



***SOUTHWEST COASTAL DESIGN REVIEW / CITIZEN ADVISORY COMMITTEE
REGULAR MEETING AGENDA***

Tuesday, December 15, 2009 @ 3:00 P.M. Arch Cape Fire Hall, 79816 E Beach Road

[illegible]

WORK SESSION – 3 P.M.

➤ **Work Session – This is an opportunity for the Design Review Committee to work with Staff on Code revisions and upcoming proposals. Currently Focusing on Revisions to the Non-Conforming Use Section of the Ordinance pertaining to Arch Cape (Section 5.600, proposed revisions (by Will Caplinger) to be presented by Staff during the work session).**

[illegible]

REGULARLY SCHEDULED MEETING – 6 P.M.

1. **CALL MEETING TO ORDER (George Cerelli, Chairperson) 6:00 p.m.**
2. **ROLL CALL**
3. **BUSINESS FROM THE PUBLIC** - This is an opportunity for anyone to give a brief presentation (3 minutes or less) to the Committee on any land use planning issue or county concern that is not on the agenda.
4. **CONSIDERATION OF MINUTES:**
 - ✦ September 16, 2009 (pending)
 - ✦ November 18, 2009 (pending)
5. **CONSENT CALENDAR / MINOR REVIEW ITEMS**
 - No items at this time.
 - ✦ January 20, 2010 next regularly scheduled *Design Review* meeting.
6. **PUBLIC HEARINGS / MAJOR DESIGN REVIEW:**
 - ✦ Eigen – Conditional Use Permit for a 3 Unit Bed and Breakfast Establishment { **See packet material** }
7. **OTHER DISCUSSION**
 - ✦ This is a chance for the committee to discuss and invite testimony from outside agents regarding topics of interest.
8. **ADJOURN**



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December 9, 2009

STAFF REPORT
Design Review & Conditional Use Permit #'s 20090582/3

OWNER/APPLICANT: Lucy Eigen Ocean's Edge B&B
80199 Pacific Rd Same as Owner
Arch Cape, OR 97102

REQUEST: The applicants' request a Design Review and Conditional Use Permit approval to conduct a Bed & Breakfast operation within their residence.

PROPERTY: Township 4 North, Range 10 West, Section 19CC, Tax Lot 00506.

SIZE: ≈.23 Acres

LOCATION: The property is located on the west side of Highway 101 between Shark Creek Lane and Shanks Avenue on the East side of Pacific Street.

ZONING: Arch Cape Rural Community Residential AC-RCR
Overlays: Partial Flood Hazard {FHO} 500 yr Flood Plain

EXHIBITS:

1. Comments
2. Public Notices
3. Application

STAFF RECOMMENDATION: **CONDITIONAL APPROVAL**

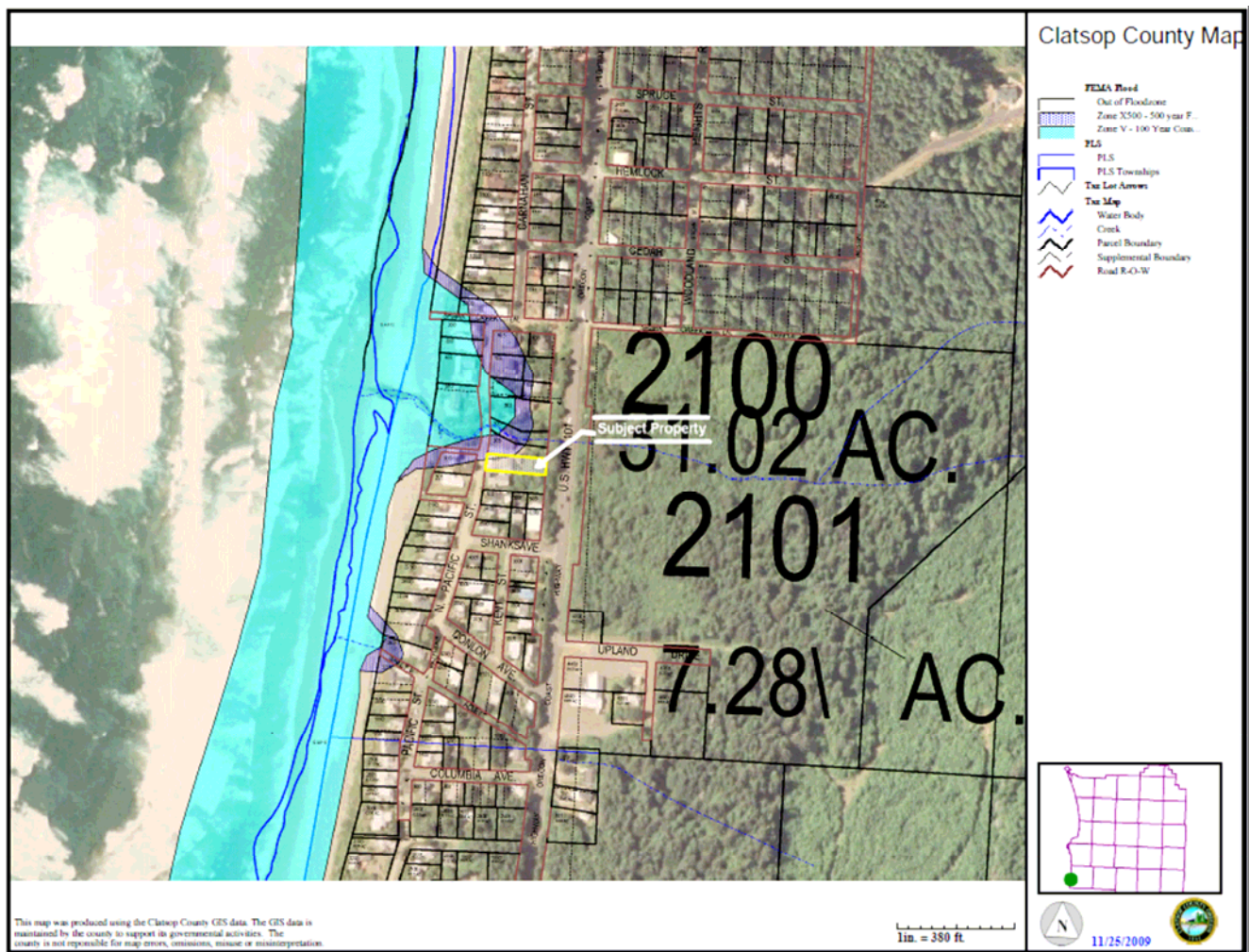
I. BACKGROUND

On November 6, 2009 the applicant submitted an application for Design Review approval and a Conditional Use Permit to conduct a Bed & Breakfast Operation within their residence located at 81099 Pacific road in the Arch Cape Rural Community. The parcel is further described as Tax Lot 506 within Township 4 North, Range 10 West, Section 19, Quarter Section C, and Quarter-Quarter Section C of Clatsop County. The application was deemed complete on November 20, 2009 and public notice was sent via mail on November 25, 2009. The deadline for comment is Tuesday December 15, 2009 and the approximate date of decision was set for Tuesday December 29, 2009.

II. PROPERTY STATUS AND CONDITIONS

The subject property was created in 1945 as part of the Kent Price Park subdivision prior to the adoption of Ordinance 80-14 and prior to land use partitioning requirements. The lot was in the ownership of R.M. & Helen Thompson in 1961, all other contiguous tax lots were in separate ownership prior to the adoption of the Zoning Ordinance and surrounding substandard parcels were not in the same ownership on the date of lot size conception; therefore the parcel satisfies the county's requirements as a "lot of record" and hence is in good legal standing.

III. LOCATION AND VICINITY MAP



IV. SUMMARY ANALYSIS:

The subject parcel is located in the AC-RCR Zone; in accordance with section 3.066 § 10 a Bed & Breakfast Establishment subject to the Standards in Section 3.464-3.468 are permissible through a Type II conditional development and use review. Standards for a Bed & Breakfast do not list the AC-RCR zone, because the zone was not conceived at the time the standards were drafted. For the purposes of analysis this report will focus on standards consistent with the RSA-SFR, which was the previous zoning in the Arch Cape Rural Community. Despite the alternate assessment the proposal appears to satisfy all applicable criteria. Therefore Staff recommends the request be conditionally approved.

