

October 3, 2013



NOTICE OF DECISION AND RIGHTS OF APPEAL

Applicant: Arch Cape Sanitary District
Owners: The Public (*Public Right-of-Way*)
Walter and Suzanne Nupen (*T4N, R10W, Section 19CC, TL 02401*)
Property Description: T4N, R10W, Section 19CC, TL 02401 and intersection of Sally's Alley and Pacific Road
Request: Variance and Design Review
Action: **Approval with Conditions**

Transportation and Development Services
800 Exchange Street
Suite 100
Astoria, Oregon 97103

Dear Mr. Merrell and Mr. Hodges:

Land Use Planning
Telephone (503) 325-8611
Fax (503) 338-3666

The Clatsop County Hearings Officer has completed review of the request noted above. The Hearings Officer Decision, findings and conditions of approval are enclosed. Appeal of this decision by you or any parties of record may be made up to the date and time appearing at the bottom of this letter. The appeal must comply with Section 2.230 of the Clatsop County Land and Water Development and Use Ordinance #80-14 (Procedure for an Appeal).

If you have any questions regarding this decision, appeal procedures or any of the conditions of approval, please contact me at (503) 325-8611.

Sincerely,

A handwritten signature in blue ink that reads "Julia Decker".

Julia Decker, Planner

cc: Parties of record

Enclosures

www.co.clatsop.or.us

DEADLINE TO APPEAL: 5:00 PM – Wednesday, October 15, 2013



Clatsop County

Community Development

800 Exchange St., Suite 100
Astoria, Oregon 97103
www.co.clatsop.or.us

RECEIVED
Clatsop County

OCT 02 2013

Land Use Planning (503) 325-8611
Fax (503) 338-3666

September 30, 2013

HEARINGS OFFICER DECISION

APPLICATION: (1) 48' Variance to the riparian setback and 2' 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 Road 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

OWNER: The Public (Public Right of Way)
Walter and Suzanne Nupen (T4N, R10W, Section 19CC, TL 2401)
13755 Lariat Court
Portland, Or. 97229

PROPERTY LOCATION: Intersection of Pacific Road and Sally's Alley (Public ROW)
T4N, R10W, Section 19CC, TL 2401

Zoning: Arch Cape Rural Community Residential (AC-RCR)
Overlays: Geologic Hazard Overlay (GHO)
Comp Plan: Development

STAFF Julia Decker, Planner

HEARING DATE: September 20, 2013

DECISION: Approved as shown on Page 1 of 1 of Exhibit 3 (Sally's Alley Grading Plan) and described in Addendum II (moving the structure approximately 2' east) and with conditions, based on the findings and conclusions below.

PROCEDURE: Section 2.025, Type IIa procedure.

Witnesses: Julia Decker, Planner presented the staff report, including the Addendum I dated September 11, 2013 and the further Addendum II dated September 20, 2013. Mr. Seifer testified on behalf of the Southwest Citizen's Advisory Committee/Design Review Committee in favor of the application, with conditions. Thomas Merrell appeared on behalf of the applicant, Arch Cape Sanitary District.

There were no procedural objections.

Exhibits: The Exhibits listed in the staff report were admitted without objection, as was Exhibit 3, accompanying Addendum II and consisting of 5 oversize sheets.

At the close of testimony, the hearings officer advised the parties of the right to continue the hearing or keep the record open. No party requested additional time.

General Findings:

The Hearings Officer adopts the analysis, findings and conclusions set forth in the Staff Report dated August 13, 2013, as revised and supplemented by the Addendum I dated September 11, 2013 and Addendum II dated September 20, 2013, with the following clarifications:

1. In response to a question from the Hearings Officer, staff clarified that the 3' height restriction imposed by an easement as referenced at page 13 of the Staff Report actually is for an unrelated area. The Hearings Officer finds that there is ample evidence to support the requested approvals notwithstanding the absence of a restrictive easement.

2. The testimony was that the structure has been downsized from what originally was proposed and is smaller than normal, thus reducing any potential impacts from the size of the structure and meeting the requirement that the applicant seek the minimum adjustment necessary. Section 4.117(3)

3. It appears that the structure could, in fact, be located on the pump station site, but doing so would have significant adverse impacts on the Nupen property as identified in the addenda and more particularly potentially requiring acquisition or condemnation of a part of that property, removal of additional trees and likely impairment of the ocean view currently benefitting the Lathrop property. In contrast, no clear advantage or benefit of placing the structure on the pump station site was identified by the proponent in the minutes of the SCCA/DRC (Exhibit 3).

Conditions of Approval: In response to questions from the Hearings Officer, the applicant, staff and SCCA/DRC agreed to modifications and clarifications of the conditions of approval set forth below, together with the others listed in the Staff Report, all of which are hereby adopted:

1. Construction shall occur as recommended by the Southwest Coastal Citizens/Design Review Committee, (structure placed approximately 2' east from the original proposal as shown in Sheet 1 of 1 Exhibit 3, submitted with Addendum II) and on file with 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.

6. All construction activities shall follow the Design and Operations Standards and Requirements under Standards Section S2.504. In addition a landscape and erosion control plan shall be submitted when applying for a development/building permit. Landscape plan [should] shall show data regarding native species to be planted, a planting schedule, and maintenance schedule to establish plants. After plants are established they [should] shall be maintained for two years and such other steps shall be taken to assure bank stability and to prevent blockage of the culvert for the life of the structure.

Conclusion: The application is APPROVED, with conditions, based on the findings and conclusions herein, the Staff Report and Addenda I and II.

Issued: September 30, 2013

This decision shall become final on the date it is mailed and may be appealed in the manner described in Clatsop County Land and Water Development and Use Ordinance of 1980, sections 2.230-.260



Dan R. Olsen, Hearings Officer



HEARINGS OFFICER DECISION, SEPTEMBER 30, 2013
Arch Cape Sanitary District
Variances and Design Review
CONDITIONS OF APPROVAL

1. Construction shall occur as recommended by the Southwest Coastal Citizens/Design Review Committee, (structure placed approximately 2' east from the original proposal as shown in Sheet 1 of 1 Exhibit 3, submitted with Addendum II) and on file with 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, during and after 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 Operations Standards and Requirements under Standards Section S2.504. In addition a landscape and erosion control plan shall be submitted when applying for a development/building permit. Landscape plan shall show data regarding native species to be planted, a planting schedule, and maintenance schedule to establish plants. After plants are established they shall be maintained for two years and such other steps shall be taken to assure bank stability and to prevent blockage of the culvert for the life of the structure.
7. The Arch Cape Sanitary District shall prepare provide maintenance and improvements if required to all the slopes affected by the construction or impacted by the project to maintain the integrity of the creek and to prevent obstruction of the culvert for the life of the structure.
8. All new service lines shall be placed underground.
9. Exterior lighting shall be of a "full cut-off" design and lighting shall be shielded from neighboring properties and the night sky.
10. 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.

11. The surface water shall be directed as described by gutters and piping as necessary to the creek and shall not adversely impact the natural drainage system and shall not drain to neighboring properties. Accommodation shall be made for the existing drainage systems on adjacent property.
12. Move the generator building east the approximately two feet necessary to achieve the clear vision requirement.
13. 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.

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Addendum II to Staff Report: Arch Cape Sanitary District Variance Requests and Design Review

DATE: September 20, 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.

Update of Staff Report and previous addendum, based on SCCAC Meeting of September 18, 2013, and submittal of additional material by applicant: On Tuesday, September 17, 2013, the applicant provided additional materials for consideration for the variance requests, based on concerns expressed by a member of the Southwest Citizens Advisory / Design Review Committee and on one of the recommendations by the committee on August 21.

Sheet 1 of 1 depicts a slight relocation of the generator building to the east of approximately two feet, as recommended by the committee and staff, to meet the clear vision setback for the intersection of the alley with Pacific Road. With the relocation, the building will be setback 10 feet, meeting the setback proscribed by S2.012 Clear Vision Area.

Sheets 1 of 2 and 2 of 2 depict an alternative analysis of a site suggested by a member of the Southwest Citizens Advisory / Design Review Committee regarding placement of the generator building on the west side of Pacific Road on an existing easement on the Nupen property. Neither the committee nor staff recommended the western placement; the alternative analysis demonstrates why placing the building on the west side of Pacific Road would have greater negative impact.

First, the current variance requests are for a two-foot variance to the property line to the north and a 48-foot variance to the 50-foot riparian setback to the unnamed creek that flows through Sally's Alley. Moving the building to the west side of the road would still require a variance to the creek riparian setback, although not quite as great a one. Second, the alternative placement would be within approximately six feet of the Nupen house and one foot of an existing storage shed on the Nupen property, and it would require cutting two existing shore pine trees. Although the generator would be inside a shed that would be designed with sound insulating materials, it would negatively

impact the Nupen house while operating, and the Nupens are under no obligation to move their storage shed to allow the generator building to meet the five-foot setback required by state building codes between structures. Finally, the owner of the property across the street, Greg Lathrop, who attended the August 21st Southwest Citizens Advisory / Design Review Committee, stated he supported the placement of the generator building to the south of his property, which is on the east side of Pacific Road, and the relocation of it lightly east, but he stated placing it on the west side of Pacific Road would impact his view and he would object if that option were selected.

Placing the generator shed on the west side of Pacific would not eliminate the need for the variances, and it would create additional negative impacts. The Southwest Coastal Community Plan and L4.013 Criteria for Design specifically call for the protection of ocean views and preservation of native vegetation. Although vegetation would be disturbed regardless of where the generator building is placed, trees would need to be removed if placement were to be on the west side of Pacific, and no trees have been identified for removal for placement on the east side. Additionally, ocean views would be negatively impacted with placement on the west side. For these reasons, staff continues to recommend placement on the east side of Pacific Road, as the committee also recommended.

The final two pages of the applicant's supplemental materials include a photograph of the area that is the subject of the alternative site, showing the two shore pines and the Nupen house, and a copy of the survey showing the sanitary district's easement on the Nupen property. The fence in the photograph, the shore pines, and probably the Nupens' shed would need to be removed to place the building on the easement, and, as shown in the photograph, the generator building would be right next to the home.

At the Southwest Citizens Advisory / Design Review Committee on September 18, 2013, the committee had an opportunity to review the draft minutes of the August 21 meeting and made several corrections, one of which related to the conditions recommended for approval of the variances. The correction may be found on page 6, in the second to the last regular paragraph from the bottom:

(Discussion regarding 6: Landscape plan should show data regarding native species to be planted, a planting schedule, and maintenance schedule to establish plants. After plants are established they should be maintained to the extent necessary to prevent problems regarding bank stability.)

The committee revised the paragraph to read (new language in **bold**): (Discussion regarding 6: Landscape plan should show data regarding native species to be planted, a planting schedule, and maintenance schedule to establish plants. **After plants are established they should be maintained and such other steps shall be taken to assure bank stability and to prevent blockage of the culvert.**

Staff has reviewed the revisions with the applicant who recalled the August discussion and agreed to the changes. Staff recommends Condition 6 of the recommended conditions of approval be revised to state:

6. All construction activities shall follow the Design and Operation Standards and Requirements under Standards Section S2.504. In addition a landscape and an erosion control plan shall be submitted when applying for a development/building permit. Landscape plan should show data regarding native species to be planted, a planting schedule, and maintenance schedule to establish plants. After plants are established they should be maintained and such other steps shall be taken to assure bank stability and to prevent blockage of the culvert.

Julia Decker

From: Edward Hodges <eph@curran-mcleod.com>
Sent: Tuesday, September 17, 2013 10:34 AM
To: Julia Decker
Subject: RE: Sallys Alley Generator Revised Drawings and Information
Attachments: West Alternative Power Building Site and East Layout with 2 Ft Offset 091613.pdf; DSC01680.JPG

Hi Julia;

Attached are three drawings and a photo of the proposed alternative site. The first two drawings show the impact of installing the proposed power shed on the west side of Pacific Road in-between the existing pump station and the residence to the north. Please note that the pump station easement, view easement and property lines for the existing property have all been defined from the survey data. The approximate area of excavation required for the proposed building slab and utilities is also defined on the drawings.

Construction of the building in this location while feasible would have a significant impact on the residential property located to the north. It would necessitate the removal of the trees and fence and some impacts to the shed structure on the residence to the north. The location of the building would be approximately 6 feet from the residence garage, five feet from the road and one foot from the shed. It would require variances for setbacks to property lines, structures, would impact sight distances for the residence to the north and would create view impacts for residence located to the east.

Per your request the third drawing shows the proposed pump station site located to the east. The building has been moved approximately 2 feet east south east as per the directive of the last meeting.

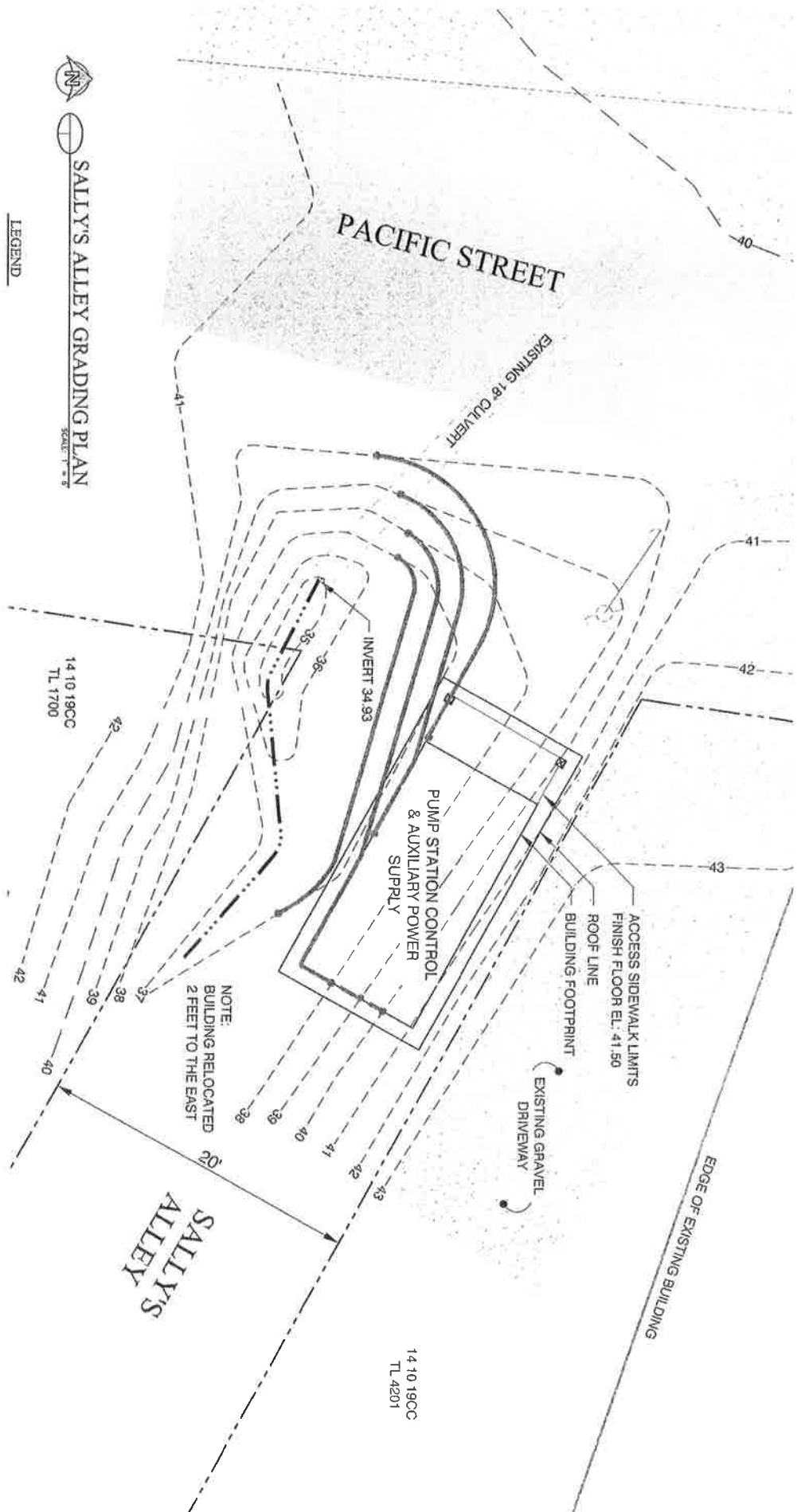
The photo is attached for general information purposes to show the existing layout and conditions of the proposed west side alternative site.

