

CLATSOP COUNTY
Trans. & Dvlp. Svcs., Planning Division
800 Exchange Street, Suite 100
Astoria, OR 97103

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



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

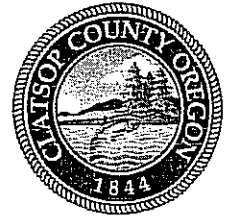
Wednesday, September 29, 2010 @ 6:00 P.M. Arch Cape Fire Hall, 79816 E Beach Road

REGULARLY SCHEDULED MEETING – 6 P.M.

- 1. CALL MEETING TO ORDER (George Cerelli, Chairperson)**
- 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:**
 - July 23, 2010 Public Hearing w/ Planning Commission Arch Cape Fire Hall
- 5. CONSENT CALENDAR / MINOR REVIEW ITEMS**
 - Louis Savage, 80115 Pacific Road (4109CC1700); removal of four trees.
 - Masud Ahmad, 80329 Pacific Road (41019CA3300); expansion of a non-conforming structure and variance to the 10% limitation on expansion of a non-conforming structure.
- 6. OTHER DISCUSSION**
 - This is a chance for the committee to discuss and invite testimony from outside agents regarding topics of interest.
- 7. ADJOURN**

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SOUTHWEST COASTAL DESIGN REVIEW / CITIZEN ADVISORY COMMITTEE

CRITERIA EVALUATION SHEET – DESIGN REVIEW

Applicant: Louis Savage
80115 Pacific Road
Arch Cape, OR

Owner: Same as Above

Property Description: T4N, R10W, Sec 99CC TL 1700

This project does not require formal Design Review per ordinance but is brought to the Design Review Committee for consideration and comment per past practice.

DESIGN REVIEW CRITERIA

1. Relation of Structure to Site:
This project does not include or affect any structures.

2. Protection of Ocean Views:
The removal of the subject trees does have the potential to adversely affect any existing ocean views.

3. Preservation of Landscape:
Will Caplinger (ISA Certified Arborist #WE-3861A) will inspect the site prior to the 9/29 meeting and will provide an oral report on the effects of the proposed tree removal on the landscape.

4. Buffering and Screening (For Commercial Uses):
Not Applicable

5. Vehicle Circulation and Parking:
There is no change to Vehicle Circulation and Parking

6. Utility Service:

Utility Service was pre-existing no changes have occurred.

7. Signs:

No signs are proposed.

8. Surface Water Drainage:

Staff does not foresee any negative stormwater drainage issues with this development.

9. Other Criteria for Evaluation:

Please note that at the site there are several trees flagged with ribbon. Only two live trees are flagged that a proposed for removal, per the site plan. Two other trees bearing ribbon are flagged for removal of selected branches only.

This matter came before the Southwest Coastal Design Review and Citizen Advisory Committee at its September 29, 2010 meeting for review and consideration.

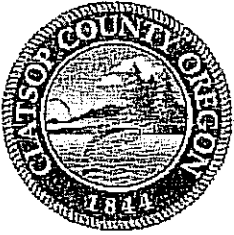
Based upon the evidence and testimony provided by the applicant and planning department staff, this committee hereby recommends this application be: { *Approved, Conditionally Approved, Denied* }

Dated this ____ day of _____

The Southwest Coastal Design Review /
Citizen Advisory Committee

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

20100523



**APPLICATION FOR
SITE PLAN REVIEW**
Fee: \$130 (Required with application)

ZONE: AGRCR 4
PROPOSED USE: Removal of trees

LEGAL DESCRIPTION OF PROPERTY:
T: 4 R: 10 S: 9CC TL: 1700 ACRES: _____

OTHER ADJACENT PROPERTY OWNED BY THE APPLICANT:
T: _____ R: _____ S: _____ TL: _____ ACRES: _____
T: _____ R: _____ S: _____ TL: _____ ACRES: _____

RECEIVED
AUG 23 2010
Community Development
CLATSOP COUNTY

APPLICANT 1: (mandatory)
Name: Louis Savage Phone # (Day): 503-502-9535
Mailing Address: 2031 SE 44th Ave Fax#: _____
City/State/Zip: Portland, Or 97215 Signature: [Signature]

PROPERTY OWNER: (mandatory if different than applicant)
Name: _____ Phone # (Day): _____
Mailing Address: _____ Fax#: _____
City/State/Zip: _____ Signature: _____

ARCHITECT/ENGINEER/SURVEYOR/CONSULTANT: (optional)
Name: Dave Kuras Tree Serv. Phone # (Day): 503-739-2999/738-7701
Mailing Address: 88700 Wadsworth Rd Fax#: _____
City/State/Zip: Astoria, Or 97103 Signature: _____

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

CLATSOP COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

No. _____
Fee: \$79.00

800 Exchange Street, Suite 100 * Astoria Oregon 97013 * (503) 325-8611 * FAX (503) 338-3666

PROPOSED USE: Removal of
4 trees

BASE ZONE: AC-RCR

OVERLAY DISTRICT: SDR0/GHO

PROJECT LOCATION: T: _____ R: _____ S: _____ TL: _____ ACRES: 0.19

APPLICANT 1: (mandatory)

Name: Louis Savage

Address: 2031 SE 44th Ave.

City/State/Zip: Portland, Or 97215

Phone: 503-502-9535

PROPERTY OWNER: (mandatory)

Name: Louis Savage

Address: 80115 Pacific Road

City/State/Zip: Arch Cape, Or

Phone: 503-502-9535

ATTORNEY/SURVEYOR/CONSULTANT/AGENT

Name: _____

Address: _____

City/State/Zip: _____

Phone: _____

INSTRUCTIONS

1. Complete form and attach site plan
2. For commercial and industrial uses, include parking and loading plan, sign plan and erosion control plan
3. For residential and other uses, include an erosion control plan
4. Review applicant's statement and sign this form

I have read and understand the statements **ON THE BACK OF THIS FORM** and agree to abide by them.

Applicant's Signature: [Signature]

Date: 8/20/10

Owner's Signature: [Signature]

Date: 8/20/10

Agent's Signature: _____

Date: _____

Clatsop County Community Development Department

Authorization: _____

Date: _____

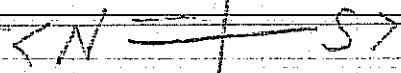
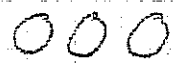
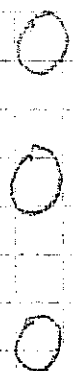
10115 Pacific
Arch Case

