

October 9, 2013

**NOTICE OF DECISION AND RIGHTS OF APPEAL**

Applicant: Castle Rock HOA, Bill Starnes  
Owner: Castle Rock HOA  
Property Description: T4N, R10W, Section 19CA, TL 08500  
Request: Minor Design Review  
Action: **Approval with Conditions**

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**Transportation and  
Development Services**  
800 Exchange Street  
Suite 100  
Astoria, Oregon 97103

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Dear Mr. Starnes:

The Community Development Director has completed review of the request noted above. The Director's Decision, findings and conditions of approval are enclosed. Appeal of this decision by you or any parties of record may be made up to the date and time appearing at the bottom of this letter. The appeal must comply with Section 2.230 of the Clatsop County Land and Water Development and Use Ordinance #80-14 (Procedure for an Appeal).

**Land Use Planning**  
Telephone (503) 325-8611  
Fax (503) 338-3666

If you have any questions regarding this decision, appeal procedures or any of the conditions of approval, please contact me at (503) 325-8611.

Sincerely,

A handwritten signature in blue ink that reads "Julia Decker".

Julia Decker, Planner

cc: Parties of record

Enclosures

**DEADLINE TO APPEAL: 5:00 PM - Tuesday, October 22, 2013**

**[www.co.clatsop.or.us](http://www.co.clatsop.or.us)**

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# BEFORE THE COMMUNITY DEVELOPMENT DIRECTOR OF CLATSOP COUNTY, OREGON

In the Matter of:

Application by Castle Rock Home Owners Association/Bill Starnes, for after-the-fact approval to remove five trees, on property owned by the Castle Rock Home Owners Association.



## RESOLUTION & ORDER

**#13-10-01**

**Date: October 8, 2013**

Legal Description: T4N, R10W, Sec. 19CA, TL 08500

### RECITALS

On August 2, 2013, the applicant submitted a request to the Clatsop County Community, for after-the-fact approval to remove five trees, on property owned by the Castle Rock Home Owners Association, at T4N, R10W, Sec. 19CA, TL 08500. County staff deemed the application complete and issued a public notice on August 26, 2013, in accordance with the county zoning ordinance section 2.115.

The Community Development Director reviewed the application, staff report and proposed conditions, and public comment on October 8, 2013.

### IT IS HEREBY RESOLVED AND ORDERED:

After considering the recommendation from staff, public comment and all evidence submitted during the public comment period, the Director hereby adopts the findings of fact and conclusions, contained in the attached Exhibit A, Staff Report, dated October 7, 2013, and **CONDITIONALLY APPROVES** the application subject to the following conditions:

1. The Community Development Director may approve minor modifications of the required revegetation/landscape plans if they are requested prior to construction of the minor modification.
2. The road, if damaged during the revegetation project, shall be returned to its previous condition or better before final inspection of the improvement.

3. The property owner shall obtain all required development permits and approvals prior to commencing work.
4. Design Review approvals are effective for a period of one (1) year from the date of approval of this document.
5. The project shall comply with all state, federal and local regulations and laws. All project activities shall follow the Design and Operation Standards and Requirements under Standards Section S2.504, especially as they pertain to erosion control.
6. A site plan and an erosion control plan shall be submitted with this application when applying for a development permit.
7. Natural vegetation shall be retained to the maximum extent possible. All work vehicles related to this project shall remain on driveways and roadways, and any vegetated areas disturbed by this project shall be reseeded or replanted as necessary with 30 days of completion of the project.
8. A landscape plan and two-year landscape maintenance plan shall be submitted. Applicant shall replant in the area where the trees were cut five native conifers of one or more of the following varieties: Douglas fir, western red cedar, spruce, or hemlock. Trees shall be a minimum of four feet tall. Maintenance shall include weed clearing or brush-cutting to ensure survival and watering during dry or drought periods. Herbicides may not be used. Planting shall occur during the period of December 2013 through February 2014. The maintenance plan shall include a schedule of replanting, weed / brush-cutting and watering during a two-year period, commencing from when the trees are planted. If a tree (or trees) dies within five years of being planted, it shall be replaced and a new two-year maintenance schedule specific to the replacement tree will commence.

ON BEHALF OF THE COMMUNITY  
DEVELOPMENT DEPARTMENT



Hiller West, Director  
Community Development

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

ph: 503-325-8611  
fx: 503-338-3606  
em: [comdev@co.clatsop.or.us](mailto:comdev@co.clatsop.or.us)  
[www.co.clatsop.or.us](http://www.co.clatsop.or.us)



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### **STAFF REPORT**

**Staff Report Date:** October 7, 2013

**Hearing Date:** October 8, 2013

**Hearing Body:** Community Development Director

**Request:** After-the-fact approval to remove five trees. Requires Minor Design Review, per Land and Water Development and Use Ordinance #80-14, Section 4.102 (2)(A).