These drawings should address all the concerns related to the west side site that were brought up in the last meeting. The only issue I have not gotten resolution on so far is the issue of sight lines for the property owner to the north of the east side sight. I am still trying to get this taken care of.

Thanks and let me know if you have questions and or concerns about these drawings.

Edward

Edward P. Hodges, P.E.
CURRAN-McLEOD, INC.
6655 S.W. Hampton St., Ste. 210
Portland, OR 97223
T: (503) 684-3478
C: (503) 869-7849
F: (503) 624-8247
E: eph@curran-mcleod.com



SALLY'S ALLEY GRADING PLAN

SCALE: 1" = 8'

LEGEND

EXISTING CONTOURS

PROPOSED CONTOURS

STREAM CHANNEL

REVISIONS

NO.	DATE	DESCRIPTION	BY	CHKD.
1	10/10/20	ISSUED FOR PERMIT	CL	CL

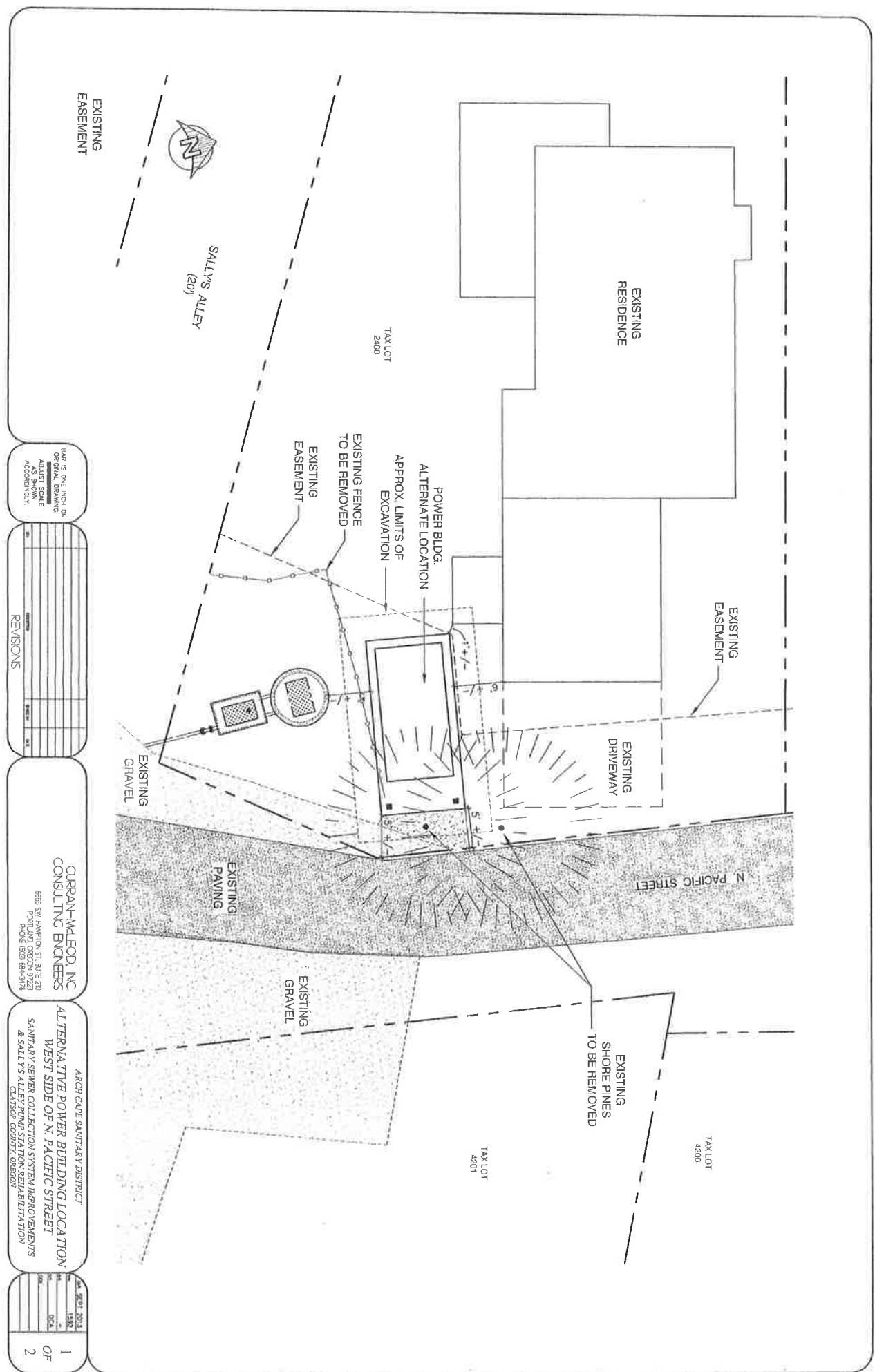


CLARENCE M. EOD, INC.
CONSULTING ENGINEERS

6655 SW HAWTHORN ST. SUITE 20
PORTLAND, OREGON 97223
PHONE 503 884-3478

ARCH CAPE SANTARY DISTRICT
SALLY'S ALLEY PUMP STATION
PUMP STATION IMPROVEMENTS
GRADING PLAN
SANTARY SEWER COLLECTION SYSTEM IMPROVEMENTS
& SALLY'S ALLEY PUMP STATION REHABILITATION
CLARENCE M. EOD, INC.

NO.	DATE	DESCRIPTION	BY	CHKD.
1	10/10/20	ISSUED FOR PERMIT	CL	CL



EXISTING
EASEMENT



SALLY'S ALLEY
(20')

TAX LOT
2400

EXISTING
RESIDENCE

EXISTING
EASEMENT

EXISTING
DRIVEWAY

N. PACIFIC STREET

EXISTING
GRAVEL

EXISTING
PAVING

EXISTING
GRAVEL

EXISTING
SHORE PINES
TO BE REMOVED

TAX LOT
4200

TAX LOT
4201

BAR IS ONE INCH IN
ORIGINAL DRAWING.
AS SHOWN
ACCORDINGLY.

REVISIONS

CURRAN-WELDON, INC.
CONSULTING ENGINEERS
655 SW HAWTHORN ST. SUITE 200
PORTLAND, OREGON 97205
PHONE 503 884-1478

ARCH CAPE SANITARY DISTRICT
ALTERNATIVE POWER BUILDING LOCATION
WEST SIDE OF N. PACIFIC STREET
SANITARY SEWER COLLECTION SYSTEM IMPROVEMENTS
& SALLY'S ALLEY PUMP STATION REHABILITATION
CLATSOP COUNTY, OREGON

1
OF
2

NOTE:



3525

PORTLAND OREGON 97223
PHONE (503) 664-3478

ARCH CAPE SANDHUR DISTRICT
TIVE POWER BUILDING
SIDE OF N. PACIFIC ST
COLLECTION SYSTEM MAP
ALLEY PUMP STATION REHAB
CLATSOP COUNTY, OREGON

DATE	SEP 2013
TIME	1530
NAME	PCA
NO.	
2	
OP	
2	



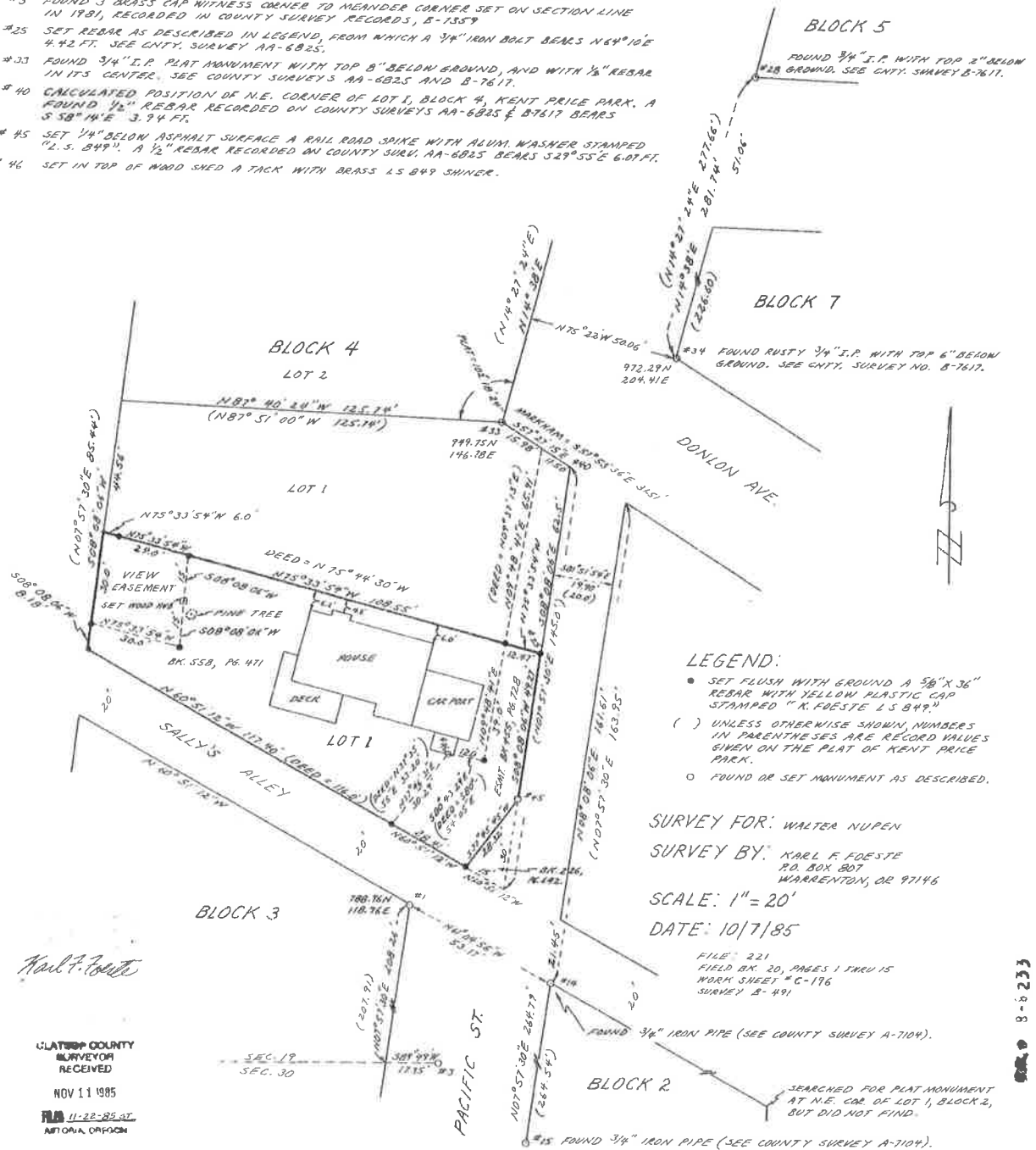
SURVEY IN THE S.W. 1/4 OF SECTION 19, T4N, R10W, W.M.

000 8-8233

NARRATIVE: PURPOSE OF SURVEY IS TO MONUMENT THAT PROPERTY AND THOSE EASEMENTS DESCRIBED IN BOOK 558, PAGE 471, RECORD OF DEEDS, CLATSOP COUNTY, OREGON. BASIS OF BEARING IS ASSUMED PLAT BEARING OF N87°51'30"E BETWEEN FOUND MONUMENTS #15 AND #19 (SEE MY RECORDED COUNTY SURVEY NO. A-7104). FIELD FOUND POSITION OF MONUMENT NO. 33 AND CALCULATED UNDIMENSIONED SIDE OF LOT 1 FROM DIMENSIONS GIVEN FOR THE OTHER FOUR SIDES OF SAID LOT 1, BLOCK 4, KENT PRICE PARK. ESTABLISHED NORTH, EAST, AND WEST BOUNDARIES OF SAID LOT 1 AT RECORD PLAT ANGLES WITH LINE BETWEEN FOUND MONUMENTS #34 AND #28. HEED THEREFROM, THIS MAINTAINING RECORD PLAT ANGLE WITH LINE BETWEEN FOUND MONUMENT #15 AND #19 (EAST BOUNDARY OF PACIFIC ST.). ESTABLISHED NORTH BOUNDARY OF SALLY'S ALLEY (SOUTH BOUNDARY OF LOT 1) PARALLEL WITH AND 20 FEET RIGHT ANGLE DISTANCE FROM THE SOUTH BOUNDARY OF SALLY'S ALLEY.

DESCRIPTION OF MONUMENTS:

- #1 FOUND 12" BELOW GROUND A RUSTY 3/4" I.P. PLAT MONUMENT WITH TACK IN CENTER, FROM WHICH A RUSTY 1/2" I.P. 12" BELOW GROUND BEARS S02°55'W 0.65 FT.
- #3 FOUND 3" BRASS CAP WITNESS CORNER TO MEANDER CORNER SET ON SECTION LINE IN 1981, RECORDED IN COUNTY SURVEY RECORDS, B-7357
- #25 SET REBAR AS DESCRIBED IN LEGEND, FROM WHICH A 3/4" IRON BOLT BEARS N64°10'E 4.42 FT. SEE CNTY. SURVEY AA-6825.
- #33 FOUND 3/4" I.P. PLAT MONUMENT WITH TOP 8" BELOW GROUND, AND WITH 1/2" REBAR IN ITS CENTER. SEE COUNTY SURVEYS AA-6825 AND B-7617.
- #40 CALCULATED POSITION OF N.E. CORNER OF LOT 1, BLOCK 4, KENT PRICE PARK. A FOUND 1/2" REBAR RECORDED ON COUNTY SURVEYS AA-6825 & B7617 BEARS S58°14'E 3.94 FT.
- #45 SET 1/4" BELOW ASPHALT SURFACE A RAIL ROAD SPIKE WITH ALUM. WASHER STAMPED "L.S. 849". A 1/2" REBAR RECORDED ON COUNTY SURV. AA-6825 BEARS S29°55'E 6.07 FT.
- #46 SET IN TOP OF WOOD SHED A TACK WITH BRASS L.S. 849 SHINER.



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Addendum to Staff Report: Arch Cape Sanitary District Variance Requests and Design Review

DATE: September 11, 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.

Update of Staff Report, based on SCCAC Meeting of August 21, 2013: On August 21, 2013, the Southwest Citizen's Advisory / Design Review Committee met and reviewed the Arch Cape Sanitary District's applications for variances to setbacks and design review. The committee heard testimony from the neighboring property owner, the applicant, and the applicant's agent.

The committee found the applications met the criteria for the variance requests and for design review and recommended approval of all the requests with conditions. The Staff Report has been revised to reflect the committee's recommendations, and the conditions being recommended have been revised to reflect the committee's recommendations and intents. Draft minutes, which have not been reviewed by the committee members, are included as an attachment.

