

**CLATSOP COUNTY**

Community Development, Planning Division  
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Astoria, OR 97103

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***Southwest Coastal Design Review / Citizen Advisory Committee  
Regular Meeting***

**Date:** Wednesday, September 18, 2013

**Time:** 6:00 pm

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

1. CALL MEETING TO ORDER (Chair Lundy) (6:00 p.m.)
2. ROLL CALL (staff) (6:00 – 6:02 p.m.)
3. BUSINESS FROM THE PUBLIC (Chair) (6:02 – 6:10 p.m.):  
This is an opportunity for anyone to give a brief presentation (**3 minutes or less**) to the Committee on any land use planning issue or county concern that is not on the agenda. (Chair)
4. ACTION ITEM (6:10 – 7:00 p.m.):  
Major Design Review and Expansion of a Non-Conforming Structure: In the matter of two applications submitted by Debra Birkby for the Expansion of a Non-Conforming Structure and Major Design Review for a residential addition (dining room). The subject property is identified as T4N, R10W, Sec. 30CB TL 00700 and commonly known as 79829 Gelinsky Road, Arch Cape, OR.
  - o Report By: Jennifer Bunch, Senior Planner (*Attachment 2*)
  - o To Be Presented By: Julia Decker, Planner.
5. OTHER BUSINESS (7:00 – 7:30 p.m.):
  - a. Open Discussion: Opportunity for the committee to discuss and invite testimony from outside agents regarding topics of interest
6. ADJOURN (7:30 p.m.)

The agenda and staff reports are available for review at [www.co.clatsop.or.us](http://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.

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Exhibit "A"

## **STAFF REPORT**

**STAFF REPORT DATE:** September 11, 2013

**REQUEST:** The applicant is requesting: 1) Expansion of Non-Conforming Structure and 2) Major Design Review for a residential addition (dining room).

**APPLICANT/OWNER:** Debra Birkby  
79829 Gelinsky Road  
Arch Cape, OR

**PROPERTY DESCRIPTION:** T4N, R10W, Section 30CB, TL 00700  
Zoning: Arch Cape Rural Community Residential (AC-RCR)  
Overlay: Geologic Hazard Overlay (GHO)  
Comp Plan Designation: Development

**PROPERTY LOCATION:** Northeast side of the intersection of Leech Lane and Gelinsky Road.

**STAFF REVIEWER:** Jennifer Bunch, Senior Planner

**EXHIBITS**

- 1 - Applications for Design Review and Expansion of a Non-Conforming Structure
- 2 - Mailed Notice
- 3 - Site Photos
- 4 - Wetland Setback Map

**RECOMMENDATION:** **APPROVAL, subject to conditions**

### **SUMMARY:**

On July 18, 2013, Debra Birkby submitted an application for Major Design Review for a residential addition for a dining room and elevated walkway connecting the dwelling to the garage/guest house. On July 31, 2013, the application was deemed incomplete because an application for the Expansion of a Non-Conforming Structure and a detailed site plan had not been submitted along with the DR application. On August 6, 2013, the Applicant submitted the missing information. The dwelling and garage/guest house encroach on the 50-foot setback to the line of non-aquatic vegetation [L3.086(15)], due to the mapped wetlands on the east side of the property, and to the side yard setback described in L3.068(4) thus making the structure Non-Conforming. After discussion with staff and weighing the options the applicant withdrew the request for the elevated walkway, which would have required a variance, and is requesting approval only for the dining room addition to the dwelling. The application was deemed complete on August 16, 2013.

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

<b>Expansion of Non-Conforming Use/Structure Criteria</b>	<b>Finding</b>
(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:	<b>Satisfied</b>
(c) The proposed expansion, or proposed change in characteristics of the use will have no greater adverse impact on neighboring areas than the existing use, considering:	
1) Comparison of the following factors: Noise, vibration, dust, odor, fume, glare, or smoke detectable at the property line. Numbers and kinds of vehicular trips to the site. Visual impact. Hours of operation. Effect on existing vegetation. Effect on water drainage and water quality. Service or other benefit to the area. Other factors relating to conflicts or incompatibility with the character or needs of the area.	<b>Satisfied</b>
2) The character and history of the use and of development in the surrounding area.	<b>Satisfied</b>
3) An approval may be conditioned to mitigate any potential adverse impacts that have been identified.	<b>Satisfied</b>

**PROPERTY STATUS:**

The subject property was created as Lot 42A of the Cannon Beach Park Extension Subdivision recorded with the Clatsop County Clerk on October 11, 1926. At approximately 0.181 acres in size, or 7,405 square feet, less than the 7,500-square foot minimum lot size for the AC-RCR Zone. The property meets the definition of a "Lot of Record" as described in L1.030.

**NEIGHBORHOOD CONDITIONS:**

The subject property is located in the Arch Cape Rural Community in southwest Clatsop County. The dwelling is located in a developed neighborhood of primary residences and vacation homes on lots varying in size. While the minimum lot size for the zone is 7,500 square feet, many homes are on lots as small as 4,000 square feet and others exceed 10,000 square feet.

**Area Detail**  
*Not to Scale*



## **APPLICABLE CRITERIA**

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

### **I. APPLICABLE REVIEW CODES AND POLICIES**

#### **Clatsop County Land and Water Development and Use Ordinance 80-14:**

Section 2.020	Type II procedure
Section 2.115-2.120	Procedure for Mailed Notice
Section 3.060	Arch Cape – Rural Community Residential Zone
Section 4.000	Flood Hazard Overlay
Section 4.040	Geological Hazard Overlay
Section 4.102	Types of Design Review
Section 4.103	Criteria for Design Review
Section 4.120	Arch Cape Non-Conforming Uses and Structures

### **II. ASSESSMENT OF APPLICATION VERSUS APPLICABLE CRITERIA**

#### **LWDUO 80-14**

#### **ARTICLE 2. PROCEDURES FOR LAND USE APPLICATIONS**

##### **Section 2.020. Type II Procedure.**

- (1) Type II land use actions generally involve uses or development for which review criteria are reasonably objective, requiring only limited discretion. Impacts on nearby properties may be associated with conditions of approval to minimize those impacts or ensure compliance with this code.
- (2) Those actions identified in this code as a conditional development and use, development permitted with review, subdivisions containing six lots or less, partitions, and applications related to non-conforming uses/structures under the Type II procedure are Type II actions.
- (3) Except as provided in subsection (5), under the Type II procedure an application for a development permit shall be processed without a need for public hearing. The Community Development Director shall determine whether or not the proposed development meets the required development standards. The Director may obtain technical assistance from a review committee or local or state agencies.
- (4) If the Director finds that the development appears to satisfy the required standards, the Director shall mail a notice of intent to issue a development permit to the applicant and to other persons pursuant to Sections 2.115 to 2.120.
- (5) If the Community Development Director believes that persons other than the applicant can be expected to question the application's compliance with the Ordinance, the Director may treat the application as a Type IIa procedure.
- (6) The Community Development Director shall review any information received under subsection (4) and make a finding for each of the points in dispute. The Director shall make a decision on the application by approving, conditionally approving, or denying the application.
- (7) A decision by the Community Development Director may be appealed to the Hearings Officer by the applicant or by a person who responded to the notice, pursuant to Section 2.230.

**Section 2.120 Procedure for Mailed Notice**

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

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

**The criterion has been satisfied.**

**SECTION 3.060. ARCH CAPE – RURAL COMMUNITY RESIDENTIAL ZONE**

**Section 3.064. Development and Use Permitted.**

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

- (1) One family dwelling.

**Staff Analysis & Finding:** A single family dwelling is an allowed use in the AC-RCR zone. Clatsop County Assessor’s records indicate that the dwelling was established in 1952.

**Staff concludes a single family dwelling is an allowed use in the AC-RCR zone.**

**SECTION 4.000. FLOOD HAZARD OVERLAY DISTRICT (/FHO)**

**SECTION 4.040 GEOLOGIC HAZARDS OVERLAY DISTRICT (/GHO)**

**Staff Analysis & Finding:** The subject property is located within the Flood Hazard Overlay (FHO) and the Geological Hazard Overlay (GHO). The applicant will be required to apply for a Preliminary Geological Hazard Permit at the time the development permit application is submitted. At that time the criteria and standards of the FHO and GHO will be applied.

**Staff concludes the applicable requirements of these sections will be addressed at the time of development permit submittal.**

**Section 4.100. ARCH CAPE RURAL COMMUNITY OVERLAY DISTRICT (/RCO).**

**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 creating additional cumulative square footage.

**Staff Analysis & Finding:** The applicant proposes a residential addition that results in an increase in the square footage of the dwelling. **Therefore, Staff concludes that major design review is required.**

**Section 4.103. Criteria for Design Review Evaluation.**

In addition to the requirements of the Comprehensive Plan, other applicable sections of this Ordinance and other County Ordinances, the following minimum criteria will be considered in evaluating design review applications:

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

Applicant: 18' height limit. Minimal change in overall structure.

**STAFF FINDING:** The proposed dining room addition will be located in the area where a small deck area and exterior stairs now exist. *See photos in Exhibit 3.* The applicant does not propose the relocation or re-arrangement of any structures. Preliminary drawings included in the application packet show that the roofline of the dwelling will be carried out to the addition.

**Based on this analysis Staff has determined the proposed addition will be compatible and in scale with the surroundings.**

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

Applicant: N/A

**STAFF FINDING:** As indicated in the aerial photo provided earlier in this report, the dining room addition will have no impact on the ocean view of the neighboring properties.

**Staff concludes the criterion is met.**

**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: Will not change vegetation or eliminate trees, might move fuchsia.

**STAFF FINDING:** The applicant has indicated that the landscape on the site will be preserved with perhaps one exception, the relocation of a fuchsia. A conditional of approval will ensure consistency with this requirement.

**This criterion will be met through a condition of approval.**

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

Applicant: No change to electrical service, panel or meter.

**STAFF FINDING:** The applicant is not proposing any new utilities. However, to ensure consistency with this requirement underground utility placement will be a condition of approval.

**This criterion will be met through a condition of approval.**

**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: Lighting: Under “structure” or interior only lighting to be used.

**STAFF FINDING:** The applicant has not provided the exact location of any new lighting. A condition of approval will ensure consistency with this requirement.

**This criterion will be met through 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.

The applicant did not respond to this criterion.

**STAFF FINDING:** The zone is AC-RCR, a residential zone, not a commercial zone. This criterion does not apply in this zone.

**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.

The applicant did not respond to this criterion.

**STAFF FINDING:** The zone is AC-RCR, a residential zone, not a commercial zone. This criterion does not apply in this zone.

**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.

The applicant did not respond to this criterion.

**STAFF FINDING:** The applicant has not proposed any signs.

**The 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:** Tie into existing underground drainage to wetland as bioswale.

**STAFF FINDING:** As described in the Design Review application and the Non-Conforming application any surface water will be managed through the existing drainage system and be directed to the adjacent wetland area.

**A condition of approval will ensure compliance with the criteria.**

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

**Section 5.025. Requirements for Conditional Development and Use.**

In permitting a conditional development and use, the hearing body may impose any of the following conditions as provided by Section 5.015:

- (1) Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- (2) Establish a special yard or other open space or lot area or dimension.
- (3) Limit the height, size or location of a building or other structure.
- (4) Designate the size, number, location or nature of vehicle access points.
- (5) Increase the amount of street dedication, roadway width or improvements within the street right-of-way.
- (6) Designate the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading areas.
- (7) Limit or otherwise designate the number, size, location, height of or lighting of signs.
- (8) Limit the location and intensity of outdoor lighting or require its shielding.
- (9) Require diking, screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
- (10) Designate the size, height, location or materials for a fence.
- (11) Require the protection of existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- (12) Require provisions for public access (physical and visual) to natural, scenic and recreational resources.
- (13) Specify other conditions to permit the development of the County in conformity with the intent and purpose of the classification of development.

