



July 18, 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)
Off-site Sources of Stormwater Discharge

Dear Planning Commission:

This letter is provided on behalf of Patrick/Dave LLC (applicant) as a response to comments made during the first evidentiary hearing held on June 23, 2022 for the above referenced project regarding off-site stormwater flows that are being impermissibly discharged onto the applicant's property. This issue is not directly relevant to the applicable approval criteria for either application currently under review. However, the applicant wanted to correct inaccurate statements and assumptions and provide clarification on this issue for the purpose of a complete and thorough public record.

As discussed during the hearing on June 23, 2022, there are two sources of stormwater discharge that are being conveyed to the applicant's property located at the corner of Forest Lawn Road and South Hemlock Street (tax lot 51030DA04100):

- Surface runoff from public rights-of-way (Forest Lawn Road); and
- Private runoff from a roof drain within tax lot 51030DA4104 to the south (1603 Forest Lawn Road)

These two sources of discharge are identified on Exhibit A. Photos of each source of discharge are also shown on Figures 1, 2, and 3 within Exhibit B. The applicant's consulting civil engineer, Morgan Civil Engineering, has calculated the volumes of stormwater runoff being impermissibly discharged to the applicant's property, which are included as Exhibit C.

Both sources of stormwater discharge violate the Cannon Beach Municipal Code (CBMC) and are not consistent with legal limitations on the alteration of the natural flow and discharge of stormwater. First, the stormwater discharge from 1603 Forest Lawn Road onto the applicant's property is not permitted per CBMC 13.16.050, which requires every private property owner within Cannon Beach control stormwater runoff within their own property. The owner of 1603 Forest Lawn Road was notified by the Cannon Beach Public Works Department of this violation on April 29, 2021 (see Exhibit D). In addition, the Cannon Beach Public Works Department's approval of the house constructed on this property required that stormwater be retained on-site by the property owner (see Exhibit E). This is not currently happening, and this property is also currently in violation of its approved building permits. Further, the applicant has not authorized the owner of 1603 Forest Lawn Road to discharge stormwater onto their property via an easement or other instrument. Lastly, per CBMC 17.43.040 and 045, point-source stormwater discharge to wetland and wetland buffer areas requires a conditional use permit (CUP). The owner of 1603 Forest Lawn Road does not have an active CUP for stormwater discharge to the wetlands within the applicant's property.

Second, the stormwater discharge from public rights-of-way is not permitted per CBMC 13.16.040. This chapter of the CBMC requires that public stormwater drainage facilities be located on city-owned property, city rights-of-way, and/or easements in favor of the City of Cannon Beach. While the stormwater management facilities shown on Exhibit A are within public rights-of-way, the existing outfall pipe (see Exhibit A and Figures 2 and 3 within Exhibit B) is directing stormwater discharge from public rights-of-way directly onto the applicant's property. Further, the City of Cannon Beach is not authorized to discharge stormwater onto the applicant's property via an easement or other instrument. Lastly, and as with the stormwater discharge from 1603 Forest Lawn Road, CBMC sections 17.43.040 and 045 require a CUP for point-source stormwater discharge to wetland and wetland buffer areas. The City of Cannon Beach does not have an active CUP for stormwater discharge to the wetlands within the applicant's property. Cannon Beach Public Works has acknowledged this problem and has stated their intent to solve this issue through alternative means of conveying public stormwater flows around the applicant's property, or by obtaining necessary permits and easements to legally convey the stormwater to the applicant's property.

The applicant is eager and willing to work with both the City of Cannon Beach and the owner of 1603 Forest Lawn Road on alternative means of stormwater conveyance that does not result in impermissible discharge to the applicant's property.

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.

