

November 22, 2013



NOTICE OF DECISION AND RIGHTS OF APPEAL

Applicants/Owners: Wendy Martel Vilkin and Kenneth Vilkin
Agent: Tolovana Architect LLC
Property Description: T4N, R10W, Sec. 30BB, TL 04002
Request: Expansion of a Non-Conforming Structure
and Major Design Review
Action: **Approval with Conditions**

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

Dear Mr. and Ms. Vilkin:

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

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

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

Sincerely,

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

Julia Decker, Planner

cc: Parties of record

Enclosures

DEADLINE TO APPEAL: 5:00 PM – Friday, December 6, 2013

BEFORE THE COMMUNITY DEVELOPMENT DIRECTOR OF CLATSOP COUNTY, OREGON

In the Matter of:

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, on property owned by Wendy Martel Vilkin and Kenneth W. Vilkin.

Legal Description: T4N, R10W, Sec. 30BB, TL 04002
AKA: 80004 Pacific Road, Arch Cape, Oregon 97102



RESOLUTION & ORDER

#13-11-06

Date: November 22, 2013

RECITALS

On September 5, 2013, the applicant submitted a request to the Clatsop County Community, for expansion of a non-conforming structure and design review of an addition and interior remodel, on property owned by Wendy Martel Vilkin and Kenneth W. Vilkin, at T4N, R10W, Sec. 30BB, TL 04002. County staff deemed the application complete and issued a public notice on October 31, 2013, in accordance with the county zoning ordinance section 2.115.

At a meeting of the Southwest Coastal Citizens Advisory / Design Review Committee on November 20, 2013, staff presented the request and the applicant's agent provided testimony and evidence in support of the request and answered the questions of the Design Review Committee. No parties spoke in opposition. After considering all evidence and based on the information and testimony provided by the applicant and staff, the Design Review Committee voted unanimously to recommend Conditional Approval.

The Community Development Director reviewed the application, staff report and proposed conditions on November 22, 2013. No testimony or evidence in support or opposition was received regarding the application.

IT IS HEREBY RESOLVED AND ORDERED:

After considering the recommendation from staff, public comment and all evidence submitted during the public comment period, the Director hereby adopts the findings of fact and conclusions, contained in the attached Exhibit A, Staff Report, dated November 12, 2013, 2013, and addendum, dated November 22, 2013, and **CONDITIONALLY APPROVES** the applications 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, or a suitability licensed geotechnical engineer or geologist, 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, as modified, 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.
12. No portion of the new addition shall encroach on the 50-foot wetland setback.

ON BEHALF OF THE COMMUNITY
DEVELOPMENT DEPARTMENT



Hiller West, Director
Community Development

Clatsop County
Community Development
Land Use Planning Division
800 Exchange Street, Suite 100
Astoria, OR 97103

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Addendum to Staff Report: Vilkin Design Review/Wetlands Question

DATE: November 22, 2013
MEETING DATE: November 20, 2013
REVIEW BODY: Southwest Coastal Citizens Advisory / Design Review Committee
DECISION MAKING BODY: Hiller West, Community Development Director
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.

Update of Staff Report, based on SCCAC Meeting of November 20, 2013: On November 20, 2013, the Southwest Citizen's Advisory / Design Review Committee met and reviewed the Vilkin Major Design Review application for expansion of a non-conforming structure and major design review for an addition to the home.

The Design Review Committee asked for information regarding the distance of the addition to wetlands on property across the 40-foot right-of-way of Pacific Road. The addition to the house, according to the architect's plans, would be 22.1 feet west of the front property line; however, staff did not have the figure for the distance at the meeting. The committee formulated a condition of approval, based on members' concern the wetlands might extend into the public right-of-way and be closer than 50 feet and, therefore, jeopardizing the addition's setback to the wetlands: "12. No portion of the new addition shall encroach on the 50-foot wetland setback and changes to accommodate this condition that will not exceed the proposed footprint of the building and deck may be approved."

The committee recommended approval of the applications unanimously.

Staff calculated the distance the next morning after the meeting and determined the distance between the addition and the wetlands at the closest point to be 63.3 feet. There is no encroachment of the addition on the wetland setback.

Staff continues to recommend approval of the applications and recommends condition 12 drafted by the committee as a contingency be omitted from the conditions of approval, as it is not necessary. Staff recommends other modifications to the conditions of approval recommended by the committee be approved.



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, or a suitability licensed geotechnical engineer or geologist, 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, as modified, 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.
12. No portion of the new addition shall encroach on the 50-foot wetland setback and changes to accommodate this condition that will not exceed the proposed footprint of the building and deck may be approved.

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 #Suit
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

<u>Payor Name:</u>	<u>Pymnt Type</u>	<u>Check #</u>	<u>Pymnt Date</u>	<u>Pymnt Amount:</u>
Vilkin Martel Wendy	Check	4332	09/05/2013	\$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: • 260 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: [Signature] Date: 8/27/13

Owner's Signature: [Signature] Date: 8/27/13

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

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

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

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

- I. 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.

