



# CITY OF CANNON BEACH

## AGENDA

Meeting: Planning Commission  
Date: **Thursday, June 23, 2022**  
Time: **6:00 p.m.**  
Location: Council Chambers, City Hall

6:00 CALL TO ORDER

6:01 (1) **Approval of Agenda**

6:02 (2) **Consideration of the Minutes for the Planning Commission Meeting of April 28, 2022**  
*If the Planning Commission wishes to approve the minutes, an appropriate motion is in order.*

### ACTION ITEMS

6:05 (3) **Public Hearing and Consideration of SR# 22-02, Aric Barnes request, on behalf of Cadwallader & Kramer Family Trust, for a Setback Reduction to add a gabled-roof to an existing flat-roofed garage.**

**SR 22-02**, Aric Barnes, on behalf of Cadwallader & Kramer Family Trust, application to allow a setback reduction to reduce the side yard setback from the required 5'0" to 3'9" to add a gable roof to an existing flat roof garage, according to chapter 17.14 Residential Medium Density Zone of the Municipal Code. The proposed work will not increase the footprint of the preexisting structure. The property is located at 208 E Jackson St. (Tax Lot 03300, Map 51029BC), and in a Residential Medium Density (R2) Zone. The request will be reviewed against the Municipal Code, Section 17.64.010, Setback Reduction, Provisions Established.

6:20 (4) **Public Hearing 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.**

**P 22-01 & CU 22-02**, Jamie Lerma, on behalf of Patrick/Dave LLC, request for a Partition and a Conditional Use Permit for a three-lot partition in the Wetland Overlay Zone. The property is located at the corner of Forest Lawn Rd. and S Hemlock St. (Tax Lot 04100, Map 51030DA) in a Residential Medium Density (R2) Zone. The request will be reviewed under Cannon Beach Municipal Code, Sections 17.43.040 Conditional Uses and Activities Permitted in Wetlands, 17.43.045 Conditional Uses and Activities Permitted in Wetland Buffer Areas, and 16.04.130 Subdivisions, Applicable Standards.

6:50 (5) **Continuation and Consideration of CP#22-01 Adoption of the Cannon Beach Transportation System Plan (TSP), as supporting material to the Comprehensive Plan.**

**CP 22-01**, Jeff Adams on behalf of the City of Cannon Beach, seeks the adoption of the Cannon Beach Transportation System Plan (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, **PO Box 368 Cannon Beach, Oregon 97110 • (503) 436-1581 • TTY (503) 436-8097 • FAX (503) 436-2050**  
[www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) • [cityhall@ci.cannon-beach.or.us](mailto:cityhall@ci.cannon-beach.or.us)

which implements Statewide Planning Goal 12. The request will be reviewed against the criteria of the Cannon Beach Comprehensive Plan and Municipal Code, Section 17.86.070.A, Amendments, Criteria.

#### INFORMATIONAL ITEMS

7:20 (6) **Tree Report**

(7) **Ongoing Planning Items:  
Code Audit Update**

(8) **Good of the Order**

7:30 (9) **ADJOURNMENT**

*Please note that agenda items may not be considered in the exact order listed, and all times shown are tentative and approximate. Documents for the record may be submitted prior to the meeting by email, fax, mail, or in person. For questions about the agenda, contact Administrative Assistant, Katie Hillenhagen at [Hillenhagen@ci.cannon-beach.or.us](mailto:Hillenhagen@ci.cannon-beach.or.us) or (503) 436-8054. The meeting is accessible to the disabled. If you need special accommodations to attend or participate in the meeting per the Americans with Disabilities Act (ADA), please contact the City Manager at (503) 436.8050. TTY (503) 436-8097. This information can be made in alternative format as needed for persons with disabilities.*

**Posted: June 23, 2022**

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## **One Tap Mobile:**

+16699006833,,83508783839#,,1#,801463# US (San Jose)

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**Minutes of the  
CANNON BEACH PLANNING COMMISSION**  
Thursday, May 26, 2022

Present: Chair Clay Newton, Commissioners Barb Knop, & Mike Bates, in person; Charles Bennett, Aaron Matusick, Lisa Kerr and Anna Moritz via Zoom

Excused:

Staff: Director of Community Development Jeff Adams, Land Use Attorney Bill Kabeiseman, City Planner Robert St. Clair, and Administrative Assistant Katie Hillenhagen

Other Attendees: Michael Duncan from ODOT; Eduardo Montejo and Ryan Farncomb from Parametrix

**CALL TO ORDER**

Chair Newton called the meeting to order at 6:00 p.m.

**ACTION ITEMS**

**(1) Approval of Agenda**

Motion: Knop moved to approve the agenda as presented; Bates seconded the motion.

Vote: Kerr, Matusick, Knop, Bates, Moritz, Bennett and Chair Newton voted AYE; the motion passed unanimously.

**(2) The board and Staff thanked Daryl Johnson for his service on the Planning Commission.**

**(3) Consideration of the Minutes for the Planning Commission Meeting of April 28, 2022**

Motion: Moritz moved to approve the minutes; Knop seconded the motion.

Vote: Kerr, Matusick, Knop, Bates, Moritz, Bennett and Chair Newton voted AYE; the motion passed unanimously.

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

Jeff Adams on behalf of the City of Cannon Beach, seeks the adoption of the Cannon Beach Transportation System Plan (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 criteria of the Cannon Beach Comprehensive Plan and Municipal Code, Section 17.86.070.A, Amendments, Criteria.

No one objected to the jurisdiction of the Planning Commission to hear this matter at this time. Chair Newton asked if any Commissioner had any conflict of interest. There were none. Chair Newton asked if any Commissioner had personal bias to declare. There were none. Chair Newton asked if any commissioner had any ex parte contacts to declare. There were none. The commissioners declared their site visits.

Adams read the background from the staff report and went over the objectives of the TSP (see staff report in packet for full details). Adams discussed the process. He noted that all of the project materials and public comment are on the TSP website. He also noted that this is a hearing for the PC to recommend the plan to Council. Adams turned the discussion over to Eddie Montejo from Parametrix.

Eddie provided an overview of what the plan is and touched on some issues that were brought up in the Joint Work Session that was held a couple of weeks ago. Montejo emphasized that the TSP allows the community to get grants and other funding for proposed improvements. Montejo went over the memo that Parametrix submitted to address issues brought up in the last Joint TSP session.

The meeting was opened up to questions from the Commission.

Moritz asked about the specifics of funding.

Montejo said that how they obtain funding depends on the grant opportunities available. He noted that many grants require that the proposal be part of an adopted plan.

Kerr had a question about how many respondents there were to online surveys.

Montejo said that they had a total of 266 unique survey submissions. He noted that surveys were an open link on the website so they could go to full-time residents and second homeowners.

Adams discussed the email lists that they used to reach participants.

Chair Newton asked if there was any additional correspondence. There was none.

Bates had a question about safety and tsunami risks being under the transportation system plan. He thought that there might be a better place for these plans and that the TSP might not be the right venue for them.

Adams noted that the City's Emergency Manager was on the PAC and gave extensive feedback during the TSP process. Adams also noted that a lot of funding opportunities are tied to emergency management.

Bates had concerns about the plan being driven more by safety than by community access. He said that he did not want a plan driven by safety concerns. He said that safety is not part of the Oregon TSP that is being developed.

They discussed having safety in the TSP rather than other documents.

Michael Duncan, a Transportation Planner for ODOT, said that safety is part of the mission for ODOT and a foundational element of everything they do.

Kerr asked if they could add a provision to the TSP to never have motorized scooters in Cannon Beach.

Montejo said that was possible.

Ryan recommended that the City have a policy related to emerging transportation devices. He thought a policy related to new mobility devices would be more effective than a ban on scooter because it would cover any new transportation device, not just scooters.

Adams said that the City is already moving forward on scooters and have a discussion scheduled with Council.

Matusick had concerns about banning something in a blanket matter.

They discussed how scooters could fit into the plan.

Bruce St. Dennis said they are getting lots of requests from companies who would like to bring motorized scooters to Cannon Beach. He said that the City wants to act right away to be in a position to say no. He noted that they can fine tune that at a later date.

Newton asked if the Commission would have access to the Parametrix team moving forward.

Montejo said that they have requested additional funding from ODOT to continue to stay engaged with the project.

Newton proposed a 5-minute break before taking public testimony.

After the break, Chair Newton called for public testimony.

Chair Newton stated that the pertinent criteria were listed in the staff report and criteria sheets next to the west door; testimony, arguments and evidence must be directed toward those criteria; failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal based on that issue; prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional testimony, arguments or evidence regarding the application. The Planning Commission shall grant such requests by continuing the public hearing or leaving the record open for additional written testimony, arguments or evidence; persons who testify shall first receive recognition from the Chair, state their full name and mailing address, and if appearing in a representative capacity, identify whom they represent.

Chair Newton called for proponents of the request. There were none.

Chair Newton called for opponents of the request.

Lolly Champion spoke in opposition to the TSP. She noted that she incorporated comments from an email group that she is part of. Champion asked how the term 'may' is used in the plan. Does this give the City latitude to do any of these things? Champion wanted to make sure that any project from the plan that is selected to be completed came back before the PC. She also had concerns about trees that would need to come down to build proposed trails, as well as maintenance and safety. Champion suggested they have a trail day for any proposed trails for community members to ask questions and give feedback. Champion asked how much the 4-way stop at Warren Way was. She thought the cost of that would be helpful to get an idea of the cost for future potential stops. Champion also had questions about what would be used to make the trails and future trail locations. She had questions about what is planned within the Urban Growth Boundary. Champion also had concerns about funding and the City's debt load.

Bates agreed with Champion that it would be good to look at the consistency and use of modal verbs in the plan.

Jan Siebert-Wahrmund, PO Box 778, spoke on behalf of herself and her husband Les Wahrmund. Siebert-Wahrmund had concerns about the support numbers that were given. She said that only 33 citizens filled out the final survey. She was concerned that this was not enough of a turnout to provide meaningful feedback. Siebert-Wahrmund read a letter from herself and her husband. The letter asked the PC to consider a cap on the number of visitors to Cannon Beach during the peak season. They also had concerns about the plan being viewed as a menu. Siebert-Wahrmund mentioned the water master plan as an example of a similar plan from the past. They felt this plan was used as a task list rather than a menu. Siebert-Wahrmund expressed concern that city staff is taking over the direction of the City and asked Commissioners to look at the plan closely and take out objectionable items, such as paving roads.

Randy Neal, PO Box 1092. Neal said that he is a proponent for many of the concepts and an opponent to other sections. He said he feels great about the work that Adams and Montejo and his team have put in but was not sure how it got translated into the final TSP document. He felt the TSP is not telling the people what it really is. He thought the plan should provide a vision of where they would like to be in 20 years. Neal thought the document should include suggestions to the State for the management of Tolovana Park and Ecola Park as well as plans for ROW parking. Neal discussed other things he thought should be in the TSP. He felt that the survey was tilted towards support and thought more community input was needed. Neal brought up the earlier mentioned idea to limit the number of visitors coming into Cannon Beach. He thought they should look at how the number of people visiting Cannon Beach could be limited and how they could have a pleasant visit without the full-time residents feeling overwhelmed.

Newton asked for Neal's suggestion on managing something like parking. He did not see how you could micromanage while maintaining a village character. He asked to hear Neal's input on that.

They discussed the idea of traffic and parking being self-limiting. Neal felt that the people who will be most frustrated in this scenario are the people who live in Cannon Beach. Neal also felt that pedestrian traffic was a big issue.

Chair Newton asked for additional Public Comments. There were none.  
Chair asked for a further response from Staff or Parametrix.

Adams responded to some of the public comment made. He noted that the details for proposed trails are not locked in at this level of analysis.

Newton said that he picked up a few themes from the comments. One theme he noticed was a need for more input from community. Another was a need for a stronger sense of a control of the process, so that it is not a blanket approval. Newton said that he liked Bates proposed language.

Bates discussed language he drafted that could be added to the plan (get comments and add them). Bates said that with this language they as the community have the ability to object to any future plans.

Newton agreed that that made him feel more comfortable with the plan.

Kabeiseman asked for time to rework the language to make sure that everyone understands what the proposed language means. He thought they should spell out what full administrative review means for certain kinds of projects.

Kerr suggested removing the options that they don't like in addition to adding the language that Bates suggested.

St. Denis commented on the recent 4-way stop that went in and the water projects that are moving forward. He said that these projects are replacing asbestos pipes and putting in pipes that can withstand seismic events. He noted that the City provides many opportunities for input, but it is hard to get people involved in the process.

Bates responded and reiterated that he wants people to feel like they have a say in things.

Newton noted that the water and sewage projects were critical infrastructure. He asked if St. Denis thought any of the projects in the TSP could also be viewed as critical infrastructure.

St. Denis said that there are things that they consider important, but all of those things go before City Council.

They discussed the approval process for different projects.

Bates said that he wanted the PC involved and not just Council.

Adams and St. Clair said that the projects that are under their jurisdiction do go to the PC.

Kabeiseman discussed the different roles of entities within the City including Council, the City Manager and the PC. He read the purview of the PC. Kabeiseman noted that the role of the PC included land use matters and other issues that the Council delegates to them. He said that there are a lot of things that are not land use. He reiterated that they need to clarify what comes back to the PC and said that it is important to find a balance between too much process and not enough process.

Bates asked Kabeiseman to refine the language he had proposed.

Karen La Bonte discussed how the water and waste master plans were created.

Newton asked how people felt about taking some things off the menu, eliminating some options from the TSP.

Farncomb from Parametrix said that this community has been the most engaged of any community he has worked in. He cautioned that removing items might remove things that the PAC and the public want included in the TSP.

Duncan echoed what Ryan said on public involvement, he felt it was very strong for this project. He noted that this is a policy document. Duncan said that there has been a process that helped them whittle down to this point. He spoke to the proposed language and emphasized that there is a place for more input when they get to project development.

Newton suggested coming back to the TSP at a later date. The rest of the Commission agreed.

Moritz suggested that each member come back with goals and points so that they can get it done at the next meeting.

Newton noted that the feedback from the community included a lot of great comments.

Adams noted that the raw survey data is on the website where anyone can read survey responses to open ended questions. He emphasized that the project has had good turnout and there is a lot of good data.

Newton thank everyone for their comments and encouraged them to continue to give feedback.

#### INFORMATIONAL ITEMS

##### **(5) Tree Report**

Bates said it was great that 19 trees were planted. He asked where they were planted.

Knop commented on where they were planted.

##### **(6) Ongoing Planning Items**

Adams let people know that the Code Audit 'Village Character' Survey is available on the website.

Bates asked if they could bring the Tree Ordinance forward in the Code Audit so it could be taken care of more immediately.

Adams said that was possible.

They discussed the process for how that would happen.

Kerr asked why the City does not post building permits on site and why the applications are not posted in ePermitting.

Adams said that the City does not currently do electronic plan review. Jurisdictions that have electronic plan review have those files available to post. Adams noted that Cannon Beach working on moving in that direction.

Moritz asked for clarification on what will be on next months agenda.

Adams said there are 5 applications requested for the next agenda.

They discussed the agenda load for the June meeting.

**(7) Good of the Order**

**ADJOURNMENT**

The meeting adjourned at 8:46 pm.

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Administrative Assistant, Katie Hillenhagen



# Cannon Beach Planning Commission

## Staff Report:

PUBLIC HEARING AND CONSIDERATION OF SR#22-02, ARIC BARNES ON BEHALF OF THE CADWALLADER & KRAMER FAMILY TRUST, REQUESTING A SETBACK REDUCTION AT 208 E. JACKSON ST (TAXLOT 51029BC03300) FOR A REDUCTION OF THE SIDE YARD SETBACK. THE PURPOSE OF THE SETBACK REDUCITON IS TO ALLOW STRUCTURAL IMPROVEMENTS THAT WILL INCREASE THE NON-CONFORMITY OF A PRE-EXISTING DETACHED GARAGE. THE PROPERTY IS IN THE RESIDENTIAL MEDIUM DENSITY (R2) ZONING DISTRICT. THE REQUEST WILL BE REVIEWED UNDER CANNON BEACH MUNICIPAL CODE, SECTION 17.64.010, SETBACK REDUCTION, PROVISIONS ESTABLISHED.

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**Agenda Date:** June 23, 2022

**Prepared By:** Robert St. Clair

## GENERAL INFORMATION

### NOTICE

Public notice for this June 23, 2022 Public Hearing is as follows:

- A. Notice was posted at area Post Offices on June 2, 2022;
- B. Notice was mailed on June 2, 2022 to surrounding landowners within 100' of the exterior boundaries of the property.

### DISCLOSURES

Any disclosures (i.e. conflicts of interest, site visits or ex parte communications)?

### EXHIBITS

The following Exhibits are attached hereto as referenced. All application documents were received at the Cannon Beach Community Development office on May 27, 2022 unless otherwise noted.

#### **"A" Exhibits – Application Materials**

- A-1** Setback Reduction Application SR#22-02, submitted and stamped May 27, 2022;
- A-2** Building application materials, Record #164-22-000094-STR, with schematics and calculations for the proposed gabled roof trusses, dated April 20, 2022.

#### **"B" Exhibits – Agency Comments**

None received as of this writing;



## **“C” Exhibits – Cannon Beach Supplements**

None received as of this writing;

## **“D” Exhibits – Public Comment**

**D-1** Kathleen and John Shelly, Letter, June 10, 2022

**D-2** Doug and Jody Vetsch, Email Correspondence, June 15, 2022

## **SUMMARY & BACKGROUND**

Aric Barnes, on behalf of the Cadwallader & Kramer Family Trust, is seeking a setback reduction of the required side yard from five feet to three feet nine inches to allow for the modification of a pre-existing non-conforming detached garage to replace the existing flat roof with a gabled truss roof. The subject property is at 208 E. Jackson St., Taxlot 51029BC03300, a 5,000 square foot lot zoned Residential Medium Density (R2).

Required side yard setbacks in the R2 zone are 5 feet, the garage projects approximately 1 foot 3 inches into the eastern side yard. As the subject property is a corner lot where the rear yard setback is reduced by ordinance from 15 to 5 feet, and the garage is positioned approximately 8 feet 6 inches from the rear property line, no rear yard reduction is required.

Cannon Beach Municipal Code states that alterations of pre-existing non-conforming structures that increase its non-conformity may be authorized under the provisions of Chapter 17.64, Setback Reduction. While the footprint of the garage will not be changed, its overall size will be increased through the roof modification.

## **APPLICABLE CRITERIA**

### **R2 Residential Medium Density Zoning District**

#### **17.14.040 Residential Lower Density Development Standards**

In an R2 zone, the following standards shall apply except as they may be modified through the design review process pursuant to Chapter 17.44:

- A. Lot Size. Lot area shall be at least five thousand square feet, except that construction on lots of less than five thousand square feet is permitted subject to Section 17.82.020. The minimum lot size for a single-family dwelling shall be five thousand square feet. The minimum lot size for all uses, including single-family dwellings, shall be adjusted for average slope using the standards in Section 16.04.310(A).*
- B. Lot Dimensions.*
  - 1. Lot Width. Lot width shall be at least forty feet.*
  - 2. Lot Depth. Lot depth shall be at least eighty feet.*
  - 3. Front Yard. A front yard shall be at least fifteen feet.*
  - 4. Side Yard. A side yard shall be at least five feet, except on a corner or through lot the minimum side yard from the street shall be fifteen feet.*
  - 5. Rear Yard. A rear yard shall be at least fifteen feet, except on a corner or through lot it shall be a minimum of five feet, except where a rear lot line abuts a street, it shall be a minimum of fifteen feet.*

6. *Yard Abutting the Ocean Shore. For all lots abutting the ocean shore, any yard abutting the ocean shore shall conform to the requirements of Section 17.42.050(A)(6), Oceanfront setback.*
- C. *Lot Coverage. The lot coverage for a permitted or conditional use shall not exceed fifty percent.*
- D. *Floor Area Ratio. The floor area ratio for a permitted or conditional use shall not exceed 0.6.*
- E. *Building Height. Maximum height of a structure is twenty-four feet, measured as the vertical distance from the average elevation of existing grade to the highest point of a roof surface of a flat roof, to the top of a mansard roof or to the mean height level between the eaves and the ridge for a pitched roof. The ridge height of a pitched roof shall not exceed twenty-eight feet. Pitched roofs are considered those with a 5-12 pitch or greater.*
- F. *Signs. As allowed by Chapter 17.56.*
- G. *Parking. As required by Section 17.78.020.*
- H. *Design Review. All uses except single-family dwellings and their accessory structures are subject to design review of Chapter 17.44.*
- I. *Geologic or Soils Engineering Study. As required by Chapter 17.50.*
- J. *Claims for Compensation Under ORS 197.352. The standards of Section 17.08.040(A) through (K) (Standards), shall apply except as specifically modified pursuant to a development agreement created as part of the city's final action modifying, removing or not applying the city's land use regulation(s) on a demand for compensation under ORS 197.352.*
- K. *Site Plan. Except for interior renovation of existing structures and exterior renovations such as siding replacement where there will be no ground disturbance, no new construction shall be approved unless a site plan meeting the requirements of Section 17.90.190 has been submitted and approved.*

**Staff Comment:** The only applicable criterion is item B.4 regarding the side yard setback dimensions. Lot Coverage and Floor Area Ratio have been calculated to be 40% and .34 respectively, there would be no reduction in the amount of off-street parking provided, and the peak roof height of the modified garage would be less than 24 feet. The pitch of the proposed roof would be 12/8 which would make the garage more similar in appearance to the dwelling unit.

## **17.64 Setback Reduction**

**17.64.010.A.1:** *Total building coverage shall not exceed forty percent.*

**Staff Comment:** Total building coverage at present is 1,690 square feet of the 5,000 square foot lot as measured at ground level which is approximately 33% of the lot. The building coverage of the lot would not be changed as a result of this proposal as there would be no changes in building footprints.

**17.64.010.A.2:** *Significant view of the ocean, mountains or similar features from nearby properties will not be obstructed any more than would occur if the proposed structure were located as required by the zoning district.*

**Staff Comment:** There would be no impacts to any significant views as a result of this proposal.

**17.64.010.A.3:** *The proposed building location will not interfere with solar access of buildings on adjoining property.*

**Staff Comment:** There would be no impacts to solar access for adjacent property owners as a result of this proposal.

**17.64.010.A.4:** *It is the purpose of setbacks to provide for a reasonable amount of privacy, drainage, light, air, noise reduction and fire safety between adjacent structures. Setback reduction permits may be granted where the Planning Commission finds that the above purposes are maintained, and one or more of the following are achieved by the reduction in setbacks:*

- a. Tree protection,*
- b. The protection of a neighboring property's views of the ocean, mountains or similar natural features,*
- c. The maintenance of a stream corridor or avoidance of geologic hazards or other difficult topography,*
- d. The provision of solar access,*
- e. Permitting construction on a lot with unusual configuration,*
- f. Rehabilitation of existing buildings where other reasonable alternatives do not exist,*
- g. Protection of a wetland or wetland buffer area, or*
- h. Permitting construction on an oceanfront lot where the effect of the application of the oceanfront setback requirement of Section 17.42.050(A)(6) reduces the depth of the lot located within the required setbacks to less than forty percent of the lot's depth. Under this standard, a reduction in the required setback shall be considered only in the setback opposite of the required oceanfront setback.*

**Staff Comment:** There would be no significant impacts to privacy, drainage, light, air, noise reduction, and fire safety for adjacent property owners as a result of this proposal.

**17.64.010.A.5:** *Adjacent rights-of-way have sufficient width for utility placement or other public purposes.*

**Staff Comment:** There would be no impacts to rights-of-way resulting from this proposal.

**17.64.010.A.6:** *The reduction would not create traffic hazards; or impinge upon a public walkway or trail.*

**Staff Comment:** There would be no traffic impacts resulting from this proposal.

**17.64.010.A.7:** *Any encroachment into the setback will not substantially reduce the amount of privacy which is or would be enjoyed by an abutting property.*

**Staff Comment:** There would be no changes in the amount of privacy enjoyed by adjacent property owners as a result of this proposal.

**17.64.010.A.8:** *The proposed building location will not interfere with the ability to provide fire protection to the building or adjacent buildings.*

**Staff Comment:** As the project associated with this request would only remodel a pre-existing structure there would be no impact to the ability to provide fire protection to this or other structures.

## PROCEDURAL REQUIREMENTS

This application is subject to ORS 227.178, requiring the City to take final action within 120 days after the application is deemed complete. The application was submitted on May 27, 2022 and determined to be complete on May 27, 2022. Based on this, the City must complete its review of this proposal by September 24, 2022.

The Planning Commission's June 23<sup>rd</sup> hearing will be the first evidentiary hearing on this request. ORS 197.763(6) allows any party to the hearing to request a continuance. The Planning Commission should grant any request for a continuance of this hearing. The Planning Commission's next regularly scheduled hearing date is July 28, 2022.

## RECOMMENDATION

Staff recommends approval, with the condition below.

## DECISION AND CONDITIONS

**Motion:** Having considered the evidence in the record, based on a motion by Commissioner (Name) seconded by Commissioner (Name), the Cannon Beach Planning Commission moves to (approve/approve with conditions/or deny) the Aric Barnes application for a setback reduction, **SR# 22-02**, as discussed at this public hearing (subject to the following conditions):

1. A building permit shall be obtained before starting construction.

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## Notice of Approval

### **17.44.140 Final approval expiration.**

The final approval of a design review plan shall be void after one year of the date of approval unless a building permit has been obtained. (Ord. 90-3 § 15)





Subject structure at 208 E. Jackson St.



Site Map



# CITY OF CANNON BEACH

City of Cannon Beach  
Finance Department

A-1

## SETBACK REDUCTION APPLICATION

MAY 27 2022

Received

Please fill out this form completely. Please type or print.

Applicant Name: Aric Barnes  
Email Address: Rats/n/My House @ hot mail. com  
Mailing Address: PO Box 697 Seaside, OR 97138 (620 S. Columbia St.)  
Telephone: 503-956-1969 Seaside, OR 97138

Property-Owner Name: Cadwallader & Kramer Family Trust  
(if other than applicant)  
Mailing Address: 5455 Shafter Ave, Oakland, CA 94618  
Telephone: 503-679-8389  
Property Location: 208 E Jackson St. Cannon Beach, OR 97110  
(street address)

Map No.: \_\_\_\_\_ Tax Lot No.: \_\_\_\_\_

Parcel S1029B C03300-Primary

### SETBACK REDUCTION REQUEST:

#### 1. Description of the setback reduction that is being sought.

I want to add a gable roof to an existing flat roof garage however the garage has approx. 3'-9" set back at east and 8'-6" at the north. There will be "NO" adding to the existing foot print.

#### 2. Description of the proposed building plans pertinent to the setback reduction request.

I want to add a 12/8 pitch trusses to the top of existing garage the same pitch as the house.

#### 3. Justification of the setback reduction request. Explain how the request meets each of the following criteria for granting a setback reduction.

##### (a) Total building coverage shall not exceed forty percent;

The garage foot print is 18'x25' thus has a 504 sq.ft. The lot is a 50'x100' thus is a 5000-total space. The house is approx. 1248 sq.ft which together is approx. 35% coverage.

- (b) Significant views of the ocean, mountains or similar features from nearby properties will not be obstructed any more than would occur if the proposed structure were located as required by the zoning district;

*There is no view obstruction at location.*

- (c) The proposed building location will not interfere with solar access of buildings on adjoining property;

*There is no solar blockage of other structures.*

- (d) The granting of the setback reduction requires that one or more of the following are achieved by the reduction in setback:

- Tree protection
- The protection of a neighboring property's views of the ocean, mountains or similar natural features,
- The maintenance of a stream corridor or avoidance of geologic hazards or other difficult topography,
- The provision of solar access,
- Permitting construction on a lot with unusual configuration,
- Rehabilitation of existing buildings where other reasonable alternatives do not exist,
- Protection of a wetland or wetland buffer area, or
- Permitting construction on an oceanfront lot where the effect of the application of the oceanfront setback requirement of Section 17.42.050(A)(6) reduces the depth of the lot located within the required setbacks to less than forty percent of the lot's depth. Under this standard, a reduction in the required setback shall be considered only in the setback opposite of the required oceanfront setback.

*The owners want to keep the existing structure and want to improve the longevity of the garage by adding a gable roof instead of constant leak issues w/ a flat roof. There is no other alternative.*

- e) Adjacent rights-of-way have sufficient width for utility placement or other public purposes;

*Not applicable.*

- f) The reduction would not create traffic hazards; or impinge upon a public walkway or trail;

*NO.*



g) Any encroachment into the setback will not substantially reduce the amount of privacy which is or would be enjoyed by an abutting property; and

No

h) The proposed building location will not interfere with the ability to provide fire protection to the building or adjacent buildings.

No

8. Attach a scale drawing showing the dimensions of the property, adjacent street(s), dimensions of existing structures, and dimensions of proposed development.

See attached.

Attach additional sheets as necessary.

Setback Application Fee: \$500.00

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Property Owner Signature: X \_\_\_\_\_

Date: X \_\_\_\_\_

If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf. Please attach the name, address, phone number, and signature of any additional property owners.

As Property Owner, my signature or an authorized applicant's signature, allows any duly authorized employee of the City to enter upon all properties affected by this permit for the purpose of follow-up inspection, observation, or measurement.

For Staff Use Only:

City of Cannon Beach  
Finance Department

Received on: \_\_\_\_\_

By: \_\_\_\_\_

Fee Paid: \_\_\_\_\_

Receipt No.: \_\_\_\_\_

MAY 27 2022

(Last revised March 2021)

PAID





# Building Application

Residential Structural

CITY OF CANNON BEACH  
P.O. Box 368  
163 E. Gower St.  
Cannon Beach, OR 97110  
503-436-2045  
FAX: 503-436-8061

164-22-000094-STR

www.ci.cannon-beach.or.us

building@ci.cannon-beach.or.us

\*\*\*\*\* PERMIT HAS NOT BEEN ISSUED \*\*\*\*\*

**Applicant:** Aric Barnes  
Town & Country Pest Control  
PO Box 697  
Seaside, OR 97138

## TYPE OF WORK

Residential Specialty Code Edition: 2021

**Type of Work:**

Alteration

**Category of Construction:**

Detached Accessory Structure

**Valuation:**

\$17,000.00

**Description of Work:** Install a gable roof over the existing flat roof.

## JOB SITE INFORMATION

**Property Address:**

208 E Jackson St, Cannon Beach, OR 97110

**Parcel:**

51029BC03300 - Primary

**Owner:**

CADWALLADER & KRAMER  
FAMILY TRST

**Address:**

5455 SHAFTER AVE  
OAKLAND CA 946118

## LICENSED PROFESSIONAL INFORMATION

**Business Name**

NORTHSTAR HOME INSPECTIONS INC

**License**

CCB

135931

**Address**

PO BOX 697 SEASIDE OR 97138-0697

**Phone**

503-956-1969

## PERMIT FEES

Fee Description	Quantity	Amount
Structural plan review fee	1.00 Ea	\$266.03
Structural building permit fee	1.00 Ea	\$354.70
State of Oregon Surcharge - Bldg (12% of applicable fees)	1.00 Ea	\$42.56
<b>Total Fees:</b>		<b>\$663.29</b>

Note: This may not include all the fees required for this project.

This application will expire if application acceptance cannot be achieved within 180 days.

All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not.

All persons or entities performing work under this application are required to be licensed unless exempted by ORS 701.010.



# Building Application

## Residential Structural

164-22-000094-STR

**A-2**  
CITY OF CANNON BEACH  
P.O. Box 368  
163 E. Gower St.  
Cannon Beach, OR 97110  
503-436-2045  
FAX: 503-436-8061

www.ci.cannon-beach.or.us

building@ci.cannon-beach.or.us

\*\*\*\*\* PERMIT HAS NOT BEEN ISSUED \*\*\*\*\*

**Applicant:** Aric Barnes  
Town & Country Pest Control  
PO Box 697  
Seaside, OR 97138

*Alic Barnes*

### TYPE OF WORK

Residential Specialty Code Edition: 2021

**Type of Work:**

Alteration

**Category of Construction:**

Detached Accessory Structure

**Valuation:**

\$17,000.00

**Description of Work:** Install a gable roof over the existing flat roof.

### JOB SITE INFORMATION

**Property Address:**

208 E Jackson St, Cannon Beach, OR 97110

**Parcel:**

51029BC03300 - Primary

**Owner:**

CADWALLADER & KRAMER  
FAMILY TRST

**Address:**

5455 SHAFTER AVE  
OAKLAND CA 946118

### LICENSED PROFESSIONAL INFORMATION

**Business Name**

NORTHSTAR HOME INSPECTIONS INC

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**Address**

PO BOX 697 SEASIDE OR 97138-0697

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503-956-1969

### PERMIT FEES

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State of Oregon Surcharge - Bldg (12% of applicable fees)	1.00 Ea	\$42.56
<b>Total Fees:</b>		<b>\$663.29</b>

Note: This may not include all the fees required for this project.

This application will expire if application acceptance cannot be achieved within 180 days.

All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not.

All persons or entities performing work under this application are required to be licensed unless exempted by ORS 701.010.

164-22-000048-S18

TOWN & COUNTRY FERT. CONTROL

ARIC BRANCH BUILDING

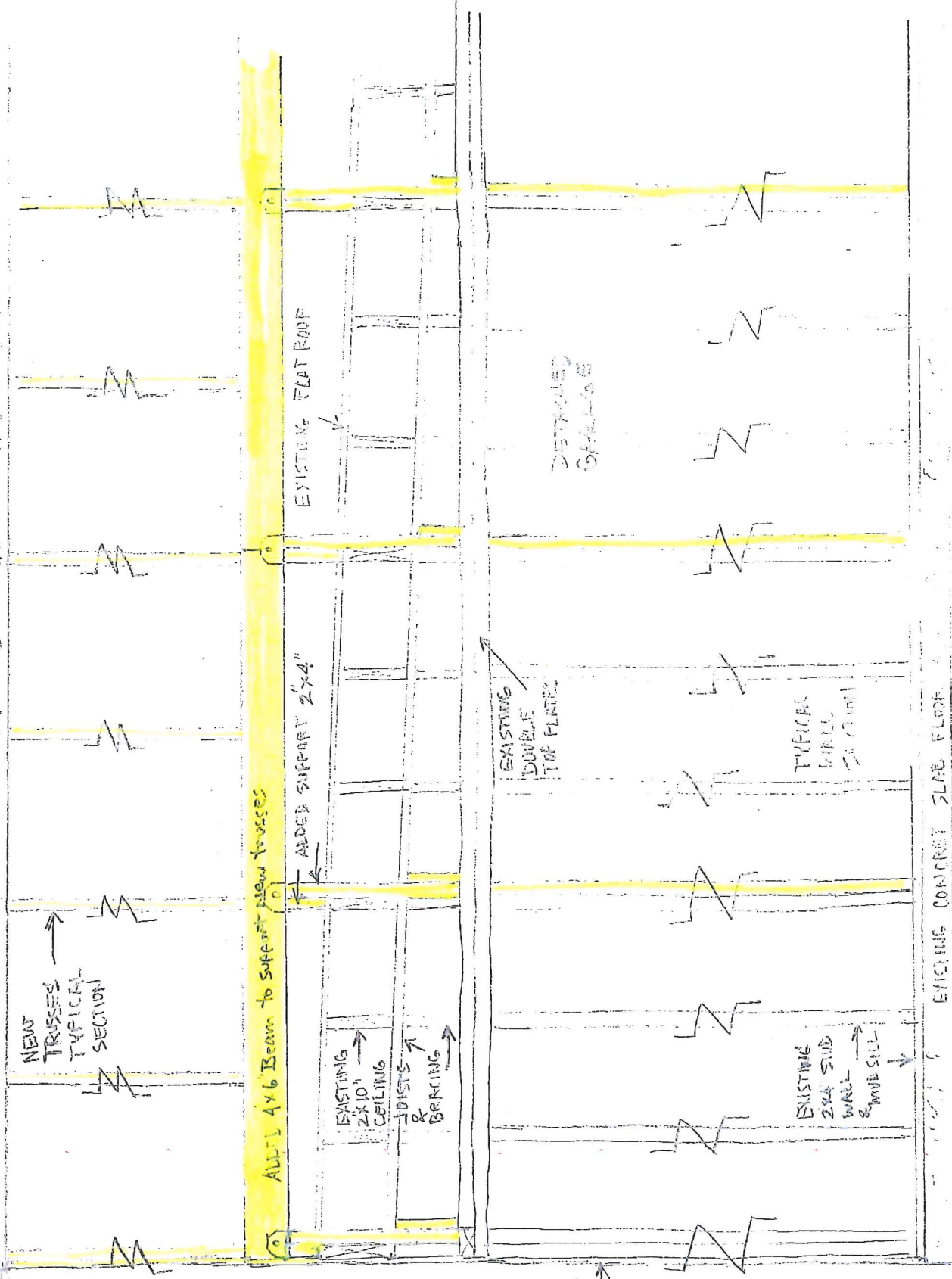
503-956-1969

CSB 125931

ZOBIE JACKSON  
CANNON BEACH

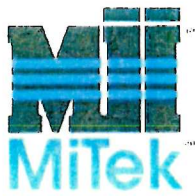
NEW STRUCTURE  
MARKERS

SECTION VIEW EAST SIDE VIEW OF GARAGE



3/4\" PT  
PLUMB  
SUBSILLING

EXISTING CONCRETE SLAB FLOOR



**MiTek USA, Inc.**

250 Klug Circle  
Corona, CA 92880  
951-245-9525

Re: 3057446  
18X28 building

The truss drawing(s) referenced below have been prepared by MiTek USA, Inc. under my direct supervision based on the parameters provided by Builders FirstSource (Beaverton, OR).

Pages or sheets covered by this seal: K11336468 thru K11336469

My license renewal date for the state of Oregon is December 31, 2023.



RENEWAL DATE: 12-31-2023

March 4, 2022

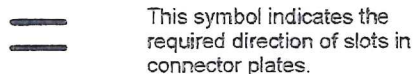
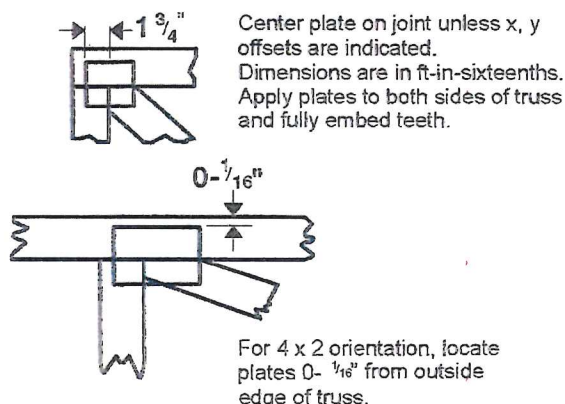
Baxter, David

**IMPORTANT NOTE:** The seal on these truss component designs is a certification that the engineer named is licensed in the jurisdiction(s) identified and that the designs comply with ANSI/TPI 1. These designs are based upon parameters shown (e.g., loads, supports, dimensions, shapes and design codes), which were given to MiTek or TRENCO. Any project specific information included is for MiTek's or TRENCO's customers file reference purpose only, and was not taken into account in the preparation of these designs. MiTek or TRENCO has not independently verified the applicability of the design parameters or the designs for any particular building. Before use, the building designer should verify applicability of design parameters and properly incorporate these designs into the overall building design per ANSI/TPI 1, Chapter 2.



## Symbols

### PLATE LOCATION AND ORIENTATION



\* Plate location details available in MiTek 20/20 software or upon request.

### PLATE SIZE

4 x 4

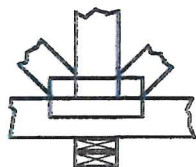
The first dimension is the plate width measured perpendicular to slots. Second dimension is the length parallel to slots.

### LATERAL BRACING LOCATION



Indicated by symbol shown and/or by text in the bracing section of the output. Use T or I bracing if indicated.

### BEARING

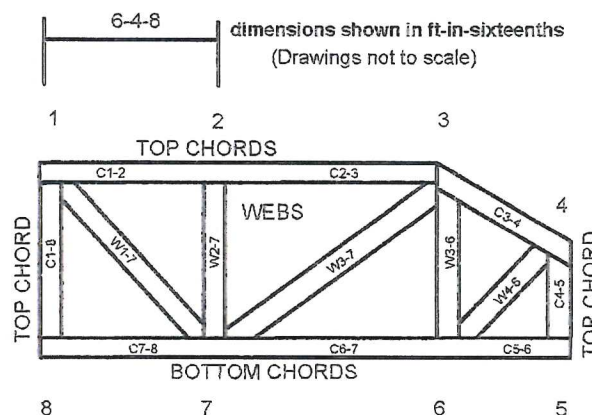


Indicates location where bearings (supports) occur. Icons vary but reaction section indicates joint number where bearings occur. Min size shown is for crushing only.

### Industry Standards:

ANSI/TPI1: National Design Specification for Metal Plate Connected Wood Truss Construction.  
DSB-89: Design Standard for Bracing.  
BCSI: Building Component Safety Information, Guide to Good Practice for Handling, Installing & Bracing of Metal Plate Connected Wood Trusses.

## Numbering System



JOINTS ARE GENERALLY NUMBERED/LETTERED CLOCKWISE AROUND THE TRUSS STARTING AT THE JOINT FARTHEST TO THE LEFT.

CHORDS AND WEBS ARE IDENTIFIED BY END JOINT NUMBERS/LETTERS.

### PRODUCT CODE APPROVALS

ICC-ES Reports:

ESR-1311, ESR-1352, ESR1988  
ER-3907, ESR-2362, ESR-1397, ESR-3282

Trusses are designed for wind loads in the plane of the truss unless otherwise shown.

Lumber design values are in accordance with ANSI/TPI 1 section 6.3 These truss designs rely on lumber values established by others.

© 2012 MiTek® All Rights Reserved



MiTek Engineering Reference Sheet: MII-7473 rev. 5/19/2020



## General Safety Notes

### Failure to Follow Could Cause Property Damage or Personal Injury

1. Additional stability bracing for truss system, e.g. diagonal or X-bracing, is always required. See BCSI.
2. Truss bracing must be designed by an engineer. For wide truss spacing, individual lateral braces themselves may require bracing, or alternative Tor I bracing should be considered.
3. Never exceed the design loading shown and never stack materials on inadequately braced trusses.
4. Provide copies of this truss design to the building designer, erection supervisor, property owner and all other interested parties.
5. Cut members to bear tightly against each other.
6. Place plates on each face of truss at each joint and embed fully. Knots and wane at joint locations are regulated by ANSI/TPI 1.
7. Design assumes trusses will be suitably protected from the environment in accord with ANSI/TPI 1.
8. Unless otherwise noted, moisture content of lumber shall not exceed 19% at time of fabrication.
9. Unless expressly noted, this design is not applicable for use with fire retardant, preservative treated, or green lumber.
10. Camber is a non-structural consideration and is the responsibility of truss fabricator. General practice is to camber for dead load deflection.
11. Plate type, size, orientation and location dimensions indicated are minimum plating requirements.
12. Lumber used shall be of the species and size, and in all respects, equal to or better than that specified.
13. Top chords must be sheathed or purlins provided at spacing indicated on design.
14. Bottom chords require lateral bracing at 10 ft. spacing, or less, if no ceiling is installed, unless otherwise noted.
15. Connections not shown are the responsibility of others.
16. Do not cut or alter truss member or plate without prior approval of an engineer.
17. Install and load vertically unless indicated otherwise.
18. Use of green or treated lumber may pose unacceptable environmental, health or performance risks. Consult with project engineer before use.
19. Review all portions of this design (front, back, words and pictures) before use. Reviewing pictures alone is not sufficient.
20. Design assumes manufacture in accordance with ANSI/TPI 1 Quality Criteria.
21. The design does not take into account any dynamic or other loads other than those expressly stated.

Job	Truss	Truss Type	Qty	Ply	18X28 building	K11336469
3057446	A02	Common	13	1		

Builders FirstSource (Beaverton, OR), Beaverton, OR - 97005,

8.430 s Aug 16 2021 MiTek Industries, Inc. Fri Mar 4 16:17:32 2022 Page 1  
ID:CTv7trPfFmALqZrMZL5TOjzeG\_9-levXwvdGDN9joH1IzFPwzVqA4UG1ISX3qXIFT1zeF11

0-7-9 3-4-11 9-0-0 14-7-5 18-0-0 18-7-0  
0-7-0 3-4-11 5-7-5 6-7-5 3-4-11 0-7-0

Scale = 1:39.4

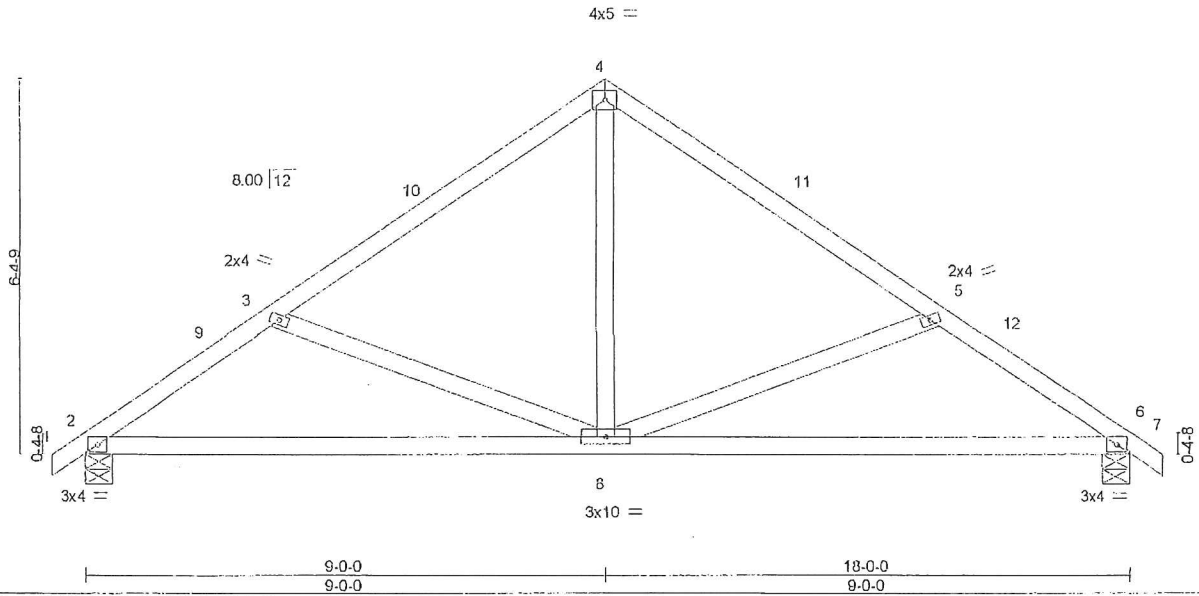


Plate Offsets (X,Y)-- [2'-0-2-0,0-1-6], [6'-0-2-0,0-1-6]

LOADING (psf)	SPACING--	CSI.	DEFL.	in (loc)	l/defl	L/d	PLATES	GRIP
TCLL 25.0 (Roof Snow=25.0)	2'-0-0	TC 0.23	Vert(LL)	-0.10	2-8	>999	MT20	220/195
TCDL 7.0	Lumber DOL 1.15	BC 0.46	Vert(CT)	-0.30	2-8	>713		
BCLL 0.0 *	Rep Stress Incr YES	WB 0.24	Horz(CT)	0.03	6	n/a		
BCDL 10.0	Code IBC2018/TPI2014	Matrix-S					Weight: 81 lb	FT = 20%

#### LUMBER-

TOP CHORD 2x4 DF No.1&Btr G  
BOT CHORD 2x4 DF No.1&Btr G  
WEBS 2x4 DF Std G

#### BRACING-

TOP CHORD Structural wood sheathing directly applied or 6'-0-0 oc purlins.  
BOT CHORD Rigid ceiling directly applied or 10'-0-0 oc bracing.

#### REACTIONS.

(size) 2=0-5-8, 6=0-5-8  
Max Horz 2=-.230(LC 8)  
Max Uplift 2=-.268(LC 10), 6=-.268(LC 11)  
Max Grav 2=789(LC 1), 6=789(LC 1)

#### FORCES. (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.

TOP CHORD 2-3=-1069/420, 3-4=-798/293, 4-5=-798/293, 5-6=-1069/420  
BOT CHORD 2-8=-424/932, 6-8=-274/855  
WEBS 4-8=-71/462, 5-8=-371/370, 3-8=-370/369

#### NOTES-

- 1) Wind: ASCE 7-16; Vult=135mph (3-second gust) Vasd=107mph; TCDL=4.2psf; BCDL=6.0psf; h=25ft; Cat. II; Exp C; Enclosed; MWFRS (envelope) gable end zone and C-C Exterior(2E) -0-7-0 to 2-5-0, Interior(1) 2-5-0 to 6-0-0, Exterior(2R) 6-0-0 to 12-0-0, Interior(1) 12-0-0 to 15-7-0, Exterior(2E) 15-7-0 to 18-7-0 zone; cantilever left and right exposed; end vertical left and right exposed; C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.60 plate grip DOL=1.60
- 2) TCLL: ASCE 7-16; Pf=25.0 psf (Lum DOL=1.15 Plate DOL=1.15); Is=1.0; Rough Cat C; Fully Exp.; Ce=0.9; Cs=1.00; Ct=1.10
- 3) This truss has been designed for greater of min roof live load of 16.0 psf or 2.00 times flat roof load of 25.0 psf on overhangs non-concurrent with other live loads.
- 4) This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
- 5) \* This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-6-0 tall by 2-0-0 wide will fit between the bottom chord and any other members.
- 6) A plate rating reduction of 20% has been applied for the green lumber members.
- 7) Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 100 lb uplift at joint(s) except (It=lb) 2=268, 6=268.
- 8) This truss is designed in accordance with the 2018 International Building Code section 2306.1 and referenced standard ANSI/TPI 1.



RENEWAL DATE: 12-31-2023  
March 4, 2022



Design valid for use only with MiTek® connectors. This design is based only upon parameters shown, and is for an individual building component, not a truss system. Before use, the building designer must verify the applicability of design parameters and properly incorporate this design into the overall building design. Bracing indicated is to prevent buckling of individual truss web and/or chord members only. Additional temporary and permanent bracing is always required for stability and to prevent collapse with possible personal injury and property damage. For general guidance regarding the fabrication, storage, delivery, erection and bracing of trusses and truss systems, see **ANSI/TPI1 Quality Criteria, DSB-89 and BCSI Building Component Safety Information** available from Truss Plate Institute, 2670 Crain Highway, Suite 203 Waldorf, MD 20601



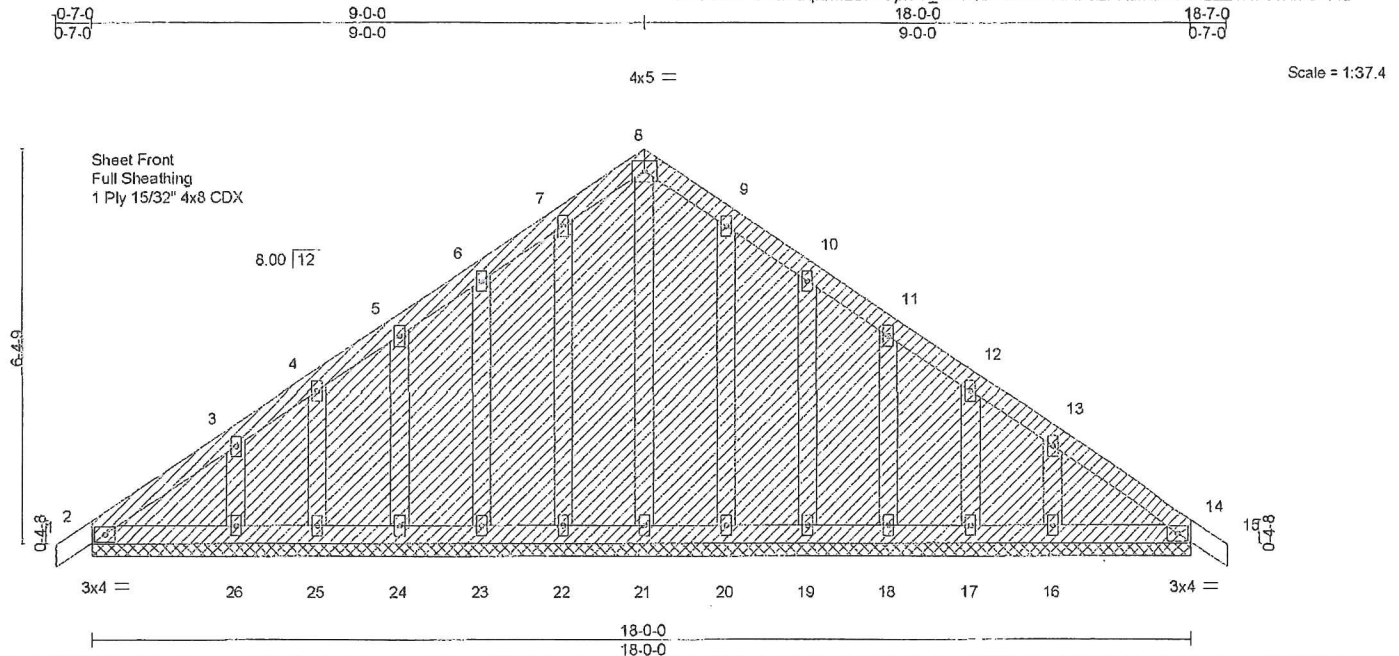
250 Klug Circle  
Corona, CA 92880



Job	Truss	Truss Type	Qty	Ply	18X28 building	K11336468
3057446	A01	Common Supported Gable	2	1		
Job Reference (optional)						

Builders FirstSource (Beaverton, OR), Beaverton, OR - 97005,

8.430 s Aug 16 2021 MiTek Industries, Inc. Fri Mar 4 16:17:31 2022 Page 1  
ID:CTv7trPfMAlqZrMZL5TOjzeG\_9-HQL9iaceS41sA7SZPXuHqH2i42ZZ1HwctYixbzeF12



LOADING (psf)	SPACING-	CSL	DEFL.	in	(loc)	l/defl	L/d	PLATES	GRIP
TCLL 25.0 (Roof Snow=25.0)	2-0-0	TC 0.04	Vert(LL)	-0.00	14	n/r	90	MT20	220/195
TCDL 7.0	Plate Grip DOL 1.15	BC 0.03	Vert(CT)	0.00	14	n/r	120		
BCLL 0.0 *	Lumber DOL 1.15	WB 0.11	Horz(CT)	0.00	14	n/a	n/a		
BCDL 10.0	Rep Stress Incr YES	Matrix-S						Weight: 169 lb	FT = 20%
	Code IBC2018/TPI2014								

LUMBER-	BRACING-
TOP CHORD 2x4 DF No.1&Btr G	TOP CHORD Structural wood sheathing directly applied or 6-0-0 oc purlins.
BOT CHORD 2x4 DF No.1&Btr G	BOT CHORD Rigid ceiling directly applied or 10-0-0 oc bracing.
OTHERS 2x4 DF Std G	

REACTIONS.	All bearings 18-0-0.
(lb) -	Max Horz 2=-230(LC 8)
Max Uplift	All uplift 100 lb or less at joint(s) 2, 14, 21, 22, 23, 24, 25, 20, 19, 18, 17 except 26=-139(LC 10), 16=-138(LC 11)
Max Grav	All reactions 250 lb or less at joint(s) 2, 14, 21, 22, 23, 24, 25, 26, 20, 19, 18, 17, 16

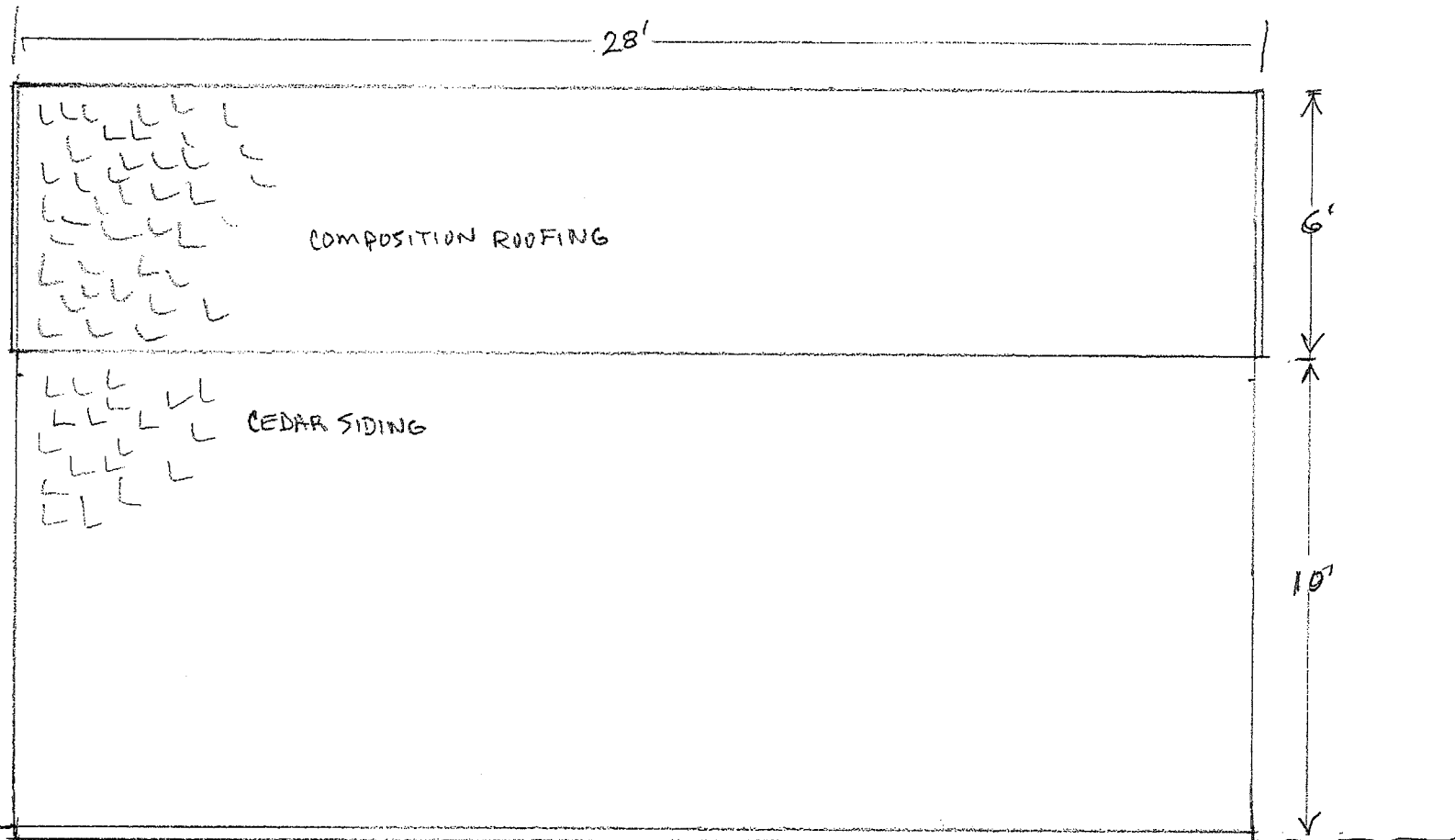
**FORCES.** (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.

- NOTES-**
- 1) Wind: ASCE 7-16; Vult=135mph (3-second gust) Vasd=107mph; TCDL=4.2psf; BCDL=6.0psf; h=25ft; Cat. II; Exp C; Enclosed; MWFRS (envelope) gable end zone and C-C Corner(3E) -0-7-0 to 2-4-0, Exterior(2N) 2-4-0 to 6-0-0, Corner(3R) 6-0-0 to 12-0-0, Exterior(2N) 12-0-0 to 15-7-0, Corner(3E) 15-7-0 to 18-7-0 zone; cantilever left and right exposed; end vertical left and right exposed; C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.60 plate grip DOL=1.60
  - 2) Truss designed for wind loads in the plane of the truss only. For studs exposed to wind (normal to the face), see Standard Industry Gable End Details as applicable, or consult qualified building designer as per ANSI/TPI 1.
  - 3) TCLL: ASCE 7-16; Pf=25.0 psf (Lum DOL=1.15 Plate DOL=1.15); Is=1.0; Rough Cat C; Fully Exp.; Ce=0.9; Cs=1.00; Ct=1.10
  - 4) This truss has been designed for greater of min roof live load of 16.0 psf or 2.00 times flat roof load of 25.0 psf on overhangs non-concurrent with other live loads.
  - 5) All plates are 2x4 MT20 unless otherwise indicated.
  - 6) Gable requires continuous bottom chord bearing.
  - 7) Gable studs spaced at 1-4-0 oc.
  - 8) This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
  - 9) \* This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-6-0 tall by 2-0-0 wide will fit between the bottom chord and any other members.
  - 10) A plate rating reduction of 20% has been applied for the green lumber members.
  - 11) Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 100 lb uplift at joint(s) 2, 14, 21, 22, 23, 24, 25, 20, 19, 18, 17 except (jt=lb) 26=139, 16=138.
  - 12) Beveled plate or shim required to provide full bearing surface with truss chord at joint(s) 14.
  - 13) This truss is designed in accordance with the 2018 International Building Code section 2306.1 and referenced standard ANSI/TPI 1.



RENEWAL DATE: 12-31-2023  
March 4, 2022

EAST SIDE VIEW ELEVATION  
208 E. JACKSON STREET, CANNON BEACH, OR 97110





# SITE MAP

208 E. JACKSON STREET, CANNON BEACH, OR 97110

OWNERS: MELISSA CADWALLADER & BILL

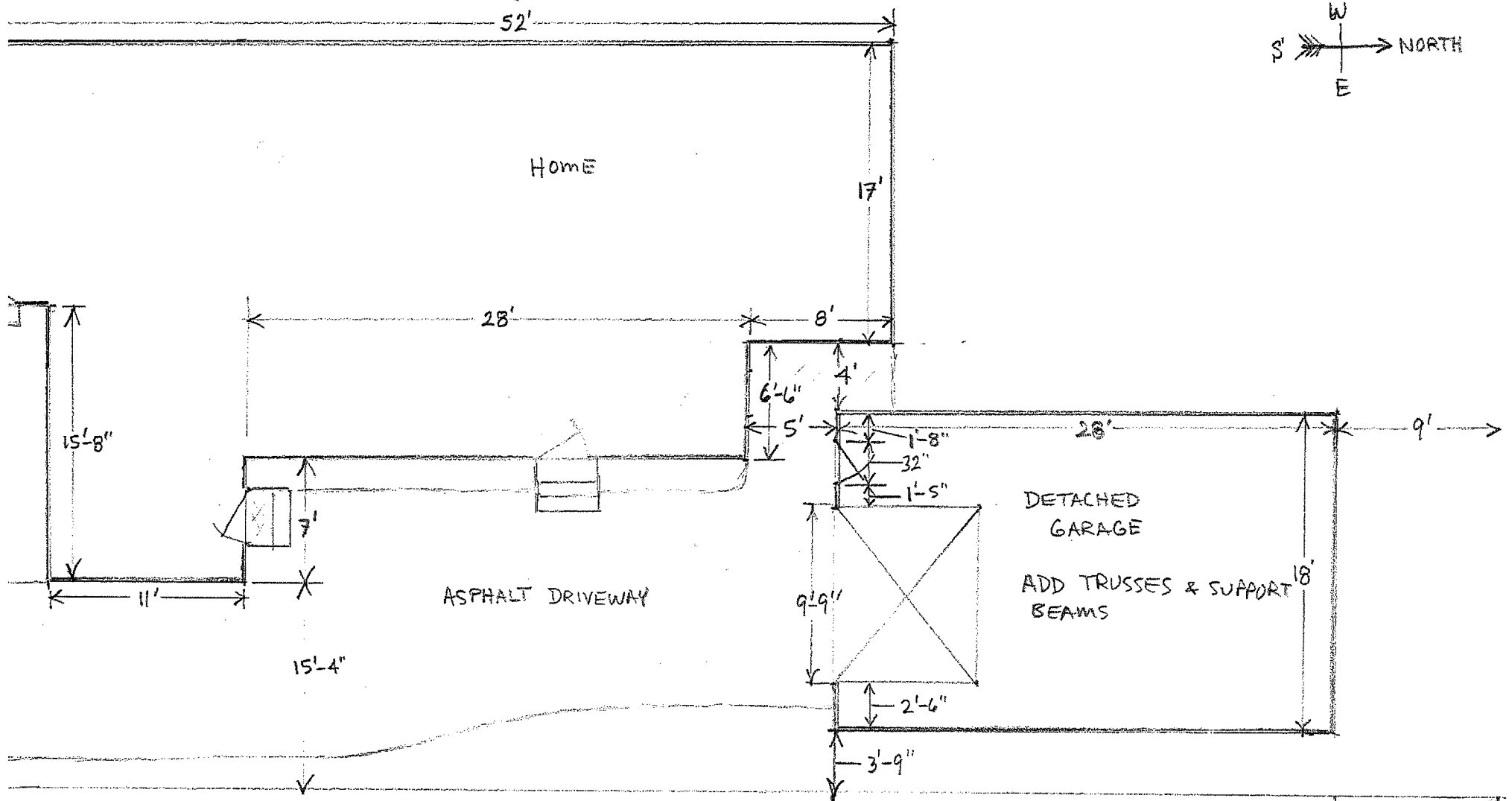
CONTRACTOR: TOWN & COUNTRY PEST CONTROL

ARIC N. BAANES, OWNER 503-956-1969

CCB 135931

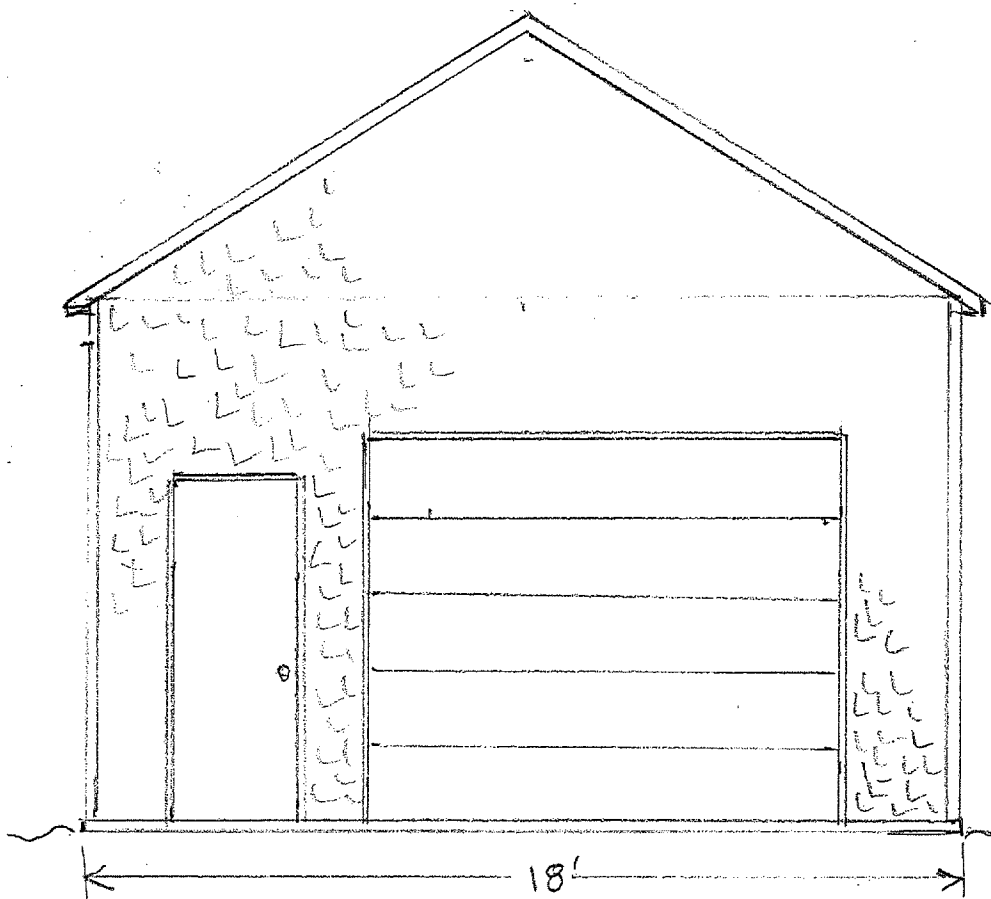
S. SPRUCE STREET

164-22-000094-STR

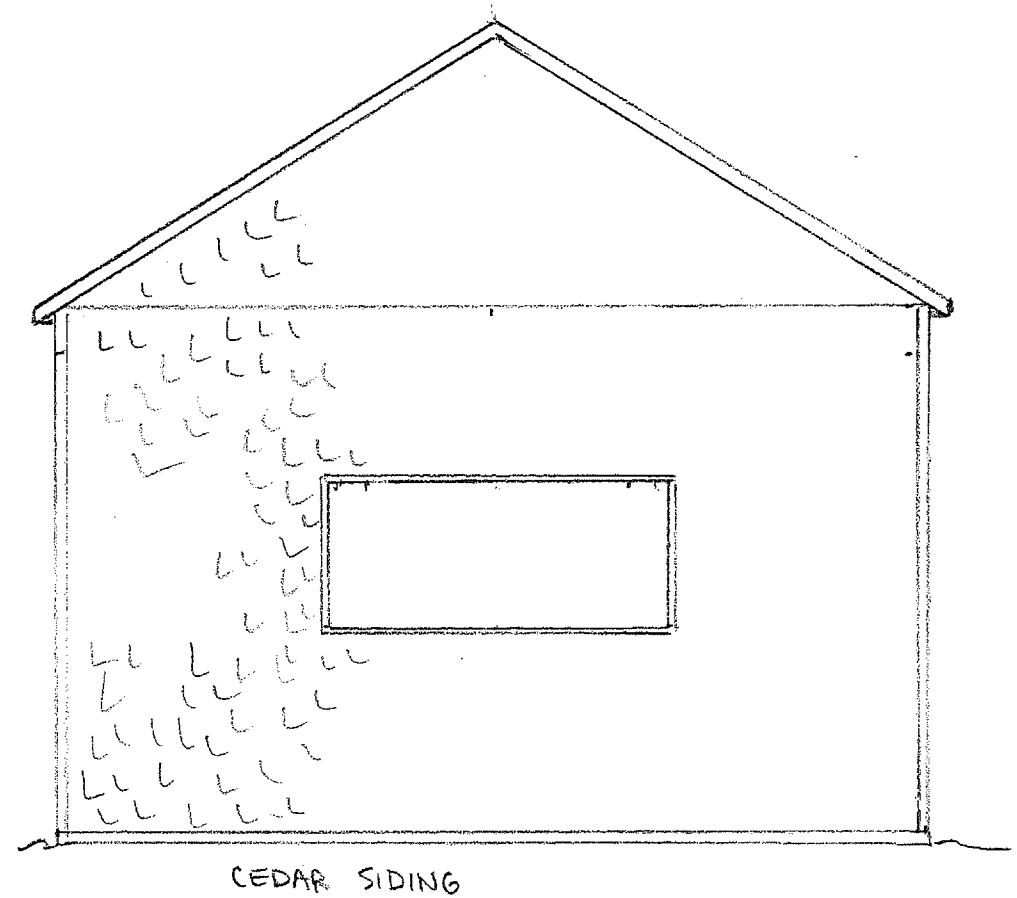


208 E. JACKSON STREET, CANNON BEACH, OR 97110  
NORTH & SOUTH SIDE VIEWS  
ELEVATION

SOUTH VIEW



NORTH VIEW





# CITY OF CANNON BEACH

City of Cannon Beach  
Finance Department

JUN 10 2022

Received

April 2, 2022

**SR 22-02**, Aric Barnes, on behalf of Cadwallader & Kramer Family Trust, application to allow a setback reduction to reduce the side yard setback from the required 5'0" to 3'9" to add a gable roof to an existing flat roof garage, according to chapter 17.14 Residential Medium Density Zone of the Municipal Code. The proposed work will not increase the footprint of the preexisting structure. The property is located at 208 E Jackson St. (Tax Lot 03300, Map 51029BC), and in a Residential Medium Density (R2) Zone. The request will be reviewed against the Municipal Code, Section 17.64.010, Setback Reduction, Provisions Established.

Dear Property Owner,

Cannon Beach Zoning Ordinance requires notification to property owners within 100 feet, measured from the exterior boundary, of any property which is the subject of the proposed applications. Your property is located within 100 feet of the above-referenced property or you are being notified as a party of record.

Please note that you may submit a statement either in writing or orally at the hearing, supporting or opposing the proposed action. Your statement should address the pertinent criteria, as stated in the hearing notice. Statements in writing must be received by the date of the hearing.

Enclosed are copies of the public hearing notice, a description of how public hearings are conducted and a map of the subject area. Should you need further information regarding the relevant Zoning Ordinance, Subdivision Ordinance or Comprehensive Plan criteria, please contact Cannon Beach City Hall at the address below, or call Katie Hillenhagen at (503) 436-8054 or email [hillenhagen@ci.cannon-beach.or.us](mailto:hillenhagen@ci.cannon-beach.or.us).

Sincerely,

*Kathryn Hillenhagen*

Katie Hillenhagen  
Administrative Assistant

Enclosures: Notice of Hearing  
Conduct of Public Hearings  
Map of Subject Area

*We are in support of the  
proposed action.*

*Kathleen and John Sheller  
207 E. Jackson  
Cannon Beach*

**Robert St. Clair**

---

**From:** jody vetsch <savvyjo57@hotmail.com>  
**Sent:** Wednesday, June 15, 2022 9:17 AM  
**To:** Planning Group  
**Subject:** Public hearing

Hello,

We would like to respond to the setback question regarding SR22-02. We are Doug and Jody Vetsch 194 East Jackson St., long time neighbors of Bill and Melissa. We have no objection to the Easement to allow for a gabled roof. The new roof will probably enhance the ground drainage between both houses. It would possibly be a nice idea to join with the neighbors and make a better drainage for both.

Thank you,  
Doug and Jody Vetsch

Sent from my iPad



# Cannon Beach Planning Commission

## Staff Report:

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.

**Agenda Date:** June 23, 2022

**Prepared By:** Jeffrey S. Adams, PhD  
Robert St. Clair

## GENERAL INFORMATION

### NOTICE

Public notice for this June 23, 2022 Public Hearing is as follows:

- A. Notice was posted at area Post Offices on June 2, 2022;
- B. Notice was mailed on June 2, 2022 to surrounding landowners within 100' of the exterior boundaries of the property.

### DISCLOSURES

Any disclosures (i.e. conflicts of interest, site visits or ex parte communications)?

### EXHIBITS

The following Exhibits are attached hereto as referenced. All application documents were received at the Cannon Beach Community Development office on May 27, 2022 unless otherwise noted.

#### "A" Exhibits – Application Materials

- A-1** Application of P# 22-01 & CU#22-02, by Jamie Lerma on behalf of Patrick/Dave LLC;
- A-2** Application Narrative;
- A-3** Exhibit A – Application Forms;
- A-4** Exhibit B – Tentative Partition Plan;
- A-5** Exhibit C – Existing Conditions Plan;
- A-6** Exhibit D – Vicinity & Zoning Map;
- A-7** Exhibit E – Wetland Delineation;

- A-8** Exhibit F – Department of State Lands Wetland Delineation Concurrence;
- A-9** Exhibit G – U.S. Army Corps of Engineers Jurisdictional Determination;
- A-10** Exhibit H – Preliminary Utility Plan;
- A-11** Exhibit I – Arborist Report;
- A-12** Geotechnical Investigation and Geologic Hazard Report Proposed Forest Lawn Subdivision, Lots 1-3, Clatsop County Tax Lot No. 51030DA04100, by Earth Engineers, Inc., dated June 3, 2022;
- A-13** Forest Lawn Partition, Supplemental Geotechnical Findings, by DOWL, dated June 10, 2022;

**“B” Exhibits – Agency Comments**

None received as of this writing;

**“C” Exhibits – Cannon Beach Supplements**

- C-1** Haystack Views pre-application meeting response letter, dated December 10, 2021
- C-2** Haystack Views follow-up letter, dated March 1, 2022;
- C-3** Completeness determination letter, dated June 3, 2022;
- C-4** Pre-Application Cover Letter, Matthew Robinson, DOWL, dated November 12, 2021;
- C-5** Pre-Application Exhibit A - Partition Plat 2000-037;
- C-6** Pre-Application Exhibit B - PHS Stormwater Influence Letter, dated September 1, 2021;
- C-7** Pre-Application Exhibit C - Stormwater Runoff Calculation;
- C-8** Pre-Application Exhibit D - Existing Conditions Survey, see Exhibit A-5;
- C-9** Pre-Application Exhibit E - DSL Wetland Delineation Concurrence Letter, see Exhibit A-8;
- C-10** Pre-Application Exhibit F - USACE Jurisdictional Determination Letter, See Exhibit A-9;
- C-11** Pre-Application Exhibit G - Preliminary Subdivision Plan;
- C-12** Shapiro and Associates, Wetlands Delineation, with supplemental materials, dated December 10, 1992;
- C-13** City of Cannon Beach Minor Partition Order, with supplemental materials, dated January 27, 2000;
- C-14** Arnsberg Family Limited Partnership Property Donation request, before City Council, with supplemental materials, dated September 2, 2003;
- C-15** Karen La Bonte, Letter on behalf of the City of Cannon Beach to Quail Cove, LLC, dated April 29, 2021;
- C-16** City of Cannon Beach application for Development Permit DP# 21-23, dated November 5, 2021;
- C-17** City of Cannon Beach Order and Findings for Development Permit DP# 21-23, dated November 5, 2021;
- C-18** Cardwell Appeal of Administrative Decision for Development Permit DP# 21=23, dated November 17, 2021;
- C-19** City of Cannon Beach Notice of Decision to withdraw, dated January 11, 2022;
- C-20** City of Cannon Beach correspondence over the Forest Lawn stormwater concerns, various dates;
- C-21** City of Cannon Beach Planning Commission Meeting Minutes, October 22, 1987;
- C-22** City of Cannon Beach Planning Commission Meeting Minutes, January 27, 2000;

## **“D” Exhibits – Public Comment**

- D-1** Dana Cardwell, Email Correspondence, June 1 2022;
- D-2** Lolly Champion, Email Correspondence, June 7, 2022;
- D-3** Steve Mayer, Email Correspondence, June 12, 2022;
- D-4** Dana Cardwell, Letter via Email Correspondence, June 13, 2022;
- D-5** Dana Cardwell, Summary of Appeal, Email Correspondence, June 13, 2022;
- D-6** Bonnie Neugebauer, Letter via Email Correspondence, June 13, 2022;
- D-7** Roger Neugebauer, Letter via Email Correspondence, June 13, 2022;
- D-8** Rosanne Dorsey, Email Correspondence, June 14, 2022
- D-9** William Reiersgaard, Email Correspondence, June 15, 2022;
- D-10** Lolly Champion, Email Correspondence, June 15, 2022;
- D-11** Marty Schwab Harris, Letter via Email Correspondence, June 15, 2022;

## **SUMMARY & BACKGROUND**

Patrick/Dave LLC (applicant) is requesting City of Cannon Beach (City) tentative plan approval of a three lot partition of tax lot 51030DA04100 (also referred to as the project site). The project site is generally located south of the intersection of Forest Lawn Road and South Hemlock Street. As the project site contains wetlands mapped on the City’s local wetland inventory that are subject to Cannon Beach Municipal Code (CBMC) Chapter 17.43 (Wetlands Overlay Zone), the applicant is also requesting conditional use approval as required by CBMC 17.43.040-45 for partitions within wetlands and wetland buffer areas. As shown on the Tentative Partition Plan (Exhibit B), the proposed partition will create three lots intended for single-family residential dwellings.

ORS 92.010(6) defines “parcel” as a single unit of land that is created by a partition of land, and ORS 92.010(9) defines “partitioning land” as the means of dividing land to create not more than three parcels of land within a calendar year; therefore, for the purposes of state law, this proposed tentative plan is considered a partition as it will result in the creation of only three units of land (Lots 1, 2, and 3).

The 1.1 acre property is zoned R2 Residential Medium Density and includes a 29,618 square-foot (SF) delineated wetland, identified and delineated by Pacific Habitat Services, Inc, (Exhibit A-07). The U.S. Army Corps of Engineers issued a jurisdictional determination on April 15, 2021 and the Oregon Department of State Lands issued a letter of concurrence, dated June 8<sup>th</sup>, 2021 (Exhibits A-08 & A-09). The City’s files holds an earlier wetlands delineation, by Shapiro and Associates, dating back to 1992 (Exhibit C-12). On January 27, 2000, the City of Cannon Beach granted a minor partition of the subject property into three parcels (Exhibit C-13). There is evidence in the historic record for the property indicating that at one time the owners had contemplated donating the wetlands area to the City (Exhibit C-14). As evidenced by the pre-application correspondence, the applicants initially contemplated a seven-lot subdivision, but ultimately applied for only a three-lot partition. Those exhibits also indicated that a (Exhibits C-01 & C-02), donation was contemplated under the initial seven-lot subdivision, along with consideration concerning cluster development and clarification of ‘frontages.’

The access to the initially contemplated seven-lot subdivision’s access would have crossed the recently created wetlands finger that the applicant’s specialist suggests is, in part, due to the infiltration of stormwater runoff from the City’s Forest Lawn right-of-way and neighboring storm-drain outfalls (Exhibits C-06 & C-07). Due to the recent growth of the wetlands area on the southern-end (Exhibits C-05 & A-07) and a plat restriction, which was

place on the property by earlier decision (and explained in detail below) access to the majority of the parcel's upland area would be restricted to a Forest Lawn approach that crossed the delineated wetland. Staff expressed concern over the proposed access and what appears to be conflicting language surrounding CBMC 16.04.310 Design Standards – Lots, (B) Location, that "All lots shall have a twenty-five-foot frontage on a publicly dedicated street. Not only was it debatable whether all lots had frontage on a publicly dedicated street, CBMC 17.43.050(M)(2)(e) states that "streets shall not be located in protected wetland or wetland buffer areas."

Surrounding property is zoned R2 Medium Density Residential to the east, south and west, while property across Forest Lawn, to the north, is zoned Residential Motel. The neighboring property owner, at 1603 Forest Lawn, was notified on April 29, 2021, that their stormwater outfall would need to be re-routed to comply with the City's stormwater ordinance (CBMC 8.04.140, see Exhibit C-15), with the City offering to allow for connection at the time of the City's extension of the stormwater infrastructure. The City applied and was approved for a development permit (DP# 21-23, see Exhibit C-16 & C-17) to extend the Forest Lawn stormwater outlet one-hundred and thirty feet to the north along the City's right-of-way on November 5, 2021. The City of Cannon Beach received an appeal of the decision on November 17, 2021 (Exhibit C-18), within the two-week appeal period, placing it on the December agenda for a public hearing before the Planning Commission, only to withdraw it prior to the rescheduled January hearing (Exhibit C-19).

At the same time, the City began investigating other stormwater solutions that might lessen the stormwater runoff impacts to private property along Forest Lawn. The City has continued to work with both property owners to resolve the stormwater concerns (Exhibit C-20).

## APPLICABLE CRITERIA EXCERPTED FROM THE CANNON BEACH MUNICIPAL CODE

### Chapter 16 – Subdivisions

#### 16.04.130 Applicable Standards

*In making its decision, the planning commission shall determine whether the proposed subdivision or partition complies with the applicable standards of this code and the policies of the comprehensive plan, in conformance with the requirements of Section 17.88.110. Where this chapter imposes a greater restriction upon the land than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this chapter shall control. Pursuant to ORS 197.195(1), the city has determined that the following comprehensive plan policies are applicable standards for a proposed subdivision or partition.*

#### A. General Development Policies.

1. *General Development Policy 4. The city shall control excavation, grading, and filling in order to: avoid landslides and other geologic hazards; protect adjacent property and structures; provide for appropriate drainage improvements; minimize the extent of vegetation removal; minimize erosion and sedimentation; and protect the aesthetic character of the city.*
2. *General Development Policy 5. The density of residential development throughout the city shall be based on the capability of the land in terms of its slope, potential for geologic hazard and drainage characteristics. Density limits throughout the city shall generally be:*

<b>Net Density Standards</b>	
	<b>Dwellings Per Acre</b>
<i>High (R3), (RM)</i>	<i>15</i>
<i>Duplex or medium (R2), (RMa), (MP), (RAM)</i>	<i>11</i>
<i>Moderate single-family (R1)</i>	<i>8</i>
<i>Low (RL)</i>	<i>4</i>



3. *General Development Policy 9. To control development in areas with slopes exceeding twenty percent and areas subject to potential geologic hazards so that potential adverse impacts can be minimized.*
4. *General Development Policy 10. When site investigations are required in areas of potential landslide hazard, a site specific investigation shall be prepared by a registered geologist. Based on the conclusions of this investigation, an engineered foundation design by a soils engineer may be required by the building official. When site investigations are required in areas of potential coastal erosion hazard, the site specific investigation shall be prepared by a registered geologist with expertise in shoreline processes. Based on the conclusions of this investigation, protective structures designed by a registered civil engineer may be required by the building official. Site investigation reports shall meet the city's criteria for the content and format for geologic hazard reports.*
5. *General Development Policy 11. Site investigations by a qualified soils engineer may be required for the construction or development of property identified by the Soil Conservation Service as containing weak foundation soils. Site reports shall include information on bearing capacity of the soil, adequacy and method of drainage facilities, and the length of fill settlement necessary prior to construction.*
6. *General Development Policy 12. Site investigations by a registered geologist shall be performed, prior to development, in any area with a slope exceeding twenty percent. Based on the conclusions of this investigation, an engineered foundation design by a soils engineer may be required by the building official.*
7. *General Development Policy 14. To ensure that development is designed to preserve significant site features such as trees, streams and wetlands.*
8. *General Development Policy 15. The city shall regulate the removal of trees in order to preserve the city's aesthetic character, as well as to control problems associated with soil erosion and landslide hazards.*
9. *General Development Policy 16. To provide flexibility in regulations governing site design so that developments can be adapted to specific site conditions.*

**Staff Comment:** The applicable criteria from the General Development Policies for this partition application include items 2, 7, and 9. The partitioning of the subject property into three separate parcels would not increase the overall net density such that it exceeds the 11 dwellings per acre standard. The Tentative Partition Plan is laid out so that potential development is focused on the upland areas with the application showing no activity occurring in the delineated wetland area.

## Chapter 17 – Zoning

### 17.14.030 Conditional Uses Permitted.

*In an R2 zone, the following standards shall apply except as they may be modified through the design review process pursuant to Chapter 17.44:*

*A. Lot Size. Lot area shall be at least five thousand square feet, except that construction on lots of less than five thousand square feet is permitted subject to Section 17.82.020. The minimum lot size for a single-family dwelling shall be five thousand square feet. The minimum lot size for all uses, including single-family dwellings, shall be adjusted for average slope using the standards in Section 16.04.310(A).*

*B. Lot Dimensions.*

1. *Lot Width.* Lot width shall be at least forty feet.
2. *Lot Depth.* Lot depth shall be at least eighty feet.
3. *Front Yard.* A front yard shall be at least fifteen feet.
4. *Side Yard.* A side yard shall be at least five feet, except on a corner or through lot the minimum side yard from the street shall be fifteen feet.
5. *Rear Yard.* A rear yard shall be at least fifteen feet, except on a corner or through lot it shall be a minimum of five feet, except where a rear lot line abuts a street, it shall be a minimum of fifteen feet.
6. *Yard Abutting the Ocean Shore.* For all lots abutting the ocean shore, any yard abutting the ocean shore shall conform to the requirements of Section 17.42.050(A)(6), Oceanfront setback.
- C. *Lot Coverage.* The lot coverage for a permitted or conditional use shall not exceed fifty percent.
- D. *Floor Area Ratio.* The floor area ratio for a permitted or conditional use shall not exceed 0.6.
- E. *Building Height.* Maximum height of a structure is twenty-four feet, measured as the vertical distance from the average elevation of existing grade to the highest point of a roof surface of a flat roof, to the top of a mansard roof or to the mean height level between the eaves and the ridge for a pitched roof. The ridge height of a pitched roof shall not exceed twenty-eight feet. Pitched roofs are considered those with a 5-12 pitch or greater.
- F. *Signs.* As allowed by Chapter 17.56.
- G. *Parking.* As required by Section 17.78.020.
- H. *Design Review.* All uses except single-family dwellings and their accessory structures are subject to design review of Chapter 17.44.
- I. *Geologic or Soils Engineering Study.* As required by Chapter 17.50.
- J. *Claims for Compensation Under ORS 197.352.* The standards of Section 17.08.040(A) through (K) (Standards), shall apply except as specifically modified pursuant to a development agreement created as part of the city's final action modifying, removing or not applying the city's land use regulation(s) on a demand for compensation under ORS 197.352.
- K. *Site Plan.* Except for interior renovation of existing structures and exterior renovations such as siding replacement where there will be no ground disturbance, no new construction shall be approved unless a site plan meeting the requirements of Section 17.90.190 has been submitted and approved.

**Staff Comment:** While single-family dwellings are an outright permitted use per CBMC 17.14.020(A), partitions are a conditional use when proposed within wetland and wetland buffer areas per CBMC 17.43.040 and 45; therefore, conditional use approval is required for the Tentative Partition Plan. The applicable standards for conditional uses per CBMC 17.80.110, as well as the WO standards for land divisions per CBMC 17.43.050(M), are addressed for compliance within this narrative.

The minimum lot size requirements of 5,000 SF for single-family lots are met, as well as the other dimensional standards. Parking areas are to be included in the identified building sites, while access is proposed via Forest Lawn for Lot 2 and a shared access easement off of Hemlock for Lots 1 & 3.

## **17.43 – Wetlands Overlay (WO) Zone**

### **17.43.020 Mapping.**

- A. *The maps delineating the WO zone boundaries shall be maintained and updated as necessary by the city. The Cannon Beach Local Wetland Inventory maps dated September 20, 1994, shall form the basis for the location of wetlands. The WO zone includes both wetland and wetland buffer areas which abut wetlands. The wetland buffer area has a width of five feet measured from the outer boundaries of the wetland.*

- B. *Site-specific wetland delineations or determinations are required to determine the exact location of the WO zone boundary. Wetland determinations and delineations shall be conducted in accordance with the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual along with any supporting technical or guidance documents issued by the Division of State Lands and applicable guidance issued by the U.S. Army Corps of Engineers for the area in which the wetlands are located.*
- C. *Where a wetland delineation or determination is prepared, the mapping it contains shall replace that of the Cannon Beach Local Wetland Inventory. Wetland delineations or determinations shall remain valid for a period of not more than five years from the date of their acceptance by the Division of State Lands.*

**Staff Comment:** The subject property contains a wetland that was originally mapped for the Cannon Beach Local Wetland Inventory of September 1994 (Exhibit C-12). A site-specific wetland delineation has been prepared by the applicant by Pacific Habitat Services (Exhibit A-07), which was then reviewed and approved by the Department of State Lands on June 8, 2021 (Exhibit A-08). The U.S. Army Corps of Engineers issued an Approved Jurisdictional Determination on April 15, 2021 indicating that the wetland is not subject to that agency's review requirements (Exhibit A-09). Meets criteria.

#### **17.43.025 Wetland lot-of-record.**

*A wetland lot-of-record is a lot or contiguous lots held in common ownership on August 4, 1993, that are subject to the provisions of this chapter. A wetland lot-of-record includes upland portions of the contiguous property that are not subject to the provisions of the wetlands overlay zone. "Contiguous" means lots that have a common boundary, and includes lots separated by public streets. A lot-of-record is subject to the provisions of this overlay zone if all or a portion of the lot is in the overlay zone. The objective of the wetland lot-of-record provision is to permit a property owner a minimum of one dwelling unit on a wetland lot-of-record. A dwelling can be constructed on the wetland portion of a wetland lot-of-record only where there are no upland portions of the wetland lot-of-record that can accommodate a dwelling. The following examples illustrate how the wetland lot-of-record provisions of Section 17.43.030A and Section 17.43.035A are to be applied.*

*Example 1. A fifteen thousand square foot wetland lot-of-record consisting of three platted five thousand square foot lots all of which are entirely of wetlands; one dwelling unit is permitted.*

*Example 2. A fifteen thousand square foot wetland lot-of-record consisting of three platted five thousand square foot lots, two of which are entirely wetlands and one of which contains two thousand five hundred square feet of uplands; one dwelling unit is permitted on the upland portion of the lot which contains two thousand five hundred square feet of uplands.*

*Example 3. A fifteen thousand square foot lot-of-record consisting of three platted five thousand square foot lots, one lot is entirely a wetland, the second lot contains two thousand five hundred square feet of upland and the third lot contains three thousand five hundred square feet of upland; two dwelling units are permitted, one on the upland portion of the lot which contains two thousand five hundred square feet of upland and one on the upland portion of the lot which contains three thousand five hundred square feet of uplands.*

**Staff Comment:** The subject property is a wetland lot of record and any parcels created by a partition of the subject would be wetland lots of record. The application is most similar to Example 1 above. Any proposed development would be subject to the limitations imposed by this section. The Tentative Partition Plan shows proposed development only taking place in the upland portion of the subject property (Exhibit A-04). Meets criteria.

#### **17.43.040 Conditional uses and activities permitted in wetlands.**

*The following uses and activities may be permitted subject to the provision of Chapter 17.80 in the wetland portion of the WO zone, subject to applicable standards, if permitted outright or conditionally in the base zone:*

- I. *Subdivisions, replats, partitions and property line adjustments.*

**Staff Comment:** The underlying zone is R2 Residential Medium Density. Subdivisions, replats, partitions, and property line adjustments are permitted in this zone. Meets criteria.

#### **17.43.045 Conditional Uses and Activities Permitted in Wetland Buffer Areas.**

*The following uses and activities may be permitted subject to the provision of Chapter 17.80 in wetland buffer areas in the WO zone, subject to applicable standards, if permitted outright or conditionally in the base zone:*

- I. *Subdivisions, partitions, lot line adjustments.*

**Staff Comment:** The underlying zone is R2 Residential Medium Density. Subdivisions, replats, partitions, and property line adjustments are permitted in this zone. Meets criteria.

#### **17.43.050 Standards.**

*The following standards are applicable to the uses and activities listed in Sections 17.43.030 through 17.43.045. The uses and activities are also subject to the standards of the base zone. The following standards are applicable in all areas under the wetlands overlay zone. "Protected wetlands" are those areas in the wetlands overlay zone that have been identified on the city's inventory or on a subsequent detailed wetland delineation as wetlands. "Wetland buffer areas" are nonwetland areas in the wetlands overlay zone surrounding the protected wetlands.*

- A. *General Standards. Uses and activities in protected wetlands and in wetland buffer areas are subject to the following general standards. Development may also be subject to specific standards in subsequent subsections.*

1. *Uses and activities in protected wetlands or wetland buffer areas may be approved only after the following list of alternative actions, listed from highest to lowest priority, have been considered:*
  - a. *Avoiding the impact altogether by not taking a certain action or parts of an action (this would include, for example, having the use or activity occur entirely on uplands); and*
  - b. *Minimizing impacts by limiting the degree or magnitude of action and its implementation (this would include, for example, reducing the size of the structure or improvement so that protected wetlands or wetland buffer areas are not impacted).*

**Staff Comment:** The application does not propose any uses or activities in the protected wetlands or wetland buffer areas, as the partition, utilities only delineated upland areas for residential development. If the private driveway access easement is approved as proposed, the application will not be crossing any wetlands or buffer areas with streets, utilities or any other uses or activities.

Sub-section (a.) of the general standards asks the applicant to prioritize their activities by avoiding the impact to the wetlands altogether, while (b.) would ask that the applicant minimize such activities. These are the general criteria the application will be reviewed by and which evidence must support. The applicant has altered their

earlier Pre-Application seven-lot subdivision proposal Exhibits C-11 & A-04), to a point of entry off of Hemlock rather than Forest Lawn to avoid impacting the wetland areas, keeping all access, utilities and building envelopes to the upland areas of the partition.

The 2000 Partition Plat that created this property holds a plat note restriction, stating, “access to parcels 1, 2 & 3 is restricted to Forest Lawn Road only, until such future time that said restriction is modified by the City of Cannon Beach (Exhibit C-05). If one traces this restriction back from the 2000 partition decision, to the 1987 minor partition decision that is referenced in the minutes of the 2000 Planning Commission decision, it is evident that the restriction to access future access from utilizing Hemlock is based on the “a desire to minimize driveways onto the city’s main arterial, Hemlock Street,” which is referred to in 1987 as a “limited access highway,” while “retaining an uninterrupted area of vegetation and trees along the west side of Hemlock Street” (see Exhibit C-21, C-22 & C-13).

Since the CBMC doesn’t offer clear procedures for ‘plat amendments,’ the PC has several avenues for processing the application considering the noted plat restriction. One option would be to condition any decision upon removal of the access restriction through a public hearing before the City Council, clarifying that all notice requirements are to meet subdivision requirement standards. Another option would be to deny any requested partition in violation of this plat restriction until the Council has taken action to remove the restriction.

M. *Land Divisions. Subdivisions, replats, partitions, and property line adjustments in protected wetlands, wetland buffer areas, or a wetland lot-of-record are subject to the following standards:*

1. *Preliminary plat maps for proposed subdivisions, replats and partitions involving protected wetlands or wetland buffer areas must show the wetland-upland boundary, as determined by a wetland delineation prepared by a qualified individual.*

**Staff Comment:** The applicant has prepared a Tentative Partition Plan that is based on a Wetland Determination that was prepared by Pacific Habitat Services, Inc. and accepted by Oregon Department of State Lands. Each lot contains an upland buildable area larger than 1,000 sq. ft. serviced by driveways and utility connections that are outside of the delineated wetland and buffer areas.

2. *Subdivisions, replats, partitions and property line adjustments for the purpose of creating building sites are permitted subject to the following standards:*

- a. *Each lot created must have at least one thousand square feet of upland available for building coverage, required off-street parking and required access.*

**Staff Comment:** CBMC 17.43.050(M.2) specifies that each lot must contain 1,000 square-feet of upland areas and that such area shall be inclusive of the building coverage, required off-street parking and required access for each lot. Each of the three lots satisfies this standard, as noted on the plat, where Lot 1 provides 1,484 SF, Lot 2 provides 1,076 SF and Lot 3 provides 1,079 SF of upland area.

- b. *The building site described in subsection M2a shall not include protected wetlands or wetland buffer areas.*

**Staff Comment:** None of the proposed building sites incorporate protected wetland or wetland buffer areas.

- c. *Protected wetlands and wetland buffer areas may be counted towards meeting the base zone's minimum lot size for each lot, and may be included in front, side and rear yard setbacks as appropriate.*

**Staff Comment:** Lot 1 is 5,140 SF, Lot 2 is 20,500 SF and Lot 3 is 22,400, all over the 5,000 SF requirement for the R2 Residential Medium Density district per CBMC 17.14.040.

- d. *Utility lines, including but not limited to, water lines, sewer lines, and storm water lines shall not be located in protected wetlands or wetland buffer areas, unless there is no alternative to serve lots meeting the standard of subsection M2a.*

**Staff Comment:** Service for water, sewer and storm water are provided through the upland areas.

- e. *Streets shall not be located in protected wetland or wetland buffer areas.*

**Staff Comment:** There are no streets contemplated for this three-lot partition, where Lot 2 is to be served from a private drive access off of Forest Lawn, while Lots 1 & 3 are served by a 15' shared private driveway access easement saddling the adjoining property line. Access requirements under CBMC 17.90.020 require "Every lot shall abut a street, other than an alley, for at least twenty-five feet. Lots which were created prior to adoption of the zoning ordinance which do not meet this provision may be accessed via an irrevocable recorded easement of a minimum of ten feet in width."

Each lot has well over 25' of lot frontage abutting a public street, the Fire Chief and Public Works require that the access easement be of sufficient length, with satisfactory turnaround area to handle fire-safety concerns. Public Works and Cannon Beach Rural Fire have approved the plans. Meets criteria.

- 3. *In planned unit developments or cluster subdivisions, all protected wetland or wetland buffer areas must be in open space tracts held in common ownership.*

**Staff Comment:** Not applicable.

- 4. *For lots or parcels created subject to these provisions, the existence of protected wetland or wetland buffer areas shall not form the basis for a future setback reduction or variance request.*

**Staff Comment:** Not applicable.

## **Chapter 17.50 DEVELOPMENT REQUIREMENTS FOR POTENTIAL GEOLOGIC HAZARD AREAS**

### **17.50.020 Applicability.**

*The following are potential geologic hazard areas to which the standards of this section apply:*

- A. *In any area with an average slope of twenty percent or greater;*
- B. *In areas of potential landslide hazard, as identified in the city master hazards map and comprehensive plan;*
- C. *In areas abutting the oceanshore, or velocity zone flood hazard, as identified on the city's FIRM maps;*
- D. *In areas identified by the soil survey of Clatsop County, Oregon as containing weak foundation soils; or*



*E. In open sand areas regardless of the type of dune or its present stability, and conditionally stable dunes not located in a velocity flood hazard zone, as identified on the city's FIRM maps, which in the view of the building official have the potential for wind erosion or other damage. (Ord. 92-11 § 60; Ord. 79-4 § 1 (4.110) (2))*

**Staff Comment:** As identified in the Earth Engineers Report (see Exhibits A-12 & A-13), the project site soils are derived from sedimentary rock; therefore, a site investigation and geologic hazard study is required. As previously mentioned, a geologic hazard report is included as section 3.0 of the Earth Engineers Report. Findings are provided for CBMC 17.50 (Development Requirements for Potential Geologic Hazard Areas) within this letter, which are supported by the Earth Engineers Report, including a literature review indicates the project site is adjacent to an active landslide area. However, during on-site investigations, Earth Engineers did not observe any signs of recent or active landslides.

Future on-site grading plans within the proposed lots will be designed to preserve natural slopes and contours to the extent practicable. As noted on the Existing Conditions Plan (Exhibit A-05)) and also within the Earth Engineers Report, the project site is relatively flat, with an elevation difference of only seven feet across the site. For this reason, substantial cut and fill and is not anticipated in order to construct each proposed lot's future residential dwellings and associated site improvements.

As identified in response to CBMC 16.04.310 in the applicant's original narrative, the project site's average slope is 6.48 percent, and as previously described within this letter, there is only a seven-foot elevation difference across the site. As a result, future development will not occur on steep slopes. As identified in the applicant's original narrative and shown on the Preliminary Utility Plan (Exhibit A-10), stormwater service lines, anticipated to be four inches in diameter, will collect each future dwelling's stormwater runoff, which will then be conveyed to the existing public system within Forest Lawn Road and South Hemlock Street, which ensures stormwater will be channeled to public storm sewers as required.

As shown on the Existing Conditions Plan (Exhibit A-05), there are no stream drainageways within the project site. As identified in the applicant's original narrative and shown on the Preliminary Utility Plan (Exhibit A-10), stormwater service lines, anticipated to be four inches in diameter, will collect each future dwelling's stormwater runoff, which will then be conveyed to the existing public system within Forest Lawn Road and South Hemlock Street, which ensures stormwater will be channeled to public storm sewers as required and will not flow onto adjacent properties.

As identified within the Earth Engineers Report, compressible, organic soils were encountered within the project site at a depth of approximately 30 to 40 feet beneath the ground surface. As previously identified, the project site's potential geologic hazards, including its soils, can be mitigated through granulated, well graded, crushed rock structural fill as necessary, as well as pin pile or helical pier foundation systems for the future residential dwellings. These foundation systems will penetrate through the organic soils to bear on the medium dense to very dense sandstone. While the need for retaining walls has not been identified at this point, the Earth Engineers Report also includes recommendations for retaining wall systems that are compatible with the project site's possible geologic hazards. The recommendations for structural fill, foundation systems, and retaining wall systems ensure that the project site can mitigate possible geologic hazards, including mitigating the risks of potential slides and earthquake shaking, and the project site's compressible and organic soils. As concluded and stated on page 23 of the Earth Engineers Report, the site should be considered developable provided the geotechnical engineering recommendations are followed.

Engineering and construction methods are specified within sections 4.0 and 5.0 the Earth Engineers Report. As discussed previously, the report found that the project site's potential geologic hazards can be mitigated through granulated, well graded, crushed rock structural fill as necessary, as well as pin pile or helical pier foundation systems for the future residential dwellings. While the need for retaining walls has not been identified at this point, the Earth Engineers Report also includes recommendations for retaining wall systems that are compatible with the project site's possible geologic hazards. The recommendations for structural fill, foundation systems, and retaining wall systems ensure that the project site can mitigate possible geologic hazards, including mitigating the risks of potential slides and earthquake shaking. As concluded and stated on

page 23 of the Earth Engineers Report, the site should be considered developable provided the geotechnical engineering recommendations are followed.

## **Chapter 17.70 TREE REMOVAL AND PROTECTION**

### **17.70.030 Additional requirements.**

*A. Where an applicant identifies the necessity to remove a tree pursuant to Section 17.70.020(A) or (B) the application shall include a complete ISA Tree Hazard Evaluation Form prepared by a certified arborist with the tree removal application. An ISA Tree Hazard Evaluation Form prepared by a certified arborist is not required where a tree removal permit proposes the removal of a dead tree pursuant to subsection C of this section, or where a tree removal permit proposes the removal of a tree pursuant to subsection F. Where an applicant identifies the necessity to remove a tree pursuant to Section 17.70.020(F), a certified arborist shall provide a report certifying the need to remove the tree for the health and vigor of surrounding trees.*

*B. For actions which require the issuance of a building permit, tree removal shall occur only after a building permit has been issued for the structure requiring the removal of the tree(s).*

*C. An application for the removal of a dead tree does not require an ISA Tree Hazard Evaluation Form prepared by a certified arborist.*

*D. 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.*

**Staff Comment:** The applicant states, “As identified previously within Table 4, the removal of 11 trees is anticipated to allow for future development within the proposed lots. As noted in the Arborist Report (Exhibit A-11), the removal of five (5) trees with poor health, which are also structurally unsound, is anticipated due to the hazards they pose to future development within the proposed lots. The removal of an additional six (6) trees is also anticipated due to their location within the proposed lots, where they conflict with the location of future dwellings, driveways, parking/vehicle turnaround areas, and utilities. Preliminary findings for CBMC 17.70.030(B) and (Q) are included within this narrative, and additional documentation on these trees will be provided upon the applicant’s anticipated submittal of a tree removal permit to allow for their removal.”

The City has not received a tree removal application as part of the submittal, but the Arborist report included (Exhibit A-11) identifies five trees for removal as part of the subdivision, numbered as #12, #17, #20, #35 & #37b. It appears that of these five, only #12 and #17, would be required to be removed pursuant to the partitioning improvements. #12 which is damaging existing City infrastructure and #17 which falls in the travel path of the proposed shared access easement for Lots 1 & 3. The remaining trees, #20 & #35 would be reviewed at the time of building permit for the individual lots, as would #37b, if indeed it is hazardous to Lot 3.