**Applicant/Owner:** Castle Rock Home Owners Association/Bill Starnes  
32001 Buena Vista Drive  
Arch Cape, OR 97102-0121

**Property Description:** T4N, R10W, Sec. 19CA, TL 08500

**Zoning:** AC – RCR (Arch Cape – Rural Community Residential)  
/RCO – Rural Community Overlay

**Property Location:** To the north of 80358 Big Cedar Drive, Arch Cape, Oregon 97102

**Property Size:** 1.34 ac.

**Staff Reviewer:** Julia Decker, Planner *JD*

**Exhibits:**  
1 – Application  
2 – Public Comment  
3 – Public Notice – *mailed and emailed*

**Comments Received:** One

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**Background:** The subject property is owned by the Castle Rock Home Owner's Association and includes a walking trail for the benefit of Castle Rock Estate homeowners. It is identified as Tract B of the Castle Rock Estates at Arch Cape subdivision, recorded at Book 12, Page 65, Clatsop County Book Deed Records, on October 24, 1983, and is subject to a general easement and was conveyed to the homeowners association with the recording of the plat.

On April 29, 2013, Clatsop County Community Development received a code compliance complaint regarding the cutting of trees without a permit in the AC-RCR Zone. Clatsop County Code Compliance Specialist Bart Catching notified the homeowners association of the complaint and worked with Bill Starnes, the association's president, to devise a resolution to the violation, which was deemed to be founded. On August 2, 2013, Mr. Starnes submitted an after-the-fact application for design review for approval to obtain a development permit, with appropriate conditions of

approval, to work toward resolution of the violation. Community Development staff reviewed the application and determined the application could be handled as a minor review, given there is no residential or commercial development of additional square footage to an existing structure associated with the application. A public notice for minor design review was issued on August 26, 2013.

**LWDUO #80-14, Standards Section 4.103. Criteria for Design Review Evaluation.**

**1. Relation of Structures to Site:** The location, height, bulk, shape, and arrangement of structures shall be in scale and compatible with the surroundings.

Applicant: "The diseased and dying trees are located near a pedestrian bridge slightly north of lot #1."

**Staff Analysis & Finding:** No structures are involved in this application. The criterion does not apply.

**The criterion does not apply.**

**2. Protection of Ocean Views:** Shall be preserved through the confines of this ordinance section 3.068.

Applicant: "NA."

**Staff Analysis & Finding:** Section 3.068, the development standards section for Arch Cape, includes setbacks and development standards for structures; it includes a requirement of a 25-foot buffer of native, non-invasive vegetation along Arch Cape, Asbury and Shark creeks. The creek located on the subject tax lot is not one of those three creeks. Riparian setbacks would apply if a structure were part of the application; however, no structure is proposed. This criterion does not apply.

**The criterion does not apply.**

**3. Preservation of Landscape:** The landscape shall be preserved in its natural state to the maximum extent possible by minimizing tree, vegetation and soils removal. Cut and fill construction methods are discouraged. Roads and driveways should follow slope contours in a manner that prevents erosion and rapid discharge into natural drainages. Disturbed areas shall be re-vegetated with native species.

Applicant: "The affected area will be replanted with low growing native vegetation to enhance the area's visual appearance."

**Staff Analysis & Finding:** This after-the-fact application comes after the native landscape vegetation has been removed. The code calls for the preservation of trees, which were removed without benefit of permits and design review. Soil removal and cut and fill construction were not part of the complaint and are not alleged. Driveways and roadways have not been constructed.

Water absorption and erosion are concerns whenever vegetation is removed. Because the removal has been accomplished already, the issue at this time is to mitigate the removal of the vegetation, any potential erosion damage caused by the removal of the trees and shading of the creek that runs through the parcel and along the walking path.

The applicant has stated the affected area will be replanted with low growing native vegetation. The trees that were removed were not low-growing and would have absorbed a tremendous amount of water and provided shade to the creek, more than small shrubs would absorb or provide. Because no houses or structures are associated with this application, replanting trees would not conflict with placement of a dwelling or accessory structure.

A replanting plan is recommended as a condition of approval, and the plan shall include a minimum of five native conifer trees, approximately four to six feet in height at time of planting, and a maintenance plan to assure the survival of the trees and other native vegetation restored for two years. Staff conferred with Jim Reeb, Associate Professor, Forestry and Natural Resources, OSU Extension, Clatsop, Columbia and Tillamook Counties; and with Larry Sprouse, Reforestation Unit Forester, Oregon Department of Forestry, regarding replanting with native trees. Both Mr. Reeb and Mr. Sprouse stated trees of the four- to six-foot height range would have significant enough root balls to be established after one year. Both also recommended the trees for the area be confined to Douglas fir, western red cedar, hemlock, and spruce. The recommended height range will provide the trees with enough height to allow them to compete successfully with native vegetation with only manual clearing/brush-cutting and without use of herbicides along the creek; however, browsing by elk or deer may be a problem, particularly for the cedar, and some sort of temporary fencing may be needed for a year or two to help the trees grow beyond the range of large herbivores.

Planting shall be during the time period of December 2013 through February 2014, while the trees are dormant and rainfall is plentiful. The maintenance plan should include replanting, weeding and/or brush-cutting, and watering.

