 340
90105	LOGAN RD.	TROY	RT.3 BOX 342-B
HYDRANT	? GPM	LOGAN RD.	
INTERSECTION HUCKLEBERRY LN. (L)		LOGAN RD.	
35588	HUCKLEBERRY LN.	MAIER (R)	RT.3 BOX 343-A
35589	HUCKLEBERRY LN.	ESTABROOK (L)	RT.3 BOX 342-C
35610	HUCKLEBERRY LN.	?????	
35619	HUCKLEBERRY LN.	CASHION (L)	RT.3 BOX 342-C
35629	HUCKLEBERRY LN.	LALONE (END)	RT.3 BOX 344
90085	LOGAN RD.	FOX	RT.3 BOX 343
90041	LOGAN RD.	TRUSEWICZ T. (L)	RT.3 BOX 345
90039	LOGAN RD.	TRUSEWICZ J. (END)	RT.3 BOX 346
HYDRANT	? GPM	LOGAN RD.	
89920	LOGAN RD.	SCARBOROUGH	RT.3 BOX 350
89901	LOGAN RD.	LECTURE	RT.3 BOX 351
89884	LOGAN RD.	WAIT	RT.3 BOX 352
HYDRANT	? GPM	LOGAN RD.	
89877	LOGAN RD.	KURNS	RT.3 BOX 352
89834	LOGAN RD.	STONEMAN	RT.3 BOX 354

East Lewis & Clark Area

<i>Number</i>	<i>New Address</i>	<i>Name</i>	<i>Old Address</i>
89813	LOGAN RD.	FREEL	RT.3 BOX 359
89806	LOGAN RD.	WEST	RT.3 BOX 357
89802	LOGAN RD.	SCARBOROUGH	RT.3 BOX 361
89767	LOGAN RD.	GLICK	RT.3 BOX 360
89730	LOGAN RD.	ROWLAND (R)	RT.3 BOX 362
89732	LOGAN RD.	UNDERHILL (END)	RT.3 BOX 363
89715	LOGAN RD.	WARN	RT.3 BOX 364
HYDRANT (L)	? GPM	LOGAN RD.	
89642	LOGAN RD.	PERDUE (END)	RT.3 BOX 365-A
89640	LOGAN RD.	PADILLA (L)	RT.3 BOX 365
89620	LOGAN RD.	JASPER J.	RT.3 BOX 366
INTERSECTION	STAVEBOLT LOGGING RD.	LOGAN RD.	
89512	LOGAN RD.	JONES	RT.3 BOX 373
89500	LOGAN RD.	YAKALLA (L)	RT.3 BOX 374
89502	LOGAN RD.	DUNN (END)	RT.3 BOX 375
HYDRANT (L)	? GPM	LOGAN RD.	
89498	LOGAN RD.	WHEATLY	RT.3 BOX 376
89246	LOGAN RD.	BLACKNER	RT.3 BOX 385
BRIDGE TO	THE WEST SIDE OF THE	LEWIS & CLARK RIVER	(CURVED BRIDGE)
89065	LOGAN RD.	MALEY (PRIVATE BRIDGE)	RT.3 BOX 388-A
?????	LOGAN RD.	MUZZLE LOADER GUN CLUB (PRIVATE BRIDGE)	RT.3 BOX ???
INTERSECTION	LEWIS & CLARK RD. (R)	LOGAN RD.	LOGAN RD. ENDS

West Lewis & Clark Area

90852
Fort Clatsop Rd

Number	New Address	Name	Old Address
34100	LOUKAS LN.	FARMER (L)	RT.3 BOX 588
34078	LOUKAS LN.	FENNERTY (END)	RT.3 BOX 586
90798	FORT CLATSOP RD.	HANNU	RT.3 BOX 563
90786	FORT CLATSOP RD.	ARNELL	RT.3 BOX 562
INTERSECTION SPRING RD. (R)		FORT CLATSOP RD.	
90659	SPRING RD.	THOMPSON (R)	RT.3 BOX 561
90645	SPRING RD.	HALL (R)	RT.3 BOX 558
90635	SPRING RD.	WUJORI (END)	RT.3 BOX 560
INTERSECTION PERNU RD. (R)		FORT CLATSOP RD.	
90610	PERNU RD.	WHITE (R)	RT.3 BOX 546
90607	PERNU RD.	O'CONNOR/RESA	RT.3 BOX 545
90585	PERNU RD.	?????? (L)	RT.3 BOX 549
90583	PERNU RD.	LAWSON (L)	RT.3 BOX 550
90577	PERNU RD.	GRIFFIS (L)	RT.3 BOX 551
90563	PERNU RD.	TUCKER (L)	RT.3 BOX 553
90556	PERNU RD.	RYDBERG (R-END)	RT.3 BOX 554
90667	FORT CLATSOP RD.	MITCHELL	RT.3 BOX 543
90630	FORT CLATSOP RD.	WILLIAMS	RT.3 BOX 542
90594	FORT CLATSOP RD.	ISLE (R)	RT.3 BOX 541
90592	FORT CLATSOP RD.	HINTON - SCHLEISS (END)	RT.3 BOX 540
INTERSECTION LEWIS & CLARK RD.		FORT CLATSOP RD. BRIDGE OVER RIVER	
90224	LEWIS & CLARK RD.	HOLTON	RT.3 BOX 537
90198	LEWIS & CLARK RD.	LARSON DEAN	RT.3 BOX 536
90130	LEWIS & CLARK RD.	VAN OSDOL	RT.3 BOX 533
90128	LEWIS & CLARK RD.	LARSON D. (BEHIND SHAKE MILL)	RT.3 BOX 533
90111	LEWIS & CLARK RD.	LARSON JIM	RT.3 BOX 532
HYDRANT (L) ? GPM		LEWIS & CLARK RD.	
90079	LEWIS & CLARK RD.	HOOD (L)	RT.3 BOX 530
90077	LEWIS & CLARK RD.	NIEMAN (END)	RT.3 BOX 531
90040	LEWIS & CLARK RD.	MILLER	RT.3 BOX 529-A
90024	LEWIS & CLARK RD.	HAYNES	RT.3 BOX 529

West Lewis & Clark Area

Number	New Address	Name	Old Address
90018	LEWIS & CLARK RD.	MERRIN	RT.3 BOX 528
89961	LEWIS & CLARK RD.	PENNER	RT.3 BOX 525
HYDRANT (L)	? GPM	LEWIS & CLARK RD.	
89948	LEWIS & CLARK RD.	METZGER	RT.3 BOX 524
89916	LEWIS & CLARK RD.	MURRY	RT.3 BOX 523
89902	LEWIS & CLARK RD.	HECKENBERG	RT.3 BOX 522
OVERPASS	WILLAMETTE MAINLINE	LEWIS & CLARK RD.	
89840	LEWIS & CLARK RD.	BRENNEN	RT.3 BOX 517
89834	LEWIS & CLARK RD.	DRURY (BEHIND BRENNENS)	RT.3 BOX 518
89827	LEWIS & CLARK RD.	BRANDON B.	RT.3 BOX 515
89825	LEWIS & CLARK RD.	BRANDON R.	RT.3 BOX 514
89824	LEWIS & CLARK RD.	GRAHAM	RT.3 BOX 513
HYDRANT (L)	? GPM	LEWIS & CLARK RD.	
INTERSECTION	MCCROSKEY RD. (R)	LEWIS & CLARK RD.	
89784	MCCROSKEY RD.	SWANBERG (END)	RT.3 BOX 510
89725	LEWIS & CLARK RD.	HISSNER	RT.3 BOX 508
89677	LEWIS & CLARK RD.	YATES	RT.3 BOX 505
89605	LEWIS & CLARK RD.	KOSKELO	RT.3 BOX 503
HYDRANT (L)	? GPM	LEWIS & CLARK RD.	
INTERSECTION	ELKHORN DR. (L)	LEWIS & CLARK RD.	
89526	ELKHORN DR.	TREVILLIAN (L)	RT.3 BOX 502
89664	ELKHORN DR.	HOUSE G. (L)	RT.3 BOX 502-C
89726	ELKHORN DR.	BROWN (L-END)	RT.3 BOX 502-B
89505	LEWIS & CLARK RD.	HALL	RT.3 BOX 500
89503	LEWIS & CLARK RD.	BRIM	RT.3 BOX 500-A
89469	LEWIS & CLARK RD.	JONES	RT.3 BOX 490
HYDRANT	? GPM	LEWIS & CLARK RD.	
89435	LEWIS & CLARK RD.	HAYDOCK/RATE	RT.3 BOX 489-A
89429	LEWIS & CLARK RD.	PUHL	RT.3 BOX 489
89384	LEWIS & CLARK RD.	BERGESON C.	RT.3 BOX 487
HYDRANT	? GPM	LEWIS & CLARK RD.	

West Lewis & Clark Area

<i>Number</i>	<i>New Address</i>	<i>Name</i>	<i>Old Address</i>
89335	LEWIS & CLARK RD.	SHOP - NEIKES	RT.3 BOX 485
89335	LEWIS & CLARK RD.	HOUSE - RENTAL	RT.3 BOX 485
INTERSECTION WADSWORTH RD. (R)			
		LEWIS & CLARK RD.	
89710	WADSWORTH RD.	DUSTIN (R)	RT.3 BOX 480-A
89599	WADSWORTH RD.	JOHNSON (L)	RT.3 BOX 481
89590	WADSWORTH RD.	POTTER (R)	RT.3 BOX 484
89583	WADSWORTH RD.	BERGESON M. (END)	RT.3 BOX 479
89581	WADSWORTH RD.	OLSEN T. (R)	RT.3 BOX 479-A
HYDRANT ? GPM WADSWORTH RD.			
88862	WADSWORTH RD.	BURKE (R)	RT.3 BOX 482-A
88834	WADSWORTH RD.	DEBOERS (R)	RT.3 BOX 482-D
88776	WADSWORTH RD.	OLSON (R)	RT.3 BOX 482-B
88775	WADSWORTH RD.	HANNU (L)	RT.3 BOX 482-C
88746	WADSWORTH RD.	RIGGS(R)	RT.3 BOX 482
88700	WADSWORTH RD.	LOUTZNER (END)	RT.3 BOX 483
89290	LEWIS & CLARK RD.	GREEN	RT.3 BOX 478
89281	LEWIS & CLARK RD.	SCHULBACK	RT.3 BOX 480
89269	LEWIS & CLARK RD.	DELPHIA	RT.3 BOX 477
89218	LEWIS & CLARK RD.	SWANBERG W.	RT.3 BOX 476-A
HYDRANT ? GPM LEWIS & CLARK RD.			
89120	LEWIS & CLARK RD.	SODERVICK	RT.3 BOX 476
88850	LEWIS & CLARK RD.	BURKHART J.	RT.3 BOX 403
88786	LEWIS & CLARK RD.	RODLI	RT.3 BOX 404
88619	LEWIS & CLARK RD.	BURKHART J. JR.	RT.3 BOX 407
88610	LEWIS & CLARK RD.	WARD (R)	RT.3 BOX 405
88608	LEWIS & CLARK RD.	CECIL (L)	RT.3 BOX 406
88462	LEWIS & CLARK RD.	OLSON	RT.3 BOX 408
88337	LEWIS & CLARK RD.	ERHARDT/MARTIN	RT.3 BOX 410
88205	LEWIS & CLARK RD.	HUSTON	RT.3 BOX 412
87981	LEWIS & CLARK RD.	SMELZER (PRIVATE BRIDGE)	RT.3 BOX 415
87834	LEWIS & CLARK RD.	HOWE	RT.3 BOX 421
87813	LEWIS & CLARK RD.	MALOON	RT.3 BOX 422

Road	Road #	Milepost	Days Analyzed	Ending Date	ADT	Truck %	Average SPD
LEWIS & CLARK	809	0.10	7	9/11/2000	2745	3	
LEWIS & CLARK	809	0.10	6	1/9/2008	2355	5	
LEWIS & CLARK	809	0.20	7	4/29/2011	2429	11	
LEWIS & CLARK	809	0.20	7	4/24/2013	2330	9	
LEWIS & CLARK	809	0.20	7	3/11/2016	2317	7	

Public Works Road
Count - About 1200
Trips Each Way ~~Trips~~

ROAD STUDY - Did you
Read it

OF Packet

GOAL 12

395 Current Homes
ADD 168
42% increase
trips

About 1,200 trips Each Way

Could increase traffic by 42%

1,118 ADT

No Impact?

The proposed use is not permitted outright within the proposed zoning, the actual proposed conditional use may result in traffic volumes in excess of those identified under the reasonable worst-case scenario for uses permitted outright within the zone. Notably, it is also not possible to analyze a worst-case development scenario for the proposed conditional use, since there is no density limitation (and no corresponding maximum unit count) that can be ascribed to multi-family conditional uses within the zone.

Table 1 below summarizes the trip generation for the permitted worst-case scenarios and the proposed conditional-use development. Detailed trip generation calculations are provided in the appendix to this report.

Table 1: Summary of expected trip generations for three zoning/development scenarios

Scenario Land-Use Code, Type	Morning Peak Hour		Evening Peak Hour		Weekday	
	In	Out	In	Out	Total	Total
Existing Zoning: Rural Community Residential – Worst-Case Scenario						
Single Family Dwelling - #210 48 Homes	9	25	34	28	17	45
Apartment - #220 48 ADUs	5	18	23	18	10	28
TOTAL:	14	43	57	46	27	73
Proposed Zoning: Rural Community Multi-Family Residential – Worst-Case Scenario						
Single Family Dwelling - #210 45 Duplicates (90 SFD's)	17	51	68	57	33	90
Apartment - #220 160 Units	17	68	88	68	36	104
TOTAL:	34	119	156	125	69	194

In this case, since the proposed conditional-use development is projected to result in higher trip generation than the worst-case analysis for outright permitted uses within the zone, both the near-term development analysis and the long-range planning horizon analysis for the proposed zone change were conservatively evaluated using the trip generation data for the proposed conditional-use development.

TRIP DISTRIBUTION

The development of the site is proposed to be entirely residential and is located among other rural community residential land uses. It is expected that the trip distribution patterns will be similar to the existing patterns. For this reason, the existing traffic volumes at the study area intersections were used to determine the distributional patterns for the residential portion of the site. The near-by school and shopping areas in Warrenton and Astoria were considered in the distribution.

The projected distribution and assignment of site trips from future development under the existing zoning within the subject property is shown in Figure 3 on page 20. The projected distribution and assignment of site trips under the proposed zoning with the proposed conditional-use development is shown in Figure 4 on page 21.

AMENDMENT NO. 1, DATED AS OF 9/4, 2007 TO THE MAY 6, 2003
INTERGOVERNMENTAL AGREEMENT FOR WASTEWATER TREATMENT,
BETWEEN THE CITY OF ASTORIA AND MILES CROSSING SANITARY
SEWER DISTRICT

RECITALS:

A. Under the authority of the Oregon Revised Statutes, the City of Astoria (the "City") and the Miles Crossing Sanitary Sewer District (the "District") (collectively referred to herein as the "Parties") are authorized to enter into arrangements for cooperation in the provision for Wastewater treatment to prevent water pollution.

B. The City and the District entered into that certain Intergovernmental Agreement for Wastewater Treatment (the "Intergovernmental Agreement") on May 6, 2003.

C. In the Intergovernmental Agreement, the Parties mutually agreed that certain Wastewater originating from and leaving the boundaries of the District would be accepted and treated by the City's Wastewater treatment facility subject to the full approval of the Oregon State Department of Environmental Quality ("DEQ").

D. The District seeks and the City will agree to grant, subject to certain conditions set forth in detail below, a non-exclusive easement to the District for the purpose of constructing, operating, inspecting and maintaining a sanitary sewer line on property owned by the City to facilitate implementation of the Intergovernmental Agreement and this Amendment No. 1 to the Intergovernmental Agreement.

E. Pursuant to Section 16 of the Intergovernmental Agreement this Amendment No. 1 shall be effective immediately upon signing by the Parties as the Parties here declare the existence of an emergency pursuant to Section 16.2 of the Intergovernmental Agreement. Pursuant to Section 16.1 and by agreement between the Parties, this Amendment No. 1 to the Intergovernmental Agreement is being affected in the same form and manner as the Intergovernmental Agreement. Pursuant to Section 16 the provisions of this Amendment No. 1 modify and amend the Intergovernmental Agreement.

NOW THEREFORE, in consideration of the promises herein contained, the Parties agree as follows:

1. **Definitions**

All capitalized terms contained but not defined herein shall have the meanings assigned to them in Section 1 of the Intergovernmental Agreement except for those terms specifically defined below.

- A. "Wastewater" shall be defined, for purposes of Amendment No. 1, to mean domestic sewage from households and sewage and Industrial Wastewater (as defined below) from any commercial buildings or business enterprises, excluding stormwater.
- B. "Industrial Wastewater" discharges shall be defined, for purposes of Amendment No. 1, to include those discharges of Wastewater from any commercial buildings or business enterprises that meet or exceed, for any one discharger, 25,000 gallons per day or 17 gallons per minute.
- C. "the Connection" shall be defined, for purposes of Amendment No. 1, to mean the act of final implementation of the line Connection between the District's and the City's Wastewater collection systems enabling the flow of Wastewater from the District's system to the City's system and treatment plant.
- D. "Combined Sewage Overflow" ("CSO") shall be defined, for purposes of Amendment No. 1, to mean the discharge of a mix of storm water and Wastewater from a combined sewer system at a point prior to the publicly owned treatment work.
- E. "CSO 2" shall be defined, for purposes of Amendment No. 1, to mean the point of discharge identified as CSO 2 in the City's current State Permit (current as of the date of the signing of this Amendment No. 1).
- F. "Storage Tank") shall be defined, for purposes of Amendment No. 1, to mean a fully automated 72,000 gallon Wastewater storage tank designed to evacuate at a rate of 135 gallons per minute, approved by the DEQ as to its design, size, location and application as more fully described in paragraph 3.1 below.
- G. "Operating Agreement" shall be defined, for purposes of Amendment No. 1, to mean a written, signed and dated agreement between the Parties, entered into prior to the Connection, which sets forth those necessary operational details facilitating the linked operation of the two Wastewater collection systems as more fully described in paragraph 3.2 below.
- H. "Control Manhole" shall be defined, for purposes of Amendment No. 1, to mean the City's manhole station 282+97.

2. Effect of Amendment No. 1

The provisions in this Amendment No. 1 are meant to modify, amend and supplement the Intergovernmental Agreement by mutual agreement of the Parties as set forth in this Amendment.

3. Easement Agreement Conditions

The City hereby agrees to execute an Easement Agreement in the form attached hereto as **Appendix 1** within thirty (30) days of DEQ approval of the entire District storage facility system including the Storage Tank described more fully below, by which the City will grant an easement to the District (the "Easement") subject to the following conditions precedent:

3.1 The District and the City have agreed that the District will construct a fully automated 72,000 gallon Wastewater storage tank (the "Storage Tank") designed to evacuate at a rate of 135 gallons per minute, subject to approval by the DEQ of its design, size, location and application. At the completion of construction and before the Connection is put into service, the District will provide the City with a Oregon Professional Engineer's Certification of completion in accordance with design and plans for the City's review and approval. The Storage Tank shall be constructed so as to ensure ease of maintenance of the automated system and reliable performance throughout the life of the tank. The Storage Tank shall be constructed so as to ensure that stored Wastewater up to a volume of 72,000 gallons can be successfully discharged and emptied within a nine (9) hour period. The City and the District agree that the District will not be permitted to connect to the City's collection system or use the Easement, for purposes other than limited testing associated with the construction, installation and Connection, unless and until (i) it completes construction of the Storage Tank, or any alternate Wastewater storage facility required by the DEQ and agreed to between the Parties and (ii) the Wastewater storage facility, including the related data collection and recording system is fully functional.. This storage tank size is specifically understood and agreed to be designed for and limited to acceptance by the City of at most 85,000 gallons per day of discharge from the District. That number can be ultimately increased, if the District decides to do so, only under the conditions set forth below. For purposes of this Agreement, testing is understood by both the District and the City to include brief limited duration discharges to the City's system to ensure that the force main and Connection will function properly as intended and designed when the full Connection for daily use is allowed pursuant to the terms of this Amendment No. 1.

3.2 The District acknowledges, that as a condition preceding putting the Connection in service, it will not begin discharging Wastewater through the proposed sanitary sewer line into the City's collection system by way of the Easement, except for the testing described in paragraph 3.1, until the City and the District have reached a written agreement (the "Operating Agreement") regarding the detailed operation of such Connection and the operation of the storage component of the District's system. Among other operational details, the written agreement referenced in the immediate preceding sentence shall include, but not be limited to, a provision that defines the need for diversion and the District's obligation to divert, to the Storage Tank, by CSO interceptor level and it will establish the CSO interceptor level when the District can begin pumping again through the Connection to the City. The District's pumping will be controlled

based on the water depth at the Control Manhole. The Operating Agreement shall also include the agreed precise Connection point between the District and the City's systems, provision for the City's construction inspection of the Connection and the details of the data collection and recording system. The Parties agree to work together in good faith to reach a mutually acceptable Operating Agreement. The District agrees that the quality of the Wastewater delivered through the Connection to the City's system is the responsibility of the District. The Operating Agreement shall also include the following specific provisions:

(i) The instruments required on the City's sewer system interceptor to control diversion of the District's flow to the Storage Tank shall be installed at the City's manhole station 282+97 (the "Control Manhole"). When the depth in the control manhole is 13-inches a signal will be sent to stop pumping from the District. When the depth recovers to 10 inches a signal will be sent to allow pumping to start. The District will own and maintain the equipment in the Control Manhole. It is the responsibility of the District to adequately provide controls sufficient to read water depths to within 0.1 foot and electronic signaling to control pumping pursuant to this Amendment No. 1 and the Operating Agreement.

(ii) A remote telemetry system to transmit operational data to the City will not be necessary if the City is provided access to the data via the District's website and if the website is properly maintained by the District.

(iii) The District shall collect periodic effluent quality data at the point of Connection to the City's system. The following data must be made available on the District's website:

Effluent Quality Data:

- a) Record of pH – collected and reported three times per week;
- b) Priority pollutant scans – performed once in summer and once in winter;
- c) Weekly measurements of BOD (biological oxygen demand) and TSS (total suspended solids);
- d) Quarterly measurements of metals concentrations;
- e) Semi-annual measurements of priority pollutants;
- f) Aqueous hydrogen sulfide concentration at the Connection at a frequency and pursuant to a protocol set forth by DEQ;

Operational Information:

- g) The City's interceptor level;
- h) The time and date of initiation and termination of diversion to the storage tank and the rate of filling of the storage tank;
- i) The time and date of evacuation or emptying of the storage tank;
- j) The time and date of initiation and termination of the operation of the sewage pumps (a complete operational log);

- k) 5-minute record of water depth at the Control Manhole;
- l) Event record of when pump(s) start and stop, including a record of date, time, pump number;
- m) Record of pumping rate (flow) for each pumping event record, including a record of the date, time and flow rate;
- n) Event total flow delivered from the District to the City;
- o) Event record of when Storage Tank is used, including a record of 'stop' and 'start' signal for pumping and record of depth and or amount of storage used during the event; and
- p) Other relevant effluent and operational data and information to be determined by the District and City in consultation with each other.

3.3 The District agrees to defend (using legal counsel acceptable to the City), indemnify, and hold harmless the City from and against, and reimburse the City for, any and all actual or alleged claims, damages, expenses, costs, fees (including, but not limited to, attorney, accountant, paralegal, expert, and escrow fees), fines, and/or penalties (collectively "Costs") which may be imposed upon or claimed against or incurred by the City and which, in whole or in part, directly or indirectly, arise from or are in any way connected with any of the following (i) any act, omission or negligence of the District; (ii) any use, occupation, management or control of the Easement by the District, whether or not due to the District's own act or omission and whether or not occurring on the Easement; (iii) any condition created on or about the Easement by the District, including any accident, injury or damage occurring on or about the Easement after the Effective Date; (iv) any breach, violation or nonperformance of any of the District's obligations under this Amendment No. 1; (v) any damage caused by the District on or to the Easement. Nothing in the foregoing shall require the District to indemnify or hold the City harmless against any Costs resulting from the City's respective negligence or willful misconduct.

4. Industrial Wastewater Discharges

The District agrees that as a condition precedent to any Industrial Wastewater Discharge being connected by the District and passing through the Connection to the City's system, the District will adopt a Pretreatment Ordinance requiring the pretreatment of any Industrial Wastewater Discharge consistent with the Clean Water Act, applicable federal and state law, and DEQ and United States Environmental Protection Agency requirements and guidelines.

4.1 The District's Pretreatment Ordinance shall apply to all Industrial Wastewater Dischargers to the District's system. The District's Pretreatment Ordinance shall authorize the issuance of Industrial Wastewater Discharge Permits, authorize monitoring by both the District and the City, including facility auditing for compliance, require permit holder reporting, and establish compliance and enforcement procedures that will be available to both the District and the City.

4.2 The District shall reimburse the City for staff time and any necessary costs, at then effective standard City rates for such services, to pursue any necessary enforcement of the terms of the District's Pretreatment Ordinance.

5. Combined Sewage Overflows

5.1 After implementation of the line Connection between the District's and the City's collection systems, if a CSO occurs at CSO 2 and the CSO includes Wastewater from pumping from the District's sewer system, fault and any penalties assessed shall be allocated as follows:

(i) if the CSO is caused by negligence or equipment failure attributable exclusively to one party, that party shall be allocated 100% of the fault, cost of remedy or remediation, if any, and cost of any penalties;

(ii) if the CSO is caused by mutual negligence or equipment failure attributable to both Parties, the Parties agree to negotiate in good faith to reach agreement on the allocation of the fault, cost of remedy or remediation, if any, and cost of any penalties assessed; and

(iii) if the CSO is not caused by negligence or equipment failure attributable to either party, allocation of fault, cost of remedy or remediation, if any, and cost of any penalties assessed shall be determined on the basis of the proportional Wastewater volume contribution to the total overflow volume calculated as set forth below:

a) For purposes of this section of Amendment No. 1, the District's volume of domestic Wastewater shall be calculated based on the number of Wastewater Connections to the District's system; and

b) For purposes of this section of Amendment No. 1, the City's volume of Wastewater shall be calculated on the basis of the number of Wastewater Connections to the City's collection system up-pipe/up-gradient from CSO 2, excluding the District's Connections.

6. Capacity

Notwithstanding the City's obligations set forth in Section 5.1 of the Intergovernmental Agreement, the City and the District agree that initially the District will be permitted to discharge to the City's collection system no more than 85,000 gallons of Wastewater per day. The 85,000 gallons is based on a number of factors which include, but are not limited the District's 2024 population projection and the District's desire to build a storage tank of no greater than 72,250. When the District's output load equals or surpasses 72,250 gallons of Wastewater per day or two years prior to the District anticipating that the flow will need to be increased to a number greater than 85,000

DISTRICT BOARD
MILES CROSSING SANITARY SEWER DISTRICT

ORDINANCE NO.)

2005-2)

) AN ORDINANCE REGULATING
) THE USE OF PUBLIC AND
) PRIVATE SEWERS AND DRAINS,
) PRIVATE SEWAGE DISPOSAL,
) THE INSTALLATION AND
) CONNECTION OF BUILDING
) SEWERS AND THE DISCHARGE
) OF WATERS AND WASTES INTO
) THE PUBLIC SEWER SYSTEM,
) ESTABLISHING RULES,
) REGULATIONS, REQUIRING
) APPLICATION, PERMITS AND
) ESTABLISHING FEES FOR SEWER
) SERVICE; PROVIDING PENALTIES
) FOR VIOLATIONS THERETO);
) AMENDING ORDINANCE 2004-2
) AND DECLARING AN EMERGENCY

The District Board of MILES CROSSING SANITARY SEWER DISTRICT ordains as follows:

ARTICLE ONE.

**PURPOSE, AUTHORITY, POLICY,
PROCEDURE AND CONSTRUCTION OF
THIS ORDINANCE.**

1.1 **Purpose.** The District provides a valuable public service by providing a sewer system within the District limits. These sewer facilities constitute a public utility owned and operated by the District. The utility exists for the benefit of any person within the District who is required to use the system for disposing of sewage.

1.2 **Authority.** Pursuant to ORS 450.130, the Miles Crossing Sanitary Sewer District is authorized to enforce sewer rules and regulations and the District Board hereby approves the following rules and regulations and sets the sewer rates.

1.3 **Policy.** Users of the sewer system should be charged rates that reflect the operation of this system as a public utility in the District. Persons who are not required to use and do not use the sewer utility shall not pay monthly sewer service

2.8.7 The installation charge and SDC charges for supervision or performing the actual tap of the system shall be periodically reviewed by the District Board.

2.9 Sewer Service Charge

2.9.1 The owner, lessee, or agent of any premises connected to the District sewer system, except those producing wastes prohibited in 2.4 shall pay a sewer service charge as follows:

- a. Prior Service Charge. Ordinances 2000-3 and 2003-1 established and confirmed a sewer charge rate of \$20.00 per month for each separate use for structures located on each property within the District.
- b. Amendment of Sewer Service Charge. The current monthly sewer charge of \$20.00 per month was increased by Ordinance 2005-1 to the rate of \$38.00 per EDU of water service per month with a minimum of one EDU per month per service and a multiple of each EDU or fraction of an EDU in excess of one.
- c. Single Family Residential Use; EDU. A single family residential use per structure shall be charged a monthly sewer service charge for one EDU per month.
- d. Non-Single Family Residential Use; EDU. Each separate non-single family residential use per structure located within the District for which sanitation facilities exist or are required by District, County or State regulation or law shall be charged on the basis of a minimum of one non-single family residential use EDU plus a pro-rated multiple of each EDU in excess of one EDU per month unless an adjustment is granted pursuant to 2.3.3 below. An EDU for calculation of the non-single family residential sewer service charge per month is water service of up to 6,000 gallons per month. For example: if the use received is between 0 and 6,000 gallons of water in a month the use would be charged the rate for one EDU for the sewer charge. If the use received is 9,000 gallons of water in a month the sewer charge would be for 1 ½ EDU.
- e. Adjustment of EDU Determination. If it is administratively determined by a person appointed by the District Board that water usage in excess of one EDU is

for purposes not related to a use that is disposed of in the sewer system, the EDU for determining the sewer service charge may be adjusted to reflect the actual sewage generated from the use. Any person aggrieved by this administrative decision may appeal in writing the administrative decision to the District Board within 60 days of the administrative decision.

- f. Effective Date for Increase of Sewer Service Charge. This increased EDU rate shall become effective no earlier than the billing cycle starting February 20, 2006 or upon the Oregon Department of Environmental Quality's final approval of the District's final engineering design for construction of the project, whichever is later. The rate payable for each separate user shall be \$38.00 times the number of respective EDUs of water consumed per month and shall be payable on the next billing following DEQ's approval. Notwithstanding the fact that the District's billing cycle does not commence on the first of the month, the amount billed on the billing following the DEQ approval shall be a full \$38.00 for the whole billing cycle.
- g. Billing Cycle. The District adopts by reference the same monthly billing cycle as that now or hereafter used by the Youngs River - Lewis and Clark Domestic Water Supply District.
- h. The District Board shall periodically review and may revise the gallonage constituting an EDU to reflect the actual cost of operation, maintenance, replacement and usage.
- i. The sewer service rate charges per EDU shall be periodically reviewed and may be revised to reflect the actual cost of operation, maintenance, cost of disposal and administration and to maintain the equity of the user rate with respect to proportional distribution of the costs of operation and maintenance on a per EDU basis.
- j. Each user shall be notified, at least annually, in connection with a regular bill of the rates.

2.9.2 Those premises producing wastes as described in 2.4 which the District is willing to accept, shall pay the rate set forth in 2.9.1 above plus any additional costs of handling and treating the wastes not covered by existing sewer charges.

This document represents an agreement between Richard Krueger and the Miles Crossing Sanitary Sewer District for sewer services to the Development known as the Grand Vista Apartments, located at Miles Crossing between the Lewis & Clark Golf & RV Park and the Lewis & Clark Middle School, (T8N R9W Tax lot 600). The development is to be constructed in three phases, resulting in 7 apartment buildings with 24 apartments each.

Mr. Richard Krueger plans to build the first phase this year, 2016. Phase one will be two buildings of 24 apartments each, totaling 48 apartments. Phase two is planned for 2017 and will also have two buildings of 24 apartments each, totaling 48 apartments. The final phase, phase three is scheduled for 2018 and will have 3 buildings of 24 apartments each, totaling of 72 apartments.

