

CLATSOP COUNTY

Community Development
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Southwest Coastal Design Review / Citizen Advisory Committee

Regular Meeting

Date: Wednesday, November 20, 2013
Time: 6:00 pm
Location: Arch Cape Fire Hall, 79729 Highway 101, Arch Cape, Oregon

1. CALL MEETING TO ORDER (Chair Lundy) (6:00 p.m.)
2. ROLL CALL (Staff) (6:00 – 6:02 p.m.)
3. BUSINESS FROM THE PUBLIC (Chair) (6:02 – 6:10 p.m.):
This is an opportunity for anyone to give a brief presentation (3 minutes or less) to the Committee on any land use planning issue or county concern that is not on the agenda. (Chair)
4. CONSIDERATION OF MINUTES IF AVAILABLE (Chair) (6:10 – 6:18 p.m.):
Minutes of September 18, 2013, and October 16, 2013, will be sent under separate cover if they can be made available in time for the committee's review.
5. ACTION ITEM (6:02 – 7:00 p.m.):
 - o Major Design Review and Expansion of a Legal Non-Conforming Structure: Application for 1) residential addition (new guest bedroom, bathroom, office, and deck), and 2) remodel within existing dimensions of kitchen and second floor bathrooms. The subject property is identified as T4N, R10W, Sec. 30BB, TL 04002 and commonly known as 80004 Pacific Road, Arch Cape. Staff: Julia Decker, Planner. (*Attachment 1*)
6. OTHER BUSINESS (7:00 – 8:00 p.m.):
 - a. Arch Cape Short Term Rental Ordinance Regulations (Hiller West, Director) (*Attachment 2*)
 - b. Overview of Southwest Coastal Community Plan: Goal Recommendations (V. Birkby) (*Attachment 3*)
 - c. Open Discussion: Opportunity for the committee to discuss and invite testimony from outside agents regarding topics of interest
6. 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



STAFF REPORT

Staff Report Date: November 12, 2013

Meeting Date: November 20, 2013

Advisory Body: Southwest Coastal Design Review / Citizen Advisory Committee

Request: Expansion of a Non-Conforming Structure and Major Design Review for 1) residential addition (new guest bedroom, bathroom, office, and deck), and 2) remodel within existing dimensions of kitchen and second floor bathrooms. Requires Major Design Review, per Land and Water Development and Use Ordinance #80-14, Section 4.102 (1)(D) and Minor Design Review per Section 4.102 (2)(A). Per Section 2.080 (2), these applications are consolidated.

Applicants/Owners: Wendy Martel Vilkin and Kenneth W. Vilkin
12014 SE Mill Plain Blvd., Suite 210
Vancouver, WA 98684

Agent: Tolovana Architects LLC
P.O. Box 648
Tolovana Park, OR 97145

Property Description: T4N, R10W, Sec. 30BB, TL 04002

Zoning: AC – RCR (Arch Cape – Rural Community Residential)
FHO VE Zone – (Flood Hazard Overlay, Velocity Zone)
GHO – (Geologic Hazard Overlay)
/RCO – (Rural Community Overlay)

Property Location: 80004 Pacific Road, Arch Cape, Oregon 97102

Property Size: 0.26 ac. (*approximately 11,326 square feet*)

Staff Reviewer: Julia Decker, Planner

Exhibits: 1 – Application
2 – Area Map
3 – Geohazard report
4 – Public Notice – *mailed and emailed*

Comments Received: None

PROPERTY BACKGROUND AND STATUS

At approximately 11,326 square feet, the subject T4N, R10W, Sec. 30BB, TL 04002 exceeds the 7,500 square-foot minimum lot size of the AC-RCR Zone. TL 04002 was created with the recording of a memorandum of land sale contract, conveying the subject property from Robert R. Gregg and Joan B. Gregg, husband and wife, to Jon M. Clark and Victoria Mabus, husband and wife, on December 20, 1987, with the Clatsop County Clerk (Book of Deed Records, Book 688, Pages 53-4.) The property does not meet the definition of a "Lot of Record" as described in LWDUO 80-14, Section 1.030.

In 1987, the size of the newly created tax lot was 0.19 acre, or about 8,276 square feet. The zoning at the time was RSA-SFR, Rural Service Area-Single Family Residential, with a minimum lot size of 7,500 square feet with state-approved sanitary sewer. TL 04002 met the minimum lot size when it was created on December 20, 1987.

On April 11, 1996, Clatsop County Planning and Development Department approved a lot line adjustment between the subject TL 04002 and T4N, R10W, Sec. 30BB, TL 04000, creating the current configuration of the two tax lots. The new legal description was recorded with the Clatsop County Clerk on June 4, 1996 (Clatsop County Book of Deed Records, Book 902, Pages 382-5). The lot size was increased to its current size, 0.26 acre, or about 11,326 square feet. At no time in its history has TL 04002 been less than the minimum lot size.

A single family dwelling was permitted by Clatsop County Planning and Development Department on April 7, 1997 (Permit #97-281).

Per ORS 92.176 Validation of a unit of land not lawfully established:

(1) A county or city may approve an application to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land if the unit of land:

- (a) Is not a lawfully established unit of land; and
- (b) Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.

(3) A county or city may approve an application for a permit, as defined in ORS 215.402 (Definitions for ORS 215.402 to 215.438 and 215.700 to 215.780) or 227.160 (Definitions for ORS 227.160 to 227.186), respectively, or a permit under the applicable state or local building code for the continued use of a dwelling or other building on a unit of land that was not lawfully established if:

- (a) The dwelling or other building was lawfully established prior to January 1, 2007; and
- (b) The permit does not change or intensify the use of the dwelling or other building.

(5) A unit of land becomes a lawfully established parcel when the county or city validates the unit of land under this section if the owner of the unit of land causes a partition plat to be recorded within 90 days after the date the county or city validates the unit of land.

The single family dwelling on TL 04002 was lawfully established prior to January 1, 2007, and the permit for which the applicant has applied would not change or intensify the use of the dwelling or any other building on the property. Under (3) (a) and (b) above, the county may approve the applications to expand the (legal) non-conforming structure, the application for design review, and development and building permits without validating the unit of land. Should the owners wish to

validate the unit of land, they may make application for a one-lot partition, described in (5), above, as TL 04002 meets the criteria under (1) (a) and (b), above, as well.

SECTION 4.120 ARCH CAPE NON-CONFORMING USES AND STRUCTURES

Section 4.122 Definitions.

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

Staff Analysis and Finding: The current maximum height in the AC-RCR Zone is 18 feet from the average grade of elevation of the four principal corners of the dwelling for oceanfront lots. The single family dwelling exceeds 18 feet in height and was built to 26 feet, according to the original plans. Initial Design Review for the house was denied and became the subject of a legal dispute about whether the lot should be considered oceanfront. Litigation was decided by Peremptory Writ of Mandamus 97-2014 (1997), and the application was permitted to move forward for development and building permits. Clatsop County Planning and Development issued a permit for the single family dwelling, as currently built, on April 7, 1997 (Permit #97-281).

Since that time, the current definition of "ocean front lot" has been revised to read:

"A lot, parcel, or unit of land where no residence may be legally placed or constructed between the subject lot and the ocean. Often creating an unobstructed view of, and/or access to, the ocean beaches and headlands. See Also Standards Document S3.030."

"S3.030. Application of Building Heights to Ocean Front Lots.

(1) Building height restrictions applicable to ocean front lots are intended to apply to property immediately in land of the ocean beach. Partitions or property line adjustments may not be used to change an ocean front lot into a non-ocean front lot."

The current zoning designation, AC-RCR (Arch Cape – Rural Community Residential), was adopted on October 10, 2003. Based on current definitions and regulations, TL 04002 is considered to be an oceanfront lot. Although built with legal development and building permits, the height of the current structure exceeds the maximum height permitted for oceanfront lots. The structure is both legal and non-conforming and meets the definition of "Legal Non-Conforming Structure" found in Section 4.122.

The structure located on the subject TL 04002 is a legal non-conforming structure.

Section 4.125 Expansion.

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

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

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

1) The following factors:

(a) Noise, vibration, dust, odor, fume, glare, or smoke detectable at the

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

Applicant:

- a) Construction noise and dust will be kept to a minimum. Work will be completed during the specified construction hours of Clatsop County. There are no other known disruptions to neighboring property after construction is complete.
- b) The property will have sufficient parking. There will be limited number amount of trips from the site.
- c) The existing house has storage that will continue to be used for miscellaneous items.
- d) The new alteration to the existing house is designed to the criteria of an Ocean Front lot. The maximum building height is less than 18' -0" to maintain views from neighboring properties.
- e) The addition to this house will maintain the use of a single family residence. The residence will follow Clatsop County noise ordinances.
- f) There will be minimal amount of impact to the existing vegetation. The addition will take a portion of the properties grass yard. No trees of other vegetation will be affected.
- g) The new drainage system will be connected to the existing subsurface drainage system for the existing house and will be extended to on outfall to a new drywell located in the southwest corner of the site. The drywell will be installed per County standards as part of the building permit. See attached site plan.
- h) There is no service from this addition. The addition will match the style and materials of the existing house.
- i) NA

Staff Analysis and Finding: The 1,095 dwelling expansion will include an additional bedroom and bathroom, an office, and expansion of the existing kitchen. In addition, a proposed 690 square feet of additional decking would be constructed on the west and south sides of the enlarged dwelling. The plans also call for widening the driveway and increasing parking and addition of a drywell to improve stormwater drainage onsite. A deck is proposed for the roof of the new construction; it would be accessed via a door from the existing second floor.

Despite language in (1), above, directing that an expansion of a Legal Non-Conforming Structure satisfy criteria under Section 4.125 (3)(C), the language in (3) clearly states it relates to “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).”

The use of the structure as a single family residence conforms to the uses proscribed in Section 3.060 for the AC-RCR Zone, and analysis found in Section 4.103 will demonstrate the changes to the structure will conform to the standards of the zone, Section 3.068, regarding setbacks and impacts to the site visually and environmentally.

No unusual noise, vibration, dust, odor, etc., is anticipated with the residential use; the trips to the site will remain related to its residential use, both in type and number; additional loading and storage facilities are not required for the use; and the house already has two off-street parking spaces, as required. Hours of operation are associated with commercial and industrial uses, not residential use.

The criteria found in Section 4.125 (3)(C)(1) are satisfied.

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

Applicant: The character and use of the structure will be maintained as a single family dwelling. The addition will match the style and materials of the existing house.

Staff Analysis and Finding: The single family dwelling exists in a neighborhood of single family dwellings. The use has always been residential and this expansion will not alter the use, only the footprint of the house and decks. The proposed changes will not change the character of the use and will not affect the character of uses and development in the surrounding areas.

The criterion found in Section 4.125 (3)(C) (2) is satisfied.

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

Staff Analysis and Finding: No potential adverse impacts have been identified. As of the date of this staff report, no comments have been received. Conditions of approval will be recommended at the conclusion of the staff report.

The criteria found in Section 4.125 (3)(C) (3) is satisfied.

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

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

Applicant: Interior Remodel: The project will consist of an interior remodel of the kitchen as well as the upper floor bathrooms.

Expansion/Addition: This project will add a single story addition to the south side of the existing two story house. The addition will be within the allowable 18 foot height from average grade as determined by Castle Rock Surveyors. See attached drawings.

Staff Analysis and Finding: The interior remodel will have no outward effect on the relation of the structure to the site.

The 1,095 square foot addition and 690 square foot deck will increase total lot coverage to just under 38.5%. (The current foot print is approximately 2,564 square feet, and the house and deck additions would bring it to 4,349 square feet.) The maximum lot coverage permittable is 40%; this application would bring the total coverage close to the maximum, but would not exceed it.

The addition would meet the setback requirements for the lot: The required side yard to the south is 10 feet, and the addition would be 10 feet and six inches from its closet point. The front yard setback is 20 feet, and the addition would be approximately 22 feet and one inch from the property line. The rear yard, or oceanfront, setback for the Southwest Coastal Planning Area is determined by the location and orientation of the Statutory Vegetation Line or the line of Oceanfront Averaging, whichever is further inland. In this case, the Statutory Vegetation Line is far down on the beach. A survey by Castle Rock Surveying for a neighboring vacant property was used to establish the line for the ocean front setback between the two oceanfront houses to the north and south, and the applicant's agent, Tolovana Architects LLC, determined the distance from that line to the westernmost corner of the deck addition to be 13 feet to the east of the setback line, well behind the line of oceanfront averaging.

The peak of the roof addition, according to the average grade calculations by Castle Rock Surveying, will be less than 18-feet from the height of average grade, which would meet the requirement of the 18-foot height restriction for oceanfront setbacks in the AC-RCR Zone. The addition will be one story and will meet the Flood Hazard Overlay requirements for the VE (Velocity) Zone in which it is to be located as well. Castle Rock Surveying has provided a pre-construction elevation certificate for the existing house and surveyed the property for the average grade of the four principal corners of the addition. A post elevation survey for maximum height for the zone and additional elevation certificates for the flood hazard will be required.

A brief survey of surrounding properties showed a range in lot and house sizes, from lots as small as 0.15 acre, or 6,354 square feet and substandard in size, to one as large as 1.5 acres; and houses from 1,812 square feet to almost 3,800 square feet. At least two other oceanfront homes nearby are also two stories, and several are one and a half stories. This project would result in creating the largest house in the immediate neighborhood, about 4,855 square feet including the square footage of the both floors in the original house, by about 1,000 square feet. However, it will meet all setbacks and lot coverage requirements. It will be finished in materials that match the original house and that are compatible with the other homes in the neighborhood. Its shape and location on the lot would not crowd surrounding properties, and its architectural details do not appear to be imposing, based on the architect's drawings.

