APPLICABLE CRITERIA

Cannon Beach Comprehensive Plan 2
Cannon Beach Municipal Code
Title 12 Streets
Chapter 12.08 Property Entrances (Driveways) 4
Chapter 12.16 Underground Utilities 6
Chapter 12.34 Road Standards 7
Chapter 12.36 Public Rights-Of-Way 10
Chapter 12.40 Reimbursement Districts (Available on Request)
Title 13 Utility Code
Chapter 13.04 Water System 14
Chapter 13.08 Sewer System 20
Chapter 13.16 Stormwater Utility 22
Title 15 Buildings and Construction
Chapter 15.04 Building Codes 25
Title 17 Zoning
Chapter 17.04 Definitions: Tree Protection Zone; Average Grade 30
Chapter 17.10 Residential Lower Density (RL) Zone. 31
Chapter 17.50 Development Requirements for …Geologic Hazard Areas 33
Chapter 17.62 Grading, Erosion and Sedimentation Control 38
Chapter 17.70 Tree Removal and Protection 40
Chapter 17.78 Off-Street Parking 43
Chapter 17.82 Nonconforming Lots… 44
Chapter 17.90 General Regulations and Standards 45
Chapter 17.92 Administrative Provisions 48
Oregon Revised Statutes where applicable

Referenced Guides:

- ODOT Standard Specifications 2015. (Note: 2018 is the most current version). https://www.oregon.gov/ODOT/Business/Documents/2015_STANDARD_SPECIFICATIONS.pdf
- Asphalt Institute: http://www.asphaltinstitute.org/engineering/design/
- ODOT: https://www.oregon.gov/ODOT/Engineering/Pages/Drawings-Roadway.aspx
- AASHTO: https://store.transportation.org/publication?type=featured]

REQUIRED PERMITS

Right of Way Permits: (1) Stormwater Drainage; (2) Utilities; (3) Road; (4) Driveway.

Tree Removal Permits: (1) Private Property; (2) Public Right-of-Way.

Development Permit Type 1: Single Family Dwelling.

Building Permits: (1) Single Family Dwelling (2) Mechanical (3) Plumbing (4) Electrical.

CANNON BEACH COMPREHENSIVE PLAN (Ordinance 17-03)

Available at www.ci.cannon-beach.or.us

Procedural Policies

Policy 4. All City ordinances, policies and actions affecting land use must be consistent with the Comprehensive Plan. Where there is a conflict between the Plan and ordinances or actions, the Plan shall prevail.

General Development Policies

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

Area Policies, Recommendations and Guidelines

Tolovana Park Policies (p.16)

Tolovana Park is generally considered as the area extending from Tolovana Hill (Arbor Lane) to the southern City Limits and from the Pacific Ocean to the eastern City Limits. Policy 1. The Tolovana Park area of Cannon Beach shall remain primarily residential. Generally, the area west of Hemlock shall continue to develop with single-family dwellings on 50' x 100' lots, except where smaller lots already exist.

The Housing Policies. Policy 11.

The city will provide flexibility in regulations governing site design so that development can be adapted to specific site conditions.

Area Specific Hazards Policies. Policy 1. The Curves Area (Tolovana Hill):

Further development within the large active landslide area on either side of Hemlock must be carefully planned and closely monitored.

Geologic Hazards Policies

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 drainages or storm sewers.
e. No development shall be allowed to block stream drainage ways, or to increase the water level or water flow onto adjacent property.

The Economy Policies

Policy 2. The three major sectors of the city's economy are tourism, the second home industry and retirement. The city anticipates that these sectors will continue to constitute the majority of the city's economy. The city's efforts will be directed toward enhancing these economic sectors in a manner that results in the desired balance between the residential and resort elements of the community.

CANNON BEACH MUNICIPAL ORDINANCE

http://www.qcode.us/codes/cannonbeach/

TITLE 12 STREETS

Chapter 12.08 PROPERTY ENTRANCES (DRIVEWAYS)

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.

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.

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.

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.

Chapter 12.16 UNDERGROUND UTILITIES

12.16.010 Required—Conditions.

No building permit shall be issued within the city for the construction of any new building or structure or for the remodeling of any existing building or structure, the estimated cost of which remodeling exceeds twenty-five percent of its assessed value for tax purposes, unless the application contains plans for and the applicant agrees to construct equipment and related facilities to accept and receive all lines which will serve the building or structure, including, but not limited to, those required for all electric, power, communication and cable television services from underground type of service.

12.16.020 Exceptions.

It is unlawful for any person to install or make any major alteration in the existing communication, cable television, electric service and/or power service entrance to any structure affected in coming within the terms of Section 12.16.010, without provision for the receiving of the service to the service entrance from an underground facility to be maintained in a street area by the affected utility. The affected utility may elect to connect underground service to feed from an existing overhead pole line until such time as the street block or part thereof is converted to underground service.

12.16.030 Construction standards.

All such underground facilities shall be constructed in compliance with the standards of the applicable utility, the rules and regulations of the city's public works department, the rules and regulations of the public utility commissioner of the state, and the laws of the state relating to the installation and safety of underground lines, plant systems, equipment and apparatus.

Chapter 12.34 ROAD STANDARDS

12.34.010 Purpose.

A. This document establishes standards and criteria for the design and construction of streets within Cannon Beach.

B. Application. All street improvements within the jurisdiction of the city of Cannon Beach shall be governed by the provisions of this chapter.

C. Physical Standards. The 2015 Oregon Standard Specifications for Construction as currently modified are hereby adopted as the physical standards for the construction of streets and roads except as provided herein or by amendment within each contract or approved project. (Ord. 19-4 § 1)

12.34.020 Definitions.

This section contains only those definitions that may have more than one definition. The definition presented will govern.

"Director" means the director of public works.

"Road" means that portion or portions of the right-of-way used for vehicular traffic and includes area three feet behind the curb or three feet beyond the edge of the shoulder. Streets and roads are synonymous. (Ord. 19-4 § 1)

12.34.030 Criteria.

The following factors shall be considered in arriving at the design of a particular street through the application of the standards set forth in this chapter:

A. Site design.

B. Topography.

C. Soil characteristics, particularly permeability and susceptibility to erosion.

D. Site conditions, including existing structures, utilities improvements, watercourses and vegetation.

E. Comprehensive and use designation.

F. Traffic volume.

G. Traffic safety (both pedestrian and vehicular).

H. Parking requirements.

I. Aesthetics.

J. Presence of sensitive lands as designated in the Comprehensive Plan.

K. Natural hazards.

12.34.040 General standards.

A. Local residential streets shall be designed to provide a minimum of disruption to neighborhood livability. The design standards for local residential streets shall be flexible so as to permit adaptation to the social and topographic features of particular neighborhoods while providing for the safety of pedestrians and bicycle riders.

B. Streets shall be designed and constructed with a minimum of paved roadway width and other structural elements necessary to provide proper functioning of the street as a transportation element.

…

D. Environmental Considerations: Note that use of certain road construction materials such as crushed rock and asphalt-based products may have impacts on the local environment. Consideration shall be given to minimizing any negative impacts such products may produce when using for specific applications under this street standard.

