

Robert St. Clair

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

Follow Up Flag: Follow up
Flag Status: Flagged

Hello (again) Mr. St. Clair,

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

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

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

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

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

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

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

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

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

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

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

Susie Stevens Logan

1 TO: City of Cannon Beach
2 Public Works
3 publicworks@ci.cannon-beach.or.us
4
5
6 Attn: Bruce St. Denis stdenis@ci.cannon-beach.or.us
7 Et. al
8
9 CC: Jeff Adams adams@ci.cannon-beach.or.us
10 Jennifer Barrett barrett@ci.cannon-beach.or.us
11 Karen La Bonte labonte@ci.cannon-beach.or.us
12 Trevor Mount mount@ci.cannon-beach.or.us
13 Wes Garvin garvin@ci.cannon-beach.or.us
14 Mike Benefield benefield@ci.cannon-beach.or.us
15 Tom and Brenda Souply tbsoups@comcast.net
16
17
18 From: Susan Stevens Logan susie@susiestevens.com
19 716 N. Laurel St.
20 Cannon Beach, OR
21
22

23 RE: Logan Creek Tributary Flooding
24 NARRATIVE & DEMAND
25 for CITY of CANNON BEACH ENGINEERING CHANGES
26

27 September 6, 2022
28

29 As summer wraps up, and fall is around the corner, we can expect
30 our usual predictable increase of rain soon in the forecast.
31

32 Without any effective action having been taken to mitigate the
33 previous flooding which has been reported, I find that once
34 again, I must address a serious concern. It was brought to the
35 attention of the City of Cannon Beach Public Works department,
36 (and ultimately to you, Mr. Denis), beginning November 2021.
37

38 As you know, the Logan Creek tributary flood/culvert overflow
39 occurred on N. Laurel Street during both November of 2021 and
40 January of 2022.
41

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

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

46
47 The opening to the culvert, however, was later reassigned to the
48 property directly to my north (neighbors Mike and Stacy
49 Benefield; 740 N. Laurel St.), following a survey and easement
50 implemented at their request in 2010 and during a previous
51 foreclosure at the property that I now own.

52
53 At that time, the existing fence on the north side of my
54 property was physically moved (and now runs, literally, into the
55 back of my house). Please see pictures from a historic realtor
56 site listing of my property, *prior* to the change of boundary and
57 fence being moved, compared with afterward (**Exhibit B**):

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60
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62
63

- Exhibit A -

- Exhibit B -

64



65

66 BEFORE boundary
67 adjustment in 2010
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69
70

AFTER boundary
adjustment in 2010:

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

79
80 However, in October of 2021, noticing the lack of maintenance
81 occurring in the creek and culvert opening on the Benefield's
82 740 N. Laurel property, I had growing concern for flooding
83 issues which could affect my property and additional properties
84 located south and downhill from the Benefield's lot.

85
86 Because of that concern, I initially contacted Trevor Mount,
87 Assistant Public Works Director of the City of Cannon Beach.

88
89 Large amounts of debris and plant growth had gathered at the
90 base of the creek tributary on the Benefield property,
91 surrounding the opening to the culvert that runs from the edge
92 of their property (since the boundary change of 2010) through my
93 backyard property.

94
95 Mike Benefield had previously made me aware of the "additional"
96 steel rods that he placed at the opening of the culvert.
97 Because of his culvert alteration, concern was generated for me
98 about whether his alterations to the culvert design (from the
99 original culvert opening) actually improved the drainage ability
100 at the culvert – or instead hindered it. Debris collects now in
101 front of the grid – frequently clogging access and water flow at
102 the culvert opening. **Please note that I've recently noticed**
103 **that those steel rods have been removed.**

104
105 When I first contacted Mr. Mount in October/November of 2021, I
106 was relieved that he expressed genuine concern regarding the
107 possibility of potential flooding on our street. He offered his
108 assurance that he would further assess the situation.