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

The criterion found in Section 4.103.1 is satisfied.

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

Applicant: Interior Remodel Expansion/Addition: No surrounding property has an ocean view that will be blocked by this project. See attached photo exhibits.

Staff Analysis and Finding: Section 3.068 includes the development and use standards for the AC-RCR Zone, and any development that conforms to the standards and uses may be assumed to meet 2. Protection of Ocean Views, above. The interior remodel will have no effect ocean views.

Review of the application and Criterion 1, above, shows the proposed remodel is to a single-family dwelling. The height of the remodeled roof will meet the height restriction. The applicant's materials demonstrate how the addition will appear from two areas in the surrounding neighborhood. The addition roof will meet the requirements for maximum building height and a post construction height survey is required as a condition of approval for the development permit.

Public notice was provided to property owners within 250 feet of the property lines of the parcel, and no comments were received. Staff has received no calls or questions regarding concerns about disruption of ocean views.

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

The use is permitted, lot coverage will not exceed the 40% maximum, the height of the roof will meet the limitation of the zone, and ocean views are protected through the requirements of the zone. The criterion found in Section 4.103.2 is satisfied.

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: Interior Remodel Expansion/Addition: The new house is designed to fit into the existing yard that is generally flat without major cuts or fills. The finished grades around the addition will remain as existing. Excess excavated soil will be removed off-site.

Staff Analysis and Finding: Parts of an existing hedge and grass will be removed to make way for the addition and increased driveway and parking. No trees will be removed. A drywell will be installed to handle the additional stormwater generated by the additional lot coverage. Conditions of approval will require revegetation of disturbed areas. A recommendation found in the geologic hazard report for the property recommends planting a type of salt-tolerant willow and escallonia to prevent erosion and stabilize the bank and slope. A preference for these plants as well as the native species cited in 3, above, will be included in the conditions of approval.

Additionally, the applicant states there will be some excavation of soils to be removed from the site. A fill permit for the site receiving the excavated soils will be required as a condition of approval as well.

Conditions of approval will include that areas disturbed by construction activities shall be re-vegetated and a fill permit will be obtained for sites receiving excavated excess soils.

This criterion can be met through conditions of approval.

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

Applicant: Interior Remodel Expansion/Addition: All electric, telephone and all other utility lines will be currently underground and will remain unchanged.

Staff Analysis and Finding: The applicant states utilities are underground already. No new utilities are proposed.

Applicant meets this criterion.

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

Staff Analysis and Finding: The applicant did not provide a response to this section in the application materials. Regardless, entry doors, exterior decking and exterior stairs require exterior lighting, as required by Building Codes. The exterior lights are required to be pointed down, away from the night sky and away from neighbors and the ocean front. A condition of approval will be recommended to assure full cut-off design is used on exterior lights. Staff has requested a lighting plan be available at the design review meeting.

This criterion can be satisfied with a condition of approval.

6. Buffering and Screening: In commercial zones, storage, loading, parking, service and similar accessory facilities shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.

Applicant: Interior Remodel and Expansion/Addition: This project is not located in a commercial zone, therefore buffering and screening requirements do not apply.

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

This criterion does not apply.

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

Applicant: Interior Remodel and Expansion/Addition: The existing single car driveway will be widened to a standard 24 foot width and two off-street parking spaces will be provided on site.

Staff Analysis and Finding: This criterion applies to commercial developments and zoning. However, based on the information provided in the application and a conversation between the applicant and staff, staff researched the access and interior circulation. The plans call for the current small, graveled driveway and parking area to be concreted and the driveway to be widened to 24 feet and concreted. Staff discussed the proposal to increase the width of the driveway from 12 feet to 24 feet with Clatsop County Public Works and found the Road Foreman endorsed the width increase. The house already has an attached one-car garage and a gravel drive large enough to accommodate a second car, so the standard for off-street parking for two cars has been met, though the amount of parking area was minimal. The additional area will increase parking by roughly twice, and the entire area will be 1,180 square feet, which will be concrete. This will improve access and parking, particularly for emergency service providers, and is in line with normal county and emergency service provider requirements.

As stated above, however, this criterion does not apply to the residential 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.

Applicant: Interior Remodel and Expansion/Addition: There will be no signs other than the property's address displayed as a part of this project.

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

The criterion does not apply.

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: Interior Remodel: This review is for an interior remodel and will not be changing the existing conditions of the surface water drainage.

Expansion/Addition: the new rain drainage system will be connected to the existing subsurface drainage system for the existing house and will be extended to an outfall to a new drywell located in the southwest corner of the site. The drywell will be installed per County standards as part of the building permit. See attached site plan.

Staff Analysis and Finding: The additional lot coverage requires additional drainage, and the applicant has redesigned and augmented the existing drainage system to handle the increased lot

coverage. Drainage is addressed in the geotechnical report included with the application. Included in the recommendations in the report, which will be implemented as conditions of approval for the development permit, is guidance regarding inclines of slopes, how to avoid ponding on the site, drain work materials and installation, compaction of excavated soils and fill, and placement of perimeter drains.

A new drywell that ties to the existing system can be seen on the plans just to the southwest of the new deck area. The addition will be guttered. The lot slopes away from the street and toward the new drywell, where the reconfigured drains lead.

Conditions of approval will require the geohazard report recommendations be followed and the perimeter drains be installed as proposed on the applicant's plan. Additionally, should actual onsite conditions require it, additional drywells should be installed to drain the new concrete area of the driveway. The geo report, prepared by Geotech Solutions Inc., notes the firm must be retained to observe actual subsurface conditions to allow the firm to interpret actual conditions and adapt recommendations if needed. A condition of approval will require the firm be retained to monitor and revise its recommendations as necessary.

The above criterion can be met through a condition of approval.

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

COMMENTS RECEIVED:

None, as of the date of this staff report.

...

Overall Conclusion:

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

1. Construction shall occur as shown on the plans received with the application and on file in the Clatsop County Community Development Department. The Community Development Director may approve minor modifications of these plans if they are requested prior to construction of the minor modification.
2. The road, if damaged during construction, shall be returned to its previous condition or better before final inspection of the improvement.
3. The property owner shall obtain all required development and building permits and approvals prior to, during and after construction.
4. New exterior lighting shall be full cut-off design, and lighting shall be shielded from neighboring properties, the beach and the night sky.

5. Design Review approvals are effective for a period of one (1) year from the date of approval of this document.
6. Development shall comply with all state, federal and local regulations and laws.
7. The recommendations found in the July 31, 2013, Report of Geotechnical Services prepared by Geotech Solutions LLC shall be implemented, including the drainage plan and revegetation recommendations. The firm shall be retained to monitor and interpret site conditions and to provide follow through observations. Any revisions of, or additional recommendations added to the July 31, 2013, report by the firm shall be employed.
8. Water drainage for the addition's roof shall be directed to the existing drainage system via gutters or other appropriate means, and the drainage plan shall be included on building permit drawings.
9. Natural vegetation shall be retained to the maximum extent possible. Re-vegetation, i.e. reseeding of grass, etc., of any areas disturbed during construction shall be completed within 30 days of completion of construction, or as soon as possible, weather permitting. Native plant species and the species recommended by Geotech Solutions LLC shall be used to the greatest extent possible.
10. Any soils removed from the site shall be disposed of in a legally-permitted fill area. If an open fill permit exists for the receiving site, proof of consent by the receiving site owner(s) shall be provided in writing. If the receiving site does not have a fill permit, a fill permit shall be obtained from the appropriate jurisdiction and provided as part of the development permit application.
11. An elevation survey shall be performed after final construction but before final occupancy, to ensure the 18-foot height restriction requirement is met.

Exhibit 1



Receipt

This is not a Permit

Clatsop County Planning and Development
800 Exchange St Ste 100
Astoria, OR 97103

Ph. (503) 325 - 8611 Fax (503) 338 - 3666

For Department Use Only

Permit #: 20130402
Permit Type: Type II
Entry Date: 9/5/2013
Entered By: Julia Decker
Assigned To:
Permit Status: Entered

Permit Timeline

User	Status	Date
Julia Decker	Entered	09/05/2013

Proposed Use

Proposed Use: **Design Review**

Description: Design Review, Major

Zone: **AC-RCR**

Overlay District: **FHO , GHO**

Owner/Project Location

Owner: Name: **Vilkin Martel Wendy & Vilkin Kenneth W**

Address: 12014 SE Mill Plain Blvd #Suite 210

City, State, Zip: Vancouver, WA 98684

Ph. #: (360) 281-5588

Cell: () -

Fax: () -

Situs Address: 80004 PACIFIC RD T R S Q S Qq S Taxlot

City: Arch Cape **State:** OREGON 4 10 30 B B 04002

Applicant/Agent

Applicant: Name: Vilkin Martel Wendy
Address: 12014 SE Mill Plain Blvd #Suite
City, State, Zip: Vancouver, WA 98684

Ph. #: (360) 281-5588

Cell: () -

Fax: () -

Ph. #: () -

Cell: () -

Fax: () -

Fees

Fee Type:

Planning/Development

Permit Fee Total:

\$711.00

Total: **\$711.00**

Receipt

Payor Name:

Vilkin Martel Wendy

Pymnt Type

Check

Check #

4332

Pymnt Date

09/05/2013

Pymnt Amount:

\$711.00

Balance Due: **\$0.00**

Signatures

1. For Commercial and industrial uses, include parking and loading plan, sign plan and erosion control plan.
2. For residential and other uses, include an erosion control plan.
3. Review attached applicant's statement and sign below.

I have read and understand the attached APPLICANT'S STATEMENT and agree to abide by the terms thereof.

Applicant Signature: _____ **Date:** _____

Owner Signature: _____ **Date:** _____

Agent Signature: _____ **Date:** _____



**APPLICATION FOR
DESIGN REVIEW**

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

APPLICANT: KEN & WENDY VILKIN Phone: 360 281 5588

Address: 12014 SE MILL PLAIN VANCOUVER, WA

OWNER: KEN & WENDY VILKIN Phone: 360 281 5588

Address 12014 SE MILL PLAIN VANCOUVER WA

AGENT: _____ Phone: _____

Address: _____

Proposed Development: 1095 ADDITION

Present Zoning: _____ **Overlay District:** _____

Lot Size: .26 ACRES

Property Description: 4N LOW 30XBB 4002
Township Range Section Tax lot(s)

Property Location: 80004 PACIFIC ARCH CAPE, OR

General description of the property:

Existing Use: SINGLE FAMILY

Topography: FLAT OCEAN FRONT

General description of adjoining property:

Existing Uses: _____

Topography: _____

Transportation and Development Services – Land Use Planning Division
800 Exchange, Suite 100 ■ Astoria, Oregon 97103 ■ (503) 325-8611 ■ FAX 503-338-3606

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

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

Applicant's Signature: _____

Date: _____

Owner's Signature: _____

Date: _____

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

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

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

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

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

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

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

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

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

(E) Accessory buildings in residential zones.

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.
- 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.
- 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.
- NA 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.
- NA 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.
- 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.

- 6 Buffering and Screening. In commercial zones, storage, loading, parking, service and similar accessory facilities shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.
- 7 Vehicle Circulation and Parking. The location of access points to the site, the interior circulation pattern and the arrangement of parking in commercially zoned areas shall be designed to maximize safety and convenience and to be compatible with proposed and adjacent buildings. The number of vehicular access points shall be minimized.
- 8 Signs. The size, location, design, material and lighting of all exterior signs shall not detract from the design of proposed or existing buildings, structures or landscaping and shall not obstruct scenic views from adjacent properties.
- 9 Surface Water Drainage. Special attention shall be given to proper surface water drainage from the site so that it will not adversely affect adjacent properties or the natural or public storm drainage system.
- 10 In addition to compliance with the criteria as determined by the hearing body and with the requirements of sections 1.040 and 1.050, the applicant must accept those conditions listed in Section 5.025 that the hearing body finds are appropriate to obtain compliance with the criteria. All permit criteria and conditions must be satisfied prior to final building approval and occupancy.

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

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

- 1 Pre-application Conference. The applicant shall discuss the proposed development with the staff of the Clatsop County Department of Community Development in a preapplication conference pursuant to Section 2.045.
- 2 Following the pre-application conference, the applicant shall file with the Planning Director a design review plan, which shall include the following:

(A) The Site Plan shall indicate:

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

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

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

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

- 1 Meetings; Records. The committee shall hold regular meetings on the first and third Wednesday of each month at the Arch Cape Fire Hall or designated sites. However, meetings may be canceled when there are no design review plans submitted for review by the Committee. The deliberations and proceedings of the committee shall be public. The Community Development Department shall keep minutes of the committee meetings and such minutes shall be public record.
- 2 The Design Review Advisory Committee shall submit their recommendations to the Community Development Director within seven (7) working days of their decision.

Section 2.020. Type II Procedure.

(1) Type II land use actions are presumed to be appropriate in the zone subject to approval of a conditional use permit or a review use permit. They 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 or development permitted with review 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.