12.34.050 Specific standards.

A. Width. The starting point for the design of streets shall be two vehicular travel lanes, each ten feet in width with a graveled shoulder three feet in width on each side. Modifications in width may be permitted by the Director where justified.

B. Design Speed. The design maximum speed of twenty-five miles per hour shall be utilized when computing vertical and horizontal curves.

C. Vertical and Horizontal Curves. Vertical and horizontal curves shall be of adequate lengths to provide safe sight/stopping distances based on design speeds determined by AASHTO road design standards (use rounded for design values of stopping sight distance). On hillside streets, deviations from the horizontal and vertical AASHTO standards may be allowed at the discretion of the Director providing that:

1. A reasonable attempt has been made to conform with the standards;
2. Deviation from AASHTO standard is minimized.

D. Street Grades. The city council shall have discretion to determine if surface improvements are necessary on streets where the grade varies between ten and fifteen percent. A fifteen-percent grade standard represents a maximum that should be reduced where possible through alternative design. Grades in excess of fifteen percent but less than twenty percent may be allowed for a distance not to exceed two hundred feet. Street intersections and curb cuts will not be allowed on streets at grades in excess of fifteen percent. Wherever street grades of between fifteen and twenty percent are permitted for a distance of not more than two hundred feet, surface improvement is required (asphalt or concrete) and these steeper sections must be separated by a section with a grade of fifteen percent or less which is at least fifty feet in length.

E. Modification to Street Design Standards. When physical circumstances on site or in the vicinity of the site make strict compliance with the standards of this document impractical when applied to a specific design issue or street project, the director may permit modifications to such standards. Site or vicinity conditions that could create a need for modification include, but are not limited to, steep slopes or other topographical or geologic conditions, presence or sensitive lands, drainage issues, and conditions of design of neighboring or adjacent street systems. Such modifications shall be minimized to the degree practical in order to address the special site or vicinity condition.

12.34.060 Asphalt-concrete (AC) pavement minimum design.

A. Aggregate Base. All aggregate shall meet ODOT specifications for base rock. The minimum aggregate section, unless otherwise approved by the Director, shall be six-inch base course of one and one-half to zero-inch crushed rock.

B. Asphalt Pavement Design. The wearing surface of asphalt concrete (AC) streets shall be Type C. Minimum total thickness of asphalt concrete shall be three inches placed in two distinct lifts. AC pavement may be designed using any nationally recognized procedure; both the ODOT and the Asphalt Institute Methods are acceptable.

12.34.080 Cul-de-sacs.

Dead-end streets or cul-de-sacs, designed to be so permanently, shall be no longer than four hundred feet measured from the end of the cul-de-sac to its intersection with the right-of-way of the adjoining street. The distance shall be measured along the centerline of the street terminating in the cul-de-sac. The street shall be provided at the closed end with a turn-around with a street right-of-way radius of at least forty feet when parking is not allowed and forty-eight feet if parking is allowed. A hammerhead configuration may be approved if found acceptable to the fire district and the planning commission. If a dead-end street is of a temporary nature, a similar turnaround shall be provided, and provision made for future extension of the street into adjoining properties.

Chapter 12.36 PUBLIC RIGHTS-OF-WAY

12.36.010 Purpose.

The purpose of this chapter is to protect the public health and safety by providing a procedure whereby any person wishing to plant or remove shrubs or trees, to place an object, or otherwise make any significant alteration in the public street right-of-way shall be required to apply for and obtain a permit from the city's public works department.

12.36.012 Definitions.

As used in this chapter:

"City" means the city of Cannon Beach, Oregon.

"Person" means individual, corporation, association, firm, partnership, joint stock company, and similar entities.

"Public rights-of-way" means and includes, but is not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including subsurface and air space over these areas.

"Within the city" means territory over which the city now has or acquires jurisdiction for the exercise of its powers.

12.36.014 Jurisdiction.

The city has jurisdiction and exercises regulatory control over all public rights-of-way within the city under the authority of the city Charter and state law.

12.36.016 Scope of regulatory control.

The city has jurisdiction and exercises regulatory control over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory control over each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

12.36.018 City permission requirement.

No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises, licenses and permits.

12.36.020 Public/private maintenance and care of rights-of-way.

A. Tree Maintenance by the City. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the rights-of-way of all streets, alleys, avenues and lanes, as may be necessary to insure public safety, to preserve

public access or to maintain or enhance the appearance of the street right-of-way. The city shall be guided by the comprehensive plan and the city's zoning ordinance and shall take only such actions that are consistent with those provisions.

B. Tree Maintenance by Private Property Owners. A private property owner shall obtain a permit from the city's public works department to plant, remove or otherwise significantly alter trees or shrubs within public rights-of-way abutting his/her property.

C. Objects Constructed or Otherwise Placed. A private property owner shall obtain a permit from the city's public works department for any improvement, i.e., paving, walkway, or any object, i.e., bench, ornament, rock, post, to be placed in or to be removed from the public street right-of-way abutting his/her property.

…

12.36.030 Issuance of permits.

A. A permit shall be obtained from the public works department before planting, removing or otherwise significantly altering any tree or shrub in the street right-of-way or placing or removing any improvement in the street right-of-way.

B. The following criteria shall be considered as part of the process of reviewing an application for a permit:

1. Maintains public safety;
2. Maintains adequate access for public use of the street right-of-way;
3. Maintains or improves the general appearance of the area;
4. Does not adversely affect the drainage or cause erosion of the adjacent property.

All of these criteria must be met in order for the public works department to issue a permit.

C. Upon issuance of a permit, property owners may plant trees or shrubs or place improvements in the public right-of-way abutting their property so long as the selection, location and planting of such trees or shrubs or the placing of an improvement is in accordance with the permit.

D. Nothing in the ordinance codified in this chapter shall be construed to prohibit a property owner from watering or fertilizing trees or shrubs or mowing other vegetation in the public right-of-way abutting his/her property.

E. Any tree, shrub or other object placed in the public right-of-way not in compliance with the provisions of the ordinance codified in this chapter shall be removed at the expense of the person who planted it or placed it there. The city shall direct the abutting property owner to do so under the provisions of Sections 8.04.170—8.04.230 of the Cannon Beach Municipal Code.

F. Nothing in the ordinance codified in this chapter shall be construed to supersede or replace the requirements of Section 17.70.020 of Chapter 17.70, Tree Removal, which requires a permit from the city prior to any tree removal.

…

12.36.045 Obligations of the city.

The exercise of jurisdiction and regulatory control over a public right-of-way by the city is not official acceptance of the right-of-way and does not obligate the city to maintain or repair any part of the right-of-way.

TITLE 13 UTILITIES

Chapter 13.04 WATER SYSTEM

Article I. General Provisions

13.04.100 Access to premises.

Agents of the city may have access, at proper hours of the day, to all parts of the customer's buildings and premises in which water may be delivered from the mains, for the purpose of inspecting the condition of the pipes and fixtures and the manner in which the water is used, or for the purpose of installing, inspecting, repairing or removing any or all of its apparatus used in connection with metering the supply.

