

CLATSOP COUNTY

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

www.co.clatsop.or.us

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Southwest Coastal Design Review / Citizen Advisory Committee Regular Meeting Agenda

Date: Wednesday, March 16, 2011
Time: 6:00 pm
Location: Arch Cape Fire Hall
79816 E Beach Road
Arch Cape, OR 97145

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:
 - Minutes of December 15, 2010 (See Attachment 1)
5. ACTION ITEM – MAJOR REVIEW:
 - Rick and Catherine Gardner, 80185 Pacific Road (41019CC00600): replacement of single family dwelling with new construction. (See Attachment 2)
6. OTHER BUSINESS:
 - Bylaws: Transportation and Development Services Director Ed Wegner will distribute copies of the draft committee bylaws for committee review.
 - Open Discussion: This is a chance for the committee to discuss and invite testimony from outside agents regarding topics of interest.
7. ADJOURN

The agenda and staff reports are available for review at www.co.clatsop.or.us (click on Land Use Planning, then click on the Arch Cape link and scroll down to Design Review Hearings. The agenda packet is a PDF document.)

NOTE TO MEMBERS: Please contact Transportation and Development (503-325-8611) if you cannot attend the meeting.

ACCESSIBILITY: This meeting location is handicapped-accessible. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting. Please let us know at 503-325-8611, Transportation and Development Services – Land Use Planning Division, if you will need any special accommodations to participate in this meeting.

Attachment 1

MINUTES
SOUTHWEST COASTAL DESIGN REVIEW / CITIZEN ADVISORY COMMITTEE MEETING
December 15, 2010, 6:00 p.m.
Arch Cape Fire Hall, 79816 E. Beach Road, Arch Cape, Oregon

Chairman George Cerelli called the meeting to order at 6:00 p.m.

Members present: George Cerelli (GC), Linda Murray (LM), Richard D'Onofrio (RD) and Tod Lundy (TL). Excused: John Mersereau (JM) and Debra Birkby (DB). Also not present: Steve Malkowski (SM).

Members of the public present: Bob Cerelli and Butch Coleman.

Staff present: Julia Decker (JD).

Business from the Public:

Butch Coleman discussed with committee members his ideas for redeveloping the Arch Cape Deli property, which he purchased recently, and the residential dwelling to the west of it, which he is considering purchasing. Committee members were supportive of his plans.

Consideration of Minutes:

**LM moved and TL seconded the minutes of September 29, 2010, and
October 13, 2010, be accepted.**

Public Hearing / Major Review Item:

Hartman Family Trust. (JD distributed a copy of an email from SM, regarding his being absent and his opinion regarding the Hartman Family Trust review item. A copy is attached to the original minutes.) Bob Cerelli, representing the Hartman Family Trust described the design review request for approval of construction of an accessory structure at 79586 Hwy 101, T4N, R10W, Sec. 19CA, Tax Lot 2200. The property owners, Mr. Cerelli explained, were considering applying for a 30-foot variance to the 50-foot set back from their east property line along Hwy 101, placing the garage structure 20 feet from the highway. Mr. Cerelli and JD explained the setback requirements along the highway.

Mr. Cerelli stated the neighbors to the west, the Stocktons, told him they supported the request to have the structure as far east as possible, and the Hartmans wanted to preserve a portion of their yard. The Stocktons were sending a letter or email, he said, but one had not been received at the Land Use Planning office to date.

Committee members discussed the site's access, ODOT's requirements, other potential layouts for the garage on the site, and what sort of criteria would need to be met to obtain a variance. LM asked about language in the code regarding green barriers along Highway 101. JD was not able to find the language immediately in the code. JD explained the hardship required for a variance might well be the size and configuration of the lot, which was only 80 feet from east to west. Mr. Cerelli asked the committee to consider the project both with and without the setback variance request, so that he did not need to return to the committee if the Hartmans opt to forgo the variance request.

Mr. Cerelli stated the Hartmans had obtained a geologic hazard survey already. He explained most properties on the west side of the highway in Arch Cape and much of the landscape on the east as well were in a geologic hazard area and, therefore, development was quite a bit more expensive than just applying for a development permit and design review. Geologic hazard surveys could cost several thousand dollars, he added, on top of regular development costs.

TL moved and LM seconded that, regarding the setback variance, we have no objection to the 20-foot setback; however, if the owner chooses to use the 50-foot setback, that is also acceptable, with the condition the owner follow the county ordinance regarding a tree buffer along Hwy 101 if required.

Other Discussion:

Mr. Cerelli provided a brief history of the ownership and zoning of the Arch Cape Deli property and adjoining single-family residential property.

GC requested county staff check on requirements regarding excused absences and letting the committee chair know about absences before meetings.

LM requested staff check on the green barrier requirement along Hwy 101.

Committee members requested staff find out when County Commissioner-elect Debra Birkby would be installed and whether she would have to resign from this committee once she began her service on the county commission.

Meeting adjourned at 7:10 p.m.

Attachment 2

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SOUTHWEST COASTAL DESIGN REVIEW / CITIZEN ADVISORY COMMITTEE

CRITERIA EVALUATION SHEET – DESIGN REVIEW

Applicant:	<u>Richard Gardner</u> <u>P.O. Box 138</u> <u>Tolovana Park, OR 97145</u>
Owner:	<u>Richard and Catherine Gardner</u> <u>P.O. Box 138</u> <u>Tolovana Park, OR 97145</u>
Property Description:	<u>T4N, R10W, Sect 19CC, TL 600</u>

DESIGN REVIEW CRITERIA

1. Relation of Structure to Site: This project will replace the existing one-story house with a new, two-story house with a smaller footprint and within the allowable 26-foot height from average grade as determined by Castle Rock Surveyors.
2. Protection of Ocean Views: Review of the aerial photo, site map and plot plan indicate no existing ocean views would be blocked or affected by this request. It should be noted that public notice was provided to property owners within 250 feet of the property lines of the parcel.
3. Preservation of Landscape: The new house will fit within the existing footprint with no major cuts or fills. Very little vegetation will be disturbed.
4. Buffering and Screening (For Commercial Uses): Not applicable; use is residential.
5. Vehicle Circulation and Parking: Two off-street parking spaces will continue to be provided in the same configuration as the existing house.
6. Utility Service: Electric, telephone and all other utility lines will be placed underground as part of this project.
7. Signs: No signs other than the property's address will be displayed.
8. Surface Water Drainage: The applicant proposes to use an existing and apparently adequate drainage system.
9. Other Criteria for Evaluation:
N/A

The above-entitled matter came before the Southwest Coastal Design Review and Citizen Advisory Committee at its March 16, 2011 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



STAFF REPORT

Staff Report Date: March 8, 2011

Hearing Date: March 16, 2011

Hearing Body: Southwest Coastal Design Review / Citizen Advisory Committee

Request: New single family dwelling, to replace existing dwelling

Applicant / Owner: Richard Gardner / Richard and Catherine Gardner
P.O. Box 138
Tolovana Park, OR 97145

Property Description: T4N, R10W, Section 19CC, Tax Lot 600
Zoning: AC – RCR (Arch Cape – Rural Community Residential)
Overlays: GHO – Geological Hazard Overlay
SDRO – Site Design Review Overlay

Property Location: 80185 Pacific Road, Arch Cape, Oregon 97102

Property Size: 0.11 acre (approximately 4,791 square feet)

Staff Reviewer: Julia Decker, Planner

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

Comments Received: None

...

LWDUO #80-14, Standards Section 4.106. Criteria for Design Review Evaluation.

