Minutes of the
CANNON BEACH PLANNING COMMISSION
Thursday, April 27, 2023

Present: Chair Clay Newton and Commissioners Anna Moritz, Mike Bates, Les Sinclair, Erik Ostrander, Dorian Farrow, and Aaron Matusick via Zoom

Excused: None

Staff: Land Use Attorney Bill Kabeiseman, City Manager Bruce St. Denis, City Planner Robert St. Clair, and Community Development Administrative Assistant Emily Bare

CALL TO ORDER

Chair Newton called the meeting to order at 6:02 p.m.

Chair Newton explained to the group that Action Item (4) SR 23-05 and VAC 23-01 would be continued until May 2023. The city has taken into consideration the public comments made and would like to take this opportunity to reassess the plans needed for this project to move forward in a way that everyone would be satisfied, and citizens' concerns could be reassured. Anyone who would like to make a public comment who will not be available for the May 2023 meeting shall be afforded the opportunity to express their concerns tonight.

ACTION ITEMS

(1) Approval of Agenda

Motion: Commissioner Sinclair moved to approve the amended agenda as presented with changes made to Action Item (4) SR 23-05 and VAC 23-01 which will be continued until May 2023. Commissioner Farrow seconded the motion to amend the agenda for discussion.

Vote: Sinclair, Matusick, Bates, Moritz, Bennett, Ostrander, and Chair Newton voted AYE; the motion passed

(2) **Consideration of the Minutes for the Planning Commission Meeting of March 23, 2023**

Motion: Commissioner Bates moved to approve the minutes; Commissioner Farrow seconded the motion.

Vote: Sinclair, Bates, Moritz, Matusick, Farrow, Ostrander, and Chair Newton voted AYE; the motion passed

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(3) **Public Hearing and Consideration of AA#23-02, Mike Bates for an administrative appeal of the City's approval of Development Permit DP#23-10.**

AA#23-02, Mike Bates administrative appeal of the City's approval of a development permit, DP#23-10, for the construction of a mixed-use building at the intersection of First and Spruce Streets, Tax lot# 51030AA04402, a Limited Commercial (C1) zoned property. The appeal will be reviewed pursuant to Municipal Code section 17.88.180, Review Consisting of Additional Evidence or De Novo Review and applicable sections of the zoning ordinance.

Site Visits were made by Farrow, Sinclair, Ostrander, and Moritz.

Robert St. Clair Read the staff report.

Public Testimony

Applicant:

Mike Bates
PO Box 820
Cannon Beach, OR 97110

Bates presented a summary of claims to show the commission why he thought it was important to bring issues forward. Specifically, MC 17.22.050 (a) what is a common drive and a common street. Bates also spoke to MC 17.92.01(a) development permits (DP). DP may be part of the building permit, and in administrative language, the type one DP is an administrative land use decision that applies to projects with a binding building permit and not a building permit itself.

Lot coverage and full ratio requirements as described in the subject property zoning classification standards were questioned with a 51-48% difference claimed by Bates. Exhibit C-13 did not have enough information to determine the approval of the permit by the City of Cannon Beach.

Chair Newton asked Bates if it would make him feel better that the units were to be rented naturally because they would not qualify as short-term rentals. Commissioner Moritz explained that the mix use development could not be used for short term rentals.

Proponent:

Jan Siebert-Wahrmund

Siebert-Wahrmund expressed her support for the appeal and requested clarification for the 120-day rule dates for the Spruce and First Streets development. She requested confirmation on the dates that the appeal was received, deemed complete, what date the DP was submitted and appealed. Regarding the DRB and their decision concerning the development, the city must complete their review by June 8, 2023. Does the Planning Commission need to decide on this matter tonight?

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Dave Doering
PO Box 276
Cannon Beach, OR 97110

Doering spoke to the committee and spoke about the outcome from the Design Review Board (DRB). The DRB continued this item because of exterior lighting issues, the landscape plan footprint was off as well as reservations about the Eastern elevation of the building.

Opponent:

Mike Morgan
PO Box 132
Cannon Beach, OR 97110

Morgan believes that St. Clair and Adams before him have put a lot of thought into this proposal. As a professional Planner, Morgan believes that this is a smoke screen being used to delay this project until a new wetland code can be written with a 50-foot buffer which would make this project unbuildable.

Chair Newton asked Morgan as a former planner how he feels about the landscape plan. Morgan spoke to the willows in the rear of the building which is largely on City property right-of-way.

David Vonada
PO Box 563
Cannon Beach, OR 97110

Representative of David Pietka, addressing the concerns of the DRB Chairman, we are in the process of updating the tree report which will be presented at next month's DRB Meeting.

Vonada spoke of his several years of experience in designing mixed use buildings in the same corridor of First and Spruce Streets. He has worked as an architect in Cannon Beach for over twenty years as well as working for several city planners. The code has not changed since the Ecola Square project was completed several years ago, directly to the west of the proposed structure. The code is being applied in the same way as before. He believes that Bates is delving into code that does not apply to this site.

Staff response: No

Mike Bates
PO Box 820
Cannon Beach, OR 97110

Bates stated that he wants to get passed the point in this city where a disagreement with the staff is a personal issue. Where disagreement with staff is being taken to a personal level. Bates requested an apology from Morgan as he has a way of insulting everyone. Bates went on to state that his motivations are heartfelt, and he is interested in protecting the wetland.

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We needed affordable housing and when asked to put pencil to paper the developer backed down.

Public Record Closed 6:55pm

Commissioner Moritz complemented St. Clair and his job well done. Moritz asked Kabeiseman requesting clarification on separating the building and land use decisions. Moritz asked if at any time did the calculations ever exceeded 50% and no it did not.

Chair Newton inquired about Siebert-Wahrmund's questions regarding the timing and the 120-day rule as it applies to this appeal. St. Clair explained that there are two separate applications in effect. One is the application for the development permit which we are in the appeal process. The second application that was being referenced is that of the Design Review Board which is getting close to the 120-day process which the June 8, 2023, date is correct.

Sinclair asked about the timeframe of the 120 days. Is there a clock on the Planning Commission? Kabeiseman explained that this is a Land Use decision, it is a little fuzzy. Sinclair explained his thoughts with the common area. Moritz explained the methodology that the staff report as well as that of the architect which was reasonable to her. Moritz expressed her agreement with the driveway and parking areas.

Sinclair asked for clarification as to the process and significance of the development permit, building permit and DRB application and how it affects the Planning Commission. For example, if the appeal had not been filed, the Planning Commission never would have known about the situation. Kabeiseman explained that if changes to the application are made, and are significant enough, the applicant may have to submit a different/new application showing the extent of the changes. Example if the applicant is seeking an outcome from one committee or board which is inconsistent with the commission, a new application or amendment will be required.

Ostrander asked about the timing of when the numbers were calculated and when the appeal was submitted. The commission discussed the common area and how it is defined and split.

Motion: Commissioner Moritz made a motion that having considered the evidence on record, she moved to affirm the administrative decision to approve development permit DP 23-10 with regards to the Bates appeal AA 23-02. Sinclair seconded the motion.

Vote: Sinclair, Moritz, Matusick, Ostrander and Chair Newton voted AYE; the motion passed.

(4) **Public Hearing and Consideration of SR 23-05 and VAC 23-01, CIDA request on behalf of the City of Cannon Beach for a Setback Reduction and Street Vacation in conjunction with the Cannon Beach Elementary School rejuvenation project at 268 Beaver Ave.**

SR#23-05 and VAC 23-01 CIDA request on behalf of the City of Cannon Beach for a Setback Reduction and Street Vacation for the purpose of reducing the required setback to construct a covered entrance canopy and provide space for required off-street parking. The property is located at 268 Beaver Ave. (Tax Lots 4000, 4100, 4101, 4200, and 4301, Map 51020CB) in an Institutional (IN) zone. The request will be reviewed under Municipal Code section 17.64.010, Setback Reduction, and section 12.32, Street and Alley Vacation, provisions established.

Opponents:

Robert Mahoney
1930 S River
Portland, OR 97201

The City Manager and personnel have been very courteous to work with. Mahoney as well as his neighbor's property share a drive on Beaver and Antler Streets. His main concern is that the school and gym were abandoned because of the tsunami risk. He is concerned about the safety of pulling out into the one-way street. There are additional concerns about the availability of emergency personnel and vehicles having access.

Public Comment: None

No staff response.

Public Record Was Not Closed

(5) **Public Hearing and Consideration of ZO# 23-01, Jeffrey Moon request for a Comprehensive Plan Amendment & Zone Change at Tax lot# 51032BC00400.**

ZO#23-01, Jeffrey Moon proposed Comprehensive Plan Amendment & Zone Change for Taxlot 51032BC00400, an undeveloped property north of the intersection of East Surfcrest Ave. and U.S. Highway 101. The property is currently zoned (RVL) Residential Very Low Density, and the request is to change the zoning classification to (R2) Residential Medium Density. The request will be reviewed under Municipal Code section 17.86, Amendments, provisions established.

Site Visits by Commissioners Ostrander, St. Clair, Bates, Moritz and Chair Newton

St. Clair read the staff Report.

Additional correspondence by listed in Exhibit.

Public Comment:

Proponents:

Jeff Moon
220 Ogden Dr
Oregon City, OR 97045

Originally bought land in 2020 to have a residential plus cottage industry where they could build a new home for their mother, brother John Moon and operate their family's towing business; this request was denied in 2020. The family business will be closing in June 2023 and the business property at 280 Hemlock will be sold. The property in question is adjacent to his brother Steven's property. The reason for this designation request

is to move his mother to a smaller home which will be easier for her to manage. Moon is seeking rezoning to R2 because this designation coincides best with the grade and the slope of the property based on the geological reports that have a property R2 (residential medium density). The city's comprehensive plan and the State of Oregon's required continued growth of properties to provide permanent housing which this amendment aligns with. County tax records show adjacent neighbors on E Sustina St and E Chisana St have seventeen homes on those two streets, thirteen of which have owners with an address outside of Clatsop County. ODOT has approved the request for the property entrance to and from the property onto the highway and there will be a very limited amount of traffic. ODOT approved and is not concerned with the impact onto the highway traffic.

Farrow asked who would live in the third house. Moon explained that his brother John will be utilizing the third home. Farrow expressed his concern with traffic turning left off the highway and stopping traffic. Moon informed Farrow that there is room to put turn lanes in if ODOT felt it necessary because of the amount of space allowed for road widening.

Moritz asked why not ask for RL which would allow for four lots when all you are wanting is three. Moon expressed that he did not want to add his property as a subdivision. The city wanted to put the street so that access was on the very northwest side of the property. This process would affect the wetlands, requiring larger roads, sidewalks, and cul-de-sac. It would also effect getting sewer and other utility access from the west side.

Bates asked a zoning question. Moon spoke to the slope of the land. Ostrander asked questions regarding how the utilities will be placed, Moon explained that they will be going through his brother's property. The lawyer is currently working on the easements.

Proponents:

Steve Moon
PO Box 162
Cannon Beach, OR 97110

Moon expressed his support for his brother's request. He wanted to express his concern over some of the public comments received prior to the public hearing. Moon explained that any trees removed from the property were danger trees that were looked at and approved by two different arborists. Moon reiterated that the family just wants to continue to live in the city that they love and grew up in.

Staff support the approval with conditions as read by St. Clair.

Ostrander asked about possible additional tree removal, it appears that most of the trees are danger trees. The Moon brothers explained that the design and spacing of the homes was done in such a way to save as many trees as possible.

The Public Hearing closed at 8:08 pm.

Committee discussion

Moritz asked about why not rezone to RL to be consistent with what's across the west of the highway, which is zoned RL and R1. When you read the code MC 17.100.10 talks about RL for 20 to 31% slopes on the property.

Newton asked Kabeiseman regarding the letter submitted by the Fair Housing Administration. Have been very active in the last several years HLA, you need to allow more zoning with housing options.
Kabeiseman spoke about spot zoning, and whether we can approve something that they did not request.

Motion: Commissioner Bates moves to reject the application based on the inappropriateness of the R2 zone requested. The commission urges the applicant to come back with a more appropriate zone request (RL). Commissioner Farrow seconded the motion.

Vote: Sinclair, Ostrander, Bates, Moritz, Matusick, Farrow, and Moritz and voted AYE; Chair Newton voted no. The motion passed 5:1.

WORK SESSION ITEMS

(6) Public Hearing and Continuation of SR#23-01, Mike Morgan request on behalf of Jeff and Miriam Taylor for a Setback Reduction for a porch addition to allow emergency access at 1956 S. Hemlock St.

SR 23-01, Mike Morgan, on behalf of Jeff and Miriam Taylor, application to allow a setback reduction to reduce the back yard setback from the required 15'0" to 5' to build a small porch of 72 square feet to be used as an emergency access. The property is located at 1956 S. Hemlock. (Tax Lot 04300, Map 51030DD), and in a Residential Low Density (RL) Zone. The request will be reviewed against the Municipal Code, section 17.64.010, Setback Reduction, provisions established.

Site visit: Farrow and Moritz

St. Clair read the staff report.

No additional Comments

Applicant presentation

Mike Morgan
PO Box 132
Cannon Beach, OR 97110

The goal is to save the trees both to the north, to the south and to the west. The homeowner is looking to build on the existing footprint which is right up against the retaining wall. The owners have decided that they could live with a six-foot six-inch setback reduction. There would be a very small intrusion into the setback and the post/supports for the porch rest on top of the retaining wall which means that there is no intrusion into the right-of-way (ROW). The Public Works Dept has issues with their ability to work in the City's ROW with a new seismic valve being placed along designated parts of the city's water system.

Moritz asked if the new house would meet the 15-foot setback. Morgan asked to defer to Vonada. Newton asked about the Geotech report.

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Jeff and Miriam Taylor

The homeowners would prefer the fifteen-foot setback to save the trees, however they will do what they can to save the trees from the twelve-foot setback. The existing stairs are only six to seven feet tall, so they are of no use for the emergency exit but will not be removed as they are part of the existing retaining wall. A geological survey was completed and there might be a way to change the classification of it to get them to testify that the further we move down the hill the riskier the house building will become.

Sinclair wanted to verify that the space near the stairway wouldn't turn into a parking space. The door would be used to take walks and more than just an emergency exit. Once the house is built there will be a driveway that can be utilized for additional parking. That space is not meant to be permanent parking or overnight parking.

David Vonada
PO Box 563
Cannon Beach, OR 97110

The stairway currently on site would only be able to serve the second floor, because of that the homeowners are asking for a porch off the top floor.

There is a Geotech report and Vonada spoke to that report furthest east and closest to the retaining wall is the most stable, it will have a state-of-the-art foundation system.

Farrow asked if there was any legal requirement to have an emergency exit from a third floor, Vonada explained that an egress window is required, but the prudent thing to do is to have an easier way to vacate the home.

Proponents: None

Opponents:

Karen LaBonte
City Of Cannon Beach
Public Works Director

LaBonte reminded the committee that the fire chief signed the letter requesting that this setback be denied, and if a fire egress was truly an issue, he would have addressed such concerns.

Setbacks are there for a reason, not just for the safety of staff and staging equipment. Hemlock is a main thoroughfare, it used to be highway 101. This area still operates like a highway, people speed, there is an incline in the road, there is a blind factor in that space. When staff are there and working, the city tries to always keep one lane of traffic open, so people are not pushed out onto the highway, but their safety is first and foremost. When you look at OSHA's requirements, we need to have staging areas and open up as much space available. Setbacks and Rite-of-Way spaces are there for multiple reasons.

LaBonte expressed her concerns regarding the parking issue on Hemlock in front of this residence. Morgan specifically calling out the desire to park there, he had a photograph of a vehicle parked there as a future desire. Just a few feet down the road at the Ninth Pinnacle home there is a house that we receive three to

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four complaints a month for people parking, we send those calls straight over to the police department and code enforcement.

Bates asked if the reduction in the setback footage makes a difference. La Bonte explained that her biggest concern is the safety of her staff, and illegal parking effects that safety issue.

Chair Newton asked how this change will affect what is already a problem, LaBonte explained that because this house is not currently occupied that the problem hasn't been amplified.

No additional staff comments.

Morgan responded with comments regarding the possibility of fencing. And that the Taylor's are wanting to play ball with the city and not do that.

Taylor expressed his concerns and spoke to the attachment that was sent, Exhibit A-6 which speaks to the setback that they are requesting.

Morgan attempted to explain the change in setback of the house, he mis-spoke.

LaBonte explained that she has no concern with anything on the west side of the retaining wall.

Farrow asked if the stairs can be filled in, Taylor said that they could be used, but are not sure at this point. If they aren't utilized they will be filled in somehow. Newton asked who completed the Geotech.

Public hearing closed at 9:34

Committee Discussion

Farrow addressed his concerns that there are so many inconsistencies with this property. The stairs have different numbers. Mortiz agreed with the same being the case with the footprint of the house and setbacks. Chair Newton is concerned that they haven't seen the Geotech report.

Bates believes that there has been a good compromise, however there is a non-conforming issue. The deck is in a different situation. Moritz would appreciate a tree report rather than say we will go forward and see if the tree survives.

Public Record re-opened at 9:50

Motion: Commissioner Moritz moved to continue application until Thursday May 25 at 6 pm for 90 days with a written submission of an arborist report, Geotech report and the plans that show the actual footprint including the east wall. On or about July 27, 2023. Bates seconded the motion.

Action: The Taylors will have twenty-one days to submit the additional information, the commission will meet in thirty days to hear it, and thirty days for an appeal to City Council if necessary, and a thirty day buffer. Kabeiseman explained the 777 rule.

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(7) **Public Hearing and Consideration of SR#23-03 and V#23-02, Mike Morgan request on behalf of Brett and Jennifer Tanzer for a Setback Reduction and request to exceed Floor Area Ratio limitations in conjunction with an Accessory Dwelling Unit at 663 Ocean Ave.**

SR#23-03 & V#23-02, Mike Morgan, on behalf of Brett and Jennifer Tanzer, requesting a setback reduction for the side and rear yard setbacks and a variance to exceed the floor area ratio limitations. The purpose of these applications is to allow for structural modifications to a pre-existing non-conforming detached garage and the addition of an Accessory Dwelling Unit. The property is in the Residential Medium Density (R2) zoning district. The request will be reviewed under Municipal Code section 17.64.010, Setback Reduction, and section 17.84, Variances, provisions established.

St. Clair read the staff report.

Public Testimony

Applicant Presentation

Mike Morgan
PO Box 132
Cannon Beach, OR 97110

The height of the ADU would rise 6 feet not 4 feet. The garage was built in the 1940's before there were zoning requirements in Cannon Beach. The garage will go down to I car garage, an ADU will be added on top of the garage. The tree will be saved, the ADU will be used for long term housing.

Moritz mentioned that the main house is a short-term rental, and Ostrander looked up the permit and verified that the STR permit is good until sometime in 2024.

Farrow asked some questions regarding set back reduction. The setbacks will stay the same, but it is required to go through the setback reduction.

Morgan explained that there isn't an arborist report, however they are giving the tree a larger footprint.

Proponent

Brett Tanzer
It is there intention to use the ADU as a long term rental

Opponent

Sara Charhon
15441 SE 164 PL
Trenton, WA

As of October, did have a view of Seal Rock and Ecola. She is concerned that they will have a wall of a house that will take away privacy and sunlight. The garage sits one foot seven inches from their property which

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means that they will have a wall of a house that will sit on their property line. There is a window that faces their house that also gives them concern.

Chair Newton asked if the smaller footprint would help or be a tradeoff. Sara stated no, especially since there will be a tenant and it will be higher than 6 foot above the highest peak. There is great concern that there will be a tenant looking down in their backyard.

Staff Response approval with conditions

Brett Tanzer
3041 106th Ave SE
Bellevue, WA 98004

The intention is to rent the ADU as a long-term rental to supplement their retirement income.

Public Record Closed at 10:32 pm

Commission Discussion

Ostrander has concerns that the ADU will get rented along with the house as is often the case even though it is not allowed.

Bates and Newton discussed legal language and Farrow spoke to setbacks. Bates spoke about changing the window overlooking the neighbor's yard. We need affordable housing but acknowledge neighbors' concerns.

Motion SR 23-03: Commissioner Bates moved to approve application with conditions as listed . Farrow seconded.

Motion V23-02: Bates moved to approve variance Farrow seconded. Subject to all the conditions

Vote: Ostrander, Matusick, Moritz, Sinclair, Bates, Farrow, and Chair Newton voted AYE; the motion passed.

(8) **Public Hearing and Consideration of SR#23-04, Brent Burton request for a Setback Reduction in conjunction with a new Single-Family Dwelling at Taxlot# 51030DD04302 on S. Hemlock St.**

SR#23-04, Brent Burton application requesting a setback reduction to reduce the required front and side yard setbacks to construct a single-family dwelling on an undeveloped lot located near the intersection of S. Hemlock and Center Streets. The subject property (Tax Lot 04302, Map 51030DD) is in a Residential Low Density (RL) zone. The request will be reviewed under Municipal Code section 17.64.010, Setback Reduction, provisions established.

St. Clair read the Staff Report

Site visit: Moritz, Ostrander and Newton

Presentation by applicant

Brent Burton

PO Box 1938
North Plaines, OR 97133

The Burton's have owned property for over 10 years, they are looking to build a retirement home. Trying to build on the flattest part of the property. There will be an issue with parking. They will need a driveway so that people are not backing out on to Hemlock. If the set back is granted, there will no longer be an issue with parking. They would like to receive a setback reduction prior to the design of the building.

Bradley Cooley
85162 McBeth Rd
Eugene, OR 97405

Want to build SFR which will be owner occupied need setback for fifteen to five feet. No negative impacts on the street. Solar impacts would help the neighbors from the north. Will not exceed the forty five percent lot coverage, and do not want to build on the site slope. No negative impact on the neighboring views, right-of-way, privacy, and fire protection should not be affected by this build.

Sinclair asked how they envisioned accessing the property if not from Hemlock access. Burton explained that they will be utilizing access from center street. They plan on using a driveway that runs from the west side of the Taylor residence. They will be utilizing an underground driveway onto the slope of the property.

Proponent

Opponent

Karen LaBonte
City of Cannon Beach
Public Works Director

LaBonte expressed her concerns that a shared driveway may force the Taylor's to utilize parking on Hemlock that was discussed earlier in the meeting. The commission needs to be aware of this possibility.

Staff Response recommends approval with conditions.

Public Hearing closed at: 11:15pm

Commission Discussion

Bates and Moritz spoke to the lack of plans and/or footprint.

Motion: Commissioner Farrow moves to deny this application sinclair seconded the motion.

Vote: Commissioners Sinclair, Farrow, Bates, Moritz, Ostrander, Matusick and Chair Newton. All in favor said AYE.

Motion of orders

(7) Wetlands Discussion

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No Items to discuss tonight.

INFORMATIONAL ITEMS

(8) Tree Report

St. Clair went over the March/April tree numbers utilizing the Public Notice Page of the City's website.

(9) Ongoing Planning Items

St. Dennis spoke to the ongoing recruitment for the Community Development Director

(10) Good of The Order

Conversation on leading discussions and bringing a voice to issues that are important to our community. How the committee can be involved in driving the communication of hot topics in our community.

(11) Adjournment

ADJOURNMENT

The meeting adjourned at 11:15 pm.

_____

Emily Bare
Community Development
Administrative Assistant

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CANNON BEACH COMMUNITY DEVELOPMENT
163 E. GOWER ST.
PO BOX 368
CANNON BEACH, OR 97110

Cannon Beach Planning Commission

Staff Report:

PUBLIC HEARING AND CONSIDERATION OF AA#23-04, JANET STASTNY ADMINISTRATIVE APPEAL OF THE CITY'S APPROVAL OF A TREE REMOVAL PERMIT IN CONJUNCTION WITH THE CONSTRUCTION OF A NEW SINGLE FAMILY DWELLING AT 743 N. ASH ST (TAX LOT# 5602, MAP 51019AA) IN A RESIDENTIAL LOWER DENSITY (RL) ZONE. THE APPEAL WILL BE REVIEWED PURSUANT TO MUNICIPAL CODE 17.88.180, REVIEW CONSISTING OF ADDITIONAL EVIDENCE OR DE NOVO REVIEW AND APPLICABLE SECTIONS OF THE ZONING ORDINANCE.

Agenda Date: May 25, 2023

Prepared By: Robert St. Clair, Planner
Community Development Department

GENERAL INFORMATION

NOTICE

Public notice for this May 25, 2023 Public Hearing is as follows:

A. Notice was posted at area Post Offices on May 5, 2023;

B. Notice was mailed on May 5, 2023 to surrounding landowners within 100' of the exterior boundaries of the property.

DISCLOSURES

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

EXHIBITS

The following Exhibits are attached hereto as referenced. All application documents were received at the Cannon Beach Community Development office on May 2, 2023 unless otherwise noted.

"A" Exhibits – Application Materials

A-1 Notice of Appeal of Administrative Decision for a tree removal permit at 743 N. Ash St., received May 2, 2023;

"B" Exhibits – Agency Comments

None received as of this writing;

"C" Exhibits – Cannon Beach Supplements

C-1 Tree Removal Permit for 743 N. Ash St., Issued May 2, 2023;

C-2 Tree Removal Application Review for 743 N. Ash St., received May 2, 2023;

C-2 Site Plan Survey, received April 27, 2023;

C-3 V. Cerelli email, received March 13, 2023;

C-4 J. Balden email with project memo, received March 13, 2023;

C-5 J. Lerma email, received March 10, 2023;

"D" Exhibits – Public Comment

D-1 D. Stastny email, received May 2, 2023;

D-2 D. Stastny email, received May 5, 2023;

D-3 D. Stastny email, received May 14, 2023;

D-4 K. Weckwerth email, received May 14, 2023;

D-5 D. Stastny email, received May 17, 2023;

D-6 D. Stastny email, received May 17, 2023;

D-7 J. Stastny email, received May 17, 2023;

D-8 D. Stastny email, received May 17, 2023;

SUMMARY & BACKGROUND

The appellant, Janet Stastny, is appealing the administrative decision to a tree removal permit in conjunction with construction at 743 N. Ash St., Taxlot# 51019AA05602, that was approved on May 2, 2023.

The City of Cannon Beach received the Notice of Appeal for an Administrative Decision on May 2, 2023, where it was stamped paid and received by the City on the same date, within the 14 consecutive day appeal period.

The appellant's areas of concern are divided into two portions: Items that pertain to the appeal of the tree removal permit, and other items about the project generally that are outside of the scope of this appeal. These items are addressed below.

1. Appeal of Tree Removal Permit

The tree removal permit being appealed is for an approximately 60 foot tall, 40-inch DHB Sitka Spruce located at or near the southeast corner of the single-family dwelling authorized by building permit 164-23-000006-DWL. Based on emails received by City staff that are attached to this report at exhibits C-3, C-4, and C-5, the development team's intention was to preserve the tree if possible and remove it only if it became necessary to do so. In Exhibit C-4, Joe Balden, the contractor's consulting arborist stated that the tree contributes significantly to slope stability and does not have any health or structural defects. Mr. Balden's report then goes on to state that excavation on the north side of the property will be necessary to determine whether the tree will need to be removed as that excavation will determine the depth of the foundation's footing and the lower-level floor height. It states: "*At the time of excavation on the north side of the property we can make an informed opinion on whether or not the tree can be retained*."

As a result of the excavations along the north side of the property the developer determined that the conditions would not allow for the construction of the dwelling in a manner that conforms to the project's geotechnical report while retaining the tree. At that time a tree removal application was submitted to the City and reviewed under the pertinent criteria of Municipal Code 17.70 – Tree Removal and Protection, specifically 17.70.020(D) which states:

> *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 of 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).*

The requires from 17.70.30 are below:

> *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 of 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.

The City retains the services of a contract arborist who provides an independent review of tree removal applications as per Municipal Code 17.70.030(O) which states:

> *The city may seek independent expert opinion when reviewing an ISA Tree Hazard Evaluation, or when reviewing any request to remove a diseased, damaged, dying, or hazardous tree. An arborist retained by the city under this section is expected to render independent expert opinion, consistent with the ISA Certified Arborist Code of Ethics.*

The arborist contracted to provide reviews for the City reviewed and commented on this application, and the arborist's report is included with the tree removal permit in exhibit C-1 and can be found as exhibit C-2, although applications in conjunction with construction are not required to be independently reviewed and 17.70.020 states that the City "shall" issue a removal permit when the pertinent criteria are satisfied. In his memo the reviewing arborist, Jeff Gerhardt, stated "Given the circumstances, it is with great reluctance that I advise removal of this tree." The memo then went on to state that the application meets permit Criteria A, which states:

> *You are constructing a structure or development approved and allowed by pursuant to Cannon Beach Municipal Code 17.70.030, which involves any form of ground disturbance; including required vehicular and utility access.*

The role of the contracted arborist is not decision making for submitted applications but rather to provide technical review and recommendations for tree related hazards and diseases that are often outside the professional expertise of City staff.

Based on the criteria for removal of trees in conjunction with construction projects, CBMC 17.70.020(D), the City was required to issue the tree removal permit for 743 N. Ash St. The application was complete and contained a site diagram identifying the tree to be removed and was accompanied by a narrative prepared by an ISA certified professional arborist. The work being performed is in conjunction with permitted construction on the subject property.

2. Other Project Concerns

These items do not pertain to the appeal of the tree permit but are included as they are referenced in the appeal and are anticipated to be part of the discussion during the appeal's public hearing. These items include:

- Excavation & setback encroachment.

  Setback restrictions – or "yard requirements" as they are sometimes referred to in the code - do not restrict excavations, rather they apply to the location of perimeter of the structure and prohibit some structures within a certain distance from adjoining properties. In order to provide working space for the placement of forms and footings excavation generally extends into the setback. The appellant alleges that the neighboring property owner has excavated into their property. Staff has inspected the property and this does not appear to be accurate based on the surveys provided to the City. A site survey submitted by the developer on April 27, 2023 (Exhibit C-2) shows the side yard (north) setback as five feet and the front yard (west) setback as 15 feet. This conforms to the minimum setback standards for the Residential Low Density zoning standards detailed in Municipal Code 17.10.040. To the extent the survey is in error, the City has no ability to remedy that situation and it would have to be addressed through civil litigation

- Errors in calculations used in the plan review and permission for unpermitted work.

  The appellant has not identified any particular calculation that is in error or provided any support for such errors, other than a general assertion of error. The assertion that the building official failed to issue building permits or that the City is allowing unpermitted work to take place is incorrect.

- Accusations of unethical behavior on the part of City staff.

  The appellant provides no supporting evidence for their assertion that the subject property owner's development team and the previous Community Development Director entered into an unethical arrangement to enable development on the property.

APPLICABLE CRITERIA

17.88.160 Scope of Review.

A. An appeal of a permit or development permit shall be heard as a de novo hearing.

17.88.180 Review Consisting of Additional Evidence or De Novo Review.

A. The reviewing body may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing. The reviewing body shall grant a request for a new hearing only where it finds that:

1. The additional testimony or other evidence could not reasonably have been presented at the prior hearing; or

2. A hearing is necessary to fully and properly evaluate a significant issue relevant to the proposed development action; and

3. The request is not necessitated by improper or unreasonable conduct of the requesting party or by a failure to present evidence that was available at the time of the previous review.

B. Hearings on appeal, either de novo or limited to additional evidence on specific issue(s), shall be conducted in accordance with the requirements of Sections 17.88.010 through 17.88.100.

C. All testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review. (Ord. 90-10 § 1 (Appx. A § 62); Ord. 89-3 § 1; Ord. 79-4 § 1 (10.084))

DECISION AND CONDITIONS

Motion: Having considered the evidence in the record, based on a motion by Commissioner (Name) seconded by Commissioner (Name), the Cannon Beach Planning Commission moved to tentatively (affirm, reverse, or modify in whole or part) the administrative decision to approve the tree removal permit at 743 N. Ash St., with regards to the Janet Stastny appeal, AA#23-04, as discussed and requests that staff draft findings for review and adoption.

Exhibit A-1

City of Cannon Beach
Finance Department

MAY 02 2023

Received

CITY OF CANNON BEACH

NOTICE OF APPEAL - ADMINISTRATIVE DECISION

Appellant's Name: JANET H. STASTNY

Email Address: jstastny@me.com

Mailing Address: 755 4TH ST
CANNON BEACH

Telephone: 503 782 9843

1. Appeal of Administrative Decision by RED CROW regarding:

TREE REMOVAL at ~~[illegible]~~ 743 N ~~[illegible]~~ 4TH

as stated in letter dated 4/25/23.

2. Specific grounds relied upon for the appeal, including any Zoning Ordinance criteria or standards that you consider to be relevant: PLEASE REFER TO LETTER FROM DON STASTNY DATED 5/2/23

Please attach additional pages, if needed, and any other relevant information.

FEE: $600.00

Appellant Signature: [signature] Date: 5/2/23

For Staff Use Only:

Date Appeal Received: _____ By: _____

Appeal Fee Paid: _____ Receipt No.: _____

City of Cannon Beach
Finance Department

MAY 02 2023

PAID

Fee:
803 - Planning $600
(Last revised March 2021)

Tree Removal Request on Tax Lots 5602 and 5604

1 message

Donald Stastny <djstastny@me.com>
To: Robert St Clair <stclair@ci.cannon-beach.or.us>
Cc: janet Stastny <jstastny@me.com>, Mickey and Chet Moritz <atmoritz@gmail.com>

Tue, May 2, 2023 at 12:58 PM

Robert St.Clair, Planner
City of Cannon Beach

Mr. Livingston:

This letter is a CITIZEN'S APPEAL to the approval to remove the major tree on Tax Lots 5602 and 5604, filed by Contractor Jamie Lerma on behalf of the Owner. We, as Owners on the adjacent property object to the approval of any removal permit as the entire sequence of events as extensive excavation work has continued on the site without the appropriate permits. Major excavation on the site has been undertaken, we have been told that a building permit has been issued but have no indication of such issuance (and were told by the previous Director of Development that we would be notified when a permit was applied for), current excavation has occurred inside the 5' setback and extended into our property putting our house at risk, we were given a proposed retaining wall on the north of the property are extending into the 5' setback (and has errors in the drawing/calculation support), and the subject tree has been severely butchered by the excavation contractor. Additionally, Ash Street has been severely damaged by construction activities and erroneous information supplied the Owner's "designer" and a deal cut behind closed doors by the previous Director of Development. This entire project has been done on an incremental basis to deny the neighborhood a right to review or protest nor with appropriate notification of the neighbors or neighborhood. The latest "increment" is the removal of the tree, which can be saved with a realignment of the proposed building on the site.

Please notify us of the status of the tree removal permit and the review process that will be involved in areaching a decision decision. As of this protest, all construction activity on the site should immediately cease until all issues are resolved. Thank you.

Sincerely,

Donald J. Stastny
Janet H. Stastny
Owners of Tax Lot 5603

City of Cannon Beach
163 E. Gower Street, PO Box 368
Cannon Beach, OR 97110

The City of Cannon Beach invites your suggestions for methods of improving law enforcement services, constructive criticism of department procedures, comments indicating dissatisfaction with manner of performance by officers, or information concerning commendable actions by our officers.

If you wish to make a personal report, you may come to the office of the City Manager at City Hall or the Chief of Police at the Cannon Beach Police Station. You will be received courteously and thorough consideration will be given to your report. If you wish to register your report in writing, complete and return this form. Please provide as much information as possible. Give your name and address so that we may contact you for further information if needed. Any information you give will be kept confidential if you wish.

Each report received will be investigated thoroughly and appropriate action taken. You will be informed of the results of the completed investigation. Every letter of complaint, suggestion, constructive criticism or commendation will receive our attention. Any commendation of our personnel will receive appropriate recognition.

Remember **law enforcement is everybody's business.**

CITIZEN'S REPORT

Print your name, address & phone number

Janet H Stastny. 755 North Ash Cannon Beach 97110 503 781-9843

Print the date this form is filled in	Print the day & date of incident or action	Time of incident
05/02/2023.	05/02/2023	

Where did incident or action take place?

Property located directly below our address.

Print the names of any witnesses, their addresses & phone numbers.

If a person was arrested, print the individual's name, address & phone number if known.

If an officer was involved, print his or her name and car number, if you have this information.

Print the nature of opinion, complaint, suggestion or commendation & provide as much detail as possible.

Stop removal of mature Sitka Spruce tree. Reason for stopping removal of tree is due to questionable activities on job site by contractor and the motives of the owners in regards to site development.

Thank you, Janet Stastny

Signature

City of Cannon Beach
163 E Gower St | PO Box 368
Cannon Beach, OR 97110
(503) 436-1581
cityhall@ci.cannonbeach.or.us

XBP Confirmation Number: 143747250

Transaction detail for payment to City of Cannon Beach. **Date: 05/02/2023 - 3:31:18 PM MT**

Transaction Number: 197252802
Visa — XXXX-XXXX-XXXX-3643
Status: Successful

Account #	Item	Quantity	Item Amount
743 N. Ash - Stastny	Planning Fees	1	$600.00

TOTAL: $600.00

Billing Information
ANNA T MORITZ
, 97110

Transaction taken by: Admin Front

Exhibit C-1

City of Cannon Beach
Finance Department
APR 25 2023
Received

City of Cannon Beach Tree Removal Application

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

Applicant Name: Red Crow, LLC/Jamie Lerma

Mailing Address: PO Box 825, Cannon Beach, OR 97110

Phone: 503-849-0258 Email: jamie@redcrowgc.com

Property Owner Name: Jaqueline Bennett

Mailing Address: 1651 Woodland Terrace, Lake Oswego, OR 97034

Phone: (503) 462-6539 Email: jbenn6115@yahoo.com

Property Location: 743 N. Ash, Cannon Beach **Map/Tax Lot Number:** 51019AA05602

The city shall issue a tree removal permit if one of the following criteria is met. Please circle the letter of the criteria that applies.

These criteria require a Tree Removal Report from an International Society of Arboriculture (ISA) Certified Arborist:

A. You are constructing a structure or development approved and allowed by pursuant to Cannon Beach Municipal Code 17.70.030, which involves any form of ground disturbance; including required vehicular and utility access. **SEE ATTACHMENT A – Removing Trees Because of Construction.**

B. Removal of a tree for the health and vigor of surrounding trees.

These criteria require an ISA Tree Hazard Evaluation Form prepared by an ISA Certified Arborist:

C. The tree presents a safety hazard, where:
   1. The condition or location of the tree presents either a foreseeable danger to public safety, or a foreseeable danger of property damage to an existing structure; and,
   2. Such hazard or danger cannot reasonably be alleviated by pruning or treatment of the tree.

D. The tree was damaged by storm, fire or other injury, which cannot be saved by pruning.

You must submit a tree removal permit with a reason if:

E. The tree is dead.

F. Tree removal is necessary to provide solar access to a solar energy system where pruning will not provide adequate solar access:
   1. The city may require documentation that a device qualifies for Oregon Department of Energy Solar Tax Credit, or other incentive for installation of solar devices offered by a utility.
   2. No tree measuring more than 24 inches in diameter shall be removed for solar access.

G. Tree removal is for landscaping purposes, subject to the following conditions:
   1. The tree cannot exceed 10 inches in diameter.
   2. A landscape plan for the affected area must be submitted and approved by the City.
   3. The landscape plan must incorporate replacement trees for the trees removed. The replacement trees must be at least six feet in height or have a two-inch caliper; and ,
   4. The City shall inspect the property one year after the approval of the permit to insure the landscape plan has been implemented.

If your tree presents an immediate danger of collapse and if such potential collapse represents a clear and present hazard to persons or property, **please contact the Community Development Director (CDD).** If it is determined by the CDD that there is an immediate danger, then a tree removal permit is not required prior to tree removal. However, within seven days after the tree removal, the tree owner shall make application for an after-the-fact permit. Where a tree presents an immediate danger of collapse, a complete ISA Tree Hazard Evaluation Form prepared by a certified arborist is not required. Where a safety hazard exists, as defined by this subsection, the city may require the tree's removal. If the tree has not been removed after forty-eight hours, the city may remove the tree and charge the costs to the owner.

Attach a site plan showing the location and type of all trees on the property, including the trees to be removed. Indicate the location of replacement trees and the type. SEE ATTACHMENT B – Site Plan. Attach photos of the trees to be removed and mark the trees with ribbon.

Explain how the request meets one or more of the applicable criteria. Include the number and type of trees requested for removal. If appropriate, explain why pruning would not accomplish the same goal as tree removal.

City of Cannon Beach
Finance Department

APR 25 2023

PAID

Application fee: $50.00 for 1-4 trees; $100 for 5 or more trees

Note: The application fee is a **nonrefundable** fee that is due upon receipt of application, whether the removal request is approved or denied.

Applicant Signature_____ Date: 4/25/23

If the applicant is other than the owner, the owner hereby grants permission for the applicant to act in their behalf.

Property Owner Signature: _____ Date: 4/25/23

Please attach the name, address, phone number and signature of any additional property owners.

I understand, as property owner, that I am responsible if an approved tree removal permit is violated in any way. As property owner, my signature or an authorized applicant's signature, allows any duly authorized employee of the City to enter upon all properties affected by this permit, for the purpose of follow-up inspection, observation or measurement.

****

Date: _____ Fee Paid: $_____ Receipt Number: _____ Permit #: _____

Application is:

_____ Approved _____ Denied

__X__ Approved - Tree replacement required per Cannon Beach Municipal Code 17.70.040, Tree Replacement Policy.

_____ Approved with comments:

By: _____ Robert St. Clair
Planner Date: May 2, 2023

Decisions on the issuance of a tree removal permit may be appealed to the Planning Commission in accordance with Section 17.88.140 a, of the Municipal Code.

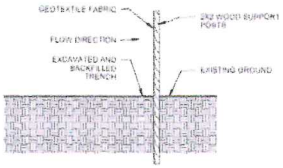
AVERAGE GRADE CALCULATIONS:

NW CORNER EL= 180'-0"
NE CORNER EL= 177'-10"
SE CORNER EL= 160'-10"
SW CORNER EL= 169'-0"

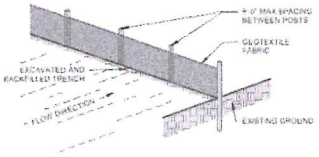
AVERAGE GRADE = 180.42 + 177.83 + 160.83 + 169 = 688.08

688 / 4 = **172**

MAXIMUM BUILDING HEIGHT = 172'-0" + 24'-0" = **196'-0"**

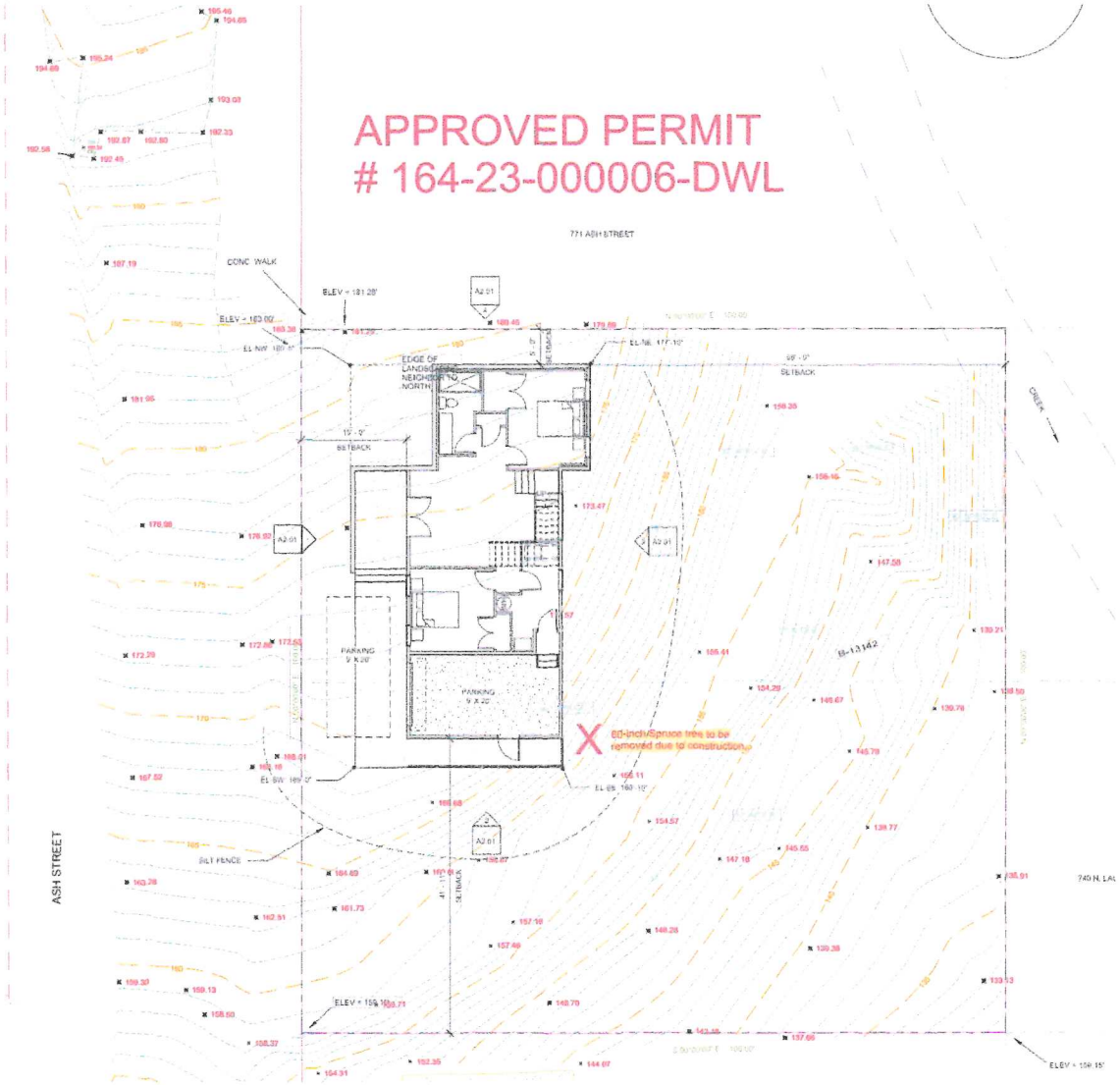


SILT FENCE - SECTION (2)
3/4" = 1'-0"



SILT FENCE - ISOMETRIC (3)
3/4" = 1'-0"

APPROVED PERMIT
164-23-000006-DWL



SITEPLAN (1)
1/8" = 1'-0"

Cerelli Design

BENNETT RESIDENCE

TBD ASH STREET
Cannon Beach, OR
JACKIE BENNETT

REVISION LIST	DATE
1 PLANNING REVISIONS	3-28-2023

PROJECT #: D22-07
DATE: 10/06/2022
SCALE: As indicated

A1.02

SITE PLAN

Project Status

10/13/2022 10:14:33 PM

Robert St. Clair

From: Joe Balden <joebalden70@gmail.com>
Sent: Friday, April 28, 2023 8:35 AM
To: Jamie Lerma; Robert St. Clair; jeffgerhardt treescapesnorthwest.com
Subject: 743 N. Ash Street project

All,
I have reviewed the site plan and construction details. for the proposed house construction as it relates to the existing Sitka spruce tree. The southeast corner of the house is shown to be at the base of the tree. The tree root system would be severely compromised by excavation for the retaining wall and stem wall of the house. Removal of the tree will be necessary for construction to proceed per the approved plans.

Joe Balden
Consulting Arborist
Balden Arboriculture Services

Balden & Associates
Arboriculture Services

Joe Balden
Consulting Arborist **PN0736**

41500 Anderson Road
Nehalem, OR 97131
503.368.7807 office
503.801.3762 cell
joebalden70@gmail.com

March 13, 2023

Vito Cerelli
Jamie Lerma

Project: Bennett Residence
743 N. Ash St., Cannon Beach

Vito,
I met with Jamie on site 3/9 to discuss the situation where the SE corner of the house is projected to be at the base of the Sitka spruce. We discussed possible alternatives to construction where the spruce could be retained. My position is that the tree is significant in that the tree root system presents a major component to slope stability on the east side of the property. The tree is structurally sound, has good characteristics (adapted to weather exposure, good taper, moderate height, no structural defects). If the structure can be adjusted a few feet either north or west, then cut and fill over the west side of the tree roots would be acceptable. Jamie and I discussed how the dig out on the north side of the lot would determine footing depth and floor height. At the time of excavation on the north side of the property we can make an informed opinion on whether or not the tree can be retained.
Let me know when we can discuss this project detail further.

Sincerely,

Joe Balden

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

City of Cannon Beach, Planning Department
Attn: Robert St. Clair
stclair@ci.cannon-beach.or.us
(503) 436-8041

May 1, 2023

Tree Removal Permit Application Review - 743 N Ash

Per your request, I reviewed the Tree Removal Permit Application submitted by Jamie Lerma. A site map was included in the application. Additionally, a letter necessitating tree removal was received from Certified Arborist, Joe Balden. I visually inspected the tree and site on May 1st along with City Planner, Robert St. Clair. Given the circumstances, it is with great reluctance that I advise the removal of this tree.

The tree is a Sitka spruce (*Picea sitchensis*), that is approximately 40" in DBH and 60' tall (photograph attached). The tree is a specimen, exemplifying great health and structure. Located on a steep site, the tree is hugely beneficial in anchoring the slope. Unfortunately, in order to accommodate planned home construction the tree must be removed according to permit Criteria A: "*You are constructing a structure…*".

Poor planning has led to little consideration for retaining and protecting this valuable tree. Perhaps, if fines were imposed by the City for this type of blatant disregard, situations as this could be hindered.

Sincerely,

Jeff Gerhardt

Treescapes Northwest
P.O. Box 52
Manzanita, OR 97130

CCB# 236534
Cell: 503-453-5571
www.treescapesnorthwest.com

Treescapes Northwest
P.O. Box 52
Manzanita, OR 97130

CCB# 236534
Cell: 503-453-5571
www.treescapesnorthwest.com

Exhibit C-2

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

City of Cannon Beach, Planning Department
Attn: Robert St. Clair
stclair@ci.cannon-beach.or.us
(503) 436-8041

May 1, 2023

Tree Removal Permit Application Review - 743 N Ash

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Poor planning has led to little consideration for retaining and protecting this valuable tree. Perhaps, if fines were imposed by the City for this type of blatant disregard, situations as this could be hindered.

Sincerely,

Jeff Gerhardt

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Manzanita, OR 97130

CCB# 236534
Cell: 503-453-5571
www.treescapesnorthwest.com

Exhibit C-3

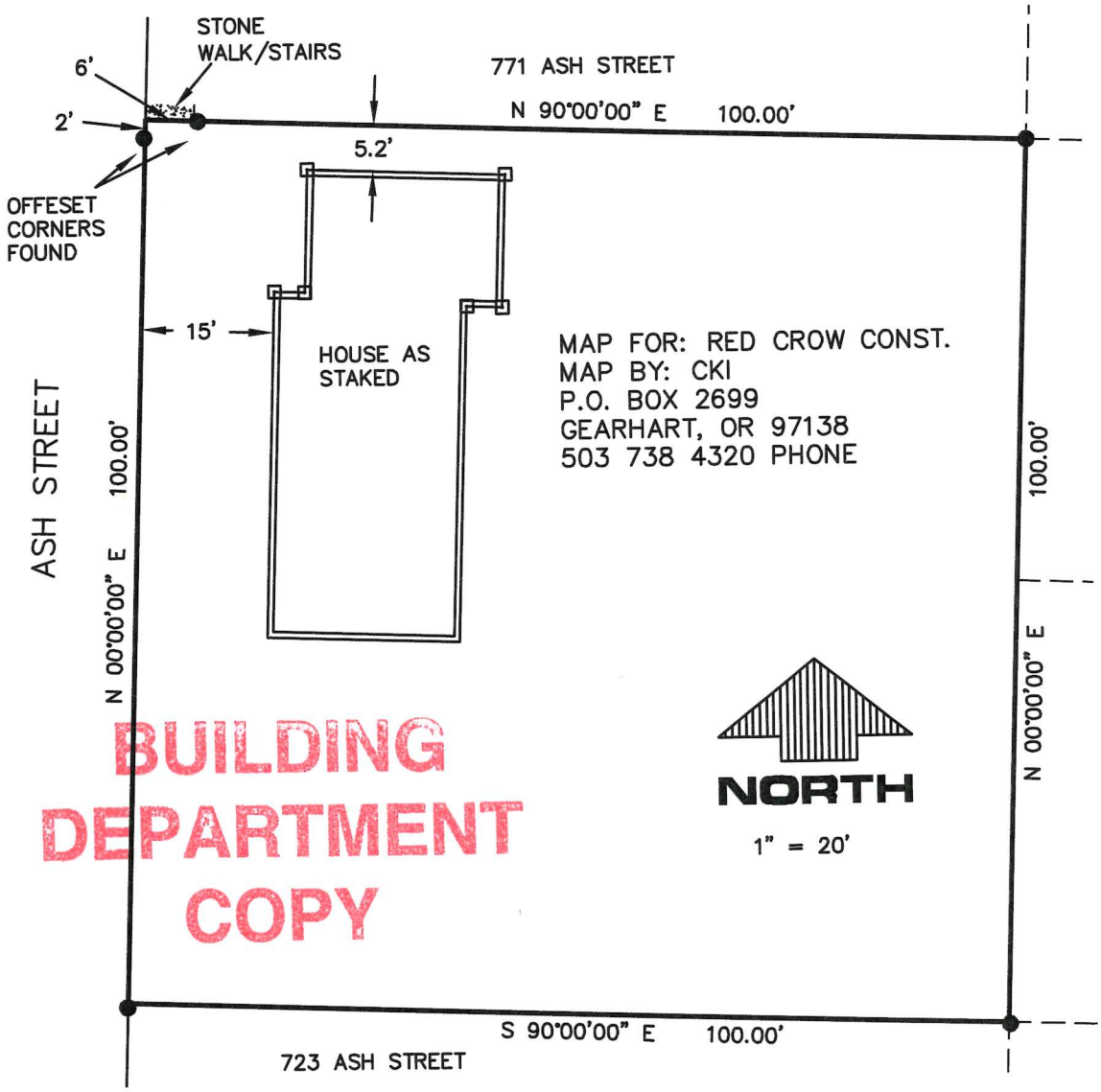
4-27-23
AB

SITE PLAN

743 ASH STREET TAX LOT 5602 MAP 51019AA

CITY OF CANNON BEACH, CLATSOP COUNTY, OREGON

DATE: APRIL 27, 2023



BUILDING DEPARTMENT COPY

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JUNE 30, 1997
SCOTT S. COOTER
2829

RENEWS 12/31/23

CKI
LAND SURVEYING

LEGEND

● INDICATES SURVEY CORNER FOUND

⊡ INDICATES SURVEY NAIL/HUB & TACK SET AT EXTERIOR WALL CORNER

DRAWING NAME: 22-095SP DATE OF PLOT: 4/29/23

Exhibit C-4

Robert St. Clair

From: vito cerelli <vito.cerelli@gmail.com>
Sent: Monday, March 13, 2023 6:51 PM
To: Robert St. Clair; Jamie Lerma
Subject: 743 Ash St.

Follow Up Flag: Follow up
Flag Status: Completed

Robert -

I have been working alongside both Jamie and Joe Balden for the project located at 743 Ash St.

We plan to work alongside Joe B. to preserve the tree on the site if possible. He will be present for the excavation working alongside Jaime Lerma and McEwan -

Thank you,

Vito

Vito Cerelli | vito.cerelli@gmail. com | c: 503.440.5766

Exhibit C-5

Robert St. Clair

From: Joe Balden <joebalden70@gmail.com>
Sent: Monday, March 13, 2023 12:33 PM
To: Robert St. Clair
Subject: 743 Ash St. Bennett new construction
Attachments: BennettAsh st 323.docx

Robert,
Attached is my memo that I sent to Cerelli and Lerma regarding retention vs removal of one Sitka spruce on the site. The tree may need to be removed depending on construction impact. I want Cerelli to review the design and my comments before making a decision on remove or retain the tree.

Joe Balden
Balden Arboriculture Services

Balden & Associates
Arboriculture Services

Joe Balden
Consulting Arborist **PN0736**

41500 Anderson Road
Nehalem, OR 97131
503.368.7807 office
503.801.3762 cell
joebalden70@gmail.com

March 13, 2023

Vito Cerelli
Jamie Lerma

Project: Bennett Residence
743 N. Ash St., Cannon Beach

Vito,
I met with Jamie on site 3/9 to discuss the situation where the SE corner of the house is projected to be at the base of the Sitka spruce. We discussed possible alternatives to construction where the spruce could be retained. My position is that the tree is significant in that the tree root system presents a major component to slope stability on the east side of the property. The tree is structurally sound, has good characteristics (adapted to weather exposure, good taper, moderate height, no structural defects). If the structure can be adjusted a few feet either north or west, then cut and fill over the west side of the tree roots would be acceptable. Jamie and I discussed how the dig out on the north side of the lot would determine footing depth and floor height. At the time of excavation on the north side of the property we can make an informed opinion on whether or not the tree can be retained.
Let me know when we can discuss this project detail further.

Sincerely,

Joe Balden

Exhibit C-6

Robert St. Clair

From: Jamie Lerma <jamie@redcrowgc.com>
Sent: Friday, March 10, 2023 10:06 AM
To: Robert St. Clair
Subject: 743 N. Ash - Bennett tree permit

Good Morning Robert,

Regarding the removal of the 60" spruce tree that I contacted you about earlier this eek, I met with Arborist Joe Balden at 743 N. Ash yesterday morning and we determined that our path forward would be to save the tree if possible and to remove if necessary.

Joe is writing a report a report to that effect. I will forward that report to you when I receive it.

I would have Joe inspect the tree as we excavate to determine the viability of the tree.

We'll have to have our building permit to proceed with excavation, so I'd like to ask you to proceed with the plan review with approval from Community Development pending the report from Joe, which I expect early next week.

Thank you,

Jamie

Jamie B. Lerma
President
Red Crow, LLC
(503) 849-0258
PO BOX 825
Cannon Beach, OR 97110
CCB#226835

Exhibit D-1

Robert St. Clair

From: Donald Stastny <djstastny@me.com>
Sent: Tuesday, May 2, 2023 12:58 PM
To: Robert St. Clair
Cc: janet Stastny; Anna Moritz
Subject: Tree Removal Request on Tax Lots 5602 and 5604

Robert St.Clair, Planner
City of Cannon Beach

Mr. Livingston:

This letter is a CITIZEN'S APPEAL to the approval to remove the major tree on Tax Lots 5602 and 5604, filed by Contractor Jamie Lerma on behalf of the Owner. We, as Owners on the adjacent property object to the approval of any removal permit as the entire sequence of events as extensive excavation work has continued on the site without the appropriate permits. Major excavation on the site has been undertaken, we have been told that a building permit has been issued but have no indication of such issuance (and were told by the previous Director of Development that we would be notified when a permit was applied for), current excavation has occurred inside the 5' setback and extended into our property putting our house at risk, we were given a proposed retaining wall on the north of the property are extending into the 5' setback (and has errors in the drawing/calculation support), and the subject tree has been severely butchered by the excavation contractor. Additionally, Ash Street has been severely damaged by construction activities and erroneous information supplied the Owner's "designer" and a deal cut behind closed doors by the previous Director of Development. This entire project has been done on an incremental basis to deny the neighborhood a right to review or protest nor with appropriate notification of the neighbors or neighborhood. The latest "increment" is the removal of the tree, which can be saved with a realignment of the proposed building on the site.

