

CLATSOP COUNTY

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Southwest Coastal Design Review / Citizen Advisory Committee Regular Meeting / Work Session Agenda

Date: Wednesday, January 16, 2013
Time: 6:00 pm
Location: Arch Cape Fire Hall, 79816 E. Beach Road, Arch Cape, OR 97145
(Last meeting at the old fire hall!)

1. CALL MEETING TO ORDER (Chair Mersereau) (6:00 p.m.)
2. ROLL CALL (staff) (6:00 – 6:02 p.m.)
3. BUSINESS FROM THE PUBLIC (6:02 – 6:12 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 (6:12 – 6:15 p.m.):
 - o Minutes of November 14, 2012 regular session (Chair) (*Attachment 1*)
5. RECESS TO WORK SESSION (6:15 – 7:15 p.m.):
 - o Discussion: Local Wetland Inventory (M. Manzulli) (*Attachment 2; also, please bring materials previously distributed. The November 13, 2012, staff report to the Planning Commission can be located online at <http://www.co.clatsop.or.us/minutes.asp?deptid=12>*)
 - o Discussion: Recovered cannons from the *USS Shark* (D. Seifer) (*Attachment 3*)
6. RECONVENE TO REGULAR MEETING (7:15 – 7:30 p.m.):
Potential Action Items:
 - o Local Wetland Inventory Recommendation
 - o *USS Shark* Cannons Recommendation
7. OTHER BUSINESS (7:30 – 8:00 p.m.):
 - a. Update regarding tree-cutting ordinance (M. Manzulli)
 - b. Overview of Southwest Coastal Community Plan: Goal 1 Recommendations (V. Birkby)
 - c. Open Discussion: Opportunity for the committee to discuss and invite testimony from outside agents regarding topics of interest.
8. ADJOURN (8:00 p.m.)

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

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

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

Attachment 1

MINUTES
SOUTHWEST COASTAL CITIZEN ADVISORY / DESIGN REVIEW COMMITTEE
Regular Session
November 14, 2012, 6:00 p.m.
Arch Cape Fire Hall, 79816 E. Beach Road, Arch Cape, Oregon

Chairperson John Mersereau convened the meeting at 6:01 p.m.

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

Clatsop County Commission Liaison: Not present.

Member of the public present: Ruth Jensen, Dale Mosby, Charles Dice, Jim Cornell, and Troy Robinson.

Staff present: Hiller West, Director; Bart Catching, Code Compliance Specialist; and Julia Decker, County Planner, Clatsop County Community Development.

Business from the Public:

No member of the public requested to speak.

Additions to the Agenda: Committee members Virginia Birkby, Dan Seifer and Richard D'Onofrio requested items be added to the agenda: the sign ordinance; committee membership; the local wetlands inventory and its planning process; and discussion of illegal construction at a specific residence.

Minutes:

Virginia Birkby and Richard D'Onofrio seconded to approve the minutes of October 17, 2012, as presented. Motion approved unanimously.

Action Item: Singh Major Design Review Public Hearing: Planner Julia Decker distributed copies of a letter from Dick Petrone, which arrived after the agenda packets were mailed. Mr. Petrone, whose property is across Carnahan from the Singh property, wrote to provide support to the Singh application. Ms. Decker described the project, which began as unpermitted construction to add a deck, hot tub and stairs on property owned by Steve and Heather Singh, located at 80523 Carnahan, Arch Cape, also known as T4N, R10W, Sec. 19BC, TL 105. Ms. Decker noted the single family dwelling on the site is legal, non-conforming, with a front yard setback variance. The house is taller than the current height restriction but met the height standard of the zone in place at the time it was built. The footprint can be expanded, she said, and the new additions would be within the required setbacks. She reviewed the setbacks, including how the oceanfront setback is calculated, explaining the oceanfront averaging method was used because it was more inland than the 50-foot setback from the line of non-aquatic vegetation established by the legislature.