V. APPLICABLE CRITERIA

The applicable criteria for this land use application is contained in LWDUO – Ordinance 80-14 and the Clatsop County Standards Document:

A. Clatsop County Land and Water Development and Use Ordinance (Ord. No. 80-14):

Section 1.010-1.050	Definitions
Section 2.020	Type II procedures
Section 2.115-2.120	Procedures for Mailed Notice
Section 2.230-2.260	Request for Review/Appeal et al
Section 3.060	Arch Cape Rural Community Residential Zone
Section 4.100	Site Design Review Overlay District
Section 5.000	Conditional Development and Use

B. Clatsop County Standards Document (Ord. No. 80-14):

Chapter 1:	Site Orientation
Chapter 2:	Site Oriented Improvements (particularly parking)
Chapter 3:	Structure Siting and Development (particularly S3.460)
Chapter 4:	Environmental Protection

C. Comprehensive Plan Policies and Goals:

1 – Citizen Involvement	10 - Housing
2 – Land Use Planning	11 – Public Facilities and Services
5 – Scenic, Historic, & Natural Resources	12 – Transportation
6 – Air, Water, & Land Quality	13 – Energy Conservation
7 – Natural Disasters and Hazards	14 – Urbanization
8 – Recreation Needs	16 – Estuarine Resources
9 – Economy	Southwest Coastal Community Plan

For Purposes of Efficiency this Staff Report will focus on the Highlighted Criteria Above.

VI. ASSESSMENT OF APPLICATION VERSUS APPLICABLE CRITERIA

CRITERIA AS DETAILED IN CLATSOP COUNTY ZONING ORDINANCE:

The applicable criteria for this land use application is contained in LWDUO Sections 3.060 & 5.000 which read:

Section 3.060 Arch Cape Rural Community Residential Zone (AC-RCR)

- ❖ Section 3.066. Conditional Development and Use.
 - §10 - Bed & Breakfast establishment subject to the standards in Clatsop County Standards Document, Section S3.464 - S3.468.
- ❖ Section 3.068. Development and Use Standards.
 - §1(B) - Parcels served by an approved community, municipal or public sewer system shall have a minimum parcel size of 7,500 square feet, and a minimum width of 60 feet with lot sizes varying according to the following requirements:

Slope	Minimum Lot Size/Density
0-12%	7,500 sq.ft./ 1 dwelling unit, 15,000 sq.ft./2 dwelling units
13-25%	7,500 sq.ft./1 dwelling unit 15,000 per acre, 2 dwelling units/acre
> 25%	1 dwelling unit/acre

- §1(C) - Lot size for conditional developments shall be based upon:
 - 1) the site size need of the proposed use,
 - 2) the nature of the proposed use in relation to the impacts on nearby properties, and
 - 3) consideration of sewer district impacts and requirements, local setback and other criteria and standards of this ordinance.
- ❖ Section 3.068. Additional Development and Use Standards:¹
 - §1 - Where a buffer of trees exists along properties abutting Highway 101, a buffer of 25 feet in width shall be maintained or planted when the property is developed.

STAFF FINDING AND ANALYSIS:

With the exception of the Standards criteria S3.464-3.468, which will be addressed later in this report the above **criteria are satisfied**. One question looms from section 1C and can only be assessed by the water and sewer district. Staff received verbal comments from ACSD, which seems to be relatively neutral although they do not condone commercial activity in the area. **Staff feels this may be an area of concern.**

¹ Clatsop County Zoning Ordinance 80-14 has a numeration error in this portion of the text.
Eigen – Conditional Use Permit/Design Review

Section 4.100 Site Design Review Overlay District

❖ Section 4.104. Types of Review.

- §2(D) If the Community Development Director determines that a new accessory building may significantly impact adjoining properties with respect to location, bulk, compatibility, views, preservation of existing landscape, or other applicable criteria identified in Section 4.106, the application will be forwarded to the Design Review Advisory Committee for review.

STAFF FINDING AND ANALYSIS:

The above referenced text in conjunction with language in Section 4.112. *Modification of Approved Design Review Plan* Indicate that this proposal should be presented to the Design Review Advisory Committee for review. The original plan was for residential use, the change in use triggers the minor Design Review. By satisfying the criteria in Section 4.106 below, the **criteria is satisfied**.

❖ Section 4.106. 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.
- (2) - Protection of Ocean Views. The blocking of scenic views of existing or proposed dwellings on adjacent lots and other lots that may be impacted shall be minimized in the construction of all structures.
- (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.
- (4) - 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.
- (5) - 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.
- (6) - Utility Service. Electric, telephone and other utility lines shall be placed underground.
- (7) 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.
- (8) 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.

STAFF FINDING AND ANALYSIS:

The applicant's findings satisfactorily addressed the criteria detailed in Section 4.106. See Exhibit 3 *Pages 18 through 20* for the applicant's responses. Additional conditions to ensure compliance with this section are appended to this decision. **Criteria are satisfied.**

Section 5.000. Conditional Development and Use.

- ❖ Section 5.010. Application for a Conditional Development and Use.
 - If a development and use is classified as conditional in a zone, it is subject to approval under Sections 5.000 to 5.030. An applicant for a proposed conditional development and use shall provide facts and evidence and a site plan in compliance with Section 5.300 sufficient to enable the Community Development Director or hearing body to make a determination.

STAFF FINDING AND ANALYSIS:

The applicant has provided a hand drawn site plan and detailed layout of the dwelling. Those documents can be found on the final pages of the Exhibit 3 - *Applicant's Findings*. The design review phase of this analysis will suffice to satisfy this criterion.

- ❖ Section 5.015. Authorization of a Conditional Development and Use.
 - (1) - A new, enlarged or otherwise altered development classified by this Ordinance as a conditional development and use may be approved by the Community Development Director under a Type II procedure except that the following conditional developments and uses may be approved by the Hearings Officer under a Type IIA procedure:
 - a. Dog kennel or Kennel;
 - b. Airport;
 - c. **Bed & Breakfast over 3 units;**
 - d. Golf courses;
 - e. Automobile service station or repair shop, including body work, used car sales, wrecking yard;
 - f. Public or private recreation such as riding stable, fishing or boating docks or ramps, gun club, golf course, or resort type establishment in association with recreation;
 - g. Non-farm partition;
 - h. Non-farm dwelling;
 - i. Farm help relative dwelling;
 - j. Home occupations related to auto/machinery repair or painting;
 - k. Firearms training facility;
 - l. Solid waste disposal site;
 - m. Small scale, light industrial developments such as assembly, fabricating, processing, compounding, packing and similar operations within an enclosed building.
 - n. Automobile wrecking yard.
 - o. Amusement enterprises such as games of skill and science, thrill rides, penny arcades, and shooting galleries.

Where the proposed development involves a non-water dependent use or activity in the Marine Industrial Shorelands Zone, Section 3.620, mailed notice shall also be provided to any interested party who has submitted a written request concerning the proposed development, and to state and federal agencies with statutory planning and permit issuance authority in aquatic areas, including the Oregon Division of State Lands, Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Corps of Engineers, and the Environmental Protection Agency.

Staff Findings and Analysis:

The proposed application does not exceed 3 units, the requirements state only Bed and Breakfast establishments over 3 units are subject to the Type IIA procedures. Therefore this development is not listed above; hence, Type IIA procedures are not necessary to process this application.

- (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.
 - 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 land, considering the factors in (C) above.
 - 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
 - g. The use is consistent with the maintenance of peripheral and major big game habitat on lands identified in the Comprehensive Plan as Agricultural Lands or Conservation Forest Lands. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in the area on big game habitat.
- (3) 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.

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Staff Finding and Analysis:

The applicant's findings satisfactorily addressed the criteria detailed in Section 5.015§2. See Exhibit 3 *Page 8 of 22* for applicant's responses.

Applicant agrees to accept conditions necessary to assure compliance with Clatsop County's Land Water Development and Use Ordinance # 80-14. See Exhibit 3 *Page 8 of 22*.

- ❖ Section 5.030. Time Limit on Permit for Conditional Use.
 - Authorization of a 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. The County may grant conditional use approvals for activities such as dike maintenance for a period of time up to five years; such approvals will normally correspond with parallel state and/or federal permits.

Chapter 2. Site Oriented Improvements {STANDARDS DOCUMENT}

- ❖ S2.202. Minimum Off Street Parking Requirements.
 - (1) Residential hotel, rooming or boarding house or club – 2 per 3 guest rooms.
- ❖ S2.204. Off Street Parking Restrictions.
 - (2) Required parking facilities may be located on an adjacent parcel of land or separated only by an alley, provided the adjacent parcel is maintained in the same ownership as the

use it is required to serve. Except for industrial uses, required parking shall not be located in a required front or side yard setback area abutting a public street.