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

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

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

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

- 1 Upon receipt of a design review application and plan, the Community Development Director will examine it to determine whether it is complete (and consistent with the requirements of this Section). If found to be complete, the Community Development Director shall determine whether the application will require Minor or Major Review under Section 4.102(1-2)(Types of Review). If the request is considered a Major Review under Section 4.102(1)(Types of Review), the Director shall forward the application and plans to the Design Review Advisory Committee for its review and recommendation.
- 2 The Design Review Advisory Committee will review the application and plan at its first regularly scheduled meeting and shall make a written recommendation to the Planning Director within 21 days after receipt of the application.
- 3 The Community Development Director may approve the design plan, disapprove it or approve it with such modifications and conditions as may be required to make it consistent with the Comprehensive Plan, with the criteria listed in this Section and with other Sections of this Ordinance.
- 4 A decision on a design review plan shall include written conditions, if any, and findings and conclusions. The findings shall address the relationships between the plan and the policies and criteria listed in the Comprehensive Plan, this Section and other Sections of this Ordinance.
- 5 The Community Development Director's decision shall be mailed within seven (7) working days to the applicant and to owners of land entitled to notification. The same mail, when appropriate, shall include notice of the manner in which an appeal of the decision may be made.
- 6 Appeals. See Section 2.230 for appeal procedure.

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

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

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

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

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

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.

(5) If the Community Development Director believes that persons other than the applicant can be expected to question the application's compliance with the Ordinance, the Director may treat the application as a Type IIa procedure.

(6) The Community Development Director shall review any information received under subsection (4) and make a finding for each of the points in dispute. The Director shall make a decision on the application by approving, conditionally approving, or denying the application.

(7) A decision by the Community Development Director may be appealed to the Hearings Officer by the applicant or by a person who responded to the notice, pursuant to Section 2.230.

Section 2.115 Mailed Notice for a Type II procedure

(1) Notice of intent to issue a Development Permit shall be provided:

(A) To the applicant; and

(B) To owners of record of property on the most recent property tax assessment roll where such property is located:

1) within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary; or

2) within 250 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone; or

3) within 750 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone; and

(C) To any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(D) To the Oregon Department of Transportation (ODOT) for applications related to property within 750 feet of a state highway or that in the opinion of the Community Development Director may be found to have a significant impact on State facilities.

(2) The notice shall:

(A) Describe the proposed development;

(B) Summarize the standards and facts that justify approval of the permit;

(C) Invite persons to submit information relevant to the proposed development and applicable standards within ten (10) days giving reasons why the permit application should or should not be approved or proposing modifications the person believes are necessary for approval according to the standards;

(D) Advise of the right and the procedure to appeal the decision on the proposed development if the person's concerns are not resolved.

Section 2.120 Procedure for Mailed Notice.

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

Clatsop County

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

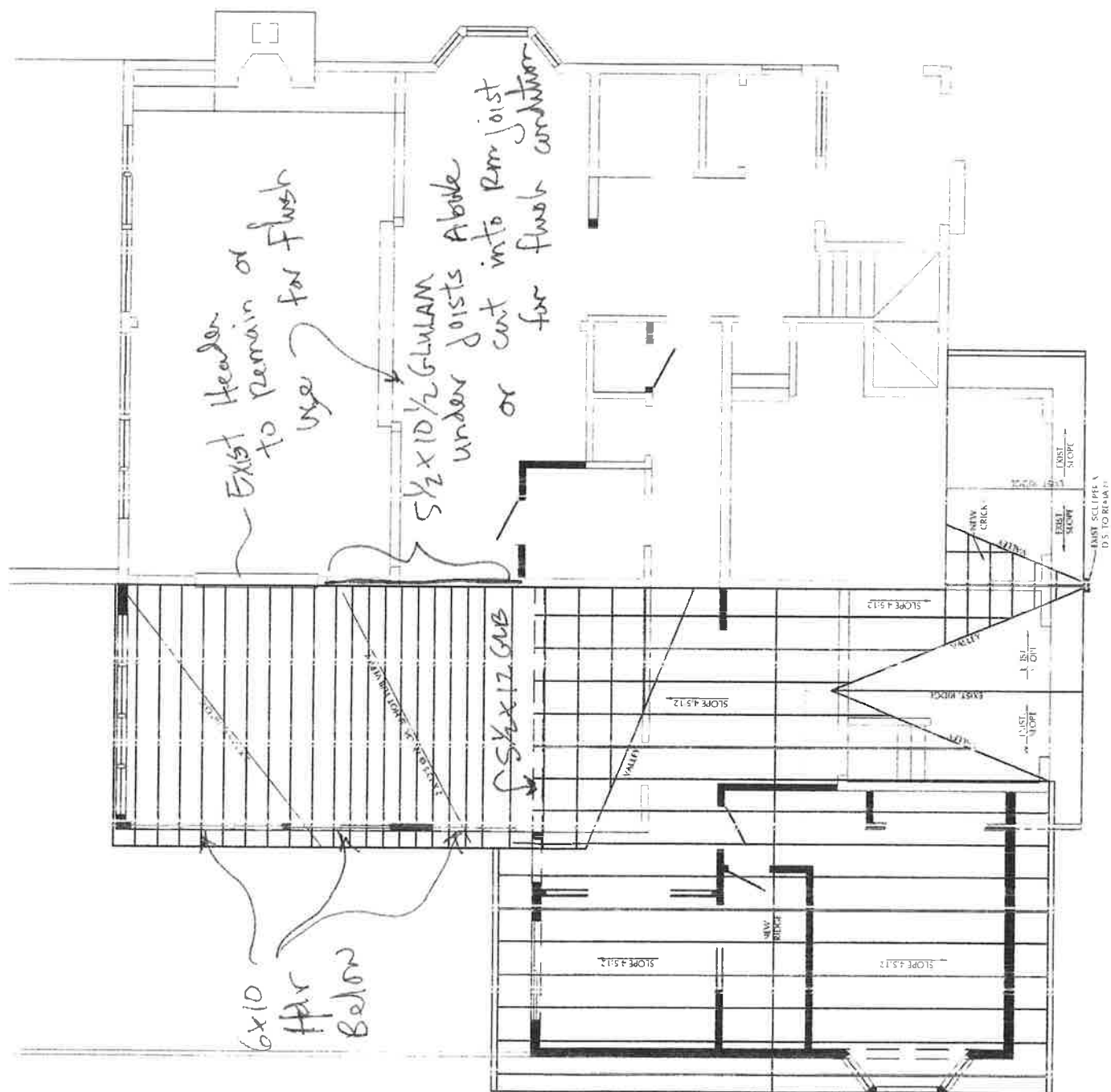
1. Relation of Structures to Site: This project will add a single story addition to the south side of the existing two story house. The addition will be within the allowable 18 foot height from average grade as determined by Castle Rock Surveyors. See attached drawings.
2. Protection of Ocean Views: 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]

