



November 12, 2021

City of Cannon Beach
Planning Department
163 East Gower Avenue
Cannon Beach, OR 97110

Re: Pre-Application Conference Request – Forest Lawn Subdivision

On behalf of the applicant, Patrick/Dave LLC, DOWL is requesting a pre-application conference to review and discuss a proposed subdivision of a single parcel within the City of Cannon Beach (City). The applicant is seeking clarification of the required applications and permits for the project as proposed. This letter includes a description of the site's existing conditions and the proposal, as well as a list of questions the applicant would like to discuss at the pre-application conference.

Existing Conditions

The site consists of a single parcel, tax lot 510330DA04100 (tax lot 4100), which is approximately 1.1 acres in size. The parcel was established as Parcel 3 of Partition Plat 2000-037 (Exhibit A) and is located between Forest Lawn Road (residential) and Hemlock Street (arterial). The site is currently vacant and is surrounded by single-family residential uses on its east (across Hemlock Street), west (across Forest Lawn Road), and south sides, and an existing hotel (Hallmark Resort Hotel) on its north side (across Forest Lawn Road). As noted on Partition Plat 2000-037, access to the parcel is restricted to Forest Lawn Road only.

The site is predominantly flat, with elevations varying by only a few feet throughout. Vegetation is also present, including trees of varying sizes, shrubs, and other groundcovers. The site is also noted as the location of a wetland identified in the City's Local Wetland Inventory. This wetland was originally delineated in 1999 by Pacific Habitat Services (PHS), and its original boundaries are identified on Partition Plat 2000-037 (Exhibit A). PHS re-delineated the wetland in December 2020, in which it was found to have expanded in the southern portion of the site. As noted in the attached letter from PHS (Exhibit B), the wetland's hydrology is being altered by various sources of non-permitted off-site stormwater runoff:

- A downspout from a home within tax lot 4104;
- Surface runoff from Forest Lawn Road; and
- Surface runoff from Hemlock Street.

The estimated volume of unpermitted stormwater runoff entering the site has been calculated by the applicant's consulting civil engineer, Morgan Civil Engineering, and is included with this submittal as Exhibit C. The site's existing conditions, including the re-delineated wetland, are shown on the included existing conditions survey (Exhibit D).

The site is currently zoned Residential Medium Density (R2). Due to the location of the aforementioned wetland, which is mapped on the City's Local Wetland Inventory, the site is also subject to the Wetlands Overlay Zone (WO) per Cannon Beach Municipal Code (CBMC) Chapter 17.43.020(A). The wetland within

the site was re-delineated in December 2020 by PHS. A wetland delineation concurrence letter has been issued by the Department of State Lands (Exhibit E). Further, the US Army Corps of Engineers has issued an approved jurisdictional determination, which confirms that the wetland is not considered a water of the U.S. (Exhibit F). The site is not located within the 100-year floodplain and is, therefore, not within the City's mapped special flood hazard area (SFHA).

Description of Proposal

As shown on the preliminary subdivision plan (Exhibit G), the applicant is proposing to subdivide the site into at least seven lots intended for single-family detached residential development. Applicable lot standards per R2 and WO zone requirements are addressed for each proposed lot in Table 1 below.

Table 1: Lot Standard Requirements

Lot	Total Area (SF)	Upland Area (SF)	Wetland Area (SF)	Width (ft)	Depth (ft)	Street Frontage (ft)
1	5,348	5,225	123	74	89	79
2	6,279	2,973	2,307	79	80	80
3	5,090	1,833	3,257	63	80	63
4	5,009	1,019	3,989	41	125	36
5	5,706	1,002	4,704	58	108	69
6	6,369	3,286	3,083	60	103	67
7	5,566	1,361	4,205	46	110	38
Required	5,000	1,000	-	40	80	25

*All measurements are approximate.

As shown in Table 1, the proposed lots meet R2 zone minimum requirements for lot area, width, and depth, as well as WO zone requirements for minimum upland area, and minimum street frontage requirements per CBMC 16.04.310(B). Dwellings are only proposed on Lots 1, 2, and 6. Building sites within these lots will be limited to 1,000 square feet, and each dwelling will be limited to 2,000 square feet of floor area. A ten foot reduction to the front setback for Lot 2 is proposed pursuant to CBMC 17.64.10, which will expand the buildable area of this lot and provide for greater protection of the lot's wetland area by shifting the dwelling's footprint toward Forest Lawn Road. Proposed dwellings are anticipated to be served by connections to public sanitary sewer and water mains within Forest Lawn Road. The applicant anticipates that development will be phased, with one home constructed per year.