13.04.120 Extensions.

Extensions to the main will be made by the city only along streets, county roads or highways, or satisfactory rights-of-way or easements; provided that pressure conditions permit and the city has sufficient water developed to supply the additional demands without detriment to those already being serviced; and that the following provisions governing service shall apply: the city shall specify size, character and location of pipes and appurtenances and all construction work shall conform to recognized standards.

13.04.150 Ownership of lines.

A. Following acceptance of an application for service the city will furnish and install the service line from the main to the property line, or to and including the meter and meter box and thereafter will own, maintain and replace such line when necessary.

B. All customer lines between the property line, or the meter and the customer's outlets in his premises shall be the customer's property and his responsibility to maintain, unless by agreement in special instances a customer's line may be used as a main extension.

13.04.160 Connection permit required.

No plumber or other unauthorized person will be allowed to make connections with the mains, or to make any alterations in any conduit pipe or other fixture connecting therewith, or to connect pipes when they have been disconnected, or to turn off or on any premises, without permission of the city.

13.04.170 Unauthorized turn-on.

After the water has been shut off by the city at the stopcock at the curb or meter, if it should be turned on by any person except an authorized representative of the city, an excavation may be made in the street, the water shut off at the tap in the main, and not

turned on again until all arrears, the cost of cutting and replacing the street, and twenty dollars for the expense of shutting off the water and turning it on are paid.

13.04.180 Service controls.

A separate service line direct to the tap in the main will be required for each residence or commercial premises that is supplied with water, and service pipes must be so placed that the supply to each residential or commercial premises may be controlled by a separate stopcock placed within the property being served.

13.04.190 Repairs.

Should the water at any time be shut off from the mains without notice, for repairs or other necessary purposes, the city will not be responsible for any consequent damages to boilers or other equipment. The city will, however, give notice when possible.

13.04.210 Waste.

Water must not be allowed to run to waste through any faucet or fixture in order to prevent freezing or kept running at any time longer than necessary for its proper use. No reduction will be made in the charges for water for want of supply or wastage caused by freezing or leakage

Article II. Cross Connection Control Program

13.04.240 Purpose.

The purpose of this ordinance is to protect the water supply and distribution system of the city from contamination or pollution due to any existing or potential cross connections and to comply with the Oregon Administrative Rule Chapter 333-061-0070, 0071, 0072 and 0073, or as amended.

13.04.260 Application and responsibilities.

The ordinance codified in this chapter applies throughout the city and to every premises and property served by the city water system. It applies to all premises, regardless of date of connection to the city water system. Every owner, occupant or person in control of any concerned premises is responsible for the terms and provisions contained in the ordinance codified in this chapter

13.04.270 Cross connections regulated.

A. No cross connections shall be created, installed, used or maintained within the territory served by the city, except in accordance with the ordinance codified in this chapter.

B. The CCC manager for the city shall carry out or cause inspections to be carried out and/or send out surveys to each resident. These surveys must be completely filled out and returned, as requested. If found necessary, an assembly commensurate with the degree of hazard will be required to be installed at the service connection.

C. The resident is responsible for all cross-connection control within the premises.

D. The use of any type of chemical spray attachment connected to the premises plumbing, including garden hose fertilizers and pesticide applicators, is prohibited within the city's water system without proper protection from the potential of backflow occurring.

E. The use of any type of radiator flush kits attached to the premises plumbing is prohibited within the city's water system without proper protection from the potential of backflow occurring.

13.04.280 Backflow prevention assembly requirements.

A certified cross connection inspector shall determine the type of backflow assemblies to be installed within the city's water system. All assemblies shall be installed at the service connection unless it is determined by the inspector and approved by the director that it should be installed at the point of use. If a point-of-use assembly has not been tested or repaired as required by the ordinance codified in this chapter, a backflow prevention assembly commensurate with the degree of hazard required at the

service connection. An assembly shall be required in each of the following circumstances:

A. When the nature and extent of any activity at a premises or the materials used in connection with any activity at a premises, or materials stored at a premises, could contaminate or pollute the potable water supply.

B. When a premises has one or more cross connections as that term is defined in Section 13.03.010.

C. When internal cross connections are present that are not correctable.

D. When intricate plumbing arrangements are present making it impractical to ascertain whether cross connections exist.

E. When the premises has a repeated history of cross connections being established or re-established.

F. When entry to the premises is restricted so that inspections for cross connections cannot be made with sufficient frequency to assure cross connections do not exist.

G. When materials are being used such that, if backflow should occur, a health hazard could result.

H. When an appropriate cross connection survey report form has not been filed with the city CCC manager.

I. On any and all used water return systems.

J. When there is a premises with an unapproved auxiliary water supply which is or can be connected to the city's water service or supply system.

K. On all non-residential multi-story buildings or any building with a booster pump or elevated storage tank.

L. Where there is piping or equipment for conveying liquids other than potable city water and that piping or other equipment is under pressure and installed and operated in a manner that could cause a cross connection.

M. When a premises has a unapproved water auxiliary supply.

N. When installation of an approved backflow prevention assembly is deemed by an Inspector to be necessary to accomplish the purpose of the ordinance codified in this chapter.

13.04.300 Landscape irrigation systems.

All landscape irrigation systems shall be protected with a minimum of a double check. In the event any system is equipped with an injector system, or has submerged heads, a reduced pressure principle assembly will be required.

13.04.310 Thermal expansion.

It is the responsibility of the property owner, the occupant or person in control of the property to eliminate the possibility of damage to the public system from thermal expansion if a closed system has been created by the installation of a backflow prevention assembly or other appurtenances.

13.04.330 Installation requirements.

All backflow prevention assembly installations shall follow the requirements as stipulated by the Oregon Administrative Rules 333-061-0070 Section 8 and Sections 1 through 4 of OAR 333-061-0071, or as amended.

The type of backflow prevention assembly required shall be commensurate with the degree of hazard that exists and must, at all times, meet the standards of the Oregon Health Division. All backflow prevention assemblies required under this section shall be of a type and model approved by the Oregon Health Division.

13.04.340 Pressure loss.

Any decrease in water pressure caused by the installation of a backflow assembly shall not be the responsibility of the city.

13.04.350 Fire systems.

An approved double check detector assembly shall be the minimum protection on fire sprinkler systems using piping material that is not approved for potable water use and/or does not provide for periodic flow-through during each twenty-four-hour period. A reduced pressure principle detector assembly (RPDA) must be installed if any solution other than the potable water can be introduced into the fire sprinkler system.

13.04.360 Plumbing code.

As a condition of water service, customers shall install, maintain and operate their piping and plumbing systems in accordance with the Oregon Specialty Plumbing Code, or as amended. If there is a conflict between the ordinance codified in this chapter and the Plumbing Code, consultation of the CCC manager and city building official will render a decision for appropriate protection of the city water system.

13.04.370 Access to premises.

Authorized personnel of the city, with proper identification and sufficient notice, shall have access during reasonable hours to all parts of a premises and within the structure to which water is supplied. If any owner, occupant or person in control refuses authorized personnel access to a premises, or to the interior of a structure, during these hours for inspection, a reduced pressure principle assembly shall be installed at the service connection to that premises.