Garage



SALLEY'S ALLEY
































House

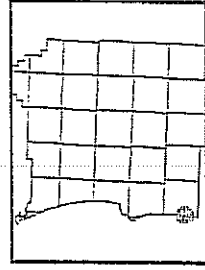


PACIFIC STREET

Clatsop County

Assessment & Taxation

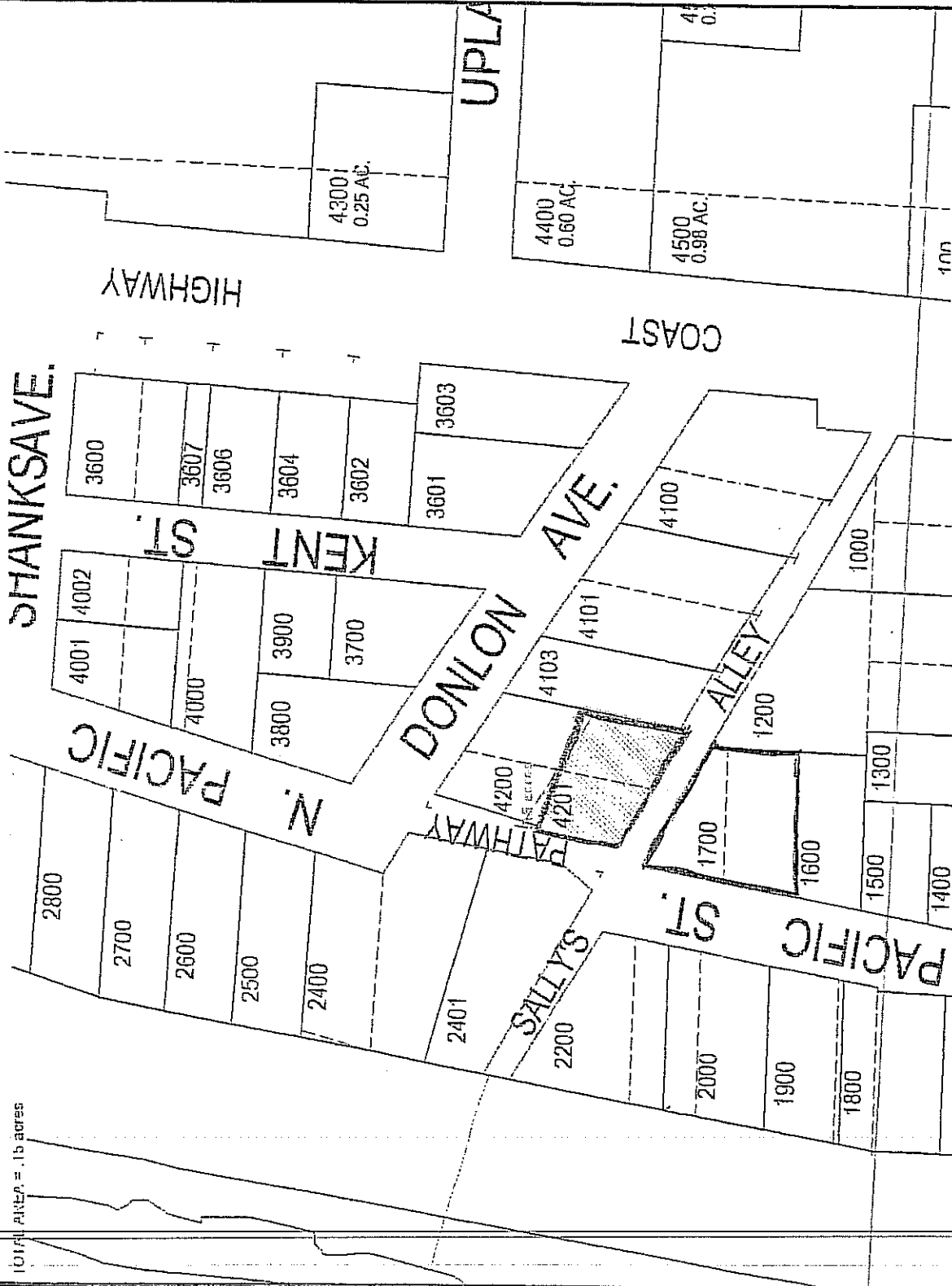
-  Building Districts
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4/27/2006

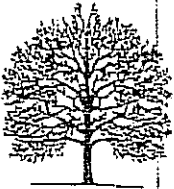


TOTAL AREA = .15 acres



1 in. = 100 ft.

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, updates or misinterpretation.



MEMBER
I.S.A.

David Kurns Tree Service

Large Tree Removals & Pruning
All work done according to I.S.A. standards

Licensed • Bonded • Insured
State Lic. #80196

Phone: (503) 738-7701 • Cell: (503) 739-2999

PROPOSAL



Private Contractor for:
UNION PACIFIC RAILROAD
Communications 249-2329
Signal Maint: 249-2332

503 378 6444

SUBMITTED TO <u>Jon Savage</u>	PHONE <u>503 5029535</u>	DATE <u>6-9-10</u>
ADDRESS <u>8015 Pacific St</u>	JOB NAME	
<u>Arch Cape OR</u>	JOB LOCATION	
DATE OF PLANS	JOB PHONE	

Billing Address: 88700 Wadsworth Rd. • Astoria, OR 97103

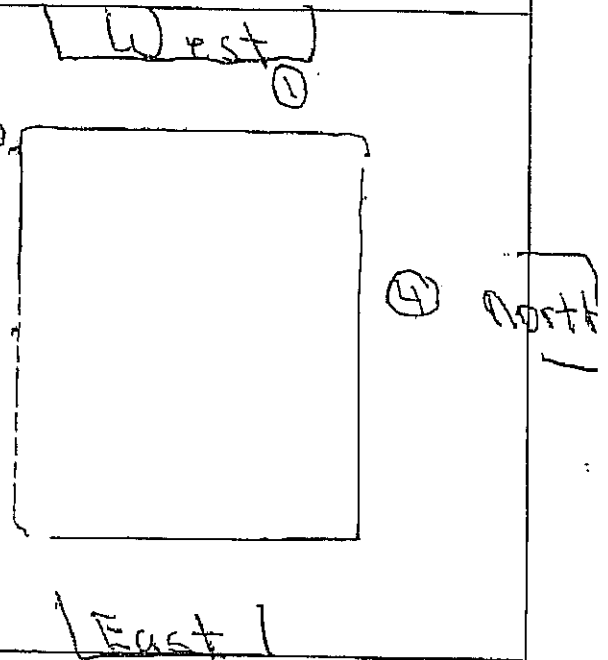
WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES FOR

tree #1 completely dead

tree #2 completely dead

tree #3 10 inches dbh
severely crowding the south
surrounding trees affecting
their health.

Tree #4 12 inches dbh
was topped years ago.
Removal recommended
for health reasons



WE PROPOSE HEREBY TO FURNISH LABOR - COMPLETE IN ACCORDANCE WITH ABOVE SPECIFICATIONS, FOR THE SUM OF

DOLLARS (\$ _____)

PAYMENT TO BE MADE AS FOLLOWS _____

ALL WORK TO BE COMPLETED IN A WORKMAN LIKE MANNER ACCORDING TO STANDARD PRACTICES. ANY ALTERATION OR DEVIATION FROM ABOVE SPECIFICATIONS INVOLVING EXTRA COSTS WILL BE EXECUTED ONLY UPON WRITTEN ORDERS, AND WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THE ESTIMATE. ALL AGREEMENTS CONTINGENT UPON WEATHER, ACCIDENTS OR DELAYS BEYOND OUR CONTROL.

