

CLATSOP COUNTY

Community Development, Planning Division
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Southwest Coastal Design Review / Citizen Advisory Committee Regular Meeting

Date: Wednesday, August 21, 2013

Time: 6:00 pm

Location: Arch Cape Fire Hall, 79729 Highway 101, Arch Cape, Oregon

1. CALL MEETING TO ORDER (Chair Lundy) (6:00 p.m.)
2. ROLL CALL (staff) (6:00 – 6:02 p.m.)
3. BUSINESS FROM THE PUBLIC (Chair) (6:02 – 6:10 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)
4. CONSIDERATION OF MINUTES (6:10 – 6:18 p.m.):
 - o Minutes of May 15, 2013, regular and work session (Chair) (*Attachment 1*)
5. ACTION ITEMS (6:18 – 7:00 p.m.):
 - o Variance Request and Major Design Review: Application Arch Cape Sanitary District to obtain a 48-foot variance to the riparian setback and a two-foot setback to the property line setback to construct convert an emergency power shelter building on property within the public right-of-way, located at the intersection of Pacific Road and Sally's Alley, T4N, R10W, Sec. 31; and for repair of an existing pump at an existing sewer pump station, located on T4N, R10W, Section 19CC, TL 02401, owned by Walter and Suzanne Nupen, and also known as 80132 Pacific Road and at the intersection with Sally's Alley. Staff: Julia Decker, Planner. (*Attachment 2*)
6. OTHER BUSINESS (7:30 – 8:00 p.m.):
 - a. Direction from County Commission to Community Development regarding Arch Cape Short Term Rental Ordinance (Staff)
 - b. Overview of Southwest Coastal Community Plan: Goal 2 Recommendations (V. Birkby) (*Attachment 3*)
 - c. Open Discussion: Opportunity for the committee to discuss and invite testimony from outside agents regarding topics of interest
7. ADJOURN (8:00 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, Community Development Department – Land Use Planning Division, if you will need any special accommodations to participate in this meeting.

Attachment 1

MINUTES
SOUTHWEST COASTAL CITIZEN ADVISORY / DESIGN REVIEW COMMITTEE
Regular Session
May 15, 2013, 6:00 p.m.
New Arch Cape Fire Hall, 79729 Highway 101, Arch Cape, Oregon

Vice Chairperson Tod Lundy convened the meeting at 6:03 p.m.

Members present: Virginia Birkby; Richard D'Onofrio; Linda Eyerman; Tod Lundy; Mike Manzulli; Linda Lapp Murray; and Dan Seifer.

Clatsop County Commission Liaison present: Commissioner Debra Birkby.

Members of the public present: Tevis Dooley and Ron Schiffman.

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

Election of Officers:

Vice Chairperson Lundy asked for nominations.

Richard D'Onofrio nominated Dan Seifer.

Dan Seifer nominated Linda Lap Murray.

Ms. Murray declined, stating although she had served on the committee in the past, she considered herself a new member at this time.

Mike Manzulli nominated Tod Lundy.

Mr. Seifer stated he supported Mr. Lundy as Chair. Vice Chairperson Lundy called for the vote.

Tod Lundy elected Chairperson unanimously.

Chairperson Lundy opened nominations for Vice Chairperson.

Mr. Seifer nominated Linda Lapp Murray as Vice Chairperson. Nomination approved unanimously.

Business from the Public: No one wished to speak.

Minutes:

Mr. Seifer pointed out a typo on page 3.

Dan Seifer moved and Richard D'Onofrio seconded to accept the minutes (of January 16, 2013, with the correction as noted). Motion approved unanimously.

Action Item:

Major Design Review: Application by Tevis E. Dooley III, on behalf of Ronald Schiffman, to convert an existing garage into an accessory dwelling unit (ADU), construct a garden shed

and add a deck to the primary residence on property owned by Ronald Schiffman and Patricia Noonan, located at 32016 E. Shingle Mill Road, Arch Cape, Oregon: Planner Julia Decker provided the staff report, beginning with discussion regarding her finding the structure to be considered for conversion to an accessory dwelling unit (ADU), a detached garage, met the requirements of a legal non-conforming structure.

Mr. Seifer requested staff obtain an interpretation from County Counsel regarding the definitions of “non-conforming” and “legal non-conforming.” Discussion of the request revealed a variance to at least one of the setbacks or parking space requirement would be necessary to place the accessory dwelling unit (ADU) on the property. The group discussed the hardship aspect of variance requirements, lot coverage, and placement of structures on the property. After discussing the matter with the applicant, Tevis Dooley, and the owner, Ron Schiffman, the committee agreed to split the request to allow a portion of the project to begin immediately while research and fine-tuning could be finished on the other portion.

Linda Lapp Murray moved and Virginia Birkby seconded to recommend approval of the [two] patio doors and the deck. Motion approved unanimously.

Dan Seifer moved and Virginia Birkby seconded to table the balance of the application [the ADU and garden shed] at this time. Motion approved unanimously.

Other Business:

The group agreed to switch items a. Overview of Southwest Coastal Community Plan: Goal 1 Recommendations and b. Overview of Planning Director, county staff, and Southwest Coastal Citizens Advisory / Design Review Committee roles on land use matters.

Role Overview: Community Development Director Hiller West provided a brief overview of the role of the committee as a design review board, to which staff brings specific items for input. The committee’s recommendations go to the director or the Planning commission, he said, depending upon which is making the decision on a specific matter. He provided as an example the request by the Board of Clatsop County Commissioners that staff obtain input from the Southwest Coastal Citizens Advisory / Design Review Committee regarding the local wetland inventory project. Mr. West briefly updated the group on the county’s investigation into an urban renewal district to finance improvements to the Arch Cape stormwater drainage and road systems, explaining the county is researching the financial feasibility of the project to see if it’s even possible to move forward. He said if the county determines it is financially feasible, the committee would have a role, but currently the project is only at the starting point.

Mr. Seifer stated he believes there is a history of a lack of communication, rapport and trust between the county and the (Arch Cape) citizenry and asked if the committee has a citizens advisory role and, if so, does the county wish “to take advantage of it?” Mr. West answered yes to both questions and pointed to LWDUO Section 4.108, the specific duties of the committee for design review. He and the committee also reviewed the Citizen Involvement section of the Southwest Coastal Community Plan. Mr. West explained there are no specific other powers for the committee in addition to design review identified in county code of which he was aware; however, if there were an application for a plan amendment, language change to the plan, a rezone, or something similar in complexity and scope, the county would seek the committee’s input. Mr. West explained how changes to the community plan, which is part of the County Comprehensive Plan, are made.

Ms. Birkby stated the committee would like to be approached at the starting point of large projects such as the urban renewal question, prior to the county scheduling community meetings for input.

Plan Review: Ms. Birkby reviewed Goal 1 and asked if anything should be flagged. She recommended flagging the recommendation section about access points at the end of every vacated street. In response to her concern about whether the committee should undertake review of the goals, Mr. Seifer commented he saw the review of the goals as more of just looking at specific recommendations and how they might be accomplished. In response to a question from Linda Eyerman, Mr. West noted while beach access concerns usually are addressed as part of the Parks and Recreation Plan, the committee strategy might be to identify what could be done and how best to tackle it. Mr. Seifer thought the recommendation regarding drainage systems should be elevated to a policy. Mr. West expressed interest in hearing this type of recommendations for potential updates of the community plan.

Dan Seifer moved and Mike Manzulli seconded “to inform the county of our deep interest in the plan recommendation for the mapping of the drainage systems in the planning area if funding could be found [Recommendation #3 of Goal 1].”

Discussion followed about the advisability of a strategy of reviewing and prioritizing goals and recommendations before making a recommendation.

Mr. Seifer withdrew his motion.

The committee will review Goal 2 at the next meeting.

Linda Eyerman moved and Linda Lapp Murray seconded to adjourn. Motion approved unanimously.

Meeting adjourned at 8:15 p.m.

Attachment 2

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Exhibit "A"

STAFF REPORT

STAFF REPORT DATE: August 13, 2013

HEARING DATE: September 20, 2013

HEARING BODY: Hearings Officer

REQUEST: The applicant is requesting: 1) A 48-foot variance to the riparian setback and a two-foot variance to the property line setback to construct a structure to house an emergency generator for a sewer lift station located at the intersection of Pacific Road and Sally's Alley in Arch Cape; 2) Major Design Review for the structure; and 3) Minor Design Review for repair of an existing pump at an existing sewer pump station, located on T4N, R10W, Section 19CC, TL 02401, owned by Walter and Suzanne Nupen, and also known as 80132 Pacific Road and at the intersection with Sally's Alley.

APPLICANT: Thomas Merrell
Arch Cape Sanitary District
32065 East Shingle Mill Lane
Arch Cape, OR 97102

AGENT: Edward Hodges
Curran-McLeod Inc.
6655 SW Hampton, Suite 210
Portland, OR 97223

OWNERS: The Public (*Public Right-of-Way*)
Walter and Suzanne Nupen (*T4N, R10W, Section 19CC, TL 02401*)
13755 Lariat Court
Portland, OR 97229

PROPERTY DESCRIPTION: Intersection of Pacific Road and Sally's Alley
T4N, R10W, Section 19CC, TL 02401

Zoning: Arch Cape Rural Community Residential (AC-RCR)

Overlay: Geologic Hazard Overlay (GHO)

Comp Plan Designation: Development

PROPERTY LOCATION: East side of intersection of Pacific Road and Sally's Alley, between 80131 and 80115 Pacific Road

STAFF REVIEWER:

Julia Decker, Planner

EXHIBITS

1 - Applications for Variance, Design Review and Geohazard
2 - Mailed and Published Notices

RECOMMENDATION:**APPROVAL, WITH CONDITIONS****SUMMARY:**

The applications for a variance and design review were submitted on July 2, 2013 and deemed complete on July 26, 2013. The applicant is requesting a 48-foot variance to the 50-foot riparian setback to an unnamed, seasonal creek, a two-foot variance to the southern property line of T4N, R10W, Section 19CC, TL 04201, owned by GMK Investments. In addition, the applicant seeks design review for the structure and design review for the repair work to the pump station on the easement on the Nupen property. The design review for the pump station on the west side of Pacific Road on the easement is required only because any work in the AC-RCR Zone that requires a building permit requires design review, and the pump station repair requires electrical and mechanical permits.

For the variance and design review on the east side of Pacific Road, the 50-foot riparian setback is described in Clatsop County's Land Water Development and Use Ordinance #80-14 (LWDUO), Section 3.068(15). The applicant proposes to build an 8-foot by 16-foot power building to house an emergency generator. The building would be approximately 10 feet high at the ridge pole from the foundation. The foundation would rise from part-way up the slope from the seasonal creek to the level of Pacific Road and the GMK Investment property to the north. Overall height from undisturbed average grade to top ridge of roof would be 12.5 feet.

A poured-in place foundation of about 130 square feet would sit on an area of fill approximately 200 square feet in size, 10 feet by 20 feet. The amount of fill estimated is at about 20 cubic yards. The building foundation foot print would not be located within the Ordinary High Water Mark (OHWM) of the seasonal stream. The stream channel would not be diverted, nor would the culvert it flows through to pass under Pacific Road be enlarged or widened.

The design of the generator building is as a garden shed, to be shingled on the exterior and insulated with sound dampening material on the interior to muffle the sound of the emergency generator.

The area is within a geologic hazard overlay district, and a geological hazard report, dated May 21, 2013, had been prepared by Horning Geosciences and submitted by the applicant. Hazards identified in the report include weak fill/native soils; creek flood conditions; marine storm flooding; tsunami flooding; and seismicity. The area is within an identified tsunami inundation area, but not the county's Flood Hazard Overlay District area.

The applicant identifies as the exceptional and extraordinary circumstances the need for the emergency generator and its attendant structure and the lack of any other space to place the structure. The pump station it would serve is located on the other side of Pacific Road, on the easement, which is too small to accept the generator and building. The applicant states the need for the generator is to keep the pump station operating during power outages, which are frequent in the area during the winter storm season. If a power outage should cause the pump station to fail, the back-up generator would supply power to continue operation and keep raw sewage from spilling into the seasonal creek, into a public beach access, and on to the beach.

Pursuant to ORS 214.416 and as provided in LWDUO Section 2.060 (2), this application has been consolidated and will be processed under the highest numbered procedure, in this case a Type IIa.

Upon evaluation of the application and the permit history staff has determined that the application meets the seven criteria identified for a hardship variance and recommends conditional approval of the request.

Design Review Criteria	Finding
1. Relation of Structures to Site.	Satisfied with approved variances
2. Protection of views shall be preserved through the confines of this ordinance section 3.068.	Satisfied
3. Preservation of Landscape.	Satisfied with conditions of approval
4. Utility Service.	Satisfied with conditions of approval
5. Exterior lighting shall be of a "full cut-off" design.	Satisfied with conditions of approval
6. Buffering and Screening.	Not applicable
7. Vehicle Circulation and Parking.	Not applicable
8. Signs.	Satisfied with conditions of approval
9. Surface Water Drainage.	Satisfied with conditions of approval

Variance Criteria	Finding
1. Exceptional Circumstances that would deny reasonable use of the land.	Satisfied
2. Variance shall not be injurious to neighborhood or public safety.	Satisfied
3. Variance shall not permit uses not allowed by the Ordinance.	Satisfied
4. Proof of significant hardship.	Satisfied
5. Variance is necessary for reasonable use of the land.	Satisfied
6. There have been no violations of the ordinance.	Satisfied
7. Parcel is not otherwise capable of development.	Satisfied

PROPERTY STATUS:

The subject property known as Sally's Alley was identified as "dedicated forever to public use" (public right of way) with the recording of Kent Price Park, a subdivision, in the Clatsop County Clerk's records, Book 9, Page 24, on August 30, 1945.

Clatsop County Surveyor Vance Swensen, as a representative of the Clatsop County Public Works Department identified by Clatsop County Counsel as an appropriate signee, signed the variance, design review and geohazard applications on behalf of the public.

The Nupen property, T4N, R10W, Section 19CC, TL 02401, was created in 1978, by a property segregation in the Clatsop County Assessor's Office (AC #78-93). At 0.22 of an acre, or approximately 9,583 square feet, it exceeds the 7,500-square-minimum lot size for the AC-RCR Zone. The southeast corner of the property is the subject of an easement to the Arch Cape Sewer District

for the location of a sewer pump. A copy of the easement is enclosed, and Sanitary District Manager Thomas Merrell has signed the design review application.

Although not in the Flood Hazard Overlay District, both sites are within the Local Cascadia Earthquake and Tsunami Region and the Distant Earthquake and Tsunami Region.

Area Detail



2009 Aerial Photograph



NEIGHBORHOOD CONDITIONS:

The subject property is located in the Arch Cape Rural Community in the south of Clatsop County, approximately 200 feet from the Pacific Ocean beach, in a developed neighborhood of primary and vacation homes on lots varying in size. While the minimum lot size for the zone is 7,500 square feet, many homes are on lots as small as 5,000 square feet and only two lots in the immediate neighborhood exceed 10,000 square feet.

APPLICABLE CRITERIA

The applicable criteria for this land use application are contained in LWDUO – Ordinance 80-14.

I. APPLICABLE REVIEW CODES AND POLICIES**Clatsop County Land and Water Development and Use Ordinance 80-14:**

Section 2.025	Type IIa procedure
Section 2.115-2.120	Procedure for Mailed Notice
Section 2.125	Procedure for Published Notice
Section 3.060	Arch Cape – Rural Community Residential Zone
Section 4.102	Types of Design Review
Section 4.103	Criteria for Design Review
Section 4.116	Arch Cape Variance Procedures

Clatsop County Standards Document:

Chapter 2, S2.012 Clear Vision Area; Chapter 4 Environmental Protection

Goal 1 – Citizen Involvement	Goal 6 – Air, Water and Land Resources Quality
Goal 2 – Land Use Planning	Goal 7 – Areas Subject to Natural Hazards
Goal 5 – Natural Resources, Scenic and Historic Areas and Opens Space	Goal 11 – Public Facilities and Services
	Goal 17 – Coastal Shorelands

Southwest Coastal Community Plan

II. ASSESSMENT OF APPLICATION VERSUS APPLICABLE CRITERIA**LWDUO 80-14****ARTICLE 2. PROCEDURES FOR LAND USE APPLICATIONS****Section 2.025 Type IIa Procedure.**

- (1)** Type IIa land use actions involve development or uses which require the exercise of discretion and judgment when applying the development criteria contained in this Code, the Comprehensive Plan or the applicable Community Plan. Impacts may be significant and the development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with this Code and the Comprehensive Plan. Under the Type IIa procedure, an application for a land use action shall be processed by the Hearings Officer after holding a public hearing. The Hearings Officer shall determine whether or not the proposed development meets the required development standards.
- (2)** Those actions identified in this Code as a conditional use under the Type IIa procedure are Type IIa actions.
- (3)** Once an application is determined by the Community Development Director to be complete, it is scheduled for public hearing pursuant to Section 2.105 before the Hearings Officer.

- (4) The Director shall provide notice (published and mailed) of intent to hold a public hearing and issue a decision on a land use application pursuant to Section 2.110 and Section 2.125.
- (5) The Hearings Officer shall review any information that has been made a part of the official record and make a finding for each of the points in dispute. The Hearings Officer shall make a decision on the application by approving, conditionally approving, or denying the application.
- (6) A decision by the Hearings Officer may be appealed by a party of record to the Board of Commissioners in accordance with Section 2.230.

SECTION 2.100 PUBLIC DELIBERATIONS AND HEARINGS

Section 2.110 Mailed Notice of a Public Hearing.

(1) Mailed notice of a hearing shall be reasonably calculated to give actual notice and, other than for a legislative action under Sections 2.310 to 2.335, shall:

- (A) Explain the nature of the application and the proposed use or uses, which could be authorized;
- (B) List the applicable criteria from the Ordinance and the Plan that apply to the application at issue;
- (C) Set forth the street address or other easily understood geographical reference to the subject property;
- (D) State the date, time and location of this hearing;
- (E) State that 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;
- (F) Be mailed at least:
 - 1) Twenty days before the evidentiary hearing; or
 - 2) If two or more evidentiary hearings are allowed, 10 days before the first evidentiary hearing;
- (G) Include the name of a local government representative to contact and the telephone number where additional information may be obtained;
- (H) State that 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 no cost and will be provided at reasonable cost;
- (I) State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and
- (J) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

Section 2.120 Procedure for Mailed Notice

Unless otherwise provided, addresses for a mailed notice required by this Ordinance shall be obtained from the County Assessor's real property tax records. Unless the address is on file with the Director, a person whose name is not in the tax records at the time of filing of an application, or of initiating other action not based on an application, need not be furnished mailed notice. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this Ordinance for notice. In addition to persons who receive notice as required by the matter under consideration, the Director may provide notice to others he has reason to believe are affected or otherwise represent an interest that may be affected by the proposed development.

Staff Analysis & Finding: As provided in Exhibit 2, all requirements pertaining to the mailed and published notice to affected property owners, interested parties, and government agencies have been met.

The criterion has been satisfied.

Section 3.060. Arch Cape – Rural Community Residential Zone

Section 3.064. Development and Use Permitted.

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

(9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.

Staff Analysis & Finding: Clatsop County's Land and Water Development and Use Ordinance #80-14, Section 1.030, defines "public utility" as a "private business or organization such as a public service corporation, performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the service by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas and transportation of persons or freight." The proposed use is an accessory to a public utility, in this case a sanitary sewer district, necessary to ensure wastewater continues to the treatment plant during periods of high flow and during power outages. The subject property proposed for the project is a public right of way.

The proposed use meets the definition of "public utility" and would make use of a public right-of-way. A Type I permit procedure is appropriate.

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.

(E) Accessory buildings in residential zones.

(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.

Staff Analysis & Finding: As provided in Section 4.012, above, the emergency power building is an accessory structure to the Arch Cape Sanitary District and is located in the AC-RCR Zone, a residential zone, making it subject to major design review. Additionally, it would require setback variance in order to be placed as requested, also a major design review. The pump station repair requires building permits (electrical and mechanical permits) from Clatsop County Building Codes, and, therefore, requires minor design review. As provided in Section 2.060 (2), the applications have been consolidated under major design review and Type IIa Variance procedures.

Major design review and Type IIa Variance procedures are appropriate.

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.

Applicant: The proposed emergency power building will be 8 feet wide, 16 feet long and have a ridge pole height of approximately 10 feet. The structure will be of cedar post and beam construction with cedar shingle siding and a standing seam roof. The finished structure will resemble a garden shed or small beach cabin and will have minimal aesthetic impact upon the adjacent developed residential properties. The exterior appearance of the structure has been designed specifically to compliment the surrounding residential neighborhood. The emergency generator in the building will be equipped with sound dampening (muffled) discharge, and the interior of the building will have sound attenuating insulation to reduce noise during operation.

The mechanical and electrical portions of the pump station work shall include replacement of existing pumps, piping and electrical cabling. The existing above grade top of the pump station wet well will be replaced with a flat top at grade concrete cover, reducing the visual impact of the structure. A new buried valve vault with an at-grade lid will be installed. All mechanical and electrical work shall be buried underground and shall have no aesthetic impacts to the site or surrounding areas.