Although the maintenance plan will be for two years, should a tree die within five years of planting, the tree shall be replaced and a new two-year maintenance schedule for that tree will begin.

**The criterion can be met through conditions of approval.**

**4. Utility Service:** All new service lines shall be placed underground.

Applicant: "NA."

**Staff Analysis & Finding:** Utility service is not part of this application; this criterion does not apply.

**The criterion does not apply.**

**5. Exterior lighting shall be of a "full cut-off" design:** Glare shall be directed away from neighboring property or shielded in a manner not to cause offense (i.e. Full Cut-off Fixtures).

Applicant: "NA."

**Staff Analysis & Finding:** Extension lighting is not a part of this application; this criterion does not apply.

**The criterion does not apply.**

**6. Buffering and Screening:** In commercial zones, storage, loading, parking, service and similar accessory facilities shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.

Applicant: "NA."

**Staff Analysis & Finding:** The site is not located within a commercial zone and the criterion does not apply.

**The criterion does not apply.**

**7. Vehicle Circulation and Parking:** The location of access points to the site, the interior circulation pattern and the arrangement of parking in commercially zoned areas shall be designed to maximize safety and convenience and to be compatible with proposed and adjacent buildings. The number of vehicular access points shall be minimized.

Applicant: "NA."

**Staff Analysis & Finding:** The site is not located within a commercial zone and the criterion does not apply.

**The criterion does not apply.**

**8. Signs:** The size, location, design, material and lighting of all exterior signs shall not detract from the design of proposed or existing buildings, structures or landscaping and shall not obstruct scenic views from adjacent properties.

Applicant: "NA."

**Staff Analysis & Finding:** No signs are proposed; the criterion does not apply.

**The criterion does not apply.**

**9. Surface Water Drainage:** Special attention shall be given to proper surface water drainage from the site so that it will not adversely affect adjacent properties or the natural or public storm drainage system.

Applicant: "Water drainage will not have a negative impact on adjacent properties. Water run-off goes directly into the established creek."

**Staff Analysis & Finding:** The direction of drainage will remain the same; however increased water run-off can be anticipated, with greater speed, and, therefore, greater turbidity and erosion, due to the sudden lack of filtration and absorption originally provided by the trees that were removed. A higher, faster creek could affect TL 8500 and every property downstream from the site, all the way to the beach. The landscape plan and replanting of new trees required as a condition of 3, above, will help reestablish the natural riparian effects that are critical to healthy stream habitat and will help maintain the established drainage pattern of the creek.

**Conditions of approval will ensure the criterion is met.**

**10.** In addition to compliance with the criteria as determined by the hearing body and with the requirements of sections 1.040 and 1.050, the applicant must accept those conditions listed in Section 5.025 that the hearing body finds are appropriate to obtain compliance with the criteria. All permit criteria and conditions must be satisfied prior to final building approval and occupancy.

**Applicant:** "We accept the conditions of compliance with the criteria."

**Staff Analysis & Finding:** Conditions of approval for this application are minimal, but they do apply. In order to obtain the necessary permits, the applicant must agree to and fulfill the conditions before permits can be issued.

**Conditions will apply to the approval.**

## **PUBLIC COMMENT**

An email from Nadia Gardner was received on September 6, 2013, regarding the application. In her email, attached as Exhibit 2 of this staff report, Ms. Gardner asserted an after-the-fact inspection showed the trees appeared to be healthy and were not dangerous. She also cites the Southwest Coastal Community Plan's policies regarding maintaining native vegetation and protecting riparian corridors. Ms. Gardner pointed out the aesthetic and environmental values of the trees, including their contribution to wildlife habitat, and she recommended conditions of approval include re-planting of at least five locally native conifers at least four feet in height within the riparian area and a maintenance program of five years in duration to ensure survival.

**Staff Analysis & Finding:** Staff concurs with the need to revegetate with a minimum of five native conifers. Trees in the four- to six-foot height range should be readily available and are a standard size for landscape work. After checking with the OSU Extension Forester and the ODF Reforestation Unit Forester regarding survival of native conifers of this size, staff finds a five-year maintenance plan exceeds recommendations, but two years is more than ample. Additionally, should a tree die within the first five years, it will be required to be replaced and a new two-year maintenance schedule for the tree would begin.

**Staff has recommended conditions of approval commensurate with, though not identical, to Ms. Gardner's request.**

...

## **Overall Conclusion:**

Staff finds the proposed project meets all applicable criteria in LWDUO #80-14, Section 4.103, Criteria for Design Review Evaluation. Staff recommends approval of this Minor Design Review request, subject to the following conditions:

1. The Community Development Director may approve minor modifications of the required revegetation/landscape plans if they are requested prior to construction of the minor modification.
2. The road, if damaged during the revegetation project, shall be returned to its previous condition or better before final inspection of the improvement.