Please notify us of the status of the tree removal permit and the review process that will be involved in areaching a decision decision. As of this protest, all construction activity on the site should immediately cease until all issues are resolved. Thank you.

Sincerely,

Donald J. Stastny
Janet H. Stastny
Owners of Tax Lot 5603

Exhibit D-2

Robert St. Clair

From: Donald Stastny <djstastny@me.com>
Sent: Friday, May 5, 2023 12:14 PM
To: Lisa Kerr
Cc: Alton Butler; Robert St. Clair; Anna Moritz; janet Stastny; Kathy and Harold Weckwerth
Subject: Re: Request for copies of relevant permits

Lisa: Thank you for looking at the plans. I am still awaiting the electronic copies of all documents that were requested of Jennifer Barrett. We continue to be concerned with the incremental approach to the construction—excavation with no retaining wall plans, site layouts that show one corner of the proposed house in the same location as the tree trunk, the outline nature of the documents (that I have seen) as opposed to complete architectural and structural plans that were required for our house, structural calculations and drawings indicating how they propose to build the house on a very difficult site, depths and locations of footings, etc. Building in this area of Cannon Beach is not an easy task. In any case, the entire project should be designed, planned, stamped by a licensed Structural Engineer or Architect and a strategy in place as to how it will be executed. From my knowledge (and lacking the architectural and structural drawings) it appears that excavation and setting forms is proceeding without a complete understanding of the foundation system and its impact on the site. The contractor, Red Crow Construction, appears to not have an understanding of the site and the conditions to be resolved on the site. We continue to be concerned that the excavation impinged on our property and that there was trespassing on the property to install warning fences that are totally off the subject property. We also question the wisdom of placing the house adjacent to the north property line, endangering the structure of our house, but also creating a fire hazard by putting house too close together without adequate fire-fighting capacity (inaccessibility of fire fighting equipment that was determined by the Cannon Beach Fire Department, and location of fire hydrants at the top and bottom of the hill requiring laying down 200' of fire hose from either of the hydrants to the critical spacing between houses. This concern should be a major concern of the city as in 2000, there was a fire in one house under construction, that ended up taking out three houses and heat damaging at least 3-4 others—and this fire was on Oak Street where fire equipment had access. The City should immediately demand that construction on the site cease immediately until site and construction issues are resolved. Don

On May 5, 2023, at 9:11 AM, Lisa Kerr <kerr@ci.cannon-beach.or.us> wrote:

I looked at the building plans yesterday. There is very little information and no drawings concerning a retaining wall. I think there may be a serious problem on the site. The arborist report in the building plans that I looked at say that the tree the applicants want to remove—the 60" spruce-contributes to hillside stability and should be left in place if at all possible. It IS possible. Redesign so that it doesn't get removed! Also, it appears that the excavation goes right up and over the neighbor to the north's property line. They will probably retain an attorney—at least that is what I would do!
This needs lots of oversight to avoid problems.
Lisa Kerr

Get Outlook for iOS

From: Alton Butler <butler@ci.cannon-beach.or.us>
Sent: Wednesday, May 3, 2023 1:52:00 PM
To: Donald Stastny <djstastny@me.com>; Robert St. Clair <stclair@ci.cannon-beach.or.us>
Cc: Lisa Kerr <kerr@ci.cannon-beach.or.us>; Anna Moritz <atmoritz@gmail.com>; janet Stastny <jstastny@me.com>; Kathy and Harold Weckwerth <kapweckwerth@msn.com>
Subject: RE: Request for copies of relevant permits

Mr. Stastny,
I have spoken to the general contractor of Red Crow Construction to address these issues.
I requested that the construction fence be put up for your safety plus a tarp to mitigate any rain water that could erode the slope below your property.
I have already been out to the property twice. Once the retaining wall is formed and before concrete is poured,
I will field measure the setback which has been surveyed and staked by the surveyor. This is a required inspection for setbacks and foundation.
I share your concern about safety and damage to property.

Best,
Alton Butler

Alton Butler

Building Official
City of Cannon Beach

p: 503.436.8046 | tty: 503.436.8097 | f: 503.436.2050

a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110
w: www.ci.cannon-beach.or.us | e: butler@ci.cannon-beach.or.us

DISCLOSURE NOTICE: Messages to and from this email address may be subject to Oregon Public Records Law.

-----Original Message-----
From: Donald Stastny <djstastny@me.com>
Sent: Wednesday, May 3, 2023 12:04 PM
To: Alton Butler <butler@ci.cannon-beach.or.us>; Robert St. Clair <stclair@ci.cannon-beach.or.us>
Cc: Lisa Kerr <kerr@ci.cannon-beach.or.us>; Anna Moritz <atmoritz@gmail.com>; janet Stastny <jstastny@me.com>; Kathy and Harold Weckwerth <kapweckwerth@msn.com>
Subject: Re: Request for copies of relevant permits

Alton and Robert: I have filed a records request with the City of Cannon Beach this morning for all drawings and materials submitted for building permits for Tax Lots 5602 and 5604 as well as any permit checklist that indicates the applicant has complied with all code requirements. Staff were not able to give me any response time. I suspect that structural and other requirements are not included in the drawings and calculations. Work is underway on the site last night and this morning on retaining wall concrete forms. I asked the workers for a building permit authorizing their work and they indicated they did not have a copy of any building permit. There should not be any work done on the site without a valid building permit. Has the latest supplemental engineering drawing been submitted and approved? As a neighbor and citizen, I request that all work on the site should immediately cease until ALL permit issues are resolved. Also, as a matter of good construction, the contractor is required to supply a restroom on site for workers. This has not been done. The Contractor and Owner have greatly endangered our property as well as trespassing with construction materials and construction activity. Don Stastny

> On May 2, 2023, at 2:29 PM, Alton Butler <butler@ci.cannon-beach.or.us> wrote:

Exhibit D-3

Robert St. Clair

From: Donald Stastny <djstastny@me.com>
Sent: Sunday, May 14, 2023 8:17 PM
To: Alton Butler
Cc: Robert St. Clair
Subject: Ceasing construction on Tax Lot 5602 and 5604

> Mr. Butler: Once more, lacking any response to my last request and as part of the Ash Street neighborhood in Cannon Beach, we request that construction activities on the subject Tax Lots (5602 and 5604) cease immediately. This request is based on our experiences with the General Contractor and the City in undertaking this construction. This is a very complex situation with issues that should have been resolved prior to beginning construction.
>
> 1. The neighbors have been told that the City has granted approval of the Ash Street right-of-way and upper parking area for construction activities. We have yet to see what this approval is, or what limitations it puts on the Contractor and his subcontractors. The net result has been an operation that has completely obliterated the central part of Ash Street, covered over landscaping that was installed because the City did not live up to its promise to restore the landscape and roadway when the water project was installed a couple of years ago. Likewise, all of the neighbors have been severely impacted by the parking of vehicles and equipment up and down Ash Street.
>
> 2. The building for which a building permit was supposedly issued should not have been issued without a resolution of the Sitka Spruce tree in the middle of the subject properties. The regulations for applying for a building permit require that any application for tree removal be included within the building permit application. The first application for tree removal was denied (according to the Contractor), and since the proposed building footprint impacts the tree, the initial building permit should not have been issued. Note: the location of the tree, and its impact on the foundation of the house, was obvious in the initial layout of the site, with the southwest corner of the proposed residence flagged as being in the middle of the tree trunk of the Sitka Spruce. Since the tree removal permit was denied, the building permit should not have been granted and is invalid.
>
> 3. It is our understanding that the City approved a building permit (without the tree issue being resolved) and the Contractor brought in McKuen Excavating to excavate the site, even though the full footing structure of the residence as proposed, could not be built without the removal of the Sitka Spruce. The excavation revealed a hard-pan layer and the Contractor over-excavated the site, leaving a 12 foot high cut at the northern property line, with excavation extending into our property at 755 North Ash Street and potentially compromising the structure of our residence. Both the Contractor and the City trespassed on our property and erected fencing and construction tape to cover their liability due to the over excavation.
>
> 4. Even though there was no approved tree removal permit, McKuen damaged the lower branches of the Sitka Spruce with their equipment—instead of sawing off the branches, tore them off. After the tree had been damaged, and McKuen telling the Contractor they could get a tree removal permit. We heard that that the City had asked for another arborist to inspect the tree, resulting in Mr. Robert St.Clair, Community Development Planner, issuing a tree removal permit for the subject tree. There was NO public process in approving the tree removal permit and we found out about it because the subject was brought up in a City Council meeting. We immediately filed an appeal regarding the tree removal permit and the appeal will be heard before the Planning Commission on Thursday, May 25.
>
> 5. Subsequently, the Contractor, in an effort to protect his liability for the over excavation and intrusion into our property, secured the design of a retaining wall from a structural engineer (not the structural engineer of the residence). There is nothing in the retaining wall design that indicates any tie back to the proposed residential foundation. We assume you have approved this design, even though there is not indication of how it fits with the foundation of the

entire residence. The workmen on the site told us that the forms were surveyed and approved on Friday. We also received a telephone call from the Contractor asking when we would be in residence because they were going to block access on Ash Street to pour concrete. If this construction has been approved by the City, pouring cooncrete is illegal because there is not a valid building permit until the tree issue is resolved and a final foundation plan drawn and approved. Moreover, the concrete forms (in place as of Friday) indicate that there is a foundation/retaining wall extending at least 7' into the front yard setback and that the underground footing of the north retaining wall extends into the side-yard setback with a "footing" that is not restrained or defined. Extending any construction into the prescribed set-backs is not allowed.
>
> 6. In reviewing the drawings and calculations submitted for the initial building permit, we note, at a minimum, the following issues:
>
> 6.1 There is a lack of a complete foundation plan, retaining wall details and footing placement. The plans may be sufficient for a "builder" house in the suburbs, but not for a building in sloping, difficult urban site. We assume that is the reason the Contractor went to another structural engineer for his "emergency" retaining wall was because of the incompleteness of the original drawings.
>
> 6.2 The geotechnic report was done a number of years ago and was not a true geotechnic report for the proposed residence (with proper soils testing). The request made of the geotechnical engineer at that time was "how can we (the owner and designer) put two houses on this property?"—not a request for a full geotechnical report. The test holes were made between the ROW line and the 15' front yard setback and the recommendations of the geotechnical engineer were made, not on knowledge of the site, but on observation ("neighboring houses do not show any signs of structural failure") and observations about the geotechnic characteristics of the coast environment. As well, we know that there was 1'-5' of loose overburden on a major portion of the site as a result of construction of our houses and agreement with the previous property owner. If the geotechnical report is read carefully, it indicates how to build two houses on the site—not founding ONE house in the proper location. This part of Ash Street was an abandoned rock quarry historically, but this fact and the underlying strata were not considered in in the geotechnical report nor in the design of the residence.
>
> 6.3 The structural calculations address lateral loading on the walls, but do not address the requirement we, as the house above, had to adhere to: 90 mile-an-hour UPLIFT. We are subject to severe winds coming off the ocean from the southwest and funneling up the hill during the winter months. Not only do the drawings not recognize this requirement, there are NO details of how the house is anchored to the foundation. Our house has steel bolts going from roof to major anchors under the lower floor. Additionally, the design of the proposed residence indicates shed roof forms that will exasperate the situation by collecting wind pressure—causing structural failure unless uplift is considered in the design.
>
> 6.4 The proposed residence placement does not address fire safety. Ash Street has been evaluated numerous times by the Cannon Beach Fire Department as to accessibility of fire-fighting equipment to the houses on the steeply sloping part of the Ash Street ROW. The analysis of the Fire Department says that they cannot get equipment to a fire, but must fight the fire by laying down hose from the upper hydrant or the lower hydrant. In both cases, it would mean hoses at least 200-250 feet in length. In 2000, there was a fire during construction of a house on Oak Street in a relatively level area with structures 10' apart (total of 2-5' side-yard setback). The fire took out three houses and severely damaged another four. The Owner and designer continue to compromise our structural and fire safety by placing the residence up against the 5' side-yard setback, even though they have 90' of frontage along Ash Street to place the house with 25' from the house to neighboring structures (north and south). The Owner and designer have justified the proposed placement of the residence based on "saving the Sitka Spruce" (which has to be removed to put the house in its current proposed location) and the old geotechnical report that was based on putting two houses on the site (which is not alloowed in the RL zoning passed in the 1960's).
>
> 6.5 The allowable building height calculation, which has been a policy of Cannon Beach for years, is questionable as proposed. The discipline of placing a box around the structure and then calculating the average of the corners has not been followed. Extending the east side of the house to the south would put the southeast corner below the tree. This is

Exhibit D-4

Robert St. Clair

From: kathleen preedy-weckwerth <kapweckwerth@msn.com>
Sent: Monday, May 15, 2023 8:08 AM
To: Planning Group
Subject: May 25th Planning Meeting Re: AA 23-04

Follow Up Flag: Follow up
Flag Status: Completed

From: Kathleen Weckwerth, 772 N. Ash Street

Sent: May 15, 2023

To: The Planning Commission of Cannon Beach

Subject: AA 23-04 Tree Removal Appeal

I am in support of denying the removal of the Sitka spruce tree located at 743 N. Ash Street.

An application for tree removal was made on April 25, 2023. In the application packet is a letter from Joe Balden, arborist, dated March 13, 2023. That letter states "the tree is significant in that the tree root system presents a major component to slope stability..." Also in the application is a letter from the consulting arborist, Jeff Gerhardt, dated May 1, 2023. That letter states that "The tree is a specimen, exemplifying great health and structure. Located on a steep site, the tree is hugely beneficial in anchoring the slope… Poor planning has led to little consideration for retaining and protecting this valuable tree." What actions have been required of the applicant to stabilize the slope?

In the same application a site plan is included. On that drawing a portion of the house is situated within the required 15' street yard setback. A March 7, 2019 letter from Jeff Adams states "The application (for setback reduction) was withdrawn on January 31, 2019 following the January Planning Commission hearing, with an indication that they would no longer seek a front yard set back and build within the required building envelope." When was a set back reduction approved? My understanding of Cannon Beach's code is that "Required yards are measured from property lines to building foundations." (Handout titled City of Cannon Beach Residential Building Permit and Zoning Information, page 10 of 21)

The Sitka spruce is located on a property that is two tax parcels of 50' x 100' resulting in a buildable property that is 100' x 100'. The home owner, Jacqueline Bennett, and the designer, Vito Cerelli have known since 2019 that the Sitka spruce tree was essentially in the center of the property. Hasn't that been enough time to design a house that incorporates such a valuable tree? If saving the tree wasn't their intention, why wasn't an application for tree removal submitted at the same time as the application for the building permit? On page 4 of 21 of the same handout "….application for the tree permit should be made at the time of the building permit application." The excavation company, McEwan Construction, started site activity on or before April 18, 2023. They have broken many branches off the tree during the excavation for footings of the building. This indicates an intent to remove the tree well before the April 25 application for tree removal.

It is with great disappointment that such a beautiful tree was permitted for removal on May 2, 2023 by Robert St. Clair. Please take the necessary action to grant the appeal made by Janet Stastny.

Sent from my iPad

Exhibit D-5

Robert St. Clair

From: Emily Bare
Sent: Thursday, May 18, 2023 11:41 AM
To: Robert St. Clair
Subject: FW: AA 23-04 Tree Removal Appeal
Attachments: Ash St. letter & tax lot map.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Emily Bare

Administrative Assistant – Planning Department City of Cannon Beach

p: 503.436.8054 | tty: 503.436.8097 | f: 503.436.2050

a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110
w: www.ci.cannon-beach.or.us | e: bare@ci.cannon-beach.or.us

DISCLOSURE NOTICE: Messages to and from this email address may be subject to Oregon Public Records Law.

-----Original Message-----
From: Donald Stastny <djstastny@me.com>
Sent: Wednesday, May 17, 2023 4:04 PM
To: Emily Bare <bare@ci.cannon-beach.or.us>
Cc: janet Stastny <jstastny@me.com>
Subject: AA 23-04 Tree Removal Appeal

Emily: Submitting this letter in support of AA 23-04 Tree Removal Appeal explaining earlier interaction with the City on access. Don

February 27, 2019

Bruce St. Denis, City Manager
Karen LaBonte, Director of Public Works
Jeff Adams, Director of Community Development
City of Cannon Beach
163 E. Gower
Cannon Beach, Oregon 97110

Cc: Les Wierson, Public Works Committee

Ladies and Gentlemen:

We, the citizens along N. Ash Street, are asking for your direction and assistance in controlling circulation through our neighborhood. We are writing based on the following conditions, both past and present:

1. For the past 10+ years, and at the action of the City, the middle section of N. Ash Street (between 7th and 8th Avenues) has been closed to through traffic from the access to Tax Lot 3800 and Tax Lot 5603 on the north, and from access to Tax Lot 4000 and Tax Lot 5601 on the south. This closure is due to the steepness of this section of N. Ash Street and the use of the right-of-way by 4-wheelers and other vehicles as "thrill hill". When the street was open (graveled) this use both endangered residents and properties as well as was a great disruption to the neighborhood through noise and dust. We wish to thank the City for this action as it has ensured that our area develops both as a group of homes, as well as a neighborhood. This has been instrumental in creating a "sense of place" in this area of Cannon Beach.

2. Although the slope of the right-of-way may be prohibitive, we understand that N. Ash needs to remain accessible as it may serve as the alternate emergency route should Ecola Park Road be subject to closure by natural disaster. This situation does not require the right-of-way to be improved—only that it remain free of impediments that would preclude this use in the case of a natural disaster.

3. With the closure of the middle section of N. Ash, and the lack of appropriate signage and "way finding", we have experienced traffic (vehicles, trucks and RVs) executing turn-arounds utilizing our driveways on both the north and south ends of the closed area. This is an irritation, but is also a matter of safety, as this neighborhood is basically a pedestrian precinct and errant types of vehicular movement endanger our properties as well as visitors that are using N. Ash Street as a connection to the trail to Ecola Park.

4. During the past summer, the residents along N. Ash Street experienced a very disruptive spring, summer and fall with the installation of the new water line. We all realize the difficulty of constructing this project and commend McEwan Construction for their careful and diligent work in accommodating neighborhood needs and circulation over the extended construction schedule. Now that the construction is complete, we are diligently returning our properties to the condition prior to the beginning of construction.

5. Over the past three months, new demands have been placed on the neighborhood by proposed and new development of vacant parcels. First, a residence currently under construction at the intersection of N. Ash Street and 8th Avenue has an access that was approved (as we understand it) by the County. Access to the house is a steep driveway from 8th Avenue up to the building site. Second, an application for a Reduction in Front Yard Setback was filed for Tax Lots 5604 and 5602. This application has since been withdrawn due to neighborhood resistance and findings by the Director of Community Development. Inherent in this application, however, was a site plan that assumed accessing the property from the north by an extension of the driveway "T" serving Tax Lots 3800 and 5603.

6. On analysis of future development, there are three vacant parcels on N. Ash Street between 7th and 8th Avenues: Tax Lot 4100 (5000 sf), Tax Lot 3900 (5,000 sf) and Tax Lots 5604/5602 (10,000 sf). By zoning code (Chapter 17.10 RL Zone), each of the three parcels can only have a single residence built on them. Tax Lots 5604/5602 are contiguous and under one ownership, therefore can only have a single residence—Tax Lots 3900 and 4100 can have one residence each due to being "grandfathered in" per the zoning ordinance. Tax Lot 4100 can be accessed directly from the south (level) section of N. Ash Street. Tax Lots 5604 and 3900 require future access and share a southern boundary. Therefore, the least disruptive access to the neighborhood would be via a driveway extension from the south, creating a "T" access to both parcels from the south similar to the existing "T" access that serves Tax Lots 3800 and 5603 further up the hill. Access to Tax Lots 3900 and 5604/5602 from the south maintains the majority of the "closed" section of N. Ash Street so that the ambiance and neighborhood access is maintained while allowing emergency access up the N. Ash Street right-of-way between the "T" in the event of loss of Ecola Park Road.

Exhibit D-6

Robert St. Clair

From: Emily Bare
Sent: Thursday, May 18, 2023 11:41 AM
To: Robert St. Clair
Subject: FW: Ceasing construction on Tax Lot 5602 and 5604

Follow Up Flag: Follow up
Flag Status: Flagged

Emily Bare
Administrative Assistant – Planning Department
City of Cannon Beach
p: 503.436.8054 | tty: 503.436.8097 | f: 503.436.2050
a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110
w: www.ci.cannon-beach.or.us | e: bare@ci.cannon-beach.or.us

DISCLOSURE NOTICE: Messages to and from this email address may be subject to Oregon Public Records Law.

From: Donald Stastny <djstastny@me.com>
Sent: Wednesday, May 17, 2023 4:00 PM
To: Emily Bare <bare@ci.cannon-beach.or.us>
Cc: janet Stastny <jstastny@me.com>; dean Alterman <dean@alterman.law>
Subject: Fwd: Ceasing construction on Tax Lot 5602 and 5604

Emily: We are submitting the following to be entered in the record in support of AA23-04 Tree Removal Appeal. Don

Begin forwarded message:

From: Donald Stastny <djstastny@me.com>
Subject: Ceasing construction on Tax Lot 5602 and 5604
Date: May 14, 2023 at 8:16:32 PM PDT
To: Alton Butler <butler@ci.cannon-beach.or.us>
Cc: "Robert St. Clair" <stclair@ci.cannon-beach.or.us>

Mr. Butler: Once more, lacking any response to my last request and as part of the Ash Street neighborhood in Cannon Beach, we request that construction activities on the subject Tax Lots (5602 and 5604) cease immediately. This request is based on our experiences with the General Contractor and the City in undertaking this construction. This is a very complex situation with issues that should have been resolved prior to beginning construction.

1. The neighbors have been told that the City has granted approval of the Ash Street right-of-way and upper parking area for construction activities. We have yet to see what this approval is, or what limitations it puts on the Contractor and his subcontractors. The net result has been an operation that has completely obliterated the central part of Ash Street, covered over landscaping that was installed because the City did not live up to its promise to restore the landscape and roadway when the water project was installed a couple of years ago. Likewise, all of the neighbors have been severely impacted by the parking of vehicles and equipment up and down Ash Street.

2. The building for which a building permit was supposedly issued should not have been issued without a resolution of the Sitka Spruce tree in the middle of the subject properties. The regulations for applying for a building permit require that any application for tree removal be included within the building permit application. The first application for tree removal was denied (according to the Contractor), and since the proposed building footprint impacts the tree, the initial building permit should not have been issued. Note: the location of the tree, and its impact on the foundation of the house, was obvious in the initial layout of the site, with the southwest corner of the proposed residence flagged as being in the middle of the tree trunk of the Sitka Spruce. Since the tree removal permit was denied, the building permit should not have been granted and is invalid.

3. It is our understanding that the City approved a building permit (without the tree issue being resolved) and the Contractor brought in McKuen Excavating to excavate the site, even though the full footing structure of the residence as proposed, could not be built without the removal of the Sitka Spruce. The excavation revealed a hard-pan layer and the Contractor over-excavated the site, leaving a 12 foot high cut at the northern property line, with excavation extending into our property at 755 North Ash Street and potentially compromising the structure of our residence. Both the Contractor and the City trespassed on our property and erected fencing and construction tape to cover their liability due to the over excavation.

4. Even though there was no approved tree removal permit, McKuen damaged the lower branches of the Sitka Spruce with their equipment—instead of sawing off the branches, tore them off. After the tree had been damaged, and McKuen telling the Contractor they could get a tree removal permit. We heard that that the City had asked for another arborist to inspect the tree, resulting in Mr. Robert St.Clair, Community Development Planner, issuing a tree removal permit for the subject tree. There was NO public process in approving the tree removal permit and we found out about it because the subject was brought up in a City Council meeting. We immediately filed an appeal regarding the tree removal permit and the appeal will be heard before the Planning Commission on Thursday, May 25.

5. Subsequently, the Contractor, in an effort to protect his liability for the over excavation and intrusion into our property, secured the design of a retaining wall from a structural engineer (not the structural engineer of the residence). There is nothing in the retaining wall design that indicates any tie back to the proposed residential foundation. We assume you have approved this design, even though there is not indication of how it fits with the foundation of the entire residence. The workmen on the site told us that the forms were surveyed and approved on Friday. We also received a telephone call from the Contractor asking when we would be in residence because they were going to block access on Ash Street to pour concrete. If this construction has been approved by the City, pouring cooncrete is illegal because there is not a valid

Exhibit D-7

Robert St. Clair

From: Emily Bare
Sent: Thursday, May 18, 2023 11:42 AM
To: Robert St. Clair
Subject: FW: AA 23-04 Tree Removal Appeal Pictures of damaged tree 5/16/23

Follow Up Flag: Follow up
Flag Status: Flagged

Emily Bare
Administrative Assistant – Planning Department
City of Cannon Beach
p: 503.436.8054 | tty: 503.436.8097 | f: 503.436.2050
a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110
w: www.ci.cannon-beach.or.us | e: bare@ci.cannon-beach.or.us

DISCLOSURE NOTICE: Messages to and from this email address may be subject to Oregon Public Records Law.

From: Janet Stastny <jstastny@me.com>
Sent: Wednesday, May 17, 2023 3:50 PM
To: Emily Bare <bare@ci.cannon-beach.or.us>
Cc: Donald Stastny <djstastny@me.com>; Dean Alterman <dean@alterman.law>
Subject: AA 23-04 Tree Removal Appeal Pictures of damaged tree 5/16/23

Emily:
Attached are three pictures of Sitka Spruce tree in question taken 5/16/23. I took these pictures as a point of reference to document any future damage done to tree before hearing. The tree has been damaged by construction but is still healthy. With proper pruning of the damaged branches the tree will be fine.
Janet Stastny
>
>

>
>
>

>
>
>

Exhibit D-8

Robert St. Clair

From: Emily Bare
Sent: Thursday, May 18, 2023 11:42 AM
To: Robert St. Clair
Subject: FW: AA 23-04 Tree Removal Appeal

Follow Up Flag: Follow up
Flag Status: Flagged

Emily Bare

Administrative Assistant – Planning Department City of Cannon Beach

p: 503.436.8054 | tty: 503.436.8097 | f: 503.436.2050

a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110
w: www.ci.cannon-beach.or.us | e: bare@ci.cannon-beach.or.us

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-----Original Message-----
From: Donald Stastny <djstastny@me.com>
Sent: Wednesday, May 17, 2023 3:50 PM
To: Emily Bare <bare@ci.cannon-beach.or.us>
Cc: janet Stastny <jstastny@me.com>; dean Alterman <dean@alterman.law>
Subject: AA 23-04 Tree Removal Appeal

Emily: We are submitting the following to be entered in the record in support of AA 23-04 Tree Removal Appeal.

To the Planning Commission of Cannon Beach:

1. History of our property: Purchased Tax Lot 5603 in 1975. Built residence at 755 North Ash Street in 2000. Have enjoyed residency continuously for 23 years. House was built on a 50'x100' lot due to being a single ownership within the RL Zone. Note: in the RL Zone, if two contiguous tax lots are owned by one person, only one residence can be built on those lots; existing 50'x100' lots were "grandfathered" in as part of the rezoning of the area—also allowing only one residence on the lot. Our lot, due to geotechnical considerations by Mr. Horning (a geotechnical engineer very familiar with the site and area) stated that the house had to be set 5' west of the edge of the ravine (at the east of our property. Given front and sideyard set-backs of 15' (front yard) and 5' (side yard), we were left with a 40'x20' site to build. We applied for, and received a reduction of 7' in the front yard setback (based an analysis of view, access and distance from residence to the north (which had a reduction in their front yard set-back of 14'). We ended up with a 140 SF bay in the approved reduced front-yard setback. Upon Mr. Horning's recommendation, there was a leaning tree in the slope of the ravine and we included in our building permit application a tree removal request which was granted. The removal of the

tree was for safety reasons, was outside the footprint of the house, and removal of the tree was not necessary to enable the siting of the house.

2. The Sitka Spruce in question: Located on Tax Lots 5602 and 5604, the tree has grown undisturbed for many, many years. Neighbors have watched it gain at least 30' in height over the last 23 years. As such, the tree and its root system have grown and the root system has become a major component of slope stability (according to Joe Baldwin, arborist). Additionally, the tree has become a specimen Sitka Spruce exemplifying great health and structure (according to the consulting arborist Jeff Gerhardt). The tree has been a major feature of the property through at least three previous owners.

3. An application for reduction of the front yard setback: An application was made in early 2019 by Mr. Vito Corelli on behalf of the owner, Ms. Jacqueline Bennett. The application was incomplete (only asked for reduction for Tax Lot 5604) and the then Director of Community Development, Jeff Adams, modified the application (after it had been submitted) to include both Tax Lots (5602 and 5604). Mr. Adams counseled the Owner and Mr. Corelli without understanding the zoning code and the history of the site. After a public hearing on the matter of the set-back reduction, the request was denied and Mr. Adams sent out a letter to the neighboring property owners stating "the application (for the set-back reduction) was withdrawn". There were no reasons given for the set-back reduction request other than the houses north had received set-back reductions. Additionally, a reason given by Mr. Corelli for the reduction in setback request was the Owner's desire to save the Sitka Spruce.

4. Access to undeveloped lots on North Ash Street: In February 2019, prompted by the "withdrawn" set-back reduction action, the neighbors on Ash Street petitioned the City to specify access to Tax Lots 5602/5604 in February 2019 to be from the south (from 7th). Mr. Adams (Director of Community Development) and Ms. Karen LaBonte (Director of Public Works) met with the neighbors on site for 20 minutes. Mr. Adams stated that there was nothing that could be specified as to access to the sites UNTIL there was a building permit application filed—and that we, as adjacent land-owners would be notified if a building permit application was filed (this promise was not honored). Ms. LaBonte's comment: "…they (the neighbors) will get over it". Unfortunately, the attitude displayed by these two individuals was not helpful to the neighbors but left a distinct impression that the City will do what it wants without consulting citizens or neighborhoods.

5. Notification of neighbors regarding planned development: No notification was given by the City. The General Contractor, Mr. Jamey Lerma delivered a notice that construction was proceeding immediately. His notification letter was hand-delivered on Sunday afternoon before excavation began. Previous to this, the corners of the proposed residence were surveyed and staked on site. The staking clearly indicated that the southeast corner of the proposed house was somewhere in the trunk of the Sitka Spruce. This indicated that the tree would have to be removed to build the residence as set out in the building permit application. As such, the City of Cannon Beach should not accept an application for a building permit without an accompanying application for tree removal—if necessary for the building to be built. In this case, lacking a Tree Removal Permit, a Building Permit should not have been issued since the drawings and survey indicate that a house cannot be built, as designed, unless the Sitka Spruce is removed.

6. Tree Removal Permit: It is our understanding that the Building Permit for the residence was issued even though the Tree Removal Permit was denied. The General Contractor and, we assume the Building Official, directed McEwan Construction to proceed with excavation of the site, in addition to the modifications of the Ash Street ROW to enable truck traffic. During McEwan's work, limbs were torn from the Sitka Spruce. Since there was no Tree Removal Permit and a set of construction drawings that indicated a building that could not be built if the tree remained, allowing the excavation to proceed is questionable, at best. We were told by the General Contractor that McKuen stated they could get a Tree Removal Permit after, or during, the excavation work. The excavation work resulted in a 12' high sheer wall at the shared property line with 755 North Ash, and, in fact, into our property. The over-excavation greatly endangers the structural stability of our home and property. While on travel, we heard that there had been a second arborist look at the tree and that Mr. Robert St.Clair, Planner, had issued a Tree Removal Permit. In any case, this Permit was issued without public notice or review. Upon hearing the Permit had been issued, We, Janet Stastny (Owner of 755 North Ash) filed an Appeal that is now scheduled for a public hearing. Even with the damage done to the Sitka Spruce by the

excavation contractor, the tree remains in good health and should be retained as added value to the Owner and the neighborhood.

7. Over-excavation and resultant 12' high shear wall: After the excavation was nearing completion, the General Contractor commissioned a structural engineer to design a retaining wall to be placed at the side-yard setback line. The structural engineer of record for the building permit was not utilized and it was clear that the General Contractor realized his potential liability and rushed a design that was submitted to the City Building Official. The information in the retaining wall was not included in the origninal construction documents nor was there sufficient foundation design and engineering to build the foundations for the proposed residence nor is there any indication of the relationship of the retaining wall to the remaining proposed foundation system. Note: there has been no indication of how the foundation structure at the tree would be located or structured--or relationship to the overall foundation system for the proposed residence to the Tree. This would indicate a Building Permit was issued by the City with inadequate and incomplete drawings, calculations and specifications needed to build a house on this difficult sloping site.

8. Situation at present: The Tree Removal Permit issued by Mr. Robert St.Clair has been appealed by Janet Stastny (AA 23-04 Tree Removal Appeal) on behalf of the neighborhood and as a property owner of the adjacent property. Additionally, a letter has been written by Donald Stastny, adjacent property owner and licensed Architect in the State of Oregon, to Mr. Alton Butler, Building Official, requesting that construction on the site cease until resolution of the Tree Removal Permit since the Building Permit is invalid with the Sitka Spruce tree in place.

9. Options available to the Owner: The residence design and siting could be modified to allow the Sitka Spruce to remain in place. The re-design should address all foundations, placement and structural detailing—especially, at or near the root structure of the Tree. The Owner has a site that is 100'x100' and with required front, rear and side lot set-backs still leaves 6300 SF of site area to site a house with a 1000-1100 SF footprint (size of the proposed residence). The geotechnical nature of the site is an abandoned rock quarry and there is good substructure throughout the site allowing for building placement that insures more beneficial use of the site, addresses fire safety between buildings, while saving the Sitka Spruce for generations to follow.

Janet H. Stastny
Donald J. Stastny

>
>
> Jan Stastny
> Stastny:architect LLC
> jstastny@me.com
> (503)781-9843

building permit until the tree issue is resolved and a final foundation plan drawn and approved. Moreover, the concrete forms (in place as of Friday) indicate that there is a foundation/retaining wall extending at least 7' into the front yard setback and that the underground footing of the north retaining wall extends into the side-yard setback with a "footing" that is not restrained or defined. Extending any construction into the prescribed set-backs is not allowed.

6. In reviewing the drawings and calculations submitted for the initial building permit, we note, at a minimum, the following issues:

6.1 There is a lack of a complete foundation plan, retaining wall details and footing placement. The plans may be sufficient for a "builder" house in the suburbs, but not for a building in sloping, difficult urban site. We assume that is the reason the Contractor went to another structural engineer for his "emergency" retaining wall was because of the incompleteness of the original drawings.

6.2 The geotechnic report was done a number of years ago and was not a true geotechnic report for the proposed residence (with proper soils testing). The request made of the geotechnical engineer at that time was "how can we (the owner and designer) put two houses on this property?"—not a request for a full geotechnical report. The test holes were made between the ROW line and the 15' front yard setback and the recommendations of the geotechnical engineer were made, not on knowledge of the site, but on observation ("neighboring houses do not show any signs of structural failure") and observations about the geotechnic characteristics of the coast environment. As well, we know that there was 1'-5' of loose overburden on a major portion of the site as a result of construction of our houses and agreement with the previous property owner. If the geotechnical report is read carefully, it indicates how to build two houses on the site—not founding ONE house in the proper location. This part of Ash Street was an abandoned rock quarry historically, but this fact and the underlying strata were not considered in in the geotechnical report nor in the design of the residence.

6.3 The structural calculations address lateral loading on the walls, but do not address the requirement we, as the house above, had to adhere to: 90 mile-an-hour UPLIFT. We are subject to severe winds coming off the ocean from the southwest and funneling up the hill during the winter months. Not only do the drawings not recognize this requirement, there are NO details of how the house is anchored to the foundation. Our house has steel bolts going from roof to major anchors under the lower floor. Additionally, the design of the proposed residence indicates shed roof forms that will exasperate the situation by collecting wind pressure—causing structural failure unless uplift is considered in the design.

6.4 The proposed residence placement does not address fire safety. Ash Street has been evaluated numerous times by the Cannon Beach Fire Department as to accessibility of fire-fighting equipment to the houses on the steeply sloping part of the Ash Street ROW. The analysis of the Fire Department says that they cannot get equipment to a fire, but must fight the fire by laying down hose from the upper hydrant or the lower hydrant. In both cases, it would mean hoses at least 200-250 feet in length. In 2000, there was a fire during construction of a house on Oak Street in a relatively level area with structures 10' apart (total of 2-5' side-yard setback). The fire took out three houses and severely damaged another four. The Owner and designer continue to compromise our structural and fire safety by placing the residence up

against the 5' side-yard setback, even though they have 90' of frontage along Ash Street to place the house with 25' from the house to neighboring structures (north and south). The Owner and designer have justified the proposed placement of the residence based on "saving the Sitka Spruce" (which has to be removed to put the house in its current proposed location) and the old geotechnical report that was based on putting two houses on the site (which is not alloowed in the RL zoning passed in the 1960's).

6.5 The allowable building height calculation, which has been a policy of Cannon Beach for years, is questionable as proposed. The discipline of placing a box around the structure and then calculating the average of the corners has not been followed. Extending the east side of the house to the south would put the southeast corner below the tree. This is not recognized in the calculation—and I would question the validity of the site survey as it was ALSO from years past and does not align with surveys up the hill. The contours and elevations also appear to be in error because the site was never cleared of overgrowth to substantiate the survey.

6.6 There are sufficient inconsistencies in the materials submitted for the building permit that the application should be denied and re-submitted incorporating any modifications that might come about as a result of resolution of the tree removal (or not) from the hearing before the Planning Commission.

7. The neighbors on North Ash Street (between 7th and 8th Streets) petitioned the City in February 2019 to resolve circulation issues on Ash Street—especially addressing access to undeveloped parcels on Ash Street. We met enmass with Ms. Karen LaBonte, Director of Public Works and Mr. Jeff Adams. then Director of Community Development. Their response to the neighborhood from
Adams: "we cannot make any determination until there is an active building permit application." We understood later that Mr. Adams made an agreement with the designer of the subject residence based on information that was in error (length of required street development to improved paving and assuming the driveway paving that the neighborhood installed was an appropriate street paving standard)—which it is not, but was installed by the neighbors to ensure access to our properties. Therefore, if the Owner and designer insist on site access from the north, they will be required to bring the entire length of Ash Street from 8th to property up to city street standard OR a minimal driveway from the south (as was proposed by the neighborhood).

From this discussion, there are major and complex issues at play. It is in the best interests of the City, the neighborhood, the Owner and her designer and the Contractor to "pause" the construction pending resolution of issues.

Donald J. Stastny
Janet H. Stastny

Based on the above situations and conditions, we, as adjacent property owners, hereby request the following of the City:

Action #1: Three directional signs be located in three separate positions as shown on the accompanying map. These signs are to reduce traffic and provide clear way finding for N. Ash Street and the western portion of 8th Avenue. These signs could include the following information:

STREET CLOSED
RESIDENT VEHICLE ACCESS ONLY
NO ACCESS FOR TRUCKS OR RVs
NO TURNAROUND AVAILABLE BEYOND THIS POINT
PEDESTRIANS AND HIKERS WELCOME

Action #2: A formal determination and direction from the City Planning Commission and the Department of Public Works that access to Tax Lot 3800 and Tax Lots 5604/5602 be from a driveway extension from the south terminus of N. Ash Street.

Thank you for your consideration of this request.

Sincerely,

N. ASH STREET NEIGHBORS

Tax Lot 5603: Donald and Janet Stastny

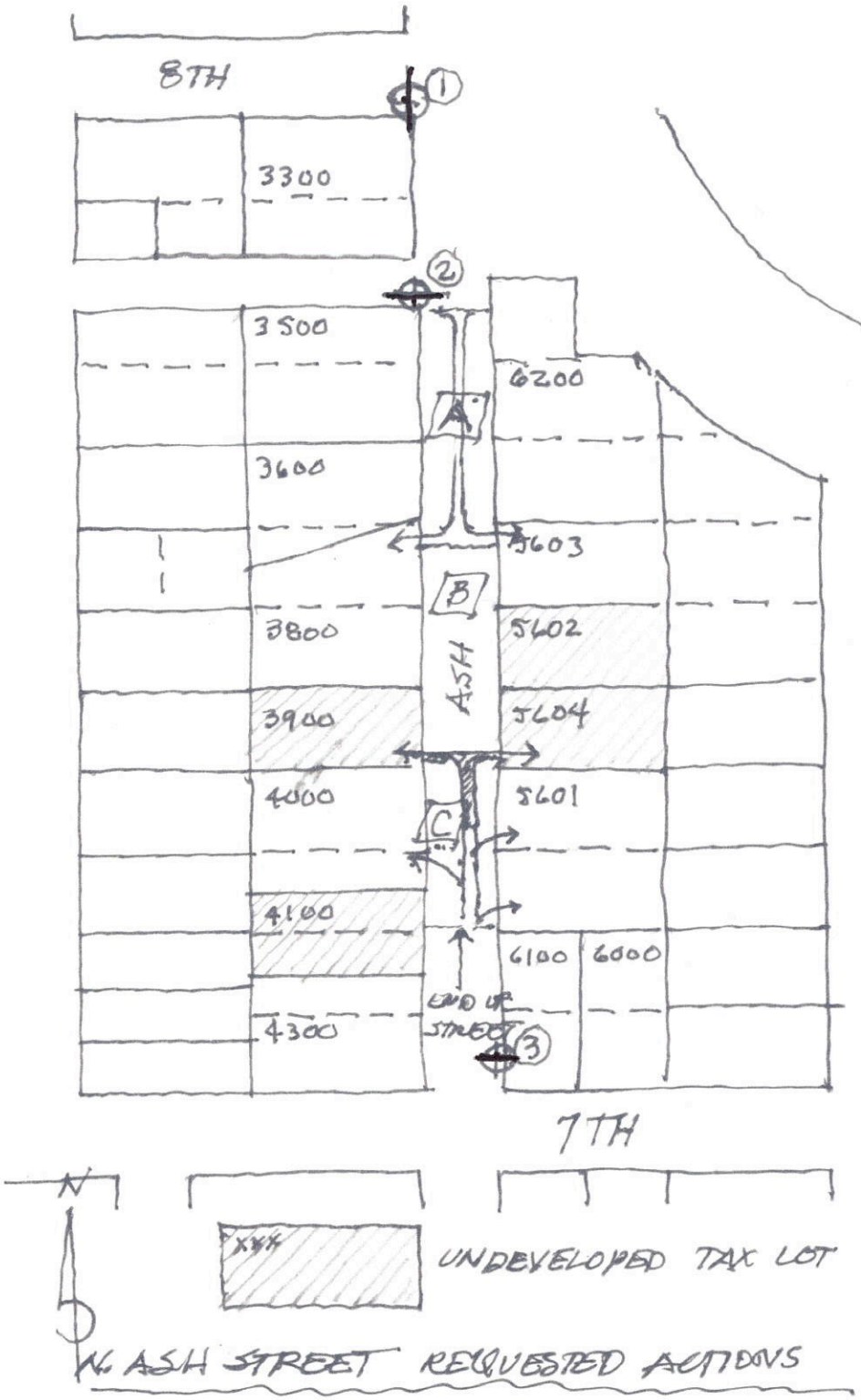
Tax Lot 6200: Mark Winrott and Lauren Bouton

Tax Lot 3500: Kathleen Preedy Weckworth

Tax Lot 3600: Harald Weckwerth

Tax Lot 3800: Jack and Kelly Berka

Tax Lot 4000: Bob Necker and Joyce Lincoln



N. ASH STREET REQUESTED ACTIONS

SUGGESTED SIGN LOCATIONS

1. 8TH & ASH (AFFECTS 8TH)
2. ASH @ ALLEY R.O.W. (AFFECTS ASH TO SOUTH)
3. ASH & 7TH (AFFECTS ASH TO NORTH

STREET CONDITIONS

A ONE-LANE ACCESS

B CLOSED AREA OF ASH (15% SLOPE OR GREATER)

C PROPOSED ONE-LANE ACCESS TO T.L. 3900 & 5604/5602

not recognized in the calculation—and I would question the validity of the site survey as it was ALSO from years past and does not align with surveys up the hill. The contours and elevations also appear to be in error because the site was never cleared of overgrowth to substantiate the survey.
>
> 6.6 There are sufficient inconsistencies in the materials submitted for the building permit that the application should be denied and re-submitted incorporating any modifications that might come about as a result of resolution of the tree removal (or not) from the hearing before the Planning Commission.
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> Adams: "we cannot make any determination until there is an active building permit application." We understood later that Mr. Adams made an agreement with the designer of the subject residence based on information that was in error (length of required street development to improved paving and assuming the driveway paving that the neighborhood installed was an appropriate street paving standard)—which it is not, but was installed by the neighbors to ensure access to our properties. Therefore, if the Owner and designer insist on site access from the north, they will be required to bring the entire length of Ash Street from 8th to property up to city street standard OR a minimal driveway from the south (as was proposed by the neighborhood).
>
> From this discussion, there are major and complex issues at play. It is in the best interests of the City, the neighborhood, the Owner and her designer and the Contractor to "pause" the construction pending resolution of issues.
>
> Donald J. Stastny
> Janet H. Stastny

>
> Mr. Stastny,
> A records request form can be submitted that is online for the City of Cannon Beach.
> Jennifer Barrett is the contact person here for the city that coordinates that.
>
> Best,
> Alton Butler
>
>
> Alton Butler
>
> Building Official
> City of Cannon Beach
>
> p: 503.436.8046 | tty: 503.436.8097 | f: 503.436.2050
>
> a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110
> w: www.ci.cannon-beach.or.us | e: butler@ci.cannon-beach.or.us
>
> DISCLOSURE NOTICE: Messages to and from this email address may be subject to Oregon Public Records Law.
>
>
> -----Original Message-----
> From: Donald Stastny <djstastny@me.com>
> Sent: Tuesday, May 2, 2023 1:54 PM
> To: Alton Butler <butler@ci.cannon-beach.or.us>
> Cc: Robert St. Clair <stclair@ci.cannon-beach.or.us>; janet Stastny <jstastny@me.com>
> Subject: Request for copies of relevant permits
>
> Dear Alton: This is a formal request that we, as adjacent property owner to Tax Lots 5602 and 5604, be given copies of any and all permits issued on the construction project underway on Tax Lots 5602 and 5604. This request should include any approval of the extensive excavation that occurred last week that has severely impacted the stability of our property (including excavation into our property and installation of construction fencing on our property. Also, we request a copy of the site survey, the geotechnic report, engineering calculations and other documents that were reviewed for a Building Permit (assuming such has been issued). We would also like an explanation of why additional engineering for a retaining wall was required and why it was not in the original documentation—as well as an explanation why the drawing for the retaining wall does not match the calculations. Thank you. Don
>
> Donald J. Stastny
> Janel H. Stastny

CITY OF CANNON BEACH

May 5, 2023

AA 23-04, Janet Stastny, notice of appeal of the City's approval of a Tree Removal Permit. The property is located at 743 N. Ash St. (Tax Lot 05602, Map 51019AA), and in a Residential Lower Density (RL) Zone. The request will be reviewed against the Municipal Code, Section 17.70, Tree Removal and Protection.

Dear Property Owner,

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

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

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

Sincerely,

Emily Bare
Administrative Assistant
Community Development

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

NOTICE OF PUBLIC HEARING
CANNON BEACH PLANNING COMMISSION

The Cannon Beach Planning Commission will hold a public hearing on **Thursday, May 25, 2023** at **6:00 p.m.** at City Hall, 163 E Gower Street, Cannon Beach, regarding the following:

> **AA 23-04,** Janet Stastny, notice of appeal of the City's approval of a Tree Removal Permit. The property is located at 743 N. Ash St. (Tax Lot 05602, Map 51019AA), and in a Residential Lower Density (RL) Zone. The request will be reviewed against the Municipal Code, Section 17.70, Tree Removal and Protection.

All interested parties are invited to attend the hearings and express their views. Statements will be accepted in writing or orally at the hearing. Failure to raise an issue at the public hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

Correspondence should be mailed to the Cannon Beach Planning Commission, Attn. Community Development, PO Box 368, Cannon Beach, OR 97110 or via email at planning@ci.cannon-beach.or.us. Written testimony received one week prior to the hearing will be included in the Planning Commissioner's meeting materials and allow adequate time for review. Materials and relevant criteria are available for review at Cannon Beach City Hall, 163 East Gower Street, Cannon Beach, or may be obtained at a reasonable cost. Staff reports are available for inspection at no cost or may be obtained at a reasonable cost seven days prior to the hearing. Questions regarding the applications may be directed to Robert St. Clair, 503-436-8041, or at st.clair@ci.cannon-beach.or.us.

The Planning Commission reserves the right to continue the hearing to another date and time. If the hearing is continued, no further public notice will be provided. The hearings are accessible to the disabled. Contact City Manager, the ADA Compliance Coordinator, at (503) 436-8050, if you need any special accommodations to attend or to participate in the meeting. TTY (503) 436-8097. Publications may be available in alternate formats and the meeting is accessible to the disabled.

Robert St. Clair
City Planner

Posted/Mailed: 5/5/23

NOTICE TO MORTGAGEE, LIEN-HOLDER, VENDOR OR SELLER:
PLEASE PROMPTLY FORWARD THIS NOTICE TO THE PURCHASER

CONDUCT OF PUBLIC HEARINGS BEFORE CANNON BEACH CITY COUNCIL and PLANNING COMMISSION

A. At the start of the public hearing, the Mayor or Planning Commission Chair will ask the following questions to ensure that the public hearing is held in an impartial manner:

1. Whether there is a challenge to the jurisdiction of the City Council or Planning Commission to hear the matter;

2. Whether there are any conflicts of interest or personal biases to be declared by a Councilor or Planning Commissioner;

3. Whether any member of the Council or Planning Commission has had any ex parte contacts.

B. Next, the Mayor or Planning Commission Chair will make a statement which:

1. Indicates the criteria which apply to the action;

2. Cautions those who wish to testify that their comments must be related to the applicable criteria or other criteria in the Comprehensive Plan or Municipal Code that the person testifying believes apply;

3. States that failure to raise an issue in a hearing, or failure to provide statements or evidence sufficient to afford the decision makers an opportunity to respond to the issue precludes appeal based on that issue;

4. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The City Council or Planning Commission shall grant such request by continuing the public hearing or leaving the record open for additional written evidence or testimony.

C. The public participation portion of the hearing will then proceed as follows:

1. Staff will summarize the staff report to the extent necessary to enable those present to understand the issues before the Council or Planning Commission.

2. The Councilors or Planning Commissioners may then ask questions of staff.

3. The Mayor or Planning Commission Chair will ask the applicant or a representative for any presentation.

4. The Mayor or Planning Commission Chair will ask for testimony from any other proponents of the proposal.

5. The Mayor or Planning Commission Chair will ask for testimony from any opponents of the proposal.

6. Staff will be given an opportunity to make concluding comments or respond to additional questions from Councilors or Planning Commissioners.

7. The Mayor or Planning Commission Chair will give the applicant and other proponents an opportunity to rebut any testimony of the opponents.

8. Unless continued, the hearing will be closed to all testimony. The Council or Planning Commission will discuss the issue among themselves. They will then either make a decision at that time or continue the public hearing until a specified time.

NOTE: Any person offering testimony must first state their name, residence, and **mailing address** for the record. If representing someone else, the speaker must state whom he represents.

Disclaimer: The information contained in this GIS application is NOT AUTHORITATIVE and has NO WARRANTY OR GUARANTEE assuring the information presented to you is correct. GIS applications are intended for a visual display of data and do not carry legal authority to determine a boundary or the location of fixed works, including parcels of land. They are intended as a location reference for planning, infrastructure management and general information only. The City of Cannon Beach assumes no liability for any decisions made or actions taken or not taken by the user of the GIS application. The City of Cannon Beach provides this GIS map on an "as is" basis without warranty of any kind, expressed or implied, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no liability for any errors, omissions, or inaccuracies in the information provided.

Printed 5 / 4 / 2023

TAXLOTKEY	OWNER_LINE	STREET_ADD	CITY	STATE	ZIP_CODE
51019AA04100	Hafner Dorothy E DescendantsTrst	115 Garnet Pl	Destin	FL	32541-3767
51019AA05605	Dowley James Wallace	PO Box 1453	Cannon Beach	OR	97110
51019AA03600	Weckwerth Harald	PO Box 77	Cannon Beach	OR	97110
51019AA05801	Benefield Michael E/Stacy A	PO Box 1424	Cannon Beach	OR	97110
51019AA05603	Stastny Donald J Janet H	2309 SW 1st Ave Apt #1145	Portland	OR	97201-5040
51019AA03900	Garrett Carol	1005 Madison St #304	Evanston	IL	60202
51019AA05600	Moritz Chet T	PO Box 84	Cannon Beach	OR	97110
51019AA04000	Necker Robert F/Joyce Y Lincoln	PO Box 1021	Cannon Beach	OR	97110-1021
51019AA05602	Bennett Jacqueline Vu	1651 Woodland Ter	Lake Oswego	OR	97034-5836
51019AA03800	Berka Family Trust	86 Glade Hollow Dr	Las Vegas	NV	89135-7886
51019AA05601	Dowley James Wallace	PO Box 1453	Cannon Beach	OR	97110

CANNON BEACH COMMUNITY DEVELOPMENT
163 E. GOWER ST.
PO BOX 368
CANNON BEACH, OR 97110

Cannon Beach Planning Commission

Staff Report Addendum (May 18, 2023):

PUBLIC HEARING AND CONSIDERATION OF SR#23-01, MICHAEL MORGAN ON BEHALF OF JEFF AND MIRIAM TAYLOR, REQUESTING A SETBACK REDUCTION AT 1956 S. HEMLOCK ST. (TAXLOT 51030DD04300) FOR A REDUCTION OF THE SIDE YARD SETBACK. THE PURPOSE OF THE SETBACK REDUCTION IS TO ALLOW FOR A GROUND LEVEL EMERGENCY ACCESS ON A PROPOSED NEW SINGLE-FAMILY DWELLING. THE PROPERTY IS IN THE RESIDENTIAL LOWER DENSITY (RL) ZONING DISTRICT. THE REQUEST WILL BE REVIEWED UNDER CANNON BEACH MUNICIPAL CODE, SECTION 17.64.010, SETBACK REDUTION, PROVISIONS ESTABLISHED.

Agenda Date: February 23, 2023 **Prepared By**: Robert St. Clair
Continued to March 23, April 27, and May 25, 2023

NEW MATERIALS: EXHIBITS

The following Exhibits are attached hereto as referenced. All application documents were received at the Cannon Beach Community Development office on December 28, 2022 unless otherwise noted.

"A" Exhibits – Application Materials

A-7 D. Vonada email with K. La Bonte comment on revised site plans, received May 15, 2023;

A-8 Amended supplemental narrative, received May 15, 2023;

A-9 Preliminary house plans dated May 12, 2023, received May 15, 2023;

A-10 Preliminary house plans dated May 15, 2023, received May 15, 2023;

A-11 Earth Engineers Inc. Geotechnical Report dated October 28, 2022, received May 15, 2023;

"C" Exhibits – Cannon Beach Supplements

No additional material received as of this writing.

SUMMARY

Attached are new materials received since the April 27th hearing.

Michael Morgan, on behalf of Jeff and Miriam Taylor, is seeking a setback reduction of the required side yard from fifteen feet for a dwelling on a corner lot to eight feet six inches to accommodate an upper-level porch at the ground level of Hemlock St. This upper-level porch would be constructed as part of a new single-family dwelling at the subject property that would otherwise conform to established setbacks for the RL Residential Lower Density zoning district. The purpose of the upper-level doorway and porch is to provide an emergency exit and entry from Hemlock St.

The planned replacement dwelling will be sited in a location similar to the existing structure. The subject property has significant slopes and the current residence is set into the hillside. Replacing the house in its current location will allow the owners to preserve a large Sitka spruce near the northwest corner of the property.

Following the April 27th hearing additional information has been submitted for review by the Planning Commission. This information includes a revised supplemental narrative from the applicant, updated preliminary house plans, a geotechnical report, and copies of pertinent communications.

Exhibit A-7

Robert St. Clair

From: david@tolovanaarchitects.com
Sent: Monday, May 15, 2023 9:02 AM
To: Robert St. Clair; Emily Bare
Cc: Jeff Taylor
Subject: FW: Updated Taylor Residence drawings

Follow Up Flag: Follow up
Flag Status: Completed

Emily / Robert:

Please include this email from Karen La Bonte with the P.C. package for the Taylor Residence hearing.

Thanks,

David Vonada

From: Karen La Bonte <labonte@ci.cannon-beach.or.us>
Sent: Friday, May 12, 2023 4:44 PM
To: David Vonada <david@tolovanaarchitects.com>
Cc: Jeff Taylor <jeftayok@yahoo.com>; miriamtay@hotmail.com; Trevor Mount <mount@ci.cannon-beach.or.us>; Marc Reckmann <mreckmann@cbfire.com>; Karen La Bonte <labonte@ci.cannon-beach.or.us>
Subject: RE: Updated Taylor Residence drawings

Hi David,

I did reach out to Chief Reckmann, and after reading your summary and reviewing the plans I feel this addresses Public Works concerns and achieves what the Taylor's were hoping for regarding an emergency exit.

Thank you and to the Taylor's for taking our concerns into consideration, it is very appreciated.

Karen

Karen La Bonte
Public Works Director
City of Cannon Beach
p: 503.436.8068 | tty: 503.436.8097 | f: 503.436.2050
a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110
w: www.ci.cannon-beach.or.us | e: labonte@ci.cannon-beach.or.us

DISCLOSURE NOTICE: Messages to and from this email address may be subject to Oregon Public Records Law.

From: david@tolovanaarchitects.com <david@tolovanaarchitects.com>
Sent: Friday, May 12, 2023 11:45 AM
To: Karen La Bonte <labonte@ci.cannon-beach.or.us>
Cc: Jeff Taylor <jeftayok@yahoo.com>; miriamtay@hotmail.com; Trevor Mount <mount@ci.cannon-beach.or.us>
Subject: Updated Taylor Residence drawings

Karen:

Here are our revised drawings for the Taylor Residence for your review. I have also sent to Marc Recman for his review as well. - He indicated he wanted to discuss with you before he approved to ensure your concerns were met.