13.04.380 Annual testing and repairs.

All backflow prevention assemblies installed within the area(s) served by the city shall be tested immediately upon installation, and at least annually thereafter by an Oregon Health Division certified backflow prevention assembly tester. All such assemblies found not functioning properly shall be promptly repaired or replaced at the expense of the owner, occupant or person in control of the premises. In the event an assembly is moved, repaired or replaced it must be retested immediately. If any such assembly is not promptly repaired or replaced, the city shall deny or discontinue water service to the premises.

13.04.390 Responsibilities of backflow prevention assembly testers.

A. All backflow assembly testers operating within the city water system service area shall be certified in accordance with all applicable regulations of the Oregon Health Division (OHD).

B. Persons certified as backflow prevention assembly testers shall agree to abide by all requirements of the United States Occupational Safety and Health Administration (OSHA) and Oregon Occupational Safety and Health Administration (OR-OSHA); and have completed confined space entry training to enter any confined space within the city.

C. No person shall operate as a backflow prevention assembly tester within the city without first being annually registered with the city cross connection control program.

D. At the time of registration, recertification, and/or upon the city request, each person certified as a backflow prevention assembly tester shall furnish evidence to show that they are insured and bonded to perform services, have a current valid OHD backflow assembly tester certification, and have proof of gauge accuracy verification within the previous year.

13.04.400 Costs of compliance.

All costs, associated with purchase, installation, inspections, testing, replacement, maintenance, parts and repairs of the backflow prevention assembly are the financial responsibility of the property owner.

Chapter 13.08 SEWER SYSTEM

Article I. Standards and Regulations.

13.08.020 Use of public sewers required.

…

D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is required at his or her expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within ninety days after the date of official notice to do so, provided that said public sewer is available at a property line of said property… (Ord. 83-2 § 2)

…

13.08.040 Building sewers and connections.

…

B. There shall be two classes of building sewer permits: permits for residential and commercial service and permits for service to establishments producing industrial wastes. In either case, the owner or agent shall make application on a special form furnished by the city. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the superintendent's judgment.

C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation.

…

E. Suitable adaptors shall be used when connecting soil pipes of dissimilar materials.

F. The building sewer shall be polyvinyl chloride (PVC) sewer pipe, SDR 35, ASTM D-3034 with bell-and-spigot gasketed joints, O-ring gaskets conforming to ASTM F-477; or acrylonitrilebutadiene-stryene (ABS) sewer pipe, ASTM D-2751 with solvent cemented joints, solvent cement conforming to ASTM D-2235.

G. The size and slope of the building sewer shall be subject to the approval of the superintendent, but in no event shall the diameter be less than three inches. A minimum slope of one-fourth inch per foot shall be provided for three-inch pipe, one-eighth of an inch per foot for four-inch through six-inch pipe and one-sixteenth of an inch per foot for eight-inch pipe and larger.

H. Building sewers serving buildings with basements shall, whenever possible, be brought to the building at an elevation below the basement floor.

I. The building sewer shall be laid at a uniform grade and in straight alignment insofar as is possible. Changes in direction shall be made only with curved pipe no greater than "forty-five-degree long radius bends." No forty-five degree or ninety-degree short radius elbows shall be used.

J. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

K. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the superintendent. Pipe laying and backfill shall be performed in accordance with regulations of the Oregon State Plumbing Specialty Code.

L. All joints and connections shall be made gastight and watertight. Testing shall be per "Low Pressure Air Test for Building Sewers," IAPMO IS 16-76 as published in the Oregon State Plumbing Specialty Code. Satisfactory testing shall be performed in the presence of the superintendent or representative. The city shall connect to sewer laterals.

M. The applicant for a building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. After final approval of the building sewer by the superintendent, the owner shall make the final connection to the building drain as defined in Section 13.08.010 unless otherwise authorized by the superintendent.

N. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

O. The city shall own, maintain and be responsible for sewer lateral service lines from the main line up to the private property line. The customer shall be responsible for the maintenance of the private sewer line from the connection to the public sewer lateral at the property line to the premises served. The city shall not be liable for any damage accruing from the failure of a private sewer or fixtures or appurtenances attached thereto. (Ord. 15-3 § 1; Ord. 83-2 § 4)

Article II. Sewer Charges

13.08.210 Sewer extensions.

The entire cost of any sewer system extension shall be borne by those property owners who use the extension. (Ord. 83-3 § 4(B))

Chapter 13.16 STORMWATER UTILITY

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 have 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.

13.16.030 Policy.

A. Pursuant to the general laws of the state of Oregon and the powers granted in the Charter of the city, the council declares its intention to acquire, own, construct, reconstruct, equip, operate and maintain within the city limits of the city, and outside the city limits when consistent with the council's adopted policies or intergovernmental agreements, storm drainage facilities, and also to require persons responsible to construct, reconstruct, maintain and extend storm drainage facilities.

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.

…

13.16.040 City responsibilities.

The city shall manage public storm drainage facilities located on city-owned property, city rights-of-way and city easements. Public storm drainage facilities that may be managed by the city include but are not limited to:

A. A piped drainage system and its related appurtenances which have been designed and constructed expressly for use by the general public and accepted by the city;

B. Roadside drainage ditches along improved or unimproved city streets but not access drive culverts;

…

13.16.050 Private responsibilities.

A. A storm drainage facility to be managed by the person responsible includes but is not limited to:

1. A storm drainage facility not located on city-owned property, city right-of-way or city easement;

…

3. Any roof, footing or area drain;

4. A storm drainage facility not designed and constructed for use by the general public;

5. Access drive culverts in the public right-of-way or on private property; and

6. A retention system serving a private facility.

B. Any person responsible shall keep open drainageways on his or her property cleared of debris and vegetation.

C. 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.

D. The failure of any person responsible to comply with the obligations stated in subsection A, B or C of this section is a violation.

E. The conditions on private property which may result in situations proscribed by subsection B or C of this section are declared to be a danger to public health and safety.

…

13.16.090 System development fee.

Before new development which results in increasing the amount of stormwater discharged from property into a public drainage facility may be approved or before existing development is modified to increase the amount of stormwater it discharges into a public drainage facility, there shall be collected a system development charge for storm drainage. The systems development charge and the methodology required by state law shall be adopted by council resolution. Chapter 3.16 of this code states the city's policy pertaining to system development fees.

Chapter 15.04 BUILDING CODES

15.04.010 Title.

These regulations shall be known as the "City of Cannon Beach building code," may be cited as such and will be referred to herein as "this code."

15.04.030 Scope.

A. This code shall apply to the construction, alteration, moving, demolition, repair, maintenance and work associated with any building or structure except those located in a public way.

B. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

C. Where, in any specific case, there is a conflict between this code and Oregon Revised Statutes, the statute shall govern.

15.04.050 Alternate materials and methods.

A. The provisions of this code are not intended to prevent the use of any alternate material, design or method of construction not specifically proscribed by this code, provided such alternate has been approved and its use authorized by the building official.

B. The building official may approve any such alternate material, design or method, provided the building official finds that the proposed material, design or method complies with the provisions of this code and that it is, for the purpose intended, at least the equivalent of that prescribed in this code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

C. The building official shall require that the evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any approval of any alternate material, design or method shall be recorded and entered in the files of the agency.