The tree plan requires a conditional approval, anticipating a tree removal application and subsequent review by the City Arborist.

### **17.80.110 Conditional Uses – Overall Use Standards**

*Before a conditional use is approved, findings will be made that the use will comply with the following standards:*

- A. A demand exists for the use at the proposed location. Several factors which should be considered in determining whether or not this demand exists include: accessibility for users (such as customers and employees), availability of similar existing uses, availability of other appropriately zoned sites, particularly those not requiring conditional use approval, and the desirability of other suitably zoned sites for the use.*



**Staff Comment:** The proposed partition would create three parcels that could be used for residential development. At present there is a limited amount of property available for potential development that is not restricted by slopes or wetlands. As per the tentative partition plan the proposed residences would be in the upland areas and be of a character similar to the surrounding neighborhood. The applicant makes an argument that the development will help meet the Regional Housing Needs Analysis demand for the 'project need' and 'underproduction' for Cannon Beach, towards the North Coast current and projected need. Indeed it could be argued that any housing is 'needed housing' under this current crisis, however, whether it is 'suitable' when weighed against 'those not requiring conditional use approval, and the desirability of other suitably zoned sites for the use' might be more of the burden to consider. In other words, is there a 'demand' for residential at this location is the criterion under consideration.

- B. *The use will not create excessive traffic congestion on nearby streets or overburden the following public facilities and services: water, sewer, storm drainage, electrical service, fire protection and schools.*

**Staff Comment:** The applicant states that "the 2022 Draft Cannon Beach Transportation System Plan's analysis of the City's existing transportation system demonstrates compliance with identified Oregon Department of Transportation (ODOT) mobility targets. As a result, the adjacent transportation system can accommodate the proposed lot's future single-family dwellings and will not result in excessive traffic congestion on nearby streets." The proposed lots would fall within the minimum 250 feet service radius of hydrants and the turnaround areas are sufficient for fire and emergency services. The other utilities, including the City's existing sanitary sewer and water systems have sufficient capacity to meet the project site's proposed development and demand. Stormwater service lines, anticipated to be four inches in diameter, will collect each future dwelling's stormwater runoff, which will then be conveyed to the existing public system within Forest Lawn Road and South Hemlock Street. Downstream deficiencies in the City's stormwater conveyance system are not known to exist. It is not anticipated that the proposed level of development would create excessive traffic or demand on utilities or other municipal infrastructure. Meets criteria.

- C. *The site has an adequate amount of space for any yards, buildings, drives, parking, loading and unloading areas, storage facilities, utilities or other facilities which are required by city ordinances or desired by the applicant.*

**Staff Comment:** CBMC 17.43.050(M.2) specifies that each lot must contain 1,000 square-feet of upland areas and that such area shall be inclusive of the building coverage, required off-street parking and required access for each lot. Each of the three lots satisfies this standard, as noted on the plat, where Lot 1 provides 1,484 SF, Lot 2 provides 1,076 SF and Lot 3 provides 1,079 SF of upland area (Exhibit A-02). The application approval should consider a condition limiting any accessory structures to the building envelopes, as identified on the plans, including fencing. Meets criteria.

- D. *The topography, soils and other physical characteristics of the site are appropriate for the use. Potential problems due to weak foundation soils will be eliminated or reduced to the extent necessary for avoiding hazardous situations.*

**Staff Comment:** The subject property has a parcel average slope of approximately 6.5%, geotechnical analysis is not required for properties with average slopes under 20%. The applicant is having a geotechnical report prepared in order to identify and develop mitigation strategies for any unidentified hazards that may exist on the subject property (see the discussion under CBMC 17.50 above and Exhibits A-12 & 13). Meets criteria.

- E. *An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and*

*disposal points, sidewalks, bike paths or other transportation facilities required by city ordinances or desired by the applicant. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control and emergency vehicle movements.*

**Staff Comment:** Each lot has well over 25' of lot frontage abutting a public street, the Fire Chief and Public Works require that the access easement be of sufficient length, with satisfactory turnaround area to handle fire-safety concerns. Public Works and Cannon Beach Rural Fire have approved the plans. The applicant indicates:

As the Tentative Partition Plan is intended to provide one single-family residential dwelling per lot, for a total of only three dwellings within the project site, measurable impacts to adjacent transportation facilities, including South Hemlock Street and Forest Lawn Road, are not anticipated. The 2022 Draft Cannon Beach Transportation System Plan<sup>10</sup>, which is expected to be adopted during Summer 2022, analyzed the City's existing transportation system conditions, with its findings included as Technical Memorandum #311. As identified in Technical Memorandum #3, traffic operations at 15 different intersections within the City were analyzed, none of which were found to exceed identified ODOT mobility targets. In addition, none of the studied intersections in the vicinity of the project site, including the intersection of South Hemlock Street & Sunset Boulevard located approximately 300 feet north of the project site, were found to be operating at an inadequate level of service (LOS), with all mainline operations along Hemlock Street within the City operating at a LOS of either "A" or "B", where "F" is considered worst conditions. As a result, the adjacent transportation system can accommodate the proposed lot's future single-family dwellings.

Therefore, the Tentative Partition Plan provides the proposed lots with adequate connections to the adjacent transportation system that can be used for the transportation activities identified by this criterion. Further, the Tentative Partition Plan is not anticipated to have measurable impacts on adjacent public facilities, and the existing transportation system is capable of accommodating the proposed development. This criterion is met.

The Planning Commission must make a finding that the proposed access locations are 'suitable.' The State relinquished the Highway 101 portion of Hemlock Street to the City in 1994, as a portion of the City Street System, and no longer functions as a limited access highway. The current local and federal functional classifications for Hemlock are Minor Arterial (Cannon Beach Comprehensive Plan) and Major Collector (Federal/State of Oregon Classification). Minor Arterials interconnect residential, shopping, employment and recreational activities at the community level and do not require limited access. The proposed approach on Hemlock would fall approximately 285' south of the Forest Lawn intersection and 185' from the next northern driveway access of 1688 Hemlock, while on the east side of Hemlock, over the same stretch, there are four access approaches onto Hemlock.

The Cannon Beach Comprehensive Plan states, "Access to Hemlock Street and U.S. 101 shall be limited. Wherever possible, traffic from development shall enter these roads from shared access points or streets, rather than individual driveways." The application proposes a single driveway access point off of Forest Lawn serving Lot 2, while Lots 1 & 3 would share an access point off of Hemlock. As the introduction of two more single-family dwellings on Hemlock would not likely add a significant portion (estimated to be 20 vehicle trips per day according to Federal Highways) to the 'background' traffic already using Hemlock, which according to the recent TSP shows daily vehicle counts during the summer season around 4000 vehicle trips per day, the evidence that supports access should be conditionally approved awaiting a public hearing and decision by City Council, striking the plat note restriction, before Final Plat.

F. *The site and building design ensure that the use will be compatible with the surrounding area.*

**Staff Comment:** This criteria does not apply as building designs have not been submitted in conjunction with the partition application.

## PROCEDURAL REQUIREMENTS

This application is subject to ORS 227.178, requiring the City to take final action within 120 days after the application is deemed complete. The application was submitted on May 25, 2022 and determined to be complete on June 3, 2022. Based on this, the City must complete its review of this proposal by October 25, 2022.

The Planning Commission's June 23<sup>rd</sup> hearing will be the first evidentiary hearing on this request. ORS 197.763(6) allows any party to the hearing to request a continuance. The Planning Commission should grant any request for a continuance of this hearing. The Planning Commission's next regularly scheduled hearing date is July 28, 2022.

## RECOMMENDATION

As stated in the pre-application correspondence, subdivisions are a conditional use permitted in wetlands and wetland buffer areas, according to CBMC 17.43.040(H) & 045(H), where the General Standards of wetland areas under CBMC.43.050(A):

(1) *Uses and activities in protected wetlands or wetland buffer areas may be approved only after the following list of alternative actions, listed from highest to lowest priority, have been considered:*

a. *Avoiding the impact altogether by not taking a certain action or parts of an action (this would include, for example, having the use or activity occur entirely on uplands); and*

b. *Minimizing impacts by limiting the degree or magnitude of action and its implementation (this would include, for example, reducing the size of the structure or improvement so that protected wetlands or wetland buffer areas are not impacted).*

It is up to the applicant to provide evidence that they are minimizing impacts to protect the wetlands. Upon the evidence provided, that the plat note restriction for access off of Hemlock should be eliminated, staff recommends conditional approval, with the suggested conditions that follow.

## DECISION AND CONDITIONS

**Motion:** Having considered the evidence in the record, based on a motion by Commissioner (Name) seconded by Commissioner (Name), the Cannon Beach Planning Commission moves to (approve/approve with conditions/or deny) the Patrick/Dave LLC application for a three parcel partition and a conditional use permit for a partition in the wetland overlay zone, P22-01 and CU22-02, as discussed at this public hearing (subject to the following conditions):

1. City Council approval of plat restriction removal, before a publicly notice hearing, per CBMC, prior to Final Plat;
2. Fifteen-foot shared access easement for Lots 1 & 3 recorded with Clatsop County prior to Recordation;
3. Tree removal application reviewed by the City Arborist and approved by the City;
4. No accessory structures, including fencing is allowed within the delineated wetland area and buffer areas;
5. No future partition or subdivision;

## Notice of Approval

### **17.44.140 Final approval expiration.**

The final approval of a design review plan shall be void after one year of the date of approval unless a building permit has been obtained. (Ord. 90-3 § 15)



Site Map





# CITY OF CANNON BEACH

City of Cannon Beach  
Finance Department

A-1

MAY 27 2022

Received

## CONDITIONAL USE APPLICATION

Please fill out this form completely. Please type or print.

Applicant Name: Patrick/Dave LLC, attn: Jamie Lerma  
Email Address: jamie@redcrowgc.com  
Mailing Address: 3514 US Grant Place  
Portland, OR 97212  
Telephone: 503-849-0258

Property-Owner Name: Same as applicant  
(if other than applicant)  
Mailing Address: Same as applicant  
Telephone: Same as applicant  
Property Location: SW Corner of Forest Lawn Rd/South Hemlock St (no address assigned)  
(street address)  
Map No.: 51030DA Tax Lot No.: 51030DA04100

### CONDITIONAL USE REQUEST:

1. Description of the proposal.  
Three lot partition within the WO overlay zone. See applicant's narrative for additional details and findings to the below approval criteria.
2. Justification of the conditional use request. Explain how the request meets each of the following criteria for granting a conditional use.
  - a. Explain how a demand exists for the use at the proposed location. Several factors which should be considered include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites, particularly those not requiring conditional use approval; and the desirability of other suitably zoned sites for the use.
  - b. Explain in what way(s) the proposed use will not create traffic congestion on nearby streets or over-burden the following public facilities and services: water, sewer, storm drainage, electrical service, fire protection and schools.





- c. Show that the site has an adequate amount of space for any yards, buildings, drives, parking, loading and unloading areas, storage facilities, utilities, or other facilities which are required by City Ordinances or desired by the applicant.
- d. Show that the topography, soils, and other physical characteristics of the site are appropriate for the use. Potential problems due to weak foundation soils must be shown to be eliminated or reduced to the extent necessary for avoiding hazardous situations.
- e. Explain in what way an adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths or other transportation facilities required by City ordinances or desired by the applicant. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control and emergency vehicle movements.
- f. Explain how the proposed site and building design will be compatible with the surrounding area.

Use extra sheets, if necessary, for answering the above questions. Attach a scale-drawing showing the dimensions of the property, adjacent street(s), dimensions of existing structure, and dimensions of proposed development.

Application Fee: \$750.00

Applicant Signature: 

Date: 5/25/22

Property Owner Signature: Same as applicant

Date: \_\_\_\_\_

If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf. Please attach the name, address, phone number, and signature of any additional property owners.

For Staff Use Only:

City of Cannon Beach  
Finance Department

MAY 27 2022

Date Received: \_\_\_\_\_ By: \_\_\_\_\_

Fee Paid: \_\_\_\_\_ Receipt No.: \_\_\_\_\_ PAID

(Last revised March 2021)



# Forest Lawn Partition

Cannon Beach, Oregon

A Land Use Application For:  
**Tentative Plan (Partition)**  
**Wetland Overlay (WO) Conditional Use**

Submitted: May 26, 2022

Applicant:

**Patrick/Dave, LLC**

3514 NE US Grant Place

Portland, Oregon 97212

Contact: Jamie Lerma

Phone: 503.849.0258

Prepared by:

**DOWL**

720 SW Washington Street, Suite 750

Portland, Oregon 97205

Contact: Matthew Robinson

Phone: 971.229.8318



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## Table of Contents

<b>1.0 Introduction.....</b>	<b>5</b>
GENERAL INFORMATION .....	5
<b>2.0 Project Summary .....</b>	<b>6</b>
DESCRIPTION OF PROPOSAL .....	6
EXISTING SITE CONDITIONS.....	7
<b>3.0 Cannon Beach Municipal Code .....</b>	<b>9</b>
TITLE 16 – SUBDIVISIONS.....	9
16.04.030 Compliance Required. ....	9
16.04.060 Procedure – Generally.....	9
16.04.070 Tentative Plan – Conference. ....	10
16.04.110 Water Rights.....	10
16.04.130 Applicable Standards.....	10
16.04.170 Tentative Plan – Form. ....	20
16.04.180 Tentative Plan – Map Contents.....	20
16.04.190 Tentative Plan – Other Information. ....	22
16.04.260 Construction Drawings – Design and Data Requirements. ....	24
16.04.280 Design Standards – Streets.....	24
16.04.290 Design Standards – Easements. ....	24
16.04.300 Design Standards – Blocks.....	24
16.04.310 Design Standards – Lots. ....	25
16.04.320 Design Standards – Public Sites and Open Spaces.....	26
16.04.330 Design Standards – Trees. ....	27
16.04.340 Design Standards – Utilities.....	27
16.04.350 Improvement Standards and Approval. ....	27
16.04.360 Improvements. ....	27
TITLE 17 – ZONING.....	27
17.14 Residential Medium Density (R2) Zone .....	27
17.43 Wetlands Overlay (WO) Zone.....	31
17.50 Development Requirements for Potential Geologic Hazard Areas.....	39
17.62 Grading, Erosion and Sedimentation Control .....	41
17.70 Tree Removal and Protection.....	42

17.78 Off-Street Parking.....	44
17.80 Conditional Uses.....	48
17.90 General Requirements and Regulations .....	53
<b>4.0 Conclusion .....</b>	<b>54</b>

#### List of Tables

Table 1: Proposed Lots and Dimensions.....	6
Table 2: Surrounding Land Uses .....	7
Table 3: Proposed Lot Coverage .....	30
Table 4: Preliminary Tree Removal Table .....	43
Table 5: Recommended RHNA Results for the North Coast Region.....	49
Table 6: Recommended RHNA Results for Cannon Beach UGB .....	50

#### List of Figures

Figure 1: Vicinity Map .....	8
Figure 2: Zoning Map .....	8

#### Exhibits

- A. Application Forms
- B. Tentative Partition Plan
- C. Existing Conditions Plan
- D. Vicinity & Zoning Map
- E. Wetland Delineation
- F. DSL Wetland Delineation Concurrence
- G. USACE Jurisdictional Determination
- H. Preliminary Utility Plan
- I. Arborist Report



## 1.0 Introduction

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### General Information

<b>Applicant and Owner:</b>	<b>Patrick/Dave, LLC</b> 3514 NE US Grant Place Portland, Oregon 97212
<b>Planner:</b>	<b>DOWL</b> 720 SW Washington Street, Suite 750 Portland, Oregon 97205 Contact: Matthew Robinson Phone: 971.229.8318 Email: <a href="mailto:mrobinson@dowl.com">mrobinson@dowl.com</a>
<b>Civil Engineer:</b>	<b>Morgan Civil Engineering</b> PO Box 358 Manzanita, Oregon 97130 Contact: Jason Morgan, PE Phone: 503.801.6016 Email: <a href="mailto:jason@morgancivil.com">jason@morgancivil.com</a>
<b>Surveyor:</b>	<b>S&amp;F Land Services</b> 1725 N Roosevelt Drive, Suite B Seaside, Oregon 97138 Contact: Jack White, PLS Phone: 503.738.3425 Email: <a href="mailto:jack.white@sflands.com">jack.white@sflands.com</a>
<b>Environmental:</b>	<b>Pacific Habitat Services</b> 9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070 Contact: John van Staveren, SPWS Phone: 503.570.0800 Email: <a href="mailto:jvs@pacifichabitat.com">jvs@pacifichabitat.com</a>
<b>Site Location:</b>	Forest Lawn Road, Cannon Beach, OR 97110 (no address assigned)
<b>Tax Lot ID Number:</b>	51030DA04100
<b>Zoning:</b>	Residential Medium Density (R2)
<b>Comprehensive Plan:</b>	Residential
<b>Site Area:</b>	±1.1 acres (48,040 square feet)

## 2.0 Project Summary

### Description of Proposal

Patrick/Dave LLC (applicant) is requesting City of Cannon Beach (City) tentative plan approval of a three lot partition of tax lot 51030DA04100 (also referred to as the project site). The project site is generally located south of the intersection of Forest Lawn Road and South Hemlock Street. As the project site contains wetlands mapped on the City's local wetland inventory that are subject to Cannon Beach Municipal Code (CBMC) Chapter 17.43 (Wetlands Overlay Zone), the applicant is also requesting conditional use approval as required by CBMC 17.43.040-45 for partitions within wetlands and wetland buffer areas. As shown on the Tentative Partition Plan (Exhibit B), the proposed partition will create three lots intended for single-family residential dwellings. The three proposed lots, including their proposed lot area, wetland area, wetland buffer area, and upland area, are identified in Table 1 below.

*Table 1: Proposed Lots and Dimensions*

Proposed Lot	Area	Upland Area	Wetland Area	Wetland Buffer Area	Average Width <sup>1</sup>	Average Depth <sup>2</sup>	Frontage
Lot 1	5,140 sq. ft.	4,765 sq. ft.	143 sq. ft.	232 sq. ft.	44 ft.	108 ft.	55 ft.
Lot 2	20,500 sq. ft.	5,844 sq. ft.	12,710 sq. ft.	1,945 sq. ft.	188 ft.	89 ft.	310 ft.
Lot 3 <sup>3</sup>	22,400 sq. ft.	4,440 sq. ft.	16,703 sq. ft.	1,257 sq. ft.	87 ft.	203 ft.	408 ft.
<b>Required</b>	<b>5,000 sq. ft.</b>	<b>1,000 sq. ft.</b>	-	-	<b>40 ft.</b>	<b>80 ft.</b>	<b>25 ft.</b>

As shown in Table 1, each lot meets the minimum Residential Medium Density (R2) zone lot area, average lot width, and average lot depth requirements, as well as the minimum upland area requirement for lots proposed within the Wetland Overlay (WO) zone of 1,000 square feet. A building site envelope is also identified for each proposed lot on the Tentative Partition Plan, showing that applicable front, rear, and side setback standards can be met for future dwellings. Each lot will also provide at least 25 feet of frontage along a public street for required access. Lot 2 will be accessed directly from Forest Lawn Road, while Lots 1 and 3 will be accessed from South Hemlock Street. Per the Cannon Beach Comprehensive Plan, Transportation Policy 7, access to Hemlock Street shall be limited:

**7. Access to Hemlock Street and U.S. 101 shall be limited. Wherever possible, traffic from development shall enter these roads from shared access points or streets, rather than individual driveways.**

As shown on the Tentative Partition Plan and in conformance with this policy, access to Lots 1 and 3 is proposed to be provided via a shared access point within a 15 foot wide reciprocal access and utility easement evenly split between each lot. Each lot will maintain adequate space for vehicles to turnaround so that vehicles can enter South Hemlock street "nose first" without having to back onto the street.

<sup>1</sup> CBMC 17.04.375 defines "lot width" as the average horizontal distance between the side lot lines, as measured parallel to the front lot line, where the average horizontal distance is established by utilizing ten-foot increments.

<sup>2</sup> CBMC 17.04.340 defines "lot depth" as the average horizontal distance between the front lot line and the rear lot line, where the average horizontal distance is established by utilizing ten-foot increments.

<sup>3</sup> Lot 3 is a corner lot as it abuts two streets. Per CBMC 17.04.355, for corner lots, the front lot line is the shortest lot line along a street. Therefore, Lot 3's front lot line is along Forest Lawn Road.

As shown on the Preliminary Utility Plan (Exhibit H), sanitary sewer and water services will be provided to each lot from public lines within adjacent public rights-of-way, with water and sanitary sewer services for Lot 2 being provided from public lines within Forest Lawn Road, and services for Lots 1 and 3 being provided from public lines within South Hemlock Street. As with access, utility service lines for Lots 1 and 3 will be provided within the shared access and utility easement previously mentioned. Stormwater runoff within each lot will also be conveyed to adjacent public lines.

ORS 92.010(6) defines “parcel” as a single unit of land that is created by a partition of land, and ORS 92.010(9) defines “partitioning land” as the means of dividing land to create not more than three parcels of land within a calendar year; therefore, for the purposes of state law, this proposed tentative plan is considered a partition as it will result in the creation of only three units of land (Lots 1, 2, and 3).

## Existing Site Conditions

The project site consists of a single tax lot (51030DA04100) that is approximately 1.1 acres (48,040 square feet) in size. The project site is bounded by Forest Lawn Road (local road) to the west and north, and South Hemlock Street (minor arterial) to the east. Forest Lawn Road and South Hemlock Street converge at an intersection at the project site’s northeast corner. The project site is currently vacant and contains no existing structures or other development and utility services are not currently provided. Tax lot 51030DA04100 was established as Parcel 3 of Partition Plat 2000-037, which recorded on November 13, 2000 as instrument number 200009887 in Clatsop County.

The project site is generally flat with minimal topographic variation, with an average slope of 6.48 percent per Cannon Beach GIS. As shown on the Existing Conditions Plan (Exhibit C), the site’s high point is approximately 44 feet in elevation along its southern border, sloping to a low point of approximately 37 feet in elevation in the north. The site contains a variety of coniferous trees that are typical of the area, as well as other groundcover vegetation.

The project site also contains a wetland identified in the City’s Local Wetland Inventory (Wetland #24). In December 2020, PHS prepared a delineation of Wetland A (Exhibit E), which found its size is approximately 0.68 acres. The Oregon Department of State Lands (DSL) has issued a wetland delineation concurrence letter (Exhibit F), and the U.S. Army Corps of Engineers has issued an approved jurisdictional determination (Exhibit G), which found that Wetland A is not considered a water of the U.S. No impacts are proposed to Wetland A, or its five foot buffer as measured from the outer boundaries of the wetland per CBMC 17.43.030(A).

The project site is currently zoned R2 with a Comprehensive Plan designation of Residential. As mentioned, portions of the project site are also subject to the WO overlay zone. Surrounding land uses and zoning designations are identified in Table 1 below. A vicinity map and zoning map are also included as Figures 1 and 2 within this narrative.

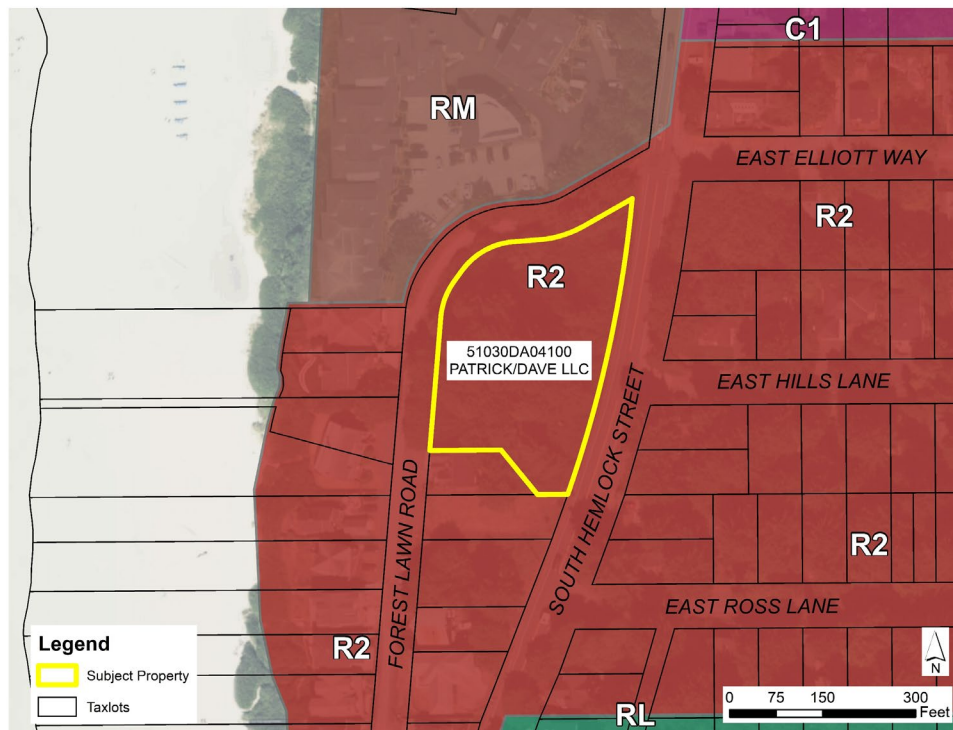
**Table 2: Surrounding Land Uses**

	Zoning	Land Use
North	Residential Motel (RM)	Hallmark Resort Hotel & Spa
South	R2	Developed residential, vacant lots
East	R2	Developed residential, vacant lots
West	R2	Developed residential

**Figure 1: Vicinity Map**



**Figure 2: Zoning Map**



### 3.0 Cannon Beach Municipal Code

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The applicable City of Cannon Beach Municipal Code (CBMC) provisions are set forth below with findings demonstrating the project's consistency with these provisions.

#### Title 16 – Subdivisions

##### 16.04.030 Compliance Required.

- A. No person shall subdivide or partition an area or tract of land without complying with the provisions of this chapter.**

**Response:** This narrative serves as the applicant's burden of proof and demonstrates through evidentiary findings that the Tentative Partition Plan (Exhibit B) complies with the provisions of this chapter, as well as Title 17 – Zoning.

- B. No person shall sell any lot in a subdivision or a parcel in a partition until the plat of the subdivision or partition has approval and is recorded with the recording officer of Clatsop County.**

**Response:** Future lots will not be sold until the final plat receives City approval and records with Clatsop County.

- C. No person shall negotiate to sell any lot in a subdivision or a parcel in a partition until a tentative plan has been approved.**

**Response:** Negotiations to sell any future lots will not occur until the proposed Tentative Partition Plan is approved by the City.

- D. No person subdividing or partitioning a parcel of land, shall lay out, clear property of trees, excavate for, construct, open or dedicate thereon a street, waste disposal system, storm sewer, water supply or other improvements for public or common use unless the subdividing or partitioning has received preliminary and construction plan approval pursuant to the provisions of this chapter.**

**Response:** On-site development work, including the activities identified by this provision, will not occur prior to construction plan approval pursuant to the provisions of this chapter.

##### 16.04.060 Procedure – Generally.

**A person desiring to subdivide land or to partition land shall submit tentative and final documents to the city for review and approval as provided in this chapter and state law. For purposes of review and approval, partitions and subdivisions will be treated alike and requirements set forth in this chapter for subdivisions will apply equally to partitions.**

**Response:** The applicant is proposing to partition the project site to create three lots; therefore, tentative plan approval is requested. Applicable provisions of this chapter are addressed for compliance within this narrative.

#### **16.04.070 Tentative Plan – Conference.**

Prior to the filing of a tentative plan, a subdivider or partitioner shall submit to the city plans and other information concerning the proposed or contemplated subdivision or partition. The city planner shall then schedule a conference with the subdivider or partitioner and the city public works director on such plans and other data, and make recommendations to the subdivider or partitioner as shall seem proper regarding such plans or other data, and may recommend consultation by the subdivider or partitioner with other public or private agencies as may be disclosed by the plans.

**Response:** The applicant held a pre-application conference with City planning and public works staff on November 30, 2021.

#### **16.04.110 Water Rights.**

If the subdivision uses the Cannon Beach municipal water supply as its only water source, a statement of that fact needs to be made. If any other source of water is used in part or in total, the subdivider must contact the state of Oregon Department of Water Resources regarding obtaining a water rights permit.

**Response:** No water service laterals currently exist to the site, but connections to the adjacent city water line are proposed, as shown on the Preliminary Utility Plan (Exhibit H). The applicant is not aware of any existing water right permits for the site and no new water right permits are being requested from the Oregon Department of Water Resources as a part of this project.

#### **16.04.130 Applicable Standards.**

In making its decision, the planning commission shall determine whether the proposed subdivision or partition complies with the applicable standards of this code and the policies of the comprehensive plan, in conformance with the requirements of Section 17.88.110. Where this chapter imposes a greater restriction upon the land than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this chapter shall control. Pursuant to ORS 197.195(1), the city has determined that the following comprehensive plan policies are applicable standards for a proposed subdivision or partition.

##### **A. General Development Policies.**

- 1. General Development Policy 4.** The city shall control excavation, grading, and filling in order to: avoid landslides and other geologic hazards; protect adjacent property and structures; provide for appropriate drainage improvements; minimize the extent of vegetation removal; minimize erosion and sedimentation; and protect the aesthetic character of the city.

**Response:** This development policy, as applicable to the project site, is implemented through the following chapters within CBMC Title 17 – Zoning:

- CBMC 17.43 – Wetlands Overlay (WO) Zone;
- CBMC 17.50 – Development Requirements for Potential Geologic Hazard Areas;



- CBMC 17.62 – Grading, Erosion and Sedimentation Control; and
- CBMC 17.70 – Tree Removal and Protection.

Findings demonstrating the Tentative Partition Plan's compliance with CBMC 17.43, 17.62, and 17.70 are included within this narrative. Earth Engineers, Inc. is preparing a geotechnical report and geologic hazard study to demonstrate that potential adverse geologic impacts can be minimized and avoided within the project site, which will be submitted as an addendum to this application and will include findings demonstrating compliance with CBMC 17.50. As required by CBMC 17.62 and 17.70, the applicant will apply for grading and tree removal permits for each proposed lot prior to ground disturbing work. Compliance with these standards, and public works review of grading and tree removal permits, will ensure on-site development work minimizes vegetation removal, minimizes erosion and sedimentation, and ultimately protects the aesthetic character of Cannon Beach.

- 2. General Development Policy 5. The density of residential development throughout the city shall be based on the capability of the land in terms of its slope, potential for geologic hazard and drainage characteristics. Density limits throughout the city shall generally be:**

Net Density Standards	
	Dwellings Per Acre
Duplex or medium (R2), (RMa), (MP), (RAM)	11

**Response:** The project site is zoned R2 and the net acreage is approximately 1.1 acres/48,040 square feet<sup>4</sup>; therefore, the maximum allowed density is 11 dwelling units per net acre. The applicant is proposing a three lot partition to allow for one single-family residential dwelling per lot, for a total of three dwellings within the site. As the maximum net density is not exceeded, this standard is met.

- 3. General Development Policy 9. To control development in areas with slopes exceeding twenty percent and areas subject to potential geologic hazards so that potential adverse impacts can be minimized.**

**Response:** Per Cannon Beach GIS, the project site's average slope is 6.48 percent. To address potential geologic hazards, Earth Engineers, Inc. is preparing a geotechnical report and geologic hazard study to demonstrate that potential adverse impacts can be minimized and avoided within the project site. This application will be addended to include this report and findings of compliance with CBMC 17.50.

- 4. General Development Policy 10. When site investigations are required in areas of potential landslide hazard, a site specific investigation shall be prepared by a registered**

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<sup>4</sup> CBMC 17.04.135 defines "net density" to mean the gross acreage minus street dedications and area used for private streets and common driveways. Approximately 1,465 square feet is proposed to be used for a shared driveway to access Lots 1 and 3; therefore, the site's net acreage is approximately 1.1 acres (46,575 square feet) after deducting for this shared driveway.

geologist. Based on the conclusions of this investigation, an engineered foundation design by a soils engineer may be required by the building official. When site investigations are required in areas of potential coastal erosion hazard, the site specific investigation shall be prepared by a registered geologist with expertise in shoreline processes. Based on the conclusions of this investigation, protective structures designed by a registered civil engineer may be required by the building official. Site investigation reports shall meet the city's criteria for the content and format for geologic hazard reports.

**Response:** As identified in response to CBMC 16.04.130(A)(3) above, Earth Engineers, Inc. is preparing a geotechnical report and geologic hazard study to demonstrate that potential adverse impacts can be minimized and avoided within the project site, which will be submitted as an addendum to this application. This geotechnical investigation and report is being prepared by a Registered Engineer (RG) and a Certified Engineering Geologist (CEG) at Earth Engineers, consistent with the credential requirement in this provision.

- 5. General Development Policy 11. Site investigations by a qualified soils engineer may be required for the construction or development of property identified by the Soil Conservation Service as containing weak foundation soils. Site reports shall include information on bearing capacity of the soil, adequacy and method of drainage facilities, and the length of fill settlement necessary prior to construction.**

**Response:** A geotechnical report and geologic hazard study is being prepared by Earth Engineers, Inc. along with supplemental CBMC findings that will be submitted as an addendum to this application.

- 6. General Development Policy 12. Site investigations by a registered geologist shall be performed, prior to development, in any area with a slope exceeding twenty percent. Based on the conclusions of this investigation, an engineered foundation design by a soils engineer may be required by the building official.**

**Response:** As identified in response to CBMC 16.04.130(A)(3), and per Cannon Beach GIS, the site's average slope does not exceed 20 percent. Therefore, this standard is not applicable.

- 7. General Development Policy 14. To ensure that development is designed to preserve significant site features such as trees, streams and wetlands.**

**Response:** The Tentative Partition Plan (Exhibit B) has been designed to preserve the vast majority of the project site's significant natural features, while also allowing for development of the site's upland areas for single-family residential uses. As shown on the Tentative Partition Plan (Exhibit B), the project site's lot layout has been designed to preserve the vast majority of the site's natural resources, including the entirety of Wetland A and its associated buffer, as well as a large majority of the site's existing trees. The only trees preliminarily identified for removal are those within Table 4 (see page 43 of this narrative), where removal is necessary for the following reasons:

- In order to construct dwellings, driveways, parking/vehicle turnaround areas, and install utility connections;

- Poor health and structure; and
- Hazard risk for future development due to health.

All of the above are justifiable reasons for tree removal per CBMC 17.70.020 (tree removal permit issuance criteria). The list of trees identified for removal in Table 4 is preliminary, and may change depending on the design of future single-family dwellings within the proposed lots.

**8. General Development Policy 15. The city shall regulate the removal of trees in order to preserve the city's aesthetic character, as well as to control problems associated with soil erosion and landslide hazards.**

**Response:** Tree removal is regulated by CBMC 17.70. As noted by CBMC 17.70.020(D), removal of trees in order to construct a structure or development approved or allowed pursuant to the CBMC, including required vehicular and utility access, is allowed subject to CBMC 17.70.030(B) and (Q). Applicable tree removal standards per CBMC 17.70 are preliminarily addressed for compliance within this narrative.

**9. General Development Policy 16. To provide flexibility in regulations governing site design so that developments can be adapted to specific site conditions.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), the project site's proposed lot layout is creatively designed in order to preserve the vast majority of the site's natural resources, including the entirety of Wetland A and its associated five foot buffer, and the vast majority of the site's trees. The Tentative Partition Plan shows a development scenario that is adaptive to the site's natural conditions while also allowing for residential uses that contribute to meeting identified housing needs for Cannon Beach and the North Coast region. As demonstrated through this narrative, the applicant's proposal complies with the regulations, standards, and criteria governing its design and approval.

**B. Northside Policies. [...]**

**Response:** The Cannon Beach Comprehensive Plan identifies the Northside area as being north of Ecola Creek. As the project site is not located north of Ecola Creek, the Northside Policies and standards are not applicable.

**C. Tolovana Park Policies. [...]**

**Response:** The Cannon Beach Comprehensive Plan identifies the Tolovana Park area as extending from Tolovana Hill (Arbor Lane) to the City's southern limits, and from the Pacific Ocean to the City's eastern limits. As the project site is located north of Arbor Lane, the Tolovana Park Policies and standards are not applicable.

**D. Urban Growth Area Policies. [...]**

**Response:** The project site is already within Cannon Beach city limits; therefore, Urban Growth Area Policies and standards are not applicable.

**E. Housing Policies.**

- 1. Housing Policy 1. In order to maintain the city's village character and its diverse population, the city will encourage the development of housing which meets the needs of a variety of age and income groups, as well as groups with special needs.**

**Response:** The Tentative Partition Plan (Exhibit B) is intended to allow for the construction of one single-family dwelling within each proposed lot, which is an outright permitted use within the R2 zone per CBMC 17.14.020.

- 2. Housing Policy 3. To the extent possible, the city shall endeavor to accommodate affordable housing in a manner that disperses it throughout the community rather than concentrating it at specific locations.**

**Response:** Affordable housing is not proposed. The applicant's Tentative Partition Plan does not limit the City from seeking to accommodate and encourage the development of affordable housing throughout the community.

- 3. Housing Policy 5. The city recognizes the importance of its existing residential neighborhoods in defining the character of the community and will strive to accommodate new residential development in a manner that is sensitive to the scale, character and density of the existing residential development pattern.**

**Response:** As demonstrated through this narrative, the applicable regulations, standards, and criteria for single-family residential development within the R2 zone and WO overlay zone are met. These regulations are implemented by the City in order to provide development that is sensitive to the scale, character, and density of surrounding areas, while also recognizing the City's need for additional housing in order to meet identified housing needs of the City and the North Coast region.

- 4. Housing Policy 6. The city shall preserve and enhance the qualities that contribute to the character and livability of its residential areas. These qualities include limited traffic disruptions, uncongested streets, and a low level of noise and activity.**

**Response:** As demonstrated through this narrative, the applicable regulations, standards, and criteria for single-family residential development within the R2 zone and WO overlay zone are met. These regulations are implemented by the City in order to provide development that contributes to the character and the livability of its residential areas in compliance with this housing policy.

- 5. Housing Policy 11. The city will provide flexibility in regulations governing site design so that developments can be adapted to specific site conditions.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), the project site's proposed lot layout is creatively designed in order to preserve the vast majority of the site's natural resources, including the entirety of Wetland A and its associated five foot buffer, and the vast majority of the site's trees. The Tentative Partition Plan shows a development scenario that is adaptive to the site's natural conditions while also allowing for residential uses that contribute to meeting identified housing needs for the City and the North Coast region.

As demonstrated through this narrative, the applicant's proposal complies with the regulations, standards, and criteria governing its design and approval.

6. **Housing Policy 12. The city will consider the use of cluster development and planned development techniques as a means of preserving common open space, protecting significant natural features, and providing for a variety of affordable housing types.**

**Response:** A cluster subdivision or planned development is not proposed.

7. **Housing Policy 13. To the extent feasible, higher density housing developments should be located in proximity to the city's major employment areas and arterial streets.**

**Response:** Higher density housing is not proposed.

#### **F. Hazards-Area Specific Policies. [...]**

**Response:** The project site is not within "The Curves Area" or the North End area; therefore, these area specific hazard policies are not applicable.

#### **G. Overall Policies-Geologic Hazards.**

1. **Geologic Hazard Policy 1. A site specific investigation performed by a qualified expert shall be a prerequisite for the issuance of any building permit in the following areas, as delineated on the master map:**

- a. **Those areas consisting of landslide topography developed in tertiary sedimentary rocks (TOMS);**

**Response:** The project site does not consist of landslide topography.

- b. **Any property containing, or adjacent to all or part of, an active landslide;**

**Response:** The project site does not contain, nor is it adjacent to, an active landslide.

- c. **Any property having beach frontage;**

**Response:** The project site does not have beach frontage.

- d. **The area south of Maher Street underlain by the Astoria Formation (Tma units);**

**Response:** The project site is not south of Maher Street.

- e. **Within the two stream drainages south of West Way.**

**Response:** The project site is not south of West Way nor adjacent to these two storm drainages.

2. **Geologic Hazard Policy 2. Development requirements for the city are:**

- a. **Structures should be planned to preserve natural slopes. Cut and fill methods of leveling lots shall be discouraged.**

- b. Access roads and driveways shall follow the slope contours to reduce the need for grading and filling.
- c. Removal of vegetation shall be kept to a minimum for stabilization of slopes.
- d. Drainage patterns shall not be altered in steeper areas. Roof drains shall be channeled into natural drainage or storm sewers.
- e. No development shall be allowed to block stream drainageways, or to increase the water level or water flow onto adjacent property.

**Response:** This policy is implemented through the following chapters within CBMC Title 17 – Zoning:

- CBMC 17.43 – Wetlands Overlay (WO) Zone;
- CBMC 17.50 – Development Requirements for Potential Geologic Hazard Areas;
- CBMC 17.62 – Grading, Erosion and Sedimentation Control; and
- CBMC 17.70 – Tree Removal and Protection.

Findings demonstrating the Tentative Partition Plan’s compliance with CBMC 17.43, 17.62. and 17.70 are included within this narrative. As identified in response to CBMC 16.04.130(A)(3) above, Earth Engineers, Inc. is preparing a geotechnical report and geologic hazard study to demonstrate that potential adverse geologic impacts can be minimized and avoided within the project site, which will be submitted as an addendum to this application and will include findings demonstrating compliance with CBMC 17.50. As required by CBMC 17.62 and 17.70, the applicant will apply for grading and tree removal permits for each proposed lot prior to ground disturbing work. Compliance with these standards, and public works review of grading and tree removal permits, will ensure on-site development work minimizes vegetation removal, minimizes erosion and sedimentation, and does not increase water flows onto adjacent property.

#### **H. Flood Hazard Policies. [...]**

**Response:** Per Cannon Beach GIS and Clatsop County Webmaps, the project site is within an area of minimal flood hazard; therefore, Flood Hazard Policies and standards are not applicable.

#### **I. Sand Dune Construction Policies. [...]**

**Response:** The project site does not contain sand dunes; therefore, Sand Dune Construction Policies and standards are not applicable.

#### **J. Recreation, Open Space, Natural, Visual and Historic Resources Policies.**

1. **Recreation, Open Space, Natural, Visual and Historic Resources Policy 11. Vegetation and tree cover along the ocean front shall be managed in a manner which retains its erosion control capabilities and maintains its contributions to the scenic character of the beach.**



**Response:** The project site does not abut the ocean or contain beaches.

**2. Recreation, Open Space, Natural, Visual and Historic Resources Policies Concerning Archaeological Sites.**

- a. **The city will review land use activities that may affect known archaeological sites. If it is determined that a land use activity may affect the integrity of an archaeological site, the city will consult with the State Historic Preservation Office on appropriate measures to preserve the site and its contents;**

**Response:** To the applicant's knowledge, there are no archaeological sites or cultural resources within the project site. Further, the Oregon Historic Sites Map, maintained by the Oregon Heritage/State Historic Preservation Office, does not identify any historic or culturally significant resources within the project site.

- b. **Indian cairns, graves and other significant archaeological resources uncovered during construction or excavation shall be preserved intact until a plan for their excavation or reinterment has been developed by the State Historic Preservation Office. Upon discovery of any new archaeological sites, the city will address the Goal 5 requirements through an amendment to comprehensive plan background report.**

**Response:** Any future ground-disturbing activities necessary for the project site's development will comply with this policy as applicable.

**K. Street Policies.**

1. **Street Policy 1. Streets shall be built in conformance with adopted City standards, specifications for which are contained in "Minimum Standards for Streets to be Adopted by the City of Cannon Beach." The city planning commission may grant an exception from these standards, based on unique circumstances such as topography or number of lots to be served.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), no new streets are proposed with this application.

2. **Street Policy 2. The city shall accept privately constructed streets into the city system only after they have been improved to city standards.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), no private streets exist within the project site, and no new private streets are proposed.

3. **Street Policy 3. Adequate storm drainage shall be provided in all street improvement projects. The public works director shall specify the appropriate placement and sizing of all drainage facilities. Existing ditches or natural drainages may be acceptable if approved by the public works director.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), no new streets are proposed with this application.

**L. Water System Policies.**

- 1. Water System Policy 4. Large developments or heavy water users shall make equitable contributions to the improvement of the water system, and shall pay all costs associated with the extension of the water lines.**

**Response:** Given that the applicant is only proposing three residential units, DOWL does not believe that the proposed project would qualify as a “large development” or a heavy water user. As shown on Preliminary Utility Plan (Exhibit H), water lateral connections to the proposed lots will be installed to serve the future single-family dwellings. Costs associated with these extensions will be the responsibility of the developer.

- 2. Water System Policy 7. Subdivisions (requiring a connection larger than one inch), planned development, motels or other uses having large water demands shall be approved only if sufficient water capacity is available.**

**Response:** A subdivision, planned development, or motel is not proposed with this application. As mentioned in response to CBMC 16.04.130(L)(1), it is not DOWL’s understanding that the development proposed with this application should be considered “large development” or a “heavy water user”. Nonetheless, Section 1.4.2 of the Cannon Beach Water Master Plan<sup>5</sup> identifies that the City’s existing water distribution system is sufficient to provide water to residents and businesses, including the proposed development, through 2036 based on existing and modeled future water demands. Per Section 4.3 of the Water Master Plan, future water demands were calculated through the end of the planning period (2036) and are based on a projected average annual growth rate of 0.15 percent to 0.20 percent.

- 3. Water System Policy 8. Water lines in proposed developments shall be adequately sized to meet future needs at the projected usage of density, including fire flow requirements.**

**Response:** Section 1.4.2 of the Cannon Beach Water Master Plan identifies that the City’s existing water distribution system is sufficient to provide water to residents and businesses, including the proposed development, through 2036 based on existing and modeled future water demands. Per Section 4.3 of the Water Master Plan, future water demands were calculated through the end of the planning period (2036) and are based on a projected average annual growth rate of 0.15 percent to 0.20 percent. Proposed water laterals to the future lots are shown on the Preliminary Utility Plan (Exhibit H) and will be adequately sized to meet projected demands typical of single-family residential uses and the project site’s projected density (3 dwelling units per acre), including fire flow.

- 4. Water System Policy 9. Fire hydrants or other fire protection devices shall be installed by the developer of major developments to the satisfaction of the City and Fire Protection District.**

**Response:** Given that the applicant is only proposing three residential units, DOWL does not believe that the proposed project would qualify as a “major development”. Nonetheless, the

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<sup>5</sup> [https://www.ci.cannon-beach.or.us/sites/default/files/fileattachments/public\\_works/page/20231/cb\\_wmp\\_final\\_12-1-17.pdf](https://www.ci.cannon-beach.or.us/sites/default/files/fileattachments/public_works/page/20231/cb_wmp_final_12-1-17.pdf)

applicant expects reviews and recommendations from the Cannon Beach Rural Fire Protection District and the City with regard to the need for fire hydrants or other fire protection devices.

#### **M. Sewer System Policies.**

- 1. Sewer System Policy 3. Large developments shall make equitable contributions to the improvement and expansion of the sewage treatment system. Subdivisions or developments other than single-family residences and duplexes shall be approved only if sufficient capacity is available to meet present and future needs.**

**Response:** Given that the applicant is only proposing three residential units, DOWL does not believe that the proposed project would qualify as a “large development”. As shown on the Preliminary Utility Plan (Exhibit H), sanitary sewer service lines are proposed in order to serve the proposed lot’s future single-family dwellings. The applicant will pay all costs associated with these extensions. Per Section 5.3 of the Cannon Beach Wastewater Master Plan<sup>6</sup>, future demands of the City’s sanitary sewer system were based on projected growth through the end of the planning period (2036), and a projected population of 1,768. As described on page 83 of the Wastewater Master Plan, the impact of this growth on the City’s sanitary sewer system capacity is nearly negligible.

- 2. Sewer System Policy 4. Sewer lines in proposed developments shall be adequate to meet future needs of the development and shall be designed so as to minimize excavation of the road surface for future connections.**

**Response:** Proposed sanitary sewer service laterals shown on the Preliminary Utility Plan (Exhibit H) will be adequately sized to meet projected demands that are typical of single-family residential uses. Excavation of adjacent road surfaces will be the minimum amount necessary in order to serve the proposed lots.

#### **N. Fire Protection Recommendations.**

- 1. Fire Protection Recommendation 1. In cooperation with the Cannon Beach Rural Fire Protection District, the city shall maintain and develop a strong fire protection system. Subdivisions and other developments should be reviewed by the fire department to determine if the sizing of the water system and placement of fire hydrants is adequate; developments should be allowed only if the water system is capable of providing adequate fire flow.**

**Response:** The Cannon Beach Rural Fire Protection District will have the opportunity review and comment on the Tentative Partition Plan, including proposed water service line connections. As identified in the City’s Water Master Plan, Oregon fire code requires a minimum flow of 1,000 gallons per minute with a minimum pressure of 20 psi for fire hydrants. Figure 7.4.5-1D shows that the project site is adjacent to multiple existing fire hydrants and falls within the minimum 250 feet service radius for these hydrants.

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<sup>6</sup> [https://www.ci.cannon-beach.or.us/sites/default/files/fileattachments/public\\_works/page/20231/wwfp\\_final\\_revised.pdf](https://www.ci.cannon-beach.or.us/sites/default/files/fileattachments/public_works/page/20231/wwfp_final_revised.pdf)

- 2. Fire Protection Recommendation 2. The city should adequately assess new development in any area to cover the cost of future water system improvement or for fire protection.**

**Response:** Proposed water service laterals shown on the Preliminary Utility Plan (Exhibit H) will be adequately sized to meet demands that are typical of single-family residential uses and the project site's projected density (3 dwelling units per acre), including fire flow.

- 3. Fire Protection Recommendation 3. Fire hydrants or other fire protection devices shall be installed by the developer of major developments to the satisfaction of the city and the fire protection district.**

**Response:** Given that the applicant is only proposing three residential units, DOWL does not believe that the proposed project would qualify as a "major development". Nonetheless, the applicant expects reviews and recommendations from the Cannon Beach Rural Fire Protection District and the City with regard to the need for fire hydrants or other fire protection devices.

#### **16.04.170 Tentative Plan – Form.**

The tentative plan shall be clearly and legibly drawn. The size of a subdivision tentative plan shall not be less than eighteen inches by twenty four inches. The partition plan may be on eight and one-half by eleven inch paper, mylar or other material. The map of a subdivision or partition shall be at a scale of one inch equals fifty feet or one inch equals one hundred or at a scale that is sufficient to show the detail of the plan and related data.

**Response:** The Tentative Partition Plan is included as Exhibit B with this application. As shown, the plan is clearly and legibly drawn at a scale of one inch equals 30 feet, which is sufficient to show the detail of the plan.

#### **16.04.180 Tentative Plan – Map Contents.**

The tentative plan for a subdivision shall contain the following information. The tentative plan for a partition shall contain the following information that is required by the city as is determined at the conference with the partitioner:

- A. Proposed name of the subdivision. The name shall not duplicate, be the same in spelling or alike in pronunciation with any other recorded subdivision;**

**Response:** A tentative partition is proposed, which will be recorded as a partition plat with Clatsop County; therefore, a subdivision name is not required.

- B. North point and date;**

**Response:** A north point and date are shown on the Tentative Partition Plan (Exhibit B).

- C. Location of the subdivision by section, township and range, and legal description sufficient to define the location and boundaries of the proposed tract;**

**Response:** The section, township, range, and a legal description for the project site are shown on the Tentative Partition Plan (Exhibit B).

**D. A vicinity map, at an appropriate scale showing adjacent property boundaries and abutting land uses;**

**Response:** A vicinity map showing adjacent zoning designations and land uses is included as Exhibit D. A vicinity map is also included on the Existing Conditions Plan (Exhibit C).

**E. Names, addresses and telephone numbers of the owner or owners of the property;**

**Response:** The name, mailing address, and contact information for the property owner (Patrick/Dave LLC) are included within this narrative and the Tentative Partition Plan application form (Exhibit A).

**F. Name, business address, telephone number, and number of the registered engineer or licensed surveyor who prepared the plan of the proposed subdivision and the date of the plan preparation;**

**Response:** The Tentative Partition Plan was prepared by Jack White with S&F Land Services, who is a Professional Land Surveyor (PLS) registered in the state of Oregon, as noted on the Tentative Partition Plan (Exhibit B). Contact information is also included.

**G. Streets existing: location, names, pavement widths, alleys and rights-of-way on and abutting the tract. Source of datum shall be indicated on the tentative plan;**

**Response:** Abutting streets (Forest Lawn Road and South Hemlock Street) are shown on the Tentative Partition Plan (Exhibit B) and the Existing Conditions Plan (Exhibit C).

**H. Streets, proposed: location, right-of-way, roadway widths, approximate radius of curves, and grades;**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), no new streets are proposed.

**I. Streets, future: the pattern of future streets from the boundary of the parcel to include other tracts within two hundred feet surrounding and adjacent to the proposed land division;**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), no new streets are proposed.

**J. Easements: location, widths and purpose of all existing or proposed easements on and abutting the tract;**

**Response:** Existing and proposed easements are shown on the Tentative Partition Plan (Exhibit B) and the Existing Conditions Plan (Exhibit C).

**K. Utilities: location of all existing and proposed storm sewers, sanitary sewers and water lines on and abutting the tract;**

**Response:** Existing and proposed storm, sanitary sewer, and water lines on and abutting the project site are shown on the Preliminary Utility Plan (Exhibit H).

**L. Contour lines having the following minimum intervals:**

- 1. Two-foot contour intervals for ground slopes twenty percent or less.**
- 2. Five-foot contours intervals for ground slopes over twenty percent.**

**Response:** Contour lines at two foot intervals are shown on the Tentative Partition Plan (Exhibit B).

**M. Wooded areas: location of all trees with a diameter six-inch or greater when measured four feet above the ground;**

**Response:** The project site's existing trees are shown on the Existing Conditions Plan (Exhibit C) and within the Arborist Report (Exhibit I).

**N. Flood areas: location of the one hundred year floodplain;**

**Response:** Per Cannon Beach GIS and Clatsop County Webmaps, no portion of the project site is within the 100 year floodplain.

**O. Lots and parcels: approximate dimensions of all lots and parcels, all lot sizes in square foot or acres, and proposed lot and block numbers;**

**Response:** The proposed lots, including their approximate dimensions, are shown on the Tentative Partition Plan (Exhibit B) and also in Table 1 within this narrative.

**P. All parcels of land intended to be dedicated or reserved for public use, with the purpose, condition, or limitations of such reservations clearly indicated;**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), no public parcels, tracts, or dedications are proposed.

**Q. Existing uses of the property, including scaled location and present use of all existing structures to remain on the property after platting.**

**Response:** As shown on the Existing Conditions Plan (Exhibit C), the project site is not currently in use and contains no existing structures or other development.

**16.04.190 Tentative Plan – Other Information.**

**A. Other information required for the tentative plan includes the following:**

- 1. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units, so as to reveal the effect of the development on traffic, and fire protection;**

**Response:** As identified through this narrative and on the Tentative Partition Plan (Exhibit B), the intended use for the proposed lots is one single-family residential dwelling per lot, with a density of three dwelling units per acre across the project site.



**2. Proposed covenants and restrictions;**

**Response:** A homeowners associated (HOA) is not proposed, and covenants and restrictions specific to the Tentative Partition Plan are not proposed by the applicant at this time.

**3. Partial development. If the subdivision proposal pertains to only part of the tract owned or controlled by a subdivider, the city may require a sketch of a tentative layout for streets in the unsubdivided portion;**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), the entirety of tax lot 51030DA04100 is proposed to be partitioned and developed.

**4. Where required by Chapter 17.50, a geologic site investigation report;**

**Response:** A geotechnical report and geologic hazard study is being prepared by Earth Engineers, Inc. and will be included as addendum to this application, which will include findings to CBMC 17.50.

**5. Where the site includes wetlands, a wetland delineation with the boundaries of the wetlands shown on the plan map;**

**Response:** As identified within this narrative, the project site contains a single wetland (Wetland A). A delineation of Wetland A is included with this application as Exhibit E. Wetland A is also shown on the Tentative Partition Plan (Exhibit B).

**6. If the oceanfront setback for individual lots is to be established as part of the approval of the subdivision, the location of the proposed oceanfront setbacks and a description of the covenants and restrictions which will be applied to the property in order to implement the setback location;**

**Response:** The project site does not abut the oceanfront.

**7. Other information as requested by the planning commission.**

**Response:** No other information has been requested by the Planning Commission at this time.

**B. The city may require any of the following to supplement the tentative plan.**

**1. A conceptual grading plan;**

**Response:** A conceptual grading plan will be provided if determined to be necessary to adequately review the Tentative Partition Plan (Exhibit B).

**2. Appropriate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), no new streets are proposed.

#### **16.04.260 Construction Drawings – Design and Data Requirements.**

**Construction drawings shall be prepared for all required improvements. The applicant shall submit three sets of the construction drawings to the city. [...]**

**Response:** Construction drawings prepared to the requirements of this section will be submitted with any future site development and grading permits for the project site.

#### **16.04.280 Design Standards – Streets.**

**The following design standards are required for streets: [...]**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), no new streets are proposed. These design standards are not applicable.

#### **16.04.290 Design Standards – Easements.**

**The following design standards are required for easements:**

- A. Utility Lines.** Easements for sewers, drainage, water mains, electric lines, or other public utilities shall be dedicated. Easements on interior lot lines shall be ten feet in width, the centerline of which shall be the lot lines. Easements along exterior lot lines shall be ten feet in width, except no easement will be required for those lot lines paralleling a street or other public way. Tie-back easements shall be six feet wide and twenty feet long along lot side lines at change of direction points of the lot lines.

**Response:** As shown on the Preliminary Utility Plan (Exhibit H), extensions of public utility lines are not proposed with this Tentative Partition Plan. However, as shown on the Tentative Partition Plan (Exhibit B), a single access/utility easement is proposed in part for private utility service line extensions to Lots 1 and 3. The easement is proposed to be evenly split between these lots, with the centerline of the easement being the proposed lot line. As shown, the easement will be 15 feet wide.

- B. Drainage Ways.** Where a subdivision or partition is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as may be adequate for the purpose but in no event less than twenty feet.

**Response:** As shown on the Existing Conditions Plan (Exhibit C), there are no watercourses, drainage ways, channels, or streams within the project site. This design standard is not applicable.

#### **16.04.300 Design Standards – Blocks.**

**The following design standards are required for blocks:**

**Dimensions.** Block, length, width and area within bounding roads shall be such as to accommodate the size of lots required by the zoning ordinance and to provide for convenient access, circulation control and safety of street traffic (B) New and replacement tank inlets, fill openings, outlets and vents shall be placed a minimum of two feet above base flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tank during conditions of the design flood.

**Response:** As shown on the Tentative Partition Plan (Exhibit B), no new streets or blocks are proposed. This design standard is not applicable.

#### **16.04.310 Design Standards – Lots.**

The following design standards are required for lots:

- A. Size and Dimensions.** The size of parcels or lots to be created by a partition or subdivision shall be determined by the zone in which the property is located and the average slope of the property from which the parcels or lots are to be created. The minimum lot size for parcels and lots created shall be as follows:

Percent of Average Slope	Minimum Lot Size per Dwelling Unit (square feet)
0-14.99	Set by zoning district
15-19.99	10,000
20-29.99	15,000
30-34.99	20,000
35+	40,000

**Response:** Per Cannon Beach GIS, the project site's average slope is 6.48 percent; therefore, the minimum lot size per dwelling unit is set by the R2 zone, which is 5,000 square feet. As shown on the Tentative Partition Plan (Exhibit B) and Table 1, each proposed lot meets the minimum lot area requirement for the R2 zone.

**The dimensions of lots shall not be less than required by the zoning ordinance.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B) and Table 1, and described in response to the applicable dimensional standards of the R2 zone per CBMC 17.14.040, each proposed lot meets the minimum dimensional standards as set by the zone.

- B. Location.** All lots shall have a twenty-five-foot frontage on a publicly dedicated street.

**Response:** As shown on the Tentative Partition Plan (Exhibit B), each proposed lot has at least 25 feet of frontage on a publicly dedicated street.

- C. Lines.** Side lot lines shall be substantially at right angles to straight street lines or radius to curved street lines.

**Response:** As shown on the Tentative Partition Plan (Exhibit B), where side lot lines meet street lot lines, they coverage at predominantly right angles or are radius to curved street lot lines.

- D. Lot Remnants.** All remnants of lots below minimum size left over after subdividing a larger tract shall be added to adjacent lots or dedicated for public use rather than allowed to remain as unusable parcels.

**Response:** As shown on the Tentative Partition Plan (Exhibit B), no lot remnants are proposed, and all portions of the project site will be within one of the three proposed lots.

**E. Building Envelopes.**

1. **The planning commission shall have the authority to require the designation of building envelopes on lots or parcels of land where it finds that the designation of building envelopes is necessary for the protection of significant natural resources, such as wetlands, stream corridors or trees. Building envelopes may also be designated to avoid construction in identified geologic hazard areas. The size and shape of the building envelope shall be that which the planning commission determines necessary to protect the identified resource.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), building site envelopes are identified for each proposed lot, and are shown to be free from significant natural resources, including the project site's existing wetland and wetland buffer areas.

2. **Where a building envelope is designated, the building envelope shall identify and limit the location of principal and accessory structures, parking areas, and associated site development, excluding roads and driveways, to the building envelope. All the elements of principal structures and accessory structures shall be located within the designated envelope, including building elements such as roof overhangs, bay windows, chimneys, unroofed landings and decks attached to the building.**

**Response:** As shown on the Tentative Partition Plan Tentative Partition Plan(Exhibit B), building site envelopes are identified for each proposed lot, including areas for future single-family dwellings, parking/vehicle turnaround areas, and driveways.

3. **The planning commission may approve the modification of an approved building envelope where: (a) it finds that the intent of the original building envelope designation is maintained by the proposed modification; and (b) new facts, which were not available at the time of the original designation of the building envelope, about the characteristics of the site form the basis for the modification.**

**Response:** The standard will be adhered to in the event future modifications to the proposed building site envelopes are proposed.

4. **The planning commission shall hold a public hearing on the request for a modification to a designated building envelope pursuant to the requirements Sections 16.04.080—16.04.125.**

**Response:** The standard will be adhered to in the event future modifications to the proposed building site envelopes are proposed.

**16.04.320 Design Standards – Public Sites and Open Spaces.**

**The following design standards are required for public sites and open spaces: [...]**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), public sites and open spaces are not proposed; therefore, these design standards are not applicable.

#### **16.04.330 Design Standards – Trees.**

No trees shall be removed in the development of the subdivision or partition except those within the designated public rights-of-way and easements for public utilities. All trees on individual building lots shall be retained until such time as plans are submitted for a building permit and approved as to specific locations of building pads, driveways and other aspects of land disturbance. An exception to this standard can be made by the planning commission as part of the subdivision or partition tentative plan, specifying which trees are to be removed and for what purpose.

**Response:** All of the project site's trees will be retained until tree removal permits and building permits are approved and issued for each proposed lot's future development. Applicable tree removal standards per CBMC 17.70 are preliminarily addressed for compliance within this narrative.

#### **16.04.340 Design Standards – Utilities.**

All utilities shall be placed underground and meet the standards specified by the public works director.

**Response:** As shown on the Preliminary Utility Plan (Exhibit H), all utilities necessary to serve the proposed lots will be placed underground, and are designed to meet applicable public works standards.

#### **16.04.350 Improvement Standards and Approval.**

In addition to other requirements, all improvements shall conform to the requirements of this chapter and any other improvement standards or specifications adopted by the city, and shall be installed in accordance with the following procedure: [...]

**Response:** As required by this section, on-site construction work for the project site's proposed improvements will not commence until plans have been checked for adequacy and approvals have been issued for all required permits, including site development, building, and tree removal permits.

#### **16.04.360 Improvements.**

[...]

**Response:** Compliance with the standards of this section will be demonstrated with future site development, building, and tree removal permit submittals. As required by CBMC 16.04.350, on-site construction work for the project site's proposed improvements will not commence until plans have been checked for adequacy and approvals have been issued for all required permits, including site development, building, and tree removal permits.

### **Title 17 – Zoning**

#### **17.14 Residential Medium Density (R2) Zone**

##### **17.14.020 Uses Permitted Outright.**

In an R2 zone the following uses and their accessory uses are permitted outright:

**A. Single-family dwelling, modular housing and manufactured home meeting the standards of Section 17.68.020;**

**Response:** The Tentative Partition Plan (Exhibit B) is intended to allow for the construction of one single-family dwelling within each proposed lot, which is an outright permitted use within the R2 zone per this standard.

**17.14.030 Conditional Uses Permitted.**

**In an R2 zone the following conditional uses and their accessory uses are permitted subject to the provisions of Chapter 17.80: [...]**

**Response:** While single-family dwellings are an outright permitted use per CBMC 17.14.020(A), partitions are a conditional use when proposed within wetland and wetland buffer areas per CBMC 17.43.040 and 45; therefore, conditional use approval is required for the Tentative Partition Plan. The applicable standards for conditional uses per CBMC 17.80.110, as well as the WO standards for land divisions per CBMC 17.43.050(M), are addressed for compliance within this narrative.

**17.14.040 Standards.**

**A. In an R2 zone, the following standards shall apply except as they may be modified through the design review process pursuant to Chapter 17.44:**

**Lot Size.** Lot area shall be at least five thousand square feet, except that construction on lots of less than five thousand square feet is permitted subject to Section 17.82.020. The minimum lot size for a single-family dwelling shall be five thousand square feet. The minimum lot size for all uses, including single-family dwellings, shall be adjusted for average slope using the standards in Section 16.04.310(A).

**Response:** As shown on the Tentative Partition Plan (Exhibit B) and previously in Table 1, the minimum lot size requirement of 5,000 square feet for lots intended for single-family dwellings is met for each proposed lot; therefore, this standard is met.

**B. Lot Dimensions.**

**1. Lot Width. Lot width shall be at least forty feet.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B) and previously in Table 1, each proposed lot will have a minimum lot width in excess of 40 feet; therefore, this standard is met.

**2. Lot Depth. Lot depth shall be at least eighty feet.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B) and previously in Table 1, each proposed lot will have a minimum lot depth in excess of 80 feet; therefore, this standard is met.

**3. Front Yard. A front yard shall be at least fifteen feet.**



**Response:** As shown on the Tentative Partition Plan (Exhibit B), each proposed lot contains a building site envelope that can provide for a minimum front yard setback of at least 15 feet; Lot 1's front yard setback is measured from South Hemlock Street, Lot 2's front yard setback is measured from Forest Lawn Road, and Lot 3's front yard setback is measured from Forest Lawn Road<sup>7</sup>. Therefore, this standard is met.

- 4. Side Yard. A side yard shall be at least five feet, except on a corner or through lot the minimum side yard from the street shall be fifteen feet.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), each proposed lot contains a building site envelope that can provide for a minimum side yard setback of at least five feet. As Lot 3 is considered a corner lot due to its frontage along Forest Lawn Road and South Hemlock Street, where it's front line is along Forest Lawn Road as this is the shortest lot line along the streets it fronts, its minimum side yard setback as measured to South Hemlock is required to be at least 15 feet; as shown on the Tentative Partition Plan, a side setback from Lot 3's building site envelope to South Hemlock Street will exceed 15 feet. Therefore, this standard is met.

- 5. Rear Yard. A rear yard shall be at least fifteen feet, except on a corner or through lot it shall be a minimum of five feet, except where a rear lot line abuts a street, it shall be a minimum of fifteen feet.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), each proposed lot contains a building site envelope that can provide for a minimum rear yard setback of at least 15 feet. While Lot 3 is a corner lot, its rear lot line does not abut a street, and its minimum rear yard setback is five feet, which is exceeded. Therefore, this standard is met.

- 6. Yard Abutting the Ocean Shore. For all lots abutting the ocean shore, any yard abutting the ocean shore shall conform to the requirements of Section 17.42.050(A)(6), Oceanfront setback.**

**Response:** The project site does not abut the ocean shore; therefore, CBMC 17.42.050(A)(6) is not applicable to any of the proposed lots.

**C. Lot Coverage. The lot coverage for a permitted or conditional use shall not exceed fifty percent.**

**Response:** Lot coverage for each lot has been calculated in accordance with the definition provided by CBMC 17.04.335. As shown in Table 3 below, none of the proposed lots will have a lot coverage in excess of 50 percent.

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<sup>7</sup> Lot 3 is a corner lot as it abuts two streets. Per CBMC 17.04.355, for corner lots, the front lot line is the shortest lot line along a street. Therefore, Lot 3's front lot line is along Forest Lawn Road.

*Table 3: Proposed Lot Coverage*

Proposed Lot	Lot Area	Building Site Area	Paved/Parking Areas	Lot Coverage Area	Lot Coverage Percent
Lot 1	5,140 sq. ft.	1,484 sq. ft.	1,122 sq. ft.	2,540	49.4%
Lot 2	20,500 sq. ft.	1,076 sq. ft.	256 sq. ft.	1,332 sq. ft.	6.5%
Lot 3	22,400 sq. ft.	1,079 sq. ft.	1,235 sq. ft.	2,314 sq. ft.	10.3%

**D. Floor Area Ratio. The floor area ratio for a permitted or conditional use shall not exceed 0.6.**

**Response:** Conformance with this standard will be demonstrated at the time of building permit review for the proposed lot's future single-family dwellings.

**E. Building Height. Maximum height of a structure is twenty-four feet, measured as the vertical distance from the average elevation of existing grade to the highest point of a roof surface of a flat roof, to the top of a mansard roof or to the mean height level between the eaves and the ridge for a pitched roof. The ridge height of a pitched roof shall not exceed twenty-eight feet. Pitched roofs are considered those with a 5-12 pitch or greater.**

**Response:** Conformance with this standard will be demonstrated at the time of building permit review for the proposed lot's future single-family dwellings.

**F. Signs. As allowed by Chapter 17.56.**

**Response:** No signs are proposed with this application. CBMC 17.56 is not applicable.

**G. Parking. As required by Section 17.78.020.**

**Response:** CBMC 17.78.020 is addressed for compliance with this narrative.

**H. Design Review. All uses except single-family dwellings and their accessory structures are subject to design review of Chapter 17.44.**

**Response:** The Tentative Partition Plan (Exhibit B) is intended to allow for the construction of one single-family dwelling within each proposed lot; therefore, design review is not required for the future single-family dwellings. This standard is not applicable.

**I. Geologic or Soils Engineering Study. As required by Chapter 17.50.**

**Response:** CBMC 17.50 is addressed for compliance within this narrative.

**J. Claims for Compensation Under ORS 197.352. The standards of Section 17.08.040(A) through (K) (Standards), shall apply except as specifically modified pursuant to a development agreement created as part of the city's final action modifying, removing or not applying the city's land use regulation(s) on a demand for compensation under ORS 197.352.**

**Response:** The applicant is not claiming compensation under ORS 197.352. CBMC 17.08.040(A) is not applicable.

- K. Site Plan. Except for interior renovation of existing structures and exterior renovations such as siding replacement where there will be no ground disturbance, no new construction shall be approved unless a site plan meeting the requirements of Section 17.90.190 has been submitted and approved.**

**Response:** Site plans prepared in conformance with CBMC 17.90.190 will be submitted for review for each proposed lot's future single-family residential dwelling at the time of building permit submittal.

## **17.43 Wetlands Overlay (WO) Zone**

### **17.43.020 Mapping.**

- A. The maps delineating the WO zone boundaries shall be maintained and updated as necessary by the city. The Cannon Beach Local Wetland Inventory maps dated September 20, 1994, shall form the basis for the location of wetlands. The WO zone includes both wetland and wetland buffer areas which abut wetlands. The wetland buffer area has a width of five feet measured from the outer boundaries of the wetland.**

**Response:** Per the City's Local Wetland Inventory, the project site contains a single mapped wetland (Wetland #24); therefore, the standards of this chapter are applicable.

- B. Site-specific wetland delineations or determinations are required to determine the exact location of the WO zone boundary. Wetland determinations and delineations shall be conducted in accordance with the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual along with any supporting technical or guidance documents issued by the Division of State Lands and applicable guidance issued by the U.S. Army Corps of Engineers for the area in which the wetlands are located.**

**Response:** A wetland delineation for Wetland A has been prepared by PHS (Exhibit E). DSL has issued a wetland delineation concurrence letter (Exhibit F), and the U.S. Army Corps of Engineers has issued an approved jurisdictional determination (Exhibit G), which found that Wetland A is not considered a water of the U.S. The delineated wetland and its associated five foot buffer are also shown on the Tentative Partition Plan (Exhibit B). This standard is met.

- C. Where a wetland delineation or determination is prepared, the mapping it contains shall replace that of the Cannon Beach Local Wetland Inventory. Wetland delineations or determinations shall remain valid for a period of not more than five years from the date of their acceptance by the Division of State Lands.**

**Response:** DSL issued a wetland delineation concurrence letter for Wetland A on June 8, 2021 (Exhibit F). This application is being submitted within five years of its issuance date.

- D. The continued reliance on a wetland delineation or determination that is more than five years old requires the following additional new information: [...]**

**Response:** DSL issued a wetland delineation concurrence letter for Wetland A on June 8, 2021 (Exhibit F). This application is being submitted within five years of its issuance date. These standards are not applicable.

- E. Protected wetlands that are legally filled under this chapter are no longer protected wetlands, but remain as wetland buffer areas under this overlay zone. Wetland buffer areas that are legally filled under this chapter remain as wetland buffer areas.**

**Response:** To the applicant's knowledge, no portion of Wetland A has been filled in the past, and no fill is proposed with this application. Therefore, Wetland A and its five foot buffer as shown on the Tentative Partition Plan (Exhibit B) are considered wetlands and wetland buffer areas for the purpose of this application's review.

#### **17.43.025 Wetland Lot-of-Record.**

A wetland lot-of-record is a lot or contiguous lots held in common ownership on August 4, 1993, that are subject to the provisions of this chapter. A wetland lot-of-record includes upland portions of the contiguous property that are not subject to the provisions of the wetlands overlay zone. "Contiguous" means lots that have a common boundary, and includes lots separated by public streets. A lot-of-record is subject to the provisions of this overlay zone if all or a portion of the lot is in the overlay zone. The objective of the wetland lot-of-record provision is to permit a property owner a minimum of one dwelling unit on a wetland lot-of-record. A dwelling can be constructed on the wetland portion of a wetland lot-of-record only where there are no upland portions of the wetland lot-of-record that can accommodate a dwelling.

**Response:** Per this standard, the project site is a single wetland lot of record that is subject to the provisions of this chapter. The applicant is proposing a three lot partition of the project site. As shown on the Tentative Partition Plan (Exhibit B), each proposed lot will have a minimum of 1,000 square feet of upland area for a single-family dwelling, driveways, and parking/vehicle turnaround areas. Therefore, each proposed lot is allowed one single-family residential dwelling, subject to the provisions of this chapter.

#### **17.43.030 Uses and Activities Permitted Outright in Wetlands.**

The following uses and activities may be permitted in the wetlands portion of the WO zone, subject to the issuance of a development permit in accordance with Section 17.92.010, and subject to applicable standards, and if permitted outright in the base zone:

- A. Single-family dwelling, modular housing, or manufactured home meeting the standards of Section 17.68.020, limited to one dwelling unit on a wetland lot-of-record;**
- B. Accessory structure or building, as provided for by Section 17.54.030;**
- C. Underground or above-ground utilities;**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), none of the above uses and activities are proposed to occur within the wetland portions of the proposed lots. All future uses, including single-family dwellings, are proposed entirely within the upland areas of each proposed lot.

- D. Vegetation management.**

**Response:** As noted in the Arborist Report (Exhibit I) and in response to CBMC 17.70.015, it is anticipated that the removal of three trees within Wetland A will be required due to their poor health and the risk they pose to future development within the proposed lots. The applicable vegetation removal standards per CBMC 17.43.050(L), as well as the tree removal and protection standards per CBMC 17.70, are addressed for compliance within this narrative.

**17.43.035 Uses and Activities Permitted Outright in Wetland Buffer Areas.**

The following uses and activities may be permitted in wetland buffer areas of the WO zone, subject to the issuance of a development permit in accordance with Section 17.92.010, and subject to applicable standards, and if permitted outright in the base zone:

- A. Single-family dwelling, modular housing, or manufactured home meeting the standards of Section 17.68.020, limited to one dwelling unit on a wetland lot-of-record;
- B. Accessory structure or building, as provided for by Section 17.54.030;
- C. Underground or above-ground utilities;
- D. Vegetation management.

**Response:** As shown on the Tentative Partition Plan (Exhibit B), none of the above uses and activities are proposed to occur within the wetland buffer areas of the proposed lots. All future uses, including single-family dwellings, are proposed entirely within the upland areas of each proposed lot.

**17.43.040 Conditional Uses and Activities Permitted in Wetlands.**

The following uses and activities may be permitted subject to the provision of Chapter 17.80 in the wetland portion of the WO zone, subject to applicable standards, if permitted outright or conditionally in the base zone:

- A. Commercial structures;
- B. Excavation;
- C. Wetland enhancement;
- D. Compensatory mitigation;
- E. Roads or driveways, including an expansion of an existing right-of-way;
- F. Footpaths;
- G. Point-source stormwater discharge;
- H. Alternative stormwater management practices;
- I. Subdivisions, replats, partitions and property line adjustments.

**Response:** As shown on the Tentative Partition Plan (Exhibit B), Wetland A encroaches into each proposed lot; therefore, conditional use approval for the Tentative Partition Plan is required. The applicable land division standards per CBMC 17.43.050(M) are addressed for compliance within this narrative.

**17.43.045 Conditional Uses and Activities Permitted in Wetland Buffer Areas.**

The following uses and activities may be permitted subject to the provision of Chapter 17.80 in wetland buffer areas in the WO zone, subject to applicable standards, if permitted outright or conditionally in the base zone:

- A. Commercial structures;
- B. Excavation;
- C. Wetland enhancement;
- D. Compensatory mitigation;
- E. Roads or driveways, including an expansion of an existing right-of-way;
- F. Bicycle paths;
- G. Footpaths;
- H. Point-source stormwater discharge;
- I. Subdivisions, partitions, lot line adjustments.

**Response:** As shown on the Tentative Partition Plan (Exhibit B), buffer areas associated with Wetland A encroaches into each proposed lot; therefore, conditional use approval for the Tentative Partition Plan is required. The applicable land division standards per CBMC 17.43.050(M) are addressed for compliance within this narrative.

#### **17.43.050 Standards**

The following standards are applicable to the uses and activities listed in Sections 17.43.030 through 17.43.045. The uses and activities are also subject to the standards of the base zone. The following standards are applicable in all areas under the wetlands overlay zone. "Protected wetlands" are those areas in the wetlands overlay zone that have been identified on the city's inventory or on a subsequent detailed wetland delineation as wetlands. "Wetland buffer areas" are nonwetland areas in the wetlands overlay zone surrounding the protected wetlands.

- A. General Standards. Uses and activities in protected wetlands and in wetland buffer areas are subject to the following general standards. Development may also be subject to specific standards in subsequent subsections.
  - 1. Uses and activities in protected wetlands or wetland buffer areas may be approved only after the following list of alternative actions, listed from highest to lowest priority, have been considered:
    - a. Avoiding the impact altogether by not taking a certain action or parts of an action (this would include, for example, having the use or activity occur entirely on uplands); and
    - b. Minimizing impacts by limiting the degree or magnitude of action and its implementation (this would include, for example, reducing the size of the structure or improvement so that protected wetlands or wetland buffer areas are not impacted).

**Response:** As shown on the Tentative Partition Plan (Exhibit B), each proposed lot will include areas within Wetland A and its associated buffer areas. However, all future development is proposed to occur within upland areas only. As a result, no impacts to Wetland A or its



associated five foot buffers are proposed. There is no practicable way to partition the project site without including the wetland and wetland buffer areas. As impacts to Wetland A and its associated buffer area are avoided completely, this standard is met.

2. **Where a use or activity can be located in either the protected wetland or the wetland buffer, preference shall be given to the location of the use or activity in the wetland buffer.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), each proposed lot will include areas within Wetland A and its associated buffer areas. However, all future development is proposed to occur within upland areas only. As impacts to Wetland A and its associated buffer area are avoided completely, this standard is met.

3. **Valid permits from the US Army Corps of Engineers and from the Oregon Division of State Lands, or written proof of exemption from these permit programs, must be obtained before any of the following activities occur in protected wetlands:**

- a. **Placement of fill (any amount);**
- b. **Construction of any pile-support structure;**
- c. **Excavation (any amount);**
- d. **Compensatory mitigation;**
- e. **Wetland restoration;**
- f. **Wetland enhancement.**

**Response:** DSL has issued a wetland delineation concurrence letter (Exhibit F), and the U.S. Army Corps of Engineers has issued an approved jurisdictional determination (Exhibit G), which found that Wetland A is not considered a water of the U.S. However, none of the above activities are proposed with this application.

4. **Where a wetland was identified by the Cannon Beach wetland study as riverine, uses and activities are also subject to the requirements of Chapter 17.71, stream corridor protection.**

**Response:** Per the City's Local Wetland Inventory Report<sup>8</sup>, Wetland A (Wetland #24 per the report) is palustrine, scrub-shrub, and seasonal; therefore, CBMC 17.71 is not applicable as the wetland is not riverine.

5. **Construction management practices will be employed in protected wetlands and in wetland buffer areas that minimize short-term and long-term impacts on wetlands. Impacts to be avoided or minimized include turbidity, erosion, sedimentation, contamination with construction waste or debris, unnecessary or excessive vegetation removal or damage. Construction debris shall be removed from the site and properly disposed of. Tools that require cleaning, including paint tools, masonry equipment, and drywall tools, shall be cleaned in a manner that does not degrade water quality. The**

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<sup>8</sup> <https://docs.dsl.state.or.us/PublicReview/0/doc/862663/Electronic.aspx>

**building official may require preparation of a detailed management program, indicating how these requirements are to be addressed.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), each proposed lot will include areas within Wetland A and its associated buffer areas. However, all future development is proposed to occur within upland areas only. As impacts to Wetland A and its associated buffer area are completely avoided, specific construction management practices for work within protected wetlands and wetland buffer areas aren't required. Nonetheless, any future on-site construction work that occurs in upland areas will be conducted in a manner that limits any unintended impacts to the project site's wetlands and wetland buffer areas in compliance with this standard.

- 6. Pile-supported construction may use wood piling (treated or untreated), steel piling, concrete piling, or other piling material meeting building code requirements. If treated wood piling or posts are used for structures in protected wetlands, the following standards are applicable: [...]**

**Response:** Pile-supported construction is not proposed or required in order to avoid wetland and wetland buffer area impacts. These standards are not applicable.

- 7. Fill, when permitted, in protected wetlands or in wetland buffer areas is subject to the following standards: [...]**

**Response:** No fill is proposed within Wetland A or its associated buffer. These standards are not applicable.

- B. Residential Development. Where and when allowed, a single family dwelling, modular housing, or manufactured home may be permitted in a protected wetland or wetland buffer area subject to the following standards: [...]**

**Response:** Residential development within Wetland A or its associated buffer is not proposed. These standards are not applicable.

- C. Commercial Development. Where and when allowed by the base zone, a commercial building may be permitted in a protected wetland or wetland buffer area subject to the following standards: [...]**

**Response:** Commercial development is not proposed with this application. These standards are not applicable.

- D. Accessory Structure or Building. Buildings and structures subordinate to the principal structure may be permitted in protected wetlands and in wetland buffer areas subject to these standards, and subject to the requirements of the base zone: [...]**

**Response:** Accessory structures or buildings are not proposed within Wetland A or its associated buffer. These standards are not applicable.

- E. Roads and Driveways. Roads and driveways through protected wetlands or wetland buffer areas may be permitted subject to the following standards: [...]**

**Response:** Roads and driveways are not proposed within Wetland A or its associated buffer. These standards are not applicable.

- F. Utilities. Electric power lines, telephone lines, cable television lines, water lines, wastewater collection lines and natural gas lines may be permitted in protected wetlands and in wetland buffer areas subject to these standards, and subject to the requirements of the base zone: [...]**

**Response:** Utilities are not proposed within Wetland A or its associated buffer. These standards are not applicable.

- G. Footpaths and Bicycle Paths. Development of new footpaths, and maintenance of existing footpaths may be permitted in protected wetlands and in wetland buffer areas subject to the use restrictions in the zone and the following standards. Development of new bicycle paths may be permitted in wetland buffer areas. [...]**

**Response:** Footpaths and bicycle paths are not proposed with this application. These standards are not applicable.

- H. Wetland Enhancement. Efforts to enhance wetland values include removal of nonnative vegetation from a wetland, planting native wetland plant species, excavation to deepen wetland areas, placement of bird nesting or roosting structures, fish habitat enhancements, hydraulic changes designed to improve wetland hydrology, removal of fill material, adding new culverts under existing fill, and similar acceptable activities. Wetland enhancement may be permitted in protected wetlands and in wetland buffer areas subject to the use restrictions in the applicable zone, and subject to these standards:**

**Response:** Wetland enhancement is not proposed with this application. These standards are not applicable.

- I. Excavation. Excavation in protected wetlands and in wetland buffer areas for any purpose must meet the following standards:**

**Response:** Excavation is not proposed within Wetland A or its associated buffers. These standards are not applicable.

- J. Stormwater Management. Management of stormwater flowing into protected wetlands or wetland buffer areas is subject to the following standards: [...]**

**Response:** Point-source stormwater discharge into Wetland A or its associated buffer is not proposed with this application. These standards are not applicable .

- K. Mitigation. All projects involving removal or fill in a protected wetland must meet the following standards. These standards are intended to help meet the city's goal of no net loss of wetland functions or values. [...]**

**Response:** As no removal or fill within Wetland A or its associated buffers is proposed, mitigation is not required and these standards are not applicable.

**L. Vegetation Management. Vegetation in protected wetlands and in wetland buffer areas may be managed (including planting, mowing, pruning and removal) subject to the following standards:**

- 1. Tree removal in protected wetlands and in wetland buffer areas shall be consistent with the criteria and standards in Chapter 17.70, tree removal.**

**Response:** As noted in the Arborist Report (Exhibit I) and in response to CBMC 17.70.015, it is anticipated that the removal of three trees within Wetland A will be required due to their poor health and the risk they pose to future development within the proposed lots. Any required tree removal permits shall be submitted at the time of building permit submittal, and no trees will be removed until building permits have been issued as required by CBMC 17.70.030(B). All future tree removal permits will demonstrate compliance with CBMC 17.70 as required by this standard.

**M. Land Divisions. Subdivisions, replats, partitions, and property line adjustments in protected wetlands, wetland buffer areas, or a wetland lot-of-record are subject to the following standards:**

- 1. Preliminary plat maps for proposed subdivisions, replats and partitions involving protected wetlands or wetland buffer areas must show the wetland-upland boundary, as determined by a wetland delineation prepared by a qualified individual.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), Wetland A, its associated five foot buffer, and all upland areas are clearly delineated and identified. Wetland A's delineation was prepared by John van Staveren with PHS, who is a certified Senior Professional Wetland Scientist (SPWS). This standard is met.

- 2. Subdivisions, replats, partitions and property line adjustments for the purpose of creating building sites are permitted subject to the following standards:**

- a. Each lot created must have at least one thousand square feet of upland available for building coverage, required off-street parking and required access.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B) and on Table 1 of this narrative, each proposed lot will have at least 1,000 square feet of upland area for building coverage, required off-street parking/vehicle turnround areas, and lot access. This standard is met.

- b. The building site described in subsection M2a shall not include protected wetlands or wetland buffer areas.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), the building site envelopes identified for each proposed lot do not include protected wetlands or wetland buffer areas. This standard is met.

- c. Protected wetlands and wetland buffer areas may be counted towards meeting the base zone's minimum lot size for each lot, and may be included in front, side and rear yard setbacks as appropriate.**

**Response:** As allowed by this standard, wetlands and wetland buffer areas within the project site are being used to meet the R2 zone's minimum lot size, and front, side, and rear yard setbacks.

- d. Utility lines, including but not limited to, water lines, sewer lines, and storm water lines shall not be located in protected wetlands or wetland buffer areas, unless there is no alternative to serve lots meeting the standard of subsection M2a.**

**Response:** As shown on the Preliminary Utility Plan (Exhibit H), necessary utility service lines are not proposed within wetlands or wetland buffer areas. This standard is met.

- e. Streets shall not be located in protected wetland or wetland buffer areas.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), no streets are proposed within wetlands or wetland buffer areas. This standard is met.

- 3. In planned unit developments or cluster subdivisions, all protected wetland or wetland buffer areas must be in open space tracts held in common ownership.**

**Response:** A planned unit development or cluster subdivision is not proposed; therefore, this standard is not applicable.

- 4. For lots or parcels created subject to these provisions, the existence of protected wetland or wetland buffer areas shall not form the basis for a future setback reduction or variance request.**

**Response:** The presence of wetlands or wetland buffer areas will not form the basis for a future setback reduction or variance request for any of the proposed lot's future single-family residential development.

## **17.50 Development Requirements for Potential Geologic Hazard Areas**

### **17.50.020 Applicability.**

**The following are potential geologic hazard areas to which the standards of this section apply:**

- A. In any area with an average slope of twenty percent or greater;**

**Response:** Per Cannon Beach GIS, the project site's average slope is 6.48 percent.

- B. In areas of potential landslide hazard, as identified in the city master hazards map and comprehensive plan;**

**Response:** Per the City's Master Hazards Map and Comprehensive Plan, the project site is not located in area of potential landslide hazards.

- C. In areas abutting the oceanshore, or velocity zone flood hazard, as identified on the city's FIRM maps;**

**Response:** The project site does not abut the oceanshore, and per Cannon Beach GIS and Clatsop County Webmaps, is not within or abut a velocity flood hazard zone.

**D. In areas identified by the soil survey of Clatsop County, Oregon as containing weak foundation soils; or**

**Response:** Earth Engineers Inc. is preparing a geotechnical report and geologic hazard study that will be submitted as an addendum to this application and will include supplemental findings demonstrating compliance with this standard.

**E. In open sand areas regardless of the type of dune or its present stability, and conditionally stable dunes not located in a velocity flood hazard zone, as identified on the city's FIRM maps, which in the view of the building official have the potential for wind erosion or other damage.**

**Response:** The project site is not located within in an open sand area and does not contain dunes.

**17.50.030 Procedure.**

The requirements of this section shall be met prior to the issuance of a building permit. The city may require that the requirements of this section be met in conjunction with a request for the approval of a setback reduction, variance, conditional use, design review request, preliminary subdivision proposal, major partition request, minor partition request and preliminary planned development request.

**Response:** Earth Engineers Inc. is preparing a geotechnical report and geologic hazard study that will be submitted as an addendum to this application and will include supplemental findings demonstrating compliance with this standard.

**17.50.040 Reports and Plans Required.**

**A. Geologic Site Investigation Report.**

1. A geologic site investigation report shall be prepared by a registered geologist or engineering geologist. The report is to be prepared in conformance with the city's site investigation report checklist.
2. Where recommended by the geologic site investigation report, or required by the building official, an engineering report prepared by a registered civil engineer shall be prepared. The report shall discuss the engineering feasibility of the proposed development and include findings and conclusions for: the design and location of structures; the design and location of roads; the design and location of utilities; land grading practices, including excavation and filling; stormwater management; and vegetation removal and replanting.
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.



4. The standards and recommendations contained in the geologic site investigation and engineering report, upon acceptance by the building official, shall become requirements of any building permit that is issued.
5. The building official may have the geologic site investigation report, or the engineering report reviewed by an independent expert of his or her choosing. Such a review may address either the adequacy or completeness of the site investigation, or the construction methods recommended in the engineering report. The applicant shall pay for the cost of the review.
6. A geologic site investigation report shall remain valid for a period of not more than five years from the date of its preparation. The continued reliance on a geologic site investigation report that is more than five years old requires the following additional new information:
  - a. An on-site re-inspection of the site by a qualified individual to determine if there has been any change in circumstances.
  - b. If no change in circumstances is found, a short report noting or including:
    - I. A description of site conditions and any changes between the date of the original geologic site investigation report and the date of the re-inspection;
    - II. Any additional maps, aerial photographs or other documents consulted; and
    - III. Conclusions regarding the accuracy of the original geologic site investigation report.
  - c. If a change in circumstances is noted, the information in subsection (b) of this section shall be provided along with:
    - I. Additional field data needed to verify and document any change in the status of the area;
    - II. Revised mapping;
    - III. Data, documentation, and other information as needed to define the existing geologic condition of the property; and
    - IV. Revised recommendations and conclusions based on the changed circumstances applicable to the property.

**Response:** Earth Engineers Inc. is preparing a geotechnical report and geologic hazard study that will be submitted as an addendum to this application and will include supplemental findings demonstrating compliance with these standard.

## **17.62 Grading, Erosion and Sedimentation Control**

### **17.62.030 Grading and Erosion Control Permit.**

#### **A. Development Permit Required.**

- 1. Persons proposing to clear, grade, excavate or fill land (regulated activities) shall obtain a development permit as prescribed by this chapter unless exempted by Section 17.62.040. A development permit is required where: [...]**

**Response:** It is anticipated that grading within each proposed lot will be required in order to construct future dwellings, driveways, parking/vehicle turnaround areas, and install utility connections. Compliance with the standards of this section will be demonstrated at the time of grading permit submittal. No on-site grading work will occur until grading permits have been approved and issued.

## **17.70 Tree Removal and Protection**

### **17.70.015 Tree Removal Without a Permit Prohibited.**

**No person shall remove a tree (tree removal) without first obtaining a permit from the city pursuant to this chapter, unless the tree removal is exempted by provisions of this chapter. Application for a tree removal permit shall be made on forms prescribed by the city. [...]**

**Response:** It is anticipated that tree removal within each proposed lot will be required in order to construct dwellings, driveways, parking/vehicle turnaround areas, install utility connections, and remove trees that are in poor health and pose a hazard to future development. All of these issues are consistent with the permitted circumstances under which trees can be removed per CBMC 17.70.20(D). The Arborist Report (Exhibit I) identifies the project site's trees, including their species, diameter at breast height (DBH), and health. It is anticipated that the trees identified in Table 4 on the following page will likely need to be removed in order to facilitate future development.

Any required tree removal permits shall be submitted at the time of building permit submittal, and no trees will be removed until building permits have been issued as required by CBMC 17.70.030(B). The list of trees identified for removal in Table 4 is preliminary, and may change depending on the design of future single-family dwellings within the proposed lots.

*Table 4: Preliminary Tree Removal Table*

Tree #	Type	Reason for Anticipated Removal	DBH	Area
12	Red Alder	Poor health, danger	11	Wetland
15	Sitka Spruce	Development	60	Upland
17	Sitka Spruce	Development, poor health, danger	50	Upland
18	Sitka Spruce	Development	29	Upland
19	Sitka Spruce	Development	36	Upland
20	Western Hemlock	Poor health	30	Wetland
23	Sitka Spruce	Development	32	Upland
34	Sitka Spruce	Development	35	Upland
35	Sitka Spruce	Development, poor health, danger	35	Upland
36	Sitka Spruce	Development	36	Upland
37b	Sitka Spruce	Poor health, danger	32	Wetland

#### 17.70.020 Permit Issuance – Criteria.

The City shall issue a tree removal permit if the applicant demonstrates that one of the following criteria is met:

- D. Removal of a tree(s) in order to construct a structure or development approved or allowed pursuant to the Cannon Beach Municipal Code, including required vehicular and utility access, subject to the requirements in Section 17.70.030(B) and (Q).

**Response:** As identified previously within Table 4, the removal of 11 trees is anticipated to allow for future development within the proposed lots. As noted in the Arborist Report (Exhibit I), the removal of five (5) trees with poor health, which are also structurally unsound, is anticipated due to the hazards they pose to future development within the proposed lots. The removal of an additional six (6) trees is also anticipated due to their location within the proposed lots, where they conflict with the location of future dwellings, driveways, parking/vehicle turnaround areas, and utilities. Preliminary findings for CBMC 17.70.030(B) and (Q) are included within this narrative, and additional documentation on these trees will be provided upon the applicant's anticipated submittal of a tree removal permit to allow for their removal.

#### 17.70.030 Additional Requirements.

**B. For actions which require the issuance of a building permit, tree removal shall occur only after a building permit has been issued for the structure requiring the removal of the tree(s).**

**Response:** No trees within the project site will be removed until any future building permits have been issued.

**D. 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.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), the project site's lot layout has been designed to preserve the vast majority of the site's natural resources, including the entirety of Wetland A and its associated buffer, as well as a large majority of the site's existing trees. The only trees preliminarily identified for removal are those within Table 4, where removal is necessary for the following reasons:

- In order to construct dwellings, driveways, parking/vehicle turnaround areas, and install utility connections;
- Poor health and structure; and
- Hazard risk for future development due to health.

All of the above are justifiable reasons for tree removal per CBMC 17.70.020. The total DBH of the project site's mature trees is 1,188 inches, and the total DBH of the trees anticipated for removal is 386 inches, which represents only 32 percent of the project site's total tree DBH. The list of trees identified for removal in Table 4 is preliminary, and may change depending on the design of future single-family dwellings within the proposed lots.

**G. The city may require the replanting of trees to replace those being removed. Tree replanting shall be in conformance with the city's tree replacement policy, Section 17.70.040.**

**Response:** If replacement is determined to be required at the time of tree removal permit submittal, replacement will be provided in compliance with CBMC 17.70.040.

**Q. An application for a tree removal permit under Section 17.70.020(D), submitted under the direction of a certified tree arborist for removal of a tree(s) to construct a structure or development, must include the following: [...]**

**Response:** Future tree removal permit applications will include all items required by this standard.

**17.78 Off-Street Parking**

**17.78.010 Requirements Generally.**

**The following general provisions shall govern the application of off-street parking requirements:**

- A. The provision and maintenance of off-street parking is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking. The subsequent use of property for which the building permit is issued is conditional upon the unqualified continuance and availability of the amount of off-street parking required by this chapter. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing required off-street parking, it shall be a violation of this chapter to begin or maintain such altered use until the required increase in off-street parking is provided.**

**Response:** Any future building permit applications submitted for the proposed lots and future single-family dwellings will demonstrate compliance with the applicable off-street parking requirements of this chapter.

- B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the planning commission based upon the requirements of comparable uses listed.**

**Response:** The Tentative Partition Plan (Exhibit B) is intended to allow for the construction of one single-family dwelling within each proposed lot. Per CBMC 17.78.020(D), at least two off-street parking spaces are required for each proposed lot given their intended use; therefore, a determination by the planning commission is not required.

- C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, unless evidence is presented to the satisfaction of the city that the various uses will not be used simultaneously, thus not requiring that the required amount of off-street parking be the sum of the requirements of the several uses. Where the city determines that various uses will not be used simultaneously, the city shall determine the amount of off-street parking to be provided.**

**Response:** The Tentative Partition Plan (Exhibit B) is intended to allow for the construction of one single-family dwelling within each proposed lot. Several uses within a single structure or parcel of land is not proposed, and at least two parking spaces shall be provided for each proposed lot in compliance with CBMC 17.78.020(D).

- D. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking area where the amount of the off-street parking provided in such a joint use parking area is the sum of the required off-street parking for those several uses and where a deed restriction or covenant for the shared parking between the cooperating property owners is recorded with Clatsop County. The deed restriction or covenant shall be approved by the city and shall contain a provision that it cannot be modified or revoked without the approval of the city.**

**Response:** A shared parking arrangement is not proposed at this time. Any future shared parking arrangements proposed will demonstrate compliance with this standard as necessary.

- E. Off-street parking spaces for one or two-family dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located no farther than two hundred feet from the building or use they are required to serve measured in a straight line from the building, except that in the downtown commercial area the provisions of Section 17.22.050(E) apply. For**

**uses where parking is permitted within two hundred feet of the intended use, the parking must be located in a zone which permits the use for which the parking is to be provided.**

**Response:** It is intended that off-street parking spaces for the proposed lot's future single-family dwellings will be provided within attached or detached garage structures. However, site plans for the proposed lots, and architectural drawings for future dwellings, have not been prepared at this time. Nonetheless, required off-street parking spaces will be provided within each proposed lot individually as required by this standard.

**F. Required parking spaces shall be available for the parking of passenger vehicles of residents, customers and employees of the use and shall not be used for storage of vehicles or materials.**

**Response:** As required by CBMC 17.78.020(D), at least two off-street parking spaces will be provided for each proposed lot, and will be available for the parking of passenger vehicles for each dwelling's future residents.

**G. A plan drawn to scale, indicating how the off-street parking requirements are to be met shall accompany an application for a building permit.**

**Response:** As required by CBMC 17.78.020(D), at least two off-street parking spaces will be provided for each proposed lot. Site plans provided with future building permit applications will demonstrate compliance with the applicable off-street parking requirements of this chapter.

**H. It is unlawful to charge a fee of any kind for the use of off-street parking spaces provided to meet the off-street parking requirements specified in Sections 17.78.020 and 17.22.050(J)(1). Where such a fee was charged prior to the effective date of Ordinance 97-12, an amortization period of four months, from the effective date of Ordinance 97-25, is established. At the conclusion of the amortization period, charging a fee of any kind for the use of off-street parking spaces provided to meet the off-street parking requirement specified in Sections 17.78.020 and 17.22.050 (J)(1) shall be prohibited whether or not a fee was charged prior to the adoption of Ordinance 97-12.**

**Response:** Paid parking is not proposed with this application.

#### **17.78.020 Off-Street Parking Requirements.**

**A. At the time a structure is erected or enlarged or the use of a structure or parcel of land changes, off-street parking spaces shall be provided in accordance with this section and Sections 17.78.010, 17.78.030 and 17.78.040.**

**Response:** As required by CBMC 17.78.020(D), at least two off-street parking spaces will be provided for each proposed lot. It is intended that off-street parking spaces for the proposed lot's future single-family dwellings will be provided within garage structures. Site plans provided with future building permit applications will demonstrate compliance with the applicable off-street parking requirements of this chapter.

**B. If parking space has been provided in connection with an existing use, the parking space shall not be eliminated if it would result in less than is required by this section.**



**Response:** The project site is currently vacant and does not contain any existing parking spaces. As required by CBMC 17.78.020(D), at least two off-street parking spaces will be provided for each proposed lot.

- C. Where square feet are specified, the area measured shall be gross floor area, where gross floor area means the sum of the gross horizontal area of all floors of a building, as measured from the exterior walls of a building. Where employees are specified, persons counted shall be those working on the premises including the proprietors, during the largest shift at a peak season.**

**Response:** As required by CBMC 17.78.020(D), at least two off-street parking spaces will be provided for each proposed lot. Parking requirements for residential uses are based on dwellings provided, not the square footage of the structure. This standard is not applicable.

- D. In determining the number of parking spaces required by this section, all fractions 0.5 or greater shall be rounded to the nearest whole number. (Example, if it is determined that 5.65 parking spaces are required, six off-street parking spaces must be provided. If it is determined that 5.25 parking spaces are required, five off-street parking spaces must be provided.)**

**Response:** As required by CBMC 17.78.020(D), at least two off-street parking spaces will be provided for each proposed lot, which will contain one single-family dwelling each.

#### **17.78.030 Design Standards.**

- A. The following design requirements shall apply to an off-street parking area consisting of five or more parking spaces:**
- 2. A parking space must be at least nine feet by eighteen feet. Where parallel parking spaces are provided, the minimum dimension is nine feet by twenty-two feet.**

**Response:** Site plans provided with future building permit applications will demonstrate compliance with the applicable off-street parking requirements of this chapter, including the dimensional requirements for parking spaces per this standard.

- 9. The number of access points from the adjacent public street(s) to the parking area shall be limited to the minimum that will allow the property to accommodate the anticipated traffic. Access points shall be located on side streets or existing driveways wherever possible so as to avoid congestion of arterial or collector streets. The width of the access point(s) to the parking area shall comply with the standards of Municipal Code Section 12.08.040.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), access points from adjacent public streets have been minimized as required by this standard. Lot 2 will be accessed directly from Forest Lawn Road, while Lots 1 and 3 will be accessed from South Hemlock Street. In conformance with Transportation Policy 7 within the Cannon Beach Comprehensive Plan, access to South Hemlock Street from Lots 1 and 3 will be provided via a shared access point within a 15 foot wide reciprocal access easement split between each lot evenly. Each lot will also maintain adequate space for vehicles to turnaround so that vehicles can enter South Hemlock Street “nose first” without having to back onto the street. Site plans provided with future building permit applications will demonstrate compliance with CBMC 12.08.040 as required by this standard.

**10. Maneuvering space (to prevent backing onto streets) shall be provided for all lots which provide access onto arterial streets (Hemlock Street, Sunset Boulevard, and US Highway 101).**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), Lots 1 and 3 will be accessed from South Hemlock Street. In conformance with Transportation Policy 7 within the Cannon Beach Comprehensive Plan and this standard, each lot will also maintain adequate space for vehicles to turnaround to allow vehicles to enter South Hemlock Street “nose first” without having to back onto the street.

**B. Areas for required off-street parking consisting of fewer than five parking spaces, which serve uses other than single-family dwellings, modular housing, manufactured homes, duplexes or triplexes, shall comply with the standards of Section 17.78.030(A)(1)—(4), (7), (9)—(11).**

**Response:** The Tentative Partition Plan (Exhibit B) is intended to allow for the construction of one single-family dwelling within each proposed lot; therefore, these standards are not applicable.

**C. Areas for required off-street parking associated with single-family dwellings, modular housing, manufactured homes, accessory dwellings, duplexes and limited triplexes, shall comply with the standards of Section 17.78.030(A)(2), (9), (10).**

**Response:** The Tentative Partition Plan (Exhibit B) is intended to allow for the construction of one single-family dwelling within each proposed lot. CBMC 17.78.030(A)(2), (9), and (10) are addressed for compliance within this narrative.

**17.78.040 Improvement Standards.**

**A. The following improvement standards shall apply to off-street parking areas, except for those associated with single-family dwellings, modular housing, manufactured homes, accessory dwellings, duplexes and limited triplexes: [...]**

**Response:** The Tentative Partition Plan (Exhibit B) is intended to allow for the construction of one single-family dwelling within each proposed lot; therefore, these standards are not applicable.

**17.80 Conditional Uses**

**17.80.110 Overall Use Standards.**

**Before a conditional use is approved, findings will be made that the use will comply with the following standards:**

**A. A demand exists for the use at the proposed location. Several factors which should be considered in determining whether or not this demand exists include: accessibility for users (such as customers and employees), availability of similar existing uses, availability of other appropriately zoned sites, particularly those not requiring conditional use approval, and the desirability of other suitably zoned sites for the use.**

**Response:** In 2019, the Oregon Legislature passed House Bill 2003 (HB 2003) to help Oregon improve its state-wide housing supply. As a part of HB 2003, the Oregon Housing and Community

Services Department (OHCS) was tasked with developing a methodology for quantifying regional and local housing need by income that can inform targets or goals for local government housing implementation efforts. As a result, OHCS, in coordination with their consultant ECONorthwest, prepared a technical report titled *Implementing a Regional Housing Needs Analysis Methodology in Oregon: Approach, Results, and Initial Recommendations*<sup>9</sup> (referred to as the “RHNA Report”). The RHNA Report was originally published in August 2020, with additional analysis and research leading to the current version, dated February 2021.