**STAFF FINDING:** Staff has determined that any applicable requirements identified in L5.025 are adequately addressed in the Design Review criteria and no additional conditions of approval are necessary. **Staff therefore finds that no additional conditions of approval are needed to obtain compliance with the Design Review criteria.**

**SECTION 4.120 ARCH CAPE NON-CONFORMING USES AND STRUCTURES**

**Section 4.122 Definitions.**

The following definitions are applicable to the provisions of Section 4.120, Non-Conforming Uses and Structures.

EXPANSION. Any increase in any external dimension of a Non-Conforming Structure.

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:** Clatsop County’s Assessor’s records indicate that the dwelling was established in 1952 prior to any land use regulations and therefore legally existed on October 10, 2003, the effective date of the AC-RCR zone. However, because of the mapped wetlands on the east side of the property the dwelling does not conform to the 50-foot setback to non-aquatic vegetation described in section L3.068(15) and therefore the structure is considered non-conforming as to this standard. In addition, the dwelling does not conform to the side yard setback identified in L3.068(4) which requires all structures on corner lots be set back 20-feet from the edge of the right-of-way.

The site plan provided by the applicant shows the dwelling set back 11-feet from the western property line (right-of-way) along Gelinsky Road. This does not meet the 20-foot front yard setback identified in L3.068(2) is not met. However, section S4.504(3) *Protection of Riparian Vegetation* allows the reduction of a setback, without a variance, to a width of no less than 10-feet opposite a riparian area. This results in a conforming front yard setback for the subject property.

Based on this analysis Staff has determined that the subject dwelling is non-conforming as to two setbacks and meets the definition of a “Legal Non-Conforming Structure”. Because the applicant proposes to increase the external dimensions of the structure the dining room addition is considered an “Expansion”. **Therefore, the requirements of L4.120 apply to the application.**

**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.

**STAFF FINDING:** As identified earlier in this report the Design Review and the Expansion of a Non-Conforming Structure application are being processed through a Type II procedure. The proposed residential addition will meet the required front yard setback as described in S4.504 *Protection of Riparian Vegetation* (Refer to the site plan in Exhibit 1) and the 50-foot setback to non-aquatic vegetation described in L3.068(15) Refer to Exhibit 4. The criteria in L4.125(3)(C) is evaluated below.

**The criterion is met.**

(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.

Applicant:

- a. There is expected to be large windows in the dining area, but I do not believe any substantial glare would be a problem considering the typical weather on the Oregon Coast. Window coverings can be used if necessary.
- b. There will be no change in vehicular traffic.
- c. Storage will not be changed. Currently includes garbage can, 3 kayaks on racks and wheelbarrow. This storage involves no loading or parking.
- d. Impact to viewing of scenic area will only impact my own property.
- e. Residential use involves no hours of operation.
- f. No tree will be cut or vegetation removed.
- g. One additional down spout will be added and drainage consistent with current system will be employed. Adding rainwater to a wetland area will not affect the water quality in any adverse way.
- h. Potential for removal of some square footage of land covered could benefit the area.
- i. Does not apply.

**STAFF FINDING:** It is clear these criteria are geared toward non-conforming uses. The proposed residential addition should have no greater impact on the surrounding area than the existing use or cause compatibility issues. The addition of a dining room will not increase vehicular trips, require additional storage or loading area, or hours of operation.

**Based on this analysis Staff has determined the criterion is met.**

2) The character and history of the use and of development in the surrounding area.

Applicant: Historical use will be unchanged. Bridge will add handicapped access between residence & apartment.

**STAFF FINDING:** A change in use is not proposed so there should be no impact on the character and use of the surrounding area. As stated earlier the applicant no longer proposes a bridge (walkway) between the structures.

**Based on this analysis Staff has determined the criterion is met.**

3) An approval may be conditioned to mitigate any potential adverse impacts that have been identified.

Applicant: I look forward to discussing necessary steps to gain approval.

**STAFF FINDING:** Neither the applicant nor staff has identified any potential adverse impacts. Therefore, no additional conditions of approval are needed.

**Based on this analysis Staff has determined the criterion is met.**

## **PUBLIC COMMENTS**

**As of 5:00 PM on Tuesday, September 10<sup>th</sup> no comments have been received.**

## **OVERALL CONCLUSION & RECOMMENDATION**

**Based on the analysis and finding of this report Staff recommends approval subject to the following conditions:**

1. Development shall occur in accordance with the site plan submitted 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 adjacent roadways , if damaged during construction, shall be returned to its previous condition or better before final inspection of the improvement.
3. The Applicant 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 new utility lines shall be placed underground.
7. Exterior lighting shall be of a “full cut-off” design and lighting shall be shielded from neighboring properties and the night sky.
8. The surface water drainage shall be directed as described in the application and shall not adversely impact the natural drainage system and shall not drain to neighboring properties.
9. Natural vegetation shall be retained to the maximum extent possible. Re-vegetation, i.e. reseeding of grass, etc., with native plants of any areas disturbed during construction shall be completed within 30 days of completion of construction, or as soon as possible, weather permitting.

Respectfully submitted,

Jennifer Bunch  
Senior Planner



**APPLICATION FOR  
DESIGN REVIEW**

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

APPLICANT: Debra Birkby Phone: 503 739-1099

Address: 79829 Gelinsky Rd  
Arch Cape, Oregon

OWNER: Same Phone: \_\_\_\_\_

Address \_\_\_\_\_

AGENT: none Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Proposed Development: 2nd story expansion of kitchen/dining area

Present Zoning: AC RCR Overlay District: \_\_\_\_\_

Lot Size: .17 acre

Property Description: 4 10 30 CB 700

Township          Range          Section          Tax lot(s)

Property Location: 79829 Gelinsky Arch Cape, Oregon

**General description of the property:**

Existing Use: Residence

Topography: relatively flat with slight slope to east

**General description of adjoining property:**

Existing Uses: flat with slight slope to east

Topography: Rental house

Community Development Department

800 Exchange, Suite 100 \* Astoria, Oregon 97103 \* (503) 325-8611 \* FAX 503-338-3666

lotsize = 7360' - 40% covering  
structures - garage 1152  
                  Residence 690  
add on = 200  
shed = 100

47462

to exterior treatments, and similar activities which do not increase the cumulative square footage more than 20% from an existing building footprint.

- c. Accessory buildings associated with commercial developments and containing no residential units.
- d. If the Planning Director determines that a new accessory building may significantly impact adjoining properties with respect to location, bulk, compatibility, views, preservation of existing landscape, or other applicable criteria identified in Section 4.106, the application will be forwarded to the Design Review Advisory Committee for review.

**Please address the following eight (8) criteria on a separate sheet of paper:**

Section 4.106. 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. *18' height limit*  
*minimal change in overall structure*
2. Protection of Ocean Views. The blocking of scenic views of existing or proposed dwellings on adjacent lots and other lots that may be impacted shall be minimized in the construction of all structures. *N/A*
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.
4. 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. *will not change vegetation or eliminate trees - might move fence*
5. 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.
6. Utility Service. Electric, telephone and other utility lines shall be placed underground. *no change to electrical service, panel or meter*
7. 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.
8. 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. *Tie into existing underground drainage to wetland as bioswale*

*lighting: under "structure" or interior only lighting to be used*

*5*  
*cut off*

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

Section 4.108. Application Procedure. The following procedure shall be followed when applying for design review approval:

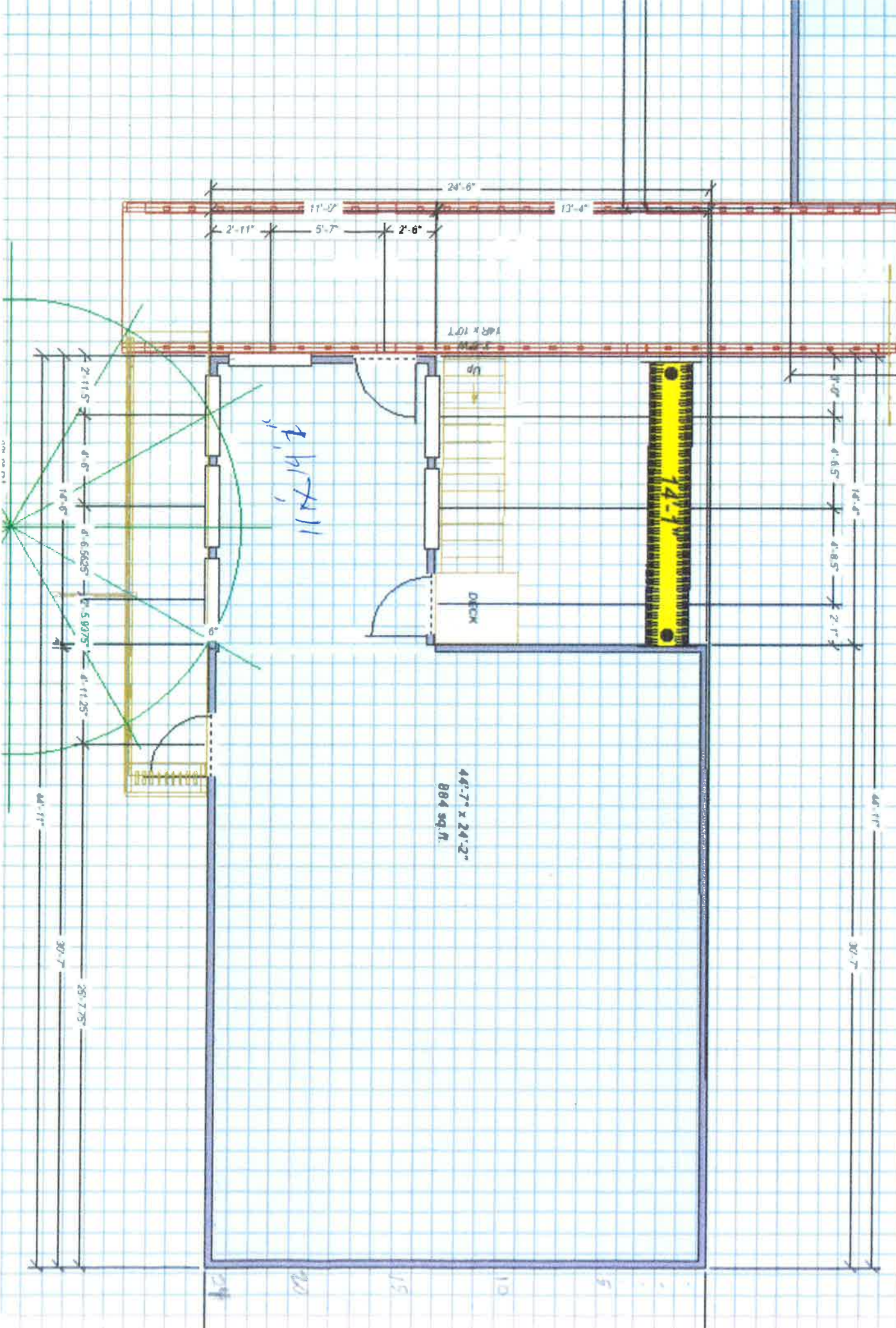
1. Pre-application Conference. The applicant shall discuss the proposed development with the staff of the Clatsop County Department of Planning and Development in a pre-application conference pursuant to Section 2.045.
2. Following the pre-application conference, the applicant shall file with the Planning Director a design review plan, which shall include the following:
  - a. A site plan, drawn to scale, showing the proposed layout of all structures and other improvements, including where appropriate, driveways, pedestrian walks, landscaped areas, fences, walls, off-street parking and loading areas. The site plan shall indicate how utility service, sewage, and drainage are to be provided and shall show cuts and fills proposed. The site plan shall indicate, where appropriate, the location of entrances and exits and the direction of traffic flow into and out of off-street parking and loading areas for commercial uses, the location of each parking space, each loading berth, areas for turning and maneuvering vehicles and each sign for each commercial use.
  - b. The plot plan shall show the relationship of the proposed structure with existing structures or potential structure sites on adjacent lots and lots where the ocean view may be blocked by the structure.
  - c. Elevations of the structure(s) illustrating scenic views and how the structure may block views.
  - d. Plot plan and elevation showing relationship of new construction to existing construction including scenic views.