As of the date of this addendum, no further comments, additional testimony or materials of any sort have been received from the public, the committee members, or the applicant and applicant's agent.

At the meeting, committee members dealt most significantly with two issues: The first issue was whether the applicant had provided enough information to be able to prove there is no other location where the generator building can be placed that would be less impactful to the neighborhood and environment.

One committee member believed the case for there being no alternative placement had not been proven. Other committee members and staff have concluded the alternative being suggested, an easement area on the west side of Pacific Road, would not be a better alternative, due to the additional impacts to the views of neighbors and the impact of the generator facility on the house on the property, from which it would be less than the five feet proscribed by the state building code. In

addition, the west side easement placement would not alleviate the need for the variances to the riparian and property line setbacks. In the end, based on testimony from the applicant, the neighboring property owner, and their own observations, the majority concluded the west side offered no relief from the need to obtain variances and added negative impacts to the project not found with its placement on the east side in the public right of way. No other alternatives were suggested or considered. The committee recommended approval of the request for a 48-foot variance to the riparian setback and a two-foot variance to the property line setback. Additionally, the committee recommended the building meet the clear vision requirement by being moved approximately 2 feet to the east, or, more accurately, southeast, to achieve the clear vision requirement. The vote to approve was not unanimous, but was five to one, to approve the variance requests.

The second issue to take most of the committee attention was the content of what the landscape plan should contain and if the contents should be stipulated in the conditions. Ultimately, the committee, with the verbal agreement of the applicant at the meeting, decided the landscape plan should contain a list of plant species to be used, that the plants should be natives, a planting schedule, and a maintenance schedule for the landscape. Although they discussed how long the landscape maintenance should be required, it was the informal consensus that a year would be long enough to establish the plantings. After that, landscape maintenance likely would consist of maintaining the bank on which the building is placed. Approval of the conditions was unanimous.

Design review for the work to the pump lift station and the generator building was included in the motion regarding the variance requests, and there was general agreement the design for the building was appropriate.

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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
- 3 - August 21, 2013, SCCAC Minutes
- 4 - Email Comment from Steve Pinger

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 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 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 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 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 2 – Land Use Planning
 Goal 5 – Natural Resources, Scenic
 and Historic Areas and Opens Space

Goal 6 – Air, Water and Land Resources Quality
 Goal 7 – Areas Subject to Natural Hazards
 Goal 11 – Public Facilities and Services
 Goal 17 – Coastal Shorelands

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 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 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 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 three- to four-inch drainage pipe from the property immediately to the north should be either incorporated in to the drainage system or re-routed to ensure it continues to drain properly. The applicant has stated a willingness to incorporate this into the project at the applicant's expense. 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 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 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 contact 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 DOCUMENT

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 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 an 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 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.

COMMENT

A letter received from Steve Pinger asserts there is room on an easement on the west side of Pacific Road on the Nupen property to place the generator building; concern regarding the preservation of landscape; and concern regarding erosion control. A copy of the letter is attached as Exhibit 3.

The Southwest Coastal Citizens Advisory / Design Review Committee reviewed Mr. Pinger's letter and by majority voted to recommend approval of the placement as requested, finding the proposal to placement on the easement did not alleviate the need for variances and added to negative impacts of the facility. Concerns regarding erosion control and landscaping were addressed by the committee as well and are reflected in the conditions of approval.

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 recommended by the Southwest Coastal Citizens / Design Review Committee 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, during and after 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. In addition a landscape and an erosion control plan shall be submitted when applying for a development/building permit.

7. The Arch Cape Sanitary District shall prepare provide maintenance and improvements if required to all the slopes affected by the construction or impacted by the project to maintain the integrity of the creek and to prevent obstruction of the culvert for the life of the structure.
8. All new service lines shall be placed underground.
9. Exterior lighting shall be of a "full cut-off" design and lighting shall be shielded from neighboring properties and the night sky.
10. 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.
11. The surface water shall be directed as described by gutters and piping as necessary to the creek and shall not adversely impact the natural drainage system and shall not drain to neighboring properties. Accommodation shall be made for the existing drainage systems on adjacent property.
12. Move the generator building east the approximately two feet necessary to achieve the clear vision requirement.
13. Natural vegetation shall be retained to the maximum extent possible. Re-vegetation, i.e. reseeding 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.

Respectfully submitted,



Julia Decker
Planner

CLATSOP COUNTY
Community Development
Land Use Planning Division
800 Exchange Street, Suite 100
Astoria, OR 97103

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



SOUTHWEST COASTAL DESIGN REVIEW

CRITERIA EVALUATION SHEET

Applicant:

Thomas Merrell, Arch Cape San. District
32065 East Shingle Mill Lane
Arch Cape, OR 97102

Owners:

ROW: The Public
TL 2401: Walter and Suzanne Nupen
Easement: Arch Cape San. District

Property Description:

T4N, R10W, Section 19CC, TL 02401
ROW, intersection of Sally's Alley and
Pacific Road

DESIGN REVIEW CRITERIA

1. Relation of Structure to Site: **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: **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: **This criterion can be met through a condition of approval.**
4. Utility Service: **A condition of approval will ensure this criterion is met.**
5. Exterior lighting shall be of a "full cut-off" design: **A condition of approval will ensure this criterion is met.**
6. Buffering and Screening (For Commercial Uses): **Not applicable.**
7. Vehicle Circulation and Parking: **Not applicable.**
8. Signs: **This criterion can be met through a condition of approval.**
9. Surface Water Drainage: **The above criterion can be met through a condition of approval.**

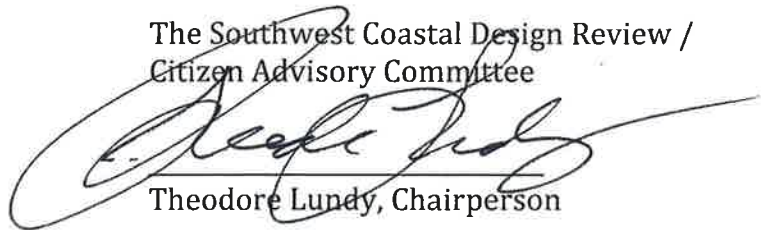
The above-entitled matter came before the Southwest Coastal Design Review and Citizen Advisory Committee at its **August 21, 2013**, meeting for a public hearing and consideration of proposal.

Based upon the evidence and testimony provided by the applicant, planning department staff, and the citizens of the area, this committee hereby recommends this application be:

(Approved, Conditionally Approved, Denied)

Dated this 22 day of August, 2013.

The Southwest Coastal Design Review /
Citizen Advisory Committee

A handwritten signature in black ink, appearing to read 'Theodore Lundy', is written over a horizontal line.

Theodore Lundy, Chairperson

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

Zone: AC-RCR

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

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: 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 H. Hines Date: 6-26-13
Owner's Signature: KAREN SIMPSON 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: 32065 East Shingle Mill Lane
Arch Cape, OR 97102

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

Address _____

AGENT: Curran-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 F42 +/-

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 M. Mace Date: 8/2/13

Owner's Signature: Thomas M. Mace 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.

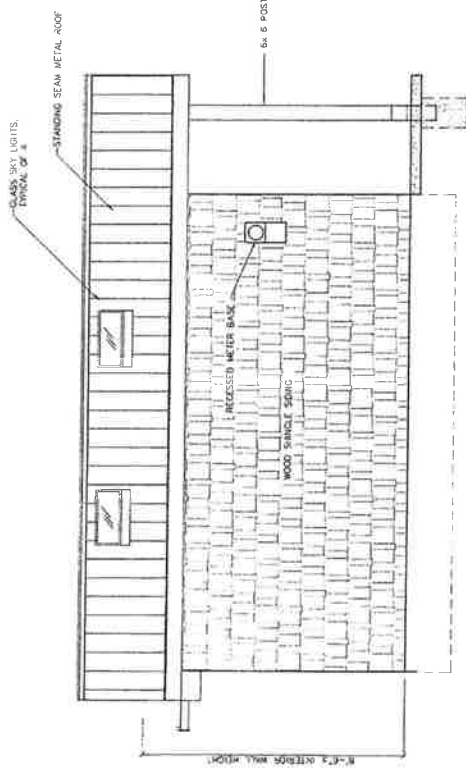
5.) Vehicle Circulation and Parking: As described in four (4.), **the new generator building and pump station will generate little or no new traffic.** The site will be served by one vehicular access point only. Parking at the site will be limited to a single space for a service vehicle. Vehicular traffic 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.**

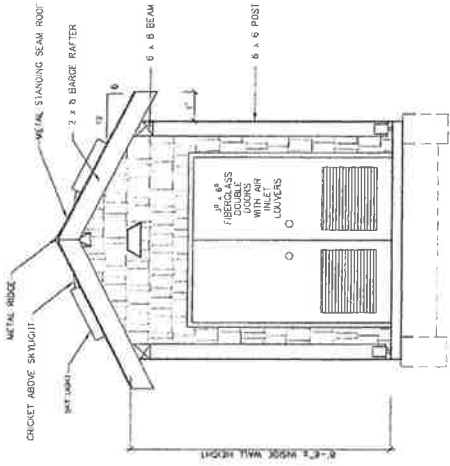
7.) Signs: No new exterior signs will be constructed for the building facility. The building will have an 8" by 11" placard located on the door, but other than that there will be no signage of any sort. **The pump station will have no signage present.**

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.

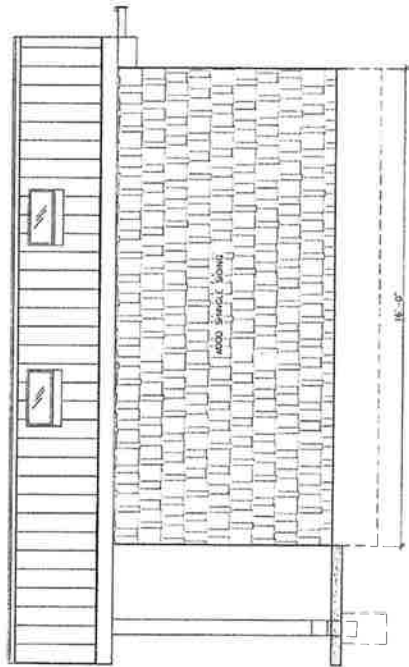
The proposed pump station refurbishment will have no impact to current volumes of surface water runoff generated from the pump station site during wet weather.



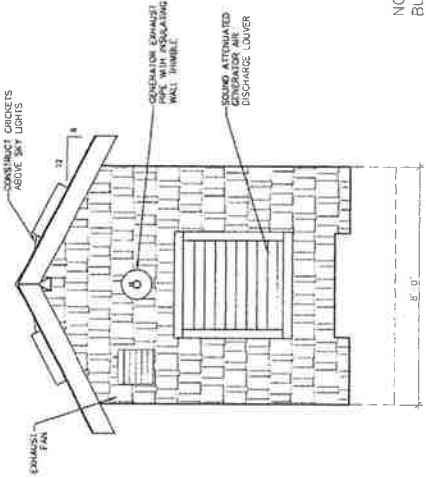
1 NORTH ELEVATION
SCALE: 1/2" = 1'-0"



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"

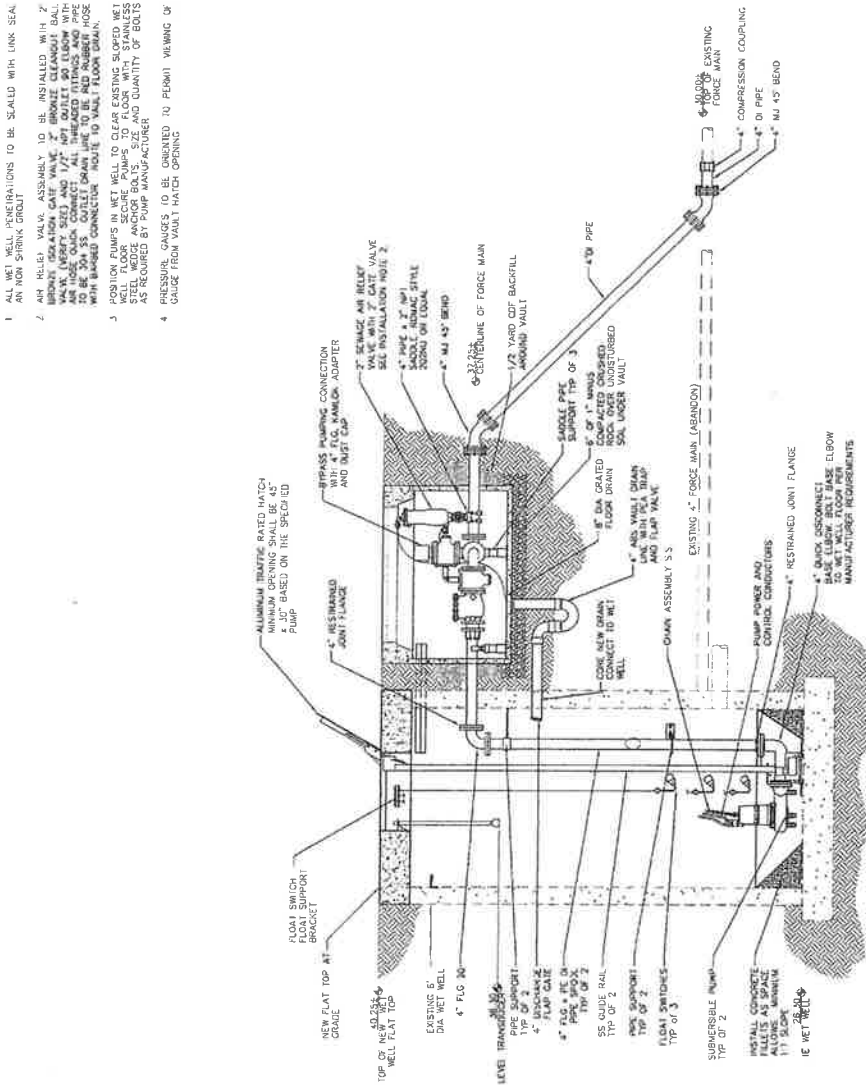
BAR IS ONE INCH ON ORIGINAL DRAWING. ADJUST SCALE AS SHOWN ACCORDINGLY.

