



Cannon Beach Planning Commission

Staff Report Addendum (Noon, July 28, 2022):

Agenda Date: July 28, 2022

Prepared By: Jeffrey S. Adams, PhD

NEW MATERIALS

(3) Continuation and Consideration of CP#22-01 Adoption of the Cannon Beach Transportation System Plan (TSP), as supporting material to the Comprehensive Plan.

PUBLIC HEARING AND CONSIDERATION OF **CP# 22-01**, JEFF ADAMS APPLICATION, ON BEHALF OF THE CITY OF CANNON BEACH, REQUESTING THE ADOPTION OF THE 2022 CANNON BEACH TRANSPORTATION SYSTEM (TSP), AS SUPPORTING MATERIAL TO THE CANNON BEACH COMPREHENSIVE PLAN. THE TSP IS IN ACCORDANCE WITH OREGON REVISED STATUTES OAR 660 DIVISION 12, TRANSPORTATION PLANNING RULE, WHICH IMPLEMENTS STATEWIDE PLANNING GOAL 12. THE REQUEST WILL BE REVIEWED AGAINST THE CANNON BEACH COMPREHENSIVE PLAN AND CRITERIA OF THE MUNICIPAL CODE, SUB-SECTION 17.86.070.A, AMENDMENT CRITERIA.

"D" Exhibits – Public Comment

- D-1** Letter via email from Randy Neal, received July 27, 2022;
- D-2** Email correspondence from Les Sinclair, received July 28, 2022;

(4) Continuation and Consideration of P# 22-01 & CU# 22-02, Jamie Lerma request, on behalf of Patrick/Dave LLC, for a three-lot Conditional Use Permit three-lot Partition in the Wetland Overlay Zone.

PUBLIC HEARING AND CONSIDERATION OF **P# 22-01 AND CU# 22-02**, PATRICK/DAVE LLC, REQUESTING A THREE LOT PARTITION AND A CONDITIONAL USE PERMIT FOR A PARTITION IN THE WETLAND OVERLAY ZONE. THE PROPERTY IS AN UNDEVELOPED PARCEL ON FOREST LAWN RD (TAXLOT 51030DA04100) IN THE RESIDENTIAL MEDIUM DENSITY (R2) ZONING DISTRICT. THE REQUEST WILL BE REVIEWED PURSUANT TO MUNICIPAL CODE SECTIONS 16.04.130, SUBDIVISIONS AND 17.43, CONDITIONAL USES AND ACTIVITIES PERMITTED IN THE WETLAND OVERLAY ZONE, APPLICABLE STANDARDS.

"A" Exhibits – Application Materials

- A-25** Letter regarding Commissioner Bates Article - P 22-01/CU 22-02, Renee M. France, dated July 27, 2022;

A-26 Supplemental Findings Letter, including Tentative Partition Plan (updated Exhibit B), Simplified Tentative Partition Plan, Arborist Plan (updated Exhibit I), Supplemental Earth Engineers Letter, dated July 28, 2022;

“C” Exhibits – Cannon Beach Supplements

C-26 Jeff Gerhardt, City of Cannon Beach Arborist Letter, Initial Tree Plan Review 2, Forest Lawn Partition, dated July 27, 2022;

“D” Exhibits – Public Comment

D-22 Barb Hinthorne, Email Correspondence, July 26, 2022;

WORK SESSION ITEMS

(5) Work Session review of a Zoning Ordinance Amendment request by Will Rasmussen on behalf of Haystack Rock LLC, for a text amendment regarding notice requirements for applications and decisions.

Will Rasmussen letter, on behalf of Haystack Rock, LLC, Regarding need for code amendment notice – inclusion of the public and planning commission in matters of public interest, dated and received July 27, 2022;



Continuation and Consideration of CP#22-01 Adoption of the Cannon Beach Transportation System Plan (TSP), as supporting material to the Comprehensive Plan.

Notes for July 28, Planning Commission

Randy Neal, PO Box 1092

- As you have heard before, I strongly believe this TSP is not a strategic plan; merely a laundry list of awkward options
- It's premise is not to identify ways to improve parking & congestion; but to do enough to qualify for TSP funding sources
- I have provided many examples of issues, the lists may have been too overwhelming
- I still believe the proper action is to return the TSP for further refinement (30-90 days should have been sufficient.)
- The Planning Commission believed it could provide enough modifications to make it 'passable.'
- Here are five (5) items in the document that I still believe need deletion/major modification
- Here are another five (5) items the TSP never included (all of which came up in June or July Coffee w/ Councilors meetings)
- If you find these useful, please make adequate changes. If you find several valid, ask me – I can provide a few more.

Transportation Strategic Planning Document Issues

(A) EXISTING ITEMS NEEDING DELETION OR MAJOR REVISION

Warren Way & Hemlock 4-Way Stop

Table 4. Overview of TSP Improvements

| ID | Description | Cost | Priority |
|------------------------------------|---|---------|----------|
| ROADWAY IMPROVEMENTS ¹⁴ | | | |
| R-1 | Intersection at S Hemlock Street and Warren Beach Road | | |
| R-1a | All-way (4-way) stop control | \$7,000 | Near |

- This line item might have been valid for a TSP two years ago, not now. Completed in April '22.
- This project was approved by Council two years ago. A traffic study done two years ago.
- If really deemed relevant, shouldn't Spruce & 2nd, or Spruce & 3rd then also be mentioned?
- **This line item should be deleted.**

Paving of Surfcrest Street

The pedestrian and bicycle route would deviate from S Hemlock Street to Pacific Street from Matanuska Street to Fernwood Street, before continuing south along S Hemlock Street. This detour would provide greater separation, safety, and comfort for pedestrians and cyclists from the more highly trafficked Hemlock corridor.

This improvement would also pave the gravel segment along Pacific Street between W Delta St and W Surfcrest Ave included as part of the Pacific Street bicycle route (B-5). Paving this segment would increase the accessibility of the route, address drainage issues, and provide a safe connection for use by people in wheelchairs, walkers, and other mobility devices.

- There is no unpaved gravel segment on Pacific; only Surfcrest remains unpaved. Paving here is not ‘strategic.’
- While Surfcrest is across the street from hotels, the recommended & approved crossing is at Delta (1 street over)
- Surfcrest leads to no destination – there is no beach access at the end; no businesses.
- The community is clear in to wanting to retain gravel streets, village charm, water permeability
- Mobility & drainage issues can justify paving of all gravel streets (incl Forest Lawn, Gogana, etc)
- This element should be eliminated

Mini Mobility Hubs

| | | | |
|-----|---|--------------------|--------|
| T-2 | Mini mobility hub- N Spruce Street at 2nd Street (near Chamber of Commerce) | \$113,000\$ \$5 | Near |
| T-3 | Mini mobility hub – Coolidge Avenue at S Hemlock Street | \$211,000\$ \$5 | Medium |
| T-4 | Mini mobility hub – S Hemlock Street at Warren Beach Road (Tolovana beach parking area) | \$135,000\$ \$5 | Near |
| T-5 | Mini mobility hub – N Spruce Street at 1st Street | \$113,000\$ \$5 | Medium |

4.5.1 Mobility Hubs

The term *mobility hub* refers to nodes in the transportation system where people can access interconnected transportation options. Conventional examples of *mobility hubs* include transit stations and park-and-ride lots. *Mobility hubs* can also provide centralized locations for residents to access newer *mobility* options such as circulator or employer-based shuttles, *vans*, *off*, car and ride sharing services, *seoters*, and short-term bike rentals. *Mobility hubs* can also provide access to existing transit and emergency response systems via features like real-time visible signage, “how-to-ride” information, comfortable waiting areas, and basic amenities like trash cans (Figure 50). Figure 50.



Figure 50. Mobility Hub examples with electric vehicle charging, bike sharing, and other amenities.



Figure 515152. Existing parking stalls on N Spruce and 2nd Street

- Mobility Hubs are expensive (\$575,000)
- Most features already exist in those locations
- The following already exist at Spruce & 2nd
- Bus stop, bike rack & pick up/drop off areas (aka 10-minute parking spots) for ride share.
- It does lack EV charging stations – but this is very poor use of these high impact areas. We would never think of locating gas stations there.
- These items should be deleted (preferred) or at least redefined to an effective, cheap solution without EV charging, etc.

Downtown Corridor

Downtown Corridor Improvements



Photograph 7. Downtown Cannon Beach
Photo Source: City of Cannon Beach

- This document lists many downtown corridor configurations, but recommends none.
- This area and related side streets are the core of our town's congestion and parking issues.
- Up to seven (7) are implied – see prior submission.
- However the one 'not shown or visualized' is probably one of the most logical and maybe easiest to implement: a couplet of two one-way streets with two lanes each.

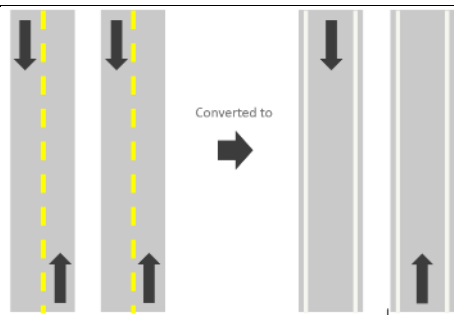


Figure 252526. Concept diagram showing the conversion of two parallel, two-way streets into a pair of one-way streets

- Reducing all flows from two lane to only one lane must greatly increase street volumes & queues.
- While it does not allow for angled parking nor bike lanes, neither seem to be a critical need.
- Alternatively, the discussion about a downtown plaza makes no mention of the loss of up to 90 downtown parking spaces, and the impact of reducing downtown flows from four (4) lanes to two (nor impact to freight deliveries.)
- **This section requires significant re-write**



Intersection Stop Controls and Enhanced Crossings

| | Stop Intersection | Enhanced Crossing |
|---------------------------|-------------------|-------------------|
| Hemlock & 2 nd | Yes | Yes |
| Spruce & 2 nd | Yes | No |
| Hemlock & 1 st | Yes | Yes |
| Hemlock & Gower | No | No |
| Hemlock & Coolidge | No | Yes |
| Hemlock & Sunset | Yes | Yes |
| Spruce & Sunset | No | Yes |

- First, it seems use of stop & pedestrian controls should go together (ADA, markings, etc)
- This document implies doing separately
- Having no enhanced crossing at Spruce & 2nd does not make sense (especially give downtown configuration options
- Likewise Gower has a very high rate of traffic, pedestrians (more so than Coolidge.)
- No Hemlock & 2nd is required, if Plaza.
- **Simplify/re-write to say up to 5 stop intersections, up to 10 enhanced crossings (time, downtown config, increasing traffic will dictate where & when.)**

(B) RECENT COMMUNITY CONCERNS NOT ADDRESSED AT ALL WITHIN TSP (topics raised at June or July Coffee with the Councilor forums)