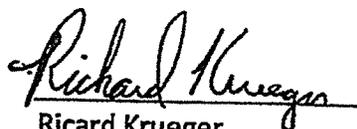
Mr. Krueger has agreed to pay a system development fee of \$6,400 for each apartment building. The system development fee for phase one will be \$12,800 for two buildings. Phase two will have the same system development fee of \$12,800, for two buildings containing 48 apartments. The system development fees for both phases one and two shall be paid on completion of the construction of phase one. The system development fee for phase three in the amount of \$19,200.00 for three buildings is to be paid at the completion of the construction of phase two.

Richard Krueger is to have all three phases of the development engineered for the vacuum sewer collection system and must be approved by the Miles Crossing Sanitary Sewer District Board of Directors, prior to construction of phase one.

In conjunction with the system development fee, there will be additional cost for parts and labor in the installation of the pits and valves for the sewer collection system. These cost will determined after the engineering is completed and approved by the Miles Crossing Sanitary Sewer District Board of Directors.

By signing below each party agrees with the terms of this agreement.


Richard Scott 2/2/2016
Chairman, Miles Crossing Sanitary Sewer District Date


Ricard Krueger 2/18/16
Developer Grand Vista Apartments Date

IN THE BOARD OF COMMISSIONERS
FOR MILES CROSSING SANITARY SEWER DISTRICT

APPROVING REVISED SYSTEM
DEVELOPMENT CHARGES

) RESOLUTION AND ORDER
) No. 2014-~~29~~-1

RSD 10/1 JLR

WHEREAS, Miles Crossing Sanitary Sewer District ("District") provides sewer collection and treatment service for citizens of its District; and

WHEREAS, Resolution 2010-5-4 set a Systems Development Charge of \$10,030, which was reduced in Resolution 2013-2 to \$6,500; and

WHEREAS, based on an additional year of actual usage the District has accumulated data to further refine charges pursuant to the District's methodology set forth in Resolution 2013-2, and

WHEREAS, further review establishes that a rate of \$5,600 is an appropriate amount for the reimbursement fee.

NOW, THEREFORE, be it resolved and ordered:

The system development reimbursement fee shall be \$5,600 per connection.

It is further resolved and ordered that property owners who have already paid a higher systems development charge shall be refunded the difference of the amount paid and the current rate.

Adopted by the Board of Directors of Miles Crossing Sanitary Sewer District this 2
day of September, 2014.

[Signature]

Commissioner

[Signature]

Commissioner

[Signature]

Commissioner

Miles Crossing Sanitary Sewer District Wastewater Facilities Plan



August 2002



*Tetra Tech / KCM, Inc.
7080 SW Fir Loop
Portland, Oregon 97223*

- Mues silt loam—Very deep, moderately well drained silt loam and gravelly loam with very slow permeability and slight erosion hazard
- Svensen loam—Very deep, well-drained loam, sandy loam and bedrock with moderately rapid permeability and severe erosion hazard.

Water Resources

Surface Water

The significant surface waters around the Miles Crossing service area are the Lewis and Clark River to the west and the Youngs River to the east, both of which flow into Youngs Bay, to the north. Youngs Bay flows into the Columbia River immediately upstream of the river's mouth to the Pacific Ocean. The community's water supply is provided by the Youngs River/Lewis and Clark Water District, which obtains water from intakes on the North and South Forks of Barney Creek. The water district serves approximately 1000 customers.

Groundwater

The groundwater level at lower elevations in the Miles Crossing area is very near the ground surface during the summer and at or above the surface during the winter. At higher elevations, the depth to groundwater is 12 inches or more (BST, 2001).

Environmentally Sensitive Areas

Salmon pass through Youngs Bay and the Youngs and Lewis and Clark Rivers near Miles Crossing on their way to upstream spawning areas (BST, 2001). This issue is being addressed in detail in the Environmental Report associated with this Facility Plan.

SOCIOECONOMIC ENVIRONMENT

Economic Conditions and Trends

The original route of U.S. Highway 101 from Astoria to the Oregon coast passed through Miles Crossing, bringing a steady flow of travelers to the community. The community was primarily rural farmland and businesses supporting the Astoria and Warrenton timber and maritime industries. The highway was rerouted to a new bridge over Youngs Bay in the mid-1960's and the old highway was designated as Alternate Highway 101. Commercial uses still line the highway, offering local commerce, transportation-related services and maritime activities. The community has developed as a residential area with single-family homes and residential rental properties. The problem of failing septic systems limits development of the area, affecting businesses as well as residential growth (BST, 2001).

Population

Current population was estimated based on an assumed population density of 2.54 persons per residential unit. For the 285 residential units in the community, this amounts to a population of 724.

No historical population data for the Miles Crossing area is available for use in projecting population growth. Recent growth is assumed to have been artificially low because of the development limitations caused by the community's septic system problems. For this facilities plan, a future population growth rate of 1.25 percent per year was assumed, based on Clatsop County growth projections for urban areas (Barnes, M. Clatsop County Draft Growth Protections). Table 2-1 shows the resulting growth projections through the 20-year planning period.

Year	Population
2002	713
2007	758
2012	807
2017	858
2022	913
2024	936

Public Health Hazards

Although failing septic systems in the Miles Crossing service area have not been formally listed as public health hazards, it is generally understood that many of these on-site waste disposal systems are in marginal or failed condition, which can lead to untreated waste reaching surface waters or groundwater. Given the local soil and groundwater conditions, developed lots in the community generally are not large enough for adequate septic systems to ensure proper waste disposal. Septic system failure represents a significant potential public health hazard (BST, 2001).

Energy Production and Consumption

No energy resources have been identified in the service area. Constructing a new wastewater system will lead to an increase in energy consumption to power the equipment included in the system. The amount of increased use will depend on the selected facilities.

Air Quality

No air quality problems or concerns for the Miles Crossing service area were identified for this facilities plan.

ZONING AND LAND USE

Land use in the Miles Crossing service area is defined by the *Ordinance and Comprehensive Plan Amendment for the Jeffers Garden/Miles Crossing Rural Community* (Clatsop County 1999). Figure 2-3 shows the area land use designations. The area is not

inside an urban growth boundary and has been defined as a "rural community" under state land use definitions. Land use is primarily residential, with mixed commercial uses along Alternate U.S. 101, a light industrial area, and a school (CREST 1999).

Existing Zoning and Land Use

Existing land use conditions, defined as actual current development, were estimated from recent aerial photography as well as information provided by District staff. Table 2-2 summarizes existing zoning and development. All areas' contributions to the wastewater system are measured in equivalent dwelling units (EDUs), a measure of how many standard residential dwelling units would contribute an equivalent amount to the system.

**TABLE 2-2.
EXISTING AND BUILDOUT DEVELOPMENT**

Land Use	Existing Development		
	Area (acres)	EDUs	2024 EDUs
Single-Family Residential	65	215	295
Commercial	45	35	40
Industrial	20	10	15
Schools	7	25	25
Public	7	0	0
Total	144	285	375

Buildout Land Use

Within the district boundary area, it is likely that zoning will be changed. Buildout land use conditions are defined as full development allowable under existing or projected future zoning. Table 2-3 shows the buildout development conditions. District staff provided the following information on zoning changes in the Miles Crossing area:

- For planning purposes, residential zoning (SFR, SFR-1, RA1, and RA2) will be assumed to go to 10,000-square-foot lots. Commercial areas are likely to see infilling. Major flow-contributing industries are not viewed as likely to be present. Much of the area outside the immediate district boundary that will someday probably need service is designated for farm use (EFU). It is assumed that the zoning for those areas would not change.

EXHIBIT II. Written Testimony Submitted at or before June 14, 2016 Hearing

- A. Joan Ferretti, resident, 6/9/16 letter & attachments, submitted 6/10/16
 - 1. 6/9/15 Daily Astoria article
 - 2. 6/6/16 letter to Water District Board
- B. Bill Cook, resident, 6/13/16 email & attached letter
- C. David Noren, applicant's attorney, 6/13/16 email & attached letter requesting that the Planning Commission reopen the record and continue hearing to July 12th.
- D. Richard Scott, Miles Crossing Sanitary Sewer District, 6/13/16 letter, submitted 6/13/16
- E. Elena Miller, resident, 6/13/16 letter w/ attachment, submitted 6/14/16
 - 1. 6/9/16 Daily Astorian article
- F. Bill Mitchell, Superintendent, Miles Crossing Sanitary Sewer District, letter, submitted 6/14/16
- G. David Noren, applicant's attorney, 6/14/16 letter, submitted 6/14/16 letter responding to Miles Crossing Sanitary Sewer District's request to put discussion of the project "on hold" until July 5th.
- H. Cynthia Johnson, resident, 6/4/16 letter submitted 6/14/16

RECEIVED
Clatsop County

JUN 10 2016

Land Use Planning

Joan Ferretti
35139 Gravel Lane
Astoria, OR 97103

Clatsop County Planning Commission
800 Exchange Street, Suite 100
Astoria, OR 97103

June 9, 2016

**RE: QUASI-JUDICIAL HEARING
RE-ZONING AND CONDITIONAL USE PERMIT
BELLA RIDGE APARTMENTS – 92257 LEWIS AND CLARK ROAD**

Gentlemen:

Enclosed is a handwritten letter dated June 6, 2016 delivered to Youngs River Lewis and Clark Water Board at that meeting. Below is a typewritten copy for your consideration at above Hearing on June 14, 2016.

I am proud to live here among so many knowledgeable, articulate and principled men who stood up in protest and offered considerable data - - valuable expertise for you, if they can be heard at the upcoming meeting.

One gentleman explained their history to the Board and advised them to get an engineer and a lawyer.

The Chairman said they have twelve years of water-flow data in the rainy season and have adequate water. I said this is an entirely new situation, so old data wouldn't matter. See the attached article from the Daily Astorian dated June 9, 2016. Pacific County is experiencing its lowest stream flows on record in 86 years. Wouldn't our water sources mimic that?

They will charge for seven meters at the buildings, or about \$1,400 per unit - - a lower cost than ours, (at the road 5 years ago) - of \$7,000.00 because ours are smaller meters. A sizeable part of our payment must have gone toward the Bonded Debt, Capital Improvements and needed repairs.

Re: June 14 Hearing
Bella Ridge Apartments

If Dollar Signs are being dangled, think what the actual overall net will be after the forced absorption of cost for new infrastructure, increased services, etc. Total rebuilding/reconfiguration of that terrible intersection? Traffic Lights? Bike Lanes, Sidewalks, Crossing Lines? Millions right there.

Somebody has to pay for the impacts. Otherwise such development is not viable on its own. Is there any coordinated oversight going on or does each Agency, Board, Whatever push their own self interested agenda?

As people learn more, they find justification in believing this is only the beginning of something dangerous. Personally, I believe such rezoning and multi-family housing will lead to the slow, slippery, inexorable deterioration of our rural Lewis and Clark neighborhoods.

Thanking you for your attention and caution, and giving us a little more time.

Sincerely,

Joan Ferretti

Joan Ferretti

Attachment (1) Rivers at record laws in Pacific County

Enclosed: Typewritten copy of letter to
Youngs River Lewis & Clark Water District
dated June 6, 2016

Pacific County rivers at record lows

EO Media staff report

PACIFIC COUNTY, Wash. — With the start of the Pacific Northwest's normally bone-dry summer still two weeks away, a sharp drop in precipitation this spring has reversed local water supplies built up during a notably wet winter.

Pacific County is experiencing its lowest stream flows on record in the Willapa and Naselle Rivers, the Pacific County Emergency Management Agency said Tuesday.

The Naselle River, which flows into Willapa Bay in south-central Pacific County, is currently at 40 cubic feet per second, the lowest for the date in 86 years of record keeping. It was 60 cfs at this time last year. The long-term average stream flow for June 7 is 156 cfs.

The Willapa River, which enters the bay from the county's northeastern and eastern hills, currently has stream flow of 52 cfs, lowest on record for this date in 61 years of record

keeping. It was 64 cfs at this time last year. The long-term average for the date is 207 cfs.

"The National Weather Service indicates that while we are looking at much cooler temperatures over the next week, with a little precipitation, it will not result in any major changes to stream flow," emergency managers said.

These dry conditions will create an increased risk of wildfires in the county's vast area of industrial forestland.

Open
For Clatsop County Planning Commission
Hearing June 14 Re Bella Ridge

Joan Ferretti
35139 Gravel Lane
Astoria, OR 97103

June 6, 2016

Board of Directors
Youngs River Lewis and Clark Water District

RE: BELLA RIDGE APARTMENTS – 92257 LEWIS AND CLARK RD

Gentlemen:

I am strongly opposed to the Board granting water rights to the above complex.

Setting this precedent by indiscriminately plunking 16-units per acre (including roads, parking and walkways) right in the middle of a single-family minimum 2-acre rural – designated area opens a can of worms. Everyone will demand the same privilege. Landowners are already being solicited to do the same thing. Hundreds of acres are ripe for re-zoning.

At first, Astoria extended sewers to Jeffers Gardens, presumably, due to potential health hazards. There is no such need now for extending their jurisdiction further.

The charge for a water meter is \$7,000. Who would believe you will collect anything near that for the 168 units? EACH ONE.

The district's By-Laws and Mission Statement can not require it to provide water for multi-family (subsidized) social services.

Rather, the District's duty is to ensure clean and adequate water for rural and agricultural properties and our mini-farms in the area well into the future – perhaps an unknown and distant future.

This is an area, where livability, in fact, actual existence itself is totally dependent on availability of water. Surely, the aggressive encroachments of projects like this are in direct conflict with State Land-Use Laws.

We don't know what government mandates will be imposed on the Water District in years to come; when the next moratorium and "boil water" orders will be; what the financial condition of the District is; what the total Bonded Debt is; whether the District can handle unforeseen repairs and emergencies; what reserves there are, and whether you have an attorney to help you look out for and protect our best interests.

For Clatsop County Planning Commission
Hearing June 14 Re Bella Ridge

We don't know how many potential high-density sites will go on sewer after this exception, or how to calculate when maximum volumes and saturation points for both sewer and water are reached.

But why should such incompatible developments suck up all this water without any regard for present and future legitimate claims for water. (**NOT sewer, just water**). Will people with subdividable acreage ever be able to build even one home after this, or be denied meters?

With climate change, our water source is bound to start drying up in the summer – a critical time for irrigation out here. Why should we allow the deliberate acceleration of this process today?

Is the Board willing to predict an unlimited supply, or take a chance that will jeopardize future availability? A warmer climate will also give us longer growing seasons; thus greater agricultural growth.

“GODSENDS” like this development will shut this truly beneficial potential down forever.

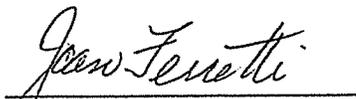
The County should have never entertained this drastic zone change, which dumps the entire Water Question and final decision on your watch.

Sadly, the various agencies have been working on this deal for months on end, without an input from the people who were left in the dark, and never realized how they will be impacted or know how to appeal or protest. A SHAME.

Please note a builder's recent withdrawal of Townhouse plans on Irving (single-family zoned), due to neighbors protests. So – higher density is a “no-no” in the City Proper – and it is relieved by dumping 300 plus people out in the middle of nowhere. Here – where all the infrastructure capability is in doubt – and where conditions can't be met without concession after concession by the “PARTNERS.”

It begins to look more and more absurd. Thank you for your consideration. Please acknowledge receipt, and enter this into the record.

Sincerely,



Joan Ferretti
Lewis and Clark

June 6, 2016

received
6-6-16.
By Bonnie Gunn
VRLC office

Board of Directors
Youngs River Lewis & Clark Water District

RE: Bella Ridge Apartments
92257 Lewis & Clark Rd

Gentlemen:

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Board of Directors
L+C, YR, Water Dist.

June 6, 2016

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"Godsends" like this development will shut this truly beneficial potential down forever.

June 6, 2016

Board of Directors
YR L+C Water District

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It begins to look more and more absurd. Thank you for your consideration. Please acknowledge receipt, and enter this into the record.

Sincerely,
Joan Ferretti
Lewis and Clark Road

Heather Hansen

EXHIBIT # II - B

From: William Cook <wcook1120@charter.net>
Sent: Monday, June 13, 2016 2:44 PM
To: Heather Hansen
Subject: testimony for planning commission meeting tuesday june 14th
Attachments: Response to Planning Commission re Krueger.docx

June 13, 2016

Land Use Planning Division
Community Development Department
Heather Hansen, Director,
800 Exchange Street, Room 100
Astoria, OR 97103

RE: Permit request #20160076/77

Dear Ms. Hansen:

Thank you for the opportunity to comment on Permit request #20160076/77: Map Amendment to change 10.4 acres from Miles Crossing Rural Community Residential (RCR) to Rural Community Multi-Family Residential (RC-MFR) zoning, and the concurrent Conditional Use request to allow the development of 168 multi-family dwelling units on this same 10.4 acres.

I have the following observations that point to where the Staff findings are wholly inadequate to support statements that the various criteria are met and sufficient to approve both the Map Amendment and the Conditional Use request:

Section 5.412 (1) and (2): In 2003, the subject property was zoned RCR after a thorough analysis of the surrounding area, existing and anticipated uses and development. If the applicant would like to develop housing on the site, he can do so under the current zoning, at levels which are appropriate to the property and surrounding area and levels of services. The County Commission and Miles Crossing-Jeffers Gardens community found, at that time, that RCR was the most appropriate zoning for the subject property.

If the zoning map is amended to change this property to RCR-MF, this would be the only property in Miles Crossing-Jeffers Gardens to carry the Multi-Family zoning. There are no properties within the Miles Crossing-Jeffers Gardens Rural Community which are zoned RC-MFR. This is not surprising, as the purpose statement of the RC-MFR zone states:

"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."

The subject property was not historically developed with mobile home parks, nor manufactured home parks, nor multi-family housing. The applicant and staff fail to demonstrate how 168 housing units is a rural community density. This number of housing units is in stark contrast to the current zoning of RCR, which allows a duplex on 15,000 square feet. At that rate, this property could potentially be developed with 30 duplexes (60 units). Even this number is questionably high given the low density, single-family dwelling unit character of the area. Under the current zoning, the applicant could apply for a Cluster Development, which could increase density at the site without necessitating a Zone Change and Map Amendment. Rezoning to RC-MFR is inappropriate at this location given the character of the Miles Crossing-Jeffers Garden rural community character. The criteria of 5.412(1) and (2) are not met.

5.412(3)(G-I): The proposed change does not give reasonable consideration to the suitability of the property for particular uses such as multi-family and other high density uses that are allowed outright and conditionally in the RC-MFR zoning. This property is adjacent to EFU land, and an established Elementary School. High density uses such as multi-family are inappropriate and incompatible with adjacent EFU lands and schools, where there are not available nearby parks and recreation facilities and improvements such as sidewalks and mass transit availability, which are common features in areas where multi-family housing is appropriate to be sited.

The proposed change does not show how it will not be detrimental to the health, safety, and general welfare of Clatsop County, and residents of Miles Crossing-Jeffers Gardens. The increased residential traffic and stacking of vehicles of all sorts (logging trucks, farm vehicles, schools busses, residential traffic) at nearby intersections is inevitable. There is not a corresponding increase in parks and recreational facilities to go along with the increased dwelling unit density; this is an unprogressive method to go about sharply increasing residential development of a rural community, particularly on property which is adjacent to EFU land.

The criterial of 5.412(3)(G-I) are not met.

Goal 10-Population and Housing (1): Residential development at an appropriate scale is already allowed at this location. The applicant fails to provide findings that public facilities, such as police, parks and recreational facilities, can be provided. The Youngs River / Lewis & Clark Water District provides water to the district customers, and the City of Astoria receives effluent from the local sanitary sewer district. The City of Astoria has not provided documentation that it has the capacity to receive more effluent nor has the existing sewer district exemplified their ability to accept more effluent from current landowners and customers of the district who already have zoned ready parcels to construct on without an expansion of the sewer pump system .

The applicant and staff have not shown that conflicts with agricultural uses in the immediate area (Cowen Dairy for example) have been minimized. Instead, a change in zoning to a more intense development level (including multi-family) only exacerbate conflicts with agricultural uses.

The criteria of Goal 10(1) are not met.

Goal 10-Population and Housing (4): The County already permits residential development at this property. Under the RCR zoning and when it was adopted at this location, it has been demonstrated that RCR development is appropriate at this location. The development can already develop the property residentially, with up to 30-45 duplexes (according to the Lancaster Engineering report). With the zone change, the applicant and staff have not demonstrated that development of residential units will not interfere with surrounding agricultural activities, which includes a nearby dairy farmer.

Goal 10-Population and Housing (6): This is not applicable because this property is not within an Urban Growth Boundary.

Goal 10-Population and Housing (8) Clatsop County has already made this property available for housing with regard to location, type, density and cost and as such, it is already compatible with development on surrounding lands. To change from the existing zoning to RC-MFR is to increase the density allowances significantly. The land can already be developed with single family and duplexes for sale or rent without changing the zoning. The property is adjacent to EFU zoned land and in the near vicinity to active agricultural and dairy farms. The staff finding blatantly ignores this fact.

The criteria of Goal 10(8) are not met.

Goal 11-Public Facilities and Services (3), (9): The applicant has received notification of general availability of service from the water and sewer districts. However, the City of Astoria, the receiver of

10 and 11. The site is adjacent to low density residential development and zoning, adjacent to EFU zoned land, in the immediate vicinity of active farm lands, and adjacent to an Elementary School. Oddly, the RC-MFR zone does not give minimum lot standards for multi-family developments (see Section 3.118(1)). A duplex in the RC-MFR zone is allowed on 10,000 square feet, so if the zone were to change to RC-MFR, the applicant could potentially construct 40-45 duplex units. To leap from 40-45 units to 168 units with no lot minimum per unit, is obscene and illogical. This proposal is incompatible at this location at this time.

This high density residential use is simply inappropriate and incompatible with the adjacent and surrounding uses and more appropriately sited within an Urban Growth Boundary or city environment, where residents have access to transportation services, an multi-structure apartment complex is on a major transportation corridor, and adjacent uses are urban in nature—not rural and agricultural. This is specifically why Oregon adopted Urban Growth Boundaries and Land Use Planning Goals in the 1970's—to protect our farm and forest lands from urban sprawl. Permitting a 168 unit apartment complex at this location is allowing urban sprawl to negatively affect our rural Miles Crossing-Jeffers Garden community.

There is a concern about renters/owners of these units being registered sex offenders within close proximity to an Elementary School; the applicant has not addressed how this issue will be routinely monitored to be sure residents do not have criminal records.

Seven 35' structures on 10 acres with 252 parking spots is an enormous visual impact, with regard to building mass, paved parking lot, dumpsters locations, etc. The parking lot will surely be lit throughout the night. The applicant has not indicated any landscaping for the site.

There are not any parks or public recreation facilities available in the area. Though the Lewis and Clark Elementary School is adjacent, it is Astoria School District property and it should not be the responsibility of the Astoria School District, already facing reduced budgets for current needs, to provide and maintain recreation facilities for the enormous private development.

This development is too many units in too rural of an area. The adjacent streets and the streets in the vicinity are not developed with sidewalks, pedestrian pathways, or adequate bicycle paths. There is not bus service or other mass transit modes to this area to transport residents to neighboring cities for employment and services. Street capacity is, in reality, inadequate though the engineers report contains conflicting information. Calculating numbers is one way to measure traffic capacity, but on-the-ground observation of the reality is another. This property is adjacent to arguably one of the most dangerous and confusing intersections in the region. Permitting this 168 unit development will have grave pedestrian and traffic safety implications.

The City of Astoria has not provided assurance of or ability to handle the increased effluent capacity. Nor has the existing sewer district provided for this and future expansions from land owners currently approved by zoning as noted previously. For these reasons and those stated with regard to the Map Amendment in preceding pages, the proposed use, high density multi-family residential development in multiple structures, is not compatible with the existing uses on the surrounding lands.

The criteria in 5.015 are not met.

Section 5.025. Requirements for Conditional Development and Use.

In permitting a conditional development and use, the hearing body may impose any of the following conditions as provided by Section 5.015:

- (1) Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.*
- (2) Establish a special yard or other open space or lot area or dimension.*

Heather Hansen

From: David Noren <david@norenlaw.com>
Sent: Monday, June 13, 2016 2:49 PM
To: Heather Hansen
Subject: Bella Ridge Letter
Attachments: Bella Ridge Continuance Request 6-13-16.pdf

Hi Heather:

Attached is my letter requesting that the planning commission reopen the record and continue to July 12.

Please confirm receipt as this is my first e-mail to you.

See you tomorrow.

Thanks!

David

--
This message is private or privileged. If you are not the person for whom this message is intended, please delete it and notify me immediately and please do not copy or send this message to anyone else.

David C. Noren, Attorney
P.O. Box 586
Hillsboro, OR 97123
Phone (503) 640-2661
Please Note New Office Address and Fax:
330 NE Lincoln, Suite 200 Hillsboro
Fax (503) 648-0760

DAVID C. NOREN
Attorney at Law
P.O. Box 586, Hillsboro, Oregon 97123-0586
330 NE Lincoln Street, Suite 200, Hillsboro, Oregon 97124
Telephone: (503) 640-2661 Fax: (503) 648-0760
e-mail: david@norenlaw.com

June 13, 2016

SENT ELECTRONICALLY

Clastop County Planning Commission
c/o Heather Hansen, Planning Director
800 Exchange Street, Suite 100
Astoria, OR 97103

Re: Bella Ridge Apartments Zone Change and Conditional Use - #20160076/77

Dear Chair Francis and Commissioners:

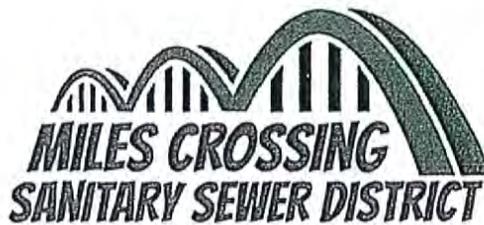
I represent Richard Krueger and Bella Ridge Apartments LLC, the applicant for the zone change and conditional use in this matter. At your hearing on May 24, you closed the public testimony and began discussion of the applications. It soon became apparent that the planning commission wanted further information, especially regarding capacity for sanitary sewer, in light of material submitted by parties at the hearing. The matter was then continued to June 14.

The applicant requests that you reopen the record to allow all parties an opportunity to testify further at the hearing on June 14. The applicant also requests that the matter be continued to July 12, with the record to remain open so that all parties are allowed 10 days (until 5 pm June 24) to submit additional written evidence, all parties are allowed an additional 7 days (until 5 pm July 1) to respond in writing to any additional evidence that has come in, and that the applicant be allowed 7 days (until July 8) to submit final written argument. The applicant agrees to extend the deadline for a final decision by 30 days if such a continuance is allowed.

Very truly yours,



David C. Noren



34583 HWY 101 BUSINESS ASTORIA OR 97103
Office 503-325-4330 FAX 503-338-6915

EXHIBIT # II-D

RECEIVED
Clatsop County

JUN 13 2016

Land Use Planning

June 13th, 2016

Clatsop County Planning Department
800 Exchange St #100
Astoria, OR 97103

Re: Richard Kruger/Bella Ridge Apartment Development

We had approximately 30 members of our community attend our Board meeting of June 7th, 2016, and after listening to their concerns and after the careful consideration of the Miles Crossing Sanitary Sewer Board the decision has been made to put a "hold" on the development of the Bella Ridge Apartment Project until the next Board meeting of July 5th, 2016.

Sincerely,

Richard Scott

Miles Crossing Sanitary Sewer District

JUN 14 2016

Elena Miller

35175 Gravel Lane

Astoria, OR 97103

Land Use Planning

June 13, 2016

Clatsop County Board of Commissioners

RE: BELLA RIDGE APARMENTS - RE-ZONING

The Youngs River Lewis and Clark Water District can not tell you how many people will be applying for water meters in the future. They have no idea how many potential homesites are in the district. With the changes in climate and Federal and State water guidelines we need to take a step back and assure the current existing users and property tax paying citizens of Lewis and Clark and Youngs River that they will have an adequate water supply in the future. The Lewis and Clark Water Board is certainly not looking out for the best interests of the of their current customers. Board chairman Fred Mestrich agreed to this deal with complete disregard for current water users and without consulting an engineer or an attorney. The City of Astoria et al in particular Mayor Arline Lamear considers the proposed apartments a Godsend as long as they are not in her neighborhood.

Well, I have lived in Lewis and Clark for over 25 years. We live 2.5 miles from the proposed apartments. We tried to build a house eight years ago. During the time we owned our property the zoning had been changed from 1 acre to 2 acre minimum for a building site. It cost \$5,000 to subdivide the property that could have contained 3 property tax paying homes down to 2. The Lewis and Clark Water District was in the middle of an aproximate 5 year water moratorium. We tried to drill a well at the cost of \$10,000. No water was found. Aproximately 125 people were on the waiting list for water. We were number 113. Finally the moratorium ended and we were able to complete the home.

I have no faith that there will be water for my family in the future. Please see the attached article from the Daily Astorian dated June 9, 2016. The two major Pacific County rivers are at a record low of 86 and 61 years respectively. An aggregate lows of 38 percent of average right now.

26 EM

Why does the County, City, etc. etc. etc. care more about building apartments for phantom renters than they do about the people who already live, pay taxes and work here. If the City of Astoria et al want the apartments so badly they can supply the water as well. If sewage can be pumped across the bridge so can water. A second option is that the City of Astoria has the sole rights to the water above Youngs River Falls. This water could be plumbed into Barney Creek to

help supply the additional demand.

The commission needs to take a step back, and acquire some good engineered data from independent sources. I am concerned that this project will strain the infrastructure of all of Lewis and Clark/Youngs River. Look at this whole package very carefully before making a huge mistake that will effect generations to come.

Sincerely,

Elena Miller



Attachment (1)

Pacific County rivers at record lows

EO Media staff report

PACIFIC COUNTY, Wash. — With the start of the Pacific Northwest's normally bone-dry summer still two weeks away, a sharp drop in precipitation this spring has reversed local water supplies built up during a notably wet winter.

Pacific County is experiencing its lowest stream flows on record in the Willapa and Naselle Rivers, the Pacific County Emergency Management Agency said Tuesday.

The Naselle River, which flows into Willapa Bay in south-central Pacific County, is currently at 40 cubic feet per second, the lowest for the date in 86 years of record-keeping. It was 60 cfs at this time last year. The long-term average stream flow for June 7 is 156 cfs.

The Willapa River, which enters the bay from the county's northeastern and eastern hills, currently has stream flow of 52 cfs, lowest on record for this date in 61 years of record

keeping. It was 64 cfs at this time last year. The long-term average for the date is 207 cfs.

"The National Weather Service indicates that while we are looking at much cooler temperatures over the next week, with a little precipitation, it will not result in any major changes to stream flow," emergency managers said.

These dry conditions will create an increased risk of wildfires in the county's vast area of industrial forestland.

RECEIVED
Clatsop County
EXHIBIT # II-E

Clatsop County Planning Commission
800 Exchange Street, Suite 100
Astoria, OR 97103

JUN 14 2016

Land Use Planning

Dear Planning Commission:

I am the superintendent of the Miles Crossing Sanitary Sewer District. I have reviewed the current capacity of our system and the projected increase resulting from the proposed Bella Ridge Apartments, and have found that there is sufficient capacity for the proposed 168 apartments and for an additional 80 Equivalent Dwelling Units (EDUs) before the system reaches the 85,000 daily capacity provided in our Inter-Governmental Agreement with the City of Astoria. A spreadsheet is attached showing my calculations, based on AWWA standards, is attached. I also reviewed the water usage at a similar apartment project owned by the applicant in the City of Astoria and found the actual usage there to be consistent with the projection in the attached calculations.

Since the District was formed and went into operation we have had approximately 350 connections, including the school and commercial connections. Currently our daily flows average about 42,000 gallons. If you divide the flow by the number of connections the figure is about 120 gallons of flow per connection, which again is consistent with the attached analysis.

It is important to note that the original IGA with the city provides for 300,000 gallons per day. However, due to concerns with possible combined sewage overflow at the city plan resulting from very heavy storm events, the District must maintain sufficient storage capacity for at least one day, to avoid pumping during such a heavy storm event. Currently the storage tank has a capacity of 72,250 gallons, so the IGA limits the initial amount to 85,000 gallons, with provision to increase that amount subject to DEQ approval. The tank is designed to allow increased capacity by adding height to the storage tank. In order to assure that there is capacity for safe delivery of services to this project and to future development, the District is in discussions with the applicant to provide added storage tank capacity.

The District hopes to have additional information for you concerning construction of additional capacity in time for your next meeting on July 12.