NO.	REVISIONS

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS
6655 SW HAWKON ST. SUITE 200
PORTLAND, OREGON 97201
PHONE: 503.664.4478

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

DATE	REV.	BY	APP.
FEB 10/13	1		
FEB 10/13	2		
FEB 10/13	3		
FEB 10/13	4		

[illegible]

2 PUMP STATION IMPROVEMENT SECTION VIEW
V.I.M.I. SCALE: 1/2" = 1'-0"



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

BAR IS ONE INCH ON
ORIGINAL DRAWING

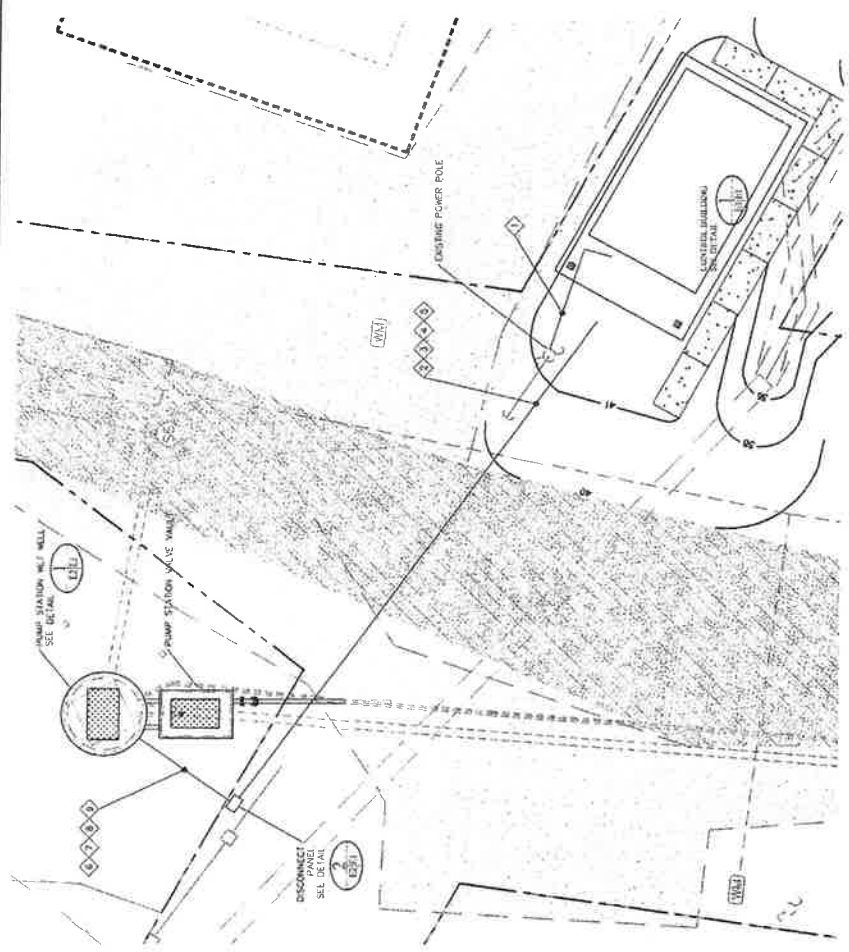
[illegible]

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 S.W. HAMPTON ST., SUITE 270
PORTLAND, OREGON 97223
PHONE: (503) 684-3476

ARCH CAPE 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

MI OF 2



CONDUIT AND CONDUCTOR SCHEDULE

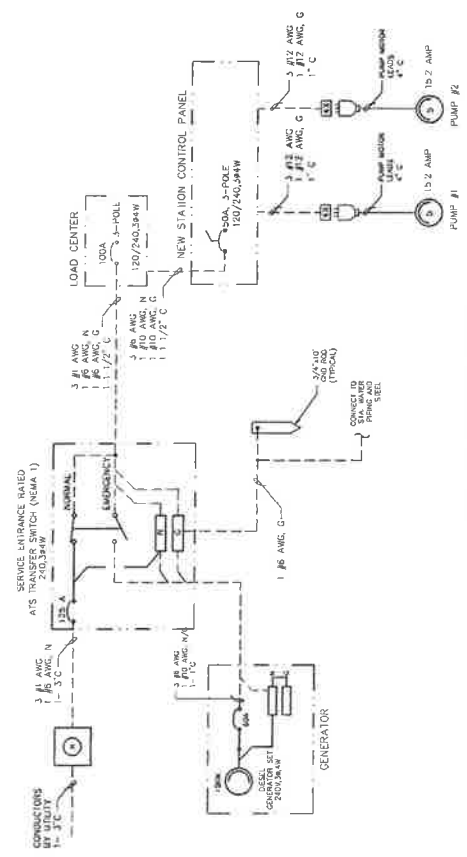
NO.	CONDUIT	WIRE	FROM	TO	COMMENTS
1	SEE ONE LINE DIAGRAM	SEE ONE LINE DIAGRAM	UTILITY	MEET BASE	POWER CONDUCTORS
2	1" - 1"	1" - 1"	SUBMERSIBLE PUMP	PUMP CONTROL PANEL	INTERMEDIATELY SAFE CIRCUIT WIRING
3	1" - 1"	1" - 1"	SUBMERSIBLE PUMP	PUMP CONTROL PANEL	INTERMEDIATELY SAFE CIRCUIT WIRING
4	1" - 1"	1" - 1"	SUBMERSIBLE PUMP	PUMP CONTROL PANEL	INTERMEDIATELY SAFE CIRCUIT WIRING
5	1" - 1"	1" - 1"	SUBMERSIBLE PUMP	PUMP CONTROL PANEL	INTERMEDIATELY SAFE CIRCUIT WIRING
6	1" - 1"	1" - 1"	SUBMERSIBLE PUMP	PUMP CONTROL PANEL	INTERMEDIATELY SAFE CIRCUIT WIRING
7	1" - 1"	1" - 1"	SUBMERSIBLE PUMP	PUMP CONTROL PANEL	INTERMEDIATELY SAFE CIRCUIT WIRING
8	1" - 1"	1" - 1"	SUBMERSIBLE PUMP	PUMP CONTROL PANEL	INTERMEDIATELY SAFE CIRCUIT WIRING
9	1" - 1"	1" - 1"	SUBMERSIBLE PUMP	PUMP CONTROL PANEL	INTERMEDIATELY SAFE CIRCUIT WIRING
10	1" - 1"	1" - 1"	SUBMERSIBLE PUMP	PUMP CONTROL PANEL	INTERMEDIATELY SAFE CIRCUIT WIRING

LOAD SUMMARY

CODE REF	CONNECTED (VA)	DEMAND (VA)	DEMAND FACTOR
NEC 220-11	X	X	1.0
NEC 220-13	X	X	1.0
NEC 220-15	X	X	1.0
NEC 220-16	X	X	1.0
NEC 430-24	X	X	1.25*
TOTALS			

* 125 PERCENT OF LARGEST MOTOR PLUS BALANCE OF MOTORS

2x A @ 240, 3 PHASE (DEMAND)



ONE LINE DIAGRAM
SCALE: 1/8" = 1'

- NOTES**
- ALL BURIED CONDUITS SHALL BE PVC UNLESS NOTED OTHERWISE WITH TRANSITION TO PVC COATED ROD THROUGH CONCRETE WALLS, FOUNDATIONS AND EQUIPMENT PAIS IN ACCORDANCE WITH THE SPECIFICATIONS.
 - THE CONTRACTOR IS TO COORDINATE THE LOCATION OF ALL CONDUITS WITH THE LOCATION OF THE EXISTING CONDUITS FOR OBTAINING A LOCATE ON EXISTING BURIED CONDUITS TO PREVENT CONSTRUCTION DELAYS AND UNNECESSARY INTERRUPTION OF SERVICE TO EXISTING EQUIPMENT.
 - FOR CONTINUATION OF YARD CONDUIT AND CONDUCTORS REFER TO PUMP STATION AND CONTROL BUILDING ELECTRICAL DRAWINGS.
 - CONTRACTOR SHALL COORDINATE REMOVAL OF EXISTING EQUIPMENT FROM SERVICE WITH THE OWNER AND GENERAL CONTRACTOR. TEMPORARY SERVICES SHALL BE PROVIDED TO MAINTAIN PUMP STATION OPERATION WITH TEMPORARY WIRING AND BACKUP CONDUIT.
 - ALL CONDUITS TO BE ABANDONED SHALL BE CUT FLUSH TO WET WELL WALLS AND GROUNDED WATERIGHT. ABANDONED SITE CONDUITS SHALL BE CUT AND CAPPED A MINIMUM OF 6" BELOW FINISH GRADE.

ELECTRICAL SITE PLAN
SCALE: 1" = 3'-0"

BAS IS ONE INCH ON ORIGINAL DRAWING
ADJUST SCALE AS SHOWN
ACCORDANCY

NO.	DATE	REVISIONS
1	10/1/2013	ISSUED FOR PERMIT

CURRAN-MCLEOD, INC.
CONSULTING ENGINEERS
6655 SW HARTON ST., SUITE 200
PORTLAND, OR 97223
PHONE: 503.682.2473

AKCH CAVE SANITARY DISTRICT
SALLY'S ALLEY PUMP STATION
ELECTRICAL SITE PLAN & ONE LINE DIAGRAM
SANITARY SEWER COLLECTION SYSTEM IMPROVEMENTS
& SALLY'S ALLEY PUMP STATION RENOVATION
CLATSOP COUNTY, OREGON

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 (D.) Kuckenberg
Patricia Kuckenberg, Grantor

Walter A. Nupen
Walter A. Nupen, Grantee

Suzanne D. Nupen
Suzanne D. Nupen, Grantee

NOV 18 1986

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:

David Tughe
Notary Public for Oregon
My Comm. expires: 12/12/89

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:

David Tughe
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
Norma Hunsinger
Form 103 Fees \$ 14/10

NOV 12 1986

10-07

ASBURY

TRACT B

LOT 4 18.07

SHANKS AVE.

N. PACIFIC

KENT ST.

DONLON

AVE.

ALLEY

U.S. HWY. 101

HIGHWAY

COAST

MEANDER

G.L.O.

C ST.

SALLY'S

OR.S. 390.770

CL-7-124

CL-7-126

LINE 3100

VEGETATION

PATHWAY

CL-7-128

CL-7-127

CL-7-128

200'

SEE MAP 4 10

4300
0.25 AC.

4400
0.60 AC.

4500
0.98 AC.

0 80.0'

100'

100'

CL-7-128

CL-7-127

CL-7-128



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: () -

Site 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

<u>Payor Name:</u>	<u>Pymnt Type</u>	<u>Check #</u>	<u>Pymnt Date</u>	<u>Pymnt Amount:</u>
Arch Cape Sanitary District/Tom Merr	Check	6905	07/22/2013	\$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: Curran-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 Bldg.
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: LAURE 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.

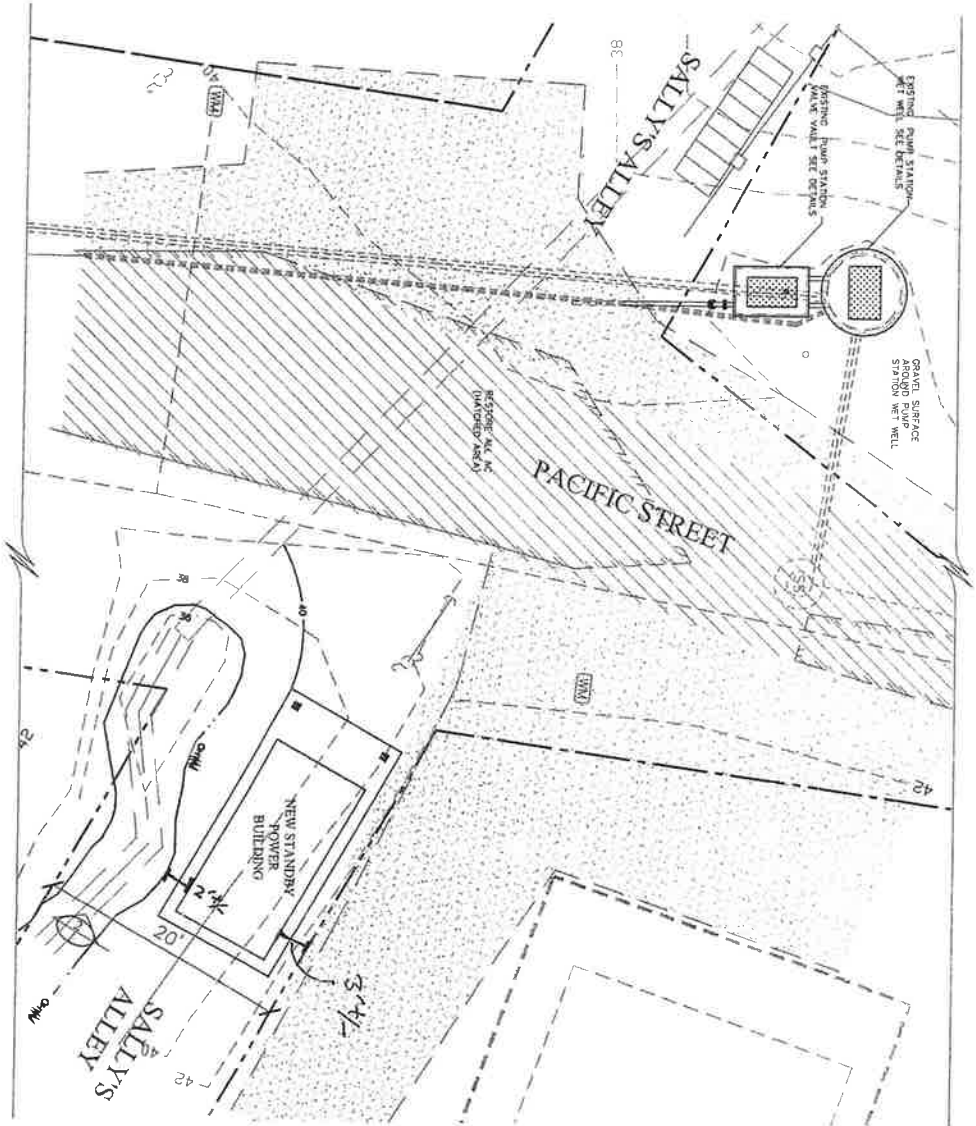
Because of the design and location in the right of way, no portion of the building will be located below the apparent ordinary high water mark of the seasonal stream. During construction a small area of the northern bank of the water way will be disturbed to construct the building foundation. The stream 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.

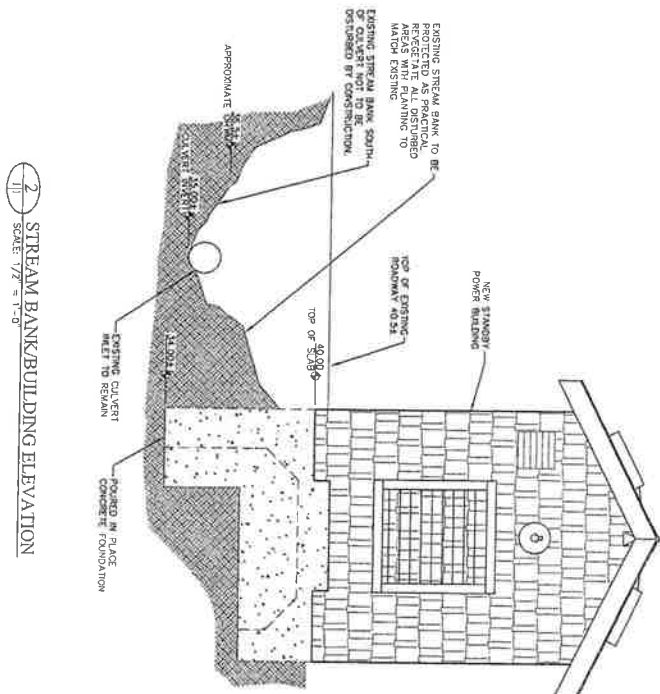
Overall the size and location of the structure, along with its intended use. will cause little to no impact to the water way and native vegetation present in this area.

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.



