

Forest Lawn Partition

Cannon Beach, Oregon

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

Submitted: May 26, 2022

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1.0 Introduction

General Information

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Environmental:	Pacific Habitat Services 9450 SW Commerce Circle, Suite 180 Wilsonville, Oregon 97070 Contact: John van Staveren, SPWS Phone: 503.570.0800 Email: jvs@pacifichabitat.com
Site Location:	Forest Lawn Road, Cannon Beach, OR 97110 (no address assigned)
Tax Lot ID Number:	51030DA04100
Zoning:	Residential Medium Density (R2)
Comprehensive Plan:	Residential
Site Area:	±1.1 acres (48,040 square feet)

2.0 Project Summary

Description of Proposal

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

Table 1: Proposed Lots and Dimensions

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

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

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

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

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

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

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

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

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

Existing Site Conditions

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

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

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

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

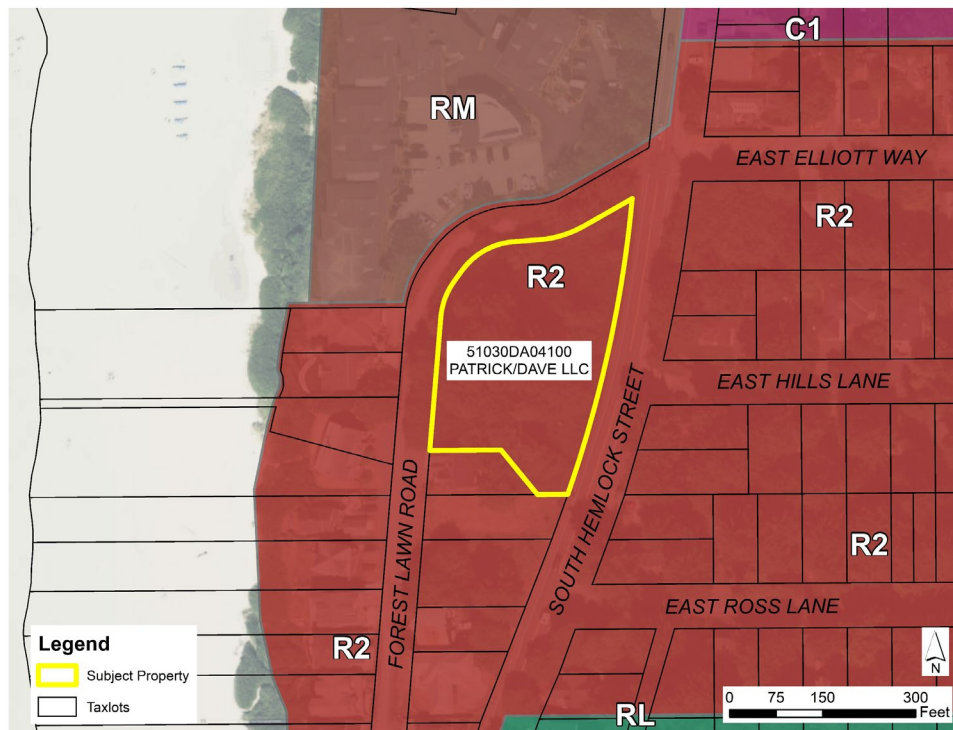
Table 2: Surrounding Land Uses

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

Figure 1: Vicinity Map



Figure 2: Zoning Map



3.0 Cannon Beach Municipal Code

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

Title 16 – Subdivisions

16.04.030 Compliance Required.

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

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

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

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

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

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

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

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

16.04.060 Procedure – Generally.

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

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

16.04.070 Tentative Plan – Conference.

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

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

16.04.110 Water Rights.

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

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

16.04.130 Applicable Standards.

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

A. General Development Policies.

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

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

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

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

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

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

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

Response: The project site is zoned R2 and the net acreage is approximately 1.1 acres/48,040 square feet⁴; therefore, the maximum allowed density is 11 dwelling units per net acre. The applicant is proposing a three lot partition to allow for one single-family residential dwelling per lot, for a total of three dwellings within the site. As the maximum net density is not exceeded, this standard is met.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Northside Policies. [...]