AUTHORIZED SIGNATURE _____

NOTE: THIS PROPOSAL MAY BE WITHDRAWN BY US IF NOT ACCEPTED WITHIN _____ DAYS

THIS TREE SERVICE CAN NOT BE HELD RESPONSIBLE FOR THE FOLLOWING _____

ACCEPTANCE OF PROPOSAL — THE ABOVE PRICES, SPECIFICATIONS AND CONDITIONS ARE SATISFACTORY AND ARE HEREBY ACCEPTED. YOU ARE AUTHORIZED TO DO THE WORK AS SPECIFIED. PAYMENT WILL BE MADE AS OUTLINED ABOVE.

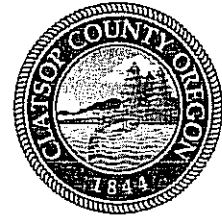
SIGNATURE _____

DATE OF ACCEPTANCE _____

SIGNATURE _____

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SOUTHWEST COASTAL DESIGN REVIEW / CITIZEN ADVISORY COMMITTEE
CRITERIA EVALUATION SHEET – DESIGN REVIEW

Applicant: Hyde Park Construction
87933 Hwy 202
Astoria, OR 97103

Owner: Masud Ahmad & Josefina Salma
80329 Pacific Road
Arch Cape, OR

Property Description: T4N, R10W, Sec 19CA TL 3300

DESIGN REVIEW CRITERIA

1. Relation of Structure to Site:

The proposed addition will occur within the footprint of the existing building, in an open area beneath the second floor. The deck expansion will be primarily on the west side with a minimal leg on the north side above the existing parking area, with little change to site relationship.

2. Protection of Ocean Views:

The applicant states that "The only view that might have minimal blockage would be the residence directly to the east. Their deck, however, has a higher elevation than the proposed deck."

3. Preservation of Landscape:

The applicant states that, "The owner wishes to remove the brush from under the proposed deck and remove a few trees which are marked with caution tape." (See #9)

4. Buffering and Screening (For Commercial Uses):
Not Applicable

5. Vehicle Circulation and Parking:

There is no change to Vehicle Circulation. Part of the current parking available on the first floor level will be reduced but there will still be room for required off-street parking (2 spaces)

6. Utility Service:

Utility Service is pre-existing, no changes are proposed.

7. Signs:

No signs are proposed.

8. Surface Water Drainage:

Staff does not foresee any negative stormwater drainage issues with this development.

9. Other Criteria for Evaluation: Staff will evaluate the site plan and effects of the project on ocean views prior to the meeting of September 29th and will provide an oral report to the committee at that time. Please see applicants responses to variance criteria contained in the packet.

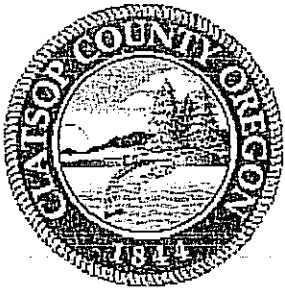
This matter came before the Southwest Coastal Design Review and Citizen Advisory Committee at its September 29, 2010 meeting for a public hearing and consideration.

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



Planning Fees: 554 DR
243 GR
79 DVP

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

APPLICANT: Hyde Park Const Inc Phone: 325-2018

Address: 87966 Hwy 202, Astoria

OWNER: Masud Ahmad Phone: _____

Address: 3205 NW Linnere Dr, Portland, Or
97229

AGENT: _____ Phone: _____

Address: _____

Proposed Development: Build deck on 2nd story w/ STAIRS to 3rd story

Present Zoning: _____ Overlay District: _____

Lot Size: _____

Property Description: _____

Property Location: 80329 Pacific Rd., Arch Cape, Or

Township	Range	Section	Tax lot(s)

General description of the property:

Existing Use: Residence

Topography: Slight slope

General description of adjoining property:

Existing Uses: Residential

Topography: Slight slope

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: Kulhad H. V.P. Date: 7/19/10

Owner's Signature: Mason Clement Date: 6/6/10

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.

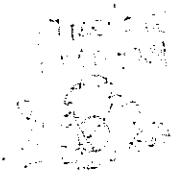
Section 4.104. Types of Review. All development which is situated within the /SDRO District Boundary that falls under the thresholds in this section shall be subject to the Criteria for Design Review Evaluation, Section 4.106 and Article 2, Procedures for Land Use Applications.

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

1. See enclosed drawings
2. The only view that might have minimal blockage would be the residence directly east. Their deck, however, has a higher elevation than the proposed deck.
3. The owner wishes to remove the brush from under the proposed deck and remove a few trees which are marked with caution tape.
4. N/A
5. N/A
6. N/A
7. N/A
8. There will be minimal soil disturbance which should have no effect on surface water flow.

Upper Road



1840

1840

1840



1840

1840

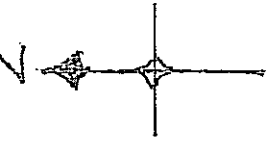
1840

1840

1840

property lines

east neighbor



next residence to north at east 100 ft

Scale 3/32

driveway to east neighbor

40'

5'3"

16'

5'2"

5'

SIDE YD.

5'9"

10'

5'1"

6'5"

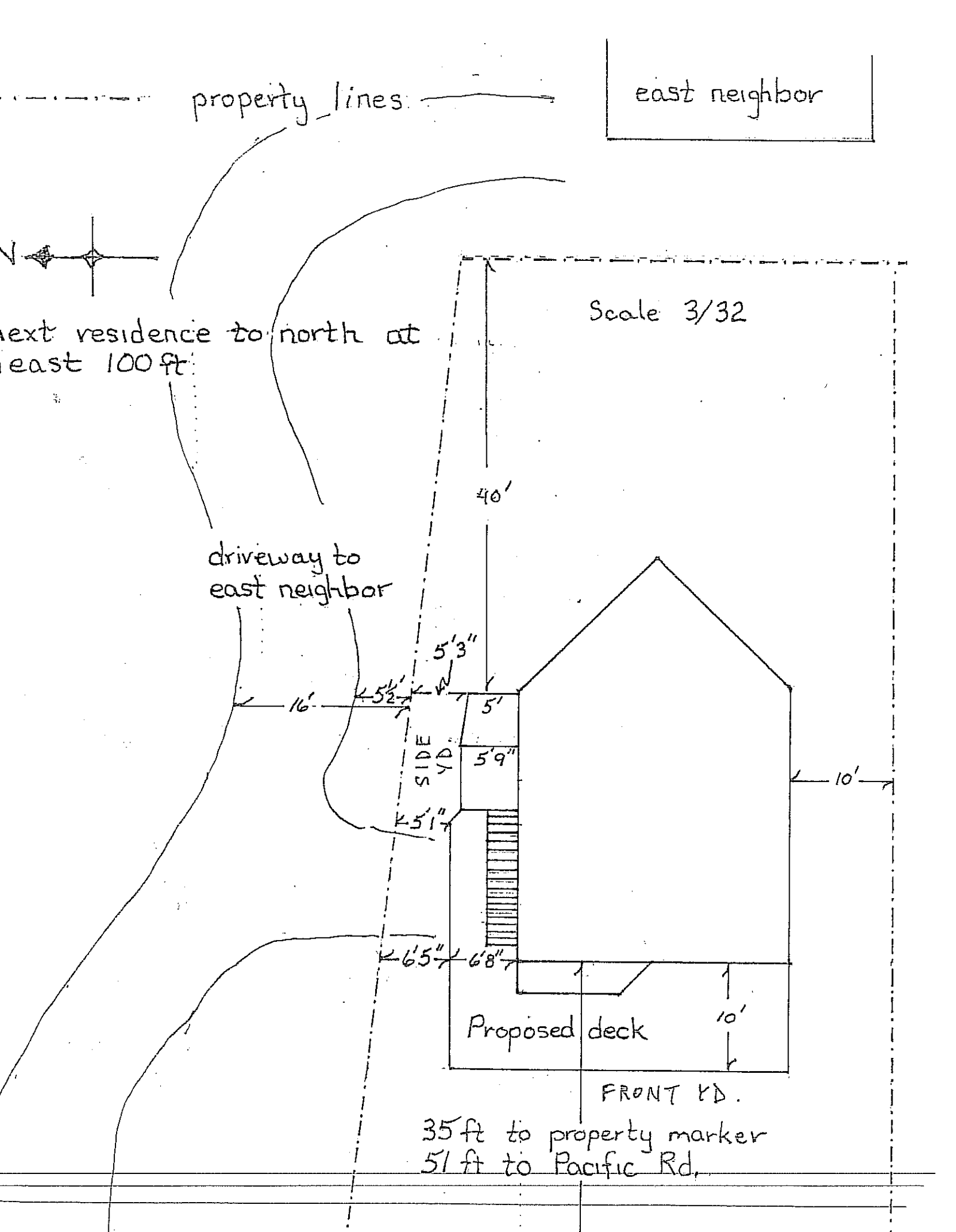
6'8"