109
110 Following that conversation that same culvert began to clog and
111 flood in November of 2021 (as my fears had predicted). During
112 this flooding, additional flooding also occurred at the public
113 street drainage located on the corner of Laurel (crossing 7th

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

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

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- Exhibit C -



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

166
167 On Jan. 6, 2022, I received messages from a few of my neighbors
168 (not including the Benefield's) that there was massive flooding
169 occurring *again* on our street. I was out of town again during
170 this event, but more than one neighbor noticed the seriousness
171 of the issue and took pictures/videos for me to see.

172
173 The Souply's property at 707 N. Laurel St. was once again in
174 danger of flooding, and knowing the history of blockage at the
175 culvert during the November flood, they went to look at the
176 culvert area next to my house - which was completely blocked
177 with debris and flooded once again. As is clearly notable in the
178 attached photos, the flooding begins at the opening to the
179 clogged culvert on the Benefield's property. Ultimately the
180 north side of my property was completely flooded and much of my
181 yard destroyed and under water. **In addition, the water was**
182 **seeping under and into my crawl space.** Regarding the flood
183 event in January of 2022, you can also see in Exhibit D
184 presented below, that the south side of my property, had flooded
185 and continued on down the middle of N. Laurel St.

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- Exhibit D -



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- Exhibit D (cont'd.)-



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

219

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

227

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

232

233 "The most recent flooding that occurred
234 throughout the city was the result of the
235 confluence of a near record rain event that
236 occurred at an unusually high tide. The result
237 was that the tide water surcharged the drainage
238 system so that the system was actually conveying
239 tidewater in instead of rainwater out.
240 Unfortunately, the elevation of your neighborhood
241 is one of the lower in the city so you will
242 receive the greatest impact in these situations."
243

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

246 "It seems that the lot line/easement disagreement
247 from 2010 is a civil matter which does not
248 involve the city."
249

250
251 I have retained these email exchanges for review, if necessary.
252 The important point to consider is that your assessment of the
253 situation seemed to be a drastic 180-degree shift in response,
254 as compared to previous communication with Mr. Mount. The
255 Souplys and I, in addition to other neighbors who witnessed the
256 flooding events, have been left wondering what the solution
257 could possibly look like for the future-in order to avoid a
258 repeat of massive flooding on our street once again this winter?
259 It bothers me that on behalf of the City of Cannon Beach, that
260 you, Mr. St. Denis, could conclude, against the physical
261 evidence, that the water source (tributary of the Logan Creek)
262 which begins flowing up in the mountain above our street and
263 continues to flow directly through the Benefield home (yes-
264 through their home (how was that approved for design?) and then
265 continues to flow down our street through an improperly
266 maintained culvert is somehow a "private property issue" left as
267 a civil matter to be settled between private citizens.
268