As a part of the pre-application conference, the applicant would like to discuss the possibility of donating Lots 3, 4, 5, 7 and Tract A to the City for stormwater conveyance purposes and preservation of the site's existing wetland. The use of these lots for stormwater conveyance purposes also provides a solution to the existing non-permitted discharge of surface runoff onto the site from Forest Lawn Road and Hemlock Street. Per the applicant's prior discussions with City staff, it is understood that the City plans to install a new stormwater line within Forest Lawn Road which will discharge surface runoff from this road onto the site, which will then be conveyed to a new ditch extending across the site, which will be graded to drain to an existing pipe inlet and stormwater line within Hemlock Street. It is anticipated that the home within tax lot 4104 will connect to this new line within Forest Lawn Road to eliminate non-permitted surface runoff flowing into the site from this lot.

Access to Lots 1, 2, and 6 will be provided from Forest Lawn Road in compliance with the previously noted restriction per Partition Plat 2000-037. Lot 2 will provide a direct connection to Forest Lawn Road, while Lots 1 and 6 will be accessed via an access easement extending across Lots 1 and 2, which will serve as a shared driveway for Lots 1 and 6. The access easement is approximately 15 feet wide and will likely consist of a gravel surface. As shown on the preliminary subdivision plan (Exhibit G), approximately 139 square feet of wetland is proposed to be filled to facilitate the access easement. As noted by CBMC 17.43.050(E)(1), fill may be permitted for the construction of roads or driveways. As provided by Oregon Revised Statutes (ORS) 196.850(6)(a), proposed fills that involve less than 50 cubic yards of material do not require a permit from DSL. The applicant anticipates that the fill necessary is less than 50 cubic yards and that a removal-fill permit will not be required.

Questions for Discussion at the Pre-Application Conference

The applicant is seeking to confirm the procedures and application requirements for this project. At the pre-application conference, the applicant would like to discuss the following items in greater detail:

1. Please confirm all required land use applications, fees, and submittal items to accomplish the project as proposed.
2. Please confirm all applicable approval criteria.
3. Please specify any code standards of concern or any pending code changes that will affect the proposal.
4. Please verify the expected City review timeline for the project.
5. Please confirm any additional special studies that may be required.
6. During prior discussion between the applicant and City staff, it was noted that approval of a variance was necessary to allow access to certain lots to occur via a shared driveway within an access easement as opposed to a direct connection to a public street. Please confirm the CBMC standard that requires a variance to allow for access to occur via an easement/shared driveway.
7. As previously identified, the applicant would like to reduce the front setback standard for Lot 2 from 15 feet to 5 feet provided the standards of CBMC 17.64.10 are met. Please identify any possible concerns with this proposed setback reduction.
8. Approval of a conditional use permit (CUP) per CBMC 17.43.045 is assumed to be required as a subdivision is proposed within the WO zone. Please confirm that proposed wetland fill necessary for the access easement, as well as possible excavation within the wetland for stormwater drainage ditches, can be processed under a single CUP application and fee.
9. Please confirm any applicable minimum City standards for driveway width and length.

10. Tree removal is anticipated for the construction of future dwellings, driveways, and utility connections. Please identify any concerns with tree removal for these proposed improvements and if replacement is necessary.

We look forward to discussing the proposal with you in more detail at the conference. If you have any questions regarding the submittal materials before our anticipated conference, please do not hesitate to contact me directly at (971) 229-8318 or at mrobinson@dowl.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Robinson', followed by a long horizontal line.

Matthew Robinson
Associate Planner

Attachment(s): Exhibit A – Partition Plat 2000-037
 Exhibit B – PHS Stormwater Influence Letter
 Exhibit C – Stormwater Runoff Calculations
 Exhibit D – Existing Conditions Survey
 Exhibit E – DSL Wetland Delineation Concurrence Letter
 Exhibit F – USACE Jurisdictional Determination
 Exhibit G – Preliminary Subdivision Plan