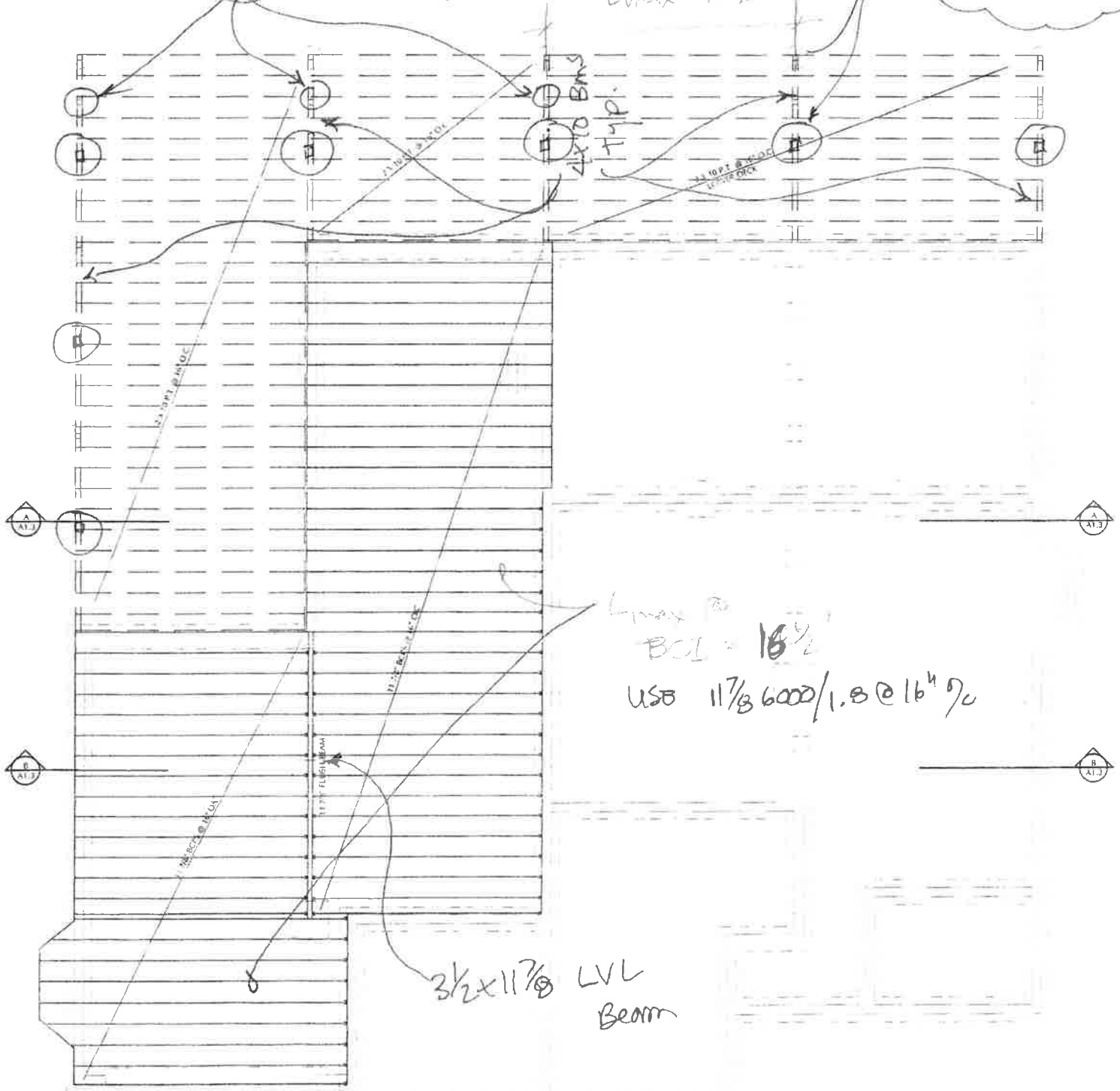