Very truly yours,



Bill Mitchell
Superintendent

Source		GPD person	Average household	Gallons per day
2 bedroom apartment		65	2.1	136.5
		GPD/Unit	# of units	Daily gallons per building
24 apartments/building		136.5	24	3,276
		GPD/building	Number of buildings	Total flow from project
7 apartment buildings		3,276	7	22,932

History of flow @ PS.	Annual Flow	Average per day	Increase
2013	14,504,000	39,737	
2014	14,874,000	40,751	2.55%
2015	15,365,000	42,096	3.3%

With the trending increase in flow of .0075%		
Projected flows		
Bringing the projected	increase total	Increase of 4%

Young's River Lewis & Clark Water District is an equal opportunity Provider
For the Hearing Impaired Relay Service dial 711
MILES CROSSING SANITARY SEWER DISTRICT IS AN EQUAL OPPORTUNITY PROVIDER
FOR THE HEARING IMPAIRED RELAY SERVICE DIAL 711

flows from 2015	15,365,000	15,979,600
	per month	per year
Apartments flows	22,932.000	275,184
Combined flow annual		16,254,784
Combined daily flow		65,000.00

Prjected Average daily flow	65,000.00
	GPD
Daily Flow allowed by Astoria	85,000
	GPD
Flow left before limit	20,000
EDU's left	80

JUN 14 2016

Land Use Planning

DAVID C. NOREN
Attorney at Law
P.O. Box 586, Hillsboro, Oregon 97123-0586
330 NE Lincoln Street, Suite 200, Hillsboro, Oregon 97124
Telephone: (503) 640-2661 Fax: (503) 648-0760
e-mail: david@norenlaw.com

June 14, 2016

HAND DELIVERED

Clatsop County Planning Commission
800 Exchange Street, Suite 100
Astoria, OR 97103

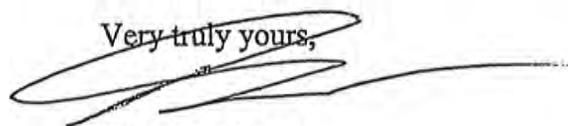
Re: Bella Ridge Apartments Zone Change and Conditional Use - #20160076/77

Dear Chair Francis and Commissioners:

The applicant for the zone change and conditional use in this matter has received the June 13 letter from the Miles Crossing Sanitary Sewer District indicating that the District Board has put a "hold" on the development of the Bella Ridge Apartments until the next Board meeting on July 5. The applicant is confident that information better explaining the existing and projected capacity limits of the sewer system will clearly show that there is adequate capacity to serve this development and other development within the District, and that if there is a need for additional capacity for future development it can be met by the expansion of the existing storage tank. The issue that the District is currently working on concerns the appropriate connection charges for this apartment project, rather than the available or foreseeable capacity of the system.

Accordingly, if the planning commission is satisfied that there is adequate capacity, it would be appropriate to impose a condition of approval requiring that the applicant provide proof to the planning director that the District has approved the connections before any building permits for the apartments could be issued. Similarly, if the planning commission concludes that there is adequate capacity to serve this project but is concerned that there may not be adequate capacity for all other development in the future, the applicant proposes as a condition of approval that only the first two phases (totaling 96 units) be constructed based on current capacity, and that the third phase shall not be constructed until the District has expanded the capacity of its storage tank with the approval of the city and DEQ.

Very truly yours,



David C. Noren

June 4th, 2016

RECEIVED
Clatsop County

EXHIBIT # II-H

JUN 14 2016

Land Use Planning

We don't want this apartment complex in our neighborhood.

We already carry a heavy burden with the current sewer system.

This would change a residential neighborhood into a commercial neighborhood.

We are opposed to this development plan. Please stop.

Cynthia Johnson

91865 Lewis and Clark Rd.



EXHIBIT III. New Written Evidence Submitted by June 21, 2016 Deadline

- A. Paul Williams, Chief Deputy, Clatsop County Sheriff's Office, 6/16/16 email
- B. Jeff Rusiecki, Emergency Communications Manager, City of Astoria Police/911, 6/20/16 email
- C. David Fitch, resident, 6/18/16 letter, submitted 6/20/16
- D. Joan Ferretti, resident, 6/20/16 letter & attachments, submitted 6/20/16
 - 1. Partition Plat 2010-17
 - 2. Water District agendas, financial statement, minutes
 - 3. Sewer District minutes
 - 4. Memo re: notices
 - 5. Other memo re: Water District meeting
- E. Trisha Dunn, resident, 6/19/16 letter & attachments, submitted 6/21/16
 - 1. Sanitary Sewer District minutes
 - 2. 11/15/12 Daily Astorian article
- F. Lisa Lindberg, resident, 6/20/16 letter & attachments, submitted 6/21/16
 - 1. 7/15/10 Daily Astorian article
 - 2. Aerial photo with traffic flow through Miles Crossing marked
- G. Beth LaFleur, Planning Consultant, 6/20/16 letter re: CUP, submitted 6-21-16
- H. Beth LaFleur, Planning Consultant, 6/20/16 letter re: Rezone, submitted 6-21-16
- I. Ken Cook, Public Works Director, City of Astoria, 6/21/16 email & attached letter
- J. Brad & Melody Cowan, Cowan Dairy, 6/21/16 letter, submitted 6/21/16
- K. David Noren, applicant's attorney, 6/21/16 email & attachment, submitted 6/21/16 (2:45 pm)
 - 1. 6/21/16 letter w/ attachments from Mike Weston
- L. David Noren, applicant's attorney, 6/21/16 email/letter & attachments, submitted 6/21/16 (3:08 pm)
 - 1. IGA between City of Astoria and Miles Crossing Sanitary Sewer District – 2003 Agreement and 2007 1st Amendment
 - 2. 6/21/16 letter from Ken Cook, City of Astoria Public Works Director concerning process for expansion of District capacity
 - 3. 6/21/16 letter from Michael Pinney, DEQ concerning process for expansion of District capacity
 - 4. 6/17/16 letter from Richard Scott, Miles Crossing Sanitary Sewer District Board member indicating likely approval of connection for 48 apartments
- M. David Noren, applicant's attorney, 6/21/16 email/letter & attachments, submitted 6/21/16 (3:31 pm)
 - 1. 6/21/16 letter from Bill Mitchell, Youngs River Lewis and Clark Water District to Richard Krueger regarding water system line size and pressure at subject site.
 - 2. 6/21/16 letter from Adam Dailey, OTAK, regarding water system capacity
- N. Joan Ferretti, resident, 6/21/16 letter, submitted 6/21/16
- O. David Noren, applicant's attorney, 6/21/16 email & attached letter, submitted 6/21/16 (4:16 pm)
 - 1. Letter limiting the CUP application to the first phase of 48 units.
- P. William Cunningham, resident, 6/21/16 letter, submitted 6/21/16

Heather Hansen

From: Paul Williams
Sent: Thursday, June 16, 2016 9:04 AM
To: Heather Hansen
Cc: Tom Bergin
Subject: Submission to Record on the Krueger Zone Chage Request

Land Use Planning

Heather,

One of the topics brought up in the hearing was the fact that the proposed development would pay taxes towards law enforcement services. While this is true I wanted to bring some clarity to the issue so there is no misunderstanding that the amount will significantly improve services to the community. The tax rate for the Rural Law Enforcement District is .7195 so for every \$300,000 in assessed value the Rural Law Enforcement District will receive \$215.85. This may be valuable information for the Planning Commission to consider.

Thanks,
Paul

Paul Williams, Chief Deputy
Clatsop County Sheriff's Office
P.O. Box 658
Astoria, OR 97103
503-325-8635
pwilliams@co.clatsop.or.us

Heather Hansen

From: Jeff Rusiecki <jrusiecki@astoria.or.us>
Sent: Monday, June 20, 2016 8:31 AM
To: Heather Hansen
Subject: LEIWS & CLARK APARTMENT COMPLEX

Land Use Planning

Heather Hansen
Community Development
800 Exchange Suite 100
Astoria OR 97103

I would like to provide comments on behalf of all the Public Safety agencies in the county regarding the possible adverse impact of a multi story apartment complex on the property adjacent to Lewis & Clark school. Our public safety communications network is comprised of eight sites located throughout Clatsop and Pacific county in Washington state. This is a highly complex, redundant network serving all Public Safety users in our county.

My specific concern is that the proposed height, three stories, may obstruct communications to one of these sites we have co-located at the grade school. This specific site is comprised of a tower of less than twenty feet tall with two microwave dishes mounted. These dishes must have an unobstructed line of site to adjacent sites located at Megler mountain and the city of Astoria's watertank located on the south slope.

These microwave "shots" are licensed with the FCC and any intrusion to the sight lines between dishes would have serious consequences to our network.

I also want to make it clear any disruptions to this multi-million dollar communications network would jeopardize the safety of our First Responders!

Jeff Rusiecki, Emergency Communications Manager City of Astoria 9-1-1
(503) 298-2550

Copies: Sheriff Tom Bergin; County Fire Chief Jeff Golightly; Chief Paul Olheiser, President Astoria Subscriber Board.

Jeff Rusiecki
Emergency Communications Manager
City of Astoria Police/911
(503) 325-4411 Office
(503) 741-0219 Cell
jrusiecki@astoria.or.us
www.astoriadispatch.com

David Fitch
88916 Youngs River RD
Astoria, OR 97103
6/18/16

RECEIVED
Clatsop County
JUN 20 2016
Land Use Planning

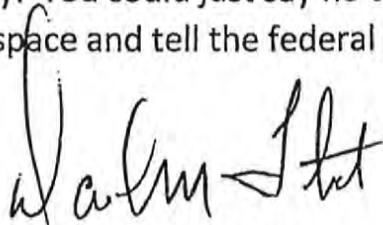
To the Clatsop County Planning Commission:

Regarding the R. Krueger proposal to build 168 apartments at Miles Crossing:

This a letter neither opposing or supporting the concept. On one hand if local populations expand and you (the Commission) are charged with where development outside Cities should occur, then the idea of concentrating 350 people in a small area only one mile from the City limits of Astoria has merit. If the alternative is more urban sprawl with people building on one acre lots in rural areas (while pretending to live in the country) then I am all for compacting. Less of the land waste/blight that is Tucker ck jct. west or Huckleberry lane. Yes there will be more cars and more people in an area that was rural, that is what people should expect when they have more than two children per family, and what to expect when the United State accepts one million immigrants a year from countries with high birth rates and low job creation rates , a national problem that has local consequences.

The ideal question that we should all be answering is not "where are we going to put all the people?" but rather "what can we do to bring the human American population into balance with the resources to support those numbers?". The current system of population increase followed by urbanization of farm and forest land, increasing infrastructure, the political cries for more jobs which lead to growing the economy which accelerates depletion of non-renewable resources and over use of renewable resources, more people leading to more cars and more CO2 and thence to global warming. This option is eventually fatal.

Developers never look more than one step beyond providing housing and making money. You could just say no to zoning changes, protect farm, forest, and open rural space and tell the federal government to stabilize populations.



325-8089

RECEIVED
Clatsop County
JUN 21 2016

EXHIBIT # III - D.

Lewis + Clark

June 20, 2016

RECEIVED
Clatsop County

JUN 20 2016

Land Use Planning
4 pm

Clatsop Land Use Planning Commission
Re: Bella Ridge aka Buena Vista
Plat 2010-17 (Enclosed)

Dear Ladies and Gentlemen,

If the public thought this site location was "Miles Crossing - Jeffers Garden (see page 180), and was not familiar with the vast single-family rural area served by Youngs River - Lewis and Clark Water District; and if it was not known that "ADEQUATE" water might not really mean, "enough" water for "Mr. Kruger's and his development", but "enough" for 48-units in 2016 until new storage facilities could be built; and if no one knew the 15% down payments would "RESERVE" (guarantee) "enough" water for the 120 more apartments through 2018 (subject to Amendments and Building Permit extensions). Then, would the Findings of Fact need to prove that re-zoning for this private-ventured commercial use, never intended, does not put current water uses at risk, not just for today, but for years to come?

Bella Ridge,
Planning Commission

Lewis & Clark
June 20, 2016
Page-2-

Would changing this zone,
anywhere in this Water District,
and thereby DIVERTING WATER,
the actual availability of
which may be as unproven as
it is unpredictable, seem quite
a WRONG?

Thanking you in the hope you
will let this whole thing in
its entirety die its rightful
death. I believe that setting even
a small precedent here would be
extremely dangerous.

Sincerely,

Jean Ferretti
35139 Shovel Ln.
Astoria, Oregon

Enclosed:

Plot 2010-17

Water District - Jan. Agenda, Financial Statement, Minutes
February + March Minutes

Sewer District - Jan. Feb. March Minutes

MEMO - NOTICES

OTHER MEMO - June 6 YRLTC Water District
Meeting.

YOUNGS RIVER LEWIS CLARK WATER DISTRICT

AGENDA

JANUARY 4, 2016

	WATER	SEWER	TOTAL
BILLINGS:	56,893.27	0.00	56,893.27
previous month	54,876.55	-	54,876.55

USAGE:	5,892,256
previous month	5,366,118

SUPERINTENDENT'S REPORT:
 BILL MITCHELL - SEE REPORT

EXAMINED AND APPROVED

OLD BUSINESS:
 Richard Lee Development

COMMISSIONERS

NEW BUSINESS:
 Source H2O Assessment
 IGA Renewal
 Audit
 Rogers' meter

CORRESPONDENCE:
 NELSON LEAK, \$24.48, TWO MONTHS
 LUGO LEAK, \$30.76, ONE MONTH, FIXED INCOME
 LEBACK LEAK, \$132.07, TWO MONTHS, FIXED INCOME
 CAMERON LEAK, \$107.22, TWO MONTHS
 EASOM LEAK, \$102.02, TWO MONTHS

ADJOURN:

YOUNGS RIVER LEWIS CLARK WATER DISTRICT

AGENDA

JANUARY 4, 2016

CALL MEETING TO ORDER:

RECOGNIZE VISITORS:

APPROVAL OF MINUTES: 12/1/2015

FUND BALANCES:

EXECUTIVE ACCOUNT	\$	500.00
CLATSOP CHECKING		8,674.21
MONEY MARKET		100,242.08
SDC's		131,281.07
TOTAL	\$	240,697.36

RESERVE FUNDS BALANCES:

FILTER REPLACEMENT	\$	62,415.27
FILTRATION LOAN		22,573.16
RESERVOIR LOAN	\$	4,668.00
TOTAL		89,656.43
GRAND TOTAL BALANCES	\$	179,312.86

APPROVAL OF EXPENSES:

BILLS	\$	15,062.63
XFER TO FILT. REP		904.80
XFER TO LOAN		10,033.36
XFER RES. LOAN		4,668.00
PAYBACK SEWER		
PAYROLL		14,346.42
TOTAL EXPENSES	\$	45,015.21

MCSSD INCOME/OUTGO: \$ 2,328.33

INCOME:

WATER REVENUE	\$	50,151.12
ADMIN/MCSSD		9,786.20
MISC INCOME		230.00
TOTAL INCOME	\$	60,167.32

NET PROFIT/LOSS: \$ 15,152.11

**YOUNGS RIVER LEWIS & CLARK WATER DISTRICT MINUTES
JANUARY 4, 2016**

CALL MEETING TO ORDER:

Fred Mestrich called the meeting to order at 6:00pm.

Board members present were Fred Mestrich, Mike Fruehling, Randy Blair, Jim Coffee and Ken Kauppi. Also present were Bill Mitchell, superintendent and Angela Fruehling, secretary.

VISITORS:

Paul Nielson, Dick Kruger and Blake Painter showed up at 6:34pm.

BALANCES AND BILLINGS:

Fund balances were \$2406697.36 in regular accounts, and \$179,312.86 in reserve accounts. Billings were \$50,151.12 and usage was 5,366,118 gallons.

SUPERINTENDENT'S REPORT:

Reviewed Bill's report for 10 minutes but no questions.

OLD BUSINESS:

IGA Renewal-SDAO suggests adding indemnification.

Tucker Tank-Ken wants fence for liability issues. Fred suggested cutting ladder off. Ken replied it's better than nothing, take ten feet off. Bill stated that there was already a ladder with razor wire at the top.

NEW BUSINESS:

Paul Nielson-Auditor Passed out flyers. Audit-No major concerns. Auditors express opinion in their financial statement.

Richard Kruger presented plans for the proposed 108 unit Grand Vista apartments. Bill explained that he has been calculating the requirements for these buildings. Each structure would have a 2 inch T'ing for a meter off of a 6" mainline. Bill told Dick to check with the Fire Chief to see what's required for the hydrants and have them dedicated to the water district. Dick Kruger said he is dealing with the planning commission right now and would like a letter of support. Fred asked Bill where this fits in. Bill explained that the SDC says that apartments use only 71% of water compared to a standard home. Where does this fit into 1100 services approved? Under 1100 still. Dick Kruger manager can read usage from each individual meter in the office on screens. Fred says let's see if we can reach 1200.

Fred asked for a motion to write letter of support for Dick Kruger to the planning commission. Jim approved and Mike second the motion.

Bill Mitchell will get with Dick Kruger to see what he needs for letter.

Fred offered testimony from his business. Dick Kruger offered land to build a bus shelter and 2 paths to the school's asphalt.

Fred asked if anything was subsidized. Dick answered no. The rent for the apartments will range from \$900.00 to \$1100.00 for a two bedroom apartment. Members of the Coast Guard will receive \$50.00 off. A monthly fee of \$139.22 for a 2" meter. Bill says two in is \$31,200.00.

Jim asked how long? Dick replied 8 and ½ months. He wants to start in March with roads. Hopefully ready by July 4th, 2017.

YOUNGS RIVER LEWIS & CLARK WATER DISTRICT MINUTES
JANUARY 4, 2016

Blake Painter asked for another leak adjustment. Randy asked Blake Painter if this was a new leak. Blake answered yes. Blake plans on renting house out and putting in a new line. He would really appreciate some relief with another adjustment. Fred suggested in deviating from policy and granting another adjustment if a new line is installed. Blake said it would take 2 months to install a new water line. Fred suggested putting in a valve in every 200 feet. Jim approved and Randy second approval of another adjustment if Blake Painter installs a new water line.

CORRESPONDENCE:

The Board applied policy to the Nelson, Lugo, LeBack Cameron and Easom leak adjustments.

ADJOURN:

7:01 pm

**YOUNGS RIVER LEWIS & CLARK WATER DISTRICT MINUTES
FEBRUARY 1, 2016**

BOARD MEMBERS:

Present: Fred Mestrich, Mike Fruehling, Randy Blair, and Ken Kauppi. Also present were Bill Mitchell, superintendent.

Absent: Jim Coffee

Visitors: None

PROCEEDINGS:

MEETING CALLED TO ORDER: At 6:00 pm by Fred Mestrich.

(Last month's) meetings minutes were amended and approved.

FINANCIAL REPORT:

Fund balances were \$31,696.30 in regular accounts, and \$144,960.01 in reserve accounts and \$131,297.48 in the system development account. Billings and usage information was unavailable at the time of the meeting.

Board members processed and signed the accounts payable checks.

OLD BUSINESS:

Development of the Grand Vista Apartments Project and the amount of the deposit was reviewed. It was agreed that if Mr. Krueger wanted to increase or change the amount of meters for the development the contract would need to be renegotiated. It was also agreed that Mr. Kruger would be required to present the requested changes to the board at another meeting.

NEW BUSINESS:

OTHER BUSINESS AND CUSTOMER CORRESPONDENCE:

The Board review and agreed to a leak adjustment for Dora Bonner at 90757 Lazy Creek Rd, Astoria in the amount of \$15.78.

MEETING ADJOURNED AT : 6:20 PM

Minutes submitted by Interim Secretary, Bonnie Gunn

YOUNGS RIVER LEWIS & CLARK WATER DISTRICT MINUTES
MARCH 7TH, 2016

CALL OF MEETING TO ORDER: By Fred Mestrich at 6:04pm

BOARD MEMBERS:

Present: Fred Mestrich, Mike Fruehling, Randy Blair, and Jim Coffee. Also present were Bill Mitchell, superintendent. There was no secretary.

Absent: Ken Kauppi

Visitors: None

PROCEEDINGS:

Meetings minutes of February 1st, 2016 were approved.

FINANCIAL REPORT:

Fund balances were \$91,738.94 in regular accounts, and \$105,489.57 in reserve accounts and \$131,329.86 in the system development account. Collections for the month January 2016 were \$54,922.87 and usage was Billings were \$48,463.74 and usage information was unavailable at the time of the meeting.

Board members processed and signed the accounts payable checks.

OLD BUSINESS:

Steve Millers water line and adjustments.

Kruger Development-still awaiting a revised contract.

Rosie Sibley services are now terminated.

Angela Fruehling's continued absence.

NEW BUSINESS:

Pipe ordered for both Reith Larson and Wireless projects.

Preliminary Budget for 2017.

OTHER BUSINESS AND CUSTOMER CORRESPONDENCE:

There was no customer correspondence.

MEETING ADJOURNED AT : 6:23 PM

Minutes submitted by Interim Secretary, Bonnie Gunn

**MILES CROSSING SANITARY SEWER DISTRICT MINUTES
JANUARY 5TH, 2016**

CALL MEETING TO ORDER:

Dick Scott called the meeting to order at 6:05 pm.

Dick Scott, Kevin Johnson, Charlie Clayton, and Jim Keryan were present. Bill Mitchell, Superintendent and Angela Fruehling, secretary was also present. Alan Palmrose was absent.

VISITORS: Paul Nielson and Dick Kruger of the Grand Vista apartment project.

Dick Kruger explained..... based on the Yacht Club project Phase II. Property manager going into Lee home 2 valve pit.

Dick Kruger has agreed to provide letters of approval from fire, water and school. Dick will also provide a bus stop, access to the school and a dedicated easement.

Dick is proposing a 3 story structure, 2 bedroom, 2 bath, higher end of market apartments complete with washer and dryer. Would like to start building at the beginning of March. He can talk to the city of Astoria for qualifications. Dick plans on using Big River and Roy Prom. Framing to be done by a crew from Salem. A very on the ball crew.

Phase II is pre-rented.

Elevators in all buildings.

Charlie asked about costs.

Bill looked up ordinance. Individual water meter at each apartment.

Charlie asked about capacity. Bill replied we do have the capacity.

Dick said he'll install as to our specs so the District will eventually own lines.

Those present reviewed the map of the Grand Vista apartment project for a few minutes.

Paying for a traffic study will be happening next week. The study will then be submitted to the county and ODOT.

Jim like that the project is quality construction. The apartments are to be rented for \$900.00 to \$1050.00 monthly.

Bill stated that he would like to know rates, SDC and monthly fees and needs letter.

Charles questioned the impact usage rate on equipment.

Bill & Carl worked numbers today.

Kevin-\$45K for SDCs and costs for plumbing parts, approximately \$25K for parts. Bill stated that it depends on where pits will be placed. Our collection line would have to be plumbed to this pit.

Kevin asked if the District have the manpower. Bill replied Yes.

Charles asked about 1st move in date. Dick answered hopefully February of 2017.

Dick asked for leniency on the monthly rate and fees. Kevin thinks we need a flow meter, so that this works our fair for all parties concerned.

Bill explained that 1 apartment only uses 71% of what a typical house uses. 172 gallons a day per unit (which is actually less in this area). 6192 gallons per day per building, times 3 equals 18,576 for all three buildings. 570K per month. \$3206.00 for the city to treat and \$172.00 per month electric.

**MILES CROSSING SANITARY SEWER DISTRICT MINUTES
JANUARY 5TH, 2016**

\$3600.00 to \$4000.00 for entire complex if increased by city, increases apartment fee.

Kevin really wants to flow meter this and Bill agrees.

108 apartments=72 free standing homes. The problems are more contained.

The sewer district will have only one pit to worry about. Stub out already exists.

\$105K in additional taxes.

Dick Kruger asked if maybe we might receive a start-up break? Dick offered a nice letter.

Kevin asked if we could discuss. Jim offered motion to approve this project. All agreed but no one second.

Dick Kruger is concerned about the SDC. He objects to the SDCs as much as he can get.

Dick offered to come up with an idea to charge Dick Kruger and Dick Kruger can let us know if he can work with this. Dick says District really wants to work with him.

Dick says if it doesn't make sense, he can't do it. Requested Board to please take a look at it.

Jim asked when everyone is available. Bill says it better be tonight due to quorum restrictions.

Bill stated that it comes down to the SDCs, \$30K plus parts.

SDCs need to be in separate account.

Jim asked where it would be used. Bill replied, most likely at the pump station.

Carryover required. Talked about the weather.

Adjourn: 8:27 pm

**MILES CROSSING SANITARY SEWER DISTRICT MINUTES
FEBRUARY 2ND, 2016**

CALL MEETING TO ORDER:

Dick Scott called the meeting to order at 6:08 pm.

Dick Scott, Kevin Johnson, Jeff Bainer and Charlie Clayton were present. Also present was Bill Mitchell-Superintendent. There was no secretary.

Absent: Jim Keryan.

VISITORS: None.

FINANCIAL REPORT:

Fund balances were \$31,696.30 in regular accounts, and \$144,960.01 in reserve accounts and \$131,297.48 in the system development account. Billings and usage information was unavailable at the time of the meeting.

Board members processed and signed the accounts payable checks.

OLD BUSINESS:

Development of the Grand Vista Apartments Project and the amount of the deposit was reviewed. It was agreed that if Mr. Krueger wanted to increase or change the amount of meters for the development the contract would need to be renegotiated. It was also agreed that Mr. Krueger would be required to present the requested changes to the board at another meeting.

NEW BUSINESS:

OTHER BUSINESS AND CUSTOMER CORRESPONDENCE:

The Board review and agreed to a leak adjustment for Dora Bonner at 90757 Lazy Creek Rd, Astoria in the amount of \$15.78.

MEETING ADJOURNED AT : 6:20 PM

Minutes submitted by Interim Secretary, Bonnie Gunn

Adjourn: 8:27 pm

**MILES CROSSING SANITARY SEWER DISTRICT MINUTES
OF THE MARCH 1ST, 2016 MEETING**

CALL MEETING TO ORDER: Dick Scott called the meeting to order at 6:07pm

BOARD MEMBERS PRESENT: Dick Scott, Kevin Johnson, Charlie Clayton, Jeff Bainer and Jim Keryan.

Bill Mitchell-Superintendent. There was no secretary.

RECOGNIZE VISITORS: None

APPROVAL OF MINUTES: February 2nd, 2016

FINANCIAL REPORTS:

Fund balances were \$31,920.48 in regular accounts, and \$100,932.54 in reserve accounts and \$131,297.48 in the system development account. Billings and usage information was unavailable in the time of the meeting.

Board members processed and signed the accounts payable checks.

OLD BUSINESS:

Kruger Apartment development-There are no new developments. Agreement is still being renegotiated.

Angela Fruehling continues to be on medical leave, leaving the office with temporary staff.

Audit numbers were reviewed.

NEW BUSINESS:

Bill Mitchell taking 3 week medical leave.

CORRESPONDENCE:

No customer correspondence received.

ADJOURN: 6:32 pm

This document represents an agreement between Richard Krueger and the Miles Crossing Sanitary Sewer District for sewer services to the Development known as the Grand Vista Apartments, located at Miles Crossing between the Lewis & Clark Golf & RV Park and the Lewis & Clark Middle School, (T8N R9W Tax lot 600). The development is to be constructed in three phases, resulting in 7 apartment buildings with 24 apartments each.

Mr. Richard Krueger plans to build the first phase this year, 2016. Phase one will be two buildings of 24 apartments each, totaling 48 apartments. Phase two is planned for 2017 and will also have two buildings of 24 apartments each, totaling 48 apartments. The final phase, phase three is scheduled for 2018 and will have 3 buildings of 24 apartments each, totaling of 72 apartments.

Mr. Krueger has agreed to pay a system development fee of \$6,400 for each apartment building. The system development fee for phase one will be \$12,800 for two buildings. Phase two will have the same system development fee of \$12,800, for two buildings containing 48 apartments. The system development fees for both phases one and two shall be paid on completion of the construction of phase one. The system development fee for phase three in the amount of \$19,200.00 for three buildings is to be paid at the completion of the construction of phase two.

Richard Krueger is to have all three phases of the development engineered for the vacuum sewer collection system and must be approved by the Miles Crossing Sanitary Sewer District Board of Directors, prior to construction of phase one.

In conjunction with the system development fee, there will be additional cost for parts and labor in the installation of the pits and valves for the sewer collection system. These cost will determined after the engineering is completed and approved by the Miles Crossing Sanitary Sewer District Board of Directors.

By signing below each party agrees with the terms of this agreement.

Richard Scott Date
Chairman, Miles Crossing Sanitary Sewer District

Ricard Krueger Date
Developer Grand Vista Apartments

MEMO - NOTICES
The Hearing was at 10:00 AM, not 10:00 P.M.

**NOTICE OF CONTINUATION OF PUBLIC HEARING
BEFORE THE CLATSOP COUNTY PLANNING COMMISSION**

Permit #20160076/77

In the matter of an application for a zoning map amendment from Rural Community Residential (RCR) to Rural Community Multi-Family Residential (RC-MFR) and a conditional use permit for a 168- unit apartment complex.

DATE OF HEARING: June 14, 2016
TIME: 10:00 p.m.
LOCATION: Astoria City Hall - Council Chambers, 2nd Floor
1095 Duane Street
Astoria, Oregon 97103
CONTACT PERSON: Heather Hansen, Community Development Director

Is Sunday
consecutive
or
seven Business
days?

what was
codified
11-14-15?

Mon:
6-13-16
10:00
AM

PUBLIC MEETINGS

MONDAY 6-13-16
Olney Ave.
Cannon Beach Rural Fire Protection District, 6 p.m., Fire-Rescue Main Station, 188 Sunset Blvd.
Seaside City Council, 7 p.m., City Hall, 989 Broadway.
TUESDAY
Clatsop County Planning Commission, 10 a.m., Astoria City Council Chambers, 1095 Duane St.
Clatsop Care Health District Board, noon, public hearing on 2016-2017 proposed budget, Clatsop Retirement Village, 947
Cannon Beach City Council, 5:30 p.m., work session, City Hall, 163 E. Gower St.
Clatsop Community College Board, 5:30 p.m., executive session (closed to public), 6:30 p.m., budget hearing, regular meeting afterward, Columbia Hall Room 219, 1651 Lexington Ave., Astoria.
Lewis & Clark Fire Department Board, 7 p.m., budget hearing followed by business meeting, main fire station, 34571 Highway 101 Business.

PUBLIC MEETINGS

6-14-16 TUESDAY
Cannon Beach City Council, 5:30 p.m., work session, City Hall, 163 E. Gower St.
Clatsop Community College Board, 5:30 p.m., executive session (closed to public), 6:30 p.m., budget hearing, regular meeting afterward, Columbia Hall Room 219, 1651 Lexington Ave., Astoria.
Warrenton City Commission, 6 p.m., City Hall, 225 S. Main Ave.
Lewis & Clark Fire Department Board, 7 p.m., budget hearing followed by business meeting, main fire station, 34571 Highway 101 Business.
WEDNESDAY
Seaside Tourism Advisory Committee, 3 p.m., City Hall, 989 Broadway.
Sunset Empire Parks and Rec District, 5 p.m., 1225 Ave. A, Seaside.
Cannon Beach Parks Master Plan Citizen's Advisory Group, 6 p.m., City Hall, 163 E. Gower St.

Tu
6-14-16
omitted
County
Hearing

June 20, 2016

Memo to Planning Commission
Hella Ridge

At the June 6 YR-L&C Water District meeting the chairman said we had adequate water and I asked him for how long. Whatever he answered is on tape. I don't remember any answer, but then I said I don't believe that.

Finally we were had anything more to say and everyone just sat. I asked if the meeting was adjourned and he said Oh no, we have this ~~that~~ whatever. Apparently it did not seem important and everyone left and stood around outside talking for some while. Then we noticed that a friend of the developer was still there.

That is fine with me. We all could have stayed until adjournment.

June 19, 2016

To whom it may concern,

Land Use Planning

I am opposed to the proposed zoning change for Bella Ridge apartments. When this began they were referred to as higher end rentals with 108 units. Now we are looking at 168 units with rents starting at \$835 for a 2 bedroom (after \$50 discount for qualifying residents). This is comparable to Emerald Heights rent at \$815 (also 2 bedroom). But Emerald Heights has amenities in the form of playgrounds & childcare. And they have bus service. What amenities does Bella Ridge offer? No playground or green space or rec area in the plans.