She noted the lot coverage would remain well under the 40% maximum, the deck would terrace down the slope, and the guard rails would be constructed of clear material, to reduce visual impact. Ms. Decker emphasized both letters received from property owners across the street as public comment supported the project. Neither raised concerns regarding the arrangement of the structure or obstruction of ocean views. In response to questions from Ms. Birkby, Ms. Decker explained the setback of the new construction from the east (front yard) property line had not been calculated because the new construction was on the west side of the house. The west setback is the oceanfront setback, she said, and the ordinance requires the more inland of the two standards be used, in this case the oceanfront averaging method, which was farther inland than the Statutory Vegetation Line. The new stairs would end six feet, eight and one-half inches east of the west setback, using the oceanfront averaging method, she said.

Because the project had been started without permits, Ms. Decker had visited the site and viewed the construction to date, finding the planks of the deck were spaced so as not to displace rainwater runoff to the

sides, alleviating the potential for an erosion problem. She noted little disturbance of vegetation; no soil is proposed for removal. She recommended a condition of approval requiring any disturbance to vegetation be returned to its original condition to the greatest extent possible. The hot tub and additional lighting will be served by electricity. Ms. Decker noted Thomas Merrell, in his capacity as consultant to the Cannon View Service District, had provided comment that a back flow device would be required if the tub were to be plumbed; however, according to the applicant, the hot tub will not be plumbed and will be filled using a garden hose. The electrical work would be concealed within walls, appliances and under the deck, she added.

In response to questions from Committee member Richard D'Onofrio, Jim Cornell, Schuchart/Dow, representing the owner, stated the owner had started the project without permits and acknowledged permits should have been obtained prior to starting work. Ms. Decker stated she found nothing suggesting removal of any trees or even very much vegetation. Mr. Cornell said Mr. Singh was interested in eradicating the non-native, invasive Japanese knotweed on the site and re-vegetating and landscaping with native plants and asked that anyone who was aware of any resources to assist please let him know.

Ms. Decker described the lighting plan, which would pool light from full-cut-off lights mounted 18 inches above the surface of the staircase without shining on to the beach, neighboring properties and the night sky. She said the final design was not complete as it would need to be approved by Building Codes, but she thought the committee could sign-off on the concept, with any significant changes to be reviewed by the Community Development Director and returned to the committee if necessary if committee members found this acceptable.

Ms. Decker described the surface water drainage situation, explaining she calculated the very steep slope at approximately 28.5%. The Clatsop County Building Official had reviewed the plans already and had determined no additional or engineered drainage would be necessary. She reviewed the comments received and said she felt the project could be approved with the recommended conditions she provided.

In response to a question from Mr. Seifer, regarding language in paragraph 5 of the staff finding on page 2 of the staff report, Ms. Decker stated the language should have stated 21 feet, 10 inches from the setback from the Statutory Vegetation Line to the west, not from the Statutory Vegetation Line itself. The line was mislabeled on the survey, she said.

Mr. Seifer recommended adding the term "resuming" to condition 4. Mr. Manzulli commented he had no problem with the project other than it had been started without permits. Ms. Decker stated because of the lack of permits, the development and building codes fees would be doubled.

Tod Lundy moved and Richard D'Onofrio seconded (to recommend) to "accept the staff report and approve proceeding, with the conditions." Motion approved unanimously.

Other Business:

Vacation Rental Signs: Committee Virginia Birkby asked how the amendments to the Land and Water Development and Use Ordinance #80-14 and Standards Document affected the short term rental signage in Arch Cape. Community Development Director Hiller West responded, explaining the project came about when the previous county manager requested more than a year ago that the sign ordinance be reviewed and language pertaining to content and political signage be removed, as a result of a Supreme Court decision that found such references to be unconstitutional. He described the public workshops and public hearing process that included the Planning Commission and led to the recent approval of the Section 2.300 amendments by the Clatsop County Board of Commissioners. The amendments did not repeal any other sections of the county's code, he said.

The reference to political signs will need to be stricken from the Arch Cape section of the county's zoning code, he said. Ms. Birkby asked if the rules would apply to Arch Cape, and Mr. West said they would not, other than removing political sign references.

Ms. Birkby asked if Arch Cape would be able to continue with the rest of the current language, which limits signs to temporary "For Sale" signs and name plates. Mr. West said "yes," however, he recommended having

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uniform standards and suggested the committee consider the advantages of having a single set of rules countywide regarding signs.