Section 4.110. Plan Evaluation Procedure. The following procedure shall be followed in processing a design review plan:

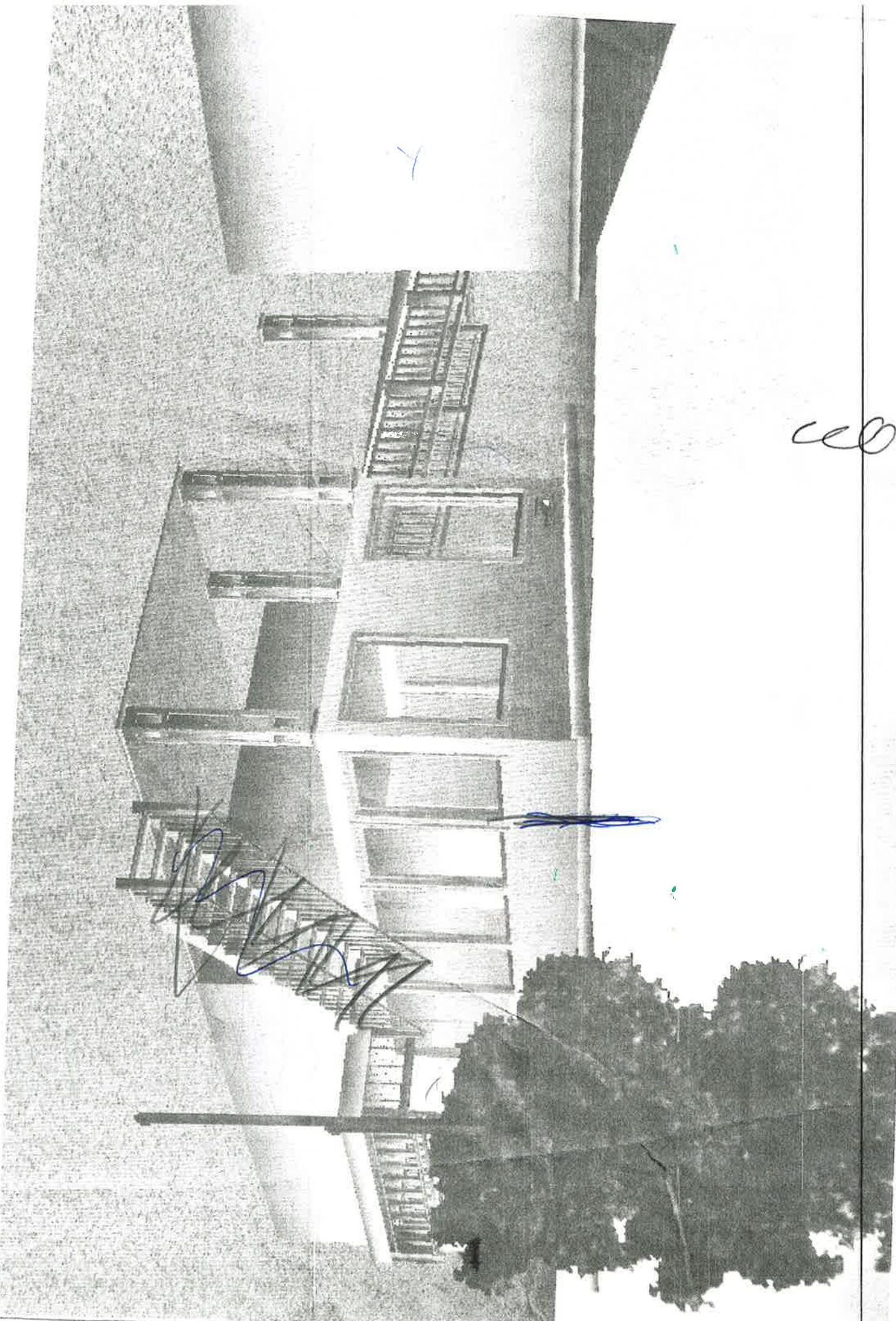
1. Upon receipt of a design review application and plan, the Planning Director will examine it to determine whether it is complete (and consistent with the requirements of this Section). If found to be complete, the Planning Director shall determine whether the application will require Minor or Major Review under Section 4.104(1-2)(Types of Review). If the request is considered a Major Review under Section 4.104(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 shall submit their recommendations to the Planning Director within seven (7) working days of their decision.



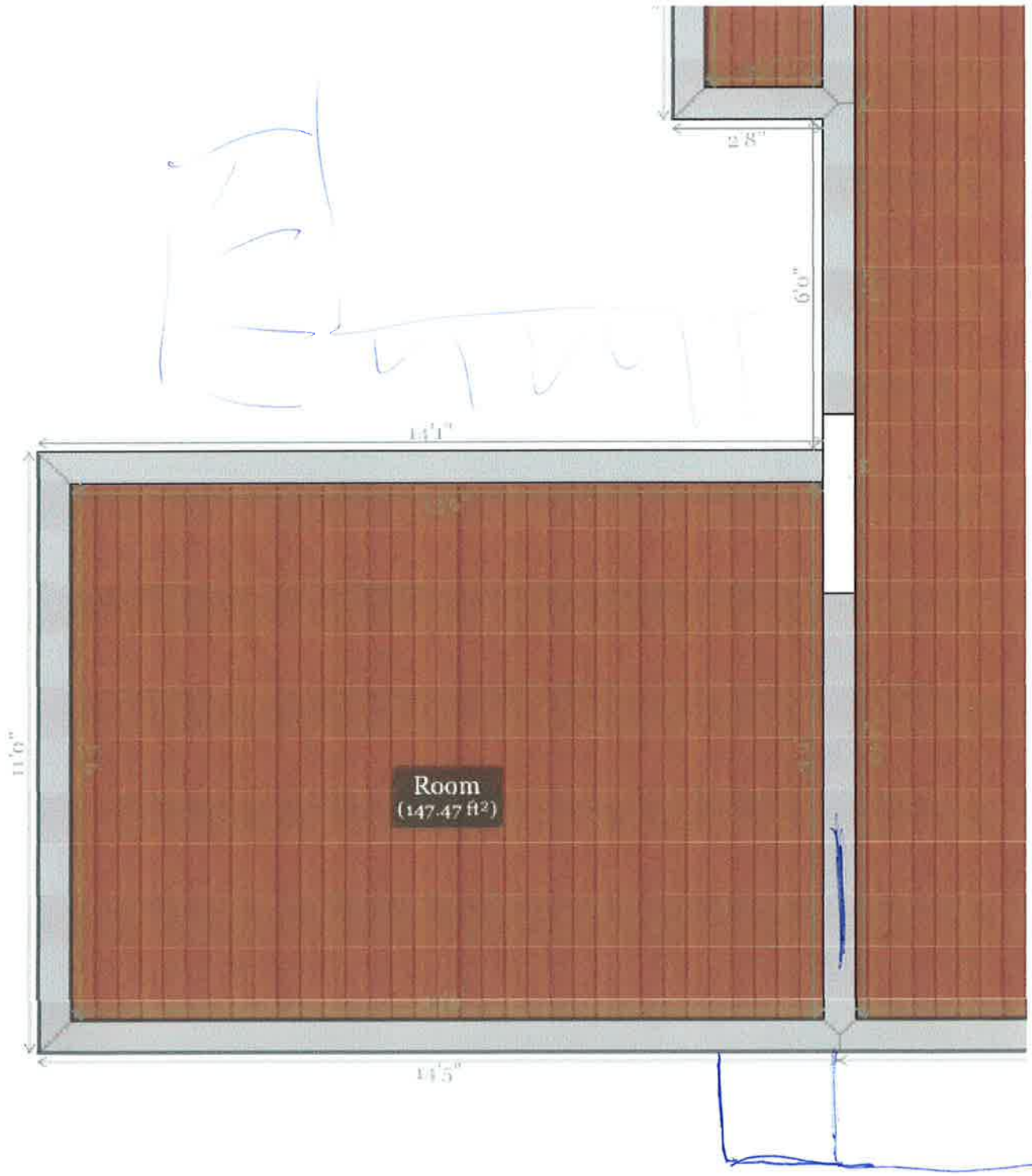


Prelim Draft - Bickby



cello

Architectural drawing of a building facade, oriented vertically on the page.



Room  
(147.47 ft<sup>2</sup>)

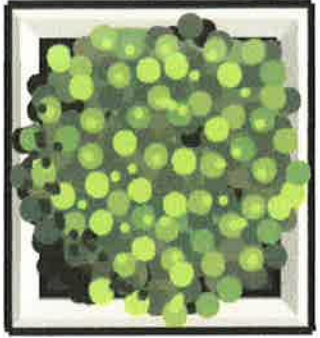
11'6"

14'1"

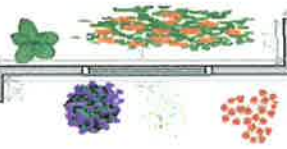
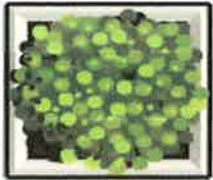
2'8"

6'0"

14'5"



