

CLATSOP COUNTY

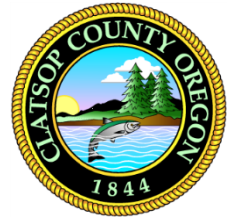
Community Development, Planning Division
800 Exchange Street, Suite 100
Astoria, OR 97103

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Southwest Coastal Design Review / Citizen Advisory Committee

Regular Meeting Agenda

Date: Wednesday, April 18, 2012
Time: 6:00 pm
Location: Arch Cape Fire Hall, 79816 E. Beach Road, Arch Cape, OR 97145

1. CALL MEETING TO ORDER (Staff, until election of officers) (6:00-6:01 p.m.)
2. ROLL CALL (staff) (6:01-6:03 p.m.)
3. ELECTION OF OFFICERS (staff) (6:03-6:10 p.m.)
4. BUSINESS FROM THE PUBLIC (6:10-6:15 p.m.): 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. (Chair)
5. CONSIDERATION OF MINUTES (6:15-6:20 p.m.):
 - o Minutes of November 16, 2011 regular session (*Attachment 1*) (**Page 3**)
 - o Minutes of February 15, 2012 work session (*Attachment 2*) (**Page 7**)
6. ACTION ITEM (6:20-6:50 p.m.):
 - o Major Design Review – Application by Coaster Construction, on behalf of Jon and Candace Holzgrafe, for review of application to expand (change the angle) of a portion of the roofline of a single-family residence on property owned by the Holzgrafes, located at 80180 N. Pacific Road, Arch Cape, Oregon, also known as T4N, R10W, Sec. 19CC, TL 3100. Staff: Julia Decker, Planner. (*Attachment 3*) (**Page 9**)
(Exhibit 1) (**Page 17**), (Exhibit 2) (**Page 37**), (Exhibit 3) (**Page 41**), (Exhibit 4) (**Page 45**)
7. OTHER BUSINESS (6:50-7:45 p.m.):
 - a. Discussion regarding Arch Cape Tree Ordinance revision (*Attachment 4*) (**Page 51**)
 - b. Discussion regarding accessory structures less than 200 square feet (*Attachment 5*) (**Page 57**)
 - c. Open Discussion: This is a chance for the committee to discuss and invite testimony from outside agents regarding topics of interest.
8. ADJOURN (7:45 p.m.)

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 Community 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.

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Attachment 1

MINUTES
SOUTHWEST COASTAL DESIGN REVIEW / CITIZEN ADVISORY COMMITTEE
MEETING

November 16, 2011, 6:00 p.m.
Arch Cape Fire Hall, 79816 E. Beach Road, Arch Cape, Oregon

Chairman George Cerelli called the meeting to order at 6:01 p.m.

Members present: George Cerelli (GC), Richard D'Onofrio (RD), John Mersereau (JM) and Tod Lundy (TL), Linda Murray (LM).

Members of the public present: Commissioner Debra Birkby (Clatsop County Board of Commissioners), Butch Coleman, Tevis Dooley, and two others.

Staff present: Hiller West (HW), Principal Planner; and Julia Decker (JD), Planner, of Clatsop County Transportation and Development Services.

Business from the Public:

Butch Coleman asked the committee to review a set of plans he intended for a wall to buffer noise for the Inn at Arch Cape. Committee members thought the plan looked acceptable. Mr. Coleman will call JD regarding whether he needs permits. Mr. Coleman also revealed a set of concept plans for his Arch Cape Deli proposal. The committee and member of the public were encouraging of his designs. He stated he is waiting for some legal matters to be cleared up before he can proceed.

Consideration of Minutes:

JM moved and RD seconded to approve the July 20, 2011, minutes as presented by staff. Motion passed unanimously.

Action Item:

Design Review: Tenneson Carport/Tool Room Accessory Structure: JD presented a staff report for an accessory structure proposed for the Tenneson property, located at 31973 E. Ocean Lane, Arch Cape, also known as T4N, R10W, Sec 30BB, TL 4400. The applicant was Tevis E. Dooley III, who submitted the proposal on behalf of Scott V. Tenneson and William R. Tenneson, owners.

JD reviewed the staff report, noting the proposal met all the criteria for design review, no ocean views would be affected, drainage for the new structure would tie into an existing system onsite, the electrical lines from the house to the accessory structure would be underground, and all lighting would be full-cut-off. She noted no written comments had been received.

TL moved and LM seconded [Committee's] approval. The motion was approved unanimously.

TL commented he appreciated the high quality of Mr. Dooley's application materials.

Other Business:

JM asked JD to review the language regarding non-conforming uses. Through the course of discussion, JM explained he was concerned specifically about a recent proposal for a non-conforming structure built too close to a road and to a creek. The proposal was to convert it to a guest house. JD explained the proposal included a change of use and required a variance, something she thought could be approved because the hardship was the lot size and not self-imposed. The property owners, however, did not wish to pursue the project because of the need for the variance application.

Committee members reviewed copies of language under consideration for revisions to the tree-cutting ordinance for Arch Cape. There was general agreement the current language was not good, and they discussed what to do about dead and dying trees that constitute a hazard. Ideas discussed included:

- Obtaining an arborist's written opinion regarding dead or dying trees and submitting the opinion to the county for a nominal Type I review and fee could remove the committee from the procedure and cut down on the time necessary to remove a dangerous tree;
- An objective philosophy would be useful to guide the direction of the ordinance;
- An ecological feel for the area was preferable and the committee does not wish to inadvertently creates language permitting mowing down trees to obtain a view;
- Is it possible to impose fines high enough to act a true deterrent?;
- The size of a tree diameter at a certain height could be used to guide whether it should be considered as a heritage tree;
- A tree's diameter could be used as the criterion for whether it is covered by the ordinance;
- Permitting a 10% per year clearing could result in a virtually cleared lot within a little over a decade and would be difficult to regulate; and
- Permitting a specified number of trees per tax lot would be difficult to regulate and not all tax lots are the same size.

JM will work on another draft of the ordinance for distribution and discussion at a later meeting.

Meeting adjourned at 8:02 p.m.

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Attachment 2

MINUTES
SOUTHWEST COASTAL DESIGN REVIEW / CITIZEN ADVISORY COMMITTEE
WORK SESSION

February 15, 2012, 6:00 p.m.

Arch Cape Fire Hall, 79816 E. Beach Road, Arch Cape, Oregon

Planner Julia Decker convened the work session at 6:03 p.m. and called the roll, explaining William George, who had been appointed to the committee, had resigned due to scheduling conflicts. Committee members requested staff inform the County Manager's office the committee saw no need to re-advertise the open position, which could simply be filled from the existing applicant pool. Director Hiller West agreed to pass along the message.

Members present: Mike Manzulli (MM); Virginia Birkby (VB); Richard D'Onofrio (RD); John Mersereau (JM); Tod Lundy (TL); and Dan Seifer (DS).

Clatsop County Commission Liaison present: Commissioner Debra Birkby.

Members of the public present: Tevis Dooley, for a part of the meeting.