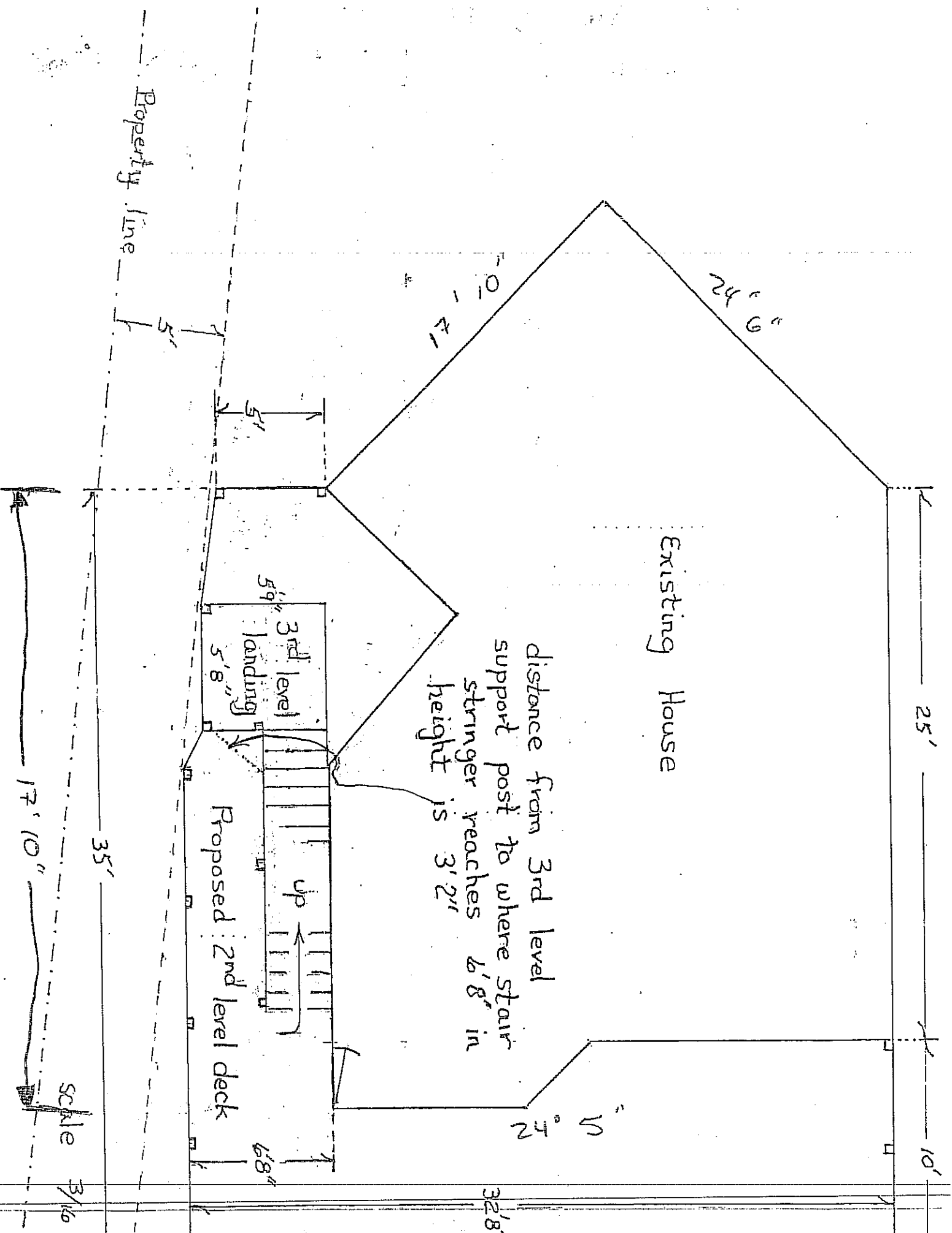
10'

Proposed deck

FRONT YD.

35 ft to property marker
51 ft to Pacific Rd.





Existing House

distance from 3rd level support post to where stair stringer reaches 6'8" in height is 3'2"

Proposed: 2nd level deck

3rd level landing

Property line

17' 10"

35'

25'

10'

24' 6"

7' 0" - 7' 1"

6' 8"