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

C. Tolovana Park Policies. [...]

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

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

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

E. Housing Policies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Response: Higher density housing is not proposed.

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

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

G. Overall Policies-Geologic Hazards.

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

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

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

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

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

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

Response: The project site does not have beach frontage.

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

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

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

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

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

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

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

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

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

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

H. Flood Hazard Policies. [...]

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

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

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

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

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

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

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

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

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

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

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

K. Street Policies.

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

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

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

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

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

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

L. Water System Policies.

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

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

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

Response: A subdivision, planned development, or motel is not proposed with this application. As mentioned in response to CBMC 16.04.130(L)(1), it is not DOWL’s understanding that the development proposed with this application should be considered “large development” or a “heavy water user”. Nonetheless, Section 1.4.2 of the Cannon Beach Water Master Plan⁵ identifies that the City’s existing water distribution system is sufficient to provide water to residents and businesses, including the proposed development, through 2036 based on existing and modeled future water demands. Per Section 4.3 of the Water Master Plan, future water demands were calculated through the end of the planning period (2036) and are based on a projected average annual growth rate of 0.15 percent to 0.20 percent.

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

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

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

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

⁵ https://www.ci.cannon-beach.or.us/sites/default/files/fileattachments/public_works/page/20231/cb_wmp_final_12-1-17.pdf

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

M. Sewer System Policies.

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

Response: Given that the applicant is only proposing three residential units, DOWL does not believe that the proposed project would qualify as a “large development”. As shown on the Preliminary Utility Plan (Exhibit H), sanitary sewer service lines are proposed in order to serve the proposed lot’s future single-family dwellings. The applicant will pay all costs associated with these extensions. Per Section 5.3 of the Cannon Beach Wastewater Master Plan⁶, future demands of the City’s sanitary sewer system were based on projected growth through the end of the planning period (2036), and a projected population of 1,768. As described on page 83 of the Wastewater Master Plan, the impact of this growth on the City’s sanitary sewer system capacity is nearly negligible.

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

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

N. Fire Protection Recommendations.

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

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

⁶ https://www.ci.cannon-beach.or.us/sites/default/files/fileattachments/public_works/page/20231/wwfp_final_revised.pdf

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

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

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

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

16.04.170 Tentative Plan – Form.

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

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

16.04.180 Tentative Plan – Map Contents.

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

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

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

- B. North point and date;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

L. Contour lines having the following minimum intervals:

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

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

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

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

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

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

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

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

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

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

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

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

16.04.190 Tentative Plan – Other Information.

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

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

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

2. Proposed covenants and restrictions;

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

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

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

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

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

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

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

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

Response: The project site does not abut the oceanfront.

7. Other information as requested by the planning commission.

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

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

1. A conceptual grading plan;

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

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

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

16.04.260 Construction Drawings – Design and Data Requirements.

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

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

16.04.280 Design Standards – Streets.

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

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

16.04.290 Design Standards – Easements.

The following design standards are required for easements:

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

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

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

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

16.04.300 Design Standards – Blocks.

The following design standards are required for blocks:

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

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

16.04.310 Design Standards – Lots.

The following design standards are required for lots:

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

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

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

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

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

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

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

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

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

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

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

E. Building Envelopes.

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

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

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

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

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

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

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

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

16.04.320 Design Standards – Public Sites and Open Spaces.

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

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

16.04.330 Design Standards – Trees.

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

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

16.04.340 Design Standards – Utilities.

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

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

16.04.350 Improvement Standards and Approval.

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

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

16.04.360 Improvements.

[...]

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

Title 17 – Zoning

17.14 Residential Medium Density (R2) Zone

17.14.020 Uses Permitted Outright.

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

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

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

17.14.030 Conditional Uses Permitted.

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

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

17.14.040 Standards.

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

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

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

B. Lot Dimensions.

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

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

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

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

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

Response: As shown on the Tentative Partition Plan (Exhibit B), each proposed lot contains a building site envelope that can provide for a minimum front yard setback of at least 15 feet; Lot 1's front yard setback is measured from South Hemlock Street, Lot 2's front yard setback is measured from Forest Lawn Road, and Lot 3's front yard setback is measured from Forest Lawn Road⁷. Therefore, this standard is met.