STAFF FINDING AND ANALYSIS:

The requirements for this application require the applicant to provide at least 3 parking spaces (see S3.464 § 3) for guest and 2 required spaces for the residence. The current site plan located on page 21 of exhibit 3 illustrates three parking spots within the front yard setback. Parking spaces are required to be 9 x 19. The applicant's proposal places at least two parking spaces in the front yard setback, which does not satisfy this requirement. Staffs Recommends the applicant revise their site plan and include vegetative buffers within the street side setback to ensure compliance. If the applicant cannot find an alternate location for the parking they would need to request a variance to this standard in accordance with section 5.130 of the County's zoning ordinance.

Criterion is not satisfied, an appropriate condition for approval will be appended to this decision.

Chapter 3. Structure Siting and Development {STANDARDS DOCUMENT}

❖ S3.464. Bed & Breakfast Establishment Standards.

- (1) - Number of rental units.
 - b. 1-5 unit establishment is subject to approval of a type II conditional use permit and Section 5.000-5.030 in the following zones: **RSA-SFR**, RSA-MFR, CR, SFR-1, RA-1, RA-2, RA-5, EFU, AF, F-80.

STAFF FINDING AND ANALYSIS:

As mentioned previously the zoning modification in 2003 failed to update every portion of the County Zoning Ordinance. In this case AC-RCR, which was previously RSA-SFR, was not added to this particular section of the Standards Document. Therefore for assessment purposes Staff is using the previous zoning identifier for to assess the application. Hence the application requires Type II review as mentioned in (b) above.

CS

- (2) - Establishment shall be operated substantially in:
 - a. The dwelling unit, and historical resource buildings; and
 - b. It shall not unreasonably interfere with other uses permitted in the zone in which the property is located; and
 - c. Will employ not more than three full or part-time persons; and
 - d. The premises upon which the bed and breakfast establishment is conducted shall be the residence of the person conducting the establishment.

CS

- (3)
 - a. One off-street parking space shall be provided for each rental unit plus the 2 required spaces for the residence of the person conducting the establishment. Off-street parking requirements are subject to the standards in Section S2.200-S2.212 (Off-Street Parking Required).
 - b. Additional parking shall be provided for employees subject to the standards in Section S2.200-S2.212 (Off-Street Parking Required).
 - c. A reduction in the number of rental units may be required if the impacts of the parking area cannot be mitigated.

CS

- (4) - Signing is limited to a six (6) square foot nameplate, non-illuminated (replaces S3.462 (6)).

✓

- (5) - All Bed and breakfast establishments shall comply with the applicable state and local health, building and fire code requirements.

✓

- (6) - Bed and breakfast establishments shall comply with the development standards of the base zone, and overlay zone where applicable.

✓
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✓
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- (7) - Any expansion of an existing building or alterations that increase the intensity of the establishment, may require, at the discretion of the Community Development Director, a Type II conditional use permit subject to Section 5.000-5.030, in the following zones:
 - a. RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-2, RA-5, EFU, AF, F-80.
- (8) - Residential structures may be remodeled for the development of a bed and breakfast establishment. However, structural alteration may not be made which prevent the structure from being used as a residence in the future. Internal or external changes which will make the dwelling appear less residential in nature or function are not allowed.
- (9) - An establishment in or adjacent to the AF, F-80 and EFU zones shall not involve activities which might disrupt or adversely impact farm or forest use of the parcel or adjacent parcels.
- (10) - Access to serve a bed and breakfast establishment shall be designed to meet the criteria within Standards Section S5.032-S5.033 (Access Control) and the applicable standards within Section S6.000 (Road Standard Specifications for Design and Construction).

VII. CONCLUSION & RECOMMENDATION

Staff recommends the application be **conditionally approved** using standard best management practices to be applied at the development stage. Additionally the conditions listed below are necessary to ensure compliance with Forest Siting Requirements:

1. This approval is valid for a period of 2 years from the date of approval. The Community Development Director can authorize an extension of up to 12 months. This application is void after 2 years from the date of approval unless substantial construction or action has been taken pursuant to this decision.
2. Approval is based on the submitted plan. The establishment of the B&B and required parking shall occur in designated areas. The current site plan does not conform with county ordinances and will need revised to accommodate the required parking or a variance requested (currently \$977). The Director may review the alternate location with an application for a Site Plan Review (Currently \$130). The director would need to assess the location for conformance with the parking requirements described in Chapter 2 of the County's Standards Document and Conditions as set forth in Section 5.025, particularly a vegetative or landscape buffer within the street side setback separating the parking from the street.
3. Development shall comply with all applicable state, federal and local laws and regulations.
4. A non-lighted exterior sign no greater than 6' is permitted. The applicant must attain the proper permits for signage.
5. The establishment shall be operated substantially in the dwelling unit, and historical resource buildings; and will employ not more than three full or part-time persons; and the premises upon which the bed and breakfast establishment is conducted shall be the residence of the person conducting the establishment.
6. A Complaint from neighbors shall be cause for review of the Conditional Use. The review may be a Type II County enforcement proceeding. In such proceeding, the Compliance Order may impose any of the conditions described in 5.025 of the Clatsop County Land and Water Development and Use Ordinance.

7. Residential structures may be remodeled for the development of a bed and breakfast establishment. However, structural alteration may not be made which prevent the structure from being used as a residence in the future. Internal or external changes, which will make the dwelling appear less residential in nature or function, are not allowed.
8. Access to serve a bed and breakfast establishment shall be designed to meet the criteria within Standards Section S5.032-S5.033 (Access Control) and the applicable standards within Section S6.000 (Road Standard Specifications for Design and Construction).



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Exhibit 1

Comments

December 10, 2009

Mr. Michael Weston II, Clatsop County Planner
Clatsop County Community Development Department
800 Exchange Street, Suite 100
Astoria, Oregon 97103

**Re: Proposed Bed and Breakfast Application T4N, R10W, 19CC, TL 00506 Arch
Cape, Oregon**

Dear Mr. Weston,

We have owned a home at 80172 Pacific Road since 1987. We are not in favor of the proposed change in use of the property under review. Our rationale is as follows:

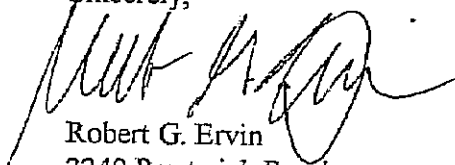
1. The increase in traffic and occupancy beyond the range of existing single family homes would disturb the quiet enjoyment of our property and that of other families in Arch Cape.
2. There are no other commercial businesses at this end of the beach
3. The property is located at the effective end of a dead end street as the bridge is not functional. This will inevitably result in traffic problems at ingress and egress in front of our home.
4. It is outside the scope of the current rental policy for Arch Cape which has provisions to protect the community and property owners from noise and to preserve the atmosphere of a residential beach community.
5. Having a commercial enterprise may have a deleterious effect on our property value.
6. Water and sewer use will go up disproportionately and potentially limit others from building single family homes in Arch Cape.

The property was presumably purchased by the current owners with knowledge of the prevailing zoning.

I urge you to disapprove the application.

Thank you for your consideration.

Sincerely,



Robert G. Ervin
2240 Prestwick Road
Lake Oswego, Oregon 97034
bobandmignon@comcast.net
503-803-9180



Exhibit 2

Public Notice



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

ph: 503-325-8611
fx: 503-338-3666
em: comdev@co.clatsop.or.us
www.co.clatsop.or.us



PUBLIC NOTICE FOR AN ISSUE BEFORE THE TRANSPORTATION & DEVELOPMENT DIRECTOR

In the matter of an application for Design Review on a Conditional Use for a Bed & Breakfast submitted by Lucy Eigen (owner). The applicant seeks approval to establish a Bed & Breakfast home Occupation within their residence. The legal description of the Parcel is T4N, R10W, §19CC, TL 00506.

*(For more information see **Page 2** of this notice)*

APPRX DATE OF DECISION:	December 29, 2009
COMMENT PERIOD:	November 25, 2009 – December 15, 2009
DESIGN REVIEW HEARING:	December 15, 2009, 6pm Arch Cape Fire Hall
SEND COMMENTS TO:	Public Service Building, 800 Exchange Street, Suite 100 Astoria, Oregon 97103
CONTACT PERSON:	Michael Weston II, Clatsop County 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. A vicinity map for the subject property is attached.