Given that there is no play areas and no public parks nearby I question how the residents may choose to use the fields in this vicinity of this development. Will they respect the open fields and farm areas that are private property or will they trespass? This puts themselves and others in harms way and endangers current or future farm operations. If we are lucky and don't have children cutting through our fields that leaves the school's playground. Placing additional wear tear on equipment, added expense of increased monitoring, plus additional maintenance to clean up the litter not just during the school year but also the summer months. If the budget does not allow the school to increase these services does that possibly open them up to an increased liability issue?

In May 2016 we toured Lewis & Clark elementary school. We were told class size is about 28-32 students per teacher and possibly as high as 36 students. That is higher than I am comfortable with. With a large influx of students class sizes can only get larger. Mr Lee stated that classroom size was 45-50 students in the 1940's. He didn't say how he came up with this figure but implied it was acceptable. We need to improve our children's educational opportunities not diminish them through overcrowding our classrooms.

The one amenity Mr. Krueger mentioned was a pathway from the complex to the school. So the children can walk to school. Where we live is the first driveway outside the school zone and yet my child is supposed to stand outside and wait for a school bus or be driven to school. This seems like the rules are not being applied equally. I bring this to your attention as this inequality is a part of his developments plan that you have the power to say no to.

A secondary aspect of this pathway to school is that Mr. Krueger stated that the income guidelines to rent at Bella Ridge require 2 working adults per apartment. With the closing of Coryell's Crossing the lack of childcare in Astoria is a hot topic. I believe the walkway to school will encourage an apartment complex with a high percentage of "Latch Key Kids". Mr. Krueger is encouraging children to walk to/from school. How is he ensuring the children are supervised before, after & during their travels? Or will that burden fall to the school, the surrounding community and in the worst case scenario the 1 or 2 sheriffs we have on patrol.

With the lack of play areas or green space I believe we will have a lot of children out and about in the surrounding neighborhood. This will inevitably lead to conflict with the neighbors and adversely affect the nearby properties. Many of whom are opposed to a development of this magnitude in a rural community. I also feel the lack of parking will magnify the problems. 168 units each with 2 working adults will have approx 336 cars. Mr Krueger is only providing 252 parking spots. Assuming there are no visitors that drive a car, there are 84 cars that need to be parked elsewhere. If these 84 cars park on the street it will create a dangerous situation when the people who live in the homes nearby need to pull out of their driveway but have limited visibility due to cars parking on the street. It is already hard enough to pull out onto this road. There are curves and little hills that reduce visibility along with cars

that may drive faster than they should. Cars parking on the road would create a deadly situation. It would also remove the safety of a buffer zone the shoulder along the road provides. If you need to swerve to avoid an accident but a car is parked there we now have no options and what could have been a close call would now be a horrible accident.

A development of this size is better suited to a location with access to public transit and in close proximity to grocery stores and employment or doctor's offices or public parks/recreational opportunities. With Astoria trying to be a more walkable city (isn't that why they hired consultant Michelle Reeves) this development's location is in opposition to that goal. With no bus service the transportation options are limited. Sidewalks are not common in our rural community and the distances are not easy to tackle on foot. All this leading to a higher dependence on automobiles. With a lot of farming and industrial use in the area (does a tractor have blindspots?) the addition of a large number of pedestrians will result in an unsafe situation. Especially if you add a stroller & young children in the mix or distracted walkers talking on the phone or listening to music. Where they have to walk is alongside the road. What people use as the bike lane is actually the shoulder. And this shoulder of the road is where the over flow parking will end up. Which means pedestrians and bikes will have to navigate around parked vehicles and dodge oncoming traffic while traveling what is already a dangerous stretch of road & an extremely confusing intersection.

My final concern is the precedent set by a zone change. There is a lot of undeveloped land in the surrounding area. If Mr. Krueger is given a zone change that opens the door to others seeking the same option. And where do you draw the line?

I see 3 options:

- 1) Mr. Krueger gets a zone change and no one else (not fair)
- 2) Everyone gets a zone change (not a good idea)
- 3) NO ZONE CHANGE (my favorite. Fair to the other landowners.)

I am asking you to please preserve the character of our rural community. Please don't put our children at risk by overcrowding the school. Please don't put our families at risk by magnifying the dangers on the roadway at Miles Crossing. A zone change will have a gross negative impact on the surrounding properties and does not give reasonable consideration to the character of the area. Please keep in mind how quiet Mr. Krueger tried to keep this and we still had a large number show up in opposition. Many had to take time off work to listen to his lawyer, his engineer and his consultant. We don't have those resources to fight this. And since he only notified those he was required to and not the surrounding community, we didn't have much time either.

Thank you,

TRISHA DUNN.

Trisha Dunn
92000 Lewis & Clark road
Astoria, Oregon
97103

**MILES CROSSING SANITARY SEWER DISTRICT MINUTES
JANUARY 5TH, 2016**

CALL MEETING TO ORDER:

Dick Scott called the meeting to order at 6:05 pm.

Dick Scott, Kevin Johnson, Charlie Clayton, and Jim Keryan were present. Bill Mitchell, Superintendent and Angela Fruehling, secretary was also present. Alan Palmrose was absent.

VISITORS: Paul Nielson and Dick Kruger of the Grand Vista apartment project.

Dick Kruger explained..... based on the Yacht Club project Phase II. Property manager going into Lee home 2 valve pit.

Dick Kruger has agreed to provide letters of approval from fire, water and school. Dick will also provide a bus stop, access to the school and a dedicated easement.

Dick is proposing a 3 story structure, 2 bedroom, 2 bath, higher end of market apartments complete with washer and dryer. Would like to start building at the beginning of March. He can talk to the city of Astoria for qualifications. Dick plans on using Big River and Roy Prom. Framing to be done by a crew from Salem. A very on the ball crew.

Phase II is pre-rented.

Elevators in all buildings.

Charlie asked about costs.

Bill looked up ordinance. Individual water meter at each apartment.

Charlie asked about capacity. Bill replied we do have the capacity.

Dick said he'll install as to our specs so the District will eventually own lines.

Those present reviewed the map of the Grand Vista apartment project for a few minutes.

Paying for a traffic study will be happening next week. The study will then be submitted to the county and ODOT.

Jim like that the project is quality construction. The apartments are to be rented for \$900.00 to \$1050.00 monthly.

Bill stated that he would like to know rates, SDC and monthly fees and needs letter.

Charles questioned the impact usage rate on equipment.

Bill & Carl worked numbers today.

Kevin-\$45K for SDCs and costs for plumbing parts, approximately \$25K for parts. Bill stated that it depends on where pits will be placed. Our collection line would have to be plumbed to this pit.

Kevin asked if the District have the manpower. Bill replied Yes.

Charles asked about 1st move in date. Dick answered hopefully February of 2017.

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Bill explained that 1 apartment only uses 71% of what a typical house uses. 172 gallons a day per unit (which is actually less in this area). 6192 gallons per day per building, times 3 equals 18,576 for all three buildings. 570K per month. \$3206.00 for the city to treat and \$172.00 per month electric.



'You have to become the anti-strip mall'

By EDWARD STRATTON

The Daily Astorian

Published on November 15, 2012 12:01AM

No local small business in downtown Astoria goes without seeing the vacancies growing around them and the competition growing on the other side of Youngs Bay in Warrenton.

The Astoria Downtown Historic District Association members banded together to preserve the character of historic downtown Astoria while promoting its health and future. In that same grain, they cobbled together the funding to start Building Blocks for a Successful Downtown, the downtown revitalization program that kicked off Wednesday night with a community meeting at the Columbia River Maritime Museum.

"When I look at the communities that are really going to thrive and survive, it's going to be the communities that are walkable and interconnected," said Michele Reeves, a downtown revitalization expert hired as part of the Building Blocks program.

She focused a lot of the night on creating a city around changing societal trends, most notably the lessening popularity of car-centric towns.

Reeves, who owns Portland-based Civilis Consultants, spoke about how she'll research the entire city of Astoria – downtown, Uppertown, Uniontown and all around – over the coming months and come up with recommendations that might lead to a more successful commercial core.

In January, she'll take local businesspeople and city officials on a field trip to an emerging district to interview business owners and see what they've done to improve their performance. In February, she'll conduct a marketing workshop, building a framework identity for Astoria. The process ends with a final report from Reeves on recommendations for the revitalization of downtown.

With Reeves was Sheri Stuart, a coordinator for the Oregon Main Street Program, which runs through the State Historic Preservation Office in Salem. Stuart will be in the community, meeting with local business owners to develop comprehensive, incremental revitalization strategies based on a community's unique assets and the

recommendations of Reeves.

Stuart said one of her main functions is to help develop action plans and make sure the project doesn't end up another report sitting on the shelf.

"We're thrilled that we're going to have them working on this program," said Susan Trabucco, chairwoman of the ADHDA's Business Development Committee. The program, she said, is funded through a partnership including the ADHDA, city of Astoria, Astoria Sunday Market and Pacific Power.

City officials and business groups became intrigued with the Building blocks program after Reeves dropped by the Banker's Suite in May to talk about revitalization strategies.

Leveraging Astoria's strengths

"For everyone who's in downtown, they should feel a connection to the river all the time," she said, emphasizing the importance of the Astoria Riverwalk in connecting the various communities of Astoria and strengthening the city's identity around the Columbia River.

The city, she said, is in a transitional phase, not quite the emerging district just starting to revitalize itself and not yet the mature district with a vibrant commercial core and strong identity.

"You are competing for people's time with some of the largest retailers in the world," said Reeves about Astoria's predicament.

Astoria has natural zones of residential, commercial and industrial that need to coexist for the city to work, said Reeves, and organizations such as the Port of Astoria, Columbia Memorial Hospital and Clatsop Community College play an important part in revitalization.

"These things can coexist," said Reeves about tourism and industry, adding that, like in Seattle, the Port will be integral to the city's identity.

"You guys have an incredible collection of infrastructure," said Reeves, adding that Astoria, while maximizing the appeal of its historic structures, needs flexible city codes to promote revitalization. One example is city code 5.060, which prevents businesses from putting merchandise on the sidewalks except during special events. Reeves said codes like that need to be flexible so businesses can use the sidewalk to engage with customers.

When asked by a person attending the event about the impact of Warrenton, Reeves was clear that Astoria should not try to compete with that city's model.

"You have to become the 'anti-strip mall,'" said Reeves, adding that Astoria's downtown resurgence would be based around small businesses and walkability, higher foot traffic equaling higher sales.

Cannon Beach is a city Reeves referenced as having created a strong identity and walkable core that attracts foot traffic.

Driving and parking

"You have those signs everywhere, and that shows it doesn't make sense intuitively," said Reeves about Astoria's one-way grid, famous for baffling those new to the town.

She likened the confusing nature of Astoria to that of Tillamook, which she said has a quaint downtown that nobody wants to go to because of the frustrating street grid.

In West Palm Beach, Fla., said Reeves, city officials started their revitalization through the roads, reducing the number of lanes and making the streets better able to include pedestrians and bicyclists. "It changes what people are willing to invest, what people are willing to build," she said.

The idea has been broached about discontinuing the one-way couplet of U.S. Highway 30 through downtown Astoria and instead reverting to two-way streets.

Bill Johnston, a senior planner for Oregon Department of Transportation who attended the meeting, said his agency has warmed up to the possibility, although there's the obvious trade-off of more traffic.

"Marine Drive seems pretty friendly to me," said Johnston about the one-way couplet. "It's comfortable to have a buffer of parked cars."

He said changing the one-way couplet to two-way streets might involve taking out parking to accommodate a four-lane highway, a la Burnside Street in Portland.

Councilwoman Arline LaMear asked if pedestrian malls are a good idea. The city recently started construction on the Garden of Surging Waves, which will become a pedestrian mall between 11th and 12th streets next to city hall. Much criticism has been leveled against the city regarding the project taking away parking, but Reeves hinted that making things more crowded might not be such a bad thing.

"These kinds of public spaces are only as strong as their edges and borders," said Reeves, adding that public plazas need lots of foot traffic and density around them to be successful.

"Every single downtown has troubles with parking," she said. "What I say is create a parking problem."

Using northwest 23rd Avenue in Portland as an example, she said an area mired in traffic and a lack of parking can be one of the most successful commercial centers around, frustrating yet attracting shoppers with its busy nature. Increased foot traffic, she said, equals higher sales. She used Lake Oswego as an example of a struggling downtown – even in an affluent suburb – that invested in a lot of parking that ultimately has detracted from people walking around.

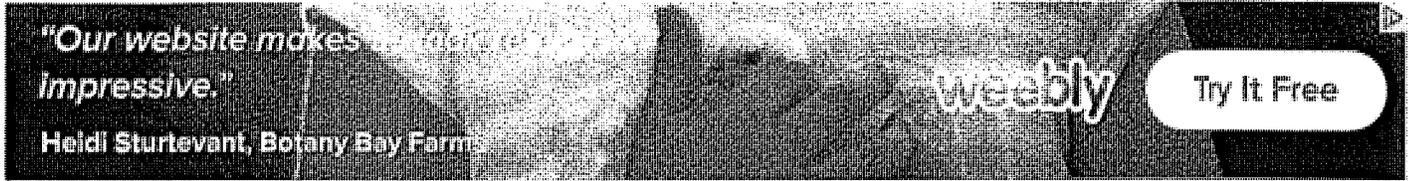
After creating a vibrant downtown, said Reeves, Astoria can then negotiate for more parking – a parking structure or maybe an underground lot – from a position of strength.

Communication is key

"One of the things I want to see more of is information sharing," said Reeves about property owners engaging with one another to create a shared vision of Astoria. Reeves emphasized that she's looking at the entire city, because it all has an effect on downtown revitalization.

The city of Astoria, she said, has a bypass in U.S. Highway 101, which can take people out of the city before reaching downtown. In her study, she'll focus on the entrances to Astoria, including neighborhoods such as Uppertown and Uniontown, and how to get people farther into town.

She encouraged people to contact her with any suggestions or concerns during the process.

A horizontal banner advertisement for Weebly. The background is a dark, grainy image of a person's face. On the left, there is a quote in white text: "Our website makes it so easy to create an impressive." Below the quote is the name "Heidi Sturtevant, Botany Bay Farms". In the center-right, the word "weebly" is written in a white, lowercase, sans-serif font. To the right of the logo is a white rounded rectangle containing the text "Try It Free" in black. A small play button icon is in the top right corner of the banner.

"Our website makes it so easy to create an impressive."
Heidi Sturtevant, Botany Bay Farms

weebly

Try It Free

June 20, 2016

RECEIVED # III-F
Clatsop County

JUN 21 2016

Land Use Planning Commission
Clatsop County Community Development
800 Exchange Street, Suite 100
Astoria, OR 97103

Land Use Planning

RE: Permit request #20160076/77 Bella Ridge Apartments

Clatsop County Planning Commission Members,

I am submitting this letter outlining some of my concerns for this proposed zone change to allow the construction of a large scale high density housing development in our rural community.

Let it be known that I am not against development as long as it takes place in the appropriate areas that do not change the characteristics of the surrounding community. A complex of this size would without a doubt change the character of this area. Putting a large apartment complex in a rural setting is almost unheard of unless some amenities are present such as recreational or open spaces, parks and playgrounds, public transportation, sidewalks, bike lanes, not to mention adequate public safety services. None of the preceding amenities have been provided for by the applicant.

The safety of all that use the Miles Crossing intersection will be jeopardized if a development of this size is allowed. This intersection is heavily used by log trucks, semi trucks, farm equipment, school buses, as well as passenger vehicles, and motorcycles. This road is narrow and winding with little to no shoulders. The Miles Crossing intersection has been a safety concern for years, in 2010 there was an article published in the Daily Astorian recommending that curbs, sidewalks, gutters, and roundabouts be installed due to the complexity of the intersection with the existing traffic. This intersection is a complex design with 6 intersections in a very short distance, poor visibility in some areas and two points that merge on to and from the tight corner of Business Hwy 101 some of these intersections have "Stop" signs and others have the right of way without stopping. (see the attached article and map of the Mile's Crossing intersection). I would have liked to include a list of the accidents that have occurred at these intersections; however, I was not able to request this information from the Sheriff's Office in time.

It was stated that apartment complexes need only supply 1.5 parking spaces per unit, please keep in mind that this is a rural area with no public transportation available, no bike lanes and walking to the incorporated Cities of Astoria or Warrenton would not be practical even if sidewalks were available. I would estimate that two bedroom apartments may have two or more adult drivers each with their own vehicle this would exceed the proposed parking spaces of 252 with no spaces left for visitor overflow. Parking on the roadways near this development is not possible.

As far as playgrounds and open spaces, it could be argued that the apartment occupants could use the playground of the near by Lewis and Clark School. There is a safety issue with this as there would be no monitoring when school is not in session and should not be available to those that do not attend this school during school hours. Another issue with the assumed use of the school play equipment and grounds is the upkeep and maintenance burden would be assumed by the taxpayers and not the apartment owner.

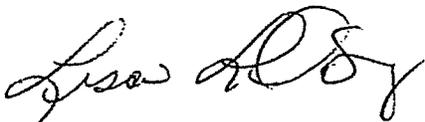
I would like to also touch base on the fact that this is high density housing and that having a large number of people living this closely together does have a higher risk for domestic disturbances. Normally apartments are within city jurisdiction with law enforcement response time only being minutes, this being in a rural community the response time could potentially be hours. This is just another reason you do not see apartments in rural areas.

Although I have not been able to study the actual plans for the Bella Ridge Apartments I would hope that before a formal approvals from the Water and Sewer districts, and the Fire Department some plans of the development proposal would have been submitted to assure that all safety requirements have been met. It is my understanding that letters from these entities were blindly written expressing only that they approve of new development with no specifics. Were studies performed to determine if the water lines are adequate to accommodate this development? Is the sewer capable of supporting this development? Will City of Astoria commit to accept the additional effluent? Does our Fire Department have the equipment necessary to contain a fire for this size of complex? Are there fire lanes and if so are they sufficient to allow fire trucks full access to all sides of each building? Is the staff of this rural volunteer fire department is sufficient to handle any and all emergencies that may occur with proposed high density housing development? Will our taxing district need to purchase additional equipment or up grade the existing equipment to accommodate this development? These are some of the things that should have been reviewed by the Sewer and Water districts and the Fire Department prior to signing off on this project.

I would like to see additional studies done to assure the existing residences that this development will not negatively impact them. I have not seen any studies or any assurances that the sewer and water systems will support a development of this size without further costs to the current residences. I have not heard or seen any reliable data assuring our rural community that we will not be financially impacted with the requirement to pay to further expand this relatively new sewer system to accommodate this development or that the City of Astoria is able to accept the effluent from our system should we produce more than what they have agreed to accept. Will this development prevent future single family homes from being built?

Please consider the existing characteristics of this area and the residences' safety when you make your decision. It is clear that this Community has raised many valid concerns and the majority of us do not wish to have the characteristic and zoning changed to allow this development. There are many areas within City limits that would be ideal for high density housing, we would like to encourage Mr. Krueger to seek out an area better suited for his apartments. This is not the only patch of land left in Clatsop County.

Thank You for your time and consideration,



Lisa Lindberg
35383 Schwab Ln.
Astoria, OR 97103



County works to ease traffic puzzle

The Daily Astorian
Published on July 15, 2010 12:01AM

Changes could be driving through the Miles Crossing/Jeffers Gardens area.

The Board of Clatsop County Commissioners voted unanimously Wednesday to approve an ordinance to adopt the Miles Crossing/Jeffers Gardens Refinement Plan.

The plan would lay out a series of proposed future improvements to the U.S. Highway 101-Business corridor and is designed to enhance safety and traffic flow and to make intersections like Miles Crossing less confusing.

The plan recommends a series of specific improvement projects to the stretch of highway between the Airport Road intersection and the Oregon Highway 202 intersection in Astoria, including improved signage, center turn lanes, curbs, sidewalks and gutters, roundabouts at the Miles Crossing and 202 intersections, and planning for the possible renovation or replacement of the Old Youngs Bay and Lewis and Clark bridges.

The ordinance adopting the plan also updates relevant sections of the county's land-use code. In its vote Wednesday the board restored language that had been stricken by the county Planning Commission. The land-use code now requires the Oregon Department of Transportation to take part in pre-application meetings with developers and county planning staff.

County Transportation and Development Services Director Ed Wegner said including ODOT early on in a project could head off potential conflicts over traffic issues further down the line. The provision to include ODOT only applies to large developments, he noted.

County Manager evaluatedThe board met in closed executive session to evaluate the performance of County Manager Duane Cole. Cole, who joined the county in April 2009, received mostly high ratings from the commissioners in all the evaluation areas, including effective leadership of county staff, working with citizens, relations with the board, pursuing economic development and familiarity with laws and ordinances.

Highway flooding study Phase 2 approvedThe board also approved a \$67,094 contract with Northwest Hydraulic Consultants, Inc. for the second phase of a study of flooding on U.S. Highway 101 south of Seaside.

The first phase of the study was launched in February to determine causes and possible solutions to the chronic flooding problem at Beerman Creek. There are often traffic restrictions and closures on Highway 101 during winter-time high-water episodes.

Data from local, state and federal agencies was examined and public input sought during Phase 1. The second phase will include the completion of a hydrological analysis and modeling of possible solutions. The consultants also hope to have an actual flooding event to study.

The cost of the study, including \$30,000 for Phase 1, is divided among Clatsop County, local cities, the Port of Astoria and the Oregon Department of Transportation. The county's share for Phase 2 is \$16,437.



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THE DAILY ASTORIAN



Google earth



Traffic flow thru Miles Crossing

TO: Clatsop County Planning Commission
c/o Deborah and Bill Cook, 91998 Lewis and Clark Road, Astoria, OR
Lori and Tom Tetlow, 35072 Jefferson Lane, Astoria, OR
Melody and Brad Cowan, Cowan Dairy Farm, 35026 Seppa Lane,
Astoria, OR
Additional names and addresses on last page of memo

FROM: Beth La Fleur, Planning Consultant, 938 Kensington, Astoria, OR

DATE: June 20, 2016

RE: Conditional Use Permit Request #20160077-Bella Ridge 168 Units

Thank you for the opportunity to provide comment for my clients, listed above and on the last page of this memo, on Conditional Use Permit Request #20160077: to allow the development of 168 multi-family dwelling units on a 10 acre parcel. **We urge you to deny Conditional Use Permit Request #20160077 for the following reasons:**

Conditional Use Findings:

Section 3.118. Development and Use Standards.

The following standards are applicable to permitted and conditional developments in this zone: (

3) Lot size for conditional developments shall be based upon:

(A) The site size needed of the proposed use,

(B) The nature of the proposed use in relation to the impacts on nearby properties, and

(C) Consideration of state sanitation requirements, potable water, local setback and other criteria and standards of this ordinance.

Finding: The subject property is 10.4 acres. The property is surrounded with low density residential zoning (RCR), and is adjacent to Lewis and Clark Elementary School, Lewis and Clark Road, and Exclusive Farm Use (EFU) zoned land. This would be the most highly and intensively developed property in the Miles Crossing-Jeffers Garden Rural Community and surrounding area. One hundred and sixty eight (168) housing units, in 7 large structures, and 252 parking spots, is an enormous visual and use impact. A development of this size leaves no room for open space on the property; no evidence is presented of 360 degree reserved access for fire control equipment around each building, the 10.4 acres is inadequate to handle the high number of units, required parking spaces, decent landscaping, amenities such as an on-site playground, and other types of open space which contribute to livability for an estimated 168-672 new residents (anywhere from 1 person/unit to 4 people/unit).

The immediate and surrounding area does not have adequate bike lane widths or sidewalks to accommodate those who need to walk or use bicycles for transportation to and from services. The area does not have bus service to and from services, nor is service planned by the Sunset Empire Transportation District.

In 2002, TetraTech developed design specification for the wastewater sanitary sewer holding tank, based on an existing population of 724, and a 20 year population projection to 936 residents. This projection was based on the existing zoning and future build-out scenarios. If this housing development is approved, at an average of 2 people per unit, that will add 336 people to the local population. This means that the population will suddenly reach, conservatively, 1,060 (existing 724 residents + average 2 people/unit) residents, which is well beyond what TetraTech estimated by 2024. If we go to 1,060 residents by 2017, it is realistic to

believe the sewer capacity to be at maximum capacity rather quickly. There is not documentation that the City of Astoria is aware of the implications of this development on their ability to treat the effluent they will be receiving. In the spirit of the Intergovernmental Agreement (IGA) that the City of Astoria and Miles Crossing Sanitary Sewer District signed in 2003 and amended in 2007, it is prudent to consider and publicly discuss sewer capacity and anticipate the need and cost to build additional capacity as development occurs over time in the Miles Crossing-Jeffers Gardens area.

This type and intensity of development is clearly not in keeping with the rural community character and a development of this size and intensity will have negative impacts on nearby properties, including noise, light pollution (parking lot will be lit), increased traffic, inevitable increased crime and need for sheriff patrol.

This criteria is not met.

Section 5.015. Authorization of a Conditional Development and Use.

(2) In addition to the other applicable standards of this ordinance, the hearing body must determine that the development will comply with the following criteria to approve a conditional development and use.

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

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

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

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

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

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

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

Finding: For the reasons stated previously with regard to the Map Amendment request, the proposed use of 168 housing units in 7 structures conflicts with the goals and policies of the Comprehensive Plan as they pertain to development in the Miles Crossing-Jeffers Gardens Rural Community, particularly with Goals 10 and 11. The site is adjacent to low density residential development and zoning, adjacent to EFU zoned land, in the immediate vicinity of active farm lands, and adjacent to an Elementary School. Oddly, the RC-MFR zone does not give minimum lot standards for multi-family developments (see Section 3.118(1)). A duplex in the RC-MFR zone is allowed on 10,000 square feet, so if the zone were to change to RC-MFR, the applicant could potentially construct 40-45 duplex units. To leap from 40-45 units to 168 units with no lot minimum per unit, is obscene and illogical. This proposal is incompatible at this location at this time.

This high density residential use is simply inappropriate and incompatible with the adjacent and surrounding uses and more appropriately sited within an Urban Growth Boundary or city environment, where residents have access to transportation services, parks and open space and recreational facilities and surrounding uses are urban in nature—not rural and agricultural. This is specifically why Oregon adopted Urban Growth Boundaries and Land Use Planning Goals in the 1970's—to protect our farm and forest lands from urban sprawl. Permitting a 168 unit apartment complex at this location is allowing urban sprawl to negatively affect our rural Miles Crossing-Jeffers Garden community.

There is a concern about the potential of renters/owners of these units being registered sex offenders and living within close proximity to an Elementary School; the applicant has not addressed how this issue will be routinely monitored to be sure residents do not have criminal records.

Seven 35' structures on 10 acres with 252 parking spots is an enormous visual impact, with regard to building mass, paved parking lot, dumpster locations, etc. The parking lot will surely be lit throughout the night. The applicant has not indicated any landscaping for the site.

There are not any parks or public recreation facilities available in the area. Though the Lewis and Clark Elementary School is adjacent, it is Astoria School District property and it should not be the responsibility of the Astoria School District, already facing reduced budgets for current needs, to provide and maintain recreation facilities for the enormous private development.

This development is too many units in too rural of an area. The adjacent streets and the streets in the vicinity are not developed with sidewalks, pedestrian pathways, or adequate bicycle paths. There is not bus service or other mass transit modes to this area to transport residents to neighboring cities for employment and services. Sunset Empire Transportation District does not have future plans to serve this area. Street capacity to handle the projected increase in vehicle traffic is, in reality, inadequate though the engineers report contains conflicting information. Calculating numbers is one way to measure traffic capacity, but on-the-ground observation of the reality is another. This property is adjacent to arguably one of the most dangerous and confusing intersections in the region (Lewis and Clark Road, Hwy 101 Business, and Youngs River Road. Permitting this 168 unit development will have grave pedestrian and traffic safety implications.

It is questionable whether the Miles Crossing Sewer District, Lewis & Clark/Youngs River Water District, and the Lewis & Clark Fire Department letters of service availability are valid. These should not merely be letters of support of housing; the letters should clearly state whether there is immediate availability of services to the specific 168 unit development, and ideally would be written with authority from the board of directors or by an established resolution.

The City of Astoria has not provided assurance of water availability to the water district or ability to handle the increased effluent capacity. For these reasons and those stated with regard to the Map Amendment in preceding pages, the proposed use, high density multi-family residential development in multiple structures, is not compatible with the existing uses on the surrounding lands.

The criteria in 5.015 are not met.

Section 5.025. Requirements for Conditional Development and Use.

In permitting a conditional development and use, the hearing body may impose any of the following conditions as provided by Section 5.015:

- (1) Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.*
- (2) Establish a special yard or other open space or lot area or dimension.*
- (3) Limit the height, size or location of a building or other structure.*

- (4) Designate the size, number, location or nature of vehicle access points.*
- (5) Increase the amount of street dedication, roadway width or improvements within the street right-of-way.*
- (6) Designate the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading areas.*
- (7) Limit or otherwise designate the number, size, location, height of or lighting of signs.*
- (8) Limit the location and intensity of outdoor lighting or require its shielding.*
- (9) Require diking, screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.*
- (10) Designate the size, height, location or materials for a fence.*
- (11) Require the protection of existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.*
- (12) Require provisions for public access (physical and visual) to natural, scenic and recreational resources.*
- (13) Specify other conditions to permit the development of the County in conformity with the intent and purpose of the classification of development.*

Finding: Should the Planning Commission feel the need to approve this proposal, it is desirable to exercise the Planning Commission's ability to impose various limitations on the development. This includes limiting the number of housing units, limiting the number of structures, requiring the provision of open space, parks, and recreation facilities for the renters/owners of the housing development, as there are none in the area. It is also in the Planning Commission's abilities to require provisions for public access such as sidewalks, location of dumpsters, vegetation and landscaping requirements, and other conditions to permit this development in conformity with the intent and purpose of the RC-MFR zone. Should you feel compelled to approve this Conditional Use, please take advantage of this provision to make this a development acceptable and respectful of the rural community character and residents of Miles Crossing-Jeffers Gardens.

This high density residential use is simply inappropriate and incompatible with the adjacent and surrounding uses and more appropriately sited within an Urban Growth Boundary or city environment, where residents have access to transportation services, an multi-structure apartment complex is on a major transportation corridor, and adjacent uses are urban in nature—not rural and agricultural. This is specifically why Oregon adopted Urban Growth Boundaries and Land Use Planning Goals in the 1970's—to protect our farm and forest lands from urban sprawl. Permitting a 168 unit apartment complex at this location is allowing urban sprawl and will negatively affect our rural Miles Crossing-Jeffers Garden community.

Please deny the request for the Conditional Use for 168 housing units.

Miles Crossing-Jeffers Gardens Residents against this permit request:

Deborah and Bill Cook, 91998 Lewis & Clark Road, Astoria, OR 97103

Lori and Tom Tetlow, 35072 Jefferson Lane, Astoria, OR 97103

Melody and Brad Cowan, Cowan Dairy Farm, 35026 Seppa Lane, Astoria, OR 97103

Lisa Lindberg, 35383 Schwab Lane, Astoria, OR 97103

Trisha and Kevin Dunn, 92000 Lewis & Clark Road, Astoria, OR 97103

Timothy Bish, 35242 Orchard Lane, Astoria, OR 97103

Betty Cunningham, 92241 Lewis & Road, Astoria, OR 97103

Natasha and Michael Thompson, 91991 Lewis & Clark Road, Astoria, OR 97103

Libby Lawrence, 92217 Aspmo Road, Astoria, OR 97103

James Neikes, 34755 Hwy. 101 Business, Astoria, OR

Elsie Parker, 35336 Schwab Lane, Astoria, OR 97103

Chelsea Stark, 35335 Schwab Lane, Astoria, OR 97103

Chuck Hall, 92449 G Road, Astoria, OR 97103

Scott & Carrie Wood, 92423 G Road, Astoria, OR 97103

Betty Chilson, 92394 F Road, Astoria, OR 97103

Marc O'Conner, 92422 G Road, Astoria, OR 97103

Michael & Jennifer Jiroch, 92458 G Road Astoria, OR 97103

Cliff Sheker, 35380 Schwab Lane, Astoria, OR 97103

Guy Moore, 35383 Schwab Lane, Astoria, OR 97103

Julie and Jay Englund, 89784 McCroskey Road, Astoria, OR 97103

Stacey and Brian Matthews, 92231 Aspmo Road, Astoria, OR 97103

Elena and Steve Miller, 35175 Gravel Lane, Astoria, OR 97103

Mary Lee and Jerry Alderman, 91984 Lewis & Clark Road, Astoria, OR 97103

Heidi and Jason Brim, 89335 Lewis & Clark Road, Astoria, OR 97103

Linda and Mike Brim, 89503 Lewis & Clark Road, Astoria, OR 97103

TO: Clatsop County Planning Commission
c/o Deborah and Bill Cook, Miles Crossing resident 91998 Lewis and Clark
Road, Astoria, OR
Lori and Tom Tetlow, 35072 Jefferson Lane, Astoria, OR
Melody and Brad Cowan, Cowan Dairy Farm, 35026, Seppa Lane, Astoria,
OR
Additional names and addresses on last page of memo

FROM: Beth La Fleur, Planning Consultant, 938 Kensington, Astoria, OR

DATE: June 20, 2016

RE: Map Amendment Permit Request #20160076-Bella Ridge
Rural Community Residential to Rural Community Multi-Family Residential

Thank you for the opportunity to provide comment for my clients, listed above and on the last page of this memo, on Permit request #20160076: Map Amendment to change 10 acres from Miles Crossing Rural Community Residential (RCR) to Rural Community Multi-Family Residential (RC-MFR) zoning. **We urge you to deny Map Amendment permit request #20160076.** To support this denial, we provide the following justifications:

Section 5.412 (1) and (2): *Section 5.412. Zone Change Criteria.*

The governing body shall approve a non-legislative zone designation change if it finds compliance with Section 1.040, and all of the following criteria:

- (1) The proposed change is consistent with the policies of the Clatsop County Comprehensive Plan.*
- (2) The proposed change is consistent with the statewide planning goals (ORS 197).*

Finding: In 2003, the subject property was zoned RCR after a thorough analysis by the Community Development Department, of the surrounding area, existing and anticipated uses and development patterns. State law recognized that this area is a *rural community*, in and of itself, though certainly not developed enough to be considered a city and worthy of the establishment of an Urban Growth Boundary. The County Commission and Miles Crossing-Jeffers Gardens community found, at that time, that RCR was the most appropriate zoning for the subject property.

