CLATSOP COUNTY
Community Development, 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 / Citizen Advisory Committee
Regular Meeting Agenda

Date: **Wednesday, August 15, 2012**
Time: **6:00 pm**
Location: **Arch Cape Fire Hall, 79816 E. Beach Road, Arch Cape, OR 97145**

1. CALL MEETING TO ORDER (Chair Mersereau) (6:00-6:01 p.m.)

2. ROLL CALL (staff) (6:01-6:02 p.m.)

   - Introduce Bart Catching, Code Compliance Specialist

3. BUSINESS FROM THE PUBLIC (6:02-6:15 p.m.): This is an opportunity for anyone to give a brief presentation **(3 minutes or less)** to the Committee on any land use planning issue or county concern that is not on the agenda. (Chair)

4. CONSIDERATION OF MINUTES (6:15-6:20 p.m.):
   - Minutes of April 18, 2012 regular session (Chair) *(Attachment 1)*

5. ACTION ITEM (6:20-7:00 p.m.):
   - Major Design Review: Application by Ryan Schenk, on behalf of Charles and Nancy Cobb, for review of application to construct a new bedroom and bath addition above a garage, replace windows, replace roof to match existing roof in design, remove chimney, and perform foundation work to halt settling of a single-family residence on property owned by the Cobbs, located at 80220 N. Pacific Road, Arch Cape, Oregon, also known as T4N, R10W, Sec. 19CC, TL 501. Staff: Julia Decker, Planner. *(Attachment 2)*

6. OTHER BUSINESS (7:00 – 8:00 p.m.):
   a. Presentation by Code Compliance Specialist Bart Catching on his new assignment
   b. Discussion regarding Arch Cape Tree Ordinance revision (Chair) *(Attachment 3)*
   c. Land Use Planning: Informal Overview of Southwest Coastal Community Plan (Looking at the policies, goals, and recommendations related to SCCAC) (V. Birkby)
   d. Open Discussion: Opportunity for the committee to discuss and invite testimony from outside agents regarding topics of interest.

7. ADJOURN (8:00 p.m.)

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

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

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

Attachment 1

MINUTES

SOUTHWEST COASTAL DESIGN REVIEW / CITIZEN ADVISORY COMMITTEE

Regular Session

April 18, 2012, 6:00 p.m.

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

Planner Julia Decker convened the meeting at 6:00 p.m. and called the roll, explaining Linda Eyerman had been appointed to replace William George, who had resigned due to scheduling conflicts. Ms. Eyerman's appointment had coincided with a long scheduled trip, and she was not able to be present at today's meeting.

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

Clatsop County Commission Liaison present: Commissioner Debra Birkby.

Members of the public present: David Vonada, Tolovana Architect LLC.

Staff present: Julia Decker (JD), Planner, Clatsop County Community Development.

Election of Officers:

> **Dan Seifer moved John Mersereau be elected Chairperson. Virginia Birkby seconded. Motion approved unanimously.**

Chair Mersereau conducted the meeting from this point forward.

> **Richard D'Onofrio moved Tod Lundy be elected Vice Chairperson. Virginia Birkby and Michael Manzulli seconded simultaneously. Motion approved unanimously.**

Members divided the terms of office among themselves: John Mersereau, one year term; Tod Lundy and Richard D'Onofrio, two years terms; Virginia Birkby and Dan Seifer, three-year terms; and Michael Manzulli and Linda Eyerman, four-year terms.

Minutes:

> **Richard D'Onforio moved and Tod Lundy seconded to approve the minutes of November 16, 2011. Motion approved, five in favor and one (Michael Manzulli) abstaining.**
>
> **Dan Seifer moved and Tod Lundy seconded to approve the minutes of February 15, 2012. Motion approved unanimously.**

Holzgrafe Design Review Public Hearing: JD described the project, a remodel of a portion of an existing roofline that would increase the height on one side and thus change the angle of the roofline and the direction water drains. She explained the portion of the house where the work was to be done did not exceed the height limit for oceanfront structures. The house is a non-conforming structure, built in 1941, and likely is a legal non-conforming structure. The main section of the dwelling exceeds the height limit for oceanfront setbacks and the house is too close to the front property line. In addition, the lot does not meet the minimum lot size. However, the project proposed does not include components of the house that are non-conforming.

Committee members discussed the concepts of "non-conforming" and "legal non-conforming" uses and structures.

The finished project would be less than 14 feet in height, well under the 18-foot maximum height requirement. The only reason the project needed major design review, she said, is because it technically is an expansion of an exterior dimension, though not of square footage. According to the application, the project, which reverses the direction of the slope of the roof over a portion of the home, is necessary to drain water collected on the roof away from the center of the house. Rain from the roof would tie into the storm water drainage system for the house.

JD asked the committee for guidance regarding where the drainage system should be directed, as working on the application made it apparent drainage to the street would only add to a problem developing to the north at the foot of the slope and over the bank to the west could create erosion problems in the geologic hazard area above the beach. Two comments had been received regarding the project, one from the neighbor to the south, Michael Arthur, who expressed concern regarding storm water drainage and the potential for collapse of the bank, and one from Thomas Merrell, Arch Cape Water and Sanitary District Manager, who stated additional modification that add plumbing units or change the size of the structure may require a video inspection and systems development charges may apply. (No plumbing units or square footage are being added.) JD stated she had spoken with Mr. Merrell on another matter and, in passing, had asked him about the drainage situation. Mr. Merrell had explained the street drainage problem and said most homes on the west site of Pacific Road drained to the west, over the bank. David Vonada, architect for the Holzgrafes, answered specific questions regarding the project and stated he could revise the plans so the drainage went wherever it should be directed.

Committee members discussed the drainage situation at length. Concerns ranged from the aesthetic to the technical and from this specific project to Arch Cape in general. It was the consensus of the group that water should not be discharged into the public right of way and water discharged over the back should be in a pipe traveling down the hillside, concealed as much as possible by vegetation, to avoid erosion and other types of damage to the bank and well as to avoid being unsightly. Committee members approved a revision of Condition 8 proposed by TL.

> **Dan Seifer moved and Tod Lundy seconded to recommend approval subject to the conditions identified by staff, as revised by our discussions tonight [revised condition number 8: "Drainage from the remodeled roof shall not be discharged into the public right of way nor on to adjacent properties. Discharge to the west is acceptable if conducted by secure and adequate means. Vegetation on the bank shall be preserved and the pipe shall be obscured by it.]" Motion approved unanimously.**

Tree Ordinance: JM provided background to the committee on the history of the tree ordinance, and staff distributed some language provide by the director used elsewhere for emergency situations where a trees is threatening a house. JM described how an eleventh hour opinion by an attorney was devised that stated commercial logging is not a permitted use in a residential area. As currently interpreted by County Counsel and implemented by the Community Development Department, commercial logging is not permitted in residential areas such as and including the AC-RCR Zone; and property owners need a development permit, and therefore deign review, to cut a tree over eight inches in diameter. JM stated this was a financial burden, and he wanted to revise the ordinance to be a bit more liberal. JM asked the committee members' opinions on the matter.

Those present agreed such an expensive level of review seemed out of line and wondered if there weren't some way to reduce the burden, especially in the case of dangerous trees. JM noted the path toward approval would be similar to the last time the topic was discussed in the community, with public hearings. JM and TL noted the need for community buy-in as to recognition of the situation and suggested devising some sort of public education campaign, so the revision would not be rejected at the public workshop stage, as it was last time in 2009 and 2010, when controversy resulted in the revision being removed from the ordinance update approved by the Board of Clatsop County Commissioners. The group discussed methods to make people

aware of the situation, including placing notices in water/sewer bills and addressing the Arch Cape Community Club.

JM and MM will work on potential tree ordinance language together.

Accessory Structures: JM noted accessory structures less than 200 square feet typically don't need building permits except in special overlay districts, which include the Rural Community Overlay. JM wondered if it were possible to revise the design review overlay to allow over the counter review. Staff noted other special overlay districts also affected Arch Cape, such as geologic and flood hazards, for example. She noted a $79 administrative review does not include review of view sheds and ocean view impact. MM thought it was something to be addressed at some point and thanked JM for raising it.

Other Business: VB and MM asked whether the Arch Cape Inn owners had met the conditions of approval for the conditional use permit to expand the number of guest rooms, approved by the Planning Commission two years previously. Staff reported the conditions were satisfied. She noted one condition that attempted to condition approval on the use of a public road was determined by County Counsel Heather Reynolds to be unenforceable, as a public road cannot be restricted in the manner attempted by the language in the easement.

Meeting adjourned at 8:10 p.m.

Attachment 2

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Land Use Planning Division
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ph: 503-325-8611
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STAFF REPORT

Staff Report Date:	August 7, 2012
Hearing Date:	August 15, 2012
Hearing Body:	Southwest Coastal Design Review / Citizen Advisory Committee
Request:	Construction of a new addition above an existing garage, to include a guest room and guest bath; new roof to match existing roof; and support of the existing foundation to prevent it from settling further. Requires Major Design Review, per Land and Water Development and Use Ordinance #80-14, Section 4.102 (2)
Applicant:	Ryan Schenk 3930 SE Evergreen Street Portland, OR 97034
Owners:	Charles R. and Nancy Jean Cobb 2301 Summit Drive Portland, OR 97034
Property Description:	T4N, R10W, Sec. 19CC, TL 510
	Zoning: AC – RCR (Arch Cape – Rural Community Residential) FHO V Zone – (Flood Hazard Overlay, Velocity Zone) GHO – (Geologic Hazard Overlay) /RCO – (Rural Community Overlay)
Property Location:	80220 N. Pacific Road, Arch Cape, Oregon 97102
Property Size:	0.69 ac.
Staff Reviewer:	Julia Decker, Planner
Exhibits:	1 – Application and CastleRock Surveying statement and survey 2 – Area Map 3 – Public Comments 4 – Geohazard report, structural calculations 5 – Public Notice – *mailed and emailed*
Comments Received:	Two: Thomas Merrell, Arch Cape Water and Sanitary District; and Karen Waibel, 80239 Pacific Road

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SECTION 4.120 ARCH CAPE NON-CONFORMING USES AND STRUCTURES
Section 4.122 Definitions.
LEGAL NON-CONFORMING STRUCTURE. A building or structure that does not conform to one or more standards of the zoning district in which it is located, but which legally existed at the time the applicable section(s) of the zoning district became effective.

Staff Finding:

The subject property exceeds the minimum lot size of the AC-RCR Zone. Clatsop County Assessor's Records indicate a single family dwelling constructed in 1954, prior to the effective date of adoption of Clatsop County's Land and Water Development and Use Ordinance #80-14 (September 30, 1980) and of the AC-RCR Zone (October 10, 2003). Although the southern and western sections of the house may not comply with the current setbacks of Asbury Creek and the ocean and the height of the existing main portion of the house is not available at this time, the portion of the house proposed for the addition is not within the setbacks and is not non-conforming.

The house, built prior to the zoning ordinance, legally existed at the time the applicable sections of the zoning ordinance became effective.

The structure is considered legal non-conforming.

Section 4.125 Expansion.
(1) Through a Type II procedure an expansion of a Legal Non-Conforming Structure shall be in conformance with the requirements of the Zone (i.e. height limitations and setbacks) and satisfy criteria under Section 4.125 § 3C, or a variance for the expansion shall be required pursuant to Section 4.116 Arch Cape Variance.

(3) An expansion of a structure devoted to a Legal Non-Conforming Use, or a change in the characteristics of a Legal Non-Conforming Use, (i.e. hours of operation or levels of service provided), may be approved, pursuant to a Type II procedure, where the following standards are met:

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

1) The following factors:

(a) Noise, vibration, dust, odor, fume, glare, or smoke detectable at the property line.
(b) Numbers and kinds of vehicular trips to the site.
(c) Amount and nature of outside storage, loading and parking.
(d) Visual impact.
(e) Hours of operation.
(f) Effect on existing vegetation.
(g) Effect on water drainage and water quality.
(h) Service or other benefit to the area.
(i) Other factors relating to conflicts or incompatibility with the character or needs of the area.

Staff Finding:

Design Review is a Type II procedure and meets the requirements for review. As stated above, the southern and western sections of the house may not comply with the current setbacks of Asbury Creek and the ocean and the main section of the existing house may exceed the height restriction; however, the portion of the house proposed for the addition is not within the setbacks and conforms with the requirements of the AC-RCR Zone.

The proposed expansion should not increase the impact of any of the items found in 3C, above:

Except during construction, when it may reasonably be expected, the residential addition should not create noise, vibration or dust. Odor, fumes, glare and smoke would not be expected to arise from the addition of a bedroom and bath. Numbers and kinds of vehicles at the site should not increase, except during construction. Amount and nature of outside storage, loading and parking should not be impacted. Guest parking should be ample after construction, as the concrete driveway is over 900 square feet and there are two garage parking spaces. The contractor has indicated construction vehicles will be parked in the driveway during construction.

There is no reason to expect an impact of water quality, as the amount of lot coverage and therefore the amount of water displace will not be increased by this addition.

Effects on existing vegetation and drainage are addressed elsewhere in the staff report.

Standards for hours of operation do not apply, nor do standards for service or other benefits to the area. The house will continue to be used as a residence, a use that is compatible with the residential zoning of the neighborhood.

The expansion of this structure, which may be a legal non-conforming structure, will conform to the standards of the AC-RCR Zone and will meet the standards of Section 4.125 (3) (C). No variance is required.

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

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

Applicant: "The home sits on the northwest section of the lot and is a single story home with a half daylight basement that faces east. The proposed height of the new addition is below the existing structure and within the 18-foot height restriction. (Refer to site map.)"

Staff Finding: The peak of the roof addition, according to the average grade calculations by CastleRock Survey, will be less than 18-feet from the height of average grade, which would meet the requirement of the 18-foot height restriction for oceanfront setbacks in the AC-RCR Zone.

Photos supplied by the applicant show the home to the immediate north, which appears to be similar in height, bulk and shape. The new portion of the structure would meet all setbacks, and the arrangement of the addition over the existing garage is a standard design that helps minimize the structure's foot print on the site. This lot, at 0.69 of an acre, is more than 30,000 square feet in size, far larger than the 7,500 square-foot minimum of the zone, which further reduces the visual impact of the dwelling, as does removal of a chimney from the center of the house, which is part of the proposal. The foundation work has been engineered to stop the house from sinking further, but the work is designed not to increase the height in anyway.

The house, originally built in 1954, currently is 2,347 square feet. The addition will add 338 square feet of guest suite space, a less than 7% increase in the square footage of the dwelling. The foot print, and therefore lot coverage, will remain the same. The roofing materials are being designed to match the existing home. Although replacement windows are mentioned in the application, they were covered by a minor design review application in June, which was approved already.

The location, height, bulk, shape, and arrangement of the addition should be compatible with the surrounding neighborhood.

The two closest property lines are the front (east) property line and the side (north) property line. Setback from the front property line is 20 feet, and the house is approximately 38 feet from the front property line. The applicant has been requested to provide the exact figure at the design review hearing. The north side yard setback requirement is 10 feet, and the house is 22 feet from the property line.

A condition of approval will be recommended that will include a final elevation survey, to ensure the addition meets both FEMA flood height requirement for Velocity Zone and the 18-foot ocean front height restriction. The foundation work recommended in the geotechnical investigation will consist of underpinning existing foundations with new spread footing foundations, helical piers and driven steel piles, to be embedded below surface grade and therefore not visible.

Applicant meets this criterion as presented and conditions of approval will ensure compliance.

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

Applicant: "The neighbors with direct views of the new addition have been made aware of the plans and have seen the drawings and there are no views that will be impaired. I was given permission to take pictures from the ocean side of decks of multiple homes to prove the addition will not impede on views. (refer to pictures that include proposed addition.)"

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

Review of the application and Criterion 1, above, shows the proposed remodel is to a single-family dwelling. The height of the remodeled roof will meet the height restriction. The applicant's materials demonstrate how the addition will appear from several areas in the surrounding neighborhood. The roof will not extend higher than the existing roof of the main part of the house, and photo simulations suggest neighboring views of either the sea or sky will not be impacted, and a chimney in the center of the rood will be removed, actually enhancing views.

Public notice was provided to property owners within 250 feet of the property lines of the parcel, and one comment, from Karen Waibel, 80239 Pacific Road, was received regarding concerns about disruption of ocean views.

Staff provided the contractor's photo simulation to Ms. Waibel, who is reviewing the photos. She will visit her beach home after this report has been written, but before the hearing, and will provide further comment if necessary. Her current comments are part of the record in Exhibit 3.

The project would add 338 square feet to the house's current total 2,347 square feet, less than a seven percent increase. The increase would result in a total of 2,685 square feet. The Cobb home already is the largest dwelling in the immediate neighborhood with respect to total square footage; however, the house's larger square footage owes to the daylight basement, which significantly increases the square footage of the home while maintaining a smaller footprint of a little more than 1,800 square feet. Because the basement is partially underground, its visual impact is less than that of a regular two-story house.

The addition is designed to meet the 18-foot height restriction. No variance to the oceanfront height requirement is requested. A height survey to satisfy both the FEMA Flood Plain review requirements for construction in the Velocity Zone and the requirements of the AC-RCR Zone height limitations has been performed by CastleRock Survey. CastleRock Survey calculated the average grade and will perform a post-construction elevation survey, again, to document compliance with both FEMA and the height requirements of the AC-RCR Zone.

The use is permitted, lot coverage and the footprint will not be increased, the height of the roof will meet the limitation of the zone, and ocean views are protected through the requirements of the zone. If Ms. Waibel provides additional testimony, it will be presented to the committee for review.

Applicant meets this criterion.

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

Applicant: "The landscape will be minimally altered during construction and will be preserved to its original state."

Staff Finding: No change is planned in the footprint of the dwelling; therefore, no trees and vegetation are proposed to be removed, no soil is proposed for removal, nor is cut-and-fill construction proposed. A condition that areas disturbed by construction activities 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: "Reusing existing utilities."

Staff Finding: No new utilities are proposed.

Applicant meets this criterion.

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

Applicant: "All exterior lights will be switched and facing down and away from neighbors."

Staff Finding: Applicant does not define "switched", so it is unclear if it means "changed out or replaced" or if it means the new lights will have individual switches. Regardless, the applicant states the exterior lights are to be pointed down, away from the night sky, and away from neighbors. A condition of approval will be is recommended to assure full cut-off design is used on exterior lights.

This criterion can be satisfied with a condition of approval.

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: "Does not apply."

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

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

Applicant: "The parking will be in the driveway of the existing home."

Staff Finding: This criterion applies to commercial developments and zoning.

This criterion is not applicable.

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

Applicant: "Does not apply."

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

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

Applicant: "No additional surface water will be introduced to the site and there are no plans to alter drainage."

Staff Finding: The amount of lot coverage will not change and there is no increase in the size of the foot print of the house; the roof will be higher, but it will not be larger. No increased accumulation of water will occur. A condition of approval will be recommended that the addition be guttered and tie into the existing drainage system.

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.

COMMENTS RECEIVED:

1) Karen Waibel, 80239 Pacific Road, Arch Cape, responded initially on July 31, 2012, requesting information about the height of the addition, stating she believed anything above the existing height would impact views and would not fit in with other houses in the neighborhood. In subsequent emails, staff provided information about how average grade and height limitations are calculated and obtained permission for the contractor to photograph the Cobb home from Ms. Waibel's property to devise a simulation of what she would see. Ms. Waibel stated in a later email she is "sensitive to the issue because I know that issues have arisen in the past when work has already been completed. I want to make sure that we have a clear understanding of the scope of the project because the scale of the other homes in the area is not large, and that particular piece of property along the creek is very scenic." Ms. Waibel's full comments may be found in Exhibit 3.

Staff Response:

Staff has provided Ms. Waibel with a photo simulation submitted by the applicant, the same one found in the committee's packet. She is reviewing the simulation and stated she would visit her beach home during the week after this report was written. Staff will contact her prior to the hearing to find if she still has concerns.

As stated above, in 2. Protection of Ocean Views, the proposed addition would meet all setbacks, including height restrictions. The photo simulations suggest ocean views would not be impacted.

A post construction survey will be performed by CastleRock Survey, to document compliance with both FEMA and the height requirements of the AC-RCR Zone.

The addition goes over the existing foot print of the garage on the north side of the property and will not encroach on Asbury Creek in anyway.

As long as the proposed addition meets the standards and criteria found in the AC-RCR zone for setback and height, according to Section 3.064 the development is considered to protect ocean views.

2) Thomas Merrell, District Manager, Arch Cape Water and Sanitary Districts, responded on August 1, 2012, stating the sanitary district will require a full TV inspection of the sewer line from the house to the street, with video and report to be inspected by staff, who will notify the owner and/or contractor if repairs are necessary. The Water District, he continued, will require back flow devices on any potential cross connections.

Staff Response: Development and building permits are a requirement for construction and in turn require approval from all appropriate utility districts. The applicant and owners will be required to show approval from the Arch Cape Water and Sanitary Districts in order to obtain development and building permits.

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Overall Conclusion:

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

1. Construction shall occur as shown on the plans received with the application and on file in the Clatsop County Community Development Department. The Community Development Director may approve minor modifications of these plans if they are requested prior to construction of the minor modification.

2. The road, if damaged during construction, shall be returned to its previous condition or better before final inspection of the improvement.

3. The property owner shall obtain all required development and building permits and approvals prior to construction.

4. Design Review approvals are effective for a period of one (1) year from the date of approval of this document.

5. Development shall comply with all state, federal and local regulations and laws.

6. All construction activities shall follow the Design and Operation Standards and Requirements under Standards Section S2.504. The erosion control plan submitted with this application is adequate when applying for a development/building permit.

7. Natural vegetation shall be retained to the maximum extent possible. All work vehicles related to this project shall remain on driveway and any vegetated areas disturbed by this project shall be reseeded or replanted as necessary with 30 days of completion of the project.

8. Water drainage for the addition's roof shall be directed to the existing drainage system via gutters or other appropriate means, and the drainage plan shall be included on building permit drawings.

9. Natural vegetation shall be retained to the maximum extent possible. Re-vegetation, i.e. reseeding of grass, etc., of any areas disturbed during construction shall be completed within 30 days of completion of construction, or as soon as possible, weather permitting.

10. New exterior lighting shall be full cut-off design, and lighting shall be shielded from neighboring properties, the beach and the night sky.

11. An elevation survey shall be performed after final construction but before final occupancy, to ensure the 18-foot height restriction requirement is met.

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SOUTHWEST COASTAL DESIGN REVIEW

CRITERIA EVALUATION SHEET

Applicant: Ryan Schenk
3930 SE Evergreen Street
Portland, OR 97034

Owner: Charles R. and Nancy Jean Cobb
2301 Summit Drive
Portland, OR 97034

Property Description: T4N, R10W, Sec. 19CC, TL 501

80220 N. Pacific Road

DESIGN REVIEW CRITERIA

1. Relation of Structure to Site: The home sits on the northwest section of the lot and is a single story home with a half daylight basement that faces east. The proposed height of the new addition is below the existing structure and within the 18-foot height restriction.

2. Protection of Ocean Views: Public notice was mailed to neighbors within 250 feet of the new addition. The contractor has visited with several and shared the drawings. One neighbor commented on views, but her concerns regarding views have been allayed. The contractor was given permission to take pictures from the ocean side of decks of multiple homes to prove the addition will not impede on views.

3. Preservation of Landscape: The landscape will be minimally altered during construction and will be returned to its original state after construction concludes.

4. Utility Service: Reusing existing utilities.

5. Exterior lighting shall be of a "full cut-off" design: Any new exterior lighting will be full cut-off design

6. Buffering and Screening (For Commercial Uses): Not applicable.

7. Vehicle Circulation and Parking: Not applicable.

8. Signs: Not applicable.

9. Surface Water Drainage: No increase in impervious area. A condition of approval is recommended that the addition be guttered and tie into the existing drainage system.

The above-entitled matter came before the Southwest Coastal Design Review and Citizen Advisory Committee at its August 15, 2012, meeting for a public hearing and consideration of proposal.

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

Dated this _____ day of August.

The Southwest Coastal Design Review /
Citizen Advisory Committee

_____

John Mersereau, 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 #:	**20120298**
Permit Type:	**Type I**
Entry Date:	**7/12/2012**
Entered By:	**Julia Decker**
Assigned To:	
Permit Status:	**Entered**

Permit Timeline

User	Status	Date
Julia Decker	Entered	07/12/2012

Proposed Use

Proposed Use: **Residential Addition**

Zone: **AC-RCR**

Description: Major design review

Overlay District: **FHO , GHO , RCO**

Owner/Project Location

Owner: Name: **Cobb Charles R & Cobb Nancy Jean** Ph. #: (503) 939-0294

Address: 2301 Summit Dr Cell: ( ) -

City, State, Zip: Lake Oswego, OR 97034 Fax: ( ) -

Situs Address: 80220 Pacific Rd

City: Arch Cape State: OREGON

T	R	S	Q S	Qq S	Taxlot
4	10	19	C	C	00510

Applicant/Agent

Applicant: Name: Ryan Schenk Ph. #: (503) 221-0022

Address: 3930 SE Evergreen Street Cell: ( ) -

City, State, Zip: Portland, OR 97034 Fax: ( ) -

Ph. #: ( ) -

Cell: ( ) -

Fax: ( ) -

Fees

Fee Type:	***Permit Fee Total:***
Planning/Development	$954.00
Total:	**$954.00**

Receipt

Payor Name:	***Pymnt Type***	***Check #***	***Pymnt Date***	***Pymnt Amount:***
	Check	1062	07/12/2012	$954.00

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: Ryan Schenk Phone: 503 939 0294

Address: 3930 SE Evergreen St. Portland OR 97202

OWNER: Charlie Cobb Phone: 503-221-0022

Address 2301 Summit Dr. Lake Oswego OR 97034

AGENT: _____ Phone: _____

Address: _____

New addition above garage.

Proposed Development: 80220 Pacific Road, Arch Cape

Present Zoning: _____ Overlay District: _____

Lot Size: _____

Property Description: _____ _____ _____ X

Township Range Section Tax lot(s)

Property Location: Arch Cape

General description of the property:

Existing Use: Vacation Home

Topography: _____

General description of adjoining property:

Existing Uses: Vacation homes

Topography: _____

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

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

Applicant's Signature: _____ Date: 7-12-12

Owner's Signature: Vanny Cobb Date: July 12, 2012

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

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

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

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

1. The following types of projects shall require review according to the Type II procedure, Section 2.020. For purposes of these types of Major projects, review by the Design Review Advisory Committee as described in Section 4.108, is required.

   (A) Any new residential development proposing to construct a dwelling as described in Section 1.030 (Dwelling Types).

   (B) Any new commercial development proposing to construct structures devoted to a commercial use.

   (C) Any new commercial development creating additional cumulative square footage.

   (D) Any new residential development creating additional cumulative square footage.

   (E) Accessory buildings in residential zones.

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: R. Ladd Date: 7-12-12

Owner's Signature: _____ Date: _____

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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.

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   (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.

(F) Accessory buildings associated with commercial developments and containing no residential units.

(G) Development and Construction of transportation facilities.

(H) Any Change in Use, Variance Request, Conditional Use Permit, or Other Use Requiring Review through Type II, III, or IV procedures with exception of those described in 4.109(2).

2. The following types of projects shall require design review according to the Type II Procedure, Section 2.020. For purposes of these types of Minor projects, review by the Design Review Advisory Committee as described in Section 4.108, is not required.

(A) Any project that requires a building permit and does not result in the expansion of the exterior dimensions and/or footprint.

(B) If the Community Development Director determines that a development may significantly impact adjoining properties with respect to location, bulk, compatibility, views, preservation of existing landscape, or other applicable criteria identified in Section 4.103, the application will be forwarded to the Design Review Advisory Committee for review.

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

Section 4.103. Criteria for Design Review Evaluation. In addition to the requirements of the Comprehensive Plan, other applicable sections of this Ordinance and other County Ordinances, the following minimum criteria will be considered in evaluating design review applications:

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

2. Protection of views shall be preserved through the confines of this ordinance section 3.064.

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.

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

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).

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.

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.

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.

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.

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

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

Section 4.104. Application Procedure. The following procedure shall be followed when applying for design review approval:

1 Pre-application Conference. The applicant shall discuss the proposed development with the staff of the Clatsop County Department of Community Development in a preapplication conference pursuant to Section 2.045.

2 Following the pre-application conference, the applicant shall file with the Planning Director a design review plan, which shall include the following:

(A) The Site Plan shall indicate:

i. All adjacent structures within 100'.
ii. All existing trees 6" caliper or greater, indicating any tree to be removed.
iii. Existing grades in contours of 1' vertical intervals.
iv. Proposed final grading in contours of 1' vertical intervals.
v. The finished site arrangement and landscape features(pedestrian walks, fences, walls, landscaping, etc.)
vi. The location of entrances and exits and the direction of traffic flow into and out of off street parking and loading areas.
vii. Utility lines and services and how they are being provided.

viii. A drainage plan for storm water runoff and retention (bio-swales, drywells, retention ponds, etc.)

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

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

Section 4.105. Plan Evaluation Procedure. The following procedure shall be followed in processing a design review plan:

1 Upon receipt of a design review application and plan, the Community Development Director will examine it to determine whether it is complete (and consistent with the requirements of this Section). If found to be complete, the Community Development Director shall determine whether the application will require Minor or Major Review under Section 4.102(1-2)(Types of Review). If the request is considered a Major Review under Section 4.102(1)(Types of Review), the Director shall forward the application and plans to the Design Review Advisory Committee for its review and recommendation.

2 The Design Review Advisory Committee will review the application and plan at its first regularly scheduled meeting and shall make a written recommendation to the Planning Director within 21 days after receipt of the application.

3 The Community Development Director may approve the design plan, disapprove it or approve it with such modifications and conditions as may be required to make it consistent with the Comprehensive Plan, with the criteria listed in this Section and with other Sections of this Ordinance.

4 A decision on a design review plan shall include written conditions, if any, and findings and conclusions. The findings shall address the relationships between the plan and the policies and criteria listed in the Comprehensive Plan, this Section and other Sections of this Ordinance.

5 The Community Development Director's decision shall be mailed within seven (7) working days to the applicant and to owners of land entitled to notification. The same mail, when appropriate, shall include notice of the manner in which an appeal of the decision may be made.

6 Appeals. See Section 2.230 for appeal procedure.

Section 4.106. Modifications of Approved Design Review Plan. Proposed changes shall be submitted in writing to the Planning Director for approval. Minor changes requested by the

applicant may be approved if such changes are consistent with the purposes and general character of the original approved application. All other modifications shall be processed in the same manner as the original application.

Section 4.107. Time Limit on Approval. Site design approvals shall be void after one (1) year unless a building permit has been issued and substantial construction has taken place per the International Building Code. However, the County may, at the discretion of the Community Development Director, extend authorization for an additional year upon request, provided such request is submitted in writing not less than 10 days nor more than 30 days prior to expiration of the permit.

Section 4.108. Design Review Advisory Committee. The Southwest Coastal Citizens Advisory Committee (CAC) shall serve as a Design Review Advisory Committee for Arch Cape and will review development proposals and make recommendations to the Community Development Director and Planning Commission concerning the design and scenic view aspects of proposed developments.

