

## Robert St. Clair

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**From:** Susan Logan <susie@susiestevens.com>  
**Sent:** Friday, October 20, 2023 3:43 PM  
**To:** Robert St. Clair  
**Subject:** Additional concerns from a Cannon Beach resident  
**Attachments:** SSL v. City of Cannon Beach - 9.6.22Demand for Watershed Maintenance 2.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello (again) Mr. St. Clair,

I have recently recorded a concern related to the "Revised Wetland Overlay Ordinance" proposed by the City, in a previous email which was sent on Oct. 18 '23. Thank you for letting me share those concerns, and for assuring me that they would be documented appropriately.

I hope you won't mind if I share some additional historic information with you, Mr. St. Clair, which seems directly pertinent to this same topic of discussion, and which has already been circulated to a few City staff members. I would prefer that this does not become part of the planning commission discussion at this time - though quite likely it will become part of the discussion, at some point.

As I mentioned in my previous email, there was a significant flood event which occurred on our street (N. Laurel St.), on the north end of Cannon Beach, in the months of Nov.'21 and Jan. '22. In fact, any resolution to this matter still remains "in limbo" at this time. I created a PDF narrative of those events, which was shared with several City staff members, approximately year ago. I am attaching that PDF narrative for your own review- since I am rather certain you have not had access to this document (If you have, I apologize for boring you with this document, once again).

As you will read in the PDF (and see in the seriousness of the flood pictures provided), the events which occurred on our street are directly related to the issue of rivers/streams/culverts/wetlands/buffers currently being "revised" by our City. I am very "curious" about the timing of all of this being "rushed through the City," - specifically, directives and agendas which may be presented by the "initial group of local citizens" included for this revision process, and City representatives who are very aware of the floods that occurred on our street - and yet have refused to offer any solutions for preventing similar "events" in the future (I hope that after reading the document, you will understand what my concerns are).

I have read (in full) the Planning Commission Oct. 26 "meeting packet and agenda," forwarded to me yesterday by the City. I now have more concerns about some of the ordinance revisions that are being suggested by the City for wetland overlay protections. To be honest, my concerns have come as a result of a lengthy period of time having felt (along with my neighbors, who's home was also in danger of flooding) as though our flood concerns have been completely dismissed by the City- specifically, Bruce St. Denis and the Public Works team.

The inconsistencies I read now, in the meeting packet, really strike me as "odd."  
Specifically:

1. Why is the north end map, presented with the "Revised Wetland Overlay Ordinance," lacking in accurate description of "LWI stream sites"?  
- This is what I expressed as my initial concern, in my first email to the you/planning commission. As you will see in the "Windsor Engineer" report I included in that initial email, there is a stream (raging river in the winter!!!) which runs from the top of the hill above my property, through three lots owned by my neighbor to the north adjacent of me, and then entering a culvert on that same neighbor's property...*which is the very stream overflow which caused the flood in our neighborhood Nov. '21 and Jan. '22.*

2. Why is my neighbor, (that same neighbor who owns the three lots uphill/north and adjacent to mine, with a river running through it) NOT represented as included in the revised wetland buffer zone on the map provided with the City's packet...YET "somehow" included on the list of "buffer zone" residents who were all notified of this possible wetland overlay revision?

I am left to wonder what is happening "behind the scenes" at the City. And having had NO sense of resolution to previous concerns expressed to the City by my neighbors and my self, over one year ago - and over and over again, since then...can you blame me???

I appreciate your time to read this information. And I know it's a lot, and you are a busy person. But if there is any part of my inquiry which may warrant further consideration and /or discussion, I would most certainly appreciate the opportunity to speak with you.