Clatsop County

Section 4.106. Criteria for Design Review Evaluation for Vilken Residence:

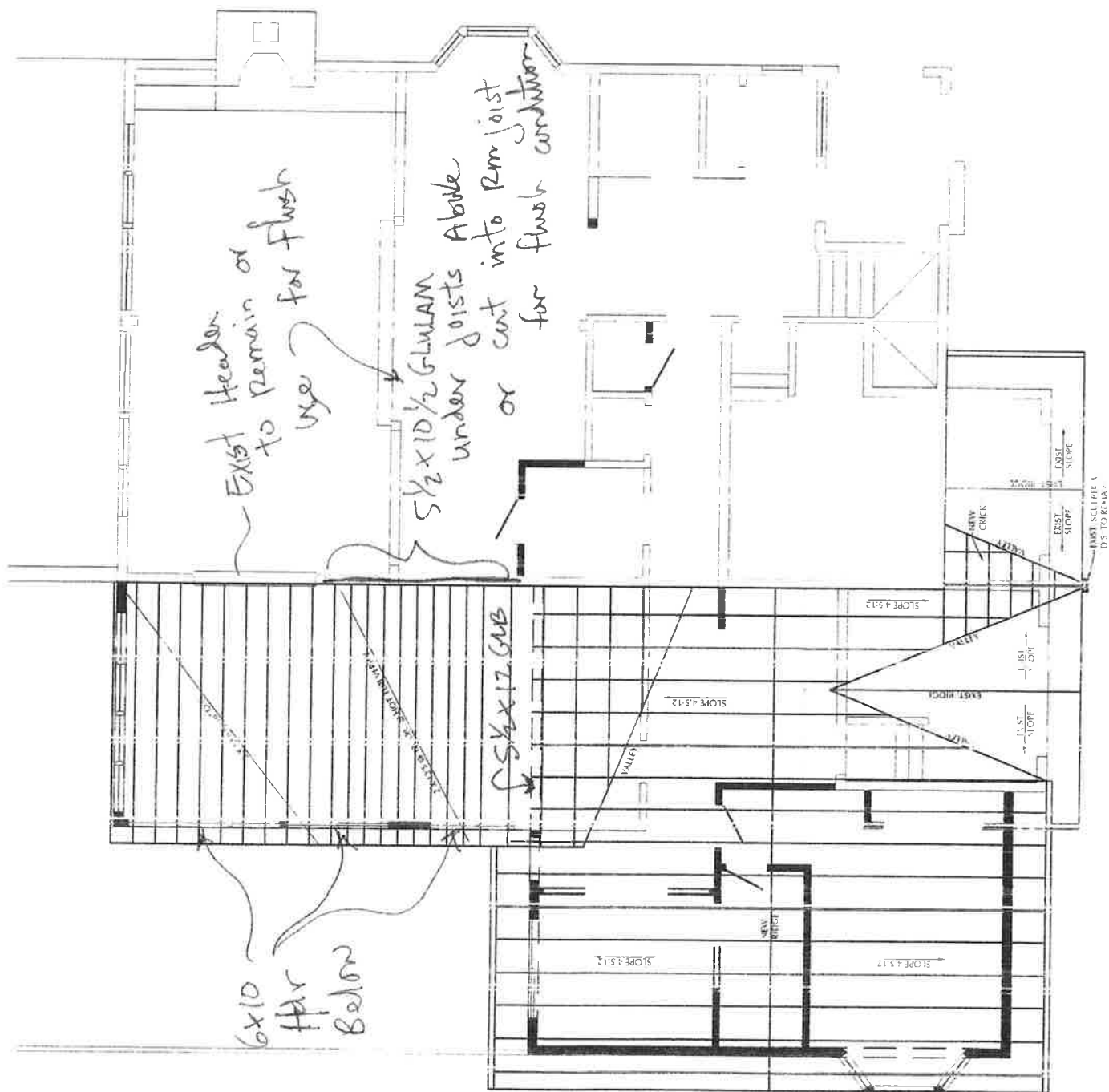
1. Relation of Structures to Site: This project will add a single story addition to the south side of the existing two story house. The addition will be within the allowable 18 foot height from average grade as determined by Castle Rock Surveyors. See attached drawings.
2. Protection of Ocean Views: No surrounding property has an ocean view that will be blocked by this project. See attached photo exhibits.
3. Preservation of Landscape: The new house is designed to fit into the existing side yard that is generally flat without major cuts or fills. The finished grades around the addition will remain as existing. Excess excavated soil will be removed off-site.
4. Buffering and Screening: This project is not located in a commercial zone, therefore buffering and screening requirements do not apply.
5. Vehicle Circulation and Parking: The existing single car driveway will be widened to a standard 24 foot width and two off-street parking spaces will be provided on site.
6. Utility Service: All electric, telephone, and all other utility lines will be are currently underground and will remain unchanged.
7. Signs: There will be no signs other than the property's address displayed as a part of this project
8. Surface Water Drainage: the new rain drainage system will be connected to the existing subsurface drainage system for the existing house and will be extended to on outfall to a new drywell located in the southwest corner of the site. The drywell will be installed per County standards as part of the building permit. See attached site plan.

Clatsop County

**Section 4.106. Criteria for Design Review Evaluation for Vilkin Residence
Interior remodel:**

1. Relation of Structures to Site: This project will consist of an interior remodel of the kitchen as well as the upper floor bathrooms.
2. Protection of Ocean Views: No surrounding property has an ocean view that will be blocked by this project. See attached photo exhibits.
3. Preservation of Landscape: The new house is designed to fit into the existing side yard that is generally flat without major cuts or fills. The finished grades around the addition will remain as existing. Excess excavated soil will be removed off-site.
4. Buffering and Screening: This project is not located in a commercial zone, therefore buffering and screening requirements do not apply.
5. Vehicle Circulation and Parking: The existing single car driveway will be widened to a standard 24 foot width and two off-street parking spaces will be provided on site.
6. Utility Service: All electric, telephone, and all other utility lines will be are currently underground and will remain unchanged.
7. Signs: There will be no signs other than the property's address displayed as a part of this project
8. Surface Water Drainage: This review is for an interior remodel and will not be changing the existing conditions of the surface water drainage.

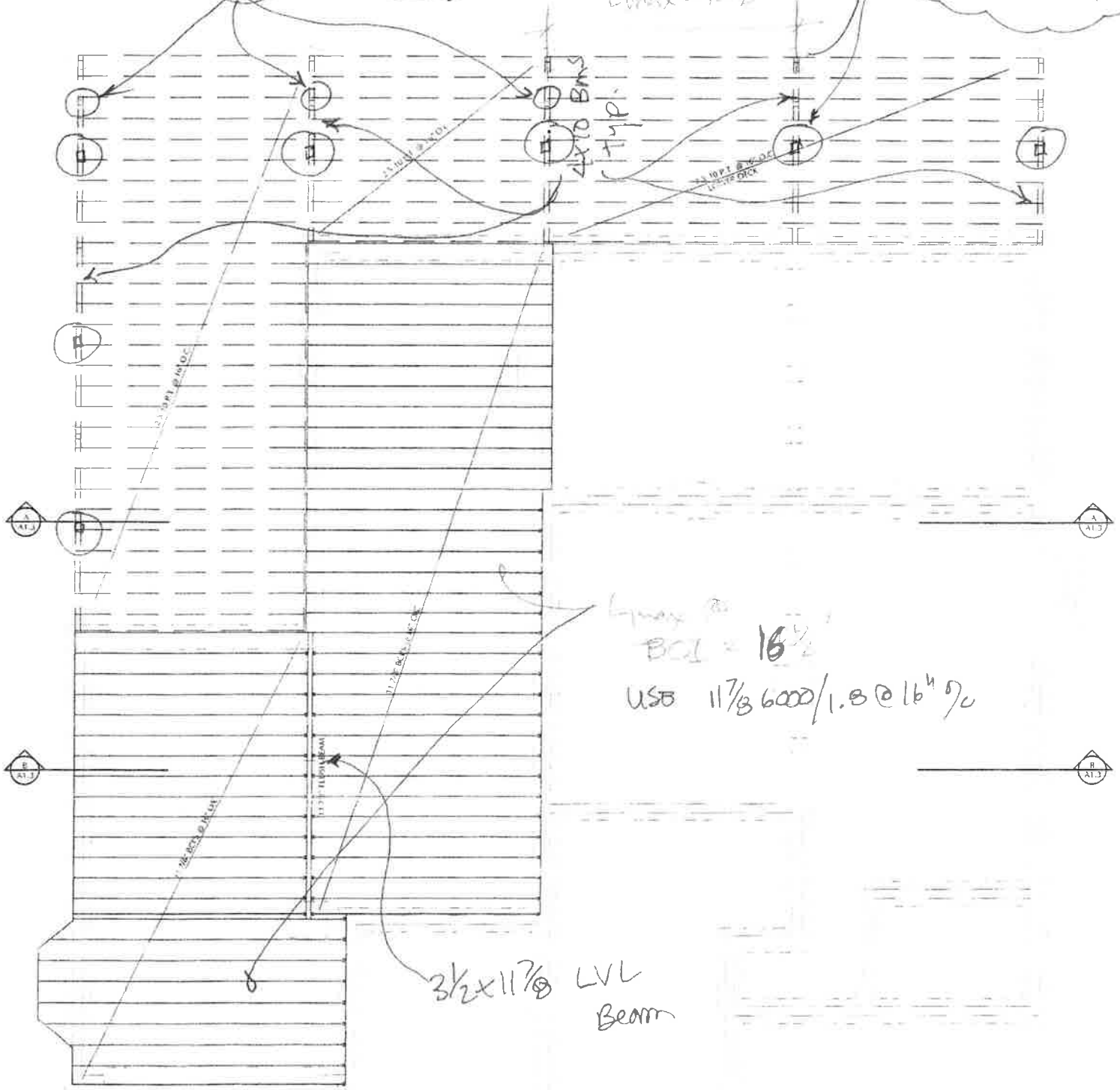
[illegible]

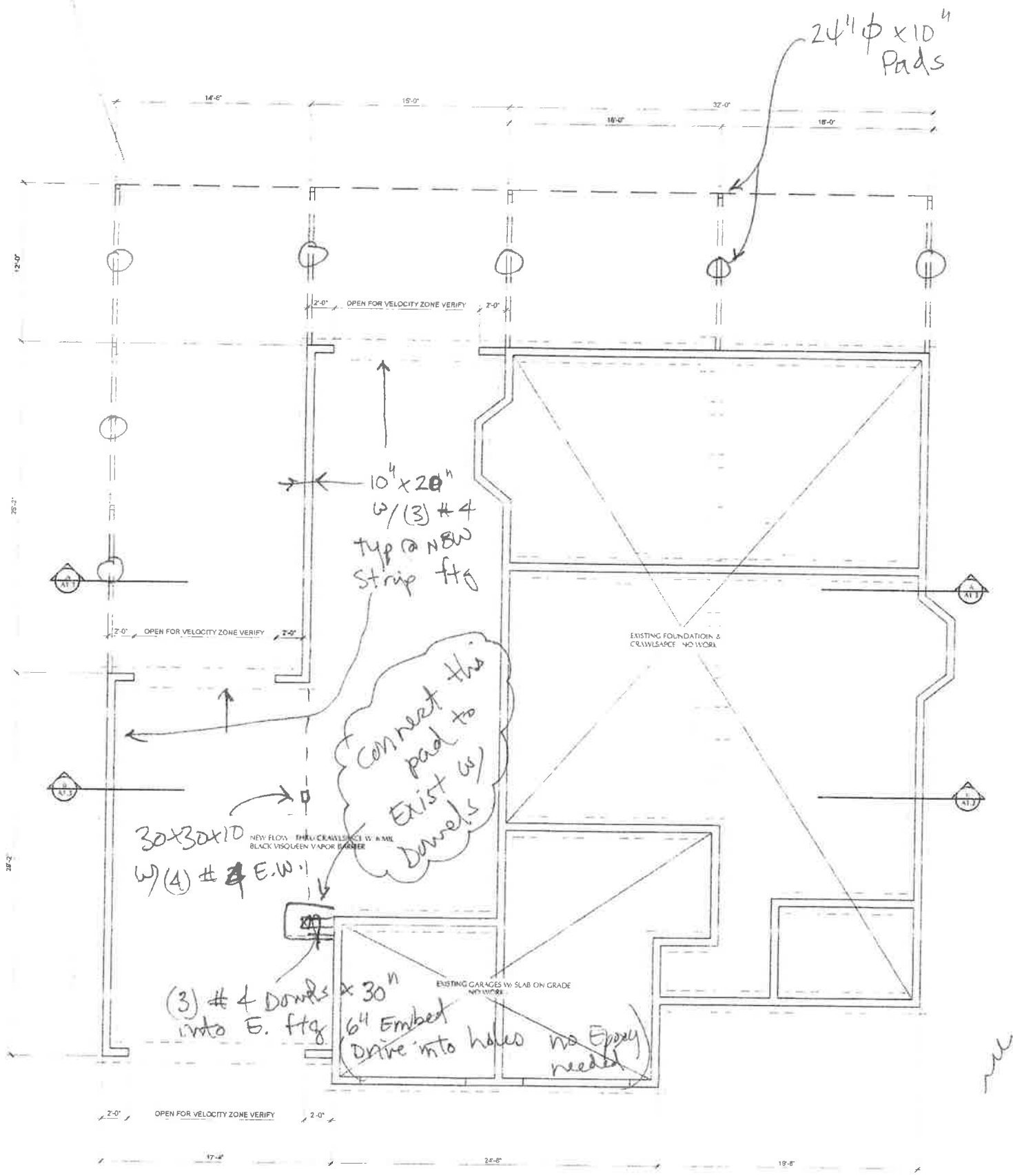


Are these posts?
or stray lines?