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

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

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

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

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

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

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

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

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

Table 3: Proposed Lot Coverage

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

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

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

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

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

F. Signs. As allowed by Chapter 17.56.

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

G. Parking. As required by Section 17.78.020.

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

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

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

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

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

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

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

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

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

17.43 Wetlands Overlay (WO) Zone

17.43.020 Mapping.

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

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

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

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

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

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

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

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

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

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

17.43.025 Wetland Lot-of-Record.

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

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

17.43.030 Uses and Activities Permitted Outright in Wetlands.

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

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

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

- D. Vegetation management.**

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

17.43.035 Uses and Activities Permitted Outright in Wetland Buffer Areas.

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

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

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

17.43.040 Conditional Uses and Activities Permitted in Wetlands.

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

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

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

17.43.045 Conditional Uses and Activities Permitted in Wetland Buffer Areas.

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

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

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

17.43.050 Standards

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

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

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

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

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

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

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

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

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

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

Response: Per the City's Local Wetland Inventory Report⁸, Wetland A (Wetland #24 per the report) is palustrine, scrub-shrub, and seasonal; therefore, CBMC 17.71 is not applicable as the wetland is not riverine.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17.50 Development Requirements for Potential Geologic Hazard Areas

17.50.020 Applicability.

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

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

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

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

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

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

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

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

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

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

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

17.50.030 Procedure.

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

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

17.50.040 Reports and Plans Required.

A. Geologic Site Investigation Report.

1. A geologic site investigation report shall be prepared by a registered geologist or engineering geologist. The report is to be prepared in conformance with the city's site investigation report checklist.
2. Where recommended by the geologic site investigation report, or required by the building official, an engineering report prepared by a registered civil engineer shall be prepared. The report shall discuss the engineering feasibility of the proposed development and include findings and conclusions for: the design and location of structures; the design and location of roads; the design and location of utilities; land grading practices, including excavation and filling; stormwater management; and vegetation removal and replanting.
3. The burden of proof shall be upon the applicant to show construction feasibility. A proposed use will be permitted only where:
 - a. The geologic site investigation report indicates that there is not a hazard to the use proposed on the site or to properties in the vicinity; or
 - b. The geologic site investigation report and engineering report specifies engineering and construction methods which will eliminate the hazard, or will minimize the hazard to an acceptable level.

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

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

17.62 Grading, Erosion and Sedimentation Control

17.62.030 Grading and Erosion Control Permit.

A. Development Permit Required.

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

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

17.70 Tree Removal and Protection

17.70.015 Tree Removal Without a Permit Prohibited.

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

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

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

Table 4: Preliminary Tree Removal Table

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

17.70.020 Permit Issuance – Criteria.

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

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

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

17.70.030 Additional Requirements.

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

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

- D. The retention of trees shall be considered in the design of partitions, subdivisions or planned developments; placement of roads and utilities shall preserve trees wherever possible. The need to remove trees shall be considered in the review process for partitions, subdivisions or planned developments.**

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

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

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

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

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

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

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

17.78 Off-Street Parking

17.78.010 Requirements Generally.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

G. A plan drawn to scale, indicating how the off-street parking requirements are to be met shall accompany an application for a building permit.

Response: As required by CBMC 17.78.020(D), at least two off-street parking spaces will be provided for each proposed lot. Site plans provided with future building permit applications will demonstrate compliance with the applicable off-street parking requirements of this chapter.

H. It is unlawful to charge a fee of any kind for the use of off-street parking spaces provided to meet the off-street parking requirements specified in Sections 17.78.020 and 17.22.050(J)(1). Where such a fee was charged prior to the effective date of Ordinance 97-12, an amortization period of four months, from the effective date of Ordinance 97-25, is established. At the conclusion of the amortization period, charging a fee of any kind for the use of off-street parking spaces provided to meet the off-street parking requirement specified in Sections 17.78.020 and 17.22.050 (J)(1) shall be prohibited whether or not a fee was charged prior to the adoption of Ordinance 97-12.

Response: Paid parking is not proposed with this application.

