



CITY OF CANNON BEACH

AGENDA

Meeting: Design Review Board
Date: **Wednesday, February 21, 2024**
Time: 6:00 pm
Location: Council Chambers

CALL TO ORDER, APPROVAL OF AGENDA AND MINUTES

- 1) **Approval of Agenda**
- 2) **Consideration of the Minutes for the Design Review Board Meetings of January 18, 2024.** *If the Design Review Board wishes to approve the minutes, an appropriate motion is in order.*

PUBLIC COMMENT

If you are requesting to speak during a public hearing agenda item, your comments will be considered during the public hearing portion of the meeting when the public hearing item is considered by the Board.

ACTION ITEMS

- 3) **Continuation of DRB 23-14**, Scott Rochel applicant and property owner, to demolish old garage and rebuild new garage with an Accessory Dwelling Unit (ADU). The property is located at 279 Gulcana Ave (Tax Lot 04501, Map 51031AA) in a Residential Moderate Density (R1) Zone.
- 4) **Continuation of DRB 24-02** Glen Miller applicant, on behalf of the Cannon Beach Conference Center, to remove and replace existing siding and install new siding. The property is located at 288 Hemlock St (Tax Lot 02700, Map 51019DD) in a Residential Motel (RM) Zone.
- 5) **Continuation of DRB 24-03** Jay Orloff of Tolovana Designs LLC applicant, on behalf of Patrick/Dave LLC, to build a new detached multi-family development with detached garages. The property is located at Forest Lawn and Hemlock Streets (Tax Lot 04100, Map 51030DA) in a Residential Medium Density (R2) Zone.
- 6) **DRB 24-04 WRB Construction LLC**, on behalf of Tolovana Sands Condominiums, Application for exterior alterations to existing buildings. The property, 160 E. Siuslaw, TAXLOTS 51032CB70001, 70002, 70003, 70102, 70103, 70104, 70105, 70106, and 70201 consists of multiple owners within a homeowner's association and is in a Residential Motel (RM) Zone. The application will be reviewed against the criteria of municipal code chapter 17.44.080 – 17.44.100, design review criteria.

DISCUSSION ITEMS

- 7) Good of the Order
- 8) ADJOURNMENT

Please note that agenda items may not be considered in the exact order listed, and all times shown are tentative and approximate. Documents for the record may be submitted to the Community Development Department prior to the meeting
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by email, fax, mail, or in person. Publications may be available in alternate formats and the meeting is accessible to the disabled. For questions about the agenda, or if you need special accommodations per the Americans with Disabilities Act (ADA), please contact Community Development at (503) 436-8054.

Posted: February 14, 2024

Public Comment: If you wish to provide public comment via Zoom for this meeting, please use the raise your hand Zoom feature. Except for a public hearing agenda item, all Public to be Heard comments will be taken at the time indicated on the agenda or at the discretion of the Chair for both agenda and non-Agenda items. If you are requesting to speak during a public hearing agenda item, please indicate the specific agenda item number as your comments will be considered during the public hearing portion of the meeting when the public hearing item is considered by the Board. It will be at the Chair's discretion to allow additional comment through Zoom at the time of the meeting.

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Minutes of the
CANNON BEACH DESIGN REVIEW BOARD
January 18, 2024
6:00 p.m.
Council Chambers

Present: Chair Dave Doering and Board Members Anita Dueber and Harvey Claussen attended in person. Michelle Valigura via Zoom

Excused: None

Staff: City Manager Bruce St. Denis, Community Development Director Steven Sokolowski, City Planner Robert St. Clair, Recorder Jennifer Barrett and Administrative Assistant Tessa Pfund. Special Counsel Carrie Richter

CALL TO ORDER

Chair Doering called the meeting to order at 6:00 pm.

(1) Approval of Agenda

Doering requested to move item 7 to number 4 ahead of the other items so the applicant not to have to sit through the entire meeting.

Motion: Dueber moved to approve the agenda as amended, Claussen seconded the motion.

Vote: Doering, Dueber, Valigura, and Claussen voted AYE; the vote was 4:0 in favor and the motion passed unanimously.

(2) Approval of minutes from the December 11, 2023, Design Review Board Meetings

Claussen requested the motion made to approve the minutes of the October 16th meeting be revised to say Claussen moved to approve the minutes with the amendments he read into the record. Claussen noted concerns about the tone of the minutes in general.

Motion: Claussen moved to approve the minutes as amended; Dueber seconded the motion.

Vote: Doering, Dueber, Valigura, and Claussen voted AYE; the vote was 4:0 in favor and the motion passed unanimously.

PUBLIC COMMENT

Jan Siebert-Wahrmund PO Box 778

Thanked everyone who had a hand in for allowing the public comment period. I asked for it at the retreat and pleased it's happening so quickly.

Sokolowski thanked Emily Bare for the service she provided and introduced Tessa Pfund, noting we are very fortunate to have her. Sokolowski noted Carrie Richter is attending as City Attorney.

ACTION ITEMS

(3) Election of Officers

Motion: Dueber moved to nominate Doering for Chair; Claussen seconded

Doering said if someone else wanted to do it, I would have no objections.

Vote: Doering, Dueber, Valigura, and Claussen voted AYE; the vote was 4:0 in favor and the motion passed unanimously.

Motion: Doering moved to nominate Dueber for Vice Chair; Claussen seconded

Vote: Doering, Dueber, Valigura, and Claussen voted AYE; the vote was 4:0 in favor and the motion passed unanimously.

NON-HEARING ITEMS

4) DRB 24-01, CONSIDERATION OF A FREESTANDING SIGNAGE APPLICATION,

DRB 24-01 Darwin Turner, Cannon Beach Design Co, applicant on behalf of Purple Sunset Premium Cannabis for the free-standing sign. The property is located at 3115 S. Hemlock St (Tax Lot 00400, Map 51032CB) in a Limited Commercial (C1) zone. The application will be reviewed against the criteria of Municipal Code, Chapter 17.44.080-17.44.100, Design Review Criteria.

St. Clair read the staff report and showed the proposed sign on the screen.

Applicant Darwin Turner said I am here if you have any questions.

In response to Dueber's question about the sunset landscape and what that is made out of, and how it will be applied, Turner replied it's painted. In response to Dueber's question is that where the purple pantone 259 and 134 come in, Turney replied yes. Claussen noted the sign is two sided. In response to Dueber's question do you have a template, how are you painting the sunset and trees, it looks like Haystack Rock, Turner replied it will be airbrush and hand painted. In response to Dueber's question does that weatherize pretty well, Turner yes. In response to Dueber's question what was the size of sign there previously, St. Clair replied it is approximately the same size. Turner noted the shape slightly different but it is close to the same size. In response to Valigura's question what are the materials, is anyone else getting mortuary from this, Turner replied the circle sunset will be painted. In response to Doering's question is if flat, Turner replied yes. In response to Valigura's question its coming in front of us and it's already the same we are just approving the materials, Turner replied pretty much. In response to Dueber's question is there a landscape plan, Tuner replied just what's already there, this is going in the same spot. In response to Doering's question this represents change of ownership of facility, Turner replied yes.

Motion: Claussen moved to approve as presented; Dueber seconded the motion.

Vote: Doering, Dueber, Valigura, and Claussen voted AYE; the vote was 4:0 in favor and the motion passed unanimously.

HEARING ITEMS

5) Public Hearing and Consideration of DRB 23-14

DRB 23-14, Scott Rochel applicant and property owner, to demolish old garage and rebuild new garage with an Accessory Dwelling Unit (ADU). The property is located at 279 Gulcana Ave (Tax Lot 04501, Map 51031AA) in a Residential Moderate Density (R1) Zone. The application will be reviewed against the criteria of Municipal Code, Chapter 17.44.080-17.44.100, Design Review Criteria.

Chair Doering asked if anyone objected to the jurisdiction of the Design Review Board to hear this matter at this time. Doering asked if any Commission member believes he or she has a conflict of interest or personal bias. Doering asked if any Commission member had any ex parte contacts or made a site visit. Board members declared their site visits.

Chair Doering asked for the staff report. St. Clair read the staff report.

Chair Doering asked if there was additional correspondence. St. Clair replied there has not been any since what went out last week. In response to Doering's question should we read it into the record, Sokolowski replied it is up to you. Doering noted basically they are objecting to the second story as it obstructs their view.

Chair Doering opened the public hearing and stated that the pertinent criteria were posted; testimony and evidence must address those criteria or other applicable criteria; failure to raise an issue accompanied by statements or evidence sufficient to permit the decision makers to respond to the issue would preclude appeal based upon that issue; prior to the conclusion of the initial evidentiary hearing, any party may request that the hearing record remain open for at least seven days for the submission of additional testimony or evidence; persons who testify shall first receive recognition from the chair, state their full name and mailing address, and if appearing in a representative capacity, identify whom they represent

Chair Doering asked for testimony from the applicant.

Scott Rochel, owner

Rochel said we are requesting this application due to the fact the current structure there was built in 1927 and no longer usable and doesn't meet current setback codes. Requested an ADU on top of the site. Rochel spoke about the shortage of housing in Cannon Beach, adding they decided to build ADU to accommodate that need for the possibility of someone who needs housing. Rochel noted he hired Kyle Hofseth as the contractor and Nito Cerelli as the architect to design. Both are online if there are any questions.

Chair Doering asked for testimony from proponents.

Kyle Hofseth, Contractor Box 1201 Cannon Beach

Hofseth noted he looked over the opposition letter and sketch submitted showing the building would block their view of the rock and does not feel that is accurate. Hofseth noted the building will be under 24 ft tall, and the sketch shows it quite a bit taller.

Dueber noted the application calls it a garage and it's not, noting concerns of the location of the building.

Vito Cerelli said he met with neighbor to the east, walked their property and looked through windows and it was preference to them to place in current location and be least impactful. Cerelli worked extensively with them to place the building. Rochel added it is current is only 3 feet off the property line and by bringing it back 15 feet allows neighbor to have visual accessibility from their downstairs, which they currently do not have due to the building.

In response to Doering's question the email suggested a one story structure with a large footprint and the ADU at ground level, would that work, Rochel replied that would interfere with view from the part of the rear kitchen and half the dining on the lot to the east because you've widened out the footprint of the foundation and the structure itself, plus by doing that it takes up a lot of space of the lawn and losing the lawn and it's still going to push further into the lot and takes away people from the east to look to the south.

Dueber noted this a two-vehicle garage, adding they'll need 3 parking spaces with a residence and ADU. Cerelli replied the garage is for one and they have two others in front of the residences in the gravel driveway.

Valigura noted the design great and so if the area for an ADU. Valigura noted she is super pro this design and not worried that there's a partial obstruction of view when there is a lot of view available. Valigura added she is excited they are thinking about renting to workers in the town.

Chair Doering asked for testimony from opponents. There was none.

Chair Doering asked for additional staff response. There was none.

Chair Doering asked for additional statements from the applicant or proponents.

In response to Dueber's question any landscape plans, there's a lot of wall space on the east side and also on the south, Rochel replied around the existing will be saved and not discarded, Rochel explained they will have uprooted and put on the existing south end of the flower bed, one rose, two fuchsia, eastern lily and hydrangea as well as additional planting. Noted concerns with additional plantings due to the large elk herd. Dueber noted there is a supply list of elk resistant plants. Dueber added I appreciate your contractor and architect.

In response to Dueber's question since there was a letter asked for extra time to go over plans do we need to allow that, Sokolowski replied there was a letter from Mr. O'Neal that discussed the aspect of more time and since this is the initial evidentiary hearing the board is required to grant. Sokolowski added you will need to set a time certain for meeting to be continued to. Sokoloski noted the next DRB meeting if February 15th.

Claussen noted he is not available on the Feb 15th date, suggesting to move the meeting to the 22nd. Sokolowski replied the Planning Commission meetings then, adding here is the potential for a meeting other than the 15, however if changing the date it needs to be done soon to everyone knows. In response to Dueber's question if we wanted to approve even though obligated to continue, can we do that grant continuance, Richter replied per state law anyone can request continuance at initial evidentially hearing and the record to stay open, so you cannot approve and you have to grant continuance. In response to Richter's question Mr. O'Neal asked for continuance for full size plans, have he received them, Sokolowski replied he has not. St. Clair noted there is an unidentified person on zoom,

Jeff and Tiffany O'Neal 272 W Tanana Cannon Beach

O'Neal noted he submitted the request for additional info and their concerns, adding they are not opposed to ADU, but are having a tough time with correlation with height of structure vs current property, giving an overview. O'Neal his noted concerns adding there is a Lot of conversation to property of east, and they are to the south and have not had a chance to review info in detail. O'Neal added this is the first time hearing the height and the setback will help neighbor to east. O'Neal said he does not do have a way of judging the 23 ft height to the structure next to it. O'Neal is requesting more time to review plans and understand with the proposed improvement, what that is in relation to the property and what it does to our property for scenic view. Noted concerns, adding not against ADU, looking at loss or obstruction to scenic vista ways.

Hofseth noted the home is around 700 sq ft, looking at 600 sq ft ADU with 23 ft height adding the O'Neal property is third back from the ocean. Hofseth said the ridgeline on O'Neal's home is a fully built two story home noting the dimensions.

In response to Jan Seibert-Wahrmund's question, not a proponent or opponent, when people say building ADU for workforce do we have any legal proof that they have to sign when they say that, that once it's built that they will rent to the workforce, Sokolowski replied no. St. Clair noted the restriction on using ADU as a short term rental (STR), they have to be rented for 30 days or longer, which is the only restriction the city can place. In response to Claussen's question can they rent their home STR, St. Clair replied yes potentially. Valigura noted this is the loophole that is being look at the code where they can rent the main but not ADU. In response to Claussen's question to the attorney is there any way if we have control over it, Richter replied the DRB's authorization is to review design landscaping siting, not the use itself, no we don't have any authority in the code to impose a condition that requested the owner not STR the house there or ADU.

Cerelli noted page 4 shows the view from 2nd story, exhibit D1, page 4, the two story impact, exaggeration of height of structure and they still have a substantial view of the ocean and benefiting neighbor to the east.

O'Neal said the iconness of Cannon Beach is Haystack Rock and the Needles. O'Neal question if there is the potential for getting story poles to show the pitch height of 24 ft, as it may show the reality of the impact of the structure looking from his adjacent property. Claussen replied if done he would like a site visit, a discussion regarding a site visit and the use of the poles ensued. Richter said if DRB is going to have a quorum we have to notice it as a meeting and have to take minutes. Richter's preference would be to send one or two members to date certain event or we ask applicant to provide photos that the board can look at in a public meeting. Richter added the site visit will not change the need for a special meeting. Sokolowski noted his concern about exparte contacts adding he is hesitant on how it could impact hearing. Richter said her preference is the board sends two representatives who can report back to the hearing disclosing the conversation they had. Discussed how to handle the pole visit and dates. Rochel noted photos are misleading and would like to have a city rep to visually look at the pole as well. Sokoloski replied he and St. Clair can go but would be to just observe and not provide opinion one way or the other. Discussed how to do the site visit, who should participate. Discussed alternative dates for the February meeting. Sokolowski recommendation to move the February meeting to the 21st so there is only one meeting.

Motion: Claussen moved to continue the hearing to February 21st ; Dueber seconded the motion.

Vote: Doering, Dueber, Valigura, and Claussen voted AYE; the vote was 4:0 in favor and the motion passed unanimously.

6) Public Hearing and Consideration of DRB 24-02

DRB 24-02 Glen Miller applicant, on behalf of the Cannon Beach Conference Center, to remove and replace existing siding and install new siding. The property is located at 288 Hemlock St (Tax Lot 02700, Map 51019DD) in a Residential Motel (RM) Zone.

Chair Doering asked if anyone objected to the jurisdiction of the Design Review Board to hear this matter at this time. Doering asked if any Commission member believes he or she has a conflict of interest or personal bias. Doering asked if any Commission member had any ex parte contacts or made a site visit. Board members declared their site visits.

Chair Doering asked for the staff report. St. Clair read the staff report, noting DRB is only reviewing the architectural design criteria.

Chair Doering opened the public hearing and stated that the pertinent criteria were posted; testimony and evidence must address those criteria or other applicable criteria; failure to raise an issue accompanied by statements or evidence sufficient to permit the decision makers to respond to the issue would preclude appeal based upon that issue; prior to the conclusion of the initial evidentiary hearing, any party may request that the hearing record remain open for at least seven days for the submission of additional testimony or evidence; persons who testify shall first receive recognition from the chair, state their full name and mailing address, and if appearing in a representative capacity, identify whom they represent

Chair Doering asked for testimony from the applicant.

Glen Miller, Maintenance manager for Cannon Beach Conference Center, PO Box 943

Miller said the project is due to the current vertical lap siding showing wear as it was built in the 60's and they seeing significant dry rot and looking at changing to a different type of siding for weather resistance. Miller introduced Jaime Lawrie, conf manager who is responsible for the design and colors related to the buildings in center.

Jamie Lawrie 288 N Spruce

Lawrie said the building needed refaced, redone and is an opportunity to bring aesthetic as they have with the newer building. Lawrie wants to bring that look at feel in the existing structure. It will be the same color structure as on Pacific View building and be a continuing look and feel for their property on both sides. Lawrie's design intent is to create a good look and feel for residents and visitors of Cannon Beach. Lawrie noted that white paint will be applied as currently, just change of color and siding.

In response to Doering's question are they actually cedar shake or artificial, Lawrie replied they are looking at both, right now looking at artificial, but looking for best balance of cost and effect. Miller noted imitation shakes provide a continuous board across siding than individual shakes.

Chair Doering asked for testimony from proponents.
There was none.

Chair Doering asked for testimony from opponents.
There was none.

Chair Doering asked for additional staff response.
There was none.

Chair Doering asked for additional statements from the applicant or proponents.
There was none.

Dueber said her discussion will be toward criteria for actual design which says avoid monotonous similarity, monolithic expanse of frontages. Dueber said the two conference center buildings along the entrance to Hemlock and they are going to look very similar and will create a monolithic visual. Dueber added the conference center owns much of the property and it is so similar looking she would like to see something a little more unique to their design to break up the monotony and colors in a way that is compatible and aesthetically fits the Cannon Beach character.

Lawrie said the one thing that makes a difference is they are different footprints and architectural elements. Lawrie added it is an old building and a new face would look good and be enough to feel like its connected, but not necessarily connected to the other buildings. Lawrie gave an overview of the rendering. Lawrie feels the design works well, noting if color is issue they can explore other color.

In response to Dueber's question is it the same as the other building, Lawrie replied is similar but slightly different. Valigura noted she doesn't love the color adding is is way better than what's there. Claussen added it flanks the city park, wondered how the applicant would feel about the shakes, adding there are really good synthetic shake that lasts forever. Dueber replied she is all about shakes asking if they did have artificial, half real, or changing up the color to make it look like its separate. Dueber noted concerns about this people missing whale park, and being sensitive to cost, if there was a way to change color or material placement a little. Lawrie replied the best option is to look at the color and overall can adjust slightly. Lawrie added they have a color palette for the entire center that we are working with that to not be too intrusive and work with the neighbors and environment. Lawrie said we can look at another color if DRB wanted something different from what's there now.

In response to Dueber's question how to proceed. Sokolowski replied try to give the applicant clear direction in terms of what the expectation might be and areas so they can update drawings and bring back to the board. Miller noted other options considered. Sokolowski added this would be a continuance and ask for updated renderings. Doering noted to consider different colors for window frames, a discussion ensued regarding color options.

Motion: Claussen moved to continue the hearing on February 21st; Dueber seconded the motion.

Vote: Doering, Dueber, Valigura, and Claussen voted AYE; the vote was 4:0 in favor and the motion passed unanimously.

Took a break at 7:45 pm. Reconvened at 7:54 pm.

7) Public Hearing and Consideration of DRB 24-03

DRB 24-03 Jay Orloff of Tolovana Designs LLC applicant, on behalf of Patrick/Dave LLC, to build a new detached multi-family development with detached garages. The property is located at Forest Lawn and Hemlock Streets (Tax Lot 04100, Map 51030DA) in a Residential Medium Density (R2) Zone.

Chair Doering asked if anyone objected to the jurisdiction of the Design Review Board to hear this matter at this time. Doering asked if any Commission member believes he or she has a conflict of interest or personal bias. Doering asked if any Commission member had any ex parte contacts or made a site visit. Board members declared their site visits.

St. Claire said we had a technical glitch with camera, and wanted to make sure it's working, Richter and Valigura confirmed it's going.

Chair Doering asked for the staff report. St. Clair read the staff report, noting the Planning Commission meeting for CU 23-04 has been continued to January 25, 2024.

Chair Doering asked if there was additional correspondence. St. Clair replied the most recent was received yesterday by Rosey Dorsey and is exhibit D1. Doering noted Dorsey has also requested a continuance, and in light of the ongoing discussion that the planning commission is having with this project he feels a continuance is definitely in order. St. Clair replied since this is the first evidentiary hearing DRB will have to grant the request. In response to Doering's question, do we continue with the hearing, or wait, Sokolowski replied it's up to you, giving options on how to proceed. Richter added it would be appropriate for the board to hear testimony and provide feedback they have at this time so they can comment on the concerns they may have during this open record period.

Chair Doering opened the public hearing and stated that the pertinent criteria were posted; testimony and evidence must address those criteria or other applicable criteria; failure to raise an issue accompanied by statements or evidence sufficient to permit the decision makers to respond to the issue would preclude appeal based upon that issue; prior to the conclusion of the initial evidentiary hearing, any party may request that the hearing record remain open for at least seven days for the submission of additional testimony or evidence; persons who testify shall first receive recognition from the chair, state their full name and mailing address, and if appearing in a representative capacity, identify whom they represent

Chair Doering asked for testimony from the applicant.

Jay Orloff Tolovana design PO Box 563

Orloff walked through the site design and buildings that are in the packet, noting they are not deviating from what was presented to planning commission or staff. Orloff noted we want to have a community sense that these are in combination and continuance to each other. Orloff noted the design, adding looking to blend into the environment, not to stand out. A lot of green area adding the buildable area is an island in the wetland. Wants to blend in with natural environment. Orloff reviewed the landscape plan. I am open to questions or comments.

Dueber said I like your materials, they look and what you explained as far as buildings. In response to Dueber's question, this may not be DRB purview, why is garage needed when parking requirements with the pad have been established, why the 2 story garage, Orloff replied we would like to have indoor parking along with additional storage. Orloff added these do not have basements; they are slab on grade. In response to Dueber's question do you use it becoming an ADU at some point, Orloff replied no, they have to walk to their house, it's nice to have a dry spot.

Dueber noted the Hemlock side of property appears to be keeping vegetation as much as possible, having seen Forest Lawn since the early 80's she would like to see that maintained so the name Forest Lawn is still pertinent to the area. Orloff replied all that's existing there is there, no trees are being removed. Orloff noted they are planting 2 additional trees on Hemlock and 3 on the Forest Lawn side, noting the tree documents in the packet.

Valigura said she loves that someone is using R2 for what R2 is, adding more housing is needed. Valigura questioned the ledgerstone, adding it would be cooler if it was a river rock or something seen around here. Orloff replied he is not a very big fan of river rock and would rather see something more linear, or something similar to what's on the Lodges of Cannon Beach. Orloff noted he has used that stone on many different projects and is open to suggesting to the client. Orloff noted the lighting of the structures as shown on the materials board, and discussed downspouts. Orloff noted he didn't want to dump in the wetland, want to disburse through the site. In response to Claussen's question is slab on grade the best thing, Orloff gave an overview of the deep pile foundation to be used, noting is a structural slab.

Chair Doering asked for testimony from proponents.
There were none.

Chair Doering asked for testimony from opponents.

Jan Siebert-Wahrmund PO Box 778

How can more than one house be allowed to be built on wetland lot of record? It seems to be stretching the code beyond intended meaning to allow more than one house on Forest Lawn property. At Planning Commission last night, the hearing was continued to 1/25. Considering this, how can DRB make a decision before the Planning Commission does. Wouldn't that be a cart before the horse scenario. Where are the plans for boardwalk, are they in the DRB packet? If not shouldn't they in order to make an informed decision. Isn't the

design of the boardwalk important to the site, architecture and landscaping design of this project. How can DRB make decision before planning commission, noting examples, of criteria O on page 54 of the packet, privacy for Rosey, and access. I also ask for a continuance which you have already granted. This is too important issue to make a decision without all pertinent information before you. Doering replied this is his sentiments as well, noting the packet is incomplete and they do not have plans for bridge that was presented to Planning Commission, and they don't have arborist report, all these things he feels would needed.

Chair Doering asked for additional staff response.

Sokoloski replied items will be provided in packet next meeting

Motion: Dueber moved to consider DRB 24-03 to our next DRB meeting on February 21st; Claussen seconded the motion.

Vote: Doering, Dueber, Valigura, and Claussen voted AYE; the vote was 4:0 in favor and the motion passed unanimously.

Motion to approve orders:

Discussed the need for orders. Sokoloski noted the sign was approved and the other items were continued. Sokolowski gave overview of the need of orders, adding it's up to DRB if you want to do an order for the sign or not.

Motion: Claussen moved to sign the order for the approved free standing sign; Dueber seconded the motion.

Vote: Doering, Dueber, Valigura, and Claussen voted AYE; the vote was 4:0 in favor and the motion passed unanimously.

DISCUSSION ITEMS

8) Review of previous Design Review Meeting discussion items.

Doering said Board member Claussen requested this discussion. Claussen said he will pass given the time.

9) Good of the Order

Dueber wanted board to know she sent an email to board regarding signs, met with Sokolowski and will update the sign Ord language to have a better understand of what other materials qualify for design review approval or just administrative so DRB is all in agreement. Dueber added suggesting or offering input in the sign language. IN response to Doering's question would this be outside the code review effort, Sokolowski replied there are two options, it can be included in the code review, but there are certain things happening right now that could happen prior to the code being updated that would be done. Claussen asked if there are clarifications that should be made. Dueber replied draft additions or updated language would go to PC or work with PC, then to council. Valigura noted concerns with using vinyl. Claussen needed clarification of interpretation so everyone is on the same page. Dueber added DRB would we do language, or work with PC. Sokoloski wondered if it would be worthwhile to get direction from council and whether or not DRB requesting from Council that DRB be able to take initiative to start a zoning amendment, adding it might be worthwhile to start that way to see if council agrees with the board. Dueber added they could get any input from PC as far as definitions, to make sure they are not interpreting incorrectly. Sokoloski replied he felt it would be staff and attorney and go to PC after.

Valigura added she did a presentation last year on signs and nothing came of it, but she would love to get this under control.

10) ADJOURNMENT

Chair Doering adjourned the meeting at 8:51 p.m.

Jennfier Barrett, City Recorder

DRAFT



Cannon Beach Design Review Board

Supplemental Staff Report, February 14, 2024:

DRB 23-14, SCOTT ROCHEL APPLICATION FOR AN ACCESSORY DWELLING UNIT IN CONJUNCTION WITH THE CONSTRUCTION OF A DETACHED GARAGE. THE PROPERTY, 279 W. GULCANA AVE, TAXLOT 51031AA04501, IS OWNED BY SCOTT & INDIA ROCHEL IN A RESIDENTIAL MEDIUM DENSITY (R1) ZONE. THE APPLICATION WILL BE REVIEWED AGAINST THE CRITERIA OF MUNICIPAL CODE CHAPTER 17.44.080 – 17.44.100, DESIGN REVIEW CRITERIA.

Agenda Date: January 18, 2024
Continued to February 21, 2024

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

GENERAL INFORMATION

NOTICE

Public notice for this January 18, 2024 Public Hearing is as follows:

- A. Notice was posted at area Post Offices on December 22, 2023;
- B. Notice was mailed on December 22, 2023 to surrounding landowners within 100' of the exterior boundaries of the property.

Oregon E-Permitting record number: 164-23-000151-PLNG

DISCLOSURES

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

EXHIBITS

The following Exhibits are attached hereto as referenced.

"A" Exhibits – Application Materials

A-2 Accessory Dwelling Unit plan set, received January 22, 2024

"C" Exhibits – Cannon Beach Supplements

C-2 Staff photos from height measurement exercise, dated February 5, 2024

"D" Exhibits – Public Comment

D-2 J. O'Neal email, received January 19, 2024

D-3 J. O'Neal email, received January 25, 2024

D-4 J. O'Neal email, received February 9, 2024

SUMMARY & BACKGROUND

The proposed project is the construction of an accessory dwelling unit in conjunction with the replacement of an existing detached accessory structure at 279 W. Gulcana Ave. This proposal is brought before the Design Review Board as exterior modifications to an existing dwelling necessary to create an accessory dwelling are subject to review [CBMC 17.54.080(C)].

This item had its initial evidentiary hearing before the Design Review Board on January 18, 2024. During that hearing this item was continued at the request of Jeff O'Neal of 272 W. Tanana and arrangements were made for a height measurement exercise at the applicant's property in order to identify potential impacts to views from Mr. O'Neal's residence that may result from the construction of the proposed accessory dwelling unit. This height measurement exercise took place on February 5th and the following persons were present:

- Steve Sokolowski – Community Development Director
- Robert St. Clair – Planner
- Harvey Claussen – Design Review Board member
- Scott Rochel – Applicant
- Kyle Hoffseth – Applicant's contractor
- Jeff Smith – Resident, 272 W. Tanana
- Jay Orloff – Consulting designer for J. Smith

The results of the height measurement exercise are documented in Exhibits C-2 and D-4.

Based on the information in Exhibit D-4 the primary impact to views from Mr. O'Neal's house will be of existing structures at 288 W. Gulcana and 294 Tok Ln with a portion of the eastern flank of Haystack Rock being obscured, this is shown below.

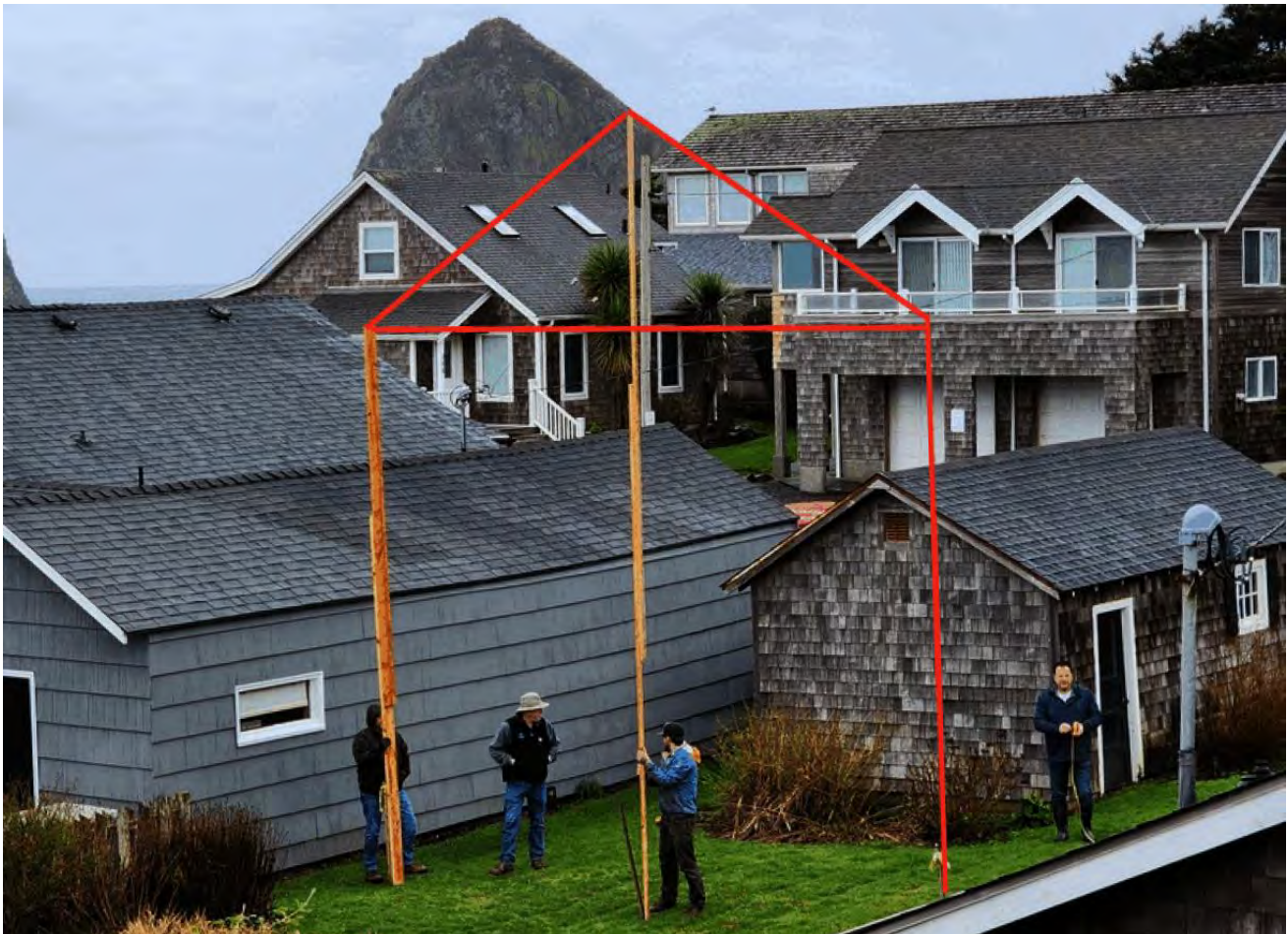


Figure 1 – Excerpt of Page 10 of Exhibit D-4

In Exhibit D-4 Mr. O’Neal claims that “views are greatly degraded when you are in a ‘seated position’ looking NW from the same locations as our home” however none of the photos in that exhibit are specified as having been taken from a seated position.

Exhibit D-4 also includes a number of design suggestions from Mr. O’Neal, however it should be noted that the role of the Design Review Board is to “exercise aesthetic judgement over development projects within the city in order to maintain the desirable character of the community,” [CBMC 17.44.010(A)], and not to design on behalf of an applicant.

DECISION AND CONDITIONS

Site Plan

Motion: Having considered the evidence in the record and upon a motion by Board member (Name), seconded by Board member (Name), the Cannon Beach Design Review Board voted to (approve/approve with conditions/deny) the site plan of the Scott Rochel application to construct an Accessory Dwelling Unit in conjunction with a new detached garage at 279 E. Gulcana Ave., DRB 23-14, as discussed at this public hearing (subject to the following conditions):

Architectural

Motion: Having considered the evidence in the record and upon a motion by Board member (Name), seconded by Board member (Name), the Cannon Beach Design Review Board voted to (approve/approve with conditions/deny) the architectural plan of the Scott Rochel application to construct an Accessory Dwelling Unit in conjunction with a new detached garage at 279 E. Gulcana Ave., DRB 23-14, as discussed at this public hearing (subject to the following conditions):

Landscape Plans

Motion: Having considered the evidence in the record and upon a motion by Board member (Name), seconded by Board member (Name), the Cannon Beach Design Review Board voted to (approve/approve with conditions/deny) the landscape plan of the Scott Rochel application to construct an Accessory Dwelling Unit in conjunction with a new detached garage at 279 E. Gulcana Ave., DRB 23-14, as discussed at this public hearing (subject to the following conditions):

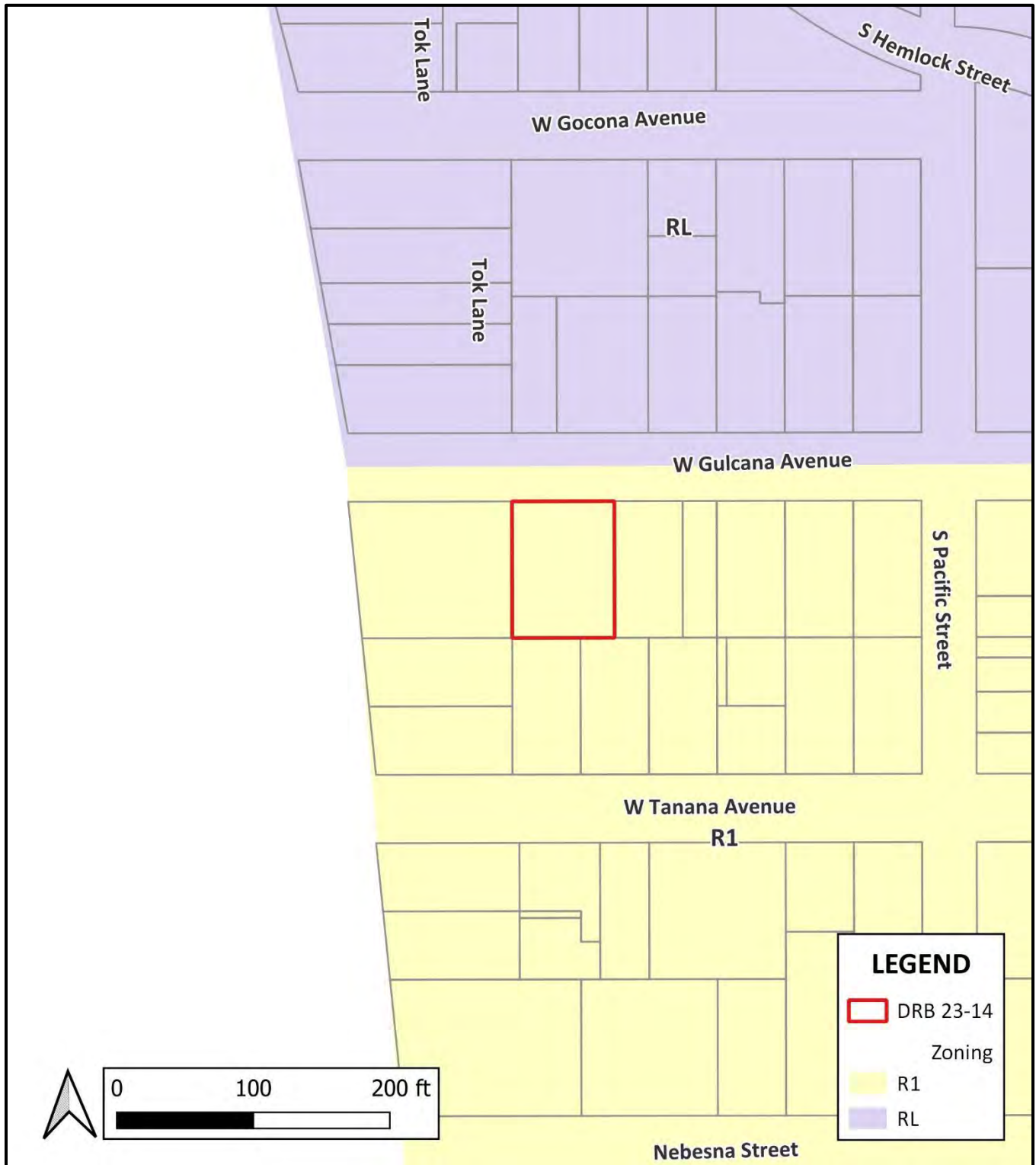
Notice of Approval

17.44.140 Final approval expiration.

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

DRB 23-14 Project Location & Zoning

279 W. Gulcana Ave., Taxlot 51031AA04501



DESIGN REVIEW BOARD FINDINGS; SECTION 17.44.070 - 17.44.100

APPLICANT: Scott Rochel; DRB NUMBER: DRB 23-14

MEETING DATE: January 18, 2024

MAP: 51031AA04501

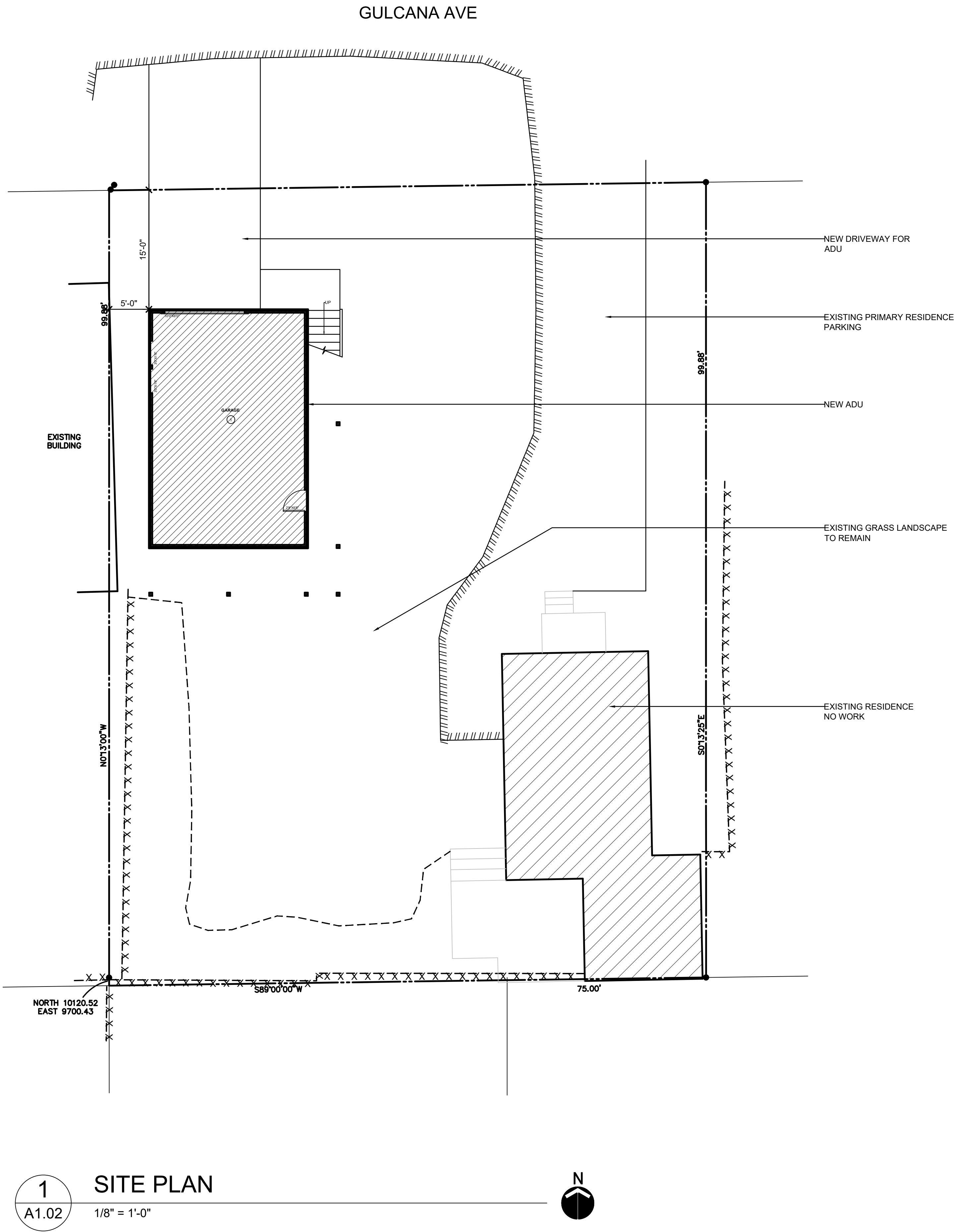
Site Design Criteria	+/-/na	notes
A. The arrangement of all functions, uses, and improvements has been designed so as to reflect and harmonize with the natural characteristics and limitations of the site and adjacent sites. (x3)		
B. In terms of setback from the street or sidewalk, the design creates a visually interesting and compatible relationship between the proposed structures and/or adjacent structures. (x3)		
C. The design incorporates existing features such as streams, rocks, slopes, vegetation (i.e., making use of a small stream rather than placing it in a culvert). (x3)		
D. If the project is unusually large, or if it is located so as to become part of an introduction/transition to the city or to a particular district or to the beach, the design acknowledges the special impact the project would have on the entire community by addressing these design criteria in an exemplary, standard-setting manner. (x3)		
E. Where appropriate, the design relates or integrates the proposed landscaping/open space to the adjoining landscaping/open space in order to create a pedestrian pathway and/or open system that connects several properties. (x2)		
F. The arrangement of the improvements on the site do not unreasonably degrade the scenic values of the surrounding area. (x2)		
G. The improvements on the site enhance and/or do not deny solar access, light or air within the site or to adjacent sites or structures. (x2)		
H. Where appropriate, the design includes a parking and circulation system that encourages a pedestrian rather than vehicular orientation, including a separate service area for delivery of goods. (x2)		
I. The arrangement of the improvements on the site does not unreasonably block or greatly degrade scenic vistas enjoyed from neighboring (especially public) sites. (x2)		
J. The various functions and elements of the site design have been integrated into a unified whole, except in those cases where separation is appropriate. The overall design is visually harmonious when viewed either from within the site or from outside the site. (x2)		
K. The design gives attention to the placement of storage or mechanical equipment so as to screen it from view. (x1)		
L. If the project is adjacent to, or visible from, US Highway 101, the design minimizes its visual impact on the scenic character of Highway 101. (x2)		

M. The arrangement of functions, uses and improvements on the site have been designed to provide access to and within the site for individuals with disabilities. (x3)		
--	--	--

Architectural Design Criteria	+/-/na	notes
A. The design avoids either monotonous similarity or excessive dissimilarity with existing structures, or structures for which a permit has been issued, in its section of town (i.e., downtown, midtown, etc.). If the development includes multiple structures, the design avoids either monotonous similarity or excessive dissimilarity between the component structures. (x3)		
B. The size, shape and scale of the structure(s) are architecturally compatible with the site and with the surrounding neighborhood. The structure is sufficiently modest in scale to enhance the village character of the community. (x3)		
C. The proposed materials and colors are compatible with the character and coastal setting of the city. (x3)		
D. The design avoids monotony and provides visual interest and charm by giving sufficient attention to architectural details and to such design elements as texture, pattern and color. (x3)		
E. If the project includes a large structure or structures, such as a large motel or condominium, the design avoids a monolithic expanse of frontages and rooflines and diminishes the massing of the buildings by breaking up building sections, or by the use of such elements as variable planes, projections, bays, dormers, setbacks, or changes in the roofline. (x3)		
F. If the project is unusually large, or if it is likely to become a village landmark, or if it is located so as to become part of an introduction/ transition to the city or to a particular district or to the beach, the design acknowledges the special impact the project would have on the entire community by addressing the design criteria in an exemplary, standard-setting fashion. (x3)		
G. The height of the structure(s) is architecturally compatible with the site and the surrounding neighborhood. The height of the structures contributes to the village scale. (x2)		
H. The height of the structure(s) is such that it does not unreasonably destroy or degrade the scenic values of the surrounding area. (x2)		
I. The height of the structure(s) is such that it does not unreasonably block or greatly degrade the views of scenic vistas as seen from neighboring sites. (x2)		
J. The height of the structure(s) is such that it does not unreasonably deny solar access, light or air to an adjacent structure, on or off the site. (x2)		
K. The design sufficiently addresses the relationship of the structure(s) to the sidewalk and to pedestrian activity so as to foster human interaction. (x2)		
L. The proposed signage harmonizes with the other structures in terms of form, materials and scale. (x2)		

M. Lighting fixtures: (1) are compatible with the architectural design; (2) produce illumination sufficiently subdued to be compatible with the village character; (3) avoid casting glare on adjoining property; (4) are sufficient for night-time safety, utility, security, and commerce; and (5) do not exceed the illumination values in the table at Section 17.44.150. (x2)		
N. The project incorporates design elements or building improvements which result in the conservation of energy. (x2)		
O. The design of the project ensures continued privacy for the occupants of adjacent structures. In cases of multifamily housing, this item is to be rated as x3. (x1)		

Landscape Design Criteria	+/-/na	notes
A. The design substantially complements the natural environment of Cannon Beach and the character of the site. (x3)		
B. The design harmonizes with and enhances the architectural design. (x3)		
C. The landscape design acknowledges the growing conditions for this climatic zone and the unique requirements that its specific site location makes upon plant selection (i.e., salt, wind and wind exposure, soil condition, light, shade, etc.). (x3)		
D. Provision has been made for the survival and continuous maintenance of the landscape and its vegetation. (x3)		
E. Where it is desirable to do so, the design provides amenities for the public. (x3)		
F. The design makes use of existing vegetation and incorporates indigenous planting materials. (x2)		
G. The selection and arrangement of plant materials provides visual interest by the effective use of such design elements as color, texture and size differentiation. (x2)		
H. The hard surface portion of the design makes use of visually interesting textures and patterns. (x2)		
I. Where it is desirable to do so, the design provides visual interest through the creation of a variety of elevations. (x2)		
J. The design contributes to the stabilization of slopes, where applicable. (x2)		
K. The design successfully delineates and separates use areas, where it is desirable to do so. (x2)		
L. The lighting fixtures and level of illumination are compatible with the landscape design. The level of illumination produced enhances the overall project and does not cast glare on adjacent property or into the night sky. (x2)		

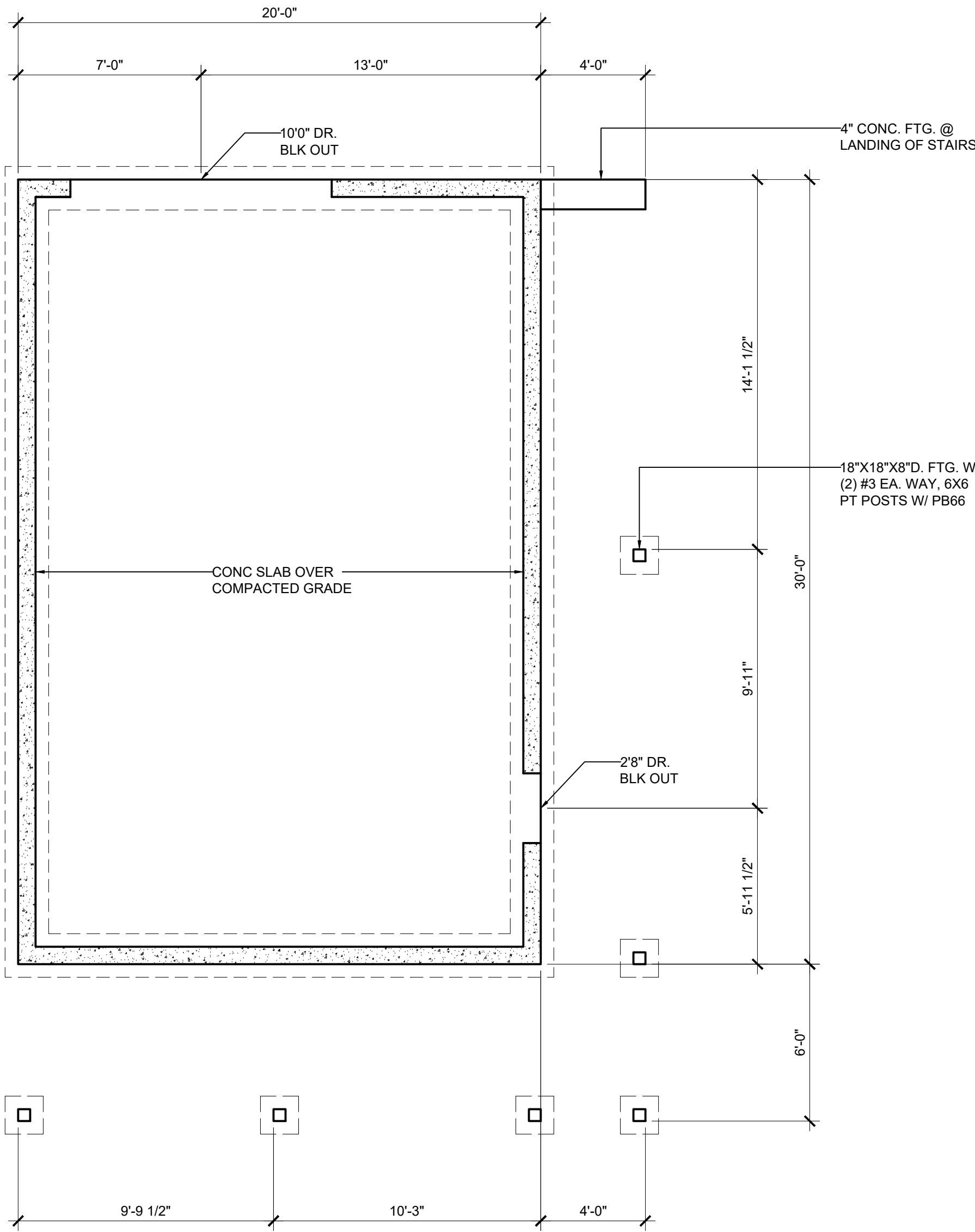


ROCHEL RESIDENCE
279 GULCANA
CANNON BEACH, OR

SET NOTES
PHASE DRB
DATE 11.02.2023
REV -
REV -

1 SITE PLAN
A1.02 1/8" = 1'-0"

ROCHEL RESIDENCE
279 GULCANA
CANNON BEACH, OR

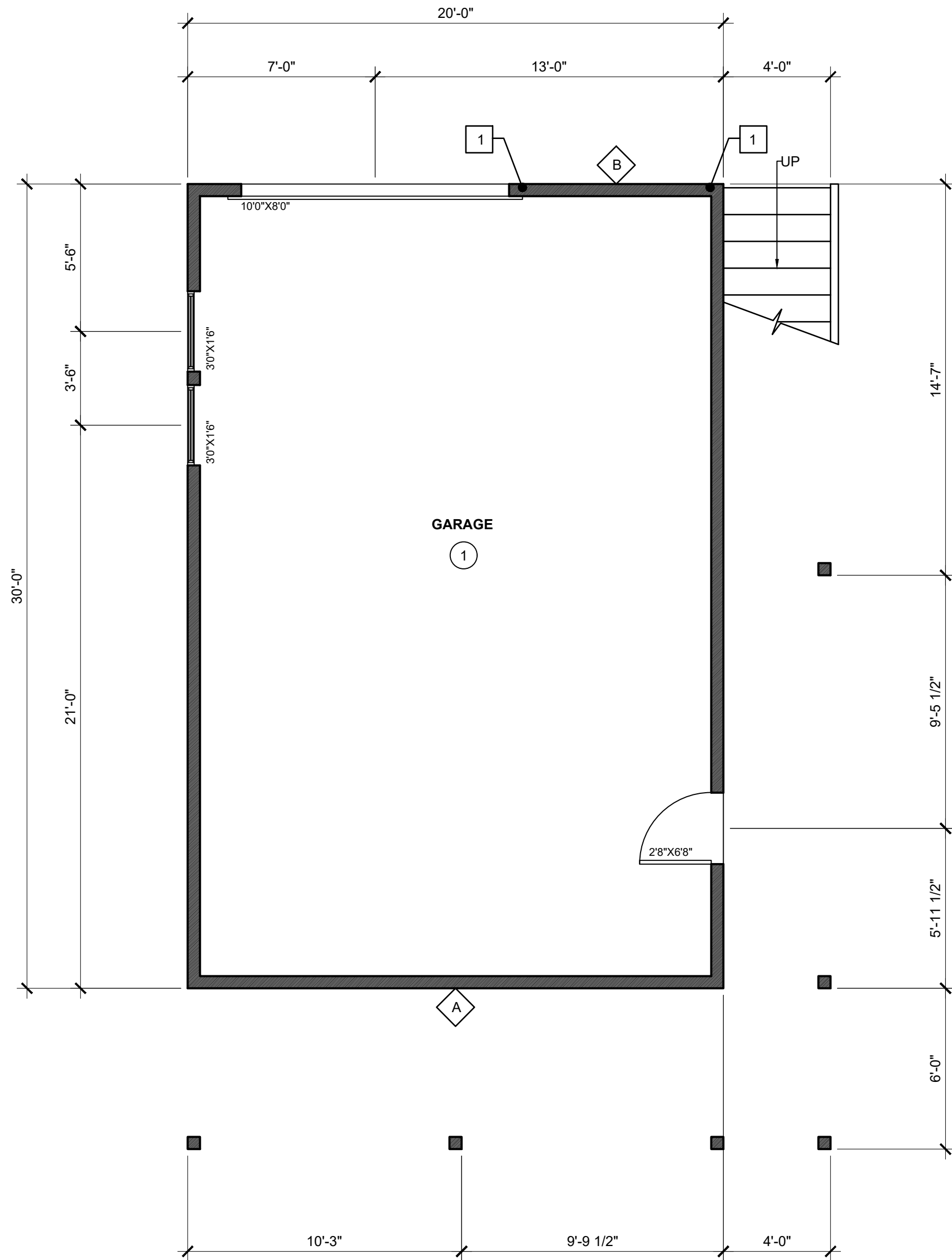


1
A1.02

FOUNDATION PLAN
1/4" = 1'-0"

N

SET NOTES	
PHASE	DRB
DATE	11.02.2023
REV	-
REV	-



1

A1.04

UPPER FLOOR

1/4" = 1'-0"

N

- PLAN NOTES:
1. 5/8" TYPE 'X' RATED GYP @ GARAGE CEILING
- HOLD DOWNS:
- 1

HDU8 W/ SSTB28
- 2

MST1 72 STRAP TO DOUBLE STUDS
CENTER ON FLOOR JOISTS

- A

8d @ 4" OC @ ALL PANEL EDGES
- B

8d @ 3" OC @ ALL PANEL EDGES
- C

10d @ 3" OC @ ALL PANEL EDGES
- ALL OTHER WALLS NAILED 8d @ 6" OC
FULLY BLOCKED TYPICAL

ROCHEL RESIDENCE

279 GULCANA

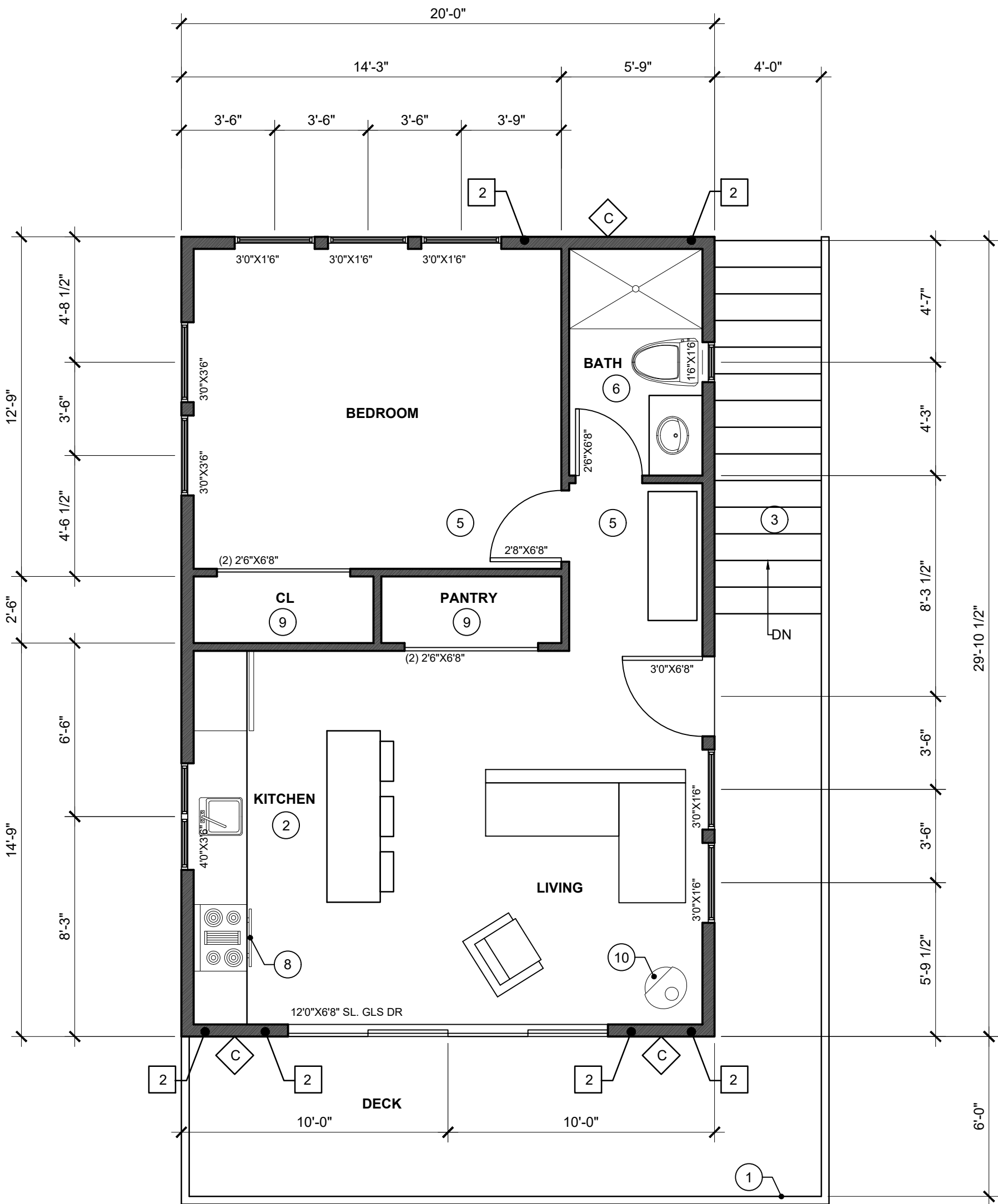
CANNON BEACH, OR

SET NOTES	
PHASE	DRB
DATE	11.02.2023
REV	-
REV	-

ROCHEL RESIDENCE

279 GULCANA

CANNON BEACH, OR



PLAN NOTES:

- 1. +36" GUARDRAIL AS SPECIFIED BY BUILDER W/ LESS THAN 4" OPENING - TYP. 200# FORCE PER CODE
- 2. KITCHEN DESIGN BY OWNER - CONTRACTOR TO VERIFY LAYOUT
- 3. STAIRS TO BE DESIGNED +/- 7.5" RISER +/-10.5" TREAD W/ 6" CLARE HEAD ROOM. NOTE: 8" MAX RISER, 9" MIN TREAD W/ +34" HANDRAIL TO CODE
- 4. NOTE: TEMPERED SAFETY GLASS 20" FROM DOORS, 18" SILL HEIGHTS @ WINDOWS
- 5. 110 V INTERCONNECTED SMOKE DETECTOR / CO2 WITH BATTERY BACK-UP - REQUIRED IN ALL SLEEPING AREAS, OUTSIDE OF SLEEPING AREAS, AND ON EACH LEVEL
- 6. 80 CFM TIMER OR DEHUMIDISTAT FAN UNIT TO VENTILATION CODE AS REQUIRED.
- 7. ELECTRICIAN TO VERIFY LIGHTING W/ OWNER / CONTRACTOR ON SITE. ELECTRICAL TO COMPLY WITH ALL CODE REQUIREMENTS.
- 8. RANGE AND VENT ASSEMBLY TO CODE AS SELECTED BY OWNER
- 9. CLOSET / BUILT-INS AS SELECTED BY OWNER
- 10. UL LISTED PROPANE FIREPLACE
- 11. INSTALLATION MANUAL ON SITE

HOLD DOWNS:

- 1 HDU8 W/ SSTB28
- 2 MSTI 72 STRAP TO DOUBLE STUDS CENTER ON FLOOR JOISTS

- A 8d @ 4" OC @ ALL PANEL EDGES
- B 8d @ 3" OC @ ALL PANEL EDGES
- C 10d @ 3" OC @ ALL PANEL EDGES

ALL OTHER WALLS NAILED 8d @ 6" OC FULLY BLOCKED TYPICAL

SET NOTES

PHASE DRB

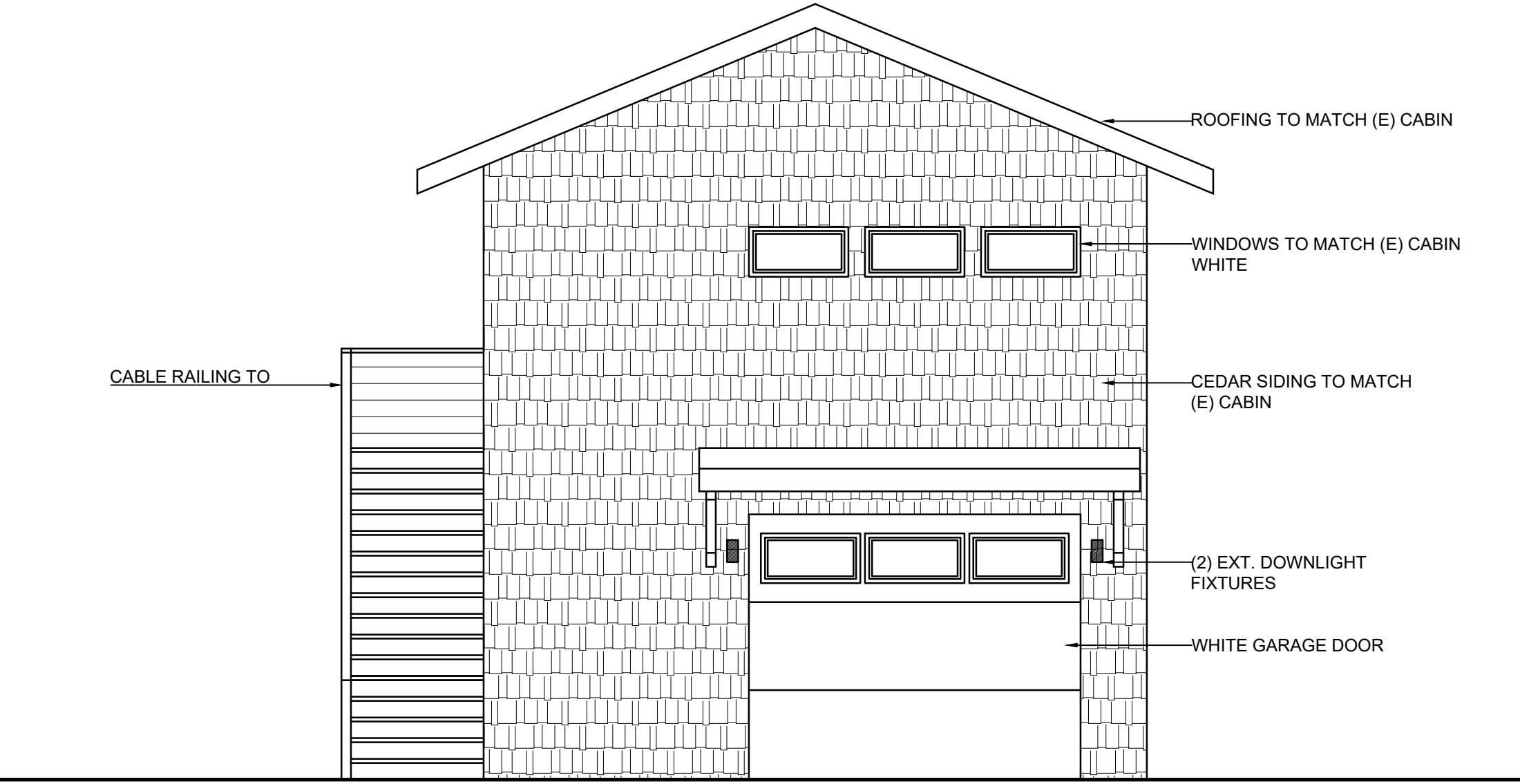
DATE 11.02.2023

REV -

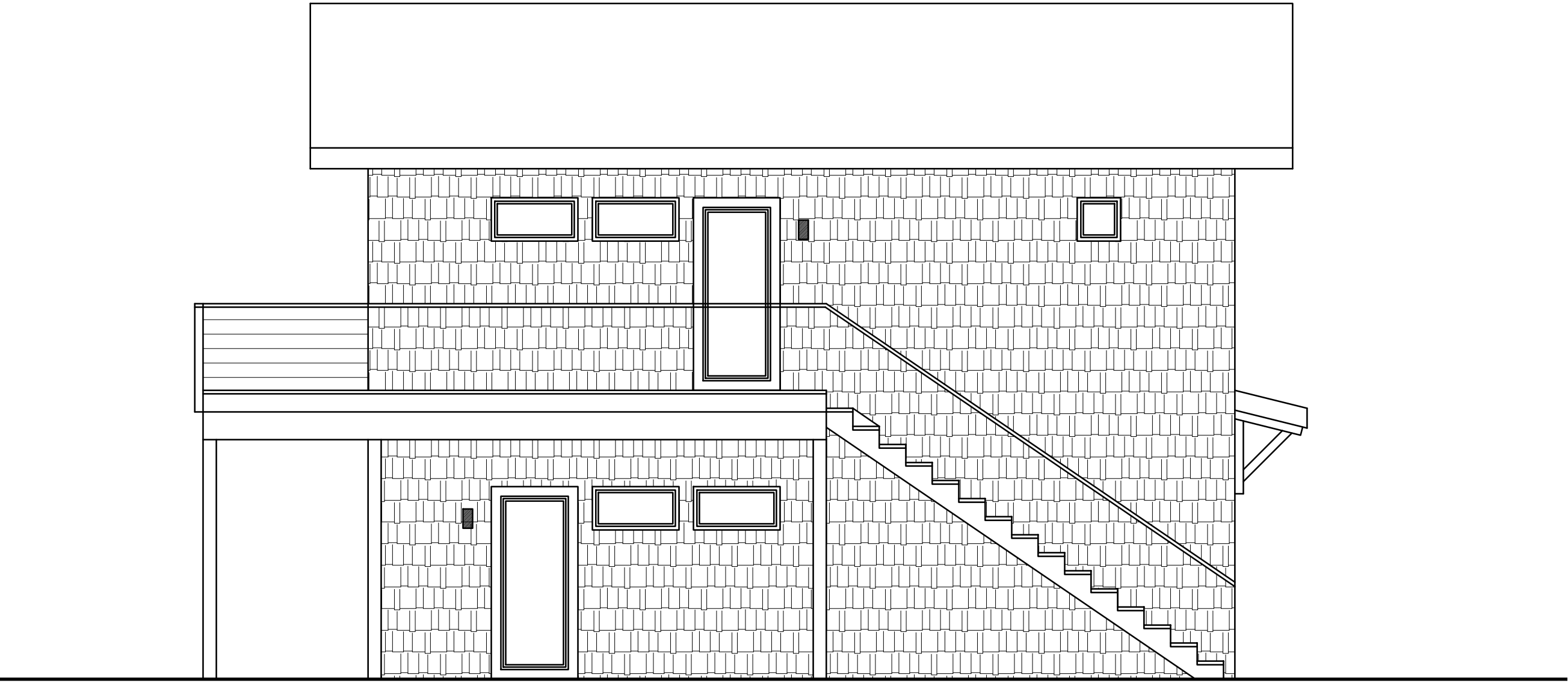
REV -

1 UPPER FLOOR
A1.04 1/4" = 1'-0"

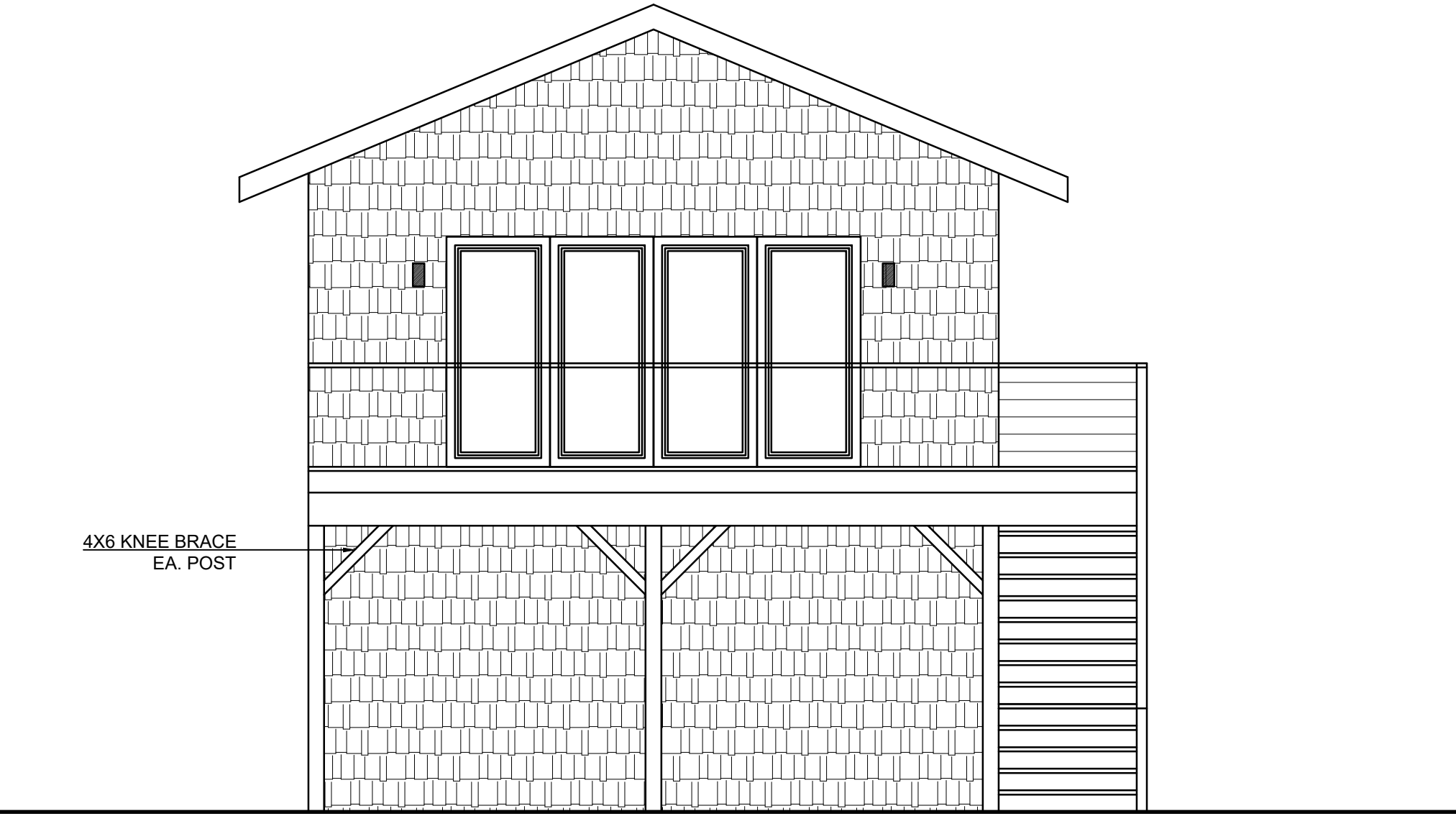




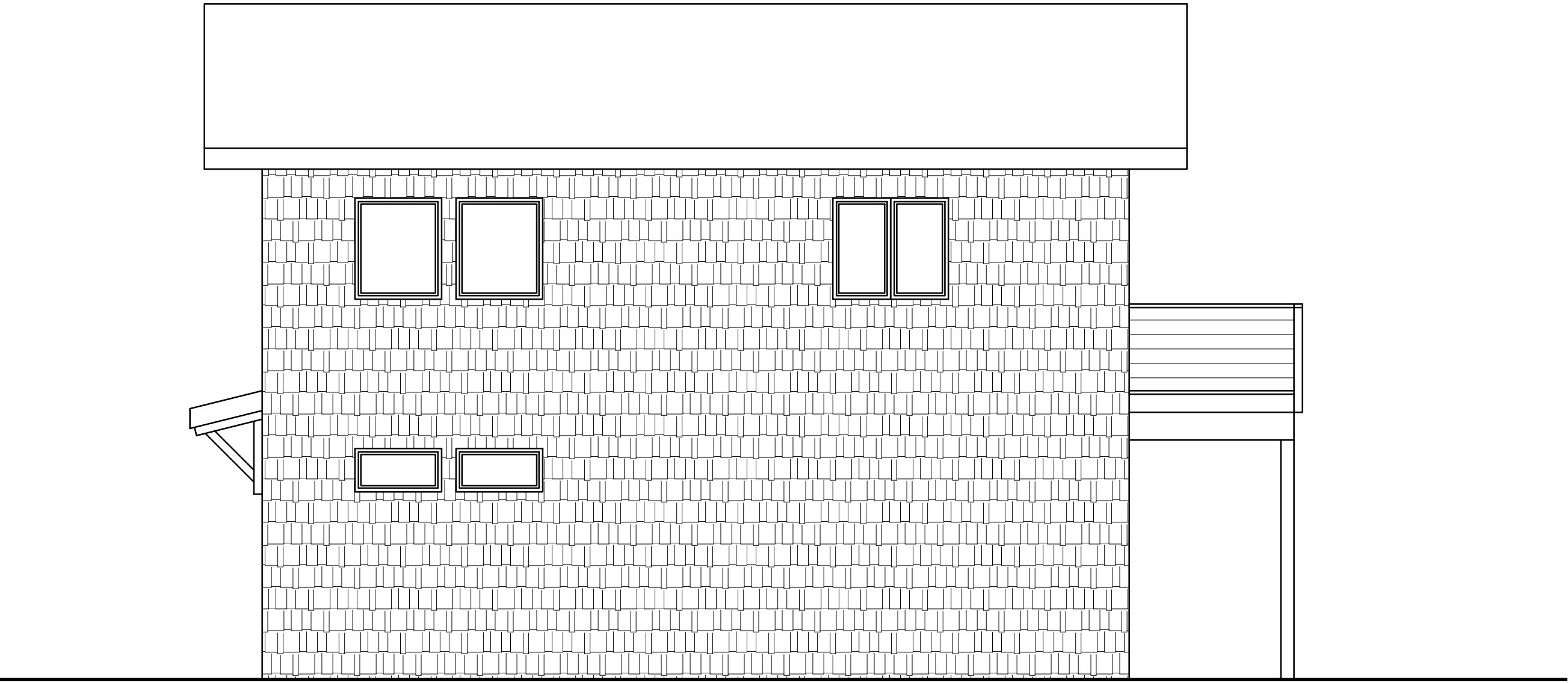
1 NORTH ELEVATION
A2.01 1/4" = 1'-0"