Included with the RHNA Report is Appendix D – Recommended RHNA Results. Appendix D summarizes the number of units needed by region and then presents the results of units needed within each region’s cities through the end of the identified planning period (2040); per Exhibit 120 within the RHNA Report, Cannon Beach is located in the North Coast Region. The RHNA Report characterizes housing need in two categories, “projected need” and “underproduction”, for both the entire North Coast Region (which Cannon Beach is a part of), and Cannon Beach itself, that are relevant to demonstrating a need for the housing that will be accommodated by the Tentative Partition Plan. “Projected need” is the number of units needed to accommodate future population growth over the identified planning period (identified as 2020 to 2040). “Underproduction” is the number of housing units that have not been produced to date in the region, but are needed to accommodate the current population.

Results for the North Coast region and Cannon Beach are summarized in Exhibit 156 (North Coast) and Exhibit 160 (Cannon Beach) within the Appendix D of RHNA Report; these tables are also included below as Tables 5 and 6 for reference.

**Table 5: Recommended RHNA Results for the North Coast Region**

Median Family Income	Projected Need (2020-2040)	Underproduction (current need)
+120%	6,421	23
80-120%	2,777	51
50-80%	2,890	94
30-50%	1,494	64
0-30%	1,148	62
<b>Total Units</b>	<b>14,731</b>	<b>295</b>

<sup>9</sup> <https://www.oregon.gov/ohcs/about-us/Pages/housing-needs.aspx>

*Table 6: Recommended RHNA Results for Cannon Beach UGB*

Median Family Income	Projected Need (2020-2040)	Underproduction (current need)
+120%	115	1
80-120%	50	1
50-80%	52	2
30-50%	27	2
0-30%	21	2
<b>Total Units</b>	<b>264</b>	<b>7</b>

As shown in Table 5, the projected total unit need for the North Coast region through the planning period is 14,731 units, and the identified underproduction value (units needed to meet the current population) is 295. Table 6 is specific to Cannon Beach, and shows a projected need of 264 units through 2040, and an underproduction value of 7 units currently.

As described through this narrative, the Tentative Partition Plan (Exhibit B) will accommodate three single-family residential units within the project site (one unit within each proposed lot), which will help meet both the North Coast region's projected need, and the identified underproduction value (current need), as well as identified housing unit needs within Cannon Beach itself. While each proposed lot will contain wetland and wetland buffer areas, which is the reason conditional use approval is needed, the Tentative Partition Plan has been designed to avoid all impacts to Wetland A and its associated five foot buffer, including from the dwellings building sites, as well as from driveways, parking/vehicle turnaround areas, and utility services. As impacts to wetland and wetland buffer areas are avoided completely, the project suite is suitable for the future residential development that the Tentative Partition Plan will facilitate.

Therefore, this criterion is met due to project's provision of needed housing and the sensitive site design measures incorporated with the project which will avoid wetland and wetland buffer area impacts.

**B. The use will not create excessive traffic congestion on nearby streets or overburden the following public facilities and services: water, sewer, storm drainage, electrical service, fire protection and schools.**

**Response:** As the Tentative Partition Plan (Exhibit B) is intended to provide one single-family residential dwelling per lot, for a total of only three dwellings within the project site, measurable impacts to adjacent transportation facilities, including South Hemlock Street and Forest Lawn Road, are not anticipated. As described further in response to CBMC 17.80.110(E), the 2022 Draft Cannon Beach Transportation System Plan's analysis of the City's existing transportation system demonstrates compliance with identified Oregon Department of Transportation (ODOT) mobility targets. As a result, the adjacent

transportation system can accommodate the proposed lot's future single-family dwellings and will not result in excessive traffic congestion on nearby streets.

As shown on the Preliminary Utility Plan (Exhibit H), sanitary sewer, water, and stormwater service lines are proposed in order to serve the proposed lot's future single-family dwellings. As described in response to CBMC 16.04.130(L) and (M), the City's existing sanitary sewer and water systems have sufficient capacity to meet the project site's proposed development and demand. Stormwater service lines, anticipated to be four inches in diameter, will collect each future dwelling's stormwater runoff, which will then be conveyed to the existing public system within Forest Lawn Road and South Hemlock Street. Downstream deficiencies in the City's stormwater conveyance system are not known to exist.

Fire protection services for the project site are provided by the Cannon Beach Rural Fire Protection District. The water service lines shown on the Preliminary Utility Plan are designed to accommodate necessary fire service flow standards. As identified in the City's Water Master Plan, Oregon fire code requires a minimum flow of 1,000 gallons per minute with a minimum pressure of 20 psi for fire hydrants. Figure 7.4.5-1D shows that the project site is adjacent to multiple existing fire hydrants and falls within the minimum 250 feet service radius for these hydrants.

The project site is currently within the boundaries of the Seaside School District. Given the proposed lots will result in only three residential dwelling units, the resulting development is not anticipated to overburden the school district's capacity should future residential dwellings provide housing for families with school-aged children.

Electrical service will be provided to the project site by Pacific Power, which provides service to the entirety of Cannon Beach. There is no indication that the proposed lot's future single-family dwellings will require an inordinate amount of electrical power that cannot be supplied by Pacific Power. This criterion is met.

- C. The site has an adequate amount of space for any yards, buildings, drives, parking, loading and unloading areas, storage facilities, utilities or other facilities which are required by city ordinances or desired by the applicant.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B) and identified previously in Table 1, each proposed lot meets the minimum R2 zone dimensional requirements for minimum lot size and front, rear, and side yard setbacks. In addition, the proposed building site envelopes, driveways, parking/vehicle turnaround areas, and utility services will all avoid impacts to Wetland A and its associated five foot buffer completely. Therefore, the project site and the Tentative Partition Plan allows for lots that have adequate space for the elements identified above without impacts to wetland and wetland buffer area. This criterion is met.

- D. The topography, soils and other physical characteristics of the site are appropriate for the use. Potential problems due to weak foundation soils will be eliminated or reduced to the extent necessary for avoiding hazardous situations.**

**Response:** Earth Engineers Inc. is preparing a geotechnical report and geologic hazard study that will be submitted as an addendum to this application and will include supplemental findings demonstrating compliance with this standard.

- E. An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths or other transportation facilities required by city ordinances or desired by the applicant. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control and emergency vehicle movements.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), each proposed lot will be provided access from a public street, with each driveway avoiding impacts to Wetland A and its associated five foot buffer entirely. Lot 2 will be accessed directly from Forest Lawn Road, while Lots 1 and 3 will be accessed from South Hemlock Street. In conformance with Transportation Policy 7 within the Cannon Beach Comprehensive Plan, access to South Hemlock Street from Lots 1 and 3 will be provided via a shared access point within a 15 foot wide reciprocal access easement split between each lot evenly. A shared access for Lots 1 and 3 limits access points to South Hemlock Street to the minimum necessary to serve the proposed lots. As shown on the Tentative Partition Plan, Lots 1 and 3 will also maintain adequate space for vehicles to turnaround to allow vehicles to enter South Hemlock Street “nose first” without having to back onto the street. Limiting backing movements onto South Hemlock Street will ensure vehicles can safely enter the street and minimize potential collisions. Each lot’s frontage on an adjacent public street also ensures refuse collection can occur without issue, and driveways will provide direct access to future dwellings for emergency service vehicles.

As the Tentative Partition Plan is intended to provide one single-family residential dwelling per lot, for a total of only three dwellings within the project site, measurable impacts to adjacent transportation facilities, including South Hemlock Street and Forest Lawn Road, are not anticipated. The 2022 Draft Cannon Beach Transportation System Plan<sup>10</sup>, which is expected to be adopted during Summer 2022, analyzed the City’s existing transportation system conditions, with its findings included as Technical Memorandum #3<sup>11</sup>. As identified in Technical Memorandum #3, traffic operations at 15 different intersections within the City were analyzed, none of which were found to exceed identified ODOT mobility targets. In addition, none of the studied intersections in the vicinity of the project site, including the intersection of South Hemlock Street & Sunset Boulevard located approximately 300 feet north of the project site, were found to be operating at an inadequate level of service (LOS), with all mainline operations along Hemlock Street within the City operating at a LOS of either “A” or “B”, where “F” is considered worst conditions. As a result, the adjacent transportation system can accommodate the proposed lot’s future single-family dwellings.

Therefore, the Tentative Partition Plan provides the proposed lots with adequate connections to the adjacent transportation system that can be used for the transportation

<sup>10</sup> [https://www.cannonbeachtsp.com/files/ugd/bd2299\\_0c13d04b61ec4d5e883d956d3b122eff.pdf](https://www.cannonbeachtsp.com/files/ugd/bd2299_0c13d04b61ec4d5e883d956d3b122eff.pdf)

<sup>11</sup> [https://www.cannonbeachtsp.com/files/ugd/bd2299\\_85124235650d48a9907fce94316a65a6.pdf](https://www.cannonbeachtsp.com/files/ugd/bd2299_85124235650d48a9907fce94316a65a6.pdf)



activities identified by this criterion. Further, the Tentative Partition Plan is not anticipated to have measurable impacts on adjacent public facilities, and the existing transportation system is capable of accommodating the proposed development. This criterion is met.

**F. The site and building design ensure that the use will be compatible with the surrounding area.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B) and described throughout this narrative, the project site has been designed to comply with all applicable R2 zone and WO overlay zone standards for single-family residential development. These regulations and standards are implemented by the City in order to ensure proposed development is compatible with the surrounding area and results in development that is sensitive to the scale, character, and density of the surrounding areas. While a maximum density of 11 dwelling units per acre is permitted by the R2 zone, the project site's resulting density will be no more than three dwelling units per acre, which is consistent with development patterns of adjacent R2 zoned lots. In addition, all of the proposed lots will exceed the minimum lot size requirement of the R2 zone of 5,000 square feet; two of the proposed lots, Lots 2 and 3, will have a lot size of over 20,000 square feet each, with the vast majority of these lots being preserved from development. Further, Wetland A and its associated five foot buffer will be preserved in its entirety, including from the dwelling's building sites, as well as from driveways, parking/vehicle turnaround areas, and utility services. Compliance with other R2 zone development standards specific to the size and scale of the future dwellings, such as building height and FAR, will be demonstrated at the time of building permit submittal and review. This criterion is met.

**17.80.120 Specific use standards.**

**In addition to the overall conditional use standards, the specific use standards of Sections 17.80.130 through 17.80.360 shall also be applied.**

**Response:** There are no specific use standards for partitions/land divisions provided by this section; therefore, these standards are not applicable.

**17.90 General Requirements and Regulations**

**17.90.020 Access Requirement.**

**Every lot shall abut a street, other than an alley, for at least twenty-five feet. Lots which were created prior to adoption of the zoning ordinance which do not meet this provision may be accessed via an irrevocable recorded easement of a minimum of ten feet in width.**

**Response:** As shown on the Tentative Partition Plan (Exhibit B), each proposed lot abuts a street for at least 25 feet. Lot 2 will be accessed directly from Forest Lawn Road, while Lots 1 and 3 will be accessed from South Hemlock Street. In conformance with Transportation Policy 7 within the Cannon Beach Comprehensive Plan, access to South Hemlock Street from Lots 1 and 3 will be provided via a shared access point within a 15 foot wide reciprocal access easement split between each lot evenly. Each lot will also maintain adequate space for vehicles to turnaround so that vehicles can enter South Hemlock Street "nose first" without having to back onto the street.

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## **4.0 Conclusion**

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As evidenced through this narrative and associated documents, the applicant's tentative partition and conditional use requests are consistent with the applicable local and state policies and regulations governing the allowance of these requests. Therefore, the applicant respectfully requests City of Cannon Beach approval of these applications.



# CITY OF CANNON BEACH

## PARTITION APPLICATION

Please fill out this form completely. Please type or print.

Applicant Name: Patrick/Dave LLC, attn: Jamie Lerma  
 Email Address: jamie@redcrowgc.com  
 Mailing Address: 3514 NE US Grant Place  
Portland, OR 97212  
 Telephone: 503-849-0258

Property-Owner Name: Same as applicant  
 (if other than applicant)

Mailing Address: Same as applicant

Telephone: Same as applicant

Property Location: SW Corner of Forest Lawn Rd/South Hemlock St (no address assigned)  
 (street address)

Map No.: 51030DA Tax Lot No.: 51030DA04100

### Partition Description:

Three lot partition. See applicant's narrative for additional details.

*Please see Municipal Code Sections 16.04.180 and 16.04.190 for Partition information that must be included with this application.*

Application Fee: **\$500.00**

Applicant Signature: [Signature] Date: 5/25/22

Property Owner Signature: same as applicant Date: \_\_\_\_\_

If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf. Please attach the name, address, phone number, and signature of any additional property owners.

*For Staff Use Only:*

Received on: \_\_\_\_\_ By: \_\_\_\_\_

Fee Paid: \_\_\_\_\_ Receipt No.: \_\_\_\_\_

*(Last revised March 2021)*



# CITY OF CANNON BEACH

## CONDITIONAL USE APPLICATION

Please fill out this form completely. Please type or print.

Applicant Name: Patrick/Dave LLC, attn: Jamie Lerma  
Email Address: jamie@redcrowgc.com  
Mailing Address: 3514 US Grant Place  
Portland, OR 97212  
Telephone: 503-849-0258

Property-Owner Name: Same as applicant  
(if other than applicant)  
Mailing Address: Same as applicant  
Telephone: Same as applicant  
Property Location: SW Corner of Forest Lawn Rd/South Hemlock St (no address assigned)  
(street address)  
Map No.: 51030DA Tax Lot No.: 51030DA04100

### CONDITIONAL USE REQUEST:

1. Description of the proposal.

Three lot partition within the WO overlay zone. See applicant's narrative for additional details and findings to the below approval criteria.

2. Justification of the conditional use request. Explain how the request meets each of the following criteria for granting a conditional use.
  - a. Explain how a demand exists for the use at the proposed location. Several factors which should be considered include: accessibility for users (such as customers and employees); availability of similar existing uses; availability of other appropriately zoned sites, particularly those not requiring conditional use approval; and the desirability of other suitably zoned sites for the use.
  - b. Explain in what way(s) the proposed use will not create traffic congestion on nearby streets or over-burden the following public facilities and services: water, sewer, storm drainage, electrical service, fire protection and schools.



- c. Show that the site has an adequate amount of space for any yards, buildings, drives, parking, loading and unloading areas, storage facilities, utilities, or other facilities which are required by City Ordinances or desired by the applicant.
- d. Show that the topography, soils, and other physical characteristics of the site are appropriate for the use. Potential problems due to weak foundation soils must be shown to be eliminated or reduced to the extent necessary for avoiding hazardous situations.
- e. Explain in what way an adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths or other transportation facilities required by City ordinances or desired by the applicant. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control and emergency vehicle movements.
- f. Explain how the proposed site and building design will be compatible with the surrounding area.

Use extra sheets, if necessary, for answering the above questions. Attach a scale-drawing showing the dimensions of the property, adjacent street(s), dimensions of existing structure, and dimensions of proposed development.

**Application Fee: \$750.00**

Applicant Signature: 

Date: 5/25/22

Property Owner Signature: Same as applicant

Date: \_\_\_\_\_

If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf. Please attach the name, address, phone number, and signature of any additional property owners.

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*For Staff Use Only:*

Date Received: \_\_\_\_\_ By: \_\_\_\_\_

Fee Paid: \_\_\_\_\_ Receipt No.: \_\_\_\_\_

(Last revised March 2021)

# 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

MAY 13, 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'

## LEGEND:

	PROPOSED ACCESS AND UTILITY EASEMENT		BUILDING SETBACK LINE
	AREA OF WETLAND		WETLAND DELINEATION LINE
	AREA OF PROPOSED DRIVEWAY		OVERHEAD POWER
			TELEPHONE
			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	1,484	143	4,765	232
2	20,500	1,076	12,710	5,844	1,945
3	22,400	1,079	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
MAY 13, 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

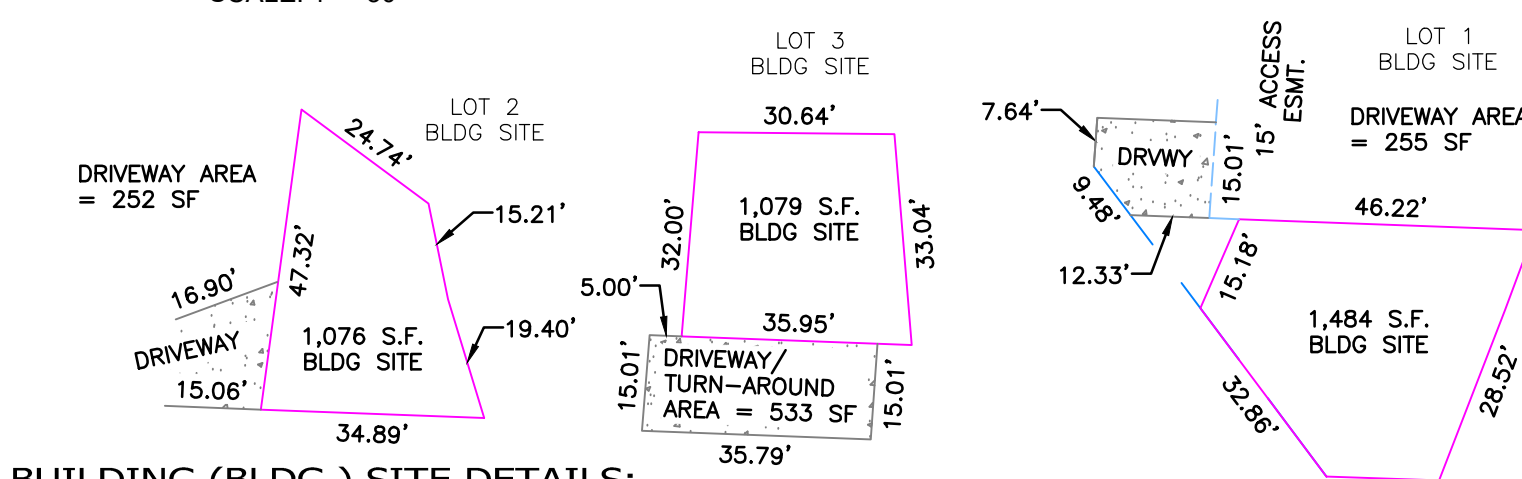
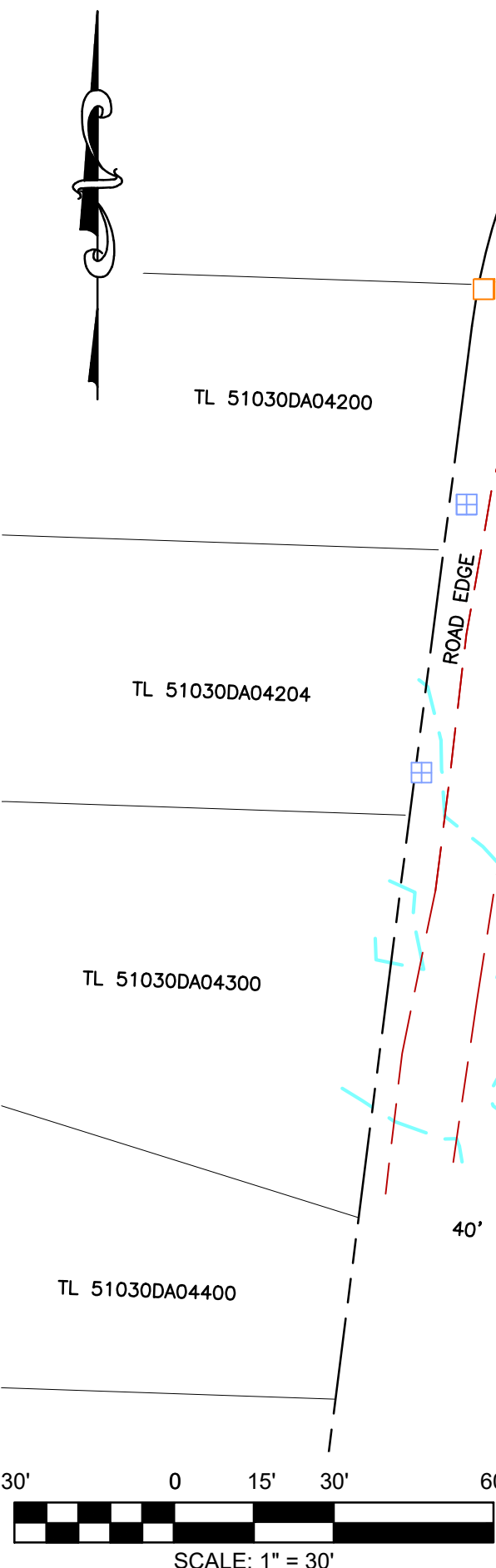
OREGON  
SEPTEMBER 10, 2019  
JACK L. WHITE II  
91987PLS

RENEWES 6/30/22

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'

## HORIZONTAL DATUM:

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



## BUILDING (BLDG) SITE DETAILS:

SCALE 1"=30'

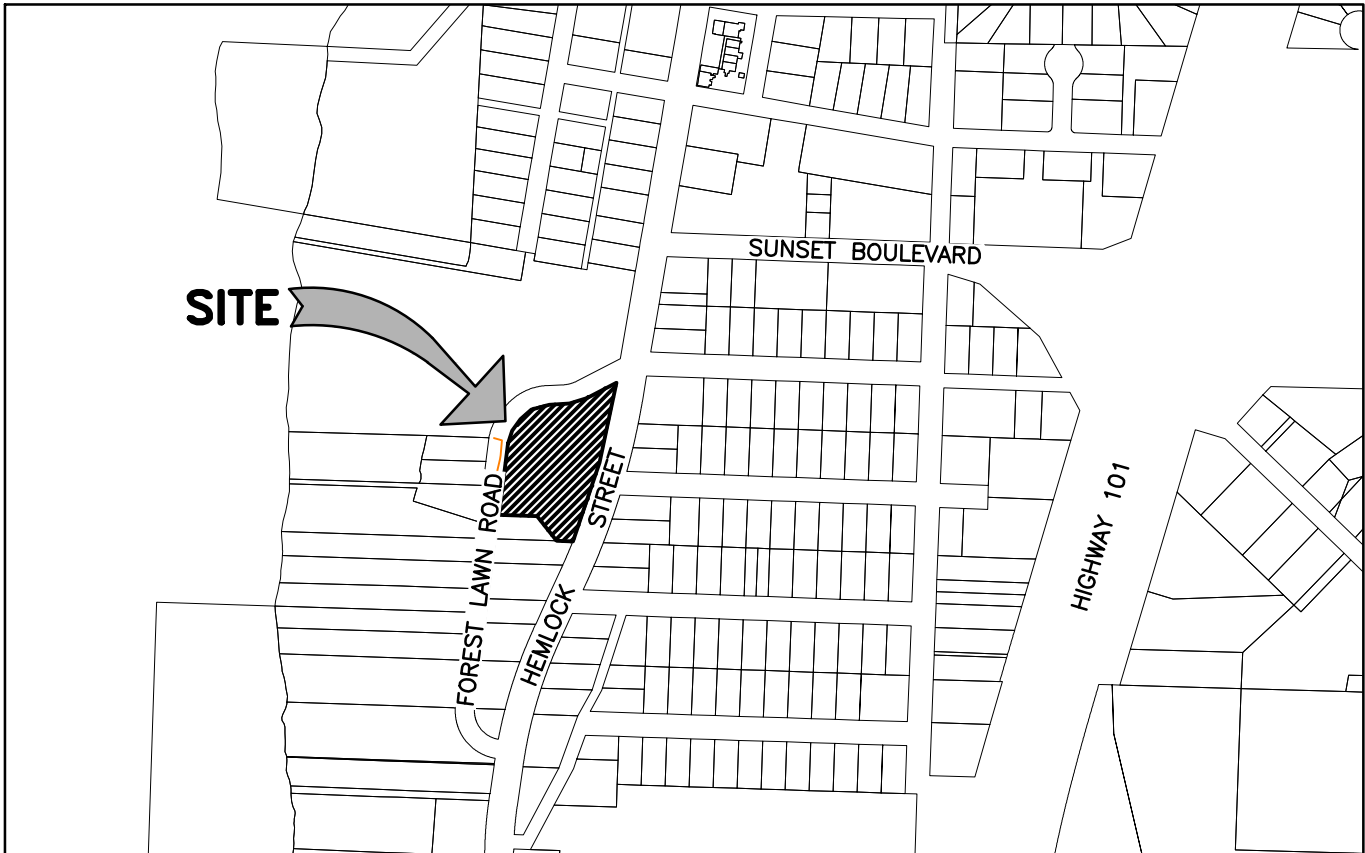
20G30501\_PRELIM\_PARTITION.dwg



TOPOGRAPHIC SURVEY

FOR PATRICK/DAVE, LLC  
LOCATED IN THE SE 1/4 OF SECTION 30,  
TOWNSHIP 5 NORTH, RANGE 10 WEST  
OF THE WILLAMETTE MERIDIAN  
CITY OF CANNON BEACH, CLATSOP COUNTY, OREGON

DECEMBER 23, 2020



VICINITY MAP  
(NOT TO SCALE)  
CANNON BEACH, OREGON

BASIS OF ELEVATIONS:

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

LEGEND:

- FOUND MONUMENT SHOWN ON PARTITION PLAT NO. 2000-037.
- ⚡ FIRE HYDRANT
- ⚡ POWER TRANSFORMER
- ☎ TELEPHONE PEDESTAL
- 🌲 TREE - CONIFEROUS
- 🌳 TREE - DECIDUOUS
- ⛶ WATER METER
- 🚩 WETLAND DELINEATION FLAG
- ⊙ WETLAND SAMPLE PLOT
- PROPERTY BOUNDARY
- - - OTHER LOT LINE
- - - RIGHT OF WAY LINE
- - - EDGE OF GRAVEL
- GAS LINE
- - - UNDERGROUND POWER LINE
- - - UNDERGROUND TELEPHONE LINE
- CONCRETE
- WETLAND AREA

NOTES:

- THE LOCATION OF EXISTING UNDERGROUND UTILITY FACILITIES SHOWN HEREON ARE BASED ON LOCATE MARKS REQUESTED FOR THIS SURVEY PER ONE CALL PUBLIC LOCATE TICKET 20335678. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE DELINEATION OF SUCH UNDERGROUND UTILITIES BY THE RESPECTIVE UTILITY OWNERS, NOR FOR THE EXISTENCE OF BURIED OBJECTS WHICH ARE NOT SHOWN ON THE PLAN. ALL UTILITY LOCATIONS SHOULD BE FIELD VERIFIED PRIOR TO CONSTRUCTION.
- FIELD WORK WAS COMPLETED ON DECEMBER 23, 2020.

S&F Land Services

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

WWW.SFLANDS.COM EMAIL: JACK.WHITE@SFLANDS.COM  
DATE: DEC. 23, 2020 JOB NO.: 2020-G305-01 FIELD: SP/JPW DRAWN: CC CHECKED: JLW

TOPOGRAPHIC SURVEY FOR:

PATRICK/DAVE, LLC

PARCEL 3  
PARTITION PLAT NO. 2000-037

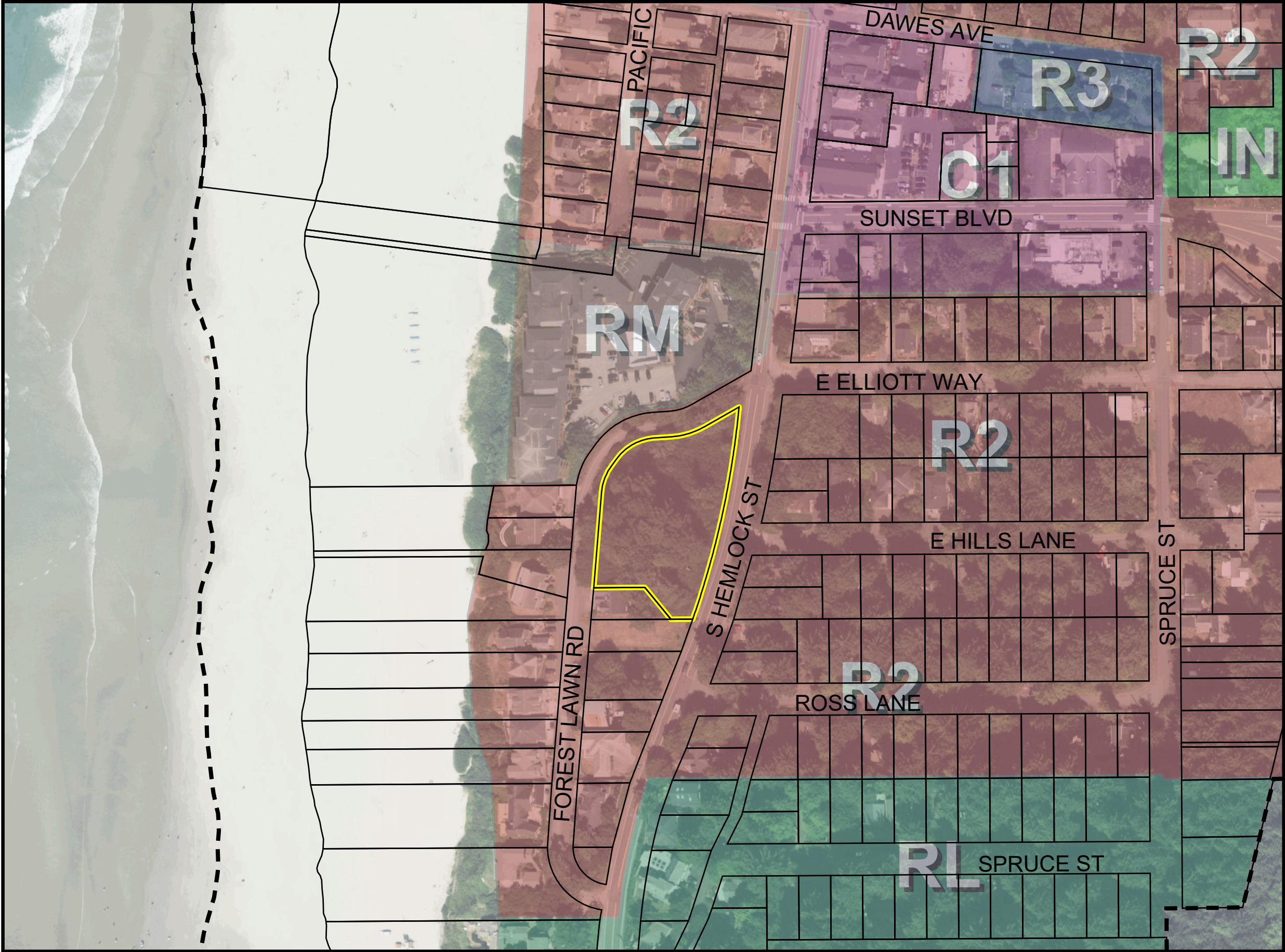
SE1/4 OF SECTION 30 T5N, R10W, W.M.  
CITY OF CANNON BEACH, CLATSOP COUNTY, OREGON

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
SEPTEMBER 10, 2019  
JACK L. WHITE II  
91887PLS

RENEWES 6/30/22





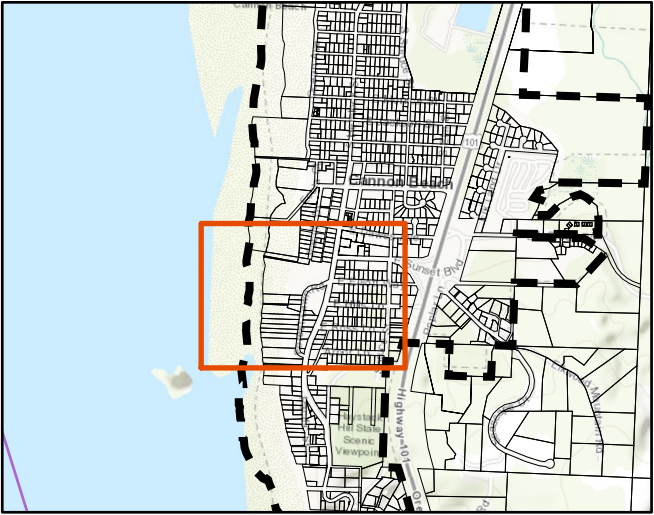
Legend

A-6

Taxlots

City Limits

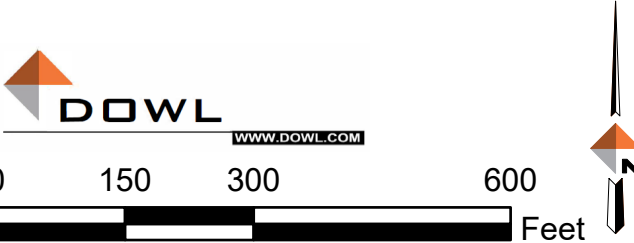
Subject Property



Source: City of Cannon Beach, Clatsop County, May

# Forest Lawn Partition

## Vicinity & Zoning Map





**Wetland Delineation**  
**Tax Lot 4100**  
**Cannon Beach, Oregon**  
(Township 5N, Range 10W, Section 30DA,  
Tax Lot 4100, Clatsop County)

**Prepared for**

**Patrick/Dave, LLC**  
**Attn: Patrick Gemma**  
2575 38<sup>th</sup> Avenue West  
Seattle, WA 98199

**Prepared by**

Caroline Rim  
Shawn Eisner  
John van Staveren, SPWS  
**Pacific Habitat Services, Inc.**  
9450 SW Commerce Circle, Suite 180  
Wilsonville, Oregon 97070  
(503) 570-0800  
(503) 570-0855 FAX  
PHS Project Number: 6978

**March 19, 2021**



# TABLE OF CONTENTS

	<u>Page</u>
<b>I. INTRODUCTION.....</b>	<b>1</b>
<b>II. RESULTS AND DISCUSSION .....</b>	<b>1</b>
A. Landscape Setting and Land Use .....	1
B. Site Alterations.....	1
C. Precipitation Data and Analysis.....	1
D. Methods .....	2
E. Description of All Wetlands .....	2
F. Deviation from Local Wetland Inventory.....	3
G. Mapping Method.....	3
H. Additional Information .....	3
I. Results and Conclusions .....	4
J. Disclaimer.....	4
<b>III. REFERENCES.....</b>	<b>4</b>
 APPENDIX A: Figures	
Figure 1: Vicinity Map (USGS)	
Figure 2: Tax Lot Map	
Figure 3: Wetland Inventory Map (Local)	
Figure 4: Soil Survey Map	
Figure 5: Aerial Photo - 2020	
Figure 6: Wetland Delineation Map	
 APPENDIX B: Wetland Delineation Data Sheets	
APPENDIX C: Site Photos (ground level)	
APPENDIX D: Wetland Definitions and Methodology (Client only)	

## I. INTRODUCTION

Pacific Habitat Services, Inc. (PHS) identified and delineated the limits of wetland on Tax Lot 4100, which is located southwest of the intersection of Forest Lawn Drive and South Hemlock Street in the western portion of Cannon Beach, Oregon (Township 5 North, Range 10 West, Section 30DA, Clatsop County). This report describes the results of PHS's wetland delineation fieldwork at the site. Figures, including a map depicting the location of wetland, are in Appendix A. Data sheets documenting existing conditions are provided in Appendix B. Ground-level photos of the study area are included in Appendix C. A discussion of the wetland delineation methodology (for the client) is provided in Appendix D.

## II. RESULTS AND DISCUSSION

### A. Landscape Setting and Land Use

The subject site is an undeveloped 1.10-acre property located within a residential area of west Cannon Beach. Forest Lawn Drive borders the western edge of the site and South Hemlock Street is located along the eastern edge of the property. These two roads intersect at the northeastern corner of the property. A house is located offsite and adjacent to the southwestern edge of the property, and a mowed lawn borders the southeastern edge. Site topography gradually slopes downward from the southwestern corner of the property to the northern portion of the site. The southern half of the site includes a mature stand of Sitka spruce and red alder, whereas the northern half of the property primarily consists of a scrub-shrub plant community.

### B. Site Alterations

As noted above, the parcel is undeveloped. PHS did not note any recent alterations at the time of the wetland delineation fieldwork.

### C. Precipitation Data and Analysis

PHS conducted the wetland delineation fieldwork and collected data to document the presence/absence of jurisdictional wetlands on the site on December 9, 2020. Table 1 compares the average monthly precipitation to the observed monthly precipitation as recorded at the Seaside, Oregon WETS station, in the months prior to the fieldwork. This table also compares the observed precipitation to the average precipitation range as identified in the NRCS WETS table for the Seaside, Oregon WETS station.

**Table 1. Comparison of average and observed monthly precipitation at the Seaside, Oregon WETS station prior to the December 2020 wetland delineation fieldwork.**

Month	Average Precipitation <sup>1</sup>	30% Chance Will Have		Observed Precipitation <sup>2</sup>	Percent of Normal
		Less Than Average <sup>1</sup>	More Than Average <sup>1</sup>		
September	2.84	1.03	3.43	4.39	155
October	6.07	3.37	7.40	6.33	104
November	11.32	8.25	13.33	9.19	81

<sup>1</sup> NRCS WETS Table for the Seaside, Oregon WETS Station source: <http://agacis.rcc-acis.org/?fips=41007>

<sup>2</sup> Observed precipitation source: <http://agacis.rcc-acis.org/?fips=41007>

As shown in Table 1, observed precipitation was above average and above the normal range for September. In October, the observed precipitation was slightly above average and on the higher end of the normal range. Observed precipitation in November was slightly below average and closer to the lower end of the normal range. Total observed precipitation for the water-year (October 1, 2019 through September 30, 2020) was 70.92 inches, which is approximately 94 percent of normal for this same period (75.30 inches). Consistent with the high and near normal amounts of precipitation in the months preceding the wetland delineation fieldwork, precipitation for the water-year was also near normal.

## **D. Methods**

PHS identified jurisdictional wetland within the subject site based on the presence of wetland hydrology, hydric soils and hydrophytic vegetation, in accordance with the Routine On-site Determination, as described in the *Corps of Engineers Wetland Delineation Manual, Wetlands Research Program Technical Report Y-87-1* (“The 1987 Manual”) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region*. PHS conducted the wetland delineation fieldwork and collected data to document the presence/absence of jurisdictional wetland on the site on December 9, 2020. PHS dug and examined soil pits throughout the study area, and based on the investigation, determined that there is one wetland present within the property.

## **E. Description of All Wetlands**

PHS identified one wetland primarily located within the northern half of the site, which also extended into the southwestern and southeastern portions of the property. A description of the wetland is provided below.

### **Wetland A**

Wetland A (29,618 sf / 0.68 ac) occurs within topographically low-lying areas in the northern half of the site, and as a mosaic wetland adjacent to slightly higher portions of the property in the southern half of the site. In a couple of areas along the eastern edge of the site, the wetland extends beyond the eastern property boundary and continues along South Hemlock Street. The Cowardin classification of the wetland is palustrine scrub-shrub (PSS) in the northern half of the site, and a mosaic of PSS and palustrine emergent (PEM) wetland in the southwestern and southeastern portions of the site; the hydrogeomorphic (HGM) classification is Slope.

Sample Points 1, 4 and 5 characterize the wetland plant community within Wetland A. The canopy layer includes Sitka spruce (*Picea sitchensis*, FAC) and red alder (*Alnus rubra*, FAC). The shrub understory and groundcover include Hooker’s willow (*Salix hookeriana*, FACW), four-line honeysuckle (*Lonicera involucrata*, FAC), Himalayan blackberry (*Rubus armeniacus*, FAC), tall false rye grass (*Schedonorus arundinaceus*, FAC), Western lady fern (*Athyrium cyclosorum*, FAC), field horsetail (*Equisetum arvense*, FAC), slough sedge (*Carex obnupta*, OBL), and water parsley (*Oenanthe sarmentosa*, OBL).

Soils within the wetland meet the criteria for the following indicators: redox dark surface, depleted matrix, and histic epipedon (muck). Soils within the wetland were generally saturated to the surface at the time of PHS’s site visit. A high water table, saturation and geomorphic position provided evidence

of wetland hydrology. A seasonally high water table, precipitation and surface runoff from the adjacent surrounding areas contribute to the hydrology of this wetland.

It should be noted that other factors contributing to the hydrology of this wetland include the following:

- Stormwater runoff from the roof of a house that is located immediately to the south of the site appears to drain directly onto the site (see Photo E in Appendix C).
- A City stormwater pipe that is connected to a catch basin on the west side of Forest Lawn Drive extends beneath the road and drains stormwater onto the site. This stormwater comes from several houses along Forest Lawn Drive and the road itself. The stormwater flows into a couple of catch basins along Forest Lawn Drive, south of the site, then continues to flow to the north through a storm pipe and drains into the catch basin on the west side of the road that outfalls onto the site.
- Another City storm pipe is located at the north end of the property along South Hemlock Street. This is a 12-inch storm pipe that extends from the site, is culverted beneath the road to the east side of the street where it is connected to the City's storm system. The storm pipe has been clogged with dirt and debris, which does not allow stormwater to drain off the site, as intended, and as such, likely impounds stormwater at the northern end of the site.

Sample Points 2, 3, 6 and 7 characterize non-wetland areas adjacent to Wetland A. The plant communities in these areas include Sitka spruce, Western hemlock (*Tsuga heterophylla*, FACU), salal (*Gaultheria shallon*, FACU), Evergreen huckleberry (*Vaccinium ovatum*, FACU), English Holly (*Ilex aquifolium*, FACU), Western sword fern (*Polystichum munitum*, FACU), Northern bracken fern (*Pteridium aquilinum*, FACU), false lily-of-the-valley (*Maianthemum dilatatum*, FAC), Pacific dewberry (*Rubus ursinus*, FACU), and English ivy (*Hedera helix*, FACU). With the exception of Sample Point 3, the soils at these sample points are not hydric, and evidence of wetland hydrology was not observed at any of these sample points.

## **F. Deviation from Local Wetland Inventory**

The Local Wetland Inventory map shows one large wetland area, with the southern portion consisting of a wetland/upland mosaic. PHS also found the southern portion of the wetland to contain a mosaic; however, the overall size of our delineated wetland is smaller than that shown in the LWI. This discrepancy, in part may be because the LWI mapping may have been limited to off-site determinations because of a lack of site access authorization, which limits "ground-truthing" to confirm interpretations derived from off-site maps and information.

## **G. Mapping Method**

PHS flagged the wetland boundaries with blue flagging tape and sample points with lime-green flagging tape. The boundary and sample point flags were survey-located by S & F Land Services. The accuracy of the survey, sample points and tax lot boundaries is sub-centimeter.

## **H. Additional Information**

None.



## I. Results and Conclusions

PHS delineated one jurisdictional wetland (Wetland A: 29,618 sf / 0.68 ac) within Tax Lot 4100.

## J. Required Disclaimer

This report documents the investigation, best professional judgment and conclusions of the investigators. It is correct and complete to the best of our knowledge. It should be considered a Preliminary Jurisdictional Determination of wetlands and other waters and used at your own risk unless it has been reviewed and approved in writing by the Oregon Department of State Lands in accordance with OAR 141-090-0005 through 141-090-0055.

## III. REFERENCES

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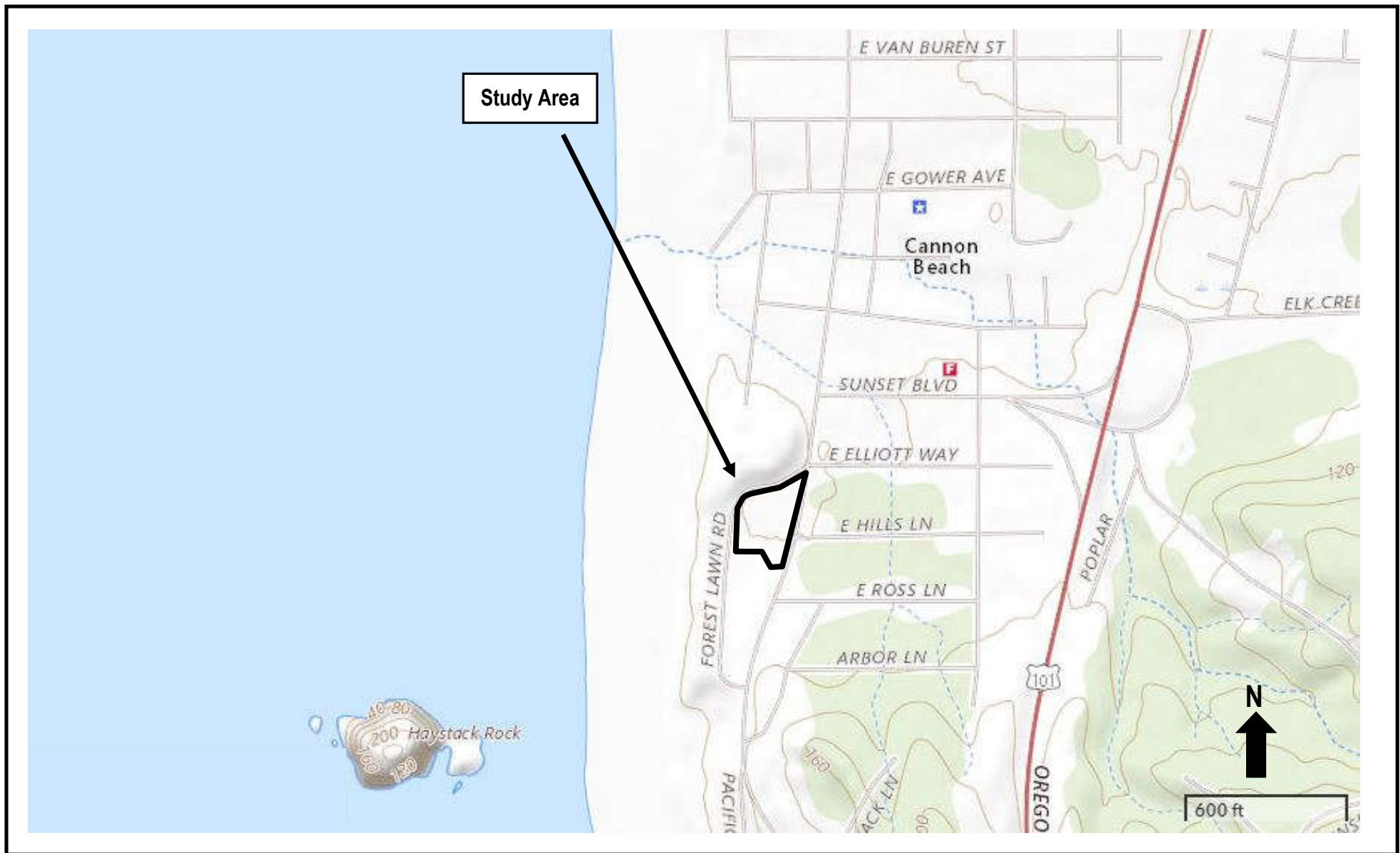
US Department of Agriculture, Natural Resources Conservation Service, 2020. *Web Soil Survey*.

US Geological Survey, 2020. *7.5-minute topographic map, Tillamook Head, Oregon Quadrangle*.

# Appendix A

## Figures





Project #6978  
2/16/2021



Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

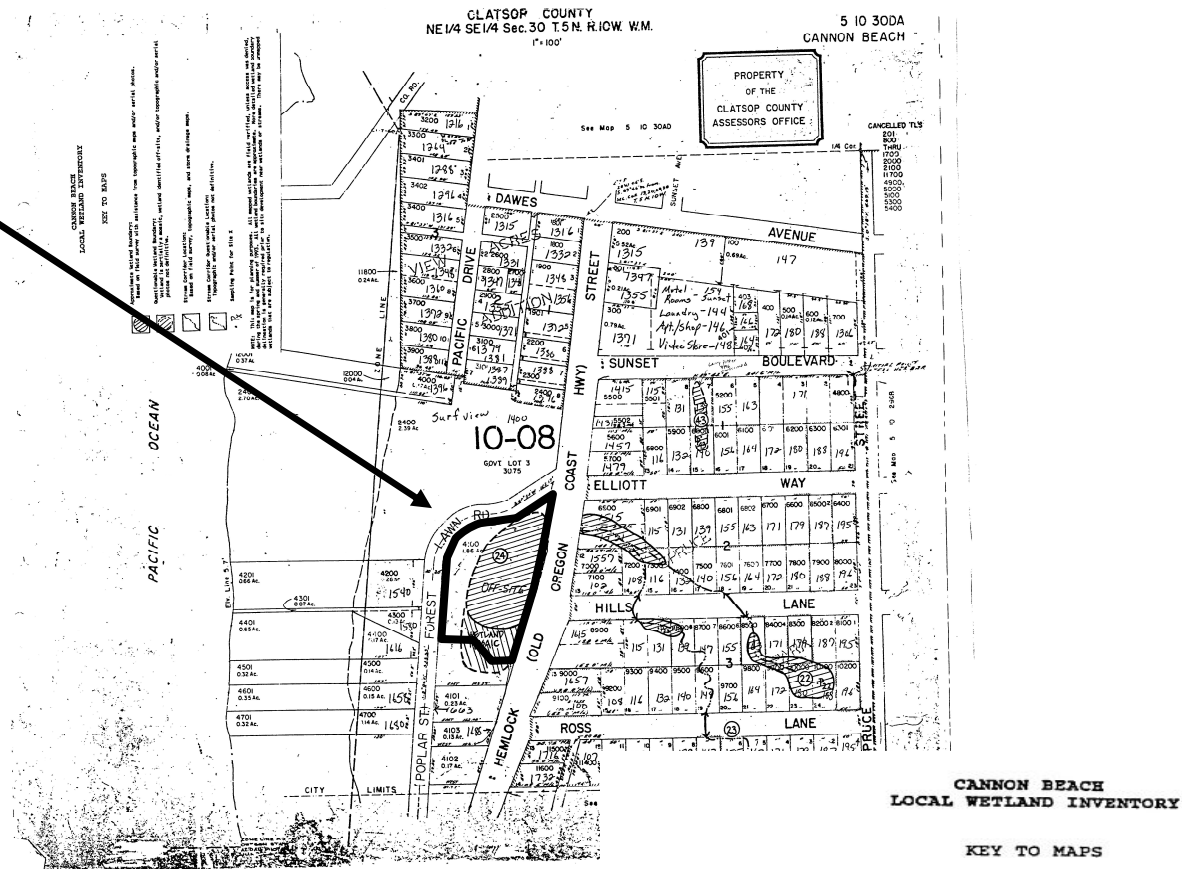
General Location and Topography  
Tax Lot 4100 - Cannon Beach, Oregon  
United States Geological Survey (USGS) Tillamook Head, Oregon 7.5 quadrangle, 2020  
(viewer.nationalmap.gov/basic)

FIGURE  
1





Study Area



- Approximate Wetland Boundary:  
Based on field survey with assistance from topographic maps and/or aerial photos.
- Questionable Wetland Boundary:  
Wetland is partially a mosaic, wetland identified off-site, and/or topographic and/or aerial photos not definitive.
- Stream Corridor Location:  
Based on field survey, topographic maps, and storm drainage maps.
- Stream Corridor Questionable Location:  
Topographic and/or aerial photos not definitive.
- Sampling Point for Site X

Project #6978  
2/16/2021



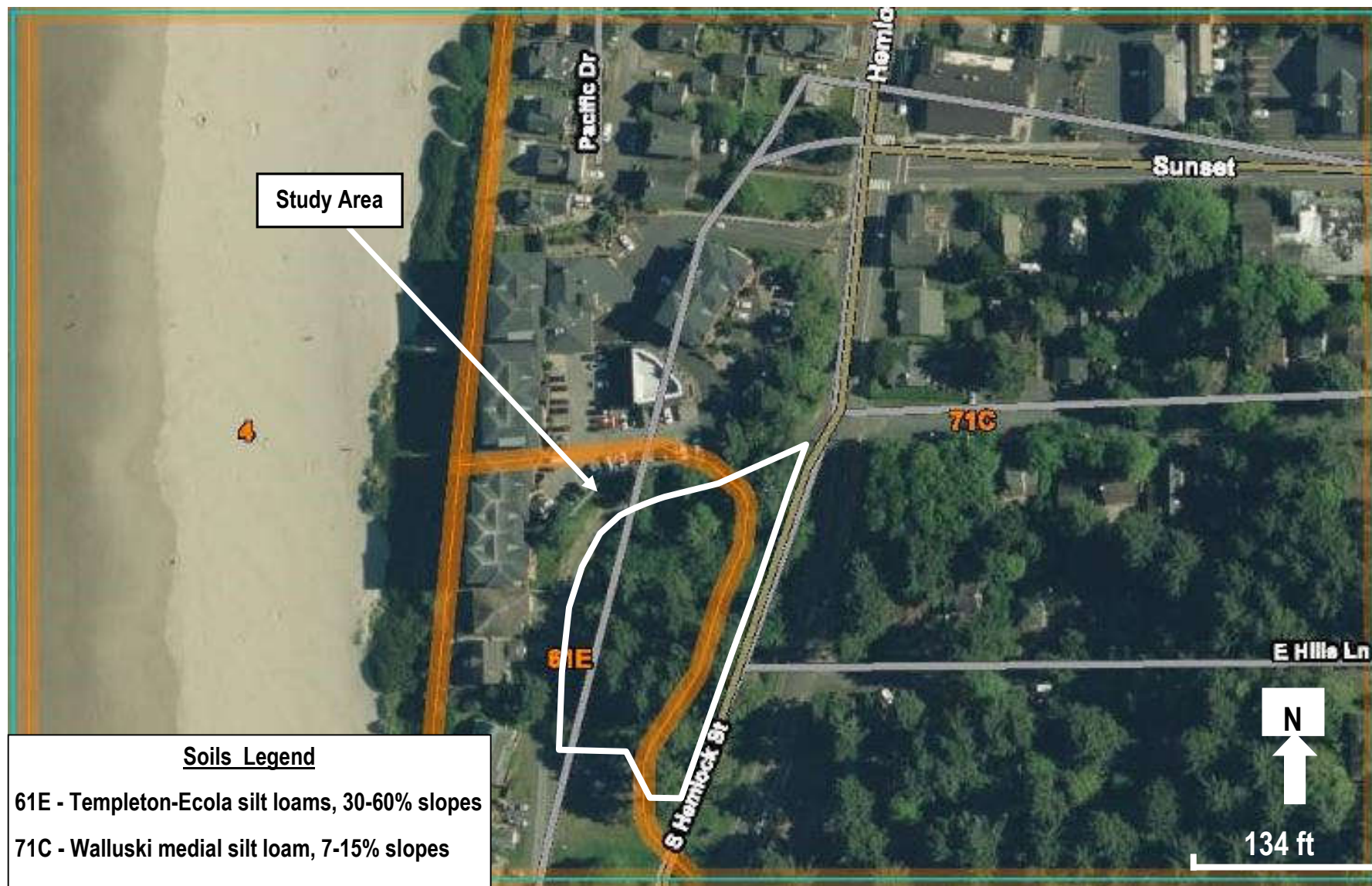
Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

LWI

Tax Lot 4100 - Cannon Beach, Oregon  
Fishman Environmental Services, 1994

FIGURE

3



Project #6978  
2/16/2021



Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

Soils  
Tax Lot 4100 - Cannon Beach, Oregon  
Natural Resources Conservation Services, Web Soil Survey, 2020  
(websoilsurvey.sc.egov.usda.gov)

FIGURE

4





Project #6978  
2/16/2021

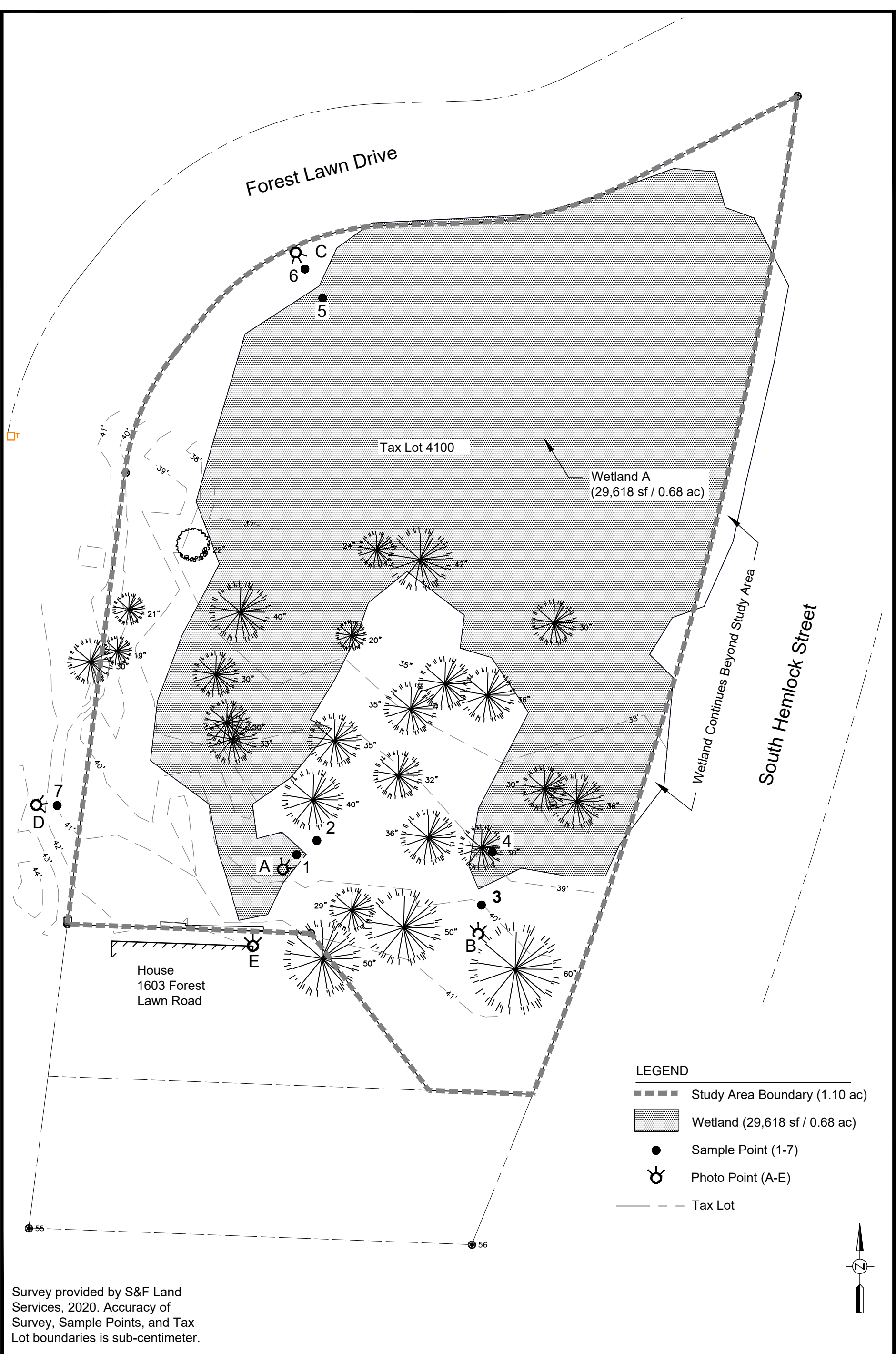


Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

Aerial Photo  
Tax Lot 4100 - Cannon Beach, Oregon  
GoogleEarth, 2020

FIGURE

5



Wetland Delineation  
Tax Lot 4100 - Cannon Beach, Oregon

FIGURE  
**6**

3-19-2021



# Appendix B

## Wetland Determination Data Sheets



## WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: Tax Lot 4100 City/County: Cannon Beach/Clatsop Sampling Date: 12/9/2020

Applicant/Owner: Patrick/Dave, LLC State: OR Sampling Point: 1

Investigator(s): CR, SE Section, Township, Range: Section 30DA, Township 5N, Range 10W

Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): None Slope (%): 1

Subregion (LRR): LRR A Lat: 45.8864 Long: -123.9631 Datum: WGS84

Soil Map Unit Name: Templeton-Ecola Silt Loams NWI Classification: None

Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No        (if no, explain in Remarks)

Are vegetation        Soil        or Hydrology X significantly disturbed? Are "Normal Circumstances" present? (Y/N) N

Are vegetation        Soil        or Hydrology        naturally problematic? If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>X</u>	No <u>      </u>	Is Sampled Area within a Wetland? Yes <u>X</u> No <u>      </u>
Hydric Soil Present?	Yes <u>X</u>	No <u>      </u>	
Wetland Hydrology Present?	Yes <u>X</u>	No <u>      </u>	

Remarks:

Stormwater runoff from the roof of a house, located offsite immediately to the south, contributes to the hydrology of this area.

## VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	
<b>Tree Stratum</b> (plot size: <u>      </u> )				<b>Dominance Test worksheet:</b>
1 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Number of Dominant Species
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	That are OBL, FACW, or FAC: <u>3</u> (A)
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Total Number of Dominant
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Species Across All Strata: <u>4</u> (B)
	<u>0</u>	= Total Cover		Percent of Dominant Species
<b>Sapling/Shrub Stratum</b> (plot size: <u>15</u> )				That are OBL, FACW, or FAC: <u>75%</u> (A/B)
1 <u>Lonicera involucrata</u>	<u>10</u>	<u>X</u>	<u>FAC</u>	<b>Prevalence Index Worksheet:</b>
2 <u>Rubus armeniacus</u>	<u>5</u>	<u>X</u>	<u>FAC</u>	Total % Cover of <u>      </u> Multiply by: <u>      </u>
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	OBL Species <u>      </u> x 1 = <u>0</u>
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	FACW species <u>      </u> x 2 = <u>0</u>
5 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	FAC Species <u>      </u> x 3 = <u>0</u>
	<u>15</u>	= Total Cover		FACU Species <u>      </u> x 4 = <u>0</u>
<b>Herb Stratum</b> (plot size: <u>5</u> )				UPL Species <u>      </u> x 5 = <u>0</u>
1 <u>Schedonorus arundinaceus</u>	<u>60</u>	<u>X</u>	<u>FAC</u>	Column Totals <u>0</u> (A) <u>0</u> (B)
2 <u>Oenanthe sarmentosa</u>	<u>10</u>	<u>      </u>	<u>OBL</u>	Prevalence Index =B/A = <u>#DIV/0!</u>
3 <u>Gaultheria shallon</u>	<u>5</u>	<u>      </u>	<u>FACU</u>	
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<b>Hydrophytic Vegetation Indicators:</b>
5 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u> 1- Rapid Test for Hydrophytic Vegetation
6 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>X</u> 2- Dominance Test is >50%
7 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u> 3-Prevalence Index is ≤ 3.0 <sup>1</sup>
8 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u> 4-Morphological Adaptations <sup>1</sup> (provide supporting
	<u>75</u>	= Total Cover		<u>      </u> data in Remarks or on a separate sheet)
<b>Woody Vine Stratum</b> (plot size: <u>15</u> )				<u>      </u> 5- Wetland Non-Vascular Plants <sup>1</sup>
1 <u>Hedera helix</u>	<u>15</u>	<u>X</u>	<u>FACU</u>	<u>      </u> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless
	<u>15</u>	= Total Cover		disturbed or problematic.
% Bare Ground in Herb Stratum <u>      </u>				<b>Hydrophytic Vegetation Present?</b> Yes <u>X</u> No <u>      </u>
Remarks:				

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-4	10YR 2/1	100					Silt Loam	High organics
4-12	10YR 2/1	100					Sandy Loam	High organics

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)				Indicators for Problematic Hydric Soils <sup>3</sup> :			
	Histosol (A1)		Sandy Redox (S5)		2 cm Muck (A10)		
	Histic Epipedon (A2)		Stripped Matrix (S6)		Red Parent Material (TF2)		
	Black Histic (A3)		Loamy Mucky Mineral (F1) (except MLRA 1)		Very Shallow Dark Surface (TF12)		
	Hydrogen Sulfide (A4)		Loamy Gleyed Matrix (F2)		X Other (explain in Remarks)		
	Depleted Below Dark Surface (A11)		Depleted Matrix (F3)				
	Thick Dark Surface (A12)		Redox Dark Surface (F6)				
	Sandy Mucky Mineral (S1)		Depleted Dark Surface (F7)				
	Sandy Gleyed Matrix (S4)		Redox Depressions (F8)				

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type:  
Depth (inches):

Hydric Soil Present? YesXNo

Remarks:  
Soils are very dark with no evidence of oxidation. Hydric criteria satisfied by presence of hydrology for at least 14 days during the growing season.

HYDROLOGY

Wetland Hydrology Indicators:			
Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)	
	Surface Water (A1)		Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)
X	High Water Table (A2)		
X	Saturation (A3)		Drainage Patterns (B10)
	Water Marks (B1)		Dry-Season Water Table (C2)
	Sediment Deposits (B2)		Saturation Visible on Aerial Imagery (C9)
	Drift Deposits (B3)		Geomorphic Position (D2)
	Algal Mat or Crust (B4)		Shallow Aquitard (D3)
	Iron Deposits (B5)		Fac-Neutral Test (D5)
	Surface Soil Cracks (B6)		Raised Ant Mounds (D6) (LRR A)
	Inundation Visible on Aerial Imagery (B7)		Frost-Heave Hummocks (D7)
	Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? YesNoXDepth (inches):

Water Table Present? YesXNoDepth (inches):8

Saturation Present? YesXNoDepth (inches):4

Wetland Hydrology Present? YesXNo

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

## WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: Tax Lot 4100 City/County: Cannon Beach/Clatsop Sampling Date: 12/9/2020

Applicant/Owner: Patrick/Dave, LLC State: OR Sampling Point: 2

Investigator(s): CR, SE Section, Township, Range: Section 30DA, Township 5N, Range 10W

Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): None Slope (%): 1

Subregion (LRR): LRR A Lat: 45.8864 Long: -123.9631 Datum: WGS84

Soil Map Unit Name: Templeton-Ecola Silt Loams NWI Classification: None

Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No        (if no, explain in Remarks)

Are vegetation        Soil        or Hydrology        significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y

Are vegetation        Soil        or Hydrology        naturally problematic? If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>X</u>	No <u>      </u>	Is Sampled Area within a Wetland? Yes <u>      </u> No <u>X</u>
Hydric Soil Present?	Yes <u>      </u>	No <u>X</u>	
Wetland Hydrology Present?	Yes <u>      </u>	No <u>X</u>	
Remarks:			

## VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	
Tree Stratum (plot size: <u>30</u> )				<b>Dominance Test worksheet:</b> Number of Dominant Species That are OBL, FACW, or FAC: <u>3</u> (A)  Total Number of Dominant Species Across All Strata: <u>5</u> (B)  Percent of Dominant Species That are OBL, FACW, or FAC: <u>60%</u> (A/B)
1 <u>Picea sitchensis</u>	<u>70</u>	<u>X</u>	<u>FAC</u>	
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
	<u>70</u>	= Total Cover		
Sapling/Shrub Stratum (plot size: <u>15</u> )				<b>Prevalence Index Worksheet:</b> Total % Cover of <u>      </u> Multiply by: <u>      </u> OBL Species <u>      </u> x 1 = <u>0</u> FACW species <u>      </u> x 2 = <u>0</u> FAC Species <u>      </u> x 3 = <u>0</u> FACU Species <u>      </u> x 4 = <u>0</u> UPL Species <u>      </u> x 5 = <u>0</u> Column Totals <u>0</u> (A) <u>0</u> (B)  Prevalence Index =B/A = <u>#DIV/0!</u>
1 <u>Gaultheria shallon</u>	<u>70</u>	<u>X</u>	<u>FACU</u>	
2 <u>Picea sitchensis</u>	<u>30</u>	<u>X</u>	<u>FAC</u>	
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
5 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
	<u>100</u>	= Total Cover		
Herb Stratum (plot size: <u>5</u> )				<b>Hydrophytic Vegetation Indicators:</b> <u>      </u> 1- Rapid Test for Hydrophytic Vegetation <u>X</u> 2- Dominance Test is >50% <u>      </u> 3-Prevalence Index is ≤ 3.0 <sup>1</sup> <u>      </u> 4-Morphological Adaptations <sup>1</sup> (provide supporting data in Remarks or on a separate sheet) <u>      </u> 5- Wetland Non-Vascular Plants <sup>1</sup> <u>      </u> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain) <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic. <b>Hydrophytic Vegetation Present?</b> Yes <u>X</u> No <u>      </u>
1 <u>Schedonorus arundinaceus</u>	<u>85</u>	<u>X</u>	<u>FAC</u>	
2 <u>Pteridium aquilinum</u>	<u>10</u>	<u>      </u>	<u>FACU</u>	
3 <u>Equisetum arvense</u>	<u>5</u>	<u>      </u>	<u>FAC</u>	
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
5 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
6 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
7 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
8 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
	<u>100</u>	= Total Cover		
Woody Vine Stratum (plot size: <u>15</u> )				
1 <u>Hedera helix</u>	<u>15</u>	<u>X</u>	<u>FACU</u>	
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
	<u>15</u>	= Total Cover		
% Bare Ground in Herb Stratum <u>      </u>				
Remarks:				



Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-16	10YR 2/1	100					Silt Loam	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)				Indicators for Problematic Hydric Soils <sup>3</sup> :			
	Histosol (A1)		Sandy Redox (S5)		2 cm Muck (A10)		
	Histic Epipedon (A2)		Stripped Matrix (S6)		Red Parent Material (TF2)		
	Black Histic (A3)		Loamy Mucky Mineral (F1) (except MLRA 1)		Very Shallow Dark Surface (TF12)		
	Hydrogen Sulfide (A4)		Loamy Gleyed Matrix (F2)		Other (explain in Remarks)		
	Depleted Below Dark Surface (A11)		Depleted Matrix (F3)				
	Thick Dark Surface (A12)		Redox Dark Surface (F6)				
	Sandy Mucky Mineral (S1)		Depleted Dark Surface (F7)				
	Sandy Gleyed Matrix (S4)		Redox Depressions (F8)				

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? YesNo

X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:			
Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)	
	Surface Water (A1)		Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)
	High Water Table (A2)		Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
	Saturation (A3)		Drainage Patterns (B10)
	Water Marks (B1)		Dry-Season Water Table (C2)
	Sediment Deposits (B2)		Saturation Visible on Aerial Imagery (C9)
	Drift Deposits (B3)		Geomorphic Position (D2)
	Algal Mat or Crust (B4)		Shallow Aquitard (D3)
	Iron Deposits (B5)		Fac-Neutral Test (D5)
	Surface Soil Cracks (B6)		Raised Ant Mounds (D6) (LRR A)
	Inundation Visible on Aerial Imagery (B7)		Frost-Heave Hummocks (D7)
	Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? YesNo

X

Water Table Present? Yes

X

No

Saturation Present? Yes

X

No

(includes capillary fringe)

Depth (inches):

Depth (inches):

14

Depth (inches):

14

Wetland Hydrology Present? YesNo

X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

## WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: Tax Lot 4100 City/County: Cannon Beach/Clatsop Sampling Date: 12/9/2020  
 Applicant/Owner: Patrick/Dave, LLC State: OR Sampling Point: 3  
 Investigator(s): CR, SE Section, Township, Range: Section 30DA, Township 5N, Range 10W  
 Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): None Slope (%): 1  
 Subregion (LRR): LRR A Lat: 45.8864 Long: -123.9628 Datum: WGS84  
 Soil Map Unit Name: Walluski Medial Silt Loam NWI Classification: None

Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (if no, explain in Remarks)

Are vegetation \_\_\_\_\_ Soil \_\_\_\_\_ or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y

Are vegetation \_\_\_\_\_ Soil \_\_\_\_\_ or Hydrology \_\_\_\_\_ naturally problematic? If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____	No <u>X</u>	Is Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present?	Yes <u>X</u>	No _____	
Wetland Hydrology Present?	Yes _____	No <u>X</u>	

Remarks:

## VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	
Tree Stratum (plot size: <u>30</u> )				<b>Dominance Test worksheet:</b>
1 <u><i>Picea sitchensis</i></u>	<u>60</u>	<u>X</u>	<u>FAC</u>	Number of Dominant Species
2 <u><i>Tsuga heterophylla</i></u>	<u>15</u>	<u>X</u>	<u>FACU</u>	That are OBL, FACW, or FAC: <u>3</u> (A)
3 _____	_____	_____	_____	Total Number of Dominant
4 _____	_____	_____	_____	Species Across All Strata: <u>7</u> (B)
	<u>75</u>	= Total Cover		Percent of Dominant Species
Sapling/Shrub Stratum (plot size: <u>15</u> )				That are OBL, FACW, or FAC: <u>43%</u> (A/B)
1 <u><i>Lonicera involucrata</i></u>	<u>25</u>	<u>X</u>	<u>FAC</u>	<b>Prevalence Index Worksheet:</b>
2 <u><i>Gaultheria shallon</i></u>	<u>20</u>	<u>X</u>	<u>FACU</u>	Total % Cover of _____ Multiply by: _____
3 <u><i>Vaccinium ovatum</i></u>	<u>5</u>	_____	<u>FACU</u>	OBL Species _____ x 1 = <u>0</u>
4 _____	_____	_____	_____	FACW species _____ x 2 = <u>0</u>
5 _____	_____	_____	_____	FAC Species _____ x 3 = <u>0</u>
	<u>50</u>	= Total Cover		FACU Species _____ x 4 = <u>0</u>
Herb Stratum (plot size: <u>5</u> )				UPL Species _____ x 5 = <u>0</u>
1 <u><i>Polystichum munitum</i></u>	<u>30</u>	<u>X</u>	<u>FACU</u>	Column Totals <u>0</u> (A) <u>0</u> (B)
2 <u><i>Athyrium cyclosorum</i></u>	<u>25</u>	<u>X</u>	<u>FAC</u>	Prevalence Index =B/A = <u>#DIV/0!</u>
3 <u><i>Mianthemum dilatatum</i></u>	<u>1</u>	_____	<u>FAC</u>	<b>Hydrophytic Vegetation Indicators:</b>
4 _____	_____	_____	_____	_____ 1- Rapid Test for Hydrophytic Vegetation
5 _____	_____	_____	_____	_____ 2- Dominance Test is >50%
6 _____	_____	_____	_____	_____ 3-Prevalence Index is ≤ 3.0 <sup>1</sup>
7 _____	_____	_____	_____	_____ 4-Morphological Adaptations <sup>1</sup> (provide supporting
8 _____	_____	_____	_____	_____ data in Remarks or on a separate sheet)
	<u>56</u>	= Total Cover		_____ 5- Wetland Non-Vascular Plants <sup>1</sup>
Woody Vine Stratum (plot size: <u>15</u> )				_____ Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
1 <u><i>Hedera helix</i></u>	<u>80</u>	<u>X</u>	<u>FACU</u>	<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless
2 _____	_____	_____	_____	disturbed or problematic.
	<u>80</u>	= Total Cover		<b>Hydrophytic</b>
% Bare Ground in Herb Stratum _____				<b>Vegetation</b> Yes _____ No <u>X</u>
Remarks:				<b>Present?</b>

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-6	7.5YR 2.5/2	100					Loam	High organics
6-13	5YR 2.5/1	95	7.5YR 2.5/2	5	C	M	Sandy Loam	High organics
13-18	10YR 2/1	100						Fine sandy loam
18-19	10YR 3/3	95	10YR 4/4	5	C	M	Sand	Medium

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)		Indicators for Problematic Hydric Soils <sup>3</sup> :
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input checked="" type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? Yes ☒ No ☐

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:		
Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes ☐ No ☒ Depth (inches):

Water Table Present? Yes ☒ No ☐ Depth (inches): 

17

Saturation Present? Yes ☒ No ☐ Depth (inches): 

1

(includes capillary fringe)

Wetland Hydrology Present? Yes ☐ No ☒

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

## WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: Tax Lot 4100 City/County: Cannon Beach/Clatsop Sampling Date: 12/9/2020

Applicant/Owner: Patrick/Dave, LLC State: OR Sampling Point: 4

Investigator(s): CR, SE Section, Township, Range: Section 30DA, Township 5N, Range 10W

Landform (hillslope, terrace, etc.): Depression Local relief (concave, convex, none): Concave Slope (%): 1

Subregion (LRR): LRR A Lat: 45.8864 Long: -123.9628 Datum: WGS84

Soil Map Unit Name: Walluski Medial Silt Loam NWI Classification: None

Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No        (if no, explain in Remarks)

Are vegetation        Soil        or Hydrology        significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y

Are vegetation        Soil        or Hydrology        naturally problematic? If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>X</u>	No <u>      </u>	Is Sampled Area within a Wetland? Yes <u>X</u> No <u>      </u>
Hydric Soil Present?	Yes <u>X</u>	No <u>      </u>	
Wetland Hydrology Present?	Yes <u>X</u>	No <u>      </u>	
Remarks:			

## VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	
Tree Stratum (plot size: <u>30</u> )				<b>Dominance Test worksheet:</b>
1 <u>Picea sitchensis</u>	<u>30</u>	<u>X</u>	<u>FAC</u>	Number of Dominant Species
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	That are OBL, FACW, or FAC: <u>4</u> (A)
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Total Number of Dominant
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Species Across All Strata: <u>7</u> (B)
	<u>30</u>	= Total Cover		Percent of Dominant Species
Sapling/Shrub Stratum (plot size: <u>15</u> )				That are OBL, FACW, or FAC: <u>57%</u> (A/B)
1 <u>Lonicera involucrata</u>	<u>30</u>	<u>X</u>	<u>FAC</u>	<b>Prevalence Index Worksheet:</b>
2 <u>Picea sitchensis</u>	<u>20</u>	<u>X</u>	<u>FAC</u>	Total % Cover of
3 <u>Gaultheria shallon</u>	<u>15</u>	<u>X</u>	<u>FACU</u>	Multiply by:
4 <u>Ilex aquifolium</u>	<u>5</u>	<u>      </u>	<u>FACU</u>	OBL Species <u>      </u> x 1 = <u>0</u>
5 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	FACW species <u>      </u> x 2 = <u>0</u>
	<u>70</u>	= Total Cover		FAC Species <u>      </u> x 3 = <u>0</u>
Herb Stratum (plot size: <u>5</u> )				FACU Species <u>      </u> x 4 = <u>0</u>
1 <u>Carex obnupta</u>	<u>100</u>	<u>X</u>	<u>OBL</u>	UPL Species <u>      </u> x 5 = <u>0</u>
2 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Column Totals <u>0</u> (A) <u>0</u> (B)
3 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Prevalence Index =B/A = <u>#DIV/0!</u>
4 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<b>Hydrophytic Vegetation Indicators:</b>
5 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u> 1- Rapid Test for Hydrophytic Vegetation
6 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>X</u> 2- Dominance Test is >50%
7 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u> 3-Prevalence Index is ≤ 3.0 <sup>1</sup>
8 <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u> 4-Morphological Adaptations <sup>1</sup> (provide supporting
	<u>100</u>	= Total Cover		data in Remarks or on a separate sheet)
Woody Vine Stratum (plot size: <u>15</u> )				<u>      </u> 5- Wetland Non-Vascular Plants <sup>1</sup>
1 <u>Hedera helix</u>	<u>10</u>	<u>X</u>	<u>FACU</u>	<u>      </u> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
2 <u>Rubus ursinus</u>	<u>5</u>	<u>X</u>	<u>FACU</u>	<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless
	<u>15</u>	= Total Cover		disturbed or problematic.
% Bare Ground in Herb Stratum <u>      </u>				<b>Hydrophytic Vegetation Present?</b> Yes <u>X</u> No <u>      </u>
Remarks:				

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-7	10YR 2/2	100					Silt Loam	
7-16	10YR 2/1	60	7.5YR 3/4	40			Silt Loam	Fine-Medium

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)		Indicators for Problematic Hydric Soils <sup>3</sup> :
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input checked="" type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? Yes ☒ No ☐

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:		
Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input checked="" type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input checked="" type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes ☐ No ☒

Water Table Present? Yes ☒ No ☐

Saturation Present? Yes ☒ No ☐

(includes capillary fringe)

Depth (inches):

Depth (inches): 

10

Depth (inches): 

10

Wetland Hydrology Present? Yes ☒ No ☐

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

## WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: Tax Lot 4100 City/County: Cannon Beach/Clatsop Sampling Date: 12/9/2020  
 Applicant/Owner: Patrick/Dave, LLC State: OR Sampling Point: 5  
 Investigator(s): CR, SE Section, Township, Range: Section 30DA, Township 5N, Range 10W  
 Landform (hillslope, terrace, etc.): Depression Local relief (concave, convex, none): Concave Slope (%): 1  
 Subregion (LRR): LRR A Lat: 45.8869 Long: -123.9632 Datum: WGS84  
 Soil Map Unit Name: Templeton-Ecola Silt Loams NWI Classification: None

Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (if no, explain in Remarks)

Are vegetation \_\_\_\_\_ Soil \_\_\_\_\_ or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y

Are vegetation \_\_\_\_\_ Soil \_\_\_\_\_ or Hydrology \_\_\_\_\_ naturally problematic? If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes	<u>X</u>	No	_____
Hydric Soil Present?	Yes	<u>X</u>	No	_____
Wetland Hydrology Present?	Yes	<u>X</u>	No	_____
Is Sampled Area within a Wetland? Yes <u>X</u> No _____				

Remarks:

## VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status
<b>Tree Stratum</b> (plot size: <u>30</u> )			
1 <u>Salix hookeriana</u>	<u>90</u>	<u>X</u>	<u>FACW</u>
2 _____	_____	_____	_____
3 _____	_____	_____	_____
4 _____	_____	_____	_____
	<u>90</u>	= Total Cover	
<b>Sapling/Shrub Stratum</b> (plot size: <u>15</u> )			
1 <u>Rubus armeniacus</u>	<u>90</u>	<u>X</u>	<u>FAC</u>
2 _____	_____	_____	_____
3 _____	_____	_____	_____
4 _____	_____	_____	_____
5 _____	_____	_____	_____
	<u>90</u>	= Total Cover	
<b>Herb Stratum</b> (plot size: _____)			
1 _____	_____	_____	_____
2 _____	_____	_____	_____
3 _____	_____	_____	_____
4 _____	_____	_____	_____
5 _____	_____	_____	_____
6 _____	_____	_____	_____
7 _____	_____	_____	_____
8 _____	_____	_____	_____
	<u>0</u>	= Total Cover	
<b>Woody Vine Stratum</b> (plot size: <u>15</u> )			
1 <u>Hedera helix</u>	<u>70</u>	<u>X</u>	<u>FACU</u>
2 _____	_____	_____	_____
	<u>70</u>	= Total Cover	
% Bare Ground in Herb Stratum _____			
Remarks:			

**Dominance Test worksheet:**

Number of Dominant Species \_\_\_\_\_

That are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species \_\_\_\_\_

That are OBL, FACW, or FAC: 67% (A/B)

**Prevalence Index Worksheet:**

Total % Cover of	Multiply by:	
OBL Species _____	x 1 =	<u>0</u>
FACW species _____	x 2 =	<u>0</u>
FAC Species _____	x 3 =	<u>0</u>
FACU Species _____	x 4 =	<u>0</u>
UPL Species _____	x 5 =	<u>0</u>
Column Totals <u>0</u> (A)		<u>0</u> (B)

Prevalence Index =B/A = #DIV/0!

**Hydrophytic Vegetation Indicators:**

1- Rapid Test for Hydrophytic Vegetation X

2- Dominance Test is >50% \_\_\_\_\_

3-Prevalence Index is ≤ 3.0<sup>1</sup> \_\_\_\_\_

4-Morphological Adaptations<sup>1</sup> (provide supporting data in Remarks or on a separate sheet) \_\_\_\_\_

5- Wetland Non-Vascular Plants<sup>1</sup> \_\_\_\_\_

Problematic Hydrophytic Vegetation<sup>1</sup> (Explain) \_\_\_\_\_

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Hydrophytic Vegetation Present?** Yes X No \_\_\_\_\_



Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-3	2.5YR 2.5/1	100					Sandy Loam	
3-6	10YR 2/1	100					Sandy Loam	High organics
6-8	10YR 2/1	85	5YR 3/3	15	C	M	Sandy Loam	Medium mottles
8-17	10YR 4/3	99	10YR 4/1	1	C	M	Sand	Fine sand, fine mottles

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)				Indicators for Problematic Hydric Soils <sup>3</sup> :			
<input type="checkbox"/> Histosol (A1)		<input type="checkbox"/> Sandy Redox (S5)		<input type="checkbox"/> 2 cm Muck (A10)			
<input type="checkbox"/> Histic Epipedon (A2)		<input type="checkbox"/> Stripped Matrix (S6)		<input type="checkbox"/> Red Parent Material (TF2)			
<input type="checkbox"/> Black Histic (A3)		<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)		<input type="checkbox"/> Very Shallow Dark Surface (TF12)			
<input type="checkbox"/> Hydrogen Sulfide (A4)		<input type="checkbox"/> Loamy Gleyed Matrix (F2)		<input checked="" type="checkbox"/> Other (explain in Remarks)			
<input type="checkbox"/> Depleted Below Dark Surface (A11)		<input type="checkbox"/> Depleted Matrix (F3)					
<input type="checkbox"/> Thick Dark Surface (A12)		<input type="checkbox"/> Redox Dark Surface (F6)					
<input type="checkbox"/> Sandy Mucky Mineral (S1)		<input type="checkbox"/> Depleted Dark Surface (F7)					
<input type="checkbox"/> Sandy Gleyed Matrix (S4)		<input type="checkbox"/> Redox Depressions (F8)					

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? Yes☒No☐

Remarks:

Depleted matrix soils begin within 6 inches, but as they are underlain by sand, there is insufficient thickness to satisfy that criteria. Would likely if not all sand beneath.

HYDROLOGY

Wetland Hydrology Indicators:							
Primary Indicators (minimum of one required; check all that apply)				Secondary Indicators (2 or more required)			
<input checked="" type="checkbox"/> Surface Water (A1)		<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)		<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)			
<input checked="" type="checkbox"/> High Water Table (A2)		<input type="checkbox"/> Salt Crust (B11)		<input type="checkbox"/> Drainage Patterns (B10)			
<input checked="" type="checkbox"/> Saturation (A3)		<input type="checkbox"/> Aquatic Invertebrates (B13)		<input type="checkbox"/> Dry-Season Water Table (C2)			
<input type="checkbox"/> Water Marks (B1)		<input type="checkbox"/> Hydrogen Sulfide Odor (C1)		<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)			
<input type="checkbox"/> Sediment Deposits (B2)		<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)		<input type="checkbox"/> Geomorphic Position (D2)			
<input type="checkbox"/> Drift Deposits (B3)		<input type="checkbox"/> Presence of Reduced Iron (C4)		<input type="checkbox"/> Shallow Aquitard (D3)			
<input type="checkbox"/> Algal Mat or Crust (B4)		<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)		<input type="checkbox"/> Fac-Neutral Test (D5)			
<input type="checkbox"/> Iron Deposits (B5)		<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)		<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)			
<input type="checkbox"/> Surface Soil Cracks (B6)		<input type="checkbox"/> Other (Explain in Remarks)		<input type="checkbox"/> Frost-Heave Hummocks (D7)			
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)							
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)							

Field Observations:

Surface Water Present? Yes☐No☒Depth (inches):

Water Table Present? Yes☒No☐Depth (inches):

12

Saturation Present? Yes☒No☐Depth (inches):

11

(includes capillary fringe)

Wetland Hydrology Present? Yes☒No☐

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Pit was open for 3 hours.

## WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: Tax Lot 4100 City/County: Cannon Beach/Clatsop Sampling Date: 12/9/2020  
 Applicant/Owner: Patrick/Dave, LLC State: OR Sampling Point: 6  
 Investigator(s): CR, SE Section, Township, Range: Section 30DA, Township 5N, Range 10W  
 Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): None Slope (%): 1  
 Subregion (LRR): LRR A Lat: 45.8869 Long: -123.9632 Datum: WGS84  
 Soil Map Unit Name: Templeton-Ecola Silt Loams NWI Classification: None

Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (if no, explain in Remarks)

Are vegetation \_\_\_\_\_ Soil \_\_\_\_\_ or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y

Are vegetation \_\_\_\_\_ Soil \_\_\_\_\_ or Hydrology \_\_\_\_\_ naturally problematic? If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present?	Yes _____	No <u>X</u>	
Wetland Hydrology Present?	Yes _____	No <u>X</u>	

Remarks:

## VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	
<b>Tree Stratum</b> (plot size: <u>30</u> )				<b>Dominance Test worksheet:</b> Number of Dominant Species That are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That are OBL, FACW, or FAC: <u>67%</u> (A/B)
1 <u><i>Alnus rubra</i></u>	<u>60</u>	<u>X</u>	<u>FAC</u>	<b>Prevalence Index Worksheet:</b> Total % Cover of _____ Multiply by: OBL Species _____ x 1 = <u>0</u> FACW species _____ x 2 = <u>0</u> FAC Species _____ x 3 = <u>0</u> FACU Species _____ x 4 = <u>0</u> UPL Species _____ x 5 = <u>0</u> Column Totals <u>0</u> (A) <u>0</u> (B) Prevalence Index =B/A = <u>#DIV/0!</u>
2 _____	_____	_____	_____	
3 _____	_____	_____	_____	
4 _____	_____	_____	_____	
5 _____	_____	_____	_____	
<u>60</u> = Total Cover				
<b>Sapling/Shrub Stratum</b> (plot size: <u>15</u> )				
1 <u><i>Rubus armeniacus</i></u>	<u>75</u>	<u>X</u>	<u>FAC</u>	
2 _____	_____	_____	_____	
3 _____	_____	_____	_____	
4 _____	_____	_____	_____	
5 _____	_____	_____	_____	
<u>75</u> = Total Cover				
<b>Herb Stratum</b> (plot size: _____ )				
1 _____	_____	_____	_____	
2 _____	_____	_____	_____	
3 _____	_____	_____	_____	
4 _____	_____	_____	_____	
5 _____	_____	_____	_____	
6 _____	_____	_____	_____	
7 _____	_____	_____	_____	
8 _____	_____	_____	_____	
<u>0</u> = Total Cover				
<b>Woody Vine Stratum</b> (plot size: <u>15</u> )				
1 <u><i>Hedera helix</i></u>	<u>40</u>	<u>X</u>	<u>FACU</u>	
2 _____	_____	_____	_____	
<u>40</u> = Total Cover				
% Bare Ground in Herb Stratum <u>50</u>				
<b>Hydrophytic Vegetation Indicators:</b> 1- Rapid Test for Hydrophytic Vegetation <u>X</u> 2- Dominance Test is >50% 3-Prevalence Index is ≤ 3.0 <sup>1</sup> 4-Morphological Adaptations <sup>1</sup> (provide supporting data in Remarks or on a separate sheet) 5- Wetland Non-Vascular Plants <sup>1</sup> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain) <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic. <b>Hydrophytic Vegetation Present?</b> Yes <u>X</u> No _____				

Remarks:

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-9	10YR 2/2	100					Sandy Loam	
9-16	10YR 4/2	80					Sand	
	10YR 2/2	20					Sandy Loam	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)		Indicators for Problematic Hydric Soils <sup>3</sup> :
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type:  
Depth (inches):

Hydric Soil Present? YesNoX

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:		
Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? YesNoXDepth (inches):

Water Table Present? YesNoXDepth (inches):>16

Saturation Present? YesNoXDepth (inches):>16

Wetland Hydrology Present? YesNoX

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

## WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: Tax Lot 4100 City/County: Cannon Beach/Clatsop Sampling Date: 12/9/2020  
 Applicant/Owner: Patrick/Dave, LLC State: OR Sampling Point: 7  
 Investigator(s): CR, SE Section, Township, Range: Section 30DA, Township 5N, Range 10W  
 Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): None Slope (%): 1  
 Subregion (LRR): LRR A Lat: 45.8865 Long: -123.9634 Datum: WGS84  
 Soil Map Unit Name: Templeton-Ecola Silt Loams NWI Classification: None

Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (if no, explain in Remarks)

Are vegetation \_\_\_\_\_ Soil \_\_\_\_\_ or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y

Are vegetation \_\_\_\_\_ Soil \_\_\_\_\_ or Hydrology \_\_\_\_\_ naturally problematic? If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland? Yes _____ No <u>X</u>
Hydric Soil Present?	Yes _____	No <u>X</u>	
Wetland Hydrology Present?	Yes _____	No <u>X</u>	

Remarks:

## VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	
<b>Tree Stratum</b> (plot size: <u>30</u> )				<b>Dominance Test worksheet:</b> Number of Dominant Species That are OBL, FACW, or FAC: <u>4</u> (A) Total Number of Dominant Species Across All Strata: <u>6</u> (B) Percent of Dominant Species That are OBL, FACW, or FAC: <u>67%</u> (A/B)
1 <u><i>Salix hookeriana</i></u>	<u>75</u>	<u>X</u>	<u>FACW</u>	<b>Prevalence Index Worksheet:</b> Total % Cover of _____ Multiply by: OBL Species _____ x 1 = <u>0</u> FACW species _____ x 2 = <u>0</u> FAC Species _____ x 3 = <u>0</u> FACU Species _____ x 4 = <u>0</u> UPL Species _____ x 5 = <u>0</u> Column Totals <u>0</u> (A) <u>0</u> (B) Prevalence Index =B/A = <u>#DIV/0!</u>
2 _____	_____	_____	_____	
3 _____	_____	_____	_____	
4 _____	_____	_____	_____	
5 _____	_____	_____	_____	
<u>75</u> = Total Cover				
<b>Sapling/Shrub Stratum</b> (plot size: <u>15</u> )				
1 <u><i>Gaultheria shallon</i></u>	<u>10</u>	<u>X</u>	<u>FACU</u>	
2 _____	_____	_____	_____	
3 _____	_____	_____	_____	
4 _____	_____	_____	_____	
5 _____	_____	_____	_____	
<u>10</u> = Total Cover				
<b>Herb Stratum</b> (plot size: <u>5</u> )				
1 <u><i>Equisetum arvense</i></u>	<u>50</u>	<u>X</u>	<u>FAC</u>	
2 <u><i>Mianthemum dilatatum</i></u>	<u>30</u>	<u>X</u>	<u>FAC</u>	
3 <u><i>Ranunculus repens</i></u>	<u>20</u>	<u>X</u>	<u>FAC</u>	
4 _____	_____	_____	_____	
5 _____	_____	_____	_____	
6 _____	_____	_____	_____	
7 _____	_____	_____	_____	
8 _____	_____	_____	_____	
<u>100</u> = Total Cover				
<b>Woody Vine Stratum</b> (plot size: <u>15</u> )				
1 <u><i>Hedera helix</i></u>	<u>80</u>	<u>X</u>	<u>FACU</u>	
2 _____	_____	_____	_____	
<u>80</u> = Total Cover				
% Bare Ground in Herb Stratum _____				
<b>Hydrophytic Vegetation Indicators:</b> 1- Rapid Test for Hydrophytic Vegetation <u>X</u> 2- Dominance Test is >50% 3-Prevalence Index is ≤ 3.0 <sup>1</sup> 4-Morphological Adaptations <sup>1</sup> (provide supporting data in Remarks or on a separate sheet) 5- Wetland Non-Vascular Plants <sup>1</sup> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain) <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.				
<b>Hydrophytic Vegetation Present?</b> Yes <u>X</u> No _____				

Remarks:

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-4	10YR 2/2						Silt Loam	
4-11	10YR 3/2	98	10YR 3/3	1	C	M	Silt Loam	
			10YR 3/6	1	C	M	Silt Loam	
11-16	10YR 4/3	90	5YR 3/4	10	C	M	Sand	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)		Indicators for Problematic Hydric Soils <sup>3</sup> :
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? Yes  No 

X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:		
Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes  No 

X

Water Table Present? Yes  No 

X

Saturation Present? Yes  No 

X

(includes capillary fringe)

Depth (inches):

Depth (inches): 

>16

Depth (inches): 

>16

Wetland Hydrology Present? Yes  No 

X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

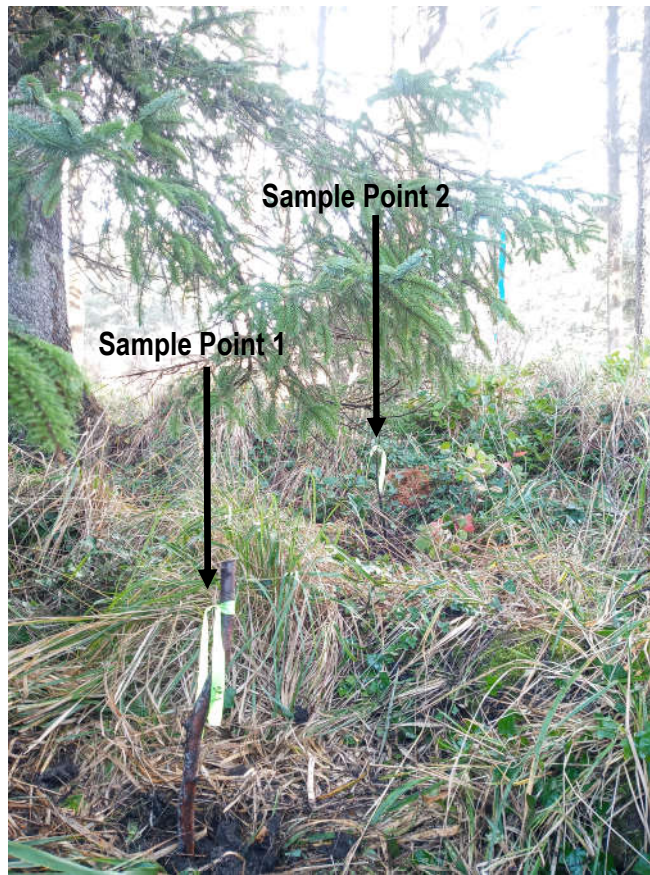
Remarks:

# Appendix C

## Site Photos (ground level)





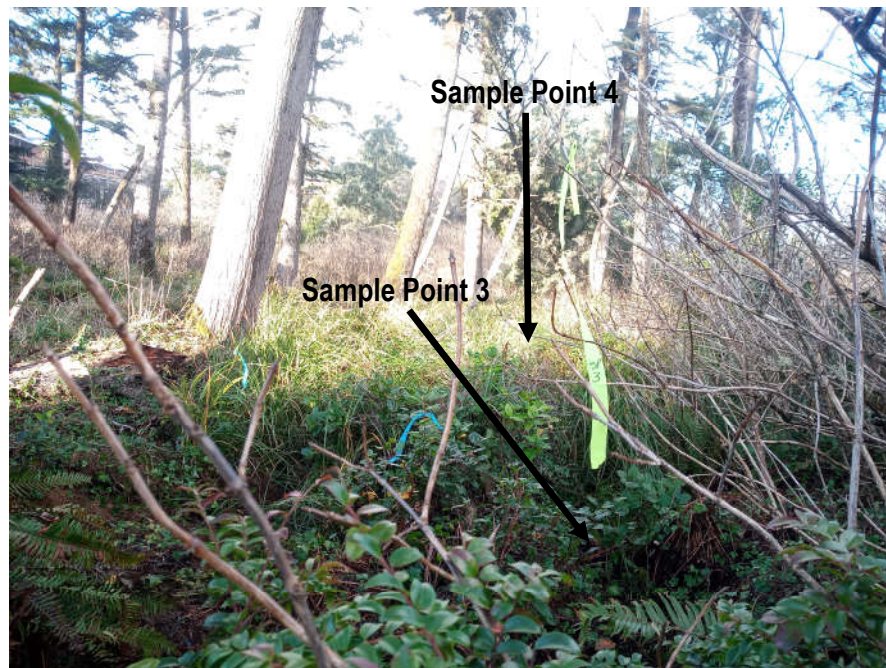


**Photo A**

Looking northeast at Sample Points 1 and 2 in the southwestern portion of Wetland A.

**Photo B**

Looking north at Sample Points 3 and 4 in the southeastern portion of Wetland A.



#6978

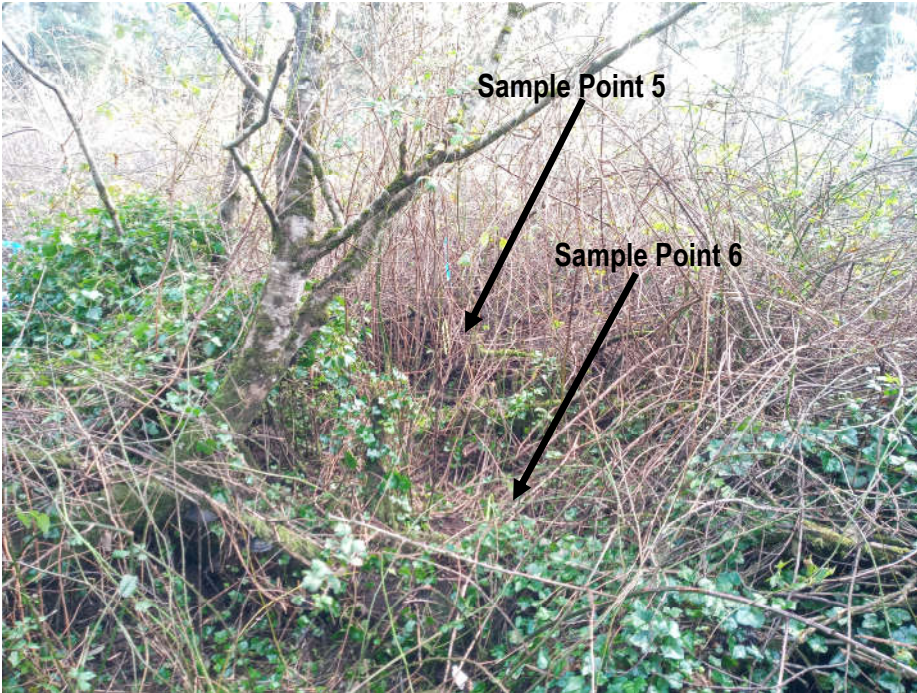
3/19/2021



Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

Photodocumentation  
Tax Lot 4100, Cannon Beach, Oregon  
Both photos taken on December 9, 2020





**Photo C**

Looking southeast at  
Sample Points 5 and 6 in  
the northwestern portion  
of Wetland A.

**Photo D**

Looking east at Sample Point 7,  
to the west of the southwestern  
portion of Wetland A.



#6978

3/19/2021



Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

Photodocumentation  
Tax Lot 4100, Cannon Beach, Oregon  
Both photos taken on December 9, 2020





**Photo E**

Looking north at the southwestern portion of Wetland A, where the house to the south drains stormwater onto the site.

#6978

3/19/2021



Pacific Habitat  
Services, Inc.  
9450 SW Commerce

Photodocumentation  
Tax Lot 4100, Cannon Beach, Oregon  
Photo taken on December 9, 2020

# Appendix D

## Wetland Definitions, Methodology



# **WATERS OF THE STATE AND WETLAND DEFINITION AND CRITERIA**

## **Regulatory Jurisdiction**

Wetlands and water resources in Oregon are regulated by the Oregon Department of State Lands (DSL) under the Removal-Fill Law (ORS 196.800-196.990) and by the U.S. Army Corps of Engineers (COE) through Section 404 of the Clean Water Act.

The primary source documents for wetland delineations within Oregon is the *Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1* (Environmental Laboratory 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)* (U.S. Army Corps of Engineers, 2010), which are required by both DSL and COE.

## **Waters of The State and Wetland Definition**

Waters of The State are defined as “all natural waterways, tidal and non-tidal bays, intermittent streams, constantly flowing streams, lakes, wetlands, that portion of the Pacific Ocean that is in the boundaries of this state, all other navigable and non-navigable bodies of water in this state and those portions of the ocean shore ...” (DSL, 2009).

Wetlands are defined as “those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (DSL 2009).

## **Wetland Criteria**

Based on the above definition, three major factors characterize a wetland: hydrology, substrate, and biota.

### **Wetland Hydrology**

Wetland hydrology is related to duration of saturation, frequency of saturation, and critical depth of saturation. The 1987 manual defines wetland hydrology as inundation or saturation within a major portion of the root zone (usually above 12 inches), typically for at least 12.5% of the growing season. The wetland hydrology criterion can be met, however, if saturation within the major portion of the root zone is present for only 5% of the growing season, depending on other evidence.

The growing season is defined as the portion of the year when soil temperatures at 12.0 inches below the soil surface are higher than biological zero (41 degrees Fahrenheit, 5 degrees Celsius), but also allows approximation from frost free days, based on air temperature. The growing season for any given site or location is determined from US Natural Resources Conservation Service, (formerly Soil Conservation Service) data and information.

Wetland hydrologic indicators include the following: visual observation of inundation or saturation, watermarks, drift lines, sediment deposits, and/or oxidized rhizospheres with living roots. Oxidized rhizospheres are defined as yellowish-red zones around the roots and rhizomes of some plants that grow in frequently saturated soils. Other indicators of hydrology, including algal mats or crust, iron deposits, surface soil cracks, sparsely vegetated concave surface, salt crust, aquatic invertebrates, hydrogen sulfide odor, reduced iron, iron reduction in tilled soils, and stunted or stressed plants can also be used to determine the presence of wetland hydrology.

### Wetland Substrate (Soils)

Most wetlands are characterized by hydric soils. Hydric soils are those that are ponded, flooded, or saturated for long enough during the growing season to develop anaerobic conditions. Periodic saturation of soils causes alternation of reduced and oxidized conditions, which leads to the formation of redoximorphic features (gleying and mottling). Mineral hydric soils will be either gleyed or will have bright mottles and/or low matrix chroma. The redoximorphic feature known as gley is a result of greatly reduced soil conditions, which result in a characteristic grayish, bluish or greenish soil color. The term mottling is used to describe areas of contrasting color within a soil matrix. The soil matrix is the portion of the soil layer that has the predominant color. Soils that have brightly colored mottles and a low matrix chroma are indicative of a fluctuating water table.

Hydric soil indicators include: organic content of greater than 50% by volume, and/or presence of redoximorphic features and dark soil matrix, as determined by the use of a Munsell Soil Color Chart. This chart establishes the chroma, value and hue of soils based on comparison with color chips. Mineral hydric soil must meet one of the 16 definitions for hydric soil indicators, or be classified as a “problem soil” in the Regional Supplement.

### Wetland Biota (Vegetation)

Wetland biota is defined as hydrophytic vegetation. A hydrophyte is a plant species that is capable of growing in substrates that are periodically deficient in oxygen as a result of saturated soil conditions. The U.S. Fish and Wildlife Service, in the *National List of Plant Species that Occur in Wetlands*, has established five basic groups of vegetation based on their frequency of occurrence in wetlands. These categories, referred to as the "wetland indicator status", are as follows: obligate wetland plants (OBL), facultative wetland (FACW), facultative (FAC), facultative upland (FACU), and obligate upland (UPL). Table 1 gives a definition of the plant indicator codes.