Thank you (extensively) for your time, in advance,

Susie Stevens Logan

TO: City of Cannon Beach  
Public Works  
publicworks@ci.cannon-beach.or.us

Attn: Bruce St. Denis stdenis@ci.cannon-beach.or.us  
Et. al

CC: Jeff Adams adams@ci.cannon-beach.or.us  
Jennifer Barrett barrett@ci.cannon-beach.or.us  
Karen La Bonte labonte@ci.cannon-beach.or.us  
Trevor Mount mount@ci.cannon-beach.or.us  
Wes Garvin garvin@ci.cannon-beach.or.us  
Mike Benefield benefield@ci.cannon-beach.or.us  
Tom and Brenda Souply tbsoups@comcast.net

From: Susan Stevens Logan susie@susiestevens.com  
716 N. Laurel St.  
Cannon Beach, OR

RE: Logan Creek Tributary Flooding  
NARRATIVE & DEMAND  
for CITY of CANNON BEACH ENGINEERING CHANGES

September 6, 2022

As summer wraps up, and fall is around the corner, we can expect our usual predictable increase of rain soon in the forecast.

Without any effective action having been taken to mitigate the previous flooding which has been reported, I find that once again, I must address a serious concern. It was brought to the attention of the City of Cannon Beach Public Works department, (and ultimately to you, Mr. Denis), beginning November 2021.

As you know, the Logan Creek tributary flood/culvert overflow occurred on N. Laurel Street during both November of 2021 and January of 2022.

It is an important fact to note that the culvert *and* opening (pictured in **Exhibit A**) was originally fully contained on what

was originally considered 716 N. Laurel St., prior to my ownership.

The opening to the culvert, however, was later reassigned to the property directly to my north (neighbors Mike and Stacy Benefield; 740 N. Laurel St.), following a survey and easement implemented at their request in 2010 and during a previous foreclosure at the property that I now own.

At that time, the existing fence on the north side of my property was physically moved (and now runs, literally, into the back of my house). Please see pictures from a historic realtor site listing of my property, *prior* to the change of boundary and fence being moved, compared with afterward (**Exhibit B**):

- **Exhibit A** -

- **Exhibit B** -



BEFORE boundary  
adjustment in 2010

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AFTER boundary  
adjustment in 2010:

Please advise the name of the person and agency that approved a legal boundary change – which transferred ownership of the culvert opening from one property owner to another. In this process, a complex predicament was created, which for the first three years of ownership at 716 N. Laurel, I had no need to be aware of. According to the records from the previous owner of my property, who lived on the premises from 2010-2018, no prior need for concern existed either.

However, in October of 2021, noticing the lack of maintenance occurring in the creek and culvert opening on the Benefield's 740 N. Laurel property, I had growing concern for flooding issues which could affect my property and additional properties located south and downhill from the Benefield's lot.

Because of that concern, I initially contacted Trevor Mount, Assistant Public Works Director of the City of Cannon Beach.

Large amounts of debris and plant growth had gathered at the base of the creek tributary on the Benefield property, surrounding the opening to the culvert that runs from the edge of their property (since the boundary change of 2010) through my backyard property.

Mike Benefield had previously made me aware of the "additional" steel rods that he placed at the opening of the culvert. Because of his culvert alteration, concern was generated for me about whether his alterations to the culvert design (from the original culvert opening) actually improved the drainage ability at the culvert – or instead hindered it. Debris collects now in front of the grid – frequently clogging access and water flow at the culvert opening. **Please note that I've recently noticed that those steel rods have been removed.**

When I first contacted Mr. Mount in October/November of 2021, I was relieved that he expressed genuine concern regarding the possibility of potential flooding on our street. He offered his assurance that he would further assess the situation.

Following that conversation that same culvert began to clog and flood in November of 2021 (as my fears had predicted). During this flooding, additional flooding also occurred at the public street drainage located on the corner of Laurel (crossing 7<sup>th</sup>

114 St.). This created a massive flood at the corner of N. Laurel  
115 and 7<sup>th</sup> St. and eminent high risk of flooding of the home located  
116 at 707 N. Laurel St. (owned by Brenda and Tom Souply). In fact,  
117 the issue was so severe that the army corp of engineers was  
118 called in to assist.