2 EAST ELEVATION
A2.01 1/4" = 1'-0"



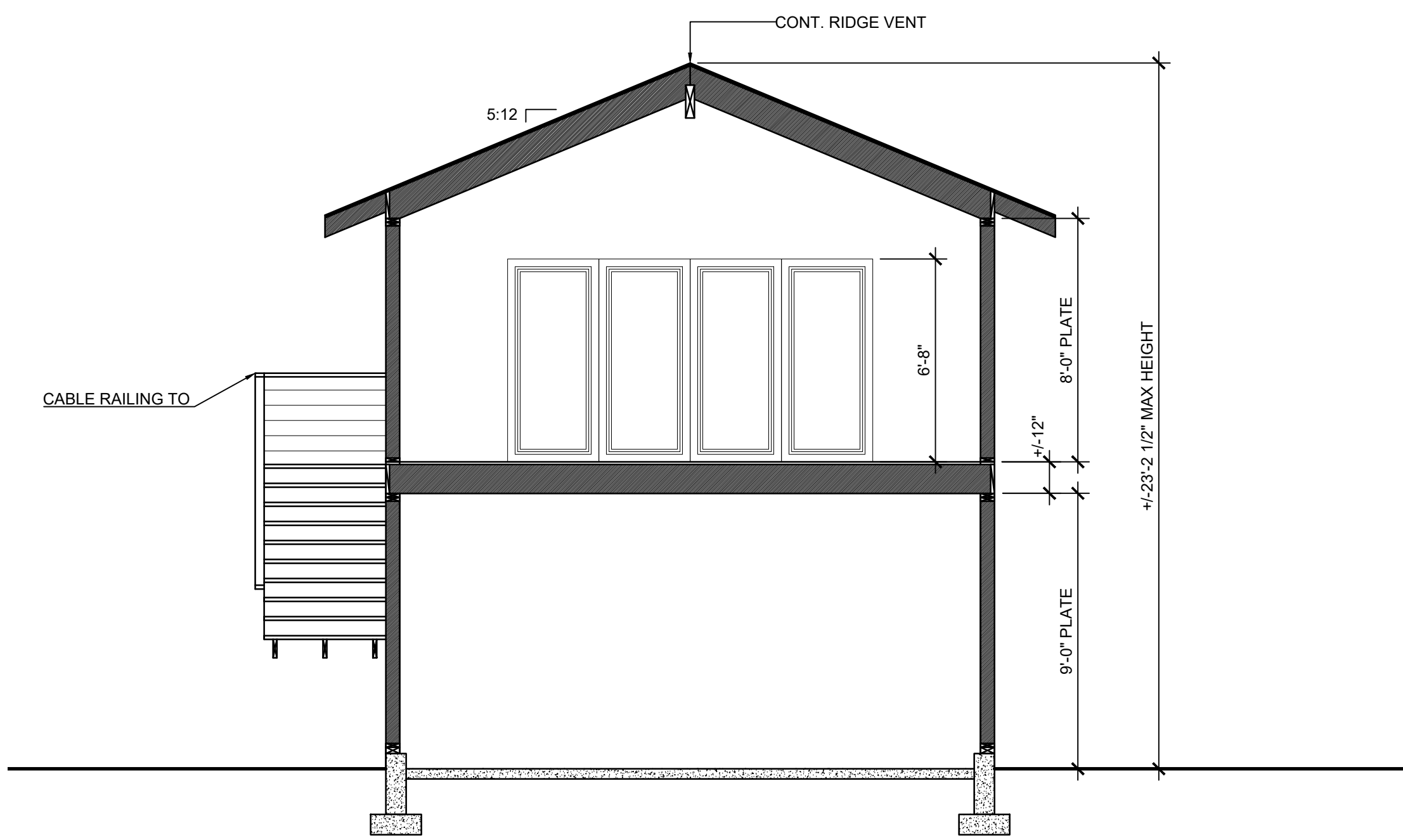
3 SOUTH ELEVATION
A2.01 1/4" = 1'-0"



4 WEST ELEVATION
A2.01 1/4" = 1'-0"

ROCHEL RESIDENCE
279 GULCANA
CANNON BEACH, OR

SET NOTES
PHASE DRB
DATE 11.02.2023
REV -
REV -

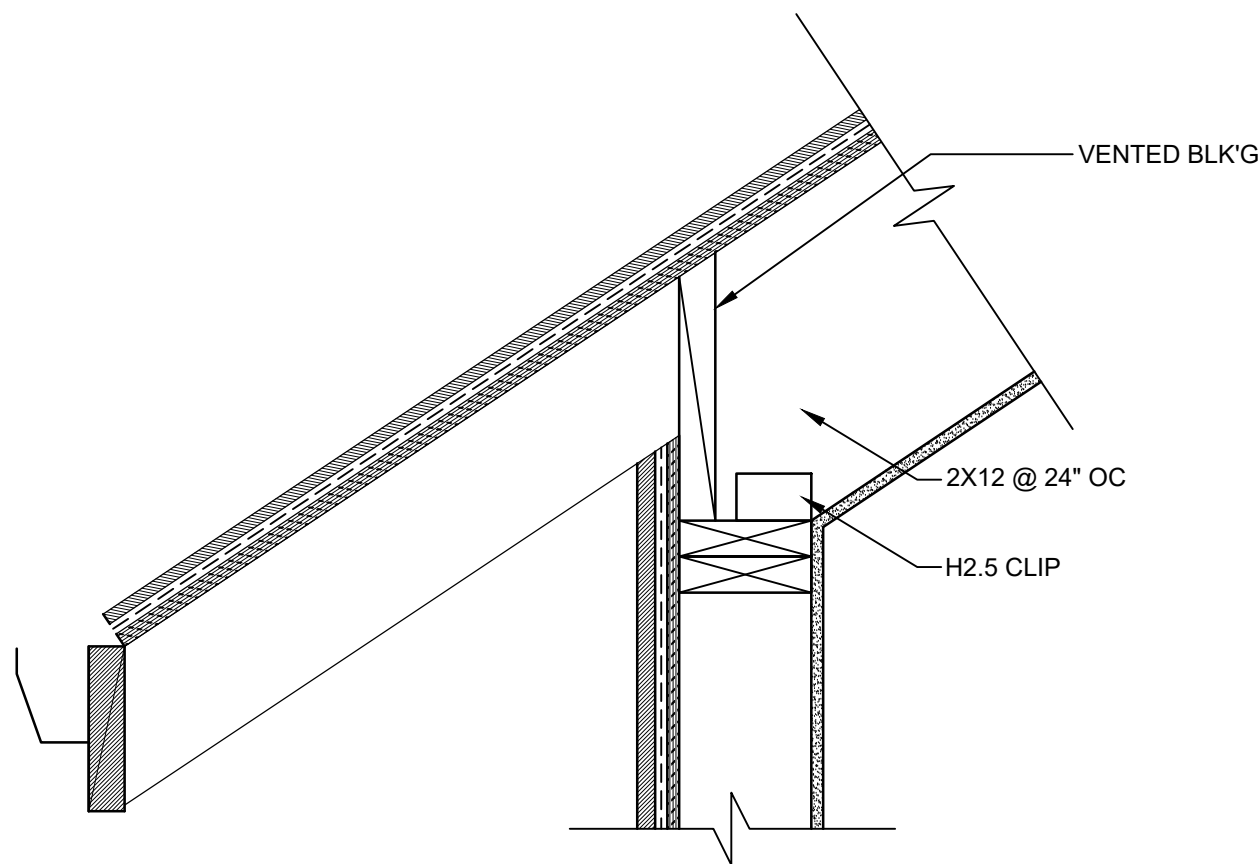


1

NORTH ELEVATION

A3.01

1/4" = 1'-0"

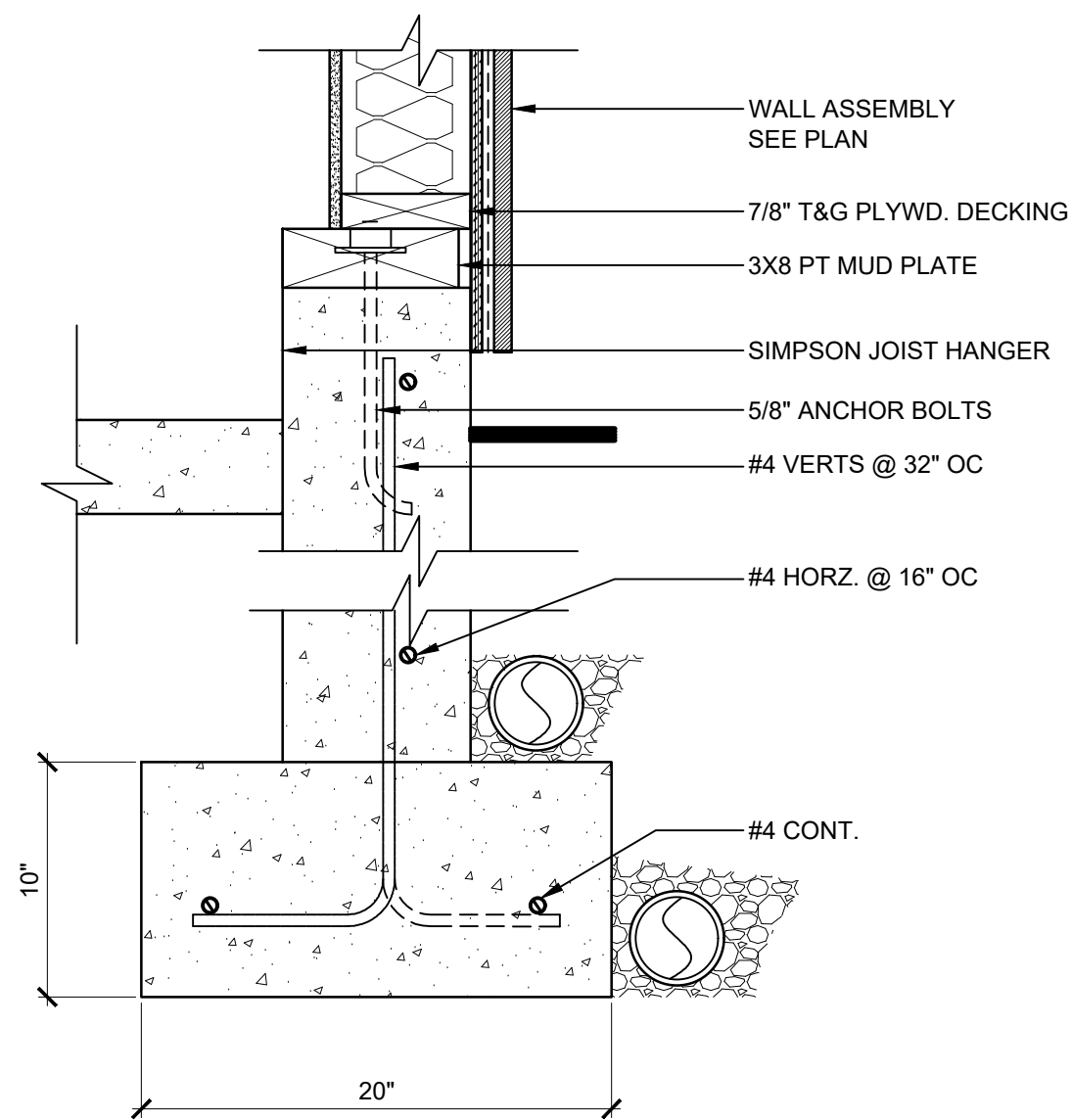


2

RAFTER DETAIL

A3.01

1 1/2" = 1'-0"

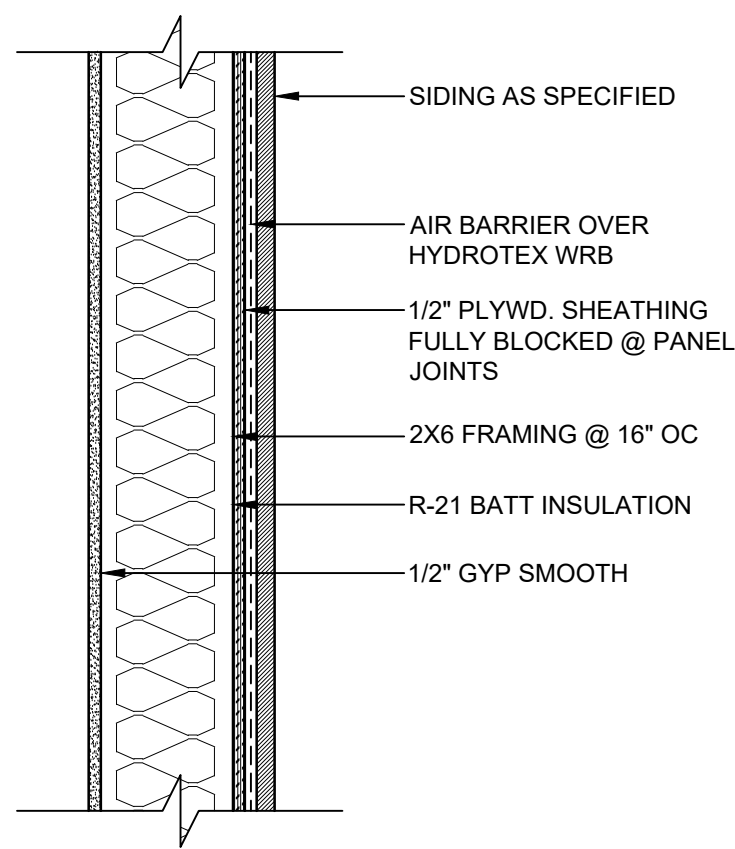


3

FOOTING DETAIL

A3.01

1 1/2" = 1'-0"

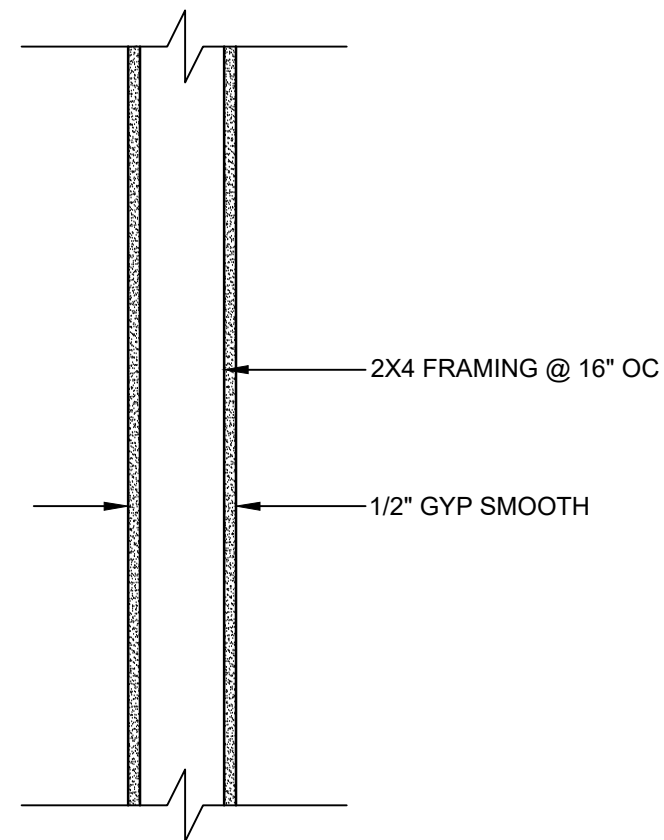


4

EXTERIOR WALL DETAIL

A3.01

1 1/2" = 1'-0"



5

INTERIOR WALL DETAIL

A3.01

1 1/2" = 1'-0"

ROCHEL RESIDENCE

279 GULCANA

CANNON BEACH, OR

SET NOTES

PHASE DRB

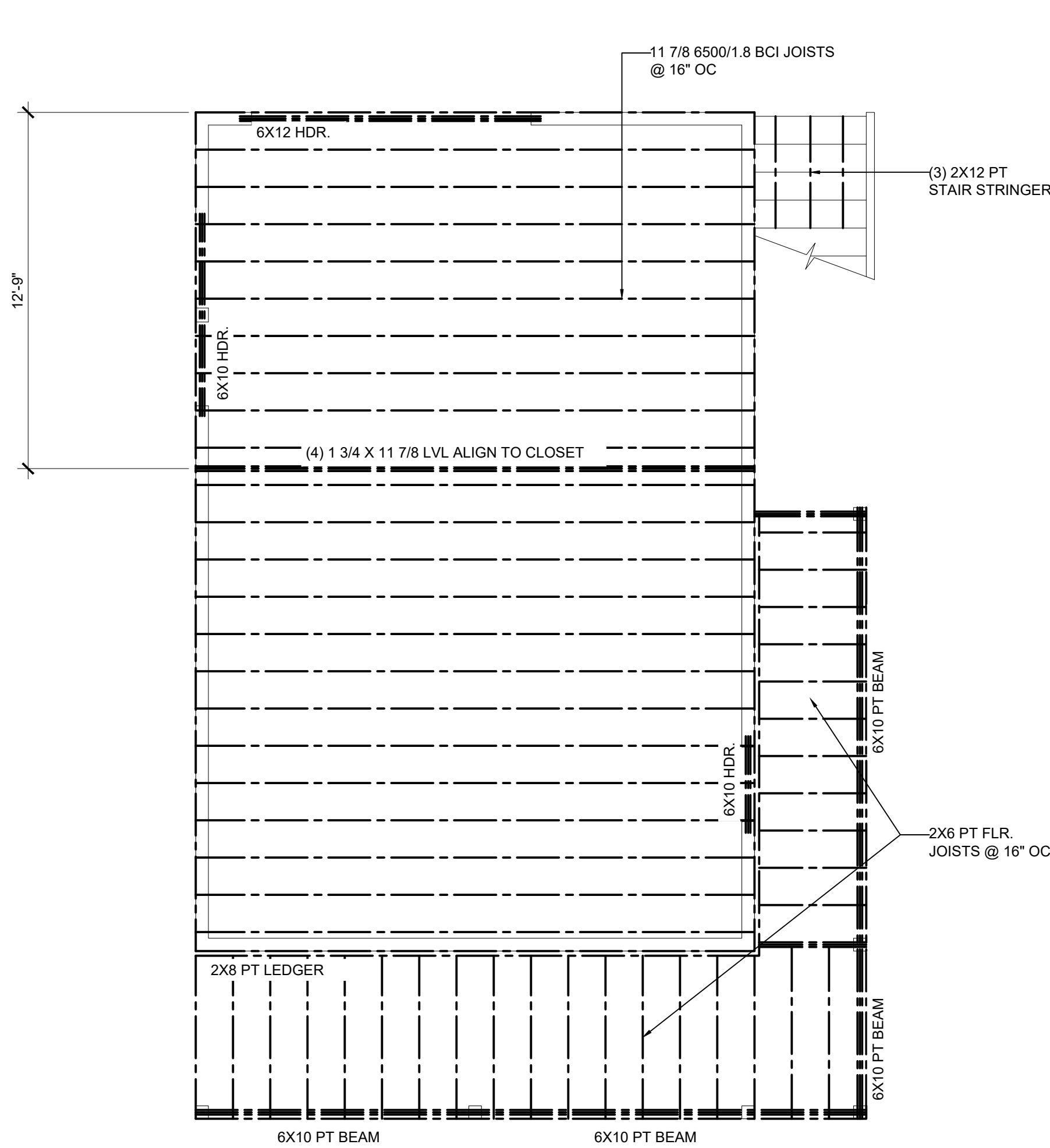
DATE 11.02.2023

REV -

REV -

A3.01

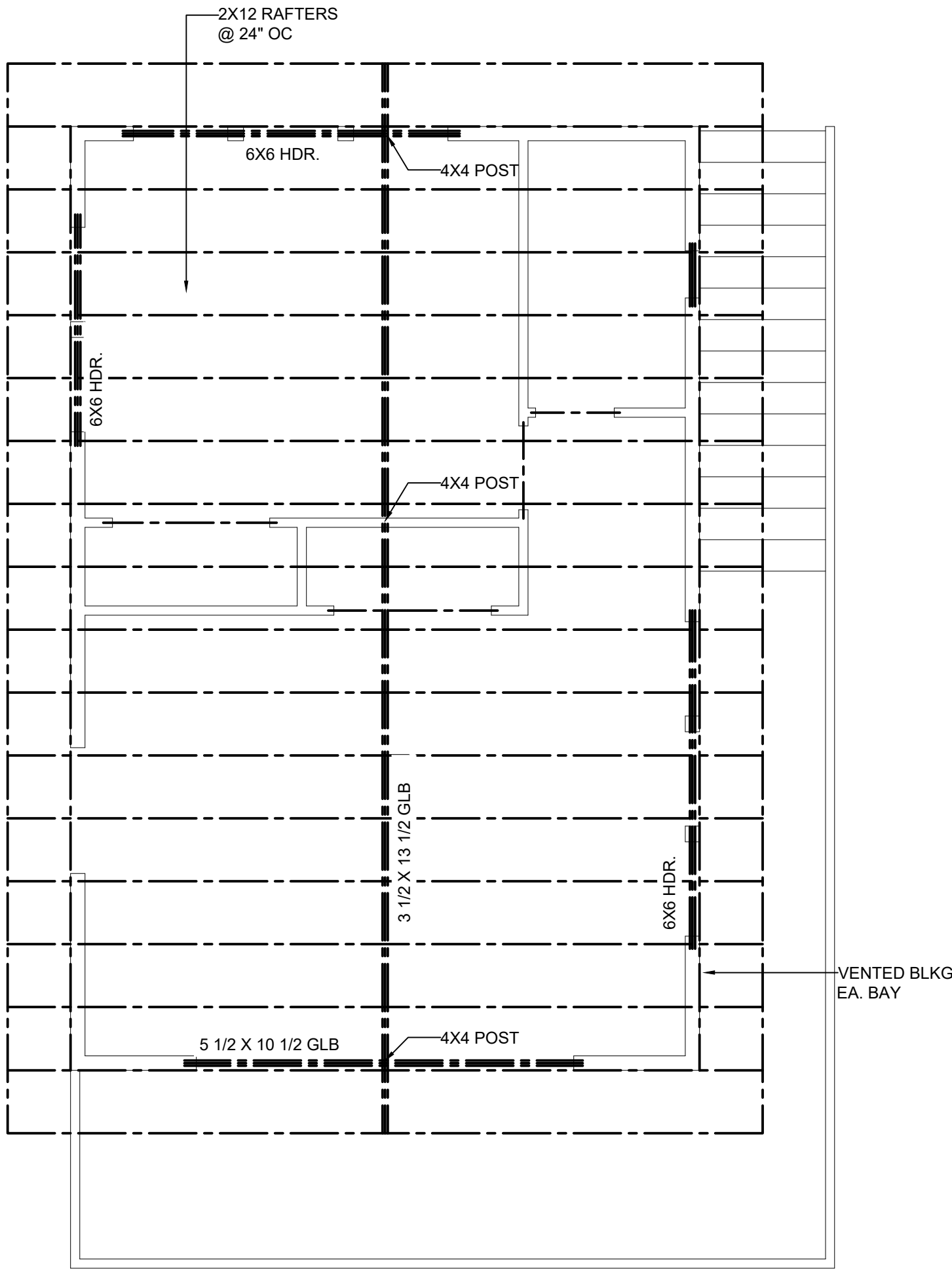
ROCHEL RESIDENCE
279 GULCANA
CANNON BEACH, OR



1
S1.01

FRAMING 2ND FLOOR

1/4" = 1'-0"



2
S1.01

FRAMING ROOF

1/4" = 1'-0"

SET NOTES	
PHASE	DRB
DATE	11.02.2023
REV	-
REV	-













Robert St. Clair

From: Jeff O'Neal <joneal@harvestmarketstores.com>
Sent: Friday, January 19, 2024 7:10 PM
To: Robert St. Clair; Steve Sokolowski
Subject: Fwd: Re: 279 W. Gulcana Ave ADU On-Site Meeting - follow up to January 18th, 2024
CB Public Hearing Agenda item DRB 23-14

Follow Up Flag: Follow up
Flag Status: Flagged

City of Cannon Beach,

Robert St. Clair and Planning Commission

Below is the email chain and correspondences as follow up from the January 18th, 2024 CB Public Hearing Agenda item DRB 23-14.

Thank you for your review, correspondence and cooperation with this.

Jeff O'Neal

C: 971-409-5366

----- Original Message -----

Subject:Re: 279 W. Gulcana Ave ADU On-Site Meeting
Date:2024-01-19 19:01
From:Jeff O'Neal <joneal@harvestmarketstores.com>
To:simdrochel@att.net
Cc:'Steve Sokolowski' <sokolowski@ci.cannon-beach.or.us>, 'Kyle Hofseth' <kyle@hofsethconstruction.com>, 'vito cerelli' <vito.cerelli@gmail.com>

Steve Sokolowski,

Exhibit D-2

Thank you for sending out the detailed message. I am waiting on a call back from my Architect to confirm their availability to meet on site so that a complete and objective analysis can be drawn up, it is hard to visualize how much of the NW looking views of scenic vistas (towards the Needles and Haystack) will be mitigated without taking photos and superimposing the proposed new structure. I'd like to have my architect draw up and provide a site plan with photos and superimposing the proposed new structure so that we can all get a better picture of how the views are compromised, we will need additional time after our on site meeting to get that done...

I have been advised and I am requesting; in order to obtain the best and most accurate / objective analysis a total of five (5) 'Story Poles' need to be installed: one (1) on each of the four outside corners of the proposed building envelop installed to be at a height equal to the lower roof pitch along with one (1) Pole placed at the most Southern Point of the building envelop centered to illustrate the max roof height as stated on the submitted / architectural stamped building plan.

By taking the appropriate time including complete and available details we will all have the needed information to accurately and objectively understand the impact to our concern: **17.44.090 Architectural Design Evaluation Criteria (section x2.1) The height of the structure(s) is such that it does not unreasonable block or greatly degrade the views of scenic vistas as seen from neighboring sites**

We previously requested and still need a copy of the completed 2'x3' plan set for the proposed new structure that includes Architect Stamp, building placement listing measurements from property lines on the West Side, North Side and South Side for the proposed building foot print and elevation measurements when available and prior to our on site meeting so that our architect may review.

We can not agree to information that comes out of the on site meeting without the completed 2'x3' plan set to verify the accuracy of the proposed new structure, the plans are a necessity and needed to verify the 'Story Pole' placement and the presented proposed new building elevations for accuracy to help create an object analysis / site plan with photos and superimposing the proposed new structure.

While being both mindful of the dates Steve Sokolowski outlined and Scott Rochel's proposed dates, I will contact back everyone on that is on this email chain with a date once I am able to confirm. Please let me know when and were I can view and receive a completed 2'x3' plan set for the proposed new structure?

Thank you,

Jeff O'Neal

C: 971-409-5366

On 2024-01-19 14:44, simdrochel@att.net wrote:

Hello and Thank you very much for your email

Exhibit D-2

After checking in with our contractor, Kyle Hofseth (he is the one coordinating the 23 foot pole), we are all available on Friday, February 2nd or Monday, February 5th.

Please let us know which of these dates best fits your schedule.

Thank you,

Scott Rochel

206-391-4371

From: Steve Sokolowski <sokolowski@ci.cannon-beach.or.us>

Sent: Friday, January 19, 2024 1:18 PM

To: simdrochel@att.net; joneal@harvestmarketstores.com

Subject: 279 W. Gulcana Ave ADU On-Site Meeting

Scott and Jeff:

This email is based on last night's discussion at the City of Cannon Beach Design Review Board (DRB) meeting regarding Scott's proposed ADU at 279 W. Gulcana Avenue. The discussion focused on setting up a time and date for all of us to meet at the site to discuss the proposal and to take some photographs for the DRB's review as they consider Scott's ADU proposal.

Please feel free to discuss a couple of dates and times that works for you guys to meet and then I will review my schedule as well. This meeting should occur by no later than Wednesday, February 7, 2024. I would need the pictures and any additional written testimony by no later than 4:00pm on Friday, February 9, 2023, so this new information can be incorporated into the DRB's packets, so the board members have adequate time to review the information prior to continuing the hearing (This gives City staff only 2 days to include any new information prior to the required packet availability date of February 14). The packets must be available seven (7) days prior to the hearing, which is Wednesday, February 14 for the meeting on Wednesday, February 21.

If the updated information can be submitted earlier that would be great but at a minimum the information must be submitted by the dates as noted.

Sincerely,

Steve Sokolowski

Steve Sokolowski

Community Development Director

City of Cannon Beach

p: 503.436.8040 | tty: 503.436.8097 | f: 503.436.2050

a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: www.ci.cannon-beach.or.us | e: sokolowski@ci.cannon-beach.or.us

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

Robert St. Clair

From: Jeff O'Neal <joneal@harvestmarketstores.com>
Sent: Thursday, January 25, 2024 9:14 PM
To: Steve Sokolowski
Cc: Robert St. Clair; Kyle Hofseth; 'vito cerelli'; simdrochel@att.net
Subject: Re: 279 W. Gulcana Ave ADU On-Site Meeting
Attachments: Exhibit A-2 240122 Rochel ADU Plans.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Steve,

Thank you for forwarding over the additional information today, the attached is no what was provided to us prior, nor was this the information that was posted on the City's website prior to, during or after the January 18th meeting until now.

In my below email chain on January 23rd, I confirmed my availability.

February 5th at 10am

I understand that Stamped Plans are required at the time of building permit submittal (structural review). However after reviewing the attachment you provided today with current drawings / plans and measurements, I am still requesting additional information that should have been part of the original submission; **As found in the Cannon Beach, Oregon Municipal Code:**

Section 17.44.050 Design review plan - Submittal requirements

Sub Section (D): Site Development Plan. This element of the design review plan shall indicate the following

Point #3: Location of all new structures and existing structures proposed to be retained, including their distance from the property lines:

Point #5: All external dimensions of proposed buildings and structures:

Sub Section (I): Property Survey.

Point #2: Prior to the design review board meeting, the applicant will have clearly marked the corners of the proposed buildings and other significant features proposed for the site.

I do not see on the provided plans that the above Section 17.44.050, Sub Section (I), Point #2 has been provided, please confirm? The prior marking / identification of the corners of the new proposed building and other significant features needs to be available for review by all before, during and after the site visit. It is necessary to verify that the new proposed structures corners are accurately identified on both printed plans and at the physical site location so that an objective and non misleading analysis can be completed with visual site pictures and generating impacted view drawings.

Exhibit D-3

Thank you for your time, I will be onsite on February 5th at 10am.

Jeff & Tiffany O'Neal
C# 971-409-5366

Jeff O'Neal

Harvest Market

O: 360-448-7600

F: 360-718-7434

C: 971-409-5366

Email: joneal@harvestmarketstores.com

www.harvestmarketstores.com



On 2024-01-25 17:02, Steve Sokolowski wrote:

Jeff:

As you are aware from your participation in the January 18 hearing, the Design Review Board continued this meeting until February 21, 2024, and will likely make a decision on the application at that meeting.

Stamped plans are required at the time of the building permit submittal (structural review) and not for review of the proposed building elevations.

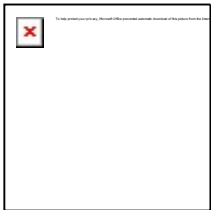
The DRB was acceptable to the applicant meeting with you at the site to mark the location of the proposed ADU, then using a pole to determine heights and then take photos.

Exhibit D-3

The applicant and City have indicated the times available to meet at the site and are waiting for you to confirm.

Sincerely,

Steve Sokolowski



Steve Sokolowski

Community Development Director

City of Cannon Beach

p: 503.436.8040 | **tty:** 503.436.8097 | **f:** 503.436.2050

a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: www.ci.cannon-beach.or.us | **e:** sokolowski@ci.cannon-beach.or.us

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

From: Jeff O'Neal <joneal@harvestmarketstores.com>

Sent: Tuesday, January 23, 2024 10:22 PM

To: Steve Sokolowski <sokolowski@ci.cannon-beach.or.us>; Robert St. Clair <stclair@ci.cannon-beach.or.us>

Cc: Steve Sokolowski <sokolowski@ci.cannon-beach.or.us>; Kyle Hofseth <kyle@hofsethconstruction.com>; 'vito cerelli' <vito.cerelli@gmail.com>; simdrochel@att.net

Subject: Re: 279 W. Gulcana Ave ADU On-Site Meeting

Steve, Robert & Scott;

Tiffany & I Request that the Continuance Stay Open until all of the requested information is made available..

Exhibit D-3

I heard back from my Architect last night regarding setting a meeting date/time. Please see the below including the email chain regarding my request for additional information so that an accurate & objective analysis can be documented. In order to get an accurate and non misleading understanding of any impact that the proposed new structure may have, **I had previously requested the information on January 11th, January 18th, January 19th and on January 23rd, 2024. To date I have not received a copy of the completed 2'x3' plan set for the proposed new structure that includes Architect Stamp, building placement listing measurements from property lines on the West Side, North Side and South Side for the proposed building foot print and elevation measurements prior to our on-site meeting so that my architect may review.**

The following is a small list of items that are required to be provided to the Design Review Committee, we all including myself need copies of these to review as part of our site visit / story pole placement in order to accurately see what impact that the proposed new structure may devalue my property as it relates to Section 17.44.090 Architectural Design Evaluation Criteria (section x2.1) The height of the structure(s) is such that it does not unreasonable block or greatly degrade the views of scenic vistas as seen from neighboring sites.

While reviewing the Cannon Beach, Oregon Municipal Code, Title 17 Zoning, Chapter 17.44 Design Review Procedures and Criteria:

Section 17.44.050 Design review plan - Submittal requirements

Sub Section (D): Site Development Plan. This element of the design review plan shall indicate the following

Point #3: Location of all new structures and existing structures proposed to be retained, including their distance from _____ the property lines:

Point #5: All external dimensions of proposed buildings and structures:

Sub Section (I): Property Survey.

Point #2: Prior to the design review board meeting, the applicant will have clearly marked the corners of the proposed _____ buildings and other significant features proposed for the site.

I am asking that the Requested Continuance Stay Open the written process be followed and that the requested information be made available so that an accurate and objective determination can be analyzed. We can not agree to information that comes out of an on site meeting without reviewing prior the completed 2'x3' plan set to verify the accuracy of the proposed new structure location, placement, measurements and elevations. These items are required for Design Review Plan Submittal and a necessity to verify the 'Story Pole' placement and the proposed new building location corners and elevations for accuracy.

Please confirm when the requested information be made available to us?

I have February 5th at 10am available to meet on site with my Architect, but only if the requested information is available otherwise our meeting would not be complete nor accurate in determining my

Exhibit D-3

objections to the proposed new structure and the possible impact to my property that would lessen the value of my property which is materially injurious as identified in the Design Review Code; Section 17.44.090 Architectural Design Evaluation Criteria (section x2.1) The height of the structure(s) is such that it does not unreasonable block or greatly degrade the views of scenic vistas as seen from neighboring sites. Our scenic vistas (Haystack Rock & Southern Needles) from several locations of our home.

The intent should be to take the appropriate time with all required, available and requested information to best understand my concerns.

Jeff & tiffany O'Neal

C: 971-409-5366

On 2024-01-19 19:01, Jeff O'Neal wrote:

Steve Sokolowski,

Thank you for sending out the detailed message. I am waiting on a call back from my Architect to confirm their availability to meet on site so that a complete and objective analysis can be drawn up, it is hard to visualize how much of the NW looking views of scenic vistas (towards the Needles and Haystack) will be mitigated without taking photos and superimposing the proposed new structure. I'd like to have my architect draw up and provide a site plan with photos and superimposing the proposed new structure so that we can all get a better picture of how the views are compromised, we will need additional time after our on site meeting to get that done...

I have been advised and I am requesting; in order to obtain the best and most accurate / objective analysis a total of five (5) 'Story Poles' need to be installed: one (1) on each of the four outside corners of the proposed building envelop installed to be at a height equal to the lower roof pitch along with one (1) Pole placed at the most Southern Point of the building envelop centered to illustrate the max roof height as stated on the submitted / architectural stamped building plan.

By taking the appropriate time including complete and available details we will all have the needed information to accurately and objectively understand the impact to our concern: **17.44.090 Architectural Design Evaluation Criteria (section x2.1) The height of the structure(s) is such that it does not unreasonable block or greatly degrade the views of scenic vistas as seen from neighboring sites**

We previously requested and still need a copy of the completed 2'x3' plan set for the proposed new structure that includes Architect Stamp, building placement listing measurements from property lines on the West Side, North Side and South Side for the proposed building foot print and elevation measurements when available and prior to our on site meeting so that our architect may review.

Exhibit D-3

We can not agree to information that comes out of the on site meeting without the completed 2'x3' plan set to verify the accuracy of the proposed new structure, the plans are a necessity and needed to verify the 'Story Pole' placement and the presented proposed new building elevations for accuracy to help create an object analysis / site plan with photos and superimposing the proposed new structure.

While being both mindful of the dates Steve Sokolowski outlined and Scott Rochel's proposed dates, I will contact back everyone on that is on this email chain with a date once I am able to confirm. Please let me know when and were I can view and receive a completed 2'x3' plan set for the proposed new structure?

Thank you,

Jeff O'Neal

C: 971-409-5366

On 2024-01-19 14:44, simdrochel@att.net wrote:

Hello and Thank you very much for your email

After checking in with our contractor, Kyle Hofseth (he is the one coordinating the 23 foot pole), we are all available on Friday, February 2nd or Monday, February 5th.

Please let us know which of these dates best fits your schedule.

Thank you,

Scott Rochel

206-391-4371

From: Steve Sokolowski <sokolowski@ci.cannon-beach.or.us>

Sent: Friday, January 19, 2024 1:18 PM

Exhibit D-3

To: simdrochel@att.net; joneal@harvestmarketstores.com

Subject: 279 W. Gulcana Ave ADU On-Site Meeting

Scott and Jeff:

This email is based on last night's discussion at the City of Cannon Beach Design Review Board (DRB) meeting regarding Scott's proposed ADU at 279 W. Gulcana Avenue. The discussion focused on setting up a time and date for all of us to meet at the site to discuss the proposal and to take some photographs for the DRB's review as they consider Scott's ADU proposal.

Please feel free to discuss a couple of dates and times that works for you guys to meet and then I will review my schedule as well. This meeting should occur by no later than Wednesday, February 7, 2024. I would need the pictures and any additional written testimony by no later than 4:00pm on Friday, February 9, 2023, so this new information can be incorporated into the DRB's packets, so the board members have adequate time to review the information prior to continuing the hearing (This gives City staff only 2 days to include any new information prior to the required packet availability date of February 14). The packets must be available seven (7) days prior to the hearing, which is Wednesday, February 14 for the meeting on Wednesday, February 21.

If the updated information can be submitted earlier that would be great but at a minimum the information must be submitted by the dates as noted.

Sincerely,

Steve Sokolowski

Steve Sokolowski

Community Development Director

City of Cannon Beach

p: 503.436.8040 | tty: 503.436.8097 | f: 503.436.2050

a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: www.ci.cannon-beach.or.us | e: sokolowski@ci.cannon-beach.or.us

Exhibit D-3

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

Robert St. Clair

From: Jeff O'Neal <joneal@harvestmarketstores.com>
Sent: Friday, February 9, 2024 4:46 PM
To: Planning Group; Steve Sokolowski; Robert St. Clair
Cc: Tiffany O'Neal
Subject: Additional information for the 2-21-2024 DRB Meeting - past Agenda item DRB 23-14 (1-18-2024 meeting date)
Attachments: a535bef9.jpeg; CB Public Hearing 1-18-2024 Agenda Item DRB 23-14 aerial lot survey map of Scott Rochel property on W GLUCANA AVE and the O'Neal Property on W TANANA AVE.jpg; Hip Roof option - 272 West Tanana Ave - Scenic Vista View impact - O'NEAL DRB HIP IMAGES.pdf; 272 West Tanana Ave - Scenic Vista View impact - O'NEAL DRB IMAGES.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

City of Cannon Beach,
Steve Sokolowski, Robert St. Clair and Planning Commission

Follow up comments and documents to be added to the past City's public hearing meeting on 1-18-2024 'Agenda item DRB 23-14. We request that these comments be included in the February 21, 2024 DRB Meeting.

My name is Peter O'Neal (Jeff) and my wife Tiffany are the owners of the residence at 272 W Tanana Ave for the last 10+ years and would like to submit the following additional documents, concerns, and comments to be added to the 2-21-2024 DRB Meeting Agenda as it relates to the prior Agenda item DRB 23-14 from the 1-18-2024 meeting.

Steve & Robert (Members of the City Planning Commission), Harvey Claussen (Board Member of DRB), Tolovana Design (Jay Orloff) & the Property owners conducted an on site meeting on February 5th, 2024 at 10am to review; the site, proposed new structure location and example story poles showing the roof height of the proposed new structure. I have enlisted the assistance of Tolovana Design to review the roof line & height of the proposed new structure and what impact it may have in regards to **Code: 17.44.090 Architectural Design Evaluation Criteria, section x2.1** (The height of the structure(s) is such that it does not unreasonable block or greatly degrade the views of scenic vistas as seen from neighboring sites).

Attached are pictures and drawings provided by Tolovana Design shown from a 'standing position' (at a height of 5'8") the impact of the views of scenic vistas as seen looking NW from our home at 272 West Tanana. The views are greatly degraded when you are in a 'seated position' looking NW from the same locations at our home.

For the consideration of the DRB Board we would like to present the below alternative suggestions for the new structure to minimize the loss of any scenic vista views:

Exhibit D-4

- (Alternative 1): The propose new structure to be built as a single story ADU with garage (lot coverage combination of the new structure would 1200sf) and when adding the lot coverage of both the new structure and the existing structure together the lot coverage would be under 1900sf = 25.3% total lot coverage (based on a 7500sf lot)

There would be no impact to current scenic vista views with this Alternative (1).

- (Alternative 2): The proposed new structure as a two story, but moved to the east by 5' from its current proposed location.

This minimizes the impact to current scenic vista views from our location with this Alternative (2).

- (Alternative 3): The proposed new structure roof to be changed from the current 5:12 roof to a 'Hip Style Roof' (attached file: picture and drawing provided by Tolovana Design), this would still allow for the same roof height and interior vaulted ceilings however it would reduce the length of the roof peak on the new structure while keeping the current proposed foundation location for the new two story structure ADU with garage.

This would greatly reduce the impact to current scenic vista views from our location with this Alternative (3).

We are not opposed to the ADU (Accessory Dwelling Unit) improvements to properties providing they fall within reason of the City's design evaluation criteria, zoning codes and ordinances. We believe that our above alternatives may satisfy the needs and objectives of all parties while protecting the best interests of the surrounding property or neighborhood. Views of the Ocean, Beach, Needles and Haystack from the surrounding property and neighborhood are in the best interest and should be considered in this case

Please confirm that you have received this communication and attachments?

Thank you for your time and consideration. For illustration we have attached pictures of the scenic vista views from our property and the impact on those views as prepared by Tolovana Design based on the measurements of the proposed two story structure along with an aerial survey lot map showing where both our property and Scott Rochel's properties are located.

Jeff & Tiffany O'Neal

C# 971-409-5366

----- Original Message -----

Subject:Property Owner Comments for the Cannon Beach Public Hearing: Date 1-18-2024 Agenda Item DRB 23-14

Date:2024-01-11 23:07

From:Jeff O'Neal <joneal@harvestmarketstores.com>

To:planning@ci.cannon-beach.or.us, stclair@ci.cannon-beach.or.us

Cc:tiffanyloneal@aol.com, joneal@harvestmarketstores.com

City of Cannon Beach,
Robert St. Clair and Planning Commission

My name is Peter O'Neal (Jeff) and my wife Tiffany have owned the residence at 272 W Tanana Ave for the last 10+ years and would like to submit the following questions, concerns, and comments regarding Agenda item DRB 23-14 listed on the upcoming City's public hearing date of January 18, 2024. Our house is directly to the South and shares a property line with 279 Gulcana Ave (tax Lot 04501, Map 51031AA) Scott Rochel property.

1. We are requesting additional time to review the complete architectural plans including both the proposed new building location and elevation measurements, as they have not been made available. We were sent via email, a copy of the concept design drawing only and no measurements or detailed plans were included. We have looked at the City Planning website on January 11, 2024 and were unable to find a set of complete plans with greater details including elevation measurements. We would like a copy of the completed 2'X3' plan set that includes Architect Stamp, building placement listing measurements from property lines on the West Side, North Side and South Sides for the proposed building foot print and elevational measurements when available and prior to a final decision from the city to allow the addition / building project.

Our concerns:

2. **17.44.090 Architectural Design Evaluation Criteria**

- **section x2 I.** The height of the structure(s) is such that it does not unreasonable block or greatly degrade the views of scenic vistas as seen from neighboring sites.

Our views of scenic vistas (Haystack Rock & Needles to the South) looking NW from several locations in our home are being compromised by the new structure being proposed by Scott Rochel. It is hard to visualize how much of those views (towards Haystack and the Needles) will be mitigated without taking photos and superimposing them on our current views prior to the acceptance of the proposed addition. I'd like to have this done so that we can get a better picture of how the views are compromised, but we need more time.

3. **17.44.090 Architectural Design Evaluation Criteria**

Exhibit D-4

- **section x3 B.** The size, shape and scale of the structure are architecturally compatible with site and with the surrounding neighborhood. The structure is sufficiently modest in scale to enhance the village character of the community.

The current structure being submitted for demolition and replacement is a single story height storage shed that matches in with the existing single story dwelling structure (Cottage)

on the same property lot and the ocean front lot / house directly to the West. The proposed new structure as submitted is a two story structure consisting of a first floor car garage and upper second story dwelling with exterior second story decking. The newly proposed structures compatibility with the site and existing houses directly to the East and West may scale architecturally better as a single story dwelling.

4. The submitted new structure may unreasonable block or greatly degrade the views of scenic vistas from our property that would lessens the value of our property which is materially injurious.

Our comments:

Scott Rochel is our shared property line neighbor and we're not opposed to the ADU (Accessory Dwelling Unit) improvements to properties providing they fall within reason of the City's design evaluation criteria, zoning codes and ordinances...and giving the neighbors time to review and respond. The replacement of the current single story height shed with a single story ADU including ground level storage may satisfy the needs and objectives of all parties while protecting the best interests of the surrounding property or neighborhood. Ocean, beach, Needles and Haystack views to the surrounding property and neighborhood are a best interest that should be considered in this case

Please confirm that you have received this communication and attachments?

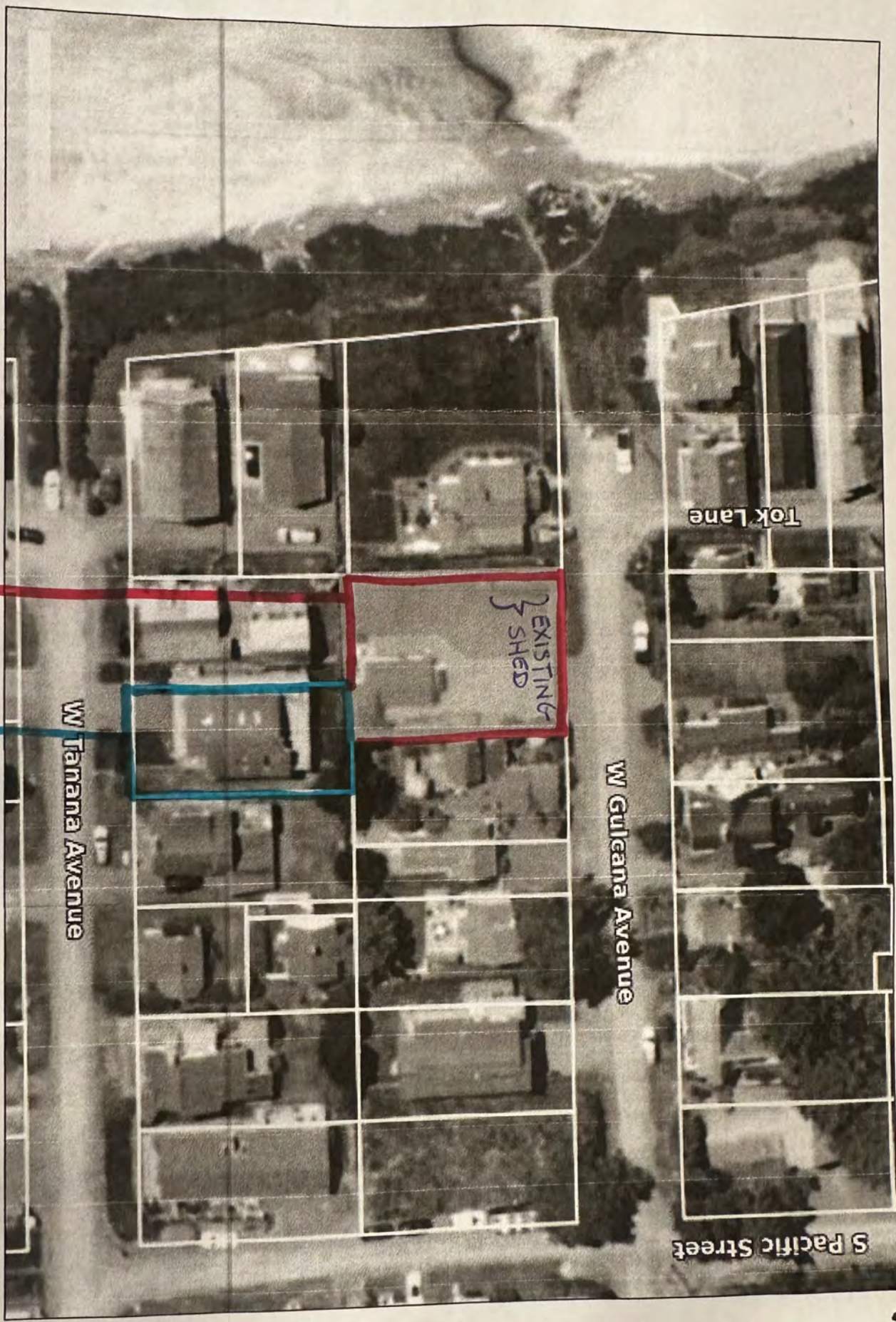
Thank you for your time and consideration. For illustration we have attached pictures of the scenic vista views from our property and the impact of views caused by proposed two story structure along with an aerial survey lot map showing where both our property and Scott Rochel's properties are located.

Jeff & Tiffany O'Neal

C# 971-409-5366



→ N



Roche Property →

→ ONEAL PROPERTY

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Cannon Beach Design Review Board

Supplemental Staff Report, February 14, 2024:

DRB 24-02, GLEN MILLER APPLICATION ON BEHALF OF CANNON BEACH CONFERENCE CENTER FOR EXTERIOR ALTERATIONS TO AN EXISTING BUILDING. THE PROPERTY, 288 N. HEMLOCK ST, TAXLOTS 51019DD01500 AND 2700 IS OWNED BY CANNON BEACH CONFERENCE CENTER IN A RESIDENTIAL MOTEL (RM) ZONE. THE APPLICATION WILL BE REVIEWED AGAINST THE CRITERIA OF MUNICIPAL CODE CHAPTER 17.44.080 – 17.44.100, DESIGN REVIEW CRITERIA.

Agenda Date: January 18, 2024
Continued to February 21, 2024

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

GENERAL INFORMATION

NOTICE

Public notice for this January 18, 2024 Public Hearing is as follows:

- A. Notice was posted at area Post Offices on December 22, 2023;
- B. Notice was mailed on December 22, 2023 to surrounding landowners within 100' of the exterior boundaries of the property.

Oregon E-Permitting record number: 164-23-000158-PLNG

DISCLOSURES

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

EXHIBITS

The following Exhibits are attached hereto as referenced.

"A" Exhibits – Application Materials

- A-1** Design Review Application DRB#24-02 with design schematics, submitted and stamped December 15, 2023
- A-2** Project description submitted December 15, 2023
- A-3** Project description submitted February 14, 2024

"C" Exhibits – Cannon Beach Supplements

- C-1** Completeness Determination Letter, dated January 2, 2023

"D" Exhibits – Public Comment

None received as of this writing;

SUMMARY & BACKGROUND

The proposed project is the replacement of existing siding on the Beach Front building of the Cannon Beach Conference Center at 288 N. Hemlock St. The applicant intends for the Beach Front building to match the look and feel of the nearby Pacific View Lodge which also belongs to the Conference Center. No changes in site design or landscaping are proposed as part of this application.

During this item's initial evidentiary hearing the Design Review Board requested additional information and revisions to the proposed design. The applicant submitted a new project design on February 14, 2024 and this is included as Exhibit A-3.

DECISION AND CONDITIONS

Architectural

Motion: Having considered the evidence in the record and upon a motion by Board member (Name), seconded by Board member (Name), the Cannon Beach Design Review Board voted to (approve/approve with conditions/deny) the architectural plan of the Glen Miller application for exterior alterations for an existing building at 288 N. Hemlock St., DRB 24-02, as discussed at this public hearing (subject to the following conditions):

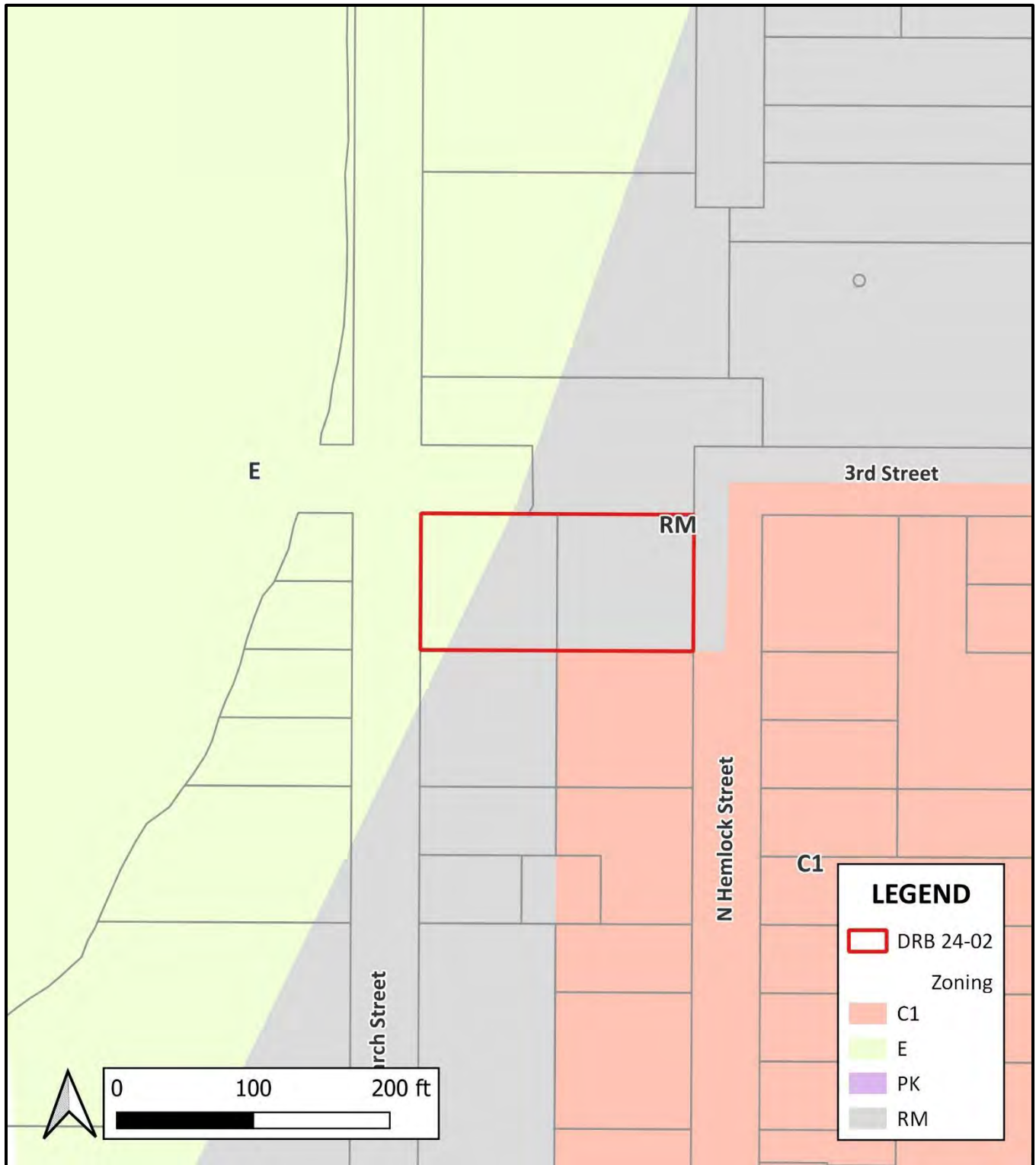
Notice of Approval

17.44.140 Final approval expiration.

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

DRB 24-02 Project Location & Zoning

288 N. Hemlock St., Taxlots 51019DD01500 AND 2700



DESIGN REVIEW BOARD FINDINGS; SECTION 17.44.070 - 17.44.100

APPLICANT: Glen Miller, CBCC; DRB NUMBER: DRB 24-02

MEETING DATE: January 18, 2024

MAP: 51019DD01500 AND 2700

Site Design Criteria	+/-/na	notes
A. The arrangement of all functions, uses, and improvements has been designed so as to reflect and harmonize with the natural characteristics and limitations of the site and adjacent sites. (x3)		
B. In terms of setback from the street or sidewalk, the design creates a visually interesting and compatible relationship between the proposed structures and/or adjacent structures. (x3)		
C. The design incorporates existing features such as streams, rocks, slopes, vegetation (i.e., making use of a small stream rather than placing it in a culvert). (x3)		
D. If the project is unusually large, or if it is located so as to become part of an introduction/transition to the city or to a particular district or to the beach, the design acknowledges the special impact the project would have on the entire community by addressing these design criteria in an exemplary, standard-setting manner. (x3)		
E. Where appropriate, the design relates or integrates the proposed landscaping/open space to the adjoining landscaping/open space in order to create a pedestrian pathway and/or open system that connects several properties. (x2)		
F. The arrangement of the improvements on the site do not unreasonably degrade the scenic values of the surrounding area. (x2)		
G. The improvements on the site enhance and/or do not deny solar access, light or air within the site or to adjacent sites or structures. (x2)		
H. Where appropriate, the design includes a parking and circulation system that encourages a pedestrian rather than vehicular orientation, including a separate service area for delivery of goods. (x2)		
I. The arrangement of the improvements on the site does not unreasonably block or greatly degrade scenic vistas enjoyed from neighboring (especially public) sites. (x2)		
J. The various functions and elements of the site design have been integrated into a unified whole, except in those cases where separation is appropriate. The overall design is visually harmonious when viewed either from within the site or from outside the site. (x2)		
K. The design gives attention to the placement of storage or mechanical equipment so as to screen it from view. (x1)		
L. If the project is adjacent to, or visible from, US Highway 101, the design minimizes its visual impact on the scenic character of Highway 101. (x2)		

M. The arrangement of functions, uses and improvements on the site have been designed to provide access to and within the site for individuals with disabilities. (x3)		
--	--	--

Architectural Design Criteria	+/-/na	notes
A. The design avoids either monotonous similarity or excessive dissimilarity with existing structures, or structures for which a permit has been issued, in its section of town (i.e., downtown, midtown, etc.). If the development includes multiple structures, the design avoids either monotonous similarity or excessive dissimilarity between the component structures. (x3)		
B. The size, shape and scale of the structure(s) are architecturally compatible with the site and with the surrounding neighborhood. The structure is sufficiently modest in scale to enhance the village character of the community. (x3)		
C. The proposed materials and colors are compatible with the character and coastal setting of the city. (x3)		
D. The design avoids monotony and provides visual interest and charm by giving sufficient attention to architectural details and to such design elements as texture, pattern and color. (x3)		
E. If the project includes a large structure or structures, such as a large motel or condominium, the design avoids a monolithic expanse of frontages and rooflines and diminishes the massing of the buildings by breaking up building sections, or by the use of such elements as variable planes, projections, bays, dormers, setbacks, or changes in the roofline. (x3)		
F. If the project is unusually large, or if it is likely to become a village landmark, or if it is located so as to become part of an introduction/ transition to the city or to a particular district or to the beach, the design acknowledges the special impact the project would have on the entire community by addressing the design criteria in an exemplary, standard-setting fashion. (x3)		
G. The height of the structure(s) is architecturally compatible with the site and the surrounding neighborhood. The height of the structures contributes to the village scale. (x2)		
H. The height of the structure(s) is such that it does not unreasonably destroy or degrade the scenic values of the surrounding area. (x2)		
I. The height of the structure(s) is such that it does not unreasonably block or greatly degrade the views of scenic vistas as seen from neighboring sites. (x2)		
J. The height of the structure(s) is such that it does not unreasonably deny solar access, light or air to an adjacent structure, on or off the site. (x2)		
K. The design sufficiently addresses the relationship of the structure(s) to the sidewalk and to pedestrian activity so as to foster human interaction. (x2)		
L. The proposed signage harmonizes with the other structures in terms of form, materials and scale. (x2)		

M. Lighting fixtures: (1) are compatible with the architectural design; (2) produce illumination sufficiently subdued to be compatible with the village character; (3) avoid casting glare on adjoining property; (4) are sufficient for night-time safety, utility, security, and commerce; and (5) do not exceed the illumination values in the table at Section 17.44.150. (x2)		
N. The project incorporates design elements or building improvements which result in the conservation of energy. (x2)		
O. The design of the project ensures continued privacy for the occupants of adjacent structures. In cases of multifamily housing, this item is to be rated as x3. (x1)		

Landscape Design Criteria	+/-/na	notes
A. The design substantially complements the natural environment of Cannon Beach and the character of the site. (x3)		
B. The design harmonizes with and enhances the architectural design. (x3)		
C. The landscape design acknowledges the growing conditions for this climatic zone and the unique requirements that its specific site location makes upon plant selection (i.e., salt, wind and wind exposure, soil condition, light, shade, etc.). (x3)		
D. Provision has been made for the survival and continuous maintenance of the landscape and its vegetation. (x3)		
E. Where it is desirable to do so, the design provides amenities for the public. (x3)		
F. The design makes use of existing vegetation and incorporates indigenous planting materials. (x2)		
G. The selection and arrangement of plant materials provides visual interest by the effective use of such design elements as color, texture and size differentiation. (x2)		
H. The hard surface portion of the design makes use of visually interesting textures and patterns. (x2)		
I. Where it is desirable to do so, the design provides visual interest through the creation of a variety of elevations. (x2)		
J. The design contributes to the stabilization of slopes, where applicable. (x2)		
K. The design successfully delineates and separates use areas, where it is desirable to do so. (x2)		
L. The lighting fixtures and level of illumination are compatible with the landscape design. The level of illumination produced enhances the overall project and does not cast glare on adjacent property or into the night sky. (x2)		

BEACH FRONT PROPERTY EXTERIOR UPDATE PROPOSAL

REVISED FEB 14, 2024

CANNON BEACH CONFERENCE CENTER
289 N. SPRUCE
CANNON BEACH, OR 97110



EXTERIOR UPDATE OVERVIEW

DESIGN GOAL (REVISED):

Update the Beach Front building exterior to improve the overall aesthetic, applying both CB's DRB and CBCC design goals.

METHOD:

Use best-practice installation methods and highest industrial-grade materials like LP® SmartSide® LP Siding and Cedar Texture Shakes, Sherwin-Williams paint, etc.

RESULT:

Enhance the overall property aesthetic and contributing to the upkeep and responsibility of the Cannon Beach town character.