3. The property owner shall obtain all required development permits and approvals prior to commencing work.
4. Design Review approvals are effective for a period of one (1) year from the date of approval of this document.
5. The project shall comply with all state, federal and local regulations and laws. All project activities shall follow the Design and Operation Standards and Requirements under Standards Section S2.504, especially as they pertain to erosion control.
6. A site plan and an erosion control plan shall be submitted with this application when applying for a development permit.
7. Natural vegetation shall be retained to the maximum extent possible. All work vehicles related to this project shall remain on driveways and roadways, and any vegetated areas disturbed by this project shall be reseeded or replanted as necessary with 30 days of completion of the project.
8. A landscape plan and two-year landscape maintenance plan shall be submitted. Applicant shall replant in the area where the trees were cut five native conifers of one or more of the following varieties: Douglas fir, western red cedar, spruce, or hemlock. Trees shall be a minimum of four feet tall. Maintenance shall include weed clearing or brush-cutting to ensure survival and watering during dry or drought periods. Herbicides may not be used. Planting shall occur during the period of December 2013 through February 2014. The maintenance plan shall include a schedule of replanting, weed / brush-cutting and watering during a two-year period, commencing from when the trees are planted. If a tree (or trees) dies within five years of being planted, it shall be replaced and a new two-year maintenance schedule specific to the replacement tree will commence.

# **Exhibit 1**



## Receipt

This is not a Permit

Clatsop County Planning and Development  
800 Exchange St Ste 100  
Astoria, OR 97103

Ph. (503) 325 - 8611 Fax (503) 338 - 3666

### For Department Use Only

Permit #: 20130346  
Permit Type: Type II  
Entry Date: 8/2/2013  
Entered By: Julia Decker  
Assigned To:  
Permit Status: Entered

### Permit Timeline

User	Status	Date
Julia Decker	Entered	08/02/2013

### Proposed Use

Proposed Use: **Design Review**

Zone: **AC-RCR**  
Overlay District: **NWI**

Description: Minor design review for tree cutting along an existing trail for trail maintenance

### Owner/Project Location

**Owner:** Name: **Castle Rock Estates Owners & BILL STARNES**  
Address: 32001 Buena Vista Dr  
City, State, Zip: Arch Cape, OR 97102-0121

Ph. #: (541) 757-7066  
Cell: ( ) -  
Fax: ( ) -

**Situs Address: 32001 Buena Vista Dr** T R S Q S Qq S Taxlot  
**City: Arch Cape** State: OREGON 4 10 19 C A 08500

### Applicant/Agent

**Applicant:** Name: Castle Rock Estates Owners  
Address: 32001 Buena Vista Dr  
City, State, Zip: Arch Cape, OR 97102-0121

Ph. #: (541) 757-7066  
Cell: ( ) -  
Fax: ( ) -

Ph. #: ( ) -  
Cell: ( ) -  
Fax: ( ) -

### Fees

**Fee Type:**  
Planning/Development

### Permit Fee Total:

\$554.00  
Total: **\$554.00**

### Receipt

<u>Payor Name:</u>	<u>Pymnt Type</u>	<u>Check #</u>	<u>Pymnt Date</u>	<u>Pymnt Amount:</u>
Castle Rock Estates Owners	Check	1483	08/02/2013	\$554.00

Balance Due: **\$0.00**

### Signatures

1. For Commercial and industrial uses, include parking and loading plan, sign plan and erosion control plan.
2. For residential and other uses, include an erosion control plan.
3. Review attached applicant's statement and sign below.

I have read and understand the attached APPLICANT'S STATEMENT and agree to abide by the terms thereof.

**Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Owner Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Agent Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

RECEIVED  
Clatsop County

AUG 02 2013

Land Use/Planning



**APPLICATION FOR  
DESIGN REVIEW**

Fee: **Major Construction - \$711.00** (see attached page for explanation)  
**Minor Construction - \$554.00** (see attached page for explanation)

**APPLICANT:** Castle Rock Estates Homeowners Association

Phone: 541  
757-7066

Address: 32001 Buena Vista Dr., Arch Cape, Or 97102

**OWNER:** Same as above Phone: \_\_\_\_\_

Address \_\_\_\_\_

**AGENT:** William Starnes, Chairman, Castle Rock Estates Home Owners Assoc. Phone: 541  
757-7066

Address 1907 NW Woodland Dr., Corvallis, Or 97330

Proposed Development: Removal of five diseased trees in "Common Area B" near footbridge off Big Cedar Dr.

Present Zoning: residential Overlay District: \_\_\_\_\_

Lot Size: \_\_\_\_\_

Property Description: \_\_\_\_\_

Township Range Section Tax lot(s)

Property Location: T4N, R10W, Sec. 19CA, Tax Lot 8500

**General description of the property:**

Existing Use: Commons area pathway to beach for the subdivision owners/guests

Topography: Flat area next to creek

**General description of adjoining property:**

Existing Uses: homes and vacant lots

Topography: mixed flat and incline lots

**Time Limit on Approval.** Site design review approvals shall be void after one (1) year unless a building permit has been issued and substantial construction has taken place per the International Building Code.

The information contained in this application is in all respects true, complete, and correct to the best of my knowledge and I am aware of the additional costs that may accrue and agree to pay them as required above.