STAFF FINDING: The work to the pump station will actually decrease its visual impact and can immediately be found to meet this criterion.

The generator building, however, would not meet setbacks and would require a variance, an issue addressed later in this staff report. The architecture and materials proposed for the structure are aesthetically compatible with the architecture and materials used for homes in the area, and the structure would not look out of place is used as an accessory building for someone's garden tools. The size of the structure is 128 square feet, which is not particularly large for a shed, and it will not rise more than 10 feet from the level of road to the west. Measurements from the four principal corners of the foundation at undisturbed soil, before fill material, to the top of the ridge line estimate the total height of development at about twelve and a half feet, well under the 26-foot maximum for the zone.

Of concern and addressed later in this report is S2.012 Clear Vision Area, the clear vision angle required for structures over 30 inches in height. In summary of what will be presented later, if the applicant moves the building east about two feet, the clear vision area requirement can be met; otherwise, another variance must be requested. If the variances to setbacks are granted, the proposed structure would fit well within its site, where it would be tucked off Pacific Road and would not stand out as an intrusion by its size, bulk or materials. It would sit almost 20 feet back from the current travel surface of Pacific Road, allowing space for the sanitary district's truck to park off the roadway on its occasional brief visits.

If the variances to the riparian and property line setbacks are granted, the arrangement of the new structure and its design should be in scale with surrounding small garden sheds and similar structure and not be aesthetically intrusive or offensive. If variances are approved, the application meets the above criterion.

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

Applicant: The emergency power building site was specifically chosen not to block any ocean view of the existing surrounding residences or houses located uphill from the site. The remaining right of way area located to the east of the site is undeveloped and has not existing uphill structures that would have potential to their views impacted by the proposed structure.

The mechanical and electrical portion of the project related to the refurbishment is underground and thus shall have no impact upon ocean views at the site.

STAFF FINDING: The pump station work would reduce the visibility of the pump station and can be immediately found to meet the criterion.

Section 3.068 is the development standards section for Arch Cape and includes setbacks. The height of the generator building is within the standard, but the setbacks from the riparian area and the property line of the adjacent GMK property to the north would not be within setbacks. A site visit earlier in the year allowed staff to view the site, and it does not appear any views are taken through the site that would be blocked by the generator building being located within setbacks. Neighboring property owners within 250 feet of the site received notice of the proposal. Assuming no comment or concern is made by neighbors regarding the building's proximity to the right of way interfering with views through the Sally's Alley access and the variances are granted, the building can be found to meet this criterion.

The criterion does not apply to the pump station conversion; and if the variances are granted without objection by neighbors to interference with ocean views, the generator building would not impact ocean views.

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

Applicant: The emergency power building development will fill in a small portion of undeveloped land. Because of its small scale however, no significant trees or woody vegetation shall be impacted as a result of the construction.

The mechanical and electrical portion of the project related to refurbishment shall have no impact upon existing landscapes at the project site or in the vicinity of the project area.

STAFF FINDING: Staff concurs with the applicant regarding the pump station work.

The generator building, however, would develop approximately 200 square feet, displacing shrubs and other small vegetation. A site visit last spring by staff did not reveal trees of six inches or greater in diameter at 54 inches in height above the natural grade (LWDUO 1.030. Definitions) that would need to be removed. Some of the vegetation appeared to be native shrubs and grasses, although some Himalaya blackberry also was observed.

The landscape in the 200-square-foot would not be preserved, but the standard says, "to the maximum extent possible . . ." Because it is not possible to both maintain the vegetation and develop it with a building, a condition of approval is recommended, requiring the area to be

revegetated to the greatest extent possible with native plants. The condition would recognize the need to keep parking available for County Public Works and Arch Cape Sanitary District vehicles, as well as to access and maintain the building. Any areas disturbed unintentionally by construction would need to be revegetated as well.

A condition that areas disturbed by construction activities shall be re-vegetated will be included in the recommended 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: The proposed building and pump station refurbishment shall have all utility services placed underground.

STAFF FINDING: Underground utility placement will be a condition of approval.

A condition of approval will ensure this criterion is met.

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).

The applicant did not respond to this criterion.

STAFF FINDING: A condition of approval will ensure this criterion is met.

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: The generator building will have a graveled access drive with no significant loading, parking or service facilities required. With the exception of inclement weather events, the building and pump station will have two visits a month, each during the day for a period of approximately 20 minutes, to run the generator and inspect the pump station. Otherwise the facilities will be unoccupied. The limited amount of use, the small size of the facility and the low impact building aesthetics will serve to minimize impact of the facility upon the surrounding residential area. Bottom line, after a short time frame, most likely residents will forget that the facility is present.

Mechanical and electrical improvements related to the pump station improvements will be buried and thus require no buffering and or screening.

STAFF FINDING: The zone is AC-RCR, a residential zone, not a commercial zone. This criterion does not apply in this zone. Landscaping with native vegetation will be required as a condition under Criterion No. (3), above.

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: As described in four (4) (Note: numbering is off; applicant is referring to 6 Buffering and Screening), the new generator building and pump station will generate little or no traffic. The site will be served by one vehicular access point only. Parking at the site will be limited to a single space for a service vehicle. Vehicular traffic from the proposed facility should create no significant change to local traffic volumes and use of Pacific Street.

STAFF FINDING: Although this standard applies to commercially-zoned areas, the applicant includes information that is helpful to reviewers. There will be only one access point, and there will be only one parking space for a service vehicle that will visit infrequently. Arch Cape Sanitary District vehicles already stop at the pump station across the street and, therefore, are already in the area. No increase in traffic is anticipated.

The zoning is not commercial; 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 new exterior signs will be constructed for the building facility. The building will have an 8" by 11" placard located on the door, but other than that there will be no signage of any sort.

The pump station will have no signage present.

STAFF FINDING: The door placard will be required to meet LWDUO Section 3.064 (5) and S2.300, the sign standards found in the Clatsop County Standards Document, which limits the signage to a nameplate or to being temporary. According to the applicant, the sign would say:

Arch Cape Sanitary District
In Case of Emergency Call (503) XXX-XXXX

The sign would qualify as a nameplate, meeting the standard. As described, it is less than the maximum size permitted in the zone. A sign permit would be required as a condition of approval.

This criterion can be met through a condition of approval.

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: All surface water drainage generated from the building roof drains shall be directed into the existing seasonal drainage located south of the structure. The building property line is in a local topographical low, so no surface runoff from the structure will go off the site. For these reasons the proposed facility is expected to have no impacts on runoff at the site or in the surrounding area.

The proposed pump station refurbishment will have no impact to current volumes of surface water runoff generated from the pump station site during wet weather.

STAFF FINDING: As described, the surface water would be directed to where it goes already: the seasonal creek. The amount of water would not change, only that it will first fall on the generator building roof or surrounding fill before making its way to the creek. Because there is no increase in

water and it will be conveyed appropriately via gutters as a condition of approval, it should not adversely impact the natural drainage system. A condition of approval will ensure it is directed as specified above and does not drain to neighboring properties.

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.

Section 4.116. Arch Cape Variance.

Section 4.117. Variance Procedure.

(3) Standards for a Variance. The requirements for a Variance are listed below. It is the intent of this Ordinance that a variance only be granted to overcome some exceptional physical condition related to a parcel of land posing practical difficulty to development and preventing the owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.

(A) There must be proof of exceptional and extraordinary circumstances which apply to the property and which do not apply to other properties in the same zone or vicinity, and result from lot size or shape legally existing in accordance with land use laws prior to September 30, 1980, topography, geology, or other circumstances over which the applicant has no control. These circumstances or conditions must be such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land and/or structure.

Applicant Response: The Arch Cape Sanitary District has an existing lift station located on the west side of Pacific Road in Arch Cape. The area is subject to frequent power outages due to inclement weather in which the lift station loses power due to no backup generator being installed at the facility. During power outages the lift station becomes flooded and releases raw sewage to an adjacent waterway, the beach area of Arch Cape and residential areas. The District is upgrading the lift station to have a permanent back-up generator so that this problem does not occur during storms.

The District does not have adequate room on its lift station easement for a permanently installed emergency power generator building and all the areas surrounding the site are already developed with residential houses or County road. The easement also has a restriction for view protection that prohibits installation of structures greater than three feet in height on the pump station site.

The District therefore needs to use a small portion of an undeveloped County right-of-way (Sally's Alley) located directly across from the existing pump station. The right-of-way is in a County riparian zone and due to space constraints the District will need to build the proposed generator building adjacent to (less than 50 feet) from a small seasonal drainage. To minimize impacts to the drainage, the District will need to locate the generator building within five feet of the northern boundary of the right of way. To do otherwise would cause a portion of the generator building to be built near to or below the ordinary high water mark of the drainage.

As mentioned previously the local area is already developed so if the emergency generator is not built in the right of way, there are no other feasible sites available. As a result the District will be

unable to install permanent emergency power. The District does have the option of utilizing a portable generator system that would be parked in the road next to the lift station. However portable generators are subject to breakdown, are difficult to transport during inclement weather, and overall are less reliable than permanent onsite power equipment. The District recently suffered a power outage in early June of the year and the existing portable generator that was slated for use failed to operate due to mechanical problems, causing the operator to have to work on continuously for a twenty-four hour period in order to prevent the lift station from flooding.

Staff Analysis & Finding: The stream runs through a v-shaped gully that steepens as it approaches Pacific Road from the east and then drops dramatically from the area of the lift station down to the beach. From Pacific Road to the beach, a beach access trail follows the stream to the beach.

Staff concurs with the applicant's assessment that no other site exists on public right-of-way in the immediate area, and the easement area on the Nupen property, where the lift station is located, is not large enough to accommodate the generator as well as the existing lift station, and easement restriction precludes the site anyway. In fact, the lift station and most of the houses in that area of Sally's Alley are well inside the riparian area of the stream. Using the county's GIS and 2009 aerial photos, staff found the majority of the houses are between 30 feet and 45 feet away from the banks of the stream itself and the lift station is within 10 to 12 feet. Due to the nature of the small lots and tight development, there literally is nowhere to place the generator and its building that would be outside the riparian area. If a generator is to be placed in proximity to serve the lift station, the generator will have to be located within the riparian area.

Submitted with the applicant's materials is a letter from Michael Pinney PE, Senior Environmental Engineer, Oregon Department of Environmental Quality. The letter is attached in Exhibit 2. The letter, dated May 17, 2012, is a follow-up to a May 15, 2012, meeting with the applicant, Mr. Pinney and Arch Cape Sanitary District Manager Thomas Merrell, regarding a plan for improvements to the sanitary district's facilities, including renovation the Sally's Alley pump station. In his letter, Mr. Pinney notes part of the strategy for upgrading the system is to reduce inflow and infiltration (I/I) in the wastewater collection system, at an aging section of the collection system: the portion of pipe between Sally's Alley and Webb Avenue pump stations. He goes on to write, "It has been nearly 20 years since the last renovation and the (Sally's Alley) station is showing signs of wear and age. Increasing the reliability of this pump station will help protect the environment from potential sanitary sewer overflows." The lift station was constructed and installed in 1975, five years before the adoption of the county's zoning ordinance and riparian setback requirements.

Additionally, the applicant has provided a page from Oregon Standards for Design and Construction of Wastewater Pump Station, page 37, also found in Exhibit 2. Under section V. Standby Generator, the standards state, "A diesel-oil fueled, engine-driven electric generator unit shall be provided for all pump stations, unless otherwise approved by the Owner." The lift station is within a few feet of the stream, and any overflow would run directly down to the stream and from there to the beach, making it likely the Arch Cape Sanitary District would find placement of a standby generator the only responsible action in this case. In fact, to not place the standby generator could be deemed irresponsible and even reckless, given the potential environmental impact of a raw sewage discharge that could have been prevented.

Given 1) the aging lift station's proximity to the stream; 2) DEQ's requirement for a standby generator unless the owner, the Arch Cape Sanitary District, approves otherwise; and 3) DEQ's concerns requiring the integrity of the lift station and the potential for sewage overflow, it would appear there is little choice but to place a standby generator in the proximity of the lift station, and no choice but to place it in the riparian setback. As the problem of the lift station's integrity has now been identified and the portable generator's limitations recognized, it might be considered negligent not to construct the generator and its building.

The exceptional circumstances are a rare combination of conditions: a remote, rural neighborhood with aging infrastructure, developed to a municipal level of density and subject to frequent and prolonged power outages during winter storms; steep, oceanfront topography, which creates a v-shaped drainage that would channel a spill directly through a public beach access to a public beach and the Pacific Ocean; and the health, safety and legal requirements binding the sanitary district to maintain the district's aging facilities and protect the environment. The district needs the permanent standby generator, and there is nowhere else for the generator and its building to be sited.

The criterion has been satisfied.

(B) The granting of a variance shall neither be injurious to the neighborhood or community nor otherwise detrimental to the public welfare or to public safety.

Applicant Response: Granting of the variance shall cause no negative impacts of any type to the neighborhood or area.

Not granting the variance will be detrimental to the public welfare and safety by making the area subject to the potential of raw sewage spills as set forth in a)

Staff Analysis & Finding: The loss of habitat would be negligible, and protection the resource will be greatly enhanced. Public welfare and public safety are well-served by granting this variance.

The criterion has been satisfied.

(C) The granting of the variance will not permit the establishment of any development or use which is not permitted by the Ordinance, nor confer upon the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the area.

Applicant Response: Non-Applicable. The use is permitted by the Ordinance and no special privileges will be conferred to the applicant by granting the variance.

Staff Analysis & Findings: Staff concurs with the applicant. As noted in LWDUO 80-14, Section 3.064 (9), above, utilities in easements and public rights-of-way are a Type I procedure in the AC-RCR Zone. No special privilege would be conferred.

The criterion has been satisfied.

(D) There must be proof of significant hardship if the variance is not granted. It is not sufficient proof of hardship to show that a greater profit would result if a variance were granted. Nor shall loss of value be a valid reason to grant a variance. Furthermore, the hardship cannot be self-created or self-imposed, nor can it be created by one who purchases property with or without the knowledge of restrictions present. The hardship must result from the strict application of this Ordinance, and be suffered directly by the property in question. Evidence of a variance granted under similar circumstances shall not be considered as a solely sufficient cause to grant hardship relief.

Applicant Response: The District needs the generator to ensure functionality of the lift station during power outages. No other reasonable sites are available for placement of a permanent

emergency generator building and use of a portable generator will mean that the lift station will have a less reliable emergency power supply.

All other conditions of this Standard are non-applicable.

Staff Analysis & Findings: The applicant has identified the hardship as the need for the lift station to function in the event power outages. The true hardship would be the impact on the neighborhood and the environment in the event of a spill of raw sewage. The hardship is not related to profit or loss of value, nor is it self-imposed. The site is within the public right-of-way and was not purchased by the Arch Cape Sanitary District; fore knowledge or lack of it regarding the restrictions is not applicable.

One might argue the placement of the lift station created the hardship in the first place, but the placement was a requirement by a government entity, the Department of Environmental Quality, many years ago to alleviate the use of septic systems in this environmentally sensitive and geologically unstable area of high density development. The Arch Cape Sewer District did not create the situation that drives this hardship; everyone who ever developed a lot or purchased an already-developed lot within the Arch Cape Sanitary District contributed to the situation that exists today. The hardship is not self-imposed.

Strict application of the riparian setback and the north property line setback will result in the district not being able to place the standby generator to power the lift station, which may result in a spill of raw sewage during a power outage.

The criterion has been satisfied.

(E) The granting of a variance is necessary for the reasonable use of land or building, and the variance granted by the hearing body is the minimum variance that will accomplish this purpose.

Applicant Response: As stated in d) and a), no other reasonable sites are available for a permanently installed emergency generator. The site chosen and design size of the planned facility will cause little impact to the proposed building area. The size of the facility has been reduced to the minimum size possible (8 feet wide by 16 feet long, approximately 130 sft) and the building has been located as close to the northern property line of the right of way as possible for this type of facility, with construction requiring only a total volume of fill of less than 20 cubic yards.

Because of the design and location of the right of way, no portion of the building will be located below the apparent ordinary high water mark of the seasonal stream. During construction a small area of the northern bank of the water way will be disturbed to construct the building foundation. The stream bank will be immediately reseeded with native vegetation after the foundation is poured, in order to restore the riparian environment to its pre-construction condition. The streambed and southern sides of the water way will have no effects from the construction of the generator facility.

ODFW has been contacted concerning the potential for fish passage in the waterway. It is their opinion that the waterway is not a fish bearing stream due to its size and location.

Overall the size and location of the structure, along with its intended use, will cause little to no impact to the waterway and native vegetation present in this area.

Staff Analysis & Findings: A public right-of-way is identified in the ordinance as a suitable site for utility infrastructure and other utilities are located in the area already. The use is reasonable.

The applicant has identified the proposed power standby building to house the new generator as 8 feet by 16 feet in size, which appears to be a standard size or even slightly smaller for such facilities. Based on the accompanying geologic hazard report regarding soil strengths and the applicant's use of an engineering consultant to design the project, the size of the development appears to be the minimum necessary to accomplish the goal.

The criterion has been satisfied.

(F) The hardship does not arise from a violation of the provisions of this ordinance.

Applicant Response: Non-Applicable. No violations have occurred or are present.

Staff Analysis & Findings: No violations are known to exist on the site or within the right-of-way of Sally's Alley.

The criterion has been satisfied.

(G) The development will occur on a parcel of land that in conjunction with adjacent land in the same ownership is not otherwise reasonably capable of development and use under the provisions of the Ordinance.

Applicant Response: Non-Applicable. There is not ownership of any adjacent parcels by the Applicant.

Staff Analysis & Findings: The Arch Cape Sanitary District does not own any adjacent parcels.

The criterion has been satisfied.

CLATSOP COUNTY STANDARDS DCOUMENT

CHAPTER 2. SITE ORIENTED IMPROVEMENTS

S2.012. Clear Vision Area.

A clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

(1) A clear vision area shall consist of a triangular areas, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.

(2) A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding 2.5 feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above the grade.

(3) The following measurements shall establish clear vision areas:

(A) In an agricultural or residential zone the minimum distance shall be thirty (30) feet or, at intersections including an alley, ten (10) feet.

Staff Analysis & Findings: Using the Pump Station Improvement Plan provided by the applicant, staff estimates the northwest corner of the building would intrude about two feet into the required 10-foot clear vision area. Pacific Road is not developed to the full width and narrows on the north

side of the intersection. The clear vision area is a safety requirement to permit safe access on to Pacific Road from the driveways along it. At this time Pacific Road is narrow and traffic using the road is local. The clear vision requirement is not a safety issue at this time, as the travel surface currently would be almost 20 feet from the building; however, it is not possible to foresee if or when future improvement might be made to Pacific Road that would render the clear vision triangle necessary for safe ingress and egress along its length.

Staff sees two potential courses of action: Either 1) apply for a variance to the 10-foot clear vision area (or amend this variance application to include it); or 2) move the generator building east the approximately two feet necessary to achieve the clear vision requirement.

Staff recommends the pursuing the second option, which would add slightly to the foot print of the fill. According to the applicant's diagrams, the two foot eastward movement should not significantly affect the seasonal creek drainage, which would remain in its natural course.

The standard can be met by modifying the structure placement.

S4.500. PROTECTION OF RIPARIAN VEGETATION

S4.501. Purpose and Areas Included.

Riparian vegetation is important for maintaining water temperature and quality, providing bank stabilization, thus minimizing erosion, providing habitat for the feeding, breeding, and nesting of aquatic and terrestrial wildlife species, and protecting and buffering the aquatic ecosystem from human disturbances. This section establishes standards to protect riparian vegetation on lands not subject to the requirements of the Oregon Forest Practices Act.

Areas of riparian vegetation are identified as follows:

- (1)** Estuarine and Coastal Shoreland rivers and sloughs: a riparian vegetation zone of 50 feet wide shall be maintained except where shown on the County's estuarine resource base maps.
- (2)** Lakes, reservoirs, and river segments outside of Estuarine or Coastal Shoreland areas: a riparian vegetation zone 50 feet wide shall be maintained. Where emergent wetland vegetation exists adjacent to a lake, reservoir, or river, the 50 feet shall be measured from the landward extent of the emergent wetland area. If a shrub or forested wetland area exists adjacent to the lake, reservoir or river, the zone of riparian vegetation shall be the entire area of the shrub or forested wetland.

Measurements are taken horizontally and perpendicular from the line of non-aquatic vegetation. Where no aquatic vegetation is present, the measurement shall occur in estuarine and coastal shoreland areas from the mean higher high water line and from the ordinary high water line in non-estuarine areas.

S4.504. Development Standards.