BEACH FACING PROPERTIES (Existing)



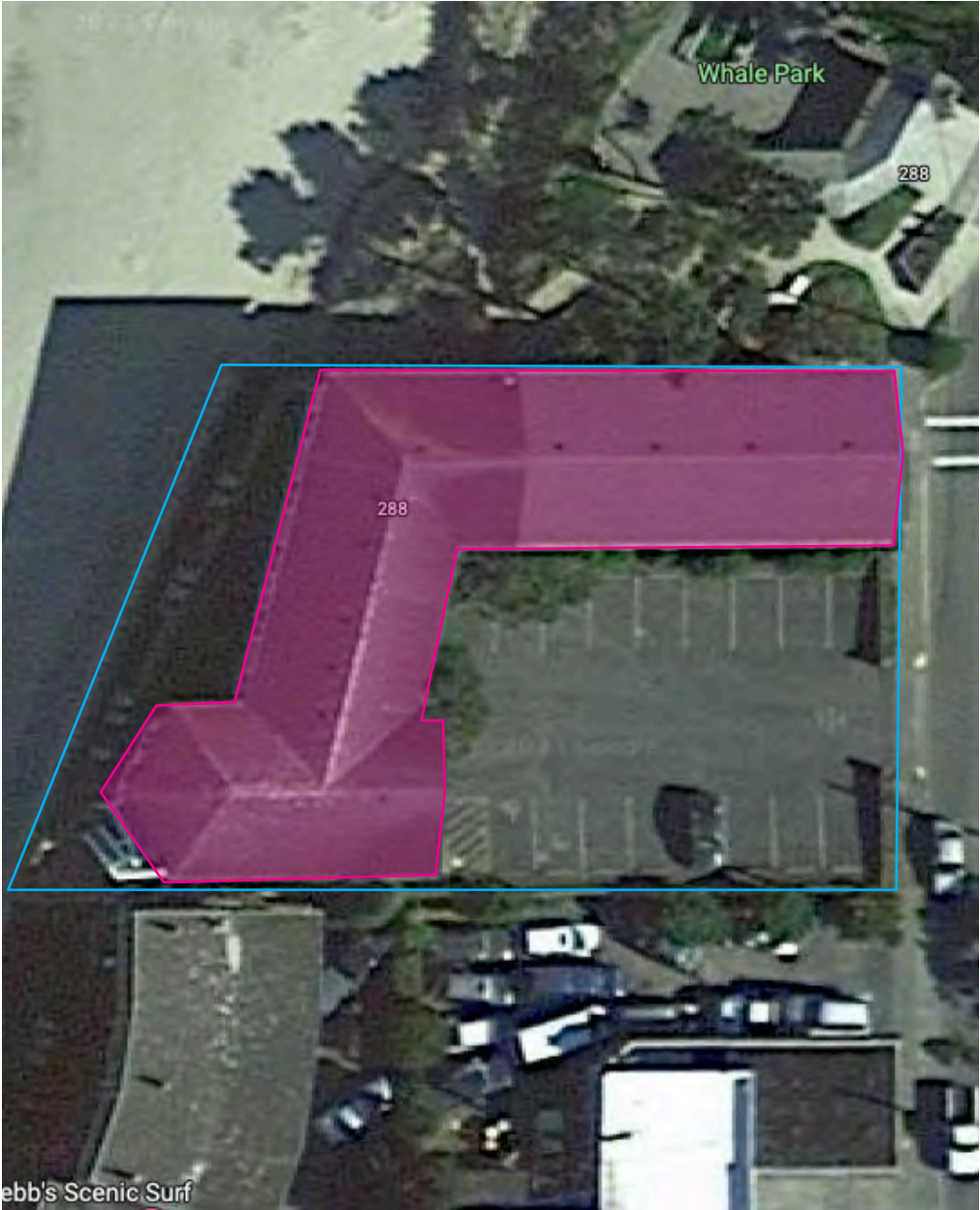
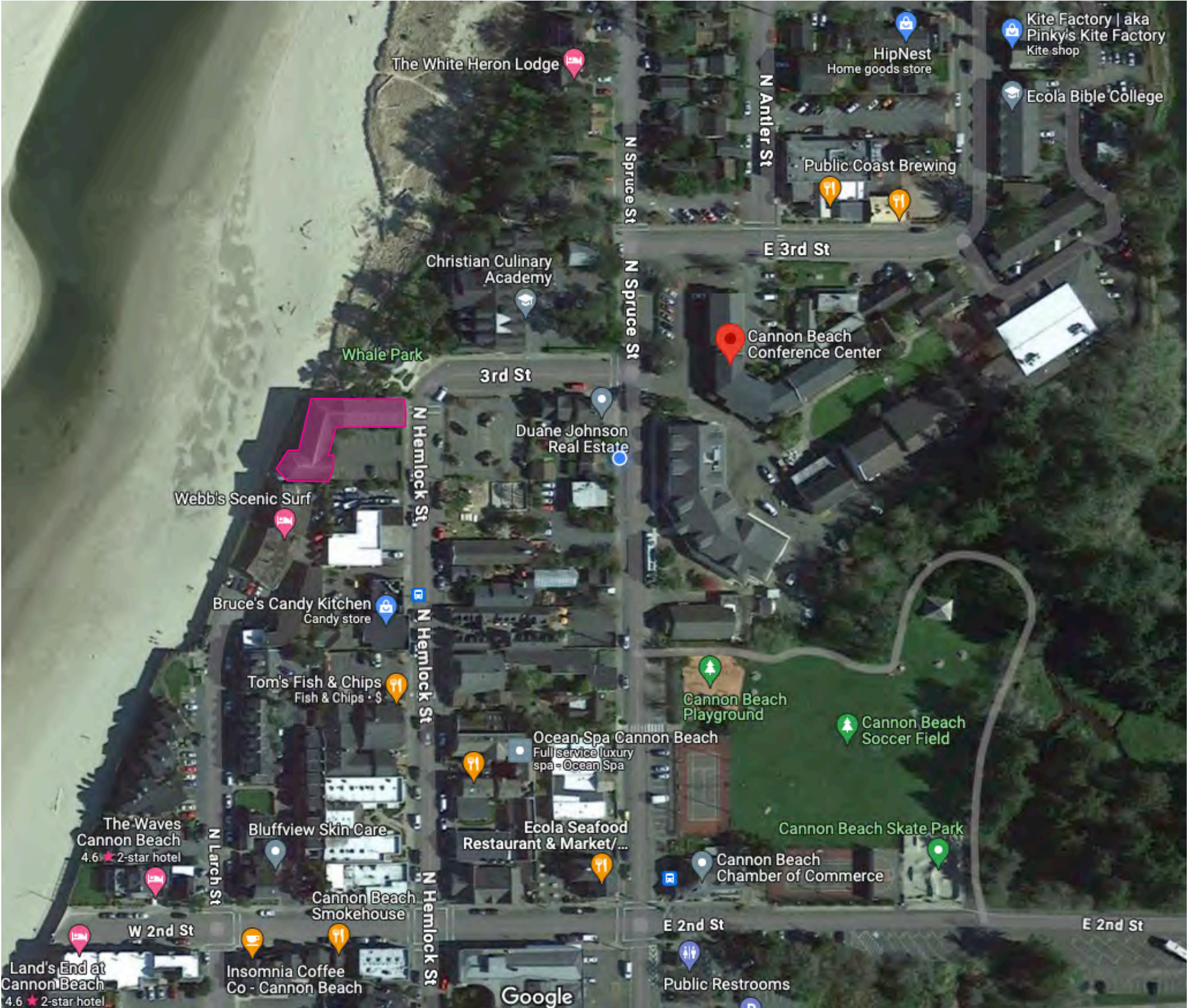
"Beach Front"



"Pacific View Lodge"



PROPERTY LOCATION



BEACH FRONT BUILDING

CANNON BEACH CONFERENCE CENTER
288 N. HEMLOCK ST.
CANNON BEACH, OR 97110



PROPERTY SITE LINES



Street / South East / Parking Lot



Street / East / Main Entrance



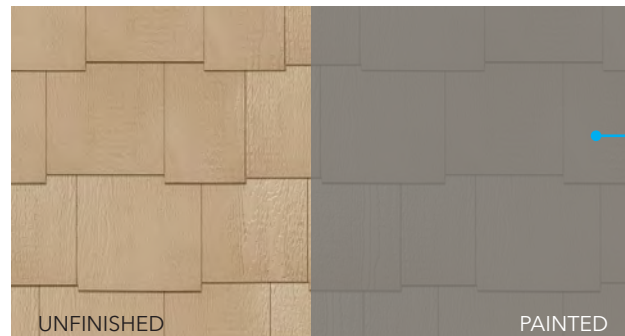
Beach & Whale Park / South + West



DESIGN | TWO LEVEL, SHAKE + HOR. SIDING

SPECS

TOP: CEDAR TEXTURE SHAKES



LP® SmartSide® Cedar Texture Shakes

PAINT COLORS

Shakes

Westchester Gray SW 2849

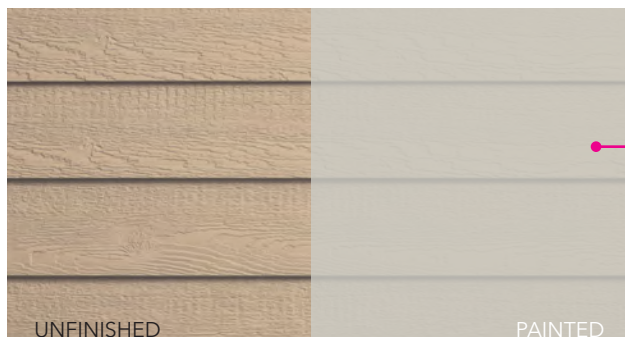
Trim, Band, Corner Boards

Extra White SW 7006

Siding

Sweater Weather SW 9548

BOT: HORIZONTAL SIDING



LP® SmartSide® LP Siding



NOTE: COLORS USED IN COMP/RENDER ARE TO HIGHLIGHT EXTERIOR MATERIAL AND ARCHITECTURE FEATURES ONLY. REFER TO SWATCHES IN PROPOSAL FOR ACTUAL COLOR APPLICATION.



DESIGN | RENDER A



NOTE: COLORS USED IN COMP/RENDER ARE TO HIGHLIGHT EXTERIOR MATERIAL AND ARCHITECTURE FEATURES ONLY. REFER TO SWATCHES IN PROPOSAL FOR ACTUAL COLOR APPLICATION.



DESIGN | RENDER B

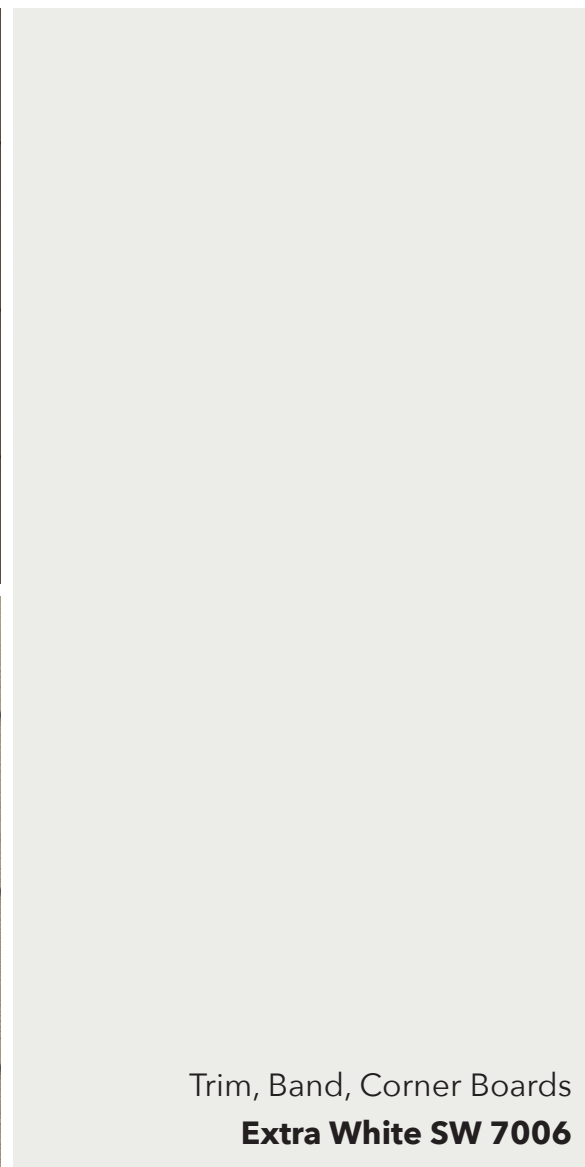
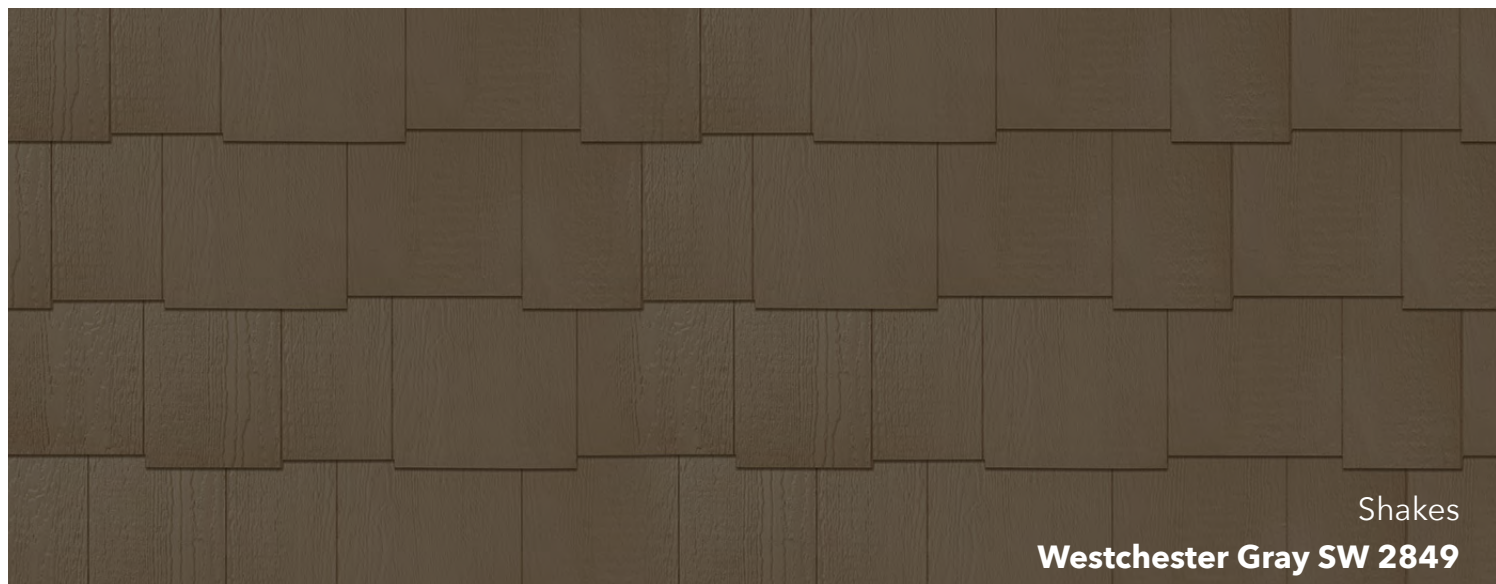


NOTE: COLORS USED IN COMP/RENDER ARE TO HIGHLIGHT EXTERIOR MATERIAL AND ARCHITECTURE FEATURES ONLY.
REFER TO SWATCHES IN PROPOSAL FOR ACTUAL COLOR APPLICATION.



PAINT COLORS

PALLET A



THANK YOU!

CANNON BEACH CONFERENCE CENTER
289 N. SPRUCE
CANNON BEACH, OR 97110





Cannon Beach Design Review Board

Supplemental Staff Report, February 14, 2024:

DRB 24-03, TOLOVANA DESIGNS LLC, ON BEHALF OF PATRICK/DAVE LLC, APPLICATION FOR A NEW DETACHED TWO FAMILY DWELLING AND ACCESSORY STRUCTURE. THE PROPERTY, A VACANT PARCEL ON FOREST LAWN RD, TAXLOT 51030DA04100, IS OWNED BY PATRICK/DAVE LLC IN A RESIDENTIAL MODERATE DENSITY (R2) ZONE. THE APPLICATION WILL BE REVIEWED AGAINST THE CRITERIA OF MUNICIPAL CODE CHAPTER 17.44.080 – 17.44.100, DESIGN REVIEW CRITERIA.

Agenda Date: January 18, 2024
Continued to February 21, 2024

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

GENERAL INFORMATION

NOTICE

Public notice for this January 18, 2024 Public Hearing is as follows:

- A. Notice was posted at area Post Offices on December 22, 2023;
- B. Notice was mailed on December 22, 2023 to surrounding landowners within 100' of the exterior boundaries of the property.

Oregon E-Permitting record number: 164-23-000161-PLNG

DISCLOSURES

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

EXHIBITS

The following Exhibits are attached hereto as referenced.

"A" Exhibits – Application Materials

- A-6** Enlarged site plan, received January 19, 2024
- A-7** Boardwalk schematics, received January 19, 2024
- A-8** June 2023 tree plan, received January 19, 2024
- A-9** Landscape plan, received February 14, 2024
- A-10** January 2024 tree replacement plan, received February 14, 2024
- A-11** North residence east elevation, received February 14, 2024
- A-12** South residence east elevation, received February 14, 2024

"C" Exhibits – Cannon Beach Supplements

- C-2** Signed orders, Findings of Fact, and exhibits for Planning Commission review of conditional use permit application CU#23-04.

"D" Exhibits – Public Comment

No additional exhibits received as of this writing.

SUMMARY & BACKGROUND

This proposal is for the construction of a two-family dwelling consisting of two detached dwelling units on a single undeveloped parcel of land on the north end of Forest Lawn Rd. The subject property is zoned (R2) Residential Moderate Density and two-family dwellings are a permitted use in that zoning classification. This proposal is brought before the Design Review Board as all new development except for single-family dwellings or manufactured homes and their accessory structures are subject to review [CBMC 17.44.020(A)].

The Municipal Code defines a duplex or two-family dwelling as “a building, or buildings, containing two dwelling units with or without a common wall or ceiling and where there are no direct interior connecting doorways.” This application meets the definition of two dwellings without a common wall or ceiling. In addition to the two dwelling units this application includes a separate detached garage with storage areas that will contribute to the proposal’s off-street parking requirements.

The subject property is an inventoried wetland lot-of-record and an application for a conditional use permit for an elevated pedestrian walkway in a wetland and its buffer area, CU#23-04, was heard by the Planning Commission on January 17th and 25th where it was approved with conditions. The Planning Commission’s signed orders and Findings of Fact with exhibits are included as Exhibit C-2. The conditions of approval are:

1. The maximum size of the footbridge (accessory structure) shall be 120 square feet.
2. The owner shall obtain temporary access to/from S. Hemlock St. through the Public Works Department prior to building permit issuance.
3. Temporary access to S. Hemlock St. is for construction purposes only and shall not be used as a permanent access for the use of the dwellings. Permanent access to the dwellings shall be from Forest Lawn Rd. only.
4. The temporary access will be permanently closed by revegetating and returning to its natural state in consultation with the City’s arborist. The owner shall submit plans for the restoration to the Community Development Department and City’s arborist specifically detailing how the temporary access to S. Hemlock St. shall be closed. If a temporary certificate of occupancy is requested and granted, the applicant shall permanently close the temporary access 30 days after a temporary occupancy permit has been issued. In no case shall a final certificate of occupancy be granted until the temporary access to S. Hemlock St. is permanently closed.
5. The garage/storage accessory structure shall not be used as an accessory dwelling unit (ADU) or other habitation as per section 17.54.100 of the Cannon Beach Municipal Code.
6. The applicant shall meet all required storm drainage polices of the City. The stormwater collected from the dwellings is to be retained on-site by directing the storm water to the property’s wetlands instead of being piped to the City’s storm water system. To meet this requirement, the applicant shall work with the Public Works Department and submit the plans for a stormwater collection system that is recommended by a qualified wetlands specialist to ensure least impact to the wetlands; examples include bioswale, drywell, etc.
7. Owner shall provide a draft copy of the homeowner’s association agreement for the management of all common areas including, but not limited to, to protection/functionality of the wetlands, the footpath/boardwalk, the garage, etc. prior to building permit issuance. Prior to issuance of a certificate of occupancy, the owner shall provide a recorded copy of the homeowner’s association agreement from Clatsop County to the Community Development Department. The building/developer is responsible for and shall fulfill all the obligations of the homeowner’s association until such times as the homeowner’s association is assigned to the new buyer(s)/property owner(s).
8. The builder/developer shall complete all required conditions of approval prior to issuance of the final certificate of occupancy.

During this item's initial evidentiary hearing the Design Review Board continued the hearing with a request that the applicant provide additional information regarding the elevated pedestrian walkway being reviewed by the Planning Commission and landscaping.

Exhibit A-7 provides elevations and cross sections of the elevated pedestrian walkway. The location of the walkway is shown on Exhibit A-6. The walkway will be 24 feet long, 4½ feet wide, and its height above grade will be dependent on the optional use of a railing that would be no less than 36 inches above grade.

Exhibits A-9 and A-10 pertain to landscaping with A-9 showing the proposed locations of new plantings. These include:

- Shore pine
- Hooker's willow
- Black Honeysuckle
- Western sword fern
- Deer fern
- Pacific Silverweed

Exhibit A-10 is a consulting arborist report prepared by Todd Prager & Associates which builds on the June 22, 2023 tree plan for the site (Exhibit A-8) and November 27, 2023 site plan (Exhibit A-2). This report addresses tree replanting requirements detailed in chapter 17.70 of the Municipal Code, calculations on the required number of replantings necessary to meet code requirements, an inventory of trees on site, and tree replanting recommendations.

DECISION AND CONDITIONS

Site Plan

Motion: Having considered the evidence in the record and upon a motion by Board member (Name), seconded by Board member (Name), the Cannon Beach Design Review Board voted to (approve/approve with conditions/deny) the site plan of the Tolovana Design LLC application to construct a two-family dwelling on Forest Lawn Rd. , DRB 24-03, as discussed at this public hearing (subject to the following conditions):

Architectural

Motion: Having considered the evidence in the record and upon a motion by Board member (Name), seconded by Board member (Name), the Cannon Beach Design Review Board voted to (approve/approve with conditions/deny) the architectural plan of the Tolovana Design LLC application to construct a two-family dwelling on Forest Lawn Rd. , DRB 24-03, as discussed at this public hearing (subject to the following conditions):

Landscape Plans

Motion: Having considered the evidence in the record and upon a motion by Board member (Name), seconded by Board member (Name), the Cannon Beach Design Review Board voted to (approve/approve with conditions/deny) the landscape plan of the Tolovana Design LLC application to construct a two-family dwelling on Forest Lawn Rd. , DRB 24-03, as discussed at this public hearing (subject to the following conditions):

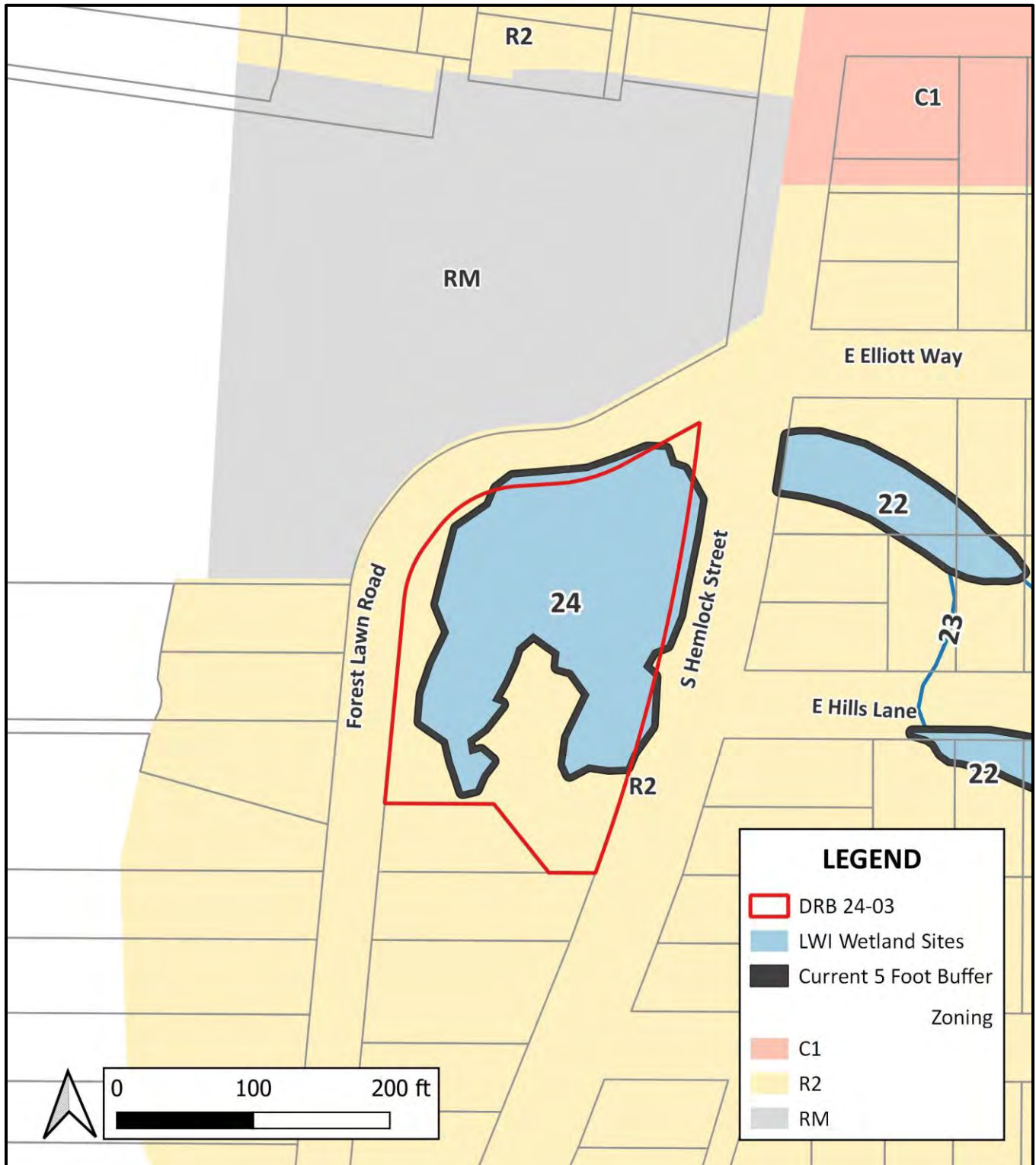
Notice of Approval

17.44.140 Final approval expiration.

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

DRB 24-03 Project Location & Zoning

Forest Lawn Rd., Taxlot 51030DA04100



DESIGN REVIEW BOARD FINDINGS; SECTION 17.44.070 - 17.44.100

APPLICANT: Tolovana Design; DRB NUMBER: DRB 24-03

MEETING DATE: January 18, 2024

MAP: 51030DA04100

Site Design Criteria	+/-/na	notes
A. The arrangement of all functions, uses, and improvements has been designed so as to reflect and harmonize with the natural characteristics and limitations of the site and adjacent sites. (x3)		
B. In terms of setback from the street or sidewalk, the design creates a visually interesting and compatible relationship between the proposed structures and/or adjacent structures. (x3)		
C. The design incorporates existing features such as streams, rocks, slopes, vegetation (i.e., making use of a small stream rather than placing it in a culvert). (x3)		
D. If the project is unusually large, or if it is located so as to become part of an introduction/transition to the city or to a particular district or to the beach, the design acknowledges the special impact the project would have on the entire community by addressing these design criteria in an exemplary, standard-setting manner. (x3)		
E. Where appropriate, the design relates or integrates the proposed landscaping/open space to the adjoining landscaping/open space in order to create a pedestrian pathway and/or open system that connects several properties. (x2)		
F. The arrangement of the improvements on the site do not unreasonably degrade the scenic values of the surrounding area. (x2)		
G. The improvements on the site enhance and/or do not deny solar access, light or air within the site or to adjacent sites or structures. (x2)		
H. Where appropriate, the design includes a parking and circulation system that encourages a pedestrian rather than vehicular orientation, including a separate service area for delivery of goods. (x2)		
I. The arrangement of the improvements on the site does not unreasonably block or greatly degrade scenic vistas enjoyed from neighboring (especially public) sites. (x2)		
J. The various functions and elements of the site design have been integrated into a unified whole, except in those cases where separation is appropriate. The overall design is visually harmonious when viewed either from within the site or from outside the site. (x2)		
K. The design gives attention to the placement of storage or mechanical equipment so as to screen it from view. (x1)		
L. If the project is adjacent to, or visible from, US Highway 101, the design minimizes its visual impact on the scenic character of Highway 101. (x2)		

M. Lighting fixtures: (1) are compatible with the architectural design; (2) produce illumination sufficiently subdued to be compatible with the village character; (3) avoid casting glare on adjoining property; (4) are sufficient for night-time safety, utility, security, and commerce; and (5) do not exceed the illumination values in the table at Section 17.44.150. (x2)		
N. The project incorporates design elements or building improvements which result in the conservation of energy. (x2)		
O. The design of the project ensures continued privacy for the occupants of adjacent structures. In cases of multifamily housing, this item is to be rated as x3. (x1)		

Landscape Design Criteria	+/-/na	notes
A. The design substantially complements the natural environment of Cannon Beach and the character of the site. (x3)		
B. The design harmonizes with and enhances the architectural design. (x3)		
C. The landscape design acknowledges the growing conditions for this climatic zone and the unique requirements that its specific site location makes upon plant selection (i.e., salt, wind and wind exposure, soil condition, light, shade, etc.). (x3)		
D. Provision has been made for the survival and continuous maintenance of the landscape and its vegetation. (x3)		
E. Where it is desirable to do so, the design provides amenities for the public. (x3)		
F. The design makes use of existing vegetation and incorporates indigenous planting materials. (x2)		
G. The selection and arrangement of plant materials provides visual interest by the effective use of such design elements as color, texture and size differentiation. (x2)		
H. The hard surface portion of the design makes use of visually interesting textures and patterns. (x2)		
I. Where it is desirable to do so, the design provides visual interest through the creation of a variety of elevations. (x2)		
J. The design contributes to the stabilization of slopes, where applicable. (x2)		
K. The design successfully delineates and separates use areas, where it is desirable to do so. (x2)		
L. The lighting fixtures and level of illumination are compatible with the landscape design. The level of illumination produced enhances the overall project and does not cast glare on adjacent property or into the night sky. (x2)		

Plotted 8/24/2024 10:24 AM by J. Tolovana
C:\Users\jtolovana\Documents\Projects\Active\Forest Lawn\ACAD\SET\AS1.1.dwg
C:\Users\jtolovana\Documents\Projects\Active\Forest Lawn\ACAD\SET\AS1.1.dwg

NORTH HOUSE

AVERAGE GRADE CALCULATION:
37.63' + 37.60' + 39.07' + 39.20' = 153.50'
+ 4
AVERAGE GRADE: 38.38'

SOUTH HOUSE

AVERAGE GRADE CALCULATION:
41.10' + 40.03' + 42.02' + 43.76' = 166.91'
+ 4
AVERAGE GRADE: 41.73'

GARAGE

AVERAGE GRADE CALCULATION:
39.87' + 40.64' + 41.50' + 41.69' = 163.70'
+ 4
AVERAGE GRADE: 40.93'

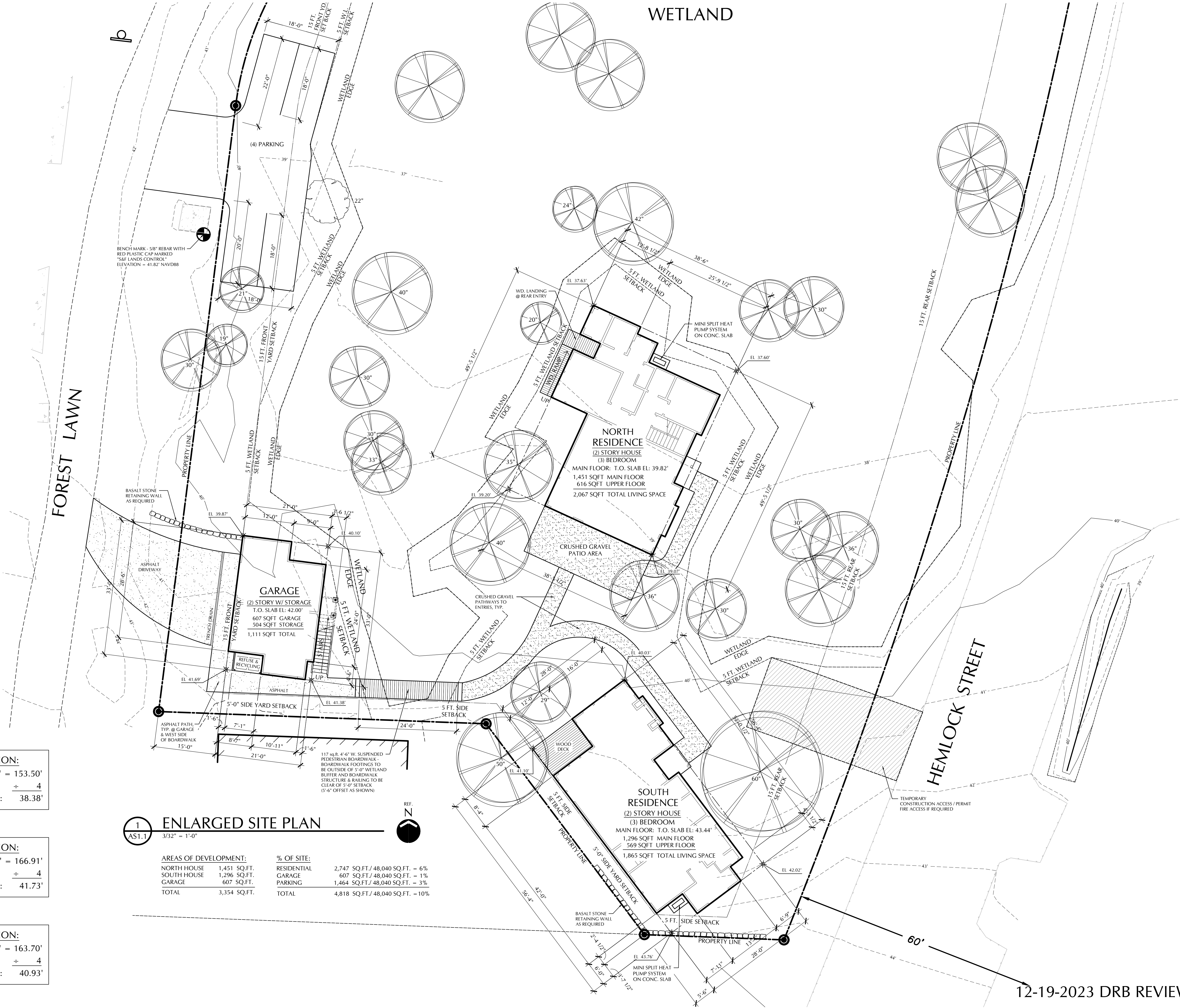
1
AS1.1

ENLARGED SITE PLAN

3/32" = 1'-0"

AREAS OF DEVELOPMENT:
NORTH HOUSE 1,451 SQ.FT.
GARAGE 607 SQ.FT.
TOTAL 3,354 SQ.FT.

% OF SITE:
RESIDENTIAL 2,747 SQ.FT./ 48,040 SQ.FT. = 6%
GARAGE 607 SQ.FT./ 48,040 SQ.FT. = 1%
PARKING 1,464 SQ.FT./ 48,040 SQ.FT. = 3%
TOTAL 4,818 SQ.FT./ 48,040 SQ.FT. = 10%



Tolovana Design LLC

P.O. Box 563
Cannon Beach, Oregon 97110



DRB REVIEW

PLANS FOR
FOREST LAWN DEVELOPMENT

FOREST LAWN
CANNON BEACH, OREGON

MARK	DATE	DESCRIPTION

DATE: 12-19-2023
JOB:
FILE:
DRAWN: XX
CHECKED:

COPYRIGHT
TOLOVANA ARCHITECTS, LLC
2023

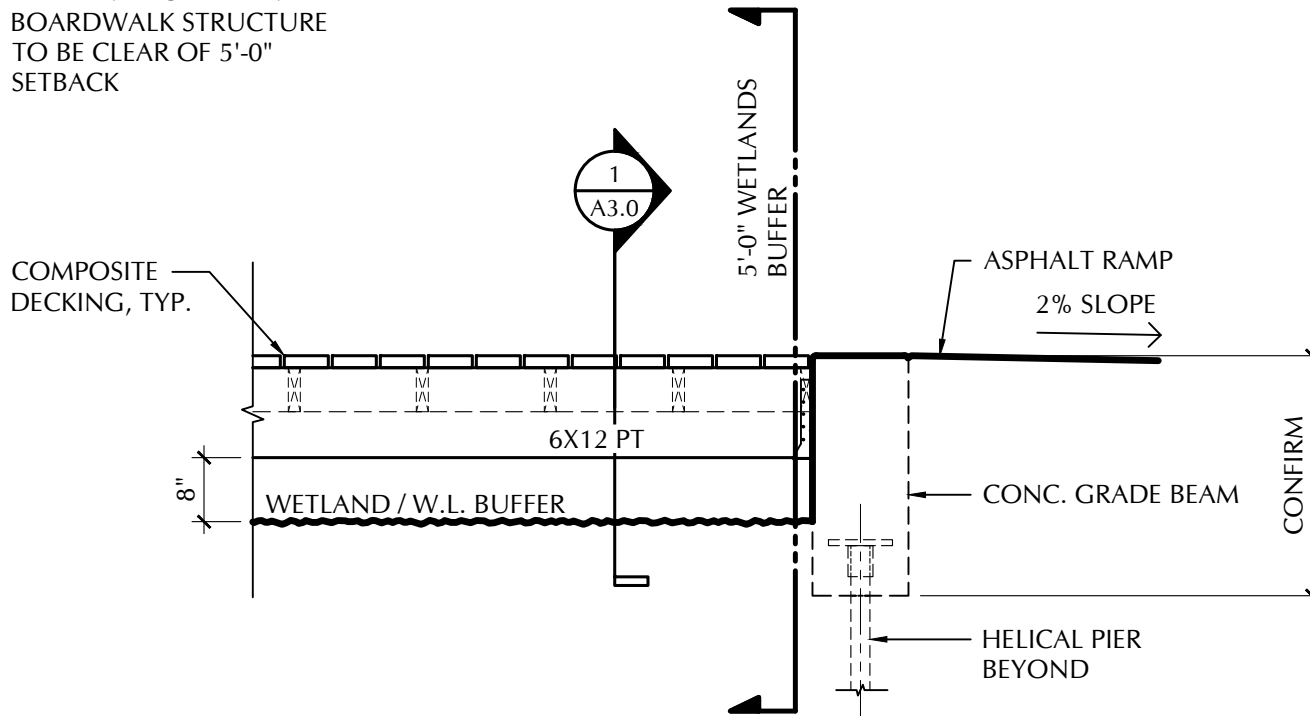
ENLARGED
SITE PLAN -
RESIDENCES
& GARAGE

AS1.1

12-19-2023 DRB REVIEW

NOTE:

BOARDWALK FOOTINGS
TO BE OUTSIDE OF 5'-0"
WETLAND BUFFER AND
BOARDWALK STRUCTURE
TO BE CLEAR OF 5'-0"
SETBACK



PARTIAL
BOARDWALK ELEVATION
1 A2.0 1/2" = 1'-0"

A2.0

1

FOREST LAWN DEVELOPMENT
BOARDWALK ELEVATION

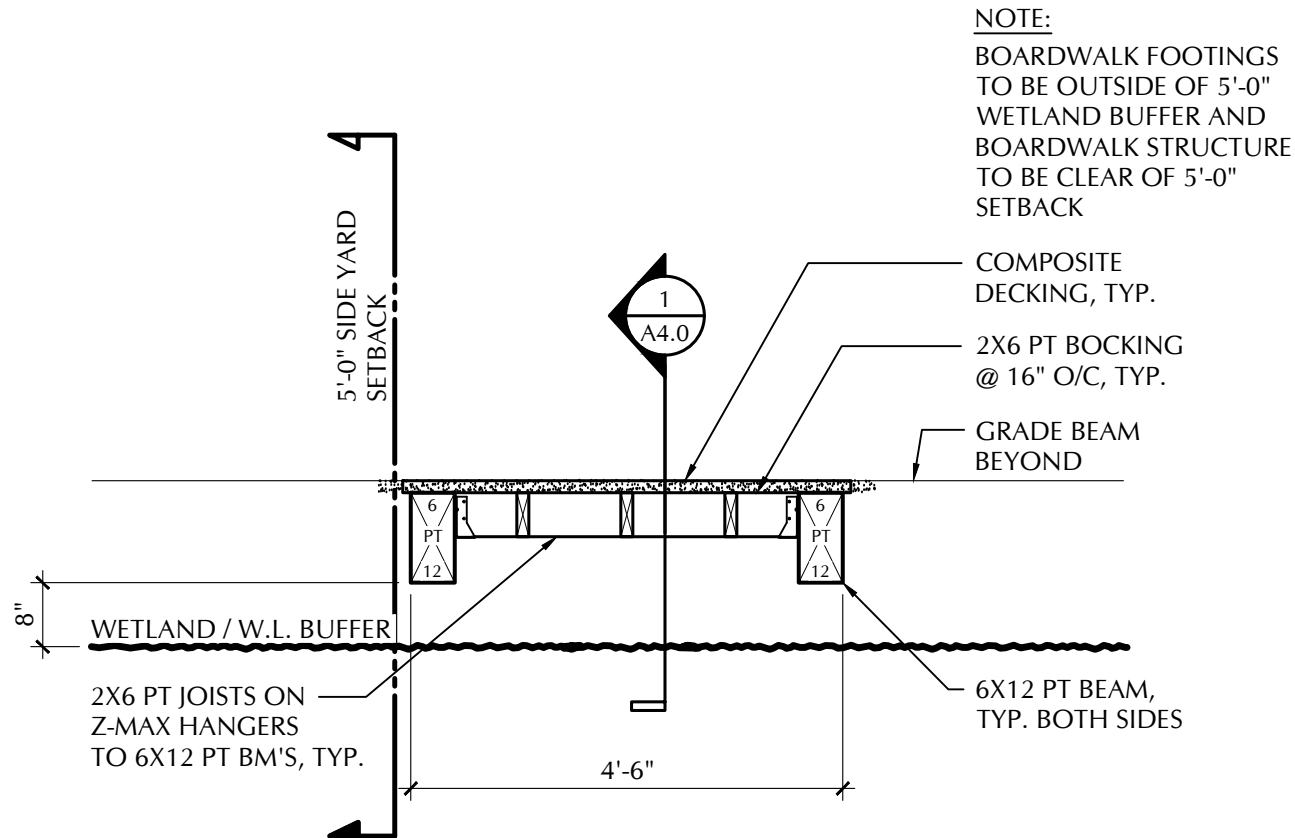
CANNON BEACH OR 97110
11-22-2023



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Cannon Beach, Oregon 97110

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2023





NOTE:

BOARDWALK FOOTINGS
TO BE OUTSIDE OF 5'-0"
WETLAND BUFFER AND
BOARDWALK STRUCTURE
TO BE CLEAR OF 5'-0"
SETBACK

COMPOSITE
DECKING, TYP.
2X6 PT BOCKING
@ 16" O/C, TYP.
GRADE BEAM
BEYOND

BOARDWALK CROSS SECTION
1
A3.0 1/2" = 1'-0"

A3.0

2

FOREST LAWN DEVELOPMENT
BOARDWALK CROSS SECTION

CANNON BEACH OR 97110
11-22-2023



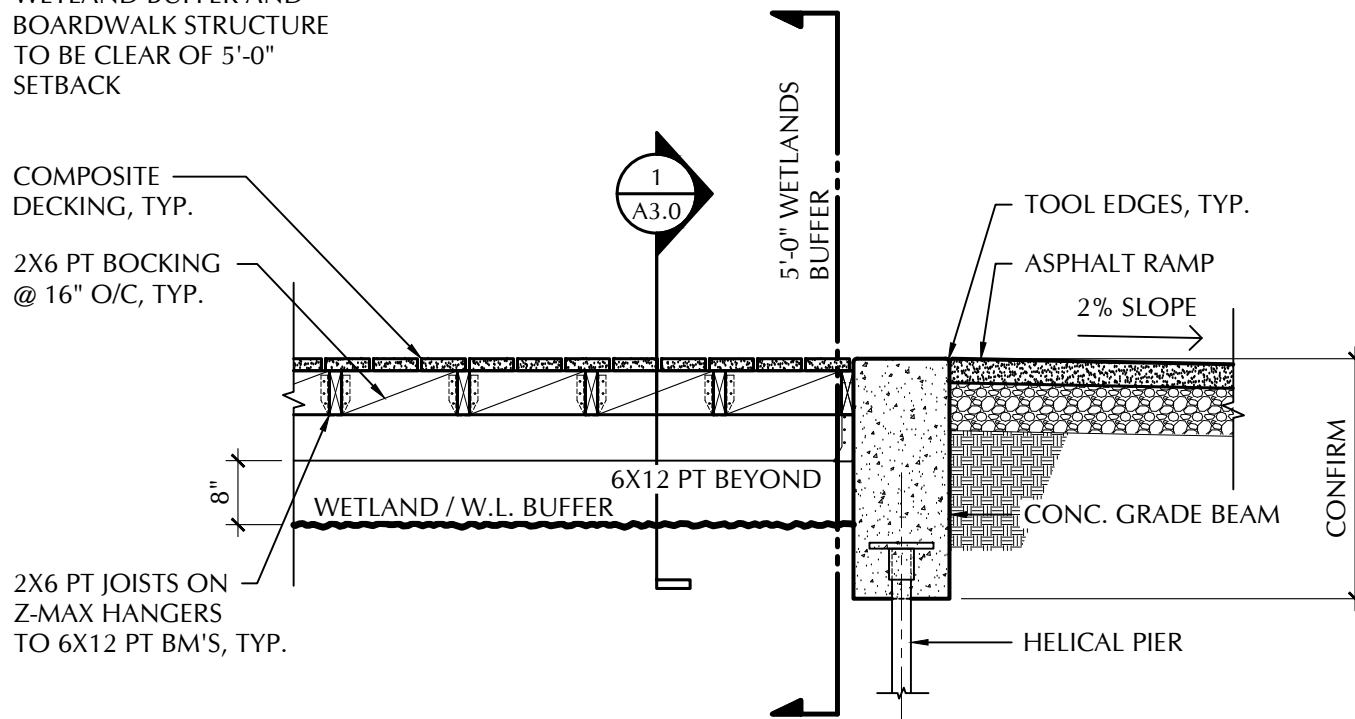
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2023



NOTE:

BOARDWALK FOOTINGS
TO BE OUTSIDE OF 5'-0"
WETLAND BUFFER AND
BOARDWALK STRUCTURE
TO BE CLEAR OF 5'-0"
SETBACK



1
A4.0
1/2" = 1'-0"

BOARDWALK SECTION @ RAMP

A4.0

3

FOREST LAWN DEVELOPMENT BOARDWALK SECTION @ RAMP

CANNON BEACH OR 97110
11-22-2023



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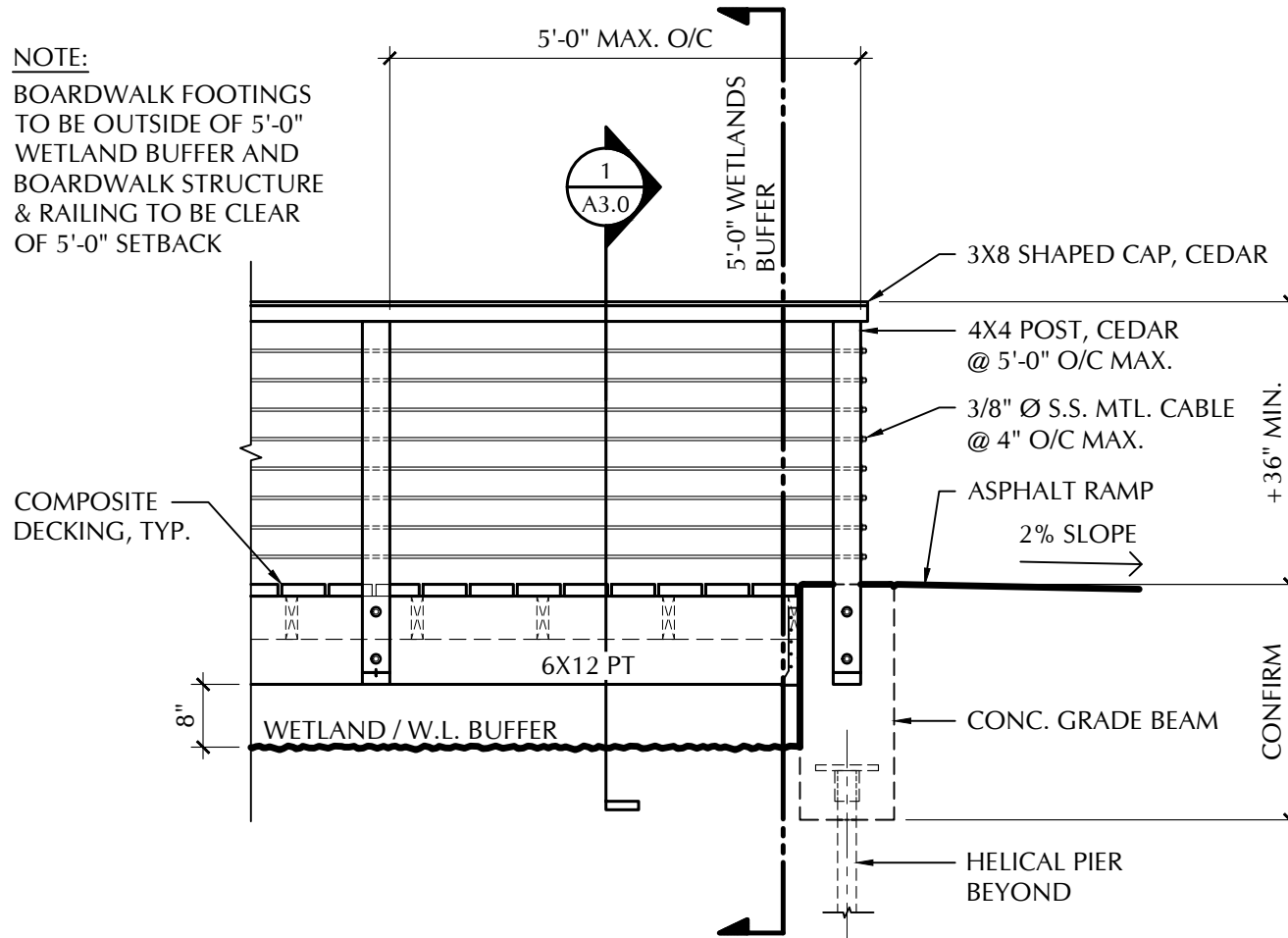
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2023



Exhibit A-7

NOTE:

BOARDWALK FOOTINGS
TO BE OUTSIDE OF 5'-0"
WETLAND BUFFER AND
BOARDWALK STRUCTURE
& RAILING TO BE CLEAR
OF 5'-0" SETBACK



PARTIAL W/ OPTIONAL RAILING
BOARDWALK ELEVATION
1 A2.0 1/2" = 1'-0"

A2.0
OPTIONAL
RAILING

FOREST LAWN DEVELOPMENT BOARDWALK ELEVATION

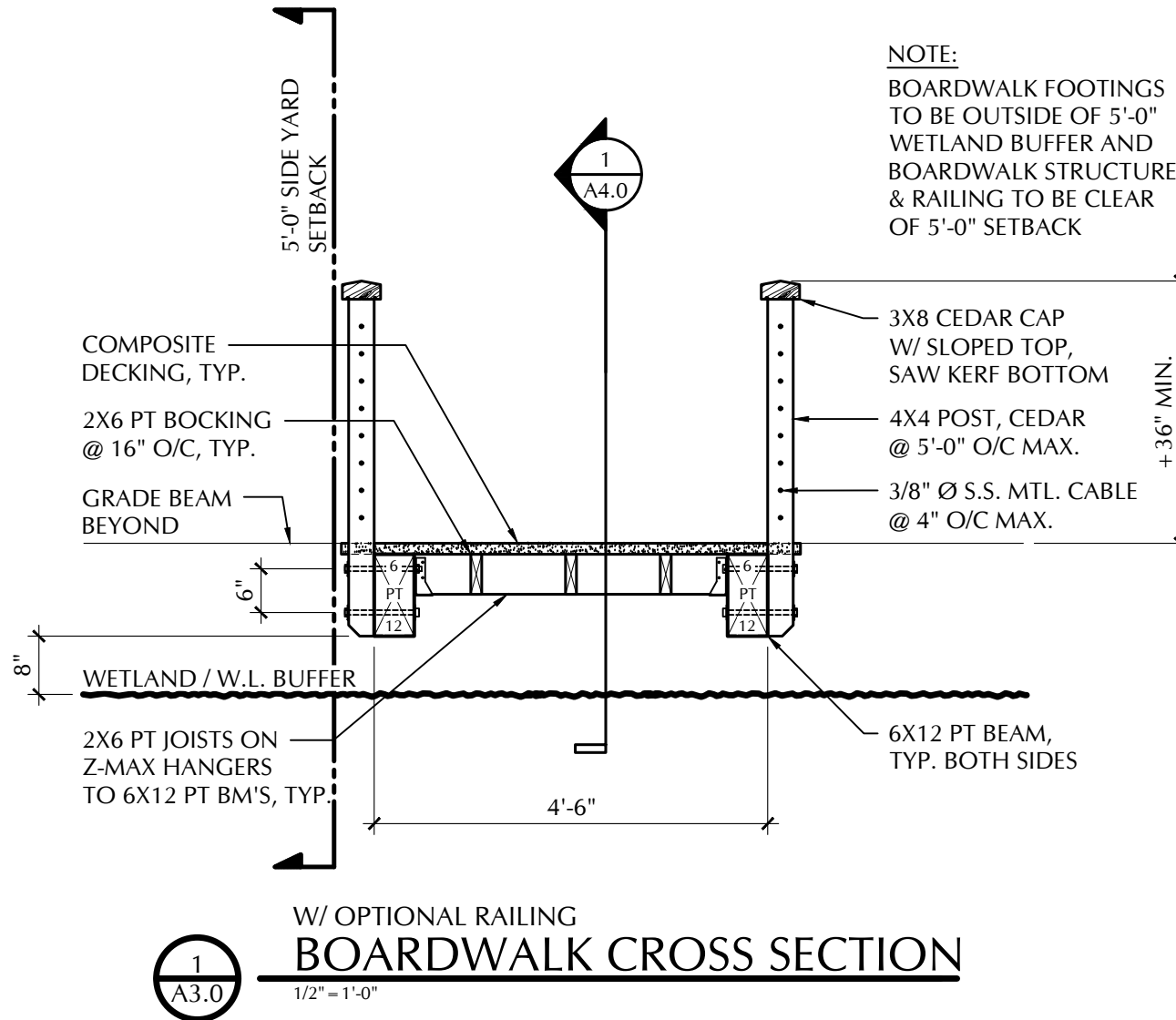
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2023





A3.0
OPTIONAL
RAILING

FOREST LAWN DEVELOPMENT BOARDWALK CROSS SECTION

CANNON BEACH OR 97110
11-22-2023



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2023



Exhibit A-7

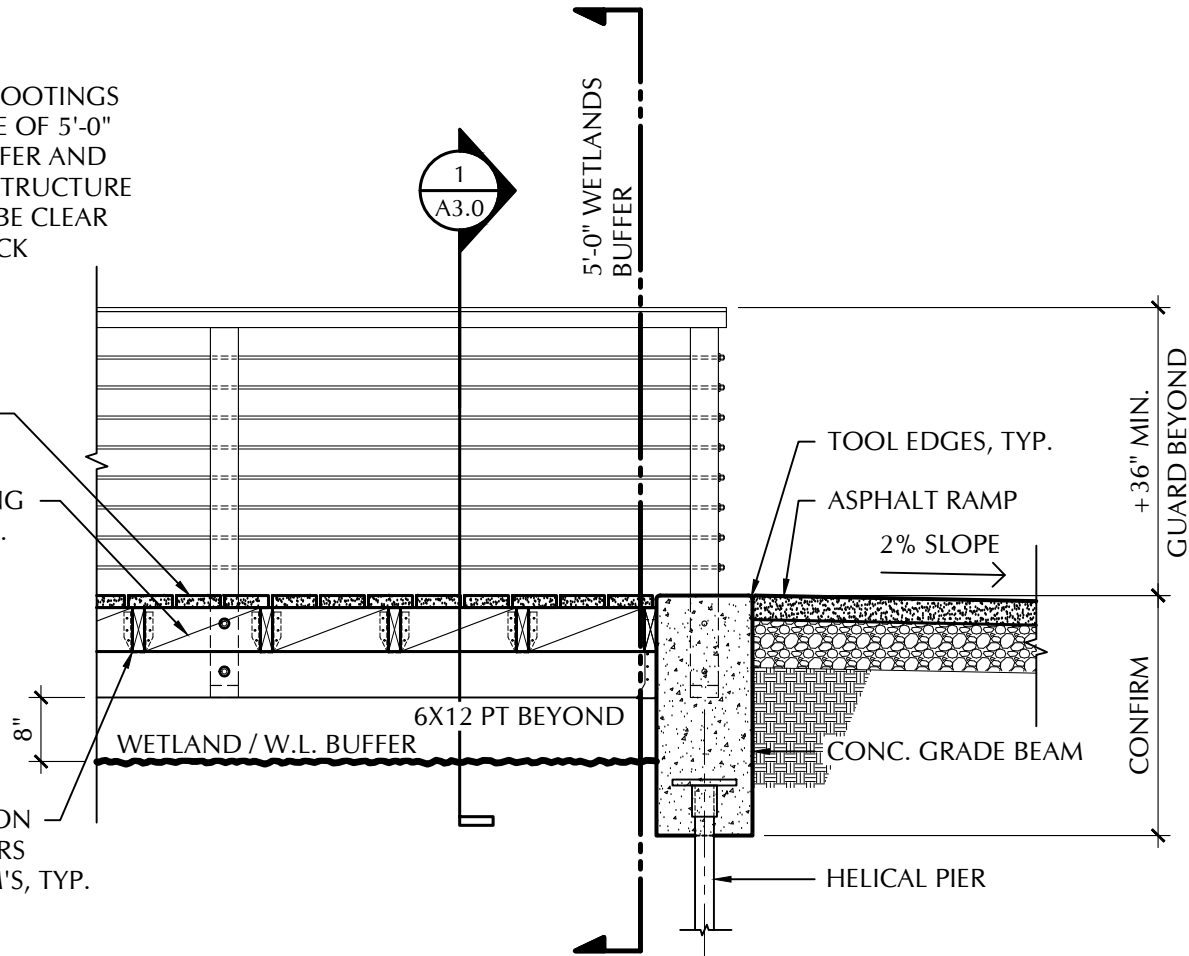
NOTE:

BOARDWALK FOOTINGS
TO BE OUTSIDE OF 5'-0"
WETLAND BUFFER AND
BOARDWALK STRUCTURE
& RAILING TO BE CLEAR
OF 5'-0" SETBACK

COMPOSITE
DECKING, TYP.

2X6 PT BOCKING
@ 16" O/C, TYP.

2X6 PT JOISTS ON
Z-MAX HANGERS
TO 6X12 PT BM'S, TYP.



W/ OPTIONAL RAILING



BOARDWALK SECTION @ RAMP

1/2" = 1'-0"

A4.0
OPTIONAL
RAILING

FOREST LAWN DEVELOPMENT BOARDWALK SECTION @ RAMP

CANNON BEACH OR 97110
11-22-2023



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2023





Todd Prager & Associates LLC

MEMORANDUM

DATE: June 22, 2023
TO: Patrick/Dave, LLC
FROM: Todd Prager, RCA #597, ISA Board Certified Master Arborist
RE: Updated Tree Plan for the Forest Lawn Project

Summary

After additional adjustments to the proposed site design and infrastructure improvements, 36 trees are proposed to be retained and 5 trees are proposed to be removed at the Forest Lawn Project in Cannon Beach. The current proposed tree removal has been reduced from 11 trees to 5 trees since the May 26, 2022 submittal. The 36 trees to be retained with site design and infrastructure improvements will be protected according to the recommendations in this report.

Background

Patrick/Dave, LLC is proposing to construct two, 3-bedroom houses, a garage, parking area, pedestrian access, and infrastructure improvements at the vacant property located south of the intersection of Forest Lawn Road and South Hemlock Street in Cannon Beach, Oregon. Wetlands occupy much of the northern portion of the site with the buildable areas clustered towards the southern end. The proposed site plan is provided in Attachment 1.

Sitka spruce (*Picea sitchensis*) is the dominant tree species at the site with scattered red alder (*Alnus rubra*) along with a western hemlock (*Tsuga heterophylla*) and crabapple (*Malus sp.*). Small diameter Hooker's willow (*Salix hookeriana*) occupy much of the wetland, but their diameter's were smaller than required to be individually inventoried.

The submittal from May 26, 2022 anticipated the removal of 11 trees with future development of the site and lots. The plan was revised, and my arborist report dated July 21, 2022 included the removal of 7 trees. The current plan has been further revised to retain additional trees.

The assignment requested of my firm for this project was to:

- Coordinate with the project design team to identify opportunities for additional tree preservation;
- Provide my recommendations for tree preservation and removal based on the site constraints; and
- Provide tree protection recommendations for the proposed construction.

Tree and Site Assessment

On July 17, 2022, I visited the site and reviewed the trees. The purpose of my site visit was to verify the tree assessment dated December 28, 2021 by Arbor Care Tree Specialists, Inc. in Attachment 2. During my visit I also reviewed the site to determine if there were opportunities for additional tree preservation. My scope of work did not include a re-inventory of the trees at the site since that work was already completed by another arborist.

The tree assessment data in Attachment 1 was generally accurate and relevant for this stage of the project. The following changes and additions to the inventory based on my site visit are summarized as follows:

- **Tree 12**, a decayed red alder growing over a culvert, was removed by the City of Cannon Beach based on background I received.
- **Tree 15**, a 60-inch diameter (DBH) Sitka spruce, had a thinning crown compared with other trees at the site.
- **Tree 16**, a 50-inch Sitka spruce on a neighboring property, had a thinning crown compared with other trees at the site and a sweep in its lower trunk towards the northeast.
- **Tree 20**, a 30-inch DBH western hemlock, leaned away from the site and was separated from South Hemlock Street by larger Sitka spruce that were adjacent to it.
- **Tree 21.1** was added to the site plan in its approximate location by my firm. It was a 36-inch DBH Sitka spruce in good health condition and fair structural condition with codominant stems at approximately 50 feet above ground. Its crown was moderately one sided due to competition with adjacent trees.
- **Tree 34** was a 35-inch DBH Sitka spruce with an approximately 15 percent live crown ratio. Live crown ratio is the ratio of the height of the tree's live foliage to the total height of the tree.
- **Tree 36** was a 36-inch DBH Sitka spruce with a sweep at its lower trunk towards South Hemlock Street.
- **Tree 37b** had a relatively low density of *Porodaedalea pini* conks.

With the removal of tree 12 from the inventory and addition of tree 21.1, the total inventoried tree count at the site remains at 41 trees.

Tree Preservation and Removal

I coordinated with the project team to review and adjust the updated plans in Attachment 1 with the goal of preserving additional trees. The following plan adjustments were made in coordination with the project team:

- **Access:** Driveway access to the buildings has been eliminated to preserve trees 15 and 19;
- **Buildings:** The southern building footprint has been adjusted to preserve tree 15;
- **Parking:** The parking area will be adjusted to preserve trees 29 and 40;
- **Utilities:** Utilities will be bored underground to avoid trees 15 and 19; and

- *Wetland Trees:* Trees 20 and 37b will be retained and monitored by the owners so that no tree removal will occur within the wetland.

The May 26, 2022 submittal included the removal of 11 trees and the July 21, 2022 arborist report proposed the removal of 7 trees. Based on proposed site plan changes, the current proposal is to remove 5 trees. Table 1 below is a summary of the current status of the 11 trees previously proposed for removal. Trees with changes in status are bolded in Table 1.

Table 1: Current Status of 11 Trees Previously Proposed for Removal

Tree #	Type	DBH	Area	5/22/2022 Proposal	Current Proposal	Comments
12	red alder	11	wetland	remove	n/a	Removed by city
15	Sitka spruce	60	upland	remove	retain	This tree can be retained by eliminating the access drive and boring utilities from South Hemlock
17	Sitka spruce	50	upland	remove	remove	This tree has a poor live crown ratio, lean, heaving root plate, and will be impacted by construction of the south building
18	Sitka spruce	29	upland	remove	retain	This tree can be retained by eliminating the access drive and boring utilities
19	Sitka spruce	36	upland	remove	retain	This tree can be retained by eliminating the access drive and boring utilities
20	western hemlock	30	wetland	remove	retain	This tree leans away from the building site and was separated from South Hemlock Street by larger Sitka spruce that were adjacent to it. The adjacent trees offer protection to the roadway. It may be retained and monitored at this time.
23	Sitka spruce	32	upland	remove	remove	This tree conflicts with the north building footprint
34	Sitka spruce	35	upland	remove	remove	This tree conflicts with the north building footprint
35	Sitka spruce	35	upland	remove	remove	This tree conflicts with the north building footprint and is infected with <i>Fomitopsis pinicola</i> .
36	Sitka spruce	36	upland	remove	remove	This tree conflicts with the north building footprint
37b	Sitka spruce	32	wetland	remove	retain	This tree is in the wetland and had a relatively low density of <i>Porodaedalea pini</i> conks. It may be retained and monitored at this time.

Tree Protection Recommendations

The trees to be retained will require protection during construction. This section of the report includes my tree protection recommendations for the proposed construction.

- *Tree Protection Fencing:* Tree protection fencing shall be installed in the locations shown in Attachment 1 prior to construction. When fence adjustments or work is required in the tree protection zones, the project arborist shall be consulted to oversee the work.
- *Tree Removal:* The trees to be removed shall not contact or otherwise damage the trunks or branches of the trees to be retained. Piece removal of the trees will be required to protect the adjacent retained trees. No vehicles or heavy equipment shall be permitted within the tree protection zones during tree removal operations.
- *Stump Removal:* The stumps of the trees to be removed shall have their structural roots cut prior to removal to protect the root systems of the adjacent trees to be retained.
- *Underground utilities:* Underground utilities will need to be bored at a depth of at least five feet to avoid the typical minimum construction setback radii of the retained trees shown in Attachment 1.
- *Parking construction:* The parking area adjacent to trees 29 and 40 shall be constructed of clean crushed rock (with no fines) over geotextile fabric that is permeable to air and water. The surface litter layer shall be carefully removed under arborist supervision prior to fabric and rock placement to minimize damage and disturbance to any surface roots of trees to be retained. No excavation beyond the native soil surface is permitted. At least four inches of crushed rock over geotextile fabric shall be placed over exposed surface roots to protect them from damage.
- *Pedestrian Access:* Pedestrian access adjacent to trees 16 and 18 shall be constructed under arborist supervision without excavation below existing grade. At least four inches of base rock over geotextile fabric shall be placed over exposed surface roots to protect them from damage.

- **Building Foundations:** The building foundations to be constructed within the typical minimum construction setback radii shown in Attachment 1 will need to be designed to protect structural roots that may be located within their footprints. This will involve pneumatic excavation to locate structural roots greater than 2-inches in diameter and bridging the foundations over the roots. A pier foundation is the least intrusive foundation type (Figure 1) and will be required to minimize root impacts. Any pneumatic excavation or foundation construction within the tree protection zones will need to occur under the onsite supervision of the project arborist. The elevation of the grade beams may need to be above existing grade to avoid large surface roots. The foundations adjacent to trees 15 and 19 may need to be cantilevered over their minimum ground disturbance setback radii to provide clearance for surface roots as shown in Attachment 1.

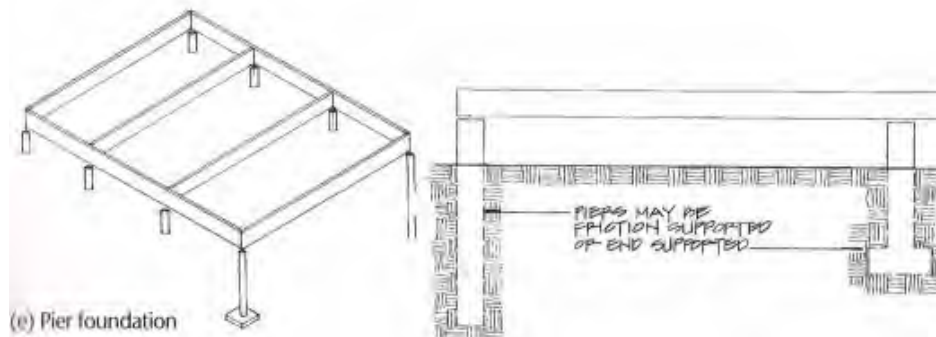


Figure 1: Pier Foundation Example¹

- **Compaction Management and Root Protection:** Where needed for construction access, steel plates over a 6-inch layer of wood chips shall be placed on the ground surface and over visible surface roots in the approximate locations shown in Attachment 1. The project arborist will need to review and approve shifting of the fence locations and final placement of compaction management when required.
- **Crown Pruning Trees:** If the crowns of any trees need to be raised and/or reduced, it shall occur prior to construction. The pruning shall be conducted by an ISA certified arborist in accordance with ANSI A300 pruning standards in coordination with the project arborist. The pruning shall be the minimum necessary to achieve the required clearance for construction.
- **Erosion Control:** If erosion control is required within or directly adjacent to the tree protection fencing, straw wattles shall be used to avoid excavation.

Additional tree protection recommendations are included in Attachment 3.

¹ Figure 1 from: Matheny, N. P., & Clark, J. R. (1998). *Trees and development: A technical guide to preservation of trees during land development*. Champaign, IL: International Society of Arboriculture.

Conclusion

After further adjustments to the proposed site design, 36 trees are proposed to be retained and 5 trees are proposed to be removed. The original proposal included the removal of 11 trees.

The trees to be retained will be protected according to the recommendations in this report.

Please contact me if you have questions, concerns, or need any additional information.

Sincerely,



Todd Prager

*ASCA Registered Consulting Arborist #597
ISA Board Certified Master Arborist, WE-6723B
ISA Qualified Tree Risk Assessor
AICP, American Planning Association*

- Attachment 1: Site Plan with Trees and Tree Protection
- Attachment 2: Tree Inventory
- Attachment 3: Tree Protection Recommendations
- Attachment 4: Assumptions and Limiting Conditions

Attachment 1

Shift parking area as shown to avoid minimum ground disturbance setback radii of trees 29 and 40

Parking adjacent to trees 29 and 40 shall be constructed of clean crushed rock (with no fines) over geotextile fabric that is permeable to air and water. The surface litter layer shall be carefully removed under arborist supervision prior to fabric and rock placement to minimize damage and disturbance to any surface roots of trees to be retained. No excavation beyond the native soil surface is permitted. At least four inches of crushed rock over geotextile fabric shall be placed over exposed surface roots to protect them from damage.

BENCH MARK - 5/8" REBAR WITH RED PLASTIC CAP MARKED "S&F LANDS CONTROL" ELEVATION = 41.82' NAVD83

Red circles are minimum ground disturbance setback including gravel parking and temporary construction access

Orange circles are minimum construction setback radii of 0.5' per inch of DBH for potential root removal or disturbance

The stump of trees to be removed shall have their structural roots cut prior to removal to protect the root systems of the adjacent trees to be retained

Tree/wetland protection fence

Underground utilities will need to be bored at a depth of at least five feet through the root zones of the trees to be retained

Pedestrian access adjacent to trees 16 and 18 shall be constructed under arborist supervision without excavation below existing grade. At least four inches of base rock over geotextile fabric shall be placed over exposed surface roots to protect them from damage.