15.04.060 Modifications.

When there are practical difficulties in carrying out the provisions of this code, the building official may grant modifications provided the building official finds that the modification is in conformance with the intent and purpose of this code and that said modification does not lessen any fire-protection requirements nor the structural integrity of the building involved. Any action granting modification shall be recorded in the files of the code enforcement agency.

15.04.070 Tests.

A. Whenever there is insufficient evidence of compliance with the provisions of this code or that any material, method or design does not conform to the requirements of this code, the building official may require tests as proof of compliance to be made at no expense to this jurisdiction.

B. Test methods shall be as specified by this code or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures.

C. All tests shall be made by an approved testing agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.

15.04.080 Powers and duties of building official.

A. General.

1. There is established a code enforcement agency which shall be under the administrative and operational control of the building official.

2. The building official is authorized to enforce all the provisions of this code.

3. The building official shall have the power to render written and oral interpretations of this code and to adopt and enforce administrative procedures in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of this code.

B. Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the building official may appoint technical officers and inspectors and other employees to carry out the functions of the code enforcement agency.

15.04.100 Plans and permits.

A. Issuance.

1. The application, plans, specifications, computations and other data filed by an applicant for a permit shall be reviewed by the building official. Such plans may be re viewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and other pertinent laws and ordinances, and that the fees have been paid, the building official shall issue a permit therefor to the applicant.

2. When the building official issues the permit where plans are required, the building official shall endorse in writing or stamp the plans and specifications “APPROVED.” Such approved plans and specifications shall not be changed, modified and altered without authorizations from the building official, and all work regulated by this code shall be done in accordance with the approved plans.

3. The building official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of a partial permit shall proceed without assurance that the permit for the entire building or structure will be granted.

B. Retention of Plans. One set of approved plans, specifications and computations shall be retained by the building official for a period of not less than ninety days from date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

C. Validity of Permit.

1. The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provision of this code or of any other ordinance of the jurisdiction or any other federal state, or local law, statute, rule, regulation, or ordinance.

2. The issuance of a permit based on plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of this code or of any other ordinances of this jurisdiction.

D. Expiration of Plan Reviews. Applications for which no permit is issued within one hundred eighty days following the date of the application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding one hundred eighty days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

E. Permit Expiration, Extension and Reinstatement.

1. Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized is not commenced within the time limitations set forth in this section.

2. Every permit issued by the building official shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty days. The work shall not be considered suspended or abandoned where the permittee has pursued activities deemed by the

building official to indicate the intent to start and complete the project. The building official may require the permittee to document these activities.

3. Every permit issued by the building official shall expire by limitation and become null and void twenty-four months after the date of permit issuance. If the building or work authorized by such permit has not received final inspection approval prior to the permit expiration date, all work shall stop until a new permit is obtained for the value of the work remaining unfinished.

Exception: At the time of permit issuance the building official may approve a period exceeding twenty-four months for completion of work when the permittee can demonstrate that the complexity or size of the project makes completing the project within twenty-four months unreasonable.

4. Any permittee holding an unexpired permit may apply for an extension of the time within which work is to be completed under that permit when the permittee is unable to complete work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding one hundred eighty days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented work from being completed. No permit shall be extended more than once.

5. Where a permit has expired, the permit can be reinstated and the work authorized by the original permit can be recommenced, provided the following are met:

a. The building code under which the original permit was issued and other laws which are enforced by the code enforcement agency have not been amended in any manner which affects the work authorized by the original permit.

b. No changes have been made or will be made in the original plans and specifications for such work.

c. The original permit expired less than one year from the request to reinstate.

6. The fee for a reinstated permit shall be one-half the amount required for a new permit. Where the request for reinstatement does not comply with the preceding criteria, a new permit, at full permit fees, shall be required.

…

G. Not Transferable. A permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any work thereunder.

H. Suspension/Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error on the basis of incorrect information supplied, or if its issuance (or activity thereunder) is in violation of any ordinance or regulation of any other provisions of the city code.

I. Inspections.

1. It shall be the duty of the permit holder or authorized agent to request all inspections that may be necessary or otherwise required in a timely manner, provide

access to the site, and to provide all equipment as may be deemed necessary or appropriate by the building official. The permit holder shall not proceed with construction activity until authorized to do so by the building official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Any expense incurred by the permit holder to remove or replace any material required for proper inspection shall be the responsibility of the permit holder or his agent.

2. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available an inspection record card such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.

15.04.110 Enforcement of various state codes.

A. Structural Code. The Oregon Structural Specialty Code, as adopted by OAR 918-460-0010 through 918-460-0015 and Appendix Chapter 9, Division III, Alternative Group R, Division 1, Fire Sprinkler Requirements, except as modified in this code, is enforced as part of this code.

B. Mechanical Code. The Oregon Mechanical Specialty Code, as adopted by OAR 918-440-0010 through 918-440-0040, except as modified in this code, is enforced as part of this code.

C. Plumbing Code. The Oregon Plumbing Specialty Code, as adopted by OAR 918-750-0010, except as modified in this code, is enforced as part of this code.

D. Electrical Code. The Oregon Electrical Specialty Code, as adopted by OAR 918-290-0010, except as modified in this code, is enforced as part of this code.

E. One- and Two-Family Dwelling Code. The Oregon One- and Two-Family Dwelling Specialty Code, as adopted by OAR 918-460-0010 through 918-460-0015, including the section entitled “Flood-Resistant Construction Requirements of the International Residential Code,” except as modified in this code, is enforced as part of this code.

…

15.04.120 Fees.

A. Fees charged under this code shall be as provided in Chapter 1 Table 1-A of the Oregon Structural Specialty Code, as adopted by OAR 918-460-0010 through 918-460-0015.

B. The building official may authorize the refunding of fees paid in accordance with the refund policy in effect in the jurisdiction.

C. The determination of value or valuation under any provisions of this code shall be made by the building official. The value to be used in computing the building permit

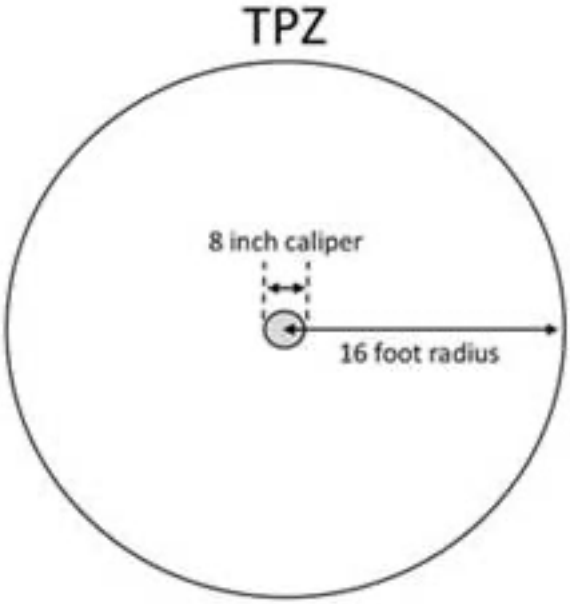
and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

TITLE 17 ZONING ORDINANCE

Chapter 17.04 DEFINITIONS

17.04.557 Tree protection zone (TPZ).

The TPZ is defined as a circle whose center is the center of the subject tree, and whose radius is two feet for each inch of trunk diameter measured at four and one-half feet above grade (example: the TPZ for an eight-inch caliper tree DBH would be sixteen feet). (Ord. 19-3 § 1)



17.04.275 Grade, ground level.

"Ground level grade" means the average elevation of the existing ground elevation before construction at the corner of all walls of a building. Where a building has more than four corners, the average elevation shall be measured from the four corners of a square or rectangle that encloses the foundation of the proposed structure. (

Chapter 17.10 RESIDENTIAL LOWER DENSITY (RL) ZONE

17.10.010 Purpose.

The purpose of the RL zone is to provide an area of lower density (four dwelling units per net acre) in areas with steeper slopes, poor drainage or identified geologic hazards.