Deck Joist
 $L_{max} = 15\frac{1}{2}'$

$24" \phi \times 10"$
Pads Typ







Receipt

This is not a Permit

Clatsop County Planning and Development
800 Exchange St Ste 100
Astoria, OR 97103

Ph. (503) 325 - 8611 Fax (503) 338 - 3666

For Department Use Only

Permit #: 20130446
Permit Type: Type II
Entry Date: 10/4/2013
Entered By: Julia Decker
Assigned To:
Permit
Status: Entered

Permit Timeline

User	Status	Date
Julia Decker	Entered	10/04/2013

Proposed Use

Proposed Use: **Expansion of a Non-Conform Use or Structure**

Zone: **AC-RCR**

Description: Expansion of non-conforming structure

Overlay District: **FHO, GHO**

Owner/Project Location

Owner: Name: **Vilkin Martel Wendy & Vilkin Kenneth W**

Ph. #: (360) 281-5599

Address: 12014 SE Mill Plain Blvd #Suite 210

Cell: () -

City, State, Zip: Vancouver, WA 98684

Fax: () -

Site Address: 80004 PACIFIC RD

I R S Q S Qq S Taxlot

City: Arch Cape

State: OREGON 4 10 30 B B 04002

Applicant/Agent

Applicant: Name: Vilkin Martel Wendy
Address: 12014 SE Mill Plain Blvd #Suite
City, State, Zip: Vancouver, WA 98684

Ph. #: (360) 281-5599

Cell: () -

Fax: () -

Agent: Name/Type: David Vonada, Tolovana Arch. (Other)
Address:
City, State, Zip:

Ph. #: () -

Cell: () -

Fax: () -

Fees

Fee Type:

Miscellaneous Fee
Planning/Development

Permit Fee Total:

\$0.00

\$795.00

Total: **\$795.00**

Receipt

Payor Name:

Vilkin Martel Wendy

Pymnt Type

Check

Check

4376

Pymnt Date

10/04/2013

Pymnt Amount:

\$795.00

Balance Due: \$0.00

Signatures

1. For Commercial and industrial uses, include parking and loading plan, sign plan and erosion control plan.
2. For residential and other uses, include an erosion control plan.
3. Review attached applicant's statement and sign below.

I have read and understand the attached APPLICANT'S STATEMENT and agree to abide by the terms thereof.

Applicant Signature: _____ **Date:** _____

Owner Signature: _____ **Date:** _____

Agent Signature: _____ **Date:** _____



**APPLICATION FOR EXPANSION,
CONTINUATION, OR ALTERATION OF A NON-
CONFORMING USE OR STRUCTURE**

Fee: \$795.00
(Double if a violation exists)

APPLICANT: KEN & WENDY VILKIN

Phone: 360.281.5599

Address: 80004 PACIFIC

ARCH CAPE, OR 97102

OWNER: KEN & WENDY VILKIN

Phone: " "

Address: 80004 PACIFIC

ARCH CAPE, OR 97102

AGENT: _____

Phone: _____

Address: _____

Request: _____

Present Zoning: OCEAN FRONT Overlay District: _____

Property Description: 4N 10W 30C 4002
Township Range Section Tax Lot(s)

Directions from Astoria: 101 SOUTH TO ARCH CAPE, RIGHT OCEAN, CORNER

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):

TWO STORY OCEAN FRONT SINGLE FAMILY

Existing Structures and Uses: SINGLE FAMILY RESIDENCE

General description of the proposed expansion or alteration (as applic.): 1 STORY (18'-0")

General description of adjoining property: _____

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

The Clatsop County Land and Water Development and Use Ordinance #80-14 addresses Non-Conforming Use as follows:

SECTION 4.120 ARCH CAPE NON-CONFORMING USES AND STRUCTURES

Section 4.121 Purpose.

The purpose of the Non-Conforming Uses and Structures provisions are to establish standards and procedures regulating the continuation, improvement and replacement of structures and uses, which do not comply with this Ordinance.

Section 4.122 Definitions.

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

ALTERATION. A change to a structure, not involving enlargement of the external dimensions of the structure (i.e. addition or relocation of windows, replacement of siding, etc).

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.

LEGAL NON-CONFORMING USE. A use, which does not conform to the use regulations of the zoning district in which it is located, but which lawfully occupied a building or parcel of land at the time the applicable use regulation became effective.

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, and which did not legally exist at the time the zoning district became effective.

NON-CONFORMING USE. A use, which does not conform to the use regulations of the zoning district in which it is located, and which did not lawfully occupy a building or parcel of land at the time the applicable use regulation became effective.

Section 4.123 Continuance.

- (1) A Legal Non-Conforming Use may be continued at the level of use (e.g., hours of operation) existing on the date that the use became non-conforming².
- (2) A Legal Non-Conforming Structure may continue within the building dimensions (height, width and length) in existence on the date that the structure became non-conforming³.
- (3) The applicant shall bear the burden of proof for establishing that the structure or use was lawfully established.
- (4) The applicant shall bear the burden of proof for establishing the level of use that existed at the time the use became non-conforming.

- (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:

- (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.

Owner's

Applicant's Signature: _____



Date: 9-23-13

Owner's Signature: _____

Date: _____

(or notarized letter)

Clatsop County

Section 4125(3) Criteria for Expansion, Continuation, or Alteration of a Non-Conforming Use or Structure for Vilkin Residence:

1.
 - a.) Construction noise and dust will be kept to a minimum. Work will be completed during the specified construction hours of Clatsop County. There are no other known disruptions to neighboring property after construction is complete.
 - b.) The property will have sufficient on site parking. There will be limited amount of trips from the site.
 - c.) The existing house has storage that will continue to be used for miscellaneous items.
 - d.) The new alteration to the existing house is designed to the criteria of an Ocean Front lot. The maximum building height is less than 18'-0" to maintain views from neighboring properties.
 - e.) The addition to this house will maintain the use of a single family residence. The residence will follow Clatsop County noise ordinances.
 - f.) There will be a minimal amount of impact to the existing vegetation. The addition will take the place of a portion of the properties grass yard. No trees or other vegetation will be affected.
 - g.) The new rain drainage system will be connected to the existing subsurface drainage system for the existing house and will be extended to an outfall to a new drywell located in the southwest corner of the site. The drywell will be installed per County standards as part of the building permit. See attached site plan.
 - h.) There is no service added from this addition. The addition will match the style and materials of the existing house.
 - i.) NA
2. The character and use of the structure will be maintained as a single family dwelling. The addition will match the style and materials of the existing house.

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expires March 31, 2012

Important: Read the instructions on pages 1-9.

SECTION A - PROPERTY INFORMATION		For Insurance Company Use:			
A1. Building Owner's Name	KEN & WENDY VILKIN	Policy Number			
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.	80004 PACIFIC RD	Company NAIC Number			
City	ARCH CAPE	State	OR	ZIP Code	97102
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) TL 41030BB04002					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) RESIDENTIAL					
A5. Latitude/Longitude: Lat. N45°48'32.7" Long W123°57'50.6" Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number 9					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) 1397 sq ft					
b) No. of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade 9					
c) Total net area of flood openings in A8.b 864 sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
A9. For a building with an attached garage:					
a) Square footage of attached garage 403 sq ft					
b) No. of permanent flood openings in the attached garage within 1.0 foot above adjacent grade 0					
c) Total net area of flood openings in A9.b 0 sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number CLATSOP COUNTY UNINCORPORATED		B2. County Name CLATSOP		B3. State OR	
B4. Map/Panel Number 4100C0665	B5. Suffix E	B6. FIRM Index Date 9/17/2010	B7. FIRM Panel Effective/Revised Date VE24, AO	B8. Flood Zone(s) 24(VB) 1' AO	B9. Base Flood Elevation(s) (Zone AO, use base flood depth)
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in item B9. <input type="checkbox"/> FIS Profile <input checked="" type="checkbox"/> FIRM Community Determined <input type="checkbox"/> Other (Describe)					
B11. Indicate elevation datum used for BFE in item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other (Describe)					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete items C2.a-h below according to the building diagram specified in item A7. Use the same datum as the BFE.

Benchmark Utilized X-219 OSHD Vertical Datum NGVD 1929

Conversion/Comments + 3.55' TO NAVD 1988

	Check the measurement used.
a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	21.9 <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
b) Top of the next higher floor (LIVING RM.)	24.5 <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
c) Bottom of the lowest horizontal structural member (V Zones only)	23.5 <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
d) Attached garage (top of slab)	24.1 <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	22.7 <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
f) Lowest adjacent (finished) grade next to building (LAG)	22.0 <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
g) Highest adjacent (finished) grade next to building (HAG)	24.0 <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	22.0 <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters (Puerto Rico only)

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

☒ Check here if comments are provided on back of form.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☐ Yes ☒ No

Certifier's Name JOHN WICKMAN		License Number OR 73558	
Title SURVEYOR	Company Name CASTLE ROCK SURVEYING	OREGON JULY 12, 2005	
Address PO Box 1252	City CANNON BEACH	State OR	ZIP Code 97110
Signature John	Date 5/22/2013	Telephone (503) 436-1218	JOHN PETER WICKMAN 73558

IMPORTANT: In these spaces, copy the corresponding information from Section A.			For Insurance Company Use:	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 80004 PACIFIC RD			Policy Number	
City ARCH CAPE	State OR	ZIP Code 97102	Company NAIC Number	

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments: LOWEST MACHINERY IS DUCTWORK ON WEST SIDE OF HOUSE.

Signature:  Date: 5/22/2013 ☐ Check here if attachments

SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1-E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1-E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
- a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the LAG.
- E2. For Building Diagrams 6-9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 8-9 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E3. Attached garage (top of slab) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.

SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner's or Owner's Authorized Representative's Name _____

Address _____ City _____ State _____ ZIP Code _____

Signature _____ Date _____ Telephone _____

Comments _____

☐ Check here if attachments

SECTION G - COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8 and G9.

- G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
- G3. ☐ The following information (Items G4-G9) is provided for community floodplain management purposes.

G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate Of Compliance/Occupancy Issued
-------------------	------------------------	---

G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building _____ ☐ feet ☐ meters (PR) Datum _____

G9. BFE or (in Zone AO) depth of flooding at the building site _____ ☐ feet ☐ meters (PR) Datum _____

G10. Community's design flood elevation _____ ☐ feet ☐ meters (PR) Datum _____

Local Official's Name _____ Title _____

Community Name _____ Telephone _____

Signature _____ Date _____

Comments _____

☐ Check here if attachments



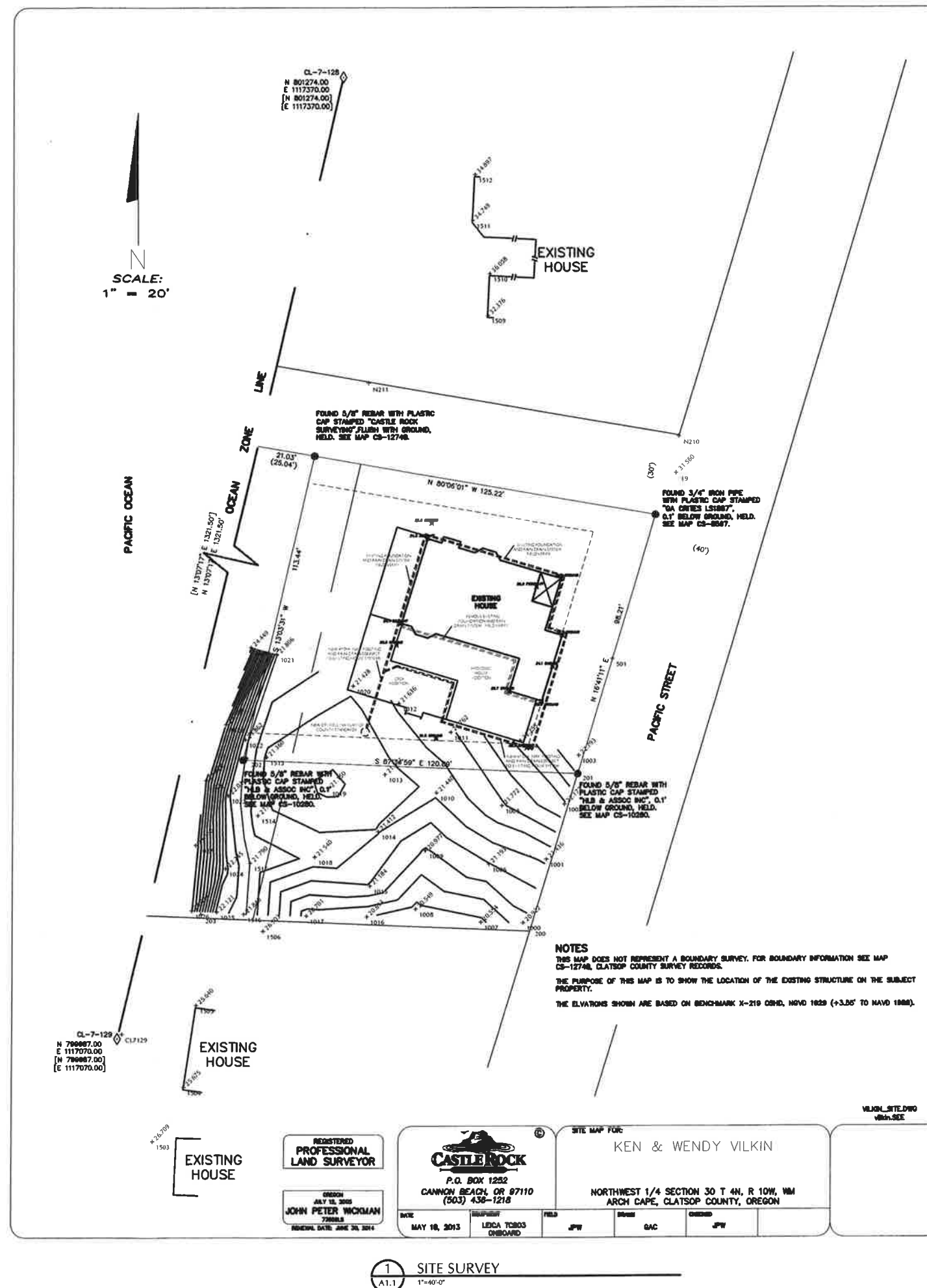


HOUSE REMODEL AND ADDITION FOR:
KEN & WENDY VILKIN
80004 PACIFIC
ARCH CAPE, OREGON
CLATSOP COUNTY

DATE: 8.29.13
JOB:
FILE: X
DRAWN:
CHECKED:

COPYRIGHT
2011

A1.0



Plotted on Sep 05, 2013 - 10:52am
Krefa: VILKEN24x36.tutblock VILKIN_SITE (1)
S:\Projects\Vilin Residence\DWG\CD\



BEFORE VIEW FROM SOUTHWEST



AFTER VIEW FROM SOUTHWEST



BEFORE VIEW FROM NORTHEAST




AFTER VIEW FROM NORTHEAST

Attachment 2



PLANNING

TO: Southwest Citizens Advisory Committee
FROM: Hiller West, Community Development Director 
SUBJECT: Short-term rentals regulations
DATE: November 13, 2013

BACKGROUND

At the July 10, 2013 meeting of the Board of Commissioners, Cm. Birkby brought up several concerns regarding the Short Term Rental Ordinance. I have attached minutes of the Board meeting.

Among the concerns mentioned were:

- (1) the County's interpretation of the "7-day rule" as contained in Section 4.113(1).
- (2) The number of people allowed to stay in a short-term rental house. Section 4.113(4) provides a calculation of two persons per sleeping room plus an additional four persons, for a maximum of 14 persons.

The Board also discussed whether use of the house by the owner and his or her family should count towards the cap on rentals within a seven-day period. The regulations currently provide that "use of a short-term rental by a record owner of property shall not be considered to be a rental under this section". (Section 4.110 Purpose)

DISCUSSION

The Board requested that the ordinance be brought to the Citizens Advisory Committee and the Planning Commission for discussion and a recommendation to the Board on the above issues. A discussion with the Citizens Advisory Committee has been scheduled for the November 20th meeting. I have attached a copy of the regulations and the minutes of the July 10 Board meeting.

Please let me know if you need further information.

ATTACHMENTS

- A. Minutes of the July 10, 2013 BOC meeting
- B. Section 4.109 Arch Cape Short-Term Rentals

Clatsop County Board of Commissioners
Work Session
July 10, 2013

Chair Peter Huhtala called the work session to order at 12:00 pm. in the Judge Guy Boyington Building, 857 Commercial Street, Astoria, Oregon. Also present were Commissioners Sarah Nebeker, Scott Lee, Dirk Rohne, and Debra Birkby.

Arch Cape Short-Term Rental/Transient Room Tax

Hiller West Community Development Director and Jennifer Bunch Senior Planner addressed the Board, at the request of Commissioner Birkby. West said there is background information in the packet on the adoption of the ordinance and the room tax. Birkby said what she sees is the interpretation of the 7 day rule with people wanting to rent week days and weekends and renting to 3 renters in the 7 day period. Birkby asked if the owner blocks out 7 days and someone rents the house on day 1 and leaves after 3 days, can the owner stay at the house or the owners children stay at the house, or can it be gifted to someone. West responded it would be fine for the owner to stay at the house as well as the children but does not believe it can be gifted. Birkby said her interpretation is one rental in one 7 day period and she is looking for more limited use of each residence.

Birkby said another issue is the number of people allowed to stay in one house. Birkby said within her neighborhood of 30 homes, 5 people live full time with the 25 other homes having an occupancy of up to 14 people that puts pressure on the community infrastructure. Birkby would like a public hearing on changing the ordinance. Rohne asked if the Arch Cape Design Committee could review the ordinance and then the Planning Commission could review the matter and make recommendations to the Board. West said the planning commission would be involved in the ordinance amendment with input from the Arch Cape community. Birkby said another clarification on the 7 day period ruling is the calendars that are used that allow someone to check in on the seventh day when someone is checking out. Bunch said it is difficult to enforce.

Birkby asked if code enforcement could be put into place when a complaint is made. West said that could be established, however, the majority of Code Enforcement Specialist Bart Catching's time could be taken up entirely by rental complaints. Nebeker asked what type of complaints are made. Bunch responded rentals rented less than the 7 day period, more than 14 people staying at a rental and unregistered rentals. Nebeker asked for the number of full time residents versus rentals. Birkby responded full time residents are getting smaller and smaller with people owning homes and running them as businesses. Rohne suggested looking at other coastal counties. West said Lincoln County is running into the same problem. Nebeker commented changing the ordinance could force people out of home ownership and leave houses vacant. Rohne suggested the Planning Commission review the matter. Somers noted the Planning Commission would need clear direction.

Birkby said she is concerned with people buying property for commercial investment. Bunch explained the process that took place in 2010 including a cap in the rentals that were thrown out by the time it came to the Board. West said the direction is not a specific change but rather the

1 Planning Commission and Design Review Committee holding a public hearing on the short term
2 rental ordinance as a whole and bring input back to the Board. Bunch suggested holding a public
3 workshop for input and the Design Review committee could send their recommendations to the
4 Planning Commission to review. West said this is not a formal amendment process, but an
5 informal gathering of information that could develop into an ordinance amendment. Somers said
6 the process in Lincoln County and Cannon Beach and how they address the matter could be
7 reviewed and shared with the Arch Cape Design Review Committee. Other places noted for
8 review were Hawaii, or the San Juan Islands. Nebeker commented Gearhart has gone through
9 the same process and thrown up their hands because it is really hard to enforce and it is hard to
10 make everybody happy.

11
12 Addressing Birkby's question regarding gifting a rental, Bunch gave the definition of rented in
13 the ordinance, 'The use and possession of a residence is granted to one or more persons in
14 exchange for consideration valued in money, goods, labor, credits, property or other
15 consideration valued in money, without any deduction.' Bunch said she would not interpret
16 gifting as rented. Birkby countered even if that is within the 7 day period that the other person
17 legally has possession of the property. Somers said his question is if they rent the property for 3
18 days, they are not in possession of the property for 7 days; if they rent it for 7 days then they are
19 in possession of the property for 7 days. Birkby said there is language in Exhibit A that speaks
20 to the 7 day period and how can the owner take possession. Both West and Bunch explained the
21 property can only be rented once within a 7 day period with the renter having possession of the
22 property for 3 days and the remaining 4 days belong to the owner and cannot be rented again.

23
24 West said the way the ordinance reads regarding rentals is 'Rentals of a short-term dwelling unit
25 shall be limited to either a minimum period of 7 nights or, if for fewer than 7 nights, then to no
26 more than one rental within a 7 night period.' Which is why, West explained, the interpretation
27 was issued that the clock starts when the rental begins for the first night and the six nights
28 thereafter. West continued to explain even if the rental is for 3 days property owners are limited
29 to one rental within that 7 day period. Birkby said she objects to that interpretation and does
30 not believe that is the intent originally to have 3 or 4 different parties come live next door to her
31 and 14 people each time whether they are paying rent or not. Birkby said she could get 60
32 different neighbors in a 7 day period if the landlord comes and then his family and the bride and
33 groom come and then someone comes and rents it for a few days it's too many people in a
34 community and each house is doing the same thing. Nebeker asked how you can tell an owner
35 they can't use their own house. Birkby said if a homeowner is renting, they sign up to go by the
36 rules. West responded the county issues them a short-term rental permit. Birkby said she is
37 looking for more limited use of each residence.

38
39 Somers said that would be the question posed to the Southwest Coastal Design Review
40 Committee and would be an ordinance change and not an interpretation. It seems pretty clear in
41 defining a rental, but if it's your personal house and you've rented it for 1, 2 or 3 days for the rest
42 of that 7 day period no one should be able to use that house including the owner or owner's
43 children or the owner's daughter that just got married. Somers said that would be a major
44 change to the ordinance. West agreed and said the ordinance currently provides that the use of
45 the house by the owner does not count as a rental.

1 **Emergency Operations Plan Overview**

2 Dean Perez Administrative Services Director and Tiffany Brown Emergency Manager addressed
3 the Board with an overview of the County's Emergency Operations Plans. The plan is an all
4 hazards plan to minimize impacts to the area. With the completion of the Emergency Operations
5 Center the focus of the Emergency Management Division will shift to the updating and
6 communication of the various emergency plans and to make them more accessible to the public.

7
8 Brown addressed the Board with an overview of plan development and maintenance. The
9 purpose is to enhance emergency preparedness, response and recovery in an all hazard
10 environment. The plans are subject to a public review process and multi-jurisdictional process,
11 risk analysis and a state/federal requirement. Brown explained the linkage between the plans and
12 funding received from the federal government.

13
14 The three primary plans are the Emergency Operations Plan (EOP), Hazard Mitigation Plan, and
15 Hazardous Materials Plan. The EOP describes who will do what and by what authority. Brown
16 described the components of the plan with an update due in 2014. The Board will see the
17 document for review in 2014 as will the EPrep Committee. Brown explained EPrep members
18 include Fire, Police, and Ham Operators among others. Perez said they meet quarterly and the
19 meetings are open to the public. Perez facilitates EPrep meetings, Brown facilitates the
20 Communications meetings and Tom Manning Emergency Management Coordinator facilitates
21 the Local Emergency Planning Committee meetings (LEPC).

22
23 Brown listed the plans within the EOP:

24 Debris Management Plan-Prompted by the recent tsunami.

25 Continuity of Operations and Continuity of Government-how the county would function but is
26 not placed on the website.

27 Resource Management Plan-How resources from other jurisdictions will be managed.

28 Communications Plan-interagency to mass notice communications.

29
30 Brown explained the Natural Hazard Mitigation Plan addresses ways to minimize or eliminate
31 the effects of a disaster. The Wickiup repeater was funded by funds received for having a
32 Natural Hazard Mitigation Plan. The plan will be brought before the Board and will include
33 plans for all the cities. The Hazardous Materials Plan guides response to potential incidents and
34 is managed by the LEPC.

35
36 Perez explained the response to the fire at the Pacific Seafood plant and the plume report
37 provided by the county that the Fire Departments appreciated in the event of an evacuation. Also
38 deployed to the fire was Tom Bennett, Public Information Officer, to coordinate with the media;
39 the Fire Defense Board was appreciative of the county's involvement. Brown said the county
40 also leaned forward on a template for the Hazardous Material Plan that the state may use.

41
42 Rohne mentioned he has spoken to Perez about information for people in the Hwy30 corridor
43 and establishing assembly areas through the Red Cross. Perez said Ceci Pratt with the Red Cross
44 is reaching out to communities and said he would also like to find a CERT leader for the area.
45 Nebeker asked if there is a CERT in Gearhart. Brown said a recent newspaper article reported
46 Gearhart has put money in their budget to start a CERT. Birkby added Tom Manning attended

1 the first of the resiliency meetings and said Manning is very well informed. Perez said he
2 appreciates the opportunity to address the Board as this is an important area and he will be back
3 before the Board with the certification of the EOC. Perez said both Tiffany Brown and Dave
4 Dieffenbach have put an enormous amount of work into the EOC and comments have included it
5 is the most functional EOC in the state.

6
7 **Adjournment:** 1:00 pm

8
9 Approved by,

10
11
12 _____
13 Peter Huhtala, Chairperson

SECTION 4.109 ARCH CAPE SHORT TERM (VACATION) RENTALS.

This section regulates the short-term rental of dwelling units within the Arch Cape Rural Community Overlay District.

Section 4.110 Purpose.

The purpose of this section is to regulate short-term rentals to enhance livability and safety in the Arch Cape residential neighborhoods. Rentals of a short-term dwelling unit shall be limited to either a minimum period of seven (7) nights or, if for fewer than seven (7) nights, then to no more than one rental within a seven (7) night period. Use of a short-term rental by a record owner of a property shall not be considered to be a rental under this section.

4.111 Permit Required.

An owner shall obtain a revocable short-term rental permit whenever a dwelling unit (as defined in Section 1.030) is to be used for short-term rental purposes and shall comply with the requirements of the County's transient room tax ordinance (No. 90-7).