1 Meetings; Records. The committee shall hold regular meetings on the first and third Wednesday of each month at the Arch Cape Fire Hall or designated sites. However, meetings may be canceled when there are no design review plans submitted for review by the Committee. The deliberations and proceedings of the committee shall be public. The Community Development Department shall keep minutes of the committee meetings and such minutes shall be public record.

2 The Design Review Advisory Committee shall submit their recommendations to the Community Development Director within seven (7) working days of their decision.

Scope of work:

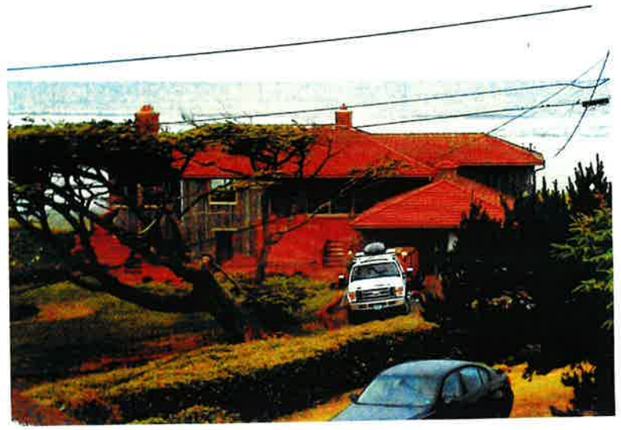
The project includes new windows throughout the home, removal of one of two chimneys, a new roof to match the existing roof in design, supporting the existing foundation with pile and heli coils, and a new bedroom and small bathroom addition on top of existing garage.

The foundation work is do to some settling the has taken place or the life of the home. The pin piles and coils will for the most part be driven in the inside of the home. They will be driving to a depth of four to twelve feet below the foundation and are not intended to raise the home but to keep it from any further settlement. An extensive geotechnical survey has been done and a report has been produced that enabled the structural engineer to make a decision on how to support the new addition and stop the home from settling. The report has been provided.

The proposed bedroom addition is to be constructed following the local guild lines and regulation especially the eighteen foot height restriction. The new roof line will fall below the lower roof line of the existing home. There will be onsite visits by Castle Rock Surveying to help maintain the height of the new addition. Castle Rock has seen and has a set of plans that meet with all local flood plain and velocity zone and height restrictions. The intent of the home owner is to have an addition that blends seamlessly into the existing homes design and in no way impedes on the views of the surrounding homes.

1. **Relation of Structure to Site:** The home sits on the North West section of the lot and is a single story home with a half daylight basement that faces the east. The proposed height of the new addition is below the existing structure and within the 18 foot height restriction. (refer to sight map)
2. **Protection of views:** The neighbors with direct views of the new addition have been made aware of the plans and have seen the drawings and there are no views that will be impaired. I was given permit ion to take pictures from the ocean side decks of multiple homes to prove the addition will not impede on views. (refer to pictures that include proposed addition)
3. **Preservation of Landscape:** The landscape will be minimally altered during construction and will be preserved to it original state.
4. **Utility Service:** Reusing existing utilities.
5. **Exterior Lighting:** All exterior lights will be switched and facing down and away from neighbors.
6. **Buffering and Screening:** Dose not apply
7. **Vehicle Circulation and Parking:** The parking will be in the drive way of existing home.
8. **Signs:** Dose not apply
9. **Surface Water Drainage:** No additional surface water will be introduced to the sight and there are no plans to alter the drainage.
10.

1.



BEFORE - LOOKING WEST FROM STREET

2. AFTER - LOOKING SW FROM ST.

2.

BEFORE - LOOKING SW FROM STREET

1. AFTER - LOOKING WEST FROM ST.

3.

BEFORE - LOOKING NORTH

Preliminary
Not for Construction

ROOSLAGHBUILDERDESIGN.COM
5832 N. ATLANTIC AVE
PORTLAND, OR 97217
P 503.289.0936
C 503.312.4445
F (503) 283-3184

Cobb - Arch Cape Addition
80220 Pacific Road
Arch Cape, OR 97102

Before photos
After sketches

Drawn | JUN 6 2011
Revised

P1

Scope of work involves a guest bedroom and guest bathroom addition to the existing residence at 80220 Pacific Road in Arch Cape, Oregon.

The addition will be constructed above the existing two car garage. The new roof will match the existing roof in pitch, color and material. The new roof height will remain below the existing house roof height.

The existing northern furnace chimney will be removed.

The siding material on the addition will match the existing board and batten siding as on the house.

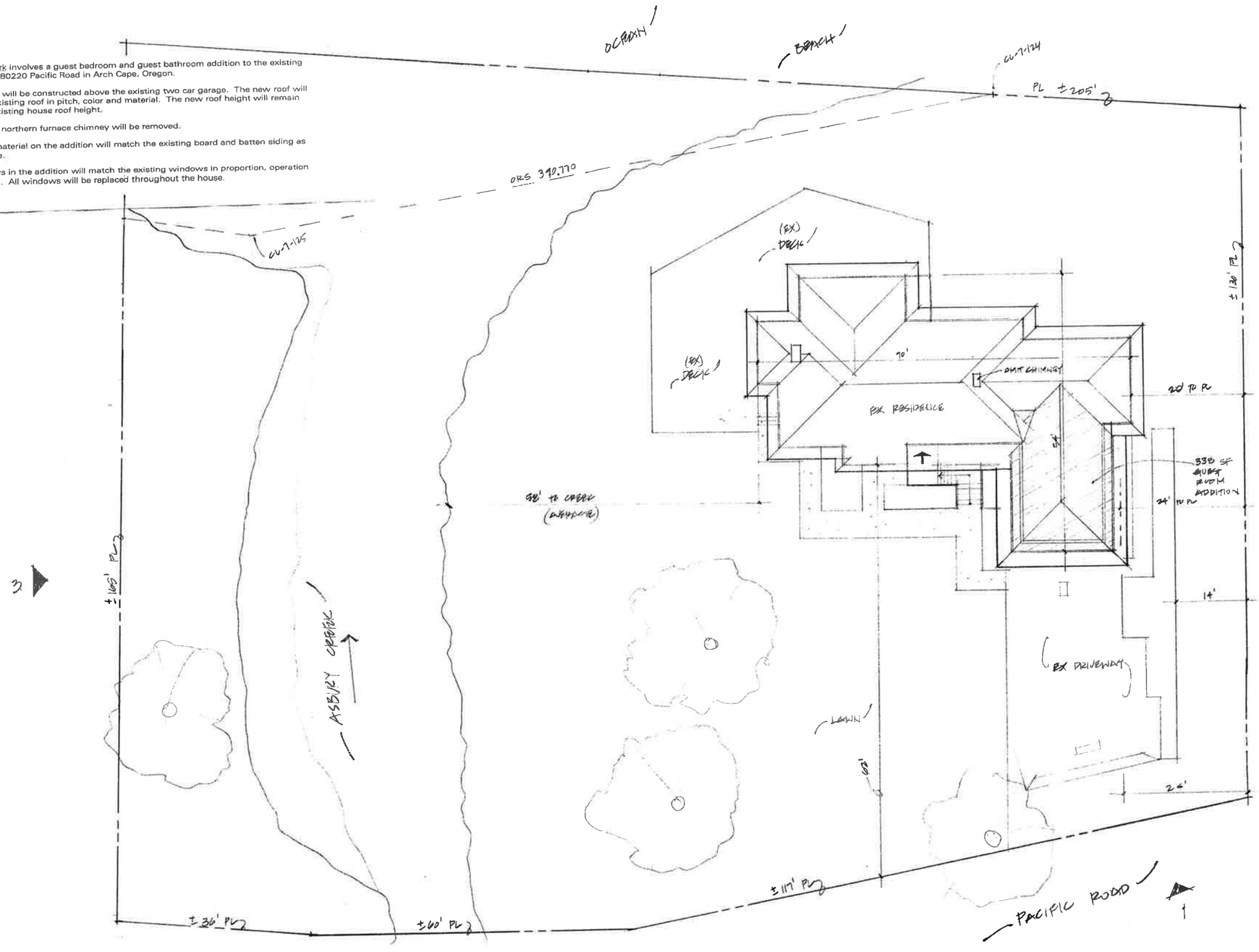
The windows in the addition will match the existing windows in proportion, operation and material. All windows will be replaced throughout the house.

Stormwater runoff notes:

1. The guest room addition involves no additional impervious surface. The new roof area is over existing garage roof. We are simply raising the roof line.

2. All existing downpouts will remain as they currently exist. The new roof area will drain into the existing gutter and downspout system.

3. The current stormwater system collects the rainwater and diverts it underground and to the sea.



SITE PLAN
1" = 10'-0"

Preliminary:
Not for Construction

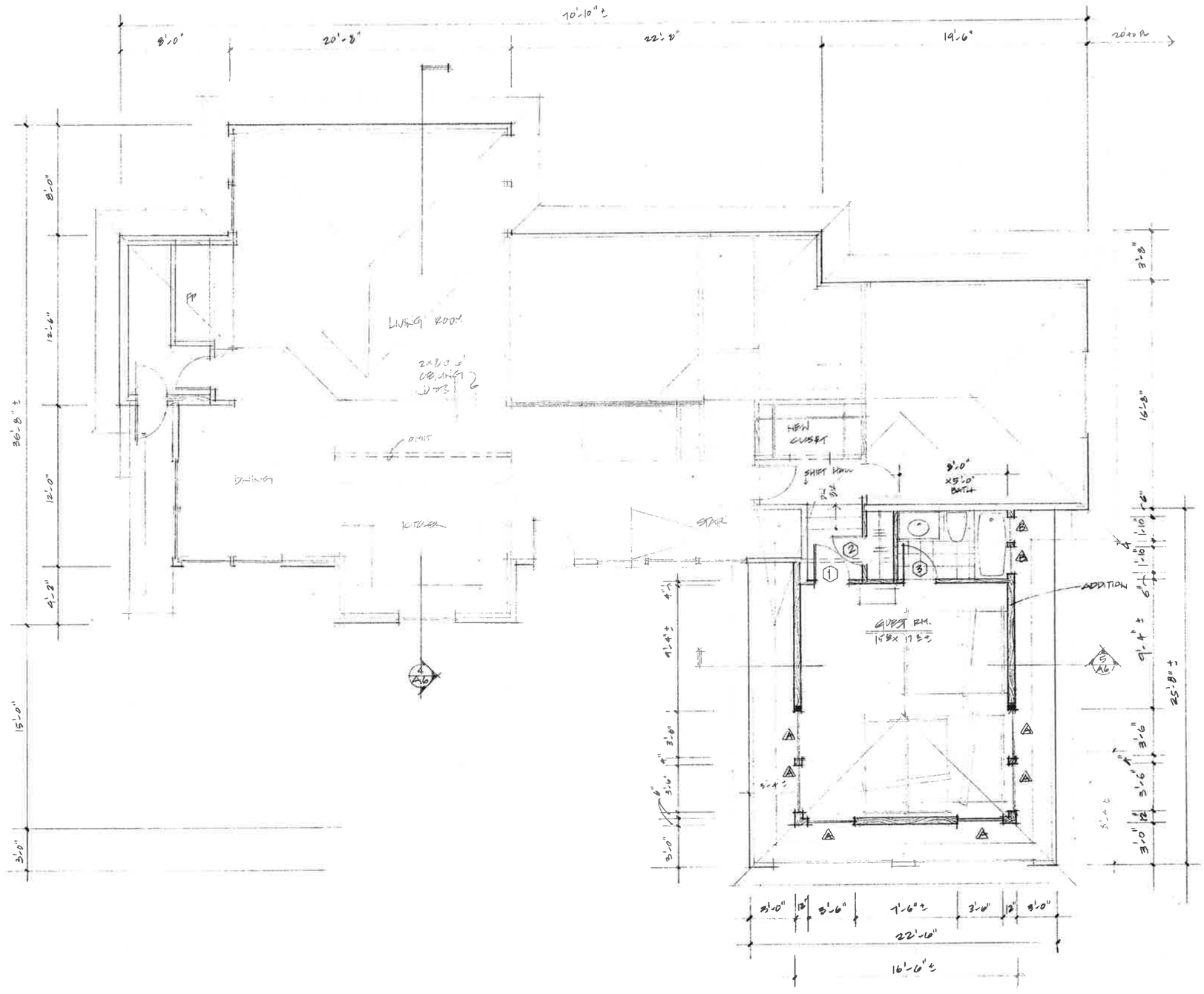
TODD ASHER DESIGN
TODDASHERDESIGN.COM
heatherdesign@juno.com
5632 N. ATLANTIC AVE
PORTLAND, OR 97217
c. 503 289 0016
h. 503 201 2440
f. 503 288 5594

Cobb - Arch Cape Addition
80220 Pacific Road
Arch Cape, OR 97102

Site Plan
General Notes

drawn | 16 MAY 2012
revised | 6 AUG 12

A1



1 MAIN FLOOR PLAN 350 SF ADDED

1/4" = 1'-0" 1630 EX SF + 350 SF ADDED = 1980 SF MAIN FLOOR + 474SF BASEMENT = 2454 SF TOTAL

NORTH

Preliminary:
Not for Construction

TODD ASHER DESIGN.COM
tasherdesign@juno.com
P 503 288 0016
F 503 288 3340
/ 503 288 8584
5532 N ATLANTIC AVE
PORTLAND, OR 97217

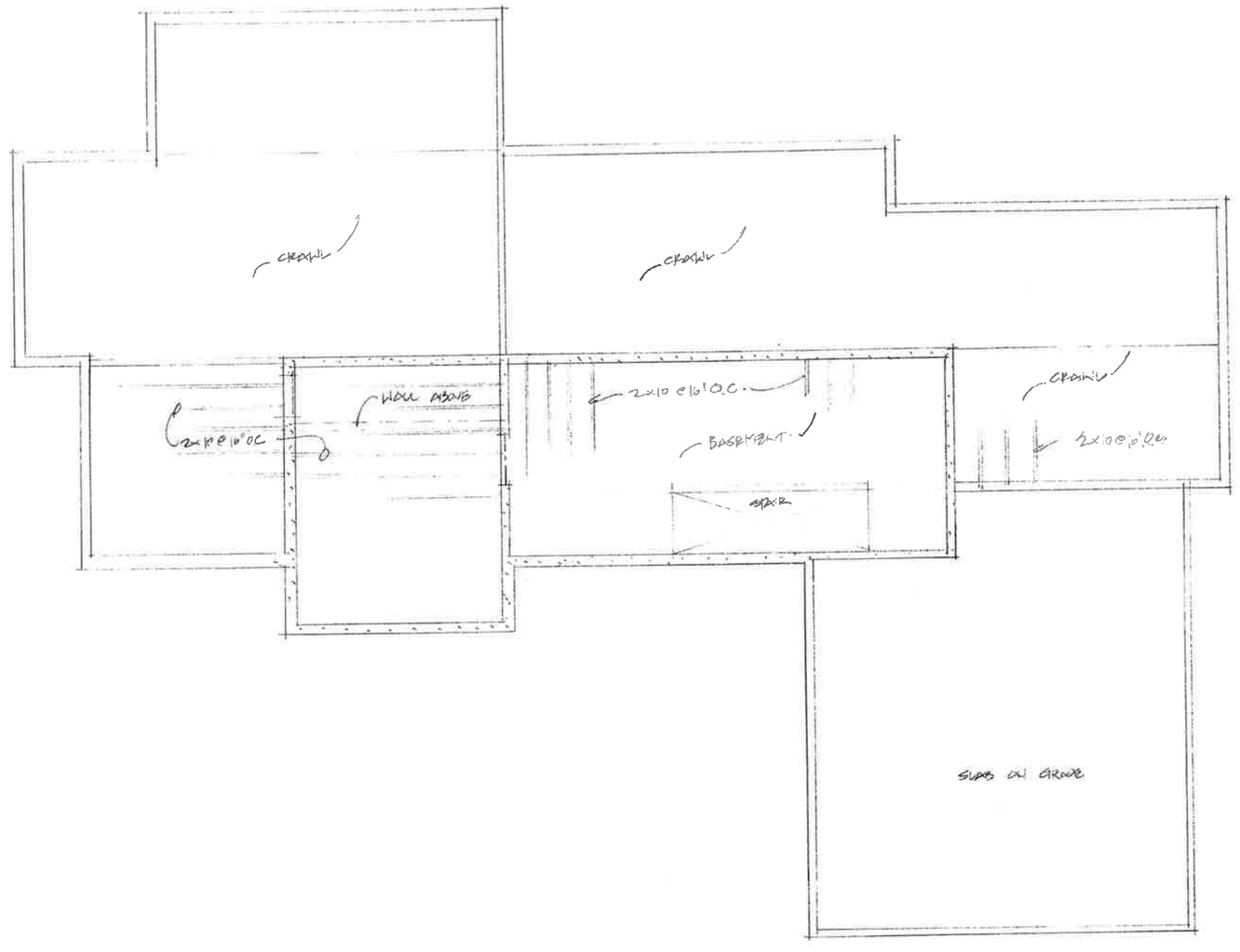
Cobb - Arch Cape Addition

80220 Pacific Road
Arch Cape, OR 97102

Main Floor Plan

drawn | 16 MAY 2012
revised| 6 AUG 12

A2



BASEMENT PLAN

1/4" = 1'-0"

474 SF

NORTH

Preliminary:
Not for Construction

TODD LASHBROOK DESIGN, LLC
5802 N ATLANTIC AVE
PORTLAND, OR 97217
p - 503.289.3045
m - 503.267.4540
f - 503.289.5584
TODDLASHBROOKDESIGN@juno.com

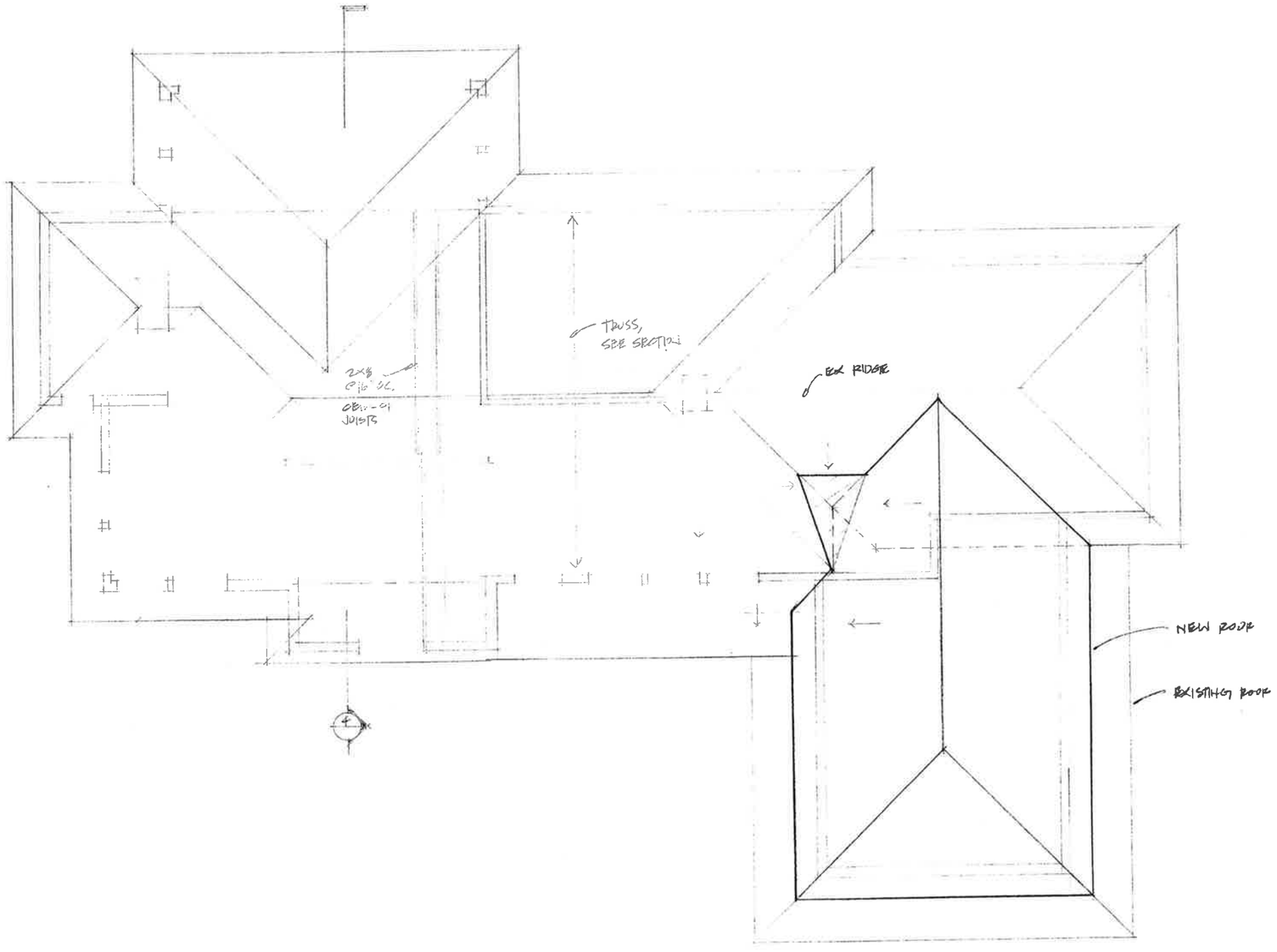
Cobb - Arch Cape Addition

80220 Pacific Road
Arch Cape, OR 97102

Basement Floor Plan

drawn | 16 MAY 2012
revised |

A3



2 ROOF PLAN
1/4" = 1'-0"

Preliminary:
Not for Construction

TODD HUNTINGTON, CPM
toddhuntington@yahoo.com
5832 N ATLANTIC AVE
PORTLAND, OR 97217
P. 503 289 0018
M. 503 201 2440
F. 503 288 3584

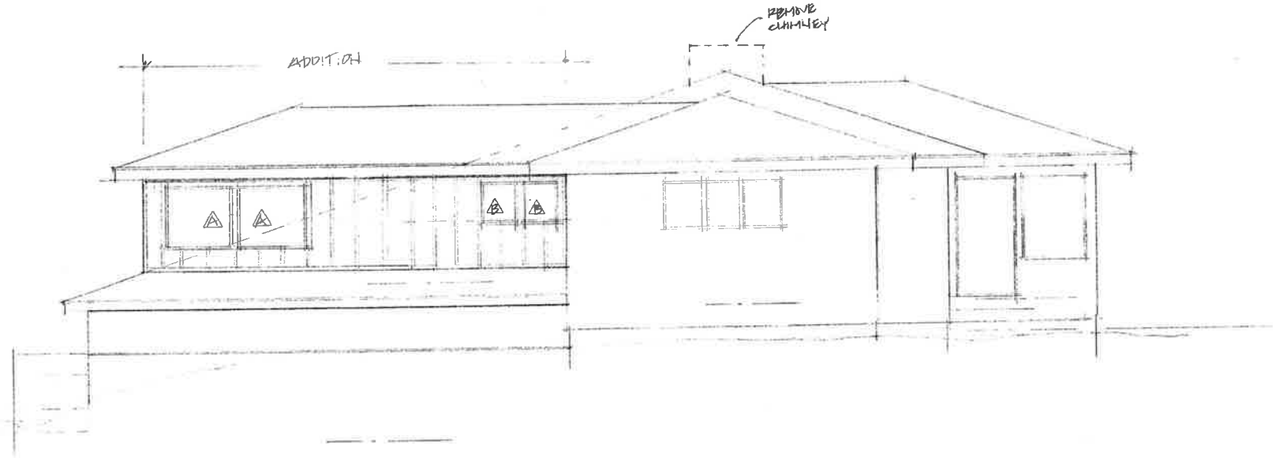
Cobb - Arch Cape Addition

80220 Pacific Road
Arch Cape, OR 97102

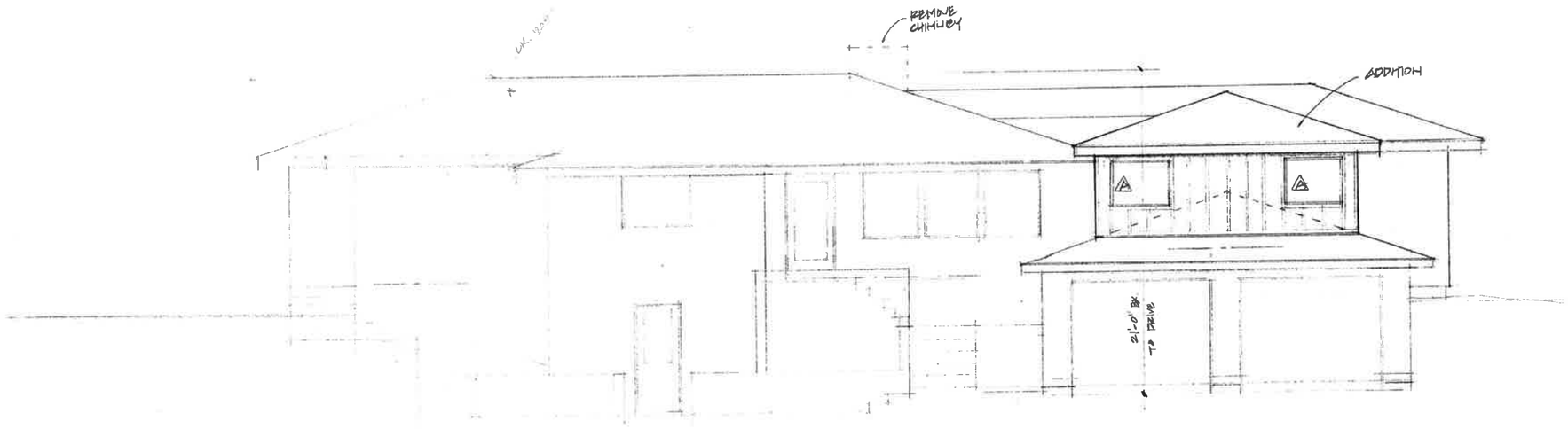
Roof Plan

drawn | 16 MAY 2012
revised |

A4



NORTH ELEVATION
1/4" = 1'-0"



EAST ELEVATION
1/4" = 1'-0"

Preliminary:
Not for Construction

TODD LASHBROOK DESIGN
TODDLASHBROOKDESIGN.COM
lashbrookdesign@juno.com
8632 N ATLANTIC AVE
PORTLAND, OR 97217
p 503.289.0018
m 503.201.2440
f 503.289.9584

Cobb - Arch Cape Addition
80220 Pacific Road
Arch Cape, OR 97102

Exterior Elevations

drawn | 16 MAY 2012
revised |

A5

Preliminary:
Not for Construction

TODDLASHERDESIGN.COM
lasherdesign@juno.com

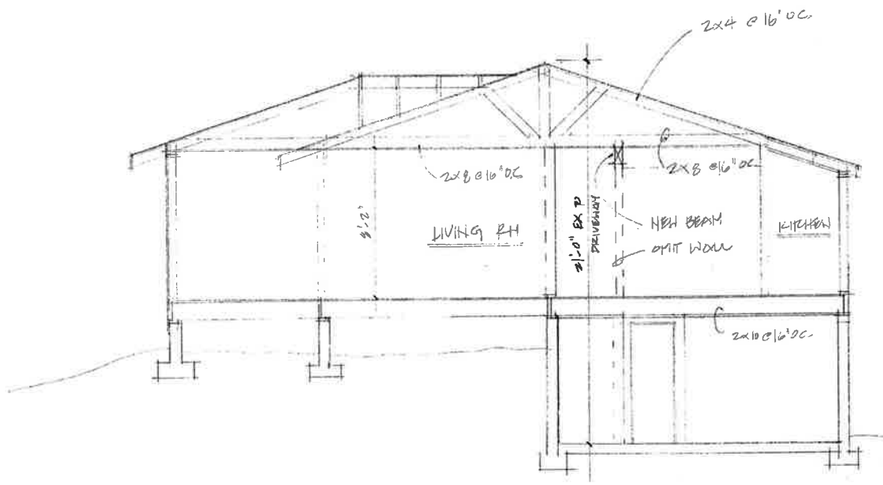
5632 N ATLANTIC AVE
PORTLAND, OR 97217
P: 503 289 6058
m: 503 201 2440
f: 503 289 9594

Cobb - Arch Cape Addition
80220 Pacific Road
Arch Cape, OR 97102

Building Sections

drawn | 18 MAY 2012
revised |

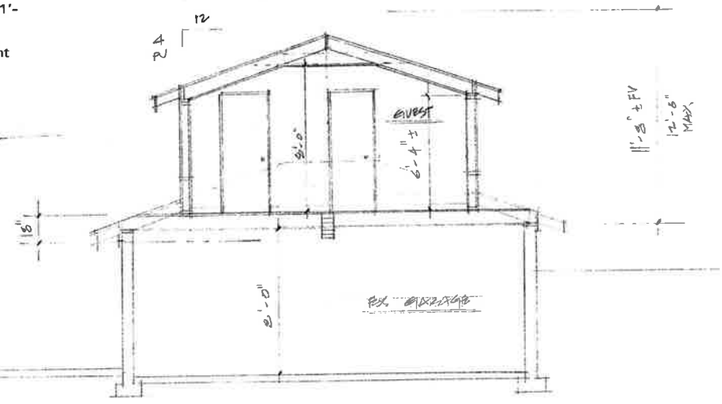
A6



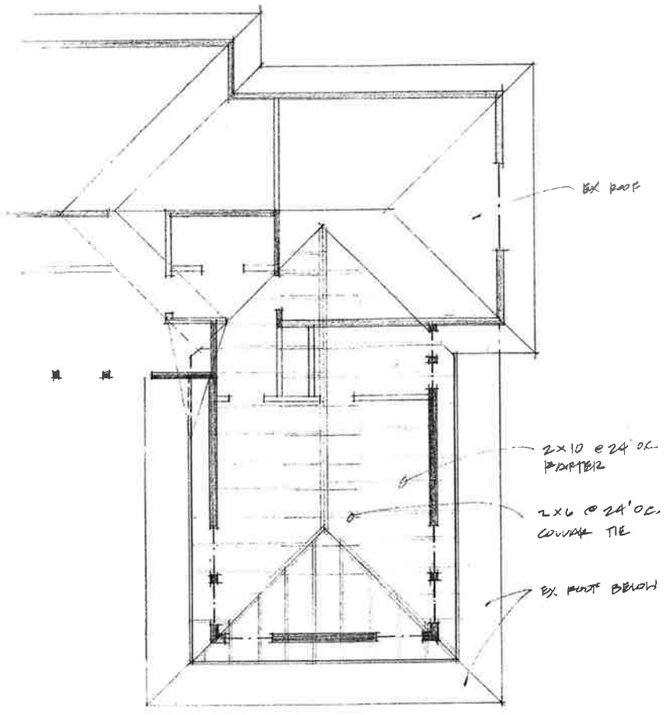
4 BUILDING SECTION
1/4" = 1'-0"

The height of the addition is limited by code to 12"-6" above the ceiling of the garage. The new construction will be 11'-8" +/- above the ceiling of the garage.