**Table 1. Description of Wetland Plant Indicator Status Codes**

Indicator Code	Status
<b>OBL</b>	Obligate wetland. Plants that always occur in standing water or in saturated soils.
<b>FACW</b>	Facultative wetland. Plants that nearly always occur in areas of prolonged flooding or require standing water or saturated soils but may, on rare occasions, occur in non-wetlands.
<b>FAC</b>	Facultative. Plants that occur in a variety of habitats, including wetland and mesic to xeric non-wetland habitats but commonly occur in standing water or saturated soils.
<b>FACU</b>	Facultative upland. Plants that typically occur in xeric or mesic non-wetland habitats but may frequently occur in standing water or saturated soils.
<b>UPL</b>	Obligate upland. Plants that rarely occur in water or saturated soils.



Observations of hydrology, soils, and vegetation, were made using the "Routine On-site" delineation method as defined in the 1987 manual and the Regional Supplement for areas that were not currently in agricultural production. One-foot diameter soil pits were excavated to 20 inches and soil profiles were examined for hydric soil and wetland hydrology field indicators. In addition, a visual absolute-cover estimate of the dominant species of the plant community was performed using soil pit locations as a center of reference. Dominant plant species are based on estimates of absolute cover for herbaceous, and shrub species within a 5 foot radius of the sample point, and basal area cover for tree and woody vine species within a 30 foot radius of the sample point. Plant species in each vegetative layer, which are estimated at less than 20% of the total cover, are not considered to be dominant. The wetland indicator status is then used to determine if there is an overall dominance (greater than 50%) of wetland or upland plant species. If less than 50% of the dominant species are hydrophytic, then the prevalence index may be used to determine if the subdominant species are hydrophytic. If the prevalence index is less than or equal to 3, hydrophytic vegetation criterion is met.

During data collection, the soil profiles were examined for hydric soil and wetland hydrology field indicators. Plant species and cover were recorded. Data was recorded on standard data sheets which contain the information specified in the 1987 Corps Manual and the Regional Supplement.



# Oregon

Kate Brown, Governor

## Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

### State Land Board

June 8, 2021

Patrick/Dave, LLC  
Attn: Patrick Gemma  
2575 38<sup>th</sup> Avenue West  
Seattle, WA 98199

Kate Brown  
Governor

Shemia Fagan  
Secretary of State

Re: WD # 2021-0153 **Approved**  
Wetland Delineation Report for Tax Lot 4100 on Forest Lawn Drive  
Clatsop County; T5N R10W 30DA TL4100  
Cannon Beach Local Wetlands Inventory, Wetland 24

Tobias Read  
State Treasurer

Dear Mr. Gemma:

The Department of State Lands has reviewed the wetland delineation report prepared by Pacific Habitat Services for the site referenced above. Based upon the information presented in the report, we concur with the wetland boundaries as mapped in revised Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland (Wetland A, totaling approximately 0.68 acres) was identified. This wetland is subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact the Jurisdiction Coordinator, Jessica Imbrie, at (503) 986-5250.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Ryan", written in a cursive style.

Peter Ryan, SPWS  
Aquatic Resource Specialist

Enclosures

ec: John van Staveren, SPWS, Pacific Habitat Services  
City of Cannon Beach Planning Department (Maps enclosed for updating LWI)  
Brad Johnson, Corps of Engineers  
Dan Cary, SPWS, DSL  
Oregon Coastal Management Program ([coast.permits@state.or.us](mailto:coast.permits@state.or.us))

# WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

Fully completed and signed report cover forms and applicable fees are required before report review timelines are initiated by the Department of State Lands. Make the checks payable to the Oregon Department of State Lands. To pay fees by credit card, go online at: <https://apps.oregon.gov/DSL/EPS/program?key=4>.

Attach this completed and signed form to the front of an unbound report or include a hard copy with a digital version (single PDF file of the report cover from and report, minimum 300 dpi resolution) and submit to, **Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279**. A single PDF of the completed cover form and report may be e-mailed to [Wetland\\_Delineation@dsl.state.or.us](mailto:Wetland_Delineation@dsl.state.or.us). For submittal of PDF files larger than 10 MB, e-mail DSL instructions on how to access the file from your ftp or other file sharing website.

## Contact and Authorization Information

☒ Applicant ☒ Owner Name, Firm and Address:

**Patrick Gemma**  
**Patrick/Dave, LLC**  
**2575 38<sup>th</sup> Avenue West**  
**Seattle, WA 98199**

Business phone #

Mobile phone # (optional) **206.419.2218**

E-mail: **pgemma@prologis.com**

☒ Authorized Legal Agent, Name and Address:

Business phone #

Mobile phone #

E-mail:

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.

Typed/Printed Name: **Patrick Gemma**

Signature: 

Date: **3/19/2021**

Special instructions regarding site access:

## Project and Site Information

Project Name: **Tax Lot 4100 on Forest Lawn Drive**

Latitude: **45.8864**

Longitude: **-123.9628**

decimal degree - centroid of site or start & end points of linear project

Tax Map # **5 10 30 DA**

Tax Lot(s) **4100**

Proposed Use:

**Residential subdivision**

Tax Map #

Tax Lot(s)

Project Street Address (or other descriptive location):

**SW of the intersection of Forest Lawn Dr and South Hemlock Street**

Township **5N** Range **10W** Section **30** QQ **DA**

Use separate sheet for additional tax and location information

Waterway: **N/A**

River Mile: **N/A**

City: **Cannon Beach**

County: **Clatsop**

NWI Quad(s): **Tillamook Head, Oregon**

## Wetland Delineation Information

Wetland Consultant Name, Firm and Address:


**Pacific Habitat Services**  
**Attn: John van Staveren**  
**9450 SW Commerce Circle, Suite 180**  
**Wilsonville, OR 97070**

Phone # **503-570-0800**

Mobile phone # **503-708-8320**

E-mail: **jvs@pacifichabitat.com**

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.

Consultant Signature: 

Date: **3/19/2021**

Primary Contact for report review and site access is ☒ Consultant ☐ Applicant/Owner ☐ Authorized Agent

Wetland/Waters Present? ☒ Yes ☐ No Study Area size: **1.10 acres** Total Wetland Acreage: **0.68**

## Check Applicable Boxes Below

☐ R-F permit application submitted

☒ Fee payment submitted **\$475**

☐ Mitigation bank site

☐ Fee (\$100) for resubmittal of rejected report

☐ Industrial Land Certification Program Site

☐ Request for Reissuance. See eligibility criteria (no fee)

☐ Wetland restoration/enhancement project (not mitigation)

DSL # \_\_\_\_\_ Expiration Date \_\_\_\_\_

☐ Previous delineation/application on parcel?

☒ LWI shows wetlands or waters on parcel?

If Known, previous DSL #

Wetland ID Code **W24**

## For Office Use Only

DSL Reviewer: **JJ**

Fee Paid Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

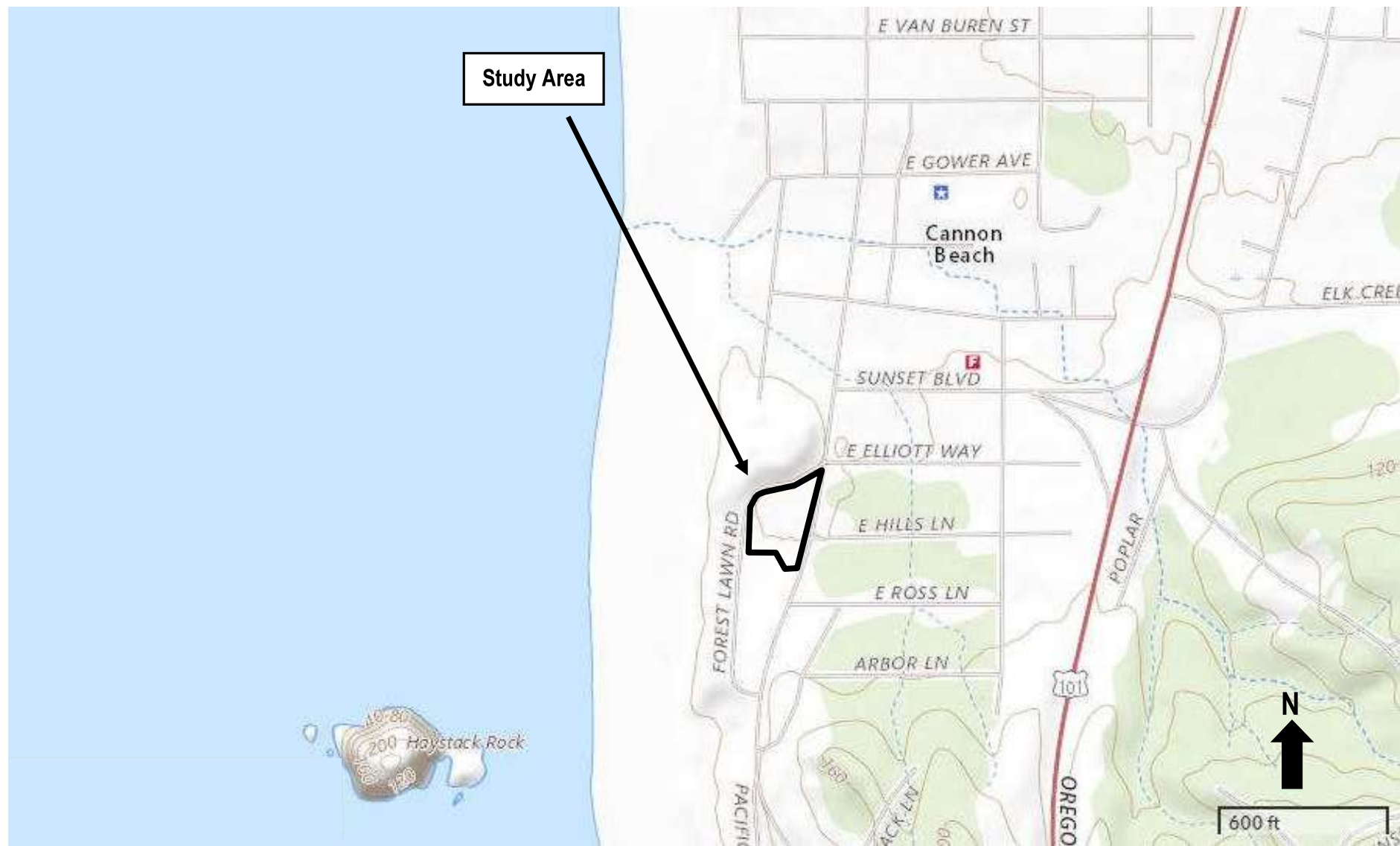
DSL WD # **2021-0153**

Date Delineation Received: **3 / 23 / 21**

Scanned: ☐ Final Scan: ☐

DSL App. # \_\_\_\_\_

**Electronic Submittal**



Project #6978  
2/16/2021



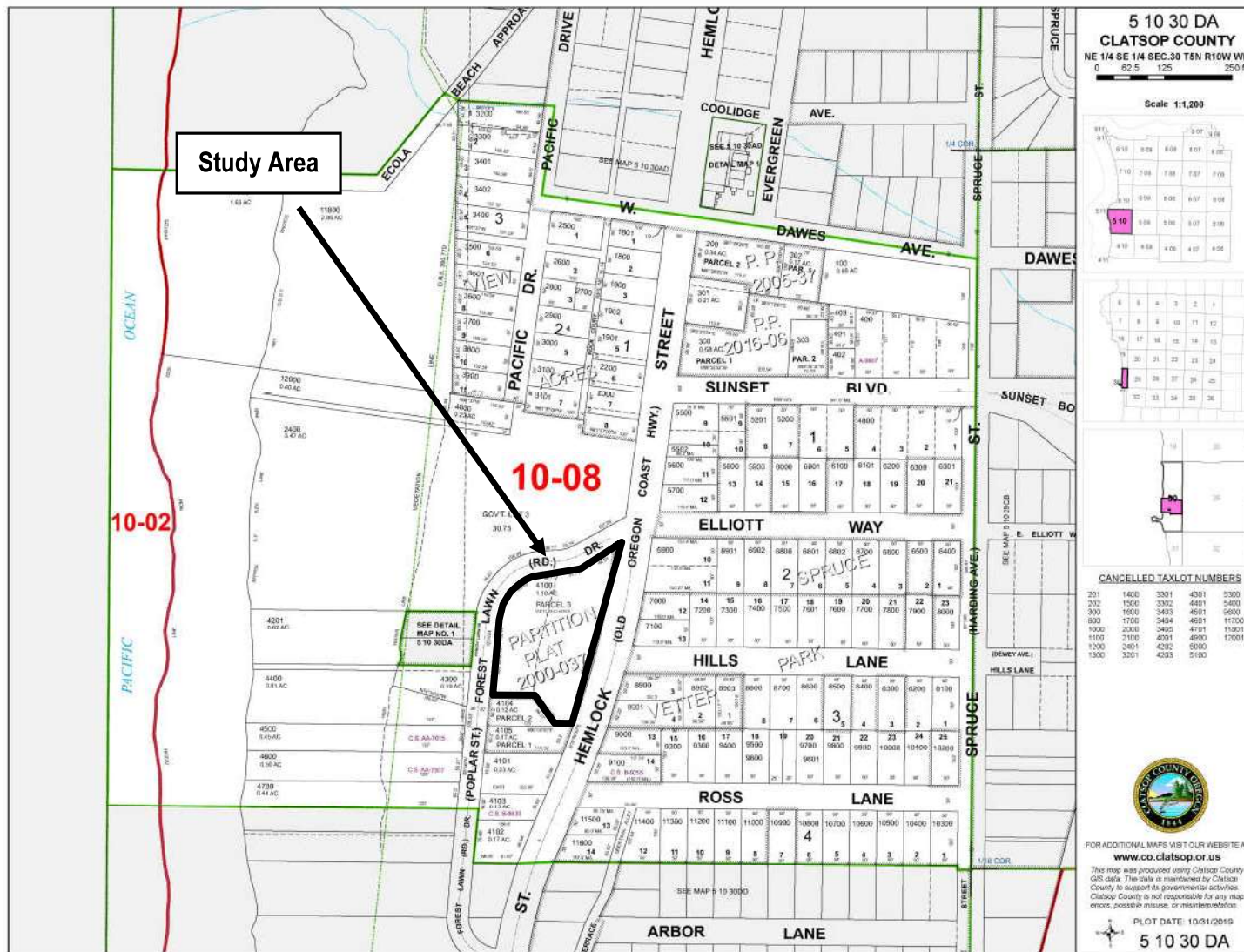
Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

General Location and Topography  
Tax Lot 4100 - Cannon Beach, Oregon  
United States Geological Survey (USGS) Tillamook Head, Oregon 7.5 quadrangle, 2020  
(viewer.nationalmap.gov/basic)

FIGURE

1





Project #6978  
2/16/2021



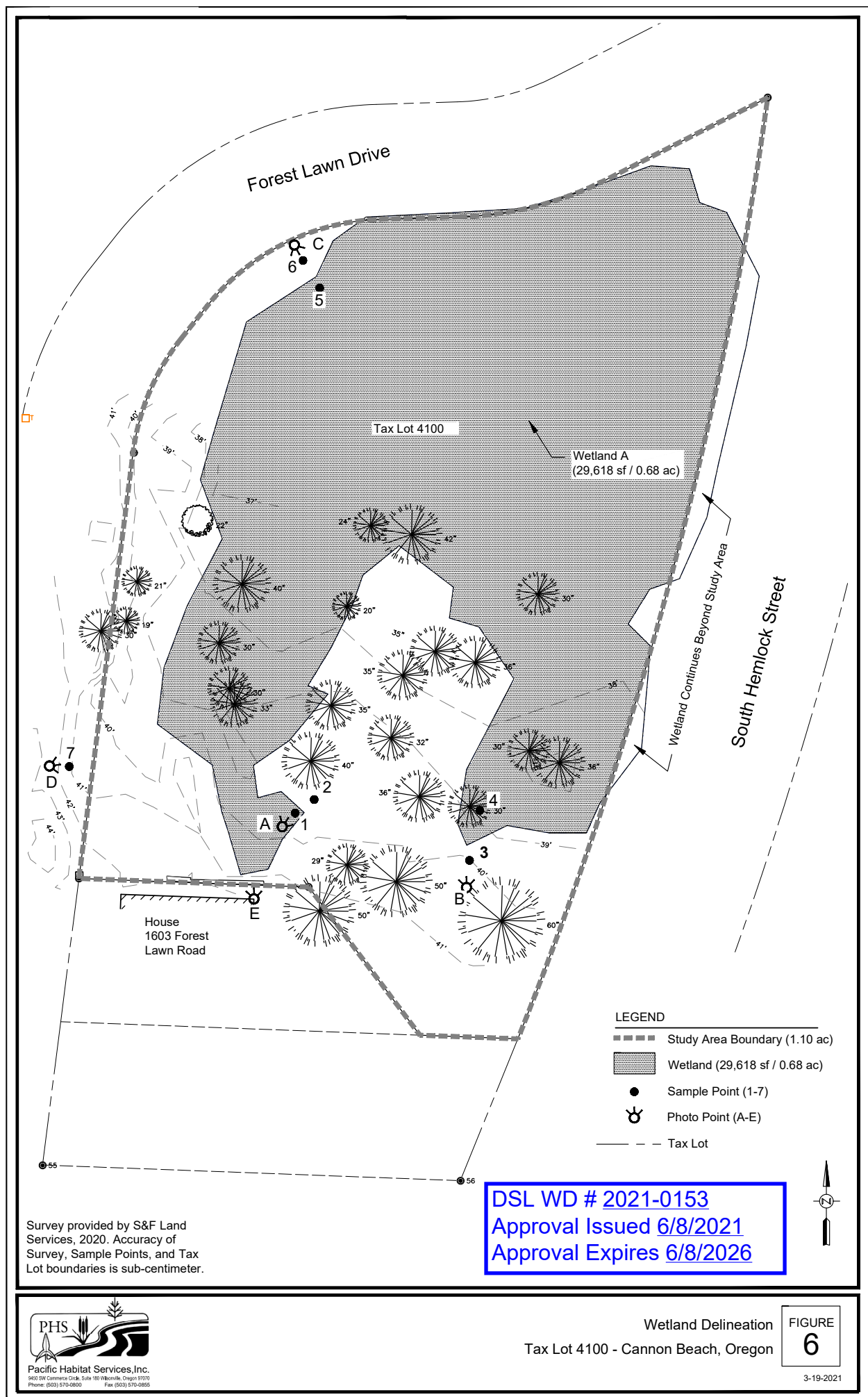
Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

Tax Lot Map  
Tax Lot 4100 - Cannon Beach, Oregon  
The Oregon Map (ormap.net)

FIGURE

2









DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT  
P.O. BOX 2946  
PORTLAND, OR 97208-2946

April 15, 2021

Regulatory Branch  
Corps No.: NWP-2021-159

Patrick Gemma  
Patrick/Dave, LLC  
2575 38<sup>th</sup> Avenue West  
Seattle, Washington 98199  
pgemma@prologis.com

Dear Mr. Gemma:

The U.S. Army Corps of Engineers (Corps) received your request for an Approved Jurisdictional Determination (AJD) of the waters or water features, including wetlands, within the review area as shown on the enclosed drawings (Enclosure 1). The review area is located between Forest Lawn Road and South Hemlock Street Cannon Beach, Clatsop County, Oregon at Latitude/Longitude: 45.8864°, -123.9628°. Other waters or water features, including wetlands, that may occur on this property or on adjacent properties outside the review area are not the subject of this determination.

The Corps has determined Wetland A within the review area is not a water of the U.S. The enclosed drawings (Enclosure 1) identify the size and boundaries of the delineated wetland. The enclosed *Approved Jurisdictional Determination Form (Interim)* (Enclosure 2) provides the basis for jurisdiction. A copy of the AJD Form can also be found on our website at: <http://www.nwp.usace.army.mil/Missions/Regulatory/Appeals/>.

If you object to the enclosed AJD, you may request an administrative appeal under 33 CFR Part 331 as described in the enclosed *Notification of Administrative Appeal Options and Process and Request for Appeal (RFA)* form (Enclosure 3). To appeal this AJD, you must submit a completed *RFA* form to the Corps Northwestern Division (NWD) office at the address listed on the form. In order for the request for appeal to be accepted, the Corps must determine that the form is complete, that the request meets the criteria for appeal under 33 CFR Part 331.5, and the form must also be received by the NWD office within 60 days from the date on the form. It is not necessary to submit the form to the NWD office if you do not object to the enclosed AJD.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you

or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

This AJD is valid for a period of five years from the date of this letter unless new information warrants revisions of the determination.

We would like to hear about your experience working with the Portland District, Regulatory Branch. Please complete a customer service survey form at the following address: [https://corpsmapu.usace.army.mil/cm\\_apex/f?p=136:4](https://corpsmapu.usace.army.mil/cm_apex/f?p=136:4).

If you have any questions regarding our Regulatory Program or permit requirements for work in waters of the U.S., please contact Mr. Brad Johnson by telephone at (503) 808-4383 or e-mail at: [Brad.A.Johnson2@usace.army.mil](mailto:Brad.A.Johnson2@usace.army.mil).

Sincerely,

For: William D. Abadie  
Chief, Regulatory Branch

Enclosures

cc with drawings:

Oregon Department of State Lands (Dan Cary, [dan.cary@dsl.state.or.us](mailto:dan.cary@dsl.state.or.us))

Oregon Department of Environmental Quality ([401applications@deq.state.or.us](mailto:401applications@deq.state.or.us))

Pacific Habitat Services (John van Staveren, [jvs@pacifichabitat.com](mailto:jvs@pacifichabitat.com))



**MORGAN CIVIL  
ENGINEERING, INC.**

PO BOX 358  
MANZANITA, OR 97130  
(503) 804-6016  
www.morgancivil.com

JOB NO.  
#21-01-SEM  
DATE  
MAY 22, 2022



OREGON  
JASON R. MORGAN  
RENEWAL DATE: DECEMBER 31, 2020

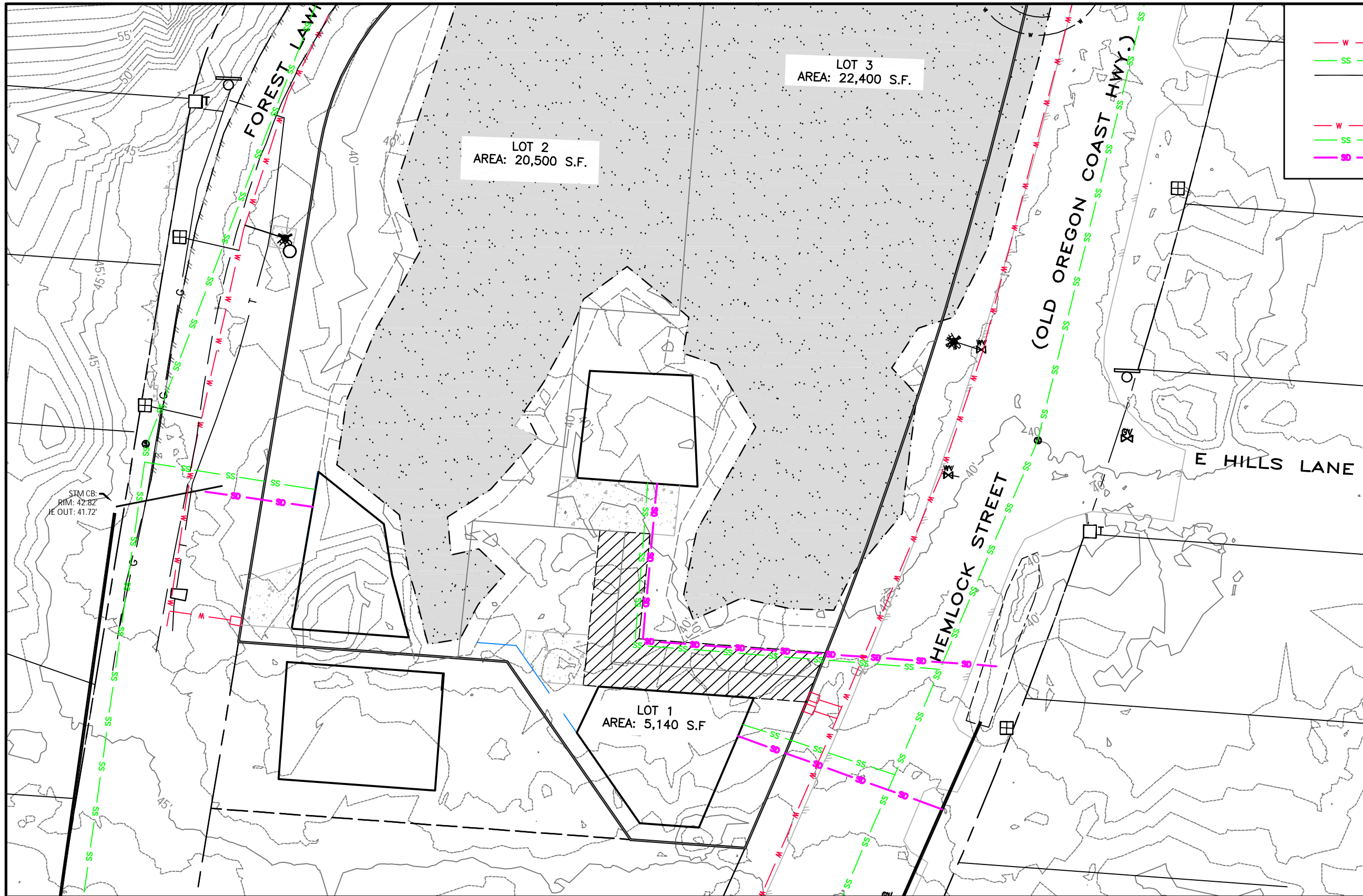
**GEMMA PATRICK**  
TAX LOT 4100 - FOREST LAWN DRIVE  
UTILITY LAYOUT

CANNON BEACH/MAP/SS10W-30DA

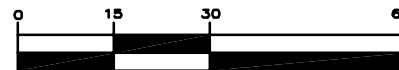
SHEET

**30**

OF SCALE



SCALE



1 inch = 30 ft.



### Forest Lawn project arborist report

Location: corner of Hemlock St. and Forest Lawn Rd., Cannon Beach, OR  
 Tax lot #: 51030DA04100  
 Date: 12-28-2021

There are 40 mature trees and 5 snags on the Forest Lawn Rd. "Parcel 3" property. There are many sub 5-inch diameter Pacific willow which cover much of the northern wetland half of the property, but they are not included in the count of "mature trees". Of the 40-mature trees, there are 5 trees (not the snags) which show signs of being structurally unsound and in need of removal to mitigate the risk they pose. All of the 40-mature trees pose some risk, though low, due to the super water saturation of the soil throughout the parcel. Soil-saturation-root-plate failure can be seen throughout the canopy in the listing nature of the trees. This does not pose an excessive risk at this time but should be taken into account if ground water systems were to be altered.

To mitigate risk on this property: the 5 snags should be removed; the 5 hazard trees should be removed; and the trees on the southern half of the parcel which constitute this project's main use site, those trees should have major deadwood removed greater than 3-inches in diameter.

Please see attached map and table for trees location and description.

### Austin Wienecke

ISA Board Certified Master Arborist PN-5890B  
 Certified Tree Climber Trainer USFS  
 ISA Tree Risk Assessment trained  
**General Manager:** Arbor Care Tree Specialists Inc.  
**503-791-0853**      [austin@arborcarenw.com](mailto:austin@arborcarenw.com)



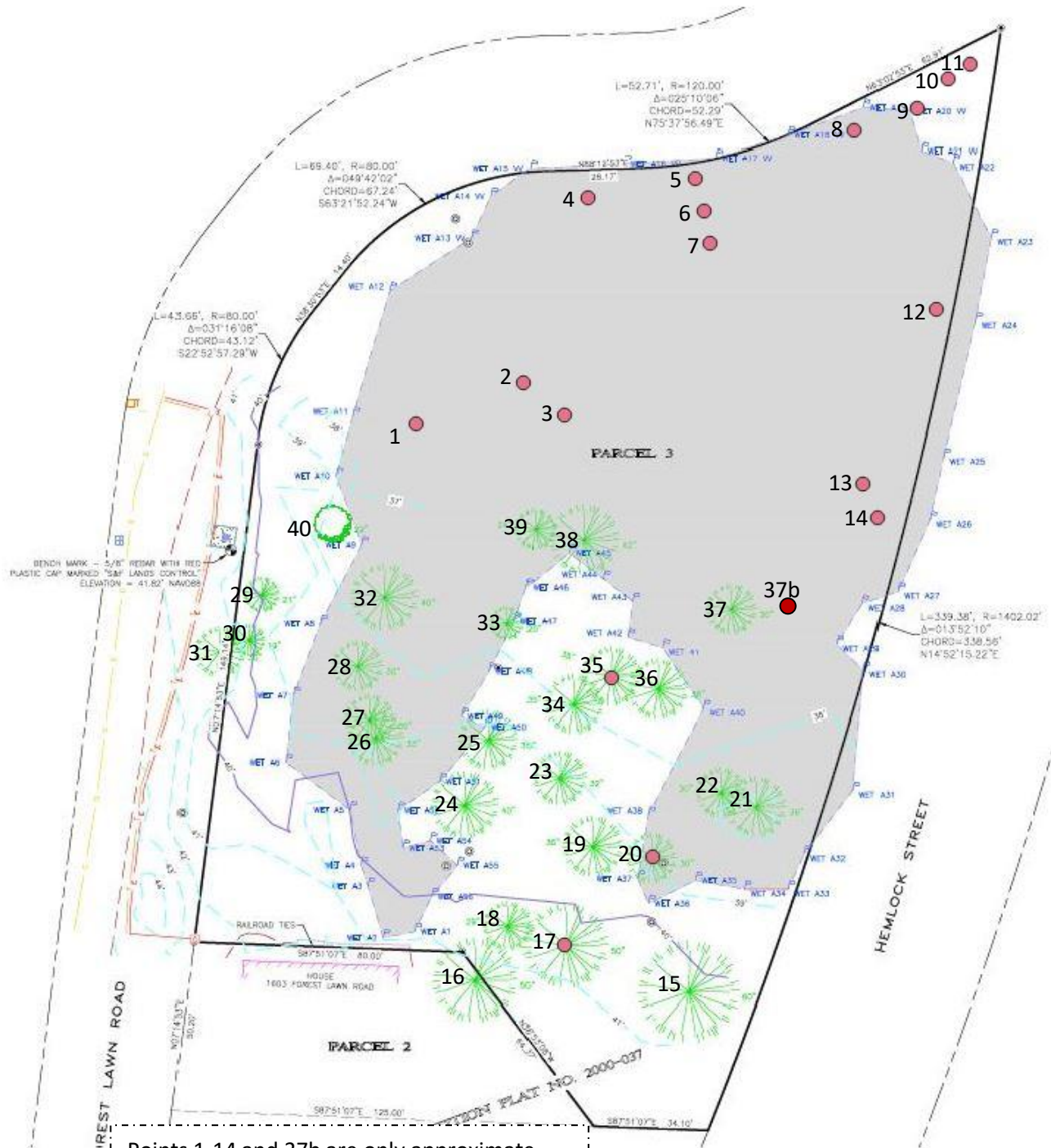




#	Tree type	Description- removals are marked on-site with a yellow flagging tape.	DBH inches
1	Sitka spruce	Ok	22
2	Sitka spruce	Ok	22
3	Sitka spruce	Ok	12
4	Red alder	Ok, tipped tree with horizontal trunk. Stable	12
5	Red alder	Large decay pocket. No target. No action required	9
6	Sitka spruce	Ok	9
7	Sitka spruce	Ok	12
8	Sitka spruce	Ok	35
9	Sitka spruce	Phaeolus schweinitzii at base. Leans into wetland. No target unless developing nearby. Action only needed if area to the south is to be developed.	50
10	Sitka spruce	Ok	12
11	Sitka spruce	Ok	27
12	Red alder	Remove. Growing over culvert and decay in plane of lean toward road.	11
13	Sitka spruce	Ok	30
14	Crab apple	Ok. Cluster of 5 trunks	6-8
15	Sitka spruce	Ok	60
16	Sitka spruce	Ok	50
17	Sitka spruce	Remove. Poor live crown ratio and heavy lean with a heaving root plate	50
18	Sitka spruce	Ok	29
19	Sitka spruce	Ok	36
20	Western hemlock	Remove. Heavy lean with a heaving root plate	30
21	Sitka spruce	Ok	36
22	Sitka spruce	Ok	30
23	Sitka spruce	Ok	32
24	Sitka spruce	Ok	40
25	Sitka spruce	Ok	35
26	Sitka spruce	Ok	33
27	Sitka spruce	Ok	30
28	Sitka spruce	Ok	30
29	Sitka spruce	Ok	21
30	Sitka spruce	Ok	19
31	Sitka spruce	Ok	
32	Sitka spruce	Ok	40
33	Sitka spruce	Ok	20
34	Sitka spruce	Ok	35
35	Sitka spruce	Remove. Fomitopsis pinicola seen at 18ft.	35
36	Sitka spruce	Ok	36
37	Sitka spruce	Ok	30
37b	Sitka spruce	Remove. Porodaedalea pini: multiple fruiting bodies extending up trunk	32
38	Sitka spruce	Ok	42
39	Sitka spruce	Ok	24
40	Red alder	Ok	22



Map



Points 1-14 and 37b are only approximate locations



Earth  
Engineers,  
Inc.

2411 Southeast 8<sup>th</sup> Avenue • Camas • WA 98607

Phone: 360-567-1806

[www.earth-engineers.com](http://www.earth-engineers.com)

June 3, 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](mailto:dpietka@msn.com)

**Subject: Geotechnical Investigation and Geologic Hazard Report  
Proposed Forest Lawn Subdivision, Lots 1 - 3  
Clatsop County Tax Lot No. 51030DA04100  
Intersection of Forest Lawn Road and Hemlock Street  
Cannon Beach, Clatsop County, Oregon  
EEI Report No. 22-103-1**

Dear Mr. Pietka,

Earth Engineers, Inc. (EEI) is pleased to transmit our report for the above referenced project. This report includes the results of our field investigation, an evaluation of geotechnical factors and geologic hazards that may influence the proposed construction, and geotechnical recommendations for the proposed subdivision and general site development.

We appreciate the opportunity to perform this geotechnical study and look forward to continued participation during the design and construction phases of this project. 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

Ken Andrieu, R.G.  
Senior Geologist

Jacquie Boyer  
Geotechnical Engineering Associate

Attachment: Geotechnical Investigation and Geologic Hazard Report

Distribution (electronic copy only): Addressee  
Jamie Lerma, Red Crow, LLC ([jamie@redcrowgc.com](mailto:jamie@redcrowgc.com))

**GEOTECHNICAL INVESTIGATION  
AND GEOLOGIC HAZARD REPORT**

for the

**Proposed Forest Lawn Subdivision, Lots 1 - 3  
Clatsop County Tax Lot No. 51030DA04100  
Intersection of Forest Lawn Road  
and South Hemlock Street  
Cannon Beach, Clatsop County, Oregon**

Prepared for

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

Prepared by

**Earth Engineers, Inc.  
2411 Southeast 8<sup>th</sup> Avenue  
Camas, Washington 98607  
Telephone (360) 567-1806**

**EEl Report No. 22-103-1**

**June 3, 2022**



**Earth  
Engineers,  
Inc.**

A handwritten signature in black ink, appearing to read 'Jacqui Boyer'.

---

**Jacqui Boyer  
Geotechnical Engineering  
Associate**



EXPIRES: 6/30 23

---

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



EXP: 12/1/2022

---

**Ken Andrieu, R.G.  
Senior Geologist**

# TABLE OF CONTENTS

	Page No.
<b>1.0 PROJECT INFORMATION .....</b>	<b>1</b>
1.1 Project Authorization .....	1
1.2 Project Description .....	1
1.3 Purpose and Scope of Services .....	2
<b>2.0 SITE AND SUBSURFACE CONDITIONS .....</b>	<b>4</b>
2.1 Site Location and Description .....	4
2.2 Subsurface Materials .....	7
2.4 Groundwater Information .....	10
<b>3.0 GEOLOGIC HAZARD ASSESSMENT .....</b>	<b>11</b>
3.1 Soil Survey .....	11
3.2 Geology .....	11
3.3 Seismicity .....	14
3.3.1 <i>Seismic Design Parameters</i> .....	14
3.3.2 <i>Liquefaction</i> .....	16
3.4 Geologic Hazards .....	16
<b>4.0 EVALUATION AND FOUNDATION RECOMMENDATIONS .....</b>	<b>22</b>
4.1 Geotechnical Discussion .....	22
4.2 Site Preparation .....	23
4.3 Structural Fill .....	23
4.4 Foundation Recommendations .....	24
4.4.1 <i>Pin Pile Recommendations</i> .....	24
4.4.2 <i>Helical Pier Recommendations</i> .....	24
4.5 Floor Slab Recommendations .....	25
4.6 Retaining Wall Recommendations .....	26
<b>5.0 CONSTRUCTION CONSIDERATIONS .....</b>	<b>28</b>
5.1 Moisture Sensitive Soils/Weather Related Concerns .....	28
5.2 Drainage and Groundwater Considerations .....	28
5.3 Excavations .....	28
<b>6.0 REPORT LIMITATIONS .....</b>	<b>30</b>

<b>APPENDICES:</b>	Appendix A – Site Location Plan
	Appendix B – Exploration Location Plan
	Appendix C – Exploration Logs
	Appendix D – Soil Classification Legend
	Appendix E – Report of Atterberg Limit Testing
	Appendix F – Nearby Historic Well Log
	Appendix G – Surcharge-Induced Lateral Earth Pressures for Wall Design

## **1.0 PROJECT INFORMATION**

### **1.1 Project Authorization**

Earth Engineers, Inc. (EEI) has completed a geotechnical investigation report for the proposed 3 residential lot development on Clatsop County Tax Lot No. 51030DA04100 in Cannon Beach, Clatsop County, Oregon. Our services were authorized by David Pietka, owner of Patrick/Dave LLC, on April 19, 2022 by signing EEI Proposal No. 22-P182 dated April 18, 2022.

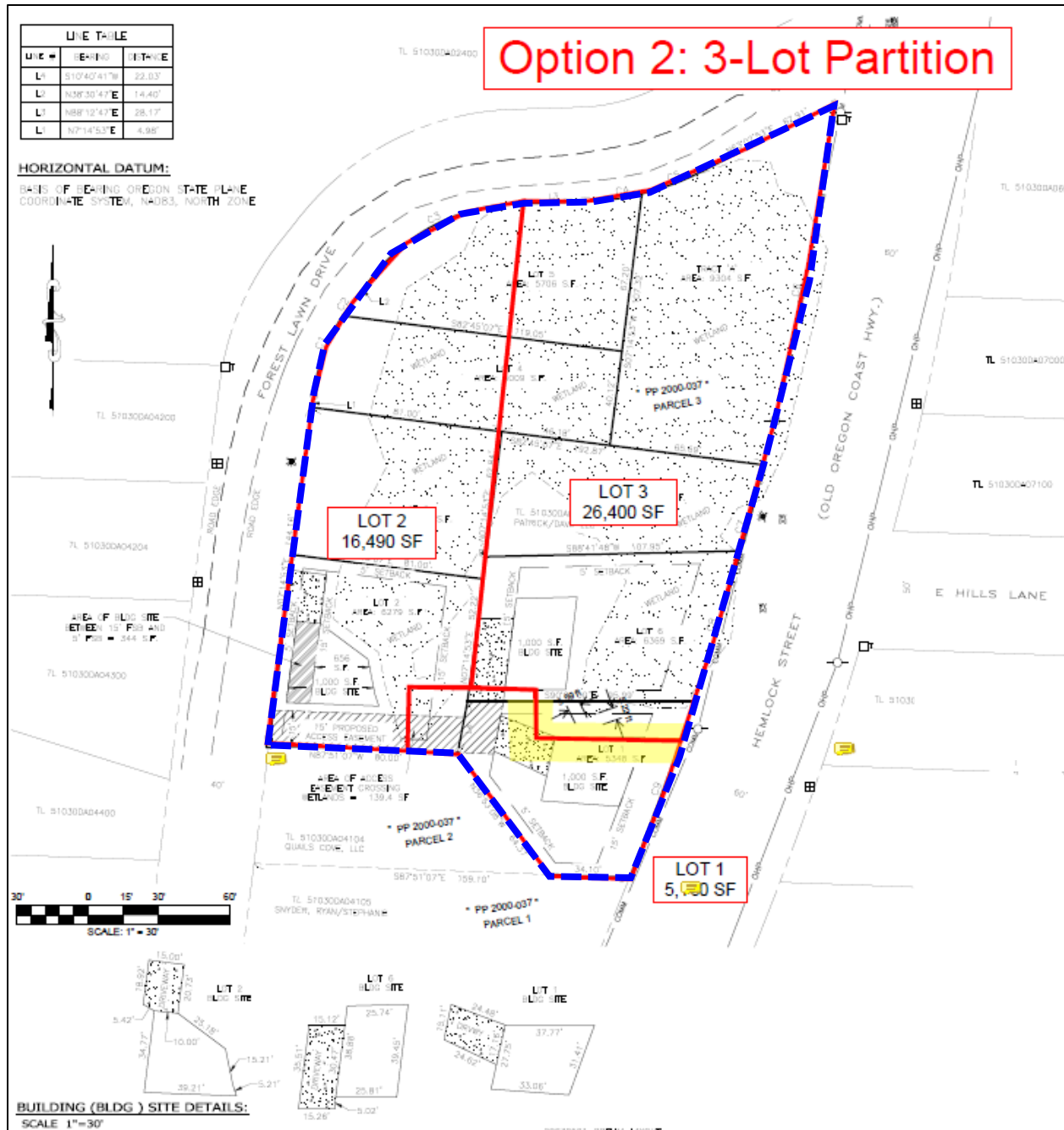
### **1.2 Project Description**

Our current understanding of the project is based on the information Jamie Lerma with Red Crow, LLC provided to EEI Principal Geotechnical Engineer Troy Hull and Principal Engineering Geologist Adam Reese. We were also provided the following document via e-mail:

- **Partition Plan titled “Preliminary Haystack Views Subdivision Exhibit” prepared by S&F Land Services, dated November 9, 2021.** This map shows the proposed boundaries of the 3 lots on the subject property with respect to the surrounding properties and streets. See Figure 1 below.

Briefly, we understand the plan is to develop a 3-lot residential subdivision. It is our understanding that this project is in its preliminary stages. We have not been provided any detailed construction plans for the project. For the purposes of this report, we are assuming maximum foundation loads of 4 kips per linear foot for wall footings, 40 kips for column footings, and 150 psf for floor slabs. With regard to design grades, we are assuming that cuts and fills will be negligible (i.e. less than 2 feet). Finally, we have assumed that the homes will be constructed in accordance with the 2021 Oregon Residential Specialty Code (ORSC), or the 2019 Oregon Structural Specialty Code (OSSC).





**Figure 1:** Partition plan referenced above showing the project vicinity. The subject property is outlined in blue and the proposed lot boundaries are outlined in red.

### 1.3 Purpose and Scope of Services

The purpose of our services was to explore the subsurface conditions at the site of the 3 residential lots to better define the soil, rock, and groundwater properties in order to provide geotechnical related recommendations related to the proposed construction. Our site investigation consisted of advancing two Standard Penetration Test (SPT) borings (B-1 and B-2)

located on the subject property using a trailer mounted Big Beaver drill rig subcontracted from Dan J Fischer, Inc of Forest Grove, Oregon. SPT samples were taken at regular intervals and transported to our laboratory for testing. We supplemented our drilled borings with three hand auger borings (HA-1 through HA-3) and drive probe testing. Laboratory testing was accomplished in general accordance with ASTM procedures.

This report briefly outlines the testing procedures, presents available project information, describes the site, assumed subsurface conditions, and presents recommendations regarding the following:

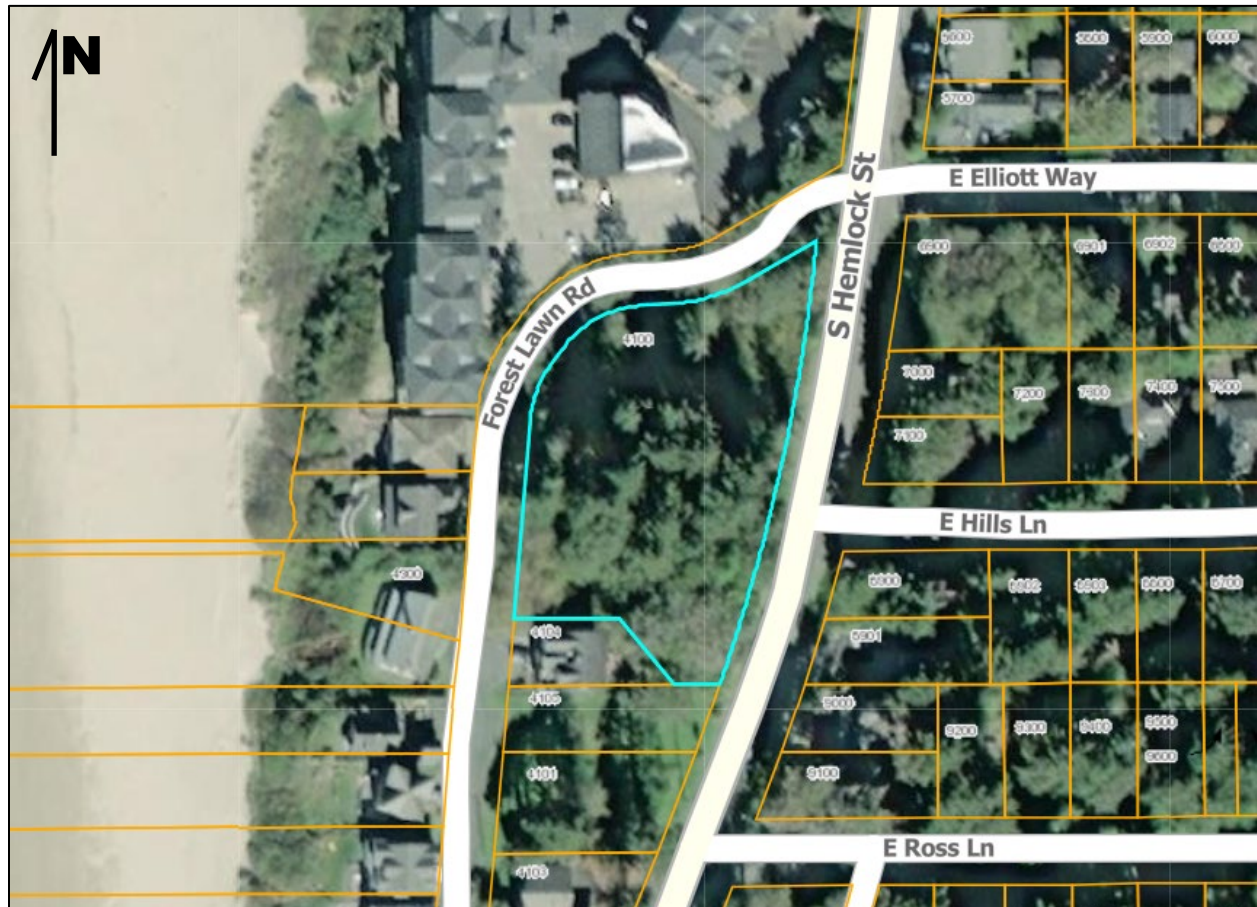
- A discussion of subsurface conditions encountered including pertinent soil and groundwater conditions.
- Seismic design parameters in accordance with ASCE 7-16.
- Geotechnical related recommendations for deep foundation design.
- Structural fill recommendations, including an evaluation of whether the in-situ soils can be used as structural fill.
- Retaining wall design parameter recommendations, including coefficient of friction and earth pressures.
- Floor slab support recommendations.
- A Geologic Hazard Report (GHR) in accordance with Clatsop County requirements
- Other discussion on geotechnical issues that may impact the project.

It should be noted, we consider this report to be preliminary for the project area as a whole. Due to accessibility issues, we were only able to advance deep borings on the perimeter of the project area, and limited hand tool explorations on the southern portion of the property. Once the project is further along and the site is more accessible, we can perform additional drilled borings on the 3 lots (if requested). EEI should be informed when detailed construction drawings are made for the proposed residences so we can revise our report for each individual lot, if necessary.

## **2.0 SITE AND SUBSURFACE CONDITIONS**

### **2.1 Site Location and Description**

The site for the proposed development is located at Clatsop County Tax Lot No. 51030DA04100 in Cannon Beach, Oregon. The site is bound to the north and west by Forest Lawn Road, to the south by residential properties and to the east by South Hemlock Street. See Figure 2 below for project vicinity.



**Figure 2:** Project vicinity showing the subject property (outlined in blue).

Source: <https://delta.co.clatsop.or.us/apps/ClatsopCounty/>.

The subject property is currently vacant, vegetated with grass, brush and mature trees. It should be noted, the northern portion of the property is densely vegetated with brush and trees; as a result, we were unable to advance any explorations in those areas. We also observed vegetation indicative of a wetland or a marsh along the northern portion of the property. In terms of topography, the subject property is level. According to Google Earth, the elevation ranges from 39 feet above mean sea level (msl) to 46 feet msl. While on site, we did not observe any signs of soil movement (i.e. cracking in the soil, leaning trees, landscape head scarps etc.). See Photos 1 through 5 below for the current site conditions.





**Photo 1:** Current site conditions, taken from the southern property line facing north (looking at Lot 1).



**Photo 2:** Current site conditions, facing northwest (looking at Lot 2).





**Photo 3:** Current site conditions, facing northeast (looking at Lot 3).



**Photo 4:** Current site conditions taken from the western property line, facing east (looking at Lot 2).





**Photo 5:** Current site conditions taken from the northwestern property line, facing southeast.

## 2.2 Subsurface Materials

The site was explored with two SPT borings (B-1 and B-2). For approximate exploration locations see the Exploration Location Plan in Appendix B. The SPT borings were advanced with a subcontracted trailer mounted drill rig subcontracted from Dan J. Fischer Excavating, Inc. of Forest Grove, Oregon. Boring B-1 was advanced to a depth of 33.5 feet below ground surface (bgs) and B-2 was advanced to a depth of 51.5 feet bgs. SPT samples were generally taken at regular intervals within the boring and transported to our laboratory for testing.

In addition, we supplemented our drilled borings with three hand auger explorations (HA-1 through HA-3) and drive probe testing. The three hand tool explorations were advanced in each of the three proposed subdivision lots. For approximate exploration locations see the Exploration Location Plan in Appendix B. The hand auger explorations were each advanced to a depth of 5 feet bgs and the drive probe testing was advanced to a depth of 8 feet bgs.

The drive probe test is based on a “relative density” exploration device used to determine the distribution and to estimate strength of the subsurface soil units. The resistance to penetration is measured in blows-per- $\frac{1}{2}$ -foot of an 11-pound hammer which free falls roughly 39 inches driving a  $\frac{3}{4}$ -inch outside diameter pipe with a 1-inch diameter endcap into the ground. This measure of



resistance to penetration can be used to estimate relative density of soils. For a more detailed description of this geotechnical exploration method, please refer to the Slope Stability Reference Guide for National Forests in the United States, Volume I, USDA, EM-7170-13, August 1994, P 317-321. Results of the drive probe tests are reported in the hand auger logs in Appendix C.

Select soil samples were tested in the laboratory to determine material properties for our evaluation. Results of the explorations are reported in the Exploration Logs in Appendix C. Laboratory testing was accomplished in general accordance with ASTM procedures. The testing performed included moisture content tests (ASTM D 2216), fines content determinations (ASTM D1140) and Atterberg limit testing (ASTM D4318). The test results have been included on the Exploration Logs in Appendix C and the Report of Atterberg Limits Testing in Appendix E.

In general, we encountered a surficial layer of topsoil overlying compressible, organic soils which eventually transitioned to dense sandstone with depth. Each individual stratum encountered is discussed in further detail below.

### **TOPSOIL**

In all of our explorations, we encountered topsoil as the surficial layer. The topsoil stratum was generally dark brown to black sandy silt with heavy organics (i.e. roots, rootlets and wood chips). The thickness of this stratum was 6-inches to 12-inches in our explorations.

### **COMPRESSIBLE, ORGANIC SOILS**

In all of our explorations we encountered a thick layer of compressible soils underlying the topsoil described above. In B-2, the upper layer of compressible soils was generally a gray-brown sand with broken rock fragments, wood chips and rootlets. Laboratory moisture content testing on samples obtained within this stratum ranged from 21 to 32 percent. Fines content laboratory testing for a sample obtained within this stratum yielded a result of 8 percent passing the #200 sieve. Based on SPT sampling data, this stratum ranged from very loose to loose (N-value average of 5). This sand stratum extended to a depth of 5.5 feet bgs in B-2.

In all of our explorations (except for B-2), we encountered low plasticity silt underlying the topsoil described above. In B-2, this silt was underlying the upper sand stratum described above. This stratum was generally a blue-gray to gray-brown to dark brown silt with orange and gray mottling. We also encountered rootlets within this stratum. Laboratory moisture content testing on samples obtained within this stratum ranged from 53 to 72 percent. Fines content laboratory testing for samples obtained within this stratum ranged from 93 to 94 percent passing the #200 sieve. We also conducted Atterberg testing on a sample retrieved within this stratum from B-2 at 5 feet bgs. The testing indicated this stratum is a low plasticity silt (ML). Based on SPT sampling data, this stratum ranged from very soft to soft (N-value average of 2). This low plasticity silt stratum extended to the terminal depth of our hand tool explorations (i.e. 5 feet bgs), and to a depth of 10 feet bgs in of our drilled borings.

In our drilled borings, we encountered high plasticity silt underlying the low plasticity silt described above. This stratum was generally a blue-gray to gray to brown silt. We also encountered heavy organics (i.e. wood chips and rootlets) within this stratum. Laboratory moisture content testing on samples obtained within this stratum ranged from 50 to 388 percent. It should be noted the very high moisture readings are likely due to the presence of organics. Fines content laboratory testing for sample a sample obtained within this stratum yielded a result of 97 percent passing the #200 sieve. We also conducted Atterberg testing on a sample retrieved within this stratum from B-2 at 10 feet bgs. The testing indicated this stratum is a high plasticity silt (MH). Based on SPT sampling data, this stratum ranged from very soft to soft (N-value average of 2). This high plasticity silt stratum extended to a depth of 25 feet bgs in both of our explorations.

In our drilled borings, we encountered a layer of silty sand underlying the high plasticity silt described above. In B-2, we encountered silty sand and sandy silt underlying the high plasticity silt described above. This stratum was generally a brown to gray brown to blue gray silty sand/sandy silt with trace organics. Laboratory moisture content testing on samples obtained within this stratum ranged from 60 to 124 percent. It should be noted the very high moisture readings are likely due to the presence of organics. Fines content laboratory testing for samples obtained within this stratum ranged from 26 to 81 percent passing the #200 sieve. Based on SPT sampling data, the silty sand stratum ranged from very loose to medium dense and the sandy silt stratum was generally medium stiff (N-value average of 5). This stratum extended to a depth of 30 feet bgs in B-1 and 45 feet bgs in B-2.

## **DENSE SANDSTONE**

In both of our boring explorations, we encountered a dense sandstone layer underlying the compressible, organic soils described above. This stratum was generally a gray to blue-gray sandstone with varying amounts of silt. Laboratory moisture content testing on samples obtained within this stratum ranged from 11 to 76 percent. Fines content laboratory testing for samples obtained within this stratum ranged from 9 to 39 percent passing the #200 sieve. Based on SPT sampling data, this stratum ranged from medium dense to very dense (N-value average of 42). This sandstone stratum extended to the terminal depths of our explorations (i.e. 33.5 feet bgs in B-1 and 51.5 feet bgs in B-2).

The classifications noted above were made in general accordance with the USCS as shown in Appendix D. The above subsurface description is of a generalized nature to highlight the major subsurface stratification features and material characteristics. The exploration logs included in the Appendix should be reviewed for specific information. These records include soil descriptions, stratifications, and locations of the samples. The stratifications shown on the logs represent the conditions only at the actual exploration location. Variations may occur and should be expected across the site. The stratifications represent the approximate boundary between subsurface materials and the actual transition may be gradual. Water level information obtained during field operations is also shown on these logs. The samples that were not altered by laboratory testing will be retained for 90 days from the date of this report and then will be discarded.

## 2.4 Groundwater Information

During our subsurface investigation, we encountered groundwater at depths ranging from 1 to 4 feet bgs.

In addition, we reviewed publicly available well logs from the Oregon Water Resources Department website ([http://apps.wrd.state.or.us/apps/gw/well\\_log/](http://apps.wrd.state.or.us/apps/gw/well_log/)) for historic information. We found two historical logs for a property located approximately 550 feet north of the subject property, advanced on June 1, 2015. The logs indicate that groundwater was encountered at a depth of 7 feet below ground surface. See Appendix F for a copy of these well log reports.

It should be noted that groundwater elevations can fluctuate seasonally and annually, especially during periods of extended wet or dry weather, or from changes in land use.

### **3.0 GEOLOGIC HAZARD ASSESSMENT**

#### **3.1 Soil Survey**

The United States Department of Agriculture (USDA) Soil Survey provides geographical information of the soils in Clatsop County as well as summarizing various properties of the soils. The USDA maps the surface soils on site as Unit 61E (Templeton-Ecola silt loams on 30 to 60 percent slopes) and Unit 71C (Walluski medial silt loam on 7 to 15 percent slopes).<sup>1</sup>

The Templeton-Ecola silt loam covers the western majority of the project area (i.e. the entirety of Lot 2, and the western portions of Lots 1 and 3). The soil unit consists of well-drained soils formed on hillslopes and mountain slopes with a parent material of colluvium and residuum derived from sedimentary rock. A typical profile consists of slightly decomposed plant material overlying medial silt to silty clay loam which eventually transitions to weathered bedrock with depth. Although the USDA indicates this unit is mapped on 30 to 60 percent slopes we did not encounter any slopes up to 30 to 60 percent on the subject property.

The Walluski medial silt loam covers the eastern portion of the property (i.e. the eastern portions of Lots 1 and 3). The soil unit consists of moderately well-drained soils formed on stream terraces with a parent material of mixed alluvium and/or fluvio-marine deposits derived from sedimentary rock. A typical profile consists of slightly decomposed plant material overlying medial silt loam overlying silty clay loam.

#### **3.2 Geology**

The site is located approximately 120 feet east of a coastal bluff overlooking Cannon Beach on the Oregon Coast. The bluff is approximately 20 feet tall with a slope of approximately 2.1H:1V. The region is underlain by a framework of Miocene aged (23 to 5 million years ago) volcanic rocks and Oligocene (33 to 23 million years ago) to Miocene aged marine sedimentary deposits that have been deposited over a basement rock of Eocene-aged (54 to 33 million years ago) volcanic arc deposits. Overlying this framework are Quaternary-aged (1.8 million years ago to present) marine terrace deposits, beach and dune deposits, and landslide deposits.

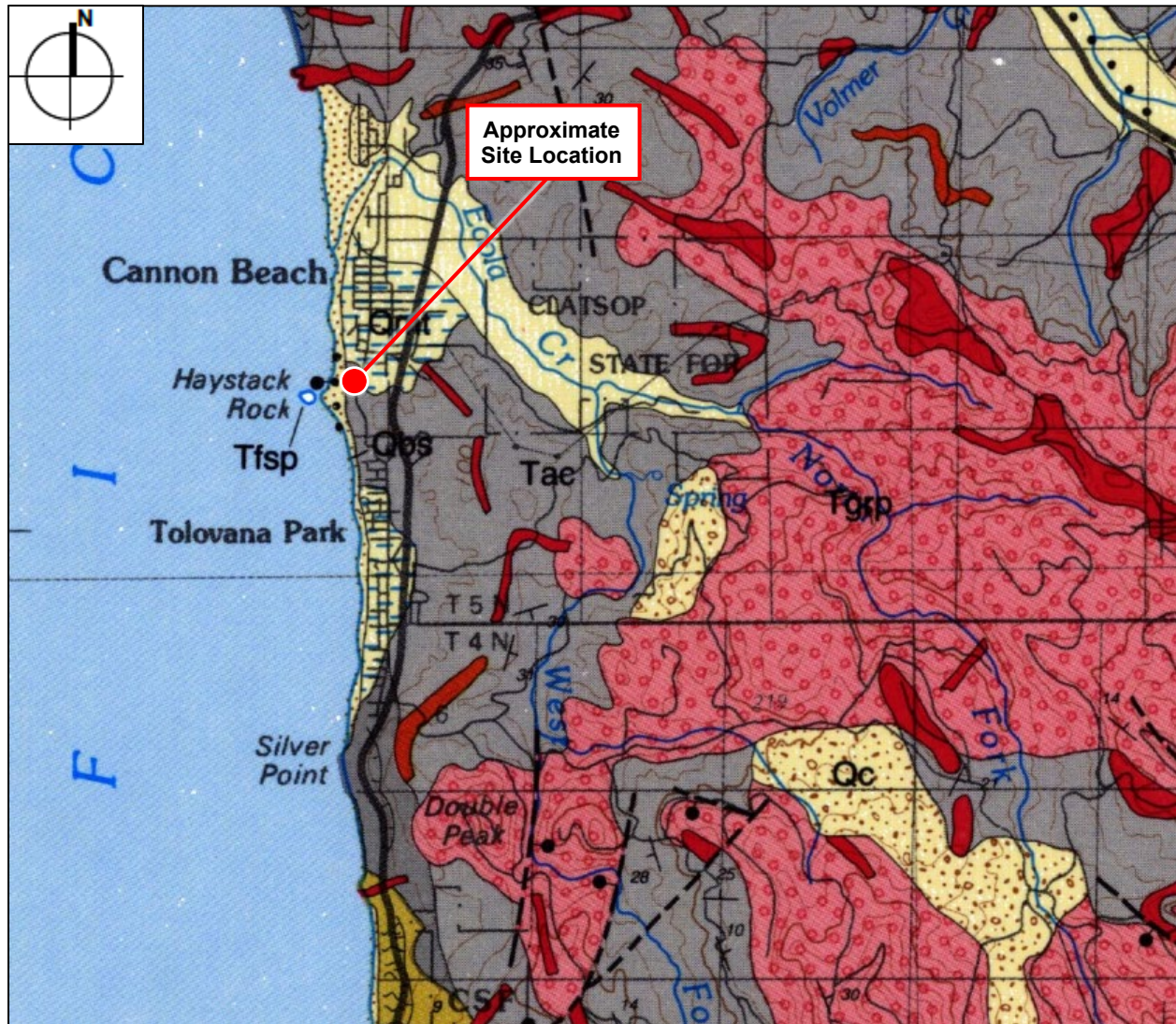
More specifically, Niem and Niem (1985)<sup>2</sup> maps the underlying geology on the subject property as middle to lower Miocene aged Cannon Beach member (informal) of the Astoria Formation from the Astoria Group. This formation is described as a “well-bedded sequence of laminated to

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<sup>1</sup> Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <http://websoilsurvey.nrcs.usda.gov/> accessed 5/24/2022.

<sup>2</sup> Niem, A.R., and Niem, W., 1985, Geologic map of the Astoria Basin, Clatsop and northernmost Tillamook Counties, northwest Oregon: Portland, Oregon, Oregon Department of Geology and Mineral Industries Oil and Gas Investigation Map OGI-14, Plate 1, scale 1:100,000.

massive micaceous mudstone, with subordinate, rhythmically thin-bedded feldspathic sandstone and mudstone in the lower part of the unit". See Figure 3 below.



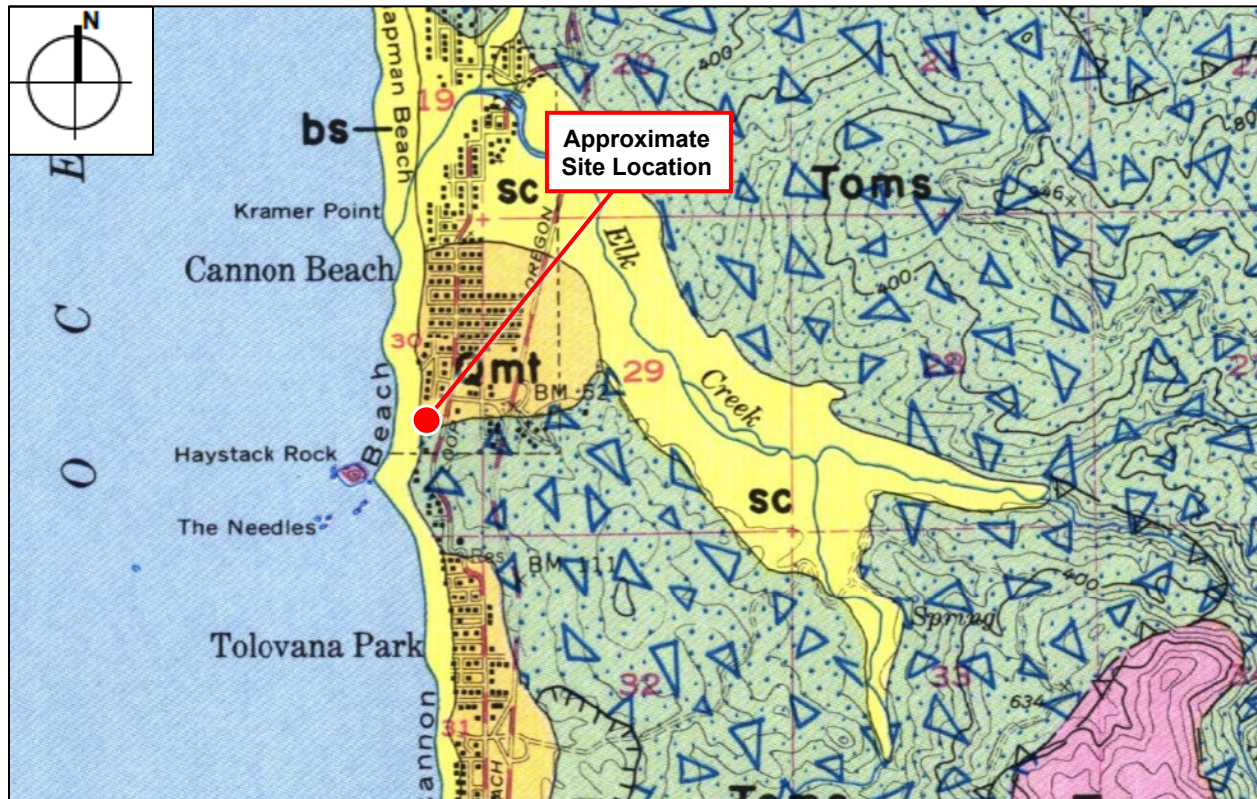
**Figure 3:** Geologic map of the subject property and its surrounding areas (base map source: Niem and Niem, 1985).

In addition, Schlicker and others (1972)<sup>3</sup> indicates that the subject property is mapped adjacent to an active landslide area. Active landslide areas are described as “areas where ground movement is continuous or periodic or areas in which historic movement has taken place. The area includes debris and rockfalls on the headlands, shallow slump failures along terraces fronting the ocean and bays, and areas of local slump in upland areas”. The underlying bedrock unit in

<sup>3</sup> Schlicker, H.G., Deacon, R.J., Beaulieu, J.D., and Olott, G.W., 1972. Environmental Geology of the Coastal Region of Tillamook and Clatsop Counties, Oregon, Oregon Department of Geology and Mineral Industries, Bulletin 74, 1:62,500.



the active landslide area is mapped as Pleistocene aged marine terrace deposits (Qmt). See Figure 4 below.



**Figure 4:** Geologic map of the area; the blue triangle pattern is symbolic of landslide topography (base map source: Schlicker and others, 1972).

We did not observe signs of recent or active landslides from our reconnaissance of the immediate area. Based on our observations of exposed and subsurface soils, as well as the geomorphic features of the site and nearby properties, it is our professional opinion that the site is likely at risk from shallow and deep global landsliding.

The upper, roughly 30 to 40 feet of soft soil is at risk of localized shallow landsliding or soil creep. Adding the weight of a home to this soil layer could increase that risk. As such, we recommend that any house foundations be supported on a deep foundation that extends through this soil layer.

The second landslide risk is from deep-seated block failure given the property may be sitting on a relatively deep portion of the landslide debris. Based on our explorations, it is our professional opinion that the sandstone encountered is the stable layer, therefore extending deep foundations through the upper, compressible soils and bearing them on the sandstone will mitigate the risk of deep global landsliding.



In summary, our recommended approach is to employ a deep foundation system that extends through the compressible, organic soils, and protects the house foundations from shallow, localized landsliding or slope creep that might occur in the future.

### 3.3 Seismicity

Oregon's position at the western margin of the North American Plate and its location relative to the Pacific and Juan de Fuca plates have had a major impact on the geologic development of the state. The interaction of the three plates has created a complex set of stress regimes that influence the tectonic activity of the state. The western part of Oregon is heavily impacted by the influence of the active subduction zone formed by the Juan de Fuca Oceanic Plate converging upon and subducting beneath the North American Continental Plate off the Oregon coastline.

The Cascadia Subduction Zone, located approximately 100 kilometers off of the Oregon and Washington coasts, is a potential source of earthquakes large enough to cause significant ground shaking at the subject site. Research over the last several years has shown that this offshore fault zone has repeatedly produced large earthquakes, on average, every 300 to 700 years. It is generally understood that the last great Cascadia Subduction Zone earthquake occurred about 300 years ago, in 1700 AD. Although researchers do not necessarily agree on the likely magnitude, it is widely believed that an earthquake moment magnitude ( $M_w$ ) of 8.5 to 9.5 is possible. The duration of strong ground shaking is estimated to be greater than 1 minute, with minor shaking lasting on the order of several minutes.

Additionally, earthquakes resulting from movement in upper plate local faults are considered a possibility. Crustal earthquakes are relatively shallow, occurring within 10 to 20 kilometers of the surface. Oregon has experienced at least two significant crustal earthquakes in the past decade—the Scotts Mills (Mt. Angel) earthquake ( $M_w$  5.6) on March 25, 1993 and the Klamath Falls earthquake ( $M_w$  5.9) on September 20, 1993. Based on limited data available in Oregon, it would be reasonable to assume a  $M_w$  6.0 to 6.5 crustal earthquake may occur in Oregon every 500 years (recurrence rate of 10 percent in 50 years). There are no mapped crustal faults in the immediate vicinity of the property, but there is a marine crustal fault approximately 3 miles west of the property<sup>4</sup>.

#### *3.3.1 Seismic Design Parameters*

In accordance with ASCE 7-16, we recommend a Site Class E (soft soil with an average standard penetration resistance less than 15 blows per foot) when considering the average of the upper 100 feet of bearing material beneath the proposed foundations. This recommendation is based on the SPT N-values in our boring B-1 and our local knowledge of the area geology.

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<sup>4</sup> USGS U.S. Quaternary Faults Interactive Map, <https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=5a6038b3a1684561a9b0aadf88412fcf>.

Inputting our recommended Site Class as well as the site latitude and longitude into the Structural Engineers Association of California (SEAOC) – OSHPD Seismic Design Maps website (<http://seismicmaps.org>) which is based on the United States Geological Survey, we obtained the seismic design parameters shown in Table 1 below. Note that the values for  $F_a$  and  $F_v$  in Table 1 were obtained from ASCE's Supplement 3 dated November 5, 2021 and issued for ASCE 7-16 to correct some seismic design issues in the original publication.

**Table 1:** Seismic Design Parameter Recommendations (ASCE 7-16, including Supplement 3 dated November 5, 2021)

PARAMETER	RECOMMENDATION
Site Class	E
$S_s$	1.317g
$S_1$	0.691g
$F_a$	1.200
$F_v$	2.000
$S_{MS} (=S_s \times F_a)$	1.580g
$S_{M1} (=S_1 \times F_v)$	1.382g
$S_{DS} (=2/3 \times S_s \times F_a)$	1.054g
$S_{D1} (=2/3 \times S_1 \times F_v)$	0.921g
Design PGA ( $=S_{DS} / 2.5$ )	0.422g
$MCE_G$ PGA	0.664g
$F_{PGA}$	1.100
$PGA_M (=MCE_G \text{ PGA} \times F_{PGA})$	0.731g

Note: Site latitude = 45.8866, longitude = -123.963

The return interval for the ground motions reported in the table above is 2 percent probability of exceedance in 50 years.

Per Section 11.4.8 of ASCE 7-16 a site-specific ground motion hazard analysis shall be performed in accordance with Section 21.2 for the following conditions:

1. Structures on Site Class D sites with  $S_1$  greater than or equal to 0.2g.

Exception: ASCE 7-16 does not require a site-specific ground motion hazard analysis when the value of  $S_{M1}$  is elected to be increased by 50% for all applications of  $S_{M1}$  by the Structural Engineer. If  $S_{M1}$  is increased by 50% to avoid having to perform the seismic response analysis, then the resulting value of  $S_{D1}$  shall be equal to  $2/3 \times [1.5 \times S_{M1}]$

2. Structures on Site Class E sites with values of  $S_s$  greater than or equal to 1.0, or values of  $S_1$  greater than or equal to 0.2.

Exception: ASCE 7-16 does not require a site-specific ground motion hazard analysis when:

1. The Structural Engineer uses the equivalent lateral force design procedure and the value of  $C_s$  is determined by Eq. 12.8-2 for all values of  $T$ , or
2. Where (i) the value of  $S_{ai}$  is determined by Eq. 15.7-7 for all values of  $T_i$ , and (ii) the value of the parameter  $S_{D1}$  is replaced with  $1.5 \cdot S_{D1}$  in Eq. 15.7-10 and 15.7-11.

We classified this site as Site Class E. Because the  $S_s$  value is greater than 1.0 as shown in Table 1 above, a ground motion hazard analysis is required unless the Structural Engineer elects to increase the  $S_{M1}$  value by 50 percent (which results in increasing the  $S_{D1}$  value by 50 percent). **If the Structural Engineer elects not to utilize the 50 percent increase on  $S_{M1}$  and  $S_{D1}$ , then EEI should be retained to perform a site-specific ground motion hazard analysis in accordance with Section 21.2 of ASCE 7-16.**

### 3.3.2 Liquefaction

Based on our investigation, we consider the soils encountered in our exploration to be liquefiable. Liquefaction occurs when a saturated sand or silt soil starts to behave like a liquid. Liquefaction occurs because of the increased pore pressure and reduced effective stress between solid particles generated by the presence of liquid. It is often caused by severe ground shaking, especially that associated with earthquakes. For the purpose of our hazard evaluation, we consider only the saturated soils within the upper 50 feet of the ground surface to be potentially liquefiable. The liquefaction potential was evaluated based on the SPT  $N_{60}$ -values.

Assuming 2 to 3 percent vertical strain, we estimate that total dynamic settlement caused by an earthquake could be on the order of 9 to 13 inches. This assumes the potentially liquefiable layer is 36 feet thick (i.e. reference boring B-2 where it is potentially liquefiable from 4 to 40 feet). We estimate differential dynamic settlement due to liquefaction could be on the order of 50 to 75 percent of the total dynamic settlement; meaning anywhere from approximately 4.5- to 10-inches of differential dynamic settlement due to liquefaction could occur across the building footprints.

### 3.4 Geologic Hazards

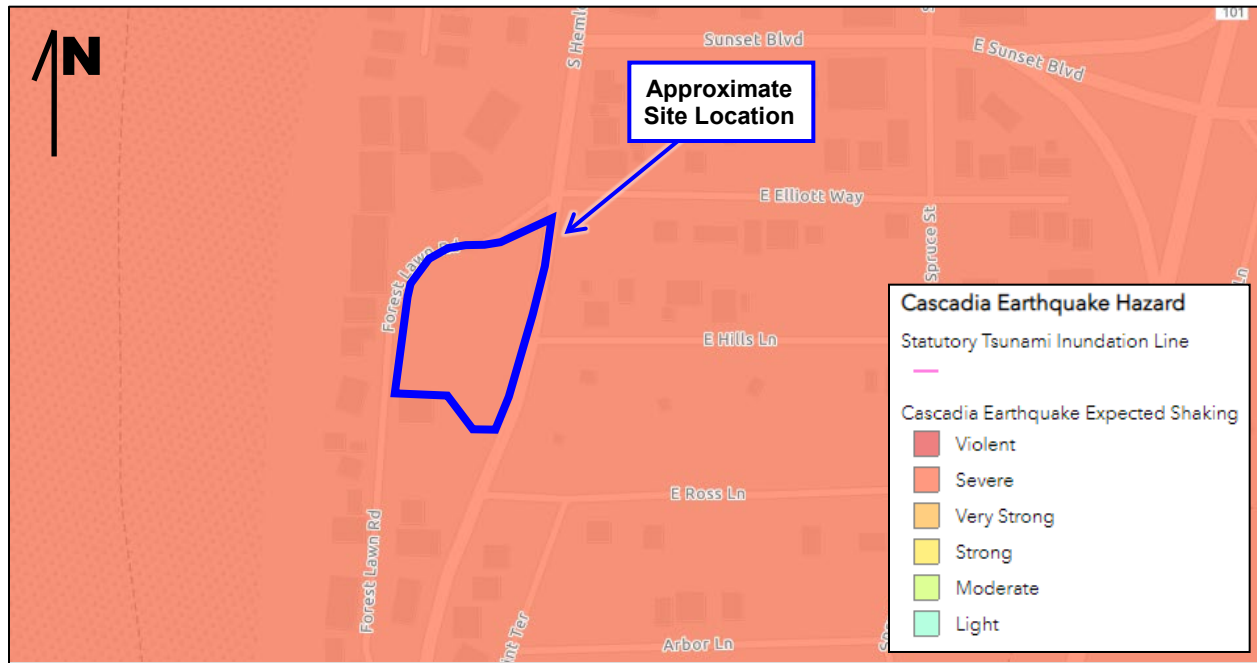
The Oregon Department of Geology and Mineral Resources (DOGAMI) maps various geologic hazards, such as 100-year flooding, earthquake ground shaking, coastal erosion, and landslides.<sup>5</sup> This service, generally referred to as Oregon's HazVu, shows the geologic hazards associated with development of this region of the site to include the following:

- Severe Cascadia earthquake expected shaking
- Very strong crustal earthquake expected shaking
- Low liquefaction (soft soil) hazard area
- Moderate landslide hazard area (i.e. landsliding possible)

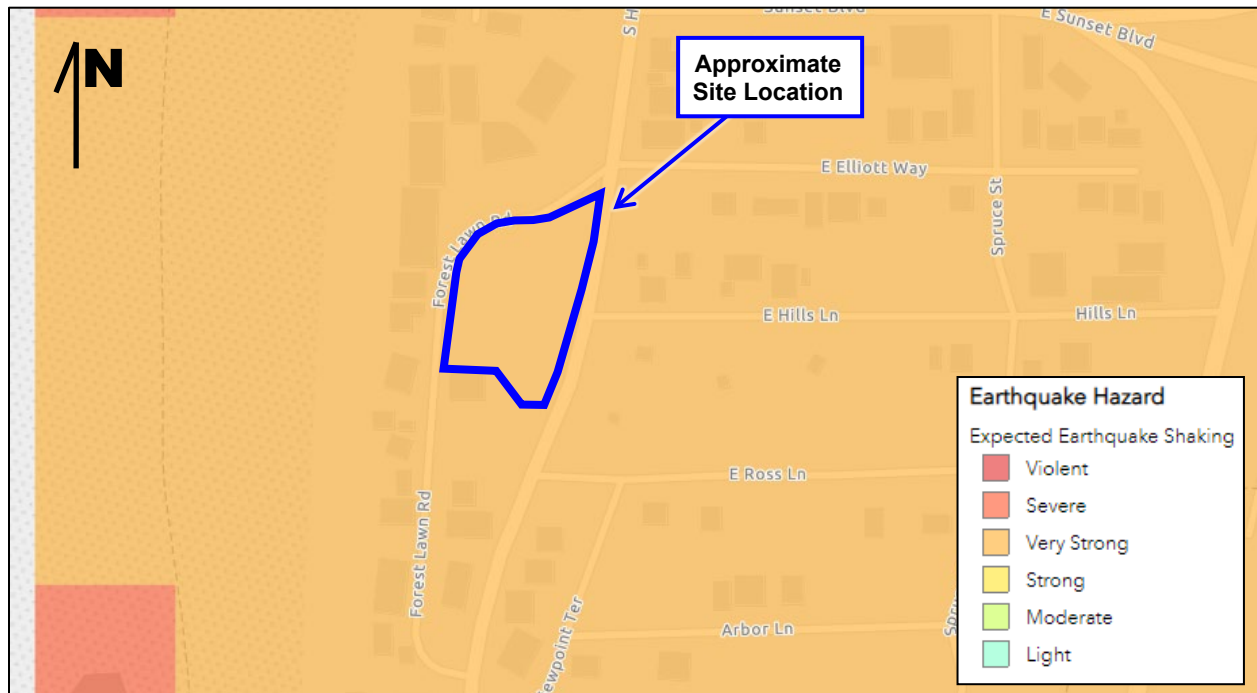
<sup>5</sup> Oregon HazVu: Statewide Geohazards Viewer, available online at: <http://www.oregongeology.org/sub/hazvu/> accessed 5/31/2022.

- In close proximity to mapped landslide deposits
- In close proximity to mapped coastal erosion hazard area

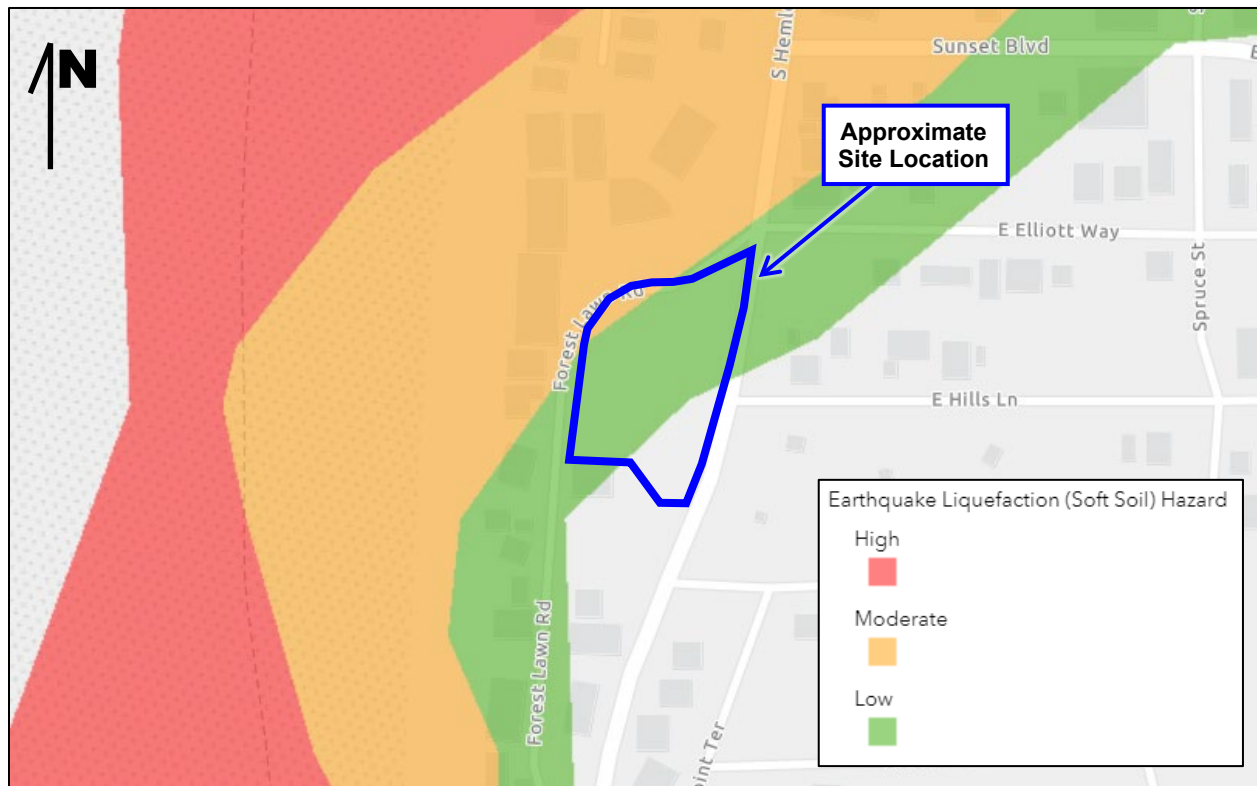
Figures 5 through 10 below show mapping of the geologic hazards as presented by Oregon's HazVu.



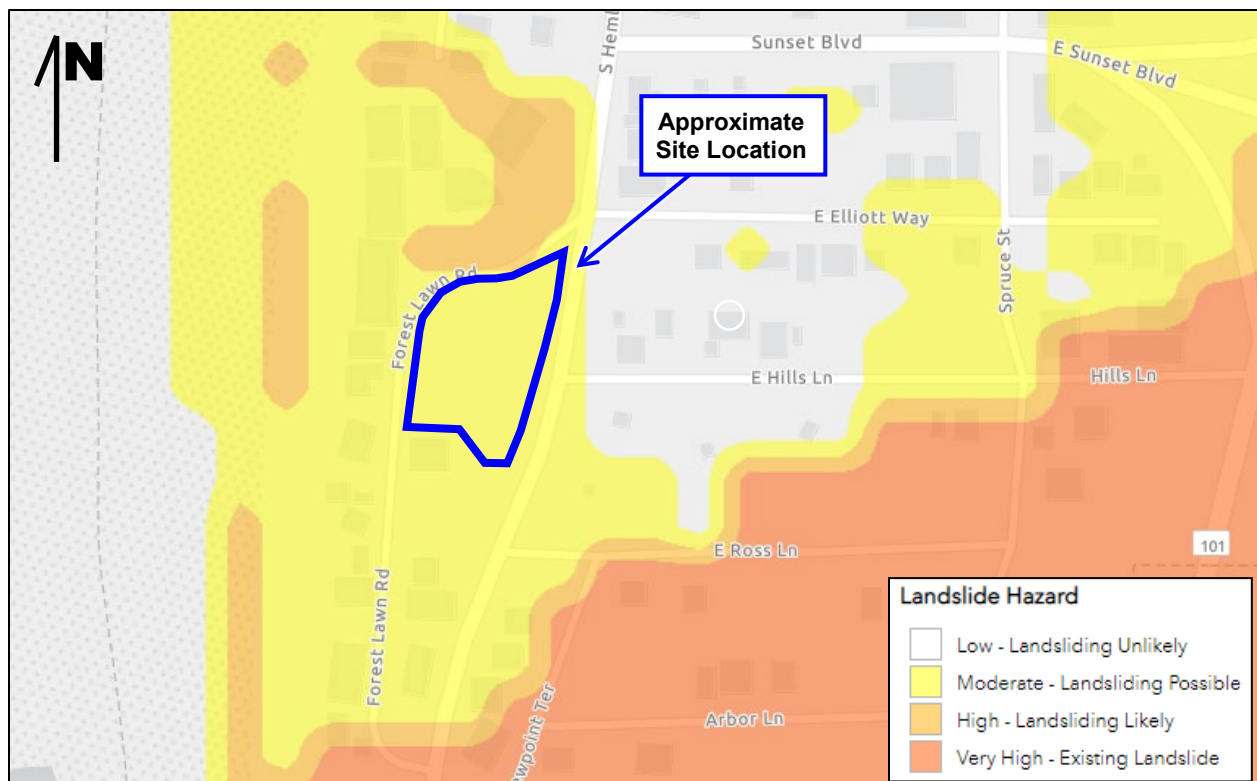
**Figure 5:** HazVu map showing the Cascadia earthquake expected shaking hazard zones.



**Figure 6:** HazVu map showing the crustal earthquake expected shaking hazard zones.



**Figure 7:** HazVu map showing the liquefaction (soft soil) hazard area.



**Figure 8:** HazVu map showing the landslide hazard zones.



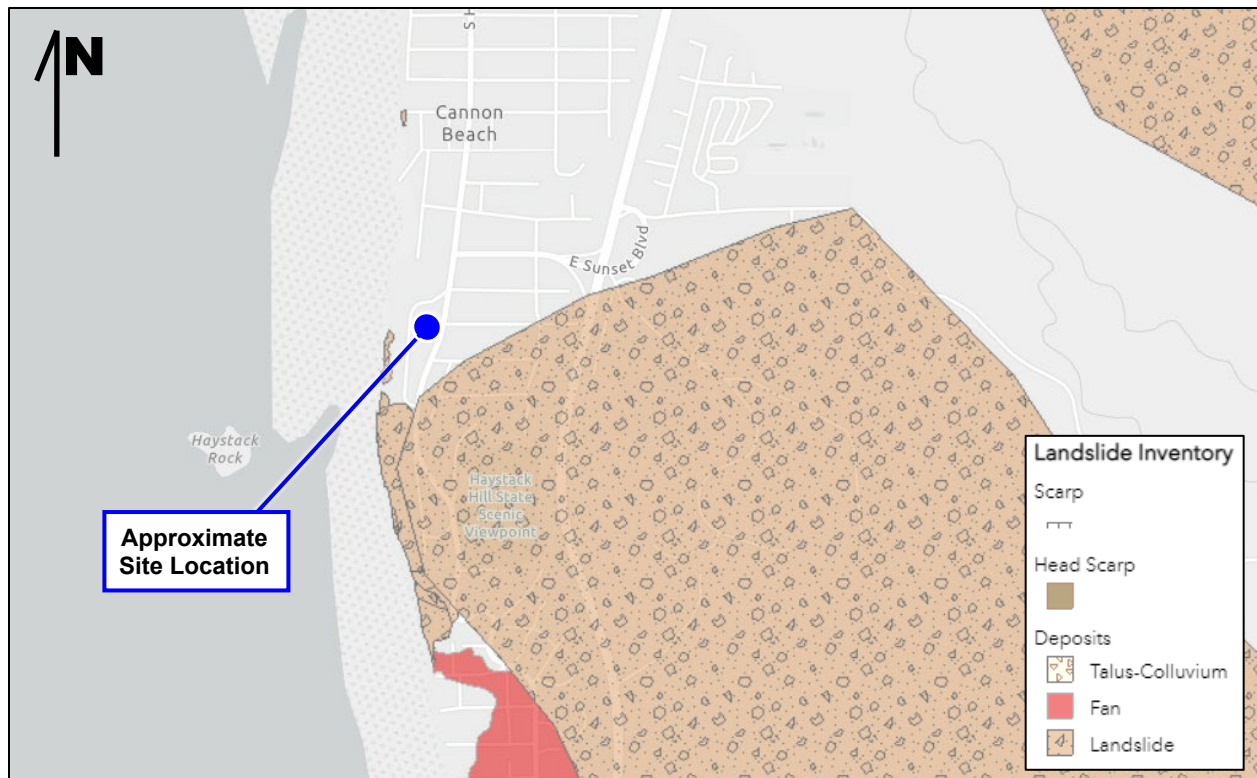


Figure 9: HazVu map showing the mapped landslide deposits.

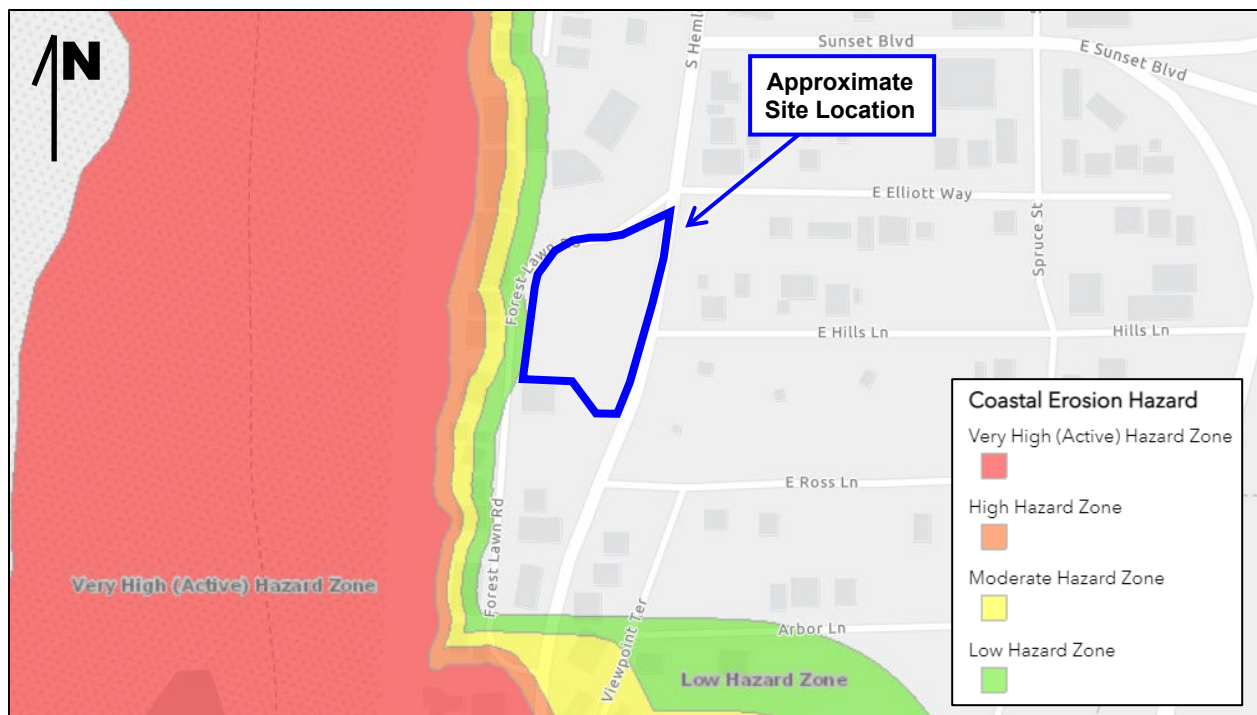
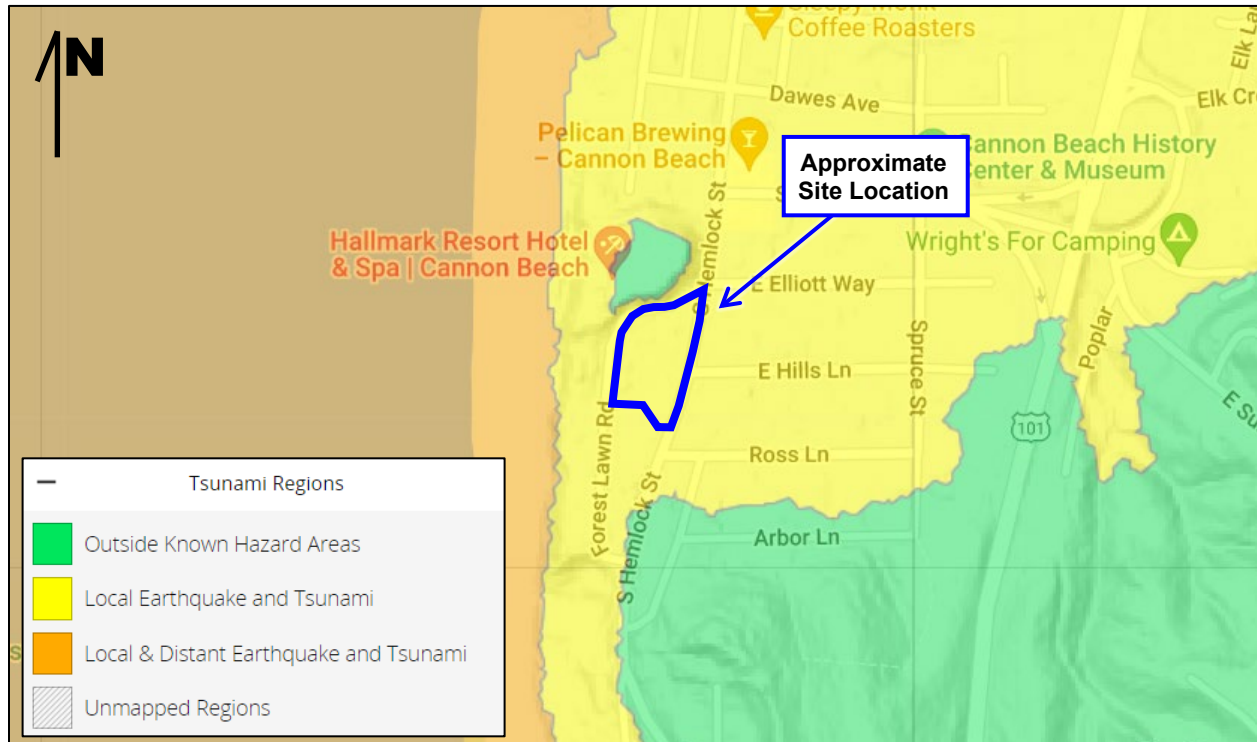


Figure 10: HazVu map showing the mapped coastal erosion hazard.

In addition, we reviewed the Northwest Association of Networked Ocean Observing Systems (NANOOS) Visualization System (NVS) for information on tsunami hazard in proximity to the subject property.<sup>6</sup> The NVS maps the subject property within a local earthquake and tsunami region. See Figure 11 below.



**Figure 11:** NVS map showing the mapped tsunami hazard region.

Based on our site reconnaissance, subsurface explorations, and office research, we consider the site to have the following geologic hazards:

- Earthquake shaking from regional seismic activity.
- Landslide hazard.
- Potential settlement/movement associated with compressible, near surface soils and liquefaction potential.
- Coastal erosion.
- Tsunami hazard from a local CSZ earthquake.

As stated above, the subject property is surrounded by ancient landslides, and is mapped within a moderate landslide hazard area (i.e. landsliding possible). Although the subject property is not mapped within an ancient landslide, the compressible, variable soils we encountered to depths of 30 to 40 feet are consistent with landslide material we have observed in the area. It is very normal/typical for the shallow, compressible soils to slide after wet winter weather or a seismic

<sup>6</sup> Northwest Association of Networked Ocean Observing Systems (NANOOS) Visualization System (NVS), available online at <http://nvs.nanoos.org/TsunamiEvac> accessed 5/31/2022.

event. We do not believe this property is at any greater risk from this hazard than the other numerous existing developed lots in the neighborhood. That being said, we recommend that at a minimum, any house foundations be designed to protect life-safety (i.e. the house is allowed to be damaged by landsliding but the structure stays intact long enough for the occupants to evacuate).

As shown in Figure 10 above, the western property line is mapped within a low risk of coastal erosion hazard. Although we do not believe that the subject property is at immediate risk from coastal erosion, it could recede back towards the home gradually over time. We envision that it would occur in several sequences that would allow for addressing the issue before it ever reached the house. In addition, any structures would be protected from erosion if supported on a foundation that bears directly on the more stable sandstone stratum (i.e. piles).

As shown in Figure 11 above, the property is at risk of being inundated by a tsunami. We are not providing any geotechnical recommendations for mitigating that risk from tsunami level events. Developing on the lot means that the property owner needs to accept the risk of damage to the residences in the event of a tsunami.

In summary, it is our professional opinion that the proposed residential development on this property is feasible, subject to the geotechnical engineering recommendations and acceptance of geologic hazards risk presented in this report. Primary considerations should be made to not placing any new fill to raise site grades, and maintaining adequate site surface and subsurface drainage. Vegetation should also be maintained to prevent excessive erosion, and should only be removed where needed to complete the proposed construction. Additionally, the house foundations should extend to the native sandstone and be engineered with the idea of resisting the effects of earthquake shaking. These recommendations are discussed in more detail in Section 4 below. Ultimately, owning a home in this area means there is an acceptance of risk that the property is located among very large ancient landslide deposits and within a landslide hazard area that could reactivate at some time in the future, possibly en masse due to a Cascadia Subduction Zone earthquake event.

## **4.0 EVALUATION AND FOUNDATION RECOMMENDATIONS**

### **4.1 Geotechnical Discussion**

Based on our site reconnaissance, it is our professional opinion that the primary factors impacting the proposed development include the following:

- 1. Presence of weak, compressible, organic soils** – As discussed above, we encountered compressible, organic soils to a depth of approximately 30 to 40 feet bgs. The compressible soils encountered had an N-value average of 2 (i.e. generally loose). It is our professional opinion that these compressible soils are not sufficient for shallow foundation support. As such, we recommend all foundations penetrate through these variable soils to bear on the medium dense to very dense sandstone first encountered in our borings at a depth of 30 to 40 feet bgs. See Section 4.5 below for detailed deep foundation recommendations (i.e. pin piles or helical piers).
- 2. Presence of potentially liquefiable soils** – As stated above, there are potentially liquefiable soils located at the project site. Based on our analysis, approximately 9- to 13-inches of total dynamic settlement due to liquefaction could occur with potential differential settlements up to approximately 4.5- to 10-inches across the proposed buildings' footprints. This much settlement precludes the use of shallow foundations. As stated above, we are recommending deep foundations for the proposed development that will mitigate risk of settlement in a design level earthquake event.
- 3. Presence of organics** – As stated above, we encountered heavy organics (i.e. wood chips and rootlets) in all of our explorations. The presence of organics extended to depths of 25 to 30 feet bgs. It is our professional opinion that this material is not sufficient to provide shallow foundation support without risking excess total and differential settlements. As such, we are providing deep foundation recommendations that penetrate through these organic soils to bear on the medium dense to very dense sandstone stratum encountered at a depth of approximately 30 to 40 feet bgs. In addition, the organic soils are unsuitable for use as structural fill.
- 4. Shallow groundwater** – As previously mentioned, we encountered groundwater at depths ranging from 1 to 6 feet bgs across the subject property at the time of our subsurface investigation. The contractor should anticipate the need to dewater for any excavations deeper than about 1-foot. The need to dewater can be lessened if the construction occurs in the dry summer and early fall months. Detailed dewatering design is typically left up to the contractor's means and methods, and is not part of our current scope of services.
- 5. Limited explorations** – As stated above, the project is in its preliminary stages. As a result, the property has not been cleared for accessibility and we were therefore only able

to advance drilled borings on the outer portion of the proposed development (i.e. along the property line). It should be noted we did advance hand tool explorations in the southern portion of the property (i.e. where it is not as densely vegetated), however based on the limited nature of hand tool explorations, we were unable to determine the depth to sandstone in these areas. Once the project is further along and the site is more accessible, we would be available to perform additional drilled borings on the 3 lots. This is not a requirement; it is just a suggestion if there is a desire by the project team to better define the depth the piles will need to go to reach the dense sandstone stratum.

- 6. Lack of detailed design drawings** – Given this project is in its preliminary stages, we have not been provided with a detailed design drawing set for the proposed construction. Once the drawings are complete, we should be forwarded a copy to review for compliance with our geotechnical engineering recommendations.

In summary, this site appears to be developable provided our geotechnical engineering recommendations are followed and the geologic hazard risks are acceptable.

#### 4.2 Site Preparation

Minimal site preparation will be required to install the piles. Any utilities present beneath the proposed construction will need to be located and rerouted as necessary and any abandoned pipes or utility conduits should be removed to inhibit the potential for subsurface erosion. Utility trench excavations should be backfilled with properly compacted structural fill as discussed in Section 4.3 below.

#### 4.3 Structural Fill

Any structural fill placed should be granular, free of organic or other deleterious materials, have a maximum particle size less than 3 inches, be relatively well graded, and have a liquid limit less than 45 and plasticity index less than 25. In our professional opinion, on-site soils are **not** appropriate for use as fill due to the presence of organics. As such, we recommend importing granular, well graded, crushed rock structural fill. Typically, we recommend fill be moisture conditioned to within 3 percentage points below and 2 percentage points above optimum moisture as determined by ASTM D1557 (Modified Proctor). If water must be added, it should be uniformly applied and thoroughly mixed into the soil by diskings or scarifying.

Fill should be placed in a relatively uniform horizontal lift on the prepared subgrade. Each loose lift should be about 1 foot. The type of compaction equipment used will ultimately determine the maximum lift thickness. Structural fill should be compacted to at least 92 percent of the Modified Proctor maximum dry density as determined by ASTM D1557.



Each lift of compacted engineered fill should be tested by a representative of the Geotechnical Engineer prior to placement of subsequent lifts. The fill should extend horizontally outward beyond the exterior perimeter of the building and pavements at least 5 and 3 feet, respectively, prior to sloping.

#### 4.4 Foundation Recommendations

##### *4.4.1 Pin Pile Recommendations*

Once the site has been prepared, we recommend the proposed building be supported by 6-inch diameter, schedule 80 steel pipe piles driven to practical refusal using a hydraulic 2,000-pound hammer or equivalent. We also recommend the pin piles all be connected by an integrated, gridded system of rigid grade beams. Refusal for a 6-inch diameter pipe pile using a hammer of this size should be defined as less than 1-inch of penetration in 10 seconds or more. When practical, this refusal criteria should be met for the last 60 seconds of pile driving.

Assuming the piles are driven to refusal using these criteria, the allowable axial capacity for a pile installed vertically would be 30 kips in compression. This allowable axial capacity assumes a factor of safety of 2.0. We recommend a maximum lateral load resistance of 1.0 kip for each vertical pile as long as they are spaced a distance of at least 6D (measured from center to center) where D represents the diameter of the pile. If additional lateral load resistance is needed, we can provide battered pile recommendations.

Based on the known subsurface conditions we anticipate that properly constructed pin pile foundations driven to refusal will experience static settlements less than 1-inch and 1/2-inch of total and differential settlement, respectively. We estimate that the average pile driving refusal depth will be encountered at approximately 40 to 50 feet bgs.

##### *4.4.2 Helical Pier Recommendations*

We are also providing helical pier recommendations for the subject site to minimize noise disturbance (i.e. from driving the pin piles). It should be noted that helical piers can hit shallow refusal due to subsurface obstructions (i.e. rocks and/or debris). We encountered heavy organics and trace gravel in our explorations. As such, the contractor should anticipate the need to put in additional effort to get through the debris.

We recommend galvanized round shaft helical piers with a 12-inch diameter single helix. The helical piers should be installed so that the helix is embedded into the medium dense to very dense sandstone encountered at depths of 30 to 40 feet bgs in both of our explorations. In order to achieve the design loads outlined below, the helix needs to be embedded at least 1 foot. For preliminary budgeting purposes, we recommend the helical piers be planned for lengths of 35 to 45 feet.

We have assumed a 2-7/8 inch diameter round shaft helical piers will be used. The 2-7/8-inch diameter helical piers are typically manufactured to have a maximum axial compressive load capacity of 80 kips. Applying a FOS of 2, the piers can be designed for an allowable load capacity of 40 kips. If greater load capacity is needed, a larger shaft diameter can be selected. If requested, we can provide load capacities for larger shaft diameters. In order to use a FOS of 2, at least one helical pier should be load tested in compression for the project. If no load test is performed, then a FOS of 3 should be used..