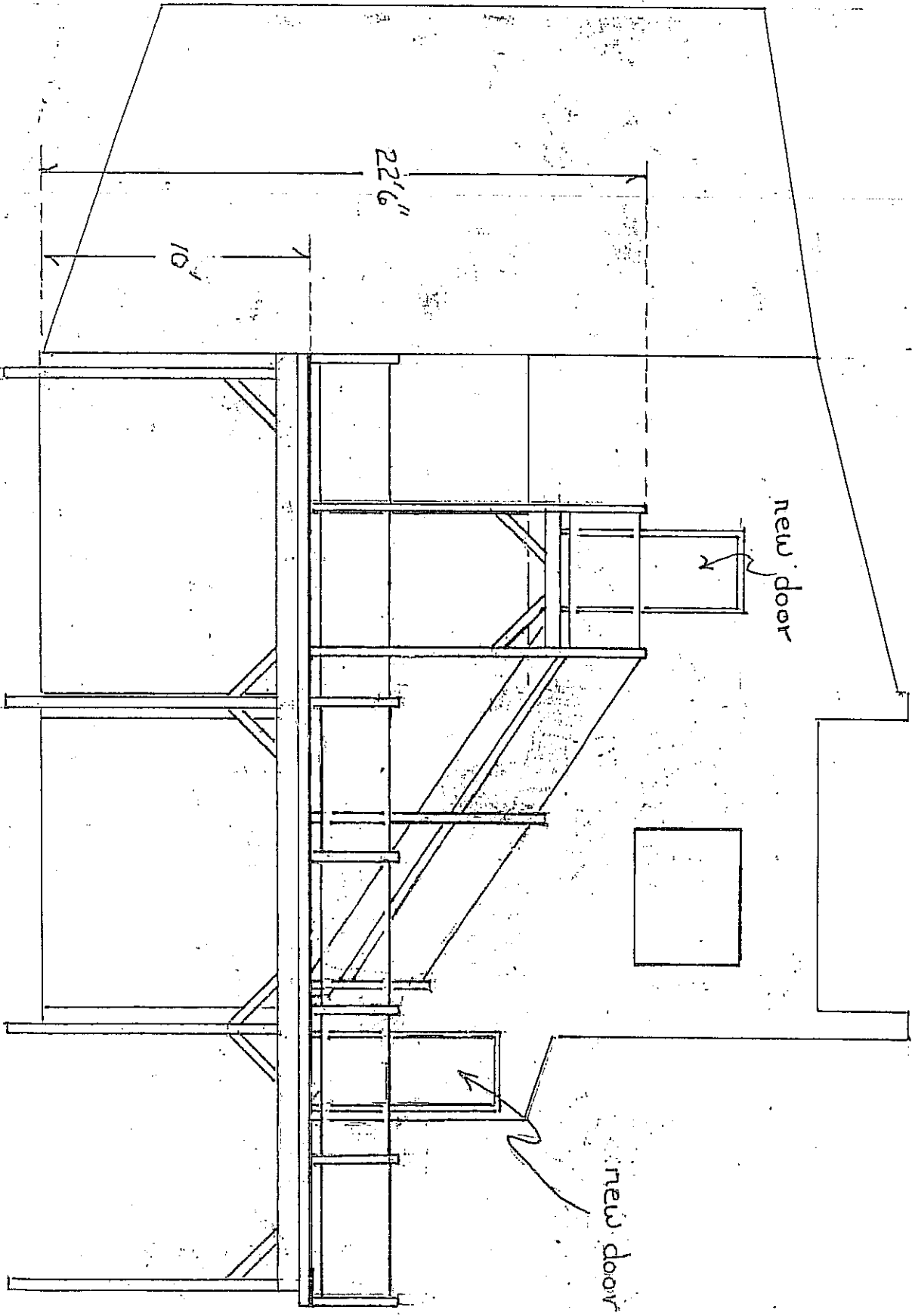
32' 8"

scale 3/16

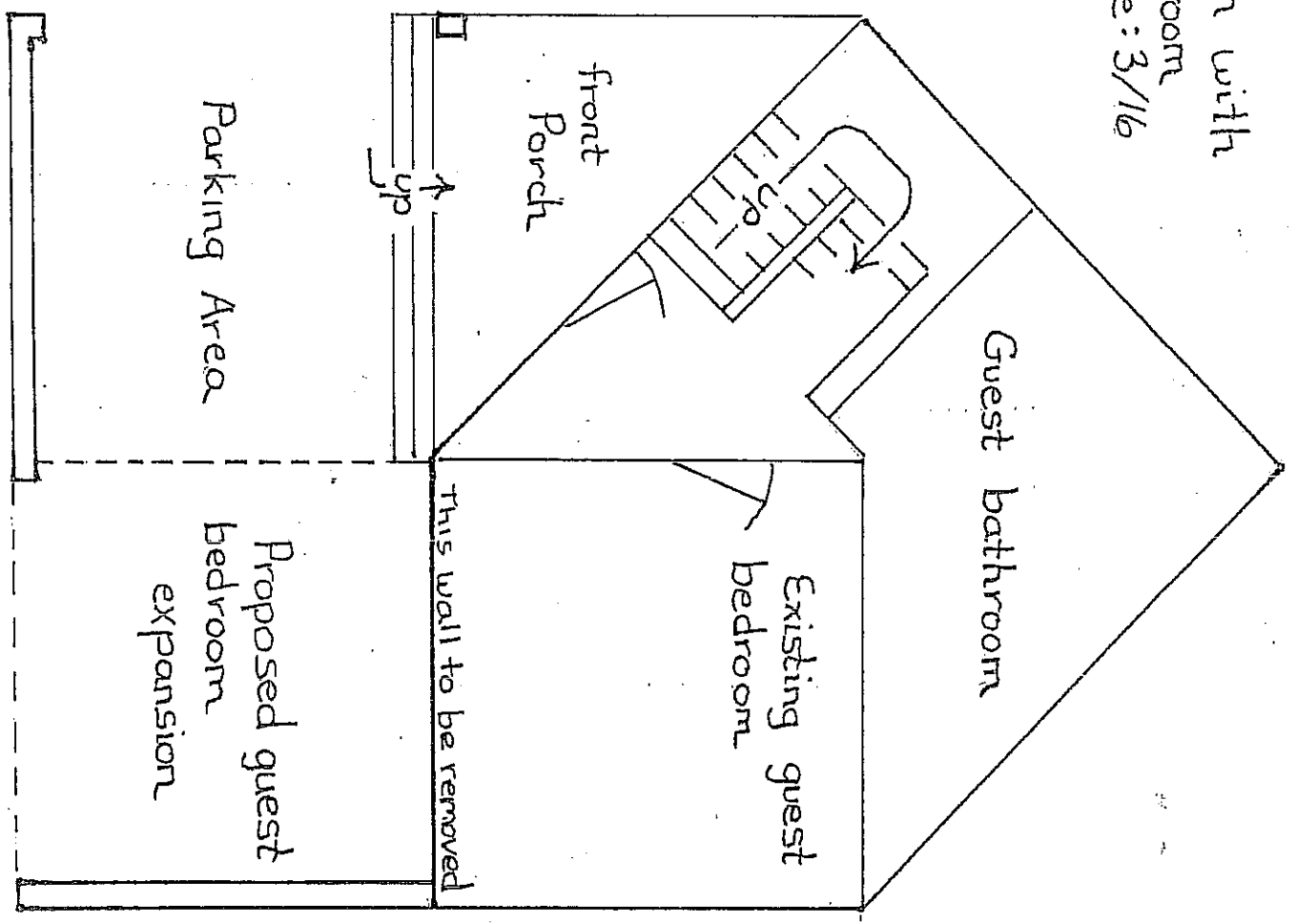
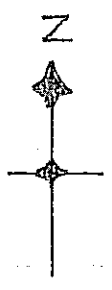
This drawing does not show railing detail or ground level detail