North Coast Survey has confirmed height measurements and will verify that the height is within the restricted height during construction.

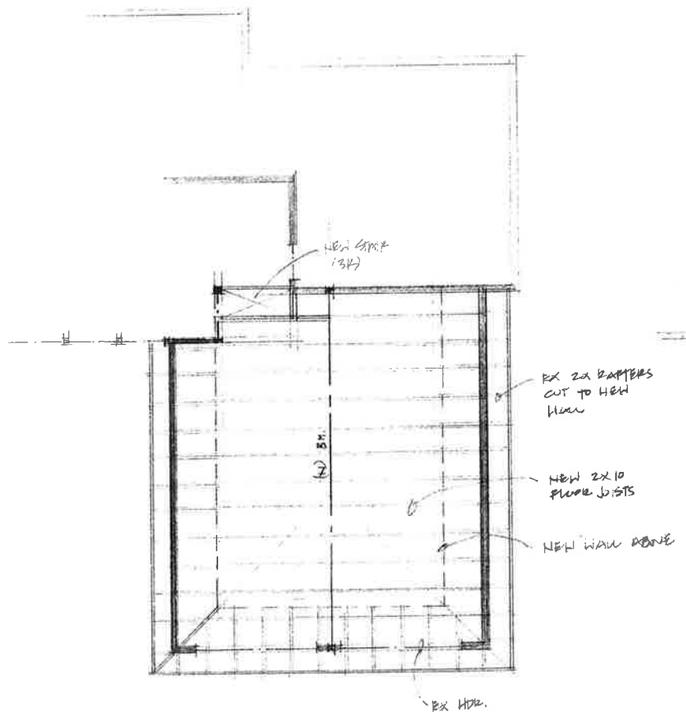


5 GARAGE SECTION (TO WEST)
1/4" = 1'-0"

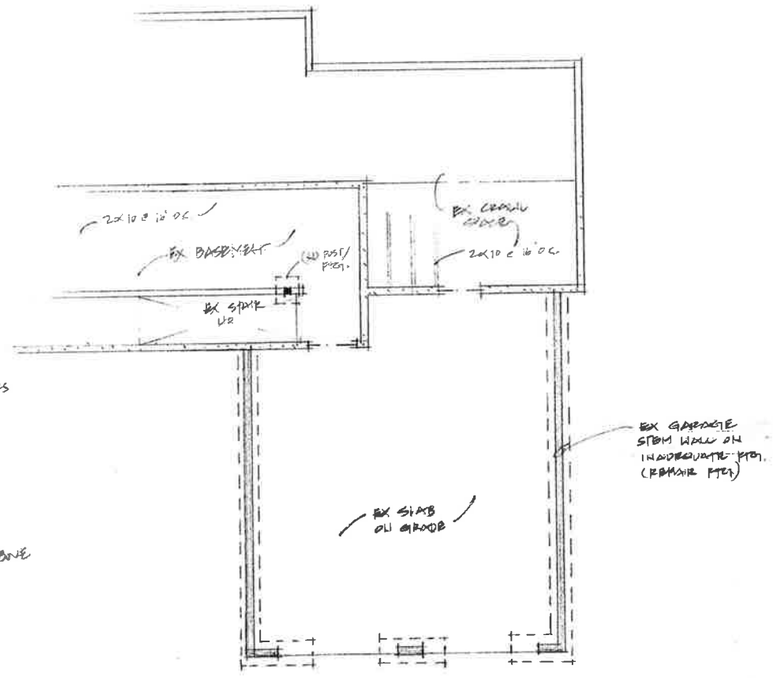


1 ROOF FRAMING PLAN
3/16" = 1' -0"

NORTH



2 SECOND FLOOR FRAMING PLAN
3/16" = 1' -0"



3 1ST FLR. FRAMING/ FNDN. PLAN
3/16" = 1' -0"

Preliminary:
Not for Construction

TODDLASHERDESIGN.COM
laasherdesign@yahoo.com

5632 N ATLANTIC AVE
PORTLAND, OR 97217

P 503 288 0016
M 503 201 2440
F 503 289 9584

Colbb - Arch Cape Addition
80220 Pacific Road
Arch Cape, OR 97102

Floor Framing Plans

drawn | 16 MAY 2012
revised |

S1

July 11, 2012

Ryan Schenk
Cobb Property
Arch Cape
Flood and Peak Height Information

Referring to the Todd Lasher Plans Dated May 16, 2012 and our Site Plan Dated May 31, 2012. Leaving the existing garage walls and going up from there with new construction, Bottom of joist would be at least 2' above the velocity zone elevation of 31' finished floor of the new construction would be at least 1' above the AH zone elevation of 32' and the roof peak would be less than 18' above average grade.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 2005
JOHN PETER WICKMAN
73558

RENEWS 6-30-2014

John Wickman

CASTLE ROCK
SURVEYING

PO Box 1252
Cannon Beach, OR 97110
(503)436-1218

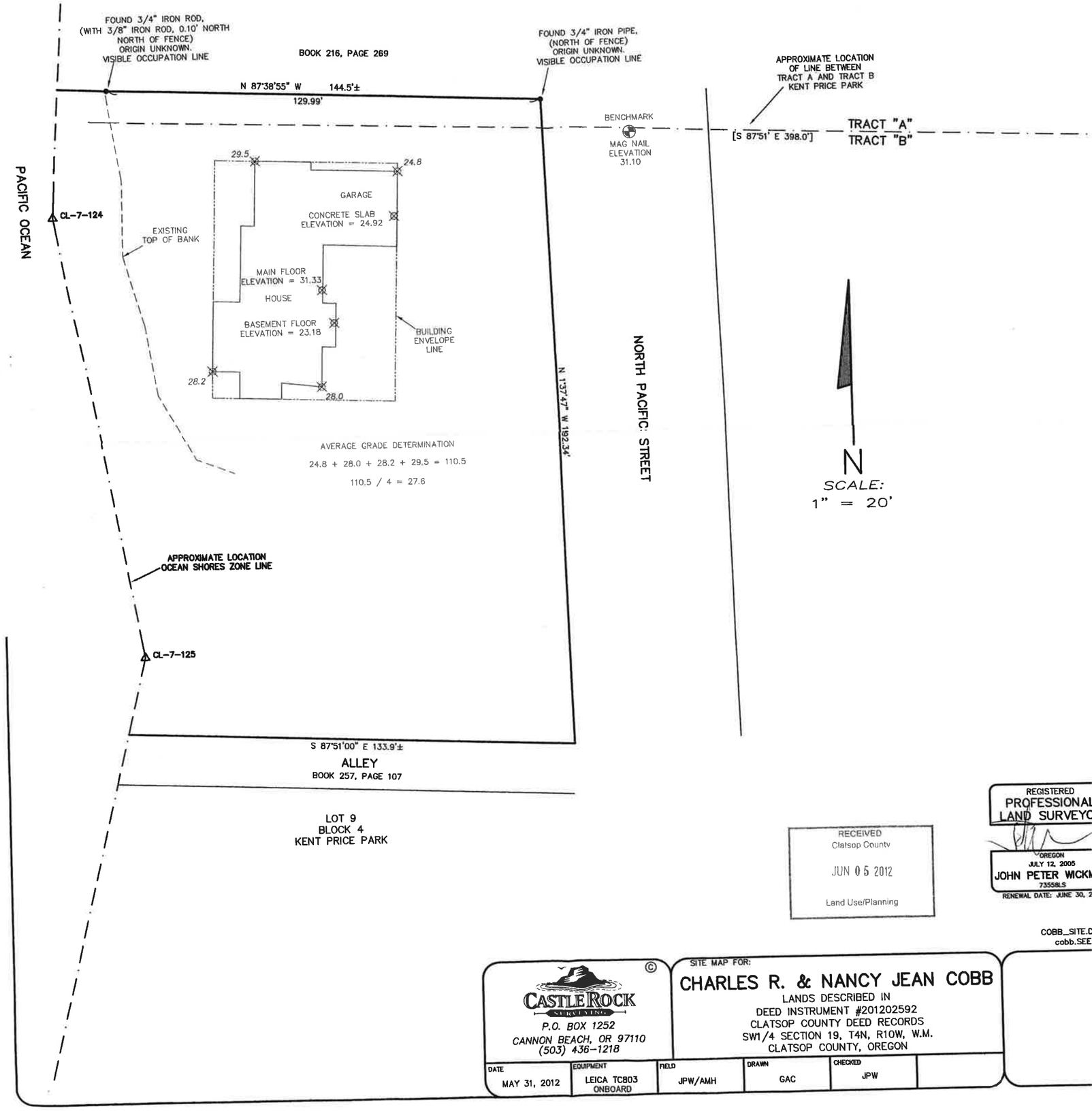
NOTES

THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY OF THE SUBJECT PROPERTY AS DESCRIBED IN DEED INSTRUMENT #201202592, CLATSOP COUNTY DEED RECORDS.

THERE IS NO SURVEY OF RECORD FOR THE SUBJECT PROPERTY.

THE PURPOSE OF THIS MAP IS TO SHOW THE LOCATION OF THE EXISTING STRUCTURE AND DETERMINE THE AVERAGE GRADE FOR THE PROPOSED CONSTRUCTION.

ELEVATIONS SHOWN ARE BASED ON THE NAVD'88 DATUM.



RECEIVED
Clatsop County
JUN 05 2012
Land Use/Planning

REGISTERED
PROFESSIONAL
LAND SURVEYO
OREGON
JULY 12, 2005
JOHN PETER WICKM
73558LS
RENEWAL DATE: JUNE 30, 2

COBB_SITE.D
cobb.SEE

© CASTLE ROCK SURVEYING
P.O. BOX 1252
CANNON BEACH, OR 97110
(503) 436-1218

SITE MAP FOR:
CHARLES R. & NANCY JEAN COBB
LANDS DESCRIBED IN
DEED INSTRUMENT #201202592
CLATSOP COUNTY DEED RECORDS
SW1/4 SECTION 19, T4N, R10W, W.M.
CLATSOP COUNTY, OREGON

DATE	EQUIPMENT	FIELD	DRAWN	CHECKED
MAY 31, 2012	LEICA TC803 ONBOARD	JPW/AMH	GAC	JPW

Exhibit 2

Vicinity of T4N, R10W, Sec. 19CC, Tax Lot 510, also known as 80220 Pacific Road, Arch Cape, Oregon

Exhibit 3

Julia Decker

From: Karen Waibel <thewaibels@comcast.net>
Sent: Tuesday, July 31, 2012 9:57 PM
To: Julia Decker
Subject: design review

Dear Ms. Decker,

I am writing in regard to the Major Design Review application submitted for the property at 80220 N. Pacific Rd. in Arch Cape.
(Number 510 on the map)

I am the property owner of number 105 on the map. I am requesting information about the addition above the existing garage. Will the addition raise the roof height? I feel that anything above the existing height would impact views and would not fit in with the other houses in the neighborhood.

Any additional information that you can send to me would be appreciated.

Thank you,
Karen Waibel
80239 Pacific road, Arch Cape

Julia Decker

To: Karen Waibel
Subject: RE: design review

-----Original Message-----
From: Karen Waibel [mailto:thewaibels@comcast.net]
Sent: Thursday, August 02, 2012 8:13 PM
To: Julia Decker
Subject: Re: design review

Yes, the photos you emailed are very useful. Thank you! the contractor does not need to send further photos - I felt that we did need to be sensitive to the height restrictions and the area. I will be at our beach house next Wednesday and I will envision what the project will look like.

Thanks again ~ Karen Waibel

On Aug 2, 2012, at 3:40 PM, Julia Decker wrote:

Ms. Waibel,

The contractor called me from your property this morning and stated he was not able to see the area of the proposed Cobb house addition from the ground level of your property. He was not sure if it would be visible from your second story. He stated he could, if you gave permission, place a ladder to gain access to your deck to obtain access and photograph from there. I told him I would ask you if you had a photo you could email to me, that I could provide to him.

Also, I suggested he photograph your house from the Cobb house, a sort of reverse strategy to gauge the visibility of the proposed addition.

Do you have a photo you could email? Also, have you been able to view the photo image I sent to you?

Thanks very much,
Julia Decker | Planner
Clatsop County Community Development
Land Use Planning Division, 800 Exchange, Suite 100, Astoria, OR 97103
Tel: 503.325.8611 | Fax: 503.338.3666

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-----Original Message-----
From: Karen Waibel [mailto:thewaibels@comcast.net]
Sent: Wednesday, August 01, 2012 4:09 PM
To: Julia Decker
Subject: Re: design review

Ms. Decker;

I would appreciate any information that the contractor wishes to send, and he may photograph the project from our property. There are two items I have questions about. Exactly what point or points is average grade measured from? Also, isn't having a surveyor measure the project once it is completed too late?

I am sensitive to the issue because I know that issues have arisen in the past when work has already been completed. I want to make sure that we have a clear understanding of the scope of the project because the scale of the other homes in the area is not large, and that particular piece of property along the creek is very scenic.

Thank you again for your attention in this matter ~ Karen Waibel

On Aug 1, 2012, at 2:10 PM, Julia Decker wrote:

Ms. Waibel,

Would you allow the applicant, Ryan Schenk, the Cobbs' contractor, to photograph the Cobb's house from your property? Mr. Schenk provided the attached photos with the addition superimposed, and one of the angles is from your next door neighbor's property. However, if you are agreeable, I would like to ask him to perform the same photographic work to a photo from your property as well.

The light gray over the garage shows the new addition. The chimney in the center of the roof is proposed for removal, and the plans state the peak of the addition's roof would be at or below 18 feet, as measured from average grade. One of the conditions of approval will be that the height is surveyed by a professional surveyor after completion to ensure the maximum height is not exceeded.

If you will allow it, I would like the contractor to simulate the view from your property if you think it will be different that the views you see represented in the attached photos.

Thanks,
Julia Decker | Planner
Clatsop County Community Development
Land Use Planning Division, 800 Exchange, Suite 100, Astoria, OR
97103
Tel: 503.325.8611 | Fax: 503.338.3666

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-----Original Message-----
From: Karen Waibel [mailto:thewaibels@comcast.net]
Sent: Wednesday, August 01, 2012 11:49 AM
To: Julia Decker
Subject: Re: design review

Thank you so much for your swift reply!

~Karen Waibel

On Aug 1, 2012, at 9:26 AM, Julia Decker wrote:

Ms. Waibel,

You comment has been received and placed in the record. According to the application, the addition's roof will meet the 18-foot height restriction for oceanfront construction. I will try and get some materials to you later this week that should help you visualize what is being proposed.

Julia Decker | Planner
Clatsop County Community Development Land Use Planning Division,
800 Exchange, Suite 100, Astoria, OR 97103
Tel: 503.325.8611 | Fax: 503.338.3666

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-----Original Message-----
From: Karen Waibel [mailto:thewaibels@comcast.net]
Sent: Tuesday, July 31, 2012 9:57 PM
To: Julia Decker
Subject: design review

Dear Ms. Decker,

I am writing in regard to the Major Design Review application submitted for the property at 80220 N. Pacific Rd. in Arch Cape. (Number 510 on the map)

I am the property owner of number 105 on the map. I am requesting information about the addition above the existing garage. Will the addition raise the roof height? I feel that anything above the existing height would impact views and would not fit in with the other houses in the neighborhood.

Any additional information that you can send to me would be appreciated.

Thank you,
Karen Waibel
80239 Pacific road, Arch Cape

Julia Decker

From: Thomas Merrell <thomasmerrell@gmail.com>
Sent: Wednesday, August 01, 2012 9:04 AM
To: Julia Decker
Subject: Re: Cobb Major Design Review

Julia,

I'm on vacation until the 5th so I send this as the Arch Cape water and sanitary districts official comments on this expansion.

The sanitary district will require a full tv inspection of the sewer service line from the house to the street. Video and report will be inspected by staff. If repairs are needed the owner or their contractor will be notified.

Arch Cape Water district will require back flow devices on any potential cross connections.

The use of the district utilities require documentation and approval by staff.

Please feel free to call if you have any questions. 1-503-739-2383

Thomas Merrell, district manager
Sent from my iPhone

On Jul 31, 2012, at 2:19 PM, Julia Decker <JDecker@co.clatsop.or.us> wrote:

> Tom,
>
> The 338 sq. ft. addition will contain a bedroom and bathroom.
>
> Enjoy your vacation!
> **Julia Decker** | Planner
> Clatsop County Community Development
> Land Use Planning Division, 800 Exchange, Suite 100, Astoria, OR 97103
> Tel: 503.325.8611 | Fax: 503.338.3666
>
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>
> <Public Notice.docx>

Exhibit 4

Foster Gambee
GEOTECHNICAL, PC

14355 NW McNamee Road
Portland, OR 97231

P: (503) 621-1233
F: (503) 621-3450

INVEST 1097

July 2, 2012

Charlie Cobb
2301 Summit Drive
Lake Oswego, OR 97034

SUBJECT: GEOTECHNICAL INVESTIGATION, PLANNED RESIDENCE ADDITION AND SETTLEMENT OF EXISTING RESIDENCE FOUNDATIONS, 80220 PACIFIC ROAD, ARCH CAPE, OREGON

At your request, Foster Gambee Geotechnical, P.C., (Foster Gambee) has conducted a geotechnical investigation for a planned addition to the above-referenced residence that you recently purchased. As part of our investigation, we also evaluated the settlement of existing residence foundations. As you know, Foster Gambee conducted a preliminary geotechnical evaluation of the subject property on January 27, 2012, which included an assessment of the geotechnical feasibility of constructing an earlier planned addition and an assessment of the existing residence foundation settlement. The results of our preliminary evaluation were presented verbally on that date to Ryan Schenk, who we understand will be the general contractor for the addition construction and for stabilizing settled foundations.

The primary purpose of our addition-related investigation was to evaluate site conditions with respect to the addition plans and to provide geotechnical-related guidelines and criteria for suitably founding the addition. The primary purpose of our settlement-related investigation was to evaluate the cause and severity of the foundation settlement; to evaluate if the settlement is ongoing; to assess the risk of future foundation settlement and associated residence damage; and to provide recommendations, if appropriate, for stabilizing or repairing the settled foundations.

The scope of work for our investigation was limited to the following:

- A review of the findings of our preliminary geotechnical evaluation of the property.
- A detailed ground-level reconnaissance of the property to document and evaluate surface materials and conditions.
- An observation and documentation of the condition of the existing residence from a geotechnical standpoint, including the condition of foundations and floor slabs, the levelness of floors, and the presence of structural cracks.
- Exploration of subsurface conditions in the addition area and in areas of residence settlement with five hand-auger borings and three driven test piles.

- Limited laboratory testing of soil samples obtained from the borings.
- Engineering studies and analyses.

Our fee for the above work and terms under which services were provided are in accordance with our May 1, 2012 proposal. An assessment of coastal hazards (seismic, tsunami, flooding, beachfront recession or accretion hazards, etc.) was not included in our scope of work. This letter report describes the work accomplished and provides our conclusions and recommendations regarding residence settlement and suitably founding the proposed addition.

PROPOSED ADDITION PLAN

The Basement Plan, Figure 1, shows the layout of the existing residence foundation. We understand from discussions with Mr. Schenk that an originally planned, single-story addition to the south side of the residence was abandoned due to permitting issues. We understand that current plans call for a second floor addition to be constructed over the existing garage, with structural loads for the addition to be carried primarily by the existing north and south walls/foundations of the garage, and with a new post support to be installed near the middle of the garage to provide additional support for the addition.

SITE CONDITIONS

Geologic Setting

A review of the available geologic literature indicates the property is underlain by Pleistocene marine terrace deposits, which are variable in composition but generally consist of weakly indurated clay, silt, and sand with lenses of poorly sorted gravel and cobbles.[1] In the property area, the terrace deposits are underlain at depths of 10 to 20 ft by the Miocene-age Astoria Formation, which consists primarily of siltstone and sandstone.

Surface Conditions

Ground-level reconnaissances of the property were conducted on January 27, 2012 (as part of our preliminary geotechnical evaluation of the property) and on May 4, 2012. Property conditions from a geotechnical standpoint were essentially the same at the times of the two reconnaissances. The purpose of the reconnaissances was to observe and evaluate site topography; materials exposed at the ground surface; indications of slope instability; site drainage; the condition of foundations, walls, and floors for the existing residence; and any other geotechnical-related conditions that might affect the existing residence and/or the proposed addition. Observations made during our reconnaissances are summarized in the following paragraphs.

The 0.69-acre, ocean-front property is situated in an established residential neighborhood on the west side of Pacific Road approximately 500 ft south of its intersection with Cedar Lane in Arch Cape. The south end of the property is bisected by Asbury Creek, and the majority of the property, including the immediate residence area, slopes gently down to the southeast towards the creek. The creek banks and

oceanfront (west) side of the property are armored by up to 12-ft-high boulder revetments, which we understand were constructed about 25 years ago.

The property is vegetated with conventional residential type landscaping, including areas of lawn; wood decks; and mortared brick walkways, stairways, and planter boxes. Surface soils consist of dark brown and/or gray-brown silt with a trace to some sand and clay. The surface soils appeared well drained, and we observed no persistent springs or areas of ponded water at the property. No obvious indications of basement or garage leakage, such as water stains, or mold or mildew odors, were noted.

No obvious indications active or recent (within the past 20 years) landsliding (such as fresh ground breaks or scarps, excessively cracked and rotated walls, or disrupted slabs or foundations) were observed on or immediately adjacent the subject property. Although our investigation did not include an assessment of the stability/condition of the existing boulder revetments that armor the creek banks and oceanfront, we observed no obvious indications of significant active or recent erosion or degradation of the revetments.

The existing residence, which we understand was built in 1954, consists of an approximate 2,400-ft^2, one-story over partial basement structure. Areas of the residence not underlain by basement are underlain by dirt floor crawlspaces. A two-car garage, the floor of which is about 1.5 ft higher than the basement floor, is attached to the north end of the east side of the residence. The residence is supported by a concrete perimeter foundation and interior line and pad foundations. The basement and garage, which daylight to the east, have concrete slab-on-grade floors.

At the time of our preliminary geotechnical evaluation reconnaissance, we conducted a level survey of the main floor of the residence to evaluate whether or not residence floors and/or foundations have undergone significant differential settlement. The level survey consisted of measuring relative elevations at approximately 40 points on the main floor of the residence with an electronic leveling instrument (accuracy estimated at +/- 0.1 in.). The floor level data is presented as relative elevation contours on the Main Floor Plan, Figure 2. Assuming that the residence floors were constructed level, the level survey indicates that the central, north-south axis of the residence has not settled significantly, because this floor area is level to within about 1 in. Much of the western portion of the main floor slopes noticeably down to the west, and the easternmost portion of the floor slopes down to the east, such that east and west edges of the floor are about 2 in. lower than its central axis. Based on appearances, the basement floor has a similar pattern and amount of settlement. Settlement of the garage floor was difficult to discern, because garage floors are often not poured level, and the subject garage floor is obviously sloped down towards two, centrally located floor drains.

Other apparent settlement-related distress/conditions observed at the time of our reconnaissance are shown on Figure 1 and/or are summarized below.

- Cracks were observed within exposed potions of the residence's foundation walls at the approximate locations shown on Figure 1. The cracks are up to 1-in.-wide, have surfaces that are stained, are locally dirt filled, and appear to be at least several years old. Some cracks have been patched and have re-opened. No significant lateral offsetting of foundations was observed

at the crack locations. Two, 1/16-in.-wide cracks present in the west end of the garage floor slab appear to be settlement-related.

- Interior walls of the residence are surfaced with wood paneling, which does not reveal cracks as well as sheetrocked or plastered walls. The end of the wood paneling is step-cut in the front entry to compensate for the local foundation/floor settlement. Hairline cracks and molding separations are present in sheetrocked bedroom walls.
- Mortared brick stairs, walkways, and planter boxes on the east side of the residence are locally cracked and have settled up to about 2 in. The top of a 3-ft-high, landscape retaining wall on the north side of the residence leans out about 3 in.

Subsurface Exploration and Conditions

Subsurface conditions in the immediate residence area were explored on May 4, 2012 with five hand-auger borings, designated B-1 through B-5 and drilled to depths of 3.0 to 5.0 ft, and on May 30, 2012 with three driven, test piles, designated PP-1 through PP-3. Approximate locations of the borings and test piles are shown on Figure 1.

The consistency of subsurface materials encountered in the borings was evaluated by observing auger cuttings and noting the relative ease of auger advancement. Detailed logs of conditions and materials encountered in the borings were maintained. Representative soil samples were obtained for further examination in our laboratory, where their physical characteristics were noted and field classifications modified where necessary. The natural moisture content of each sample was determined in our laboratory in substantial conformance with ASTM D 2216. Materials and conditions encountered in the borings are summarized in Table 1. Terms used to describe soils are defined in Table 2.

Foster Gambee observed Bergman Construction, LLC, of Warrenton, Oregon drive three, 3-in.-diameter, schedule 40, galvanized pipe piles with a 140 lb, pneumatic hammer adjacent to the residence perimeter foundation. The test piles were driven for the purposes of evaluating the relative density/consistency of subsurface materials (as a function of pile driving resistance) and the general feasibility of utilizing pipe piles for foundation support. Practical refusal (pile penetration rate of less than 1/2 in. per minute) to pile advancement occurred at depths of 9.5, 9.0, and 11.1 ft for test piles PP-1, PP-2 and PP-3, respectfully.

As disclosed by the borings drilled as part of this investigation and to a lesser extent by the driven test piles, fill soils ranging in thickness from about 1 ft near the west edge of the residence and a few ft or more near the east edge of the residence mantle the ground surface in the residence area. The fill extends under most of the existing residence foundations, the basement and garage floor slabs, and walkways, stairs, and planter boxes on the east side of the residence. Based on materials encountered in the borings and local topography, it appears that a low-lying marshy area near the east side of the residence was filled as part of the property development. Shallow fill, which was used to backfill foundations and typically extends less than about 1 ft beneath residence foundations, generally consists of soft to medium stiff silt with variable amounts of clay and sand, and scattered gravel and

cobbles. Deeper fill typically consists of soft/loose, organic-rich silt with variable amounts of clay, sand, gravel and cobbles. The total depth of the deeper fill near the east side of the residence could not be determined because the fill encountered in the borings could not be distinguished from what appears to be native marsh deposits of similar composition and consistency that underlie the deeper fill. Based on its relative soft consistency and/or local high organic content, none of the fill appears to have been systematically placed and compacted as structural fill. Moisture contents of the fill/marsh deposits range from 41 to 79%. The three borings drilled on the east side of the residence (borings B-3, B-4, and B-5) met with essential hand-auger refusal on gravel or cobbles in the fill/marsh deposits.

The native soil profile below the topsoil layer near the west side of the residence consists of 1 to 2 ft of medium stiff to very stiff, silty clay underlain by dense, rounded gravel and cobbles in a silty clay matrix. The two borings drilled on the west side of the residence (borings B-1 and B-2) met with essential hand-auger refusal on the native gravel and cobbles. Based on the depth of the refusal of the driven pipe piles and our understanding of the local geologic conditions, we anticipate that the native dense gravel/cobbles unit immediately underlies the fill/marsh deposits near the east side of the residence.

Hand excavations and/or probing with a steel rod at the boring locations within non basement areas (borings B-1, B-2, B-3 and B-5) indicate foundation embedment depths (below adjacent ground or concrete slab surfaces) of 0.8 to 3.6 ft. The excavations/probing also disclosed that the residence foundation walls, which are approximately 8-in.-thick, bear directly on the underlying soils/fill (i.e., the walls have no widened footing). Foundation embedment depths at the individual boring locations are provided in Table 1.

Groundwater was encountered in borings B-3, B-4, and B-5 at depths of 4.2, 4.1 and 1.9 ft, respectively; groundwater was not encountered in borings B-1 and B-2. Based on our experience, the groundwater encountered in borings B-3, B-4, and B-5 is associated with a former marshy area. We anticipate that groundwater levels range from a few-ft-deep during the dry season to near basement and garage slab levels during the wet season.

SUMMARY AND CONCLUSIONS

The majority of the property, including the immediate residence area, slopes gently down to the southeast towards Asbury Creek. Fill soils mantle the ground surface in the residence area and extend under most of the existing residence foundations; the basement and garage floor slabs; and walkways, stairs, and planter boxes on the east side of the residence. The fill is deepest near the east side of the residence where it appears that a low-lying, marshy area was filled as part of the property development. The fill is comprised primarily of soft/loose silt with variable amounts of clay, sand, gravel, cobbles and organic material and was not systematically placed and compacted as structural fill. The total depth of the fill near the east side of the residence could not be determined because the fill encountered in the borings could not be distinguished from what appears to be underlying native marsh deposits. The fill/marsh deposits are underlain by medium stiff to very stiff, native clayey silt or dense gravel and cobbles. In our opinion, the fill/marsh deposits are unsuitable for the support of new

foundations and the direct support of new concrete slabs-on-grade. Groundwater rises to near basement and garage slab levels during the wet season.

The east and west edges of the residence have experienced up to about 2 in. of differential settlement relative to the central, north-south axis of the residence, resulting in floors that slope down to the east along the east side of the residence and down to the west along the west side. The differential residence settlement is also evidenced by foundation wall, floor slab, and interior wall cracks/ separations. Mortared brick stairs, walkways, and planter boxes on the east side of the residence are locally cracked and have settled up to about 2 in.

Settlement of the existing residence appears to be primarily the result of consolidation/compression of relatively soft/loose fill immediately underlying foundations and floor slabs and the absence of a widened footing under residence foundation walls. Although settlement and related damage likely have been ongoing since the residence was constructed, with the majority of the settlement likely occurring early in the life of the structure, some continued settlement is likely. Although difficult to predict, we anticipate future residence settlement could approach ½ in. over the next 20 years. This estimate is based on our understanding of subsurface conditions, the past performance of the residence, and assumes that there is no significant increase or redistribution of existing foundation loads. In our opinion, distress associated with the anticipated future settlement will likely be cosmetic in nature and could include the widening of existing cracks (foundation, floor slab, wall, and ceiling), the development of new cracks, increased floor slope, sticking of doors, etc. However, the impact of such future settlement on the residence should be evaluated by the project structural engineer.

We observed no indications of significant erosion or active or recent landsliding on or in the immediate vicinity of the subject property. Based on the findings of this investigation, it is our opinion that construction of the residence addition currently under consideration is feasible from a geologic and geotechnical standpoint. In our opinion, the risk of non-seismically induced slope instability adversely affecting the residence/addition during the next 40 to 50 years is low (but not absent) and is no higher than such risk to many existing structures in the surrounding neighborhood. This risk assessment is based on our understanding of the addition being considered and the implementation of the recommendations provided herein. Quantification (numerical analysis) of this risk is beyond the scope of this investigation. As previously mentioned, an assessment of coastal hazards (seismic, tsunami, flooding, beachfront recession or accretion hazards, etc.) was not included in our scope of work.

RECOMMENDATIONS

General

Due to the magnitude of residence settlement and associated distress that has occurred to date and potential structural considerations related to future settlement, we recommend that a qualified structural engineer be consulted regarding the prudence of providing supplemental support for existing foundations that have settled. The structural engineer should be provided a copy of this report and

should perform a thorough inspection of the residence. Existing foundations that have settled excessively (as determined by the structural engineer, the owner, or the owner's) can be underpinned to limit future settlement. We recommend providing underpinning for any existing foundations, such as existing garage foundations, which will experience increased loads as a result of the planned residence addition.