Ms. Birkby stated she was not comfortable with the county generalizing its rules without regard to the unique communities within the county. She pointed out the Board had adopted, as recently as 2011, updates to the AC-RCR Zone, which the community had worked on for several years. She added she fears the “sweeping” of other regulations by the county on the community. Mr. West acknowledged Ms. Birkby’s concerns and said the Planning Commission would welcome input from the committee as a group or from its members individually.

Ms. Decker distributed copies of a document originally distributed to the committee by Senior Planner Jennifer Bunch on October 9, 2012, via email. The document was a draft revision of the AC-RCR Zone language and Rural Community Overlay language that would remove property line adjustments and partitions as permitted uses; change references to sign standards to accommodate new language in S2.300; modify language to require permitting and design review for only public and private roads; and correct a referenced code section.

Mr. West said the sign regulations changes, which would take effect in a few days, would not affect Arch Cape; however, the revision Ms. Bunch forwarded in October and which Ms. Decker was distributing around the table, is the early version of what is being discussed with the Planning Commission to bring all the signage standards into one place.

Mr. Seifer noted the changes to the language would, in fact, double the size of name plates, for example. Mr. West agreed this was true for name plates. Ms. Birkby commented on the signage for vacation rentals being limited in Arch Cape, saying it helped preserve the residential feel of the community. She reiterated her concern regarding standardization of communities when there are differences that people preferred to preserve. Mr. West thought there was a way to have the requirements for Arch Cape preserved by incorporating them into the new language in S2.300, which would allow all the signage regulations to be located in one place in the ordinance.

Discussion turned to the definition of “name plate”. Mr. West said a name plate is an identification sign, which is how the county would regulate it. He pointed out a number of elements that are now addressed that previously were not included, such as solar access and how sign size is calculated. He invited the committee to provide input to the Planning Commission at the hearing in January, when the revisions would be considered for recommendation to the Board of Commissioners.

In response to a question from Mr. Seifer, Mr. West said he did not agree that a sign reading “Call Cannon Beach Rentals at . . .” was a name plate. During the discussion regarding the potential content of a nameplate, such as a phone number and the term “beach rental” along with the name, Chair Mersereau pointed out short term rentals are an allowable use in the AC-RCR Zone, and, he asked, along with that was a vacation rental sign also allowable? Mr. D’Onofrio commented a short term rental is a business and many of the rentals are handled by businesses, and he wondered how one reconciles short term rentals as businesses with residential zoning. Mr. West agreed and said right now the short term rental signage issue is not addressed in the ordinance except by “reading it (the ordinance) narrowly.” Mr. West thought the better approach would be to have standards that recognize those uses that are permitted in the area. Ms. Birkby thought the lack of short term rental signage made the rentals “more palatable” and less invasive because they were less obvious.

Dan Seifer moved and Virginia Birkby seconded “this citizens’ advisory committee go on record as requesting that the Planning Commission not amend sections 3.064-5 as suggested in this proposal.” Motion approved unanimously.

Mr. West clarified the motion meant the committee recommended not to change the existing section that applies to signage for Arch Cape. The committee agreed this was the intent of the motion. Mr. West stated he would forward the recommendation to the Planning Commission. Ms. Birkby recommended the committee organize so that someone from the committee attended the December Planning Commission hearing on the topic.

In response to a question from Chair Mersereau regarding vacation rental signs, Ms. Birkby wondered if this could be something that could be brought to enforcement, asking Code Compliance Specialist Bart Catching if he was ready to implement the “soft enforcement” discussed at previous committee meetings. Mr. West responded instead, saying the county is still using the same procedure that has been used, which requires a signed complaint.

Ms. Decker outlined a plan to send a one-time mailing to all Arch Cape property owners, with information about tree-cutting regulations, the emergency tree removal policy, short term rental regulations, when permits are required and the design review requirement. She said a mailing to every property owner would not single out anyone. She planned to mail the newsletter between the first of the year and April, when short term rental permitting and renewals would begin. Ms. Birkby suggested including management companies as well. Ms. Decker agreed and said she could use the telephone directory but asked that if anyone knew of a specific company, s/he should let her know so she could be sure to include the firm in the mailing.