Any helical piles installed vertically (i.e. not battered) may be designed for an allowable lateral load of up to 1 kip. If additional lateral loads are required the piles should be battered to achieve the necessary loads.

To utilize the fully recommended capacity, the helical piers should be laterally spaced no closer than 3 pier diameters, measured center to center (i.e. 3 feet for a piers with a 12-inch lead helical).

EEI should be scheduled to be on site when each helical pier is installed to inspect the installation and verify our recommendations are met. We also should be scheduled to be on site to inspect and approve the pile load test.

#### 4.5 Floor Slab Recommendations

For the purposes of this report, we have assumed that maximum floor slab loads will not exceed 150 psf. Based on the existing soil conditions, the design of the floor slab can be based on a subgrade modulus (k) of 100 pci. This subgrade modulus value represents an anticipated value which would be obtained in a standard in-situ plate test with a 1-foot square plate. Use of this subgrade modulus for design or other on-grade structural elements should include appropriate modification based on dimensions as necessary.

In order to fully mitigate the risk of settlement, the concrete floor slab would need to be tied into the grade beams and supported on the deep foundation elements recommended above (i.e. designed as a structural floor slab). However, if a conventional, less expensive floor slab-on-grade is preferred, to at least partially mitigate the risk of potential settlement, the floor slab should be supported on at least 12-inches of properly compacted crushed rock gravel structural fill overlying the existing soils. This approach means that there is some acceptance of risk that there could be settlement cracking in floor slabs on grade. The structural fill recommendations are outlined in Section 4.3 above. The floor slabs should have an adequate number of joints to reduce cracking resulting from any differential movement and shrinkage.

Prior to placing the structural fill, the exposed subgrade surface should be prepared as discussed in Section 4.2. In addition, we recommend a proof-roll utilizing a fully loaded, dual axle dump truck or water truck in order to identify any unstable areas that should be removed prior to structural fill placement. The proofroll should be observed by a representative of the Geotechnical Engineer. If the subgrade cannot be accessed with a dump truck, then the subgrade will need to be visually

evaluated by a representative of the Geotechnical Engineer by soil probing. If fill is required, the structural fill should be placed on the prepared subgrade after it has been approved by the Geotechnical Engineer.

The 12-inch thick crushed rock structural fill should provide a capillary break to limit migration of moisture through the slab. If additional protection against moisture vapor is desired, a moisture vapor retarding membrane may also be incorporated into the design. Factors such as cost, special considerations for construction, and the floor coverings suggest that decisions on the use of vapor retarding membranes be made by the project design team, the contractor and the owner.

#### 4.6 Retaining Wall Recommendations

As stated above, the project is currently in its preliminary stages. As such, we have not been made aware of any proposed retaining walls. Once more detailed plans are known about retaining walls (if any), we should be provided the drawings so that we can update our recommendations as necessary. For the purposes of this report, we have assumed that no walls will be greater than 10 feet tall.

Retaining wall footings should be designed in general accordance with the recommendations contained in Section 4.4 above (i.e. pin piles or helical piers). For insignificant landscape retaining walls not greater than 4 feet tall, where excessive wall movement due to ground movement is acceptable and not a risk to life-safety, they may be supported on conventional shallow foundations designed for an allowable soil bearing capacity of up to 1,500 pounds per square foot.

Lateral earth pressures on walls, which are not restrained at the top, may be calculated on the basis of an "active" equivalent fluid pressure of 35 pcf for level backfill, and 60 pcf for sloping backfill with a maximum 2H:1V slope. Lateral earth pressures on walls that are restrained from yielding at the top (i.e. stem walls) may be calculated on the basis of an "at-rest" equivalent fluid pressure of 55 pcf for level backfill, and 90 pcf for sloping backfill with a maximum 2H:1V slope. The stated equivalent fluid pressures do not include surcharge loads, such as foundation, vehicle, equipment, etc., adjacent to walls, hydrostatic pressure buildup, or earthquake loading. Surcharge loads on walls should be calculated based on the attached calculations/formulas shown in Appendix H.

We recommend that retaining walls be designed for an earth pressure determined using the Mononobe-Okabe method to mitigate future seismic forces. Our calculations were based on one-half of the Design Peak Ground Acceleration (PGA) value of 0.422g, which was obtained from Table 1 above. We have assumed that the retained soil/rock will have a minimum friction angle of 29 degrees and a total unit weight of about 115 pounds per cubic foot. For seismic loading on retaining walls with level backfill, new research indicates that the seismic load is to be applied at 1/3 H of the

wall instead of  $\frac{2}{3} H$ , where  $H$  is the height of the wall<sup>7</sup>. We recommend that a Mononobe-Okabe earthquake thrust per linear foot of  $13.7 \text{ psf} \cdot H^2$  be applied at  $\frac{1}{3} H$ , where  $H$  is the height of the wall measured in feet. Note that the recommended earthquake thrust value is appropriate for slopes behind the retaining wall of up to 10 degrees.

Any minor amount of backfill for retaining walls should be select granular material, such as sand or crushed rock with a maximum particle size between  $\frac{3}{4}$  and  $1 \frac{1}{2}$  inches, having less than 5 percent material passing the No. 200 sieve. As stated above, the onsite soils do not meet the requirement for structural fill, and it will be necessary to import material to the project for structure backfill. Silty soils can be used for the last 18 to 24 inches of backfill, thus acting as a seal to the granular backfill.

All backfill behind retaining walls should be moisture conditioned to within  $\pm 2$  percent of optimum moisture content, and compacted to a minimum of 90 percent of the material's maximum dry density as determined in accordance with ASTM D1557. Fill materials should be placed in layers that, when compacted, do not exceed about 8 inches. Care in the placement and compaction of fill behind retaining walls must be taken in order to ensure that undue lateral loads are not placed on the walls.

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<sup>7</sup> Lew, M., et al (2010). "Seismic Earth Pressures on Depp Building Basements," SEAOC 2010 Convention Proceedings, Indian Wells, CA.

## **5.0 CONSTRUCTION CONSIDERATIONS**

EEl should be retained to provide observation and testing of construction activities involved in the foundation, earthwork, and related activities of this project. EEl cannot accept any responsibility for any conditions that deviate from those described in this report, nor for the performance of the foundations if not engaged to also provide construction observation for this project.

### **5.1 Moisture Sensitive Soils/Weather Related Concerns**

The upper soils encountered at this site are expected to be sensitive to disturbances caused by construction traffic and to changes in moisture content. During wet weather periods, increases in the moisture content of the soil can cause significant reduction in the soil strength and support capabilities. In addition, soils that become wet may be slow to dry and thus significantly retard the progress of grading and compaction activities. While not required, it will be advantageous to perform earthwork and foundation construction activities during dry weather.

### **5.2 Drainage and Groundwater Considerations**

Water should not be allowed to collect in the foundation excavations or on prepared subgrades for the floor slab during construction. Positive site drainage should be maintained throughout construction activities. Undercut or excavated areas should be sloped toward one corner to facilitate removal of any collected rainwater, groundwater, or surface runoff.

The site grading plan should be developed to provide rapid drainage of surface water away from the building areas and to inhibit infiltration of surface water around the perimeter of the building and beneath the floor slab. The grades should be sloped away from the building area. Stormwater should be piped (tightlined) to an existing city storm sewer or to a drainage ditch.

### **5.3 Excavations**

In Federal Register, Volume 54, No. 209 (October 1989), the United States Department of Labor, Occupational Safety and Health Administration (OSHA) amended its "Construction Standards for Excavations, 29 CFR, part 1926, Subpart P". This document and subsequent updates were issued to better insure the safety of workmen entering trenches or excavations. It is mandated by this federal regulation that excavations, whether they be utility trenches, basement excavations or footing excavations, be constructed in accordance with the new OSHA guidelines. It is our understanding that these regulations are being strictly enforced and if they are not closely followed, the owner and the contractor could be liable for substantial penalties.



The contractor is solely responsible for designing and constructing stable, temporary excavations and should shore, slope, or bench the sides of the excavations as required to maintain stability of both the excavation sides and bottom. The contractor's "responsible person", as defined in 29 CFR Part 1926, should evaluate the soil exposed in the excavations as part of the contractor's safety procedures. In no case should slope height, slope inclination, or excavation depth, including utility trench excavation depth, exceed those specified in local, state, and federal safety regulations.

We are providing this information solely as a service to our client. EEI does not assume responsibility for construction site safety or the contractor's compliance with local, state, and federal safety or other regulations.

## **6.0 REPORT LIMITATIONS**

As is standard practice in the geotechnical industry, the conclusions contained in our report are considered preliminary because they are based on assumptions made about the soil, rock, and groundwater conditions exposed at the site during our subsurface investigation. A more complete extent of the actual subsurface conditions can only be identified when they are exposed during construction. Therefore, EEI should be retained as your consultant during construction to observe the actual conditions and to provide our final conclusions. If a different geotechnical consultant is retained to perform geotechnical inspection during construction, then they should be relied upon to provide final design conclusions and recommendations, and should assume the role of geotechnical engineer of record, as is the typical procedure required by the governing jurisdiction.

The geotechnical recommendations presented in this report are based on the available project information, and the subsurface materials described in this report. If any of the noted information is incorrect, please inform EEI in writing so that we may amend the recommendations presented in this report, if appropriate, and if desired by the client. EEI will not be responsible for the implementation of its recommendations when it is not notified of changes in the project.

Once construction plans are finalized and a grading plan has been prepared, EEI should be retained to review those plans, and modify our existing recommendations related to the proposed construction, if determined to be necessary.

The Geotechnical Engineer warrants that the findings, recommendations, specifications, or professional advice contained herein have been made in accordance with generally accepted professional geotechnical engineering practices in the local area. No other warranties are implied or expressed.

This report has been prepared for the exclusive use of Patrick/Dave, LLC for the specific application to the proposed Forest Lawn Subdivision, Lots 1-3, located on County Tax Lot No. 51030DA04100 in Cannon Beach, Clatsop County, Oregon. EEI does not authorize the use of the advice herein nor the reliance upon the report by third parties without prior written authorization by EEI.

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## **APPENDICES**

## APPENDIX A – SITE LOCATION PLAN



Base Map Source: <https://livingatlas.arcgis.com/topoexplorer/>



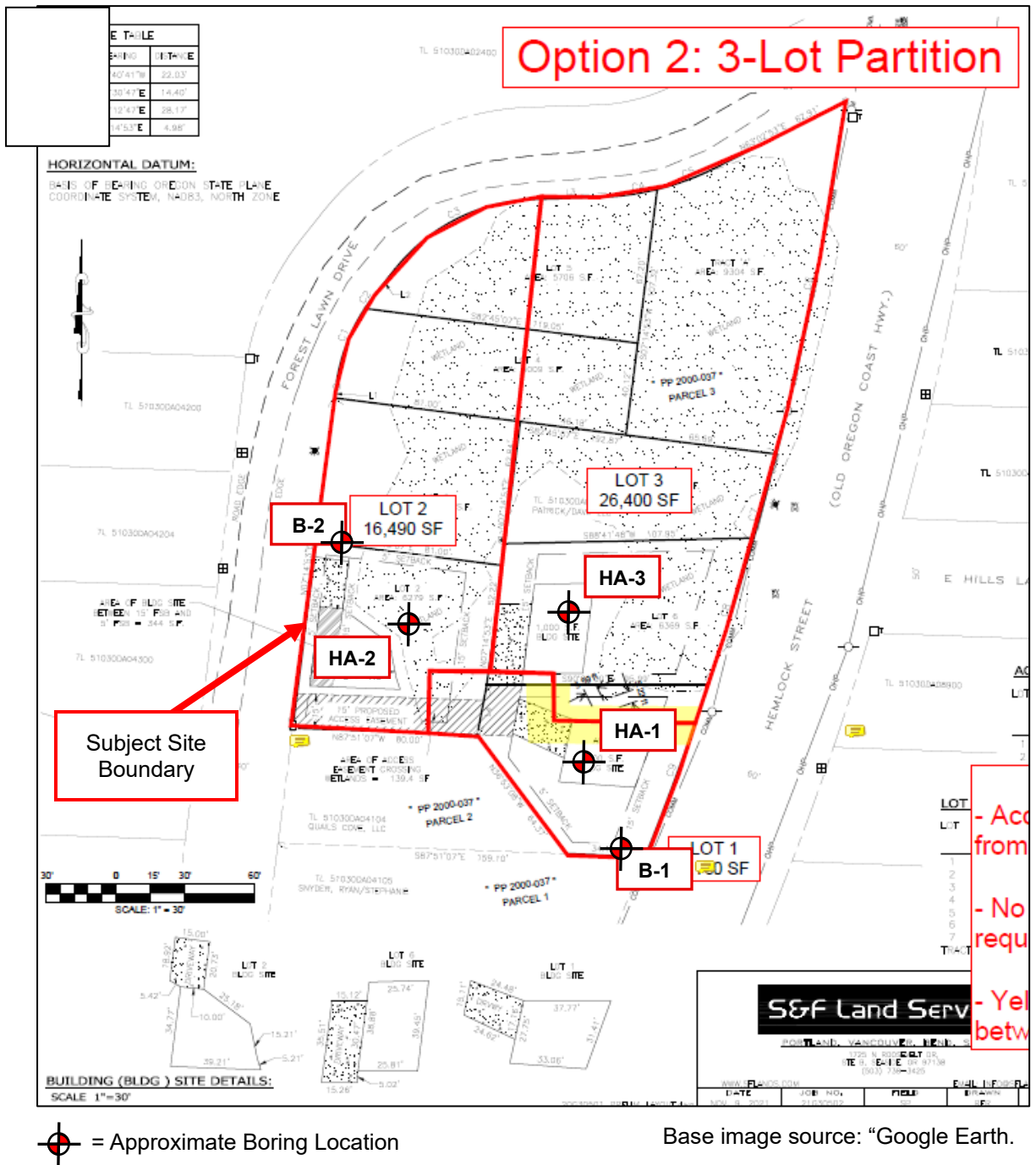
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Inc.

**Proposed Forest Lawn Subdivision, Lots 1-3**  
**Tax Lot #51030DA04100**  
**Intersection of Forest Lawn Road and South**  
**Hemlock Street**  
**Cannon Beach, Clatsop County, Oregon**

**Report No.**  
**22-103-1**

**June 3, 2022**

## APPENDIX B – EXPLORATION LOCATION PLAN



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**Proposed Forest Lawn Subdivision, Lots 1-3**  
**Tax Lot #51030DA04100**  
**Intersection of Forest Lawn Road and South**  
**Hemlock Street**  
**Cannon Beach, Clatsop County, Oregon**

**Report No.**  
**22-103-1**

**June 3, 2022**





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## Appendix C: Boring B-1

Sheet 1 of 2

Client: Red Crow, LLC  
Project: Proposed Forest Lawn Subdivision  
Site Address: Tax Lot No. 51030AA04402  
Forest Lawn Road, Clatsop County, Cannon Beach, OR  
Location of Exploration: See Appendix B  
Logged By: Jacqui Boyer

Report Number: 22-103-1  
Drilling Contractor: Dan J Fischer Excavating, Inc.  
Drilling Method: Solid Stem Auger  
Drilling Equipment: Big Beaver w/ SPT Cathead Hammer  
Approximate Ground Surface Elevation (ft msl): 46  
Date of Exploration: 5/4/2022

Depth (ft)	Water Level	Lithology		Sampling Data								Remarks
		Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Blows per 6 Inches	N-value	Moisture Content (%)	% Passing #200 Sieve	Liquid Limit	Plastic Limit	Pocket Pen (tsf)	
0			Topsoil - dark brown sandy silt with organics, moist	SPT-1	1	2	64					
2			Silt (ML) - gray-brown to dark brown silt with orange and gray mottling, rootlets, moist to wet, soft		0							
					2							
4				SPT-2	2	2	68					
					1							
6				SPT-3	2	2	65				0.5	
					1							
8			chunks of dry, orange soil encountered	SPT-4	1	4	53				0.75	
					2							
10					2							
			Silt (MH) - blue-gray to dark brown, high plasticity silt, moist to wet, very soft to soft	SPT-5	0	1	211				0	
12					1							
14			heavy organics (wood chips and rootlets) encountered in split spoon	SPT-6	1	2	89				0.75	
					1							
16			heavy organics encountered in split spoon	SPT-7	1	2	388				1	
					1							
18												
20			heavy organics encountered in split spoon	SPT-8	1	3	191				0.75	
					1							
22					2							
24												
26			Sand (SM) - gray to blue-gray silty sand, moist to wet, very loose	SPT-9	2	4	76					
					2							
28					2							
30												

Notes : Boring terminated at a depth of approximately 33.5 feet below ground surface (bgs) due to practical drilling refusal. Groundwater encountered at a depth of 6 feet bgs at the time of our exploration. Boring backfilled with bentonite chips on 5/4/22. N-values reported are based on the use of a cathead hammer (i.e. no correction factor). Approximate elevation from Google Earth.



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## Appendix C: Boring B-1

Sheet 2 of 2

Client: Red Crow, LLC  
Project: Proposed Forest Lawn Subdivision  
Site Address: Tax Lot No. 51030AA04402  
Forest Lawn Road, Clatsop County, Cannon Beach, OR  
Location of Exploration: See Appendix B  
Logged By: Jacqui Boyer

Report Number: 22-103-1  
Drilling Contractor: Dan J Fischer Excavating, Inc.  
Drilling Method: Solid Stem Auger  
Drilling Equipment: Big Beaver w/ SPT Cathead Hammer  
Approximate Ground Surface Elevation (ft msl): 46  
Date of Exploration: 5/4/2022

Depth (ft)	Water Level	Lithology		Sampling Data													
		Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Blows per 6 Inches	N-value	Moisture Content (%)	% Passing #200 Sieve	Liquid Limit	Plastic Limit	Pocket Pen (tsf)	Remarks					
30			Sandstone - blue-gray sandstone with few to little silt, moist, dense to very dense	SPT-10	9		26					drilling difficulty increased					
					14												
					21												
32				SPT-11	26		11										drilling refusal
					31												
			34														
34																	
36																	
38																	
40																	
42																	
44																	
46																	
48																	
50																	
52																	
54																	
56																	
58																	
60																	

Notes : Boring terminated at a depth of approximately 33.5 feet below ground surface (bgs) due to practical drilling refusal. Groundwater encountered at a depth of 6 feet bgs at the time of our exploration. Boring backfilled with bentonite chips on 5/4/22. N-values reported are based on the use of a cathead hammer (i.e. no correction factor). Approximate elevation from Google Earth.



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## Appendix C: Boring B-2

Sheet 1 of 2

Client: Red Crow, LLC  
Project: Proposed Forest Lawn Subdivision  
Site Address: Tax Lot No. 51030AA04402  
Forest Lawn Road, Clatsop County, Cannon Beach, OR  
Location of Exploration: See Appendix B  
Logged By: Jacqui Boyer

Report Number: 22-103-1  
Drilling Contractor: Dan J Fischer Excavating, Inc.  
Drilling Method: Solid Stem Auger  
Drilling Equipment: Big Beaver w/ SPT Cathead Hammer  
Approximate Ground Surface Elevation (ft msl): 42  
Date of Exploration: 5/4/2022

Depth (ft)	Water Level	Lithology		Sampling Data								Remarks
		Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Blows per 6 Inches	N-value	Moisture Content (%)	% Passing #200 Sieve	Liquid Limit	Plastic Limit	Pocket Pen (tsf)	
0			Topsoil - dark brown sandy silt with organics, moist	SPT-1	2	8	21					
2			Sand (SM) - gray-brown to dark brown sand with trace broken rock fragments, woodchips and rootlets, moist to wet, very loose to loose		4							
4				SPT-2	2	3	32	8				
6			Silt (ML) - blue-gray silt with trace rootlets, moist to wet, very soft	SPT-3	0	0	72	93	42	32	0	
8				SPT-4	0	1	59	94			0	
10			Silt (MH) - gray to brown, high plasticity silt, moist to wet, very soft	SPT-5	1	2	50	97	58	46	0.75	
12					1							
14					1							
16			heavy organics (wood chips and rootlets) encountered in split spoon	SPT-6	1	2	125				0.5	
18					1							
20					1							
22			heavy organics encountered in split spoon	SPT-7	1	2	165				0.5	
24					1							
26			Sand (SM) - brown silty sand with trace organics, wet, very loose	SPT-8	1	4	124	26				
28					2							
30					2							

Notes : Boring terminated at a depth of approximately 51.5 feet below ground surface (bgs). Groundwater encountered at a depth of 4 feet bgs at the time of our exploration. Boring backfilled with bentonite chips on 5/4/22. N-values reported are based on the use of a cathead hammer (i.e. no correction factor). Approximate elevation from Google Earth.



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## Appendix C: Boring B-2

Sheet 2 of 2

Client: Red Crow, LLC  
Project: Proposed Forest Lawn Subdivision  
Site Address: Tax Lot No. 51030AA04402  
Forest Lawn Road, Clatsop County, Cannon Beach, OR  
Location of Exploration: See Appendix B  
Logged By: Jacqui Boyer

Report Number: 22-103-1  
Drilling Contractor: Dan J Fischer Excavating, Inc.  
Drilling Method: Solid Stem Auger  
Drilling Equipment: Big Beaver w/ SPT Cathead Hammer  
Approximate Ground Surface Elevation (ft msl): 42  
Date of Exploration: 5/4/2022

Depth (ft)	Water Level	Lithology		Sampling Data										
		Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Blows per 6 Inches	N-value	Moisture Content (%)	% Passing #200 Sieve	Liquid Limit	Plastic Limit	Pocket Pen (tsf)	Remarks		
30			Silt (ML) - gray-brown sandy silt, moist to wet, medium stiff	SPT-9	2		60	81						
32					2									
					3									
34														
					3									
36			Sandstone - gray to blue-gray sandstone with few to some silt and trace gravel, moist to wet, medium dense to very dense	SPT-10	3		83	68				drilling difficulty increased		
					3									
					4									
38														
					10									
40					SPT-11		10		76	39				
							13							
							9							
42														
44														
46					broken rock encountered at base of split spoon		SPT-12	5		76	9			
					5									
					9									
48														
50				SPT-13	6		30	15						
					24									
					50									
52														
54														
56														
58														
60														

Notes : Boring terminated at a depth of approximately 51.5 feet below ground surface (bgs). Groundwater encountered at a depth of 4 feet bgs at the time of our exploration. Boring backfilled with bentonite chips on 5/4/22. N-values reported are based on the use of a cathead hammer (i.e. no correction factor). Approximate elevation from Google Earth.



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## Appendix C: Hand Auger HA-1

Sheet 1 of 1

Client: Red Crow, LLC  
Project: Forest Lawn Subdivision  
Site Address: Tax Lot No. 51030AA04402  
Forest Lawn Road, Clatsop County, Cannon Beach, OR  
Location of Exploration: See Appendix B  
Logged By: Matt Enos

Report Number: 22-103  
Drilling Contractor: EEI  
Drilling Method: N/A  
Drilling Equipment: Hand Auger and Drive Probe  
Approximate Ground Surface Elevation (ft msl): 41  
Date of Exploration: 5/4/2022

Depth (ft)	Water Level	Lithology		Sampling Data						Remarks
		Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Drive Probe Blows Per 6 Inches	Moisture Content (%)	% Passing #200 Sieve	Liquid Limit	Plastic Limit	
0			Topsoil - dark brown to black organic silt, moist, soft, non-plastic	1						
1			Silt with some clay (ML) - brown to gray to light gray, wet, very soft to medium stiff, low plasticity	1						
2				2						
3				1						
4				2						
5				1						
6				2						
7				3						
8				2						
9				4						
10				5						
11				4						
12				4						
13										
14										
15										

Notes : Hand auger terminated at 5 feet bgs and drive probe terminated at 8 feet bgs. Groundwater encountered at a depth of 1-foot bgs at the time of our exploration. Boring loosely backfilled with excavated soils on 5/4/2022. Approximate elevation based on Google Earth.





Earth  
Engineers,  
Inc.

## Appendix C: Hand Auger HA-2

Sheet 1 of 1

Client: Red Crow, LLC  
Project: Forest Lawn Subdivision  
Site Address: Tax Lot No. 51030AA04402  
Forest Lawn Road, Clatsop County, Cannon Beach, OR  
Location of Exploration: See Appendix B  
Logged By: Matt Enos

Report Number: 22-103  
Drilling Contractor: EEI  
Drilling Method: N/A  
Drilling Equipment: Hand Auger and Drive Probe  
Approximate Ground Surface Elevation (ft msl): 40  
Date of Exploration: 5/4/2022

Depth (ft)	Water Level	Lithology		Sampling Data						Remarks
		Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Drive Probe Blows Per 6 Inches	Moisture Content (%)	% Passing #200 Sieve	Liquid Limit	Plastic Limit	
0	1		Topsoil - dark brown to black organic silt, moist, soft, non-plastic	1	1					
1			Silt with some clay (ML) - brown to gray to light gray, wet, very soft to medium stiff, low plasticity	1	1					
2				2	2					
3				1	1					
4				2	2					
5				2	2					
6				2	2					
7				3	3					
8				2	2					
9				4	4					
10				4	4					
11				5	5					
12				4	4					
13				5	5					
14				6	6					
15										

Notes : Hand auger terminated at 5 feet bgs and drive probe terminated at 8 feet bgs. Groundwater encountered at a depth of 1-foot bgs at the time of our exploration. Boring loosely backfilled with excavated soils on 5/4/2022. Approximate elevation based on Google Earth.



Earth  
Engineers,  
Inc.

## Appendix C: Hand Auger HA-3

Sheet 1 of 1

Client: Red Crow, LLC  
Project: Forest Lawn Subdivision  
Site Address: Tax Lot No. 51030AA04402  
Forest Lawn Road, Clatsop County, Cannon Beach, OR  
Location of Exploration: See Appendix B  
Logged By: Matt Enos

Report Number: 22-103  
Drilling Contractor: EEI  
Drilling Method: N/A  
Drilling Equipment: Hand Auger and Drive Probe  
Approximate Ground Surface Elevation (ft msl): 39  
Date of Exploration: 5/4/2022

Depth (ft)	Water Level	Lithology		Sampling Data						Remarks
		Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Drive Probe Blows Per 6 Inches	Moisture Content (%)	% Passing #200 Sieve	Liquid Limit	Plastic Limit	
0	1		Topsoil - dark brown to black organic silt, moist, soft, non-plastic	1	1					
1			Silt with some clay (ML) - brown to gray to light gray, wet, very soft to medium stiff, low plasticity	1	1					
2			Silt with some clay (ML) - brown to gray to light gray, wet, very soft to medium stiff, low plasticity	1	1					
3				1	1					
4				2	2					
5				3	3					
6				4	4					
7				3	3					
8				3	3					
9				4	4					
10				3	3					
11				5	5					
12				4	4					
13				4	4					
14				4	4					
15				5	5					

Notes : Hand auger terminated at 5 feet bgs and drive probe terminated at 8 feet bgs. Groundwater encountered at a depth of 1-foot bgs at the time of our exploration. Boring loosely backfilled with excavated soils on 5/4/2022. Approximate elevation based on Google Earth.

# APPENDIX D: SOIL CLASSIFICATION LEGEND

APPARENT CONSISTENCY OF COHESIVE SOILS (PECK, HANSON & THORNBURN 1974, AASHTO 1988)				
Descriptor	SPT N <sub>60</sub> (blows/foot)*	Pocket Penetrometer, Qp (tsf)	Torvane (tsf)	Field Approximation
Very Soft	< 2	< 0.25	< 0.12	Easily penetrated several inches by fist
Soft	2 – 4	0.25 – 0.50	0.12 – 0.25	Easily penetrated several inches by thumb
Medium Stiff	5 – 8	0.50 – 1.0	0.25 – 0.50	Penetrated several inches by thumb w/moderate effort
Stiff	9 – 15	1.0 – 2.0	0.50 – 1.0	Readily indented by thumbnail
Very Stiff	16 – 30	2.0 – 4.0	1.0 – 2.0	Indented by thumb but penetrated only with great effort
Hard	> 30	> 4.0	> 2.0	Indented by thumbnail with difficulty

\* Using SPT N<sub>60</sub> is considered a crude approximation for cohesive soils.

APPARENT DENSITY OF COHESIONLESS SOILS (AASHTO 1988)	
Descriptor	SPT N <sub>60</sub> Value (blows/foot)
Very Loose	0 – 4
Loose	5 – 10
Medium Dense	11 – 30
Dense	31 – 50
Very Dense	> 50

MOISTURE (ASTM D2488-06)	
Descriptor	Criteria
Dry	Absence of moisture, dusty, dry to the touch, well below optimum moisture content (per ASTM D698 or D1557)
Moist	Damp but no visible water
Wet	Visible free water, usually soil is below water table, well above optimum moisture content (per ASTM D698 or D1557)

PERCENT OR PROPORTION OF SOILS (ASTM D2488-06)	
Descriptor	Criteria
Trace	Particles are present but estimated < 5%
Few	5 – 10%
Little	15 – 25%
Some	30 – 45%
Mostly	50 – 100%
Percentages are estimated to nearest 5% in the field. Use "about" unless percentages are based on laboratory testing.	

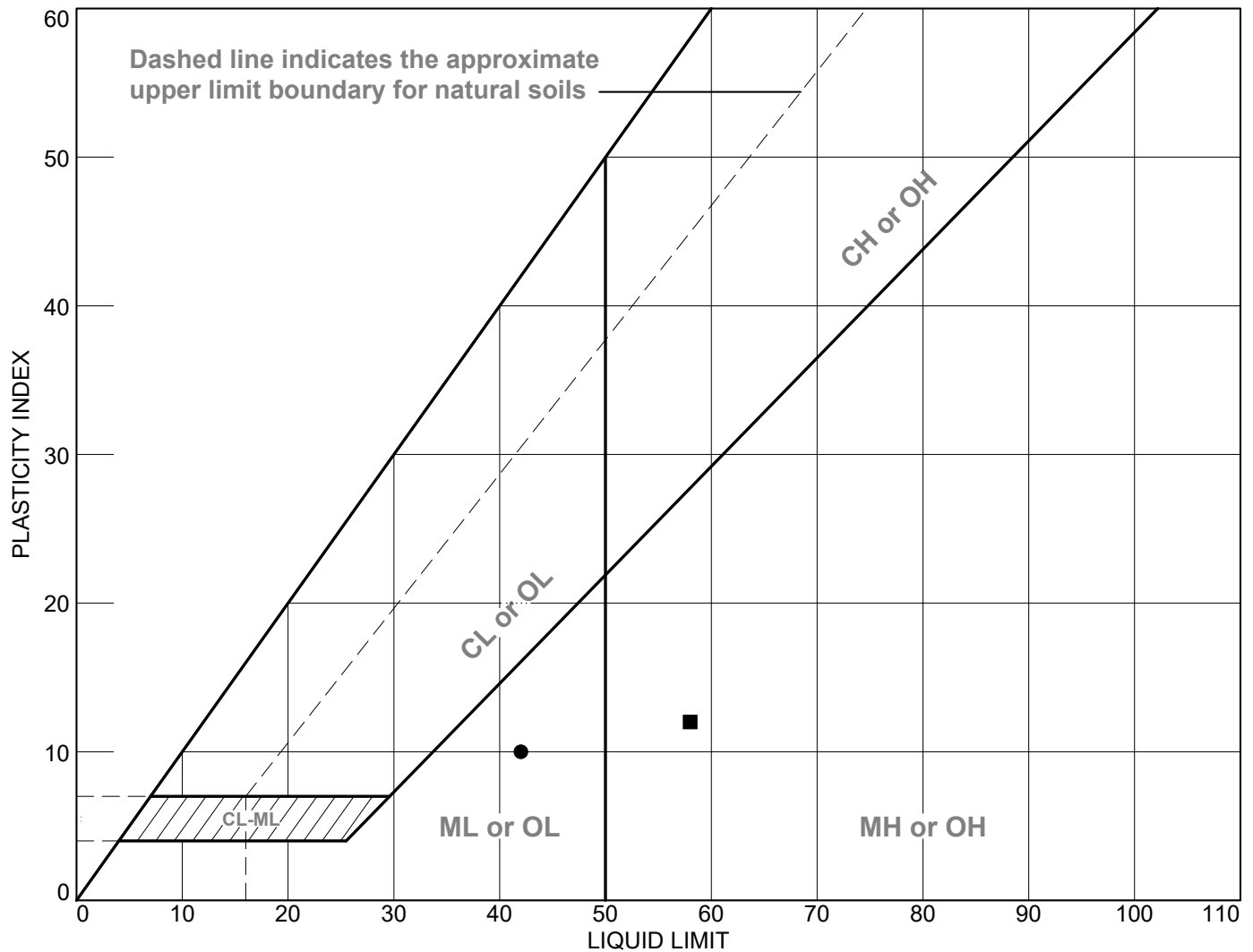
SOIL PARTICLE SIZE (ASTM D2488-06)	
Descriptor	Size
Boulder	> 12 inches
Cobble	3 to 12 inches
Gravel - Coarse Fine	¾ inch to 3 inches No. 4 sieve to ¾ inch
Sand - Coarse Medium Fine	No. 10 to No. 4 sieve (4.75mm) No. 40 to No. 10 sieve (2mm) No. 200 to No. 40 sieve (.425mm)
Silt and Clay ("fines")	Passing No. 200 sieve (0.075mm)

UNIFIED SOIL CLASSIFICATION SYSTEM (ASTM D2488)				
Major Division			Group Symbol	Description
<b>Coarse Grained Soils</b>  (more than 50% retained on #200 sieve)	<b>Gravel</b> (50% or more retained on No. 4 sieve)	Clean Gravel	GW	Well-graded gravels and gravel-sand mixtures, little or no fines
			GP	Poorly graded gravels and gravel-sand mixtures, little or no fines
		Gravel with fines	GM	Silty gravels and gravel-sand-silt mixtures
			GC	Clayey gravels and gravel-sand-clay mixtures
	<b>Sand</b> (> 50% passing No. 4 sieve)	Clean sand	SW	Well-graded sands and gravelly sands, little or no fines
			SP	Poorly-graded sands and gravelly sands, little or no fines
		Sand with fines	SM	Silty sands and sand-silt mixtures
			SC	Clayey sands and sand-clay mixtures
<b>Fine Grained Soils</b>  (50% or more passing #200 sieve)	<b>Silt and Clay</b> (liquid limit < 50)		ML	Inorganic silts, rock flour and clayey silts
			CL	Inorganic clays of low-medium plasticity, gravelly, sandy & lean clays
			OL	Organic silts and organic silty clays of low plasticity
	<b>Silt and Clay</b> (liquid limit > 50)		MH	Inorganic silts and clayey silts
			CH	Inorganic clays or high plasticity, fat clays
			OH	Organic clays of medium to high plasticity
<b>Highly Organic Soils</b>			PT	Peat, muck and other highly organic soils



GRAPHIC SYMBOL LEGEND		
GRAB		Grab sample
SPT		Standard Penetration Test (2" OD), ASTM D1586
ST		Shelby Tube, ASTM D1587 (pushed)
DM		Dames and Moore ring sampler (3.25" OD and 140-pound hammer)
CORE		Rock coring

# APPENDIX E - LIQUID AND PLASTIC LIMITS TEST REPORT



## SOIL DATA

SYMBOL	SOURCE	SAMPLE NO.	DEPTH	NATURAL WATER CONTENT (%)	PLASTIC LIMIT (%)	LIQUID LIMIT (%)	PLASTICITY INDEX (%)	USCS
●	Boring 2	1	5	72.0	32	42	10	ML
■	Boring 2	2	10	49.9	46	58	12	MH



Earth  
Engineers,  
Inc.

**Client:** Red Crow LLC

**Project:** Forest Lawn Subdivision

**Project No.:** 22-103

**Figure No.**

**Tested By:** J. Hill

---

**APPENDIX F**

**NEARBY HISTORIC WELL LOGS**



STATE OF OREGON  
**GEOTECHNICAL HOLE REPORT**  
 (as required by OAR 690-240-0035)

6/8/2015

(1) OWNER/PROJECT Hole Number CPT-1

PROJECT NAME/NBR: MARSAM 060115

First Name \_\_\_\_\_ Last Name \_\_\_\_\_  
 Company PELICAN BREWING  
 Address PO BOX 189  
 City PACIFIC CITY State OR Zip 97135

(2) TYPE OF WORK ☒ New ☐ Deepening ☒ Abandonment  
☐ Alteration (repair/recondition)

## (3) CONSTRUCTION

☐ Rotary Air ☐ Hand Auger ☒ Hollow stem auger  
☐ Rotary Mud ☐ Cable ☒ Push Probe  
☐ Other \_\_\_\_\_

## (4) TYPE OF HOLE:

☒ Uncased Temporary ☐ Cased Permanent  
☐ Uncased Permanent ☐ Slope Stability  
☐ Other  
 Other: \_\_\_\_\_

## (5) USE OF HOLE

GEOTECHNICAL

JUL 27 2015

SALEM, OR

(6) BORE HOLE CONSTRUCTION Special Standard ☐ (Attach copy)

Depth of Completed Hole 20.00 ft.

BORE HOLE			SEAL			sacks/	
Dia	From	To	Material	From	To	Amt	lbs
8	0	2	Concrete	0	1	1	S
2	2	20	Bentonite Chips	1	2	1	S
			Bentonite Grout	2	20	1	S

Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
 Filter pack from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_ Size \_\_\_\_\_

## (7) CASING/SCREEN

Casing	Screen	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## (8) WELL TESTS

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian  
 Yield gal/min Drawdown Drill stem/Pump depth Duration(hr)


Temperature \_\_\_\_\_ °F Lab analysis ☐ Yes By \_\_\_\_\_

Supervising Geologist/Engineer \_\_\_\_\_

Water quality concerns? ☐ Yes (describe below) TDS amount

From	To	Description	Amount	Units

## (9) LOCATION OF HOLE (legal description)

County CLATSOP Twp 5.00 N N/S Range 10.00 W E/W WM  
 Sec 30 1/4 of the 1/4 Tax Lot 300  
 Tax Map Number \_\_\_\_\_ Lot \_\_\_\_\_  
 Lat \_\_\_\_\_ " or \_\_\_\_\_ DMS or DD  
 Long \_\_\_\_\_ " or \_\_\_\_\_ DMS or DD  
☒ Street address of hole ☐ Nearest address

1371 S. HEMLOCK ST. CANNON BEACH, OREGON 97110

## (10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Predeepening				
Completed Well				

Flowing Artesian? ☐

## WATER BEARING ZONES

Depth water was first found 7.00

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)

## (11) SUBSURFACE LOG

Ground Elevation

Material	From	To
ASPHALT / BASE ROCK	0	1
SILT W/ GRAVELS	1	2
CLAY	2	15
SILTY SAND TO SANDY SILT	15	20

Date Started 6/1/2015 Completed 6/1/2015

## (12) ABANDONMENT LOG:

Material	From	To	Amt	sacks/
Concrete	0	1	1	S
Bentonite Chips	1	2	1	S
Bentonite Grout	2	20	1	S

Date Started 6/1/2015 Completed 6/1/2015

**Professional Certification** (to be signed by an Oregon licensed water or monitoring well constructor, Oregon registered geologist or professional engineer).

I accept responsibility for the construction, deepening, alteration, or abandonment work performed during the construction dates reported above. All work performed during this time is in compliance with Oregon geotechnical hole construction standards. This report is true to the best of my knowledge and belief.

License/Registration Number 10400

Date 6/8/2015

First Name ALLEN Last Name MEEUWSEN

Affiliation SUBSURFACE TECHNOLOGIES

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK

Form Version:

GEOTECHNICAL HOLE REPORT - Map with location identified must be attached and shall include an approximate scale and north arrow

**CLAT 54498**

6/8/2015

## Map of Hole



Google earth

feet 300  
meters 90





STATE OF OREGON  
**GEOTECHNICAL HOLE REPORT**  
 (as required by OAR 690-240-0035)

6/8/2015

**(1) OWNER/PROJECT**Hole Number B-1PROJECT NAME/NBR: MARSAM060115

First Name \_\_\_\_\_ Last Name \_\_\_\_\_

Company PELICAN BREWINGAddress PO BOX 189City PACIFIC CITY State OR Zip 97135**(2) TYPE OF WORK**
☒ New ☐ Deepening ☒ Abandonment  
☐ Alteration (repair/recondition)
**(3) CONSTRUCTION**
☐ Rotary Air ☐ Hand Auger ☐ Hollow stem auger  
☒ Rotary Mud ☐ Cable ☐ Push Probe  
☐ Other \_\_\_\_\_
**(4) TYPE OF HOLE:**
☒ Uncased Temporary ☐ Cased Permanent  
☐ Uncased Permanent ☐ Slope Stability  
☐ Other \_\_\_\_\_  
 Other: \_\_\_\_\_
**(5) USE OF HOLE**

GEOTECHNICAL

**(6) BORE HOLE CONSTRUCTION**Special Standard ☐ (Attach copy)Depth of Completed Hole 40.00 ft.

BORE HOLE			SEAL				sacks/ lbs
Dia	From	To	Material	From	To	Amt	
5	0	40	Concrete	0	1	1	S
			Bentonite Chips	1	10	2	S
			Bentonite Grout	10	40	1	S

 Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
 Filter pack from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_ Size \_\_\_\_\_
**(7) CASING/SCREEN**

Casing	Screen	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**(8) WELL TESTS**
☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian  
 Yield gal/min \_\_\_\_\_ Drawdown \_\_\_\_\_ Drill stem/Pump depth \_\_\_\_\_ Duration(hr) \_\_\_\_\_


Temperature \_\_\_\_\_ °F Lab analysis ☐ Yes By \_\_\_\_\_

Supervising Geologist/Engineer \_\_\_\_\_

Water quality concerns? ☐ Yes (describe below) TDS amount \_\_\_\_\_

From	To	Description	Amount	Units

**(9) LOCATION OF HOLE (legal description)**County CLATSOP Twp 5.00 N N/S Range 10.00 W E/W WMSec 30 NE 1/4 of the NE 1/4 Tax Lot 300

Tax Map Number \_\_\_\_\_ Lot \_\_\_\_\_

Lat \_\_\_\_\_ " or \_\_\_\_\_ DMS or DD

Long \_\_\_\_\_ " or \_\_\_\_\_ DMS or DD

☒ Street address of hole ☐ Nearest address1371 S. HEMLOCK ST. CANNON BEACH, OREGON 97110**(10) STATIC WATER LEVEL**

Date \_\_\_\_\_ SWL(psi) \_\_\_\_\_ + SWL(ft) \_\_\_\_\_

Existing Well / Predeepening		
Completed Well		

Flowing Artesian? ☐

## WATER BEARING ZONES

Depth water was first found 7.00

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)

**(11) SUBSURFACE LOG**

Ground Elevation \_\_\_\_\_

Material	From	To
ASPHALT / BASE ROCK	0	2
SANDY SILT	2	29
FINE SAND	29	40

Date Started 6/1/2015 Completed 6/1/2015**(12) ABANDONMENT LOG:**

Material	From	To	Amt	sacks/ lbs
Concrete	0	1	1	S
Bentonite Chips	0	10	2	S
Bentonite Grout	10	40	1	S

Date Started 6/1/2015 Completed 6/1/2015

**Professional Certification** (to be signed by an Oregon licensed water or monitoring well constructor, Oregon registered geologist or professional engineer).

I accept responsibility for the construction, deepening, alteration, or abandonment work performed during the construction dates reported above. All work performed during this time is in compliance with Oregon geotechnical hole construction standards. This report is true to the best of my knowledge and belief.

License/Registration Number 10400 Date 6/8/2015First Name ALLEN Last Name MEEUWSENAffiliation SUBSURFACE TECHNOLOGIES

GEOTECHNICAL HOLE REPORT - Map with location identified must be attached and shall include an approximate scale and north arrow

**CLAT 54497**

**6/8/2015**

## Map of Hole



Google earth

feet 300  
meters 90





## APPENDIX G: SURCHARGE-INDUCED LATERAL EARTH PRESSURES FOR WALL DESIGN

### LINE LOAD (applicable for retaining walls not exceeding 20 feet in height):

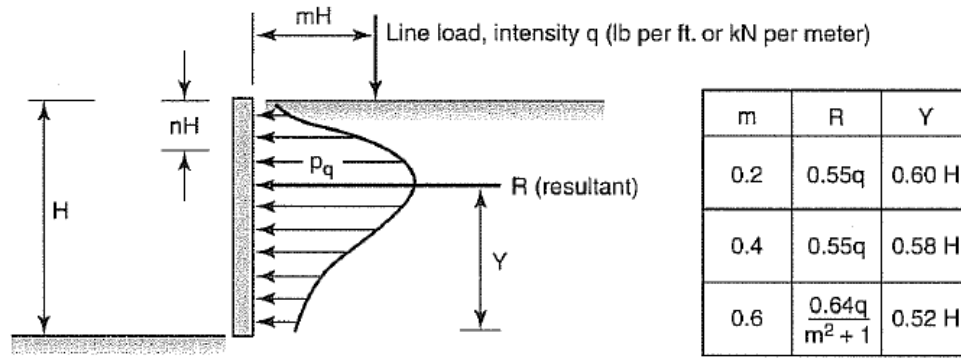


Figure 16-28 Pressure distribution against vertical wall resulting from line load of intensity  $q$ .

### CONCENTRATED POINT LOAD (applicable for retaining walls not exceeding 20 feet in height):

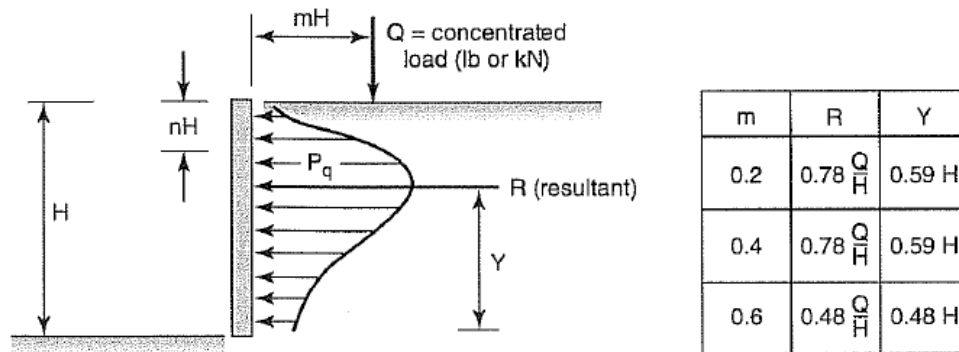


Figure 16-27 Pressure distribution against vertical wall resulting from point load,  $Q$ .

### AREAL LOAD:

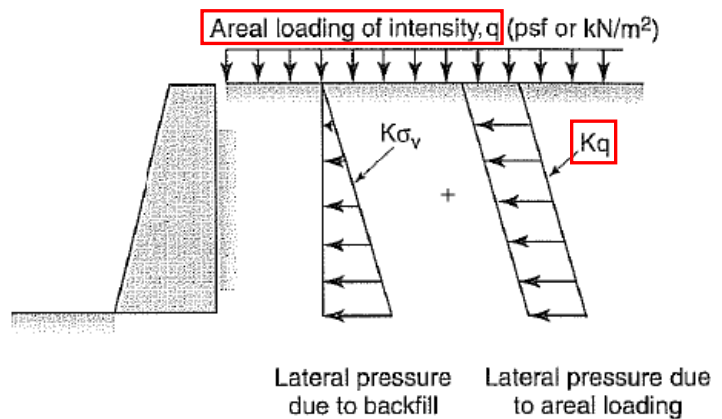
Figure 16-26 Influence of areal loading on wall pressures.

use  $K=0.4$  for active condition  
(i.e. top of wall allowed to  
deflect laterally)

use  $K=0.9$  for at-rest condition  
(i.e. top of wall not allowed to  
deflect laterally)

Resultant,  $R = K * q * H$

Where  $H$  = wall height (feet)



Source of Figures: McCarthy, D.F., 1998, "Essentials of Soil Mechanics and foundations, Basic Geotechnics, Fifth Edition."



Earth  
Engineers,  
Inc.

Proposed Forest Lawn Subdivision, Lots 1-3  
Tax Lot #51030DA04100  
Intersection of Forest Lawn Road and South  
Hemlock Street  
Cannon Beach, Clatsop County, Oregon

Report No.  
22-103-1

June 3, 2022



June 10, 2022

Jeffrey Adams  
City of Cannon Beach  
163 East Gower Street  
Cannon Beach, OR 97110

**Subject: Forest Lawn Partition (P 22-01/CU 22-02)  
Supplemental Geotechnical Findings**

Dear Mr. Adams:

This letter is provided on behalf of Patrick/Dave LLC (applicant) to demonstrate how the applicant's proposed partition of tax lot 51030DA04100 (referred to as the project site) to create three lots is consistent with applicable development requirements and standards related to potential geologic hazard areas. This letter is intended to supplement the already provided application package and narrative, and only addresses Cannon Beach Municipal Code (CBMC) standards that are specific to geologic hazards and geotechnical investigation requirements.

As identified in the applicant's previously submitted narrative, Earth Engineers, Inc. has prepared a geotechnical investigation and geologic hazard report (referred to as the "Earth Engineers Report"), which is attached to this letter. Exhibits contained within the original submittal package may be referenced within this letter, but are not directly attached; please reference the applicant's original submittal package for these items.

\* \* \*

## **Title 16 – Subdivisions**

### **16.04.130 Applicable Standards.**

***In making its decision, the planning commission shall determine whether the proposed subdivision or partition complies with the applicable standards of this code and the policies of the comprehensive plan, in conformance with the requirements of Section 17.88.110. Where this chapter imposes a greater restriction upon the land than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this chapter shall control. Pursuant to ORS 197.195(1), the city has determined that the following comprehensive plan policies are applicable standards for a proposed subdivision or partition.***

#### **A. General Development Policies.**

- 1. General Development Policy 4. The city shall control excavation, grading, and filling in order to: avoid landslides and other geologic hazards; protect adjacent property and structures; provide for appropriate drainage improvements; minimize the extent of vegetation removal; minimize erosion and sedimentation; and protect the aesthetic character of the city.***

**Response:** This development policy, as applicable to the project site, is implemented through the following chapters within CBMC Title 17 – Zoning:

- CBMC 17.43 – Wetlands Overlay (WO) Zone;
- CBMC 17.50 – Development Requirements for Potential Geologic Hazard Areas;
- CBMC 17.62 – Grading, Erosion and Sedimentation Control; and
- CBMC 17.70 – Tree Removal and Protection.

Findings demonstrating the Tentative Partition Plan's compliance with CBMC 17.43, 17.62, and 17.70 are included within the applicant's originally submitted narrative.

Findings are provided for CBMC 17.50 within this letter, which are supported by the Earth Engineers Report. Earth Engineers conducted a geotechnical investigation and geologic hazard study of the project site, which found that the project site's potential geologic hazards can be mitigated through granulated, well graded, crushed rock structural fill as necessary, as well as pin pile or helical pier foundation systems for the future residential dwellings. While the need for retaining walls has not been identified at this point, the Earth Engineers Report also includes recommendations for retaining wall systems that are compatible with the project site's possible geologic hazards. The recommendations for structural fill, foundation systems, and retaining wall systems ensure that the project site can mitigate possible geologic hazards, including mitigating the risks of potential slides and earthquake shaking. As concluded and stated on page 23 of the Earth Engineers Report, the site should be considered developable provided the geotechnical engineering recommendations are followed.

- 2. General Development Policy 5. The density of residential development throughout the city shall be based on the capability of the land in terms of its slope, potential for geologic hazard and drainage characteristics. Density limits throughout the city shall generally be:**

Net Density Standards	
	Dwellings Per Acre
Duplex or medium (R2), (RMa), (MP), (RAM)	11

**Response:**

The project site is zoned R2 and the net acreage is approximately 1.1 acres/48,040 square feet<sup>1</sup>; therefore, the maximum allowed density is 11 dwelling units per net acre. The applicant is proposing a three lot partition to allow for one single-family residential dwelling per lot, for a total of three dwellings within the site. As the resulting density is three dwelling units per acre, the maximum density of the R2 zone is not exceeded.

As identified in response to CBMC 16.04.310 in the applicant's original narrative, the project site's average slope is 6.48 percent, meaning the minimum lot size per dwelling unit is set by the R2 zone, which is 5,000 square feet. As shown on the Tentative Partition Plan (Exhibit B in the original application), each proposed lot is at least 5,000 square feet.

As identified in the applicant's original narrative and shown on the Preliminary Utility Plan (Exhibit H in the original application), stormwater service lines, anticipated to be four inches in diameter, will collect each future dwelling's stormwater runoff, which will then be conveyed to the existing public system within Forest Lawn Road and South Hemlock Street, which ensures adequate surface drainage within each proposed lot.

Findings are provided for CBMC 17.50 (Development Requirements for Potential Geologic Hazard Areas) within this letter, which are supported by the Earth Engineers Report. As concluded and stated on page 23 of the Earth Engineers Report, the site should be

---

<sup>1</sup> CBMC 17.04.135 defines "net density" to mean the gross acreage minus street dedications and area used for private streets and common driveways. Approximately 1,465 square feet is proposed to be used for a shared driveway to access Lots 1 and 3; therefore, the site's net acreage is approximately 1.1 acres (46,575 square feet) after deducting for this shared driveway.

considered developable provided the geotechnical engineering recommendations identified within the report are followed.

3. ***General Development Policy 9. To control development in areas with slopes exceeding twenty percent and areas subject to potential geologic hazards so that potential adverse impacts can be minimized.***

**Response:**

Findings are provided for CBMC 17.50 (Development Requirements for Potential Geologic Hazard Areas) within this letter, which are supported by the Earth Engineers Report. Earth Engineers conducted a geotechnical investigation and geologic hazard study of the project site, which found that the project site's potential geologic hazards can be mitigated through granulated, well graded, crushed rock structural fill as necessary, as well as pin pile or helical pier foundation systems for the future residential dwellings. While the need for retaining walls has not been identified at this point, the Earth Engineers Report also includes recommendations for retaining wall systems that are compatible with the project site's possible geologic hazards. The recommendations for structural fill, foundation systems, and retaining wall systems ensure that the project site can mitigate possible geologic hazards, including mitigating the risks of potential slides and earthquake shaking. As concluded and stated on page 23 of the Earth Engineers Report, the site should be considered developable provided the geotechnical engineering recommendations are followed.

4. ***General Development Policy 10. When site investigations are required in areas of potential landslide hazard, a site specific investigation shall be prepared by a registered geologist. Based on the conclusions of this investigation, an engineered foundation design by a soils engineer may be required by the building official. When site investigations are required in areas of potential coastal erosion hazard, the site specific investigation shall be prepared by a registered geologist with expertise in shoreline processes. Based on the conclusions of this investigation, protective structures designed by a registered civil engineer may be required by the building official. Site investigation reports shall meet the city's criteria for the content and format for geologic hazard reports.***

**Response:**

The Earth Engineers Report has been prepared by a Registered Geologist (RG), and a Certified Engineering Geologist (CEG) and Professional Engineer (PE), consistent with the credential requirement of this provision. The recommendations within the report for structural fill, foundation systems, and retaining wall systems ensure that the project site can mitigate possible geologic hazards, including mitigating the risks of potential slides and earthquake shaking. As concluded and stated on page 23 of the Earth Engineers Report, the site should be considered developable provided the geotechnical engineering recommendations are followed.

5. ***General Development Policy 11. Site investigations by a qualified soils engineer may be required for the construction or development of property identified by the Soil Conservation Service as containing weak foundation soils. Site reports shall include information on bearing capacity of the soil, adequacy and method of drainage facilities, and the length of fill settlement necessary prior to construction.***

**Response:**

As identified within the Earth Engineers Report, compressible, organic soils were encountered within the project site at a depth of approximately 30 to 40 feet beneath the ground surface. The information requested by this standard is identified within the report. As previously identified, the project site's potential geologic hazards, including its soils, can be mitigated through granulated, well graded, crushed rock structural fill as necessary, as well as pin pile or helical pier foundation systems for the future residential dwellings. These foundation systems will penetrate through the organic soils to bear on the medium dense to very dense sandstone. While the need for retaining walls has not been identified

at this point, the Earth Engineers Report also includes recommendations for retaining wall systems that are compatible with the project site's possible geologic hazards. The recommendations for structural fill, foundation systems, and retaining wall systems ensure that the project site can mitigate possible geologic hazards, including mitigating the risks of potential slides and earthquake shaking, and the project site's compressible and organic soils. As concluded and stated on page 23 of the Earth Engineers Report, the site should be considered developable provided the geotechnical engineering recommendations are followed.

6. ***General Development Policy 12. Site investigations by a registered geologist shall be performed, prior to development, in any area with a slope exceeding twenty percent. Based on the conclusions of this investigation, an engineered foundation design by a soils engineer may be required by the building official.***

**Response:** As previously identified, and per Cannon Beach GIS, the project site's average slope does not exceed 20 percent. This standard is not applicable.

#### ***G. Overall Policies – Geologic Hazards***

1. ***Geologic Hazard Policy 1. A site specific investigation performed by a qualified expert shall be a prerequisite for the issuance of any building permit in the following areas, as delineated on the master map:***

- a. ***Those areas consisting of landslide topography developed in tertiary sedimentary rocks (TOMS);***

**Response:** As identified in the Earth Engineers Report, the project site soils are derived from sedimentary rock; therefore, a site investigation and geologic hazard study is required. As previously mentioned, a geologic hazard report is included as section 3.0 of the Earth Engineers Report. Findings are provided for CBMC 17.50 (Development Requirements for Potential Geologic Hazard Areas) within this letter, which are supported by the Earth Engineers Report.

- b. ***Any property containing, or adjacent to all or part of, an active landslide;***

**Response:** As identified in section 3.0 of the Earth Engineers Report, a literature review indicates the project site is adjacent to an active landslide area. However, during on-site investigations, Earth Engineers did not observe any signs of recent or active landslides. Nonetheless, a geologic hazard report is included as section 3.0 of the Earth Engineers Report. Findings are provided for CBMC 17.50 (Development Requirements for Potential Geologic Hazard Areas) within this letter, which are supported by the Earth Engineers Report.

- c. ***Any property having beach frontage;***

**Response:** The project site does not have beach frontage.

- d. ***The area south of Maher Street underlain by the Astoria Formation (Tma units);***

**Response:** The project site is not south of Maher Street.

- e. ***Within the two stream drainages south of West Way.***

**Response:** The project site is not south of West Way nor is it adjacent to the two stream drainages.

2. ***Geologic Hazard Policy 2. Development requirements for the city are:***

***a. Structures should be planned to preserve natural slopes. Cut and fill methods of leveling lots shall be discouraged.***

**Response:** Future on-site grading plans within the proposed lots will be designed to preserve natural slopes and contours to the extent practicable. As noted on the Existing Conditions Plan (Exhibit C of the original application) and also within the Earth Engineers Report, the project site is relatively flat, with an elevation difference of only seven feet across the site. For this reason, substantial cut and fill and is not anticipated in order to construct each proposed lot's future residential dwellings and associated site improvements.

***b. Access roads and driveways shall follow the slope contours to reduce the need for grading and filling.***

**Response:** As shown on the Tentative Partition Plan (Exhibit B in the original application), the shared access for Lots 1 and 3, and the driveway accessing Lot 2, both generally follow existing slope contours, which will reduce the need for extensive cuts and fills within the project site. As previously noted, the project site is relatively flat, and is generally level where development is proposed, which will further reduce the need for extensive grading and filling.

***c. Removal of vegetation shall be kept to a minimum for stabilization of slopes.***

**Response:** As shown on the Tentative Partition Plan (Exhibit B of the original application), the project site's lot layout has been designed to preserve the vast majority of the site's natural resources, including a large majority of the site's existing trees. The only trees preliminarily identified for removal are those within Table 4 of the original narrative, where removal is necessary for the following reasons:

- Construction of dwellings, driveways, parking/vehicle turnaround areas, and the installation of utility connections;
- Poor health and structure of the tree; and
- Hazard risk for future development due to their health.

All of the above are justifiable reasons for tree removal per CBMC 17.70.020 (tree removal permit issuance criteria). The list of trees identified for removal in Table 4 is preliminary, and may change depending on the design of future single-family dwellings within the proposed lots. In addition, the Earth Engineers Report notes that retention of vegetation will prevent excessive erosion, and vegetation should only be removed where needed to complete proposed construction.

***d. Drainage patterns shall not be altered in steeper areas. Roof drains shall be channeled into natural drainage or storm sewers.***

**Response:** As identified in response to CBMC 16.04.310 in the applicant's original narrative, the project site's average slope is 6.48 percent, and as previously described within this letter, there is only a seven foot elevation difference across the site. As a result, future development will not occur on steep slopes. As identified in the applicant's original narrative and shown on the Preliminary Utility Plan (Exhibit H in the original application), stormwater service lines, anticipated to be four inches in diameter, will collect each future dwelling's stormwater runoff, which will then be conveyed to the existing public system within Forest Lawn Road and South Hemlock Street, which ensures stormwater will be channeled to public storm sewers as required.



- e. No development shall be allowed to block stream drainageways, or to increase the water level or water flow onto adjacent property.***

**Response:** As shown on the Existing Conditions Plan (Exhibit C in the original application), there are no stream drainageways within the project site. As identified in the applicant's original narrative and shown on the Preliminary Utility Plan (Exhibit H in the original application), stormwater service lines, anticipated to be four inches in diameter, will collect each future dwelling's stormwater runoff, which will then be conveyed to the existing public system within Forest Lawn Road and South Hemlock Street, which ensures stormwater will be channeled to public storm sewers as required and will not flow onto adjacent properties.

## **Title 17 – Zoning**

### **17.50 Development Requirements for Potential Geologic Hazard Areas**

#### **17.50.020 Applicability.**

***The following are potential geologic hazard areas to which the standards of this section apply:***

- A. In any area with an average slope of twenty percent or greater;***

**Response:** As previously identified, and per Cannon Beach GIS, the project site's average slope does not exceed 20 percent.

- B. In areas of potential landslide hazard, as identified in the city master hazards map and comprehensive plan;***

**Response:** As identified in section 3.0 of the Earth Engineers Report, a literature review indicates the project site is adjacent to an active landslide area. However, during on-site investigations, Earth Engineers did not observe any signs of recent or active landslides. Nonetheless, a geologic hazard report is included as section 3.0 of the Earth Engineers Report. Findings are provided to the provisions of this chapter below, which are supported by the Earth Engineers Report.

- C. In areas abutting the oceanshore, or velocity zone flood hazard, as identified on the city's FIRM maps;***

**Response:** The project site does not abut the oceanshore, and per Cannon Beach GIS and Clatsop County Webmaps, is not within or abut a velocity flood hazard zone.

- D. In areas identified by the soil survey of Clatsop County, Oregon as containing weak foundation soils; or***

**Response:** As identified within the Earth Engineers Report, compressible, organic soils were encountered within the project site at a depth of approximately 30 to 40 feet beneath the ground surface. As previously identified, the project site's potential geologic hazards, including its soils, can be mitigated through granulated, well graded, crushed rock structural fill as necessary, as well as pin pile or helical pier foundation systems for the future residential dwellings. These foundation systems will penetrate through the organic soils to bear on the medium dense to very dense sandstone. While the need for retaining walls has not been identified at this point, the Earth Engineers Report also includes recommendations for retaining wall systems that are compatible with the project site's possible geologic hazards. The recommendations for structural fill, foundation systems, and retaining wall systems ensure that the project site can mitigate possible geologic hazards, including mitigating the risks of potential slides and earthquake shaking, and the

project site's compressible and organic soils. As concluded and stated on page 23 of the Earth Engineers Report, the site should be considered developable provided the geotechnical engineering recommendations are followed.

- E. In open sand areas regardless of the type of dune or its present stability, and conditionally stable dunes not located in a velocity flood hazard zone, as identified on the city's FIRM maps, which in the view of the building official have the potential for wind erosion or other damage.***

**Response:** The project site is not located within in an open sand area and does not contain dunes. As previously identified, the project site does not abut the oceanshore and is not within a velocity flood hazard zone.

**17.50.030 Procedure.**

***The requirements of this section shall be met prior to the issuance of a building permit. The city may require that the requirements of this section be met in conjunction with a request for the approval of a setback reduction, variance, conditional use, design review request, preliminary subdivision proposal, major partition request, minor partition request and preliminary planned development request.***

**Response:**

**17.50.040 Reports and Plans Required.**

**A. Geologic Site Investigation Report.**

- 1. A geologic site investigation report shall be prepared by a registered geologist or engineering geologist. The report is to be prepared in conformance with the city's site investigation report checklist.***

**Response:** The Earth Engineers Report has been prepared by a Registered Geologist (RG), and a Certified Engineering Geologist (CEG) and Professional Engineer (PE), consistent with the credential requirement of this provision. The recommendations within the report for structural fill, foundation systems, and retaining wall systems ensure that the project site can mitigate possible geologic hazards, including mitigating the risks of potential slides and earthquake shaking. As concluded and stated on page 23 of the Earth Engineers Report, the site should be considered developable provided the geotechnical engineering recommendations are followed.

- 2. Where recommended by the geologic site investigation report, or required by the building official, an engineering report prepared by a registered civil engineer shall be prepared. The report shall discuss the engineering feasibility of the proposed development and include findings and conclusions for: the design and location of structures; the design and location of roads; the design and location of utilities; land grading practices, including excavation and filling; stormwater management; and vegetation removal and replanting.***

**Response:** Earth Engineers conducted a geotechnical investigation and geologic hazard study of the project site, which found that the project site's potential geologic hazards can be mitigated through granulated, well graded, crushed rock structural fill as necessary, as well as pin pile or helical pier foundation systems for the future residential dwellings. While the need for retaining walls has not been identified at this point, the Earth Engineers Report also includes recommendations for retaining wall systems that are compatible with the project site's possible geologic hazards. The recommendations for structural fill, foundation systems, and retaining wall systems ensure that the project site can mitigate possible geologic hazards, including mitigating the risks of potential slides and earthquake shaking.

As concluded and stated on page 23 of the Earth Engineers Report, the site should be considered developable provided the geotechnical engineering recommendations are followed.

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.***

**Response:** Engineering and construction methods are specified within sections 4.0 and 5.0 the Earth Engineers Report. As discussed previously, the report found that the project site's potential geologic hazards can be mitigated through granulated, well graded, crushed rock structural fill as necessary, as well as pin pile or helical pier foundation systems for the future residential dwellings. While the need for retaining walls has not been identified at this point, the Earth Engineers Report also includes recommendations for retaining wall systems that are compatible with the project site's possible geologic hazards. The recommendations for structural fill, foundation systems, and retaining wall systems ensure that the project site can mitigate possible geologic hazards, including mitigating the risks of potential slides and earthquake shaking. As concluded and stated on page 23 of the Earth Engineers Report, the site should be considered developable provided the geotechnical engineering recommendations are followed.

4. ***The standards and recommendations contained in the geologic site investigation and engineering report, upon acceptance by the building official, shall become requirements of any building permit that is issued.***

**Response:** This provision is acknowledged by the applicant.

5. ***The building official may have the geologic site investigation report, or the engineering report reviewed by an independent expert of his or her choosing. Such a review may address either the adequacy or completeness of the site investigation, or the construction methods recommended in the engineering report. The applicant shall pay for the cost of the review.***

**Response:** This provision is acknowledged by the applicant.

6. ***A geologic site investigation report shall remain valid for a period of not more than five years from the date of its preparation. The continued reliance on a geologic site investigation report that is more than five years old requires the following additional new information: [...]***

**Response:** The Earth Engineers Report was prepared in May and June 2022, and is dated June 3, 2022. This application is being submitted and addended within five years of its preparation. It is anticipated that, if this application is approved, building permits for future residential dwellings will be submitted soon after land use approval. The standards of this provision will be adhered to in the event building permit applications are submitted more than five years after the Earth Engineers Report was prepared.

## **17.80 Conditional Uses**

### **17.80.110 Overall Use Standards.**

***Before a conditional use is approved, findings will be made that the use will comply with the following standards:***

- D. The topography, soils and other physical characteristics of the site are appropriate for the use. Potential problems due to weak foundation soils will be eliminated or reduced to the extent necessary for avoiding hazardous situations.***

**Response:** As identified within this letter, Earth Engineers conducted a geotechnical investigation and geologic hazard study of the project site, which found that the project site's potential geologic hazards can be mitigated through granulated, well graded, crushed rock structural fill as necessary, as well as pin pile or helical pier foundation systems for the future residential dwellings. While the need for retaining walls has not been identified at this point, the Earth Engineers Report also includes recommendations for retaining wall systems that are compatible with the project site's possible geologic hazards. The recommendations for structural fill, foundation systems, and retaining wall systems ensure that the project site can mitigate and reduce possible geologic hazards, including mitigating the risks of potential slides and earthquake shaking. As concluded and stated on page 23 of the Earth Engineers Report, the site should be considered developable provided the geotechnical engineering recommendations are followed. This criterion is met.

If you have any questions regarding these supplemental findings, please do not hesitate to contact me at (971) 229-8318, or at [mrobinson@dowl.com](mailto: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

cc: Patrick Gemma, David Pietka, Jamie Lerma, Read Stapleton (DOWL)

Attachment(s): Forest Lawn Geotechnical Investigation and Geologic Hazard Report


**CANNON BEACH COMMUNITY DEVELOPMENT**

163 E. GOWER ST.

PO Box 368

CANNON BEACH, OR 97110

Matthew Robinson  
DOWL  
720 SW Washington St., Suite 750  
Portland, OR 97205

**RE: Haystack Views Pre-Application Meeting Response**

December 10, 2021

Matthew Robinson & Team:

This letter is to document the city's response to the questions posed in your pre-application materials, dated November 12, 2021, and at the pre-application meeting of November 30, 2021. This letter is based on city staff's best understanding of the code and the factual situation as it has been represented to us. It is not intended to guarantee any particular interpretation or outcome and any applicant is required to review the city code and consult with appropriate professionals. We thank you for your time in meeting with us and we hope these responses clarify the process for moving forward.

The application for a seven-lot subdivision of tax lot 510330DA04100, in the Cannon Beach R2 Residential Medium Density zoning district, in the WO Wetlands Overlay area. The application suggests that three lots will be for single-family residential dwellings, while the remaining four lots are proposed to be donated to the City:

"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."

Exhibit G, the preliminary subdivision plan, proposes two points of access, with a driveway off Forest Lawn Drive serving Lot 2 and another private drive access off Forest Lawn to serve Lots 2 & 6. The pre-application packet provides the Pacific Habitat Services wetlands delineation, State and Federal responses and Morgan Civil's drainage calculations.

The points raised in our discussion of the project are provided below, along with the criteria for review. Since the pre-application tentative plan meeting has been satisfied under Cannon Beach Municipal Code (CBMC) 16.04.070, the next step for a subdivision under CBMC would be for the applicant to submit an application along with thirteen copies of a tentative plan, as described in CBMC 16.04.180 & 190 and the further application materials discussed below. Once the application is received and deemed 'complete', the City will schedule a Tentative Plan meeting before the City of Cannon Beach Planning Commission (PC). Our PC meeting schedule and application deadline schedule can be found on the Cannon Beach City website (<https://www.ci.cannon-beach.or.us/>). The Subdivision will be considered under CBMC 16.04.130 Applicable standards, CBMC 17.14 R2 Residential Medium Density and CBMC 17.43 WO Wetlands Overlay, other relevant standards mentioned below or as requested by the PC, under CBMC 16.04190(A7).



The Planning Commission's Tentative Plan decision is binding under CBMC 16.04.140 and provides an appeal period under CBMC 16.04.125. The Tentative Plan approval is valid for eighteen months under CBMC 16.04.145, where extensions may be requested, in preparation of the Submittal of Final Plat under CBMC 16.04.150.

Subdivisions are a conditional use permitted in wetlands and wetland buffer areas, according to CBMC 17.43.040(H) & 045(H), where the General Standards of wetland areas under CBMC.43.050(A):

(1) *Uses and activities in protected wetlands or wetland buffer areas may be approved only after the following list of alternative actions, listed from highest to lowest priority, have been considered:*

- a. *Avoiding the impact altogether by not taking a certain action or parts of an action (this would include, for example, having the use or activity occur entirely on uplands); and*
- b. *Minimizing impacts by limiting the degree or magnitude of action and its implementation (this would include, for example, reducing the size of the structure or improvement so that protected wetlands or wetland buffer areas are not impacted).*

It is up to the applicant to provide evidence that they are minimizing impacts to protect the wetlands. The obvious question before the Planning Commission will be why the applicant requires seven lots, of which, five are land-locked within a delineated wetland with no point of access identified and two lots that will require a road or driveway crossing of a portion of the wetland area. Although the applicant states their intent is to donate four of the inaccessible wetland lots to the City, there is no documentation provided in the submission materials to that effect and no indication that the City would be amenable to such a donation. Such evidence would likely be a condition of approval and without such evidence it would be difficult for the Planning Commission to make such a determination.

Sub-section (a.) of the general standards asks the applicant to prioritize their activities by avoid the impact to the wetlands altogether, while (b.) would ask that the applicant minimize such activities. These are the general criteria the application will be reviewed by and which evidence must support.

Further, if the applicant proves that they have met the general standards threshold, they are then held to the more specific Subdivision standards of CBMC 17.43/050(M):

**M. *Land Divisions. Subdivisions, replats, partitions, and property line adjustments in protected wetlands, wetland buffer areas, or a wetland lot-of-record are subject to the following standards:***

1. *Preliminary plat maps for proposed subdivisions, replats and partitions involving protected wetlands or wetland buffer areas must show the wetland-upland boundary, as determined by a wetland delineation prepared by a qualified individual.*
2. *Subdivisions, replats, partitions and property line adjustments for the purpose of creating building sites are permitted subject to the following standards:*
  - a. *Each lot created must have at least one thousand square feet of upland available for building coverage, required off-street parking and required access.*
  - b. *The building site described in subsection M2a shall not include protected wetlands or wetland buffer areas.*
  - c. *Protected wetlands and wetland buffer areas may be counted towards meeting the base zone's minimum lot size for each lot, and may be included in front, side and rear yard setbacks as appropriate.*
  - d. *Utility lines, including but not limited to, water lines, sewer lines, and storm water lines shall not be located in protected wetlands or wetland buffer areas, unless there is no alternative to serve lots meeting the standard of subsection M2a.*
  - e. *Streets shall not be located in protected wetland or wetland buffer areas.*
3. *In planned unit developments or cluster subdivisions, all protected wetland or wetland buffer areas must be in open space tracts held in common ownership.*
4. *For lots or parcels created subject to these provisions, the existence of protected wetland or wetland buffer areas shall not form the basis for a future setback reduction or variance request. (Ord. 94-29 § 2)*

CBMC 17.43.050(M.2) specifies that each lot must contain 1,000 square-feet of upland areas and that such area shall be inclusive of the building coverage, required off-street parking and required access for each lot. Only Lot 2 satisfies this standard, as Lots 1 and 6, would require a crossing of a wetlands area, and the remaining lots do not identify a 1,000 square-feet of accessible uplands. This is not to say that 1,000 square feet of upland don't exist on these lots, it just isn't indicated on the materials that have been presented. The city would require that either a variance of CBMC 17.43.050(M.2(2)) or some condition of approval that mitigates such a standard be sought to satisfy these ends.

The application would also be held to the Subdivision ordinance, Chapter 16.04 of the Cannon Beach Municipal Code, which requires that under CBMC 16.04.310 Design Standards – Lots, (B) Location, that “All lots shall have a twenty-five-foot frontage on a publicly dedicated street. As the applicants explain in their submittal, the earlier Partition Plat 2000-037 of the property stipulates that, ‘access to the parcel is restricted to Forest Lawn Road only,’ which in effect, land-locks Lots 1, 6 & 7 as shown on the preliminary plan. The proposed “15’ Proposed Access Easement,” which crosses the delineated wetland to reach the Lot 1 and 6 building envelopes would not meet such a requirement unless the Planning Commission finds that the ‘twenty-five-foot frontage is satisfied by the rear-yard frontages along S. Hemlock.

Frontage is defined in Chapter 12.08 Property Entrances, as ‘that boundary of private property abutting the city street line’ and in CBMC 17.04.270 as ‘property abutting on a street.’ The City of Cannon Beach has historically viewed the ‘frontage’ requirements of CBMC 16.04.310(B), to mean that all newly subdivided lots are required to provide ‘frontage’ with regards to property entrances, gaining vehicular access, from a publicly dedicated street and not just bordering a publicly dedicated road that is inaccessible to vehicular access. The most recent subdivisions, of Chapman Point, Lang’s Landing, Stroufe’s and Seaview Estates, for instance, all provide twenty-five feet of ‘frontage’ and vehicular access along a publicly dedicated road.

As the Plat Note of Partition Plat 2000-037 limits access to Forest Lawn, all seven lots may technically have ‘frontage’ along a publicly dedicated road, yet the application proposes that only one lot will access their property from this publicly dedicated frontage. Similarly, the four-lot Cannon Beach Preservation Subdivision development of PD# 15-01, also known as the Nicholson Planned Development, has only one directly accessible lot off the publicly dedicated Larch St. And though planned developments are intended to “...provide a degree of flexibility in the application of certain regulations which cannot be obtained through traditional lot-by-lot subdivision, (CBMC 17.40.010(A))” it doesn’t seem that direct access onto a publicly dedicated street was ever contemplated for the PD.

If the Planning Commission cannot find that the private driveway access and S. Hemlock rear-lot lines satisfy this standard, then the City would require a variance or conditional approval to allow access. It should be noted that CBMC 16.04.390 provides the Planning Commission the ability to allow such variances through a combined review process.

The applicant would also seek a Setback Reduction of ten feet to allow for a front-yard setback of five feet from Forest Lawn for Lot 2, rather than the required 15-feet. Presumably this is to allow for a larger building footprint, as the code allows for the driveway access area to be included in the 1,00 square-foot requirement to meet CBMC M(2a).

We have attached the recent Moon application appeal Findings and the rest of the record can be found [here](#), at the City’s website. I’ve also enclosed the City’s Forest Lawn Storm-drain extension project Development Permit (DP# 21-23), along with the Administrative Appeal Application, which will be before the Planning Commission on December 21<sup>st</sup>. You also requested information on the attached Planning Commission’s roster, which shows that

Joe Bernt and Janet Patrick's tenures on the PC will expire over the next two months and our Chair, Daryl Johnson's will expire in March of 2022.

The applicant has also enquired about the combining of conditional use permit fees for the proposed wetlands subdivision, fill and drainage projects under one application. We have traditionally allowed the combination of permits under one application and since these permits would only be completed under the subdividing of the land, the City will allow for one conditional use permit incorporating the items required to build-out the improvements for subdivision of the property.

As the applicant referenced in the pre-application letter, the City, under CBMC 16.04.350 requires that no trees shall be removed in the development of a subdivision except for those required to be removed in the public right-of-way and easements for utilities. An arborist should be consulted on any trees that may be impacted and the PC has the discretion to place exceptions for removal purposes.

We hope this clarifies the points raised by the pre-application materials and meeting. Please let us know if you have any further questions and we look forward to hearing from you with regards to next steps for the project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey S. Adams', with a stylized flourish at the end.

Jeffrey S. Adams, PhD

# Referenced Criteria

## Chapter 12.08 PROPERTY ENTRANCES

### 12.08.010 Definitions.

For purposes of this chapter, the following terms shall mean:

“Driveway” means an area on private property where automobiles and other vehicles are operated or allowed to stand.

“Driveway approach” means an area, construction or improvement between the roadway of a public street and private property intended to provide access for vehicles from the roadway of a public street to a definite area of the private property intended and used for the ingress and egress of vehicles.

“Entrance” means walkways, driveways, pathways and any other improved approach from private property to such city streets and public ways.

“Frontage” means that boundary of private property abutting the city street line. (Ord. 01-7 § 1)

### 12.08.020 Filing a construction plan.

Prior to the construction or improvement, replacement or repair of any such entrance, the property owner shall file with the city a plan showing the proposed alteration, construction, improvement or repair of such an entrance at least ten days prior to the initiation of the work thereon. (Ord. 01-7 § 1)

### 12.08.030 Compliance of plan with requirements.

It is the duty of the public works director to examine the plan and the site of the improvement and to determine the substantial compliance thereof with this chapter. In the event that the plan is not in compliance with this chapter, the public works director shall notify the property owner, who is required to suspend work thereon until such time as a plan in accordance with this chapter is approved by the public works director. (Ord. 01-7 § 1)

### 12.08.040 Manner of construction.

Driveway approaches shall be constructed in accordance with the submitted plans for driveways and meet the following standards:

A. Width. The width of driveway approach shall be measured along the property line and shall not exceed twenty feet for single ownership.

Where a driveway curb cut or curb cuts in excess of twenty feet are requested for a single ownership, the maximum widths that the public works director may approve are as follows:

The paving between the property line and the street pavement may be wider than the driveway approach at the property line in order to provide for safe deceleration of vehicles turning into the applicant’s premises.

Frontage	Total Width of Driveway
50 feet or less	20 feet
>50 feet and <100 feet	20 feet plus 50% of frontage over 50 feet

B. Surface. If the driveway is improved, the applicant shall pave the driveway approaches or other areas within the right-of-way with asphaltic concrete or other material approved by the public works director so that it merges with the street pavement; the paving shall be adequate and suitable for the traffic to be carried as determined by the public works director.

C. Drainage. The extended paving between the property line and the street pavement shall be to the established grade or other slope fixed by the public works director to provide for proper runoff. The public works director may require that entrances at the property line bordering the city street or way be constructed in such a fashion to provide for a minimum ten-inch diameter culvert drain capacity either by the installation of a minimum size ten-inch culvert, and/or by the construction of an adequate bridge. (Ord. 01-7 § 1)

#### **12.08.050 Prohibited locations.**

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 forty feet on an arterial street and ten feet on a local street as measured from the nearest curb return radius. Where streets of different functional classification intersect, the distance required is forty feet. (Ord. 01-7 § 1)

#### **12.08.060 Owner's responsibility to maintain.**

The owner of land abutting a driveway approach shall maintain the approach in good repair and safe condition. The owner shall be liable for injury, damage or loss to person or property caused by the owner's negligent failure to maintain the approach in good repair and safe condition. The city shall not be liable for injury, damage or loss to any person or property caused in whole or in part by the defective or dangerous condition of any driveway approach.

The public works director may serve notice on the owner to reconstruct or repair the driveway approach as conditions may require. Neither the duty of the owner to maintain the driveway approach in good repair and safe condition, nor liability for owner's failure to do so is dependent upon the notice from the city to reconstruct or repair. The owner shall defend and hold harmless the city from all claims for loss or damage arising from the owner's failure to comply with subsection. (Ord. 01-7 § 1)

#### **12.08.070 Repair and reconstruction—Notice.**

If the public works director determines that a driveway approach is to be repaired or reconstructed, a notice shall be sent to the owner of the property by first-class mail at the owner's address as known to the public works director, or if not so known, as indicated on current records of the county assessor. The notice shall state the repair or reconstruction required, the time limit for such repairs, and state that the cost shall be borne by the owner of the driveway.

If the necessary repair or reconstruction is not completed within the given time limit, the public works director may cause the repair or reconstruction to be performed either with city forces or by private contract. The city shall keep an accurate account of the costs of the labor and materials used in making the repairs in front of each lot or parcel of land. The costs of such repairs plus ten percent for administrative fees shall be filed as a lien on said property with the county if payment is not received within thirty days from the date of billing. (Ord. 01-7 § 1)

#### **12.08.080 Violation—Penalty.**

The violation of this chapter upon conviction thereof is punishable by a fine of not more than five hundred dollars. (Ord. 01-7 § 1)

Applicable Subdivision

#### **16.04.310 Design standards—Lots.**

The following design standards are required for lots:

A. Size and Dimensions. The size of parcels or lots to be created by a partition or subdivision shall be determined by the zone in which the property is located and the average slope of the property from which the parcels or lots are to be created. The minimum lot size for parcels and lots created shall be as follows:



Percent of Average Slope	Minimum Lot Size per Dwelling Unit (square feet)
0—14.99	Set by zoning district
15—19.99	10,000
20—29.99	15,000
30—34.99	20,000
35+	40,000

To determine the average slope of a property proposed for subdivision the following formula shall be applied:

$$S = \frac{0.0023 \times l \times L}{A}$$

Where:

S =	Average % slope of the property
l =	The contour interval, in feet (2 feet or 5 feet)
L =	Summation of the length of the contours, in feet
A =	Area, in acres, of the property being considered

For partitions, as an alternative to the above method, the city may permit the determination of the average slope of a property by the following method:

$$\frac{\text{Vertical distance between contours}}{\text{Horizontal distance between contours}} = \frac{V}{H} = \text{\% slope}$$

The dimensions of lots shall not be less than required by the zoning ordinance.

B. Location. All lots shall have a twenty-five-foot frontage on a publicly dedicated street.

C. Lines. Side lot lines shall be substantially at right angles to straight street lines or radius to curved street lines.

D. Lot Remnants. All remnants of lots below minimum size left over after subdividing a larger tract shall be added to adjacent lots or dedicated for public use rather than allowed to remain as unusable parcels.

E. Building Envelopes.

1. The planning commission shall have the authority to require the designation of building envelopes on lots or parcels of land where it finds that the designation of building envelopes is necessary for the protection of significant natural resources, such as wetlands, stream corridors or trees. Building envelopes may also be designated to avoid construction in identified geologic hazard areas. The size and shape of the building envelope shall be that which the planning commission determines necessary to protect the identified resource.

2. Where a building envelope is designated, the building envelope shall identify and limit the location of principal and accessory structures, parking areas, and associated site development, excluding roads and driveways, to the building envelope. All the elements of principal structures and accessory structures shall be located within the designated envelope, including building elements such as roof overhangs, bay windows, chimneys, unroofed landings and decks attached to the building.

3. The planning commission may approve the modification of an approved building envelope where: (a) it finds that the intent of the original building envelope designation is maintained by the proposed modification; and (b) new facts, which were not available at the time of the original designation of the building envelope, about the characteristics of the site form the basis for the modification.

4. The planning commission shall hold a public hearing on the request for a modification to a designated building envelope pursuant to the requirements Sections 16.04.080—16.04.125. (Ord. 08-02 § 2; Ord. 95-20 § 1)

**16.04.330 Design standards—Trees.**

No trees shall be removed in the development of the subdivision or partition except those within the designated public rights-of-way and easements for public utilities. All trees on individual building lots shall be retained until such time as plans are submitted for a building permit and approved as to specific locations of building pads, driveways and other aspects of land disturbance. An exception to this standard can be made by the planning commission as part of the subdivision or partition tentative plan, specifying which trees are to be removed and for what purpose. (Ord. 95-20 § 1)

**16.04.380 Variance—Applications required.**

Applications are required for variances in the following circumstances:

A. General. Application for a general variance shall be submitted in writing by the subdivider or partitioner when the tentative plan is submitted for consideration. The application shall state fully the grounds for the request and all the facts relied upon by the applicant in making such a request.

B. Cluster Development. Application for such variance shall be made in writing by the subdivider when the tentative plan is submitted for consideration. All facts relied upon by the petitioner shall be fully stated and supplemented with maps, plans or other additional data which may aid the commission in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan. (Ord. 95-20 § 1)

**16.04.390 Variance—Action of the planning commission.**

The planning commission shall consider the application for a variance at the same meeting at which it considers the tentative plan. The variance may be approved or approved subject to conditions provided the planning commission finds that the following standards are met:

- A. That there are special circumstances or conditions affecting such property;
- B. That the exception is necessary for the proper design and/or function of the subdivision; and
- C. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated. Examples of what may be deemed injurious to other property are (but are not limited to): increased risk of geologic hazard, reduction of privacy, impact upon a significant view and additional traffic generation. (Ord. 95-20 § 1)

## **APPLICABLE CODE:**

### **Chapter 17.14 RESIDENTIAL MEDIUM DENSITY (R2) ZONE**

#### **17.14.040 Standards.**

In an R2 zone, the following standards shall apply except as they may be modified through the design review process pursuant to Chapter 17.44:

- A. Lot Size. Lot area shall be at least five thousand square feet, except that construction on lots of less than five thousand square feet is permitted subject to Section 17.82.020. The minimum lot size for a single-family dwelling shall be five thousand square feet. The minimum lot size for all uses, including single-family dwellings, shall be adjusted for average slope using the standards in Section 16.04.310(A).
- B. Lot Dimensions.
  - 1. Lot Width. Lot width shall be at least forty feet.
  - 2. Lot Depth. Lot depth shall be at least eighty feet.
  - 3. Front Yard. A front yard shall be at least fifteen feet.
  - 4. Side Yard. A side yard shall be at least five feet, except on a corner or through lot the minimum side yard from the street shall be fifteen feet.
  - 5. Rear Yard. A rear yard shall be at least fifteen feet, except on a corner or through lot it shall be a minimum of five feet, except where a rear lot line abuts a street, it shall be a minimum of fifteen feet.
  - 6. Yard Abutting the Ocean Shore. For all lots abutting the ocean shore, any yard abutting the ocean shore shall conform to the requirements of Section 17.42.050(A)(6), Oceanfront setback.
- C. Lot Coverage. The lot coverage for a permitted or conditional use shall not exceed fifty percent.
- D. Floor Area Ratio. The floor area ratio for a permitted or conditional use shall not exceed 0.6.
- E. Building Height. Maximum height of a structure is twenty-four feet, measured as the vertical distance from the average elevation of existing grade to the highest point of a roof surface of a flat roof, to the top of a mansard roof or to the mean height level between the eaves and the ridge for a pitched roof. The ridge height of a pitched roof shall not exceed twenty-eight feet. Pitched roofs are considered those with a 5-12 pitch or greater.
- F. Signs. As allowed by Chapter 17.56.
- G. Parking. As required by Section 17.78.020.
- H. Design Review. All uses except single-family dwellings and their accessory structures are subject to design review of Chapter 17.44.
- I. Geologic or Soils Engineering Study. As required by Chapter 17.50.
- J. Claims for Compensation Under ORS 197.352. The standards of Section 17.08.040(A) through (K) (Standards), shall apply except as specifically modified pursuant to a development agreement created as part of the city's final action modifying, removing or not applying the city's land use regulation(s) on a demand for compensation under ORS 197.352.
- K. Site Plan. Except for interior renovation of existing structures and exterior renovations such as siding replacement where there will be no ground disturbance, no new construction shall be approved unless a site plan meeting the requirements of Section 17.90.190 has been submitted and approved.

**CANNON BEACH COMMUNITY DEVELOPMENT**

163 E. GOWER ST.

PO Box 368

CANNON BEACH, OR 97110

Renee France  
Radler, White, Parks & Alexander, LLP  
111 SW Columbia St., Suite 700  
Portland, OR 97201

**RE: Haystack Views Follow-up**

March 1, 2022

Renee France &amp; Team:

This letter is to document the city's response to some of the questions that arose during our Zoom-call Wednesday, February 23, 2022.

The discussion over whether the city code language would consider abutment along a public street, to run along the rear-yards, as proposed by the applicant, rather than as 'frontage,' in keeping with the traditional interpretation where the twenty-five-foot requirement is generally taken to mean where a lot accesses the street. The specific reference to such access requirements can be found in Cannon Beach Municipal Code (CBMC) 17.90.020, where abutment and access are linked. My thought would be a variance request from lot and street standards of CBMC 16.04.280, 310 & 360, and the portions affected in CBMC 17.43.050(M)(2).

As I mentioned in our discussion, we have recently removed the Planned Development language from the CBMC, however, the Cluster Development language remains. From my understanding, the Cluster Development language hasn't been utilized in a subdivision yet in Cannon Beach, but it might be an alternative. The limitation appears to be in CBMC 17.43.050(M)(3), copied below, which states that all wetland and buffer areas must be held in common ownership in the open space tract.

You had also requested that we investigate whether there is precedent for a private drive parcel, which would presumably be owned and maintained by a Homeowners' Association. The only similar instance I was able to find in Cannon Beach records is the recent example of the Cannon Beach Preservation Planned Development Subdivision that required a Shared Access Maintenance Agreement (SAMA) providing access to four lots. That SAMA wasn't a parcel of its own but spread across the four lots of the subdivision. You should know, however, that the further development of this subdivision has been the subject of significant public attention and the removal of the planned development section of the code. It may not be a model to follow. In any event, a platted parcel rather than an access easement should be allowable under CBMC.

We hope this clarifies the points raised by the pre-application follow-up meeting. Please let us know if you have any further questions and we look forward to hearing from you with regards to next steps for the project.

Sincerely,

Jeffrey S. Adams, PhD

## Referenced Criteria

### 17.90.020 Access requirement.

Every lot shall abut a street, other than an alley, for at least twenty-five feet. Lots which were created prior to adoption of the zoning ordinance which do not meet this provision may be accessed via an irrevocable recorded easement of a minimum of ten feet in width. (Ord. 87-14 § 1; Ord. 79-4 § 1 (4.030))

### 16.04.050 Definitions.

{...}

“Cluster housing” means a residential development which has the following characteristics:

1. House sites or structures which are grouped closer together than the standards of the zoning district;
2. The portion of the site not developed for housing is retained as a tract of open space which is precluded from fixture development; and
3. The total number of dwelling units provided does not exceed the site’s net acreage (gross site area minus the area of streets) divided by the minimum lot size of the zoning district.

### 16.04.400 Variance—Cluster development.

The planning commission may authorize a variance from these regulations in case of a plan for cluster development which, in the judgment of the planning commission, provides adequate public spaces and includes provisions for efficient circulation, light and air and other needs. In making its findings, as required in this chapter, the planning commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the planning commission finds:

- A. The proposed project will constitute a desirable and stable community development and carry out the purposes of the comprehensive plan with regard to the preservation of natural features;
- B. The proposed project will be in harmony with adjacent areas. (Ord. 95-20 § 1)

### 17.60.010 Provisions established.

The following provisions have been established in regard to cluster development:

- A. In any zone, cluster development may be permitted to maintain open space, reduce street and utility construction and increase attractiveness of development.
- B. Cluster development is a development technique wherein structures or lots are grouped together around access courts or cul-de-sacs, or where sizes of lots surrounding structures are reduced while maintaining the density permitted by the comprehensive plan and this title.
- C. Clustering may be carried out in the context of a subdivision, major or minor partition, planned development, replatting of existing lots or other review by the planning commission.
- D. Single-family attached dwellings may be permitted by the planning commission so long as the overall density of the zone is not exceeded, and with consideration of design review board recommendations.
- E. The planning commission (which may use the advice of staff or the design review board) may permit reduction in lot size, setback or other standards so long as the density requirements of the zone are maintained. (Ord. 79-4 § 1 (4.190))

### 17.43.050 Standards.

M. Land Divisions. Subdivisions, replats, partitions, and property line adjustments in protected wetlands, wetland buffer areas, or a wetland lot-of-record are subject to the following standards:

{...}

3. In planned unit developments or cluster subdivisions, all protected wetland or wetland buffer areas must be in open space tracts held in common ownership.



**CANNON BEACH COMMUNITY DEVELOPMENT**

163 E. GOWER ST.

PO Box 368

CANNON BEACH, OR 97110

June 3, 2022

Patrick/Dave LLC  
Attn: Jamie Lerma  
3514 NE US Grant Place  
Portland, OR 97212

RE: Completeness Determination for Partition & Conditional Use request at **TAXLOT# 51030DA04100**  
(FILE: **P 22-01 & CU 22-02**)

Dear Mr. Lerma:

Your application was received on May 25, 2022 and found to be complete on June 3, 2022. The City has 120 days to exhaust all local review; that period ends on October 25, 2022.

Please be aware that a determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the Planning Commission to render a decision on your partition and conditional use request.

It should be noted that existing tax lot 51030DA04100 was established as Parcel 3 through Partition Plat 2000-037, recorded with Clatsop County, on November 13, 2000, as instrument number 200009887. That plat contains a 'restriction' note stating, "Access to Parcels 1, 2 & 3 is restricted to Forest Lawn Road only, until such future time that said restriction is modified by the City of Cannon Beach." The City will require Cannon Beach Common Council approval to modify or remove this restriction prior to the partitioning or as a condition of approval.

Please feel free to contact my office at **503.436.8040**, if you have questions regarding any of these matters.

Sincerely,

Jeffrey S. Adams, PhD

Cc: Katie Hillenhagen, CD Administrative Assistant  
Bill Kabeiseman, City Land Use Attorney  
Bruce St. Denis, City Manager

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
<b>Required</b>	<b>5,000</b>	<b>1,000</b>	<b>-</b>	<b>40</b>	<b>80</b>	<b>25</b>

\*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](mailto:mrobinson@dowl.com).

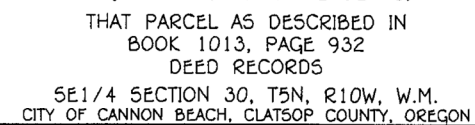
Sincerely,

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







## PACIFIC HABITAT SERVICES, INC

9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

(800) 871-9333 • (503) 570-0800 • Fax (503) 570-0855

September 1, 2021

**Patrick/Dave, LLC**  
**Patrick Gemma and Dave Pietka**  
[pgemma@prologis.com](mailto:pgemma@prologis.com)  
[dpietka@msn.com](mailto:dpietka@msn.com)

**In Re: Stormwater influence on southern portion of Tax Lot 4100 on Forest Lawn Drive,  
Cannon Beach  
PHS project number: 6978**

Dear Patrick and Dave:

In 1999, Pacific Habitat Services, Inc. (PHS) conducted a wetland delineation within tax lot 4100. The attached Figure 5 shows the results of that wetland delineation. We revisited the property in December 2020 to re-delineate the property, which is shown on Figure 6. In general, the location of the wetlands did not significantly change, however, we did observe additional wetlands in the southwest portion of the property.

Wetland delineations need to be updated every five years because it is assumed that hydrologic conditions can change. To underscore this, when we updated the wetland delineation in 2020, it was obvious that stormwater flowing from a downspout attached to a new house to the south of the lot had created additional wetlands within Tax Lot 4100. In addition to the downspout, water is running into the property from a catch basin on Forest Lawn Road, which is also in the southwest corner of the property.

Although we know there is a shallow groundwater table associated with the wetland, its hydrology is being augmented by stormwater runoff flowing from developed areas to south and southwest. This is patently clear when comparing the additional wetland discovered in 2020 and the stormwater runoff from the downspout. It is highly recommended that all stormwater flows from adjacent developed areas be piped around the wetland. In the future, an updated wetland delineation should occur to document any changes to the wetland boundary.

Let me know if you have any questions.

Thanks

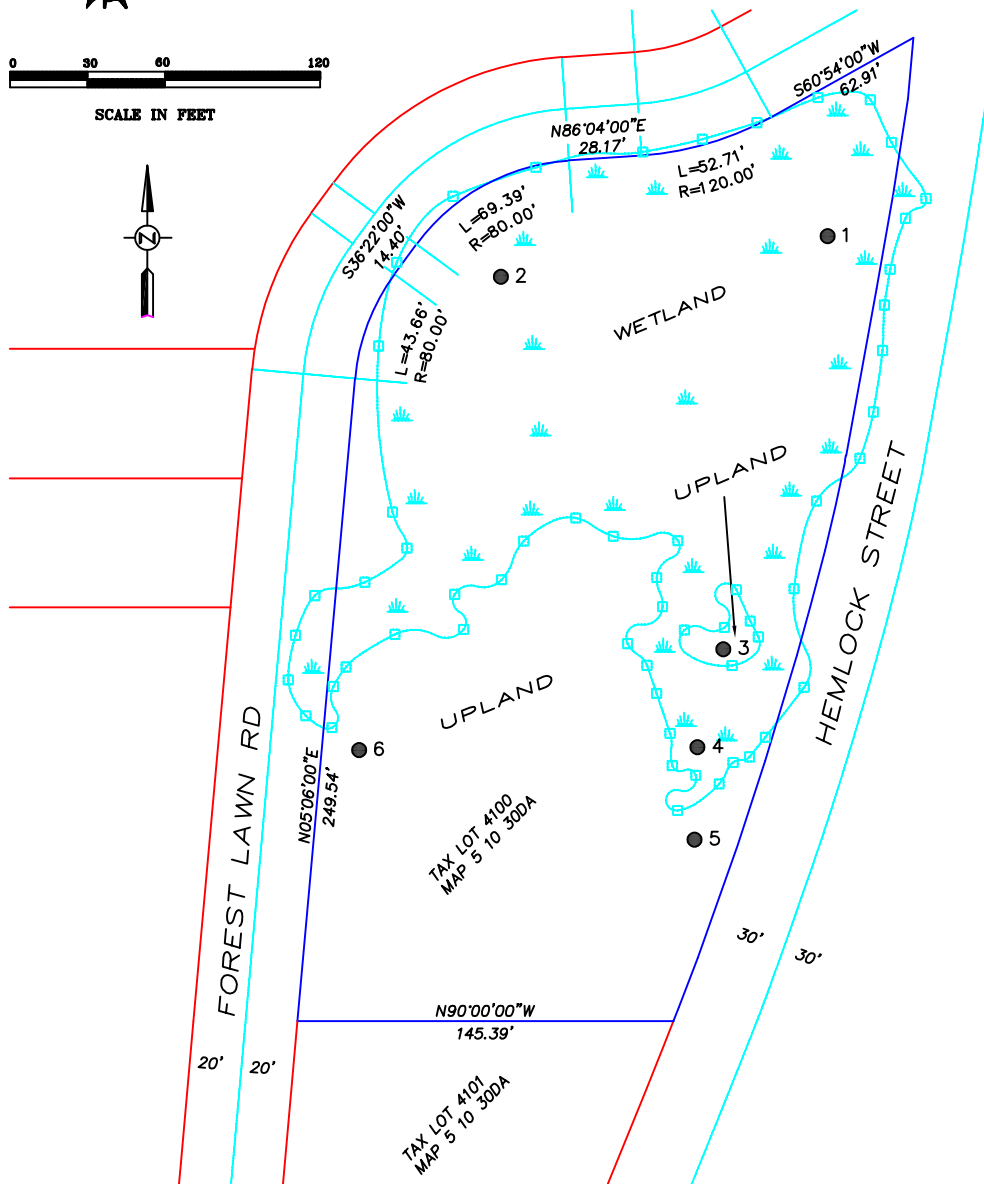
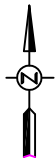
Sincerely,

John van Staveren, SPWS  
Project Manager



0 30 60 120

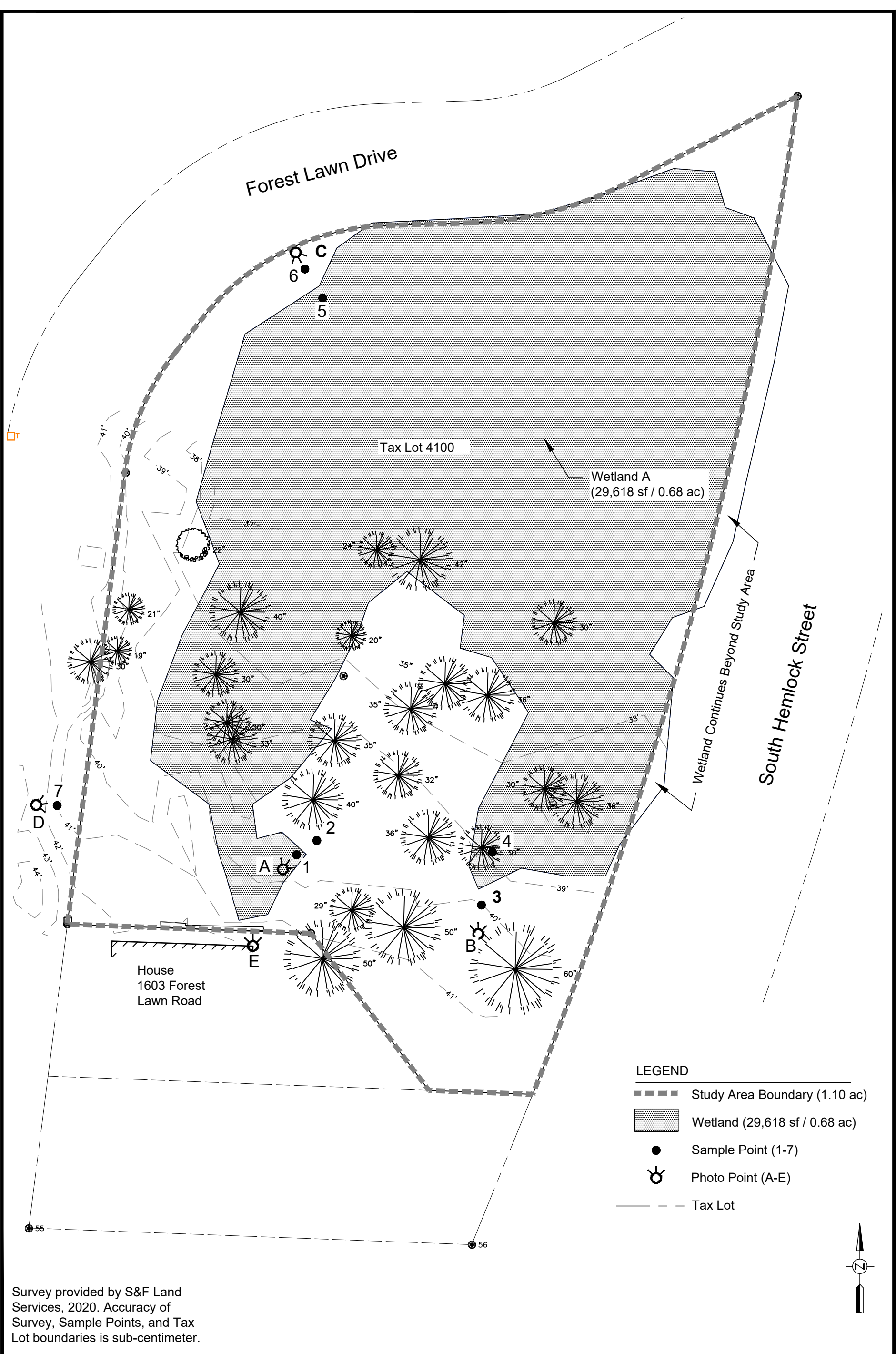
SCALE IN FEET



7/22/99

8-1680

Figure 5: Location of potentially jurisdictional wetlands and sample points for the Forest Lawn Road property in Cannon Beach, Oregon (base map supplied by HLB & Associates).



Wetland Delineation  
Tax Lot 4100 - Cannon Beach, Oregon

FIGURE  
**6**

3-19-2021

C-07





# MORGAN CIVIL ENGINEERING, INC.

PO Box 358, Manzanita, OR 97130

ph: 503-801-6016

[www.morgancivil.com](http://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

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#### 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.