Staff present: Hiller West (HW), Director; and Julia Decker (JD), Planner, Clatsop County Community Development.

Public Meetings Laws Overview: JD provided a brief overview of public meetings laws and pointed out to committee members the public meetings laws section in the handbook from the County Manager's office. There was brief discussion about the laws, particularly with regard to communication among members outside public meetings.

Introductions: Committee members introduced themselves to each other and provided a little background about their interests and experiences and the reasons they decided to apply to serve on the committee.

Selection of Temporary Chair for Work Session: By consensus, John Mersereau was selected to act as chair for the work session.

Distribution and Overview of Planning Documents/Roles of Committee and Staff: JD distributed copies of the Land and Water Development and Use Ordinance #80-14 and Standards Document; Goal 1 of the Comprehensive Plan; ORS 215; and the Southwest Coastal Community Plan. She provided an overview of the documents and how they work together and the roles of the committee, the planning commission and staff. Those present discussed the AC-RCR zoning and the requirements for design review. JD presented the Tennessee design review packet from the November meeting and explained the current request for a minor revision. The committee reviewed the packet and the revision. The consensus was the revision was minor enough to be a director decision, and the committee did not need to see the item again as an action item at a future meeting. VB suggested, and the others agreed, reviewing pertinent sections of the ordinance individually, in small portions, one at each meeting. She will select a segment for the next committee meeting.

Committee Member Agenda Items: VB stated her wish that former committee members' expertise and experience be welcomed. Those present agreed past members should still be able to make valuable contributions to the committee's work.

MM showed a PowerPoint created by the options group, a community group on which he had served. The PowerPoint included issues and concerns voiced by community members and had been shown at a public work shop in 2009 or 2010. MM asked for the committee's input, which he said he would share with the rest of the options group. The PowerPoint ultimately would be shown to the Board of County Commissioners, he said.

Meeting adjourned at 8:05 p.m.

Attachment 3



STAFF REPORT

Staff Report Date: April 11, 2012

Hearing Date: April 18, 2012

Hearing Body: Southwest Coastal Design Review / Citizen Advisory Committee

Request: Remodel roof over existing vestibule. (Replace portion of roof on existing single-family dwelling and change the angle, so that it slopes away from the interior of the house rather than inward, which increases an exterior dimension. Also adds three skylights and new windows.) Requires Major Design Review, per Land and Water Development and Use Ordinance #80-14, Section 4.102 (2)

Applicant: David Vonada, Tolovana Architect LLC
P.O. Box 648
Tolovana Park, OR 97145

Owners: Jon and Candace Holzgrafe
300 SE Spokane Street
Portland, OR 97202

Property Description: T4N, R10W, Sec. 19CC, TL 3100

Zoning: AC – RCR (Arch Cape – Rural Community Residential)
SDRO – Site Design Review Overlay

Property Location: 80180 N. Pacific Road, Arch Cape, Oregon 97102

Property Size: 0.16 ac.

Staff Reviewer: Julia Decker, Planner

Exhibits: 1 – Application
2 – Area Maps
3 – Public Comments
4 – Public Notice – *mailed and emailed*

Comments Received: Two: Michael Arthur, immediate neighbor; and Thomas Merrell, ACSD Manager.

...

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

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

Applicant: "See architectural plans and photo renderings attached."

Staff Finding: The slope of the roof will change direction, sloping southward rather than north, but will not exceed the height of the main roofline. The section of roof to be remodeled will be 13 feet, four inches in height, well under the 18 foot height limitation for ocean front structures.

In all other ways the house, originally built in 1948, will remain unchanged: The foot print will remain the same, as will lot coverage. The siding, roofing materials and windows and skylights proposed are being designed to complement the existing home.

Applicant meets this criterion.

2. Protection of Ocean Views: Shall be preserved through the confines of this ordinance section 3.064.

Applicant: "No impact of views to any adjacent properties."

Staff Finding: Section 3.064 of Land and Water Development and Use Ordinance #80-14 designates the development and uses permitted in the zone. Subsection (1) stipulates a single family dwelling is a permitted use in the AC-RCR Zone.

Review of the application and Criterion 1, above, shows the proposed remodel is to a single-family dwelling. The height of the remodeled roof will meet the height restriction. Artist's drawing show a minute change in the view of the sky when viewed from directly in front of the dwelling, but no change to ocean views.

Public notice was provided to property owners within 250 feet of the property lines of the parcel, and no comments were received regarding concerns about disruption of ocean views.

The use is permitted, the height of the roof meets the limitation of the zone, and ocean views are not impacted.

Applicant meets this criterion.

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

Applicant: "No changes to existing landscaping."

Staff Finding: No change is planned in the footprint of the dwelling; therefore, no trees and vegetation are proposed to be removed, no soil is proposed for removal, nor is cut-and-fill construction proposed. A condition that areas disturbed by construction activities and the new drainage system shall be re-vegetated will be included in the conditions of approval.

This criterion can be met through a condition of approval.

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

Applicant: "No new utilities. New roof drain to be connected to existing system."

Staff Finding: No new utilities are proposed.

Applicant meets this criterion.

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

Applicant: "No new exterior lighting."

Staff Finding: No new exterior lighting is proposed.

Applicant meets this criterion.

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

Applicant: "Not applicable."

Staff Finding: **Staff concurs with applicant; this criterion is not applicable.**

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

Applicant: "No change."

Staff Finding: This criterion applies to commercial developments and zoning. **This criterion is not applicable.**

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

Applicant: "No signs."

Finding: No signage is proposed. **This criterion is not applicable.**

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

Applicant: "New roof drain to replace existing roof drain. No increase in impervious area."

Finding: The proposal is designed to transfer water from the roof into the existing water drainage system. Staff received a comment from Michael Arthur, an immediate neighbor to the subject property, who requested care be taken to review the drainage plans and to make sure water was not directed over the bank to the west, creating erosion problems and potentially damaging the bank on which the homes rest.

The drainage plans call for the water collected from the roof to tie into the existing drainage system. The existing system, according to the contractor and architect, drains to the west.

Upon learning of Mr. Arthur's concerns from staff, the architect devised a new drainage plan that would route the drain eastward, to the street, which then drains to the north to the creek. This practice is used by several other properties in the neighborhood. In a subsequent conversation with ACSD Manager Thomas Merrell, staff learned from Mr. Merrell a preferred method is to run flexible tubing down the western bank to the base, daylighting the drainage tubing there. Mr. Merrell stated this method does not cause erosion problems and would not contribute to a problem farther north on Pacific Road, where water is collecting from other homes uphill.

Based on the descriptions above, it appears the system described by Mr. Merrell would be the best strategy. Staff recommends the committee address this matter during discussion. The criterion can be met through a condition of approval, and staff will recommend the option recommended by the committee

The new drainage system would be included on building permit drawings.

The above criterion can be met through a condition of approval.