1. Relation of Structures to Site:

Applicant: This project will replace the existing one-story house with a new, smaller two-story house within the allowable 26-foot height from average grade as determined by Castle Rock Surveyors.

Staff Finding: The property is considered a lot-of-record. (Determined November 16, 2010). The existing structure does not meet setbacks. Applicant is proposing to replace the existing single family dwelling with a new, two-story dwelling that will be within the property's setbacks and will meet the 26-foot height restriction for the zone. Applicant's plot plan shows the setbacks. Applicant meets this criterion.

2. Protection of Ocean Views:

2. Protection of Ocean Views:

Applicant: No surrounding property has an ocean that will be blocked by this project. See attached aerial photo.

Staff Finding: Review of the aerial photo, site map and plot plan indicate no existing ocean views would be blocked or affected by this request. It should be noted that public notice was provided to property owners within 250 feet of the property lines of the parcel. No written comments were received. Applicant meets this criterion.

3. Preservation of Landscape:

Applicant: The new house is designed to fit into the existing grades without major cuts or fills using a conventional stepped foundation.

Staff Finding: Applicant meets this criterion, as there will be very little change to the landscape.

4. Buffering and Screening:

Applicant: This project is not located in a commercial zone, therefore buffering and screening requirements do not apply.

Staff Finding: The property is not within a commercial zone; this criterion does not apply.

5. Vehicle Circulation and Parking:

Applicant: Two off-street parking spaces will continue to be provided in the same configuration as the existing house.

Staff Finding: As described above, this criterion is satisfied.

6. Utility Services:

Applicant: Electric, telephone and all other utility lines will be placed underground as part of this project.

Staff Finding: Based on the above statement, applicant meets this criterion.

7. Signs:

Applicant: There will be no signs other than the property's address displayed as part of this project.

Staff Finding: The applicant will use no signs other than the address display. Applicant meets this criterion.

8. Surface Water Drainage:

Applicant: The new rain drainage system will be connected to the existing subsurface drainage system for the existing house and will continue to not adversely affect adjacent properties or the natural or public drainage system.

Finding: Applicant will use an existing and apparently adequate drainage system. Applicant meets this criterion.

Additional consideration: The property is located within a Geologic Hazard Overlay (GHO). Section 4.045 Geologic Hazard Permit Review states:

Section 4.043 Geologic Hazard Permit Requirements.

All persons proposing any activity requiring a development permit on property located in potentially hazardous areas identified in Section 4.042 shall obtain a geologic hazard permit.

(1) Application for a geologic hazard permit shall be on forms provided by the County and shall include a geotechnical report prepared in conformance with the requirements of Section 4.044.

(2) Before a development permit can be issued, the geotechnical report must be approved as part of the development permit approval process.

(A) Where a geotechnical report recommends that additional site investigations, such as borings or test pits, are undertaken, application for geologic hazard permit will be deemed incomplete until the results of those investigations have been provided to the County.

(B) Where an application is made for a conditional use permit, a variance, a subdivision, a partition, or a planned development located in an area identified in Section 4.042, a geotechnical report in conformance with Section 4.044 shall be prepared. The Director may also require a geotechnical report in conjunction with a proposed zone change.

(3) Application for a geologic hazard permit may be made concurrently with an application for a development permit.

(4) The approved site investigation report shall be referred to in deed and other documents of sale and shall be recorded with the record of deeds.

Staff Finding: The applicant has hired a certified geologist, registered with the State of Oregon, to prepare a geological survey. The report's findings will be incorporated into the conditions for approval of a development permit. This criterion will be satisfied as a requirement for obtaining a development permit.

...

Overall Conclusion:

Staff finds the proposed project meets all applicable criteria in LWDUO #80-14, Standards Section 4.106, Criteria for Design Review Evaluation. Staff recommends approval of this Major Design Review request, subject to the following conditions:

1. Construction shall occur as shown on the plans received with the application and application on file in the Clatsop County Transportation and Development Services Department. The Transportation and Development Services Director may approve minor modifications of these plans if they are requested prior to construction of the minor modification.
2. Utilities shall be installed underground, as indicated above.
3. The road, if damaged during construction, shall be returned to its previous condition or better before final inspection of the improvement.
4. The property owner shall obtain all required development and building permits and approvals prior to construction.
5. Design Review approvals are effective for a period of one (1) year from the date of approval of this document.
6. Development shall comply with all state, federal and local regulations and laws.
7. All construction activities shall follow the Erosion Control Measures under Standards Section S4.304. This erosion control plan shall be submitted when applying for a development/building permit.
8. Surface water drainage shall be connected to the existing subsurface drainage system for the existing house, as described above.
9. Natural vegetation shall be retained to the maximum extent possible. Only vegetation necessary for the request will be removed.

Exhibit 1



Receipt

This is not a Permit

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

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

For Department Use Only

Permit #: 20110053
Permit Type: Type I
Entry Date: 2/15/2011
Entered By: Julia Decker
Assigned To:
Permit Status: Entered

Permit Timeline

User	Status	Date
Julia Decker	Entered	02/15/2011

Proposed Use

Proposed Use: **Single Family Dwelling**

Zone: **AC-RCR**

Description: Design Review and pre-app

Overlay District: **GHO, SDRO**

Owner/Project Location

Owner: Name: **Gardner Richard K & Gardner Catherine M**

Ph. #: (503) 478-4916

Address: PO Box 138

Cell: () -

City, State, Zip: Tolovana Park, OR 97145

Fax: () -

Site Address: 80185 PACIFIC RD I R S Q S Qq S Taxlot

City: ARCH CAPE **State:** OREGON 4 10 19 C C 00600

Applicant/Agent

Applicant: Name: Gardner Richard K
Address: PO Box 138
City, State, Zip: Tolovana Park, OR 97145

Ph. #: (503) 478-4916

Cell: () -

Fax: () -

Ph. #: () -

Cell: () -

Fax: () -

Fees

Fee Type:

Planning/Development

Permit Fee Total:

\$950.00

Total: **\$950.00**

Receipt

<u>Payor Name:</u>	<u>Pymnt Type</u>	<u>Check #</u>	<u>Pymnt Date</u>	<u>Pymnt Amount:</u>
Gardner Richard K	Check	1709	02/15/2011	\$239.00
Gardner Richard K	Check	1709	02/15/2011	\$711.00

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:** _____



Receipt

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 #: 20110053

Zoning District Requirements

Property Access Info.

Access to Property:
County Permit Required?
State Permit Required?

Primary

Direction	Setbacks	
	Req.	Actual
F: W	20	
S1: N	5	
S2: S	5	
R: E	20	

Property Information

Type	Description	Additional Info.
Structure	26 Foot Maximum	
Water	public water source:	
Sewage	public sewer	
Clearance	20 Feet Clear Vision	

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: Julia Decker

Entered Date: 02/15/2011

Applicants Signature: _____

Date: _____

Clatsop County Authorization: _____

Date: _____



Receipt

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)

80185 PACIFIC ROAD
ARCH CAPE, OR 97102

APPLICANT: Rick Gardner Phone: 425 478-4916

Address: P.O. Box 138 Tolovana Park, OR 97145
80185 PACIFIC RD ARCH CAPE, OR 97102

OWNER: Rick Gardner Phone: 425 478-4916

Address: P.O. Box 138 Tolovana Park, OR 97145
80185 PACIFIC RD ARCH CAPE, OR 97102

AGENT: 4-10-19CC-600 Phone: _____

Address: _____

Proposed Development: SINGLE FAMILY DWELLING

Present Zoning: AC-RCR Overlay District: SDRO 640*
Lot Size: 97.6' x 50' x 95.2' x 50'

Property Description: 4N 10W 19CC 600
Township Range Section Tax lot(s)

Property Location: 80185 PACIFIC RD
ARCH CAPE, OR 97102

General description of the property:

Existing Use: SINGLE FAMILY DWELLING

Topography: SLOPES (SOUTH TO NORTH): 8' for property; 4' for Footprint (Bldg. Envelop)

General description of adjoining property:

Existing Uses: SINGLE FAMILY DWELLING



Topography: SOUTH IS FLAT; NORTH ADJOINING TERRACED

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: 2/14/2011
Owner's Signature:  Date: 2/14/2011

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.