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
ACCORDINGLY

REVISIONS

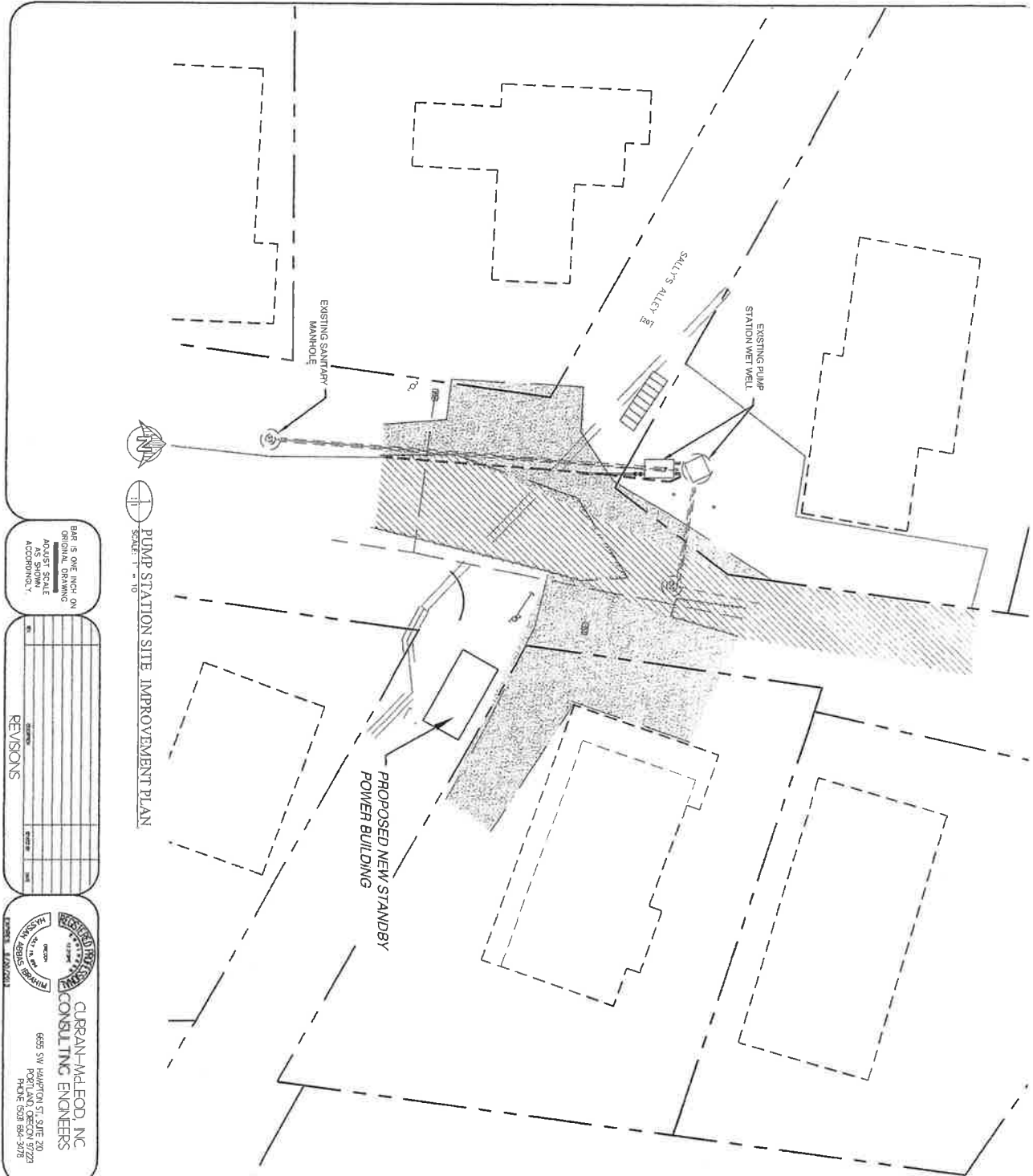
NO.	DATE	DESCRIPTION



CLARENCE M. LEOD, INC.
CONSULTING ENGINEERS
6525 SW WASHINGTON ST., SUITE 700
PORTLAND, OREGON 97205
PHONE 503.885.5412

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: APR 2013	BY: [Signature]
CHECKED: [Signature]	DATE: 5/2/13
DESIGNED: [Signature]	DATE: 5/2/13
SCALE: 1/2" = 1'-0"	DATE: 5/2/13
1	OF 1



BAR IS ONE INCH ON ORIGINAL DRAWING AS SHOWN ACCORDINGLY.

NO.	DATE	REVISIONS
1	7/1/2013	ISSUED FOR PERMIT
2	7/1/2013	REVISED FOR COMMENTS
3	7/1/2013	REVISED FOR COMMENTS
4	7/1/2013	REVISED FOR COMMENTS
5	7/1/2013	REVISED FOR COMMENTS
6	7/1/2013	REVISED FOR COMMENTS
7	7/1/2013	REVISED FOR COMMENTS
8	7/1/2013	REVISED FOR COMMENTS
9	7/1/2013	REVISED FOR COMMENTS
10	7/1/2013	REVISED FOR COMMENTS

CURRAN-MCLEOD, INC.
CONSULTING ENGINEERS
6655 SW HAMPTON ST. SUITE 200
PORTLAND, OREGON 97229
PHONE 503 686-5105
FAX 503 686-5106

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
CANTON, OREGON, OREGON

REV.	DATE	BY	CHKD.	DESCRIPTION
1	7/1/2013	ME	ME	ISSUED FOR PERMIT
2	7/1/2013	ME	ME	REVISED FOR COMMENTS
3	7/1/2013	ME	ME	REVISED FOR COMMENTS
4	7/1/2013	ME	ME	REVISED FOR COMMENTS
5	7/1/2013	ME	ME	REVISED FOR COMMENTS
6	7/1/2013	ME	ME	REVISED FOR COMMENTS
7	7/1/2013	ME	ME	REVISED FOR COMMENTS
8	7/1/2013	ME	ME	REVISED FOR COMMENTS
9	7/1/2013	ME	ME	REVISED FOR COMMENTS
10	7/1/2013	ME	ME	REVISED FOR COMMENTS

- PUMP STATION**
- PUMP STATION TYPE: SUBMERSIBLE
 - PUMP TYPE: NON CLOG CENTRIFUGAL
 - NUMBER OF PUMPS: 2
 - CAPACITY: 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 WEL WELL
 - OVERFLOW DISCHARGE: ADJACENT DRAINAGE DITCH TO PACIFIC OCEAN
 - EPA RELIABILITY CLASS: DIESEL GENERATOR
 - AUXILIARY POWER TYPE: X KW
 - FUEL TANK CAPACITY: 24 HOURS
 - TRANSFER SWITCH: AUTOMATIC
- FORCE MAIN**
- SIZE: 4" PVC PIPE
 - LENGTH: 120 FEET
 - PROFILE: ASCENDING AFTER DROP AT PUMP STATION
 - DISCHARGE POINT: MANHOLE AT INTERSECTION OF



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 Bldg
Present Zoning: AC-RCR Overlay District: RLO

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

Directions to the property from Astoria: South 101 to Arch Cape. Right on
Montbrecia 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: 6-15-13

Owner's Signature: VANCE SWENSON Date: 6-15-13
(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.
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.



PUMP STATION SITE IMPROVEMENT PLAN
SCALE: 1" = 10'

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

REVISIONS

NO.	DESCRIPTION	DATE



CURRAN-MCLEOD, INC.
CONSULTING ENGINEERS
6555 SW HAYDON ST., SUITE 202
PORTLAND, OREGON 97225
PHONE 503 885-5470

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	1 MAY 2013
BY	1592
CHK	857
APP	857
DATE	1592-C2
OF	7



PUMP STATION

PUMP STATION TYPE	SUBVERSIBLE
PUMP TYPE	NON-CLOG CENTRIFUGAL
NUMBER OF PUMPS	2
DISCHARGE	140 GPM @ 30 FEET TDH
PUMPS No. 1 AND No. 2	5 HP 230 VOLT 3 PHASE
MOTOR	ULTRASONIC SENSOR
LEVEL CONTROL TYPE	ETHERNET VIA WWTP
ALARM TELEMETRY	PUMP STATION WELL WELL
OVERFLOW POINT	ADJACENT DRAINAGE DITCH
OVERFLOW DISCHARGE	TO PACIFIC OCEAN

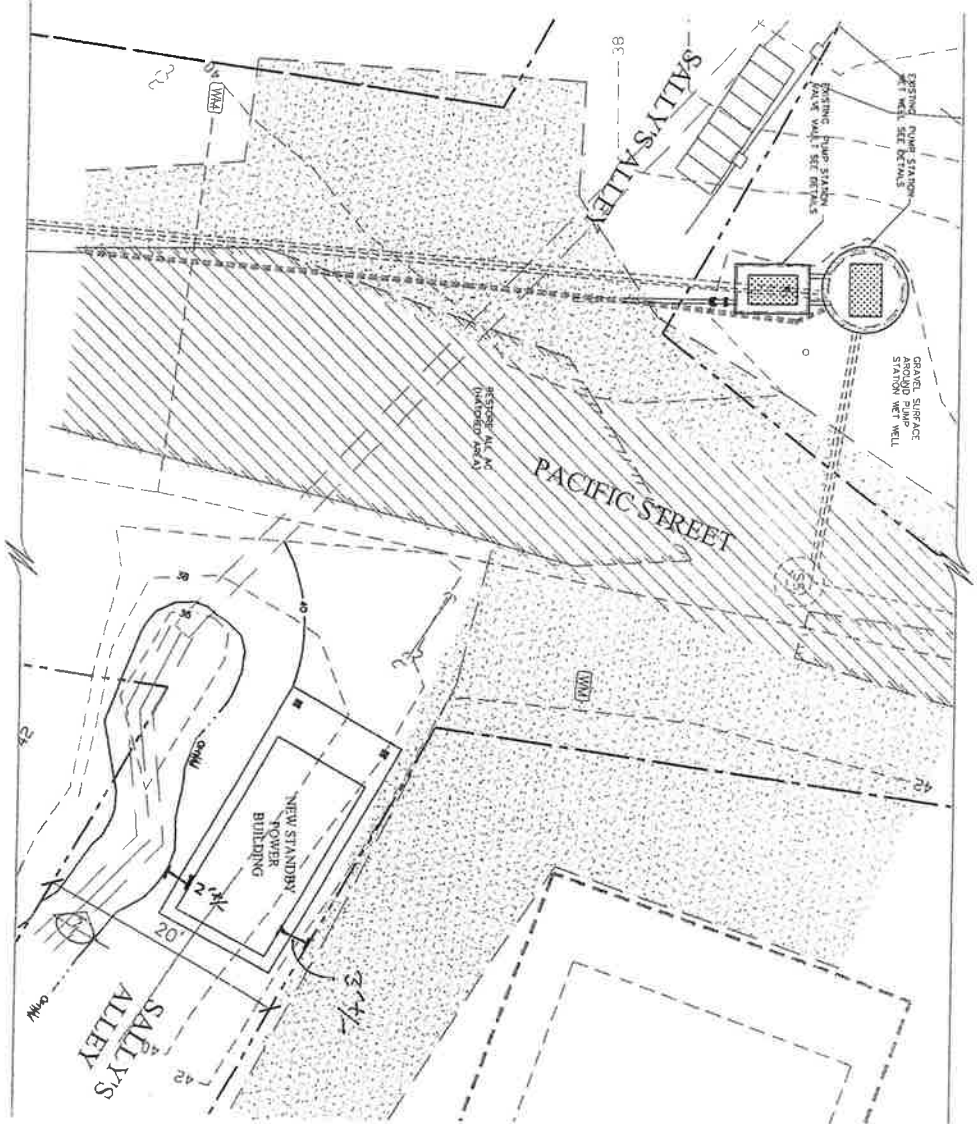
FORCE MAIN

SIZE	4" PVC PIPE
LENGTH	320 FEET
PROFILE	ASCENDING AFTER DROP AT PUMP STATION
DISCHARGE POINT	MANHOLE AT INTERSECTION OF

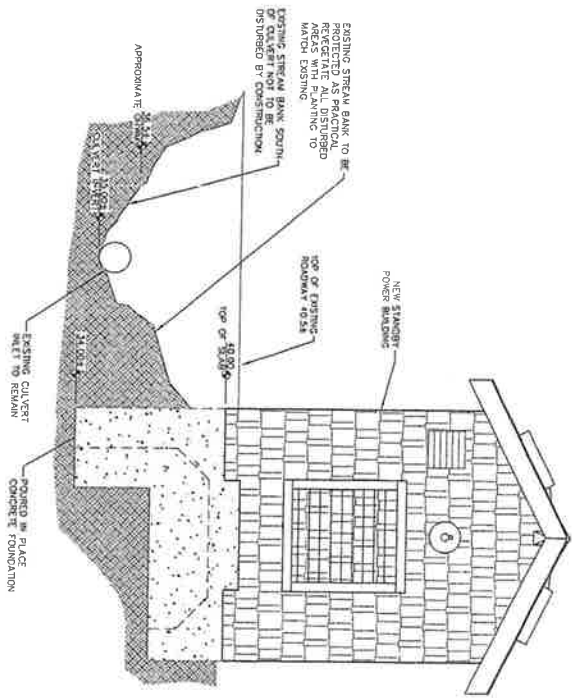
SIZE	4" PVC PIPE
STANDARD	220 FEET
PROFILE	ASCENDING AFTER DROP AT PUMP STATION
DISCHARGE POINT	MANHOLE AT INTERSECTION OF



PUMP STATION SITE IMPROVEMENT PLAN
SCALE 1" = 3'-0"



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



BAR IS ONE INCH ON
ORIGINAL DRAWING
ADJUST SCALE
ACCORDINGLY

REVISIONS



CURRAN-MALCOLM, INC.
CONSULTING ENGINEERS
6655 SW HAMPTON ST. SUITE 70
PORTLAND, OREGON 97239
PHONE (503) 666-3478

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

NO.	DATE	BY	CHKD.	APP.	DESCRIPTION
1	1592	OP			
2	1592	OP			
3	1592	OP			
4	1592	OP			
5	1592	OP			

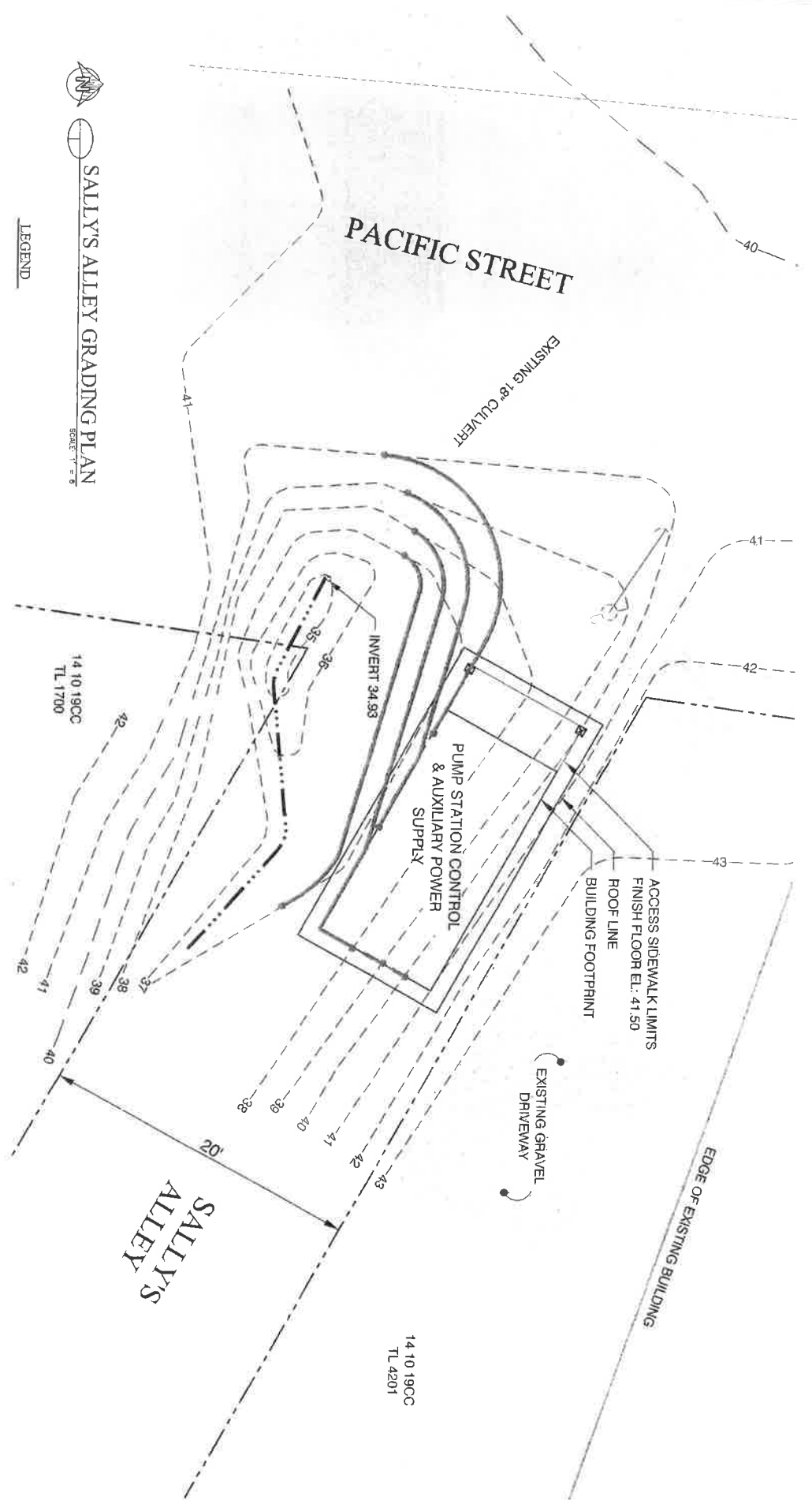


SALLY'S ALLEY GRADING PLAN

SCALE: 1" = 6'