In our opinion, underpinning for existing foundations can be effectively provided with new spread footing foundations, helical piers, or driven steel piles. Based on subsurface conditions encountered in the borings and specifically the depth of fill present beneath existing foundations, we anticipate that the residence's west perimeter foundation and the approximate west half of the south perimeter foundation can be most cost effectively underpinned with spread footing foundations; remaining foundations can be most cost effectively underpinned with helical piers or driven steel piles.

In our opinion, foundation support for the planned new post near the middle of the garage (to provide additional support for the addition) can be most cost effectively provided by helical piers or driven steel piles.

The following report sections present geotechnical recommendations and design criteria to assist the project structural engineer in the design of underpin and new foundations.

Structural Fill

Due to the moisture-sensitive nature of the on-site silt soils and the limited amount of structural fill anticipated for this project, we recommend the use of import granular material as fill below any new foundations and concrete slabs. Imported granular material used to construct structural fills can consist of crushed rock with a maximum size of about 1½ in. and with not more than about 5% passing the No. 200 sieve (washed analysis). The granular fill material should be placed in lifts and compacted with suitable equipment to at least 95% of the maximum dry density as determined by ASTM D 698.

Conventional Spread Footings

New spread footing foundations should extend down through any existing fill, topsoil, and disturbed soils and bear on the underlying native, medium stiff or stiffer native silt soils or dense gravel. We anticipate spread footing foundation embedments of up to a few ft below the existing ground surface may be required locally to penetrate existing fill and expose the above-described native materials. Soft, loose, organic-rich or otherwise unsuitable soils, if encountered at footing depth, should be overexcavated to firm, native soil and replaced with granular structural fill. For every 2 ft of overexcavation depth, the overexcavation should extend a minimum of 1 ft beyond the edges of the footing.

New spread footing foundations bearing on relatively organic-free, undisturbed native, medium stiff or stiffer silt or dense gravel/cobbles (or on granular structural fill placed directly over such materials) and embedded a minimum of 18 in. below the surrounding surface grade may be designed for an allowable soil-bearing pressure of 2,000 psf. This value applies to the total of dead load plus

frequently and/or permanently applied live loads and can be increased by one-third for the total of all loads: dead, live, wind, or seismic. We estimate the total settlement of spread footings supporting conventional residential loads (i.e., column and wall loads of up to 30 kips and 3 kips/ft, respectively) will be less than 1 in. Past experience indicates these settlements will occur rapidly, with the majority of settlement occurring during construction.

Horizontal shear forces can be resisted partially or completely by frictional forces developed between the base of the spread footing and the underlying soil/gravel and by passive soil resistance. The total frictional resistance between the footing and the soil/gravel is the normal force times the coefficient of friction between the soil and the base of the footing. We recommend an ultimate value of 0.35 for the coefficient of friction; the normal force is the sum of the vertical forces (dead load plus real live load). If additional lateral resistance is required, passive earth pressures against embedded footings or keyways can be computed on the basis of an equivalent fluid having a unit weight of 200 pcf. This design passive earth pressure would be applicable only if the footing/keyway is cast neat against undisturbed soil/gravel or if backfill for the footings is placed as granular structural fill. This value also assumes that the ground surface in front of the foundation is horizontal, i.e., does not slope downward away from the toe of the footing for a minimum distance of 10 ft.

Helical Piers and Driven Steel Piles

Helical piers and driven steel piles should extend down through any existing fill a minimum depth of 8 ft below the bottoms of existing foundations and achieve tip-bearing in the underlying native, very stiff soils or dense gravel. Allowable (design) axial capacities for helical piers and driven piles depend on the type and length of piers/piles chosen. Based on our experience, and for preliminary design purposes, allowable axial compressive capacities for helical piers or driven steel pipe piles can be assumed to be on the order of 10 kips.

Helical piers should be galvanized, have minimum 3-in.-diameter (nominal), schedule 40 pipe shafts, and should be installed in accordance with the manufacturer's recommendations. Helical pier capacities should be confirmed by the manufacturer and verified at the time of installation. We recommend that all helical pier underpin foundations be proof loaded to 90% of the design compression load and displacement measured. The helical pier underpin foundations should be considered acceptable if the measured displacement does not exceed ¼ in.

Driven steel pipe piles should consist of 3-in.-diameter (minimum), schedule 40 galvanized pipe driven to refusal and to the minimum recommended embedment depth (i.e., 8 ft below the bottoms of existing foundations). Refusal is defined as a penetration rate of less than ½ in. per minute with a 140 lb (minimum) pneumatic hammer.

The above allowable axial pier and pile capacities are appropriate for piers/piles with a center-to-center spacing of at least four times the pile diameter, can be increased by one-third for transient loads, such as wind and seismic, and include an estimated factor of safety of at least two, based on soil-

supporting properties. If required, piers may be installed at any angle and piles may be installed/driven at inclinations of up to 20° from the vertical to provide lateral resistance.

Basement and Garage Wall Design Criteria

If required, the following design criteria can be used in the evaluation of embedded basement and garage walls. Non-yielding walls (walls that are supported at the top and bottom) should be evaluated using a lateral earth pressure based on an equivalent fluid having a unit weight of 55 pcf. Walls that are allowed to yield by tilting about their base should be evaluated/designed using a lateral earth pressure based on an equivalent fluid having a unit weight of 45 pcf. Horizontal earth pressures due to surcharge loads should be added to the above lateral earth pressures. Somewhat lower design lateral earth pressures would be appropriate if it can be verified that an effective subdrain system is present behind the embedded basement walls.

Seismically-induced lateral loads on embedded retaining walls for Seismic Design Category D structures may be calculated by increasing the static lateral wall load (calculated from the above pressure criteria) by 40%. The additional 40% seismically-induced load should be applied as a resultant force acting at a point $^2/_3$H up from the base of the wall, where H equals the height of the wall.

If the residence is to be lifted and re-leveled, we recommend that the project structural engineer consider the need for temporary bracing of basement walls. The bracing system should be designed by a qualified structural engineer.

Repair of the Existing Floor Slabs

To provide uniform support for any replacement concrete slabs at this site, we recommend that concrete slabs be underlain by a minimum 12-in.-thick layer of granular structural fill. Due to the presence of underlying soft/loose fill and native marsh deposits in slab areas that would be impracticable to totally remove and completely replace with structural fill, some long-term settlement (estimated at 0.5 in. over the next 20 to 30 years) and associated slab cracking should be anticipated. If replacing any part of the basement or garage floor slab is being considered, we recommend that the project structural engineer be consulted to evaluate the need for temporary bracing of basement/garage walls to prevent loss of lateral wall support.

If moisture-sensitive flooring or materials will be placed on the floor slab or to reduce the presence of moisture vapors in the residence, installing a suitable vapor-retarding membrane, such as Moistop or TuTuf4, may be appropriate beneath slab-on-grade floors.

Seismic Design Criteria

Based on the results of our subsurface investigation and our review of the State of Oregon Structural Specialty Code, we recommend using a Site Class C to evaluate the seismic design of structures at this site. Based on our understanding of the subsurface conditions at the site and regional seismicity, it is

our opinion that the primary seismic hazards at the site are ground motion amplification, earthquake-induced ground rupture, liquefaction, settlement, subsidence, and damage by tsunamis.

Construction Observation

Due to the presence of fill soils unsuitable for foundation and concrete slab support, we recommend that a qualified geotechnical engineer observe spread footing foundation and concrete slab bearing surfaces prior to the placement of steel reinforcement and concrete. In addition, a qualified geotechnical engineer should observe the installation of helical piers and/or steel pipe piles and the testing of helical piers.

LIMITATIONS

Foster Gambee Geotechnical, P.C., has prepared this report to aid the architect and engineer in the evaluation of the existing residence and the design of the proposed addition. The scope is limited to the specific project and location described herein. Our description of the project represents our understanding of significant aspects relevant to the design and construction of the residence addition at the specified location and of supplemental support for existing residence foundations. If changes are planned in the design and location of the addition, as outlined in this report, we should be given the opportunity to review those changes and to modify or reaffirm, in writing, our conclusions and recommendations.

Our conclusions and recommendations are based on data obtained from the borings made at the locations indicated on Figure 1 and 2 and from other sources of information discussed herein. In the performance of subsurface explorations, specific information is obtained from specific locations at specific times. However, it is acknowledged that variations in soil conditions may exist away from the boring locations. This report does not reflect any variations that may occur away from these explorations, the nature and extent of which may not be evident until construction. If, during construction, subsurface conditions different from those found in the explorations are observed or encountered, we should be advised at once so that we can observe and review those conditions and reconsider our recommendations if necessary.

Please contact us if you have any questions.

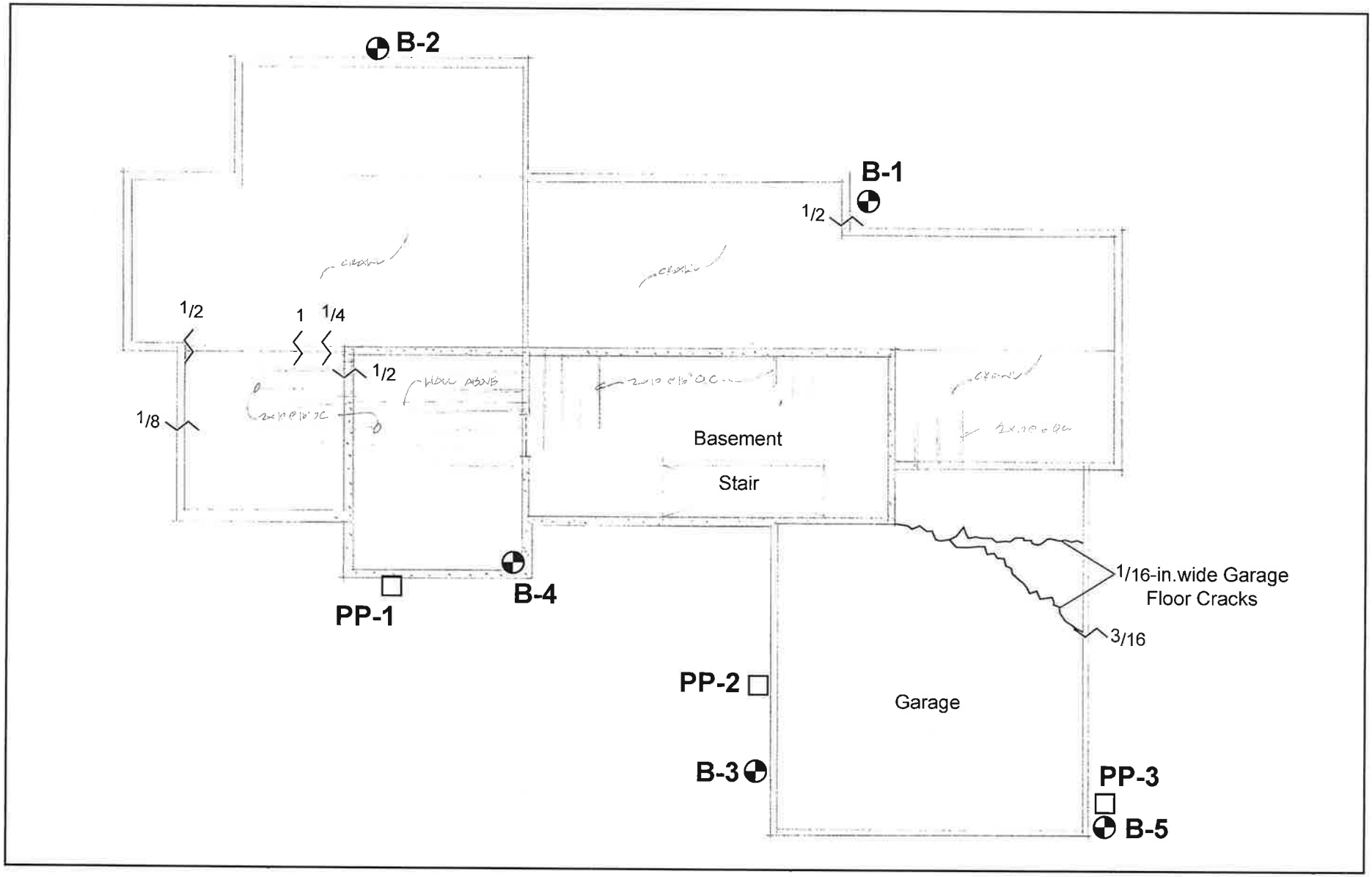
Sincerely,
FOSTER GAMBEE GEOTECHNICAL, P.C.

John E. Gambee, P.E., G.E.
Principal

Kevin M. Foster, P.G., C.E.G., P.E., G.E.
Principal

REFERENCES

1 Schlicker, H.G. and others, 1972, Environmental Geology of the Coastal Region of Tillamook and Clatsop Counties, Oregon: Bulletin 74, Oregon Department of Geology and Mineral Industries.



0 5 10 Ft

North

Hand-Auger Boring by Foster Gambee Geotechnical, P.C. (5/14/12)

Test Driven Pipe Pile Observed by Foster Gambee Geotechnical, P.C. (5/30/12)

Foundation Crack (Crack Separation, in.)

Basement Plan from Drawing by Todd Lasher Design (dated 5/16/12)

FOSTER GAMBEE GEOTECHNICAL, P.C.

GEOTECHNICAL INVESTIGATION
RESIDENCE ADDITION AND SETTLEMENT OF
EXISTING RESIDENCE FOUNDAITIONS

BASEMENT PLAN

July 2012 Job No. 1097 Fig. 1

STRUCTURAL CALCULATIONS

FOR

COBB BEACH HOUSE
80220 PACIFIC RD
ARCH CAPE, OR 97102

-- GARAGE ADDITION / FOUNDATION UPGRADE --

Contents

Contact Person: John E Nordling, PE

NORDLING STRUCTURAL ENGINEERS, LLC

6775 SW 111th, Suite 200 · Beaverton OR, 97008

Proj. No.: 12-186

COBB BEACH HOUSE
ARCH CAPE, OR

RYAN SCHENK

Date: MAY 2012 By: JEN Sheet No.: COVER

Summary

Cobb Beach House
80220 Pacific Road
Arch Cape, Oregon 97102

The existing residence is to receive an addition over the existing garage and other interior renovations. The existing foundation has experienced some settlement as the structure was constructed over a layer of unsuitable bearing material of various thicknesses.

The existing foundation will be upgraded by re-supporting the foundation with either concrete underpinning or piles (helical or driven) as determined by the geotechnical engineer. The existing soil condition and as-built construction will dictate the applicable support upgrade method. Detail A (foundation plan) depicts the type of upgrade method and assumed appropriate locations but must be field determined and coordinated with the geotechnical engineer.

Any conflicting or questionable as-built framing is to be brought to the attention of the architect / engineer for review. As-built conditions may require modification of noted details.

Design Basis:
Snow = 25 psf
Wind controls lateral with 105 mph gust
Exposure D (full ocean exposure).

REGISTERED PROFESSIONAL ENGINEER
12,187
OREGON
JULY 15, 1983
JOHN E. NORDLING
EXPIRES: 12 / 31 / 12

S1 SUMMARY

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Notes

Shore the existing residence as required to complete all upgrades. The details noted depict the general upgrades required for the addition and to level and support the existing foundation that has experienced settlement. The foundation support consists of new concrete underpinning and piles (either helical or driven) in accordance with the geotechnical recommendations. The type of pile is to be field determined on either side of the foundation wall based on site conditions, coordinate with the geotechnical engineer. The existing foundation is not to be lifted, the leveling of the residence will be made by adding shims between the existing foundation and the floor system and re-attaching with new anchors. A slight upward pressure at the pile connections to the foundation wall should be applied to assure firm support to the pile.

New wall framing to consist of 2x6 at 16 inches on center with ½ inch APA sheathing with 8d at 4 inches on center edge and 12 inches on center field, block edges. Provide 4x8 headers in bearing walls unless noted otherwise. Roof sheathing to be ½ inch APA sheathing attached with 10d nails at 4 inches edge and 12 inches field. Floor sheathing to be ¾ inch APA T&G sheathing nailed with 10d nails at 4 inches edge and 12 inches field. Conform connections to applicable code requirements and use Simpson hangers, caps, bases, etc. New concrete to be 3000 psi minimum installed (2500 psi adequate for design), rebar to be 60,000 psi.

1. Provide (3)-2x10 under roof steel beam support columns, see detail G.
2. New floor sheathing to extend from wall to wall, front to back and side to side.
3. GL 5.125 x13.5 (DF-L 24F-V8), continuous front to back over support column.
4. Rebuild front wall with 2x6 at 16 inches on center maximum. Attach base sill to concrete wall with 5/8 inch diameter by 10 inch anchor bolts at 8 inches on center. Sheath EACH face of the stud wall with ½ inch APA sheathing and nail with 8d at 4 inches on center edge and 12 inches on center field, block edges.
5. Simpson "CMSTC16" vertical strap with two rows of 8d nails at 6 inches on center staggered, net 3 inches on center. Lap double stud 18 inches and extend down and around triple joist below and up opposite side 3 inches.
6. Simpson "CMSTC16" horizontal strap with two rows of 8d nails at 6 inches on center, net 3 inches on center. Lap header 18 inches and wall panel full length, add 4 x blocking at wall as required behind strap.
7. Simpson "HDU4-SDS2.5" with Simpson "SSTB20" anchor at double stud.
8. 8 inch concrete wall with #4 at 10 inches on center each way each face. Anchor wall verticals in foundation 12 inches minimum with standard hook. See detail D.
9. Foundation 24 inches wide by 16 inches thick by length as noted in detail D. Reinforce with (3)- #4 longitudinal and #4 at 10 inches (maximum) transverse, top and bottom. Center two piles under footing as noted. Tie the existing concrete foundation to the new wall with #4 hooked rebar at new wall horizontals, see detail D.

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N1 NOTES

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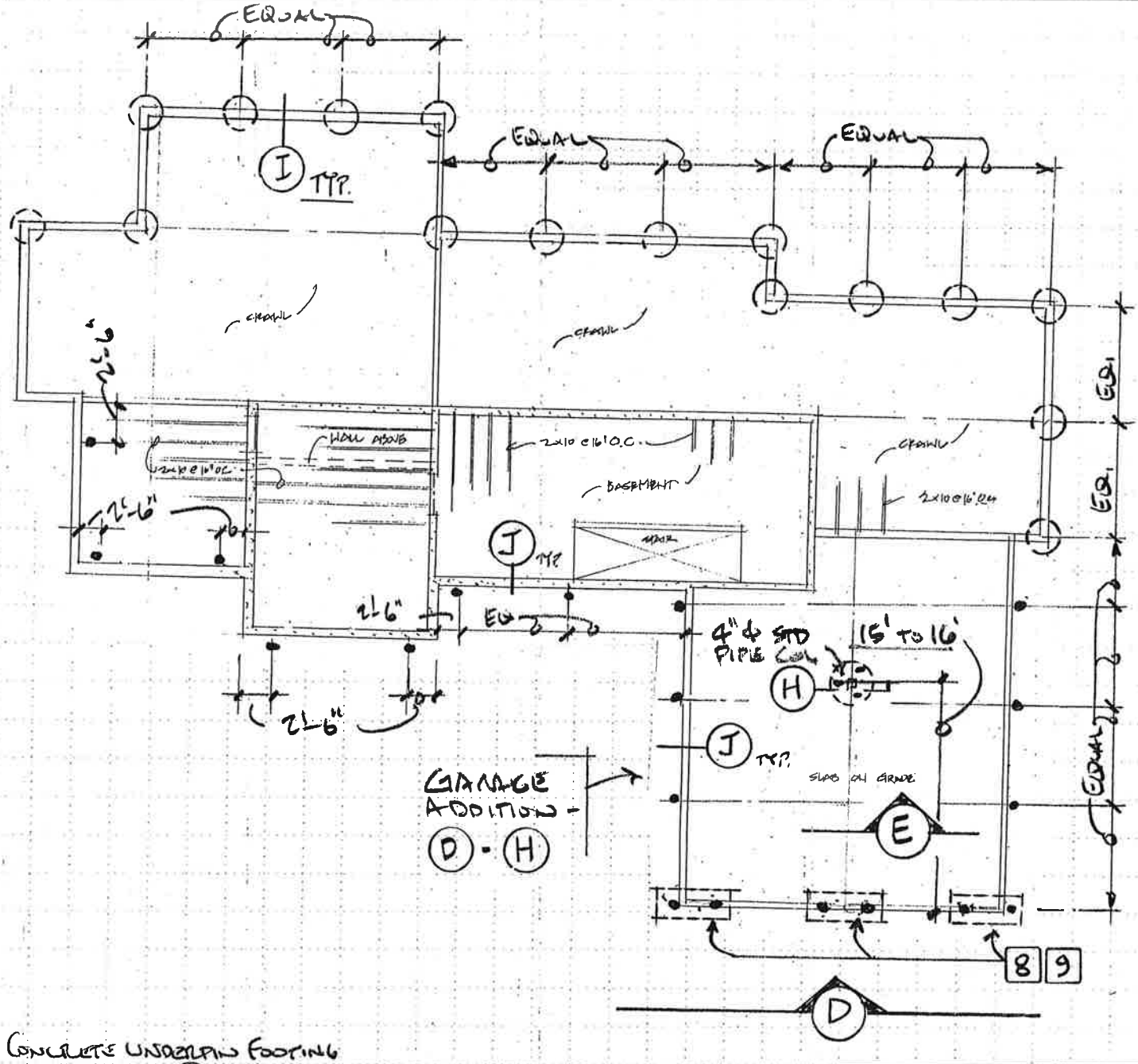

◯ CONCRETE UNDERPIN FOOTING SEE DETAIL ◯

● HELICAL PIER OR DRIVEN PILE

A OVERALL PLAN

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JULY 15, 1983
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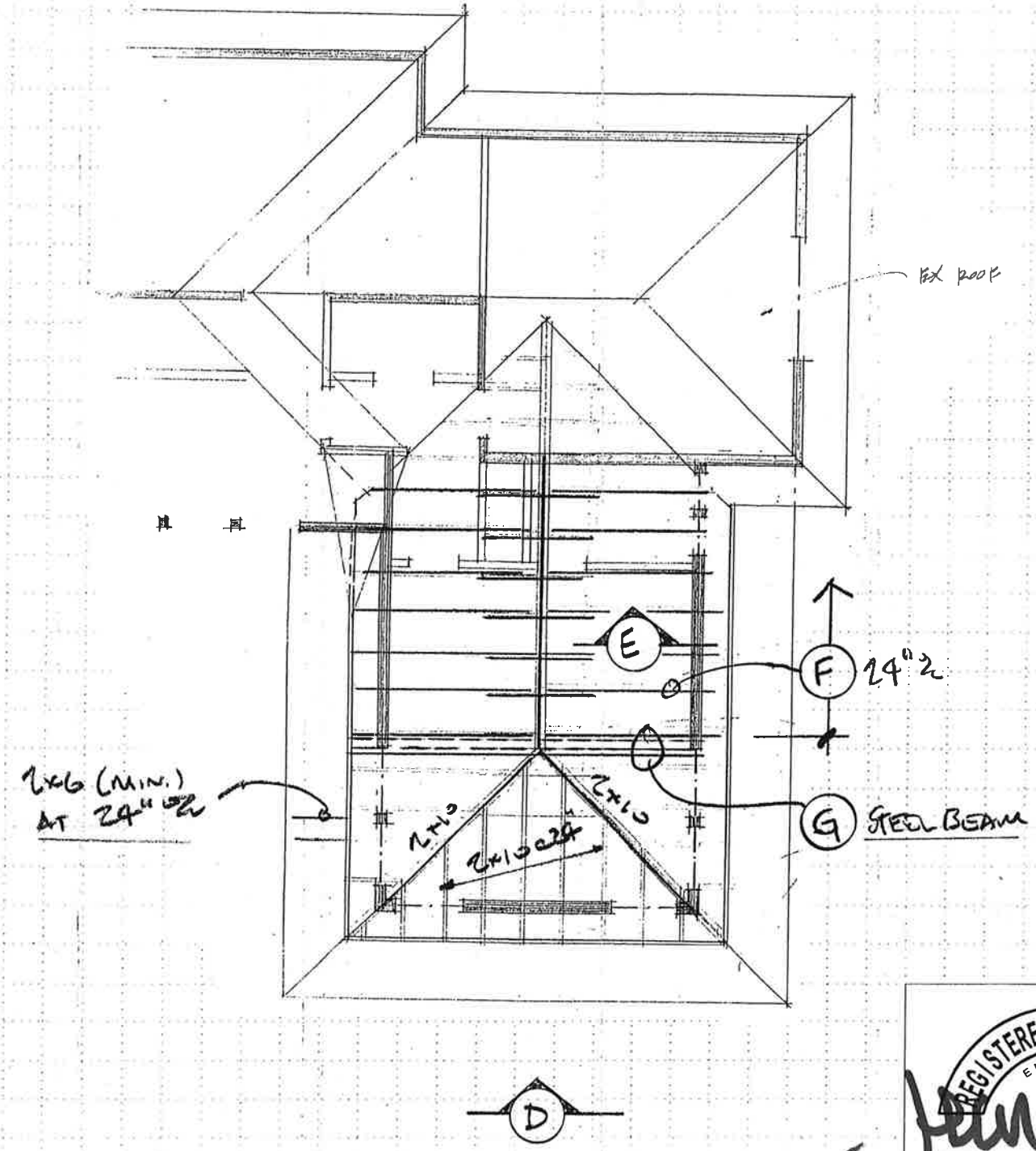

B ROOF PLAN

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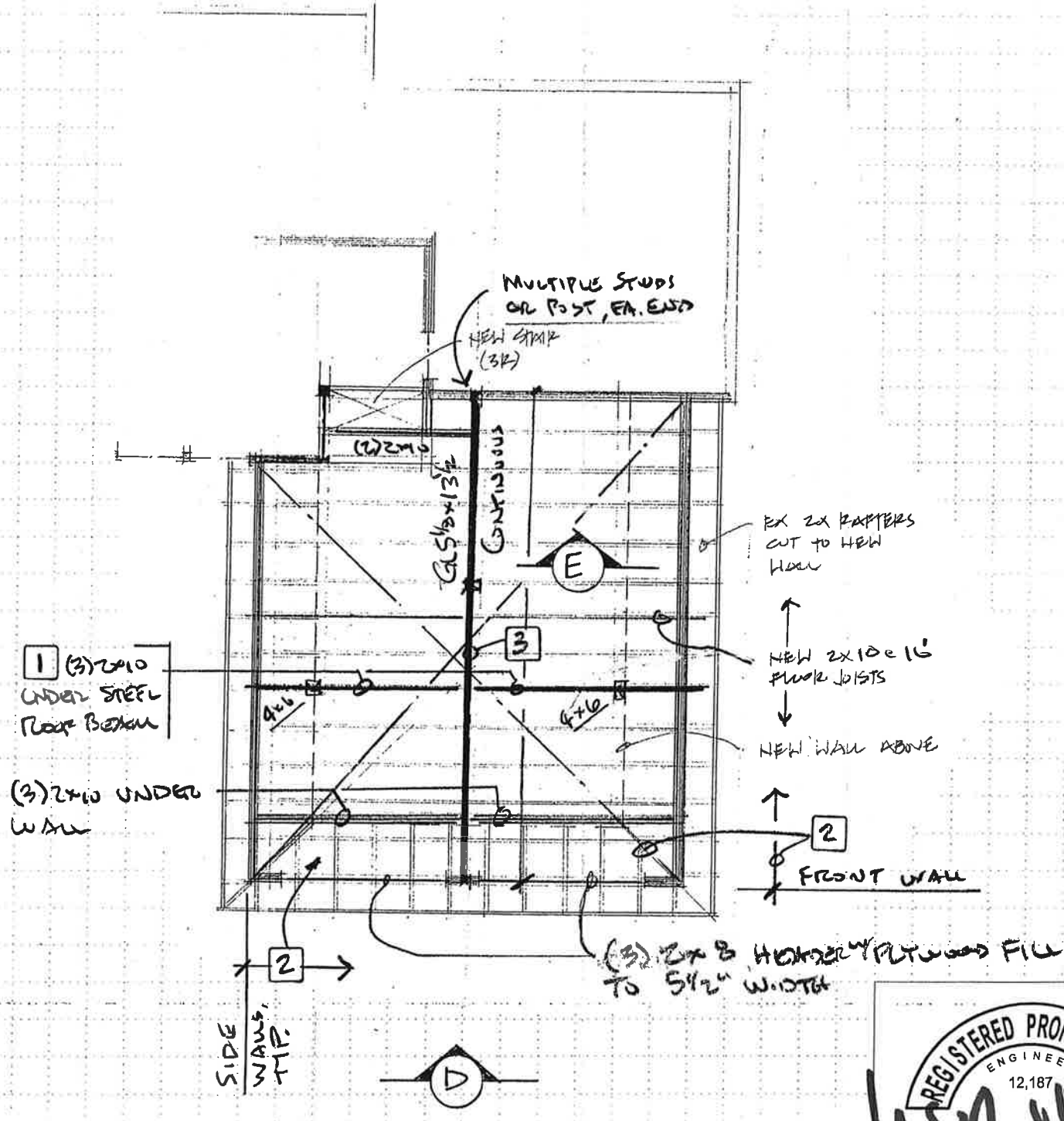