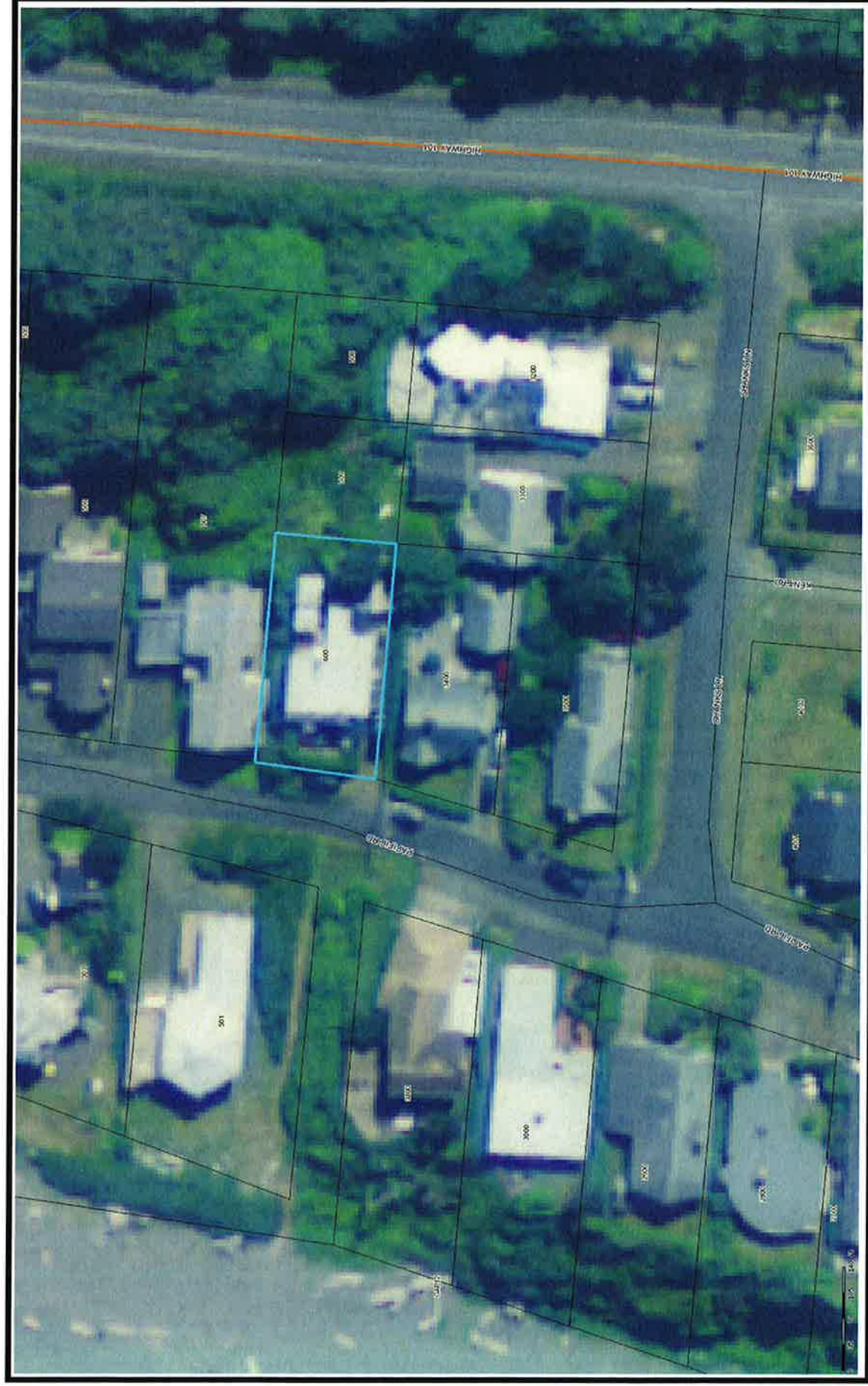
February, 2011

Clatsop County

Section 4.106. Criteria for Design Review Evaluation for the Gardner Residence:

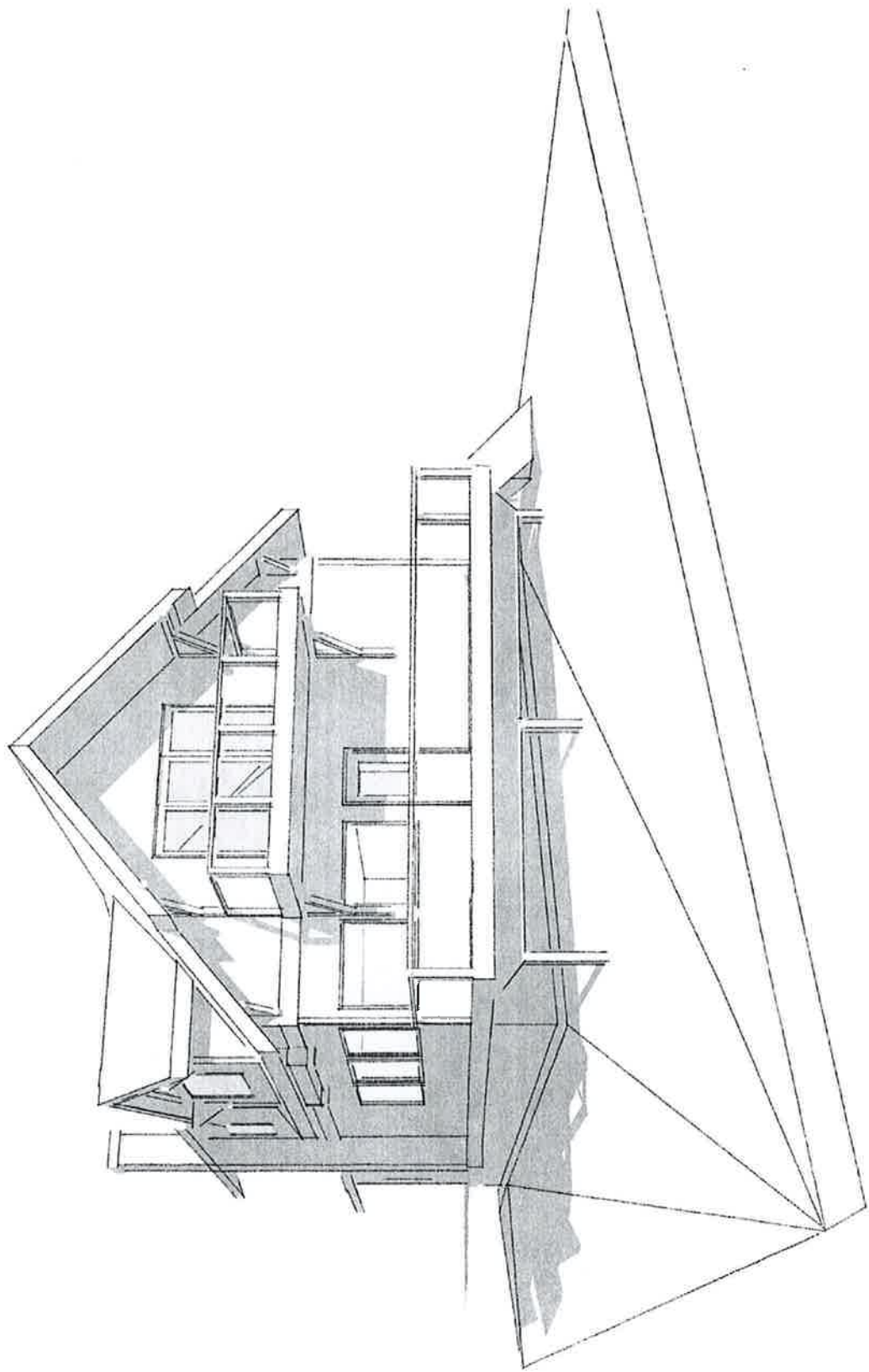
1. **Relation of Structures to Site:** This project will replace the existing one story house with a new, smaller two story house within the allowable 26 foot height from average grade as determined by Castle Rock Surveyors.
2. **Protection of Ocean Views:** No surrounding property has an ocean view that will be blocked by this project. See attached aerial photo.
3. **Preservation of Landscape:** The new house is designed to fit into the existing grades without major cuts or fills using a conventional stepped foundation.
4. **Buffering and Screening:** This project is not located in a commercial zone, therefore buffering and screening requirements do not apply.
5. **Vehicle Circulation and Parking:** Two off-street parking spaces will continue to be provided in the same configuration as the existing house.
6. **Utility Service:** Electric, telephone, and all other utility lines will be placed underground as a part of this project.
7. **Signs:** There will be no signs other than the property's address displayed as a part of this project
8. **Surface Water Drainage:** the new rain drainage system will be connected to the existing subsurface drainage system for the existing house and will continue to not adversely affect adjacent properties or the natural or public drainage system.