RCR zoning at the subject property is currently in compliance with the Comprehensive Plan and Statewide planning goals. For the reasons stated in the section below, a change from RCR to RC-MFR is not in compliance with the Comprehensive Plan or the Statewide planning goals. **The criteria of 5.412(1) and (2) are not met.**

(Section 5.412 (3)) *The property in the affected area will be provided with adequate public facilities and services including, but not limited to:*

- (A) Parks, schools and recreational facilities*
- (B) Police and fire protection and emergency medical service*
- (C) Solid waste collection*
- (D) Water and wastewater facilities*
- (E) The applicant shall demonstrate consistency with the Transportation Planning Rule, specifically by addressing whether the proposed amendment creates a significant effect on the transportation system pursuant to OAR 660-012-0060. If required, a Traffic Impact Study (TIS) shall be prepared in accordance with Section 5.350.*

(F) The proposed change will not result in over-intensive use of the land, will give reasonable consideration to the character of the area, and will be compatible with the overall zoning pattern.

(G) The proposed change gives reasonable consideration to peculiar suitability of the property for particular uses.

(H) The proposed change will encourage the most appropriate use of land throughout Clatsop County.

(I) The proposed change will not be detrimental to the health, safety and general welfare of Clatsop County.

Finding: The applicant and staff fail to show how a Map Amendment to a much higher residential use intensity will be served by (3)(a) Parks, schools, and recreational facilities. Though the Astoria School District has provided a letter of support, there is no discussion of available capacity of the area schools and school buses to handle a potential influx of students at any and all grade levels. The District is seeing an increase in student to teacher ratios which may be necessitated by seemingly ever-decreasing budgets and limited classroom space at the various schools. With the consolidation of grades and eliminating neighborhood schools, this is a very real potential problem to consider and anticipate.

The subject property is not developed with sidewalks (a feature typical of an area which is suited for multi-family dwelling development), nor is the surrounding area developed with sidewalks. The units will not be served by mass transit to employment or services. There is no bus service to the Miles Crossing-Jeffers Gardens area, nor is any anticipated by Sunset Empire Transit District. This is in keeping with the low density rural character of the area.

There is not a public park nearby, nor are there plans to provide a parks or open space to serve the anticipated high density development complex now or in the future, should this property be rezoned. There are no recreational facilities in the area; the ball field at the nearby Lewis and Clark Elementary School and the playground at the school are owned and maintained by the Astoria School District.

Documentation by the Clatsop County Sheriff Department regarding the availability of police services to this property, raises concern and valid availability issues, should the property be rezoned to accommodate multi-family development.

It is questionable whether the Miles Crossing Sewer District, Lewis & Clark/Youngs River Water District, and the Lewis & Clark Fire Department letters of service availability are valid. These should not merely be letters of support of housing; the letters should clearly state whether there is immediate availability of services to the specific 168 unit development, and ideally would be written with authority from the board of directors or by an established resolution. There is no evidence to support controlled access to allow for fire trucks, including ladder trucks, around each building. The site plan fails to show how each building allows for fire lanes around each structure, as the buildings are proposed with three floors.

There is no documentation from the solid waste collection company, Recology Western Oregon, as to the availability of solid waste collection at the site for 168 housing units.

Construction of and capacity of the water and sewer districts were also factored into the application of the zoning designations of the Miles Crossing-Jeffers Gardens Rural Community. If this Map Amendment and change to the land use zone to RC-MFR were to be approved, the capacity of the water hook-ups and sewer effluent storage will be accelerated at a rate which

was not intended or foreseen. This acceleration will cause other property owners of larger parcels to apply for zone changes to higher densities so that they will not lose out on the suddenly and quickly diminished number of available water and sewer hookups.

The Transportation Study that has been provided is somewhat misleading in its analysis. The Executive Summary states a finding of no significant impact, however it also details how under the proposed zoning, it did not have a variable to put in to estimate a worst case scenario. It is difficult to believe there would not be a significant impact to the immediate transportation system.

This property is adjacent to Lewis and Clark Road, and the closest intersection is a 4 way intersection with 202, 101 Business, with a bizarre multi-directional 3 way stop and curve/yield. This area is heavily travelled every day by log trucks, farm vehicle and equipment, local residential traffic, school buses and an unusually high number of parents who drive their children to and from the adjacent Lewis and Clark Elementary School.

That the traffic study finds no significant impact of a potential 168 new housing units, with space for 252 parking spots, is highly suspect. The immediate area has had major construction on both Lewis and Clark Bridge and the Old Youngs Bay Bridge, which very well could have skewed the traffic engineer's traffic counts.

This rural community has certain identifying characteristics and development patterns which afford it specific land use zones and designations. RCR remains an appropriate land use designation of this property, as it was when it was originally applied to the property. Surrounding land use zones and growth patterns have not changed or been modified sufficiently to necessitate a land use re-designation to an urban type zone on the subject property.

Established land use zones creates predictability in growth and development patterns. When these zones are allowed to be changed based on a special interest, the effects can be devastating on the character and attractiveness of the community. Approving this Map Amendment will set a precedent which will be detrimental to the development pattern and growth management of the rural Miles Crossing-Jeffers Gardens Rural Community.

Residential development is already allowed under the current zone designation of RCR. If the applicant would like to develop housing on the site, he can do so under the current zoning, at levels which are appropriate to the property and surrounding area and levels of services. Under the current zoning, the applicant could apply for a Cluster Development, which could increase density at the site without necessitating a Zone Change and Map Amendment.

If the zoning map is amended to change this property to RCR-MF, this would be the only property in Miles Crossing-Jeffers Gardens to carry the Multi-Family zoning. There are no properties within the Miles Crossing-Jeffers Gardens Rural Community which are zoned RC-MFR. This is not surprising, as the purpose statement of the RC-MFR zone states:

"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."

The subject property was not historically developed with mobile home parks, nor manufactured home parks, nor multi-family housing. The applicant and staff fail to demonstrate how 168

housing units is a rural community density. This number of housing units is in stark contrast to the current zoning of RCR, which allows a duplex on 15,000 square feet. At that rate, this property could potentially be developed with 30 duplexes (60 units). Even this number is questionably appropriate given the low density, single-family dwelling unit character of the area. The applicant has not provided sufficient evidence as to how the rural community character will be retained through this increased density allowed under the proposed Map Amendment and rezoning. Rezoning to RC-MFR is inappropriate at this location given the rural characteristics of the Miles Crossing-Jeffers Garden rural community.

This property is surrounded by low density residential development and Exclusive Farm Use land. The EFU land has not been used recently for active farming, however the EFU designation holds, and the Right to Farm Act will prevail, should the EFU land were to be actively farmed again in the future. That it has not been actively farmed recently is not justification to consider that it will not or cannot be in the future.

The proposed change will result in over-intensive use of the land, given the character of the area and will not be compatible with the overall zoning pattern. The property as it is now, as RCR, can be developed with duplexes, without necessitating a change to the zoning pattern. It is the developer's choice not to develop under the existing allowable uses and regulations.

This Map Amendment and change to the land use zone will set a devastating precedent to the growth management and development patterns of the Miles Crossing-Jeffers Garden Rural Community.

This property is adjacent to EFU land. High density uses such as multi-family are inappropriate and incompatible with adjacent EFU lands, and in an area such as this where there are not nearby parks and recreation facilities and improvements such as sidewalks and mass transit availability, which are common features in areas where multi-family housing is appropriate to be sited.

The proposed change does not show how it will not be detrimental to the health, safety, and general welfare of Clatsop County, and residents of Miles Crossing-Jeffers Gardens. The increased residential traffic and stacking of vehicles of all sorts (logging trucks, farm vehicles, schools busses, residential traffic) at nearby intersections is inevitable. There is not a corresponding increase in parks and recreational facilities to go along with the increased dwelling unit density; this is an unprogressive method to go about sharply increasing residential development of a rural community, particularly on property which is adjacent to EFU land.

The criteria of 5.412(3)(A-I) are not met.

Goal 10-Population and Housing (1):

Finding: Residential development at an appropriate scale is already allowed at this location. The applicant fails to provide findings that public facilities such as police, fire protection, parks and recreational facilities, can be provided. The water and sewer districts have availability relationships with the City of Astoria. It would be prudent to show regional cooperation of availability of services and to know this 168 unit proposal has been discussed at length with the City of Astoria. The City of Astoria has not provided documentation that it has the water capacity to provide increased the sharply increased density at this location, nor the capacity to receive and treat the significant increase in effluent.

The applicant and staff have not shown that conflicts with agricultural uses in the immediate area (Cowan Dairy for example) have been minimized. Instead, a change in zoning to a more intense development level (including multi-family) only exacerbates conflicts with agricultural uses.

The criteria of Goal 10(1) are not met.

Goal 10-Population and Housing (4):

Finding: The County already permits residential development at this property. Under the RCR zoning and when it was adopted at this location, it has been demonstrated that RCR development is appropriate at this location. The applicant can already develop the property residentially, with up to 30-45 duplexes (according to the existing zone and various projections). With the zone change, the applicant and staff have not demonstrated that development of 168 residential units will not interfere with surrounding agricultural activities, which includes a nearby dairy farmer.

Goal 10-Population and Housing (8)

Finding: Clatsop County has already made this property available for housing with regard to location, type, density and cost and as such, it is already compatible with development on surrounding lands. To change from the existing zoning to RC-MFR is to increase the density allowances significantly. The land can already be developed with single family and duplexes for sale or rent without changing the zoning. The property is adjacent to EFU zoned land and in the near vicinity to active agricultural and dairy farms. The staff finding blatantly ignores this fact.

The criteria of Goal 10(4) and (8) are not met.

Goal 11-Public Facilities and Services (3), (9):

Finding: The applicant has received notification of general availability of service from the water district but not the sewer district which has delayed a decision due to residents concerns. Fire protection services are not yet granted until as such time the applicant shows a willingness to comply with all code requirements. Also, the City of Astoria, the provider of water and receiver of effluent, has not provided documentation of capacity availability. In the spirit of regional cooperation of development patterns, documentation from the City of Astoria Public Works Department should be required.

In 2002, TetraTech developed design specification for the wastewater sanitary sewer holding tank, based on an existing population of 724, and a 20 year population projection to 936 residents. This projection was based on the existing zoning and future build-out scenarios. If this housing development is approved, at an average of 2 people per unit, that will add 336 people to the local population. This means that the population will suddenly reach, conservatively, 1,060 (existing 724 residents + average 2 people/unit) residents, which is well beyond what TetraTech estimated by 2024. If we go to 1,060 residents by 2017, it is realistic to believe the sewer capacity to be at maximum capacity rather quickly. There is not documentation that the City of Astoria is aware of the implications of this development on their ability to treat the effluent they will be receiving. In the spirit of the Intergovernmental Agreement (IGA) that the City of Astoria and Miles Crossing Sanitary Sewer District signed in 2003 and amended in 2007, it is prudent to consider and publicly discuss sewer capacity and anticipate the need and cost to build additional capacity as development occurs over time in the Miles Crossing-Jeffers Gardens area.

There is not documentation of availability or creation of public facilities such as parks and recreational facilities to serve this high-density housing developments. The proposed Map Amendment and resulting zone change allows for a number of highly urban uses and high density housing. The corresponding public facilities and services need to be available in order to permit, in good conscience and best planning practices, a housing development of this size and number of units. The new residents need parks and open space, mass transit, availability of alternative mode transportation, availability of water and sewer availability. Additionally, approving a zone change which allows these types of high intensity urban uses is in disregard to the property owners in the Miles Crossing-Jeffers Gardens Rural Community who have been anticipating availability of water and sewer availability under the current and predictable growth and development patterns.

The criteria of Goal 11(3), (9) are not met.

In conclusion, clearly the local community does not feel this Map Amendment zone change to multi-family is appropriate at this location, nor supported by the inaccurate and insufficient analysis given by the County staff and applicant. Residential development is already allowed under the current RCR zone. If the developer would like to construct housing that is already allowed both outright and more intensely as duplexes, with a conditional use in the RCR zone. There is plenty of already appropriately zoned land in the surrounding cities to do high intensity housing developments. There is no compelling reason to amend the Miles Crossing-Jeffers Garden Rural Community map and change the zone of the subject property to allow then highest possible density residential development.

This highest possible density residential use is simply inappropriate and incompatible with the adjacent and surrounding uses and more appropriately sited within an Urban Growth Boundary or city environment, where residents have access to transportation services, and/or are on major transportation corridors, and where uses in the vicinity are urban in nature—not rural and agricultural. This is specifically why Oregon adopted Urban Growth Boundaries and Land Use Planning Goals in the 1970's—to protect our farm and forest lands from urban sprawl. Permitting a 168 unit apartment complex at this location is allowing urban sprawl and will negatively affect our rural Miles Crossing-Jeffers Gardens community and is in conflict with the intention of the Rural Community rules.

Please deny this Map Amendment request and maintain the existing RCR zoning.

Miles Crossing-Jeffers Gardens Residents against this permit request:

Deborah and Bill Cook, 91998 Lewis & Clark Road, Astoria, OR 97103

Lori and Tom Tetlow, 35072 Jefferson Lane, Astoria, OR 97103

Melody and Brad Cowan, Cowan Dairy Farm, 35026 Seppa Lane, Astoria, OR 97103

Lisa Lindberg, 35383 Schwab Lane, Astoria, OR 97103

Trisha and Kevin Dunn, 92000 Lewis & Clark Road, Astoria, OR 97103

Timothy Bish, 35242 Orchard Lane, Astoria, OR 97103

Betty Cunningham, 92241 Lewis & Road, Astoria, OR 97103

Natasha and Michael Thompson, 91991 Lewis & Clark Road, Astoria, OR 97103

Libby Lawrence, 92217 Aspmo Road, Astoria, OR 97103

James Neikes, 34755 Hwy. 101 Business, Astoria, OR

Elsie Parker, 35336 Schwab Lane, Astoria, OR 97103

Chelsea Stark, 35335 Schwab Lane, Astoria, OR 97103

Chuck Hall, 92449 G Road, Astoria, OR 97103

Scott & Carrie Wood, 92423 G Road, Astoria, OR 97103

Betty Chilson, 92394 F Road, Astoria, OR 97103

Marc O'Conner, 92422 G Road, Astoria, OR 97103

Michael & Jennifer Jiroch, 92458 G Road Astoria, OR 97103

Cliff Sheker, 35380 Schwab Lane, Astoria, OR 97103

Guy Moore, 35383 Schwab Lane, Astoria, OR 97103

Julie and Jay Englund, 89784 McCroskey Road, Astoria, OR 97103

Stacey and Brian Matthews, 92231 Aspmo Road, Astoria, OR 97103

Elena and Steve Miller, 35175 Gravel Lane, Astoria, OR 97103

Mary Lee and Jerry Alderman, 91984 Lewis & Clark Road, Astoria, OR 97103

Heidi and Jason Brim, 89335 Lewis & Clark Road, Astoria, OR 97103

Linda and Mike Brim, 89503 Lewis & Clark Road, Astoria, OR 97103

Heather Hansen

From: Clatsop Development
Sent: Tuesday, June 21, 2016 2:30 PM
To: Heather Hansen
Subject: FW: Planning Commission Ltr - Miles Crossing.pdf
Attachments: Planning Commission Ltr - Miles Crossing.pdf

Land Use Planning

Clancie Jo Adams | Staff Assistant
Clatsop County Community Development
Land Use Planning Division
800 Exchange Street, Suite 100
Astoria, OR 97103
Phone: 503.325.8611 | Fax: 503.338.3666

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Beginning September 1, 2015, our office hours will be 7:30 AM to 4:00 PM, Monday-Friday.

From: Ken Cook [<mailto:kcook@astoria.or.us>]
Sent: Tuesday, June 21, 2016 2:29 PM
To: Clatsop Development
Cc: Brett Estes; Jeff Harrington; Cindy Maynard
Subject: Planning Commission Ltr - Miles Crossing.pdf

Hi Heather,

Here is the letter for the County Planning Commission. We have modified it slightly, and it is an accurate description of the City's position regarding the acceptance of additional wastewater flow from the Miles Crossing Sanitary Sewer District.

Please contact me if you have any questions.

Regards,

Ken P. Cook
Public Works Director
City of Astoria
1095 Duane Street
Astoria, Oregon 97103
(503) 338-5177
kcook@astoria.or.us



CITY OF ASTORIA
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Clatsop County

JUN 21 2016

Land Use Planning

June 21, 2016

Clatsop County Planning Commission
800 Exchange Street, Suite 100
Astoria, OR 97103

Dear Planning Commission:

I understand the planning commission desires some input from the City of Astoria concerning the City's capacity to accept sanitary sewage from in the Miles Crossing area. Service there is provided by the Miles Crossing Sanitary Sewer District, not the City, but because the District's sewage is treated at the City's treatment plant, an explanation of the arrangement might be helpful to you.

The City and the District entered into an inter-governmental agreement in 2003 for the city to accept all domestic sewage originating from the District up to the limits of the District's plan, which called for buildout of 1000 EDU and 300,000 gallons per day. Over the next several years, before the District began sending any sewage, the District performed engineering and financial analysis and decided to build a storage tank with capacity of 72,250 gallons, to provide for storage of the District's sewage during a storm event that might trigger a combined sewage overflow (CSO) in the City's system. Based on the size of that storage tank and the District's projected population growth, the IGA was amended in 2007 to limit the flow initially to 85,000 gallons per day, with a requirement that the District notify the City and DEQ when its flow reaches 72,250 gallons per day or when it determines that flow is projected to reach 85,000 gallons per day within two years.

Once the flow approaches the capacity limits in Amendment 1 to the IGA, the City and the District "agree to consult with each other and confer with DEQ to determine whether additional storage or other mechanisms are necessary and negotiate in good faith to accommodate the increased load and obtain the approval of DEQ for the increase and the design of any needed additional storage or other mechanism."

Should the District confer with the City and DEQ about capacity, an analysis of District flow and storage information, as well as frequency and severity of storm events, will need to be conducted by the District. This would be done to assess the impact of the City's work to reduce CSOs in its system. It is expected thorough analysis will take some time and expense by the District, and will require DEQ review and approval of the engineering. Ultimately, additional flow, up to the maximum capacity of 300,000 gallons per day, is a matter of engineering and cost for additional storage (by the District) when it is needed.

Sincerely,

THE CITY OF ASTORIA

Ken Cook
Public Works Director

Cowan Dairy
Brad & Melody Cowan
35026 Seppa Ln
Astoria, OR 97103
June 21, 2016

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JUN 21 2016

Land Use Planning

Planning Commission Board:

Concerning the proposed Bella Vista Ridge development, we have several concerns:

- a) 168 unit apartment building has no more business in a cow pasture than our dairy farm has in downtown Astoria
- b) no sidewalks, no place for additional parking, basically no city infra-structure to support this development
- c) we have lived here since 1999, water supply has been precarious, not all lines have been replaced, we do not believe the manager is qualified as an engineer to make the decision about adding this complex, we also have 6 build able lots whose value would go down significantly or made worthless if there was no water available for them, city of Astoria is in control of the amount of water our system gets, they need to guarantee it if this was to go forward, we intend within 5 years to resume processing our own milk which would then require 20-30,000 more gallons per month than we are currently using
- d) traffic for this zoning has not been properly studied, it has been for the zoning it is right now, but if this was to go through there would need to be significant changes made of which the developer should pay, not the residents of the area
- e) rural keeps being mentioned lest we forget here is the definition:
rural:
relating to, or characteristic of the countryside rather than the town."remote rural areas"

Apartments have no business in a rural area.

thank you,


Brad Cowan


Melody L Cowan

Heather Hansen

From: David Noren <david@norenlaw.com>
Sent: Tuesday, June 21, 2016 2:45 PM
To: Clatsop Development
Cc: Heather Hansen
Subject: Bella Ridge Memo from Weston and Maps
Attachments: Weston Memo re Flood Plain and District Maps 6-21-16.pdf; 20160617 Flood Plain Map.pdf; 20160617 Sanitary District Map.pdf; 20160617 Zoning Map.pdf

Land Use Planning

Director Hansen:

Attached for inclusion in the first open record period for Bella Ridge are a memo dated June 21 from Mike Weston and three maps showing flood plain, sanitary district boundary, and zoning for the Miles Crossing area. The maps and memo are being transmitted as separate pdf documents for ease of posting on the county website, if desired.

Please confirm receipt.

Thank you.

David Noren

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This message is private or privileged. If you are not the person for whom this message is intended, please delete it and notify me immediately and please do not copy or send this message to anyone else.

David C. Noren, Attorney
P.O. Box 586
Hillsboro, OR 97123
Phone (503) 640-2661
Please Note New Office Address and Fax:
330 NE Lincoln, Suite 200 Hillsboro
Fax (503) 648-0760

JUN 21 2016



Frog Consulting LLC
469 Lexington Avenue
Astoria, OR 97103

MEMORANDUM

Land Use Planning

June 21, 2016

TO:
Clatsop County
Community Development Department
800 Exchange Street, Suite 100
Astoria, OR 9710

RECEIVED

SUBJECT: Bella Ridge Apartments

Dear Planning Commission

Attached are a series of maps from the county GIS system illustrating the flood plain, district boundaries and zoning for the Miles Crossing area. It seems clear that much of the area will not be available for development due to the extent of the flood plain and requisite development requirements. It also seems clear that most of the area is already developed with small parcels, and that there are only a few larger parcels, totaling perhaps fifty acres, suitable for significant subdivision or other residential development.

Even if the entire 50 acres develops at maximum density, it would be less than 300 additional units, which taken together with the existing development would still be well within the allowed eventual sewage capacity of 300,000 gallons per day. The current system has a storage capacity of 72,250 gallons per day with the possibility for substantial expansion. Additional sewage storage capacity would be needed for full buildout of the 1000 EDUs provided in the intergovernmental agreement with the City, but most of that additional storage capacity would be built out in phases as the district continues to grow. The 300 units of possible development is still a far stretch from the total 1000 permissible under the IGA. With these restrictions in mind a development with more density serves the district in more ways than single family dwelling can.

The proposed development will provide much needed housing and population growth to the area. This population will shop at local convenience stores and other places of business. The economic growth from this development alone could have a ripple effect in the Miles Crossing Jeffers Gardens area and spur an enhanced economy and rural community. The tax revenues for Clatsop County, the School Districts, and the Miles Crossing Water & Sanitary Sewer District would have substantial effects and provide significant monetary support. For these reasons and many more we ask for your support of this project.

Thank you for your kind consideration of this request, if we can be of further assistance please do not hesitate to call (503) 338-9146 or (503) 481-6207.

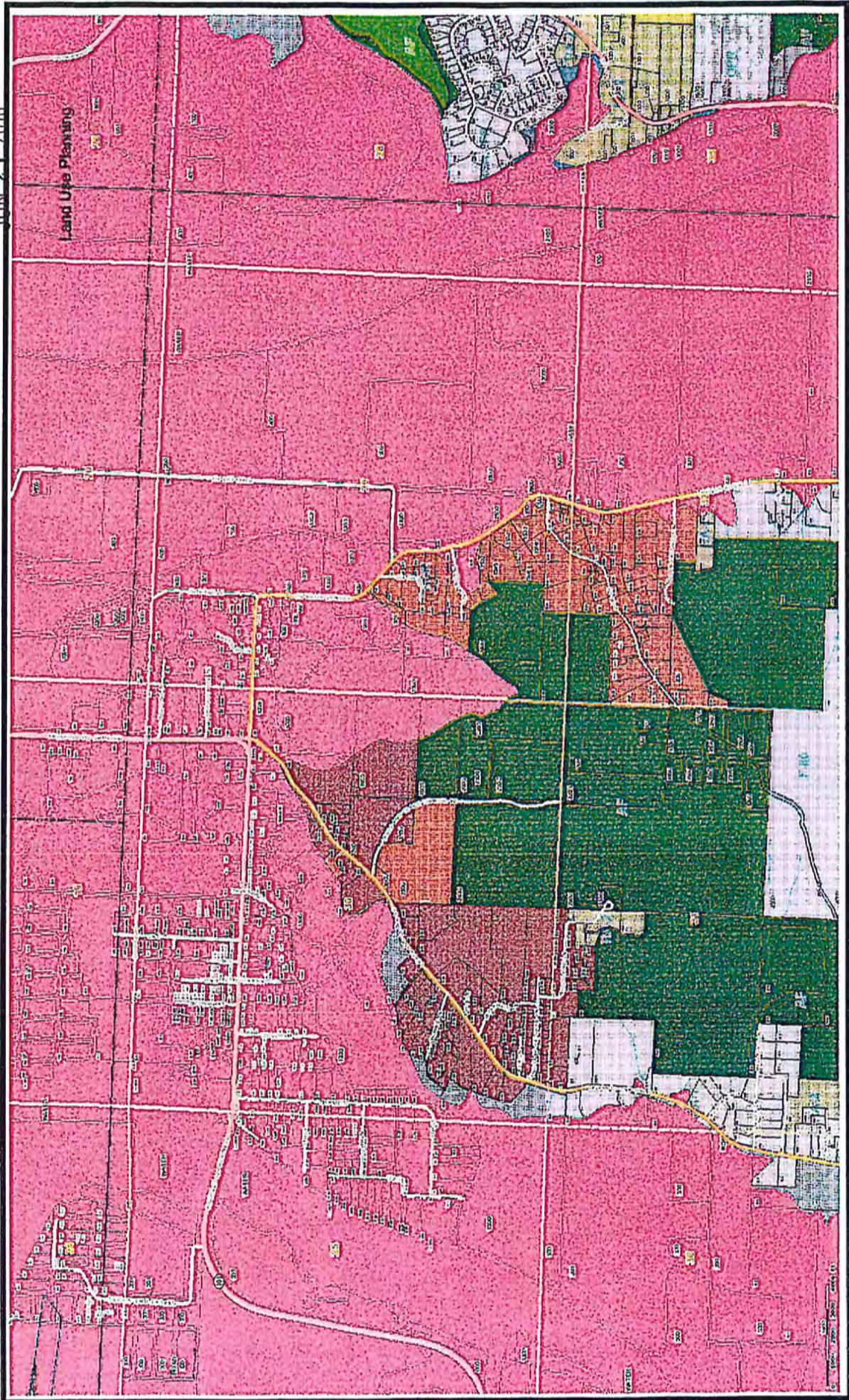
Kind Regards,

Michael J Weston II
Frog Consulting LLC

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JUN 21 2016

Map



Clatsop County Webmaps

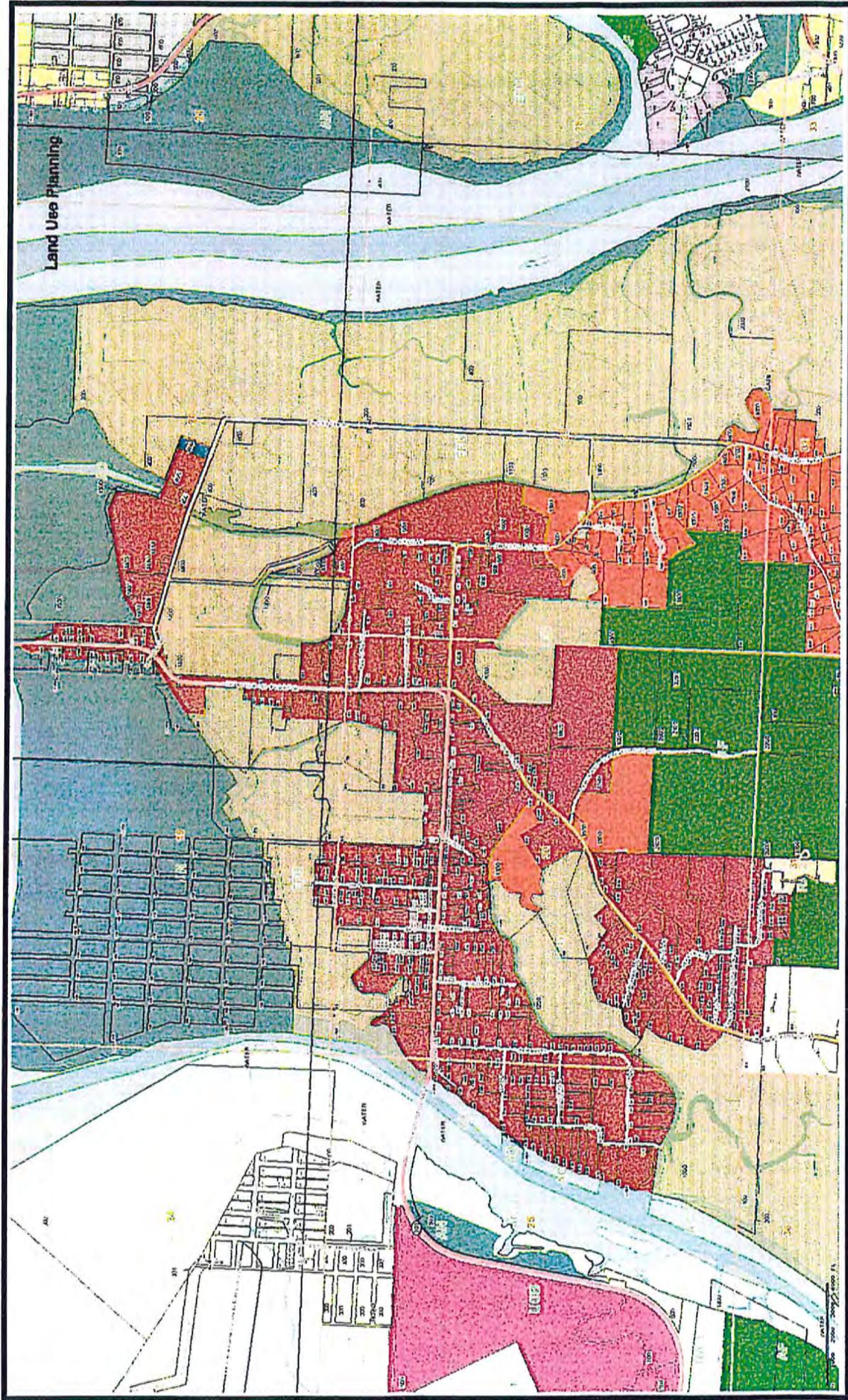
Disclaimer: This map was produced using Clatsop County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County



District Map

Clatsop County

JUN 21 2016

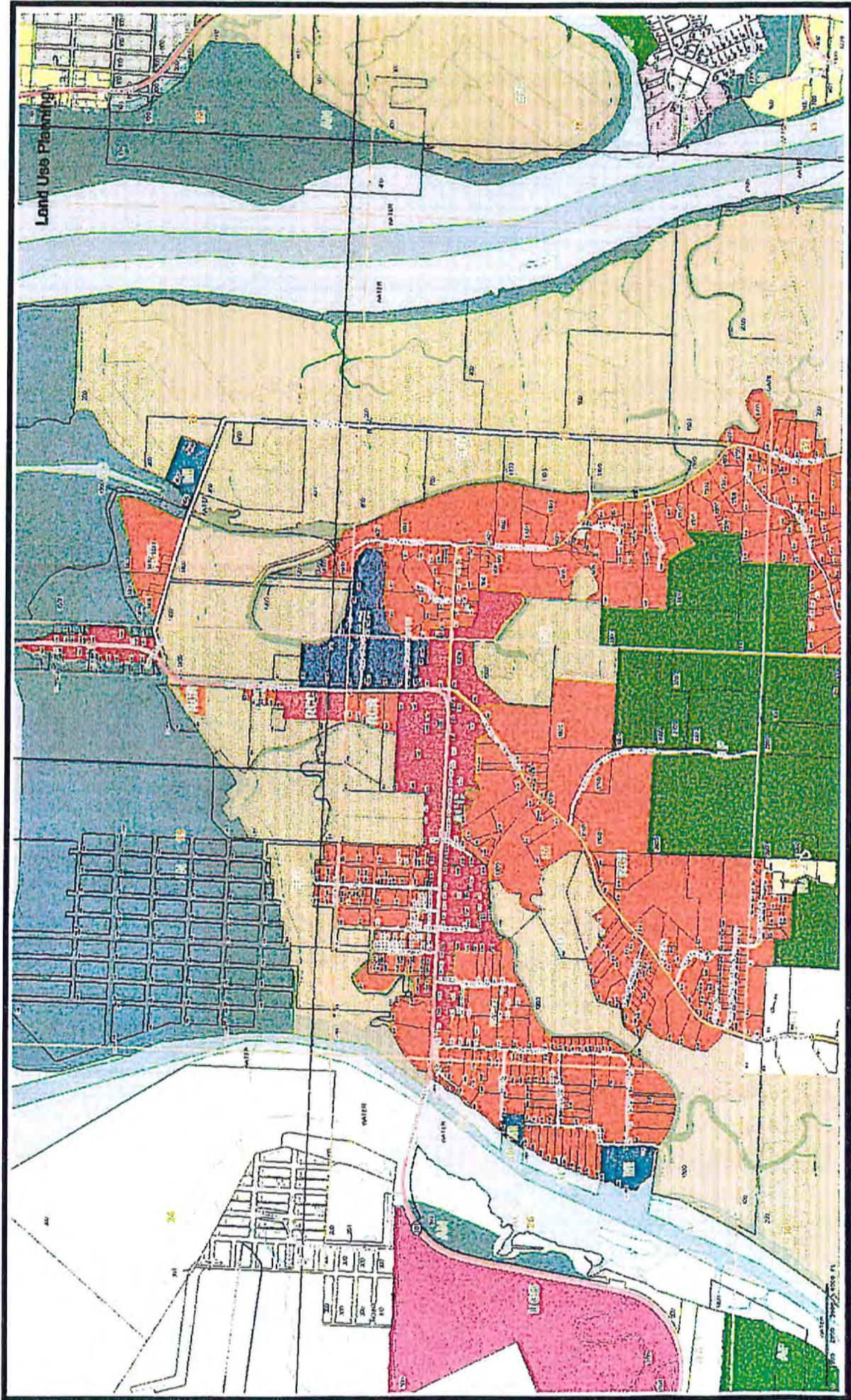


Clatsop County Webmaps

Disclaimer: This map was produced using Clatsop County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation. Photos may not align with satellite.