17.78.020 Off-Street Parking Requirements.

A. At the time a structure is erected or enlarged or the use of a structure or parcel of land changes, off-street parking spaces shall be provided in accordance with this section and Sections 17.78.010, 17.78.030 and 17.78.040.

Response: As required by CBMC 17.78.020(D), at least two off-street parking spaces will be provided for each proposed lot. It is intended that off-street parking spaces for the proposed lot's future single-family dwellings will be provided within garage structures. Site plans provided with future building permit applications will demonstrate compliance with the applicable off-street parking requirements of this chapter.

B. If parking space has been provided in connection with an existing use, the parking space shall not be eliminated if it would result in less than is required by this section.

Response: The project site is currently vacant and does not contain any existing parking spaces. As required by CBMC 17.78.020(D), at least two off-street parking spaces will be provided for each proposed lot.

- C. Where square feet are specified, the area measured shall be gross floor area, where gross floor area means the sum of the gross horizontal area of all floors of a building, as measured from the exterior walls of a building. Where employees are specified, persons counted shall be those working on the premises including the proprietors, during the largest shift at a peak season.**

Response: As required by CBMC 17.78.020(D), at least two off-street parking spaces will be provided for each proposed lot. Parking requirements for residential uses are based on dwellings provided, not the square footage of the structure. This standard is not applicable.

- D. In determining the number of parking spaces required by this section, all fractions 0.5 or greater shall be rounded to the nearest whole number. (Example, if it is determined that 5.65 parking spaces are required, six off-street parking spaces must be provided. If it is determined that 5.25 parking spaces are required, five off-street parking spaces must be provided.)**

Response: As required by CBMC 17.78.020(D), at least two off-street parking spaces will be provided for each proposed lot, which will contain one single-family dwelling each.

17.78.030 Design Standards.

- A. The following design requirements shall apply to an off-street parking area consisting of five or more parking spaces:**
- 2. A parking space must be at least nine feet by eighteen feet. Where parallel parking spaces are provided, the minimum dimension is nine feet by twenty-two feet.**

Response: Site plans provided with future building permit applications will demonstrate compliance with the applicable off-street parking requirements of this chapter, including the dimensional requirements for parking spaces per this standard.

- 9. The number of access points from the adjacent public street(s) to the parking area shall be limited to the minimum that will allow the property to accommodate the anticipated traffic. Access points shall be located on side streets or existing driveways wherever possible so as to avoid congestion of arterial or collector streets. The width of the access point(s) to the parking area shall comply with the standards of Municipal Code Section 12.08.040.**

Response: As shown on the Tentative Partition Plan (Exhibit B), access points from adjacent public streets have been minimized as required by this standard. Lot 2 will be accessed directly from Forest Lawn Road, while Lots 1 and 3 will be accessed from South Hemlock Street. In conformance with Transportation Policy 7 within the Cannon Beach Comprehensive Plan, access to South Hemlock Street from Lots 1 and 3 will be provided via a shared access point within a 15 foot wide reciprocal access easement split between each lot evenly. Each lot will also maintain adequate space for vehicles to turnaround so that vehicles can enter South Hemlock Street “nose first” without having to back onto the street. Site plans provided with future building permit applications will demonstrate compliance with CBMC 12.08.040 as required by this standard.

10. Maneuvering space (to prevent backing onto streets) shall be provided for all lots which provide access onto arterial streets (Hemlock Street, Sunset Boulevard, and US Highway 101).

Response: As shown on the Tentative Partition Plan (Exhibit B), Lots 1 and 3 will be accessed from South Hemlock Street. In conformance with Transportation Policy 7 within the Cannon Beach Comprehensive Plan and this standard, each lot will also maintain adequate space for vehicles to turnaround to allow vehicles to enter South Hemlock Street “nose first” without having to back onto the street.

B. Areas for required off-street parking consisting of fewer than five parking spaces, which serve uses other than single-family dwellings, modular housing, manufactured homes, duplexes or triplexes, shall comply with the standards of Section 17.78.030(A)(1)—(4), (7), (9)—(11).

Response: The Tentative Partition Plan (Exhibit B) is intended to allow for the construction of one single-family dwelling within each proposed lot; therefore, these standards are not applicable.