- (1)** All development, as defined by LWDUO section 1.030, shall be located outside of the zone of riparian vegetation areas defined in S4.500 above, unless direct water access is required in conjunction with a water dependent or water-related use or as otherwise provided by this Ordinance.
- (2)** Because the zone of riparian vegetation is a uniform width, it may in particular locations include pasture land, land managed for agricultural crops, landscaped area or unvegetated areas which do not function as riparian vegetation. Upon request, the County may undertake a site investigation to establish the extent of riparian vegetation requiring protection in a particular location.
- (3)** Exemptions from (1) and (2) above and from the applicable setback requirement for the front or rear yard that is opposite the riparian area may be granted without a variance for uses on:

(A) Lots located in areas identified in the Comprehensive Plan's Goal 2 exception element as "built and committed" and which existed as of the date of adoption of this ordinance, and single family residential "lots of record" as defined and used in Chapter 884 Oregon Laws 1981 as amended, where the lot depth resulting from the riparian setback and the opposite front/rear yard setback is less than 45 feet.

(B) Other lots in identified "built and committed" areas and other "lot of record" where the combination of setbacks required by this section result in a buildable lot depth of less than 45 feet.

Exemptions from the riparian setback shall be the minimum necessary to accommodate the proposed use after the yard opposite the riparian area has been reduced to a width of no less than ten feet.

(4) Vegetation within the riparian setback shall be maintained with the following exceptions:

(A) The removal of dead, diseased or dying trees that pose and erosion or safety hazard.

(B) Vegetation removal necessary to direct water access to the Columbia River Estuary for an approved water dependent or water-related use that meets the criteria in Section S4.243.

(C) Removal of vegetation necessary for the placement of structural shoreline stabilization.

Staff Analysis & Findings: Although the site that is the subject of the riparian variance does not show on the Arch Cape Local Wetland Inventory, a site visit demonstrated the presence of the seasonal creek and riparian vegetation. The applicant has applied for a variance to the setback, which staff has found meets requirements for approval.

The applicant has applied for, and staff has made findings recommending approval of, a variance to the riparian setback.

OVERALL CONCLUSION & RECOMMENDATION

A variance is the waiver of a rule that would prohibit the development or reasonable use of a property due to circumstances beyond the control of the property owner. In this situation, the property is owned by the public and is considered a suitable site for placement of utilities and their accessories. The applicant did not control the placement of platted right-of-ways, the creek, or the homes the sewer district serves that necessitate the presence of the lift station. Based on the analysis and findings of this report, staff has determined that any factors that limit the placement of the standby generator and power building are beyond the applicant's control. Requiring the riparian setback be maintained in this area would prevent the placement of the generator and building and deny the applicant reasonable use of the right-of-way. In addition, staff recommends approval of design review for the generator building and for the pump station repair, subject to conditions.

Staff recommends the Hearings Officer adopt the findings provided in this report and approve the variance requires and approve the design review request with 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. The road, if damaged during construction, shall be returned to its previous condition or better before final inspection of the improvement.
3. The Arch Cape Sanitary District or its agent shall obtain all required development and building permits and approvals prior to construction.
4. Design Review approvals are effective for a period of one (1) year from the date of approval of this document.
5. Development shall comply with all state, federal and local regulations and laws.
6. 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.
7. All new service lines shall be placed underground.
8. Exterior lighting shall be of a "full cut-off" design. and lighting shall be shielded from neighboring properties and the night sky.
9. A sign permit is required for all signage, including the sign placard described by the applicant for the door. Signage must meet the standards of S2.300 shall not detract from the design of the proposed and existing buildings.
10. The surface water shall be directed as described by gutters and piping as necessary to the seasonal creek and shall not adversely impact the natural drainage system and shall not drain to neighboring properties.
11. Select one of the following two options to maintain the clear vision area:
 - 1) Apply for a variance to the 10-foot clear vision area (or amend this variance application to include it);
 - or**
 - 2) Move the generator building east the approximately two feet necessary to achieve the clear vision requirement.
12. Natural vegetation shall be retained to the maximum extent possible. Re-vegetation, i.e. reseeded of grass, etc., with native plants of any areas disturbed during construction shall be completed within 30 days of completion of construction, or as soon as possible, weather permitting. The area shall be revegetated to the greatest extent possible while maintaining access to the building and allowing for an area to park Arch Cape Sanitary District utility and Clatsop County Public Works vehicles.

Respectfully submitted,



Julia Decker
Planner

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 #: 20130325
Permit Type: Type II
Entry Date: 7/2/2013
Entered By: Julia Decker
Assigned To:
Permit Status: Entered

Permit Timeline

User	Status	Date
Julia Decker	Entered	07/02/2013

Proposed Use

Proposed Use: Design Review

Description: Major Design Review: back up generator @ Sally's Alley

Zone: AC-RCR

Overlay District: GHO

Owner/Project Location

Owner: Name: PUBLIC RIGHT OF WAY

Address:

City, State, Zip:

Ph. #: () -

Cell: () -

Fax: () -

Situs Address: T R S Q S Qq S Taxlot
City: State: OREGON 4 10 31 0 0 00000

Applicant/Agent

Applicant: Name: Arch Cape Sanitary District/Tom Merrell
Address: 32065 East Shingle Mill Lane
City, State, Zip: Arch Cape, OR 97102

Ph. #: (503) 436-2790

Cell: () -

Fax: () -

Agent: Name/Type: Curran McLeod/Edward Hodges (Engineer)
Address: 6655 SW Hampton, Suite 210
City, State, Zip: Portland, OR 97223

Ph. #: () -

Cell: () -

Fax: () -

Fees

Fee Type:

Planning/Development

Permit Fee Total:

\$881.00

Total: \$881.00

Receipt

Payor Name:	Pymnt Type	Check #	Pymnt Date	Pymnt Amount:
Arch Cape Sanitary District/Tom Merr	Check	6905	07/22/2013	\$881.00

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: Arch Cape Sanitary District Phone: 503 436-2790

Address: 32065 East Shingle Mill Lane
Arch Cape, OR 97102

OWNER: Clatsop County Public Works Phone: 503 325-8631

Address: 1100 Olney Avenue
Astoria, OR

AGENT: Curran-McLeod, Inc. Phone: 503 684-3478

Address: 6655 SW Hampton, Suite 210
Portland, OR 97223

Proposed Development: New Emergency Power Building

Present Zoning: AC-RCR Overlay District: RCO

Lot Size: 5,000 +/- +/-

Property Description: 4N 10W 31
Township Range Section Tax lot(s)

Property Location: Arch Cape: Intersection of Sally's
Alley and Pacific Street

General description of the property:

Existing Use: Vacant Land

Topography: Slopes to East @ 10% +/-

General description of adjoining property:

Existing Uses: Residential

Topography: Flat or gently Slopy to East.

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: Thomas J. Hume Date: 6-26-13
Owner's Signature: VANCE SWANSON Date: 6-26-13

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

May 14, 2013

Curran-Mcleod, Inc.

Arch Cape Sanitary District: Sally's Alley Pump Station New Standby Power Building

Clatsop County Application For Design Review - Section 4.106. Criteria For Design Review Evaluation Supplemental Information

1). Relation of Structures to Site: The proposed structure will be 8 feet wide, 16 feet long and have a ridge pole height of approximately 10 feet. The structure will be of cedar post and beam construction with cedar shingle siding and a standing seam roof. The finished structure will resemble a garden shed or small beach cabin and will have minimal aesthetic impact upon the adjacent developed residential properties. The exterior appearance of the structure has been designed specifically to compliment the surrounding residential neighborhood. The emergency generator in the building will be equipped with sound dampening (muffled) discharge, and the interior of the building will have sound attenuating insulation to reduce noise during operation.

2.) Protection of Ocean Views: The building site was specifically chosen not to block any of the ocean views of the existing surrounding residences or houses located uphill from the site. The remaining right of way area located east of the site is undeveloped and has no existing uphill structures that would have potential to their views impacted by the proposed structure.

3.) Preservation of Landscape: The development will fill in a small portion of undeveloped land, approximately 200 square feet (<0.001 acres). Because of it's small scale however, no significant trees or woody vegetation shall be impacted as a result of the construction. The will be located next to a seasonal stream and will be constructed within the riparian setback for this wet area. The size of the building and it's structural foot print have been reduced to the minimum size possible to reduce impacts to the stream area. The building and foundation will have a foot print of 130 square feet and will require approximately 19 cubic yards of fill to be constructed. The building footprint will not be located within the Ordinary High Water Mark (OHWM) of the seasonal stream.

4.) Buffering and Screening: The building will have a graveled access drive with no significant loading, parking or service facilities required. With the exception of inclement weather events, the building will have two visits a month, each during the day for a period of approximately 20 minutes, to run the generator. Otherwise the facility will be unoccupied. The limited amount of use , the small size of the facility and the low impact building aesthetics will serve to minimize impact of the facility upon the surrounding residential area. Bottom line, after a short time frame, most likely most residents will forget that the facility is present.

5.) Vehicle Circulation and Parking: As described in four the facility will generate almost no new traffic. The site will be served by one vehicular access point only. Parking at the site will be limited to a single space for a service vehicle. Vehicular traffic from the proposed facility should create no significant chaneg to local traffic volumes and use of Pacific Street.

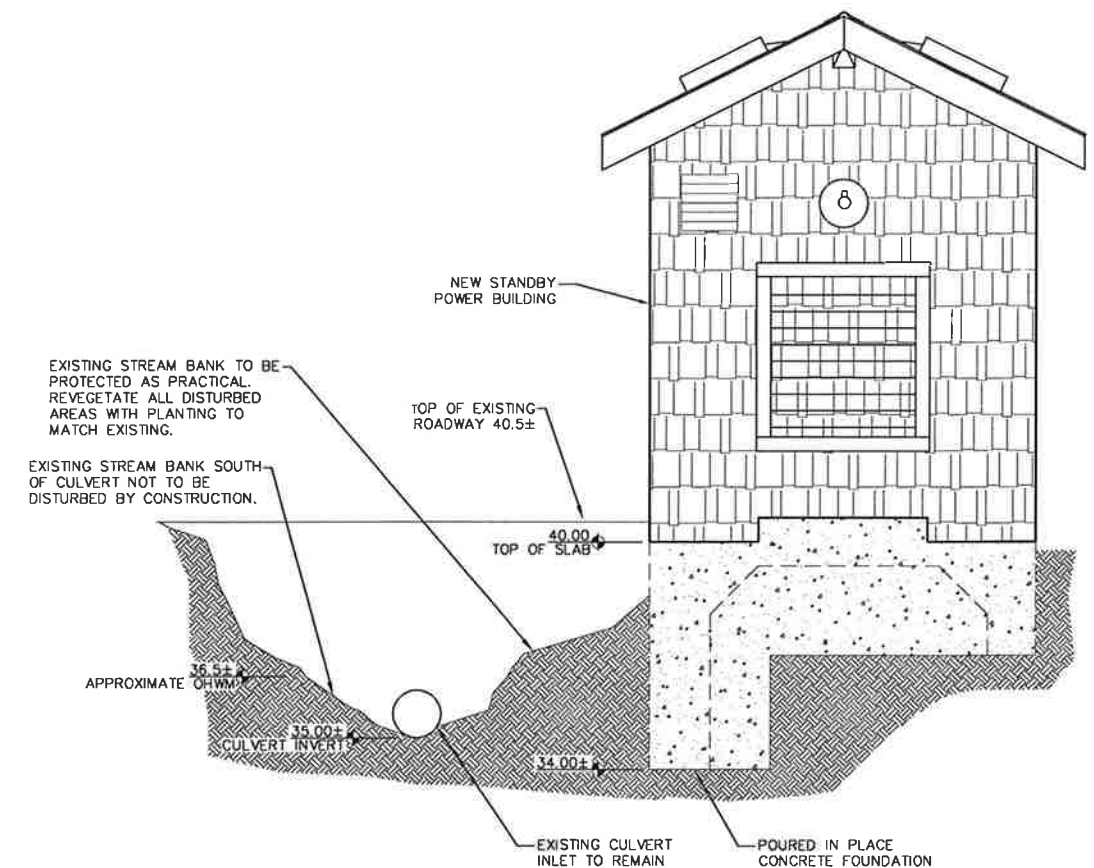
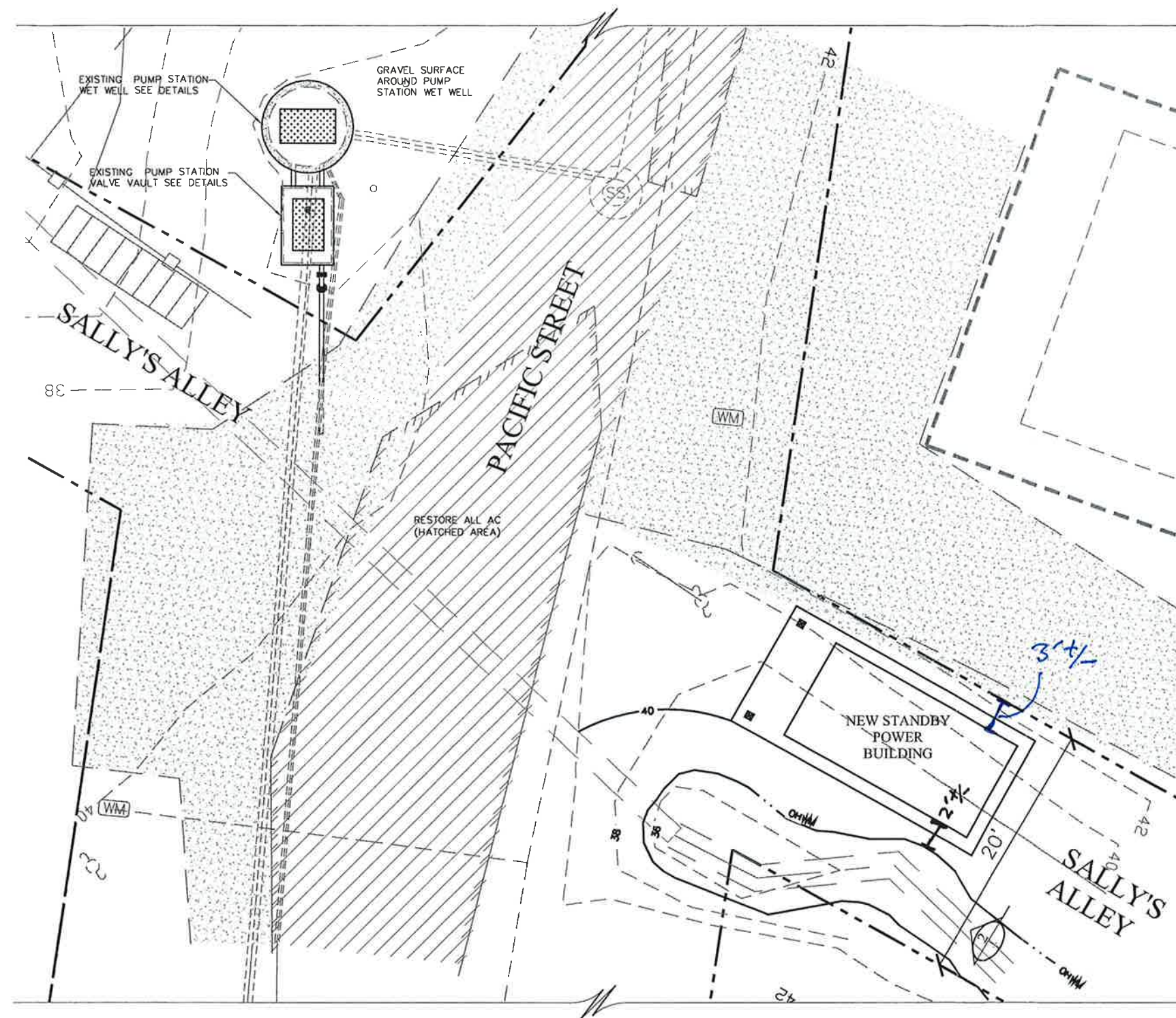
Page 2.

**Clatsop County Application For Design Review - Section 4.106. Criteria For Design Review Evaluation
Supplemental Information Continued**

6.) Utility Service: The proposed facility shall have all utility services placed underground.

7.) Signs: No new exterior signs will be constructed for the facility. The facility will have an 8" by 11" placard located on the door, but other than that there will be no signage of any sort.

8.) Surface Water Drainage: All surface water drainage generated from facility roof drains shall be directed into the existing seasonal drainage located south of the structure. The property is in a local topographical low, so no surface runoff from the building will go off site. For these reasons the proposed facility is expected to have no impacts on runoff at the site or in the surrounding area.





APPLICATION FOR
DESIGN REVIEW

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

APPLICANT: Arch Cape Sanitary District Phone: 503 436-2790

Address: 3206S East Shingle Mill Lane
Arch Cape, OR 97102

OWNER: Same as above. (see easement) Phone: _____

Address: _____

AGENT: Curren-McLeod, Inc. Phone: 503 684-3478

Address: 6655 S.W. Hampton, Suite 210
Portland, OR 97223

Proposed Development: Repair of Existing Pump Station

Present Zoning: AC-RCR Overlay District: RCO

Lot Size: 5,000 ft² +/-

Property Description: 4N 10W 31 2401
Township Range Section Tax lot(s)

Property Location: Arch Cape: Intersection of Sally's
Alley and Pacific Street

General description of the property:

Existing Use: Sanitary Sewer Pump Station

Topography: Flat

General description of adjoining property:

Existing Uses: Residential Housing

Topography: Flat

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 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: Thomas Munn Date: 8/2/13

Owner's Signature: Thomas Munn Date: 8/2/13

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

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

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

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

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

May 14, 2013 (Amended July 25, 2013 to Describe Pump Station Refurbishment Activities)

Curran-McLeod, Inc.

Arch Cape Sanitary District: Sally's Alley Pump Station New Standby Power Building and Existing Pump Station Refurbishment

Clatsop County Application For Design Review - Section 4.106. Criteria For Design Review Evaluation Supplemental Information

1). **Relation of Structures to Site:** The proposed emergency power building will be 8 feet wide, 16 feet long and have a ridge pole height of approximately 10 feet. The structure will be of cedar post and beam construction with cedar shingle siding and a standing seam roof. The finished structure will resemble a garden shed or small beach cabin and will have minimal aesthetic impact upon the adjacent developed residential properties. The exterior appearance of the structure has been designed specifically to compliment the surrounding residential neighborhood. The emergency generator in the building will be equipped with sound dampening (muffled) discharge, and the interior of the building will have sound attenuating insulation to reduce noise during operation.

The mechanical and electrical portions of the pump station work shall include replacement of existing pumps, piping and electrical cabling. The existing above grade top of the pump station wet well will be replaced with a flat top at grade concrete cover, reducing the visual impact of the structure. A new buried valve vault with an at grade lid will be also be installed. All mechanical and electrical work shall be buried underground and shall have no aesthetic impacts to the site or surrounding areas.

2.) **Protection of Ocean Views:** The emergency power building site was specifically chosen not to block any of the ocean views of the existing surrounding residences or houses located uphill from the site. The remaining right of way area located east of the site is undeveloped and has no existing uphill structures that would have potential to their views impacted by the proposed structure.

The mechanical and electrical portion of the project related to refurbishment is underground and thus shall have no impact upon ocean views at the site.

3.) **Preservation of Landscape:** The generator building development will fill in a small portion of undeveloped land. Because of its small scale however, no significant trees or woody vegetation shall be impacted as a result of the construction.

The mechanical and electrical portion of the project related to refurbishment shall have no impact upon existing landscapes at the project site or in the vicinity of the project area.

4.) **Buffering and Screening:** The generator building will have a graveled access drive with no significant loading, parking or service facilities required. With the exception of inclement weather events, the building and pump station will have two visits a month, each during the day for a period of

**Clatsop County Application For Design Review - Section 4.106. Criteria For Design Review Evaluation
Supplemental Information Continued**

approximately 20 minutes, to run the generator and inspect the pump station. Otherwise the facilities will be unoccupied. The limited amount of use, the small size of the facility and the low impact building aesthetics will serve to minimize impact of the facility upon the surrounding residential area. Bottom line, after a short time frame, most likely most residents will forget that the facility is present.

Mechanical and electrical improvements related to the pump station improvements will be buried and thus require no buffering and or screening.

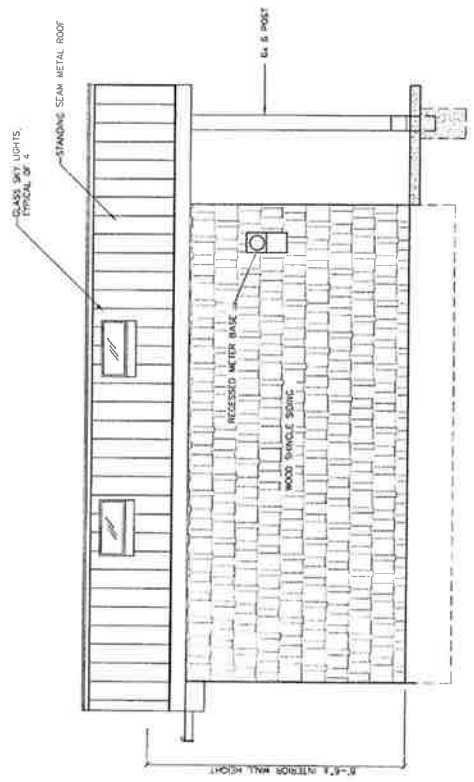
5.) Vehicle Circulation and Parking: As described in four (4.), the new generator building and pump station will generate little or no new traffic. The site will be served by one vehicular access point only. Parking at the site will be limited to a single space for a service vehicle. Vehicular traffic from the proposed facility should create no significant change to local traffic volumes and use of Pacific Street.