Zoning Map



Clatsop County Webmaps

Disclaimer: This map was produced using Clatsop County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for any errors or omissions in this map.



Heather Hansen

From: David Noren <david@norenlaw.com>
Sent: Tuesday, June 21, 2016 3:08 PM **Land Use Planning**
To: Clatsop Development; Heather Hansen
Subject: Bella Ridge: Evidence regarding sewer capacity
Attachments: Noren Letter Transmitting IGA and Sewer-related letters 6-21-16.pdf; IGA between Astoria and Miles Crossing Sewer District reduced.pdf; DEQ Letter to Panning Commission 20160621114852282.pdf; Planning Commission Ltr - Miles Crossing from City 6-21-16.pdf; Miles Crossing Sanitary District Letter to PC 6-17-16.pdf

Enclosed please find my transmittal letter and the following four documents, sent as 5 separate pdf documents for convenience in posting to the county website.

1. Inter-Governmental Agreement between City of Astoria and Miles Crossing Sanitary Sewer District, both the 2003 original agreement and the 2007 1st Amendment.
2. Letter dated June 21 from City of Astoria Public Works Director Ken Cook concerning process for expansion of District capacity.
3. Letter dated June 21 from Michael Pinney of DEQ concerning process for expansion of District capacity.
4. Letter dated June 17 from Miles Crossing Sanitary Sewer District Board member Richard Scott indicating likely approval of connections for 48 apartment units with approval of additional units to await impact study and evaluation.

Please confirm receipt.

Thank you.

David Noren

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This message is private or privileged. If you are not the person for whom this message is intended, please delete it and notify me immediately and please do not copy or send this message to anyone else.

David C. Noren, Attorney
P.O. Box 586
Hillsboro, OR 97123
Phone (503) 640-2661
Please Note New Office Address and Fax:
330 NE Lincoln, Suite 200 Hillsboro
Fax (503) 648-0760

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Clatsop County

JUN 21 2016

Land Use Planning

DAVID C. NOREN

Attorney at Law

P.O. Box 586, Hillsboro, Oregon 97123-0586
330 NE Lincoln Street, Suite 200, Hillsboro, Oregon 97124
Telephone: (503) 640-2661 Fax: (503) 648-0760
e-mail: david@norenlaw.com

June 21, 2016

Delivered Electronically

Clatsop County Planning Commission
800 Exchange Street, Suite 100
Astoria, OR 97103

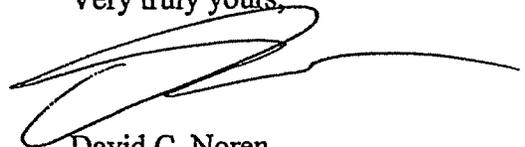
Re: Bella Ridge Apartments Zone Change and Conditional Use - #20160076/77
Additional Evidence Concerning Sewer Capacity

Dear Chair Francis and Commissioners:

As part of the initial open record period, the applicant is submitting the following attachments as separate pdf documents transmitted to your staff by e-mail:

1. Inter-Governmental Agreement between City of Astoria and Miles Crossing Sanitary Sewer District, both the 2003 original agreement and the 2007 1st Amendment.
2. Letter dated June 21 from City of Astoria Public Works Director Ken Cook concerning process for expansion of District capacity.
3. Letter dated June 21 from Michael Pinney of DEQ concerning process for expansion of District capacity.
4. Letter dated June 17 from Miles Crossing Sanitary Sewer District Board member Richard Scott indicating likely approval of connections for 48 apartment units with approval of additional units to await impact study and evaluation.

Very truly yours,



David C. Noren

INTERGOVERNMENTAL AGREEMENT
FOR
WASTEWATER TREATMENT
BETWEEN
THE CITY OF ASTORIA
AND
MILES CROSSING SANITARY SEWER DISTRICT

This Agreement made and entered into by and between the City of Astoria, hereinafter referred to as "City" and Miles Crossing Sanitary Sewer District, hereinafter referred to as "District".

RECITALS:

- A. Under the authority of Oregon Revised Statutes, City and District are authorized to enter into agreements for cooperation and the provision for wastewater treatment to prevent water pollution; and
- B. City has constructed a sewage collection system and a wastewater treatment facility within the city, which can serve to treat and process the sewage from District; and
- C. District is constructing a sewage collection system within its district boundaries for the collection and transmission of domestic sewage; and

Both parties mutually agree to enter into an agreement whereby certain domestic sewage originating from and leaving the boundaries of District shall be accepted and treated by City's wastewater treatment facility.

NOW, THEREFORE, in consideration of the promises herein contained, the parties agree as follows:

1. Definitions.

1.1 For the purposes of this Agreement, the following words shall have the following meanings, unless another meaning is clearly indicated:

- a. City means the City of Astoria, Oregon, a municipal corporation, or its successor.
- b. District means the Miles Crossing Sanitary Sewer District, a sanitary district organized under ORS 450.005-.245, or its successor.
- c. DEQ means the Oregon State Department of Environmental Quality or its successor.
- d. EDU means Equivalent Dwelling Unit, a measure of sewage generation.
- EPA means the United States Environmental Protection Agency or its successor.

City Council Minutes 5/5/03
Dated

- f. Flow means the total volume of sewage flow measured through flow meters or other acceptable means installed at the point of entry of District's sewage into City's sewage collection system.
- g. NPDES means a National Pollution Discharge Elimination System permit granted to City pursuant to the federal Water Pollution Control Act, as amended.
- h. Sewage means sanitary waste normally collected from residential establishments and may include commercial and industrial wastes, if such waste has been pretreated in accordance with District's requirements which shall meet DEQ, EPA, and City regulations, and City's published requirements. District's sewage delivered to City shall exclude groundwater, storm water, drain water and commercial and industrial waste not pretreated as described herein.
- i. Sewage collection system means the system that transports sewage from the point of origin to the wastewater treatment facility.
- j. Wastewater treatment facility means that portion of the treatment operations that relate solely to the treatment of the sewage at a facility. It is that portion of the overall operation to which the sewage collection system delivers the sewage.

2. Term.

2.1 Original Term. The term of this Agreement shall be a period commencing with the completion of District's sewage collection facility, which is scheduled for completion on or about June 30, 2004, and terminating on June 30, 2044.

2.2 Continuation. It is contemplated that the parties will continue their contractual relationship on terms to be negotiated at the end of this contract term.

2.3 Termination by District. District may, in its discretion, discontinue discharge of sewage into the City wastewater treatment facilities. District shall give its intent to discontinue discharge not less than one year prior to the date of discontinuance.

3. Rates and Charges.

3.1 Initial Rate. City shall charge District at the initial rate of three dollars (\$3.00) per thousand gallons delivered through District's meter to the City's sewage collection system at a point located near the north end of the old Young's River Bridge.

3.2 Modification of Initial Rate. Starting with June 30, 2004, and terminating on June 30, 2044, increased or decreased sewer services rates as established by the Astoria City Council through a Resolution or other Order shall be reflected in an adjustment to the basic rate for the service City provides to District. The initial rate shall be adjusted by a percentage equivalent to the overall percentage rate adjustment applied to citizen rate payers of the wastewater system of the City of Astoria. This rate adjustment may reflect operation and maintenance costs, and costs for capital repair and improvement to the sewage collection system and the wastewater treatment facility. Pursuant to Paragraph 4.2 below, the rate adjustment shall not reflect any charges or surcharges relating to City's Combined Sewer Overflow reduction program.

3.3 Additional Upgrading or Expansion of City Wastewater Treatment Facility. City may be required by applicable law or regulations to upgrade or to expand its wastewater treatment facility. District shall, if it desires to continue to discharge sewage into the City's system, pay District's proportionate share of the required improvement costs by measurement of the flow District delivers to the City at the point of introduction into the City's sewage collection system in proportion to the total actual flow received by the City at its wastewater treatment facility for treatment and processing from all sources. Accounting for such charges shall be in accordance with the regulatory process of the Oregon Public Utility Commission, currently known as the Governmental Accounting Standards Board, Number 34 and as hereafter amended.

4. Wastewater Treatment Facility Modifications.

4.1 Additional Improvements. City and District shall seek opportunities to minimize or avoid the cost of additional improvements through mutually agreed upon modifications in quantity and quality of sewage discharge by the parties. District will pay for its proportionate share of the cost in constructing such additional improvements as determined pursuant to the procedures described in Paragraph 3.3 above.

4.2 Cost of Storm Water and Wastewater Separation. City is presently under an order from the Oregon Department of Environmental Quality to improve its sewage collection system to separate storm water and sanitary sewage so that overflows of combined sewage can be reduced. All costs related to Combined Sewer Overflow reduction shall be borne solely by City.

4.3 Extraordinary Charges: Unexpected Costs and Acts of God. Should extraordinary, unexpected repairs or improvements, or actions required by acts of God be needed for the City Wastewater Treatment Facility, District shall pay its proportionate share as determined pursuant to Paragraph 3.3 above. (See 11.2)

5. Capacity.

5.1 City Obligation. City agrees to maintain capacity to accommodate all domestic sewage originating from within the boundary of District up to the limits of the District's plan. A copy of this boundary is attached as Exhibit "A" and by this reference incorporated herein. The District's plan for build out is 1,000 EDU's and its loading build out is planned for 300,000 gallons of sewage per day. Should District wish to expand its boundary or increase the amount of sewage being treated by City beyond the amount stated above, City must first determine that it has sufficient capacity. City has no obligation to accept increased load beyond 300,000 gallons of sewage per day.

6. Treatment of Sewage.

6.1 Treatment of Sewage Only. District shall not allow discharge into the City's sewage collection system of any hazardous, toxic, industrial or commercial waste, or other wastewater prohibited under the Federal Clean Water Act, comparable state statutes, administrative rules and the parties' respective ordinances or rules and regulations. Per section 1.1 h, above pretreated industrial and commercial wastes may be acceptable subject to defined requirements.

6.2 Wastewater Quality. Each party shall continue to use ordinances and programs to mitigate mass Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) or other pollutant

levels which are higher than acceptable norms, from the various customer classes as determined by either regulatory requirements or by generally accepted environmental practices.

7. Operational Maintenance of Sewage Collection Systems.

7.1 District. District, at its sole cost, shall build, maintain and operate its sewage collection system within its boundaries and the extension thereof across Young's Bay to connect to the City's sewage collection system in the vicinity of the north end of the old Young's Bay Bridge.

7.2 City. City shall maintain and operate its sewage collection system and wastewater treatment facility as necessary to meet its permit with the Oregon Department of Environmental Quality and upgrade its sewage collection facility, at its sole cost and expense but subject to charges to District pursuant to this agreement. Subject to District's obligations pursuant to 3 and 4 above, City shall be responsible to deliver the District sewage from the point of entry into its sewage collection system to the City wastewater treatment facility.

8. Operation and maintenance of the Wastewater Treatment Facility.

8.1 Procedures. City shall be responsible for the operation and maintenance of its wastewater treatment facility, subject to the terms of this Agreement. The wastewater treatment facility shall be operated and maintained in accordance with generally accepted standards, the standards established by the EPA, DEQ, the Oregon Health Department and such other federal, state and local agencies as they may have authority. Sewage discharged by District will be metered and monitored at the point of entry into the City's sewage collection system as provided at Paragraph 9.4 below.

The meter that measures District's discharge of sewage into the City's sewage collection system shall be calibrated on a regular basis by District with oversight by City, and may be inspected by either party at the expense of such party at any time upon reasonable notice to the other. Interruptions of metering due to equipment malfunctions or power loss shall be recorded by District and/or City. At the time of the next monthly billing, District shall provide data regarding the duration of the interruption and the methodology for estimating flows discharged into the City's sewage collection system during any interruption of flow metering.

9. Reporting and Inspection Requirements.

9.1 District Monitoring. District shall also monitor the BOD and TSS levels of the sewage delivered from its system to the City's sewage collection facilities in accordance with the sampling program approved by the DEQ, City and all other applicable regulatory agencies. City may, at its own cost, conduct sampling at a greater frequency or broader scope than the intervals established in the adopted sampling plan. If future governmental regulations require additional monitoring, District will comply with such regulations.

9.2 District's Sewage Collection System. District shall operate and maintain its sewage collection system at its sole expense, including all of its facilities as required to maintain the volume and quality of sewage within the limits set forth in this Agreement. District shall observe generally accepted standards and practices in the construction, operation and maintenance of its sewage collection facility with particular attention to the following:

- a. Minimizing entry into the sewer system of groundwater and/or surface water (I/I - infiltration and inflows);
- b. Maintaining favorable character and quality of sewage;
- c. Eliminating septicity and objectionable odors, entry of industrial waste, and petroleum waste or other chemicals and/or waste detrimental to sewer lines, pump stations, the wastewater treatment facilities and the waters of the state of Oregon;
- d. Eliminating hazardous and toxic waste, and, commercial and industrial waste not pretreated; and
- e. Maintaining an efficient and economical utility operation, while achieving optimum pollution and environmental control.

9.3 District's Metering and Sampling Station. District, at its expense, shall build and maintain a suitable facility to provide for delivery and metering of sewage into City's sewage collection system, hereinafter referred to as the "Metering and Sampling Station." The facility to be built by District shall have the capability to continuously meter quantities of sewage delivered. It shall also have provisions for sampling the sewage being delivered which shall be conducted by City at District's expense. City will provide a suitable location for siting and construction of the Metering and Sampling Station.

10. Mutual Notification and Indemnity.

10.1 Notice of Violation. The parties agree to provide each other with written notice of any condition that may violate this Agreement or applicable laws, regulations or ordinance. The discharging party agrees to give verbal notice to the other party immediately upon becoming aware of violating discharge. A written report of the nature and amount of violating discharge will be prepared and provided to the District within 72 hours of the time the violating discharge is identified.

~~10.2 Liability. If the party does not correct such condition within a reasonable time of written notice thereof, the offending party shall pay any reasonable and necessary costs and expenses incurred by the other party in connection with such condition.~~

10.3 Substandard Conditions of Sewage. If District discharges into the City's sewage collection facility any solids, liquids, gasses, toxic substances or other substances which are reasonably believed to cause or will cause damage to the City sewage collection system or wastewater treatment facility, or is creating a public nuisance or hazard to life or property, District will discontinue to discharge such substances. Because substandard conditions of sewage may cause serious damage to the wastewater treatment facilities, both parties shall comply with generally excepted standards regarding the composition of sewage. After compliance, the parties may subsequently arbitrate the allocation of costs associated with necessary correction actions in accordance with Section 14.1 of this Agreement.

14 Indemnification. Up to the limits of the Oregon Tort Claims Act, when applicable, each party shall indemnify and hold harmless the other from any and all claims, demands, damages or actions, including attorney fees arising from that parties' sole errors, omissions or acts. The parties

standards at least equal to the standards of City and in accordance with all applicable federal, state and local laws and regulations.

12.2 Insurance. City shall procure and maintain insurance sufficient to pay for loss or damage to the wastewater treatment facilities and its sewage collection facility resulting from or during operation in a normal and prudent manner.

13. Default.

13.1 Notice and Remedy. Upon default of either party hereto for failure to perform any terms of this Agreement, the non-defaulting party may declare a breach by written notice to the defaulting party, providing a fourteen day opportunity to reasonably and diligently commence remedy of the default. If such action is not taken, then the non-defaulting party may declare this Agreement at an end. The non-defaulting party shall have all rights and remedies available at law, including injunctive relief, subject to the arbitration clause below.

14. Arbitration.

14.1 Procedure. In the event of a dispute between City and District concerning any matters arising under the terms and conditions of this Agreement, unless specifically excluded from arbitration, the dispute shall be considered by and resolved pursuant to the arbitration and appeal from arbitration procedures and authority established and used by the State of Oregon Circuit Courts pursuant to Uniform Trial Court Rule Chapter 13, except that all disputes between the parties shall be considered to meet the mandatory arbitration requirement under UTCR 13.010 and 13.020.

15. System Development Charges.

15.1 District. District may establish system development charges related to connections after the commencement of its operations relating to its sewage collection facility and such charges shall be the sole property of the District.

15.2 City. If City establishes system development charges relating to its wastewater treatment facility or sewage collection system for such applicable costs incurred after the date of this Agreement, it shall inform District and District shall collect the City's system development charges in addition to the District system development charges for all new District connections.

16. Amendment or Modification.

16.1 Procedure. No amendment or modification of this Agreement, including any addition or deletion thereto shall be effective unless approved and executed by the parties in the same form and manner the execution of this Agreement.

16.2 Effective Date. No amendment or modification of this Agreement shall be effective until 30 days after adoption by the City and District unless each party declares an emergency to make it immediately effective.

17. **Governing Laws.**

17.1 **Procedures.** This Agreement shall be governed and construed in accordance with the laws of the State of Oregon. Venue in connection with any legal proceeding affecting this Agreement shall be the Circuit Court of the State of Oregon for Clatsop County.

18. **Severability and Waiver.**

18.1 **Effect.** In the event any provisions of this Agreement shall be held to be impossible, invalid or unenforceable, the remaining provisions shall be held to be valid and binding upon the parties hereto. One or more waivers by either party of any provision, term, condition or covenant shall not be construed by the other party as a waiver of subsequent breaches of the same by the other party.

19. **Successor and Assigns.**

19.1 **Effect.** This Agreement is to be binding on the successors and the assigns of the parties hereto and is not to be assigned by either party without first obtaining the written consent of the other. No assignment of this Agreement shall be effective until the assignee assumes in writing the obligations of the assigning party, and delivers such written assumption to the original party of this Agreement.

20. **Notice.**

20.1 **Procedures.** All notices and communications in connection with this Agreement shall be given in writing and shall be transmitted by personal delivery or certified or registered mail, return receipt requested, to the appropriate party at the addresses set forth hereinbelow. Any notice so transmitted by personal delivery shall be effective at the start of the next business day and any notice transmitted by mail shall be deemed effective the next business day after expiration of 72 hours after the date of its postmark. Either party may, by written notice, designate a different address for purposes of this agreement.

City:
Astoria City Manager's Office
1095 Duane Street
Astoria, Oregon 97103

Copy to Attorney for City:
Snow & Snow Attorneys
P.O. Box 508
Astoria, Oregon 97103

District:
Ricardo Saavedra, Secretary
Miles Crossing Sanitary Sewer District
34588 Highway 105
Astoria, OR 97103

Copy to Attorney for District:
W. Louis Larson
LARSON AND FISCHER
990 Astor Street
Astoria, OR 97103

21. **Time Is of the Essence.**

21.1 **Application.** Time is of the essence regarding this Agreement.

22. Entire Agreement.

22.1 Purpose. This Agreement sets forth the entire understanding of the parties with respect to the matters contained herein. This Agreement supercedes any and all prior negotiations, discussion, agreements and understandings between the parties. This Agreement may not be modified or amended, except by written agreement executed by both parties.

23. Attorney Fees.

23.1 If No Suit or Action Filed. If this Agreement is placed in the hands of an attorney due to a default in the payment or performance of any of the terms, the defaulting party or the party requiring or causing the necessity of the interpretation shall pay, immediately upon demand, the other party's reasonable attorney's fees, collection costs, costs of either a litigation or foreclosure report (whichever is appropriate), even though no suit or action is filed thereon, and any other related fees or expenses incurred by the nondefaulting party, including but not limited to certified public accountants, public accountants or surveyors.

23.2 Arbitration or Mediation; Trial and Appeal. If any arbitration, mediation or other proceeding is brought in lieu of litigation or if suit or action is instituted to enforce or interpret any of the terms of this Agreement or if suit or action is instituted in a bankruptcy court or United States District Court to enforce or interpret any of the terms of this Agreement, to seek relief from an automatic stay, to obtain adequate protection or to otherwise assert the interest of Seller in a bankruptcy proceeding, the party not prevailing shall pay the prevailing party's costs and disbursements, the fees and expenses of expert witnesses, be it at trial, preparation of trial, deposition and in determining reasonable attorney fees pursuant to ORCP 68, costs of deposition, the actual cost of litigation or foreclosure report and such sums as the arbitrator or court may determine to be reasonable for the prevailing party's attorney's fees connected with the arbitration, trial or any appeal therefrom and any petition for review thereof; in addition, the court shall award the prevailing party attorney's fees for collection of the judgment of \$5,000.00 if the losing party does not pay the trial court or appellate court judgment within 30 days of the date of judgment or appeal same and the parties hereto agree such sum is a reasonable attorney's fee for collecting any resulting judgment not voluntarily paid by the losing party.

23.3 Definitions. For purposes of this Agreement, the term "attorney's fees" includes all charges of the prevailing party's attorneys and their staff (including without limitation legal assistant, paralegals, word processing and other support personnel) and any post-petition fees in a bankruptcy court. For purposes of this Agreement, the term "fees and expenses" include but are not limited to long distance telephone charges, expenses of facsimile transmission, expenses of computer research, expenses for postage (including costs of registered or certified mail and return receipts), express mail, or parcel delivery mileage, all deposition charges, all court reporter charges, appearance fees and all costs of transcription; costs incurred in searching records and the cost of title reports, surveys or survey records.

24. Construction.

24.1 Effect. This Agreement is to be construed as a freely negotiated agreement among equally situated parties, each with the benefit of counsel, and any rule of construction that would otherwise be applied to construe this Agreement against the draft shall not apply.

25. Counterparts.

25.1 Procedure. This Agreement may be signed in counterparts.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date so indicated, to be effective on the first date here and above indicated.

CITY OF ASTORIA:

MILES CROSSING SANITARY SEWER DISTRICT:

Willis L. Van Puse
Mayor
Printed Name: Willis L. Van Puse
Date: 5-5-03

George McMurrick Jr
President
Printed Name: George McMurrick Jr
Date: 5-6-03

Dan R. Bartlett
City Manager
Printed Name: Dan R. Bartlett
Date: 5/7/03

Gilbert Gramson
Secretary
Printed Name: Gilbert GRAMSON
Date: 5/6/03

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Jeanise R Snow
Attorney for City
Printed Name: Jeanise R Snow
Date: 4-30-03

W. Louis Larson
Attorney for District
Printed Name: W. Louis Larson
Date: 5/6/03

AMENDMENT NO. 1, DATED AS OF 9/4, 2007 TO THE MAY 6, 2003
INTERGOVERNMENTAL AGREEMENT FOR WASTEWATER TREATMENT,
BETWEEN THE CITY OF ASTORIA AND MILES CROSSING SANITARY
SEWER DISTRICT

RECITALS:

- A. Under the authority of the Oregon Revised Statutes, the City of Astoria (the "City") and the Miles Crossing Sanitary Sewer District (the "District") (collectively referred to herein as the "Parties") are authorized to enter into arrangements for cooperation in the provision for Wastewater treatment to prevent water pollution.
- B. The City and the District entered into that certain Intergovernmental Agreement for Wastewater Treatment (the "Intergovernmental Agreement") on May 6, 2003.
- C. In the Intergovernmental Agreement, the Parties mutually agreed that certain Wastewater originating from and leaving the boundaries of the District would be accepted and treated by the City's Wastewater treatment facility subject to the full approval of the Oregon State Department of Environmental Quality ("DEQ").
- D. The District seeks and the City will agree to grant, subject to certain conditions set forth in detail below, a non-exclusive easement to the District for the purpose of constructing, operating, inspecting and maintaining a sanitary sewer line on property owned by the City to facilitate implementation of the Intergovernmental Agreement and this Amendment No. 1 to the Intergovernmental Agreement.
- E. Pursuant to Section 16 of the Intergovernmental Agreement this Amendment No. 1 shall be effective immediately upon signing by the Parties as the Parties here declare the existence of an emergency pursuant to Section 16.2 of the Intergovernmental Agreement. Pursuant to Section 16.1 and by agreement between the Parties, this Amendment No. 1 to the Intergovernmental Agreement is being affected in the same form and manner as the Intergovernmental Agreement. Pursuant to Section 16 the provisions of this Amendment No. 1 modify and amend the Intergovernmental Agreement.

NOW THEREFORE, in consideration of the promises herein contained, the Parties agree as follows:

1. Definitions

All capitalized terms contained but not defined herein shall have the meanings assigned to them in Section 1 of the Intergovernmental Agreement except for those terms specifically defined below.

- A. "Wastewater" shall be defined, for purposes of Amendment No. 1, to mean domestic sewage from households and sewage and Industrial Wastewater (as defined below) from any commercial buildings or business enterprises, excluding stormwater.
- B. "Industrial Wastewater" discharges shall be defined, for purposes of Amendment No. 1, to include those discharges of Wastewater from any commercial buildings or business enterprises that meet or exceed, for any one discharger, 25,000 gallons per day or 17 gallons per minute.
- C. "the Connection" shall be defined, for purposes of Amendment No. 1, to mean the act of final implementation of the line Connection between the District's and the City's Wastewater collection systems enabling the flow of Wastewater from the District's system to the City's system and treatment plant.
- D. "Combined Sewage Overflow" ("CSO") shall be defined, for purposes of Amendment No. 1, to mean the discharge of a mix of storm water and Wastewater from a combined sewer system at a point prior to the publicly owned treatment work.
- E. "CSO 2" shall be defined, for purposes of Amendment No. 1, to mean the point of discharge identified as CSO 2 in the City's current State Permit (current as of the date of the signing of this Amendment No. 1).
- F. "Storage Tank") shall be defined, for purposes of Amendment No. 1, to mean a fully automated 72,000 gallon Wastewater storage tank designed to evacuate at a rate of 135 gallons per minute, approved by the DEQ as to its design, size, location and application as more fully described in paragraph 3.1 below.
- G. "Operating Agreement" shall be defined, for purposes of Amendment No. 1, to mean a written, signed and dated agreement between the Parties, entered into prior to the Connection, which sets forth those necessary operational details facilitating the linked operation of the two Wastewater collection systems as more fully described in paragraph 3.2 below.
- H. "Control Manhole" shall be defined, for purposes of Amendment No. 1, to mean the City's manhole station 282+97.

2. **Effect of Amendment No. 1**

The provisions in this Amendment No. 1 are meant to modify, amend and supplement the Intergovernmental Agreement by mutual agreement of the Parties as set forth in this Amendment.

3. **Easement Agreement Conditions**

The City hereby agrees to execute an Easement Agreement in the form attached hereto as Appendix I within thirty (30) days of DEQ approval of the entire District storage facility system including the Storage Tank described more fully below, by which the City will grant an easement to the District (the "Easement") subject to the following conditions precedent:

3.1 The District and the City have agreed that the District will construct a fully automated 72,000 gallon Wastewater storage tank (the "Storage Tank") designed to evacuate at a rate of 135 gallons per minute, subject to approval by the DEQ of its design, size, location and application. At the completion of construction and before the Connection is put into service, the District will provide the City with a Oregon Professional Engineer's Certification of completion in accordance with design and plans for the City's review and approval. The Storage Tank shall be constructed so as to ensure ease of maintenance of the automated system and reliable performance throughout the life of the tank. The Storage Tank shall be constructed so as to ensure that stored Wastewater up to a volume of 72,000 gallons can be successfully discharged and emptied within a nine (9) hour period. The City and the District agree that the District will not be permitted to connect to the City's collection system or use the Easement, for purposes other than limited testing associated with the construction, installation and Connection, unless and until (i) it completes construction of the Storage Tank, or any alternate Wastewater storage facility required by the DEQ and agreed to between the Parties and (ii) the Wastewater storage facility, including the related data collection and recording system is fully functional. This storage tank size is specifically understood and agreed to be designed for and limited to acceptance by the City of at most 85,000 gallons per day of discharge from the District. That number can be ultimately increased, if the District decides to do so, only under the conditions set forth below. For purposes of this Agreement, testing is understood by both the District and the City to include brief limited duration discharges to the City's system to ensure that the force main and Connection will function properly as intended and designed when the full Connection for daily use is allowed pursuant to the terms of this Amendment No. 1.

3.2 The District acknowledges, that as a condition preceding putting the Connection in service, it will not begin discharging Wastewater through the proposed sanitary sewer line into the City's collection system by way of the Easement, except for the testing described in paragraph 3.1, until the City and the District have reached a written agreement (the "Operating Agreement") regarding the detailed operation of such Connection and the operation of the storage component of the District's system. Among other operational details, the written agreement referenced in the immediate preceding sentence shall include, but not be limited to, a provision that defines the need for diversion and the District's obligation to divert, to the Storage Tank, by CSO interceptor level and it will establish the CSO interceptor level when the District can begin pumping again through the Connection to the City. The District's pumping will be controlled

based on the water depth at the Control Manhole. The Operating Agreement shall also include the agreed precise Connection point between the District and the City's systems, provision for the City's construction inspection of the Connection and the details of the data collection and recording system. The Parties agree to work together in good faith to reach a mutually acceptable Operating Agreement. The District agrees that the quality of the Wastewater delivered through the Connection to the City's system is the responsibility of the District. The Operating Agreement shall also include the following specific provisions:

(i) The instruments required on the City's sewer system interceptor to control diversion of the District's flow to the Storage Tank shall be installed at the City's manhole station 282+97 (the "Control Manhole"). When the depth in the control manhole is 13-inches a signal will be sent to stop pumping from the District. When the depth recovers to 10 inches a signal will be sent to allow pumping to start. The District will own and maintain the equipment in the Control Manhole. It is the responsibility of the District to adequately provide controls sufficient to read water depths to within 0.1 foot and electronic signaling to control pumping pursuant to this Amendment No. 1 and the Operating Agreement.