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

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Overall Conclusion:

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

1. Construction shall occur as shown on the plans received with the application and on file in the Clatsop County Community Development Department. The Community Development Director may approve minor modifications of these plans if they are requested prior to construction of the minor modification.
2. Utilities, including the new drainage system, shall be installed underground.
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 Design and Operation Standards and Requirements under Standards Section S2.504. The erosion control plan submitted with this application is adequate when applying for a development/building permit.
8. Water drainage for the remodeled roof shall be subsurface unless running via flexible tubing down the western bank and routed using the preferred method recommended by the SCCAC, as described in criterion 9, above. The new drainage system shall be included on building permit drawings.
9. Natural vegetation shall be retained to the maximum extent possible. Re-vegetation, i.e. reseeding of grass, etc., of any areas disturbed during construction shall be completed within 30 days of completion of construction, or as soon as possible, weather permitting.



SOUTHWEST COASTAL DESIGN REVIEW

CRITERIA EVALUATION SHEET

Applicant:

David Vonada, Tolovana Architect LLC
P.O. Box 648
Tolovana Park, OR 97145

Owner:

Jon and Candace Holzgrafe
300 SE Spokane Street
Portland, OR 97202

Property Description:

T4N, R10W, Sec. 19CC, TL 3100
80180 N. Pacific Road

DESIGN REVIEW CRITERIA

1. Relation of Structure to Site: The slope of the roof will change direction, but in all other aspects the home will remain the same in terms of location, overall height, bulk, shape and arrangement .
2. Protection of Ocean Views: No impact of views to any adjacent properties.
3. Preservation of Landscape: No changes to existing landscaping.
4. Utility Service: No new utilities. New roof drain to be connected to existing system.
5. Exterior lighting shall be of a “full cut-off” design: No new exterior lighting.
6. Buffering and Screening (For Commercial Uses): Not applicable.
7. Vehicle Circulation and Parking: No change.
8. Signs: No signs.
9. Surface Water Drainage: New roof drain to replace existing roof drain. No increase in impervious area.

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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 #: **20120048**
Permit Type: **Type II**
Entry Date: **2/23/2012**
Entered By: **Jennifer Bunch**
Assigned To: **Julia Decker**
Permit Status: **Deemed Complete**

Permit Timeline

User	Status	Date
Jennifer Bunch	Entered	02/23/2012
Julia Decker	Assigned	02/23/2012
Julia Decker	Deemed Incompl	03/13/2012
Julia Decker	Deemed Comple	03/15/2012

Proposed Use

Proposed Use: **Design Review**

Description: Major Design Review

Zone: **AC-RCR**

Overlay District: **GHO**

Owner/Project Location

Owner: Name: **Holzgrafe Candace C**

Ph. #: () -

Address: 300 SE Spokane St

Cell: () -

City, State, Zip: Portland, OR 97202

Fax: () -

Situs Address: **80180 N PACIFIC RD** T R S Q S Qq S Taxlot

City: **Arch Cape** State: OREGON 4 10 19 C C 03100

Applicant/Agent

Applicant: Name: David Vonada

Ph. #: () -

Address:

Cell: () -

City, State, Zip:

Fax: () -

Ph. #: () -

Cell: () -

Fax: () -

Fees

Fee Type:

Planning/Development

Permit Fee Total:

\$711.00

Total: **\$711.00**

Receipt

Payor Name:

David Vonada

Pymnt Type

Check

Check

2006

Pymnt Date

02/23/2012

Pymnt Amount:

\$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: _____



APPLICATION FOR
DESIGN REVIEW

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

APPLICANT: DAVID VONATA Phone: 503.436.0519

Address: P.O. Box 648 200 EAST WARREN WAY
ICLOVANA PARK, ORE. 97142

OWNER: Jon & Candi Holzgrafe Phone: _____

Address 300 S.E. Spokane St.
Portland, Ore. 97202

AGENT: _____ Phone: _____

Address: _____

Proposed Development: Remodel roof over existing vestibule

Present Zoning: _____ Overlay District: _____

Lot Size: _____

Property Description: MAP 4.10.19cc _____ 3100

Township Range Section Tax lot(s)

Property Location: N. Pacific St. & Shanks Ave

General description of the property:

Existing Use: Residential

Topography: Oceanfront

General description of adjoining property:

Existing Uses: Residential

Topography: Oceanfront

Transportation and Development Services – Land Use Planning Division
800 Exchange, Suite 100 ■ Astoria, Oregon 97103 ■ (503) 325-8611 ■ FAX 503-338-3606

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

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

Applicant's Signature: David Venada Date: 2/23/12

Owner's Signature: Candace Holzgrafe Date: 2-23-2012

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

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

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

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

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

Reports:

[Current Tax Statement for Account 2773](#)

[Annual Appraisal Report for Account 2773](#)

[Payment and Appeal Instructions](#)

Account Info:

Taxlot Key:	41019CC03100	Property Class:	101
Account Number:	2773	Structure Class:	146
Real Market Value:	906758	Neighborhood:	H4
Assessed Value:	617672	Maintenance Area:	4
Primary Situs:	80180 N PACIFIC RD Arch Cape		
Tax Map PDF:	Click to View Image		

Owner Info:

Owners: Holzgrafe Candace C

Agents:

PO Box:

Mailing Address: 300 SE Spokane St Portland, OR 97202

Land Size Info:

Account Num:	Taxcode:	Acres:
2773	1007	0.16

Property Info:

Account Num:	Year Built:	Num Stories:	Sq Ft:	Num Bathrooms:	Num Bedrooms:	Property Diagram:
2773	1948	2	2266 2		6	Click to View Image

Recent Transactions:

Account Num:	Instrument Num:	Sale Date:	Sale Price:
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Special Interest Info:

Account Num:	Spec Int Type:	Spec Int Num:
2773		

Contact the Clatsop County Assessor's Department for more information or questions about this report.
503-325-8522
assessor@co.clatsop.or.us

Disclaimer: The information and data included on Clatsop County servers have been compiled by County staff from a variety of sources, and are subject to change without notice. Clatsop County situation where the official printed publications of Clatsop County differ from the text contained in this system, the official printed documents take precedence.

- (F) Accessory buildings associated with commercial developments and containing no residential units.
 - (G) Development and Construction of transportation facilities.
 - (H) Any Change in Use, Variance Request, Conditional Use Permit, or Other Use Requiring Review through Type II, III, or IV procedures with exception of those described in 4.109(2).
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 4.108, is not required.
- (A) Any project that requires a building permit and does not result in the expansion of the exterior dimensions and/or footprint.
 - (B) If the Community Development Director determines that a development may significantly impact adjoining properties with respect to location, bulk, compatibility, views, preservation of existing landscape, or other applicable criteria identified in Section 4.103, the application will be forwarded to the Design Review Advisory Committee for review.