NE





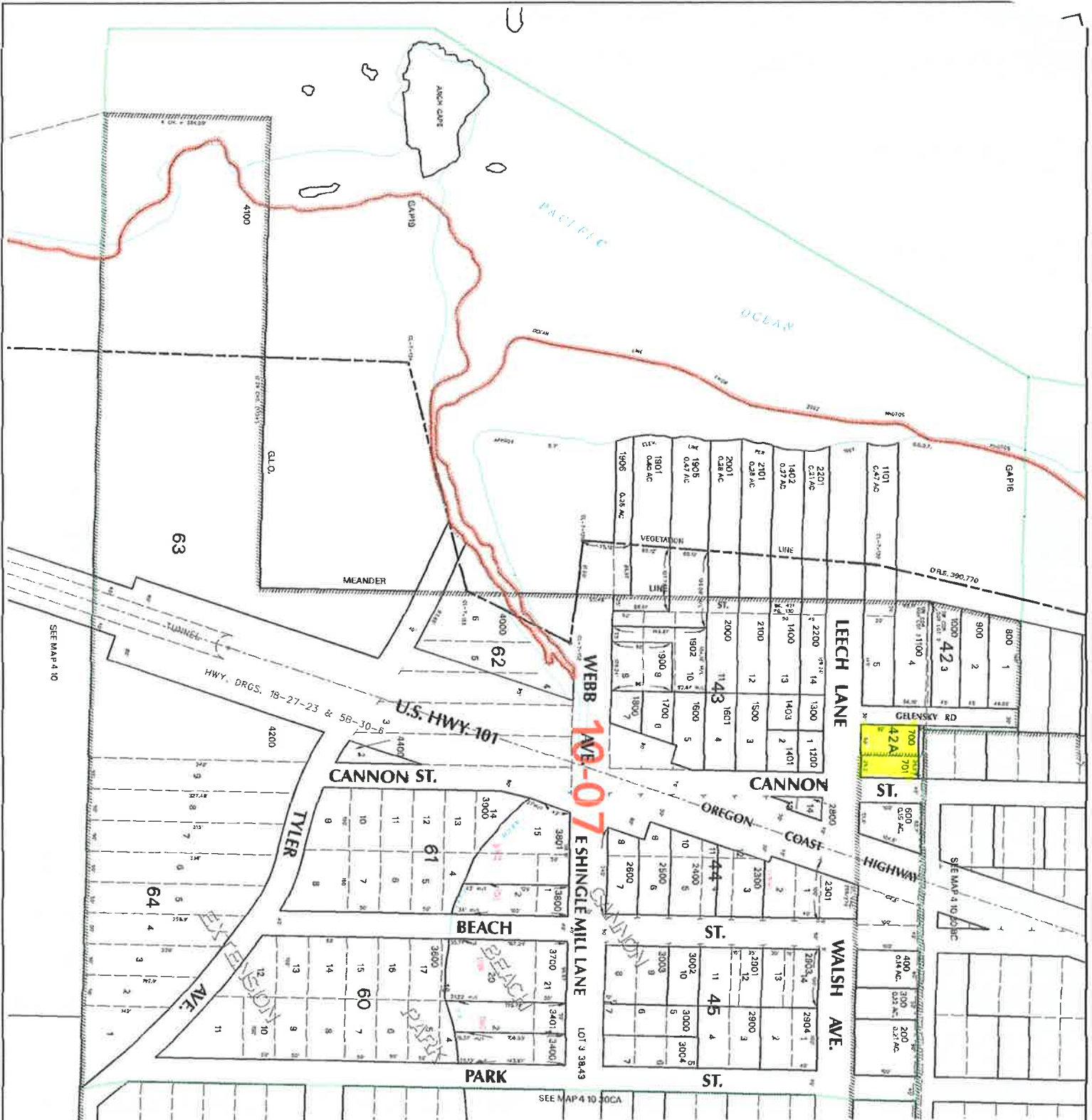
**T4N R10W SEC 30CB WM  
CLATSOP COUNTY**

Scale 1:1200

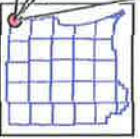
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Cancelled Accounts

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31	32	33	34	35	36	37	38	39	40



June 21, 2013

4.10.30CB



Plat Map 4.10.30CB  
Clatsop County, Oregon  
Recorded in the Public Records  
of Clatsop County, Oregon  
on June 21, 2013 at 10:00 AM  
by the County Clerk, Jennifer  
L. Smith, at the County Clerk's  
Office, 1000 Commercial Street,  
Astoria, Oregon 97103.

# Horning Geosciences

808 26th Avenue, Seaside, OR 97138

Ph./FAX: (503)738-3738

Email: horning@pacifier.com



July 9, 2013

Debra Birkby  
79829 Gelensky Road  
Arch Cape, OR 97102

RE: Engineering Geologic Hazard Report; Map 4 10 30CB, Tax Lot 700; 79829 Gelensky Road, Arch Cape, Clatsop County, Oregon

Dear Debra:

I visited the above-referenced property with you on February 20, 2013, to assess geologic hazards related to an expansion of the existing house into a patio area on the northwest side of the building. I understand from you that the Clatsop County Department of Land Use Planning requires this report in order to process the permit application. We spent about 30 minutes on-site, discussing options and making observations, including shoveling out two shallow test pits. The report meets standards set forth by Clatsop County and by the Oregon State Board of Geologist Examiners for a report of this kind.

## EXECUTIVE SUMMARY

### Scope of Work

The scope of work of this project is to provide you with a geologic hazard report with geotechnical recommendations that will enable hazards of the site to be mitigated and the house to be expanded without it developing structural problems in the future. Additional test pits and subsurface testing are not needed. This report is written to meet standards set forth by the Oregon State Board of Geologist Examiners and Section 4.040 through 4.047 of the Clatsop County Land and Water Development and Use Ordinance.

### Methods

Elevations are provided by extrapolating LIDAR mapping available online from the DOGAMI website. Slopes were measured on-site with a hand-held inclinometer, or were calculated directly from the topographic contours. Soils are classified according to field methods of the Unified Soil Conservation System (USCS) and are comparable with those identified and mapped by the Natural Resources Conservation Service website. Geologic units are referenced to work by Schlicker and others (1972), Niem and Niem (1985), and McNeill and others (1999).

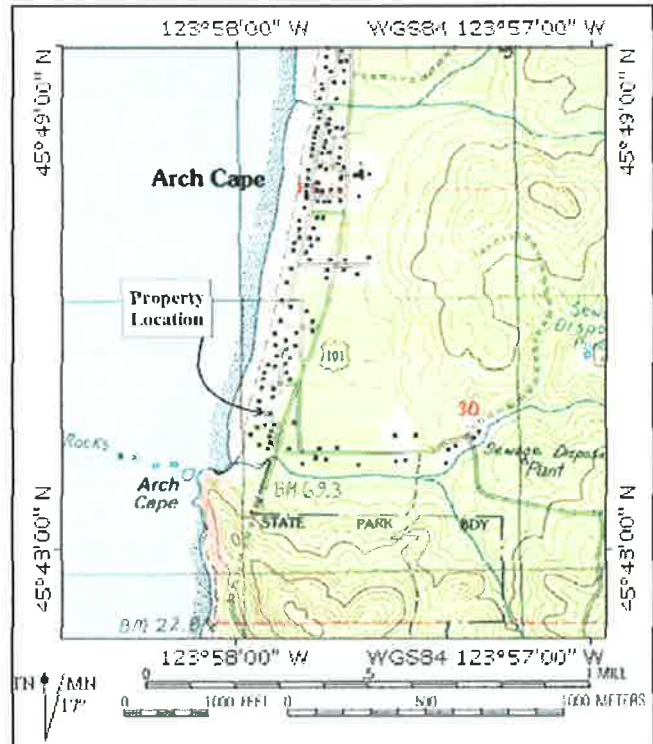


Figure 1: Site location map.

**Figures and Maps**

Location map and assessor’s plat with aerial photo are provided in Figures 1 and 2. A ground photo is shown in Figure 3. Both a wetlands and soils map are shown in Figure 4. LIDAR shaded relief topographic map is provided in Figure 5. Regional geologic and offshore structural geologic maps are provided in Figures 6 and 7. FEMA Flood Insurance Rate Map and tsunami inundation map are shown in Figure 8.

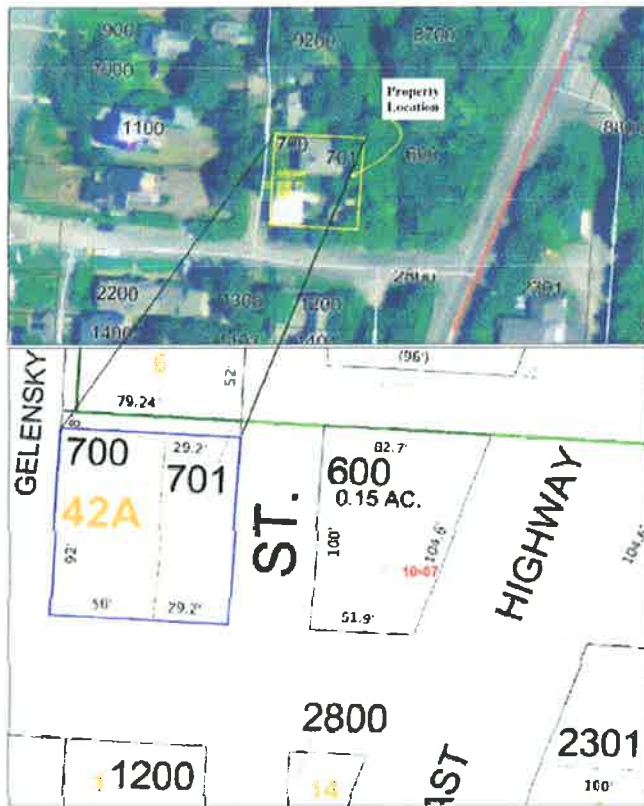


Figure 2: Aerial view and plat for Tax Lot 700 & 701; test pit locations and site of the addition shown on the aerial photo; courtesy of the Clatsop County website.



Figure 3: View east toward the north side of the southern house on TL 700, visible on the right.

**INTRODUCTION**

Tax Lot 700 is located at the northeast corner of the intersection of Gelensky Road and Leech Lane in southern Arch Cape. The lot fronts Gelensky for 92 ft and is about 79 ft deep. Two houses are built on the tax lot—one in the southwest corner and another in the northern one-half. The proposed addition will be built on the northwest corner of the southern house, as shown in Figures 2 and 3.

The addition will expand the second story over a brick patio. It is to be supported by posts resting on footings.

**Elevation & Topography**

The lot is virtually level, draining slightly to the east. The elevation of the property is approximately 14 ft NGVD. This flat terrain is part of an estuarine wetlands flood plain that is protected from the ocean by a vegetated berm of basaltic cobbles and pebbles on the west side of the neighborhood. The flood plain extends to the east well beyond the highway corridor, and it extends at least two blocks to the north of TL 700. It is likely that Arch Cape Creek has excavated the embayment of the estuarine flood plain, although it probably has been assisted by storm surges from the ocean and by tsunami flushing within the creek valley.

**Vegetation & Soils**

The site has been developed, but has standing 60 to 100-yr-old Sitka spruce trees. Farther to the east, willow, alder, twinberry, slough sedge, and other plants common to wetlands are present. According to wetlands maps in Figure 4, wetlands with humic soils like just east of the homes on this property.