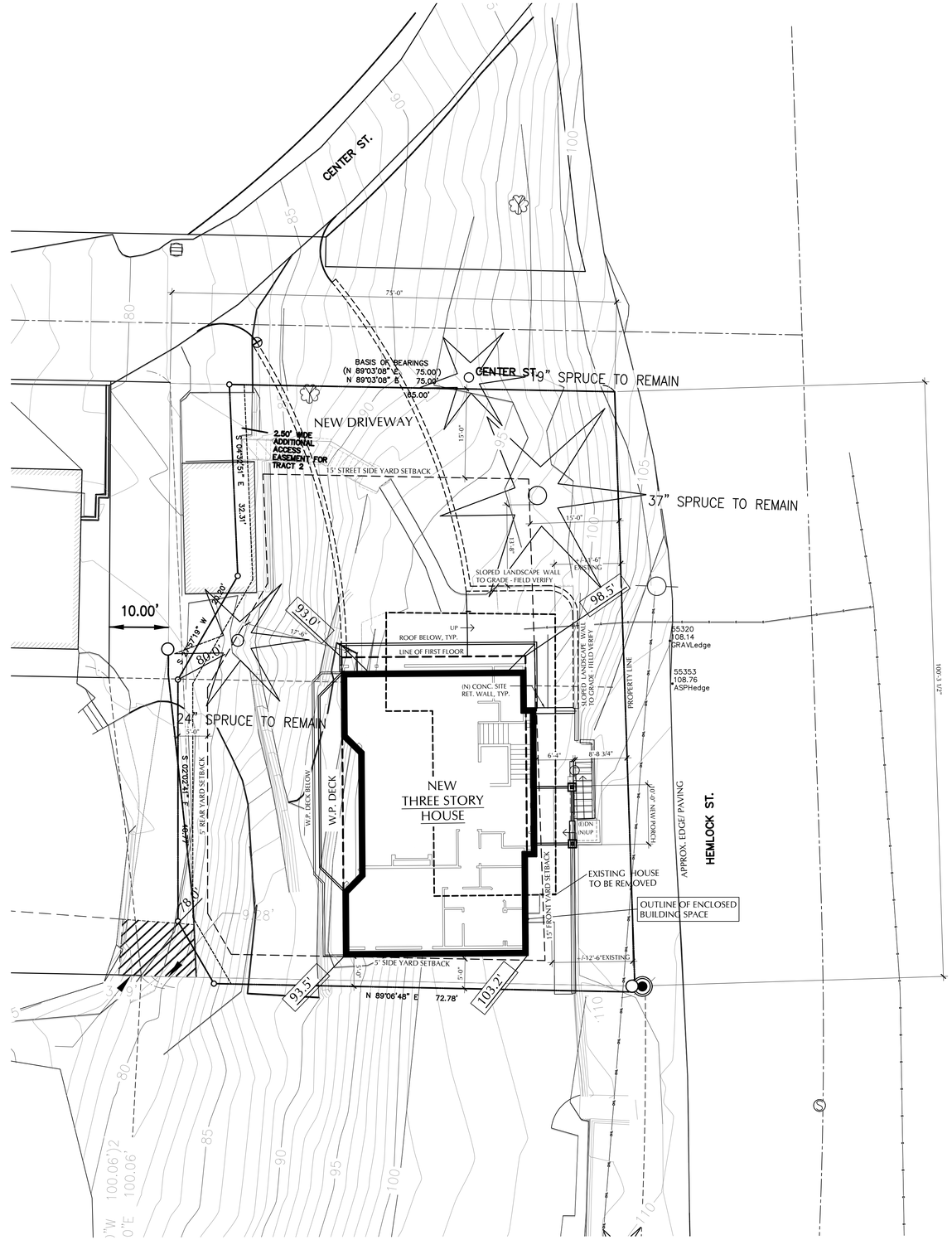
Based on last month's P.C. hearing, we have moved the house back to within the 15 ft. setback . The front porch was also moved back to the west wall of the existing site stairs based on your stated preference.

This design will minimize the extension of the front porch into the 15 ft. setback and provide a safe egress path out of the top floor for the Taylor family.

The Taylors are hoping you will continue with this position of approval. A return email or statement of approval would be greatly apprerciated.

Thank You'all,

David Vonada



1 C1.0 SITE PLAN
1/8" = 1'-0"

REF. N

AVERAGE GRADE:

$$\frac{93.0' + 98.5' + 93.5' + 103.2'}{4} = \frac{388.2'}{4} = 97.05'$$

Plotted on May 12, 2023 - 12:46pm
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PRELIMINARY

HOUSE PLANS FOR
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1956 HEMLOCK
CANNON BEACH, OREGON

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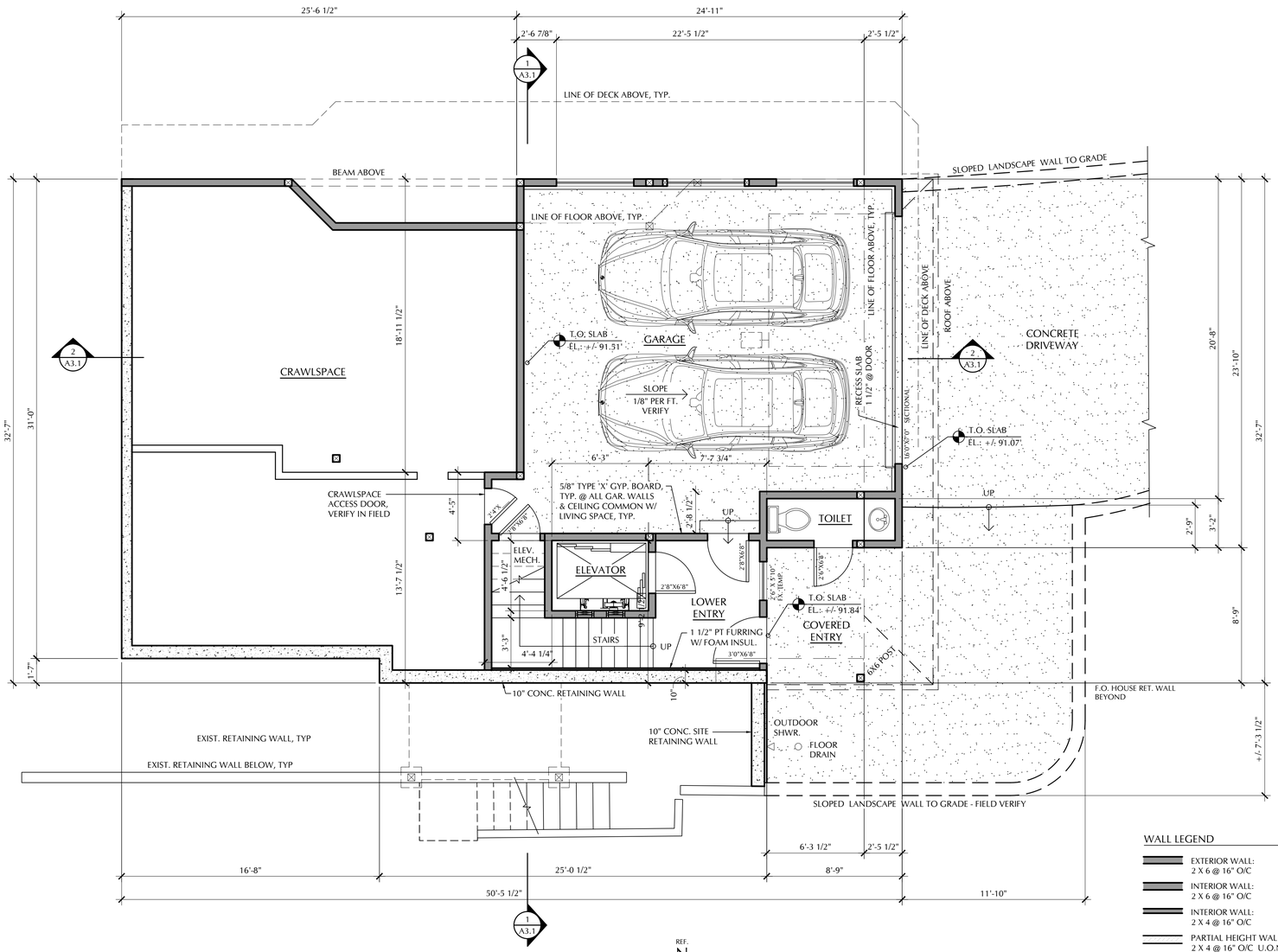
SITE PLAN

C1.0



1 A1.1 FIRST FLOOR PLAN
1/4" = 1'-0"

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FIRST FLOOR PLAN

A1.1

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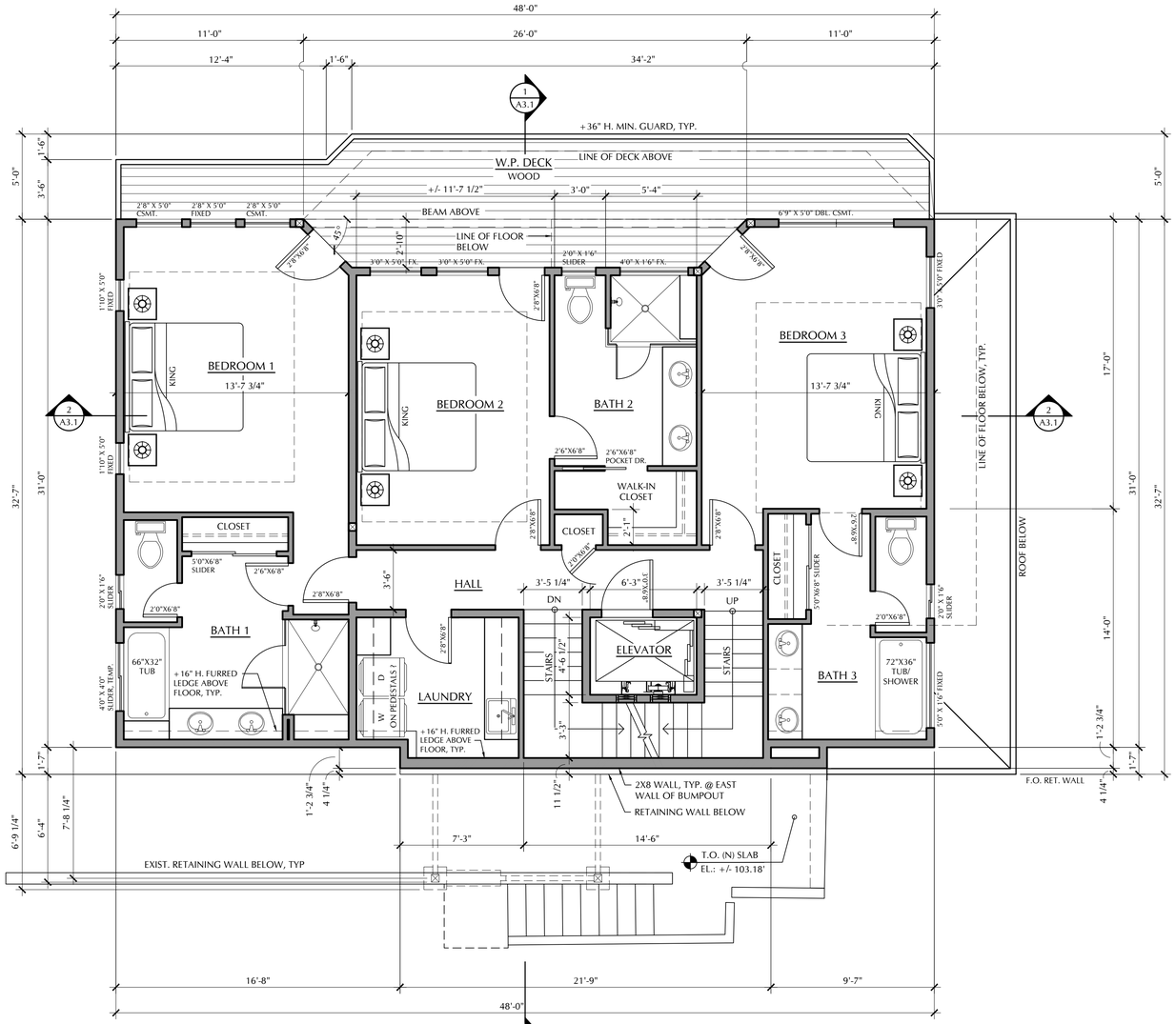

1 / A1.2 SECOND FLOOR PLAN

1/4" = 1'-0"

WALL LEGEND

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SECOND FLOOR PLAN

A1.2

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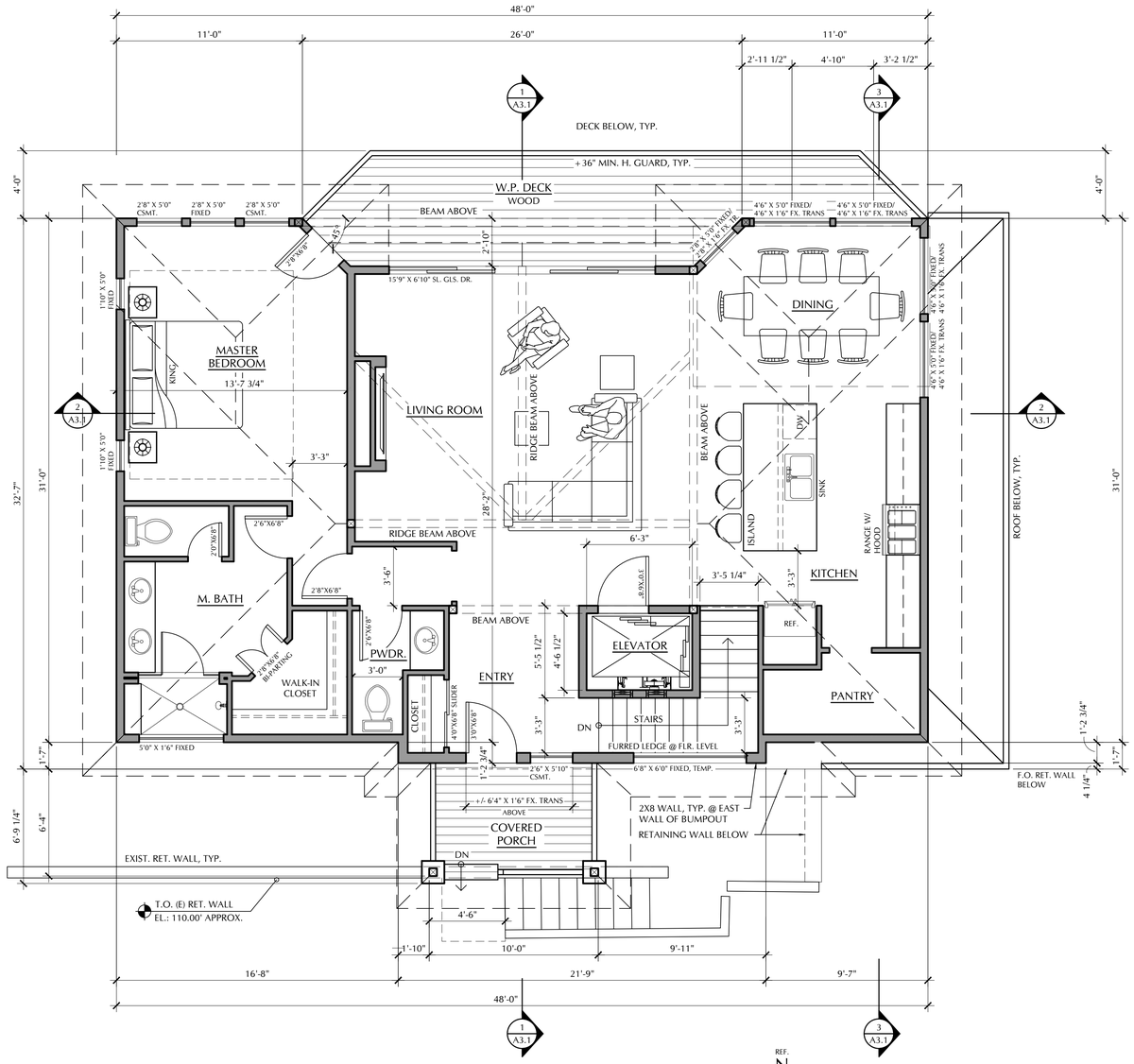

1 A1.3 THIRD FLOOR PLAN

1/4" = 1'-0"

WALL LEGEND

- EXTERIOR WALL: 2 X 6 @ 16" O/C
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THIRD FLOOR PLAN

A1.3

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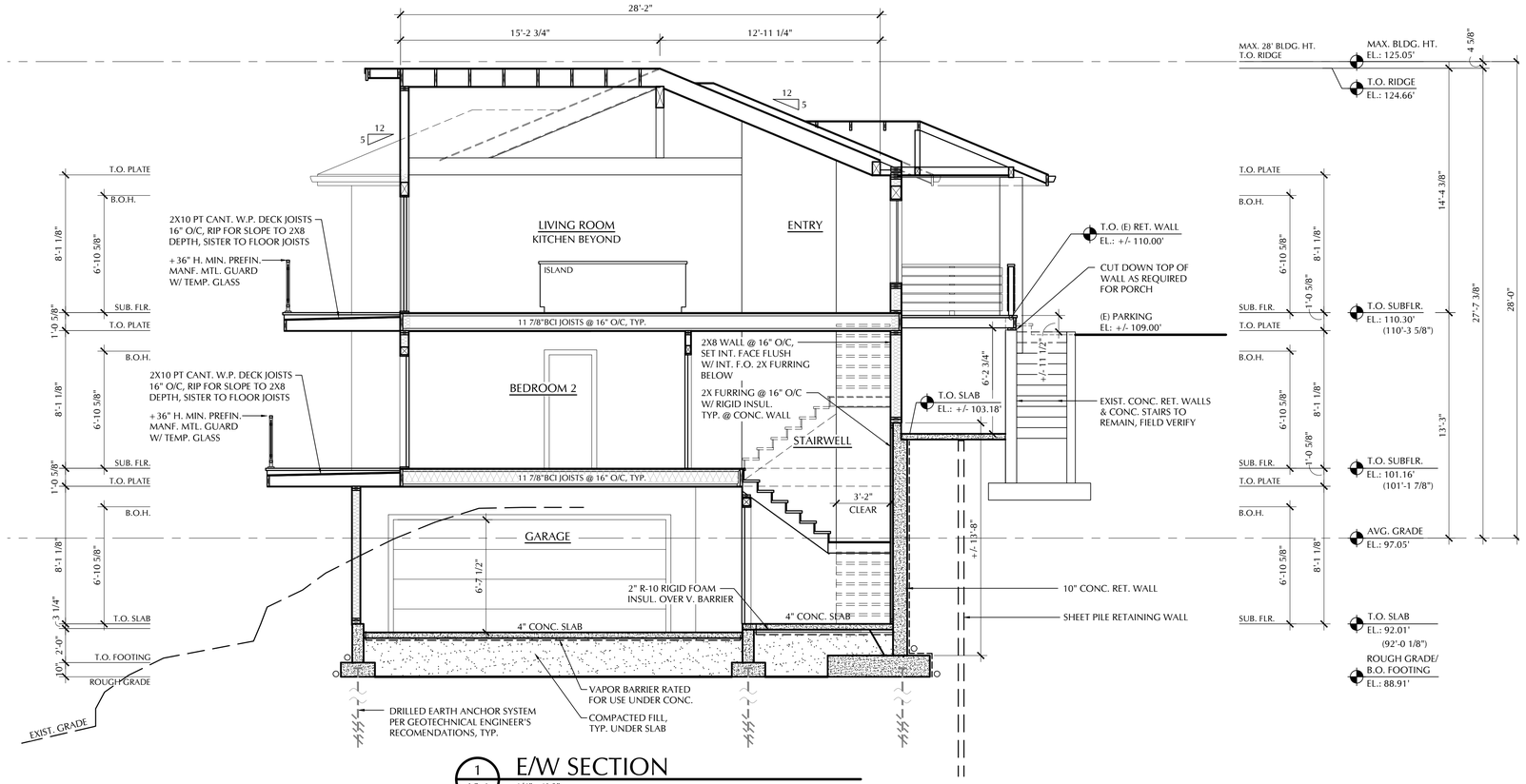
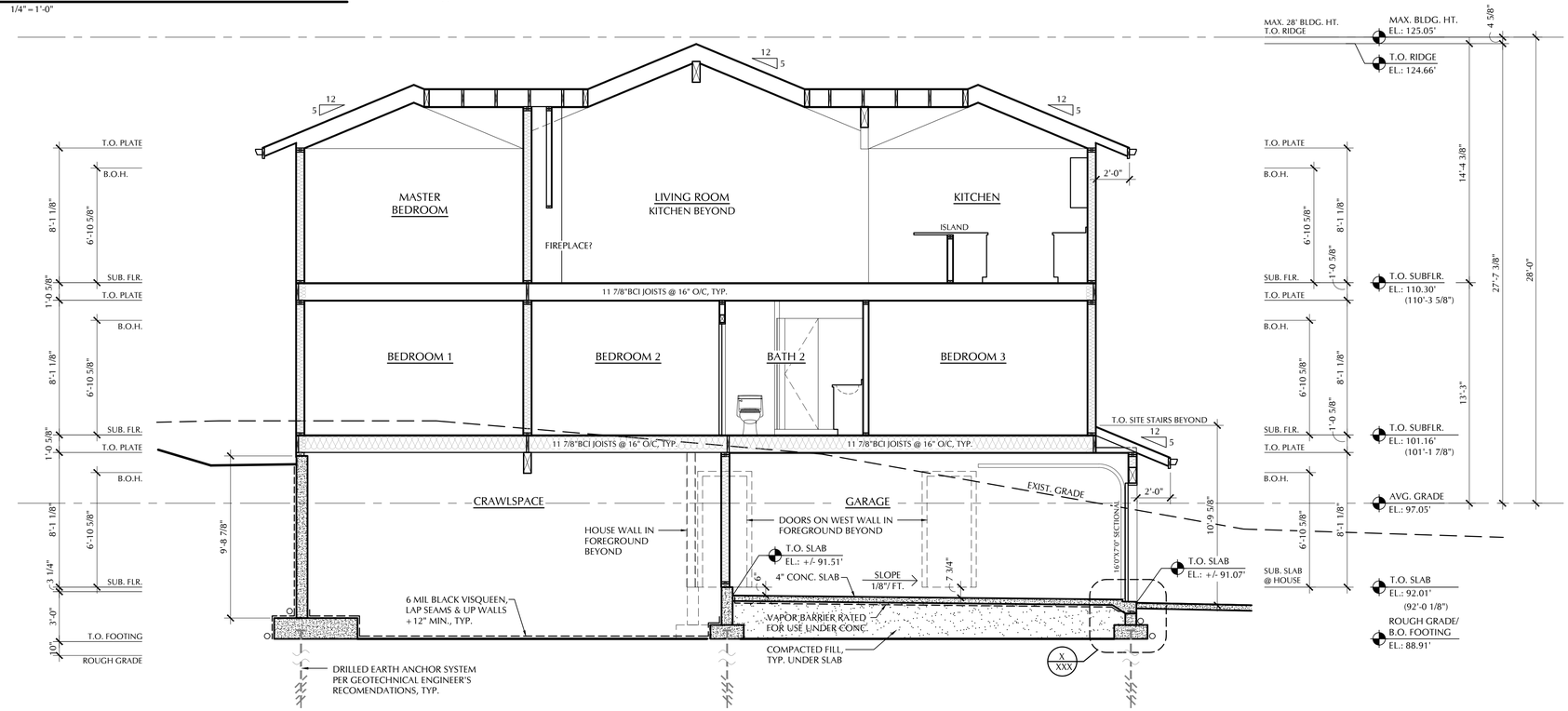


1 A3.1 E/W SECTION
1/4" = 1'-0"



2 A3.1 N/S SECTION THRU GARAGE
1/4" = 1'-0"

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SECTIONS

A3.1

Exhibit A-8

Proposed Findings of Fact Taylor Setback Reduction Amended Request (05/13/23) for SR#23-01

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

The owners of the property, Jeff and Miriam Taylor, propose to replace an existing house at 1956 S. Hemlock St. with a new home. The proposed dwelling would be built to compliance with city ordinances at the 15' setback line with the exception of the upper front porch. They are requesting the setback be reduced from 15' to 8' 6" so that they can connect the upper front door to Hemlock St. with a covered porch. This door would be used to access Hemlock St. and provide for an emergency exit and entry for both the residents and the Fire Department (see attachment from the Fire Chief). This reduction would allow them to preserve a large Spruce tree that resides to the west. After hearing feedback from the Planning Commission and Public Works, the Taylor's have modified the location of the setback to move it as far to the west as possible, while still trying to save the large tree to the west. Moving the house further to the west would compromise the tree (see Arbor Card Attachment). No house structure will be east of the east retaining wall (see picture below).

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

The front porch on Hemlock is around 65 square feet. It is 10' in length to match Ord 17.90.070 "Projections into required yards.", Section 2. The total square footage of the new house is 3,432, although the livable area is 2880 square feet excluding the garage and decks, porches, etc. The lot is 7201 square feet. The floor area ratio is 48%. Due to the steepness of the lot, the house will have two levels and a basement garage that will be partially below grade. Because of the steep grade to the west, it will look like a single-story home from the perspective of Hemlock St. Total building coverage or lot coverage would be 24%.

The only plans available have been presented. The only changes to those plans have been to the location of the setback and the upper front porch, as a direct result of feedback from the Planning Commission and/or Public Works.

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

(a) Total building coverage or lot coverage would be 24%. The lot is irregular in shape and is steep, over 30%.

(b) Significant views of the ocean, mountains or similar features from nearby properties will not be obstructed any more than would occur if the proposed structure were located as required by the zoning district. The property to the east is a parking area used to access the ocean via Center Street, and the land east of that is the State Park. The impact on views will be the same regardless of whether the house meets the setback requirement or not. No adjacent homes will be affected.

(c) Solar access will not be impacted by the small intrusion into the east setback. The owners' lot extends to Center Street to the north, and contains two large Sitka Spruce trees which will remain.

(d) The request meets several of the criteria of the code: Rebuilding mostly on the existing footprint will preserve the large Spruce trees to the west and to the north. The difficult topography of this lot places a void between the house and Hemlock St. making it difficult to connect the upper front door to Hemlock St. and since this is the main level of the home (Master, Living, and Kitchen), having an exit on this level, would be pinnacle in the event of an emergency. Especially providing an exit that would be familiar, and, in the appropriate location for someone in a panicked situation or someone who does not know where another exit may exist. Moving the house to the west would compromise the large Spruce tree to the west (see Arbor Care attachment).

(e) Adjacent rights-of-way have sufficient width for utility placement or other public purposes. Neither Hemlock nor Center Streets will be affected in terms of traffic, utility access, or other public purposes (see attachment from Public Works).

(f) The setback reduction will not create traffic hazards; or impinge on a public walkway or trail. The parking lot east of the Hemlock right-of-way is a popular access for Center Street. This reduction would not change the existing area off Hemlock St. because of the immutable retaining wall that separates the house and Hemlock St where nothing will be built. Though past residents have designated that area for parking,

the Taylor's will not be designating that area for parking but would still like to drop off and pick up from that location on occasion.

(g) There would be no changes in the amount of privacy enjoyed by adjacent property owners.

(h) There would be no known interference with fire protection. In fact, the changes would increase fire protection to the structure by giving the fire department an access point off Hemlock St. whereas Center St. may prove to be more problematic due to its steepness. It also provides an exit point for residents and guests to escape a fire, tsunami, earthquake, or other catastrophic event. In past meetings it has been mentioned that the in-grade stairs in the retaining wall to the east may serve as an exit point, it is possible those stairs may become compromised or the wall may collapse in the event of an earthquake. The exit onto Hemlock St. would be just one more level of protection during those events.

This is the location of the existing house where the upper porch would span across.

The porch would extend from the house to the east retaining wall (red arrow).

Location of private property on Hemlock for dropping off and picking up. Approximately 9’ of private property from retaining wall (red arrow) to property line (green line). This area is not in a clear-vision area as outlined by Ord 17.90.040 and it has great views in both directions. For the purpose of dropping off and picking up we would never be backing out of this area.

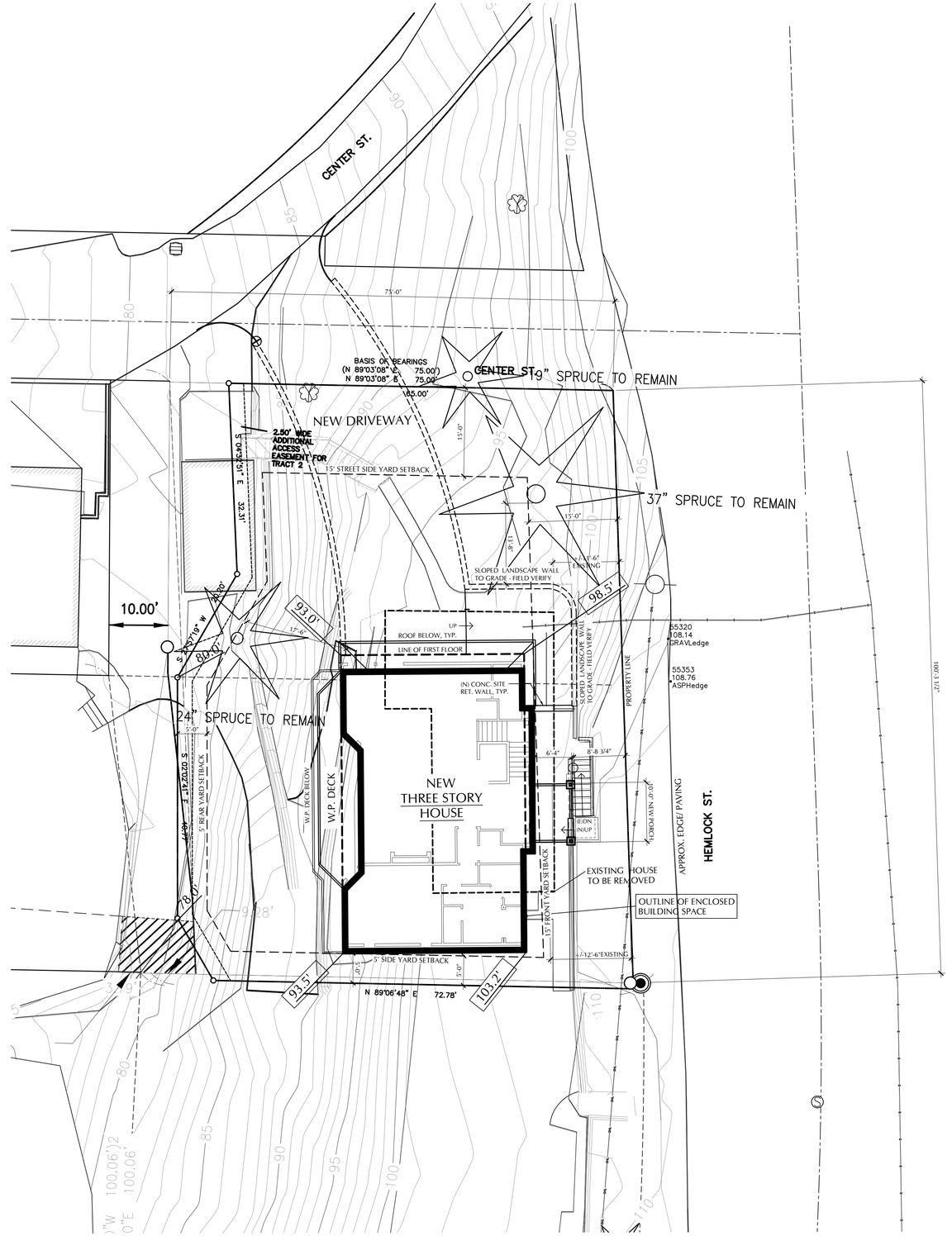
Arbor Care Attachment

Due to time constraints Arbor Care will be providing this letter by May 19, 2023.

Fire Chief Attachment

We have a request to the fire chief for this recommendation. Should be coming shortly.

Exhibit A-9



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1/8" = 1'-0"

REF. N

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SITE PLAN

C1.0

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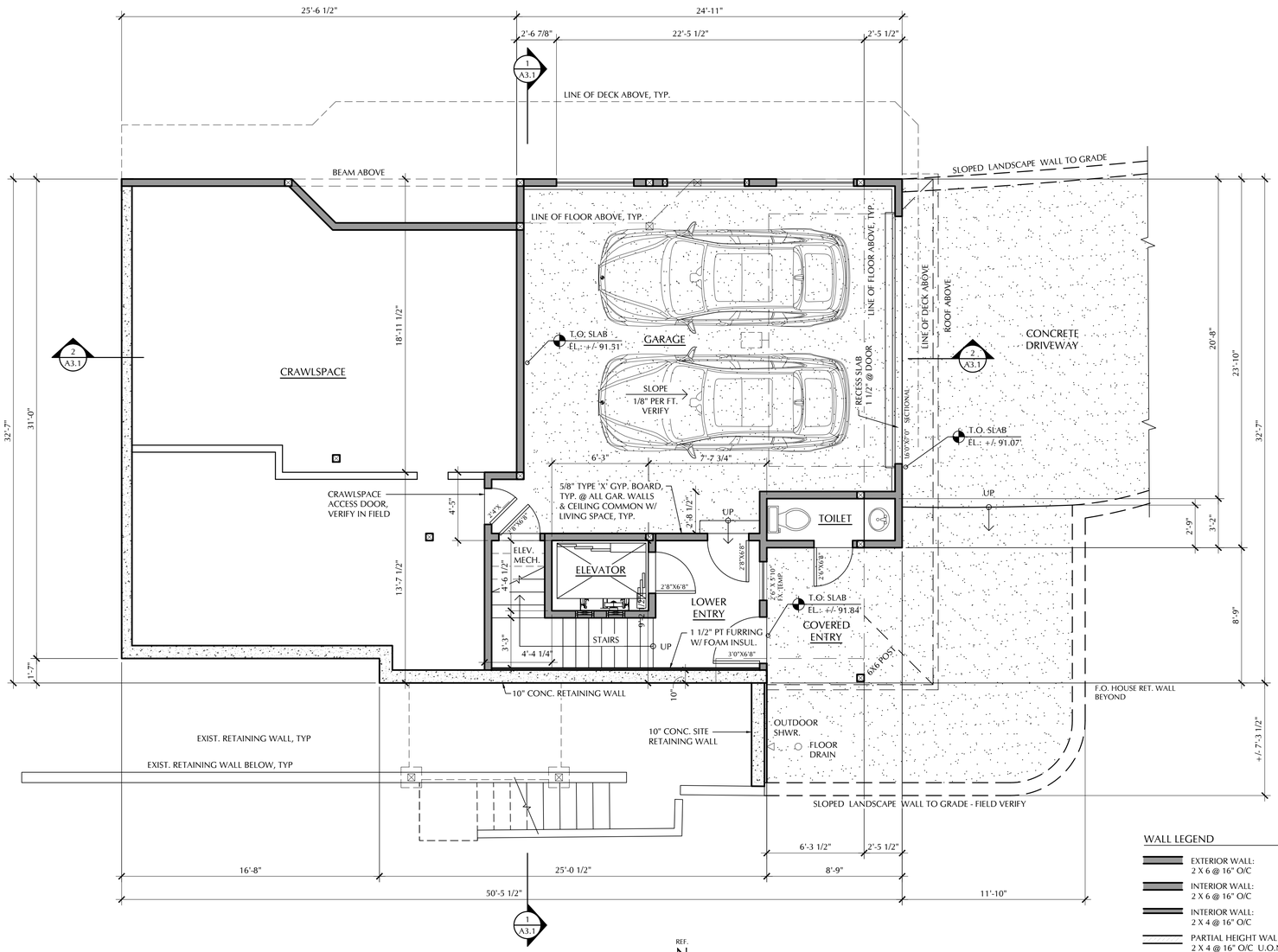

1 A1.1 FIRST FLOOR PLAN
1/4" = 1'-0"

WALL LEGEND

- EXTERIOR WALL: 2 X 6 @ 16" O/C
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FIRST FLOOR PLAN

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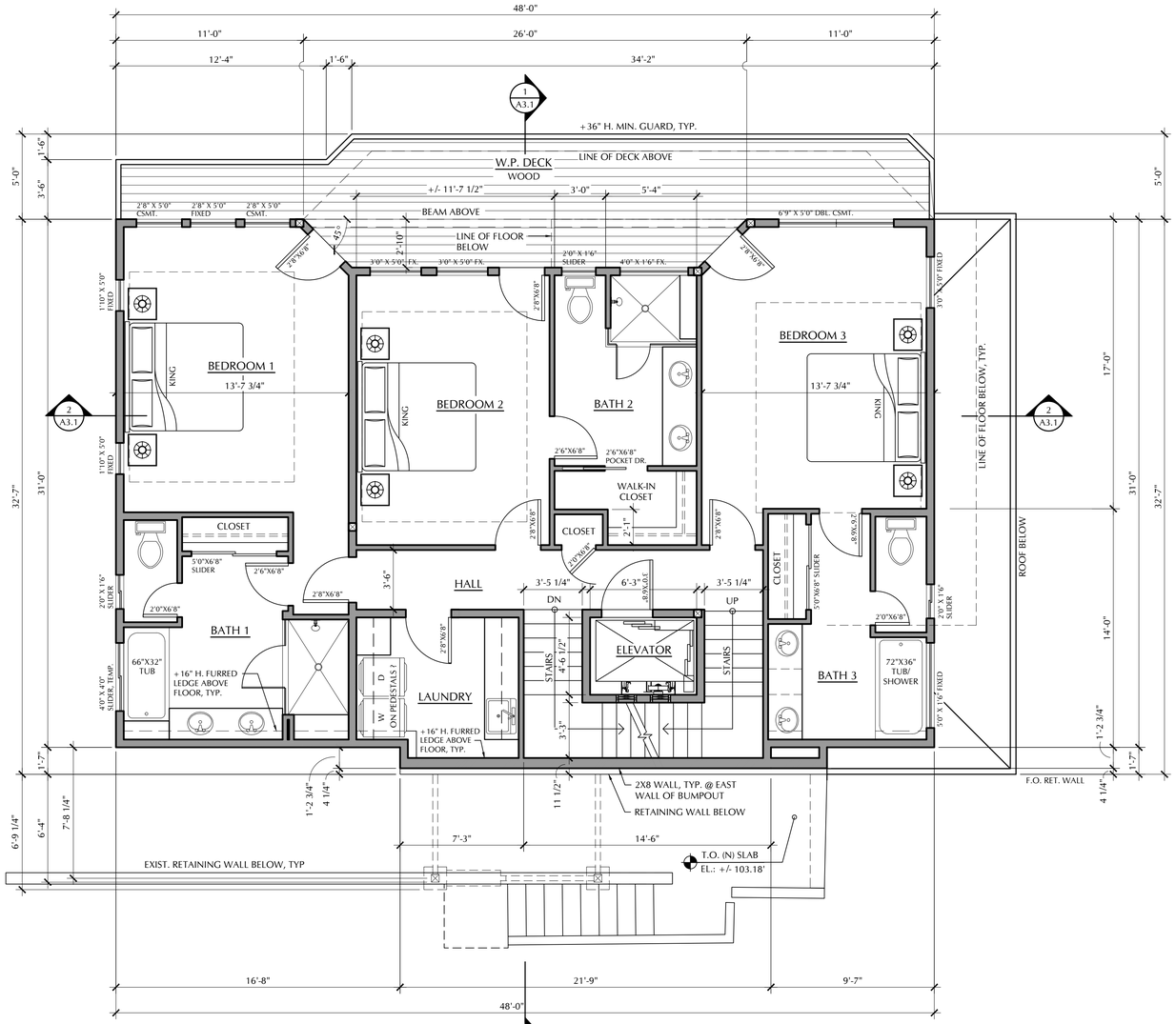

1 A1.2 SECOND FLOOR PLAN

1/4" = 1'-0"

REF. N

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SECOND FLOOR PLAN

A1.2

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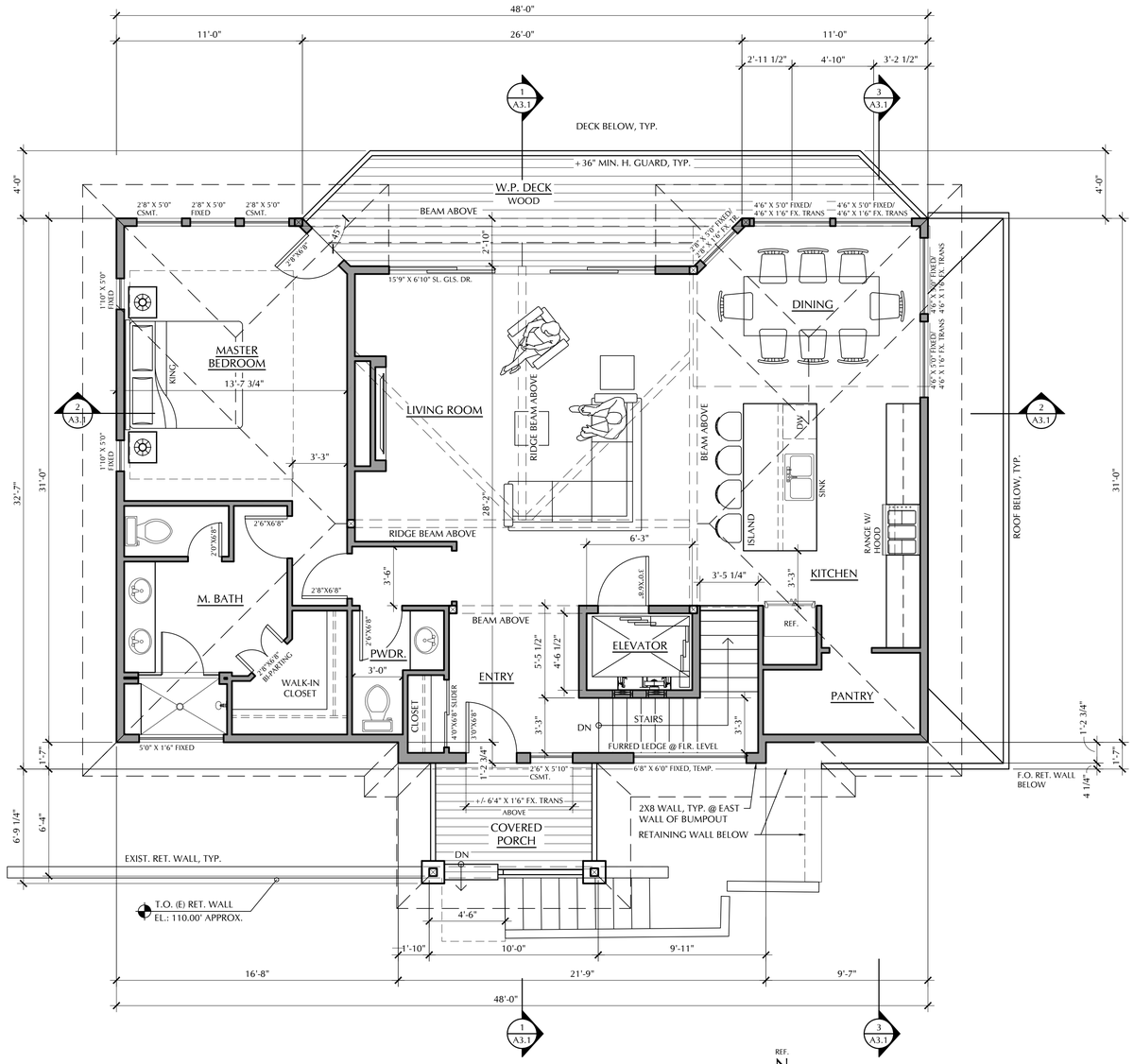

1 A1.3 THIRD FLOOR PLAN

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THIRD FLOOR PLAN

A1.3

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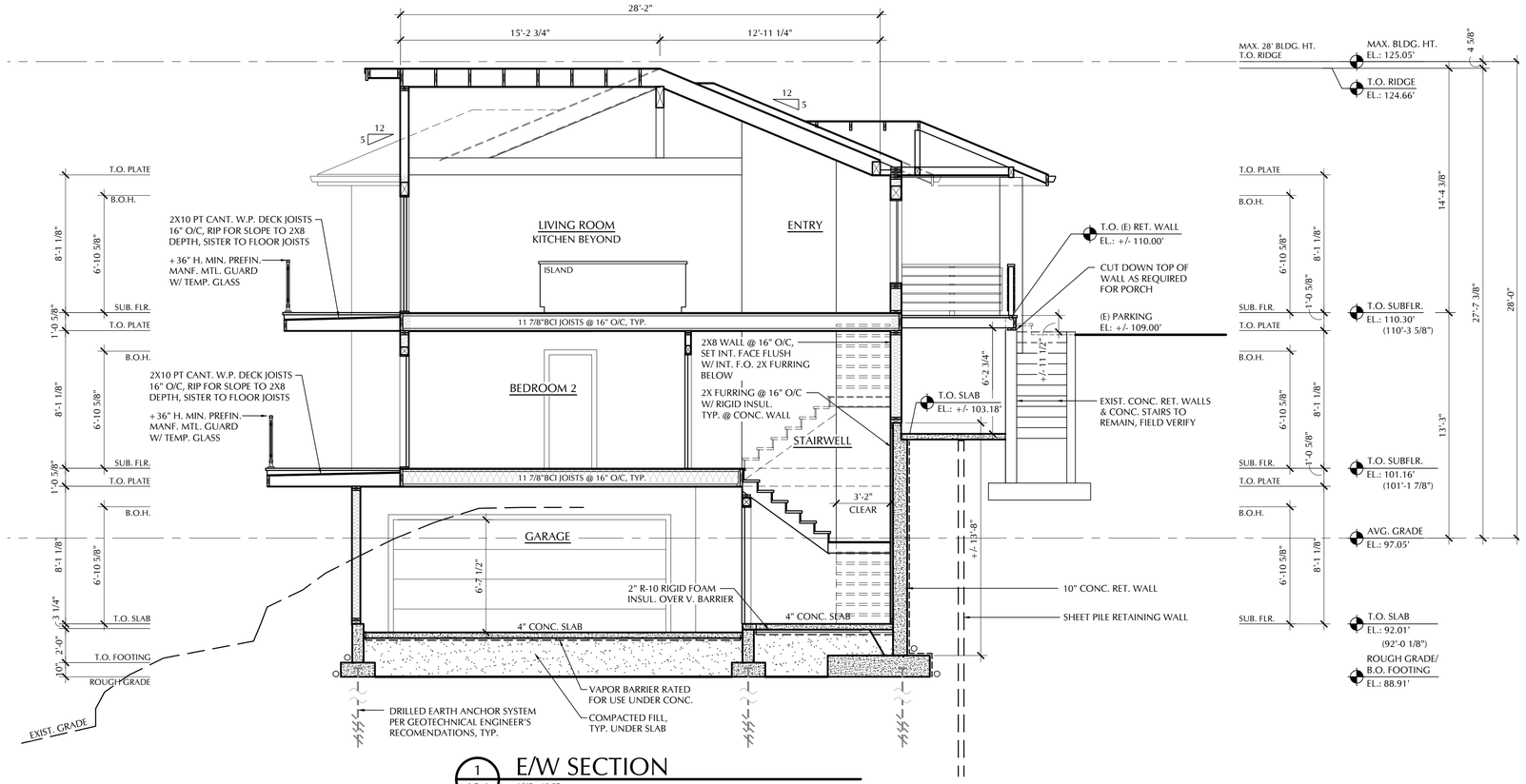
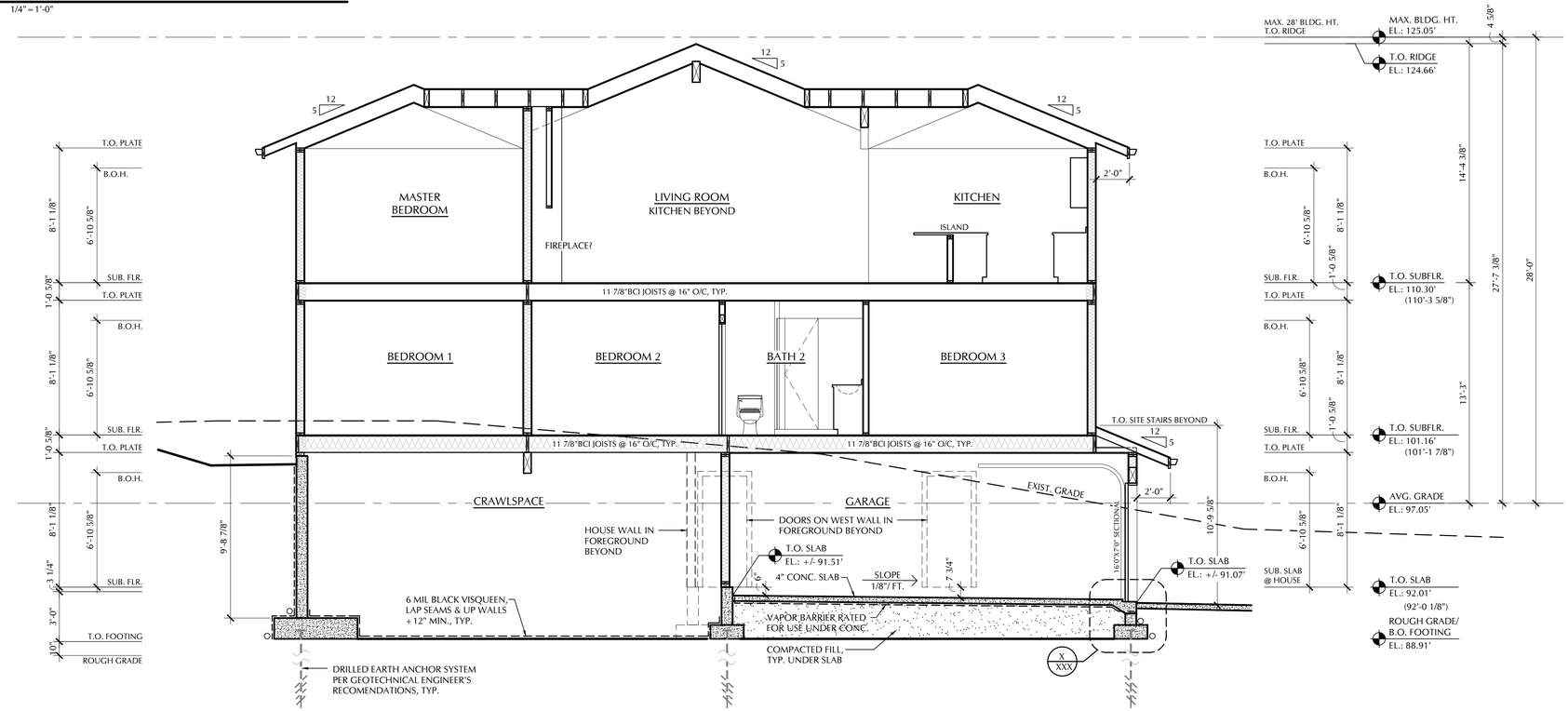


1 A3.1 E/W SECTION
1/4" = 1'-0"



2 A3.1 N/S SECTION THRU GARAGE
1/4" = 1'-0"

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SECTIONS

A3.1

Exhibit A-10

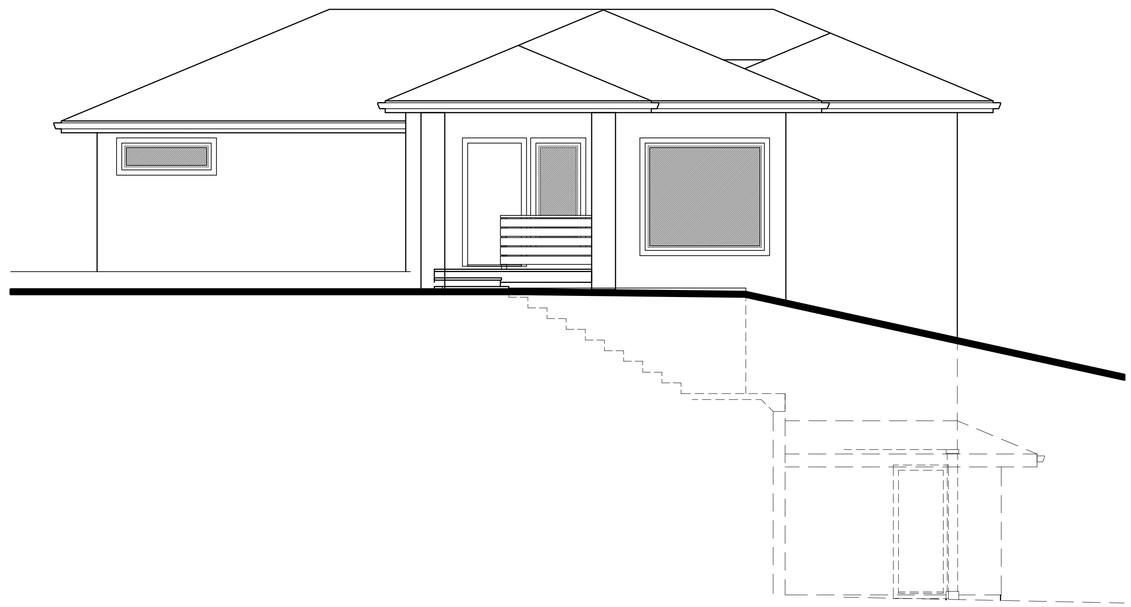
HOUSE PLANS FOR:

THE TAYLOR RESIDENCE

CANNON BEACH OREGON

ABBRV.

A.F.F.	Above Finish Floor
ACOUST.	Acoustical
A.C.T.	Acoustical Clg. Tile
ADJ.	Adjust, Adjustable
AGG.	Aggregate
AL.	Aluminum
A.B.	Anchor Bolt
APPROX.	Approximately
ARCH.	Architectural
A.D.	Area Drain
ASPH.	Asphalt
A.C.	Asphaltic Concrete
BM.	Beam
BITUM.	Bituminous
BLK.	Block
BLKG.	Blocking
BD.	Board
BOT./BTM.	Bottom
B.C.	Bottom of Curb
B.W.	Bottom of Wall
BLDG.	Building
CAB.	Cabinet
C.P.T.	Carpet
C.I.	Cast Iron
C.I.P.	Cast In Place
C.B.	Catch Basin
CLG.	Ceiling
CEM.	Cement
CTR.	Center
C.T.	Ceramic Tile
CLR.	Clear
CLO.	Closer
COL.	Column
CONC.	Concrete
CMU.	Conc. Masonry Units
COND.	Condition
CONSTR.	Construction
CONT.	Continous
CONTR.	Contractor
C.J.	Control Joint
CORR.	Corridor
CNTR.	Counter
CTSK.	Countersink
DEPT.	Department
DET.	Detail
DIA.	Diameter
DIM.	Dimension
DW.	Dishwasher
DISP.	Disposal (Garbage)
DR.	Door
DBL.	Double
DN.	Down
DS.	Downspout
DWR.	Drawer
DWG.	Drawing
D.F.	Drinking Fountain
EA.	Each
E.S.	Each Side
	East
E.W.C.	Electric Water Cooler
ELEC.	Electrical
EL.	Elevation
ELEV.	Elevator
EMER.	Emergency
ENCL.	Enclosure
EQ.	Equal
EQPT.	Equipment
EXIST.	Existing
EXP.	Expansion
E.J.	Expansion Joint
EXPO.	Exposed
EXT.	Exterior
E.I.F.S.	Exterior Insulation & Finish System
F.O.C.	Face of Concrete
F.O.F.	Face of Finish
F.O.M.	Face of Masonry
F.O.S.	Face of Studs
F.FIN.	Factory Finish
FIN.	Finish
F.F	Finish Floor
F.F.E.	Finish Floor Elevation
F.A.	Fire Alarm
F.E.	Fire Extinguisher
F.E.C.	Fire Extinguisher Cab
F.H.C.	Fire Hose Cabinet
F.R.T.	Fire Retardant Treated
FPRF.	Fireproof
FIXT.	Fixture
F.B.	Flat Bar
F.H.	Flat Head
FL.	Floor
F.D.	Floor Drain
F.P.H.B.	Freeze Proof Hose Bibb
FT.	Foot or Feet
FTG.	Footing
FDN.	Foundation
F.S.	Full Size, Scale
F.O.I.C.	Furnished by Owner, Installed by Contractor
FURR.	Furring
FUT.	Future
GALV.	Galvanized
G.I.	Galvanized Iron
G.D.	Garbage Disposal
GA.	Gauge
GLU-LAM	Glu-Laminated
GL.	Glass
G.B.	Grab Bar
GR.	Grade
GND.	Ground
GYP.BD.	Gypsum Wallboard
GYP.BD./WR	Water Resistant
GYP.	Gypsum
HDWE.	Hardware
HT.	Height
H.C.	Hollow Core
H.C.P.	Hollow Core Plank
H.M.	Hollow Metal
HORIZ.	Horizontal
H.B.	Hose Bibb
HR.	Hour
IN.	Inch(es)
I.D.	Inside Diameter (Dim.)
INSUL.	Insulation
INT.	Interior
JAN.	Janitor
JT.	Joint
K.D.	Kiln Dried
KIT.	Kitchen
K.DN.	Knock Down
LAV.	Lavatory
LT.	Light
LKR.	Locker
MACH.	Machine
M.B.	Machine Bolt
MH.	Manhole
MFR.	Manufacturer
M.O.	Masonry Opening
MAX.	Maximum
MECH.	Mechanical
M.C.	Medicine Cabinet
MDO.	Medium Density Overlay
MEMB.	Membrane
MET.	Metal
MIN.	Minimum
MISC.	Miscellaneous
MTD.	Mounted
MUL.	Mullion
NOM.	Nominal
N.	North
N.I.C.	Not in Contract
N.T.S.	Not to Scale
NO.	Number
OBS.	Obscure
O.C.	On Center
OPNG.	Opening
OPP.	Opposite
O.H.	Opposite Hand
OZ.	Ounce
O.D.	Outside Diameter (Dim.)
P.	Paint
PR.	Pair
P.T.D.	Paper Towel Dispenser
P.T.D./R	Paper Towel Disp & Recept
P.T.R.	Paper Towel Receptacle
PART.BD.	Particle Board
PTN.	Partition
PERF.	Perforated
PLAS.	Plaster
P.LAM.	Plastic Laminate
PL.	Plate
PWD.	Plywood
PT.	Point
P.P.	Power Pole
PRCST.	Precast
PREFIN.	Prefinished
P.T.	Pressure Treated
P/L	Property Line
Q.T.	Quarry Tile
R.or RAD.	Radius
REF.	Reference
REFR.	Refrigerator
REINF.	Reinforced
REQT.	Requirements
RES.	Resilient
R.	Riser(s)
R.D.	Roof Drain
RM.	Room
R.O.	Rough Opening
S.GL.	Safety Glass
S.N.D.	Sanitary Napkin Disposal
SCHED.	Schedule
S.C.D.	Seat Cover Dispenser
SECT.	Section
	Service Sink
SHG.	Sheathing
SHT.	Sheet
SH.	Shelf
SHR.	Shower
SIM.	Similar
S.O.G.	Slab on Grade
S.D.	Soap Dispenser
S.C.	Solid Core
SQ.	Square
S.F.	Square Feet
S.&V.	Stain and Varnish
S.STL.	Stainless Steel
STD.	Standard
STL.	Steel
STOR.	Storage
STRL.	Structural
SYM.	Symmetrical
SYS.	System
TEL.	Telephone
T.V.	Television
THK.	Thick
TOIL.	Toilet
T.P.D.	Toilet Paper Dispenser
T&G	Tongue and Groove
T.C.	Top of Curb
T.P.	Top of Pavement
T.PL.	Top of Plate
T.W.	Top of Wall
T.	Treads
TYP.	Typical
UNF.	Unfinished
U.O.N.	Unless Otherwise Noted
UR.	Urinal
V.P.	Veneer Plaster
VFY.	Verify
V.G.	Vertical Grain
VEST.	Vestibule
V.C.T.	Vinyl Composition Tile
V.W.C.	Vinyl Wall Covering
WSCT.	Wainscot
WC.	Wallcovering
W.C.	Water Closet
W.H.	Water Heater
WP.	Waterproof
WT.	Weight
W.	West
WDW.	Window
W/	With
W/O	Without
WD.	Wood
W.W.F.	Woven Wire Fabric
&	And
∠	Angle
@	At
`	Square/Square Foot



1 CS EAST ELEVATION

1/8" = 1'-0"

PROJECT TEAM

OWNER:
JEFF AND MIRIAM TAYLOR
1935 N.W. NORFORK CT.
OKLAHOMA

ARCHITECT:
TOLOVANA ARCHITECT LLC 503-436-0519
MAIL: P.O. BOX 648, TOLOVANA PARK, OREGON 97145
DAVID VONADA, A.I.A. DAVID@TOLOVANAARCHITECTS.COM

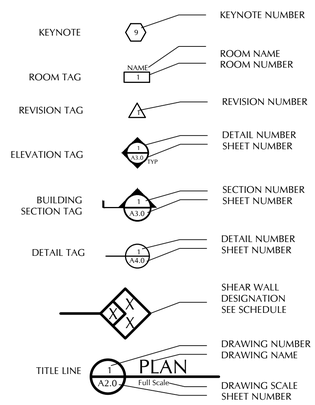
STRUCTURAL ENGINEER:CONSULTANT:
VISTA STRUCTURAL
14718 N.W. DELIA STREET
PORTLAND, OREGON 97229
TIM WOLDEN, S.C. 503-702-1393

CONTRACTOR:
COASTER CONSTRUCTION 503-436-2235

BUILDING STATISTICS

JURISDICTIONS:	CITY OF CANNON BEACH
ZONING:	RL
OCCUPANCY GROUP	R-2, SINGLE FAMILY RES
BUILDING CONSTRUCTION TYPE	V-B

SYMBOLS LEGEND



GENERAL NOTES

1. THE CONTRACTOR(S) SHALL PERFORM ALL DEMOLITION AND FURNISH/INSTALL ALL MATERIALS/SERVICES NECESSARY TO COMPLETE THE WORK SHOWN ON THE DRAWINGS UNLESS NOTED OTHERWISE.
2. WORK SHALL BE IN ACCORDANCE WITH REQUIREMENTS OF CURRENT IBC, STATE OF OREGON STRUCTURAL SPECIALTY CODE AND FIRE ADN LIFE SAFETY REGULATIONS, LAW OF THE STATE FIRE MARSHAL, APPLICABLE PLUMBING MECHANICAL, ELECTRICAL CODES AND OTHER APPLICABLE CODES AND ORDINANCES.
3. THE CONTRACTOR(S) SHALL OBTAIN AND PAY FOR INSPECTIONS BY CITY OF CANNON BEACH BUILDING DEPARTMENT .
4. NO FINAL PAYMENT SHALL BE ISSUED UNTIL THE CONTRACTOR DELIVERS TO OWNER A CERTIFICATE OF COMPLIANCE/OCCUPANCY.
5. CONTRACTOR SHALL COORDINATE ALL SUBCONTRACTOR WORK.
6. CONTRACTOR SHALL PROVIDE ON SITE SUPERVISION DURING ALL WORK.
7. ALL EXISTING CONDITIONS SHALL BE VERIFIED DURING CONSTRUCTION.
8. BEFORE ORDERING ANY MATERIAL OR DOING ANY WORK,THE CONTRACTOR SHALL VERIFY IN THE FIELD ALL DIMENSIONS AND ELEVATIONS WHICH ARE REQUIRED FOR CONNECTIONS TO, OR INSTALLATION IN, AREAS COVERED BY DOCUMENTS. CONTRACTOR SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCY ON THE PLANS OR THE SITE.