6.) Utility Service: The proposed building and pump station refurbishment shall have all utility services placed underground.

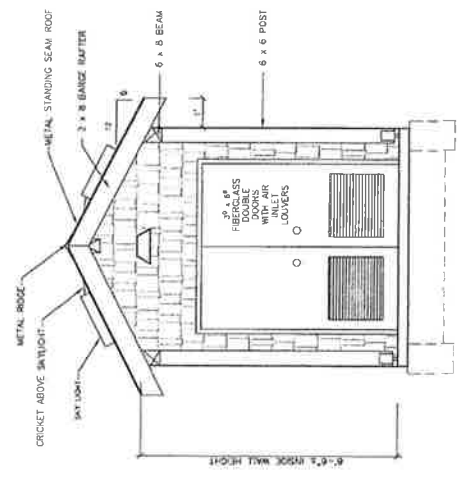
7.) Signs: No new exterior signs will be constructed for the building facility. The building will have an 8" by 11" placard located on the door, but other than that there will be no signage of any sort. **The pump station will have no signage present.**

8.) Surface Water Drainage: All surface water drainage generated from building roof drains shall be directed into the existing seasonal drainage located south of the structure. The building property is in a local topographical low, so no surface runoff from the structure will go off site. For these reasons the proposed facility is expected to have no impacts on runoff at the site or in the surrounding area.

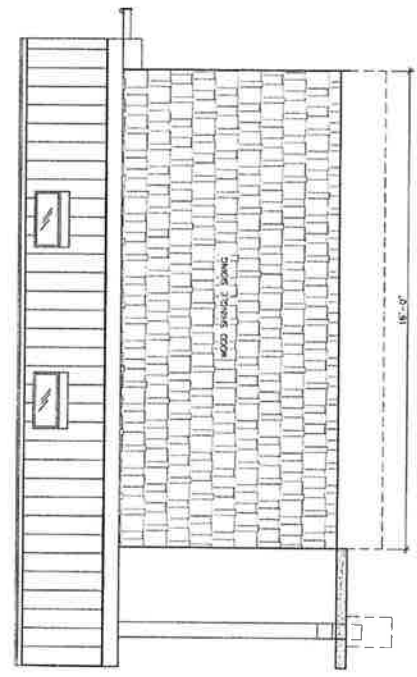
The proposed pump station refurbishment will have no impact to current volumes of surface water runoff generated from the pump station site during wet weather.



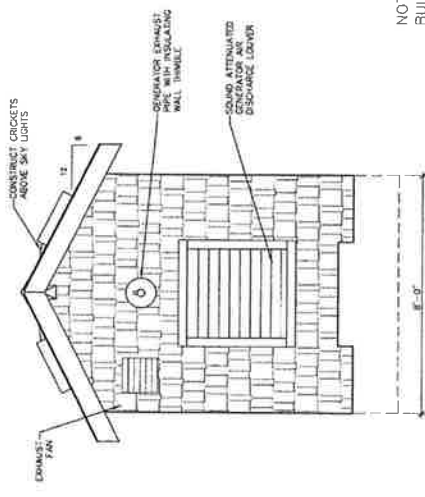
1 NORTH ELEVATION
SCALE: 1/2" = 1'-0"



2 WEST ELEVATION
SCALE: 1/2" = 1'-0"



3 SOUTH ELEVATION
SCALE: 1/2" = 1'-0"



4 EAST ELEVATION
SCALE: 1/2" = 1'-0"

NOTE:
BUILDING IS 8'-0" X 16'-0"

THIS IS ONE COPY OF THE ORIGINAL DRAWING. ANY CHANGES MUST BE MADE AS SHOWN ACCORDINGLY.

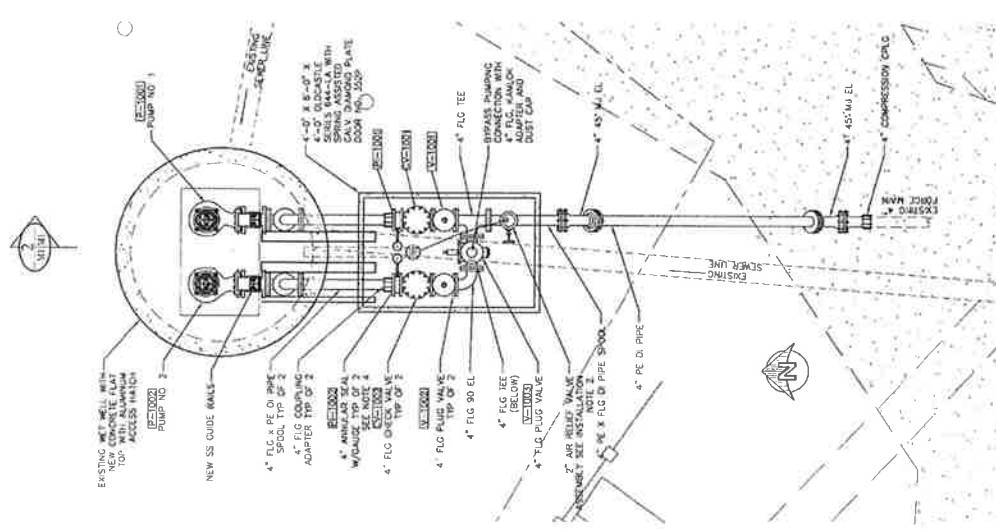
NO.	DATE	REVISIONS

CURRAN-MCLEOD, INC.
CONSULTING ENGINEERS
6555 SW HARTDAVE BL, SUITE 200
PORTLAND, OREGON 97239
PHONE 503 681-3476

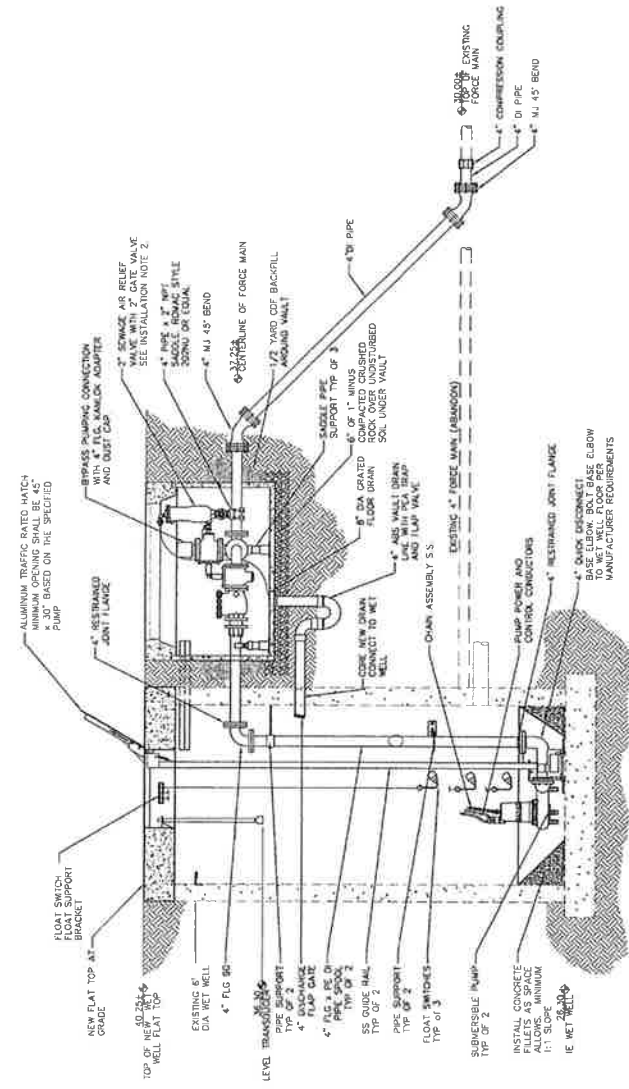
ARCH CAVE SANITARY DISTRICT
SALLY'S ALLEY PUMP STATION
BUILDING ELEVATIONS
SANITARY SEWER COLLECTION SYSTEM IMPROVEMENTS
& SALLY'S ALLEY PUMP STATION REHABILITATION
CLATSOP COUNTY, OREGON

DATE	FILE NO.
10/12/12	1592-A2
10/12/12	1592-A2
10/12/12	1592-A2
10/12/12	1592-A2

- NOTES:
1. ALL WET WELL PENETRATIONS TO BE SEALED WITH LINK SEAL (SEE SPEC. SECTION 05050)
 2. ANY RELIEF VALVE ASSEMBLY TO BE INSTALLED WITH 2" MIN. CLEARANCE FROM ALL STRUCTURAL MEMBERS. VALVE LEVER, SIZE 1/2" NPT OUTLET TO GLOW WITH AIR HOSE QUICK CONNECT. ALL THREADED FITTINGS AND PIPE TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS. RELIEF VALVE TO BE INSTALLED WITH BASED CONNECTOR, ROUTE TO VAULT FLOOR DRAIN.
 3. POSITION PUMPS IN WET WELL TO CLEAR EXISTING SLOPED WET WELL FLOOR. SECURE PUMPS TO FLOOR WITH STAINLESS STEEL ANCHORS. PUMPS TO BE INSTALLED WITH QUANTITY OF BOLTS AS REQUIRED BY PUMP MANUFACTURER.
 4. PRESSURE CHANGES TO BE OBTAINED TO PERMIT HEAVING OF CAUSE FROM VAULT HATCH OPENING.



2 PUMP STATION IMPROVEMENT SECTION VIEW
SCALE: 1/2" = 1'-0"



2 PUMP STATION IMPROVEMENT PLAN VIEW
SCALE: 1/2" = 1'-0"

BAR IS ONE INCH ON ORIGINAL DRAWING ADJUST SCALE AS SHOWN ACCORDINGLY

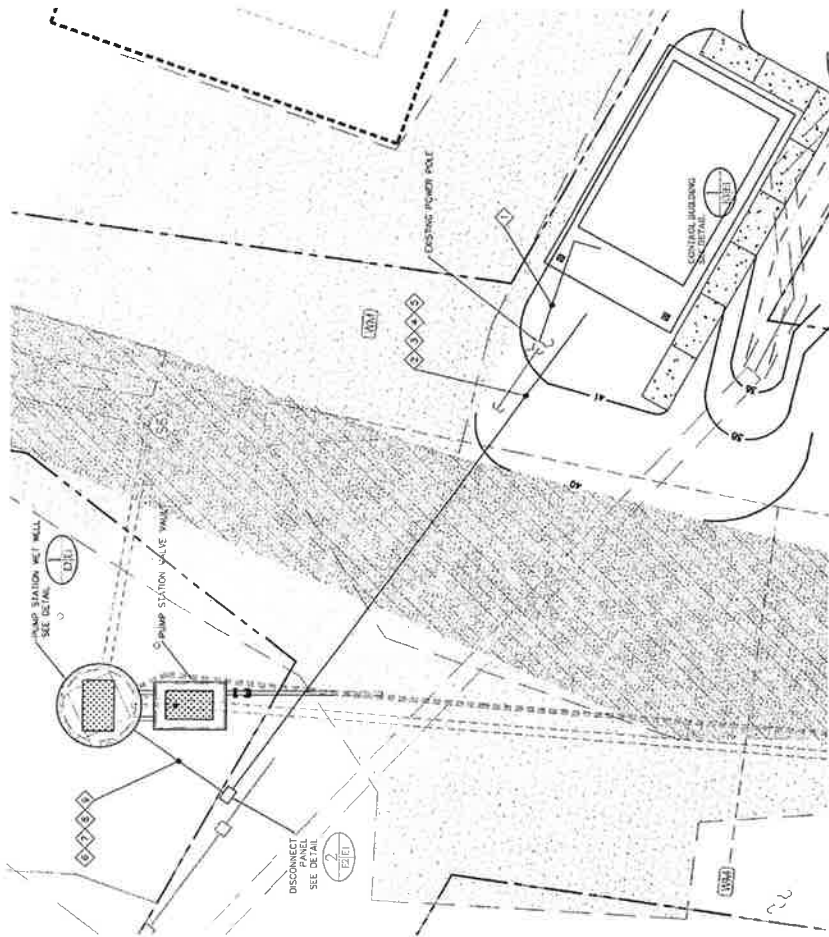
NO.	DATE	REVISIONS



CURRAN-MCLEOD, INC.
CONSULTING ENGINEERS
6555 SW MAPLE AVE. SUITE 200
PORTLAND, OREGON 97203
PHONE 503 644-3478

ARCATA SANITARY DISTRICT
SALLY'S ALLEY PUMP STATION
MECHANICAL PLAN AND PROFILE
SANITARY SEWER COLLECTION SYSTEM IMPROVEMENTS
& SALLY'S ALLEY PUMP STATION REHABILITATION
CLATSOP COUNTY, OREGON

NO.	DATE	REVISIONS
1	1997	
2	1997-01	



CONDUIT AND CONDUCTOR SCHEDULE

NO.	CONDUIT SCHEDULE	WIRE	FROM	TO	COMMENTS
1	1" - 1"	1" - 1"	UTILITY	METER BASE/ POWER CONDUITORS	
2	1" - 1"	1" - 1"	DISCONNECTS	PUMP CONTROL PANEL	
3	1" - 1"	1" - 1"	DISCONNECTS	PUMP CONTROL PANEL	
4	1" - 1"	1" - 1"	DISCONNECTS	PUMP CONTROL PANEL	
5	1" - 1"	1" - 1"	DISCONNECTS	PUMP CONTROL PANEL	
6	1" - 1"	1" - 1"	DISCONNECTS	PUMP CONTROL PANEL	
7	1" - 1"	1" - 1"	DISCONNECTS	PUMP CONTROL PANEL	
8	1" - 1"	1" - 1"	DISCONNECTS	PUMP CONTROL PANEL	
9	1" - 1"	1" - 1"	DISCONNECTS	PUMP CONTROL PANEL	
10	1" - 1"	1" - 1"	DISCONNECTS	PUMP CONTROL PANEL	

ELECTRICAL SITE PLAN

BAR IS ONE INCH ON ORIGINAL DRAWING

AS NOTED SCALE ACCORDINGLY

REVISIONS

NO.	DATE	BY	REVISION
1	11/20/2013	WJL	ISSUED FOR PERMIT

CLUBMAN-MELED, INC.
CONSULTING ENGINEERS
6605 SW HAMPTON ST. SUITE 20
PORTLAND, OREGON 97239
PHONE 503 844-3478

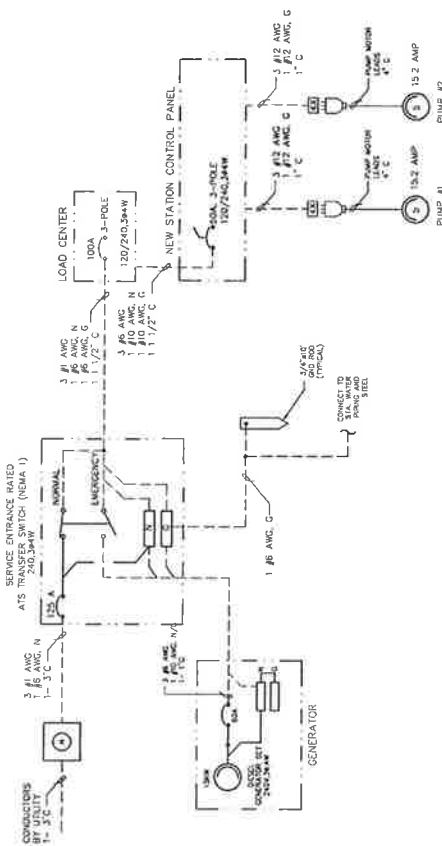
ARCH CAPE SANITARY DISTRICT
SALLY'S ALLEY PUMP STATION
ELECTRICAL SITE PLAN & ONE LINE DIAGRAM
SANITARY SEWER COLLECTION SYSTEM IMPROVEMENTS
& SALLY'S ALLEY PUMP STATION REHABILITATION
CLATSOP COUNTY, OREGON

LOAD SUMMARY

CONNECTED (VA)	DEMAND (VA)	DEMAND FACTOR
LIGHTS	X	1.0
RECEPT	X	1.0
HEATING	X	1.0
EQUIP	X	1.0
MOTORS	X	1.25*
MISC.	X	1.25*
TOTALS	X	1.25*

* 1.25 PERCENT OF LARGEST MOTOR PLUS BALANCE OF MOTORS

XX A @ 240, 3 PHASE (DEMAND)



ONE LINE DIAGRAM

SCALE: NTS

NOTES

- ALL BURIED CONDUITS SHALL BE PVC UNLESS NOTED OTHERWISE WITH TRANSITION PADS IN ACCORDANCE WITH THE SPECIFICATIONS. FOUNDATIONS AND EQUIPMENT SHALL BE PROVIDED TO MAINTAIN PUMP STATION OPERATION WITH TEMPORARY ALARMS AND BACKUP CAPABILITY.
- THE CONTRACTOR IS TO COORDINATE THE LOCATION OF ALL CONDUITS WITH MECHANICAL SITE PIPING AS SHOWN ON DRAWINGS. CONDUITS SHALL BE BROUGHT TO THE SURFACE OF THE PUMP STATION AND SHALL BE INSTALLED IN A MANNER THAT THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR OBTAINING AND MAINTAINING EXISTING BURIED CONDUIT TO PREVENT CONSTRUCTION DELAYS AND UNPLANNED INTERRUPTION OF SERVICE TO EXISTING EQUIPMENT.
- FOR CONTINUATION OF YARD CONDUIT AND CONDUITORS REFER TO PUMP STATION AND CONTROL BUILDING ELECTRICAL DRAWINGS.
- CONTRACTOR SHALL COORDINATE REMOVAL OF EXISTING EQUIPMENT FROM SERVICE AREA AND PROVIDE TEMPORARY ALARMS AND BACKUP CAPABILITY TO MAINTAIN PUMP STATION OPERATION WITH TEMPORARY ALARMS AND BACKUP CAPABILITY.
- ALL CONDUITS TO BE ABANDONED SHALL BE CUT FLUSH TO NEXT WELL WALLS AND DROUGLED WATERPROOF. ABANDONED SITE CONDUITS SHALL BE CUT AND COVERED A MINIMUM OF 6" BELOW FINISH GRADE.

BARGAIN AND SALE DEED

PATRICIA M. KUCKENBERG conveys to WALTER A. NUPEN and SUZANNE D. NUPEN, husband and wife, real property described as follows:

All of Lot 1, Block 4, KENT PRICE PARK, lying South of a line beginning South 07° 57'-1/2' West 62.5 feet from the most Easterly Northeast corner of said Lot 1 and running thence North 75° 44'-1/2' West to the West line of said Lot 1, in the County of Clatsop, State of Oregon.

SUBJECT TO:

1. The premises herein described are within and subject to the statutory powers, including the power of assessment of Arch Cape Service District and Arch Cape Water District.
 2. Conditions, restrictions and reservation for Easements and rights of way as set forth in that certain instrument recorded September 14, 1945 in Volume 180, page 231, Deed Records.
 3. Easement for a 12 inch concrete drain pipe that drains the property East of Pacific Street as disclosed by instrument recorded in Book 226 page 642.
 4. An easement, including the terms and provisions thereof, dated July 15, 1977, recorded July 15, 1977 in Book 455, page 728, in favor of Arch Cape Service District of Clatsop County, Oregon, for sewer easement. Affects: Beginning of the Southwest corner of the hereinbefore described parcel; thence South 60°51'12" East along the South line of said parcel a distance of 116 feet to the true point of beginning of the hereinafter described permanent easement; thence turning a left deflection angle of 81°32'53" a distance of 33.20 feet; thence turning a right deflection angle of 61°30'00" a distance of 12.00 feet; thence turning a left deflection angle of 89°28'42" a distance of 104.85 feet to a point on the Northerly line of said Lot 1; thence turning a right deflection angle of 112°39'21" a distance of 11.50 feet along the Northerly line of said Lot 1 to the Northeast corner of said Lot 1; thence turning a right deflection angle of 65°40'56" a distance of 115 feet along the Easterly line of said Lot 1 to the most Northerly corner of the parcel excepted from said Lot 1; thence turning a right deflection angle of 29° 38' 25" a distance of 28.28 feet along the Northwesterly line of said excepted parcel to the most Westerly corner of said excepted parcel; thence turning a right deflection angle of 81°39'29" a distance of 30 feet, more or less, along the Southerly line of said Lot 1 to the true point of beginning.
- Subject to rights of the public in streets, roads and highways.
5. Grantor reserves for herself, her heirs, successors and assigns a non-exclusive easement for view purposes over and across the northwesterly 30 by 30 feet of the property herein conveyed. Said 30 foot by 30 foot area shall remain open and free of all obstructions greater than three feet in height extending above the horizontal plane of the portion of the ground unless otherwise permitted by Grantor, her heirs, successors and assigns by written agreement. Said portion shall remain free of all trees and shrubs, fences or other structures greater than three feet in height. Any obstruction of such easement rights three feet above such horizontal plane shall be considered unauthorized interference with this easement right and shall be removed on demand by Grantor, her heirs, successors and assigns. This view easement is appurtenant to and for the benefit of the remaining portion of Lots 1 and 2, Block 4, Kent Price Park in the County of Clatsop, State of Oregon which is not sold by Grantor herein. This view easement is perpetual and so long as all or a portion of Lots 1 and 2, Block 4, Kent Price Park are owned, or an interest is retained in said property by the heirs of Grantor, Patricia Kuckenberg, formerly Patricia Haffey, or the heirs of her spouse, L. W. Kuckenberg.
 6. TOGETHER with a non-exclusive easement for the purpose of maintaining an existing sanitary sewer lateral over, across, and through a strip of land eight (8) feet wide lying four (4) feet on each side of the following described line:
Beginning at a point on the East boundary of Lot 1, Block 4, Kent Price Park, Clatsop County, Oregon; said point of beginning bears S 08°08'06" West 38.3 feet from the Northeast corner of said Lot 1 as recorded on County survey B-8233; thence N 78°20' West 14.82 feet; thence South 38°41' West 25.6 feet to the North boundary of that tract of land described in Book 558, Page 471, Deed Records, Clatsop County, Oregon, and the Southerly terminus of the easement. Said terminus bears N 75°33'54" West

NOV 12 1986

27.97 feet from the Northeast corner of that tract of land described in said Book 558, Page 471, as established on County survey B-8233.