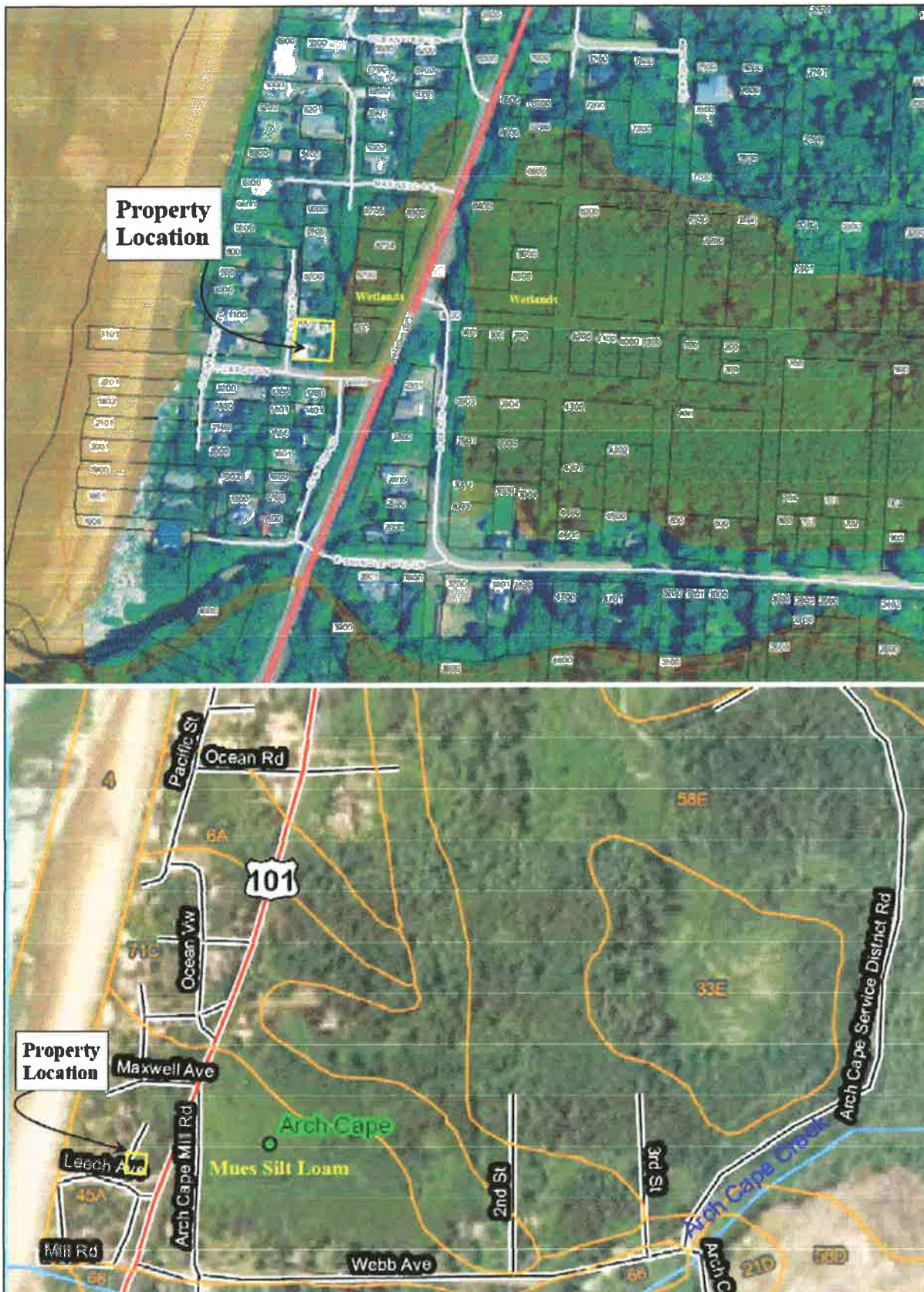
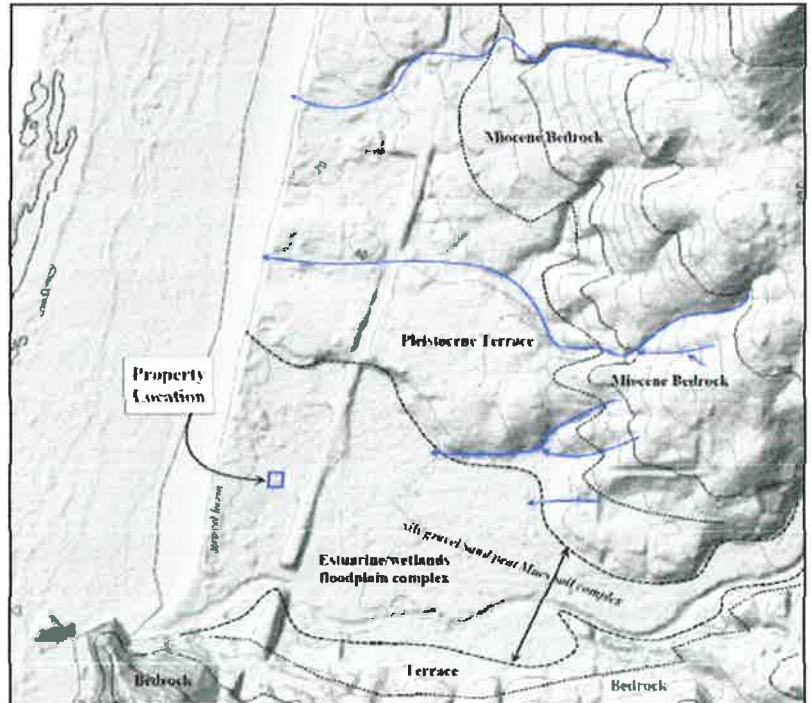


Figure 4: Wetlands (top) and soils map (bottom) for the southern Arch Cape area, annotated for clarity.

Soils have been classified by the Natural Resources Conservation Service as Mues silt loam. It is composed of silt, sand, gravel, and peat. Silt was encountered in Test Pits 1 and 2, at a depth of 2 ft beneath a capping of fill that consists of ML clayey silt and SM-SP poorly graded to silty sand. The native silt has ML-MH weakly plastic clayey silt compositions, based on USC field methods. It has a presumptive bearing capacity of 1000 pounds per square foot. Deeper exploration of the soil column was not carried out, as the foundations of the local buildings have performed well without uneven settlement and cracking of concrete, which indicates adequate bearing strength.

### Bedrock

Bedrock is not relevant to this project, as it lies beneath the alluvial flood plain sediments that cover this neighborhood. Nearby bedrock consists of sandstone of the Angora Peak member of the Miocene Astoria Formation, plus intrusions of Grand Ronde series lavas of the Miocene Columbia River Basalt Group. These two bedrock types represent former estuarine sandstones from the mouth of the Miocene Columbia River and invasive flood basalt lavas that flowed into the ocean and invaded the sedimentary environment about 15 million years ago. The Cape Falcon area is the southwestern part of the Miocene submarine canyon of the Columbia River, which was filled by the lavas. The lava delta that formed at the Miocene shoreline during this period of volcanism is now represented by Nicolai Mountain, near Knappa.



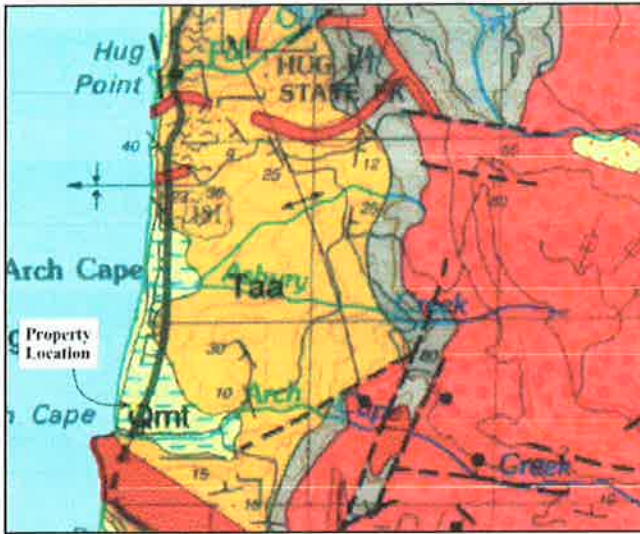
**Figure 5:** LIDAR shaded relief topographic map for southern Arch Cape, showing the project area and topographic interpretations, annotated for clarity.

Given the nearby location of Arch Cape Creek, it is likely that it has eroded a valley into the underlying sandstone and basalt during low-stands of sea level. It is now filled to the present surface by young alluvium. The most recent low-stand peaked about 18,000 years ago. Adding to the young sediments are the slightly older, 80,000-yr-old coastal terrace sediments that make up most of the gently sloping terrain of Arch Cape. These sediments also fill bedrock canyons, reaching depths of more than 45 ft below sea level at the north end of Arch Cape, and to depths of at least 125 ft below sea level at Arcadia Beach, farther to the north. These known depths are based on geotechnical drilling and water well exploration records. Given this, it is concluded that the valley filling sediments of this site most likely are in excess of 100 ft thick. This will amplify ground shaking of the site during an earthquake.

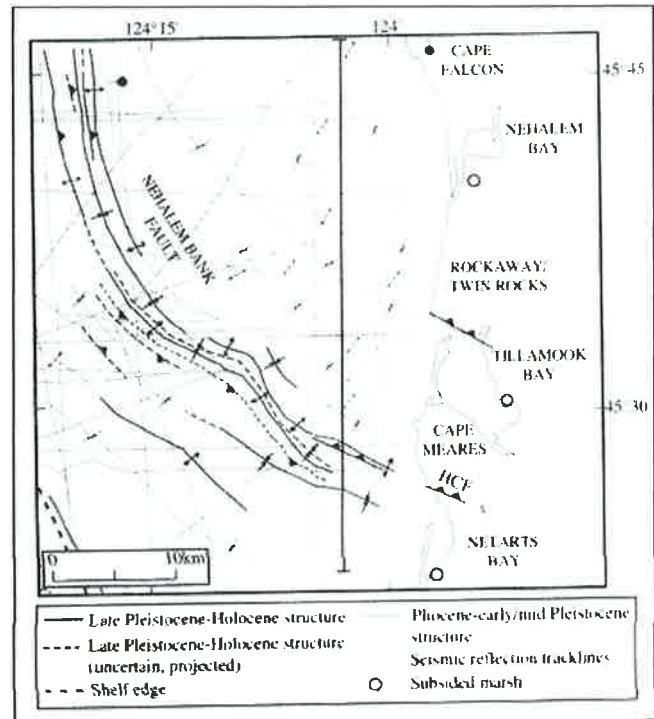
### Structural Geology

Based on the geologic maps available for the onshore and offshore geology of southern Clatsop County, there are no faults directly beneath Arch Cape. However, the God's Valley Fault and a parallel structure run east-west through the southern part of western Clatsop County, entering the sea at Cape Falcon. This structure is related to the Gales Creek Fault Zone, which trends into the southeast part of the county from the McMinnville area. The structure continues southeasterly beneath the Willamette Valley and is the fault that ruptured in 1995 to produce the M5.1 Spring Break (Scotts Mills) earthquake. Another fault zone lies about 15 miles west of Arch Cape and can be seen to fold and deform young sediment that has been laid down in the past 12,000 years, according to McNeill and others (1999). It is known as the Nehalem Bank Fault, and it comes onshore at the north end of Netarts Bay, about 40 miles south of Arch Cape, where it truncates alluvial gravels of the coastal terrace and is known as the Happy Camp Fault. The God's Valley Fault and the Nehalem Bank Fault are potential seismic hazards, but the risk

from this seismicity is poorly constrained. The Cascadia subduction zone presents a much more significant hazard to Arch Cape. This is addressed in later sections.



**Figure 6:** Geologic map for the southwestern part of Arch Cape; after Niem and Niem (1985). Coastal terrace deposits (Qmt) overlie Angora Peak sandstone (Taa), which has been folded into a northwest-plunging anticline by injection and inflation of sills and dikes of Columbia River Basalt, shown in dark red. Also folded by the sills and dikes is mudstone of the Cannon Beach member of the Astoria Formation (gray). Overlying all of these is glassy fragmental rubble of the Columbia River Basalt, water-laid rubble that was chilled and fractured by contact with cold ocean water and which accumulated in the submarine canyon of the Miocene Columbia River. Dark dashed lines indicate faults that have offset the geologic units against each other.



**Figure 7:** The Nehalem Bank Fault Zone offshore of northern Tillamook County; after McNeill and others (1998). The fault is regarded as active, but with little historical information to assist in estimating the hazard.

Groundwater

Shallow groundwater is a likely condition for this property, given the soil types, flat landscape, and nearby wetland complex. The shallow groundwater will not affect the second-story addition to the house. High groundwater conditions will exert a small buoyant force on the footings for the addition, but this is not expected to affect the addition adversely.