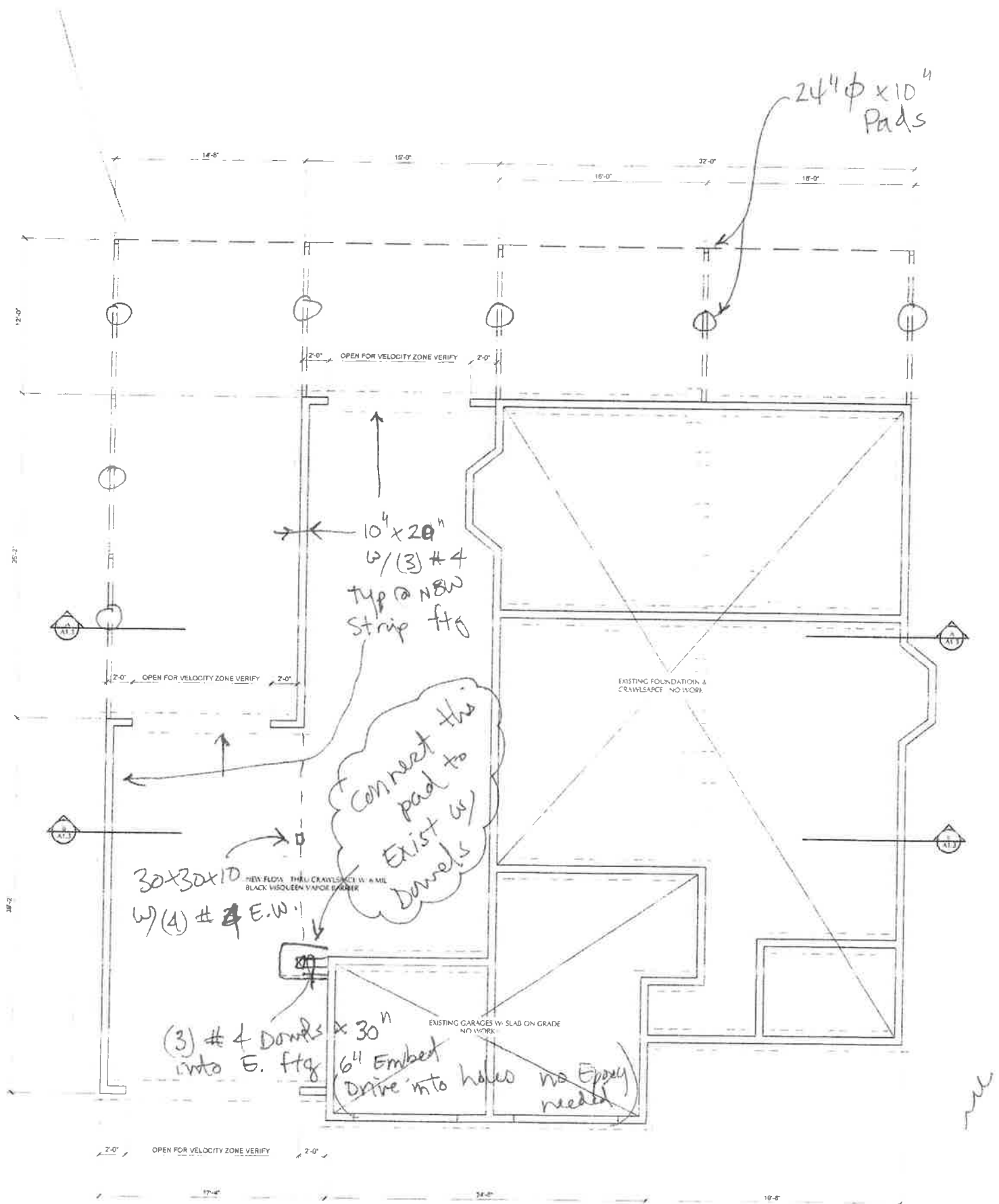


Are these posts?
or stray lines?