Please address the following ten (10) criteria on a separate sheet of paper:

* Section 4.103. 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. *see Architectural Plans & photo renderings attached.*
2. Protection of views shall be preserved through the confines of this ordinance section 3.064. *No impact of views to any adjacent properties.*
3. Preservation of Landscape. The landscape shall be preserved in its natural state to the maximum extent possible by minimizing tree, vegetation and soils removal. Cut and fill construction methods are discouraged. Roads and driveways should follow slope contours in a manner that prevents erosion and rapid discharge into natural drainages. Disturbed areas shall be re-vegetated with native species. *No changes to existing landscaping.*
4. Utility Service. All new service lines shall be placed underground. *No new utilities. New roof drain to be connected to existing system.*
5. Exterior lighting shall be of a "full cut-off" design. Glare shall be directed away from neighboring property or shielded in a manner not to cause offense (i.e. Full Cut-off Fixtures). *No new exterior lighting.*

- 6 Buffering and Screening. In commercial zones, storage, loading, parking, service and similar accessory facilities shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties. *Not applicable*
- 7 Vehicle Circulation and Parking. The location of access points to the site, the interior circulation pattern and the arrangement of parking in commercially zoned areas shall be designed to maximize safety and convenience and to be compatible with proposed and adjacent buildings. The number of vehicular access points shall be minimized. *No change.*
- 8 Signs. The size, location, design, material and lighting of all exterior signs shall not detract from the design of proposed or existing buildings, structures or landscaping and shall not obstruct scenic views from adjacent properties. *No signs*
- 9 Surface Water Drainage. Special attention shall be given to proper surface water drainage from the site so that it will not adversely affect adjacent properties or the natural or public storm drainage system. *New roof drain to replace existing roof drain.*
- *No increase in impervious area.*
- 10 In addition to compliance with the criteria as determined by the hearing body and with the requirements of sections 1.040 and 1.050, the applicant must accept those conditions listed in Section 5.025 that the hearing body finds are appropriate to obtain compliance with the criteria. All permit criteria and conditions must be satisfied prior to final building approval and occupancy.

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

* Section 4.104. 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 Community Development in a preapplication 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) The Site Plan shall indicate:

- i. All adjacent structures within 100'. *- see exhibit site plan attached.*
- ii. All existing trees 6" caliper or greater, indicating any tree to be removed. *N/A.*
- iii. Existing grades in contours of 1' vertical intervals. *> No change.*
- iv. Proposed final grading in contours of 1' vertical intervals.
- v. The finished site arrangement and landscape features (pedestrian walks, fences, walls, landscaping, etc.) *- see sheet CS.*
- vi. The location of entrances and exits and the direction of traffic flow into and out of off street parking and loading areas. *see sheet CS.*
- vii. Utility lines and services and how they are being provided. *No change.*

viii. A drainage plan for storm water runoff and retention (bio-swales, drywells, retention ponds, etc.) **EXISTING, NO CHANGE.**

(B) Elevations of the structure(s) illustrating the relation to undisturbed average grade.

Per Section 3.068 §7C, a licenses surveyor shall install a benchmark on or near the property to provide vertical control for the project. Proposed developments within two (2) feet of the building height limit will be required to have a licenses surveyor certify the building height, prior to requesting final building inspection. (**It is recommended that the contractor verify height at the framing stage prior to sheathing**)

existing house highest roof. New roof is well below

(C) If applicable, Site Section(s) showing how the proposed structure protects ocean and scenic views per 4.103 (2). **see photos.**

Section 4.105. 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 Community Development Director will examine it to determine whether it is complete (and consistent with the requirements of this Section). If found to be complete, the Community Development Director shall determine whether the application will require Minor or Major Review under Section 4.102(1-2)(Types of Review). If the request is considered a Major Review under Section 4.102(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 Community Development 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 Community Development 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 4.106. Modifications of Approved Design Review Plan. Proposed changes shall be submitted in writing to the Planning Director for approval. Minor changes requested by the

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

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

Applicant's Signature:  Date: 2/23/12

Owner's Signature: _____ Date: _____

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

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

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

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

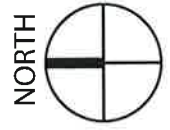
1. The following types of projects shall require review according to the Type II procedure, Section 2.020. For purposes of these types of Major projects, review by the Design Review Advisory Committee as described in Section 4.108, is required.
 - (A) Any new residential development proposing to construct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

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 4.107. 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 International Building Code. However, the County may, at the discretion of the Community Development 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 4.108. Design Review Advisory Committee. The Southwest Coastal Citizens Advisory Committee (CAC) shall serve as a Design Review Advisory Committee for Arch Cape and will review development proposals and make recommendations to the Community Development 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 deliberations and proceedings of the committee shall be public. The Community Development Department shall keep minutes of the committee meetings and such minutes shall be public record.
- 2 The Design Review Advisory Committee shall submit their recommendations to the Community Development Director within seven (7) working days of their decision.