Applicant's Signature: Wm H. Starnes Date: 8/2/13  
Owner's Signature: Wm H. Starnes Date: 8/2/13

**The following is from the Clatsop County Land and Water Development and Use Ordinance #80-14:**

Section 4.100. Rural Community Overlay District (/RCO).

Section 4.101. Purpose. This section provides for the comprehensive review of proposed developments within the Arch Cape Rural Community Overlay District. The intent of the overlay is to ensure development occurs in a manner that preserves scenic views and promotes attractive development within the boundaries of the rural community. In addition the Arch Cape Rural Community Overlay District outlines procedures and criteria for developments that require variances or are of a nonconforming nature.

Section 4.102. Types of Review. All development which is situated within the /RCO District Boundary that falls under the thresholds in this section shall be subject to the Criteria for Design Review Evaluation, Section 4.103 and Article 2, Procedures for Land Use Applications.

1. The following types of projects shall require review according to the Type II procedure, Section 2.020. For purposes of these types of Major projects, review by the Design Review Advisory Committee as described in Section 4.108, is required.
  - (A) Any new residential development proposing to construct a dwelling as described in Section 1.030 (Dwelling Types).
  - (B) Any new commercial development proposing to construct structures devoted to a commercial use.
  - (C) Any new commercial development creating additional cumulative square footage.
  - (D) Any new residential development creating additional cumulative square footage.
  - (E) Accessory buildings in residential zones.

Date: July 31, 2013

To: Bart Catchings, Clatsop Co., Code Compliance Specialist

From: Wm. Starnes, Chairman, Castle Rock Home Owners Assoc.

Re: Tree Removal

The association's decision to remove several trees on our property had been a topic of discussion over the past several years. The trees had been topped years ago. As a result, the trees became diseased and were dying creating a possible safety issue because of their proximity to trail leading to the tunnel and beach.

We consulted with a licensed arborist Richard of Quality Tree Removal and Ellis Tree and Lawn Service to check out the trees for advice and a bid for possible removal. A bid was given and approved by the Board at the April 13, 2013 association meeting.

As an association was unaware we were in violation of the code requiring a permit in AC-RCR. It is our intent to replant the affected area with northwest coastal native plants such as Oregon grape, Salah, and Rhododendron, and Huckleberry.

Enclosed is a check for \$554 as required the design review evaluation.

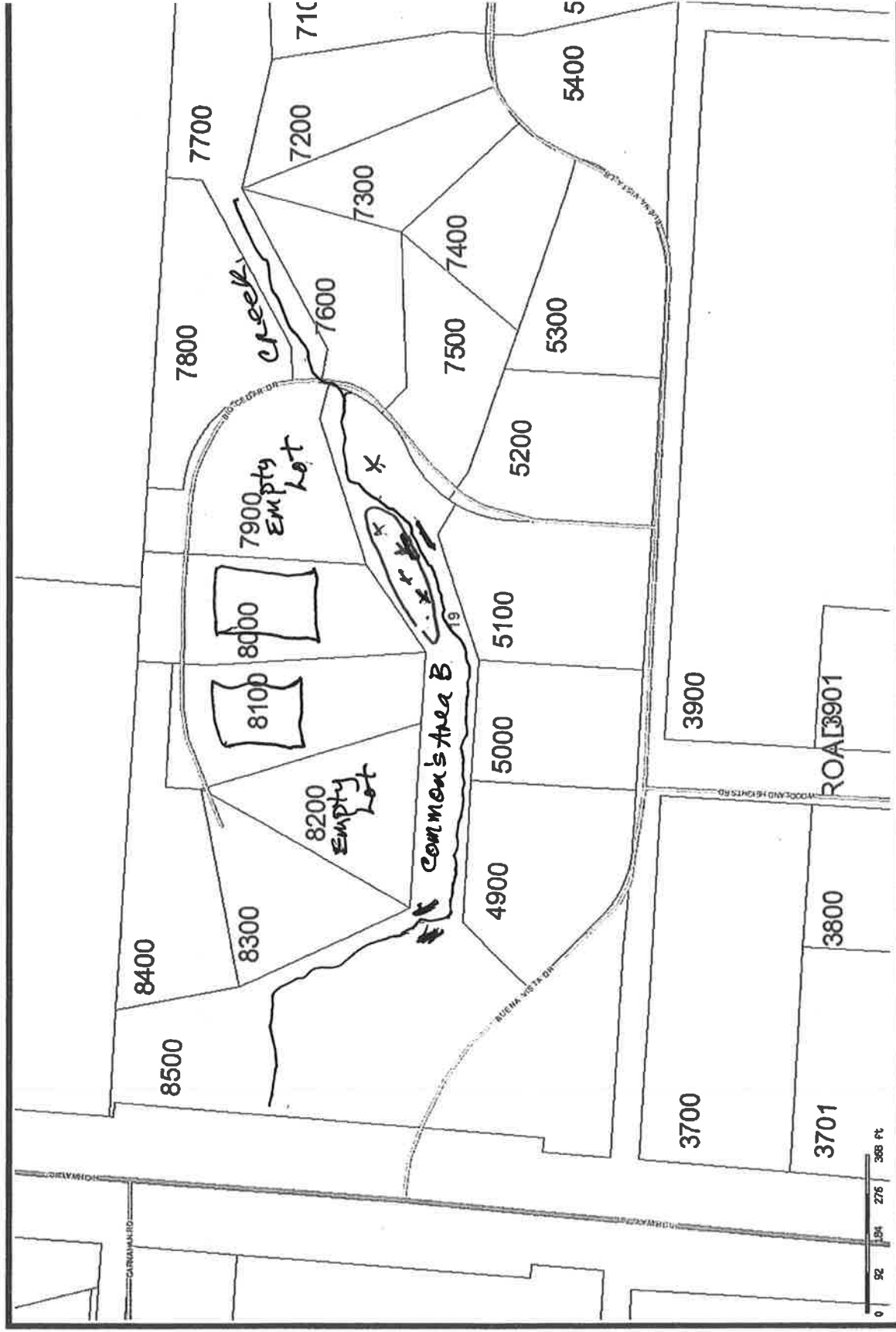
#### Section 4.103 Criteria for Design Review Evaluation