In response to further questioning from Ms. Birkby about changing the complaint process, Mr. West said the broad informational piece would be the way to go, at least for now, and advice from county counsel has been the enforcement process should be complaint driven, as it has been, for legal and public record reasons.

Mr. Seifer, Ms. Birkby and Mr. West discussed the roles of the committee and the Planning Commission. Discussion turned to the Local Wetlands Inventory. Mr. Manzulli thought the planning commission would appreciate receiving the committee’s input on matters such as the wetlands inventory. Mr. West agreed.

Arch Cape Local Wetland Inventory: Mr. Manzulli reported that yesterday (November 13, 2012), the Planning Commission made a recommendation to the Board of Commissioners to adopt the Arch Cape Local Wetland Inventory under Option 3, which is a wetland overlay with a variance procedure that allows development if hardship is demonstrated. Option 3 would protect the county from a Measure 49 situation but also protect the wetlands to a greater degree, a good compromise, he thought. He said the board would need to hear the matter as well. Mr. Manzulli stated he believed inadequacy between north county and south county Lake and Wetland Zones was recognized by the Planning Commission, but laws have changed, so an actual zone change was not feasible.

Committee members agreed they would like to meet before the Board of Commissioners meeting in January. Mr. Manzulli thought he could provide information on the item, and Mr. West said he would see if Senior Planner Jennifer Bunch, who has been working on the wetlands inventory, would be available to attend as well.

Illegal Construction: Mr. D’Onofrio said it had been brought to his attention that 80066 Pacific Road has added a mudroom on the north side of the house, adding, he believed, cumulative square footage. After discussion regarding completing a complaint form, Mr. Catching said he would ask Building Codes to look at the site.

Recruitment: At the request of Ms. Birkby, Ms. Decker will forward the materials and media release regarding the posting of vacancies for the committee to committee members for local circulation.

Next Meeting: Committee members agreed to check their calendars and Ms. Decker would poll the group regarding the next meeting date in January, to assure the committee had time to meet before the Board of Commissioners’ meeting when the Board takes up the issue of the Arch Cape Local Wetlands Inventory. Ms. Decker will confirm the agenda date for the issue and poll the committee via email.