Fir Street Bridge (Emergency Evacuations)

| | | |
|--|--|---|
| <ul style="list-style-type: none">- In the Coffee w Councilors, a request for an update on the Fir Street Bridge was made- This is a frequent topic of discussion; several times per year; residents have interest- This topic is completely missing from this TSP- A section should be added | <ul style="list-style-type: none">- Conversely, the TSP includes an evacuation tower.- This topic seems to never be brought up by residents- Would we be the only community planning to construct on of these?- Would it be effective? Where?- Do we really want this is in? |  |
| RV Parking | | |
| <ul style="list-style-type: none">- This also came up in Coffee w Councilors last week- Latest example was RV stuck for long period of time back near recycling; often a community topic- Bruce replied, “This is a policy issue” (most of the TSP items are policy choices.)- It seems there should be some acknowledgment of the problem in the TSP; these consume 2-3x the- Other examples are RV’s holding up traffic at Spruce 2nd and other Downtown areas- amount of parking are contribute to congestion in a significant way- Include a section to this topics; ask should there be a change in policy (more limited location?) |  | |
| Ecola State Park / Tolovana | | |
| <ul style="list-style-type: none">- In the June Coffee with councilor Rick Hudson, the CB Emergency Manager brought up the topic of how dangerous the road to Ecola was for pedestrians & bikers- This road is a major problem (alternative route?)- Likewise Tolovana is another clear extension of CB.- Parking issues there go directly to local neighborhoods- This city has a Mar ’19 traffic study that says Tolovana could be re-lined for more stalls. | <ul style="list-style-type: none">- The 2017 Parks Master Plan has several line items that crossover to these state lands (including an ADA access ramp currently under review) and a full park layout proposal.- Ecola & Tolovana are two of the largest parking lots in the nearby area. Shuttle service to both would be highly desired.- City parking policy will have direct impacts on them – and vice versa | |

| | | | |
|---|---|-----------------------------------|------|
| | <ul style="list-style-type: none">- There should be a section in the TSP highlighting areas that the City and the State Parks can work together | | |
| SPRUCE STREET AS PEDESTRIAN AND BIKEWAY | | | |
| PB-2 | Spruce Pedestrian and Bicycle Route | <div>\$1,104,000 \$\$\$</div> | Near |
| <ul style="list-style-type: none">- At the July Coffee with a Councilor, a nearby resident was asking about adding another stop sign on Spruce- Her concerns were the high speeds and low visibility; there are few streetlights too (preferred for dark-sky)- This TSP has a significant effort to spend \$'s to move pedestrians & bicycles onto Spruce- Spruce is very narrow; steep at one end and a significant bypass for auto traffic avoiding Hemlock- It is also the only North-South alternative for emergency vehicles- This item should be deleted; or at least downsized and re-directed to encouraging more pedestrian & bike traffic to even quieter streets (Elm on the east side, connected to the pond trails) or Ocean Ave (gravel path on the west side.) This way no major improvements or markings should be necessary.3339999 | | | |

From: les sinclair <bongobob@sbcglobal.net>
Sent: Thursday, July 28, 2022 9:11 AM
To: Jeffrey Adams; Katie Hillenhagen
Subject: Comments on Cannon Beach TSP Draft dated 7-22-2022

Jeff I reviewed the new TSP draft dated 7-22 and would like to submit the following.

- A) The new text box "How will the TSP be implemented..." text is cut-off. Pg 3, 109
- B) Add "Address Employee Parking issues in Downtown and Midtown" to Goal 2, pg 32
- C) remove "microtransit" from Item 5, pg 37
- D) Expand Table 3, Project Evaluation Criteria pg 39 to include Goal 5 "Environmental" criteria
- E) Document previously published cost estimates in an addendum of some sort. Maybe published on the city website?
- F) TSP should not dictate financial policy. Remove "Parking revenue should benefit future transportation funds..." Pg 71
- G) Item 4.4 Pg 77. Add "Pedestrian and Bicycle improvements also reduce environmental impacts of traffic."
- H) Map Pg 80 is missing the "For Illustrative Purposes" disclaimer
- I) Remove the reference to Yukon St from 8th line pg 84
- J) Pictures of crossing types should be labeled "For Illustrative Purposes"
- K) Delete references to "electric golf cart rentals" Pg 112
- L) Why aren't the Parking Management Strategy items included in Table 16, Near Term Priorities? Most are designated Near Term such as striping, curb paint and signage.

Les Sinclair



Continuation and Consideration of P# 22-01 & CU# 22-02, Jamie Lerma request, on behalf of Patrick/Dave LLC, for a three-lot Conditional Use Permit three-lot Partition in the Wetland Overlay Zone.

Renee M. France
rfrance@radlerwhite.com
971-634-0217

July 27, 2022

VIA EMAIL

billkab@batemanseidel.com

William Kabeiseman
Bateman Seidel Miner Blomgren Chellis & Gram, P.C.
1000 SW Broadway
Suite 1910
Portland, OR 97205

Re: Commissioner Bates Article – P 22-01/CU 22-02

Dear Mr. Kabeiseman:

At the initial Cannon Beach Planning Commission hearing on June 23, 2022 for the above-referenced land use matter, Commissioner Bates disclosed that he had authored an article that was published in Hipfish Monthly. He indicated that the article let the public know the subject land division application was coming up and encouraged them to get involved if interested. The referenced article is titled “When is a Wetland not a Wetland” and it was published in the February 2022 Hipfish Monthly publication. A copy of the article is attached to this letter.

While the article references an earlier eight-lot subdivision concept rather than the three-lot partition application currently pending before the Planning Commission, the article goes far beyond merely encouraging the public to get involved. Instead, the article provides a detailed history and description of the property and claims that the wetland on the subject property is “now under imminent threat of development.” In the article Commissioner Bates states that he “is not a fan of development,” and disparages the applicant and makes assumptions about their motives. Finally, he contends that “the decision is political” rather than based upon applicable approval criteria after a consideration of the evidence on the record. In short, the article describes Commissioner Bates’ close personal connection with the property, and reveals his opposition to future development on the subject property.

Pursuant to Cannon Beach Municipal Code Section 17.88.070, a land use applicant is entitled to an impartial review, and no member of the hearing body shall participate in discussion of the proposal or vote on the proposal if the member has a direct private interest in the proposal, or if for any valid reason the member has “determined that participation in the hearing and decision cannot be done in an impartial manner.”

As a result of the content of the Hipfish article, we respectfully request that at the beginning of the continued hearing on July 28th, Commissioner Bates reaffirm for the record that he is not biased and is capable of making an impartial decision based solely on the evidence in the record of the partition currently pending before the Planning Commission and not based on his comments of opposition in the published article. If Commissioner Bates is unable or unwilling to make the declaration of impartiality, it

William Kabeiseman

July 27, 2022

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would be appropriate for him to recuse himself pursuant to the requirements of the Cannon Beach Municipal Code.

As an applicant, we are required to raise this issue on the record as it has the potential to lead to procedural error. It is also important for all parties in this proceeding and other future proceedings to rely on the integrity of a land use review and public hearing process that is based on the evidence in the record and free from bias.

Thank you for providing Commissioner Bates an opportunity to further explain his article in the Hipfish Monthly before deliberating on this proposal.

Best regards,



Renee M. France

Attachment

cc: Jeff Adams via email: adams@ci.cannon-beach.or.us

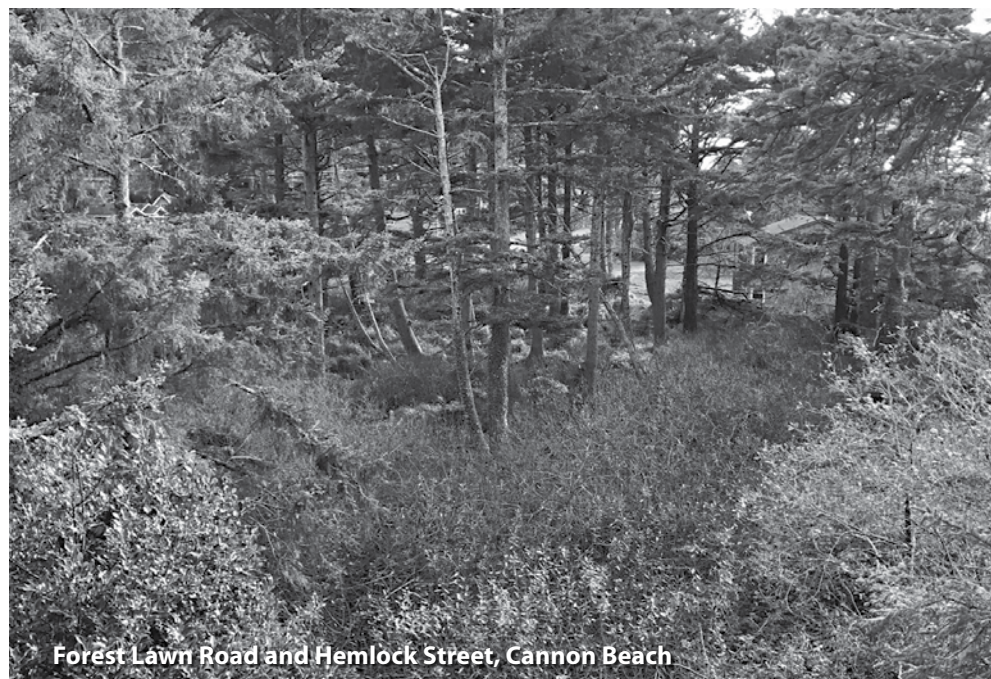
CHANGING WOMAN stepped back from her composition and brought her hand to her chin in contemplation. Something was missing from the scene, something important. She raised her medicine bundle over the massif of basalt looming over the surf. And with it, she traced a pattern in the air across the tidal plain to the sandy bluff that stood in the event horizon between land and sea, and then north along the bluff to a point just south of a small stream that emptied its crystalline water into the sea, its braided channels spilling out across the sand in rivulets of gold.

There, she summoned the cardinal winds, and a vortex rose up from the spot, pulling in sand from the surrounding area and piling it atop the bluff into a promontory. It seemed a rather insignificant addition for such a grand panorama, but as with everything Changing Woman does, it was created with an eye on the big picture. She knew the promontory would divert water running off the spur of a mountain to its south and east into the basin she formed in its southern flank with the pad of her thumb, and there it would collect, sparing the creek nutrients carried in the run-off that might foul its water. She called the basin a wetland, and she made the things of the forest take root there, knowing that, over time, her children would visit the wetland to contemplate its mysteries and consult with the spirits of the past.

We're fortunate that the wetland remains with us today, right where Changing Woman created it, within the city limits of what is now Cannon Beach, just south of the Hallmark Resort and Spa where Forest Lawn Road intersects with Hemlock Street. It's not much to look at, a little more than an acre in size and filled with moss-covered Sitka spruce and a smattering of alder, willow, elderberry, and elm, together with groundcover of sedge, fern, peltatum, cornus, salal, and twinberry. The fact that it is noticeable at all is testament to Changing Woman's foresight. It is conspicuous these days as home to the only intact grove of Sitka spruce west of Hemlock Street, from the presidential blocks all the way to Tolovana, with as many as thirty-five of the venerable old giants gracing the property.

However, it is now under imminent threat of development. Sometime over the next several months, the Cannon Beach Planning Commission will take up a proposal to

When is a Wetland not a Wetland?



Forest Lawn Road and Hemlock Street, Cannon Beach

turn it into a new subdivision called "Haystack Views." If the proposal goes through, the wetland will be divided into eight five thousand square foot parcels, seven of them to contain a dwelling of approximately one thousand square feet each, together with common ingress and egress, off-street parking, and other amenities marketed to the lucrative vacation, or second, home market.

I'm not a fan of development. I don't know anybody who is, frankly, except the people who stand to profit from it. That said, I don't feel like I have the right to dictate what other people do on their own property. The land on which the wetland is located was put on the market, at a fraction of what a lot of comparable size would cost anywhere else in the city, I might add, and some enterprising entrepreneur with an eye for a quick buck snapped it up for pennies on the dollar. The new owners are entitled to do whatever they want with the property, even if it feels to me like the kind of speculative get-rich-quick scheme that serves nobody in the community but the developer and its builders.

Unless, of course - and it's a very big unless, the land is the kind that is entitled by law and/or in the public interest to preservation. Sitka wetlands used to be among the most prevalent landscapes along the Oregon coast, and now, I'm told, they're among the rarest. It seems to me we should be preserving what remains of our natural heritage, not developing it in the name of the almighty dollar.

You might object to my reference to Changing Woman as pandering to native American culture, or worse, misappropriating it for a purpose for which it was never intended. I'm sensitive to the criticism, but I'm just naïve enough to believe that the native American experience is the only relevant vehicle to explore our relationship with the natural world.