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):

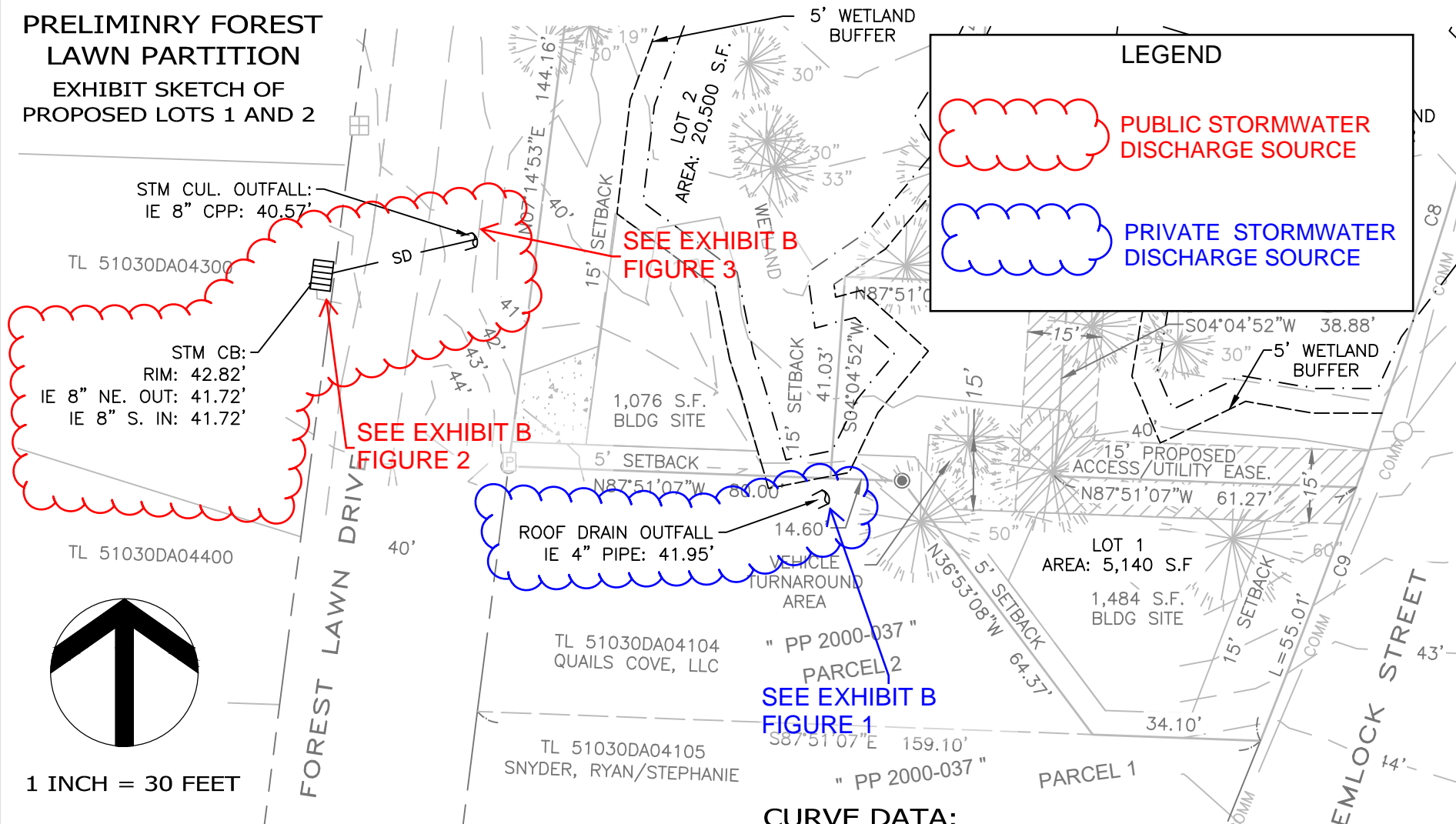
1. Exhibit A – Stormwater Discharge Source Map
2. Exhibit B – Photo Log
3. Exhibit C – Stormwater Runoff Calculations
4. Exhibit D – Letter from Cannon Beach Public Works to 1603 Forest Lawn Road
5. Exhibit E – 1603 Forest Lawn Road Public Works Development Plan Review Form

Exhibit A:

Stormwater Discharge Source Map

PRELIMINARY FOREST LAWN PARTITION

EXHIBIT SKETCH OF PROPOSED LOTS 1 AND 2



LEGEND:

- PROPOSED ACCESS AND UTILITY EASEMENT
- AREA OF WETLAND
- AREA OF PROPOSED DRIVEWAY

TREE - CONIFER

- BOUNDARY LINE
- RIGHT OF WAY
- LOT/PARCEL LINE
- WETLAND DELINEATION LINE
- COMMUNICATION
- STORM SEWER
- POWER POLE
- POWER JUNCTION BOX
- STORM CULVERT
- FOUND MONUMENT OF RECORD
- WATER METER
- STORM CATCH BASIN

CURVE DATA:

C8	C9
R=1402.02'	R=1402.02'
L=66.68'	L=79.29'
$\Delta=002^{\circ}43'30''$	$\Delta=003^{\circ}14'25''$

S&F Land Services

Date: 7/11/2022
Proj No: 20G30501

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

www.sflands.com
info@sflands.com

Exhibit B:

Photo Log

PROJECT NAME: Forest Lawn Partition

PROJECT NUMBER: DOWL #14830-01
CB #P22-01 & #CU22-02

REPORT NO: N/A

DATE: 7/12/2022

Figure 1: 1603 Forest Lawn Road Roof Drain Pipe

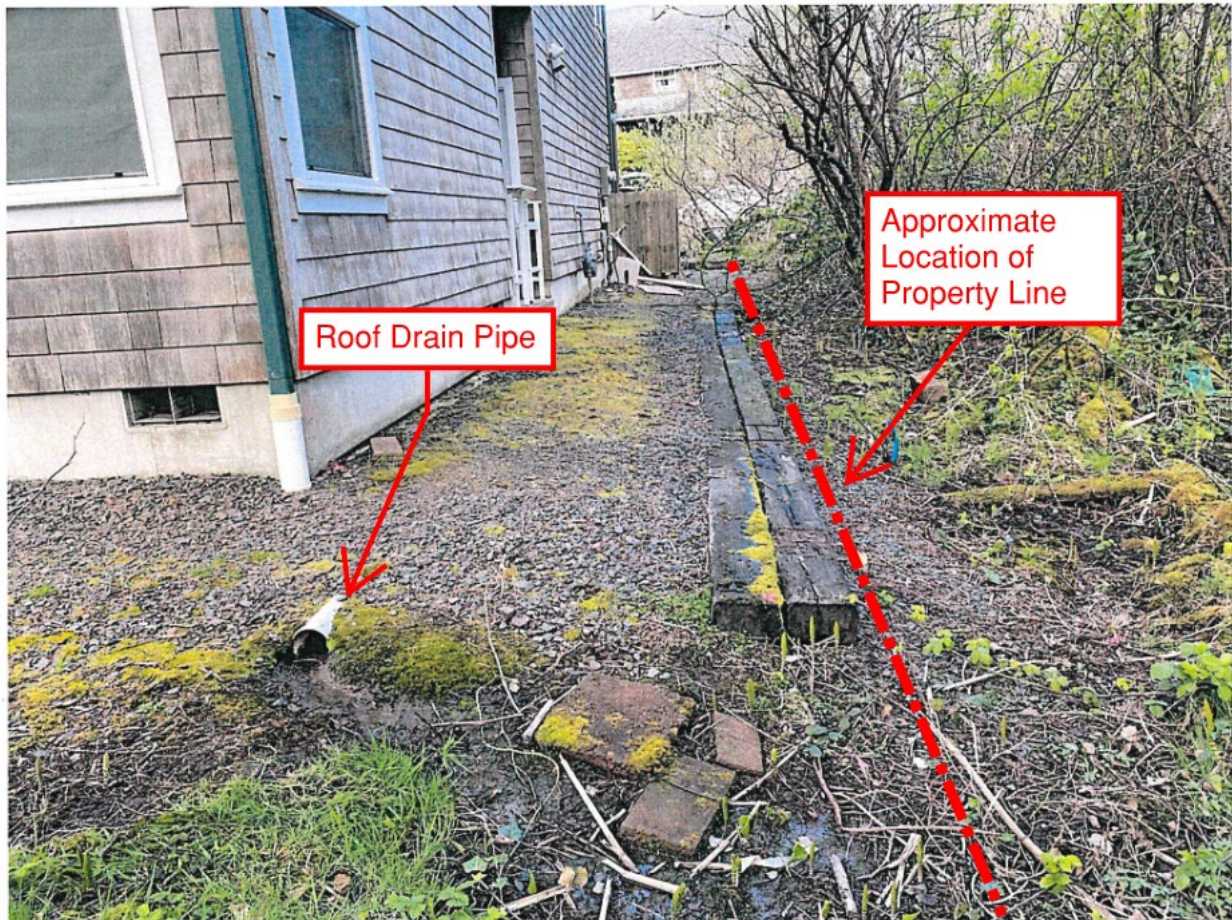


Figure 2: Public Stormwater Catch Basin (west side of Forest Lawn Road, looking east)



Figure 3: Public Stormwater Outfall Pipe (east side of Forest Lawn Road)



Exhibit C:

Stormwater Runoff Calculations



MORGAN CIVIL ENGINEERING, INC.

PO Box 358, Manzanita, OR 97130

ph: 503-801-6016

www.morgancivil.com

Drainage Calculations for

Patrick Gemma Property
Parcel 3 of Partition Plat 2000-37
Tax Lot 4100, Map 5N 10W 30DA
City of Cannon Beach, Clatsop County, Oregon
#21-01-Gem

August 26, 2021



RENEWAL DATE: DECEMBER 31, 2022

Table of Contents

<u>Sheet No.</u>	<u>Description</u>
1-2	Cover Sheet, Table of Contents and Design Criteria
3	Narrative of Engineering Analysis and Limitations
4	Calculations – Run-Off

<u>Drawing No.</u>	<u>Description</u>
C1	Drainage Layout & Details

Design Criteria

Drainage Run-off

Location

Property coordinates

45°53'12.7"N 45.88685

123°57'47.3"W -123.963

Rainfall Depth

NOAA Atlas 2 – Precipitation-Frequency Atlas of the Western United States

24-hour duration

2-year interval = 4.5 inches

25-year interval = 6.3 inches

100-year interval = 7.5 interval

Narrative of Engineering Analysis

These calculations have been prepared to address the stormwater run-off currently running onto the subject property from adjacent areas.

Water from the adjacent property, 1603 Forest Lawn Road, is directed onto the property. Water from virtually all of Forest Lawn Drive is directed onto the property, either through a storm drainage system, or as direct run-off. Also, the water from the adjacent portion of Hemlock Street flows into the property.