north face

Scale 3/16



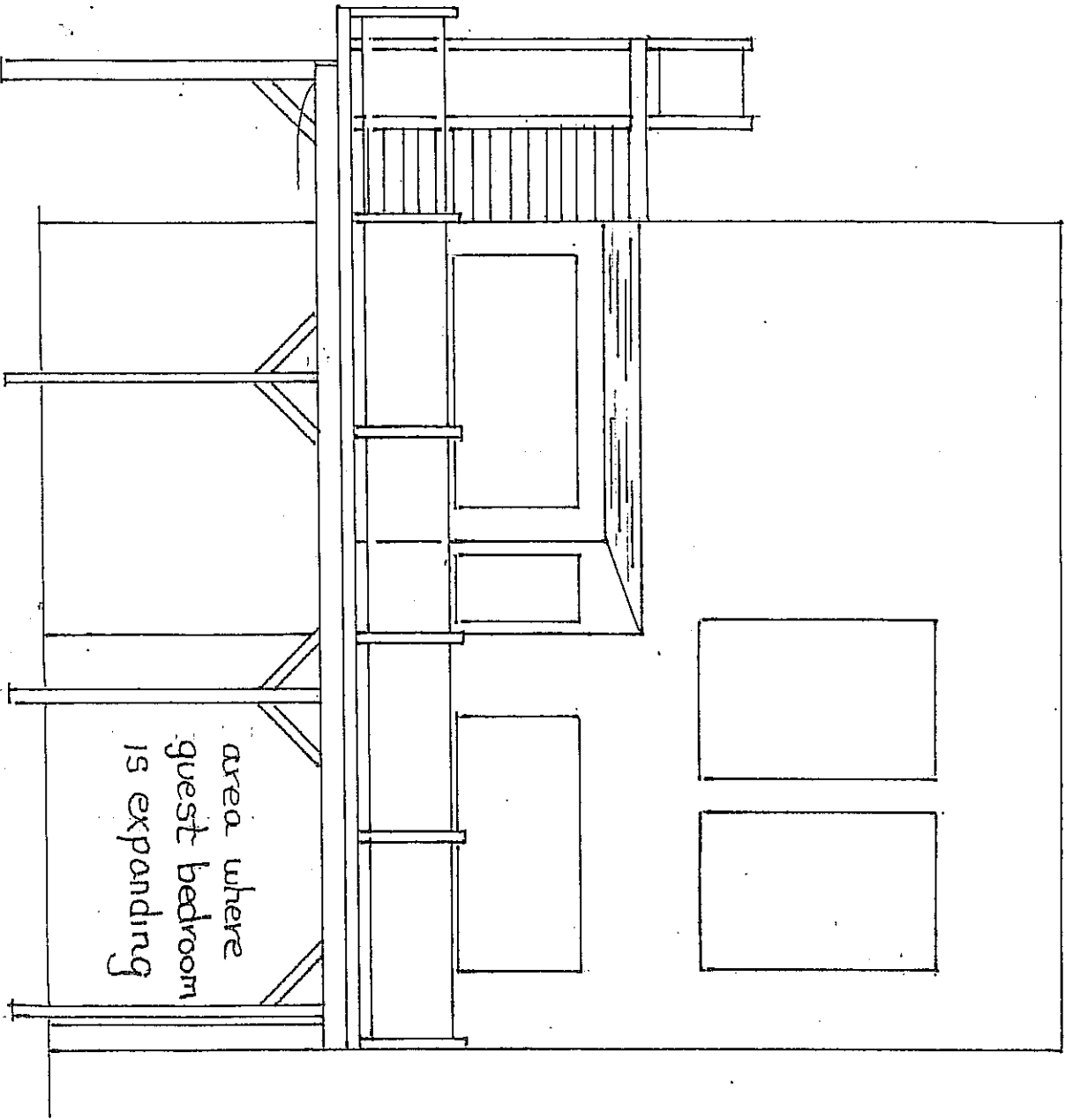
1st level floor plan with
proposed guest bedroom
expansion
Scale: 3/16



Pacific Rd View

West Face

Scale 3/16





**APPLICATION FOR
PRELIMINARY GEOLOGIC HAZARD REPORT**
Fee: \$243.00 (Required with application)

PROPOSED USE: Build deck on second floor of Residence w/ stairs to Landing & door on 3rd floor

ZONE: AL-RCR

LEGAL DESCRIPTION OF PROPERTY:

T: _____ R: _____ S: _____ TL: _____ ACRES: _____

OTHER ADJACENT PROPERTY OWNED BY THE APPLICANT:

T: _____ R: _____ S: _____ TL: _____ ACRES: _____

T: _____ R: _____ S: _____ TL: _____ ACRES: _____

APPLICANT: (mandatory)

Name: Hyde Park Const. Inc Phone # (Day): 325-2018
 Mailing Address: 87966 Hwy 202 FAX #: _____
 City/State/Zip: Astoria, Or 97103 Signature: [Signature]

PROPERTY OWNER: (mandatory if different than applicant)

Name: Masud Ahmad Phone # (Day): _____
 Mailing Address: 80329 Pacific Rd FAX #: _____
 City/State/Zip: Portland, Or 97229 Signature: _____

PROPERTY OWNER #2/GEOLOGIST/ATTORNEY: (optional)

Name: _____ Phone # (Day): _____
 Mailing Address: _____ Phone # (Day): _____
 City/State/Zip: _____ Signature: _____

Clatsop County
Community Development Department
800 Exchange, Suite 100
Astoria Oregon 97103
503-325-8611 *FAX 503-338-3666

Each of the following criteria and standards must be addressed by the applicant. The information needed to address these criteria should be submitted on separate 8.5" x 11" sheets of paper, typed.

1. Preliminary site investigation report must be prepared by a registered geologist. The Community Development Department maintains a list of qualified geologists.
2. Approval of a development on land in a Geologic Hazard Overlay District shall be conditioned on the applicant's agreement to provide the safeguards recommended in the Preliminary Site investigation.
3. A preliminary geological report is intended to identify the location of geologic hazards on the site **and** identify the location of the proposed development. A map must be provided to illustrate the location of any hazards identified on the site and the location of development on the property, including structures, roads, septic systems, etc. A detailed geologic report will be required if proposed development is in an identified hazard area.

NOTE: Section 4.035 Procedures, of the Clatsop County Land and Water Development and Use Ordinance indicates the procedure of a Preliminary Geologic Hazard Report as a Type II Procedure. This procedure requires Staff to notify property owners in the area that this report is on file in the Planning Department. This notice affords those property owners a 10 day comment period to review the report and make any comments they may wish within that 10 day comment period. Once the comment period is over, Staff will review those comments, if any, and make a decision. Notice is again provided to the property owners in the area that a decision has been made. That decision is subject to a 12 day appeal period. Should no appeal be filed within the 12 day appeal period, the decision stands. A development permit/building permit can then be applied for and will be conditioned on providing the safeguards in the Preliminary Geologic Hazard Report.

Horning Geosciences

808 26th Avenue, Seaside, OR 97138

Ph./FAX: (503)738-3738

Email: horning@pacifier.com



July 15, 2010

Dan Parker
87966 Highway 202
Astoria, OR 97103

RE: Geologic Inspection; 80329 Pacific Road, Arch Cape, Clatsop County, Oregon

Dear Dan:

At your request, I visited the above-referenced property with you on July 7, 2010, to assess the site for geologic hazards. At the time of the inspection, you were working on siding of the existing house and had excavated soils at my request so that I could examine them for their composition and characteristics for foundation purposes. I understand from you that the Clatsop County Planning Office has requested this inspection and any necessary geologic hazard report as a condition for granting permits for construction of your deck foundations.