LEGEND

- 42 --- EXISTING CONTOURS
- PROPOSED CONTOURS
- STREAM CHANNEL

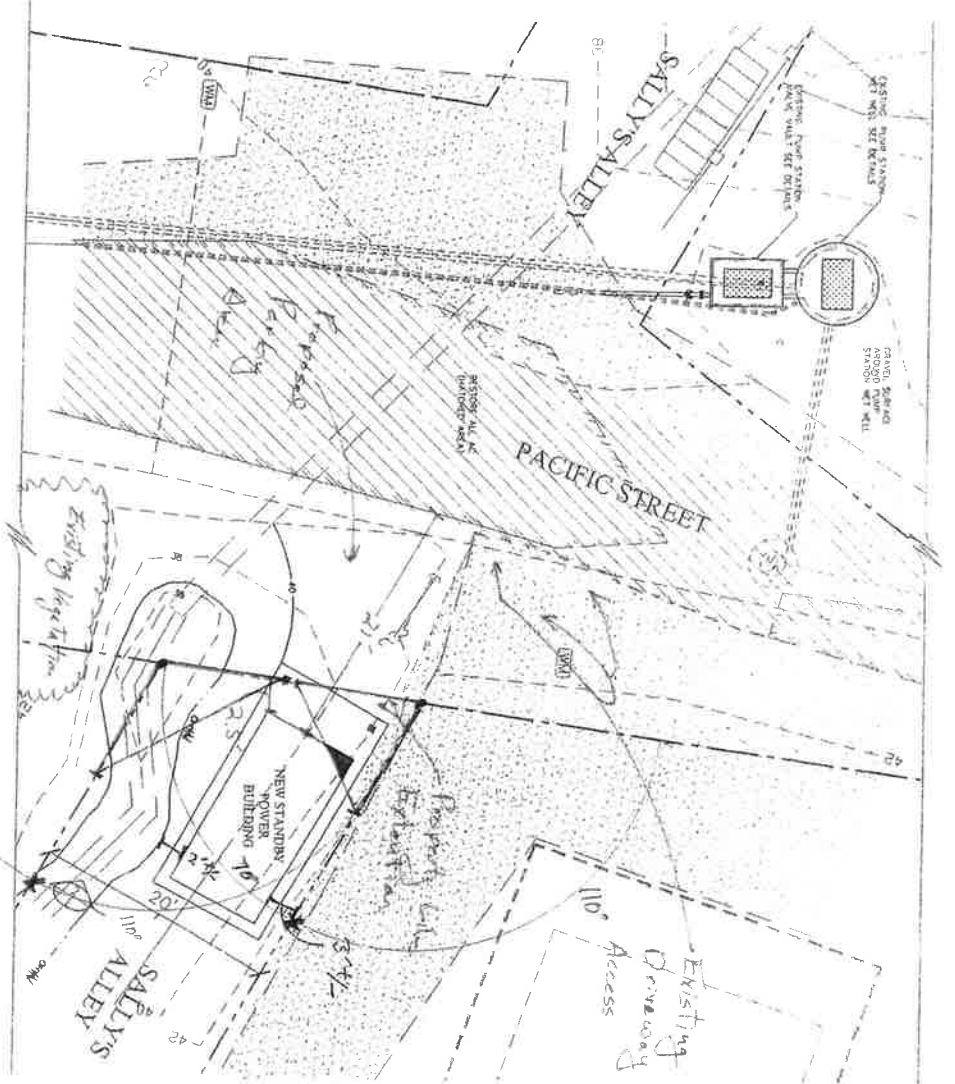


NO.	REVISIONS	DATE	BY	CHKD.

DURAN-MLEOD, INC.
CONSULTING ENGINEERS
6555 SW HAWTHORN ST. SUITE 200
PORTLAND, OR 97239
PHONE: 503/846-3473

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
CLIENT: GASTRO, OREGON

DATE: 8/02/2013	1
NO. 1592	1
REV. 1592-1	OF
1592-1	1



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

* Note: 4' Driveway at southern
residence is 120' from Proposed
Power Building

BAR IS ONE INCH OR
ORIGINAL DRAWING
MAINTAINED
AS SHOWN
ACCORDINGLY

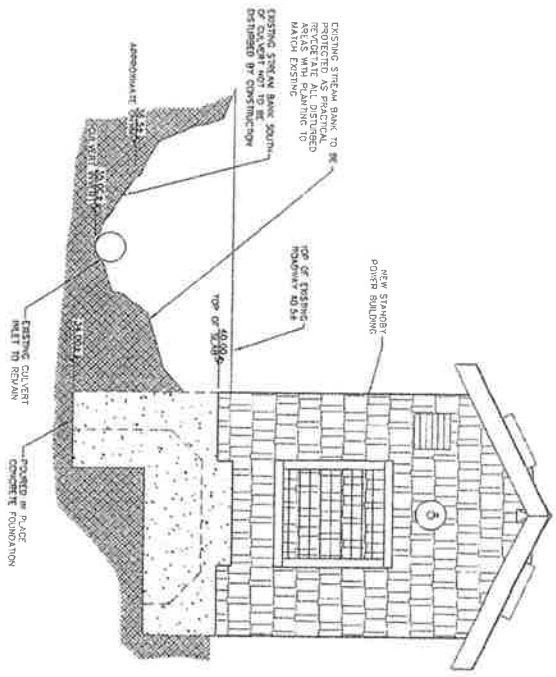
REVISIONS

CLIPMAN-MEED, INC.
CONSULTING ENGINEERS
655 SW HANCOCK ST. 2ND FL.
PORTLAND, OREGON 97205
PHONE 503-546-3478

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

DATE: APRIL 2013
BY: [Signature]
CHECKED: [Signature]
DATE: 1/28/2013
OF 1

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





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**

Address:

City, State, Zip:

Ph. #: () -

Cell: () -

Fax: () -

Site 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 (T MERRILL)**

Address:

City, State, Zip:

Ph. #: () -

Cell: () -

Fax: () -

Ph. #: () -

Cell: () -

Fax: () -

Fees

Fee Type:

Planning/Development

Permit Fee Total:

\$243.00

Total: **\$243.00**

Receipt

Payor Name:

ARCH CAPE SANITARY (T MERRILL)

Pymnt Type

Credit Card

Check

Pymnt Date

05/24/2013

Pymnt Amount:

\$243.00

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
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: [Signature]

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

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

Mailing Address: 6655 S.W. Hampton, Suite 200 Phone # (Day): 503 624-8247

City/State/Zip: Portland, OR 97223 Signature: [Signature] 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

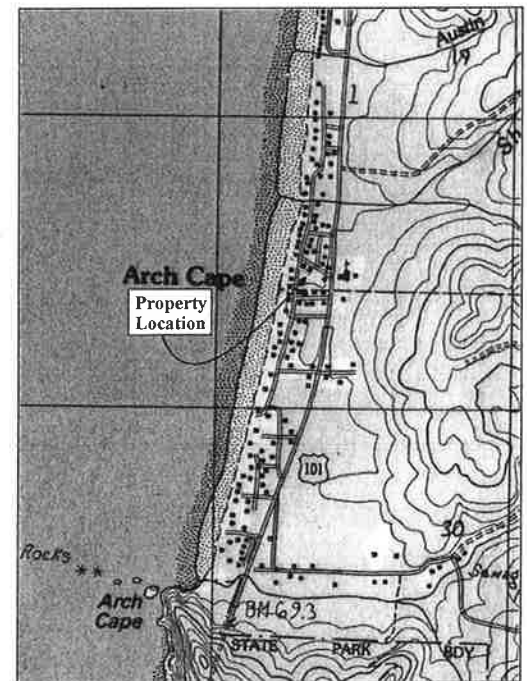


Figure 1: Site location map.

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.

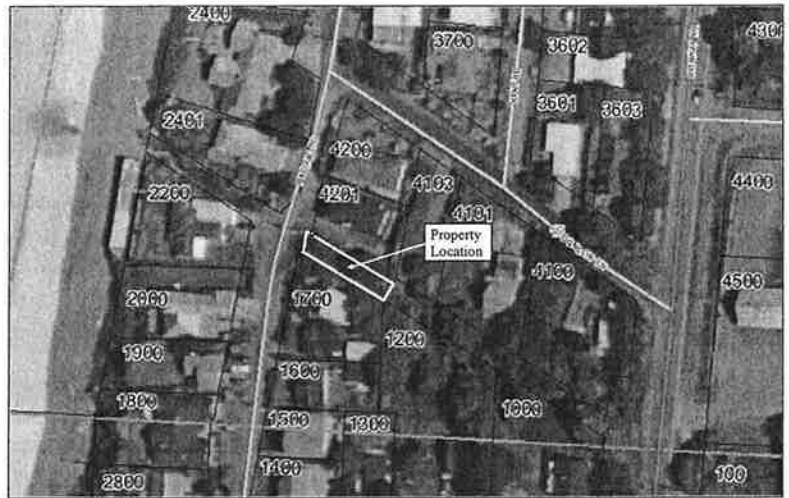


Figure 2: Aerial view of the project area.

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

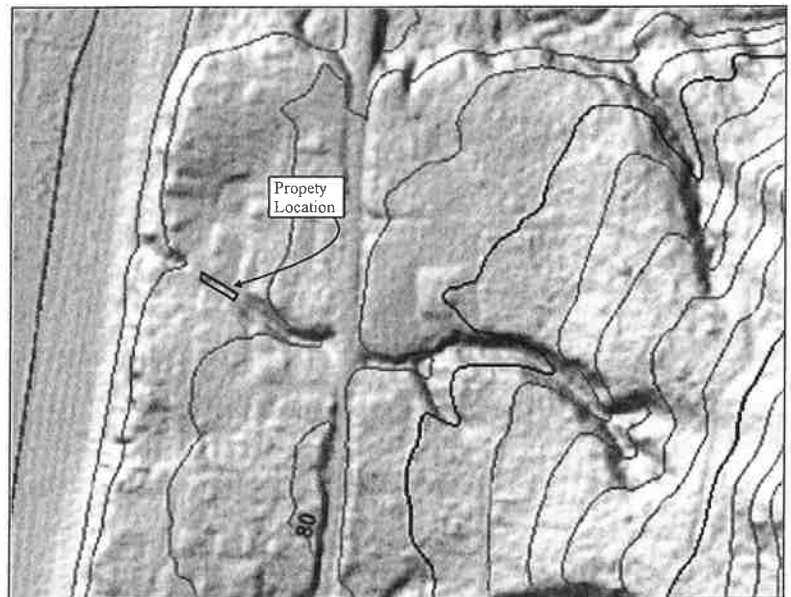


Figure 3: LIDAR-based topographic map for central Arch Cape, showing the gully and creek that drain through Sally's Alley.

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.

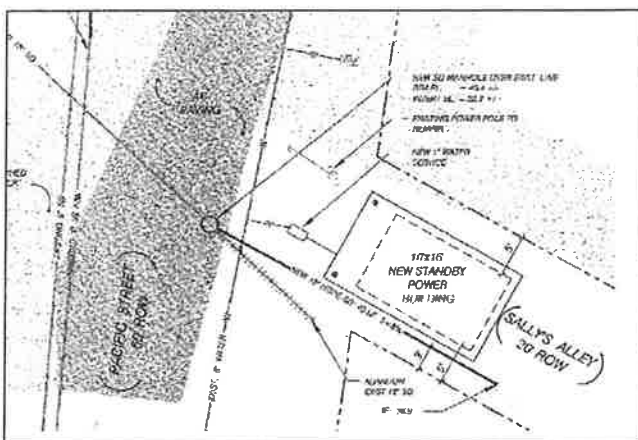


Figure 5: Proposed building site for the generator shed; courtesy of Curran-McLeod Engineering.

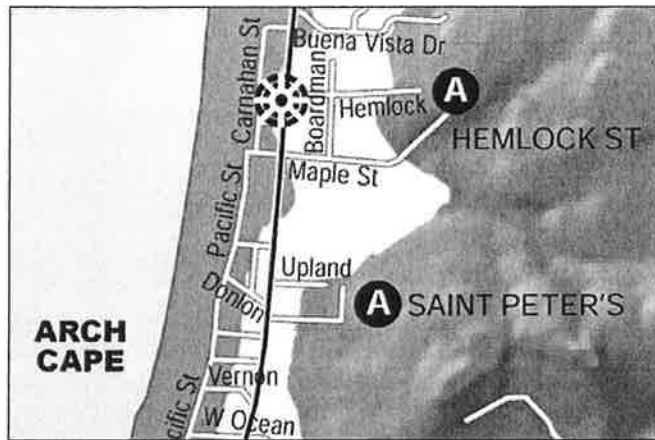


Figure 6: Tsunami evacuation map for the Arch Cape vicinity; courtesy of the Department of Geology and Mineral Industries. Orange denotes maximum theoretically possible flooding from a trans-oceanic tsunami; yellow is the maximum for a Cascadia tsunami. Lower flooding levels are possible. Project area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

State Of Oregon

County Of Clatsop } ss.

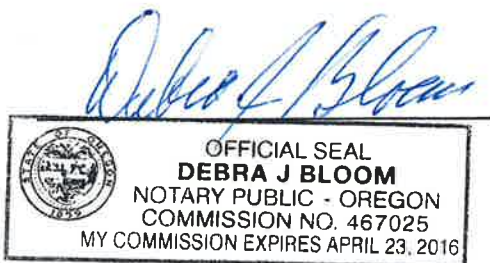
Affidavit of
PUBLICATION

I, **Jona J Korzinski**, being duly sworn, depose and say that I am the principal clerk of the manager of the **DAILY ASTORIAN**, PO Box 210, Astoria, OR 97103 a newspaper of general circulation, as defined by section ORS 193.010 and 193.020 Oregon Compiled Laws, Annotated, printed and published daily at Astoria in the afore said county and state; the **Legal Notice #AB4753, NOTICE OF PUBLIC HEARING**, printed copy of which is hereto attached, was published in the entire issue of said newspaper for **one** successive and consecutive **time(s)** in the following issues, **August 30th, 2013**.

Signed



Signed and attested before me on
the **30th** day of **August, 2013**, by:



Notary Public for the State of
Oregon, Residing at Warrenton,
Oregon, Clatsop County.