1. Relation of Structures to Site: The diseased and dying trees are located near pedestrian bridge slightly north of lot #1.
2. Protection of views: NA
3. Preservation of Landscape: The affected area will be replanted with low growing native vegetation to enhance the area's visual appearance.
4. Utility Service: NA
5. Exterior lighting... NA
6. Buffering and Screening: NA
7. Vehicle Circulation and Parking: NA
8. Signs: NA
9. Surface Water Drainage: Water drainage will not have a negative impact on adjacent properties. Water run-off goes directly into the established creek.
10. We accept the conditions of compliance with the criteria.

# 4-10-19CA-8500 Plat

## SITE PLAN

☐ Existing homes w/ 100 ft  
 = Bridges  
 xxx Trees removed  
 ~ Creek



### 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.



**Ellis Tree  
and Lawn Service**  
744 Florence Ave.  
Astoria, OR 97103  
(503) 791-1837  
CCB# 194969

951120

RECEIVED  
Clatsop County

SEP 10 2013

Land Use/Planning

CUSTOMER'S ORDER NO.	DEPT.	DATE: 5-10-13
NAME: Bill Starnes 541-757-7066		
ADDRESS: Castle Rock Estates		
CITY, STATE, ZIP		

SOLD BY:	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE RTD.	PAID OUT
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QUANTITY	DESCRIPTION	PRICE	AMOUNT
1			
2	Tree Removal due to diseases		
3	in trees caused by tree		
4	topping Many years prior.		
5			
6	Clean up debris also		
7			
8			
9			
10			
11			
12			
13			
14		\$	2320 <sup>00</sup>
15			

RECEIVED BY:

## **Exhibit 2**

## Julia Decker

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**From:** Nadia Gardner <nadiaegardner@yahoo.com>  
**Sent:** Friday, September 06, 2013 7:01 PM  
**To:** Clancie Adams; Julia Decker  
**Subject:** Re: Public Notice - Castle Rock Estates

Clatsop County Community Land Use Planning Staff,

Please accept these public comments on the after to fact development permit to remove 5 large native trees from the homeowner association (HOA) property.

From an after the fact inspection, it appears that the trees were healthy. They were not "danger trees". They were native conifers and some were at least 70 years old. The removal was not part of any development. The trees were removed only to improve the views of a few of the homes on the top of the subdivision. Their removal goes against the SW Coastal Community Plan, which requires landowners to maintain native vegetation to the maximum extent possible and further protects riparian areas along waterways.

The property is within a riparian area of a year round creek. According the the comprehensive plan: "A buffer shall be provided along either side of Arch Cape Creek, Asbury Creek and other creeks and drainage ways critical to local water supply and erosion control in order to protect riparian vegetation, prevent loss of property due to erosion, and protect the aesthetic values of the streams". These trees prevented sediment from going into the stream, slowed rainfall and shaded the stream, keeping it cold. They also were beautiful, providing aesthetic values to the area. Finally, they provided wildlife habitat to many types of birds, chipmunks/squirrels, and other native species.

The HOA should be required to re-plant at least 5 locally native conifer trees (Sitka Spruce, Western hemlock, and Western red cedar) at least 4 feet tall in size within the riparian area and maintain them (replacing those that die) for at least 5 years. They should not be allowed to remove trees in the future in this area, unless they are deemed to be "danger trees" by a certified arborist, are near homes, and go through the appropriate development process before trees are cut.

Thank you.

Nadia Gardner  
Arch Cape

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**From:** Clancie Adams <cadams@co.clatsop.or.us>  
**To:** Julia Decker <JDecker@co.clatsop.or.us>  
**Sent:** Tuesday, August 27, 2013 1:02 PM  
**Subject:** FW: Public Notice - Castle Rock Estates

Please see attached notice.

**Clancie Jo Adams** | Staff Assistant  
Clatsop County Community Development  
Land Use Planning Division  
800 Exchange Street, Suite 100  
Astoria, OR 97103

# Exhibit 3

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## CERTIFICATE OF MAILING

I hereby certify that I served a copy of the attached **Public Notice** for a minor design review submitted by William Starnes on behalf of Castle Rock Estates Home Owners Association, to those listed on the attached pages with postage paid and deposited in the post office of Astoria, Oregon (as well as those sent via e-mail as indicated) on said day.