It is my opinion that you do not need a geologic hazard report. The following is a brief summary of geologic observations that serve as findings for this decision.

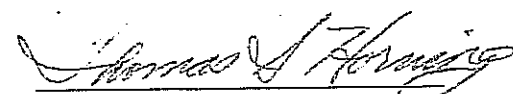
Findings

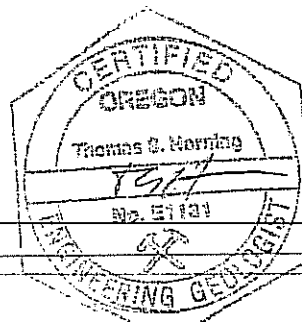
The existing house is built on concrete piers that are embedded at least 2 ft into the ground. The land slopes very little and is level where the house is situated. There is no indication of uneven settlement of the building. Trees nearby are growing on nursery logs of the old-growth spruce forest that was felled in the late 1940s, when the subdivision was laid out. The abundance of nurse logs indicates that this site has not been graded or filled, other than clearing the site of old stumps and logs. This is important, because nearby creek channelways have been filled and the weak uncompacted soils have allowed chimneys to settle. This problem has occurred for houses within two or three lots of this site. The absence of creek landscape features and the presence of nurse logs are sufficient to conclude that there is no fill on this site.

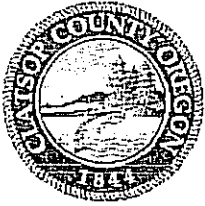
Test pits reveal typical ML to ML-GM rocky silt-clay soils of the Walluski silt loam series, as reported by the Soil Conservation Service (1986) for this vicinity. These soils have a Stiff Consistency and are capable of providing a 1500 psf bearing capacity. The soils do not have heaving problems. Because this site rests on an elevated coastal terrace, the presence of bedrock nearby is unlikely. There is no indication of active faults nearby.

The area is subject to possible tsunami inundation in the event of a regional Cascadia subduction zone earthquake. Residents should have an evacuation plan and should move to high ground east of the highway. The odds of the next quake striking in the next 50 years range up to 50 percent.

Good luck on your project.


Thomas S. Horning, CEG
Horning Geosciences





**APPLICATION FOR EXPANSION,
CONTINUATION, OR ALTERATION OF A NON-
CONFORMING USE OR STRUCTURE**
Fee: \$795.00
(Double if a violation exists)

APPLICANT: Masoud Ahmad Phone: 503 629 9417

Address: 3205 NW Linniere dr. Portland, Or. 97229

OWNER: Masoud Ahmad Phone: 503 629 9417

Address: 3205 NW Linniere dr. Portland or. 97229

AGENT: _____ Phone: _____

Address: _____

Request: built deck to allow additional Egress from 2nd story to secondary. expand 1st story bdrm

Present Zoning: AC RCR Overlay District: GHO/SDRO

Property Description: T4N 102D 19ca 3300
Township Range Section Tax Lot(s)

Directions from Astoria: from Astoria take Hwy 101 To Arch Cape turn on Hamlet St

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

General description of the property (prior to expansion or alteration or during continuance):
Residential w/ trees and shrubs

Existing Structures and Uses: single family dwelling

General description of the proposed expansion or alteration (as applic.): 2nd story deck / bdrm expansion

General description of adjoining property: Residential lawn and trees

Clatsop County
Department of Transportation and Development – Land Use Planning
800 Exchange, Suite 100 * Astoria Oregon 97103
503-325-8611 * FAX 503-338-3666

The Clatsop County Land and Water Development and Use Ordinance #80-14 addresses Non-Conforming Use as follows:

Section 5.602: Purpose. The purpose of the Non-conforming uses and structures provisions are to establish standards and procedures regulating the continuation, improvement or replacement of structures and uses which do not comply with the Ordinance.

- A. Non-conforming Structure: A building or structure that does not conform to one or more standards of the zoning district in which it is located, but which legally existed at the time the applicable section(s) of the zoning district took effect.
- B. Non-conforming Use: A use which does not conform to the use regulations of the zoning district in which it is located, but which lawfully occupied a building or land at the time the applicable use regulation became effective.
- C. Alteration is a change to a structure, not involving enlargement of the external dimensions of the structure.
- D. Expansion is any increase in any external dimension of a non-conforming structure.

Section 5.606. Continuance.

- A. A non-conforming use legally established prior to the adoption date of this Ordinance may be continued at the level of use (e.g. hours of operation) existing on the date that the use became non-conforming.
- B. A non-conforming structure legally constructed prior to the effective date of this Ordinance may continue within the building dimensions (height, width and length) in existence on a date that the structure became non-conforming.
- C. The applicant shall bear the burden of proof for establishing that the structure or use was lawfully established.
- D. The applicant shall bear the burden of proof for establishing the level of use that existed at the time the use became non-conforming.
- E. The County may allow a property owner, under a Type II procedure, to prove the existence, continuity, nature and extent of the use for the 10-year period immediately preceding the date of application. If the county finds evidence proving the existence, continuity, nature and extent of the use for the ten-year period preceding application, then such findings shall create a rebuttable presumption that the use, as proven, lawfully existed at the time the applicable Ordinance provision was adopted and has continued uninterrupted until the date of application.

Section 5.608. Alteration.

- A. Alterations shall be permitted to a non-conforming structure, or to a structure devoted to a non-conforming use.
- B. If in a three year period, alterations to a non-conforming structure, or to a structure devoted to a non-conforming use exceeds 75% of the market value of the structure, as indicated by the records of the County Assessor, the structure shall be brought into conformance with the requirements of the Ordinance.

Please address the following criteria from Section 5.610 on a separate sheet (s) of paper:

- A. An expansion of a non-conforming structure shall be in conformance with the requirements of this Ordinance, or a variance for the expansion shall be approved pursuant to Section 5.130 Variances.
- B. An expansion of a structure devoted to a non-conforming use, or a change in the characteristics of a non-conforming use, for example hours of operation or levels of service provided, may be approved, pursuant to a Type II procedure, where the following standards are met:

- (1) The floor area of a building(s) shall not be increased by more than 20%.
- (2) The land area covered by structures shall not be increased by more than 10%.

(3) The proposed expansion, or proposed change in characteristics of the use will have no greater adverse impact on neighboring areas than the existing use, considering:

- a. Comparison of the following factors
 - (i) Noise, vibration, dust, odor, fume, glare, or smoke detectable at the property line.
 - (ii) Numbers and kinds of vehicular trips to the site.
 - (iii) Amount and nature of outside storage, loading and parking.
 - (iv) Visual impact.
 - (v) Hours of operation
 - (vi) Effect on existing vegetation
 - (vii) Effect on water drainage and water quality
 - (viii) Service or other benefit to the area
 - (ix) Other factors relating to conflicts or incompatibility with the character or needs of the area.
- b. The character and history of the use and of development in the surrounding area.

An approval may be conditioned to mitigate any potential adverse impacts that have been identified.

This information is provided for your convenience. You need not address the following sections.

Section 5.612 Changes to a non-conforming use.