119  
120 **Exhibit C** includes photos that my neighbors took from that  
121 November day - including the culvert blockage next to my house;  
122 and the more intense drainage blockage / flood at the corner of  
123 our street, where the Army Corp of Engineers were working in  
124 front of the Souply's property at 707 N. Laurel St.

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- Exhibit C -



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When I texted my neighbor, Mike Benefield, that day in November, his response was "not to worry," and he quickly dismissed my concern. I knew by his response that I was in trouble... How could he possibly draw that conclusion? Well... his home was above the water flood, so it wasn't his problem. That's how he could minimize the seriousness of the issue at hand.

On Jan. 6, 2022, I received messages from a few of my neighbors (not including the Benefield's) that there was massive flooding occurring again on our street. I was out of town again during this event, but more than one neighbor noticed the seriousness of the issue and took pictures/videos for me to see.

The Souply's property at 707 N. Laurel St. was once again in danger of flooding, and knowing the history of blockage at the culvert during the November flood, they went to look at the culvert area next to my house - which was completely blocked with debris and flooded once again. As is clearly notable in the attached photos, the flooding begins at the opening to the clogged culvert on the Benefield's property. Ultimately the north side of my property was completely flooded and much of my yard destroyed and under water. **In addition, the water was seeping under and into my crawl space.** Regarding the flood event in January of 2022, you can also see in Exhibit D presented below, that the south side of my property, had flooded and continued on down the middle of N. Laurel St.

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- Exhibit D -



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– Exhibit D (cont'd.)–

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It is factually important to note that within hours after the culvert was found to be clogged with debris, concerned neighbors "alerted" Mike Benefield to the scope of the problem, and thereafter sometime the culvert was cleared/cleaned out and the flooding dissipated.

Tom and Brenda Souply also experienced flooding that day. They continuing to correspond with you, Mr. St. Denis, as well as Karen La Bonte directly since the initial flood on our street in November. Since that November flood, several conversations had occurred between the Souply's, myself, and city representatives, and we were told that the situation was being further assessed, and that we would be kept updated as the process moved along.

In mid-January I received an email from you, Mr. St. Denis, interceding on behalf of Trevor Mount, regarding previous communication that had been exchanged between Trevor and myself. In this email, you informed me that:

"The most recent flooding that occurred throughout the city was the result of the confluence of a near record rain event that occurred at an unusually high tide. The result was that the tide water surcharged the drainage system so that the system was actually conveying tidewater in instead of rainwater out. Unfortunately, the elevation of your neighborhood is one of the lower in the city so you will receive the greatest impact in these situations."

In addition, you stated that as far as the culvert and flooding on N. Laurel St. was concerned:

"It seems that the lot line/easement disagreement from 2010 is a civil matter which does not involve the city."

I have retained these email exchanges for review, if necessary. The important point to consider is that your assessment of the situation seemed to be a drastic 180-degree shift in response, as compared to previous communication with Mr. Mount. The Souplys and I, in addition to other neighbors who witnessed the flooding events, have been left wondering what the solution could possibly look like for the future-in order to avoid a repeat of massive flooding on our street once again this winter? It bothers me that on behalf of the City of Cannon Beach, that you, Mr. St. Denis, could conclude, against the physical evidence, that the water source (tributary of the Logan Creek) which begins flowing up in the mountain above our street and continues to flow directly through the Benefield home (yes-through their home (how was that approved for design?) and then continues to flow down our street through an improperly maintained culvert is somehow a "private property issue" left as a civil matter to be settled between private citizens.

My cottage has existed here since 1924. This problem, however, is a NEW one.

Furthermore, it has shocked me that Mike Benefield, who went so far as to have the boundary between his property and what is now my own moved by approximately 5 feet – thus changing the responsibility for culvert maintenance to his own, can then simultaneously refer to the culvert obstruction as MY "culvert

problem," when the problem originates from Public Works controlled water flow and the improperly maintained culvert on what he has claimed as his own property.