DRAWING INDEX

CS	COVER SHEET / SITE PLAN				
SV1.0	TOPOGRAPHIC SURVEY & PROPERTY LINE ADJUSTMENT SURVEY				
C1.0	SITE PLAN & DETAIL				
A1.0	SPECIFICATIONS				
A1.1	FIRST FLOOR PLAN				
A1.2	SECOND FLOOR PLAN				
A1.3	THIRD FLOOR PLAN				
A1.4	ROOF PLAN				
A2.1	N & E ELEVATIONS				
A2.2	S & W ELEVATIONS				
A3.1	BUILDING SECTIONS				
A3.2	BUILDING SECTIONS				

INSULATION TABLE

Per 2021 Oregon Residential Energy Code - Table N1101.1(1)

New Windows & Sliding Glass Doors	U = 0.27
Exterior Doors (Max. 28 s.f. of Exterior Door per Dwelling Unit can have U = 0.54 or less)	U = 0.20
Exterior Door w/ > 2.5 s.f. Glazing	U = 0.40
Wall Insulation - Above Grade *Including Cripple Walls & Rim Joist Areas	U = 0.059 / R-21 Intermediate
Wall Insulation - Below Grade	C = 0.063 / R-15 c.i /R-21
Underfloor Insulation	U = 0.033 / R-30
Flat Ceiling Insulation	U = 0.021 / R-49
Vaulted Ceiling Insulation (Vaulted ceiling surface area exceeding 50% of the total heated floor space shall have U = 0.026 or less / R-38)	U = 0.033 R-30 Rafter or R-30A Scissor Truss
Forced Air Duct Insulation	R - 8
Skylights	U = 0.50
Slab Edge Perimeter	F = 0.520 / R-15
Heated Slab Interior	R-10
Acoustical Insulation	4" mineral wool

Note: All new insulation at perimeter of building envelope to have 1 perm vapor retarder on warm side.

Tolovana Architect LLC
P.O Box 648
Tolovana Park, Oregon 97145

PRELIMINARY

HOUSE PLANS FOR
TAYLOR RESIDENCE
1956 HEMLOCK
CANNON BEACH, OREGON

MARK	DATE	DESCRIPTION

DATE: 5-15-2023
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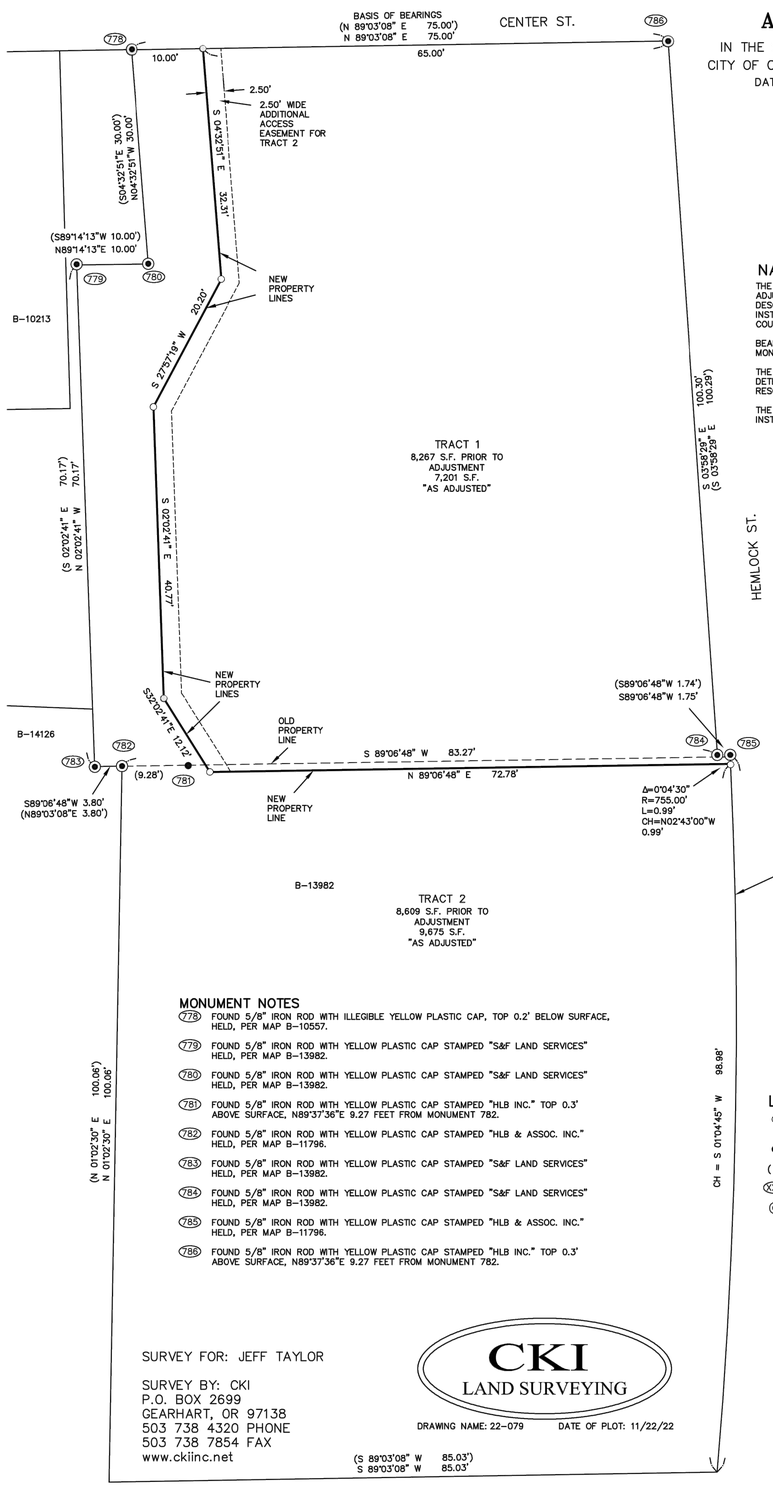
COVER PAGE

CS

Plotted on May 15, 2023 - 8:38am
Xrefs: XR_24x36titlblock XR_24x36TITLE BLOCK_2020 dv_stamp xr_site plan INSULATION-RES_OR 2021 Insul.Table_2021 XR_ELEVATIONS
C:\Users\rahn\Tolovana Architects Dropbox\Projects_Active\Taylor 1956 Hemlock\ACAD\SHEET SETS\
Xref S:\Andrews\ACAD\X-REFS\XR_24x36titlblock.dwg

PROPERTY LINE ADJUSTMENT SURVEY

IN THE SE 1/4 OF SECTION 30, T5N, R10W, W.M.
CITY OF CANNON BEACH, CLATSOP COUNTY, OREGON
DATE: NOVEMBER 30, 2022 SCALE 1" = 10'



NORTH

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO MONUMENT AN ADJUSTED PROPERTY LINE BETWEEN THAT PROPERTY DESCRIBED IN INSTRUMENT NO. 202111841 & INSTRUMENT NO. 201108249, DEED RECORDS, CLATSOP COUNTY, OREGON.

BEARINGS ARE BASED ON A LINE BETWEEN MONUMENTS 778 & 786 PER MAP B-13982.

THE BOUNDARIES OF THE SUBJECT PROPERTIES WERE DETERMINED BY HOLDING THE MONUMENTS AND RESOLUTION AS FOUND AND SET ON MAP B-13982.

THE PROPERTY LINE ADJUSTMENT WAS RECORDED IN INSTRUMENT NO. _____.

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JUNE 30, 1997
SCOTT S. COOTER
2829
RENEWS 12/31/23

MONUMENT NOTES

(778) FOUND 5/8" IRON ROD WITH ILLEGIBLE YELLOW PLASTIC CAP, TOP 0.2' BELOW SURFACE, HELD, PER MAP B-10557.

(779) FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "S&F LAND SERVICES" HELD, PER MAP B-13982.

(780) FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "S&F LAND SERVICES" HELD, PER MAP B-13982.

(781) FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "HLB INC." TOP 0.3' ABOVE SURFACE, N89°37'36"E 9.27 FEET FROM MONUMENT 782.

(782) FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "HLB & ASSOC. INC." HELD, PER MAP B-11796.

(783) FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "S&F LAND SERVICES" HELD, PER MAP B-13982.

(784) FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "S&F LAND SERVICES" HELD, PER MAP B-13982.

(785) FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "HLB & ASSOC. INC." HELD, PER MAP B-11796.

(786) FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "HLB INC." TOP 0.3' ABOVE SURFACE, N89°37'36"E 9.27 FEET FROM MONUMENT 782.

LEGEND

- ○ SET 5/8" BY 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "CKI LS2829".
- ● FOUND MONUMENT AS SHOWN HEREON
- ( ) RECORD VALUE PER MAP B-13982.
- (XXX) MONUMENT NUMBER
- (◉) FOUND SURVEY MONUMENT USED FOR CONTROL

SURVEY FOR: JEFF TAYLOR

SURVEY BY: CKI
P.O. BOX 2699
GEARHART, OR 97138
503 738 4320 PHONE
503 738 7854 FAX
www.ckiinc.net

CKI
LAND SURVEYING

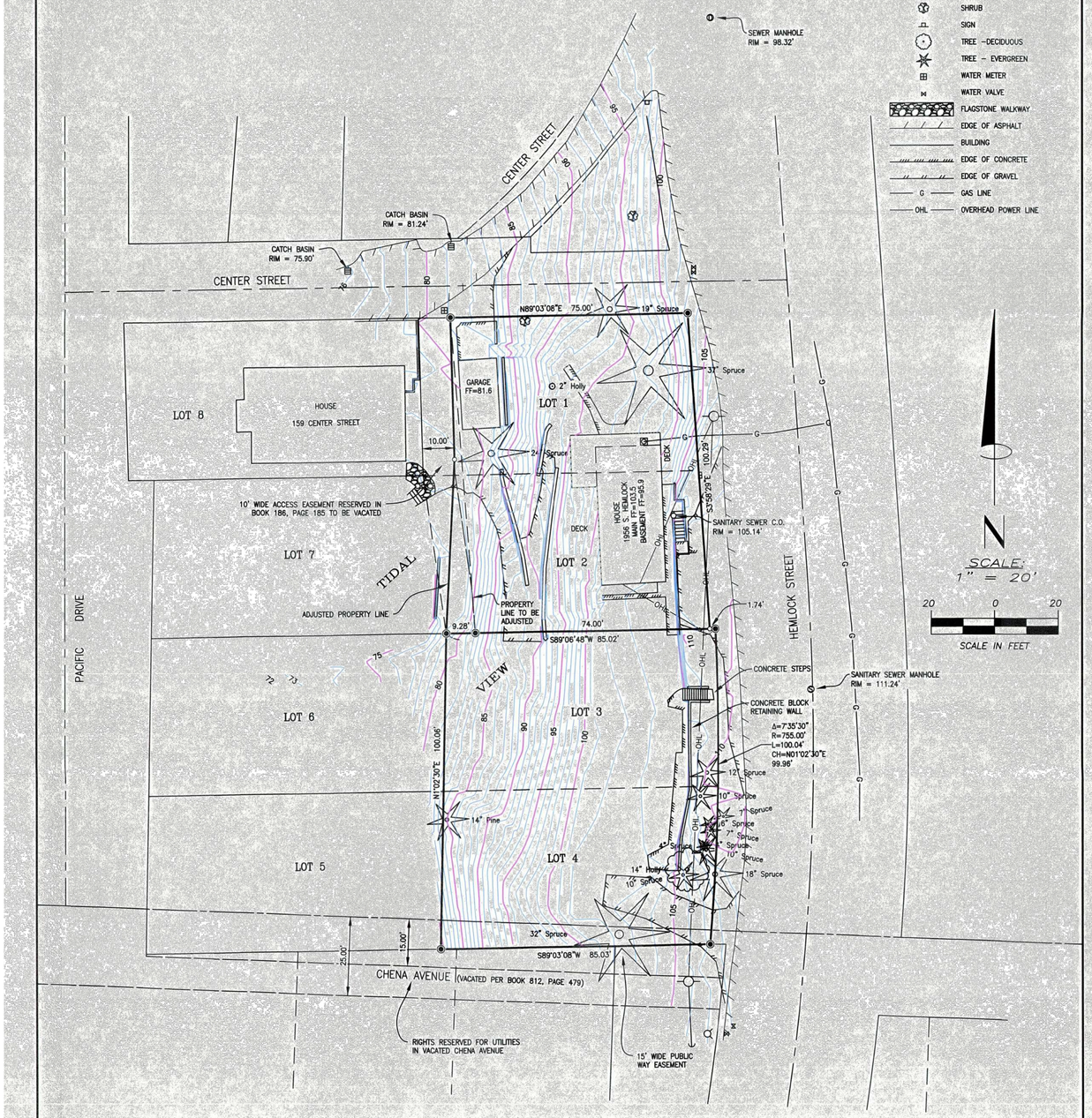
DRAWING NAME: 22-079 DATE OF PLOT: 11/22/22

(S 89°03'08" W 85.03')
S 89°03'08" W 85.03'

CLATSOP COUNTY
SURVEYOR
RECVD:_____
FILED:_____
ASTORIA, OREGON

BASIS OF ELEVATIONS
NAVD 88 (GEOID12A) AS DETERMINED FROM GPS OBSERVATIONS

LEGEND
- CATCH BASIN
- FIRE HYDRANT
- GAS METER
- GUY ANCHOR
- POWER POLE
- SANITARY SEWER CLEAN OUT
- SANITARY SEWER MANHOLE
- SHRUB
- SIGN
- TREE - DECIDUOUS
- TREE - EVERGREEN
- WATER METER
- WATER VALVE
- FLAGSTONE WALKWAY
- EDGE OF ASPHALT
- BUILDING
- EDGE OF CONCRETE
- EDGE OF GRAVEL
- G — GAS LINE
- OHL — OVERHEAD POWER LINE



otak
- SURVEYING
- CIVIL ENGINEERING
- PLANNING
- WATER & NATURAL RESOURCES
- WETLAND CONSULTING

CLATSOP COUNTY
4253-A HWY 101 N.
GEARHART, OR 97138
(503) 738-3425
FAX: (503) 738-7455

TILLAMOOK COUNTY
PHONE (503) 368-5394

PACIFIC COUNTY
PHONE (360) 642-4454

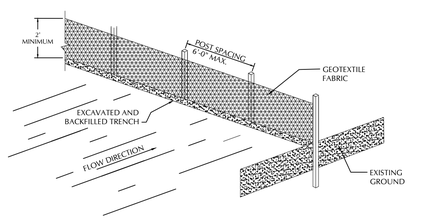
WWW.OTAK.COM

DATE	JOB NO.	EQUIPMENT	FIELD	DRAWN	CHECKED
FEB. 2, 2018	68210	R8/S6/S7/TSC2,3	MSM/EBG/CMI	CC	GPC

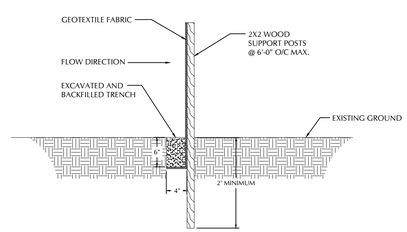
S68210B191.DWG

TOPOGRAPHIC SURVEY FOR:
BRENT
BURTON
TAX LOTS 4300 & 4302
MAP 5 10 30DD
S.E. 1/4 OF SEC. 30, T5N, R10W, W.M.
CITY OF CANNON BEACH, CLATSOP COUNTY, OREGON

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 20, 1989
GARY P. CHRISTERSON
2377
RENEWS: DECEMBER 31, 2019

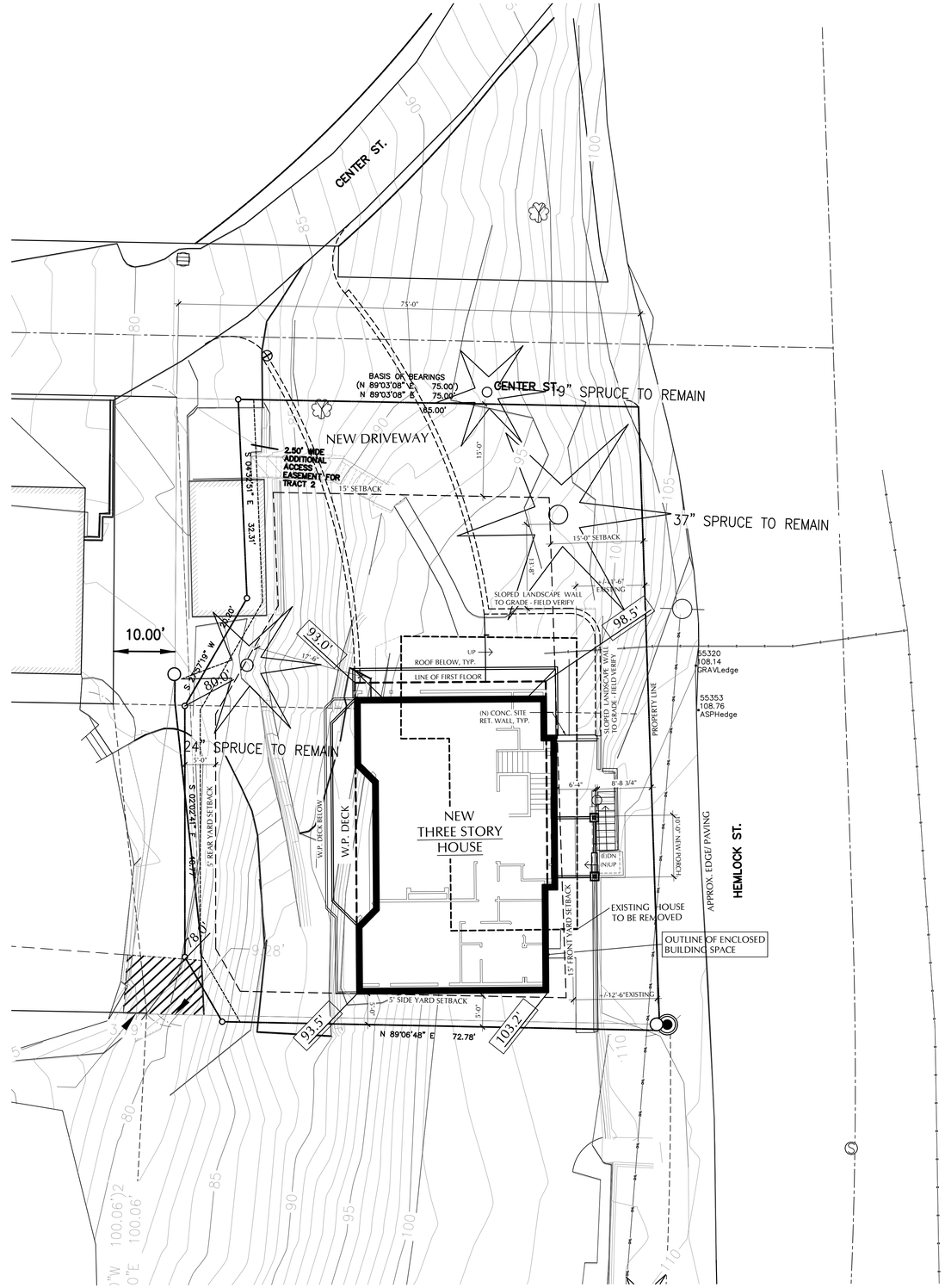


ISOMETRIC VIEW



TYPICAL SECTION

2 / C1.0 SILT FENCE DETAIL
NO SCALE



1 / C1.0 SITE PLAN
1/8" = 1'-0"

REF.
N

AVERAGE GRADE:

$$\frac{93.0' + 98.5' + 93.5' + 103.2'}{4} = \frac{388.2'}{4} = 97.05'$$

Tolovana Architect LLC
P.O Box 648
Tolovana Park, Oregon 97145

PRELIMINARY

HOUSE PLANS FOR
TAYLOR RESIDENCE
1956 HEMLOCK
CANNON BEACH, OREGON

MARK	DATE	DESCRIPTION

DATE: 5-15-2023
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SITE PLAN

C1.0

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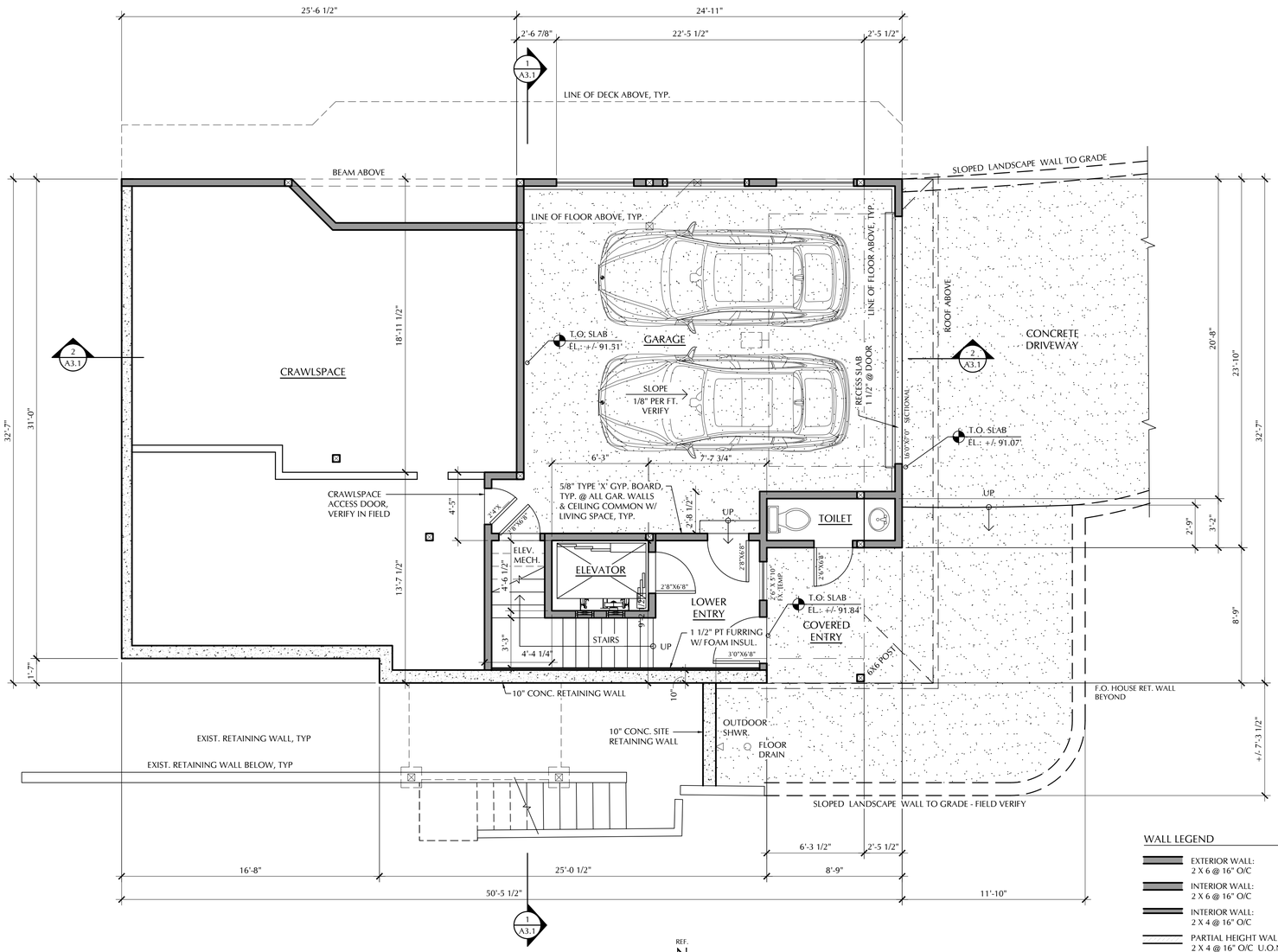
Xrefs: XR_FP-XR_24x36 Title BLOCK_2020 XR_SITE PLAN acad-s68210b191x12 dv_stamp SILT FENCE
C:\Users\rahn\Tolovana Architects Dropbox\Projects_Active\Taylor 1956 Hemlock\ACAD\SHEET SETS\



1 A1.1 FIRST FLOOR PLAN
1/4" = 1'-0"

WALL LEGEND

- EXTERIOR WALL: 2 X 6 @ 16" O/C
- INTERIOR WALL: 2 X 6 @ 16" O/C
- INTERIOR WALL: 2 X 4 @ 16" O/C
- PARTIAL HEIGHT WALL: 2 X 4 @ 16" O/C U.O.N.
- PT PONYWALL: 2 X 6 PT @ 16" O/C
- SINGLE SHEARWALL: 2 X 6 @ 16" O/C
- DOUBLE SHEARWALL: 2 X 6 @ 16" O/C

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PRELIMINARY

HOUSE PLANS FOR
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FIRST FLOOR PLAN

A1.1

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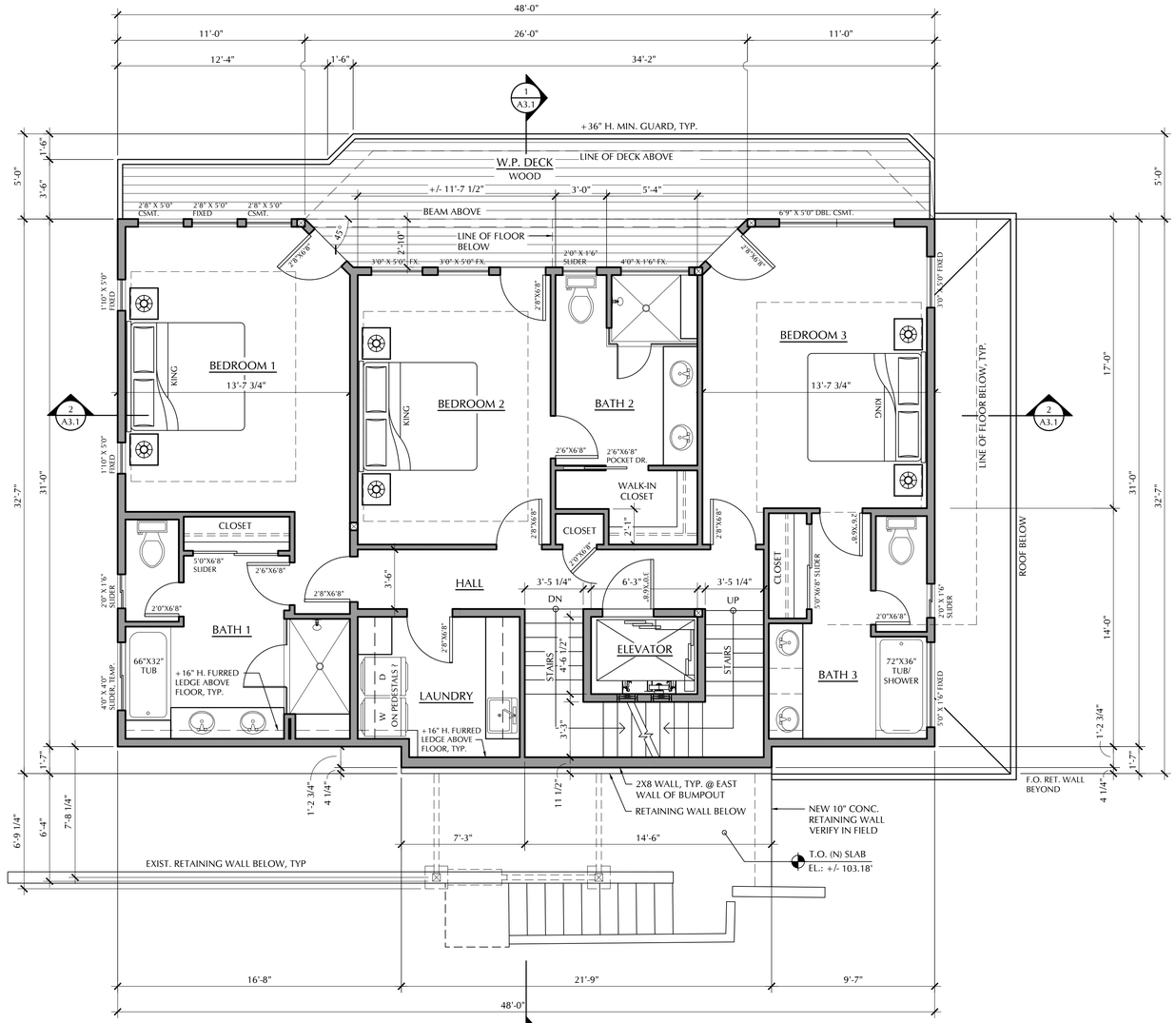

1 A1.2 SECOND FLOOR PLAN

1/4" = 1'-0"

REF. N

WALL LEGEND

- EXTERIOR WALL: 2 X 6 @ 16" O/C
- INTERIOR WALL: 2 X 6 @ 16" O/C
- INTERIOR WALL: 2 X 4 @ 16" O/C
- PARTIAL HEIGHT WALLS 2 X 4 @ 16" O/C U.O.N.
- SINGLE SHEARWALL: 2 X 6 @ 16" O/C
- DOUBLE SHEARWALL: 2 X 6 @ 16" O/C

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HOUSE PLANS FOR
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SECOND FLOOR PLAN

A1.2

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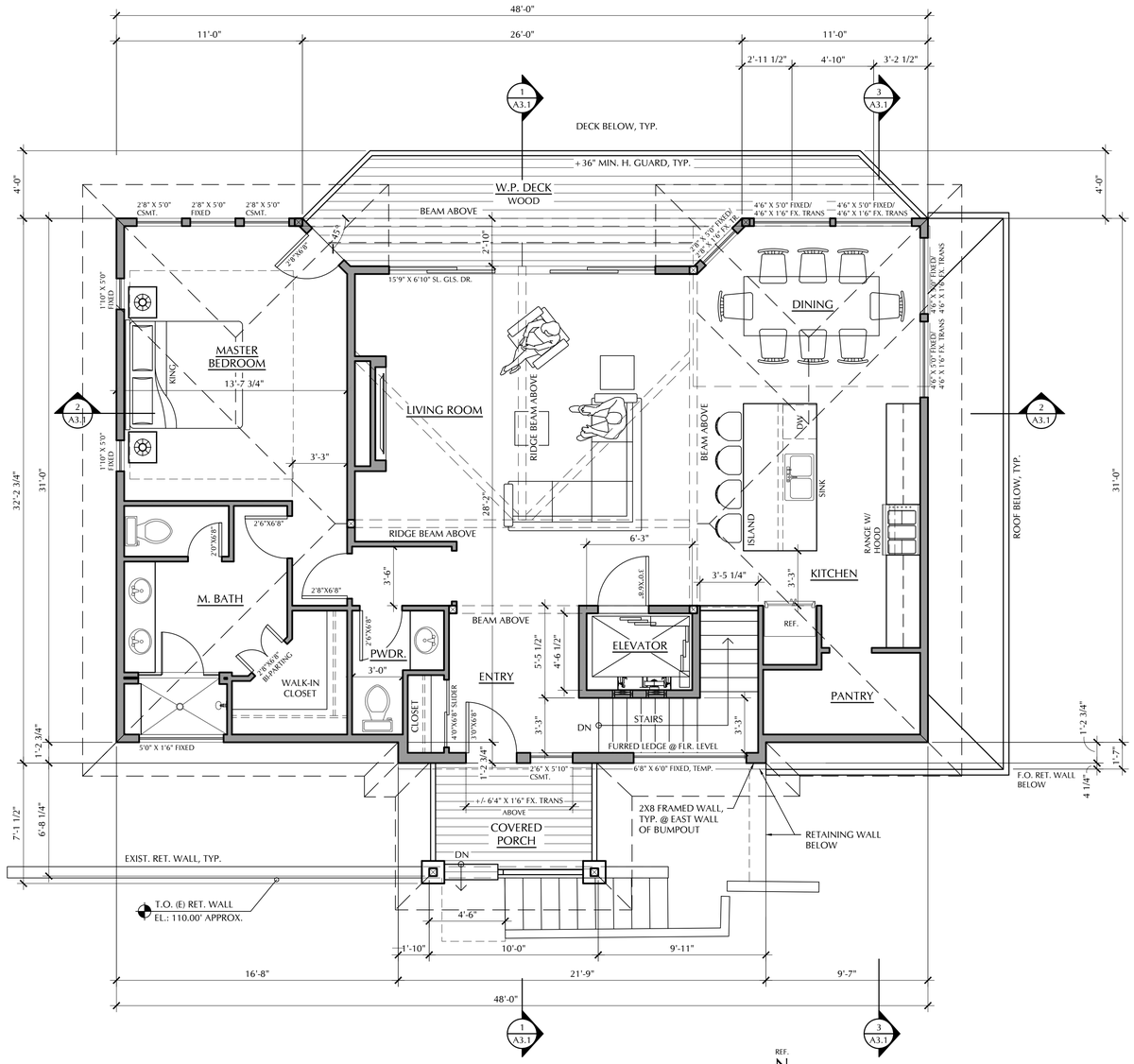

1 A1.3 THIRD FLOOR PLAN

1/4" = 1'-0"

WALL LEGEND

- EXTERIOR WALL: 2 X 6 @ 16" O/C
- INTERIOR WALL: 2 X 6 @ 16" O/C
- INTERIOR WALL: 2 X 4 @ 16" O/C
- PARTIAL HEIGHT WALLS 2 X 4 @ 16" O/C U.O.N.
- SINGLE SHEARWALL: 2 X 6 @ 16" O/C
- DOUBLE SHEARWALL: 2 X 6 @ 16" O/C

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Tolovana Park, Oregon 97145

PRELIMINARY

HOUSE PLANS FOR
TAYLOR RESIDENCE
1956 HEMLOCK
CANNON BEACH, OREGON

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THIRD FLOOR PLAN

A1.3

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Xrefs: XR_24x36 TITLE BLOCK_2020 dv_stamp XR_FP-3
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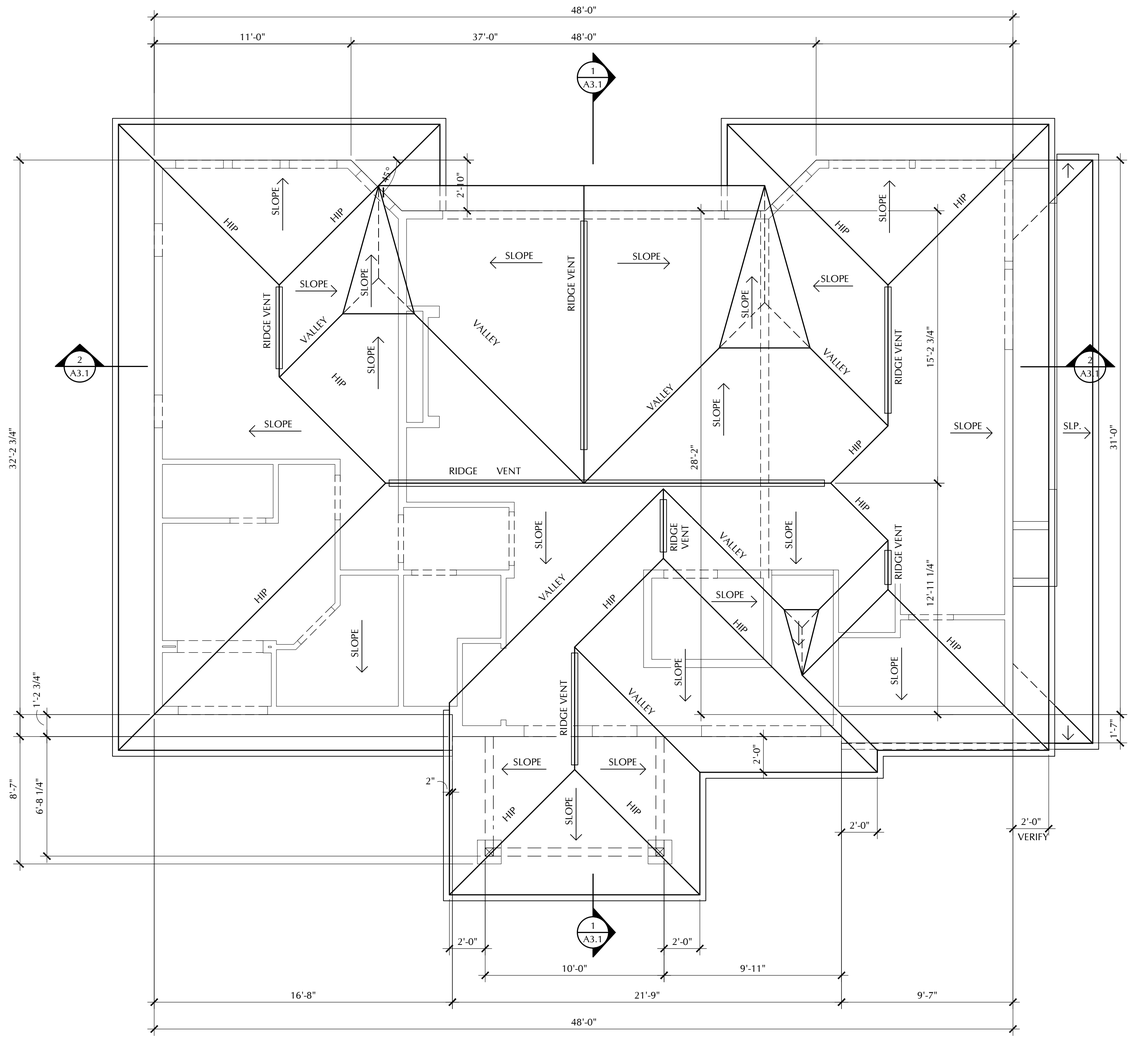

1 A1.3 ROOF PLAN

1/4" = 1'-0"

REF. N

Plotted on May 15, 2023 - 8:39pm
Xrefs: XR_FP-FOUN XR_ROOF XR_2436 TITLE BLOCK_2020 dv_stamp
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Tolovana Park, Oregon 97145

PRELIMINARY

HOUSE PLANS FOR
TAYLOR RESIDENCE
1956 HEMLOCK
CANNON BEACH, OREGON

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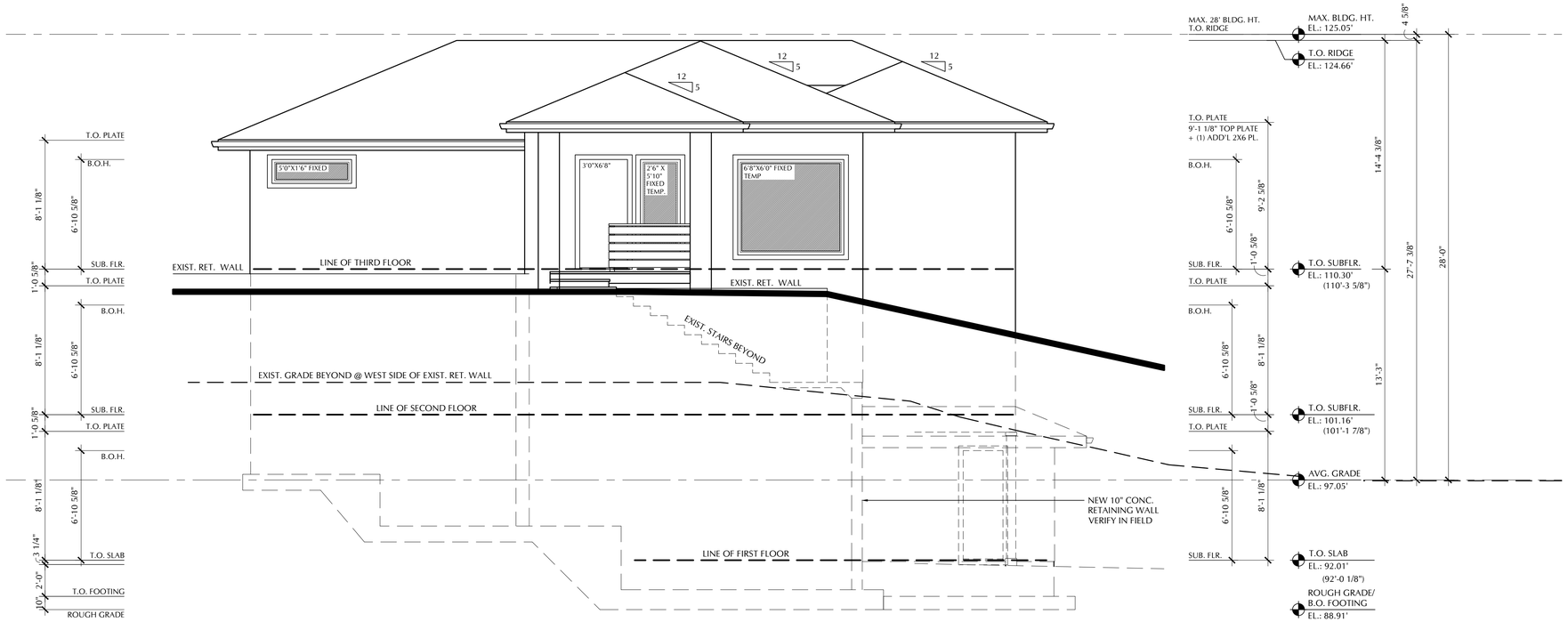
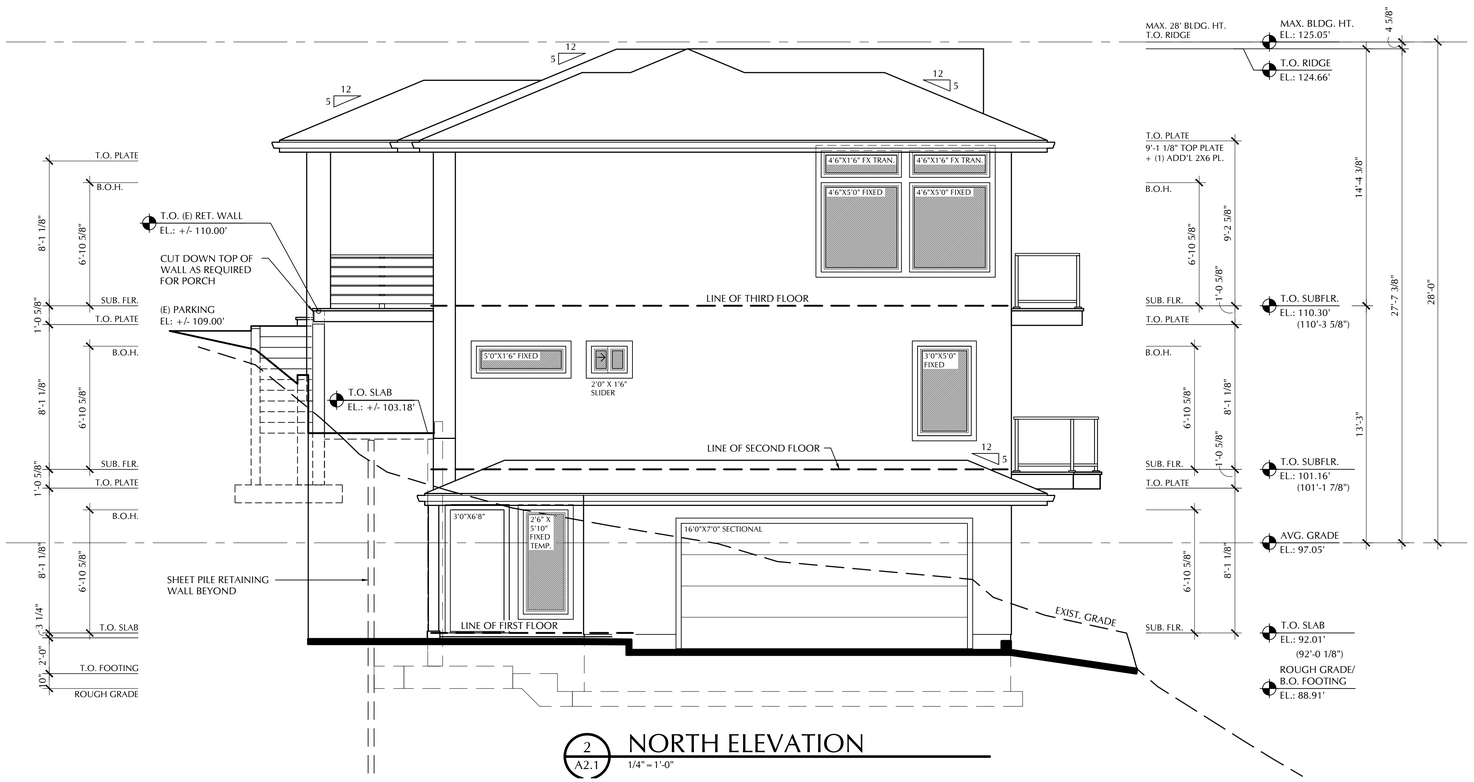
ROOF PLAN

A1.4



1 A2.1 EAST ELEVATION
1/4" = 1'-0"



2 A2.1 NORTH ELEVATION
1/4" = 1'-0"

Plotted on May 15, 2023 – 8:39pm
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C:\Users\rahn\Tolovana Architects Dropbox\Projects_Active\Taylor 1956 Hemlock\ACAD\SHEET SETS\

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Tolovana Park, Oregon 97145

PRELIMINARY

HOUSE PLANS FOR
TAYLOR RESIDENCE
1956 HEMLOCK
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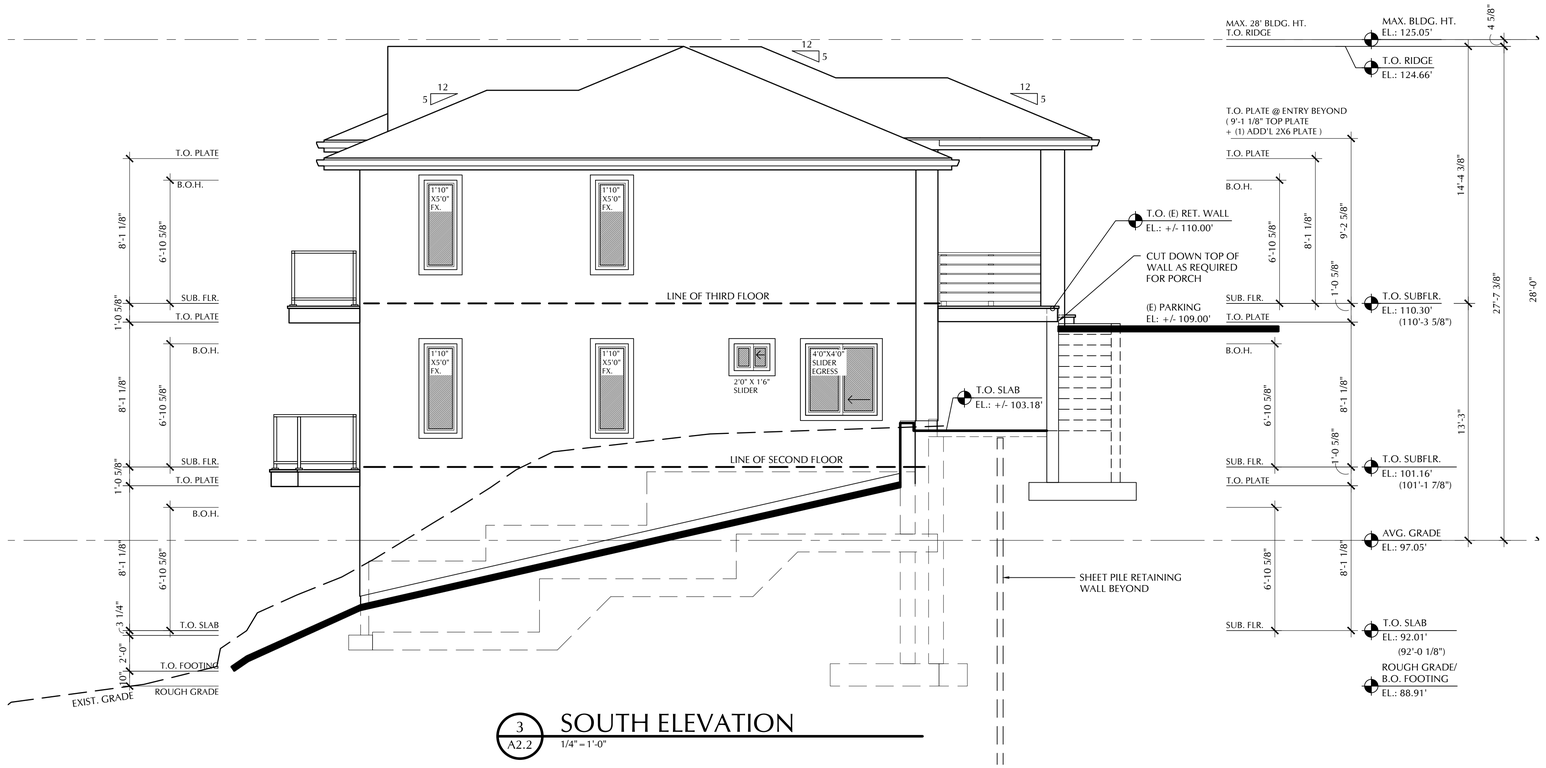
N & E
ELEVATIONS

A2.1



3 A2.2 SOUTH ELEVATION
1/4" = 1'-0"

3 A2.2 WEST ELEVATION
1/4" = 1'-0"

Plotted on May 15, 2023 – 8:39pm
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Tolovana Architect LLC
P.O Box 648
Tolovana Park, Oregon 97145

PRELIMINARY

HOUSE PLANS FOR
TAYLOR RESIDENCE
1956 HEMLOCK
CANNON BEACH, OREGON

MARK	DATE	DESCRIPTION

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Exhibit A-11

Earth Engineers, Inc.

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October 28, 2022

Jeff Taylor
2005 West Huntsville Street
Broken Arrow, Oklahoma 74011

Phone: (918) 451-5606
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Subject: **Geotechnical Investigation and Geologic Hazard Report**
Proposed Taylor Single Family Residence
1956 South Hemlock Street
Cannon Beach, Clatsop County, Oregon
EEI Report No. 22-214-1

Dear Mr. Taylor,

Earth Engineers, Inc. (EEI) is pleased to transmit our report for the above referenced project. This report includes the results of our field investigation, an evaluation of geotechnical factors and geologic hazards that may influence the proposed construction, and geotechnical recommendations for the proposed residence and general site development.

We appreciate the opportunity to perform this geotechnical study and look forward to continued participation during the design and construction phases of this project. If you have any questions pertaining to this report, or if we may be of further service, please contact our office.

Sincerely,
Earth Engineers, Inc.

Jacqui Boyer
Geotechnical Engineering Associate

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

Adam Reese, R.G., G.E.G.
Principal Engineering Geologist

Attachment: Geotechnical Investigation and Geologic Hazard Report

Distribution (electronic copy only):
Addressee
David Vonada, Tolovana Architects (david@tolovanaarchitects.com)

GEOTECHNICAL INVESTIGATION
AND GEOLOGIC HAZARD REPORT

for the

Proposed Taylor Single Family Residence
1956 South Hemlock Street
Cannon Beach, Clatsop County, Oregon

Prepared for

Jeff Taylor
2005 West Huntsville Street
Broken Arrow, Oklahoma 74011

Prepared by

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2411 Southeast 8th Avenue
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EEI Report No. 22-214-1

October 28, 2022

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TABLE OF CONTENTS

Page No.

1.0 PROJECT INFORMATION 1

1.1 Project Authorization 1
1.2 Project Description 1
1.3 Purpose and Scope of Services 3

2.0 SITE AND SUBSURFACE CONDITIONS 5

2.1 Site Location and Description 5
2.2 Subsurface Materials 9
2.3 Groundwater Information 11
2.4 Slope Stability Analysis 12

3.0 GEOLOGIC HAZARD ASSESSMENT 17

3.1 Geology and Soil Survey 17
3.2.1 Seismic Design Parameters 19
3.2.2 Liquefaction 21
3.3 Mapped Geologic Hazards 22
3.4 Geologic Hazards Discussion 26

4.0 EVALUATION AND FOUNDATION RECOMMENDATIONS 29

4.1 Geotechnical Discussion 29
4.2 Site Preparation 31
4.3 Structural Fill 32
4.4 Foundation Recommendations 33
4.4.1 Axial Compressive Load Capacity 33
4.4.3 Tieback Recommendations 35
4.4.4 Tieback Load Testing Recommendations 36
4.5 Floor Slab Recommendations 37
4.6 Retaining Wall Recommendations 37

5.0 CONSTRUCTION CONSIDERATIONS 40

5.1 Moisture Sensitive Soils/Weather Related Concerns 40
5.2 Drainage and Groundwater Considerations 40
5.3 Excavations 40
5.4 Geotechnical Construction Inspections 41

6.0 REPORT LIMITATIONS 42

APPENDICES:
Appendix A – Site Location Plan
Appendix B – Exploration Location Plan
Appendix C – Exploration Logs
Appendix D – Soil Classification Legend
Appendix E – Report of Atterberg Limit Testing
Appendix F – Nearby Historic Well Log
Appendix G – Slope Stability Analysis
Appendix H – Liquefaction Analysis
Appendix I – Surcharge-Induced Lateral Earth Pressures for Wall Design

1.0 PROJECT INFORMATION

1.1 Project Authorization

Earth Engineers, Inc. (EEI) has completed a geotechnical investigation report for the proposed single family residence located at 1956 South Hemlock Street in Cannon Beach, Clatsop County, Oregon. Our services were authorized by Jeff Taylor on August 16, 2022 by signing EEI Proposal No. 22-P306-R1 dated August 15, 2022.

1.2 Project Description

Our current understanding of the project is based on the information provided to EEI Principal Geotechnical Engineer Troy Hull by David Vonada of Tolovana Architects. We were also provided the following documents via e-mail:

- **Undated, untitled site plan drawing prepared by Tolovana Architects.** This drawing shows the proposed residence on the subject property with respect to the existing conditions. The drawing indicates that the new house will be roughly in the same location as the existing house to be demolished, and the proposed driveway access will be from the north (i.e. from Center Street). See Figure 1 below.

- **Undated drawings titled "Site Section" and "Site Section – Sloped Roof", both prepared by Tolovana Architects.** These drawing show the proposed cross-section of the new residence. The drawings indicate that the proposed residence will be 3-stories with a full basement (i.e. 2 stories above grade). See Figure 2 below.