- A. A non-conforming use may only be changed to that of a conforming use. Where such a change is made, the use shall not thereafter be changed back to a non-conforming use.

Section 5.614 Replacement and Damage

- A. If a non-conforming structure is replaced, the new structure shall conform to the current requirements of this Ordinance.
- B. If a non-conforming structure or a structure devoted to a non-conforming use is damaged or destroyed by any cause other than an action of the property owner or his agent, to an extent amounting to eighty percent (80%) or more of its fair market value as indicated by the records of the County Assessor, it shall be reconstructed in conformance with the current requirements of this Ordinance. Notwithstanding the above provision, if a building listed on the National Register of Historic Places is destroyed to an extent exceeding eighty percent (80%) of its fair market value, as indicated by the records of the County Assessor, it may be reconstructed in conformance with the dimensional standards of the building prior to its destruction.
- C. If a non-conforming structure or a structure devoted to a non-conforming use is damaged by any cause other than an action of the property owner or his agent, to an extent amounting to less than eighty percent (80%) of its fair market value as indicated by the records of the County Assessor, a building permit for its reconstruction shall be obtained within one year of the date of the damage. If a building permit is not obtained within one year, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, upon request, the Planning Commission may grant an extension of the one-year period.

Section 5.616 Completion A development that is lawfully under construction on the effective date of an ordinance that makes that use or structure non-conforming may be completed. The use or structure may be used for the purpose for which it was designed, arranged or intended.

Section 5.618 Discontinuance of use. If a non-conforming use is discontinued for a period of one year, subsequent use of the property shall conform to this Ordinance.

Section 5.620 Compliance with other requirements Notwithstanding the provisions of this section, alteration of a non-conforming use or a non-conforming structure shall be allowed if necessary to comply with state or local health or safety requirements.

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

Applicant's Signature: Wanda Aemata Date: 8/27/10

Owner's Signature: Wanda Aemata Date: 8/27/10
(or notarized letter)

① The floor area would be increased by less than 20% with 0% increase of foot print for the bedroom expansion. Bedroom will be 144 ft² sq.

② Variance applied for deck

③ a

i no impact

ii \emptyset

iii \emptyset

iv none

v w/A

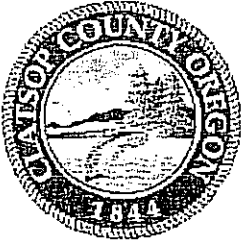
vi minimal

vii none

viii Safety for occupants adds other egress for occupants

ix none

b. in conformance with existing structures and development



APPLICATION FOR VARIANCE
Fee: \$946.00
(Double if a violation exists)

APPLICANT: Masud Ahmad Phone: 503-629-9417
Address: 3205 NW Linnere Dr. Portland Or 97229

OWNER: Same as above Phone: _____
Address: _____

AGENT: _____ Phone: _____
Address: _____

This request is for a variance to the 10% limit on footprint expansion of non-conforming structure
standard to allow exits from third and 2nd story

Present Zoning: AC-RCR Overlay District: GHO / SDRO

Property Description: T4N 10W 19CA 3300
Township Range Section Tax lot(s)

Directions to the property from Astoria: take Hwy 101 south to Arch Cape, turn right on Hemlock, turn right on Pacific Rd, on right

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

General description of the property:
Existing Structures and Uses: Single Family Dwelling

Topography: slight slope
Proposed Development: second story deck

General description of adjoining property:

Existing Structures and Uses: single family dwellings

Topography: slight slope

Include a map of the property and adjacent parcels. The map should show existing structures, uses, proposed development, setbacks from property lines, and other pertinent information.

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

Applicant's Signature: Mark Almat Date: 8.28.11

Owner's Signature: Mark Almat Date: 8.28.11
(or notarized letter)

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

Section 5.130. Variance.

Section 5.132. Variance Procedure.

1. A hardship variance may be appropriate where: by reason of exceptional configuration, or by reason of other extraordinary and exceptional situations or conditions existing on a piece of property, the strict application of any regulations enacted under this Ordinance would result in peculiar, exceptional and undue hardship upon the owner of such property for which a variance is requested. Undue hardship upon adjacent property owners may also be considered. The Hearings Officer may vary or adopt the strict application of any of the requirements of this Ordinance.
2. Variances will be considered under a Type IIa procedure pursuant to Section 2.025. An applicant may request a variance whether before or after the denial of a development permit.

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

3. **Standards for a Hardship Variance.** The requirements for a Variance are listed below. It is the intent of this Ordinance that a variance only be granted to overcome some exceptional physical condition related to a parcel of land posing practical difficulty to development and preventing the owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.
 - (A) There must be proof of exceptional and extraordinary circumstances which apply to the property and which do not apply to other properties in the same zone or vicinity, and result from lot size or shape legally existing in accordance with land use laws prior to September 30, 1980, topography, geology, or other circumstances over which the applicant has no control. These circumstances or conditions must be such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land and/or structure.
 - (B) The granting of a variance shall neither be injurious to the neighborhood or community nor otherwise detrimental to the public welfare or to public safety.
 - (C) The granting of the variance will not permit the establishment of any development or use which is not permitted by the Ordinance, nor confer upon the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the area.

- (D) There must be proof of significant hardship. It is not sufficient proof of hardship to show that a greater profit would result if a variance were granted. Nor shall loss of value be a valid reason to grant a variance. Furthermore, the hardship cannot be self-created or self-imposed. The hardship must result from the strict application of this Ordinance, and be suffered directly by the property in question. Evidence of a variance granted under similar circumstances shall not be considered as a solely sufficient cause to grant hardship relief.
- (E) The granting of a variance is necessary for the reasonable use of land or building, and the variance granted by the hearing body is the minimum variance that will accomplish this purpose.
- (F) The hardship does not arise from a violation of the provisions of this Ordinance.
- (G) The development will occur on a parcel of land that in conjunction with adjacent land in the same ownership is not otherwise reasonably capable of development and use under the provisions of this Ordinance

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

Section 5.133. Notification. In addition to the notice required to be sent to property owners pursuant to Section 2.025 and Section 2.110, notice of variances to yard setbacks and height variances shall be sent to the fire district in which the property is served for review and comment. If a response is not received by the Community Development Department within 20 days of the notice it will be assumed that the District has no negative concerns regarding the request.

Section 5.134. Expiration/Extension. Authorization of a variance shall be void after one year unless substantial construction or action pursuant thereto has taken place. However, the County may, at the discretion of the Community Development Director, extend authorization for an additional six (6) months upon request, provided such request is submitted in writing at least 10 days and not more than 30 days prior to expiration of the variance.

- (A) House was built prior to 1980 and does not provide proper egress for ~~safe~~ ~~persons~~.
- (B) should have no impact
- (C) not permitted under zoning
- (D) hardship is that owner is not permitted safe occupancy of building. Dwelling was built before 1980.
- (E) The proposed deck does not have stairs to the ground for security reasons. Since it averages about $9\frac{1}{2}$ ft. off the ground, it will require a 14 ft. ladder to clear the railing. The deck needs to be large enough to store and maneuver the 14 ft. ladder, plus provide options for egress from 2nd story operable windows.
- (F) no violation
- G owner does not own adjacent property