Indigenous peoples have lived on this land for thousands of years, and they continue to live on it to this day. Their stories resonate with a sense of the passage of time that eludes our own with our emphasis on the last six thousand years. They are based upon close observation of the patterns of nature that we've either ignored in our presumed dominion over the natural world or forgotten. They start with the proposition that the natural world needs no independent justification for its existence, nothing remotely like it's worthless unless it can be picked up for pennies on the dollar and packed with houses to turn a quick profit. They address the practical aspects of our relationship with nature, like food and shelter, while remaining true to the spiritual and emotional component. And they are adaptable, capable of taking on new and richer meaning as our understanding of our environment improves in ways our own creation myth forecloses.

These days, science has given us a whole new lexicon with which to speak. Its beyond dispute, for example, that wetlands serve as habitat for simple microscopic organisms

and other primitive creatures that exist at the bottom of the food chain. Wetlands provide sustenance and shelter for wildlife, birds, and insects that help keep our environment vital and healthy. Wetlands filter harmful substances from run-off that might spoil watersheds, aquifers, and in our case, the ocean. And, we're just beginning to appreciate the vital role wetlands play in sequestering carbon from the atmosphere.

And me?

I'm just happy for the opportunity to walk past that wetland knowing that some small part of this environment remains as it was before our kind arrived this region, or very close to it. I had my first close encounter with the Roosevelt elk that bless this area when I stumbled on a bull as it dined in the wetland among the willow. I take special thrill from the appearance of pussy willow erupting on the perimeter of the wetland each spring as a harbinger of summer, followed close on by the blossoms of wild berry. I've made myself acquainted with the black-tailed doe that uses the thickets each year to shelter her brood of fawns. And I've learned to identify the migratory birds that roost in the bushes and trees, their morning song accompanied by the playful bark of squirrels and chipmunks and the discordant croak of frogs.

So, when is a wetland not a wetland?

The city Planning Commission has authority to approve development proposals affecting wetlands, just like any other property, by majority vote. There are procedures developers must follow to get a hearing before the Planning Commission and a handful of zoning ordinances that may influence deliberations. It's doubtful that a project the scope of Haystack Views can proceed without variances from local ordinances. But the decision is political, and the fact that the property is a wetland receives little consideration beyond a simple wetland delineation prepared by the Army Corps of Engineers.

The interests of the property owner, the developer in this case, its architects, builders, and their backers, are clear, make a quick buck and run. The benefits to local businesses from increased traffic and pet projects that might benefit from an expanded tax base are speculative, but quantifiable. Unfortunately, the environment gets lost in the noise, and that ever elusive public opinion is rarely if ever consulted. It often comes down to whose voice is the loudest, and therein lies the problem - we have no one to blame but ourselves when we fail to raise our voices in defense of the environment.

Because a wetland is no longer a wetland after it's developed.

mf

July 28, 2022

Planning Commission
City of Cannon Beach
163 East Gower Street
Cannon Beach, OR 97110

**Subject: Forest Lawn Partition (P 22-01/CU 22-02)
Application Revisions**

Dear Planning Commission:

This letter is provided on behalf of Patrick/Dave LLC (applicant) to summarize supplemental information that has been entered into the application record and offers additional compliance findings for identified code criteria governing the City's review of the partition request.

At the June 23rd hearing, the Planning Commission's comments were largely focused on tree removal and preservation, the project site's geologic conditions, and wetland preservation. Accordingly, the applicant has taken additional steps to address these concerns and has submitted supplemental evidence that includes:

- Tentative Partition Plan (*update to original Exhibit B*)
- Simplified Tentative Partition Plan
- Arborist Report (*update to original Exhibit I*)
- Supplemental Earth Engineers Letter

Tree Removal and Preservation

Cannon Beach Municipal Code (CBMC) Chapter 17.70.030(D) states the following:

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

At the June 23rd hearing, Planning Commissioners, as well as the City's consulting arborist, raised possible concerns with the tentative partition plan's compliance with the above standard. In response to these concerns, the applicant team worked extensively with a consulting arborist, Todd Prager, on modifications to the tentative partition plan that will allow future residential construction to preserve additional trees within the project site. These changes are described in detail within the attached Arborist Report, and are also shown on the attached Tentative Partition Plan and the attached Simplified Tentative Partition Plan. In total, the number of trees proposed for removal has been reduced from 11 to seven (7). A summary of the updated arborist findings is as follows:

- A site visit was conducted on Sunday, July 17th, in order to reevaluate and confirm the health status of each of the project site's trees. Previously, three (3) trees within the project site's delineated wetland were identified for removal due to health hazards (trees #12, #20, and #37b). Following their reevaluation, Todd determined the identified health concerns, including observed

leaning, weren't great enough to warrant removal. Consequently, these trees are no longer proposed for removal.

- The alignment of the shared access easement to Lots 1 and 3 from Hemlock Road has been revised specifically to preserve tree #18, a 29-inch Sitka spruce. This tree is no longer proposed for removal.
- Building site envelopes on proposed Lots 1 and 3 have shifted to the east to accommodate larger root protection zones of adjacent trees, including trees #16, #18, #24, and #25, as shown on the attached Tree Protection Plan.
- The vehicle turnaround area within Lot 1 has shifted to the east, and Lot 1's building site envelope reduced in size, to accommodate a larger root protection zone around trees #16 and #18, as shown on the attached Tree Protection Plan.
- The shared access, all driveways, and vehicle turnaround areas are proposed to be constructed of gravel/fine crushed rock placed over geotextile fabric. Constructing these surfaces with gravel will vastly limit the grading required versus what would be required for pavement, and geotextile fabric will allow for air and water to filter through to root systems.
- As shown on the attached Tree Protection Plan, tree protection fencing is shown that will be placed on-site prior to any ground disturbing activity. This protection fencing will limit encroachments into the root zones of preserved trees during on-site construction activity.
- Specific tree protection methods are identified on pages 4, 5, 10, and 11 of the attached Arborist Report that will need to be followed during on-site construction activities. Jamie Lerma, who will serve as the project's future general contractor, is familiar with these construction techniques and their successful implementation on projects throughout the Oregon coast.

In total, the project site has 40 surveyed trees, only seven of which are proposed for removal. Due to the extensive tree preservation on the site, over 80 percent of the project site's trees will be preserved. This will continue to provide a dense canopy cover within the project site and continuous wooded buffer along Hemlock Street.

The modifications to the applicant's proposed tentative partition plan described above further demonstrate that the applicant has extensively considered the preservation of trees on the site and overwhelmingly meets the standard of CBMC 17.70.030(D).

Project Site Geologic Conditions

At the June 23rd hearing, Planning Commissioners raised concerns with the project site's geologic hazards—specifically landslides and soil liquefaction—based on their review of the geotechnical investigation and geologic hazard report prepared by Earth Engineers, Inc. (EEI). To further clarify and address project compliance with the City's geologic hazard provisions of CBMC 17.50 an updated letter dated July 27, 2022 from Earth Engineers, Inc. is provided and supplemental compliance findings are also provided below.

Per CBMC 17.50.010 the purpose of the CBMC Chapter 17.50 is to ensure that city decisions are based on accurate geologic and soils information prepared by a registered geologist and to require "...the application of engineering principles in any construction that occurs where such studies indicate potential hazards." Accordingly, Troy Hull, a registered professional geotechnical engineer with EEI has provided an assessment of site conditions, dated June 10, 2022, and a subsequent July 27, 2022 summary letter, attached to this letter.

Specifically, under CBMC 17.50.040, the critical standard for City review of geologic hazards is noted below:

3. *The burden of proof shall be upon the applicant to show construction feasibility. A proposed use will be permitted only where:*
 - a. *The geologic site investigation report indicates that there is not a hazard to the use proposed on the site or to properties in the vicinity; or*
 - b. *The geologic site investigation report and engineering report specifies engineering and construction methods which will eliminate the hazard, or will minimize the hazard to an acceptable level.*

As noted in the evidence provided by EEI, the site has been mapped by the City as having a “moderate” landslide potential and “low” liquefaction potential. As noted in EEI’s July 27, 2022 letter, these mapping indicators are not unique to the project site and are pervasive throughout Cannon Beach. For example, nearly the entire City is mapped as having a moderate or high potential for liquefaction and significant areas throughout the City have either a “moderate”, “high” or “very high” landslide potential designation.

For that reason, these mapping indicators are not intended to inherently prohibit development. Rather, they are intended to ensure that—consistent with CBMC 17.50.040(A)(3)(b)—engineering and construction methods are applied to mitigate the concern. Consistent with that intent, EEI has prescribed design measures that, based on their professional recommendation, will protect the life-safety of future structures on the sites and not worsen the potential for liquefaction or landslide hazards on the adjacent properties, thereby minimizing the hazard to an acceptable level.

Specific mitigation measures prescribed include:

- Well graded, crushed rock structural fill as necessary; and
- Pin pile or helical pier foundation systems for the future residential dwellings.

Wetland Preservation

As described within the application package and during the June 23rd hearing, the applicant is not proposing any impacts within regulated wetland or wetland buffer areas. The applicant’s revised tentative partition plan continues to preserve the wetland and wetland buffer areas in their entirety. No future development, including building sites or driveways, are proposed to occur within the wetland or wetland buffer areas. In an effort to better illustrate this, the applicant has prepared a simplified and colorized version of the tentative partition plan (attached), which clearly shows the boundaries of the wetland and wetland buffer areas and adjacent building sites, driveways, vehicle turnaround areas, and the shared access from Hemlock Street. As shown, none of these development elements are proposed to impact the wetland or wetland buffer areas.

Completely avoiding wetland and wetland buffer area impacts is considered the highest priority alternative per CBMC 17.43.050(A)(1)(a). While the applicant previously considered development plans that contemplated wetland and wetland buffer area impacts, the proposal that was submitted, and is currently under review, proposes no impacts to wetland and wetland buffer areas and all future development will be constructed within upland areas only; therefore, the applicant’s proposal is compliant with CBMC 17.43.050(A).

As described at the June 23rd hearing, the applicant will also be recording a conservation covenant/easement over the project site’s wetland and wetland buffer areas, which will ensure the

wetland's preservation in perpetuity. The applicant is committed to preserving this wetland and is accepting of this being a condition of the project's approval.

If you have any questions regarding any of the details included within or attached to this letter, please do not hesitate to contact me at 971-229-8318 or mrobinson@dowl.com. The applicant team, including the applicant's consulting geotechnical engineer, arborist, and wetland biologist will all be in attendance at the next hearing on July 28th in order to answer any questions Commissioners or members of the public may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Robinson', with a long horizontal line extending to the right.

Matthew Robinson
Associate Planner

Attachment(s):

1. Tentative Partition Plan (*update to original Exhibit B*)
2. Simplified Tentative Partition Plan
3. Tree Protection Plan (*Attachment 1 from Arborist Report*)
4. Arborist Report (*update to original Exhibit I*)
5. Supplemental Earth Engineers Letter

Tentative Partition Plan

| LINE TABLE | | |
|------------|-------------|----------|
| LINE # | BEARING | DISTANCE |
| L2 | N38°30'47"E | 14.40' |
| L3 | N88°12'47"E | 28.17' |
| L1 | N7°14'53"E | 4.98' |

Wetland and Wetland Buffer Areas to be subject to Conservation Covenant that will be recorded with the Final Plat. No development, human-activity, or other encroachments will be allowed with Wetland and Wetland Buffer Areas.