NOTICE IS HEREBY GIVEN that Clatsop County's Transportation & Development Services have 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 Hearing is scheduled before the Design Review Committee on Tuesday, December 15, 2009** and; Pursuant to Section 2.020 of the Clatsop County Land and Water Development and Use Ordinance (LWDUO), the Department Director is scheduled to render a decision based on evidence and testimony on Tuesday December 29, 2009 at the Public Service Building, 800 Exchange St., Suite 100, Astoria, OR 97103.

All interested persons are invited to submit testimony & evidence in writing by addressing a letter to the Clatsop County Transportation & Development Director, 800 Exchange Street, **Suite 100**, Astoria, OR 97103. Written comments may also be sent via FAX to [503-338-3666](tel: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 December 14, 2009** in order to be presented by Staff at the **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.

THE LAND USE APPLICATION DESCRIBED:

The applicants are requesting a permit to establish a 3-unit Bed & Breakfast business out of their home. The proposal would allow the applicants to operate the business and rent out 3 bedroom facilities. In accordance with Clatsop County Land Water Development and Use Ordinance a Bed & Breakfast is permitted up to 5 units. The property is located between Shark Creek Lane and Shanks Avenue on the East side of Pacific Street. The Situs address is 81099 Pacific Road.

For More Details regarding Location and Design see pages 3 & 4

The following criteria from Clatsop County Land and Water Development and Use Ordinance (LWDUO) apply to the request: § 1.010-1.050 (Definitions), 2.020 (Type II Procedure), 2.120 (Procedure for Mailed Notice), 2.230-2.260 (Request for Review/Appeal et al), 3.060 (Arch Cape Rural Community Residential Zone), 4.000 (Flood Hazard Overlay District), 4.040 (Geologic Hazard Overlay District), 4.080 (Shoreland Overlay District), 4.100 (Site Development Review Overlay District {SDRO}), 5.000 (Conditional Development and Use), and Clatsop County's Standards Document Chapters 2 & 3.

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 7 (Natural Disasters & Hazards), Goal 8 (Recreational Needs), Goal 9 (Economy), Goal 10 (Housing), Goal 11 (Public Facilities and Services), Goal 12 (Transportation), Goal 13 (Energy Conservation), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), 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 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 Transportation & 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 Michael Weston II, Clatsop County Planner, at (503) 325-8611 or via email at mweston@co.clatsop.or.us.

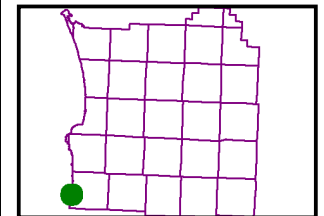
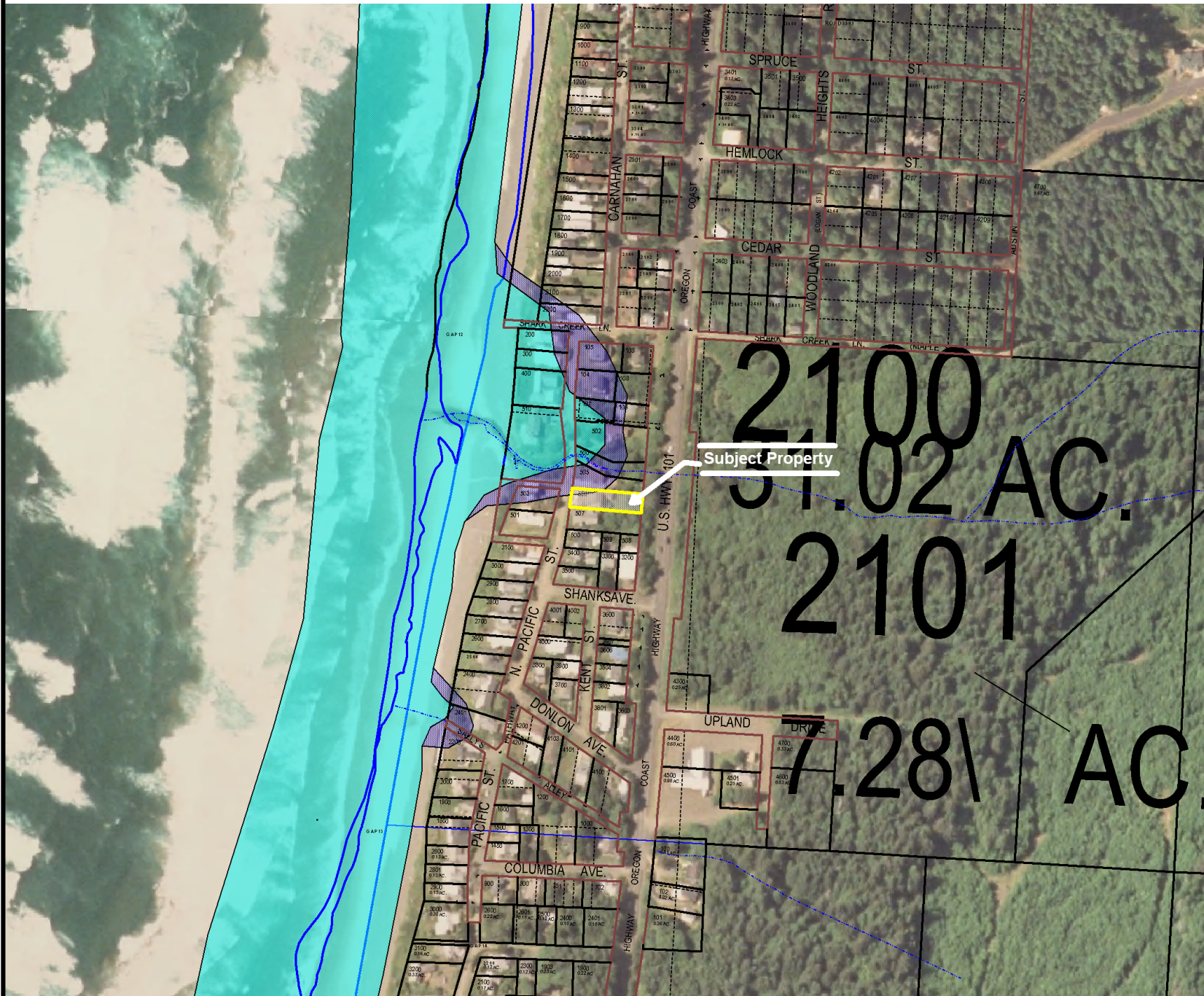
Notice to Mortgagee, Lien Holder, Vendor or Seller: ORS Chapter 215 requires that if you receive this notice it must promptly be forwarded to the purchaser.

Clatsop County Map

FEMA Flood
 Out of Floodzone
 Zone X500 - 500 year F...
 Zone V - 100 Year Coas...

PLS
 PLS
 PLS Townships

Tax Map
 Water Body
 Creek
 Parcel Boundary
 Supplemental Boundary
 Road R-O-W



11/25/2009



This map was produced using the Clatsop County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

1in. = 380 ft.

SKETCH ADDENDUM

Borrower or Owner Daryl & Lucy Eigen

Property Address 80199 Pacific St.

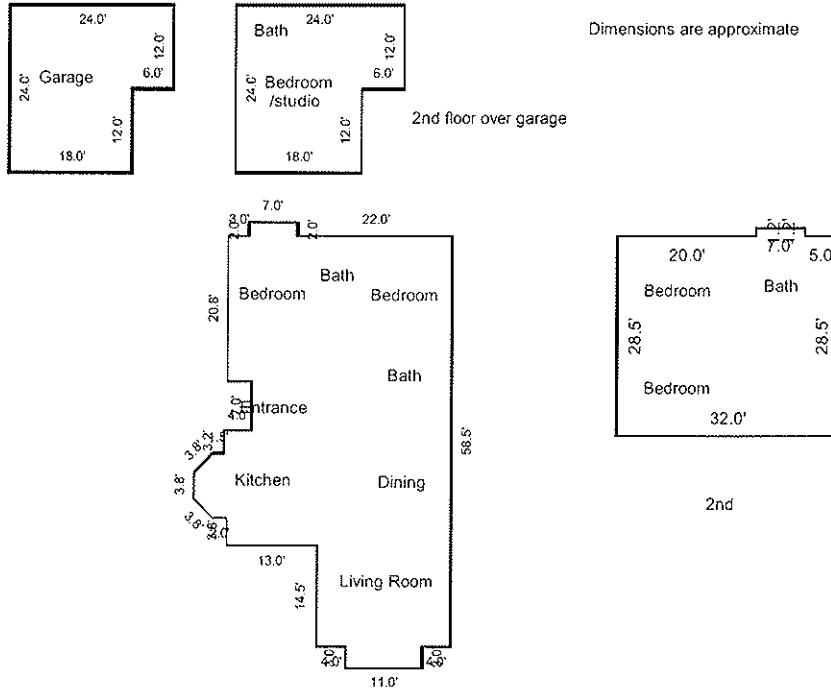
City Arch Cape

County Clatsop

State OR

Zip Code 97102

Lender or Client



Sketch by Apex IV™

Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Size	Net Totals
GLA1	First Floor	1743.55	1743.55
GLA2	Second Floor	504.00	
	Second Floor	920.40	1424.40
GAR	Garage	504.00	504.00
TOTAL LIVABLE (rounded)			3168