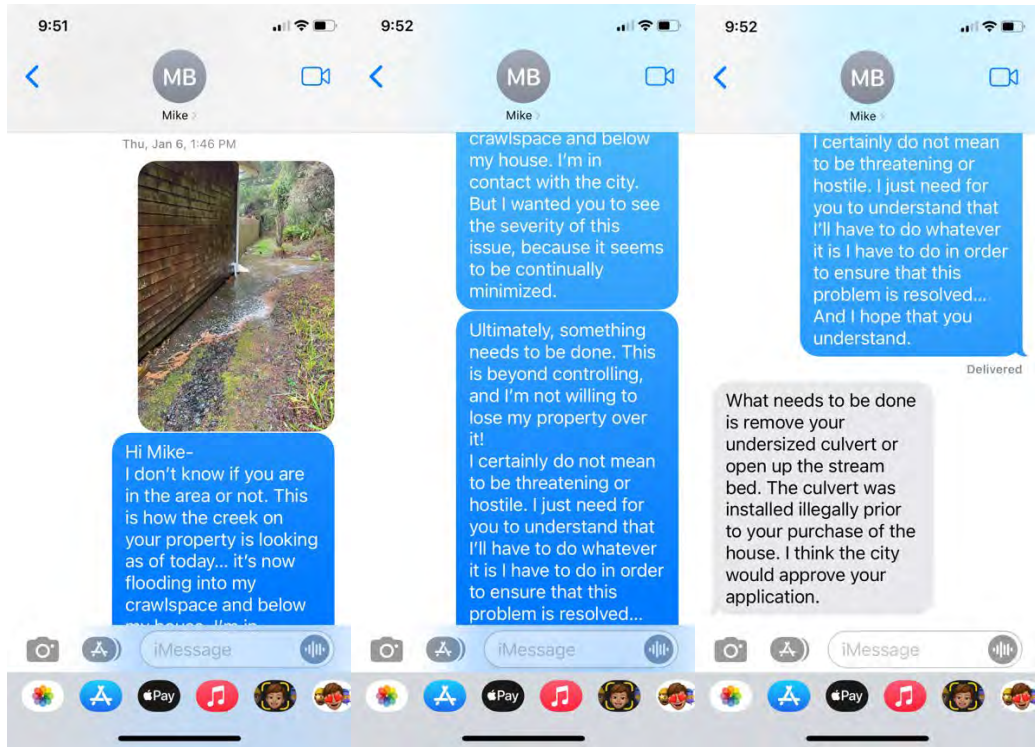
As per the messages exchanged on the day of the flood in January 2022, demonstrated in Exhibit E, Mr. Benefield has made it clear that he is unwilling to take ANY responsibility for the maintenance of the culvert opening that now exists on his property.

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- **Exhibit E** -

Please note: Texts from myself, Susan Stevens Logan to Mike Benefield appear in blue. Benefield responses are in white.



**QUESTIONS FOR PUBLIC WORKS TO RESPOND TO**

- 1) What is Public Works position on Mr. Benefield's suggestion for me to "remove the upstream culvert and open up the stream bed"? Does that seem realistic to Public Works engineers?
- 2) Mr. Benefield claims that the city would be happy to approve this possibility. But, does Mr. Benefield have a right to make that claim unilaterally, as a representative of City Council currently, or does the City Council have to issue a joint ruling?
- 3) Furthermore from an engineering perspective, would not the removal of the upstream culvert form a raging river under and over my home and down the middle of N. Laurel St.?

4) Does Mr. Benefield's proposal seem like a logical, properly engineered solution to you and the City of Cannon Beach Department of Public Works?

As a representative of City Council, Mr. Benefield demonstrates a lack of ability to consider the welfare of his immediate community. This is of grave concern to me. The Public Works-controlled flooding waters should concern all of us.

By the way, since receiving this text from Mike Benefield, I have additionally been in communication with the county regarding the origins of this culvert and am assured that it is not possible for Mr. Benefield to assume that the culvert is "illegal."