VEGETATION MANAGEMENT AREA - WITHIN W.L. BUFFER AREA ONLY

Pier foundations with grade beams above surface roots to be constructed under arborist supervision within minimum construction setback radii of trees to remain

FIRE DEPARTMENT AND UTILITY ACCESS

Place steel plates over 6-inches of wood chips on ground surface and visible surface roots for soil and root protection

Cantilever building over minimum ground disturbance setbacks of trees 15 and 19 if required for surface root clearance

SITE PLAN 2023-06-20
1" = 20'-0"



Attachment 2

Tree Number	Common Name	Scientific Name	Comments from Arbor Care Tree Specialists	DBH
1	Sitka spruce	<i>Picea sitchensis</i>	Ok	22
2	Sitka spruce	<i>Picea sitchensis</i>	Ok	22
3	Sitka spruce	<i>Picea sitchensis</i>	Ok	12
4	Red alder	<i>Alnus rubra</i>	Ok, tipped tree with horizontal trunk. Stable	12
5	Red alder	<i>Alnus rubra</i>	Large decay pocket. No target. No action required	9
6	Sitka spruce	<i>Picea sitchensis</i>	Ok	9
7	Sitka spruce	<i>Picea sitchensis</i>	Ok	12
8	Sitka spruce	<i>Picea sitchensis</i>	Ok	35
9	Sitka spruce	<i>Picea sitchensis</i>	Phaeolus schweinitzii at base. Leans into wetland.	50
10	Sitka spruce	<i>Picea sitchensis</i>	Ok	12
11	Sitka spruce	<i>Picea sitchensis</i>	Ok	27
12	Red alder	<i>Alnus rubra</i>	Remove. Growing over culvert and decay in plane of lean toward road.	11
13	Sitka spruce	<i>Picea sitchensis</i>	Ok	30
14	Crab apple	<i>Malus sp.</i>	Ok. Cluster of 5 trunks	6-8
15	Sitka spruce	<i>Picea sitchensis</i>	Ok	60
16	Sitka spruce	<i>Picea sitchensis</i>	Ok	50
17	Sitka spruce	<i>Picea sitchensis</i>	Remove. Poor live crown ratio and heavy lean with a heaving root plate	50
18	Sitka spruce	<i>Picea sitchensis</i>	Ok	29
19	Sitka spruce	<i>Picea sitchensis</i>	Ok	36
20	Western hemlock	<i>Tsuga heterophylla</i>	Remove. Heavy lean with a heaving root plate	30
21	Sitka spruce	<i>Picea sitchensis</i>	Ok	36
21.1	Sitka spruce	<i>Picea sitchensis</i>	Added by Todd Prager based on July 21, 2022 site visit. Good health condition and fair structural condition with codominant stems at approximately 50 feet above ground. Crown was moderately one sided due to competition with adjacent trees	36
22	Sitka spruce	<i>Picea sitchensis</i>	Ok	30
23	Sitka spruce	<i>Picea sitchensis</i>	Ok	32
24	Sitka spruce	<i>Picea sitchensis</i>	Ok	40
25	Sitka spruce	<i>Picea sitchensis</i>	Ok	35
26	Sitka spruce	<i>Picea sitchensis</i>	Ok	33



Attachment 2

Tree Number	Common Name	Scientific Name	Comments from Arbor Care Tree Specialists	DBH
27	Sitka spruce	<i>Picea sitchensis</i>	Ok	30
28	Sitka spruce	<i>Picea sitchensis</i>	Ok	30
29	Sitka spruce	<i>Picea sitchensis</i>	Ok	21
30	Sitka spruce	<i>Picea sitchensis</i>	Ok	19
31	Sitka spruce	<i>Picea sitchensis</i>	Ok	40
32	Sitka spruce	<i>Picea sitchensis</i>	Ok	40
33	Sitka spruce	<i>Picea sitchensis</i>	Ok	20
34	Sitka spruce	<i>Picea sitchensis</i>	Ok	35
35	Sitka spruce	<i>Picea sitchensis</i>	Remove. Fomitopsis pinicola seen at 18ft.	35
36	Sitka spruce	<i>Picea sitchensis</i>	Ok	36
37	Sitka spruce	<i>Picea sitchensis</i>	Ok	30
37b	Sitka spruce	<i>Picea sitchensis</i>	Remove. Porodaedalea pini: multiple fruiting bodies extending up trunk	32
38	Sitka spruce	<i>Picea sitchensis</i>	Ok	42
39	Sitka spruce	<i>Picea sitchensis</i>	Ok	24
40	Red alder	<i>Alnus rubra</i>	Ok	22

*This tree inventory is adapted from information collected by Arbor Care Tree Specialists and compiled in their report dated 12-28-2021.

Attachment 3

Tree Protection Recommendations

Before Construction Begins

1. Notify all contractors of tree protection procedures. For successful tree protection on a construction site, all contractors must know and understand the goals of tree protection.
 - a. Hold a tree protection meeting with all contractors to explain the goals of tree protection.
 - b. Have all contractors sign memoranda of understanding regarding the goals of tree protection. The memoranda should include a penalty for violating the tree protection plan. The penalty should equal the resulting fines issued by the local jurisdiction plus the appraised value of the tree(s) within the violated tree protection zone per the current Trunk Formula Method as outlined in the current edition of the ***Guide for Plant Appraisal*** by the Council of Tree & Landscape Appraisers. The penalty should be paid to the owner of the property.
2. Fencing
 - a. Trees to remain on site will be protected by installation of tree protection fencing as shown in Attachment 1.
 - b. Unless otherwise noted, the fencing should be put in place before the ground is cleared to protect the trees and the soil around the trees from disturbances.
 - c. Fencing should be established by the project arborist based on the needs of the trees to be protected and to facilitate construction.
 - d. Fencing should consist of 6-foot-high steel fencing on concrete blocks or 6-foot metal fencing secured to the ground with 8-foot metal posts to prevent it from being moved by contractors, sagging, or falling down.
 - e. Fencing should remain in the position that is established by the project arborist and not be moved without approval from the project arborist.
3. Signage
 - a. All tree protection fencing should have signage as follows so that all contractors understand the purpose of the fencing:

TREE PROTECTION ZONE

DO NOT REMOVE OR ADJUST THE LOCATION OF THIS
TREE PROTECTION FENCING
UNAUTHORIZED ENCROACHMENT MAY RESULT IN FINES

Please contact the project arborist if alterations to the location of the tree protection fencing are necessary.

Todd Prager, Project Arborist, Todd Prager & Associates, 971-295-4835

- b. Signage should be placed every 75-feet or less.

During Construction

1. Protection Guidelines Within the Tree Protection Zones:
 - a. No new buildings; grade change or cut and fill, during or after construction; new impervious surfaces; or utility or drainage field placement should be allowed within the tree protection zones.
 - b. No traffic should be allowed within the tree protection zones. This includes but is not limited to vehicle, heavy equipment, or even repeated foot traffic.
 - c. No storage of materials including but not limiting to soil, construction material, or waste from the site should be permitted within the tree protection zones. Waste includes but is not limited to concrete wash out, gasoline, diesel, paint, cleaner, thinners, etc.
 - d. Construction trailers should not to be parked/placed within the tree protection zones.
 - e. No vehicles should be allowed to park within the tree protection zones.
 - f. No other activities should be allowed that will cause soil compaction within the tree protection zones.
2. The trees should be protected from any cutting, skinning or breaking of branches, trunks or woody roots.
3. The project arborist should be notified prior to the cutting of woody roots from trees that are to be retained to evaluate and oversee the proper cutting of roots with sharp cutting tools. Cut roots should be immediately covered with soil or mulch to prevent them from drying out.
4. Trees that have woody roots cut should be provided supplemental water during the summer months.
5. Any necessary passage of utilities through the tree protection zones should be by means of boring with oversight by the project arborist.
6. Any deviation from the recommendations in this section should receive prior approval from the project arborist.

After Construction

1. Carefully landscape the areas within the tree protection zones. Do not allow trenching for irrigation or other utilities within the tree protection zones.
2. Carefully plant new plants within the tree protection zones. Avoid cutting the woody roots of trees that are retained.
3. Do not install permanent irrigation within the tree protection zones unless it is drip irrigation to support a specific planting or the irrigation is approved by the project arborist.
4. Provide adequate drainage within the tree protection zones and do not alter soil hydrology significantly from existing conditions for the trees to be retained.
5. Provide for the ongoing inspection and treatment of insect and disease populations that can damage the retained trees and plants.
6. The retained trees may need to be fertilized if recommended by the project arborist.
7. Any deviation from the recommendations in this section should receive prior approval from the project arborist.

Attachment 4

Assumptions and Limiting Conditions

1. Any legal description provided to the consultant is assumed to be correct. The information provided by Patrick/Dave, LLC and their consultants was the basis of the information provided in this report.
2. It is assumed that this property is not in violation of any codes, statutes, ordinances, or other governmental regulations.
3. The consultant is not responsible for information gathered from others involved in various activities pertaining to this project. Care has been taken to obtain information from reliable sources.
4. Loss or alteration of any part of this delivered report invalidates the entire report.
5. Drawings and information contained in this report may not be to scale and are intended to be used as display points of reference only.
6. The consultant's role is only to make recommendations. Inaction on the part of those receiving the report is not the responsibility of the consultant.
7. This report is a summary of my assignment which was to:
 - Coordinate with the project design team to identify opportunities for additional tree preservation;
 - Provide my recommendations for tree preservation and removal based on the site constraints; and
 - Provide tree protection recommendations for the proposed construction.

[illegible]



Todd Prager & Associates
LLC

MEMORANDUM

DATE: January 11, 2024
TO: Patrick/Dave, LLC
FROM: Rick Till, ISA Board Certified Master Arborist
RE: Tree Replacement Plan for the Forest Lawn Project

Our firm prepared an Updated Tree Plan for the Forest Lawn Project dated June 22, 2023 and a Revised Site Plan for the Forest Lawn Project dated November 27, 2023. The City of Cannon Beach has requested that the Applicant provide a tree replacement plan for the removal of five trees on the property. This memorandum provides the applicable City code requirements and describes the proposed replacement plan. Attachment 1 is the site plan depicting the proposed tree planting plan. The proposed tree replacement plan is summarized as follows:

- City of Cannon Beach Minimum Tree Requirement: 4 trees per 5,000 sq. ft.
- Subject Lot Size: 47,916 sq. ft. (1.1 acres)
- Tree Requirement for Subject Lot: 38 trees (= 47,916 sq. ft./5,000 sq. ft. x 4)
- Existing Trees Retained on Subject Lot: 31 trees
- New Trees to be Planted on Subject Lot: 7 trees (native shore pine)
- Total Trees: 31 retained + 7 planted = 38 trees (standard is met)

Cannon Beach Tree Replacement Requirements

Cannon Beach Municipal Code Section 17.70.040 provides the tree replacement policy for the City. The basic standard is to provide four trees per five thousand-square-foot lot, with the number of trees adjusted proportionally for larger lots.¹ In this case the rules for trees removed in conjunction with construction apply to the tree replacement plan. If four or more trees were already on the site, then the City may require replanting of up to four new trees.² The minimum density goals may be reduced where the remaining trees provide sufficient canopy cover, immature trees will grow to provide cover, or there are no reasonable locations for new trees.³

The Code requires at least one replacement tree be from the native tree list⁴ and that planting locations and species shall not create problems for future solar access, view protection, building maintenance, and survivability of other trees.⁵ Trees should

¹ Section 17.70.040B.

² Section 17.70.040.B.1.a.

³ Section 17.70.040.B.1.c.

⁴ Section 17.70.040.C.

⁵ Section 17.70.040.D.

generally not be planted within five feet of property lines. Finally, replacement trees “shall be at least six feet in height.”⁶

Replanting Calculations

The existing lot is 1.1 acres or 47,916 square feet. To maintain four trees per 5,000 square feet, 38 trees would need to be maintained. The existing plan is to retain 31 trees on the lot, as shown on the site plan (Attachment 1) and tree inventory (Attachment 2). This does not include trees retained in the public right-of-way, offsite trees that are retained, or retained Hooker’s willow (*Salix hookeriana*), a shrub or small tree that provides thorough canopy coverage in the northern portion of the property. While the willows are not counted as trees in this replacement plan, their cumulative impact creates a forested wetland habitat. The presence of the wetland area and extensive willow coverage precludes planting new trees in the wetland area.

Pursuant to the City of Cannon Beach code, seven trees would need to be planted to provide four trees per 5,000 square feet of lot area. To meet the code requirements, seven shore pines (*Pinus contorta* subsp. *contorta*) at least six feet in height will be planted as depicted in the site plan, included as Attachment 1. The location and species of the proposed plantings were selected to provide year-round screening of the new development from public roads and to ensure the species would be a suitable size for the available planting space. Tree planting shall conform with the specifications included in Attachment 3.

⁶ Section 17.70.040.E.

Tree Planting Requirements

- *Tree Species, Number and Size:* Seven shore pines (*Pinus contorta* subsp. *contorta*) at least six feet in height shall be planted as depicted in Attachment 1.
- *Tree Planting Requirements:* Planting shall comply with the planting specifications in Attachment 2.
- *Tree Maintenance:* 4-inches of organic mulch shall be placed within a 3-foot-radius of trees for at least three years after planting. Supplemental irrigation shall be supplied for three years after planting.

Additional tree planting recommendations are included in Attachment 3.

Please contact me if you have questions, concerns, or need any additional information.

Sincerely,



Rick Till

ISA Board Certified Master Arborist, 8358B
ISA Qualified Tree Risk Assessor

- Attachment 1: Site Plan with Existing and Proposed Trees
Attachment 2: Inventory of Existing Trees
Attachment 3: Tree Planting Recommendations
Attachment 4: Assumptions and Limiting Conditions



Attachment 2

Tree Number	Common Name	Scientific Name	Comments from Arbor Care Tree Specialists	DBH
1	Sitka spruce	<i>Picea sitchensis</i>	Ok	22
2	Sitka spruce	<i>Picea sitchensis</i>	Ok	22
3	Sitka spruce	<i>Picea sitchensis</i>	Ok	12
4	Red alder	<i>Alnus rubra</i>	Ok, tipped tree with horizontal trunk. Stable	12
5	Red alder	<i>Alnus rubra</i>	Large decay pocket. No target. No action required	9
6	Sitka spruce	<i>Picea sitchensis</i>	Ok	9
7	Sitka spruce	<i>Picea sitchensis</i>	Ok	12
8	Sitka spruce	<i>Picea sitchensis</i>	Ok	35
9	Sitka spruce	<i>Picea sitchensis</i>	Phaeolus schweinitzii at base. Leans into wetland.	50
10	Sitka spruce	<i>Picea sitchensis</i>	Ok	12
11	Sitka spruce	<i>Picea sitchensis</i>	Ok	27
12	Red alder	<i>Alnus rubra</i>	Remove. Growing over culvert and decay in plane of lean toward road.	11
13	Sitka spruce	<i>Picea sitchensis</i>	Ok	30
14	Crab apple	<i>Malus sp.</i>	Ok. Cluster of 5 trunks	6-8
15	Sitka spruce	<i>Picea sitchensis</i>	Ok	60
16	Sitka spruce	<i>Picea sitchensis</i>	Ok	50
17	Sitka spruce	<i>Picea sitchensis</i>	Remove. Poor live crown ratio and heavy lean with a heaving root plate	50
18	Sitka spruce	<i>Picea sitchensis</i>	Ok	29
19	Sitka spruce	<i>Picea sitchensis</i>	Ok	36
20	Western hemlock	<i>Tsuga heterophylla</i>	Remove. Heavy lean with a heaving root plate	30
21	Sitka spruce	<i>Picea sitchensis</i>	Ok	36
21.1	Sitka spruce	<i>Picea sitchensis</i>	Added by Todd Prager based on July 21, 2022 site visit. Good health condition and fair structural condition with codominant stems at approximately 50 feet above ground. Crown was moderately one sided due to competition with adjacent trees	36
22	Sitka spruce	<i>Picea sitchensis</i>	Ok	30
23	Sitka spruce	<i>Picea sitchensis</i>	Ok	32
24	Sitka spruce	<i>Picea sitchensis</i>	Ok	40
25	Sitka spruce	<i>Picea sitchensis</i>	Ok	35
26	Sitka spruce	<i>Picea sitchensis</i>	Ok	33



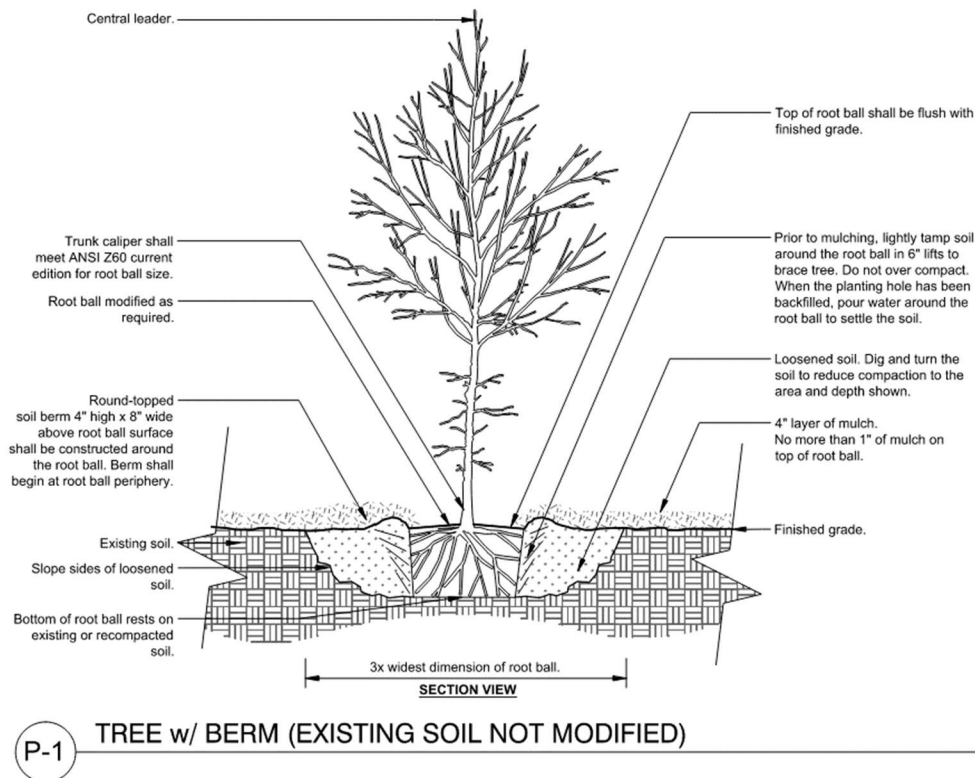
Attachment 2

Tree Number	Common Name	Scientific Name	Comments from Arbor Care Tree Specialists	DBH
27	Sitka spruce	<i>Picea sitchensis</i>	Ok	30
28	Sitka spruce	<i>Picea sitchensis</i>	Ok	30
29	Sitka spruce	<i>Picea sitchensis</i>	Ok	21
30	Sitka spruce	<i>Picea sitchensis</i>	Ok	19
31	Sitka spruce	<i>Picea sitchensis</i>	Ok	40
32	Sitka spruce	<i>Picea sitchensis</i>	Ok	40
33	Sitka spruce	<i>Picea sitchensis</i>	Ok	20
34	Sitka spruce	<i>Picea sitchensis</i>	Ok	35
35	Sitka spruce	<i>Picea sitchensis</i>	Remove. Fomitopsis pinicola seen at 18ft.	35
36	Sitka spruce	<i>Picea sitchensis</i>	Ok	36
37	Sitka spruce	<i>Picea sitchensis</i>	Ok	30
37b	Sitka spruce	<i>Picea sitchensis</i>	Remove. Porodaedalea pini: multiple fruiting bodies extending up trunk	32
38	Sitka spruce	<i>Picea sitchensis</i>	Ok	42
39	Sitka spruce	<i>Picea sitchensis</i>	Ok	24
40	Red alder	<i>Alnus rubra</i>	Ok	22

*This tree inventory is adapted from information collected by Arbor Care Tree Specialists and compiled in their report dated 12-28-2021.

Attachment 3 Tree Planting Recommendations

New trees that are planted to meet tree replacement requirements shall conform to the applicable standards in the City of Cannon Beach Code. They shall be planted in accordance with the American National Standards Institute (ANSI) standards for tree planting (A300, Part 6) and additional standards adopted by the Oregon Landscape Contractors Board (OLCB). Nursery stock shall meet the requirements of the American Association of Nurserymen (AAN) for nursery stock (ANSI Z60.1) for Grade No.1 or better. Triple stake trees only if needed for stability. Detail P-1 below and on Attachment 1 includes additional planting details.



Attachment 4

Assumptions and Limiting Conditions

1. Any legal description provided to the consultant is assumed to be correct. The information provided by Patrick/Dave, LLC and their consultants was the basis of the information provided in this report.
2. It is assumed that this property is not in violation of any codes, statutes, ordinances, or other governmental regulations.
3. The consultant is not responsible for information gathered from others involved in various activities pertaining to this project. Care has been taken to obtain information from reliable sources.
4. Loss or alteration of any part of this delivered report invalidates the entire report.
5. Drawings and information contained in this report may not be to scale and are intended to be used as display points of reference only.
6. The consultant's role is only to make recommendations. Inaction on the part of those receiving the report is not the responsibility of the consultant.
7. The purpose of this memorandum is to provide recommendations on tree planting to satisfy City of Cannon Beach tree code requirements.





1/4" = 1'-0"



CITY OF CANNON BEACH

BEFORE THE PLANNING COMMISSION OF THE CITY OF CANNON BEACH

IN THE MATTER OF A CONDITIONAL USE
PERMIT FOR A PEDESTIAN ACCESS IN A
DELINEATED WETLAND AND ITS BUFFER
AREA ON FOREST LAWN RD., TAXLOT 4100,
MAP 51030DA.

FINDINGS OF FACT,
CONCLUSIONS, AND
ORDER NO. CU#23-04

IN ZONE: Residential Moderate Density (R2)

Applicant: Jamie Lerma/Red Crow LLC
P.O. Box 625
Cannon Beach, OR 97110

Jamie Lerma/Red Crow LLC, on behalf of the Patrick/Dave LLC, application for a Conditional Use Permit for the construction of an elevated pedestrian walkway in a delineated wetland and its buffer area on an undeveloped parcel on Forest Lawn Rd., Taxlot 4100, Map 51030DA. The request was reviewed under Cannon Beach Municipal Code Section 17.43, Wetlands Overlay (WO) Zone, and Section 17.80, Conditional Uses.

The public hearing on the above-entitled matter was opened before the Planning Commission on 1/17/2024 and continued to 1/25/2024; the Planning Commission closed the public hearing at the 1/25/2024 meeting and a final decision was made at the 1/25/2024 meeting.

THE PLANNING COMMISSION ORDERS that the request for a Conditional Use Permit is APPROVED WITH CONDITIONS and adopts the findings of fact, conclusions and conditions that accompany this document. The effective date of this ORDER is 14 days following the signing of this order, subject to the conditions contained in those findings.

This decision may be appealed to the City Council by an affected party by filing an appeal with the City Manager within 14 days of the date this order is signed.

CANNON BEACH PLANNING COMMISSION

DATED: 2/1/2024

DocuSigned by:
Clay Newton
D700D2BD0B954B9...

Chair Clay Newton

**CANNON BEACH COMMUNITY DEVELOPMENT**

163 E. GOWER ST.

PO Box 368

CANNON BEACH, OR 97110

Cannon Beach Planning Commission

Findings of Fact and Conclusions of Law

PUBLIC HEARING AND CONSIDERATION OF CU 23-04, RED CROW LLC/JAMIE LERMA, APPLICANT, ON BEHALF OF PATRICK/DAVE LLC, REQUEST FOR AN ELEVATED PEDESTRIAN ACCESS IN A DELINEATED WETLAND AND ITS BUFFER AREA IN ORDER TO PROVIDE ACCESS TO PLANNED RESIDENTIAL DEVELOPMENT. THE PROPERTY IS AN UNDEVELOPED PARCEL ON THE NORTHERN PART OF FOREST LAWN DR. (TAXLOT 04100, MAP 51030DA) IN A RESIDENTIAL MODERATE DENSITY (R2) ZONING DISTRICT AND THE WETLANDS OVERLAY (WO) ZONE. THE CONDITIONAL USE REQUEST WILL BE REVIEWED AGAINST THE CRITERIA OF CANNON BEACH MUNICIPAL CODE, SECTION 17.43.045, CONDITIONAL USES AND ACTIVITIES PERMITTED IN WETLAND BUFFER AREAS; AND 17.80, CONDITIONAL USES.

Agenda Date: December 19, 2023
Rescheduled to January 17, 2024
Continued to January 25, 2024

Exhibits

The following Exhibits are attached hereto as referenced.

"A" Exhibits – Application Materials

- A-1** CU#23-04 Application
- A-2** Proposed boardwalk schematics
- A-3** Site plan
- A-4** Pacific Habitat Services letter, dated November 28, 2023
- A-5** Type 2 Development Permit Application
- A-6** Revised tree plan, dated November 27, 2023
- A-7** K. LaBonte email regarding construction access, dated October 13, 2023
- A-8** Utility plan, dated August 22, 2023
- A-9** Geotechnical Investigation and Geotechnical Report, dated June 3, 2023
- A-10** Supplemental Commentary on Landslide and Liquefaction Hazards, dated July 27, 2023
- A-11** Wetland Delineation and DSL Concurrence Letter, dated June 8, 2021
- A-12** Chenoweth Law Group letter, received January 16, 2024
- A-13** Enlarged Forest Lawn Site Plan, Received January 16, 2024
- A-14** Chenoweth Law Group letter, received January 25, 2024

“C” Exhibits – Cannon Beach Supplements

- C-1** CU#23-04 Completeness determination, November 29, 2023
- C-2** CU#23-02 Planning Commission Findings of Fact, October 26, 2023
- C-3** Commissioner M. Bates email, December 14, 2023
- C-4** Commissioner M. Bates email, January 22, 2024

“D” Exhibits – Public Comment

- D-1** W. Reiersgaard email, received December 4, 2023
- D-2** A. Morrow email, received January 16, 2024
- D-3** R. Dorsey email, received January 17, 2024
- D-4** R. Dorsey email, received January 17, 2024
- D-5** D. Cardwell email, received January 19, 2024

Summary & Background

The applicant, Jamie Lerma of Red Crow LLC, on behalf of property owner Patrick/Dave LLC, requests the installation of a private use footpath/boardwalk that will span a portion of the subject property’s wetland and its buffer area for the purpose of providing access to planned residential development on that property.

The Planning Commission held its initial public hearing on this application on January 17, 2024. The Commission was unable to hear this item on its originally scheduled date as an insufficient number of Commissioners were available for a quorum to be present. During the initial hearing, the Commission moved to continue the hearing to January 25, 2024.

Applicable Criteria

Approval criteria are in the Wetlands Overlay Zone (17.43) and the Conditional Use (17.80) sections of the Municipal Code.

Section 17.43 Wetlands Overlay Zone**17.43.045(G) Footpaths – Conditional Uses and Activities Permitted in Wetland Buffer Areas**

Finding: This provision of the Municipal Code indicates that access improvements such as roads, driveways, and footpaths within a wetland and its buffer area are subject to conditional use review. The City made this finding during its administrative review of development permit DP#23-28 and the Planning Commission made a similar finding during its review of CU#23-02, the two access improvement applications that precede this application.

17.43.050(A) General Standards

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).*
- 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.*

Finding: The planned residential development supported by the elevated walkway proposed in this application is a permitted use in the underlying R2 Residential Moderate Density zoning classification. Duplex or two-family dwellings are defined as a building or buildings containing two dwelling units with or without a common wall or ceiling and where there are not direct interior connecting doorways. Due to a plat restriction, the applicant is unable to establish access to the upland portion of the site from S. Hemlock Street and must access the property from Forest Lawn Drive

The proposed pedestrian access walkway avoids the placement of fill or other material in the wetland or its buffer area by providing an elevated walkway that would span the wetland affected area. Use of a pedestrian walkway versus a vehicle bridge limits the size of the area being impacted by the proposed improvement and largely avoids the potential for the improvement to need to span the delineated wetland area.

17.43.050(G) Footpaths and Bicycle Paths

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.

- 1. Footpaths across protected wetlands may only be developed or maintained without the use of fill material. Bridges shall be used to cross open water areas.*
- 2. Footpaths in protected wetlands shall not restrict the movement of water.*
- 3. Routes for new footpaths shall be chosen to avoid traversing protected wetlands. Footpaths around the perimeter of protected wetlands, and in wetland buffer areas, are preferred.*
- 4. Routes for new bicycle paths shall not be located in protected wetlands but may be located in wetland buffer areas.*

Finding: The proposed elevated pedestrian access will avoid the use of fill material and be constructed in the buffer area in order to avoid traversing the delineated wetland site.

Section 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.*

Finding: The pedestrian access walkway would provide a legal means of access to the upland portion of the subject property and allow for planned residential development of the property to take place. At present there is no means of access to the upland portion of the property as a plat restriction requires access to come from Forest Lawn Road. The proposed elevated walkway would provide access for residents, guests, emergency services, and other parties who may need access to the property.

- 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.*

Finding: The proposed use pedestrian access walkway does not appear to have any apparent impacts on traffic, public facilities, or fire protection. Residential development that would be supported by the proposed walkway will be reviewed by City Community Development, Public Works and the Cannon Beach Rural Fire Protection District in order to ensure that such development does not have significant negative impacts or create an overburden to the items detailed in this criterion.

- 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.*

Finding: The pedestrian access walkway appears to satisfy this criterion by allowing the planned residential development to be arranged in a way that places structures, parking, on the upland portions of the subject property. Off-street parking would be provided in two areas on upland portions of the subject property adjacent to Forest Lawn Road, one of these parking areas includes a detached garage.

This proposal responds to the findings of the Planning Commission from its review of CU#23-02 which found the walkway to be an accessory structure subject to setback requirements. This proposal has shifted the location of the walkway 5.5 feet to the north in order to comply with side yard setbacks and provide a buffer to the adjacent property to the south.

- 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.*

Finding: The proposed walkway will address this criterion by placing the footings in the upland portions on either side of the buffer area it will span, no portion of the structure will penetrate soils in the wetland or its buffer area.

- 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.*

Finding: The proposed walkway will provide appropriate access to the proposed dwellings with little impact on the transportation facilities.

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

Finding: The uses surrounding the subject property are detached single-family dwellings on lots larger than 5,000 square feet. The planned residential development that would be supported by this proposal is consistent with that level of development.

The proposed elevated walkway is proposed to be 26 feet long and 4.5 feet wide. The walkway would be located 5.5 feet from the adjacent property line abutting 1603 Forest Lawn Road. The walkway meets the zoning ordinance definition of an “accessory structure” and a “footpath.”

The minimum setbacks for properties in the R2 Residential Medium Density zone are 15 feet for front and back yards and 5 feet for side yards. Due to the proposed walkway's location being 5.5 feet from the adjacent property line, it will comply with these requirements.

Decision

Motion: Having considered the evidence in the record, based on a motion from Commissioner Moritz, seconded by Commissioner Ostrander, the Cannon Beach Planning Commission moved to approve with conditions the Red Crow LLC/Jamie Lerma application, on behalf of Patrick/Dave LLC, request for a Conditional Use Permit for an elevated pedestrian access walkway/footpath in a delineated wetland and its buffer area, application CU#23-04, as discussed at this public hearing subject to the following conditions:

1. The maximum size of the footbridge (accessory structure) shall be 120sf.
2. The owner shall obtain temporary access to/from S. Hemlock Street through the Public Works Department prior to building permit issuance.
3. Temporary access to S. Hemlock Street is for construction purposes only and shall not be used as permanent access for the use of the dwellings. Permanent access to the dwellings shall be from Forest Lawn Road only.
4. The temporary access will be permanently closed by revegetating and returning it to its natural state in consultation with the City's arborist. The owner shall submit plans for restoration to the Community Development and the City's arborist, specifically detailing how the temporary access to S. Hemlock Street shall be closed. If a temporary occupancy is requested and granted, the applicant shall permanently close the temporary access 30 days after a temporary occupancy permit has been issued. In no case shall a final occupancy permit be granted until the temporary access to S. Hemlock Street is permanently closed.
5. The garage/storage accessory structure shall not be used as an accessory dwelling unit (ADU) or other habitation as per section 17.54.100 of the Cannon Beach Zoning Ordinance.
6. The applicant shall meet all required storm drainage policies of the City. The stormwater collected from the dwellings is to be retained on-site by directing the storm water to the property's wetlands instead of being piped to the City's storm water system. To meet this requirement, the applicant shall work with the Public Works Department and submit the plans for a stormwater collection system that is recommended by a qualified wetlands specialist to ensure least impact to the wetlands examples include bioswale, drywell, etc.
7. Owner shall provide a draft copy of the homeowner's association agreement for the management of all common areas including, but not limited to, the protection/functionality of the wetlands, the footpath/boardwalk, the garage, etc. prior to building permit issuance. Prior to the issuance of a certificate of occupancy, the owner shall provide a recorded copy of the homeowner's association agreement from Clatsop County to the Community Development Department. The builder/developer is responsible for and shall fulfill all the obligations of the homeowner's association until such times as the homeowner's association is assigned to the new buyer(s)/property owner(s).
8. The builder/developer shall complete all required conditions of approval prior to issuance of the final occupancy permit.

The vote was 5 to 1 with Chair Newton, Vice Chair Moritz, Commissioner Matusick, Commissioner Ostrander and Commissioner Sinclair voting to conditionally approve the conditional use permit and Commissioner Farrow voting to deny the conditional use permit.

Commissioner Bates recused himself from the hearing and abstained from the vote.



CITY OF CANNON BEACH

CONDITIONAL USE APPLICATION

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

Applicant Name: Red Crow, LLC/Jamie Lerma
Email Address: jamie@redcrowgc.com
Mailing Address: PO Box 825
Cannon Beach, OR 97110
Telephone: (503) 849-0258

Property-Owner Name: Patrick/Dave, LLC
(if other than applicant)
Mailing Address: 3514 NE US Grant Place, Portland, OR 97212
Telephone: 503-206-1071
Property Location: S. Hemlock and Forest Lawn Rd.
(street address)
Map No.: 51030DA Tax Lot No.: 04100

CONDITIONAL USE REQUEST:

1. Description of the proposal.

Private use boardwalk with footings in upland which spans wetland and wetland buffer as shown on attached site plan, boardwalk plan, and as recommended by the project wetland scientist. The proposed boardwalk is an accessory use to the proposed two-family detached dwelling. The boardwalk footings will be concrete, the beams will be pressure treated wood, and the walking surface will be composite decking. If included, railings will be wire attached to cedar posts. (Description continued on attached pages including site plan, floor plans, boardwalk plans, and support letter from wetlands scientist.)

2. Justification of the conditional use request. Explain how the request meets each of the following criteria for granting a conditional use.

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

The subject property is zoned R-2. The proposed detached two-family home is an outright allowed use in the R-2 zone. The proposed boardwalk provides the only point of ingress to and egress from the proposed detached two-family home from Forest Lawn Road, the proposed garage and the proposed parking areas. Vehicle access to the property from Hemlock St. is prohibited. The proposed boardwalk will provide adequate access for residents, guests, emergency personnel, delivery services, and utility and/or service workers.

- b. Explain in what way(s) the proposed use will not create traffic congestion on nearby streets or over-burden the following public facilities and services: water, sewer, storm drainage, electrical service, fire protection and schools.

The proposed site development exceeds the off-street parking requirement. A private boardwalk to the homes will have no impact on the public facilities or services including water, sewer, or electric service, storm drainage, electric service, fire protection, or schools.

- c. Show that the site has an adequate amount of space for any yards, buildings, drives, parking, loading and unloading areas, storage facilities, utilities, or other facilities which are required by City Ordinances or desired by the applicant.

See attached site plan. The proposed development, including the proposed boardwalk meets all R-2 zoning requirements including lot dimension, property line setback and wetland setback requirements. The boardwalk provides future owners with safe, convenient access to their garage, storage, and refuse container enclosure as shown on the site plan.

- d. Show that the topography, soils, and other physical characteristics of the site are appropriate for the use. Potential problems due to weak foundation soils must be shown to be eliminated or reduced to the extent necessary for avoiding hazardous situations.

See geotechnical report submitted as part of development permit application. The boardwalk contemplated will follow all structural and geotechnical engineering recommendations.

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


The proposed boardwalk will provide safe access for owners, guests, emergency personnel, delivery services, etc. The boardwalk will provide owners safe and convenient access to the refuse area near the proposed garage. The site exceeds off-street parking requirements for loading, unloading, and emergency vehicles.

- f. Explain how the proposed site and building design will be compatible with the surrounding area.

This conditional use permit application is not for a building. the underlying proposed development is for a detached two-family home which is an outright allowed use. The underlying site and buildings meet all requirements of the R-2 zone.

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

Application Fee: \$750.00

Applicant Signature:  Jamie B Lerma Date: 11/29/2023
Property Owner Signature: See attached page Date: 11/29/23
David Pietka

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

For Staff Use Only:

Date Received: _____ By: _____

Fee Paid: _____ Receipt No.: _____

(Last revised March 2021)

Conditional Use Permit

- c. Show that the site has an adequate amount of space for any yards, buildings, drives, parking, loading and unloading areas, storage facilities, utilities, or other facilities which are required by City Ordinances or desired by the applicant.

See attached site plan. The proposed development includes the proposed driveway, parking area, including lot dimensions, property line setback and required setbacks. The driveway provides access with safe, convenient access to their garage, storage, and rear secondary enclosure as shown on the site plan.

- d. Show that the topography, soils, and other physical characteristics of the site are appropriate for the use. Potential problems due to weak foundation soils must be shown to be eliminated or reduced to the extent necessary for avoiding hazardous situations.

See geotechnical report submitted to support the proposed development. The report includes recommendations for structural and geotechnical engineering recommendations.

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

The proposed driveway will provide safe access for guests, employees, delivery, service, and maintenance. The driveway will provide access to the proposed garage. The site plan shows the driveway layout and parking requirements for loading, unloading, and emergency vehicle.

- f. Explain how the proposed site and building design will be compatible with the surrounding area.

This conditional use permit application is for a single-family home. The proposed development is a single-family home, which is an allowed use. The proposed site and building design will be compatible with the surrounding area.

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

Application Fee: \$750.00

Applicant Signature: _____ Date: 11/29/23
Property Owner Signature: David P. Pether Date: 11/29/23

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

For Staff Use Only:

Date Received: _____ By: _____
Fee Paid: _____ Receipt No.: _____

(Last revised March 2021)

1. Description of the proposal (CONTINUED FROM APPLICATION FORM)

The subject property is in the Wetland Overlay Zone and must meet the standards of 17.43.050. The Planning Commission in its Finding of Fact and Conclusions of Law for CU 23-02, which proposed a similar boardwalk to this application, found that a boardwalk meets both the definition of an “accessory structure” and a “footpath” for the purposes of CBMC Chapter 17.43 (Wetland Overlay Zone). The applicable code sections for this permit are 17.43.050 Paragraph D for Accessory Structures, and 17.43.050 Paragraph G for Footpaths and Bicycle Paths.

The proposed boardwalk meets the General Standards of 17.43.050 set forth in Paragraph A because the construction of the footings takes place completely in upland. The boardwalk itself spans the wetland and wetland buffer. The boardwalk is supported as having no detrimental impact on the wetland or wetland buffer by project wetland scientist John VanStaveren of Pacific Habitat Services, Inc. in his September 16, 2023 memo, which is included as an exhibit with this application.

The proposed boardwalk meets the standards of 17.40.050 Paragraph D Accessory Structure or Building because the boardwalk will be built on piers and footings entirely in upland. The span of the boardwalk will allow the free flow of water beneath the structure.

The proposed boardwalk meets the standards of 17.40.050 Paragraph G Footpaths and Bicycle Paths because the boardwalk will be built on piers and footings entirely in upland. The span of the boardwalk will allow the free flow of water beneath the structure. No fill material will be used in the construction of the boardwalk.

In addition to the Wetland Overlay Zone requirements, as an accessory structure the boardwalk must meet the underlying 5-foot side yard setback requirements of the R-2 Zone per 17.54.030 Accessory Structure or Building. The boardwalk is designed at 5'-6" from the south property line and as such meets this requirement.

The proposed boardwalk must also meet the maximum area restriction of 120 Square Feet for an accessory structure under 17.54.030. The boardwalk as designed is 117 SF including the footings and therefore meets this requirement.

The proposed boardwalk also conforms with the restrictions of 17.54.030 because it is not metal clad, is less than 12 feet in height, does not obstruct views from adjacent buildings, and has no detrimental impact on the abutting property.

The subject property is an irregularly shaped lot. The abutting public streets – Forest Lawn Road to the west, north, and south, and Hemlock Street to the east – are not at right angles to the subject property or each other. As designed, and for the purposes of this permit application, the front yard for this project is considered Forest Lawn Road to the west. The orientation of the dwellings proposed in the underlying Type I and Type II applications is consistent with the project addressing, the orientations of existing homes along Forest Lawn Road, and with the

plat, which prohibits access to Hemlock St. The proposed homes generally face the west. Based on these elements, the front yards of the existing home are to the west.

The south property line of the subject property is already designated and serves as the established north side yard of the southern abutting property at 1603 Forest Lawn Rd. It follows that the south property line of the subject property would be considered the side yard.

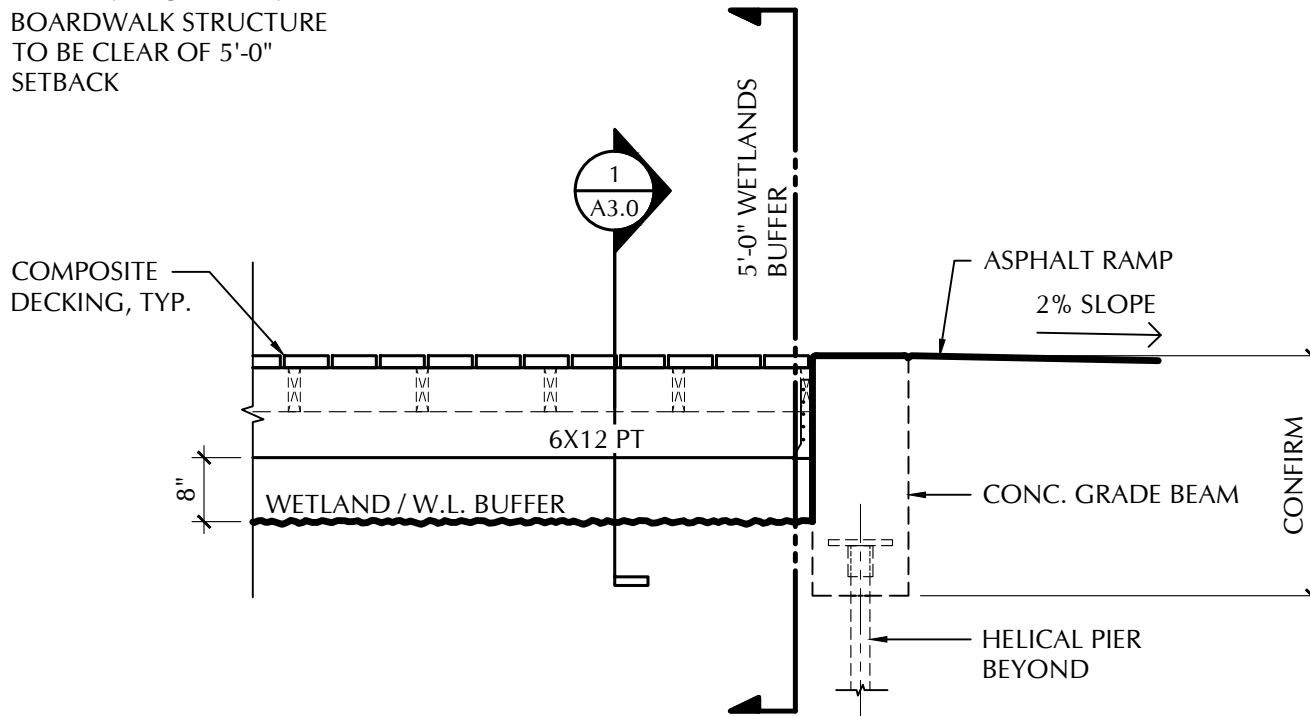
The proposed boardwalk meets the CBMC requirements as both an accessory structure and as a footpath in the Wetland Overlay Zone under 17.43.050 Paragraphs D & G. The boardwalk also meets the 5-foot side yard setback and area restriction of 120 square feet for an accessory structure in the R-2 Zone under 17.54.030.

This application includes the following:

- 1.) Site plan and floor plans for underlying development
- 2.) Proposed Boardwalk plans including optional railing
- 3.) Support letter from wetlands scientist
- 4.) Accompanying Type II Development permit application and supporting documents

NOTE:

BOARDWALK FOOTINGS
TO BE OUTSIDE OF 5'-0"
WETLAND BUFFER AND
BOARDWALK STRUCTURE
TO BE CLEAR OF 5'-0"
SETBACK



PARTIAL
BOARDWALK ELEVATION
1
A2.0
1/2" = 1'-0"

A2.0

1

FOREST LAWN DEVELOPMENT BOARDWALK ELEVATION

CANNON BEACH OR 97110
11-22-2023

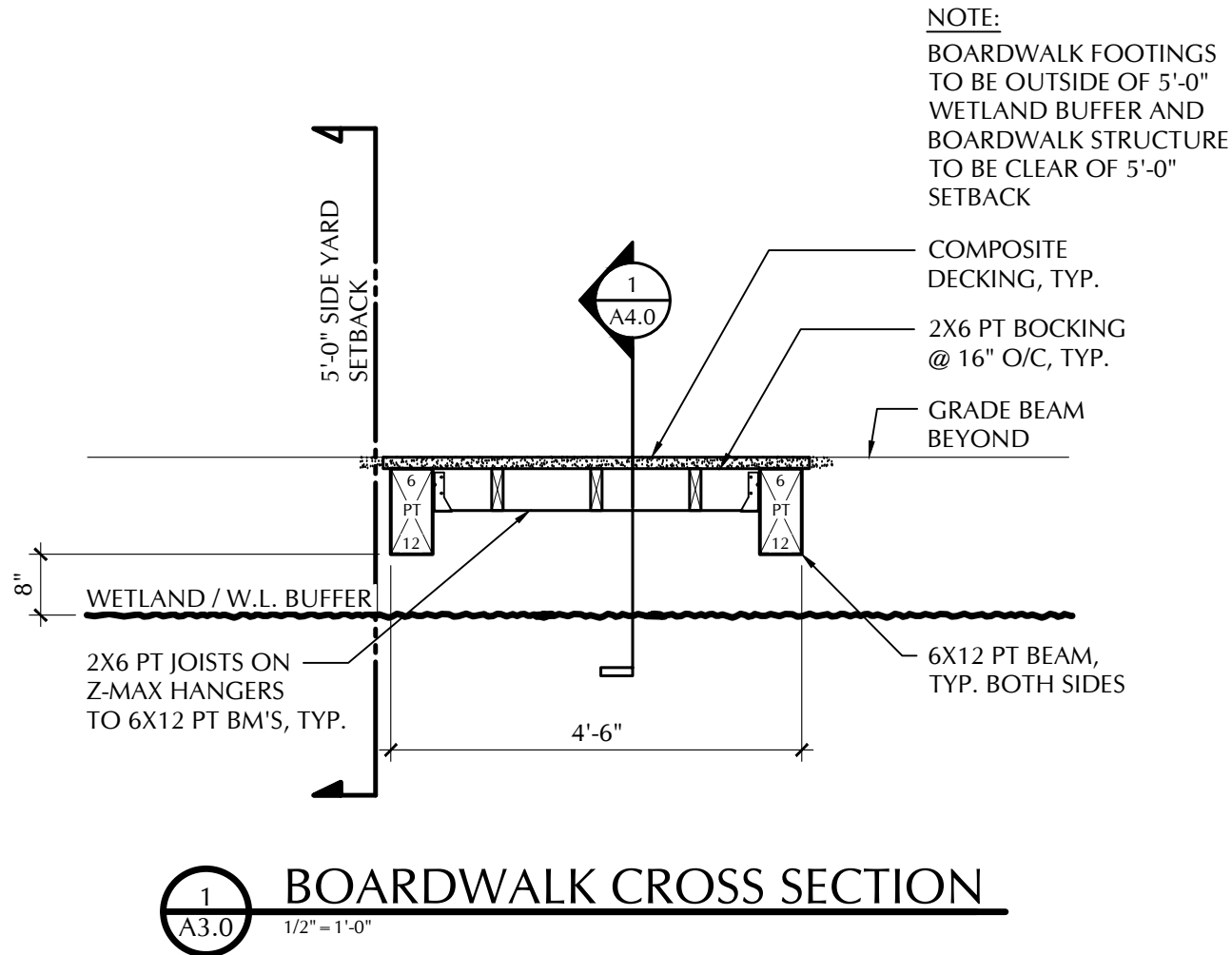
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A3.0

2

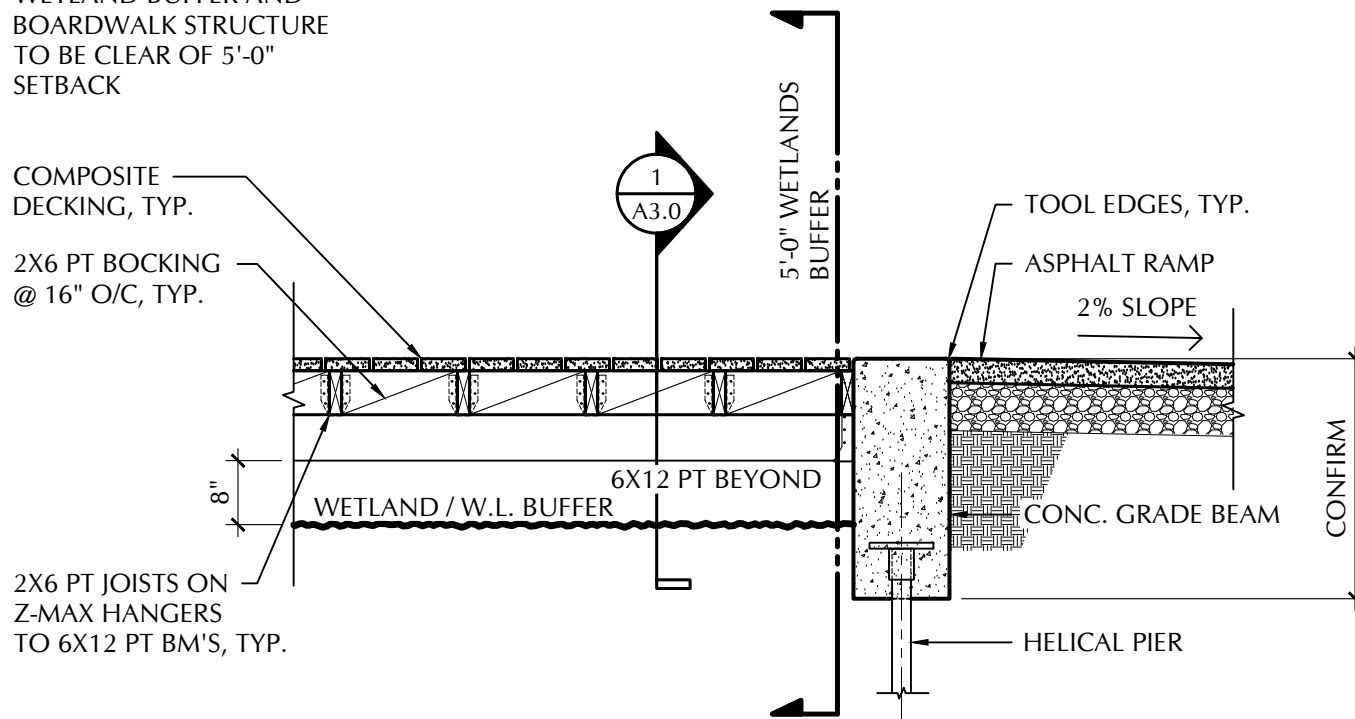
FOREST LAWN DEVELOPMENT
BOARDWALK CROSS SECTIONCANNON BEACH OR 97110
11-22-2023

13

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NOTE:

BOARDWALK FOOTINGS
TO BE OUTSIDE OF 5'-0"
WETLAND BUFFER AND
BOARDWALK STRUCTURE
TO BE CLEAR OF 5'-0"
SETBACK



1
A4.0

BOARDWALK SECTION @ RAMP

1/2" = 1'-0"

A4.0

3

FOREST LAWN DEVELOPMENT BOARDWALK SECTION @ RAMP

CANNON BEACH OR 97110
11-22-2023

14

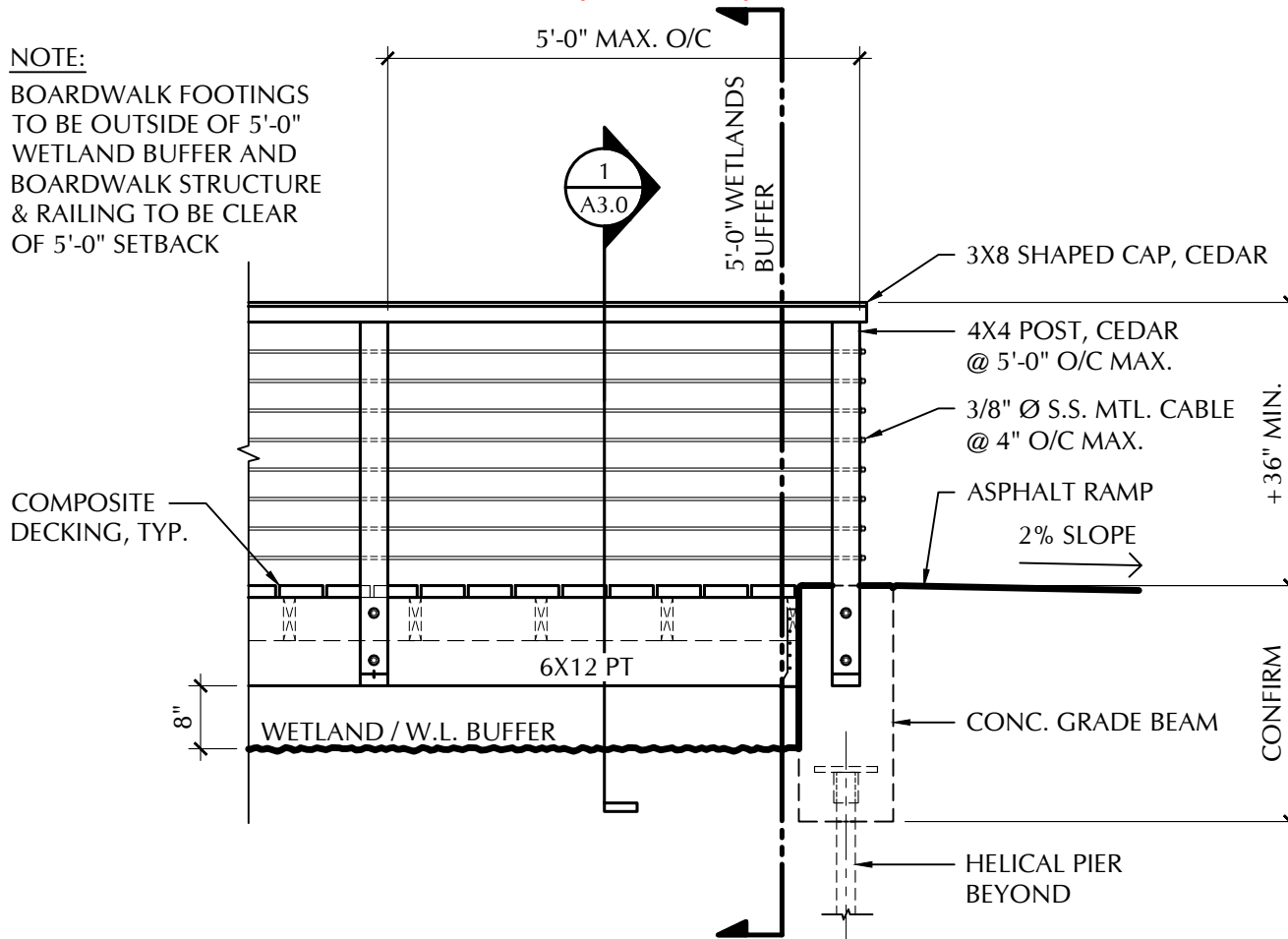


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BOARDWALK FOOTINGS
TO BE OUTSIDE OF 5'-0"
WETLAND BUFFER AND
BOARDWALK STRUCTURE
& RAILING TO BE CLEAR
OF 5'-0" SETBACK



BOARDWALK ELEVATION

$$1/2'' = 1'-0''$$

FOREST LAWN DEVELOPMENT BOARDWALK ELEVATION

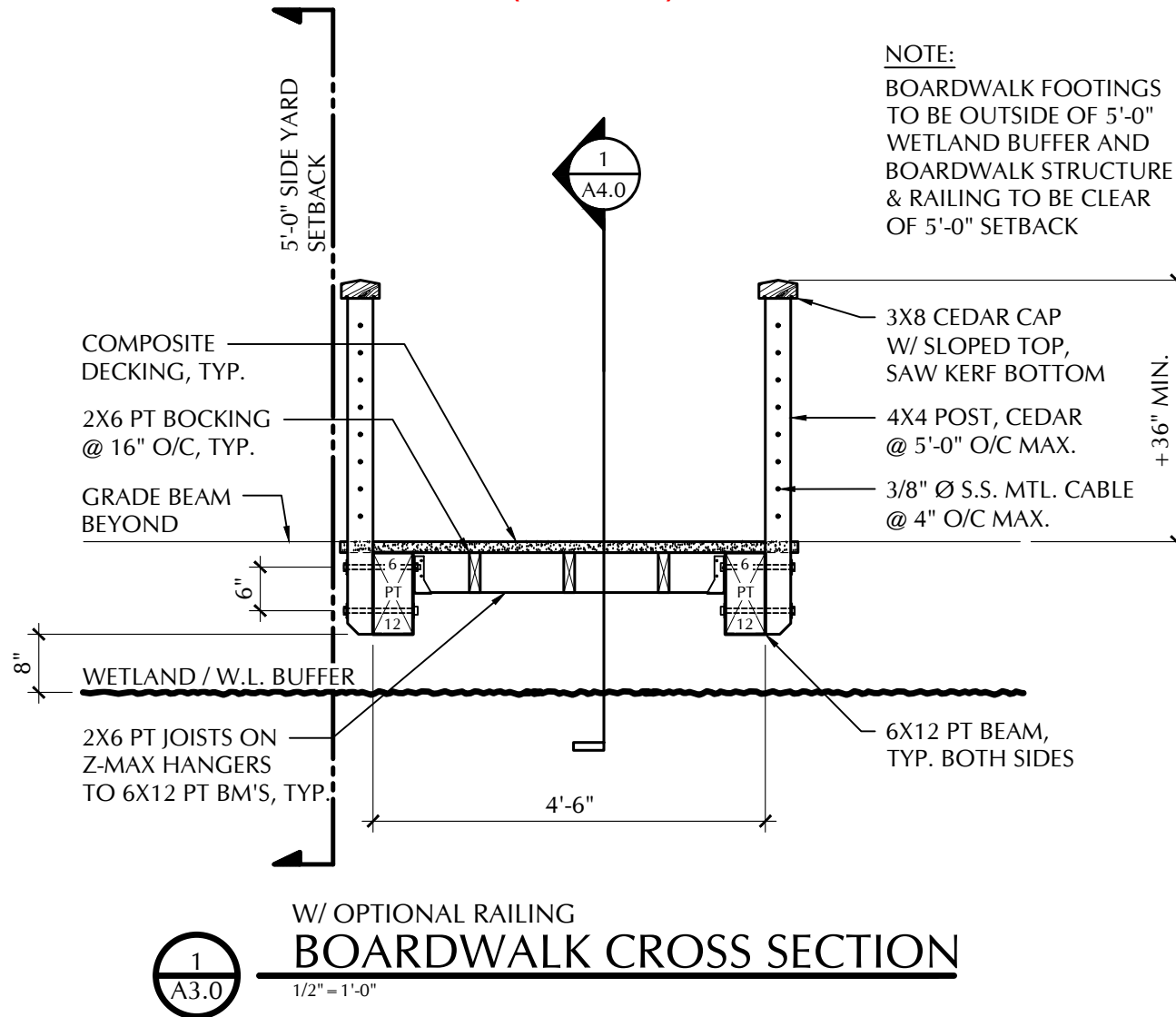
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A3.0
OPTIONAL
RAILING

FOREST LAWN DEVELOPMENT BOARDWALK CROSS SECTION

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11-22-2023



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NOTE:

BOARDWALK FOOTINGS
TO BE OUTSIDE OF 5'-0"
WETLAND BUFFER AND
BOARDWALK STRUCTURE
& RAILING TO BE CLEAR
OF 5'-0" SETBACK

COMPOSITE
DECKING, TYP.

2X6 PT BOCKING
@ 16" O/C, TYP.

2X6 PT JOISTS ON
Z-MAX HANGERS
TO 6X12 PT BM'S, TYP.

8"

WETLAND / W.L. BUFFER

6X12 PT BEYOND

5'-0" WETLANDS
BUFFER

TOOL EDGES, TYP.

ASPHALT RAMP

2% SLOPE

CONC. GRADE BEAM

HELICAL PIER

+36" MIN.
GUARD BEYOND
CONFIRM

W/ OPTIONAL RAILING



BOARDWALK SECTION @ RAMP

1/2" = 1'-0"

A4.0
OPTIONAL
RAILING

FOREST LAWN DEVELOPMENT
BOARDWALK SECTION @ RAMP

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CONDITIONAL
USE PERMIT

DEVELOPMENT
PERMIT

FOREST LAWN
CANNON BEACH, OREGON

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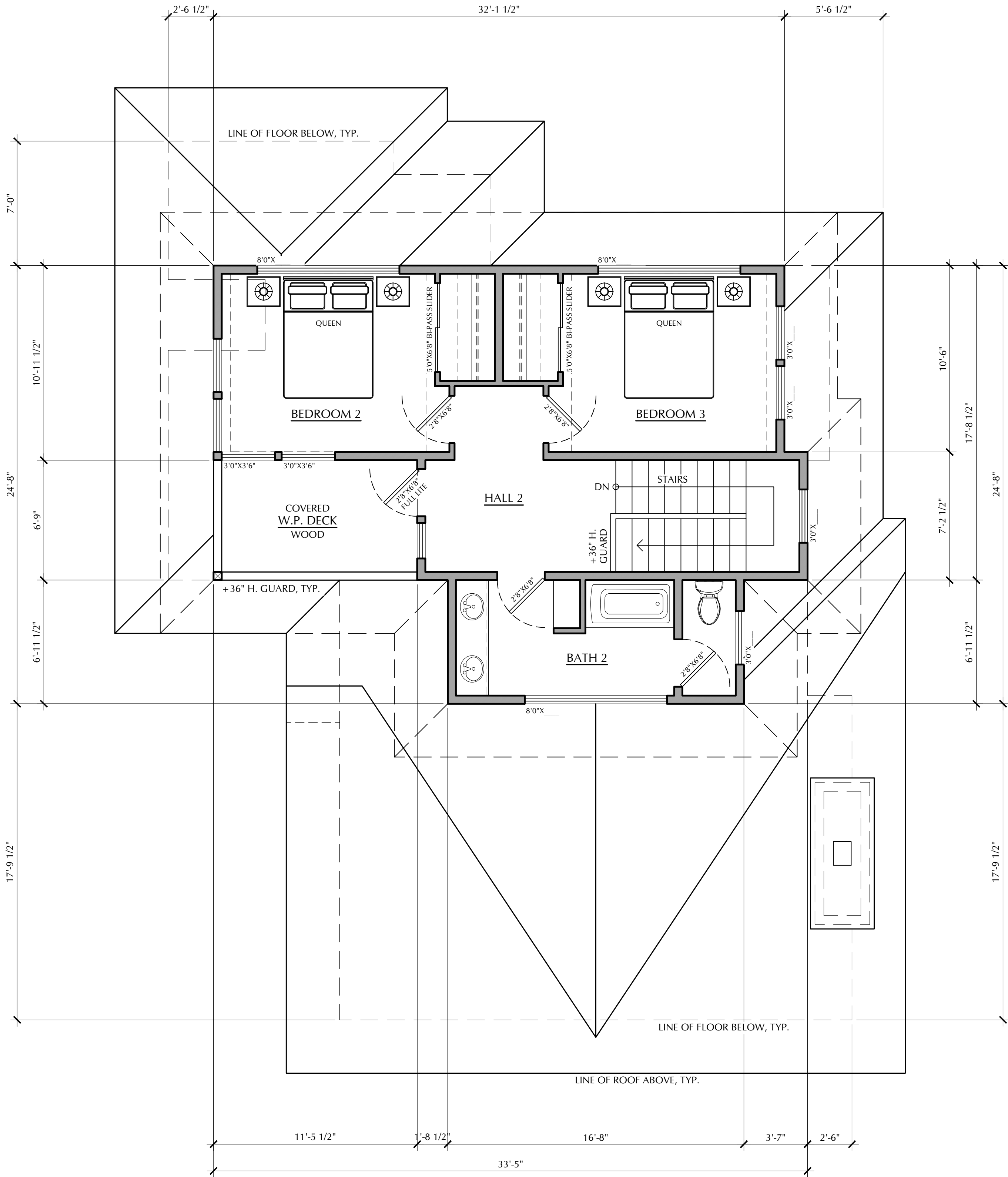
ELEVATIONS

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Exhibit A-3

Exhibit C-1
(DRB 24-03)



2
A1.1

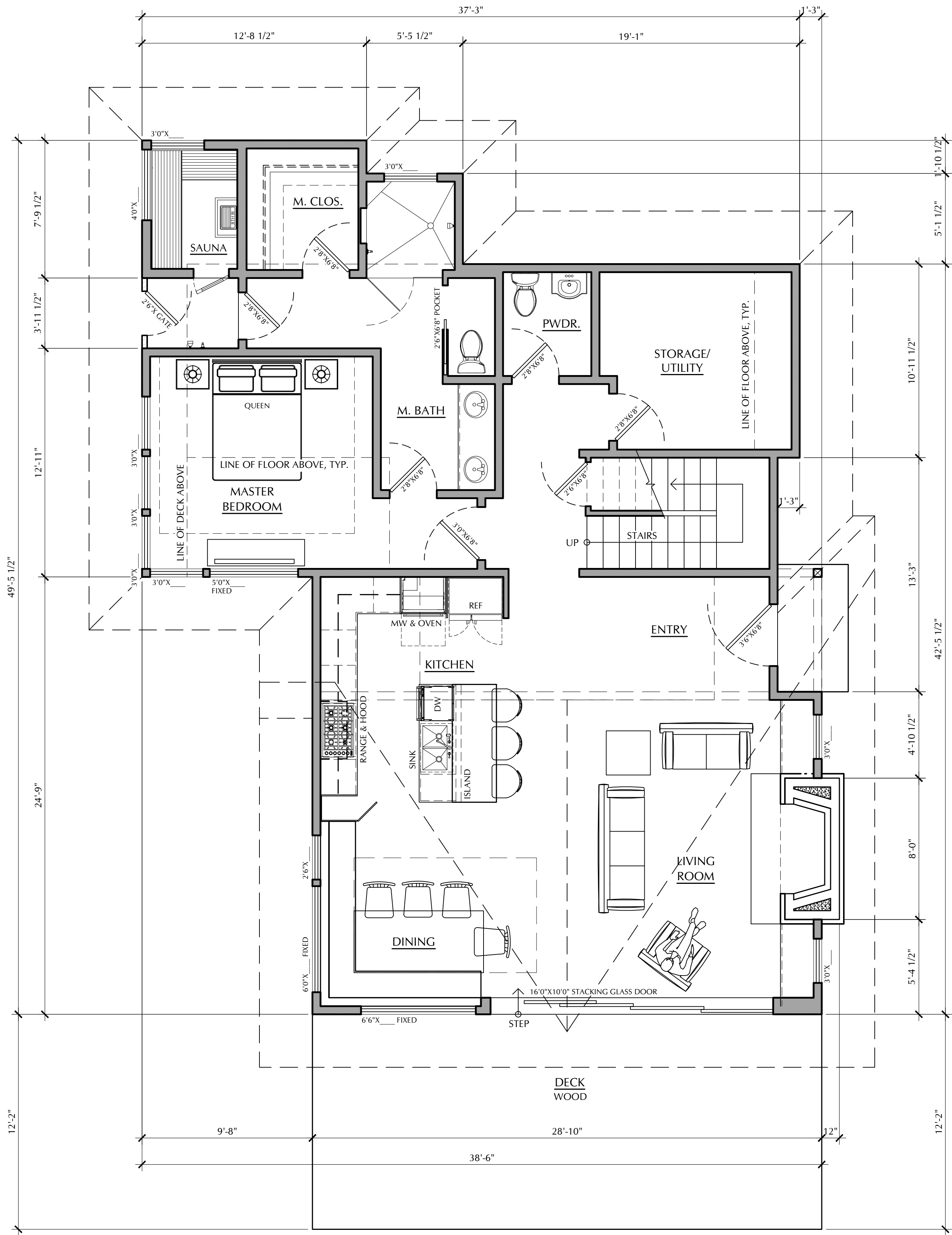
**NORTH RESIDENCE
UPPER FLOOR PLAN**

1/4" = 1'-0"

UPPER FLOOR 616 SQ. FT.



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



1
A1.1

**NORTH RESIDENCE
MAIN FLOOR PLAN**

1/4" = 1'-0"

MAIN FLOOR 1,451 SQ. FT.
LOWER FLOOR 616 SQ. FT.
TOTAL LIVING 2,067 SQ. FT.



MARK	DATE	DESCRIPTION

DATE: 2023-11-22
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2023

**NORTH
RESIDENCE
FLOOR PLANS**

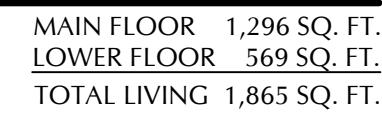
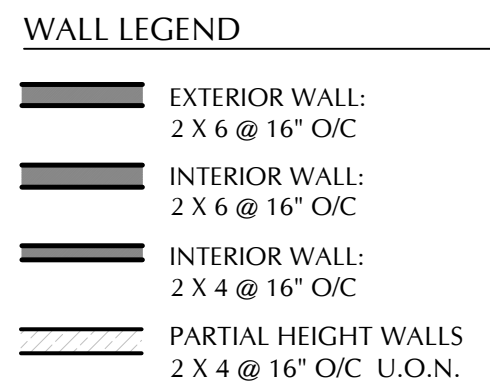
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PRELIMINARY

PRELIMINARY

A1.1



A1.1

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SOUTH RESIDENCE FLOOR PLANS

PRELIMINARY

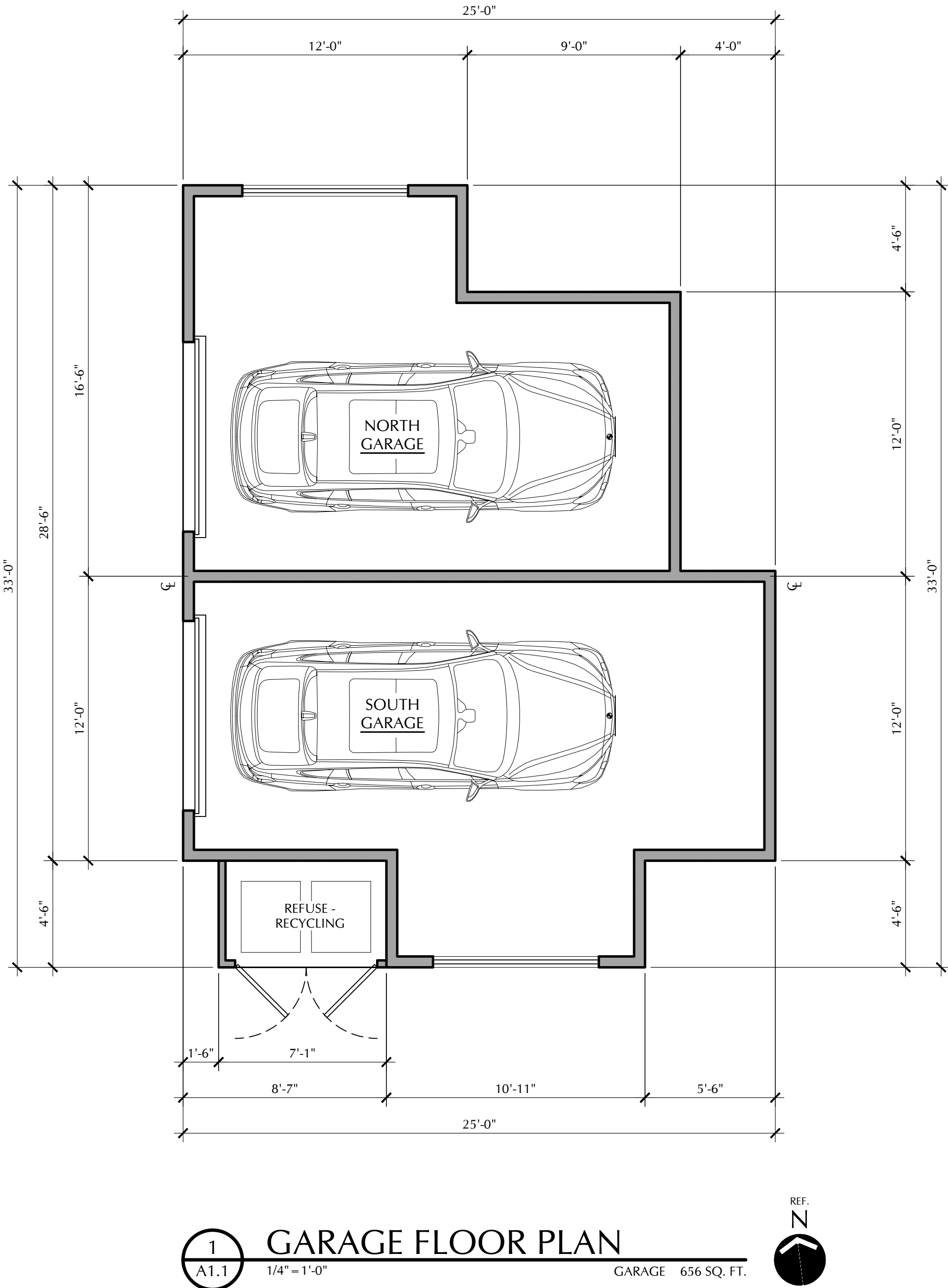
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Exhibit A-3

Exhibit C-1
(DRB 24-03)



PRELIMINARY

MARK	DATE	DESCRIPTION

DATE:	2023-11-22
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GARAGE
FLOOR PLAN

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Cannon Beach, Oregon 97110



PRELIMINARY

PLANS FOR
FOREST LAWN DEVELOPMENT
GARAGE
FOREST LAWN
CANNON BEACH, OREGON

A1.1



9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

PACIFIC HABITAT SERVICES, INC.