HOLZGRAFE RESIDENCE

EXHIBIT SITE MAP ARCH CAPE, OR



HOLZGRAFE RESIDENCE
EXHIBIT # 1 **VIEW BEFORE**



HOLZGRAFE RESIDENCE
EXHIBIT # 1 VIEW AFTER



HOLZGRAFE RESIDENCE
EXHIBIT # 2 VIEW BEFORE



HOLZGRAFE RESIDENCE
EXHIBIT # 2 VIEW AFTER



HOLZGRAFE RESIDENCE
EXHIBIT # 3 **VIEW BEFORE**

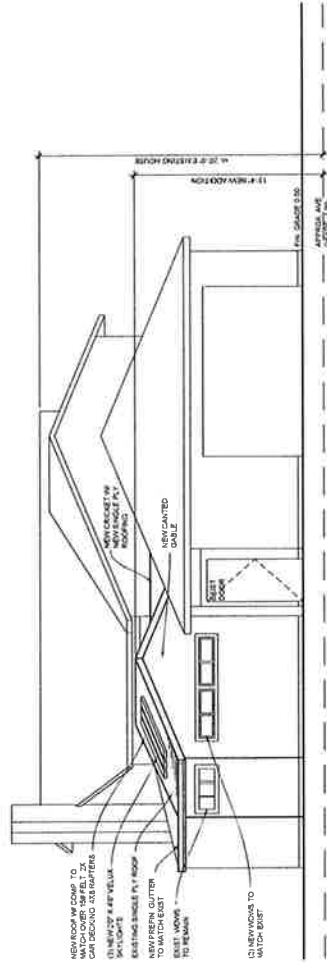


HOLZGRAFE RESIDENCE

EXHIBIT # 3 VIEW AFTER

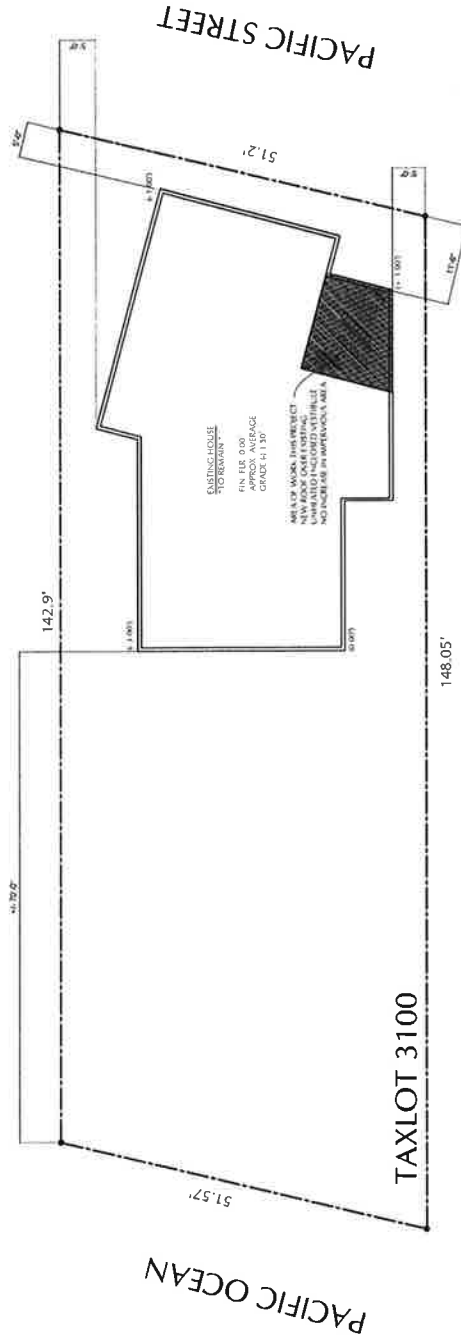
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A1.1



HOLZGRAFE RESIDENCE

ARCH CAPE
CLATSOP COUNTY, OREGON



HOLZGRAFE RESIDENCE
ARCH CAPE
CLATSOP COUNTY, OREGON

MARK	DATE
DATE	2/12/12
FILE	
JOB	
DESIGN	
CONSTRUCT	

CS



Tolovana Architect LLC
P.O. Box 648
200 East Warren Way
Tolovana Park, Oregon 97145



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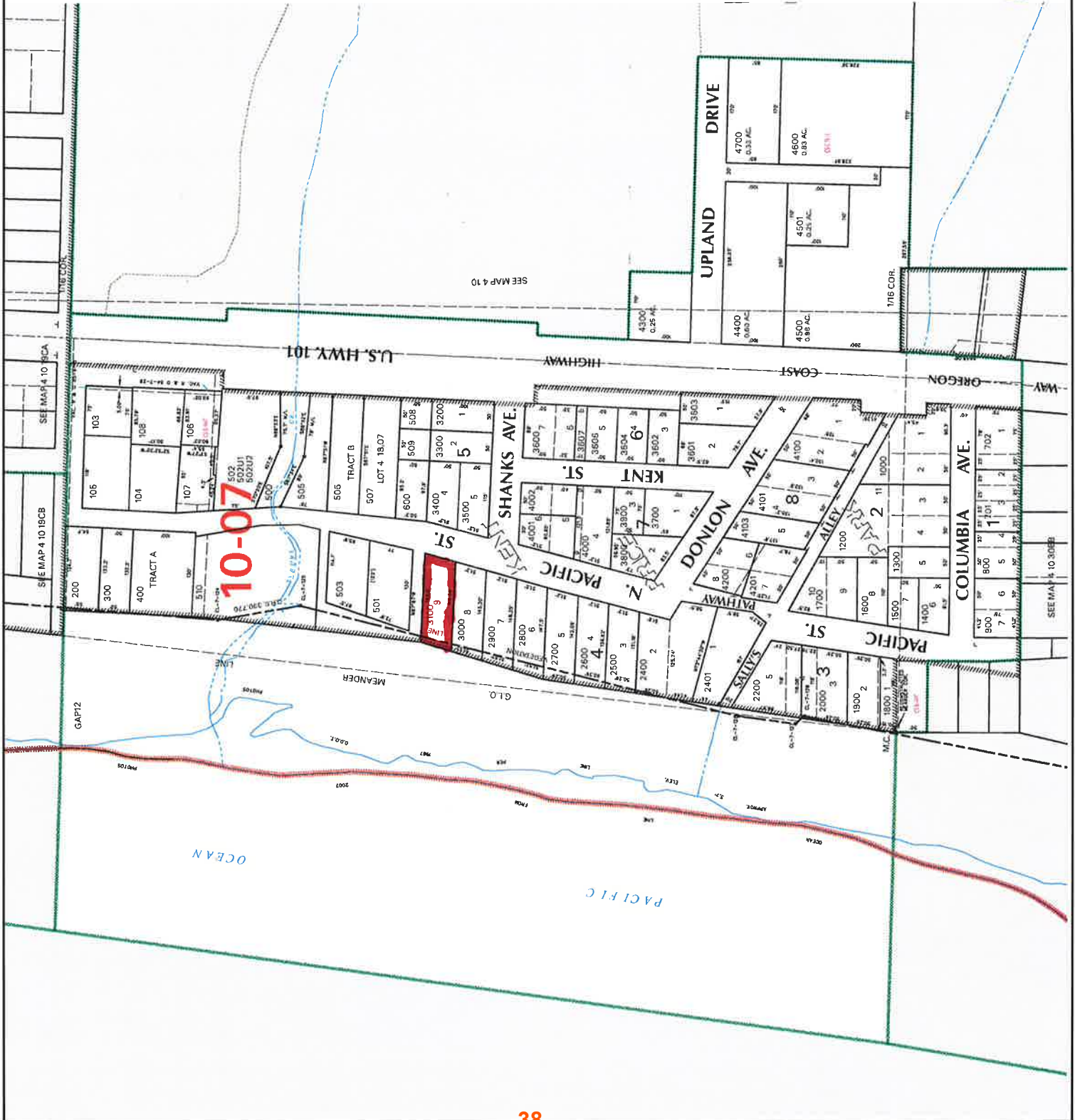
Exhibit 2

T4N R10W SEC 19CC WM
CLATSOP COUNTY
Scale 1:1200

0 100 200 400 ft
NAD 1983/81 NADN StatePlane Oregon North FIPS 3601 Init/Foot

Cancelled
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This map was prepared for approval by the Clatsop County Board of Commissioners. It is not to be used for any purpose other than that for which it was prepared. The Clatsop County Board of Commissioners is not responsible for any errors or omissions in this map.

July 06, 2011

4.10.19CC



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Exhibit 3

Julia Decker

From: Michael Arthur <mearthur@yahoo.com>
Sent: Friday, March 30, 2012 7:35 AM
To: Julia Decker
Cc: AKAJYT; ccma53; Clatsop Development
Subject: Design Review 80180 Pacific Arch Cape

We are co-owners of the house immediately to the south of the Holzgrafe house and received the design review notice about what we understand to be a roof modification to the southeast corner of the Holzgrafe house. Our address is 80160 Pacific. When we purchased our house, we were cautioned about the importance of making sure that drainage had proper flow off of the surface, to protect against bank collapse and erosion. My comment/request is to be sure that this is addressed to the extent required in any approvals for the project--we understand that some roof downspout modification will be made in connection with the remodel, and that the current temporary drainage on the south wall will be tied a permanent drain system. This may already be addressed in the plans, which we have not reviewed. My phone number is 503-645-4767 if you need to contact me, or if I need to provide this comment in a different way to be incorporated into the record and decision process. Thank you. Michael Arthur.