C SECOND FLOOR PLAN

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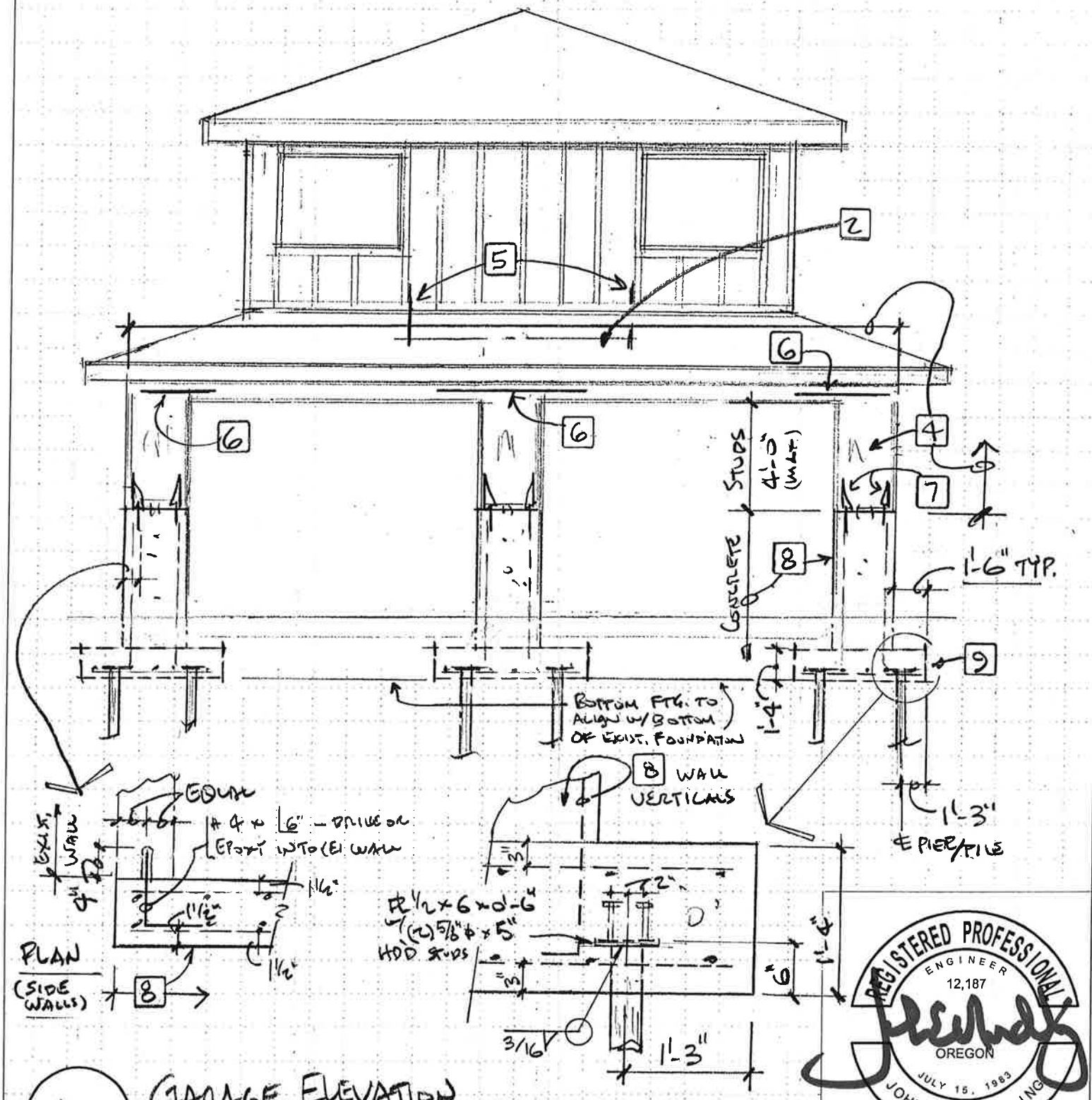

D GARAGE ELEVATION

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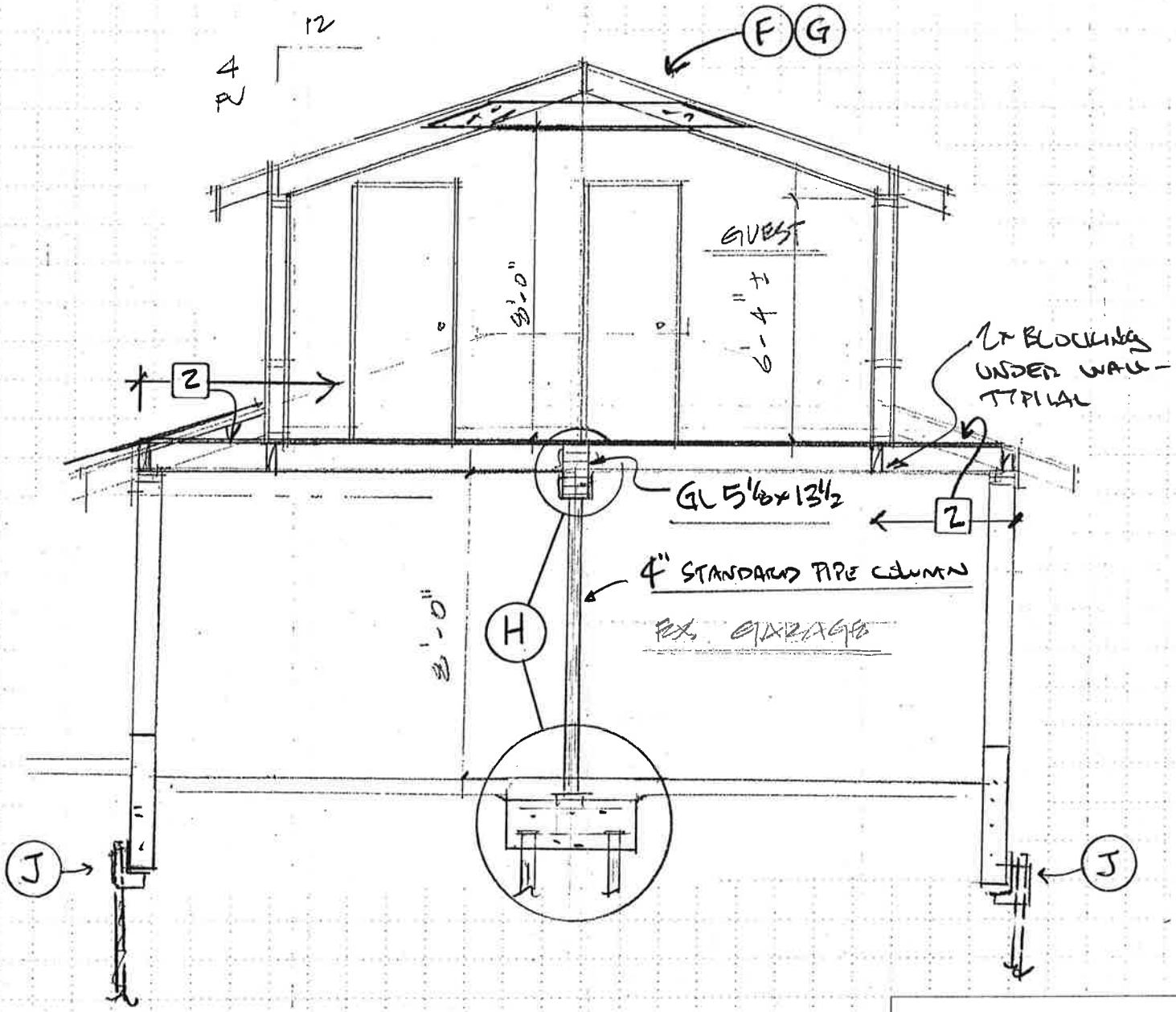

E GARAGE SECTION

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JULY 15, 19
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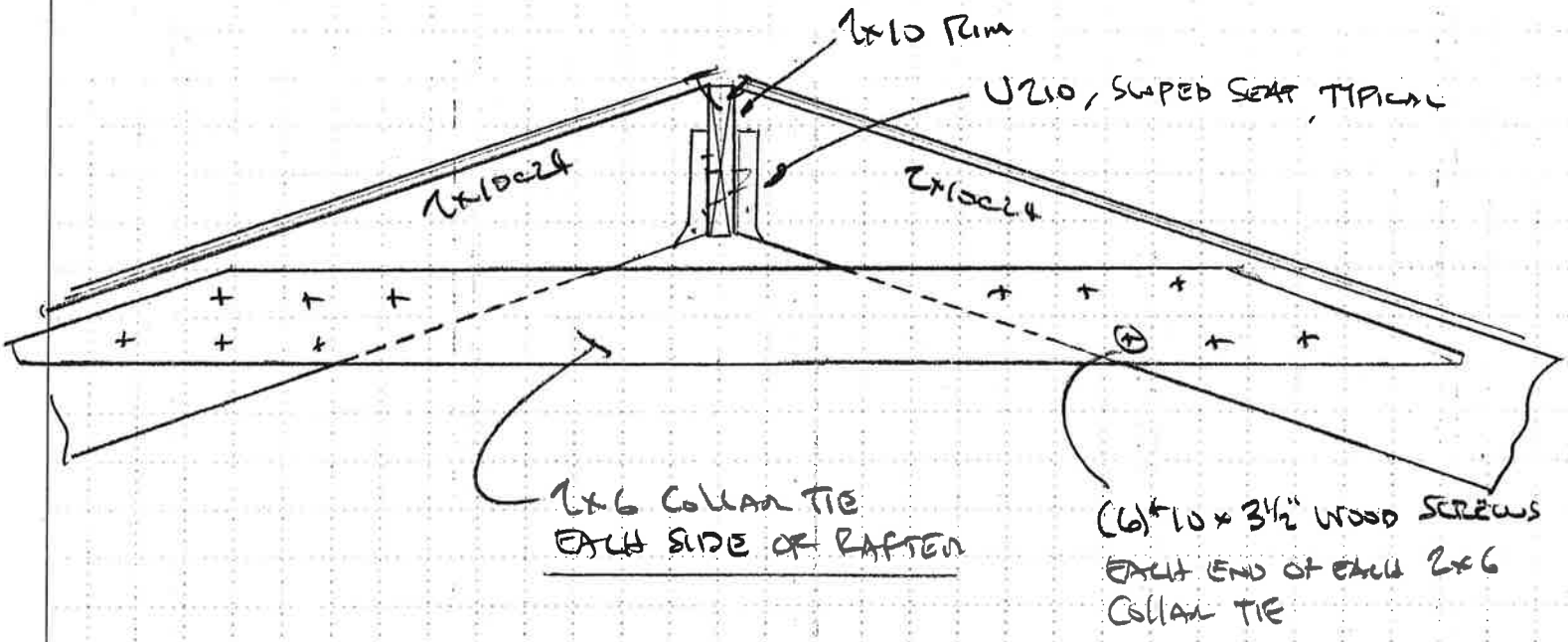
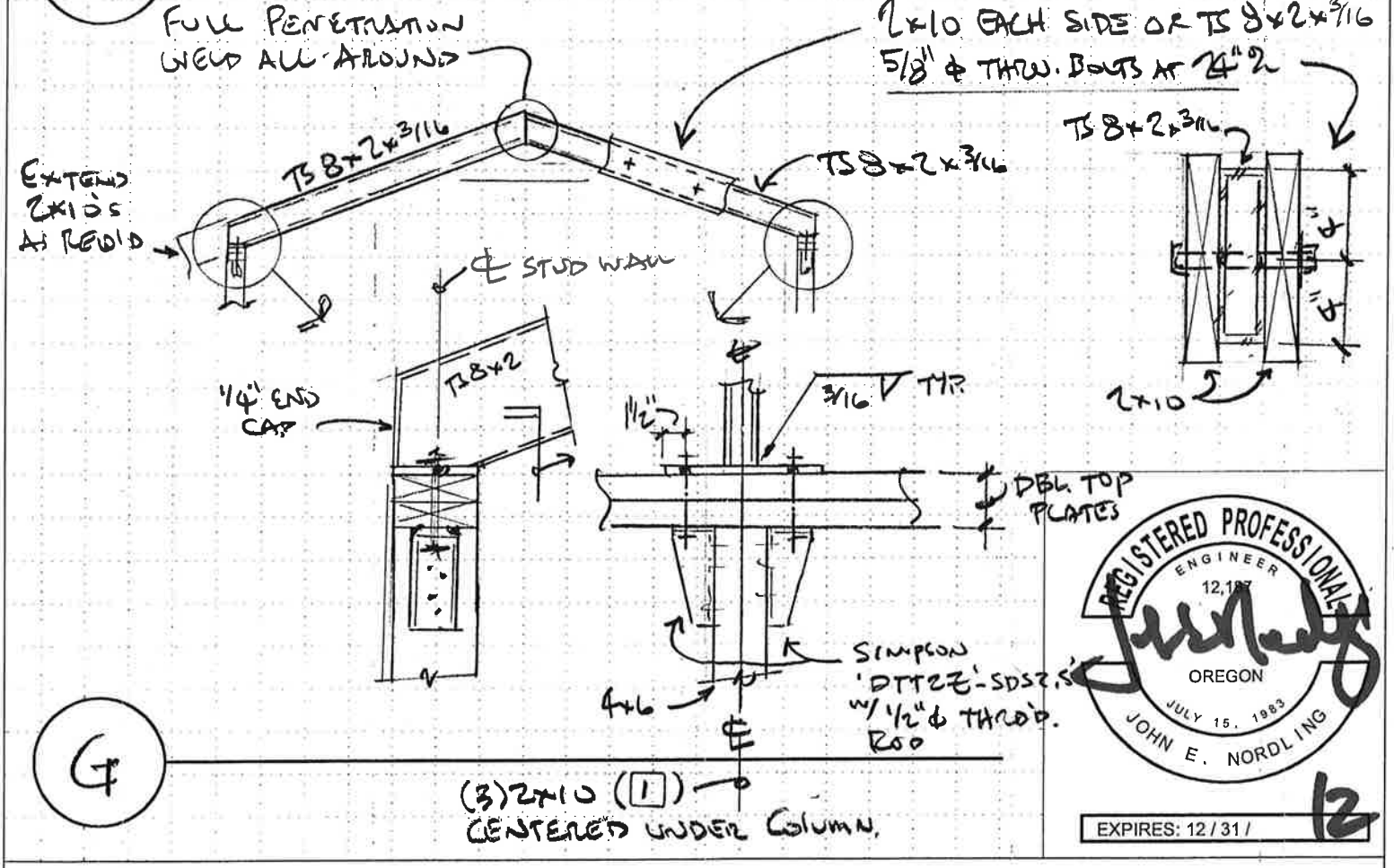


F TIES AT EACH RAFTER (TYP.)



G (3)2x10 (1) CENTERED UNDER COLUMN.

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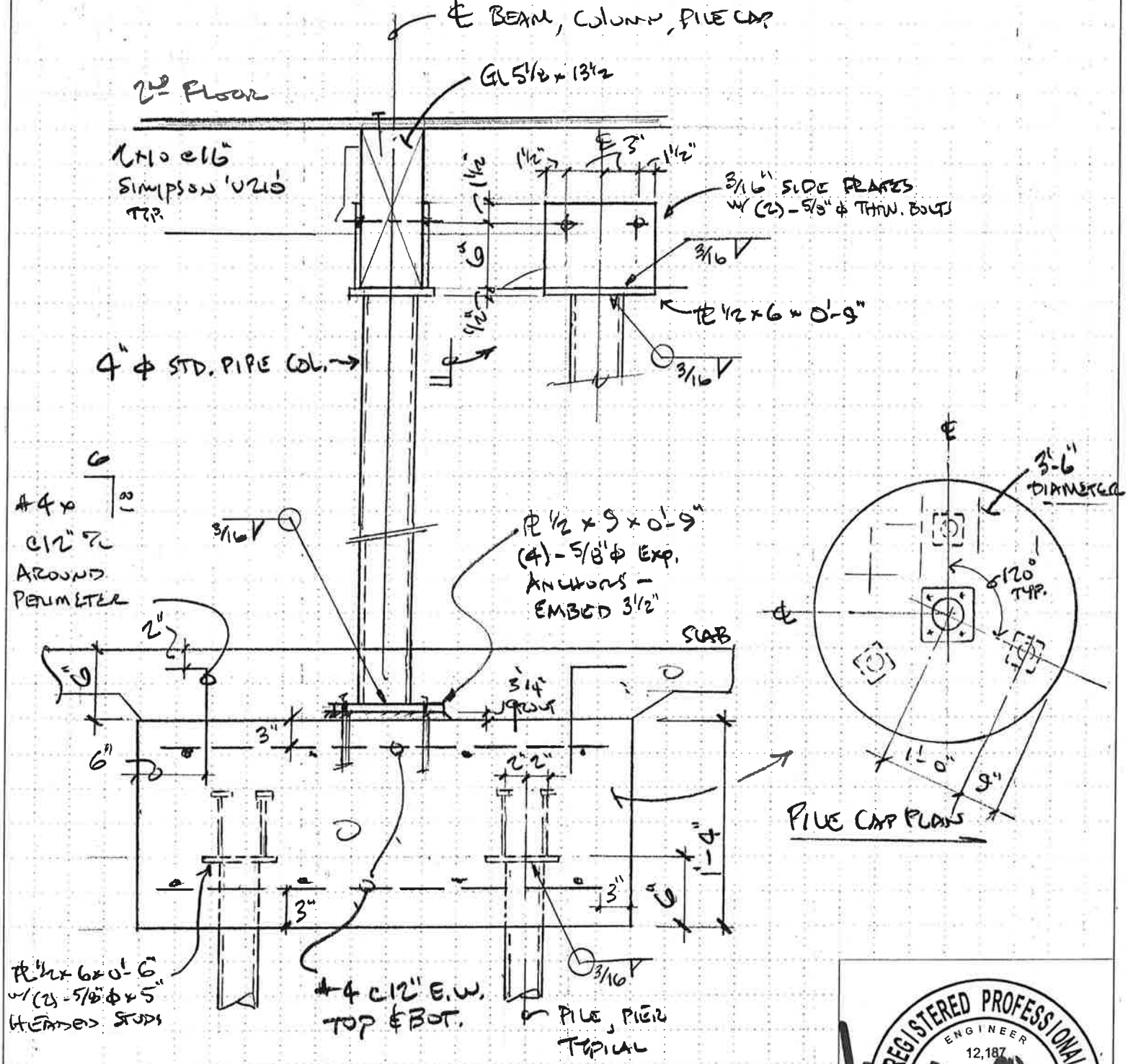

H GARAGE COLUMN / FOUNDATION

REGISTERED PROFESSIONAL ENGINEER
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JULY 15, 1980
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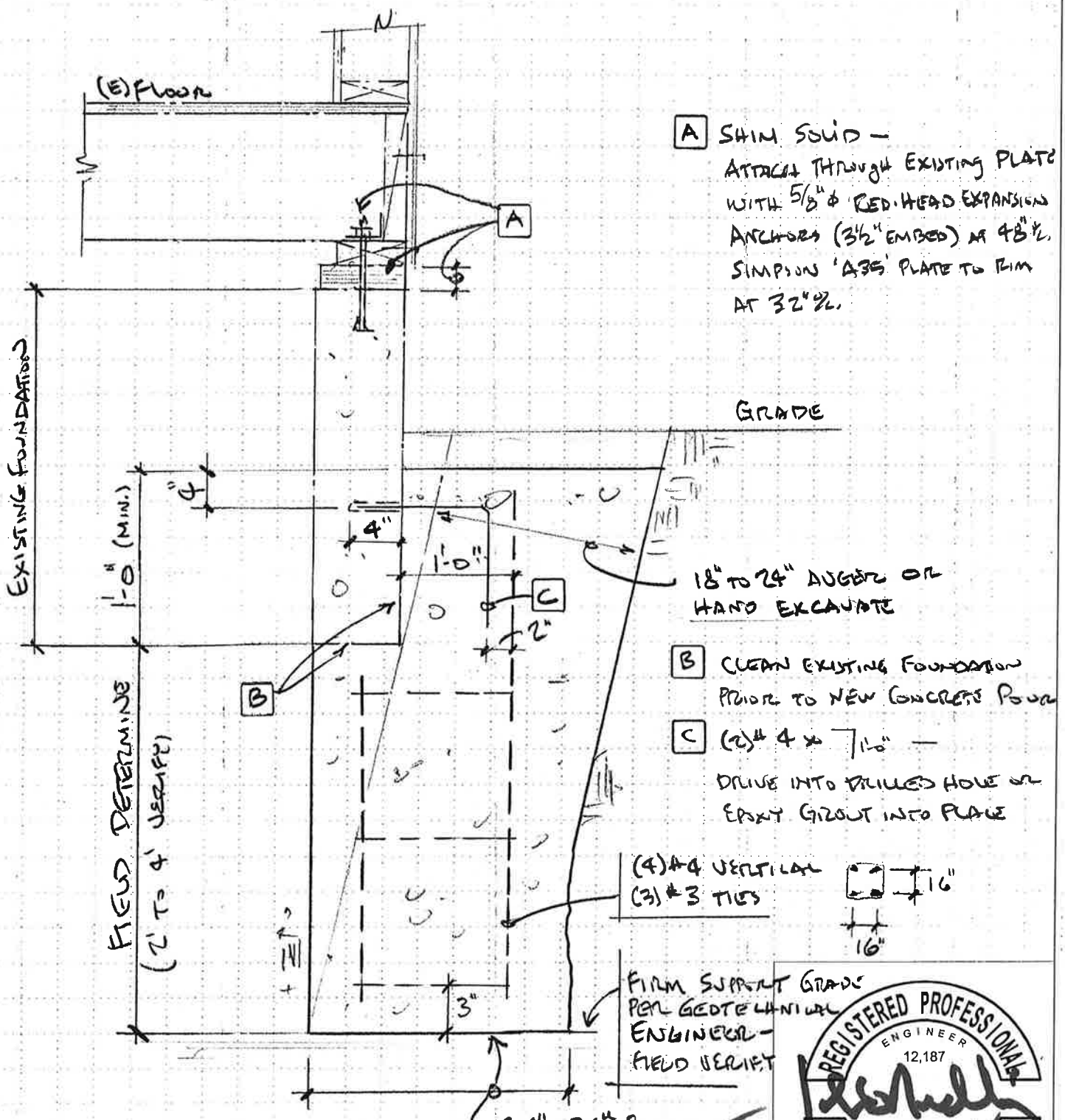

A SHIM SOLID – ATTACH THROUGH EXISTING PLATE WITH 5/8" ø RED HEAD EXPANSION ANCHORS (3½" EMBED) AT 48" o.c. SIMPSON 'A35' PLATE TO RIM AT 32" o.c.

B CLEAN EXISTING FOUNDATION PRIOR TO NEW CONCRETE POUR

C (2)#4 x ⌐ 1'-0" – DRIVE INTO DRILLED HOLE OR EPOXY GROUT INTO PLACE

I FOUNDATION UNDERPIN

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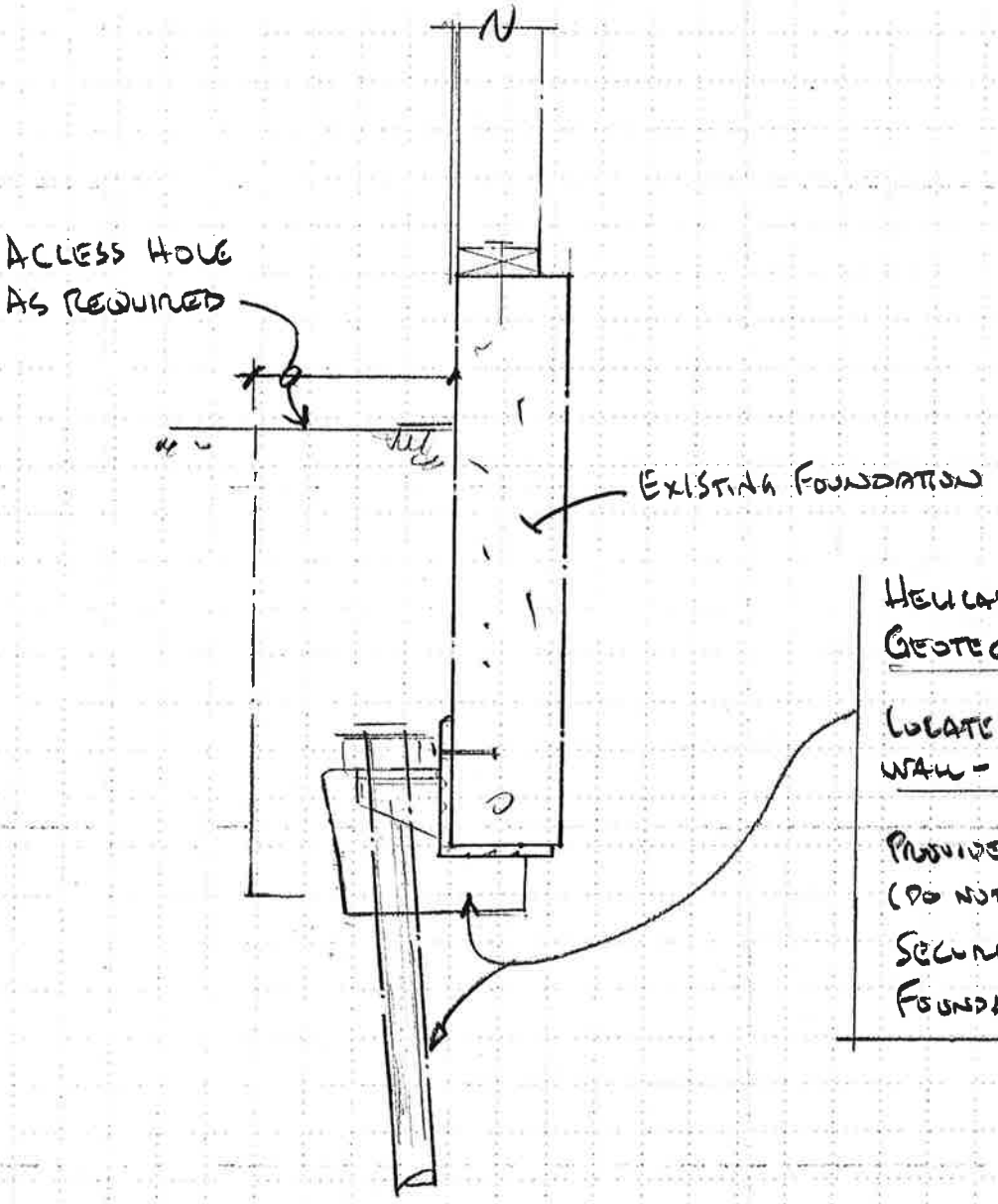
SEE (J) FOR ADDITIONAL INFORMATION



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(J) PILE SUPPORT FOR EXISTING FOUNDATION

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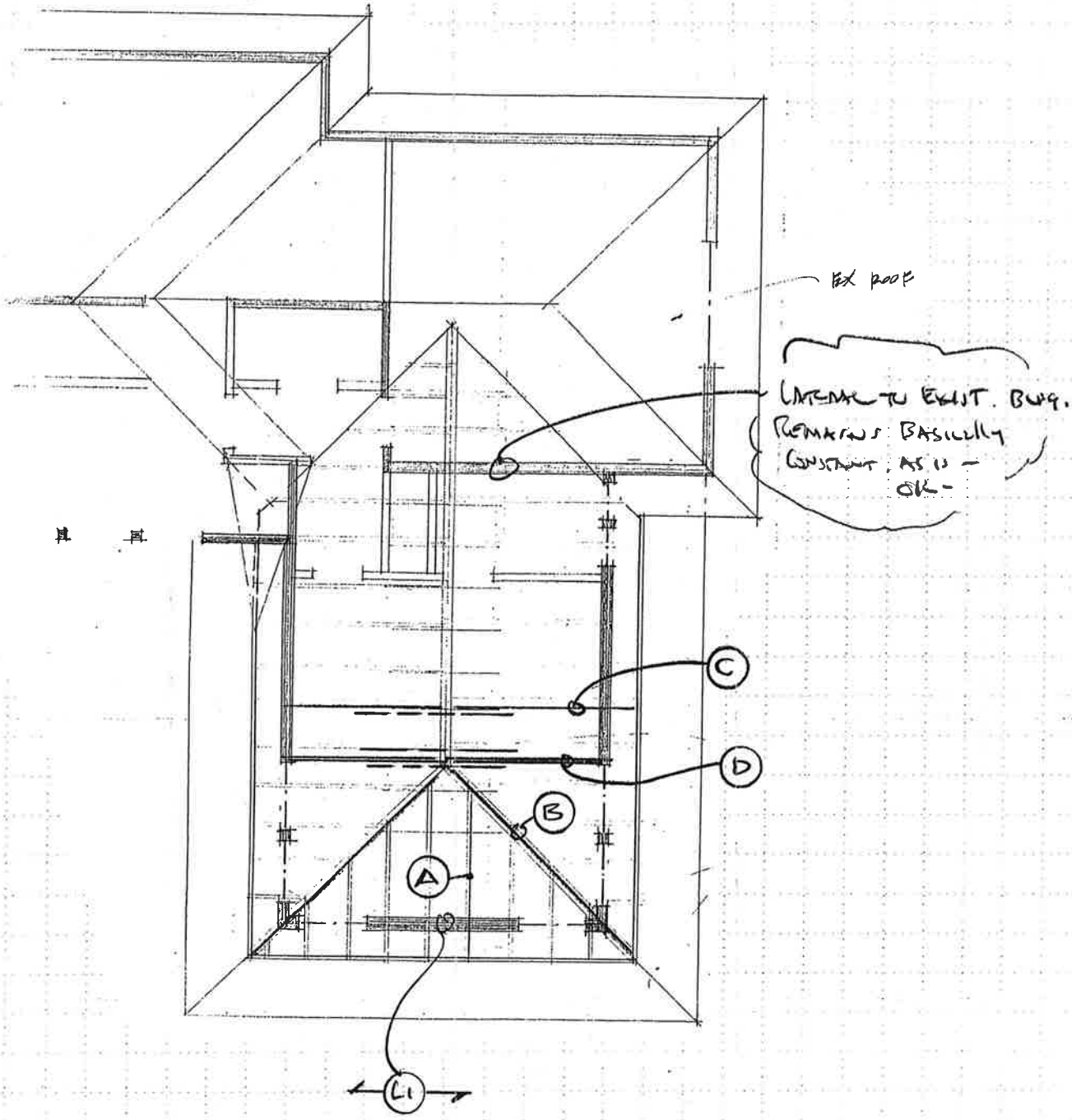

Roof

$L_r = 25$ (UNREDUCED)

$D = 12$

$TL = 37$ PSF

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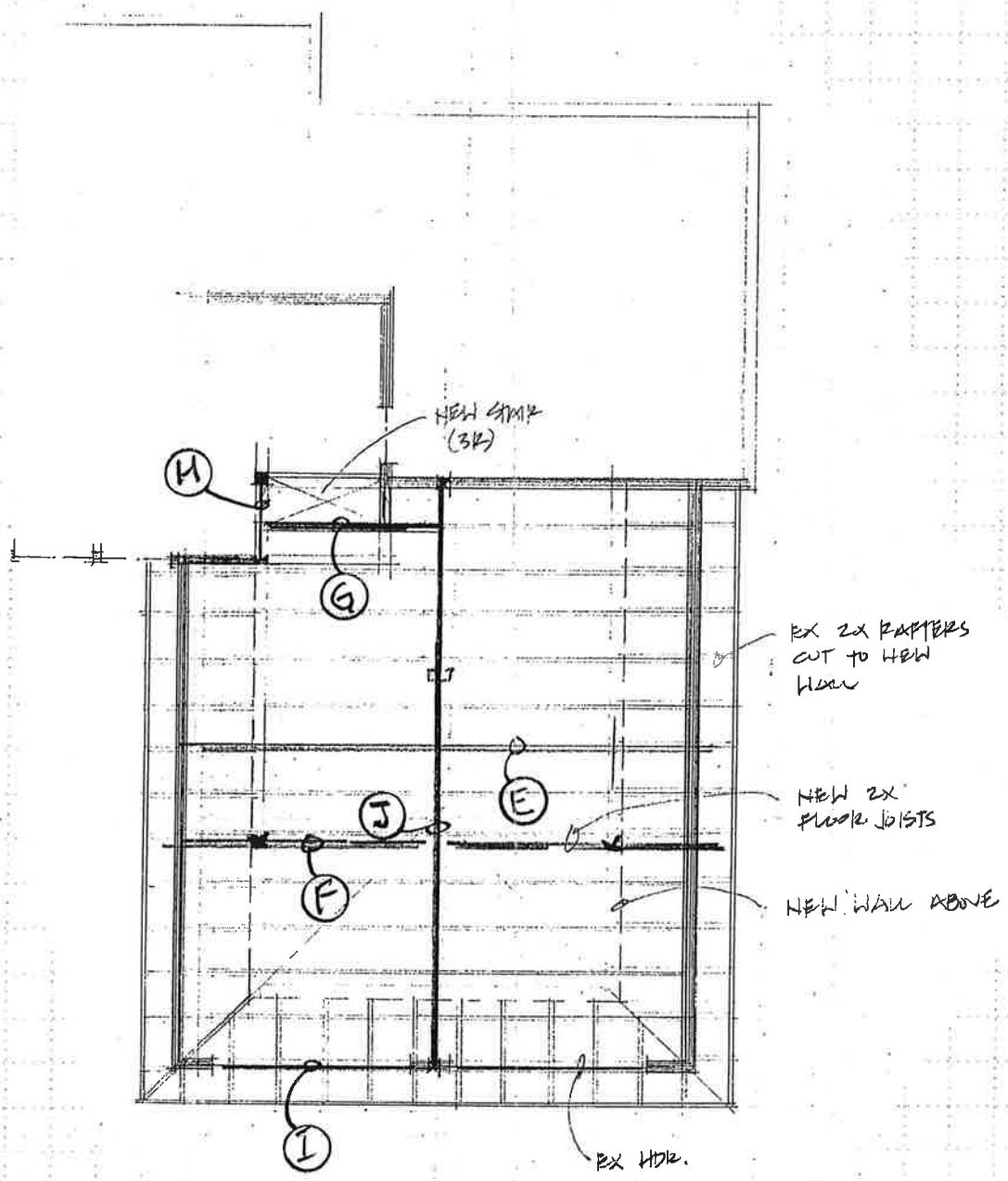