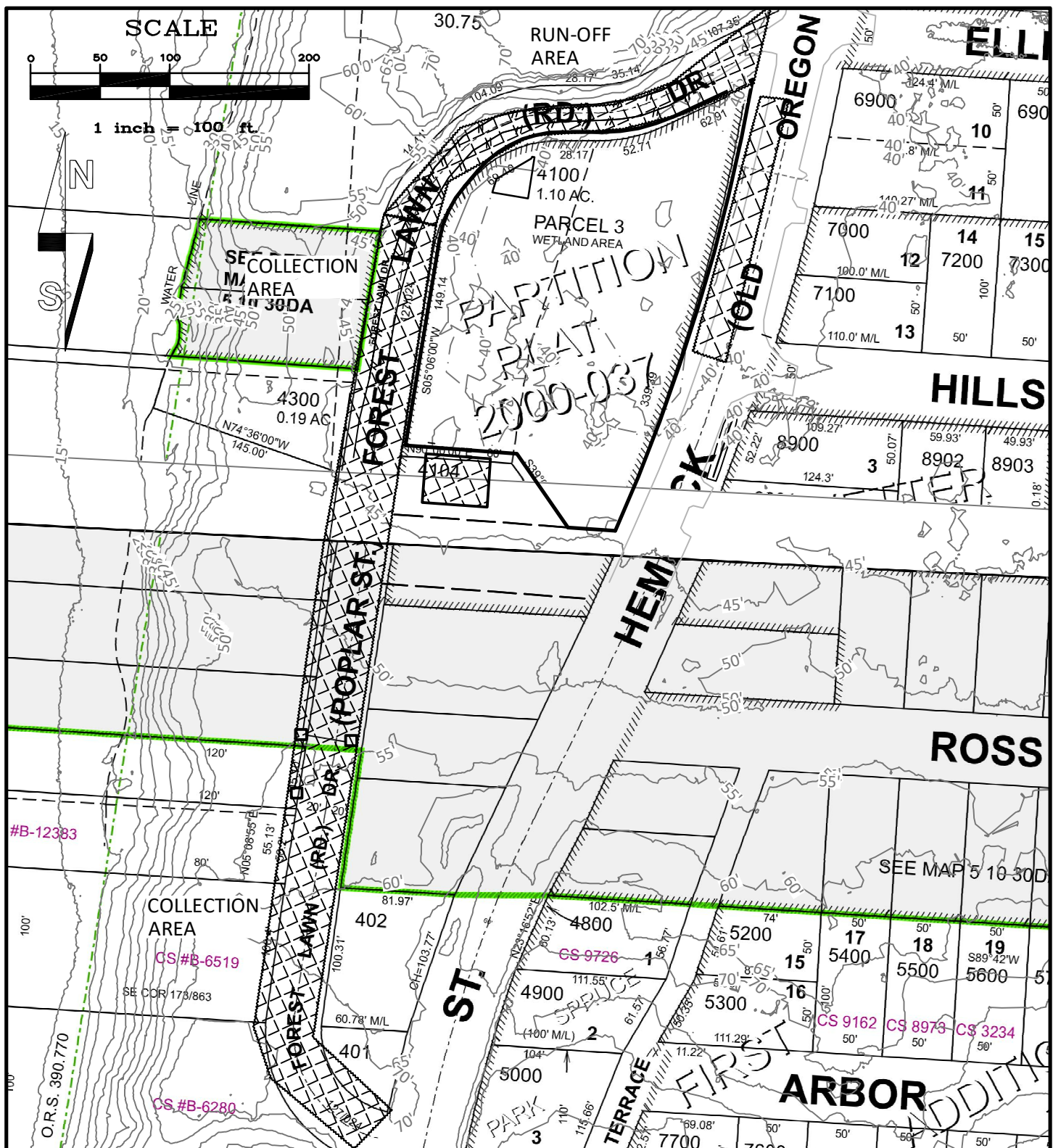
The drainage system on Forest Lawn Drive collects water from the south end of the road and discharges it into near the southwestern corner.

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
<b>2-year storm</b>	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
<b>25-year storm</b>	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
<b>100-year storm</b>	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

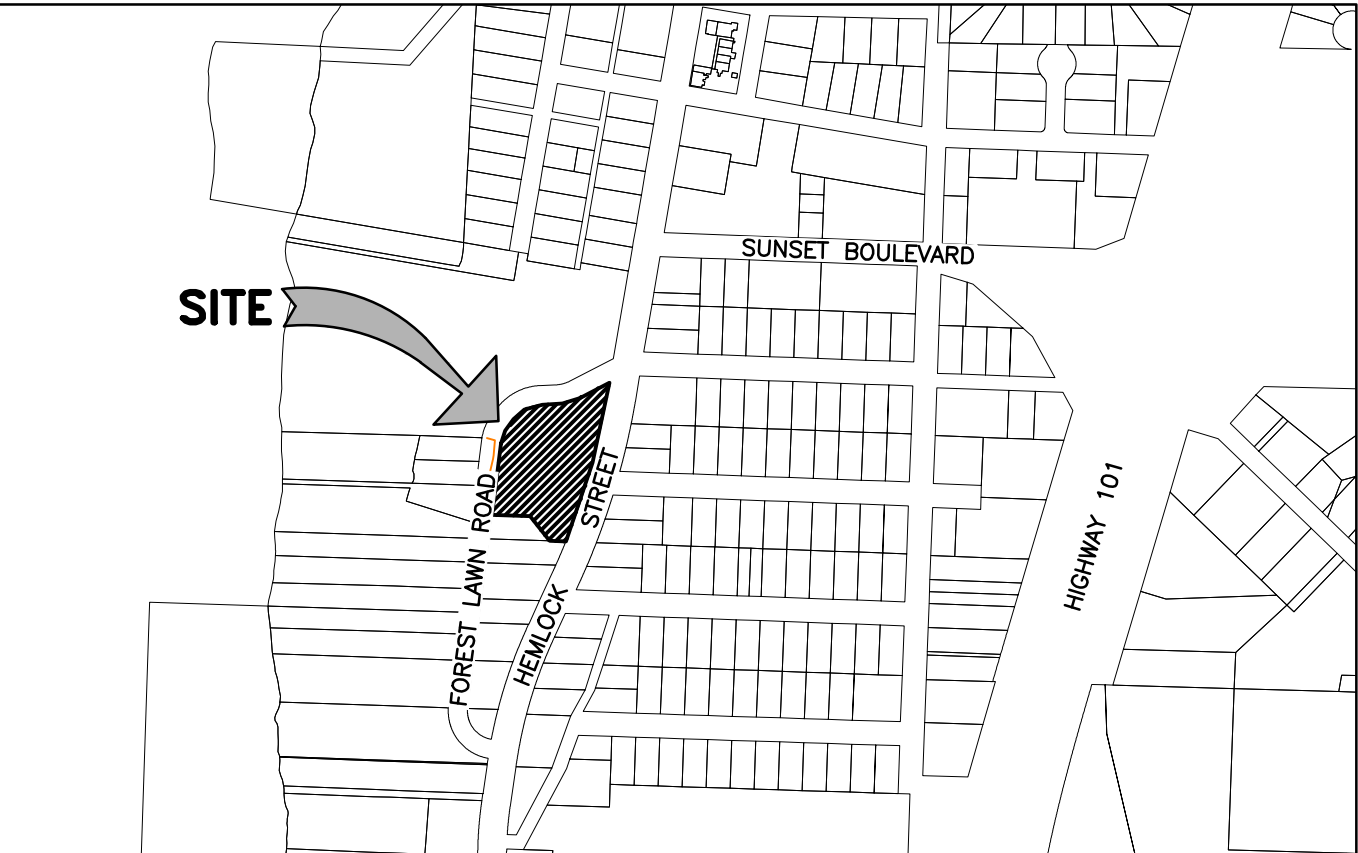




TOPOGRAPHIC SURVEY

FOR PATRICK/DAVE, LLC  
LOCATED IN THE SE 1/4 OF SECTION 30,  
TOWNSHIP 5 NORTH, RANGE 10 WEST  
OF THE WILLAMETTE MERIDIAN  
CITY OF CANNON BEACH, CLATSOP COUNTY, OREGON

DECEMBER 23, 2020



VICINITY MAP  
(NOT TO SCALE)  
CANNON BEACH, OREGON

BASIS OF ELEVATIONS:

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

LEGEND:

- FOUND MONUMENT SHOWN ON PARTITION PLAT NO. 2000-037.
- ⚡ FIRE HYDRANT
- ⚡ POWER TRANSFORMER
- ☎ TELEPHONE PEDESTAL
- 🌲 TREE - CONIFEROUS
- 🌳 TREE - DECIDUOUS
- ⛶ WATER METER
- 🚩 WETLAND DELINEATION FLAG
- ⊙ WETLAND SAMPLE PLOT
- PROPERTY BOUNDARY
- - - OTHER LOT LINE
- - - RIGHT OF WAY LINE
- - - EDGE OF GRAVEL
- GAS LINE
- - - UNDERGROUND POWER LINE
- - - UNDERGROUND TELEPHONE LINE
- CONCRETE
- WETLAND AREA

NOTES:

- THE LOCATION OF EXISTING UNDERGROUND UTILITY FACILITIES SHOWN HEREON ARE BASED ON LOCATE MARKS REQUESTED FOR THIS SURVEY PER ONE CALL PUBLIC LOCATE TICKET 20335678. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE DELINEATION OF SUCH UNDERGROUND UTILITIES BY THE RESPECTIVE UTILITY OWNERS, NOR FOR THE EXISTENCE OF BURIED OBJECTS WHICH ARE NOT SHOWN ON THE PLAN. ALL UTILITY LOCATIONS SHOULD BE FIELD VERIFIED PRIOR TO CONSTRUCTION.
- FIELD WORK WAS COMPLETED ON DECEMBER 23, 2020.

S&F Land Services

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

DATE	JOB NO.	FIELD	DRAWN	CHECKED
DEC. 23, 2020	2020-G305-01	SP/JPW	CC	JLW

TOPOGRAPHIC SURVEY FOR:

PATRICK/DAVE, LLC

PARCEL 3  
PARTITION PLAT NO. 2000-037

SE1/4 OF SECTION 30 T5N, R10W, W.M.  
CITY OF CANNON BEACH, CLATSOP COUNTY, OREGON

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
SEPTEMBER 10, 2019  
JACK L. WHITE II  
91887PLS  
RENEWES 6/30/22





# Oregon

Kate Brown, Governor

## Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

**State Land Board**

June 8, 2021

Patrick/Dave, LLC  
Attn: Patrick Gemma  
2575 38<sup>th</sup> Avenue West  
Seattle, WA 98199

Kate Brown  
Governor

Shemia Fagan  
Secretary of State

Re: WD # 2021-0153 **Approved**  
Wetland Delineation Report for Tax Lot 4100 on Forest Lawn Drive  
Clatsop County; T5N R10W 30DA TL4100  
Cannon Beach Local Wetlands Inventory, Wetland 24

Tobias Read  
State Treasurer

Dear Mr. Gemma:

The Department of State Lands has reviewed the wetland delineation report prepared by Pacific Habitat Services for the site referenced above. Based upon the information presented in the report, we concur with the wetland boundaries as mapped in revised Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland (Wetland A, totaling approximately 0.68 acres) was identified. This wetland is subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact the Jurisdiction Coordinator, Jessica Imbrie, at (503) 986-5250.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Ryan", written in a cursive style.

Peter Ryan, SPWS  
Aquatic Resource Specialist

Enclosures

ec: John van Staveren, SPWS, Pacific Habitat Services  
City of Cannon Beach Planning Department (Maps enclosed for updating LWI)  
Brad Johnson, Corps of Engineers  
Dan Cary, SPWS, DSL  
Oregon Coastal Management Program ([coast.permits@state.or.us](mailto:coast.permits@state.or.us))

# WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

Fully completed and signed report cover forms and applicable fees are required before report review timelines are initiated by the Department of State Lands. Make the checks payable to the Oregon Department of State Lands. To pay fees by credit card, go online at: <https://apps.oregon.gov/DSL/EPS/program?key=4>.

Attach this completed and signed form to the front of an unbound report or include a hard copy with a digital version (single PDF file of the report cover from and report, minimum 300 dpi resolution) and submit to, **Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279**. A single PDF of the completed cover form and report may be e-mailed to [Wetland\\_Delineation@dsl.state.or.us](mailto:Wetland_Delineation@dsl.state.or.us). For submittal of PDF files larger than 10 MB, e-mail DSL instructions on how to access the file from your ftp or other file sharing website.

## Contact and Authorization Information

☒ Applicant ☒ Owner Name, Firm and Address:

**Patrick Gemma**  
**Patrick/Dave, LLC**  
**2575 38<sup>th</sup> Avenue West**  
**Seattle, WA 98199**

Business phone #

Mobile phone # (optional) **206.419.2218**

E-mail: **pgemma@prologis.com**

☒ Authorized Legal Agent, Name and Address:

Business phone #

Mobile phone #

E-mail:

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.

Typed/Printed Name: **Patrick Gemma**

Signature: 

Date: **3/19/2021**

Special instructions regarding site access:

## Project and Site Information

Project Name: **Tax Lot 4100 on Forest Lawn Drive**

Latitude: **45.8864**

Longitude: **-123.9628**

decimal degree - centroid of site or start & end points of linear project

Tax Map # **5 10 30 DA**

Tax Lot(s) **4100**

Proposed Use:

**Residential subdivision**

Tax Map #

Tax Lot(s)

Project Street Address (or other descriptive location):

**SW of the intersection of Forest Lawn Dr and South Hemlock Street**

Township **5N** Range **10W** Section **30** QQ **DA**

Use separate sheet for additional tax and location information

Waterway: **N/A**

River Mile: **N/A**

City: **Cannon Beach**

County: **Clatsop**

NWI Quad(s): **Tillamook Head, Oregon**

## Wetland Delineation Information

Wetland Consultant Name, Firm and Address:


**Pacific Habitat Services**  
**Attn: John van Staveren**  
**9450 SW Commerce Circle, Suite 180**  
**Wilsonville, OR 97070**

Phone # **503-570-0800**

Mobile phone # **503-708-8320**

E-mail: **jvs@pacifichabitat.com**

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.

Consultant Signature: 

Date: **3/19/2021**

Primary Contact for report review and site access is ☒ Consultant ☐ Applicant/Owner ☐ Authorized Agent

Wetland/Waters Present? ☒ Yes ☐ No Study Area size: **1.10 acres** Total Wetland Acreage: **0.68**

## Check Applicable Boxes Below

☐ R-F permit application submitted

☒ Fee payment submitted **\$475**

☐ Mitigation bank site

☐ Fee (\$100) for resubmittal of rejected report

☐ Industrial Land Certification Program Site

☐ Request for Reissuance. See eligibility criteria (no fee)

☐ Wetland restoration/enhancement project (not mitigation)

DSL # \_\_\_\_\_ Expiration Date \_\_\_\_\_

☐ Previous delineation/application on parcel?

☒ LWI shows wetlands or waters on parcel?

If Known, previous DSL #

Wetland ID Code **W24**

## For Office Use Only

DSL Reviewer: **JJ**

Fee Paid Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

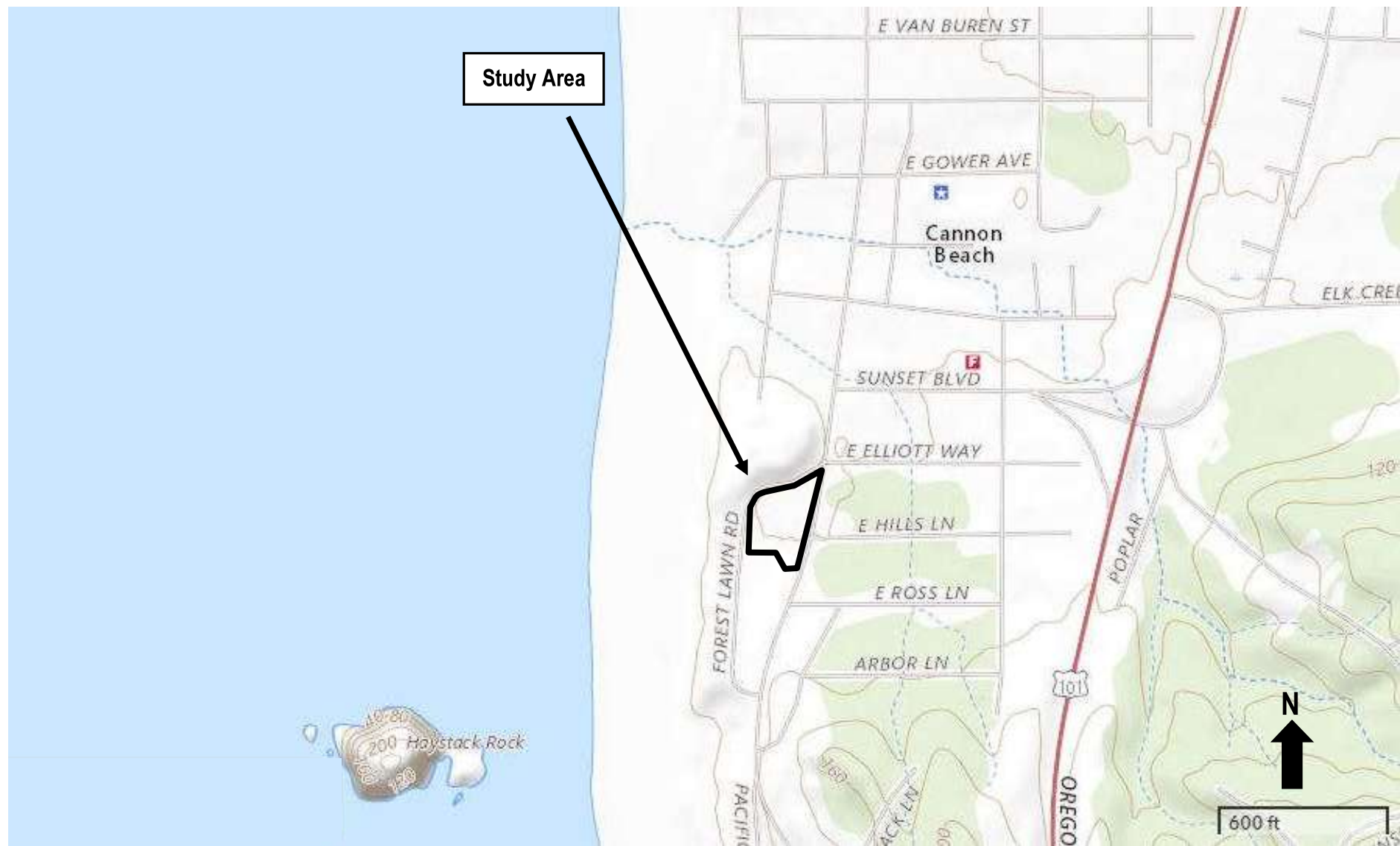
DSL WD # **2021-0153**

Date Delineation Received: **3 / 23 / 21**

Scanned: ☐ Final Scan: ☐

DSL App. # \_\_\_\_\_

**Electronic Submittal**



Project #6978  
2/16/2021



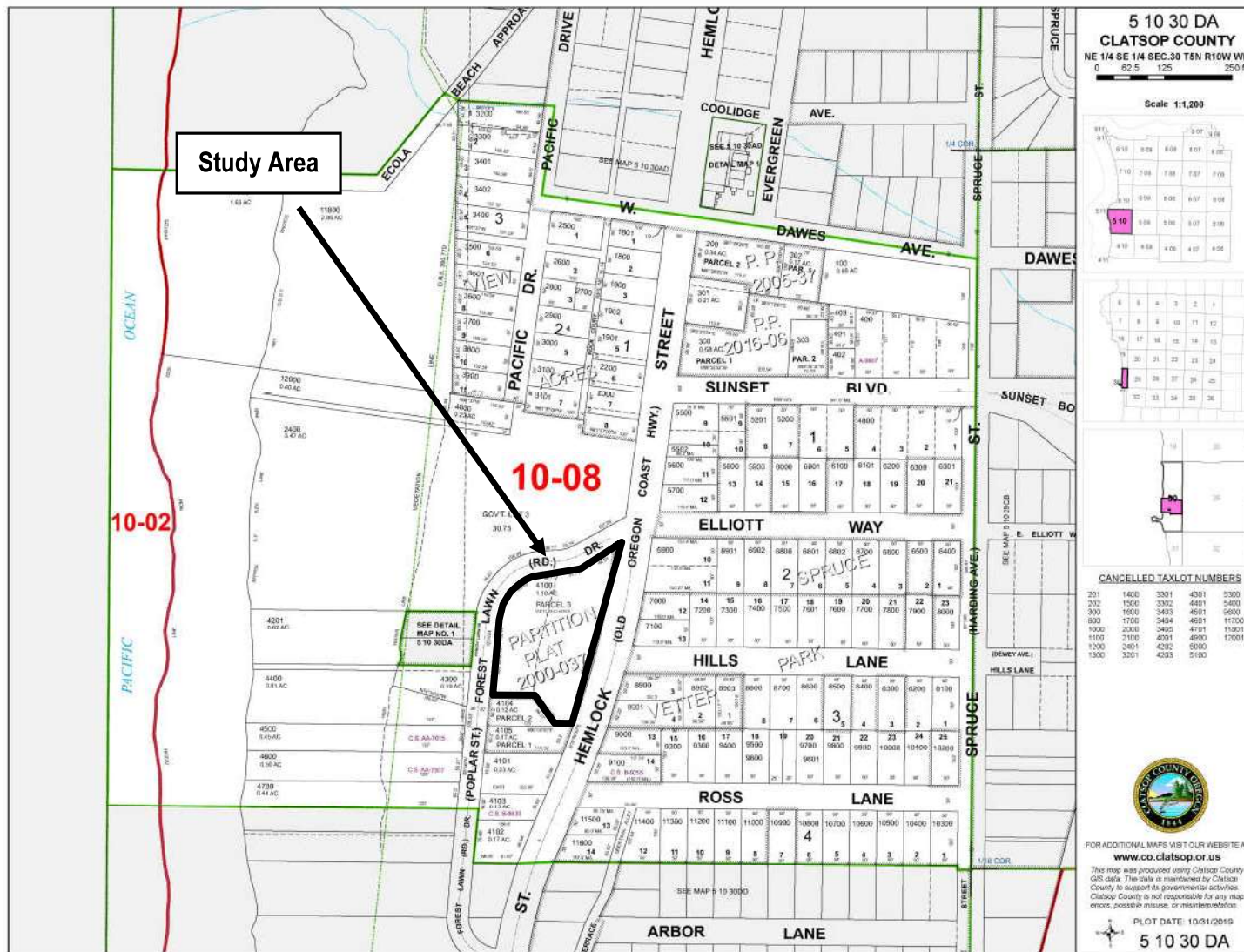
Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

General Location and Topography  
Tax Lot 4100 - Cannon Beach, Oregon  
United States Geological Survey (USGS) Tillamook Head, Oregon 7.5 quadrangle, 2020  
(viewer.nationalmap.gov/basic)

FIGURE

1





Project #6978  
 2/16/2021

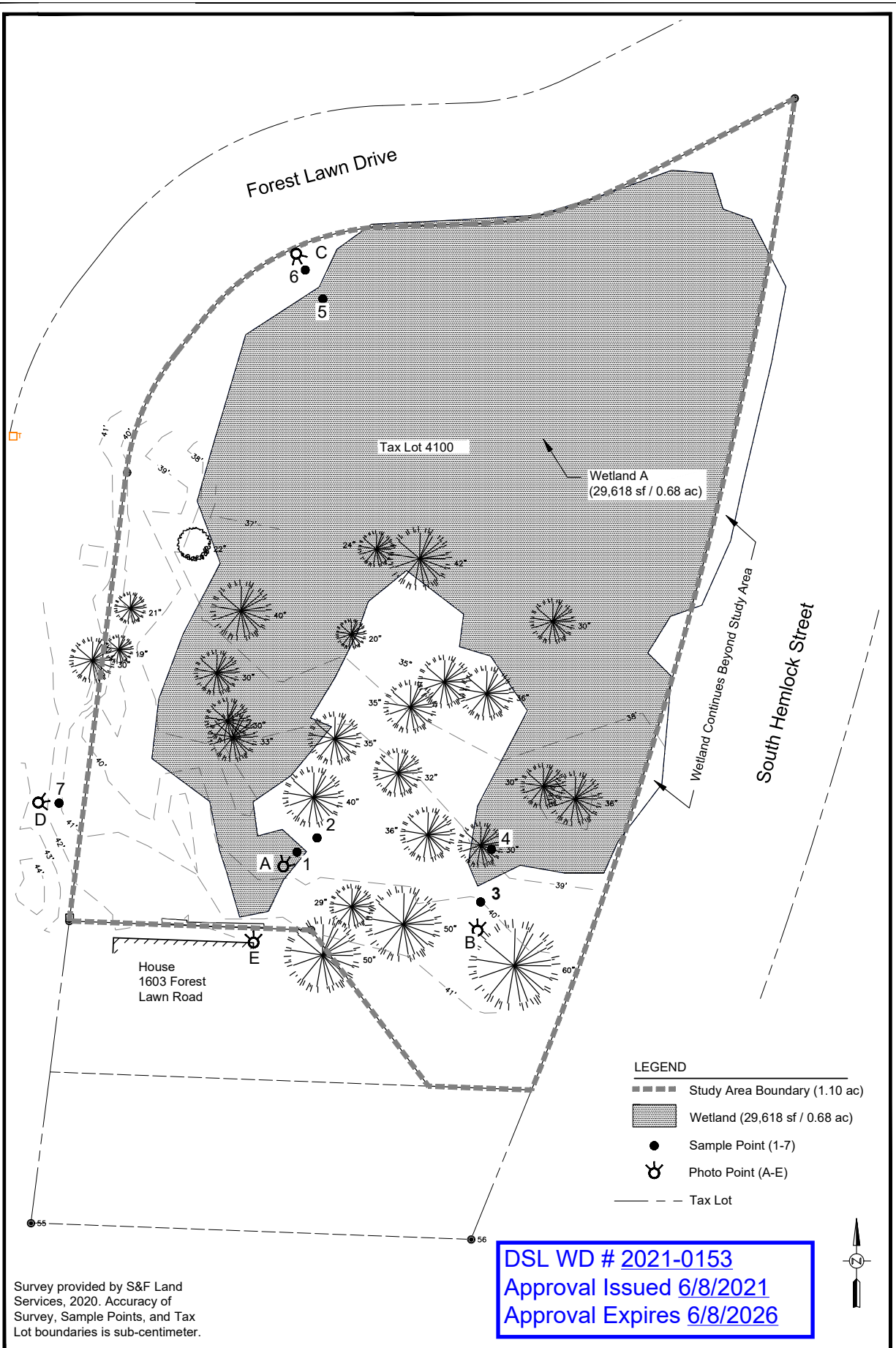


Pacific Habitat Services, Inc.  
 9450 SW Commerce Circle, Suite 180  
 Wilsonville, OR 97070

Tax Lot Map  
 Tax Lot 4100 - Cannon Beach, Oregon  
 The Oregon Map (ormap.net)

FIGURE

2





C-10



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT  
P.O. BOX 2946  
PORTLAND, OR 97208-2946

April 15, 2021

Regulatory Branch  
Corps No.: NWP-2021-159

Patrick Gemma  
Patrick/Dave, LLC  
2575 38<sup>th</sup> Avenue West  
Seattle, Washington 98199  
pgemma@prologis.com

Dear Mr. Gemma:

The U.S. Army Corps of Engineers (Corps) received your request for an Approved Jurisdictional Determination (AJD) of the waters or water features, including wetlands, within the review area as shown on the enclosed drawings (Enclosure 1). The review area is located between Forest Lawn Road and South Hemlock Street Cannon Beach, Clatsop County, Oregon at Latitude/Longitude: 45.8864°, -123.9628°. Other waters or water features, including wetlands, that may occur on this property or on adjacent properties outside the review area are not the subject of this determination.

The Corps has determined Wetland A within the review area is not a water of the U.S. The enclosed drawings (Enclosure 1) identify the size and boundaries of the delineated wetland. The enclosed *Approved Jurisdictional Determination Form (Interim)* (Enclosure 2) provides the basis for jurisdiction. A copy of the AJD Form can also be found on our website at: <http://www.nwp.usace.army.mil/Missions/Regulatory/Appeals/>.

If you object to the enclosed AJD, you may request an administrative appeal under 33 CFR Part 331 as described in the enclosed *Notification of Administrative Appeal Options and Process and Request for Appeal (RFA)* form (Enclosure 3). To appeal this AJD, you must submit a completed *RFA* form to the Corps Northwestern Division (NWD) office at the address listed on the form. In order for the request for appeal to be accepted, the Corps must determine that the form is complete, that the request meets the criteria for appeal under 33 CFR Part 331.5, and the form must also be received by the NWD office within 60 days from the date on the form. It is not necessary to submit the form to the NWD office if you do not object to the enclosed AJD.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you

or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

This AJD is valid for a period of five years from the date of this letter unless new information warrants revisions of the determination.

We would like to hear about your experience working with the Portland District, Regulatory Branch. Please complete a customer service survey form at the following address: [https://corpsmapu.usace.army.mil/cm\\_apex/f?p=136:4](https://corpsmapu.usace.army.mil/cm_apex/f?p=136:4).

If you have any questions regarding our Regulatory Program or permit requirements for work in waters of the U.S., please contact Mr. Brad Johnson by telephone at (503) 808-4383 or e-mail at: [Brad.A.Johnson2@usace.army.mil](mailto:Brad.A.Johnson2@usace.army.mil).

Sincerely,

For: William D. Abadie  
Chief, Regulatory Branch

Enclosures

cc with drawings:

Oregon Department of State Lands (Dan Cary, [dan.cary@dsl.state.or.us](mailto:dan.cary@dsl.state.or.us))

Oregon Department of Environmental Quality ([401applications@deq.state.or.us](mailto:401applications@deq.state.or.us))

Pacific Habitat Services (John van Staveren, [jvs@pacifichabitat.com](mailto:jvs@pacifichabitat.com))

PRELIMINARY HAYSTACK VIEWS  
SUBDIVISION EXHIBIT

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

NOVEMBER 9, 2021

LINE TABLE		
LINE #	BEARING	DISTANCE
L4	S10°40'41"W	22.03'
L2	N38°30'47"E	14.40'
L3	N88°12'47"E	28.17'
L1	N7°14'53"E	4.98'

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

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'

LEGEND:

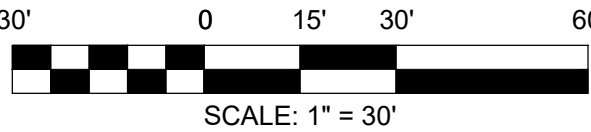
	AREA OF ACCESS EASEMENT		BUILDING SETBACK LINE
	AREA OF WETLAND		WETLAND DELINEATION LINE
	AREA OF PROPOSED DRIVEWAY		OHP OVERHEAD POWER
	AREA OF PROPOSED REDUCED SETBACK IN BUILDING SITE		TELEPHONE
			COMMUNICATION POWER POLE
			TELEPHONE RISER
			FIRE HYDRANT
			WATER METER
			WATER VALVE

ACCESS EASEMENT DATA TABLE:

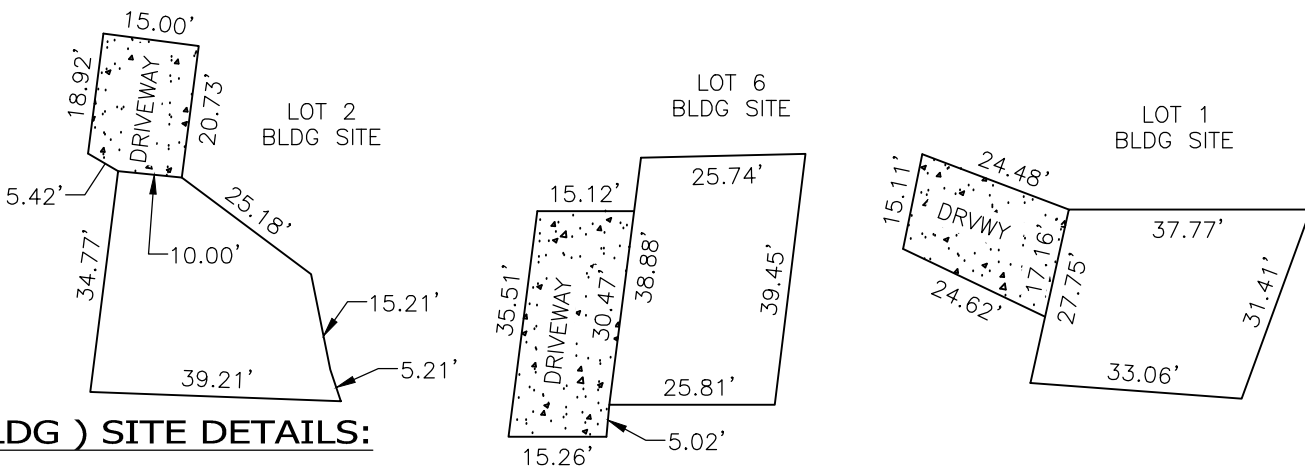
LOT	EASEMENT AREA (S.F.) UPLAND / WETLAND	AREA OF LOT (INCLUDING EASEMENT) UPLAND / WETLAND	AREA OF LOT (EXCLUDING EASEMENT) UPLAND / WETLAND
1	335 / N/A	5,225 / N/A	4,890 / N/A
2	1067 / 139	3,973 / 1,019	2,906 / 880

LOT DATA TABLE:

LOT	TOTAL AREA (S.F.)	BLDG AREA (S.F.)	WETLAND AREA (S.F.)	UPLAND AREA (S.F.)	NOTE
1	5,348	1,000	123	5,225	
2	6,279	1,000	2,307	3,973	FSB REDUCED TO 5'
3	5,090	N/A	3,257	1,833	
4	5,009	N/A	3,989	1,019	
5	5,706	N/A	4,704	1,002	
6	6,369	1,000	3,083	3,286	
7	4,935	N/A	3,694	1,241	LOT AREA INCREASED
TRACT 'A'	9,304	N/A	8,399	905	LOT AREA REDUCED



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



PORTLAND, VANCOUVER, BEND, SEASIDE

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

WWW.SFLANDS.COM

DATE: NOV. 9, 2021

JOB NO.: 21G30502

FIELD: SP

DRAWN: RER

CHECKED: JLW

SURVEY FOR:

HAYSTACK VIEWS  
SUBDIVISION

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 6/30/22

P.O. Box 19313  
Portland, OR 97280-0313  
February 19, 1993

Rainmar Bartyl, City Planner  
City of Cannon Beach  
P.O. Box 368  
Cannon Beach, OR 97110

Re: Wetland Reconnaissance on Janet McMahon lot on Forest Lawn Road, Cannon Beach

Dear Rainmar,

As we discussed on the phone yesterday, I am sending you a copy of the Wetlands report that Shapiro and Associates performed on my lot this past November, which shows the property to be void of any wetland area.

You mentioned that you would pass the report on to the Building Department so that they will have it when I fill out the excavation permit prior to having the property cleared. Thank you.

I plan to leave all trees standing, as you and I discussed, including leaving the root areas undisturbed. Any fill added along the Hemlock side as a berm will be done so as not to restrict vision when exiting Forest Lawn onto Hemlock, which I will indicate on the permit.

Thanks once again for your help.

Sincerely,



Janet L. McMahon  
(503) 246-3282 home  
(503) 598-8500 office

WETLAND RECONNAISSANCE  
TOWNSHIP 5, RANGE 10, SECTION 30 PORTION DA, TAX LOT 4101  
CANNON BEACH, CLATSOP COUNTY, OREGON

Prepared for  
Ms. Janet McMahon

Prepared by:  
R. Dale Graff

SHAPIRO AND ASSOCIATES, INC.  
1020 S.W. Taylor Street, Suite 620  
Portland, Oregon 97205

December 10, 1992



# SHAPIRO & ASSOCIATES<sup>PC</sup>

1020 S.W. Taylor  
Suite 610

Portland  
Oregon 97205

Tel: 503/223-7490  
Fax: 503/228-4731

December 10, 1992

Ms. Janet McMahon  
P.O. Box 19313  
Portland, OR 97280

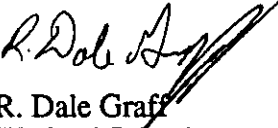
Re: Wetland Reconnaissance of a 0.23-acre parcel in Cannon Beach, Clatsop County, Oregon  
(Shapiro #950060).

Dear Janet:

Enclosed is a wetland reconnaissance report for your 0.23-acre parcel located on Forest Lawn Road in Cannon Beach, Oregon. SHAPIRO appreciates the opportunity to be of service to you on this important project. We do not anticipate further work on this project, but look forward to being of service to you for any future needs. Please do not hesitate to call us regarding questions you may have concerning this report.

Sincerely,

SHAPIRO AND ASSOCIATES, INC.

  
R. Dale Graff  
Wetland Scientist

Enclosures

## INTRODUCTION

Shapiro and Associates, Inc. (SHAPIRO) performed a wetland reconnaissance on November 30, 1992, of a 0.23-acre parcel in Cannon Beach, Clatsop County, Oregon. The property is located near the shore of the Pacific Ocean, directly east of Haystack Rock on the east side of Forest Lawn Road. The parcel slopes gently (2 to 3%) toward the north and is covered primarily with scrub-shrub vegetation. Property locator maps are presented in Appendix A.

A wetland reconnaissance was performed to determine if wetlands were present on the site and, if wetlands were present, to provide information concerning their location, size, and relative value.

## METHODS

The analysis of wetlands conducted on this site was based on methods developed by the U.S. Army Corps of Engineers (Corps) and other federal agencies for implementation of Section 404 of the Clean Water Act. The methods are commonly referred to as the Unified Federal Method (Federal Interagency Committee for Wetland Delineation, 1989) and the Triple Parameter Approach (U.S. Army Corps of Engineers, 1987). Use of the Unified Federal Method (1989) is required by the Oregon Division of State Lands, while use of the Triple Parameter Approach (1987) is required by the Corps. Using these methods, vegetation, soils, and hydrologic indicators were evaluated to determine if the site contained wetlands.

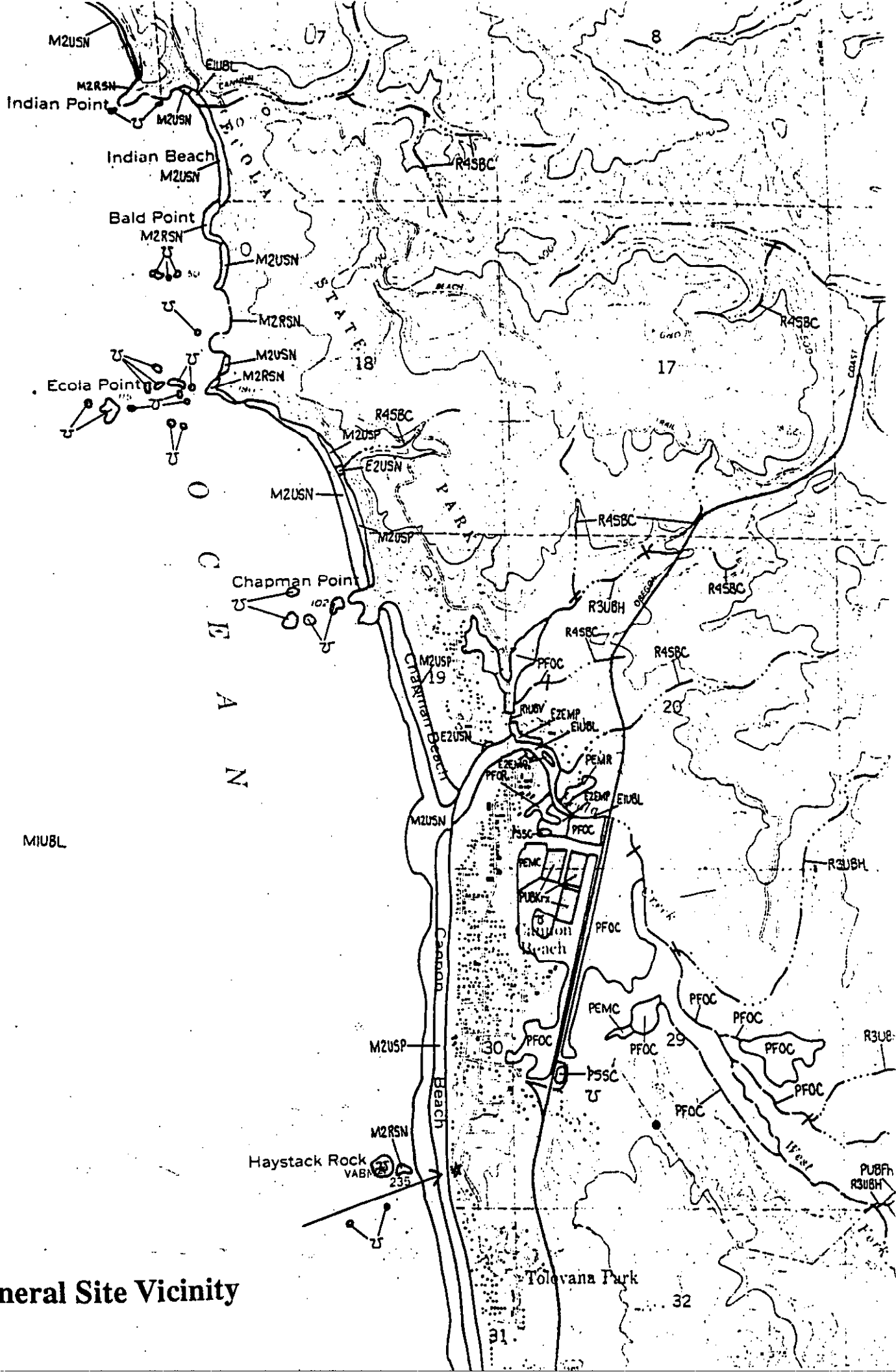
Prior to the wetland reconnaissance, available information on the site was reviewed including a site map provided by the property owner, the Clatsop County Soil Survey, an aerial photograph, and the National Wetland Inventory (NWI). Field work was conducted by traversing the property on an approximately 40-foot grid, noting the plant communities and hydrologic indicators. Soil samples to a depth of approximately 18 inches were collected by using an auger to verify the presence or absence of hydric soil indicators.

## RESULTS

Based on this reconnaissance and review of the NWI, no wetlands are present on the study site. Vegetation in the eastern portion of the property is dominated by Himalayan blackberry (*Rubus discolor* - FACU-) (definitions of indicator status, such as "FACU-", are found in Appendix B) while the western portion is dominated by twin-berry (*Lonicera involucrata* - FAC). Other species present include Sitka spruce (*Picea sitchensis* - FAC), blue elderberry (*Sambucus cerulea* - FAC-), swordfern (*Polystichum munitum* - FACU), bracken fern (*Pteridium aquilinum* - FACU), pig-a-back (*Tolmia menziesii* - FAC), and seawatch (*Angelica lucida* - FAC). In spite of the fact that many of the species present at the site are hydrophytic (wetness adapted), neither the soils nor the hydrologic indicators support the designation of the site as containing wetlands. One small area (approximately 6 feet by 2 feet) had an understory dominated by slough sedge (*Carex obnupta* - OBL). The soil at this location, however, as well as the soil elsewhere on the property, had high chromas (10YR 3/3 and 10 YR 4/3), which are typical of non-wetland soils. No oxidized rhizospheres were observed in the soil in the vicinity of the small slough sedge patch. The soil type is mapped as being of the Walluski series, which are very deep (greater than 60 inches) non-hydric silt loams. No direct or indirect hydrology indicators, such as standing water or high water marks, were observed at the site and no free water was encountered by the soil auger. The soil and hydrology indicators confirm that no wetlands are present at the site.

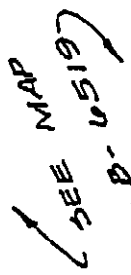
APPENDIX A

APPENDIX B



General Site Vicinity

62	04
02	61

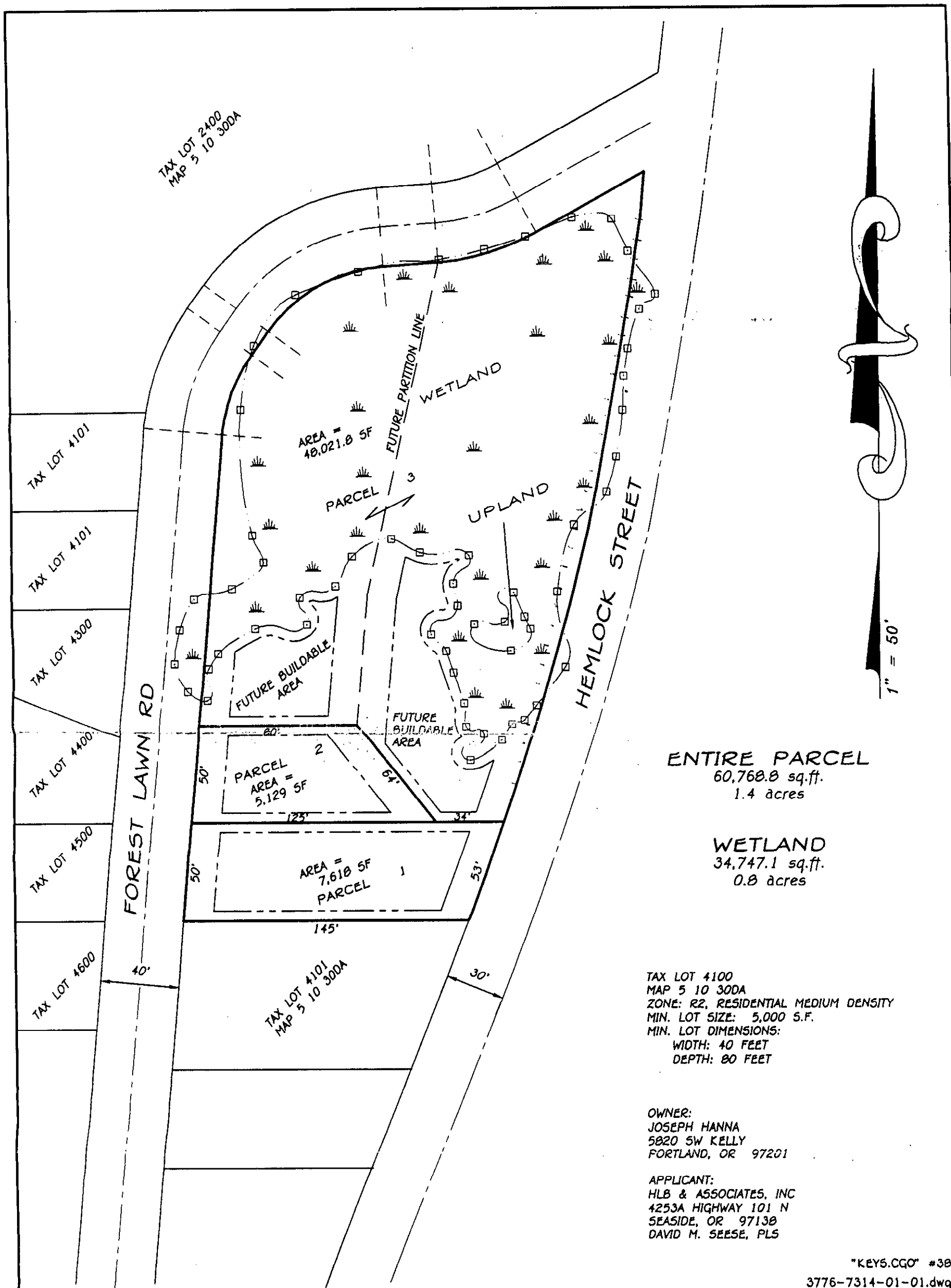




**TABLE 1 DEFINITIONS OF INDICATOR STATUS**

Indicator Symbol	Definition
OBL	Obligate. Species that occur almost always (estimated probability >99%) in wetlands under natural conditions.
FACW	Facultative wetland. Species that usually occur in wetlands (estimated probability 67 to 99%), but occasionally are found in nonwetlands.
FAC	Facultative. Species that are equally likely to occur in wetlands or nonwetlands (estimated probability 34 to 66%).
FACU	Facultative upland. Species that usually occur in nonwetlands (estimated probability 67 to 99%), but occasionally are found in wetlands.
UPL	Upland. Species that occur almost always in nonwetlands under normal conditions (estimated probability >99%).
NI	No indicator. Species for which insufficient information was available to determine an indicator status.

Sources: Federal Interagency Committee for Wetland Delineation, 1989.  
Reed, 1988.



PRELIMINARY PARTITION MAP FOR:

**JOEY HANNA**

TAX LOT 4100  
MAP 5 10 30DA

SE1/4 SECTION 30, T5N, R10W, W.M.  
CLATSOP COUNTY, OR

SURVEY BY:

**HLB & Associates**  
INCORPORATED  
Surveying • Engineering • Planning

TILLAMOOK COUNTY  
160 LANEDA AVE.  
MANZANITA, OR 97130  
(503) 368-5394  
FAX: (503) 368-5847

CLATSOP COUNTY  
4253A HWY 101 N.  
GEARHART, OR 97138  
(503) 738-3425  
FAX: (503) 738-7455

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*David M. Seese*  
OREGON  
July 10, 1996  
2762  
DAVID M. SEESE  
RENEWAL DATE: JULY 1, 2000

DATE Nov. 30, 1999	JOB NO. 7314-3776	EQUIPMENT n.d.	FIELD n.d.	DRAWN DM5	CHECKED DNB
-----------------------	----------------------	-------------------	---------------	--------------	----------------

2400  
2.39 Ac

(24)

10-08

GOVT LOT 3  
30.75

COAST

E

LAWN RD.

4100  
1.86 Ac

Wetland

Approximate  
upland/wetland  
boundary

upland

OREGON

7000  
7100  
Culvert  
13 110.0

890

120.0

1150.0

13 9000

9100

136.50  
(52.0 M/L)

ROSS

11500

11400

11600

11700

11800

11900

12000

12100

12200

12300

12400

12500

12600

EIV. Line 5.7

4201  
0.66 Ac.

4301  
0.07 Ac.

4401  
0.65 Ac.

Parcel 1  
4200  
0.28 Ac

4400  
0.17 Ac.

4501  
0.32 Ac.

4500  
0.14 Ac.

4601  
0.35 Ac.

4600  
0.15 Ac.

4701  
0.32 Ac.

4700  
0.14 Ac.

(POPLAR ST.) FOREST

EAST 145.27'

4101  
0.23 Ac.

EAST 122.00'

4103  
0.13 Ac.

WEST 106.1'

4102  
0.17 Ac.

WEST 81.97'

HEMLOCK

(OLD

CITY

LIMITS

ZONE LINE A3.7  
OREGON STATE



KEY TITLE COMPANY

THIS COPY OF ASSESSOR'S MAP IS  
PROVIDED SOLELY TO ASSIST IN LO-  
CATING SUBJECT PROPERTY. NO  
LIABILITY IS ASSUMED BY KEY F  
DISCREPANCIES IN THIS MAP AS OUT-  
LINED AND THE ACCOMPANYING  
LEGAL DESCRIPTION.

BEFORE THE PLANNING COMMISSION  
OF THE CITY OF CANNON BEACH

IN THE MATTER OF MINOR PARTITION  
FOR THE FOLLOWING PROPERTY:  
MAP 51030DA, TAX LOT 4100  
CANNON BEACH, OREGON

FINDINGS OF FACT,  
CONCLUSIONS, AND  
ORDER NO. MP 99-01

IN ZONE: R2

APPLICANT: HLB & Associates, for property owner Joseph Hanna  
4253-A Hwy 101 North  
Seaside, OR 97138

The above-named applicant applied to the City for a MINOR PARTITION in an R2 zone to permit a minor partition to partition an existing parcel (Map 51030DA, Tax Lot 4100) into three parcels. You are being notified as a property owner within 100 feet of this property.

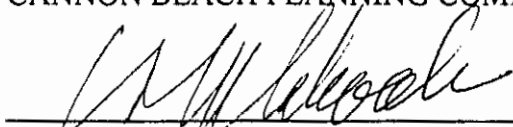
The public hearing on the above-entitled matter was held before the Planning Commission on 1/27/00; the Planning Commission closed the public hearing at the 1/27/00 meeting and a decision was made on 1/27/00.

THE PLANNING COMMISSION ORDERS that this application for a minor partition is GRANTED and adopts the findings of fact, conclusions and conditions contained in "Exhibit A." The effective date of this ORDER is 20 days following the signing of this order, subject to the conditions contained in Exhibit "A."

This decision may be appealed to the City Council by an affected party by filing an appeal with the City Manager within 20 days of this date.

CANNON BEACH PLANNING COMMISSION

DATED: 1/27/00

  
Herb Schwab, Chairman

Map 51030DA  
TL 4100, 4101, 4102

33

BEFORE THE PLANNING COMMISSION  
OF THE CITY OF CANNON BEACH

IN THE MATTER OF A Minor Partition Review)  
FOR THE FOLLOWING PROPERTY: Tax Lot )

FINDINGS OF FACT, CONCLUSIONS  
AND ORDER NO. Min-Par 87-1

4100  
1400, fronting on Forest Lawn Road, )  
Cannon Beach, Oregon.  
ZONING: R-2 )

APPLICANT: Janet McMahon, as agent for )  
owner Eleanor Easley, P.O. Box 19313, )  
Portland, Oregon 97219-0313

The above named applicant applied to the City for a minor partition  
in a R-2 zone to allow: a minor partition to divide a 2.26 acre parcel  
into four parcels

The public hearing on the above entitled matter was held before the  
Planning Commission on October 22, 1987; and

The Planning Commission closed the public hearing at the October 22, 1987  
meeting, and a decision was made at the October 22, 1987  
meeting.

The Planning Commission orders that this application for a minor partition  
is granted and adopts the findings of fact, conclusions and  
conditions contained in Exhibit "A". The effective date of this  
minor partition is 20 days following the signing of this order,  
subject to the conditions contained in Exhibit "A". This decision may  
be appealed to the City Council by an affected party by filing an  
appeal with the City Manager within 20 days of this date.

DATED: 10/22/87

CANNON BEACH PLANNING COMMISSION

Laurel B. Hood  
Chair - Laurel Hood

## Cannon Beach City Council

### STAFF REPORT

#### ARNSBERG FAMILY LIMITED PARTNERSHIP PROPERTY DONATION

---

Date: September 2, 2003

Prepared by: Rainmar Bartl, City Planner

### BACKGROUND

The Arnsberg Family Limited Partnership has inquired whether the City would be interested in accepting the donation of a parcel of land. The property in question is a portion of Parcel 3 of Partition Plat 2000-37. The Arnsberg Family Limited Partnership's representative, Joseph J. Hanna, states that prior to the land donation, Parcel 3 would be partitioned into two parcels, with the "wetland parcel" being donated to the City. The donated parcel would have an area of approximately 40,000 square feet, or slightly less than one acre. The parcel is bounded on the west by Forest Lawn Road and on the east by S. Hemlock Street.

### ANALYSIS/INFORMATION

#### Anticipated effects

- The City would acquire title to a parcel of land that consists of wetlands that have been identified as the result of a wetland delineation.

**Budget Impacts:** The owner's representative states that the owner would cover all the costs associated with creating the parcel and transferring the title of the parcel to the City. A minor amount of staff time would be involved with tracking the project.

### RECOMMENDED ACTION

That the Council provide direction on how it wishes to proceed with the request.

Cc\arnsmem





**HANNA STRADER**  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
COLUMBIA FINANCIAL CENTER  
1300 SW SIXTH AVENUE, SUITE 300  
PORTLAND, OREGON 97201

TELEPHONE (503) 273-2700  
FACSIMILE (503) 273-2712  
E-MAIL: JHANNA@HANNASTRADER.COM

JOSEPH J. HANNA, JR.

August 22, 2003

**PERSONAL AND CONFIDENTIAL**

Cannon Beach City Council  
P.O. Box 368  
Cannon Beach, CA 97110

**Re: Cannon Beach Property Donation**

Dear Sir or Madam:

Enclosed are copies of a plat map (Exhibit A) and a partition plat map (Exhibit B) detailing a parcel of land located in the City of Cannon Beach. Exhibit A refers to the property in question as Tax Lot 4100, while Exhibit B refers to the property as Parcel 3. As you will notice, a large percentage of the northern portion of the property is comprised of natural wetlands.

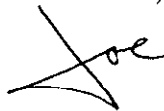
The current owner of Tax Lot 4100 is the Arnsberg Family Limited Partnership (hereinafter, referred to as the "property owner"), which is a client of this firm. The property owner is currently considering a final partition of the property in order to obtain a buildable lot approximately equal to the size of the earlier approved lots to be located in the southeastern section of the property. Once this partition is done, the property owner is interested in donating the remaining portion to the city, consistent with a prior commitment. The owner will pay for the partition and then, at his cost, will deed over the remaining property to the City.

We understand that the City Council is responsible for making the decision regarding the acceptance of the donation of the property by the city of Cannon Beach. Therefore, we are requesting that this donation of property be discussed at your next City Council meeting, which we understand is to be held on September 2, 2003, and that you provide some indication to us of your interest in receiving the donated property and taking ownership on behalf of the city.

If you have any questions in regard to this request, please do not hesitate to call.

Very truly yours,

HANNA STRADER, P.C.



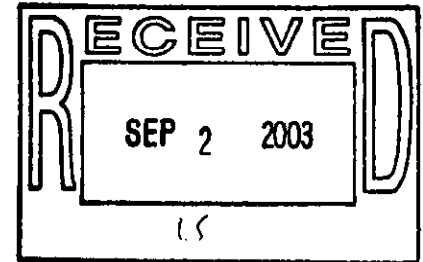
Joseph J. Hanna, Jr.

Naumun, FYI - (12)  
Copied to Peg. Will distribute to CC tonight

**HANNA STRADER**  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
COLUMBIA FINANCIAL CENTER  
1300 SW SIXTH AVENUE, SUITE 100  
PORTLAND, OREGON 97201

TELEPHONE (503) 273-2700  
FACSIMILE (503) 273-2712  
E-MAIL: JUDAS@HANNASTRADER.COM

JOSEPH J. HANNA, JR.



**PERSONAL AND CONFIDENTIAL**  
**FACSIMILE TRANSMITTAL**

**DATE:** September 2, 2003

**TO:** **Rainmar Bartl**  
**City Planner, City of Cannon Beach**  
P.O. Box 368  
Cannon Beach, OR 97110  
FAX PHONE NO. (503) 436-2050  
CONTACT PHONE NO. (503) 436-1581

**FROM:** **Kelly Francis for Joseph J. Hanna, Jr.**  
Hanna Strader, P.C.  
300 Columbia Financial Center  
1300 S.W. Sixth Avenue  
Portland, Oregon 97201  
FAX PHONE NO. (503) 273-2712  
CONTACT PHONE NO. (503) 273-2700

**RE:** **Rainmar,**  
As I mentioned in our telephone conversation earlier this morning, we are requesting that the action item regarding the Arnsberg Family Limited Partnership's donation of property to the City of Cannon Beach be removed from the agenda for tonight's scheduled City Council meeting. We will contact you at a later date for the purpose of rescheduling this item. Thanks for all of your help on this matter.

**No. of Pages:**  
(including Cover)

**Time Sent:** 10:30 a.m. Pacific Time

The information contained in this transmittal is privileged and confidential. It is intended only for the use of the individual and entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is prohibited. If you have received this communication in error, please notify us immediately by collect telephone call and return the original message to us at the above address via the U.S. Postal Service. We will reimburse you for postage. Thank you.

11.18.02 Mitchell Park Home Project

1. No access into Hemlock - would have to go back to P.C. to amend restriction & staff agreed to change.

2. Could create a 4<sup>th</sup> lot by excavate

↳ mutation request could show the location of these elements.

3. ~~Design consent~~ at "Parcel 3" only 7' between wetland buffer & parcel #2. Design consents to take this into account so have enough width.

4. Deal with the overhead power on lot 1 & lot 2.

5. Development for vegetation removed in wetland/buffered buffer area.

6. Talk to Jay about how to handle driveway

7. Review 15' side yard setback requirements.

BEFORE THE PLANNING COMMISSION  
OF THE CITY OF CANNON BEACH

IN THE MATTER OF MINOR PARTITION  
FOR THE FOLLOWING PROPERTY:  
MAP 51030DA, TAX LOT 4100  
CANNON BEACH, OREGON

FINDINGS OF FACT,  
CONCLUSIONS, AND  
ORDER NO. MP 99-01

IN ZONE: R2

APPLICANT: HLB & Associates, for property owner Joseph Hanna  
4253-A Hwy 101 North  
Seaside, OR 97138

The above-named applicant applied to the City for a MINOR PARTITION in an R2 zone to permit a minor partition to partition an existing parcel (Map 51030DA, Tax Lot 4100) into three parcels. You are being notified as a property owner within 100 feet of this property.

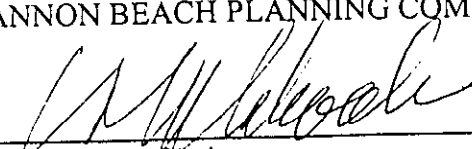
The public hearing on the above-entitled matter was held before the Planning Commission on 1/27/00; the Planning Commission closed the public hearing at the 1/27/00 meeting and a decision was made on 1/27/00.

THE PLANNING COMMISSION ORDERS that this application for a minor partition is GRANTED and adopts the findings of fact, conclusions and conditions contained in "Exhibit A." The effective date of this ORDER is 20 days following the signing of this order, subject to the conditions contained in Exhibit "A."

This decision may be appealed to the City Council by an affected party by filing an appeal with the City Manager within 20 days of this date.

DATED: 1/27/00

CANNON BEACH PLANNING COMMISSION

  
Herb Schwab, Chairman

## FINDINGS OF FACT HANNA MINOR PARTITION

### I. BACKGROUND

The applicant, HLB & Associates, on behalf of the property owner Joseph Hanna, is proposing to partition an existing parcel, Tax Lot 4100, Map 51030DA, into three parcels. Tax Lot 4100 has an area of 60,769 square feet, or 1.4 acres. The proposed parcels are to have the following lot sizes: Parcel #1 - 7,618 sq.ft., Parcel #2 - 5,129 square feet., and Parcel #3 - 48,022 square feet. Parcel #1 will have 50 feet of street frontage on Forest Lawn Road and 53 feet of frontage on S. Hemlock Street. Parcel #2 will have 50 feet of frontage on Forest Lawn Road. Parcel #3 will have approximately 335 feet of frontage on S. Hemlock Street and approximately 400 feet of frontage on Forest Lawn Road. The site is vacant and contains a wetland area, Cannon Beach Wetland Site #24. A wetland delineation for the site has been prepared. The delineation established that the site contains 34,747 square feet of wetlands, or .8 acres. The wetland area is contained on Parcel #3. The parcel is essentially flat. The parcel is designated R2, Medium Density Residential.

The applicant states that Parcel #3 may be further divided into two parcels in a future calendar year.

### II. CRITERIA-ZONING CODE

A. Section 17.14.040.A Residential Medium (R2) Zone Standards, Lot Size provides that "the minimum lot area lot size for single-family dwellings shall be five thousand square feet."

Finding: Parcel # 1 has an area of 7,618 square feet. Parcel #2 has an area of 5,129 square feet. Parcel #3 has an area of 48,022 square feet. These lot sizes are consistent with the lot size standard of the R2 zone.

Conclusion: The proposal meets this criterion.

B. Section 17.14.B.1 Residential Medium Density (R2) Zone Standards, Lot Width provides that the lot width shall be at least 40 feet.

Finding: The Parcel #1 has a lot width of approximately 50 feet. Parcel #2 has a lot width of approximately 44 feet. Parcel #3 has a lot width exceeding 150 feet.

Conclusion: The proposal meets this criterion.

C. Section 17.14.B.1 Residential Medium Density (R2) Zone Standards, Lot Depth provides that the lot depth shall be at least 80 feet.

Finding: Parcel #1 has a lot depth of approximately 150 feet. Parcel #2 has a lot depth of approximately 100 feet. Parcel #3 has a lot depth in excess of 140 feet.

Conclusion: The proposal meets this criterion.

D. Section 17.90.020 Access Requirement provides that "every lot shall abut a street, other than an alley, for at least twenty-five (25) feet . . . "

Findings: Parcel #1 has 50 feet of street frontage on Forest Lawn Road and 53 feet of frontage on S. Hemlock Street. Parcel #2 has 50 feet of frontage on Forest Lawn Road. Parcel #3 has 335 feet of frontage on S. Hemlock Street and approximately 400 feet of frontage on Forest Lawn Road.

The applicant states that it is the owners intent to provide access to Parcel #1 from Hemlock Street, to Parcel #2 from Forest Lawn Road, and if and when Parcel #3 is further divided, the westerly lot in Parcel #3 would have access onto Forest Lawn Road and the easterly lot in Parcel #3 would have access onto Hemlock Street.

In order to minimize driveways onto an arterial street, S. Hemlock, and to retain an uninterrupted area of vegetation and trees along the west side of S. Hemlock Street, a condition of approval of the partition shall be that access to the parcels created is restricted to Forest Lawn Road.

Condition: The application meets this standard if the partition contains a restriction that access to the parcels created is restricted to Forest Lawn Road.

### III. CRITERIA - SUBDIVISION ORDINANCE

- A. Section 16.04.190.5 Tentative Plans - Other Information provides that "where the site includes wetlands, a wetland delineation with the boundaries of the wetlands shown on the plan map."

Finding: The property contains Cannon Beach Wetland Site #24. A wetland delineation for the site has been prepared by Pacific Habitat Services. The extent of the wetland area is shown on the proposed plat map.

Conclusion: The application meets this standard.

- A. Section 16.04.310.A Lots Size and Dimensions provides that "the size of parcels or lots to be created by a partition or subdivision shall be determined by the zone in which the property is located and the average slope of the property from which the parcel is to be created. The minimum lot size for parcels and lots created shall be as follows:

Percent of Average Slope	Minimum lot size per Dwelling Unit (Square feet)
0-14.99	Set by zoning district



Finding: The site is essentially flat. Therefore, the minimum lot size is established by the R2 zone, which is 5,000 square feet. Each of the three parcels has a minimum lot size of 5,000 square feet.

Conclusion: The application meets this standard.

- C. Section 16.04.310.B - Lots, Location provides that "all lots shall have a twenty-five-foot frontage on a publicly dedicated street."

Finding: See Finding II-D

### III. CONCLUSION AND ACTION

The application meets the criteria for granting a partition if the following condition is met:

1. Access to the parcels created is restricted to Forest Lawn Road.

The application is approved with the condition that the partition contain a restriction that access to the parcels created is restricted to Forest Lawn Road

champ99-1.fin



## 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











# CITY OF CANNON BEACH

## DEVELOPMENT PERMIT TYPE 2 APPLICATION GRADING, EROSION AND SEDIMENTATION CONTROL

Please fill out this form completely. Please type or print.

Applicant Name: City of Cannon Beach  
 Mailing Address: PO Box 368  
Cannon Beach OR, 97110  
 Email Address: mount@ci.cannon-beach.or.us  
 Telephone: (503) 436-8066

Property-Owner Name: City of Cannon Beach (Forrest Lawn Row)  
 (if other than applicant)

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Property Location: Forrest Lawn Row

Map No.: 51030DA (street address)  
 Tax Lot No.: Row (4100)



### Nature of the Request

Description of proposed action providing the information required by the Zoning Code Section 17.62.030.c  
 (Attach extra sheets as necessary)

Move storm pipe 130' north  
see map for details

**Paid 11/8/2021**

Application Fee: \$100.00

Applicant Signature: [Signature] Date: 10/12/21

Property Owner Signature: [Signature] Date: 10/14/21

If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf. Please attach the name, address, phone number, and signature of any additional property owners. As Property Owner, my signature or an authorized applicant's signature, allows any duly authorized employee of the City to enter upon all properties affected by this permit for the purpose of follow-up inspection, observation, or measurement.

*For Staff Use Only:*

Received on: \_\_\_\_\_ By: \_\_\_\_\_

Fee Paid: \_\_\_\_\_ Receipt No.: \_\_\_\_\_

(Last revised March 2021)









## BEFORE THE CITY OF CANNON BEACH

<b>IN THE MATTER OF A DEVELOPMENT PERMIT FOR THE FOREST LAWN RIGHT-OF-WAY FOR STORMWATER PIPE EXTENSION UNDER CHAPTER 17.62 GRADING, EROSION AND SEDIMENTATION CONTROL</b>	) ) ) ) )	<b>FINDINGS OF FACT, CONCLUSIONS, AND ORDER DP21-23</b>
--	-----------------------	---

IN ZONE: R2

APPLICANT: City of Cannon Beach  
Department of Public Works  
Attn: Trevor Mount  
163 E. Gower St.  
Cannon Beach, OR 97001

The above-named applicant applied to the City for review and approval of a development permit described above under Chapter 17.62 Grading, Erosion and Sedimentation Control of the Cannon Beach Municipal Code, subsection 17.62.030. The Community Development Director considered the above entitled matter and approved the development permit on 11/05/2021. The City of Cannon Beach orders that this request for approval of a development permit is granted subject to conditions, and adopts the findings of fact, conclusions and conditions contained in attachment A.

This decision may be appealed to the Planning Commission by an affected party by filing an appeal with the City within fourteen days of this date.

**DATED: 11/05/2021**

Jeffrey S. Adams, PhD  
Community Development Director



## **Attachment "A"**

### **FINDINGS OF FACT**

#### **CITY OF CANNON BEACH – DP#21-23**

**PROPERTY DESCRIPTION:** Forest Lawn Right-of-Way;  
**PROPERTY LOCATION:** Forest Lawn, from 51030DA4300 to 4100

**SUMMARY:** Applicant, City of Cannon Beach, is requesting to extend the stormwater line approximately 130' north, along the Forest Lawn right-of-way, from taxlot 51030DA4300 to 4100. Cannon Beach Municipal Code permits utility lines outright in the R2 district and grading, cuts and fills, under the Grading, Erosion and Sedimentation chapter through a development permit.

#### **CRITERIA:**

##### **17.62.040 Grading standards.**

A. The review and approval of development permits involving grading shall be based on the conformance of the proposed development plans with the following standards. Conditions of approval may be imposed to assure that the development plan meets the appropriate standards.

1. Cuts.

a. Designs shall minimize the need for cuts;

b. The slope of cut surfaces shall not be steeper than is safe for the intended use and shall not be steeper than two horizontal to one vertical unless an engineering report finds that a cut at a steeper slope will be stable and not create a hazard to public or private property;

c. Cuts shall not remove the toe of any slope where a potential land slide exists;

d. Cuts shall be set back from property lines so as not to endanger or disturb adjoining property;

e. Retaining walls shall be constructed in accordance with Section 2308(b) of the Oregon State Structural Specialty Code.

2. Fills.

a. Designs shall minimize the need for fills;

b. The slope of fill surfaces shall not be steeper than is safe for the intended use and shall not be steeper than two horizontal to one vertical unless an engineering report finds that a steeper slope will be stable and not create a hazard to public or private property. Fill slopes shall not be constructed on natural slopes steeper than two horizontal to one vertical;

c. Fills shall be set back from property lines so as not to endanger or disturb adjoining property;



d. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials, and scarifying to provide a bond with the new fill;

e. Any structural fill shall be designed by a registered engineer, in accordance with standard engineering practices.

3. Drainage.

a. Proposed grading shall not alter drainage patterns so that additional storm water is directed onto adjoining property;

b. All cut and fill slopes shall be provided with subsurface drainage as necessary for stability. (Ord. 98-5 § 1)

**FINDING:**

The application proposes approximately 130-feet of stormwater trench work, starting at taxlot 51030DA4300, crossing under Forest Lawn, and extending the line north along Forest Lawn right-of-way to deposit water to the ditch along taxlot 51030DA4100. The project will employ erosion control fencing along the eastern property line of 4100 to contain runoff during construction. Meets standards with conditions.

**17.92.010 Development permits.**

2. Administrative review of Type 2 development permits shall follow the following procedure:

a. The development permit application shall be reviewed by planning department against the applicable standards contained in this title and the application shall either be approved, approved with conditions, or denied.

b. A decision shall be made within twenty days of the receipt of a complete application.

c. The decision of the planning department shall be by signed written order. The order shall comply with Section 17.88.110(B). The written order is the final decision on the matter and the date of the order is the date that it is signed. The order becomes effective on the expiration of the appeal period, unless an appeal has been filed.

d. The applicant shall be notified of the decision in accordance with the provisions of Section 17.88.130. Property owners within one hundred feet of the exterior boundary of the subject property shall likewise be notified.

e. A decision on the development permit may be appealed to the planning commission in accordance with Section 17.88.140.

**17.88.110 Decision.**

Following the procedure described in Section 17.88.060, the hearing body shall approve, approve with conditions or deny the application or if the hearing is in the nature of an appeal, affirm, affirm with modifications or additional conditions, reverse or remand the decision that is on appeal.

A. The decision of the hearing body shall be by a written order signed by the chair or designee.



B. The order shall incorporate finding of facts and conclusions that include:

1. A statement of the applicable criteria and standards against which the proposal was tested;
2. A statement of the facts which the hearing body relied upon in establishing compliance or noncompliance with each applicable criteria or standards and briefly state how those facts support the decision;
3. In the case of a denial, it shall be sufficient to address only those criteria upon which the applicant failed to carry the burden of proof or, when appropriate, the facts in the record that support denial.

C. The written order is the final decision on the matter and the date of the order is the date that it is signed. The order becomes effective on the expiration of the appeal period, unless an appeal has been filed.

## **CONCLUSIONS**

The Community Development Department has reviewed the application, visited the site and determined that the application meets the applicable criteria, upon the following conditions:

## **CONDITIONS**

1. Work shall be completed prior to November 31, 2021;
2. No more than 50 Cubic Feet can be cut, removed or filled by this action;
3. The use of motorized equipment shall be limited to between the hours of 7:00 AM and 7:00 PM per Municipal Code Section 8.16.040;
4. Erosion control fencing shall be in place along taxlot 51030DA4100 to contain run-off during project.



# CITY OF CANNON BEACH

## NOTICE OF APPEAL - ADMINISTRATIVE DECISION

Appellant's Name: Dana Cardwell  
 Email Address: danacardwell@outlook.com  
 Mailing Address: PO Box 1305  
Cannon Beach, OR 97110  
 Telephone: 303-941-9570

1. Appeal of Administrative Decision by Jeffrey S. Adams, regarding:  
Findings of Fact, Conclusions, and Order DP21-23  
In the Matter of a Development Permit for the Forest Lawn  
Right-of-Way for Stormwater Pipe Extension Under Chapter 17.62  
Grading, Erosion and Sedimentation Control.  
 as stated in letter dated November 5, 2021

2. Specific grounds relied upon for the appeal, including any Zoning Ordinance criteria or standards that you consider to be relevant:

Please see attached pages

Please attach additional pages, if needed, and any other relevant information.

FEE: \$600.00

Appellant Signature: Dana Cardwell Date: Nov. 17, 2021

For Staff Use Only:

Date Appeal Received: 11/17/21 By: Laura Sawrey  
 Appeal Fee Paid: \$ 600 Receipt No.: 8000056

Fee:

803 - Planning \$600

(Last revised March 2021)

PO Box 368 Cannon Beach, Oregon 97110 • (503) 436-8042 • TTY (503) 436-8097 • FAX (503) 436-2050  
[www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) • [planning@ci.cannon-beach.or.us](mailto:planning@ci.cannon-beach.or.us)

Appellant hereby requests appeal of Cannon Beach Order DP21-23 granted on November 5, 2021. Appellant is an affected party who has an interest in the matter and proposed work as a property owner on Forest Lawn. Appellant's position is supported by numerous property owners on Forest Lawn.

Appellant is concerned with the approval of Order DP21-23 which allows extension of the storm water line approximately 130 feet north, along the Forest Lawn right-of-way, starting at taxlot 51030DA4300, crossing under Forest Lawn, and extending north along the Forest Lawn right-of-way to deposit water to the ditch along taxlot 51030DA4100 (taxlot 4100). Although not mentioned in Order DP21-21, taxlot 4100 is a recognized wetland and therefore subject to Wetland Overlay (WO) Zone requirements as set forth in Cannon Beach Municipal Code 17.43. The stated purpose of Municipal Code 17.43 Wetland Overlay Zone rule is to "protect wetland areas identified in the city's comprehensive plan from uses and activities inconsistent with the maintenance of the wetland functions and values identified for those sites".

Furthermore, taxlot 4100 is also identified as a wetland-lot-of-record as set forth in Municipal Code 17.43.024, meaning that although it contains both upland and wetlands the entire lot is subject to the provisions of the WO Zone rule. From the public record, it appears the current owner of taxlot 4100 is planning new development in taxlot 4100 and desires to subdivide the existing property into 8 lots. The requirements for development of a wetland lot-of-record are strict and set forth in Municipal Code 17.43. This information is noted here because the public record, which consists in part of correspondence between the City and the owner of taxlot 4100, commingles the various projects and permits anticipated by the owner of taxlot 4100. In this



regard, the public record is not only confusing but is also incomplete and inadequate. This appeal is being filed to clarify the public record, ensure proper procedure is followed, accurately define the scope of work being requested along the Forest Lawn right-of-way and in the wetland, and ensure consideration of relevant Municipal Codes including, but not limited to, those provision related to wetlands.

The grounds relied upon for this appeal are set forth below:

- 1) **Order DP21-23 was issued in error by the Planning Department.** Taxlot 4100 is a recognized wetland and therefore is subject to Wetland Overlay (WO) Zone requirements. Order DP21-23 and the Planning Department failed to address that the affected property is a recognized wetland and therefore subject to WO Zone requirements. Municipal Code section 17.43.040 makes it clear that in the WO Zone, point-source storm-water discharge and alternative storm-water management practices are conditional uses. Since the storm-water will discharge directly into the WO Zone, the Planning Department wrongfully approved this application administratively. Conditional uses like this require Planning Commission review and approval.
- 2) **The Findings of Fact, Conclusions and Conditions in Order DP21-23 are incomplete and inadequate.** The City should have identified taxlot 4100 as a recognized wetland when considering any permit to conduct work in the Forest Lawn right-of-way adjacent to and/or discharging onto taxlot 4100. Furthermore, the City should have applied the standards set forth in Municipal Code section 17.43 related to WO Zone rules when considering the requested permit. More specifically, the City should have considered the impact the proposed work would have on the wetland. Findings of facts, conclusions and conditions related to the necessity and impact of the proposed work on the wetland should have been identified. The work permitted in DP21-23, namely the extension of the storm-water line in the Forest Lawn right-of-way and diversion to a new discharge point in the northern portion of taxlot 4100 (thereby altering existing storm-water management practices), was not held to the standards set forth in Municipal Code section 17.43 related to WO Zone rules.

From the public record, it appears the owner of taxlot 4100 is hopeful the diversion of storm-water, via the proposed new line, to a new discharge point on taxlot 4100 will drain a portion of the wetland, thereby creating more upland area in taxlot 4100. This information should have been included in the findings of fact and considered when reviewing the permit application.

From the public record, it appears the owner of taxlot 4100 is hopeful the owner of abutting taxlot 4104 will redirect their storm water runoff away from the southern portion of the wetlands by connecting to the storm-water line permitted under Order DP21-23.

Such action may likely drain a portion of the wetlands, thereby creating more upland area in taxlot 4100. This information and the City's April 29, 2021 letter to the owner of taxlot 4104, requesting control and diversion of storm water runoff away from the wetlands, should have been included in the findings of fact and considered when reviewing the permit application. Also, particular attention should have been given to the applicability of Municipal Code 17.43.050(J) which states: *Storm water runoff should be directed toward the same drainage system that would have handled the runoff under natural conditions.* The issue of whether water should be diverted from a wetland, which is

From the public record, it also appears the owner of taxlot 4100 would like to move forward with perimeter and interior trenching activities within taxlot 4100. The scope of work considered under Order DP21-23 does not include any private perimeter or interior trenching within taxlot 4100 and this condition should be clarified and noted.

The findings of fact related to Order DP21-23 do not specify why the City, rather than the owner of taxlot 4100, is requesting a permit to extend the storm water line along the Forest Lawn right-of-way. This information should have been included in the findings of fact and considered when reviewing the permit application.

The findings of fact related to Order DP21-23 provide no explanation or findings of fact as to why the point of discharge into the wetland should be altered or whether other pertinent entities such as the U.S. Army Corps of Engineers and Department of State Lands have reviewed the request to relocate the discharge point into the wetland or alter existing storm-water management practices within or adjacent to the wetland. This information should have been included in the findings of fact and considered when reviewing the permit application.

- 3) **The work permitted in Order DP21-23 is in direct conflict with Municipal Code 17.43.** The stated purpose of Municipal Code 17.43 Wetland Overlay Zone rule is to "protect wetland areas from uses and activities inconsistent with the maintenance of the wetland function and values identified for those sites". More specifically and pursuant to Municipal Code Section 17.43.050, the City of Cannon Beach has not demonstrated how it plans to meet or has met the following required standards:

*17.43.050 A. 1. Uses and activities in protected wetlands or wetland buffer areas may be approved only after the following list of alternative actions, listed from highest to lowest priority, have been considered:*

*a. Avoiding the impact altogether by not taking a certain action or parts of an action (this would include, for example, having the use or activity occur entirely on uplands); and*

*b. Minimizing impacts by limiting the degree or magnitude of action and its implementation (this would include, for example, reducing the size of the structure or improvement so that protected wetlands or wetland buffer areas are not impacted).*

*2. Where a use or activity can be located in either the protected wetland or the wetland buffer, preference shall be given to the location of the use or activity in the wetland buffer.*

3. Valid permits from the US Army Corps of Engineers and from the Oregon Division of State Lands, or written proof of exemption from these permit programs, must be obtained before any of the following activities occur in protected wetlands:

a. Placement of fill (any amount);

c. Excavation (any amount);

F. 1. Underground utilities, including water, wastewater, electricity, cable television, telephone and natural gas service, may be routed through protected wetlands in trenches provided the following standards are met:

a. Material removed from the trench is either returned to the trench as back-fill within a reasonable period of time, or, if other material is to be used to back-fill the trench, excess material shall be immediately removed from the protected wetland area. Side-casting into a protected wetland for disposal of material is not permitted;

b. Topsoil and sod shall be conserved during trench construction or maintenance, and replaced on the top of the trench;

c. The ground elevation shall not be altered as a result of utility trench construction or maintenance. Finish elevation shall be the same as starting elevation; and

d. Routes for new utility trenches shall be selected to minimize hydraulic impacts on protected wetlands, and to minimize vegetation removal.

2. Above ground utilities, including electricity, cable television and telephone service, may be routed through wetland areas on poles subject to the following standards:

a. Routes for new utility corridors shall be selected to minimize adverse impacts on the wetland, and to minimize vegetation removal; and

b. Vegetation management for utility corridors in protected wetlands and in wetland buffer areas shall be conducted according to the best management practices to assure maintenance of water quality, and subject to the vegetation management standards herein.

3. Utility maintenance roads in protected wetlands and in wetland buffer areas must meet applicable standards for roads in wetlands.

4. Common trenches, to the extent allowed by the building code, are encouraged as a way to minimize ground disturbance when installing utilities.

J. 3. Stormwater runoff should be directed toward the same drainage system that would have handled the runoff under natural conditions.

5. Where the public works director determines that wastewater volumes are or will be significant, wastewater management systems must disperse wastewater rather than discharging at a single point.

K. Mitigation. All projects involving removal or fill in a protected wetland must meet the following standards. These standards are intended to help meet the city's goal of no net loss of wetland functions or values.

3. The US Army Corps of Engineers or the Division of State Lands often require compensatory mitigation (subsection (K)(1)(e), of this section) as part of their approval of a fill permit. The city may require compensatory mitigation before approving a fill in a protected wetland when the US Army Corps of Engineers and the Division of State Lands



*do not require compensatory mitigation. Additional compensatory mitigation may be required by the city in those instances where it is also required as a condition of a state or federal fill permit.*

*L. Vegetation Management. Vegetation in protected wetlands and in wetland buffer areas may be managed (including planting, mowing, pruning and removal) subject to the certain standards.*

- 4) **The commitment to perform the work approved in Order DP21-23 is a violation of Municipal Code 13.16.030 (B).** From the public record it is clear that the owner of taxlot 4100, which is adjacent to the storm-water line approved in Order DP21-23, is planning a new development. Pursuant to Municipal Code section 13.16.030 (B):

*The improvement of both public and private storm drainage facilities through or adjacent to a new development shall be the responsibility of the developer. Said improvements shall comply with all applicable city ordinances, policies and standards.*

Thus, the storm-water work approved under Order DP21-23 is the responsibility of the developer, not the City of Cannon Beach. Public resources should not be spent doing the developer's work for them. The owner of taxlot 4100 should pay all costs related to the improvement of the storm-water line through or adjacent to taxlot 4100.

In view of the foregoing, Appellant requests:

- 1) Reversal of the decision to approve Order DP21-23,
- 2) Consideration of this matter by the Planning Commission, and
- 3) Full public disclosure of all correspondence, reports, meeting transcripts, permits, maps, studies, wetland delineations, wetland studies, and development plans related to and providing the basis for considering work in the Forrest Lawn Right of Way and adjacent wetland. Disclosure is also requested of any permits, approved or denied to previous owners of taxlot 4100, requesting development or subdivision of taxlot 4100 and the wetland lot-of-record.
- 4) Waiver of the appeal fee is hereby requested. Appellant has paid the appeal fee but asks for reimbursement and waiver of the fee. Had proper procedure been followed, the permit

application would have been subject to a conditional use permit and decided by the Planning Commission. Appellant should not be expected to pay to correct the City's procedural error.


**CANNON BEACH COMMUNITY DEVELOPMENT**

163 E. GOWER ST.

PO Box 368

CANNON BEACH, OR 97110

Dana Cardwell  
 PO Box 1305  
 Cannon Beach, OR 97110

**RE: Withdrawal of DP 21-23 City of Cannon Beach Forest Lawn Storm-line Extension**

January 11, 2022

**AA 21-03**, Dana Cardwell appeal of the City's administrative decision to approve development permit DP#21-23 for the Forest Lawn Right-of-Way for a stormwater pipe extension under Chapter 17.62 Grading, Erosion and Sedimentation Control. The proposed work is on the east side of Forest Lawn in front of Taxlot 51030DA04100 in a Residential Medium Density (R2) zone. The appeal will be reviewed pursuant to Municipal Code, Section 17.92.010, Development Permits, Section 17.62 Grading, Erosion and Sedimentation Control, Review Consisting of Additional Evidence or de Novo Review and applicable sections of the zoning ordinance.

Dear Ms. Cardwell,

Cannon Beach Zoning Ordinance requires notification to property owners within 250 feet, measured from the exterior boundary, of any property which is the subject of the proposed applications. Your property is located within 250 feet of the above-referenced property or you are being notified as a party of record.

This letter is a notification of noticed property owners and parties of record regarding an appeal of an administratively approved Development Permit for a city right-of-way stormwater line extension project on Forest Lawn Dr. The project has been withdrawn by the City of Cannon Beach and Development Permit 21-23 has been voided.

Enclosed you will find a refund of your appeal fees paid on November 17, 2021.

Should you need further information please contact Cannon Beach City Hall at the address below, or call Jeff Adams at (503) 436-8040 or email [adams@ci.cannon-beach.or.us](mailto:adams@ci.cannon-beach.or.us).

Sincerely,

Jeffrey S. Adams, PhD



**Karen La Bonte**

---

**From:** S&F Accounting <CoreNotifications@bqe.com>  
**Sent:** Friday, April 22, 2022 12:37 PM  
**To:** Karen La Bonte  
**Cc:** jack.white@sflands.com  
**Subject:** S&F Land Services Invoice No. 20220421  
**Attachments:** Forest Lawn Drainage\_20220421.pdf

Hello,

Attached is S&F Land Services Invoice Number 20220421 for survey work performed on 2022-G065-04 | Forest Lawn Drainage.

Please let us know if you have any questions. Thank you for your business!

**Accounting Department**  
**S&F Land Services, LLC**  
(office) 503-345-0328  
accounting@sflands.com

*\*We have implemented a new invoicing system and appreciate your patience and understanding during this transition. Please let us know if you experience any issues.*

# S&F Land Services

## Land Surveying & Remote Sensing

4858 SW Scholls Ferry Rd. Suite A  
Portland, OR 97225, United States  
Tel: 503-345-0328 Fax: 503-345-0328

Karen La Bonte  
City of Cannon Beach  
PO Box 368  
Cannon Beach, OR 97110

### EFT Remittance

Account Name: S&F Land Services, LLC  
Bank Name: Umpqua Bank  
Routing No: 123205054  
Account No: 4866787460  
Email notification: accounting@sflands.com  
Taxpayer ID: 81-4411481

## INVOICE

INVOICE DATE: 4/22/2022  
INVOICE NO: 20220421  
BILLING THROUGH: 3/26/2022

2022-G065-04 | Forest Lawn Drainage

Managed By: Jack L White

### SURVEY SERVICES

EMPLOYEE	DESCRIPTION	HOURS	RATE	AMOUNT
Heidi A Patton	Billable Administrative Time	0.50	\$74.00	\$37.00
Jack L White	Professional Land Surveyor	1.50	\$145.00	\$217.50
James Thomas	1-Man Survey Field Crew	3.50	\$145.00	\$507.50
John Wickman	Office Technician	0.50	\$112.00	\$56.00
	Party Chief	2.00	\$106.00	\$212.00
TOTAL SERVICES		8.00		\$1,030.00
TOTAL ( Survey Services )		8.00		\$1,030.00
SUBTOTAL				\$1,030.00
AMOUNT DUE THIS INVOICE				\$1,030.00

This invoice is due on 5/22/2022

### Billing Summary

Previously Billed	\$0.00	Contract Amount	\$1,030.00
Invoice Total	\$1,030.00	Billed To Date	\$1,030.00
Billed To Date	\$1,030.00	Contract Balance	\$0.00
Paid To Date	\$0.00	Total Amount Due to Date	\$1,030.00

Thank you for your business!

## Karen La Bonte

---

**From:** Jamie Lerma <jamie@redcrowgc.com>  
**Sent:** Tuesday, April 12, 2022 11:09 AM  
**To:** Karen La Bonte  
**Cc:** Jeffrey Adams; Trevor Mount  
**Subject:** Re: Forest Lawn subdivision

See you at City Hall at 10:15 a.m. on Friday.

Jamie

On Tue, Apr 12, 2022 at 10:48 AM Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)> wrote:

Sure, just come on over to City Hall at the Council Chamber entrance around 10:15 and we should be wrapping up from our meeting then



**Karen La Bonte**  
*Public Works Director*

**City of Cannon Beach**

p: 503.436.8068 | tty: 503.436.8097 | f: 503.436.2050  
a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)

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**From:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>  
**Sent:** Tuesday, April 12, 2022 10:47 AM  
**To:** Jeffrey Adams <[adams@ci.cannon-beach.or.us](mailto:adams@ci.cannon-beach.or.us)>  
**Cc:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>; Trevor Mount <[mount@ci.cannon-beach.or.us](mailto:mount@ci.cannon-beach.or.us)>  
**Subject:** Re: Forest Lawn subdivision

I got the Teams invite. If you want to meet in person, I'm available for that as well.

Thanks,

Jamie

On Tue, Apr 12, 2022 at 10:45 AM Jeffrey Adams <[adams@ci.cannon-beach.or.us](mailto:adams@ci.cannon-beach.or.us)> wrote:

Yes, 10:30 works for me.



**Jeff Adams**  
*Community Development Director*

**City of Cannon Beach**

p: 503.436.8040 | tty: 503.436.8097 | f: 503.436.2050  
a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [adams@ci.cannon-beach.or.us](mailto:adams@ci.cannon-beach.or.us)

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**From:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>

**Sent:** Tuesday, April 12, 2022 10:25 AM

**To:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>

**Cc:** Jeffrey Adams <[adams@ci.cannon-beach.or.us](mailto:adams@ci.cannon-beach.or.us)>; Trevor Mount <[mount@ci.cannon-beach.or.us](mailto:mount@ci.cannon-beach.or.us)>

**Subject:** Re: Forest Lawn subdivision

That time works for me. Should we call it 10:30 on Friday?

I'm pretty open that day, so if Jeff or Trevor has a specific time that works best, just let me know and I'll make it work.

Thank you,

Jamie

On Tue, Apr 12, 2022 at 10:03 AM Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)> wrote:

I'm available to meet Friday after 10am

K.



**Karen La Bonte**  
*Public Works Director*

**City of Cannon Beach**

p: 503.436.8068 | tty: 503.436.8097 | f: 503.436.2050  
a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)

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**From:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>

**Sent:** Monday, April 11, 2022 5:54 PM

**To:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>; Jeffrey Adams <[adams@ci.cannon-beach.or.us](mailto:adams@ci.cannon-beach.or.us)>; Trevor Mount <[mount@ci.cannon-beach.or.us](mailto:mount@ci.cannon-beach.or.us)>

**Subject:** Re: Forest Lawn subdivision

Hi guys,

I can meet just about any time this week.

Thanks,

Jamie

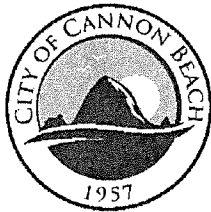
On Mon, Apr 11, 2022 at 5:30 PM Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)> wrote:

Team,

Is it possible to have a meeting or a call to discuss this? The complexity of this proposal and the pending storm drain solution is too much to do via email.

Can we schedule something please?

Karen



**Karen La Bonte**  
*Public Works Director*

**City of Cannon Beach**

p: 503.436.8068 | tty: 503.436.8097 | f: 503.436.2050  
a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR  
97110

w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)

DISCLOSURE NOTICE: Messages to and from this email address may be subject to Oregon Public Records Law.

**From:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>

**Sent:** Monday, April 11, 2022 2:48 PM

**To:** Jeffrey Adams <[adams@ci.cannon-beach.or.us](mailto:adams@ci.cannon-beach.or.us)>; Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>; Trevor Mount <[mount@ci.cannon-beach.or.us](mailto:mount@ci.cannon-beach.or.us)>

**Subject:** Forest Lawn subdivision



Hello Jeff, Karyn and Trevor,

The Forest Lawn group is very close to submitting our subdivision application for Forest Lawn and I wanted to run one item by you.

Our proposal in its current configuration presented at the pre-app is for 7 lots, of which the southern 3 lots are proposed for development with SFDs. The remaining northern 4 lots and one large wetland tract are proposed for donation to the City of Cannon Beach with a deed or plat restriction prohibiting future development.

The intent of this development configuration was to provide the project owners with the tax benefits of the donation of 4 lots, to provide the city with the benefit of a place to put the illegal Forest Lawn Rd. storm discharge, and to provide the neighborhood residents with the benefit of limited development and the preservation of most of the current forested areas.

It now appears that the City of CB has a viable, preferred alternative storm discharge plan, and we've gotten very little feedback regarding whether the city would accept the proposed donation.

An alternative to development that requires a donation would be a partition creating three lots. Please see attached preliminary map. Under this scenario the two large northern lots would encompass and be responsible for the maintenance of the wetlands, with development being restricted by the zoning regulations and the wetlands overlay.

Do you think our proposal is stronger in terms of perceived impact to the neighborhood and in terms of approval by the planning commission as a 3 lot subdivision with no donation?

Thank you,

Jamie

--

Jamie B. Lerma

**President**

**Red Crow, LLC**

**(503) 849-0258**

**PO BOX 825**

**Cannon Beach, OR 97110**

**CCB#226835**

--

**Jamie B. Lerma**

**President**

**Red Crow, LLC**

**(503) 849-0258**

**PO BOX 825**

**Cannon Beach, OR 97110**

**CCB#226835**

--

**Jamie B. Lerma**

**President**

**Red Crow, LLC**

**(503) 849-0258**

PO BOX 825

Cannon Beach, OR 97110

CCB#226835

--

Jamie B. Lerma

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CCB#226835

--

Jamie B. Lerma

President

Red Crow, LLC

(503) 849-0258

PO BOX 825

Cannon Beach, OR 97110

CCB#226835

## Karen La Bonte

---

**From:** Jamie Lerma <jamie@redcrowgc.com>  
**Sent:** Monday, April 11, 2022 2:48 PM  
**To:** Jeffrey Adams; Karen La Bonte; Trevor Mount  
**Subject:** Forest Lawn subdivision  
**Attachments:** Forest Lawn Subdivision 3-lot option.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Jeff, Karyn and Trevor,

The Forest Lawn group is very close to submitting our subdivision application for Forest Lawn and I wanted to run one item by you.

Our proposal in its current configuration presented at the pre-app is for 7 lots, of which the southern 3 lots are proposed for development with SFDs. The remaining northern 4 lots and one large wetland tract are proposed for donation to the City of Cannon Beach with a deed or plat restriction prohibiting future development.

The intent of this development configuration was to provide the project owners with the tax benefits of the donation of 4 lots, to provide the city with the benefit of a place to put the illegal Forest Lawn Rd. storm discharge, and to provide the neighborhood residents with the benefit of limited development and the preservation of most of the current forested areas.

It now appears that the City of CB has a viable, preferred alternative storm discharge plan, and we've gotten very little feedback regarding whether the city would accept the proposed donation.

An alternative to development that requires a donation would be a partition creating three lots. Please see attached preliminary map. Under this scenario the two large northern lots would encompass and be responsible for the maintenance of the wetlands, with development being restricted by the zoning regulations and the wetlands overlay.

Do you think our proposal is stronger in terms of perceived impact to the neighborhood and in terms of approval by the planning commission as a 3 lot subdivision with no donation?

Thank you,

Jamie

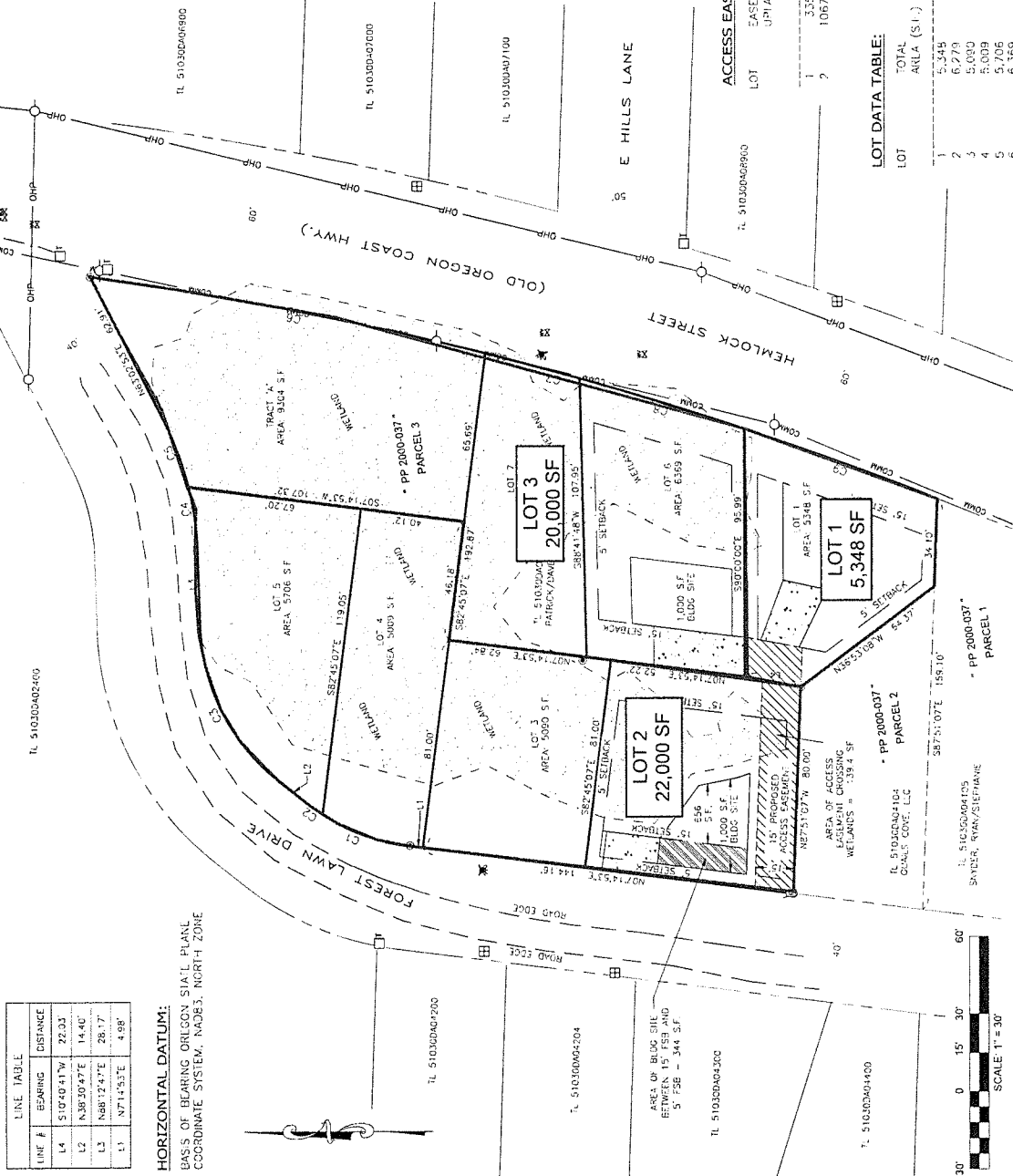
--

**Jamie B. Lerma**  
**President**  
**Red Crow, LLC**  
**(503) 849-0258**  
**PO BOX 825**  
**Cannon Beach, OR 97110**  
**CCB#226835**

# PRELIMINARY HAYSTACK VIEWS SUBDIVISION EXHIBIT

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

NOVEMBER 9, 2021



LINE #	BEARING	DISTANCE
L1	N71°53'E	4.98'
L2	N88°24'E	28.71'
L3	N38°30'47"E	14.40'
L4	S10°40'41"W	22.03'

**HORIZONTAL DATUM:**  
BASIS OF BEARING ORIGIN STATE PLANE  
COORDINATE SYSTEM, NAD83, NORTH ZONE

CURVE #	DELTA	RADIUS	LENGTH	CHORD	CHORD LEN
C1	26°03'04"	80.00'	36.17'	520°16'25"W	38.00'
C2	5°13'04"	80.00'	7.29'	S35°54'29"W	7.28'
C3	48°42'02"	80.00'	69.40'	S83°27'51"W	67.24'
C4	12°08'36"	130.00'	25.35'	N82°09'41"E	25.32'
C5	13°03'30"	130.00'	27.35'	N89°34'38"E	27.29'
C6	6°21'50"	1400.00'	155.70'	N1°07'10"E	155.71'
C7	1°35'16"	1400.00'	37.63'	N5°54'17"E	37.63'
C8	2°43'30"	1400.00'	66.68'	N1°12'10"E	66.67'
C9	5°14'25"	1400.00'	79.29'	N2°01'10"E	79.28'

## LEGEND:

- AREA OF ACCESS EASEMENT
- AREA OF WETLAND
- AREA OF PROPOSED DRIVEWAY
- AREA OF PROPOSED REDUCED SETBACK IN BUILDING SITE
- BUILDING SETBACK LINE
- WETLAND
- UTILIZATION LINE
- OVERHEAD POWER
- TELEPHONE
- COMMUNICATION
- POWER POLE
- TELEPHONE POLE
- FIRE HYDRANT
- WATER METER
- WATER VALVE

## ACCESS EASEMENT DATA TABLE:

LOT	EASEMENT AREA (S.F.) UPLAND / WETLAND	AREA OF LOT (INCLUDING EASEMENT) UPLAND / WETLAND	AREA OF LOT (EXCLUDING EASEMENT) UPLAND / WETLAND	NOTE
1	335 / N/A	5,225 / N/A	4,890 / N/A	
2	1067 / 139	3,973 / 1,019	2,906 / 880	

## LOT DATA TABLE:

LOT	TOTAL AREA (S.F.)	BLDG AREA (S.F.)	WETLAND AREA (S.F.)	UPLAND AREA (S.F.)	NOTE
1	5,345	1,000	12.5	5,225	
2	6,279	1,000	2,307	3,973	FSR REDUCED TO 5'
3	5,030	N/A	3,257	1,773	
4	5,009	N/A	3,989	1,019	
5	5,706	N/A	4,704	1,002	
6	6,369	1,000	3,083	3,286	LOT AREA INCREASED
7	4,935	N/A	3,684	1,251	LOT AREA DECREASED
TRACT 'A'	9,304	N/A	8,399	905	

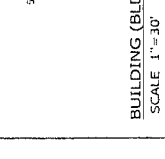
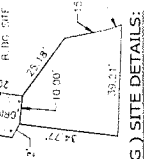
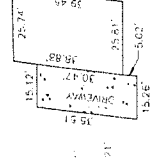
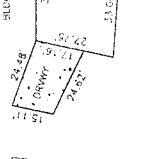
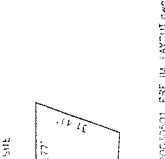
**S&F Land Services**  
PORTLAND, VANCOUVER, BEND, SEASIDE  
1725 N. ROOSEVELT ST.  
STE. 100  
503.233.4422

**HAYSTACK VIEWS  
SUBDIVISION**  
TAX LOT 51030040100  
PARCEL 3, PP 2000-037

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
PRELIMINARY  
OREGON  
SEPTEMBER 10, 2019  
JACK L. WHITE II  
91897P.S.  
RENEWS 6/30/22

SURVEY FOR:  
SW 1/4 SECTION 30, T1N, R10W, W.M.  
CITY OF CANNON BEACH, CLATSOP COUNTY, OREGON

DATE	JOB NO.	FIELD	DRAWN	CHECKED	SCALE
NOV 9, 2021	21-001	21-001	21-001	21-001	1"=30'



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

## Karen La Bonte

---

**From:** Karen La Bonte  
**Sent:** Wednesday, April 6, 2022 2:55 PM  
**To:** Jeffrey Adams  
**Cc:** Bruce St. Denis; Trevor Mount; Karen La Bonte  
**Subject:** FW: Status on Forest Lawn  
**Attachments:** Forest Lawn drainage options.pdf; City storm discharge at TL 4100.jpg

Jeff,

Trevor and I went over all this Forest Lawn information with Bruce this morning. Based on the engineer and survey information, and what Trevor knows are the current infrastructure challenges when attempting to get across Hemlock, we feel the best course of action is to redirect the storm drain to the north end of the owner's property as the best solution.

Bruce agreed with this approach and asked what our next steps would be at this point. I told him we'd resubmit the permit we had to pull the first time, and I'd work with Ashley to get something in writing with the property owners that states they are allowing us to redirect this run-off to the north end of their property. This agreement would not be tied to any other aspect of future site plans since the issue is associated with a code violation of municode **8.04.140 Storm Drainage** and would not be predicated on any future plan they might have for the property.