Grantor is owner of an adjacent parcel to the property conveyed herein being a portion of Lots 1 and 2, Block 4, Kent Price Park, Clatsop County, Oregon. Grantor's and Grantees' parcels are connected to the main Arch Cape Sewer District by a common connection across Grantor's property which serves both parcels. Grantor and Grantees wish to enter into an agreement to define their respective rights and obligations by creating an easement and mutually restrictive covenants with burdens and benefits of said easement and covenants running to both Grantor and Grantees' properties and their respective heirs, successors and assigns.

1. Grantees and their heirs, successors and assigns shall be exclusively responsible for the repair and maintenance of their portion of the sewer line from the point between their residences to the point at which their sewer line joins the Grantor's line and forms the common line.

2. Grantor and her heirs, successors and assigns shall be responsible for the repair and maintenance of her portion of the sewer line between her residence and the point of intersection with Grantees' line and forms the common line.

3. Grantor and Grantees will equally share the repair and maintenance of the common sewer line from the point at which the two individual lines meet and form the common line to the Arch Cape Sewer District main located in Pacific Street. Grantor's property shall be restored to as good condition as it was prior to any repair or maintenance of either Grantee's line or the common line.

4. It is intended by the parties hereto that the Mutual Restrictive Covenants, set forth in paragraphs 1, 2 and 3 thereof, be binding upon the successors and assigns of each of the parties hereto. This agreement constitutes a mutual restrictive covenant running with the land, and all successive future owners shall have the same right to invoke and enforce its provisions as the original parties hereto.

Further subject to encumbrances incurred by Grantees subsequent to date of contract between Grantees and Grantor.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The true consideration for this conveyance is fulfillment of land sale contract dated July 29, 1981, a memorandum of which was recorded August 13, 1981 in Book 559 at page 241, Clatsop County Deed Records.

Dated this 31st day of October, 1986.

Patricia (M.) Kuckenberg
Patricia Kuckenberg, Grantor

Walter A. Nupen
Walter A. Nupen, Grantee

Suzanne D. Nupen
Suzanne D. Nupen, Grantee

NOV 12 1986

665 435

STATE OF OREGON
County of Clatsop) ss.

On this 31st day of October, 1986, personally before me appeared Patricia Kuckenberg and acknowledged said instrument to be her voluntary act and deed.

Before me:

[Signature]
Notary Public for Oregon
My Comm. expires: 12/2/89

STATE OF OREGON
County of Washington) ss.

On this 31 day of October, 1986, personally before me appeared Walter A. Nupen and Suzanne D. Nupen, husband and wife, and acknowledged said instrument to be their voluntary act and deed.

Before me:

[Signature]
Notary Public for Oregon
My Comm. expires: My Commission Expires Sept. 29, 1987

BARGAIN AND SALE DEED
PATRICIA KUCKENBERG, Grantor
WALTER A. NUPEN and SUZANNE D. NUPEN,
Husband and wife, Grantees

After recording, return to:
(see below)

Send Tax Statements to: Walter and Suzanne Nupen
5622 S. W. Boundary Street
Portland, Oregon 97221

After recording,
return to: Steven W. Abel, Esq.
Ste. 1600-1900 Pacwest Center
1211 S. W. Fifth Avenue
Portland, Oregon 97204

I hereby certify that the within
instrument was received for record
and recorded in the County of Clatsop,
State of Oregon

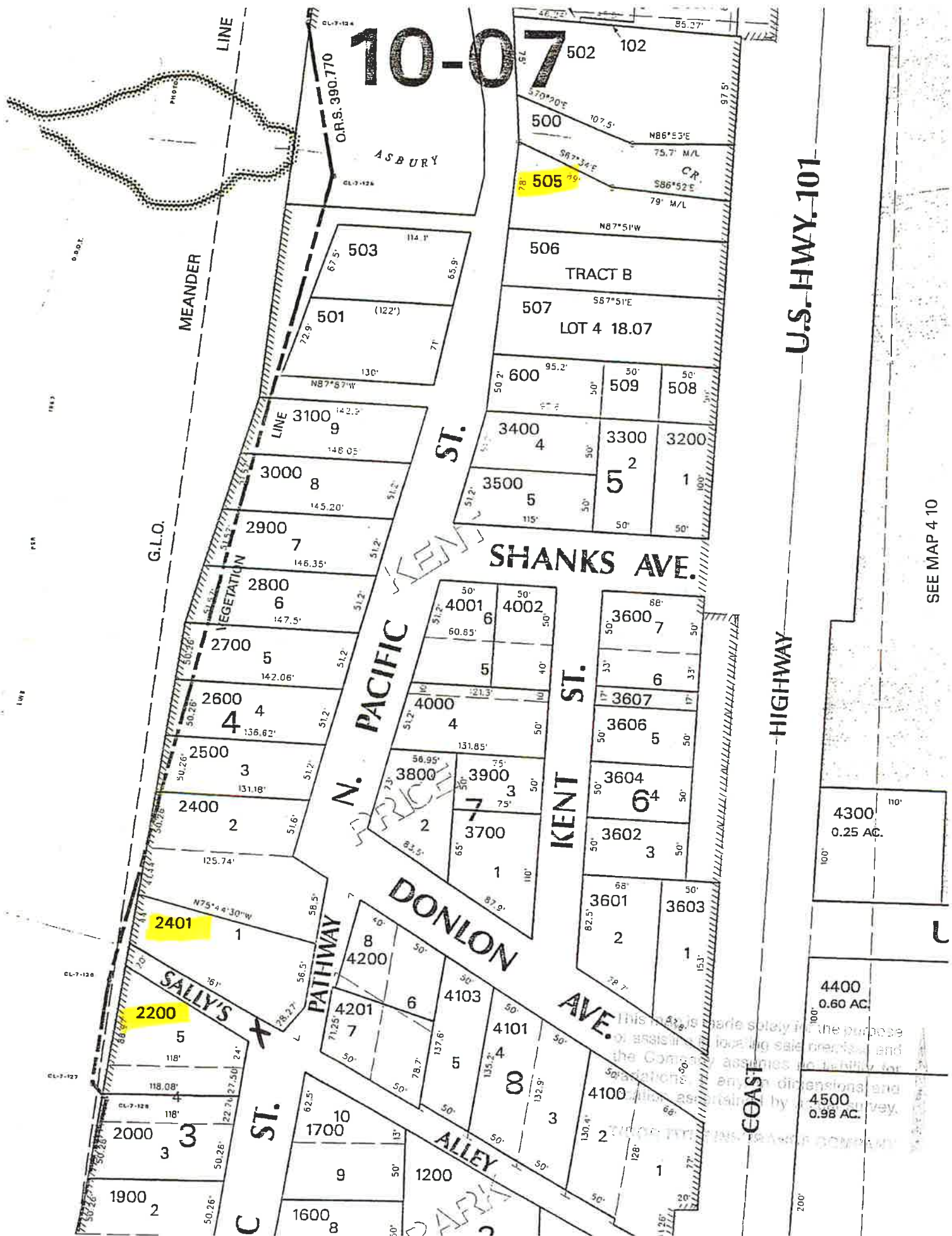
867030

Nov 12 10 23 AM '86



Book 665 Page 433
NORMA HUNSINGER, County Clerk
[Signature]
Form 103 Fees \$ 14/10

NOV 12 1986





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 #: 20130326
Permit Type: Type IIa
Entry Date: 7/2/2013
Entered By: Julia Decker
Assigned To:
Permit
Status: Entered

Permit Timeline

User	Status	Date
Julia Decker	Entered	07/02/2013

Proposed Use

Proposed Use: **Variance**

Zone: **AC-RCR**

Description: Variance to setbacks

Overlay District: **GHO**

Owner/Project Location

Owner: Name: **PUBLIC RIGHT OF WAY**

Address:

City, State, Zip:

Ph. #: () -

Cell: () -

Fax: () -

Situs Address: I R S Q S Qq S Taxlot
City: State: OREGON 4 10 31 0 0 00000

Applicant/Agent

Applicant: Name: Arch Cape Sanitary District/Tom Merrell

Address:

City, State, Zip:

Ph. #: (503) 436-2790

Cell: () -

Fax: () -

Agent: Name/Type: Curran McLeod/Edward Hodges (Engineer)

Address:

City, State, Zip:

Ph. #: (503) 684-3478

Cell: () -

Fax: () -

Fees

Fee Type:

Planning/Development

Permit Fee Total:

\$946.00

Total: **\$946.00**

Receipt

Payor Name:

Arch Cape Sanitary District/Tom Merr

Pymnt Type

Check

Check

6905

Pymnt Date

07/22/2013

Pymnt Amount:

\$946.00

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 VARIANCE

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

APPLICANT: Arch Cape Sanitary District Phone: 503 436-2790

Address: 32065 East Shingle Mill Lane, Arch Cape OR 97102

OWNER: Clatsop County Public Works Phone: 503 325-8631

Address: 1100 Olney Avenue, Astoria OR

AGENT: Cumran-McLeod, Inc. Phone: 503 684-3478

Address: 6655 SW Hampton, Suite 210

Portland, OR 97223

This request is for a variance to the Riparian Setback of 50' requirement/
standard to allow Construction of a Emergency Power Shelter Building.

Present Zoning: AC-RCR Overlay District: RCO

Property Description: 4N 10W 31

Township

Range

Section

Tax lot(s)

Directions to the property from Astoria: Arch Cape. Intersection of Sallys
Alley and Pacific Street

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

General description of the property:

Existing Structures and Uses:

Undeveloped Right of Way

Topography: Slopes to East 5-10%

Proposed Development: Emergency Power Enclosure.

Clatsop County

Community Development Department

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

General description of adjoining property:

Existing Structures and Uses: Developed Residential, Single Family homes

Topography: Flat to Sloping to East.

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

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

Applicant's Signature: Thomas J. Hume Date: 6-26-13

Owner's Signature: PAUL J. JENSEN Date: 6-26-13
(or notarized letter)

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

Section 5.130. Variance.

Section 5.132. Variance Procedure.

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

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

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

June 25, 2013

**ARCH CAPE SANITARY DISTRICT
SALLY'S ALLEY PUMP STATION
CURRAN-McLEOD, INC.**

Project Variance Memo: Standards For Hardship Variance

a) Proof of Exceptional Circumstances:

The Arch Cape Sanitary District has an existing lift station located on the west side of Pacific Road in Arch Cape. The area is subject to frequent power outages due to inclement weather in which the lift station loses power due to no backup generator being installed at the facility. During power outages the lift station becomes flooded and releases raw sewage to an adjacent waterway, the beach area of Arch Cape and residential areas. The District is upgrading the lift station to have a permanent back-up generator so that this problem does not occur during storms.

The District does not have adequate room on its existing lift station easement for a permanently installed emergency power generator building and all areas surrounding the site are already developed with residential houses or County road. The easement also has a restriction for view protection that prohibits installation of structures greater than three feet in height on the pump station site.

The District therefore needs to use a small portion of an undeveloped County right of way (Sally's Ally) located directly across from the existing pump station. The right of way is in a County riparian zone and due to space constraints the District will need to build the proposed generator building adjacent to (less than 50 feet) from a small seasonal drainage. To minimize impacts to the drainage, the District will need to locate the generator building within five feet of the northern boundary of the right of way. To do otherwise would cause a portion of the generator building to be built near to or below the ordinary high water mark of the drainage.

As mentioned previously the local area is already developed so if the emergency generator is not built in the right of way, there are no other feasible sites available. As a result the District will be unable to install permanent emergency power. The District does have the option of utilizing a portable generator system that would be parked in the road next to the lift station. However portable generators are subject to breakdown, are difficult to transport during inclement weather, and overall are much less reliable than permanent onsite emergency power equipment. The District recently suffered a power outage in early June of this year and the existing portable generator that was slated for use failed to operate due to mechanical problems, causing the operator to have to work on

**ARCH CAPE SANITARY DISTRICT
SALLY'S ALLEY PUMP STATION
CURRAN-McLEOD, INC.**

Project Variance Memo: Standards For Hardship Variance

Page 2.

it continuously for a twenty four hour period in order to prevent the lift station from flooding.

b) The Granting of a variance shall neither be injurious or to the neighborhood or community: Granting of the variance shall cause no negative impacts of any type to the neighborhood or area.

Not granting the variance will be detrimental to the public welfare and safety by making the area subject to the potential of raw sewage spills as set forth in a).

c) Special Privilege: Non-Applicable. The use is permitted by the Ordinance and no special privileges will be conferred to the applicant by granting the variance.

d) Proof of Significant Hardship: The District needs the generator to ensure functionality of the lift station during power outages. No other reasonable sites are available for placement of a permanent emergency generator building and use of a portable generator will mean that the lift station will have a less reliable emergency power supply.

All other conditions of this Standard are non-applicable.

e) Reasonable Use and Minimal Impact: As stated in a) and d), no other reasonable sites are available for a permanently installed emergency generator. The site chosen and design size of the planned facility will cause little impact to the proposed building area. The size of the facility has been reduced to the minimum size possible (8 feet wide by 16 long, approximately 130 sft) and the building has been located as close to the northern property line of the right of way as possible to minimize impact to the drainage. The buildings foundation has been designed so as to have the smallest footprint possible for this type of facility, with a construction requiring only a total volume of fill of less than 20 cubic yards.

**ARCH CAPE SANITARY DISTRICT
SALLY'S ALLEY PUMP STATION
CURRAN-McLEOD, INC.**

Project Variance Memo: Standards For Hardship Variance

Page 3.

Because of the design and location in the right of way, no portion of the building will be located below the apparent ordinary high water mark of the seasonal stream. During construction a small area of the northern bank of the water way will be disturbed to construct the building foundation. The stream bank will be immediately reseeded with native vegetation after the foundation is poured, in order to restore the riparian environment to its preconstruction condition. The streambed and southern sides of the of the water way will have no effects from the construction of the generator facility.

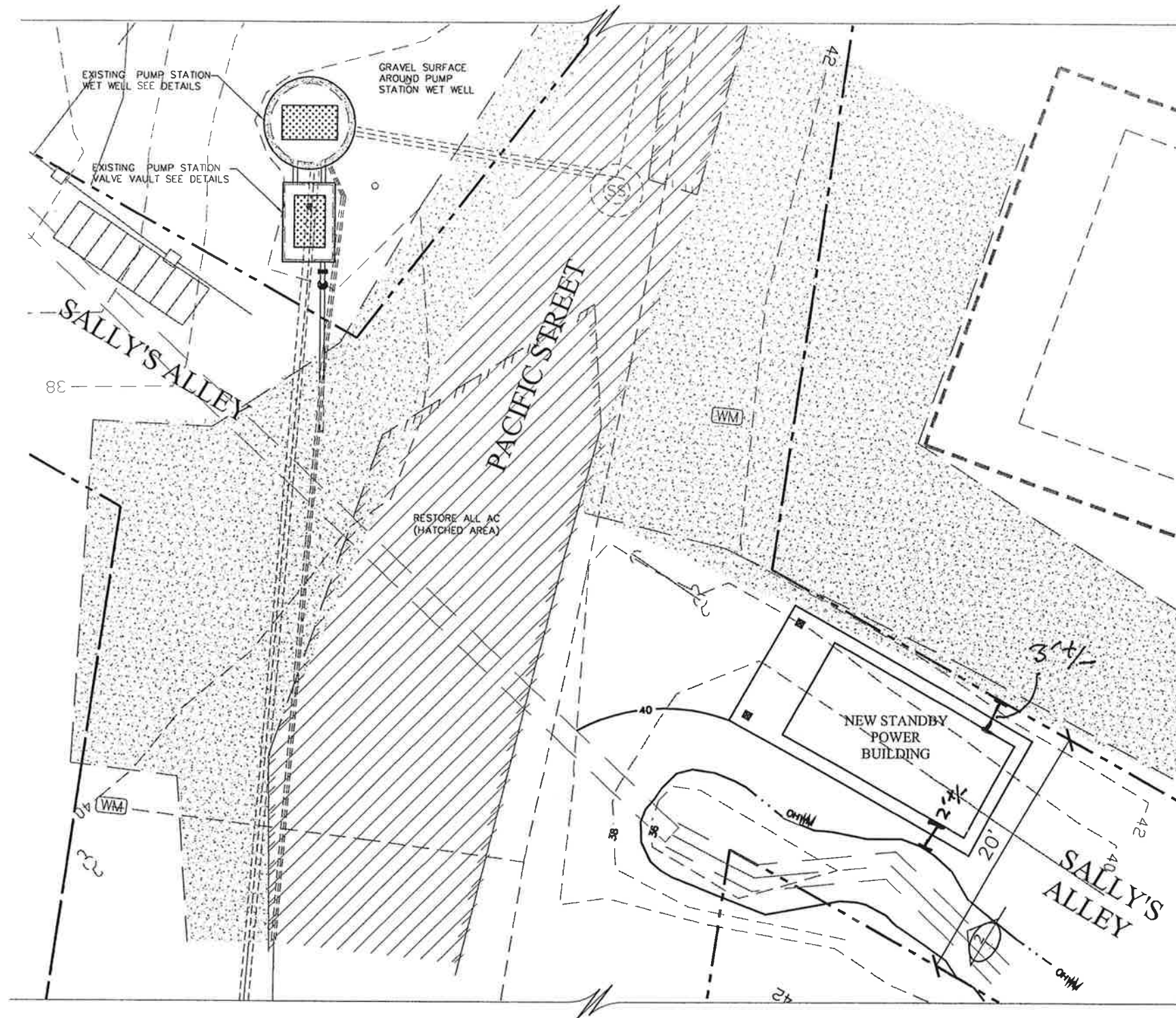
ODFW has been contacted concerning the potential for fish passage in the waterway. It is their opinion that the waterway is not a fish bearing stream due to its size and location.

Overall the size and location of the structure, along with its intended use. will cause little to no impact to the water way and native vegetation present in this area.

f) Violation of the Provisions of the Ordinance: Non-Applicable. No violations have occurred or are present.

g) Adjacent Land Use and Development under same Ownership. Non-Applicable. There is not ownership of any adjacent parcels by the Applicant.