Copy Of Advertisement

AB4753
NOTICE OF PUBLIC HEARING
CLATSOP COUNTY HEARINGS OFFICER

Notice is hereby given that the Clatsop County Hearings Officer will hold a public hearing on Friday, September 20, 2013, 10:00 AM, Judge Guy Boyington Building, 857 Commercial Street, Astoria, OR to consider the following item:

Edward Hodges, Curran-McLeod, Inc., on behalf of the Arch Cape Sanitary District, has submitted a Major Design Review application and Variance Request to a 48-foot variance to the 50-foot riparian setback and a two-foot variance to the five-foot property line setback, to site an emergency power shelter. Design review is 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. LWDUO Section 5.130 (1) states a variance may be appropriate 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. LWDUO Section 4.102 (1) and (2) the types of design review.

Failure to raise an issue, in person or by letter, accompanied by statements or evidence sufficient to afford the Hearings Officer an opportunity to respond to that issue, will preclude an appeal to the Clatsop County Board of Commissioners or Land Use Board of Appeals on that issue.

A copy of the applications, all documents and evidence submitted by or on behalf of the applicant may be reviewed in the Community Development Department at 800 Exchange Street, Suite 100, Astoria, Oregon, at no cost and may be obtained at a reasonable cost. The contact person for this request is Julia Decker, Planner, (503) 325-8611 or jdecker@co.clatsop.or.us. The staff report may be inspected at no cost or obtained at a reasonable cost seven (7) days prior to the hearing. Parties are invited to express opinions for or against the proposal in person at the hearing or by letter addressed to the Clatsop County Hearings Officer, 800 Exchange Street, Suite 100, Astoria, Oregon 97103. Letters and faxes (fax number 503-388-3606) will be included in the record. In order to be included with the materials sent to the Hearings Officer, letters or faxes should be submitted to the Community Development Department no later than September 19, 2013, at 5:00 PM. Letters received by this deadline will be presented by staff at the public hearing. After that time, all evidence must be presented in person at the hearing to be included in the record.

The Hearings Officer may approve, deny or modify the request or continue the hearing to a date and time certain. If this hearing is continued, no further public notice will be given.

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.

Published: August 30th, 2013



CERTIFICATE OF MAILING

I hereby certify that I served a copy of the attached **Public Notice** for a major design review and variance submitted by Edward Hodges, Currean-McLeod, Inc., on behalf of Arch Cape Sanitary District, 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 28, 2013

Clancie Adams, Staff Assistant
Clatsop County, Oregon

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
ASTLE 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 L/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
Dept of Fish and Wildlife			4907 3rd Street	Tillamook	OR	97141
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			17613 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
GOODMAN DESCENDENTS TRST MARK			2436 NW Westover Rd Unit #202	Portland	OR	97210-3717
HIERONIMUS HENRY M			704 228th Ave NE	Sammamish	WA	98074-7222
HOIEM DEREK/KAREN			32272 Apple Valley Rd	Scappoose	OR	97056-2703
HUMKE LLC		Humke Valerie E	18405 Deer Oak Ave	Lake Oswego	OR	97035-7101
KAZMIEROWSKI JOHN A REVOC LIV TR	KAZMIEROWSKI NANCY A REVOC LIV TR		2629 SW Davenport Ln	Portland	OR	97201-2234
KLEVIT RACHEL E/ LISA A	HOPKINS KLEVIT SARAH	Klevit Josephine Z Trustee	19202 NW 41st Ave	Ridgefield	WA	98642-5949
KUDLA MILOS/CATHERINE R			4221 SW Patrick Pl	Portland	OR	97239-7202
LANE JAMES L/LUISE L			P.O. Box 25260	Portland	OR	97298-0260
LOCKHART ROSEMARY (HEMSTREET)			1106 NW 112th St	Vancouver	WA	98685-4225
MATTHEWS CURTIS P	MATTHEWS KATHRYN L		P.O. Box 24	Cannon Beach	OR	97110
Mike Balzer, Chief	Cannon Beach Rural Fire Protection District		13755 NW Lariat Ct	Portland	OR	97229-7003
NUPEN WALTER A/SUZANNE D			13755 NW Lariat Ct	Portland	OR	97229-7003
NUPEN WALTER A/SUZANNE D			16937 254th Ave SE	Issaquah	WA	98027-6924
OSWALT EDWARD E/TONI M FURFARO	OWENS CAROLYN K 1/2		P.O. Box 1454	Cannon Beach	OR	97110-1454
OWENS WILLIAM V 1/2	PETERS JOAN		7460 SW Canyon Ln	Portland	OR	97225-3732
PETERS MARK A	SAMMONS KATHARINE L		2669 NW Savier St	Portland	OR	97210-2413
PINGER STEVEN S	DARMOUR JENNIFER A		2010 14th Ave S Apt #A	Seattle	WA	98144-4293
PRICE KEVIN M			2031 SE 44th Ave	Portland	OR	97215-3715
SAVAGE LOUIS D			7619 SE 68th Ave	Portland	OR	97206-8048
SCHILLING PAULINE A TR	SCHILLING PAULINE A REVOC LVG TRUST		80152 Kent Rd	Arch Cape	OR	97102-0131
SELBERG VIRGINIA M			P.O. Box 25357	Portland	OR	97298-0357
SHAVER MARY S			2669 NW Savier Street	Portland	OR	97210
Steve Pinger	SZAMBELAN PETER J III	Szambelan Isabelle Trst	435 NE Laurelhurst Pl	Portland	OR	97232-3339
SZAMBELAN FAMILY TRUST	TAYLOR ROBERT L CREDIT SHELTER TRUST		5020 SW View Point Ter	Portland	OR	97239-3958
TAYLOR M JOAN TR	GOLDEN HARVEY D		2000 SE 47th Ave	Portland	OR	97215-3802
TUCKER KATHLEEN D			911 NE 11th	Portland	OR	97232
US Fish & Wildlife			79829 Gelinsky Road	Arch Cape	OR	97102
Birkby	Virginia		401 SW 9th Street	Newport	OR	97365
Tony Stein	Oregon Parks and Recreation	Ocean Shores Division	32065 E Shingle Mill Ln	Arch Cape	OR	97102
ACSD	Thomas Merrell		32065 E Shingle Mill Ln	Arch Cape	OR	97102
Lundy	Theodore		1193 10th Street	Astoria	OR	97103
D'Onofrio	Richard		P.O. Box 1327	Cannon Beach	OR	97110
CREST	Via Email		750 Commercial St Rm 205	Astoria	OR	97103
Patrick Wingard	DLCD - Oregon Coast		4301 Third Street, Room 206	Tillamook	OR	97141
ODOT - Region 2	Planning & Development Manager		455 Airport Road SE Bldg B	Salem	OR	97301-5395
Nadia Gardner			80285 Woodland Heights Road	Arch Cape	OR	97102
Murray	Linda		79836 Gelinsky Road	Arch Cape	OR	97102
Michael Summers			1100 Olney Avenue	Astoria	OR	97103
Manzulli	Michael		80285 Woodland Heights Road	Arch Cape	OR	97102
Eyerman	Linda		3630 NE Merges Dr.	Portland	OR	97212
North Coast Watershed Association			750 Commercial St Rm 205	Astoria	OR	97103

Greg Lathrop
Edward Hodges
Edward Hodges
Dennis Scott
Commissioner Debra Birkby
Seifer
Clatsop Soil/Water Cons. District

Curran-McLeod Inc.
Curran-McLeod Inc.

Via Email
Daniel
Via Email

6655 S.W. Hampton St., Ste. 210
6655 S.W. Hampton St., Ste. 210
1100 Olney Avenue
79829 Gelinsky Road
79916 W. Cannon Road
750 Commercial, Rm 207

Portland
Portland
Astoria
Arch Cape
Arch Cape
Astoria

OR
OR
OR
OR
OR
OR

greg.lathrop@comcast.net
97223 eph@curran-mcleod.com
97223 eph@curran-mcleod.com
97103 dscott@co.clatsop.or.us
97102 DBIRKBY@co.clatsop.or.us
97102 daniel.j.seifer@gmail.com
97103 clatsopswcd@linet.com

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 CLATSOP COUNTY HEARINGS OFFICER

In the matter of a Major Design Review application and Variance Request submitted by Edward Hodges, Curran-McLeod, Inc., on behalf of the Arch Cape Sanitary District, for a 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)*

DATE OF HEARING:	September 20, 2013
COMMENT PERIOD:	August 1, 2013, to September 19, 2013
TIME & LOCATION:	10 a.m., Judge Guy Boyington Building, 857 Commercial Street, Astoria, Oregon
SEND COMMENTS TO:	Community Development, 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. The Southwest Coastal Citizen's Advisory/Design Review Committee met regarding the matter on August 21, 2013, and recommended approval with conditions. **Pursuant to Section 2.025 of the LWDUO, the Hearings Officer is scheduled to hear the matter, including evidence and testimony, on Friday, September 20, 2013, 10 a.m., at the Judge Guy Boyington Building, 857 Commercial Street, Astoria, OR 97103.** The Hearings Officer will make a decision at a later date.

All interested persons are invited to submit testimony and evidence in writing by addressing a letter to the Clatsop County Hearings Officer, 800 Exchange Street, Suite 100, Astoria, OR 97103, or by attending the hearing and providing verbal and/or written testimony at the hearing. 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 **by 5 pm on Thursday, September 19, 2013, in order to be considered by the Hearings Officer, unless they are presented in person at the hearing.**

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.

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
ASTLE 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 al	12900 NW Springville Rd	Portland	OR	97229-1607
BALMER ROBERT L/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			16937 254th Ave SE	Issaquah	WA	98027-6924
OWENS WILLIAM V 1/2	OWENS CAROLYN K 1/2		P.O. Box 1454	Cannon Beach	OR	97110-1454
PETERS MARK A	PETERS JOAN		7460 SW Canyon Ln	Portland	OR	97225-3732
PINGER STEVEN S	SAMMONS KATHARINE L		2669 NW Savier St	Portland	OR	97210-2413
PRICE KEVIN M	DARMOUR JENNIFER A		2010 14th Ave S Apt #A	Seattle	WA	98144-4293
SAVAGE LOUIS D			2031 SE 44th Ave	Portland	OR	97215-3715
SCHILLING PAULINE A TR	SCHILLING PAULINE A REVOC LVG TRUST		7619 SE 68th Ave	Portland	OR	97206-8048
SELBERG VIRGINIA M			80152 Kent Rd	Arch Cape	OR	97102-0131
SHAYER MARY S			P.O. Box 25357	Portland	OR	97298-0357
SZAMBELAN FAMILY TRUST	SZAMBELAN PETER J III	Szambelan Isabelle Trst	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			80285 Woodland Heights Road	Arch Cape	OR	97102
Edward Hodges	Curran-McLeod Inc.		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

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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	rrndonofrio@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
Selfer	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	murraylapp@charter.net
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.

Exhibit 3

MINUTES
SOUTHWEST COASTAL CITIZEN ADVISORY / DESIGN REVIEW COMMITTEE (SCCAC)
Regular Session

August 21, 2013, 6:00 p.m.
Arch Cape Fire Hall, 79729 Highway 101, Arch Cape, Oregon

Vice Chairperson Tod Lundy convened the meeting at 6:00 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: Thomas Merrell, Arch Cape Sanitary District; Edward Hodges, Curran-McLeod, Inc.; and Greg Lathrop, whose property is immediately adjacent to Sally's Alley.

Staff present: Jennifer Bunch, Senior Planner; and Julia Decker, Planner, Clatsop County Community Development.

Business from the Public: No one wished to speak.

Minutes:

Mr. Seifer moved and Richard D'Onofrio seconded the last full paragraph on page 2 of the minutes be amended, to include a statement after Southwest Coastal Community Plan, which the County Commission has adopted several times. Motion approved unanimously.

Mr. Seifer moved that on page 3 of the minutes references to goals and recommendation in the second sentence and the last sentence in the paragraph headed plan review be capitalized for clarity. Motion died for lack of a second.

Dan Seifer moved and Linda Lapp Murray seconded to adopt the minutes (of August 21, 2013) as amended. Motion approved unanimously.

Action Item:

Variance Request and Major Design Review: Application by Arch Cape Sanitary District to obtain a 48-foot variance to the riparian setback and a two-foot variance to the property line setback to construct 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.

In response to Chair Lundy's request for ex parte contact and/or conflicts of interest, Mr. Seifer stated he serves on the Budget Committee for the Arch Cape Sanitary District but did not believe it posed a conflict for him. Virginia Birkby recused herself, stating she serves as president of the Arch Cape Sanitary District. Mike Manzulli stated he serves as Chair of the North Coast Watershed Council, which has been working on the creek in the area, but he believed it would not create an issue for him to participate.

Planner Julia Decker provided the staff report, explaining the application includes fill but not an extension of the culvert. The pump lift station and generator building would be outside the flood zone as it currently is mapped, although the entire area is within the geologic hazard overlay. A geologic hazard report has been provided. The 8' by 16' building foot print would sit on about 20 cubic yards of fill covering approximately 130 square feet on the east side of Pacific Road. To be placed as proposed, it would be about three feet of the property line of the property to the north and two feet from the creek running through Sally's Alley, thus requiring variances to the setbacks. Additionally, design review was needed for the building. Ms. Decker noted if the building was situated as currently proposed, it would be approximately two feet into the 10-foot clear vision area required at the intersection of a street and an alley. Ms. Decker stated her recommendation would be to push the building two feet, more or less, eastward, to meet the clear vision setback. The other option would be to recommend a variance to the clear vision setback as well, which she did not recommend, explaining the clear vision setback is for safety when entering the roadway with a vehicle.

The pump itself is on the opposite side of the road on an easement, she said, and was part of the application only because the application was consolidated and required minor design review due to the building permits it required. The pump station profile actually would be reduced on height.

The backup generator building would be designed as a shingle-sided garden shed, with sound attenuating insulation on the inside and a small name placard on the door.

Ms. Decker briefly outlined the each of the design review criteria. She said the relation of the structure to the site could be found to be consistent if the committee could recommend the variance be approved, but she emphasized it would not meet setbacks, a major component of the first design review criteria. She stated the generator building would meet the standard for height, being about 12 feet tall, well under the 26 feet from the average grade. Ms. Decker stated she had visited the site earlier in the year and said it did not appear any views would be blocked by the building, but she had not looked from the vantages of the neighboring houses. Greg Lathrop, the owner of the house to the north, spoke, saying he had been trying to determine the same thing. Edward Hodges, with Curran-McLeod, Inc., the engineer for the project, stated he had not stood in Mr. Lathrop's home. Mr. Lathrop stated he could see the ocean from the first floor of his home but did not recall if he could see Castle Rock. He said he would try to make the determination. Ms. Decker stated if no neighbors objected, the generator building could be found to not block ocean views, and the lift station project would not block ocean views.

Under preservation of landscape, Mr. Decker noted some of the vegetation would be removed in order to site the generator building. She did not find any trees greater than six inches in diameter at 48 inches in height when she visited the site, but shrubs would be removed. She recommended a condition of approval that the area would be revegetated to the greatest extent possible with native plants, leaving enough room around the building to maintain it and leaving enough room for parking of a utility vehicle, such as a sanitary district or Public Works truck. She said the criteria could be met through a condition of approval. Mr. Seifer wondered why a parking space needed to be available for Public Works, and Thomas Merrell, Arch Cape Sanitary District, stated the district did not need one. The condition will be rewritten to eliminate language requiring a parking space.