- **A Geologic Advisory Letter prepared by Horning Geosciences dated July 22, 2008.** This letter was prepared for the subject property, and is described to be an abbreviated version of a more formal geologic hazard report. The letter was prepared to assist Horning Geosciences' client in purchasing decisions. A visual reconnaissance was conducted by Horning Geosciences prior to issuing this letter, however there was no subsurface investigation advanced on the subject property. The report concluded that the property has minor slope instability issues. The report also concluded that the residence is located on an "inactive landslide escarpment that has not caused significant damage over the past 5 to 6 decades". Finally, the report concluded that the property should remain reasonably stable and safe until the next design level earthquake.

Briefly, we understand the plan is to demolish the existing residence on the subject property and construct a new single-family residence in its place. The proposed residence is planned to be 3-stories with a basement. According to Mr. Vonada it is anticipated that the foundation type will likely be a deep foundation system due to the site geology.

We have not been provided foundation loading or grading plans for the proposed residence. For the purposes of this report, we are assuming typical maximum residential foundation loads of 4 kips per linear foot for wall footings, 40 kips per column footing, and 150 psf for floor slabs. With regard to design grades, we are anticipating cuts and fills of up to 10 feet because there will be a full basement benched into the hillside. We assume the residence will be constructed in accordance with the 2021 Oregon Residential Specialty Code (ORSC) or the 2019 Oregon Structural Specialty Code, depending upon the foundation design selected.

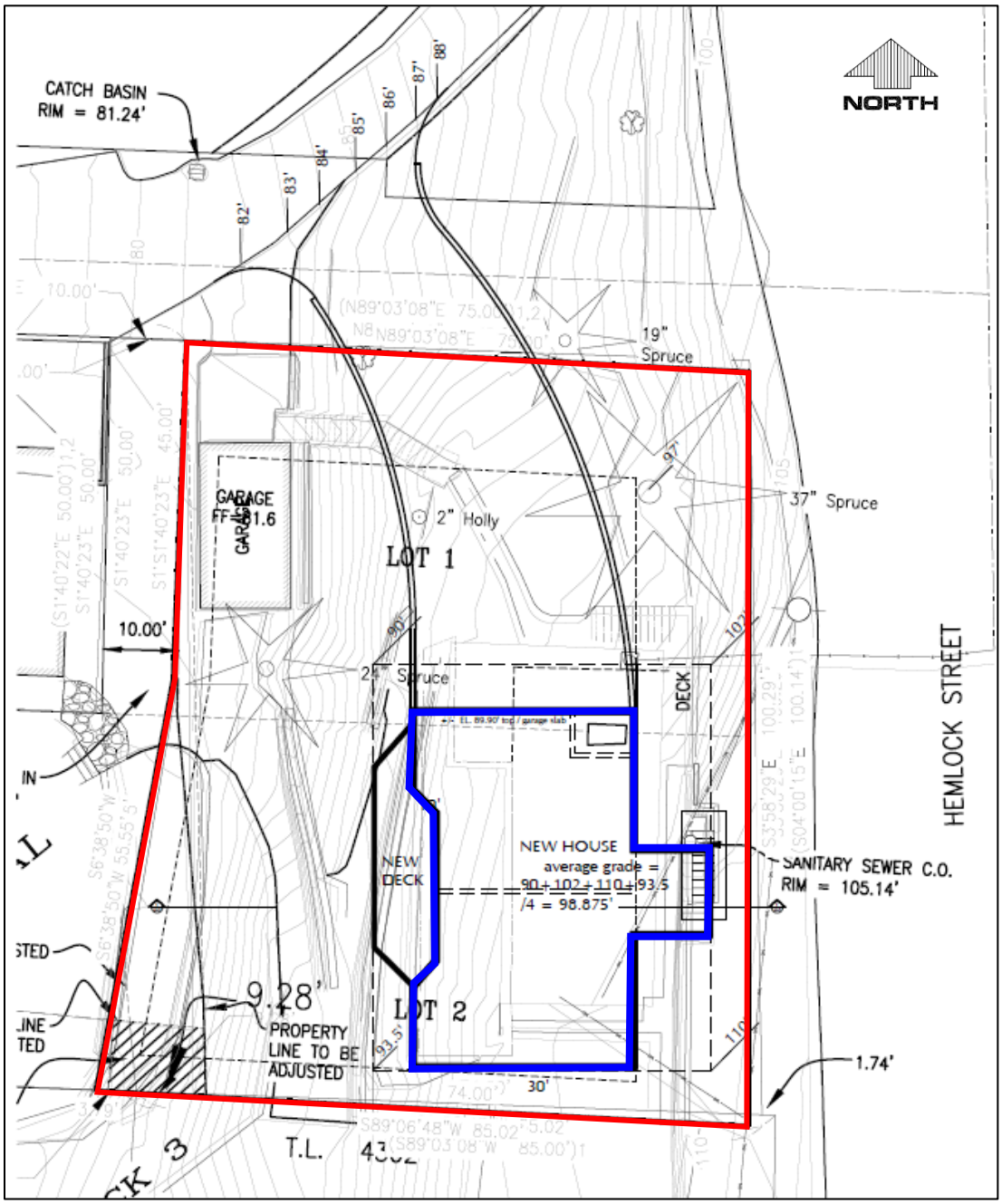


Figure 1: Site plan referenced above. The subject property is outlined in red and the proposed building envelope is outlined in blue. Contour lines are marked on 1-foot intervals.

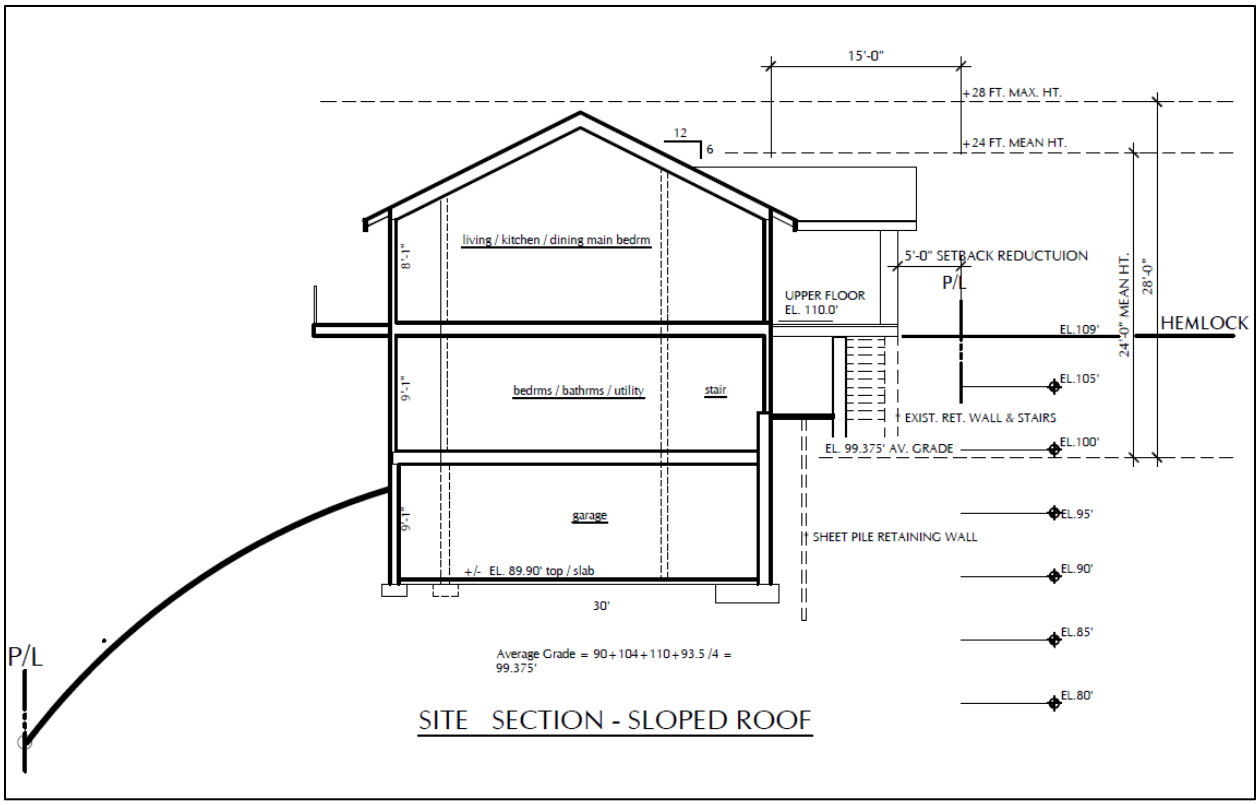


Figure 2: Section of the proposed residence, referenced above.

It should be noted, we advanced explorations on the neighboring property (i.e. 1980 South Hemlock Street) concurrent with this subject investigation. As such, we have additional information about the neighboring property that we have used for this analysis (i.e. the static level of subsurface groundwater).

1.3 Purpose and Scope of Services

The purpose of our services was to explore the subsurface conditions to better define the soil, rock, and groundwater properties in order to provide geotechnical related recommendations related to the proposed construction. Our site investigation consisted of advancing four Standard Penetration Test (SPT) borings (B-1 through B-4) located on and in proximity to the subject property using a Big Beaver drill rig subcontracted from Dan J Fischer, Inc. of Forest Grove, Oregon. It should be noted, two of the borings used for this investigation report were located on the neighboring property (i.e. the northern property line of 1980 South Hemlock Street). SPT samples were taken at regular intervals and transported to our laboratory for testing. Laboratory testing was accomplished in general accordance with ASTM procedures.

This report briefly outlines the testing procedures, presents available project information, describes the site, assumed subsurface conditions, and presents recommendations regarding the following:

- A discussion of subsurface conditions encountered including pertinent soil and groundwater conditions.
- Geotechnical related recommendations for deep foundation design.
- Seismic design parameters in accordance with ASCE 7-16.
- Structural fill recommendations, including an evaluation of whether the in-situ soils can be used as structural fill.
- Assessment of liquefaction potential using our LiquefyPro software
- General retaining wall design recommendations, including earth pressures and backfill.
- Floor slab support recommendations.
- Quantitative slope stability evaluation using our SLIDE2 computer modeling software.
- A Geologic Hazard Report (GHR) in accordance with Clatsop County requirements.
- Other discussion on geotechnical issues that may impact the project.

It is not a part of our scope of services to evaluate the stability of the existing retaining walls.

2.0 SITE AND SUBSURFACE CONDITIONS

2.1 Site Location and Description

The site for the proposed development is located at 1956 South Hemlock Street in Cannon Beach, Oregon. The site is bound to the north by Center Street, to the east by South Hemlock Street, to the south by an undeveloped residential property and to the west by developed residential properties. See Figure 3 below for project vicinity.

Figure 3: Project vicinity (source: https://delta.co.clatsop.or.us/apps/ClatsopCounty/). The subject property is outlined in blue.

The subject property is currently developed with an existing 1-story residence with a basement and deck. There is also an existing gravel driveway immediately east of the existing residence. According to Clatsop County, the existing residence was built in 1969 and has a total footprint of 1,333 square feet. The property is vegetated with grass, brush and trees. There is also a 7-foot tall concrete retaining wall located immediately east of the existing residence, retaining the driveway to the east. In addition, there are a series of three terraced block retaining walls ranging up to 4-feet tall. The concrete retaining wall and block walls appear to be in good condition; however, as stated above, we have not evaluated the stability of the existing walls. In addition, we are not aware whether or not these walls were designed as engineered retaining walls.

In terms of topography, the subject property is generally sloping down to the west at an average slope of 2.5H:1V (Horizontal:Vertical). There is a relatively level bench located along the footprint of the existing residence. The steepest slopes on the property are located above and below the existing residence, with localized slopes up to 1.3H:1V. We generally consider soil slopes steeper than 2H:1V to be oversteepened. As such, we consider the slopes above and below the existing residence to be oversteepened. While on site, we did not observe any signs of soil movement (i.e. cracking in the soil, leaning or pistol-butted trees, landscape head scarps, etc.).

See Photos 1 through 6 below for the current site conditions.

Photo 1: Current site conditions, taken from the existing driveway (facing north).

Photo 2: Current site conditions, taken from the northeast corner of the property (facing southwest).

Photo 3: Current site conditions, showing the existing residence (facing southwest).

Photo 4: Current site conditions, showing the terraced walls (facing north).

Photo 5: Current site conditions, taken from the western property line (facing east).

Photo 6: Current site conditions, showing the concrete retaining wall east of the existing residence (facing south).

2.2 Subsurface Materials

The site was explored with four SPT borings (B-1 through B-4). For approximate exploration locations see the Exploration Location Plan in Appendix B. The SPT borings were advanced with a Big Beaver drill rig subcontracted from Dan J. Fischer Excavating, Inc. of Forest Grove, Oregon. SPT samples were generally taken at regular intervals within the borings and transported to our laboratory for testing. As previously stated, we also advanced borings on the neighboring property concurrent with this investigation. Some of the data from the neighboring property has been used for this report.

Select soil samples were tested in the laboratory to determine material properties for our evaluation. Laboratory testing was accomplished in general accordance with ASTM procedures. The testing performed included moisture content tests (ASTM D 2216), fines content determinations (ASTM D1140) and Atterberg limit testing (ASTM D4318). The test results have been included on the Exploration Logs in Appendix C and the Report of Atterberg Limits in Appendix E.

In general, we encountered landslide debris overlying native clay soils which extended to the terminal depths of our explorations. Each individual stratum encountered is discussed in further detail below.

SURFICIAL LAYER

In B-1 and B-4, the surficial layer of our exploration was a layer of gravel fill. This stratum was 6-inches thick in B-1 and 18-inches thick in B-4. In B-2, the surficial layer of our exploration was a 4-inch thick layer of topsoil. This stratum was generally a brown sandy silt with rootlets. It should be noted we did not encounter gravel fill or topsoil in B-3 because it was advanced in an area that was previously cleared.

LANDSLIDE DEBRIS

In all of our explorations, we encountered fine-grained soils. The inconsistent nature of this stratum (i.e. variable in composition) and the presence of organics indicate that these silt soils are likely landslide debris. This would be generally consistent with other projects we have worked on in the area.

The upper layer of this stratum was generally a brown to orange-brown to reddish brown to gray sandy silt. We also encountered organics (i.e. roots, rootlets, wood chips and charcoal) and trace gravel in this stratum. Laboratory moisture testing on samples obtained within this stratum ranged from 25 to 72 percent, indicating a moist to wet condition. It should be noted the very high moisture content readings were likely due to the presence of organics. Fines content laboratory testing for samples obtained within this stratum ranged from 73 to 85 percent passing the #200 sieve. We also conducted Atterberg Limits testing on a sample retrieved within this stratum from B-1 at 5 feet bgs. The testing indicated that this stratum is a high plasticity silt (MH). Based on SPT sampling data, this stratum was variable in strength, ranging from soft to stiff. This stratum extended to depths ranging from 10 to 15 feet bgs.

The lower layer of this stratum was generally a gray to brown clay with trace rootlets. Laboratory moisture testing on samples obtained within this stratum ranged from 23 to 39 percent, indicating a moist to wet condition. Fines content laboratory testing for a sample obtained within this stratum yielded a result of 95 percent passing the #200 sieve. Based on SPT sampling data, this stratum was stiff. This stratum extended to depths ranging from 13 to 25 feet bgs.

NATIVE CLAY SOILS

In all of our explorations, we encountered native fine-grained soils underlying the landslide debris described above. In B-1, we encountered an upper layer of clay soils overlying the claystone described below. This stratum was generally a gray clay with trace sand. Laboratory moisture testing on a sample obtained within this stratum yielded a result of 27 percent, indicating a wet condition. Fines content laboratory testing for a sample obtained within this stratum yielded a result of 95 percent passing the #200 sieve. We also conducted Atterberg Limits testing on a sample retrieved within this stratum from B-1 at 25 feet bgs. The testing indicated this stratum is

a high plasticity clay (CH). Based on SPT sampling data, this stratum was very stiff. This stratum extended to a depth of 30 feet bgs in B-1.

CLAYSTONE

In all of our borings, we encountered claystone that extended to the terminal depths of our explorations. In B-1, the claystone was underlying the clay soils described above. In B-2 through B-4, the claystone was underlying the landslide debris described above. The claystone was generally a consolidated gray clay with trace sand. Laboratory moisture testing on samples obtained within this stratum ranged from 17 to 28 percent, indicating a moist to wet condition. Fines content laboratory testing for samples obtained within this stratum ranged from 91 to 94 percent passing the #200 sieve. Based on SPT sampling data, this stratum was hard. This stratum extended to the terminal depth of our explorations, at depths ranging from 14 to 36 feet bgs.

The classifications noted above were made in accordance with the Unified Soil Classification System (USCS) as shown in Appendix D. The above subsurface description is of a generalized nature to highlight the major subsurface stratification features and material characteristics. The exploration logs included in Appendix C should be reviewed for specific information at specific locations. These records include soil descriptions, stratifications, and locations of the samples. The stratifications shown on the logs represent the conditions only at the actual exploration locations. Variations may occur and should be expected between locations. The stratifications represent the approximate boundary between subsurface materials and the actual transition may be gradual. Water level information obtained during field operations is also shown on these logs. The samples that were not altered by laboratory testing will be retained for 90 days from the date of this report and then will be discarded.

2.3 Groundwater Information

During our subsurface investigation, we encountered groundwater at depths ranging from 17 feet to 22 feet bgs at the time of our explorations. It should be noted, we measured a static water level on the neighboring property at a depth of 20 feet bgs.

We also reviewed publicly available well logs from the Oregon Water Resources Department website (http://apps.wrd.state.or.us/apps/gw/well_log/) for historic information. We found a historical log for a property located approximately 600 feet south of the subject property, advanced by our firm on February 25, 2020. The logs indicate that groundwater was encountered at a depth of 20 feet bgs and a static water level was measured to be 16.5 feet bgs. See Appendix F for a copy of these well log reports.

It should be noted that groundwater elevations can fluctuate seasonally and annually, especially during periods of extended wet or dry weather, or from changes in land use.

2.4 Slope Stability Analysis

We used a tape and clinometer to create a field developed cross section (A-A') for use in our Slide2 computer program to assess the stability of the slope in its existing condition and with the proposed construction under static and seismic loading. Figure 4 below shows the cross section (A-A') on the subject property. See Figure 5 below for the model of the existing conditions used for this analysis.

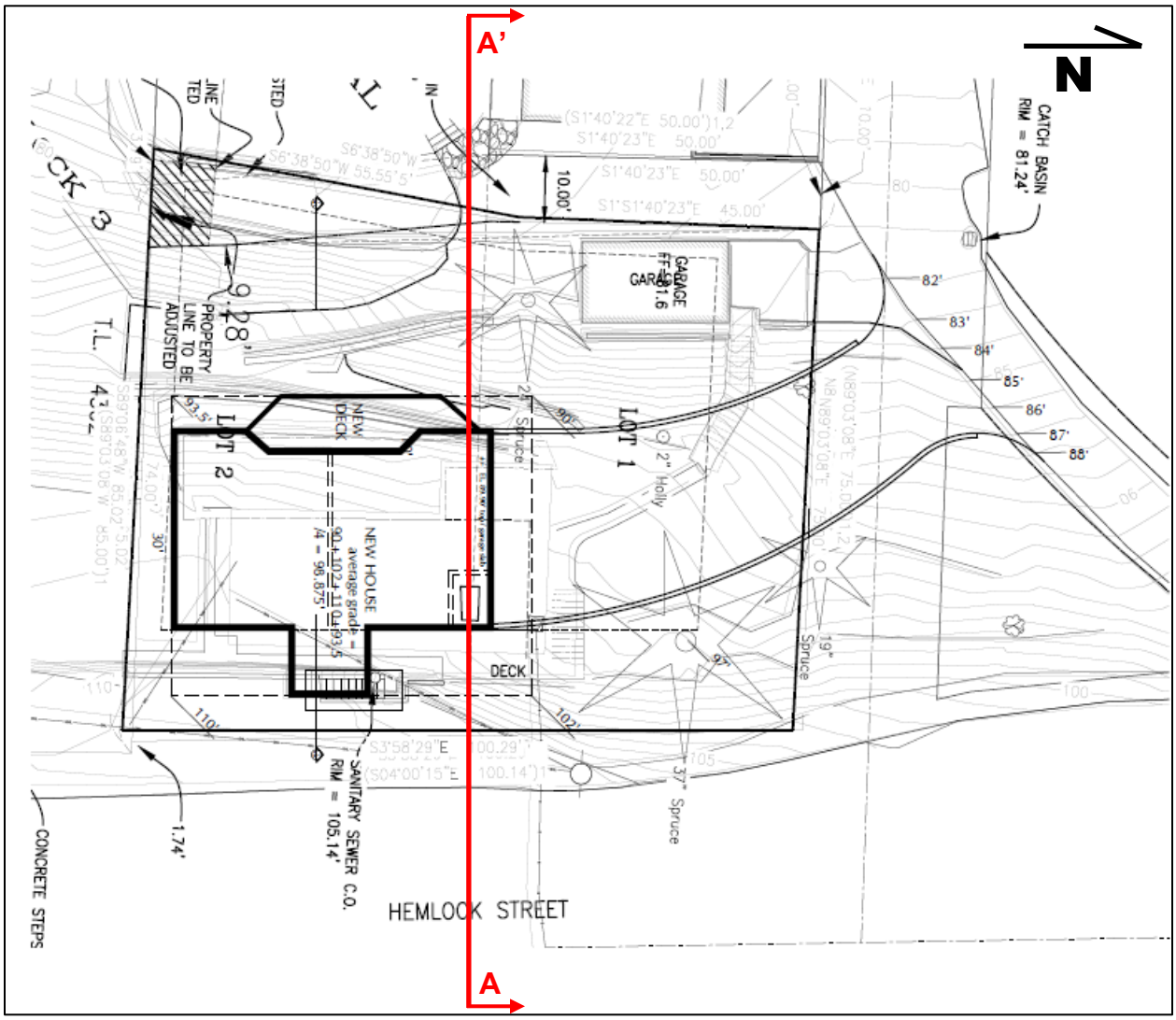


Figure 4: Cross section A-A' used for stability analysis.

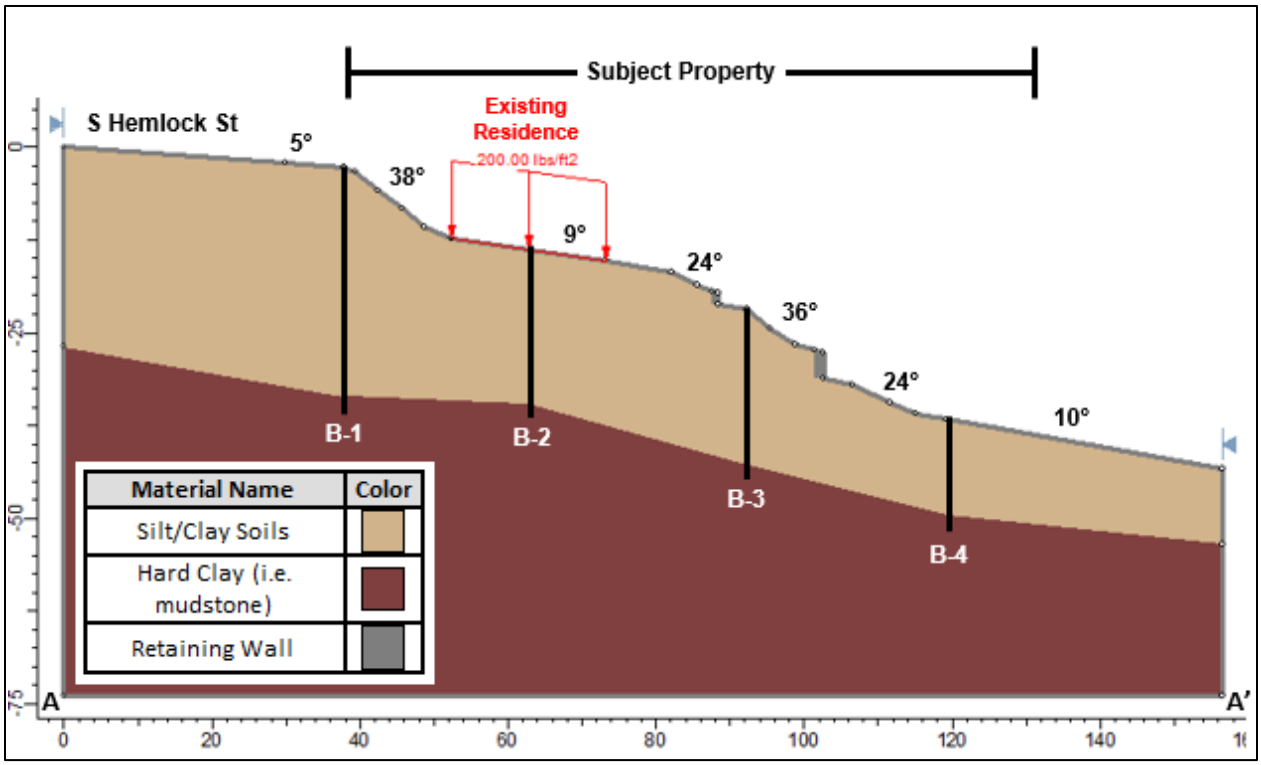


Figure 5: Slope profile (A-A') model of existing conditions.

The soil parameters used in our analysis (shown in Table 1 below) were based on our explorations and strength testing (i.e. SPT values), as well as our understanding of the area. We used Slide2 Version 9.018 computer software by RocScience to perform our slope stability analysis. The Slide2 program calculates a Factor of Safety (FOS) for any given slope cross-section using the method of slices in conjunction with the limit equilibrium procedure. We analyzed the slices with circular surfaces according to the Simplified Bishop method. For our seismic analysis, we applied an earthquake load of 0.5 times a site Peak Horizontal Ground Acceleration from Table 2 below (i.e. 0.365g) to the model for a Site Class D. It is possible to use 50% of the PGA_M value in our analysis as long as the owner acknowledges that 1 to 2 inches of permanent displacement could occur at the site due to a design level earthquake (NCHRP 611).

It should be noted, it was not a part of our scope of services to evaluate the stability of the existing terraced walls. For the purposes of this analysis, we modeled them as having infinite strength (i.e. failure planes could not pass through the retaining walls).

Table 1: Slope Stability Analysis Assumed Soil Parameters

Soil	Parameters
LANDSLIDE DEBRIS	Phi = 26 degrees Cohesion = 50 psf Unit weight = 100 pcf
HARD CLAY SOILS (i.e. CLAYSTONE)	Phi = 36 degrees Cohesion = 400 psf Unit weight = 125 pcf
RETAINING WALLS	INFINITE STRENGTH

As noted above, we analyzed the existing conditions of cross section A-A' in both the static and seismic conditions. Industry standards suggest that a minimum FOS of 1.5 is needed for a site to be considered stable under normal static conditions and a minimum seismic (i.e. with earthquake loads) FOS of 1.1 is needed in order for a site to be considered seismically stable. Figures 6 and 7 below for the failure planes less than the industry standard for the existing conditions in both scenarios (i.e. less than 1.5 for static and less than 1.1 for seismic).

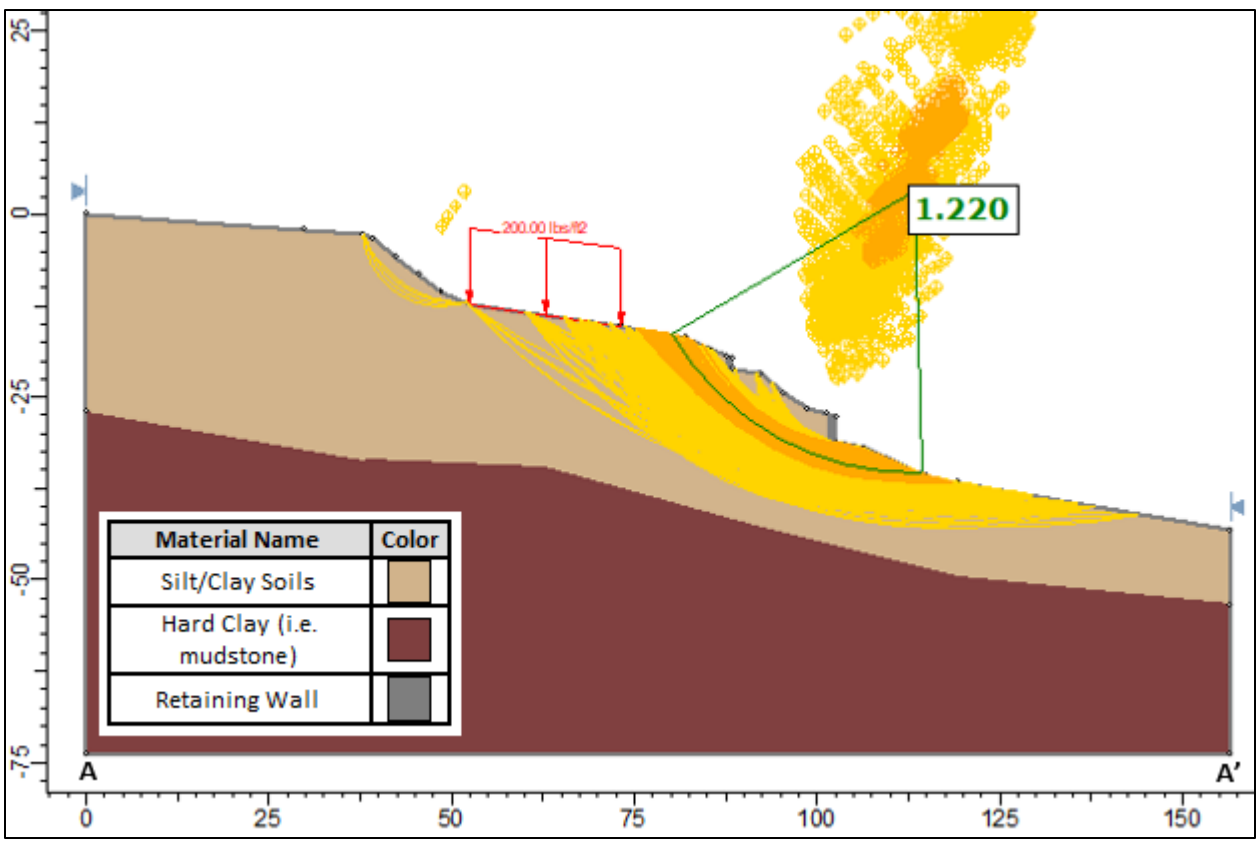


Figure 6: Static analysis of the existing conditions showing the failure planes with an FOS of less than 1.5 (per industry standards).

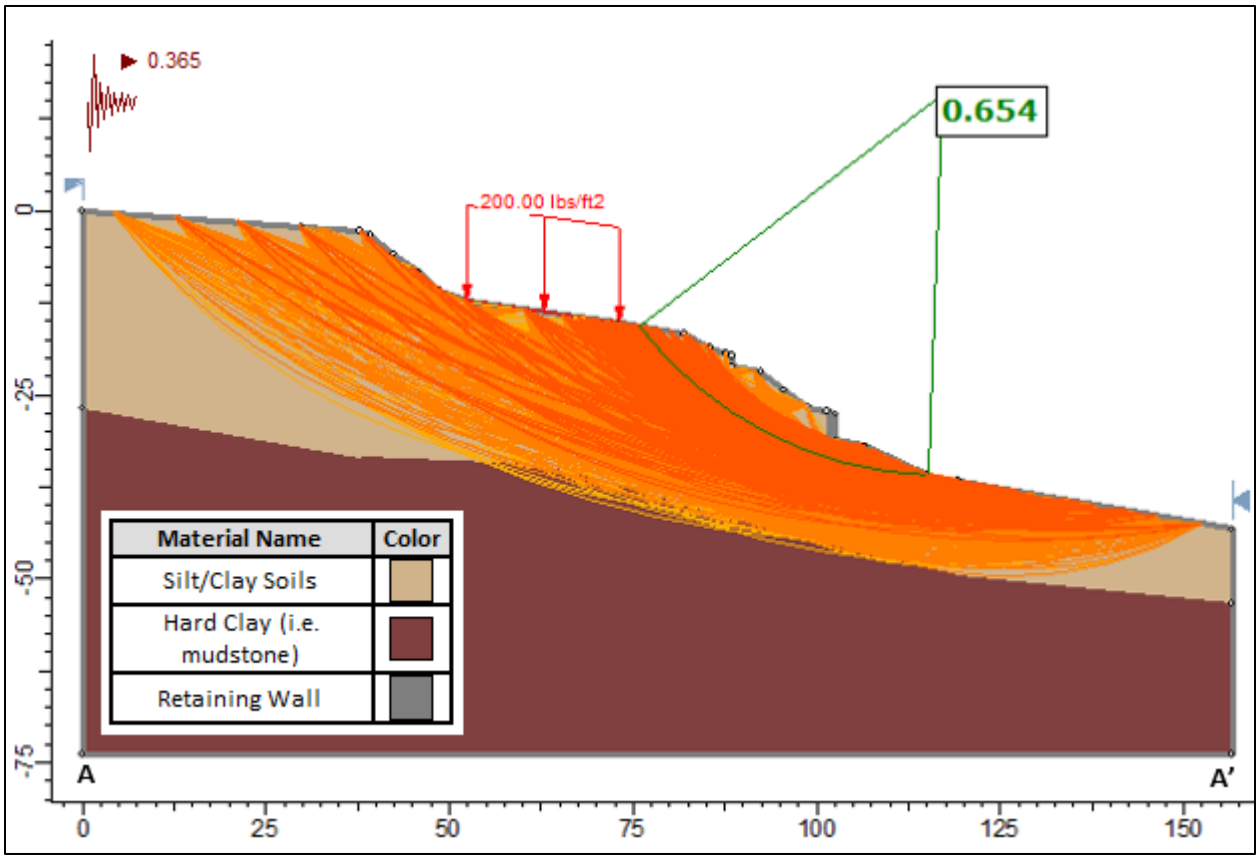


Figure 7: Seismic analysis of the existing conditions showing the failure planes with an FOS of less than 1.1 (per industry standards).

As shown in Figures 6 and 7, all failure planes less than the industry standards run through the upper soils, and none of them penetrate through the hard clay stratum (except for a minor amount in the seismic analysis). This is to be expected for an oversteepened soil slope (i.e. generally about 30 degrees). Our results of the existing conditions are presented in Table 2 below. See Appendix G for a more in-depth look at our analyses.

Table 2: Calculated FOS on existing conditions Section A-A'.

Run I.D.	Conditions Analyzed	Seismic Loading	Calculated Minimum FOS	Desired Minimum FOS
#1	Existing Site Conditions - Static	No	1.220	1.5
#2	Existing Site Conditions - Seismic	Yes	0.654	1.1

To briefly summarize our findings, the analysis shows the oversteepened slope on the subject property is marginally stable in both static and seismic loading conditions. As previously stated, the failure planes do not extend into the hard clay stratum. As such, we consider the oversteepened slope a local slope stability issue, rather than a larger global stability concern, which is driven by the fact that the slope consists of landslide debris.

Given the failure planes do not extend into the hard clay stratum, the construction of the proposed residence will not negatively impact the stability of the slope as long as the foundations extend through the upper soils to the hard clay stratum (i.e. deep foundations are used). In addition, we recommend the use of tiebacks because the landslide debris is prone to moving down slope. It should be noted, we do not recommend the use of shallow foundations because load of the proposed residence on the upper landslide debris could potentially cause the existing landslide to reactivate. In order to maintain the current stability of the upper surficial soils, no new fill should be placed to raise site grades.

3.0 GEOLOGIC HAZARD ASSESSMENT

3.1 Geology and Soil Survey

The site is located approximately 250 feet east of a coastal bluff overlooking Cannon Beach on the Oregon Coast. The bluff is 25 feet tall with a slope of approximately 2.5H:1V. The region is underlain by a framework of Miocene aged (23 to 5 million years ago) volcanic rocks and Oligocene (33 to 23 million years ago) to Miocene aged marine sedimentary deposits that have been deposited over a basement rock of Eocene-aged (54 to 33 million years ago) volcanic arc deposits. Overlying this framework are Quaternary–aged (1.8 million years ago to present) marine terrace deposits, beach and dune deposits, and landslide deposits.

More specifically, Niem and Niem (1985)[1] maps the underlying geology on the subject property as middle to lower Miocene aged Cannon Beach member (informal) of the Astoria Formation from the Astoria Group. This formation is described as a "well-bedded sequence of laminated to massive micaceous claystone, with subordinate, rhythmically thin-bedded feldspathic sandstone and claystone in the lower part of the unit". See Figure 8 below.

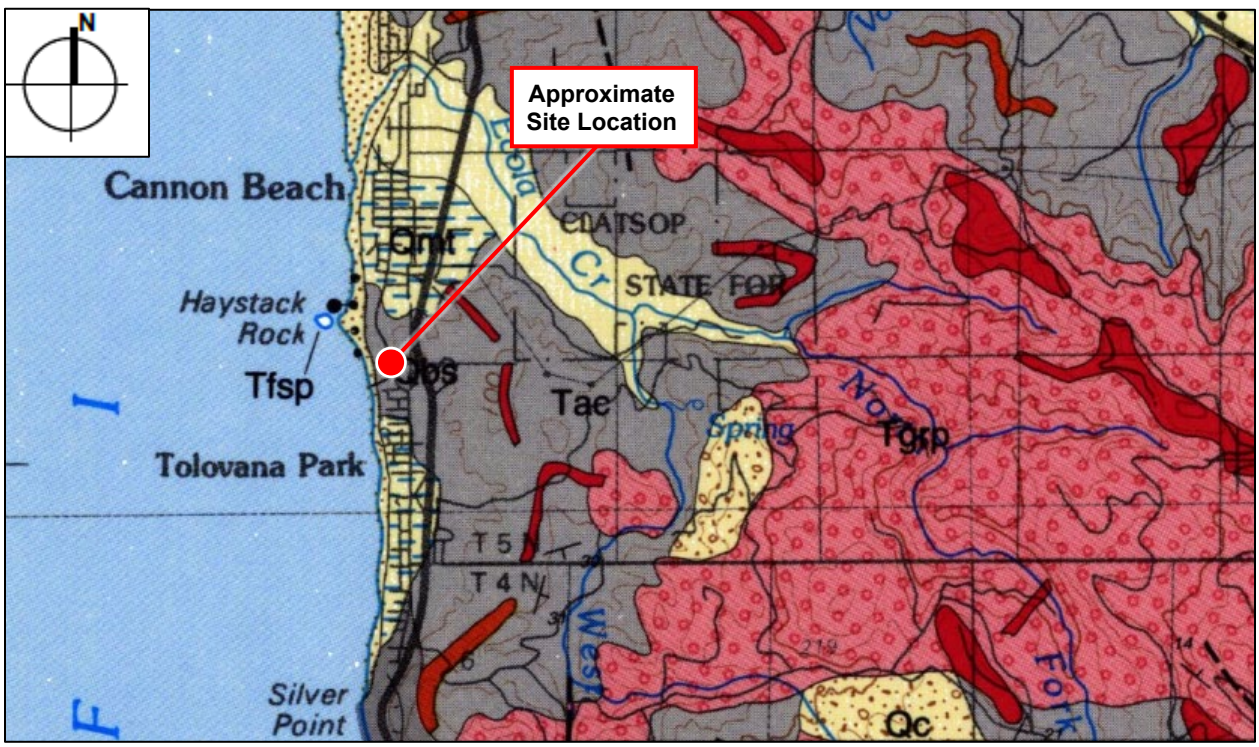


Figure 8: Geologic map of the subject property and its surrounding areas (base map source: Niem and Niem, 1985).

[1] Niem, A.R., and Niem, W., 1985, Geologic map of the Astoria Basin, Clatsop and northernmost Tillamook Counties, northwest Oregon: Portland, Oregon, Oregon Department of Geology and Mineral Industries Oil and Gas Investigation Map OGI-14, Plate 1, scale 1:100,000.

In addition, Schlicker and others (1972)[2] indicates that the subject property is mapped within an active landslide area. Active landslide areas are described as "areas where ground movement is continuous or periodic or areas in which historic movement has taken place. The area includes debris and rockfalls on the headlands, shallow slump failures along terraces fronting the ocean and bays, and areas of local slump in upland areas". The underlying bedrock unit in the active landslide area is mapped as Pleistocene aged marine terrace deposits (Qmt). See Figure 9 below.

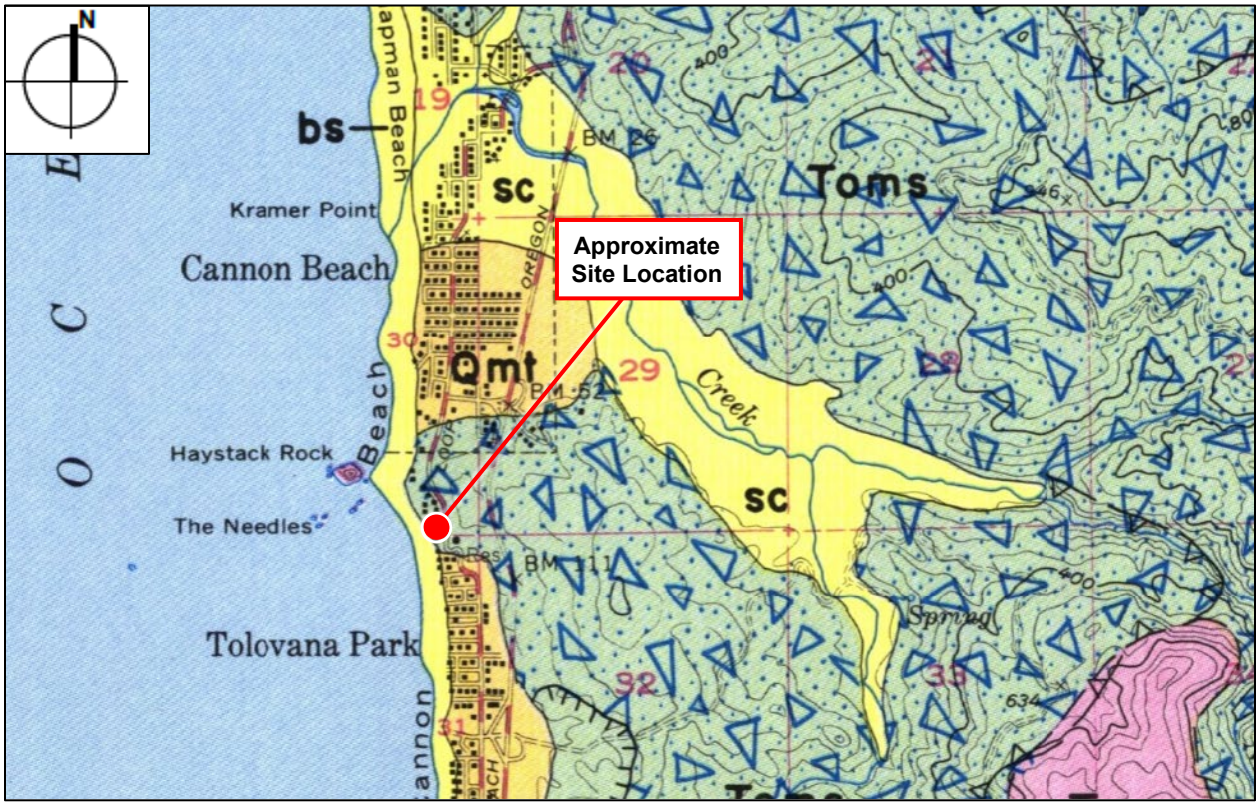


Figure 9: Geologic map of the area; the blue triangle pattern is symbolic of landslide topography (base map source: Schlicker and others, 1972).

The United States Department of Agriculture (USDA) Soil Survey provides geographical information of the soils in Clatsop County as well as summarizing various properties of the soils. The USDA maps the surface soils on site as Unit 61E (Templeton-Ecola silt loams on 30 to 60 percent slopes).[3] This soil unit consists of well-drained soils formed on hillslopes and mountain slopes with a parent material of colluvium and residuum derived from sedimentary rock. A typical profile consists of slightly decomposed plant material overlying medial silt to silty clay loam which eventually transitions to weathered bedrock with depth. It should be noted, we interpreted the upper soils to be landslide debris.

[2] Schlicker, H.G., Deacon, R.J., Beaulieu, J.D., and Olott, G.W., 1972. Environmental Geology of the Coastal Region of Tillamook and Clatsop Counties, Oregon, Oregon Department of Geology and Mineral Industries, Bulletin 74, 1:62,500.

[3] Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at http://websoilsurvey.nrcs.usda.gov/ accessed 10/19/2022.

3.2 Seismicity

Oregon's position at the western margin of the North American Plate and its location relative to the Pacific and Juan de Fuca plates have had a major impact on the geologic development of the state. The interaction of the three plates has created a complex set of stress regimes that influence the tectonic activity of the state. The western part of Oregon is heavily impacted by the influence of the active subduction zone formed by the Juan de Fuca Oceanic Plate converging upon and subducting beneath the North American Continental Plate off the Oregon coastline.

The Cascadia Subduction Zone, located approximately 100 kilometers off of the Oregon and Washington coasts, is a potential source of earthquakes large enough to cause significant ground shaking at the subject site. Research over the last several years has shown that this offshore fault zone has repeatedly produced large earthquakes, on average, every 300 to 700 years. It is generally understood that the last great Cascadia Subduction Zone earthquake occurred about 300 years ago, in 1700 AD. Although researchers do not necessarily agree on the likely magnitude, it is widely believed that an earthquake moment magnitude (M_w) of 8.5 to 9.5 is possible. The duration of strong ground shaking is estimated to be greater than 1 minute, with minor shaking lasting on the order of several minutes.

Additionally, earthquakes resulting from movement in upper plate local faults are considered a possibility. Crustal earthquakes are relatively shallow, occurring within 10 to 20 kilometers of the surface. Oregon has experienced at least two significant crustal earthquakes in the past decade—the Scotts Mills (Mt. Angel) earthquake (M_w 5.6) on March 25, 1993 and the Klamath Falls earthquake (M_w 5.9) on September 20, 1993. Based on limited data available in Oregon, it would be reasonable to assume a M_w 6.0 to 6.5 crustal earthquake may occur in Oregon every 500 years (recurrence rate of 10 percent in 50 years). There are no mapped crustal faults in the immediate vicinity of the property, but there is a marine crustal fault approximately 3.4 miles southwest of the property[4]. It is possible that there are faults present that are not currently mapped.

3.2.1 Seismic Design Parameters

As discussed in more detail below, this site has potentially liquefiable soils, which would cause the site to be considered as Site Class as F in accordance with the 2019 OSSC and ASCE 7-16. However, there is a code allowance that permits use of the Site Class (A through E) determined in accordance with Section 1613.2.2 of the 2019 OSSC and Table 20.3-1 of ASCE 7-16 if the building's fundamental period is not greater than 0.5 seconds. The general assumption is that a structure's fundamental period may be estimated based on multiplying 0.1 seconds times the number of stories. Therefore, since this structure will be less than 5 stories, we assume the building's fundamental period will not be greater than 0.5 seconds and we recommend a Site Class D (i.e. stiff soft soil profile with an average standard penetration resistance of 15 to 50 blows

[4] USGS U.S. Quaternary Faults Interactive Map, https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=5a6038b3a1684561a9b0aadf88412fcf.

per foot) be used for this site when considering the average of the upper 100 feet of bearing material below existing grade. The actual fundamental building period should be determined by the project Structural Engineer to confirm our assumption. If the fundamental building period is greater than 0.5 seconds, then a site-specific seismic site response spectrum would need to be developed.

Inputting our recommended Site Class as well as the site latitude and longitude into the Structural Engineers Association of California (SEAOC) – OSHPD Seismic Design Maps website (http://seismicmaps.org) which is based on the United States Geological Survey, we obtained the seismic design parameters shown in Table 3 below. Note that the values for F_a and F_v in Table 2 were obtained from ASCE's Supplement 3 dated November 5, 2021 and issued for ASCE 7-16 to correct some seismic design issues in the original publication.

Table 3: Seismic Design Parameter Recommendations (ASCE 7-16, including Supplement 3 dated November 5, 2021)

PARAMETER	RECOMMENDATION
Site Class	D
S_s	1.316g
S_1	0.691g
F_a	1.000
F_v	1.700
S_{MS} (=S_s x F_a)	1.316g
S_{M1} (=S_1 x F_v)	1.175g
S_{DS} (=2/3 x S_s x F_a)	0.877g
S_{D1} (=2/3 x S_1 x F_V)	0.783g
Design PGA (=S_{DS} / 2.5)	0.351g
MCE_G PGA	0.664g
F_{PGA}	1.100
PGA_M (=MCE_G PGA * F_{PGA})	0.730g

Note: Site latitude = 45.8823, longitude = -123.9623

The return interval for the ground motions reported in the table above is 2 percent probability of exceedance in 50 years.

Per Section 11.4.8 of ASCE 7-16 a site-specific ground motion hazard analysis shall be performed in accordance with Section 21.2 for the following conditions:

1. Structures on Site Class D sites with S_1 greater than or equal to 0.2g.

   Exception: ASCE 7-16 does not require a site-specific ground motion hazard analysis when the value of S_{M1} is elected to be increased by 50% for all applications of S_{M1} by the Structural Engineer. If S_{M1} is increased by 50% to avoid having to perform the seismic response analysis, then the resulting value of S_{D1} shall be equal to 2/3 * [1.5*S_{M1}])

2. Structures on Site Class E sites with values of S_s greater than or equal to 1.0, or values of S_1 greater than or equal to 0.2.

   Exception: ASCE 7-16 does not require a site-specific ground motion hazard analysis when:
   1. The Structural Engineer uses the equivalent lateral force design procedure and the value of Cs is determined by Eq. 12.8-2 for all values of T, or
   2. Where (i) the value of S_{ai} is determined by Eq. 15.7-7 for all values of T_i, and (ii) the value of the parameter S_{D1} is replaced with $1.5*S_{D1}$ in Eq. 15.7-10 and 15.7-11.

We classified this site as Site Class D. Because the S_1 value is greater than 0.2g as shown in Table 3 above, a ground motion hazard analysis is required unless the Structural Engineer elects to increase the S_{M1} value by 50 percent (which results in increasing the S_{D1} value by 50 percent). **If the Structural Engineer elects not to utilize the 50 percent increase on S_{M1} and S_{D1}, then EEI should be retained to perform a site-specific ground motion hazard analysis in accordance with Section 21.2 of ASCE 7-16.**

3.2.2 Liquefaction

Liquefaction occurs when a saturated sand or silt soil starts to behave like a liquid. Liquefaction occurs because of the increased pore pressure and reduced effective stress between solid particles generated by the presence of liquid. It is often caused by severe ground shaking, especially that associated with earthquakes. We performed a detailed liquefaction analysis using Liquefy Pro, version 5.8n software distributed by CivilTech Software. The following input parameters were used:

- Potentially liquefiable soil layer is limited to the upper 36.5 feet.
- A Peak Ground Acceleration (PGA_M) of 0.730g.
- A maximum moment magnitude earthquake of 8.88.
- Groundwater was assumed to be 20 feet bgs at the time of the seismic event.
- C_e (SPT hammer energy correction) value of 1.
- C_b (borehole diameter correction) value of 1.
- C_s (sampler correction) value of 1.
- Ishihara/Yoshimine settlement calculation method.
- Stark Olsen fines correction method.
- We assumed an acceptable Factor of Safety (FOS) of 1.3 for liquefaction triggering.

As indicated above, a safety factor of 1.3 was used when evaluating whether a soil would liquefy or not (i.e. soil layers below a safety factor of 1.3 are considered potentially liquefiable). **Based on the above parameters as well as the subsurface information from B-1, we calculated approximately 2.4 inches of potential total dynamic settlement due to liquefaction could occur during a design level event. We estimate that differential dynamic settlement would**

be about half the total dynamic settlement, or approximately 1.2 inches. A summary presentation of our liquefaction analysis is attached in Appendix G.

3.3 Mapped Geologic Hazards

The Oregon Department of Geology and Mineral Resources (DOGAMI) maps various geologic hazards, such as 100-year flooding, earthquake ground shaking, costal erosion, and landslides.[5] This service, generally referred to as Oregon's HazVu, shows the geologic hazards associated with development of this region of the site to include the following:

- Severe Cascadia earthquake expected shaking
- Very strong crustal earthquake expected shaking
- Low to moderate liquefaction (soft soil) hazard area
- Moderate to very high coastal erosion hazard area
- Very high landslide hazard area
- Within a mapped landslide deposit

Figures 10 through 15 below show mapping of the geologic hazards as presented by Oregon's HazVu. It should be noted, the database does not map the subject property within the tsunami inundation hazard area, shown on Figure 10 below.

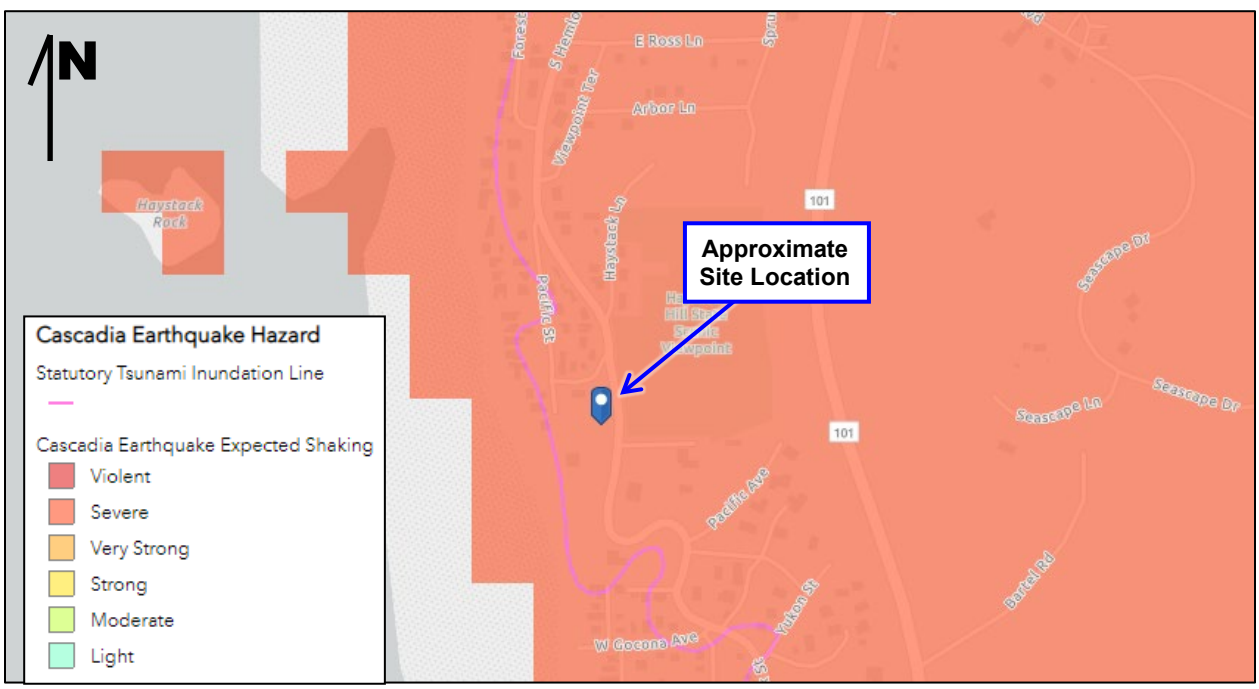


Figure 10: HazVu map showing the Cascadia earthquake expected shaking hazard zones and statutory Tsunami Inundation Line.

[5] Oregon HazVu: Statewide Geohazards Viewer, available online at: http://www.oregongeology.org/sub/hazvu/ accessed 10/19/2022.

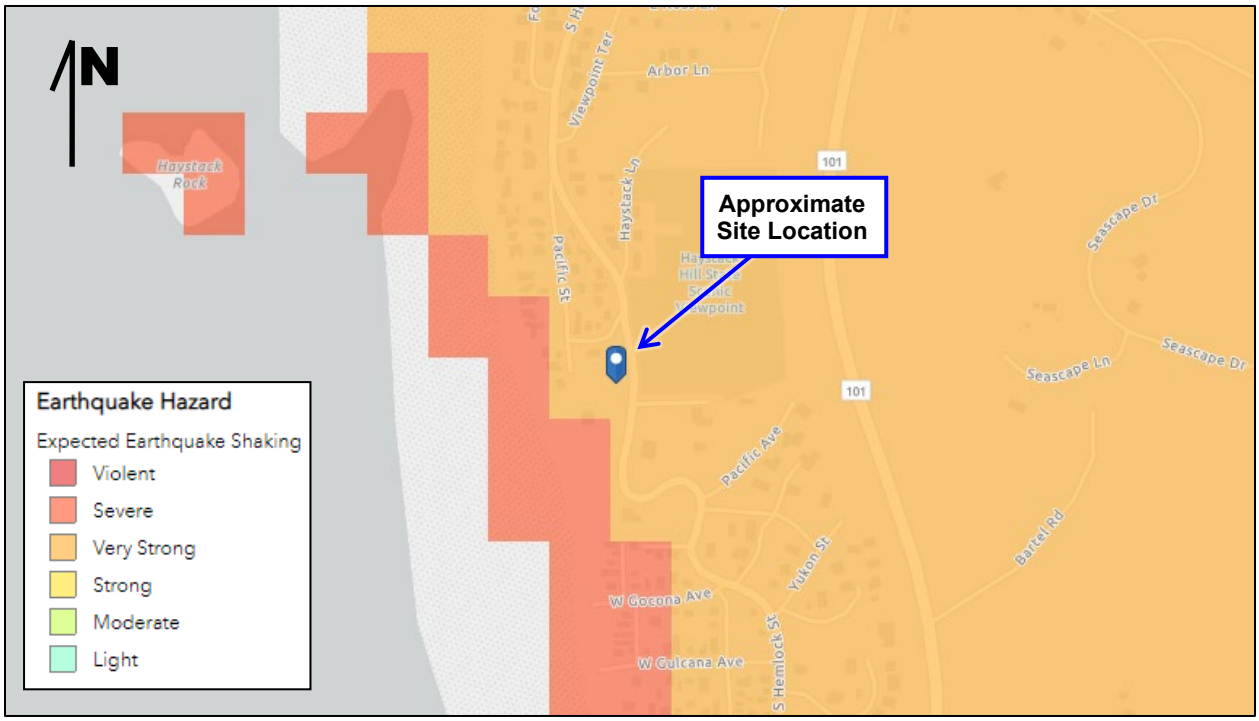


Figure 11: HazVu map showing the crustal earthquake expected shaking hazard zones.