Date: August 26, 2013

---

Clancie Adams, Staff Assistant  
Clatsop County, Oregon

Owner	OwnerLine1	OwnerLine2	Mailing Address	City	State	Zip
ANDIDEH EBRAHIM/POHMEING			10141 NW Priscilla Ct	Portland	OR	97229-5272
BARSUKOFF IVAN/ EVODOKIA			4634 S Timber Trail Dr	Woodburn	OR	97071-8719
BENSKY DANIEL/LILIAN LAI			4536 33rd Ave W	Seattle	WA	98199-1129
BROWN DAVID N			80412 Woodland Heights Rd	Arch Cape	OR	97102-0150
BUNDY ROSALEA			P.O. Box 396	Cannon Beach	OR	97110-0396
BYRON LIVING TRUST		STEPHEN and Byron Kay, Harding	3574 NE 182nd St	Lake Forest Park	WA	98155-4222
CAFFALL BROS FOREST PRODUCTS			P.O. Box 3178	Newberg	OR	97132-5178
CAFFALL KATHY L REV TRUST			1308 Oak Knoll Ct	Newberg	OR	97132-6046
CANNON BEACH RFPD			P.O. Box 24	Cannon Beach	OR	97110-0024
CASTLE ROCK ESTATES OWNERS			8120 SW Maple Dr	Arch Cape	OR	97102-0121
CHILDRESS SANDRA A (MEATH)			3559 May St	Portland	OR	97225-2135
GALLAGHER SHEILA A TRUST			2740 76th Ave SE Apt #308	Hood River	OR	97031
HOY DAVID/MAUREEN CATHERINE			411 Stonebrook Dr	Mercer Island	WA	98040-2755
HUSSMAN LAWRENCE E			P.O. Box 1321	Kettering	OH	45429-5353
LANTELA EEVA			873 Rases Mountain Dr	Cannon Beach	OR	97110-1321
LORENTZ JOHN H/GOLRIZ S			4712 NW Franklin St	Minford	OH	45653-8622
LYNCH EDWARD C			P.O. Box 1755	Vancouver	WA	98663-1719
MACIAS MANUEL J			80326 Pacific Rd	Longview	WA	98632-8081
MOSKEE INVESTMENT CO	COLEMAN HARRY S TR		P.O. Box 94	Arch Cape	OR	97102-0178
NELSON ALAN F			17519 SW Wapato St	Arch Cape	OR	97102
NINTEMAN NEAL/SUSAN			9980 SW Riverwood Ln	Sherwood	OR	97140-8246
PETRUZZELLI STEPHEN/DOLORES			P.O. Box 367	Tigard	OR	97224-4540
PROFITT JOANNE GAIL			1565 N Adoline	Cannon Beach	OR	97110-0367
RILEY MICHAEL D/ ELIZABETH S			P.O. Box 367	Fresno	CA	93728-1507
SANDE ELMER TODD			17734 Kantishna Dr	Beavercreek	OR	97004-0367
SIMPSON GREGG	HUFFORD GARY/JOAN	Gary and Joan Hufford	P.O. Box 552	Eagle River	AK	99577-8228
SMITH BRIAN M			1907 NW Woodland Dr	Cannon Beach	OR	97110-0552
STARNEES JUDITH FISHBURN TRUST	STARNEES WILLIAM K TR	Starnes Judith Fishburn Tr	19875 NW Metolius Dr	Corvallis	OR	97330-1020
STEELE ROBERT W/NICOLETTE G			P.O. Box 68	Portland	OR	97229-2863
STIMSON LUMBER CO			941 Lake Forest Cir	Forest Grove	OR	97116-0068
WALSH GERALD M	WALSH ELLEN R		32089 Buena Vista Dr	Hoover	AL	35244-1450
ZOMMERS BIRUTA			P.O. Box 24	Arch Cape	OR	97102-0121
Mike Balzer, Chief			750 Commercial St Rm 205	Cannon Beach	OR	97110
CREST	Cannon Beach Rural Fire Protection District		1100 Oliney Avenue	Astoria	OR	97103 rcrater@columbiaestuary.org
Dennis Scott	Via Email		32065 E Shingle Mill Ln	Astoria	OR	97103 dscott@co.clatsop.or.us
ACSD			750 Commercial, Rm 207	Arch Cape	OR	97102 thomasmerrill@gmail.com
Clatsop Soil/Water Cons. District	Via Email		79829 Gelinsky Road	Astoria	OR	97103 clatsopswcd@inet.com
Commissioner Debra Birkby	Via Email		79829 Gelinsky Road	Arch Cape	OR	97102 DBIRKBY@co.clatsop.or.us
Birkby	Virginia		P.O. Box 1327	Arch Cape	OR	97102 vbirkby@charter.net
D'Onofrio	Richard		1193 10th Street	Cannon Beach	OR	97110 mcdonofrio@msn.com
Lundy	Theodore		80285 Woodland Heights Road	Astoria	OR	97103 TalktoTod@gmail.com
Manzulli	Michael		79916 W. Cannon Road	Arch Cape	OR	97102 manzulli@gmail.com
Seifer	Daniel		3630 NE Merges Dr.	Arch Cape	OR	97102 daniel.j.seifer@gmail.com
Eyerman	Linda		79836 Gelinsky Road	Portland	OR	97212 linda@gaylordeyerman.com
Murray	Linda		4301 Third Street, Room 206	Arch Cape	OR	97102 murraylapp@charter.net
Patrick Wingard	DLCD - Oregon Coast			Tillamook	OR	97141 patrick.wingard@state.or.us
Michael Summers	County Engineer					msummers@co.clatsop.os.us
Caroline Stimson	Wetlands Specialist					caroline.stimson@state.or.us
OREGON STATE DEPT OF TRANSPORT		DSL				odotr2planmgr@odot.state.or.us