HORIZONTAL DATUM:

BASIS OF BEARING OREGON STATE PLANE COORDINATE SYSTEM, NAD83, NORTH ZONE

PRELIMINARY FOREST LAWN
PARTITION PLAT

LOCATED IN THE SE 1/4 OF SECTION 30,
TOWNSHIP 5 NORTH, RANGE 10 WEST W.M.
CITY OF CANNON BEACH, CLATSOP COUNTY,
OREGON

JULY 26, 2022

| CURVE TABLE | | | | | |
|-------------|-----------|----------|---------|-------------|-----------|
| CURVE # | DELTA | RADIUS | LENGTH | CHORD | CHORD LEN |
| C1 | 26°03'04" | 80.00' | 36.37' | S20°16'25"W | 36.06' |
| C2 | 5°13'04" | 80.00' | 7.29' | S35°54'29"W | 7.28' |
| C3 | 49°42'02" | 80.00' | 69.40' | S63°21'52"W | 67.24' |
| C4 | 12°06'36" | 120.00' | 25.36' | N82°09'41"E | 25.32' |
| C5 | 13°03'30" | 120.00' | 27.35' | N69°34'38"E | 27.29' |
| C6 | 6°21'59" | 1402.02' | 155.79' | N11°07'10"E | 155.71' |
| C7 | 1°32'16" | 1402.02' | 37.63' | N15°04'17"E | 37.63' |
| C8 | 2°43'30" | 1402.02' | 66.68' | N17°12'10"E | 66.67' |
| C9 | 3°14'25" | 1402.02' | 79.29' | N20°11'08"E | 79.28' |
| C10 | 22°49'52" | 25.00' | 9.96' | N76°26'11"W | 9.90' |
| C11 | 35°13'20" | 25.00' | 15.37' | N47°24'35"W | 15.13' |
| C12 | 9°42'31" | 45.00' | 7.63' | N21°25'36"W | 7.62' |

LEGEND:

| | | | |
|--|--------------------------------------|--|--------------------------|
| | PROPOSED ACCESS AND UTILITY EASEMENT | | BUILDING SETBACK LINE |
| | AREA OF WETLAND | | WETLAND DELINEATION LINE |
| | AREA OF PROPOSED DRIVEWAY | | OVERHEAD POWER |
| | TREE - DECIDUOUS | | TELEPHONE |
| | TREE - CONIFER | | COMMUNICATION POWER POLE |
| | | | TELEPHONE RISER |
| | | | FIRE HYDRANT |
| | | | WATER METER |
| | | | WATER VALVE |

ACCESS EASEMENT DATA TABLE:

| LOT | EASEMENT AREA (S.F.) IN LOT |
|-----|-----------------------------|
| 1 | 799 |
| 3 | 703 |

LOT DATA TABLE:

| LOT | TOTAL AREA (S.F.) | BLDG AREA (S.F.) | WETLAND AREA (S.F.) | UPLAND AREA (S.F.) | AREA OF WETLAND BUFFER (S.F.) |
|-----|-------------------|------------------|---------------------|--------------------|-------------------------------|
| 1 | 5,140 | 1,290 | 143 | 4,765 | 232 |
| 2 | 20,500 | 1,076 | 12,710 | 5,844 | 1,945 |
| 3 | 22,400 | 1,130 | 16,703 | 4,440 | 1,257 |

BASIS OF ELEVATIONS:

BASIS OF ELEVATIONS IS NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) BASED GPS OBSERVATIONS.

S&F Land Services

PORTLAND, VANCOUVER, BEND, SEASIDE

1725 N ROOSEVELT DR.
STE B, SEASIDE, OR 97138
(503) 738-3425

WWW.SFLANDS.COM

EMAIL: INFO@SFLANDS.COM

| DATE | JOB NO. | FIELD | DRAWN | CHECKED |
|---------------|----------|--------|-------|---------|
| JULY 26, 2022 | 21G30502 | SP/JPW | RER | JLW |

SURVEY FOR:

FOREST LAWN
PRELIMINARY PLAT

TAX LOT 51030DA04100
PARCEL 3, PP 2000-037

SW 1/4 SECTION 30, T5N, R10W, W.M.
CITY OF CANNON BEACH, CLATSOP COUNTY, OREGON

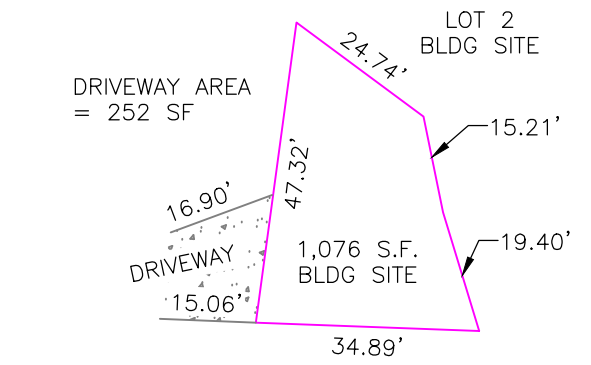
REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

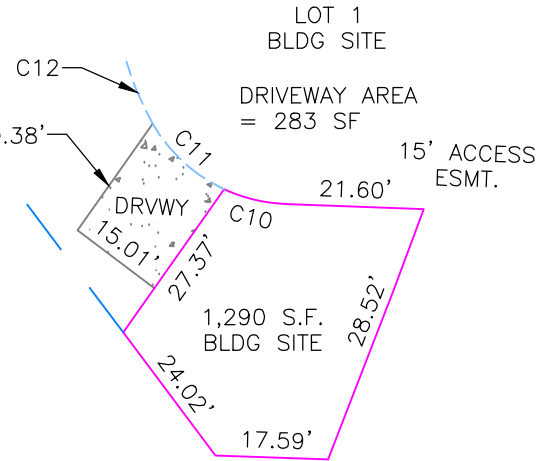
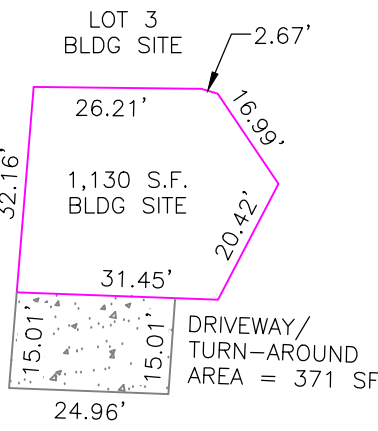
OREGON
SEPTEMBER 10, 2019
JACK L. WHITE II
91987PLS

RENEWES 6/30/24

30' 0 15' 30' 60'
SCALE: 1" = 30'



BUILDING (BLDG) SITE DETAILS:
SCALE 1"=30'



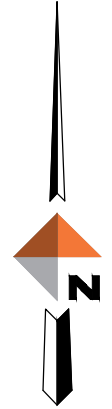
20G30501_PRELIM_PARTITION.dwg

Simplified Tentative Partition Plan

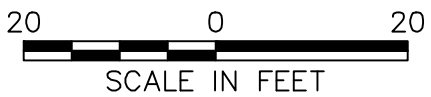




Wetland and Wetland Buffer Areas to be subject to Conservation Covenant that will be recorded with the Final Plat. No development, human-activity, or other encroachments will be allowed with Wetland and Wetland Buffer Areas.



7/27/2022



720 SW Washington Street, #750
Portland, Oregon 97205
971-280-8641

Project No. 2332.14830.01

Contact: Read Stapleton, AICP

Tree Protection Plan



Arborist Report



Todd Prager & Associates LLC

MEMORANDUM

DATE: July 21, 2022
TO: Patrick/Dave, LLC
FROM: Todd Prager, RCA #597, ISA Board Certified Master Arborist
RE: Tree Plan for the Forest Lawn Partition

Summary

After adjustments to the proposed site design and infrastructure improvements, 34 trees are proposed to be retained and 7 trees are proposed to be removed at the Forest Lawn Partition in Cannon Beach. The current proposed tree removal has been reduced from 11 trees to 7 trees since the May 26, 2022 partition application submittal. The 34 trees to be retained with site design and infrastructure improvements will be protected according to the recommendations in this report.

Background

Patrick/Dave, LLC is proposing a three-lot partition and construction of infrastructure improvements at the vacant property located south of the intersection of Forest Lawn Road and South Hemlock Street in Cannon Beach, Oregon. Wetlands occupy much of the northern portion of the site with the buildable areas clustered towards the southern end. Access to lots 1 and 3 is proposed from South Hemlock Street and access to lot 2 is proposed from Forest Lawn Road. The proposed partition plan is provided in Attachment 1.

Sitka spruce (*Picea sitchensis*) is the dominant tree species at the site with scattered red alder (*Alnus rubra*) along with a western hemlock (*Tsuga heterophylla*) and crabapple (*Malus sp.*). Small diameter Hooker's willow (*Salix hookeriana*) occupy much of the wetland, but their diameter's were smaller than required to be individually inventoried.

The partition application dated May 26, 2022 anticipated the removal of 11 trees with future development of the site and lots.

The assignment requested of my firm for this project was to:

- Visit the property to review the site and trees;
- Coordinate with the project design team to identify opportunities for additional tree preservation;
- Provide my recommendations for tree preservation and removal based on the site constraints; and
- Provide tree protection recommendations for the construction of site and infrastructure improvements.

Tree and Site Assessment

On July 17, 2022, I visited the site and reviewed the trees. The purpose of my site visit was to verify the tree assessment dated December 28, 2021 by Arbor Care Tree Specialists, Inc. in Attachment 2. During my visit I also reviewed the site to determine if there were opportunities for additional tree preservation. My scope of work did not include a re-inventory of the trees at the site since that work was already completed by another arborist.

The tree assessment data in Attachment 1 was generally accurate and relevant for this stage of the project. The following changes and additions to the inventory based on my site visit are summarized as follows:

- **Tree 12**, a decayed red alder growing over a culvert, was removed by the City of Cannon Beach based on background I received.
- **Tree 15**, a 60-inch diameter (DBH) Sitka spruce, had a thinning crown compared with other trees at the site.
- **Tree 16**, a 50-inch Sitka spruce on a neighboring property, had a thinning crown compared with other trees at the site and a sweep in its lower trunk towards the northeast.
- **Tree 20**, a 30-inch DBH western hemlock, leaned away from the site and was separated from South Hemlock Street by larger Sitka Spruce that were adjacent to it.
- **Tree 21.1** was added to the site plan in its approximate location by my firm. It was a 36-inch DBH Sitka spruce in good health condition and fair structural condition with codominant stems at approximately 50 feet above ground. Its crown was moderately one sided due to competition with adjacent trees.
- **Tree 34** was a 35-inch DBH Sitka spruce with an approximately 15 percent live crown ratio. Live crown ratio is the ratio of the height of the tree's live foliage to the total height of the tree.
- **Tree 36** was a 36-inch DBH Sitka spruce with a sweep at its lower trunk towards South Hemlock Street.
- **Tree 37b** presently had a relatively low density of *Porodaedalea pini* conks.

With the removal of tree 12 from the inventory and addition of tree 21.1, the total inventoried tree count at the site remains at 41 trees.

Tree Preservation and Removal

Following my site visit, I coordinated with the project team to review and adjust the proposed plans with the goal of preserving additional trees. The following plan adjustments were made in coordination with the project team:

- **Utilities and Access:** The proposed utility and access easement alignment was adjusted to reduce disturbance to the root zones of trees 18 and 20;
- **Lot 1:** The lot 1 building site and vehicle turnaround was adjusted to reduce disturbance to the root zones of trees 16 and 18;
- **Lot 3:** The lot 3 building site was adjusted to reduce disturbance to the root zone of tree 25; and

- *Wetland Trees:* Trees 20 and 37b will be retained and monitored by the owners so that no tree removal will occur within the wetland.

The May 26, 2022 partition application proposed the removal of 11 trees. Based on proposed site plan changes, the current proposal is to remove 7 trees. Table 1 below is a summary of the current status of the 11 trees previously proposed for removal. Trees with changes in status are bolded in Table 1.