- (1) A short-term rental permit shall be obtained prior to using the unit as a short-term rental.
- (2) Short-term rental permits are issued & renewed annually by July 1st of the given year.
- (3) Short-term rental permits are non-transferable, new owners will be required to attain new permits or register in accordance with 4.111(2) above.
- (4) The short-term rental permit does not relieve the owner of the obligation to pay county room taxes.
- (5) If the terms of the short-term rental permit are not met, the short-term rental permit may be revoked and the owner subject to penalties per Section 4.115.

Section 4.112 Short-Term Rental Permit Application Requirements.

An application for a short-term rental permit shall be completed on the form provided by the County and shall provide the following information:

- (1) A list of all the property owners of the short-term rental including names, addresses and telephone numbers. Property ownership, for the purposes of this section, shall consist of those individuals who are listed on the Clatsop County Assessor's tax records.
- (2) The applicant shall provide proof of payment for county room taxes annually pursuant to County Code Chapter 39.
- (3) Completion of the inspection section of the application form by an Oregon Certified Home Inspector as defined by ORS 701.005(4), based on a visual inspection to certify the following:
 - (A) Compliance with the following standards:
 - 1) There shall be one functioning smoke detector in each sleeping room, with a minimum of two functioning smoke detectors in each dwelling unit. There shall also be one Functioning fire extinguisher at each exit;
 - 2) Exterior doors shall be operational. All passageways to exterior doors shall be clear and unobstructed.
 - 3) Electrical systems shall be serviceable with no visible defects or unsafe conditions.
 - 4) All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed.
 - 5) Each sleeping room shall have an exterior exit that opens directly to the

outside, or an emergency escape or rescue window.

- (B) The number of sleeping rooms within the short-term rental, as defined in Section 4.113(4).
- (C) The number of parking spaces on the subject property that meet the standards of Section 4.113(5).
- (D) Inspection certifications shall be valid for a period of five (5) years and shall expire June 30th of the 5th year. Additionally Inspection certificates shall be required whenever modifications requiring a building permit are made to the dwelling unit(s).
- (4) A site plan, drawn to scale, showing the location of buildings and required parking.
- (5) The name, address and telephone number of a contact person, who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards.
- (6) The contact person may be the owner or the designated agent who shall serve as a contact person.
- (7) Statement that the applicant has met and will continue to comply with the standards in this section.
- (8) Other information as requested by the County.

Section 4.113 Short Term Rental Standards.

All short-term rentals shall meet the following standards:

- (1) A Short-Term Rental dwelling unit shall be limited to either a minimum period of seven (7) nights or, if for fewer than seven (7) nights, then to no more than one rental within a seven (7) night period.
- (2) One rental (as defined in Section 1.030) per lot or parcel, excluding a caretaker residing in the Residence or ADU. A Guesthouse is **not** considered a dwelling unit and shall not be rented separately.
- (3) All applicable County room taxes shall be paid pursuant to County Code Chapter 39.
- (4) The maximum occupancy for each short term rental unit shall be calculated on the basis of two (2) persons per sleeping room plus an additional four (4) persons, up to a maximum of fourteen (14) persons. For this purpose, a sleeping room is defined as fully-enclosed habitable space with a heat source, and an emergency escape or rescue opening.
- (5) Off-street parking shall be used if physically available and comply with S2.200-S2.210 applicable to single family or two family dwellings. On-street parking shall be used only when off-street parking spaces are not physically available. Parking is "physically available" when a garage or driveway can be emptied or materials removed so as to allow for the parking. The owner shall notify every renter in writing of these requirements and shall advise the renter where the off-street parking spaces to serve the unit are located. If on-street parking must be used, the renter shall use the parking along the frontage of the rental unit.
- (6) A house number visible from the street shall be maintained.
- (7) Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or littering and placed where they are not clearly visible from the street except between 5 am on the day prior to pickup and 5 pm on the day of pickup.

Section 4.114 Conformity Required; Display of Permits.

- (1) The issuance of the short-term rental permit shall be subject to the continued compliance with the requirements of this section.
- (2) The current short-term rental permit shall be permanently and prominently displayed inside and near the front entrance of the short term rental and provided to adjacent property owners within 100 feet of the property, and shall list the following:
 - (A) The name, address and phone number of the owner and designated agent;
 - (B) The maximum occupancy and vehicle limits for the short-term rental unit;
 - (C) Identification of the number and location of parking spaces available;
 - (D) A statement regarding how the parking standards under Section 4.113(4) are to be met;
 - (E) A statement that it is illegal to leave litter on the beach (OAR 736-021-0090(4));
 - (F) A statement that all fires on the beach must be extinguished before leaving the site of the fire (OAR 736-021-0120(4));
 - (G) A statement that the short term rental permit may be revoked for violations;
 - (H) A statement regarding how the garbage removal standards under Section 4.113(6) are to be met; and
 - (I) Such other information as may be required by the County.
- (3) The owners are responsible to ensure that current and accurate information is provided to the County.

Section 4.115 Compliance, Hearings and Penalties.

Owners of Short-Term Rental Units shall obey all applicable ordinances and regulations of the County and shall be subject to the enforcement and penalty proceedings contained in the applicable County Ordinances. Any property owner who operates a Short-Term Rental in violation of this section may be subject to the abatement and penalty provisions of ORS 203.065, 203.810, and ordinances adopted under the Clatsop County Charter. The enforcement provisions of Clatsop County Code Compliance Ordinance, Section 38 of the Clatsop County Code shall also apply, except where modified by this section. The following process shall be followed in the event of a complaint alleging a violation of this section or a permit issued under this section:

- (1) The complaining party shall first attempt to contact the contact person designated on the permit and the notice posted on the Short-Term Rental, describe the problem and indicate the desired remedy.
- (2) The contact person shall promptly respond to the complaint and remedy any situation that is out of compliance with this section or permit.
- (3) If the response is not satisfactory to the complaining party, the complaining party may lodge a complaint with the County by submitting a written complaint including the time, date and nature of the alleged violation. The property owner shall allow the County to inspect any records related to the short-term rental dwelling unit upon request of the County.
- (4) The County may initiate enforcement under Section 38 of the Clatsop County Code.
- (5) In addition to any other remedy allow under Section 38 of the Clatsop County Code, the hearings body may do any of the following:
 - (A) Take no action on the request for the revocation of the short-term rental permit;

- (B) Attach conditions to the existing short-term rental permit;
 - (C) Require a new home inspection under Section 4.112(3);
 - (D) Suspend the short-term rental permit;
 - (E) Revoke the short-term rental permit; and/or
 - (F) Prohibit an owner from obtaining a short-term rental permit for a period of up to five (5) years.
- (6) Should a permit be revoked, the owner may not obtain any short-term rental permit sooner than one year after the date of revocation.
- (7) Any property owner found in violation of the provisions of this ordinance shall be required to reimburse the County for its costs of enforcement including reimbursement of staff time, investigation costs, mailings, service fees, mileage and other costs related to the investigation and prosecution of the violation in question.

SECTION 4.116 ARCH CAPE VARIANCE

Section 4.117 Variance Procedure.

- (1) A variance to the development and quantifiable standards of this zone may be appropriate where: by reason of exceptional configuration, or by reason of other extraordinary and exceptional situations or conditions existing on a piece of property, the strict application of any regulations enacted under this Ordinance would result in peculiar, exceptional and undue hardship upon the owner of such property for which a variance is requested. Undue hardship upon adjacent property owners may also be considered. The Hearings Officer may vary or adopt the strict application of any of the requirements of this Zone.
- (2) Variances will be considered under a Type IIa procedure pursuant to Section 2.025. An applicant may request a variance whether before or after the denial of a development permit.
- (3) Standards for a Variance. The requirements for a Variance are listed below. It is the intent of this Ordinance that a variance only be granted to overcome some exceptional physical condition related to a parcel of land posing practical difficulty to development and preventing the owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.
 - (A) There must be proof of exceptional and extraordinary circumstances which apply to the property and which do not apply to other properties in the same zone or vicinity, and result from lot size or shape legally existing in accordance with land use laws prior to September 30, 1980, topography, geology, or other circumstances over which the applicant has no control. These circumstances or conditions must be such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land and/or structure.
 - (B) The granting of a variance shall neither be injurious to the neighborhood or community nor otherwise detrimental to the public welfare or to public safety.
 - (C) The granting of the variance will not permit the establishment of any development or use which is not permitted by the Ordinance, nor confer upon the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the area.
 - (D) There must be proof of significant hardship if the variance is not granted. It is not sufficient proof of hardship to show that a greater profit would result if a variance were granted. Nor shall loss of value be a valid reason to grant a variance. Furthermore, the hardship cannot be self-created or self-imposed, nor can it be created by one who purchases property with or without the knowledge of restrictions present. The hardship must result from the strict application of this Ordinance, and be suffered directly by the property in question. Evidence of a variance granted under similar circumstances shall not be considered as a solely sufficient cause to grant hardship relief.
 - (E) The granting of a variance is necessary for the reasonable use of land or building, and the variance granted by the hearing body is the minimum variance that will accomplish this purpose.
 - (F) The hardship does not arise from a violation of the provisions of this Ordinance.

Attachment 3

Policies

1. Access points onto U.S. Highway 101 shall be kept to a minimum to reduce the potential for accidents. New subdivisions or larger developments shall use common frontage roads, and lots shall be designed so as not to front or have access onto the highway.

*Amended 83-17, dated September 30, 1983.

**Amended 84-9, dated May 23, 1984.

2. Streets in new developments shall be designed to minimize disturbance of the land by following contour lines and avoiding cut-and-fill construction techniques.
3. Unnecessary rights-of-way should be used as greenbelts, walking trails or bike paths where appropriate.
4. A buffer of existing or planted vegetation should be left between all developments and U.S. Highway 101 to reduce the effects of traffic on residences and to maintain the scenic character of the highway.
5. Improvements of U.S. Highway 101 in the Arch Cape area which involve a major action shall be reviewed by the CAC to insure it is compatible with the community. Major action as defined by the Oregon Action Plan: an action involving substantial planning, time, expenditures or environmental impact.
6. The County and State should continue in maintaining the visual clearance to oncoming traffic on U.S. 101.
7. Not only is it necessary for the County to adopt road standards which provide for economical and proper maintenance, but standards which consider the particular areas and the desires of the local citizens. To that end this plan encourages road standards which are suited to the character of development in the area. These roads generally are narrow, containing several ends, and serving few permanent users.
8. The County shall support the Clatsop County Senior Bus System for senior citizens and the handicapped.

Recommendation

1. At the time County roads in Arch Cape are improved, speed controls such as speed limits or caution signs should be examined.

Open Space, Historic, Recreation, Scenic and Natural Areas

The following discussion and policies are in addition to those found in the Open Space, Scenic and Historic Areas and Natural Resources and Recreational Needs Elements. Sites inventoried in Figure 5 are in addition to those inventoried in the Open Space and

conducted according to a Type IV procedure at a time and place convenient to residents of the affected planning area. ODFW shall provide an evaluation of the economic, social, environmental and energy consequences of the proposed and** information sufficient to support findings with respect to the following criteria:

1. Identification of the need for the proposed new wildlife management areas. "Need" means specific problems or conflicts that will be resolved or specific ODFW objectives that will be achieved by establishing the proposed area.
2. Alternative lands and management actions available to the ODFW, and an analysis of why those alternatives or management actions will not resolve identified problems or achieve objectives.

Recommendation

1. The County should make formal request to the State Fish Commission to have the "tidepool" areas declared "prohibited areas", or at least make collecting subject to permit. Local and State law enforcement officials should be made aware of the new status of these tidepools, until the Fish Commission can provide proper patrols. Perhaps during the summer months, when tourism is heaviest, trained persons could be hired to provide an educational function at the tidepools, as well as enforcement. Regardless, these areas should be posted at points of access informing people of the necessity of protecting the animals.

Amended 84-9, dated May 23, 1984.

**Amended 84-10, dated June 27, 1984.

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

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



PUBLIC MEETING NOTICE
SOUTHWEST COASTAL CITIZENS ADVISORY / DESIGN REVIEW
COMMITTEE

In the matter of two applications submitted by Ken and Wendy Vilkin for the Expansion of a Non-Conforming Structure and Major Design Review for 1) residential addition (new guest bedroom, bathroom, office, and deck), and 2) remodel within existing dimensions of kitchen and second floor bathrooms. The subject property is identified as T4N, R10W, Sec. 30BB, TL 04002 and commonly known as 80004 Pacific Road, Arch Cape, OR.

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

APPROXIMATE DATE DIRECTOR DECISION:	November 22, 2013
COMMENT PERIOD ENDS:	November 21, 2013, 5 p.m.
<u>DESIGN REVIEW MEETING & RECOMMENDATION:</u>	<u>November 20, 2013, 6 pm, Arch Cape Fire Hall, 79729 Highway 101, Arch Cape, Oregon</u>
SEND COMMENTS TO:	Clatsop County Community Development 800 Exchange Street, Suite 100, Astoria, Oregon 97103
CONTACT PERSON:	Julia Decker, Clatsop County Senior Planner

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

NOTICE IS HEREBY GIVEN that Clatsop County's Community Development Department has received the land use applications described in this letter. Pursuant to section LWDUO 4.100 of the Clatsop County Land Water Development and Use Ordinance, a Public Meeting is scheduled before the Southwest Coastal Citizens Advisory / Design Review Committee on Wednesday, November 20, 2013, to review and make a recommendation to the Community Development Director regarding the applications, pursuant to Sections 2.020 and 4.015 of the Clatsop County Land and Water Development and Use Ordinance (LWDUO). The Community Development Director will make a decision on or after November 22, 2013.