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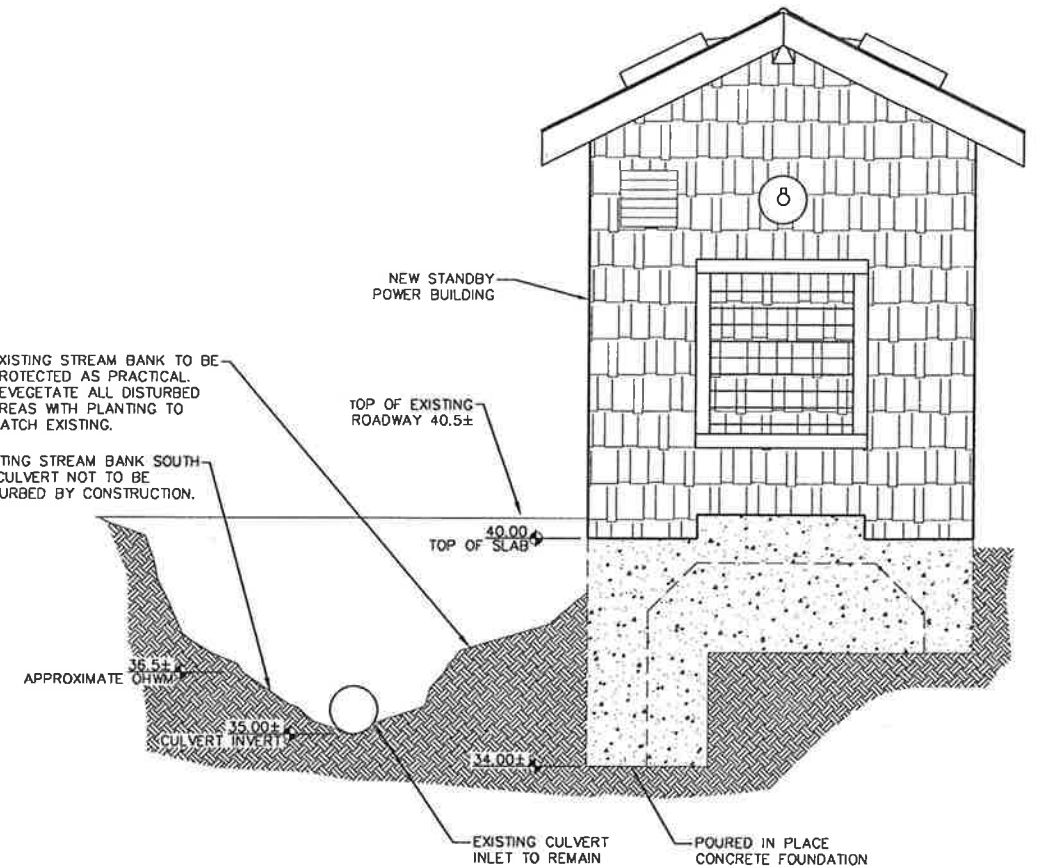


PUMP STATION SITE IMPROVEMENT PLAN

SCALE: 1" = 5'-0"

EXISTING STREAM BANK TO BE PROTECTED AS PRACTICAL. REVEGETATE ALL DISTURBED AREAS WITH PLANTING TO MATCH EXISTING.

EXISTING STREAM BANK SOUTH OF CULVERT NOT TO BE DISTURBED BY CONSTRUCTION.



2 STREAM BANK/BUILDING ELEVATION

SCALE: 1/2" = 1'-0"

BAR IS ONE INCH ON ORIGINAL DRAWING.
ADJUST SCALE AS SHOWN ACCORDINGLY.

REV	DESCRIPTION	DESIGNED BY	DATE

REVISIONS



CURRAN-MCLEOD, INC.
CONSULTING ENGINEERS

6655 S.W. HAMPTON ST., SUITE 210
PORTLAND, OREGON 97223
PHONE (503) 684-3478

ARCH CAPE SANITARY DISTRICT
SALLY'S ALLEY PUMP STATION
PUMP STATION IMPROVEMENTS
SITE PLAN
SANITARY SEWER COLLECTION SYSTEM IMPROVEMENTS
& SALLY'S ALLEY PUMP STATION REHABILITATION
CLATSOP COUNTY, OREGON

DATE JUNE 2013
P/N 1592
D/S REF
D/S REF
C/M 1592-1

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OF
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PUMP STATION SITE IMPROVEMENT PLAN

SCALE: 1" = 10'

BAR IS ONE INCH ON
ORIGINAL DRAWING.
ADJUST SCALE
AS SHOWN
ACCORDINGLY.

REV	DESCRIPTION	REVIEWED BY	DATE

REVISIONS



CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 SW. HAMPTON ST., SUITE 210
PORTLAND, OREGON 97223
PHONE (503) 684-3478

EXPIRES: 6/30/2013

PUMP STATION	
PUMP STATION TYPE	SUBMERSIBLE
PUMP TYPE	NON-CLOG CENTRIFUGAL
NUMBER OF PUMPS	2
CAPACITY:	
PUMPS No. 1 AND No. 2	140 GPM @ 30 FEET TDH
MOTOR	5 HP 230 VOLT 3 PHASE
LEVEL CONTROL TYPE	ULTRASONIC SENSOR
ALARM TELEMETRY	ETHERNET VIA WWTP
OVERFLOW POINT	PUMP STATION WELL WELL
OVERFLOW DISCHARGE	ADJACENT DRAINAGE DITCH TO PACIFIC OCEAN
EPA RELIABILITY CLASS	
AUXILIARY POWER TYPE	DIESEL GENERATOR
GENERATOR OUTPUT	X KW
FUEL TANK CAPACITY	24 HOURS
TRANSFER SWITCH	AUTOMATIC
FORCE MAIN	
SIZE	4" PVC PIPE
LENGTH	320 FEET
PROFILE	ASCENDING AFTER DROP AT PUMP STATION
DISCHARGE POINT	MANHOLE AT INTERSECTION OF

ARCH CAPE SANITARY DISTRICT
**SALLY'S ALLEY PUMP STATION
PUMP STATION IMPROVEMENTS
SITE PLAN**
SANITARY SEWER COLLECTION SYSTEM IMPROVEMENTS
& SALLY'S ALLEY PUMP STATION REHABILITATION
CLATSOP COUNTY, OREGON

DATE	MAY 2013
DATE	1592
DATE	REF
DATE	REF
DATE	1592-C2



APPLICATION FOR VARIANCE

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

APPLICANT: Arch Cape Sanitary District Phone: 503 436-2790
Address: 32065 East Shingle Mill Lane, Arch Cape OR 97102

OWNER: Clatsop County Public Works Phone: 503 325-8631
Address: 1100 Olney Avenue, Astoria OR 97103

AGENT: Curran-McLeod, Inc. Phone: 503-684-3478
Address: 6655 SW Hampton, Suite 210
Portland, OR 97223

This request is for a variance to the Property line 5' setback requirement/
standard to allow Construction of a Emergency Power Shelter Building
Present Zoning: AC-RCR Overlay District: RCO

Property Description: 4N 10W 31 WA
Township Range Section Tax lot(s)

Directions to the property from Astoria: South 101 to Arch Cape. Right on
Montbreicia Ln. Right on Pacific Rd to Site

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

General description of the property:

Existing Structures and Uses:

Undeveloped County Right of Way

Topography: Slopes to west @ 10% w/ Seasonal Drainage Present

Proposed Development: New Standby Power Shelter Building

Clatsop County

Community Development Department

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

General description of adjoining property:

Existing Structures and Uses: Developed single residence or
rental property. Residential Neighborhood.

Topography: Slopes to west @ 2-8% Percent

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

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

Applicant's Signature: [Signature] Date: 5-15-13

Owner's Signature: KEVIN SWENSON Date: 5-15-13
(or notarized letter)

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

Section 5.130. Variance.

Section 5.132. Variance Procedure.

1. A hardship variance may be appropriate where: by reason of exceptional configuration, or by reason of other extraordinary and exceptional situations or conditions existing on a piece of property, the strict application of any regulations enacted under this Ordinance would result in peculiar, exceptional and undue hardship upon the owner of such property for which a variance is requested. Undue hardship upon adjacent property owners may also be considered. The Hearings Officer may vary or adopt the strict application of any of the requirements of this Ordinance.
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Please address the following standards on a separate sheet of paper. Be as specific as possible. "Yes" and "No" responses are not sufficient.

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 - (A) There must be proof of exceptional and extraordinary circumstances which apply to the property and which do not apply to other properties in the same zone or vicinity, and result from lot size or shape legally existing in accordance with land use laws prior to September 30, 1980, topography, geology, or other circumstances over which the applicant has no control. These circumstances or conditions must be such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land and/or structure.
 - (B) The granting of a variance shall neither be injurious to the neighborhood or community nor otherwise detrimental to the public welfare or to public safety.
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June 25, 2013

**ARCH CAPE SANITARY DISTRICT
SALLY'S ALLEY PUMP STATION
CURRAN-McLEOD, INC.**

Project Variance Memo: Standards For Hardship Variance

a) Proof of Exceptional Circumstances:

The Arch Cape Sanitary District has an existing lift station located on the west side of Pacific Road in Arch Cape. The area is subject to frequent power outages due to inclement weather in which the lift station loses power due to no backup generator being installed at the facility. During power outages the lift station becomes flooded and releases raw sewage to an adjacent waterway, the beach area of Arch Cape and residential areas. The District is upgrading the lift station to have a permanent back-up generator so that this problem does not occur during storms.

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**ARCH CAPE SANITARY DISTRICT
SALLY'S ALLEY PUMP STATION
CURRAN-McLEOD, INC.**

Project Variance Memo: Standards For Hardship Variance

Page 2.

it continuously for a twenty four hour period in order to prevent the lift station from flooding.

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Not granting the variance will be detrimental to the public welfare and safety by making the area subject to the potential of raw sewage spills as set forth in a).

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All other conditions of this Standard are non-applicable.

e) Reasonable Use and Minimal Impact: As stated in a) and d), no other reasonable sites are available for a permanently installed emergency generator. The site chosen and design size of the planned facility will cause little impact to the proposed building area. The size of the facility has been reduced to the minimum size possible (8 feet wide by 16 long, approximately 130 sft) and the building has been located as close to the northern property line of the right of way as possible to minimize impact to the drainage. The buildings foundation has been designed so as to have the smallest footprint possible for this type of facility, with a construction requiring only a total volume of fill of less than 20 cubic yards.

**ARCH CAPE SANITARY DISTRICT
SALLY'S ALLEY PUMP STATION
CURRAN-McLEOD, INC.**

Project Variance Memo: Standards For Hardship Variance

Page 3.

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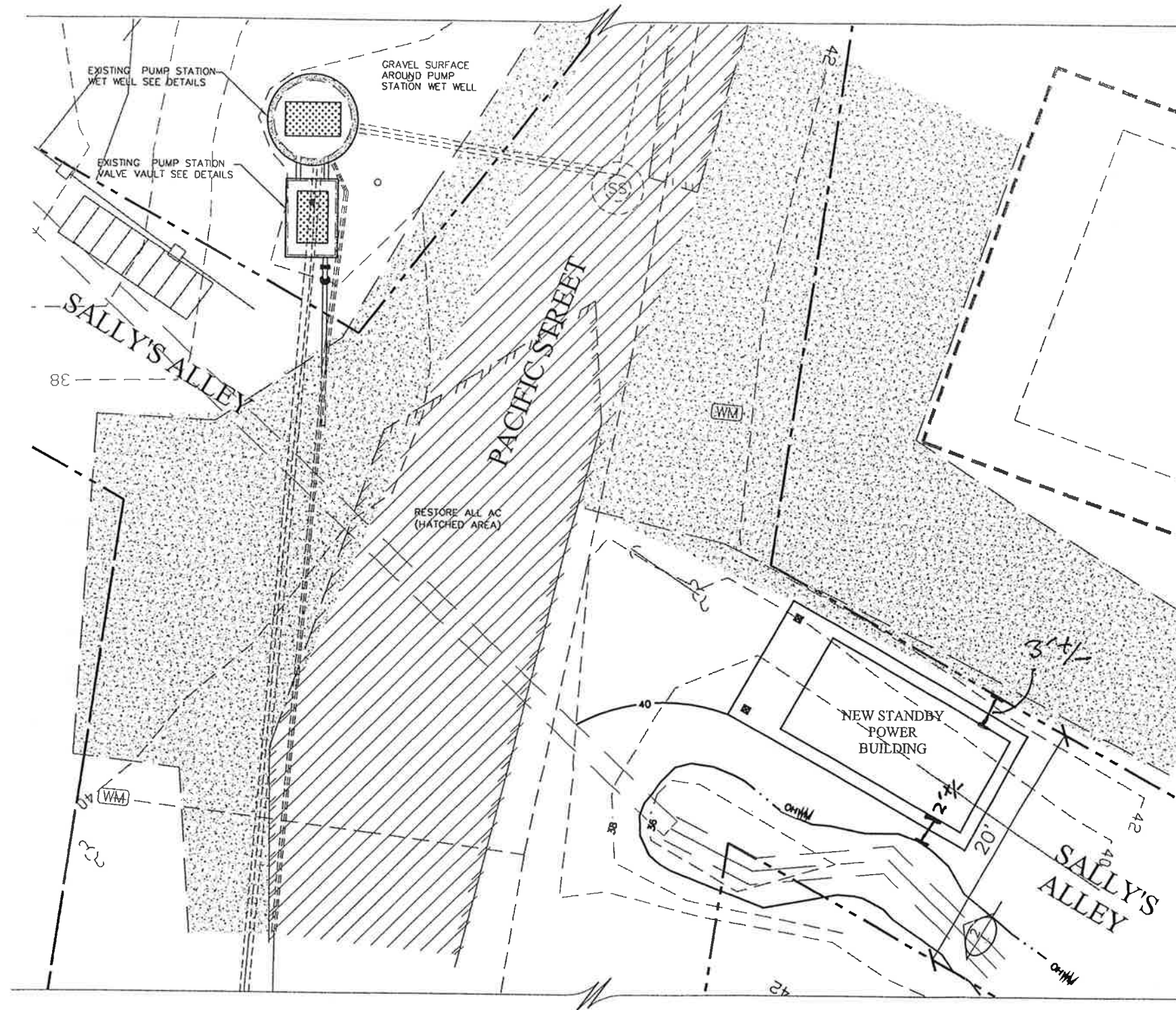
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Overall the size and location of the structure, along with its intended use. will cause little to no impact to the water way and native vegetation present in this area.

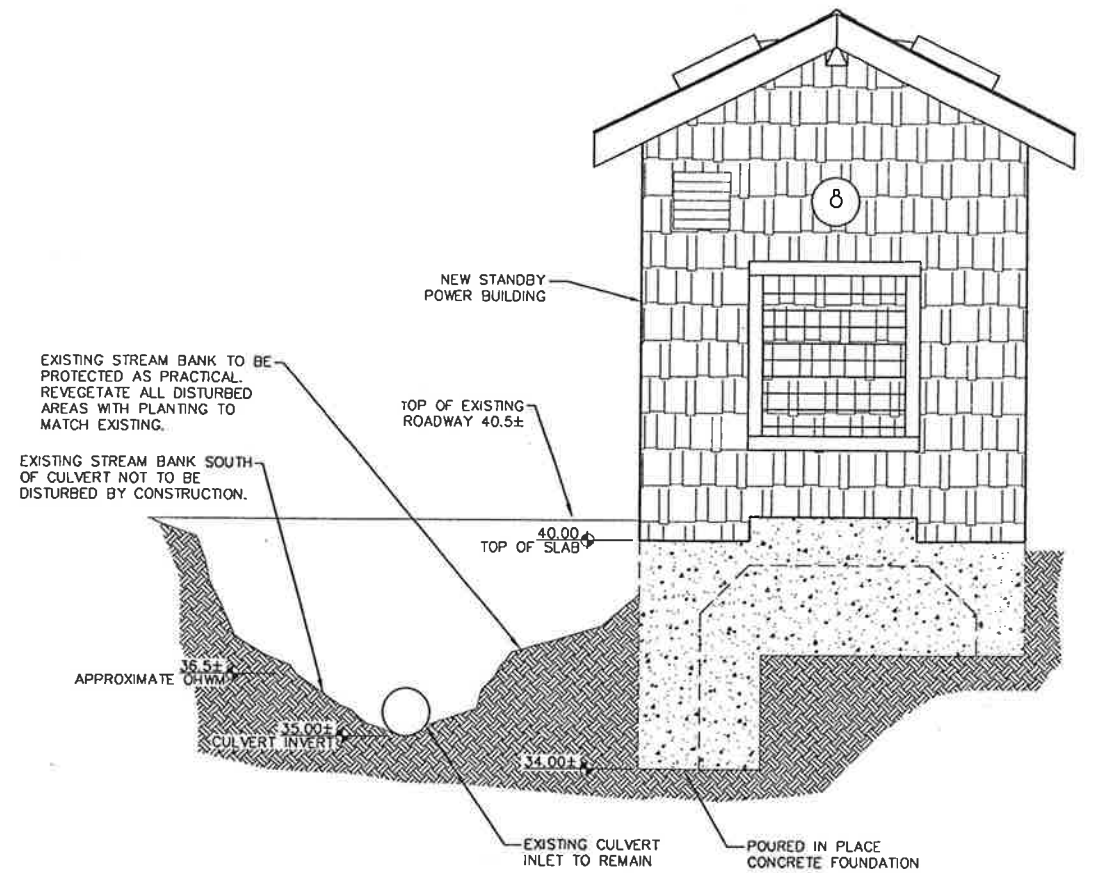
f) Violation of the Provisions of the Ordinance: Non-Applicable. No violations have occurred or are present.

g) Adjacent Land Use and Development under same Ownership. Non-Applicable. There is not ownership of any adjacent parcels by the Applicant.

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PUMP STATION SITE IMPROVEMENT PLAN
SCALE: 1" = 5'-0"



STREAM BANK/BUILDING ELEVATION
SCALE: 1/2" = 1'-0"

BAR IS ONE INCH ON
ORIGINAL DRAWING.
ADJUST SCALE
AS SHOWN
ACCORDINGLY.

REV.	DESCRIPTION	REVISED BY	DATE

REVISIONS



CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 SW. HAMPTON ST., SUITE 210
PORTLAND, OREGON 97223
PHONE (503) 684-3478

ARCH CAPE SANITARY DISTRICT
**SALLY'S ALLEY PUMP STATION IMPROVEMENTS
SITE PLAN**
SANITARY SEWER COLLECTION SYSTEM IMPROVEMENTS
& SALLY'S ALLEY PUMP STATION REHABILITATION
CLATSOP COUNTY, OREGON

DATE JUNE 2013
DIN 1592
DSE REF
DSC REF
GCM 1592-1

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LEGEND

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REVISIONS



CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

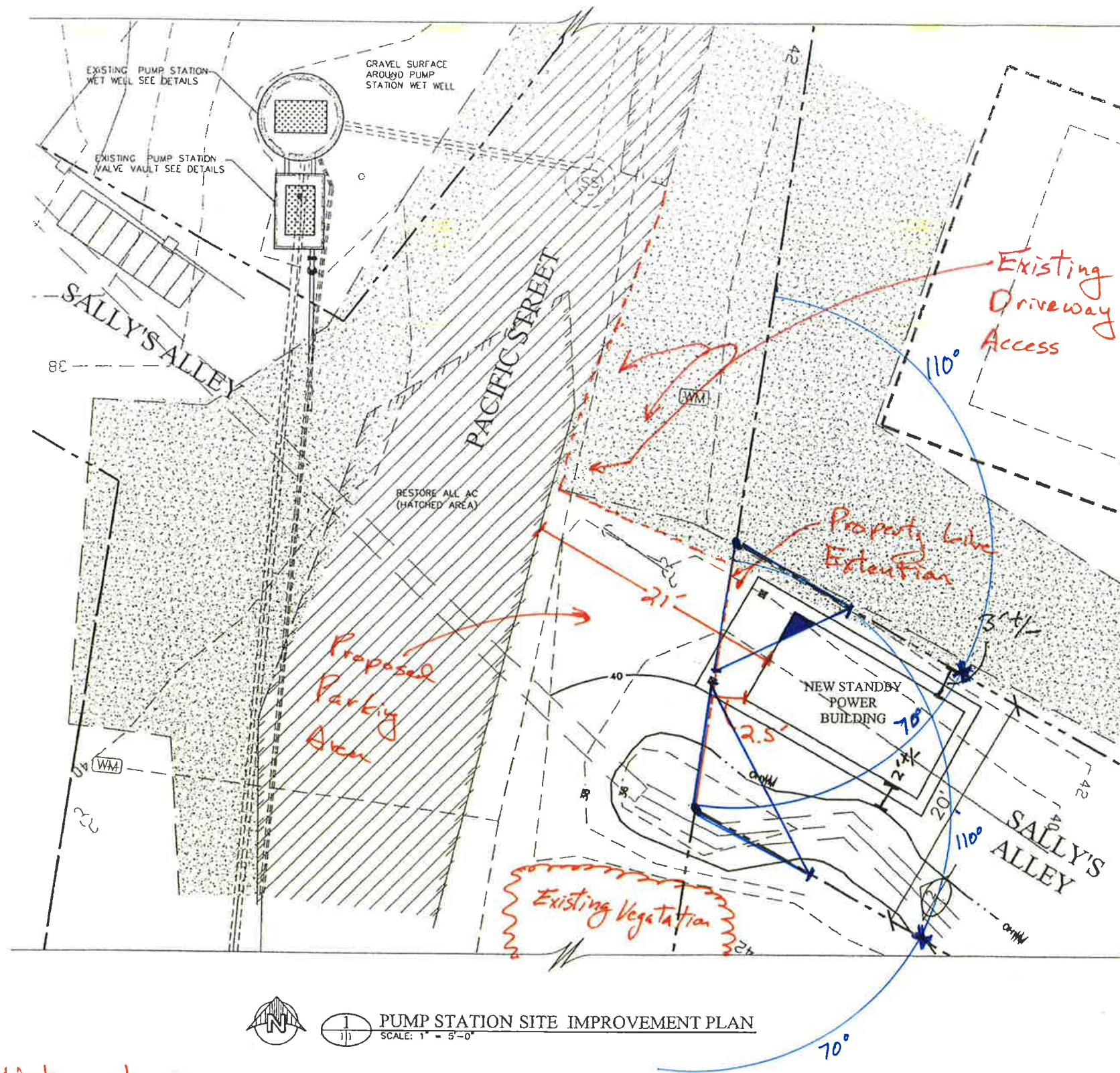
6655 S.W. HAMPTON ST., SUITE 210
PORTLAND, OREGON 97223
PHONE (503) 684-3478