LIVING AREA BREAKDOWN			
Breakdown			Subtotals
First Floor			
2.0 x	7.0		14.00
3.0 x	11.0		33.00
19.0 x	58.5		1111.50
9.5 x	44.0		418.00
3.5 x	20.8		72.80
3.5 x	16.2		56.70
2.0 x	9.2		18.40
0.5 x	3.2		1.60
2.7 x	3.8		10.26
0.5 x	2.7 x	2.7	3.65
0.5 x	2.7 x	2.7	3.65
Second Floor			
12.0 x	24.0		288.00
12.0 x	18.0		216.00
1.2 x	7.0		8.40
28.5 x	32.0		912.00
15 Calculations Total (rounded)			3168



Exhibit 3

Application



Development 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 #: 20090583
Permit Type: Type II
Entry Date: 11/6/2009
Entered By: Michael Weston
Assigned To:
Permit Status: Pending

Permit Timeline

User	Status	Date
Michael Weston	Entered	11/06/2009

Proposed Use

Proposed Use: **Conditional Use (Minor)**

Zone: **AC-RCR**

Description: Conditional Use Permit for a 3 unit Bed & Breakfast

Overlay District: **GHO**

Owner/Project Location

Owner: Name: **Eigen Daryl J & Eigen Lucy Lebeau**

Ph. #: (503) 791-2499

Address: 80199 Pacific Rd

Cell: () -

City, State, Zip: Arch Cape, OR 97102

Fax: () -

Site Address: **80199 Pacific Rd** T R S Q S Q S Taxlot

City: **Arch Cape** State: **OREGON** 4 10 19 C C 00506

Applicant/Agent

Applicant: Name: Ocean's Edge B&B
Address: 80199 Pacific Road
City, State, Zip: Arch Cape, OR 97102

Ph. #: (503) 791-2499

Cell: () -

Fax: () -

Agent: Name/Type:

Ph. #: () -

Address:

Cell: () -

City, State, Zip:

Fax: () -

Fees

Fee Type:

Planning/Development

Permit Fee Total:

\$0.00

Total: \$0.00

Receipt

Balance Due: _____

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: _____

	Development Permit	For Department Use Only
	Clatsop County Planning and Development 800 Exchange St Ste 100 Astoria, OR 97103 Ph. (503) 325 - 8611 Fax (503) 338 - 3666	Permit #: 20090583

Zoning District Requirements

Property Access Info. <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> Access to Property: County Permit Required? State Permit Required? </div>	
--	--

Property Information

Compliance/Permit Requirements

Clatsop County Compliance

Except as noted, the Clatsop County Community Development Department finds the proposed use(s)/action(s) in compliance with the Clatsop County Land & Water Development and Use Ordinance and with the Clatsop County Comprehensive Plan.

The evaluation of the land parcels outlined above is based on the information presented at this time, standards provided in the Clatsop County Land & Water Development & Use Ordinance, and policies of the Comprehensive plan, and the Zoning/ Comprehensive Plan Map.

*The applicant or property owner must comply with the conditions noted below and on the attached applicants statement.
 This permit is not valid unless the conditions are met.*

Entered by: Michael Weston

Entered Date: 11/06/2009

Applicants Signature: _____

Date: _____

Clatsop County Authorization:  _____

Date: _____



Development Permit

Applicant's Statement

1. *Pertaining to the subject property described, I hereby declare that I am the legal owner of record, or an agent having the consent of the legal owner of record, and am authorized to make the application for a Development Permit/Action so as to obtain the following permits: Building, Sanitation, U.S. Army Corps of Engineers, Oregon Division of State Lands, Oregon Department of Transportation, Oregon Department of Parks and Recreation, or a Clatsop County Road Approach. I shall obtain any and all necessary permits before I do any of the proposed uses or activities. The statements within this application are true and correct to the best of my knowledge and belief. I understand that if the permit authorized was based on false statements, or it is determined that I have failed to fully comply with all conditions attached to and made a part of this permit, this permit approval is hereby revoked and null and void.*
2. *It is expressly made a condition of this permit that I at all times fully abide by all State, Federal, and local laws, rules, and regulations governing my activities conducted or planned pursuant to this permit.*
3. *As a condition for issuing this Development Permit/Action, the undersigned agrees that he/she will hold Clatsop County harmless from and indemnify the County for any and all liabilities to the undersigned, his/her property or any other person or property, that might arise from any and all claims, damages, actions, causes of action or suits of any kind or nature whatsoever, which might result from the undersign's failure to build, improve or maintain roads which serve as access to the subject property or from the undersign's failure to fully abide by any of the conditions included in or attached to this permit.*
4. **WAIVER OF VESTED RIGHTS DURING APPEAL PERIOD FOR ZONING AUTHORIZATIONS.**
I have been advised that this Land and Water Development Permit/Action by the Clatsop County Community Development Director may be appealed within twelve (12) calendar days of the date of permit issuance and authorization (note: if the twelfth day is a Saturday, Sunday or legal holiday, the appeal period lasts until the end of the next day which is not a Saturday, Sunday or legal holiday). I understand that if the approval authorized by the County and referenced above is reversed on appeal, then the authorization granted prior to the end of the appeal period will be null and void. I further understand and consent to the fact that any actions taken by me in reliance upon the authorization granted during the appeal period shall be at my own risk, and that I hereby agree not to attempt to hold Clatsop County responsible for consequences or damages in the event that removal of improvements constructed during the appeal period is ordered because an appeal is sustained.
5. *I am aware that failure to abide by applicable Clatsop County Land and Water Development and Use Ordinance 80-14, as amended and Standards Document regulations may result in revocation of this permit or enforcement action by the County to resolve a violation and that enforcement action may result in levying of a fine.*
6. *I understand that a change in use, no matter how insignificant, may not be authorized under this permit and may require a new Development Permit/Action (check first, with the Clatsop County Community Development Department).*
7. *I understand that this Development Permit/Action expires 180 days from the date of issuance unless substantial construction or action pursuant to the permit has taken place. Upon expiration, a new development permit must be obtained.*



APPLICATION FOR
CONDITIONAL USE PERMIT

Fee: Minor \$663.00 Major \$881.00
(Double if a violation exists)

APPLICANT: OCEAN'S EDGE BED AND BREAKFAST Phone: 503-791-2499
Address: 80199 PACIFIC RD.
ARCH CAPE, OR 97102

OWNER: LUCY EIGEN Phone: 503-791-2499
Address: 80199 PACIFIC RD.
ARCH CAPE, OR 97102

AGENT: LUCY EIGEN Phone: 503-791-2499
Address: 80199 PACIFIC RD.
ARCH CAPE, OR 97102

Property Address: 80199 PACIFIC RD ARCH CAPE, OR 97102

Proposed Use: BED & BREAKFAST

Comprehensive Plan Designation: RURAL DEVELOPMENT

Existing Zoning: RESIDENTIAL ACR CR Overlay District: Flto (partial) Gto
ACSD RD

Property Description: 4 10 19CC 506
Township Range Section Tax lot(s)

Direction to the property from Astoria: South on 101 to Arch Cape; turn
right on Shanks Lane, then Right on Pacific Rd.; on right at
bottom of hill

What is the nearest "Community" (i.e. Svensen, Arch Cape, Westport)? Arch Cape

General Description of the property:

Existing Use: SINGLE FAMILY RESIDENTIAL

Topography: 2 story SFR with upper and lower decks (3158 sq. ft) includes a studio
above garage that connects to house via upper deck. One block from beach, wetlands

Proposed Development: no additional development required in back of
lot; generally
flat in front of
lot.