17.10.020 Uses permitted outright.

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

A. Single-family dwelling…

…

17.10.040 Standards.

In an RL 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. …Lots of less than ten thousand square feet may be buildable pursuant to Section 17.82.020… 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).

…

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.

…

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

D. Floor Area Ratio. …The maximum gross floor area for a permitted or conditional use on a lot of more than five thousand square feet, but less than six thousand square feet, shall not exceed three thousand square feet. ....

E. Building Height. Maximum height of a vertical 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 the provisions of Chapter 17.44.

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

…

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.

Chapter 17.50 DEVELOPMENT REQUIREMENTS FOR … GEOLOGIC HAZARD AREAS

17.50.010 Purpose.

The purpose of this chapter is to minimize building hazards and threats to life and property that may be created by landslides, coastal erosion, weak foundation soils and other hazards as identified and mapped by the city. This purpose is achieved by basing city decisions on accurate geologic and soils information prepared by a registered geologist and requiring the application of engineering principles in any construction that occurs where such studies indicate potential hazards.

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;

…

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.

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.

17.50.060 Disclaimer of liability.

The degree of protection from problems caused by geologic hazards which is required by this chapter is considered reasonable for regulatory purposes. This chapter does not imply that uses permitted will be free from geologic hazards. This chapter shall not create a liability on the part of the city or by any officers, employee or official thereof for any damages due to geologic hazards that result from reliance on this chapter or any administrative decision lawfully made t hereunder.

Chapter 17.62 GRADING, EROSION AND SEDIMENTATION CONTROL

17.62.010 Purpose.

The purpose of this chapter is to: (1) minimize hazards associated with grading; (2) minimize the erosion of land during clearing, excavation, grading, construction and post-construction activities; (3) prevent the transport of sediment into water courses, wetlands, riparian areas, thus protecting water quality and fish and wildlife habitat; (4) prevent the transport of sediment onto adjacent property.

17.62.020 Definitions.

For the purpose of this chapter, the following definitions shall apply:

"Clearing" means any activity that removes vegetative cover.

"Excavation" means the mechanical removal of earth material.

"Fill" means the deposit of earth material placed by artificial means.

"Grading" means excavation or fill, or any combination thereof, including the conditions resulting from any excavation or fill.

"Regulated activities" means the clearing, grading, excavation, or filling of land.

"Sedimentation" means the depositing of solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity.

"Undeveloped site" means a lot with no permanent structure such as a dwelling or commercial building.

17.62.030 Grading and erosion control permit.

A. Development Permit Required.

…

2. A development permit for regulated activities in conjunction with a structure requiring a building permit shall be reviewed pursuant to Section 17.92.010(A), (B) and (C)(1).…

C. Information Required for a Development Permit.

1. An application for a development permit for regulated activities subject to the requirements of this chapter shall include the following:

a. A site plan, drawn to an appropriate scale with sufficient dimensions, showing the property line locations, roads, areas where clearing, grading, excavation or filling is to occur, the area where existing vegetative cover will be retained, the location of any streams or wetland areas on or immediately adjacent to the property, the general

direction of slopes, the location of the proposed development, and the location of soil stock piles, if any;

b. The type and location of proposed erosion and sedimentation control measures.

2. The city may require a grading plan prepared by a registered civil engineer where the disturbed area has an average slope of twenty percent or greater, the disturbed area is located in a geologic hazard area or is part of a subdivision or partition. Such a grading plan shall include the following additional information:

a. Existing and proposed contours of the property, at two-foot contour intervals;

b. Location of existing structures and buildings, including those within twenty-five feet of the development site on adjacent property;

c. Design details for proposed retaining walls;

d. The direction of drainage flow and detailed plans and locations of all surface and subsurface drainage devices to be constructed.

3. The city may require that the sedimentation and erosion control plan be prepared by a registered civil engineer where the disturbed area is greater than one acre in size, or the disturbed area has an average slope of twenty percent or greater.

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.

17.62.050 Erosion and sedimentation control standards.

A. The review and approval of development permits for regulated activities subject to this chapter shall be based on the conformance of the development plans with the standards of this section. Conditions of approval may be imposed to assure that the development plan meets the appropriate standards. The city may require modifications to the erosion and sedimentation control plan at any time if the plan is ineffective in preventing the discharge of significant amounts of sediment onto surface waters, wetlands, or adjacent property.

B. The design standards and specifications contained in “Soil Erosion Guidance” prepared by the Columbia River Estuary Study Taskforce (CREST), are incorporated into this chapter and are made a part hereof by reference for the purpose of delineating procedures and methods of operation for erosion and sedimentation control measures.

C. Standards.

1. Natural vegetation should be retained and protected wherever possible.

…4. Sedimentation barriers, such as filter fences and straw bales, shall be placed to control sedimentation from entering … adjoining property. The sedimentation barriers shall be installed prior to site clearance or grading activities.

5. Critical areas, as determined by the building official, cleared of vegetation may be required to be temporarily stabilized with mulch, sod, mat or blanket in combination with seeding, or equivalent nonvegetative materials such as mat or blanket if in the opinion of the building official such an area represents an erosion hazard. Prior to the completion of construction, such slopes shall be permanently stabilized by seeding.

6. Storm water inlets and culverts shall be protected by sediment traps or filter barriers.

7. Soil storage piles or fill shall be located so as to minimize the potential for sedimentation of streams, wetlands or adjacent property. Where, in the opinion of the building official, a soil storage area or fill has the potential for causing sedimentation of streams, wetlands or adjoining property, the building official may require temporary stabilization measures.

8. Temporary sedimentation control, not in conjunction with a structure, may be required.

9. Erosion and sedimentation control measures shall be maintained during the period of land disturbance and site development in a manner that ensures adequate performance.

10. The city may require a graveled entrance road, or equivalent, of sufficient length, depth and width to prevent sedimentation from being tracked onto streets.

11. Trapped sediment and other disturbed soils resulting from sediment control measures shall be removed or permanently stabilized to prevent further erosion and sedimentation.

12. Measurable amounts of sediment that leave the site shall be cleaned up and placed back on the site or properly disposed of.

13. All temporary erosion and sedimentation control measures shall remain in place until the disturbed area is stabilized with permanent vegetation.