ARCH CAPE WATER AND SANITARY DISTRICT'S
32065 EAST SHINGLE MILL LANE
ARCH CAPE OR, 97102
archcapeservicedistrict@gmail.com
1-503-436-2790

RECEIVED
Clatsop County

APR 06 2012

Land Use/Planning

April 5, 2012

Julia Decker
800 Exchange Street
Suite 100, Astoria, OR 97103

RE; T4N, R10W, 19CC, TAX LOT 3100

Julia,

Concerning property owned by Jon and Candace Holzgrafe. If there are additional modifications that add plumbing units or change the size of the structure, Arch Cape Sanitary District will require a full video inspection of the sewer service lateral to the street and additional SDC's may apply. I have attached for your use Sewer Ordinance 04-01-SD and Ordinance 98-1SD. I have also attached the district flood plain and wetlands management plan, please file these for future use.

Sincerely,

Thomas Merrell, ACSD manager

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Exhibit 4



CERTIFICATE OF MAILING

I hereby certify that I served a copy of the attached **Public Notice** for a(n) Design Review
application, submitted by Holly Nelson,
on behalf of Candace Holzgrate, to those listed on the
attached pages with postage paid and deposited in the post office at Astoria, Oregon on said day.
and via email as indicated.

Date: 3/26/2012

Jnd
Julia Decker, Planner
Clatsop County, Oregon

Clatsop County
Transportation & Development Services
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 COMMUNITY DEVELOPMENT DIRECTOR

In the matter of a Major Design Review application submitted by Coaster Construction LLC for replacement of a portion of a roof on behalf of Jon and Candace Holzgrafe, on property owned by them, located at 80180 N. Pacific Road, in Arch Cape, Oregon. The legal description of the parcel is T4N, R10W, § 19CC, TL 03100.

*(For a map see **Page 2** of this notice)*

APRX. DATE OF DECISION:	April 20, 2012
COMMENT PERIOD:	March 26, 2012, to April 19, 2012
DESIGN REVIEW HEARING:	April 18, 2012, 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 Community Development Department has received the land use application described in this letter. Pursuant to section 4.100 of the Clatsop County Land Water Development and Use Ordinance, a **Public Hearing is scheduled before the Design Review Committee on Wednesday, April 18, 2012.** 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 Friday, April 20, 2012, 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 Community Development Director, 800 Exchange Street, Suite 100, Astoria, OR 97103. Written comments may also be sent via FAX to [503-338-3606](tel:503-338-3606) or via email to jdecker@co.clatsop.or.us. Written comments must be received in this office no later than **5 pm on Thursday, April 19, 2012**, in order to be considered by the Director 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.



The following criteria from the Clatsop County Land and Water Development and Use Ordinance (LWDUO) apply to the request: § 1.010-1.050 (Definitions), 2.020 (Type II Procedure), 2.110 (Mailed Notice of a Public Hearing), 2.120 (Procedure for Mailed Notice), 2.230-2.260 (Request for Review / Appeal et al), 3.060 (Arch Cape Rural Community Residential Zone), 4.100 (Site Development Review Overlay District [SDRO]), and Clatsop County's Standards Document Chapters 1-4.

In addition, the following elements of the Clatsop

County Comprehensive Plan apply to the request: Goal 1 (Citizen Involvement), Goal 2 (Land Use Planning), Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces), Goal 6 (Air, Water and Land Resources Quality), Goal 8 (Recreational Needs), Goal 9 (Economy), Goal 10 (Housing), Goal 11 (Public Facilities and Services), Goal 12 (Transportation), Goal 13 (Energy Conservation), 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 Julia Decker, Clatsop County Planner, at (503) 325-8611 or via email at jdecker@co.clatsop.or.us.

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

Date Mailed: March 26, 2012

Owner	OwnerLine1	OwnerLine2	Mailing Address	City	State	Zip
AB LIVING TRUST	WARNER DIXIE / MILLS ENID	Devlin John/Laura	6532 SW Wexford Dr	Portland	OR	97223
ARENZ ANTOINETTE K	ARTHUR MICHAEL E	Arthur Claire M	13535 NW Lariat Ct	Portland	OR	97229
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 MICHAEL A / DONALD E	CAHILL DONALD E/ GEORGE PATRICIA A	Mike Cahill	4715 E Silver Spur Ln	Spokane	WA	99217
CANNARD DAVID L			80220 Pacific Rd	Arch Cape	OR	97102
CARR THOMAS	CARR LEONARD		3940 SW Tunnelwood Rd	Portland	OR	97221
EIGEN DARYL J	EIGEN LUCY LEBEAU		80199 Pacific Rd	Arch Cape	OR	97102
GARDNER RICHARD K	GARDNER CATHERINE M		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
HOLZGRAFE CANDACE C			300 SE Spokane St	Portland	OR	97202
KITTELL GEOFFREY S/DANNA L			9001 SW Robert Gray Ln	Portland	OR	97225
MEYER JAMES A/LORA R REV TRUST	MEYER JAMES A/ LORA R TR		2764 SW Summit Dr	Portland	OR	97201
NORDSTROM EUGENE A TRUSTEE	NORDSTROM BARBARA L TRUSTEE	Nordstrom Family Trust	7204 NE 83rd Ave	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			89587 Lakeside Ct	Warrenton	OR	97146
THOMAS DANIEL M	THOMAS SUSAN K		3256 Silver St	Hinesburg	VT	5461
TRELSTAD CYNTHIA 1/4	RADER DON/MORRIS	1/4 Vivkie Rothrock	3892 NE Alameda	Portland	OR	97212
TUNQUELEN LLC	RADER PAT 1/4	1/4	2240 Prestwick Rd	Lake Oswego	OR	97034
ACSD			32065 E Shingle Mill Ln	Arch Cape	OR	97102
Clatsop County Surveyor	Via Email		1100 Olney Avenue	Astoria	OR	VSWENSON@co.clatsop.or 97103 .us
Clatsop Soil/Water Cons. District	Via Email		750 Commercial, Rm 207	Astoria	OR	97103 clatsopswcd@inet.com
Mike Balzer, Chief	Cannon Beach Rural Fire Protection District		P.O. Box 24	Cannon Beach	OR	97110

Commissioner Debra Birkby	Via Email	79829 Gelinsky Road	Arch Cape	OR	97102 DBIRKBY@co.clatsop.or.us
CREST	Via Email	750 Commercial St Rm 205	Astoria	OR	97103 abancke@columbiaestuary.org
Matt Spangler	DLCD, N. Coast Field Rep.	810 SW Ader St Ste B	Newport	OR	97365 matt.spangler@state.or.us
Ron Ash	Via Email	1100 Olney Avenue	Astoria	OR	97103 rash@co.clatsop.or.us
Birkby	Virginia	79829 Gelinsky Road	Arch Cape	OR	97102
D'Onofrio	Richard	P.O. Box 1327	Cannon Beach	OR	97110
Lundy	Theodore	3530 N Mississippi Lane	Portland	OR	97227
Manzulli	Michael	80285 Woodland Heights Road	Arch Cape	OR	97102
Mersereau	John	32042 E Shingle Mill Lane	Arch Cape	OR	97102
Seifer	Daniel	79916 W. Cannon Road	Arch Cape	OR	97102
Holly Nelson	Coaster Construction LLC	P.O. Box 245	Cannon Beach	OR	97110
David Vonada	Tolovana Architect LLC	P.O. Box 648	Tolovana Park	OR	97145

Attachment 4

Possible, Partial Tree Cutting Ordinance Language

My editing is indicated by brackets ([]) where I have changed or added text. And italics where text is proposed to be deleted.