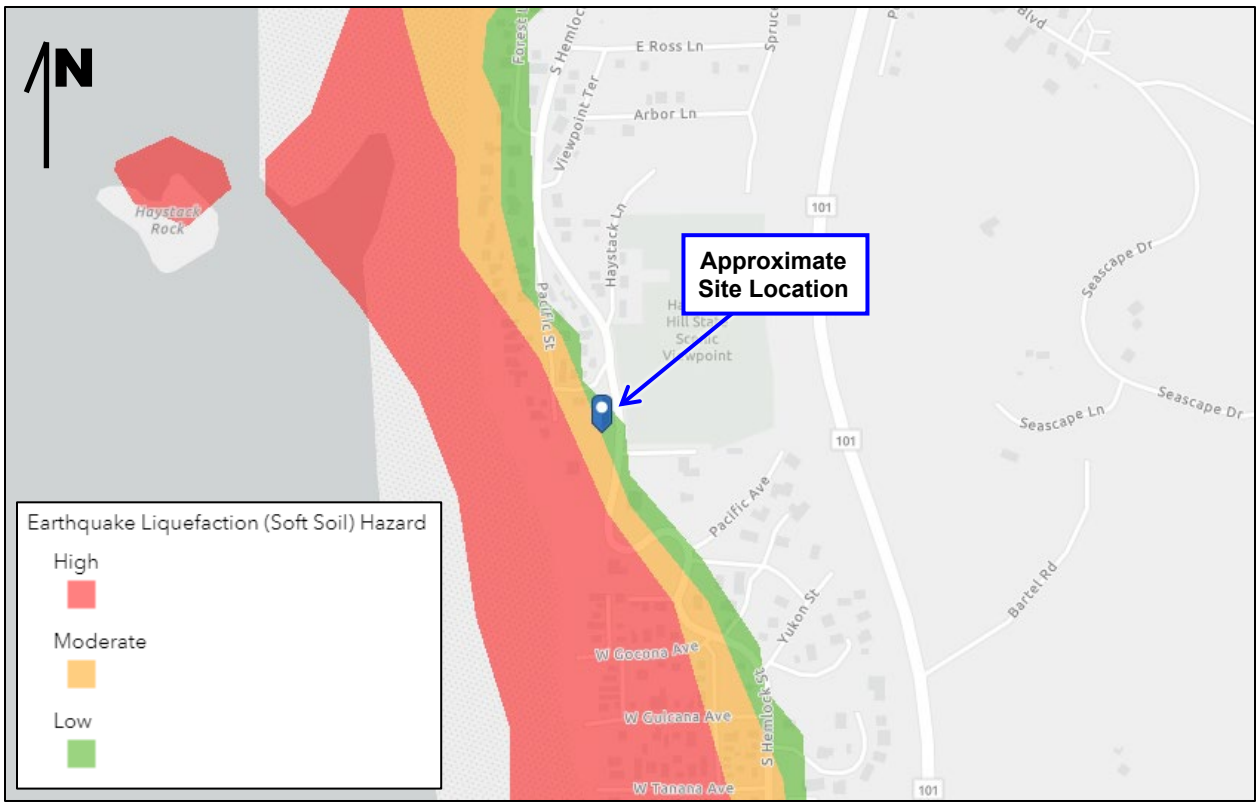


Figure 12: HazVu map showing the liquefaction (soft soil) hazard area.

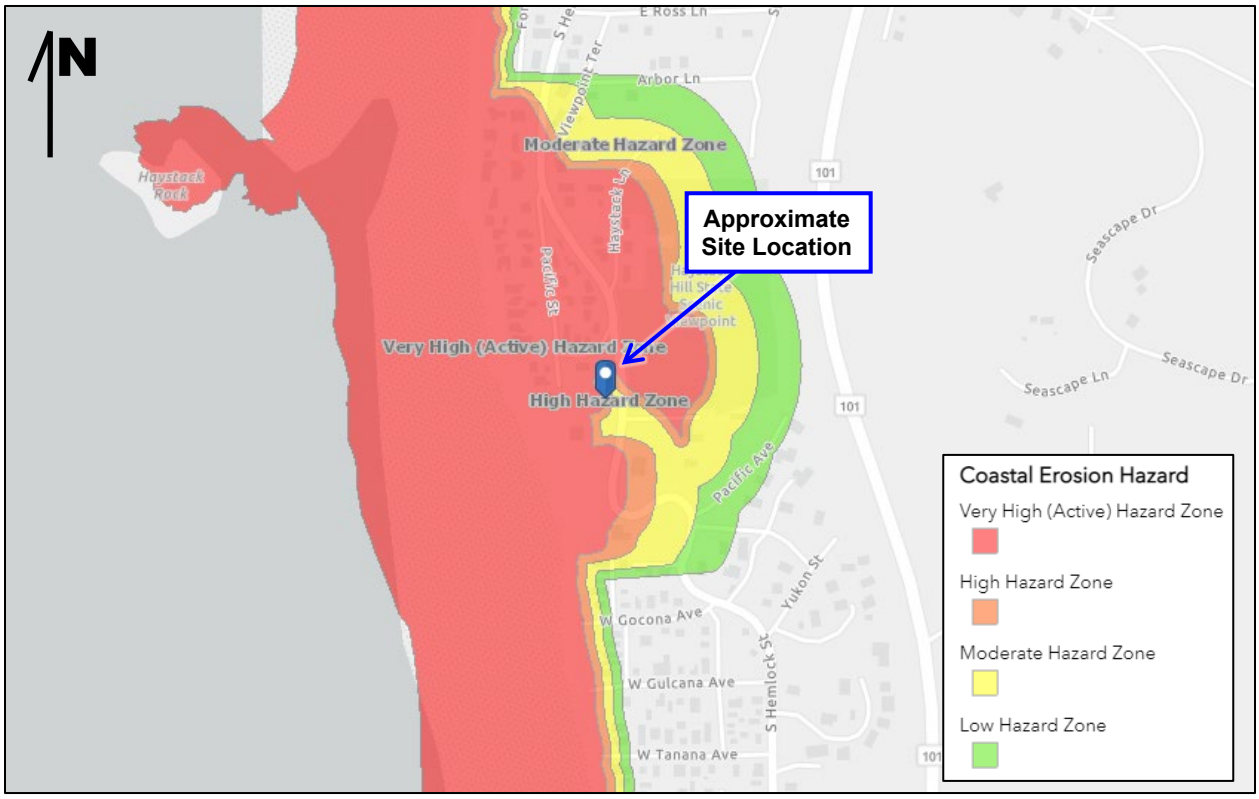


Figure 13: HazVu map showing the mapped coastal erosion hazard.

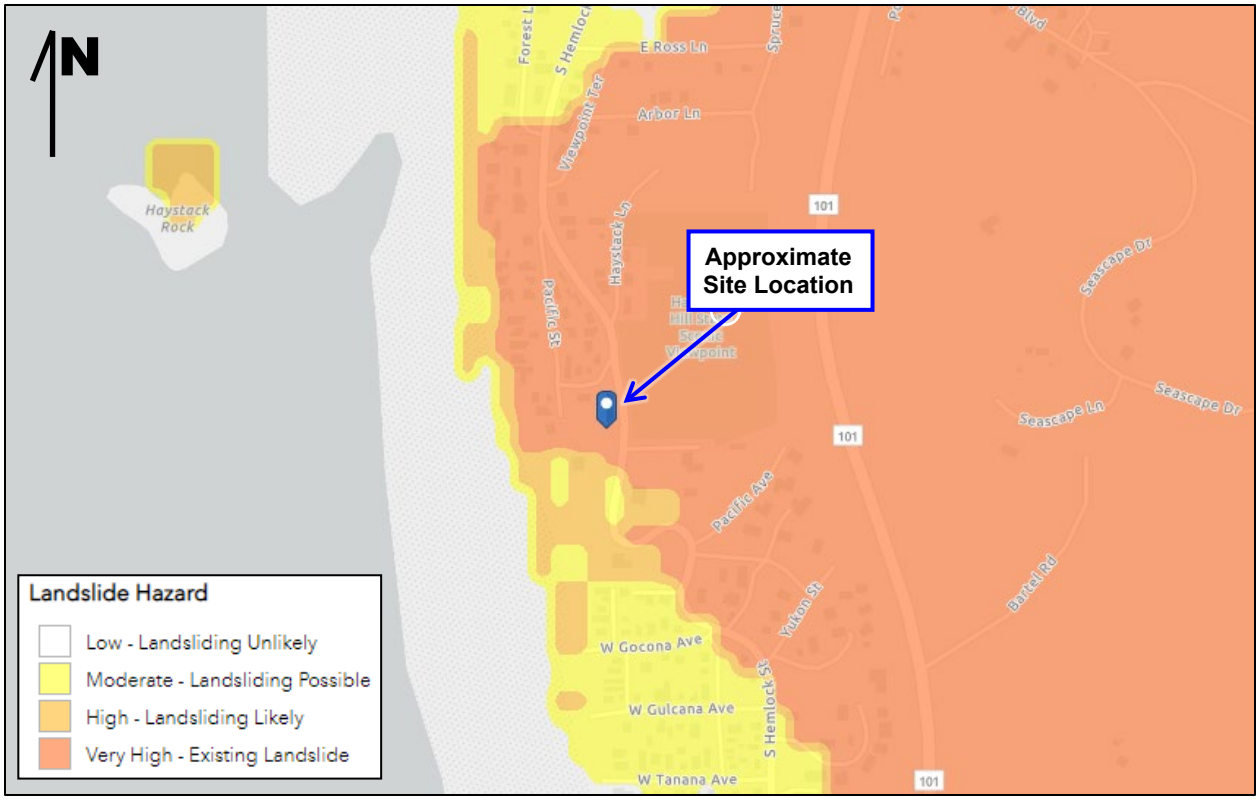


Figure 14: HazVu map showing the landslide hazard zones.

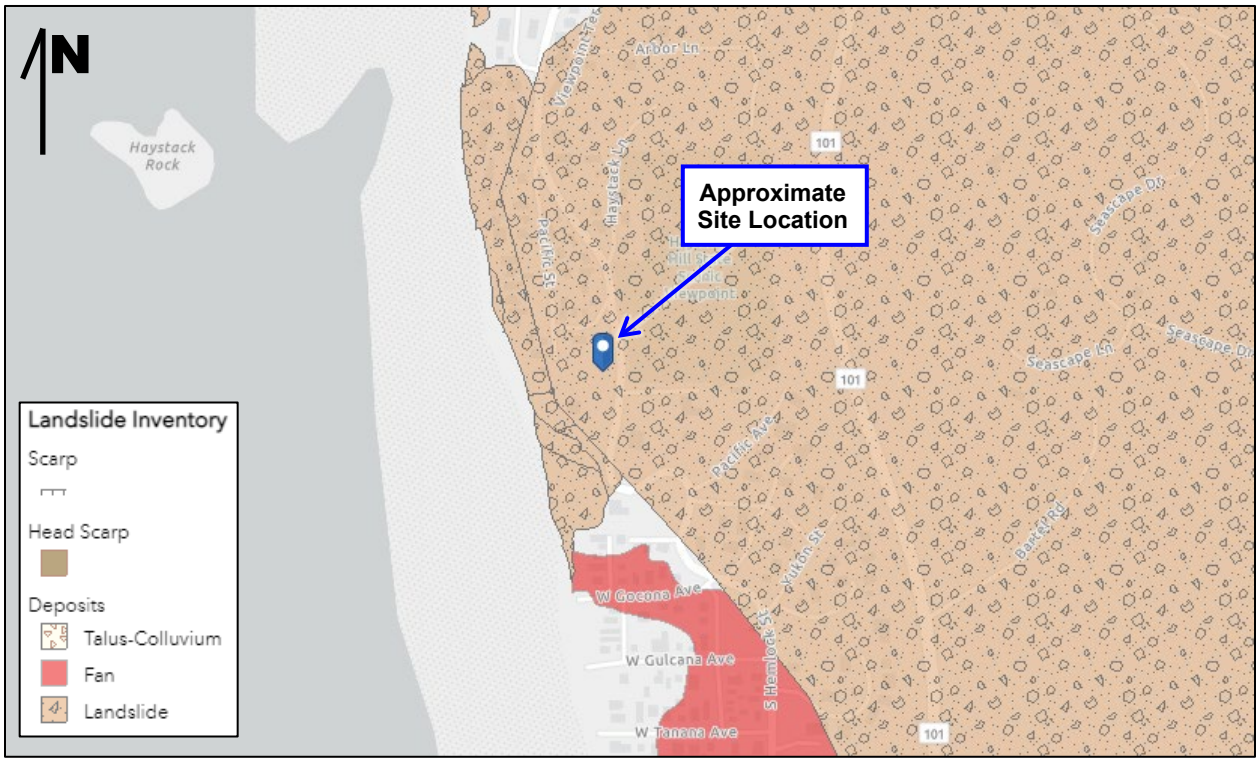


Figure 15: HazVu map showing the mapped landslide deposits.

We also reviewed the DOGAMI Statewide Landslide Information Layer for Oregon (SLIDO) maps for information on historic and ancient landslides in the area[6]. Similar to the landside inventory map produced by HazVu, SLIDO also maps the property within a large ancient landslide deposit (i.e. occurred more than 150 years ago). The subject landslide covers approximately 3.5 acres with a failure depth of 25 feet and slope of 20 degrees. See Figure 16 below.

[6] The Oregon Department of Geology and Mineral Resources (DOGAMI) Statewide Landslide Information Layer for Oregon (SLIDO), available online at https://gis.dogami.oregon.gov/maps/slido/ accessed 10/19/2022.

Figure 16: SLIDO map showing the mapped landslide deposits in the project vicinity.

3.4 Geologic Hazards Discussion

Based on our site reconnaissance, subsurface explorations, and office research, we consider the site to have the following geologic hazards:

- Coastal erosion hazard.
- Shallow soil creep along oversteepened slopes.
- Potential settlement/movement associated with near surface soils (i.e. landslide debris).
- Landslide hazard.
- Earthquake shaking from regional seismic activity.
- Soil liquefaction hazard.

As stated above, the subject property is mapped within a moderate to very high risk of coastal erosion hazard. Based on our research, we do not believe that the subject residence will be immediately impacted by coastal erosion given the setback of the proposed residence from the coastal bluff (approximately 250 feet) and the presence of vegetation. However, it is possible that it could recede back towards the home over time. We envision that coastal erosion would occur

in several episodic phases that would allow for addressing the issue before it ever reached the house. It is possible, however, that the erosion of the coastal bluff (i.e. at the toe of the existing landslide) may trigger the reactivation of the mapped, deep seated landslide. If this were to happen, the area upslope of the coastal bluff may slide/settle. In order to protect the proposed residence from instability due to erosion, we recommend supporting the structure on a deep foundation laterally supported by tiebacks that extend to the hard clay stratum.

As stated in Section 2.1, the site topography is variable. As a whole, the property slopes down to the west at 2.5H:1V, however there are localized oversteepened slopes up to 1.3H:1V. These slopes could be prone to shallow soil movement (sloughing, and slow, shallow soil creep). Our foundation recommendations below will address the slope considerations for the proposed residence (i.e. an integrated deep foundation/tieback system).

As stated above, the property is located within a very large mapped landslide that encompasses the subject property as well as several of the neighboring properties. We concur with the mapping of the property in a landslide area based on our exploration and past experience working in Cannon Beach. It is our professional opinion that these landslides are currently inactive. We did not observe signs of recent or active landslides from our reconnaissance of the immediate area. We did observe typical landslide topography in the project vicinity (i.e. hummocky topography), and signs of shallow soil movement (i.e. leaning or pistol-butted trees). Based on our observations of exposed and subsurface soils, as well as the geomorphic features of the site and nearby properties, it is our opinion that the site is likely at risk from 2 different types of landsliding: shallow localized landsliding and deep global landsliding.

The upper soils (interpreted to be landslide debris) encountered in our borings are at risk of localized shallow landsliding or slope creep. It is very normal/typical for the shallow, compressible soils to slide after wet winter weather or a seismic event. Adding the weight of a new residence foundation to this soil layer could increase that risk. The risk of shallow sliding/slope creep can be mitigated through proper geotechnical design considerations. We are recommending the proposed residence be supported on deep foundations that extend through this soft soil layer and penetrates down into the hard clay (i.e. claystone) layer. This will prevent adding any weight to the landslide layer. In addition, we recommend using tiebacks to laterally support the proposed residence.

The second landslide risk is from deep-seated block failure, in that the proposed residence is situated on a deep-seated landslide mass (as noted above). The DOGAMI mapping identified that the deep-seated landslide was pre-historic (i.e. older than 150 years), and (at the scale of our investigation) we did not observe indications that there was an active deep-seated landslide impacting the property. In addition, constructing the residence on a large unstable landslide mass is unlikely to make the risk any worse, given deep foundations are used. It should be accepted that owning a property in the area inherently carries this risk, similar to all the other properties in the area. As required by the building code, the minimum requirement when developing a residential structure is to protect life-safety (but not necessarily prevent structure damage). For this property, in order to meet the minimum code requirement of protecting life-

safety, we recommend the house foundation (i.e. drilled piers) be connected with an integrated system of grade beams. The integrated system of drilled piers and grade beams under the house is intended to provide structural integrity to protect life-safety (i.e. occupants can safely exit the home).

A major seismic event, changes to other properties within the large, pre-historic landslide mass, ocean waves eroding the toe of the landslide mass at the beach, or significant wet weather events are examples of general conditions that could potentially reactivate the landslide mass. We do not believe this property is at any greater risk from this hazard than the numerous other existing developed lots in the area. Ultimately, having a residence on a large landslide mass means accepting the risk that it could reactivate at some point in the future. Our recommended development approach is one that minimizes alterations to the landscape (e.g., minimizing cuts and fills, controlling discharge of stormwater on the property, etc.), and to implement mitigation measures that protect life-safety, while acknowledging that the residence may ultimately be damaged should the ancient (currently stable) landslide mass reactivate at some point during the life of the residence.

Finally, as stated above, the subject property is mapped within an area of low to moderate liquefaction hazard. Based on our analysis, the potential total dynamic settlement due to liquefaction was calculated to be approximately 2.4 inches (i.e. 1.2 inches of differential dynamic settlement). This further supports our recommendation to have the proposed residence supported on deep foundations with tiebacks.

In summary, the intent of a geologic hazard assessment is to determine what geologic hazards are present on the property and to provide recommendations for addressing those hazards. It is our professional opinion that the proposed residence on this property is feasible, subject to the geotechnical engineering recommendations and acceptance of geologic hazards risk presented in this report.

Primary considerations should be made to avoid placing any significant mass of new fill to raise site grades, and maintaining adequate site surface and subsurface drainage. Vegetation should also be maintained along the oversteepened site slopes (i.e. along the ravine) to prevent excessive erosion. Additionally, the house foundation should extend to the native claystone (i.e. via drilled piers and tiebacks) and be engineered with the objective of resisting the effects of earthquake shaking. These recommendations are discussed in more detail in Section 4 below. Ultimately, when owning a property in this area and on a large landslide mass, there is an acceptance of risk that the property is within a landslide hazard area that could reactivate at some time in the future, possibly due to a Cascadia Subduction Zone earthquake event. We should caution that the landscape of the Oregon Coast region is extremely dynamic and site conditions can change drastically from year to year.

4.0 EVALUATION AND FOUNDATION RECOMMENDATIONS

4.1 Geotechnical Discussion

Based on our site reconnaissance, it is our professional opinion that the primary factors impacting the proposed development include the following:

1. **Presence of ancient, currently stabilized landslide debris** – As stated above, we encountered fine-grained soils of variable composition with organics in all of our explorations to depths ranging from 13 to 25 feet bgs. It is our professional opinion that these soils are not sufficient for shallow foundation support. As such, we recommend all foundations penetrate through these soils to bear on the hard clay stratum encountered in our borings at a depth of 13 to 25 feet bgs. See Section 4.5 below for detailed deep foundation recommendations (i.e. reinforced concrete drilled piers all connected together with an integrated system of grade beams laterally supported by tiebacks).

2. **Landslide hazard** – As stated above, the subject property is mapped within an existing ancient landslide deposit approximately 3.5 acres in size. It is our professional opinion that while the slide mass as a whole appears to be inactive there is risk that at some point in the future this slide mass could reactivate. This would especially be true during a Cascadia Subduction Zone earthquake. However, this risk is no greater than for any numerous other developed properties located within this same slide mass.

   Given the recommendations in this report are followed (i.e. drilled pier foundations bearing on the hard clay stratum), it is our professional opinion that the proposed construction will not make the landslide risk worse. However, we have not been provided detailed construction drawings. Once these plans are developed, we should review them to confirm they comply with our design recommendations.

   In addition, primary considerations should be made to not placing any new fill to raise site grades. In the event that fill is needed to raise site grades, we recommend removing the equivalent weight from the slope and exporting off site. Another option in order to not add weight to the slope would be to use lightweight geofoam blocks as fill. In addition, to reduce the risk of activating the existing landside, we recommend maintaining adequate site surface and subsurface drainage. Vegetation should also be maintained to prevent excessive erosion, and should only be removed where needed to complete the proposed construction.

3. **Presence of steep slopes** – As stated in Section 2.1 above, the subject property is sloping down to the west at an average of 2.5H:1V, which we do not consider to be oversteepened. However, there are localized oversteepened slopes above and below the existing residence. These slopes are considered oversteepened and therefore prone to soil creep and erosion. Based on our slope stability analysis, these slopes are below the

recommended industry standard. In order to ensure that the slope stability is not worsened, we are recommending deep foundations that extend through the upper landslide debris and bear on the hard clay stratum. In no event should stormwater be collected and hard piped to a point discharge, such that it drains in a concentrated way onto these over steepened slopes.

4. **Risks associated with earthquake shaking** – It is well-known that the Oregon coast is at risk of a major Cascadia Subduction Zone earthquake (predicted by some to be as high as magnitude 8 or 9) within the life of the proposed structure. Should this earthquake strike, there is risk that it could cause significant structural damage to the property and the property could be inundated by a tsunami. We do not anticipate that it will be possible to completely mitigate the risk of damage from such an event. It should be noted that other similar properties already developed with homes in the Cannon Beach area are at a similar risk.

5. **Presence of potentially liquefiable soils** – As stated above, there are potentially liquefiable soils located at the project site. Based on our analysis, approximately 2.4-inches of total dynamic settlement due to liquefaction could occur with potential differential settlements up to approximately 1.2-inches across the proposed residence footprint. This much settlement precludes the use of shallow foundations. As stated above, we are recommending deep foundations for the proposed development that will mitigate risk of settlement in a design level earthquake event.

6. **Presence of potentially expansive soils** – Based on our Atterberg Limits lab testing results, we encountered potentially expansive silt and clay soils in our explorations. Expansive soils are extremely moisture sensitive and can cause a higher risk of differential movement. Given we are providing deep foundation recommendations (i.e. drilled piers), we are not providing mitigation recommendations below foundations. However, if floor slabs on grade are selected (as opposed to pile supported structural slabs), we recommend mitigating the potential soil expansion by placing at least 18-inches of ‘dirty,’ well graded crushed rock gravel beneath all floor slabs on grade placed atop the high plasticity silt subgrade. The fill used should be imported granular material with a maximum particle size no greater than 1.5 inches, and a fines content of 10 to 20 percent passing the #200 sieve. In addition, we recommend that the expansive soils not be allowed to dry out when they are excavated and exposed to air during construction excavation. Floor slab subgrade should be covered with ‘dirty,’ well graded crushed rock gravel structural fill the same day it is exposed.

7. **Moisture sensitive soils** – The fine-grained portion of the soils encountered at the site are moisture sensitive. The increase in moisture content during periods of wet weather can cause significant reduction in the soil strength and support capabilities and will also be slow to dry. As such, water should not be allowed to collect in excavations or on prepared subgrades, and care should be taken when operating construction equipment on the exposed subgrade. While not required, we recommend consideration be given to

performing construction in the dry summer months to reduce the risk of damaging the site soils with the construction equipment.

8. **Existing residence to be demolished** – As stated above, the existing residence on the subject property is planned to be demolished. We recommend that the demolition of the existing home include removal of all foundations, fill soils, floor slabs (if any), and underground utilities that are to be abandoned. The voids created by the demolition should be backfilled with properly compacted structural fill. In addition, the footprint of the demolitions should be graded so that it drains (i.e. rainfall should not be allowed to collect in low areas of the site).

9. **Existing retaining walls** – As stated above, there is an existing concrete retaining wall east of the existing residence, and terraced block retaining walls downslope of the existing residence. It was not a part of our scope of services to evaluate the stability of these retaining walls, and we have not been provided any information about these walls. As such, we do not recommend relying on the stability of the existing walls. If the residence foundation is located behind the walls, we recommend the footings be outside of a 1.5H:1V plane extended up from the bottom of the walls. If the residence foundation is on the downhill side of the existing retaining walls, the owner should accept risk that the walls could possibly tip over. The location of the home in relation to the walls should consider this. In general, when designing the residence, the existing retaining walls should not be counted on to retain the soils over the complete life of the new residence.

10. **Lack of detailed design drawings** – Given this project is in its preliminary stages, we have not been provided with a detailed design drawing set for the proposed construction. Once the drawings are complete, we should be forwarded a copy to review for compliance with our geotechnical engineering recommendations.

In summary, it is acceptable to develop the subject property provided the recommendations in this report are followed.

4.2 Site Preparation

Once the existing residence is demolished per our recommendations in Section 4.1 above, minimal site preparation will be required to install the drilled piers and tiebacks. Topsoil and/or fill soils should be removed from beneath any foundation elements and floor slabs on grade. Any existing utilities present beneath the proposed construction will need to be located and rerouted as necessary and any abandoned pipes or utility conduits should be removed to inhibit the potential for subsurface erosion. Utility trench excavations should be backfilled with properly compacted structural fill as discussed in Section 4.3 below.

4.3 Structural Fill

As stated above, we do not recommend placing substantial fills on the subject property as it could surcharge the compressible soils and cause shallow soil movement. We are providing the following recommendations for minor fill placement (i.e. to backfill excavations such as utility trenches, footings, etc.). In the event that fill is needed to raise site grades, we recommend removing the equivalent weight from the slope, otherwise geofoam can be used.

Any structural fill to be placed should be free of organics or other deleterious materials, have a maximum particle size less than 3 inches, be relatively well graded, and have a liquid limit less than 45 and plasticity index less than 25. In our professional opinion the onsite existing soils are not appropriate for use as structural fill due to their moisture sensitive nature, plasticity and presence of organics. As such, we recommend importing granular, well graded, crushed rock gravel for use as structural fill. Structural fill should be moisture conditioned to within 3 percentage points below and 2 percentage points above optimum moisture as determined by ASTM D1557 (Modified Proctor).

As stated above, in order to mitigate the potential soil expansion, we recommend placing at least 18-inches of ‘dirty’, well graded crushed rock gravel beneath all foundations and floor slabs on grade atop the native silty subgrade. The fill used should be imported granular material with a maximum particle size no greater than 1.5 inches, and a fines content of 10 to 20 percent passing the #200 sieve.

Fill should be placed in relatively uniform horizontal lifts on the prepared subgrade which has been stripped of deleterious materials and approved by the Geotechnical Engineer or their representative. If loose soils exist on the prepared subgrades, they should be re-compacted. Each loose lift should be about 1-foot thick. The type of compaction equipment used will ultimately determine the maximum lift thickness. Structural fill should be compacted to at least 92 percent of the maximum dry density as determined by ASTM D1557. Each lift of compacted engineered fill should be tested by a representative of the Geotechnical Engineer prior to placement of subsequent lifts.

Any structural fill placed on slopes at or greater than 5H:1V should be properly benched. Level benches excavated into the existing slope should be a minimum of 4 feet wide laterally, and should be cut into the slope for no more than every five feet of vertical rise. The placement of fill should begin at the base of the fill. All benches should be inspected by a representative of the Geotechnical Engineer and approved prior to placement of structural fill lifts. If evidence of seepage is observed in the bench excavations, a supplemental drainage system may need to be designed and installed to prevent hydrostatic pressure buildup behind the fill. Final fill and/or cut slopes should be kept at or below a slope of 2H:1V. The fill should extend horizontally outward beyond the exterior perimeter of the building and pavements at least 5 feet and 3 feet respectively, prior to sloping.

To reiterate, each lift of compacted engineered fill should be tested by a representative of the Geotechnical Engineer prior to placement of subsequent lifts.

4.4 Foundation Recommendations

Once the site has been prepared as discussed above, we anticipate that the residence can be supported by reinforced concrete drilled piers. We considered other deep foundation types, including driven H-piles or pipe piles, and pin piles. However, driven H-piles, pipe piles and pin piles are not considered appropriate for this site because the ground vibrations would be a disturbance to the neighboring residences.

Given the unstable soil layer that the drilled piers will be penetrating through, we have assumed that the drilled piers will have a negligible lateral capacity. In order to provide horizontal resistance needed to keep the deep vertical piles stable, we also recommend the use of tiebacks. The primary purpose of the tiebacks will be to resist the lateral earth pressure acting on the backside face of the piles. But the tiebacks may also be used by the Structural Engineer to resist the base shear loads.

4.4.1 Axial Compressive Load Capacity

The drilled piers should generate all of their vertical load carrying capacity from the hard clay soil stratum first encountered in our borings at depths of approximately 13 to 25 feet below existing grade. For our calculations, we have assumed that the piers will be embedded at least 2 feet into the hard clay stratum. Based on our assumed parameters, we provide axial compression and uplift capacities for 18-inch, 24-inch and 30-inch diameter drilled piers in Table 4 below. We can provide additional load capacity recommendations upon request, by varying the drilled pier diameter, or embedment into the hard clay stratum.

Table 4: Recommended Allowable Compression and Tension Capacities[1] for Drilled Piers with 2-foot Minimum Embed into the Hard Clay Stratum (ASD Design)

Drilled Pier Diameter (inches)	Allowable Axial Compressive Capacity (kips)[2]	Allowable Axial Tension Capacity (kips)[3,4]
30	49	8
24	32	6
18	19	4

Notes: [1] The pier capacities may be increased by 1/3 over those values recommended above for short-term transient (i.e. wind and seismic) loading conditions.
[2] Allowable axial compressive capacities reported include a Factor of Safety of 3. If one pile load test is performed, the Factor of Safety may be reduced to 2.
[3] Allowable axial tension capacities reported include a Factor of Safety of 2. If one pile load test is performed, the Factor of Safety may be reduced to 1.5.
[4] Does not include self-weight of drilled pier.

It should be noted that the allowable axial compressive capacity includes a Factor of Safety of 3, and the allowable axial tension capacity includes a Factor of Safety of 2. Both assume that no load testing will be conducted. It should also be noted that the axial tension capacity (i.e. uplift) does not include the weight of the drilled pier concrete. It would be acceptable from a geotechnical standpoint to include the drilled pier concrete weight when determining the total uplift resistance. In addition, it should be noted that the allowable capacities outlined above ignored the skin friction in the landslide debris zone and the liquefaction zone.

Assuming the piers are embedded at least 2-feet into the hard clay stratum, the average drilled pier lengths are preliminarily estimated to be on the order of 15 to 27 feet (measured from existing grade). It is possible for the depth to the hard clay stratum to vary from what we encountered in our explorations. As such, the contractor should consider that the drilled piers may need to be greater than 27 feet deep (measured from existing grade).

The drilled piers should be designed for a minimum center-to-center spacing of 3 pier diameters in order to use the axial compressive load capacities shown in Table 4 (i.e. this spacing allows the piers to be considered as acting independently and not as a group).

We estimate total vertical settlement will be less than 1 inch. Differential vertical settlement between adjacent columns is estimated to be less than ½ inch over a horizontal distance of 20 feet.

Other drilled pier design and construction considerations include:

- Any loose materials that accumulate at the bottom of the drilled hole should be removed prior to concrete placement. No rebar or concrete should be placed before the Geotechnical Engineer's field representative approves the drilled shaft for the embedment depth and cleanliness.
- Drilled piers should be filled with concrete immediately following approval by the Geotechnical Engineer. Pier excavations should not be allowed to stand open overnight.
- Given groundwater was encountered in our explorations, the drilled pier concrete should be placed by a tremie that is lowered to the bottom of each shaft. The concrete should not be allowed to free fall. The flow of concrete out of the tremie hose should not be allowed to hit the earth sidewalls of the shaft or the rebar cage as it could cause concrete contamination or segregation, respectively. Once placed, the concrete should be vibrated briefly to ensure there are no voids. The vibrator should not be allowed to come in contact with the rebar. If concrete with a slump of 6 inches or greater is used, then no vibration will be necessary. We anticipate a high slump concrete mix would require chemical admixtures.
- Concrete volumes placed should be measured to confirm the volume of concrete placed in each pier is greater than the theoretical volume of the hole created by the auger. A minimum ratio of 1.1 (actual/theoretical) is recommended.
- We suggest a minimum of 24 hours elapse between the installation of adjacent drilled piers (generally within 4 pier diameters of each other, as measured from center to center). The

purpose of this requirement is to prevent the intrusion of soil or contaminated concrete into a recently installed pier (one in which the concrete has not yet set). The actual delay period between adjacent piers is dependent upon the set time of the concrete.

- Drilled pier installation should be continuously monitored by a representative of the Geotechnical Engineer. Concrete test cylinders should be fabricated by a testing lab on a daily basis to evaluate the strength of the concrete mix.

4.4.3 Tieback Recommendations

We recommend that the house foundation be laterally supported by drilled and grouted tiebacks because the piles will have no lateral load capacity if the unstable soils were to slide away from the downhill side of the piles. The intention would be to utilize the tiebacks to resist the normal wind and seismic loading on the structure, as well as potential landslide and slope creep forces (i.e. the geotechnical loading).

To estimate the geotechnical loading, we assumed based on our past experience, that there is no soil on the downhill side of the piles for the top 25 feet, and an arching factor of 1 pile diameter on the uphill side of the piles (i.e. a wedge of soil 1 times as wide as the pile is pushing downhill on the pile). Finally, we assumed that soil with a reduced total unit weight of 86 pcf (i.e. 75% of 115 pcf) for a horizontal distance of 15 feet behind the piles is pushing laterally on the piles. These assumptions result in the following geotechnical loads that must be resisted by the tiebacks for each pile.

Table 5: Ultimate Tieback Loads to Resist Geotechnical Loading (Does not include Structural Engineer's Base Shear Load)

Drilled Pier Diameter (inches)	Ultimate Geotechnical Load Acting on Tiebacks (kips)[2]
30	61
24	49
18	37

Tiebacks should be designed by the Structural Engineer for an estimated, allowable soil-grout bond strength of 100 psi (includes FOS of 1.5) when bonded into the hard clay stratum. This bond strength recommendation is preliminary will need to be verified by load testing during construction. It is possible that the bond strength may actually be higher or lower than estimated.

We provide the following recommendations for the construction of the tiebacks:

- The borehole diameter shall be no smaller than 4.5 inches.
- The tieback center bar size should be selected by the Structural Engineer based on the pull test load requirement (i.e. 1.5 times the tieback design load).
- Grout with a 28-day minimum compressive strength of 5,000 psi.

- Tieback installation angle no less than 20 degrees down from horizontal.
- All of the tieback length not in the hard clay stratum should be unbonded.
- The tieback center bars be protected from corrosion with either metalized or epoxy coating. Care will need to be taken when handling the bar during installation not to damage the epoxy.
- All tiebacks to be pull tested and locked off at a prestress load to be determined by EEI. Additional tieback load testing recommendations are contained in Section 4.4.3 below.
- We estimate claystone will first be encountered when drilling the tiebacks at a vertical depth of about 20 to 25 feet. We suggest for preliminary budgeting that an average unbonded tieback length of 40 feet to reach the claystone be assumed.
- The tiebacks will not be allowed to leave the property. As such, the location of the tiebacks will need to be selected in order to keep the tiebacks on the property. This can be aided by selected steeper angled tieback installation and locating the tiebacks mostly at the rear of the house (further away from the South Hemlock Street right-of-way).

4.4.4 Tieback Load Testing Recommendations

All of the tiebacks should be proof tested to 150 percent of the design load in accordance with the following load intervals: Alignment Load (AL), 0.25 design load (DL), 0.50 DL, 0.75 DL, 1.00 DL, 1.25 DL, 1.5 DL, AL, and the Lockoff Load. The alignment load should be no greater than 5 percent of the design load.

Proof test readings shall be taken immediately after reading each load increment, except at 1.0 DL, 1.25 DL and 1.5 DL. At these final 3 load increments, readings shall be taken at 1, 2, 3, 4, 5, 6 and 10 minutes. If the total creep movement exceeds 0.040 inches between 1 and 10 minutes (i.e. 1 log cycle), then the test load shall be maintained for an additional 50 minutes, with recordings at 20, 30, 40 50 and 60 minutes. The movement between 6 and 60 minutes (i.e. one log cycle) should not be greater than 0.080 inches. EEI's Geotechnical Engineer should ultimately evaluate the proof test results to verify the anchors will achieve their designed capacity without excessive movement.

The lockoff load should be minimized to reduce the amount of vertical pre-stress acting on the footings. In other words, the tieback pre-stress (i.e. lockoff) load should not significantly increase the vertical loading acting on the footings. Preliminarily we anticipate a lockoff load on the order of about 25 to 50 percent of the design load. This should be confirmed by the Geotechnical Engineer once the tieback proof load testing is conducted.

4.5 Floor Slab Recommendations

For the purposes of this report, we have assumed that maximum floor slab loads will not exceed 150 psf. Based on the existing soil conditions, the design of slabs-on-grade can be based on a subgrade modulus (k) of 100 pci. This subgrade modulus value represents an anticipated value which would be obtained in a standard in-situ plate test with a 1-foot square plate. Use of this subgrade modulus for design or other on-grade structural elements should include appropriate modification based on dimensions as necessary.

In order to fully mitigate the risk of settlement, the concrete floor slab would need to be tied into the grade beams and supported on the drilled piers recommended above (i.e. designed as a structural floor slab). However, if a conventional, less expensive floor slab-on-grade is preferred, to at least partially mitigate the risk of potential settlement, the floor slab should be supported on at least 18-inches of properly compacted 'dirty' crushed rock gravel structural fill overlying the existing soils. Note that this partial mitigation approach means that some floor slab settlement cracking is acceptable. The structural fill recommendations are outlined in Section 4.3 above. The floor slabs should have an adequate number of joints to reduce cracking resulting from any differential movement and shrinkage. Ultimately, to address the risk of loss of ground support beneath floor slabs, it may be more prudent to have a crawl space, rather than floor slabs where possible.

Prior to placing the structural fill, we recommend a proof-roll utilizing a fully loaded, dual axle dump truck or water truck in order to identify any unstable areas that should be removed prior to structural fill placement. The proofroll should be observed by a representative of the Geotechnical Engineer. If the subgrade cannot be accessed with a dump truck, then the subgrade will need to be visually evaluated by a representative of the Geotechnical Engineer by soil probing. If fill is required, the structural fill should be placed on the prepared subgrade after it has been approved by the Geotechnical Engineer.

The 18-inch thick crushed rock structural fill should provide a capillary break to limit migration of moisture through the slab. If additional protection against moisture vapor is desired, a moisture vapor retarding membrane may also be incorporated into the design. Factors such as cost, special considerations for construction, and the floor coverings suggest that decisions on the use of vapor retarding membranes be made by the project design team, the contractor and the owner.

4.6 Retaining Wall Recommendations

As stated above, the project is currently in its preliminary stages. As such, we have not been made aware of any proposed retaining walls. We are assuming that the residence footprint will take advantage of the sloping property by use of a daylight basement. Once more detailed plans are known about retaining walls, we should be provided the drawings so that we can update our recommendations as necessary. For the purposes of this report, we have assumed that no walls will be greater than 10 feet tall.

Retaining wall footings should be designed in general accordance with the recommendations contained in Section 4.4 above (i.e. drilled piers). For insignificant landscape retaining walls not greater than 4 feet tall, where excessive wall movement due to ground movement is acceptable, they may be supported on conventional shallow foundations designed for an allowable soil bearing capacity of up to 1,500 pounds per square foot.

Lateral earth pressures on walls, which are not restrained at the top, may be calculated on the basis of an "active" equivalent fluid pressure of 35 pcf for level backfill, and 60 pcf for sloping backfill with a maximum 2H:1V slope. Lateral earth pressures on walls that are restrained from yielding at the top (i.e. stem walls) may be calculated on the basis of an "at-rest" equivalent fluid pressure of 55 pcf for level backfill, and 90 pcf for sloping backfill with a maximum 2H:1V slope. The stated equivalent fluid pressures do not include surcharge loads, such as foundation, vehicle, equipment, etc., adjacent to walls, hydrostatic pressure buildup, or earthquake loading. Surcharge loads on walls should be calculated based on the attached calculations/formulas shown in Appendix I. The recommended static earth pressures above do not include the influence of landslide forces. If any retaining walls will be constructed to stabilize currently unstable slopes, we should be consulted for additional recommendations (i.e. we may recommend higher active and at-rest earth pressure values).

We recommend that retaining walls be designed for an earth pressure determined using the Mononobe-Okabe method to mitigate future seismic forces. Our calculations were based on one-half of the Design Peak Ground Acceleration (PGA) value of 0.351g, which was obtained from Table 3 above. We have assumed that the retained soil/rock will have a minimum friction angle of 29 degrees and a total unit weight of about 115 pounds per cubic foot. For seismic loading on retaining walls with level backfill, new research indicates that the seismic load is to be applied at 1/3 H of the wall instead of 2/3 H, where H is the height of the wall[7]. We recommend that a Mononobe-Okabe earthquake thrust per linear foot of 10.5 psf * H^2 be applied at 1/3 H, where H is the height of the wall measured in feet. Note that the recommended earthquake thrust value is appropriate for slopes behind the retaining wall of up to 10 degrees. For a maximum 2H:1V slope we recommend 30 psf*H^2 be applied. This assumes a combination of granular backfill and soil retained by the walls.

Any minor amount of backfill for retaining walls should be select granular material, such as sand or crushed rock with a maximum particle size between ¾ and 1 ½ inches, having less than 5 percent material passing the No. 200 sieve. Because of their silt/clay content, the native soils do not meet this requirement, and it will be necessary to import material to the project for structure backfill. Silty soils can be used for the last 18 to 24 inches of backfill, thus acting as a seal to the granular backfill.

All backfill behind retaining walls should be moisture conditioned to within ± 2 percent of optimum moisture content, and compacted to a minimum of 90 percent of the material's maximum dry density as determined in accordance with ASTM D1557. Fill materials should be placed in layers

[7] Lew, M., et al (2010). "Seismic Earth Pressures on Depp Building Basements," SEAOC 2010 Convention Proceedings, Indian Wells, CA.

that, when compacted, do not exceed about 8 inches. Care in the placement and compaction of fill behind retaining walls must be taken in order to ensure that undue lateral loads are not placed on the walls.

5.0 CONSTRUCTION CONSIDERATIONS

5.1 Moisture Sensitive Soils/Weather Related Concerns

The upper soils encountered at this site are expected to be sensitive to disturbances caused by construction traffic and to changes in moisture content. During wet weather periods, increases in the moisture content of the soil can cause significant reduction in the soil strength and support capabilities. In addition, soils that become wet may be slow to dry and thus significantly retard the progress of grading and compaction activities. While not required, it will be advantageous to perform earthwork and foundation construction activities during dry weather.

5.2 Drainage and Groundwater Considerations

Water should not be allowed to collect in the foundation excavations or on prepared subgrades for the floor slab during construction. Positive site drainage should be maintained throughout construction activities. Undercut or excavated areas should be sloped toward one corner to facilitate removal of any collected rainwater, groundwater, or surface runoff.

The site grading plan should be developed to provide rapid drainage of surface water away from the building areas and to inhibit infiltration of surface water around the perimeter of the proposed structure. The grades should be sloped away from the construction area to prevent saturation of the foundation/slab subgrades which could lead to softening of the soils and excessive settlement. In no event should stormwater be allowed to drain onto the oversteepened slopes.

5.3 Excavations

In Federal Register, Volume 54, No. 209 (October 1989), the United States Department of Labor, Occupational Safety and Health Administration (OSHA) amended its "Construction Standards for Excavations, 29 CFR, part 1926, Subpart P". This document and subsequent updates were issued to better ensure the safety of construction workers entering trenches or excavations. It is mandated by this federal regulation that excavations, whether they be utility trenches, basement excavations or footing excavations, be constructed in accordance with the new OSHA guidelines. It is our understanding that these regulations are being strictly enforced and if they are not closely followed, the owner and the contractor could be liable for substantial penalties.

The contractor is solely responsible for designing and constructing stable, temporary excavations and should shore, slope, or bench the sides of the excavations as required to maintain stability of both the excavation sides and bottom. The contractor's "responsible person", as defined in 29 CFR Part 1926, should evaluate the soil exposed in the excavations as part of the contractor's safety procedures. In no case should slope height, slope inclination, or excavation depth,

including utility trench excavation depth, exceed those specified in local, state, and federal safety regulations.

We are providing this information solely as a service to our client. EEI does not assume responsibility for construction site safety or the contractor's compliance with local, state, and federal safety or other regulations.

5.4 Geotechnical Construction Inspections

EEI should be retained to perform geotechnical construction inspections for any foundation or earthwork related activities to verify construction complies with the geotechnical engineering recommendations contained in this report. EEI cannot accept responsibility for any conditions that deviate from those described in this report, if not engaged to also provide construction observation for this project.

At a minimum, we recommend the following geotechnical inspections be performed by EEI during construction.

- Stability of temporary excavations (periodic).
- Subgrade preparation for footings, floor slabs on grade, and pavement (periodic).
- Structural fill placement and compaction (periodic).
- Utility trench backfill compaction (periodic).
- Drilled pier installation (continuous).
- Tieback installation and pull testing (continuous).
- Retaining wall backfill placement (periodic).

We may need to update this list once the construction drawings are completed. Note that the project design team and/or governing jurisdiction may require additional inspections.

6.0 REPORT LIMITATIONS

As is standard practice in the geotechnical industry, the conclusions contained in our report are considered preliminary because they are based on assumptions made about the soil, rock, and groundwater conditions exposed at the site during our subsurface investigation. A more complete extent of the actual subsurface conditions can only be identified when they are exposed during construction. Therefore, EEI should be retained as your consultant during construction to observe the actual conditions and to provide our final conclusions. If a different geotechnical consultant is retained to perform geotechnical inspection during construction, then they should be relied upon to provide final design conclusions and recommendations, and should assume the role of geotechnical engineer of record, as is the typical procedure required by the governing jurisdiction.

The geotechnical recommendations presented in this report are based on the available project information, and the subsurface materials described in this report. If any of the noted information is incorrect, please inform EEI in writing so that we may amend the recommendations presented in this report, if appropriate, and if desired by the client. EEI will not be responsible for the implementation of its recommendations when it is not notified of changes in the project.

Once construction plans are finalized and a grading plan has been prepared, EEI should be retained to review those plans, and modify our existing recommendations related to the proposed construction, if determined to be necessary.

The Geotechnical Engineer warrants that the findings, recommendations, specifications, or professional advice contained herein have been made in accordance with generally accepted professional geotechnical engineering practices in the local area. No other warranties are implied or expressed.

This report has been prepared for the exclusive use of Jeff Taylor for the specific application to the proposed residence located at 1956 South Hemlock Street in Cannon Beach, Clatsop County, Oregon. EEI does not authorize the use of the advice herein nor the reliance upon the report by third parties without prior written authorization by EEI.

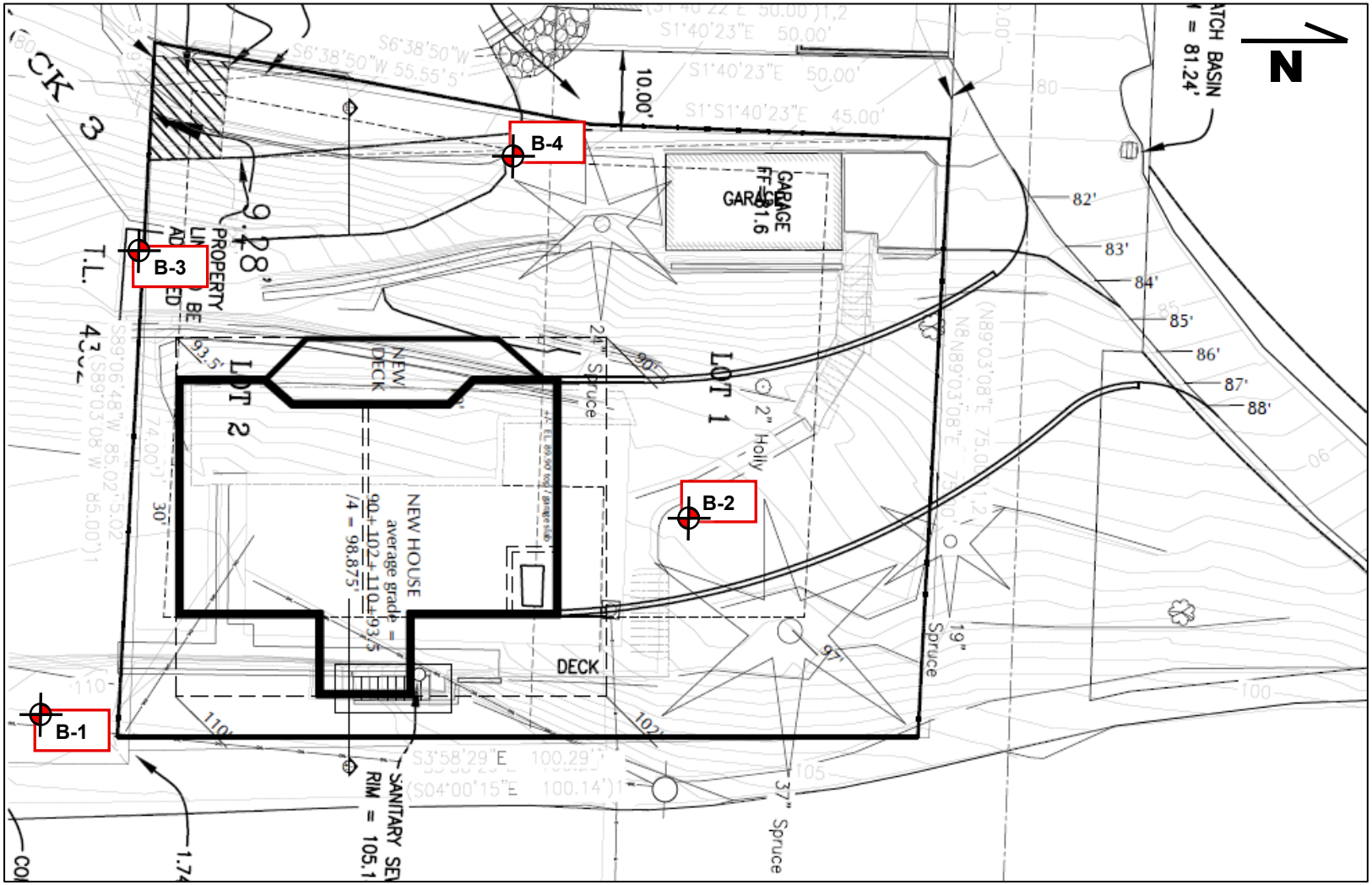
APPENDICES

APPENDIX A – SITE LOCATION PLAN

Map Source: https://livingatlas.arcgis.com/topoexplorer/index.html

Earth Engineers, Inc.	**Proposed Taylor Single Family Residence** **1956 South Hemlock Street** **Cannon Beach, Clatsop County, Oregon**	**Report No. 22-214-1** **October 28, 2022**

APPENDIX B – EXPLORATION LOCATION PLAN



= Approximate Boring Location

Base plan source: Untitled, undated site plan prepared by Tolovana Architects.

Earth Engineers, Inc.	**Proposed Taylor Single Family Residence** **1956 South Hemlock Street** **Cannon Beach, Clatsop County, Oregon**	**Report No.** **22-214-1**	**October 28, 2022**

Appendix C: Boring B-1

Earth Engineers, Inc.

Client: Jeff Taylor
Project: Proposed Taylor Single Family Residence
Site Address: 1956 South Hemlock Street,
Cannon Beach, Clatsop County, Oregon
Location of Exploration: See Appendix B
Logged By: Jacqui Boyer

Report Number: 22-214-1
Drilling Contractor: Dan J Fischer Excavating, Inc.
Drilling Method: Solid Stem Auger w/ SPT Hammer
Drilling Equipment: Big Beaver Portable Drill Rig
Approximate Ground Surface Elevation (ft msl): 111
Date of Exploration: 9/26/2022

Depth (ft)	Water Level	Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Blows per 6 Inches	N_{60} value	Moisture Content (%)	% Passing #200 Sieve	Liquid Limit	Plastic Limit	Pocket Pen (tsf)	Remarks
0			Fill - gray gravel fill (6-inches thick)		4							
			Silt (MH) - orange-brown to brown to gray sandy silt with organics (roots, rootlets, woodchips and charcoal) and trace gravel, moist to wet, medium stiff to stiff	SPT-1	4 5	9	41	84			0.50	possible landslide debris
2				SPT-2	3 3 3	6	72	81			0.25	high moisture content due to organics
4												
			reddish-orange soil encountered	SPT-3	4 4 5	9	35	85	52	40	1.50	
6												
8			purple consolidated soil encountered	SPT-4	4 5 7	12	33				2.50	
10				SPT-5	4 7 8	15	25				2.00	
			gray claystone fragments encountered									
12				SPT-6	3 3 4	7	29				2.00	
14												
			Clay (CH) - brown clay with gray consolidated chunks, trace rootlets, moist, stiff	SPT-7	4 6 6	12	27	95			3.00	possible landslide debris
16												
18												
20				SPT-8	6 6 5	11	38					
22	▼											
24												
			Clay (CH) - gray clay with trace sand, wet, very stiff	SPT-9	8 12 14	26	27	95	55	23	4.5+	drilling difficulty increased
26												
28												
30												

Notes : Boring terminated at a depth of approximately 35.5 feet below ground surface (bgs). Groundwater was encountered at approximately 22 feet bgs at the time of our exploration. Boring backfilled with bentonite chips on 9/26/2022. Approximate elevation from undated, untitled site plan prepared by Tolovana Architects.

Appendix C: Boring B-1

Earth Engineers, Inc.

Client: Jeff Taylor
Project: Proposed Taylor Single Family Residence
Site Address: 1956 South Hemlock Street,
Cannon Beach, Clatsop County, Oregon
Location of Exploration: See Appendix B
Logged By: Jacqui Boyer

Report Number: 22-214-1
Drilling Contractor: Dan J Fischer Excavating, Inc.
Drilling Method: Solid Stem Auger w/ SPT Hammer
Drilling Equipment: Big Beaver Portable Drill Rig
Approximate Ground Surface Elevation (ft msl): 111
Date of Exploration: 9/26/2022

Depth (ft)	Water Level	Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Blows per 6 Inches	N_{60} value	Moisture Content (%)	% Passing #200 Sieve	Liquid Limit	Plastic Limit	Pocket Pen (tsf)	Remarks
30			Claystone (CH) - gray claystone with trace sand, moist, hard	SPT-10	36 50/4	50	25	93			4.5+	very slow drilling (5 feet in 30 minutes)
32												
34				SPT-11	50 /3	50	28	94			4.5+	
36												
38												
40												
42												
44												
46												
48												
50												
52												
54												
56												
58												
60												

Notes : Boring terminated at a depth of approximately 35.5 feet below ground surface (bgs). Groundwater was encountered at approximately 22 feet bgs at the time of our exploration. Boring backfilled with bentonite chips on 9/26/2022. Approximate elevation from undated, untitled site plan prepared by Tolovana Architects.

Appendix C: Boring B-2

Earth Engineers, Inc.

Client: Jeff Taylor
Project: Proposed Taylor Single Family Residence
Site Address: 1956 South Hemlock Street,
Cannon Beach, Clatsop County, Oregon
Location of Exploration: See Appendix B
Logged By: Jacqui Boyer

Report Number: 22-214-1
Drilling Contractor: Dan J Fischer Excavating, Inc.
Drilling Method: Solid Stem Auger w/ SPT Hammer
Drilling Equipment: Big Beaver Portable Drill Rig
Approximate Ground Surface Elevation (ft msl): 97
Date of Exploration: 9/27/2022

Depth (ft)	Water Level	Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Blows per 6 Inches	N_{60} value	Moisture Content (%)	% Passing #200 Sieve	Liquid Limit	Plastic Limit	Pocket Pen (tsf)	Remarks
0			Topsoil - brown sandy silt with rootlets (4-inches thick)	SPT-1	2 3 5	8	30					possible landslide debris
2			Silt (MH) - orange-brown to brown sandy silt with organics (rootlets, woodchips and charcoal) and gravel, moist, medium stiff to stiff	SPT-2	2 3 4	7	30					
4				SPT-3	3 4 5	9	35				1.50	
6			purple consolidated soil encountered	SPT-4	2 4 6	10	35				2.00	
8			gray mottling encountered	SPT-5	4 5 6	11	35				2.50	
10			purple-gray hard soil encountered at base of split spoon	SPT-6	4 4 4	8	32				2.00	
12				SPT-7	3 4 5	9	35				1.50	possible landslide debris
14			Clay (CH) - brown to gray clay with trace sand and rootlets, moist, stiff									
16												drilling difficulty increased
18												
20			Claystone (CH) - gray claystone with trace sand, moist, hard	SPT-8	38 50/5	50	19	94	98	23	4.5+	
22												
24												
26												
28												
30												

Notes : Boring terminated at a depth of approximately 21 feet below ground surface (bgs). Groundwater was not encountered at the time of our exploration. Boring backfilled with bentonite chips on 9/27/2022. Approximate elevation from undated, untitled site plan prepared by Tolovana Architects.

Appendix C: Boring B-3

Earth Engineers, Inc.

Client: Jeff Taylor
Project: Proposed Taylor Single Family Residence
Site Address: 1956 South Hemlock Street,
Cannon Beach, Clatsop County, Oregon
Location of Exploration: See Appendix B
Logged By: Jacqui Boyer

Report Number: 22-214-1
Drilling Contractor: Dan J Fischer Excavating, Inc.
Drilling Method: Solid Stem Auger w/ SPT Hammer
Drilling Equipment: Big Beaver Portable Drill Rig
Approximate Ground Surface Elevation (ft msl): 89
Date of Exploration: 9/27/2022

Depth (ft)	Water Level	Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Blows per 6 Inches	N_{60} value	Moisture Content (%)	% Passing #200 Sieve	Liquid Limit	Plastic Limit	Pocket Pen (tsf)	Remarks
0			Silt (MH) - orange-brown to brown sandy silt with organics (roots, rootlets, woodchips and charcoal) and trace gravel, moist to wet, soft to stiff	SPT-1	1 1 1	2	29					possible landslide debris
2												
4				SPT-2	3 2 4	6	30				1.50	
6				SPT-3	4 7 7	14	31				2.50	
8			purple consolidated soil encountered	SPT-4	3 5 5	10	33				1.75	
10				SPT-5	3 5 7	12	33				2.75	
12				SPT-6	3 3 4	7	31				2.50	
14												
16	▼		Clay (CH) - gray to brown clay with trace sand and rootlets, moist to wet, stiff	SPT-7	3 4 5	9	39				2.75	possible landslide debris
18												drilling difficulty increased
20			Claystone (CH) - gray claystone with trace sand, moist, hard	SPT-9 SPT-8	29 50/5	50	25				4.5+	
22					40 50/2	50	22				4.5+	very slow drilling (1 foot in 20 minutes)
24												
26												
28												
30												

Notes : Boring terminated at a depth of approximately 22 feet below ground surface (bgs). Groundwater was encountered at approximately 17 feet bgs at the time of our exploration. Boring backfilled with bentonite chips on 9/27/2022. Approximate elevation from undated, untitled site plan prepared by Tolovana Architects.