**HAZARD ASSESSMENT**

Hazards that apply to Tax Lot 700 are limited to: 1) weak soils, 2) shallow groundwater, 3) regional seismicity, and 4) tsunami inundation.

Weak Soils

As pointed out earlier, the ML clay-silt loam, exposed 2 ft below the surface by test pits, will tend to have a lower bearing capacity. It is recommended that footings be designed for soil bearing capacity of 1000 pounds per square foot. Footings should be embedded at least 2 ft into the ground, so that the concrete rests on undisturbed native mineral soils. Should soils be disturbed by digging, they must be removed and replaced with compacted structural aggregate to the required depth. Compaction should be to 90 percent of maximum possible, using plate compactors or similar tools to accomplish the task. Examination of foundations of houses nearby finds that standard construction practices will be adequate and will not suffer settlement issues or heaving from hydration and dehydration of the clays in the loam.

Shallow Groundwater

Tax Lot 700 lies in a low flat area that can flood. According to FEMA flood maps, shown in Figure 8, the property lies in Zone AH. This zone has the potential of flooding to depths of 1 to 3 ft on a 100-yr statistical basis. Flooding will obviously not enter into the second floor addition. It will impose a slight buoyant force on the footing, but the amount will be slight and cause no significant change in the loading.

Seismicity & Tsunami

Magnitude M9.0 earthquakes occur in the Cascadia subduction zone on average every 500 years, ranging from 200 to 1000 years between events. Most researchers believe that the quakes occur in clusters that are separated from each other by long quiescent periods of more than 500 years. It has been 313 years since the last earthquake. Mean recurrence within clusters averages around 350 years, plus or minus 130 years. It is possible that the next earthquake can strike at any time.

The earthquake will shake for 3 to 5 minutes. Standing will be difficult. Immediate evacuation will be required. Evacuation sites should be selected and evacuations should be practiced in advance. It will take the leading edge of the tsunami about 20 minutes to reach the shore. The peak of the first wave will strike shore within about 35 minutes. Multiple waves will strike.

Shaking will cause damage to bridges and highway, isolating the coast for weeks. All utilities will be knocked out, including water, sewer, electric, phone and cell, and natural gas. Self-sufficiency for food, water, and shelter should be practiced. Evacuation assembly sites should be determined in advance and practiced.

Seismic Standards

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

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

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

$S_{MS}$  = Maximum Earthquake Spectral Response Acceleration

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

$S_s$  = Acceleration Parameter from Seismic Map 1613.5(1)

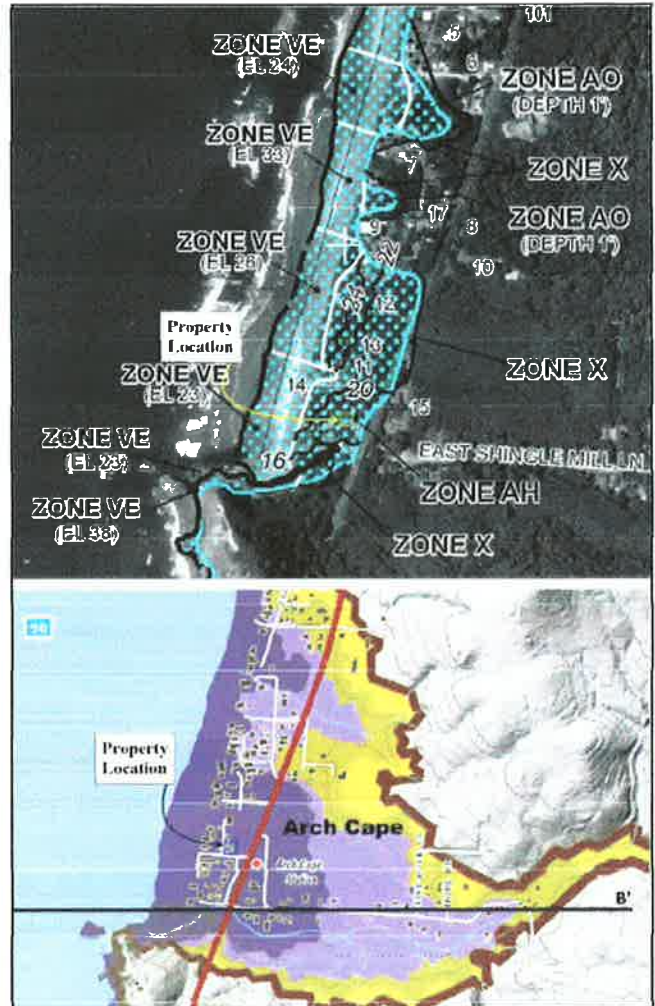


Figure 8: FEMA Flood Insurance Rate Map 41007C0665E (top) and DOGAMI tsunami inundation map for southern Arch Cape (bottom). Tax Lot 700 lies in Zone AH, which can have from 1 to 3 feet of ponded water on the property. Tsunami inundation is shown for various sized tsunamis generated by the Cascadia subduction zone. All of the scenarios will inundate Gelensky Road. Tsunami water may stand as deep as 65 ft on TL 700 under worst-case scenarios.

From the maps and tables, Site Class D:

$$F_a = 1.0$$

$$S_s = 1.40$$

Calculated values:

Peak Horizontal Ground Acceleration $PGA = S_{DS} / 2.5 = 0.67 F_a S_s = 0.67 (1.0)(1.4) / 2.5 = \mathbf{0.38g}$ For Lateral Pressures on Foundations and Retaining Walls from Seismicity: $0.5 (PGA) = 0.5(0.38g) = \mathbf{0.19g}$
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## LIMITATIONS

Observations and conclusions incorporated in this report are the result of personal site inspection, the works of other specialists, and generally accepted principles of geologic investigation for a report of this nature. This area is known to have landslide hazards and earthquakes, the timing and the magnitude of which are difficult to predict and fully quantify. This report attempts to provide the best summary of these hazards possible. Owners and occupants of this property must understand the risks of living in geologically hazardous areas. No warranties are expressed or implied. This report does not extend to the activities of unidentified future owners or occupants for which the writer bears no responsibility.

Please call if there are questions.

Thomas S. Horning, CEG  
Horning Geosciences



*Expires: 6/30/14*

## References Cited

- Goldfinger, C., Nelson, H.C., Morey, A.E., Johnson, J.E., Patton, J.R., Karabanov, E., Gutierrez-Pasto, J., Ericksson, A.T., Garcia, E., Dunhill, G., Enkin, R.J., Dallimore, A., and Vallier, T., 2012, Turbidite Event History- Methods and Implications for Holocene Paleoseismicity of the Cascadia Subduction Zone; in Kayen, R., editor, Earthquake Hazards of the Pacific Northwest Coastal and Marine Regions, USGS Professional Paper 1661-F, 184 p.
- McNeill, L. C., Goldfinger, C., Yeats, R. S., and Kulm, L. D., 1998, The Effects of Upper Plate Deformation on Records of Prehistoric Cascadia Subduction Zone Earthquakes; in Stewart, I. S. & Vita-Finzi, C. (eds) *Coastal Tectonics*. Geological Society, London, Special Publications Vol. 146, p. 321-342.
- Niem, A. R., and Niem, W. A., 1985, Oil and Gas Investigation of the Astoria Basin, Clatsop and Northernmost Tillamook Counties, Northwest Oregon: OGI-14, State of Oregon, Department of Geology and Mineral Industries.
- Schlicker, H. G., Deacon, R. J., Beaulieu, J. D., and Olcott, G. W., 1972, Environmental Geology of the Coastal Region of Tillamook and Clatsop Counties, Oregon: Bulletin 74, State of Oregon, Department of Geology and Mineral Industries; 164 p. with plates.

## Debra Birkby

---

**From:** Tom Horning [horning@pacifier.com]  
**Sent:** Tuesday, July 09, 2013 11:15 PM  
**To:** 'Jennifer Bunch'; 'Debra Birkby'  
**Subject:** Geologic Hazard Report  
**Attachments:** birkby arch cape.pdf

Hello Jennifer and Debra:

Please find a PDF of a GHR for Debra in Arch Cape. Please call if there are questions.

Thank you. Invoice will arrive under separate cover.

Sincerely,

Tom Horning, CEG  
Horning Geosciences



# Clatsop County

## Community Development

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

Phone (503) 325-8611  
Fax (503) 338-3666

July 31, 2013

Debra Birkby  
79829 Gelinsky Road  
Arch Cape, OR 97102

### NOTICE OF INCOMPLETE APPLICATION

Dear Ms. Birkby:

Thank you for submitting your application for major design review on July 18, 2013. Unfortunately we must deem the application incomplete because it is missing the following items:

#### Expansion of a Non-Conforming Structure Application

Aerial photos indicate that one or more of the structures do not meet the required setbacks to property lines or to the line of non-aquatic vegetation for the mapped wetland east of your property. Because the structure does not meet one or more requirements of the zone but was legally established it is considered "Legal Non-Conforming". Your application proposes to expand the external dimension of the structure(s), therefore; an application for the Expansion of a Non-Conforming Structure is required. I have enclosed a copy of the application for your convenience. The application fee is \$795.

#### Site Plan

A site plan (to scale) is required and should show all existing and proposed structures on the property. The site plan should show any natural features that exist on the property and the setbacks from any existing or proposed structures to the property lines and to the line of non-aquatic vegetation (wetland) to the east.

The application will be deemed complete and processing continued if you respond within 180 days by:

1. Providing all of the missing information; or
2. Provide some of the information with written notice that no other information will be provided;  
or
3. Provide written notice that none of the information will be provided.

If you do not respond within 180 days the applications will be voided and the fees will be forfeited. Please let me know if you have any questions or if I can be of additional assistance. You can reach me at 503-325-8611 or [jbunch@co.clatsop.or.us](mailto:jbunch@co.clatsop.or.us).

Sincerely,

Jennifer Bunch  
Senior Planner

Enclosures

August 4, 2013

Jennifer Bunch  
Senior Planner  
Clatsop Co. Community Development  
800 Exchange St., Suite 100  
Astoria, Oregon 97103



Good Morning Ms. Bunch,

Enclosed with this correspondence (attached for email) you will find my application for expansion of a Legal Non-Conforming Structure, my response for criteria for Section 4.125(3), site plan for 4N10W30 CB700 drawn to scale and plan for expansion.

With this information submitted I request my application be deemed complete and processing for Arch Cape Design Review be continued.

A couple items have come to mind on which I would appreciate information. Ms. Julia Decker indicated that I would need to pay a fee of \$243. to have the submitted geologic hazard report reviewed by staff, is this still the case? She also spoke of averaging the setbacks with adjacent property, will this option be considered with this application?

I will mail my check and paper copy of application and documents on Monday, August 05, 2013 or hand deliver to you if we happen to meet on Monday.

I look forward to your site visit.

Thank you for your help!