Table 1: Current Status of 11 Trees Previously Proposed for Removal

| Tree # | Type | DBH | Area | 5/22/2022 Proposal | Current Proposal | Comments |
|--------|-----------------|-----|---------|--------------------|------------------|---|
| 12 | red alder | 11 | wetland | remove | n/a | Removed by city |
| 15 | Sitka spruce | 60 | upland | remove | remove | This tree had a thinning crown and will be impacted by construction of the access drive and utilities from South Hemlock |
| 17 | Sitka spruce | 50 | upland | remove | remove | This tree had a poor live crown ratio, lean, heaving root plate, and will be impacted by construction of the access drive and utilities from South Hemlock |
| 18 | Sitka spruce | 29 | upland | remove | retain | This tree can be retained by repositioning of the access drive and utilities from South Hemlock and relocating the lot 1 vehicle turnaround |
| 19 | Sitka spruce | 36 | upland | remove | remove | This tree conflicts with construction of the access drive and utilities from South Hemlock |
| 20 | western hemlock | 30 | wetland | remove | retain | This tree leaned away from the building site and was separated from South Hemlock Street by larger Sitka Spruce that were adjacent to it. The adjacent trees offered protection to the roadway. It may be retained and monitored at this time. |
| 23 | Sitka spruce | 32 | upland | remove | remove | This tree conflicts with the access drive, utilities, and building site for lot 3. |
| 34 | Sitka spruce | 35 | upland | remove | remove | This tree conflicts with the building site for lot 3. |
| 35 | Sitka spruce | 35 | upland | remove | remove | This tree conflicts with the building site for lot 3 and is infected with <i>Fomitopsis pinicola</i> . |
| 36 | Sitka spruce | 36 | upland | remove | remove | This tree conflicts with the building site for lot 3. |
| 37b | Sitka spruce | 32 | wetland | remove | retain | This tree was in the wetland and had a relatively low density of <i>Porodaedalea pini</i> conks. It may be retained and monitored at this time. |

Tree Protection Recommendations

The trees to be retained will require protection during construction. This section of the report includes my preliminary tree protection recommendations for the construction of site and infrastructure improvements.

- *Tree Protection Fencing:* Tree protection fencing shall be installed in the locations shown in Attachment 1 prior to construction of site and infrastructure improvements. If work is required in the tree protection zones, the project arborist shall be consulted to oversee the work.
- *Directional Felling:* Fell the trees to be removed away from the trees to be retained so they do not contact or otherwise damage the trunks or branches of the trees to be retained. No vehicles or heavy equipment shall be permitted within the tree protection zones during tree removal operations.
- *Stump Removal:* The stump of trees 17, 19, 23, 34, 35, and 36 to be removed shall have their structural roots cut prior to removal to protect the root systems of the adjacent trees to be retained.
- *Underground utilities:* Excavation for underground utilities shall be centered within the access/utility easement to gain maximum distance from both trees 18 and 20. If roots over 2-inches in diameter are encountered during excavation, work should be paused and excavation overseen by the project arborist so that roots may be retained and tunneled under where possible.
- *Access, driveways, and turnaround construction:* The access, driveway, and turnarounds adjacent to trees 16, 18, 20, 24, and 25 shall be constructed of clean crushed rock (with no fines) over geotextile fabric that is permeable to air and water. The surface litter layer shall be carefully removed under arborist supervision prior to fabric and rock placement to minimize damage and disturbance to any surface roots of trees to be retained. No excavation beyond the native soil surface is permitted. At least four inches of crushed rock over geotextile fabric shall be placed over exposed surface roots to protect them from damage.
- *Building Foundations within Tree Protection Zones:* If any building foundations are to be constructed within the tree protection zones shown in Attachment 1, they will need to be designed to protect structural roots that may be located within their footprints. This may involve pneumatic excavation to locate structural roots greater than 2-inches in diameter and bridging the foundations over the roots. A pier foundation is the least intrusive foundation type (Figure 1) and may be required to minimize root impacts. Any pneumatic excavation or foundation construction within the tree protection zones will need to occur under the onsite supervision of the project arborist.

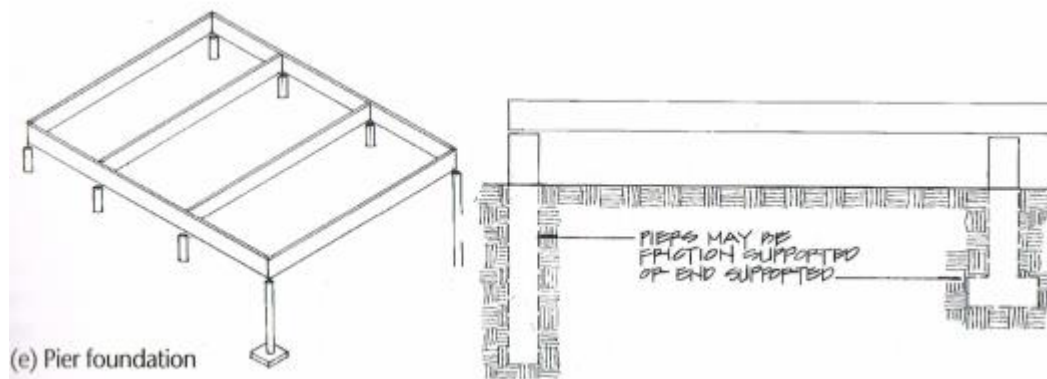


Figure 1: Pier Foundation Example¹

- *Compaction Management:* If needed for construction access, a 12-inch layer of wood chips over geotextile fabric shall be placed in the tree protection zones to prevent excessive soil compaction from construction traffic. The project arborist will need to review and approve shifting of the fence locations and final placement of wood chips if required. The fabric and wood chips should be removed after construction is complete.
- *Crown Pruning Trees:* If the crowns of any trees need to be raised and/or reduced, it shall occur prior to construction. The pruning shall be conducted by an ISA certified arborist in accordance with ANSI A300 pruning standards in coordination with the project arborist. The pruning shall be the minimum necessary to achieve the required clearance for construction.
- *Erosion Control:* If erosion control is required within or directly adjacent to the tree protection fencing, straw wattles shall be used to avoid excavation.

Additional tree protection recommendations are included in Attachment 3.

¹ Figure 1 from:

Matheny, N. P., & Clark, J. R. (1998). *Trees and development: A technical guide to preservation of trees during land development*. Champaign, IL: International Society of Arboriculture.

Conclusion

After adjustments to the proposed site design and infrastructure improvements, 34 trees are proposed to be retained and 7 trees are proposed to be removed. The previous proposal included the removal of 11 trees.

The trees to be retained as part of the site design and infrastructure improvements will be protected according to the recommendations in this report.

Please contact me if you have questions, concerns, or need any additional information.

Sincerely,



Todd Prager

*ASCA Registered Consulting Arborist #597
ISA Board Certified Master Arborist, WE-6723B
ISA Qualified Tree Risk Assessor
AICP, American Planning Association*

- Attachment 1: Site Plan with Trees and Tree Protection
- Attachment 2: Tree Inventory
- Attachment 3: Tree Protection Recommendations
- Attachment 4: Assumptions and Limiting Conditions





Todd Prager & Associates
LLC

Attachment 2

| Tree Number | Common Name | Scientific Name | Comments from Arbor Care Tree Specialists | DBH |
|-------------|-----------------|---------------------------|--|-----|
| 1 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 22 |
| 2 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 22 |
| 3 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 12 |
| 4 | Red alder | <i>Alnus rubra</i> | Ok, tipped tree with horizontal trunk. Stable | 12 |
| 5 | Red alder | <i>Alnus rubra</i> | Large decay pocket. No target. No action required | 9 |
| 6 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 9 |
| 7 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 12 |
| 8 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 35 |
| 9 | Sitka spruce | <i>Picea sitchensis</i> | Phaeolus schweinitzii at base. Leans into wetland. | 50 |
| 10 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 12 |
| 11 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 27 |
| 12 | Red alder | <i>Alnus rubra</i> | Remove. Growing over culvert and decay in plane of lean toward road. | 11 |
| 13 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 30 |
| 14 | Crab apple | <i>Malus sp.</i> | Ok. Cluster of 5 trunks | 6-8 |
| 15 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 60 |
| 16 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 50 |
| 17 | Sitka spruce | <i>Picea sitchensis</i> | Remove. Poor live crown ratio and heavy lean with a heaving root plate | 50 |
| 18 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 29 |
| 19 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 36 |
| 20 | Western hemlock | <i>Tsuga heterophylla</i> | Remove. Heavy lean with a heaving root plate | 30 |
| 21 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 36 |
| 21.1 | Sitka spruce | <i>Picea sitchensis</i> | Added by Todd Prager based on July 21, 2022 site visit. Good health condition and fair structural condition with codominant stems at approximately 50 feet above ground. Crown was moderately one sided due to competition with adjacent trees | 36 |
| 22 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 30 |
| 23 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 32 |
| 24 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 40 |
| 25 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 35 |
| 26 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 33 |



Todd Prager & Associates
LLC

Attachment 2

| Tree Number | Common Name | Scientific Name | Comments from Arbor Care Tree Specialists | DBH |
|--------------------|--------------------|-------------------------|--|------------|
| 27 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 30 |
| 28 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 30 |
| 29 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 21 |
| 30 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 19 |
| 31 | Sitka spruce | <i>Picea sitchensis</i> | Ok | |
| 32 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 40 |
| 33 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 20 |
| 34 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 35 |
| 35 | Sitka spruce | <i>Picea sitchensis</i> | Remove. Fomitopsis pinicola seen at 18ft. | 35 |
| 36 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 36 |
| 37 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 30 |
| 37b | Sitka spruce | <i>Picea sitchensis</i> | Remove. Porodaedalea pini: multiple fruiting bodies extending up trunk | 32 |
| 38 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 42 |
| 39 | Sitka spruce | <i>Picea sitchensis</i> | Ok | 24 |
| 40 | Red alder | <i>Alnus rubra</i> | Ok | 22 |

*This tree inventory is adapted from information collected by Arbor Care Tree Specialists and compiled in their report dated 12-28-2021.

Attachment 3

Tree Protection Recommendations

Before Construction Begins

1. Notify all contractors of tree protection procedures. For successful tree protection on a construction site, all contractors must know and understand the goals of tree protection.
 - a. Hold a tree protection meeting with all contractors to explain the goals of tree protection.
 - b. Have all contractors sign memoranda of understanding regarding the goals of tree protection. The memoranda should include a penalty for violating the tree protection plan. The penalty should equal the resulting fines issued by the local jurisdiction plus the appraised value of the tree(s) within the violated tree protection zone per the current Trunk Formula Method as outlined in the current edition of the ***Guide for Plant Appraisal*** by the Council of Tree & Landscape Appraisers. The penalty should be paid to the owner of the property.
2. Fencing
 - a. Trees to remain on site will be protected by installation of tree protection fencing as shown in Attachment 1.
 - b. Unless otherwise noted, the fencing should be put in place before the ground is cleared to protect the trees and the soil around the trees from disturbances.
 - c. Fencing should be established by the project arborist based on the needs of the trees to be protected and to facilitate construction.
 - d. Fencing should consist of 6-foot-high steel fencing on concrete blocks or 6-foot metal fencing secured to the ground with 8-foot metal posts to prevent it from being moved by contractors, sagging, or falling down.
 - e. Fencing should remain in the position that is established by the project arborist and not be moved without approval from the project arborist.
3. Signage
 - a. All tree protection fencing should have signage as follows so that all contractors understand the purpose of the fencing:

TREE PROTECTION ZONE

DO NOT REMOVE OR ADJUST THE LOCATION OF THIS
TREE PROTECTION FENCING
UNAUTHORIZED ENCROACHMENT MAY RESULT IN FINES

Please contact the project arborist if alterations to the location of the tree protection fencing are necessary.

Todd Prager, Project Arborist, Todd Prager & Associates, 971-295-4835

- b. Signage should be placed every 75-feet or less.