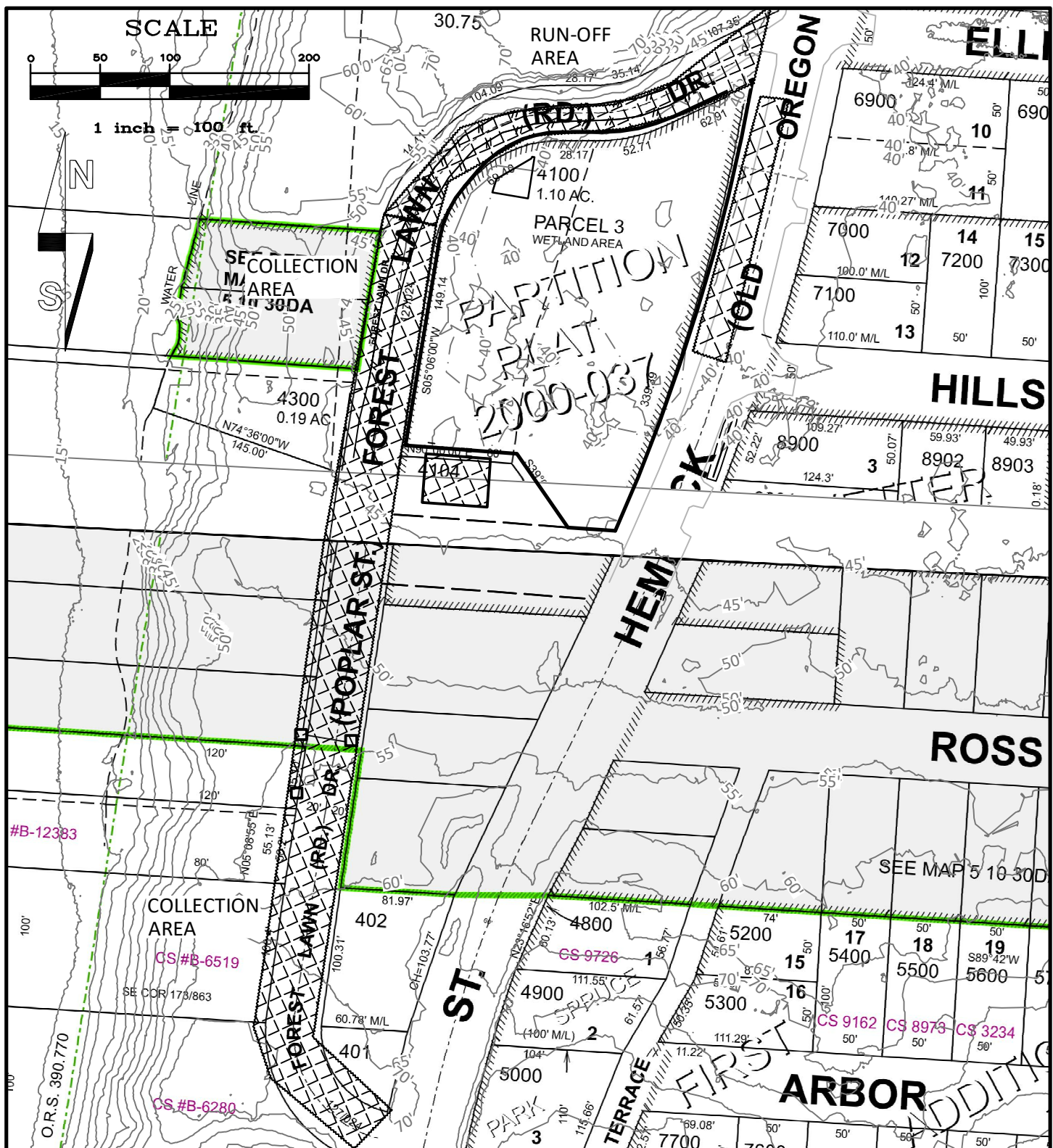
The drainage system on Forest Lawn Drive collects water from the south end of the road and discharges it into near the southwestern corner.

Water from the roof of 1603 Forest Lawn Road is piped to the rear of the house, where it enters the subject property.

The attached calculations show the amount of water calculated as run-off for each contributing area.

The volumes are determined for a 24-hour interval, with 25- and 100-year storm recurrence.

Patrick Gemma					
Tax Lot 4100, Map 5S 10W 30DA					
Forest Lawn Drive, Cannon Beach, Oregon					
#21-01-Gem					
Water run-off from adjacent roadways and houses					
Southern Area	Northern Area				
Forest Lawn Road	Forest Lawn Road		Roadway	Roof Run-off	
Drainage System	Road Run-off		Hemlock St	1603 Forest Lawn Road	TOTAL
29,400	7,300	square feet	9,000	1,600	47,300
0.67	0.17	acres	0.21	0.04	1.09
Property coordinates					
45°53'12.7"N	45.886854				
123°57'47.3"W	-123.963131				
NOAA Atlas 2 - Precipitation-Frequency Atlas of the Western United States					
Southern Area	Northern Area				
Forest Lawn Road	Forest Lawn Road				
Drainage System	Road Run-off		Hemlock St	1603 Forest Lawn Road	TOTAL
2-year storm	24 hr precipitation				
4.5	4.5	inches	4.5	4.5	TOTAL
11,025	2,738	cf/day	3,375	600	17,738
82,688	20,531	gal/day	25,313	4,500	133,032
25-year storm	24 hr precipitation				
6.3	6.3	inches	6.3	6.3	TOTAL
15,435	3,833	cf/day	4,725	840	24,833
115,763	28,744	gal/day	35,438	6,300	186,245
100-year storm	24 hr precipitation				
7.5	7.5	inches	7.5	7.5	TOTAL
18,375	4,563	cf/day	5,625	1,000	29,563
137,813	34,219	gal/day	42,188	7,500	221,720