$L_{max} = 15\frac{1}{2}$

$24^4 \phi \times 10^4$
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**

Address: 12014 SE Mill Plain Blvd #Suite 210

City, State, Zip: Vancouver, WA 98684

Ph. #: (360) 281-5599

Cell: () -

Fax: () -

Site 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) 281-5599

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	B8. Flood Zone(s) VE24, AO	B9. Base Flood Elevation(s) (Zone AO, use base flood depth) 2.4(VE) 1' AO
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 GSHD 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

Address PO Box 1252

City CANNON BEACH

State OR

ZIP Code 97102

Signature [Signature]

Date 5/22/2013

Telephone (503) 436-1218

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 2005

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: [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 _____

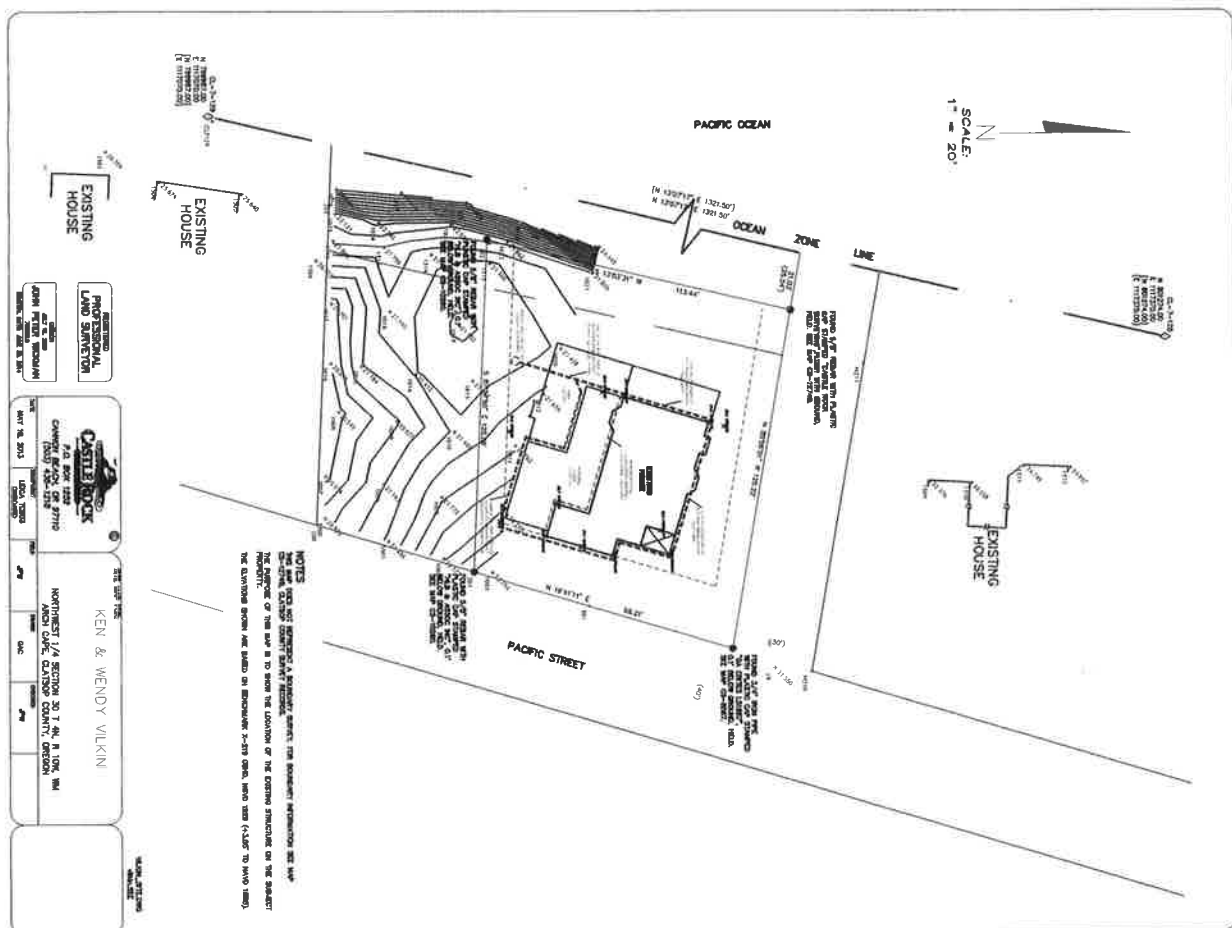
Local Official's Name _____ Title _____

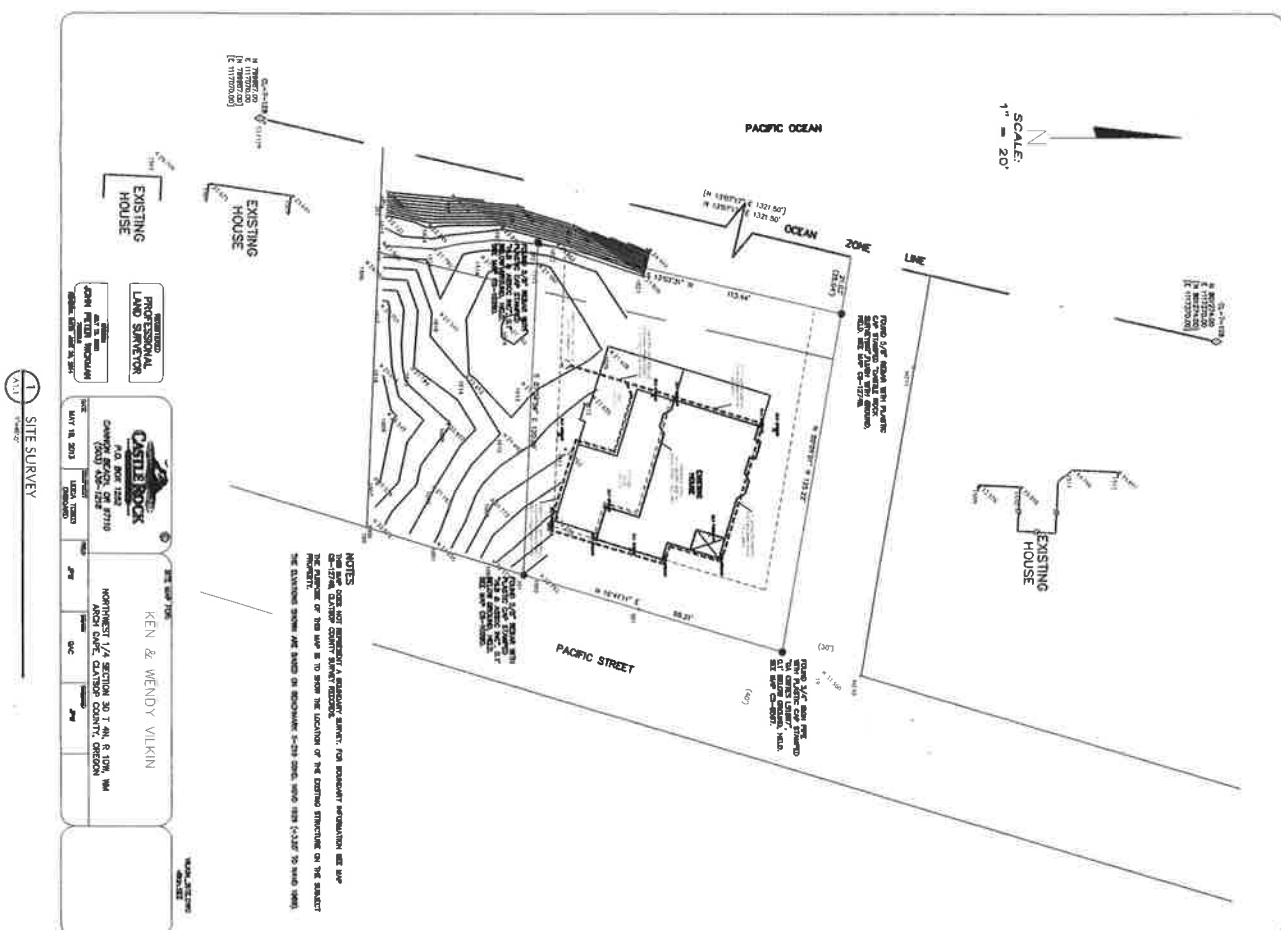
Community Name _____ Telephone _____

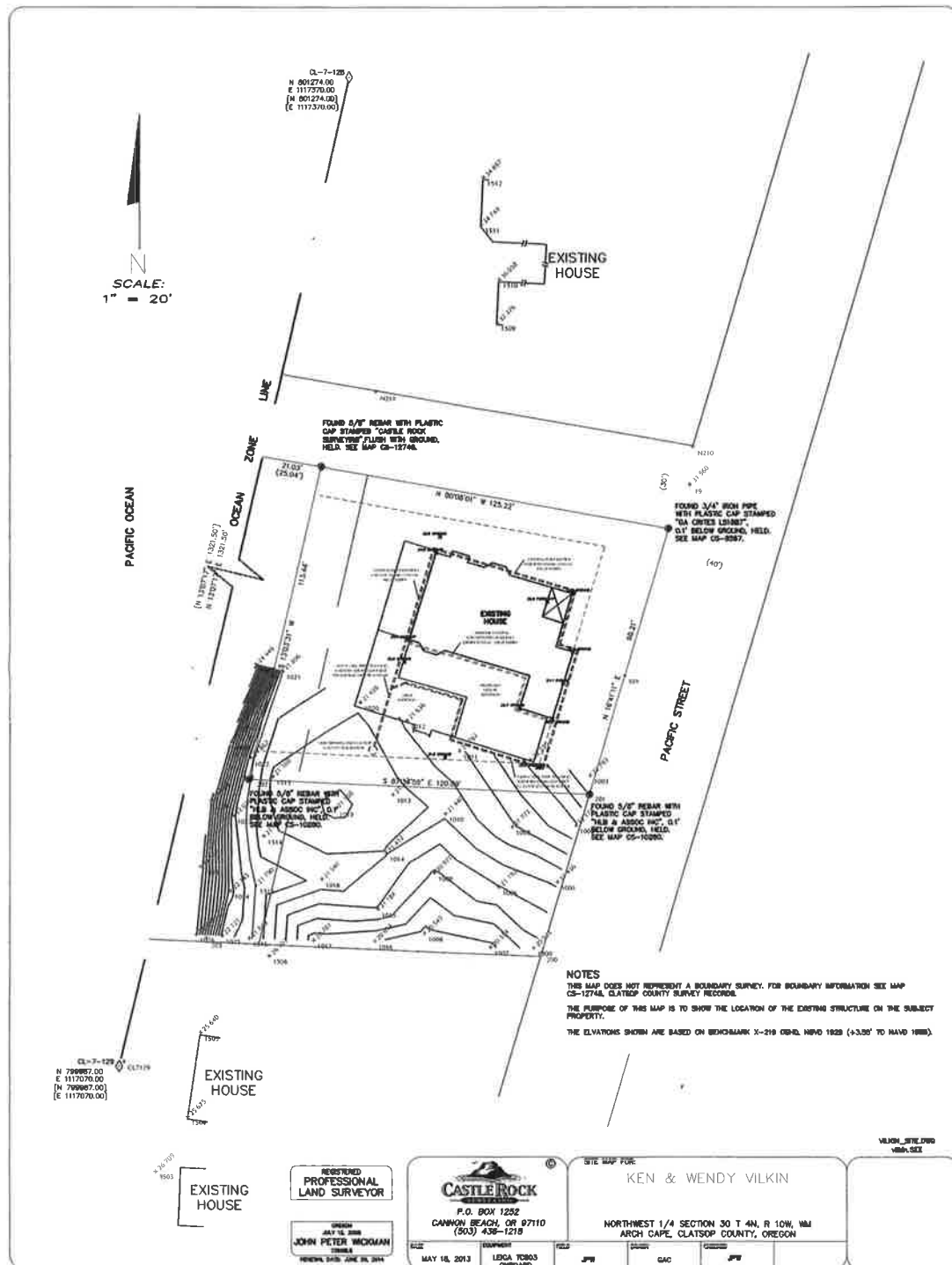
Signature _____ Date _____

Comments _____

☐ Check here if attachments







1 SITE SURVEY
 1"=40.0'



Tolovana Architects LLC
 P.O. Box 648
 200 East Warren Way
 Tolovana Park, Oregon 97145



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

MARK	DATE	DESCRIPTION

DATE	8.29.13
JOB	
FILE	X
DRAWN	
CHECKED	
COPYRIGHT	2013

A1.0



BEFORE VIEW FROM SOUTHWEST



AFTER VIEW FROM SOUTHWEST



BEFORE VIEW FROM NORTHEAST



AFTER VIEW FROM NORTHEAST

Exhibit 2



Exhibit 3

Geotech Solutions Inc.

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-7-125
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

FOUND 6/8" REBAR WITH PLASTIC CAP STAMPED "CASTLE ROCK SURVEYING" FLUSH WITH GROUND. HELD. SEE MAP CS-12746.

21.03' (25.04')

113.44'

S 130331° W

N 5008°01' W 125.22'

EXISTING HOUSE

APPROXIMATE POSITION

PROPOSED 20'x10' SLAB

S 87°34'50" E 120.09'

FOUND 6/8" REBAR WITH PLASTIC CAP STAMPED "L&B & ASSOC INC." 0.1' BELOW GROUND, HELD. SEE MAP CS-10080.

(30)

FOUND 3/4" RICH PIPE WITH PLASTIC CAP STAMPED "LA CREDIT LUMBER" 0.1' BELOW GROUND, HELD. SEE MAP CS-0887.

(40)

PACIFIC STREET

30.21'

N 16°41'11" E

NOTES

THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY. FOR BOUNDARY INFORMATION SEE MAP CS-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 X-219 OREG, MOND 1922 (+3.55' TO NAVD 1985).

CL-7-125
N 789987.00
E 1117070.00
(N 789987.00)
(E 1117070.00)