C. Areas for required off-street parking associated with single-family dwellings, modular housing, manufactured homes, accessory dwellings, duplexes and limited triplexes, shall comply with the standards of Section 17.78.030(A)(2), (9), (10).

Response: The Tentative Partition Plan (Exhibit B) is intended to allow for the construction of one single-family dwelling within each proposed lot. CBMC 17.78.030(A)(2), (9), and (10) are addressed for compliance within this narrative.

17.78.040 Improvement Standards.

A. The following improvement standards shall apply to off-street parking areas, except for those associated with single-family dwellings, modular housing, manufactured homes, accessory dwellings, duplexes and limited triplexes: [...]

Response: The Tentative Partition Plan (Exhibit B) is intended to allow for the construction of one single-family dwelling within each proposed lot; therefore, these standards are not applicable.

17.80 Conditional Uses

17.80.110 Overall Use Standards.

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

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

Response: In 2019, the Oregon Legislature passed House Bill 2003 (HB 2003) to help Oregon improve its state-wide housing supply. As a part of HB 2003, the Oregon Housing and Community

Services Department (OHCS) was tasked with developing a methodology for quantifying regional and local housing need by income that can inform targets or goals for local government housing implementation efforts. As a result, OHCS, in coordination with their consultant ECONorthwest, prepared a technical report titled *Implementing a Regional Housing Needs Analysis Methodology in Oregon: Approach, Results, and Initial Recommendations*⁹ (referred to as the “RHNA Report”). The RHNA Report was originally published in August 2020, with additional analysis and research leading to the current version, dated February 2021.

Included with the RHNA Report is Appendix D – Recommended RHNA Results. Appendix D summarizes the number of units needed by region and then presents the results of units needed within each region’s cities through the end of the identified planning period (2040); per Exhibit 120 within the RHNA Report, Cannon Beach is located in the North Coast Region. The RHNA Report characterizes housing need in two categories, “projected need” and “underproduction”, for both the entire North Coast Region (which Cannon Beach is a part of), and Cannon Beach itself, that are relevant to demonstrating a need for the housing that will be accommodated by the Tentative Partition Plan. “Projected need” is the number of units needed to accommodate future population growth over the identified planning period (identified as 2020 to 2040). “Underproduction” is the number of housing units that have not been produced to date in the region, but are needed to accommodate the current population.

Results for the North Coast region and Cannon Beach are summarized in Exhibit 156 (North Coast) and Exhibit 160 (Cannon Beach) within the Appendix D of RHNA Report; these tables are also included below as Tables 5 and 6 for reference.

Table 5: Recommended RHNA Results for the North Coast Region

Median Family Income	Projected Need (2020-2040)	Underproduction (current need)
+120%	6,421	23
80-120%	2,777	51
50-80%	2,890	94
30-50%	1,494	64
0-30%	1,148	62
Total Units	14,731	295

⁹ <https://www.oregon.gov/ohcs/about-us/Pages/housing-needs.aspx>

Table 6: Recommended RHNA Results for Cannon Beach UGB

Median Family Income	Projected Need (2020-2040)	Underproduction (current need)
+120%	115	1
80-120%	50	1
50-80%	52	2
30-50%	27	2
0-30%	21	2
Total Units	264	7

As shown in Table 5, the projected total unit need for the North Coast region through the planning period is 14,731 units, and the identified underproduction value (units needed to meet the current population) is 295. Table 6 is specific to Cannon Beach, and shows a projected need of 264 units through 2040, and an underproduction value of 7 units currently.

As described through this narrative, the Tentative Partition Plan (Exhibit B) will accommodate three single-family residential units within the project site (one unit within each proposed lot), which will help meet both the North Coast region's projected need, and the identified underproduction value (current need), as well as identified housing unit needs within Cannon Beach itself. While each proposed lot will contain wetland and wetland buffer areas, which is the reason conditional use approval is needed, the Tentative Partition Plan has been designed to avoid all impacts to Wetland A and its associated five foot buffer, including from the dwellings building sites, as well as from driveways, parking/vehicle turnaround areas, and utility services. As impacts to wetland and wetland buffer areas are avoided completely, the project suite is suitable for the future residential development that the Tentative Partition Plan will facilitate.