Appendix C: Boring B-4

Earth Engineers, Inc.

Client: Jeff Taylor
Project: Proposed Taylor Single Family Residence
Site Address: 1956 South Hemlock Street,
Cannon Beach, Clatsop County, Oregon
Location of Exploration: See Appendix B
Logged By: Jacqui Boyer

Report Number: 22-214-1
Drilling Contractor: Dan J Fischer Excavating, Inc.
Drilling Method: Solid Stem Auger w/ SPT Hammer
Drilling Equipment: Big Beaver Portable Drill Rig
Approximate Ground Surface Elevation (ft msl): 79
Date of Exploration: 9/26/2022

Depth (ft)	Water Level	Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Blows per 6 Inches	N_{60} value	Moisture Content (%)	% Passing #200 Sieve	Liquid Limit	Plastic Limit	Pocket Pen (tsf)	Remarks
0			Fill - gray gravel fill (18-inches thick)	SPT-1	12 6 5	11	8					
2			Silt (MH) - orange-brown to reddish-brown to brown sandy silt with organics (roots, rootlets, woodchips and charcoal) and gravel, moist, medium stiff to stiff	SPT-2	10 5 4	9	43	73				possible landslide debris
4												
6				SPT-3	3 3 4	7	37					
8			gray soil encountered at base of split spoon	SPT-4	2 2 3	5	37					
10			Clay (CH) - gray to brown clay with trace sand and rootlets, moist, stiff	SPT-5	2 3 9	12	23				2.00	possible landslide debris very slow drilling (3 feet in 20 minutes)
12												
14			Claystone (CH) - gray claystone with trace sand, moist, very stiff to hard	SPT-6	25 50/5	50	17	91				
16												
18												
20												
22												
24												
26												
28												
30												

Notes : Boring terminated at a depth of approximately 14 feet below ground surface (bgs). Groundwater was not encountered at the time of our exploration. Boring backfilled with bentonite chips on 9/26/2022. Approximate elevation from undated, untitled site plan prepared by Tolovana Architects.

APPENDIX D: SOIL CLASSIFICATION LEGEND

APPARENT CONSISTENCY OF COHESIVE SOILS (PECK, HANSON & THORNBURN 1974, AASHTO 1988)				
Descriptor	**SPT N_{60} (blows/foot)***	**Pocket Penetrometer, Qp (tsf)**	**Torvane (tsf)**	**Field Approximation**
Very Soft	< 2	< 0.25	< 0.12	Easily penetrated several inches by fist
Soft	2 – 4	0.25 – 0.50	0.12 – 0.25	Easily penetrated several inches by thumb
Medium Stiff	5 – 8	0.50 – 1.0	0.25 – 0.50	Penetrated several inches by thumb w/moderate effort
Stiff	9 – 15	1.0 – 2.0	0.50 – 1.0	Readily indented by thumbnail
Very Stiff	16 – 30	2.0 – 4.0	1.0 – 2.0	Indented by thumb but penetrated only with great effort
Hard	> 30	> 4.0	> 2.0	Indented by thumbnail with difficulty

* Using SPT N_{60} is considered a crude approximation for cohesive soils.

APPARENT DENSITY OF COHESIONLESS SOILS (AASHTO 1988)	
Descriptor	**SPT N_{60} Value (blows/foot)**
Very Loose	0 – 4
Loose	5 – 10
Medium Dense	11 – 30
Dense	31 – 50
Very Dense	> 50

MOISTURE (ASTM D2488-06)	
Descriptor	**Criteria**
Dry	Absence of moisture, dusty, dry to the touch, well below optimum moisture content (per ASTM D698 or D1557)
Moist	Damp but no visible water
Wet	Visible free water, usually soil is below water table, well above optimum moisture content (per ASTM D698 or D1557)

PERCENT OR PROPORTION OF SOILS (ASTM D2488-06)	
Descriptor	**Criteria**
Trace	Particles are present but estimated < 5%
Few	5 – 10%
Little	15 – 25%
Some	30 – 45%
Mostly	50 – 100%
Percentages are estimated to nearest 5% in the field. Use "about" unless percentages are based on laboratory testing.	

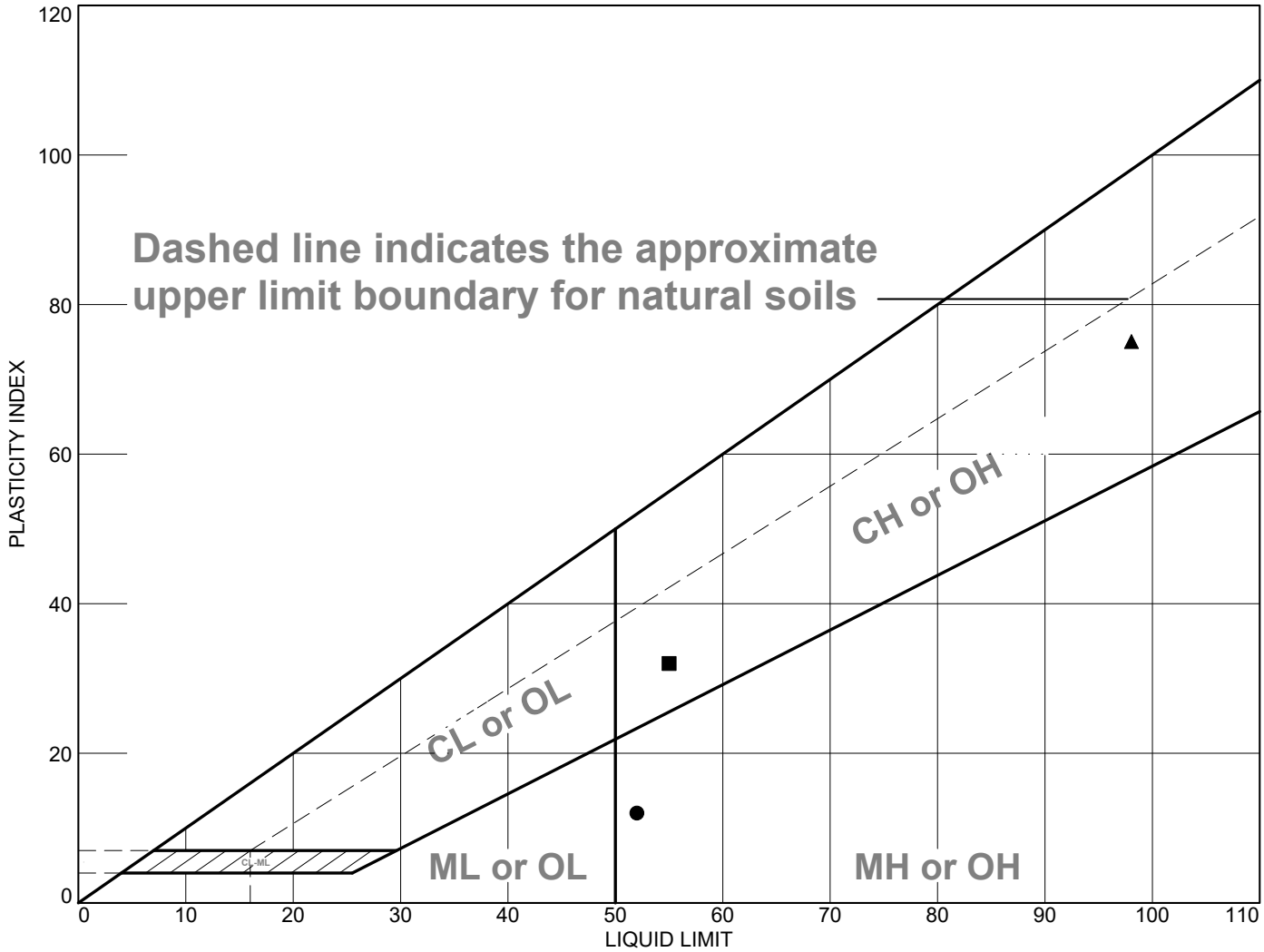
SOIL PARTICLE SIZE (ASTM D2488-06)	
Descriptor	**Size**
Boulder	> 12 inches
Cobble	3 to 12 inches
Gravel - Coarse Fine	¾ inch to 3 inches No. 4 sieve to ¾ inch
Sand - Coarse Medium Fine	No. 10 to No. 4 sieve (4.75mm) No. 40 to No. 10 sieve (2mm) No. 200 to No. 40 sieve (.425mm)
Silt and Clay ("fines")	Passing No. 200 sieve (0.075mm)

UNIFIED SOIL CLASSIFICATION SYSTEM (ASTM D2488)				
Major Division			**Group Symbol**	**Description**
Coarse Grained Soils (more than 50% retained on #200 sieve)	**Gravel** (50% or more retained on No. 4 sieve)	Clean Gravel	GW	Well-graded gravels and gravel-sand mixtures, little or no fines
			GP	Poorly graded gravels and gravel-sand mixtures, little or no fines
		Gravel with fines	GM	Silty gravels and gravel-sand-silt mixtures
			GC	Clayey gravels and gravel-sand-clay mixtures
	Sand (> 50% passing No. 4 sieve)	Clean sand	SW	Well-graded sands and gravelly sands, little or no fines
			SP	Poorly-graded sands and gravelly sands, little or no fines
		Sand with fines	SM	Silty sands and sand-silt mixtures
			SC	Clayey sands and sand-clay mixtures
Fine Grained Soils (50% or more passing #200 sieve)	**Silt and Clay** (liquid limit < 50)		ML	Inorganic silts, rock flour and clayey silts
			CL	Inorganic clays of low-medium plasticity, gravelly, sandy & lean clays
			OL	Organic silts and organic silty clays of low plasticity
	Silt and Clay (liquid limit > 50)		MH	Inorganic silts and clayey silts
			CH	Inorganic clays or high plasticity, fat clays
			OH	Organic clays of medium to high plasticity
Highly Organic Soils			PT	Peat, muck and other highly organic soils

Earth Engineers, Inc.

GRAPHIC SYMBOL LEGEND		
GRAB		Grab sample
SPT		Standard Penetration Test (2" OD), ASTM D1586
ST		Shelby Tube, ASTM D1587 (pushed)
DM		Dames and Moore ring sampler (3.25" OD and 140-pound hammer)
CORE		Rock coring

APPENDIX E - ATTERBERG TEST REPORTS



	MATERIAL DESCRIPTION	LL	PL	PI	%<#40	%<#200	USCS
●	elastic silt with sand	52	40	12	100	84.5	MH
■	fat clay	55	23	32	100	94.6	CH
▲	fat clay	98	23	75	100	93.9	CH
◆							
▼							

Project No. 22-214 **Client:** Jeff Taylor

Project: Proposed Taylor Single Family Residence

● **Source of Sample:** Boring B-1 **Depth:** 5'

■ **Source of Sample:** Boring B-1 **Depth:** 25'

▲ **Source of Sample:** Boring B-2 **Depth:** 20'

Earth Engineers, Inc.

APPENDIX F:

NEARBY HISTORIC WELL LOGS

CLAT 55203

STATE OF OREGON
GEOTECHNICAL HOLE REPORT
(as required by OAR 690-240-0035)

2/25/2020

(1) OWNER/PROJECT

Hole Number B1

PROJECT NAME/NBR: NAZINA CONSTRUCTION

First Name ANITA Last Name BAURER
Company EARTH ENGINEERS
Address 2411 SE 8TH AV
City CAMAS State WA Zip 98607

(2) TYPE OF WORK

[X] New [ ] Deepening [X] Abandonment
[ ] Alteration (repair/recondition)

(3) CONSTRUCTION

[ ] Rotary Air [ ] Hand Auger [ ] Hollow stem auger
[X] Rotary Mud [ ] Cable [ ] Push Probe
[ ] Other

(4) TYPE OF HOLE:

(●) Uncased Temporary ( ) Cased Permanent
( ) Uncased Permanent ( ) Slope Stablity
( ) Other
Other:

(5) USE OF HOLE

SOIL SAMPLING AND INVESTIGATION

(6) BORE HOLE CONSTRUCTION

Special Standard [ ] (Attach copy)
Depth of Completed Hole 36.50 ft.

BORE HOLE Dia	From	To	SEAL Material	From	To	Amt	sacks/ lbs
5	0	36.5					

Backfill placed from ____ ft. to ____ ft. Material ____
Filter pack from ____ ft. to ____ ft. Material ____ Size ____

(7) CASING/SCREEN

Casing	Screen	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
( )	( )		[ ]				( )	( )	[ ]	[ ]
( )	( )		[ ]				( )	( )	[ ]	[ ]
( )	( )		[ ]				( )	( )	[ ]	[ ]
( )	( )		[ ]				( )	( )	[ ]	[ ]
( )	( )		[ ]				( )	( )	[ ]	[ ]

(8) WELL TESTS

( ) Pump ( ) Bailer ( ) Air ( ) Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration(hr)

Temperature ____ °F Lab analysis [ ] Yes By ____

Supervising Geologist/Engineer ____

Water quality concerns? [ ] Yes (describe below) TDS amount ____

From	To	Description	Amount	Units

(9) LOCATION OF HOLE (legal description)

County CLATSOP Twp 5.00 N N/S Range 10.00 W E/W WM
Sec 31 NE 1/4 of the NE 1/4 Tax Lot 1300
Tax Map Number ____ Lot ____
Lat ° ' " or ____ DMS or DD
Long ° ' " or ____ DMS or DD

( ) Street address of hole (●) Nearest address

S. HEMLOCK AVE AND NAZINA AVE CANNON BEACH OR

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Predeepening			[ ]	
Completed Well	2/20/2020		[ ]	16.5

Flowing Artesian? [ ]
Depth water was first found 20.00

WATER BEARING ZONES

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)
2/19/2020	20	25			[ ]	16.5
					[ ]	
					[ ]	
					[ ]	
					[ ]	

(11) SUBSURFACE LOG

Ground Elevation ____

Material	From	To
Fill	0	2.5
Brown Silty Sand	2.5	5
Reddish Gray Brown Silty Sand w/ Gravel	5	20
Gray Silty Sand w/ Weather Siltstone	20	25
Gray Siltstone	25	36.5

Date Started 2/19/2020 Completed 2/19/2020

(12) ABANDONMENT LOG:

Material	From	To	Amt	sacks/ lbs
Bentonite Chips	0	36.5	14	S

Date Started 2/19/2020 Completed 2/19/2020

Professional Certification (to be signed by an Oregon licensed water or monitoring well constructor, Oregon registered geologist or professional engineer).

I accept responsibility for the construction, deepening, alteration, or abandonment work performed during the construction dates reported above. All work performed during this time is in compliance with Oregon geotechnical hole construction standards. This report is true to the best of my knowledge and belief.

License/Registration Number 1980 Date 2/25/2020

First Name KEVIN Last Name CHAMBERS
Affiliation PLI SYSTEMS

ORIGINAL - WATER RESOURCES DEPARTMENT
THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK

Form Version:

GEOTECHNICAL HOLE REPORT - continuation page

CLAT 55203

2/25/2020

(6) BORE HOLE CONSTRUCTION

BORE HOLE

Dia	From	To

SEAL

Material	From	To	Amt	sacks/ lbs

FILTER PACK

From	To	Material	Size

(7) CASING/SCREENS

Casing	Screen	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
○	○						○	○		
○	○						○	○		
○	○						○	○		
○	○						○	○		
○	○						○	○		
○	○						○	○		
○	○						○	○		
○	○						○	○		
○	○						○	○		

(8) WELL TESTS

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)

Water Quality Concerns

From	To	Description	Amount	Units

Comments/Remarks

Armando Soto was well driller

(10) STATIC WATER LEVEL

Water Bearing Zones

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)

(11) SUBSURFACE LOG

Material	From	To

(12) ABANDONMENT LOG

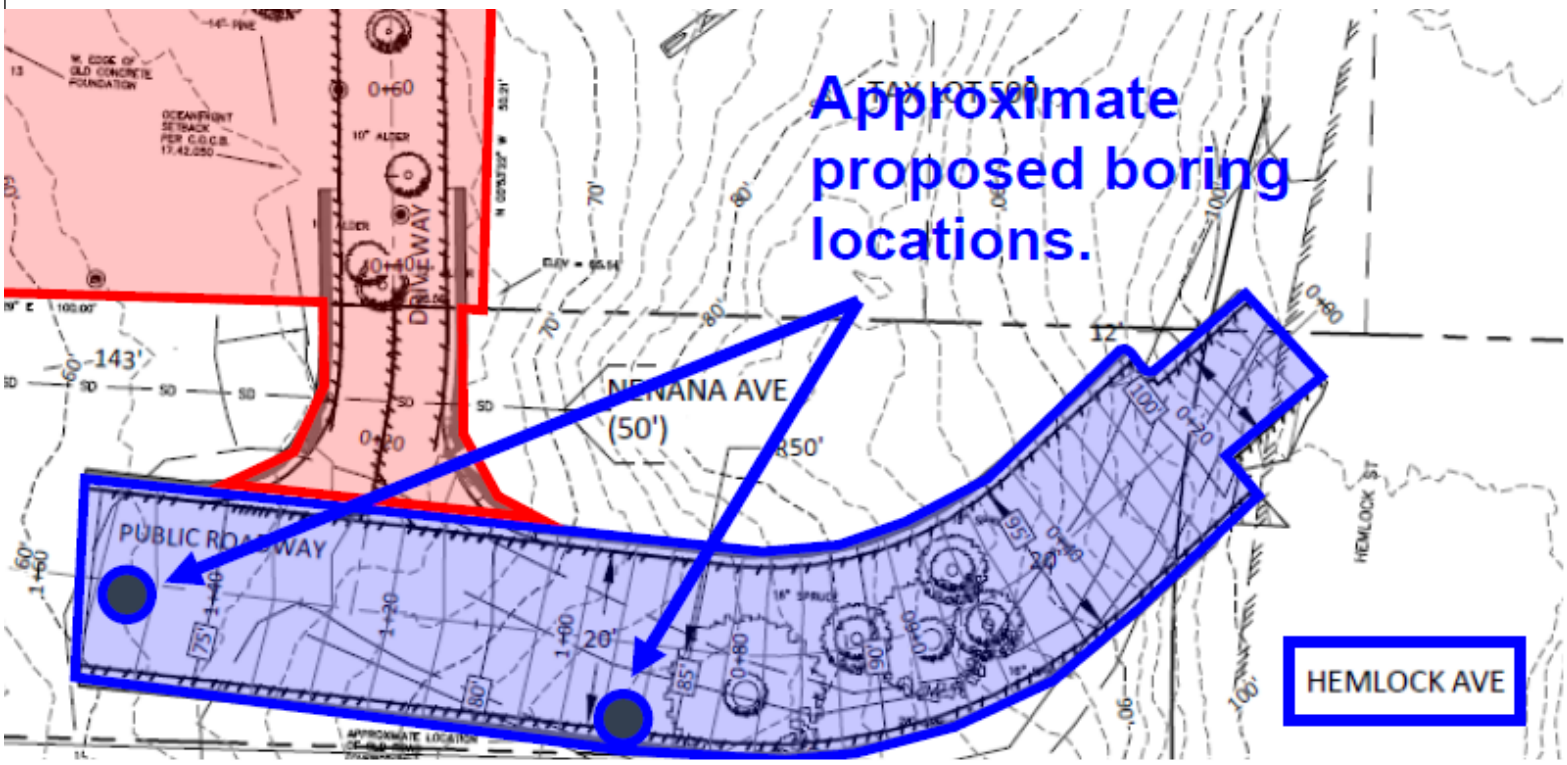
Material	From	To	Amt	sacks/ lbs

GEOTECHNICAL HOLE REPORT - Map with location identified must be attached and shall include an approximate scale and north arrow

CLAT 55203

2/25/2020

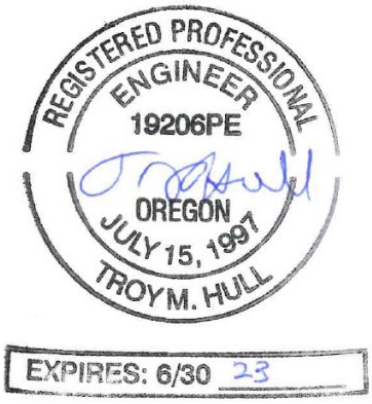
Map of Hole



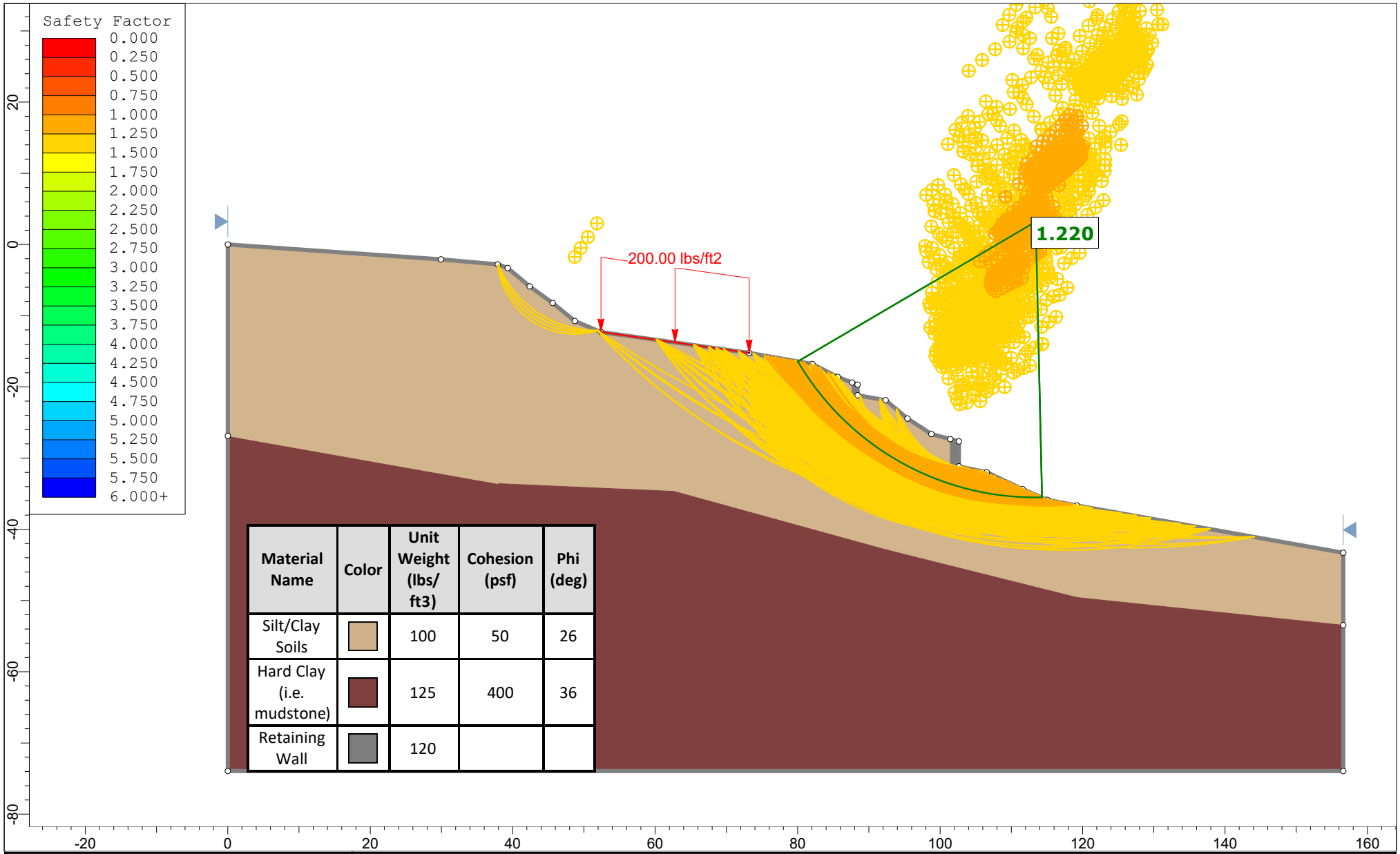
APPENDIX G:

SLOPE STABILITY ANALYSIS

The attached slope stability calculations were performed under my supervision.



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

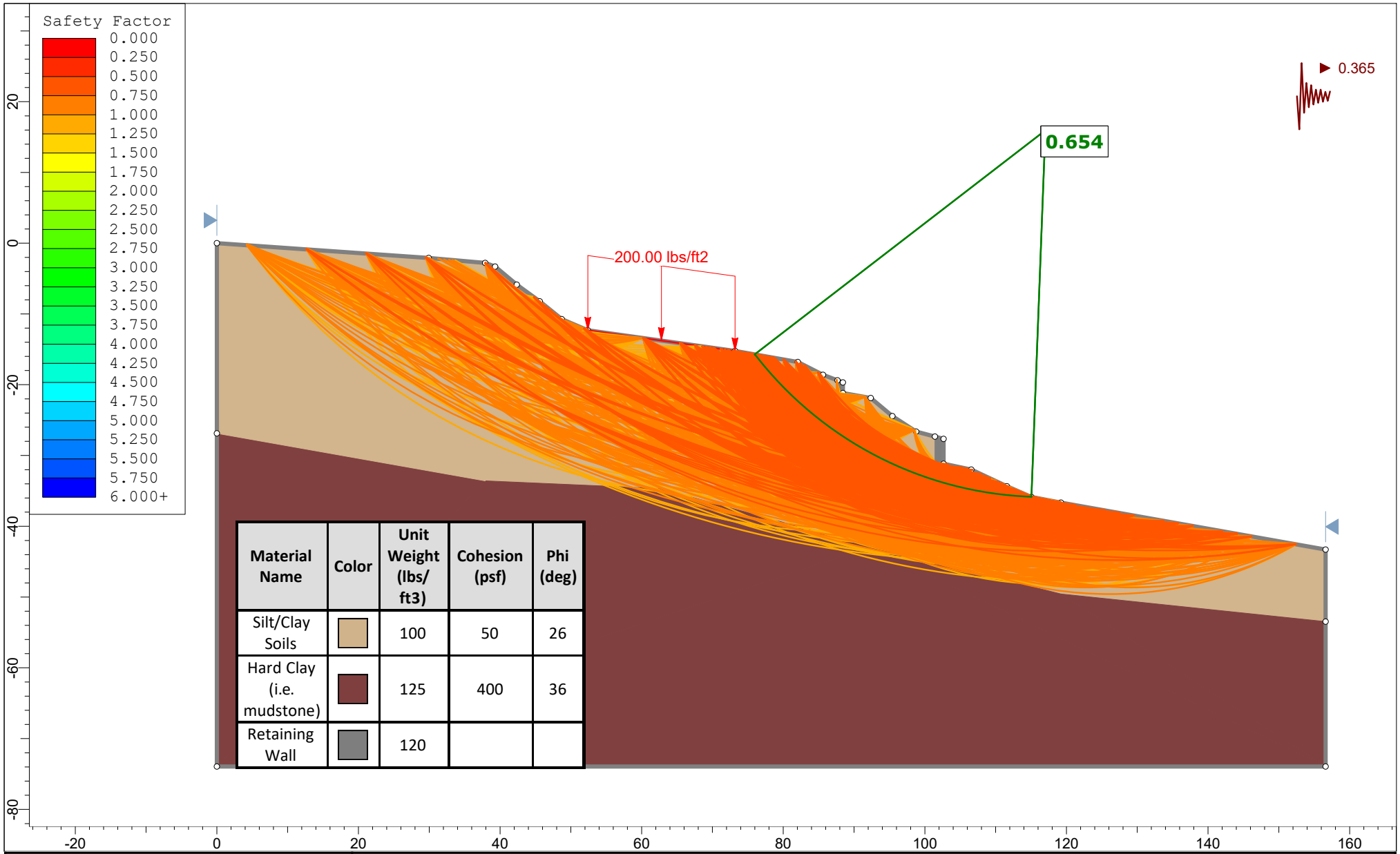


Material Name	Color	Unit Weight (lbs/ ft3)	Cohesion (psf)	Phi (deg)
Silt/Clay Soils		100	50	26
Hard Clay (i.e. mudstone)		125	400	36
Retaining Wall		120		

rocscience

SLIDEINTERPRET 9.018

Project	Proposed Taylor Single Family Residence		
Group	Group 1	*Scenario*	Existing, static
Drawn By	JB	*Company*	EEI
Date	10/18/2022, 2:57:11 PM	*File Name*	Taylor Analysis.slmd



Material Name	Color	Unit Weight (lbs/ ft3)	Cohesion (psf)	Phi (deg)
Silt/Clay Soils		100	50	26
Hard Clay (i.e. mudstone)		125	400	36
Retaining Wall		120		

rocscience

SLIDEINTERPRET 9.018

Project	Proposed Taylor Single Family Residence		
Group	Group 1	Scenario	Exisitng, seismic
Drawn By	JB	Company	EEI
Date	10/18/2022, 2:57:11 PM	File Name	Taylor Analysis.slmd

APPENDIX H:

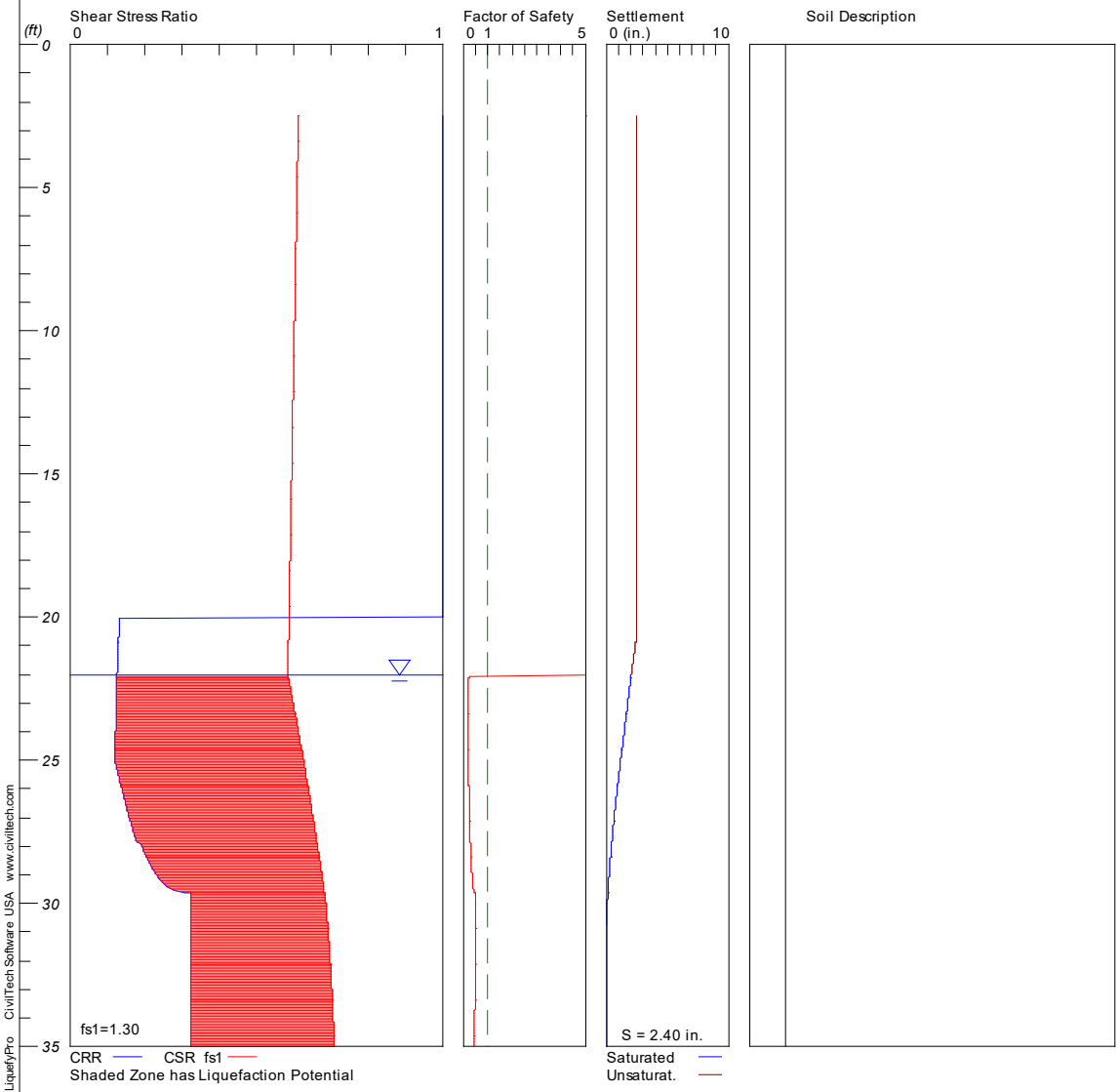
LIQUEFACTION ANALYSIS

LIQUEFACTION ANALYSIS

Taylor SFR

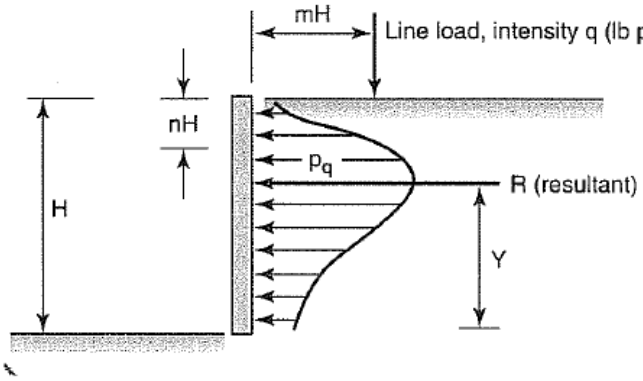
Hole No.=B-1 Water Depth=22 ft Surface Elev.=111

Magnitude=8.88
Acceleration=0.730g



APPENDIX I: SURCHARGE-INDUCED LATERAL EARTH PRESSURES FOR WALL DESIGN

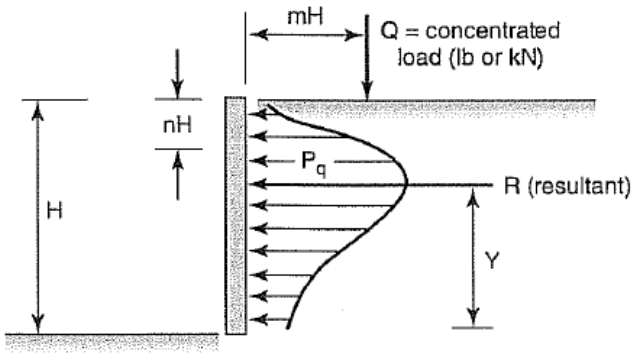
LINE LOAD (applicable for retaining walls not exceeding 20 feet in height):



m	R	Y
0.2	0.55q	0.60 H
0.4	0.55q	0.58 H
0.6	$\frac{0.64q}{m^2+1}$	0.52 H

Figure 16-28 Pressure distribution against vertical wall resulting from line load of intensity *q*.

CONCENTRATED POINT LOAD (applicable for retaining walls not exceeding 20 feet in height):



m	R	Y
0.2	$0.78\frac{Q}{H}$	0.59 H
0.4	$0.78\frac{Q}{H}$	0.59 H
0.6	$0.48\frac{Q}{H}$	0.48 H

Figure 16-27 Pressure distribution against vertical wall resulting from point load, Q.

AREAL LOAD:

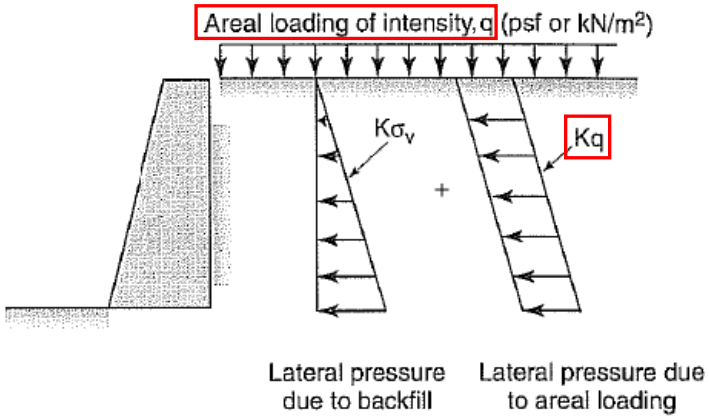
Figure 16-26 Influence of areal loading on wall pressures.

use K=0.4 for active condition (i.e. top of wall allowed to deflect laterally)

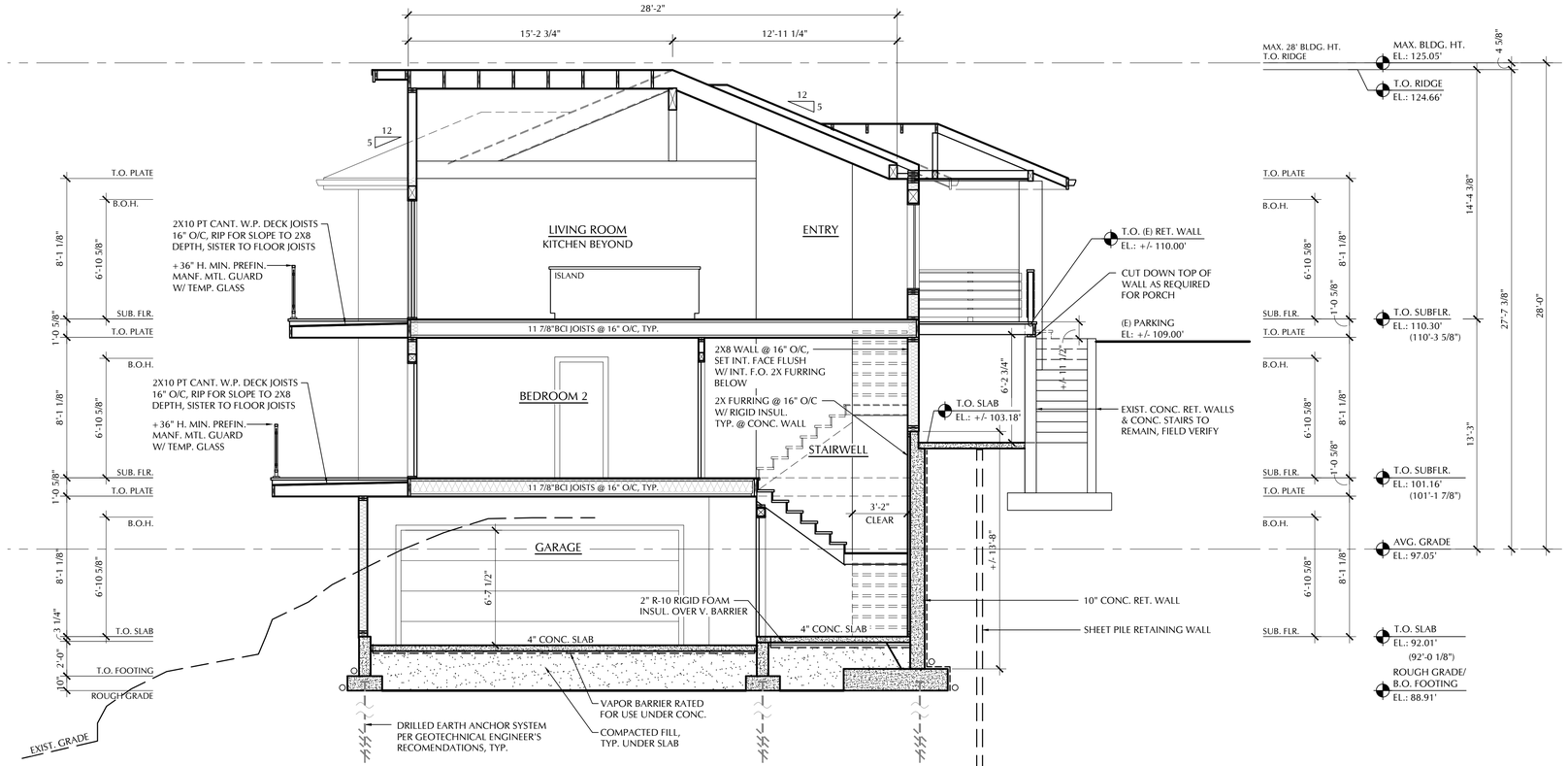
use K=0.9 for at-rest condition (i.e. top of wall not allowed to deflect laterally)

Resultant, R = K * q * H

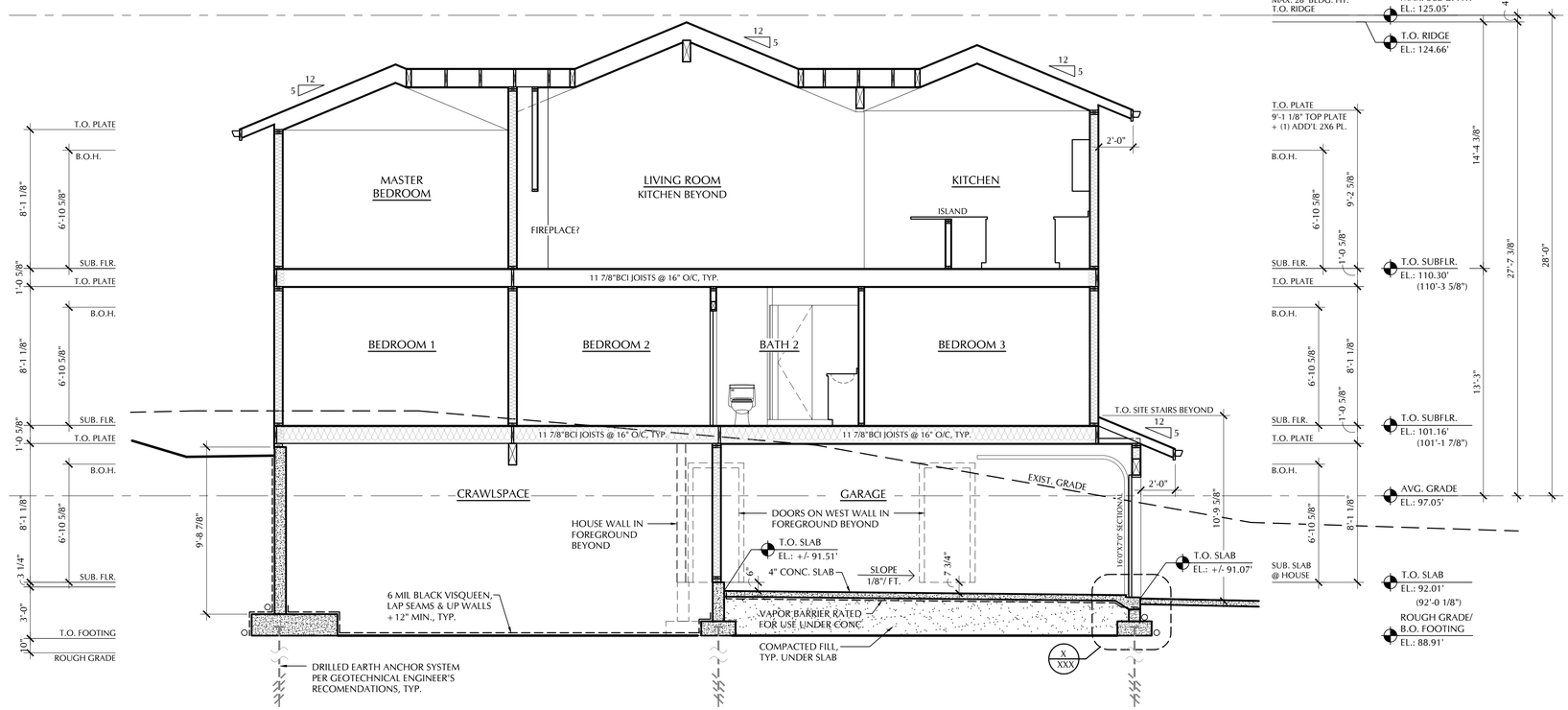
Where H = wall height (feet)



Source of Figures: McCarthy, D.F., 1998, "Essentials of Soil Mechanics and foundations, Basic Geotechnics, Fifth Edition."



1 A3.1 E/W SECTION
1/4" = 1'-0"



2 A3.1 N/S SECTION THRU GARAGE
1/4" = 1'-0"

Plotted on May 15, 2023 - 8:39am
Xrefs: xr_24x36_title block_2020 xr_poststamp XR_SECTIONS
C:\Users\rahn\Tolovana Architects Dropbox\Projects_Active\Taylor 1956 Hemlock\ACAD\SHEET SETS\

Tolovana Architect LLC
P.O Box 648
Tolovana Park, Oregon 97145

PRELIMINARY

HOUSE PLANS FOR
TAYLOR RESIDENCE
1956 HEMLOCK
CANNON BEACH, OREGON

MARK	DATE	DESCRIPTION

DATE: 5-15-2023
JOB:
FILE:
DRAWN: RA
CHECKED: DV

COPYRIGHT
TOLOVANA ARCHITECTS, LLC
2023

SECTIONS

A3.1

CANNON BEACH COMMUNITY DEVELOPMENT
163 E. GOWER ST.
PO BOX 368
CANNON BEACH, OR 97110

Cannon Beach Planning Commission

Staff Report Addendum (May 18, 2023):

PUBLIC HEARING AND CONSIDERATION OF SR#23-05 AND VAC#23-01 FOR THE PURPOSE OF REDUCING THE REQUIRED SETBACK IN ORDER TO CONSTRUCT A COVERED ENTRANCE CANOPY AND PROVIDE SPACE FOR REQUIRED OFF-STREET PARKING. THE PROPERTY IS LOCATED AT 268 BEAVER AVE. (TAX LOT# 4000, 4100, 4101, 4200, AND 4301, MAP 51020CB) IN AN INSTITUTIONAL (IN) ZONE. THE REQUEST WILL BE REIVEWED UNDER MUNICIPAL CODE SECTION 17.64 SETBACK REDUCTION AND SECTION 12.32, STREET AND ALLEY VACATION, PROVISIONS ESTABLISHED.

Agenda Date: May 25, 2023

Prepared By: Robert St. Clair, Planner
Community Development Department

GENERAL INFORMATION

NOTICE

Public notice for this May 25, 2023 Public Hearing is as follows:

A. Notice was posted at area Post Offices on May 5, 2023;

B. Notice was mailed on May 5, 2023 to surrounding landowners within 100' of the exterior boundaries of the property.

DISCLOSURES

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

EXHIBITS

The following Exhibits are attached hereto as referenced. All application documents were received at the Cannon Beach Community Development office on March 30, 2023 unless otherwise noted.

"A" Exhibits – Application Materials

A-12 Revised Setback Reduction Application for SR#23-01, submitted May 16, 2023;

A-13 Revised Street Vacation Application for VAC#23-01, submitted May 16, 2023;

A-14 Revised Applicant Exhibit A, Proposed Site Plan, submitted May 16, 2023;

A-15 Revised Applicant Exhibit B, Existing Conditions Site Plan, submitted May 16, 2023;

A-16 Revised Applicant Exhibit C, Proposed Site Plan, submitted May 16, 2023;

A-17 Revised Applicant Exhibit E, Project Description for Requested Variance for Reduction in Off-Street Parking Requirements, submitted May 16, 2023;

A-18 Revised Applicant Exhibit F, Legal Description for Proposed Right-of-Way Vacation, submitted May 16, 2023;

A-19 Revised Applicant Exhibit G, Legal Description for Proposed Access Easement, submitted May 16, 2023;

"B" Exhibits – Agency Comments

None received as of this writing;

"C" Exhibits – Cannon Beach Supplements

C-1 Planning Commission findings for Variance V23-01 for an off-street parking variance at the former Cannon Beach Elementary School, dated January 26, 2023;

"D" Exhibits – Public Comment

D-1 Robert Maloney comment, received April 20, 2023;

D-2 Robert Maloney comment Photos, received April 23, 2023;

D-3 Robert Maloney comment, received April 21, 2023;

D-4 Jeffrey Kleinman comment, received April 26, 2023;

SUMMARY & BACKGROUND

CIDA, on behalf of the City of Cannon Beach, is seeking a setback reduction of the front portion of the property facing Beaver St. and the vacation of a portion of the Beaver St. right-of-way. The purpose of the setback reduction is to accommodate planned pedestrian improvements and amenities for the former elementary school's adaptive reuse project. The vacation proposal is intended to remedy issues relating to pedestrian access and provide a location for off-street parking to be provided at the property.

The former elementary school building is a pre-existing non-conforming structure which is built out to the property's southern boundary line. Planned pedestrian improvements include new and wider sidewalks along the north side of Beaver St. and an entry pavilion that will be located along the front of the gym building and a planned addition that will connect the gym to the classroom building. A change in the setback requirements will also increase the amount of space between the building's entrance and sidewalks and vehicle traffic on Beaver St.

The vacation will provide a location where off-street parking requirements can be met without necessitating significant alterations to the site plan or using space north of the structures to provide parking. In January 2023 the Commission approved an off-street parking variance (V#23-01) which reduced the number of required off-street parking stalls from 31 to 7. During that public hearing the Commission heard the applicant's intention to place angled parking along the Beaver St. in conjunction with modification to that street's right-of-way. The applicant's plan, shown on Exhibit A-5 (Applicant's Exhibit A) shows 7 angled parking spaces adjacent to Beaver St. with two of those spaces being ADA accessible.

These applications were introduced to the Planning Commission during its April 2023 meeting, however at the request of the applicant it was removed from the agenda and moved to a May hearing in order to allow the applicant an opportunity to revise the proposals in response to comments received by the owner of 379 & 381 Spruce St., Taxlot 51020CB04304. The original proposal to convert Beaver and Antler Streets to a one-way configuration has been replaced with a new configuration that retains a two way traffic pattern.

APPLICABLE CRITERIA

Chapter 17.36.040 Institutional (IN) Zoning District, Standards

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

A. *Setbacks. Structures adjoining another zone or public right-of-way shall be set back twenty-five feet. No parking shall be permitted in this setback. Existing structures, at the time of adoption of the ordinance codified in this title, shall maintain their setbacks. Where parking occurs in the setback area, such use may continue.*

B. *Building Height. Maximum height of a structure is twenty-eight 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 thirty-six feet.*

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

D. *Parking. As allowed by Section 17.78.020.*

E. *Access. The provision of consolidated street access points shall be considered in site design. Street access should be located to minimize the impact on adjacent residential areas.*

F. *Design Review. All uses shall be evaluated under Chapter 17.44, Design Review Procedures and Criteria.*

Staff Comment: The structures currently present are pre-existing non-conformities that were constructed prior to the adoption of the Comprehensive Plan and the zoning ordinances that implement it and provide little in the way of a setback from Beaver St. The proposed changes to the Beaver St. right-of-way will not be provide an adequate amount of space to make the structure compliant with current standards. However, even with the proposed entry area the setback would be increased to a total of 15 feet which would be a significantly larger setback than that currently present.

Off-street parking requirements are being addressed through Variance V#23-01 which was approved by the Planning Commission in January 2023 and the street vacation application that accompanies this setback reduction application.

Other criteria of the IN zone's development standards, such as Design Review requirements and signage will be addressed at a later date as the revitalization project's plans have not yet been finalized.

17.64, Setback Reduction

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

Staff Comment: The applicant's materials state that the site is 113,512 square feet and the Proposed Site Plan in Exhibit A-14 shows the site will ultimately be developed with the following buildings:

- Classroom building: 2,940 sf (4,880 sf existing at present with 1,940 sf planned to be demolished)
- Gym building: 7,415 sf
- Food bank: 1,917 sf
- Planned addition: 2,170 sf

The total square footage will be 14,442 square feet which comes to approximately 12.7% building coverage. Meets criteria.

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

Staff Comment: There are no identified significant impacts to any views of the ocean, mountains, or other features as a result of this proposal. Meets criteria.

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

Staff Comment: There are no identified significant impacts to solar access for adjacent property owners as a result of this proposal. Meets criteria.

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

a. Tree protection,

b. The protection of a neighboring property's views of the ocean, mountains or similar natural features,

c. The maintenance of a stream corridor or avoidance of geologic hazards or other difficult topography,

d. The provision of solar access,

e. Permitting construction on a lot with unusual configuration,

f. Rehabilitation of existing buildings where other reasonable alternatives do not exist,

g. Protection of a wetland or wetland buffer area, or

h. Permitting construction on an oceanfront lot where the effect of the application of the oceanfront setback requirement of Section 17.42.050(A)(6) reduces the depth of the lot located within the required setbacks to less than forty percent of the lot's depth. Under this standard, a reduction in the required setback shall be considered only in the setback opposite of the required oceanfront setback.

Staff Comment: There are no identified significant impacts to privacy, drainage, light, air, noise reduction, and fire safety for adjacent property owners as a result of this proposal. Criterion f, *Rehabilitation of existing structures where other reasonable alternatives do not exist*, applies to the entrance pavilion that is planned to be constructed in the front setback area. The applicant's materials indicate that the pavilion's location in the existing breezeway is the only practical location given the limitations of the site that can provide a safe primary entrance. Meets criteria.

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

Staff Comment: The applicant's materials state that the City's Public Works department has been consulted regarding this proposal and no concerns have been raised regarding impacts to public utility placement. Meets criteria.

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

Staff Comment: The applicant's materials state that the proposed setback reduction, in combination with the proposed street vacation, would result in the creation of additional space between structures on the subject property and vehicle traffic while improving pedestrian access. The Proposed Site Plan included as Exhibit A-16 shows Beaver St. reduced to a 30 feet right-of-way with a 15-foot setback between the lane of travel and the proposed covered walkway. Meets criteria.

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

Staff Comment: There are no identified significant changes to the amount of privacy enjoyed by adjacent property owners as a result of this proposal. Meets criteria.

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

Staff Comment: There are no identified significant impacts to the ability to provide fire protection to the site's buildings or surrounding structures as a result of this proposal. Meets criteria.

Chapter 12.32 Street and Alley Vacation

12.32.010 Statutory Requirements.

A request to vacate all or part of any street or alley shall be reviewed by the city in accordance with the requirements of ORS 271.005—271.160. (Ord. 90-11 § 1(1))

12.32.020 Planning Commission Recommendation.

The city council shall receive a recommendation from the Planning Commission before holding a public hearing on a request for a street vacation. (Ord. 90-11 § 1(2))

12.32.030 Review Criteria.

In reviewing a petition for a street vacation, the Planning Commission and city council shall base their recommendation and decision on the conformance of the petition with the following criteria:

A. The request is not in conflict with the comprehensive plan.

   Staff Comment: The applicant's materials indicate that the request supports the goals of the Comprehensive Plan, specifically policy #7 of the Downtown Policies which states: *The City shall continue to encourage and promote improvements to Downtown Streets and sidewalks necessary to enhance pedestrian use and safety*. The proposed design would provide an opportunity to provide a higher level of service to pedestrians in the area and accommodate anticipated increases in pedestrian traffic by persons the tourism-oriented facility. It is noted that as the site will have a relatively low level of off-street parking the majority of visitors will arrive on foot or by public transit. This is consistent with the Comprehensive Plan's vision statement which requires the fostering of visually attractive commercial areas that incorporate a high degree of pedestrian amenities. Meets criteria.

B. There is a valid public purpose for the street vacation. Returning the vacated street to the tax rolls shall not be considered sufficient to establish a valid public purpose.

   Staff Comment: This request follows the Planning Commission's approval of the off-street parking variance in V#23-01 that reduced the required level of parking from 31 to 7 stalls. That application was approved with the understanding that the Beaver St. right-of-way would be reconfigured to accommodate the required parking in a way that does not necessitate creating a parking area north of the facility's structures. Based on public comment, the applicant has revised the proposed parking layout and resulting easement to offer additional space between parked cars along N. Beaver St. and the driveway to Taxlot 51020CB04304 by adjusting the parking layout to be 90 degree parking as opposed to the previously proposed 45 degree angled

parking. The revised parking configuration meets the 9 x 18 foot minimum stall size and provides seven spaces with two of those being ADA accessible with a loading area between them. Meets criteria.

C. The request will not adversely affect the provision of public facilities and services.

Staff Comment: The rejuvenation project is intended to support tourist related functions and support local community interests such as outdoor recreation, provision of even space, and preservation of local cultural history. The facility would be positively affected by this request and providing enhanced access to the site. Meets criteria.

D. The request will not have an adverse effect on vehicular access to adjoining property, including emergency vehicle access.

Staff Comment: The applicant's materials state that the vacation requested is adjacent to an existing gravel driveway serving two single family residential properties. The City has contacted the owners of the affected properties and has proposed an access easement that would provide for the same level of vehicular access as current conditions allow. The proposed access easement can be seen in Exhibit A-19, and the proposed parking configuration with this access easement can be seen in Exhibit A-14. After marking the pavement for the northern property owner at Taxlot 51020CB04304 to reflect the easement boundary the property owner had concerns about the proximity of parked cars along N. Beaver St. and their existing driveway access. Meets criteria.

E. Streets which provide access to the ocean beaches or the Ecola Creek Estuary shall not be vacated unless an equivalent or improved public access is provided. (Ord. 90-11 § 2)

Staff Comment: The N. Beaver St. area does not provide direct access to ocean beaches or the Ecola Creek estuary. The planned improvements that would result from this vacation would improve access to the estuary and beaches to the north and west of the subject property by making those areas more accessible to pedestrians. Meets criteria.

PROCEDURAL REQUIREMENTS

This application is subject to ORS 227.178, requiring the City to take final action within 120 days after the application is deemed complete. The application was submitted on March 30, 2023 and determined to be complete on April 14, 2023. Based on this, the City must complete its review of this proposal by August 12, 2023.

The Planning Commission's May 25th hearing will be the first evidentiary hearing on this request. ORS 197.763(6) allows any party to the hearing to request a continuance. The Planning Commission should grant any request for a continuance of this hearing. The Planning Commission's next regularly scheduled hearing date is June 22, 2023.

RECOMMENDATION

Staff recommends approval, with the conditions below.

DECISION AND CONDITIONS

Motion: Having considered the evidence in the record, based on a motion by Commissioner (Name) seconded by Commissioner (Name), the Cannon Beach Planning Commission moves to (approve/approve with conditions/or deny) the CIDA application for a setback reduction, **SR# 23-05**, as discussed at this public hearing (subject to the following conditions):

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

Motion: Having considered the evidence in the record, based on a motion by Commissioner (Name) seconded by Commissioner (Name), the Cannon Beach Planning Commission moves to (recommend/not recommend) to City Council the CIDA application for a setback reduction, **VAC# 23-01**, as discussed at this public hearing.