14. Under no conditions shall sediment from the construction site be washed into storm sewers, drainage ways or streams.

15. A ground cover will be established on exposed soils as soon as possible after finish grading or construction is complete.

…17. The city may make periodic inspections to ascertain that erosion and sediment control measures as proposed have been implemented and are being effectively maintained.

CHAPTER 17.70 TREE REMOVAL AND PROTECTION

17.70.010 Purpose.

A. The purpose of this chapter is to establish protective regulations for trees within the city in order to better control problems of soil erosion, landslide, air pollution, noise, wind and destruction of scenic values and wildlife habitat, and to protect trees as a natural resource which establishes the wooded character of the city.

B. The intent is not to prohibit the removal of trees completely, or to require extraordinary measures to build structures; rather the intent is to stop the wanton and oftentimes thoughtless destruction of that vegetation which has a beneficial effect on the value of property, and on the city in general.

17.70.012 Definitions.

"Dead tree" means that the tree is lifeless.

"Immediate danger of collapse" means that the tree is already leaning, with the surrounding soil heaving, and there is a significant likelihood that the tree will topple or otherwise fail and cause damage before a tree removal permit can be obtained. "Immediate danger of collapse" does not include hazardous conditions that can be alleviated by pruning or treatment.

"Solar energy system" means either: (1) a device employed in the collection of solar radiation for the purpose of heating or cooling a building, the heating of water, or the generation of electricity; or (2) the south facing windows of a dwelling where such windows constitute fifty percent or more of the building's total window area; or (3) the roof of a dwelling which has been designed for the collection of solar energy for space heating purposes.

"Tree" is defined as any woody plant having at least one well-defined stem at least six inches in diameter measured at a height of four and one-half feet above the natural grade. All tree measures specified in this chapter shall be measured at a height of four and one-half feet above the natural grade.

"Tree topping" is defined as the severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

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.

17.70.017 Permit administration.

A. A property owner or designated representative may initiate a request for approval for removal of a tree on the owner's property by filing an application with the city using forms prescribed by the city. The property owner's signature is required. A tree removal request signed by the property owner shall clearly and explicitly grant permission to city staff or to the city's arborist to enter the subject property for purposes of examining the tree(s) proposed for removal.

B. Anyone may initiate a request for approval of tree removal in a city right-of-way or on city-owned property by filing an application with the city using forms prescribed by the city.

C. An applicant for a tree removal permit, or their arborist, shall mark each tree proposed for removal with plastic flagging tape or other suitable means approved by the city.

D. A copy of the approved tree removal permit shall be kept on-site when the removal is carried out.

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).

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).

…

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:

1. A site plan showing the location of the tree(s) proposed for removal, the location of the proposed structure or development, and the location of any other trees six-inch DBH or larger on the subject property or off site (in the adjoining right-of-way or on adjacent property) whose root structure might be impacted by excavation associated with the proposed structure, or by soil compaction caused by vehicular traffic or storage of materials.

2. Measures to be taken to avoid damaging trees not proposed for removal, both on the subject property and off site (in the adjoining right-of-way or on adjacent property).

3. The area where a tree's root structure might be impacted by excavation, or where soil compaction caused by vehicular traffic or storage of materials might affect a tree's health, shall be known as a tree protection zone (TPZ).

4. Prior to construction the TPZ shall be delineated by hi-visibility fencing a minimum of three and one-half feet tall, which shall be retained in place until completion of construction. Vehicular traffic, excavation and storage of materials shall be prohibited within the TPZ.

17.70.040 Tree replacement policy.

A. The overall objective of the city's tree replacement policy is, where practical, to maintain a minimum density of trees on a given parcel of land.

B. The basic standard is that four trees should be maintained on a five thousand square foot lot. For larger lots this standard will be applied on a proportional basis, e.g., a seven thousand five hundred square foot lot would require the maintenance of six trees. This standard is to be implemented as follows:

1. Tree removal in conjunction with construction:

a. If four or more trees existed on the lot prior to construction and approval is granted to remove trees, the replanting of up to four trees may be required.

b. If fewer than four trees existed on the lot prior to construction, the replanting of trees on a one-for-one basis may be required.

c. A minimum density of less than four trees may be permitted where it is found that the remaining trees provide sufficient cover, immature trees (those less than six inches in diameter) will mature to provide adequate cover, or there are no reasonable locations for new trees.

…

Chapter 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.

…

E. Off-street parking spaces for one or two-family dwellings shall be located on the same lot with the dwelling. …

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

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.

…

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.

Use: (a) Single Family Dwelling: 2 per dwelling unit.

17.78.030 Design standards.

…

2. A parking space must be at least nine feet by eighteen feet.

Chapter 17.82 NONCONFORMING LOTS…

17.82.010 Purpose.

Within the districts established by the zoning code, or amendments that may later be adopted, there may exist lots, structures, uses of land and structures and characteristics of use which were lawful before the effective date of the zoning code or amendments thereto, but which would be prohibited, regulated, or restricted under the terms of this zoning code or future amendments thereto. The purpose of this chapter is to establish the legal status of such nonconforming uses, structures, lots, and other site improvements by creating provisions through the application of which such uses, structures, lots and other site improvements may be maintained, altered, reconstructed, expanded or abated. (Ord. 08-1 § 54; Ord. 92-12 § 3; Ord. 88-11 § 2; Ord. 79-4 § 1 (7.010))

17.82.020 Nonconforming lots.

A. If a lot, or the aggregate of contiguous lots held in a single ownership as recorded in the office of the county clerk on or before June 19, 1979, has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or the aggregate of contiguous lots may be occupied by a use permitted in the zones, subject to the other requirements of the zone. If the lot does not meet the minimum lot size for the zone in which the property is located, residential use shall be limited to a single-family dwelling.

B. In the R-1, R-2, R-3 and RM zones, where two contiguous lots, which were created prior to the effective date of Ordinance 79-4A, are held in a single ownership and one of the lots has a minimum lot area of at least four thousand square feet and the other lot has a minimum lot area of at least two thousand five hundred square feet, both the lots may be occupied by a single-family dwelling so long as the total building coverage on the lot does not exceed forty percent. (Ord. 17-3 § 1; Ord. 06-10 § 11; Ord. 85-1 § 2; Ord. 79-4 § 1 (7.020))

Chapter 17.90 GENERAL REQUIREMENTS AND REGULATIONS

17.90.065 Architectural design elements.

All single-family dwellings, modular housing and manufactured homes located in the RVL, RL, R1, R2, RAM, R3, RM, and C1 zones shall utilize at least two of the following architectural features: dormers; more than two gables; recessed entries; covered porch/entry; bay window; building off-set; deck with railing or planters and benches; or a garage, carport or other accessory structure. (Ord. 94-5 § 11)

17.90.070 Projections into required yards.

A. Cornices, eaves, windowsills and similar incidental architectural features may project not more than eighteen inches into a yard required to be a minimum of five feet, or thirty-six inches into a yard required to be fifteen feet or more.

B. Bay windows, with no useable floor area and not exceeding a length of ten feet and not more than one per building elevation, may project not more than eighteen inches into a required side yard, or thirty-six inches into a required front or rear yard. Bay windows may not project into a required ocean yard.