For the purposes of this ordinance, trees are divided into the following categories:

Trees from 0 to 8 inches [diameter at breast height or 48" from ground (dbh)] *[John correct this if not correct]*

Trees of this category can be cut without a Clatsop County permit. Landowners are encouraged, but not required, to plant one tree per tree cut. [An exception is made when trees are cut to accomplish healthy spacing between trees. Spacing and replanting standards are outlined below. Also see below for additional considerations which apply when the trees removed are between 4 and 8 inches dbh.]

Trees from 8 to 18 inches dbh

[delete this sentence: A landowner may remove trees according to the following standard: up to 10% of the total number trees in excess of 8 inches dbh on a single tax lot of record may be cut each calendar year without requiring a Clatsop County permit. [NO! this is way too liberal.] Any trees to be cut [in this category]excess of this number require a Clatsop County permit. To receive this permit, the trees in excess of the 10% figure must either be documented in writing as a hazard to public safety or that trees are in need of thinning for the health of the stand. In both cases, this finding must be certified by an acceptable arborist, or [AND] will require review by the Southwest Coastal Design Review Citizen Committee, whose approval will be required to proceed. If there are fewer than 10 trees of greater than 8 inches dbh on a tax lot of record, any proposed tree cutting will automatically require documentation in writing as a hazard to public safety by a certified arborist, or [and] will require review by the Southwest Coastal Design Review Citizen Committee, whose approval will be required to proceed. Any trees from 12 to 18 inches dbh that are cut, subject to approval procedure above, [shall] will be replaced by an equal number of replanted trees, subject to the standards outlined below.

Trees in excess of 18 inches dbh

Removal of any trees in excess of 18 inches dbh requires a Clatsop County permit. The tree must either be documented as a hazard to public safety in writing by a certified arborist to merit this permit, *or the tree removal* [and] will require review by the Southwest Coastal Design Review Citizen Committee, *whose approval will be required to proceed. Each tree of this size that is removed shall be replaced with three trees on the same parcel. Species are to be according to the standards below.*

Replanting

Whenever a tree between 12 and 18 inches dbh is cut, the property owner will be responsible for replanting no fewer than one tree on the same tax lot of record. Whenever a tree in excess of 18 inches dbh is cut, the property owner will be responsible for replanting no fewer than three trees on the same tax lot of record, including no fewer than two conifer trees.

The location of new tree plantings will be at the discretion of the property owner, but will be at location(s) where the tree can reasonably be expected to thrive and grow for no fewer than five decades without significant obstacles. Trees to be used for plantings can be chosen from the following list:

Western redcedar (*Thuja plicata*)
Sitka spruce (*Picea sitchensis*)
Western hemlock (*Tsuga heterophylla*)
Douglas fir (*Pseudotsuga menziesii*)
Pacific crabapple (*Malus fusca*)
Vine maple (*Acer circinatum*)

[It doesn't seem equitable that one vine maple would be equivalent to one of the conifers. It is almost like including native rhododendrons in the list.]

When a proposed tree cutting action is subject to design review, the Southwest Coastal...will especially encourage the use of Western redcedar and Sitka spruce east of Highway 101. West of Highway 101, Shore pine (*Pinus contorta* var. *contorta*) may also be planted to meet the replanting standard.

Following planting, the property owner is responsible for reasonable measures to insure the survival of the tree for no fewer than five years. This will include watering, pruning or weeding of adjacent vegetation, elk protection measures, and other actions deemed necessary to insure survival. The Southwest Coastal Design Review Citizens Committee reserves the right to request replanting in the event that original tree plantings, or any subsequent replanted trees, fail to survive.

Fines

Following a finding by Clatsop County and/or the Southwest Coastal Design Review Citizens Committee that trees have been cut without required permits, or at a number that exceeds permit allowances, the following fees shall apply:

Trees of 8 to 18 inches dbh - \$200 fine per tree removed
Trees greater than 18 inches dbh - \$500 fine per tree removed

[it would be great if these funds were put into some sort of 'tree planting' account to support riparian plantings etc.but that may be too much to ask of the County et al.?)

The property owner will also be required to replant the affected tax lot(s) with no fewer than two trees for every tree removed, according to the standards set above.

Possible, Partial Tree Cutting Ordinance Language

For the purposes of this ordinance, trees are divided into the following categories:

Trees from 0 to 8 inches dbh

Trees of this category can be cut without a Clatsop County permit. Landowners are encouraged, but not required, to plant one tree per tree cut, as per the replanting standards outlined below, whenever removing any trees between 4 and 8 inches dbh.

Trees from 8 to 18 inches dbh

A landowner may remove trees according to the following standard: up to 10% of the total number trees in excess of 8 inches dbh on a single tax lot of record may be cut each calendar year without requiring a Clatsop County permit. Any trees to be cut in excess of this number require a Clatsop County permit. To receive this permit, the trees in excess of the 10% figure must either be documented in writing as a hazard to public safety by a certified arborist, or will require review by the Southwest Coastal Design Review Citizen Committee, whose approval will be required to proceed. If there are fewer than 10 trees of greater than 8 inches dbh on a tax lot of record, any proposed tree cutting will automatically require documentation in writing as a hazard to public safety by a certified arborist, or will require review by the Southwest Coastal Design Review Citizen Committee, whose approval will be required to proceed. Any trees from 12 to 18 inches dbh that are cut will be replaced by an equal number of replanted trees, subject to the standards outlined below.

Trees in excess of 18 inches dbh

Removal of any trees in excess of 18 inches dbh requires a Clatsop County permit. The tree must either be documented as a hazard to public safety in writing by a certified arborist to merit this permit, or the tree removal will require review by the Southwest Coastal Design Review Citizen Committee, whose approval will be required to proceed. Any trees removed require the replanting of three trees according to the standards below.

Replanting

Whenever a tree between 12 and 18 inches dbh is cut, the property owner will be responsible for replanting no fewer than one tree on the same tax lot of record. Whenever a tree in excess of 18 inches dbh is cut, the property owner will be responsible for replanting no fewer than three trees on the same tax lot of record, including no fewer than two conifer trees.

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fewer than five decades without significant obstacles. Trees to be used for plantings can be chosen from the following list:

Western redcedar (*Thuja plicata*)
Sitka spruce (*Picea sitchensis*)
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Douglas fir (*Pseudotsuga menziesii*)
Pacific crabapple (*Malus fusca*)
Vine maple (*Acer circinatum*)

When a proposed tree cutting action is subject to design review, the Southwest Coastal...will especially encourage the use of Western redcedar and Sitka spruce east of Highway 101. West of Highway 101, Shore pine (*Pinus contorta* var. *contorta*) may also be planted to meet the replanting standard.