During Construction

1. Protection Guidelines Within the Tree Protection Zones:
 - a. No new buildings; grade change or cut and fill, during or after construction; new impervious surfaces; or utility or drainage field placement should be allowed within the tree protection zones.
 - b. No traffic should be allowed within the tree protection zones. This includes but is not limited to vehicle, heavy equipment, or even repeated foot traffic.
 - c. No storage of materials including but not limiting to soil, construction material, or waste from the site should be permitted within the tree protection zones. Waste includes but is not limited to concrete wash out, gasoline, diesel, paint, cleaner, thinners, etc.
 - d. Construction trailers should not to be parked/placed within the tree protection zones.
 - e. No vehicles should be allowed to park within the tree protection zones.
 - f. No other activities should be allowed that will cause soil compaction within the tree protection zones.
2. The trees should be protected from any cutting, skinning or breaking of branches, trunks or woody roots.
3. The project arborist should be notified prior to the cutting of woody roots from trees that are to be retained to evaluate and oversee the proper cutting of roots with sharp cutting tools. Cut roots should be immediately covered with soil or mulch to prevent them from drying out.
4. Trees that have woody roots cut should be provided supplemental water during the summer months.
5. Any necessary passage of utilities through the tree protection zones should be by means of tunneling under woody roots by hand digging or boring with oversight by the project arborist.
6. Any deviation from the recommendations in this section should receive prior approval from the project arborist.

After Construction

1. Carefully landscape the areas within the tree protection zones. Do not allow trenching for irrigation or other utilities within the tree protection zones.
2. Carefully plant new plants within the tree protection zones. Avoid cutting the woody roots of trees that are retained.
3. Do not install permanent irrigation within the tree protection zones unless it is drip irrigation to support a specific planting or the irrigation is approved by the project arborist.
4. Provide adequate drainage within the tree protection zones and do not alter soil hydrology significantly from existing conditions for the trees to be retained.
5. Provide for the ongoing inspection and treatment of insect and disease populations that can damage the retained trees and plants.
6. The retained trees may need to be fertilized if recommended by the project arborist.
7. Any deviation from the recommendations in this section should receive prior approval from the project arborist.

Attachment 4

Assumptions and Limiting Conditions

1. Any legal description provided to the consultant is assumed to be correct. The information provided by Patrick/Dave, LLC and their consultants was the basis of the information provided in this report.
2. It is assumed that this property is not in violation of any codes, statutes, ordinances, or other governmental regulations.
3. The consultant is not responsible for information gathered from others involved in various activities pertaining to this project. Care has been taken to obtain information from reliable sources.
4. Loss or alteration of any part of this delivered report invalidates the entire report.
5. Drawings and information contained in this report may not be to scale and are intended to be used as display points of reference only.
6. The consultant's role is only to make recommendations. Inaction on the part of those receiving the report is not the responsibility of the consultant.
7. This report is a summary of my assignment which was to:
 - Visit the property to review the site and trees;
 - Coordinate with the project design team to identify opportunities for additional tree preservation;
 - Provide my recommendations for tree preservation and removal based on the site constraints; and
 - Provide tree protection recommendations for the construction of site and infrastructure improvements.

Supplemental Earth Engineers Letter





Earth
Engineers,
Inc.

2411 Southeast 8th Avenue • Camas • WA 98607

Phone: 360-567-1806

www.earth-engineers.com

July 27, 2022

Patrick/Dave LLC
3514 Northeast U.S. Grant Place
Portland, Oregon 97212
Attention: David Pietka, Owner

Phone: (503) 206-1071
E-mail: dpietka@msn.com

**Subject: Supplemental Commentary on Landslide and Liquefaction Hazards
Proposed Forest Lawn 3-Lot Partition
Clatsop County Tax Lot No. 51030DA04100
Intersection of Forest Lawn Road and Hemlock Street
Cannon Beach, Clatsop County, Oregon
EEI Report No. 22-103-2**

Dear Mr. Pietka,

As requested by Jamie Lerma with Red Crow, LLC, Earth Engineers, Inc. (EEI) is pleased to provide additional commentary on the landslide and liquefaction hazards identified in our Geotechnical Investigation Report (reference EEI Report No. 22-103-1-R1 dated June 10, 2022). We understand that at the last Planning Commission meeting to discuss the proposed 3-lot partition, there was some concern expressed about landslide and liquefaction hazards.

Our scope of services for the above referenced project was to perform a geotechnical investigation and evaluate geologic hazards in accordance with the Cannon Beach Municipal Code (CBMC) 17.050. **To be clear, Section 17.50.010 of the code essentially states that the purpose of evaluating geologic hazards is so that the project can be engineered to properly address the potential hazards—the purpose is not to determine if the project should be constructed or not.**

Two of the hazards identified in our June 10, 2022 report were landsliding and soil liquefaction during an earthquake. We should note that just because geologic hazards are identified for a property, does not mean that the property is not developable from a geotechnical standpoint. The key is to identify potential hazards and provide recommendations on how to properly mitigate those hazards so that the hazard is not made worse on adjacent properties, and that the subject property can be constructed without risk to life-safety.

Section 17.50.040(3) of the CBMC provides the critical standard for the City's review of geologic hazards, and is noted below:

3. The burden of proof shall be upon the applicant to show construction feasibility. A proposed use will be permitted only where:

- a. The geologic site investigation report indicates that there is not a hazard to the use proposed on the site or to properties in the vicinity; or
- b. The geologic site investigation report and engineering report specifies engineering and construction methods which will eliminate the hazard, or will minimize the hazard to an acceptable level.

As identified through our original report and investigation, and described in greater detail within this letter, the project site has been mapped by the City as having a “moderate” landslide potential and “low” liquefaction potential. These mapping indicators are not unique to the site and are pervasive throughout Cannon Beach. For example, nearly the entire City is mapped as having a moderate or high potential for liquefaction and significant areas through the City have either a “moderate,” “high,” or “very high” landslide potential designation.

For that reason, these mapping indicators are not intended to inherently prohibit development. Rather, they are intended to ensure that—consistent with CBMC 17.50.040.3(b)—engineering and construction methods are applied to mitigate the concern. Consistent with that intent, EEl has prescribed design measures that, based on our professional recommendation, will protect the life-safety of future structures on the subject property and not worsen the potential for liquefaction or landslide hazards on the adjacent properties, thereby minimizing the hazard to an acceptable level. Specific mitigation measures prescribed include:

- Granulated, well graded, crushed rock as structural fill, as necessary; and
- Pin pile or helical pier foundation systems for the future residential dwellings

LANDSLIDING HAZARD

Landsliding was identified because the property is mapped near a very large landslide. There are two applicable landslide maps that were included in our June 10, 2022 report (see Figures 1 through 4 below). Figure 1 shows that the subject property is mapped in a “moderate” hazard area. Figure 2 is the same map, but zoomed out to show that the majority of Cannon Beach is mapped in a landslide hazard area.

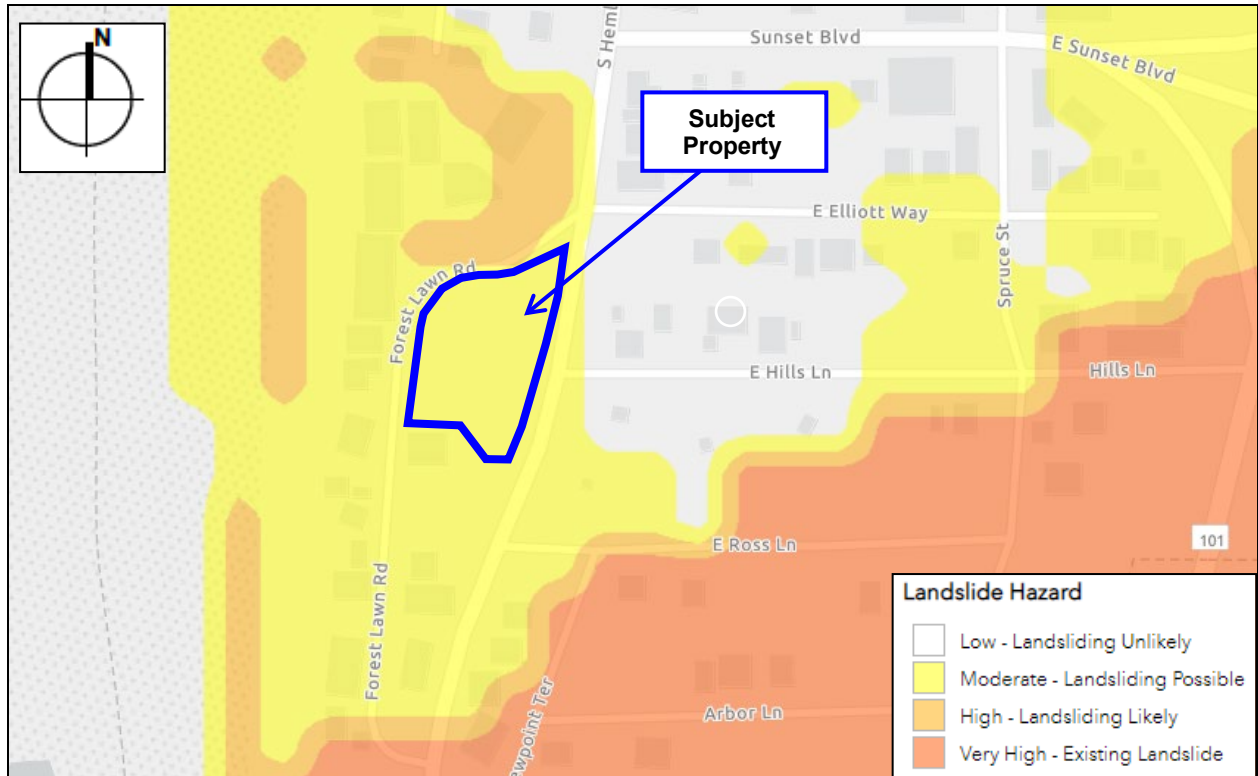


Figure 1: HazVu map showing the landslide hazard zones deposits in the immediate vicinity of Forest Lawn Road.

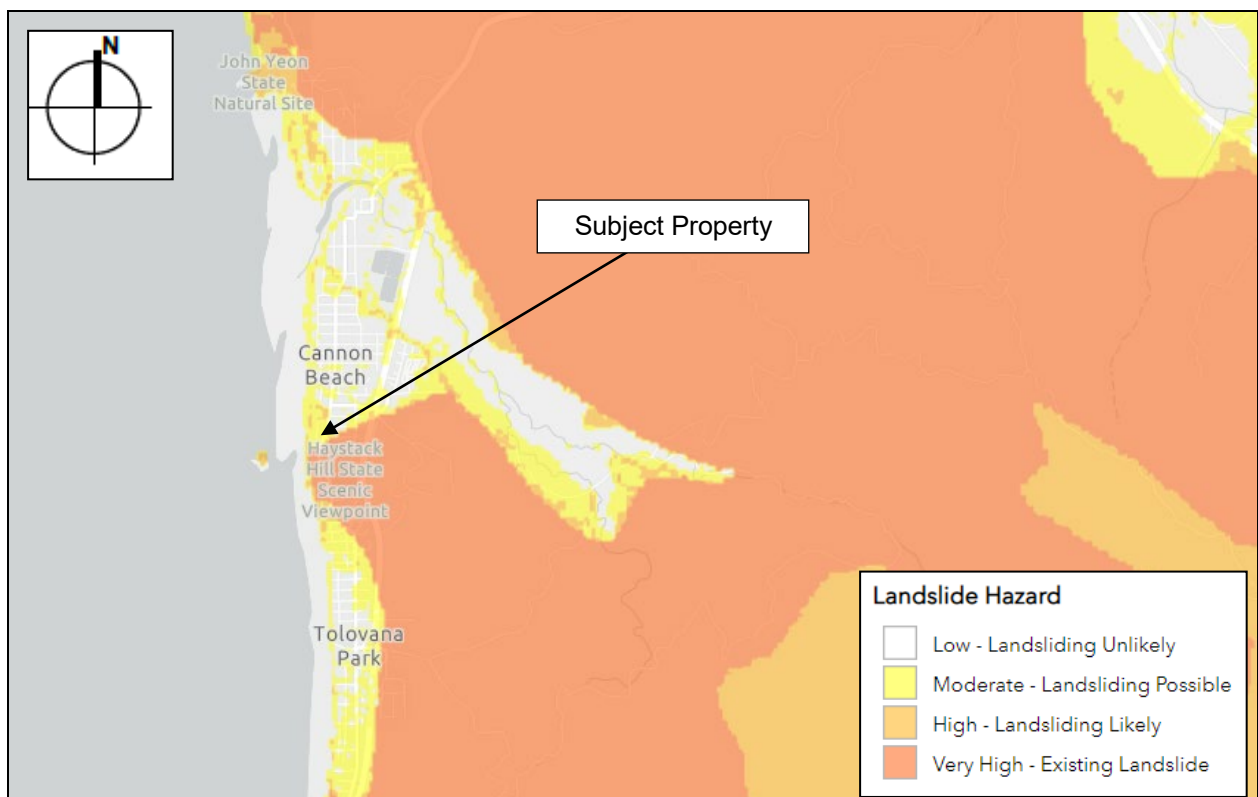


Figure 2: The same HazVu map as Figure 1 above, but showing the landslide hazard of the greater Cannon Beach area.