(800) 871-9333 • (503) 570-0800 • Fax (503) 570-0855

November 28, 2023

Patrick/Dave, LLC
3514 NE US Grant Place
Portland, OR 97212

**RE: Proposed boardwalk on Tax Lot 4100 on Forest Lawn Drive City of Cannon Beach.
T5N R10W 30DA TL4100**

I am a Senior Professional Wetland Scientist certified by the Society of Wetland Scientists with over 33 years of wetlands consulting experience in Oregon and the Pacific Northwest. I managed the first wetland delineation within the Forest Lawn property, which was conducted in 1999. I have visited the property on several occasions since then, and managed the latest delineation, which was conducted on December 9th, 2020. The 2020 wetland delineation was approved by the Oregon Department of State Lands and the US Army Corps of Engineers. In short, I am very familiar with the property and its wetland.

I have reviewed the proposed development plans for the property, which show 5 foot 6 inches wide wooden boardwalk that is proposed to span between 24 and 26 feet of the wetland buffer at the very southern edge of the property. The footings of the boardwalk will be located outside of the buffer in upland. The boardwalk will provide access between the proposed 1,200 square foot house to be constructed in the southeast corner of the property and the end of a 3-foot wide walkway to the west that will provide access to a garage and Forest Lawn Drive.

It is my opinion that the boardwalk will have no detrimental effect on the functions and values of the wetland or its buffer. The boardwalk is located along the southern border of the property adjacent to an existing dwelling. The boardwalk will be raised above the ground, allowing shade tolerant plant species to grow beneath the boardwalk. Although there is little habitat remaining on the lot to the south of the property, the raised boardwalk will allow smaller wildlife, such as salamanders and invertebrates, to freely access the wetland to the north. The boardwalk will also not disrupt the hydrology of the wetland.

I have worked on numerous trail projects that incorporate boardwalks into their designs to ensure that wetland and buffer impacts are minimized. Boardwalks are used in sensitive areas where an at-grade trail has the potential to detrimentally impact habitat. There are numerous studies that document the effectiveness of boardwalks¹. I support the use of the boardwalk on the property and am available for site-specific questions regarding its siting.

Sincerely,

John van Staveren, SPWS
Senior Professional Wetland Scientist

¹<https://www.americantrails.org/resources/faq-vegetation-under-boardwalks>
https://www.nawm.org/pdf/1062_boardwalk_6_26_06.pdf



CITY OF CANNON BEACH

DEVELOPMENT PERMIT TYPE 2 APPLICATION

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

Applicant Name: Red Crow, LLC/Jamie Lerma
Mailing Address: PO Box 825
Cannon Beach, OR 97110
Email Address: jamie@redcrowgc.com
Telephone: 503-849-0258

Property-Owner Name: Patrick/Dave, LLC
(if other than applicant)
Mailing Address: 3514 NE US Grant Place
Portland, OR 97212
Telephone: 503-206-1071
Property Location: Forest Lawn Rd. south of intersection with S. Hemlock St.
(street address)
Map No.: 51030DA Tax Lot No.: 04100

Nature of the Request

1. Description of proposed action which requires the development permit. On a separate sheet include a site diagram showing property dimensions, location of proposed activity or structure and its relationship to structures or improvements on the property.

Construction of a detached two-family home with a detached garage. There are no existing improvements on the property. Please see additional attached supporting documentation:

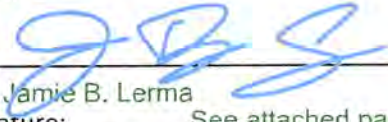
1. Site Plan
2. Tree Report by Todd Prager of Prager & Associates
3. Geotechnical Report and Supplemental Report by Earth Engineers, Inc.
4. Wetland Delineation by Pacific Habitat Services, Inc., DSL Concurrence, and US Army Corps of Engineers Jurisdictional Determination
5. Utility plan by Civil Engineer Jason Morgan
6. Temporary Construction Access support letter from Cannon Beach Public Works Director
7. Conditional use permit application and supporting materials for boardwalk access spanning wetland and wetland buffer

2. Explain how the request meets the standards which are applicable to the proposal.

The project site is zoned Residential Medium Density (R2) and 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). A detached two-family home is an outright allowed use per CMBC 17.14.020 (R2 Zone). The lot meets the minimum R2 zone lot area, lot width, and 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. Building site envelopes are identified for each proposed dwelling, showing that applicable wetland buffer and front, rear, and side setback standards are met. The lot provides at least 25 feet of frontage along a public street for required access. The site plan meets parking standards by providing 6 off-street parking spaces.

3. Attach a scale drawing showing the dimensions of the property, adjacent street(s), dimensions of existing structures, and the location and dimensions of the proposed accessory structure.
See attached site plan. There are no existing improvements on the property.
4. Attach a drawing, photograph or other visual representation of the proposed structure. Include the dimensions of the structure and its height.
Not required per City of Cannon Beach Community Development Department

Use Additional Sheets as Necessary.**Application Fee: \$100.00**

Applicant Signature:  Date: 11/29/2023
 Property Owner Signature: See attached page Date: 9/20/2023
 David Pietka

If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf. Please attach the name, address, phone number, and signature of any additional property owners. As Property Owner, my signature or an authorized applicant's signature, allows any duly authorized employee of the City to enter upon all properties affected by this permit for the purpose of follow-up inspection, observation, or measurement.

For Staff Use Only:

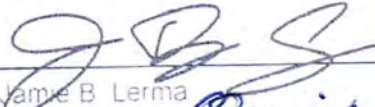
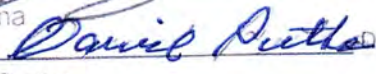
Received on: _____ By: _____
 Fee Paid: _____ Receipt No.: _____

(Last revised March 2021)

3. Attach a scale drawing showing the dimensions of the property, adjacent street(s), dimensions of existing structures, and the location and dimensions of the proposed accessory structure.
See attached site plan. There are no existing improvements on the property.
4. Attach a drawing, photograph or other visual representation of the proposed structure. Include the dimensions of the structure and its height.
Not required per City of Cannon Beach Community Development Department

Use Additional Sheets as Necessary.

Application Fee: \$100.00

Applicant Signature:  Date: 11/29/2023
 Property Owner Signature:  Date: 11/29/2023
 David Pietka

If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf. Please attach the name, address, phone number, and signature of any additional property owners. As Property Owner, my signature or an authorized applicant's signature, allows any duly authorized employee of the City to enter upon all properties affected by this permit for the purpose of follow-up inspection, observation, or measurement.

For Staff Use Only:

Received on: _____ By: _____
 Fee Paid: _____ Receipt No.: _____

(Last revised March 2021)

PO Box 368 Cannon Beach, Oregon 97110 • (503) 436-8042 • TTY (503) 436-8097 • FAX (503) 436-2050
www.ci.cannon-beach.or.us • planning@ci.cannon-beach.or.us



Todd Prager & Associates_{LLC}

MEMORANDUM

DATE: November 27, 2023
TO: Patrick/Dave, LLC
FROM: Todd Prager, RCA #597, ISA Board Certified Master Arborist
RE: Revised Site Plan for the Forest Lawn Project

The revised site plan for the Forest Lawn Project in Attachment 1 conforms to the tree protection recommendations in my June 22, 2023 tree plan for the project. Attachment 1 includes tree protection notes from my June 22, 2023 report. Tree protection recommendations from the report are also included below.

Note that parking adjacent to trees 29 and 40 needs to be shifted north to achieve the required clearances from these two trees.

Tree Protection Recommendations

The trees to be retained will require protection during construction. This section of the report includes my tree protection recommendations for the proposed construction.

- *Tree Protection Fencing:* Tree protection fencing shall be installed in the locations shown in Attachment 1 prior to construction. When fence adjustments or work is required in the tree protection zones, the project arborist shall be consulted to oversee the work.
- *Tree Removal:* The trees to be removed shall not contact or otherwise damage the trunks or branches of the trees to be retained. Piece removal of the trees will be required to protect the adjacent retained trees. No vehicles or heavy equipment shall be permitted within the tree protection zones during tree removal operations.
- *Stump Removal:* The stumps of the trees to be removed shall have their structural roots cut prior to removal to protect the root systems of the adjacent trees to be retained.
- *Underground utilities:* Underground utilities will need to be bored at a depth of at least five feet to avoid the typical minimum construction setback radii of the retained trees shown in Attachment 1.
- *Parking construction:* The parking area adjacent to trees 29 and 40 shall be constructed of clean crushed rock (with no fines) over geotextile fabric that is permeable to air and water. The surface litter layer shall be carefully removed under arborist supervision prior to fabric and rock placement to minimize damage and disturbance to any surface roots of trees to be retained. No excavation beyond the native soil surface is permitted. At least four inches of

crushed rock over geotextile fabric shall be placed over exposed surface roots to protect them from damage.

- *Private Access:* Private access adjacent to trees 16 and 18 shall be constructed under arborist supervision without excavation below existing grade. At least four inches of base rock over geotextile fabric shall be placed over exposed surface roots to protect them from damage.
- *Building Foundations:* The building foundations to be constructed within the typical minimum construction setback radii shown in Attachment 1 will need to be designed to protect structural roots that may be located within their footprints. This will involve pneumatic excavation to locate structural roots greater than 2-inches in diameter. Any pneumatic excavation or foundation construction within minimum construction setback radii will need to occur under the onsite supervision of the project arborist. After pneumatic excavation and depending on the roots that are uncovered, the arborist will advise to the best approach for completing the foundation construction in coordination with the project team.
- *Compaction Management and Root Protection:* Where needed for construction access, steel plates over a 6-inch layer of wood chips shall be placed on the ground surface and over visible surface roots in the approximate locations shown in Attachment 1. The project arborist will need to review and approve shifting of the fence locations and final placement of compaction management when required.
- *Crown Pruning Trees:* If the crowns of any trees need to be raised and/or reduced, it shall occur prior to construction. The pruning shall be conducted by an ISA certified arborist in accordance with ANSI A300 pruning standards in coordination with the project arborist. The pruning shall be the minimum necessary to achieve the required clearance for construction.
- *Erosion Control:* If erosion control is required within or directly adjacent to the tree protection fencing, straw wattles shall be used to avoid excavation.

Additional tree protection recommendations are included in Attachment 3.

Please contact me if you have questions, concerns, or need any additional information.

Sincerely,

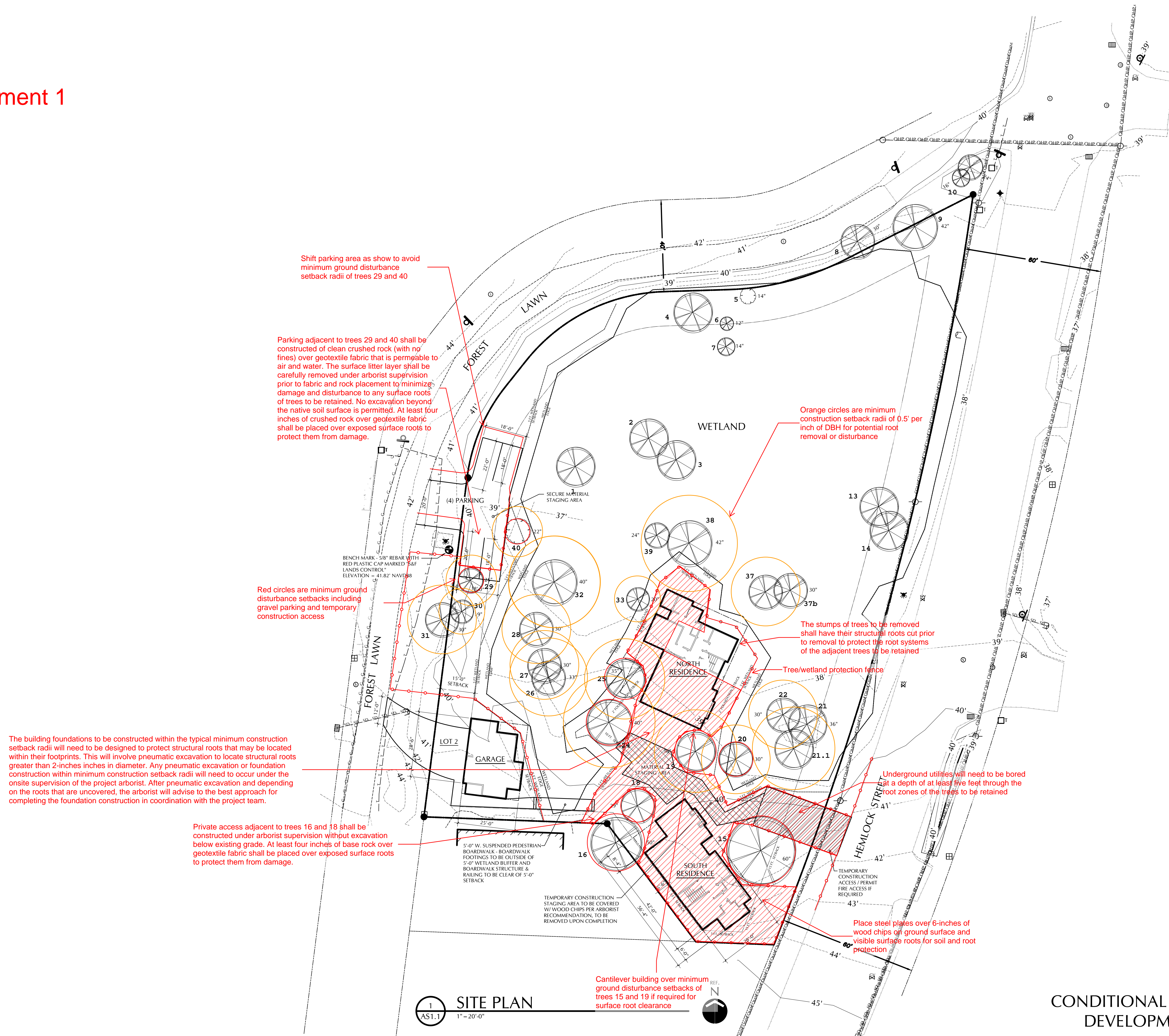


Todd Prager

ASCA Registered Consulting Arborist #597
ISA Board Certified Master Arborist, WE-6723B
ISA Qualified Tree Risk Assessor
AICP, American Planning Association

- Attachment 1: Revised Site Plan with Trees and Tree Protection
- Attachment 2: Tree Inventory
- Attachment 3: Tree Protection Recommendations
- Attachment 4: Assumptions and Limiting Conditions

Attachment 1



Plotted on Nov. 22, 2023 - 8:19pm
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 D:\Tolovana Architecture Dropbox\Projects\Active\Pietka Forrest Lawn\ACAD\Sheet Sets\

4

29

Tolovana Architect LLC

P.O Box 563
Cannon Beach, Oregon 97110

CONDITIONAL USE PERMIT

DEVELOPMENT
PERMIT

PLANS FOR FOREST LAWN DEVELOPMENT

FOREST LAWN
CANNON BEACH, OREGON

[illegible]

DATE:	2023-11-22
JOB:	
FILE:	
DRAWN:	XX
CHECKED:	

COPYRIGHT
TOLOVANA ARCHITECTS, LLC
2023

ELEVATIONS

CONDITIONAL USE PERMIT
DEVELOPMENT PERMIT

AS1.0



Todd Prager & Associates
 LLC

Attachment 2

Tree Number	Common Name	Scientific Name	Comments from Arbor Care Tree Specialists	DBH
1	Sitka spruce	<i>Picea sitchensis</i>	Ok	22
2	Sitka spruce	<i>Picea sitchensis</i>	Ok	22
3	Sitka spruce	<i>Picea sitchensis</i>	Ok	12
4	Red alder	<i>Alnus rubra</i>	Ok, tipped tree with horizontal trunk. Stable	12
5	Red alder	<i>Alnus rubra</i>	Large decay pocket. No target. No action required	9
6	Sitka spruce	<i>Picea sitchensis</i>	Ok	9
7	Sitka spruce	<i>Picea sitchensis</i>	Ok	12
8	Sitka spruce	<i>Picea sitchensis</i>	Ok	35
9	Sitka spruce	<i>Picea sitchensis</i>	Phaeolus schweinitzii at base. Leans into wetland.	50
10	Sitka spruce	<i>Picea sitchensis</i>	Ok	12
11	Sitka spruce	<i>Picea sitchensis</i>	Ok	27
12	Red alder	<i>Alnus rubra</i>	Remove. Growing over culvert and decay in plane of lean toward road.	11
13	Sitka spruce	<i>Picea sitchensis</i>	Ok	30
14	Crab apple	<i>Malus sp.</i>	Ok. Cluster of 5 trunks	6-8
15	Sitka spruce	<i>Picea sitchensis</i>	Ok	60
16	Sitka spruce	<i>Picea sitchensis</i>	Ok	50
17	Sitka spruce	<i>Picea sitchensis</i>	Remove. Poor live crown ratio and heavy lean with a heaving root plate	50
18	Sitka spruce	<i>Picea sitchensis</i>	Ok	29
19	Sitka spruce	<i>Picea sitchensis</i>	Ok	36
20	Western hemlock	<i>Tsuga heterophylla</i>	Remove. Heavy lean with a heaving root plate	30
21	Sitka spruce	<i>Picea sitchensis</i>	Ok	36
21.1	Sitka spruce	<i>Picea sitchensis</i>	Added by Todd Prager based on July 21, 2022 site visit. Good health condition and fair structural condition with codominant stems at approximately 50 feet above ground. Crown was moderately one sided due to competition with adjacent trees	36
22	Sitka spruce	<i>Picea sitchensis</i>	Ok	30
23	Sitka spruce	<i>Picea sitchensis</i>	Ok	32
24	Sitka spruce	<i>Picea sitchensis</i>	Ok	40
25	Sitka spruce	<i>Picea sitchensis</i>	Ok	35
26	Sitka spruce	<i>Picea sitchensis</i>	Ok	33



Attachment 2

Tree Number	Common Name	Scientific Name	Comments from Arbor Care Tree Specialists	DBH
27	Sitka spruce	<i>Picea sitchensis</i>	Ok	30
28	Sitka spruce	<i>Picea sitchensis</i>	Ok	30
29	Sitka spruce	<i>Picea sitchensis</i>	Ok	21
30	Sitka spruce	<i>Picea sitchensis</i>	Ok	19
31	Sitka spruce	<i>Picea sitchensis</i>	Ok	40
32	Sitka spruce	<i>Picea sitchensis</i>	Ok	40
33	Sitka spruce	<i>Picea sitchensis</i>	Ok	20
34	Sitka spruce	<i>Picea sitchensis</i>	Ok	35
35	Sitka spruce	<i>Picea sitchensis</i>	Remove. Fomitopsis pinicola seen at 18ft.	35
36	Sitka spruce	<i>Picea sitchensis</i>	Ok	36
37	Sitka spruce	<i>Picea sitchensis</i>	Ok	30
37b	Sitka spruce	<i>Picea sitchensis</i>	Remove. Porodaedalea pini: multiple fruiting bodies extending up trunk	32
38	Sitka spruce	<i>Picea sitchensis</i>	Ok	42
39	Sitka spruce	<i>Picea sitchensis</i>	Ok	24
40	Red alder	<i>Alnus rubra</i>	Ok	22

*This tree inventory is adapted from information collected by Arbor Care Tree Specialists and compiled in their report dated 12-28-2021.

Attachment 3 Tree Protection Recommendations

Before Construction Begins

1. Notify all contractors of tree protection procedures. For successful tree protection on a construction site, all contractors must know and understand the goals of tree protection.
 - a. Hold a tree protection meeting with all contractors to explain the goals of tree protection.
 - b. Have all contractors sign memoranda of understanding regarding the goals of tree protection. The memoranda should include a penalty for violating the tree protection plan. The penalty should equal the resulting fines issued by the local jurisdiction plus the appraised value of the tree(s) within the violated tree protection zone per the current Trunk Formula Method as outlined in the current edition of the ***Guide for Plant Appraisal*** by the Council of Tree & Landscape Appraisers. The penalty should be paid to the owner of the property.
2. Fencing
 - a. Trees to remain on site will be protected by installation of tree protection fencing as shown in Attachment 1.
 - b. Unless otherwise noted, the fencing should be put in place before the ground is cleared to protect the trees and the soil around the trees from disturbances.
 - c. Fencing should be established by the project arborist based on the needs of the trees to be protected and to facilitate construction.
 - d. Fencing should consist of 6-foot-high steel fencing on concrete blocks or 6-foot metal fencing secured to the ground with 8-foot metal posts to prevent it from being moved by contractors, sagging, or falling down.
 - e. Fencing should remain in the position that is established by the project arborist and not be moved without approval from the project arborist.
3. Signage
 - a. All tree protection fencing should have signage as follows so that all contractors understand the purpose of the fencing:

TREE PROTECTION ZONE

DO NOT REMOVE OR ADJUST THE LOCATION OF THIS
TREE PROTECTION FENCING
UNAUTHORIZED ENCROACHMENT MAY RESULT IN FINES

Please contact the project arborist if alterations to the location of the tree protection fencing are necessary.

Todd Prager, Project Arborist, Todd Prager & Associates, 971-295-4835

- b. Signage should be placed every 75-feet or less.

During Construction

1. Protection Guidelines Within the Tree Protection Zones:
 - a. No new buildings; grade change or cut and fill, during or after construction; new impervious surfaces; or utility or drainage field placement should be allowed within the tree protection zones.
 - b. No traffic should be allowed within the tree protection zones. This includes but is not limited to vehicle, heavy equipment, or even repeated foot traffic.
 - c. No storage of materials including but not limiting to soil, construction material, or waste from the site should be permitted within the tree protection zones. Waste includes but is not limited to concrete wash out, gasoline, diesel, paint, cleaner, thinners, etc.
 - d. Construction trailers should not to be parked/placed within the tree protection zones.
 - e. No vehicles should be allowed to park within the tree protection zones.
 - f. No other activities should be allowed that will cause soil compaction within the tree protection zones.
2. The trees should be protected from any cutting, skinning or breaking of branches, trunks or woody roots.
3. The project arborist should be notified prior to the cutting of woody roots from trees that are to be retained to evaluate and oversee the proper cutting of roots with sharp cutting tools. Cut roots should be immediately covered with soil or mulch to prevent them from drying out.
4. Trees that have woody roots cut should be provided supplemental water during the summer months.
5. Any necessary passage of utilities through the tree protection zones should be by means of boring with oversight by the project arborist.
6. Any deviation from the recommendations in this section should receive prior approval from the project arborist.

After Construction

1. Carefully landscape the areas within the tree protection zones. Do not allow trenching for irrigation or other utilities within the tree protection zones.
2. Carefully plant new plants within the tree protection zones. Avoid cutting the woody roots of trees that are retained.
3. Do not install permanent irrigation within the tree protection zones unless it is drip irrigation to support a specific planting or the irrigation is approved by the project arborist.
4. Provide adequate drainage within the tree protection zones and do not alter soil hydrology significantly from existing conditions for the trees to be retained.
5. Provide for the ongoing inspection and treatment of insect and disease populations that can damage the retained trees and plants.
6. The retained trees may need to be fertilized if recommended by the project arborist.
7. Any deviation from the recommendations in this section should receive prior approval from the project arborist.

Attachment 4
Assumptions and Limiting Conditions

1. Any legal description provided to the consultant is assumed to be correct. The information provided by Patrick/Dave, LLC and their consultants was the basis of the information provided in this report.
2. It is assumed that this property is not in violation of any codes, statutes, ordinances, or other governmental regulations.
3. The consultant is not responsible for information gathered from others involved in various activities pertaining to this project. Care has been taken to obtain information from reliable sources.
4. Loss or alteration of any part of this delivered report invalidates the entire report.
5. Drawings and information contained in this report may not be to scale and are intended to be used as display points of reference only.
6. The consultant's role is only to make recommendations. Inaction on the part of those receiving the report is not the responsibility of the consultant.
7. The purpose of this report is to review the revised site plan for the Forest Lawn project and determine whether it conforms to the recommendations in my June 22, 2023 tree plan.



Jamie Lerma <jamie@redcrowgc.com>

Site plan

Karen La Bonte <labonte@ci.cannon-beach.or.us>

Fri, Oct 13, 2023 at 1:35 PM

To: Jamie Lerma <jamie@redcrowgc.com>

Cc: Steve Sokolowski <sokolowski@ci.cannon-beach.or.us>, Karen La Bonte <labonte@ci.cannon-beach.or.us>, Trevor Mount <mount@ci.cannon-beach.or.us>

Jamie,

Upon approval for the development, I will support this path of access off Hemlock during construction. I would like you to outline the material you'll be putting down on the access path so I'm clear and it will most likely come up as a question. Lastly, according to your plan diagram, it does not appear any trees have to be removed in order to have the access off Hemlock; is that accurate?

Other than that, I'm not seeing an issue with this request from a Public Works perspective.

Karen

*Public Works Director***City of Cannon Beach**

503.436.8068

503.436.8097

503.436.2050

, PO Box 368 Cannon Beach, OR 97110

From: Jamie Lerma <[REDACTED]>
Sent: Friday, October 13, 2023 12:36 PM
To: Karen La Bonte <[REDACTED]>
Cc: Steve Sokolowski <[REDACTED]>
Subject: Re: FW: Site plan

Karen,

I'm writing to confirm that upon approval of the required permits for development of TL 51030DA04100 on Forest Lawn Rd., City of Cannon Beach Public Works will allow temporary construction access to S. Hemlock Street during site development and vertical construction.

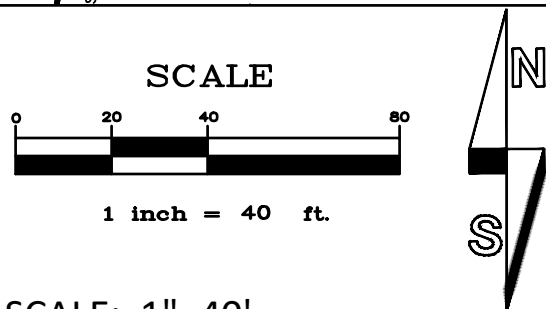
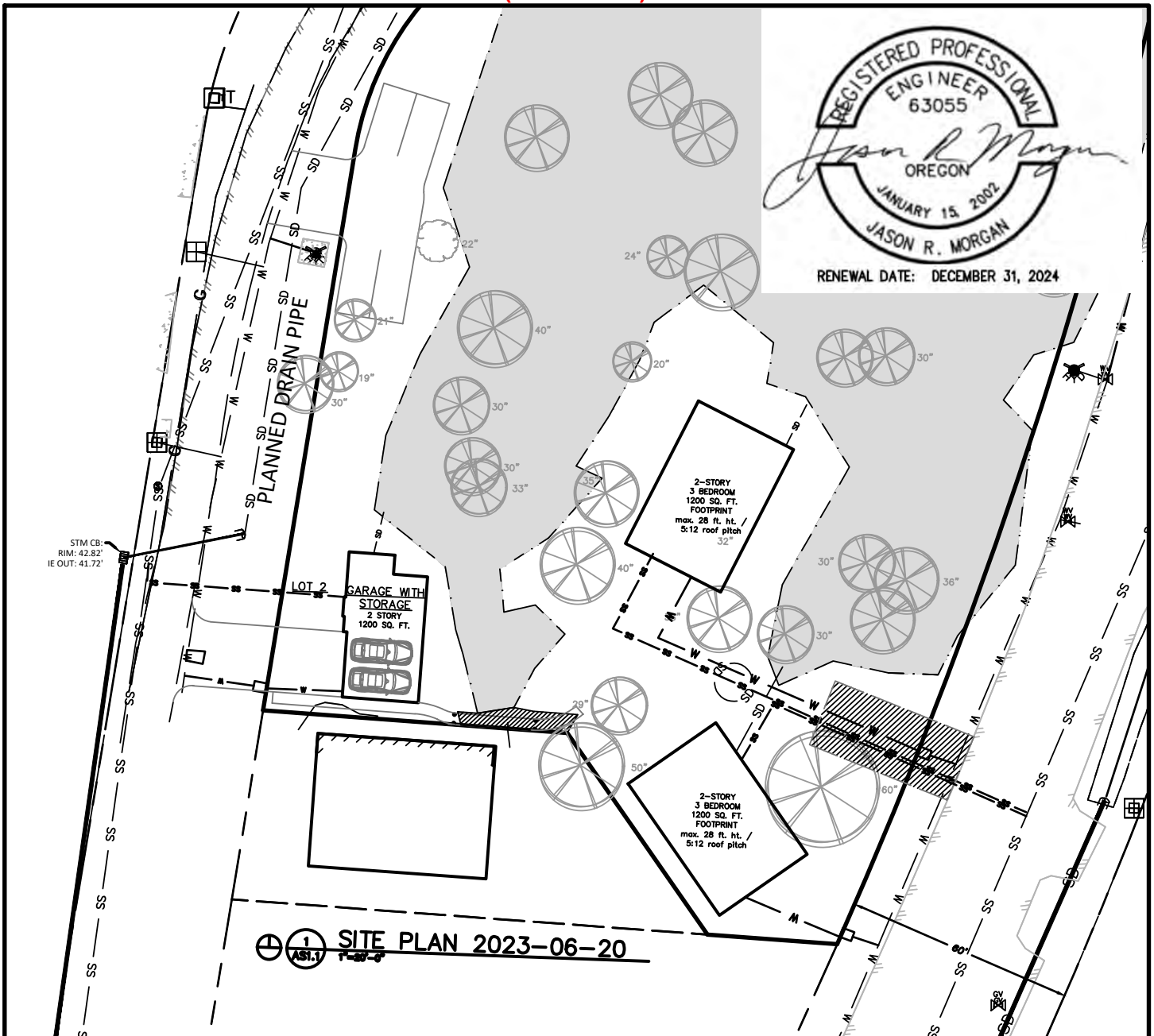
The access would be at the location marked "Fire Department and Utility Access" on the attached site plan. We are modifying the attached site plan to properly identify the temporary construction access as such, and I wanted to confirm that you still support that approach. There is no access from Forest Lawn Rd. to the proposed home sites for construction equipment or delivery vehicles.

The construction access will follow all tree and root protection measures as specified in the arborist report that was submitted as part of the development permit.

Please let me know if you have any questions.

Thank you,

Jamie



SCALE: 1"=40'

EXISTING
— W — WATER MAIN
— SS — SEWER MAIN
— SD — STORM PIPE

PROPOSED
— W — WATER SERVICE
— SS — SEWER SERVICE
— SD — STORM MAIN

AUG 22, 2023

PATRICK GEMMA
TAX LOT 4100
FOREST LAWN DRIVE
UTILITY LAYOUT
CANNON BEACH/MAP 5N 10W 30DA



MORGAN CIVIL
ENGINEERING, INC.

PO BOX 358
MANZANITA, OR 97130
(503) 801-6016
www.morgancivil.com

- CIVIL ENGINEERING
- INSPECTION
- PLANNING



June 3, 2022

Patrick/Dave LLC
3514 Northeast U.S. Grant Place
Portland, Oregon 97212
Attention: David Pietka, Owner

Phone: (503) 206-1071
E-mail: dpietka@msn.com

**Subject: Geotechnical Investigation and Geologic Hazard Report
Proposed Forest Lawn Subdivision, Lots 1 - 3
Clatsop County Tax Lot No. 51030DA04100
Intersection of Forest Lawn Road and Hemlock Street
Cannon Beach, Clatsop County, Oregon
EEI Report No. 22-103-1**

Dear Mr. Pietka,

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

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

Sincerely,
Earth Engineers, Inc.

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

Ken Andrieu, R.G.
Senior Geologist

Jacqui Boyer
Geotechnical Engineering Associate

Attachment: Geotechnical Investigation and Geologic Hazard Report

Distribution (electronic copy only): Addressee
Jamie Lerma, Red Crow, LLC (jamie@redcrowgc.com)

**GEOTECHNICAL INVESTIGATION
AND GEOLOGIC HAZARD REPORT**

for the

**Proposed Forest Lawn Subdivision, Lots 1 - 3
Clatsop County Tax Lot No. 51030DA04100
Intersection of Forest Lawn Road
and South Hemlock Street
Cannon Beach, Clatsop County, Oregon**

Prepared for

**Patrick/Dave LLC
3514 Northeast U.S. Grant Place
Portland, Oregon 97212
Attention: David Pietka, Owner**

Prepared by

**Earth Engineers, Inc.
2411 Southeast 8th Avenue
Camas, Washington 98607
Telephone (360) 567-1806**

EEl Report No. 22-103-1

June 3, 2022



**Earth
Engineers,
Inc.**

A handwritten signature in black ink, appearing to read 'Jacquie'.

**Jacqui Boyer
Geotechnical Engineering
Associate**



EXPIRES: 6/30 23

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



EXP: 12/1/2022

**Ken Andrieu, R.G.
Senior Geologist**

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1.0 PROJECT INFORMATION

1.1 Project Authorization

Earth Engineers, Inc. (EEI) has completed a geotechnical investigation report for the proposed 3 residential lot development on Clatsop County Tax Lot No. 51030DA04100 in Cannon Beach, Clatsop County, Oregon. Our services were authorized by David Pietka, owner of Patrick/Dave LLC, on April 19, 2022 by signing EEI Proposal No. 22-P182 dated April 18, 2022.

1.2 Project Description

Our current understanding of the project is based on the information Jamie Lerma with Red Crow, LLC provided to EEI Principal Geotechnical Engineer Troy Hull and Principal Engineering Geologist Adam Reese. We were also provided the following document via e-mail:

- **Partition Plan titled “Preliminary Haystack Views Subdivision Exhibit” prepared by S&F Land Services, dated November 9, 2021.** This map shows the proposed boundaries of the 3 lots on the subject property with respect to the surrounding properties and streets. See Figure 1 below.

Briefly, we understand the plan is to develop a 3-lot residential subdivision. It is our understanding that this project is in its preliminary stages. We have not been provided any detailed construction plans for the project. For the purposes of this report, we are assuming maximum foundation loads of 4 kips per linear foot for wall footings, 40 kips for column footings, and 150 psf for floor slabs. With regard to design grades, we are assuming that cuts and fills will be negligible (i.e. less than 2 feet). Finally, we have assumed that the homes will be constructed in accordance with the 2021 Oregon Residential Specialty Code (ORSC), or the 2019 Oregon Structural Specialty Code (OSSC).

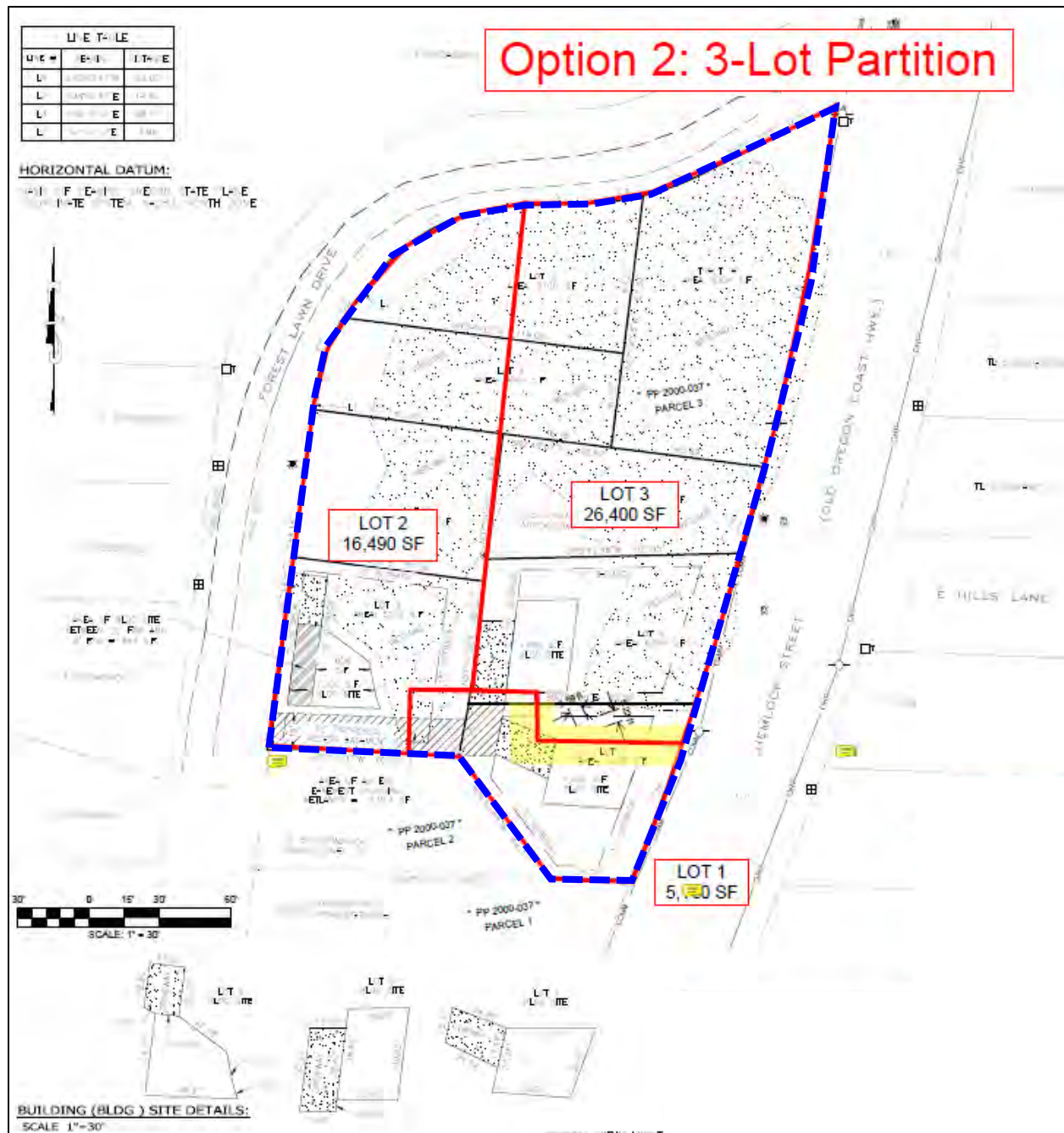


Figure 1: Partition plan referenced above showing the project vicinity. The subject property is outlined in blue and the proposed lot boundaries are outlined in red.

1.3 Purpose and Scope of Services

The purpose of our services was to explore the subsurface conditions at the site of the 3 residential lots to better define the soil, rock, and groundwater properties in order to provide geotechnical related recommendations related to the proposed construction. Our site investigation consisted of advancing two Standard Penetration Test (SPT) borings (B-1 and B-2)

located on the subject property using a trailer mounted Big Beaver drill rig subcontracted from Dan J Fischer, Inc of Forest Grove, Oregon. SPT samples were taken at regular intervals and transported to our laboratory for testing. We supplemented our drilled borings with three hand auger borings (HA-1 through HA-3) and drive probe testing. Laboratory testing was accomplished in general accordance with ASTM procedures.

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

- A discussion of subsurface conditions encountered including pertinent soil and groundwater conditions.
- Seismic design parameters in accordance with ASCE 7-16.
- Geotechnical related recommendations for deep foundation design.
- Structural fill recommendations, including an evaluation of whether the in-situ soils can be used as structural fill.
- Retaining wall design parameter recommendations, including coefficient of friction and earth pressures.
- Floor slab support recommendations.
- A Geologic Hazard Report (GHR) in accordance with Clatsop County requirements
- Other discussion on geotechnical issues that may impact the project.

It should be noted, we consider this report to be preliminary for the project area as a whole. Due to accessibility issues, we were only able to advance deep borings on the perimeter of the project area, and limited hand tool explorations on the southern portion of the property. Once the project is further along and the site is more accessible, we can perform additional drilled borings on the 3 lots (if requested). EEI should be informed when detailed construction drawings are made for the proposed residences so we can revise our report for each individual lot, if necessary.

2.0 SITE AND SUBSURFACE CONDITIONS

2.1 Site Location and Description

The site for the proposed development is located at Clatsop County Tax Lot No. 51030DA04100 in Cannon Beach, Oregon. The site is bound to the north and west by Forest Lawn Road, to the south by residential properties and to the east by South Hemlock Street. See Figure 2 below for project vicinity.

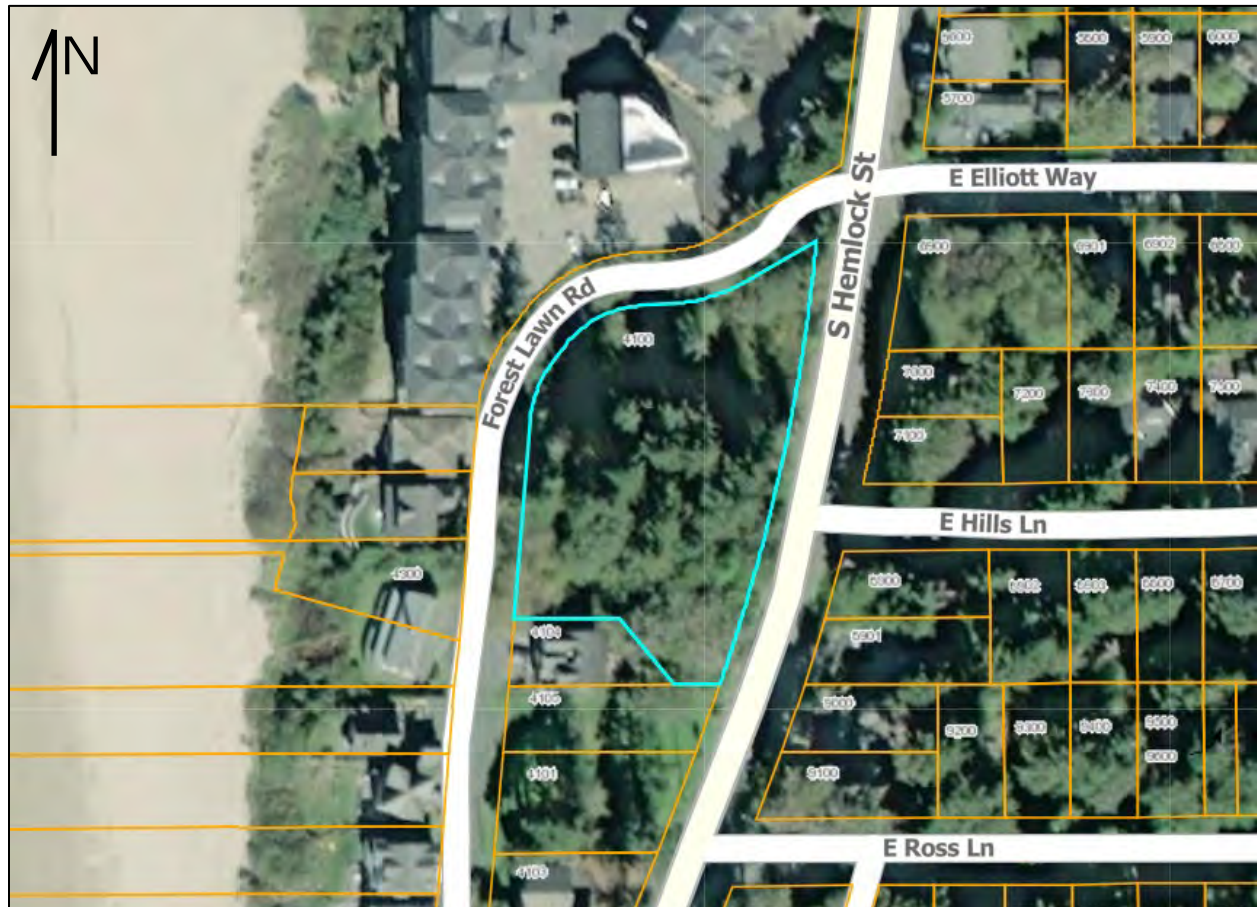


Figure 2: Project vicinity showing the subject property (outlined in blue).

Source: <https://delta.co.clatsop.or.us/apps/ClatsopCounty/>.

The subject property is currently vacant, vegetated with grass, brush and mature trees. It should be noted, the northern portion of the property is densely vegetated with brush and trees; as a result, we were unable to advance any explorations in those areas. We also observed vegetation indicative of a wetland or a marsh along the northern portion of the property. In terms of topography, the subject property is level. According to Google Earth, the elevation ranges from 39 feet above mean sea level (msl) to 46 feet msl. While on site, we did not observe any signs of soil movement (i.e. cracking in the soil, leaning trees, landscape head scarps etc.). See Photos 1 through 5 below for the current site conditions.



Photo 1: Current site conditions, taken from the southern property line facing north (looking at Lot 1).



Photo 2: Current site conditions, facing northwest (looking at Lot 2).



Photo 3: Current site conditions, facing northeast (looking at Lot 3).



Photo 4: Current site conditions taken from the western property line, facing east (looking at Lot 2).



Photo 5: Current site conditions taken from the northwestern property line, facing southeast.

2.2 Subsurface Materials

The site was explored with two SPT borings (B-1 and B-2). For approximate exploration locations see the Exploration Location Plan in Appendix B. The SPT borings were advanced with a subcontracted trailer mounted drill rig subcontracted from Dan J. Fischer Excavating, Inc. of Forest Grove, Oregon. Boring B-1 was advanced to a depth of 33.5 feet below ground surface (bgs) and B-2 was advanced to a depth of 51.5 feet bgs. SPT samples were generally taken at regular intervals within the boring and transported to our laboratory for testing.

In addition, we supplemented our drilled borings with three hand auger explorations (HA-1 through HA-3) and drive probe testing. The three hand tool explorations were advanced in each of the three proposed subdivision lots. For approximate exploration locations see the Exploration Location Plan in Appendix B. The hand auger explorations were each advanced to a depth of 5 feet bgs and the drive probe testing was advanced to a depth of 8 feet bgs.

The drive probe test is based on a “relative density” exploration device used to determine the distribution and to estimate strength of the subsurface soil units. The resistance to penetration is measured in blows-per- $\frac{1}{2}$ -foot of an 11-pound hammer which free falls roughly 39 inches driving a $\frac{3}{4}$ -inch outside diameter pipe with a 1-inch diameter endcap into the ground. This measure of

resistance to penetration can be used to estimate relative density of soils. For a more detailed description of this geotechnical exploration method, please refer to the Slope Stability Reference Guide for National Forests in the United States, Volume I, USDA, EM-7170-13, August 1994, P 317-321. Results of the drive probe tests are reported in the hand auger logs in Appendix C.

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

In general, we encountered a surficial layer of topsoil overlying compressible, organic soils which eventually transitioned to dense sandstone with depth. Each individual stratum encountered is discussed in further detail below.

TOPSOIL

In all of our explorations, we encountered topsoil as the surficial layer. The topsoil stratum was generally dark brown to black sandy silt with heavy organics (i.e. roots, rootlets and wood chips). The thickness of this stratum was 6-inches to 12-inches in our explorations.

COMPRESSIBLE, ORGANIC SOILS

In all of our explorations we encountered a thick layer of compressible soils underlying the topsoil described above. In B-2, the upper layer of compressible soils was generally a gray-brown sand with broken rock fragments, wood chips and rootlets. Laboratory moisture content testing on samples obtained within this stratum ranged from 21 to 32 percent. Fines content laboratory testing for a sample obtained within this stratum yielded a result of 8 percent passing the #200 sieve. Based on SPT sampling data, this stratum ranged from very loose to loose (N-value average of 5). This sand stratum extended to a depth of 5.5 feet bgs in B-2.

In all of our explorations (except for B-2), we encountered low plasticity silt underlying the topsoil described above. In B-2, this silt was underlying the upper sand stratum described above. This stratum was generally a blue-gray to gray-brown to dark brown silt with orange and gray mottling. We also encountered rootlets within this stratum. Laboratory moisture content testing on samples obtained within this stratum ranged from 53 to 72 percent. Fines content laboratory testing for samples obtained within this stratum ranged from 93 to 94 percent passing the #200 sieve. We also conducted Atterberg testing on a sample retrieved within this stratum from B-2 at 5 feet bgs. The testing indicated this stratum is a low plasticity silt (ML). Based on SPT sampling data, this stratum ranged from very soft to soft (N-value average of 2). This low plasticity silt stratum extended to the terminal depth of our hand tool explorations (i.e. 5 feet bgs), and to a depth of 10 feet bgs in of our drilled borings.

In our drilled borings, we encountered high plasticity silt underlying the low plasticity silt described above. This stratum was generally a blue-gray to gray to brown silt. We also encountered heavy organics (i.e. wood chips and rootlets) within this stratum. Laboratory moisture content testing on samples obtained within this stratum ranged from 50 to 388 percent. It should be noted the very high moisture readings are likely due to the presence of organics. Fines content laboratory testing for sample a sample obtained within this stratum yielded a result of 97 percent passing the #200 sieve. We also conducted Atterberg testing on a sample retrieved within this stratum from B-2 at 10 feet bgs. The testing indicated this stratum is a high plasticity silt (MH). Based on SPT sampling data, this stratum ranged from very soft to soft (N-value average of 2). This high plasticity silt stratum extended to a depth of 25 feet bgs in both of our explorations.

In our drilled borings, we encountered a layer of silty sand underlying the high plasticity silt described above. In B-2, we encountered silty sand and sandy silt underlying the high plasticity silt described above. This stratum was generally a brown to gray brown to blue gray silty sand/sandy silt with trace organics. Laboratory moisture content testing on samples obtained within this stratum ranged from 60 to 124 percent. It should be noted the very high moisture readings are likely due to the presence of organics. Fines content laboratory testing for samples obtained within this stratum ranged from 26 to 81 percent passing the #200 sieve. Based on SPT sampling data, the silty sand stratum ranged from very loose to medium dense and the sandy silt stratum was generally medium stiff (N-value average of 5). This stratum extended to a depth of 30 feet bgs in B-1 and 45 feet bgs in B-2.

DENSE SANDSTONE

In both of our boring explorations, we encountered a dense sandstone layer underlying the compressible, organic soils described above. This stratum was generally a gray to blue-gray sandstone with varying amounts of silt. Laboratory moisture content testing on samples obtained within this stratum ranged from 11 to 76 percent. Fines content laboratory testing for samples obtained within this stratum ranged from 9 to 39 percent passing the #200 sieve. Based on SPT sampling data, this stratum ranged from medium dense to very dense (N-value average of 42). This sandstone stratum extended to the terminal depths of our explorations (i.e. 33.5 feet bgs in B-1 and 51.5 feet bgs in B-2).

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

2.4 Groundwater Information

During our subsurface investigation, we encountered groundwater at depths ranging from 1 to 4 feet bgs.

In addition, we reviewed publicly available well logs from the Oregon Water Resources Department website (http://apps.wrd.state.or.us/apps/gw/well_log/) for historic information. We found two historical logs for a property located approximately 550 feet north of the subject property, advanced on June 1, 2015. The logs indicate that groundwater was encountered at a depth of 7 feet below ground surface. See Appendix F for a copy of these well log reports.

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

3.0 GEOLOGIC HAZARD ASSESSMENT

3.1 Soil Survey

The United States Department of Agriculture (USDA) Soil Survey provides geographical information of the soils in Clatsop County as well as summarizing various properties of the soils. The USDA maps the surface soils on site as Unit 61E (Templeton-Ecola silt loams on 30 to 60 percent slopes) and Unit 71C (Walluski medial silt loam on 7 to 15 percent slopes).¹

The Templeton-Ecola silt loam covers the western majority of the project area (i.e. the entirety of Lot 2, and the western portions of Lots 1 and 3). The soil unit consists of well-drained soils formed on hillslopes and mountain slopes with a parent material of colluvium and residuum derived from sedimentary rock. A typical profile consists of slightly decomposed plant material overlying medial silt to silty clay loam which eventually transitions to weathered bedrock with depth. Although the USDA indicates this unit is mapped on 30 to 60 percent slopes we did not encounter any slopes up to 30 to 60 percent on the subject property.

The Walluski medial silt loam covers the eastern portion of the property (i.e. the eastern portions of Lots 1 and 3). The soil unit consists of moderately well-drained soils formed on stream terraces with a parent material of mixed alluvium and/or fluvio-marine deposits derived from sedimentary rock. A typical profile consists of slightly decomposed plant material overlying medial silt loam overlying silty clay loam.

3.2 Geology

The site is located approximately 120 feet east of a coastal bluff overlooking Cannon Beach on the Oregon Coast. The bluff is approximately 20 feet tall with a slope of approximately 2.1H:1V. The region is underlain by a framework of Miocene aged (23 to 5 million years ago) volcanic rocks and Oligocene (33 to 23 million years ago) to Miocene aged marine sedimentary deposits that have been deposited over a basement rock of Eocene-aged (54 to 33 million years ago) volcanic arc deposits. Overlying this framework are Quaternary-aged (1.8 million years ago to present) marine terrace deposits, beach and dune deposits, and landslide deposits.

More specifically, Niem and Niem (1985)² maps the underlying geology on the subject property as middle to lower Miocene aged Cannon Beach member (informal) of the Astoria Formation from the Astoria Group. This formation is described as a “well-bedded sequence of laminated to

¹ Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <http://websoilsurvey.nrcs.usda.gov/> accessed 5/24/2022.

² Niem, A.R., and Niem, W., 1985, Geologic map of the Astoria Basin, Clatsop and northernmost Tillamook Counties, northwest Oregon: Portland, Oregon, Oregon Department of Geology and Mineral Industries Oil and Gas Investigation Map OGI-14, Plate 1, scale 1:100,000.

massive micaceous mudstone, with subordinate, rhythmically thin-bedded feldspathic sandstone and mudstone in the lower part of the unit". See Figure 3 below.

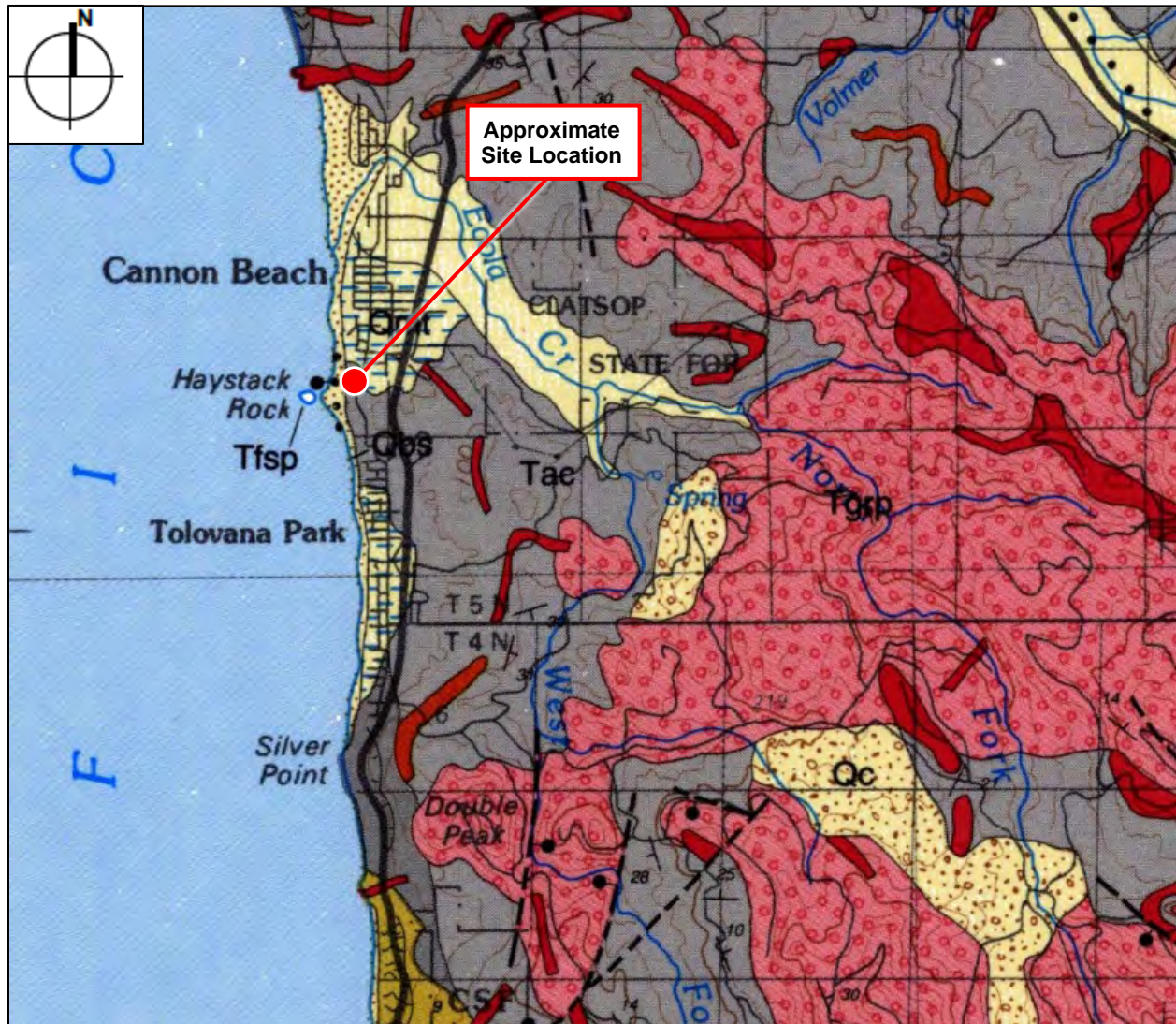


Figure 3: Geologic map of the subject property and its surrounding areas (base map source: Niern and Niern, 1985).

In addition, Schlicker and others (1972)³ indicates that the subject property is mapped adjacent to an active landslide area. Active landslide areas are described as “areas where ground movement is continuous or periodic or areas in which historic movement has taken place. The area includes debris and rockfalls on the headlands, shallow slump failures along terraces fronting the ocean and bays, and areas of local slump in upland areas”. The underlying bedrock unit in

³ Schlicker, H.G., Deacon, R.J., Beaulieu, J.D., and Olott, G.W., 1972. Environmental Geology of the Coastal Region of Tillamook and Clatsop Counties, Oregon, Oregon Department of Geology and Mineral Industries, Bulletin 74, 1:62,500.

the active landslide area is mapped as Pleistocene aged marine terrace deposits (Qmt). See Figure 4 below.

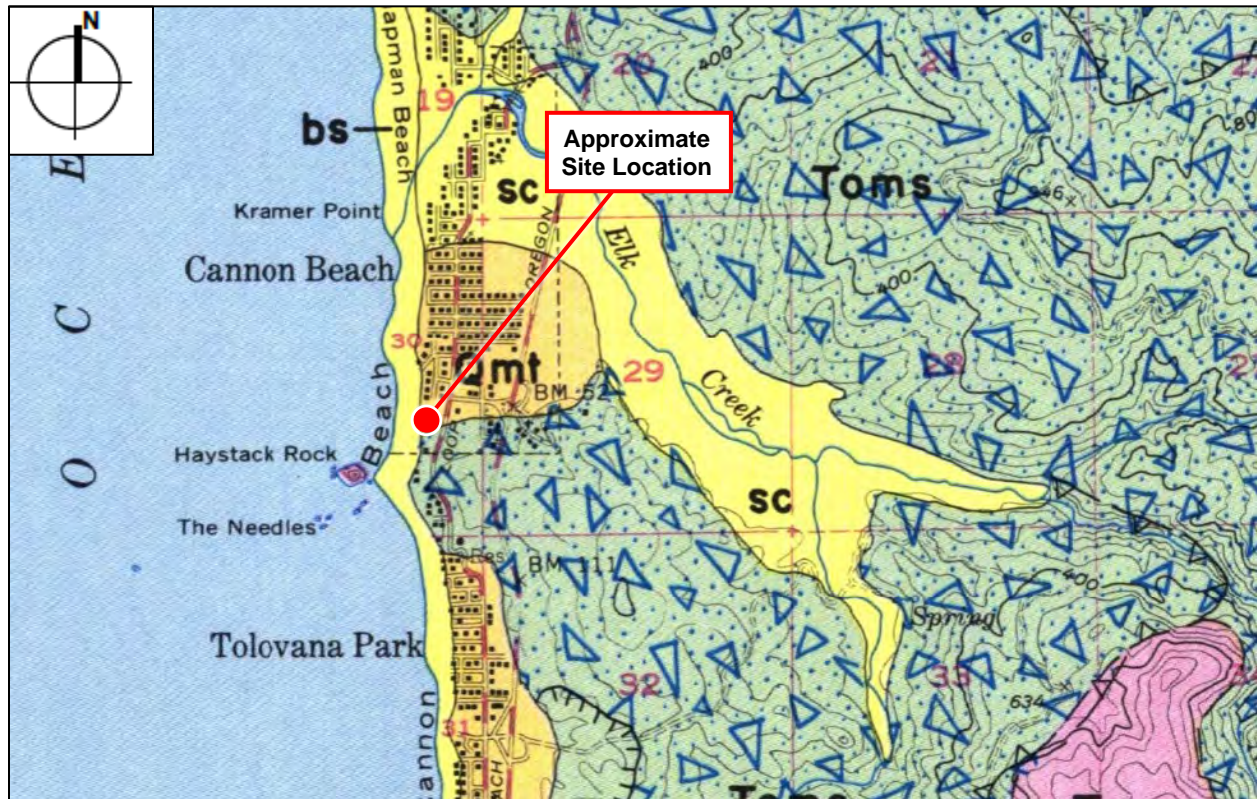


Figure 4: Geologic map of the area; the blue triangle pattern is symbolic of landslide topography (base map source: Schlicker and others, 1972).

We did not observe signs of recent or active landslides from our reconnaissance of the immediate area. Based on our observations of exposed and subsurface soils, as well as the geomorphic features of the site and nearby properties, it is our professional opinion that the site is likely at risk from shallow and deep global landsliding.

The upper, roughly 30 to 40 feet of soft soil is at risk of localized shallow landsliding or soil creep. Adding the weight of a home to this soil layer could increase that risk. As such, we recommend that any house foundations be supported on a deep foundation that extends through this soil layer.

The second landslide risk is from deep-seated block failure given the property may be sitting on a relatively deep portion of the landslide debris. Based on our explorations, it is our professional opinion that the sandstone encountered is the stable layer, therefore extending deep foundations through the upper, compressible soils and bearing them on the sandstone will mitigate the risk of deep global landsliding.

In summary, our recommended approach is to employ a deep foundation system that extends through the compressible, organic soils, and protects the house foundations from shallow, localized landsliding or slope creep that might occur in the future.

3.3 Seismicity

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

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

Additionally, earthquakes resulting from movement in upper plate local faults are considered a possibility. Crustal earthquakes are relatively shallow, occurring within 10 to 20 kilometers of the surface. Oregon has experienced at least two significant crustal earthquakes in the past decade—the Scotts Mills (Mt. Angel) earthquake (M_w 5.6) on March 25, 1993 and the Klamath Falls earthquake (M_w 5.9) on September 20, 1993. Based on limited data available in Oregon, it would be reasonable to assume a M_w 6.0 to 6.5 crustal earthquake may occur in Oregon every 500 years (recurrence rate of 10 percent in 50 years). There are no mapped crustal faults in the immediate vicinity of the property, but there is a marine crustal fault approximately 3 miles west of the property⁴.

3.3.1 Seismic Design Parameters

In accordance with ASCE 7-16, we recommend a Site Class E (soft soil with an average standard penetration resistance less than 15 blows per foot) when considering the average of the upper 100 feet of bearing material beneath the proposed foundations. This recommendation is based on the SPT N-values in our boring B-1 and our local knowledge of the area geology.

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

Inputting our recommended Site Class as well as the site latitude and longitude into the Structural Engineers Association of California (SEAOC) – OSHPD Seismic Design Maps website (<http://seismicmaps.org>) which is based on the United States Geological Survey, we obtained the seismic design parameters shown in Table 1 below. Note that the values for F_a and F_v in Table 1 were obtained from ASCE's Supplement 3 dated November 5, 2021 and issued for ASCE 7-16 to correct some seismic design issues in the original publication.

Table 1: Seismic Design Parameter Recommendations (ASCE 7-16, including Supplement 3 dated November 5, 2021)

PARAMETER	RECOMMENDATION
Site Class	E
S_s	1.317g
S_1	0.691g
F_a	1.200
F_v	2.000
$S_{MS} (=S_s \times F_a)$	1.580g
$S_{M1} (=S_1 \times F_v)$	1.382g
$S_{DS} (=2/3 \times S_s \times F_a)$	1.054g
$S_{D1} (=2/3 \times S_1 \times F_v)$	0.921g
Design PGA ($=S_{DS} / 2.5$)	0.422g
MCE_G PGA	0.664g
F_{PGA}	1.100
$PGA_M (=MCE_G \text{ PGA} \times F_{PGA})$	0.731g

Note: Site latitude = 45.8866, longitude = -123.963

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

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

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

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

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

Exception: ASCE 7-16 does not require a site-specific ground motion hazard analysis when:

1. The Structural Engineer uses the equivalent lateral force design procedure and the value of C_s is determined by Eq. 12.8-2 for all values of T , or
2. Where (i) the value of S_{ai} is determined by Eq. 15.7-7 for all values of T_i , and (ii) the value of the parameter S_{D1} is replaced with $1.5 \cdot S_{D1}$ in Eq. 15.7-10 and 15.7-11.

We classified this site as Site Class E. Because the S_s value is greater than 1.0 as shown in Table 1 above, a ground motion hazard analysis is required unless the Structural Engineer elects to increase the S_{M1} value by 50 percent (which results in increasing the S_{D1} value by 50 percent). **If the Structural Engineer elects not to utilize the 50 percent increase on S_{M1} and S_{D1} , then EEI should be retained to perform a site-specific ground motion hazard analysis in accordance with Section 21.2 of ASCE 7-16.**

3.3.2 Liquefaction

Based on our investigation, we consider the soils encountered in our exploration to be liquefiable. Liquefaction occurs when a saturated sand or silt soil starts to behave like a liquid. Liquefaction occurs because of the increased pore pressure and reduced effective stress between solid particles generated by the presence of liquid. It is often caused by severe ground shaking, especially that associated with earthquakes. For the purpose of our hazard evaluation, we consider only the saturated soils within the upper 50 feet of the ground surface to be potentially liquefiable. The liquefaction potential was evaluated based on the SPT N_{60} -values.

Assuming 2 to 3 percent vertical strain, we estimate that total dynamic settlement caused by an earthquake could be on the order of 9 to 13 inches. This assumes the potentially liquefiable layer is 36 feet thick (i.e. reference boring B-2 where it is potentially liquefiable from 4 to 40 feet). We estimate differential dynamic settlement due to liquefaction could be on the order of 50 to 75 percent of the total dynamic settlement; meaning anywhere from approximately 4.5- to 10-inches of differential dynamic settlement due to liquefaction could occur across the building footprints.

3.4 Geologic Hazards

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

- Severe Cascadia earthquake expected shaking
- Very strong crustal earthquake expected shaking
- Low liquefaction (soft soil) hazard area
- Moderate landslide hazard area (i.e. landsliding possible)

⁵ Oregon HazVu: Statewide Geohazards Viewer, available online at: <http://www.oregongeology.org/sub/hazvu/> accessed 5/31/2022.

- In close proximity to mapped landslide deposits
- In close proximity to mapped coastal erosion hazard area

Figures 5 through 10 below show mapping of the geologic hazards as presented by Oregon's HazVu.

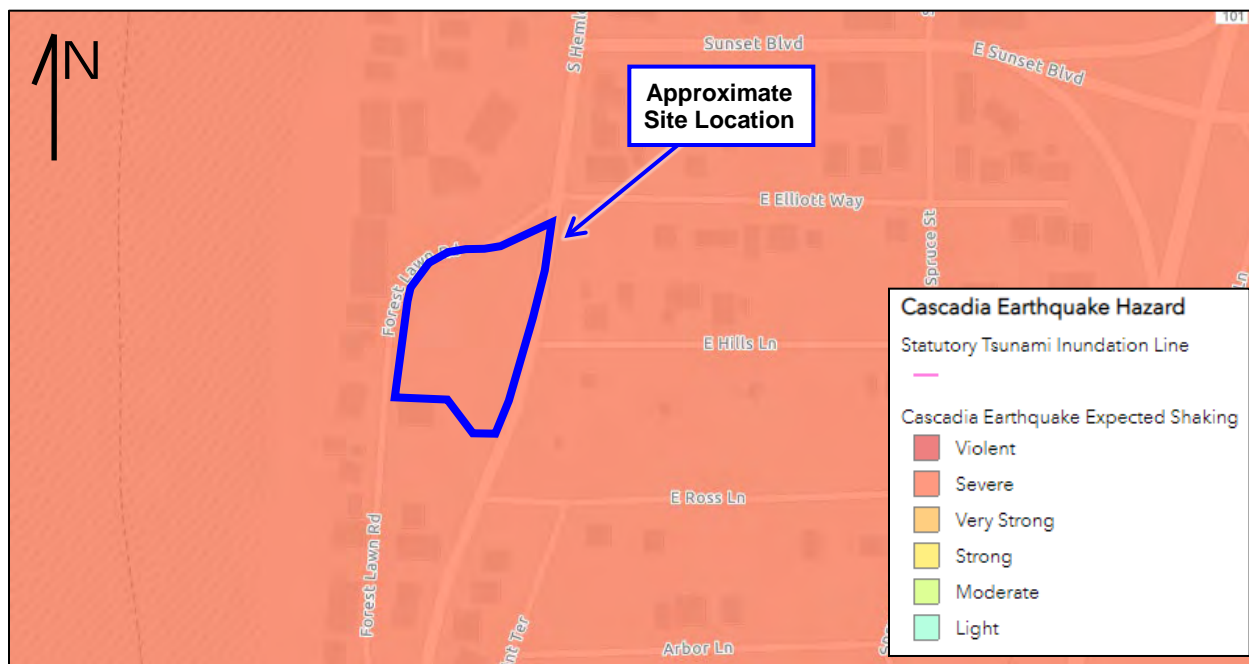


Figure 5: HazVu map showing the Cascadia earthquake expected shaking hazard zones.