269 My cottage has existed here since 1924. This problem, however,
270 is a NEW one.
271

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

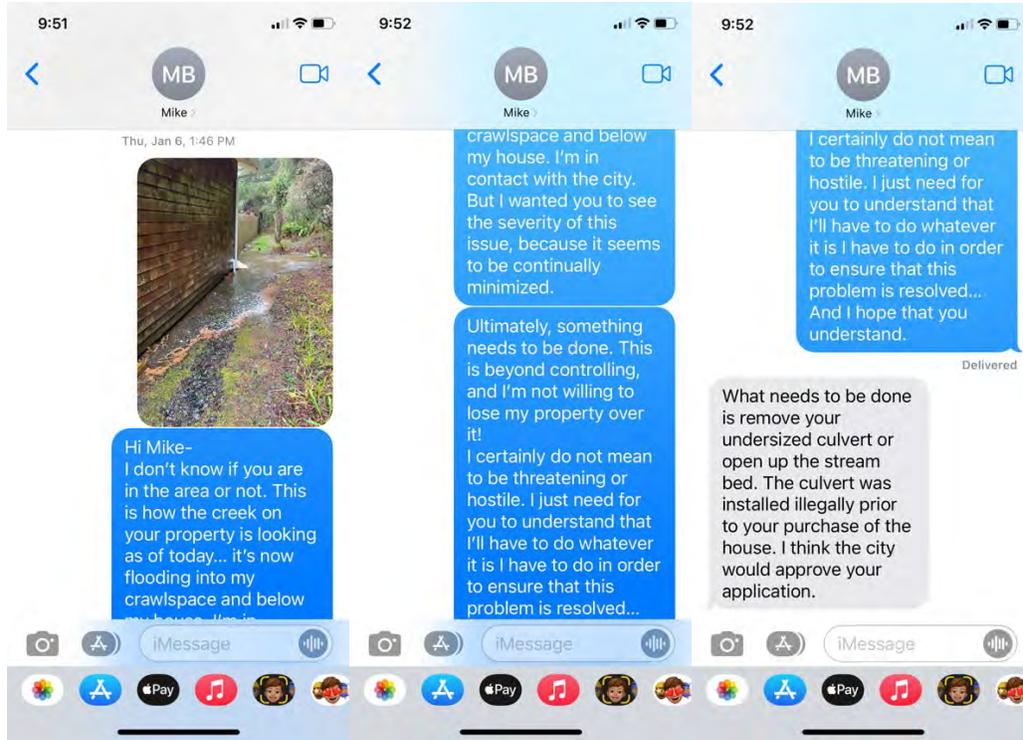
277 problem," when the problem originates from Public Works
278 controlled water flow and the improperly maintained culvert on
279 what he has claimed as his own property.
280

281 As per the messages exchanged on the day of the flood in January
282 2022, demonstrated in Exhibit E, Mr. Benefield has made it clear
283 that he is unwilling to take ANY responsibility for the
284 maintenance of the culvert opening that now exists on his
285 property.
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- Exhibit E -

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



QUESTIONS FOR PUBLIC WORKS TO RESPOND TO

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

349 4) Does Mr. Benefield's proposal seem like a logical, properly
350 engineered solution to you and the City of Cannon Beach
351 Department of Public Works?
352

353 As a representative of City Council, Mr. Benefield demonstrates
354 a lack of ability to consider the welfare of his immediate
355 community. This is of grave concern to me. The Public Works-
356 controlled flooding waters should concern all of us.
357

358 By the way, since receiving this text from Mike Benefield, I
359 have additionally been in communication with the county
360 regarding the origins of this culvert and am assured that it is
361 not possible for Mr. Benefield to assume that the culvert is
362 "illegal."
363

364 Mr. St. Denis, and all City of Cannon Beach representatives, if
365 this is a "private issue," I'm curious to know how other
366 residents affected by this flood route in the future are to
367 interpret your conclusion.
368

369 Exactly who should they hold responsible for a flood which
370 originates from a tributary channel that begins in the mountain
371 above our street and then flows through a neighbor's property
372 who refuses to accept any responsibility for the management of
373 the culvert opening that exists on his own property and
374 continues to flow onward down the middle of N. Laurel St.?
375
376
377

378 SOLUTIONS & DEMAND 379

380 There is an actual solution here. And it's an obvious one.
381 If the culvert, where it begins on the Benefield's property,
382 were redirected to our main street, and down to the connected
383 drainage at the corner of N. Laurel and 7th St., the flooding
384 issue (for all residents) would likely be solved. This may
385 require a commitment from the city to manage the new drain
386 connection at the main street (possibly a larger pipe?).
387

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

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

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

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

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

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

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

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

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

438
439 At the very least, Public works should demand that culverts on
440 homeowners' properties are adequately maintained.

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

446
447 My ultimate hope is to further encourage the responsibility of
448 the City of Cannon Beach, and any applicable engineering changes
449 to facilitate proper drainage that should be made under your
450 direction.

451
452 If adequate action is not taken by the City to prevent further
453 flooding and unmitigated disaster, all available recourse will
454 be taken to hold the City of Cannon Beach and all responsible
455 parties accountable for their negligence in allowing its
456 watershed to destroy private homes.

457
458 Thank you for your immediate attention to this serious matter.

459
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463

464 Best regards,

465

466 Susie Stevens Logan