Clatsop County  
Community Development  
800 Exchange Street, Suite 100,  
Astoria, OR 97103

ph: 503-325-8611  
fx: 503-338-3606  
em: [comdev@co.clatsop.or.us](mailto:comdev@co.clatsop.or.us)  
[www.co.clatsop.or.us](http://www.co.clatsop.or.us)



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## PUBLIC NOTICE FOR AN APPLICATION BEFORE THE COMMUNITY DEVELOPMENT DIRECTOR

In the matter of a Minor Design Review application submitted by William Starnes, on behalf of the Castle Rock Estates Home Owners Association, for after-the-fact approval to remove five trees on a lot owned by Castle Rock Estates Home Owners Association, located between Buena Vista Drive and Big Cedar Drive, in Arch Cape, Oregon. The legal description of the parcel is T4N, R10W, Sec. 19CA, TL 8500. Please see Page 2 of this notice for a vicinity map.

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APRX. DATE OF DECISION:	September 17, 2013
COMMENT PERIOD:	August 26, 2013, to September 16, 2013
SEND COMMENTS TO:	Clatsop County Community Development, 800 Exchange Street, Suite 100, Astoria, Oregon 97103
CONTACT PERSON:	Julia Decker, Clatsop County Planner

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

NOTICE IS HEREBY GIVEN that Clatsop County's Community Development Department has received the land use application described in this letter. Pursuant to section 4.100 of the Clatsop County Land Water Development and Use Ordinance, a **public meeting is not necessary** as the review is minor and does not result in an expansion of the exterior dimensions and/or footprint of a structure and is not associated with any new residential development proposing to construct a dwelling; development and construction of public or private roads; change in use, variance request, conditional use permit; or other use requiring review through Type II, III, or IV procedures. Pursuant to Section 2.020 of the Clatsop County Land and Water Development and Use Ordinance (LWDUO), the Department Director is tentatively scheduled to render a decision based on evidence and testimony on Tuesday, September 17, 2013, at the Community Development Department, Public Service Building 800, 800 Exchange St., Suite 100, Astoria, OR 97103.

All interested persons are invited to submit testimony and evidence in writing by addressing a letter to the Clatsop County Community Development Director, 800 Exchange Street, Suite 100, Astoria, OR 97103. Written comments may also be sent via FAX to [503-338-3606](tel:5033383606) or via email to [jdecker@co.clatsop.or.us](mailto:jdecker@co.clatsop.or.us). Written comments must be received in this office no later than **5 pm on Monday, September 16, 2013**, in order to be considered by the Director and in the decision.

NOTE: Failure to raise an issue in a hearing, in person or by letter or email, 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.



The following criteria from the Clatsop County Land and Water Development and Use Ordinance (LWDUO) apply to the request:

§ 1.010-1.050 (Definitions), 2.020 (Type II Procedure), 2.115 (Mailed Notice of a Type II Procedure), 2.120 (Procedure for Mailed Notice), 2.230-2.260 (Request for Review / Appeal et al), 3.060 (Arch Cape Rural Community Residential Zone), 4.100 (Rural Community Overlay District [/RCO]), and Clatsop County's Standards Document Chapters 1-4.

In addition, the following elements of the Clatsop County Comprehensive Plan apply to the request:

Goal 1 (Citizen Involvement); Goal 2 (Land Use Planning); Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces); Goal 6 (Air, Water and Land Resources Quality); Goal 8 (Recreational Needs); Goal 9 (Economy); Goal 10 (Housing); Goal 11 (Public Facilities and Services); Goal 12 (Transportation); and the Southwest Coastal Community Plan.

These documents are available for review at the Clatsop County Community Development Department office, 800 Exchange Street, Suite 100, Astoria, Oregon, and online at the county's website, [www.co.clatsop.or.us](http://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, 8-5) at no cost and will be provided at reasonable cost.

If you have questions about this land use matter or need more information, please contact Julia Decker, Clatsop County Planner, at (503) 325-8611, or via email at [jdecker@co.clatsop.or.us](mailto:jdecker@co.clatsop.or.us).

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

**Date Mailed:** August 26, 2013