Debra Birkby  
79829 Gelinsky Road  
Arch Cape, Oregon 97102  
[birkby@charter.net](mailto:birkby@charter.net)  
cell 503 739-1099





**APPLICATION FOR EXPANSION,  
CONTINUATION, OR ALTERATION OF A NON-  
CONFORMING USE OR STRUCTURE**  
Fee: \$795.00  
(Double if a violation exists)

**APPLICANT:** Debra Birkby Phone: 503 739-1099  
Address: 79829 Gelinsky Road 503 436-2780  
Arch Cape, Oregon

**OWNER:** - same as above - Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

**AGENT:** - same as above Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

**Request:** expansion (second story) of deck area and closing in existing deck area that continues a setback of 11ft (where 20' is now standard) for front yard  
Present Zoning: AC-RCR Overlay District: \_\_\_\_\_

Property Description: 4 N 10 W 30 CB 700  
Township Range Section Tax Lot(s)

Directions from Astoria: South on Hwy 101 to m.p. 35, turn R. on Leech. Driveway is first on right (at back of house).  
What is the nearest "community" (i.e. Svensen, Arch Cape, Westport)? Arch Cape

**General description of the property (prior to expansion or alteration or during continuance):** hydrangea 92' x 80' lot slopes slightly to E. <sup>old spruce</sup> Trees near line on W+N, mature <sup>fuschia, salal</sup> rhododendrons

**Existing Structures and Uses:** 1950 built residence, 4 car garage w/ living quarters above, tool + lawn shed and wood storage shed, Deck and "bridge" on W+N of residence

**General description of the proposed expansion or alteration (as applic.):** add dining space + bridge

**General description of adjoining property:** Public Roads to E+W, County Road to S. Short term rental house to N.

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

- (5) The county may allow a property owner, under a Type II procedure, to prove the existence, continuity, nature and extent of the use for the 10-year period immediately preceding the date of application. If the county finds evidence proving the existence, continuity, nature and extent of the use for the ten-year period preceding application, then such findings shall create a rebuttable presumption that the use, as proven, lawfully existed at the time the applicable Ordinance provision was adopted and has continued uninterrupted until the date of application.

**Section 4.124 Alteration.**

- (1) Through Type I procedures alterations shall be permitted to a non-conforming structure, or to a structure devoted to a non-conforming use. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215, a county shall not place conditions upon the continuation or alteration of a use described under this subsection when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.
- (2) If in a three-year period, alterations to a Non-conforming structure, or to a structure devoted to a Non-conforming use exceeds 75% of the market value of the structure, as indicated by the records of the County Assessor, the structure shall be brought into conformance with the requirements of the Ordinance.

**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.
- (2) Through a Type IIA procedure an expansion of a 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 § 3A-C below, or a variance for the expansion shall be required pursuant to Section 4.116 Arch Cape Variance.

Please address the following criteria from Section 4.125(3) on a separate sheet (s) of paper:

*attached*

- (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:
- (A) The floor area of a building(s) shall not be increased by more than 20%.
- (B) The land area covered by structures shall not be increased by more than 10%.
- (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.
- 2) The character and history of the use and of development in the surrounding area.
- 3) An approval may be conditioned to mitigate any potential adverse impacts that have been identified.

**Section 4.126 Changes to a Non-Conforming Use.**

(1) A Non-conforming use may only be changed to that of a conforming use. Where such a change is made, the use shall not thereafter be changed back to a Non-conforming use.

**Section 4.127 Replacement and Damage.**

- (1) Through a Type I procedure if a Legal Non-Conforming Structure or a structure occupied by a Legal Non-Conforming Use is damaged or destroyed by any cause other than an action of the property owner or authorized agent, it shall be reconstructed in conformance with the current requirements of this Ordinance or a variance sought in accordance with section 4.116. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. If restoration or replacement is necessary under this subsection, restoration or replacement shall be done in compliance with ORS 195.260 (1)(c). If a building listed on the National Register of Historic Places is damaged or destroyed it may be reconstructed in conformance with the dimensional standards of the building prior to its destruction.
- (2) Through a Type II permit procedure subject to Section 5.000-5.030 if a Non-Conforming Structure or a structure devoted to a Non-Conforming Use is damaged by any cause other than an action of the property owner or his agent, The hearing body may approve the reconstruction of the structure and accompanying use. Reconstruction of the structure or use shall be in conformance with the current requirements of this Ordinance or a variance sought in accordance with Section 4.116. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. If restoration or replacement is necessary under this subsection, restoration or replacement shall be done in compliance with ORS 195.260 (1)(c).

**Section 4.128. Completion.**

A development that is lawfully under construction on the effective date of an ordinance that makes that use or structure Non-conforming may be completed. The use or structure may be used for the purpose for which it was designed, arranged or intended.

**Section 4.129. Discontinuance of Use.**

If a Non-conforming use is discontinued for a period of one year, subsequent use of the property shall conform to this Ordinance.

**Section 4.130. Compliance with Other Requirements.**

Notwithstanding the provisions of this section, alteration of a Nonconforming use or a Nonconforming structure shall be allowed if necessary to comply with state or local health or safety requirements.

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

Applicant's Signature: Rebecca Binkley Date: 8/3/2013  
 Owner's Signature: Rebecca Binkley Date: 8/31/2013  
 (or notarized letter)

Section 4.125(3)

(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:

(A) The floor area of a building(s) shall not be increased by more than 20%.

I calculated the floor areas to be 2692s.f. 20% is 538.4s.f. Expansion of floor area is planned to be 340s.f.

(B) The land area covered by structures shall not be increased by more than 10%.

Is an overhanging roof considered "land area covered"? May need to discuss during site visit

(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.

There is expected to be large windows in dining area, but I do not believe any substantial glare would be a problem considering the typical weather on the Oregon Coast. Window coverings can be used if necessary

(b) Numbers and kinds of vehicular trips to the site.

There will be no change in vehicular traffic

(c) Amount and nature of outside storage, loading and parking.

Storage will not be changed. Currently includes garbage can, 3 kayaks on racks and wheelbarrow. This storage involves no loading or parking

(d) Visual impact.

Impact to viewing of scenic area will only impact my own property

(e) Hours of operation.

Residential use involves no hours of operation

(f) Effect on existing vegetation

No trees will be cut nor vegetation removed

(g) Effect on water drainage and water quality.

One additional down spout will be added and drainage consistent with current system will be employed. Adding rainwater to a wetland area will not affect the water quality in any adverse way

(h) Service or other benefit to the area.

Potential for removal of some square footage of land covered could benefit the area

(i) Other factors relating to conflicts or incompatibility with the character or needs of the area. Does not apply

2) The character and history of the use and of development in the surrounding area.

Historical use will be unchanged. Bridge will add handicapped access between residence & apartment

3) An approval may be conditioned to mitigate any potential adverse impacts that have been identified.

I look forward to discussing necessary steps to gain approval

attachment for <sup>July 18</sup> ~~2/13~~ 2013 Application

# PLOT PLAN

FOR YOUR PROPERTY ON 8.5" X 11" PAPER (suitable for review by all agencies)

(Sketch the appropriate structure to scale; Clatsop County Building Codes requires that the plans be drawn to scale)

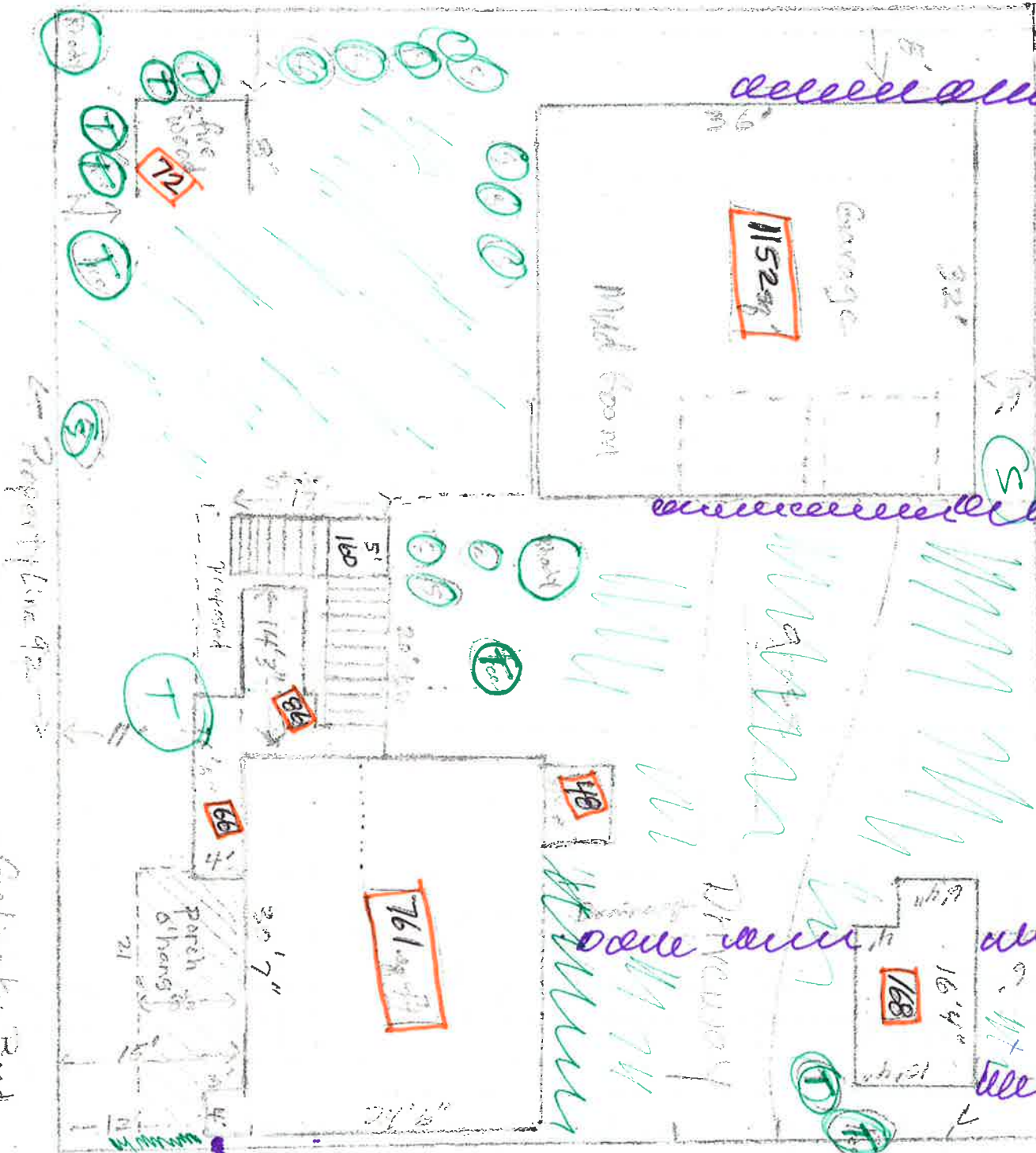
- Draw property lines and all existing and proposed structures on the property
- Draw and label all roads adjacent to or giving access to the site, and driveways on the site
- Include use of accessory structure
- Include a north arrow
- Identify any wetlands, streams, lakes, etc. on-site
- Provide accurate distances from the proposed structure to all property lines, surface water bodies, wells, and existing septic system components including drainfield areas.
- Show off-street parking spaces, if required (size, location, number)

(Please Use the Space Provided)