PATRICK GEMMA
TAX LOT 4100
FOREST LAWN DRIVE
DRAINAGE AREA

CANNON BEACH/MAP 5N 10W 30DA



**MORGAN CIVIL
ENGINEERING, INC.**

PO BOX 358
MANZANITA, OR 97130
(503) 801-6016
www.morgancivil.com

- CIVIL ENGINEERING
- INSPECTION
- PLANNING

Exhibit D:
Letter from Cannon Beach Public
Works to 1603 Forest Lawn Road



CITY OF CANNON BEACH

April 29, 2021

Quail Cove, LLC
c/o Rosanne Dorsey
4344 SW Hillside Drive
Portland, OR 97221

Dear Rosanne,

Per Municipal Code 13.16.050 of the City of Cannon Beach, every property owner within City limits is required to control any storm water runoff.

Any person responsible shall maintain nonpublic storm drainage facilities on his or her property so as to prevent flooding or damage to other property not owned or controlled by the person responsible and to prevent injury to any person on property not owned or controlled by the person responsible.

Your property at 1603 Forest Lawn Road appears to have open pipes disposing runoff water onto the neighboring vacant lot to the north. See the enclosed photos for reference. Based on the aforementioned municipal code, you are required to rectify this problem. Please resolve this issue by Thursday, June 3, 2021. Failure to comply with this request may result in a fine.

You have the option to hook up to the City's stormwater system to direct your runoff water away from your property as well as the neighboring properties.

If you have any questions, please feel free to contact me at (503) 436-8068.

Sincerely,

Karen La Bonte
Public Works Director
City of Cannon Beach

enclosure





Exhibit E:
1603 Forest Lawn Road Public Works
Development Plan Review Form





DEPARTMENT OF PUBLIC WORKS

163 E. Gower Street, Cannon Beach, OR 97110

Phone (503) 436-2045, Fax (503) 436-2050

Development Plan Review

BP 04-130

Site Plan Attributes:

New Construction ☒ Remodel ☐

Site Address: 1603 Forest Lawn

Map/tax lot 51030DA - 4104

Subdivision

Block Lot

Owner or owner's Rep: Comfort

Address:

Phone:

Fax:

Scale: ☐ 1" = 10' ☐ 1" = 20' ☒ 1/8" = 1' ☐ Other

North Arrow: ☒ Locate Note: ☐ Legend: ☐ Lot Dimensions: ☒

Shows all existing and proposed ROWs and Easements? ☒ Yes ☐ No

General Requirements:

Under 12.36.030 of the City Code, a Right-of-Way Use Permit is required for placement or removal of any improvement within the street right-of-way. Please see attached form. Work in ROW will not occur on Saturdays, Sundays and after 12:01 p.m. on Fridays without P.W. Director's approval. Traffic control is to comply with the signing requirements of the "Manual on Uniform Traffic Control Devices." All work shall be done in accordance with all applicable provisions of federal, state and local law, ordinance and administrative rules. All work in public right-of-way and all work which is connected, directly or indirectly, to the City of Cannon Beach's water, sanitary sewer, or storm sewer lines shall be constructed in accordance with applicable current APWA Oregon Chapter Standards. Is a pre-construction meeting required? ☐ Yes ☒ No

Road Construction:

Street surface type: ☐ Asphalt ☒ Gravel ☒ Pre-existing ☐ New ☐ Dead End Street? ☐ Yes ☒ No

Do slopes exceed 12%? ☐ Yes ☒ No Do slopes exceed 15% (see 12.34.050.D)? ☐ Yes ☒ No