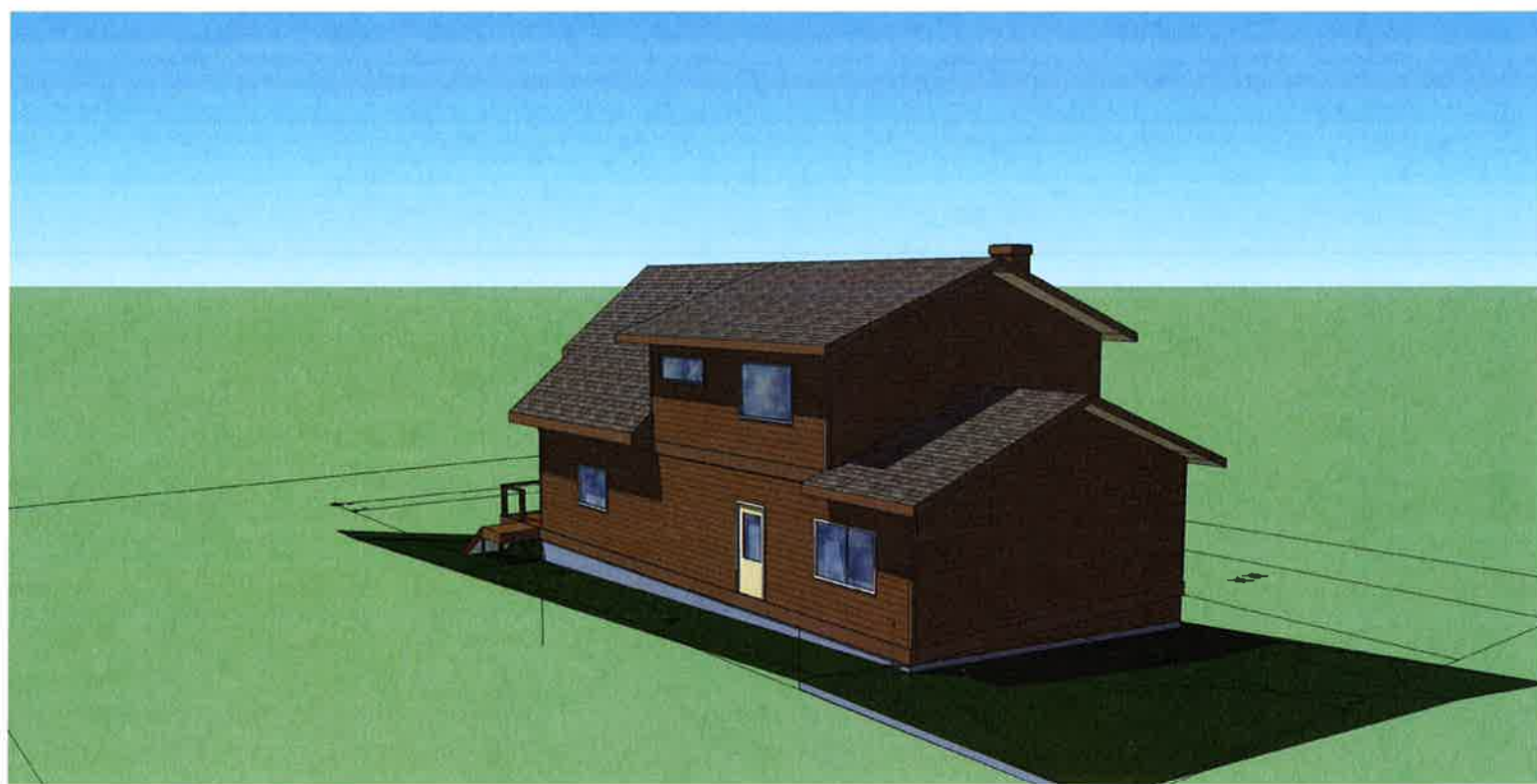
Gardner Aerial Map

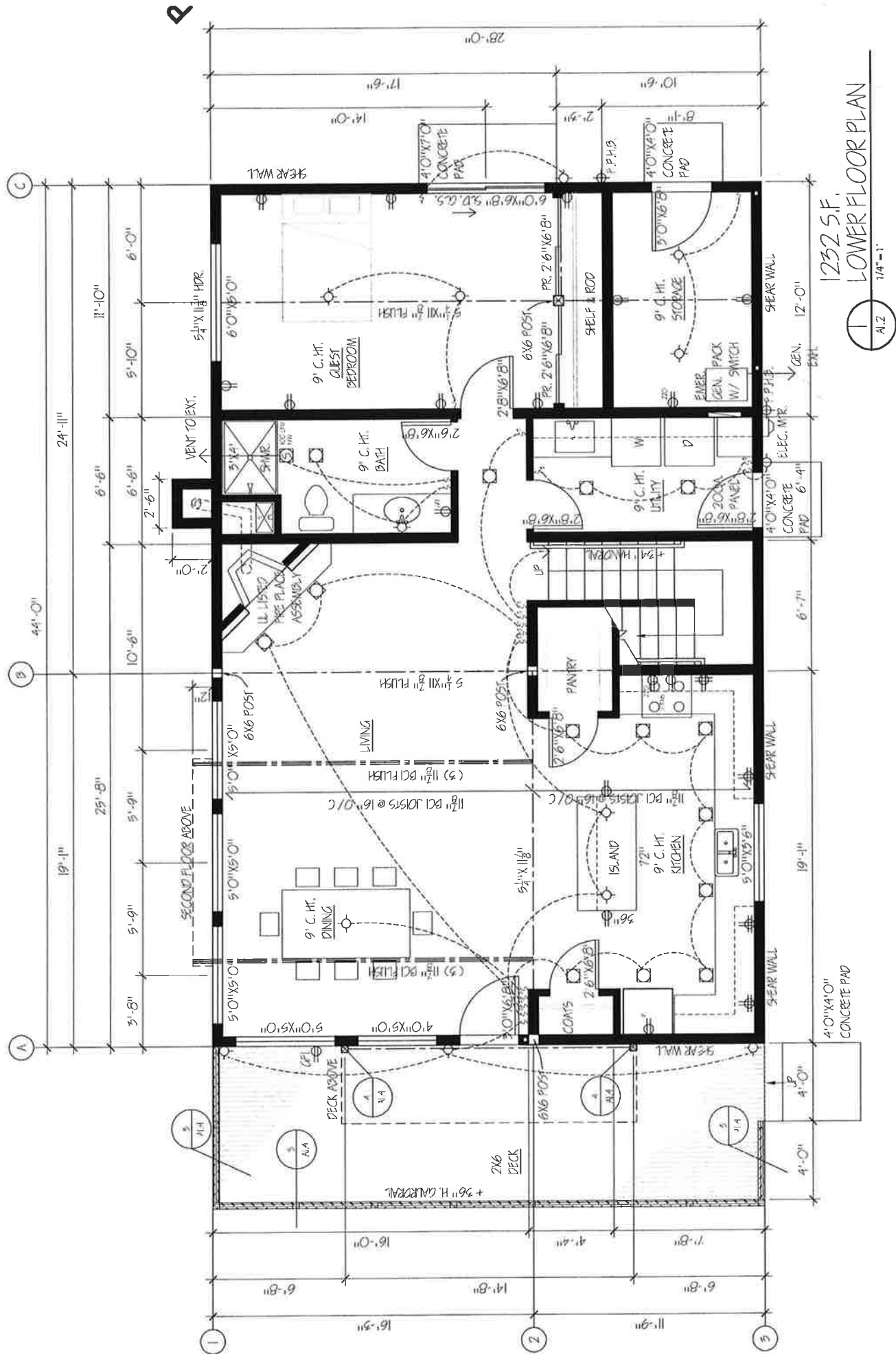


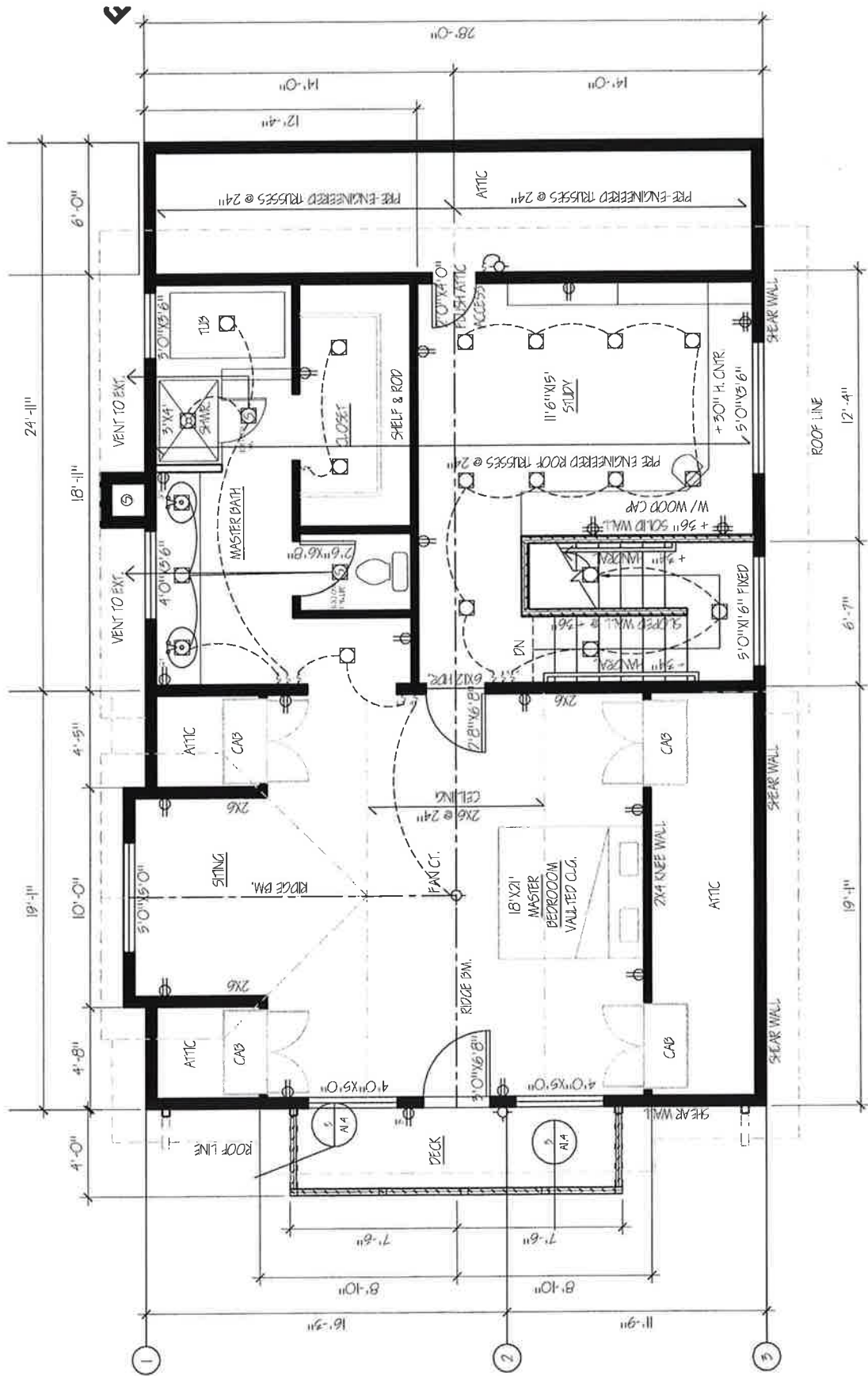
Clatsop County Webmaps

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





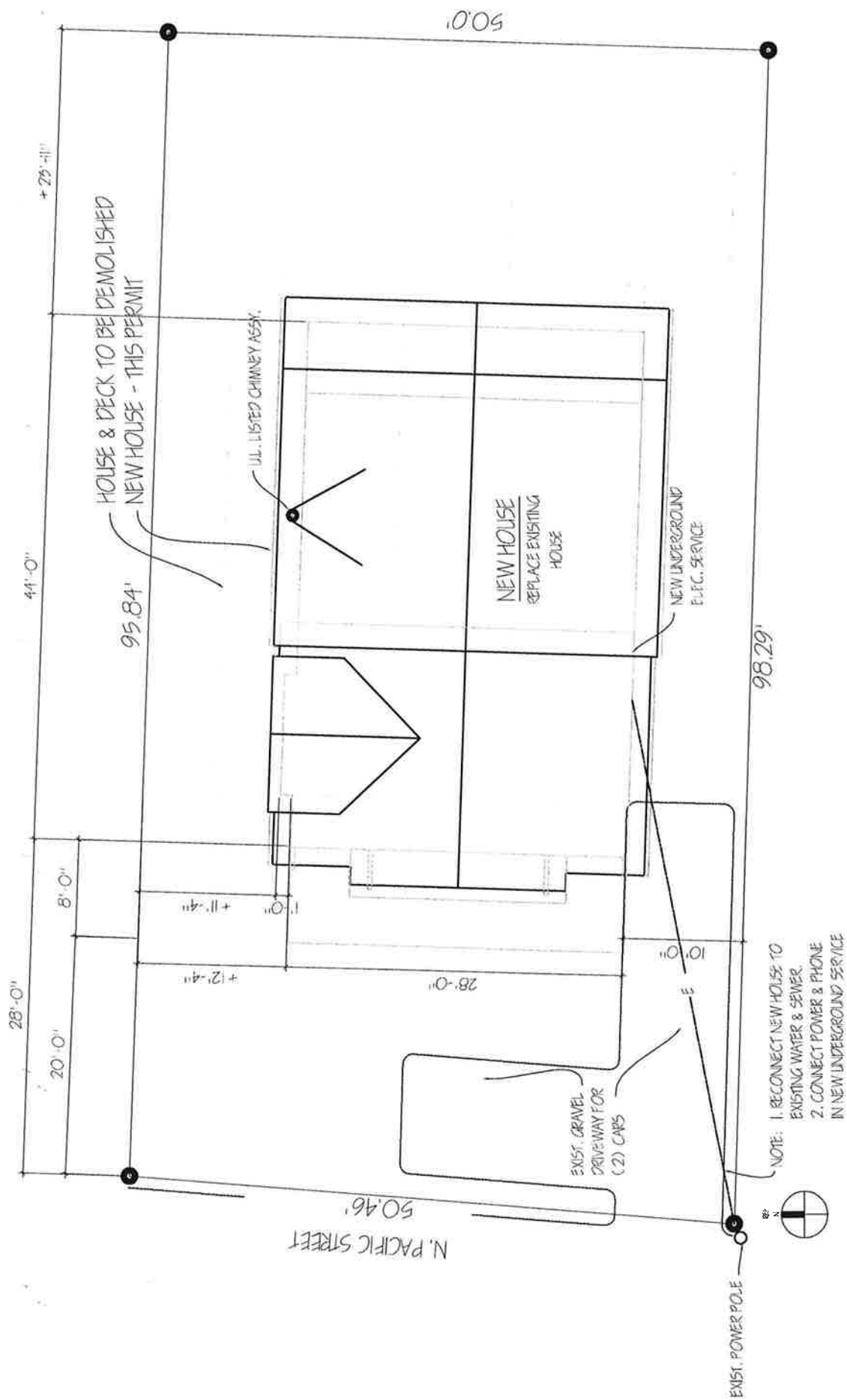


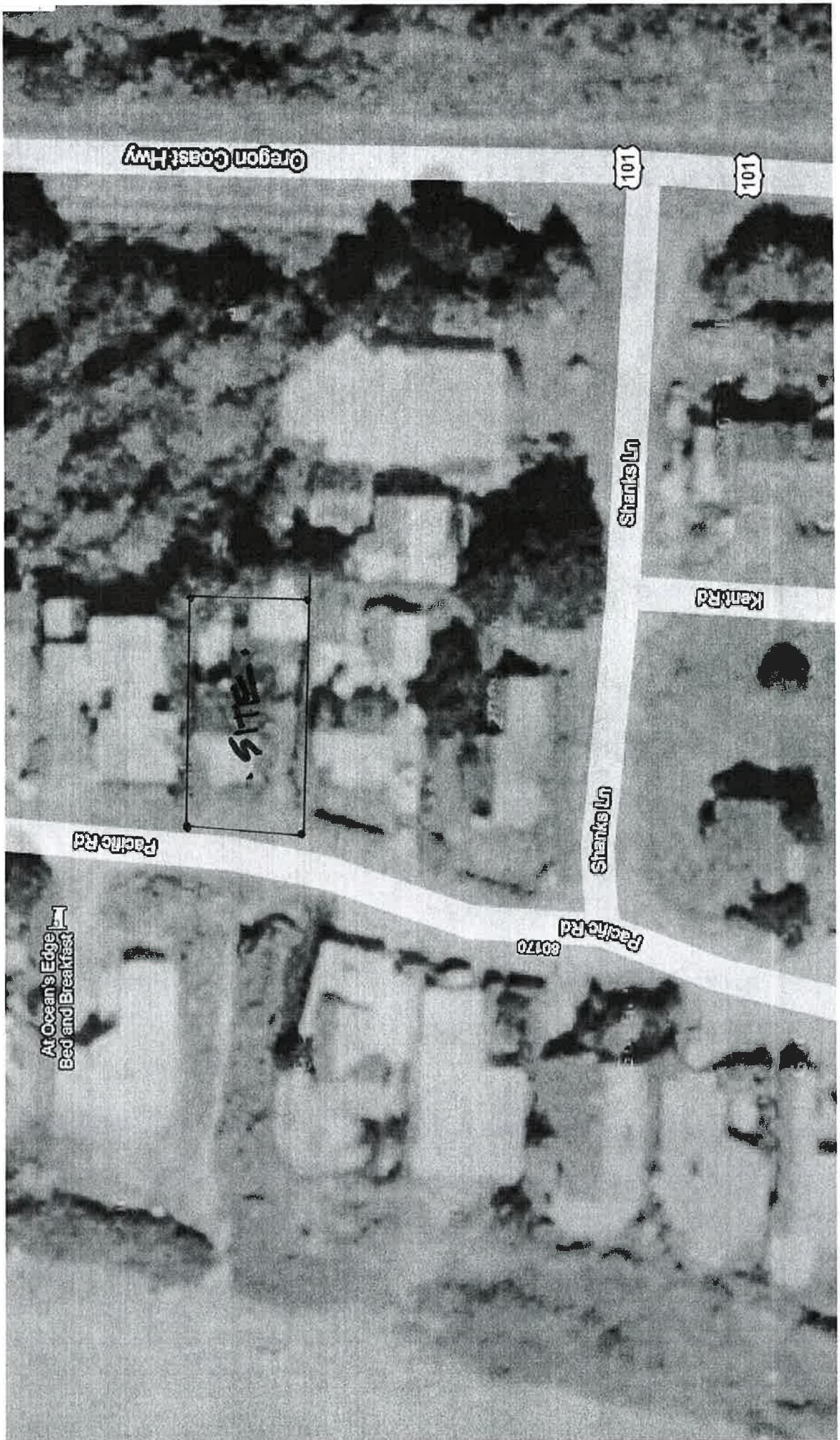


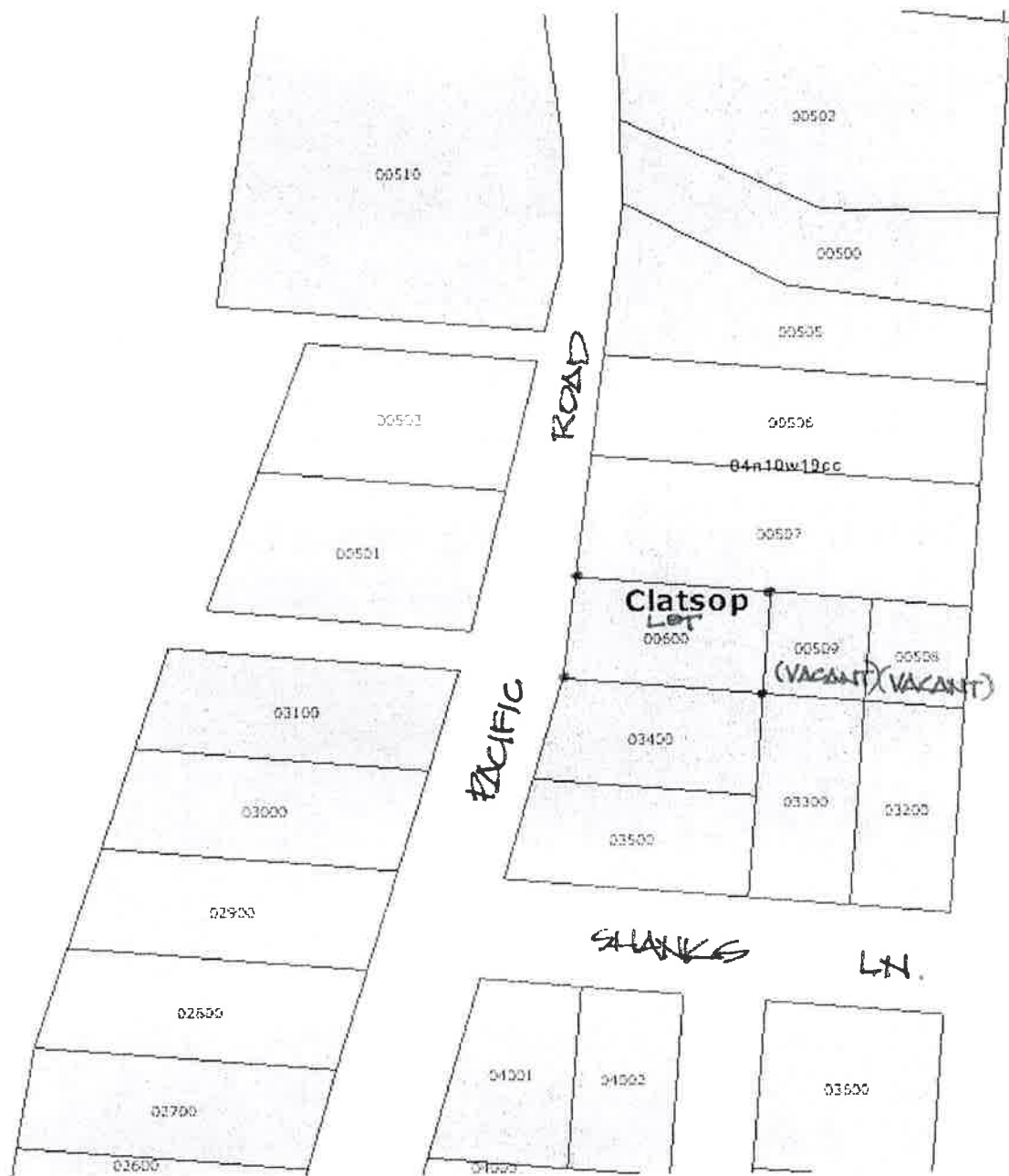
1074 S.F.
UPPER FLOOR PLAN











VICINITY MAP

. NO SCALE .



STAFF REPORT

LOT OF RECORD DETERMINATION

STAFF REPORT DATE: November 16, 2010

REQUEST: Lot of Record Determination

APPLICANT: Richard Gardener

OWNER: Thomas McGilchrist/Sandra Higgins

PROPERTY DESCRIPTION: T4N, R10W, Sec. 19CC, TL 600

PROPERTY SIZE: 0.11 acres (~4791 sq. ft.)
(Approximate)

ZONING DESIGNATION: AC-RCR *Arch Cape Rural Community Residential*
Minimum lot size – 7,500 sq ft.

EXISTING STRUCTURES: Clatsop County Assessor's documents indicate a dwelling on the property.

COUNTY STAFF REVIEWER: Jennifer Bunch, Planner

LOT-OF RECORD BACKGROUND:

There are two steps to a lot of record determination. The first is to determine whether or not the subject property was created legally. The property must meet the definition of a "lot of record" under section 1.030, LWDUO #80-14: "any lot or parcel lawfully created by a subdivision or partition plat of record in the County Clerk's Office, or lawfully created by deed or land sales contract prior to land use partitioning requirements, and of record in