(ii) A remote telemetry system to transmit operational data to the City will not be necessary if the City is provided access to the data via the District's website and if the website is properly maintained by the District.

(iii) The District shall collect periodic effluent quality data at the point of Connection to the City's system. The following data must be made available on the District's website:

Effluent Quality Data:

- a) Record of pH – collected and reported three times per week;
- b) Priority pollutant scans – performed once in summer and once in winter;
- c) Weekly measurements of BOD (biological oxygen demand) and TSS (total suspended solids);
- d) Quarterly measurements of metals concentrations;
- e) Semi-annual measurements of priority pollutants;
- f) Aqueous hydrogen sulfide concentration at the Connection at a frequency and pursuant to a protocol set forth by DEQ;

Operational Information:

- g) The City's interceptor level;
- h) The time and date of initiation and termination of diversion to the storage tank and the rate of filling of the storage tank;
- i) The time and date of evacuation or emptying of the storage tank;
- j) The time and date of initiation and termination of the operation of the sewage pumps (a complete operational log);

- k) 5-minute record of water depth at the Control Manhole;
- l) Event record of when pump(s) start and stop, including a record of date, time, pump number;
- m) Record of pumping rate (flow) for each pumping event record, including a record of the date, time and flow rate;
- n) Event total flow delivered from the District to the City;
- o) Event record of when Storage Tank is used, including a record of 'stop' and 'start' signal for pumping and record of depth and or amount of storage used during the event; and
- p) Other relevant effluent and operational data and information to be determined by the District and City in consultation with each other.

3.3 The District agrees to defend (using legal counsel acceptable to the City), indemnify, and hold harmless the City from and against, and reimburse the City for, any and all actual or alleged claims, damages, expenses, costs, fees (including, but not limited to, attorney, accountant, paralegal, expert, and escrow fees), fines, and/or penalties (collectively "Costs") which may be imposed upon or claimed against or incurred by the City and which, in whole or in part, directly or indirectly, arise from or are in any way connected with any of the following (i) any act, omission or negligence of the District; (ii) any use, occupation, management or control of the Easement by the District, whether or not due to the District's own act or omission and whether or not occurring on the Easement; (iii) any condition created on or about the Easement by the District, including any accident, injury or damage occurring on or about the Easement after the Effective Date; (iv) any breach, violation or nonperformance of any of the District's obligations under this Amendment No. 1; (v) any damage caused by the District on or to the Easement. Nothing in the foregoing shall require the District to indemnify or hold the City harmless against any Costs resulting from the City's respective negligence or willful misconduct.

4. Industrial Wastewater Discharges

The District agrees that as a condition precedent to any Industrial Wastewater Discharge being connected by the District and passing through the Connection to the City's system, the District will adopt a Pretreatment Ordinance requiring the pretreatment of any Industrial Wastewater Discharge consistent with the Clean Water Act, applicable federal and state law, and DEQ and United States Environmental Protection Agency requirements and guidelines.

4.1 The District's Pretreatment Ordinance shall apply to all Industrial Wastewater Dischargers to the District's system. The District's Pretreatment Ordinance shall authorize the issuance of Industrial Wastewater Discharge Permits, authorize monitoring by both the District and the City, including facility auditing for compliance, require permit holder reporting, and establish compliance and enforcement procedures that will be available to both the District and the City.

4.2 The District shall reimburse the City for staff time and any necessary costs, at then effective standard City rates for such services, to pursue any necessary enforcement of the terms of the District's Pretreatment Ordinance.

5. Combined Sewage Overflows

5.1 After implementation of the line Connection between the District's and the City's collection systems, if a CSO occurs at CSO 2 and the CSO includes Wastewater from pumping from the District's sewer system, fault and any penalties assessed shall be allocated as follows:

(i) if the CSO is caused by negligence or equipment failure attributable exclusively to one party, that party shall be allocated 100% of the fault, cost of remedy or remediation, if any, and cost of any penalties;

(ii) if the CSO is caused by mutual negligence or equipment failure attributable to both Parties, the Parties agree to negotiate in good faith to reach agreement on the allocation of the fault, cost of remedy or remediation, if any, and cost of any penalties assessed; and

(iii) if the CSO is not caused by negligence or equipment failure attributable to either party, allocation of fault, cost of remedy or remediation, if any, and cost of any penalties assessed shall be determined on the basis of the proportional Wastewater volume contribution to the total overflow volume calculated as set forth below:

a) For purposes of this section of Amendment No. 1, the District's volume of domestic Wastewater shall be calculated based on the number of Wastewater Connections to the District's system; and

b) For purposes of this section of Amendment No. 1, the City's volume of Wastewater shall be calculated on the basis of the number of Wastewater Connections to the City's collection system up-pipe/up-gradient from CSO 2, excluding the District's Connections.

6. Capacity

Notwithstanding the City's obligations set forth in Section 5.1 of the Intergovernmental Agreement, the City and the District agree that initially the District will be permitted to discharge to the City's collection system no more than 85,000 gallons of Wastewater per day. The 85,000 gallons is based on a number of factors which include, but are not limited the District's 2024 population projection and the District's desire to build a storage tank of no greater than 72,250. When the District's output load equals or surpasses 72,250 gallons of Wastewater per day or two years prior to the District anticipating that the flow will need to be increased to a number greater than 85,000

gallons of Wastewater per day, whichever date comes earlier, the District shall notify the City and the Oregon Department of Environmental Quality ("DEQ") in writing and the Parties agree to consult with each other and confer with DEQ to determine whether additional storage or other mechanisms are necessary and negotiate in good faith to accommodate the increased load and obtain the approval of DEQ for the increase and the design of any needed additional storage or other mechanism.

7. Change in Law

The Parties hereby agree that if any major change or amendment is made to Oregon state or federal law that affects applicable regulatory procedures, requirements or the operation or enforcement of the Intergovernmental Agreement, this Amendment No. 1 or the Easement Agreement to be subsequently entered into, the Parties will consult and negotiate in good faith to address such changes or amendments consistent with the intent of the Intergovernmental Agreement and this Amendment No. 1.

8. Notices

All notices required under this Amendment No. 1 shall be deemed properly served if hand delivered (including by reputable overnight courier) or sent by certified mail, return receipt requested, to the last address previously furnished by the Parties hereto. Until hereafter changed by the Parties by notice in writing, notices shall be sent to the Parties at the addresses set forth below:

If to the District: Miles Crossing Sanitary Sewer District
c/o Young's River Lewis & Clark Water District
34583 Highway 101 Business
Astoria, OR 97103

If to the City: City of Astoria
1095 Duane Street
Astoria, OR 97103
Attention: City Manager

With a copy to: City of Astoria
1095 Duane Street
Astoria, OR 97103
Attention: Director of Public Works

If mailed, the notice shall be deemed received five (5) days after the postmark date from the United States Postal Service, postage prepaid, return receipt requested, certified mail. If delivered by hand, the notice shall be deemed received as of the date of delivery or refusal of delivery.

9. Miscellaneous

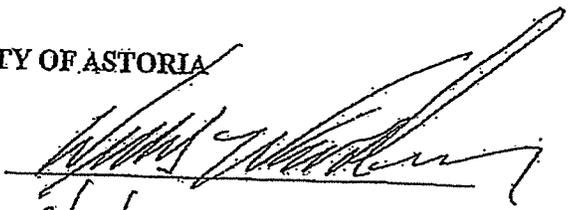
- 9.1 Time is of the essence with respect to all dates and time periods set forth or referred to in this Amendment No. 1.
- 9.2 Any provision or condition of this Amendment No. 1 may be waived at any time, in writing, by the party entitled to the benefit of such provision or condition. Waiver of any breach of any provision shall not be a waiver of any succeeding breach of the provision or a waiver of the provision itself or any other provision.
- 9.3 This Amendment No. 1 shall be governed by and construed in accordance with the laws of the State of Oregon, without regard to conflict of laws principles.
- 9.4 Any action or proceeding seeking to enforce any provision of, or based on any right arising out of this Amendment No. 1 shall be brought against any of the Parties in Clatsop County Circuit Court of the State of Oregon, or, subject to applicable jurisdictional requirements, in the United States District Court for the District of Oregon, and each of the Parties consents to the jurisdiction of such courts (and of the appropriate appellate courts) in any such action or proceeding and waives any objection to such venue.
- 9.5 If any mediation, suit, or action is instituted to interpret or enforce the provisions of this Amendment No. 1, to rescind this Amendment No. 1 or otherwise with respect to the subject matter of this Amendment No. 1, the party prevailing on an issue shall be entitled to recover with respect to such issue, in addition to costs, reasonable attorney fees incurred in preparation or in prosecution or defense of such mediation, suit or action, and if any appeal is taken from such decision, reasonable attorney fees as determined on appeal.
- 9.6 If any provision of this Amendment No. 1 shall be invalid or unenforceable in any respect for any reason, the validity and enforceability of any such provision in any other respect and of the remaining provisions of this Amendment No. 1 shall not be in any way impaired.
- 9.7 This Amendment No. 1 may be executed in counterparts. Facsimile signatures shall be considered originals for all purposes whatsoever.
- 9.8 The District agrees that the City shall have no liability of any kind in Connection with the District's funding, design or construction or operation of the District's systems.
- 9.9 The District agrees that it will defend and indemnify the City from any expenses or costs arising from any claim asserted against the City arising from the funding, design, construction or operation of the District's system or the Easement Agreement.

9.10 The Parties acknowledge that each has sought and received independent outside legal counsel and advice regarding the provisions of this Amendment No. 1 and each is voluntarily and knowingly entering into this Amendment No. 1.

[Signature pages follow]

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

CITY OF ASTORIA

By: 

Date: 9/4/07

MILES CROSSING SANITARY
SEWER DISTRICT

By: 

Date: 9/4/07



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

RECEIVED
Clatsop County

JUN 21 2016

Land Use Planning

June 21, 2016

Clatsop County Planning Commission
800 Exchange Street, Suite 100
Astoria, OR 97103

Dear Planning Commission:

I understand the planning commission desires some input from the City of Astoria concerning the City's capacity to accept sanitary sewage from in the Miles Crossing area. Service there is provided by the Miles Crossing Sanitary Sewer District, not the City, but because the District's sewage is treated at the City's treatment plant, an explanation of the arrangement might be helpful to you.

The City and the District entered into an inter-governmental agreement in 2003 for the city to accept all domestic sewage originating from the District up to the limits of the District's plan, which called for buildout of 1000 EDU and 300,000 gallons per day. Over the next several years, before the District began sending any sewage, the District performed engineering and financial analysis and decided to build a storage tank with capacity of 72,250 gallons, to provide for storage of the District's sewage during a storm event that might trigger a combined sewage overflow (CSO) in the City's system. Based on the size of that storage tank and the District's projected population growth, the IGA was amended in 2007 to limit the flow initially to 85,000 gallons per day, with a requirement that the District notify the City and DEQ when its flow reaches 72,250 gallons per day or when it determines that flow is projected to reach 85,000 gallons per day within two years.

Once the flow approaches the capacity limits in Amendment 1 to the IGA, the City and the District "agree to consult with each other and confer with DEQ to determine whether additional storage or other mechanisms are necessary and negotiate in good faith to accommodate the increased load and obtain the approval of DEQ for the increase and the design of any needed additional storage or other mechanism."

Should the District confer with the City and DEQ about capacity, an analysis of District flow and storage information, as well as frequency and severity of storm events, will need to be conducted by the District. This would be done to assess the impact of the City's work to reduce CSOs in its system. It is expected thorough analysis will take some time and expense by the District, and will require DEQ review and approval of the engineering. Ultimately, additional flow, up to the maximum capacity of 300,000 gallons per day, is a matter of engineering and cost for additional storage (by the District) when it is needed.

Sincerely,

THE CITY OF ASTORIA

Ken Cook
Public Works Director



Oregon

Kate Brown, Governor

Department of Environmental Quality
Northwest Region
700 NE Multnomah Street, Suite 600
Portland, OR 97232
(503) 229-5263
FAX (503) 229-6945
TTY 711

June 21, 2016

Clatsop County Planning Commission
800 Exchange Street, Suite 100
Astoria, OR 97103

RECEIVED
Clatsop County

JUN 21 2016

Land Use Planning

Dear Planning Commission:

Miles Crossing Sanitary District (District) operates a wastewater collection system on the west side of Youngs Bay which discharges to the City of Astoria (City) collection system. The City of Astoria holds an NPDES permit to discharge treated wastewater to the Columbia River from the Oregon Department of Environmental Quality (DEQ).

The City of Astoria operates a Combined Sewer collection system, where storm and sanitary sewers are combined and when there is overflow (a CSO), raw wastewater is released. DEQ has tasked the City with limiting the amounts and number of CSOs that occur. The City is in the midst of a 25-year plan of construction and modification of its collection system to limit CSOs.

The arrangement between the City and the District limits the amount of effluent that can be sent based on the capacity of a District storage tank, which is intended to allow storing of effluent during storm events which will limit the District's ability to contribute raw sewage to a CSO.

In order for the District to increase the amount of effluent that may be sent to the City, the City and District would review the history of storm events, lengths and intensity, to see how the existing storage has impacted the CSO system. A decision would have to be made on the appropriateness of existing tank capacity or operation, and decide at what point storage management would have to be changed.

DEQ would have to approve of changes to the IGO that would effect the City's CSO system. DEQ involvement with negotiations would be welcomed. Any changes to storage size, duration or operation would require review and approval by DEQ. Review of such proposals typically takes 2-4 weeks.

If there any question about the content of this letter, please feel free to contact me at pinney.mike@deq.state.or.us or (503) 229-5310.

Regards,

Michael Pinney, PE
Senior Environmental Engineer
DEQ NWR-WQ



RECEIVED
Clatsop County

JUN 21 2016

Land Use Planning

34583 HWY 101 BUSINESS ASTORIA OR 97103
Office 503-325-4330 FAX 503-338-6915

June 17th, 2016

Re: The Bella Ridge Apartment Development/ Richard Kruger

Dear Planning Commission:

The Miles Crossing Sanitary Sewer District, has renegotiated the System Development Charges with Mr. Krueger with regards to the Bella Ridge Apartment project. After discussions with Mr. Krueger, the Sewer District has come to a tentative agreement to supply Phase 1 of the Bella Ridge Apartments, two buildings with a total of 48 apartments (as presently designed), with sewer service. In exchange Mr. Krueger has agreed to pay \$5,600.00 for each apartment in System Development Charges for a total payment of \$268,800.00. Mr. Krueger has also agreed to pay \$68.50 monthly for each apartment unit.

This agreement is approval for Phase I only of the Bella Ridge development. The Sewer District is delaying approval of Phases II and III, until an impact study of the effects of Phase I can be conducted and evaluated.

The Sewer District is attentively approving Phase I at this time because of the inability to get a quorum to vote on the proposal at a public meeting. This requirement will be met during the Miles Crossing Sanitary Sewer District's meeting of July 5, 2016. Four of the five Sewer Board Members have voiced their support for this agreement by phone. The final board member is out of town and cannot be reached until the scheduled meeting.

These changes and delays have been made to ease the concerns the Lewis & Clark residents have about future flows and water availability and to reconfirm the Sewer District's findings, projections and future flow calculations.

Sincerely,

Richard Scott

Miles Crossing Sanitary Sewer District

~~JUN 21 2016~~

Heather Hansen

From: David Noren <david@norenlaw.com>
Sent: Tuesday, June 21, 2016 3:31 PM **Land Use Planning**
To: Clatsop Development; Heather Hansen
Subject: Bella Ridge: Evidence concerning water capacity
Attachments: Noren Letter Transmitting Water System Evidence.pdf; Mitchell letter re water line size and pressure 6-21-16.pdf; OTAK Dailey Letter re Water Capacity 6-21-16.pdf

Enclosed please find my transmittal letter and the following two documents, sent as 3 separate pdf documents for convenience in posting to the county website.

Please confirm receipt.

Thank you.

David Noren

1. Letter dated June 21 from Young's River Lewis and Clark Water District Superintendent to Richard Krueger regarding water system line size and pressure at the subject site.

2. Letter dated June 21 from Adam Dailey of OTAK regarding water system capacity.

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This message is private or privileged. If you are not the person for whom this message is intended, please delete it and notify me immediately and please do not copy or send this message to anyone else.

David C. Noren, Attorney
P.O. Box 586
Hillsboro, OR 97123
Phone (503) 640-2661
Please Note New Office Address and Fax:
330 NE Lincoln, Suite 200 Hillsboro
Fax (503) 648-0760

RECEIVED
Clatsop County

JUN 21 2016

Land Use Planning

DAVID C. NOREN

Attorney at Law

P.O. Box 586, Hillsboro, Oregon 97123-0586
330 NE Lincoln Street, Suite 200, Hillsboro, Oregon 97124
Telephone: (503) 640-2661 Fax: (503) 648-0760
e-mail: david@norenlaw.com

June 21, 2016

Delivered Electronically

Clatsop County Planning Commission
800 Exchange Street, Suite 100
Astoria, OR 97103

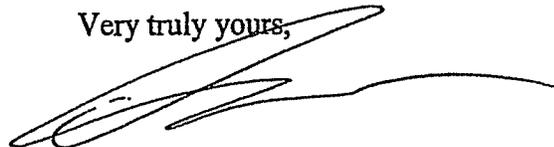
Re: Bella Ridge Apartments Zone Change and Conditional Use - #20160076/77
Additional Evidence Concerning Water Supply and Pressure

Dear Chair Francis and Commissioners:

As part of the initial open record period, the applicant is submitting the following attachments as separate pdf documents transmitted to your staff by e-mail:

1. Letter dated June 21 from Young's River Lewis and Clark Water District Superintendent to Richard Krueger regarding water system line size and pressure at the subject site.
2. Letter dated June 21 from Adam Dailey of OTAK regarding water system capacity.

Very truly yours,



David C. Noren

YOUNG'S RIVER LEWIS & CLARK WATER DISTRICT
34583 Hwy. 101 Business Astoria Or. 97103 Ph. 503-325-4330 Fax 503-338-6915
E-mail bmitchell@yrlcoffice.com

JUN 21 2016

Land Use Planning

June 21, 2016

To: Dick Krueger
From: Bill Mitchell
Subject: Line size and pressure

As you requested, here is a written explanation of the type, size, and pressure for water service to your development of apartments on Lewis & Clark Rd. The size of line coming from Lewis & Clark Road is 6" at your development, just up the road less than a mile it is an 8 inch line fed from the new Million gallon reservoir by a 10 inch. The pressure there at Miles Crossing is well over 110 PSI.

Then you would be fed by the Youngs River waterline as well as the Lewis & Clark Rd. line. It also is a 6 inch line with over 110 PSI. Connecting the two waterlines (Youngs River & Lewis & Clark Rds.) is a feed from a new 12 inch water line put into service the same time as the new million gallon reservoir above the School. That new line starts at the water plant and continues to the split between Lewis and Clark Rd. via Tucker Creek Ln., and then Youngs River Rd. line.

The new reservoir above the School is a 1,000,000-gallon reservoir bolted steel glass lined tank, this will give plenty of water for fire conditions as regards to the Water District. I'm not speaking for the Fire Department. On the Youngs River Rd. side there is a 200,000 gallon reservoir feeding the crossing as well, with a 6 inch water line that was installed in the ninety's.

At the water plant there is a 400,000 gallon reservoir feeding all the lines and tanks that are currently in use by the water district. That reservoir feeds the 12 inch water line leaving the water plant.

I hope that I'm not confusing things more with my explanation. If you have any questions please feel free to contact me.

Thanks


Bill Mitchell

JUN 21 2016

Land Use Planning



4253-A Highway 101 N · seaside, oregon 97138
503.738-3425 · fax 503.738-7455
www.otak.com

June 21, 2016

Clatsop County Planning Commission
800 Exchange Street, Suite 100
Astoria, OR 97103

Re: The Bella Ridge Apartment Development/Richard Krueger

Dear Planning Commission,

At my request, Bill Mitchell, superintendent of Young's River Lewis & Clark Water District, has provided the system capacity and system use data for their water distribution system. The data can also be found in the *Young's River/Lewis & Clark Water District Engineering Pre-Design Report*, provided by Curran-McLeod in April 2011.

Mr. Mitchell provided a capacity of the water filtration plant of 500,000 gallons per day (GPD), or 0.77 cubic feet of water per second (cfs). The plant has two available sources for the system that provide 1 cfs each for a total of 2 cfs at Barney Creek, certificate number 23392. The capacity and source data from Mr. Mitchell agree with the pre-design report provided by Curran-McLeod.

Water demand data is collected by the water district daily and tabulated for record. From the data, I have calculated an average water demand from 2012 – 2016 of 297,535 GPD. This equates to an average use of 59.5% of its yearly capacity and 202,465 GPD of available capacity in reserve, or 40.5%. The peak demand for the same timeframe occurred in June, 2012 at 594,270 GPD. There was only one other instance during this timeframe, also in 2012, when the peak exceeded the capacity. Contributing factors to exceedance may include demand due to weather, system failure in lines or tanks, or a fire event. If these two events were removed from the data, the peak event would occur in August 2013, at 481,580 GPD.

For the period 2012 – 2016, the next five highest peak days for each year are tabulated below:

2012	2013	2014	2015	2016
479,330	481,580	460,300	468,537	460,609
463,590	473,440	458,800	425,976	459,401
462,240	470,290	445,900	413,853	418,136
430,040	462,010	440,000	407,251	410,119
423,520	458,860	436,500	404,884	389,973

The highest value being 481,580, the lowest being 389,973, and an average of 440,206.

An average occupancy of 2.1 people per unit yields a total population of 353 people for all 3 phases and 101 people for Phase I. Water use rates can range from 50 to 100 GPD per person or more.

Mr. Krueger has previously proposed a total development of 168 units for all 3 phases. At 100 GPD this development would have required a demand of 35,280 GPD.

When this development is included in the demand, the available reserve capacity of the water system would be 33.4%.

Alternately, Phase I proposes 48 units and would require 10,100 GPD. When this development is included in the demand, the available reserve capacity of the water system would be 38.5%.

Thank you.

Sincerely,
Otak, Inc.



Adam Dailey, P.E.
Senior Civil Engineer

cc: Project Files

JUN 21 2016

EXHIBIT # III-N.

Land Use Planning

June 21, 2016

Clatsop County Planning Commission
Re: Hearing - Bella Ridge, Buena Vista, Grand Vista
Ladies and Gentlemen,

Time being of critical essence since May 17 Public Notice of rezoning and granting permits for above, and this being the last day for Public Input, particularly for people in Type III Procedures who could be impacted yet knew nothing before May 17 -- there has not been sufficient time afforded them. They may have read or heard a little about the May 24 Hearing less than a month ago.

Unfortunately for the people in the to-be rezoned area, the promoters, partners and City of Astoria signing on to this project had been working on the deal for months. Perhaps some were as much in the dark as we were, but took for granted what they were told. It is a pity if they did not know rezoning and the water situation involved consequences. No one will ever know what they knew.

Some people pushing for this might refute the Sheriff, say the golf course can revert to Agriculture while the farm converts to apartments, say it is a Godsend and helps the school, etc. Did they say how many children live at the two yacht club projects?

What a boon the "PATH" is. Anyone can take it day and night to school grounds,

the wooded area, and play Camping out. How alluring for children -- a great meadow and slough to play in -- Candy and ice cream just across the street at the gas station -- walk, skate and bike down the road to visit cows, goats, sheep, horses and a funny flock of birds. Of course, children are always supervised.

WATER: The people who ran out of time, knew too little too late in the immediate IMPACT AREA voted to form the district, set the Rules, approved Bonds, and Voted for the Board who serves them.

Why a meter for a single family home is \$7,000.00 and \$1,400.00 for each apartment probably has a reason. But it appears somewhere the Board will be responsible to maintain some water lines beyond the road and to build new storage facilities at its own ratepayers expense. Storage is one thing. Clean water for 169 new apartments is another.

None of this is in the Applicable Criteria. Can or the Commission add new Criteria? Whatever power you may have, these Boards still need the financial ability to provide what will be necessary not at the moment of your decision, but hereafter.

But the developer will be off the hook.
The Boards, County, State, Bus,
all the entities will foot the bill.

This means the Public will pay.
The very Public who had
insufficient knowledge and
insufficient time (and still dont).

How and why this thing
came about in this manner
is very curious to me. I was caught
off guard, without warning by
this previously unconceivable
matter of great import.

Sincerely,

Joan Feretti

Heather Hansen

JUN 21 2016

From: David Noren <david@norenlaw.com>
Sent: Tuesday, June 21, 2016 4:16 PM
To: Clatsop Development
Cc: Heather Hansen
Subject: Bella Ridge: Letter Limiting CUP Request to 48 Units
Attachments: Noren letter limiting CUP Application to 48 Units 6-21-16.pdf

Land Use Planning

Attached please find my letter to the planning commission dated June 21 limiting the conditional use application to the first phase of 48 units.

Please confirm receipt. This is the applicant's final submittal during the first open record period.

Thank you.

David Noren

--

This message is private or privileged. If you are not the person for whom this message is intended, please delete it and notify me immediately and please do not copy or send this message to anyone else.

David C. Noren, Attorney
P.O. Box 586
Hillsboro, OR 97123
Phone (503) 640-2661
Please Note New Office Address and Fax:
330 NE Lincoln, Suite 200 Hillsboro
Fax (503) 648-0760

JUN 21 2016

DAVID C. NOREN

Attorney at Law

P.O. Box 586, Hillsboro, Oregon 97123-0586
330 NE Lincoln Street, Suite 200, Hillsboro, Oregon 97124
Telephone: (503) 640-2661 Fax: (503) 648-0760
e-mail: david@norenlaw.com

Land Use Planning

June 21, 2016

Delivered Electronically

Clatsop County Planning Commission
800 Exchange Street, Suite 100
Astoria, OR 97103

Re: Bella Ridge Apartments Zone Change and Conditional Use - #20160076/77
Conditional Use Request Limited to Phase 1 (48 Units)

Dear Chair Francis and Commissioners:

In response to further discussion with the Miles Crossing Sanitary Sewer District and to concerns from the community, the applicant for the zone change and conditional use in this matter is limiting the conditional use application to Phase I only. This changes the number of units in the application from 168 to 48, substantially reducing the impacts on transportation, water, sanitary sewer, law enforcement and other public facilities and services. Any further apartment development would go through a new Type III process with a new hearing by the planning commission to review the proposal for compliance with the conditional use criteria, including compliance with comprehensive plan policies such as adequacy of public services. This will assure that no further development is allowed without further review of the availability of such services. The applicant requests that the planning commission approve the zone change, and approve the modified conditional use for 48 apartment units with a condition of approval requiring that any further residential development on the property be subject to conditional use review by the planning commission.

The applicant also proposes as a condition of approval that a portion of the southeast corner of the property within the 100-year flood plain be made available to the residents as a dog park. This area would be approximately 30 feet by 250 feet and would be fenced. It would be maintained by the apartment management.

Attached for convenience of reference is the site plan for Phase 1. All the parking originally proposed for this phase will be constructed.

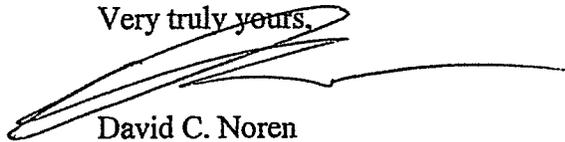
Under the existing RCR zoning, with the maximum lot size of 7,500 square feet and 10.4 acres, the property could be eligible for as much as 60 units with clustered development. Approval of the zone change, with the conditional use of the property restricting further

development to additional conditional use review, will result in density that is consistent with the surrounding area.

The limitation of the conditional use to 48 units also substantially mitigates the concerns expressed about water and sanitary sewer service. Based on the Sanitary Sewer District's figures of about 135 gallons per unit per day, this would increase the District's average flow by only about 6500 gallons per day, from about 42,000 to 48,500, well below the threshold in the IGA with the City for developing more storage capacity. Approval of this application will provide the District with substantial SDC fees and monthly sewer fees that will allow the District to do the engineering analysis needed for additional capacity as more growth occurs throughout the District.

This letter is submitted as part of the initial open record period.

Very truly yours,

A handwritten signature in black ink, appearing to read "David C. Noren", with a long horizontal flourish extending to the right.

David C. Noren

FROM → WILLIAM R. CUNNINGHAM
92241 LEWIS & CLARK RD
ASTORIA OR. 97103

6-21-2016
EXHIBIT # III-P.
Astoria, Or.

TO → THE CLATSOP COUNTY PLANNING COMMISSION

RECEIVED

Clatsop County

JUN 21 2016

Land Use Planning

I Bill Cunningham, have lived at my address for 39 years. The 2 acres that I own are adjacent to Mr Krueger's planned development at Miles Crossing. I heard nothing at the last meeting, that would den or take away from the Bella Ridge project. Except a bunch of people bringing up fictitious claims or blowing them all out of proportion and some cases out ~~his~~ right lies.

I believe Mr Krueger has met all the requirements, I also believe this development will enhance the Miles Crossing area. The same as Richard & Linda Lee's has. No one ^{can} deny that their project hasn't made our area more beautiful. ~~It~~ ^{we have} already a new school, a Golf Course, K. V. Park and a few Park Model Homesites. The people that are gainst this project need ^{to} get up to speed, times a changing and I believe for the better. More homesites can only help the whole area. I'm not too good at Letters but you should get my drift. Sincerely

P.S. I know no one in this house

William R. Cunningham 497

EXHIBIT IV. Responses to New Written Evidence Submitted by June 28, 2016

Deadline

- A. Laurie Willey, Community Manager, Krueger Property Management, copy of a rental application form, submitted 6/24/16
- B. Richard Scott, Miles Crossing Sanitary School District, 6/27/16 letter, submitted 6/27/16
- C. Beth LaFleur, Planning Consultant, 6/27/16 letter, submitted 6/28/16



MULTIFAMILY NW The Association Promoting Quality Rental Housing

OREGON RENTAL APPLICATION

TO BE COMPLETED BY EACH ADULT APPLICANT

ALL UNITS SUBJECT TO AVAILABILITY



Land Use Planning

OFFICE USE ONLY

PROPERTY NAME / NUMBER Yacht Club Apartments ADDRESS YCA
UNIT NUMBER ADDRESS
DATE UNIT WANTED MM/DD/YYYY UNIT RENT \$ NON-REFUNDABLE SCREENING CHARGE \$
OWNER / AGENT PHONE
OWNER / AGENT ADDRESS
SMOKING POLICY: [] ALLOWED - ENTIRE PREMISES [X] PROHIBITED - ENTIRE PREMISES [] ALLOWED IN LIMITED AREAS

OFFICE USE ONLY

APPLICANT FULL LEGAL NAME EMAIL
PREVIOUS NAMES, ALIASES OR NICKNAMES USED
DATE OF BIRTH MM/DD/YYYY SOC. SECURITY # APPLICANT PHONE ()
GOVERNMENT ISSUED PHOTO I.D. TYPE # / STATE EXP. DATE MM/DD/YYYY
CURRENT STREET ADDRESS
CITY STATE ZIP DATE YOU MOVED IN MM/DD/YYYY
CURRENT LANDLORD NAME LANDLORD PHONE ()
STREET ADDRESS (OR APARTMENT NAME)
CITY STATE ZIP

APPLICANT FORMER STREET ADDRESS
CITY STATE ZIP FROM MM/DD/YYYY TO MM/DD/YYYY
FORMER LANDLORD NAME LANDLORD PHONE ()
STREET ADDRESS (OR APARTMENT NAME)
CITY STATE ZIP
OTHER STATES AND COUNTIES YOU HAVE LIVED IN DURING THE PAST 5 YEARS

CURRENT EMPLOYER PHONE ()
STREET ADDRESS
CITY STATE ZIP
POSITION HOW LONG?
GROSS MONTHLY INCOME \$
OTHER MONTHLY INCOME: SOURCE \$ / SOURCE \$
ARE YOU SELF-EMPLOYED? [] YES [] NO
[] PREVIOUS [] ADDITIONAL EMPLOYER PHONE ()
STREET ADDRESS
CITY STATE ZIP
POSITION HOW LONG?
IF ADDITIONAL EMPLOYER, GROSS MONTHLY INCOME \$

THE FOLLOWING INFORMATION IS SUBJECT TO CHANGE PRIOR TO EXECUTION OF RENTAL AGREEMENT.

THE FOLLOWING ARE MAXIMUM AMOUNTS, THE ACTUAL AMOUNT CHARGED WILL DEPEND ON UNIT SIZE, SCREENING RESULTS, AND OTHER FACTORS.