In response to a question by Linda Lapp Murray, Mr. Merrell described the site in relation to the power pole at the northeast corner of Sally's Alley and Pacific Road. Chair Lundy requested information about the ground and culvert heights in the area, which Mr. Hodges provided. They discussed the possibility of using a retaining wall and using armoring to stabilize the site. Mr. Hodges stated he wanted to avoid using riprap as much as possible and use native plants instead.

Ms. Decker continued with the staff report, noting all new utility lines would be placed underground as a condition of approval; any exterior lighting would need to be full cut-off design as a condition of approval; buffering and screening requirements apply in commercial zones do not apply in this zone; vehicle circulation of parking apply to commercial zones and are not necessary in this zone; a sign permit would be necessary for the small sign proposed; and the sign meets the requirements of the AC-RCR Zone. Ms. Decker described the surface water drainage, which would flow into the creek as it does now and shouldn't pose an issue because of topography.

In response to a question from Chair Lundy, Mr. Hodges said the three- to four-inch drain pipe coming from the neighboring property would be accommodated into the drainage system for the generator storage building or rerouted at the district's expense so the neighbor is not impacted. Mr. Seifer requested the condition of approval include the neighboring property's drainage when the conditions are discussed.

Mr. Manzulli asked how the creek was determined to be seasonal. Several people commented that although it gets quite low, no one was aware that it disappeared completely. Mr. Manzulli recommended dropping the term "seasonal" from the creek's description.

Ms. Decker reviewed the requirements for the variance requests, which apply only to the building and not the lift station. Mr. Merrell described the route the sewage collection system uses. He said the window between the onset of a power outage and when the lift station backs up is short at the Sally's Alley station, only about 10 or 15 minutes, and the other stations have greater time windows. This is the only site where he envisioned needing a permanent generator. He described the results of when the station backs up, noting the sanitary district has replaced carpets in homes and sewage has flowed on to the beach in the past. The permanent generator would operate automatically, he said, and sanitary district staff would still use portable generators at the other sites. Ms. Lapp Murray commented this proposal is very much better than using a portable generator at this site.

Ms. Decker continued, drawing attention to a letter from a DEQ official regarding the condition of the lift station's aging infrastructure. Ms. Decker stated the need and hardship seemed obvious. She distributed a letter from Steve Pinger regarding Mr. Pinger's assertion the generator building could be placed on the easement on the Nupen property with the lift station. Ms. Decker stated she had been to the site prior to this evening's meeting and could not see how the building could be fit on the site with the lift station without removing a mature landscape tree and would still be right next to the Nupen house, possibly closer than the State Building Code would permit. She said placing it on the Nupen property would seriously impact the view from Mr. Lathrop's property, and it would still not meet setbacks.

The committee reviewed Mr. Pinger's letter, which included concerns about the impact of the building on the landscape. Mr. Manzulli stated he had not seen anything in the application that addressed why no other site would serve for the generator building, such as the easement on the Nupen property. Ms. Lapp Murray said she did not see how it could go there. The committee reviewed the letter from Mr. Pinger, which included a drawing. Ms. Lapp Murray said a 10-foot tall building on the west side of Pacific Road would affect ocean view tremendously.

Mr. Seifer reviewed the deed, included in the staff report, and said there was no description in it of the area covered by the easement. Language in the deed stated nothing over the three feet tall could be placed in the southwest corner of the easement. Mr. Hodges described the impacts of trying to place the building in the sites on the Nupen property Mr. Manzulli and Mr. Pinger suggested. He stated the engineering something to fit on the south side of the Nupen property would be difficult, the generator building would either be shoved nearly against the Nupen house and/or the beach access might have to be altered. He said it might be possible to remove the beach

access trail and put in a road. The setback issues would remain and there would be impact to the creek. Several committee members expressed concern this was not an acceptable alternative. Mr. Hodges apologized for not having a detailed survey, but said the logistics and arrangement of structures seemed very tight and common sense suggested it would make a very large visual impact on views.

Mr. Manzulli stated he would like to see why it doesn't fit on the easement, rather than speculation.

Ms. Lapp Murray stated that, looking at the practicality of two bad choices, she felt the applicant had already done the work, and she could not believe a 10-foot tall building on the west side the road would not impact views. She did not find the option of putting it on the Nupen property easement to be viable.

Mr. Seifer did not find the west side of the street to be a preferable option and did not find it necessary to pursue the investigation of that option.

Ms. Decker was not able to locate the three-foot height restriction language at this time and so was not able to respond as to whether it covered the entire easement or only a portion of it. Mr. Hodges stated he had not prepared an alternative plan for presentation, but he had in planning sited the building in various places to judge its impact and said he could guarantee placing it on the west side of Pacific Road on the Nupen property easement would place the building within two or three feet of the Nupen house, which Ms. Decker said would not meet the building code.

In response to a question from Chair Lundy, Ms. Bunch stated the applicant had made the application and was entitled to a response this evening and could return with more information if he chose, but was not obligated to wait.

Regarding the criterion that the granting of the variance not be injurious to neighborhood or public safety, Ms. Decker stated public welfare and safety would be well-served by keeping raw sewage out of the creek and off the beach and access trail, so she found the criterion to be satisfied.

Regarding the criterion the granting of the variances not permit uses that are not allowed by the Ordinance, Ms. Decker noted the public utilities are permitted uses in the public right-of-way.

Proof of significant hardship, she stated, the true hardship would be the impact on the neighborhood and the environment in the event of a spill of raw sewage. She found the criterion to be satisfied unless some other site could be identified to place the generator building, should the committee recommend the variance be denied.

She stated the variance request has been scaled back from its original size and is now no larger than, and smaller than many, similar building for similar uses. It appears to be the least amount necessary to achieve the purpose, meeting the criterion for the variance being necessary for reasonable use of the land, she said, noting the applicant had retained both an engineer and a geologist to assist with the project design with these criteria in mind.

Ms. Decker stated there have been no violations of the ordinance known to exist on the site, meeting Criterion 6.

Ms. Decker said it was her own observation there was no other site for the generator building, and if placement were not where it is proposed, the project would not be able to proceed, meeting Criterion 7: Parcel is not otherwise capable of development.

Ms. Decker explained the clear vision requirement, Section S2.012, in greater detail and why she recommended the structure be moved eastward about two feet to meet the 10-foot setback if it can be done without further impacting the creek. After discussion, the committee, Mr. Merrell, Mr. Hodges, and Mr. Lathrop would affect the creek less, as it winds through the right-of-way. Those present noted there are trees in the right of way, but they are further back.

Finally, Ms. Decker concluded with Protection of Riparian Vegetation, Section S4.500, saying she recommended approval, based on the findings in the rest of the staff report. She noted she also was recommending a landscape/revegetation plan.

Ms. Decker reviewed the conditions she was recommending.

Chair Lundy asked if the applicant wished to make a statement. Mr. Hodges provided remarks, saying the Arch Cape Sanitary District is mandated by law to have emergency power to the emergency lift station, or be in violation of state law and federal laws "and a significant environmental impact when, not if, when the lift station overflows." He thought the testimony of the operator, Mr. Merrell, indicated temporary power was not the best route, and speaking as an engineer, Mr. Hodges stated permanent emergency power is always better than temporary power, with the exception of in the flood plain. He said the district had made a very good effort to choose the best site for the building, based on the "least worst" scenario.

Greg Lathrop, 3654 SE Powell Blvd, owner of the property at the northeast corner of Sally's Alley and Pacific Road, spoke next, indicating he thought overall he liked the idea of a nice looking permanent structure, and, although he was a little concerned about the noise, he definitely considered himself a proponent of the project. He considered the project a wise move from the safety and environmental perspective and said he likes trying to keep the native vegetation at the site. He said speaking as a horticulturalist he did not see a detriment to having a structure with a concrete base that is basically out of sight. He was a little concerned about the setback of the building to his property line, and, though he would like it further east and a little south just a bit, he saw it as a win-win. He said he wanted to look from the vantage of his deck and assess his view to the south.

Dan Seifer moved and Linda Lapp Murray seconded to "approve both the applications for major and minor design review as well as both variance requests with appropriate conditions, as outlined by staff and as refined by our subsequent discussion."

Discussion ensued. Mr. Manzulli, while indicating the generator was necessary and a place needed to be found for it, stated he did not think it had been shown the easement would not work for the building. He did not think it had been shown the structure could not be placed on the easement. Mr. Seifer believed the burden had been met of showing there is no other reasonable site, saying he didn't think the whole application was predicated on the view easement, but instead on a variety of reasons. Mr. Seifer felt the discussion by the applicant, staff and committee members' own observations showed the west side to be an impossible location.

Chair Lundy thought perhaps the applicant could return with documentation showing the west side easement site would not work so the committee could see a choice of alternative; however, Ms. Bunch noted the applicant had made this application and had a right to have it acted upon or not. She said if the applicant did not choose to come back with an alternative, the committee would act on what was before it to make a recommendation to the hearings officer. Commissioner Debra Birkby commented to agree with Ms. Bunch's assessment and to add one of the functions of the committee is to help "mitigate with the applicant for a solution, having them willingly change it" so that it works to everyone's satisfaction.

Mr. Manzulli asked Mr. Hodges if he could show the committee this evening how the building would not fit on the easement. Mr. Hodges agreed, saying what Mr. Manzulli was requesting was an "alternatives analysis" that was not part of the submittal, and although he had done one in the office, he had not submitted it with the packet. Mr. Hodges, using Mr. Pinger's drawing, said the generator building would be about three feet from the Nupen house and no one would want a generator facility three feet from their house.

Mr. Lathrop said he would fight the view issue if placement were changed to the easement on west side of the road.

Linda Eyerman asked if, assuming the building were left where it was proposed on the east side of Pacific Road, could it be built on stilts rather than fill. Mr. Hodges said it would be elevated, possibly more into view, there would be seismic issues, and of course it would be more expensive. He said he would prefer to have the committee make its recommendation this evening rather than return with an alternatives analysis.

Motion approved, five in favor (D'Onofrio, Eyerman, Lundy, Lapp Murray, and Seifer); one opposed (Manzulli); and one recused (V. Birkby).

The committee reviewed and revised the conditions. New condition 7 inserted, with conditions below moving down: The Arch Cape Sanitary District shall prepare provide maintenance and improvements if required to all the slopes affected by the construction or impacted by the project to maintain the integrity of the creek and to prevent obstruction of the culvert for the life of the structure.

In response to a question from Ms. Lapp Murray, Mr. Hodges said moving the building back would increase the amount of fill, but the distance of approximately two feet would not cause a substantial increase in the amount of fill and the area to park would remain in the right-of-way on the west side of the telephone pole.

Condition 1 modified to read: Construction shall occur as recommended by the Southwest Coastal Citizens / Design Review Committee 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.

Condition 3 modified to read: The Arch Cape Sanitary District or its agent shall obtain all required development and building permits and approvals prior to, during, and after to construction.

Condition 6 modified to read: All construction activities shall follow the Design and Operation Standards and Requirements under Standards Section S2.504. In addition a landscape and an erosion control plan shall be submitted when applying for a development/building permit.

(Discussion regarding 6: Landscape plan should show data regarding native species to be planted, a planting schedule, and maintenance schedule to establish plants. After plants are established they should be maintained to the extent necessary to prevent problems regarding bank stability.)

Condition 11 (formerly 10) revised to read: The surface water shall be directed as described by gutters and piping as necessary to the creek and shall not adversely impact the natural drainage system and shall not drain to neighboring properties. Accommodation shall be made for the existing drainage systems on adjacent property.

Linda Lapp Murray moved and Dan Seifer seconded to accept the conditions as revised. Motion approved, six in favor.

Mr. Seifer commented it would be appropriate for one or more committee members to attend the hearing. Ms. Decker reported it would be at 10 a.m. on September 20, 2013, at the Judge Guy Boyington Building in Astoria.

Other Business:

Arch Cape Short Term Rental Ordinance: Ms. Bunch explained the Board of County Commissioners had directed staff to revisit the Arch Cape Short Term Rental Ordinance process and standards. She said the Community Development Department planned to put out a survey to property owners and was looking for suggestions and comments from the committee about what should be in the survey. She explained the review would likely include several meetings with, and a recommendation by, the committee, followed by a work session and a recommendation by the Planning Commission to the County Commission. She asked that committee members email ideas to her or to Ms. Decker between now and next month.

Mr. Seifer suggested the room tax rate be adjusted and revenues distributed to potentially fund Arch Cape projects. Ms. Bunch explained his suggestion dealt with the budget issues, not land use, and at this time the only input being solicited had to do with the land use process.

In response to question from Mr. D'Onofrio, Ms. Bunch stated the survey would go to all property owners, not just full time residents.

Ms. Birkby requested the number of rentals and the number of complaints be provided, and she asked that staff allow enough time for the committee's input to be used.

Plan Review: Ms. Birkby reviewed Goal 2 and asked if anything should be flagged. The committee decided two recommendations, that the watersheds be mapped and the Sheriff's Office should hold some informational meetings in the area on crime prevention, should both be retained.

Other Business: Ms. Birkby asked staff to relay her dismay regarding the September 7th community meeting being held before the department approached the committee on the topic of the meeting. Ms. Bunch stated she would advise Mr. West, the department director.

Ms. Bunch advised the October meeting would include a work session with County Counsel regarding staff and committee responsibilities.

Ms. Birkby requested an update on the Schiffman application and asked that it be included in the minutes. Ms. Decker responded property owner Ron Schiffman determined not to proceed with the variance request. Instead, Mr. Schiffman chose to repair the existing garage without changing its use, meaning a new application was not necessary and allowing the application to be finalized without returning to the committee.

Richard D'Onofrio moved and Dan Seifer seconded to adjourn. Motion approved unanimously.

Meeting adjourned at 8:47 p.m.

Exhibit 4

Steve Pinger
2669 NW Savier St.
Portland Oregon 97210

August 20, 2013

Southwest Coastal Design Review Citizens Advisory Council

c/o Julia Decker, Planner
Clatsop County Community Development
800 Exchange, Suite 100, Astoria, OR 97103

Re: **proposed Emergency Generator structure, Pacific Rd. at Sally's Alley**

Councilors;

I am a neighbor at 80098 Pacific Way. I have reviewed the current submittal for the above proposal, as well as the previous drawing package that was circulated earlier this year. I would like to offer the following comments:

1. I appreciate the Sanitary District's efforts to reduce the scale of the project from what was shown earlier. I do not think that the previous proposal could realistically have been constructed without filling the stream bed and extending the culvert. It appears to me, however, that even with the reduced footprint of the structure as currently proposed, there will be significant challenges, due to the grades, in constructing the smaller structure as currently proposed.
2. It would be helpful for the submittal to include a north/south site section that more accurately described the relationship of the structure to existing and proposed grades, both north and south of the structure. To the north it appears that retaining at the building will be required to maintain the existing grades at the adjacent property line. To the south it looks problematic to propose maintaining an open stream bed in the re-graded area south of the structure without erosion control measures that do not appear to be included in the submittal.
3. I am concerned that 4.103.3 Preservation of Landscape is being considered met solely by the application of hardship.
4. It appears that the new smaller footprint of the structure would allow it to be placed on the west side of Pacific Rd., see attached, whereas the previous proposal could not be accommodated there. I am not familiar with the Clear Vision Area requirements, but from the standpoint of grading, preservation of riparian areas, consolidation of ACSD assets and general visual appearances, positioning the building adjacent to the existing pump station manhole across the street would have far fewer impacts on all of these aspects, and be more consistent with the objectives of the Arch Cape Design Review goals, than the siting that is being proposed.

I request that the Council ask the applicant to reconsider the siting of the facility in light of its current footprint mitigating the issues that caused it to be sited in the stream bed originally.

Respectfully,



Steve Pinger

10:54 PM