General description of adjoining property:

Existing Use: SINGLE FAMILY RESIDENTIAL & VACATION RENTAL

Topography: corner in front part of lot with natural vegetation on back of lot -
same as subject property. wetlands in back of lot also

Attach a site plan of the property showing lot dimensions, sizes and location of all existing and proposed structures, setbacks of existing and proposed structures to all property lines, access to the site, parking area layout that includes the space sizes and location and the width of any parking aisles. Also identify the location of any stream, wetland, lake or other resource on or adjacent to the property.

The information contained in this application is in all respects true, complete, and correct to the best of my knowledge.

Applicant's Signature: [Signature]

Date: 10/30/09

Owner's Signature: [Signature]
(or notarized letter) X [Signature]

Date: 10/30/09

The following sections are from the Clatsop County Land and Water Development and use Ordinance #80-14.

Section 5.000 Conditional Development and Use.

Section 5.005 General. Although each zoning district is primarily intended for a predominate type of use and development, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, all may indicate that the circumstances of the development and use needs to be individually reviewed. It is the intent of this section to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this ordinance and the objectives of the comprehensive plan.

Section 5.010. Application for a Conditional Development and Use. If a development and use is classified as conditional in a zone, it is subject to approval under Sections 5.00 to 5.030. An applicant for a proposed conditional development and use shall provide facts and evidence and a site plan in compliance with Section 5.300 sufficient to enable the Community Development Director or hearing body to make a determination.

Section 5.015. Authorization of a Conditional Development and Use.

- (1) A new, enlarged or otherwise altered development classified by this Ordinance as a conditional development and use may be approved by the Community Development Director under a Type II procedure except that the following conditional developments and uses may be approved by the Hearings Officer under a Type IIa procedure:
- (A) Dog kennel or Kennel;
 - (B) Airport;
 - (C) Bed & Breakfast over 3 units;
 - (D) Golf courses;
 - (E) Automobile service station or repair shop, including body work, used car sales, wrecking yard;
 - (F) Public or private recreation such as riding stable, fishing or boating docks or ramps, gun club, golf course, or resort type establishment in association with recreation;
 - (G) Non-farm partition;
 - (H) Non-farm dwelling;
 - (I) Farm help relative dwelling;
 - (J) Home occupations related to auto/machinery repair or painting;
 - (K) Firearms training facility;
 - (L) Solid waste disposal site;
 - (M) Small scale, light industrial developments such as assembly, fabricating, processing, compounding, packing and similar operations within an enclosed building;
 - (N) Automobile wrecking yard;
 - (O) Amusement enterprises such as games of skill and science, thrill rides, penny arcades, and shooting galleries.

Where the proposed development involves a non-water dependent use or activity in the Marine Industrial Shoreland Zone, Section 3.620, mailed notice shall also be provided to any interested party who has submitted a written request concerning the proposed development, and to state and federal agencies with

statutory planning and permit issuance authority in aquatic areas. Including the Oregon Division of State Lands, Department of Fish and Wildlife, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Corps of Engineers, and the Environmental Protection Agency.

Please address the following standards on a separate sheet of paper. Be as specific as possible. "Yes" and "No" responses are not sufficient.

- (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.
 - ✦ (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.
 - (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;
 - (G) The use is consistent with the maintenance of peripheral and major big game habitat on lands identified in the Comprehensive Plan as Agricultural Lands or Conservation Forest Lands. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in the area on big game habitat.
- (3) 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.

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 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.

Section 5.030. Time Limit of Permit for Conditional Use. Authorization of a 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. The County may grant conditional use approvals for activities such as dike maintenance for a period of time up to five years; such approvals will normally correspond with parallel state and/or federal permits.

**Application for Conditional Use Permit – Minor
Clatsop County, OR**

**Subject Property: 80199 Pacific Rd
Arch Cape, OR 97102**

Section 5.015. Authorization of a Conditional Development and Use

(2) (A) According to the rules and ordinances for Clatsop County for conditional development and use, Bed and Breakfast establishments are permitted. Therefore our request does not conflict with any provision, goal or policy of the Comprehensive Plan.
(2) (B) Bed and Breakfast establishments are permitted under the Clatsop County Land and Water Development and Use Ordinance, therefore our request does not conflict with Ordinance 80-14.

(2) (C) The existing structure is suitable for the proposed use because:

- (1) The structure currently has 4 bedrooms and 4 bathrooms and the proposed Bed and Breakfast establishment will offer 3 guest bedrooms for occupation. The owners of the SFD will reside on the property. The property has parking available for 6 cars and therefore more than enough is available for the proposed use. Additional potted plants will be added to the upper and lower decks for the comfort and privacy of surrounding properties and for the guests at the bed and breakfast. No additional lighting is required for the proposed use. Signage will be added to the front deck on the property which faces Pacific Rd and will be made of wood, tastefully painted, modestly lighted and approximately 4 ft by 5 ft. in size.
- (2) Transportation access to the property is adequate for the proposed use.
- (3) Each guest bedroom has adequate facilities for use as an overnight accommodation and the gourmet kitchen has the capacity and the space for preparation and service of breakfast for 6-10 people.
- (4) The existing natural and physical features of the site will not change as a result of the proposed use.

(2) (D) The proposed use does not conflict with existing and projected uses on surrounding lands.

(2) (E) The proposed use will not conflict with the normal use of coastal shorelands.

(2) (F) The proposed use will not cause unreasonably adverse effects to aquatic or coastal shoreland areas and,

(2) (G) The proposed use will not conflict or interfere with maintenance of big game habitats identified in the Comprehensive Plan whatsoever.

(3) The applicant agrees to comply with the conditions and criteria as defined by the hearing body for permission for the proposed use of the property as specified in Sections 1.040 and 1.050 and Section 5.025.



Development 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 #: 20090582
Permit Type: Type II
Entry Date: 11/6/2009
Entered By: Michael Weston
Assigned To:
Permit Status: Entered

Permit Timeline

User	Status	Date
Michael Weston	Entered	11/06/2009

Proposed Use

Proposed Use: Design Review

Zone: AC-RCR

Description: 3 unit Bed & Breakfast - Design Review

Overlay District: GHO

Permit #'s 20090582 & 3

Owner/Project Location

Owner: Name: Eigen Daryl J & Eigen Lucy Lebeau

Ph. #: (503) 791-2499

Address: 80199 Pacific Rd

Cell: () -

City, State, Zip: Arch Cape, OR 97102

Fax: () -

Situs Address: 80199 Pacific Rd I R S Q S Qq S Taxlot

City: Arch Cape State: OREGON 4 10 19 C C 00506

Applicant/Agent

Applicant: Name: Ocean's Edge B&B

Ph. #: (503) 791-2499

Address: 80199 Pacific Road

Cell: () -

City, State, Zip: Arch Cape, OR 97102

Fax: () -

Agent: Name/Type:

Ph. #: () -

Address:

Cell: () -

City, State, Zip:

Fax: () -

Fees

Fee Type:

Planning/Development

Permit Fee Total:

\$1,217.00

Total: \$1,217.00

Receipt

Payor Name:

Ocean's Edge B&B

Pymnt Type

Credit Card

Check

Pymnt Date

11/06/2009

Pymnt Amount:

\$1,217.00

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: _____



Development Permit

For Department Use Only

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

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

Permit #: 20090582

Zoning District Requirements

Property Access Info.

Access to Property:

County Permit Required?

State Permit Required?

Direction	Setbacks	
	Req.	Actual
F:		
S1:		
S2:		
R:		

Property Information

Compliance/Permit Requirements

Clatsop County Compliance

Except as noted, the Clatsop County Community Development Department finds the proposed use(s)/action(s) in compliance with the Clatsop County Land & Water Development and Use Ordinance and with the Clatsop County Comprehensive Plan.

The evaluation of the land parcels outlined above is based on the information presented at this time, standards provided in the Clatsop County Land & Water Development & Use Ordinance, and policies of the Comprehensive plan, and the Zoning/ Comprehensive Plan Map.

The applicant or property owner must comply with the conditions noted below and on the attached applicants statement.
This permit is not valid unless the conditions are met.