C. Chimneys shall project not more than twenty-four inches into any required yard.

D. Building Entrances.

1. Unroofed landings may project not more than thirty-six inches into a required front yard, rear yard or street side yard where they provide access to the first story of a dwelling, as the term story is defined by the building code and where the landing is limited to no more than ten lineal feet. Such a landing may be accessed by no more than three risers. Unroofed landings and stairs may not project into a required ocean yard.

2. A covered entry to a dwelling may project not more than thirty-six inches into a required front yard, rear yard or street side yard where the entry provides access to the first story of the dwelling, as the term story is defined in the building code. The covered entry is limited to no more than ten feet in length and shall be completely open on all sides. The entry may be accessed by no more than three risers. Covered entries and stairs may not project into a required ocean yard.

E. Patios and decks, including any fixed benches, railings, or other attachments, which are no more than thirty inches in height above the existing grade may project into a required yard, but may not be closer than two feet to any property line. For lots abutting the oceanshore, a deck or patio permitted in the required yard may not be closer than two feet to the western property line or the Oregon Coordinate Line, whichever is further east. Patios and decks constructed in a required yard shall not obstruct significant views of the ocean, mountains or similar features from abutting property. (Ord. 08-1 §§ 58, 59; Ord. 92-11 § 54; Ord. 92-11 § 54; Ord. 79-4 § 1 (4.090))

17.90.080 Exceptions to building height regulations.

Projections such as chimneys, spires, domes, elevator shaft housings, towers, wind generators, aerials, flagpoles and other similar objects not used for human occupancy are not subject to the building height limitations of the zoning ordinance.

17.90.100 Control of lights on public beach.

No artificial light source shall be placed so that it directly illuminates the public beach at a distance of more than one hundred feet from the Oregon Coordinate Line or the property line, whichever is most eastward, after January 1, 1985. “Artificial light source” is defined as a lamp or other emitter of light which is directly visible from the public beach, including but not limited to flood lamps, area or barn lights, and streetlights.

17.90.110 Residential exterior lighting.

Exterior lighting, either free-standing or attached to a single-family residence, shall comply with these standards.

A. General Requirements. For residential properties including multiple residential properties not having common areas, all outdoor luminaires shall be fully shielded and shall not exceed one thousand two hundred sixty lumens.

B. Exceptions.

1. One partly shielded or unshielded luminaire at the main entry, not exceeding six hundred thirty lumens.

2. Any other partly shielded or unshielded luminaires not exceeding three hundred fifteen lumens.

3. Low voltage landscape lighting aimed away from adjacent properties and not exceeding two thousand one hundred lumens.

4. Shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding two thousand one hundred lumens.

5. Open flame gas lamps.

6. Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than fifteen minutes after the area is vacated.

7. Exempt Lighting.

a. Temporary lighting for theatrical, television, performance areas and construction sites.

b. Underwater lighting in swimming pools and other water features.

c. Temporary lighting and seasonal lighting provided that individual lamps are less than ten watts and seventy lumens.

d. Lighting that is only used under emergency conditions.

e. Low voltage landscape lighting controlled by an automatic device that is set to turn the lights off no later than ten p.m.

f. Upcast lighting illuminating a flag of the United States, not exceeding two thousand one hundred lumens.

17.90.190 Site plan.

Except for interior renovation of an 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 containing the following information is submitted and approved showing the location of:

A. Property boundaries and dimensions.

B. Easements, if any.

C. Existing and proposed structures.

D. Existing structures on adjoining property if within one tree-protection zone of the common property boundary. A tree protection zone is defined as a circle with two feet of radius for each inch of trunk diameter measured at four and one-half feet above grade.

E. Existing trees six-inch diameter at breast height (DBH) or larger.

F. Existing trees six-inch DBH or larger on adjoining property that, in the judgement of the applicant's certified arborist, might be damaged by construction activity on the subject property. Alternatively, in the absence of a report by a certified arborist, all trees on adjoining property within one tree protection zone of the common property boundary. A tree protection zone is defined as a circle with two feet of radius for each inch of DBH.

G. Existing trees six-inch DBH or larger in the adjoining street right-of-way that, in the judgement of the applicant's certified arborist, might be damaged by construction activity on the subject property. Alternatively, in the absence of a report by a certified arborist, all trees in the adjoining street right-of-way within one tree protection zone of the subject property.

H. Existing and proposed features needed to calculate lot coverage as defined in Section 17.04.335.

I. Topographic information needed to determine average grade as defined in Section 17.04.275.

…

The planning director may waive any of these requirements if not applicable for particular developments or sites.

Chapter 17.92 ADMINISTRATIVE PROVISIONS

17.92.010 Development permits.

A. Permit Required.

1. A development permit is required for:

a. The construction, enlargement, alteration, repair, moving, improvement, removal, conversion or demolition of any structure or building which requires a building permit pursuant to either the State of Oregon, One- and Two-Family Dwelling Code, or the State of Oregon, Structural Specialty Code. (For the purpose of this section, these are referred to as Type 1 development permits.);

…

3. In the case of a structure or building requiring a building permit, the development permit may be part of the building permit.

B. Application. A property owner or their designated representative may initiate a request for a development permit by filing an application with the city using forms provided by the city.

C. Administrative Review of Development Permits.

1. Administrative Review of Type 1 Development Permits. The building official shall issue a development permit to the applicant if the building official finds that the work described in an application for a development permit and the plans, specifications, and other data filed with the application conform to the requirements of this title, and any conditions imposed by a reviewing authority. A decision of the building official may be appealed to the planning commission in accordance with Section 17.88.140.

…

E. Expiration. A development permit shall become null and void if work has not commenced within one hundred eighty days of its issuance or if the work is abandoned for more than one hundred eighty days after work has started.

…

17.92.040 Application information.

A. An application for an action or permit provided for by this title shall consist of:

1. A complete application form and the appropriate application fee;

2. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all partners in ownership of the affected property;

3. Legal description of the property affected by the application.

B. If the application is complete when first submitted, or the applicant submits the requested additional information within one hundred eighty days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

C. If an application for a permit or zone change is incomplete, the city shall notify the applicant of the additional information required within thirty days of the receipt of the application. The applicant shall be given the opportunity to submit the additional information required. The application shall be deemed complete upon receipt of additional information required. If the applicant refuses to submit the required additional information, the application shall be deemed complete on the thirty-first day after the governing body first received the application.

17.92.050 Consolidated application procedure.

Where a proposed development requires more than one development permit, or a change in zone designation from the city, the applicant may request that the city consider all necessary permit requests in a consolidated manner. If the applicant requests that the city consolidate his or her permit review, all necessary public hearings before the planning commission shall be held on the same date.

17.92.060 Filing fee.

It shall be the responsibility of the applicant to pay for the full cost of processing permit applications. Minimum fees shall be set by resolution by the city council, and the applicant shall pay the minimum fee to the city upon the filing of an application. Such fees shall not be refundable. The applicant shall be billed for costs incurred over and above the minimum permit fee at the conclusion of city action of the permit request.