Following planting, the property owner is responsible for reasonable measures to insure the survival of the tree for no fewer than five years. This will include watering, pruning or weeding of adjacent vegetation, elk protection measures, and other actions deemed necessary to insure survival. The Southwest Coastal Design Review Citizens Committee reserves the right to request replanting in the event that original tree plantings, or any subsequent replanted trees, fail to survive.

Special Provisions and Exceptions

Emergency Tree Cutting – A landowner may cut trees in excess of this standard without permit if certain damaging events (such as wind-throw or fire) cause the tree(s) can be reasonably said to have become a clear and immediate danger to public safety and/or property. Following tree removal under these circumstances, the property owner is asked to report the tree-cutting with an explanation of the circumstances.

Deeded Streets and Other Public Right-of-Ways – The cutting of trees in any deeded streets or other public right-of-ways will be subject to the same provisions as tree-cutting on private lands; any tree over 8 inches dbh will require a tree-cutting permit, the issuance of which will be contingent on a favorable review by the Southwest Coastal Design Review Citizen Committee. This standard applies to any new road development, in addition to other proposed tree-cutting actions on public right-of-ways.

Tree Cutting on Private Property without Permission – Any individuals who cut trees on private property that they do not own without permission will be subject to the per-tree fines outlined in the following section of this document, and may also be subject to additional civil and criminal penalties depending on the circumstances.

Standing Dead Trees – Standing dead trees may be cut without requiring a permit or without contributing to the percentage standards outlined above.

Lethal Harm to Standing Trees - Anyone who has harmed a tree in a way that can reasonably be interpreted as an intentional effort to kill the tree (such as by girdling it, or removing all of its limbs) shall be treated as having 'cut' the tree for regulatory purposes, and can be assessed fines as outlined below for an unpermitted "cutting" of trees so harmed.

Fines

Following a finding by Clatsop County and/or the Southwest Coastal Design Review Citizens Committee that trees have been cut without required permits, or at a number that exceeds permit allowances, the following fees shall apply:

Trees of 8 to 18 inches dbh - \$200 fine per tree removed

Trees greater than 18 inches dbh - \$500 fine per tree removed

[it would be great if these funds were put into some sort of 'tree planting' account to support riparian plantings etc.but that may be too much to ask of the County et al.?]

The property owner will also be required to replant the affected tax lot(s) with no fewer than two trees for every tree removed, according to the standards set above.

Attachment 5

- (3) A decision on a development permit shall be final upon expiration of the period provided for filing an appeal or, if appealed, upon rendering of the decision by the reviewing body.
- (4) Before any new structure, mobile home, dwelling unit or building may be hooked up to a new electrical service, a County approved development permit, must be verified in writing by the County to the public utility or persons providing the service.
- (5) Authorization of a development permit shall be void after 180 days unless substantial construction or action has taken place.

Section 2.051 Effective Date of Development Permits.

- (1) A decision on a Type II, III or IV request shall not become final until expiration of the period provided for filing an appeal, pursuant to Section 2.230, has elapsed.
- (2) If appealed, the decision rendered pursuant to Section 2.051(1) shall not become final until rendering of the decision by the reviewing body.

Section 2.052 Exclusions from Development Permit Requirement.

The activities listed below do not require a development permit. Exclusion from the requirement for a development permit does not exempt the development or its use from the other applicable requirements of the Ordinance.

- (1) Landscaping or other treatment or use of the land surface not involving grading of earth or the placement of a structure.
- (2) Fences less than or equal to 6.0 feet in height and not located on the portion of a corner lot so as to obstruct the clear line of vision of vehicular traffic approaching on either of two opposing streets (see Section 1.030 - Clear Vision Area) or located in a designated floodway. Fences greater than 6.0 feet in height require a development permit and must meet applicable setback standards.
- (3) A change internal to a building or other structure that does not substantially affect the use of the structure and that does not require a building permit.
- (4) Residential accessory structures less than 120 square feet and less than 10 feet in height are not subject to a development permit when placed on the owner's property where said owner resides. No structures may be placed on a corner lot so as to obstruct the clear line of vision of vehicular traffic approaching on either of two opposing streets (see Section 1.030 - Clear Vision Area).
- (5) A temporary emergency measure necessary for the safety or protection of property in the event of a natural disaster or catastrophic event, until appropriate permits may be obtained, if state, federal or local permits are required for the activity, structure or use.
- (6) Erection of a tent or similar portable structure for not more than 30 days.
- (7) Farming, except in the F-80 zone.

- (8) Seasonal flower stands, selling flowers produced on the property on which the stand is located and which stand is no larger than 10 square feet in size or over 10 feet in height.
- (9) The propagation, management, or harvest of timber regulated by the Oregon Department of Forestry under the Oregon Forest Practices Act. This exclusion does not include those lands for which an exception to State Planning Goal 4 has been taken.
- (10) Structures (excluding mobile homes but including campers, trailers, motor homes, boats and other recreational vehicles) may be temporarily occupied by the property owners or their family or guests for not more than 30 days out of any 90-day period. No more than three recreational vehicles may be used for temporary occupancy purposes on said property at any time, and shall be removed from the property at the end of each occupancy period.
- (11) The establishment, construction or termination of a public facility or utility that directly serves a limited area of authorized development including such facilities as a private or public street, sewer, water line, electrical power or gas distribution line, or telephone or television cable system. This activity requires a development permit in special purpose districts and resource zones.
- (12) Installation or construction of an accessory structure that does not require a building permit. This activity requires a development permit in special purpose districts and resource zones.

Section 2.055 Use of a Development.

A development may be used only for a lawful use. A lawful use of a development is one that is not prohibited by law and for which the development is designed, arranged and intended or which is non-conforming (See Section 5.600 Nonconforming uses and structures).

Section 2.060 Procedures for Processing Development Permits.

- (1) An application for a development permit shall be processed under either a Type I, II, IIa or III procedure as these procedures are described in Section 2.010 to 2.030.
- (2) When an application and proposed development is submitted, the Director shall determine the appropriate procedure. When an application includes procedures that call for different procedure types they shall be considered by a single hearing body. When there is a question as to the appropriate type procedure, the question shall be resolved in favor of the higher type number. An application shall be processed under the highest numbered procedure required for any part of the development proposal.

Section 2.065 Coordination of Development Permit Procedure.

The Director shall be responsible for the coordination of the development permit application and decision-making procedure and shall issue a development permit to an applicant whose application and proposed development is in compliance with the provisions of this Ordinance, including those set forth in the Development and Use Standards Document. Sufficient information shall be submitted to resolve all determinations that require furnishing notice to persons other than the applicant. In the case of a Type II or Type III procedure, an applicant may defer submission of details demonstrating compliance with standards where such detail is not relevant to the approval under those procedures. Before issuing the development permit the Director shall be provided with the detail required to establish full compliance with the requirements of this Ordinance.