REGISTERED
PROFESSIONAL
LAND SURVEYOR

CREATED
JULY 18, 2013
JOHN PETER WIGMAN
700018
REVISION, DATED: JUNE 26, 2014

CASTLE ROCK
SURVEYING & CONSULTING

P.O. BOX 1252
CANNON BEACH, OR 97110
(503) 438-1218

DATE
MAY 18, 2013

REVISION
LEICA T0303
F03030301

FIELD

JPW

SKETCH

DAC

CHECKED

JPW

SITE MAP FOR

KEN & WENDY VILKIN

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

VILKIN_SITELANDS
060606

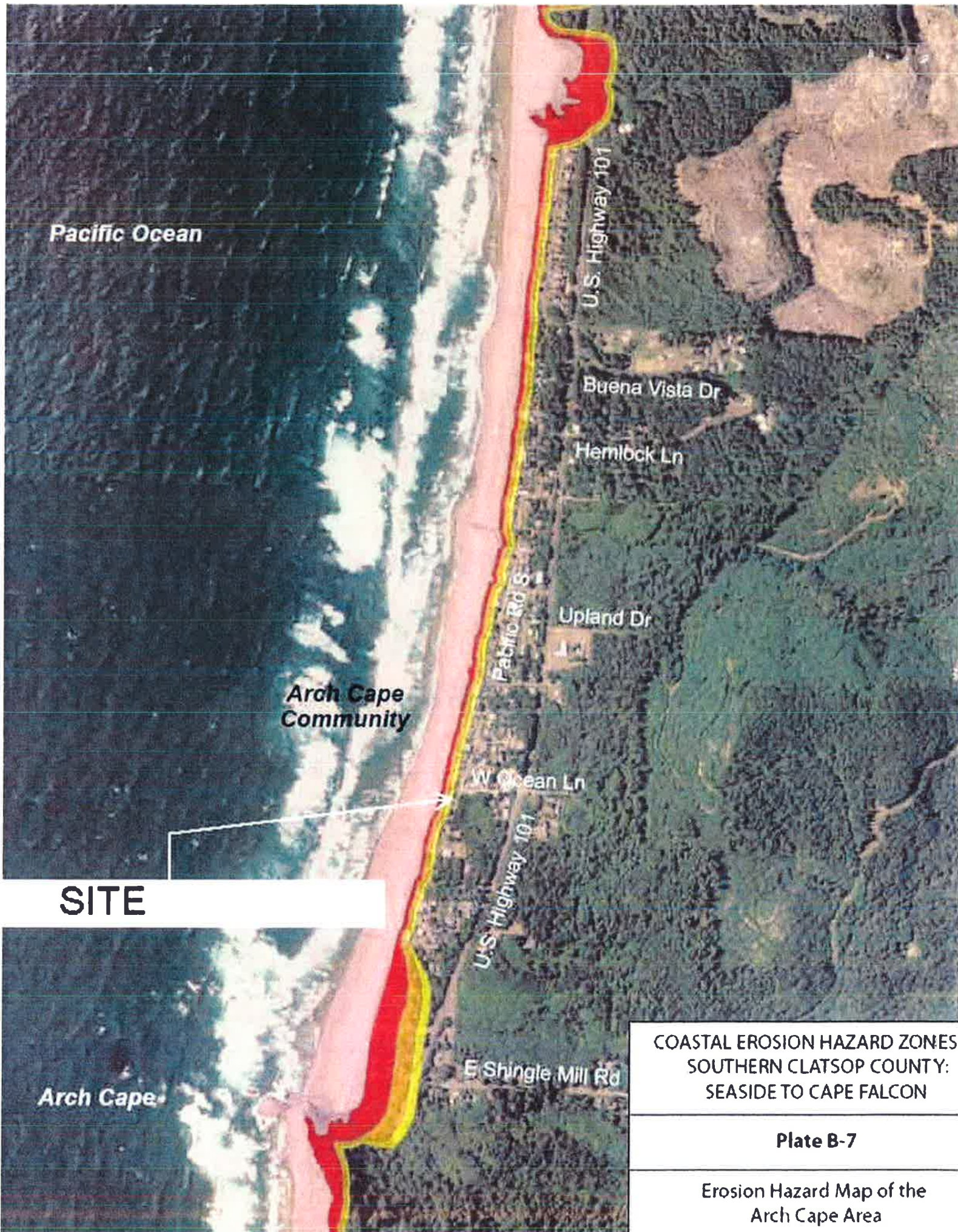








COASTAL EROSION HAZARD ZONES IN
SOUTHERN CLATSOP COUNTY:





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 abancke@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 Gellinsky Road	Arch Cape	OR	97102 DBIRBY@co.clatsop.or.us
Eyerman	Linda		3630 NE Meigs Dr.	Portland	OR	97212 linda@gaylorderyman.com
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Murray	Linda Lapp		79836 Gellinsky Road	Arch Cape	OR	97102 murraylapp@charter.net
ODOT	Region 2		455 Airport Road SE Bldg B	Salem	OR	97301-5395 odot2planmgr@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 rredonofrio@msn.com
Lundy	Theodore		1193 10th Street	Astoria	OR	97103 talktotod@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 Gellinsky 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	Feerguson 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	Tolovana 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/JANICE 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
WILLIAMSON WAYNE A 1/2	WILLIAMSON 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.

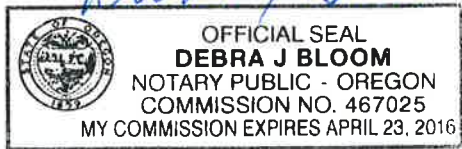
Affidavit of
PUBLICATION

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.

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