Figure 3 shows that the subject property is mapped adjacent to, but not within, a very large landslide mass. Figure 4 is the same map, but zoomed out to show that the majority of Cannon Beach is mapped in a very large ancient landslide area.

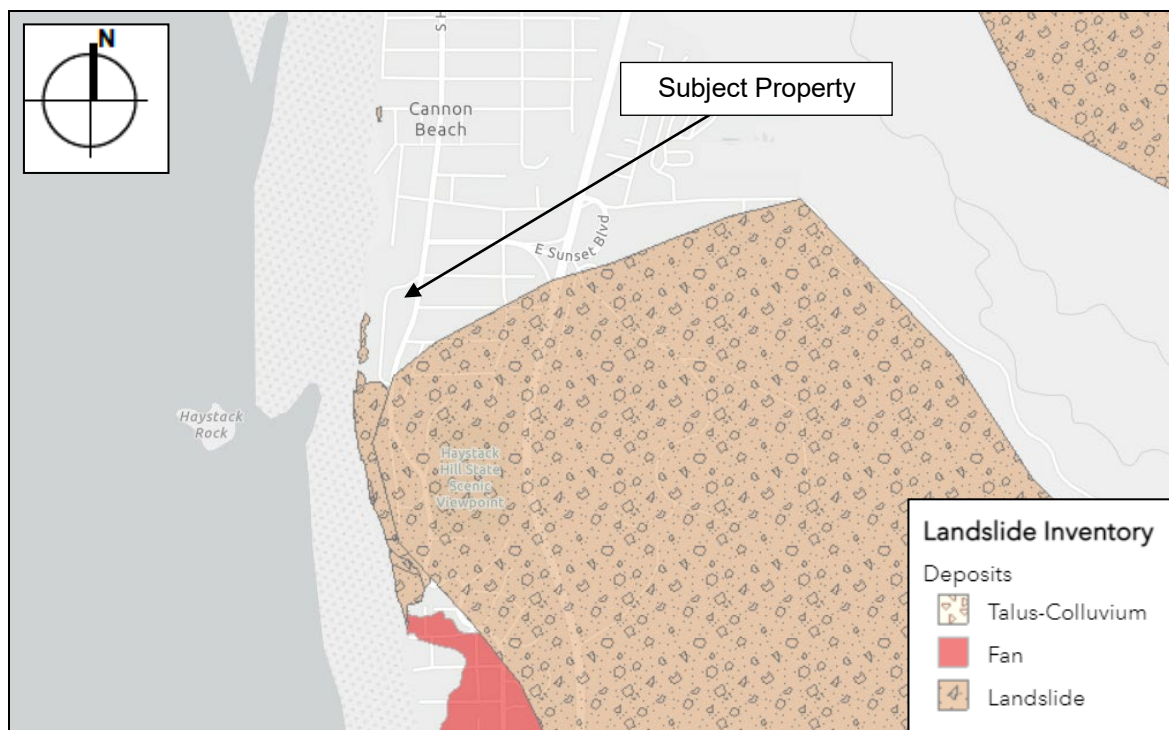


Figure 3: HazVu map showing the mapped landslide deposits in the immediate vicinity of Forest Lawn Road.

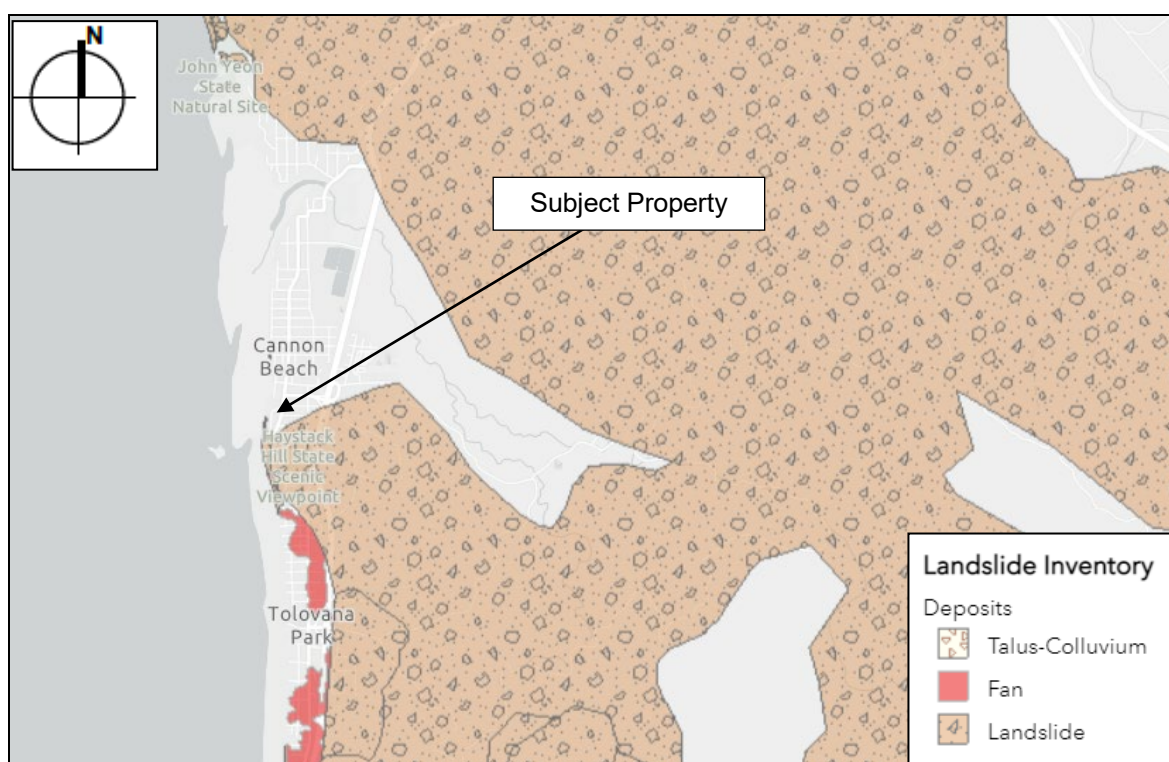


Figure 4: The same HazVu map as Figure 3, showing the mapped historic landslide deposits in the greater Cannon Beach area.

Ultimately, we identified that the property is mapped in a landslide hazard area, as shown in the mapping above, we investigated the subsurface soil conditions with borings and lab testing as required, and we determined that the hazard mitigation should include a more robust foundation system to support the future homes (i.e. a pile foundation system that are estimated to be 30 to 50 feet deep, depending upon the type of deep foundation system selected). A deep foundation system will take the building loads down to the stable sandstone stratum. No other mitigation recommendations are necessary to protect life-safety for the subject 3-lot development or ensure that the landslide risk is not made worse on adjacent lots as a result of this proposed development.

LIQUEFACTION HAZARD

There is one applicable liquefaction hazard map that was included in our June 10, 2022 report (see Figures 5 and 6 below). Figure 5 shows that the subject property is generally mapped in a “low” hazard area. Figure 6 is the same map, but zoomed out to show that the majority of Cannon Beach is mapped in a liquefaction hazard area. Based on our drilled borings, we would concur with the mapping that soil liquefaction is a potential hazard at the property.

Similarly to the landslide hazard, we identified that the property is mapped in a liquefaction hazard area, we investigated the subsurface soil conditions with borings and lab testing as required, and we determined that the hazard mitigation should include a more robust foundation system to support the future homes (i.e. a pile foundation system that are estimated to be 30 to 50 feet deep, depending upon the type of deep foundation system selected). A deep foundation system will take the building loads down through the potentially liquefiable soils to the stable sandstone stratum. No other mitigation recommendations are necessary to protect life-safety for the subject 3-lot development or ensure that the liquefaction risk is not made worse on adjacent lots as a result of this proposed development.

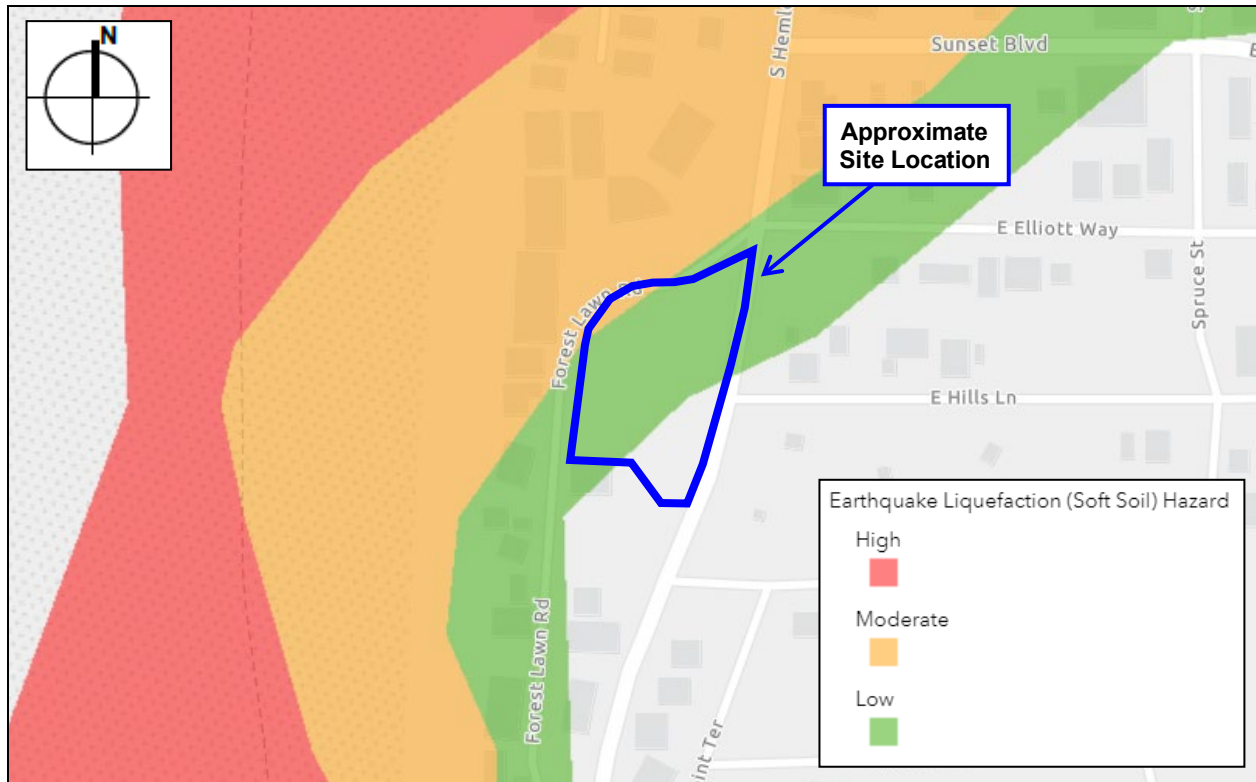


Figure 5: HazVu map showing the liquefaction (soft soil) hazard area in the immediate vicinity of Forest Lawn Road.