Entered by: Michael Weston

Entered Date: 11/06/2009

Applicants Signature: _____

Date: _____

Clatsop County Authorization: _____

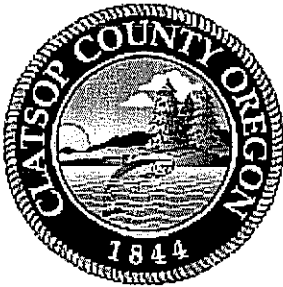
Date: _____



Development Permit

Applicant's Statement

1. *Pertaining to the subject property described, I hereby declare that I am the legal owner of record, or an agent having the consent of the legal owner of record, and am authorized to make the application for a Development Permit/Action so as to obtain the following permits: Building, Sanitation, U.S. Army Corps of Engineers, Oregon Division of State Lands, Oregon Department of Transportation, Oregon Department of Parks and Recreation, or a Clatsop County Road Approach. I shall obtain any and all necessary permits before I do any of the proposed uses or activities. The statements within this application are true and correct to the best of my knowledge and belief. I understand that if the permit authorized was based on false statements, or it is determined that I have failed to fully comply with all conditions attached to and made a part of this permit, this permit approval is hereby revoked and null and void.*
2. *It is expressly made a condition of this permit that I at all times fully abide by all State, Federal, and local laws, rules, and regulations governing my activities conducted or planned pursuant to this permit.*
3. *As a condition for issuing this Development Permit/Action, the undersigned agrees that he/she will hold Clatsop County harmless from and indemnify the County for any and all liabilities to the undersigned, his/her property or any other person or property, that might arise from any and all claims, damages, actions, causes of action or suits of any kind or nature whatsoever, which might result from the undersign's failure to build, improve or maintain roads which serve as access to the subject property or from the undersign's failure to fully abide by any of the conditions included in or attached to this permit.*
4. **WAIVER OF VESTED RIGHTS DURING APPEAL PERIOD FOR ZONING AUTHORIZATIONS.**
I have been advised that this Land and Water Development Permit/Action by the Clatsop County Community Development Director may be appealed within twelve (12) calendar days of the date of permit issuance and authorization (note: if the twelfth day is a Saturday, Sunday or legal holiday, the appeal period lasts until the end of the next day which is not a Saturday, Sunday or legal holiday). I understand that if the approval authorized by the County and referenced above is reversed on appeal, then the authorization granted prior to the end of the appeal period will be null and void. I further understand and consent to the fact that any actions taken by me in reliance upon the authorization granted during the appeal period shall be at my own risk, and that I hereby agree not to attempt to hold Clatsop County responsible for consequences or damages in the event that removal of improvements constructed during the appeal period is ordered because an appeal is sustained.
5. *I am aware that failure to abide by applicable Clatsop County Land and Water Development and Use Ordinance 80-14, as amended and Standards Document regulations may result in revocation of this permit or enforcement action by the County to resolve a violation and that enforcement action may result in levying of a fine.*
6. *I understand that a change in use, no matter how insignificant, may not be authorized under this permit and may require a new Development Permit/Action (check first, with the Clatsop County Community Development Department).*
7. *I understand that this Development Permit/Action expires 180 days from the date of issuance unless substantial construction or action pursuant to the permit has taken place. Upon expiration, a new development permit must be obtained.*



APPLICATION FOR
DESIGN REVIEW

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

APPLICANT: OCEAN'S EDGE BED & BREAKFAST Phone: 503-791-2499

Address: 80199 PACIFIC RD
ARCH CAPE, OR 97102

OWNER: LUCY EIGEN Phone: 503-791-2499

Address 80199 PACIFIC RD.
ARCH CAPE, OR 97102

AGENT: _____ Phone: _____

Address: _____

Proposed Development: Change of Use from SFD to B&B

Present Zoning: ACRCR Overlay District: FHO (partial) GHD
Lot Size: 60 x 190 ACSDRO

Property Description: 4 10 19cc 506
Township Range Section Tax lot(s)

Property Location: Arch Cape - on Pacific Rd just north of Shanker Lane, close to Ashbury Creek, one block from beach

General description of the property:

Existing Use: Single family - 4 BR 4 Bath - 3158 sq. ft. - built 2005 - premium quality materials
Topography: flat with slight rise and wetlands in back of lot
2 block from beach; all natural vegetation behind garage and garden

General description of adjoining property:

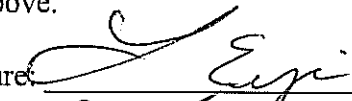
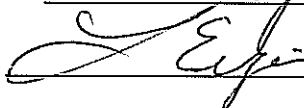
Existing Uses: Single family home - vacation rental to north
Topography: home built on front half of lots, back of lot wetland and natural vegetation.

Community Development Department

800 Exchange, Suite 100 * Astoria, Oregon 97103 * (503) 325-8611 * FAX 503-338-3666

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 Uniform 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:  Date: 10/30/09
Owner's Signature:  Date: 10/30/09

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

Section 4.100. Site Design Review Overlay District (/SDRO).


Section 4.102. Purpose. This section provides for the comprehensive review of proposed development permits in order to preserve scenic views and to promote attractive development of the site compatible with the natural and man-made environment.

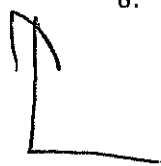
Section 4.104. Types of Review. All development which is situated within the /SDRO District Boundary that falls under the thresholds in this section shall be subject to the Criteria for Design Review Evaluation, Section 4.106 and Article 2, Procedures for Land Use Applications.

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 4.116, 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 beyond 20% of an existing building footprint.
 - d. Any new residential development creating additional cumulative square footage beyond 20% of an existing building footprint.
2. The following types of projects shall require design review according to the Type II Procedure, Section 2.020. For purposes of these types of Minor projects, review by the Design Review Advisory Committee as described in Section 4.116, is not required.
 - a. Accessory buildings in residential zones.
 - b. Projects that require building permits for exterior renovations on commercial and residential structures; including but not limited to new decks, awnings, alterations

- to exterior treatments, and similar activities which do not increase the cumulative square footage more than 20% from an existing building footprint.
- c. Accessory buildings associated with commercial developments and containing no residential units.
 - d. If the Planning Director determines that a new accessory building may significantly impact adjoining properties with respect to location, bulk, compatibility, views, preservation of existing landscape, or other applicable criteria identified in Section 4.106, the application will be forwarded to the Design Review Advisory Committee for review.

Please address the following eight (8) criteria on a separate sheet of paper:

 Section 4.106. Criteria for Design Review Evaluation. In addition to the requirements of the Comprehensive Plan, other applicable sections of this Ordinance and other County Ordinances, the following minimum criteria will be considered in evaluating design review applications:

1. Relation of Structures to Site. The location, height, bulk, shape, and arrangement of structures shall be in scale and compatible with the surroundings.
 2. Protection of Ocean Views. The blocking of scenic views of existing or proposed dwellings on adjacent lots and other lots that may be impacted shall be minimized in the construction of all structures.
 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.
 4. 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.
 5. 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.
 6. Utility Service. Electric, telephone and other utility lines shall be placed underground.
 7. 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.
 8. 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.
- 

The following is provided for your convenience. You need not address the following.

Section 4.108. Application Procedure. The following procedure shall be followed when applying for design review approval:

1. Pre-application Conference. The applicant shall discuss the proposed development with the staff of the Clatsop County Department of Planning and Development in a pre-application conference pursuant to Section 2.045.
2. Following the pre-application conference, the applicant shall file with the Planning Director a design review plan, which shall include the following:
 - a. A site plan, drawn to scale, showing the proposed layout of all structures and other improvements, including where appropriate, driveways, pedestrian walks, landscaped areas, fences, walls, off-street parking and loading areas. The site plan shall indicate how utility service, sewage, and drainage are to be provided and shall show cuts and fills proposed. The site plan shall indicate, where appropriate, the location of entrances and exits and the direction of traffic flow into and out of off-street parking and loading areas for commercial uses, the location of each parking space, each loading berth, areas for turning and maneuvering vehicles and each sign for each commercial use.
 - b. The plot plan shall show the relationship of the proposed structure with existing structures or potential structure sites on adjacent lots and lots where the ocean view may be blocked by the structure.
 - c. Elevations of the structure(s) illustrating scenic views and how the structure may block views.
 - d. Plot plan and elevation showing relationship of new construction to existing construction including scenic views.

Section 4.110. Plan Evaluation Procedure. The following procedure shall be followed in processing a design review plan:

1. Upon receipt of a design review application and plan, the Planning Director will examine it to determine whether it is complete (and consistent with the requirements of this Section). If found to be complete, the Planning Director shall determine whether the application will require Minor or Major Review under Section 4.104(1-2)(Types of Review). If the request is considered a Major Review under Section 4.104(1)(Types of Review), the Director shall forward the application and plans to the Design Review Advisory Committee for its review and recommendation.