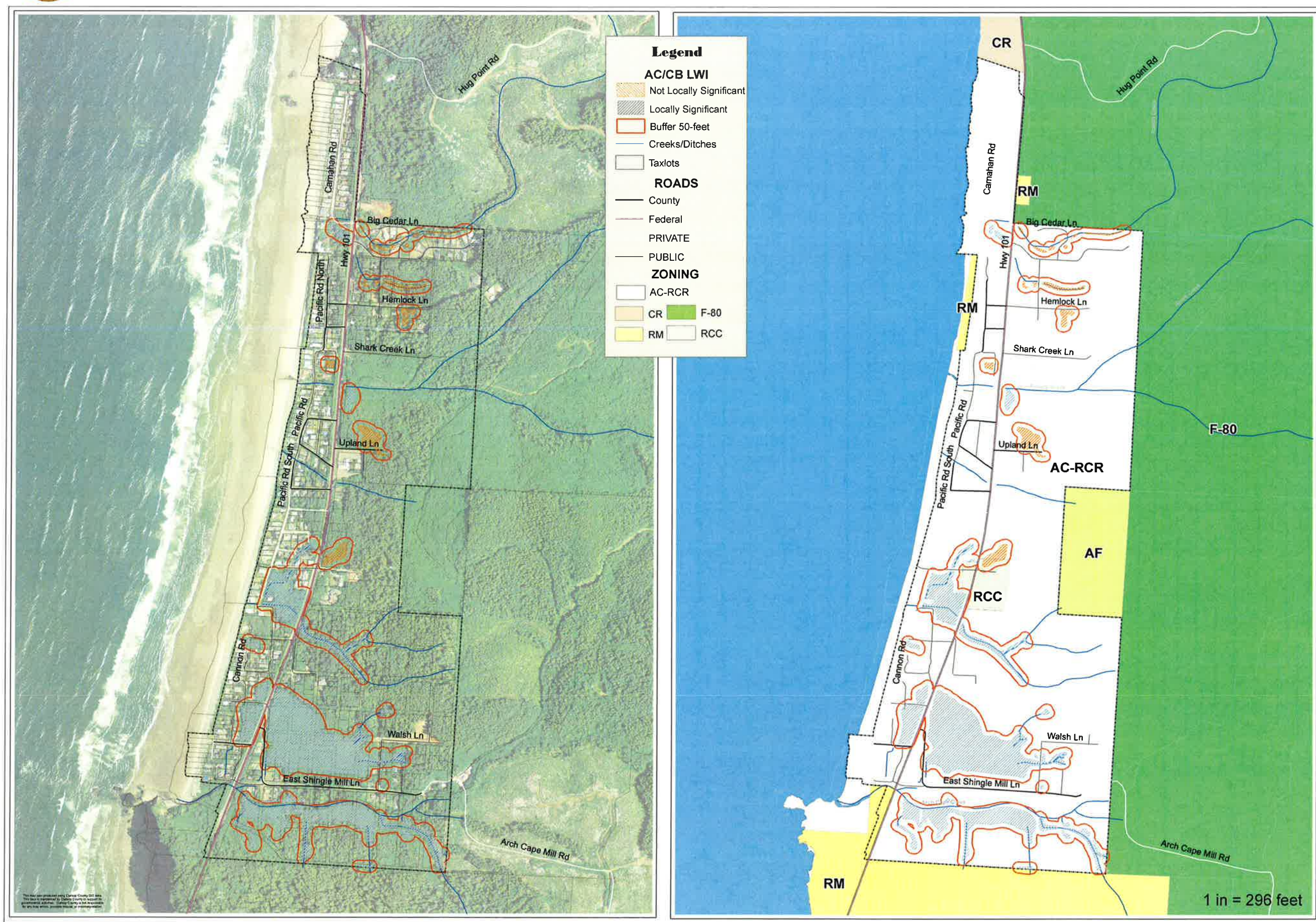
Meeting adjourned at 7:50 p.m.