the Deed Records of Clatsop County." Receiving this designation does not allow the owner to build on the property. In order to develop the property, the lot must also be considered a "land use lot of record" as in General Exception to Lot Size Standards; S1.030. "If, at the time of adoption of the zone for the subject property, a lot has an area or dimension which does not meet the lot size requirements of the zone, and the lot was not in the same ownership as any contiguous lot or lots which do not meet the minimum lot area requirements, the lot may be developed as allowed by the zone and applicable development requirements. If, at the time of adoption of the zone for the subject property, contiguous lots or parcels which individually do not have an area that meets the minimum lot area requirement of the zone, are held in the same ownership, the aggregate holdings constitute one land use parcel and that parcel may be developed as allowed by the zone and applicable development requirements. Once these two criteria are met, the current owner of the subject property will receive approval from the

County Planning Department to begin the process of obtaining a development permit. For lots in some zones, there may be more steps to take before a development permit is issued.

The following determination by Clatsop County Community Development Department is based in part on the following: Information provided by the applicant; Clatsop County deed and land use contract records; Clatsop County Land and Water Development and Use Ordinance #80-14 (LWDUO) and Kishpaugh vs. Clackamas County.

LOT OF RECORD STATUS:

Lot of Record Status is based on the following provision in Ordinance #80-14, Section 1.030, Definitions, "Lot-of-Record", which reads: "Any lot (defined in ORS 91.010 as *a single unit of land that is created by a subdivision of land*) or parcel (defined in ORS 215.010 as *a unit of land created: (A) By partitioning land as defined in ORS 92.010; (B) In compliance with all applicable planning, zoning and partitioning ordinances and regulations; or (C) By deed or land sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations.*) lawfully created by a subdivision or partition plat of record in the County Clerk's Office, or lawfully created by deed or land sales contract prior to the land use partitioning requirements, and of record in the deed records of Clatsop County."

Staff Finding:

The subject property (T4N, R10W, Sec. 19CC, TL 600) was created with the Kent Price Park subdivision September 10, 1945 (Clatsop County Subdivision Records Volume 09, Page 24). The subject property meets the county's definition of "lot of record". LWDUO §1.030.

LAND USE LOT OF RECORD STATUS:

Land Use Lot of Record Status is governed by Paragraph One of Standards Section S1.030, includes the following definition: "If, at the time of adoption of the zone for the subject property, a lot has an area or dimension which does not meet the minimum lot size requirements of the zone, and the lot was not in the same ownership as any contiguous lot or lots which do not meet the minimum lot area requirements, the lot may be developed as allowed by the zone and applicable development requirements."

Staff Finding:

On October 10, 2003, the effective date of Ordinance #03-10, which established the current AC-RCR zone, Thomas McGilchrist/Carol Schunk (3/4) and Sandra and Maurice Higgins (1/4) owned the subject property. Contiguous substandard lots were not owned in common.

CONCLUSION

The subject parcel, T4N, R10W, Sec. 19CC, TL 600, is considered a "lot of record". In addition, it is also a "land use lot of record" and considered a "buildable lot." A maximum of one (1) dwelling is allowed on a "land use lot-of-record."

This determination is a Type I procedure, as defined in Section 2.015, Type I Procedure. Pursuant to Ordinance #80-14, Section 2.230, Request for Review/Appeal, this determination may be appealed within twelve (12) days of this decision. The deadline for filing an appeal is 5:00 PM on November 29, 2010.

If you have any questions regarding this determination, please contact the Clatsop County Community Development Department (503) 325-8611.

Respectfully,

A handwritten signature in black ink that reads "Jennifer Bunch". The signature is written in a cursive, flowing style.