All interested persons are invited to submit testimony and evidence in writing by addressing a letter to 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 jdecker@co.clatsop.or.us. Written comments must be received in this office no later than **4 p.m. on Wednesday, November 20, 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

1.010-1.050 Definitions
2.020 Type II procedure
2.115 Mailed Notice for a Type II Procedure
2.120 Procedure for Mailed Notice
3.060 Arch Cape RCR Zone
4.000 Flood Hazard Overlay
4.100 Arch Cape Rural Community Overlay
4.040 Geologic Hazard Overlay
4.080 Shoreland Overlay
5.600 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 17 Coastal Shorelands
Southwest Coastal Community Plan



2009 Vicinity Aerial

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

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

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

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

Date Mailed: October 31, 2013

Exhibit 2



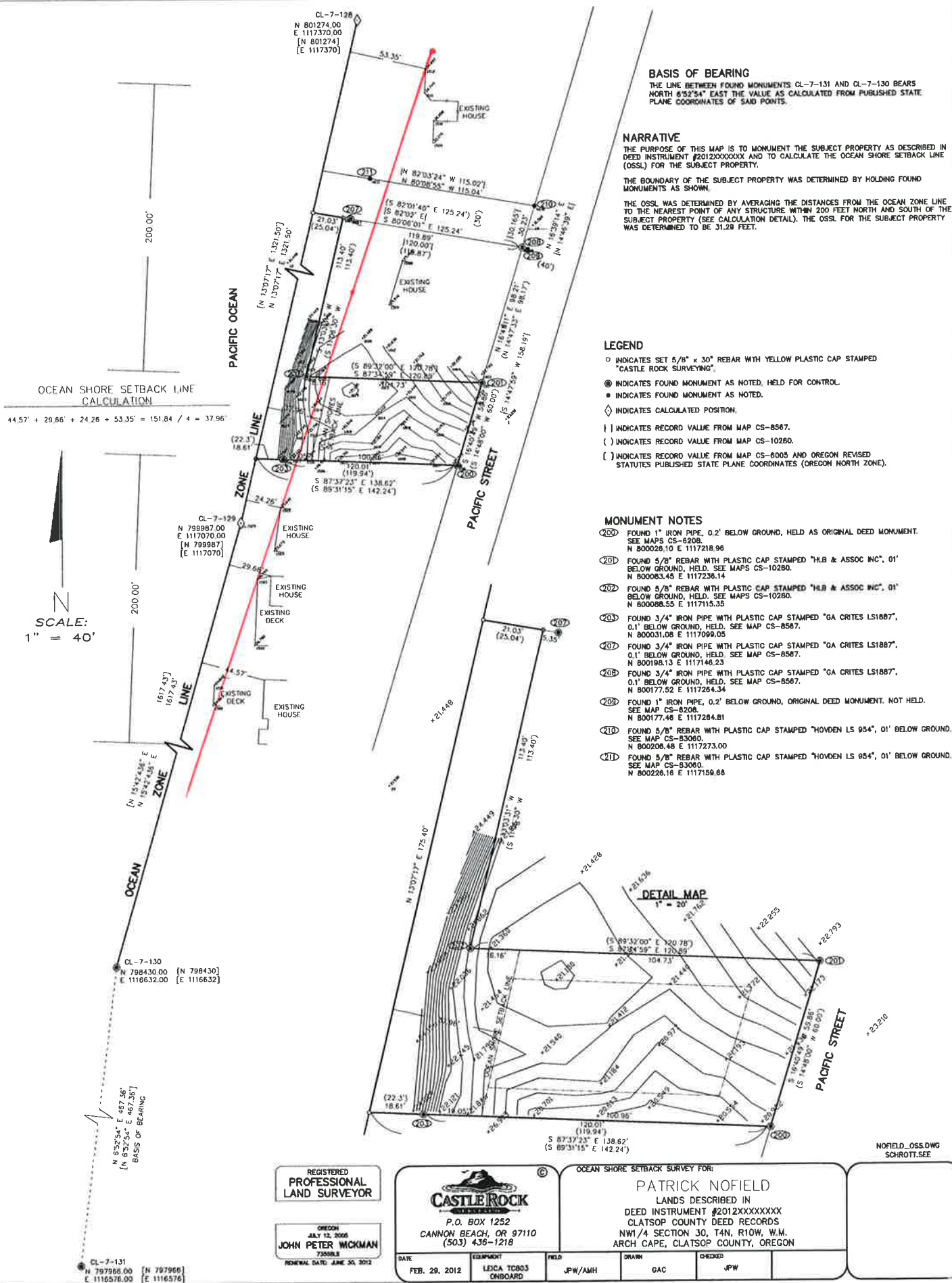


Exhibit 3

July 31, 2013

vilkin-13-1-consult

Ken and Wendy Vilkin
24115 N.E. 132nd Circle
Brush Prairie, Wa. 98606
c/o Tolovana Architects
david@tolovanaarchitects.com

REPORT OF GEOTECHNICAL SERVICES 80004 Pacific, Arch Cape Oregon

As authorized in our agreement, herein we present our report of geotechnical engineering regarding the proposed additions to the subject oceanfront residence. The additions on the plans provided by David Vonada of Tolovana Architects include a southwestern deck addition, as well as one story southern addition with a flood zone breakout wall at the base and a rooftop deck. Based on our communications with Mr. Vonada, the purpose of our work was to evaluate present site conditions for foundations for the new addition, as well as a qualitative observation of stability to address geotechnical hazards. Specifically, our scope of work included the following:

- Complete a site reconnaissance to observe surface conditions, slopes, and soil exposures.
- Review vicinity geotechnical reports and geological maps available in our files.
- Complete one hand auger to depths of up to 5 feet or refusal to evaluate soil conditions.
- Provide a letter report with our qualitative opinion on the geotechnical hazards as well as the suitability of shallow foundation support for the new addition including geotechnical design parameters for use by architect and structural engineer.

SITE GEOLOGY

A review of geologic maps of the area (DOGAMI OGI-14, Bulletin 74, O-09-06) indicates the site is underlain by Marine Terrace deposits overlying Astoria Formation marine sedimentary rock, with recent alluvium over the marine terraces along the beach. The maps indicate an erosion hazard progressing from low to high from the center of the lot progressing to the oceanfront (figure attached). The site is located within the regional Cascadia Subduction Zone whose interface is capable of rupture in large magnitude earthquakes, with associated subsidence, and with tsunami runup at elevations that will inundate the site and result in building loss for conventional structures. The owners must have a tsunami evacuation plan.

SITE CONDITIONS

Surface Conditions

Most of the site is gently sloping to the south, with less than 2 feet of fall across the addition area. Nearer the beach, the grades rise several feet to the west where a cobble berm is present, with the slope crest and berm visible in the attached photo. The cobble berm slopes down to the west at roughly 3H:1V to 2.5H:1V with exposed sand at the berm toe. Just north of the site beachfront, marine terrace soils are exposed on the beach bath. Site vegetation includes thick grass and escallonia hedges, with mixed brush and willows on the oceanfront slope. Some standing water was present in the low point of the vacant southern parcel during previous observations. Wet ground is present east of Pacific Avenue, and residences are present to the north, south, and northeast.

Subsurface Conditions

Subsurface conditions were evaluated based on two hand augers and soils exposed on the beachfront path. The hand augers were excavated roughly 12 feet west and 15 feet southwest of the southwest corner of the garage in the proposed southern addition area. Each of the hand augers met refusal in dense angular gravel and cobble fill with trace silt that extended below the 10 to 17 inch depths excavated. Rooty topsoil was 5 inches thick. Based on the surrounding terrain, we infer that this fill may extend for a few feet below the surface, and is likely underlain by marine terrace soils of primarily silt. This must be confirmed by construction observation, as the fill is undocumented and below observation depths may contain unsuitable materials.

CONCLUSIONS AND RECOMMENDATIONS

The site is suitable for the proposed project. It should be understood that shoreline regression past the setbacks herein, and/or the consequences of tsunami impacts and subsidence from a Cascadia Subduction Zone interface earthquake, cannot be feasibly mitigated at this and surrounding oceanfront sites. This condition is the same as that for adjacent developed properties. Our recommendations are detailed in the following sections.

Qualitative Stability

In general, the existing slopes are stable in their current configuration. Periodically, particularly in strong El-Nino events, the cobble berm can dissipate and a low bluff can develop exposing the marine terrace soils (such as observed in other areas to the north of the site). We anticipate that this bluff will not exceed 10 feet in height, and the proposed footprint on the attached plan (east of the ocean shore setback line) is geotechnically suitable.

Erosion Protection

Erosion protection of the oceanfront slope and slope crest is vital to moderating slope regression. Maintaining and enhancing the vegetative cover over this slope will provide some erosion protection. Root intensive plantings such as the salt tolerant willows present are particularly beneficial, and the escallonia is also effective.

Drainage

Slope stability and foundation support can be reduced by increased surface infiltration and erosion. Therefore, we recommend that all surface runoff from hard surfaces, including downspouts, be collected and routed by tight line to suitable discharge at least 20 feet from the structure. Gutters must be maintained as free flowing. Ground surface slopes should be inclined away from the structure and be graded to prevent ponding. Periodic grading may be required to maintain proper slopes due to ground distortion or settlement, although care should be taken to limit fills to less than 3 feet to limit settlement.

For continuous footing foundations, a perimeter foundation drain at the base of the exterior footings and embedded walls is recommended. The drain should consist of a two-foot wide zone of drain rock encompassing a 4-inch diameter perforated pipe, all enclosed with a nonwoven geosynthetic. The drain rock should have no more than 2 percent passing a #200 sieve and should extend to within one foot of the ground surface. The geosynthetic should have an AOS of a #70 sieve, a minimum permittivity of 1.0 sec^{-1} , and a minimum puncture resistance of 80 pounds (such as a Propex Geotex 401 or equivalent). As

an alternative, a composite drain board (such as an AWD 186 Sheet Drain or equivalent) can be used above and surrounding the perimeter drain pipe. One foot of low permeability soil (such as the on-site silt or clay marine terrace soils) should be placed over the fabric at the top of the drain to isolate the drain from surface runoff.

Floor Moisture

Slab and crawl space moisture and water vapor can be reduced by proper installation of a vapor flow retardant such as a continuous or seam sealed 10 to 15 mil polyethylene. Such products should be installed per the manufacturer's recommendations.

Earthwork

Building Pad Preparation - Site preparation for earthwork will require removal of topsoil over the building footprint and any hard-scaping such as pavements, sidewalks, and slabs on-grade. Removed topsoil should be removed from the site or placed at least 10 feet from the site improvements, as new fills thicker than 3 feet will likely induce significant settlement. The ground surface around the structure must be sloped to drain away from the structure. Undocumented fills must also be removed from footing areas, and in the dry season the encountered gravel and cobble fill may be reused in structural fills. This removal will allow for observation of the fill base for material content, which was unobservable due to auger refusal.

Stabilization and Soft Areas - After stripping we should be contacted to evaluate the exposed subgrade for soft or loose areas, or otherwise unsuitable materials. This evaluation can be done by probing. Based on site observations we expect that unsuitably soft or organic soils may be present below the topsoil, requiring overexcavation and replacement with pit run or crushed rock. The actual areas and depths requiring overexcavation can be determined at the time of excavation.

Fill - New fills should not be installed more than 3 feet thick above pre-stripped grades. Thicker fills would likely induce unsuitable settlement in the compressible soft marine terrace soils. If this is to be exceeded we should be consulted once specific grading plans are known as a preload, grade changes, and or settlement monitoring may be required. Fills should consist of crushed rock or clean sand, either with less than 6% fines, compacted to 95% relative to ASTM D-1557.

Residential Foundations

Foundations

We understand that foundations are to consist of shallow footings. These footings must be embedded in non-organic medium stiff or better native soils embedded at least 2 feet below the lowest adjacent grade. We must be called to observe the foundation subgrades to evaluate their suitability. Shallow foundations can only include continuous footings, or interior columns on pads connected with reinforced grade beams. No isolated footings are allowed as undue differential settlement and response to seismic ground motions may result in unsuitable damage. The perimeter ground surface must be sloped to drain away from the foundations. Drainage must be in accordance with the **Ground Moisture** section of this report. If footing construction is to occur in wet conditions, a few inches of crushed rock must be placed at the base of footings to reduce subgrade disturbance and softening during construction.

Ground Moisture

General - The perimeter ground surface and hard-scaping must be sloped to drain away from all structures. Gutters must be tight-lined to a suitable discharge and maintained as free-flowing. All crawl spaces must be adequately ventilated and sloped to drain to a suitable discharge and include a continuous or sealed seam moisture barrier.

Perimeter Foundation Drains - Perimeter foundation drains are required around all exterior foundations. The foundation drains must consist of a two-foot wide zone of drain rock encompassing a 4-inch diameter perforated pipe, all enclosed with a non-woven filter fabric. The drain rock must have no more than 2 percent passing a #200 sieve and must extend to within one foot of the ground surface. The geosynthetic must be a Propex Geotex 601 or equivalent. One foot of low permeability soil (such as the on-site silt) must be placed over the fabric at the top of the drain to isolate the drain from surface runoff. Foundation drains must be routed to a suitable discharge.

Vapor Flow Retardant - A continuous, impervious vapor flow retardant must be installed over the ground surface in the crawl space of all residential structures constructed at the site. Vapor flow retardants must be installed per the manufacturer's recommendations.