Attachment 2



Arch Cape

AC Map #1





Cove Beach

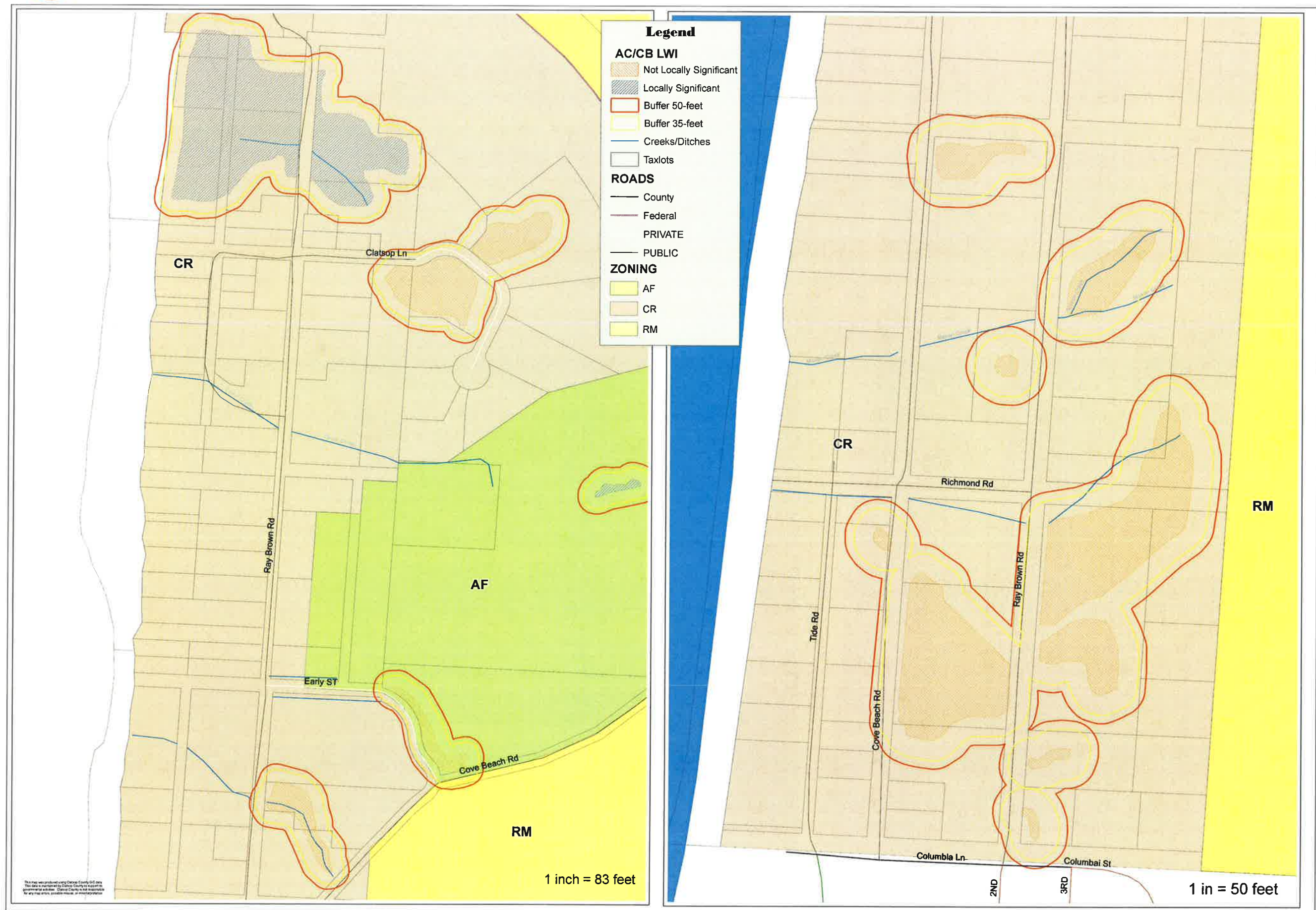
CB Map #1 





Cove Beach

CB Map #2 



Attachment 3

**SOUTHWEST COASTAL CITIZENS ADVISORY / SOUTHWEST DESIGN REVIEW COMMITTEE
RESOLUTION**

A RESOLUTION REGARDING RECOVERED CANNONS FROM THE *USS SHARK*

WHEREAS, the Oregon Department of Transportation maintains a historical wayside and display along U.S. Highway 101 within the Arch Cape Rural Community Residential Zone concerning a cannon that probably came from the 1847 wreck of the *USS Shark* and was recovered from the Arch Cape beach in about 1898; and

WHEREAS, in 2007 two additional cannons that probably came from the 1847 wreck of the *USS Shark* were recovered from the Arch Cape beach ("the cannons") within the Arch Cape Rural Community Residential Zone; and

WHEREAS, restoration of the cannons at Texas A & M University should be completed in the coming months; and

WHEREAS, all members of the Arch Cape community, specifically including the Committee's members and the residents of the Arch Cape Rural Community Residential Zone area, are deeply interested in the maintenance and availability of the cannons to the Arch Cape community; and

WHEREAS, Dale Mosby was appointed to and is serving on an *ad hoc* committee established to consider, recommend and arrange for the care, custody and display of the cannons, probably in cooperation with the United States Navy as claiming owner of the cannons;

NOW, THEREFORE, be it resolved:

1. The Committee hereby recognizes that all members of the Arch Cape community, specifically including the Committee's members and the residents of the Arch Cape Rural Community Residential Zone area, are deeply interested in the maintenance and availability of the cannons to the Arch Cape community, and therefore the Committee has an interest in the maintenance and availability of the cannons to the Arch Cape community.
2. The Committee hereby requests of all persons or entities having or claiming to have any interest in the cannons that at least one of the cannons be permanently maintained in or returned to the Arch Cape community for public display.
3. The Committee hereby recognizes, ratifies and endorses the appointment of Dale Mosby as ~~its~~-representative of the Arch Cape community and relative to all and any interests of the Committee related to the cannons or to the possessions, maintenance, availability, care, custody and display of the cannons, subject to the supervision of the Committee, until such time as the filing of any application for a land use or development permit concerning the cannons.

December __, 2012.

John Mersereau, President

Attest: _____