2. The Design Review Advisory Committee will review the application and plan at its first regularly scheduled meeting and shall make a written recommendation to the Planning Director within 21 days after receipt of the application.
3. The Planning Director may approve the design plan, disapprove it or approve it with such modifications and conditions as may be required to make it consistent with the Comprehensive Plan, with the criteria listed in this Section and with other Sections of this Ordinance.
4. A decision on a design review plan shall include written conditions, if any, and findings and conclusions. The findings shall address the relationships between the plan and the policies and criteria listed in the Comprehensive Plan, this Section and other Sections of this Ordinance.
5. The Planning Director's decision shall be mailed within seven (7) working days to the applicant and to owners of land entitled to notification. The same mail, when appropriate, shall include notice of the manner in which an appeal of the decision may be made.
6. Appeals. See Section 2.230 for appeal procedure.

Section 4.112. Modifications of Approved Design Review Plan. Proposed changes shall be submitted in writing to the Planning Director for approval. Minor changes requested by the applicant may be approved if such changes are consistent with the purposes and general character of the original approved application. All other modifications shall be processed in the same manner as the original application.

Section 4.114. Time Limit on Approval. Site design approvals shall be void after one (1) year unless a building permit has been issued and substantial construction has taken place per the Uniform Building Code. However, the County may, at the discretion of the Planning Director, extend authorization for an additional year upon request, provided such request is submitted in writing not less than 10 days nor more than 30 days prior to expiration of the permit.

Section 4.116. Design Review Advisory Committee. The Southwest Coastal Citizens Advisory Committee (CAC) shall serve as an Design Review Advisory Committee for Arch Cape and will review development proposals and make recommendations to the Planning Director and Planning Commission concerning the design and scenic view aspects of proposed developments.

1. Meetings; Records. The committee shall hold regular meetings on the first and third Wednesday of each month at the Arch Cape Fire Hall or designated sites. However, meetings may be canceled when there are no design review plans submitted for review by the Committee. The Chairman shall be responsible for posting cancellation notices at the designated sites and notifying the Clatsop County Department of Planning and Development at least 48 hours prior to the meeting. The deliberations and proceedings of the committee shall be public. The committee shall keep minutes of its meetings and such minutes shall be public record.

2. The Design Review Advisory Committee shall submit their recommendations to the Planning Director within seven (7) working days of their decision.



SOUTHWEST COASTAL DESIGN REVIEW / CITIZEN ADVISORY COMMITTEE

CRITERIA EVALUATION SHEET – DESIGN REVIEW

Applicant:

OCEAN'S EDGE BED AND BREAKFAST
80199 PACIFIC RD.
ARCH CAPE, OR 97102

Owner:

LUCY EIGEN
80199 PACIFIC RD.
ARCH CAPE, OR 97102

Property Description:

SFR - 3158 sq. ft. 4 BR 4 Bath
2 stories, 2 decks, Full ocean view
1 block from beach

DESIGN REVIEW CRITERIA

1. Relation of Structure to Site:

Structure is 3158 sq. ft. on a lot that is 60' x 190'. It is
located on the front half of the lot facing Pacific Rd. View corridor
is Arbury Creek and Pacific Ocean.

2. Protection of Ocean Views:

Proposed use as a Bed and Breakfast will not obstruct existing
ocean views

3. Preservation of Landscape:

All existing natural vegetation will be preserved.

4. Buffering and Screening (For Commercial Uses):

Additional potted plants will be placed on upper and lower
decks to preserve privacy of neighbors and guests.

5. Vehicle Circulation and Parking:

5 parking spots are available on the property with ability to
con't circulate.

6. Utility Service:

No additional utility lines will be needed for the proposed
use.

7. Signs:

Signage will be placed on the deck railing facing
P&G Dr. It will be made of wood and the size will
be approximately 4' x 5'.

8. Surface Water Drainage:

No changes anticipated from current drainage

9. Other Criteria for Evaluation:

The above-entitled matter came before the Southwest Coastal Design Review and Citizen Advisory Committee at its _____ meeting for a public hearing and consideration of proposal.

Based upon the evidence and testimony provided by the applicant, planning department staff, and the citizens of the area, this committee hereby recommends this application be: { *Approved, Conditionally Approved, Denied* }

Dated this ____ day of _____

The Southwest Coastal Design Review /
Citizen Advisory Committee

George Cerelli, Chairman Clatsop County
SW Coastal DR/CA Committee

Application for Design Review Minor Construction
Arch Cape, OR

Subject property: 80199 Pacific Rd

Section 4.106. Criteria for Design Review Evaluation

1. No additional structures will be added to the existing buildings on site.
2. No additional structures will be added to the site, so existing views of surrounding properties will not be impacted.
3. Landscape shall be preserved in its natural state where possible and there is no plan to remove additional trees, vegetation or soils.
4. The Bed and Breakfast will be small with 3 rooms for guests, so supplies and storage can be kept in the garage without adverse impact on neighbors. The existing parking will suffice for guests and potted plants will be added to the upper and lower decks to minimize any impact on neighboring properties.
5. Parking is designed in such a way to accommodate more than the required number of spots for guests and staff. Thus the safety of and convenience of the circulation of vehicles is compatible with the existing structures and commercial plans for the property.
6. No additional electric, telephone and other utility lines are needed for the change of use.
7. The proposed sign for the establishment will be approximately 4 ft. by 5 ft., made of tastefully painted wood and modestly lit, and attached to the lower deck facing Pacific Rd.
8. Existing surface water drainage does not currently adversely affect adjacent properties and no changes are anticipated for the new use of the property.

SKETCH ADDENDUM

Borrower or Owner **Daryl & Lucy Eigen**

Property Address **80199 Pacific St.**

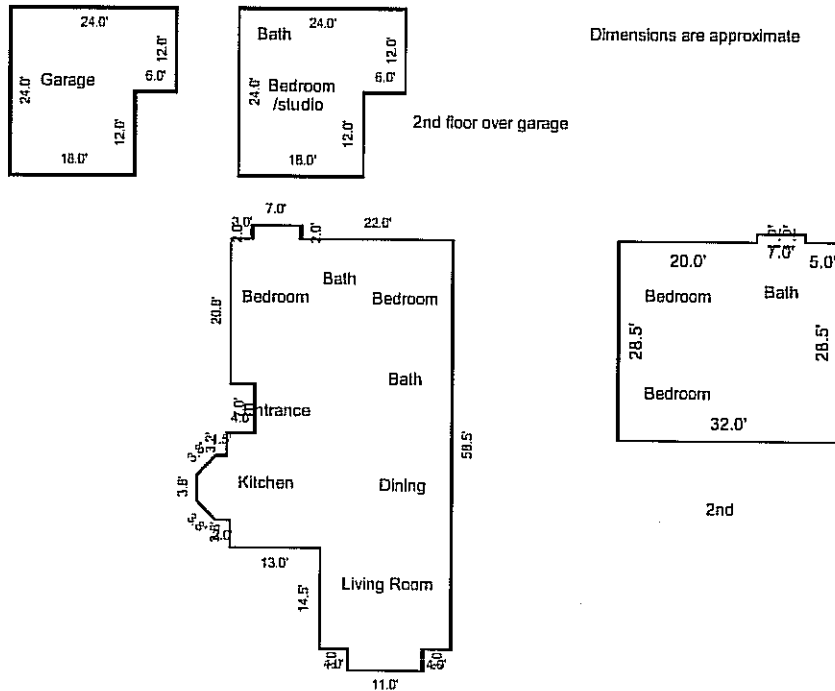
City **Arch Cape**

County **Clatsop**

State **OR**

Zip Code **97102**

Lender or Client **~~XXXXXXXXXX~~**



Sketch by Apex IV™

Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Size	Net Totals
GLA1	First Floor	1743.55	1743.55
GLA2	Second Floor	504.00	
	Second Floor	920.40	1424.40
GAR	Garage	504.00	504.00
TOTAL LIVABLE (rounded)			3168

LIVING AREA BREAKDOWN		
Breakdown		Subtotals
First Floor		
2.0 x 7.0		14.00
3.0 x 11.0		33.00
19.0 x 58.5		1111.50
9.5 x 44.0		418.00
3.5 x 20.8		72.80
3.5 x 16.2		56.70
2.0 x 9.2		18.40
0.5 x 3.2		1.60
2.7 x 3.8		10.26
0.5 x 2.7		3.65
0.5 x 2.7		3.65
Second Floor		
12.0 x 24.0		288.00
12.0 x 18.0		216.00
1.2 x 7.0		8.40
28.5 x 32.0		912.00
15 Calculations Total (rounded)		3168

80199 PACIFIC RD
ARCH CAPE, OR
97102