Bruce also wondered what happens if Jan and or Ms. France appeals as they did previously. Would this have to go to the PC for any reason? I believe with the additional information we have after vetting all possible options we can easily defend this course of action. Because both the neighbor and the city are depositing run-off on private property, this would also allow the neighbor to hook-up to the city drains, reallowing both to redirect to that north location. Whether they ever build or not, is outside us having to address this issue, and we would not let the two be connected for any reason as to not establish any kind of precedent with this.

Can you answer the questions Bruce posed regarding the PC's involvement if any?

Karen

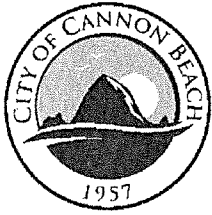
**Karen La Bonte**

*Public Works Director*

**City of Cannon Beach**

p: 503.436.8068 | tty: 503.436.8097 | f: 503.436.2050





a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110  
w: www.ci.cannon-beach.or.us | e: labonte@ci.cannon-beach.or.us

DISCLOSURE NOTICE: Messages to and from this email address may be subject to Oregon Public Records Law.

**From:** Jamie Lerma <jamie@redcrowgc.com>  
**Sent:** Tuesday, March 29, 2022 2:41 PM  
**To:** Karen La Bonte <labonte@ci.cannon-beach.or.us>; Trevor Mount <mount@ci.cannon-beach.or.us>; Jeffrey Adams <adams@ci.cannon-beach.or.us>; Gemma, Patrick <pgemma@prologis.com>; dave pietka <dpietka@msn.com>; Matthew Robinson <mrobinson@dowl.com>; Read Stapleton <rstapleton@dowl.com>  
**Subject:** Fwd: Status on Forest Lawn

 **Private storm discharge at TL 4100.MOV** 

Karen, Trevor, and Jeff,

Civil Engineer Jason Morgan completed his calculations and provided three options for removing the city and private storm discharge from TL 4100. See email thread below and attached maps. The three routes are as follows:

1. The south side of TL 4101
2. The shared property line between TL 4105 and TL 4101
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All three routes have adequate fall, with the northern routes having more fall but longer distances. All three require cutting S. Hemlock to reach the storm system on the east side of the road.

The original route taking the storm north along the ROW in Forest Lawn Road and discharging between lots 4 and 5 of the proposed subdivision is still acceptable to the current property owners. Per our ongoing discussions with the city, the pre-application meeting, and our forthcoming subdivision application, we are proposing to donate the northern section of TL 4100 as part of the conditions of approval for the subdivision, so under that scenario the storm discharge point would be on to city property.

When the city has selected a preferred drainage route. Jason Morgan is available to design the plan. Jason is available to meet Wednesday or Friday this week (3/30/22 or 4/1/22), or at another future date.

In the meantime, the owners of TL 4100 are interested in resolving both the private and public point source discharges as soon as possible and to reference the city's stormwater correction in our subdivision application. The water being directed onto TL 4100 continues to have a significant impact on the hydrology of the south end of the site.

I have shared a link to a video taken on March 14th at the private storm discharge point. The impact of this water being directed to the site is obvious. This discharge point corresponds with the 2020 wetlands delineation report as the only area on TL 4100 where the wetlands have grown over the last 20 years. The home on the site (TL 4104) was completed in 2005 and has been discharging its stormwater onto TL 4100 since that time.

I have also attached a still photo of the public storm discharge onto TL 4100. There is ponding at the discharge point and the ground is generally wet in that area. We believe the city storm has been discharging to that location for approximately 20 years.

Thank you,

Jamie

----- Forwarded message -----

From: **Jason Morgan** <[jason@morgancivil.com](mailto:jason@morgancivil.com)>

Date: Tue, Mar 29, 2022 at 1:03 PM

Subject: RE: Status on Forest Lawn

To: Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>

Good afternoon,

Based on my calculations, interpolating data from the survey field work, there is plenty of fall between the drainage systems on Forest Lawn Drive and Hemlock Street.

I check each of the property lines of the two undeveloped properties. The further to the north, the more fall there is.

At the south end of TL 4101, there is about 1.5 feet of fall to a ditch. (about 215 feet long – 0.7% slope)

At the shared line of TL 4105 and 4101, there is about 4 feet of fall to a ditch. (About 240 feet long – 1.7% slope)

At the north line of TL 4105, there is 4.8 feet of fall to an existing culvert. (about 250 feet long – 1.9% slope).

Based on the slope and the flows, I can determine what pipe size is needed. The City minimum is likely 12”.

If the City cannot get an easement, there is enough fall to route the drainage along Forest Lawn Drive to Hemlock, but there are more utilities to deal with.

Regardless of route Hemlock will need to be cut in order to cross it.

Finally, the drainage system is shallow, so I expect it to cross over the sewer and water lines.

Please contact me with any questions. Once the chooses a route, I can design the layout.

I am on the road for field work on Thursday, so I cannot meet that day.

Jason Morgan, PE

Morgan Civil Engineering, inc.

503-801-6016

**From:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>

**Sent:** Monday, March 28, 2022 1:27 PM

**To:** Jason Morgan <[jason@morgancivil.com](mailto:jason@morgancivil.com)>

**Subject:** Status on Forest Lawn

Jason,

Please let me know where you're at with the drainage plan for the City of CB at Forest Lawn.

We're meeting about our application on Thursday, and the drainage plan is one of two topics on the agenda for that meeting that have to be resolved before we submit the subdivision app.

Thanks for your help,

Jamie

--

**Jamie B. Lerma**

**President**

**Red Crow, LLC**

**(503) 849-0258**

PO BOX 825

Cannon Beach, OR 97110

CCB#226835

--

Jamie B. Lerma

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Jamie Lerma <jamie@redcrowgc.com>

## Status on Forest Lawn

Jason Morgan <jason@morgancivil.com>  
To: Jamie Lerma <jamie@redcrowgc.com>

Tue, Mar 29, 2022 at 1:03 PM

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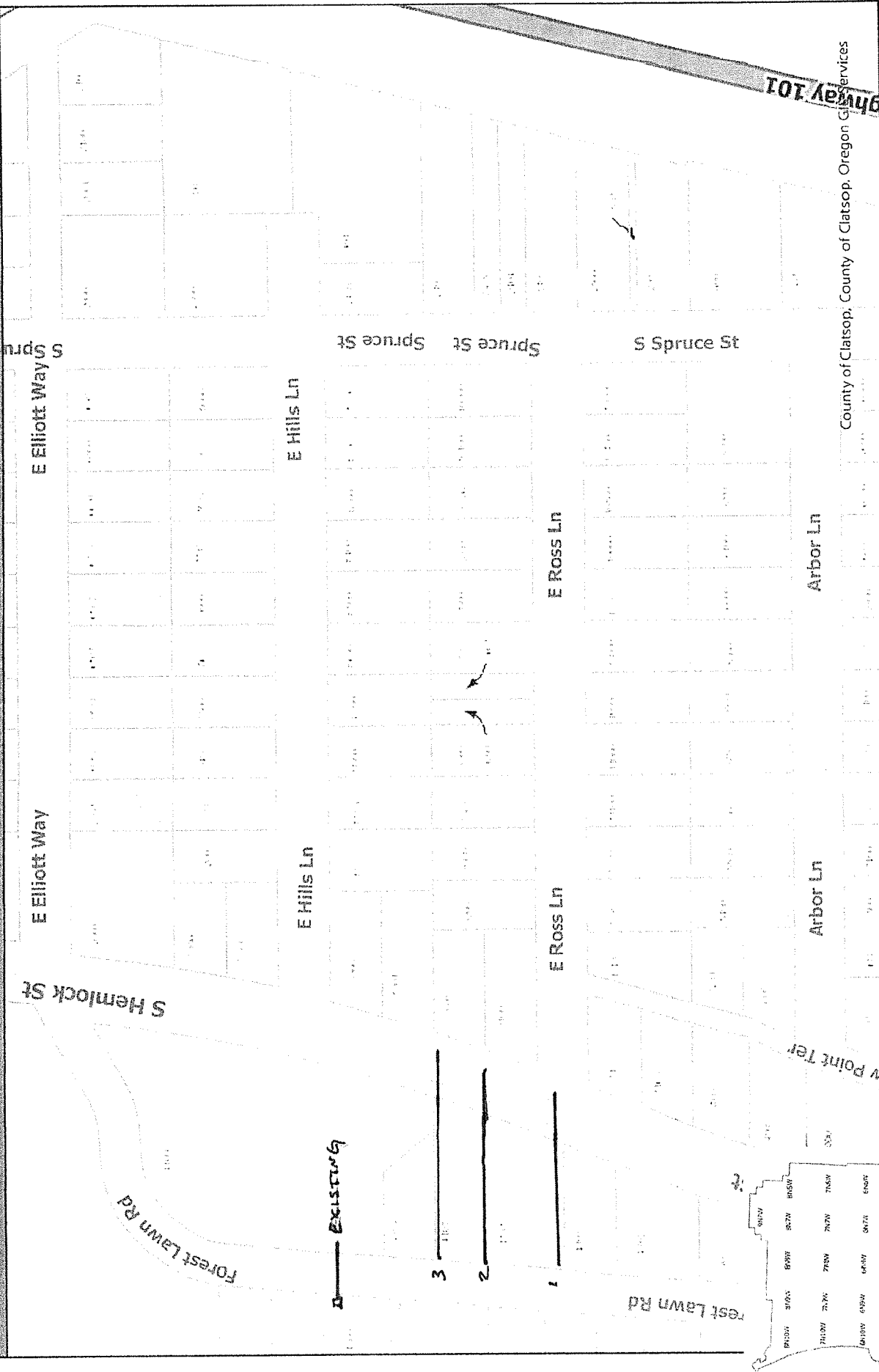
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Jason Morgan, PE  
Morgan Civil Engineering, inc.  
503-801-6016  
[Quoted text hidden]

# Clatsop County Webmaps



Clatsop County

0.05

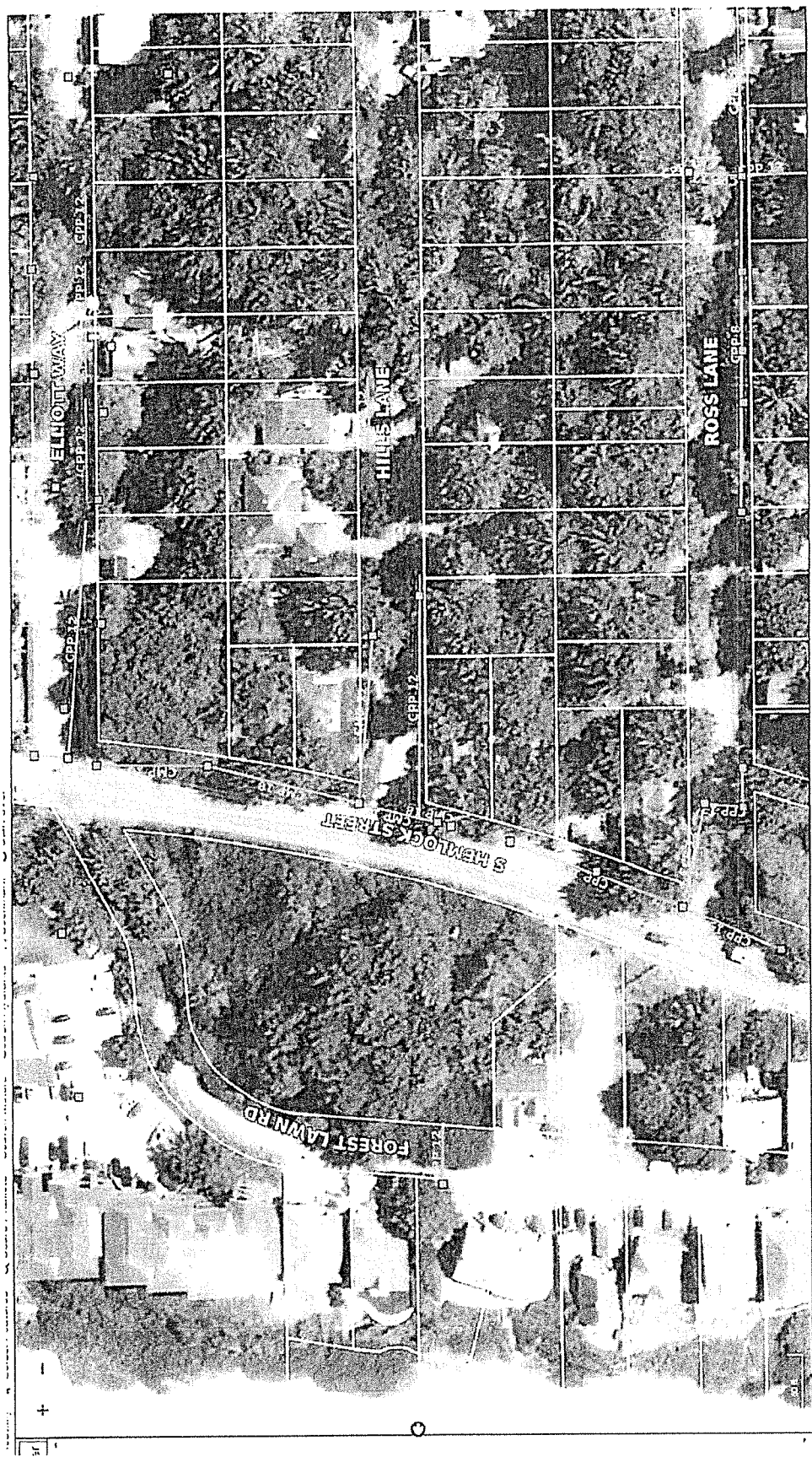
mi



This map was produced using Clatsop County GIS data. The data is maintained by Clatsop County to support its governmental activities. Clatsop County is not responsible for any map errors, possible misuse, or misinterpretation.

3/29/2022 1:25 PM







## Karen La Bonte

---

**From:** Jamie Lerma <jamie@redcrowgc.com>  
**Sent:** Tuesday, April 5, 2022 3:04 PM  
**To:** Karen La Bonte; Trevor Mount; Jeffrey Adams  
**Subject:** Re: Status on Forest Lawn

Karen,

Thank you for the update. It sounds like you've got your sleeves rolled up working on your budget. Understood. Good luck with that. I look forward to hearing from you after you meet with Bruce.

I'll follow up if I haven't heard from you by the middle to end of next week. Does that work for you?

Thank you,

Jamie

On Tue, Apr 5, 2022 at 2:52 PM Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)> wrote:

Jamie,

I am deep into getting my budget set up for next year, but I have scheduled a meeting to go over all this with Bruce and develop a strategy on this.

Once I've had that meeting, I can let you know our plan of resolution.

K.



**Karen La Bonte**  
*Public Works Director*

**City of Cannon Beach**

p: 503.436.8068 | tty: 503.436.8097 | f: 503.436.2050  
a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)



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**From:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>

**Sent:** Tuesday, April 5, 2022 12:16 PM

**To:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>; Trevor Mount <[mount@ci.cannon-beach.or.us](mailto:mount@ci.cannon-beach.or.us)>; Jeffrey Adams <[adams@ci.cannon-beach.or.us](mailto:adams@ci.cannon-beach.or.us)>

**Subject:** Re: Status on Forest Lawn

Hi Karen, Trevor and Jeff,

Any progress on the Forest Lawn drainage plan? We're finalizing our application and expect to be submitting in the next two to three weeks.

Thank you,

Jamie

On Tue, Mar 29, 2022 at 3:19 PM Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)> wrote:

Jamie and Jason,

Thank you for the completed report and the summary of options. I will meet with city staff to discuss our potential plan of action based on these options.

I will get back to you once we've had our meeting and reviewed the information in detail.

Karen



**Karen La Bonte**  
*Public Works Director*

**City of Cannon Beach**

p: 503.436.8068 | tty: 503.436.8097 | f: 503.436.2050  
a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)

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**Sent:** Tuesday, March 29, 2022 2:41 PM

**To:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>; Trevor Mount <[mount@ci.cannon-beach.or.us](mailto:mount@ci.cannon-beach.or.us)>; Jeffrey Adams <[adams@ci.cannon-beach.or.us](mailto:adams@ci.cannon-beach.or.us)>; Gemma, Patrick <[pgemma@prologis.com](mailto:pgemma@prologis.com)>; dave pietka <[dpietka@msn.com](mailto:dpietka@msn.com)>; Matthew Robinson <[mrobinson@dowl.com](mailto:mrobinson@dowl.com)>; Read Stapleton <[rstapleton@dowl.com](mailto:rstapleton@dowl.com)>

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**(503) 849-0258**

**PO BOX 825**

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## Karen La Bonte

---

**From:** Trevor Mount  
**Sent:** Wednesday, March 30, 2022 8:18 AM  
**To:** Karen La Bonte  
**Cc:** Jeffrey Adams  
**Subject:** RE: Status on Forest Lawn

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Contacted Troy yesterday, He is going to give us a high level price to perform this work.

Thanks



**Trevor Mount**  
*Assistant Public Works Director*

**City of Cannon Beach**

p: 503.436.8066 | tty: 503.436.8097 | f: 503.436.2050  
a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110  
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**From:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>  
**Sent:** Tuesday, March 29, 2022 5:02 PM  
**To:** Trevor Mount <[mount@ci.cannon-beach.or.us](mailto:mount@ci.cannon-beach.or.us)>  
**Cc:** Jeffrey Adams <[adams@ci.cannon-beach.or.us](mailto:adams@ci.cannon-beach.or.us)>; Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>  
**Subject:** FW: Status on Forest Lawn

Trevor,

Per our discussion, if you can please get with Thoreson and have him provide some cost estimates to go with these options shown, I'll schedule a meeting with Bruce and go over the results. We'll need to give him the pros and cons of each option along with the associated cost.

He can give us the direction he's willing to take on this. As you and Jeff can see from my other emails with Leslie France who lives over there, she's going to keep a close eye on this.

Let me know when you get some cost estimates and I'll work with Jen to set up a meeting with the three of us and Bruce.

K.



**Karen La Bonte**

*Public Works Director*

**City of Cannon Beach**

p: 503.436.8068 | tty: 503.436.8097 | f: 503.436.2050

a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)

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**Sent:** Tuesday, March 29, 2022 3:19 PM

**To:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>; Trevor Mount <[mount@ci.cannon-beach.or.us](mailto:mount@ci.cannon-beach.or.us)>; Jeffrey Adams <[adams@ci.cannon-beach.or.us](mailto:adams@ci.cannon-beach.or.us)>; Gemma, Patrick <[pgemma@prologis.com](mailto:pgemma@prologis.com)>; dave pietka <[dpietka@msn.com](mailto:dpietka@msn.com)>; Matthew Robinson <[mrobinson@dowl.com](mailto:mrobinson@dowl.com)>; Read Stapleton <[rstapleton@dowl.com](mailto:rstapleton@dowl.com)>

**Cc:** Jason Morgan <[jason@morgancivil.com](mailto:jason@morgancivil.com)>; Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>

**Subject:** RE: Status on Forest Lawn

Jamie and Jason,

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 **Private storm discharge at TL 4100.MOV**



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## Karen La Bonte

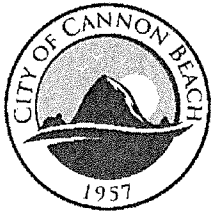
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**From:** Karen La Bonte  
**Sent:** Tuesday, March 29, 2022 4:50 PM  
**To:** LESLIE FRANCE  
**Cc:** Jeffrey Adams; Karen La Bonte; Trevor Mount  
**Subject:** RE: Public Works on Hemlock & Forest Lawn

Leslie,

At this time, I am not able to answer this question. Until I see the results of the full survey report, I do not have a plan of action. Once I receive that documentation, I will review it with the city staff involved in determining what course of action is best for the city based on the options before us.

Karen



**Karen La Bonte**  
*Public Works Director*  
**City of Cannon Beach**  
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**Sent:** Tuesday, March 29, 2022 3:35 PM  
**To:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>  
**Subject:** Re: Public Works on Hemlock & Forest Lawn

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My question for you is this. Will there be another Public Works permit issued for this current project of redirecting the storm water runoff from the forested wetlands property? If so, who will issue the permit, when will it be permitted, will it be made public for comment, and will there be an opportunity for local residents to appeal the project?

Looking forward to your reply,

Leslie France  
928-713-7721

Sent from my iPad

On Mar 25, 2022, at 12:58 PM, Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)> wrote:

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Originally, the homeowner proposed that the city *redirect* the drain and run-off further north on the property where the wetlands flow freely and would be near an existing storm drain. They expressed at the time, that they have no plans to develop that part of the property and in the spirit of not costing the city or the taxpayers undue expense, they felt this would be a fair solution. When Public Works applied for the permit to do this work, we had a resident express their unhappiness with that plan and filed an appeal to stop the work. That left the city with the challenge of finding a way to redirect that run off out to Hemlock where we have existing drains. This will be an expensive challenge, so I've had to start with the survey company to come in and give me some options for resolving this as cost effectively as possible. That is their only charter for the city. To date, I have not received their final report so I have no status to advise of the direction we will be able to take to resolve this issue.

As for the tree, I believe this was the tree that had obstructed our drain just below it. The the city posts all tree removal applications on our web site and at the post office before permits are granted. Public Works handles anything in the city right-of way and Jeff Adams handles any tree approvals on private property.

Karen

<image001.png>

**Karen La Bonte**

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**Sent:** Friday, March 25, 2022 12:22 PM

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**Subject:** Public Works on Hemlock & Forest Lawn

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Separately, I noticed a tree was cut down on the east side of the wetland where a drain runs under Hemlock to regulate water flow between the east and west side of Hemlock. I'm wondering what the scope of the project is, what specifically will be done, and whether **and** when the project has been approved or permitted.

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**Subject:** Fwd: Status on Forest Lawn  
**Attachments:** Forest Lawn drainage options.pdf; City storm discharge at TL 4100.jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



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At the north line of TL 4105, there is 4.8 feet of fall to an existing culvert. (about 250 feet long – 1.9% slope).

Based on the slope and the flows, I can determine what pipe size is needed. The City minimum is likely 12”.

If the City cannot get an easement, there is enough fall to route the drainage along Forest Lawn Drive to Hemlock, but there are more utilities to deal with.

Regardless of route Hemlock will need to be cut in order to cross it.

Finally, the drainage system is shallow, so I expect it to cross over the sewer and water lines.

Please contact me with any questions. Once the choses a route, I can design the layout.

I am on the road for field work on Thursday, so I cannot meet that day.

Jason Morgan, PE

Morgan Civil Engineering, inc.

503-801-6016

**From:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>

**Sent:** Monday, March 28, 2022 1:27 PM

**To:** Jason Morgan <[jason@morgancivil.com](mailto:jason@morgancivil.com)>

**Subject:** Status on Forest Lawn

Jason,

Please let me know where you're at with the drainage plan for the City of CB at Forest Lawn.

We're meeting about our application on Thursday, and the drainage plan is one of two topics on the agenda for that meeting that have to be resolved before we submit the subdivision app.

Thanks for your help,

Jamie

--

Jamie B. Lerma

President

Red Crow, LLC

(503) 849-0258

PO BOX 825

Cannon Beach, OR 97110

CCB#226835

--

Jamie B. Lerma

President

Red Crow, LLC

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Cannon Beach, OR 97110

CCB#226835



Jamie Lerma <jamie@redcrowgc.com>

## Status on Forest Lawn

Jason Morgan <jason@morgancivil.com>  
To: Jamie Lerma <jamie@redcrowgc.com>

Tue, Mar 29, 2022 at 1:03 PM

Good afternoon,

Based on my calculations, interpolating data from the survey field work, there is plenty of fall between the drainage systems on Forest Lawn Drive and Hemlock Street.

I check each of the property lines of the two undeveloped properties. The further to the north, the more fall there is.

- 1 At the south end of TL 4101, there is about 1.5 feet of fall to a ditch. (about 215 feet long – 0.7% slope)
- 2 At the shared line of TL 4105 and 4101, there is about 4 feet of fall to a ditch. (About 240 feet long – 1.7% slope)
- 3 At the north line of TL 4105, there is 4.8 feet of fall to an existing culvert. (about 250 feet long – 1.9% slope).

Based on the slope and the flows, I can determine what pipe size is needed. The City minimum is likely 12".

- 4 If the City cannot get an easement, there is enough fall to route the drainage along Forest Lawn Drive to Hemlock, but there are more utilities to deal with.

Regardless of route Hemlock will need to be cut in order to cross it.

Finally, the drainage system is shallow, so I expect it to cross over the sewer and water lines.

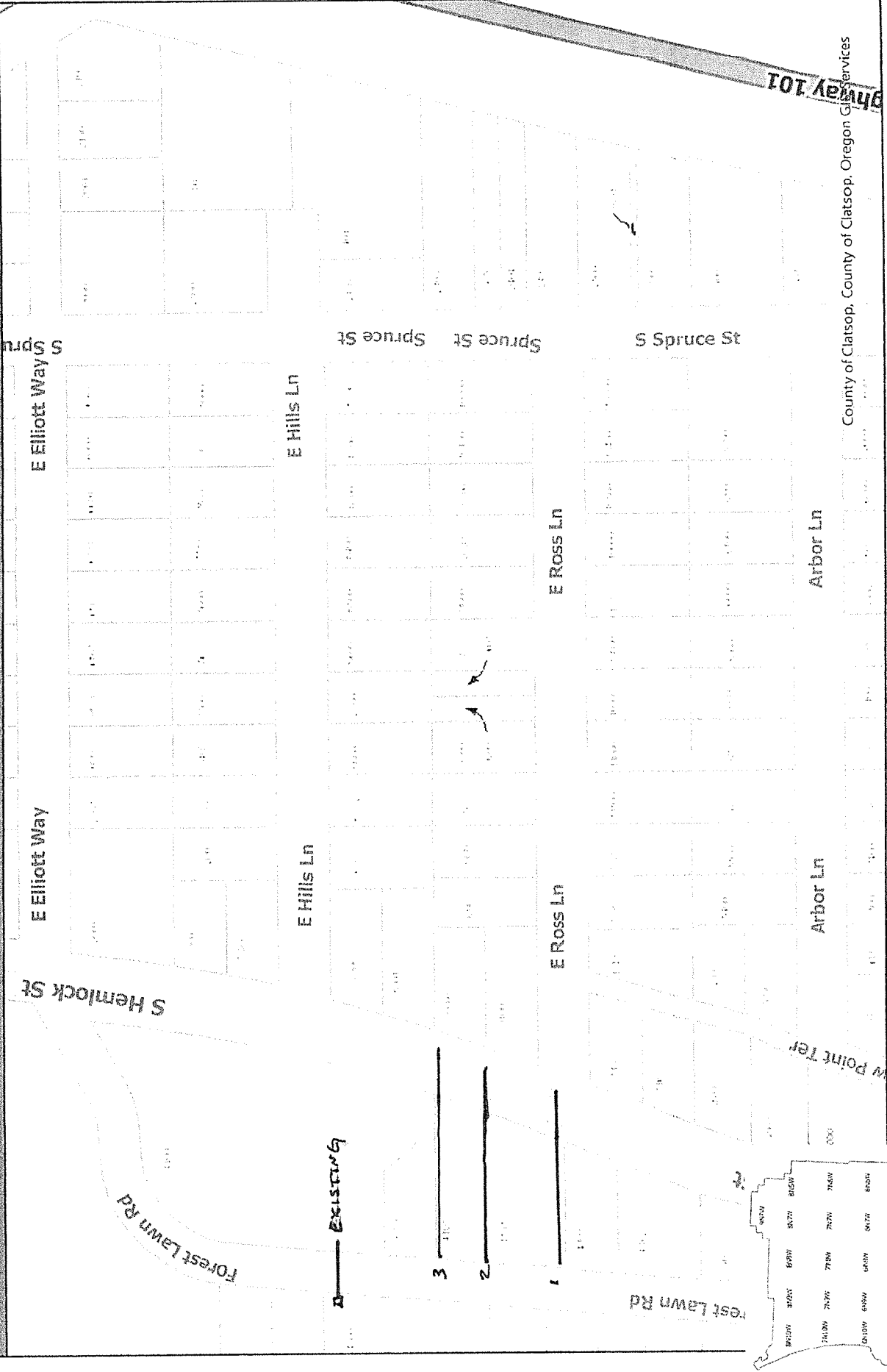
Please contact me with any questions. Once the choses a route, I can design the layout.

I am on the road for field work on Thursday, so I cannot meet that day.

Jason Morgan, PE  
Morgan Civil Engineering, inc.  
503-801-6016  
[Quoted text hidden]



# Clatsop County Webmaps



Clatsop County

0.05

mi



This map was produced using Clatsop County GIS data. The data is maintained by Clatsop County to support its governmental activities. Clatsop County is not responsible for any map errors, possible misuse, or misinterpretation.

3/29/2022 1:25 PM







## Karen La Bonte

---

**From:** Jamie Lerma <jamie@redcrowgc.com>  
**Sent:** Friday, March 18, 2022 9:08 AM  
**To:** Karen La Bonte  
**Cc:** Jack White; Trevor Mount  
**Subject:** Re: Forest Lawn surveyor costs

Okay will do.

On Fri, Mar 18, 2022 at 8:55 AM Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)> wrote:

Jaime,

We've already received a call from a resident on Forest Lawn wanting to know what we're doing. Please let the crew know if they encounter any issues.

Karen



**Karen La Bonte**  
*Public Works Director*

**City of Cannon Beach**

p: 503.436.8068 | tty: 503.436.8097 | f: 503.436.2050  
a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)

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**From:** Jamie Lerma <jamie@redcrowgc.com>  
**Sent:** Thursday, March 17, 2022 9:32 PM

**To:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>

**Cc:** Jack White <[jack.white@sflands.com](mailto:jack.white@sflands.com)>; Trevor Mount <[mount@ci.cannon-beach.or.us](mailto:mount@ci.cannon-beach.or.us)>

**Subject:** Re: Forest Lawn surveyor costs

Thanks Everybody.

On Thu, Mar 17, 2022 at 6:56 PM Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)> wrote:

Jack,

See attached signed copy.

Karen



**Karen La Bonte**  
*Public Works Director*

**City of Cannon Beach**

p: 503.436.8068 | tty: 503.436.8097 | f: 503.436.2050  
a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)

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**From:** Jack White <[jack.white@sflands.com](mailto:jack.white@sflands.com)>

**Sent:** Thursday, March 17, 2022 6:51 PM

**To:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>; Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>; Trevor Mount <[mount@ci.cannon-beach.or.us](mailto:mount@ci.cannon-beach.or.us)>

**Subject:** Re: Forest Lawn surveyor costs

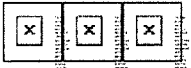
Sorry Karen - I think \$1,500 will cover it. It's not a lot of work.

## Jack White, PLS



1725 N. Roosevelt Ave, Suite B, Seaside, OR 97138  
(Office) 503-738-3425 (Mobile) 503-683-7872

[jack.white@sflands.com](mailto:jack.white@sflands.com) | [www.sflands.com](http://www.sflands.com)



**From:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>

**Sent:** Thursday, March 17, 2022 6:46 PM

**To:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>; Trevor Mount  
<[mount@ci.cannon-beach.or.us](mailto:mount@ci.cannon-beach.or.us)>; Jack White <[jack.white@sflands.com](mailto:jack.white@sflands.com)>

**Cc:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>

**Subject:** RE: Forest Lawn surveyor costs

I'm still at work catching up on my emails from today. I responded asking what the total estimate for this job is. I don't do open ended time and material type quotes, I need an estimated total so there's no surprises. Respond and I can sign off.

K.



**Karen La Bonte**  
*Public Works Director*

**City of Cannon Beach**  
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a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)

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**From:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>

**Sent:** Thursday, March 17, 2022 4:12 PM

**To:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>; Trevor Mount <[mount@ci.cannon-beach.or.us](mailto:mount@ci.cannon-beach.or.us)>; Jack White



<[jack.white@sflands.com](mailto:jack.white@sflands.com)>

**Subject:** Forest Lawn surveyor costs

Karen and Trevor,

Will you sign a proposal from S&F Land Surveying to survey the elevation of the storm at Hemlock? I've cc'd Jack White with S&F on this email.

Jack was going to do the survey today, but we did not have a signed proposal in place.

Thanks,

Jamie

--

**Jamie B. Lerma**

**President**

**Red Crow, LLC**

**(503) 849-0258**

**PO BOX 825**

**Cannon Beach, OR 97110**

**CCB#226835**

--

**Jamie B. Lerma**

President

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CCB#226835

--

Jamie B. Lerma

President

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Cannon Beach, OR 97110

CCB#226835

## Karen La Bonte

---

**From:** Karen La Bonte  
**Sent:** Thursday, March 17, 2022 6:31 PM  
**To:** Jason Morgan; Jack White; Jamie Lerma; Trevor Mount  
**Cc:** Karen La Bonte  
**Subject:** RE: forest lawn drainage

Absolutely.



**Karen La Bonte**  
*Public Works Director*  
**City of Cannon Beach**  
p: 503.436.8068 | tty: 503.436.8097 | f: 503.436.2050  
a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110  
w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)

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**From:** Jason Morgan <[jason@morgancivil.com](mailto:jason@morgancivil.com)>  
**Sent:** Thursday, March 17, 2022 5:07 PM  
**To:** Jack White <[jack.white@sflands.com](mailto:jack.white@sflands.com)>; Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>; Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>; Trevor Mount <[mount@ci.cannon-beach.or.us](mailto:mount@ci.cannon-beach.or.us)>  
**Subject:** RE: forest lawn drainage

Thank you.

Some of this area was surveyed before, but the catch basins lids could not be removed.  
The elevation of these pipes is important to design.

Can the crew coordinate with the City if needed?

Jason Morgan, PE  
Morgan Civil Engineering, inc.  
503-801-6016

**From:** Jack White <[jack.white@sflands.com](mailto:jack.white@sflands.com)>  
**Sent:** Thursday, March 17, 2022 5:04 PM  
**To:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>; Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>; Jason Morgan <[jason@morgancivil.com](mailto:jason@morgancivil.com)>; Trevor Mount <[mount@ci.cannon-beach.or.us](mailto:mount@ci.cannon-beach.or.us)>  
**Subject:** Re: forest lawn drainage

Good afternoon,

I have attached a proposal to do the survey work discussed below. I apologize for not getting this over to you sooner. I have a field crew scheduled to do the work tomorrow and the intention is to deliver the drawing on Monday.

Thank you,

**Jack White, PLS**



1725 N. Roosevelt Ave, Suite B, Seaside, OR 97138  
(Office) 503-738-3425 (Mobile) 503-683-7872

[jack.white@sflands.com](mailto:jack.white@sflands.com) | [www.sflands.com](http://www.sflands.com)



**From:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>  
**Sent:** Wednesday, March 9, 2022 11:41 AM  
**To:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>; Jason Morgan <[jason@morgancivil.com](mailto:jason@morgancivil.com)>; Jack White <[jack.white@sflands.com](mailto:jack.white@sflands.com)>; Trevor Mount <[mount@ci.cannon-beach.or.us](mailto:mount@ci.cannon-beach.or.us)>  
**Cc:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>  
**Subject:** RE: forest lawn drainage

Jamie,

Thanks so much. Yes, the attached map is all we have for records at this point.

K.



**Karen La Bonte**  
*Public Works Director*  
**City of Cannon Beach**

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w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)

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**From:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>  
**Sent:** Wednesday, March 9, 2022 11:33 AM  
**To:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>; Jason Morgan <[jason@morgancivil.com](mailto:jason@morgancivil.com)>; Jack White <[jack.white@sflands.com](mailto:jack.white@sflands.com)>; Trevor Mount <[mount@ci.cannon-beach.or.us](mailto:mount@ci.cannon-beach.or.us)>  
**Subject:** Re: forest lawn drainage

Karen,

I'm clear. I just wanted to make sure the costs for the surveyor were covered. I have contacted Jack White with S&F to get the survey work on the schedule. Jack and Jason Morgan are cc'd on this email.

Is the attached map the best information we have? It looks like there is hard pipe of varying sizes in the ROW but not under the roadway.

Jason and Jack, please coordinate what information is needed to determine whether the east route for the city storm works.

Thanks everybody,

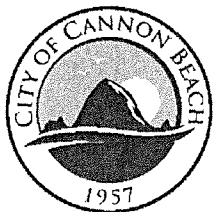
Jamie

On Wed, Mar 9, 2022 at 11:10 AM Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)> wrote:

Yes, without surveying that I can't explain why I'm diverting back to plan A of moving it north and continuing to drain onto private property regardless of the owner agreeing to allow it. What Bruce has asked is that I try to find a way to not be violating our own ordinance by draining on private property. If those proposed routes do not prove to be successful options, then obviously I would have every reason to go back to plan A after vetting the other options and having the data to support that.

We will pay for that survey to get that clarification; that's what I told Jason to begin with.

K.



**Karen La Bonte**

*Public Works Director*

**City of Cannon Beach**

p: 503.436.8068 | tty: 503.436.8097 | f: 503.436.2050

a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)

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**From:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>

**Sent:** Wednesday, March 9, 2022 11:02 AM

**To:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>

**Subject:** Re: forest lawn drainage

Hi Karen,

Just to be clear, we should have the storm pipe in Hemlock surveyed and the city will pay for that?

Also, there is actually a storm pipe under the roadway in Hemlock, is that correct?

We're working with S&F Land Surveying on multiple projects, so I may be able to get them out there pretty quickly, with instructions to get the information to you and Jason.

Should I proceed?

Thanks,

Jamie

On Wed, Mar 9, 2022 at 9:48 AM Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)> wrote:

When I spoke to Jason originally, I had asked him to go ahead and survey because we didn't have anything other than what McEwen did for you guys. If he doesn't have time, I can try to go back to the other engineer that you provided me the name of.

K.



**Karen La Bonte**

*Public Works Director*

**City of Cannon Beach**

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a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)

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**From:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>

**Sent:** Tuesday, March 8, 2022 11:18 AM

**To:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>

**Subject:** Re: forest lawn drainage

Karen,

I think your assessment is correct, and it meets with my understanding of the situation.

From the proposed subdivision owners' perspective, the offer still stands to pipe the storm north to the wetlands between proposed lots 4 and 5. Part of the 3-lot subdivision proposal is to donate the northern 4 wetland lots and one large wetland tract to the City of Cannon Beach for preservation as a wetland and a place to discharge area storm.

We understand that you need to explore a plan to remove the storm discharge that puts it directly into the city system that is independent of the proposed subdivision and does not included discharge to private property. If the eastern route does not prove out, we can come back to the northern route.

At this point I think it is up to Public Work to determine whether the eastern route works, either using Jason Morgan or some other civil engineer. Jason said that he needs additional information from the city to complete his calculations for the eastern route. Specifically he needs the elevation of the city storm system at Hemlock.

Thank you for your work on this. Let me know of there is anything I can do to assist.

Janie

On Tue, Mar 8, 2022 at 10:40 AM Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)> wrote:

Jamie,

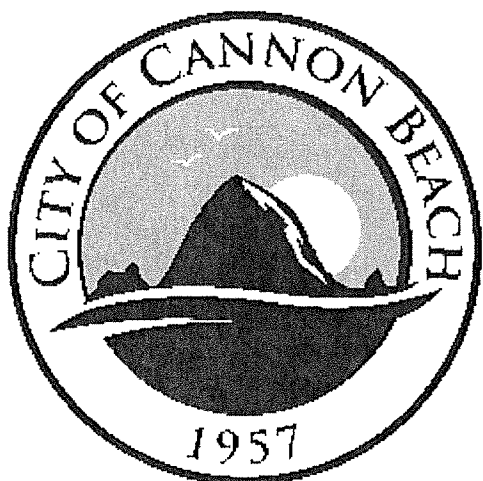
Thank you for forwarding this. I think the key here will be to "prove" that it can be extended to Hemlock successfully. Even if that means a greater distance or easements,



then so be it. The hill I'm having to overcome with this issue, is the locals who are appealing my plan to relocate this storm drain. My original explanation for relocating it was because the city is depositing their runoff water onto private property which is a violation of our ordinance. By moving the drain to the north end of the same lot I'm technically still in violation of the ordinance so I'm not accomplishing anything. If after review, the engineer determines that we can't successfully relocate it to Hemlock (not because we need easements) then that's a different story, and we could look at the original option which is to relocate it to the north end of the lot in the wetland area as allowed by the property owner.

That's what I need the engineer to clearly define, and if I understand his summary below, it sounds like we would be able to relocate it to Hemlock. Am I understanding his summary correctly? If so, my next step would be to get an easement agreement with whatever property owner(s) that I'd be cutting across their lot to achieve the end goal.

Karen



**Karen La Bonte**

*Public Works Director*

**City of Cannon Beach**

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503.436.2050

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[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)

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**From:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>

**Sent:** Tuesday, March 8, 2022 8:28 AM

**To:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>; Matthew Robinson <[mrobinson@dowl.com](mailto:mrobinson@dowl.com)>; Gemma, Patrick <[pgemma@prologis.com](mailto:pgemma@prologis.com)>; dave pietka <[dpietka@msn.com](mailto:dpietka@msn.com)>; Read Stapleton <[rstapleton@dowl.com](mailto:rstapleton@dowl.com)>; Jason Morgan <[jason@morgancivil.com](mailto:jason@morgancivil.com)>

**Subject:** Fwd: forest lawn drainage

Good Morning Karen, Jason, and Forest Lawn team,

Please see attached thread between CE Jason Morgan and me.

Jamie

----- Forwarded message -----

From: **Jason Morgan** <[jason@morgancivil.com](mailto:jason@morgancivil.com)>

Date: Tue, Mar 8, 2022 at 6:51 AM

Subject: RE: forest lawn drainage

To: Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>

Good morning,

The drawing the city sent me shows pipes in Hemlock Street. See attached.

The advantage of the extending the pipe up Forest Lawn Road is no easements required.

It is more pipe, and trenching, so it will be more expensive to install. – The northern route is about 460 feet. Across TL 4101 is about 250 feet.

The longer route would probably need more catch basins – we do not typically curve storm pipe.

Please forward my comments to everyone involved, especially the City. I just wanted you to see it first.

The main point is that the water can be routed to Hemlock Street rather than discharging onto the Gemma property.

I am happy to discuss these options further.

If we want to look at the shorter routes further, we will need the invert elevations of the pipes on both sides of the project – Hemlock and Forest Lawn.

Jason Morgan, PE  
Morgan Civil Engineering, inc.  
503-801-6016

**From:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>

**Sent:** Monday, March 7, 2022 9:24 PM

**To:** Jason Morgan <[jason@morgancivil.com](mailto:jason@morgancivil.com)>

**Subject:** Re: forest lawn drainage

Jason,

Regarding the eastern route, are you sure there are storm pipes in Hemlock? I think the city storm is in a ditch on the east side of the roadway. I'm not sure whether that changes your assessment much. You would still need the elevation of the ditch to properly calculate that plan. Is that right?

Your conclusion appears to be that the northern configuration is much better from engineering, functionality, and cost perspectives. Is that right?

Thank you for the information. Do you mind if I forward your response in this email chain to Karen Labonte at the City of Cannon Beach, or do you want to email her directly and cc me?

Karen may need to explore the eastern configuration in more detail and may want to provide you with the elevations and any other information you may need to assess the feasibility.

Thanks,

Jamie

On Mon, Mar 7, 2022 at 5:20 PM Jason Morgan <[jason@morgancivil.com](mailto:jason@morgancivil.com)> wrote:

Jamie,

I'm looking at the drainage on Forest Lawn in Cannon Beach.

To the south of the property, the ground is nearly flat between Forest Lawn and Hemlock, maybe a foot higher on Hemlock, even.

This would likely need a large pipe to provide adequate flows, and I would need more elevation data to maybe make it work. Especially the elevations of the pipes in Hemlock, which we do not have.

However, I looked at the north end of Forest Lawn.

The existing catch basin that discharges into the Gemma property is at 42.82, and only 1.1 deep to the culvert.

The catch basin at the northern end of Forest Lawn, on the east side of Hemlock has a rim elevation of 38.91. That is a definite fall of nearly 4 feet, and likely more.

Along the roadway, this route is a distance of 460 feet.

**This creates a slope of 0.8 percent. Adequate for storm drainage.**

No easements needed, no water on private property. Just trenching in the roadway.

A 12" PVC pipe could handle this flow.

For a shorter solution, across the properties in an easement, the depth of the pipes in Hemlock Street will matter greatly.

Finally, the solutions I am looking at, crossing Hemlock, require cutting the asphalt on Hemlock Street.

It will depend on what the City wants to do, but there are options.

Jason R. Morgan, PE  
*Professional Engineer*

**MORGAN CIVIL ENGINEERING, INC.**

PO Box 358, Manzanita, OR 97130

ph: 503-801-6016

[www.morgancivil.com](http://www.morgancivil.com)



--  
**Jamie B. Lerma**  
**President**  
**Red Crow, LLC**  
**(503) 849-0258**  
**PO BOX 825**  
**Cannon Beach, OR 97110**

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--

Jamie B. Lerma  
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--

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Red Crow, LLC  
(503) 849-0258  
PO BOX 825  
Cannon Beach, OR 97110  
CCB#226835

--

Jamie B. Lerma  
President  
Red Crow, LLC  
(503) 849-0258  
PO BOX 825  
Cannon Beach, OR 97110  
CCB#226835

## Karen La Bonte

---

**From:** Jason Morgan <jason@morgancivil.com>  
**Sent:** Tuesday, March 8, 2022 11:50 AM  
**To:** Karen La Bonte; Jamie Lerma; Matthew Robinson; Gemma, Patrick; dave pietka; Read Stapleton  
**Subject:** RE: forest lawn drainage  
**Attachments:** Additional Topo 5-7-21.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning,

Based on the topographic map, we can extend the storm pipe north on Forest Lawn to Hemlock Street.

The catch basin on Forest Lawn has an invert elevation of 41.72'

The catch basin on Hemlock at the intersection of Forest Lawn has a rim elevation of 38.91', and others nearby are similar.

There may be a conflict with the waterline, but that can be resolved.

There is roughly 4 feet of fall, so the stormwater can be routed in the road right-of-way with no easements. It is about 460 feet.

Crossing a private property to the south (in an easement) is likely, but it will depend on the elevations of the pipes in each right-of-way.

This would result in a shorter route.

Jason Morgan, PE  
Morgan Civil Engineering, inc.  
503-801-6016

**From:** Karen La Bonte <labonte@ci.cannon-beach.or.us>  
**Sent:** Tuesday, March 8, 2022 10:41 AM  
**To:** Jamie Lerma <jamie@redcrowgc.com>; Matthew Robinson <mrobinson@dowl.com>; Gemma, Patrick <pgemma@prologis.com>; dave pietka <dpietka@msn.com>; Read Stapleton <rstapleton@dowl.com>; Jason Morgan <jason@morgancivil.com>  
**Cc:** Karen La Bonte <labonte@ci.cannon-beach.or.us>  
**Subject:** RE: forest lawn drainage

Jamie,

Thank you for forwarding this. I think the key here will be to "prove" that it can be extended to Hemlock successfully. Even if that means a greater distance or easements, then so be it. The hill I'm having to overcome with this issue, is the locals who are appealing my plan to relocate this storm drain. My original explanation for relocating it was because the city is depositing their runoff water onto private property which is a violation of our ordinance. By moving the drain to the north end of the same lot I'm technically still in violation of the ordinance so I'm not accomplishing anything. If after review, the engineer determines that we

can't successfully relocate it to Hemlock (not because we need easements) then that's a different story, and we could look at the original option which is to relocate it to the north end of the lot in the wetland area as allowed by the property owner.

That's what I need the engineer to clearly define, and if I understand his summary below, it sounds like we would be able to relocate it to Hemlock. Am I understanding his summary correctly? If so, my next step would be to get an easement agreement with whatever property owner(s) that I'd be cutting across their lot to achieve the end goal.

Karen



**Karen La Bonte**

*Public Works Director*

**City of Cannon Beach**

p: 503.436.8068 | tty: 503.436.8097 | f: 503.436.2050

a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)

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**From:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>

**Sent:** Tuesday, March 8, 2022 8:28 AM

**To:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>; Matthew Robinson <[mrobinson@dowl.com](mailto:mrobinson@dowl.com)>; Gemma, Patrick <[pgemma@prologis.com](mailto:pgemma@prologis.com)>; dave pietka <[dpietka@msn.com](mailto:dpietka@msn.com)>; Read Stapleton <[rstapleton@dowl.com](mailto:rstapleton@dowl.com)>; Jason Morgan <[jason@morgancivil.com](mailto:jason@morgancivil.com)>

**Subject:** Fwd: forest lawn drainage

Good Morning Karen, Jason, and Forest Lawn team,

Please see attached thread between CE Jason Morgan and me.

Jamie

----- Forwarded message -----

**From:** Jason Morgan <[jason@morgancivil.com](mailto:jason@morgancivil.com)>

**Date:** Tue, Mar 8, 2022 at 6:51 AM

**Subject:** RE: forest lawn drainage

**To:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>

Good morning,

The drawing the city sent me shows pipes in Hemlock Street. See attached.

The advantage of the extending the pipe up Forest Lawn Road is no easements required.



It is more pipe, and trenching, so it will be more expensive to install. – The northern route is about 460 feet. Across TL 4101 is about 250 feet.

The longer route would probably need more catch basins – we do not typically curve storm pipe.

Please forward my comments to everyone involved, especially the City. I just wanted you to see it first.

The main point is that the water can be routed to Hemlock Street rather than discharging onto the Gemma property.

I am happy to discuss these options further.

If we want to look at the shorter routes further, we will need the invert elevations of the pipes on both sides of the project – Hemlock and Forest Lawn.

Jason Morgan, PE

Morgan Civil Engineering, inc.

503-801-6016

**From:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>

**Sent:** Monday, March 7, 2022 9:24 PM

**To:** Jason Morgan <[jason@morgancivil.com](mailto:jason@morgancivil.com)>

**Subject:** Re: forest lawn drainage

Jason,

Regarding the eastern route, are you sure there are storm pipes in Hemlock? I think the city storm is in a ditch on the east side of the roadway. I'm not sure whether that changes your assessment much. You would still need the elevation of the ditch to properly calculate that plan. Is that right?

Your conclusion appears to be that the northern configuration is much better from engineering, functionality, and cost perspectives. Is that right?

Thank you for the information. Do you mind if I forward your response in this email chain to Karen Labonte at the City of Cannon Beach, or do you want to email her directly and cc me?

Karen may need to explore the eastern configuration in more detail and may want to provide you with the elevations and any other information you may need to assess the feasibility.

Thanks,

Jamie

On Mon, Mar 7, 2022 at 5:20 PM Jason Morgan <[jason@morgancivil.com](mailto:jason@morgancivil.com)> wrote:

Jamie,

I'm looking at the drainage on Forest Lawn in Cannon Beach.

To the south of the property, the ground is nearly flat between Forest Lawn and Hemlock, maybe a foot higher on Hemlock, even.

This would likely need a large pipe to provide adequate flows, and I would need more elevation data to maybe make it work. Especially the elevations of the pipes in Hemlock, which we do not have.

However, I looked at the north end of Forest Lawn.

The existing catch basin that discharges into the Gemma property is at 42.82, and only 1.1 deep to the culvert.

The catch basin at the northern end of Forest Lawn, on the east side of Hemlock has a rim elevation of 38.91. That is a definite fall of nearly 4 feet, and likely more.

Along the roadway, this route is a distance of 460 feet.

**This creates a slope of 0.8 percent. Adequate for storm drainage.**

No easements needed, no water on private property. Just trenching in the roadway.

A 12" PVC pipe could handle this flow.

For a shorter solution, across the properties in an easement, the depth of the pipes in Hemlock Street will matter greatly.

Finally, the solutions I am looking at, crossing Hemlock, require cutting the asphalt on Hemlock Street.

It will depend on what the City wants to do, but there are options.

Jason R. Morgan, PE

*Professional Engineer*

**MORGAN CIVIL ENGINEERING, INC.**

PO Box 358, Manzanita, OR 97130

ph: 503-801-6016

[www.morgancivil.com](http://www.morgancivil.com)



Jamie B. Lerma

President

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PO BOX 825

Cannon Beach, OR 97110

CCB#226835

--

Jamie B. Lerma

President

Red Crow, LLC

(503) 849-0258

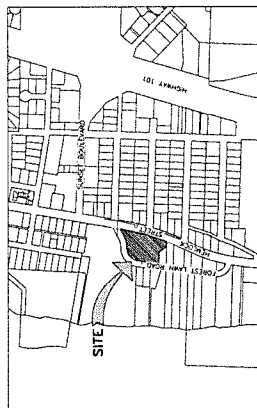
PO BOX 825

Cannon Beach, OR 97110

CCB#226835

FOR PATRICK/DAVE, LLC  
LOCATED IN THE SE 1/4 OF SECTION 30,  
TOWNSHIP 5 NORTH, RANGE 10 WEST  
OF THE WILLAMETTE MERIDIAN  
CITY OF CANNON BEACH, CLATSOP COUNTY, OREGON

DECEMBER 23, 2020



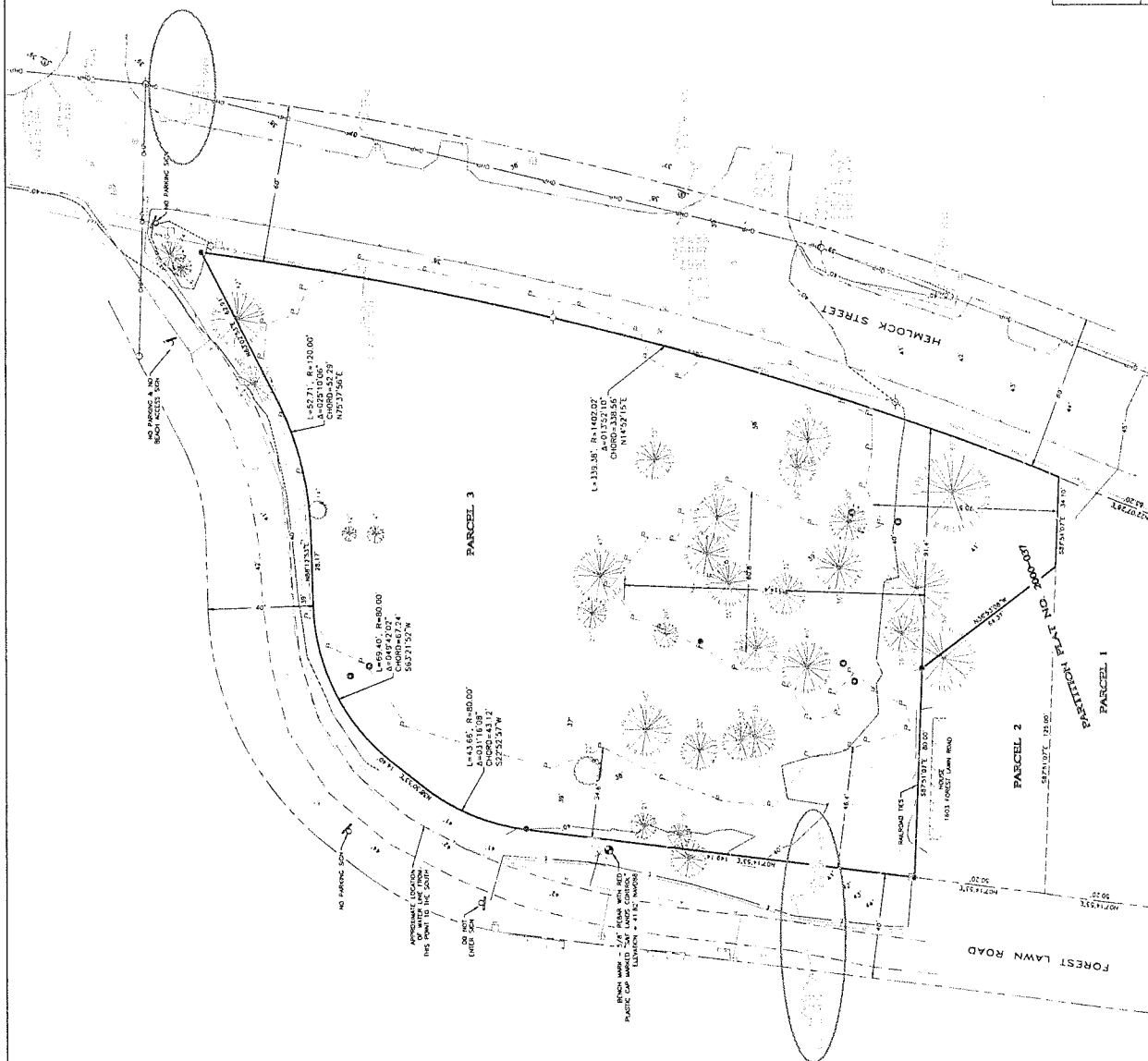
VICINITY MAP  
(NOT TO SCALE)  
CANNON BEACH, OREGON

BASES OF ELEVATIONS IS NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88) BASED GPS OBSERVATIONS

THE LOCATION OF EXISTING UNDERGROUND UTILITY FACILITIES SHOWN HEREON ARE BASED ON LOCATE MARKS REQUESTED FOR THIS SURVEY FOR ONE CALL PUBLIC LOCATE TICKET 70335678. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE LOCATION OF SUCH UNDERGROUND UTILITIES BY THE RESPECTIVE UTILITY OWNERS, NOR FOR THE EXISTENCE OF BURIED OBJECTS WHICH ARE NOT SHOWN ON THE PLAN. ALL UTILITY LOCATIONS SHOULD BE FIELD VERIFIED PRIOR TO CONSTRUCTION.

FIELD WORK WAS COMPLETED ON MAY 4, 2021

- LEGEND:
- |                            |   |   |
|----------------------------|---|---|
| WETLAND BOUNDARY           | ● | FOUND MONUMENT SHOWN ON PARISHION PLAT NO. 3200-037 |
| PROPERTY BOUNDARY          | ○ |   |
| OTHER LOT LINE             | ⊥ |   |
| RIGHT OF WAY LINE          | ⊥ |   |
| EDGE OF GRAVEL             | ⊥ |   |
| GAS LINE                   | ⊥ |   |
| UNDERGROUND POWER LINE     | ⊥ |   |
| UNDERGROUND TELEPHONE LINE | ⊥ |   |
| OVERHEAD POWER             | ⊥ |   |
| COMMUNICATION              | ⊥ |   |
| CONCRETE                   | ⊥ |   |



S&amp;P Land Services

GRAPHIC SURVEY FOR:  
PATRICK/DAVE, LLC

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
JACK L. HARTZ  
SEPTEMBER 10, 2019  
JACK L. HARTZ  
210275.5

## Karen La Bonte

---

**From:** Jamie Lerma <jamie@redcrowgc.com>  
**Sent:** Tuesday, March 8, 2022 8:28 AM  
**To:** Karen La Bonte; Matthew Robinson; Gemma, Patrick; dave pietka; Read Stapleton; Jason Morgan  
**Subject:** Fwd: forest lawn drainage  
**Attachments:** Storm Drain\_Forest Lawn.pdf

Good Morning Karen, Jason, and Forest Lawn team,

Please see attached thread between CE Jason Morgan and me.

Jamie

----- Forwarded message -----

**From:** Jason Morgan <jason@morgancivil.com>  
**Date:** Tue, Mar 8, 2022 at 6:51 AM  
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**To:** Jamie Lerma <jamie@redcrowgc.com>

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The advantage of the extending the pipe up Forest Lawn Road is no easements required.

It is more pipe, and trenching, so it will be more expensive to install. – The northern route is about 460 feet. Across TL 4101 is about 250 feet.

The longer route would probably need more catch basins – we do not typically curve storm pipe.

Please forward my comments to everyone involved, especially the City. I just wanted you to see it first.

The main point is that the water can be routed to Hemlock Street rather than discharging onto the Gemma property.

I am happy to discuss these options further.

If we want to look at the shorter routes further, we will need the invert elevations of the pipes on both sides of the project – Hemlock and Forest Lawn.



Jason Morgan, PE

Morgan Civil Engineering, inc.

503-801-6016

**From:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>

**Sent:** Monday, March 7, 2022 9:24 PM

**To:** Jason Morgan <[jason@morgancivil.com](mailto:jason@morgancivil.com)>

**Subject:** Re: forest lawn drainage

Jason,

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Your conclusion appears to be that the northern configuration is much better from engineering, functionality, and cost perspectives. Is that right?

Thank you for the information. Do you mind if I forward your response in this email chain to Karen Labonte at the City of Cannon Beach, or do you want to email her directly and cc me?

Karen may need to explore the eastern configuration in more detail and may want to provide you with the elevations and any other information you may need to assess the feasibility.

Thanks,

Jamie

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Jamie,

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To the south of the property, the ground is nearly flat between Forest Lawn and Hemlock, maybe a foot higher on Hemlock, even.

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Finally, the solutions I am looking at, crossing Hemlock, require cutting the asphalt on Hemlock Street.

It will depend on what the City wants to do, but there are options.

Jason R. Morgan, PE

*Professional Engineer*

**MORGAN CIVIL ENGINEERING, INC.**

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ph: 503-801-6016

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--

Jamie B. Lerma

President

Red Crow, LLC

(503) 849-0258

PO BOX 825

Cannon Beach, OR 97110

CCB#226835

--

Jamie B. Lerma  
President  
Red Crow, LLC  
(503) 849-0258  
PO BOX 825  
Cannon Beach, OR 97110  
CCB#226835



## Karen La Bonte

---

**From:** Karen La Bonte  
**Sent:** Thursday, February 17, 2022 9:39 AM  
**To:** Jason Morgan  
**Cc:** Jamie Lerma; Karen La Bonte  
**Subject:** RE: forest lawn elevations

Cool, thanks Jason. Really appreciate your help on this. I know you're SUPER busy, and we want to do what we can to resolve this issue while keeping the CB residents "happy". If we find there is no way to successfully get that drain east out to Hemlock, then I just need your report stating that and we go back to Plan A that we originally discussed of relocating it to the north end of the existing property. I'll just need to get some sort of written agreement from the owner stating they will allow us to do that.

Sure appreciate the support from both of you on this and working to find the best most reasonable solution.

Karen



**Karen La Bonte**  
*Public Works Director*  
**City of Cannon Beach**  
p: 503.436.8068 | tty: 503.436.8097 | f: 503.436.2050  
a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110  
w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)

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**From:** Jason Morgan <[jason@morgancivil.com](mailto:jason@morgancivil.com)>  
**Sent:** Thursday, February 17, 2022 9:29 AM  
**To:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>  
**Cc:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>  
**Subject:** RE: forest lawn elevations

Hi,  
I got a tied up the last couple of weeks.  
I am out heading out of town for the long weekend, but will look at the drainage area drainage around forest lawn when I return.

Jason Morgan, PE  
Morgan Civil Engineering, inc.  
503-801-6016



**From:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>  
**Sent:** Monday, February 7, 2022 3:20 PM  
**To:** Jason Morgan <[jason@morgancivil.com](mailto:jason@morgancivil.com)>  
**Cc:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>  
**Subject:** FW: forest lawn elevations

Hi Jason,

I just wanted to follow-up on this storm drain job we have hanging over of Forest Lawn. Have you had a chance to evaluate this and see if there is any way we can get this out to Hemlock successfully?

Karen



**Karen La Bonte**

*Public Works Director*

**City of Cannon Beach**

p: 503.436.8068 | tty: 503.436.8097 | f: 503.436.2050

a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)

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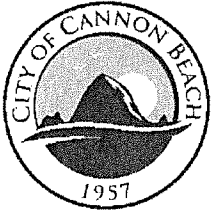
**From:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>  
**Sent:** Friday, January 21, 2022 10:09 AM  
**To:** Jason Morgan <[jason@morgancivil.com](mailto:jason@morgancivil.com)>  
**Cc:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>; Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>  
**Subject:** RE: forest lawn elevations

Hey Jason,

Per our conversation, here's a reminder of what we've got out on Hemlock for storm drains that we could try to get the Forest Lawn water to. Everything is on the east side of Hemlock, and our thought was to try and do an easement with the owner of tax lot 4014 as well as Pietka to try and get it from Forest Lawn out to Hemlock if we can get the fall. Based on what you and Jack White sent me, it's looking like this may not be possible due to it being so flat. Jack White sent me the info on 4105 and 4101 owned by Snyder as an option as well, and we see the same challenge there – FLAT!

Please let me know what you think and provide me with a professional opinion if this would be possible or not.

Karen



**Karen La Bonte**

*Public Works Director*

**City of Cannon Beach**

p: 503.436.8068 | tty: 503.436.8097 | f: 503.436.2050

a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)

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**From:** Jason Morgan <[jason@morgancivil.com](mailto:jason@morgancivil.com)>

**Sent:** Monday, January 17, 2022 3:56 PM

**To:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>

**Cc:** Jamie Lerma <[jamie@redcrowgc.com](mailto:jamie@redcrowgc.com)>

**Subject:** forest lawn elevations

See attached drawing.

Shows elevations on Forest Lawn Road and Hemlock at Tax Lots 4101 – 4105

Please let me know if you need more information.

son R. Morgan, PE

*Professional Engineer*

**MORGAN CIVIL ENGINEERING, INC.**

PO Box 358, Manzanita, OR 97130

ph: 503-801-6016

[www.morgancivil.com](http://www.morgancivil.com)



## Karen La Bonte

---

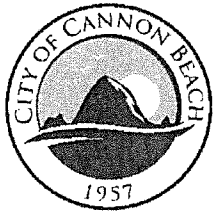
**From:** Karen La Bonte  
**Sent:** Tuesday, January 18, 2022 11:49 AM  
**To:** Trevor Mount  
**Cc:** Karen La Bonte  
**Subject:** FW: Forest lawn topographic survey  
**Attachments:** Additional Topo 5-7-21.pdf

Trevor,

Here's what the engineer sent me that's handling the Forest Lawn project. It doesn't have the clear elevation for Tax Lot 4104 from what I can see, however the lot next to it does. If this gives us enough info then great. If not, I'll have to have the engineer shoot the elevation with the owner's permission to see if tax lot 4104 would be a candidate for an easement to resolve the run-off issue.

Let me know what you think.

K.



**Karen La Bonte**

*Public Works Director*

**City of Cannon Beach**

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DISCLOSURE NOTICE: Messages to and from this email address may be subject to Oregon Public Records Law.

**From:** Jack White <[jack.white@sflands.com](mailto:jack.white@sflands.com)>  
**Sent:** Tuesday, January 11, 2022 12:27 PM  
**To:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>  
**Subject:** Forest lawn topographic survey

Hi Karen,

I have attached the topographic survey we did for this area.

We can get topographic information on those additional 3 lots for you for \$2,200.

I suggest that you talk to Jason Morgan, as he is doing the stormwater plan, as far as I know and he would probably let you know exactly what he would need. He might already have it from another source.

Thanks -

**Jack White, PLS**

# S&F Land Services

Land Surveying & Remote Sensing

1725 N. Roosevelt Ave, Suite B, Seaside, OR 97138  
(Office) 503-738-3425 (Mobile) 503-683-7872

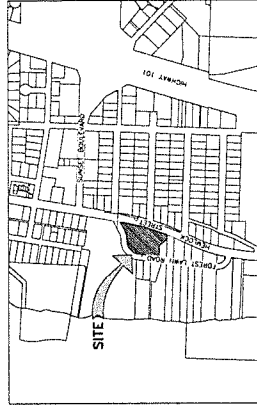
[jack.white@sflands.com](mailto:jack.white@sflands.com) | [www.sflands.com](http://www.sflands.com)



# TOPOGRAPHIC SURVEY

FOR PATRICK/DAVE, LLC  
 LOCATED IN THE SE 1/4 OF SECTION 30,  
 TOWNSHIP 5 NORTH, RANGE 10 WEST  
 OF THE WILLAMETTE MERIDIAN  
 CITY OF CANNON BEACH, CLATSOP COUNTY, OREGON

DECEMBER 23, 2020



VICINITY MAP  
 (NOT TO SCALE)  
 CANNON BEACH, OREGON

## BASIS OF ELEVATIONS:

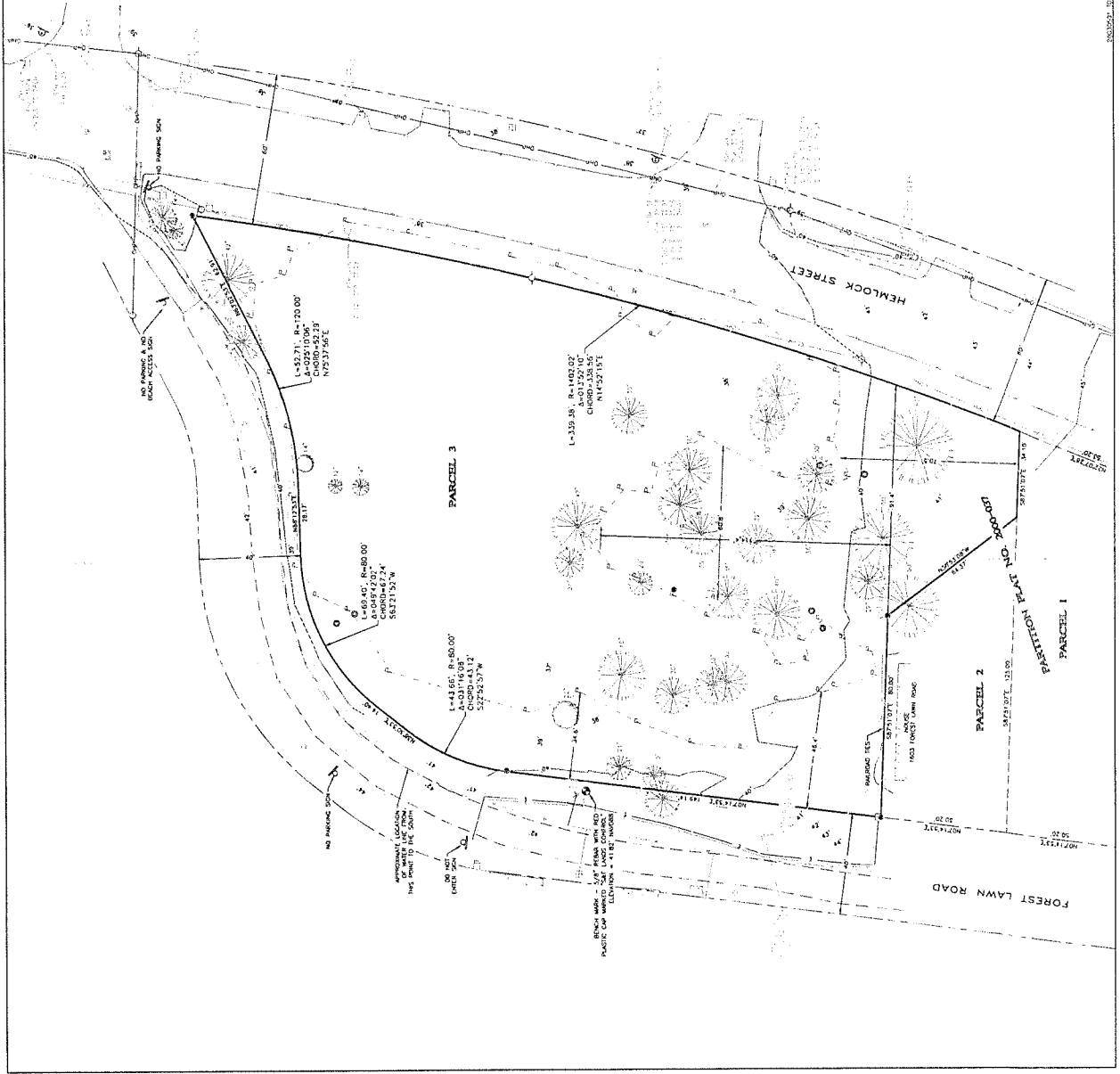
THE SURVEY WAS CONDUCTED ON THE BASIS OF ELEVATIONS IN NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).  
 BENCHMARK USED: 101 2ND AVENUE

## NOTES:

1. THE LOCATION OF EXISTING UNDERGROUND UTILITY FACILITIES SHOWN HEREON ARE BASED ON LOCATE MARKS REQUESTED FOR THIS SURVEY PER THE CITY OF CANNON BEACH. THE SURVEYOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THE UTILITY LOCATIONS SHOWN HEREON. THE SURVEYOR IS NOT RESPONSIBLE FOR THE LOCATION OF UTILITY FACILITIES WHICH ARE NOT SHOWN ON THE PLAN. ALL UTILITY LOCATIONS SHOULD BE FIELD VERIFIED PRIOR TO CONSTRUCTION.
2. FIELD WORK WAS COMPLETED ON MAY 4, 2021.

## LEGEND:

- WETLAND BOUNDARY
- PROPERTY BOUNDARY
- OTHER LOT LINE
- RIGHT OF WAY LINE
- EDGE OF GRAVEL
- GAS LINE
- UNDERGROUND POWER LINE
- UNDERGROUND TELEPHONE LINE
- OVERHEAD POWER
- COMMUNICATION
- CONCRETE
- FOUND MONUMENT SHOWN ON PARTITION PLAT NO. 2000-037
- FIRE HYDRANT
- WATER VALVE
- WATER METER
- POWER TRANSFORMER
- POWER POLE
- TELEPHONE PEDESTAL
- WELL - CONCRETE
- WELL - DEBRIDIOUS
- SANITARY SEWER MANHOLE
- STORM CATCH BASIN
- STORM MANHOLE
- STORM MANHOLE
- GAS VALVE
- STOP SIGN
- WETLAND DELINEATION FLAG
- WETLAND SAMPLE PLOT



**S&F Land Services**  
 PORTLAND, OREGON  
 503.255.1234  
 www.sandflls.com

TOPOGRAPHIC SURVEY FOR:  
 PATRICK/DAVE, LLC  
 PARCEL 3  
 PARTITION PLAT NO. 2000-037

REGISTERED  
 LAND SURVEYOR  
 OREGON  
 10000  
 10000  
 10000  
 10000

## Karen La Bonte

---

**From:** Jason Morgan <jason@morgancivil.com>  
**Sent:** Monday, January 17, 2022 3:56 PM  
**To:** Karen La Bonte  
**Cc:** Jamie Lerma  
**Subject:** forest lawn elevations  
**Attachments:** 220117 Gemma road elevations.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

See attached drawing.  
Shows elevations on Forest Lawn Road and Hemlock at Tax Lots 4101 – 4105

Please let me know if you need more information.

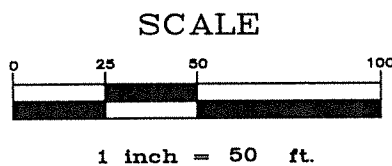
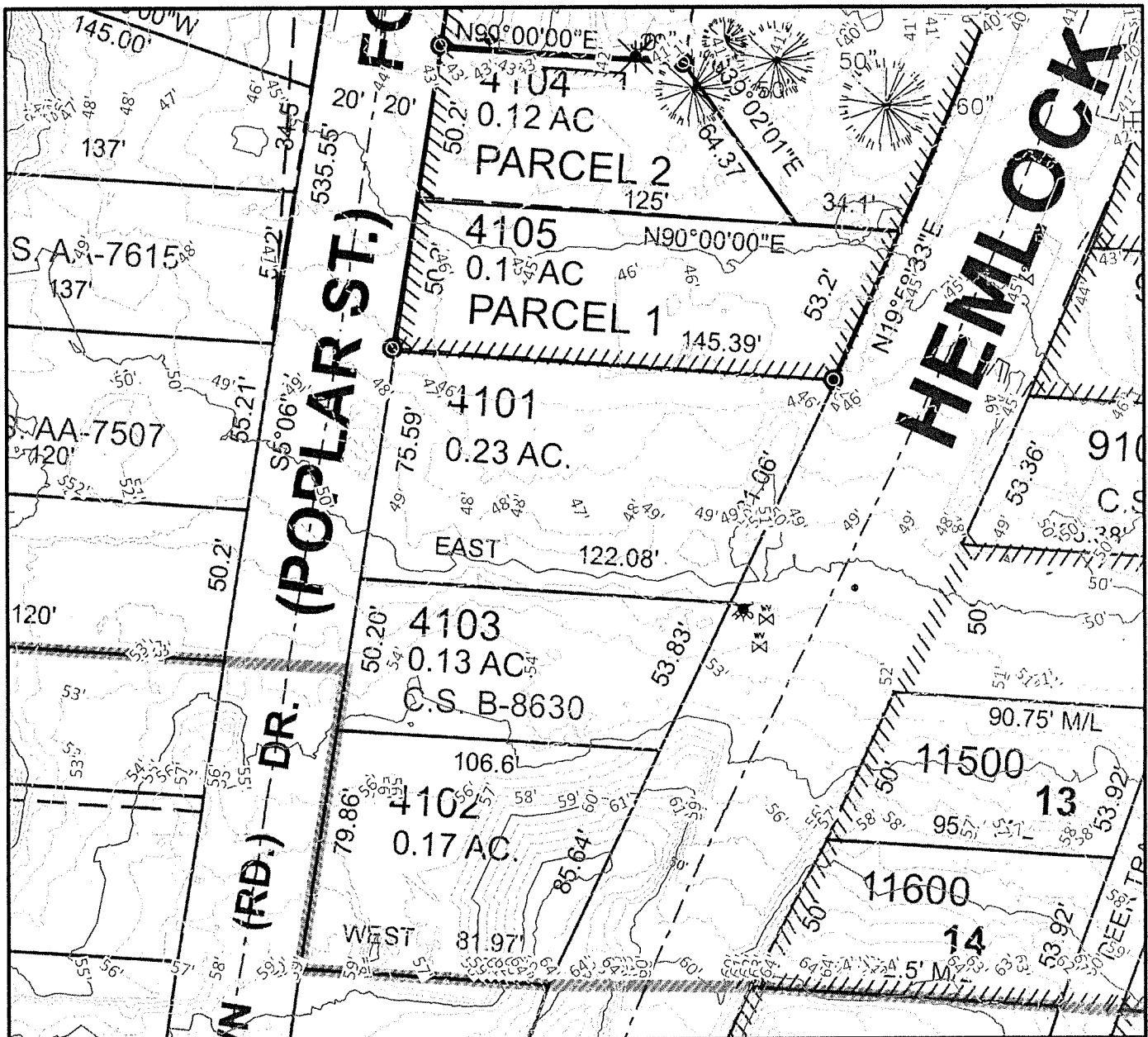
son R. Morgan, PE  
*Professional Engineer*

### **MORGAN CIVIL ENGINEERING, INC.**

PO Box 358, Manzanita, OR 97130  
ph: 503-801-6016  
[www.morgancivil.com](http://www.morgancivil.com)







SCALE: 1"=50'

FEB. 11, 2021

GEMMA PATRICK

FOREST LAWN DRIVE  
LIDAR TOPOGRAPHY

CANNON BEACH/MAP 5N 10W 30DA



MORGAN CIVIL  
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MANZANITA, OR 97130  
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www.morgancivil.com

- CIVIL ENGINEERING
- INSPECTION
- PLANNING

## Karen La Bonte

---

**From:** Jack White <jack.white@sflands.com>  
**Sent:** Tuesday, January 11, 2022 12:27 PM  
**To:** Karen La Bonte  
**Subject:** Forest lawn topographic survey  
**Attachments:** Additional Topo 5-7-21.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Karen,

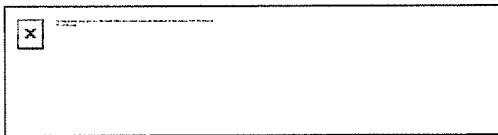
I have attached the topographic survey we did for this area.

We can get topographic information on those additional 3 lots for you for \$2,200.

I suggest that you talk to Jason Morgan, as he is doing the stormwater plan, as far as I know and he would probably let you know exactly what he would need. He might already have it from another source.

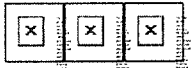
Thanks -

**Jack White, PLS**



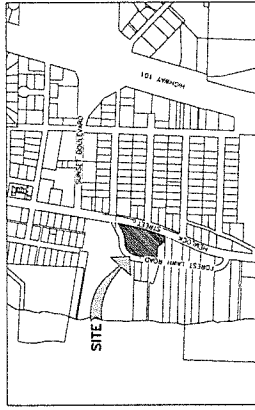
1725 N. Roosevelt Ave, Suite B, Seaside, OR 97138  
(Office) 503-738-3425 (Mobile) 503-683-7872

[jack.white@sflands.com](mailto:jack.white@sflands.com) | [www.sflands.com](http://www.sflands.com)



# TOPOGRAPHIC SURVEY

FOR PATRICK/DAVE, LLC  
 LOCATED IN THE SE 1/4 OF SECTION 30,  
 TOWNSHIP 5 NORTH, RANGE 10 WEST  
 OF THE WILLAMETTE MERIDIAN  
 CITY OF CANNON BEACH, CLATSOP COUNTY, OREGON  
 DECEMBER 23, 2020



VICINITY MAP  
 (NOT TO SCALE)  
 CANNON BEACH, OREGON

## BASIS OF ELEVATIONS:

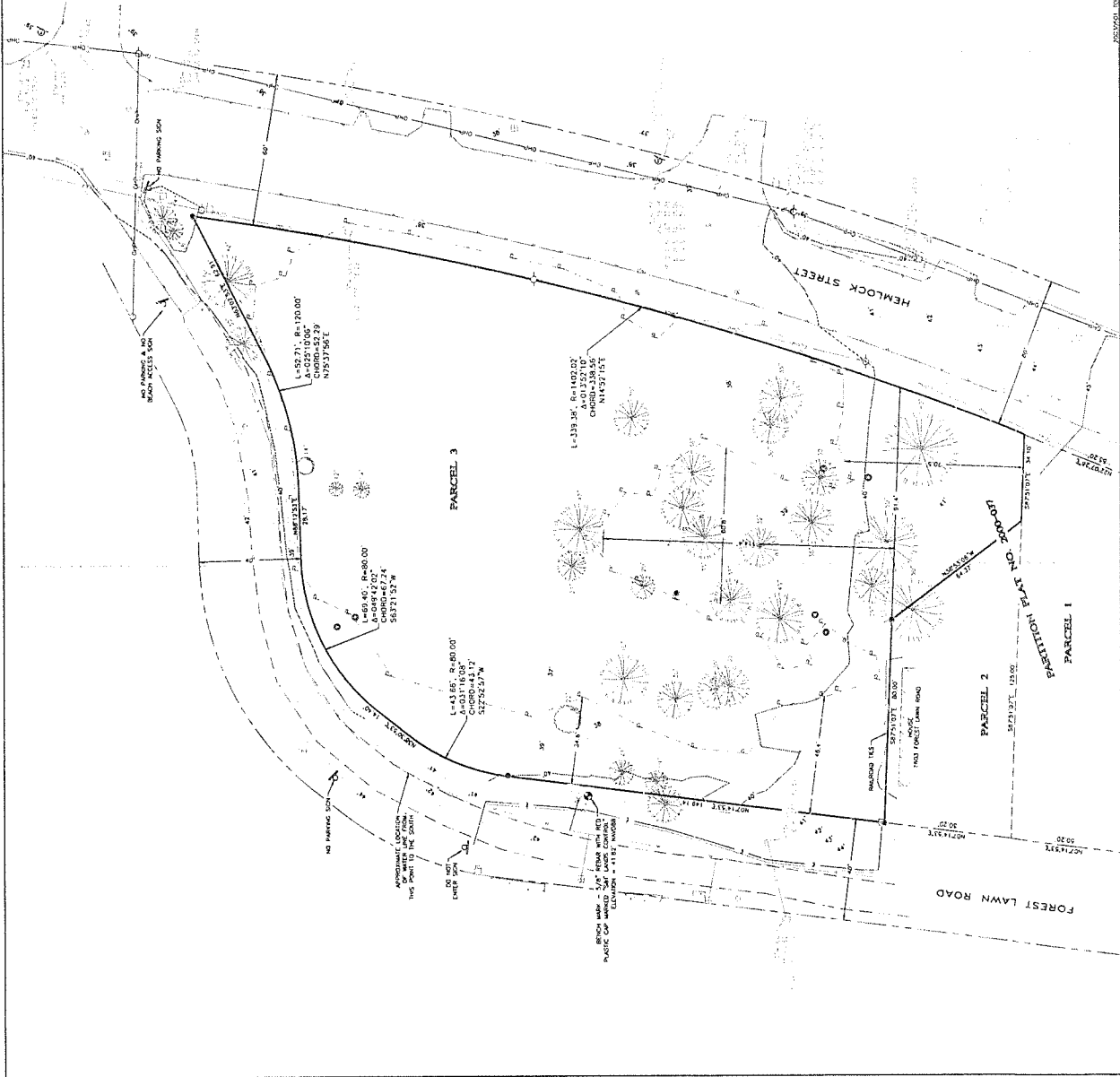
THE LOCATION OF EXISTING UNDERGROUND UTILITY FACILITIES SHOWN HEREON ARE BASED ON LOCATE MARKS REQUESTED FOR THE SURVEY PER ONE CALL. PUBLIC LOCATE TICKET 202003078. THE SURVEYOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THE UTILITY LOCATIONS SHOWN HEREON. THE SURVEYOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THE UTILITY LOCATIONS SHOWN HEREON. THE SURVEYOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THE UTILITY LOCATIONS SHOWN HEREON.

## NOTES:

- THE LOCATION OF EXISTING UNDERGROUND UTILITY FACILITIES SHOWN HEREON ARE BASED ON LOCATE MARKS REQUESTED FOR THE SURVEY PER ONE CALL. PUBLIC LOCATE TICKET 202003078. THE SURVEYOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THE UTILITY LOCATIONS SHOWN HEREON. THE SURVEYOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THE UTILITY LOCATIONS SHOWN HEREON. THE SURVEYOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THE UTILITY LOCATIONS SHOWN HEREON.
- FIELD WORK WAS COMPLETED ON MAY 4, 2021

## LEGEND:

- WETLAND BOUNDARY
- PROPERTY BOUNDARY
- OTHER LOT LINE
- RIGHT OF WAY LINE
- EDGE OF GRAVEL
- GAS LINE
- UNDERGROUND POWER LINE
- UNDERGROUND TELEPHONE LINE
- OVERHEAD POWER
- CONCRETE
- FOUND MONUMENT SHOWN ON PARTITION PLAT NO 2000-037
- FIRE HYDRANT
- WATER VALVE
- WATER METER
- POWER TRANSFORMER
- POWER POLE
- TELEPHONE PILESTAL
- WELL - CONCRETE
- TREE - DECIDUOUS
- SANITARY SINKER MANHOLE
- STORM CATCH BASIN
- STORM MANHOLE
- STORM CULVERT
- GAS VALVE
- SON
- STOP SIGN
- WETLAND DELINEATION FLAG
- WETLAND SAMPLE PLAT



**S&F Land Services**  
 PORTLAND, OREGON 97201  
 503.255.1111  
 www.sandflls.com

TOPOGRAPHIC SURVEY FOR  
 PATRICK/DAVE, LLC

PARTITION PLAT NO 2000-037

SET 1/4 OF SECTION 30 15N, 10W, W.M.  
 CITY OF CANNON BEACH, CLATSOP COUNTY, OREGON

REGISTERED  
 LAND SURVEYOR  
 OREGON  
 SEPTEMBER 10, 2009  
 11-31825-1  
 RENEW 6/2027

## Karen La Bonte

---

**From:** Karen La Bonte  
**Sent:** Friday, January 7, 2022 3:18 PM  
**To:** Bruce St. Denis  
**Cc:** Jeffrey Adams; Karen La Bonte  
**Subject:** RE: Forest Lawn - Drain Design

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Yes.

K.



**Karen La Bonte**  
*Public Works Director*  
**City of Cannon Beach**  
p: 503.436.8068 | tty: 503.436.8097 | f: 503.436.2050  
a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110  
w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)

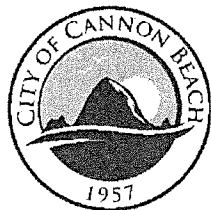
DISCLOSURE NOTICE: Messages to and from this email address may be subject to Oregon Public Records Law.

**From:** Bruce St. Denis <[stdenis@ci.cannon-beach.or.us](mailto:stdenis@ci.cannon-beach.or.us)>  
**Sent:** Friday, January 7, 2022 3:05 PM  
**To:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>  
**Cc:** Jeffrey Adams <[adams@ci.cannon-beach.or.us](mailto:adams@ci.cannon-beach.or.us)>  
**Subject:** RE: Forest Lawn - Drain Design

Understood.

So we can count on you submitting this project at budget time?

Thanks.



**Bruce St. Denis**  
*City Manager*  
**City of Cannon Beach**  
p: 503.436.8050 | tty: 503.436.8097 | f: 503.436.2050  
a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110  
w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [stdenis@ci.cannon-beach.or.us](mailto:stdenis@ci.cannon-beach.or.us)

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**From:** Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>  
**Sent:** Friday, January 7, 2022 2:55 PM

To: Bruce St. Denis <[stdenis@ci.cannon-beach.or.us](mailto:stdenis@ci.cannon-beach.or.us)>

Cc: Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)>; Jeffrey Adams <[adams@ci.cannon-beach.or.us](mailto:adams@ci.cannon-beach.or.us)>

Subject: Forest Lawn - Drain Design

Bruce,

The city has a storm drain on Forest Lawn that appears to be discharging onto a private lot. This lot is in a wetland area. I wanted to let you know I will be adding money into my budget to have one of our engineering firms look at potential drain design alternatives. This is a challenging area due to the wetlands and the fall we'll need to achieve the proper redirection of this storm runoff.

This will be a complicated and potentially costly project, so I wanted to make you aware that additional funding will be needed to address the issue and be in compliance with our ordinance regarding run-off water. I will be withdrawing the already approved development permit to allow more time to analyze the situation.

The ordinance that addresses this is under **13.16.020 item C.**

**13.16.020 Findings.**

*A. Effects of Stormwater Runoff.*

- 1. All real property within Cannon Beach drains into either surface waters or the groundwater. The flow volumes of surface water and the amount of nonpoint source pollution are directly related to development of property and the creation of impervious surface.*
- 2. The city's growth and development has and will continue to increase the volume of stormwater runoff into the public stormwater system.*
- 3. Stormwater runoff may cause property damage and erosion. It can carry concentrations of nutrients, sediments, heavy metals, oils and toxic materials, and other pollutants into receiving waters and groundwater.*
- 4. Improperly drained property creates bodies of standing water that provide breeding places for insects. Poorly maintained drainage courses contribute to flooding hazards and property damage. Stormwater discharged into public rights-of-way, if not properly managed, will cause damage to the public rights-of-way and will create hazards for the traveling public. Therefore, the proper disposal of stormwater is an obligation of the occupants of the property or those who engage in activity upon real property that directly or indirectly discharges stormwater into the public stormwater system.*

*B. Benefits of Public Stormwater System.*

- 1. The stormwater runoff must be managed in a manner that protects the public health, safety and welfare.*
- 2. The city provides a valuable public service by operating and maintaining a public stormwater system that collects and disposes stormwater discharged from impervious surfaces and public rights-of-way within the city. The services provided are necessary to ensure compliance with state and federal laws pertaining to stormwater discharges. Effective management of stormwater flow helps to keep public rights-of-way free of flooding, thereby improving personal and emergency access for all users of the city's transportation system and helps to protect property.*

*C. Private Responsibilities. Every person that uses property has an obligation to minimize or eliminate detrimental impacts on other persons or property that result from such use. If a user of property alters the property in any way that increases the flow of surface water from the property, the user must control the flow.*

*D. Existing Public Stormwater System Not Adequate. The existing public stormwater system cannot adequately address stormwater runoff quantity and quality issues. There is a need for additional funding to provide for adequate construction, operation and maintenance of the public stormwater system. (Ord. 96-10 § 2)*

Karen



**Karen La Bonte**

*Public Works Director*

**City of Cannon Beach**

p: 503.436.8068 | tty: 503.436.8097 | f: 503.436.2050

a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)

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## Karen La Bonte

---

**From:** Jamie Lerma <jamie@redcrowgc.com>  
**Sent:** Friday, January 7, 2022 10:07 AM  
**To:** Karen La Bonte  
**Subject:** Re: Follow-Up

Karen,

Welcome back! I hope you're feeling strong and all healed up.

We're meeting on the 12th to review the drainage project appeal and our progress on the application.

I do have a list of questions from before the holidays. I'll be in touch to discuss.

Happy New Year and thank you for reaching out,

Jamie

On Fri, Jan 7, 2022 at 9:36 AM Karen La Bonte <[labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)> wrote:

Hey Jaime,

I'm back from my surgery and recovery so I wanted to check in with you and see where you guys are on the Forest Lawn project. Sounds like there was quite a bit of discussion while I was out. Is everything on hold? Do you need me to follow-up on anything? I'm here to help if you guys are stuck on anything.

Karen



**Karen La Bonte**  
*Public Works Director*

**City of Cannon Beach**

p: 503.436.8068 | tty: 503.436.8097 | f: 503.436.2050  
a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [labonte@ci.cannon-beach.or.us](mailto:labonte@ci.cannon-beach.or.us)

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--

Jamie B. Lerma  
President  
Red Crow, LLC  
(503) 849-0258  
PO BOX 825  
Cannon Beach, OR 97110  
CCB#226835

## CANNON BEACH PLANNING COMMISSION

October 22, 1987

7:00 p.m. - 10:00 p.m.

## M I N U T E S

Present: Laurel Hood, John Dickson, Pat Friedland, Al Aya, John Alve, George Vetter, John Fraser.

Staff: Mike Morgan, City Planner; Max Justice, Building Official and Code Enforcement officer; Helen Crowley, Planning Commission Secretary.

Laurel Hood opened the Planning Commission meeting of October 22, 1987 at approximately 7:00 p.m.

APPROVAL OF AGENDA. Pat Friedland moved that the agenda be approved as presented; George Vetter seconded the motion and it passed unanimously.

PUBLIC HEARING: AMENDMENT TO COMPREHENSIVE PLAN AND ZONING MAP CHANGING BOUNDARY OF ECOLO CREEK ESTUARY ZONE. Mike Morgan read the staff report, described the proposed boundary changes, noting that some of the private properties affected by the proposed change are included as part of the estuary, and some have been deleted. He said that Mr. Swigart is interested in having the City adopt the adjusted line so that he can build a new restroom building at his campground northeast of Ecola Creek Bridge. He noted that the City has a grant to purchase Mr. Haney's property, adjacent to the estuary, and is presently in negotiations regarding purchase of that property. Since there is some concern that amending the line in this area would upset the negotiations, Morgan recommends that the new line not include the Haney property until it has been purchased by the City. He also noted that the "sponge" is being studied for wetlands management and the plan should be ready by next spring or summer.

Laurel Hood opened the public hearing. She asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter, or if any Commissioners had a conflict of interest. There were none.

Mr. Aya raised a question about the north side west of the bridge and Morgan noted that Mr. Swigert wants to build restrooms before

the next season. The Haney property is not included in the boundary change, as mentioned above. He noted that changing the boundary at this time could change the appraisal.

Janet Rekate, 3732 S. Pacific, Cannon Beach. Ms. Rekate stated that she and another real estate broker had appraised the Haney property and she had learned that much of the property is Planning Commission Meeting 10/22/87

Page 2

unbuildable because it is below the estuary line. She indicated that her appraisal was a bit lower than the appraisal of the other appraiser.

Morgan indicated that he agreed with Ms. Rekate's comments, but indicated that the property is zoned R-2, and a portion of it is buildable and outside the estuary.

Laurel Hood noted that not only this property but other property needs to be placed in the estuary zone and she is in favor of this as well as zoning all the land along the creek. She also noted that Swigert's restrooms have been approved by the City.

The public hearing was closed.

CONSIDERATION OF AMENDMENT TO COMPREHENSIVE PLAN AND ZONING MAP BY CHANGING BOUNDARY OF ECOLA CREEK ESTUARY ZONE. Pat Friedland moved to approve the Ecola Creek Estuary Boundary changes. George Vetter seconded the motion and it passed unanimously. Laurel Hood commented that other properties in the area should be considered for placement within the estuary boundaries.

PUBLIC HEARING: PROPOSED AMENDMENT TO ZONING ORDINANCE, SECTION 4.030, ACCESS REQUIREMENT. Morgan presented the staff report noting that the amendment language is based on discussions at a Planning Commission workshop. Morgan read the proposed amendment.

Mr. Aya asked why property owners needed to be notified. Laurel Hood noted that since easements can be within setbacks, neighboring properties could be affected. Aya said if a setback is involved that is one thing, but asked why there is a need to notify if that is not the circumstance.

Laurel Hood opened the public hearing. She asked if anyone objected to the Planning Commission's jurisdiction to hear the matter or if any Commissioner had a conflict of interest. There were none. She asked for proponents:

Lyle Wells, 1879 Pacific, Cannon Beach. Mr. Wells stated he objects to the word easement because it is too ambiguous and would not protect property owners, and that property owners beyond 100 feet should be notified since they would be affected by a variance. Laurel Hood pointed out that the term used is irrevocable easement. Mr. Wells indicated that the term easement is an insufficient description. Ms. Hood commented that when someone is acquiring an easement those details are worked out. Mr. Alve asked whether it might be appropriate to add another standard indicating that the action should not adversely affect traffic patterns.

Phil Nelson, an attorney for Mr. and Mrs. Harold Wall, suggested adding "recorded" irrevocable easement. He questioned whether this should be a quasi judicial matter.

Ms. Hood asked how the City of Astoria and Clatsop County handle access requirements. Mr. Nelson noted that the City of Astoria does not have an access requirement, and that Clatsop County has a similar ordinance requiring the Planning Director to decide whether criteria are met. He said it is a ministerial function.

Art Alve, 181 Chena, Cannon Beach. Mr. Alve stated that the intent of an easement is to allow ingress or egress.

Janet Rekate, 3232 Pacific, Cannon Beach. Ms. Rekate stated that if an easement is recordable, serves 4 lots or less, and approved by the fire chief, a hearing should not be required. To require a hearing will cost more money for the city.

There was some discussion regarding the use of the word "adverse" and several expressed the view it was not appropriate.

Laurel Hood closed the public hearing.

CONSIDERATION OF PROPOSED AMENDMENT TO ZONING ORDINANCE REGARDING SECTION 4.030, ACCESS Requirement. Mr. Aya suggested striking language requiring notification; using objective criteria; and not making it a quasi judicial matter unless a setback is involved.

Ms. Hood asked if the language necessarily meant a hearing, and Morgan said that there are two reasons for that language: 1/ after the issue regarding the Wall property it was the decision of himself, Rainmar Bartl and City Attorney Bill Canessa to notify property owners of future lot reductions, so there is due process; and 2/ where adjoining property owners might be affected by an easement. Ms. Hood asked if neighboring property owners are notified and there appear to be substantial objections, could a hearing be requested.

It was indicated that is how the county does it; an appeal can be made based on one of the criteria. Mr. Alve suggested a statement similar to one in the variance criteria, that properties in the vicinity won't be injured. Mr. Aya expressed the view that that language is too loose, and that it should be a neighbor, not someone



down the street. Ms. Hood indicated she wanted to see the word "recorded" in the language.

Mr. Aya moved to adopt the proposed wording with the exception of "recorded" being inserted, and notification language being struck. John Dickson expressed the view that a hearing should not be required. After discussion, Mr. Aya amended his motion to also

Planning Commission Meeting 10/22/87

Page 4

add a standard "e. Adjacent property owners will be notified", and changing Planning Commission to Planning Department, so that this is a ministerial matter. Mr. Vetter seconded the motion. Commissioners Dickson, Friedland, Aya, Hood, Vetter and Fraser voted AYE and Commissioner Alve voted NAY, and the motion passed.

McMAHON MINOR PARTITION REVIEW: Mike Morgan gave the staff report. Mr. Aya asked why all the property couldn't be subdivided at one time. Morgan explained that subdivision is a separate process at the state level and is more complicated; partition is just at the city level. Ms. Hood asked if a geologic investigation is required. Morgan noted he had checked the geologic map and there are no active landslides or evidence of movement; the slope is under 10% and in most places flat. Morgan explained the size of the parcels.

Laurel Hood opened the public hearing. She asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter or if any Commissioners had a conflict of interest. There were none. A telegram from Eleanor Easely, from whom McMahon is purchasing the property, was read authorizing McMahon to act as her agent.

Ron Larson of Handforth & Larson, Manzanita, indicated he had prepared a legal survey and could answer questions regarding the property.

Laurel Hood asked if proponents desired to speak. There were none. She asked if opponents desired to speak.

Janet Rekate, 3732 Pacific, Cannon Beach. Ms. Rekate noted that page 32 - of the Comprehensive Plan indicates there is a requirement for geologic studies. Morgan indicated that is a requirement at the building permit stage. The Planning Commission agreed. Ms. Hood closed the public hearing.

CONSIDERATION OF McMAHON MINOR PARTITION REVIEW. Mr. Aya moved that the request be granted in line with the staff's

recommendations. There was discussion and it was clarified that Hemlock is a limited access highway. The applicant, Janet McMahon, 1658 Forest Lawn Road, Cannon Beach. Ms. McMahon stated that her application had requested that all three lots have access from Hemlock but actually only one lot needs access from Hemlock. Morgan noted his recommendation in the staff report that lots be accessed from Forest Lawn. Mr. Vetter questioned limiting a property owners potential access. Mr. Aya noted access should be from Forest Lawn. Morgan noted that the Planning Commission does have a legal right to restrict access from one street if another access is available. There was discussion about Forest Lawn being one way, making access to some properties difficult.

Planning Commission Meeting 10/22/87  
Page 5

Dick Anderson, 115 Ross Lane, Cannon Beach. Mr. Anderson commented that cars must go in at the curves if going from south to north.

Ms. Hood asked which official addresses such a problem and Morgan replied that it is up to the Public Works Director.

Ron Larson noted that the issue of what way Forest Lawn should go is not relevant here. With regard to safety analysis, he did not prepare measurements regarding site visibility; he stated there is more visibility on west than east - not right in curves, and would like access.

Pat Friedland seconded the Mr. Aya's motion to approve the minor partition based on the Findings and Recommendations in the Staff Report; Commissioners Dickson, Friedland, Aya, Hood, Alve and Fraser voted AYE; Commissioner Vetter voted NAY.

Mr. Aya commented that there should also be discussion with the fire district and an opinion should be obtained.

#### DESIGN REVIEW BOARD RECOMMENDATIONS.

DeLano/Criterion -- Mike Morgan read the staff report. He noted that the building is actually 4200 square feet, that the sign is larger than allowed, and that all parking will be purchased from the City. He also noted that 670 square feet of landscaping is covered, explained that lights were in soffits and that a retaining wall is needed on the north boundary of the alley, or if alley is graded along the adjacent property owner's lot. He said that the Planning Commission needed to determine the appropriateness of the covering over a portion of the landscaping.

Morgan read the DRB recommendations for approval of the building design and lighting plan, and noted the DRB had tabled consideration of the landscaping plan until the Planning Commission determined the appropriateness of the covering over a portion of the landscaping. It was also noted that the DRB recommended that the Planning Commission determine that the overhang over the landscaping is appropriate.

Pat Friedland commented that 33% is green and hard surface, and asked if the area under the roof is not considered landscaping, what percentage would be considered landscaped. Morgan replied that there is 667 square feet of landscaping under a roof in front or on the side, and if that is excluded about 1,000 square feet are left which would be considered landscaping. Ms. Friedland asked if the landscaped area would be decreased if the sidewalk was widened to 7 feet. Morgan indicated that only about 50 feet would be lost. John Dickson indicated the size of the sign would have to be changed.

Carolyn DeLano, 3715 Coho Lane, Cannon Beach. Ms. DeLano, the applicant, introduced Mr. Norman Larson, her architect for the proposed building. Mr. Larson, 1352 Tyler, Eugene, Oregon, architect for Carolyn DeLano. Mr. Larson made a presentation to the Commission regarding the building, and specifically addressed the covered landscaped area in question, noting that it is a 2 story space with plenty of light and low growing plants. He referred to the floor plan and described the bay windows and indentations which add texture to the building. He described the uncovered landscaping.

George Vetter asked how the back area would be used and why a portion of the landscaping is covered. Mr. Larson replied it would be a lounge area with a garden for customers, and that in covering some of the landscape he was attempting to develop a columnar idea from inside to outside. Ms. Hood noted that some concern had been expressed regarding the building face being so close to the street and asked if it could be dropped back. Mr. Larson said that they wanted to make a statement of what the building is.

There was considerable discussion about the building and the landscaping. After the discussion, Mr. Larson indicated that his building could be moved back approximately 3 feet. He indicated the desire to make this a dominant retail building.

Carolyn DeLano indicated that this had been discussed at the Design Review Board meeting and that she had indicated she did not want to put up a building that will displease residents. It was also noted that the plans don't show the curve of the lot or Steidel's building. She also noted that the building does not block the view of downtown.

John Dickson described photos taken by Jim Hannen and reviewed at the DRB meeting which confirm what Carolyn DeLano just said, due to the angle of street.

Pat Friedland asked if there is an option to move it back. Laurel Hood said it would give more awareness. She further noted that she still objects to the south side covered landscaping.

Mr. Aya moved to approve the plan as presented, with the exception that the front of the building be moved back (west) three feet. Pat Friedland seconded the motion. During discussion it was clarified that the covered landscape area equals open space. Vetter raised the question of a skylight and Beth Holland indicated that sun

through glass on plants scorches them and does no good. A vote was held on Mr. Aya's motion; Commissioners Dickson, Friedland, Aya, Hood, Vetter, and Alve voted AYE; Commissioner Fraser voted NAY, and the motion passed. Morgan noted that the DRB is waiting for the Planning Commission's decision on the covering over the landscaping, and in this case it is approved. Laurel Hood Planning Commission Meeting 10/22/87

Page 7

indicated that the Planning Commission should have a joint meeting with the DRB, where DeLano can present a revised landscape plan. The meeting was scheduled for Tuesday, November 3 at 8:00 a.m.

Lighting Plan - Mr. Alve moved to approve the lighting plan; George Vetter seconded and the motion passed unanimously.

HOLLAND'S FLOWERS: Mike Morgan removed himself from deliberations because of a conflict of interest. Pat Friedland also removed herself from deliberations. Max Justice read the staff report and also noted that he had checked to be sure the buildings were in compliance with FEMA regulations. It was clarified that no electricity is allowed in the buildings.

Mr. Dickson raised question of lights; Holland said there was one in the building being moved to the back - and there is existing power in the round greenhouse. Justice indicated he would check above/below ground requirements for wiring.

In response to a question from Laurel Hood, Beth Holland stated that there are two options for the placement of the building in front.

Mr. Fraser moved for approval of the building to be moved and the placement of the building in the front. Mr. Aya seconded the motion. Mr. Vetter raised the question of building placement, and Mr. Fraser indicated that his motion should reflect that either placement is approved. Vetter commented that normally more detailed plans are required. Beth Holland indicated that paned glass window and a series of soft paned windows would be used in the front building, as well as two sliding glass doors. A vote was held on Mr. Fraser's motion and it passed unanimously. (Pat Friedland did not vote.)