Therefore, this criterion is met due to project's provision of needed housing and the sensitive site design measures incorporated with the project which will avoid wetland and wetland buffer area impacts.

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

Response: As the Tentative Partition Plan (Exhibit B) is intended to provide one single-family residential dwelling per lot, for a total of only three dwellings within the project site, measurable impacts to adjacent transportation facilities, including South Hemlock Street and Forest Lawn Road, are not anticipated. As described further in response to CBMC 17.80.110(E), the 2022 Draft Cannon Beach Transportation System Plan's analysis of the City's existing transportation system demonstrates compliance with identified Oregon Department of Transportation (ODOT) mobility targets. As a result, the adjacent

transportation system can accommodate the proposed lot's future single-family dwellings and will not result in excessive traffic congestion on nearby streets.

As shown on the Preliminary Utility Plan (Exhibit H), sanitary sewer, water, and stormwater service lines are proposed in order to serve the proposed lot's future single-family dwellings. As described in response to CBMC 16.04.130(L) and (M), the City's existing sanitary sewer and water systems have sufficient capacity to meet the project site's proposed development and demand. Stormwater service lines, anticipated to be four inches in diameter, will collect each future dwelling's stormwater runoff, which will then be conveyed to the existing public system within Forest Lawn Road and South Hemlock Street. Downstream deficiencies in the City's stormwater conveyance system are not known to exist.

Fire protection services for the project site are provided by the Cannon Beach Rural Fire Protection District. The water service lines shown on the Preliminary Utility Plan are designed to accommodate necessary fire service flow standards. As identified in the City's Water Master Plan, Oregon fire code requires a minimum flow of 1,000 gallons per minute with a minimum pressure of 20 psi for fire hydrants. Figure 7.4.5-1D shows that the project site is adjacent to multiple existing fire hydrants and falls within the minimum 250 feet service radius for these hydrants.

The project site is currently within the boundaries of the Seaside School District. Given the proposed lots will result in only three residential dwelling units, the resulting development is not anticipated to overburden the school district's capacity should future residential dwellings provide housing for families with school-aged children.

Electrical service will be provided to the project site by Pacific Power, which provides service to the entirety of Cannon Beach. There is no indication that the proposed lot's future single-family dwellings will require an inordinate amount of electrical power that cannot be supplied by Pacific Power. This criterion is met.

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

Response: As shown on the Tentative Partition Plan (Exhibit B) and identified previously in Table 1, each proposed lot meets the minimum R2 zone dimensional requirements for minimum lot size and front, rear, and side yard setbacks. In addition, the proposed building site envelopes, driveways, parking/vehicle turnaround areas, and utility services will all avoid impacts to Wetland A and its associated five foot buffer completely. Therefore, the project site and the Tentative Partition Plan allows for lots that have adequate space for the elements identified above without impacts to wetland and wetland buffer area. This criterion is met.

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

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

- E. An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths or other transportation facilities required by city ordinances or desired by the applicant. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control and emergency vehicle movements.**

Response: As shown on the Tentative Partition Plan (Exhibit B), each proposed lot will be provided access from a public street, with each driveway avoiding impacts to Wetland A and its associated five foot buffer entirely. Lot 2 will be accessed directly from Forest Lawn Road, while Lots 1 and 3 will be accessed from South Hemlock Street. In conformance with Transportation Policy 7 within the Cannon Beach Comprehensive Plan, access to South Hemlock Street from Lots 1 and 3 will be provided via a shared access point within a 15 foot wide reciprocal access easement split between each lot evenly. A shared access for Lots 1 and 3 limits access points to South Hemlock Street to the minimum necessary to serve the proposed lots. As shown on the Tentative Partition Plan, Lots 1 and 3 will also maintain adequate space for vehicles to turnaround to allow vehicles to enter South Hemlock Street “nose first” without having to back onto the street. Limiting backing movements onto South Hemlock Street will ensure vehicles can safely enter the street and minimize potential collisions. Each lot’s frontage on an adjacent public street also ensures refuse collection can occur without issue, and driveways will provide direct access to future dwellings for emergency service vehicles.