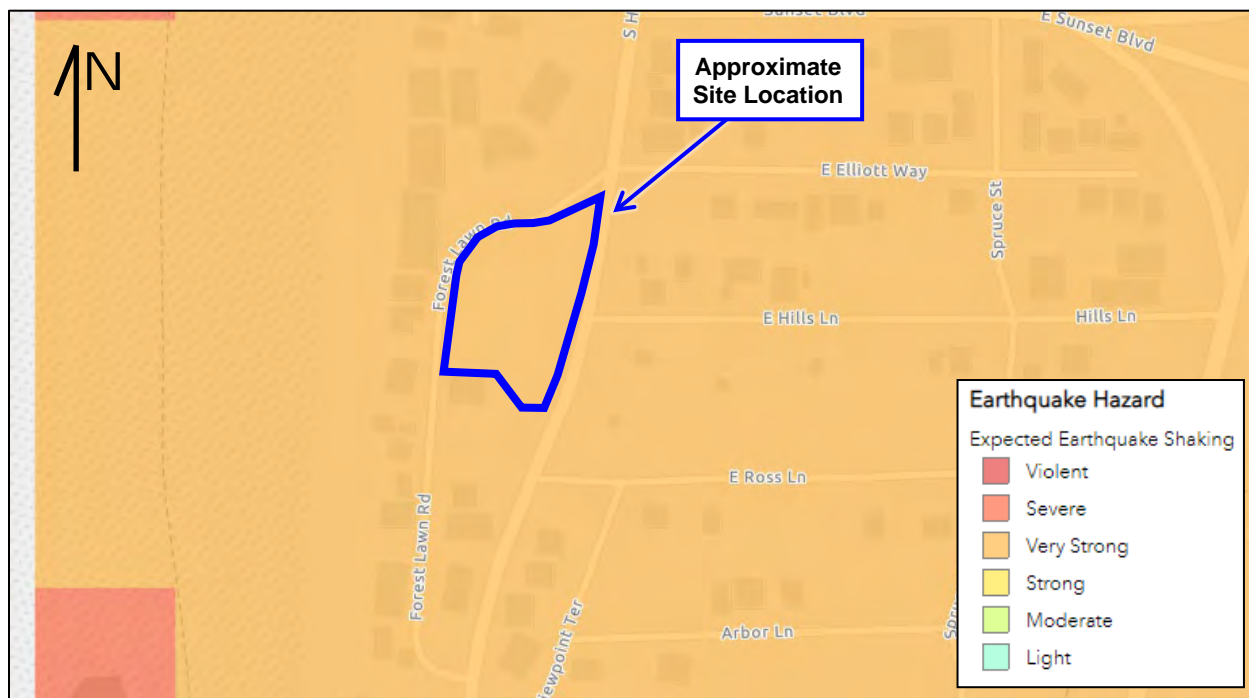


Figure 6: HazVu map showing the crustal earthquake expected shaking hazard zones.

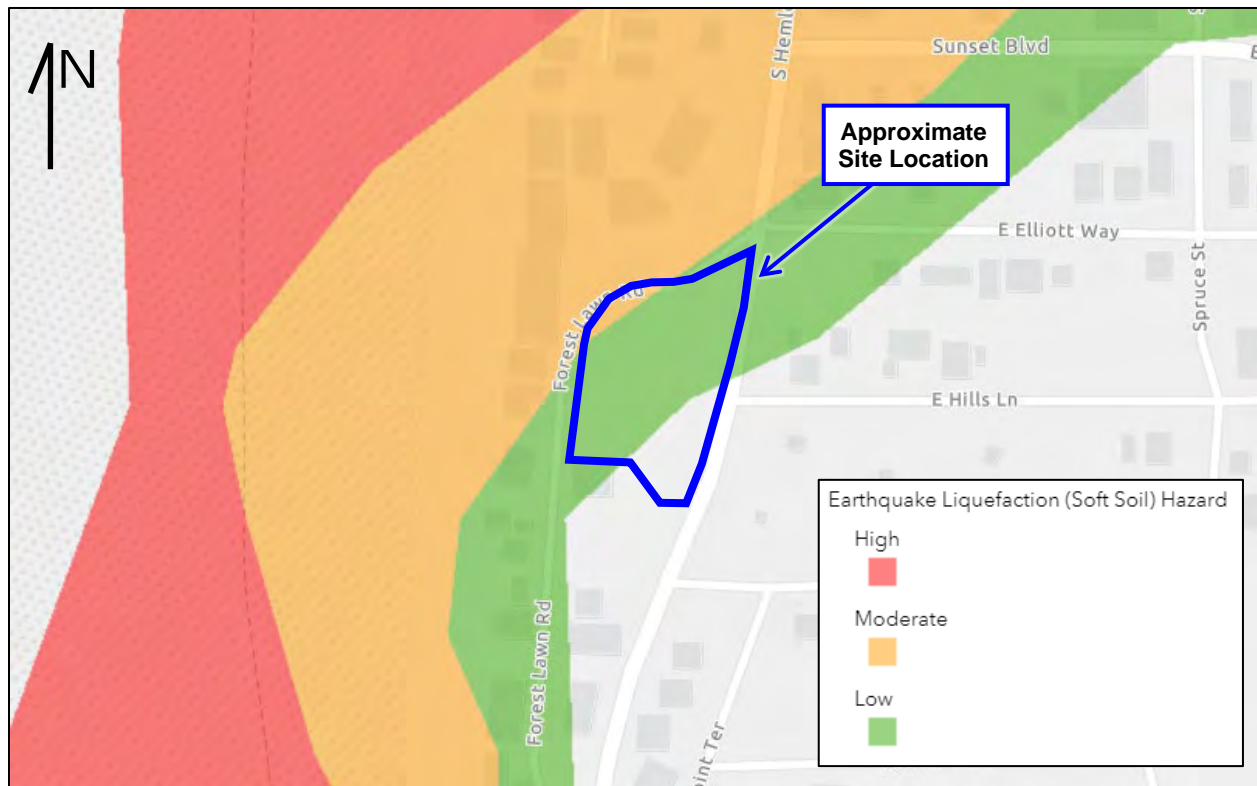


Figure 7: HazVu map showing the liquefaction (soft soil) hazard area.

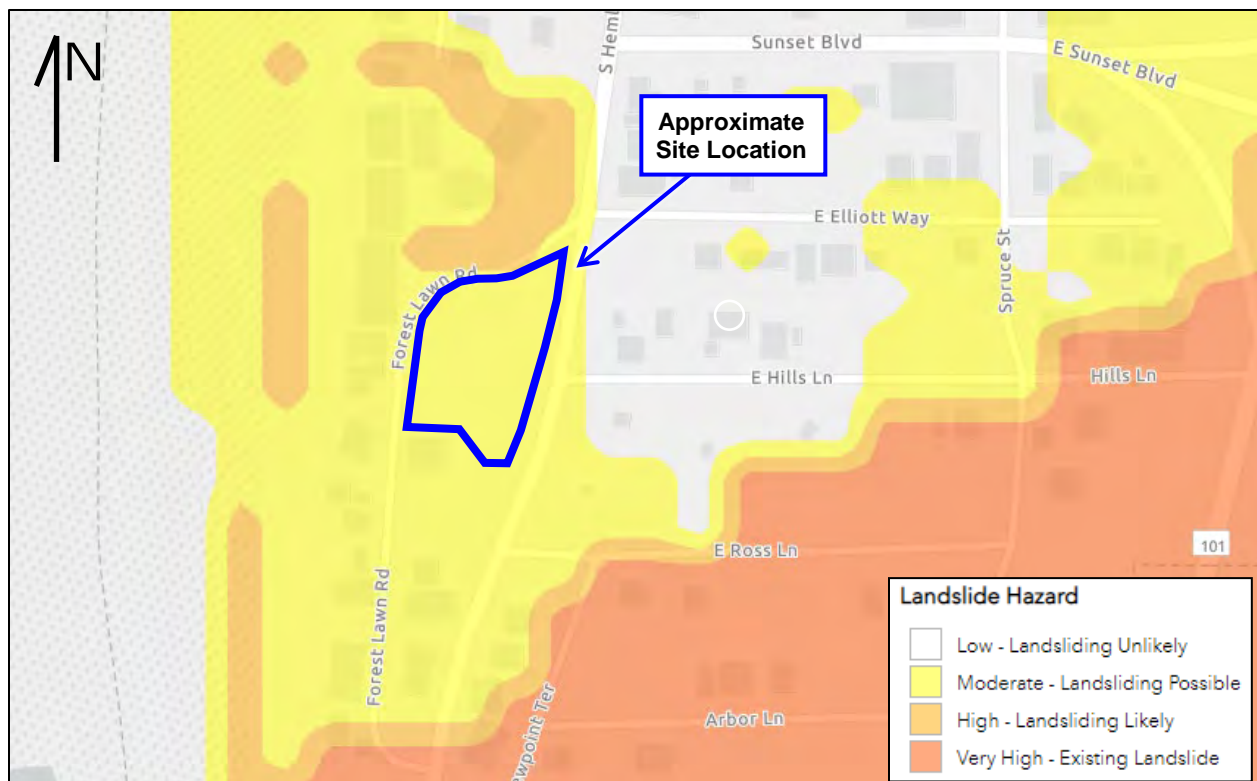


Figure 8: HazVu map showing the landslide hazard zones.

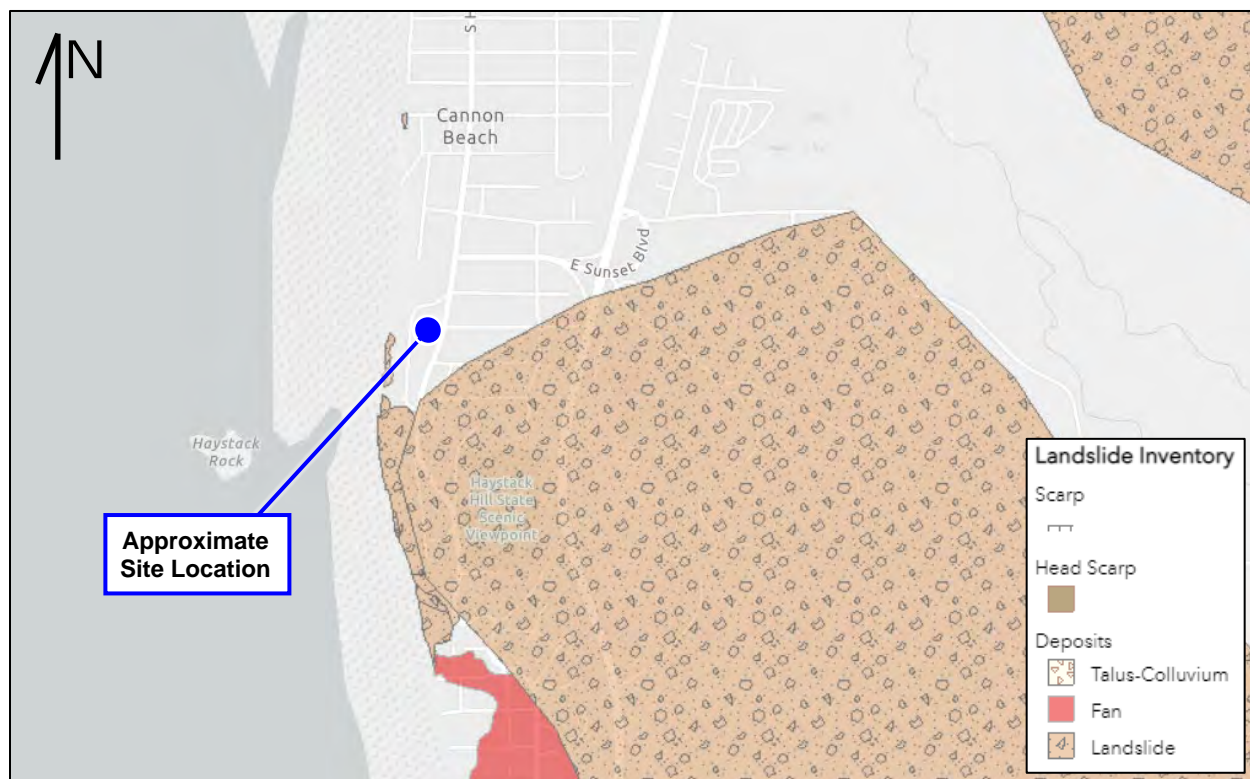


Figure 9: HazVu map showing the mapped landslide deposits.

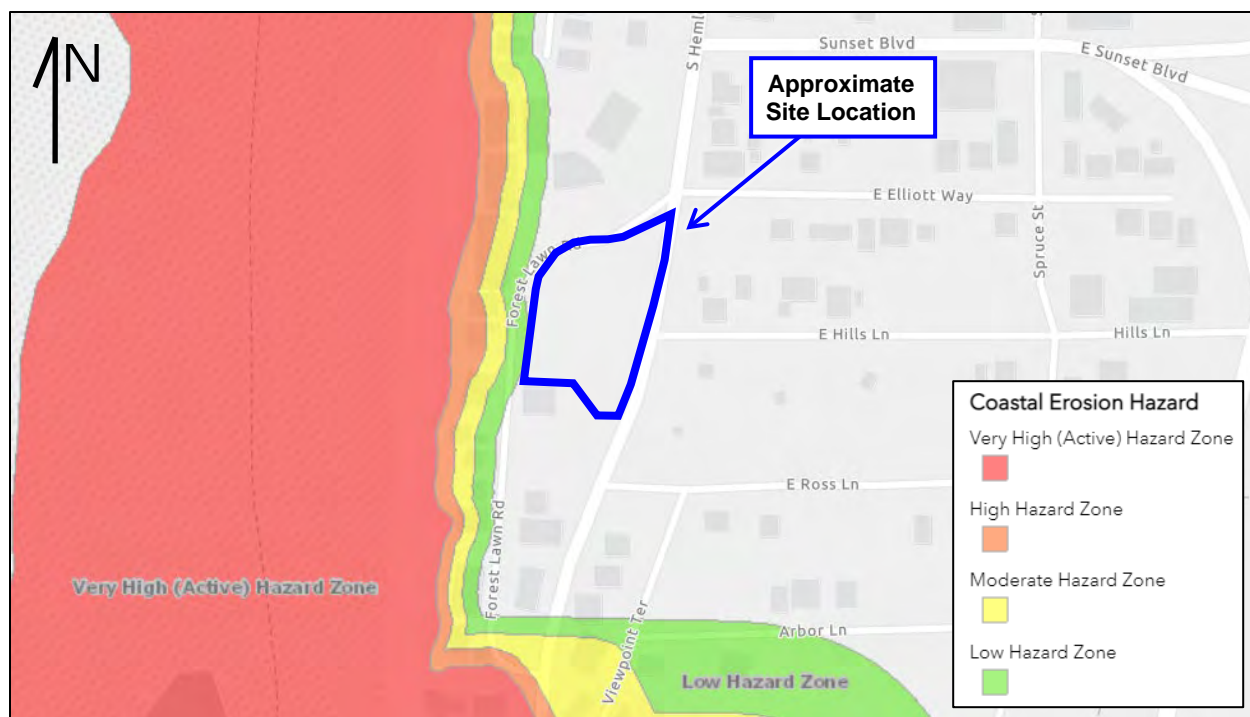


Figure 10: HazVu map showing the mapped coastal erosion hazard.

In addition, we reviewed the Northwest Association of Networked Ocean Observing Systems (NANOOS) Visualization System (NVS) for information on tsunami hazard in proximity to the subject property.⁶ The NVS maps the subject property within a local earthquake and tsunami region. See Figure 11 below.

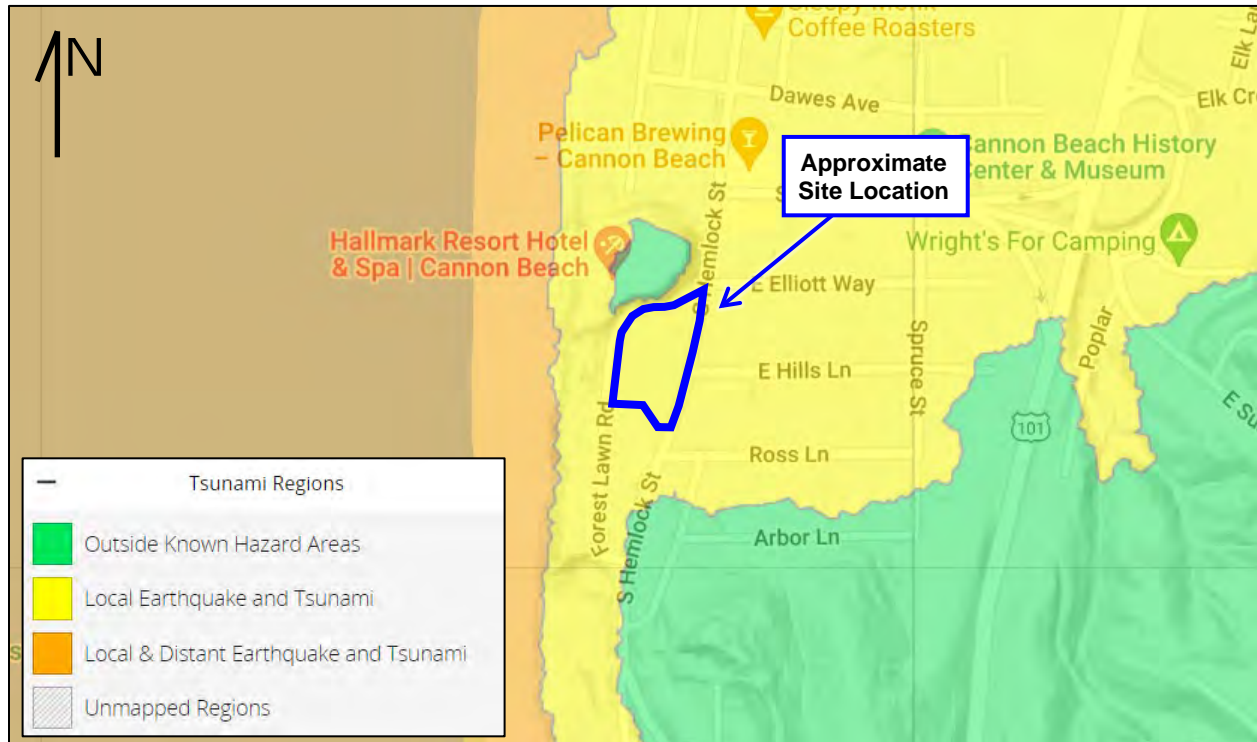


Figure 11: NVS map showing the mapped tsunami hazard region.

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

- Earthquake shaking from regional seismic activity.
- Landslide hazard.
- Potential settlement/movement associated with compressible, near surface soils and liquefaction potential.
- Coastal erosion.
- Tsunami hazard from a local CSZ earthquake.

As stated above, the subject property is surrounded by ancient landslides, and is mapped within a moderate landslide hazard area (i.e. landsliding possible). Although the subject property is not mapped within an ancient landslide, the compressible, variable soils we encountered to depths of 30 to 40 feet are consistent with landslide material we have observed in the area. It is very normal/typical for the shallow, compressible soils to slide after wet winter weather or a seismic

⁶ Northwest Association of Networked Ocean Observing Systems (NANOOS) Visualization System (NVS), available online at <http://nvs.nanoos.org/TsunamiEvac> accessed 5/31/2022.

event. We do not believe this property is at any greater risk from this hazard than the other numerous existing developed lots in the neighborhood. That being said, we recommend that at a minimum, any house foundations be designed to protect life-safety (i.e. the house is allowed to be damaged by landsliding but the structure stays intact long enough for the occupants to evacuate).

As shown in Figure 10 above, the western property line is mapped within a low risk of coastal erosion hazard. Although we do not believe that the subject property is at immediate risk from coastal erosion, it could recede back towards the home gradually over time. We envision that it would occur in several sequences that would allow for addressing the issue before it ever reached the house. In addition, any structures would be protected from erosion if supported on a foundation that bears directly on the more stable sandstone stratum (i.e. piles).

As shown in Figure 11 above, the property is at risk of being inundated by a tsunami. We are not providing any geotechnical recommendations for mitigating that risk from tsunami level events. Developing on the lot means that the property owner needs to accept the risk of damage to the residences in the event of a tsunami.

In summary, it is our professional opinion that the proposed residential development on this property is feasible, subject to the geotechnical engineering recommendations and acceptance of geologic hazards risk presented in this report. Primary considerations should be made to not placing any new fill to raise site grades, and maintaining adequate site surface and subsurface drainage. Vegetation should also be maintained to prevent excessive erosion, and should only be removed where needed to complete the proposed construction. Additionally, the house foundations should extend to the native sandstone and be engineered with the idea of resisting the effects of earthquake shaking. These recommendations are discussed in more detail in Section 4 below. Ultimately, owning a home in this area means there is an acceptance of risk that the property is located among very large ancient landslide deposits and within a landslide hazard area that could reactivate at some time in the future, possibly en masse due to a Cascadia Subduction Zone earthquake event.

4.0 EVALUATION AND FOUNDATION RECOMMENDATIONS

4.1 Geotechnical Discussion

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

- 1. Presence of weak, compressible, organic soils** – As discussed above, we encountered compressible, organic soils to a depth of approximately 30 to 40 feet bgs. The compressible soils encountered had an N-value average of 2 (i.e. generally loose). It is our professional opinion that these compressible soils are not sufficient for shallow foundation support. As such, we recommend all foundations penetrate through these variable soils to bear on the medium dense to very dense sandstone first encountered in our borings at a depth of 30 to 40 feet bgs. See Section 4.5 below for detailed deep foundation recommendations (i.e. pin piles or helical piers).
- 2. Presence of potentially liquefiable soils** – As stated above, there are potentially liquefiable soils located at the project site. Based on our analysis, approximately 9- to 13-inches of total dynamic settlement due to liquefaction could occur with potential differential settlements up to approximately 4.5- to 10-inches across the proposed buildings' footprints. This much settlement precludes the use of shallow foundations. As stated above, we are recommending deep foundations for the proposed development that will mitigate risk of settlement in a design level earthquake event.
- 3. Presence of organics** – As stated above, we encountered heavy organics (i.e. wood chips and rootlets) in all of our explorations. The presence of organics extended to depths of 25 to 30 feet bgs. It is our professional opinion that this material is not sufficient to provide shallow foundation support without risking excess total and differential settlements. As such, we are providing deep foundation recommendations that penetrate through these organic soils to bear on the medium dense to very dense sandstone stratum encountered at a depth of approximately 30 to 40 feet bgs. In addition, the organic soils are unsuitable for use as structural fill.
- 4. Shallow groundwater** – As previously mentioned, we encountered groundwater at depths ranging from 1 to 6 feet bgs across the subject property at the time of our subsurface investigation. The contractor should anticipate the need to dewater for any excavations deeper than about 1-foot. The need to dewater can be lessened if the construction occurs in the dry summer and early fall months. Detailed dewatering design is typically left up to the contractor's means and methods, and is not part of our current scope of services.
- 5. Limited explorations** – As stated above, the project is in its preliminary stages. As a result, the property has not been cleared for accessibility and we were therefore only able

to advance drilled borings on the outer portion of the proposed development (i.e. along the property line). It should be noted we did advance hand tool explorations in the southern portion of the property (i.e. where it is not as densely vegetated), however based on the limited nature of hand tool explorations, we were unable to determine the depth to sandstone in these areas. Once the project is further along and the site is more accessible, we would be available to perform additional drilled borings on the 3 lots. This is not a requirement; it is just a suggestion if there is a desire by the project team to better define the depth the piles will need to go to reach the dense sandstone stratum.

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

In summary, this site appears to be developable provided our geotechnical engineering recommendations are followed and the geologic hazard risks are acceptable.

4.2 Site Preparation

Minimal site preparation will be required to install the piles. Any utilities present beneath the proposed construction will need to be located and rerouted as necessary and any abandoned pipes or utility conduits should be removed to inhibit the potential for subsurface erosion. Utility trench excavations should be backfilled with properly compacted structural fill as discussed in Section 4.3 below.

4.3 Structural Fill

Any structural fill placed should be granular, free of organic or other deleterious materials, have a maximum particle size less than 3 inches, be relatively well graded, and have a liquid limit less than 45 and plasticity index less than 25. In our professional opinion, on-site soils are **not** appropriate for use as fill due to the presence of organics. As such, we recommend importing granular, well graded, crushed rock structural fill. Typically, we recommend fill be moisture conditioned to within 3 percentage points below and 2 percentage points above optimum moisture as determined by ASTM D1557 (Modified Proctor). If water must be added, it should be uniformly applied and thoroughly mixed into the soil by disk or scarifying.

Fill should be placed in a relatively uniform horizontal lift on the prepared subgrade. Each loose lift should be about 1 foot. The type of compaction equipment used will ultimately determine the maximum lift thickness. Structural fill should be compacted to at least 92 percent of the Modified Proctor maximum dry density as determined by ASTM D1557.

Each lift of compacted engineered fill should be tested by a representative of the Geotechnical Engineer prior to placement of subsequent lifts. The fill should extend horizontally outward beyond the exterior perimeter of the building and pavements at least 5 and 3 feet, respectively, prior to sloping.

4.4 Foundation Recommendations

4.4.1 Pin Pile Recommendations

Once the site has been prepared, we recommend the proposed building be supported by 6-inch diameter, schedule 80 steel pipe piles driven to practical refusal using a hydraulic 2,000-pound hammer or equivalent. We also recommend the pin piles all be connected by an integrated, gridded system of rigid grade beams. Refusal for a 6-inch diameter pipe pile using a hammer of this size should be defined as less than 1-inch of penetration in 10 seconds or more. When practical, this refusal criteria should be met for the last 60 seconds of pile driving.

Assuming the piles are driven to refusal using these criteria, the allowable axial capacity for a pile installed vertically would be 30 kips in compression. This allowable axial capacity assumes a factor of safety of 2.0. We recommend a maximum lateral load resistance of 1.0 kip for each vertical pile as long as they are spaced a distance of at least 6D (measured from center to center) where D represents the diameter of the pile. If additional lateral load resistance is needed, we can provide battered pile recommendations.

Based on the known subsurface conditions we anticipate that properly constructed pin pile foundations driven to refusal will experience static settlements less than 1-inch and 1/2-inch of total and differential settlement, respectively. We estimate that the average pile driving refusal depth will be encountered at approximately 40 to 50 feet bgs.

4.4.2 Helical Pier Recommendations

We are also providing helical pier recommendations for the subject site to minimize noise disturbance (i.e. from driving the pin piles). It should be noted that helical piers can hit shallow refusal due to subsurface obstructions (i.e. rocks and/or debris). We encountered heavy organics and trace gravel in our explorations. As such, the contractor should anticipate the need to put in additional effort to get through the debris.

We recommend galvanized round shaft helical piers with a 12-inch diameter single helix. The helical piers should be installed so that the helix is embedded into the medium dense to very dense sandstone encountered at depths of 30 to 40 feet bgs in both of our explorations. In order to achieve the design loads outlined below, the helix needs to be embedded at least 1 foot. For preliminary budgeting purposes, we recommend the helical piers be planned for lengths of 35 to 45 feet.

We have assumed a 2-7/8 inch diameter round shaft helical piers will be used. The 2-7/8-inch diameter helical piers are typically manufactured to have a maximum axial compressive load capacity of 80 kips. Applying a FOS of 2, the piers can be designed for an allowable load capacity of 40 kips. If greater load capacity is needed, a larger shaft diameter can be selected. If requested, we can provide load capacities for larger shaft diameters. In order to use a FOS of 2, at least one helical pier should be load tested in compression for the project. If no load test is performed, then a FOS of 3 should be used..

Any helical piles installed vertically (i.e. not battered) may be designed for an allowable lateral load of up to 1 kip. If additional lateral loads are required the piles should be battered to achieve the necessary loads.

To utilize the fully recommended capacity, the helical piers should be laterally spaced no closer than 3 pier diameters, measured center to center (i.e. 3 feet for a piers with a 12-inch lead helical).

EEI should be scheduled to be on site when each helical pier is installed to inspect the installation and verify our recommendations are met. We also should be scheduled to be on site to inspect and approve the pile load test.

4.5 Floor Slab Recommendations

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

In order to fully mitigate the risk of settlement, the concrete floor slab would need to be tied into the grade beams and supported on the deep foundation elements recommended above (i.e. designed as a structural floor slab). However, if a conventional, less expensive floor slab-on-grade is preferred, to at least partially mitigate the risk of potential settlement, the floor slab should be supported on at least 12-inches of properly compacted crushed rock gravel structural fill overlying the existing soils. This approach means that there is some acceptance of risk that there could be settlement cracking in floor slabs on grade. The structural fill recommendations are outlined in Section 4.3 above. The floor slabs should have an adequate number of joints to reduce cracking resulting from any differential movement and shrinkage.

Prior to placing the structural fill, the exposed subgrade surface should be prepared as discussed in Section 4.2. In addition, we recommend a proof-roll utilizing a fully loaded, dual axle dump truck or water truck in order to identify any unstable areas that should be removed prior to structural fill placement. The proofroll should be observed by a representative of the Geotechnical Engineer. If the subgrade cannot be accessed with a dump truck, then the subgrade will need to be visually

evaluated by a representative of the Geotechnical Engineer by soil probing. If fill is required, the structural fill should be placed on the prepared subgrade after it has been approved by the Geotechnical Engineer.

The 12-inch thick crushed rock structural fill should provide a capillary break to limit migration of moisture through the slab. If additional protection against moisture vapor is desired, a moisture vapor retarding membrane may also be incorporated into the design. Factors such as cost, special considerations for construction, and the floor coverings suggest that decisions on the use of vapor retarding membranes be made by the project design team, the contractor and the owner.

4.6 Retaining Wall Recommendations

As stated above, the project is currently in its preliminary stages. As such, we have not been made aware of any proposed retaining walls. Once more detailed plans are known about retaining walls (if any), we should be provided the drawings so that we can update our recommendations as necessary. For the purposes of this report, we have assumed that no walls will be greater than 10 feet tall.

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

Lateral earth pressures on walls, which are not restrained at the top, may be calculated on the basis of an "active" equivalent fluid pressure of 35 pcf for level backfill, and 60 pcf for sloping backfill with a maximum 2H:1V slope. Lateral earth pressures on walls that are restrained from yielding at the top (i.e. stem walls) may be calculated on the basis of an "at-rest" equivalent fluid pressure of 55 pcf for level backfill, and 90 pcf for sloping backfill with a maximum 2H:1V slope. The stated equivalent fluid pressures do not include surcharge loads, such as foundation, vehicle, equipment, etc., adjacent to walls, hydrostatic pressure buildup, or earthquake loading. Surcharge loads on walls should be calculated based on the attached calculations/formulas shown in Appendix H.

We recommend that retaining walls be designed for an earth pressure determined using the Mononobe-Okabe method to mitigate future seismic forces. Our calculations were based on one-half of the Design Peak Ground Acceleration (PGA) value of 0.422g, which was obtained from Table 1 above. We have assumed that the retained soil/rock will have a minimum friction angle of 29 degrees and a total unit weight of about 115 pounds per cubic foot. For seismic loading on retaining walls with level backfill, new research indicates that the seismic load is to be applied at 1/3 H of the

wall instead of $\frac{2}{3} H$, where H is the height of the wall⁷. We recommend that a Mononobe-Okabe earthquake thrust per linear foot of $13.7 \text{ psf} \cdot H^2$ be applied at $\frac{1}{3} H$, where H is the height of the wall measured in feet. Note that the recommended earthquake thrust value is appropriate for slopes behind the retaining wall of up to 10 degrees.

Any minor amount of backfill for retaining walls should be select granular material, such as sand or crushed rock with a maximum particle size between $\frac{3}{4}$ and $1 \frac{1}{2}$ inches, having less than 5 percent material passing the No. 200 sieve. As stated above, the onsite soils do not meet the requirement for structural fill, and it will be necessary to import material to the project for structure backfill. Silty soils can be used for the last 18 to 24 inches of backfill, thus acting as a seal to the granular backfill.

All backfill behind retaining walls should be moisture conditioned to within ± 2 percent of optimum moisture content, and compacted to a minimum of 90 percent of the material's maximum dry density as determined in accordance with ASTM D1557. Fill materials should be placed in layers that, when compacted, do not exceed about 8 inches. Care in the placement and compaction of fill behind retaining walls must be taken in order to ensure that undue lateral loads are not placed on the walls.

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

5.0 CONSTRUCTION CONSIDERATIONS

EEl should be retained to provide observation and testing of construction activities involved in the foundation, earthwork, and related activities of this project. EEl cannot accept any responsibility for any conditions that deviate from those described in this report, nor for the performance of the foundations if not engaged to also provide construction observation for this project.

5.1 Moisture Sensitive Soils/Weather Related Concerns

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

5.2 Drainage and Groundwater Considerations

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

The site grading plan should be developed to provide rapid drainage of surface water away from the building areas and to inhibit infiltration of surface water around the perimeter of the building and beneath the floor slab. The grades should be sloped away from the building area. Stormwater should be piped (tightlined) to an existing city storm sewer or to a drainage ditch.

5.3 Excavations

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

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

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

6.0 REPORT LIMITATIONS

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

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

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

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

This report has been prepared for the exclusive use of Patrick/Dave, LLC for the specific application to the proposed Forest Lawn Subdivision, Lots 1-3, located on County Tax Lot No. 51030DA04100 in Cannon Beach, Clatsop County, Oregon. EEI does not authorize the use of the advice herein nor the reliance upon the report by third parties without prior written authorization by EEI.

APPENDICES

APPENDIX A – SITE LOCATION PLAN

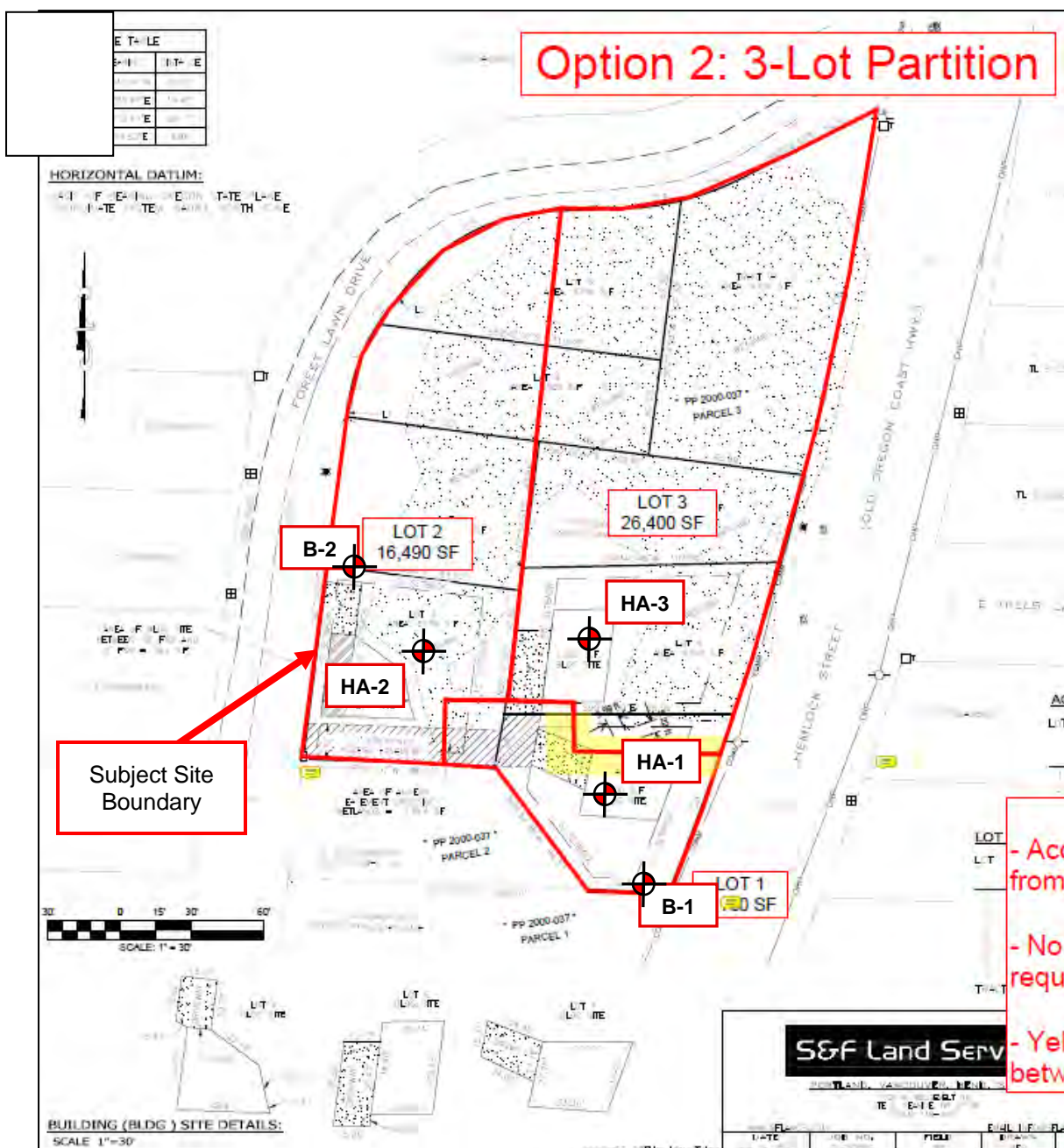
Base Map Source: <https://livingatlas.arcgis.com/topoexplorer/>Earth
Engineers,
Inc.

Proposed Forest Lawn Subdivision, Lots 1-3
Tax Lot #51030DA04100
Intersection of Forest Lawn Road and South
Hemlock Street
Cannon Beach, Clatsop County, Oregon

Report No.
22-103-1

June 3, 2022

APPENDIX B – EXPLORATION LOCATION PLAN



⊙ = Approximate Boring Location

Base image source: "Google Earth."



**Earth
Engineers,
Inc.**

Proposed Forest Lawn Subdivision, Lots 1-3
Tax Lot #51030DA04100
Intersection of Forest Lawn Road and South
Hemlock Street
Cannon Beach, Clatsop County, Oregon

Report No.
22-103-1

June 3, 2022



Appendix C: Boring B-1

Client: Red Crow, LLC
 Project: Proposed Forest Lawn Subdivision
 Site Address: Tax Lot No. 51030AA04402
 Forest Lawn Road, Clatsop County, Cannon Beach, OR
 Location of Exploration: See Appendix B
 Logged By: Jacqui Boyer

Report Number: 22-103-1
 Drilling Contractor: Dan J Fischer Excavating, Inc.
 Drilling Method: Solid Stem Auger
 Drilling Equipment: Big Beaver w/ SPT Cathead Hammer
 Approximate Ground Surface Elevation (ft msl): 46
 Date of Exploration: 5/4/2022

Depth (ft)	Water Level	Lithology		Sampling Data								Remarks
		Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Blows per 6 Inches	N-value	Moisture Content (%)	% Passing #200 Sieve	Liquid Limit	Plastic Limit	Pocket Pen (tsf)	
0			Topsoil - dark brown sandy silt with organics, moist	SPT-1	1	2	64					
2			Silt (ML) - gray-brown to dark brown silt with orange and gray mottling, rootlets, moist to wet, soft		0							
4				SPT-2	2	2	68					
6				SPT-3	2	2	65				0.5	
8			chunks of dry, orange soil encountered	SPT-4	1	4	53				0.75	
10					2							
12			Silt (MH) - blue-gray to dark brown, high plasticity silt, moist to wet, very soft to soft	SPT-5	0	1	211				0	
14			heavy organics (wood chips and rootlets) encountered in split spoon	SPT-6	1	2	89				0.75	
16			heavy organics encountered in split spoon	SPT-7	1	2	388				1	
18					1							
20			heavy organics encountered in split spoon	SPT-8	1	3	191				0.75	
22					2							
24												
26			Sand (SM) - gray to blue-gray silty sand, moist to wet, very loose	SPT-9	2	4	76					
28					2							
30					2							

Notes : Boring terminated at a depth of approximately 33.5 feet below ground surface (bgs) due to practical drilling refusal. Groundwater encountered at a depth of 6 feet bgs at the time of our exploration. Boring backfilled with bentonite chips on 5/4/22. N-values reported are based on the use of a cathead hammer (i.e. **37** correction factor). Approximate elevation from Google Earth. **74**



Appendix C: Boring B-1

Client: Red Crow, LLC
 Project: Proposed Forest Lawn Subdivision
 Site Address: Tax Lot No. 51030AA04402
 Forest Lawn Road, Clatsop County, Cannon Beach, OR
 Location of Exploration: See Appendix B
 Logged By: Jacqui Boyer

Report Number: 22-103-1
 Drilling Contractor: Dan J Fischer Excavating, Inc.
 Drilling Method: Solid Stem Auger
 Drilling Equipment: Big Beaver w/ SPT Cathead Hammer
 Approximate Ground Surface Elevation (ft msl): 46
 Date of Exploration: 5/4/2022

Depth (ft)	Water Level	Lithology		Sampling Data													
		Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Blows per 6 Inches	N-value	Moisture Content (%)	% Passing #200 Sieve	Liquid Limit	Plastic Limit	Pocket Pen (tsf)	Remarks					
30			Sandstone - blue-gray sandstone with few to little silt, moist, dense to very dense	SPT-10	9		26					drilling difficulty increased					
					14												
					21												
32						SPT-11	26						11				drilling refusal
							31										
							34										
34																	
36																	
38																	
40																	
42																	
44																	
46																	
48																	
50																	
52																	
54																	
56																	
58																	
60																	

Notes : Boring terminated at a depth of approximately 33.5 feet below ground surface (bgs) due to practical drilling refusal. Groundwater encountered at a depth of 6 feet bgs at the time of our exploration. Boring backfilled with bentonite chips on 5/4/22. N-values reported are based on the use of a cathead hammer (i.e. no correction factor). Approximate elevation from Google Earth. **75**



Appendix C: Boring B-2

Client: Red Crow, LLC
 Project: Proposed Forest Lawn Subdivision
 Site Address: Tax Lot No. 51030AA04402
 Forest Lawn Road, Clatsop County, Cannon Beach, OR
 Location of Exploration: See Appendix B
 Logged By: Jacqui Boyer

Report Number: 22-103-1
 Drilling Contractor: Dan J Fischer Excavating, Inc.
 Drilling Method: Solid Stem Auger
 Drilling Equipment: Big Beaver w/ SPT Cathead Hammer
 Approximate Ground Surface Elevation (ft msl): 42
 Date of Exploration: 5/4/2022

Depth (ft)	Water Level	Lithology		Sampling Data								Remarks
		Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Blows per 6 Inches	N-value	Moisture Content (%)	% Passing #200 Sieve	Liquid Limit	Plastic Limit	Pocket Pen (tsf)	
0			Topsoil - dark brown sandy silt with organics, moist	SPT-1	2	8	21					
2			Sand (SM) - gray-brown to dark brown sand with trace broken rock fragments, woodchips and rootlets, moist to wet, very loose to loose		4							
4				SPT-2	2	3	32	8				
6			Silt (ML) - blue-gray silt with trace rootlets, moist to wet, very soft	SPT-3	0	0	72	93	42	32	0	
8				SPT-4	0	1	59	94			0	
10			Silt (MH) - gray to brown, high plasticity silt, moist to wet, very soft	SPT-5	1	2	50	97	58	46	0.75	
12					1							
14					1							
16			heavy organics (wood chips and rootlets) encountered in split spoon	SPT-6	1	2	125				0.5	
18					1							
20					1							
22			heavy organics encountered in split spoon	SPT-7	1	2	165				0.5	
24					1							
26			Sand (SM) - brown silty sand with trace organics, wet, very loose	SPT-8	1	4	124	26				
28					2							
30					2							

Notes : Boring terminated at a depth of approximately 51.5 feet below ground surface (bgs). Groundwater encountered at a depth of 4 feet bgs at the time of our exploration. Boring backfilled with bentonite chips on 5/4/22. N-values reported are based on the use of a cathead hammer (i.e. no correction factor). Approximate elevation from Google Earth.



Appendix C: Boring B-2

Client: Red Crow, LLC
 Project: Proposed Forest Lawn Subdivision
 Site Address: Tax Lot No. 51030AA04402
 Forest Lawn Road, Clatsop County, Cannon Beach, OR
 Location of Exploration: See Appendix B
 Logged By: Jacqui Boyer

Report Number: 22-103-1
 Drilling Contractor: Dan J Fischer Excavating, Inc.
 Drilling Method: Solid Stem Auger
 Drilling Equipment: Big Beaver w/ SPT Cathead Hammer
 Approximate Ground Surface Elevation (ft msl): 42
 Date of Exploration: 5/4/2022

Depth (ft)	Water Level	Lithology		Sampling Data								Remarks
		Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Blows per 6 Inches	N-value	Moisture Content (%)	% Passing #200 Sieve	Liquid Limit	Plastic Limit	Pocket Pen (tsf)	
30			Silt (ML) - gray-brown sandy silt, moist to wet, medium stiff	SPT-9	2	5	60	81				
32					2							
34					3							
36				SPT-10	3	7	83	68				
38					3							
40					4							
42			Sandstone - gray to blue-gray sandstone with few to some silt and trace gravel, moist to wet, medium dense to very dense	SPT-11	10	22	76	39				drilling difficulty increased
44					13							
46					9							
48			broken rock encountered at base of split spoon	SPT-12	5	14	76	9				
50					5							
52					9							
54				SPT-13	6	74	30	15				
56					24							
58					50							
60												

Notes : Boring terminated at a depth of approximately 51.5 feet below ground surface (bgs). Groundwater encountered at a depth of 4 feet bgs at the time of our exploration. Boring backfilled with bentonite chips on 5/4/22. N-values reported are based on the use of a cathead hammer (i.e. no correction factor). Approximate elevation from Google Earth.



**Exhibit C-1
(DRB 24-03)**

Appendix C: Hand Auger HA-1

Client: Red Crow, LLC
 Project: Forest Lawn Subdivision
 Site Address: Tax Lot No. 51030AA04402
 Forest Lawn Road, Clatsop County, Cannon Beach, OR
 Location of Exploration: See Appendix B
 Logged By: Matt Enos

Report Number: 22-103
 Drilling Contractor: EEI
 Drilling Method: N/A
 Drilling Equipment: Hand Auger and Drive Probe
 Approximate Ground Surface Elevation (ft msl): 41
 Date of Exploration: 5/4/2022

Depth (ft)	Water Level	Lithology		Sampling Data						Remarks
		Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Drive Probe Blows Per 6 Inches	Moisture Content (%)	% Passing #200 Sieve	Liquid Limit	Plastic Limit	
0			Topsoil - dark brown to black organic silt, moist, soft, non-plastic	1						
1			Silt with some clay (ML) - brown to gray to light gray, wet, very soft to medium stiff, low plasticity	1						
2				2						
3				1						
4				2						
5				1						
6				2						
7				4						
8				5						
9				4						
10				4						
11										
12										
13										
14										
15										

Notes : Hand auger terminated at 5 feet bgs and drive probe terminated at 8 feet bgs. Groundwater encountered at a depth of 1-foot bgs at the time of our exploration. Boring loosely backfilled with excavated soils on 5/4/2022. Approximate elevation based on Google Earth.



**Exhibit C-1
(DRB 24-03)**

Appendix C: Hand Auger HA-2

Client: Red Crow, LLC
 Project: Forest Lawn Subdivision
 Site Address: Tax Lot No. 51030AA04402
 Forest Lawn Road, Clatsop County, Cannon Beach, OR
 Location of Exploration: See Appendix B
 Logged By: Matt Enos

Report Number: 22-103
 Drilling Contractor: EEL
 Drilling Method: N/A
 Drilling Equipment: Hand Auger and Drive Probe
 Approximate Ground Surface Elevation (ft msl): 40
 Date of Exploration: 5/4/2022

Depth (ft)	Water Level	Lithology		Sampling Data						Remarks
		Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Drive Probe Blows Per 6 Inches	Moisture Content (%)	% Passing #200 Sieve	Liquid Limit	Plastic Limit	
0			Topsoil - dark brown to black organic silt, moist, soft, non-plastic	1						
1			Silt with some clay (ML) - brown to gray to light gray, wet, very soft to medium stiff, low plasticity	1						
2				2						
3				1						
4				2						
5				2						
6				2						
7				3						
8				2						
9				4						
10				4						
11				5						
12				4						
13				5						
14				5						
15				6						

Notes : Hand auger terminated at 5 feet bgs and drive probe terminated at 8 feet bgs. Groundwater encountered at a depth of 1-foot bgs at the time of our exploration. Boring loosely backfilled with excavated soils on 5/4/2022. Approximate elevation based on Google Earth.



**Exhibit C-1
(DRB 24-03)**

Appendix C: Hand Auger HA-3

Client: Red Crow, LLC
 Project: Forest Lawn Subdivision
 Site Address: Tax Lot No. 51030AA04402
 Forest Lawn Road, Clatsop County, Cannon Beach, OR
 Location of Exploration: See Appendix B
 Logged By: Matt Enos

Report Number: 22-103
 Drilling Contractor: EEL
 Drilling Method: N/A
 Drilling Equipment: Hand Auger and Drive Probe
 Approximate Ground Surface Elevation (ft msl): 39
 Date of Exploration: 5/4/2022

Depth (ft)	Water Level	Lithology		Sampling Data						Remarks
		Lithologic Symbol	Geologic Description of Soil and Rock Strata	Sample Number	Drive Probe Blows Per 6 Inches	Moisture Content (%)	% Passing #200 Sieve	Liquid Limit	Plastic Limit	
0			Topsoil - dark brown to black organic silt, moist, soft, non-plastic	1	1					
1			Silt with some clay (ML) - brown to gray to light gray, wet, very soft to medium stiff, low plasticity	1	1					
2				1	1					
3				2	2					
4				3	3					
5				3	3					
6				4	4					
7				3	3					
8				5	5					
9										
10										
11										
12										
13										
14										
15										

Notes : Hand auger terminated at 5 feet bgs and drive probe terminated at 8 feet bgs. Groundwater encountered at a depth of 1-foot bgs at the time of our exploration. Boring loosely backfilled with excavated soils on 5/4/2022. Approximate elevation based on Google Earth.

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

* Using SPT N₆₀ is considered a crude approximation for cohesive soils.

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

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

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

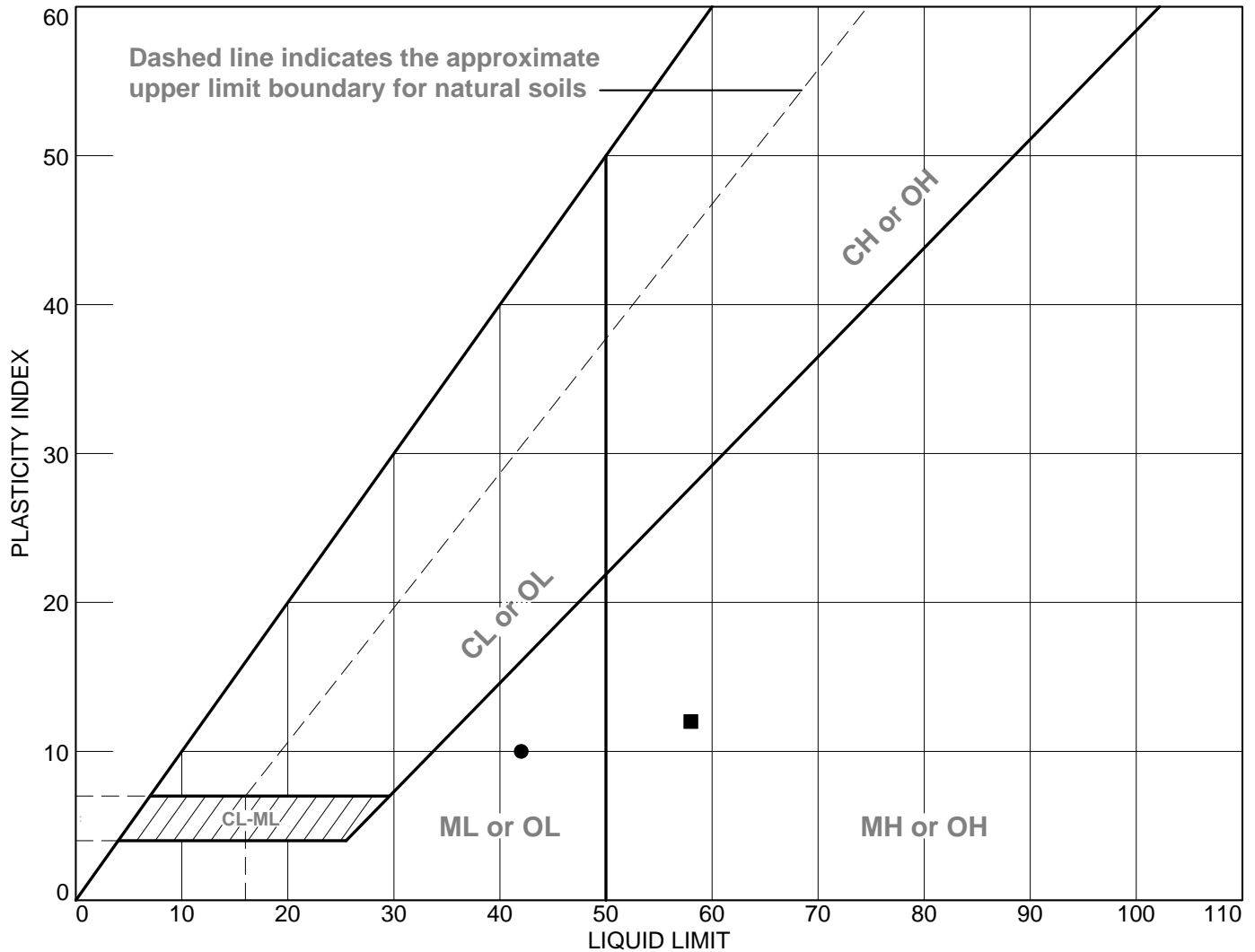
SOIL PARTICLE SIZE (ASTM D2488-06)	
Descriptor	Size
Boulder	> 12 inches
Cobble	3 to 12 inches
Gravel - Coarse Fine	¾ inch to 3 inches No. 4 sieve to ¾ inch
Sand - Coarse Medium Fine	No. 10 to No. 4 sieve (4.75mm) No. 40 to No. 10 sieve (2mm) No. 200 to No. 40 sieve (.425mm)
Silt and Clay ("fines")	Passing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

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



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

APPENDIX E - LIQUID AND PLASTIC LIMITS TEST REPORT



SOIL DATA

SYMBOL	SOURCE	SAMPLE NO.	DEPTH	NATURAL WATER CONTENT (%)	PLASTIC LIMIT (%)	LIQUID LIMIT (%)	PLASTICITY INDEX (%)	USCS
●	Boring 2	1	5	72.0	32	42	10	ML
■	Boring 2	2	10	49.9	46	58	12	MH



Earth
Engineers,
Inc.

Client: Red Crow LLC

Project: Forest Lawn Subdivision

Project No.: 22-103

Figure No.

Tested By: J. Hill

APPENDIX F

NEARBY HISTORIC WELL LOGS

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

6/8/2015

(1) OWNER/PROJECT Hole Number CPT-1

PROJECT NAME/NBR: MARSAM 060115

First Name _____ Last Name _____
Company PELICAN BREWING
Address PO BOX 189
City PACIFIC CITY State OR Zip 97135

(2) TYPE OF WORK ☒ New ☐ Deepening ☒ Abandonment
☐ Alteration (repair/recondition)

(3) CONSTRUCTION

☐ Rotary Air ☐ Hand Auger ☒ Hollow stem auger
☐ Rotary Mud ☐ Cable ☒ Push Probe
☐ Other _____

(4) TYPE OF HOLE:

☒ Uncased Temporary ☐ Cased Permanent
☐ Uncased Permanent ☐ Slope Stability
☐ Other
Other: _____

(5) USE OF HOLE

GEOTECHNICAL

JUL 27 2015

SALEM, OR

(6) BORE HOLE CONSTRUCTION Special Standard ☐ (Attach copy)

Depth of Completed Hole 20.00 ft.

BORE HOLE			SEAL			sacks/ lbs	
Dia	From	To	Material	From	To	Amt	lbs
8	0	2	Concrete	0	1	1	S
2	2	20	Bentonite Chips	1	2	1	S
			Bentonite Grout	2	20	1	S

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

(7) CASING/SCREEN

Casing	Screen	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian
Yield gal/min Drawdown Drill stem/Pump depth Duration(hr)

Temperature _____ °F Lab analysis ☐ Yes By _____

Supervising Geologist/Engineer _____

Water quality concerns? ☐ Yes (describe below) TDS amount

From	To	Description	Amount	Units

(9) LOCATION OF HOLE (legal description)

County CLATSOP Twp 5.00 N N/S Range 10.00 W E/W WM
Sec 30 1/4 of the 1/4 Tax Lot 300
Tax Map Number _____ Lot _____
Lat _____ " or _____ DMS or DD
Long _____ " or _____ DMS or DD
☒ Street address of hole ☐ Nearest address

1371 S. HEMLOCK ST. CANNON BEACH, OREGON 97110

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Predeepening				
Completed Well				

Flowing Artesian? ☐

WATER BEARING ZONES

Depth water was first found 7.00

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

(11) SUBSURFACE LOG

Ground Elevation

Material	From	To
ASPHALT / BASE ROCK	0	1
SILT W/ GRAVELS	1	2
CLAY	2	15
SILTY SAND TO SANDY SILT	15	20

Date Started 6/1/2015 Completed 6/1/2015

(12) ABANDONMENT LOG:

Material	From	To	Amt	sacks/ lbs
Concrete	0	1	1	S
Bentonite Chips	1	2	1	S
Bentonite Grout	2	20	1	S

Date Started 6/1/2015 Completed 6/1/2015

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

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

License/Registration Number 10400

Date 6/8/2015

First Name ALLEN

Last Name MEEUWSEN

Affiliation SUBSURFACE TECHNOLOGIES

ORIGINAL - WATER RESOURCES DEPARTMENT

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

Form Version:

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

Exhibit C-1
CLAT 54498
(DRB 24-03)

6/8/2015

Map of Hole



Google earth

feet 300
meters 90



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

6/8/2015

(1) OWNER/PROJECT Hole Number B-1PROJECT NAME/NBR: MARSAM060115

First Name _____ Last Name _____

Company PELICAN BREWINGAddress PO BOX 189City PACIFIC CITY State OR Zip 97135(2) TYPE OF WORK ☒ New ☐ Deepening ☒ Abandonment
☐ Alteration (repair/recondition)

(3) CONSTRUCTION

☐ Rotary Air ☐ Hand Auger ☐ Hollow stem auger
☒ Rotary Mud ☐ Cable ☐ Push Probe
☐ Other _____

(4) TYPE OF HOLE:

☒ Uncased Temporary ☐ Cased Permanent
☐ Uncased Permanent ☐ Slope Stability
☐ Other _____
Other: _____

(5) USE OF HOLE

GEOTECHNICAL

(6) BORE HOLE CONSTRUCTION Special Standard ☐ (Attach copy)Depth of Completed Hole 40.00 ft.

BORE HOLE			SEAL				sacks/ lbs
Dia	From	To	Material	From	To	Amt	
5	0	40	Concrete	0	1	1	S
			Bentonite Chips	1	10	2	S
			Bentonite Grout	10	40	1	S

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

(7) CASING/SCREEN

Casing	Screen	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
<input type="checkbox"/>	<input type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS

☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian
Yield gal/min _____ Drawdown _____ Drill stem/Pump depth _____ Duration(hr) _____

Temperature _____ °F Lab analysis ☐ Yes By _____

Supervising Geologist/Engineer _____

Water quality concerns? ☐ Yes (describe below) TDS amount _____

From	To	Description	Amount	Units

(9) LOCATION OF HOLE (legal description)

County CLATSOP Twp 5.00 N N/S Range 10.00 W E/W WMSec 30 NE 1/4 of the NE 1/4 Tax Lot 300

Tax Map Number _____ Lot _____

Lat _____ " or _____ DMS or DD

Long _____ " or _____ DMS or DD

☒ Street address of hole ☐ Nearest address1371 S. HEMLOCK ST. CANNON BEACH, OREGON 97110

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Predeepening				
Completed Well				

Flowing Artesian? ☐

WATER BEARING ZONES

Depth water was first found 7.00

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

(11) SUBSURFACE LOG

Ground Elevation _____

Material	From	To
ASPHALT / BASE ROCK	0	2
SANDY SILT	2	29
FINE SAND	29	40

Date Started 6/1/2015 Completed 6/1/2015

(12) ABANDONMENT LOG:

Material	From	To	Amt	sacks/ lbs
Concrete	0	1	1	S
Bentonite Chips	0	10	2	S
Bentonite Grout	10	40	1	S

Date Started 6/1/2015 Completed 6/1/2015**Professional Certification** (to be signed by an Oregon licensed water or monitoring well constructor, Oregon registered geologist or professional engineer).

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

License/Registration Number 10400 Date 6/8/2015First Name ALLEN Last Name MEEUWSENAffiliation SUBSURFACE TECHNOLOGIES

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

Exhibit C-1
CLAT 54497
(DRB 24-03)

6/8/2015

Map of Hole



Google earth

feet 300
meters 90



APPENDIX G SURCHARGE-INDUCED (DRE 24-03) EARTH PRESSURES FOR WALL DESIGN

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

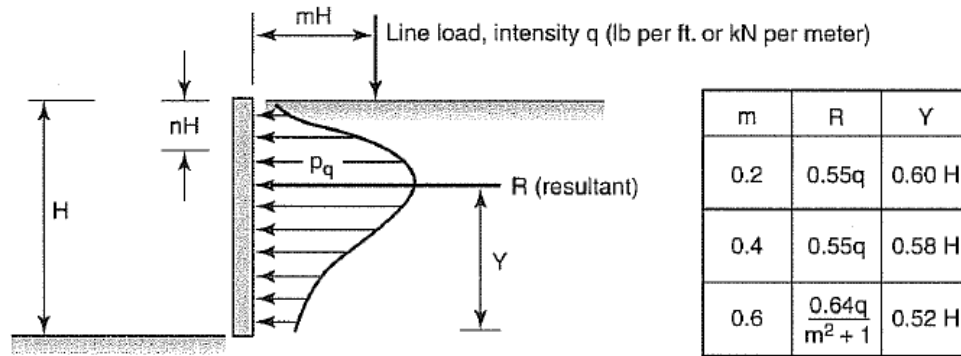


Figure 16-28 Pressure distribution against vertical wall resulting from line load of intensity q .

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

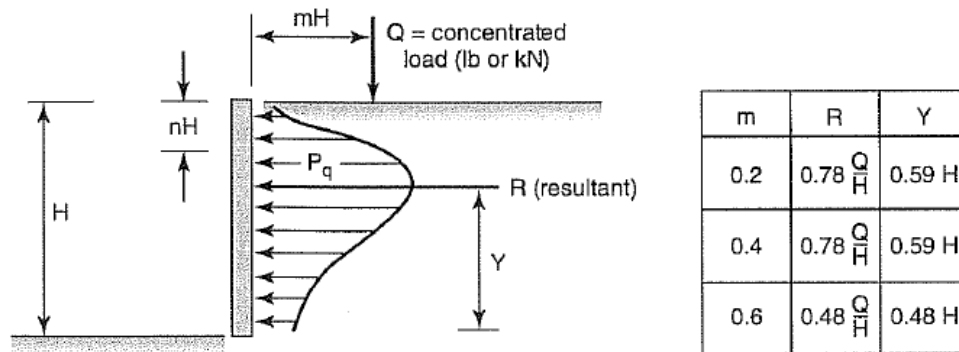


Figure 16-27 Pressure distribution against vertical wall resulting from point load, Q .

AREAL LOAD:

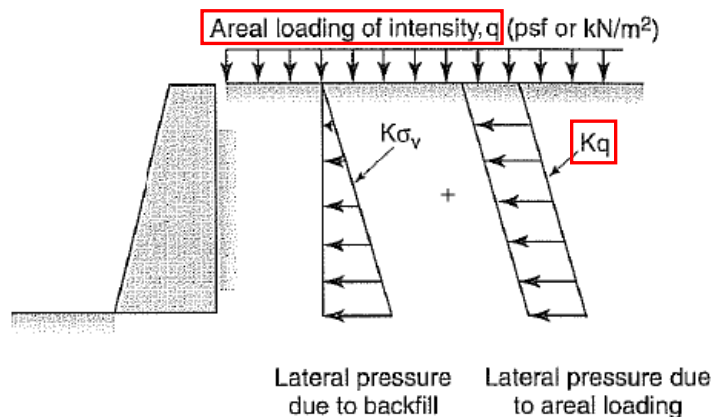
Figure 16-26 Influence of areal load on wall pressures.

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

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

Resultant, $R = K * q * H$

Where H = wall height (feet)



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



Earth
Engineers,
Inc.

Proposed Forest Lawn Subdivision, Lots 1-3
Tax Lot #51030DA04100
Intersection of Forest Lawn Road and South
Hemlock Street
Cannon Beach, Clatsop County, Oregon

Report No.
22-103-1

June 3, 2022

2411 Southeast 8th Avenue • Camas • WA 98607

Phone: 360-567-1806

www.eei-engineers.com

July 27, 2022

Patrick/Dave LLC
 3514 Northeast U.S. Grant Place
 Portland, Oregon 97212
 Attention: David Pietka, Owner

Phone: (503) 206-1071
 E-mail: dpietka@msn.com

**Subject: Supplemental Commentary on Landslide and Liquefaction Hazards
 Proposed Forest Lawn 3-Lot Partition
 Clatsop County Tax Lot No. 51030DA04100
 Intersection of Forest Lawn Road and Hemlock Street
 Cannon Beach, Clatsop County, Oregon
 EEI Report No. 22-103-2**

Dear Mr. Pietka,

As requested by Jamie Lerma with Red Crow, LLC, Earth Engineers, Inc. (EEI) is pleased to provide additional commentary on the landslide and liquefaction hazards identified in our Geotechnical Investigation Report (reference EEI Report No. 22-103-1-R1 dated June 10, 2022). We understand that at the last Planning Commission meeting to discuss the proposed 3-lot partition, there was some concern expressed about landslide and liquefaction hazards.

Our scope of services for the above referenced project was to perform a geotechnical investigation and evaluate geologic hazards in accordance with the Cannon Beach Municipal Code (CBMC) 17.050. **To be clear, Section 17.50.010 of the code essentially states that the purpose of evaluating geologic hazards is so that the project can be engineered to properly address the potential hazards—the purpose is not to determine if the project should be constructed or not.**

Two of the hazards identified in our June 10, 2022 report were landsliding and soil liquefaction during an earthquake. We should note that just because geologic hazards are identified for a property, does not mean that the property is not developable from a geotechnical standpoint. The key is to identify potential hazards and provide recommendations on how to properly mitigate those hazards so that the hazard is not made worse on adjacent properties, and that the subject property can be constructed without risk to life-safety.

Section 17.50.040(3) of the CBMC provides the critical standard for the City's review of geologic hazards, and is noted below:

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.

As identified through our original report and investigation, and described in greater detail within this letter, the project site has been mapped by the City as having a “moderate” landslide potential and “low” liquefaction potential. These mapping indicators are not unique to the site and are pervasive throughout Cannon Beach. For example, nearly the entire City is mapped as having a moderate or high potential for liquefaction and significant areas through the City have either a “moderate,” “high,” or “very high” landslide potential designation.

For that reason, these mapping indicators are not intended to inherently prohibit development. Rather, they are intended to ensure that—consistent with CBMC 17.50.040.3(b)—engineering and construction methods are applied to mitigate the concern. Consistent with that intent, EEI has prescribed design measures that, based on our professional recommendation, will protect the life-safety of future structures on the subject property and not worsen the potential for liquefaction or landslide hazards on the adjacent properties, thereby minimizing the hazard to an acceptable level. Specific mitigation measures prescribed include:

- Granulated, well graded, crushed rock as structural fill, as necessary; and
- Pin pile or helical pier foundation systems for the future residential dwellings

LANDSLIDING HAZARD

Landsliding was identified because the property is mapped near a very large landslide. There are two applicable landslide maps that were included in our June 10, 2022 report (see Figures 1 through 4 below). Figure 1 shows that the subject property is mapped in a “moderate” hazard area. Figure 2 is the same map, but zoomed out to show that the majority of Cannon Beach is mapped in a landslide hazard area.

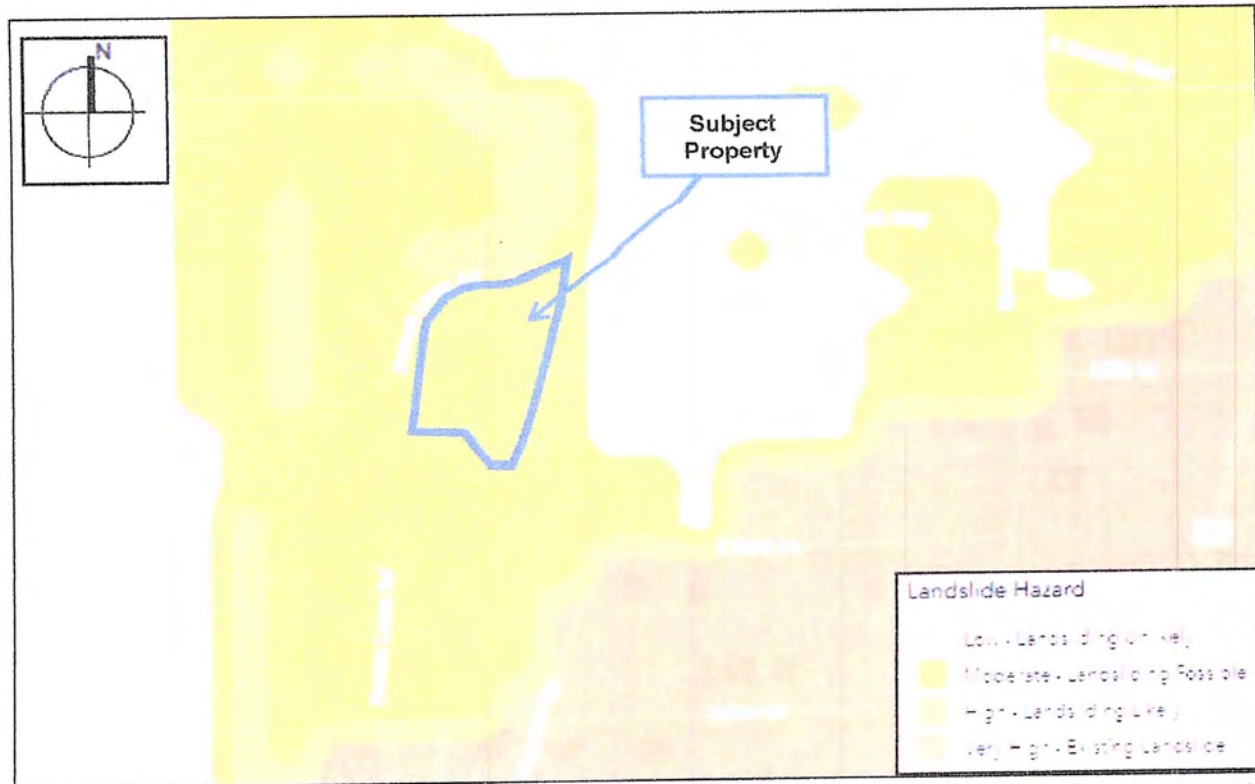


Figure 1: HazVu map showing the landslide hazard zones deposits in the immediate vicinity of Forest Lawn Road.