Notice of Approval

17.44.140 Final approval expiration.

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

SR#23-05 & VAC#23-01 Site Map with Zoning Information

Taxlot and zoning information taken from City of Cannon Beach GIS records. This map is for reference only and is not a survey product.

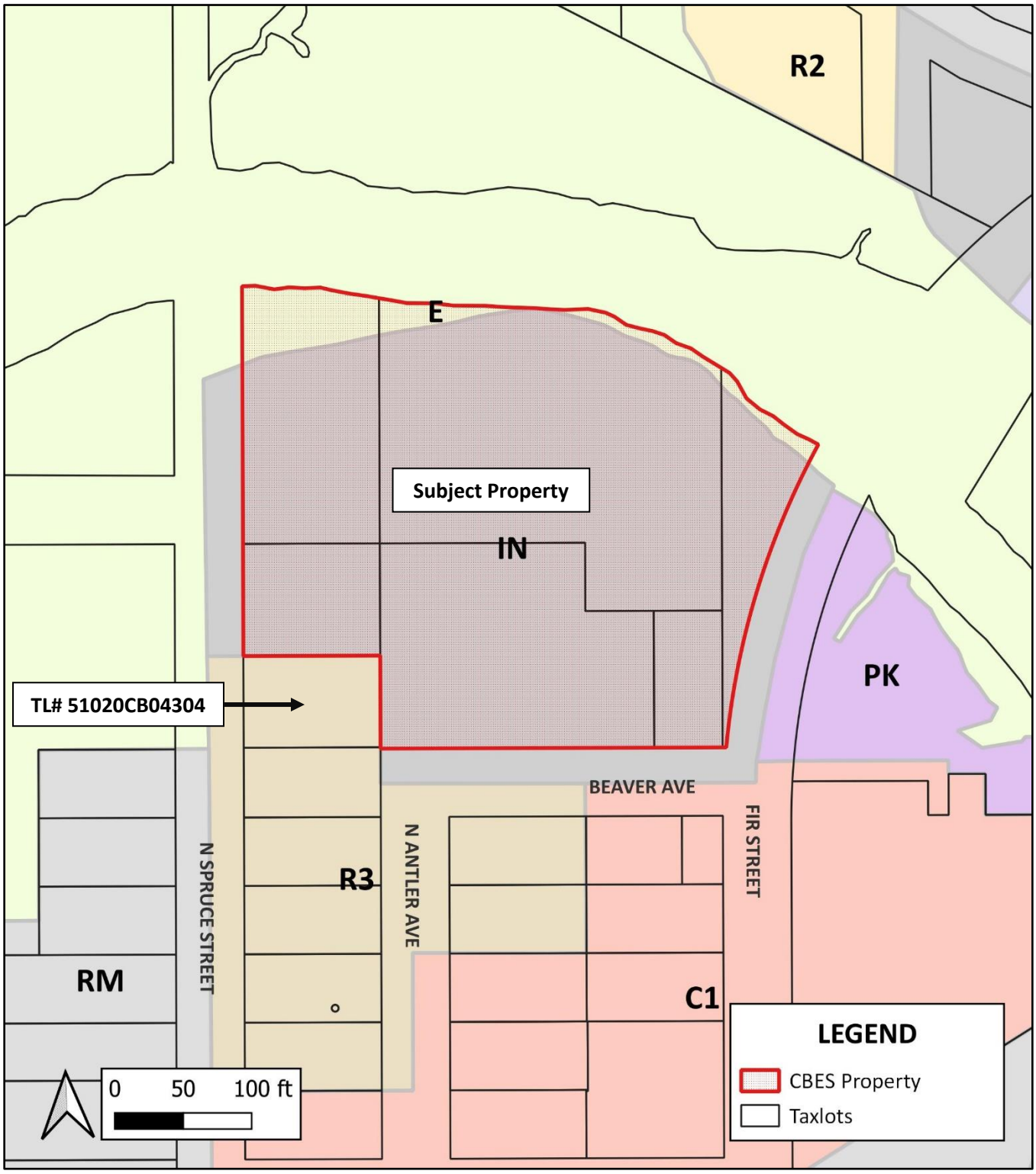


Exhibit A-12

City of Cannon Beach

SETBACK REDUCTION APPLICATION

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

Applicant Name: Kelly Douglass
Email Address: kellyd@cidainc.com
Mailing Address: 15895 SW 72nd Ave, Suite 200, Portland, OR 97224
Telephone: 503.226.1285

Property-Owner Name: City of Cannon Beach
(if other than applicant)
Mailing Address: 163 E Gower Ave, Cannon Beach, OR 97110
Telephone: 503.436.1581
Property Location: 268 Beaver St, Cannon Beach, OR 97110
(street address)
Map No.: 51020CB Tax Lot No.: 4100, 4101, 4200, 4301, 5700

SETBACK REDUCTION REQUEST:

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

The Applicant's proposal is to reduce the minimum required front yard setback of 25 ft established by Cannon Beach Municipal Code Chapter 17.36.040.A. The Applicant seeks a reduction to the setback requirement by 10 ft, therefore making the proposed setback a total of 15 ft. The goal for this application is to bring the proposed project closer to compliance with the code than what was already existing on the site while also providing safe and functional pedestrian access and improved amenities for the users of the site. This setback reduction is sought in tandem with a Request for Vacation submitted this date and also for Planning Commission consideration.

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

Please refer to attached Exhibit 'E' for a detailed description of the CBE Rejuvenation Project. Relative to this setback reduction request, Applicant proposes a covered walkway to be located within the minimum 25-foot front yard setback between the existing Gym Building and the N. Beaver Ave right-of-way. The coveredwalkway is a critical design feature for this adaptive re-use project with multiple benefits, including:

- Offers a means of wayfinding from the SE Entry Plaza to the facility's main entry which is not visible from the plaza due to the existing Gym building's encroachment on the N. Beaver Ave. right-of-way.
- Provides a physical barrier between vehicle traffic on N. Beaver Ave and the SE Plaza/Main Entry pedestrian connection, providing for safer pedestrian access for site users.
- Lowers the physical scale of the Gym Building relative to N. Beaver Ave which, as it exists currently, is not in character of existing or envisioned Downtown Cannon Beach streetscapes.
-Provides a canvas for interpretive signage, a main priority of the Clatsop-Nehalem Tribe and many local residents yearning to learn more about the rich cultural heritage of the site.
- Weather protection for pedestrians.

The proposed covered walkway extends 10 feet further towards N. Beaver Ave than the existing Gym Building does currently, however under a separate application noted above Applicant is seeking a Right-of-Way vacation along N. Beaver Ave. of 20 feet. If approved, the new location of the frontage property line with N. Beaver Ave would result in the proposed covered walkway encroaching 10 feet into the minimum 25 foot front yard setback whereas considering existing conditions the Gym Building is encroaching 20 feet into the required setback. Please refer to attached Exhibits 'B' and 'C' for the existing and proposed setback conditions.

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

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

The proposed building coverage is 12.7%. The site is 113,512 square feet (sf) and the existing food bank is 1,917 sf, the existing classroom building is 2,940 sf, the new addition is 2,170 sf, and the gym building is 7,415 sf. Therefore 14,442sf/113,512 sf is 12.7% of the site and complies with this requirement.

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

The reduction of the setback from 25 ft to 15 ft would not affect views of the ocean or mountains from adjacent properties. The three existing buildings are remaining where they are currently located on the site and this reduction helps brings the gym building closer to compliance to the setback requirement as discussed in item #2. The structure proposed to be added within the front yard setback (a covered walkway) is lower than existing buildings to remain and far enough from the single family residential lots to the west that it poses no obstruction to existing views.

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

The buildings are existing and the proposed covered walkway is low and relatively distant from adjacent properties. No elements are proposed within the requested setback reduction which would interfere with solar access on adjoining properties.

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

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

The existing Classroom Building and Gym Building are culturally significant structures for many local Cannon Beach residents and, as such, preservation of those structures to the fullest extent possible while meeting the City's program requirements for the project has been a main priority. With this in mind, the Applicant proposed several locations for a main entrance to the CBE Rejuvenation Project with the Project's main stakeholders (including the general public, City of Cannon Beach and Clatsop-Nehalem Tribal members) voting and ultimately approving the current main entry location which is located at the existing breezeway between the two structures. Understanding that a tight and likely unsafe entry sequence due to the Gym's encroachment toward N. Beaver Ave would need to be resolved, and there was no better option in meeting the above goals.

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

In meetings with the Public Works department and other City of Cannon Beach stakeholders, there have been no concerns raised regarding the width of the N. Beaver right-of-way as it relates to public utility placement.

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

The proposed setback reduction in combination with the proposed N. Beaver Ave vacation would result in creating additional space between structures on site and vehicular traffic. Furthermore, the proposed setback reduction and associated request for vacation are for purposes of improving pedestrian access. The benefits of the covered walkway for pedestrian safety and circulation facilitated by this setback reduction are itemized in Section 2 above.

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

There are two abutting properties to the site and both are single family residences located to the west of the Classroom Building. The northernmost of the two residences is situated such that it there is no direct line of sight to the proposed covered walkway structure. The southernmost property has a direct line of site but is located (at its nearest) approximately 100 feet away from the canopy structure. Given the proposed covered walkway's distance from this property and it's relatively low height, there is expected to be no reduction in privacy to this residence.

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

All minimum required fire apparatus access widths are maintained with the proposed setback reduction and no affects to the existing degree of available fire protection for adjacent buildings are expected.

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

Please see attached site plan (Exhibits 'B' and 'C') which includes all the information above.

Attach additional sheets as necessary.
Setback Application Fee: $500.00

Applicant Signature: _____ Date: 05.01.23

Property Owner Signature: _____ Date: _____

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

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

For Staff Use Only:

Received on: _____ By: _____

Fee Paid: _____ Receipt No.: _____

(Last revised March 2021)

Exhibit A-13

City of Cannon Beach

STREET AND ALLEY VACATION APPLICATION

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

Applicant Name: Kelly Douglass
Email Address: kellyd@cidainc.com
Mailing Address: 15895 SW 72nd Ave, Suite 200, Portland, OR 97224

Telephone: 503.226.1285
Property Location: 268 Beaver St, Cannon Beach, OR 97110

STREET/ALLEY VACATION REQUEST:

1. Street or alley proposed for vacation. Please attach a map of the street or portion of a street you are requesting to vacate.

   N. Beaver Ave. Please refer to attached Project Description (Exhibit 'E'), site plan (Exhibit 'A') and legal description and vacation map (Exhibit 'F')

Basis for granting the request. Explain how the request meets each of the following criteria for granting the vacation of a street or alley. Please attach additional sheets as necessary.

a. The request is not in conflict with the Comprehensive Plan.

Applicant has read the City of Cannon Beach Comprehensive Plan as it pertains to the subject site and believes that the requested partial vacation of N. Beaver Ave and associated improvements made feasible by this vacation do not pose conflict with the plan and instead lend to a higher degree of compliance with the plans vision for the Downtown Area and Cannon Beach as a whole, specifically:

Comprehensive Plan - Vision Statement, Page 5:
"The elements of the town's physical form which the plan will foster are: ....Visually attractive commercial areas which reflect the coastal location and incorporate a high degree of pedestrian amenities and landscaping."

Applicant's Response: The proposed vacation remedies a condition where an existing building encroaches 20 feet into the required 25-foot minimum front yard setback allowing for no pedestrian amenities (other than a 5' wide sidewalk) or landscaping between the site's main gathering point (the proposed SE Entry Plaza) and the main entrance to the facility. With Applicant's proposed design in considering incorporating this request for vacation, the site is able to be developed with a covered walkway along the main pedestrian transition form the SE Entry Plaza, additional room for gathering in the SE Entry Plaza, landscaping, interpretive signage and a comfortably-wide sidewalk that is dimensionally appropriate for a civic project of this nature.

Comprehensive Plan - Downtown Policies, Page 9:
"7. The City shall continue to encourage and promote improvements to Downtown streets and sidewalks necessary to enhance pedestrian use and safety."

Applicant's Response: The proposed design inclusive of this request for vacation remedies an existing condition where a maximum width of 5 feet is provided for pedestrian connection between the CBE Renevation Project's main entrance and the SE Entry Plaza due to the existing structure encroaching against the site's frontage with N. Beaver Ave. By necessity of the various types of functions the CBE Rejuvenation project is anticipated to provide, a wider accessible route and general pedestrian access is required to allow potentially large quantities of pedestrians moving at times in opposite directions. The increased pedestrian usage expected at times along this frontage with N. Beaver Ave punctuates the need for physical separation between vehicular traffic and pedestrian traffic, which would be provided by physical structure and landscape buffering made feasible by this requested vacation.

b. There is a valid public purpose for the street/alley vacation. Returning the vacated street to the tax rolls shall not be considered sufficient to establish a valid public purpose.

This request follows the Planning Commission's motion to approve Applicant's request for a reduction of off-street parking requirements from 31 stalls to 7 stalls (# V23-01). As discussed in the Staff Report for # V23-01 and corresponding exhibits, this request for partial vacation of N. Beaver Ave will result in the project being able to meet the required off-street parking for the project, as well as to better accommodate CBE visitors and pedestrians as they progress from the project's SE Entry Plaza to the facility's Main Entrance.

c. The request will not adversely affect the provision of public facilities and services.

The CBE Rejuvenation Project is a public project aimed to host tourism-related functions as well as to support local community based interests (e.g., indoor and outdoor recreation, classrooms and meeting spaces, indoor and outdoor event space, cultural history and education, etc.). This public facility will be positively affected by this request for vacation by providing enhanced vehicular and pedestrian access to the building and site. Public utilities currently located within the proposed vacation area will be relocated to be within the revised N. Beaver Ave right-of-way.

d. The request will not have an adverse effect on vehicular access to adjoining property, including emergency vehicle access.

The vacation requested is adjacent to an existing gravel driveway serving two single family residential properties. As such, the City of Cannon Beach (Owner) has contacted the owners of the two affected properties and has proposed an access easement that would provide for the same level of vehicular access as current conditions allow. After marking the pavement for the northern property owner to reflect the easement boundary the property owner had concerns about the proximity of parked cars along N. Beaver and their exisiting driveway access. The Applicant has revised the proposed parking layout and resulting easement to offer additional space between parked cars along N Beaver and the subject driveway and by adjusting the parking layout to be 90 degree parking as opposed to the previously proposed 45 degree angled parking.

e. Streets which provide access to the ocean beaches or the Ecola Creek Estuary shall not be vacated unless and equivalent or improved public access is provided.

N. Beaver Ave does not provide direct access to ocean beaches or the Ecola Creek Estuary. Improvements made feasible by this vacation request will have the effect of making Ecola Creek Estuary more accessible by facilitating additional parking adjacent to the CBE Rejuvenation Project which serves as a gateway to the Estuary and Necus Park.

Street Vacation Application Fee: $1,000.00

Applicant Signature: _____ Date: 05.01.23

For Staff Use Only:

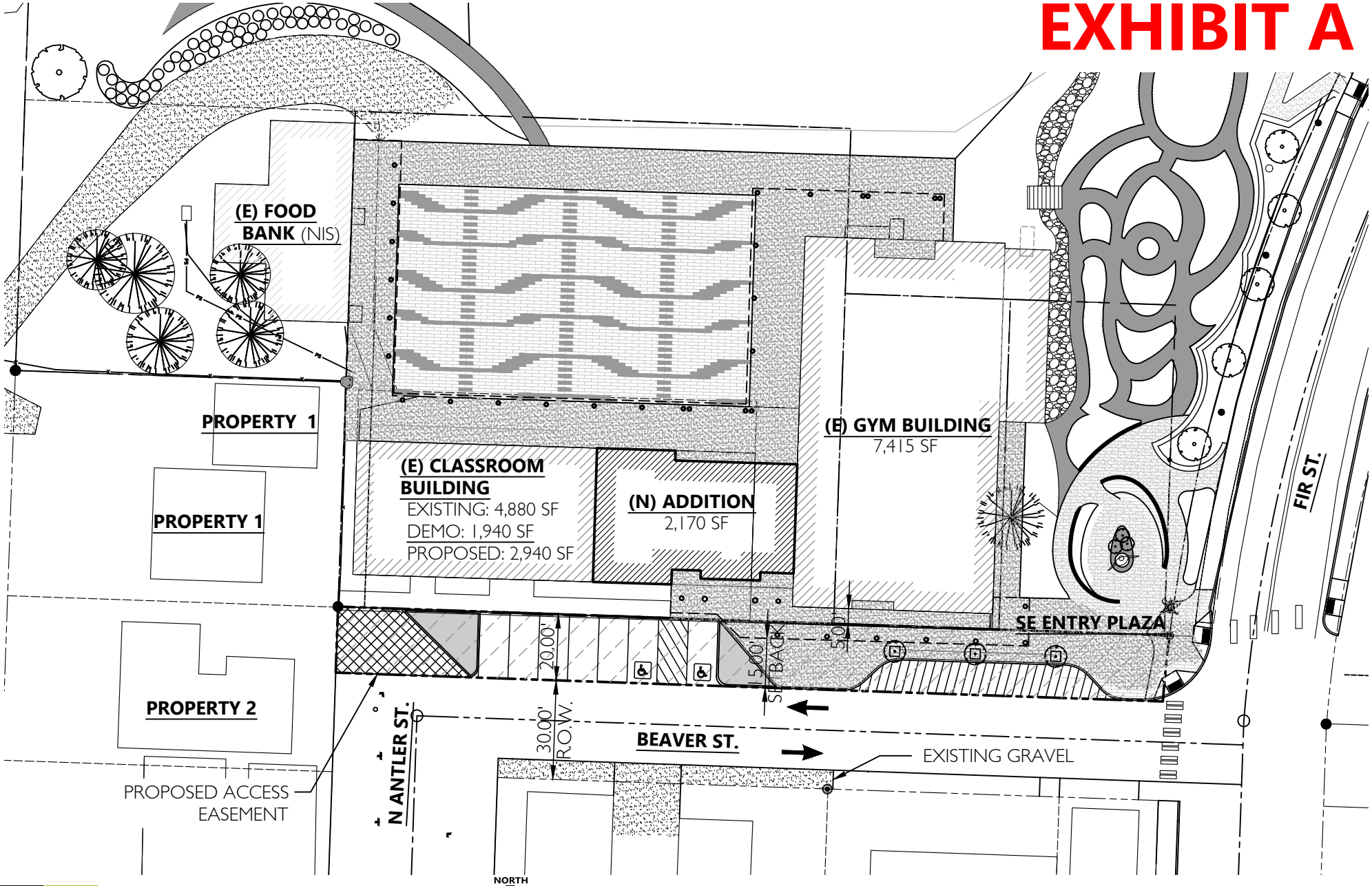
Received on: _____ By: _____

Fee Paid: _____ Receipt No.: _____

(Last revised March 2021)

Exhibit A-14

EXHIBIT A



PROPOSED SITE PLAN- EXHIBIT 'A'

CIDA
ARCHITECTURE
ENGINEERING
PLANNING
INTERIORS
15895 SW 72ND AVE SUITE 200
PORTLAND, OREGON 97224
TEL: 503.226.1285
FAX: 503.226.1670
WWW.CIDAINC.COM

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CANNON BEACH ELEMENTARY REJUVENATION

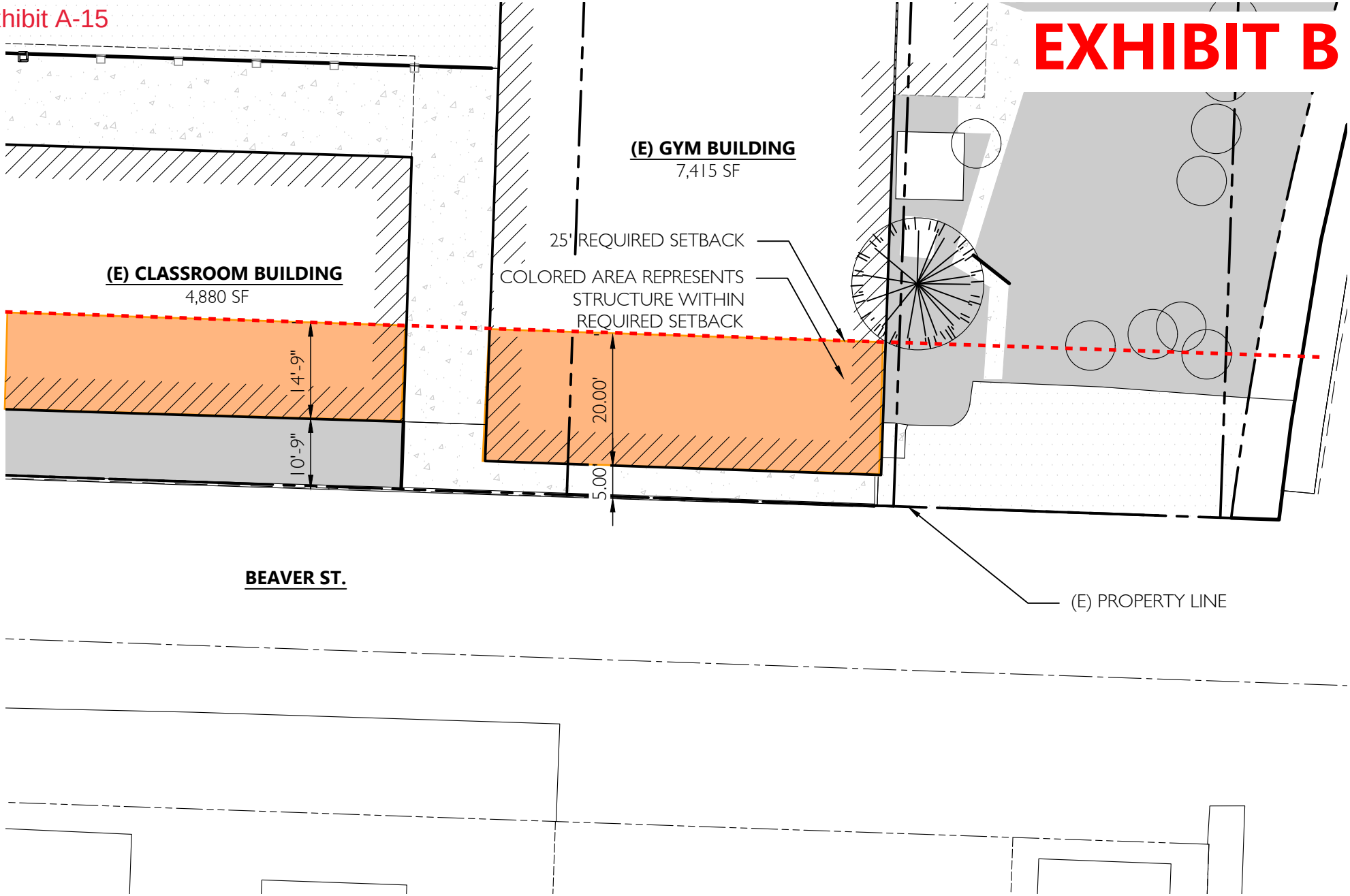
CANNON BEACH, OR

1"=40'-0" TRG

05.16.23 220039.01

Exhibit A-15

EXHIBIT B



NORTH

EXISTING CONDITIONS SITE PLAN- EXHIBIT 'B'

CIDA
ARCHITECTURE ENGINEERING PLANNING INTERIORS
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PORTLAND, OREGON 97224
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CANNON BEACH ELEMENTARY REJUVENATION

CANNON BEACH, OR

1"=20'-0" TRG

05.16.23 220039.01

Exhibit A-16

EXHIBIT C

(E) CLASSROOM BUILDING
2,940 SF

(N) ADDITION
2,170 SF

(E) GYM BUILDING
7,415 SF

EXISTING PROPERTY LINE TO BE RELOCATED

25' REQUIRED SETBACK

COLORED AREA REPRESENTS STRUCTURE WITHIN REQUIRED SETBACK

SE ENTRY PLAZA

12.00'

15.00'

20.00'

30.00'

R.O.W.

BEAVER ST.

(N) PROPOSED PROPERTY LINE LOCATION

PROPOSED COVERED WALKWAY

NORTH

PROPOSED SITE PLAN- EXHIBIT 'C'

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ARCHITECTURE
ENGINEERING
PLANNING
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FAX: 503.226.1670
WWW.CIDAINC.COM

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CANNON BEACH ELEMENTARY REJUVENATION

CANNON BEACH, OR

1"=20'-0" TRG

05.16.23 220039.01

Exhibit A-17

EXHIBIT E

15895 SW 72ND AVE
SUITE 200
PORTLAND, OR 97224
PHONE: 503.226.1285
FAX: 503.226.1670
INFO@CIDAINC.COM
WWW.CIDAINC.COM

Project Description

Project No:	220039.01	Date:	April 13, 2023
Project Name:	Cannon Beach Elementary Rejuvenation Project		
Subject:	Requested Variance for Reduction in Off-Street Parking Requirements		
By:	Dustin Johnson, Project Architect (CIDA Architects and Engineers)		
To:	Robert St. Clair, *Planner*		

PROJECT OVERVIEW

The Cannon Beach Elementary Rejuvenation Project is an adaptive re-use project aimed at reactivating the former Cannon Beach Elementary School and NeCus Park site for use by Cannon Beach visitors and residents, businesses, and the Clatsop Nehalem Confederated Tribe for a variety of community interests.

The 2.5-acre project site is situated at the north end of Cannon Beach and consists of multiple tax lots zoned 'IN' (Institutional). It is bordered by Ecola Creek to the north, Fir Street to the east, Beaver Street to the south and undeveloped city-owned property with beach access to the west. Zoning adjacent to the property includes 'E' (Estuary) to the north and west, 'PK' (Park Management) to the east and a combination of 'C1' (Limited Commercial) and 'R3' (High Density Residential) to the south.

As the site of the former Clatsop-Nehalem Tribal village of 'NeCus' for generations (perhaps over a thousand years) the site is nationally recognized as culturally significant and is considered one of the last best preserved Native American heritage sites on the West Coast. Given its location on the estuary where Ecola Creek discharges to the Pacific Ocean as well as the diversity of resident and migrating wildlife that frequent the bordering riparian area, the site is also recognized as both geographically and ecologically significant. These unique features and cultural heritage of the project site have inspired significant interest amongst public and Tribal stakeholders who have been actively engaged throughout the Programming and Schematic Design phases of the project.

Site vehicular access is by its frontage with Beaver Street as well as a gravel drive at the southwest corner of the site via N Spruce Street. A small asphalt-paved area exists on-site and is currently used as a vehicle turnaround by patrons of the food bank as well as miscellaneous recreational uses by NeCus Park users. Existing parking for the site is limited to three off-street paved stalls at the site's southeast corner and parallel on-street parking along Beaver Street.

The site contains three existing buildings of various construction types and functions. Two of the existing buildings (Structures 1 and 2 below) were last occupied by Cannon Beach Elementary School and have been vacant since 2013. The third building (Structure 3 below) was also occupied by the elementary school and now supports operations of the Cannon Beach Community Food Pantry. Additional details for each structure are as follows:

Structure 1: Henceforth referred to as the 'Classroom Building' is an approximately 4,520 square foot wood frame structure with slab-on-grade foundation built in 1950. The building currently consists of classrooms, administrative offices and ancillary spaces including a covered walkway on the north side of the building. Proposed uses include classroom, exhibit space and general assembly spaces, without fixed seating.

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Structure 2: Henceforth referred to as the 'Gym Building' is an approximately 7,034 square foot wood framed barrel vault structure with slab-on-grade foundation containing an open vaulted gym space and a 964 square foot classroom mezzanine with cafeteria and ancillary spaces below. The building also contains a 415 square foot addition at the northeast corner formerly housing the school's kitchen. Proposed uses for this space include gymnasium, event space (unconcentrated assembly space), storage, and kitchen space.

Structure 3: Henceforth referred to as the 'Food Bank' is an approximately 3,300 square foot wood framed structure with crawl space foundation. This structure is not incorporated with the current scope of work of the CBE Rejuvenation Project beyond basic site programming. The proposed use will remain a food pantry.

End of memo

Exhibit A-18

S&F Land Services
901 NW Carlon AVE. Ste 3 Bend, OR 97703
(541) 797-0954 – www.sflands.com

PROJECT NO. 2022-092-16
May 11, 2023
CHECKED BY: MJF

EXHIBIT F

LEGAL DESCRIPTION
PROPOSED RIGHT OF WAY VACATION
EXHIBIT A

A strip of land 20.00 feet wide, located in the SW1/4 of Section 20, Township 5 North, Range 10 West, W.M., City of Cannon Beach, Clatsop County, State of Oregon, lying within Beaver Avenue Right of Way (platted as Second Street), as shown on the plat of the Town of Antler Lodge, Book 5, Page 4, records of Clatsop County , more fully described as follows:

BEGINNING at the SW corner of Lot 8, of Block 5, said plat of Town of Antler Lodge, thence along the North Right of Way line of Beaver Avenue South 88°00'09" East, 251.67 feet to the Westerly Right of Way line of Fir Street and the beginning of a 533.42 foot radius non-tangent curve to the left having a radial bearing of South 82°43'05" East; thence along said Westerly Right of Way line and non-tangent curve to the left through a central angle of 2°09'15", an arc distance of 20.06 feet, and long chord bearing South 06°12'17" West, 20.05 feet; thence departing said Westerly Right of Way line along a line parallel with and 20.00 feet distant to the south of said North Right of Way line of Beaver Avenue North 88°00'09" West, 250.22 feet to the West Right of Way line of Antler Avenue; thence along said West Right of Way line North 01°59'51" East, 20.00 feet to the **POINT OF BEGINNING**.

Said description containing 5,018 sq. ft. of land, more or less.

Subject to Easements and Restrictions of Record.

Bearings based on Oregon State Plane North Zone NAD83(2011).

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 08, 2009
MATTHEW J. FAULKNER
75618LS

RENEWS: 12/31/23

PROPOSED RIGHT OF WAY VACATION EXHIBIT B

TAXLOT 51020CB04000

TOWN OF ANTLER LODGE BLOCK 5

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

TAXLOT 51020CB04304

TAXLOT 51020CB04305

TAXLOT 51020CB04100

TAXLOT 51020CB05700

8' POWERLINE EASEMENT BK 294, PG 327

POINT OF BEGINNING

20.00'

N01°59'51"E

20'

S88°00'09"E 251.69'

N88°00'09"W 250.22'

N88°00'09"W

RIGHT OF WAY VACATION ±5,018 S.F.

RADIAL: S82°43'05"E

L=20.06', R=533.42'
Δ=2°09'15"
CHORD=20.05'
S06°12'17"W

FIR STREET

L=233.95', R=508.42'
Δ=26°21'53"
CHORD=231.89'
S17°53'15"W

BEAVER AVENUE

ANTLER AVENUE

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JUNE 08, 2009
MATTHEW J. FAULKNER
75618LS

RENEWS: 12/31/23

LEGEND:

	EXISTING CENTERLINE
	EXISTING RIGHT OF WAY
	EXISTING TAX LOT LINE
	EXISTING EASEMENT LINE
	PLATTED LOT LINE
	PROPOSED RIGHT OF WAY VACATION

40' 0 20' 40' 80'

SCALE: 1" = 40'

S&F Land Services

Date: 05-11-2023

Proj No: 22-092-16

901 NW CARLON AVE
STE 3, BEND, OR 97703
(541) 797-0954

www.sflands.com
info@sflands.com

Exhibit A-19

S&F Land Services
901 NW Carlon AVE. Ste 3 Bend, OR 97703
(541) 797-0954 – www.sflands.com

PROJECT NO. 2022-092-16
May 11, 2023
CHECKED BY: MJF

EXHIBIT G

LEGAL DESCRIPTION
PROPOSED ACCESS EASEMENT
EXHIBIT A

Located in the SW1/4 of Section 20, Township 5 North, Range 10 West, W.M., City of Cannon Beach, Clatsop County, State of Oregon, that portion of land, lying within Beaver Avenue Right of Way (platted as Second Street), as shown on the plat of the Town of Antler Lodge, Book 5, Page 4, records of Clatsop County, more fully described as follows:

BEGINNING at the SW corner of Lot 8, of Block 5, said plat of Town of Antler Lodge; thence along the North Right of Way line of Beaver Avenue South 88°00'09" East, 18.96 feet; thence departing said North Right of Way line South 45°25'21" East, 29.56 feet to the South line of a proposed Right of Way Vacation of Beaver Avenue; thence along a line parallel with and 20.00 feet distant to the south of said North Right of Way line of Beaver Avenue North 88°00'09" West, 40.73 feet to the West Right of Way line of Antler Avenue; thence along said West Right of Way line North 01°59'51" East, 20.00 feet to the **POINT OF BEGINNING**.

Said description containing 597 sq. ft. of land, more or less.

Subject to Easements and Restrictions of Record.

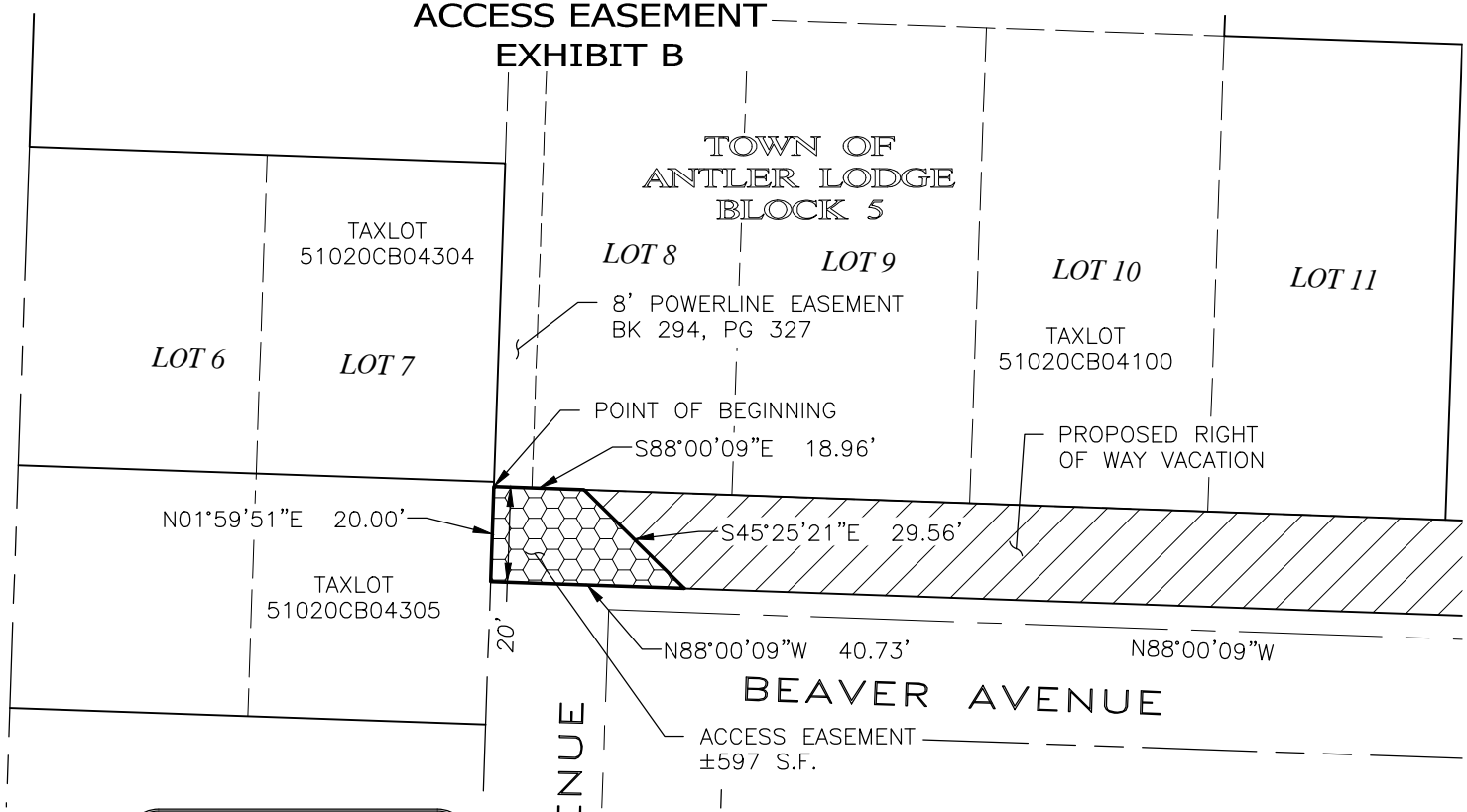
Bearings based on Oregon State Plane North Zone NAD83(2011).

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 08, 2009
MATTHEW J. FAULKNER
75618LS

RENEWS: 12/31/23

ACCESS EASEMENT
EXHIBIT B



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 08, 2009
MATTHEW J. FAULKNER
75618LS

RENEWS: 12/31/23

LEGEND:

	EXISTING CENTERLINE
	EXISTING RIGHT OF WAY
	EXISTING TAX LOT LINE
	EXISTING EASEMENT LINE
	PLATTED LOT LINE
	PROPOSED ACCESS EASEMENT

40' 0 20' 40' 80'

SCALE: 1" = 40'

S&F Land Services

Date: 05-11-2023
Proj No: 22-092-16

901 NW CARLON AVE
STE 3, BEND, OR 97703
(541) 797-0954

www.sflands.com
info@sflands.com

Exhibit C-1

CANNON BEACH COMMUNITY DEVELOPMENT
163 E. GOWER ST.
PO BOX 368
CANNON BEACH, OR 97110

Cannon Beach Planning Commission

Findings of Fact and Conclusions of Law

PUBLIC HEARING AND CONSIDERATION OF V23-01, CIDA, ON BEHALF OF THE CITY OF CANNON BEACH, FOR A VARIANCE REQUEST TO EXEMPT THE NECUS PARK/CANNON BEACH ELEMENTARY SCHOOL SITE FROM MEETING THE MINIMUM OFF-STREET PARKING REQUIREMENTS ESTABLISHED BY CANNON BEACH MUNICIPAL CODE 17.78.020 IN FAVOR OF ALTERNATE METHODS OF TRANSIT AND PARKING. THE PROPERTY IS LOCATED AT 268 BEAVER STREET (TAXLOTS 4000, 4100, 4101, 4200, AND 4301, MAP 51020CB) IN AN INSTITUTIONAL (IN) ZONE. THE REQUEST WILL BE REVIEWED UNDER CANNON BEACH MUNICIPAL CODE, SECTIONS 17.78.020, OFF STREET PARKING REQUIREMENTS.

Agenda Date: January 26, 2023 **Prepared By**: Robert St. Clair

EXHIBITS

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

"A" Exhibits – Application Materials

A-1 Variance application with diagrams, received December 27, 2022;

"B" Exhibits – Agency Comments

None received as of this writing;

"C" Exhibits – Cannon Beach Supplements

C-1 November 2022 Planning Commission Work Session Staff Report;

"D" Exhibits – Public Comment

D-1 Hannah Buschert, Email Correspondence, received January 25, 2023;

D-2 Bruce St. Denis, City Manager, Email Correspondence, received January 25, 2023;

SUMMARY & BACKGROUND

The applicant, CIDA, on behalf of the City of Cannon Beach, requests a variance to exempt the subject site from meeting the minimum required off street parking requirements in favor of alternate methods of transit and parking. During the November 2022 Planning Commission meeting this item was discussed as a work session item (Exhibit C-1) during which the Commission heard that the site has an insufficient amount of off-street parking available and that developing a large parking lot would be contrary to the goals of the redevelopment project. During this work session the Commission determined that no more than 31 parking spaces are necessary for the anticipated use levels of the site. The purpose of this application is to reduce the required amount of parking from 31 spaces to 7 angled stalls on Beaver St. that will be within the subject property's boundaries after the City makes modifications to the Beaver St. right-of-way.

Applicable Criteria

Off Street Parking

17.78.010 Requirements Generally

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.*

Findings: The Planning Commission finds that the conversion of the existing former Cannon Beach Elementary School into a tourism-oriented facility is an adaptive reuse project that seeks to minimize the amount of new construction activity. The school was constructed in the 1950s prior to the establishment of current off-street parking requirements, however the amount of on and off-street parking available was likely sufficient to meet the needs of the school's relatively small staff.

The adaptation of the site into a tourism-oriented facility is a change of use which requires the application of current parking standards. The table in 17.78.020 which states the parking requirements by type and area contains two categories which may be applied to the site: "Schools, elementary" and "Meeting rooms." The first category no longer applies as that use has ceased and the site no longer functions as an elementary school. The "meeting rooms" category requires one parking space per 400 square feet of gross floor area, which calculates to a minimum of 130 spaces for the 12,950 gross square footage of the site. Providing this level of parking is impractical within the confines of the site and conflicts with the objectives of the redevelopment project.

The parking standards table also contains a "similar uses or aggregate" category in which a use that is not specifically described may be evaluated on a case-by-case basis.

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

Findings: The Planning Commission finds that during its November 2022 work session the Commission determined that the facility does not fit the description of a meeting hall and should be evaluated individually. In the work session the Commission made the following determination:

Classroom Building: 4 (meeting rooms) + 1 (office). One space per presenter/facilitator.	5 stalls
Gym Building: 7,034 square feet, one stall per 400 square feet.	17.6 stalls
Food Bank: 3,300 square feet, one stall per 400 square feet.	8.3 stalls
Total:	31 stalls

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.*

Findings: This Planning Commission finds that the redevelopment project intends to use the former playground as a park connecting the facility's buildings to Ecola Creek. Using this area for off-street parking would prevent this opportunity and likely result in a situation where visitors to Cannon Beach use the parking area for purposes unrelated to the operation of a tourism-oriented facility. This would have a negative impact on the ability for members of the public to use the facility for its intended purpose. The proposed reconfiguration of the rights-of-way and on-street parking for Beaver and Antler Streets and use of alternate transit access would satisfy this requirement while meeting the redevelopment's intended purposes. Meets criteria.

B. *If a parking space has been provided in connection with an existing use, the parking space shall not be eliminated if it would result in less than is required by this section.*

Findings: The Planning Commission finds that the Concept Public Improvements Plan, described as Exhibit A in the application material (Exhibit A-1) shows a reconfiguration of Beaver Ave and N. Antler St. where seven angled parking spaces will be provided directly in front of the school. This reconfiguration would result in an increase to the overall parking available at the facility.

C. *Where square feet are specified, the area measured shall be gross floor area, where gross floor area means the sum of the gross horizontal area of all floors of a building, as measured from the exterior walls of a building. Where employees are specified, persons counted shall be those working on the premises including the proprietors, during the largest shift at a peak season.*

Findings: The Planning Commission finds that its November 2022 determination is based on a combination of the number of presenters or facilitators needed for the classroom building and the square footage of the gym. The Commission came to its determination with the understanding that not all spaces are intended to be in use at the same time, therefore a reduced level of on-site parking is likely sufficient for the facility's needs.

Variances

17.84.040 Off Street Parking and Loading Facilities

A. *Variances to requirements of this title with respect to off-street parking and loading facilities may be authorized as applied for or as modified by the planning commission if, on the basis of the application, investigation and evidence submitted by the applicant, all three of the following expressly written findings are made:*

1. *That neither present nor anticipated future traffic volumes generated by the use of the site or use of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the requirements of this title; or the granting of the variance will protect a wetland or wetland buffer area; and*

2. *That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free flow of traffic on the streets;*

3. *That the granting of the variance will not create a safety hazard or any other condition inconsistent with the general purpose of this title or policies contained within the comprehensive plan.*

B. That the granting of the variance would support policies contained within the comprehensive plan.

Findings: The Planning Commission finds that this application seeks to provide alternatives to the previously discussed undesirable outcomes that would result from a strict or literal application of the off-street parking requirements. As this is an adaptive reuse project that seeks to minimize the amount of new construction and provide community enhancing open space, the City and its consultants are required to fulfil the project's objectives within the space available. Additionally the Commission has determined that the facility is unlikely to be consistently operating at full capacity on a regular basis and may operate at times that do not create a conflict with other uses in the area.

The Commission finds that CIDA has reached out to surrounding residents and business owners during the programming phase of the redevelopment project and did not receive any comments that specifically address localized parking issues other than a general desire expressed by members of the community to avoid paving significant portions of the site. Regarding the proposed conversion of Beaver and Antler to a one-way traffic pattern, the Commission finds that parking requirements for the former Elementary School must be established before the site's design process can move forward and City Council can take up deliberations regarding changes to the traffic pattern. The Commission finds that the site is connected to the downtown parking lots on Spruce St. between 1st and 2nd Streets and east of Spruce St. on 2nd Street by a well developed footpath that runs along Ecola Creek. Additionally, the Commission finds that the site warrants special consideration regarding parking requirements versus other activities that may request an off street parking variance due to its unique nature and connection to Native American heritage.

The Commission finds that the availability of parking is a known issue in the City and is addressed in the Transportation System Plan that was adopted in 2022 and contains alternatives that may improve parking in the downtown area to a point, however known constraints within the City generally and downtown particularly will necessitate the development of alternative parking strategies and increased reliance on public transportation, particularly during peak tourist periods.

DECISION, CONDITIONS AND FINDINGS

Motion: Having considered the evidence in the record, based on a motion from Commissioner Bates, seconded by Commissioner Matusick, the Cannon Beach Planning Commission on a vote of four in favor and two in dissent moves to approve the CIDA application, on behalf of the City of Cannon Beach, for a variance to off-street parking requirements for the redevelopment of the Cannon Beach Elementary School, application V# 23-01, as discussed at this public hearing.

Exhibit D-1

April 20, 2023

City of Cannon Beach
Planning Commission Hearing
April 27, 2023 @ 6:00 p.m.

Re: SR#23-05 CIDA Request

Dear Planning Commission Members:

1) The undersigned property owners are directly adversely affected and impacted by the Setback Reduction and Street Vacation requested, and therefore object to and oppose the above request (referred to hereafter sometimes as "Request"). We have owned and enjoyed our second homes here in Cannon Beach for over 40 years. Our homes are located between North Spruce (front) and along Beaver and Antler Streets. Access is through a common driveway on the corner of Beaver and Antler Streets.

2) The planned use of the subject property, 268 Beaver Avenue (the old grade school), is very attractive—converting the former grade school to classrooms for the community to use for various studies, etc. and the gymnasium for concerts or other gatherings. This objection only relates to the above Request, not the plan itself.

3) We remind the Planning Commission that the City previously wisely determined that because of the catastrophic risk to lives and property (public safety) from a tsunami, the grade school at 268 Beaver Avenue, would be closed and abandoned to protect the lives of children and adults who would otherwise come to the school for various school and related events.

4) In Mr. Maloney's discussion with the City, he was informed that the tsunami risk had not been considered in connection with this plan.

5) The <u>existing plan</u> to remodel the classrooms and gymnasium <u>and create</u> a picturesque outdoor gathering location and parking will <u>continue to be used</u> even if the Planning Commission rejects and does not approve the present "Request."

6) Based on Mr. Maloney's discussion with the City and architect, the essential purpose of the "Request" is to allow space in the existing street beyond the sidewalk for more room for people to "congregate" before going into the gymnasium—although there is a sidewalk still to congregate, and on the inside along the <u>west</u> wall of the gymnasium where there is a door entrance to the gymnasium and outside there is a large, covered, paved area to congregate, and still another entrance door to the gymnasium on the <u>east</u> side of the gymnasium—where the plan also shows a new large beautiful area for people to congregate.

7) There are now seven (7) parking spaces vertical along the curb in front of the former school building according to the architect. The "Request" would still have only seven (7) new vertical parking spaces in that area, which would be horizontal parking using what is now one of the two lanes of traffic. There is also room for the plan bus (to pick up/deliver people to the property) to be located at the east end of the property not requiring vacation of the second lane of traffic.

8) Our Objection

We object to changing Beaver and North Antler Streets from over 40 years of being two-lane, two-way streets into a single one-lane, one-way street. This, in effect, violates express criteria for safety, traffic hazards, public emergency services, and vehicular access under 17.64.010 and 12.32.030.

The homes located at 375-379 Spruce Street share a common driveway for four cars at the west corner of Beaver and Antler Streets. Backing out from there to one lane will be dangerous, particularly in an emergency, because of the angle to back out onto a single traffic lane, and obstruction to view by horizontally parked vehicles close to our driveway.

In a fire, medical or other emergency or tsunami, the safest route for us and our neighbors is to go east on Beaver Street to the nearby bridge and safety from a tsunami or fire. For transportation to Seaside Hospital for injury or health issues, again the emergency route would be going over Beaver Street and over the bridge. Two lanes would be available now to use in an emergency. If there is only one lane, and everyone on our streets are trying to escape, that would likely result in an accident and then block all traffic. Two lanes will allow people to escape quicker than only one lane. (City Code 17.64.010, Section 6.)

12.32.030 Section B. Public Purpose: The safety of lives in the event of a known emergency—tsunami or otherwise accident—should not be sacrificed for the marginal Request here. Safety is a valid public purpose. Reducing 50% of street access to the neighborhood where substantial public access is also needed for people to come to the new City attractions at 268 Beaver Street also supports the need for keeping two lanes for increased vehicle access.

Sections C and D: The Request adversely affects providing public facilities and services. Vehicle access by us/our neighbors will be affected if an emergency vehicle or firetruck blocks the only lane of traffic. Those attending events at the schoolyard will be delayed if there is only one lane, thereby affecting use of public streets. (*See also* City Code 17.64.010, Section 6.)

If there is an emergency for fire or health when the City's new subject project is being used, traffic there will obstruct the emergency vehicle, and vice versa, if there is only one lane in an emergency. *See also* Attachments 1-14.

Respectfully submitted,

379 N. Spruce Street
Sequoia Investment Co., LLC

Robert E. Maloney, Jr.

Owner/Manager
Phone: 503.784.7354
Email: maloneyrobert42@gmail.com

375 N. Spruce Street

Lou Jaffe

Kathleen G. Jaffe
Kathy Jaffe

Owners
Email: loujaffepdx@gmail.com

444444 3033/9359238 1

Exhibit D-2

STOP

GYM

149 KGE

149 KGE

GYM

Exhibit D-3

To: Robert St. Clair
City Planner, City of Cannon Beach
Date: April 21, 2023
Re: SR #23-05 CIDA Request

Dear Robert:

On reading the City's submission today, I noted an error on page 5, Section D, and continuing onto page 6 that states that the City has collaborated with both property owners who share a common driveway access at the corner of Beaver and N. Antler, that will be reduced to one lane, and that neither owner expressed any concern about vehicle access.

That is not accurate. I am sorry for the confusion. As you know, I am an owner through my LLC of one of the two homes (379 N. Spruce Street) that share the single access to the subject northwest corner of Antler/Beaver Streets. When I met with you and Trevor Mount at the site several weeks ago, I indicated that parking access was an issue, and was assured that the City was taking care of it by an easement and would prevent angled parking close to our access. If so, I said, that would be okay, but I wanted to first see where the angle parking would be.

Trevor agreed to paint lines on the street to show where the closest angle parking would be. After lunch, when the marked lines were painted, I carefully checked the site and found that there was a serious access problem for vehicles given the angled parking as shown by Trevor. When Trevor returned, I pointed out that access was a problem and I could not agree. He seemed to understand and said he could not do anything about it. I thought he would advise you of my conversation.

I also spoke with my neighbor today who shares access, Mr. Jaffe said neither he nor his wife told anyone the proposed angle parking was satisfactory.

Please have a copy of this sent to the Planning Commission members if you can.

Sincerely,

Bob Maloney
maloneyrobert42@gmail.com
503.784.7354

JEFFREY L. KLEINMAN
ATTORNEY AT LAW
THE AMBASSADOR
1207 S.W. SIXTH AVENUE
PORTLAND, OREGON 97204

TELEPHONE (503) 248-0808
FAX (503) 228-4529
EMAIL KleinmanJL@aol.com

April 26, 2023

Via email to st.clair@ci.cannon-beach.or.us
and planning@ci.cannon-beach.or.us
Planning Commission
City of Cannon Beach
Attn. Community Development
PO Box 368
Cannon Beach, OR 97110

Re: SR#23-05 and VAC#23-01Setback Reduction and Street Vacation (CIDA on Behalf of City of Cannon Beach)

Dear Planning Commissioners:

I am writing on behalf of my clients, Sequoia Investment Co., LLC ("Sequoia") and its member, Robert E. Maloney. Sequoia owns property including a home adjacent to and west of the property which is the subject of this application, at 379 N. Spruce Street. This property is accessed by means of a shared driveway onto Beaver Avenue directly at its intersection with Antler Street. The driveway is shared with owners of 375 N. Spruce, Lou and Kate Jaffe. The Jaffes have straight-in access, but Sequoia's parking spaces lie along the western fence line of the subject site. Accordingly, the only egress from the Sequoia property is by means of a backing maneuver.

Sequoia is not at all opposed to the underlying project and reuse of the former school. However, as Mr. Maloney has explained and will explain further at your hearing, the closure of one lane on Beaver and limitation to one-way westward traffic, as well as the placement of the proposed angled parking spaces to be accommodated by these changes, will create significant safety impacts upon the residents of and visitors to Sequoia's home and will thus significantly reduce the value of its property. Contrary to the suggestion in the staff report, Mr. Maloney

has never in any way consented to the proposed changes or found them to be acceptable. The same is true of the Jaffes, whose property also abuts the area proposed to be vacated.

The safety concerns relate to the loss of safe egress from the property, as well as the inability to legally make use of direct access to the Fir Street bridge in the event of fire, medical emergency, or earthquake preceding a tsunami. In the latter regard, please note that the earthquake in question may occur at a point on the Juan de Fuca fault sufficiently distant from Cannon Beach that the assumed failure of the Fir Street bridge providing direct access to US 101 northbound and US 26 eastbound may not occur. In that case, it will make no sense whatsoever to have a one way street pattern forcing all traffic into a westward, then southbound flow into an enormous traffic jam limiting the possibility of a timely evacuation.

This in turn raises the following questions:

(1) What's the point?

(2) What's the upside?

The point is to accommodate the architect's desire for a covered arcade as an outdoor "gathering place"/arcade for visitors before and after events. However, the site is already replete with outdoor gathering places more suitable than this one, located away from the street and without parking vehicles nosing in with their headlights on, shining onto the gathered guests. Moreover, the seven parking spaces in question are presently accommodated by means of parallel parking along the north side of Beaver, without the elimination of a travel lane and resulting safety impacts. (There are also 20+ off street spaces on the school property.)

In addition, limiting Beaver to a single lane will give rise to drivers, including ride shares, blocking the only travel lane while dropping off and waiting to pick up guests. Of course, there is a potential solution to this safety problem–a condition of approval limiting the facility to deeply unpopular events which no one

could possibly want to attend. As there is no accounting for taste, though, this would not assure the desired result.

And the upside? Frankly, neither my clients nor other residents and property owners in the area can find one.

With respect to the applicable approval standards, we would point out the following:

Chapter 17.64–Setback Reduction

• Section 17.64.010.A.4 requires that at last one of the eight listed factors be present. None is. The applicant has not met its burden of proof as to the factor relied upon, "f. Rehabilitation of existing buildings where other reasonable alternatives do not exist." As Mr. Maloney will explain, other reasonable alternatives for the primary entrance do exist. And even if it is deemed necessary to place it at this location, the applicant has not met its burden of proving that it cannot be sited without removing a travel lane on Beaver Avenue. The applicant truly attempts to exact a heavy price from the community in order to obtain this configuration of the entrance area. How did students, faculty, staff and visitors get in and out of the school? How did they do so during large gatherings such as performances, holiday pageants, and graduations? Somehow they did.

• Section 17.64.010.A.5 requires that "adjacent rights-of-way have sufficient width for utility placement or other public purposes." Utility placement is not the sole issue here. Public purposes include the public need for a second travel lane and bi-directional flow on Beaver. This criterion has not been satisfied.

• Section 17.64.010.A.6 requires that "the reduction would not create traffic hazards; or impinge upon a public walkway or trail." As has been and will be explained by Mr. Maloney and others, this proposal is replete with traffic hazards. Aside from the circumstances described above, ambulances, fire trucks, and police cars will not have direct access to the neighborhood during emergencies if they coincide with event arrival and departure times.

• Section 17.64.010.A.8 requires a showing that "the proposed building location will not interfere with the ability to provide fire protection to the building or adjacent buildings." The home owned by Sequoia is an adjacent building. For the reasons explained, reducing the required setback as requested will greatly interfere with the ability to provide fire protection to this home.

Chapter 12.32–Street and Alley Vacation

• Section 12.32.010 provides that "a request to vacate all or part of any street or alley shall be reviewed by the city in accordance with the requirements of ORS 271.005—271.160." This has not occurred for the following reasons:

(1) ORS 271.080 provides:

> **271.080 Vacation in incorporated cities; petition; consent of property owners.** (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.
>
> (2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet

> beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.

The record does not contain the required petition. Abutting property owners, including but not limited to Sequoia and the Jaffes, have not consented to the vacation. There is no evidence in the record that the required two-thirds of owners in the area prescribed by the statute have consented.

(2) ORS 271.110 provides:

> **271.110 Notice of hearing.** (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.
>
> (2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at

> least 14 days before the hearing.
>
> (3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor.

There is no evidence of compliance with the above notice requirements, and we do not believe that there has been compliance.

(3) ORS 271.120 provides:

> **271.120 Hearing; determination.** At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

While the Planning Commission is not the governing body, should this matter reach the City Council, it will not be able to find on this record that "the consent of the owners of the requisite area has been obtained, * * * notice has been duly given and * * * the public interest will [not] be prejudiced by the vacation." As explained above, the record offers no support for any such finding.

• Section 12.32.030C. requires that "the request will not adversely affect the provision of public facilities and services." For the reasons explained above and in submittals from fact witnesses, the provision of public services and, in particular, emergency services, will be heavily affected by the proposed vacation on Beaver (and the loss of a travel lane on Antler, as well, apparently intended to create a consistent one way flow and minimize traffic conflicts with one way westbound Beaver[1]). Again, the public would be giving up a lot to accommodate facility events and the as-designed entry area. In the context of variances, the applicant would be said to be creating a classic self-imposed hardship, and the application would be denied.

• Section 12.32.030D. requires a showing that "the request will not have an adverse effect on vehicular access to adjoining property, including emergency vehicle access." As explained, Sequoia's adjoining property will suffer such an effect to an extreme degree, both as to egress from the property at all times and as to the inability of emergency vehicles to "get through" during facility events.

For each of the above reasons, taken separately and together, the applicant has not met the requisite burden of proof. The Planning Commission must deny the applications herein or, as appropriate, recommend denial to the City Council.

Respectfully submitted,

Jeffrey L. Kleinman

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[1]The December 27, 2022 "Project Memorandum" in the record of the related, previously approved off-street parking variance application file, V#23-01, states:

> [U]nder a separate process through Public Works and City Council the Applicant will be proposing a lot line adjustment that would result in the subject site acquiring 15-18 ft of the adjacent Beaver Avenue right-of-way, as well as changing the pattern of traffic on Beaver Avenue and Antler Street to be one-way * * *.