As the Tentative Partition Plan is intended to provide one single-family residential dwelling per lot, for a total of only three dwellings within the project site, measurable impacts to adjacent transportation facilities, including South Hemlock Street and Forest Lawn Road, are not anticipated. The 2022 Draft Cannon Beach Transportation System Plan¹⁰, which is expected to be adopted during Summer 2022, analyzed the City’s existing transportation system conditions, with its findings included as Technical Memorandum #3¹¹. As identified in Technical Memorandum #3, traffic operations at 15 different intersections within the City were analyzed, none of which were found to exceed identified ODOT mobility targets. In addition, none of the studied intersections in the vicinity of the project site, including the intersection of South Hemlock Street & Sunset Boulevard located approximately 300 feet north of the project site, were found to be operating at an inadequate level of service (LOS), with all mainline operations along Hemlock Street within the City operating at a LOS of either “A” or “B”, where “F” is considered worst conditions. As a result, the adjacent transportation system can accommodate the proposed lot’s future single-family dwellings.

Therefore, the Tentative Partition Plan provides the proposed lots with adequate connections to the adjacent transportation system that can be used for the transportation

¹⁰ https://www.cannonbeachtsp.com/files/ugd/bd2299_0c13d04b61ec4d5e883d956d3b122eff.pdf

¹¹ https://www.cannonbeachtsp.com/files/ugd/bd2299_85124235650d48a9907fce94316a65a6.pdf

activities identified by this criterion. Further, the Tentative Partition Plan is not anticipated to have measurable impacts on adjacent public facilities, and the existing transportation system is capable of accommodating the proposed development. This criterion is met.

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

Response: As shown on the Tentative Partition Plan (Exhibit B) and described throughout this narrative, the project site has been designed to comply with all applicable R2 zone and WO overlay zone standards for single-family residential development. These regulations and standards are implemented by the City in order to ensure proposed development is compatible with the surrounding area and results in development that is sensitive to the scale, character, and density of the surrounding areas. While a maximum density of 11 dwelling units per acre is permitted by the R2 zone, the project site's resulting density will be no more than three dwelling units per acre, which is consistent with development patterns of adjacent R2 zoned lots. In addition, all of the proposed lots will exceed the minimum lot size requirement of the R2 zone of 5,000 square feet; two of the proposed lots, Lots 2 and 3, will have a lot size of over 20,000 square feet each, with the vast majority of these lots being preserved from development. Further, Wetland A and its associated five foot buffer will be preserved in its entirety, including from the dwelling's building sites, as well as from driveways, parking/vehicle turnaround areas, and utility services. Compliance with other R2 zone development standards specific to the size and scale of the future dwellings, such as building height and FAR, will be demonstrated at the time of building permit submittal and review. This criterion is met.

17.80.120 Specific use standards.

In addition to the overall conditional use standards, the specific use standards of Sections 17.80.130 through 17.80.360 shall also be applied.

Response: There are no specific use standards for partitions/land divisions provided by this section; therefore, these standards are not applicable.

17.90 General Requirements and Regulations

17.90.020 Access Requirement.

Every lot shall abut a street, other than an alley, for at least twenty-five feet. Lots which were created prior to adoption of the zoning ordinance which do not meet this provision may be accessed via an irrevocable recorded easement of a minimum of ten feet in width.

Response: As shown on the Tentative Partition Plan (Exhibit B), each proposed lot abuts a street for at least 25 feet. Lot 2 will be accessed directly from Forest Lawn Road, while Lots 1 and 3 will be accessed from South Hemlock Street. In conformance with Transportation Policy 7 within the Cannon Beach Comprehensive Plan, access to South Hemlock Street from Lots 1 and 3 will be provided via a shared access point within a 15 foot wide reciprocal access easement split between each lot evenly. Each lot will also maintain adequate space for vehicles to turnaround so that vehicles can enter South Hemlock Street "nose first" without having to back onto the street.

4.0 Conclusion

As evidenced through this narrative and associated documents, the applicant's tentative partition and conditional use requests are consistent with the applicable local and state policies and regulations governing the allowance of these requests. Therefore, the applicant respectfully requests City of Cannon Beach approval of these applications.