*2 pages attached*

\*\*Plot Plan is required for a Development Permit and a Building Permit\*\*

Birkby - Page 1 existing



Drainage

Drainage

Drainage

Drainage



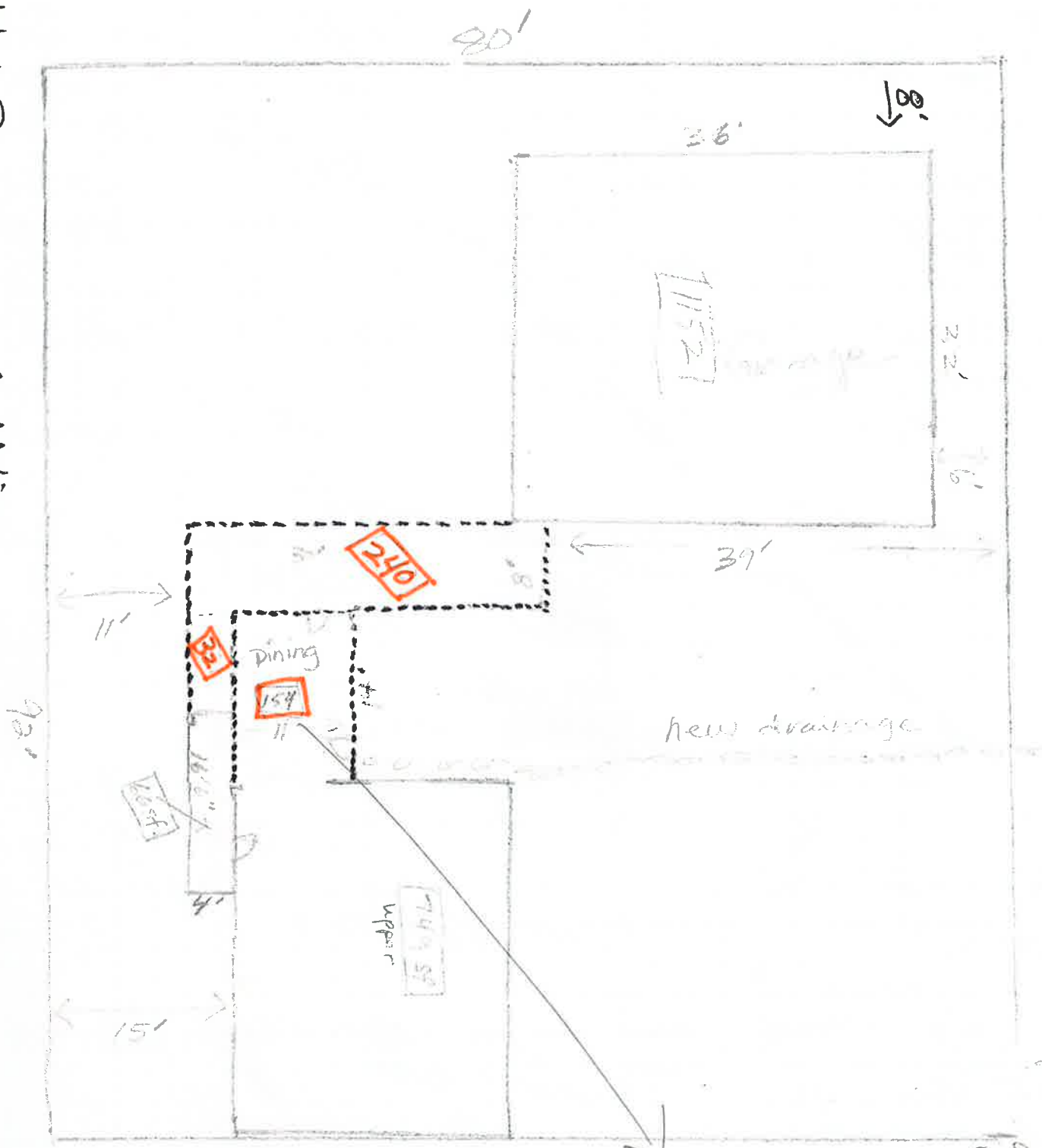
Gelinsky Road

Property Line

Shed	168
Garage	1152
House	761
Back	72
Shed	168
Up-deck	152
Road Shang back stop	48
520' tall	
<b>Total</b>	<b>2692</b>

13812 D' lot





After

----- Proposed -----

119 stairs bridge = 240 S  
 added dining 68:  
 expense w. deck 32 S  
340

finish dining 154  
 less existing 86  
addl SF. 68



CERTIFICATE OF MAILING

**Exhibit 2**

I hereby certify that I served a copy of the attached **Public Notice** for expansion of a non-conforming structure and major design review submitted by Debra Birkby on behalf of Debra Birkby, to those listed on the attached pages with postage paid and deposited in the post office of Astoria, Oregon (as well as those sent via e-mail as indicated) on said day.

Date: August 27, 2013

  
\_\_\_\_\_  
Clancie Adams, Staff Assistant  
Clatsop County, Oregon



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

ph: 503-325-8611  
fx: 503-338-3606  
em: [comdev@co.clatsop.or.us](mailto:comdev@co.clatsop.or.us)  
[www.co.clatsop.or.us](http://www.co.clatsop.or.us)



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## PUBLIC MEETING NOTICE

### ARCH CAPE DESIGN REVIEW COMMITTEE

In the matter of two applications submitted by Debra Birkby for the Expansion of a Non-Conforming Structure and Major Design Review for a residential addition (dining room). The subject property is identified as T4N, R10W, Sec. 30CB TL 00700 and commonly known as 79829 Gelinsky Road, Arch Cape, OR.

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

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APRX. DATE OF DESIGN REVIEW RECOMMENDATION:	September 18, 2013
COMMENT PERIOD ENDS:	September 17, 2013
DESIGN REVIEW MEETING:	<b>September 18, 2013, 6 pm, Arch Cape Fire Hall, 79729 Highway 101, Arch Cape, Oregon</b>
SEND COMMENTS TO:	Clatsop County Community Development 800 Exchange Street, Suite 100, Astoria, Oregon 97103
CONTACT PERSON:	Jennifer Bunch, Clatsop County Senior Planner

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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 applications described in this letter. Pursuant to section L4.100 of the Clatsop County Land Water Development and Use Ordinance, a Public Meeting is scheduled before the Design Review Committee on Wednesday, September 18, 2013, to review and make a recommendation to the Community Development Director regarding the applications, pursuant to Sections L2.020 and L4.015 of the Clatsop County Land and Water Development and Use Ordinance (LWDUO). The Community Development Director will make a decision on or after September 19, 2013.

All interested persons are invited to submit testimony and evidence in writing by addressing a letter to the Clatsop County Community Development, 800 Exchange Street, Suite 100, Astoria, OR 97103. Written comments may also be sent via FAX to [503-338-3606](tel:503-338-3606) or via email to [jbunch@co.clatsop.or.us](mailto:jbunch@co.clatsop.or.us). Written comments must be received in this office no later than **4 p.m. on Wednesday Tuesday, September 17, 2013, in order to be considered by the Design Review Committee and the Community Development Director.**

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

The following criteria apply to the request:

LWDUO 80-14

- L1.010-1.050 Definitions
- L2.020 Type II procedure
- L2.115 Mailed Notice for a Type II Procedure
- L2.120 Procedure for Mailed Notice
- L3.060 Arch Cape RCR Zone
- L4.000 Flood Hazard Overlay
- L4.100 Arch Cape RCO
- L4.000 Flood Hazard Overlay
- L4.080 Shoreland Overlay
- L5.600 Non-Conforming Uses  
And Structures

Standards Document

Chapters 1 - 4

Comprehensive Plan

- Goal 1 Citizen Involvement
- Goal 2 Land Use Planning
- Goal 6 Air, Water and Land Res
- Goal 7 Natural Hazards
- Goal 6 Air, Water and Land Res
- Goal 17 Coastal Shorelands
- Southwest Coastal Community Plan

These documents are available for review at the Clatsop County Community Development Department office, 800 Exchange Street, Suite 100, Astoria, Oregon, and on-line at the county's website, [www.co.clatsop.or.us](http://www.co.clatsop.or.us).

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at the Community Development Department Office during normal business hours (M-F, 8-5) at no cost and will be provided at reasonable cost.

If you have questions about this land use matter or need more information, please contact Jennifer Bunch, Clatsop County Senior Planner, at (503) 325-8611 or via email at [jbunch@co.clatsop.or.us](mailto:jbunch@co.clatsop.or.us).

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



Date Mailed: August 27, 2013

Owner	OwnerLine1	OwnerLine2	Mailing Address	City	State	Zip
BEEEMER MELVIN R TRUSTEE OF THE BIRKBY DEBRA BIRKBY VIRGINIA	BEEEMER MARNEY SCOTT TRUST		16 Kilolani Ln Apt #105 79829 Gelinsky Rd 79829 Gelinsky Rd	Kihei Arch Cape Arch Cape	HI OR OR	96753-5117 97102-0128 97102-0128
BROWN DANNELL JAY 1/2 BROWN SHIRLEY R 1/2 BROWN SHIRLEY R 1/2 CALDWELL WALSH KATHLEEN	BROWN MCDANELL JAMES 1/2 BROWN BILLIE H SURVIVORS TRUST 1/2 BROWN LAURENCE A SURVIVOR TRUST 1/2	Brown Shirley Le Brown Billie H Tr Brown Billie H Tr	981 Ardmore Cir 981 Ardmore Cir 981 Ardmore Cir 1219 Parkside Dr East	Redlands Redlands Redlands Seattle	CA CA CA WA	92374-6288 92374-6288 92374-6288 98112-3717
CATLETT BENJAMIN S COLEMAN HARRY E IV CURS TASHA D 1/3 DICHTER CHRIS DICHTER RALPH L/SHIRLEY A	PAMELA M TRSTEE COLEMAN BUTCH TRUST DICHTER BRAND T 1/3 DICHTER KATHRYN RENIE	CATLETT PAMELA M REV TRUST 1/2 Dichter Harry M 1/3	1617 Lake Front Rd 80326 Pacific Rd PO Box 2307 PO Box 6188 PO Box 2561	Lake Oswego Arch Cape Gearhart Brookings Gearhart	OR OR OR OR OR	97034-4615 97102 97138-2307 97415-0262 97138-2561
HENDRICKSON HUBERT E/MAE E TR HILL DEAN A/SOREANA A IMES JOY L KACHEL RONALD R LEITZ CINDY KAY LUNDY THEODORE M MADDEN MARY	HENDRICKSON HUBERT/MAE TRUST TINDALL DARR BESSEY BRUCE VANDEMARR CARMEN (NKA)	Webster Nancy E	79955 W Beach Rd 79796 E Beach Rd 16255 SW Ludwig St PO Box 832 65 Dollar St 2553 Grand Ave	Arch Cape Arch Cape Aloha Cannon Beach West Linn Astoria	OR OR OR OR OR OR	97102-0148 97102-0144 97007-2030 97110-0832 97068-9115 97103
MORRISON NOANIE B TRUST 1/2 MURRAY LINDA J LAPP 90% SHORT KENNETH CASEY SKEELS FAMILY LTD PRTNSHP SMITH BRADFORD ALFRED SORIANO GREG B/ROSELLE TINDALL FAMILY PROPERTIES LLC	MORRISON JAMES CREDIT TRUST 1/2 MURRAY V 2.5%/ MURRAY S 2.5% WILLATS WENDY LYNN GATTO REVOCABLE TRUST	Morrison Noanie B Tr Murray G R 2.5%/ Murray H I 2.5% Gatto Jerry A/Carol J Trustees	6400 SW Parkhill Way 52 Cascade Ky 79836 Gelinsky Rd 3435 NE 22nd Ave 1041 Summit Ave E 11710 126th Avenue Ct E 1994 Furlong Ct 2606 N Newark St	Portland Bellevue Arch Cape Portland Seattle Puyallup West Linn Portland	WA WA OR OR WA WA OR OR	97239-2660 98006-1030 97102-0128 97212-2432 98102-4432 98374-5082 97068-2525 97217-6969

Exhibit 3







# Exhibit 4

## Birkby Wetland Setback