Floor

LL=40

DL= 15

TL= 55 psf

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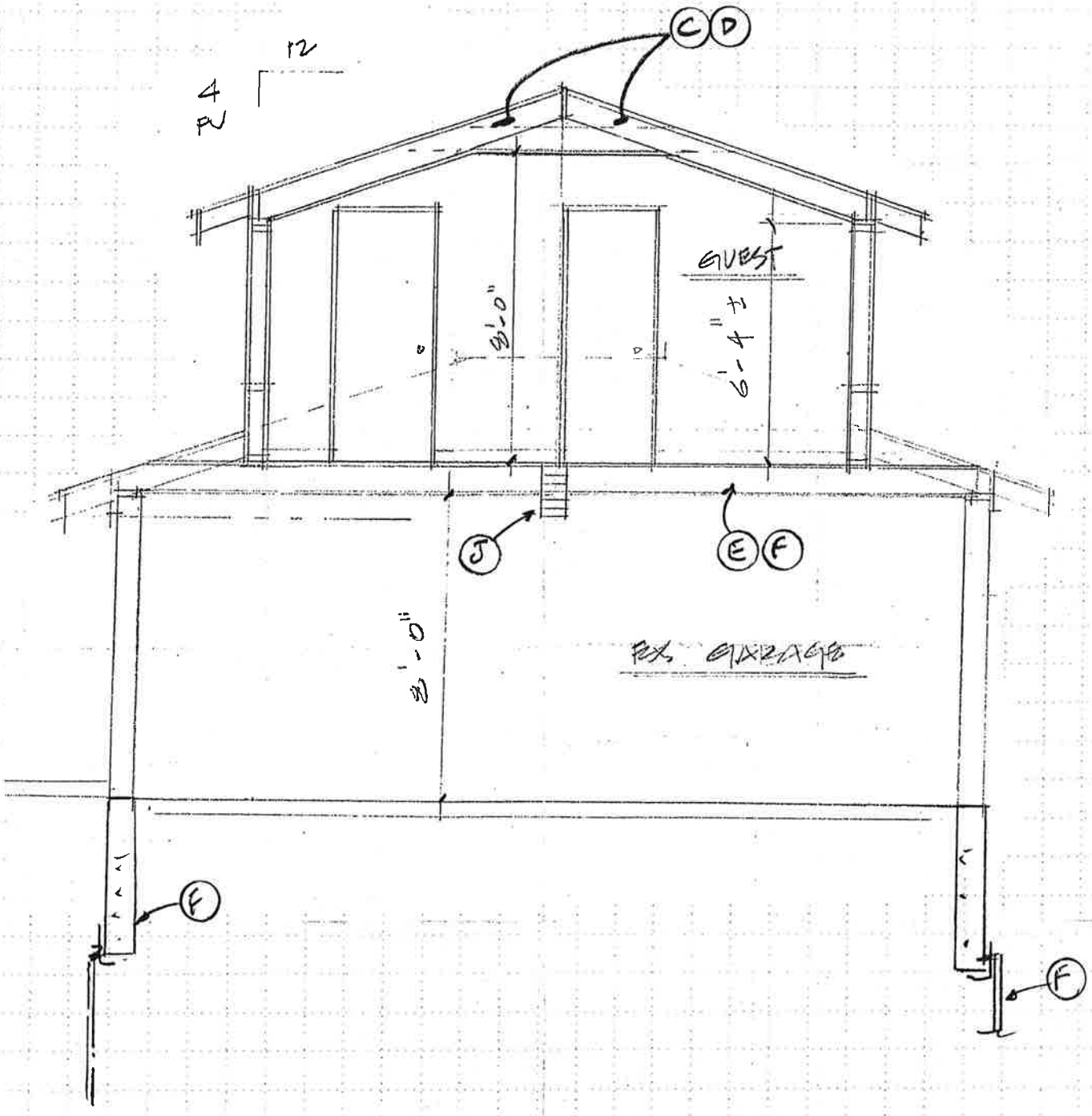

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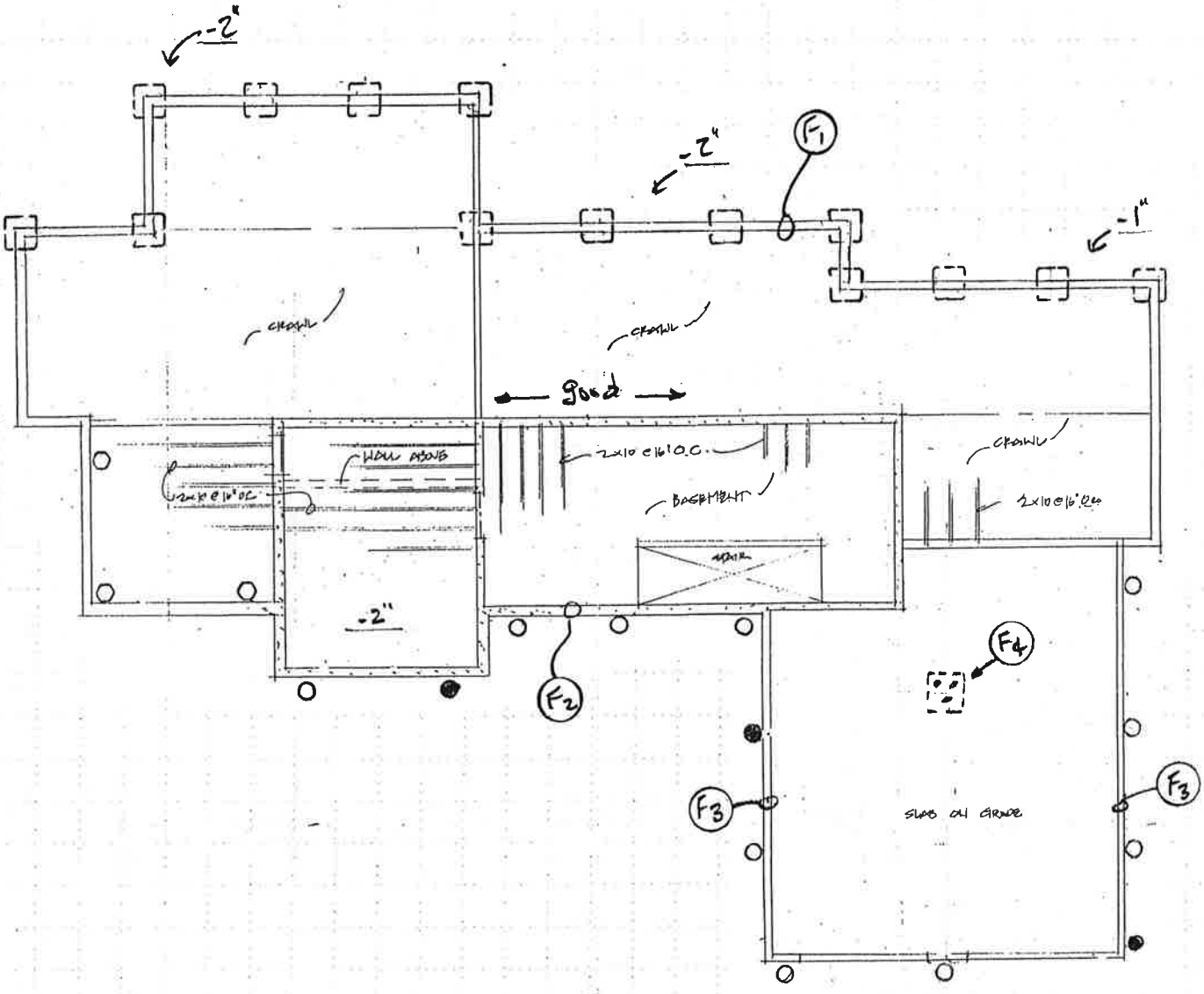

- [ ] CONCRETE UNDERPIN
- [ ] FOOTING W/ (3) DRIVEN PILES
- ○ HELICAL PIER
- ○ DRIVEN PILE
- ● INSTALLED DRIVEN PILE

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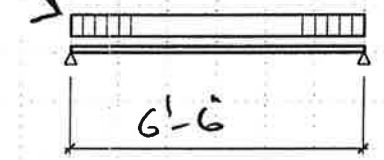
(A) Roof Rafter

	12	24
W_{LL}	25	50
DL	12	25
	37	75



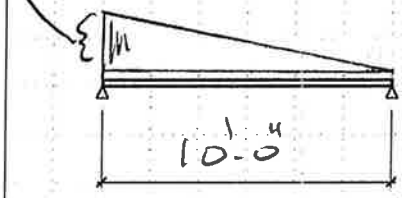
2x6 (min.) @ 24"

(B) Hip Beam

$W_{LL} = 25(6.5/2)(4) = 175$

$DL = 12(6.5/2)(4) = 100$

275#



900 (L_L = 575, D_L = 325)

450 (L_L = 350, D_L = 150)

(2) 2x6

-OR-

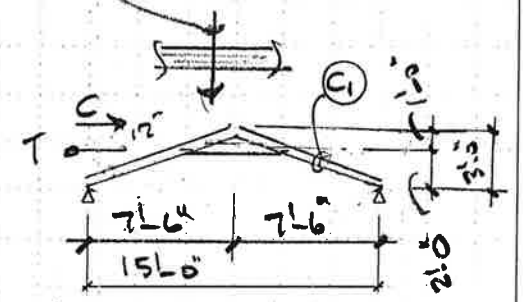
2x8

(C) Roof / Collar

To individual joist
Use 20 psf LL, 10 psf DL

.7(24") = 17.5" ⇒ 20

	12	16	24
W_{LL}	20	35	40
DL	10	15	30
	30	50	70



Roof Force

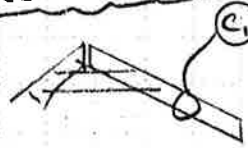
$M = 3.0(15)/8 = 850^{\#}$/foot

$C = T = 850(14)/12 = 850^{\#}$

$= 1130^{\#}/16"$

$= 1700^{\#}/24"$

1x6 Collar E. side
(6) #10 x 3½" Screw E. end



$M = 850^{\#}$

$S_x = 850(12)/(1000(1.5)) = 8^{in^3}$/foot

$= 11^{in^3}/16"$

$= 16^{in^2}/24"$

2x10 @ 24"
Min. Rafters

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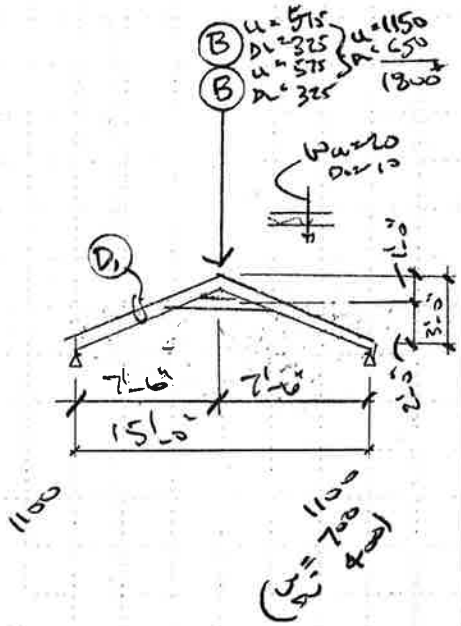
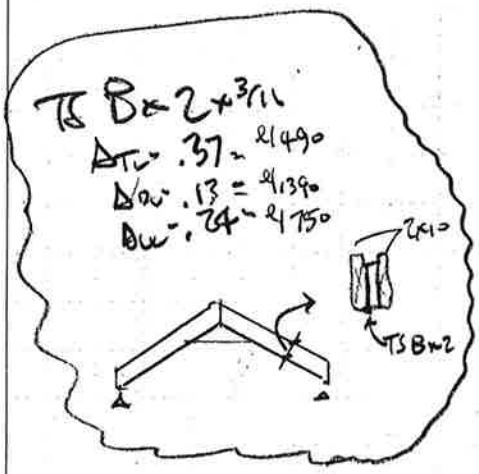
(D) Roof/Collar 'Beam'



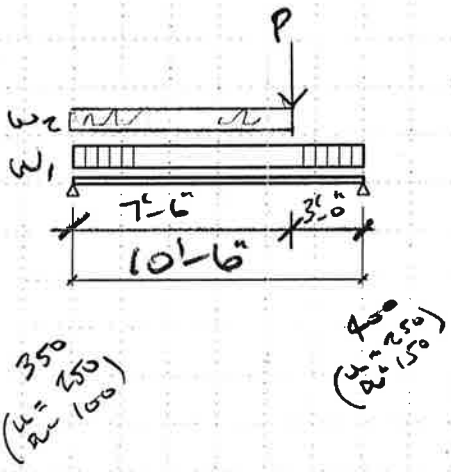
$M = 30(15)^2/8 + 1800(15)/4 = 7600^{\#}$



(E) Floor Joist

	12	16
$w_{1\,LL}$ =	12	15
$w_{2\,LL}$ =	40	55

	12	16
P_{LL} = 20(12/2) =	200	275
P_{DL} = 12(20/2) =	120	160
	320	435

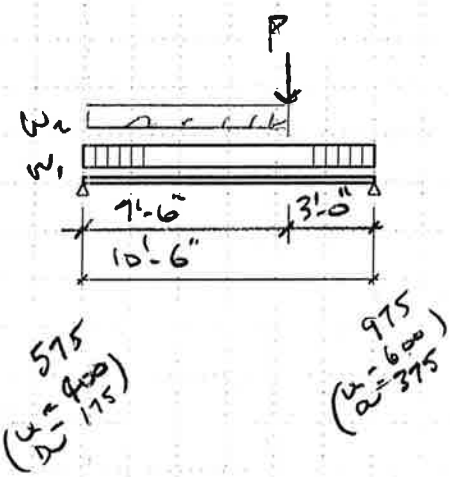


2x10 @16"
$\Delta_{TL} = \ell/630$

(F) Floor Beam at (D)

(D)

P_{LL} = 700 + 20(1.5) =	725
P_{DL} = 400 + 12(1.5) =	425
	1150



(2) 2x10

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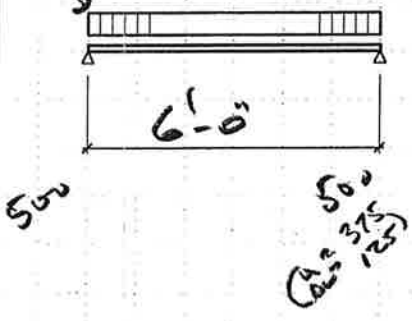
(G) Floor Joist

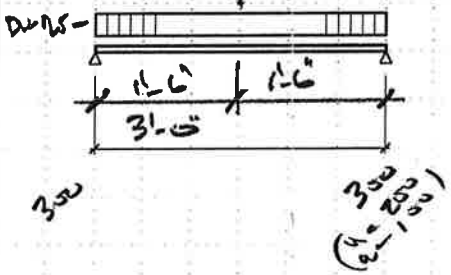
W LL: 40(3) = 125
DL: 15(3) = 50
175 plf



2x10
(2) 2x6

(H) Header

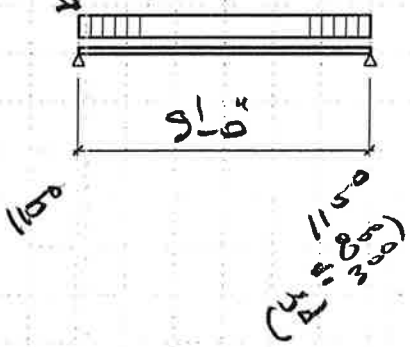
(G) LL: 375
DL: 125) 500 #



2x6 min.

(I) Garage Door Header

LL = 25(5)(5½) ÷ 3 ft wide = 175
DL = 15(5)(5½) ÷ 3 ft wide = 75
250 plf



VERIFY
(2) 2x8
or (min.)
4x8

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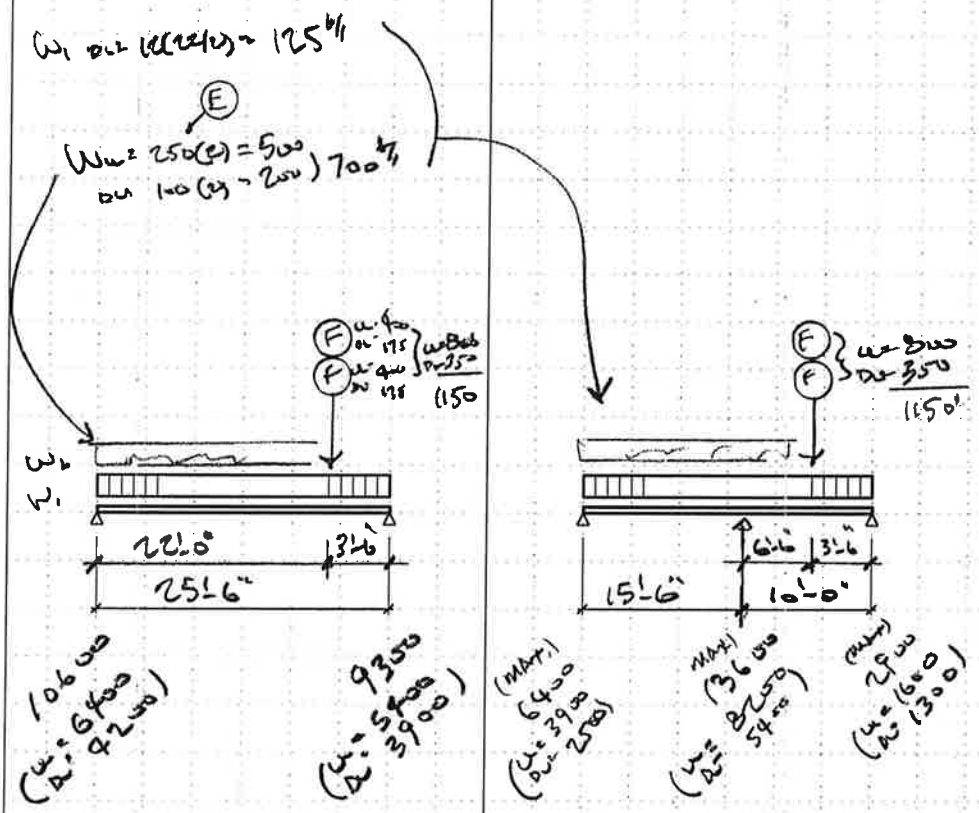
(J) Floor Beam

As Full Length Bm

(J) Cont

+ w/ Column



GL 5½ x 21
Dtl = 1.10 = ℓ/200
DLL = .43 = ℓ/710
DW = .67 = ℓ/460

GL 6¾ x 19½
Dtl = 1.04 = ℓ/295
DLL = .41 = ℓ/750
DW = .63 = ℓ/435

GL 5½ x 13½
CONT. V8

NORDLING STRUCTURAL ENGINEERS, LLC
6775 SW 111th, Suite 200 · Beaverton OR, 97008

Proj. No.: 12-186
COBB BEACH HOUSE
ARCH CAPE, OR
RYAN SCHENK
Date: MAY 2012 By: JEN Sheet No.: G4

Nordling Structural Engineers, LLC
6775 SW 111th #200
Beaverton, OR 97008

MULTI-SPAN TIMBER BEAM DESIGN

COBB BEACH HOUSE

			A-(TL) 1	B-(TL) 2	B-(TL) 3	E-(TL) 4	F-(TL) 5
GENERAL DATA							
All Spans Simple Support ??		:	YES				
Spans Length		ft :	6.50	6.50	6.50	10.50	10.50
End Fixity:		:	Pin:Pin	Pin:Pin	Pin:Pin	Pin:Pin	Pin:Pin
Beam Width		in :	1.500	3.000	1.500	1.500	3.000
Beam Depth		in :	5.50	5.50	7.25	9.25	9.25
CALCULATED VALUES			-OK-	-OK-	-OK-	-OK-	-OK-
F'b-Modified Allow.		psi :	1546.8	1345.5	1242.0	1311.0	1311.0
fb - Actual.		psi :	628.5	712.8	820.4	878.4	818.7
F'v-Modified Allow.		psi :	207.0	207.0	207.0	207.0	207.0
fv (actual) * 1.5		psi :	37.8	49.3	70.1	56.8	53.1
Moment @ Left		k-in :	0.0	0.0	0.0	0.0	0.0
Moment @ Right		k-in :	0.0	0.0	0.0	0.0	0.0
Max. Mom. @ Mid-Span		k-in :	4.8	10.8	10.8	18.8	35.0
	X-Dist	ft :	3.25	2.86	2.86	6.72	7.49
Shears:	Left	k :	0.24	0.67	0.67	0.47	0.58
	Right	k :	-0.24	-0.54	-0.54	-0.54	-0.99
Reaction @ Left	DL	k :	0.08	0.24	0.24	0.12	0.18
	LL	k :	0.16	0.43	0.43	0.34	0.40
	Total	k :	0.24	0.67	0.67	0.47	0.58
Reaction @ Right	DL	k :	0.08	0.20	0.20	0.19	0.37
	LL	k :	0.16	0.34	0.34	0.34	0.62
	Total	k :	0.24	0.54	0.54	0.54	0.99
Max. Defl. @ Mid Span		in :	-0.091	-0.099	-0.086	-0.191	-0.155
	X-Dist	ft :	3.25	3.12	3.12	5.46	5.67
DESIGN DATA							
Le: Unsupported Length		ft :	0.00	0.00	0.00	0.00	0.00
Fb:Basic Allowable		psi :	1345.0	1170.0	1080.0	1140.0	1140.0
Fv:Basic Allowable		psi :	180.0	180.0	180.0	180.0	180.0
Elastic Modulus		ksi :	1600	1600	1600	1600	1600
Load Duration Factor		:	1.15	1.15	1.15	1.15	1.15
APPLIED LOADS							
Use Live Load on This Span		?	Yes	Yes	Yes	Yes	Yes
Uniform.....	DL	plf :	25.0	0.0	0.0	15.0	12.0
	LL	plf :	50.0	0.0	0.0	0.0	0.0
Partial.....	DL	plf :					
	LL	plf :				55.0	40.0
	X-Left	ft :				0.00	0.00
	X-Right	ft :	6.50	6.50	6.50	7.50	7.50
Trapezoidal	DL @ Left	plf :		100.00	100.00		
	DL @ Right	plf :					
	LL @ Left	plf :		175.00	175.00		
	LL @ Right	plf :					
	X-Left	ft :		0.00	0.00		
	X-Right	ft :		10.00	10.00		
Point.....	DL	# :				160.00	425.00
	LL	# :				275.00	725.00
	X-Dist.	ft :				7.50	7.50
QUERY VALUES							
Location		ft :	0.00	0.00	0.00	0.00	0.00
Shear		# :	0.24	0.67	0.67	0.47	0.58
Moment		k-in :	0.00	0.00	0.00	0.00	0.00
Deflection		in :	0.000	0.000	0.000	0.000	0.000

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Nordling Structural Engineers, LLC
6775 SW 111th #200
Beaverton, OR 97008

MULTI-SPAN STEEL BEAM DESIGN

COBB BEACH HOUSE

			D-(TL)	D-(DL)	D-(LL)
GENERAL DATA			1	3	5
All Spans Simple Support ??		:	YES		
Span Lengths		ft :	15.00	15.00	15.00
End Fixity:		:	Pin:Pin	Pin:Pin	Pin:Pin
AISC Section			ts8x2x3/16	ts8x2x3/16	ts8x2x3/16
CALCULATED VALUES			-OK-	-OK-	-OK-
Fb - Allowable		psi :	29700	29700	29700
fb - Actual.		psi :	15251	5460	9791
fv - Actual		psi :	750	267	483
Moment @ Left		k-ft :	0.0	0.0	0.0
Moment @ Right		k-ft :	0.0	0.0	0.0
Max. Mom. @ Mid-Span		k-ft :	7.6	2.7	4.9
X-Dist		ft :	7.50	7.50	7.50
Shears:	Left	k :	1.1	0.4	0.7
	Right	k :	1.1	0.4	0.7
Reactions:	Left:Dead	k :	0.40	0.40	0.00
	Live	k :	0.72	0.00	0.72
	Total	k :	1.12	0.40	0.72
	Right:Dead	k :	0.40	0.40	0.00
	Live	k :	0.72	0.00	0.72
	Total	k :	1.12	0.40	0.72
Max. Defl. @ Mid Span		in :	-0.365	-0.130	-0.234
X-Dist		ft :	7.50	7.50	7.50
BEAM DESIGN DATA					
Le: Unsupported Length		ft :	0.00	0.00	0.00
Fy		ksi :	45.0	45.0	45.0
Section Area		in2 :	3.52	3.52	3.52
Beam Depth		in :	8.000	8.000	8.000
Beam Width		in :	2.000	2.000	2.000
Flange Thickness		in :	0.188	0.188	0.188
Web Thickness		in :	0.188	0.188	0.188
Ixx		in4 :	23.9	23.9	23.9
Iyy		in4 :	2.52	2.52	2.52
rt		in :	0.00	0.00	0.00
APPLIED LOADS					
Use Live Load on This Span		?	Yes	Yes	Yes
Uniform	DL	k/ft :	0.01	0.01	0.00
	LL	k/ft :	0.02	0.00	0.02
Point	DL	k :	0.65	0.65	
	LL	k :	1.15		1.15
	X-Distance	ft :	7.50	7.50	7.50
QUERY VALUES					
Location		ft :	0.00	0.00	0.00
Shear		k :	1.12	0.40	0.72
Moment		k-ft :	0.00	0.00	0.00
Deflection		in :	0.000	0.000	0.000

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Nordling Structural Engineers, LLC
6775 SW 111th #200
Beaverton, OR 97008

MULTI-SPAN TIMBER BEAM DESIGN

COBB BEACH HOUSE

			G-(TL) 1	G-(TL) 2	H-(TL) 3	I-(TL) 4	I-(TL) 5
GENERAL DATA							
All Spans Simple Support ??		:	YES				
Spans Length		ft :	6.00	6.00	3.00	9.00	9.00
End Fixity:		:	Pin:Pin	Pin:Pin	Pin:Pin	Pin:Pin	Pin:Pin
Beam Width		in :	1.500	3.000	1.500	3.000	3.500
Beam Depth		in :	9.25	5.50	5.50	7.25	7.25
CALCULATED VALUES			-OK-	-OK-	-OK-	-OK-	-OK-
F'b-Modified Allow.		psi :	990.0	1170.0	1170.0	1242.0	1345.5
fb - Actual.		psi :	441.8	624.8	639.7	1155.8	990.7
F'v-Modified Allow.		psi :	180.0	180.0	180.0	207.0	207.0
fv (actual) * 1.5		psi :	42.4	40.7	50.2	67.2	57.6
Moment @ Left		k-in :	0.0	0.0	0.0	0.0	0.0
Moment @ Right		k-in :	0.0	0.0	0.0	0.0	0.0
Max. Mom. @ Mid-Span		k-in :	9.4	9.4	4.8	30.4	30.4
	X-Dist	ft :	3.00	3.00	1.50	4.50	4.50
Shears:	Left	k :	0.52	0.52	0.29	1.12	1.12
	Right	k :	-0.52	-0.52	-0.29	-1.12	-1.12
Reaction @ Left	DL	k :	0.15	0.15	0.10	0.34	0.34
	LL	k :	0.37	0.37	0.19	0.79	0.79
	Total	k :	0.52	0.52	0.29	1.12	1.12
Reaction @ Right	DL	k :	0.15	0.15	0.10	0.34	0.34
	LL	k :	0.37	0.37	0.19	0.79	0.79
	Total	k :	0.52	0.52	0.29	1.12	1.12
Max. Defl. @ Mid Span		in :	-0.032	-0.077	-0.016	-0.242	-0.208
	X-Dist	ft :	3.00	3.00	1.50	4.50	4.50
DESIGN DATA							
Le: Unsupported Length		ft :	0.00	0.00	0.00	0.00	0.00
Fb:Basic Allowable		psi :	990.0	1170.0	1170.0	1080.0	1170.0
Fv:Basic Allowable		psi :	180.0	180.0	180.0	180.0	180.0
Elastic Modulus		ksi :	1600	1600	1600	1600	1600
Load Duration Factor		:	1.00	1.00	1.00	1.15	1.15
APPLIED LOADS							
Use Live Load on This Span		?	Yes	Yes	Yes	Yes	Yes
Uniform.....	DL	plf :	50.0	50.0	25.0	75.0	75.0
	LL	plf :	125.0	125.0	0.0	175.0	175.0
Point.....	DL	# :			125.00		
	LL	# :			375.00		
	X-Dist.	ft :			1.50		
QUERY VALUES							
Location		ft :	0.00	0.00	0.00	0.00	0.00
Shear		# :	0.52	0.52	0.29	1.12	1.12
Moment		k-in :	0.00	0.00	0.00	0.00	0.00
Deflection		in :	0.000	0.000	0.000	0.000	0.000

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Nordling Structural Engineers, LLC
6775 SW 111th #200
Beaverton, OR 97008