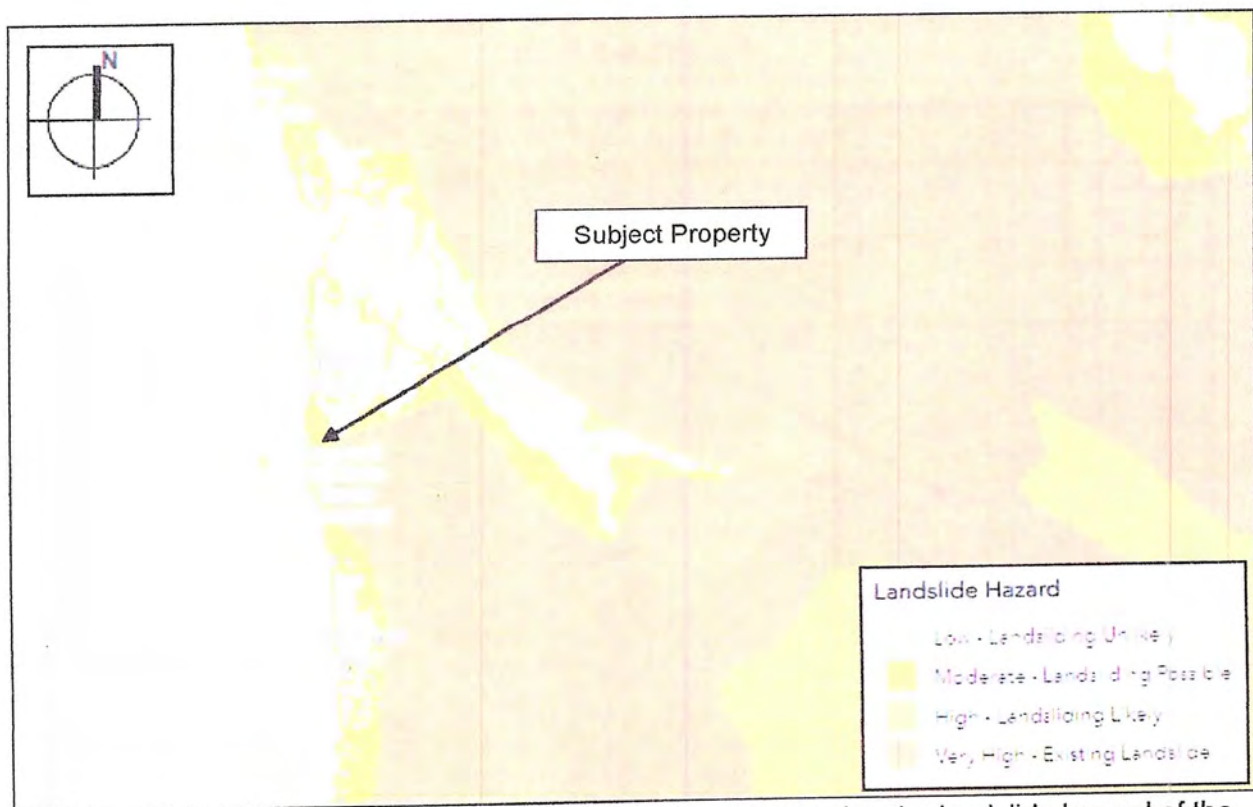


Figure 2: The same HazVu map as Figure 1 above, but showing the landslide hazard of the greater Cannon Beach area.

Figure 3 shows that the subject property is mapped adjacent to, but not within, a very large landslide mass. Figure 4 is the same map, but zoomed out to show that the majority of Cannon Beach is mapped in a very large ancient landslide area.

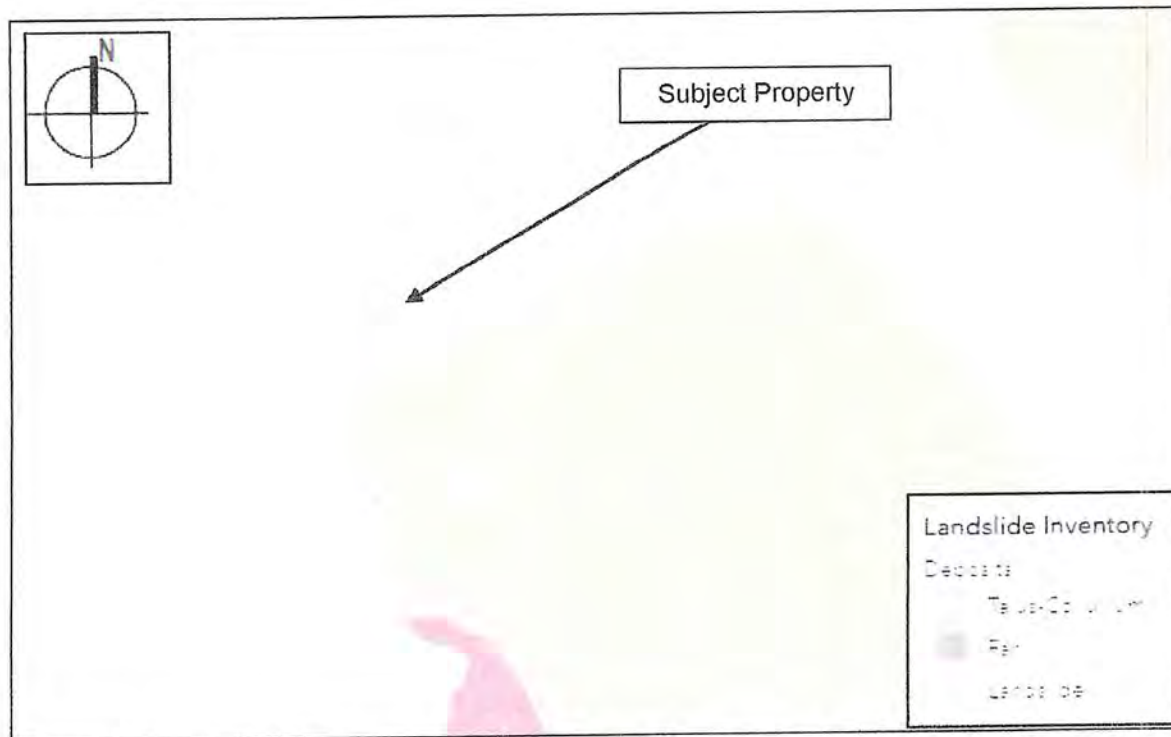


Figure 3: HazVu map showing the mapped landslide deposits in the immediate vicinity of Forest Lawn Road.

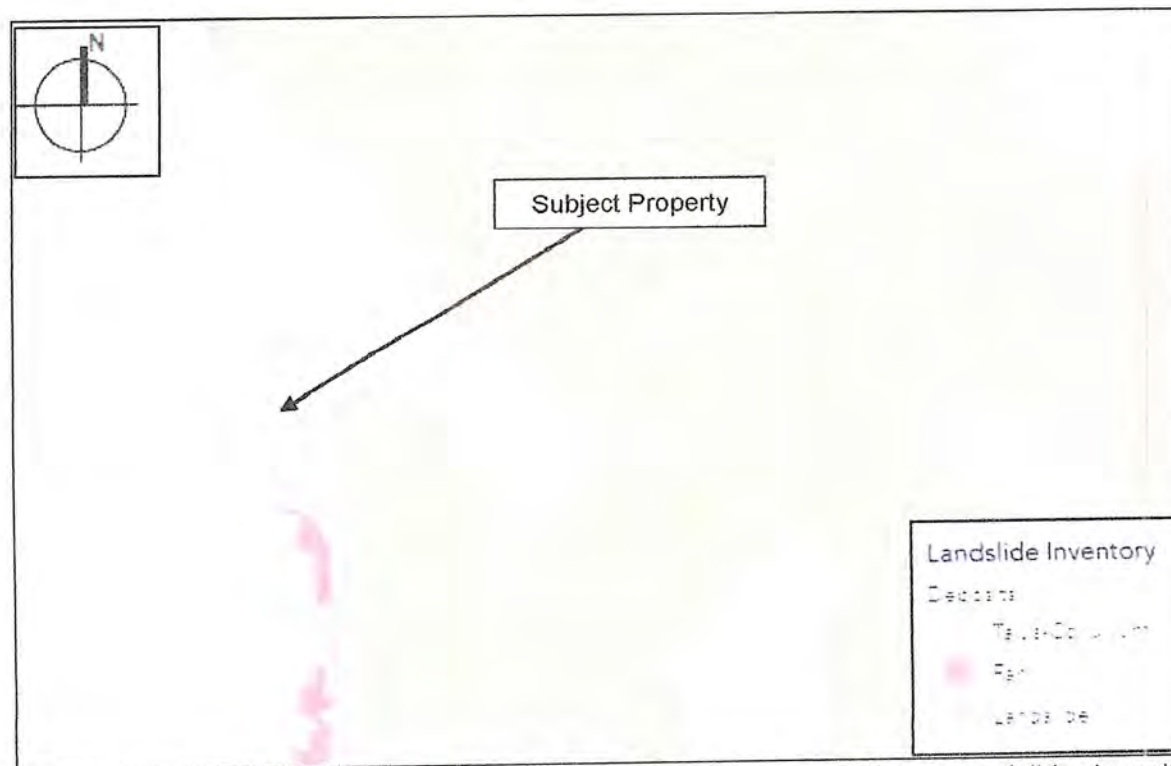


Figure 4: The same HazVu map as Figure 3, showing the mapped historic landslide deposits in the greater Cannon Beach area.

Ultimately, we identified that the property is mapped in a landslide hazard area, as shown in the mapping above, we investigated the subsurface soil conditions with borings and lab testing as required, and we determined that the hazard mitigation should include a more robust foundation system to support the future homes (i.e. a pile foundation system that are estimated to be 30 to 50 feet deep, depending upon the type of deep foundation system selected). A deep foundation system will take the building loads down to the stable sandstone stratum. No other mitigation recommendations are necessary to protect life-safety for the subject 3-lot development or ensure that the landslide risk is not made worse on adjacent lots as a result of this proposed development.

LIQUEFACTION HAZARD

There is one applicable liquefaction hazard map that was included in our June 10, 2022 report (see Figures 5 and 6 below). Figure 5 shows that the subject property is generally mapped in a "low" hazard area. Figure 6 is the same map, but zoomed out to show that the majority of Cannon Beach is mapped in a liquefaction hazard area. Based on our drilled borings, we would concur with the mapping that soil liquefaction is a potential hazard at the property.

Similarly to the landslide hazard, we identified that the property is mapped in a liquefaction hazard area, we investigated the subsurface soil conditions with borings and lab testing as required, and we determined that the hazard mitigation should include a more robust foundation system to support the future homes (i.e. a pile foundation system that are estimated to be 30 to 50 feet deep, depending upon the type of deep foundation system selected). A deep foundation system will take the building loads down through the potentially liquefiable soils to the stable sandstone stratum. No other mitigation recommendations are necessary to protect life-safety for the subject 3-lot development or ensure that the liquefaction risk is not made worse on adjacent lots as a result of this proposed development.

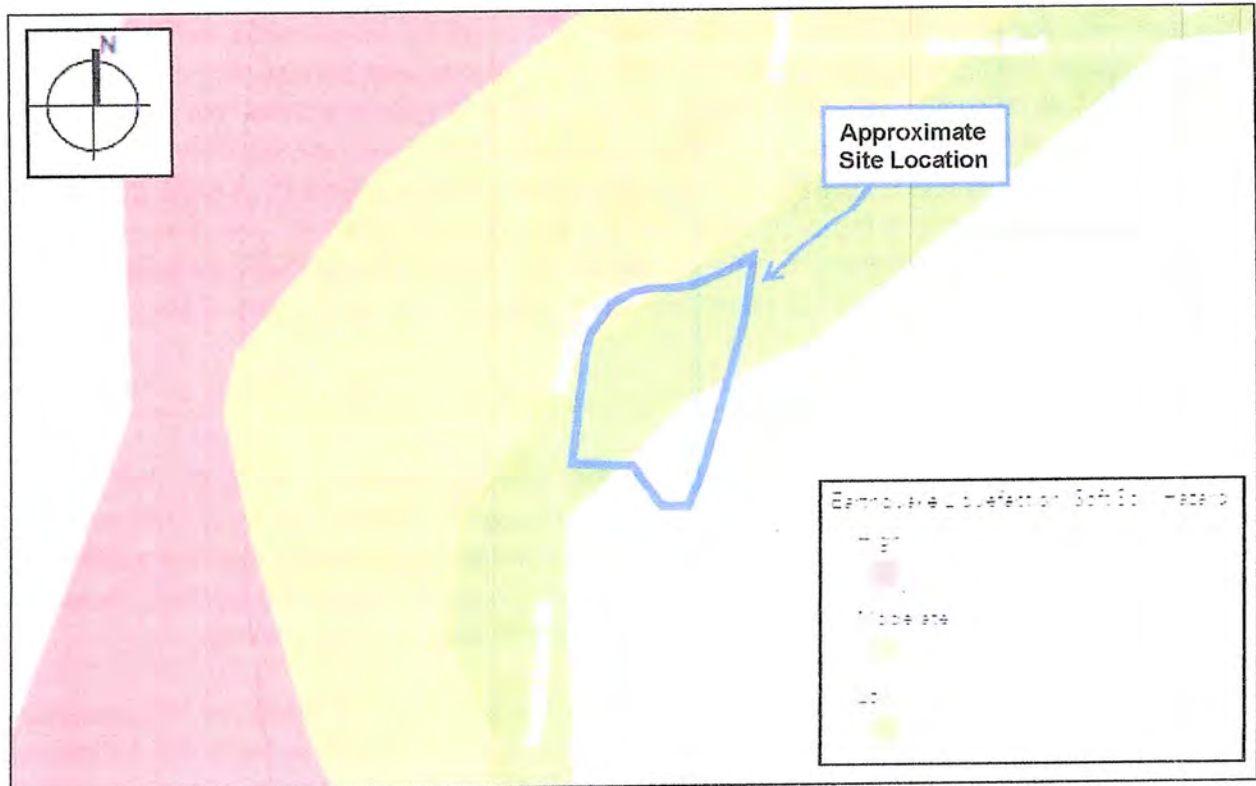


Figure 5: HazVu map showing the liquefaction (soft soil) hazard area in the immediate vicinity of Forest Lawn Road.

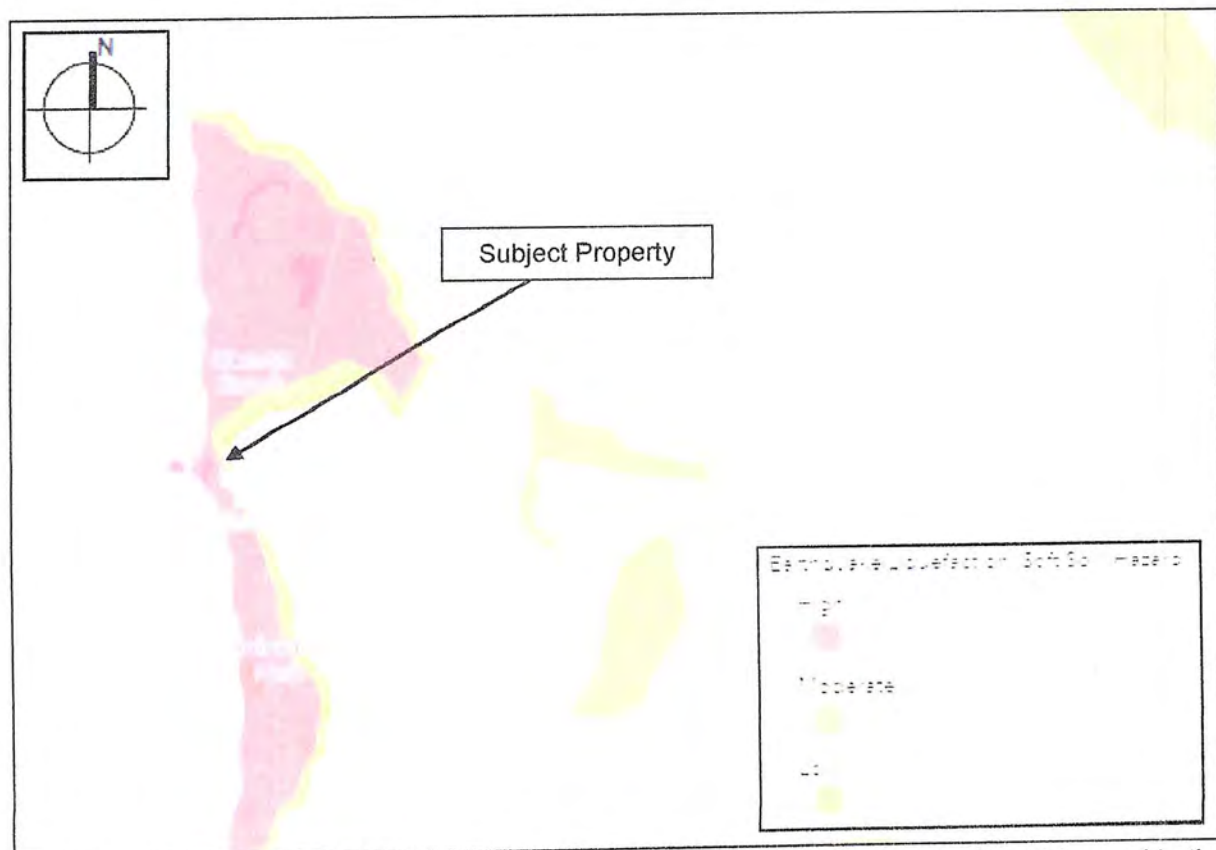


Figure 6: The same HazVu map as Figure 5, showing the liquefaction (soft soil) hazard in the greater Cannon Beach area

CONCLUSION

In conclusion, it is our professional opinion that we have met the City of Cannon Beach requirements for addressing geologic hazards. We identified the potential hazards that are present, we performed a thorough site investigation to evaluate those hazards, and we provided engineering recommendations to address the hazards. The recommendations we provided protect life-safety for the subject property and ensure that the hazard on adjacent properties is not made any worse as a result of the proposed development. Note that the City's July 21, 2022 Staff Report concurs with us that we have met the criteria for evaluating and addressing the geologic hazards and the City staff is recommending the conditional approval, without any conditions related to the geologic hazards (other than following the recommendations in our geotechnical report during construction).

Again, the intent of the City's code is not to identify geologic hazards so that construction can be prevented, but to identify the geologic hazards so that they can be properly addressed during construction.

If you have any questions pertaining to this report, or if we may be of further service, please contact our office.

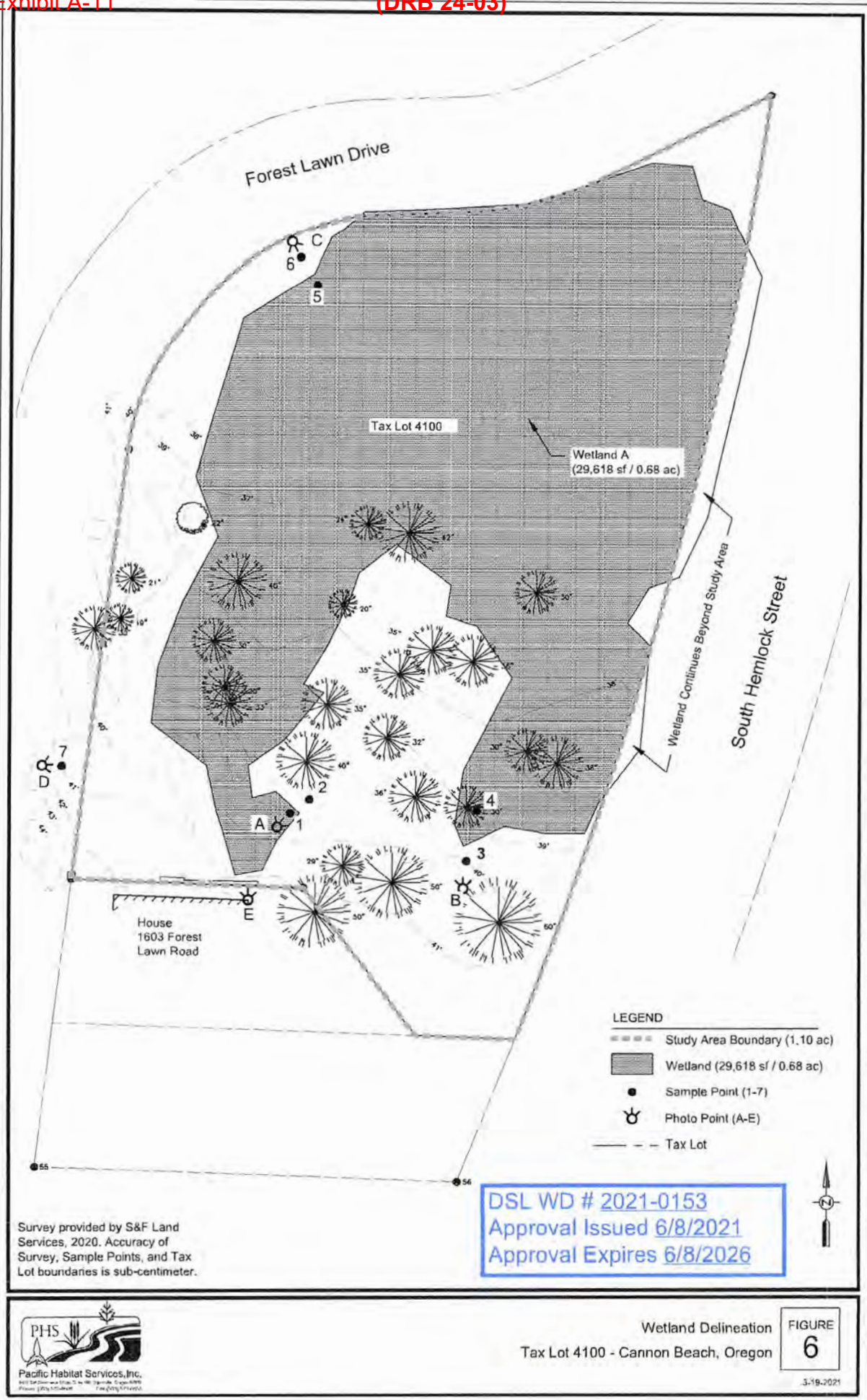
Sincerely,
Earth Engineers, Inc.



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

A handwritten signature in black ink, appearing to read "Jacqui Boyer".

Jacqui Boyer
Geotechnical Engineering Associate





Oregon

Kate Brown, Governor

June 8, 2021

Patrick/Dave, LLC
Attn: Patrick Gemma
2575 38th Avenue West
Seattle, WA 98199

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

State Land Board

Kate Brown

Governor

Shemia Fagan

Secretary of State

Tobias Read

State Treasurer

Re: WD # 2021-0153 **Approved**
Wetland Delineation Report for Tax Lot 4100 on Forest Lawn Drive
Clatsop County; T5N R10W 30DA TL4100
Cannon Beach Local Wetlands Inventory, Wetland 24

Dear Mr. Gemma:

The Department of State Lands has reviewed the wetland delineation report prepared by Pacific Habitat Services for the site referenced above. Based upon the information presented in the report, we concur with the wetland boundaries as mapped in revised Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland (Wetland A, totaling approximately 0.68 acres) was identified. This wetland is subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact the Jurisdiction Coordinator, Jessica Imbrie, at (503) 986-5250.

Sincerely,



Peter Ryan, SPWS
Aquatic Resource Specialist

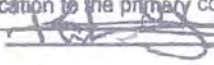
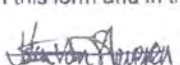
Enclosures

ec: John van Staveren, SPWS, Pacific Habitat Services
City of Cannon Beach Planning Department (Maps enclosed for updating LWI)
Brad Johnson, Corps of Engineers
Dan Cary, SPWS, DSL
Oregon Coastal Management Program (coast.permits@state.or.us)

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

Fully completed and signed report cover forms and applicable fees are required before report review timelines are initiated by the Department of State Lands. Make the checks payable to the Oregon Department of State Lands. To pay fees by credit card, go online at: <https://apps.oregon.gov/DSL/EPS/program?key=4>.

Attach this completed and signed form to the front of an unbound report or include a hard copy with a digital version (single PDF file of the report cover from and report, minimum 300 dpi resolution) and submit to, Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279. A single PDF of the completed cover form and report may be e-mailed to Wetland_Delineation@dsl.state.or.us. For submittal of PDF files larger than 10 MB, e-mail DSL instructions on how to access the file from your ftp or other file sharing website.

Contact and Authorization Information	
<input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner Name, Firm and Address: Patrick Gemma Patrick/Dave, LLC 2575 38th Avenue West Seattle, WA 98199	Business phone # Mobile phone # (optional) 206.419.2218 E-mail: pgemma@prologis.com
<input checked="" type="checkbox"/> Authorized Legal Agent, Name and Address:	Business phone # Mobile phone # E-mail:
I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact. Typed/Printed Name: Patrick Gemma Signature:  Date: 3/19/2021 Special instructions regarding site access:	
Project and Site Information	
Project Name: Tax Lot 4100 on Forest Lawn Drive	Latitude: 45.8864 Longitude: -123.9628 <small>decimal degree - centroid of site or start & end points of linear project</small> Tax Map # 5 10 30 DA Tax Lot(s) 4100
Proposed Use: Residential subdivision	Tax Map # Tax Lot(s)
Project Street Address (or other descriptive location): SW of the intersection of Forest Lawn Dr and South Hemlock Street	Township 5N Range 10W Section 30 QQ DA Use separate sheet for additional tax and location information
City: Cannon Beach County: Clatsop	Waterway: N/A River Mile: N/A NW1 Quad(s): Tillamook Head, Oregon
Wetland Delineation Information	
Wetland Consultant Name, Firm and Address: Pacific Habitat Services Attn: John van Staveren 9450 SW Commerce Circle, Suite 180 Wilsonville, OR 97070	Phone # 503-570-0800 Mobile phone # 503-708-8320 E-mail: jvs@pacifichabitat.com
The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge. Consultant Signature:  Date: 3/19/2021	
Primary Contact for report review and site access is <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Applicant/Owner <input type="checkbox"/> Authorized Agent	
Wetland/Waters Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Study Area size: 1.10 acres Total Wetland Acreage: 0.68	
Check Applicable Boxes Below	
<input type="checkbox"/> R-F permit application submitted <input type="checkbox"/> Mitigation bank site <input type="checkbox"/> Industrial Land Certification Program Site <input type="checkbox"/> Wetland restoration/enhancement project (not mitigation) <input type="checkbox"/> Previous delineation/application on parcel? If Known, previous DSL #	<input checked="" type="checkbox"/> Fee payment submitted \$475 <input type="checkbox"/> Fee (\$100) for resubmittal of rejected report <input type="checkbox"/> Request for Reissuance. See eligibility criteria (no fee) DSL # _____ Expiration Date _____ <input checked="" type="checkbox"/> LWI shows wetlands or waters on parcel? Wetland ID Code W24
For Office Use Only	
DSL Reviewer: II Fee Paid Date: ____ / ____ / ____ Date Delineation Received: 3 / 23 / 21 Scanned: <input type="checkbox"/> Final Scan: <input type="checkbox"/>	DSL WD # 2021-0153 DSL App. # _____

Electronic Submittal

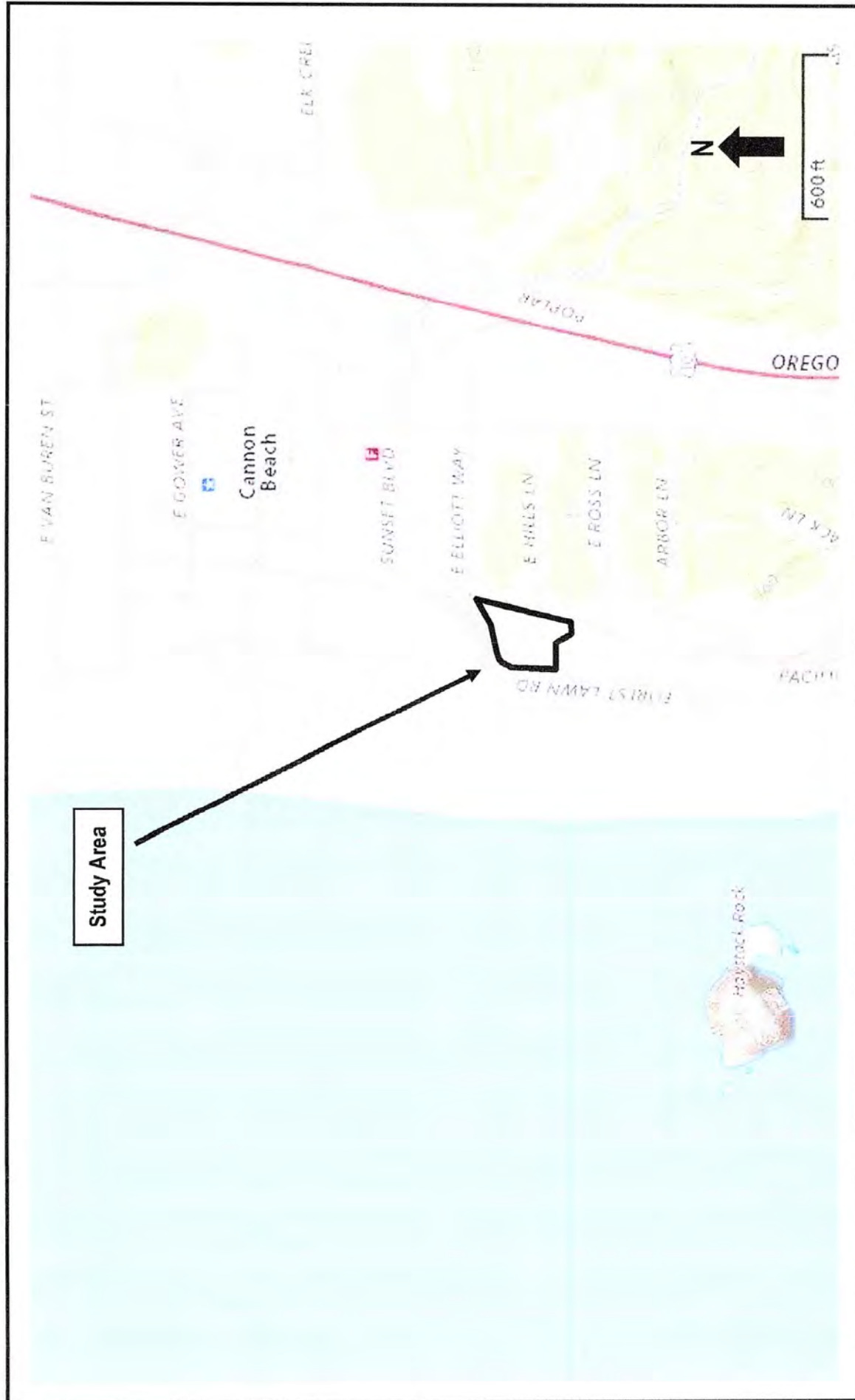


FIGURE
1

General Location and Topography
Tax Lot 4100 - Cannon Beach, Oregon
United States Geological Survey (USGS) Tillamook Head, Oregon 7.5 quadrangle, 2020
(viewer.nationalmap.gov/basic)

Project #6978
2/16/2021



Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

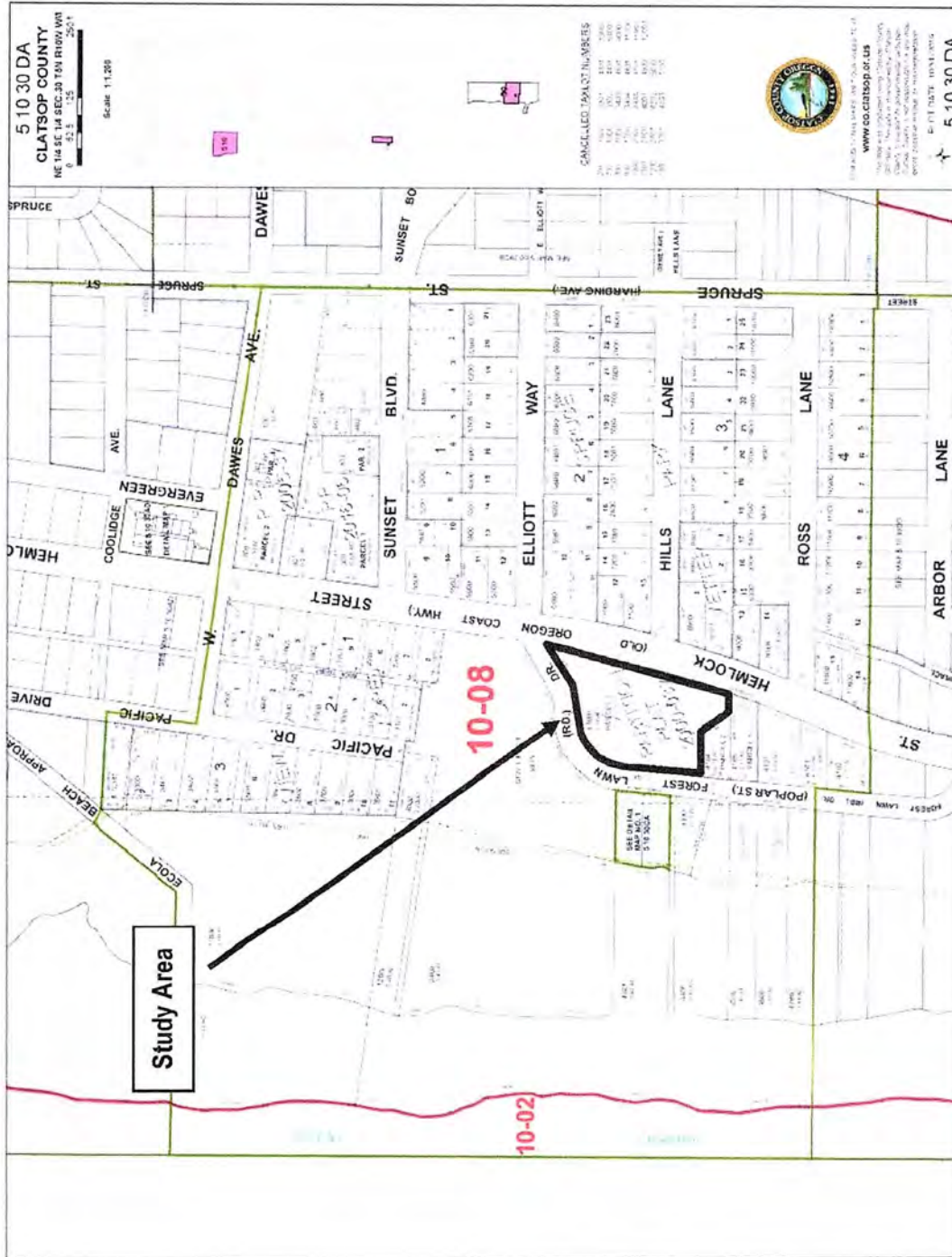


FIGURE 2

Tax Lot Map
Tax Lot 4100 - Cannon Beach, Oregon
The Oregon Map (ormap.net)

Project #6978
2/16/2021

Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

~~CONFIDENTIAL~~
Juris. Determin.

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT
P.O. BOX 2946
PORTLAND, OR 97208-2946

April 15, 2021

Regulatory Branch
Corps No.: NWP-2021-159

Patrick Gemma
Patrick/Dave, LLC
2575 38th Avenue West
Seattle, Washington 98199
pgemma@prologis.com

Dear Mr. Gemma:

The U.S. Army Corps of Engineers (Corps) received your request for an Approved Jurisdictional Determination (AJD) of the waters or water features, including wetlands, within the review area as shown on the enclosed drawings (Enclosure 1). The review area is located between Forest Lawn Road and South Hemlock Street Cannon Beach, Clatsop County, Oregon at Latitude/Longitude: 45.8864°, -123.9628°. Other waters or water features, including wetlands, that may occur on this property or on adjacent properties outside the review area are not the subject of this determination.

The Corps has determined Wetland A within the review area is not a water of the U.S. The enclosed drawings (Enclosure 1) identify the size and boundaries of the delineated wetland. The enclosed *Approved Jurisdictional Determination Form (Interim)* (Enclosure 2) provides the basis for jurisdiction. A copy of the AJD Form can also be found on our website at: <http://www.nwp.usace.army.mil/Missions/Regulatory/Appeals/>.

If you object to the enclosed AJD, you may request an administrative appeal under 33 CFR Part 331 as described in the enclosed *Notification of Administrative Appeal Options and Process and Request for Appeal (RFA)* form (Enclosure 3). To appeal this AJD, you must submit a completed RFA form to the Corps Northwestern Division (NWD) office at the address listed on the form. In order for the request for appeal to be accepted, the Corps must determine that the form is complete, that the request meets the criteria for appeal under 33 CFR Part 331.5, and the form must also be received by the NWD office within 60 days from the date on the form. It is not necessary to submit the form to the NWD office if you do not object to the enclosed AJD.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you

- 2 -

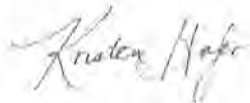
or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

This AJD is valid for a period of five years from the date of this letter unless new information warrants revisions of the determination.

We would like to hear about your experience working with the Portland District, Regulatory Branch. Please complete a customer service survey form at the following address: https://corpsmapu.usace.army.mil/cm_apex/f?p=136:4.

If you have any questions regarding our Regulatory Program or permit requirements for work in waters of the U.S., please contact Mr. Brad Johnson by telephone at (503) 808-4383 or e-mail at: Brad.A.Johnson2@usace.army.mil.

Sincerely,



For: William D. Abadie
Chief, Regulatory Branch

Enclosures

cc with drawings:

Oregon Department of State Lands (Dan Cary, dan.cary@dsl.state.or.us)

Oregon Department of Environmental Quality (401applications@deq.state.or.us)

Pacific Habitat Services (John van Staveren, jvs@pacifichabitat.com)



WITH ATTORNEYS LICENSED
TO PRACTICE IN OR, WA & CA

ADDRESS: 510 SW FIFTH AVENUE, 4TH FLOOR
PORTLAND, OREGON 97204

PHONE: (503) 221-7958
FAX: (503) 221-2182

WEBSITE: WWW.CHENOWETHLAW.COM

January 16, 2024

VIA EMAIL ONLY

Robert St. Clair
City of Cannon Beach Community Development
163 E. Gower St.
P.O. Box 368
Cannon Beach, OR 97110
stclair@ci.cannon-beach.or.us

Re: *Conditional Use Application, File No. CU 23-02*
Our File No. 4061

GREETINGS:

This letter addresses the issues that City of Cannon Beach Planning Commissioner Mike Bates raised in his December 14, 2023 email to you regarding the Development Permit Type 2 Application ("Type 2 application") submitted by Red Crow, LLC ("applicant") on November 29, 2023, on behalf of property owner Patrick/Dave LLC ("property owner"). The Type 2 application requests approval for the construction of a detached two-family dwelling on the 1.1-acre parcel located at Lot 4100, Map 51030DA, in Cannon Beach, Oregon ("property"), which lies in a base zone of R2 medium density and a wetland overlay zone. Mr. Bates' December 14 email is identified as Exhibit C-5 and will be cited accordingly in this letter.

On November 29, 2023, the applicant filed a Conditional Use Application ("CUP application") for the property owner, which seeks approval of a proposed boardwalk at the property that connects the two-family dwelling to nearby Forest Lawn Road. The Planning Commission is scheduled to conduct a hearing on January 17, 2024, to consider the CUP application. It is the applicant's understanding that the Planning Commission is not considering the Type 2 application at the January 17 hearing. One of the comments in the preceding hearing for an earlier-filed CUP application for the boardwalk was whether the Planning Commission could approve the CUP application without knowing whether the City will approve the Type 2 application. The applicant believes the City can approve the CUP application without being tied to any other approval. If the City believes otherwise, the Planning Commission should approve the CUP application conditioned on the approval of the Type 2 application.

A. Background Facts

Mr. Bates' December 14 email primarily concerns whether the two-family dwelling that the property owner proposes to build on the property is a permitted "duplex or two-family" dwelling as that term is

defined by the City of Cannon Beach Municipal Code ("CBMC" or the "Code"). Ex. C-5 at 1. CBMC 17.04.195 defines that term to mean "a building, or buildings, containing two dwelling units with or without a common wall or ceiling and where there are no direct interior connecting doorways."

According to Mr. Bates:

We need to consider the possibility that the people who adopted the present definition of Dwelling intended the exception "**with or without a common wall or ceiling and where there are no direct interior connecting doorways**" to cover two closely situated homes, separated perhaps to facilitate individual ownership, but taking no more space than a single home on a standard lot should take, either 2000 square feet in lot coverage or 2500 square feet in floor area ratio to meet the comprehensive plan vision of "housing which meets the needs of a variety of age and income groups, as well as groups with special needs," not luxury homes that will be offered as short term rentals.

Id. at 1–2 (bold in original). Mr. Bates suggests it would be appropriate to review "copies of ordinances forming the legislative history for the definition in question" because he has a "feeling" that "there is a common understanding of duplex or two family home in the industry and the plans submitted by the applicant has submitted [sic] don't meet it." *Id.* at 2. To that end, Mr. Bates requests an opinion from attorney Bill Kabeiseman "that this particular development proposal meets the intention of the code[,] [n]ot whether it's a permissible interpretation, but whether it meets the intention of the municipal code and state law." *Id.*

The gist of Mr. Bates' email does not so much concern the structure or design of the building itself, but rather the intended purpose of the building, i.e., whether it is intended to be inhabited by two middle-income families or to be offered as a short-term rental. As shown below, Mr. Bates is turning the law of statutory interpretation on its head by supplanting the plain text and context of the definition of "two-family dwelling" with his speculation as to a legislator's subjective intent as the primary authority for defining that term. Mr. Bates' proposed interpretive methodology is not supported by Oregon law and cannot be used to define the term "two-family dwelling."

B. The Property Owner Is Proposing to Build a "Two-Family Dwelling" as That Term Is Defined and Used in the Code.

A local government's interpretation of its own land use regulations will be rejected if it is inconsistent with the express language of the land use regulation. *Botts Marsh LLC v. City of Wheeler*, 326 Or App 215, 228 (2023); ORS 197.829(1)(a). Whether a local government's interpretation is inconsistent with the express language of its own land use regulations depends on whether the interpretation is plausible under the interpretive methodology established by *PGE Co. v. Bureau of Labor and Industries*, 317 Or 606, 611–12 (1993), as modified by *State v. Gaines*, 346 Or 160, 171–72 (2009). *Botts Marsh LLC*, 326 Or App at 228; *Griffin Oak Property Investments, LLC v. City of Rockaway Beach*, 318 Or App 777, 782 (2022); *Mark Latham Excavation, Inc. v. Deschutes County*, 250 Or App 543, 552–53 (2012).

This interpretative methodology aims to discern “the intention of the enacting body” by considering the text of the regulation in the context of the surrounding regulatory scheme. *Griffin Oak Property Investments, LLC*, 318 Or App at 782. Courts may also consider the regulation’s “enactment history and, finally, if necessary to resolve any remaining ambiguity, maxims of interpretation.” *Id.* But when the terms at issue are not ambiguous, Oregon courts hold that “resort to legislative history is unnecessary.” *Karjalainen v. Curtis Johnstone & Pennywise, Inc.*, 208 Or App 674, 683 (2006) (refusing to consider legislative history where the statute’s meaning is clear from the text and context); see also *State ex rel Dept. of Human Services v. Rardin*, 338 Or 399, 407 (2005) (“If the legislature’s intent is clear from the text and context of the statute, then further analysis is unnecessary.”); *Walsh Construction Co. v. Mutual of Enumclaw*, 338 Or 1, 10 (2005) (because first-level analysis “demonstrates the legislature’s intent conclusively, we determine that consideration of legislative history is unnecessary”).

Here, the property owner intends to build a two-family dwelling on the property, which is an outright permitted use in an R2 zone pursuant to CBMC 17.14.020. The Code provides the following definitions that are applicable to discerning the Code-drafters’ intent:

- CBMC 17.04.195 defines a “duplex or two-family” dwelling as “a building, or buildings, containing two dwelling units with or without a common wall or ceiling and where there are no direct interior connecting doorways.”
- CBMC 17.04.085 defines “building” to mean “a structure built for the support, shelter or enclosure of persons, animals or property of any kind.”
- CBMC 17.04.210 defines “dwelling unit” to mean “a room or group of rooms including living, cooking and sanitation facilities designed for occupancy by one or more persons living as a household unit with a common interior access to all living, kitchen and bathroom areas.” CBMC 17.04.210 further provides, “[n]o dwelling unit shall have more than one kitchen.”

None of the foregoing definitions or surrounding context mention or refer to anything about solving a housing crisis, providing affordable housing, avoiding the construction of perceived luxury homes, or providing a service for a particular class of people as Mr. Bates described in his December 14 email. Instead, the Code’s definition of “building” expressly identifies “persons . . . of any kind” as the intended inhabitants of a building, and a “dwelling unit” is intended “for occupancy by one or more persons living as a household unit.”

This shows that the drafters of the Code broadly intended a “two-family dwelling” to be occupied by persons of any kind who live as a household unit, which is how the property owner intends the proposed two-family dwelling to be used. Because the Code already unambiguously defines the terms at issue, Oregon courts will deem it unnecessary to consider any legislative history regarding those terms. The City should therefore reject Mr. Bates’ speculative interpretation of the Code that he admits is based on his “feeling” and should also reject his request to consider some unidentified legislative history that he seemingly suspects will support his subjective interpretation of the Code.

R. St. Clair
January 16, 2024
Page 4 of 4

As shown above, the Code's definitions of "duplex or two-family" dwelling, "building," and "dwelling unit" all support the conclusion that the two-family dwelling the property owner is proposing to build is expressly permitted by the Code. The City should therefore grant the applicant's Type 2 application.

SINCERELY,



BRADLEY T. CRITTENDEN
ATTORNEY
CHENOWETH LAW GROUP

EC: CLIENT
ENCLOSURES: NONE

Exhibit A-13


$$1'' = 20' - 0''$$




WITH ATTORNEYS LICENSED TO PRACTICE IN OR, WA & CA	ADDRESS: 510 SW FIFTH AVENUE, 4TH FLOOR PORTLAND, OREGON 97204
PHONE: (503) 221-7958 FAX: (503) 221-2182	WEBSITE: WWW.CHENOWETHLAW.COM

January 25, 2024

VIA EMAIL ONLY

Robert St. Clair
City of Cannon Beach Community Development
163 E. Gower St.
P.O. Box 368
Cannon Beach, OR 97110
stclair@ci.cannon-beach.or.us

Re: *Conditional Use Application, File No. CU 23-04*
Our File No. 4061

GREETINGS:

This letter addresses the issues that City of Cannon Beach Planning Commissioner Mike Bates raised in a letter attached to his January 22, 2024 email to Tessa Pfund. Mr. Bates' January 22 letter generally concerns the Development Permit Type 2 Application ("Type 2 application") and Conditional Use Application ("CUP application") submitted by Red Crow, LLC ("applicant") on November 28, 2023 (file no. CU 23-04), on behalf of property owner Patrick/Dave LLC ("property owner").

The Type 2 application requests approval for the construction of a detached two-family dwelling on the 1.1-acre parcel located at Lot 4100, Map 51030DA, in Cannon Beach, Oregon ("property"), which lies in a base zone of R2 medium density and a wetland overlay zone. The CUP application seeks approval of a proposed boardwalk at the property that connects the two-family dwelling to nearby Forest Lawn Road.

The City deemed both applications to be complete in a letter dated November 29, 2023, and addressed to the applicant. The City's November 29 letter stated, however, "[a]s the proposed residential development on the Type 2 application cannot be approved without a legal means of access to the subject property the City will not be able to review this application until the Planning Commission has rendered a decision on the Conditional Use application." Nov. 29 Letter at 1–2. The November 29 letter states the City "has 120 days from the date of determination [of completeness] to exhaust all local review, [and] that period ends on Thursday, March 28, 2024." *Id.* at 1.

On January 17, 2024, the Planning Commission held a hearing at which it considered the CUP application. The Planning Commission has not yet rendered a decision as to the CUP application. On January 22, 2024, Mr. Bates sent a letter via email to Tessa Pfund that addresses three substantive issues regarding the CUP application and the Type 2 application: (1) whether the Planning Commission may consider the CUP application on the grounds that, according to Mr. Bates, it is uncertain the Type 2 application is complete; (2) whether the proposed two-family dwelling satisfies the definition of a

“duplex or two-family dwelling”; and (3) whether the proposed boardwalk has a total area of not more than 120 square feet. The applicant addresses each of those issues in turn below. Ex. C-4 at 2–6.

A. Mr. Bates Is Wrong to Conclude There Is a Question as to Whether the Type 2 Application Is Complete Because the City Has Already Deemed the Type 2 Application to Be Complete.

Mr. Bates’ January 22 letter questions whether the Type 2 application is complete because, according to him, it is uncertain whether the proposed two-family dwelling constitutes a “duplex or two-family dwelling” as that term is defined by the Code. *Id.* at 2. Mr. Bates implicitly argues the Planning Commission should not decide the CUP application until that purported uncertainty is resolved. *Id.*

Mr. Bates cites no legal authority supporting his argument, but even if there were any such legal authority, it would be irrelevant because the City has already conclusively determined the Type 2 application to be complete. The City’s November 29 letter expressly states, “[f]or purposes of review the Type 2 application is considered complete and it and its supporting documentation will be included in the materials being presented to the Planning Commission for their review of the Conditional Use application.” Nov. 29 Letter at 1.

There is no question or uncertainty as to whether the Type 2 application is complete. Mr. Bates is wrong to suggest otherwise. There simply is no factual or legal authority supporting Mr. Bates’ position, and the Planning Commission should reject it.

B. The Planning Commission May Decide the CUP Application Regardless of Whether the Type 2 Application Is Complete.

Mr. Bates’ January 22 letter argues:

Applicant cites as evidence of “demand” its own Type II application for construction of a “dual-family dwelling” on the wetland lot-of-record. The Staff Report notes that Applicant’s pending application for a Type II development permit is complete but for legal access to the property. To quote the Staff Report, “As the proposed Type II application cannot be approved without a legal means of access to the subject property the City will not be able to review this application until the Planning Commission has rendered a decision on the Conditional Use application.” Staff has indicated it intends to issue the permit on the pending Type II application as soon as the “Planning Commission has rendered a decision on the Conditional Use application.” Thus, the question before the Planning Commission is whether the Applicant’s separate application for a development permit is, in fact, “complete,” as Staff asserts, or whether there might be deficiencies in the application that bear on its sufficiency.

Ex. C-4 at 2. Mr. Bates cites no legal authority supporting his implicit interpretation of the Code that the Planning Commission can refrain from deciding the CUP application until it decides whether the proposed two-family dwelling constitutes a duplex or two-family dwelling under the Code.

It is the Planning Commission's duty to review the CUP application, apply the Code, and grant the application subject to the standards and requirements applicable to the boardwalk, or grant the application with other conditions that the Planning Commission "considers necessary to protect the best interests of surrounding property or the city as a whole." CBMC 17.80.020(B). Those conditions could include, for example, a condition that the applicant may construct the boardwalk if the Type 2 application is approved. The Code contains no provision allowing the Planning Commission to deny a conditional use application because it is subjectively unclear to one of the commissioners whether a separate, related development application is sufficiently complete.

Mr. Bates' interpretation of the Code is not supported by any legal authority and is inconsistent with the express language of CBMC chapter 17.80. The Planning Commission would commit reversible error if it adopted Mr. Bates' interpretation. See *Botts Marsh LLC v. City of Wheeler*, 326 Or App 215, 228 (2023) (affirming LUBA's reversal of city's denial of applicant's development application because city's interpretation of municipal code was implausible); ORS 197.829(1)(a). Mr. Bates admits he is "not trained in Land Use Law" and is not "versed in the finer points of public administration." Ex. C-4 at 6. It is therefore not surprising that he would misinterpret the Code as he does. The Planning Commission should reject Mr. Bates' suggestion and instead decide the merits of the applicant's CUP application in accordance with the Code.

C. The Proposed Two-Family Dwelling Falls Within the Code's Definition of "Duplex or Two-Family Dwelling."

In the event the Planning Commission considers the merits of Mr. Bates' irrelevant argument about the Type 2 application's completeness, the Planning Commission should reject that argument because it is premised on Mr. Bates' subjective understanding and feelings about what the Code means and how it should be applied. As shown in the applicant's January 16, 2024 letter and below, the property owner is proposing to build a two-family dwelling as that term is defined and used in the Code.

Mr. Bates argues the question of the Type 2 application's completeness "turns on the definition of 'Dwelling, Duplex or two-family dwelling[.]'" Ex. C-4 at 2. That argument is contradicted by the portion of the Staff Report that Mr. Bates quoted in support of his "completeness" argument, viz., "As the proposed Type II application cannot be approved without a legal means of access to the subject property the City will not be able to review this application until the Planning Commission has rendered a decision on the Conditional Use application." *Id.* The Staff Report does not say or imply the completeness of the Type 2 application hinges on whether the proposed development falls within the Code's definition of "duplex or two-family dwelling." Mr. Bates misconstrues the Staff Report for the purpose of reiterating his misinterpretation of the Code and general distaste for the development of property that he expressed in his December 14, 2023 email addressed to Robert St. Clair (Ex. C-5).

Mr. Bates states that he "believe[s]" the Code's definition of "duplex or two-family dwelling" "is ambiguous on its face." CBMC 17.04.195 defines a "duplex or two-family dwelling" as "a building, or buildings, containing two dwelling units with or without a common wall or ceiling and where there are

no direct interior connecting doorways.” Mr. Bates does not take issue with the phrase, “a building, or buildings, containing two dwelling units.” He therefore concedes that phrase is unambiguous. Instead, Mr. Bates argues the phrase “‘with or without a common wall or ceiling and where there are no direct interior doorways’ is so contrary to the common understanding of the word ‘duplex’ that one must look beneath the language” of the definition. Ex. C-4 at 4.

Mr. Bates does not reveal what he considers to be “the common understanding of the word ‘duplex’” or explain how the Code’s definition of “duplex or two-family dwelling” is contradicted by that purported common understanding. Notably, Mr. Bates does not argue the term “two-family dwelling” has a commonly understood meaning that differs from the Code’s definition of that term, and yet the applicant describes its development proposal as a two-family dwelling, not as a duplex.

To fulfill Mr. Bates’ mandate to “look beneath the language,” Mr. Bates suggests the Planning Commission should consider six ordinances that he believes form the legislative history underlying the definition of “duplex or two-family dwelling.” *Id.* (citing “Ord. 03-7 § 1; Ord. 95-8 § 2; Ord. 92-11 § 2; Ord. 90-10 § 1 (Appx. A § 1(3)); Ord. 86-16 § 1(30); Ord. 86-10 § 1(30)”). Those six ordinances are cited in CBMC 17.04.195 and simply show how the City has amended the definition of “duplex or two-family dwelling” over time to be in its current, unambiguous form. Mr. Bates disregards that fact and argues the definition of “duplex or two-family dwelling” means something different than the express definition drafted by the City because it “was adopted with a package of changes authorizing ADUs.” *Id.*

According to Mr. Bates’ subjective understanding, the City intended the “duplex or two-family dwelling” definition to be interpreted to solve “a very familiar problem, ensuring ‘housing,’ . . . that meets the needs of a variety of age and income groups, as well as groups with special needs.” *Id.* Mr. Bates does not identify any of those housing problems, age groups, income groups, or groups with special needs that he thinks are supposed to be included in the definition of “duplex or two-family dwelling.” Mr. Bates therefore begins with the unsupported premise that the definition of “duplex or two-family dwelling” is hopelessly ambiguous and ends with the conclusion that the definition applies only to those duplexes that solve some unidentified housing problem or are built specifically for groups of people who (1) are of some uncertain age, (2) have an unspecified level of income, or (3) have some unidentified “special needs.” Thus, Mr. Bates’ interpretation renders the term “duplex or two-family dwelling” utterly meaningless.

The applicant incorporates its January 16, 2024 letter that rebuts Mr. Bates’ unlawful attempt to disregard the plain text and context of CBMC 17.04.195 and his suggestion that the Planning Commission may rely on his speculative understanding of legislative history to discern the meaning of CBMC 17.04.195. The legal authorities quoted and cited in the applicant’s January 16 letter expressly reject the type of analysis and conclusions Mr. Bates presents in his January 22 letter. The Planning Commission should likewise reject the analysis and conclusions in Mr. Bates’ January 22 letter.

For ease of reference, the following analysis derives from the applicant’s January 16 letter and is supported by the legal authorities cited in that letter. The property owner intends to build a two-family

dwelling on the property, which is an outright permitted use in an R2 zone pursuant to CBMC 17.14.020. The Code provides the following definitions that are applicable to discerning the Code-drafters' intent:

- CBMC 17.04.195 defines a "duplex or two-family" dwelling as "a building, or buildings, containing two dwelling units with or without a common wall or ceiling and where there are no direct interior connecting doorways."
- CBMC 17.04.085 defines "building" to mean "a structure built for the support, shelter or enclosure of persons, animals or property of any kind."
- CBMC 17.04.210 defines "dwelling unit" to mean "a room or group of rooms including living, cooking and sanitation facilities designed for occupancy by one or more persons living as a household unit with a common interior access to all living, kitchen and bathroom areas." CBMC 17.04.210 further provides, "[n]o dwelling unit shall have more than one kitchen."

None of the foregoing definitions or surrounding context mention or refer to anything about solving a housing crisis, providing affordable housing, avoiding the construction of perceived luxury homes, or providing a service for a particular class of people as Mr. Bates described in his January 22 letter. Instead, the Code's definition of "building" expressly identifies "persons . . . of any kind" as the intended inhabitants of a building, and a "dwelling unit" is intended "for occupancy by one or more persons living as a household unit."

This shows that the drafters of the Code broadly intended a "two-family dwelling" to be occupied by persons of any kind who live as a household unit, which is how the property owner intends the proposed two-family dwelling to be used. Because the Code already unambiguously defines the terms at issue, Oregon courts will deem it unnecessary to consider any legislative history regarding those terms. The City should therefore reject Mr. Bates' speculative interpretation of the Code that he admits is based on his belief and should also reject his request to consider some unidentified legislative history that he seemingly suspects will support his subjective interpretation of the Code.

D. The Proposed Boardwalk Has a Total Area of Not More Than 120 Square Feet.

Mr. Bates' five-page letter contains one paragraph that addresses the substance of the CUP application. Mr. Bates notes that the proposed boardwalk must not exceed a total area of 120 square feet, and according to him, "Applicant has been uncertain whether it meets that limitation." Ex. C-4 at 5. Mr. Bates further speculates that, based on "all information submitted by Applicant," it is possible the boardwalk's area could "be as much as 130 square feet." Mr. Bates does not cite any specific information in the record indicating either that the applicant is "uncertain" as to whether the boardwalk complies with the Code or that the boardwalk could have an area of up to 130 square feet. That is because no such evidence exists.


The applicant has made clear that its proposed boardwalk will not exceed the 120-square-foot limitation established by the Code. And even if the applicant had failed to otherwise make that clear in the record before the Planning Commission, the Code allows the Planning Commission to grant the CUP

R. St. Clair
January 25, 2024
Page 6 of 6

application on the condition that the boardwalk does not exceed 120 square feet in area. Mr. Bates' only substantive objection to the CUP application is therefore woefully insufficient to warrant an outright denial of the CUP application.

E. Conclusion

The Planning Commission should reject Mr. Bates' arguments presented in his January 22 letter and instead grant the CUP application as the applicant respectfully requests. In the event the Planning Commission does not believe it can grant the CUP application without regard to the Type 2 application, the Planning Commission should grant the CUP application subject to the condition that the Type 2 application is approved.

SINCERELY, _____


BRIAN D. CHENOWETH
MANAGING ATTORNEY
CHENOWETH LAW GROUP

EC: CLIENT
ENCLOSURES: NONE



CANNON BEACH COMMUNITY DEVELOPMENT

163 E. GOWER ST.

PO Box 368

CANNON BEACH, OR 97110

November 29, 2023

Jamie Lerma
Red Crow LLC
P.O. Box 825
Cannon Beach, OR 97110

RE: Completeness Determination for Conditional Use Application at Taxlot 51030DA04100 on Forest Lawn Rd., (File: CU 23-04)

Dear Mr. Lerma:

Your application for a Conditional Use Permit for the construction of a pedestrian boardwalk in a wetland and its associated buffer area was received on November 28, 2023 and found to be complete on November 29th. The City has 120 days from the date of determination to exhaust all local review, that period ends on Thursday, March 28, 2024. The first evidentiary hearing for this application will be held on December 19, 2023 at 6:00pm, you may participate in person or by Zoom.

The materials received with this application include:

- Conditional Use application with supplemental project description
- Schematics for the proposed pedestrian boardwalk
- Site plan and preliminary architectural schematics for the residential development the proposed elevated walkway is intended to support
- Project letter from Pacific Habitat Services, Inc. dated November 28, 2023

Additionally a Type 2 Development Permit application was submitted in addition to the Conditional Use application. The materials received with this application include:

- Type 2 Development Permit application
- Site plan
- Todd Prager & Associates revised tree plan dated November 27, 2023
- K. LaBonte email regarding construction access from S. Hemlock St. dated October 13, 2023
- Morgan Civil Engineering utility plan dated August 22, 2023
- Earth Engineers Inc. Geotechnical Investigation and Geologic Hazard Report dated June 3, 2022
- Earth Engineers Inc. Supplemental Commentary on Landslide and Liquefaction Hazards dated July 27, 2022
- Oregon DLCD wetland delineation concurrence WD# 2021-0153 dated June 8, 2021

For the purpose of review the Type 2 application is considered complete and it and its supporting documentation will be included in the materials being presented to the Planning Commission for their review of the Conditional Use application. As the proposed residential development on the Type 2 application cannot be approved without a legal means of access to the subject property the City will not

be able to review this application until the Planning Commission has rendered a decision on the Conditional Use application.

Please be aware that the determination of a complete application is not a decision or a guarantee of outcome for the application.

Please feel free to contact my office at (503) 436-8053, or by email at stclair@ci.cannon-beach.or.us if you have questions regarding this information.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. St. Clair', written over a horizontal line.

Robert St. Clair
Planner



Cannon Beach Planning Commission

Findings of Fact and Conclusions of Law

PUBLIC HEARING AND CONSIDERATION OF CU 23-02, RED CROW LLC/JAMIE LERMA, APPLICANT, ON BEHALF OF PATRICK/DAVE LLC, REQUEST FOR AN ELEVATED PEDESTRIAN ACCESS IN A WETLAND BUFFER AREA IN ORDER TO PROVIDE ACCESS TO PLANNED RESIDENTIAL DEVELOPMENT. THE PROPERTY IS AN UNDEVELOPED PARCEL ON THE NORTHERN PART OF FOREST LAWN DR. (TAXLOT 04100, MAP 51030DA) IN A RESIDENTIAL MODERATE DENSITY (R2) ZONING DISTRICT AND THE WETLANDS OVERLAY (WO) ZONE. THE CONDITIONAL USE REQUEST WILL BE REVIEWED AGAINST THE CRITERIA OF CANNON BEACH MUNICIPAL CODE, SECTION 17.43.045, CONDITIONAL USES AND ACTIVITIES PERMITTED IN WETLAND BUFFER AREAS; AND 17.80, CONDITIONAL USES.

Agenda Date: October 26, 2023

Exhibits

The following Exhibits are attached hereto as referenced. All application documents were received at the Cannon Beach Community Development office on September 21, 2023 unless otherwise noted.

"A" Exhibits – Application Materials

- A-1** Conditional use application with project description and site plan
- A-2** Type 2 Development Permit application, File #DP23-35, with site plan, Todd Prager & Associates tree plan (June 22, 2023), Earth Engineers Inc geotechnical report (June 10, 2022), Oregon DSL wetland delineation concurrence WD# 2021-0153 (June 8, 2021), USACE Approved Jurisdictional Determination (April 15, 2021), and Morgan Civil Engineering utility plan (August 22, 2023)
- A-3** Schematic drawings, received October 19, 2023
- A-4** Site access correspondence, received October 19, 2023
- A-5** Pacific Habitat Services letter, received October 19, 2023
- A-6** Chenoweth Law Group letter, received October 25, 2023

"C" Exhibits – Cannon Beach Supplements

- C-1** CU#23-02 Completeness determination, September 28, 2023;
- C-2** Signed order and Findings of Fact for DP#23-28, August 9, 2023;
- C-3** Photos of proposed work area from DP#23-28 review, August 1, 2023;
- C-4** Memorandum regarding status of DP#23-35 Application, October 26, 2023

"D" Exhibits – Public Comment

- D-1** L. Champion comment, received October 26, 2023

Summary & Background

The applicant, Jamie Lerma of Red Crow LLC, on behalf of property owner Patrick/Dave LLC, requests the installation of a private use boardwalk that will span an approximately 16 foot 6 inch portion of a delineated wetland buffer area for the purpose of providing pedestrian access to planned residential development on the subject property, information about which is included in Exhibit A-2 to provide context for this application. That application, DP#23-35, proposes two detached dwelling units on one upland portion of the subject property with a separate off-street parking area located on a separate upland portion adjacent to Forest Lawn Rd with these areas connected by the proposed walkway.

Previously the applicant requested a Type 2 permit for vegetation management in order to install a pedestrian walkway along the portion of the property adjacent to TL 4104. This application, DP#23-28 included as exhibits C-2 and C-3, was denied in August 2023 as the Type 2 permit was not the appropriate application type for the proposed activity and a conditional use review would be required.

Findings

The Planning Commission finds that the proposed elevated walkway would be 20 feet long from footing to footing and 5 feet wide with possible railings on either side that would increase the structure's overall width to approximately 5 feet 10 inches. The walkway would be located adjacent to the property line abutting 1603 Forest Lawn Rd. The Commission finds that the walkway meets both the definition of an "accessory structure" and a "footpath" for the purposes of CBMC Chapter 17.43 (Wetland Overlay Zone) as detailed below.

CBMC Section 17.04.010 – Accessory Structure, Use states: *"Accessory structure" or "accessory use" means a structure or use incidental and subordinate to the main use of property and located on the same lot as the main use.*

CBMC Section 17.05.540 – Structure states: *"Structure" means any man-made assemblage of materials extending above the surface of the ground and permanently affixed or attached, or where not permanently affixed or attached to the ground not readily portable, but not including landscape improvements such as rock walls, retaining walls less than four feet in height, flag poles, and other minor incidental improvements similar to those described above.*

The minimum setbacks for properties in the R2 Residential Medium Density zone are 15 feet for front and back yards and 5 feet for side yards. Due to the proposed walkway's location immediately adjacent to the property line it would not comply with these requirements.

Because the accessory structure has only one intended purpose, which is to carry foot traffic between the two dwelling units and the garage/parking area, it is also footpath within the meaning of 17.43.040. Because uses permitted under 17.43.035 can only be permitted "subject to applicable standards," the walkway must also comply with the standards applicable to footpaths as conditional uses under CBMC Section 17.43.045.

The Commission additionally finds that the City has not yet received a Type 1 development permit application for the proposed residential development. This permit type is for the construction of a structure or building that requires a building permit pursuant to State building codes. The City has received a Type 2 development permit application for excavation and grading in conjunction with construction, DP23-35, which shows a conceptual site plan as well as the location of utilities. The City had determined DP23-35 application to be complete with review pending the Planning Commission's decision of this conditional use application. As a Type 1 permit had not been submitted the Commission finds that there is insufficient information about the proposed residential development and as such there is no demonstrated demand for the proposed walkway as required by CMBC Section 17.80.110(A).

The Commission concludes that as the application meets the definition of an accessory structure it cannot be approved as presented because that structure would not comply with the minimum setback requirements of the subject property.

Decision

Motion: Having considered the evidence in the record, based on a motion from Commissioner Sinclair, seconded by Commissioner Moritz, the Planning Commission unanimously moves to deny the Red Crow LLC application, on behalf of Patrick/Dave LLC, the conditional use request for the placement of an elevated pedestrian access, application CU# 23-02, as discussed at this public meeting.

Robert St. Clair

From: Mike Bates <mike.bates57@hotmail.com>
Sent: Thursday, December 14, 2023 12:06 PM
To: Steve Sokolowski
Cc: Robert St. Clair
Subject: Re: Meeting to discuss PC Item

Monday works Steve.

Here's what we talked about last night.

- 1) What is the status of the development permit and the building permit application?
- 2) Why are we not considering the development permit at this time?

I understand now that the partition I thought I noticed in the packet upon initial review was embedded in an old geo tech report – not presently on the table. I also read Robert's memo attached as Exhibit C2 which seems to answer the questions I asked last night. Seems he already answered those questions.

For Monday --

Also as I noted last night, the lot coverage has grown from the last time we review the applicant's proposal – though I can't confirm it because the package from that hearing is not presently on the city website. As I'm required from the information supplied to do a back of the napkin estimate of lot coverage and floor area, with an assumption that the second floor of each structure is roughly the same square footage as the first floor, it appears size of each home is larger than what the applicant would have been able to build on a normal R-2 property, particularly when you add the stand alone garage.

That's a hell of a duplex or two family dwelling!

Here's what I think we need to be prepared to discuss at our hearing next week. Is the site plan as it presently reads really what the City intended when it adopted the definition of "Dwelling, duplex or two-family" as "a building, or buildings, containing two dwelling units **with or without a common wall or ceiling and where there are no direct interior connecting doorways?**"

I'll note with adoption of SB 2100 back in 2019 the state intended "duplexes" etc. to be part of the solution for the dearth of middle housing in this state. Oregon administrative rules define "duplex" as "two attached dwelling units on a Lot or Parcel." OAR 660-046-0020. The provision does allow large and medium size cities to define duplex "to include two detached dwelling units on a Lot or Parcel." The legislative history makes it clear that the intention was to increase density in residential zones to facilitate middle housing, not create a loop hole in the law allowing developers to build two luxury homes on a lot zoned for one building in circumvention of local interest in affordable housing.

Looking a little bit closer at our own code, duplexes and two family homes are listed as permissible uses only on R2 lots. Standard lot sizes across the city with exception of low density zones is 5000 square feet. We need to consider the possibility that the people who adopted the present definition of Dwelling intended the exception "**with or without a common wall or ceiling and where there are**

no direct interior connecting doorways” to cover two closely situated homes, separated perhaps to facilitate individual ownership, but taking no more space than a single home on a standard lot should take, either 2000 square feet in lot coverage or 2500 square feet in floor area ratio to meet the comprehensive plan vision of “housing which meets the needs of a variety of age and income groups, as well as groups with special needs,” not luxury homes that will be offered as short term rentals.

My own feeling is there is a common understanding of duplex or two family home in the industry and the plans submitted by the applicant has submitted don't meet it.

I've already asked Jenn to get me copies of ordinances forming the legislative history for the definition in question. I would like an opinion from Bill K. that this particular development proposal meets the intention of the code. Not whether it's a permissible interpretation, but whether it meets the intention of the municipal code and state law.

Also, I'd this correspondence placed in the record.

Mike

From: Steve Sokolowski <sokolowski@ci.cannon-beach.or.us>
Date: Thursday, December 14, 2023 at 8:12 AM
To: Mike Bates <mike.bates57@hotmail.com>
Cc: Robert St. Clair <stclair@ci.cannon-beach.or.us>
Subject: Meeting to discuss PC Item

Mike:

Does 11:00am on Monday, December 18th work?