MAXIMUM POTENTIAL RENT \$
\$
\$
\$
\$
\$

DEPOSITS

SECURITY DEP. MINIMUM \$
SECURITY DEP. MAXIMUM \$
(DEPENDS ON SCREENING RESULTS AND UNIT SIZE)
\$
\$
\$
\$
\$
\$

INSURANCE

[] IF CHECKED, RENTER'S INSURANCE WILL BE REQUIRED.
[] IF CHECKED, RENTER'S INSURANCE WILL BE REQUIRED IF
MINIMUM INSURANCE AMOUNT: \$
(\$100,000 IF LEFT BLANK)
OWNER/AGENT MUST BE LISTED AS AN 'INTERESTED PERSON' ON THE INSURANCE POLICY AND PROOF OF SUCH LISTING PROVIDED PRIOR TO MOVE-IN.
(NO INSURANCE WILL BE REQUIRED IF: A) THE HOUSEHOLD INCOME OF ALL OF THE TENANTS IN THE UNIT IS EQUAL TO OR LESS THAN 50 PERCENT OF THE AREA MEDIAN INCOME, ADJUSTED FOR FAMILY SIZE AS MEASURED UP TO A FIVE-PERSON FAMILY; OR B) IF THE DWELLING UNIT HAS BEEN SUBSIDIZED WITH PUBLIC FUNDS, NOT INCLUDING HOUSING CHOICE VOUCHERS.)

[] ON SITE [] RESIDENT [] MAIN OFFICE (IF REQUIRED)

Form M002 OR Copyright © 2015 Multifamily NW; NOT TO BE REPRODUCED WITHOUT WRITTEN PERMISSION. Revised 12/22/2015.

NAME	DATE OF BIRTH	VEHICLES	MAKE	MODEL	COLOR	STATE	LICENSE PLATE #
_____	MM/DD/YYYY		_____	_____	_____	_____	_____
_____	MM/DD/YYYY		_____	_____	_____	_____	_____
_____	MM/DD/YYYY		_____	_____	_____	_____	_____
_____	MM/DD/YYYY		_____	_____	_____	_____	_____
_____	MM/DD/YYYY		_____	_____	_____	_____	_____

IF CHECKED, PETS ARE NOT ALLOWED AT THIS PROPERTY.

IF CHECKED, PETS ARE ALLOWED SUBJECT TO APPROVAL BY MANAGEMENT. HOW MANY PETS WILL BE RESIDING IN THIS UNIT? _____

TYPE _____ BREED _____ AGE _____ WEIGHT _____

TYPE _____ BREED _____ AGE _____ WEIGHT _____

DO YOU INTEND TO USE: WATERBED AQUARIUM MUSICAL INSTRUMENT _____

DO YOU HAVE RENTER'S INSURANCE? YES NO

BANK(S) _____

EMERGENCY CONTACT _____ PHONE (____) _____

ADDRESS _____

CONTACT IN CASE OF DEATH _____ PHONE (____) _____

ADDRESS _____

HAVE YOU EVER BEEN EVICTED, OR ARE YOU CURRENTLY IN THE EVICTION PROCESS? YES NO IF YES, DATE _____

HAVE YOU EVER FILED FOR BANKRUPTCY, OR ARE YOU CURRENTLY IN THE BANKRUPTCY PROCESS? YES NO IF YES, DATE _____

HAVE YOU EVER HAD A HOME FORECLOSED ON, OR ARE YOU CURRENTLY IN THE FORECLOSURE PROCESS? YES NO IF YES, DATE _____

HAVE YOU OR ANY OTHER PERSON WHO WILL BE OCCUPYING THE UNIT EVER BEEN CONVICTED OF, OR PLED GUILTY OR NO CONTEST TO, ANY FELONY

OR MISDEMEANOR? YES NO IF YES, WHO _____ WHERE _____ WHEN _____

WHAT _____

WHY ARE YOU VACATING YOUR PRESENT PLACE OF RESIDENCE? _____

HAVE YOU GIVEN LEGAL NOTICE WHERE YOU NOW LIVE? YES NO

HOW DID YOU HEAR ABOUT OUR PROPERTY? _____

Owner/Agent has charged a screening charge as set forth above. Owner/Agent may obtain a consumer credit report and/or an Investigative Consumer Report which may include the checking of the applicant's credit, income, employment, rental history, and criminal court records and may include information as to his/her character, general reputation, personal characteristics, and mode of living. You have the right to request additional disclosures provided under Section 606 (b) of the Fair Credit Reporting Act, and a written summary of your rights pursuant to Section 609(c). You have the right to dispute the accuracy of the information provided to the Owner/Agent by the screening company or the credit reporting agency as well as complete and accurate disclosure of the nature and scope of the investigation.

SCREENING COMPANY OR CREDIT REPORTING AGENCY

COMPANY NAME PACIFIC SCREENING PHONE 503 297 1941

ADDRESS _____

EMAIL _____

If the application is approved, applicant will have _____ hours from the time of notification to either, at Owner/Agent's option, execute a rental agreement and make all deposits required thereunder or make a deposit to hold the unit and execute an agreement to execute a rental agreement which will provide for the forfeiture of the deposit if applicant fails to occupy the unit. If applicant fails to timely take the steps required above, he/she will be deemed to have refused the unit and the next application for the unit will be processed.

GOOD FAITH ESTIMATE

Approximate number of units currently available, or which will in the foreseeable future be available, of the size and in the area requested by applicant: _____ unit(s).

Approximate number of applications previously accepted and currently under consideration for those units: _____ application(s).

If the blanks above are not filled in, then there is at least one unit available and there are no applications ahead of yours currently under consideration.

I certify that the above information is correct and complete and hereby authorize you to do a credit check and make any inquiries you feel necessary to evaluate my tenancy and credit standing. I understand that giving incomplete or false information is grounds for rejection of this application. I understand that if any information supplied on this application is later found to be false, this is grounds for termination of tenancy. I have received and read the Owner/Agent's rental criteria.

APPLICANT X _____ DATE _____ PHOTO I.D. VERIFIED BY _____ (INITIALS)

OWNER/AGENT X _____ DATE RECEIVED _____ TIME RECEIVED _____

OWNER/AGENT NOTES _____

ON SITE RESIDENT MAIN OFFICE (IF REQUIRED)

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RENTAL CRITERIA FOR RESIDENCY

(Applicable only if Owner/Agent does not have custom criteria.)

OCCUPANCY POLICY

1. Occupancy is based on the number of bedrooms in a unit. (A bedroom is defined as a space within the premises that is used primarily for sleeping, with at least one window and a closet for clothing.)
2. Two persons are allowed per bedroom.

GENERAL STATEMENTS

1. Current, positive, government-issued photo identification will be required.
2. Each applicant will be required to qualify individually or as per specific criteria areas.
3. Inaccurate or falsified information will be grounds for denial of the application.
4. Any applicant currently using illegal drugs will be denied. If approved for tenancy and later illegal drug use is confirmed, eviction shall result.
5. Any individual whose tenancy may constitute a direct threat to the health and safety of any individual, the complex, or the property of others, will be denied tenancy.

INCOME CRITERIA

1. Monthly income should be equal to three times stated rent, and must be from a verifiable, legal source.

EMPLOYMENT CRITERIA

1. Twelve months of verifiable employment will be required if used as source of income.
2. Self-employed applicants will be verified through state corporation commission, and may be required to submit the previous year's tax returns.

RENTAL CRITERIA

1. Twelve months of verifiable contractual rental history from a current third party landlord or home ownership is required. If less than twelve months verifiable rental history, you may be required to pay an additional security deposit and/or provide qualified co-signers.
2. Three years of eviction-free history is required. Eviction actions that were dismissed or resulted in a judgment for the applicant will not be considered.
3. Three or more 72-hour notices within one year will result in denial of the application.
4. Three or more dishonored checks within one year will result in denial of the application.
5. Rental history reflecting past due and unpaid rent will result in denial of the application.

CREDIT CRITERIA

1. Negative or adverse debt showing on consumer credit report may require additional security deposits.
2. Three or more unpaid collections (not related to medical expenses) will result in denial of the application.

READY TO RENT GRADUATES

If applicant fails to meet any criteria related to credit, evictions and/or landlord history, and applicant has received a certificate indicating satisfactory completion of a tenant training program such as "Ready to Rent," Owner/Agent

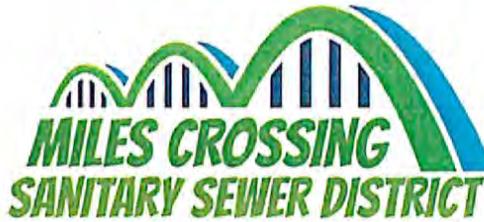
will consider whether the course content, instructor comments and any other information supplied by applicant is sufficient to demonstrate that applicant will successfully live in the complex in compliance with the Rental Agreement. Based on this information, Owner/Agent may waive the credit, eviction and/or landlord history screening criteria for this applicant.

CRIMINAL CONVICTION CRITERIA

Upon receipt of the Rental Application and screening fee, Owner/Agent will conduct a search of public records to determine whether applicant or any proposed resident or occupant has charges pending for, been convicted of, or pled guilty or no contest to, any: drug-related crime; person crime; sex offense; crime involving financial fraud, including identity theft and forgery; or any other crime if the conduct for which applicant was convicted or is charged is of a nature that would adversely affect property of the landlord or a tenant or the health, safety or right of peaceful enjoyment of the premises of residents, the landlord or the landlord's agent.

A single conviction, guilty plea, no contest plea or pending charge for any of the following shall be grounds for denial of the Rental Application. If there are multiple convictions, guilty pleas or no contest pleas on applicant's record, Owner/Agent may increase the number of years by adding together the years in each applicable category. Owner/Agent will not consider expunged records.

- a) Felonies involving: murder, manslaughter, arson, rape, kidnapping, child sex crimes, manufacturing or distribution of a controlled substance unless applicant provides evidence acceptable to Owner/Agent that applicant has been crime-free for at least 10 years since the later of: i) the date of release from incarceration; or ii) completion of parole.
- b) Felonies not listed above involving: drug-related crime; person crime; sex offense; crime involving financial fraud, including identity theft and forgery; or any other crime if the conduct for which applicant was convicted or is charged is of a nature that would adversely affect property of the landlord or a tenant or the health, safety or right of peaceful enjoyment of the premises of the residents, the landlord or the landlord's agent, where the date of disposition has occurred in the last 7 years.
- c) Misdemeanors involving: drug related crimes, person crimes, sex offences, weapons, violation of a restraining order, criminal impersonation, criminal mischief, stalking, possession of burglary tools, financial fraud crimes, where the date of disposition has occurred in the last 5 years.
- d) Misdemeanors not listed above involving: theft, criminal trespass, property crimes or any other crime if the conduct for which applicant was convicted or is charged is of a nature that would adversely affect property of the landlord or a tenant or the health, safety or right of peaceful enjoyment of the premises of the residents, the landlord or the landlord's agent, where the date of disposition has occurred in the last 3 years.
- e) Conviction of any crime that requires lifetime registration as a sex offender will result in denial.



34583 HWY 101 BUSINESS ASTORIA OR 97103
Office 503-325-4330 FAX 503-338-6915

EXHIBIT # IV-B

RECEIVED
Clatsop County

JUN 27 2016

Land Use Planning

June 27th, 2016

Planning Commission of Clatsop County
800 Exchange ste#100
Astoria, OR 97103

Attn: Ms. Hansen

Re: The proposed Bella Ridge Apartment Project

It has been brought to my attention that the Miles Crossing Sanitary Sewer District's letter of June 17, 2016 addressed to the Clatsop County Planning Department, which I signed, granting approval of the Bella Ridge (formerly known as the Grand Vista) Apartments development is not valid. This document failed to adhere to the proper procedural and processing rules of the Board.

Miles Crossing Sanitary Sewer District has been lobbied for approval of the project, but any formal approval will require open discussion with all Board member present and more input from our local residents.

On behalf of the Mile Crossing Sanitary Sewer Board this letter is a formal retraction of the approval granted in the June 17th, 2016 document, and approval of this project is **not** granted by the Mile Crossing Sanitary Sewer District at this time and should not be considered by the Planning Commission until further approval from the Board.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Scott", is written over a white background.

Richard Scott

Miles Crossing Sanitary Sewer District

TO: Clatsop County Planning Commission
 c/o Deborah and Bill Cook (91998 Lewis and Clark Road, Astoria)
 Lori and Tom Tetlow (35072 Jefferson Lane, Astoria)
 Melody and Brad Cowan, Cowan Dairy Farm, (35026 Seppa Lane, Astoria)
 Additional names and addresses on last page of memo

RECEIVED
 Clatsop County

FROM: Beth La Fleur, Planning Consultant

JUN 28 2016

DATE: June 27, 2016

Land Use Planning

RE: Map Amendment Permit Request #20160076-Rural Community Residential (RCR) to Rural Community-Multi Family Residential (RC-MFR)
 Conditional Use Permit Request #20160077-Bella Ridge 168 Units

This memo is in response to the additional public testimony received to the Clatsop County Planning Department during the week of June 20, 2016.

The applicant is now proposing to modify his original development proposal from 168 units in 7 buildings and 3 phases, to 48 units in 2 apartment buildings (i.e. Phase 1) under Conditional Use Permit Request 320160077. This type of apartment style, high-density residential development is not allowed under the current zone (Rural Community Residential), though residential development in the form of single family, duplex, and cluster development is allowed under the current zone. The applicant presumably desires to not be limited to the type of residential housing and lot size standards as they are currently allowed on the subject property.

Though Mr. Noren states that the applicant is now limiting this permit request to only the first phase of 48 units in 2 buildings, he also states
"Approval of the zone change with the Conditional Use of the property restricting further development to additional Conditional Use review will result in density that is consistent with the surrounding area."

This statement is misleading and erroneous. At first read, one could mistakenly conclude that the applicant is only going to construct 48 units in two buildings and be done with development, now and in the future, on this property. What this statement really says is that the applicant is acknowledging that if he receives the zone change approval, with the Conditional Use approval for 48 units in 2 buildings, that he is acknowledging (i.e. "restricting himself") that he will need to come back to the Planning Commission for Conditional Use approval for any subsequent multi-family housing development on the property; And furthermore that because of the construction and existence of the first phase of 48 units, any subsequent phases will be consistent with the surrounding area because there will already be apartment buildings on the site (i.e. surrounding area). This is no more than land use double talk.

If the Planning Commission approves the map amendment/zone change from the current Rural Community Residential (RCR) to the proposed Rural Community-Multi Family Residential (RC-MFR), the die will be cast and future phases will, no doubt, be inevitable. Presumably, the next 2 phases will follow sooner rather than later, simply under a separate permit application and filing fee.

To simply desire to make more return on an investment is not sufficient to justify a map amendment. Presumably, this is not the applicant nor his attorney's first time purchasing property—as always, the "buyer beware" rule of thumb continues to apply in real estate matters. If the applicant truly desires to develop multi-family housing, clearly there are much more appropriate properties in the region to meet that goal.

There are no extenuating circumstances at this subject property to justify a zone change to Rural Community-Multi Family Residential and increase the density (i.e. bypass unit/lot size standards). In fact, just the opposite circumstances exist, as detailed in my two memos dated June 20, 2016. Rural Community-Multi-Family Residential zoning and subsequent development of 48+ unit apartment style housing is simply inappropriate at this location.

Miles Crossing-Jeffers Gardens Residents against this permit request:

Deborah and Bill Cook, 91998 Lewis & Clark Road, Astoria, OR 97103
Lori and Tom Tetlow, 35072 Jefferson Lane, Astoria, OR 97103

Melody and Brad Cowan, Cowan Dairy Farm, 35026 Seppa Lane, Astoria, OR 97103

Lisa Lindberg, 35383 Schwab Lane, Astoria, OR 97103

Trisha and Kevin Dunn, 92000 Lewis & Clark Road, Astoria, OR 97103

Timothy Bish, 35242 Orchard Lane, Astoria, OR 97103

Betty Cunningham, 92241 Lewis & Road, Astoria, OR 97103

Natasha and Michael Thompson, 91991 Lewis & Clark Road, Astoria, OR 97103

Libby Lawrence, 92217 Aspomo Road, Astoria, OR 97103

James Neikes, 34755 Hwy. 101 Business, Astoria, OR

Elsie Parker, 35336 Schwab Lane, Astoria, OR 97103

Chelsea Stark, 35335 Schwab Lane, Astoria, OR 97103

Chuck Hall, 92449 G Road, Astoria, OR 97103

Scott & Carrie Wood, 92423 G Road, Astoria, OR 97103

Betty Chilson, 92394 F Road, Astoria, OR 97103

Marc O'Conner, 92422 G Road, Astoria, OR 97103

Michael & Jennifer Jiroch, 92458 G Road Astoria, OR 97103

Cliff Sheker, 35380 Schwab Lane, Astoria, OR 97103

Guy Moore, 35383 Schwab Lane, Astoria, OR 97103

Julie and Jay Englund, 89784 McCroskey Road, Astoria, OR 97103

Stacey and Brian Matthews, 92231 Aspomo Road, Astoria, OR 97103

Elena and Steve Miller, 35175 Gravel Lane, Astoria, OR 97103

Mary Lee and Jerry Alderman, 91984 Lewis & Clark Road, Astoria, OR 97103

Heidi and Jason Brim, 89335 Lewis & Clark Road, Astoria, OR 97103

Linda and Mike Brim, 89503 Lewis & Clark Road, Astoria, OR 97103

Deborah McEuen and Joal Morris, 35233 Kee Lane, Astoria Or 97103

EXHIBIT V. Applicant's Final Written Argument

DAVID C. NOREN
Attorney at Law
P.O. Box 586, Hillsboro, Oregon 97123-0586
330 NE Lincoln Street, Suite 200, Hillsboro, Oregon 97124
Telephone: (503) 640-2661 Fax: (503) 648-0760
e-mail: david@norenlaw.com

July 5, 2016

SENT ELECTRONICALLY

Clatsop County Planning Commission
c/o Heather Hansen, Planning Director
800 Exchange Street, Suite 100
Astoria, OR 97103

Re: Bella Ridge Apartments Zone Change and Conditional Use - #20160076/77

Dear Chair Francis and Commissioners:

I represent Richard Krueger and Bella Ridge Apartments LLC, the applicant for the zone change and conditional use in this matter. This letter is the applicant's final written argument, and is based on the evidence and issues raised at your hearings on May 24 and June 14, and during the open record period that ended on June 28.

MATERIALS SUBMITTED BY APPLICANT

In materials submitted on June 21, the applicant modified the conditional use request to limit the apartment project to a single phase, consisting of two buildings with a total of 48 units. This is a reduction of more than 70% from the initial proposal of 168 units over three phases. The applicant has proposed a condition of approval requiring that future residential development of the property, if any, be reviewed by the planning commission as a conditional use, which would assure review for adequacy of public facilities and transportation and for compatibility with surrounding uses. The 48 units now sought by the applicant are less than the 60 duplex units that opponents have identified as potential development under the existing zoning. And 48 apartment units will have less impact on water and sewer use than the 36 single family dwellings that have already been approved for this property.

The applicant submitted materials from the Miles Crossing Sanitary Sewer District ("sewer district"), the City of Astoria, and DEQ demonstrating that the City has the treatment capacity and commitment to receive up to 300,000 gallons of sewage per day from the sewer district, but that the district's capacity is limited by its ability to store sewage during a storm event that might cause a combined sewer overflow in the City system. Currently the district has a storage tank of 72,250 gallons, and its average daily

flows are about 42,000 gallons. The projected additional flows of the 48 units would be another approximately 6,500 gallons per day, well within existing capacity. With the income from system development charges for this project the sewer district could explore expansion of its storage capacity to serve more development in the future, which would allow it to better recover the system cost it has already incurred, of which storage is a relatively small part.

The applicant also submitted material from Bill Mitchell, superintendent of the Young's River Lewis and Clark Water District ("water district"), and from engineer Adam Dailey of OTAK, showing that there is sufficient capacity to serve the proposed 48 units, and indeed to serve the 168 units originally proposed. Mr. Dailey's letter focuses on the capacity of the treatment plant (500,000 gallons per day) and concludes that the additional draw on that capacity by these 48 additional units (5,000-10,000 gallons per day) would have a minor impact, leaving treatment capacity of 38% at current average use. Mr. Dailey also noted that the maximum one-day use in the system very rarely exceeds or even approaches the treatment plant daily capacity of 500,000 gallons; the average of the five highest volume days each year over five years was only 440,000 gallons. As Mr. Mitchell's letter indicates, the water district recently constructed a 1,000,000 gallon reservoir on the school property just upslope from the subject property. Together with its two other reservoirs, the water district has 1.6 million gallons of storage capacity, which taken together with its treatment capacity demonstrates more than adequate water to supply the additional use by this project and by other future development.

Finally, the applicant submitted material from Mike Weston, including maps of the area with overlays of sewer district boundaries, flood plain lines, and zoning, demonstrating that a relatively small portion of the Miles Crossing Rural Community area is likely to be developed with any intensity. The history of planning and public facility development in the area shows that the property is eligible for RCR-MF multifamily zoning now, but was not when it was zoned RCR in 2003 because there was not sanitary sewer service available at that time. The maps show that, of all the parcels outside the flood plain, inside the district, and zoned "RCR" and thus planned for Development under the comprehensive plan, this parcel stands out as the most appropriate parcel in the area for multi-family zoning. It is near a new water reservoir, and it now has sanitary sewer available, but so do other parcels in the vicinity. What makes this parcel most appropriate is its relation to adjoining properties. It is bounded on the east by a golf course, on the northeast by commercially-zoned parcels, on the southwest and west by a school, and on the north by Lewis and Clark Road. On the eastern part of its southern boundary it is bounded by a timbered parcel that is also zoned RCR (Development) but that parcel is adjacent to AF zoning on its south. Other RCR zones (that is, those with a plan designation for Development) are either adjacent to numerous small rural residential parcels or to AF or EFU parcels. The comprehensive plan identifies RCR-MF as being an appropriate zone for areas planned for Development if there are water and sewer services available, and thus contemplates that rural communities will include at least

some RCR-MF zoning. Given the fact that there are adequate services available to serve this property, and given the fact that of all the properties in this community this one appears best suited for multi-family due to the nature of the surrounding properties, the planning commission should approve the zone change and limit the conditional use approval to 48 units, as requested by the applicant.

RESPONSE TO MATERIAL SUBMITTED OTHERS

Sewer district board member Richard Scott submitted a letter dated June 17 indicating the district had renegotiated its system development charge with the applicant and had reached a tentative agreement to supply service for Phase I of the project (48 units). The letter indicates that there had been no quorum of the district board to vote on the matter as yet, and that the board would vote at its meeting on July 5. On June 27, Mr. Scott submitted a second letter stating that the June 17 letter “granting approval” of the development was not valid because it had not followed proper procedures, and stating that approval of the project is not granted at this time. The applicant encouraged submittal of the first letter after discussion at the planning commission hearing on June 14 suggested that evidence of approval by the sewer district was something that might be addressed as a condition of approval. Conditions of approval are appropriate to achieve compliance with approval criteria if there is some evidence that compliance with the criteria is feasible. The information reviewed above from the sewer district, the City and DEQ establishes that the district has the capacity available to serve the development, but is not evidence that the district has made a commitment to serve the development. Strictly speaking, only the availability of service is required by the approval criteria for the zone change and conditional use; an actual commitment to provide service is a matter for the district itself to decide. Without the commitment from the district, even with the planning commission’s approval the project could not go forward. The June 17 letter provides evidence that it is feasible to actually connect to sewer service, and a condition of approval requiring proof that the district board has approved a connection for 48 units would be appropriate. Put another way, the question for the planning commission is, *Can* the district provide service? The evidence about available capacity clearly shows that it can. The separate question, for the district rather than for the planning commission, is, *Should* the district provide service under these circumstances? The applicant is confident that the district board will conclude that it should provide the service and will approve the connection, but the applicant would accept a condition of approval requiring proof of the district’s approval of connection before grading or building permits are issued.

Jeff Rusiecki, Emergency Communications Manager for the City of Astoria, sent an e-mail expressing concern about possible interference of a thirty-five foot tall structure with the existing 20-foot tower with two microwave dishes located on the school property above the subject property. Mr. Rusiecki did not provide any details beyond expressing a concern, and presumably when the tower was constructed it took into account the height limits allowed for structures on adjoining property under existing RCR zoning,

which is the same as for RC-MFR zoning (35 feet). The applicant will work with emergency network personnel to assure there is no possibility of interference from the applicant's buildings, either by relocating a building or if needed by increasing the height of the existing 20-foot tower. The applicant proposes a condition of approval requiring confirmation that the emergency network is satisfied that construction the two apartment buildings will not interfere with the system's line-of-sight to other facilities.

Chief Deputy Paul Williams sent an e-mail noting that the tax rate for the Rural Law Enforcement District is only .7197, so that the Rural Law Enforcement District would receive \$215.85 per \$300,000 in value. As the applicant noted at the hearing on June 14, Comprehensive Plan Goal 11 states as part of its overall policy regarding levels of public facilities in the county:

“Differing levels of public facilities and services are appropriate for the different types of development planned for the County. Certain facilities and services are available to all County residents, such as County health services, Sheriff's protection and many other social services.”

Comprehensive Plan Goal 11 goes on to state, under its “Governmental Structure and Other Public Facilities Policies” that “Clatsop County shall continue to encourage the upgrading of the level and quality of the County Sheriff's Department as funds become available.” Taken together, these policies make clear that law enforcement services are not site-specific issues but are county-wide issues that depend on county-wide funding. The Chief Deputy's e-mail points out that the taxes paid to the special district that underwrites additional rural law enforcement is somewhat limited, but as the Comprehensive Plan makes clear these services are to be available to all county citizens. If approved, this development will also provide substantial increased County (as opposed to Rural Law Enforcement District) taxes that will go to the general fund and can support better law enforcement and other services.

Trisha Dunn submitted a letter raising several issues, including the lack of playground or green space or recreation area. The applicant previously offered to designate an area in the southeast portion of the property as a dog park. The applicant is willing instead, if it is the planning commission's preference, to designate the area as a play area and recreation area to be maintained by the apartment manager, with a mowed open area and a covered picnic shelter for at least two picnic tables.

Lisa Lindberg also submitted a letter expressing concern about the lack of recreation facilities and about inadequate parking. The applicant proposes to increase parking by providing a graveled parking area with space for an additional 30 passenger vehicles as overflow parking, and would accept a condition of approval requiring such additional parking to be limited to passenger vehicles (not recreational vehicles or boats). The additional parking might require some adjustment to the site plan; the condition of

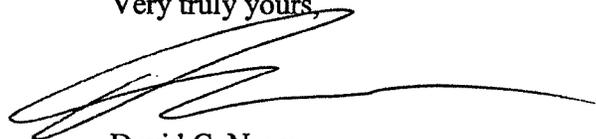
approval should specify that the planning director will review the site plan by a Type I procedure for compliance with the various conditions of approval.

Beth La Fleur submitted memoranda on behalf of opponents addressing both the zone change request and the conditional use request. The thrust of her arguments is that development for housing is allowed under the existing zoning and more intensive multifamily zoning is inconsistent with the surrounding area and inconsistent with the state land use goals. As we pointed out during the hearing on June 14, the administrative rules adopted by the Land Conservation and Development Commission to implement the state goals were amended in 1994 to provide for rural communities; those rules for rural communities specifically provide that "county plans and land use regulations may authorize any residential use and density in unincorporated communities, subject to the requirements of this section." OAR 660-022-0030(2). Since 2003, when this area was designated as a rural community zoned RCR and the comprehensive plan provided for RC-MFR zoning where there is public water and sewer, a sanitary sewer system and new million-gallon water reservoir have been put in place. The area now clearly qualifies for multifamily zoning, where it did not before. Moreover, this property is the best-suited for multifamily of all the possible parcels in the Miles Crossing area with a "Development" designation under the comprehensive plan, because it is adjacent to a golf course, commercial land, a road, and a school, rather than adjacent to AF zoning or to small parcels already developed with single family homes. The comprehensive plan contemplates that rural communities should have RC-MFR zones; this is the best place in the Miles Crossing community for such a zone and for such a development. In order to reduce the visual impact in the area the applicant proposes to maintain a 10-foot wide landscaped area along Lewis and Clark Road planted with screening vegetation such as photinia.

CONCLUSION

We request that you find that the property has adequate public facilities and services available to serve the site and otherwise complies with the criteria for a zone change from RCR to RC-MFR. We also ask that you approve the conditional use for two 24-unit apartment buildings, with the additional conditions to provide a recreation/open space area improved with a picnic shelter, to provide overflow graveled parking for 30 more passenger vehicles, to demonstrate that buildings will not interfere with emergency communications, and to provide proof that the sewer district board has approved connection to its system for 48 units.

Very truly yours,

A handwritten signature in black ink, appearing to read "David C. Noren", with a long horizontal flourish extending to the right.

David C. Noren

EXHIBIT VI. Amended Conditions of Approval

Condition of Approval #1: Prior to the issuance of a development permit that authorizes the commencement of site preparation or construction activities on the site, the Applicant shall provide Clatsop County with copies of all state and federal permits required for the project.

AMENDED Condition of Approval #2: Prior to the issuance of a development permit that authorizes the commencement of site preparation and construction activities on the site, the Applicant shall obtain approval of a Commercial Site Plan that complies with relevant conditions of approval. The site plan shall be reviewed by a Type I procedure and shall address the applicable requirements identified throughout ~~the~~ the May 17, 2016 staff report and July 5, 2016 Addendum.

Condition of Approval #3: The commercial site plan shall identify the 30-foot clear vision areas at both access points on Lewis & Clark Road.

AMENDED Condition of Approval #4: The Applicant shall construct no less than ~~252~~ 72 parking spaces in accordance with S2.210, Design Requirements of Off-Street Parking. ~~Seven-Three~~ of the spaces shall be accessible and one ~~two~~ of those shall be designated "wheelchair only". ~~The accessible and wheelchair only spaces shall be equally distributed at each of the seven buildings.~~ All parking spaces shall be identified on the parking plan that is to be included with the commercial site plan and shall meet design requirements of S2.210. ~~Parking may be installed in accordance with each phase of the development.~~

AMENDED Condition of Approval #5: The Applicant shall construct no less than ~~26~~ 10 bicycle parking spaces ~~distributed as equally as possible at each of the seven buildings.~~ The commercial site plan shall indicate the locations of the bicycle parking.

Condition of Approval #6: Prior to the issuance of a development permit for site preparation or construction activities that applicant shall obtain appropriate access permits from Clatsop County Public Works.

Condition of Approval #7: The Applicant shall submit, with the commercial site plan, documentation that the local fire chief has reviewed the commercial site plan and approves of the design of fire access, turn-arounds, and vertical clearances.

AMENDED Condition of Approval #8: Prior to the final Building Inspection ~~for each phase~~, the Public Works Director shall review and approve the construction of all driveways and parking areas.

Condition of Approval #9: The proposed pathway to Lewis & Clark School shall be identified on the commercial site plan and constructed to the standards in S5.041.

NEW Condition of Approval #10: Prior to issuance of a development permit that authorizes the commencement of site preparation or construction activities on the site, the Applicant shall provide the Clatsop County Community Development Department with proof that the Miles Crossing Sanitary Sewer District Board has approved connection to its system for the 48-unit development.

NEW Condition of Approval #11: The portion of the southeast corner of the property within the 100-year floodplain shall be designated on the commercial site plan as a play area and recreation area to be maintained by the apartment manager, including a mowed open area and a covered picnic shelter for at least two picnic tables.

NEW Condition of Approval #12: This approval is solely for two 24-unit apartment buildings as proposed in Phase I. Additional multi-family development on the property, if any, must be reviewed as a new conditional use application that will go before the Planning Commission.

NEW Condition of Approval #13: Prior to issuance of a development permit that authorizes the commencement of site preparation or construction activities on the site, the Applicant shall provide the Clatsop County Community Development Department with confirmation that construction of the two apartment buildings will not interfere with the emergency network's line-of-sight or other facilities.

NEW Condition of Approval #14: A 10-foot wide landscaped area along Lewis and Clark Road shall be included on the commercial site plan. The area will provide a mix of visually attractive shrubs and privacy hedges that will be maintained by the apartment manager.

NEW Condition of Approval #15: On the commercial site plan, an overflow parking area with a gravel surface for up to 30 passenger vehicles will be provided. The overflow parking should include a restriction on storage of boats and recreational vehicles.

County regulations including but not limited to the following also apply:

Regulation #1: Authorization of the conditional use shall be void after two years unless substantial construction or action pursuant thereto has taken place (as per Section S2.011). However, the County may, at the discretion of the Community Development Director, extend authorization for an additional one year upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the permit.