REYNOLDS LEPPERT. Morgan noted that Mr. Cummins, attorney for Reynolds and Leppert, had sent a letter to Bill Canessa, the City Attorney, objecting to Canessa's opinion that there is only one lot on the property under slope density requirements; and that this was a "taking of property." Canessa does not feel that there is any

action that can be taken at this point. Mr. Alve said he thought that Bill Canessa was going to provide a legal opinion regarding constitutional issues in this matter. He indicated to Mr. Alve that Mr. Canessa had written a letter setting forth his opinion that there is one lot on the property. Max Justice indicated that a timetable is to be presented regarding the disrepair of the lot and that nothing could be done now because of the ban on burning presently in force.

McMAHON MINOR PARTITION. Laurel Hood noted that a motion is necessary for her to sign the order regarding the Planning Commission Meeting 10/22/87

Page 8

Commission decision on the McMahon minor partition. Mr. Aya moved that Laurel Hood as Chair of the Planning Commission be authorized to sign the required legal document regarding the Planning Commission decision; Mr. Alve seconded the motion and it passed unanimously.

SECOND STREET BEACH ACCESS. Morgan indicated that the DRB had discussed this matter at their last meeting and suggested that there be a joint worksession to develop criteria for design. He noted that a small committee of interested citizens should be invited to attend the worksession. Ms. Hood asked if information on wave dynamics can be obtained and Morgan replied that the architect would work with a coastal engineer on the project. George Vetter requested that the University of Oregon plans be available for the meeting. Janet Rekate, in the audience, noted that some of those plans were superb and should be considered.

COLORS OF NEWSRACKS. John Dickson indicated that he thought the newspapers' representatives indicated they would change the colors and placement of newsracks. Mr. Vetter questioned whether all newsracks should be the same color. Laurel Hood noted that the Planning Commission had sent a recommendation to the Council that the newsracks be moved off of the sidewalks, and at the Planning Commission hearing the newspapers representatives had expressed a willingness to cooperate with the City. Vetter noted that some of the papers' uniqueness is the different colors and logos. There was further discussion regarding the meaning of "willing to work with." Mr. Aya suggested inviting the newspapers' representatives to a meeting with the DRB to discuss the issue. After further discussion, it was decided no action would be taken on the matter.

DESIGN REVIEW BOARD/PLANNING COMMISSION WORKSESSION REGARDING GREEN SPACE. It was agreed that this subject would be added to the agenda



for the November 3 joint special meeting.

MINUTES: Mr. Aya moved to approve September 24 meeting minutes and the September 29 special meeting minutes. Vetter noted a correction on page 5 of the September 24 meeting minutes, second paragraph, line 4 to strike the word "not". Mr. Aya amended his motion to include Mr. Vetter's correction; Mr. Vetter seconded the motion and it passed unanimously.

SIGNS: Max Justice described the confusion over the sign area, and the formula used to determine the allowable square footage of a sign. This formula essentially prohibits triangular, circular and some other shapes of signs because it causes a loss of allowable area. He said that the existing measurement system does not allow creativity without loss of sign area. He suggested two solutions: 1/ include with sign applications an explanation of how to measure different shapes of signs so that there is no loss of square

footage; or 2/ rewrite the ordinance to allow creativity without loss of area.

There was discussion among the Commissioners, with Vetter and Aya noting that creativity and flexibility is necessary. Fraser said he would like to see something that was enforceable. Max Justice indicated he would prepare a rewording of the ordinance for their consideration.

ONGOING PLANNING ITEMS. (1) Tree Removal - Laurel Hood noted that tree removal applications were attached and two had been approved and one denied. (2) Enforcement Actions - Max Justice reported on efforts to bring various signs into compliance. He noted that if someone had applied for a variance regarding their sign, he was not requiring that the sign be taken down since they were in the process of trying to right the situation. He noted that cost is an issue here, because large signs often cost hundreds of dollars to take down and put back up. There was discussion among the Commissioners about the issue and Morgan indicated that such things as simple banners, not in compliance with the ordinance, should be taken down even if the owner has applied for a variance. Laurel Hood noted that the banners should come down and if it is not too expensive, or if signs have been up for a long time, they should comply with the law and take them down. If there is a refusal to comply, a citation should be issued. Justice indicated that 95% of the sign violations had been taken care of.

(NOTE. Subsequent to this meeting, Max Justice was advised by the City Attorney and the Police Chief that no signs for which a business owner had applied for a variance should be required to be removed.)

Mike Morgan reported that Changing Fancies business is applying for a sign variance.

Ms. Hood expressed appreciation to Max Justice for his diligence regarding these sign violations. Justice indicated that he wanted to be sure they were settled once and for all so that none of them would come up again in six months.

Pat Friedland commented that every holiday another building outlines its buildings with lights and she considers such lights to be signs.

CHANGE IN PLANNING COMMISSION MEETING DATES IN NOVEMBER AND DECEMBER. Laurel Hood noted that the PC and DRB meetings had been

moved one week ahead in November and December because of the Thanksgiving and Christmas holidays, and that notices had been posted to that effect.

Planning Commission Meeting 10/22/87  
Page 10

ORDINANCE 87-13. Ms. Hood noted that Ordinance 87-13 is included in Commissioners packets, which amends building height and landscaping sections of the zoning ordinance.

GOOD OF THE ORDER. Laurel Hood noted that a bloodmobile will be in Cannon Beach on Monday, Oct. 26, in front of the Conference Center, and encouraged people to give blood. Appointments can be made with Laurel.

ADJOURNMENT. John Fraser moved to adjourn the meeting. Mr. Aya seconded and the vote was unanimous. The meeting was adjourned at 10:00 p.m.

Helen Crowley Planning Commission Secretary

**CANNON BEACH PLANNING COMMISSION**

Thursday January 27, 2000 7:00 p.m.

MINUTES

Present: Chairman Herb Schwab and Commissioners Ron Logan, Janet Rekate, Tracy Gardner, Anita Dueber, Betsy Ayres and Sam Steidel

Staff: City Planner Rainmar Bartl, Administrative Assistant Georgia Shives

CALL TO ORDER AND APPROVAL OF AGENDA

Chairman Schwab called the meeting to order at 7:00 p.m. Ayres moved to adopt the agenda as distributed; Rekate seconded the motion which passed with a unanimous roll call vote.

PUBLIC HEARING: MP 99-01, HLB & ASSOCIATES, ON BEHALF OF PROPERTY OWNER JOSEPH HANNA, MINOR PARTITION REQUEST TO PARTITION AN EXISTING PARCEL, MAP 51030DA, TAX LOT 4100, INTO THREE PARCELS. THE 1.4 ACRE PARCEL IS LOCATED WEST OF HEMLOCK STREET AND EAST OF FOREST LAWN ROAD, AND IS ZONED R2, RESIDENTIAL MEDIUM DENSITY.

No one objected to the jurisdiction of the Planning Commission to continue hearing this matter at this time. None of the Commissioners expressed a conflict of interest. As ex parte contacts all Commissioners indicated they had visited the site.

Bartl reviewed his staff report of January 10. He said in 1987, the Planning Commission approved a minor partition for the lot immediately to the south of the applicant's parcel; in approving the partition, the Planning Commission attached a condition that access to the parcels created by the partition have their access restricted to Forest Lawn Road. Bartl explained that the purpose of the condition appears to have been two-fold: 1) a desire to minimize driveways onto the city's main arterial, Hemlock Street, and 2) retaining an uninterrupted area of vegetation and trees along the west side of Hemlock Street. He said staff is asking the Planning Commission to consider the previous decision and whether to apply a similar restriction to this proposal. Bartl said other than the issue of access restriction, staff recommends approval of the minor partition.

Schwab said there was one house built with the access onto Hemlock Street because the restriction was not placed on the plat of the previous partition; Bartl responded that is correct.

Rekate asked which is the correct minimum lot depth in an R-2 zone, 80' or 90'. Bartl responded that

## **PLANNING COMMISSION 1/27/00 MINUTES**

it is 80' and he will make the correction in the staff report.

Rekate asked if Bartl could explain a quote in the Fire Department's letter citing the Oregon Uniform Fire Code that requires "every facility, building, or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150' from fire apparatus access as measured by an approved route around the exterior of the building." Bartl explained that it means all structures need to be within 150' of the fire access road. He said if the exterior of the building is more than 150' from a fire access road, the Fire Chief has two options: 1) require that the fire access road be extended to within 150', or 2) require that the building include fire sprinklers. Bartl said there have been a number of situations like this in the recent past and the requirement has been to install sprinklers.

Schwab said this comes up in the building permit process and is not an issue for the Planning Commission.

Bartl said the Fire District letter notes that Forest Lawn Road does not meet fire access road standard and recommends that the responsible party improve the existing roads to minimum standards. He stated that there are several roads in Cannon Beach that do not meet these standards and is not the city's intent to upgrade Forest Lawn Road. Bartl noted he will discuss the comment about the one-way road and posting no parking signs with Dave Rouse. Plannin Commissioners pointed out the road is already one way. Rekate said she had concerns about cutting down trees if the road is widened.

It was noted that there was no other correspondence.

Chairman Schwab opened the public hearing and stated that the appropriate criteria were listed in the staff report and criteria sheets were next to the west door; testimony and evidence must be directed toward those criteria or other criteria of the Comprehensive Plan or Municipal Code which the person testifying believes to apply to the decision; failure to raise an issue accompanied by statements or evidence sufficient to afford the decision-makers and parties an opportunity to respond to the issue precludes appeal based on that issue; prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments and testimony regarding the application; the Planning Commission shall grant such requests by continuing the public hearing or leaving the record open for additional written evidence, arguments or testimony. Chairman Schwab opened the public hearing and called for a presentation by the representative of the applicant.

Dave Seese, 1665 Cooper St, Seaside, of HL&B Associates, stated he is representing of the applicant, Joseph Hanna. He said he had no objections to the staff report but wanted to make a clarification to it in Section II, Paragraph 2, Item D. He said the easterly lot in Parcel 3, if subdivided, would have access onto Hemlock Street rather than Forest Lawn Road.

## **PLANNING COMMISSION 1/27/00 MINUTES**

Rekate said that since there is a separation between Parcel #2 and undivided Parcel #3, there could be east-west access to Forest Lawn Road. Seese said that would be a possibility, but it would reduce the buildable area due to the wetlands and minimum lot width requirement.

Ayres asked about the applicant's letter where it states that "Parcel 3 may be further subdivided into two parcels in a future calendar year, if the owner so directs." She questioned if this was to come before the Planning Commission; Seese responded affirmatively. Ayres asked to get clarification about the next paragraph where it states "The client wishes to minimize any additional traffic on Forest Lawn and would locate the driveways on Hemlock Street." Seese responded that the client is proposing that Parcel 1 be accessed from Hemlock Street if approved.

Schwab said the Planning Commission only has two questions before them: 1) whether to accept the provisions of Parcels 1, 2, and 3; and 2) whether to accept any driveways accessing Hemlock Street.

Seese said Parcel 1 in this proposed partition has frontage on both Hemlock Street and Forest Lawn Road. He stated that the clients prefer to see the driveway off Hemlock Street since Forest Lawn is unimproved and also to minimize traffic on that street.

No one else wished to testify.

The public hearing was closed.

### **CONSIDERATION OF MP 99-01.**

Gardner moved to grant the minor partition request as presented; the motion failed for lack of a second.

Rekate moved to grant the minor partition request by adding the condition that all three lots are accessed from Forest Lawn Road; Steidel seconded the motion which passed with a unanimous roll call vote.

### **AUTHORIZATION FOR CHAIRMAN TO SIGN APPROPRIATE ORDERS.**

Logan moved to authorize the Chairman to sign the appropriate orders; Rekate seconded the motion which passed with a unanimous roll call vote.

### **CORRESPONDENCE**

Barl said a letter was received from Peter A. Anderson concerning the inclusion of his property into the city's urban growth boundary. Barl said that Mr. Anderson and his partner own 2-2.5 acre lots



## **PLANNING COMMISSION 1/27/00 MINUTES**

on the southeast corner of Haystack Heights, and are in the County's Forest 80 zone. He said in recent years they have discussed inclusion into the urban growth boundary, but have never made a formal application. Bartl said it is staff's opinion that it is unlikely that it would be included into the urban growth boundary in the near future since the city has a 20 year supply of vacant land in the city and a 30 supply in the urban growth boundary.

Gardner stated that he has been contacted by Mr. Anderson, at his real estate office, regarding his professional opinion about the property. Gardner asked if he should step down from the discussion. Bartl responded that Gardner he needs to determine whether that conversation biased him in any way. Gardner said he felt it did not. No other commissioners objected to Gardner participating in the discussion.

Bartl said this is not a formal request. The reason it is in the packets is because the letter was addressed to the City Council and Planning Commission, and the last portion of the letter asks for a response.

Ayres said staff should write a response to the letter referring to the dates that staff has previously written them stating a formal application needs to be made to be considered.

Schwab asked Bartl to prepare a letter stating Mr. Anderson has the same options as anyone else and to note it in the file.

### **APPROVAL OF MINUTES.**

Logan moved to approve the Minutes of the meeting of December 16, 1999; Ayres seconded the motion which passed with a unanimous roll call vote.

(Gardner, Dueber and Steidel abstained from voting since they were not present at the previous Planning Commission meeting.)

### **INFORMATION AGENDA:**

#### **ONGOING PLANNING ITEMS.**

Bartl said that a Planning Commission training worksession is planning to be held in Seaside on March 11 and asked if anyone was interested in attending. Steidel and Dueber indicated that they would like to attend.

Bartl stated that the Steve Martin Surfsand application for an addition to the Surfsand Motel, denied by the Design Review Board, appealed to the City Council, and remanded back to the Design Review Board, will have a conceptual review next week before the Design Review Board.

## **PLANNING COMMISSION 1/27/00 MINUTES**

Bartl said the City Council approved an amendment to the sidewalk policy to extend the sidewalk south of Sunset on the east side of Hemlock Street, adjacent to Wallace property.

Bartl said that at an ODOT design team meeting, it was determined that the work contract would not be granted in September of 2000 as planned, but the following February; ODOT said this change will not affect the actual construction start date.

Bartl said that City Council had a worksession on Cannon Beach build out and wanted time to think about the alternatives before scheduling another meeting. The next Planning Commission worksession was scheduled on February 7 at 8:30 to continue discussing the Cannon Beach build out project.

### **ADJOURNMENT.**

The meeting adjourned at 7:30 p.m.

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Georgia Shives, Administrative Assistant

Hi Leslie and Happy New Year to all,

The City of Cannon Beach has scheduled a hearing for January 27 at 6pm to discuss the development of the lot on the corner of Forest Lawn and S. Hemlock. I'd like to encourage all neighbors to PLEASE submit written comments and/or speak at the hearing.

The hearing will be held via zoom and is open to the public. Both Katie Hillenhagen, Administrative Assistant City Cannon Beach (503-436-8054 or [hillenhagen@ci.cannon-beach.or.us](mailto:hillenhagen@ci.cannon-beach.or.us)) and our neighbor Leslie France can provide more information about the process.

I know it's been a while, so here's a summary to help refresh everyone's memory. The lot on the corner of Forest Lawn and S. Hemlock was purchased recently by a developer. This lot is identified as taxlot 51030DA4100 (taxlot 4100) and is a designated wetland according to the City of Cannon Beach. The developer purchased this property with knowledge of the lot's wetland status. The developer would like to subdivide the lot and build 8 homes on the lot. The public record related to this matter is confusing. It consists of numerous emails between the City and the developer and commingles the various projects and permits anticipated by the developer. There are also proposed subdivision plans and wetland studies included in the various emails. The public record is most definitely confusing and incomplete. It is a haphazard collection of emails, ideas, discussion notes and proposals. Thank you to Leslie for gathering all of this information and keeping the neighborhood in the loop.

After sorting through the public record, the following course of events appears to have unfolded.

In a letter dated April 29, 2021, the City asked Rosanne Dorsey, owner of the property next to taxlot 4100, to divert her storm water runoff away from taxlot 4100. It is unclear what prompted this request from the City but emails in the public record would indicate that the developer/owner of taxlot 4100 may have been involved in the request. Around the same time, the City filed a permit to extend the storm-water line in the Forest Lawn right-of-way and divert the line to a new discharge point in the northern portion of taxlot 4100. The public record is unclear as to why this work and permit were deemed necessary by the City. The permit was approved administratively by Jeff Adams, Community Development Director for the City. In anticipation of this storm-water work, private contractor McEwan was asked to bid and complete the work. From the public record it appears both the City and the developer were in contact with McEwan regarding the work and hopeful to complete the work by the end of November 2021. McEwan also sent Rosanne a bid to connect her property to the new storm-water line. Rosanne had several discussions with the City regarding this project. On November 7, 2021, I filed an appeal asking for reversal of the permit allowing the storm-water work. Because of the appeal no work has been done to extend the storm-water line in the Forrest Lawn right-of-way. The upcoming hearing will be before the Planning Commission and they will decide whether the permit was properly approved or not.

Below is a nutshell summary of the main points at issue. Please feel free to use these points when drafting your comments and please participate in the hearing if possible.

- 1) The work contemplated under the permit should be paid for by the developer not the City. Public resources should not be spent on this project. The developer should pay all costs related to the improvement of the storm-water line through or adjacent to taxlot 4100 in accordance with City code.

2) The City failed to consider the wetland status of taxlot 4100 when granting the permit. Wetlands have unique laws that apply to them and development is highly regulated. According to City code, a permit for work in or near a wetland cannot be granted administratively and must be considered by the Planning Commission as a “conditional use” permit. Thus, the administrative approval of the permit was in error because it was not put before the Planning Commission for consideration.

3) When reviewing the permit, the City should apply those municipal code sections that apply to Wetland Overlay Zones. Findings of facts, conclusions and conditions related to the necessity and impact of the proposed work on or near the wetland should be and should have been identified. To date, this has not been done.

From the public record, it appears the developer is hopeful the new storm-water line, in addition to a relocated discharge point, trenching of taxlot 4100, and redirection of Rosanne’s storm-water will divert water away from the wetland, thereby creating more land for development. While trenching within taxlot 4100 was not noted or approved in the permit, it was consistently included in the project scope set forth by the developer. This issue definitely warrants clarification during the hearing. Trenching within a wetland requires additional review and permitting and is not within the scope of this permit.

To date, it does not appear that the developer has requested any further permits or filed any applications to subdivide or develop taxlot 4100. A primary goal with this appeal is to ensure that future permits and applications take into account the wetland status of taxlot 4100 and adhere to the requirements set forth in the municipal code related to wetlands.

**For those of you wanting to take a deeper dive into this matter please read on. For the rest of you, PLEASE submit your written comments and ask the City to reverse it’s approval of the permit. Thank you!**

If you’re still reading, I’m including a communication string between myself and a wetlands expert I asked for input on the matter. All advice was given by the expert as an interested person dedicated to the preservation of wetlands. This individual was not retained or paid for their comments. The following can be read as an FAQ. Some of these issues may come up in the hearing.

Dana: Do I have standing to appeal? The order states that an “affected party” may appeal. The city sent notice of the order to those neighbors that live within 100’ of the proposed work. I don’t live within 100’ of project but live on the the street. Should someone within the 100’ zone sign the appeal? Given the tight time frame this may be difficult.

Expert: You have standing. Arguably, everyone has standing to protect wetlands. Wetlands protect public health and safety by performing a variety of functions including groundwater recharge, flood flow attenuation and water quality protection. Wetlands have proven to lessen the damage from flooding by slowing the water velocity, enabling water to soak into the ground, and by providing temporary storage of overbank flood flows. Wetlands reduce damage from coastal storm surges and tsunamis. Wetlands also provide unique habitat for wildlife species, many of which are either endangered or threatened, and provide opportunities for education, scientific study, and recreation. Land development in and surrounding wetlands increases the flow of water and pollutants to wetlands, overwhelming their ability to provide these functions and threatening their sustainability. Attention to these wetland functions is essential to governance of the community’s land uses, public health, safety and welfare. These functions cannot be sustained without care for the uplands adjacent to wetlands. Wetlands cannot continue to

provide these functions unless protected from the effects of fluctuations in storm water flow, urban pollutants, disposal of fill or dredged materials, and other impacts of land use change. Prohibiting fill of our significant wetlands and buffering wetlands by protecting the uplands surrounding the wetland to the greatest extent practicable will help insure these functions.

Dana: [Our neighbor] Rosey owns Taxlot '4104 that abuts the wetland. Rosey has been told she can no longer let her storm water to drain into the wetland and that she needs to hook up to the new storm-water line. She has also been told that having the city (via private contractor Bob McEwan Construction, Inc.) complete this work is the most cost effective way to do this (\$1,639.50). [D]oes Rosey have to hook up to the new city line?

Expert: Good question. I see nothing in the code saying Rosey has to hook up. It appears a neighbor has a duty to keep increased storm water off the neighbor's property. If Rosey can find some clever way to use or keep the water on her property she would not have to hook up. In fact 13.16.050(C) states she can maintain a private storm drainage facility (Bio-swales for example) to prevent flooding of neighbor's property. Interestingly, there is no mention of keeping all storm water of the neighbor's property. It says cannot "flood or damage." Pretty hard to flood or damage a wetland with water!

Dana: Does she have to divert away from the wetland even though her drainage was approved by the city when she built her house in 2006?

Expert: Arguably no. Pursuant to 17.43.050(J), it appears the water is required to be directed to the wetland (not away).

Dana: What grounds do the city or the developer have to ask her to divert her drainage away from the wetlands and into the new line?

Expert: Great question. If Rosey can set up a bioswale and slowly release the water into the wetland, I don't think the City can make her tie in. The more I read these ordinances, the less I see requiring anyone to tie in. Check out 13.16.020 C, which says private property owners have an obligation to "minimize or eliminate detrimental impacts" on other property. If a property owner "alters the property in a way that increases the flow of surface water from the property, the user must control the flow." Even if this wasn't a wetland (designed to receive water) a property owner must simply control the flow. Add the wetland component, and I see few to no detrimental impacts of adding water to the property.

Dana: It appears from emails between the developer and the city and comparing the old wetland delineation against the new delineation that Rosey's drainage has decreased the upland areas of the wetland. I added language to paragraph 2 of the appeal to try to address Rosey's situation. Should I keep it?

Expert: In my opinion, yes. The Planning Commission needs to know that this project is related to a greater proposed development.

Dana: I'm circling around the idea that the city cannot divert water from its natural drainage when wetlands are involved and can't force Rosey to divert. Perhaps this is an issue for a later time. Relatedly, I've heard stated that the owner of the wetlands does not have to allow the city to discharge into the wetlands. Is this correct?

Expert: I am not sure a wetland owner has the same power to deny storm water as an upland owner. This discussion is worth the appeal in itself. The owner bought wetlands. The City has an ordinance saying storm water stays in the natural drainage. Wetlands are much cheaper to buy than uplands, one reason is this is where the storm water goes! Is the storm water all supposed to end up on the beach and in the ocean full of pesticides from lawns and oil and toxins from the streets? No. The Wetlands hold and clean the water before it gets to the beach

Dana: The email correspondence from the developer to the City continues to muddy the scope of what they seem to think is approved with this order. They continue to reference completing their interior trenching at the same time the new line is installed and Rosey is hooked up, with all work being completed by McEwan. Should I ask for clarification or a new condition restricting any private interior ditch trenching?

Expert: YES! This is not a permit to do interior trenching. The Army Corps and Department of State Lands (DSL) would certainly have to weigh in on that application. The city seems to have a standing permit with DSL to do pipes and maintenance in wetlands ( I would also challenge this assumption). DSL has certainly not weighed in on the dumping of more water into the wetland, especially at a different location than presumably approved in the past.

Dana: [H]ave I asked for the appropriate remedies?

Expert: You have asked for reversal so yes. But you could add clarification that this approved application does not permit the wetland owner to trench or perform any work on his property.

Dana: [T]he correspondence between the city and developer appears overly familiar and almost colluding. In one email, the city wrote “[o]bviously, the benefit of doing it [moving of the storm drains from one part of the wetland to another] now is we could tell if the work helps dry out the lot the way you had hoped...” Should we address this now?

Expert: To keep things relatively amicable at this point, I would advise keeping this in your back pocket for now. By all means use it if the City starts denying the connectivity between the two projects.

Dana: It would seem none of this work was actually contemplated by the city until the wetland was purchased by a developer this year and plans for development/subdivision started taking shape. I’m guessing what they hoped to accomplish was to have the city install the new storm-water line, force Rosey to hook up to the new line, and extend the discharge point of the new line to the northern-most point of the wetland, thereby draining the southern-most part of the wetland and acquiring more upland area. The additional interior trenching they continue to push for would seem to further drain the wetland. Thoughts?

Expert: I concur.

**Jeffrey Adams**

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**From:** Lolly Champion <lolly.champ@gmail.com>  
**Sent:** Tuesday, June 07, 2022 10:54 PM  
**To:** Bruce St. Denis; Jeffrey Adams; Jennifer Barrett; Katie Hillenhagen; Karen La Bonte; Nancy McCarthy; Sam Steidel; Robin Risley; Brandon Ogilvie; Mike Benefield  
**Subject:** A vigil to save one of the last forested wetlands!

***This is a call out to every person***

*concerned for our community's environment and ready to  
join with friends and neighbors to protect Cannon Beach's  
forest, beach, sea, monoliths  
and the last of our Forested Wetlands  
from development and continued urbanization.*

*Take a walk around the S. Hemlock Street and Forest Lawn Road,  
forested wetland to count the trees, observe the wetland flora, and fauna,  
and know that every moment this natural setting is filtering water, sucking the carbon dioxide  
from the air, providing homes for small aquatic creatures and an amazing assortment of ground  
creatures that all play a part in a chain of events that cannot be replicated anywhere else, except  
in a forested wetland. Now visualize roads, an alley and more houses on stilts of  
a Cluster Home Development.*

*Let's join together this Saturday afternoon to save this Forested Wetlands now and preserve it for  
the future.*

*There will be an information table, refreshments and an opportunity to register your  
concerns. Bring a sign!  
Vigil Information below!*

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# **FORESTED WETLAND VIGIL!**

**June 11, 2022**

**from 3-4pm**

**GATHER ON**

**FOREST LAWN ROAD**

**Come and learn how to help  
protect one of the last  
forested wetlands  
in Cannon Beach from a  
developer's plans**



**to subdivide  
and build Cluster Homes there!  
Concerned community members,  
neighbors, and visitors welcome**

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**A SECOND VIGIL IS PLANNED THE FOLLOWING SATURDAY  
JUNE 18TH!  
SAME TIME ~ SAME PLACE  
SEE YOU THERE!**

**Jeffrey Adams**

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**From:** Steven Mayer <stevenjmayer41@gmail.com>  
**Sent:** Sunday, June 12, 2022 6:00 PM  
**To:** Planning Group  
**Cc:** Steve & Linda Mayer  
**Subject:** Forested Wetland - Forest Lawn & Hemlock

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please DENY the 5/26/22 application for development on this unique wetland surrounded by existing dense residential development.

It is in the long-term best interest of Cannon Beach to preserve this wetland. I refrain from citing environmental impact arguments against development — there are many as I suspect you already know. Rather, I would ask a simple question: Why? Why do we need more homes in a dense urban area at the expense of our natural environment? Why more concrete and gravel over a living habitat? Why rationalize the loss of such a wetland as benignly inconsequential amidst our total natural environment?

Thank you.

Linda & Steve Mayer  
Permanent Cannon Beach Residents

I'm pleased to see that plans to develop the wetland on Forest Lawn have been scaled down. The proposed plan for 3 lots on a portion of the wetlands is a huge improvement from the original plan for 8 lots covering the entire wetland/parcel. While this plan is more in line with Cannon Beach Municipal Code related to wetlands, I believe it requires closer review and additional information from the applicant before the Planning Commission can issue a decision. For the reasons set forth below, I urge the Commissioners to postpone full review of this matter and issuance of any decision until more complete information is provided by the applicant.

The application claims that all development will take place on upland areas of the wetland. I question their upland delineation because they state they were unable to access all portions of the wetland for sampling. Most notably, the area designated as Lot 3 was not sampled but is designated as upland not wetland. The sample spots do not appear to cover the relevant areas necessary to accurately designate wetland from upland. I would like to see a more comprehensive sampling of the wetland, with particular emphasis on those areas they deem upland, prior to any approval of the Partition Application or Conditional Use Permit. I'm hopeful a more thorough sampling of the wetland/upland area will reveal there isn't as much upland area as they claim and Lot 3 should be removed from the plan.

Accurate delineation of upland portions is important because it directly effects where development can take place. Development on uplands is arguably allowed and the developer makes the argument that because they've limited development to the upland areas only, they've mitigated their impact on the wetlands and don't need to address the protections set forth in the Cannon Beach Municipal Code related to wetland areas.

I note that the Partition Application and Conditional Use Permit are lacking a Geologic Site Investigation Report showing construction feasibility and demonstrating there's not a hazard related to building on the site. The application states that a report is forthcoming. It seems logical to delay review until this report can be included in the review. This is especially true given that the development will take place in a wetland/upland area and may need atypical construction.

I also see in the email communication between city officials and the developer some mention of granting the remaining wetland to the City of Cannon Beach, arguably for protection...and a tax write off. It's been suggested to me by someone familiar with these situations that as a condition for granting the permit/application, the remaining wetland should be dedicated as open space should the developer retain ownership of the wetland. Similarly, if the City is to own it, the wetland should be rezoned to a zone that conserves the wetland in perpetuity. Without these additional steps, the individual I spoke with doubted either party would protect the remaining wetland.

I suspect there are other "findings" the applicant has skewed but I don't have the familiarity or know-how to spot these issues. Tree removal is likely one such issue. Access to the development by Forest Lawn v. Hemlock may be another and conformity of house design may be yet another. Previous plans for the development show stilted pink houses connected by boardwalks.

For all of these reasons, I believe more information is required and full review of the matter should be delayed. Should the Planning Commission move forward with full review, I strongly suggest development be limited to proposed Lots 1 and 2 to maintain the integrity of the wetland in the absence of definitive evidence showing that Lot 3 is in fact comprised of upland. Thank you.

Hi Leslie and Happy New Year to all,

The City of Cannon Beach has scheduled a hearing for January 27 at 6pm to discuss the development of the lot on the corner of Forest Lawn and S. Hemlock. I'd like to encourage all neighbors to PLEASE submit written comments and/or speak at the hearing.

The hearing will be held via zoom and is open to the public. Both Katie Hillenhagen, Administrative Assistant City Cannon Beach (503-436-8054 or [hillenhagen@ci.cannon-beach.or.us](mailto:hillenhagen@ci.cannon-beach.or.us)) and our neighbor Leslie France can provide more information about the process.

I know it's been a while, so here's a summary to help refresh everyone's memory. The lot on the corner of Forest Lawn and S. Hemlock was purchased recently by a developer. This lot is identified as taxlot 51030DA4100 (taxlot 4100) and is a designated wetland according to the City of Cannon Beach. The developer purchased this property with knowledge of the lot's wetland status. The developer would like to subdivide the lot and build 8 homes on the lot. The public record related to this matter is confusing. It consists of numerous emails between the City and the developer and commingles the various projects and permits anticipated by the developer. There are also proposed subdivision plans and wetland studies included in the various emails. The public record is most definitely confusing and incomplete. It is a haphazard collection of emails, ideas, discussion notes and proposals. Thank you to Leslie for gathering all of this information and keeping the neighborhood in the loop.

After sorting through the public record, the following course of events appears to have unfolded.

In a letter dated April 29, 2021, the City asked Rosanne Dorsey, owner of the property next to taxlot 4100, to divert her storm water runoff away from taxlot 4100. It is unclear what prompted this request from the City but emails in the public record would indicate that the developer/owner of taxlot 4100 may have been involved in the request. Around the same time, the City filed a permit to extend the storm-water line in the Forest Lawn right-of-way and divert the line to a new discharge point in the northern portion of taxlot 4100. The public record is unclear as to why this work and permit were deemed necessary by the City. The permit was approved administratively by Jeff Adams, Community Development Director for the City. In anticipation of this storm-water work, private contractor McEwan was asked to bid and complete the work. From the public record it appears both the City and the developer were in contact with McEwan regarding the work and hopeful to complete the work by the end of November 2021. McEwan also sent Rosanne a bid to connect her property to the new storm-water line. Rosanne had several discussions with the City regarding this project. On November 7, 2021, I filed an appeal asking for reversal of the permit allowing the storm-water work. Because of the appeal no work has been done to extend the storm-water line in the Forrest Lawn right-of-way. The upcoming hearing will be before the Planning Commission and they will decide whether the permit was properly approved or not.

Below is a nutshell summary of the main points at issue. Please feel free to use these points when drafting your comments and please participate in the hearing if possible.

- 1) The work contemplated under the permit should be paid for by the developer not the City. Public resources should not be spent on this project. The developer should pay all costs related to the improvement of the storm-water line through or adjacent to taxlot 4100 in accordance with City code.

2) The City failed to consider the wetland status of taxlot 4100 when granting the permit. Wetlands have unique laws that apply to them and development is highly regulated. According to City code, a permit for work in or near a wetland cannot be granted administratively and must be considered by the Planning Commission as a “conditional use” permit. Thus, the administrative approval of the permit was in error because it was not put before the Planning Commission for consideration.

3) When reviewing the permit, the City should apply those municipal code sections that apply to Wetland Overlay Zones. Findings of facts, conclusions and conditions related to the necessity and impact of the proposed work on or near the wetland should be and should have been identified. To date, this has not been done.

From the public record, it appears the developer is hopeful the new storm-water line, in addition to a relocated discharge point, trenching of taxlot 4100, and redirection of Rosanne’s storm-water will divert water away from the wetland, thereby creating more land for development. While trenching within taxlot 4100 was not noted or approved in the permit, it was consistently included in the project scope set forth by the developer. This issue definitely warrants clarification during the hearing. Trenching within a wetland requires additional review and permitting and is not within the scope of this permit.

To date, it does not appear that the developer has requested any further permits or filed any applications to subdivide or develop taxlot 4100. A primary goal with this appeal is to ensure that future permits and applications take into account the wetland status of taxlot 4100 and adhere to the requirements set forth in the municipal code related to wetlands.

**For those of you wanting to take a deeper dive into this matter please read on. For the rest of you, PLEASE submit your written comments and ask the City to reverse it’s approval of the permit. Thank you!**

If you’re still reading, I’m including a communication string between myself and a wetlands expert I asked for input on the matter. All advice was given by the expert as an interested person dedicated to the preservation of wetlands. This individual was not retained or paid for their comments. The following can be read as an FAQ. Some of these issues may come up in the hearing.

Dana: Do I have standing to appeal? The order states that an “affected party” may appeal. The city sent notice of the order to those neighbors that live within 100’ of the proposed work. I don’t live within 100’ of project but live on the the street. Should someone within the 100’ zone sign the appeal? Given the tight time frame this may be difficult.

Expert: You have standing. Arguably, everyone has standing to protect wetlands. Wetlands protect public health and safety by performing a variety of functions including groundwater recharge, flood flow attenuation and water quality protection. Wetlands have proven to lessen the damage from flooding by slowing the water velocity, enabling water to soak into the ground, and by providing temporary storage of overbank flood flows. Wetlands reduce damage from coastal storm surges and tsunamis. Wetlands also provide unique habitat for wildlife species, many of which are either endangered or threatened, and provide opportunities for education, scientific study, and recreation. Land development in and surrounding wetlands increases the flow of water and pollutants to wetlands, overwhelming their ability to provide these functions and threatening their sustainability. Attention to these wetland functions is essential to governance of the community’s land uses, public health, safety and welfare. These functions cannot be sustained without care for the uplands adjacent to wetlands. Wetlands cannot continue to

provide these functions unless protected from the effects of fluctuations in storm water flow, urban pollutants, disposal of fill or dredged materials, and other impacts of land use change. Prohibiting fill of our significant wetlands and buffering wetlands by protecting the uplands surrounding the wetland to the greatest extent practicable will help insure these functions.

Dana: [Our neighbor] Rosey owns Taxlot '4104 that abuts the wetland. Rosey has been told she can no longer let her storm water to drain into the wetland and that she needs to hook up to the new storm-water line. She has also been told that having the city (via private contractor Bob McEwan Construction, Inc.) complete this work is the most cost effective way to do this (\$1,639.50). [D]oes Rosey have to hook up to the new city line?

Expert: Good question. I see nothing in the code saying Rosey has to hook up. It appears a neighbor has a duty to keep increased storm water off the neighbor's property. If Rosey can find some clever way to use or keep the water on her property she would not have to hook up. In fact 13.16.050(C) states she can maintain a private storm drainage facility (Bio-swales for example) to prevent flooding of neighbor's property. Interestingly, there is no mention of keeping all storm water of the neighbor's property. It says cannot "flood or damage." Pretty hard to flood or damage a wetland with water!

Dana: Does she have to divert away from the wetland even though her drainage was approved by the city when she built her house in 2006?

Expert: Arguably no. Pursuant to 17.43.050(J), it appears the water is required to be directed to the wetland (not away).

Dana: What grounds do the city or the developer have to ask her to divert her drainage away from the wetlands and into the new line?

Expert: Great question. If Rosey can set up a bioswale and slowly release the water into the wetland, I don't think the City can make her tie in. The more I read these ordinances, the less I see requiring anyone to tie in. Check out 13.16.020 C, which says private property owners have an obligation to "minimize or eliminate detrimental impacts" on other property. If a property owner "alters the property in a way that increases the flow of surface water from the property, the user must control the flow." Even if this wasn't a wetland (designed to receive water) a property owner must simply control the flow. Add the wetland component, and I see few to no detrimental impacts of adding water to the property.

Dana: It appears from emails between the developer and the city and comparing the old wetland delineation against the new delineation that Rosey's drainage has decreased the upland areas of the wetland. I added language to paragraph 2 of the appeal to try to address Rosey's situation. Should I keep it?

Expert: In my opinion, yes. The Planning Commission needs to know that this project is related to a greater proposed development.

Dana: I'm circling around the idea that the city cannot divert water from its natural drainage when wetlands are involved and can't force Rosey to divert. Perhaps this is an issue for a later time. Relatedly, I've heard stated that the owner of the wetlands does not have to allow the city to discharge into the wetlands. Is this correct?

Expert: I am not sure a wetland owner has the same power to deny storm water as an upland owner. This discussion is worth the appeal in itself. The owner bought wetlands. The City has an ordinance saying storm water stays in the natural drainage. Wetlands are much cheaper to buy than uplands, one reason is this is where the storm water goes! Is the storm water all supposed to end up on the beach and in the ocean full of pesticides from lawns and oil and toxins from the streets? No. The Wetlands hold and clean the water before it gets to the beach

Dana: The email correspondence from the developer to the City continues to muddy the scope of what they seem to think is approved with this order. They continue to reference completing their interior trenching at the same time the new line is installed and Rosey is hooked up, with all work being completed by McEwan. Should I ask for clarification or a new condition restricting any private interior ditch trenching?

Expert: YES! This is not a permit to do interior trenching. The Army Corps and Department of State Lands (DSL) would certainly have to weigh in on that application. The city seems to have a standing permit with DSL to do pipes and maintenance in wetlands ( I would also challenge this assumption). DSL has certainly not weighed in on the dumping of more water into the wetland, especially at a different location than presumably approved in the past.

Dana: [H]ave I asked for the appropriate remedies?

Expert: You have asked for reversal so yes. But you could add clarification that this approved application does not permit the wetland owner to trench or perform any work on his property.

Dana: [T]he correspondence between the city and developer appears overly familiar and almost colluding. In one email, the city wrote “[o]bviously, the benefit of doing it [moving of the storm drains from one part of the wetland to another] now is we could tell if the work helps dry out the lot the way you had hoped...” Should we address this now?

Expert: To keep things relatively amicable at this point, I would advise keeping this in your back pocket for now. By all means use it if the City starts denying the connectivity between the two projects.

Dana: It would seem none of this work was actually contemplated by the city until the wetland was purchased by a developer this year and plans for development/subdivision started taking shape. I’m guessing what they hoped to accomplish was to have the city install the new storm-water line, force Rosey to hook up to the new line, and extend the discharge point of the new line to the northern-most point of the wetland, thereby draining the southern-most part of the wetland and acquiring more upland area. The additional interior trenching they continue to push for would seem to further drain the wetland. Thoughts?

Expert: I concur.



You can see it in their eyes as you walk on the beach — the joy of children, families, dogs and lovers, the joy of being in this spectacular place on earth. How did we get to be so lucky that when we are here, we are home? Our gratitude for this blessing must be lived out every day. Blessings come with responsibilities.

What you do next really matters. As the humans in this place, we have taken it upon ourselves to decide who gets to enjoy Cannon Beach and who does not — this includes humans, as well as all other natural beings, creatures of air, water, and earth. We inhabit this place together. We depend on each other for optimal well-being. But it seems that we, the humans, get to make the decisions. So, we best make good ones.

In our work as Global Impact Engineers for the World Forum Foundation, Roger and I have come to understand that nothing happens without possibly unforeseen, and often unknowable impact on life in other places in the world. The butterfly effect. What you decide about this particular wetlands will influence not only all of us here and what happens in Cannon Beach, but it will have a far-reaching impact, both in time and place.

In our global work for young children, we often refer to the African proverb, “It takes a village to raise a child.” In this reference we are talking about all the people who are critical to the healthy growth and development of each child—we are talking about the people. The other day, reading about planning for Cannon Beach, I thought about this proverb in a new context. When we say “village,” what are we talking about? I think it’s a mistake to think that the buildings and parking make the village. The village is the people and the decisions we make about the environment in our trust—the decisions that speak to what we value, the decisions that define our character.

One of my favorite mystery authors is Louise Penny who has created a village near Montreal, named Three Pines. The three trees are the landmark to this idyllic place where people sit on a bench beneath the pines to think and to observe, to find peace and joy. It is the people who are the village, the way they are with each other, how they make decisions about what happens in their precious place. Their physical village reflects their character as a community.

Three Pines is fictional, but our village is real. And the decisions we make will reflect our character as a community entrusted with the protection of one of the most beautiful places on earth. Once we decide that a rabbit, an elk, a tree is in our way and must be removed, what are we changing forever? Once an old growth tree is gone, it can never be replaced. A wetlands that becomes a neighborhood will be gone forever. Old growth trees cannot be replanted. Wetlands cannot be moved. Let’s consider whether there is another way or place to satisfy our human needs and respect the nature that was here before us all.

Please consider all that is at stake as you decide. It’s often challenging to think of all the far-reaching effects embedded in one decision, but please do your best. Our village has many voices, with diverse perspectives—and somewhere in all of these voices coming together, there

is the path to choices that will preserve and protect the true character of all the beings of Cannon Beach.

*“Humanity is cutting down its forests, apparently oblivious to the fact that we may not live without them.” – Issac Asimov*

Three years ago, Bonnie and I learned that the Oregon Department of Forestry (ODF) was planning to sell clear cutting rights to the Norristown Heights forest directly across Highway 101 from our house (which we occupy full time) just north of Hug Point. We soon discovered why ODF was so hot to push this project through with limited public comment – the entire budget of ODF is derived from the sale of trees to timber companies. Clearly it represents the interests of the timber companies far above the rights of community members.

Those of us living across the street from this forest fought hard to turn this around – attending ODF hearings, testifying at Clatsop County Commission meetings, forming alliances with environmental groups, and contacting the press. We pointed out that...

- Trees, especially old growth trees, take in carbon dioxide and produce the oxygen we breath;
- Trees control climate by moderating the effects of the sun, rain and wind;
- Trees deep roots hold soil in place and fight erosion;
- Forests provide a home for thousands of species of plants and animals.

While we cannot yet declare victory, the clear cutting decision has been put on hold indefinitely. But as we were celebrating this result, we discovered that leaders of our own Cannon Beach appear to have declared war on our trees.

Certainly, those of us privileged to live in this idyllic community cannot block others from deciding to live here as well. But does commercial and residential development have to come at the price of our precious trees. Are trees to be viewed as nuisances to be rid of or as priceless treasures to be protected?

It takes decades for a tree to reach fruition but just hours to cut it down. Let's not rush into ridding our community of trees in order to put up a few houses, driveways, parking lots and bicycle trails.

Roger Neugebauer  
PO Box 244  
Cannon Beach OR 97110  
[ccroger@ccie.com](mailto:ccroger@ccie.com)  
(206) 226-4651

**Jeffrey Adams**

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**From:** Katie Hillenhagen  
**Sent:** Tuesday, June 14, 2022 12:47 PM  
**To:** Jeffrey Adams  
**Subject:** Fw: I need some clarification on the Wetland Development next to my home

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Hi Jeff,

Will you please reply to this email.

Thanks

Jen

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**From:** Rosey Dorsey <roseydorsey@gmail.com>  
**Sent:** Tuesday, June 14, 2022 12:16 PM  
**To:** Katie Hillenhagen <hillenhagen@ci.cannon-beach.or.us>  
**Subject:** I need some clarification on the Wetland Development next to my home

Hi Katie,

I am a teacher and scrambling to finish the school year so the timing of this hearing couldn't be worse for me. I want to go on record 100% opposing the development of the wetland next to me.

In the letter I received from the city, I only received a color copy of the wetland and a big circle drawn around the area in question. How am supposed to know what is actually being proposed? I don't see any additional documents that explain how this wetland is now going to be developed when I know at least 5-10 people who have previously looked at found it impossible to develop? One of the last interested parties that made a contingent offer on the lot, rescinded their offer because it was impossible to develop it. Those people were friends of mine who wanted to build something very small in there. I contacted them and they were told it would be impossible to determine whether even one structure could go in the wetland. I will contact them for additional support.

My understanding, over the past 17 years that I have owned my home on Forest Lawn that only 1 small dwelling or 1 small duplex is allowed on that property the way it is zoned.

Can you confirm for me that the current developer is only proposing one small dwelling on the property?

I will be appearing on Zoom for the meeting. And may be prepared to make a statement. Depending on my grades! LOL.

Please let me know how to proceed next. This whole situation is extremely stressful considering the serious nature of preserving wetlands.

Best,

Rosanne Dorsey  
503-888-8646  
[roseydorsey@gmail.com](mailto:roseydorsey@gmail.com)  
[rosanne\\_dorsey@beaverton.k12.or.us](mailto:rosanne_dorsey@beaverton.k12.or.us)

**Robert St. Clair**

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**From:** William Reiersgaard <rackerbill@aol.com>  
**Sent:** Wednesday, June 15, 2022 4:12 PM  
**To:** Planning Group  
**Subject:** Forest Lawn road forested wetland P22-01 & CU22-02

I object to the commercial development of one of the last remaining wetlands in Cannon Beach. Besides the other necessary environmental things this wetland does is provide for controlled release of runoff which is so necessary at this location. Being the owner of 3 lots next to this wetland and seeing it's flood saving affect over the years. For the city having to construct the infrastrctrer to do what it does naturally will be very expensive for the city.

William Reiersgaard  
rackerbill@aol.com

**Jeffrey Adams**

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**From:** Lolly Champion <lolly.champ@gmail.com>  
**Sent:** Wednesday, June 15, 2022 4:07 PM  
**To:** Bruce St. Denis; Jeffrey Adams; Karen La Bonte; Jennifer Barrett; Sam Steidel; Robin Risley; Nancy McCarthy; Brandon Ogilvie; Mike Benefield; Katie Hillenhagen  
**Subject:** It is now or never! time to save our Forested Wetland - Information and links below!

*How many words must be written?*

*How many voices must be raised?*

*When do we come as one voice to speak out for one of the*

*last ancient forested wetlands?*

*If not now, when will our community stand to stop*

*continuing over-development of some of our most valued environment sites?*

**ACT NOW -**

**MAIL ~ EMAIL ~ PHONE ~**

**INFORMATION AND LINKS BELOW**

*On May 26, 2022, the City of Cannon Beach received an application from Patrick/Dave, LLC, (Patrick Gemma and Dave Pietka) to move forward with subdividing and developing the forested wetland on Forest Lawn Road and Hemlock Street. The first step in their process will be ---->>>>*

*Public Hearing before the Planning Commission on June 23, 2022, (let's come together to City Hall to speak out! 6:00!) where they will request a Partition and a Conditional Use Permit for a three-lot partition in the Wetland Overlay Zone. Below is the city's link to the Public Hearing:*



<https://www.ci.cannon-beach.or.us/sites/default>

[/files/fileattachments/planning/page/36219/22.06.23 hearing notice.pdf](/files/fileattachments/planning/page/36219/22.06.23%20hearing%20notice.pdf)

The link to the developer's 117-page application:

<https://aca-oregon.accela.com/oregon/Default.aspx>

In order to be included in the Planning Commissioners' packets, Try to complete one of the following options by 5:00pm, today or request from Jennifer Barrett ([barrett@ci.cannon-beach.or.us](mailto:barrett@ci.cannon-beach.or.us)) to be included in Planning and Council packets. You may also send correspondence to : Cannon Beach Planning Commission, Attn. Community Development, PO Box 368, Cannon Beach, OR 97110. Request to be included in Public Comments online on the city site so others may view your comments and be encouraged to join in.

Email may be sent to [planning@ci.cannon-beach.or.us](mailto:planning@ci.cannon-beach.or.us). Written testimony received one week prior to the hearing will be included in the Planning Commissioners meeting materials in order to allow adequate time for review. Materials and relevant criteria are available for review at Cannon Beach City Hall, 163 East Gower Street, Cannon Beach, or may be obtained at a reasonable cost.

Staff reports are available for inspection at no cost or may be obtained at a reasonable cost seven days prior to the hearing.

Further questions and concerns should be directed to Jeffrey Adams, 503-436-8040, or at [adams@ci.cannon-beach.or.us](mailto:adams@ci.cannon-beach.or.us).

"We are children of the Universe...no less than the trees and have a right to be here."

*Desiderata, 1693*

*~ way back then- the value of a tree was noted ~*

*~ thank you for caring and for your voice ~*

June 15, 2022

Chairman and Members  
Planning Commission  
City of Cannon Beach, Oregon

To the Members:

I am writing concerning the proposed development of the land at the intersection of Hemlock and Forest Lawn in the Midtown area of Cannon Beach. I strongly oppose this development.

The land in question contains an area designated as a wetland. Wetlands are a critical resource for a healthy environment for both animals and plants. This particular property is densely forested, with many majestic trees.

Most communities, especially those as overdeveloped as Cannon Beach has become, place high value on their remaining wetlands and forested areas. I know that Cannon Beach used to. As the daughter of former Planning Commission Chair Herb Schwab, I remember dozens of conversations at the dinner table, at parties, and at the morning coffee group, about the need to avoid increasing the density of housing at the expense of our precious environment and "village feeling."

We have cut down too many trees and poured concrete and macadam over too much of our soil. The remaining forested areas and especially wetlands, MUST be protected and retained.

I urge you to take the long view about what Cannon Beach should be in the future. Surely your vision does not include squeezing in houses onto every lot and space that remains unbuilt. Mine certainly does not, nor does the vision of every one of my many friends in our lovely town.

Please, please vote to deny the request to develop this environmentally valuable piece of property in the heart of our community.

Respectfully Yours,

Marty Schwab Harris  
P.O. Box 1452  
Cannon Beach, Oregon 97110  
[Marty.harris@att.net](mailto:Marty.harris@att.net)  
503-475-0919

# Cannon Beach Planning Commission

## Staff Report Addendum:

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.

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**Agenda Date:** May 26 & June 23, 2022

**Prepared By:** Jeffrey S. Adams, PhD

## GENERAL INFORMATION

### NOTICE

Public notice for this May 26, 2022, Public Hearing is as follows:

A. Notice was posted at area Post Offices on May 19, 2022;

B. Notice was provided to the Oregon Department of Land Conservation and Development as required by ORS April 18<sup>th</sup>, 2022;

### DISCLOSURES

Any disclosures (i.e. conflicts of interest, site visits or ex parte communications)?

### EXHIBITS

The following Exhibits are attached hereto as referenced. All application documents were received at the Cannon Beach Community Development office on March 12, 2021 unless otherwise noted.

#### **"A" Exhibits – Application Materials**

##### **See Previous Packet**

- A-5** Memorandum entitled "Responses to TSP Questions" prepared by the TSP project management team, June 13, 2022;
- A-6** Bates response, May 26, 2022
- A-7** Kerr response, June 9, 2022
- A-8** Bates response, June 10, 2022
- A-9** Bennett response, June 13, 2022
- A-10** Moritz Response, June 13, 2022
- A-11** Knop Response, June 16, 2022

## **“B” Exhibits – Agency Comments**

See Previous Packet

## **“C” Exhibits – Cannon Beach Supplements**

None received as of this writing.

## **“D” Exhibits – Public Comment**

Please see the cannonbeachtsp.com Public Comments page (<https://www.cannonbeachtsp.com/copy-of-project-library>) for a complete list of Public Comments received.

- D-1** Deb Atiyeh, Email correspondence, June 6, 2022;
- D-2** David Brands, Email correspondence, June 6, 2022;
- D-3** Lolly Champion, Email correspondence, June 6, 2022;
- D-4** Wade Coykendall, Email correspondence, June 6, 2022;
- D-5** Bob Atiyeh, Email correspondence, June 7, 2022;
- D-6** Barb Hinthorne, Email correspondence, June 7, 2022.

## **Staff Comment:**

The Planning Commission held a hearing on this matter at its May meeting and, at that time, closed the hearing, and left the record open in order to allow Commissioners the opportunity to draft suggested technical revisions, project amendments, supplements or removals to the draft Transportation System Plan (TSP). Additional public commentary was collected during this time as well.

Comments and questions from Commission members and the public have been summarized into a memorandum (Exhibit A-5) prepared by the project management team intended to address comments and questions heard at the May 26, 2022 meeting and additional comments received by email.

Consistent with OAR 660-012-0010(1), this TSP is intended to establish land use controls and a network of facilities and services to meet overall transportation needs. The TSP does not constitute authorization or approval to proceed specific transportation system options through preliminary concepts, design and construction without engaging in the appropriate review and approval process. Any and all transportation system projects to be undertaken pursuant to this Transportation System Plan shall be reviewed pursuant to the appropriate review and approval process, which may require public hearing(s) before the Design Review Board, the Planning Commission, the Parks and Recreation Committee, the Public Works Commission, or the City Council.

It takes many steps and often, multiple years, to implement a TSP project. Each step provides the opportunity to engage with the public who will be affected by the investment; the level and type of engagement is generally dependent on the scale of the project and the level of change and impact it is likely to have. Additionally, there are several steps where the Council, Planning Commission, Public Works Committee, and other bodies weigh in as to whether the project should advance; for example, during adoption of the annual budget, during any public

street improvement that involves design elements such as landscaping, lighting, sidewalks or street furniture, or when new roadways, driveways or other access facilities are proposed for sensitive lands, such as wetlands, oceanfront management and stream corridors.

In implementing this Transportation System Plan, the City shall be guided by the following goals as outlined in Chapter 3 of the TSP.

## **APPLICABLE CRITERIA**

### **Chapter 17.86 AMENDMENTS**

#### **17.86.040 Investigation and report.**

*The city manager shall make or cause to be made an investigation to provide necessary information on the consistency of the proposal with the comprehensive plan and the criteria in Section 17.86.070. The report shall provide a recommendation to the planning commission on the proposed amendment. (Ord. 89-3 § 1; Ord. 79-4 § 1 (9.040))*

#### **17.86.070 Criteria.**

A. *Before an amendment to the text of the ordinance codified in this title is approved, findings will be made that the following criteria are satisfied:*

- 1. The amendment is consistent with the comprehensive plan;*
- 2. The amendment will not adversely affect the ability of the city to satisfy land and water use needs.*

**Staff Comments:** Applicable Comprehensive Plan Policies are provided below for the Commission's consideration:

#### **TRANSPORTATION POLICIES**

1. The city should maintain a local bus service, at an appropriate level of service, to provide for the transportation requirements of persons without vehicles, to reduce vehicular congestion particularly during peak tourist periods, and to conserve energy. The local bus service should be designed to provide convenient connection to available intercity and regional bus service.
2. A safer and more efficient north entrance to the City will be developed. The preferred long-term design solution is a northbound underpass/overpass, which the city will actively pursue for inclusion on the Oregon Department of Transportation's Statewide Transportation Improvement Program (STIP). Until the underpass/overpass is completed, the city will cooperate with the Oregon Department of Transportation in making interim improvements.
3. The City will work with the Oregon Department of Transportation to coordinate plans and projects.
4. The City recognizes that the Highway 101 corridor has significant scenic attributes. These attributes include: two travel lanes; a forested corridor that creates a sense of enclosure and continuity; the lack of adjacent commercial development; and a limited number of access points onto the highway. The City will cooperate with the Oregon Department of Transportation in protecting these elements of the Highway 101 corridor through Cannon Beach.

5. The City supports maintaining the existing Highway 101 cross section within the City's urban growth boundary. The City also recognizes the need to make safety improvements to the highway such as improved vehicular safety at the north entrance to the City and improved merging lanes at the Sunset Boulevard interchange. The City is opposed to highway widening that would result in the creation of a passing lane or a four lane cross section within the urban growth boundary.
6. The appearance of the exits and entrances from U.S. Highway 101 into the city should be improved through appropriately designed landscaping.
7. Access to Hemlock Street and U.S. 101 shall be limited. Wherever possible, traffic from development shall enter these roads from shared access points or streets, rather than individual driveways.
8. The city will address traffic and parking issues in its commercial areas by means of an annual parking and traffic management plan.
9. The city will implement the action elements of its Americans with Disabilities Act transition plan.
10. The city will continue to emphasize the use of land-use techniques and appropriate pedestrian, bicycle and transit improvements as a means of reducing the demand for motor vehicle trips.

#### **RECREATION, OPEN SPACE, NATURAL, VISUAL, AND HISTORIC RESOURCES POLICIES**

11. Vegetation and tree cover along the ocean front shall be managed in a manner which retains its erosion control capabilities and maintains its contribution to the scenic character of the beach.
25. To protect, enhance and restore the functions and values of riparian corridors, which include water quality protection, storm and flood water conveyance, fish and wildlife habitat, and open space.

#### **PUBLIC FACILITIES AND SERVICES STREETS POLICIES**

1. The city shall prepare and adopt minimum street improvement standards.
2. The City shall accept streets into the City system only after they have been improved to City standards.

#### **STREETS GUIDELINES AND RECOMMENDATIONS**

1. Alternative transportation uses of City rights-of-way should be considered where they are not needed for streets. These uses may include bike paths and walking trails.
2. The City Council may consider blocking of streets which constitute public safety hazards because of poor visibility or steepness if other access is available.



## **CITIZEN INVOLVEMENT POLICIES**

1. Citizens, including residents and property owners, shall have the opportunity to be involved in all phases of the planning efforts of the City, including collection of data and the development of policies.

### **Staff Comment:**

The criteria for approval of a zoning ordinance amendment are rather brief. The Planning Commission must only find that the amendments are consistent with comprehensive plan and that they will not adversely affect the city's ability to satisfy land and water use needs.

The TSP meets all of the stated objectives of the original application:

1. Identify, Map and Assess existing transportation, transit, mobility and parking facilities;
2. Prepare the City for emergent events, and their potential impacts;
3. Encourage innovative solutions to the unique challenges of a tourist-dependent community;
4. Create channels for continued community engagement in transportation planning;
5. Build resilient systems that can better cope and respond to the fluctuations of global and regional markets for emergent and impending events;

The City's Goals and Objectives align with the guiding policies of the Comprehensive Plan:

1. Preserve Cannon Beach's coastal village charm;
2. Balance the needs of different transportation system users throughout the community;
3. Enhance safety and emergency preparedness; and
4. Foster a sustainable transportation system.

### **STAFF RECOMMENDATION**

Staff recommends approval, with any amendments to meet the transportation needs of the Cannon Beach community.

## **PLANNING COMMISSION ACTION**

**MOTION:** Having considered the evidence in the record, I move to ***tentatively*** (approve/approve with conditions/or deny) the Adams application, on behalf of the City of Cannon Beach, to adopt the 2022 Cannon Beach Transportation System Plan (TSP), as supporting material to the Cannon Beach Comprehensive Plan, application **CP#22-01**, as discussed (subject to the following conditions) and requests that staff draft findings for review and adoption, at a special called meeting, next Thursday at 6PM, July 1<sup>st</sup>, 2021 at City Hall.

## **Exhibit 'B': Findings of Fact and Conclusions of Law**

### **Authority of the Planning Commission.**

As specified in Cannon Beach Municipal Code, the Planning Commission sits as an advisory body, making recommendations to the Common Council of the City of Cannon Beach on a variety of land use and transportation policy issues. The Commission also serves as the City's official Committee for Citizen Involvement and shall have the authority to review and make recommendations on the following types of applications or procedures:

Legislative changes to, or adoption of new elements or supporting materials of, the Comprehensive Plan;

**Finding:** The Transportation System Plan (TSP) serves as supporting material to the Cannon Beach Comprehensive Plan. The Planning Commission conducted a public hearing and provided the City Council with a recommendation of approval with minor modifications. The City Council is the final local authority on the TSP. These criteria are satisfied.

### **Authority of the City Council.**

Upon appeal, the City Council shall have final authority to act on all applications pursuant to Cannon Beach Municipal Code and final authority to interpret and enforce the procedures and standards and shall have final decision-making authority on applications for amendments to, or adoption of new elements or supporting materials to, the maps or text of the Comprehensive Plan, as authorized.

**Finding:** The Common Council of the City of Cannon Beach has received a recommendation from the Planning Commission on the TSP. The City Council is the final local authority regarding adoption of the TSP, which will be adopted via Ordinance as supporting material of the City of Cannon Beach Comprehensive Plan. These criteria are satisfied.

### **Public Hearings.**

When a decision or approval of the Council is required, the Community Development Director shall schedule a public hearing. At the public hearing the staff shall review the report of the Planning Commission and provide other pertinent information and interested persons shall be given the opportunity to present testimony and information relevant to the proposal and make final arguments why the matter shall not be approved and, if approved, the nature of the provisions to be contained in the approving action. To the extent that a finding of fact is required, the Council shall make a finding for each of the criteria applicable and in doing so may sustain or reverse a finding of the Planning Commission. The Council may delete, add or modify any of the provisions pertaining to the proposal or attach certain development or use conditions beyond those warranted for compliance with standards in granting an approval if the Council determines the conditions are appropriate to fulfill the criteria for approval.

**Finding:** Following the public hearing before the Planning Commission, the Community Development Director scheduled additional public hearings before the City Council at which time the Council will

review the finding and recommendations provided by the Planning Commission. At conclusion of the public hearing process, these criteria will be satisfied.

## STATEWIDE PLANNING GOALS

**Statewide planning goal 1, Citizen Involvement,** reads as follows:

*To Develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

**Finding:** The City's land use planning framework is well-established and includes a comprehensive plan and a set of implementing ordinances that define information requirements for all decision-making processes. The TSP has held four public Project Advisory Committee meetings, consisting of over twenty community stakeholders, from regional planning and technical partners to local business owners and non-governmental organizations, throughout the project to consider transportation needs. The City has also held four public Open Houses, provided three on-line interactive Open Houses, as well as, a number of survey opportunities, including a Spanish-language version to reach the public and gather public input throughout the planning process, prior to the public adoption process. This goal is met.

**Statewide Planning goal 2, Land Use Planning,** reads as follows:

*To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**Finding:** This goal is implemented through the applicable Goals and Policies of the Cannon Beach Comprehensive Plan. Because the TSP is supporting material of the City's Comprehensive Plan, the application to adopt the TSP was processed pursuant to the prescribed legislative process. The TSP document and its reports, projections, recommended improvement and proposed funding sources are based on the series of analyses and evaluations that were prepared as part of developing the TSP, including the existing conditions report, future conditions report, and funding package. Consistent with Goal 2, all local governments and state agencies involved in the land use action must coordinate with each other. City, county, state and federal agency and special districts' plans and actions related to land use must be consistent with the Comprehensive Plans of cities and counties and regional plans adopted under Oregon Revised Statutes (ORS) Chapter 268. In addition to the City's Comprehensive Plan, a review of other existing state, regional and local plans, policies, standards and laws that are relevant to local transportation planning was conducted at the beginning of the TSP process and is documented in the TSP. The TSP and associated amendment were developed in coordination with ODOT and Clatsop County and were developed to be consistent with those entities. The proposed TSP and amendment are consistent with the Statewide Planning Goal 2. This goal is met.

**Statewide Planning goals 3 & 4** are not applicable to the adoption of the TSP.

**Statewide planning goal 5, Natural Resources, Scenic and Historic Areas and Open Spaces,** reads as follows:

*To protect natural resources and conserve scenic and historic areas and open spaces.*

**Finding:** This goal is implemented through the applicable Park, Recreation, Open Space Goals and Policies in the Comprehensive Plan, the City code contains specific review criteria for uses within an area containing Goal 5 resources to ensure that designated Goal 5 resources are appropriately considered when development is proposed. This goal is met.

**Statewide planning goal 6, Air, Water and Land Resource Quality,** reads as follows:

*To maintain and improve the quality of the air, water and land resources of the state.*

**Finding:** Air, water and land resources have been considered in the development of the planned transportation system to ensure that impacts on these resources are minimized. Appropriate measures will be taken at the time of project development on a site-specific basis to ensure that applicable state and federal regulations are met. By planning system improvements based on projected demand and land use patterns, the TSP will ensure that land planned for development will be served efficiently. In terms of air quality in particular, the improvements recommended in the TSP include projects related walking, biking and taking transit, which in turn will provide increased opportunities to travel by modes other than the automobile. The City will continue to evaluate progress towards meeting targets related to reducing vehicle miles traveled and congestion, while increasing walking, biking and transit mode share, all targets that serve to maintain and improve air quality. Street cross-section designs also allow 'context-sensitive' roadway design to ensure that land is used efficiently while at the same time ensuring that the roadway can meet its intended multi-modal function. This goal is met.

**Statewide planning goal 7, Areas Subject to Natural Disasters and Hazards,** reads as follows:

*To protect people and property from natural hazards*

**Finding:** Areas subject to natural disasters and hazards, such as floodplain and specifically, tsunami inundation areas, have considered in the development of the planned transportation system to ensure that impacts on these areas are minimized. The plan's stated objectives were to build resilient systems that can better cope and respond to the fluctuations of global and regional markets for emergent and impending events, while preparing the city for potential impacts. Improvements related to implementation of the system will need to conform to environmental regulations. This goal is met.

**Statewide planning goal 8, Recreational Needs,** reads as follows:

*To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

**Finding:** The Transportation System Plan is consistent with goal 8, providing transportation connections to recreational facilities in Cannon Beach. Recreational facilities in Cannon Beach are open to residents and visitors alike and the proposed improvements to the transportation and parking network will provide safer access to recreational opportunities, such as the beach access facilities, parks and playgrounds. The TSP was informed by the Parks and Trails Master Plan, a plan for achieving a comprehensive and interrelated system of parks, recreation and natural areas that in turn promote connectivity throughout the City. This goal is met.

**Statewide planning goal 9, Economic Development,** reads as follows:

*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

**Finding:** Adopting the TSP will ensure that transportation improvements will be available to support the planned uses in the City's employment centers, consistent with other local economic development goals. The increased connectivity with other trails and transportation, along with the recommended improvements to transit, multi-modal connections and freight should build a more resilient, efficient and reliable economic future. The added emphasis on the parking system, as an essential component of the transportation system, with additional traffic and parking studies, detailing the existing and future conditions, due to the increasing seasonal traffic and parking needs, provides support for TSP implementation measures. This goal is met.

**Statewide Planning goals 10, Housing,** reads as follows:

*To provide for the housing needs of citizens of the state.*

**Finding:** The needs and improvements identified in the TSP were developed in part by forecasting growth in residential development and trips expected to be generated by this growth over the next twenty years. Adoption of the TSP will ensure the orderly extension and improvement of transportation facilities to accommodate the projected growth envisioned in the City's Comprehensive Plan, which includes a variety of housing types. In particular, proposed transit improvements, improving crosswalks, mini-mobility hubs and bicycle facilities, will result in increased safety and access within residential areas of the City, as well as, improve connections to other uses and services in the City. Working with regional and start partners and their plans has been paramount to the process, including representatives from ODOT, Clatsop County and Sunset Empire at all stages in the planning process, with adoption, will continue through implementation of the TSP. This goal is met.

**Statewide planning goal 11, Public Facilities,** reads as follows:

*It is the purpose of Goal 11 to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Cities are required to develop public facilities plans for their UGBs.*

**Finding:** Transportation facilities are considered a primary public facility in the City. The TSP documents existing conditions and future needs for the transportation system in Cannon Beach and recommended improvements and implementation strategies have been developed to address those needs. This goal is met.

**Statewide planning goal 12, Transportation,** reads as follows:

*To provide and encourage a safe, convenient and economic transportation system.*

**Finding:** This will be the City's first Transportation System Plan, which forwards the ten transportation and one bike policy goals taken from the current Cannon Beach Comprehensive Plan. These policies and associated implementation measures guided the development of the TSP, the development of proposed standards, and the selection of the recommended improvements. Transportation system improvement projects needed to address gaps and deficiencies in the system were identified and studied, reconsidered, integrated, and revised to address updated information and prepare for the twenty-year planning horizon. The TSP is proposed to be adopted as supporting documentation to the City's

Comprehensive Plan; the code amendments that are proposed were developed in order to maintain consistency with the Comprehensive Plan and state regulations and are proposed to be amended during the City's Comprehensive Code Audit. Findings related to compliance with the TPR, which implements Goal 12, are provided. This goal is **met**.

**Statewide planning goal 13, Conserve Energy**, reads as follows:

*land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic*

**Finding:** The multimodal transportation system and improvements proposed in the TSP and proposed code amendments will support efficient use of land within the City limits and UGB based on existing adopted Comprehensive Plan and zoning designations. The TSP will ensure that the City can provide timely, orderly and efficient transportation improvements where it is efficient to promote higher intensity land uses and avoid leapfrog development. The City promotes the efficient use of land and conservation of energy through its land use and development regulations. Existing and proposed general development regulations promote more compact development patterns and require improvements that will encourage bicycling, walking, and transit use instead of relying solely on the automobile. This goal is met

**Statewide Planning goals 14, 15, 16, 17, and 18** are not applicable to the proposal.

**OAR 660 DIVISION 12 TRANSPORTATION PLANNING RULE (TPR)** The Transportation Planning Rule (TPR) implements Statewide Planning Goal 12 (Transportation). The purpose of the TPR is to "direct transportation planning in coordination with land use planning" to ensure that planned land uses are supported by and consistent with planned transportation facilities and improvements. The TPR's purpose statement includes promoting the development of transportation systems that serve the mobility needs of the transportation disadvantaged, provide a variety of transportation choices, and provide safe and convenient access and circulation for vehicles, transit, pedestrians and bicycles. The TPR also directs jurisdictions to "provide for the construction and implementation of transportation facilities, improvements and services necessary to support acknowledged comprehensive plans" and that there is "coordination among affected local governments and transportation service providers and consistency between state, regional and local transportation plans."

***Section 660-012-0005 through 660-012-0055***

*These sections of the TPR contain policies for preparing and implementing a transportation system plan.*

**Findings:** The TSP includes elements required by the TPR Section -0020 such as modal inventories, modal plans, and financial plans. The TSP as proposed shows how it and other existing codes and proposed code amendments comply with TPR Section -0045. **The proposed TSP and associated code amendments are consistent with TPR Sections - 0005 to -0045.**

***Section 660-012-0060 - Plan and Land Use Regulation Amendments***

**Findings:** The proposed Plan and Development Codes require findings of compliance with applicable Statewide Land Use Planning Goals and related administrative rules, including TPR Section -0060. The City currently requires traffic impact analyses only as a project-by-project basis, proposing that it becomes required upon certain thresholds of development, a tool that will help determine whether or not the transportation system is "significantly affected" pursuant to the TPR (Section 4.008.02.E). The proposed procedures amendment will ensure that TPR Section -0060 is also considered as part of

proposed zone changes or code amendments if applicable. **The proposed TSP and associated code amendments are consistent with TPR Section -0060.**



## MEMORANDUM

DATE: June 13, 2022  
 TO: Cannon Beach Planning Commission  
 FROM: Ryan Farncomb, Jeff Adams  
 SUBJECT: Responses to TSP questions  
 PROJECT NAME: Cannon Beach TSP

This memorandum summarizes comments and questions received from the Planning Commission and the public with respect to the Draft Cannon Beach Transportation System Plan (TSP). The comments and questions documented in this memo do not necessarily represent all of the comments and questions that the Planning Commission or the public may have; additional Planning Commission discussion of the TSP will be held on June 23<sup>rd</sup>, 2022. This memo is intended to address comments and questions heard at the prior Planning Commission meeting on May 26, 2022 and additional comments received by email from the Planning Commission and members of the public through June 14, 2022.

Comment or Question	Response
How are projects in the TSP moved forward?	<p>Projects in the TSP would be moved forward in a variety of ways depending on the investment. For example, many of the projects that would substantially alter an existing intersection, or change circulation downtown, would require further traffic analysis and design work prior to implementing. Other investments, such as trails, require additional planning work to determine the exact preferred alignment, design, and management and enforcement protocols (see discussion on trails below).</p> <p>The TSP represents the high-level policy document that should guide transportation investment decision-making into the future. However, the concepts in the plan require substantial additional refinement, engineering work, and public engagement prior to getting “shovels in the ground.” The typical timeline for a TSP project, such as a potential “mini roundabout” at a congested intersection, is as follows:</p> <ul style="list-style-type: none"> <li>• Initiate refined traffic analysis to confirm best intersection design treatment. Review with Public Works Committee.</li> <li>• Program the project in the City’s Capital Improvement Program (CIP) which is reviewed and approved by the City Council.</li> <li>• Seek funds, either locally or from a grant source, to develop the engineering design. This typically takes 6-12 months.</li> <li>• Seek funds, either locally or from a grant source, to construct the project.</li> </ul>

Comment or Question	Response
	<ul style="list-style-type: none"> <li>Construct the project (up to 3-6 months, or longer depending on the investment).</li> </ul> <p>It takes multiple years and many steps to implement a TSP project. Each step provides the opportunity to engage with the public who will be affected by the investment; the level and type of engagement is generally dependent on the scale of the project and the level of change and impact it is likely to have. Additionally, there are several steps where the Council, Planning Commission, Public Works Committee, and other bodies weigh in as to whether the project should advance; for example, during adoption of the annual budget, <u>during any public street improvement that involves design elements such as landscaping, lighting, sidewalks or street furniture, or when new roadways, driveways or other access facilities are proposed for sensitive lands, such as wetlands, oceanfront management and stream corridors.</u></p>
<p>I do not understand why the TSP has to be added to the Comp Plan? Are all of the plans added to the Comp Plan? I thought the Comp Plan was more like a general document-like the Constitution, and does not delve into specifics. Can you provide an explanation?</p>	<p>TSPs are typically adopted as the transportation element of the Comprehensive Plan. The TSP contains updated transportation goals, policies, and recommended actions that <del>that</del> serve the other elements of the Comprehensive Plan. Cities may take one of the following courses of action to integrate the TSP into the Comprehensive Plan:</p> <ul style="list-style-type: none"> <li>Physically replacing the transportation element with information developed for the TSP</li> <li>Modifying the transportation element to reflect updated content from the new TSP</li> <li>Otherwise indicating that the updated TSP supersedes the out-of-date transportation element</li> </ul>
<p>Concerns that the TSP lacks a vision.</p>	<p>The TSP Goals and Objectives (page 30) describe what the City aims to achieve with its transportation system. These goals and objectives are derived from the Comprehensive Plan and public and stakeholder input. The results project and program recommendations were evaluated based on these goals and objectives that are specific to Cannon Beach.</p>
<p>Concerns about the proposed trail east of Hemlock and west of US 101.</p>	<p><u>On page 55 of the 2017 Cannon Beach Parks and Trails Master Plan, Project T-10, the North-South Shared Use Path proposed a very similar route to connect north Cannon Beach to the Tolovona area. This-The TSP S-Curves Multiuse Bypass (PB-3), found on page 78 of the TSP, trail concept was developed-is a further development</u> to improve multimodal connectivity through Cannon Beach. The City has limited north-south routes available and Hemlock Street does not provide a consistently safe and comfortable pedestrian and bicycling experience for users.</p> <p>The trail concept in the TSP would be evaluated further through several stages of planning, design, and public and stakeholder engagement. An early phase of trail development would be to <del>establish</del> conduct an alternatives analysis to refine the proposed route, determine the exact</p>

Comment or Question	Response
	<p>design standards, and determine likely impacts to the built and natural environment. In addition to trail design, many communities establish trails management and enforcement protocols early in the planning process so that all parties understand how and who will maintain the trail and provide for a safe and secure facility.</p> <p><u>It is essential to note that the TSP S-Curves Multiuse Bypass (PB-3) while suggesting a by-pass connecting Spruce Street via Yukon would require further engineering and safety analysis at the project level, where the public would weigh in as more details are brought forth.</u></p>
Concerns about why tsunami infrastructure is mentioned in the TSP.	A core function of the transportation system is emergency response. In Cannon Beach, this includes the use and function of the transportation system during an earthquake and tsunami event. It is best practice to identify opportunities where the transportation system may be enhanced to facilitate evacuation, or where a planned facility in the TSP could serve multiple functions including tsunami evacuation. The TSP seeks to maximize opportunities for leveraging transportation investments to serve multiple needs in the community.
What are the costs to the city for the remaining fees beyond the grant the city is paying the planner?	Costs to the city are minimal. The City contributes toward its required match of ODOT grant funding through in-kind contribution of staff time on the project.
What are the city's commitments for ongoing services for implementation of the TSP to Parametrix?	There are no commitments for ongoing services to Parametrix for implementation of the TSP.
If there are additional costs to Parametrix will those dollars come from a grant or tax payer?	ODOT has approved an amendment to the City's grant agreement that allow for continued participation in the adoption proceedings by Parametrix staff, <u>with only in-kind contribution from city staff.</u>
Concerns about cost estimates, inflation, and overall cost of TSP projects and programs.	<p>The TSP is a high-level master plan and the team's engineers developed planning-level cost estimates based on established engineering best practices. These include substantial contingencies (40% and higher) to reflect the very limited design detail available at this stage. Costs are based on real-world unit prices and the costs of similar such projects implemented in other places.</p> <p>It is best practice to present cost estimates in a single year so as to provide the ability to make apples-to-apples comparisons of projects that may be implemented in different future years. Subsequent planning and design work on individual projects would be required to refine costs at such time the City moves forward with implementation.</p>

Comment or Question	Response
	<p>Transportation system investments are costly. There are many potential grant programs that the City is eligible for that can shoulder much of the costs of many types of TSP projects. Additionally, projects in the TSP may be built in part or in full by developers as new development occurs. Finally, while the sum of these projects represents a substantial investment over the next 20 years, the projects address real current and likely future issues that if left unaddressed present their own substantial costs in terms of lost time due to delay, lost economic activity, deteriorating traffic safety, and a lack of facilities that would provide options for people to travel without needing a personal vehicle.</p>
Concerns about street lighting	<p>Where street lighting is recommended, the TSP generally recommends pedestrian-scale illumination. This type of illumination is low to the ground and intended to aid people walking at night. The TSP specifically does not include new stop lights or major lighting updates so as to address the City's clear desire for limited street lighting <u>and as with the other project-level discussions, the public would weigh-in through the Design Review Board's hearing process-</u></p>

Change the title of Section 1.3 as follows:

Purpose “and Effectivity”

Add the following language to the end of Section 1.3:

“Adoption of this Transportation System Plan does not constitute authorization or approval to proceed with specific transportation system options outlined herein, nor does it prevent the community from consideration of other or additional transportation system options as necessary to meet the goals and policies set forth herein as the needs of the community or available technology change. Any and all transportation system project or projects to be undertaken pursuant to this Transportation System Plan, whether outlined herein or not, must first go through full administrative review and approval, including public hearing before the Design Review Board, the Planning Commission, the Parks and Recreation Committee, the Public Works Commission and any other quasi-judicial or -legislative body duly organized under the municipal code, as applicable, including opportunity for public comment in accordance with applicable state, county, and local law.

In implementing this Transportation System Plan, the City shall be guided by the following goals and values:

1. Preserving the community’s coastal village charm;
2. Preserving the community’s unique natural and historical heritage;
3. Reducing carbon emissions;
4. Balancing the needs of residents and visitors to the community;
5. Creating a transportation system that is equitable and responsive to the needs of all users;
6. Reducing congestion on the community’s streets;
7. Enhancing safety; and
8. Fostering a fiscally sustainable transportation system.

In the event of conflict between this Transportation System Plan and the Comprehensive Plan or the Municipal Code, terms and policies of the Comprehensive Plan or Municipal Code, as applicable, shall prevail.”

**Jeffrey Adams**

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**From:** Lisa Kerr <lisacmd1@gmail.com>  
**Sent:** Thursday, June 09, 2022 6:10 PM  
**To:** Jeffrey Adams  
**Subject:** Re: Cannon Beach TSP at the PC

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Jeff: I do not understand why the TSP has to be added to the Comp Plan? Are all of the plans added to the Comp Plan? I thought the Comp Plan was more like a general document-like the Constitution, and does not delve into specifics. Can you provide an explanation?  
 Thanks Jeff!  
 Lisa Kerr

On Jun 9, 2022, at 3:38 PM, Jeffrey Adams <[adams@ci.cannon-beach.or.us](mailto:adams@ci.cannon-beach.or.us)> wrote:

Dear Planning Commission:

At the previous Planning Commission meeting, it was suggested that it might help expedite and focus the discussion around the adoption of the Transportation System Plan (TSP) if the PC were to forward their suggested amendments to staff for distribution prior to the next meeting. So to respond to that request, please forward to staff, by hitting 'Reply' (PLEASE, NOT 'REPLY ALL') any suggested technical revisions, project amendments, supplements or removals you would like to discuss at the next Planning Commission Meeting, June 23, and we will compile your suggestions and place them in next week's packet.

Please let me know if you have any questions. And once again, due to the Open Meetings and Sunshine Laws, respond directly to staff, with any suggestions.

Thanks,  
 Jeff

<image001.png>

**Jeff Adams**

*Community Development Director*

**City of Cannon Beach**

p: 503.436.8040 | tty: 503.436.8097 | f: 503.436.2050

a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [adams@ci.cannon-beach.or.us](mailto:adams@ci.cannon-beach.or.us)

SIGN-UP for COMMUNITY NOTIFICATIONS, by visiting <https://www.ci.cannon-beach.or.us/emergencymgmt/webform/sign-community-notification-list>.

DISCLOSURE NOTICE: Messages to and from this email address may be subject to Oregon Public Records Law.

## Jeffrey Adams

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**From:** Mike Bates <mike.bates57@hotmail.com>  
**Sent:** Friday, June 10, 2022 4:45 PM  
**To:** Jeffrey Adams  
**Subject:** RE: TSP Discussion

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

That's fine Jeff, if you think it will help. Seems to me this email exchange could be considered a public meeting, at least from the training I've received:

A series of private communications, via email, for example, can violate the PML. The Oregon Court of Appeals has noted that a staff member's e-mails and phone calls with various board members deliberating towards the resolution of a public records request could be a violation of the PML.

From Oregon Public Records, Public Meetings, Records Retention and Ethics Law  
 Assistant Attorney General, State of Oregon, Sharron O'Fallon

I wasn't sure whether you wanted situations where actually propose language per my poor attempt last meeting or topical items. Here's what I see as of today.

1. Bill owes a rewrite of the language I provided. Once I see what he's done with the language I might propose that we put some kind of process statement per the representative from the State of Oregon TSP office showing a project undertaken pursuant to the TSP from proposal stage to engineering and budget, with decision trees showing the progress of a project requiring Planning Commission, Public Works Commission, Design Review committee, and/or budget committee approval.
2. Seems to me that the issue with which we were struggling during the last meeting, Clay, Lisa, and even Randy Neal, can be summarized as a lack of vision. We've done a great job describing potential projects from which the city can select, menu items a diner can purchase, but we've given the community absolutely no reason to support this effort other than it makes funding available for said projects. There is no 20 year vision that gets the community excited about any of the projects, like in 20 years we want to get cars off the road except for those who live in the city or are renting a house or a room. That's what the state TSP planning says are the goals, alleviate congestion and reduce carbon emissions, and there isn't one proposal that achieves that except electric scooters, which nobody wants, and then a little entry about remote parking that gets high priority but little text. I intend to address that during the meeting.
3. Nobody has explained to me yet what the plan is for the paths along the highway and through the forest reserve, except a vague reference to dissatisfaction around the retention ponds. The TSP itself says the city is a half mile wide at it's widest, and we already have two major thoroughfares through the city, Hemlock Street and the Beach. I'm not opposed to paths assuming their done without destroying the environment, which presume per Item 2 above will have to go through the planning commission because it's land use, but people who can't walk on the beach or navigate Hemlock should not be walking on path over Haystack View.
4. I'm still confused as to why the Tsunami is worth mentioning in a TSP. Our roads and trails should be safe, of course, but planning for tsunami is already covered under another plan and does not seem to be among the objectives of the state effort.

To be quite honest with you, I don't think we discussed providing this level of detail in advance during the last meeting. It was directed at actual TSP language, but have at it.



Mike

5. Sent from [Mail](#) for Windows

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**From:** [Jeffrey Adams](#)  
**Sent:** Friday, June 10, 2022 2:25 PM  
**To:** [Planning Commission](#)  
**Cc:** [Katie Hillenhagen](#); [Robert St. Clair](#)  
**Subject:** TSP Discussion

Dear Planning Commission:

Just to clarify, staff totally respects any member's right to save their discussion for the meetings and encourages you to do so. We are simply asking that any proposed edits from the Commissioners be forwarded so that staff can compile those and get those out with the packets. We thought, as was suggested by PC at the last meeting, that having this input prior to the meeting might streamline the discussion, allowing all Commissioners to read each other's proposals, consider their thoughts in advance and be ready to have a directed conversation about such proposals at the meeting.

Obviously there will be discussion during the meeting, and of course everyone's suggestions are merely starting points for building consensus around what suggestions the PC decides to adopt. Having time to consider such proposals in advance should allow for a more fruitful discussion during the meeting.

Staff has no intent towards weighing in or sidelining in discussion, we would simply compile the Commission's proposals into the packet.

Once again, PLEASE DO NOT RESPOND WITH 'REPLY ALL' to this email. If you have comments please send them directly to staff via 'REPLY.'

Thanks,  
Jeff



**Jeff Adams**

*Community Development Director*

**City of Cannon Beach**

p: 503.436.8040 | tty: 503.436.8097 | f: 503.436.2050

a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [adams@ci.cannon-beach.or.us](mailto:adams@ci.cannon-beach.or.us)

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To: Jeff Adams

From: Charles Bennett

Subject: My comments on the proposed TSP

Jeff: After considering the discussion at the last PC meeting relative to the proposed TSP, I would submit the following comments:

- To me the TSP is more of a “plan for a plan” – really for a number of detail plans to follow. As such, it should be in summary form and not in great detail, and should allow for much flexibility. Seemingly, unlike the discussions that I heard at the meeting, I think that the proposed TSP pretty well fits the bill.
- Any effort as complex and as encompassing as this will require some compromise. We should try to not get caught up in minutia or we will never reach an acceptable end product.
- As to comments made regarding the outreach efforts, I am not sure how to improve on what we have done. I personally often feel “surveyed out”. It seems that every doctor’s visit or on line order comes with a follow up survey. I certainly would not want to do another survey on this topic. I would be curious as to what might be considered better methods of outreach.
- My preference would be to keep as many options as possible. If it’s not an option, then it’s not an option available. And then let the process evolve. And, personally, I like to see as many choices on the menu as I can get.

So, that’s my 2 cents worth (maybe 1.5 cents with the current inflation).

## Section 4.2: Roadway System Plan

Recommendation: Consider implementing option R-7a (Couplet with Hemlock and Spruce St.) in the “near” term and option R-7b (pedestrian plaza) in the “medium” term. Note that this is the reverse of the current priorities for each option.

Rationale: as the TSP currently reads, the pedestrian plaza is suggested for the near term and the couplet for medium term. I suggest reversing priorities because the couplet option would maintain current parking, and could even increase available street parking. In the interest of avoiding creation of additional parking areas, it seems important to attempt to maintain all current parking in downtown.

## Section 4.6

Recommendation: Include a bullet point under TDM-1 that reads:

- Establish a plan to promote bike rental in the city through local businesses, hotels, or the chamber of commerce. These rentals could potentially be subsidized by grants from the city if possible.

Rationale: Many of the options contained in the TSP would greatly enhance the bike-ability of Cannon Beach. Many local citizens have voiced strong support for these changes. In addition, not only is Cannon Beach on the popular Oregon Coast bike route but also many visitors to the Cannon Beach RV resorts bring their bikes. It would greatly enhance the city’s attraction as well as improve transportation congestion if the city focuses its messaging on becoming bike friendly and creating a bike-destination reputation.

## Section 4.8

Recommendation: Revise the “considerations” bullet points related to ET-1 (TSP policy and strategy for scooter and bike share) to read:

- Establish city ordinances related to emerging mobility devices that: (1) create a moratorium until a unified city policy is in place; (2) prohibit franchise rental operations; (3) prohibit “drop where you want” rental, requiring instead that rentals be picked up and dropped off at a fixed location from local businesses.

**Jeffrey Adams**

---

**From:** bknop@pacifier.com  
**Sent:** Thursday, June 16, 2022 11:50 AM  
**To:** Jeffrey Adams  
**Subject:** Re: TSP Response Last Call

Here you go:

1. I would like us to proceed as soon as possible with 4 way stops at Sunset, First and Second Streets 2. No scooters 3. Reevaluate roundabouts and the need for them in 10 years 4. I would like us to proceed as soon as possible with striping of downtown and midtown 5. I agree with all crossing improvements, bus shelter and freight plans I see the need to approve the TSP so that we are eligible for grants, etc.

Please let me know if you have questions and again, sorry for the delay in getting this to you.

Thanks,

Barb

On 2022-06-16 08:11, Jeffrey Adams wrote:

> Super, thanks.

>

>

> Jeff Adams

>

> Community Development Director

> City of Cannon Beach

>

> p: 503.436.8040 | tty: 503.436.8097 | f: 503.436.2050

>

> a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

> w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [adams@ci.cannon-beach.or.us](mailto:adams@ci.cannon-beach.or.us)

>

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>

> -----Original Message-----

> From: bknop@pacifier.com <bknop@pacifier.com>

> Sent: Wednesday, June 15, 2022 8:10 PM

> To: Jeffrey Adams <[adams@ci.cannon-beach.or.us](mailto:adams@ci.cannon-beach.or.us)>

> Subject: Re: TSP Response Last Call

>

> Sorry Jeff-I will get you some suggestions by noon tomorrow.

> Thanks,

> Barb Knop

> On 2022-06-15 15:41, Jeffrey Adams wrote:

>> Dear Planning Commission:

>>

>> This is a 'last call' reminder to those who haven't already sent in

>> their suggested technical revisions, project amendments, supplements  
>> or removals for the Transportation System Plan. Please forward those  
>> suggestions to me tomorrow by noon and I'll be sure to get them in  
>> the PC packets for the 23rd.  
>>  
>> Thanks!  
>>  
>> Jeff  
>>  
>> Jeff Adams  
>>  
>> \_Community Development Director\_  
>>  
>> City of Cannon Beach  
>>  
>> p: 503.436.8040 | tty: 503.436.8097 | f: 503.436.2050  
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>> a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110  
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>> w: [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | e: [adams@ci.cannon-beach.or.us](mailto:adams@ci.cannon-beach.or.us)  
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>> <https://www.ci.cannon-beach.or.us/emergencymgmt/webform/sign-communit>  
>> y  
>> -notification-list

**Jeffrey Adams**

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**From:** Deb Atiyeh <debatiyeh@yahoo.com>  
**Sent:** Monday, June 06, 2022 11:18 AM  
**To:** Deb Atiyeh; Bruce St. Denis; Sam Steidel; Nancy McCarthy; Brandon Ogilvie; Robin Risley; Mike Benefield; Jeffrey Adams; Karen La Bonte; Lolly Champion  
**Subject:** Solutions/ A Coastal Treasure/Cannon Beach/ Proposal

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

We are trying to find solutions to the issues in CB. Let me know what you think of this. The focus should be on solutions, not complaining.

Limit parking with paid parking permits, with a limited number available. Full and part time residents, business owners, workers, hotel guests and anyone renting a place get free parking permits. They are available to day visitors until we are full. Parking enforcement will need to be initiated and parking tickets to those without permits. Electronic reader boards and online information then report CB is full when there are no more spaces. All will adjust.

Take half of the money generated to subsidize workforce housing, Take the other half of the money generated and start buying up all the green spaces that we want to protect in CB. The City should start buying our land before the investors buy it and start building on it.

We become the North Coast Land Conservancy of CB or Nature Conservancy of CB. Friends of CB could be developed and create a non profit to Protect this Coastal Treasure.

I prefer getting away from the Village/City description so we can get the focus on saving a Treasure on the Oregon Coast. Cannon Beach is an Environmental Treasure to Oregon.

I am working on this on a State level right now with Protecting Chapman Point and Ecola Point from the impact of too many tourists on our sea life. We are a National Treasure. Beyond a village. This is a Sacred Place environmentally.

It is better we all work together for the Greater Good of Cannon Beach.

Deb Atiyeh

**Jeffrey Adams**

---

**From:** David Brands <david@coastportland.com>  
**Sent:** Monday, June 06, 2022 6:50 PM  
**To:** Lolly Champion; Deb Atiyeh  
**Cc:** Bruce St. Denis; Sam Steidel; Nancy McCarthy; Brandon Ogilvie; Robin Risley; Mike Benefield; Jeffrey Adams; Karen La Bonte; Jennifer Barrett  
**Subject:** RE: Solutions/ A Coastal Treasure/Cannon Beach/ Proposal

To All:

I think the idea of parking permits is worth exploring. Also, the idea of electronic signs on the highway indicating when parking in town is full is a very good example of how to manage the few days that are really a problem without building the infrastructure for these days. I think we should also consider temporary "overflow" parking lots east of the highway and make people walk or take a shuttle in to town or to the beach for big events like Sandcastle Day, Arts Festival, etc. Good discussion-let's keep looking for solutions instead of just bickering.

David Brands  
 Cannon Beach

---

**From:** Lolly Champion <lolly.champ@gmail.com>  
**Sent:** Monday, June 6, 2022 2:43 PM  
**To:** Deb Atiyeh <debatiyeh@yahoo.com>  
**Cc:** Bruce St. Denis <stdenis@ci.cannon-beach.or.us>; Sam Steidel <steidel@ci.cannon-beach.or.us>; Nancy McCarthy <nmcCarthy@ci.cannon-beach.or.us>; Brandon Ogilvie <ogilvie@ci.cannon-beach.or.us>; risley@ci.cannon-beach.or.us; Mike Benefield <benefield@ci.cannon-beach.or.us>; Jeffrey Adams <adams@ci.cannon-beach.or.us>; Karen La Bonte <labonte@ci.cannon-beach.or.us>; Jennifer Barrett <barrett@ci.cannon-beach.or.us>  
**Subject:** Re: Solutions/ A Coastal Treasure/Cannon Beach/ Proposal

Deb...thank you for the outreach. I applaud you for your beginnings to explore how the State, with the city of Cannon Beach may discover ways to gain more protection and preservation of the areas we may never take for granted but save from overuse and eventual degrading.

As for your parking ideas, I, with an ever-growing number of residents actively speak out to restrict from overcrowding by use of signage and ....as you wish to work towards... treat Cannon Beach and including the beach, as a protected site from the cause and effects of too many at one time, the loss of the experience of a coastal retreat and the continuation of damage to this iconic place.

I will be pleased to pass on your itemized list of areas you will be attempting to achieve through specific commitments and goals, and also pass on your progress.

At the same time I will continue to address what many feel is now our state of chaos. When asked to contact city hall and/or council, the question arises on which of the overwhelming areas created by the current city hall and the council?

Do we speak out, reach out on:  
 School costs, structure, use?...or

A city hall that no one can envision, know the actual end cost, be green built, and where will it really be built and how to pay for the much greater price?...or



A TSP project that is in debate on projects. need assessment, a demand it be required to bring greater transparency of costs, and will it bring on more projects after passed and at what cost and most of all the real fear of the urban movement it creates?...or

The now assisted by the city of a development of a Forested Wetlands for Cluster Homes-Haystack Views by a professional wetlands developer?....or

The sudden increase in salaries and two to three more employees to aid on the launching of the TSP and overseeing the city hall and school projects and what % of increase the city budget is the staff for maintaining our 1500 person town with tourists?...or

The ever-greater allowance of removal of trees by clearcutting lots and building to the setback line of properties?...or

The ability of restaurant/bakeries/coffee shops for implementation of the food tax beginning in less than a month that the city as yet to fully put on place?

Our community is exhausted. There will always be support for further protections of our surroundings environment. but people are a bit paralyzed by a tsunami of city hall-council created major projects and fear of outcomes not defined and the costs that will be generated

The one project that has always had a high level of support is the school, but with concerns of bids and cost containment, building green, and clarification of use.

Deb-yes send me your goals and pathways to achieve them. I will be happy to pass them on to the people I try to make aware of activities that will potentially change the very simple reasons we have chosen to hang our hats in this place. Even with knowledge of tsunami potential and all...not the 7,000 the city manager has assigned to us ... the 1500 who love it here and our second home owners who are truly second home owners in residence many times a year..often for many years, we choose this place...and it is a village with an environment that makes it so.

Thank you for including me in your thoughts and ambitious plans for saving the precious environment that belongs to everyone.

On Mon, Jun 6, 2022, 11:17 AM Deb Atiyeh <[debatiyeh@yahoo.com](mailto:debatiyeh@yahoo.com)> wrote:

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Deb Atiyeh

**Jeffrey Adams**

---

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**Sent:** Monday, June 06, 2022 2:43 PM  
**To:** Deb Atiyeh  
**Cc:** Bruce St. Denis; Sam Steidel; Nancy McCarthy; Brandon Ogilvie; Robin Risley; Mike Benefield; Jeffrey Adams; Karen La Bonte; Jennifer Barrett  
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Deb Atiyeh

## Jeffrey Adams

---

**From:** Jennifer Barrett  
**Sent:** Monday, June 06, 2022 10:02 AM  
**To:** City Council Group; Bruce St. Denis; Jeffrey Adams  
**Subject:** FW: Cannon Beach TSP

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning,

Please see the email below from Wade Coykendall. Jeff will include this in the PC's June packet.

Thanks  
 Jen



### Jennifer Barrett

*City Recorder / Assistant to the City Manager*

#### City of Cannon Beach

**p:** 503.436.8052 | **tty:** 503.436.8097 | **f:** 503.436.2050

**a:** 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

**w:** [www.ci.cannon-beach.or.us](http://www.ci.cannon-beach.or.us) | **e:** [barrett@ci.cannon-beach.or.us](mailto:barrett@ci.cannon-beach.or.us)

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**From:** wade coykendall <[whcoykendall@yahoo.com](mailto:whcoykendall@yahoo.com)>  
**Sent:** Sunday, June 5, 2022 12:58 PM  
**To:** Jennifer Barrett <[barrett@ci.cannon-beach.or.us](mailto:barrett@ci.cannon-beach.or.us)>  
**Cc:** Linda Rozman <[lmrozman@yahoo.com](mailto:lmrozman@yahoo.com)>; Lolly Champion <[lolly.champ@gmail.com](mailto:lolly.champ@gmail.com)>  
**Subject:** Cannon Beach TSP

Jennifer

Please pass this email on to the following:

- 1 ) Members of the CB Planning Commission
- 2 ) Members of the CB City Council
- 3 ) Mr. St. Denis and Mr Jeff Adams

Thank you members of the Cannon beach Planning Commission for allowing an additional chance to discuss the City of Cannon Beach Transportation System Plan. This plan as put together by the Portland consultant "Parametrix " leaves a number of questions about what is contained within the plan itself. It seems that the people at Parametrix have never been in Cannon Beach City limits to see the land area and land restrictions that make up the City of Cannon Beach.

Please advise Parametrix that the City of Cannon Beach has a very narrow strip of land running north and south along the Pacific Ocean beach roughly from Tillamook Head to the Cannon Beach look-out area at its south end. This strip is very

narrow from east to west with a large hill in the middle called Haystack Heights. Based upon this description the TSP has a number of good suggestions, but also a larger number of poor suggestions which I wish to discuss.

First, the good possibilities :

1. There should be a one way traffic system in the "downtown " area of Hemlock and Spruce. This should include limited time parking, additional cross - walks for pedestrians, stop signs ( not traffic lights ) and a system of having a limited "plaza area" on 2nd street between Hemlock and Spruce
2. There can be non- motorized bikes within the downtown area in general
3. Pedestrian street crossings should not have Light Bullards or inground lights ( remember that CB is a light reductions area)
4. Beach walking and biking should be encouraged as the best trail system available, not just along the city of Cannon beach, but extending north and south of the City
5. Vehicle parking and a plan for parking should be examined, with limited time parking in areas agreed by the City management, with residents given ' pass permits ' for parking within the city limits. There should be limits of "pass permits " for 2nd Home owners, with 2nd home owners required to use their driveways for multiple vehicle parking.
6. The City should place sign boards at the 4 entries to CB, which can be turned on when the City has minimal parking spaces left. ( These sign boards should be put in place from May through October each year, with adjustments by the City Council as needed on a annual basis

Now, for the things we do not need in the City of Cannon Beach. The draft plan has many suggestions that do not have a valid need as expressed within the the plan , such as the following:

- A. The existing trail from the lagoons to east Monroe street should be left "as is " without paving and without widening. Motorized bikes should not be allowed, Bark chips should be placed to cover over the gravel area of the path.
- B. Proposed Trails along Highway 101 are dangerous to users of the path. The Highway generates a lot of noise. The highway also has Chip Trucks, Log Trucks, Freight Trucks, speeding cars, Elk, and other issues that become a danger to those who would use the paths. In addition, the loss of trees and vegetation along the path present more noise for the residents along Highway 101.
- C. We do not need "Round-about" on City streets. They take up a lot of room on already existing busy streets. They would require removal of structures to accomplish installation. Round-about are mostly of value in rural areas to speed up motor traffic.
- D. We do not need another exit on Highway 101 at Haystack Hill to provide street access to Hemlock by spending a whole lot of money to go over Haystack Hill and probably remove some homes that exist already on the Hill its self. In addition, I doubt that the State Highway Department would approve such a highway exit in any event.
- E. The "S Curves" of Hemlock are already dangerous. Bike lanes and trails along the "Haystack Heights S Curve" should be restricted

Lastly, The so called examples as set forth in the TSP photos by Parametrix all show samples of installations in areas that do not have the existing limitations that beset the City of Cannon Beach, as thus the photos, while nice, have no real value.

Thank you for considering my positions on the TSP. Lets use plans that make sense for our community and not be demanded ( nor suggested ) by Parametrix and their engineers , nor be those staff members of the City of Cannon Beach who believe that towns in Idaho and in Florida should be followed by the residents of Cannon Beach.

Sincerely

Wade Coykendall  
163 West Jackson Street

Bob Atiyeh Post on Protect Cannon Beach



Deb Atiyeh <debatiyeh@yahoo.com>

To Karen La Bonte; Bruce St. Denis; Jeffrey Adams

Follow up. Start by Tuesday, June 07, 2022. Due by Tuesday, June 07, 2022.

Reply
 Reply All
 Forward

Tue 6/7/2022 12:13 PM

### **A Proposal:**

Many residents of Cannon Beach are concerned about the impact of the increasing number of visitors, the number of trees being cut down to build new homes on the rapidly dwindling number of vacant lots, and the lack of workforce housing that affects the ability of local business owners to hire and retain workers. As I understand it, our town cannot legally prevent people from driving down our public streets, but we can limit parking. If we initiate paid parking on summer weekends, we could control the number of permits available to park in our town. Anyone without a permit would get a \$50 parking ticket. Full and part-time residents, business owners and their employees, anyone making deliveries and doing business in town, and anyone staying in an overnight rental would get free permits. Senior citizens, veterans and anyone currently serving in the military could park for free. A wild guess based on past estimates is that there could be up to 3,000 potential parking spaces (Tolovana to the North End) Charge \$20 to park all day (or \$3/hour) \$120k generated over a weekend. 14 weekends over the summer = \$1.5+ million. If we charged for parking on summer weekdays, or extended the paid parking season, you could potentially increase the revenue to \$4 - \$5 million. Make one weekday every week free for everyone. After enforcement and administrative expenses, use half of the money to subsidize workforce housing. Use the other half to purchase and preserve key parcels of remaining open/green space before it's developed. Purchase the Roberts property in the "S" Curves to preserve it, and make the present owners financially whole. It's adjacent to an historic structure that belonged to Oswald West, the governor responsible for designating all Oregon beaches a public highway in the early 1900's. Name it the "Oswald West Memorial Forest" to honor him. Purchase any and all aesthetically and ecologically important natural spaces in town before they're gone forever. Paid parking would limit the number of visitors in town, preserve the trees and open space that we take for granted, and help local business owners (and our Fire District) find places for their employees and volunteers to live. If we explained to visitors that the parking revenue was being used to help preserve the few remaining natural areas in town to protect it from over-development, provide workforce housing, and protect the town from overcrowding, the number of people protesting the parking fee would likely be minimal.

Bob Atiyeh



**Jeffrey Adams**

---

**From:** Jennifer Barrett  
**Sent:** Tuesday, June 07, 2022 8:57 AM  
**To:** Jeffrey Adams  
**Subject:** FW: TSP

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Please sees the email below. I'll forward to Council.

Thanks  
 Jen

**Jennifer Barrett**

*City Recorder / Assistant to the City Manager*

**City of Cannon Beach**

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**From:** barb hinthorne <[bhinthor@yahoo.com](mailto:bhinthor@yahoo.com)>  
**Sent:** Tuesday, June 7, 2022 7:50 AM  
**To:** Jennifer Barrett <[barrett@ci.cannon-beach.or.us](mailto:barrett@ci.cannon-beach.or.us)>  
**Subject:** TSP

Good morning!  
 Would you please include my comments in both the City Council's and the Planning Commission's packets.  
 Thank you,  
 Barb Hinthorne  
 POBox 135  
 Cannon Beach

After attending the last Planning Commission meeting via ZOOM, I have had concerns about the last push for the TSP adoption.

With the additional questions and input from some Planning Commission members and several citizens, it seems that it would be beneficial to extend the date for TSP adoption by the city council. While this delay might prevent the city from applying

for current grant proposals, it provides an opportunity to really make the TSP a better working document for the community.

Yes, it is recognized that a TSP is necessary for Cannon Beach to be competitive for some grants, but pushing the TSP through this month is not necessary. It IS necessary to hear the concerns and questions from the residents and commissioners. Please extend the TSP process to include additional community input.

[Sent from Yahoo Mail for iPhone](#)

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