ARCH CAPE SANITARY DISTRICT
SALLY'S ALLEY PUMP STATION
PUMP STATION IMPROVEMENTS
GRADING PLAN

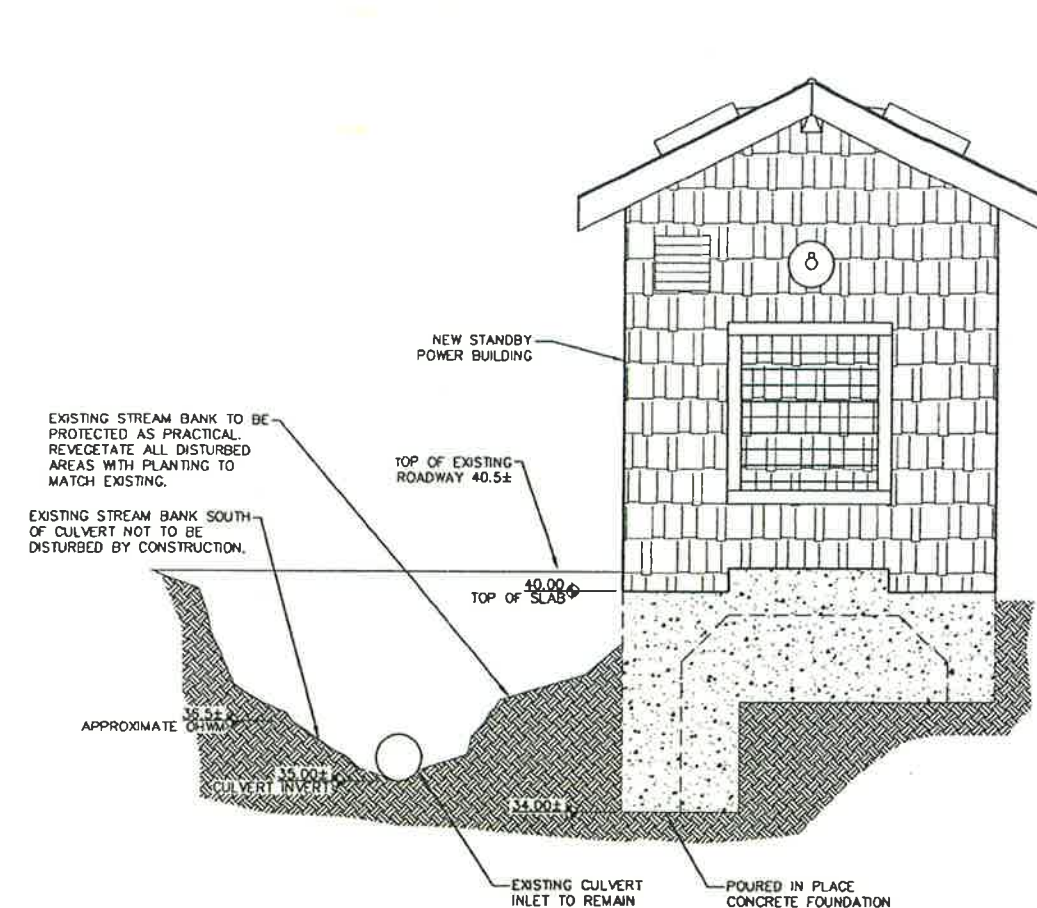
**SANITARY SEWER COLLECTION SYSTEM IMPROVEMENTS
& SALLY'S ALLEY PUMP STATION REHABILITATION
CLATSOP COUNTY, OREGON**

DATE	JUNE 201
P/N	159
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D/S	RE
CAD	1592-

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1 PUMP STATION SITE IMPROVEMENT PLAN
SCALE: 1" = 5'-0"



2 STREAM BANK/BUILDING ELEVATION
SCALE: 1/2" = 1'-0"

* Note: & Driveway of southern residence is 120'± from Proposed Power Building.

BAR IS ONE INCH ON ORIGINAL DRAWING.
ADJUST SCALE AS SHOWN ACCORDINGLY.

REV	DESCRIPTION	REVISION BY	DATE

REVISIONS



CURRAN-McLEOD, INC.
CONSULTING ENGINEERS
6655 SW HAMPTON ST. SUITE 210
PORTLAND, OREGON 97223
PHONE (503) 684-3478

ARCH CAPE SANITARY DISTRICT
SALLY'S ALLEY PUMP STATION
PUMP STATION IMPROVEMENTS
SITE PLAN
SANITARY SEWER COLLECTION SYSTEM IMPROVEMENTS
& SALLY'S ALLEY PUMP STATION REHABILITATION
CLATSOP COUNTY, OREGON

DATE	JUNE 2013
DWG	1592
DES	REF
DWG	REF
CHECK	1592-1



Oregon

John A. Kitzhaber, MD, Governor

Department of Environmental Quality

Northwest Region Portland Office/Water Quality

2020 SW 4th Avenue, Suite 400

Portland, OR 97201-4987

(503) 229-5263

FAX (503) 229-6957

TTY 711

May 17, 2012

THOMAS MERRELL
MANAGER
ARCH CAPE SANITARY DISTRICT
PO BOX 28
ARCH CAPE, OR 97102-0028

RE: Arch Cape Sanitary District
File No: 3300
Clatsop County
Plant Capacity, Pumps Station and Collection System Improvements

Dear Mr. Merrell:

This letter is written in support of the improvement plan outlined at the May 15th 2012 meeting, attended by you, myself and Pat Curran of Curran-McLeod Engineering.

The plan consists of three parts: Increasing capacity at the wastewater treatment plant and relieving stress on the existing membrane panels by adding more membrane panels, replacing a length of collection sewer pipe, and renovating the Sally's Alley pump station.

Current rain events stress the capacity of the membranes at the treatment plant. The addition of more filter plates will augment overall capacity and reduce the flux rate over the plates. The filter plates are expensive to replace and running them at the edge of the ability to filter may reduce their life span. Additional plates should create some operational flexibility at the treatment plant while attention is given to removing inflow and infiltration (I/I) in the wastewater collection system.

One of the first measures to reduce I/I is replacing an aging section of the collection system: that portion of pipe between Sally's Alley and Webb Ave. pump stations. Efforts to identify other I/I sources are part of the plan as well.

The renovation of Sally's Alley Pump Station will ensure wastewater continues to the treatment plant during periods of high flow. It has been nearly 20 years since the last renovation and the station is showing signs of wear and age. Increasing the reliability of this pump station will help protect the environment from potential sanitary sewer overflows.

Regards,

Michael Pinney PE
Senior Environmental Engineer
DEQ - WQ NWR

low wet well level
dry well flooding
intrusion
check-valve failure to open
seal water pressure failure
loss of utility power
standby generator failure to start or energize
chemical feed failure
volatile gas detection
air or instrument compressor failure

Station status and alarm conditions shall be displayed on the station panel view.

All alarms shall be transmitted to the Owner's operations staff by means of an autodialer or radio telemetry system.

Supplemental alarm lights may be installed at the station. Audible alarms shall not be installed in residential areas.

T. Alarm and Control Relay Resets

Provide an alarm push-button reset. Reset of alarm indication or conditions shall not occur automatically after an alarm condition clears unless otherwise programmed by the software.

U. Backup Power

For stations without a dedicated backup generator or a secondary electrical feed, install a manual transfer switch and an emergency plug-in power connection to the station for use with an approved portable generator. The plug-in connector shall be as approved by the Owner.

V. Standby Generator

A diesel-oil fueled, engine-driven electric generator unit shall be provided for all pump stations, unless otherwise approved by the Owner.

Skid-mounted package generator units shall consist of an engine, alternator, controls, switchgear, and auxiliary systems suitable for installation inside a building. The generator unit shall be installed on spring isolation supports to reduce vibration from the unit into the foundation and for seismic protection. The generator unit shall be fully shop assembled, wired, and tested from a single engine-generator manufacturer.



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 #: 20130192
Permit Type: Type I
Entry Date: 5/24/2013
Entered By: Jennifer Bunch
Assigned To:
Permit Status: Entered

Permit Timeline

User	Status	Date
Jennifer Bunch	Entered	05/24/2013

Proposed Use

Proposed Use: **Geologic Hazard Report**

Zone: **AC-RCR**

Description: Geo hazard review

Overlay District: **GHO**

Owner/Project Location

Owner: Name: **PUBLIC RIGHT OF WAY**

Ph. #: () -

Address:

Cell: () -

City, State, Zip:

Fax: () -

Situs Address: T R S Q S Qq S Taxlot

City: State: OREGON 4 10 31 0 0 00000

Applicant/Agent

Applicant: Name: **ARCH CAPE SANITARY (T MERRILL)**

Ph. #: () -

Address:

Cell: () -

City, State, Zip:

Fax: () -

Ph. #: () -

Cell: () -

Fax: () -

Fees

Fee Type:

Planning/Development

Permit Fee Total:

\$243.00

Total: **\$243.00**

Receipt

<u>Payor Name:</u>	<u>Pymnt Type</u>	<u>Check #</u>	<u>Pymnt Date</u>	<u>Pymnt Amount:</u>
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ARCH CAPE SANITARY (T MERRILI	Credit Card		05/24/2013	\$243.00
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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
PRELIMINARY GEOLOGIC HAZARD REPORT

Fee: \$243.00 (Required with application)

PROPOSED USE: 10' x 16' New Standby Power Building

ZONE: AC-RCR

LEGAL DESCRIPTION OF PROPERTY:

T: 4N R: 10W S: 31 TL: NA ACRES: 0.2±

OTHER ADJACENT PROPERTY OWNED BY THE APPLICANT:

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

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

APPLICANT: (mandatory)

Name: Arch Cape Sanitary District Phone # (Day): 503 436-2790

Mailing Address: 32065 East Shingle Mill FAX #: 503 436-1467

City/State/Zip: Arch Cape, OR 97102 Signature: [Signature]

PROPERTY OWNER: (mandatory if different than applicant)

Name: Clatsop County Public Works Phone # (Day): 503 325-8631

Mailing Address: 1100 Olney Avenue FAX #: 503 325-9312

City/State/Zip: Astoria, OR 97103 Signature: VANCE JENSEN

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

Name: Curran-McLeod, Inc. Phone # (Day): 503 684-3478

Mailing Address: 6655 S.W. Hampton, Suite 210 Phone # (Day): 503 624-8247

City/State/Zip: Portland, OR 97223 Signature: Edward Hodges P.E.

Clatsop County Community Development Department
Land Use Planning
800 Exchange, Suite 100
Astoria Oregon 97103
503-325-8611 * FAX 503-338-3606

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

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

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

Horning Geosciences

808 26th Avenue, Seaside, OR 97138

Ph./FAX: (503)738-3738

Email: horning@pacifier.com



May 21, 2013

Edward P. Hodges, P.E.
CURRAN-McLEOD, INC.
6655 S.W. Hampton St., Ste. 210
Portland, OR 97223

RE: Geologic Hazard Report for Utility Pad Construction at Sally's Alley; south of Tax Lot 4201, Map 4N 10W 19C; Arch Cape, Clatsop County, Oregon

Dear Ed:

Horning Geosciences understands that the Arch Cape and the county intend to build a low out-building on a small pad in the low gully that is commonly referred to as Sally's Alley, and that a back-up electrical generator will be housed in the structure. The site of the installation is to be immediately upstream from where the creek passes beneath Pacific Road. The project area is shown in Figure 1. We visited the site first on March 22, and later on April 25, 2013; approximately 30 minutes has been spent on-site and nearby to evaluate the geologic hazards. We have conducted similar analyses in the past and are familiar with the processes of the area.

Scope of Work

This report meets standards set forth for a report of this kind by the Oregon Board of Geologist Examiners and the pertinent ordinances for Clatsop County. All pertinent hazards and geotechnical challenges of the site will be documented, and suggestions for geotechnical mitigation will be provided where appropriate. Standard topics will be addressed, including elevation, landforms, soils, vegetation, subsurface materials, bedrock, faults, and seismicity.

Quick Geology

The lane for Sally's Alley is a creek channel that is platted at about 20 ft wide. It is about four feet lower than the elevation of Pacific Road, and it is slightly narrower than 20 ft, in part because of driveway fill that extends over the north property line. A creek channel is about 2 to 3 ft wide before it enters a culvert under the road. The channel is about 2 ft below the lower part of the alley lane. Vegetation consists of willows, ferns, grasses, equisetum, and Himalaya blackberry.

The creek drains to the northwest from east of Highway 101, and most likely its gully has been filled during development of the neighborhood, particularly near the beach and Pacific Road. This conclusion is based on the fact that the gully is significantly wider and deeper one block upstream to the east and that the creek has been confined to a culvert at Pacific Road. In areas less impacted by development, creek gullies tend to be low and wide near the beach, rather

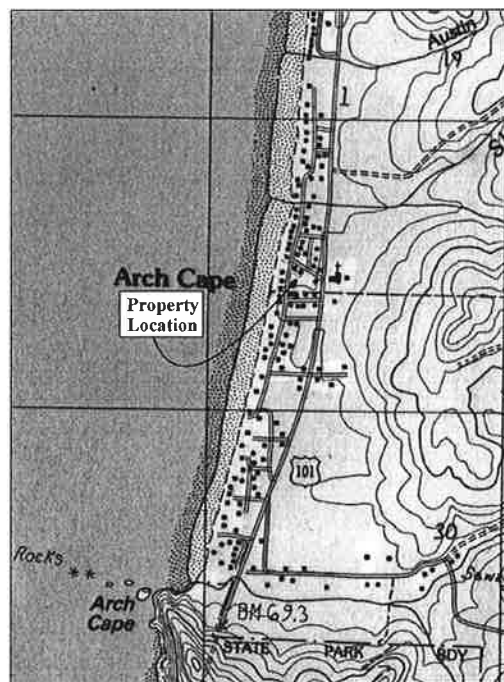


Figure 1: Site location map.

than narrow and steep. It may be that the creek gully was once nearly 20 to 30 ft deep and as much as 50 ft wide. This implies that uncontrolled fill is present in the subsurface, or that the subsurface has a significant thickness of recently accumulated weak stream sediments that pose a foundation settlement problem for the project.

The elevation of the property is approximately 45 ft NGVD, based on interpolation of LIDAR topographic maps and Google Earth elevation data. The surrounding landscape is partly incised by creeks, such as within Sally's Alley, but it otherwise slopes gently to the west, defining an uplifted coastal terrace. A 35 ft high sea cliff truncates this gentle slope where the surf is actively eroding the toe of the slope. Exposed in the sea cliff are various types of sediment, including poorly indurated pebbly conglomerate, debris flow angular rubble, abundant silt and clay from flood plains, and minor peat, including zones of entombed roots and trunks of co-seismically drowned coastal forest. These deposits are irregular and difficult to predict. Frequently, gravels and debris flow deposits tend to occur near the mouths of creeks, as these drainages transported the rock westward in the first place.



Figure 2: Aerial view of the project area.

The terrace sediments can extend to as much as 60 ft below sea level, based on water well drilling within 4 miles of Arch Cape. Whether bedrock is near the surface or not is uncertain. It is projected to consist of Angora Peak sandstone, which crops out in low hills east of the city. It is too deep and far removed to play a role in this hazard analysis. There are no known faults projected to underlie this part of Arch Cape.

HAZARDS

It is proposed that the generator and its shed will rest on a concrete slab that rests within the trace of the Sally's Alley creek. Combined soil loads are reported to approximately 250 psf, according to Ed Hodges of Curran-McLeod (email, 3/22/13). Various proposals have been forwarded to construct the slab on the existing native soils/sediment of the creek, or to encase the creek in a culvert and fill its channelway nearly to the elevation of the road before constructing the foundations. Applicable hazards include: 1) weak fill/native soils; 2) creek flood conditions; 3) marine storm flooding; 4) tsunami flooding; and 5) seismicity.

Weak Soils

Undisturbed mineral soils of the Pleistocene terrace adjacent to the gully have bearing capacities of no more than 1000 psf. The younger sediments and soils within the gully itself are rich in silt, clay, and woody debris, and they have bearing capacities that are difficult to estimate. Given the rooted nature of the site

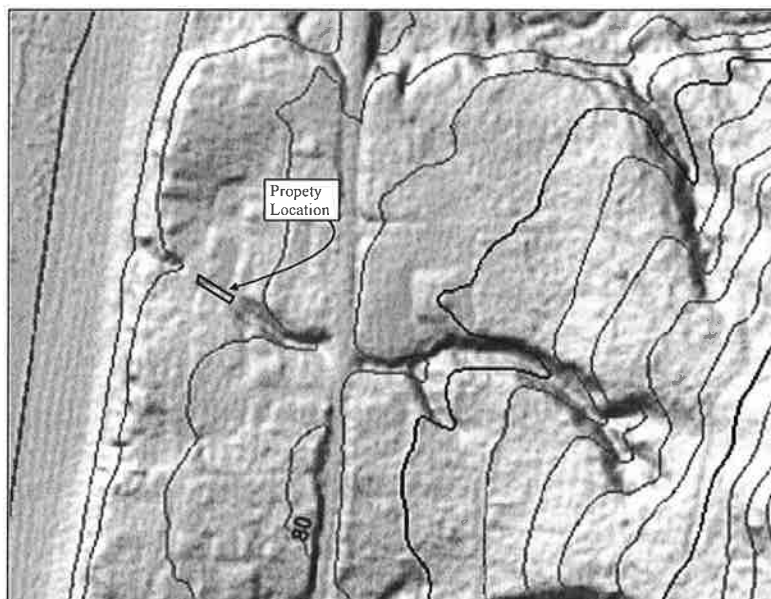


Figure 3: LIDAR-based topographic map for central Arch Cape, showing the gully and creek that drain through Sally's Alley.

with willow trees and likely fibrous content of the sediments, it is unlikely that the young soil bearing capacities will be less than 300 to 500 psf. From a conservative standpoint, assuming that the sediments are relatively saturated, it may be advisable to surcharge the site with crushed rock to expel excess water from interstitial spaces in the soils and head off possible settlement. Given that the generator, shed, and slab will spread out loads to less than 250 psf, it is likely that tilting of the slab may be limited and tolerable. Nonetheless, it would be prudent to construct the slab so that any future undesirable settlement can be corrected, if needed, with retrofit foundations, such as Earth Anchors. It is envisioned that well-formed edges and undersides would provide a strong shelf for the brackets of the anchors to grab, if they are to be needed.



Figure 4: Flood hazard map for the Sally's Alley vicinity in Arch Cape; the dark crescent is the 100-yr flood hazard zone; note that it reaches the west side of Pacific Road.

Creek Flooding

Unusual snowmelt events can take place every 10 to 15 years along the coast. These events trigger exceptional stream flooding. In the event that brush and other debris clog the intake end of the culvert under Pacific Road, it is possible that floodwaters may pond and rise to the elevation of the edge of the road, possibly flooding the creek gully to depths of 4 to 6 ft. This hazard will be difficult of control, unless a weir is constructed at the intake end of the pipe, or if the generator is high enough to avoid inundation.

Marine Flooding

According to Clatsop County Webmaps on-line, the 100-yr flood zone does not reach the east side of Pacific Road. As such, it is concluded that flood conditions from waves is negligible.

Tsunami Flooding

This site has the potential of being inundated by tsunami flooding under the worst-case local and distant-sourced tsunamis. This is illustrated in Figure 7. The generator station will most likely be destroyed by a Cascadia tsunami, but it is less likely that it will be damaged by a trans-oceanic tsunami. According to Peterson and others (2012),

there have been no transoceanic tsunamis larger than the 1964 tsunami to strike the Oregon coast for the last 3000 years. However, large Cascadia tsunamis strike the coast every 300 to 500 years and have the capacity of flooding to elevations in excess of 50 ft, or more. The last Cascadia tsunami struck in AD 1700. It appears that we are presently within a cluster of quakes and tsunamis. Within the cluster, the mean recurrence interval is around 340 years. This suggests that the next earthquake and tsunami could strike within 20 years, or so.

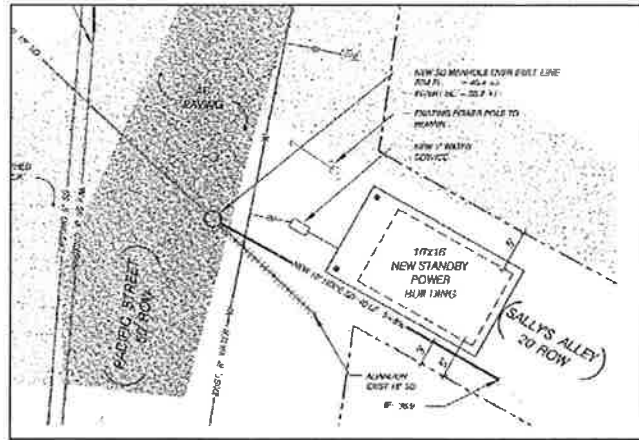


Figure 5: Proposed building site for the generator shed; courtesy of Curran-McLeod Engineering.