Anything we should be prepared to discuss?

Let me know and we can get this scheduled.

Sincerely,

Steve



Steve Sokolowski

Community Development Director

City of Cannon Beach

p: 503.436.8040 | tty: 503.436.8097 | f: 503.436.2050

a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: www.ci.cannon-beach.or.us | e: sokolowski@ci.cannon-beach.or.us

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From: [Mike Bates](#)
To: [Tessa Pfund](#)
Subject: Document for Package
Date: Monday, January 22, 2024 1:22:51 PM
Attachments: [cu 23-02.docx](#)

Tessa,

Please add the attached document to package, and separately distribute for me via email like you do when the package has already been posted to all Planning Commissioners.

Great to have you aboard.

Mike

To: Record CU 23-02

From: Commissioner Bates

Subject: Questions Concerning my Objectivity

During the Planning Commission's hearing on January 17, 2024, on CU 23-02, it was suggested that I recuse myself based upon a statement I made during deliberations. Under ordinary circumstances, I would dismiss the suggestion as a function of the deliberative push and pull. Emotions are often high, and one or more members of the community stand to be disappointed with the results. But as the suggestion was made by another member of the Planning Commission and as the matter has been continued, I am constrained to supplement the record to address questions of my objectivity going forward.

The Planning Commission serves in its quasi-judicial capacity to determine "the facts" in the first instance and the applicability of zoning ordinances that might come to bear upon those facts. Very often the facts are in dispute and application of zoning ordinances is unclear. Our duty is to render judgement without personal conflict, either a financial interest in the outcome or a personal relationship, a wife, a benefactor, or business associate – to borrow an example current in our national dialogue – with a financial interest in the outcome.

I have no such conflict, nor do I hold any animus toward the Applicant that would prevent me from rendering impartial judgement. My views on this matter are motivated by a desire to protect a natural feature of this community, a wetland, in accordance with the zoning ordinances as I understand them and to ensure that the feature receives the benefit of zoning protections duly adopted by the community.

In ruling on CU 23-02, the Commission must determine, among other things, whether the application satisfies the requirements of 17.80.110A, "[Before a conditional use is approved, findings will be made that the use will comply with the following standards:] A demand exists for the use at the proposed location." It is an inquiry that by its terms requires the Commission to look beyond "the four

corners” of the application. Relevant considerations include “accessibility for users . . . , 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.”

Applicant cites as evidence of “demand” its own Type II application for construction of a “dual-family dwelling” on the wetland lot-of-record. The Staff Report notes that Applicant’s pending application for a Type II development permit is complete but for legal access to the property. To quote the Staff Report, “As the proposed Type II application cannot be approved without a legal means of access to the subject property the City will not be able to review this application until the Planning Commission has rendered a decision on the Conditional Use application.” Staff has indicated it intends to issue the permit on the pending Type II application as soon as the “Planning Commission has rendered a decision on the Conditional Use application.”

Thus, the question before the Planning Commission is whether the Applicant’s separate application for a development permit is, in fact, “complete,” as Staff asserts, or whether there might be deficiencies in the application that bear on its sufficiency. As it turns out that question turns on the definition of “Dwelling, Duplex or two-family dwelling,” as contained in 17.04.195, “a building, or buildings, containing two dwelling units with or without a common wall or ceiling and where there are no direct interior connecting doorways” and duplex standards set forth in 17.90.170, which states, in part, “The individual dwelling units of a duplex may not be sold as separate personal property.”

Applicant argues that 17.04.195 is clear and unambiguous. That may well turn out to be the decision of the Planning Commission. But to reach that decision, one would have to conclude that those intrepid public servants who fashioned the definition back in the 1990s intended to enable two dwellings on a single R2 parcel that look and function for all intents and purposes just like every dwelling in the vicinity, identical in every way except built on separate parcels. If Applicant’s assertion is correct, I have to wonder why our public servants didn’t just go ahead and sanction two dwellings, held in separate ownership, on every parcel zoned R-2

or R-3 in the community as long as the parcel is big enough, and skip the complexity of inserting duplexes into the equation.

I happen to believe the definition is ambiguous on its face. The phrase “with or without a common wall or ceiling and where there are no direct interior connecting doorways” is so contrary to the common understanding of the word “duplex” that one must look beneath the language.

A review of the legislative history, Ord. 03-7 § 1; Ord. 95-8 § 2; Ord. 92-11 § 2; Ord. 90-10 § 1 (Appx. A § 1(3)); Ord. 86-16 § 1(30); Ord. 86-10 § 1(30), suggests that the definition was drafted with a very specific objective in mind. The definition was adopted along with a package of changes authorizing ADUs, indicating, to me at least, that the City was struggling with a very familiar problem, ensuring “housing,” as the Comprehensive Plan requires, that meets the needs of a variety of age and income groups, as well as groups with special needs.”

The City asserts that 17.90.170 was preempted by the state legislature in 2023 with adoption of the Oregon Condominium Law. That, too, may prove to be true, but it ignores the legislative history of 17.90.170, and its value in giving content to the definition of 17.104.195, “Dwelling, Duplex or two-family dwelling.” The language of 17.90.170 was once part of that definition, indicating it was regarded when it was drafted as a qualification on the language in the definition, “with or without a common wall or ceiling and where there are no direct interior connecting doorways.”

The Oregon Condominium law preempts any municipal rule that prejudices condominiums over other types of property ownership. I’m not sure that is true with respect to this case, but it bears asking, what was 17.90.170 intended to address. To begin with, it’s a restriction placed upon duplexes, not condominiums, and it applies in a very narrow context, on two-family dwellings – otherwise known under the code as “Duplexes” – built in R2 and R3, medium- and high-density zones. The language as it is written has no bearing on condominiums created in connection with any other dwelling type in any other zone.

Whether the Applicant intends to “condominiumize” its proposed two-family dwelling is irrelevant. They’re free to do just that, of course, and someday

we may be asked to decide in our role as Planning Commissioners whether the Oregon Condominium Law preempts 17.90.170. I don't care, frankly, as long as the Planning Commission preserves the legitimate community interests our predecessors worked into the provision to protect residents when it was adopted.

Duplexes are regarded as one solution, albeit an important one, to the shortage of needed housing in this state. The form factors and lot size restrictions make duplexes an attractive option for middle housing. Oregon Legislature Votes to Essentially Ban Single Family Zones, *NPR*. L. Wamsley, July 1, 2019. The unfortunate experience in this community has been that condominiums are created at the expense of work force housing. It is entirely possible that the provisions of 17.90.170 were intended to preserve one or more units of duplexes approved for construction in this city, for example, for long-term rentals. It is our duty as Planning Commissioners to give expression to whatever that intent might have been, even if we decide as a deliberative body that the strict requirements of the provision cannot be enforced due to state preemption.

There are, of course, other issues with this application.

Last time I looked, restrictions on access to Hemlock were a key provision of the City's Transportation System Plan. "The City shall minimize addition of new accesses to Hemlock Street to ensure movement of traffic in a safe and efficient manner." That's not some trifling objective, one that can be brushed aside with words like "temporary" and "construction," especially when no one can say with certainty how temporary is "temporary" in this case. Little more than a year ago, City Council rejected a request to lift the plat restriction by this Applicant on this very property in connection with a proposed partition that would have allowed construction of multiple dwellings without resort to legal fictions. I see nothing that has changed since that time that would warrant a different result, not without returning the matter to the Council for approval.

And lest we forget, the footbridge is still an "Accessory Structure," 17.04.010, subject to the restrictions of 17.54.030A.1, a total area of not more than one hundred twenty square feet. Applicant has been uncertain whether it meets that limitation. But it is possible given all information submitted by Applicant to estimate the size of the footbridge to be as much as 130 square feet.

As Andrew Morrow noted in his written and verbal comments, these questions are of the type that should be decided by the Planning Commission in their judicial and legislative capacity, not city staff in performance of an administrative function. It would have been easier for everyone had the Applicant combined the application for conditional use with the application for Type II development. Staff has been relentless in reminding us that an applicant in Oregon can break up its plans for permitting purposes any way it desires. But it is a rule that cuts both ways. We have what we have, and we have to go about our quasi-judicial role of determining demand in connection with the package we have in front of us.

It was the Applicant who put the content of the Type II development plan in front of the Commission as evidence of demand. It is not overreaching to consider the sufficiency of the Applicant's development proposal, but failure to consider it would be, in my opinion, a dereliction of my duty as a Planning Commissioner.

Planning Commissioners serve on a volunteer basis. We are not housing experts. We're not trained in Land Use Law, nor are we versed in the finer points of public administration. We're just ordinary citizens, appointed for the role by the City Council for our backgrounds, our skills, our familiarity with the community and its people, and the values we have exhibited as citizens and neighbors. It seems to me that we are not only expected to apply those values in performance of our duties but encouraged to apply them.

It should be clear by now that my values lean toward protection of the environment. I will raise my voice, as Planning Commissioner, whenever I believe the City plans to approve activity, particularly in an overlay zone, in a way that limits the Planning Commission in performance of its crucial role. It goes without saying that I will defend my right to stand up as a citizen in opposition whenever the City attempts to take such action by administrative fiat, up to and including appeal of an administrative permit, even if it means I must recuse myself from the hearing.

As always, I will submit myself to the considered judgement of my fellow Commissioners whenever my objectivity is placed into question.

Robert St. Clair

From: Emily Bare
Sent: Tuesday, December 5, 2023 7:09 AM
To: Steve Sokolowski; Robert St. Clair
Subject: FW: CU #23-04 Violation of delineated wetlands

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

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From: William Reiersgaard <rackerbill@aol.com>
Sent: Monday, December 4, 2023 5:20 PM
To: Emily Bare <bare@ci.cannon-beach.or.us>
Cc: LESLIE FRANCE <franbat86@msn.com>
Subject: CU #23-04 Violation of delineated wetlands

As a home owner across the street from the wetlands I am concerned about this continuous attempt to violate a delineated wetland. It is making me wonder what is really being covered up? Wetlands are protected for very good reasons as they perform some very essential functions. Wetlands lessen the the damage from flooding by temporarily storing the excess water. They also provide a habitat for wild life.

I own tax lot 4200

I am very concerned about these continual attempts to violate the wetlands.

Bill

William Reiersgaard
rackerbill@aol.com

Robert St. Clair

From: Andrew Morrow <ajmorrowjr@gmail.com>
Sent: Tuesday, January 16, 2024 2:43 PM
To: Robert St. Clair
Subject: Re: Planning Commission 1-17-24 -- CU#23-04
Attachments: AJM Statement C23-04 for2024-01-17.pdf

My Statement in Opposition to CU#23-04 is attached. Please circulate to the Planning Commission and Mr. Sokolowski.

Please confirm this is received.

Thank you for your assistance.

Andy

On Tue, Jan 16, 2024 at 2:37 PM Robert St. Clair <stclair@ci.cannon-beach.or.us> wrote:

Andrew,

Please send me your comment with attachment and I'll forward it to the Planning Commission.

Regards,

Robert



Robert St. Clair
Planner

City of Cannon Beach

p: 503.436.8053 | tty: 503.436.8097 | f: 503.436.2050

a: 163 E. Gower St. | PO Box 368 | Cannon Beach, OR 97110

w: www.ci.cannon-beach.or.us | e: stclair@ci.cannon-beach.or.us

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

From: Cannon Beach Oregon <noreply@civicplus.com>
Sent: Tuesday, January 16, 2024 2:33 PM
To: Planning Group <cbplanning@ci.cannon-beach.or.us>
Subject: Planning Commission 1-17-24 -- CU#23-04

Name: Andrew Morrow
Email: ajmorrowjr@gmail.com

Message: I have prepared a written statement (in pdf) that I would like to submit in lieu of oral testimony for the Planning Commission hearing tomorrow with respect to CU#23-04 (Application of Red Crow LLC on behalf of Patrick/Dave LLC for a Conditional Use Permit). I would like to submit ASAP to allow time for my statement to be circulated in advance. Your system does not appear to allow submission of attachments. How do I send this to you? Please advise. Thank you

--

Andrew J. Morrow, Jr.
1221 SW 10th Ave Unit 811
Portland, OR 97205-2445
503-780-6241
ajmorrowjr@gmail.com

**Statement of Andrew J. Morrow, Jr.
In Opposition To
CU# 23-04
Application for Conditional Use Permit
(Tax Lot 51030DA 04100)**

My name is Andrew J. Morrow, Jr. My address is 1221 SW 10th Avenue, Unit 811, Portland, Oregon 97205. I oppose the proposed applicaon.

I am a frequent visitor to Cannon Beach. I am familiar with the subject property and have followed the various proposals by the Applicant and Patrick/Dave LLC to develop it. Development on the property should be carefully evaluated in accordance with applicable standards and constructed in accordance with reviewed and approved permits and plans.

This applicaon pack age raises a series of concerns that I will describe. My understanding of these issues leads me to believe the Condional Use a pplicaon should be denied, or the hearing should be connued with the r ecord open for further review and addional submissions.

1. The fundamental premise for this combinaon of ap plicaons is that the underlying development is a two-family house, and as such is an outright allowed use. I queson whe ther this development is a qualifying duplex. The packet presented to the Planning Commission at the October hearing on Applicant's previous applicaon f or this development (CU#23-02) discloses that the Applicant has told staff that the developer intends to sell the two residences separately. Even if the developer creates a homeowners' associaon t o own the enr e project, sale of the exclusive right to use one of the units through the sale of an interest in a homeowner's associaon is prohibited by Code Seccon 1 7.90.170, which states that the individual dwelling units of a duplex may not be sold as separate personal property. How can this development be a "two-family house" rather than two separate residences sharing use of common parking and access? The applicaon should be denied.

If you conclude that the proposed development is a qualifying two-family house, there should be sufficient condions f or approval imposed to assure that the developer cannot, immediately upon compleon, sell the development in a form inconsistent with criteria under which these applicaons ar e being considered and the limitaons of 17.190.170.

2. The Boardwalk that is part of the Condional Use applic aon is being c onsidered as an accessory structure limited to 120 square feet. The applicant asserts that the structure is 117 square feet, but the drawings do not provide the informaon t o verify this calculaon; the leng th of the Boardwalk is not specified.

Shouldn't the Applicant be required to provide sufficiently detailed informaon to demonstrate that the wetlands and buffer can in fact be spanned by a structure complying with the 120 square foot limit?

3. The drawings of the proposed Boardwalk include a railing that is described as “optional.” Given the height of the Boardwalk off the ground, both for safety reasons and to prevent disturbance of the wetlands over which the Boardwalk will pass, shouldn’t a railing be required? Elk can be seen grazing on Tax Lot 4100 from me to me. A railing would also seem important to protect that wildlife.

It is not clear whether the railing is to be within the five-foot width or would also need to be considered in the calculation of the square footage of the structure.

4. The drawings for the boardwalk include helical piers under concrete footings. Since this is an integral part of the development, are there geotechnical issues that should be considered regarding construction of the Boardwalk?

The geotechnical reports included in the application package are from June and July 2022, do not anticipate a Boardwalk, and have not been updated to reflect the current site plan. Is that acceptable?

5. This proposal requires construction access from South Hemlock. As the staff recommendation notes, this issue must be resolved in order for development to proceed. Access from South Hemlock is limited under the parcel plat that established the boundaries of Tax Lot 4100 and the two lots to the south. I understand that the plat restriction exists at least in part because concerns about traffic flow and safety.

During construction, it seems reasonable to expect traffic impacts at least as great as permanent residential access. The plat restriction does not distinguish between construction access and permanent access by residents. It prohibits both. It is not unreasonable for the neighbors to expect that the plat restriction will not be lifted or modified. Traffic flow on South Hemlock, the main north-south arterial through the City, affects considerably more than the adjacent property holders. There are no sidewalks along this stretch and pedestrian traffic can be heavy. There is no beach access so pedestrians wanting to access the beach must walk along this stretch of street. This is also an area where elk graze frequently throughout the year.

For this reason alone, the application should be denied.

A previous application for development of this property required South Hemlock access but modification of the plat restriction was rejected by the City Council. Given this history, and the traffic concerns that appear to underlie the plat restriction, any change, including any construction access, should require action by the City Council.

South Hemlock was a state highway. I understand it is not uncommon for the state to retain some jurisdiction in similar situations. Is there any state approval necessary to modify access restrictions?

6. If construction access is to be granted, I note that the access from the proposed entry from South Hemlock to the actual residences as shown in the drawings would be quite narrow. Won't avoiding

construction vehicles driving onto the wetlands require that the North Residence and the east piers of the Boardwalk be constructed first? The northeast corner of the South Residence would appear to impede any vehicle access outside the wetlands buffer if the structures are constructed at the same time.

7. Any approval should be conditioned upon construction in compliance with the arborist recommendations.
8. The site plan with respect to the South Residence anticipates only a 5-to-6-foot set back from the property line on the west side of that structure. Shouldn't a 15-foot setback should be required?

I believe the Conditional Use application should be denied. If the Conditional Use application is not denied, the Planning Commission should grant a continuance, maintaining the record open for the submission of additional information to address concerns I have raised and to allow me for consideration of additional conditions or a different set of Applications.

Thank you.

Robert St. Clair

From: Tessa Pfund
Sent: Wednesday, January 17, 2024 10:22 AM
To: Robert St. Clair; Steve Sokolowski
Subject: FW: Documents for tomorrow's meeting

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

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

From: Cannon Beach Oregon <noreply@civicplus.com>
Sent: Tuesday, January 16, 2024 4:31 PM
To: Tessa Pfund <pfund@ci.cannon-beach.or.us>
Subject: Documents for tomorrow's meeting

Name: Rosey Dorsey
 Email: roseydorsey@gmail.com

Message: Hi Tessa, One of these years I will meet all of you in person. In the meantime, I am going to ask for a denial or continuance for tomorrow's meeting as well as the Design Review Board and wondering if I just cut and paste it here, is that enough? Should I send a copy to Mr. Sokolowski and others? I think you are in charge of uploading material for the meeting tomorrow? If I am completely off base, let me know how to do this properly? Thank you so much. I find much of this daunting but everyone in the City has been so nice and helpful it takes a lot of stress off of me. Best, Rosey Dear Mr. Sokolowski, Chair Newton and Members of the Planning Commission: My name is Ms. Rosey Dorsey and I am the owner of the property at 1603 Forest Lawn Road. Cannon Beach, Oregon. 97110. I am writing regarding the Conditional Use Permit Application CU23-04, which relates to the property north of mine. I believe that these permits should be denied at this juncture. If not, then I am requesting a continuance and to leave the records open. I log in to most of the meetings and value the dialogue that the experienced members of our city have on these sensitive matters. This is an important development of a controversial Wetland impacting many longstanding citizens of Cannon Beach. As the adjacent property owner, with no experience in construction or development, I would like time to review all the relevant material to be able to ask thoughtful questions that assure my property, as well as neighboring properties on Hemlock and Forest Lawn Road, remain safe for all. The simple explanation to ask for these continuances is this. I was hoping for clarification much earlier than 7 days before this hearing about the permits being reviewed. It seemed, based on the language in the hearing notices from the Planning Commission and the Design Review Board, that there were two different development designs being reviewed. Perhaps it is the Language Arts teacher in me, but when I read the word "garages" in the notice for the Design Review Board yet the permit before the Planning Commission reflects just one garage, I immediately thought there was a new plan before the Design Review Board. I then requested complete records. If you are unable to deny this permit outright, please consider the continuance since we were told we would not receive a full packet of records until February 2 (maybe earlier) and the neighbors on Forest Lawn would like time to

Exhibit D-3

**Exhibit C-1
(DRB 24-03)**

review this new material. Dare I mention an ice storm and power outages and a 3 day weekend have hindered our



research! Including the loss of the internet today again. Best, Ms. Rosey Dorsey

Robert St. Clair

From: Cannon Beach Oregon <noreply@civicplus.com>
Sent: Wednesday, January 17, 2024 12:14 PM
To: Planning Group
Subject: Letter I Hope to be Included in Tonight's Planning Commission Hearing

Follow Up Flag: Follow up
Flag Status: Flagged

Name: Rosey Dorsey
Email: roseydorsey@gmail.com

Message: Hello all, I would like the letter below to be part of tonight's packet. Between the storm, ice, loss of power and internet, I was unable to get schedule meetings with you or get the information to you yesterday by 3:00. I apologize for that. Thank you for your consideration. I do have questions related to the boardwalk and garage if they seem pertinent tonight. Dear Mr. Sokolowski, Chair Newton and members of the Planning Commission: My name is Ms. Rosey Dorsey and I am the owner of the property at 1603 Forest Lawn Road. Cannon Beach, Oregon 97110. For the record, I have spent 41 years in the classroom teaching Language Arts and credit recovery to our toughest kids. I have just one recollection of working with a city prior to this Wetland development. At the ripe old age of 11 with my 4-H club, we fought to keep trails in my hometown. Please bear with me. At the moment, the garage and boardwalk are being discussed are adjacent to my property, I draw upon your expertise to be sure that everything is to code, measurements are correct and my property will be safe in the short and long term. There is so much information to sort through. For example, the letter from the developer's expert, Pacific Habitat Services, dated November 28th, describes the boardwalk as 5'6" wide leading to a 1200 square foot home. This seems different from the plans you are looking at yet we are relying on PHS to confirm this boardwalk is acceptable and supported. Would the plans you have now change PHS's evaluation of this project? When I imagine a boardwalk running alongside my home, I also wonder about safety. I wonder about ADA requirements, railings and if Patrick/Dave LLC will be putting up a fence? I am always concerned about liability. Will I need to put up a fence to prevent people, young and old, and bikes and whatever else from falling off the boardwalk and entering my property? I have never needed a fence. In all my years here I have never had to file any police reports but since this Wetland development project has begun, I have 3 filed reports for unwelcome intruders. Who will maintain the boardwalk? Will it be used for all deliveries large and small? Is it open or covered? Are motorized vehicles, like golf carts, allowed? The more clarification I have on this unusual path the better. In terms of the garage and parking. Do you think we should consider the 4 space parking pad at the curve of the road when considering garage design and parking and driveways? Those are 4 additional parking spaces on gravel, best I can tell, but are part of the overall parking and garage plan? These spots require homeowners to walk quite a distance to their homes. It also appears, in some of the drawings, that the driveway for the garage may extend all the way to the street? Is that correct? Can I also extend my driveway and landscaping then to the end of the street as well? I was hoping to retire in peace, after 41 years of teaching, to the legacy home my mom dreamed of for my younger sister and myself. Now I am investigating all alternatives. It would help me tremendously to know that the construction guidelines will be followed closely and all of the construction and geological suggestions from the arborist and other specialists are closely followed so I may finally enjoy my home as well. Best, Rosey Dorsey Owner of 1603 Forest Lawn Road 

Robert St. Clair

From: Dana Cardwell <danacardwell@outlook.com>
Sent: Friday, January 19, 2024 9:02 PM
To: Planning Group
Subject: Comments for PC Meeting on 1-25-24
Attachments: Comments for PC Meeting on 1-25-24_1.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please include my attached comments in the Planning g Commission packet for the January 25, 2024 meeting. If the packet deadline has passed, please distribute to the Planning Commissioners and include on the city's website.
Thank you.

Dana Cardwell

Thank you to the Planning Commission for your time and thoughtful consideration of this project. I have commented previously in this process and wish to provide comments again now.

First, I would like to ensure the record is clear regarding the wetland boundaries. There is an official survey on record that delineates the wetland. This is the working document being used by the City and developer to layout the proposed development. The record also contains several opinions related to the wetland and it's current boundaries, growth, shrinkage and health. These are only opinions. Several have been prepared by an expert(s) on behalf of the developer. Experts are paid for their time and opinion. Their opinion is biased. I expect many experts have offered differing opinions regarding this wetland in the past. The current expert put on record by the developer has likely issued varying opinions in the past regarding this wetland and has noted as much in past testimony. I mention this to ensure the record is clear for future review. To my knowledge, there has been no determination by city staff, the Planning Commission, or the City Council regarding the impact, or lack of impact, storm drainage from Ms. Dorsey's abutting property has had on the wetland. That Ms Dorsey's drainage has caused the wetland boundaries to change is only an opinion put forth by the developer. Please address this point at your next meeting.

In speaking with the Oregon Coast Alliance, they suggest a deed restriction to protect the remaining wetland from further development. As such, I request the Planning Commission issue a deed restriction or make such restriction a condition for approval of the current development. This action protects the wetland boundaries from future manipulation by any party.

I was surprised by Mr Lerma's comment during his most recent Planning Commission testimony that he doesn't really care if it is one or two buildings being built on the lot. I wonder if a single house with a driveway off Forest Lawn is of interest now? As a neighbor, I would prefer the Planning Commission grant a variance for a driveway (not a footbridge) if that allows the lot to remain undisturbed on the Hemlock side. The construction easement really bothers me. Damage to the wetland will happen and it will always be an access point, by both foot and vehicle.

I'm very confused by the condominium aspect to this project. This seems to be a new twist. Has the developer stated a preference for an HOA and condos? It seems this decision is important and I would like more information regarding the structure of such a development. For instance, would the undeveloped wetland area be part of the shared condo grounds? What about the garage, parking pad & footbridge? This seems to be the time to ask these questions of the developer and set expectations and conditions appropriately. As such, I request an extension and stay of proceedings so that the Planning Commission can review this new issue.

Given the ever changing nature of this project, I suspect the garage will be converted into a dwelling unit or perhaps two units (upstairs and downstairs) if the issue is left unaddressed. It's a 2 story, 1200sq ft building identical to the other 2 buildings. I'd like to ask for a restriction or condition mandating that the garage not be converted to living space. I'd also ask for a restriction on the number of units the proposed buildings can be divided into. For example, 3 buildings, each with an upstairs and downstairs unit, would result in 6 livable units. The parking for 6+ cars on Forest Lawn, even with the proposed parking pad, would be congested. As such, please consider a restriction on the number of livable units allowed in this development.

I am frustrated by the cat and mouse game that continues. I would like to see a straightforward and honest disclosure by the developer as to what they intend to build, how it will be occupied and who will

own the developed property and remaining wetland. The applications and submissions to date appear intentionally convoluted, purposefully out of synch and intended to overwhelm the process. What a waste of community resources.

In view of the above, I request the Planning Commission deny the current application for a footbridge. I am not opposed to a footbridge but a variance for a driveway off Forest Lawn might be more appropriate. Access to the units via a driveway makes more sense for those occupying the units and for emergency services. A footbridge off Forest Lawn necessitates a clear and permanent emergency access road onto Hemlock. I would prefer that portion of the wetland be left undisturbed by construction traffic and a permanent emergency access road. A driveway off Forest Lawn could alleviate some of the on street parking that will likely come with this development.

It is impossible for the Planning Commission to make well reasoned decisions without a full understanding of the development envisioned by the developer.. Should the Planning Commission opt to approve the footbridge, I urge the Planning Commission to place conditions on any approval to ensure full disclosure of plans, including occupancy totals, condo/lot ownership details and protection of the remaining wetland from further development.

I also request an extension and stay of proceedings so that the Planning Commission can adequately review the new issues that have arisen in connection with potential condominium ownership of a Wetland Lot of Record.

Thank you again for your time reviewing this matter.

Dana Cardwell
PO Box 1305
Cannon Beach, OR 97110



Cannon Beach Design Review Board

Staff Report:

DRB 24-04, WRB CONSTRUCTION LLC, ON BEHALF OF TOLOVANA SANDS CONDOMINIUMS, APPLICATION FOR EXTERIOR ALTERATIONS TO EXISTING BUILDINGS. THE PROPERTY, 160 E. SIUSLAW, TAXLOTS 51032CB70001, 70002, 70003, 70102, 70103, 70104, 70105, 70106, AND 70201 CONSISTS OF MULTIPLE OWNERS WITHIN A HOMEOWNERS ASSOCIATION AND IS IN A RESIDENTIAL MOTEL (RM) ZONE. THE APPLICATION WILL BE REVIEWED AGAINST THE CRITERIA OF MUNICIPAL CODE CHAPTER 17.44.080 – 17.44.100, DESIGN REVIEW CRITERIA.

Agenda Date: February 21, 2024

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

GENERAL INFORMATION

NOTICE

Public notice for this February 21, 2024 Public Hearing is as follows:

- A. Notice was posted at area Post Offices on February 5, 2024;
- B. Notice was mailed on February 5, 2024 to surrounding landowners within 100' of the exterior boundaries of the property.

Oregon E-Permitting record number: 164-24-000001-PLNG

DISCLOSURES

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

EXHIBITS

The following Exhibits are attached hereto as referenced.

"A" Exhibits – Application Materials

- A-1** Design Review Application DRB#24-01, submitted and stamped January 11, 2024
- A-2** Project description submitted January 11, 2024

"B" Exhibits – Agency Comments

None received as of this writing;

"C" Exhibits – Cannon Beach Supplements

- C-1** Completeness Determination Letter, dated January 30, 2023

"D" Exhibits – Public Comment

None received as of this writing;

SUMMARY & BACKGROUND

The proposed project is the replacement of exterior siding at the Tolovana Sands Condominiums at 160 E. Siuslaw St. The applicant intends to replace the existing cedar shake siding with a Hardie Plank product. No changes to site design or landscaping are proposed as part of this application.



Figure 1: Staff photo of Tolovana Sands Condominiums

APPROVAL CRITERIA

Approval criteria are in the Design Review Standards (17.44) section of the municipal code: These are excerpted below.

17.44.090 Architectural Design Evaluation Criteria.

The following criteria shall be used in evaluating architectural designs. The number adjacent to the criterion represents the relative importance of that criterion, with “3” being the most important:

- x3 A. The design avoids either monotonous similarity or excessive dissimilarity with existing structures, or structures for which a permit has been issued, in its section of town (i.e., downtown, midtown, etc.). If the development includes multiple structures, the design avoids either monotonous similarity or excessive dissimilarity between the component structures.*
- x3 B. The size, shape and scale of the structure(s) are architecturally compatible with the site and with the surrounding neighborhood. The structure is sufficiently modest in scale to enhance the village character of the community.*

- x3 C. *The proposed materials and colors are compatible with the character and coastal setting of the city.*
- x3 D. *The design avoids monotony and provides visual interest and charm by giving sufficient attention to architectural details and to such design elements as texture, pattern and color.*
- x3 E. *If the project includes a large structure or structures, such as a large motel or condominium, the design avoids a monolithic expanse of frontages and rooflines and diminishes the massing of the buildings by breaking up building sections, or by the use of such elements as variable planes, projections, bays, dormers, setbacks, or changes in the roofline.*
- x3 F. *If the project is unusually large, or if it is likely to become a village landmark, or if it is located so as to become part of an introduction/ transition to the city or to a particular district or to the beach, the design acknowledges the special impact the project would have on the entire community by addressing the design criteria in an exemplary, standard-setting fashion.*
- x2 G. *The height of the structure(s) is architecturally compatible with the site and the surrounding neighborhood. The height of the structures contributes to the village scale.*
- x2 H. *The height of the structure(s) is such that it does not unreasonably destroy or degrade the scenic values of the surrounding area.*
- x2 I. *The height of the structure(s) is such that it does not unreasonably block or greatly degrade the views of scenic vistas as seen from neighboring sites.*
- x2 J. *The height of the structure(s) is such that it does not unreasonably deny solar access, light or air to an adjacent structure, on or off the site.*
- x2 K. *The design sufficiently addresses the relationship of the structure(s) to the sidewalk and to pedestrian activity so as to foster human interaction.*
- x2 L. *The proposed signage harmonizes with the other structures in terms of form, materials and scale.*
- x2 M. *Lighting fixtures: (1) are compatible with the architectural design; (2) produce illumination sufficiently subdued to be compatible with the village character; (3) avoid casting glare on adjoining property; (4) are sufficient for night-time safety, utility, security, and commerce; and (5) do not exceed the illumination values in the table at Section 17.44.150.*
- x2 N. *The project incorporates design elements or building improvements which result in the conservation of energy.*
- x1 O. *The design of the project ensures continued privacy for the occupants of adjacent structures. In cases of multifamily housing, this item is to be rated as x3.*

Staff Comment: The applicant proposes to remove existing cedar shake siding and replace it with a new siding that will consist of Hardie Plank lap siding. The roof will also be re-shingled fiberglass shingles that have a wood shake look as per the manufacturer's specifications. Renders of the proposed modifications are included in Exhibit A-2. No structural changes are proposed as part of this application.

PROCEDURAL REQUIREMENTS

This application is subject to ORS 227.178, requiring the City to take final action within 120 days after the application is deemed complete. The application was submitted on January 11, 2024 and determined to be complete on January 29th. Based on this, the City must complete its review of this proposal by May 28, 2024.

The Design Review Board's February 21st hearing will be the first evidentiary hearing on this request. ORS 197.763(6) allows any party to the hearing to request a continuance. The DRB should grant any request for a continuance of this hearing. The DRB's next regularly scheduled hearing date is March 21, 2024.

DECISION AND CONDITIONS

Architectural

Motion: Having considered the evidence in the record and upon a motion by Board member (Name), seconded by Board member (Name), the Cannon Beach Design Review Board voted to (approve/approve with conditions/deny) the architectural plan of the WRB Construction application for exterior alterations for existing buildings at 160 E. Siuslaw St., DRB 24-04, as discussed at this public hearing (subject to the following conditions):

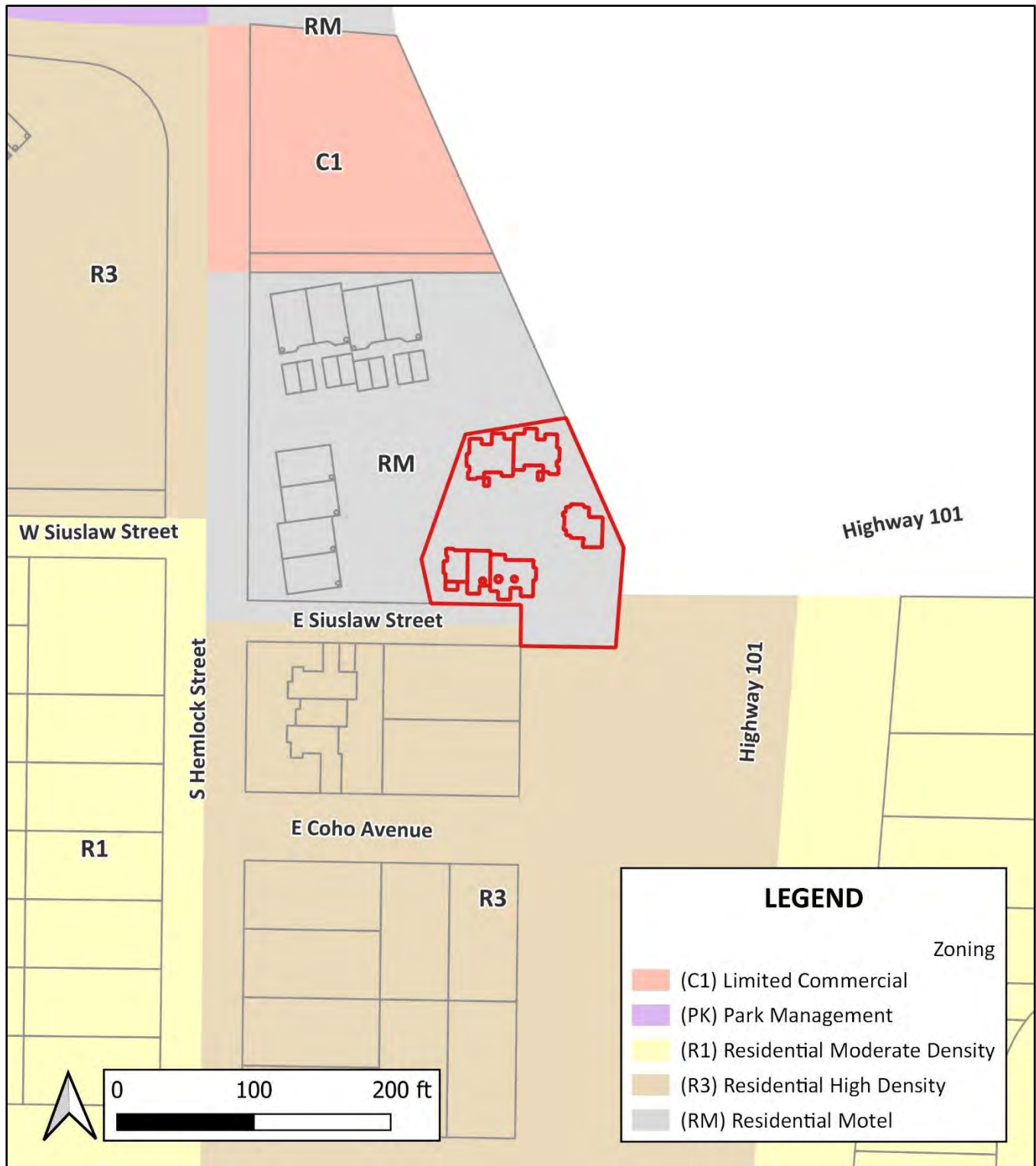
Notice of Approval

17.44.140 Final approval expiration.

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

DRB 24-04 Project Location & Zoning

160 E. Siuslaw St.



DESIGN REVIEW BOARD FINDINGS; SECTION 17.44.070 - 17.44.100

APPLICANT: WRB Construction; DRB NUMBER: DRB 24-04

MEETING DATE: February 21, 2024

MAP: 51032CB70001

Site Design Criteria	+/-/na	notes
A. The arrangement of all functions, uses, and improvements has been designed so as to reflect and harmonize with the natural characteristics and limitations of the site and adjacent sites. (x3)		
B. In terms of setback from the street or sidewalk, the design creates a visually interesting and compatible relationship between the proposed structures and/or adjacent structures. (x3)		
C. The design incorporates existing features such as streams, rocks, slopes, vegetation (i.e., making use of a small stream rather than placing it in a culvert). (x3)		
D. If the project is unusually large, or if it is located so as to become part of an introduction/transition to the city or to a particular district or to the beach, the design acknowledges the special impact the project would have on the entire community by addressing these design criteria in an exemplary, standard-setting manner. (x3)		
E. Where appropriate, the design relates or integrates the proposed landscaping/open space to the adjoining landscaping/open space in order to create a pedestrian pathway and/or open system that connects several properties. (x2)		
F. The arrangement of the improvements on the site do not unreasonably degrade the scenic values of the surrounding area. (x2)		
G. The improvements on the site enhance and/or do not deny solar access, light or air within the site or to adjacent sites or structures. (x2)		
H. Where appropriate, the design includes a parking and circulation system that encourages a pedestrian rather than vehicular orientation, including a separate service area for delivery of goods. (x2)		
I. The arrangement of the improvements on the site does not unreasonably block or greatly degrade scenic vistas enjoyed from neighboring (especially public) sites. (x2)		
J. The various functions and elements of the site design have been integrated into a unified whole, except in those cases where separation is appropriate. The overall design is visually harmonious when viewed either from within the site or from outside the site. (x2)		
K. The design gives attention to the placement of storage or mechanical equipment so as to screen it from view. (x1)		
L. If the project is adjacent to, or visible from, US Highway 101, the design minimizes its visual impact on the scenic character of Highway 101. (x2)		

M. The arrangement of functions, uses and improvements on the site have been designed to provide access to and within the site for individuals with disabilities. (x3)		
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Architectural Design Criteria	+/-/na	notes
A. The design avoids either monotonous similarity or excessive dissimilarity with existing structures, or structures for which a permit has been issued, in its section of town (i.e., downtown, midtown, etc.). If the development includes multiple structures, the design avoids either monotonous similarity or excessive dissimilarity between the component structures. (x3)		
B. The size, shape and scale of the structure(s) are architecturally compatible with the site and with the surrounding neighborhood. The structure is sufficiently modest in scale to enhance the village character of the community. (x3)		
C. The proposed materials and colors are compatible with the character and coastal setting of the city. (x3)		
D. The design avoids monotony and provides visual interest and charm by giving sufficient attention to architectural details and to such design elements as texture, pattern and color. (x3)		
E. If the project includes a large structure or structures, such as a large motel or condominium, the design avoids a monolithic expanse of frontages and rooflines and diminishes the massing of the buildings by breaking up building sections, or by the use of such elements as variable planes, projections, bays, dormers, setbacks, or changes in the roofline. (x3)		
F. If the project is unusually large, or if it is likely to become a village landmark, or if it is located so as to become part of an introduction/ transition to the city or to a particular district or to the beach, the design acknowledges the special impact the project would have on the entire community by addressing the design criteria in an exemplary, standard-setting fashion. (x3)		
G. The height of the structure(s) is architecturally compatible with the site and the surrounding neighborhood. The height of the structures contributes to the village scale. (x2)		
H. The height of the structure(s) is such that it does not unreasonably destroy or degrade the scenic values of the surrounding area. (x2)		
I. The height of the structure(s) is such that it does not unreasonably block or greatly degrade the views of scenic vistas as seen from neighboring sites. (x2)		
J. The height of the structure(s) is such that it does not unreasonably deny solar access, light or air to an adjacent structure, on or off the site. (x2)		
K. The design sufficiently addresses the relationship of the structure(s) to the sidewalk and to pedestrian activity so as to foster human interaction. (x2)		
L. The proposed signage harmonizes with the other structures in terms of form, materials and scale. (x2)		

M. Lighting fixtures: (1) are compatible with the architectural design; (2) produce illumination sufficiently subdued to be compatible with the village character; (3) avoid casting glare on adjoining property; (4) are sufficient for night-time safety, utility, security, and commerce; and (5) do not exceed the illumination values in the table at Section 17.44.150. (x2)		
N. The project incorporates design elements or building improvements which result in the conservation of energy. (x2)		
O. The design of the project ensures continued privacy for the occupants of adjacent structures. In cases of multifamily housing, this item is to be rated as x3. (x1)		

Landscape Design Criteria	+/-/na	notes
A. The design substantially complements the natural environment of Cannon Beach and the character of the site. (x3)		
B. The design harmonizes with and enhances the architectural design. (x3)		
C. The landscape design acknowledges the growing conditions for this climatic zone and the unique requirements that its specific site location makes upon plant selection (i.e., salt, wind and wind exposure, soil condition, light, shade, etc.). (x3)		
D. Provision has been made for the survival and continuous maintenance of the landscape and its vegetation. (x3)		
E. Where it is desirable to do so, the design provides amenities for the public. (x3)		
F. The design makes use of existing vegetation and incorporates indigenous planting materials. (x2)		
G. The selection and arrangement of plant materials provides visual interest by the effective use of such design elements as color, texture and size differentiation. (x2)		
H. The hard surface portion of the design makes use of visually interesting textures and patterns. (x2)		
I. Where it is desirable to do so, the design provides visual interest through the creation of a variety of elevations. (x2)		
J. The design contributes to the stabilization of slopes, where applicable. (x2)		
K. The design successfully delineates and separates use areas, where it is desirable to do so. (x2)		
L. The lighting fixtures and level of illumination are compatible with the landscape design. The level of illumination produced enhances the overall project and does not cast glare on adjacent property or into the night sky. (x2)		

JAN 11 2024

Received



CITY OF CANNON BEACH

DESIGN REVIEW BOARD APPLICATION

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

Applicant Name: WBB CONSTRUCTION LLC
 Mailing Address: 12705 SW HERMAN RD
SUITE B TUALATIN, OR 97062
 Email Address: ggoshaw@sfwconstruction.com
 Telephone: 503-826-6765

Telovan Sands
Condos

Property-Owner Name: KAREN CANNON HOA president
 (if other than applicant)

Mailing Address: HATelephone: 360-600-9981

Property Location: 160 ESIUSHW ST CANNON BEACH
 (street address)

Map No.: _____ Tax Lot No.: _____

Project Description:

City of Cannon Beach
Finance Department

JAN 11 2024

PAID

Please see the back of this sheet for Design Review submittal requirements for site analysis diagram, site development plan, landscape plan and architectural plans which must be included with this application.

Application Fees: Minor Modification: \$50
 Major Modification, partial review: \$200
 Major Modification, full review: \$600

Applicant Signature: [Signature] Date: 1/11/2024

Property Owner Signature: _____ Date: _____

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

For Staff Use Only:

Received on: 1/11/24 By: [Signature]
 Fee Paid: 6000 - Receipt No.: _____

(Last revised March 2021)

PO Box 368 Cannon Beach, Oregon 97110 • (503) 436-8042 • TTY (503) 436-8097 • FAX (503) 436-2050

www.ci.cannon-beach.or.us • planning@ci.cannon-beach.or.us

Exhibit A-1



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

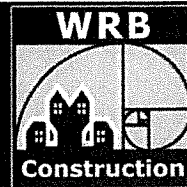
XBP Confirmation Number: 162885403

► Transaction detail for payment to City of Cannon Beach.			Date: 01/11/2024 - 9:55:32 AM MT
Transaction Number: 211139932			
Mastercard — XXXX-XXXX-XXXX-6371			
Status: Successful			
Account #	Item	Quantity	Item Amount
DRB App Tolovana San	Planning Fees DRB App Tolovana San	1	\$600.00

TOTAL: \$600.00

Billing Information
JERRY GOSHAW
, 97110

Transaction taken by: Admin Front



WRB Construction LLC _____ 1-9-2024

Subject: Siding and Roof Replacement

Customer: Tolovana Sands Condo's

Site Location: 160 E Siuslaw St. Cannon Beach, OR 97110

WRB Construction is submitting documentation to the City of Cannon Beach to obtain a permit to reside and reroof all 6 buildings of the Tolovana Sands Condo's located at the address above.

I have included all spec sheets of the materials that we will be using in this project along with renditions of the proposed reside using James Hardie cement siding, (see attached spec sheets).

The roof shingles will be GAF Timberline HDZ, one of the top shingle manufacturers, and all of their products in the re-roofing, (see attached spec sheets).

We are having a representative from DuPont Tyvek inspect all 6 buildings for proper installation of the WRB, Tyvek Drain Wrap, and all applicable flashing before installing the siding and trim. A written report from the representative of DuPont will be given to the owners, for an extended warranty.

A handwritten signature in black ink, appearing to read 'J. Goshaw', is written over a horizontal line.

Jerry Goshaw, Senior Estimator, WRB Construction

TOLOVANA SANDS CONDOMINIUMS

Narrative

The purpose of this survey is to plat "TOLOVANA SANDS CONDOMINIUMS" according to the Oregon Revised Statutes Section 100. The Basis of Bearings is North 89°13'53" West along the south line of SAND CASTLES CONDOMINIUM PHASE 2 established by holding monuments of that survey as shown hereon. Co. Survey No. B-9506 showed a gap between the 1/16th line and the north line of C.H.P. (Sixth St.). Bk. 882, P. 340, Parcel II, describes the easterly portion of said gap as lying East of the southerly extension of S. C. C. PHASE 2, as disclosed by CS No. B-9506. I drew the line from the southeast corner of S. C. C. PHASE 2 perpendicular to the north line of Sixth St., which I have computed through ties to Map B-9506. The west line is along the east line of S. C. C. PHASE 2 and the east line of 6th Street. The north line is along the south line of S. C. C. Phase 1. The east line is along the west line of Bk. 212, P. 645, the U.S. 101 Highway R/W and the east line of Bk. 792, P. 377, a deed from the STATE OF OREGON, D.O.T.. The south line is along Bk. 792, P. 377, and the north line of 6th Street.

NW 1/4 SW 1/4 SECTION 32, T. 5 N., R. 10 W., W.M.,
City of Cannon Beach,
CLATSOP COUNTY, OREGON
Date: 29 November 2004

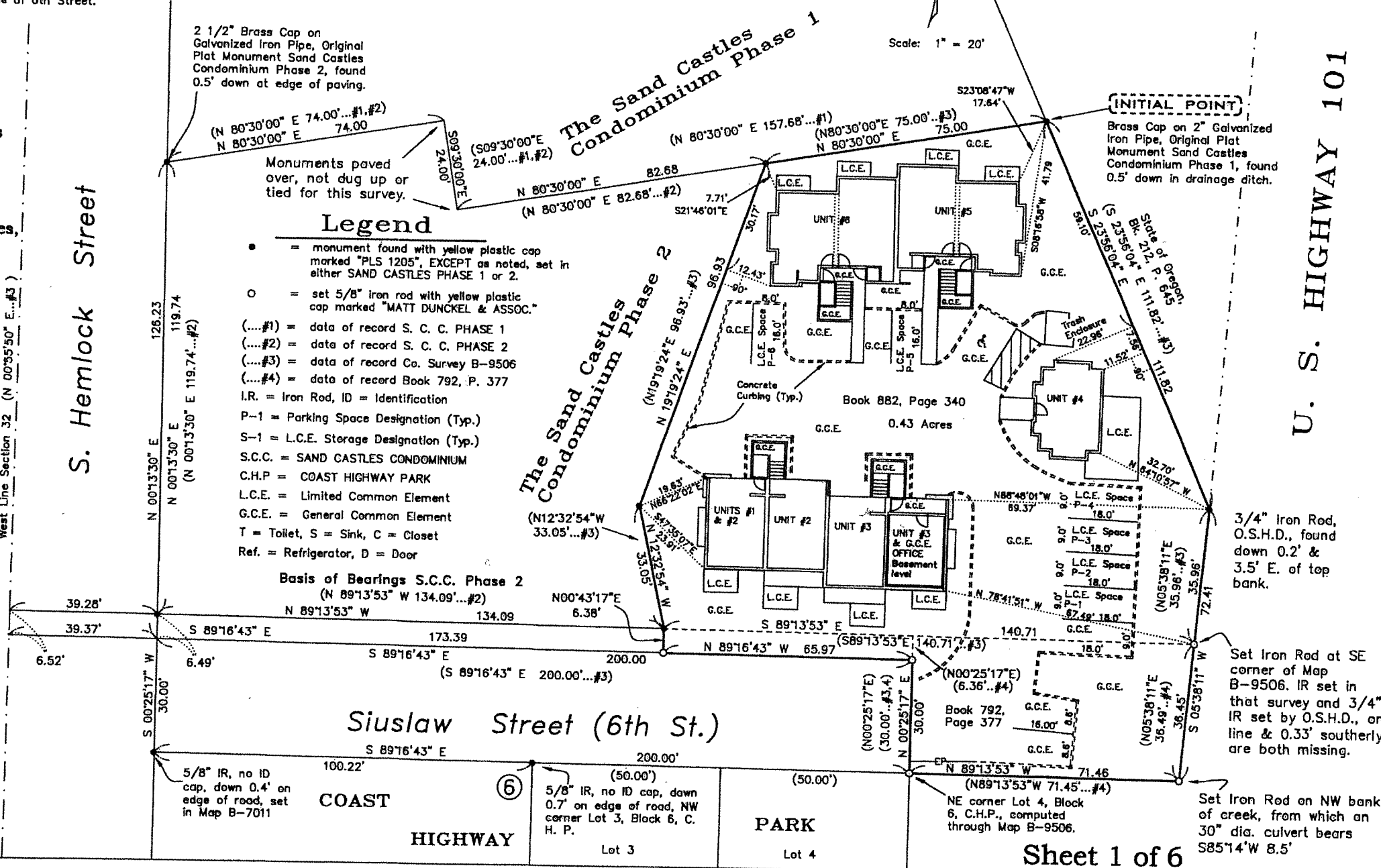
- SHEET INDEX**
- Sheet 1 - Boundary
 - Sheet 2 - Building Elevations
 - Sheet 3 - Building Elevation, Floor Plans, Unit Designations
 - Sheet 4 - Floor Plans, Unit Designations
 - Sheet 5 - Floor Plans, Unit Designations
 - Sheet 6 - Approvals, Certificates, Declaration

Notes

- 1) Property encompassed by the boundaries of the Surveyor's Certificate may be subject to a blanket easement disclosed in Pacific Title Co. File No. 10653 per Book 222, Page 129.
- 2) Property encompassed by the boundaries of the Surveyor's Certificate may be subject to an easement for power distribution disclosed in Pacific Title Co. File No. 10653 per Book 581, Page 927.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
[Signature]
OREGON
January 16, 2002
LELAND A. MACDONALD
53226
Expires 31 December 2006

By: Matt Dunckel & Assoc.
3765 Riverside
McMinnville, Oregon 97128
Phone: 503-472-7904
Fax: 503-472-0367
Email: dunckel@vclink.com



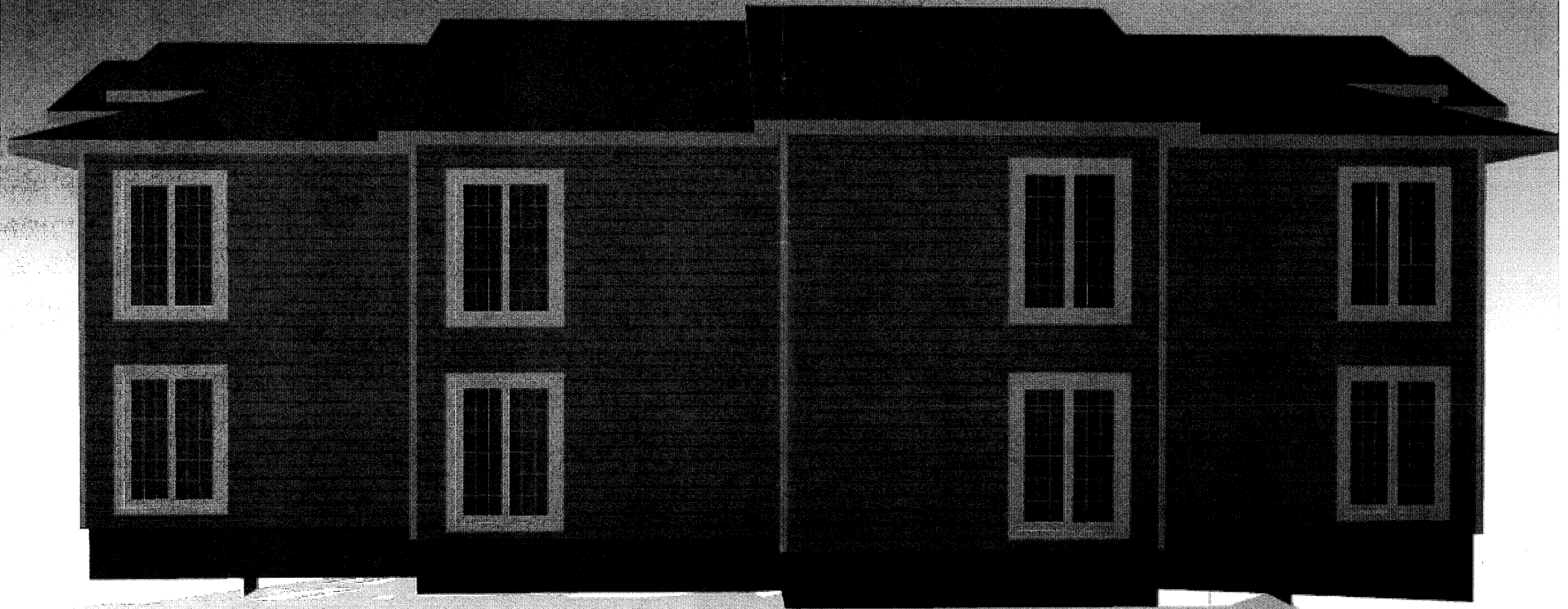


SIDING RENDERING
SOUTH SIDE



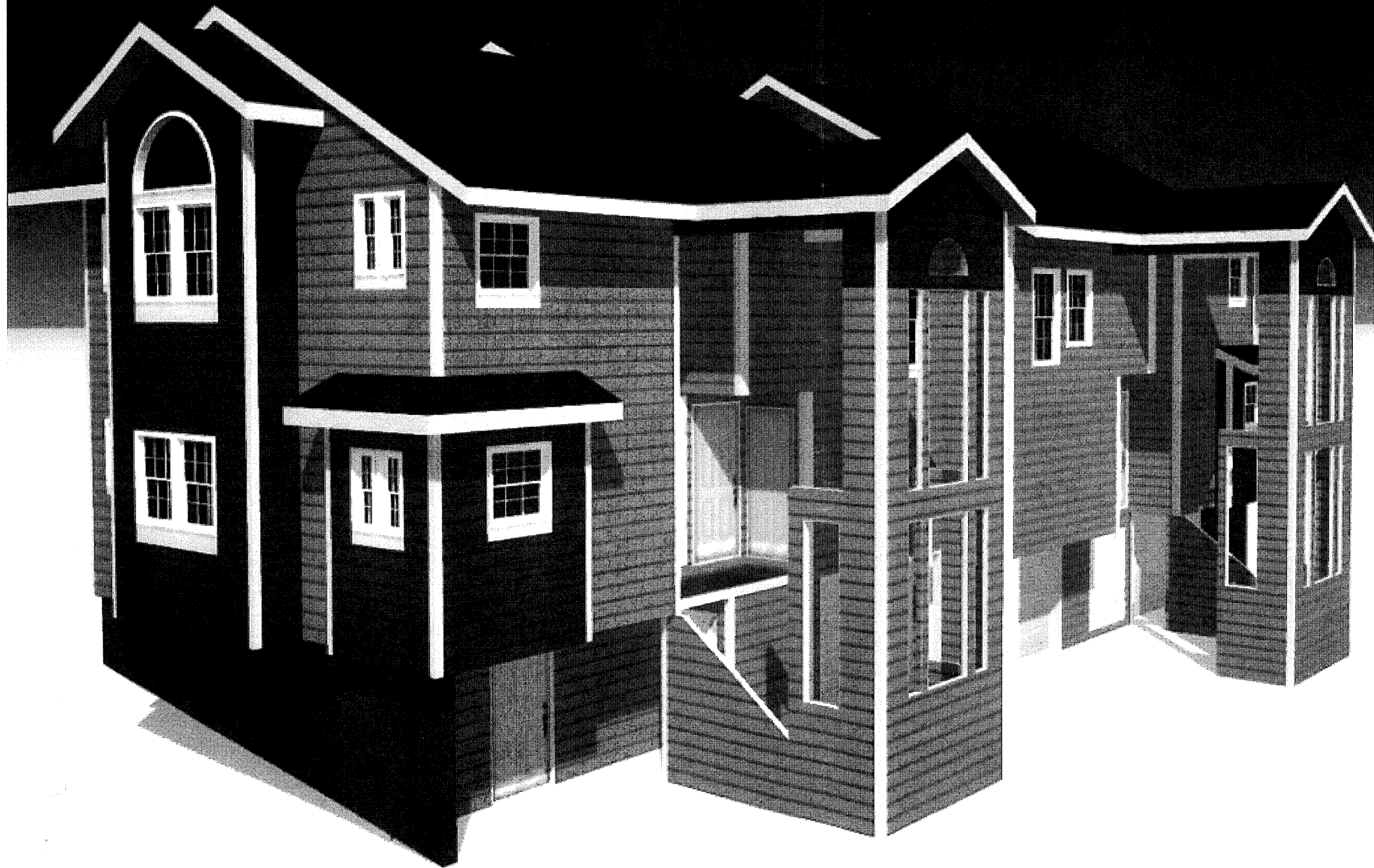
SIDING CONDITION
WEST SIDE

TOLOVANA SANDS CONDO'S



⁵
TOLOVANA SANDS CONDOS

SIDING RENDERING
NORTH SIDE



SIDING RENDERING
EAST SIDE

TOLOVANA SANDS CONDO'S

HardiePlank® Lap Siding

Submittal Form

01

Submitted to:

Project Name:

Submitted by:

Date:

☐ HZ5® Product Zone ☐ HZ10® Product Zone

Product Width: ☐ 5-1/4in ☐ 6-1/4in ☐ 7-1/4in ☐ 8in ☐ 8-1/4in ☐ 9-1/4in ☐ 12in

Product Finish: ☐ Primed ☐ ColorPlus® Technology

Product Texture: ☐ Smooth ☐ Select Cedarmill® ☐ Colonial Roughsawn®
☐ Colonial Smooth® ☐ Rustic Cedar

HardiePlank® Lap Siding

Specification Sheet

01

DIVISION: 07 00 00 THERMAL AND MOISTURE PROTECTION

SECTION: 07 46 46 FIBRE CEMENT SIDING

HARDIEPLANK® LAP SIDING

Manufacturer

James Hardie Building Products, Inc

The products are manufactured at the following locations, with quality control inspections by ICC-ES:

- Cleburne, Texas
- Plant City, Florida
- Reno, Nevada
- Waxahachie, Texas
- Peru, Illinois
- Pulaski, Virginia
- Tacoma, Washington
- Fontana, California

Compliance with the following codes

- 2012, 2009 and 2006 International Building Code® (IBC)
- 2012, 2009 and 2006 International Residential Code® (IRC)

Features

- Noncombustible
- Dimensionally Stable
- Resists damage from pests
- Weather Resistant-Engineered for Climate®
- Impact resistant
- Sustainable

Use

James Hardie fiber-cement lap siding is used as exterior wall covering. The product complies with IBC Section 1404.10 and IRC Section R703.10. The product may be used on exterior walls of buildings of Type I, II, III and IV construction (IBC)

Description

HardiePlank lap siding is a single-faced, cellulose fiber-reinforced cement (fiber-cement) product. HardiePlank lap siding complies with ASTM C1186, as Grade II, Type A; has a flame-spread index of 0 and a smoke-developed index of 5 when tested in accordance with ASTM E84; and is classified as noncombustible when tested in accordance with ASTM E136.

Available Sizes

Product	Width (in)	Length	Thickness (in)
HardiePlank lap siding*	5-1/4, 6-1/4, 7-1/4, 8, 8-1/4, 9-1/4, 12	12 feet	5/16

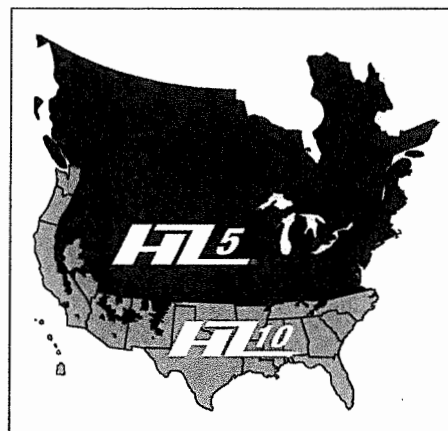
* HZ5: 9-1/4, 12 only available primed HZ10: 5-1/4, 9-1/4, 12 only available primed.

Texture & Finish

HardiePlank lap siding comes in a variety of textures and finishes. The product is available in smooth or wood grain texture. Additional textures are available on a regional basis. Finish options are primed for field paint, or factory finished with ColorPlus® Technology. Color availability varies by region.

Engineered for Climate®

HardiePlank lap siding is engineered for performance to specific weather conditions by climate zones as identified by the following map.



Performance Properties

General Property		Test Method	Unit or Characteristic	Requirement	Result
PHYSICAL ATTRIBUTES	Dimensional Tolerances	ASTM C1185	Length	$\pm 0.5\%$ or $\pm 1/4$ in	Pass
			Width	$\pm 0.5\%$ or $\pm 1/4$ in	
			Thickness	± 0.04 in	
			Squareness	Δ in diagonals $\leq 1/32$ in/ft of sheet length. Opposite sheet sides shall not vary in length by more than $1/32$ in/ft	
			Edge Straightness	$\leq 1/32$ in/ft of length	
	Density, lb/ft ³	ASTM C1185		As reported	83
	Water Absorption, % by mass	ASTM C1185		As reported	36
THERMAL	Water Tightness	ASTM C1185	Physical Observations	No drop formation	Pass
	Flexural Strength	ASTM C1185	Wet conditioned, psi	>1015 psi	Pass
			Equilibrium conditioned, psi	>1450 psi	
	Thermal Conductivity	ASTM C177	(BTU/(hr·ft ² ·°F))/inch	As reported	2.07
DURABILITY	Actual Thermal Conductivity		(K_{eff})		6.62
	Thermal Resistance		$R=1/K_{eff}$		0.48
	Actual Thermal Resistance		(R)		0.15
FIRE CHARACTERISTICS	Warm Water Resistance	ASTM C1185	Physical Observations	No visible cracks or structural alteration	Pass
	Heat/Rain Resistance	ASTM C1185	Physical Observations	No visible cracks or structural alteration	Pass
	Freeze/Thaw Resistance	ASTM C1185	Physical Observations	No visible cracks or structural alteration	Pass
			Mass Loss, %	$\leq 3.0\%$	
	Surface Burning Characteristics	ASTM E84	Freeze/Thaw, % strength retention	$\geq 80\%$	
			UV Accelerated Weathering Test	ASTM G23	Pass
			Physical Observations	No cracking, checking, or crazing	Pass
			Flame Spread Index (FSI)		0
	Noncombustibility	ASTM E136	Smoke Developed Index (SDI)		≤ 5
			Fuel Contributed		0
			NFPA Class		A
	Fire Resistance Rated Construction	ASTM E119	Uniform Building Code Class	As reported	1
			International Building Code® class		A
			Noncombustible	Pass/fail	Pass
			Fire Resistance Rating	1-hour	Note 1

Note 1: listed on Warnock Hersey and ESR 2290

Installation

Install HardiePlank lap siding in accordance with:

- HardiePlank lap siding installation instructions
- ICC-ES ESR 2290
- Requirements of authorities having jurisdiction

Warranty

HardiePlank lap siding: 30-year, Non-Prorated, Limited Warranty
ColorPlus Technology: 15-year Limited Finish Warranty

Sustainable Design Contribution

- Regionally sourced content- varies by project location
- Avoidance of certain chemicals or Red List Compliance

Detailed product information for LEED projects, or other state or regional sustainability programs is available through James Hardie Technical Services.

Storage and Handling

Store flat and keep dry and covered prior to installation.

Technical Services

Contact James Hardie Technical Services online at JamesHardie.com, or by phone at (800)426-4051



James Hardie

Additional Installation Information, Warranties
and Warnings are available at JamesHardie.com

1 866 442 7343 | www.jameshardie.com

IMPORTANT: Failure to install and finish this product in accordance with applicable building codes and James Hardie written application instructions may affect system performance, violate local building codes, void the product-only warranty and lead to personal injury.

DESIGN ADVICE: Any information or assistance provided by James Hardie in relation to specific projects must be approved by the relevant specialists engaged for the project (e.g. builder, architect or engineer). James Hardie will not be responsible in connection with any such information or assistance.

© 2019 James Hardie Building Products Inc. All rights reserved. TM, SM and ® denote trademarks or registered trademarks of James Hardie Technology Limited. The International Building Code and International Residential Code trademarks are registered trademarks.

Roof shingles

Timberline HDZ® Specs

ABOUT
([HTTPS://WWW.GAF.COM/EN-US/PRODUCTS/TIMBERLINE-HDZ](https://www.gaf.com/en-us/products/timberline-hdz))

SPECS
([HTTPS://WWW.GAF.COM/EN-US/PRODUCTS/TIMBERLINE-HDZ/SPECIFICATIONS](https://www.gaf.com/en-us/products/timberline-hdz/specifications))

DOCS
([HTTPS://WWW.GAF.COM/EN-US/PRODUCTS/TIMBERLINE-HDZ/DOCUMENTS](https://www.gaf.com/en-us/products/timberline-hdz/documents))

VIDEOS
([HTTPS://WWW.GAF.COM/EN-US/PRODUCTS/TIMBERLINE-HDZ/VIDEOS](https://www.gaf.com/en-us/products/timberline-hdz/videos))

SPECIFICATIONS (ALL DIMENSIONS ARE NOMINAL)

AWARDS & RECOGNITION Good Housekeeping Rated

25-YEAR STAINGUARD PLUS™ ALGAE PROTECTION LIMITED WARRANTY StainGuard Plus™ Algae Protection Limited Warranty²

\$ - \$\$\$\$ \$\$

DURABILITY & TOUGHNESS Advanced Protection Shingle with GAF Dura Grip Adhesive

EXPOSURE 5.625" (144 mm)

EXTREME WEATHER IMPACT RATED No

FIRE RATING Highest Rating - Class A

MATERIAL Fiberglass Asphalt Construction

WIND RATING Eligible for the WindProven™ Limited Wind Warranty¹ when installed with four required GAF accessory products

SHINGLE STYLE Wood-Shake Look

SHINGLE TYPE Architectural Shingles

APPROX. NAILS/SQ 256

AWARDS & RECOGNITION: Good Housekeeping Rated

25-YEAR STAINGUARD PLUS™ ALGAE PROTECTION LIMITED WARRANTY: StainGuard Plus™ Algae Protection Limited Warranty²

\$ - \$\$\$\$: \$\$

SPECIFICATIONS (ALL DIMENSIONS ARE NOMINAL)

DURABILITY & TOUGHNESS: Advanced Protection Shingle with GAF Dura Grip Adhesive

EXPOSURE: 5.625" (144 mm)

EXTREME WEATHER IMPACT RATED: No

FIRE RATING: Highest Rating - Class A

MATERIAL: Fiberglass Asphalt Construction

WIND RATING: Eligible for the WindProven™ Limited Wind Warranty¹ when installed with four required GAF accessory products

SHINGLE STYLE: Wood-Shake Look

SHINGLE TYPE: Architectural Shingles

APPROX. NAILS/SQ: 256

CODES

FBC	State of Florida Approved
ICC	ESR-1475
ICC AC438	ESR-3267
MIAMI-DADE COUNTY	Miami-Dade County Product Control Approved
TDI	Meets requirements of the Texas Department of Insurance

FBC: State of Florida Approved

ICC : ESR-1475

ICC AC438: ESR-3267

MIAMI-DADE COUNTY: Miami-Dade County Product Control Approved

TDI: Meets requirements of the Texas Department of Insurance

TESTING METHODS & APPLICABLE STANDARDS

TAS 100-95 Yes

TAS 100-95: Yes

ENERGY RATING

COOL ROOF RATINGS COUNCIL (CRRC)	CRRC-rated (White only)
MIAMI 21 (FLORIDA BUILDING CODE)	Yes (White only)
TITLE 24 (CALIFORNIA ENERGY COMMISSION)	Yes (two colors only)
COOL ROOF RATINGS COUNCIL (CRRC): CRRC-rated (White only)	
MIAMI 21 (FLORIDA BUILDING CODE): Yes (White only)	
TITLE 24 (CALIFORNIA ENERGY COMMISSION): Yes (two colors only)	

SHIPPING AND PACKAGING

APPROX. PIECES/SQ	64
APPROX. BUNDLES/SQ	3
APPROX. PIECES/SQ: 64	
APPROX. BUNDLES/SQ: 3	



CANNON BEACH COMMUNITY DEVELOPMENT

163 E. GOWER ST.

PO Box 368

CANNON BEACH, OR 97110

January 30, 2024

Jerry Goshaw
WRB Construction LLC
12705 SW Herman Rd. Ste. B
Tualatin, OR 97062

RE: Completeness Determination for Design Review at 160 E. Siuslaw St. (File: DRB 24-04)

Dear Mr. Goshaw:

Your application for Design Review for exterior alterations to existing multi-family structures was received on January 11, 2024 and found to be complete on January 29, 2024. The City has 120 days to exhaust all local review, that period ends on Tuesday May 28, 2024. The first evidentiary hearing for this application will be held on Wednesday February 21, 2024 at 6:00pm, you may participate in person or by Zoom. This hearing has been rescheduled from Thursday, February 15th due to scheduling conflicts.

The materials received with this application include:

- Design Review application form with project description

Please be aware that the determination of a complete application is not a decision or a guarantee of outcome for the application.

Please feel free to contact my office at (503) 436-8053, or by email at stclair@ci.cannon-beach.or.us if you have questions regarding this application matters.

Sincerely,

Robert St. Clair
Planner