In general, utility trenching through existing pavement across the road alignment is discouraged. In cuts parallel to the road alignment, the open cut shall be a neat-line cut made by saw cutting a continuous line. All pavement cuts must be temporarily paved with cold mix asphalt within 7 days and permanently paved with hot mix within six months. The minimum aggregate section, unless otherwise approved by the Director, shall be 6-inch base course of 1 1/2 - 0 inch crushed rock. The wearing surface of asphalt concrete (A.C.) streets shall be Level 3. Minimum total thickness of asphalt concrete shall be three inches in two lifts. Asphalt Street Cutting? ☐ Yes ☒ No

Conformance with road design standards? ☐ Yes ☐ No ☐ Incomplete Submittal ☒ NA

Driveway Entrance:

If lot frontage is 50 ft. or less, maximum allowable width of driveway at property line is 20 feet. If lot frontage is greater than 50 feet the maximum allowable width is to be determined.

Lot Frontage: 50.2 ft. Maximum allowable driveway width: 20 ft.

Do plans show where the driveway will be connecting to existing roadway and surface type? ☐ Yes ☐ No

Drainage Improvements required: ☐ 10" culvert or adequate bridge ☐ To be determined ☒ None required

All driveways must be located the maximum distance which is practical from a street intersection and in no instance shall the distance from an intersection be closer than 40 feet on an arterial street and 10 feet on a local street as measured from the nearest curb return radius. Distance of driveway from street intersection: >200 ft.

Drainage: See note next page

All development applications must include a plan for disposal of storm water runoff. Unless the site is served by existing City-maintained storm sewer, the plan must address the capacity of the storm sewer system.

Does parcel drain to an adjacent surface water feature? ☐ Yes ☒ No

Name/Type of water feature:

Is there an existing drainage system near site? ☐ Yes ☒ No

If yes, attach map of existing system. Is there adequate drainage capacity? ☐ Yes ☐ Improvements Required

If improvements are required, will it be incorporated into the public system? ☐ Yes ☐ No ☐ TBD ☒ NA

Video tape inspection of storm drain extension required? ☐ Yes ☐ No ☒ NA

Conformance with storm drain design standards? ☐ Yes ☐ No ☐ Incomplete Submittal ☒ NA

Sanitary Sewer:

Service existing? ☐ Yes ☒ No Location: _____
 Install new sewer lateral? ☒ Yes ☐ No If yes, installation of the service to the property line is done by City personnel. Owner is to indicate preferred lateral location at property line and advise public works.
 Conformance with sanitary sewer system design standards. ☐ Yes ☐ No ☐ Incomplete Submittal ☒ NA
 Video tape inspection of sewer extension or lateral required? ☐ Yes ☒ No
 Grease Trap Required ☐ Yes ☒ No

Water:

Service existing? ☐ Yes ☒ No Location: _____
 Install new service branch? ☒ Yes ☐ No If yes, installation of the service to the property line is done by City personnel. Owner is to indicate preferred meter location at property line and advise public works.
 Meter upgrade required? ☐ Yes ☒ No Main Extension required? ☐ Yes ☒ No
 Location of closest fire hydrant: Ross & Hemlock Distance to property: 150 ft.
 Conformance with water system design standards? ☐ Yes ☐ No ☐ Incomplete Submittal ☒ NA
 Approved Backflow Assy Required ☐ Yes ☐ No TBD

Other Utilities:

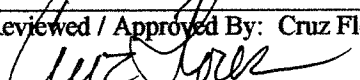
The City requires all wire utilities to be run underground. Contractor is to secure separate Right-of-Way Use Permit prior to work and submit utility schematics. Natural gas is to be coordinated with NWNG.

Misc:

Other issues that will need to be addressed:

1. Drainage – there is no storm drain available. Owner must retain storm water on site.

2. _____
 3. _____
 4. _____

Plans Reviewed / Approved By: Cruz Flores 	Date: 12/16/04
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Public Works Final Approval: (Checked items require inspection)

	Date of Approval
Road Structure	
Drainage Structures	
Driveway	
Utilities	
Wastewater Connection	
Water Connection	
Misc.	
Final Approval	