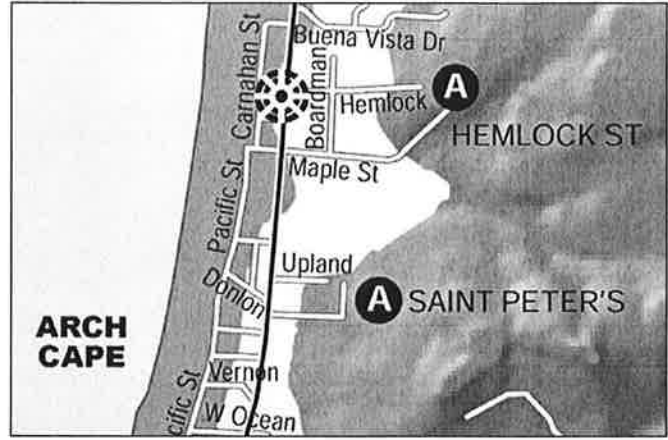


Figure 6: Tsunami evacuation map for the Arch Cape vicinity; courtesy of the Department of Geology and Mineral Industries. Orange denotes maximum theoretically possible flooding from a trans-oceanic tsunami; yellow is the maximum for a Cascadia tsunami. Lower flooding levels are possible. Project area is just south of Donlon.

Seismic Standards

The peak horizontal ground acceleration for this site is calculated using a Seismic Site Class of D, which is typical of Stiff silty clays, sediment terraces, deeply weathered mudstone bedrock, or landslide colluvium. A simple method of seismic acceleration determination is provided by Section 1803.5.12 of the 2010 Oregon Structural Specialty Code, whereby:

$$\text{Peak Horizontal Ground Acceleration} = S_{DS} / 2.5, \text{ where } S_{DS} = 0.67 S_{MS} = 0.67 F_a S_s$$

S_{DS} = Five percent damped design spectral response acceleration for short period shaking (0.2 sec)

S_{MS} = Maximum Earthquake Spectral Response Acceleration

F_a = Site Response Coefficient (Table 1613.5.3(1))

S_s = Acceleration Parameter from Seismic Map 1613.5(1)

From the maps and tables, Site Class D:

$$F_a = 1.0$$

$$S_s = 1.40$$

Calculated values:

$$\text{Peak Horizontal Ground Acceleration PGA} = S_{DS} / 2.5 = 0.67 F_a S_s = 0.67 (1.0)(1.4) / 2.5 = \mathbf{0.38g}$$

$$\text{For Lateral Pressures on Foundations and Retaining Walls from Seismicity: } 0.5 (\text{PGA}) = 0.5(0.38g) = \mathbf{0.19g}$$

LIMITATIONS

Observations and conclusions incorporated in this report are the result of personal site inspection, the works of other specialists, and generally accepted principles of geologic investigation for a report of this nature. This area is known to have landslide hazards and earthquakes, the timing and the magnitude of which are difficult to predict and

fully quantify. This report attempts to provide the best summary of these hazards possible. Owners and occupants of this property must understand the risks of living in geologically hazardous areas. No warranties are expressed or implied. This report does not extend to the activities of unidentified future owners or occupants for which the writer bears no responsibility.

Please call if there are questions.

Thomas S. Horning, CEG
Horning Geosciences



Expires: 6/30/13

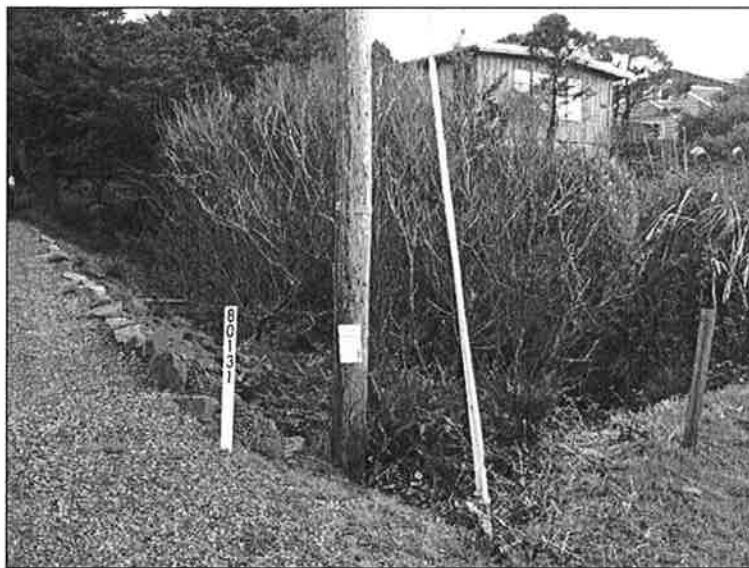


Figure 7: Ground view of Sally's Alley, looking east.

References Cited

Goldfinger, C., Nelson, H.C., Morey, A.E., Johnson, J.E., Patton, J.R., Karabanov, E., Gutierrez-Pasto, J., Ericksson, A.T., Garcia, E., Dunhill, G., Enkin, R.J., Dallimore, A., and Vallier, T., 2012, Turbidite Event History- Methods and Implications for Holocene Paleoseismicity of the Cascadia Subduction Zone; in Kayen, R., editor, Earthquake Hazards of the Pacific Northwest Coastal and Marine Regions, USGS Professional Paper 1661-F, 184 p.

Niem, A. R., and Niem, W. A., 1985, Oil and Gas Investigation of the Astoria Basin, Clatsop and Northernmost Tillamook Counties, Northwest Oregon: OGI-14, State of Oregon, Department of Geology and Mineral Industries.

Exhibit 2



CERTIFICATE OF MAILING

I hereby certify that I served a copy of the attached **Notice for an Issue before the Southwest Coastal Citizens Design Review / Advisory Committee and Clatsop County Hearings Officer** for major design review submitted by Edward Hodges, Curran-McLeod, Inc. on behalf of Walter & Suzanne Nupen, owners, to those listed on the attached pages with postage paid and deposited in the post office of Astoria, Oregon (as well as those sent via e-mail as indicated) on said day.

Date: August 1, 2013

Clancie Adams, Staff Assistant
Clatsop County, Oregon

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

ph: 503-325-8611
fx: 503-338-3606
em: comdev@co.clatsop.or.us
www.co.clatsop.or.us



**PUBLIC NOTICE FOR AN ISSUE BEFORE THE SOUTHWEST COASTAL
CITIZENS DESIGN REVIEW / ADVISORY COMMITTEE
AND CLATSOP COUNTY HEARINGS OFFICER**

In the matter of a **Major** Design Review application submitted by Edward Hodges, Curran-McLeod, Inc., on behalf of the Arch Cape Sanitary District, for 48-foot variance to the 50-foot riparian setback and a two-foot variance to the five-foot property line setback and design review for construction of an emergency power shelter building on property within the public right-of-way, located at the intersection of Pacific Road and Sally's Alley, T4N, R10W, Sec. 31; and for repair of an existing pump at an existing sewer pump station, located on T4N, R10W, Section 19CC, TL 02401, owned by Walter and Suzanne Nupen, and also known as 80132 Pacific Road and at the intersection with Sally's Alley.

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

APRX. DATE OF DESIGN REVIEW RECOMMENDATION:	August 21, 2013
COMMENT PERIOD:	August 1, 2013, to August 23, 2013
DESIGN REVIEW MEETING: Correction	August 21, 2013, 6 pm, Arch Cape Fire Hall, 79729 Highway 101, Arch Cape, Oregon
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.

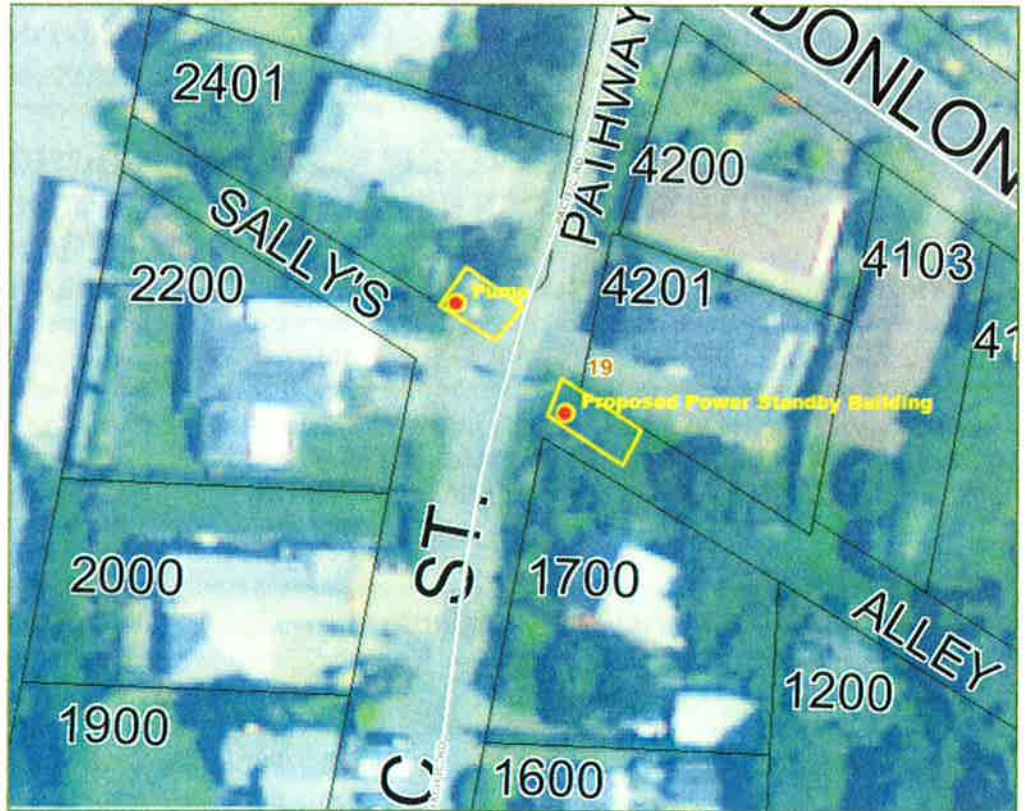
NOTICE IS HEREBY GIVEN that Clatsop County's Community Development Department has received the land use application described in this letter. Pursuant to section 4.100 of the Clatsop County Land Water Development and Use Ordinance, a **Public Meeting is scheduled before the Design Review Committee on Wednesday, August 21, 2013, to review and make a recommendation regarding the application, pursuant to Section 2.020 of the Clatsop County Land and Water Development and Use Ordinance (LWDUO).** Pursuant to Section 2.025 of the LWDUO, the Hearings Officer is tentatively scheduled to hear the matter, including evidence and testimony, on Friday, September 20, 2013, at the Judge Guy Boyington Building, 820 Commercial Street, Astoria, OR 97103. The Hearings Officer will make a decision at a later date. A separate notice will be issued for the hearing before the Hearings Officer.

All interested persons are invited to submit testimony and evidence in writing by addressing a letter to the Design Review Committee and / or the Clatsop County Hearings Officer, 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 4 p.m. on Wednesday, August 14, 2013, in order to be considered by the Design Review Committee and by 5 pm on Thursday, September 19, 2013, in order to be considered by the Hearings Officer.**

NOTE: Failure to raise an issue 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), 2.025 (Type IIa 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]), 4.116 (Arch Cape Variance), 4.040 (Geologic Hazards Overlay), 4.080 (Shorelands Overlay District), 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 7 (Natural Hazards); Goal 11 (Public Facilities and Services); 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 Community Development Department Office during normal business hours (M-F, 8-5) at no cost and will be provided at reasonable cost.

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

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

Date Mailed: August 1, 2013

Owner	OwnerLine1	OwnerLine2	Mailing Address	City	State	Zip
ADAMS LIVING TRUST	ADAMS DAVID L	Adams Dixie R	4601 W Hood Ave	Kennewick	WA	99336-6148
AZTLER DAVID J	ASTLE KATHLEEN S		498 Welcome Ct SE	Salem	OR	97302-3930
AZHAR FARHAT FAMILY TRUST	SADIA Z AZHAR IRREVOCABLE TRUST	Azhar Ezra/Zara/ et all	12900 NW Springville Rd	Portland	OR	97229-1607
BALMER ROBERT J/JANET C			1518 SE 107th Ave Apt #B	Portland	OR	97216-3252
CAMERON LYNN S			809 N 47th St	Seattle	WA	98103-6540
CARR THOMAS	CARR LEONARD		3940 SW Tunnelwood St	Portland	OR	97221-4153
CHAPMAN JAMES G TRUSTEE	CHAPMAN DONNA M TRUSTEE	JGC DMC Trust	2020 SW Market Street Dr Apt #404	Portland	OR	97201-7719
DAVIS C MORGAN/KAREN K	SEVERSON/CASTELLON	Hill/McKenzie Etal c/o Pamela Hill	2364 NW Hoyt St	Portland	OR	97210-3219
DEKONING PAUL W/DEKONING REGAN M	ELMALEH FRANCOIS/ELMALEH SHARON M		7514 SW 33rd Ave	Portland	OR	97219-1859
DOMAN MARGARET H			2104 180th Ct NE	Redmond	WA	98052-6032
DONOFRIO CATHERINE			P.O. Box 1327	Cannon Beach	OR	97110-1327
DUFFENS KURT			2819 NW Birkendene St	Portland	OR	97229-8081
GARROW LEO A/MARY ELAINE			12613 NE Shaver St	Portland	OR	97230-1345
GEORGE WILLIAM S/PATRICIA A			5517 NE Clackamas St	Portland	OR	97213-3635
GMK INVESTMENTS LLC			3310 SE Bybee Blvd	Portland	OR	97202-8238
GOODMAN DESCENDENTS TRST MARK	GOODMAN DESCENDENTS TRST GREG	Goodman Mark / Gregg Trustees	2323 SW 15th Ave	Portland	OR	97201-2302
HIERONIMUS HENRY M			2436 NW Westover Rd Unit #202	Portland	OR	97210-3717
HOIEM DEREK/KAREN			704 228th Ave NE	Sammamish	WA	98074-7222
HUMKE LLC		Humke Valerie E	32272 Apple Valley Rd	Scappoose	OR	97056-2703
KAZMIEROWSKI JOHN A REVOC LIV TR	KAZMIEROWSKI NANCY A REVOC LIV TR		18405 Deer Oak Ave	Lake Oswego	OR	97035-7101
KLEVIT RACHEL E/ LISA A	HOPKINS KLEVIT SARAH	Klevit Josephine Z Trustee	2629 SW Davenport Ln	Portland	OR	97201-2234
KUDLA MILOS/CATHERINE R			19202 NW 41st Ave	Ridgefield	WA	98642-5949
LANE JAMES L/LUISE L			4221 SW Patrick Pl	Portland	OR	97239-7202
LOCKHART ROSEMARY (HEMSTREET)	MATTHEWS KATHRYN L		P.O. Box 25260	Portland	OR	97298-0260
MATTHEWS CURTIS P			1106 NW 112th St	Vancouver	WA	98685-4225
NUPEN WALTER A/SUZANNE D			13755 NW Lariat Ct	Portland	OR	97229-7003
OSWALT EDWARD E/TONI M FURFARO	OWENS WILLIAM V 1/2		16937 254th Ave SE	Issaquah	WA	98027-6924
OWENS WILLIAM V 1/2	PETERS JOAN		P.O. Box 1454	Cannon Beach	OR	97110-1454
PETERS MARK A	SAMMONS KATHARINE L		7460 SW Canyon Ln	Portland	OR	97225-3732
PINGER STEVEN S	DARMOUR JENNIFER A		2669 NW Savier St	Portland	OR	97210-2413
PRICE KEVIN M			2010 14th Ave S Apt #A	Seattle	WA	98144-4293
SAVAGE LOUIS D	SCHILLING PAULINE A REVOC LVG TRUST		2031 SE 44th Ave	Portland	OR	97215-3715
SCHILLING PAULINE A TR			7619 SE 68th Ave	Portland	OR	97206-8048
SELBERG VIRGINIA M			80152 Kent Rd	Arch Cape	OR	97102-0131
SHAYER MARY S		Szambelan Isabelle Trst	P.O. Box 25357	Portland	OR	97298-0357
SZAMBELAN FAMILY TRUST	SZAMBELAN PETER J III		435 NE Laurelhurst Pl	Portland	OR	97232-3339
TAYLOR M JOAN TR	TAYLOR ROBERT L CREDIT SHELTER TRUST		5020 SW View Point Ter	Portland	OR	97239-3958
TUCKER KATHLEEN D	GOLDEN HARVEY D		2000 SE 47th Ave	Portland	OR	97215-3802
Nadia Gardner	Curran-McLeod Inc.		80285 Woodland Heights Road	Arch Cape	OR	97102
Edward Hodges			6655 S.W. Hampton St., Ste. 210	Portland	OR	97223
US Fish & Wildlife			911 NE 11th	Portland	OR	97232
Dept of Fish and Wildlife			4907 3rd Street	Tillamook	OR	97141
CREST			750 Commercial St Rm 205	Astoria	OR	97103
Dennis Scott	Via Email		1100 Olney Avenue	Astoria	OR	97103
Michael Summers			1100 Olney Avenue	Astoria	OR	97103
North Coast Watershed Association			750 Commercial St Rm 205	Astoria	OR	97103
Clatsop Soil/Water Cons. District	Via Email		750 Commercial, Rm 207	Astoria	OR	97103
ACSD			32065 E Shingle Mill Ln	Arch Cape	OR	97102
Clatsop Soil/Water Cons. District	Via Email		750 Commercial, Rm 207	Astoria	OR	97103
Mike Balzer, Chief	Cannon Beach Rural Fire Protection District		P.O. Box 24	Cannon Beach	OR	97110
Tony Stein	Oregon Parks and Recreation	Ocean Shores Division	401 SW 9th Street	Newport	OR	97365

nadiaegardner@yahoo.com
eph@curran-mcleod.com

rcrater@columbiaestuary.org
dscott@co.clatsop.or.us
msummers@co.clatsop.or.us
jiones@columbiaestuary.org
clatsopswcd@iinet.com
thomasmerrell@gmail.com
clatsopswcd@iinet.com
tony.stein@state.or.us

Commissioner Debra Birkby	Via Email	79829 Gelinsky Road	Arch Cape	OR	97102	DBIRKBY@co.clatsop.or.us
Birkby	Virginia	79829 Gelinsky Road	Arch Cape	OR	97102	vbirkby@charter.net
D'Onofrio	Richard	P.O. Box 1327	Cannon Beach	OR	97110	rnndonofrio@msn.com
Lundy	Theodore	1193 10th Street	Astoria	OR	97103	TalktoTod@gmail.com
Manzulli	Michael	80285 Woodland Heights Road	Arch Cape	OR	97102	manzulli@gmail.com
Seifer	Daniel	79916 W. Cannon Road	Arch Cape	OR	97102	daniel.j.seifer@gmail.com
Eyerman	Linda	3630 NE Merges Dr.	Portland	OR	97212	linda@gaylordeyerman.com
Murray	Linda	79836 Gelinsky Road	Arch Cape	OR	97102	<u>murraylapp@charter.net</u>
Patrick Wingard	DLCD - Oregon Coast	4301 Third Street, Room 206	Tillamook	OR	97141	patrick.wingard@state.or.us
ODOT - Region 2	Planning & Development Manager	455 Airport Road SE Bldg B	Salem	OR	97301-5395	odotr2planmgr@odot.state.or.us

Attachment 3

Conservation Forest Lands and Conservation Other Resources*

1. Public facilities will be discouraged from developing in these Plan designations.*
2. Forest lands shall be designated Conservation Forest in the County's Comprehensive Plan. When considering a zone change to a forest zone, the Planning Commission or other reviewing body shall review the proposal against the acreage, management, and other approval criteria in County-wide Forest Lands Policies #19, #20, and #21.**

Natural

1. There will be no public facilities in this Plan designation.*

Recommendations

1. The County Sheriff's Department should hold some informational meetings in the area on crime prevention.
2. All the watersheds in the planning area need to be more clearly defined and mapped. Additionally each watershed has individual problems which need to be identified.

Transportation

There is a heavy reliance on the automobile in the area, in part due to the smallness of the community, the isolation from urban areas, and the makeup of the community. In the Department of Transportation's Six-Year Highway Improvement Program, they had proposed to repave and widen 3.3 miles of U.S. 101 at Arch Cape. This proposed improvement has been removed from the Six-Year Program due to lack of highway funds.

In the community, roads are narrow with a mixture of gravel and oil mat surfaces. In the public needs survey of this area, 50% of those surveyed who were full-time residents felt the roads were inadequate.

Transportation for the elderly and handicapped has always been a problem in the rural section of the County. Clatsop County is now involved in a mini-van service for the elderly and handicapped, providing transportation to the various areas in the County at least once a week.

Many residents walk extensively for both transportation and pleasure. Walking on the beach is a major form of recreation for both residents and visitors. There are no sidewalks in the Arch Cape community, but the low traffic level off U.S. Highway 101 hardly indicates the need for them. Residents seem quite content to walk in the narrow "country lane" type streets to reach the store and each other's houses as well as to the beach.

Southwest Coastal CAC Goal: To maintain an efficient and safe transportation system in keeping with the character of the community.