MULTI-SPAN TIMBER BEAM DESIGN

COBB BEACH HOUSE

			J-(TL) 1	J-(DL) 2	J-(LL) 3	J-(TL) 5	J-(DL) 6	J-(LL) 7
GENERAL DATA								
All Spans Simple Support ??		:	YES					
Spans Length		ft :	25.50	25.50	25.50	25.50	25.50	25.50
End Fixity:		:	Pin:Pin	Pin:Pin	Pin:Pin	Pin:Pin	Pin:Pin	Pin:Pin
Beam Width		in :	5.125	5.125	5.125	6.750	6.750	6.750
Beam Depth		in :	21.00	21.00	21.00	19.50	19.50	19.50
CALCULATED VALUES			-OK-	-OK-	-OK-	-OK-	-OK-	-OK-
F'b-Modified Allow.		psi :	2593.6	2593.6	2593.6	2615.1	2615.1	2615.1
fb - Actual.		psi :	2132.0	841.5	1290.5	1877.4	741.0	1136.4
F'v-Modified Allow.		psi :	218.5	218.5	218.5	218.5	218.5	218.5
fv (actual) * 1.5		psi :	126.9	50.1	76.9	103.8	40.9	62.8
Moment @ Left		k-in :	0.0	0.0	0.0	0.0	0.0	0.0
Moment @ Right		k-in :	0.0	0.0	0.0	0.0	0.0	0.0
Max. Mom. @ Mid-Span		k-in :	803.1	317.0	486.1	803.1	317.0	486.1
	X-Dist	ft :	12.75	12.75	12.75	12.75	12.75	12.75
Shears:	Left	k :	10.51	4.14	6.36	10.51	4.14	6.36
	Right	k :	-9.23	-3.79	-5.44	-9.23	-3.79	-5.44
Reaction @ Left	DL	k :	4.14	4.14	0.00	4.14	4.14	0.00
	LL	k :	6.36	0.00	6.36	6.36	0.00	6.36
	Total	k :	10.51	4.14	6.36	10.51	4.14	6.36
Reaction @ Right	DL	k :	3.79	3.79	0.00	3.79	3.79	0.00
	LL	k :	5.44	0.00	5.44	5.44	0.00	5.44
	Total	k :	9.23	3.79	5.44	9.23	3.79	5.44
Max. Defl. @ Mid Span		in :	-1.099	-0.434	-0.665	-1.042	-0.412	-0.631
	X-Dist	ft :	12.75	12.75	12.75	12.75	12.75	12.75
DESIGN DATA								
Le: Unsupported Length		ft :	0.00	0.00	0.00	0.00	0.00	0.00
Fb:Basic Allowable		psi :	2400.0	2400.0	2400.0	2400.0	2400.0	2400.0
Fv:Basic Allowable		psi :	190.0	190.0	190.0	190.0	190.0	190.0
Elastic Modulus		ksi :	1800	1800	1800	1800	1800	1800
Load Duration Factor		:	1.15	1.15	1.15	1.15	1.15	1.15
APPLIED LOADS								
Use Live Load on This Span		?	Yes	Yes	Yes	Yes	Yes	Yes
Uniform.....	DL	plf :	125.0	125.0	0.0	125.0	125.0	0.0
	LL	plf :	0.0	0.0	0.0	0.0	0.0	0.0
Partial.....	DL	plf :	200.0	200.0		200.0	200.0	
	LL	plf :	500.0		500.0	500.0		500.0
	X-Left	ft :	0.00	0.00	0.00	0.00	0.00	0.00
	X-Right	ft :	22.00	22.00	22.00	22.00	22.00	22.00
Point.....	DL	# :	350.00	350.00		350.00	350.00	
	LL	# :	800.00		800.00	800.00		800.00
	X-Dist.	ft :	22.00	22.00	22.00	22.00	22.00	22.00
QUERY VALUES								
Location		ft :	0.00	0.00	0.00	0.00	0.00	0.00
Shear		# :	10.51	4.14	6.36	10.51	4.14	6.36
Moment		k-in :	0.00	0.00	0.00	0.00	0.00	0.00
Deflection		in :	0.000	0.000	0.000	0.000	0.000	0.000

G8

Nordling Structural Engineers, LLC
6775 SW 111th #200
Beaverton, OR 97008

MULTI-SPAN TIMBER BEAM DESIGN

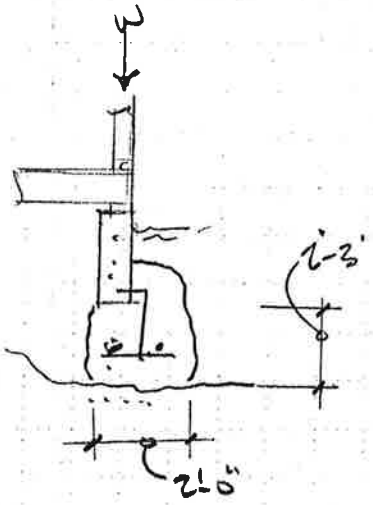
COBB BEACH HOUSE

			J-(TL) 1	J-(TL) 2	J-(TL) 4	J-(TL) 6
GENERAL DATA						
All Spans Simple Support ??		:	NO			
Spans Length		ft :	15.50	10.00	15.50	10.00
End Fixity:		:	Pin:Pin	Pin:Pin	Pin:Pin	Pin:Pin
Beam Width		in :	5.125	5.125	5.125	5.125
Beam Depth		in :	13.50	13.50	13.50	13.50
CALCULATED VALUES			-OK-	-OK-	-OK-	-OK-
F'b-Modified Allow.		psi :	2724.1	2724.1	2724.1	2724.1
fb - Actual.		psi :	1465.2	1465.2	1909.8	784.8
F'v-Modified Allow.		psi :	218.5	218.5	218.5	218.5
fv (actual) * 1.5		psi :	144.9	109.8	118.3	68.6
Moment @ Left		k-in :	0.0	-228.1	0.0	0.0
Moment @ Right		k-in :	-228.1	0.0	0.0	0.0
Max. Mom. @ Mid-Span		k-in :	194.2	30.5	297.3	122.2
	X-Dist	ft :	6.30	6.53	7.75	5.00
Shears:	Left	k :	5.17	6.00	6.39	4.10
	Right	k :	-7.62	-0.95	-6.39	-2.85
Reaction @ Left	DL	k :	2.03	5.38	2.52	1.62
	LL	k :	3.13	8.24	3.87	2.47
	Total	k :	5.17	13.62	6.39	4.10
Reaction @ Right	DL	k :	5.38	0.52	2.52	1.27
	LL	k :	8.24	0.43	3.87	1.58
	Total	k :	13.62	0.95	6.39	2.85
Max. Defl. @ Mid Span		in :	-0.310	0.027	-0.566	-0.095
	X-Dist	ft :	6.92	2.33	7.75	4.93
DESIGN DATA						
Le: Unsupported Length		ft :	0.00	0.00	0.00	0.00
Fb:Basic Allowable		psi :	2400.0	2400.0	2400.0	2400.0
Fv:Basic Allowable		psi :	190.0	190.0	190.0	190.0
Elastic Modulus		ksi :	1800	1800	1800	1800
Load Duration Factor		:	1.15	1.15	1.15	1.15
APPLIED LOADS						
Use Live Load on This Span		?	Yes	Yes	Yes	Yes
Uniform.....	DL	plf :	325.0	125.0	325.0	125.0
	LL	plf :	500.0	0.0	500.0	0.0
Partial.....	DL	plf :		200.0		200.0
	LL	plf :		500.0		500.0
	X-Left	ft :		0.00		0.00
	X-Right	ft :	15.50	6.50	15.50	6.50
Point.....	DL	# :		350.00		350.00
	LL	# :		800.00		800.00
	X-Dist.	ft :		6.50		6.50
QUERY VALUES						
Location		ft :	0.00	0.00	0.00	0.00
Shear		# :	5.17	6.00	6.39	4.10
Moment		k-in :	-0.00	-228.09	-0.00	-0.00
Deflection		in :	0.000	0.000	0.000	0.000

G9

F1 WEST WALL

$W = (25+12)(13/12) + (40+15)(12/12) + 10(12) + 5(100) = 1100\#/'$



AREA = $2(1.5) = 3.5\Box$

SPACING = $\frac{2220(3.5)}{1100} = 6.4'$

AT 2'×2' $A = 4\Box$

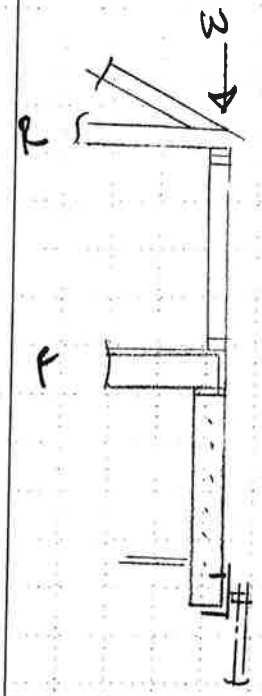
SPACING = $\frac{1000(4)}{1100} = 7.3'$

UNDERPIN
24"×24" CONCRETE
AT 6' TO 7' o/c

F2 EAST WALL

$W = (25+12)(16)(8/12) + 55(12/12) + 15(12) + 9(10) = 1750\#/'$

HE

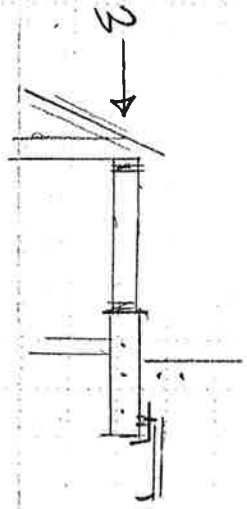


HELICAL PIER / DRIVEN PILE } $\frac{10000\#\ \text{CAP.}}{(10000/1750 = 5.7')}$

PIER/PILE -
SPACE AT 5 TO 6' o/c

F3 GARAGE WALLS

$W = (25+12)(12/12) + (40+15)(12/12) + 10(12) + 5(100) = 1400\#/'$



HELICAL PIER / DRIVEN PILE } $\frac{10000}{1400} = 7'$

PIER/PILE -
SPACE AT 6-7' o/c

F4

(J) $R = 13600\#$

PILES = $\frac{13600}{(3)} = 4500\#/\text{PILE}$

CONCRETE CAP W/
(3) PIERS TO BALANCE

NORDLING STRUCTURAL ENGINEERS, LLC
6775 SW 111th, Suite 200 · Beaverton OR, 97008

Proj. No.: 12-231
RESIDENCE
316 BASELINE, CORNELIUS
J & H HOMES, LLC
Date: JUN 2012 By: JEN Sheet No.: F1

L1

GARAGE WALL

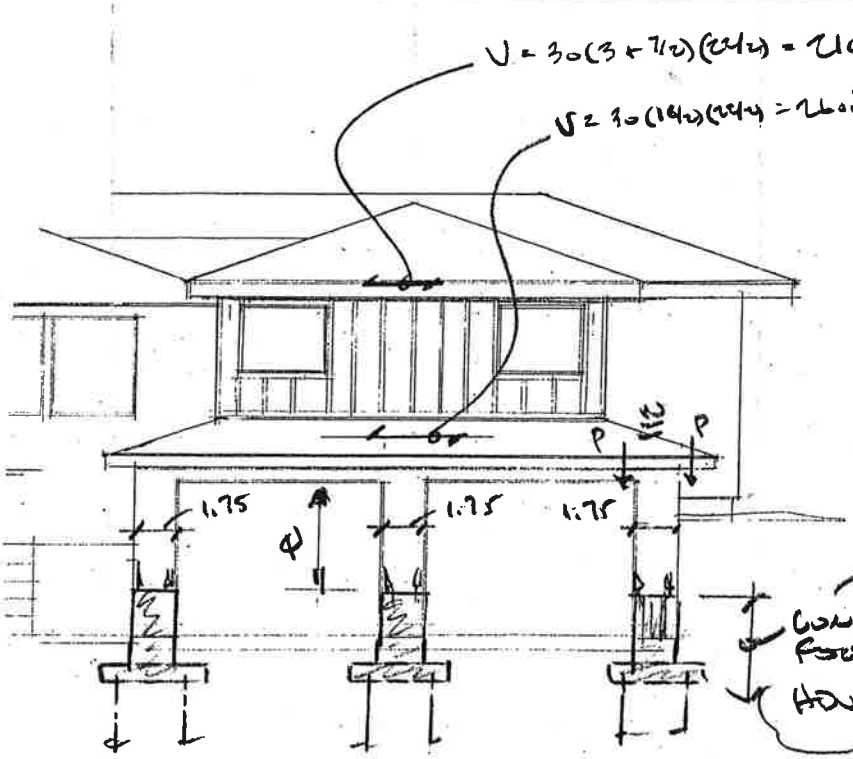
ASCE 7.05 Wind Force Standard

Wind Speed :	105	mph	Exposure :	D	Importance (Iw) :	1.00	
Mean Height (h) :	20'-0"						
Width (x) :	30'-0"		Topographic Feature:		Homogeneous		
Length (y) :	30'-0"				Height of Hill (h)	0	ft
					Crest Length (L_h)	0	ft
q_h :	25.98	psf			Crest to Structure Dist (x)	0	ft
	→	↓					
	|| X	|| Y			K_d : 0.85	K_1 :	0.00
C_p:	0.80	0.80	windward		K_{zt} : 1.00	K_2 :	0.00
C_p:	-0.50	-0.50	leeward			K_3 :	0.00
Gust:	0.90	0.90					

Wall Loads	→ || X	|| Y ↓
Leeward	qh * Cp * Gust = -11.6 psf	qh * Cp * Gust = -11.6 psf

Windward	kz	qz * Cp * Gust	Total
25'-0"	1.126	19.4 psf	**31.0 psf**
20'-0"	1.083	18.6 psf	**30.3 psf**
15'-0"	1.030	17.7 psf	**29.4 psf**

qz * Cp * Gust	Total
19.4 psf	**31.0 psf**
18.6 psf	**30.3 psf**
17.7 psf	**29.4 psf**



V = 4750 / (1.15×3) = 950#

½" PLYWD – EA. SIDE w/ 8d @ 4/12

W = 10(10) = 1000#

P = 10(4)(10/2) = 2000#

M_o = (4750/3)(4) = 6300

M_R = 100(1.75)²/2 + 200(1.75) = 500

T = (6300 − .6(500)) / 1.75 = 3420#

HDU4.SDS2.5 SSTB20

CONC. WALL FOOTING w/ (2) PIECES #4 CONT.

HDU4.SDS2.5/SSTB20

NORDLING STRUCTURAL ENGINEERS, LLC

6775 SW 111th, Suite 200 · Beaverton OR, 97008

WIND

Proj. No.: 12-186

COBB BEACH HOUSE
ARCH CAPE, OR

RYAN SCHENK

Date: MAY 2012 By: JEN Sheet No.: L1

USGS
Earthquake Hazards Program

2005 ASCE 7 Standard

Lat: 45° 48' 53.45" N
Long: 123° 57' 45.96" W

Ss and S1 = Mapped Spectral Acceleration Values
80220 Pacific Rd, Arch Cape, OR

Ground Motion **Ss** **1.378** **S1** **0.676**

Occupancy Category	II	
Site Class	D	
Importance Factor	1.00	
Height of Structure	25.0	ft

Light Framed walls with wood shear panels
R 6.5 ASCE

Structural Period	T	0.224
	C_t	0.020
	x	0.75

Site Coefficients

F_a	1.00	
F_v	1.50	
S_{MS} F_a * S_S	1.378	
S_{M1} F_v * S_1	1.014	
S_{DS} (2/3) S_{MS}	**0.919**	
S_{D1} (2/3) S_{M1}	**0.676**	

C_S	S_{DS} I / R	0.141
$C_{S\,MAX}$	S_{DS} I / T R	0.465
$C_{S\,MIN}$	0.044 S_{DS} I	0.040

V	C_S * W_P	**0.141**	W_P
ASD	= V * 0.7	**0.099**	W_P

10%.

Seismic Design Category
SDC D

LONG DIRECTION
(controls)

WIND 12(70) + 10(10)(6) = 1150# (.10) = 115# (WIND CONTROLS)

SEISMIC

NORDLING STRUCTURAL ENGINEERS, LLC
6775 SW 111th, Suite 200 · Beaverton OR, 97008

Proj. No.: 12-186
COBB BEACH HOUSE
ARCH CAPE, OR
RYAN SCHENK
Date: MAY 2012 By: JEN Sheet No.: L2

Exhibit 5

CERTIFICATE OF MAILING

I hereby certify that I served a copy of the attached **Public Notice** for a Major Design Review applicatoin submitted by Ryan Schenk on behalf of Charles and Anancy, 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: July 25, 2012

Clancie Adams, Staff Assistant
Clatsop County, Oregon

Clatsop County
Transportation & Development Services
800 Exchange Street, Suite 100,
Astoria, OR 97103

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

PUBLIC NOTICE FOR AN ISSUE BEFORE THE COMMUNITY DEVELOPMENT DIRECTOR

In the matter of a Major Design Review application submitted by Ryan Schenk on behalf of Charles and Nancy Cobb, for construction of a new addition above an existing garage; new roof to match existing roof; and support of the existing foundation to prevent it from settling further, on property owned by the Cobbs, located at 80220 N. Pacific Road, in Arch Cape, Oregon. The legal description of the parcel is T4N, R10W, § 19CC, TL 00510.

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

APRX. DATE OF DECISION:	August 17, 2012
COMMENT PERIOD:	July 26, 2012, to August 16, 2012
DESIGN REVIEW HEARING:	August 15, 2012, 6 pm Arch Cape Fire Hall, 79816 E. Beach Road
SEND COMMENTS TO:	Public Service Building 800, 800 Exchange Street, Suite 100, Astoria, Oregon 97103
CONTACT PERSON:	Julia Decker, Clatsop County Planner

You are receiving this notice because you either own property within 250 feet of the property that serves as the subject of the land use application described in this letter or you are considered to be an affected state or federal agency, local government, or special district. A vicinity map for the subject property may be found on page 2.

NOTICE IS HEREBY GIVEN that Clatsop County's Community Development Department has received the land use application described in this letter. Pursuant to section 4.100 of the Clatsop County Land Water Development and Use Ordinance, a **Public Hearing is scheduled before the Design Review Committee on Wednesday, August 15, 2012.** Pursuant to Section 2.020 of the Clatsop County Land and Water Development and Use Ordinance (LWDUO), the Department Director is tentatively scheduled to render a decision based on evidence and testimony on Thursday, August 16, 2012, at the Public Service Building, 800 Exchange St., Suite 100, Astoria, OR 97103.

All interested persons are invited to submit testimony and evidence in writing by addressing a letter to the Clatsop County Community Development Director, 800 Exchange Street, Suite 100, Astoria, OR 97103. Written comments may also be sent via FAX to 503-338-3606 or via email to jdecker@co.clatsop.or.us. Written comments must be received in this office no later than **5 pm on Thursday, August 16, 2012,** in order to be considered by the Director and in the decision.

NOTE: Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes an appeal based on that issue.

Owner	OwnerLine1	OwnerLine2	Mailing Address	City	State	Zip	
Birkby	Virginia		79829 Gelinsky Road	Arch Cape	OR	97102	vbirkby@charter.net
Clatsop Soil/Water Cons. District	Via Email		750 Commercial, Rm 207	Astoria	OR	97103	clatsopswcd@iinet.com
Commissioner Debra Birkby	Via Email		79829 Gelinsky Road	Arch Cape	OR	97102	DBIRKBY@co.clatsop.or.us
CREST	Via Email		750 Commercial St Rm 205	Astoria	OR	97103	abancke@columbiaestuary.org
Division of State Lands	Attn: Wetlands Specialist						caroline.stimson@dsl.state.or.us
D'Onofrio	Richard		P.O. Box 1327	Cannon Beach	OR	97110	rncdonofrio@msn.com
Eyerman	Linda		3630 NE Merges Dr.	Portland	OR	97212	linda@gaylordeyerman.com
Lundy	Theodore		1193 10th Street	Astoria	OR	97103	Todlundy@q.com
Manzulli	Michael		80285 Woodland Heights Road	Arch Cape	OR	97102	manzulli@gmail.com
Mersereau	John		32042 E Shingle Mill Lane	Arch Cape	OR	97102	mersereau@charter.net
Patrick Wingard	DLCD - Oregon Coast		4301 Third Street, Room 206	Tillamook	OR	97141	patrick.wingard@state.or.us
Seifer	Daniel		79916 W. Cannon Road	Arch Cape	OR	97102	daniel.j.seifer@gmail.com
Tony Stein	Oregon Parks and Recreation	Ocean Shores Division	401 SW 9th Street	Newport	OR	97365	tony.stein@state.or.us
AB LIVING TRUST	WARNER DIXIE / MILLS ENID	Devlin John/Laura	6532 SW Wexford Dr	Portland	OR	97223	
ACSD			32065 E Shingle Mill Ln	Arch Cape	OR	97102	
ARENZ ANTOINETTE K	ARTHUR MICHAEL E	Arthur Claire M	13535 NW Lariat Ct	Portland	OR	97229	
CAHILL DONALD E	CAHILLSUSAN		7915 SE 34th	Portland	OR	97202	
CAHILL MICHAEL A / DONALD E	GEORGE PATRICIA A	Phillips Janet L	4715 E Silver Spur Ln	Spokane	WA	99217	
COBB CHARLES R	COBB NANCY JEAN		2301 Summit Dr	Lake Oswego	OR	97034	
Dept of Fish and Wildlife			4907 3rd Street	Tillamook	OR	97141	
EIGEN DARYL J	EIGEN LUCY LEBEAU		80199 Pacific Rd	Arch Cape	OR	97102	
FENTON JANIECE (PIPERS)			80231 Pacific Rd	Arch Cape	OR	97102	
FORRESTER J W JR ESTATE	FORRESTER STEPHEN A/PENNER BRENDA S	Forrester/Penner Family Trust	P.O. Box 554	Astoria	OR	97103	
GARDNER RICHARD K	GARDNER CATHERINE M		P.O. Box 138	Tolovana Park	OR	97145	
GEIST JOHN K/KATHLEEN G			80193 N Pacific Rd	Arch Cape	OR	97102	
GLEASON CANDICE	MCCOMB STEPHEN		P.O. Box 1335	Palmer	AK	99645-1335	
HOLZGRAFE CANDACE C			300 SE Spokane St	Portland	OR	97202	
KAFOURY DEBORAH	KAFOURY BEACH HOUSE TRUST	C/O Gretchen Miller Kafoury	1500 SW Fifth Ave #1906	Portland	OR	97201	
KITTELL GEOFFREY S/DANNA L			9001 SW Robert Gray Ln	Portland	OR	97225	
MEYER JAMES A/LORA R REV TRUST	MEYER JAMES A/ LORA R TR		2764 SW Summit Dr	Portland	OR	97201	
Mike Balzer, Chief	Cannon Beach Rural Fire Protection District		P.O. Box 24	Cannon Beach	OR	97110	
NORDSTROM EUGENE A TRUSTEE	NORDSTROM BARBARA L TRUSTEE	Nordstrom Family Trust	7204 NE 83rd Ave	Vancouver	OR	98662	
PIERCE DEBORAH J	PIERCE JOHN M		3054 Palatine Terrace Dr	Henderson	NV	89052	
PRICE KENT H/FLORENCE			89587 Lakeside Ct	Warrenton	OR	97146	
RUBINSTEIN RICHARD A JR 1/2	DEHAAN TERI R 1/2		8035 SW Broadmoor Terr	Portland	OR	97225	
RUBINSTEIN RICHARD A/DEANNE TR	RUBINSTEIN RICHARD/DEANNE FAMILY TRUST		8035 SW Broadmoor Terr	Portland	OR	97225	
Ryan Schenk			3930 SE Evergreen St.	Portland	OR	97202	
SAMUELSON MARK	SAMUELSON KATHERINE	Samuelson Scott A	3509 NE 209th Pl	Sammamish	WA	98074	
THOMAS DANIEL M	THOMAS SUSAN K		3256 Silver St	Hinesburg	VT	5461	
TRELSTAD CYNTHIA 1/4	RADER DON/MORRIS RADER PAT 1/4	Rush John/Brenda 1/4, Rothrick Vickie 1/4	3892 NE Alameda	Portland	OR	97212	
WAIBEL KAREN			5630 SW Windsor Ct	Portland	OR	97221	
ZALUTSKY AUDREY E	ZALUTSKY MORTON H	Zalutsky Revocable Trust Audrey/Morton	3118 SW Fairmount Blvd	Portland	OR	97201	

Attachment 3

Cannon Beach Municipal Code

Chapter 17.70 TREE REMOVAL

17.70.010 Purpose.

A. The purpose of this chapter is to establish protective regulations for trees within the city in order to better control problems of soil erosion, landslide, air pollution, noise, wind and destruction of scenic values and wildlife habitat, as well as the protection of trees as a natural resource which establishes the wooded character of the city.

B. The intent is not to prohibit the removal of trees completely, or to require extraordinary measures to build structures; rather the intent is to stop the wanton and oftentimes thoughtless destruction of that vegetation which has a beneficial effect on the value of property, and on the city in general. (Ord. 96-18 § l(part): Ord. 79-4 § 1 (4.600) (1))

17.70.015 Tree removal without a permit prohibited.

A. No person shall remove a tree (tree removal) without first obtaining a permit from the city pursuant to this chapter, unless the tree removal is exempted by provisions of this chapter. Application for a tree removal permit shall be made on forms prescribed by the city.

B. For the purposes of the chapter, a "tree" is defined as any woody plant having at least one well-defined stem at least six inches in diameter measured at a height of four and one-half feet above the natural grade. All tree measures specified in this chapter shall be measured at a height of four and one-half feet above the natural grade. (Ord. 96-18 § 1 (part))

17.70.020 Permit issuance—Criteria.

The city shall issue a tree removal permit if the applicant demonstrates that one of the following criteria is met:

A. The necessity to remove a tree which poses a safety hazard. The applicant must demonstrate that the condition or location of the tree presents a foreseeable danger to either public safety or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by pruning or treatment of the tree.

B. The necessity to remove a tree damaged by storm, fire, or other injury and which cannot be saved by pruning.

C. The necessity to remove a dying tree. A "dying tree" means that the tree is diseased, infested with insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation of disease to other trees.

D. The necessity to remove a tree(s) in order to construct a structure or development approved or allowed pursuant to the Cannon Beach Municipal Code, including required vehicular and utility access.

E. The necessity to remove a tree where required to provide solar access to a solar energy system where pruning will not provide adequate solar access to permit effective operations of the solar energy system. For the purposes of this subsection "solar energy system" means either: (i) a device employed in the collection of solar radiation for the purpose of heating or cooling a building, the heating of water, or the generation of electricity; or (ii) the south facing windows of a dwelling where such windows constitute fifty percent or more of the building's total window area; or (iii) the roof of a dwelling which has been designed for the collection of solar energy for space heating purposes.

1. The city may require documentation that a device qualifies for an Oregon Department of Energy solar tax credit, or other incentive for the installation of solar devices offered by a utility.

2. No tree measuring more than twenty-four inches in diameter shall be removed for the purpose of obtaining solar access.

F. The need to remove a tree for the health and vigor of the surrounding trees.

G. The tree is to be removed for landscape purposes subject to the following conditions:

1. The tree(s) to be removed under this criterion cannot exceed ten inches in diameter;

2. A landscape plan for the area affected by the tree removal is approved by the city;

3. The landscape plan incorporates a replacement tree(s) for trees to be removed. The replacement tree shall be at least six feet in height or have a two-inch caliper; and

4. The city shall review the property one year after the approval of the tree removal permit. The purpose of the review is to ensure that the approved landscape plan has been implemented. (Ord. 08-8 § 1; Ord. 98-22 § 1; Ord. 96-18 § 1 (part): Ord. 90-10 § 1 (Appx. A § 41); Ord. 79-4 § 1 (4.600) (2))

17.70.030 Additional requirements.

A. Where an applicant identifies the necessity to remove a tree pursuant to Section 17.70.020(A), 17.70.020(B), or Section 17.70.020(C), the application shall include a complete ISA Tree Hazard Evaluation Form prepared by an Oregon Certified Arborist with the tree removal application. An ISA Tree Hazard Evaluation Form prepared by an Oregon Certified

Arborist is not required where a tree removal permit proposes the removal of a dead tree pursuant to Section 17.70.030(C), or where a tree removal permit proposes the removal of a tree pursuant to Section 17.70.030(F). Where an applicant identifies the necessity to remove a tree pursuant to Section 17.70.020(F), an Oregon Certified Arborist shall provide a report certifying the need to remove the tree for the health and vigor of surrounding trees.

B. For actions which require the issuance of a building permit, tree removal shall occur only after a building permit has been issued for the structure requiring the removal of the tree(s).

C. An application for the removal of a dead tree does not require an ISA Tree Hazard Evaluation Form prepared by an Oregon Certified Arborist. "Dead" means that the tree is lifeless or less than ten percent of the crown is alive.

D. The retention of trees shall be considered in the design of partitions, subdivisions or planned developments; placement of roads and utilities shall preserve trees wherever possible. The need to remove trees shall be considered in the review process for partitions, subdivisions or planned developments.

E. The preservation of trees shall provide a basis for consideration of a setback reduction or variance.

F. If the condition of a tree presents an immediate danger of collapse and if such potential collapse represents a clear and present hazard to persons or property, a tree removal permit is not required prior to tree removal. However, within seven days after the tree removal, the tree owner shall make application for an after-the-fact permit. For the purposes of this subsection, "immediate danger of collapse" means that the tree is already leaning, with the surrounding soil heaving and there is a significant likelihood that the tree will topple or otherwise fail and cause damage before a tree removal permit can be obtained. "Immediate danger of collapse" does not include hazardous conditions that can be alleviated by pruning or treatment. Where a tree presents an immediate danger of collapse, a complete ISA Tree Hazard Evaluation Form prepared by an Oregon Certified Arborist is not required. Where a safety hazard exists, as defined by this subsection, the city may require the trees removal. If the tree has not been removed after forty-eight hours, the city may remove the tree and charge the costs to the owner.

G. The city may require the replanting of trees to replace those being removed. Tree replanting shall be in conformance with the city's tree replacement policy.

H. Decisions on the issuance of a tree removal permit may be appealed to the planning commission in accordance with Section 17.88.140(A).

I. For tree removal requests of trees located in a street right-of-way, property owners within one hundred feet of the tree(s) requested for removal shall be notified of the proposed action. In making its decision on such a tree removal request, the city shall consider property owner comments received within ten days of the date of the mailing of the property owner notification. To be considered, property owner comments must address the tree removal criteria of Section 17.70.020. Property owners who have commented on the tree removal request shall be notified of the city's decision and may appeal that decision in accordance with Section 17.70.030(H).

J. Tree pruning does not require a permit. However, the following trees shall be pruned in conformance with International Society of Arboriculture (ISA) standards (1995):

1. Trees more than thirty feet in height;

2. Trees more than thirty inches in diameter;

3. South of Ecola Creek, trees located west of Hemlock Street; and

4. North of Ecola Creek, trees located west of Laurel Street.

K. Tree topping is prohibited except for where: (1) trees have been severely damaged in a storm; and (2) required for utility line maintenance when other pruning practices are impractical. "Tree topping" is defined as the severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

L. A monthly report on tree removal permit actions shall be made to the planning commission.

M. If a tree is removed without a tree removal permit, a violation may be determined by measuring the stump at the surface of the cut. A stump that is twenty-two inches or more in circumference or seven inches or more in diameter shall be considered prima facie evidence of a violation of this chapter. Proof of violation of this chapter shall be deemed prima facie evidence that such violation is that of the owner of the property upon which the violation is committed.