Jennifer Bunch
Planner

cc: file

Scale 1:1200

NAD 1983/91 HARN StatePlane Oregon North FIPS 3601 Inl Feet

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The result is a product of the utilization of multiple methods, using a "top-down" data flow that is maintained by the company which supplies the program material. Therefore, there is not a complete flow of information, and while material is

February 28, 2011

4.10.19CC

Exhibit 2



PUBLIC NOTICE FOR AN ISSUE BEFORE THE TRANSPORTATION & DEVELOPMENT DIRECTOR

In the matter of a Major Design Review application submitted by Rick Gardner for a new single family dwelling to replace an existing dwelling, located at 80185 Pacific Road, north of Shanks Lane. The legal description of the parcel is T4N, R10W, § 19CC, TL 00600.

(For more information see Page 2 of this notice)

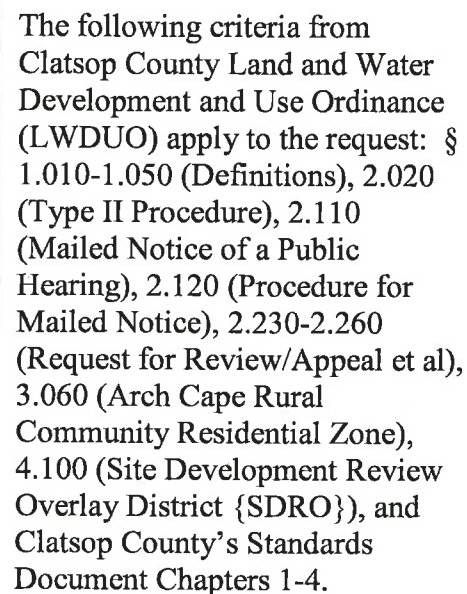
APRX. DATE OF DECISION:	March 21, 2011
COMMENT PERIOD:	March 2, 2011 – March 16, 2011
DESIGN REVIEW HEARING:	March 16, 2011, 6 pm Arch Cape Fire Hall, 79816 E Beach Road
SEND COMMENTS TO:	Public Service Building 800, 800 Exchange Street, Suite 100, Astoria, Oregon 97103
CONTACT PERSON:	Julia Decker, 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 may be found on page 2.

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 Wednesday, March 16, 2011** and; Pursuant to Section 2.020 of the Clatsop County Land and Water Development and Use Ordinance (LWDUO), the Department Director is tentatively scheduled to render a decision based on evidence and testimony on Monday, March 21, 2011, at the Public Service Building, 800 Exchange St., Suite 100, Astoria, OR 97103.

All interested persons are invited to submit testimony and evidence in writing by addressing a letter to the Clatsop County Transportation & Development Director, 800 Exchange Street, Suite 100, Astoria, OR 97103. Written comments may also be sent via FAX to 503-338-3606 or via email to jdecker@co.clatsop.or.us. Written comments must be received in this office no later than **4 pm on Wednesday, March 16, 2011**, in order to be considered at the **Design Review Public Hearing** and in the **Decision**.

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.



Involvement), Goal 2 (Land Use Planning), Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces), Goal 6 (Air, Water and Land Resources Quality), Goal 8 (Recreational Needs), Goal 9 (Economy), Goal 10 (Housing), Goal 11 (Public Facilities and Services), Goal 12 (Transportation), Goal 13 (Energy Conservation), Goal 14 (Urbanization), Goal 16 (Estuarine Resources), and the Southwest Coastal Community Plan.

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.

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.

m/ 2-23-11 

Owner_line	Ownerline(2)	Owner Address	Ownerline(3)	City	State	Zip Code
AB Living Trust	Warner Dixie / Mills Enid	6532 SW Wexford Dr	Devlin John/Laura	Portland	OR	97223
Arenz Antoinette K Trust 1/2	Arenz Antoinette K Tr	P.O. 91429	Arthur Michael E/Claire M 1/2	Portland	OR	97291
Astle David J	Astle Kathleen S	498 SE Welcome Ct		Salem	OR	97302
Balmer Robert L/Janet C		1518 SE 107th Ave #B		Portland	OR	97216-3252
Cahill Donald S Tr	Cahill Family Trust	5517 NE Clackamas St		Portland	OR	97213
Cannard David L		80220 Pacific Rd	georgecerelli@gmail.com	Arch Cape	OR	97102
George Cerelli	Clark Mary H Trust	31906 Ocean View Lane		Arch Cape	OR	97102
Clark Mary H	Crosby Kendall E	5960 SW Riverpoint Ln		Portland	OR	97201
Crosby Andrew B	Eigen Lucy Lebeau	1900 SW River Dr #602		Portland	OR	97201-8045
Eigen Daryl J	Gardner Catherine M	80199 Pacific Rd		Arch Cape	OR	97102
Gardner Richard K		P.O. Box 138		Tolovana Park	OR	97145
Geist John K/Kathleen G		80193 N Pacific Rd		Arch Cape	OR	97102
Harpole Thomas W		5790 Childs Rd		Lake Oswego	OR	97035-8060
Kittell Geoffrey S/Danna L		9001 SW Robert Gray Ln		Portland	OR	97225
Meyer James A/Lora R Rev Trus	Meyer James A/ Lora R Tr	2764 SW Summit Dr		Portland	OR	97201
Nordstrom Eugene A Trustee	Nordstrom Barbara L Trustee	7204 NE 83rd Ave	Nordstrom Family Trust	Vancouver	OR	98662
Owens William V 1/2	Owens Carolyn K 1/2	P.O. Box 1454		Cannon Beach	OR	97110
Peters Mark A	Peters Joan	7460 SW Canyon Ln		Portland	OR	97225
Price Kent H/Florence M Tr		89587 Lakeside Ct		Warrenton	OR	97146
Samuelson Mark	Samuelson Katherine	3509 NE 209th Pl	Samuelson Scott A	Sammamish	WA	98074
Shaw Georgia L	Henkle Thomas R/Judith E	14835 NE Tillamook		Portland	OR	97230
Trelstad Cynthia 1/4	Rader Don/Morris Rader Pat 1/4	3892 NE Alameda	Rush John/Brenda 1/4	Portland	OR	97212
Tunquelen LLC		2240 Prestwick Rd		Lake Oswego	OR	97034
ACSD		32065 E Shingle Mill Ln	VSWENSON@co.clatsop.or.us	Arch Cape	OR	97102
Clatsop County Surveyor	Via Email	1100 Olney Avenue	clatsopswcd@iinet.com	Astoria	OR	97103
Clatsop Soil/Water Cons. District	Via Email	750 Commercial, Rm 207	cleve@cbfire.com	Astoria	OR	97103
Cleve Rooper, Chief		Cannon Beach Rural Fire Protect P.O. Box 24	DBIRKBY@co.clatsop.or.us	Cannon Beach	OR	97110
Commissioner Debra Birkby	Via Email		abancke@columbiaestuary.org			
CREST	Via Email	750 Commercial St Rm 205	matt.spangler@state.or.us	Astoria	OR	97103
Matt Spangler	DLCD, N. Coast Field Rep.	810 SW Ader St Ste B	ODOTR2PLANMGR@ODOT.STATE.OR.US	Newport	OR	97365
ODOT	Via Email		rash@co.clatsop.or.us	Astoria	OR	97103
Ron Ash	Via Email	1100 Olney Avenue				
Richard D'Onofrio	Via Email		mcdonofrio@msn.com			
Tod Lundy	Via Email		TodLundy@q.com			
John Mersereau	Via Email		mersereau@charter.net			
Linda Murray	Via Email		murraylapp@charter.net			

*email only