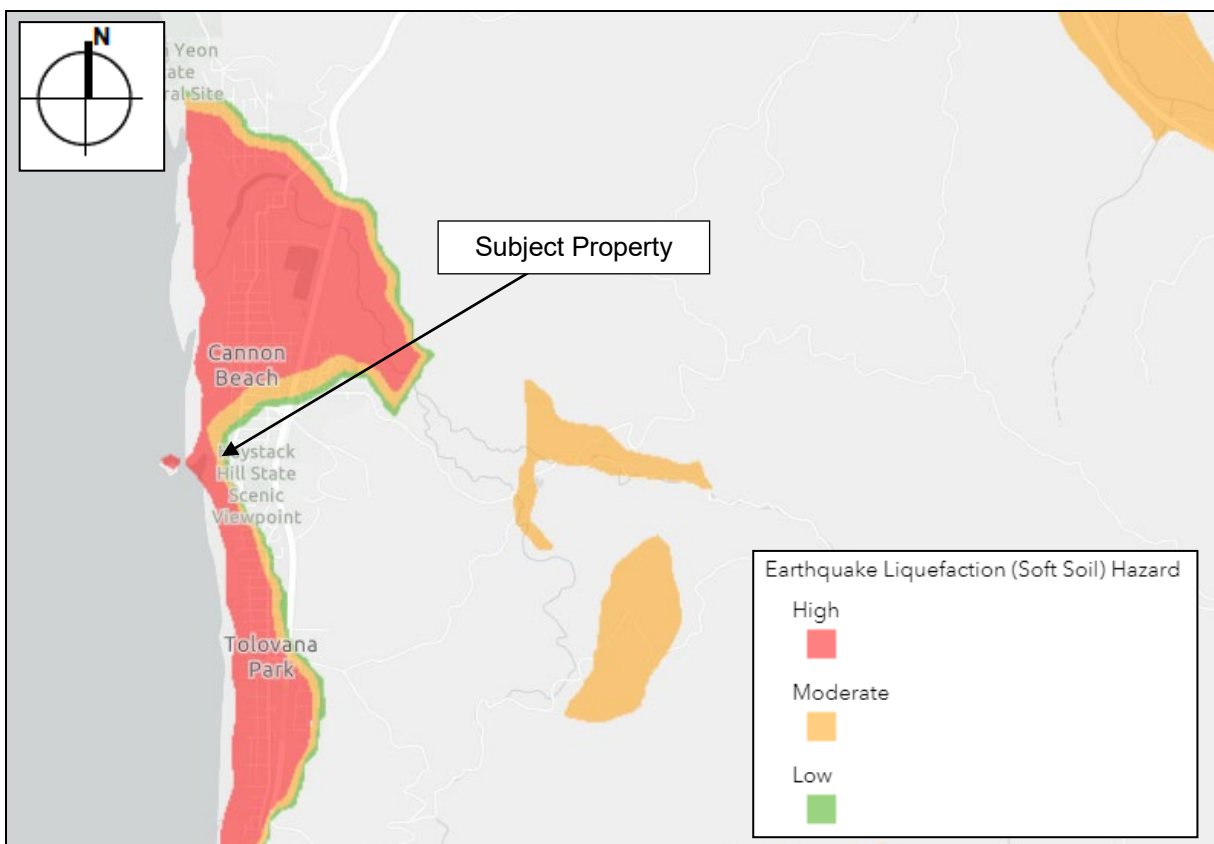


Figure 6: The same HazVu map as Figure 5, showing the liquefaction (soft soil) hazard in the greater Cannon Beach area

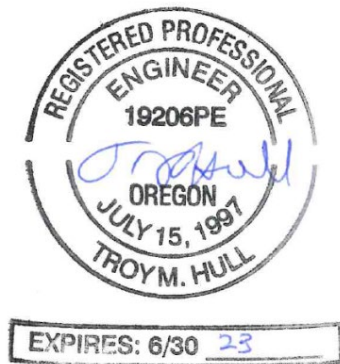
CONCLUSION

In conclusion, it is our professional opinion that we have met the City of Cannon Beach requirements for addressing geologic hazards. We identified the potential hazards that are present, we performed a thorough site investigation to evaluate those hazards, and we provided engineering recommendations to address the hazards. The recommendations we provided protect life-safety for the subject property and ensure that the hazard on adjacent properties is not made any worse as a result of the proposed development. Note that the City's July 21, 2022 Staff Report concurs with us that we have met the criteria for evaluating and addressing the geologic hazards and the City staff is recommending the conditional approval, without any conditions related to the geologic hazards (other than following the recommendations in our geotechnical report during construction).

Again, the intent of the City's code is not to identify geologic hazards so that construction can be prevented, but to identify the geologic hazards so that they can be properly addressed during construction.

If you have any questions pertaining to this report, or if we may be of further service, please contact our office.

Sincerely,
Earth Engineers, Inc.



Troy Hull, P.E., G.E.
Principal Geotechnical Engineer

A handwritten signature in black ink, appearing to read "Jacquie Boyer".

Jacqui Boyer
Geotechnical Engineering Associate



Treescaping Northwest
 Jeff Gerhardt, Consulting Arborist
 ISA Certified Arborist #PN-5541A



City of Cannon Beach, Planning Department

Attn: Jeff Adams

adams@ci.cannon-beach.or.us

(503) 436-8054

July 28, 2022

Initial Tree Plan Review 2 - Forest Lawn Partition

Per your request, I reviewed the new materials submitted by Master Arborist Todd Prager. His report lessens the number of tree removals from 11 to 7, and gives specific guidelines for tree protection. This report satisfies my request in retaining additional mature trees on this property.

It will be paramount to tree preservation, that input from a Certified Arborist be acquired throughout the project, especially early on. Tree protection recommendations (Attachment 3, Prager) shall be strictly followed. The installation of Tree Protection Zone fencing and signage must be placed and maintained as outlined.

It will be necessary that I, the City's Arborist, make site inspections throughout the project at the property owners expense to insure the success of tree preservation.

Best regards,

Jeff Gerhardt

Treescaping Northwest

P.O. Box 52

Manzanita, OR 97130

CCB# 236534

Cell: 503-453-5571

www.treescapingnorthwest.com

From: barb hinthorne <bhinthor@yahoo.com>
Sent: Tuesday, July 26, 2022 10:21 AM
To: Planning Group; Jennifer Barrett
Subject: Planning Commission meeting

July 26,2022

To the Planning Commission and the Planning Department

Re:Wetlands Consideration

Thank you for recognizing the importance of revisiting our concerns about the wetlands.

We can all agree that we live in a unique place. Cannon Beach has recognizable landmarks, an amazing ocean setting with natural beauty plus woodlands, old growth forests and wetlands.

This letter is a request that the Planning Commission reconsider the impact of developing on the wetlands, specifically those located on Forest Lawn Road and S.Hemlock Street.

The short term impact will immediately and negatively affect the neighboring properties and,of course, the wildlife. The only "positive" impact, it seems to me, is financial gain for the developers and the contracted construction companies.

The long term impact is far reaching and permanent and affects everyone!

Among many of its benefits, the wetlands help to moderate climate conditions by storing carbon. We are already experiencing climate change, as you know. Unfortunately, Cannon Beach has limited wetlands remaining. Let's do our small but significant part by preserving our remaining wetlands now.

I'm confident that all of you on the commission are well versed in the substantial benefits of the wetlands so there's no need for me to list them in this letter. As stated on the Environmental Protection Agency's website: Wetlands provide values no other ecosystem can.

Thank you for your commitment to preserving and protecting Cannon Beach's resources and character.

With respect,
Barb Hinthorne

PO Box 135
Cannon Beach



Work Session review of a Zoning Ordinance Amendment request by Will Rasmussen on behalf of Haystack Rock LLC, for a text amendment regarding notice requirements for applications and decisions.



William L. Rasmussen
william.rasmussen@millernash.com
503.205.2308 (direct)

July 27, 2022

VIA EMAIL
PLANNING@CI.CANNON-BEACH.OR.US

Cannon Beach Planning Commission
City of Cannon Beach
PO Box 368
163 E Gower St
Cannon Beach, OR 97110

**Subject: Need for Code Amendment re Notice—Inclusion of the Public and Planning
Commission in Matters of Public Interest**

Dear Commissioners:

In May, we submitted this code amendment request on behalf of Haystack Rock, LLC, to require notice for certain City decisions of public interest. This proposal results from the lack of notice given from City staff when they approved the Robertses' smaller house. Staff's failure to provide notice excluded the public and Planning Commission from a matter of high public interest. Over 50 people participated in opposition to prior proposals by the Robertses. Indeed, just a few months before staff approved this latest Roberts proposal, the Planning Commission denied the Robertses' request for a stability beam that is included in the now-approved development.

As you may recall, last year we submitted a code amendment request with new notice and procedural requirements for certain access applications. As part of that process, staff indicated that it would implement a new online protocol for sharing information on land use applications. It implemented this website-based posting related to the Robertses' new smaller-house application, but then inexplicably approved the Robertses' new development with no notice to neighbors and no posting on the website. This resulted in the local appeal period running with zero notice to people who had previously testified, requested notice, and should have been notified.

4854-5730-9471.9

This omission of notice also resulted in Haystack Rock's appeal of the grant of a permit for the smaller house going directly to LUBA, effectively excluding the public, Planning Commission, and City Council from the decision-making process. This is not how Oregon's land use system is supposed to work. Oregon Statewide Land Use Planning Goal 1 is Citizen Involvement. Including interested citizens in land use decision-making is a hallmark of Oregon's land use planning system.

Following discovery of staff's approval without notice, we immediately requested that the City withdraw the decision for reconsideration. This would have enabled staff to make the same decision (if they wanted to) while allowing the public the opportunity to participate. In my experience, taking public comment results in better decisions. A withdrawal and reissuance of the decision would have also enabled the normal review by the Planning Commission if anyone appealed the staff decision. Staff chose to stand by its decision to omit notice. This affirmed its decision to exclude the public and Planning Commission from participation in the process. This code amendment proposal followed.

The code amendment proposal before you will ensure that interested Cannon Beach citizens and neighboring property owners will have the opportunity to comment on developments. This does not dictate any outcome—just the ability to voice concerns. The proposal will also ensure that applicants and staff cannot skip the Planning Commission and City Council on contentious proposals.

Staff has previously argued that maintaining a list of persons who request notice on specific developments would be too burdensome. While we recognize that maintaining such a spreadsheet or similar list would take some time, almost every other jurisdiction does so and is willing to give notice of land use decisions to anyone who requests them. Compared to the time and energy consumed on appeals of decisions where no notice was provided, this is an efficient and effective use of staff time and City resources.

We ask that you please schedule a hearing as soon as you reasonably can on this code amendment. Staff's failure to provide notice, place the decision on the application website, or otherwise make it publicly available undermined significant public interests and prevented the



Planning Commission from correcting the errant decision. These circumstances evidence a clear and urgent need for Haystack Rock's proposed code amendments.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'W. L. Rasmussen'.

William L. Rasmussen

cc: Jeff Adams (via email)