N. Penalties.

1. Notwithstanding any other provisions of the code, any party found to be in violation of this chapter shall be subject to a civil penalty of five hundred dollars and the payment of an additional civil penalty representing the value of any unlawfully removed or damaged tree, as determined by an appraisal using the International Society of Arboriculture (ISA) Guide for Plant Appraisal, Eighth Edition, 1992. The unlawful removal of each individual tree shall be a separate offense.

2. A builder, developer, tree service, or any other person holding a city business license who is convicted of violating any provision of this chapter is also subject to a proceeding to consider revocation of their business license, pursuant to Section 5.04.170. (Ord. 08-8 § 2; Ord. 98-22 §§ 2, 3; Ord. 97-30 § 1; Ord. 96-18 § 1 (part): Ord. 90-10 § 1 (Appx. A § 42); Ord. 89-3 § 1 (part); Ord. 79-4 § 1 (4.600) (3)

Article 55.02 Tree Removal.

Sections:

55.02.010 Purpose.

The purpose of this chapter is to regulate the removal of trees and prescribe preventative protection measures to avoid damage to trees during site development in order to preserve the wooded character of the City of Lake Oswego and to protect trees as a natural resource of the City.
(Ord. No. 1429, Sec. 1; 05-18-71. Ord. No. 2059, Sec. 1; 06-16-92. Ord. No. 2097, Amended, 12-20-94)
(Ord. 2221, Amended, 01/18/2000)

55.02.020 Definitions.

Arborist means a person who has met the criteria for certification from the Interna-

tional Society of Arboriculture and maintains his or her accreditation.

Caliper Inch refers to a manner of expressing the diameter inches of a tree as calculated by measuring the tree's circumference and dividing by Pi (approximately 3.14159). Specially calibrated "diameter tapes" or "calipers" are used to determine caliper inches.

City Manager means the City Manager or the City Manager's designee.

Dead Tree means a tree is lifeless. Such evidence of lifelessness may include unseasonable lack of foliage, brittle dry branches, or lack of any growth during the growing season.

Diameter at breast height or DBH means the diameter of the trunk, at its maximum cross section, measured 54 inches (4-1/2 feet) above mean ground level at the base of the trunk.

Dripline means an imaginary vertical line extending downward from the outermost tips of a tree's branches to the ground.

Invasive Tree Species means a tree species listed on the Invasive Tree Species List on file with the Planning Department. The Invasive Tree Species List shall include:

a. Tree species listed by resolution of the City Council; and

b. Tree species added by the City Manager from time to time, upon finding that the tree species has been introduced to locations outside of its native range, the tree species has spread and now persists over large areas, and the tree species negatively impacts natural ecosystems by displacing native species, reducing biological diversity and interfering with natural succession.

Person means any individual or legal entity.

Removal means to cut down a tree or remove all or 50% or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline and/or die. "Removal" includes but is not limited to topping, damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. "Removal" does not include normal trimming or pruning of trees.

Single-family dwelling for the purpose of this chapter means any of the following: a detached home, a townhouse or rowhouse, a zero-lot line dwelling, duplex, or a condominium unit where the tree cutting permit relates to a tree located in the private yard of such a unit.

Topping means the severe cutting back of a tree's limbs to stubs three inches or larger in diameter within the tree's crown to such a degree so as to remove the natural canopy and disfigure the tree.

Tree means any woody plant having a trunk five caliper inches or larger in diameter at breast height (DBH). If a tree splits into multiple trunks above ground, but below 4.5 feet, the trunk is measured at its most narrow point beneath the split, and is considered one tree. If the tree splits into multiple trunks below ground, each trunk shall be considered one tree. For the purposes of this chapter, English laurel, Portuguese laurel, photinia, arborvitae, poison oak, and English ivy shall not be considered a "tree."

Tree Cutting Permit means written authorization from the City for a tree removal to proceed as described in an application, such authorization having been given in accordance with this chapter.

Tree Protection Zone means the area reserved around a tree or group of trees in which no grading, access, stockpiling or other construction activity shall occur as determined by the City manager to be appropriate based on review of the tree and site conditions.
(Ord. 2576, Amended, 11/15/2011; Ord. 2221, Amended, 01/18/2000; Ord. 2097, Amended, 12/20/1994; Ord. 2059, Sec. 1, 06/16/1992; Ord. 1631, Sec. 1, 07/20/1976; Ord. 1429, Sec. 1, 05/18/1971)

55.02.030 Prohibited Activities.

1. No person shall remove a tree without first obtaining a tree cutting permit from the City pursuant to this Chapter.
2. No person shall top a tree without first obtaining a topping permit from the City pursuant to this Chapter.
3. No person who is required to install or maintain tree protection measures per LOC Article 55.08 shall do any development activities including, but not limited to clearing, grading, excavation or demolition work on a property or site which requires ministerial, minor or major development approval without approved tree protection measures properly installed and maintained pursuant to this Chapter.

(Ord. No. 1429, Sec. 1; 05-18-71. Ord. No. 2059, Sec. 1; 06-16-92. Ord. No. 2097, Amended, 12-20-94) (Ord. 2221, Amended, 01/18/2000)

55.02.035 Tree Removal in Conjunction with Major or Minor Development Permit.

1. If a Major or Minor Development Permit applied for pursuant to LOC 50.07.003.15 or 50.07.003.14, respectively, would require or result in tree removal and/or a tree cutting permit as defined in this Chapter, compliance with LOC 55.02.080 shall be a criterion of approval of such development permit. Tree removals in conjunction with a Major or Minor Development Permit shall be considered in conjunction with such permit and shall be subject to the application, notice, hearing and appeal procedures applicable to the proposed Major or Minor Development pursuant to LOC 50.07.003.3.e, 50.07.003.7.a, 50.07.003.15.b, and 50.07.003.7. The required Notice for Major or Minor Developments that would require or result in tree removals shall include a site plan indicating the location of any trees proposed for removal on the subject site. The proposed trees shall also be flagged with yellow flagging tape on site. Such flagging shall be maintained until a final decision on the proposal is rendered. The remaining, notice, hearing and appeal procedures in LOC Chapter 55 shall not apply to tree removals considered in conjunction with a Major or Minor Development request. Subsequent tree removals that have not been reviewed through either Major or Minor Development procedures shall be reviewed as provided in this Chapter.
2. Once a final decision has been rendered on the Major or Minor Development Permit, trees that have been approved for removal as part of that decision shall be subject to the verification permit process. Applications for verifications shall be made on the application forms as prescribed by the City Manager and be accompanied by an application fee as established by resolution of the City Council. The purpose of the verification process is to ensure that the trees approved for removal are properly identified for removal in the field and that the trees that were not approved for removal are not inadvertently removed. Removal of trees in violation of such land use approval will be con-

sidered a violation of this Chapter. The criteria contained in LOC 55.02.080 shall not apply to verification applications for tree cutting permits.

3. If a tree proposed to be removed has been specifically required to be preserved or protected as a condition of approval of a land use action pursuant to the Lake Oswego Community Development Code, the tree removal application shall be processed as a modification to that land use action and shall be reviewed subject to the criteria of LOC 55.02.080 by the body responsible for reviewing such land use actions. Such modification procedure shall not be required in cases of an emergency as provided in LOC 55.02.042(3), or when the tree is dead as provided in LOC 55.02.080(1) or is a hazard as provided in LOC 55.02.080(2).

(Ord. 2579, Amended, 03/20/2012; Ord. 2316, Amended, 03/05/2002; Ord. 2221, Amended, 01/18/2000; Ord. 2097, Enacted, 12/20/1994)

55.02.040 Repealed. Ord. No. 2059, 06-16-92.

55.02.041 Repealed. Ord. No. 2221, 01-18-00.

55.02.042 Permit Classifications and Review Procedures.

A person who desires to remove a tree shall first apply for and receive one of the following tree cutting permits before tree removal occurs:

1. Type 1 Permit is required for:

a. A property that is located in a residential zone and is occupied by a single-family dwelling;

b. Removal of up to two trees, 10-inch caliper or less per tree at DBH within a calendar year; and

c. A tree that is not:

i. Protected by a condition of approval of a development permit pursuant to the Lake Oswego Community Development Code;

ii. Located within an area or parcel that has been placed on the Historic Landmark Designation List pursuant to LOC 50.06.009;

iii. A Heritage Tree per LOC Article 55.06;

iv. Located within an RC or RP sensitive land overlay district;

v. Located within the Willamette River Greenway (WRG) overlay district;

vi. Located within the 25-foot Oswego Lake Special Setback;

vii. Located on property owned by the City of Lake Oswego or dedicated to the public, including parks, open space and public rights-of-way.

Type I permits shall be issued without further review upon application and demonstration by the applicant that the request qualifies as a Type I permit pursuant to this subsection.

2. Type II Permit:

a. A Type II permit is required prior to any tree removal application that does not qualify in issuance as a Type I permit, Dead Tree Removal Permit, Hazard Tree Removal Permit, Emergency Permit, Verification Permit, Topping Permit, or Invasive Tree Species Removal Permit as described in this section.

b. Type II permits shall be reviewed and approved by the City Manager pursuant to LOC 55.02.080 (approval criteria) and 55.02.082 (notice requirements).

3. Dead Tree Removal Permit:

a. The City shall issue a tree cutting permit for a dead tree, except as provided by subsection (3)(b) of this section, if the applicant demonstrates that a tree is dead and warrants removal.

b. In order to provide for wildlife habitat and natural processes, the City Manager may require the retention of a dead tree. Dead trees shall not be removed if located in wetlands, RC Protection Areas (LOC 50.05.010.5.b), stream corridors, parks or open space areas required to be preserved as a condition of development approval, unless the tree presents a potential hazard to persons or property.

4. Hazard Tree Removal Permit: The City shall issue a tree cutting permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.

a. A hazard tree is a tree that is cracked, split, leaning or physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within a public right of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.

b. The City may require the applicant to submit an arborist's report confirming the hazard potential of the tree along with an analysis of alternative methods to alleviate the hazard without removal, and submit a completed hazard evaluation form as provided by the City.

5. Emergency Permit:

a. If the condition of a tree presents an immediate danger of collapse, and represents a clear and present hazard to persons or property, an emergency tree cutting permit may be issued and the payment of a fee may be waived. For the purposes of this subsection, "immediate danger of collapse" means that the tree is already leaning, with the surrounding soil heaving, and there is a significant likelihood that the tree will topple or otherwise fail and cause damage before a tree cutting permit could be obtained through the non-emergency process. "Immediate danger of collapse" does not include hazardous conditions that can be alleviated by pruning or treatment.

b. Emergency tree cutting permits must be approved by the City Manager. If an emergency situation arises at a time when the City Manager is unavailable, and such emergency creates a significant likelihood that the tree will topple or otherwise fail before such official becomes available, the owner of the tree shall, if practical and reasonable, first notify the City Tree Hotline phone number and state the address where the tree is being removed, the company performing the removal, along with the property owner's name, address, and telephone number. The owner shall photograph the tree showing emergency conditions and then may proceed with removal of the tree to the extent necessary to avoid the immediate hazard. Within seven days of such removal, the owner of the tree shall apply for a retroactive emergency tree cutting permit and shall submit with the application, evidence to demonstrate the emergency nature of the tree.

c. The city may require the application to hire an arborist to review the evidence to ascertain whether the tree presented an immediate danger of collapse. The

person or entity performing the removal shall not be eligible to provide this review. If the evidence shows that the tree did not satisfy the emergency tree removal standards set forth in this chapter, the application shall be denied and the owner of the tree shall be subject to penalties pursuant to LOC 55.02.130 and the mitigation requirements of LOC 55.02.084.

6. Invasive Tree Species Removal Permit: The City may issue a tree cutting permit for a tree that is on the Invasive Tree Species List upon the applicant's compliance with the requirements of LOC 55.02.050(1)(a).

7. Verification Permit:

a. If a site has received development approval through a Major or Minor Development Process, then a Verification Permit shall be issued for those trees approved for removal through that process. To obtain a verification permit, an applicant must clearly identify in the field the trees to be removed by tying yellow tagging tape around each tree and submitting a site plan indicating the location of the requested trees. The City Manager may require the building footprint of the development to be staked to allow for accurate verification of the permit application. The City Manager will then verify that the requested trees match the site plan approved through the Major or Minor Development Process. The City shall require the applicant to mitigate for the removal of each tree pursuant to LOC 55.02.084. Such mitigation requirements shall be a condition of approval of the original development permit.

b. Any tree not approved for removal through the original Major or Minor Development review process shall not be approved as part of the verification permit process, unless the subject tree is located within an approved building footprint, public/private utility or improvement area, and no feasible alternative exists to preserve the tree. In such cases, the City may allow the tree to be removed without a Type II tree cutting permit process; however, the mitigation requirements of LOC 55.02.084 shall still apply.

c. Verification permits shall be issued upon application and demonstration by the applicant that the request complies with this section. Verification permits shall not be issued prior to the issuance of a building permit for the subject property without prior authorization by the City Manager.

8. Topping Permit:

a. A topping permit may be issued only if the following apply:

i. A utility, public agency, or other person who routinely tops trees in furtherance of public safety, may apply for a topping permit pursuant to this section based upon an arborist or forester report establishing a methodology for topping in compliance with this subsection.

ii. Trees under utility wires may be topped only where other pruning practices are impractical.

b. The City, in granting approval for tree removal in an open space or undeveloped area, may allow a tree to be topped to a designated height in order to maintain a "snag" for wildlife habitat.

c. A tree cutting permit obtained for tree removal shall not authorize topping unless said tree cutting permit specifically authorizes such action.

(Ord. 2579, Amended, 03/20/2012; Ord. 2576, Amended, 11/15/2011; Ord. 2316, Amended, 03/05/2002; Ord. 2260, Amended, 09/05/2000; Ord. 2221, Amended,

01/18/2000; Ord. 2097, Enacted, 12/20/1994)

55.02.045 Repealed. Ord. No. 2221, 01-18-00.

55.02.050 Application for Permits.

1. An application for a tree cutting permit shall be made upon forms prescribed by the City.

a. Invasive Tree Species Removal Permit. An application for an Invasive Tree Species Removal Permit shall contain:

i. Photograph(s) that positively identify the tree species;

ii. The number, DBH, species, and location of the trees proposed to be cut on a site plan of the property;

iii. Information as to whether the tree is located in a public right-of-way, is within a Resource Conservation or Resource Protection Overlay District, or is part of an approved landscape or mitigation plan;

iv. A mitigation plan, if required pursuant to LOC 55.02.084(1), with information showing proposed planting of any new trees to replace the invasive trees to be removed; and

v. Any other information reasonably required by the City.

b. Other Tree Removal Permits. An application for a tree cutting permit that is not for an Invasive Tree Species Removal Permit shall contain:

i. The number, DBH, species and location of the trees proposed to be cut on a site plan of the property;

ii. The anticipated date of removal;

iii. A statement of the reason for removal;

iv. A mitigation plan, if required pursuant to LOC 55.02.084(1), with information showing any proposed landscaping or planting of any new trees to replace the trees to be removed; and

v. Any other information reasonably required by the City.

2. The applicant shall have the burden of proving that his or her application complies with the criteria for approval of the applicable class of permit.

3. Misrepresentation of any fact necessary for the City's determination for granting a tree cutting permit shall invalidate the permit. The City may at any time, including after a removal has occurred, independently verify facts related to a tree removal request and, if found to be false or misleading, may invalidate the permit and process the removal as a violation. Such misrepresentation may relate to matters including, without limitation, tree size, location, health or hazard condition, and owner's authorized signature.

(Ord. 2576, Amended, 11/15/2011; Ord. 2221, Amended, 01/18/2000; Ord. 2097, Amended, 12/20/1994; Ord. 2059, Sec. 1, 06/16/1992; Ord. 1631, Sec. 2, 07/20/1976; Ord. 1429, Sec. 1, 05/18/1971)

55.02.060 Fees.

An application for a tree cutting permit shall be accompanied by a filing fee as established by resolution of the City Council.

(Ord. No. 1429, Sec. 1; 05-18-71. Ord. No. 2059, Sec. 1; 06-16-92.) (Ord. 2221,

Amended, 01/18/2000)

55.02.061 Repealed. Ord. No. 2097, 12-20-94.

55.02.065 Repealed. Ord. No. 2221, 01-18-00.

55.02.067 Repealed. Ord. No. 2097, 12-20-94.

55.02.070 Repealed. Ord. No. 2059, 06-16-92.

55.02.071 Repealed. Ord. No. 2097, 12-20-94.

55.02.075 Repealed. Ord. No. 2221, 01-18-00.

55.02.080 Criteria for Issuance of Type II Tree Cutting Permits.

An applicant for a Type II tree cutting permit shall demonstrate that the following criteria are satisfied. The City Manager may require an arborist's report to substantiate the criteria for a permit.

1. The tree is proposed for removal for landscaping purposes or in order to construct development approved or allowed pursuant to the Lake Oswego Code or other applicable development regulations. The City Manager may require the building footprint of the development to be staked to allow for accurate verification of the permit application;

2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and

3. Removal of the tree will not have a significant negative impact on the character, aesthetics, or property values of the neighborhood. The City may grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Lake Oswego Code.

4. Removal of the tree is not for the sole purpose of providing or enhancing views.

5. The City shall require the applicant to mitigate for the removal of each tree pursuant to LOC 55.02.084. Such mitigation requirements shall be a condition of approval of the permit.

(Ord. No. 2097, Amended, 12/20/94) (Ord. 2260, Amended, 09/05/2000; Ord. 2221, Amended, 01/18/2000)

55.02.082 Staff Decision and Notice Requirements for Type II Permits.

1. An applicant for a Type II tree cutting permit shall:

   a. Complete a written notice form to be mailed by the City via regular mail to the neighborhood association whose boundaries include the proposed tree removal site;

   b. Complete a written certification that the property will be posted and the

trees will be marked pursuant to this section;

c. Within 24 hours of applying for a tree cutting permit, post a public notice sign of a pending tree cutting permit as provided by the City on the subject property in a location which is clearly visible and readable to vehicles traveling on a public street and to pedestrians walking or biking by the property. The public notice sign shall state that a tree cutting permit is pending for trees on the property marked by yellow plastic tagging tape, include the date of posting and the pending permit number as assigned by the City Manager, and state that city staff will consider any comments on the pending permit that are received within fourteen days of the date of posting;

d. Mark each tree proposed to be removed by tying or attaching a yellow plastic tagging tape to the tree at 4.5 feet above mean ground level at the base of the trunk, on the same day that the property is posted; and

e. Maintain the posting and marking for fourteen consecutive days.

2. Within two business days of the close of the fourteen day comment period, city staff shall make a tentative decision approving the permit or shall deny the permit.

3. If a permit is tentatively approved, staff shall immediately post a yellow sign stating the tentative approval and also stating the method and deadline for requesting the hearing pursuant to LOC 55.02.085. The applicant shall maintain the posting of this sign, together with the tree marking, for at least 14 consecutive days. If no request for a hearing is received meeting the requirements of LOC 55.02.085, the approval of the permit shall be final.

4. If the applicant appeals the denial of a permit, or appeals conditions imposed on a tentatively approved permit, city staff shall immediately post a red sign stating the appeal, and the time and date of the appeal hearing. The applicant shall maintain the posting of this sign and the tree marking, until the date of the hearing.

5. Failure to install or maintain the required notice and marking may result in denial or delay in issuance of the permit or revocation of an approved permit.

(Ord. 2260, Amended, 09/05/2000; Ord. 2221, Add, 01/18/2000)

55.02.084 Mitigation Required.

1. An applicant shall provide mitigation for any tree permitted for removal, with the exception of the following:

a. Dead trees;

b. Hazard trees;

c. Trees that are 10 inches or less in diameter removed from developed single-family lot;

d. Invasive Tree Species, except as provided in subsection (2) of this section.

2. Mitigation for Invasive Tree Species removal is required when:

a. The removal is from a public right-of-way;

b. The removal is from a Resource Conservation or Resource Protection Overlay District; or

c. The tree was planted as part of a previously approved landscape or mitigation plan.

3. The mitigation requirement shall be satisfied as follows:

a. Replanting on Site. The applicant shall plant, for each tree removed:

i. Invasive Tree Species Removal Permit: Removal from a public

right-of-way or from an approved landscape plan, either a minimum two-inch caliper deciduous tree or a six- to eight-foot-tall evergreen tree for each tree removed. Removal from a Resource Conservation or Resource Protection Overlay District, either a minimum one-half-inch caliper deciduous tree or a minimum two-foot-tall evergreen tree.

ii. Other Tree Cutting Permits: Either a minimum two-inch caliper deciduous tree or a six- to eight-foot-tall evergreen tree for each tree removed.

The tree shall be planted according to the specifications in the City Tree Planting and Maintenance Guidelines as approved by the City Council.

b. Replanting off Site. If in the City's determination there is insufficient available space on the subject property, the replanting required in subsection (1) of this section shall occur on other property in the applicant's ownership or control within the City, in an open space tract that is part of the same subdivision, or in a City owned or dedicated open space or park. Such mitigation planting is subject to the approval of the authorized property owners. If planting on City owned or dedicated property, the City may specify the species and size of the tree. Nothing in this section shall be construed as an obligation of the City to allow trees to be planted on City owned or dedicated property.

c. Payment in Lieu of Planting. If in the City's determination no feasible alternative exists to plant the required mitigation, the applicant shall pay into the tree fund an amount as established by resolution of the City Council.

(Ord. 2576, Amended, 11/15/2011; Ord. 2260, Amended, 09/05/2000; Ord. 2221, Add, 01/18/2000)

55.02.085 Request for Public Hearing on a Type II Tree Cutting Permit.

1. Any person may request a hearing on a Type II tree cutting permit by filing a written Request for Hearing, along with the applicable hearing fee as established by resolution of the City Council with the City Recorder, within fourteen days of the date the notice of tentative decision was posted pursuant to LOC 55.02.082. Failure to file within the fourteen day period shall preclude such a request.

2. An applicant for a tree cutting permit may appeal denial of a permit or conditions imposed on an approved permit by filing a written notice of intent to appeal, along with the applicable filing fee as established by resolution of the City Council, with the City Recorder within fourteen days of the date of decision on the permit.

3. Requests for hearing and appeals shall be heard by the Community Forestry Commission if the tree removal is proposed only for landscaping purposes as authorized by LOC 55.02.080(1). Requests for hearing and appeals on any tree removal proposed in order to construct development as authorized by LOC 55.02.080(1) shall be heard by the Development Review Commission. The appropriate Commission (referred to herein as "the hearings body") shall hold a public hearing on the request or appeal. The City shall send written notice of the hearing to the applicant, the person requesting the hearing if different from the applicant, and to the recognized Neighborhood Association for the area in which the subject property is located. The written notice shall be sent at least ten days in advance of the hearing.

4. The hearings body shall hear testimony from the applicant, followed by those in favor of the application, those opposed to the application (beginning with the person who requested the hearing if different from the applicant), and concluding with rebuttal by the applicant. Any person may testify before the hearings body. Following the close

of the public testimony, the hearings body shall determine, based upon the evidence and testimony in the record, whether or not the application complies with the criteria contained in LOC 55.02.080. The findings, conclusions, and order shall contain the hearings body's reasons for approving, denying or modifying the permit.

5. A decision of the hearings body shall not become final for ten days from the date of adoption of written findings. Any person who appeared before the hearings body either orally or in writing may appeal the decision of the hearings body to the City Council by filing a written notice of intent to appeal, along with an appeal fee as established by resolution of the Council, with the City Recorder within ten days of the date of adoption of the hearings body's written findings, conclusions and order. The findings, conclusions, and order and minutes of the hearings body's meeting, along with any written staff reports or testimony shall be forwarded to the City Council. Written notice of the appeal hearing shall be sent at least ten days in advance of the Council hearing to those persons who appeared before the hearings body. The hearing before the City Council shall be on the record established before the hearings body and only persons who appeared before the hearings body orally or in writing may testify. The appellant shall testify first, followed by persons in favor of the appeal, persons in opposition to the appeal (beginning with the applicant if different from the appellant), and concluding with rebuttal by the appellant. The Council's hearing and decision shall otherwise comply with subsection (4) of this section. The decision of the Council shall be final.
(Ord. No. 2097, Enacted, 12/20/94) (Ord. 2458, Amended, 05/16/2006; Ord. 2260, Amended, 09/05/2000; Ord. 2221, Amended, 01/18/2000)

55.02.090 Repealed. Ord. No. 1807; 09-15-81.

55.02.092 Expiration of Tree Cutting Permits.

1. An Invasive Tree Species Removal Permit shall have no expiration date.
2. A properly issued tree cutting permit, other than an Invasive Tree Species Removal Permit, shall remain valid for no more than 60 days from the date of issuance or date of final decision by a hearing body, if applicable. A 60-day extension shall be automatically granted by the City Manager if requested in writing before the expiration of the permit. No additional extensions beyond the first extension shall be granted. Permits that have lapsed are deemed void. Trees removed after a tree cutting permit has expired shall be considered a violation of this chapter.
(Ord. 2576, Amended, 11/15/2011; Ord. 2260, Amended, 09/05/2000; Ord. 2221, Add, 01/18/2000)

55.02.094 Conditions of Approval for Tree Cutting Permits.

1. The City may impose conditions of approval on any tree cutting permit if the condition is reasonably related to preventing, eliminating or mitigating a negative impact or potential impact on natural features or processes or on the built environment of the neighborhood which is as created or contributed to by the approved tree removal.
2. Conditions of approval may include, but are not limited to:
    a. Cutting a tree or stump flush with the grade instead of grinding or fully removing a stump;
    b. Requiring modifications in the location, design or intensity of a develop-

ment or activities on a site or to require or prohibit certain construction methods;

c. Requiring vegetation not requiring a tree removal permit to remain in place or be planted;

d. Requiring the removal of injurious vegetation (English Ivy) from other trees on the property.

(Ord. 2221, Add, 01/18/2000)

55.02.100 Repealed. Ord. No. 1807, 09-15-81.

55.02.110 Repealed. Ord. No. 1807, 09-15-81.

55.02.120 Repealed. Ord. No. 1807, 09-15-81.

55.02.125 Evidence of Violation.

1. If a tree is removed without a tree cutting permit, a violation shall be determined by measuring the stump. A stump that is 7 caliper inches or more in diameter shall be considered prima facie evidence of a violation of this chapter.

2. Removal of the stump of a tree removed without a tree cutting permit prior to the determination provided in subsection 1 of this section is a violation of this chapter.

3. Proof of violation of this chapter shall be deemed prima facie evidence that such violation is that of the owner of the property upon which the violation was committed. Prosecution of or failure to prosecute the owner shall not be deemed to relieve any other responsible person.

4. Tree removal or topping caused by natural weather conditions shall not be deemed a violation of this chapter and shall be exempt from all penalties set forth in LOC 55.02.130.

(Ord. No. 2059, Sec. 1; 06-16-92. Ord. No. 2097, Amended, 12/20/94) (Ord. 2221, Amended, 01/18/2000)

55.02.130 Penalties.

1. Civil Violation. A violation of any provision of this chapter, or the breach of any condition of a permit granted under this chapter shall be a civil violation as defined by LOC 34.04.105, enforceable pursuant to LOC Article 34.04. The unlawful removal of each individual tree shall be a separate offense hereunder. Failure to comply with the provisions of this chapter or a condition of approval shall be a separate offense each day the failure to comply continues. The violation shall be punishable by a fine set forth by the municipal court and the enforcement fee and restoration requirements as set forth in LOC 55.02.130(3) and (4).

2. Nuisance Abatement. The removal of a tree in violation of this chapter is hereby declared to be a public nuisance, and may be abated by appropriate proceedings pursuant to LOC Article 34.08.

3. Enforcement Fee. A person who removes a tree without first obtaining a tree cutting permit form the City pursuant to this chapter, removes a tree in violation of an approved tree cutting permit, or violates a condition of an approved tree cutting permit shall pay an enforcement fee to the City in an amount as established by resolution of the City Council.

4. Restoration.

a. A person who removes a tree without first obtaining a required tree cutting permit from the City pursuant to this chapter, removes a tree in violation of an approved tree cutting permit, or violates a condition of such a permit shall pay into the City's Tree Fund a standard fee per caliper inch for the total number of caliper inches of the tree removed in violation of this Chapter in an amount as established by resolution of the City Council.

b. The City may require the person to pay into the City's Tree Fund an increased fee per caliper inch for the total number of caliper inches of the tree removed in violation of this Chapter in an amount as established by resolution of the City Council or the value of the tree as determined by an arborist in accordance with the methods set forth in the "Guide for Plant Appraisal," an official publication of the International Society of Arboriculture, whichever is greater, if any of the following apply:

i. The person has committed a previous violation of a provision of this chapter, or

ii. Tree protection measures as required by LOC Article 55.08 were not installed or maintained, or

iii. The tree removed was any of the following:

(A) 36 caliper inches in diameter or greater,

(B) A heritage tree, per LOC Article 55.06,

(C) Expressly protected or required to be preserved as a condition of approval of a development permit pursuant to the Lake Oswego Community Development Code,

(D) Located within the Willamette River Greenway per LOC 50.05.009,

(E) Part of a Resource Conservation (RC) or Resource Protection (RP) area, per LOC 50.05.010,

(F) Located on public right-of-way, City-owned or dedicated property, a public or private open space area or conservation easement.

5. Injunction. Upon request of the City Manager or direction from Council, the City Attorney may institute appropriate action in any court to enjoin the removal of trees in violation of this chapter.

6. Loss of City Privileges.

a. A person hired to perform tree removal within the City, upon request shall provide evidence to the City Manager that he or she possess a valid license to conduct business in Lake Oswego. The person is subject to business license revocation pursuant to LOC 20.02.085 if the person violates any provision of this chapter.

b. Any arborist, builder, landscaper, contractor, or tree service that has performed any tree removal in violation of this chapter or submitted a falsified report for the criteria required in this chapter, shall not be considered a responsible bidder for any City contracts for a period of two years from the date of violation or report.

7. Arborist Report and Required Treatment. Upon request by the City, a person who violates any provision of this chapter shall submit a report prepared by an arborist to evaluate the damage to a tree and/or make recommendations to remedy the violation. The City upon evaluating these recommendations may, at the City's discretion, require that the recommended measures be implemented.

8. Cumulative Remedies. The rights, remedies, and penalties provided in this

chapter are cumulative, are not mutually exclusive, and are in addition to any other rights, remedies and penalties available to the City under any other provision of law. (Ord. 2579, Amended, 03/20/2012; Ord. 2576, Amended, 11/15/2011; Ord. 2316, Amended, 03/05/2002; Ord. 2260, Amended, 09/05/2000; Ord. 2231, Amended, 03/21/2000, Editorial correction - Paragraph 1 - word "tree removal" changed to "violation"; Ord. 2221, Amended, 01/18/2000; Ord. 2097, Amended, 12/20/1994; Ord. 2059, Sec. 1, 06/16/1992; Ord. 1880, Sec. 1, 02/07/1984; Ord. 1429, Sec. 1, 05/18/1971)

55.02.135 Repealed. Ord. No. 2221, 01-18-00.