Mr. St. Denis, and all City of Cannon Beach representatives, if this is a "private issue," I'm curious to know how other residents affected by this flood route in the future are to interpret your conclusion.

Exactly who should they hold responsible for a flood which originates from a tributary channel that begins in the mountain above our street and then flows through a neighbor's property who refuses to accept any responsibility for the management of the culvert opening that exists on his own property and continues to flow onward down the middle of N. Laurel St.?

#### **SOLUTIONS & DEMAND**

There is an actual solution here. And it's an obvious one. If the culvert, where it begins on the Benefield's property, were redirected to our main street, and down to the connected drainage at the corner of N. Laurel and 7<sup>th</sup> St., the flooding issue (for all residents) would likely be solved. This may require a commitment from the city to manage the new drain connection at the main street (possibly a larger pipe?).

My unfortunate assumption is that the City of Cannon Beach would rather not use their resources to solve this problem, though in my opinion it is a neighborhood problem which will continue to create flooding issues on N. Laurel St. in the future. It is

392 additionally important to note that from what was discovered  
393 during the November 2021 and January 2022 flooding at the corner  
394 of our street, the drain that currently is supposed to drain our  
395 street is very much in need of attention, repair and/or  
396 enlargement.

397  
398 Who is to be held responsible, ultimately, for making whatever  
399 changes are deemed necessary in order to avoid this catastrophe  
400 happening again this winter? It is not enough to claim that this  
401 was a "random event" due to unprecedented rainfall (another part  
402 of your response, Mr. St. Denis, in your discussion with the  
403 Souply's).

404  
405 It is obvious that with the manifestation of climate change  
406 conditions, this is not likely to remain an "unprecedented  
407 event." It is also quite likely discoverable that this "shift"  
408 in water flow has been exacerbated by previous work and  
409 conditions managed by the City of Cannon Beach Public Works on  
410 the hillside above over the past several years - where the  
411 tributary begins.

412  
413 Regardless, I feel certain that this problem will be faced  
414 again, unfortunately. I hope you can imagine just how disturbing  
415 and anxiety provoking this possibility continues to be for me,  
416 and the entire neighborhood after reviewing the Exhibits  
417 included in this document.

418  
419 This correspondence, minimally, represents a record of the facts  
420 as they have been presented to you all-as official City  
421 representatives of Cannon Beach. I will retain it for future  
422 reference of this issue-when likely this will need to be  
423 addressed once again, unfortunately.

424  
425 This notice shall serve as a demand that the City of Cannon  
426 Beach Public Works Department perform its due diligence for the  
427 taxpayers of our community, obtaining professional and qualified  
428 engineering assessment(s) of the flooding situation and perform  
429 the necessary diversion of Public Works controlled runoff to  
430 prevent it from damaging our homes.

431  
432 If the City of Cannon Beach continues to point to this as a  
433 'property line' dispute between neighbors to be litigated

civilly, the City itself will be drawn into the litigation  
– because the problem has nothing to do with a property line  
dispute and everything to do with the upstream source of the  
watershed, which is controlled by Public Works.

At the very least, Public works should demand that culverts on  
homeowners' properties are adequately maintained.

And for the record, a formal offer to purchase the portion of  
land BACK from the Benefield's which would RE-place the opening  
to this culvert BACK onto my own property, so that I may manage  
its proper maintenance has been previously offered by myself  
(via my attorney)-with no response from the Benefield's.

My ultimate hope is to further encourage the responsibility of  
the City of Cannon Beach, and any applicable engineering changes  
to facilitate proper drainage that should be made under your  
direction.

If adequate action is not taken by the City to prevent further  
flooding and unmitigated disaster, all available recourse will  
be taken to hold the City of Cannon Beach and all responsible  
parties accountable for their negligence in allowing its  
watershed to destroy private homes.

Thank you for your immediate attention to this serious matter.

Best regards,

Susie Stevens Logan