LIMITATIONS AND OBSERVATION DURING CONSTRUCTION

We have prepared this report for use by Ken and Wendy Vilkin and members of the design and construction team for this project only. The information herein could be used for bidding or estimating purposes but should not be construed as a warranty of subsurface conditions. We have made observations only at the aforementioned locations and only at the stated depths. These observations do not reflect soil types, strata thicknesses, water levels or seepage that may exist between observations. We should be consulted to observe all foundation bearing surfaces, proof rolling of slab and pavement subgrades, installation of structural fill, and any cut slopes. We should be consulted to review final design and specifications in order to see that our recommendations are suitably followed. If any changes are made to the anticipated locations, loads, configurations, or construction timing, our recommendations may not be applicable, and we should be consulted. The preceding recommendations should be considered preliminary, as actual soil conditions may vary. In order for our recommendations to be final, we must be retained to observe actual subsurface conditions encountered. Our observations will allow us to interpret actual conditions and adapt our recommendations if needed. Within the limitations of scope, schedule and budget, our services have been executed in accordance with the generally accepted practices in this area at the time this report was prepared. No warranty, expressed or implied, is given.

< >

We appreciate the opportunity to work with you on this project and look forward to our continued involvement. If you have any questions, please contact us.

July 31, 2013

vilkin-13-1-consult

Sincerely,



Don Rondema, MS, PE, GE
Principal



Attachments:

provided survey, photo of beachfront, photo of southern addition area, photo of soil exposure to north, geological map excerpt, erosion map excerpt

SCALE:
1" = 20'

CL-7-128
N 801274.00
E 1117370.00
[N 801274.00]
[E 1117370.00]

PACIFIC OCEAN

(N 130717" E 121.50"
N 130717" E 121.50"

OCEAN ZONE

21.03'
(25.04')

S 130717" W 113.44'

N 8008'01" W 125.22'

(30)

FOUND 3/4" RIG PIPE WITH PLASTIC CAP STAMPED "BA CRITES 181887". 0.1' BELOW GROUND, FIELD. SEE MAP CO-5087.

(40)

PACIFIC STREET

N 1841'11" E 98.21'

FOUND 3/4" REBAR WITH PLASTIC CAP STAMPED "HLS & ASSOC INC". 0.1' BELOW GROUND, FIELD. SEE MAP CO-10880.

S 8734'59" E 120.09'

FOUND 3/4" REBAR WITH PLASTIC CAP STAMPED "HLS & ASSOC INC". 0.1' BELOW GROUND, FIELD. SEE MAP CO-10880.

NOTES

THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY. FOR BOUNDARY INFORMATION SEE MAP CO-12746, CLATSOP COUNTY SURVEY RECORDS.
THE PURPOSE OF THIS MAP IS TO SHOW THE LOCATION OF THE EXISTING STRUCTURE ON THE SUBJECT PROPERTY.
THE ELEVATIONS SHOWN ARE BASED ON BENCHMARK N-216 OREG. HIGH 1988 (+3.88' TO NAVD 1988).

CL-7-129
N 788087.00
E 1117070.00
[N 788087.00]
[E 1117070.00]

REGISTERED
PROFESSIONAL
LAND SURVEYOR

JOHN PETER VICKHAM
JULY 15, 2003
TIDAL
RENEW. 01/10, 01/10, 01/10, 01/10

CASTLE ROCK
P.O. BOX 1282
CANNON BEACH, OR 97110
(503) 438-1218

DATE
MAY 18, 2013

EQUIPMENT
LEICA TDS03
TDS03

FIELD
JPM

SKETCH
JPM

CHAC

CHAC

CHAC

SITE MAP FOR:

KEN & WENDY VILKIN

NORTHWEST 1/4 SECTION 30 T 4N, R 10W, WM
ARCH CAPE, CLATSOP COUNTY, OREGON

VILKIN SITE MAP
VILKIN SITE



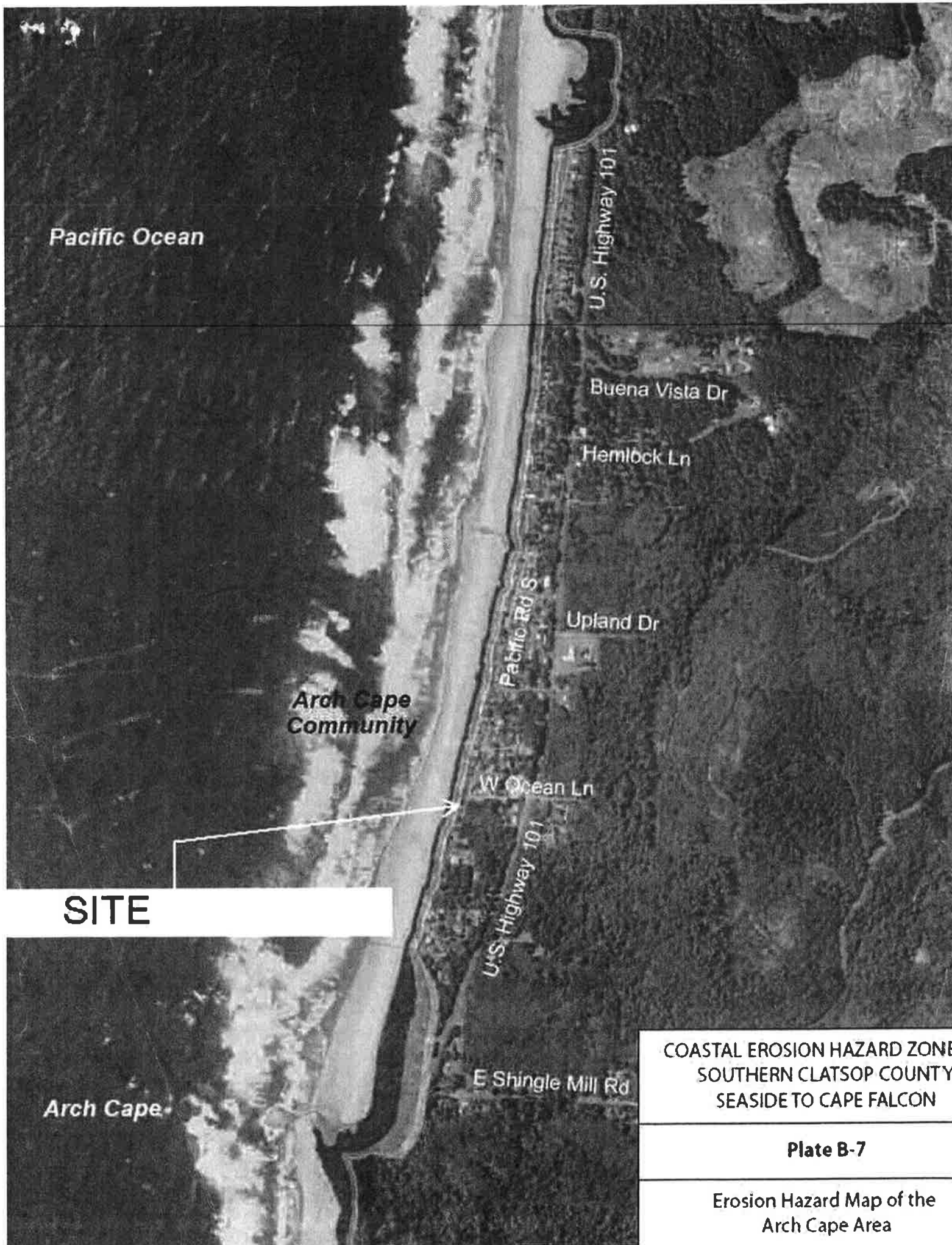






COASTAL EROSION HAZARD ZONES IN
SOUTHERN CLATSOP COUNTY:





COASTAL EROSION HAZARD ZONE
SOUTHERN CLATSOP COUNTY
SEASIDE TO CAPE FALCON

Plate B-7

Erosion Hazard Map of the
Arch Cape Area

Exhibit 4



CERTIFICATE OF MAILING

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 Ken and Wendy Vilkin on behalf of Ken and Wendy Vilkin, 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: October 31, 2013

Clancie Adams

Clancie Adams, Staff Assistant
Clatsop County, Oregon

Owner	OwnerLine1	OwnerLine2	Mailing Address	City	State	ZIP
CREST			750 Commercial St Rm 205	Astoria	OR	97103 abhancke@columbiaestuary.org
Clatsop Soil/Water Cons. District	Via Email		750 Commercial, Rm 207	Astoria	OR	97103 clatsopswcd@inet.com
Seifer	Daniel		79916 W. Cannon Road	Arch Cape	OR	97102 daniel.j.seifer@gmail.com
Commissioner Debra Birkby			79829 Gelnisky Road	Arch Cape	OR	97102 DBIRKBY@co.clatsop.or.us
Eyerman	Linda		3630 NE Merges Dr.	Portland	OR	97212 linda@gaylordeyerman.com
Manzulli	Michael		80285 Woodland Heights Road	Arch Cape	OR	97102 manzulli@gmail.com
Murray	Linda Lapp		79836 Gelnisky Road	Arch Cape	OR	97102 mmurraylapp@charter.net
ODOT	Region 2		455 Airport Road SE Bldg B	Salem	OR	97301-5395 odot2plannmgr@odot.state.or.us
Patrick Wingard	DLCD - Oregon Coast		4301 Third Street, Room 206	Tillamook	OR	97141 patrick.wingard@state.or.us
D'Onofrio	Richard		P.O. Box 1327	Cannon Beach	OR	97110 rcdonofrio@msn.com
Lundy	Theodore		1193 10th Street	Astoria	OR	97103 Talkotod@gmail.com
ACSd			32065 E Shingle Mill Ln	Arch Cape	OR	97102 thomasmerrell@gmail.com
Tony Stein	Oregon Parks and Recreation	Ocean Shores Division	401 SW 9th Street	Newport	OR	97365 tony.stein@state.or.us
Birkby	Virginia		79829 Gelnisky Road	Arch Cape	OR	97102 vbirkby@charter.net
COLEMAN BUTCH TRUST	COLEMAN HARRY E TRUSTEE		80326 Pacific Rd	Arch Cape	OR	97102
COOLEY NEIL TOBIN			16633 Woodsman Ct	Lake Oswego	OR	97034-5873
FERGUSON BILL B/GLORIA TR	FERGUSON BILL B LIVING TRUST	Ferguson Gloria M Living Trust	2221 Oak St #Apt 458	Forest Grove	OR	97116
LEWIS BEVERLY J	BUSH KAY E	Joslyn Joyce L	915 Ironwood Ln	Fountain Valley	CA	92708-5820
MOODY GARY E/STEPHANY J			P.O. Box 1422	Cannon Beach	OR	97110-1422
MORSE GREG D/DORTE P			1515 SW Clifton St	Portland	OR	97201-3137
NIELSON DAVID D	NIELSEN TOBI L		31947 W Ocean Ln	Arch Cape	OR	97102-0180
NOFIELD PATRICK	NOFIELD LISA		P.O. Box 843	Cannon Beach	OR	97110-0843
PARK BRUCE S	PARK MICHELE R		4415 221st Pl SW	Mountlake Terrace	WA	98043-5981
PETRICH RICHARD J	FITZWATER KIMBERLY		P.O. Box 1182	Cannon Beach	OR	97110-1182
POWELL JOHN J	POWELL SHIRLEY A		P.O. Box 76	Toilovana Park	OR	97145-0076
RICHARDSON RANDY L	RICHARDSON STEPHANIE		5191 SW Kruse Rd	Wilsonville	OR	97070-9741
STARFISH LLC	Robert Sacks		1532 SW Morrison St Ste #1000	Portland	OR	97205-1942
TARR ROBERT H JR/LANICE P			31942 W Ocean Ln	Arch Cape	OR	97102-0180
VILKIN MARTEL WENDY	VILKIN KENNETH W		12014 SE Mill Plain Blvd #Suite 210	Vancouver	WA	98684
VOLLUM DON A	VOLLUM MARIAN		P.O. 91008	Portland	OR	97291-0001
WARD WILLIAM	MAIERES WARD NANCY		12956 SE 127th Ave	Clackamas	OR	97086-9386
WILLAMSON WAYNE A 1/2	WILLAMSON LOIS JANE 1/2		4137 SW Greenleaf Ct	Portland	OR	97221-3275
Mike Balzer, Chief			P.O. Box 24	Cannon Beach	OR	97110
Dept of Fish and Wildlife	Cannon Beach Rural Fire Protection District		4907 3rd Street	Tillamook	OR	97141

10/28/2013

State Of Oregon

County Of Clatsop } ss.

Affidavit of
PUBLICATION

I, **Jona J Korzinski**, being duly sworn, depose and say that I am the principal clerk of the manager of the **DAILY ASTORIAN, PO Box 210, Astoria, OR 97103** a newspaper of general circulation, as defined by section ORS 193.010 and 193.020 Oregon Compiled Laws, Annotated, printed and published daily at Astoria in the afore said county and state; the **Legal Notice #AB4841, NOTICE OF PUBLIC MEETING**, printed copy of which is hereto attached, was published in the entire issue of said newspaper for **one** successive and consecutive **time(s)** in the following issues, **November 1st, 2013.**

Signed



Signed and attested before me on
the **1st** day of **November, 2013**,
by:



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

Copy Of Advertisement

